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REPORT FROM THE COMMISSION

Report on the election of Members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens in elections for the European Parliament in the Member State of residence (Directive 93/109/EC)

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1. INTRODUCTION

Political rights granted to EU citizens consolidate their European identity. The right of EU citizens to vote in municipal and European elections in whichever Member State they choose to live in is essential for their participation in the democratic life of the Union.

European elections are regulated by the 1976 Act¹ on the election of the members of the European Parliament by direct universal suffrage, as amended by Council Decision 2002/772/EC, Euratom², which lays down some common principles for all Member States, such as the obligation to use proportional representation and to ensure that polling day falls within the same period starting on a Thursday and ending on the following Sunday. Detailed arrangements for allowing EU citizens to participate in European elections in the Member State where they choose to live³ are laid down in Directive 93/109/EC⁴. Besides rules concerning registration on electoral rolls and checks to prevent double voting and candidacy, the Directive provides for a derogation to be granted to Member States where the number of residents who are nationals of other Member States exceeds 20% of the total number of EU citizens residing there who are of voting age⁵. Eighteen months before each European election the Commission reports on whether derogations apply. The last Commission report was adopted on 20 December 2007⁶.

The most recent European elections were held in June 2009 when the number of seats in the European Parliament was set by provisions of the Nice Treaty at 736. Accordingly, in the 2009 elections 736 Members were elected to the European Parliament. With the entry into force of the Lisbon Treaty on 1 December 2009, the number of seats will increase to 751. The necessary preparatory measures to implement these provisions were taken by the Council on 23 June 2010⁷. The Lisbon Treaty also introduced a modification with regard to the definition of the

¹ The Act is annexed to Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278, 8.10.1976).

² OJ L 283, 21.10.2002.

³ EU citizens are granted the right, under Article 22 TFEU, to vote and to stand in municipal and European elections in the Member State where they reside without having the nationality, under the same conditions as nationals.

⁴ Directive 93/109/EC of 6 December 1993 (OJ L 329, 30.12.1993, p. 34).

⁵ These Member States may impose on EU citizens from other Member States a minimum period of residence on their territory before granting them the right to vote or to stand in the elections.

⁶ See report COM(2007) 846.

⁷ See doc 11192/10 of the Council of the European Union.

composition of the European Parliament. Hereafter, it is stipulated that it shall be composed of "representatives of the Union's citizens"⁸ instead of "representatives of the peoples of the States brought together in the Community"⁹.

This report on the 2009 European Parliament elections accompanies and feeds into the 'EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights', focusing on the problems citizens still face, especially when trying to source goods and services across internal borders, and ways to tackle them.

The report aims at assessing the enforcement of EU citizens' electoral rights in the 2009 European Parliament elections. Firstly, it assesses the level of awareness about the elections and the associated rights, the measures taken by the Member States and by the EU institutions in this respect and the actual participation in the elections. Secondly, it looks into how the Member States have transposed and implemented EU law in this field. Finally, the report outlines the measures to be taken to improve participation and guarantee enforcement of EU citizens' electoral rights.

This report builds on recent Eurobarometer surveys, the outcome of a public consultation concluded on 15 June 2010, a conference on 'EU citizens' rights – the way forward' that took place on 1 and 2 July 2010, information provided by electoral experts in the Member States and the Commission's assessment of transposition and implementation of the 1976 Act and Directive 93/109/EC by the Member States.

2. AWARENESS OF AND PARTICIPATION IN THE ELECTIONS

2.1. General turnout and action to encourage participation

Voter participation has steadily decreased since the first direct European elections in 1979. At the beginning of 2009, Eurobarometer data revealed that only 34% of EU citizens were sure to vote in the European elections.

