



COMMISSION OF THE EUROPEAN COMMUNITIES

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**REPORT FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT AND THE COUNCIL**

**on the application of Directive 94/80/EC on  
the right to vote and to stand as a candidate in municipal elections**

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**1. INTRODUCTION**

Every citizen of the Union has the right to vote and to stand as a candidate in municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.<sup>1</sup>

This is one of the rights that citizenship of the Union, introduced by the Maastricht Treaty in 1992, confers on citizens of the Union. The particular rights to take part in political life in the Member State of residence are laid down in Article 19 of the Treaty establishing the European Community (hereafter “the EC Treaty”).

Article 19(1) provides that every citizen of the Union residing in a Member State of which he/she is not a national<sup>2</sup> has the right to vote and to stand as a candidate in municipal elections in the Member State in which he/she resides, under the same conditions as nationals of that State. This right is to be exercised subject to detailed arrangements adopted by the Council. The arrangements may provide for derogations where warranted by problems specific to a Member State.

The detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections were laid down in 1994 by Directive 94/80/EC (hereafter “the Directive”).<sup>3</sup> Following the accession of Austria, Finland and Sweden in 1995, it was amended by Directive 96/30/EC<sup>4</sup> to provide a reference to the basic local government units of those three countries.

Article 13 of the Directive stipulates that the Commission is to submit to the European Parliament and the Council a report on the application of the Directive, including any changes in the electorate which have taken place since its entry into force, within a year of the holding in all the Member States of the municipal elections organised on the basis of the Directive’s provisions. At the same time the Commission is to propose, if necessary, appropriate adjustments.

Although the Member States were to implement the Directive before 1 January 1996, it was transposed in several Member States after that date. This was also the case in

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<sup>1</sup> Article 40 of the Charter of Fundamental Rights of the European Union (OJ C 364, 18.12.2000, p. 1).

<sup>2</sup> Hereafter referred to as “non-national citizen of the Union” or “non-national voter”.

<sup>3</sup> Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 368, 31.12.1994, p. 38).

<sup>4</sup> Council Directive 96/30/EC of 13 May 1996 amending Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 122, 22.5.1996, p. 14).

France, which was the last Member State to hold municipal elections organised on the basis of the Directive. France applied the Directive for the first time to the municipal elections of 11 and 18 March 2001, starting the one-year period for the Commission to submit the report by March 2002.

This report complies with that obligation by assessing the application of the Directive in law and in fact.<sup>5</sup> It covers the period from 1 January 1996 to 31 May 2001.

## **2. STRUCTURE OF THE REPORT AND SOURCES OF INFORMATION ON APPLICATION**

The report starts with a description of the main features of the Directive and an assessment of its legal implementation. The Commission received the information concerning transposition into national law when the Member States communicated their national implementing measures under Article 14 of the Directive. This assessment in the first part of the report covers the situation in all Member States.

As regards application in practice, the Directive does not place the Member States under an explicit obligation to report to the Commission on implementation. However, the Commission depends on their cooperation in order to be able to assess application of the Directive and changes in the electorate.

Therefore, to gather the necessary information, a questionnaire<sup>6</sup> prepared in cooperation with electoral experts from the Member States was sent to all Member States in spring 2001, requesting replies by the end of May 2001. The questionnaire consisted of two sets of questions, one concerning statistics at national and local level and the other concerning qualitative data on information campaigns and on changes in the electorate.

Thirteen Member States replied to this request for information: Belgium, Germany, Greece, Spain, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom. No information was received from Denmark and France. The second part of the report thus examines the practical application of the Directive in the above-mentioned thirteen Member States.

The questionnaire requested both statistical and qualitative information. The report contains an assessment based on the statistical information on participation in the municipal elections. The tables summarising the Member States' replies are available at the Internet address

[http://europa.eu.int/comm/dgs/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/index_en.htm).

As regards changes in the electorate, the Commission's assessment in the third part of the report is based on the information received from the above-mentioned Member States through the questionnaire.

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<sup>5</sup> See also the 17<sup>th</sup> recital of the Directive.

<sup>6</sup> See Annex 2.

## **PART I: APPLICATION IN LAW**

### **3. MAIN FEATURES OF THE DIRECTIVE**

The Directive gives substance to the objectives laid down in Article 19(1) of the EC Treaty. It embodies the following principles:

#### **Non-harmonisation of electoral laws**

The Directive does not aim to harmonise the electoral laws of the Member States, but to abolish the nationality requirement. Most Member States previously made the exercise of the right to vote and to stand as a candidate in municipal elections subject to having their nationality.

#### **Freedom of choice**

Citizens of the Union are free to choose whether or not to take part in municipal elections in the Member State in which they reside. Because the Directive recognises the right to vote in the Member State of residence without substituting it for the right to vote in the Member State of origin, the Union citizens can be registered automatically on the electoral roll in those Member States where voting is not compulsory.

