

THE CROATIAN PARLIAMENT

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Pursuant to article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON THE AMENDMENTS TO THE ACT ON THE ELECTION OF MEMBERS TO THE EUROPEAN PARLIAMENT FROM THE REPUBLIC OF CROATIA

I hereby promulgate the Act on the Amendments to the Act on the Election of Members to the European Parliament from the Republic of Croatia, passed by the Croatian Parliament at its session on 22 November 2013.

Class: 011-01/13-01/259

No: 71-05-03/1-13-2

Zagreb, 27 November 2013

The President
of the Republic of
Croatia
Ivo Josipović, m.p.

ACT

ON THE AMENDMENTS TO THE ACT ON THE ELECTION OF MEMBERS TO THE EUROPEAN PARLIAMENT FROM THE REPUBLIC OF CROATIA

Article 1

In the Act on the Amendments to the Act on the Election of Members to the European Parliament from the Republic of Croatia (Official Gazette n. 92/10 and 23/13) Article 1.a paragraph 1 subparagraph 1 shall be replaced by the following: "– Council Directive 93/109/EC of 6 December 1993 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 (OJ L 329, 30. 12. 2013.);".

The following subparagraph 2 shall be inserted after subparagraph 1:

“– Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of 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 (OJ L 26, 26.1.2013);”.

The existing subparagraph 2 shall be renumbered into subparagraph 3.

Article 2

In Article 4 the following words "electoral roll" in the appropriate number and case shall be replaced by the words "electoral register" in the appropriate number and case.

Article 3

In Article 5 the following words "that he was not deprived of his right to stand as a candidate through a criminal law or civil law decision" shall be replaced by the following: "that he was registered in the electoral register of the Republic of Croatia and not deprived of his right to stand as a candidate through either an individual court ruling or an administrative decision against which a legal remedy can be awarded."

Article 4

Paragraph 3 of Article 6 shall be amended as follows:

"The Ministry competent for the electoral register shall notify other European Union Member States which of their citizens have been registered in the electoral register in the Republic of Croatia."

Article 5

In Article 11 the following item 5 shall be inserted after item 4:

"5. if he was deprived of his right to stand as a candidate by an individual court ruling or an administrative decision against which a legal remedy can be awarded."

The existing item 5 shall be renumbered into item 6.

Article 6

Article 16 paragraph 1 shall be amended as follows:

"Where a candidate who is a national of another Member State of the European Union is found on the list of candidates, such candidate must enclose to the above mentioned list a statement legalised by the notary public stating his nationality, the date and place of birth, the last address in the home Member State and the address of his permanent residence in the Republic of Croatia, where applicable, and the locality or constituency in his home Member State on the electoral roll of which his name was last entered, a statement that he shall not stand as a candidate at the elections for the European Parliament in any other Member State of the European Union, and a statement that he was not deprived of the right to stand as a candidate in his home Member State through either an individual court ruling or an administrative decision against which a legal remedy can be awarded."

Paragraph 2 shall be deleted.

The existing paragraph 3 shall be renumbered into paragraph 2 and shall be amended as follows:

"The State Electoral Commission shall establish whether the list of candidates referred to in paragraph 1 of this Article is legally valid. The State Electoral Commission shall notify in writing both the candidate referred to in paragraph 1 of this Article and the proponents of the list of candidates where the candidate's name is found of the validity of such list."

The existing paragraph 4 shall be renumbered into paragraph 3 and amended as follows:

"Where the statement of another Member State national declaring that he has not been deprived of the right to stand as a candidate in his home Member State through either an individual court ruling or an administrative decision against which a legal remedy can be awarded is not enclosed to the list of candidates, such list shall not be considered legally valid."

After the existing paragraph 4, which shall be renumbered into paragraph 3, there shall be added the following paragraphs 4, 5, 6, 7 and 8:

"Upon the receipt of the list of candidates referred to in paragraph 1 of this Article with enclosed the statement declaring that the candidate has not been deprived of his right to stand as a candidate in his home Member State, the State Electoral Commission shall request without delay from his home Member State, through the ministry competent for the electoral register, to check on such statement.

Where, until the publication of the joint list of all duly proposed lists, and the first and last names of candidates, the State Electoral Commission has not been notified any attestation that such candidate has not been deprived of the right to stand as a candidate from the candidate's home Member State, the list of candidates shall be valid.

Where, upon the expiry of the term for the submission of the list of candidates and no later than 21 days prior to the election day, the State Electoral Commission is submitted the notification from the candidate's home Member State, the content of which is opposite to that provided in the candidate's statement, the political parties who have nominated the afore mentioned candidate or voters who have put forward the list of candidates may nominate a different candidate instead.

Where the political parties or voters who have proposed the list of candidates fail to nominate another candidate as referred to in paragraph 6 of this Article, or where the notification refuting the candidate's statement from his home Member State was received in the period of the 21 days preceding the election day, the list shall be considered valid without the afore mentioned candidate.

Upon request from another Member State, and no later than 5 working days from the date of the receipt of such request or, if possible, in a shorter period depending on the request, the ministry competent for the electoral register shall notify such Member State whether the national of the Republic of Croatia who is standing as a candidate at the election to the

European Parliament in another Member State, has been deprived of the right to stand as a candidate in the Republic of Croatia.”.

Article 7

In Article 20 paragraph 1 shall be amended as follows:

"Where a candidate on the list for the election to the European Parliament dies in the period running from the day of publication of duly proposed lists, the political parties that nominated the candidate or voters who proposed the list of candidates with such candidate on it, may nominate a new candidate instead, without any special conditions for the validity of the candidacy under this Act, up to 21 days before the holding of the election.

Article 8

In Article 40 paragraph 4 shall be deleted.

The existing paragraph 5 shall be renumbered into paragraph 4.

Article 9

In Article 46 paragraph 2 shall be deleted.

The existing paragraphs 3 and 4 shall be renumbered into paragraphs 2 and 3.

Article 10

In Article 49 paragraph 2 shall be amended as follows:

"Blind persons are entitled to vote either with the assistance of another person (companion) who has been authorised and instructed by the blind person to encircle the ordinal number in front of the list's name, that is, of the candidate's first and last name or by means of a device enabling the blind persons to vote unaided.”.

Paragraph 3 shall be deleted.

The existing paragraph 4 shall be renumbered into paragraph 3 and amended as follows:

"The State Electoral Commission shall issue special instructions concerning the voting of blind persons.”

The existing paragraphs 5 and 6 shall be renumbered into paragraphs 4 and 5.

Article 11

In Article 72 the words "voters who nominated candidates" shall be replaced by “voters who nominated the voter-group list of candidates”.

Article 12

This Act shall enter into force on the 8 day from its publication in the Official Gazette.

Class: 022-03/13-01/245

Zagreb, 22 November 2013

THE CROATIAN PARLIAMENT

The President

of the Croatian
Parliament

Josip Leko, m. p.