Faced with this low turnout, the European Parliament, the European Council and the Commission identified the elections as the main inter-institutional communication priority for 2009 and decided to jointly raise awareness for the European elections in the spirit of the political agreement *Communicating Europe in Partnership*¹⁰. The Commission played an active part in drawing attention to the importance of the 2009 European elections¹¹. It complemented the European Parliament's campaign with more than a thousand activities and events mobilising all potential communication platforms. Special efforts were made to target in particular women, young people and first-time voters since these groups were the least likely to vote in the European elections, according to opinion polls conducted during the campaign. The campaign activities of the Commission made use of audio-visual and new media and included an 'MTV campaign' and a blogging project 'TH!NK ABOUT IT'. Several types of leaflets were distributed, such as 'Europe for women', explaining how the EU is involved in areas that affect the daily lives of citizens and a specific publication

⁸ Article 14.2 of the Treaty on European Union.

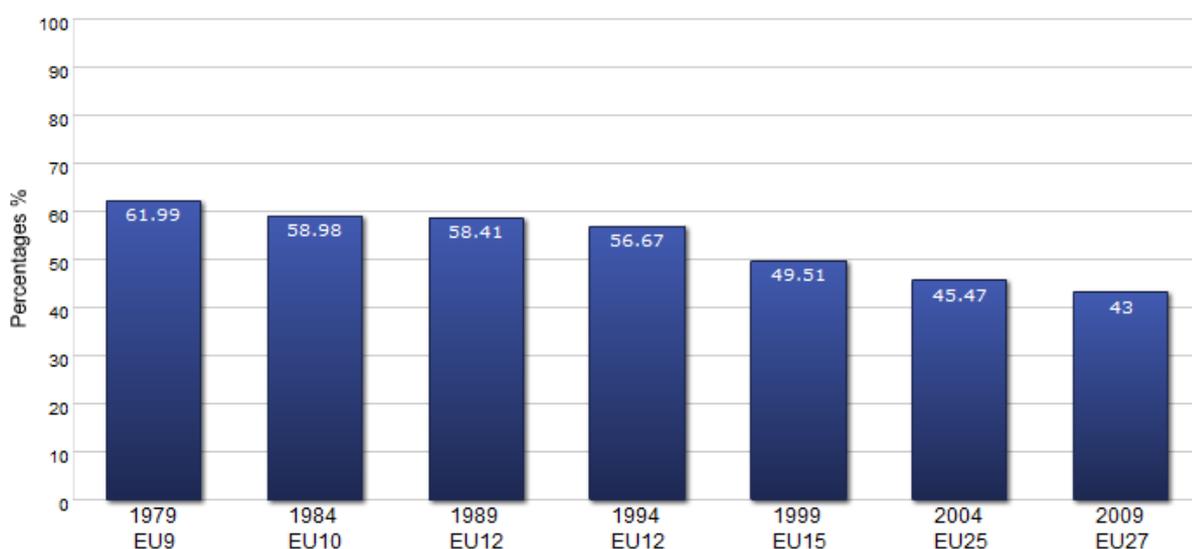
⁹ Article 189 of the Treaty establishing the European Community.

¹⁰ The political agreement 'Communicating Europe in Partnership' was signed on 22 October 2008.

¹¹ Report – European Elections 2009 Awareness Raising Activities of the European Commission: http://www.cc.cec/home/dgserv/comm/european_elections/report_european_elections_2009.html.

"Why vote in the European Parliament elections". The campaign activity also built on existing public events and addressed targeted established networks, such as the European Chambers' Women Networks. These actions, together with debates and public events organised by the European Commission's Representations for the general public, proved to produce positive benefits in terms of people's perception of the EU.

Although awareness of the campaign launched by the EU encouraging people to vote is positive (67%), its impact seems to be limited on turnout. General turnout reached 43%, in comparison to 45% in 2004, which confirms the decreasing participation trend. The drop in the participation rate in the 2009 elections was, however, relatively small.



Source: www.europarl.europa.eu

The Commission also conducted a post-election public survey¹² to measure possible variables to increase turnout. The three top measures that could boost citizens' motivation to vote were: more information provided on the impact of the European Union on their daily life (84%), more information provided on the programmes and objectives of candidates and parties in the European Parliament (83%) and more information provided on the European Parliament elections themselves (80%). These three most popular suggestions were supported by a majority of respondents in each Member State. 61% agreed that they would be more likely to participate if the elections were held on the same day throughout the Union.

