



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION

**on the application of Directive 93/109/EC to the June 1999 elections to the
European Parliament**

**Right of Union citizens residing in a Member State of which they are not
nationals to vote and stand in elections to the European Parliament**

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1. INTRODUCTION

The right to vote and stand in municipal elections and elections to the European Parliament in the Member State of residence is one of the new rights conferred on Union citizens under the Treaty.

The right to vote and stand in elections to the European Parliament is enshrined in Article 19(2) of the EC Treaty and was put into effect by Council Directive 93/109/EC¹ 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 nationals².

Directive 93/109/EC was applied for the first time on the occasion of the elections to the European Parliament in June 1994³. In accordance with Article 16 the Commission reported to Parliament and the Council on the application of the Directive to those elections⁴.

Although the Directive does not provide for a second report to be drawn up on the June 1999 elections, an appraisal would appear to be necessary for a number of reasons. The first is the circumstances in which the Directive was applied in 1994; given the date the Directive was adopted, it was incorporated into the Member States' law only shortly before the June 1994 elections (the national implementing legislation was adopted between 22 December 1993 and 11 April 1994), leaving little time for the targeted campaigns needed to inform Union citizens of their rights and how to exercise them. Second, because of the special circumstances of the 1994 elections, the conclusions of the subsequent report were provisional, particularly as regards Article 12 (the duty to inform) and Article 13 (information exchange system to prevent electors voting twice) of the Directive. Finally, as a result of collaboration between the Commission and national government departments, several changes

¹ OJ L 329, 30.12.1993, p. 34.

² The Directive relates only to voting in the MS of residence for the list of candidates of that Member State. Some Member States give their nationals residing in other Member State the right to vote for lists in the country of origin. This is governed solely by the domestic law of the Member State of origin.

³ The first elections to the European Parliament in Sweden, Austria and Finland were held on 17 December 1995, 13 October 1996 and 20 October 1996 respectively.

⁴ COM(1997) 731 final.

have been made to the detailed arrangements for exchanging information (under Article 13 of the Directive), the effectiveness of which needs to be verified.

The purpose of this communication is therefore to assess the application of the Directive to the June 1999 elections, highlight the main problems that emerged, and publicise and encourage the good practices developed in certain Member States, with the aim of increasing participation by Union citizens in the political life of their Member State of residence.

This communication should also be seen in the light of the Commission's commitment to ensure proper application of Community law and to bring the Union closer to its citizens. The political rights conferred on Union citizens residing in a Member State of which they are not nationals are an important factor in fostering a sense of belonging to the European Union and a key element in successful integration in the Member State of residence.

This communication will concentrate on problem areas, in particular the provision of information to Community nationals and the way the information exchange system works.

2. DIRECTIVE 93/109/EC

2.1. General presentation

In pursuing the aims laid down in Article 19(2) of the EC Treaty, Directive 93/109 lays down the principles under which Union citizens residing in a Member State of which they are not nationals can exercise their rights in their Member State of residence, provided that they meet the conditions laid down by the electoral law of that State with regard to its own nationals. These principles are:

Freedom of choice

Union citizens are free to exercise their rights in their Member State of origin or in their Member State of residence.

Single vote and single candidacy

No one may vote or stand as a candidate in more than one Member State in the same election to the European Parliament. By opting to vote or stand in one Member State, the Union citizen automatically loses that right in the other Member State. To prevent electors voting or standing twice, the Member States exchange information on their nationals who exercise their electoral rights in another Member State.

First entry on the electoral roll in the Member State of residence by application only

Union citizens who wish to exercise their right to vote in their Member State of residence must apply to be entered on the electoral roll.

Equal access to electoral rights

On the basis of the principle of non-discrimination, Union citizens must enjoy electoral rights in their Member State of residence on the same terms as nationals of that State. This includes, for example, access to the same appeal procedures with

regard to omissions or errors in the electoral roll or applications to stand as a candidate, or the extension of compulsory voting to non-nationals. Similarly, once on the electoral roll, the Union citizen remains registered on the same terms as nationals, unless he or she specifically asks to be removed. This also means that Union citizens must be able to participate fully in the political life of their Member State of residence, particularly as regards membership of existing political parties or the setting-up of new political parties.

Extra-territorial effect of the rules on the disqualification of candidates

Persons deprived of the right to stand in their Member State of origin may not be elected to the European Parliament in their Member State of residence.

A duty to inform

To ensure that Community electors living in a Member State other than their own are aware of their new entitlements, the Directive requires the Member State of residence to inform such persons “in good time and in an appropriate manner” of how they may exercise these rights.

Possibility of derogations where warranted by a specific situation in a Member State

Article 14 exceptionally allows for derogations from the principle of equal treatment where this is warranted by problems specific to a given Member State. The Directive contains two derogations. The first relates to minimum residence requirements which may be imposed on non-nationals by Member States where the proportion of Union citizens of voting age who are resident there but not nationals exceeds 20% of all electors. The second concerns Member States in which Community residents have already taken part in national elections and to that effect were entered on the electoral roll under exactly the same conditions as nationals. In this situation the Directive allows the Member States to refrain from applying some of its provisions (Articles 6 to 13) to nationals of other Member States.

