



Judgment of the Court in Case C-438/24 | Erakond Eestimaa Rohelised

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European elections: the imposition of an excessive financial deposit for the purposes of registering candidates infringes EU law

In Estonia, the Green Party (Erakond Eestimaa Rohelised - EER) submitted a list of nine candidates for the elections to the European Parliament, held in June 2024. However, the Electoral Commission of Estonia rejected the registration of seven of those candidates, on the ground that, in respect of those candidates, the EER had not paid the deposit provided for under Estonian law.

In order to discourage non-serious or frivolous candidates and to ensure representative democracy, Estonian law provides for the payment of such a deposit as a condition for the registration of nominations for the European elections. ¹ That deposit is refunded only if the candidates achieve the threshold of 5% of votes cast in those elections.

Seised of an action against that rejection, the Estonian Supreme Court referred a question to the Court of Justice regarding the compatibility of that legislation with EU law.

First of all, the Court observes that **the right for EU citizens to vote and to stand as a candidate in elections to the European Parliament**, provided for by the Charter of Fundamental Rights, ² implements the principle inherent in that union governed by representative democracy, as provided for under the treaties. ³ The delimitation of the specific conditions for the exercise of the right to be eligible to stand for elections to the European Parliament **falls within the competence of each Member State, provided they comply with EU law.**

In that context, it is permitted that **limitations** may be imposed on the exercise of those rights, as long as those limitations are **provided for by law, respect the essence** of those rights and freedoms and, **subject to the principle of proportionality**, are **necessary** and **genuinely meet objectives of general interest** recognised as legitimate by the European Union.

First, the requirement to **lodge a deposit** to have a nomination registered in European elections is **provided for under the national legislation, and respects the essence** of the rights to vote and to stand as a candidate in those elections, inasmuch as it merely imposes a financial condition.

Secondly, the objective of discouraging the submission of non-serious or frivolous nominations for registration **seeks**, first, **to ensure representative democracy** by reducing the number of 'lost votes' not contributing to the election of a member of the European Parliament **and**, secondly, **to guarantee effective representation** by improving the correlation between the election results and the wishes of voters. For those reasons, that objective is, in principle, **legitimate** in the light of EU law.

Thirdly, in the light of the **principle of proportionality**, the financial burden imposed by the payment of a deposit and the arrangements for the refund of that deposit is such as to make **the candidates** concerned bear responsibility **with regard to their motivation**, which seems to be **appropriate** in order to reduce the number of non-serious or frivolous nominations for registration.

However, the amount of the deposit and the arrangements for refunding it, such as provided for under Estonian law, exceed the limits of that which is necessary to achieve the objectives pursued by that law.

The amount of the deposit required in respect of each candidate was **2.6 times higher than the gross monthly median wage** in Estonia during the relevant period whereas, **in respect of the national parliamentary elections, the deposit is five times less** than that required in respect of the European elections. In addition, there is a budget allocation enabling the expenses incurred for participation in national legislative elections in respect of the political parties who have obtained at least 2% of the votes cast in those elections to be covered, but such an allocation is not provided for in respect of elections to the European Parliament. Moreover, on account of the restrictions imposed on the financing of political parties in Estonia, the amount of the deposit may exhaust a significant part of the annual budget of the candidates and/or political parties.⁴

Lastly, such a high deposit and/or threshold of votes cast in order to be entitled to the refund of that deposit **might result in the exclusion of candidates from marginalised groups, new political movements or low-income individuals and prevent the emergence of new parties, which could prejudice the political pluralism** guaranteed under EU law.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ In 2024, the amount of the deposit was € 4 100 per candidate, that is 2.6 times the gross median monthly wage and five times the minimum monthly wage in Estonia in 2023.

² Article 39 of the Charter of Fundamental Rights of the European Union, and Article 20(2)(b) and Article 22(2) TFEU.

³ Article 10 TEU.

⁴ A political party may finance its activities only from the membership fees of its members, State budget allocations, authorised donations by natural persons and transactions concerning its own assets. Anonymous donations and those from legal persons are prohibited, and loans are subject to restrictions.