

<b>Subject-matter concerned</b>	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input checked="" type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
<b>Decision date</b>	16 June 2009
<b>Deciding body (in original language)</b>	Συμβούλιο της Επικρατείας
<b>Deciding body (in English)</b>	Council of State
<b>Case number (also European Case Law Identifier (<a href="#">ECLI</a>) where applicable)</b>	2053/2009 ECLI:EL:COS:2009:0616A2053.09E2879
<b>Parties</b>	Natural Person vs Minister of Interior
<b>Web link to the decision (if available)</b>	<a href="http://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?bltId=10205759&amp;_afLoop=18564652523548727#!%40%40%3F_afLoop%3D18564652523548727%26bltId%3D10205759%26centerWidth%3D65%2525%26leftWidth%3D0%2525%26npath%3D%252Fwebcenter%252Fportal%252Fste%252Fypiresies%252Fnomologies%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dwxboogs1p_111">http://www.adjustice.gr/webcenter/portal/ste/ypiresies/nomologies?bltId=10205759&amp;_afLoop=18564652523548727#!%40%40%3F_afLoop%3D18564652523548727%26bltId%3D10205759%26centerWidth%3D65%2525%26leftWidth%3D0%2525%26npath%3D%252Fwebcenter%252Fportal%252Fste%252Fypiresies%252Fnomologies%26rightWidth%3D35%2525%26showFooter%3Dfalse%26showHeader%3Dtrue%26_adf.ctrl-state%3Dwxboogs1p_111</a>
<b>Legal basis in national law of the rights under dispute</b>	According to article 8 of Presidential Decree 106/2007 Union citizens who stay in Greece for a period longer than three months a registration certificate is required (art. 8 par. 1). The competent authority for registration is the police department responsible for aliens of the place of residence of the EU citizen. The Union citizens have the obligation to appear before the competent police departments in person after the expiration of the three months period. The documents necessary for the issuance of a registration certificate include a

	<p>valid identity card or passport; a confirmation of engagement from the employer or other certificate of employment or proof that they are self employed persons.</p> <p>Law 2196/1994 laying down procedures for the election of Greek Representatives to the European Parliament provides that EU citizens may exercise in Greece their right to vote and to stand as candidates for the EU Parliament elections in accordance with the provisions applicable for Greek citizens (art 3 para 1), they can exercise their right either in Greece or in the Member State of their origin (art. 3 para 2). It also provides that EU citizens in order to exercise their right must be registered in the electoral Register of a municipality..., and need to submit an application providing the necessary supporting documents to be enrolled in an electoral Register... and, also, for special electoral lists are in place for EU citizens (art 4).</p>
<b>Key facts of the case</b> (max. 500 chars)	<p>The applicant is a French national who claims the cancellation of a decision of the Minister of Interior that did not allow him to vote in European Parliament elections because he did not previously register in an electoral register. The applicant lives and works as a merchant in Greece. The applicant claimed that he had registered in the special electoral lists of his municipality, but relied on a certificate from the Police Department of Aliens which was not submitted to court. The applicant thought that this certificate is equivalent to registering in electoral list and that it was sufficient. The court however held that the certificate was issued under article 8 of Presidential Decree 106/2007 and does not consist a registration to the special electoral lists.</p>
<b>Main reasoning / argumentation</b> (max. 500 chars)	<p>According to law 2196/1994, art 4 the EU citizens who intended to vote in Greece for the European elections, must be registered on a special electoral list. The certificate of registration as EU citizen required by Presidential Decree 106/2007 is not sufficient to this purpose to the extent that it does not constitute registration in a special electoral list, which is the prerequisite for exercising the right to vote.</p>
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	<p>According Law 2196/1994 the voters who intended to vote in Greece must be registered in a special electoral list. The registration as an EU citizen is not sufficient. Special procedures provided for in electoral legislation need to be followed.</p>
<b>Results (e.g. sanctions) and key consequences or implications of the case</b> (max. 500 chars)	<p>The applicant's request was rejected.</p>
<b>Key quotations in original language</b>	<p>...Επειδή, ο αιτών, γάλλος υπήκοος, επικαλείται, για να θεμελιώσει το έννομο συμφέρον του για την άσκηση της κρινομένης αιτήσεως, το γεγονός ότι διαμένει μόνιμα στην Ελλάδα, ...και ότι πρόσφατα ενεγράφη στους ειδικούς εκλογικούς καταλόγους υπηκόων των κρατών</p>

<p><b>and translated into English with reference details</b> (max. 500 chars)</p>	<p>μελών της Ευρωπαϊκής Ένωσης του Δήμου Γλυφάδας, επικαλείται δε σχετικά την βεβαίωση ... του Τμήματος Αλλοδαπών της Ελληνικής Αστυνομίας...</p> <p>Επειδή, τα ανωτέρω στοιχεία δεν αρκούν για την θεμελίωση του εννόμου συμφέροντος του αιτούντος. Διότι η μεν βεβαίωση του Τμήματος Αλλοδαπών, η οποία άλλωστε δεν προσκομίζεται, εκδόθηκε προφανώς κατά την παρατεθείσα διάταξη του άρθρου 8 του π.δ. 106/2007 και δεν πιστοποιεί την εγγραφή του αιτούντος στους ειδικούς εκλογικούς καταλόγους κοινοτικών υπηκόων, εγγραφή η οποία αποτελεί προϋπόθεση του δικαιώματος του εκλέγειν ..., ενώ, εξ άλλου, ο αιτών δεν προσκομίζει κάποιο άλλο στοιχείο σχετικό με εγγραφή του στους καταλόγους αυτούς (αντίγραφο αιτήσεως ή βεβαίωση εγγραφής).</p> <p>Since the applicant, a French citizen, invokes the fact that he has a permanent residence in Greece ...and that he has recently been registered in the special electoral list for EU citizens of the Municipality of Glyfada, and invokes to this respect the certificate from the Aliens Department of the Hellenic Police...</p> <p>Because the aforementioned data is not sufficient to establish the applicant's legal interest... Because the certificate from the Police Department, which was not submitted (in court), was apparently issued under the provision of article 8 of the Presidential Decree 106/2007 and does not certify that the applicant is registered in a special electoral list as EU citizen, registration which is a prerequisite for exercising the right to vote... and moreover the applicant does not provide any other data related to his registration in the special lists (copy of the application or certificate of registration).</p>
<p><b>Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.</b></p>	<p>No.</p>