2.2. Transposal of the Directive

Under Article 17, the Member States had until 1 February 1994 to incorporate the Directive into national law so that it would be in force by the June 1994 elections.

All the Member States transposed the Directive in time for its application in June 1994, although in many cases the date of implementation was very close to the elections (between 22 December 1993 and 11 April 1994).

Overall, the Directive has been satisfactorily transposed by the Member States, some of which made a few minor amendments to their implementing legislation at the Commission's request.

In one case (involving Germany), the infringement procedure provided for in Article 226 of the Treaty has had to be initiated and pursued up to the reasoned opinion stage. Under German legislation, an electoral roll is drawn up for each election and subsequently destroyed. For the purposes of establishing this electoral roll, the law implementing the Directive made a distinction between electors of German nationality and other Union citizens. German electors were entered automatically on the roll, which was drawn up on the basis of population registers.

By contrast, non-German electors could be enrolled only on request, even if their names had been entered on the municipal population register and even if they had already been included on the electoral roll for the previous election and their situation had not changed. Union citizens therefore had to repeat their request for entry on the electoral roll before each election, whereas Article 9(4) of the Directive states that *Community voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until such time as they request to be removed or until such time as they are removed automatically because they no longer satisfy the requirements for exercising the right to vote.*

The infringement proceedings are still in motion. Germany has announced its intention to amend its national legislation to bring it into line with Directive 93/109/EC.

Incorrect transposal of the Directive in Germany had significant repercussions on participation by Union citizens in the June 1999 elections (see point 3.2).

3. THE JUNE 1999 ELECTIONS

3.1. General overview

In general, the June 1999 elections to the European Parliament saw an overall drop in turnout, continuing the trend since Parliament was first elected by direct universal suffrage.

The table giving voting figures in the fifteen Union Member States shows that slight increases in turnout were recorded only in Belgium, Spain, Greece, Ireland and Portugal. However, it is worth noting that the elections in Belgium and Spain were held on the same day as national and municipal elections respectively. In some countries there was a very significant fall in turnout, for example in Finland, Austria and Germany. Turnout in the European Union as a whole fell from 56.5% in 1994 to 49.7% in 1999 (at the first elections, held in 1979, it was 63%).

Overall turnout at EP elections in 1994 and 1999

	A	B ⁵	D	DK	E	F	FI	GR ⁵	I	IRL	L ⁵	NL	P	S	UK	EU
94	67.7	90.7	60	52.9	59.1	52.7	60.3	71.2	73.7	44	88.5	36	35.5	41.6	36.4	56.5
99	49.4	90.8	45.2	50.5	63.1	46.8	30.1	75.3	70.8	50.2	88.5	29.9	40	38.8	24	49.7

⁵ Voting is compulsory in Belgium, Greece and Luxembourg.

3.2. Participation in the June 1999 elections by Union citizens residing in another Member State

Once again the proportion of Union citizens entered on the electoral roll of their Member State of residence was generally low and varied greatly from country to country, as is evident from the following table:

Proportion of Union citizens registered to vote in their Member State of residence

	A	B	D	DK	E	F	FI	GR	I	IRL	L	NL	P	S	UK	EU
94	7.9	5.1	6.7	24.9	12.6	3.4	22	1.6	1.8	44.1 ⁶	6.6	--	2.3	24	1.96	5.9
99	15.1	7.7	2.1	26.6	22.4	4.9	28.1	1.8	9.2	43.9	8.8	16.9	13.6	27.2	23.1	9

However, it is worth noting that, in all Member States except Germany, the proportion is on the increase. Moreover, the rate of voter registration is very low in the two Member States which have the greatest number of Union citizens from another Member State (Germany and France - host to 63% of the Union citizens residing in a Member State of which they are not nationals), thus bringing down the Union average (which would be 17.3 % without France and Germany).

Infringement proceedings have commenced against Germany for incorrect transposal of Directive 93/109/EC.

Union citizens registered in 1994 who, as a result of the incorrect transposal, had to apply to be re-entered on the electoral roll in 1999, in breach of the Directive, were not adequately informed of this requirement or of the relevant time-limits. This explains the fall in turnout and prompted most of the complaints to the Commission and petitions to Parliament (see Annex 5).

The percentage of voters registered in France changed very little compared with 1994 (an increase from 3.38% to 4.9%) and remains well below the Union average.

Greece has the lowest rate of registration of all the fifteen Member States, with only very little change compared with 1994.

No figures are available on how many Community citizens residing in a Member State of which they are not nationals actually turned out to vote. The only available figures are for the number of such citizens included on the electoral roll and, in some Member States, the number of such citizens registered to vote in their Member State of origin. However, it can be assumed that the great majority of Union

⁶ Excluding British nationals.

citizens who go to the trouble of asking to be included on the electoral roll actually exercise their right to vote and that, consequently, the abstention rate for such persons is insignificant.

