



FOLKETINGETS OMBUDSMAND

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Your complaint about the Ministry of the Interior and Health

Further to my letter of June 20, 2023, I now return to your case.

You are complaining on behalf of the party Volt Danmark - Danmarks Europaparti (hereinafter Volt Denmark) against the Ministry of the Interior and Health's decision of

In this decision, the Ministry found that the party Volt Denmark cannot be considered eligible to participate in the European Parliamentary elections.

You argue that Volt Denmark can be considered eligible to stand for election - without observing the requirement to collect electoral declarations - by virtue of its membership of the European party Volt Europa, which has obtained representation in the European Parliament through participation in a European Parliamentary election in Germany.

You have referred to section 10 of the European Parliament Election Act (Consolidation Act no. 293 of March 7, 2022) as an exception to the provision in section 11 of the Act, and believe that elections to the European Parliament have a common nature.

You have sent me a memo prepared by the law firm offersen:christoffersen, which states the following:

"Given that the party Volt is represented in the European Parliament and provided that the representation continues until six weeks before the next election, it follows directly from the wording of section 10 that Volt is eligible to stand for election to the European Parliament in Denmark in 2024 without collecting the votes required by the Electoral Act, cf. section 11 and section 11 b of the Act.

In my assessment, I have emphasized that Volt Europe appears as a unified political party with local national subdivisions with a common

political program. There is nothing in the preparatory works, administrative or

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case law interpretative contributions that would argue against an interpretation in support of standing for the upcoming European Parliament elections in 2024.

This interpretation is otherwise most consistent with an interpretation in conformity with the EU, noting that Article 2 TEU sets out the EU's values, including respect for democracy, and Article 10(3) EU, which states that every citizen of the Union has the right to participate in the democratic life of the Union, articles which together ensure the principle of participatory democracy, which the Danish provisions must be interpreted in the light of, cf. also Article 39 of the EU Charter."

In its decision, the Ministry of the Interior and Health writes that it is the Ministry's opinion that section 10(1) of the European Parliament Election Act must be understood as requiring that the party in question, as an independent legal entity, has obtained representation in either the Danish Parliament through participation in the most recent parliamentary election or the European Parliament through participation in the most recent election of Danish members to the European Parliament.

The Ministry of the Interior and Health refers to the fact that this view is supported by the legislative history of section 10(1) of the European Parliament Election Act.

The Ministry's decision further states that there is no basis for assuming that section 10(1) of the European Parliament Election Act must be subject to a special EU or directive-compliant interpretation.

It does not appear that the Ministry of the Interior and Health in its decision has expressly considered whether the Charter of Fundamental Rights of the European Union, as provided in the above-mentioned memorandum, applies when assessing whether Volt Denmark is eligible to stand for election to the European Parliament in Denmark, and what significance the Charter has for the Ministry's decision.

I have therefore decided today to send a copy of your inquiry of May 24, 2023, together with the attachments you have sent me, to the Ministry of the Interior and Health. I have done this so that the Ministry will have the opportunity to expressly address this in a letter to you.

At the same time, the Ministry will have the opportunity to consider the views you have expressed in your letter to me of May 24, 2023.

Finally, the Ministry is given the opportunity to elaborate on which specific statements from the first reading of bill L 175 of March 4, 1983, which the Ministry has emphasized in its assessment that the provision in section 10(1) of the European Parliament Act was inserted for the sake of equalizing the

parties that at the

the parties that had achieved representation in the Folketing in the last parliamentary election and were still represented in the Folketing, with the parties that had achieved representation in the European Parliament in the last European Parliament election and were still represented in the European Parliament.

I ask you to wait until you have received a response from the Ministry of the Interior and Health before you decide whether there is a basis for complaining to me again.

I refer to the fact that the Ombudsman cannot consider complaints about matters which can be brought before another administrative authority before that authority has made a decision (section 14 of the Act on the Parliamentary Ombudsman, see Consolidated Act No. 349 of March 22, 2013). According to practice, the Ombudsman does not normally consider matters which the authority itself has not had the opportunity to consider. I refer to section 16(1) of the same Act. It appears from this provision that the Ombudsman decides whether a complaint provides sufficient grounds for investigation.

Sincerely yours
for the ombudsman



Adam Abdel Khalik
Områdechef

Copy to:

Ministry of Interior and Health