#### **Equal access to electoral rights**

In accordance with the principle of non-discrimination, citizens of the Union have to enjoy electoral rights under the same conditions as nationals of the Member State where they reside. That requires, for example, access to the same appeal procedures with regard to any omissions or errors in the electoral roll or the candidature statement or the extension of compulsory voting to non-nationals. Similarly, once registered on the electoral roll, a Union citizen must remain thereon under the same conditions as nationals, unless he or she asks to be removed. The principle of non-discrimination also means that citizens of the Union must be able to take part fully in the political life of the Member State of residence, with special reference to affiliation to existing political parties or even the founding of new ones.

#### **Information obligation**

Citizens of the Union living in a Member State other than their own should learn about their new rights. The Directive therefore requires the Member State of residence to inform non-national citizens of the Union “in good time and in an appropriate manner” of the conditions and detailed arrangements for the exercise of these rights in elections in that State.

#### **Derogations where justified by a situation specific to a Member State**

Article 12 permits the introduction of exceptions to the principle of equal treatment where this is justified by problems specific to a Member State. A Member State where the proportion of citizens of the Union of voting age who reside in but are not nationals of that State exceeds 20% of the total electorate can require a minimum

period of residence, both from voters and from candidates, or take measures with regard to the composition of the lists of candidates, in order to facilitate the integration of non-nationals and to avoid polarisation between lists of “national” and “non-national” candidates.

#### **4. IMPLEMENTATION OF THE DIRECTIVE**

##### **4.1. Communication of national transposition measures**

Under Article 14 of the Directive, Member States had to adopt national transposition measures before 1 January 1996. The same deadline applied to Austria, Finland and Sweden in accordance with Articles 2 and 168 of the Act of Accession.

Four Member States, Denmark, Ireland, Luxembourg and the United Kingdom,<sup>7</sup> adopted a full set of transposition measures within the deadline.

Three Member States, Germany (all the *Länder* except Bremen), Finland (Continental Finland) and Austria (Carinthia and Tyrol), partially transposed the Directive within the deadline.

Subsequently, the Commission initiated infringement proceedings under Article 226 of the EC Treaty in 1996 against eleven Member States, Belgium, Germany (Bremen), Greece, Spain, France, Italy, the Netherlands, Austria (seven *Länder*), Portugal, Finland (the Åland Islands) and Sweden, for failure to communicate national transposition measures.

These Member States implemented the Directive and communicated the relevant measures to the Commission during 1996-99, enabling the infringement proceedings to be terminated. The cases were closed before referral to the Court of Justice, with the exception of Belgium, which was found by the Court to have failed to fulfil its obligations (judgement of 9 July 1998 in Case C-323/97).

Belgium communicated its national transposition measures to the Commission in 1999. Transposition has thus been completed in all the Member States.

The national transposition measures are listed in Annex 1 to the report.

##### **4.2. Conformity of national legislation**

The Commission then assessed compliance of the national transposition measures with the Directive.

The quality of the national legislation is satisfactory and the measures are in conformity with the requirements of the Directive. Only three infringement cases, one against Greece and two against Germany, have been opened so far for non-conformity with the Directive.<sup>8</sup>

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<sup>7</sup> The Directive does not apply to Gibraltar.

<sup>8</sup> The Commission is currently examining certain issues of alleged non-compliance of the French legislation with the Directive.

Most conformity problems that the Commission has discovered relate to registration on the electoral rolls (necessary documents or maintenance of registration after the first request). They thus concern the implementation of Article 8(2) or 8(3) of the Directive. There have also been cases of non-conformity with Articles 3 and 4(1) of the Directive.

### **Article 3 – same conditions as for own nationals**

Article 3 of the Directive guarantees the right to vote and to stand as a candidate in municipal elections in the Member State of residence for any person who is a citizen of the Union and who is not a national of the Member State of residence but in any event satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals.

The Commission found that a number of points of the Greek legislation did not comply with the Directive. For example, it included the rule that persons are only entitled to vote if they have knowledge of the Greek language. Such a requirement is discriminatory and contrary to Article 3 of the Directive. The Commission issued a reasoned opinion to Greece concerning this non-conformity, after which the problem was solved by amendments to the national legislation.

### **Article 4(1) – period of residence**

Pursuant to Article 4(1), if in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the territory of that State, voters and persons entitled to stand as candidates within the scope of Article 3 must be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States.

Another point of non-conformity in the Greek legislation was a provision that persons are entitled to vote only if they have been resident in Greece for at least two years. This is contrary to Article 4 of the Directive, which makes residence in other Member States equivalent to residence in the territory of State in question. This problem was also solved by amendments to the national legislation.

### **Article 8(2) – documents for registration on the electoral roll**

In accordance with Article 8(2), a non-national voter has to produce the same documents as a voter who is a national. Article 8(2) provides further that the Member State of residence may require a non-national voter to produce a valid identity document, along with a formal declaration stating his nationality and his address in the State of residence. This list of documents is to be considered exhaustive.