Useful information might be gleaned from a comparison of these figures with those for the number of citizens residing in a Member State of which they are not nationals who vote for lists in their country of origin. Unfortunately, only nine Member States have supplied such data - A, B, D, DK, E, I, IRL, NL and P. Also, some Member States (FI, IRL, L, NL, UK) have not broken down by nationality the data on Community nationals registered to vote, so that no comparison of the two sets of figures is possible. Nevertheless, despite these gaps, Annex 6 does highlight some broad trends. For example, there are enormous differences between Member States: while voting in the country of origin is negligible in some Member States (B, IRL), in others it is more common than voting in the Member State of residence (A, E, I, P). No doubt there are a number of reasons for this state of affairs, such as the provisions of the electoral legislation in the Member State of origin, the extent of effective links with the Member State of origin and the efforts made to inform people and encourage them to vote in the Member State of origin. In any event, this is an additional factor to be taken into account when analysing the turnout of Union citizens in the Member State of residence. No doubt the large proportion of voters who decide to vote for lists in their Member State of origin is also connected with the fact that political debate during the election campaign focuses little on European issues, but mainly on matters of national concern.

It can also be argued that the registration rate is influenced by the growing trend towards short-term stays in another Member State for professional or other reasons.

Union citizens residing in another Member State would probably be more inclined to exercise their electoral rights in their Member State of residence if they felt they were properly represented and their views heard. It is therefore important to give them a real opportunity to play an active part in the political life of their Member State of residence. Annex 5 shows that the right to set up and join political parties in the Member State of residence is not guaranteed in all Member States. The Commission would reiterate⁷ that political rights are a necessary precondition for exercising the right to vote and stand in elections enshrined in Article 19 of the Treaty, particularly as in most Member States only political parties are allowed to put forward candidates for the European elections. Without the right to full participation in local political life, the right to stand in elections is incomplete.

Against this background it is not surprising that, as in 1994, very few candidates stood for election - or were elected - in Member States of which they were not nationals. The table below shows the number of non-national candidates and the number of non-national elected MEPs in the June 1999 elections in each Member State.

⁷ See second Commission report on Union citizenship (COM(1997) 230 final), point 1.4.

Number of non-national candidates and elected MEPs by Member State

	A	B	D	DK	E	F	FI	GR	I	IRL	L	NL	P	S	UK	EU
Candidates	1	14	16	0	10	8	0	5	6	0	--	2	0	0	--	62
Elected	0	2	0	0	0	1	0	0	1	0	--	0	0	0	--	4

In 1994, 53 non-national candidates stood for election in their Member State of residence and only one was elected.

3.3. Informing Union citizens (Article 12 of the Directive)

The June 1994 elections were the first in which non-nationals could take part⁸.

In its report on the 1994⁹ elections to the European Parliament, the Commission concluded that *not enough had been done to inform citizens of their new entitlements*. It therefore suggested that *Member States should substantially increase their efforts to inform their non-national EU residents as provided for by Article 12 of the Directive. This is particularly the case for those Member States that do not contact their EU citizens individually and make use of administrative posting only. A particular effort should be made to inform EU citizens of registration deadlines*.

There is no doubt that an enormous information effort was required if the rights conferred - by virtue of Union citizenship - on more than five million Europeans of voting age living in another Member State were to be exercised, as these citizens were unaware not only of their rights, but also of how to go about availing themselves of these rights in their Member State of residence. Moreover, the relevant procedures might well have differed from those in their Member State of origin.

We may well be justified in thinking that most of the persons concerned are now aware of their right to vote in their Member State of residence, but there is equal justification for supposing that most of them are not sufficiently familiar with the procedures for exercising that right, in particular how to be included on the electoral roll. This point emerges from the complaints received by the Commission and the many petitions handled by the European Parliament's Committee on Petitions (see Annex 5).

The table in Annex 1 shows the type of information campaign conducted in each Member State and the percentage of non-national Union citizens entered on the electoral roll. It is encouraging to note that six Member States sent information direct to potential electors (Denmark, Finland, Netherlands, Spain, Ireland¹⁰ and the

⁸ Except in Ireland and the United Kingdom, which had already granted non-nationals the right to vote.

⁹ COM(1997) 731 final.

¹⁰ Information sent to all households on how to exercise the right to vote.

United Kingdom¹¹). In other Member States (Italy, Germany), some municipal authorities sent the requisite information direct to electors, although it is difficult to evaluate its scope. This type of information once again proved its effectiveness, as the rate of registration of Union citizens in the six Member States named was 23.5%, compared with 9% for the Union as a whole.

Under Article 12 of the Directive, Member States must *inform Community voters and Community nationals entitled to stand as candidates in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections in that State*. A first remark to be made on this Article is that its scope is not confined to the first elections conducted in accordance with the Directive. Nothing in the Article itself or in the general scheme of the Directive points to such a conclusion.

It is also worth noting the difficulties in defining the concept of conveying information "in an appropriate manner". In reply to a Parliamentary question¹², the Commission stated that *the only obligation incumbent on Member States is to inform residents in an appropriate manner whereas the choice of the way in which this information is carried out is left entirely to the discretion of the Member States themselves*. While Member States are clearly given a broad margin of discretion, information must nonetheless be provided with due regard for the aims of the Article and in line with the stated objectives of the Directive.

The Commission considers that Member States must specifically inform the Union citizens residing on their territory of the detailed arrangements and conditions for exercising their electoral rights. This means that a Member State cannot fulfil its obligation under Article 12 merely by providing the information it normally provides for its own nationals. If this were the case, Article 12 would be deprived of any practical effect, which cannot be allowed. The information must therefore be tailored to meet the specific information requirements of those electors.