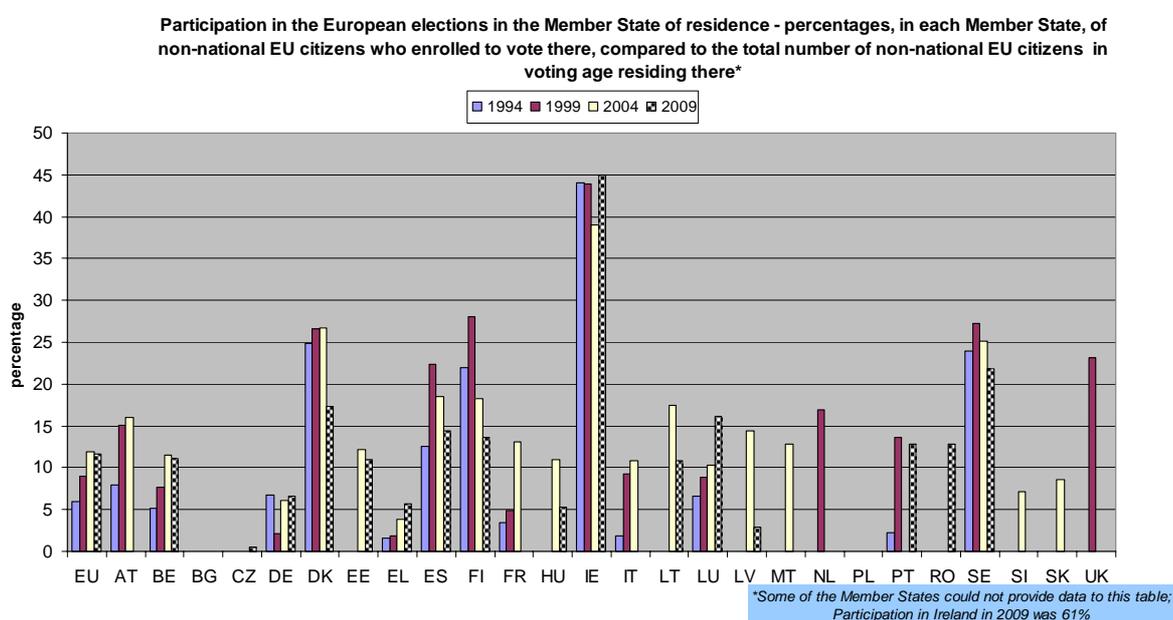
2.2. Awareness and turnout of EU citizens in the Member State of residence

Statistics indicate that increasing numbers of EU citizens of voting age live in Member States other than the one they hold the nationality of. For example, in Spain the number of non-national EU citizens of voting age increased from 700 000 in 2004 to almost 2 million in 2009, and in Cyprus from 45 000 to 77 000. In the light of the

¹² Flash Eurobarometer No 292.

statistics it can be concluded that the political rights of EU citizens are of increasing significance, in parallel with the growing use of the right of free movement and residence.

The rise in numbers of the electorate is also confirmed when it comes to enrolment on the electoral lists in the Member States of residence. In 2009, almost everywhere there were more EU citizens registered to vote in their Member State of residence, compared to the previous elections. For example, in France the number of such citizens increased from 145 000 in 2004 to more than 200 000 in 2009; in Spain from 130 000 to 284 000; in the Czech Republic from 99 voters to 703 in 2009. On the basis of data provided by the Member States, across the EU the proportion of citizens living in another Member State and registered to vote there in the 2009 European elections reached 11.6%¹³, compared to 5.9% in 1994 when the Directive was first applied.