The Greek legislation requires a non-Greek voter to produce a written declaration that he or she has not been deprived of the right to vote in the home Member State. No such declaration concerning possible disqualification from voting in the home Member State is included to Article 8(2), and should thus not be required. This is confirmed in the eighth recital of the Directive, which states that it is sufficient if the right to vote is made subject only to the rules on disqualification from voting of the Member State of

residence. Infringement proceedings against Greece on this matter are currently pending, this being the only infringement case concerning the Directive still open.<sup>9</sup>

In Germany, the *Länder* of Saxony and Bavaria required a non-national voter to make a sworn statement that he or she has been resident in the municipality where he or she wishes to vote for at least three months without interruption and that his main focus of life is there. This requirement is excessive, because the German authorities can obtain information concerning the three-month residence on the basis of the population register, on which every resident must be entered. The German legislation has since been amended and the requirement for an additional declaration repealed.

### **Article 8(3) – staying on electoral roll**

Article 8(3) of the Directive provides that non-national voters who have been entered on the electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such time as they are removed automatically because they no longer satisfy the requirements for exercising the right to vote or until they request to be removed from the roll.

The transposing legislation passed by two German *Länder*, Saxony and Bavaria, required citizens of the Union resident in Germany to apply for inclusion on the electoral list before each municipal election, which constitutes a violation of Article 8(3) of the Directive. After infringement proceedings had been initiated, the national legislation was amended so that non-national citizens of the Union are now entered automatically on the electoral roll for each municipal election. The problem has thus been solved.

## **4.3. Complaints**

The Commission has received only a few complaints during the five years in which the Directive has been in force. Altogether, they raised less than ten different cases of possible faulty application of the Directive. None of the complaints has led to infringement proceedings. The small number of complaints seems to indicate that the Member States have applied the Directive fairly well.

## **5. DEROGATIONS APPLIED**

Article 12(1) provides that Member States may, by way of derogation, place certain restrictions on the right to vote and the right to stand as a candidate, if the proportion of non-national citizens of the Union of voting age residing in their territory exceeds 20% of the total number of citizens of the Union of voting age there.

Article 12(2) allows Belgium, by way of derogation, to apply the restriction on the right to vote to a limited number of municipalities.

Article 12(3) allows Member States to refrain from applying Articles 6 to 11 in respect of non-national citizens of the Union if these have the right to vote for the national

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<sup>9</sup> The Commission decided to bring an action against Greece before the Court of Justice in 2001 but submission of the application to the Court has been postponed pending the amendment of the Greek legislation, which according to the Greek authorities will be finalised in early 2002.

parliament and are therefore entered on the electoral roll under the same conditions as national voters.<sup>10</sup>

The only Member State that has availed itself of a derogation is Luxembourg, on the basis of Article 12(1). Luxembourg restricts the right to vote to non-national citizens of the Union who have resided in its territory for six of the last seven years before registration. Regarding the right to stand as a candidate, Luxembourg requires non-national citizens of the Union to have their legal domicile in the territory of Luxembourg and to have resided there for twelve of the last fifteen years before submitting the application.

At the time of transposition, there were 28.7% non-national citizens of the Union of voting age out of the total number of voters in Luxembourg and the derogation was justified. In 1999 the Commission checked the existence of the situation warranting the derogation.<sup>11</sup> It found that the proportion of non-national voters was 32-34%, depending on the source, i.e. way above the threshold of 20% laid down by the Directive. Thus, the circumstances warranting the granting to Luxembourg of the derogation still applied.

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<sup>10</sup> Declaration No 32 attached to the Act of Accession of Finland referred to possible determination by the Council of the conditions for applying Article 19(1) (formerly Article 8b(1)) to the special situation of Åland as far as the right to vote and stand as candidate in the Åland islands is concerned. This was considered when preparing Directive 96/30/EC amending Directive 94/80/EC but no derogation was deemed necessary. According to the third recital of Directive 96/30/EC, Directive 94/80/EC is applicable to the Åland Islands, where Finnish nationals who do not enjoy regional citizenship of those islands and nationals of the other Member States of the Union are subject to the same condition relating to the period of residence for the exercise of the right to vote and to stand as candidates in municipal elections.

<sup>11</sup> Commission report to the European Parliament and the Council on granting the derogation provided for in Article 19(1) of the Treaty, presented under the terms of Article 12(4) of Directive 94/80/EC (COM(1999)597final).