The Commission therefore feels that, in assessing whether this provision of the Directive is properly implemented, account must be taken not of the law transposing it but of the practical results of the provision of information and its effects on the turnout of Union citizens in the European Parliament elections. The Commission is aware of the difficulties in laying down minimum thresholds below which Article 12 of the Directive could be considered to be incorrectly applied. The very nature of the exercise means that a case-by-case approach must be adopted rather than setting general criteria or thresholds in advance.

The Commission considers that the Member States where the registration rate is lower than the EU average (which is already low because of the statistical weight of Germany and France) should implement specific information measures, which might include sending personalised information by post or providing EU citizens with appropriate information whenever they have contact with the local or national authorities.

¹¹ Idem.

¹² Written question No E-3111/95 - OJ C 79, 18.3.1996, p. 50.

The Commission considers that a very low participation rate well below the Union average, is an indication of inappropriate provision of information and could result in the Member State in question being held responsible for incorrect application of Article 12 of the Directive.

3.4. The information exchange system

Article 13 of the Directive provides that *Member States shall exchange the information required for the implementation of Article 4. To that end, the Member State of residence shall, on the basis of the formal declaration referred to in Articles 9 and 10, supply the home Member State, sufficiently in advance of polling day, with information on the latter State's nationals entered on electoral rolls or standing as candidates. The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.*

This Article follows naturally from the two basic principles of the Directive: freedom of choice, and a single vote and a single candidacy.

At the 1994 European Parliament elections, the Commission detected a number of flaws in the implementation of the information exchange system. In its subsequent report¹³, it stated that *its services were working with Member States with a view to:*

- *pinpointing the national authorities to whom the notification must be addressed by the Member State of residence;*
- *identifying the exact information required by Member States in order to delete a voter's name from their own electoral roll;*
- *agreeing on a common format for the form used to exchange information;*
- *exploring ways in which the exchange can be made electronically to speed up proceedings.*

However, the Commission went on to state that, *should the attempt fail and the system as presently conceived prove to be incompatible with widely different registration deadlines in the Member States, the only alternative would be to amend the Directive.*

The Commission has endeavoured to implement these recommendations in close cooperation with the Member States. Efforts have been concentrated on circulating a list of the national authorities responsible for receiving data, defining the data to be sent to the Member State of origin (drawing up a standard form), adopting a single electronic exchange format and laying down the practical arrangements for information exchange (computer diskettes and/or e-mail).

All conceivable measures in connection with the Directive have therefore been taken and their performance in 1999 now needs to be assessed.

In order to assess properly the working of the information exchange system at the June 1999 elections following the changes made, the Commission sent Member States a questionnaire on 12 July 1999 on the application of the Directive to the June 1999 elections. Annex 2 contains their appraisal of the effectiveness of the information exchange mechanism and their thoughts on whether to amend the Directive on this point.

¹³ COM(1997) 731 final, p. 24.

In general, most Member States (B, DK, DE, ES, IRL, IT, P, UK) found that the information exchange system worked better than in 1994.

However, only Austria, Belgium, Denmark and Finland replied in the affirmative to the question of whether the data received made it possible to identify and delete from the electoral roll citizens registered in another Member State. Spain, Italy, Luxembourg, the Netherlands and Portugal were able to do so only partially. Many different reasons are given for the system's lack of effectiveness including:

- incomplete information;
- information received too late;
- illegible computer media;
- unusable information on paper;
- legal obstacles to amending the electoral roll once established.

In general the Member States see no need to amend the Directive with respect to the information exchange system. However, some of them (A, B, I, NL) highlight the need to set a period of time for the information exchange procedure which would allow all Member States to delete the persons in question from their electoral rolls. Others (IRL, UK) even suggest abolishing the exchange system altogether and replacing it with a statement on the part of the elector.

In view of the Member States' replies, it appears that the present system could be retained, subject to a number of practical improvements. For example, further discussion is needed on the data required for identification in each Member State, which vary enormously according to each State's administrative traditions. Practical solutions must also be found to the problems posed by countries which do not have a centralised register.

Nevertheless, we must not lose sight of the fact that the information exchange system must remain simple; otherwise it would be disproportionate to the scale of the problem it sets out to resolve.

The actual exercise of exchanging information threw up a number of new problems, which will no doubt worsen at future elections and must be resolved.

The most serious of these problems - in terms of its consequences - is that electors included on the list communicated, as part of the exchange provided for in Article 13, by the Member State of residence were removed from the electoral roll in their home Member State, although they had already left the territory of the Member State of residence and returned to their home Member State. The persons concerned were deprived of their right to vote in the European Parliament elections. This matter will have to be discussed with the Member States in order to establish the causes and find a practical solution.

Several Member States pointed to the gap in the Directive regarding persons with dual nationality where both countries are EU Member States. In the absence of any relevant provisions in the Directive, this is a potential source of double voting.

However, the question of dual nationality falls outside the scope of the Directive, which is concerned with Union citizens residing in a Member State of which they are not nationals. A citizen who has dual nationality, including nationality of the Member State of residence, is not, by definition, residing in a Member State of which he is not a national.

In any event, whatever the real extent of the problem, dual nationality is a potential source of double voting. It is therefore worth investigating whether this loophole can be closed using the information exchange system. The Commission feels that, although formally this question falls outside the scope of the Directive, it should be examined further in discussions with the Member States on the information exchange system.

