

TRANSPOSITION NOTE

Articles 6 and 10 of Council Directive 93/109/EC, as amended by Council Directive 2013/1/EU

Introductory Note

Council Directive 93/109/EC has already been implemented by the European Parliamentary Elections (Northern Ireland) Regulations 2004. This Transposition Note only refers to those Articles which have been amended by Council Directive 2013/1/EU.

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013 implement Articles 6 and 10 of the Directive in respect of Northern Ireland only.

As indicated below, some provisions have been implemented in respect of the UK as a whole by the European Parliamentary Elections (Amendment) Regulations 2013.

Article	Objective	Transposition
6(1)	Sets out the circumstances in which a citizen of the Union will be disqualified.	Implemented in respect of the UK as a whole by regulation 3 of the European Parliamentary Elections (Amendment) Regulations 2013, (amending section 10 of the European Parliamentary Elections Act 2002). Regulation 2 refers.
6(2) and 6(3) (first sentence)	Requires Member States to check whether citizens of the Union are disqualified by contacting the home Member State and notifying them of the declaration made under Article 10.	For general elections, regulation 9, inserting new rule 7A of the European Parliamentary Elections Rules (Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004). For filling vacancies, regulation 6, amending regulation 76I(4)-(7) of the European Parliamentary Elections (Northern Ireland) Regulations 2004.
6(3) (second and third sentence)	Requires the home Member State to provide relevant information to requesting Member State within five working days or, where possible, a shorter time limit.	Regulation 7, inserting new regulation 115A of the European Parliamentary Elections (Northern Ireland) Regulations 2004.
6(3) (final sentence) and 6(4)	Requires the candidate to be admitted if the information is not received by the Member State within the time limit. Where information that a candidate is disqualified is received, appropriate steps must be taken to prevent the candidate from standing or, where this is not possible, from being elected or from	For general elections, regulation 10, amending rule 11 of the European Parliamentary Elections Rules; and regulations 12-19, amending rules 52, 54, 55, 59, 63, 64, 65 and 72 of the European Parliamentary Elections Rules (excluding the candidate from the election at the first stage of the count). For filling vacancies, regulations 5 and 6, amending regulation 76H and regulation 76I(4)(b) and (8) of the European Parliamentary Elections

	exercising the mandate.	<p>(Northern Ireland) Regulations 2004 (preventing the candidate from being elected and necessitating a by-election).</p> <p>Note that if information is received that the candidate is disqualified after the candidate has been declared to be elected, section 10(5)-(6) of the European Parliamentary Elections Act 2002 (as amended by regulation 3 of the European Parliamentary Elections (Amendment) Regulations 2013) will mean that the election is void and the seat is vacant.</p>
6(5)	Member States must designate a contact point for the communication of information about candidates who are citizens of the Union.	Transposition into legislation not required. The name and details of the UK's designated contact point will be separately communicated to the Commission.
10(1)	Candidates who are citizens of the Union must, in addition to the documents produced by candidates who are nationals, produce a formal declaration: (a) setting out information which would enable the home Member State to establish whether the candidate has been disqualified, and (b) declaring that the candidate is not disqualified.	<p>For general elections, regulation 8, substituting new rule 7 of the European Parliamentary Elections Rules.</p> <p>For filling vacancies, regulation 6, amending regulation 76I(1)-(3) of the European Parliamentary Elections (Northern Ireland) Regulations 2004.</p> <p>Note that existing rules 4-6 of the European Parliamentary Elections Rules already require a relevant citizen of the Union to produce the same supporting documents as a UK national.</p>
10(2) (now deleted)	The candidate is no longer required to provide an attestation from the home Member State certifying that he is not disqualified.	<p>Regulation 8, substituting new rule 7 of the European Parliamentary Elections Rules, removes the requirement for candidates to submit a certificate together with the declaration.</p> <p>Note however that under substituted rule 7, a candidate who submits relevant information from the home Member State may avail of a later deadline for submission of the declaration.</p>