## PART II: APPLICATION IN FACT

### 6. POTENTIAL VOTERS AND LOCAL ELECTIONS HELD UNDER THE DIRECTIVE

The distribution of non-nationals by citizenship varies considerably between the Member States. In 2000, 4.7 million citizens of the Union aged over 18 lived in a Member State other than their own, with a very unequal distribution amongst Member States: the largest number were in Germany, with over 1.5 million, and France, with over 1 million.<sup>12</sup>

#### Population over 18 years of age in EU countries in the year 2000<sup>13</sup>

Member State	Nationals	Non-national citizens of the Union	Total population (including third country nationals)	Percentage of non-national citizens of the Union of the total population (%)
<b>Germany</b>	60 601 000	<b>1 521 000</b>	65 918 000	2.5
<b>France</b>	41 812 000	<b>1 004 000</b>	44 526 000	2.4
<b>UK</b>	42 870 000	<b>790 000</b>	44 914 000	1.8
<b>Belgium</b>	7 387 000	<b>456 000</b>	8 070 000	5.8
<b>Netherlands</b>	11 612 000	<b>194 000</b>	12 177 000	1.6
<b>Sweden</b>	6 566 000	<b>143 000</b>	6 913 000	2.2
<b>Spain</b>	31 365 000	<b>133 000</b>	31 715 000	0.4
<b>Luxembourg</b>	210 000	<b>108 000</b>	333 000	34.0
<b>Austria</b>	5 796 000	<b>95 000</b>	6 303 000	1.6
<b>Ireland</b>	2 659 000	<b>76 000</b>	2 763 000	2.8
<b>Italy</b>	46 552 000	<b>56 000</b>	46 921 000	0.1
<b>Denmark</b>	4 064 000	<b>32 000</b>	4 189 000	0.8
<b>Portugal</b>	7 751 000	<b>26 000</b>	7 888 000	0.3
<b>Greece</b>	8 244 000	<b>16 000</b>	8 464 000	0.2
<b>Finland</b>	3 960 000	<b>9 000</b>	4 007 000	0.2
<b>Grand total</b>	281 449 000	<b>4 658 000</b>	295 101 000	1.6

These 4.7 million people broadly represent the potential number of voters in municipal elections covered by the Directive, disregarding any possible conditions relating to the length of residence.

In some Member States, nationals of other Member States were already able to vote in local elections before the entry into force of the Directive, under certain conditions. This was the case in Denmark, Spain, Ireland, the Netherlands, Finland and Sweden. Thus, the number of new voters that received the right to vote and to stand as a candidate in local elections in their country of residence under the Directive was about 4 million.

<sup>12</sup> Eurostat, Community Labour Force Survey 2000.

<sup>13</sup> Eurostat, Community Labour Force Survey 2000.

The first municipal elections under the Directive were held in 1996 in Germany (the *Länder* of Bavaria, Berlin, Hessen and Lower Saxony) and the United Kingdom. Although Belgium was the last Member State to transpose the Directive, the last one to apply it in practice was France, where the local elections of March 2001 were the first ones organised on the basis of the Directive.

### Local elections held after the entry into force of the Directive

Member State	Date
<b>Germany</b>	1996 (local elections held at <i>Land</i> level; several elections in 16 <i>Länder</i> since 1996 <sup>14</sup> )
<b>United Kingdom</b>	1996 (several local elections held since 1996 depending on local authority type)
<b>Italy</b>	1997 (May), 2001 (13-27 May)
<b>Denmark</b>	1997 (18 November), 2001 (20 November)
<b>Portugal</b>	1997 (14 December), 2001 (16 December)
<b>Austria</b>	1998 (local elections held at <i>Land</i> level; e.g. 1998, 1999, 2000 <sup>15</sup> )
<b>Netherlands</b>	1998 (March)
<b>Sweden</b>	1998 (20 September)
<b>Greece</b>	1998 (11 October)
<b>Ireland</b>	1999 (11 June)
<b>Spain</b>	1999 (13 June)
<b>Luxembourg</b>	1999 (October)
<b>Belgium</b>	2000 (9 October)
<b>Finland</b>	2000 (22 October)
<b>France</b>	2001 (11-18 March)

There is no comprehensive information available concerning the general turnout in the local elections in all Member States. The turnout varied between 88% in Spain (1999 elections), 75% in Sweden (1998 elections), 60% in Netherlands (1998 elections), 56% in Finland (2000 elections) and 34% in the United Kingdom (1996 elections). This gives some indication of the general political participation at local level.

There are more than 85 000 municipalities in the Member States of the European Union.<sup>16</sup> The report will analyse the application of the Directive in municipal elections in thirteen Member States, as explained above in Section 2. The questionnaire concerned firstly the results of the municipal elections compiled at national level. Second, it requested information on the ten municipalities with the highest percentage of non-national citizens of the Union of voting age, the idea being that this gives an example of the local circumstances. Indeed, given the considerable number of municipalities, it was not possible to analyse the data for all municipalities. The Commission considers that, even if the local information is limited to ten

<sup>14</sup> E.g. Baden-Württemberg 1999, Bavaria 1996, Berlin 1996, Bremen 1999, Hamburg 1997, Hessen 1996, Lower Saxony 1996 and 2001, North Rhine-Westphalia 1999, Rhineland-Palatinate 1999, Saarland 1999, Saxony 1999, Schleswig-Holstein 1998.