Two Member States have raised the question of the different regulations governing residence, which may lead to a situation where a person is considered as legally resident in two different countries. The Commission feels that this problem deserves to be examined and discussed further with the responsible authorities in the Member States.

4. CONCLUSIONS

4.1. Informing citizens

Participation in elections in the Member State of residence admittedly depends on various factors and should be seen in the light of the overall reduction in election turnout. Nevertheless the divergences between the rate of registration on the different Member States' electoral rolls are too wide to be attributed solely to factors that cannot be influenced by information campaigns.

The Commission's view is that, although Member States enjoy great discretionary power in choosing the practical arrangements for informing Union citizens, this should be done "in good time and in an appropriate manner". Member States where the rate of registration is well below the Union average (chiefly Greece, Germany and France) must therefore do their utmost to meet in full their obligation to inform Community nationals by improving the effectiveness of information. The Commission feels that these three Member States must now make a start towards achieving that goal.

The Commission encourages all the Member States which have not yet done so to use a system of direct personal letters sent out by post to Community electors residing on their territory. As far as possible, Member States should enable citizens to enter their names on the electoral roll simply by filling in a form and returning it by post.

The Commission feels that other avenues should be explored, in particular the possibility of providing Community nationals with application forms for electoral registration whenever they have contact with the local or national authorities. Efforts must now focus as much on encouraging and helping citizens to enrol in the Member State of residence as on informing them of their right to vote and stand in elections. Whereas traditional information campaigns are mounted only in the run-up to each election, encouraging citizens to register must be a permanent task.

4.2. The information exchange system

Once again, the operation of the information exchange system has proved unsatisfactory. There are two factors at work here - failure by some Member States to adhere to the rules laid down for exchanging information and the electoral legislation of some of the Member States.

In cooperation with the authorities responsible in the Member States, the Commission intends to press ahead with efforts to improve the practical exchange of information within the present legislative framework. The Commission believes there is no need to amend the Directive, even though the lack of harmonised time-limits for inclusion on the electoral roll makes the exercise difficult to put into practice.

The Commission would also stress that any system that is introduced must remain in commensurate with the scale of the problem it is meant to resolve.

Annexes

Information campaign

Member State	Description of the information campaign	Percentage of non-national citizens registered
Austria	Government delegated responsibility to municipalities to inform non-nationals of voting procedures. Information campaign through Internet.	15.1%
Belgium	Announcement in the Official Journal – Leaflet distributed through local authorities and post offices - announcement on Internet and in national newspapers.	7.7%
Denmark	Information letter by Home Office sent to all non-national EU citizens.	26.6%
Finland	Personal information letter sent to all citizens. Information also given in national press.	28.1%
France	Information campaign by Government Information Service. Hotlines providing information. Internet sites of EP, Ministry of Foreign Affairs and Home Office. Radio announcements.	4.9%
Germany	Official announcement published in three national daily newspapers and one weekly newspaper. Official announcement published in several regional newspapers. Leaflet in all EU languages distributed by the Home Office of the Länder. Campaign on Internet. Several initiatives from Länder and local authorities.	2.1%
Greece	Media and advertising leaflets.	1.8%

Ireland	Factsheet highlighting electoral rights of resident Community citizens enclosed with standard registration forms issued to households (also sent to all Community citizens known to have taken up residence since 1994). In November 1998, national newspaper campaign for the draft 1999/2000 register, which would be used for 1999 European and local elections. Notices in national newspapers on 7 and 16 May 1999 highlighted the electoral rights of resident Community citizens at the elections and the closing date for registration of 24 May 1999.	43.9%
Italy	Information campaign through local authorities. Regional TV, radio and press campaigns. Information letter sent to non-national EU citizens	9.2%
Luxembourg	Information brochure published by Government. Personal letters sent in various languages. Information and awareness-heightening meetings at local authority level. Advertisements in local authority newsheets. Campaign posters.	8.8%
Netherlands	Registration form and information letter sent to all non-national Community citizens (in all official languages of EU). Announcements by local authorities. Information call centres. Letter sent to political parties informing them of the rights of non-national EU citizens. Media campaign: TV, radio and leaflets. Media campaign by Ministry of Foreign Affairs and personal letters addressed to Dutch nationals residing in other Member States.	16.9%
Portugal	Leaflet published in various EU official languages directed at residents in Portugal. Also information through the media (TV, radio and newspapers)	13.6%
Spain	Campaign consisting of advertisements on national TV and radio and regional TV and leaflets distributed in English, French, German and Spanish explaining voting rights. Local councils carried out their own campaigns targeted at Community citizens in their area. Personal letters sent to all Community citizens registered in the municipalities of Spain. Letter included information on the elections and designed so that the citizen only had to mark whether he wished to vote in Spain or not and return the letter to his local authority.	22.4%

Sweden	All EU citizens on population register in Sweden received information and registration forms sent direct to their homes. EU citizens moving to Sweden after April received the information and registration forms sent to them by local tax centres.	27.2%
United Kingdom	Leaflet issued in August 1998 sent to all embassies and cultural organisations asking to assist in distribution. Information campaign same as 1994. Leaflet sent in May to all households reminding them of their right to vote and new voting system implemented.	23.1%