At the same time, in some Member States, even though the number of non-nationals of voting age residing on their territory increased, the rate of enrolment did not rise proportionately in 2009 when compared to 2004. For example, the figure for non-national EU citizens of voting age residing in Denmark rose from 58 148 in 2004 to 96 783 in 2009 (increase of 66%). However, the number of those having registered to vote increased only from 15 572 to 16 776 (up 7%). In Lithuania, the number of non-national EU citizens of voting age residing in the country increased by almost 80% from 2004 to 2009, while the number of those who also registered to vote there increased by just 10%.

There are several reasons why EU citizens living in another Member State, even though there are more and more of them, tend not to make better use of their right to

¹³ These figures result from the data made available by the majority of Member States. However, the Commission lacks sufficient information on number of Union citizens in Bulgaria, France, Italy, Malta, the Netherlands, Poland, Slovenia, Slovakia and United Kingdom.

vote in European elections. Firstly, fewer people generally are participating in the elections, including EU citizens residing in their Member State of origin, a trend which has its own specific reasons. Another factor is the level of people's awareness of their political rights, which is a precondition for involvement in the political life of the Member State where they live. The Eurobarometer survey conducted in 2010 shows that awareness has increased significantly in comparison to previous years¹⁴ but there is still scope for improvement. While in 2007 only 54% of participants knew that non-national EU citizens are entitled to vote in European elections in the Member State of residence, awareness of this right increased to 69% in 2010. When it comes to individual Member States, 79% of Irish, 76% of Spanish and 75% of Latvian nationals were aware of this right, the highest percentages of all Member States.

Rates of participation in the European elections in the Member State of residence may also be influenced by the fact that, because double voting is prohibited, EU citizens have to choose whether to vote in their Member State of origin or in the Member State to which they have moved (i.e. for different sets of candidates). The Eurobarometer survey revealed that people are extremely divided on the candidates and lists they prefer to vote for in European elections. About 44% said that, if living in a Member State other than the one they hold the nationality of, they would prefer to vote on the list of that Member State, while a similar percentage (46%) indicated that they would still prefer to exercise their right to vote in their home Member State.

Available indicative statistics concerning participation in the 2009 European elections seem to confirm the conclusions of the public survey. In some cases, a majority of nationals of a given Member State residing in other Member States preferred to vote for the lists of their Member State of nationality. In the case of Spanish nationals, 36 294 registered to vote in other Member States, but 68 008 Spanish nationals residing in other Member States chose to vote for the Spanish lists. In other cases, the majority of such nationals preferred to register to vote for the lists of the Member State of residence. As regards Poland, for example, 51 344 Polish nationals registered to vote for the lists of their Member States of residence and only 10 093 chose to vote for the Polish lists.

EU law allows non-national EU citizens not only to vote in European elections but also to stand as candidates in these elections under the same conditions as a Member State's nationals. This right does not seem to be exercised by a high number of citizens, since in the 2009 elections only 81 citizens stood as candidates in their respective Member States of residence (in 1999 there were 62 non-national candidates and 57 in 2004). Certain obstacles to the exercise of this right are assessed in Chapter 3.2 of the report.

2.3. Information actions to encourage participation of EU citizens in the elections in the Member State of residence

The Directive obliges the Member States to provide information to EU citizens from other Member States on how to exercise their right to vote and to stand as a candidate in European elections.

¹⁴ The previous survey was carried out in 2007 — Flash Eurobarometer 213.

An overview of the measures taken by Member States to inform EU citizens from other Member States reveals differing approaches. In some Member States the information is well targeted and tailored to the specific needs of EU citizens from other Member States, while in other cases only general information campaigns are carried out for the European elections, covering the whole electorate.

Best practices include sending individual letters to non-national EU citizens to inform them of the arrangements for exercising their electoral rights. This practice has been extended since the last elections and is now used by ten Member States¹⁵.

Other means, such as advertising in newspapers, TV and radio, as well as information on the websites of national authorities are widely used by the Member States.