<sup>15</sup> Tyrol 1998, Salzburg 1999, Vorarlberg 2000

<sup>16</sup> Eurostat, NUTS, Correspondence between the NUTS levels and the national administrative units (the NUTS levels compared to basic local government units listed in the Annex to the Directive).

municipalities for each Member State, it gives indications of the general situation and is useful for assessing the application of the Directive.

This report contains a qualitative assessment of the statistical data on participation in the municipal elections. The detailed tables presenting the replies of the thirteen Member States, including for example the breakdown of voters by Member State for each Member State and voting in the ten municipalities of each Member State, are available at the Internet address

[http://europa.eu.int/comm/dgs/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/index_en.htm).

## 7. PARTICIPATION IN MUNICIPAL ELECTIONS BY NON-NATIONAL CITIZENS OF THE UNION IN THEIR MEMBER STATE OF RESIDENCE

### 7.1. Right to vote: summary at national level

Non-national citizens of the Union have to apply to be entered on the electoral roll in Belgium, Greece, Spain, Ireland, Italy, Luxembourg, Austria, Portugal and the United Kingdom. The proportion of non-national Union citizens registered to vote in their Member State in residence in local elections is presented in the table below.

In Germany, the Netherlands, Finland and Sweden, all residents, including non-national citizens of the Union, are entered on the electoral roll automatically.

#### Proportion of non-national citizens of the Union registered to vote in their Member State of residence (%)

B	D	EL	E	IRL	I	L	NL	A	P	FIN	S	UK
17.8	all*	9.5	24.4	52.3	19.2	12.4	all*	54.2	9.8	all*	all*	41.1

\* registered automatically

The table shows that the proportion of non-national citizens of the Union entered on the electoral roll varies greatly from country to country, disregarding the cases where voters are registered automatically. The average of the nine Member States requiring registration at the voter's initiative was 26.7%. Greece and Portugal had the lowest rate of registration, and also Luxembourg was well below average.

No comprehensive figures are available on how many non-national Union citizens actually turned out to vote. Only Finland reported the actual turnout of non-national citizens of the Union, which was 30.2% at national level.

In Germany no information exists at national level, but the German authorities submitted some information on individual examples of the turnout: the turnout of non-national Union citizens was for example 21.5% in local elections in Stuttgart (1996), 12–36% in Bavaria (1996), 23% in Hamburg (1997), 17.5% in Berlin (1999), 16.9% in Bremen (1999) and 11% in Saarbrücken (2001).

Sweden reported that no precise information on turnout was available, but the Swedish authorities were able also to give some individual examples based on electoral polls.

According to this information, the turnout of Danish citizens was 38%, of Finnish citizens 35%, of UK citizens 39% and of German citizens 49% .

Since it can be assumed that a great majority of the citizens applying for registration also intend to vote in practice, the above-mentioned percentages of non-national citizens registered give a fairly accurate picture of participation. This is especially true for Belgium and Greece, where voting is compulsory if the Union citizen has been entered on the electoral rolls.

It can be concluded that the participation of non-national citizens of the Union in local elections in their Member State of residence was in general quite low. Only in two Member States, Ireland and Austria, were half of the non-national citizens entered on the electoral roll. The reason for the good Irish situation is probably the fact that non-nationals residing in Ireland have been able to vote there in all elections since 1963. The participation was strikingly weak in Greece, Portugal and Luxembourg, where the rate of registration was only around 10%.

## **7.2. Right to vote in ten municipalities**

The information that the Member States were able to provide regarding voting in the ten municipalities with the highest percentage of non-national citizens of the Union of voting age varies greatly.

It is too incomplete to give any description of the situation in Belgium, Greece, Ireland, the Netherlands or the United Kingdom. In Germany and Sweden, all citizens of the Union are entered on the electoral rolls automatically. However, there is no information on actual turnout.

In Spain registration varied from 5% to 50% in the ten municipalities. Local variations are therefore significant. In Italy the level varied between 6% and 40% and in Luxembourg between 12% and 69%. Compared to these, the registration level of the ten municipalities in Portugal is very low, as the percentage of Union citizens registered was between 0% and 1.7%

In Austria many of the ten municipalities chosen according to the proportion of non-national voters were very small municipalities, with only a few hundred or a few thousand inhabitants. The proportion of those registered therefore varied most, being between 1.5% and 100%.

In Finland the ten municipalities were also small, with only a few thousand inhabitants. The actual turnout was 31-76%.

We can therefore summarise the situation by stating that participation in the local elections fluctuated widely depending on the local circumstances.

## **7.3. Standing as a candidate: summary at national level**

Member States were seldom able to provide information regarding the number of non-national citizens of the Union standing as a candidate in municipal elections.

Numbers are available only for

Finland: 65 candidates  
Sweden: 1829 candidates  
Luxembourg: 138 candidates

There were non-national candidates also in Spain, the Netherlands, Portugal, Germany and Austria, but no exact numbers are known.