Workings of the information exchange system

Member State	With the data received, were you able to identify and remove citizens from the electoral register? If not, why not?	With the information sent, will it be possible to identify and remove citizens from the electoral register? Why?	In your view, how well did the information exchange system function, especially as compared with 1994?	Is the present system adequate for preventing double voting?	Do you think Directive 93/109/CE needs to be amended? If so, in what ways?
Germany	No, because of the way the information exchange system was put into practice. The UK sent no information, and half the notifications from the other Member States were incomplete (constituencies where voters last registered were not stated).	Notifications were sent by German local authorities on paper, using the standard form. The data sent were used to identify persons registered in Germany.	Sending the data on the standard form created extra work. Receiving the data on diskettes lightened the workload considerably compared with 1994.	In theory the present system is adequate, but its application in practice leaves something to be desired.	If the problems cannot be eliminated, the Directive could be amended in such a way as to do away with the exchange of information, which could be replaced by an official statement by the voter.
Austria	Austria was able to identify the citizens concerned and prevent double voting.	Using the data supplied by Austria, the other Member States were able to identify voters and remove them from their national electoral registers.	Not applicable.	The dates for receiving and sending data for information exchange purposes should be harmonised.	The Directive should be amended so that information about all citizens residing in a Member State of which they are not nationals is kept together in a centralised Commission data base. At the very least, the deadlines for sending data should be harmonised.

Belgium	Yes.	It depends on how each Member State organises the system.	Checks were more effective than in 1994, thanks to the use of diskettes.	It would be hard for the existing system to eliminate double voting completely.	The arrangements for exchanging information should be tighter, with diskettes or e-mail used as a matter of course and a deadline set for the exchange of information.
Denmark	Yes.	Some Member States may have had difficulty identifying people, as certain pieces of information which might be important to the MS of origin (maiden name) were not supplied. The last constituency in the MS of origin was not always stated, particularly in the case of voters registered in 1994.	Except with the UK, the exchange of information generally went better than in 1994.	We can be fairly sure that the existing system prevents Danish nationals voting twice. However, the system makes no allowance for people with dual nationality, Danish and that of another Member State, or of the fact that, under the rules for deciding where a person is domiciled, which vary from one Member State to another, a person may be legally domiciled in several Member States under the applicable national rules.	Non

Spain	<p>9 870 citizens were identified, accounting for 60% of the notifications received from MS.</p> <p>Those not identified were not on electoral registers in Spain, or their registration was questionable.</p>	Yes.	<p>The system worked better than in 1994, thanks to computerised data processing.</p> <p>Main problems: no information was supplied by some countries, it arrived late or it was hard to computerise.</p>	Yes.	<p>One problem did crop up: citizens had been removed from Spanish electoral registers on information received from other MS, although they had already left the MS concerned.</p> <p>There should therefore be a procedure for updating information before voting cards are sent out. It should rule out automatic removal from registers.</p>
Finland	Yes, it was possible to identify all voters. It would not have been possible without computerisation.	Additional information was attached to the data sent on diskette in order to facilitate identification of persons.	The data should be sent no later than 60-70 days before polling day.	The current system is satisfactory, provided that MS send data in good time.	See previous answers.
France	No reply.	No reply.	No reply.	No reply.	No reply.
Greece	<p>No, for two reasons:</p> <ul style="list-style-type: none"> - there is no provision in legislation for the removal from the register of Greek nationals abroad who vote for Greek candidates abroad; - because the data received did not contain the information needed to identify voters. 	Cannot say.	There are still shortcomings in the present system.	The system could be further improved.	Detailed instructions regarding how the rolls in each MS are structured should be supplied.

Ireland	<p>The data provided was wholly inadequate to enable to identify whether the persons concerned were registered in Ireland. Additional information is needed, such as their last full postal address in Ireland and the year they left.</p> <p>There is no provision in Irish law for the removal of a person's name from the register. Anyway, Irish citizens living abroad for more than 18 months are not entitled to vote in Ireland.</p>	<p>Probably not, for the same reasons as Ireland could not identify Irish citizens.</p>	<p>The exercise was better managed than in 1994, operating generally in line with the agreed arrangements.</p> <p>The absence of a national coordinating body for sending notifications in Germany and the Netherlands resulted in numerous tranches of paper copies being received, which was unsatisfactory.</p>	<p>As home Member States cannot identify their citizens from notifications received, the present system does not seem to have the capacity to prevent double voting.</p>	<p>There is no direct evidence that double voting occurs at European elections, so perhaps information exchange between MS may be unnecessary.</p> <p>The resources applied to information exchange would be better employed encouraging citizens to vote.</p>
Italy	<p>With the information received we were able to identify and eliminate only a few cases: 15 308 out of the 57 298 notifications received.</p>	<p>In principle, yes.</p>	<p>The system worked slightly better than in 1994.</p>	<p>In the present circumstances, checks for double voting are inadequate, given the shortcomings in the information exchange system and the absence of rules governing dual nationality.</p>	<p>It might be worth amending the Directive to include a single deadline for registration and information exchange.</p>
Luxembourg	<p>In most cases, yes. The main problems were: incomplete addresses giving only the country and not the municipality, and lack of data on the length of the period of residence abroad.</p>	<p>Using the data recorded, it was possible to identify persons registered in Luxembourg.</p>	<p>No change compared with 1994.</p>	<p>The present system does not seem such as to prevent double voting entirely.</p>	