The Commission attaches importance to informing EU citizens of their rights and of steps taken to encourage voter participation. Under the Stockholm Programme¹⁶ the EU institutions must give careful consideration to how to encourage citizens to vote, with a view to the European elections in 2014. It is within this context that the Commission, via the Specific Programme on Fundamental Rights and Citizenship, gives NGOs and other organisations the opportunity to obtain funding for their projects on awareness-raising activities in this field. The Commission intends to promote such funding opportunities and to cover actions aimed at participation of women in the electoral process as voters and candidates. Finally, the Strategy for equality between women and men 2010-2015 provides for actions to promote participation of women as candidates in the European elections, to improve the gender balance in the European Parliament.

3. TRANSPOSITION AND IMPLEMENTATION BY THE MEMBER STATES OF EU LAW GOVERNING THE 2009 ELECTIONS

3.1. Taking stock of the rights of EU citizens – transposition of Directive 93/109/EC

Directive 93/109/EC provides that in order to exercise his/her right to vote and to stand in European elections in the Member State of residence, an EU citizen has to ask to be enrolled on the electoral lists of that Member State. Since voting and standing as a candidate in the Member States of origin and of residence at the same time is not allowed, non-national EU citizens are required to make a declaration that they will only vote or stand as a candidate in the Member State of residence. To prevent double voting and double candidacy, the Member States exchange data to identify candidates and voters registered in both their Member State of residence and of origin. Candidates also have to submit a certificate, delivered by the authorities of their Member State of origin, proving that they are not deprived of the right to stand as a candidate. The Member States have an obligation to provide specific information to EU citizens from other Member States residing on their territory on the detailed arrangements for exercising their right to vote and to stand as candidates in the elections, as well as on the action taken in respect of their application for entry on the electoral roll and for standing as a candidate.

¹⁵ Austria, Belgium, Denmark, Estonia, Finland, Hungary, Italy, Lithuania, Latvia and Luxembourg.

¹⁶ Document No 17024/09 of the Council of the EU, 2 December 2009.

The compatibility of national legislation with the Directive in the States that were members of the Union on 1 May 2004 has already been assessed by the Commission and the necessary measures taken, as from the entry into force of the Directive in 1994. Previous reports on the implementation of the Directive, published in 1998¹⁷ and 2000¹⁸, reviewed the state of play and the infringement proceedings launched for ensuring transposition and implementation. These proceedings have led to correct transposition and implementation of the Directive by the concerned Member States¹⁹.

Recent assessment by the Commission of transposition of the Directive in the States that became members of the Union after 1 May 2004 indicates that, on the whole, the legal conditions allowing EU citizens to exercise their right to vote and to stand as a candidate in their Member State of residence are fulfilled. During the 2009 elections, in ten Member States there were no immediate obstacles to EU citizens' participation in European elections. However, in two Member States, Slovenia and Malta, conditions imposed on EU citizens seemed to create a major obstacle to the exercise of this right. In Slovenia, EU citizens from other Member States were granted the right to vote and to stand in European elections only after a minimum of five years' residence in that Member State.

Malta's legislation still provides that for registering on the electoral roll EU citizens from other Member States have to present a 'Maltese ID card'²⁰. Furthermore, the electoral authority, 'whenever it deems necessary', may require EU citizens to renew their declaration made when registering on the electoral roll. As a consequence, EU citizens from other Member States might be excluded from participating in the elections in Malta even if already enrolled on the electoral lists.

Furthermore, in a number of Member States²¹, national laws impose additional requirements for EU citizens seeking to be enrolled to vote or to stand as a candidate, such as the requirement to provide a registration document for proving residence or the obligation to renew registration for each European election. Such requirements are also contrary to the Directive.

Finally, a number of Member States seem to have failed to correctly transpose the obligation to provide information to citizens on the detailed arrangements for exercising their right to vote and to stand in elections²². Not giving citizens sufficient information is one of the reasons for low participation in the elections.

¹⁷ COM(97) 731.

¹⁸ COM(2000) 843.

¹⁹ Infringement proceedings were carried out against Austria, Belgium, Germany, Spain, Italy, Luxembourg, the Netherlands, and Sweden.

²⁰ Directive 2004/38 EC abolished residence permits for EU citizens and replaced them with registration certificates.

