

AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Decision of the Authority for European political parties and European political foundations of 2 September 2020

not to register European Alliance for Freedom and Democracy ASBL

(Only the English text is authentic)

(2020/C 331/05)

THE AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations ⁽¹⁾, in particular Article 9 thereof,

Having regard to the submissions received from European Alliance for Freedom and Democracy ASBL,

Whereas:

- (1) The Authority for European political parties and European political foundations (the 'Authority') received a number of submissions from European Alliance for Freedom and Democracy ASBL ('EAFD') for registration as a European political party on 27, 28 and 29 July 2020 ⁽²⁾.
- (2) On 1, 5 and 13 August 2020, the Authority received additional documentation from EAFD (together with the previous submissions hereinafter referred to as the 'application').
- (3) On 14 August 2020, the Authority adopted a preliminary assessment addressed to EAFD, whereby it set out its preliminary view that the application did not meet at least one of the conditions laid down in Article 3(1) of Regulation (EU, Euratom) No 1141/2014.
- (4) In particular, EAFD did not prove that it meets the condition laid down in point (b) of Article 3(1) of Regulation (EU, Euratom) No 1141/2014 (the 'minimum representation requirements').
- (5) According to that provision, registration as a European political party is contingent upon an applicant proving that its member parties are represented by, in at least one quarter of the Member States, members of the European Parliament, of national parliaments, of regional parliaments or of regional assemblies, or that it or its member parties received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent elections to the European Parliament.
- (6) Through the preliminary assessment, the Authority invited EAFD to provide any written observations it wished to submit by 31 August 2020 and also informed EAFD that the application was in any event incomplete.
- (7) On 20 August 2020, EAFD provided its reply to the preliminary assessment, and it submitted additional documents on 24, 26 and 27 August 2020.
- (8) Following a review of EAFD's reply to the preliminary assessment and the additional documents submitted, the Authority remains of the view that the application is to be rejected because EAFD did not prove that it meets the minimum representation requirements.
- (9) Prior to the preliminary assessment, EAFD produced membership forms regarding: (i) Austria, (ii) Croatia, (iii) Cyprus, (iv) Italy, (v) the Netherlands, (vi) Portugal and (vii) Sweden.

⁽¹⁾ OJ L 317, 4.11.2014, p. 1.

⁽²⁾ Due to the sanitary situation linked to the COVID-19 coronavirus in Europe, the Authority accepted, on an exceptional basis, to assess the submissions before receipt of signed originals.

- (10) With respect to Croatia and the Netherlands, EAFD did not submit documentation regarding representation of member parties in the European Parliament, or in national or regional parliaments or assemblies in those Member States. This is because the membership forms did not originate from a national or regional political party in Croatia or the Netherlands, respectively.
- (11) With respect to Italy, the Authority's checks and the opinion of the Italian National Contact Point under Regulation (EU, Euratom) No 1141/2014, *i.e.*, Commissione di Garanzia degli Statuti e per la Trasparenza e il Controllo dei Rendiconti dei Partiti Politici, led to the result that the political party claimed by EAFD in this Member State, *i.e.*, 10 Volte Meglio, was not represented in the Italian Parliament as stated in the respective membership form.
- (12) The membership forms produced by EAFD were also affected by a number of formal deficiencies (*e.g.*, multiple versions, wrong references, inconsistencies).
- (13) In response to the preliminary assessment, EAFD stated “*Currently, EAFD has members (member parties and natural persons, members of the European Parliament) from (i) Austria; (ii) Cyprus; (iii) Italy; (iv) Portugal; (v) Sweden; (vi) the Netherlands, and (vii) Croatia*”.
- (14) EAFD declared its intention to provide documents to prove that the parliamentarians that signed the membership forms for Croatia and the Netherlands were elected Members of the European Parliament ⁽³⁾.
- (15) EAFD also clarified that the membership form regarding Italy was the result of incorrect information provided to it, and that it would submit documentation for an additional member.
- (16) The Authority considers that EAFD's response does not contain elements that would be capable of altering the Authority's preliminary view.
- (17) With regard to representation via single parliamentarians, the first limb of point (b) of Article 3(1) of Regulation (EU, Euratom) No 1141/2014 provides that the applicant's “[...] *member parties must be represented by, in at least one quarter of the Member States, members of the European Parliament, of national parliaments, of regional parliaments or of regional assemblies*” (emphasis added).
- (18) In that regard, Recital 4 of Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council of 3 May 2018 amending Regulation (EU, Euratom) No 1141/2014 explicitly states “*only political parties, and no longer individuals, should be taken into account for the purpose of those minimum representation requirements*” ⁽⁴⁾.
- (19) EAFD did not put forward any political parties in Croatia and the Netherlands and could not avail itself of the political party in Italy as set out in Recital (11).
- (20) Equally, the second limb of point (b) of Article 3(1) of Regulation (EU, Euratom) No 1141/2014 provides that “[an applicant] *or its member parties must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent elections to the European Parliament*” (emphasis added).
- (21) EAFD did not submit documentation that would prove that it or its member parties meet this requirement, and in any event the same considerations set out in Recital (19) would apply *mutatis mutandis*.
- (22) In light of the above, the documentation that could potentially be retained for the purpose of representation relates to four Member States only: (i) Austria, (ii) Cyprus, (iii) Portugal and (iv) Sweden, and such a level of representation is not sufficient for meeting the minimum representation requirements, which demand representation in at least seven Member States.
- (23) This conclusion would not change even if EAFD were to produce documentation for an additional member, arguably from an additional Member State, as anticipated in EAFD's reply to the preliminary assessment.
- (24) In this light, there is no need for the Authority to assess the merits of the rest of the application,

⁽³⁾ The reply to the preliminary assessment contained such documents regarding the Netherlands only.

⁽⁴⁾ OJ L 114 I, 4.5.2018, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The application lodged by European Alliance for Freedom and Democracy ASBL for registration as a European political party is hereby rejected.

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to

European Alliance for Freedom and Democracy ASBL
Avenue Louise/Louizalaan 65 box 11
1050 Bruxelles/Brussel
BELGIQUE/BELGIË

Done at Brussels, 2 September 2020.

*For the Authority for European political parties and
European political foundations*

The Director

M. ADAM