<p>Netherlands</p>	<p>Seven cases of double registration were detected. However, most of the data on Dutch nationals registered as electors in other Member States (60 000) arrived too late to be checked (manually) or on diskettes which were often illegible.</p>	<p>Yes. The categories of data used were agreed on at the European level.</p>	<p>The system works better in theory than in practice. See next answer.</p>	<p>Main problems detected: no account is taken of people with dual nationality. There are also problems determining the MS in which nationals thought to be residing in a particular MS under that MS's law and in another under the law of the latter were to be registered. Furthermore, it appears that some Member States still automatically sent nationals living abroad voting cards for the EP elections or entered them in their registers without clearly informing them of the consequences of such an action. The huge amounts of data which MS have to exchange with each other have to be checked within extremely short deadlines. The different deadlines set by the MS for drawing up registers complicate matters still further.</p>	<p>Whatever else happens, the scope of the Directive needs to be extended to include rules for citizens with dual nationality. The fact that the MS set different deadlines for voter registration is a major stumbling-block.</p> <p>The Directive does not seem to contain enough criteria for assessing the position of EC nationals regarded as residing in their country of origin (under that country's laws) and in another Member State (under the latter's laws).</p>
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Portugal	Generally, it was possible to identify and remove the people concerned using the data received. Main problems: data incomplete, data sent to consulates (NL and L) and lack of data from UK.	There may be difficulties owing to the fact that only the country of origin is stated.	The system worked better than in 1994 and made the whole exercise easier to carry out. There needs to be a stricter definition of the bodies responsible for the exchange and the fields to be filled in for the purpose of identifying voters. More information is needed on the practices followed in each country for transcribing names and using abbreviations.	Greater harmonisation would seem to be needed.	The Directive seems to be satisfactory. Problems tend to occur more at the practical level.
United Kingdom	Under existing law, it is not possible to make deletions from registers in force. A new system will be in place in time to enable deletions at the 2004 EP elections.	The system of exchange was confirmed too late to fund and put in place the arrangements necessary to send data to other MS.	The exchange in an electronic form was an improvement on the 1994 exercise. But there are practical difficulties in MS which maintain decentralised systems.	The present system appears to operate satisfactorily in that double-voting has not been identified as a problem at EP elections. Perhaps the very act of completing a distinct application form and being aware of the warnings against double voting is sufficient deterrent.	The UK suggests that it would be helpful to consider how exchange of information can best be arranged in countries with decentralised electoral registration systems.

<p>Sweden</p>	<p>The Inland Revenue Service received data on 6 374 Swedish citizens who had said they would vote in another Member State. Of these, 3 420 were removed from the electoral roll in Sweden.</p> <p>The data on 2 618 persons arrived too late to enable them to be removed from the roll. Some 150 persons could not be identified.</p>	<p>No. Frequently the data sent did not state where the person was registered as a voter.</p>	<p>It functioned as unsatisfactorily in these elections as in previous ones.</p>	<p>No. As it was not possible for various reasons to remove some 3 000 persons from the Swedish electoral roll, there will probably be come voters who voted twice. It is likely that some of those persons believe that this is authorised.</p>	<p>The registration period should be the same in all Member States and should be well in advance of the date on which the electoral lists are closed in each country. In addition, information should be improved.</p>
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Information exchange system

Member State	Date of <u>issue</u> of data on non-EU nationals registered to vote in MS	Method of <u>sending</u> data	Date of <u>receipt</u> of data on nationals registered to vote in another MS	Method of <u>receiving</u> data
Austria	From 26.4 to 8.6.2000	E-mail or diskettes	From 25.3 to 10.6	Diskette, e-mail, paper
Belgium	27.4.1999.	Diskettes and paper	From March to June	Diskette
Denmark	Not provided	Not provided	From 15.4.99 to 16.6.99	Diskette
Finland	Not provided	Not provided	April and May	Diskette, CD-Rom and paper
France	Not provided	Not provided	Not provided	Not provided
Germany	Not provided	Paper	From 19.4.99 to 8.6.99	E-mail, floppy disks and paper
Greece	7.6.99	Diskettes and paper	Not provided	Diskette
Ireland	10.5.99 and 28.5.99	Diskettes	From 12.3 to 13.6	Diskettes and paper

Italy	17.5.99	Diskettes	From 27.4 to 9.6	Diskette
Luxembourg	Not provided	Not provided	Not provided	Not provided
Netherlands	After 28.4.99	Not provided	April/May	Paper and diskettes
Portugal	From 28.4 to 30.5	Diskettes and e-mail	From 14.4 to 28.5	Diskettes, e-mail and paper
Spain	28.4 and 27.5	Diskette and e-mail	From 26.4 to 10.6	Diskettes, paper and e-mail
Sweden	20.5	Not provided	From 5.4 to 11.6	Diskettes and paper
United Kingdom	Not provided	Not provided	From 25.3 to 8.6	Diskette and paper