²¹ Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Malta, Romania and Slovenia.

²² Out of EU12 Member States, this requirement has been correctly transposed only in the Czech Republic, Cyprus, Estonia and Lithuania.

3.2. Obstacles faced by EU citizens wishing to found or to become members of political parties in the Member State in which they live, other than the one of origin

Another obstacle to EU citizens' enjoyment of their right to participate in the European elections is linked to restrictions regarding their membership of political parties and the conditions for founding political parties.

Exercise of the right to stand as a candidate in the elections is strongly linked to membership of political parties. The candidates, in most cases, run on the lists that are put forward by political parties and made up of their respective members. Member State laws restricting membership of political parties to their own nationals prevent other EU citizens from running in the European elections as members of political parties. Consequently, non-national EU citizens are only able to run in the elections as independents or as candidates put forward by organisations other than political parties, in line with the national arrangements in place. Such legislation means that conditions for the exercise of this right are not the same for non-nationals as for nationals.

Furthermore, if non-national EU citizens do not have the right to found political parties but can only join existing ones, they are denied the chance of representing platforms not represented by the existing parties.

Assessment of the national laws shows that in the Czech Republic, Lithuania and Poland EU citizens from other Member States do not have the right to found political parties or to become members of the existing parties. It should be noted that, despite this restriction, EU citizens from other Member States are not completely excluded from standing in the elections. In the Czech Republic and in Lithuania the political parties can also put forward on their lists independent candidates. In Poland, apart from the political parties, a group of voters have the right to put forward candidates. Nonetheless, EU citizens from other Member States are prevented under such legislation from exercising their right to stand as a candidate under the same conditions as nationals.

In Bulgaria, Greece, Latvia, Spain and Slovakia, EU citizens from other Member States have the right to become members of the existing parties but do not have the right to found a party. In Germany and Finland a quota of national citizens is fixed for founding a political party and thus non-national EU citizens can only found new political parties when acting together with nationals of these two Member States.

3.3. Publication of the results of elections — transposition and implementation of the 1976 Act

The 1976 Act on the election of the members of the European Parliament was last amended by Decision 2002/772/EEC, which introduced the currently applicable common principles on the organisation of the elections. There has been no report on transposition of this Act since its amendment in 2002.

The Commission's assessment indicates that overall transposition of the Act is nearing completion in most of the Member States. The only notable issue is the lack

of transposition of Article 10(2) prohibiting early publication of election results, i.e. before the polls are closed in all Member States. Twelve Member States²³ seem not to have transposed this requirement correctly. Apart from the Netherlands, none of these Member States published the results early. Nonetheless, there is no legal guarantee that they will not do so in future elections.

The purpose of this article is to ensure that the early release of results in one Member State does not influence the vote in any way in other Member States where polling is still going on. This is to guarantee free suffrage, which is a basic democratic principle to be respected in the European parliamentary elections pursuant to Article 1(3) of the 1976 Act.

3.4. Developments in EU case law

In two recent judgments connected with European elections, the Gibraltar case (C-145/04, *Spain v. UK*) and the Aruba case (C-300/04, *Eman en Sevinger*), the European Court of Justice made the important point that although the Member States have discretion in regulating those aspects of electoral procedure for the European Parliament (EP) elections which are not harmonised at EU level, they must respect general principles of EU law, under the control of the Court of Justice. In its judgment in the Gibraltar case, the Court explained that EU law does not prevent a Member State from extending franchise, beyond its own citizens and EU citizens living on its territory, to other defined categories of persons having close links with it. Similarly, in its judgment in the Aruba case, the Court indicated that EU law does not prevent a Member State from withholding the right to vote in EP elections from its own citizens who do not reside on its territory. However, Member States are obliged to respect EU law including its general principles. This includes in particular the principle of equality of treatment and non-discrimination.