Regarding non-national citizens of the Union who were elected to the local councils, numbers are available for

Spain: 30 non-national Union citizens elected  
Netherlands: 2 elected  
Portugal: 3 elected  
Finland: 5 elected  
Sweden: 408 elected

In addition, there is partial information from

Germany: 319 elected in nine *Länder*, no information available from seven *Länder*  
Austria: 20 elected in seven *Länder*, no information available from two *Länder*.

There were thus non-national citizens of the Union standing as a candidate in several Member States, but there is no way of telling whether this was the case in every Member State. In eight Member States at least, some non-nationals stood as a candidate and in seven Member States, some non-national candidates were also successfully elected.

#### **7.4. Standing as a candidate in ten municipalities**

In general, the number of candidates depends on the size of the municipality and consequently on how many members there are in the municipal council.

In Belgium there were between 0 and 25 non-national citizens of the Union standing as a candidate in each of ten municipalities. In Germany the number was 0-21 candidates.

In Italy candidates were fewer, as there were altogether 5 candidates in ten municipalities, between 0 and 2 per municipality. The situation in the Luxembourg municipalities is very similar, as there were between 0 and 5 non-national candidates per municipality.

In Austria there were between 0 and 6 candidates per municipality, altogether 13 non-national candidates in ten municipalities, of whom 6 were elected. Locally, the results were very good, as 4 out of 5 were elected. All of the municipalities were quite small (less than 4000 inhabitants), the smallest having 100-200 citizens of voting age. The Finnish situation is similar to the Austrian one, because the municipalities in question were small. There were 5 non-national candidates (2 Germans and 3 Swedes), none of whom was elected. The candidates were concentrated in two out of ten municipalities.

No information was received from Greece, Spain, Ireland, the Netherlands, Portugal, Sweden or the United Kingdom concerning the ten municipalities.

## 8. INFORMATION CAMPAIGNS

The municipal elections covered by this report were the first in which non-national citizens of the Union could take part in their Member State of residence in accordance with the provisions of the Directive. There is no doubt that an enormous information effort was required if the rights conferred - by virtue of Union citizenship - on those four million Europeans of voting age living in another Member State were to be exercised. These citizens were possibly unfamiliar not only with their rights, but also with how to go about availing themselves of those rights in their Member State of residence. It is particularly important to know how to be entered on the electoral roll in due time. The relevant procedures might well have differed from those in their Member State of origin.

The table in Annex 3 to the report shows the type of information campaign conducted in each Member State and the percentage of non-national citizens of the Union entered on the electoral roll. Generally, it can be stated that because the management of municipal elections is usually the responsibility of the local authorities, the information campaigns were often also conducted at local level. Therefore, the measures and instruments used varied greatly also within a particular Member State. Because of the local nature of information campaigns, it is difficult to evaluate their full scope.

Under Article 11 of the Directive, Member States must *inform non-national voters and persons 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.*

As regards the concept of conveying information “in an appropriate manner”, the Commission has stated on several occasions 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 provided is left entirely to the discretion of the Member States themselves.<sup>17</sup> While Member States are clearly given a broad margin of discretion, information must nonetheless be provided having due regard to 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 11 merely by providing the information it normally provides for its own nationals. The information must therefore be tailored to meet the specific information requirements of those electors.

The Commission also feels that, in assessing whether this provision of the Directive is properly applied, account must be taken of the practical results of the provision of information and its effects on the participation of Union citizens in municipal elections. Here a case-by-case approach is most appropriate, rather than setting general criteria or thresholds for participation.

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<sup>17</sup> The Commission stressed this most recently in its communication on the application of Directive 93/109/EC (COM(2000)843 final). That Directive includes a provision identical to Article 11 of the Directive, and the Commission considers that these should be interpreted in the same way.

The Commission welcomes the fact that nine Member States report that at least some of the local authorities sent information direct to potential electors (Belgium, Germany, Spain, Ireland, Italy, Luxembourg, Austria, Finland and Sweden). The Commission believes in the effectiveness of this type of information. It is noticeable that the two Member States with the lowest rate of registration of Union citizens, Greece and Portugal, do not make any reference to the use of personal letters in their local campaigns. The lack of personal contact may be one of the reasons for a low registration rate.

The Commission considers that the Member States where the registration rate is low should implement specific information measures, which might include sending personalised information by post or providing citizens of the Union with appropriate information whenever they have contact with the local authorities.

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 11 of the Directive, possibly giving rise to proceedings under Article 226 of the EC Treaty.

When asked by the questionnaire, all the Member States themselves considered that the information campaign had been sufficient and adequate.

## **PART III: CHANGES IN THE ELECTORATE**

### **9. CHANGES IN THE ELECTORATE**

Article 13 of the Directive requires the Commission to assess whether any changes have taken place in the electorate since the entry into force of the Directive. When the Directive was adopted, the Commission entered in the minutes a statement concerning Article 13, stressing that it would pay particular attention to any changes in the electorate following the entry into force of the Directive, which could create specific problems for certain Member States. The Council noted this in its own statement in the minutes.

