

European elections: exercise of the right to vote and stand as a candidate in elections to the European Parliament, preventing citizens from voting or standing twice

2006/0277(CNS) - 12/09/2012 - Amended legislative proposal for reconsultation

On 12 September 2012, COREPER examined the draft text of the Directive on the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals. At that meeting, delegations agreed on the draft text of the Directive as set out in the Annex and decided to proceed to a **new consultation of the European Parliament**.

The proposed amendments follow on from [Commission reports on the application to the European elections 2004](#) and those of [2009](#) of Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

It is proposed to amend certain provisions of the Directive as follows:

- **any citizen of the Union who has been deprived of his right to stand as a candidate** under either the law of the Member State of residence or the law of his home Member State, shall be precluded from exercising that right in the Member State of residence in the case of elections to the European Parliament;
- the Member State of residence shall check whether the citizens of the Union who have expressed a desire to exercise their right to stand as a candidate there have not been deprived of that right in the home Member State. The amended Directive provides for the **obligation for the Member State of residence to notify the formal declaration** that the candidates must produce in order to ensure that the Union candidate was not actually deprived of this right in the home Member State;
- upon receipt of such a notification, the home Member State should provide the Member State of residence with relevant information **within a time-limit of five working days from the reception of the notification** or, where possible, within a shorter time limit, if so requested by the Member State of residence. If the information is not received by the Member State of residence, the candidate shall nonetheless be admitted;
- if the information provided **invalidates the content of the declaration**, the Member State of residence shall take the appropriate steps in accordance with its national law to prevent the person concerned from standing as a candidate;
- to facilitate communication between the national authorities, the Member States shall designate **one contact point** to receive and transmit the information regarding candidates;
- to ensure a **more efficient identification of candidates** registered both on the lists of their home Member State and of the Member State of residence, the list of the data to be required from Union

nationals when submitting an application for standing as a candidate in the Member State of residence shall be complemented with the date and place of birth of such citizens and the last address of residence in their home Member State.