4. EFFORTS TO GUARANTEE THE RIGHT OF EU CITIZENS TO PARTICIPATE IN THE DEMOCRATIC LIFE OF THE UNION

4.1. Transposition of Directive 93/109/EC and the 1976 Act

The Commission has stepped up its efforts to ensure transposition and correct implementation of Directive 93/109/EC. On the basis of conclusions drawn from the assessment of national legislation, the Commission is taking the necessary measures to ensure that obstacles to the exercise of electoral rights are removed, including that the obligation to inform citizens of their rights is fully respected in all Member States. The Commission has also dealt as a priority with the obstacles preventing citizens from fully making use of their right to stand as a candidate in the European elections in the Member State of residence and the necessary measures are being taken to ensure that these citizens are free to join political parties in their Member State of residence. Concerning transposition of the 1976 Act, the Commission is taking the necessary measures to ensure implementation of Article 10(2).

²³ Bulgaria, Cyprus, Czech Republic, Denmark, Greece, Finland, Italy, Netherlands, Poland, Romania, Sweden and United Kingdom.

4.2. Preventing double voting — efforts to improve the current mechanism

Since the current mechanism for preventing double voting and double candidacy²⁴ was considered deficient, the Commission adopted a proposal to amend the Directive in 2006. The proposal aimed at simplifying the system and making it more effective: it included in particular the replacement of the current ex-ante mechanism with ex-post checks on the votes cast, combined with heavier penalties. The proposal is still pending in the Council, as discussions were suspended in 2008.

Therefore, the current mechanism was again used in the 2009 elections. Despite all the preparatory work for these elections, there has been no great improvement. The problems with the mechanism were the same as in previous elections. Due to non-harmonised electoral timetables and differences in the data used in the Member States for identifying voters, information on EU citizens sent by the Member State of residence to the Member State of origin very often cannot be used. Therefore, the purpose of the mechanism, i.e. removal from the lists in the Member State of origin of those registered in the Member State of residence, cannot be fully achieved.

Due to these difficulties, large numbers of non-national EU citizens could not be identified within the information exchange mechanism. For example, the Czech authorities identified only 2 500 out of the 3 800 Czech nationals notified by the other Member States, because insufficient data were available; in Ireland only 208 nationals were identified out of the 4 795 notified; Portugal identified only 38 619 nationals out of the 83 556 who were notified.

Under the Directive only limited data need be recorded at the time of registration of the non-national EU citizen on the electoral roll²⁵. The date of birth, which seems necessary in most of the Member States for identifying their nationals on the electoral lists, is not required by the Directive. It can be concluded that the current list of data to be collected, as provided for in the Directive, is not sufficient for the mechanism to work properly.

With regard to the issue of timing, the Directive merely provides for the data to be sent ‘sufficiently in advance of polling day’. Nonetheless, an overview of the state of play indicates that in many cases, the information sent by one Member State comes too late for the other to process it²⁶. For example, the Greek authorities did not process any of the information sent by other Member States where Greek nationals were residing, since all the information was received after 3 March 2009, when the electoral rolls are closed in that Member State and cannot be modified. The lack of a common time frame for registering voters and sending data can be considered as an impediment to the functioning of the mechanism.

²⁴ The mechanism consists in exchanging data between the Member States on EU citizens registered to vote in their Member State of residence. On the basis of data sent by the Member State of residence, the Member State of origin must remove from its electoral roll the citizens concerned (or prevent them by other means from casting their vote).

²⁵ Article 9 provides for: name, nationality, address, and locality in the home Member State where the citizen was last registered.

²⁶ This problem was identified by Lithuania, Hungary, the Czech Republic, Denmark, Estonia, Greece, France, and Ireland.

Further obstacles identified by the Member States include the dispatching of the information by a large number of decentralised bodies instead of one single contact point; problems accessing data sent electronically and protected by different security tools; handling large numbers of notifications sent in paper format.