Percentages of potential and actual non-national voters

Member State	Total number of electors	Number of EU citizens of voting age	Percentage of potential EU electors	Numbers voting	Number of EU citizens registered	Actual percentage of EU voters¹⁴
Germany	60 786 904	1 573 316	2.52	27 468 932	33 643	0.12
Austria	5 847 660	97 359	1.64	2 888 733	14 659	0.51
Belgium	7 343 464	496 056	6.36	6 668 079	38 233	0.57
Denmark	4 012 440	46 400	1.15	2 023 306	12 356	0.61
Spain	33 816 379	290 085	0.85	21 334 125	64 904	0.30
Finland	4 141 098	13 898	0.33	1 248 122	3 911	0.31
France	40 132 517	1 427 315	3.44	18 766 155	70 056	0.37
Greece	8 912 901	40 000	0.45	6 711 728	736	0.01
Ireland	2 864 361	67 900	2.34	1 438 287	29 804	2.07
Italy	48 274 956	109 800	0.23	34 181 853	10 136	0.02

¹⁴ Given the absence of data on actual turnout in the elections by EU citizens included on the electoral roll in their Member State of residence, all EU citizens enrolled are deemed to have actually voted. The percentage given are therefore over-estimates.

Luxembourg	219 187	111 500	34.75	188 062	9 811	5.22
Netherlands	11 859 368	167 332	1.39	3 544 408	28 284	0.24
Portugal	8 695 600	30 519	0.35	3 480 948	4 149	0.05
United Kingdom	44 481 588	400 000	0.89	10 681 079	92 378	0.86
Sweden	6 664 205	148 470	2.19	2 588 514	40 433	1.56

NUMBER OF COMPLAINTS AND PETITIONS BY MEMBER STATE CONCERNED

	A	B	D	DK	E	F	FI	GR	I	IRL	L	NL	P	S	UK
Complaints	2	1	15	-	-	2	-	1	1	-	-	-	1	-	-
Petitions	-	-	11	-	2	1	-	-	1	-	-	-	-	-	-

ANNEX 6

INVOLVEMENT OF NATIONALS OF OTHER EU MEMBER STATES IN POLITICAL ACTIVITY PRIOR TO THE ELECTIONS¹⁵

Member State	Can an EU citizen set up a political party?	Can an EU citizen join a political party?	Are there any quotas?	Are there any other restrictions?
Germany	Yes, a non-national can be the joint founder of a party. The organisation loses its party status, however, if the majority of its members or of the members of the executive committee are foreigners.	Yes, where the party rules so allow.	Yes. Not more than 50% of the members of a party or of its executive committee may be non-nationals (Article 2(3) of the Political Parties Act). For the EP elections, other political associations are regarded as political parties and no quotas apply to them.	Yes. In certain circumstances political activity by foreigners may be subject to certain restrictions (under Articles 6 and 37 of the Aliens Act).
Austria	Yes.	Yes.	No.	No.
Belgium	Yes.	Yes.	No.	To be eligible, an EU citizen must be registered as a voter in the local authority area where he resides (Article 41(1) of the Act of 23 March 1989 as amended).
Denmark	Yes.	Yes.	No.	No.

¹⁵ Table taken from the report on the application of Directive 93/109/EC to the EP elections in June 1994 (COM(1997) 731 final).

Spain	The Political Parties Act of 1978 confers this right only on Spanish nationals but is regarded as unconstitutional.	Yes.	No.	The internal structure of parties and the way they function must be democratic.
Finland	Yes, if he resides in Finland and is more than 15 years old.	Yes, if he resides in Finland.	No.	No.
France	Yes.	Yes.	No.	No.
Greece	No.	It is up to the party concerned how it responds.	No data available.	No data available.
Ireland	Yes.	Yes.	No.	No.
Italy	Yes.	Yes.	No.	No.
Luxembourg	The constitution confers the right of association only on nationals, but in practice non-nationals enjoy the right as well.	Yes.	No.	Restriction authorised by the Directive: a list of candidates may not consist mostly of non-nationals (Article 106(5), Act of 25 February 1979).
Netherlands	Yes.	Yes.	No.	Non-nationals may stand as candidates only in EP and local elections.

Portugal	No. This right is reserved for Portuguese nationals residing in Portugal, Article 5. DL 595/74, Articles 15 and 51 of the Constitution.	Yes.	No.	Voters at any one polling station may not exclusively be non-nationals (Art 9-B of Act No 14/87) so that their voting patterns cannot be identified.
United Kingdom	Yes.	Yes.	No.	No.
Sweden	Yes.	Yes.	No.	No.

Number of nationals resident abroad voting in the Member State of origin and in the Member State of residence¹⁶

	Germany	Austria	Belgium	Spain	Ireland	Italy	Netherlands	Portugal
Number voting in the Member State of origin	2 708	30 911	136	342 504	220	1 003 353	17 010	94 957
Number voting in the Member State of residence ¹⁷	44 644	4 291	15 463	15 579	2 638	53 363	16 592	24 363

¹⁶ This table shows only general trends, as only nine Member States have sent in data on nationals residing in another Member State who voted for lists in the Member State of origin and only five Member States have broken down by nationality the data on Community nationals on their electoral roll.

¹⁷ These figures are under-estimates, as Finland, the United Kingdom, Ireland, Luxembourg and the Netherlands did not break down by nationality the data on Community nationals on their electoral rolls.