In addition, the Greek delegation entered the following statement in the minutes: “In view of its geographical position, Greece attaches particular importance to the report that the Commission will be drawing up pursuant to Article 13. It expects that the Commission, bearing in mind changes in the electorate in the Member States, will assess the specific problems they may well face following the entry into force of the Directive.”

The questionnaire sent to the Member States contained a specific question concerning changes in the electorate. The replies are listed in Annex 4 to the report.

Twelve out of thirteen Member States that replied consider that there have been no significant changes in the electorate in general. As the German authorities report, because the number of non-national voters varies a great deal locally and regionally the entry into force of the Directive has had a very different impact in the different municipalities.

This is supported by the information from the ten municipalities in each Member State: it can be seen that locally the changes in the electorate may well be considered significant.

For example in Belgium, when compared with the previous local elections, there was an increase in the electorate of 2-20%, on average 9.7%, in ten municipalities, which is rather high. Comparing the last two elections in Spain, the increase in the electorate in ten municipalities was 21-35% and on average 29.3%, which indicates that locally the change in the electorate has been really significant.

Taking the information on the ten local councils with most non-nationals in the electorate in Ireland (years 1991-99), it can be concluded that locally the increase in the non-national electorate has been significantly higher than in the electorate in general: the general electorate increased in total by between 0.6% and 20.1%, on average 10.8%, but the number of non-nationals registered increased by 23.8-58.7%, on average 45.5%. Although non-nationals have been able to vote in Ireland since 1963, there was locally a significant increase in the number of registered non-national voters in the period when the Directive was implemented. This may be due to the specific information campaigns.

However, the results were quite different in the Netherlands, where citizens of the Union were also entitled to vote in the elections even before the Directive, although

under somewhat different conditions. In ten municipalities, the increase in the electorate (1994 and 1998) varied greatly, by between 0% and 11%, the average being 2.5%, which is not significant.

Naturally, there is no way of knowing for certain the extent to which the local increase in the electorate in the above examples is finally due to granting non-nationals the right to vote.

Spain was the only Member State to report a significant increase (of 6%) in the electorate, which was partly due to the 93% increase in the registration of non-national voters. However, even in Spain, there have been no specific problems because of changes in the electorate.

It can thus be concluded that no specific problems have arisen in the Member States in connection with a possible increase in the electorate. Consequently, the Commission does not consider it necessary to propose any adjustments in this context.

## **10. CONCLUSIONS**

As regards legal application, all the Member States have transposed the Directive and there are only a few problems of non-compliance. Thus, the implementation of the Directive has successfully served as a legal basis for extending the right to vote and to stand as a candidate in municipal elections to cover a further four million citizens of the Union. Legal implementation can be considered satisfactory and does not call for any changes to the Directive. This is borne out by the fact that the number of complaints concerning the application of the Directive has been low.

Application in practice has not been so successful, since the proportion of non-national citizens of the Union entered on the electoral rolls is in general rather low in the thirteen Member States covered by the report. The Commission is specifically concerned about the situation in Greece and Portugal. However, the Commission does not consider that this would necessitate new legislative measures, but improvements can be achieved by applying the requirements of the existing Directive correctly and efficiently, with special reference to appropriate and sufficient information campaigns. In order to improve the awareness of non-national citizens of the Union concerning their political rights, the Commission recommends sending personalised information by post or providing Union citizens with appropriate information whenever they have contact with the local authorities.

Thirdly, it can be concluded that no specific problems have arisen in the Member States in connection with a slight increase in the electorate. Consequently, the Commission does not consider it necessary to propose any adjustments in this context.

### ANNEX 1: National transposition measures

Member State	National transposition measures communicated to the Commission under Article 14	Date of adoption
<b>Belgium</b>	Loi du 27 janvier 1999 modifiant la loi du 19 octobre 1921 organique des élections provinciales, la nouvelle loi communale et la loi électorale communale, et portant exécution de la directive du Conseil de l'Union européenne n° 94/80/CE du 19 décembre 1994.	27 January 1999
<b>Denmark</b>	Lov nr. 208 af 29/03/95	29 March 1995
<b>Germany</b> Baden-Württemberg	1. Gesetz über die Teilnahme von Unionsbürgern an kommunalen Wahlen und Abstimmungen vom 13. November 1995 (GBl. S. 761) 2: Verordnung des Innenministeriums zur Änderung der Kommunalwahlordnung vom 27. November 1995 (GBl. S. 784).	13 November 1995
Bavaria	1. Gemeinde- und Landkreiswahlgesetz 2. Gemeinde- und Landkreiswahlordnung	26 June 1995
Berlin	1. Gesetz über die Wahlen zum Abgeordnetenhaus und zu den Bezirksverordnetenversammlungen (Landeswahlgesetz) vom 25. September 1987 (GVBl. S. 2370), zuletzt geändert durch das Gesetz vom 3. Juli 1995 (GVBl. S. 400). 2. Wahlordnung für die Wahlen zum Abgeordnetenhaus und zu der Bezirksverordnetenversammlungen (Landeswahlordnung) vom 8. Februar 1988 (GVBl. S. 373), zuletzt geändert durch Verordnung vom 10. August 1995 (GVBl. S. 540).	--
Brandenburg	1. Gesetz zur Änderung des Brandenburgischen Kommunalwahlgesetzes zur Umsetzung der Richtlinie 94/80/EG des Rates vom 19. Dezember 1994, und zur Änderung des Landesbeamtengesetzes vom 14. Dezember 1995 (GVBl. I S. 274) und die Verordnung zur Änderung der Brandenburgischen Kommunalwahlverordnung vom 18. Dezember 1995 (GVBl. I S. 738).	14 December 1995