In the light of the difficulties with the mechanism that persisted in the 2009 elections, the Commission is examining ways to improve things, including the possibility of withdrawing its 2006 proposal and replacing it with a modified version. Two requirements have to be met: the need to improve efficiency in detecting double voting to ensure legitimacy of the elections and the need to provide for a light system which does not constitute a disproportionate administrative burden compared to the problem and the extent of double voting. A more efficient mechanism seems to require further common rules, e.g. concerning electoral schedules and data to be collected. Further steps will need to take into account the timetable of the European Parliament reform, which might impact on provisions in Directive 93/109/EC.

4.3. Modification of the 1976 Act (initiated by the EP) — Commission contribution to the EP initiative

The European Parliament has been active since 2007 in tackling the issue of low participation of EU citizens in European elections²⁷. Discussions were aimed at introducing new common principles in the electoral procedures to bring citizens closer to the decision-making process and to strengthen the European dimension of these elections. This objective is meant to be reached through new features of the European elections such as an EU-wide list, where the whole territory of the Union would constitute a single electoral constituency for which a fixed number of Members of the EP would be elected in addition to the 751 currently set by the Treaty. Transnational lists are meant to increase the role of political parties at European level and to trigger campaign activities which would focus on issues that go beyond national interests and highlight European questions and debates. Regional constituencies to be created in the Member States with populations over 20 million would serve to bring the activity of the Members of the EP closer to the constituents. Some European political parties promote political programmes (platforms), and some of them put forward the idea of designating their candidate for the office of President of the European Commission, running in the elections on the list of the individual European political party. The European Parliament has itself the power to initiate changes to the electoral procedure applicable in all Member States²⁸. Even though the Commission has no formal role in this respect, it intends to contribute by presenting a comparative study concluded in 2010. The study identifies aspects of electoral arrangements as further potential common principles. These include introducing out-of-country voting facilities for expatriate voters so that they can vote in the elections for the lists of their Member State of origin; eliminating the current possibility of applying a threshold to improve the chances of smaller parties achieving representation; abolishing financial deposits required in a number of Member States before a political party or an independent candidate can stand in the elections; bringing forward the deadline for registering voters to facilitate cross-checking of registered voters by Member States.

²⁷ Draft report on a proposal for modification of the 1976 Act (2007/2207(INI)).
²⁸ Article 223(1) TFEU.

5. CONCLUSIONS

More and more EU citizens are exercising their right to free movement, and may wish also to make use of their voting rights in their Member State of residence. However, it seems that the number of citizens who register to vote in European elections in the Member State where they live is lower than the potential electorate, i.e. the number of EU citizens of voting age who live in a Member State other than their own. This indicates that there is scope for making citizens more aware of their electoral rights and encouraging them to participate in the democratic life of the Union.

Properly informed EU citizens are much more likely to get involved in political life. In the aftermath of the European Parliament elections, the Commission identified best practices that should be pursued with a view to the 2014 elections. The Commission will propose to designate 2013 as the European Year of Citizens also in view of raising awareness on European Parliament elections. This is expected to lead to a better mobilization of the electorate in 2014.

The Commission also intends to continue offering funding for activities of NGOs and other organisations to ensure that citizens know their electoral rights and are encouraged to make use of them.

Besides informing citizens of their electoral rights, proper legal conditions are an important prerequisite for the exercise of these rights. The Commission is looking carefully at the way the Member States have transposed and implemented relevant EU law, and will where necessary take steps to remedy shortcomings.

Difficulties with the current mechanism for prohibiting voting in two Member States in the same European elections, already identified by the Commission in previous elections and addressed in 2006 by a proposal for amending it, persisted in 2009. The Commission is examining the need to replace the 2006 proposal with a further amendment to Directive 93/109/EC. A more efficient mechanism seems to require further common rules. At the same time, any new arrangement should be proportionate to the problem and extent of double voting.

The Commission is also following and, within the limits of its powers, contributing to the ongoing reflection in the European Parliament on how to generate greater interest among citizens. The Commission will support efforts to enhance the European dimension of the elections and to reform the way in which the Members of the European Parliament are elected so that to bring political parties and the decision-making process closer to the citizens and to strengthen the democratic basis of its functioning.