Bremen	Gesetz zur Umsetzung der Richtlinie des Rates 94/80/EG vom 19. Dezember 1994 und 96/30/EG vom 13. Mai 1996 über die Einzelheiten der Ausübung des aktiven und passiven Wahlrechts bei den Kommunalwahlen für Unionsbürger mit Wohnsitz in einem Mitgliedstaat, dessen Staatsangehörigkeit sie nicht besitzen vom 1. Oktober 1996 (Brem. GBl. S. 303, 319).	1 October 1996
Hamburg	Gesetz vom 5. Dezember 1995 (Hamburgisches Gesetz- und Verordnungsblatt S. 353).	5 December 1995
Hessen	1. Gesetz zur Einführung des Kommunalwahlrechts für Unionsbürgerinnen und Unionsbürger vom 12. September 1995 (GVBl.1 S. 462) 2. Vierte Verordnung zur Änderung der Kommunalwahlordnung vom 8. November 1995 (GVBl. 1 S. 522).	12 September 1995 8 November 1995
Mecklenburg-Western Pomerania	1. Erstes Gesetz zur Änderung wahlrechtlicher Vorschriften (1. WRÄndG) vom 18. Dezember 1995 (GVBl. M-V S. 651) – ändert Kommunalwahlgesetz für das Land Mecklenburg-Vorpommern vom 26. November 1993 (GVBl. M-V S.938), 2. Gesetz zur Änderung Kommunalverfassungsrechtlicher Vorschriften und zur Einführung der direkten Wahl der Bürgermeister und Landräte vom 26. November 1997 (GVOBl M-V S. 694), 3. Erste Verordnung zur Änderung der Kommunalwahlordnung (1. KWO-ÄVO) vom 20. Dezember 1995 (GVOBl. M-V S. 675) – ändert Kommunalwahlordnung für das Land Mecklenburg-Vorpommern vom 25. Januar 1994 (GVOBl. M-V S. 33).	18 December 1995 20 December 1995 26 November 1997
Lower Saxony	Gesetz zur Einführung des aktiven und passiven Wahlrechts bei den Kommunalwahlen für nichtdeutsche Staatsangehörige von Mitgliedstaaten der Europäischen Union und zur Herabsetzung der Altersgrenze für das aktive Wahlrecht bei Kommunalwahlen vom 20. November 1995.	20 November 1995
North Rhine-Westphalia	1. Gesetz zur Einführung des Kommunalwahlrechts für Unionsbürger/innen vom 12. Dezember 1995 (GV. NW. S. 1198) 2. Verordnung zur Änderung der Kommunalwahlordnung vom 19. Dezember 1995 (GV.NW.S.1262);	12 December 1995 19 December 1995

Rhineland-Palatinate	<p>1. 33. Landesgesetz zur Änderung der Verfassung für Rheinland-Pfalz vom 12. Oktober 1995 (GVBl. S. 405),</p> <p>2. Zweite Landesgesetz zur Änderung kommunalrechtlicher Vorschriften vom 22. Dezember 1995 (GVBl. S. 521),</p> <p>3. Fünfte Landesverordnung zur Änderung der Kommunalwahlordnung vom 22. Dezember 1995 (GVBl. S. 27).</p>	<p>12 October 1995</p> <p>22 December 1995</p>
Saarland	<p>1. Gesetz zur Änderung des Kommunalwahlrechts vom 27. September 1995 (Amtsbl. S. 990)</p> <p>2. Verordnung zur Änderung der Kommunalwahlordnung vom 6. Oktober 1995 (Amtsbl. S. 1010).</p>	<p>27 September 1995</p> <p>6 October 1995</p>
Saxony	<p>1. Gemeindeordnung für den Freistaat Sachsen – SächsGemO vom 21.04 1993 (SächsGVBl. S. 310,445), zuletzt geändert durch Gesetz vom 10.12.1998 (SächsGVBl. S. 662);</p> <p>2. Landkreisordnung für den Freistaat Sachsen – SächsLKrO vom 19.07.1993 (SächsGVBl. S. 577), zuletzt geändert durch Gesetz vom 20.02.1997 (SächsGVBl. S. 105);</p> <p>3. Gesetz über die Kommunalwahlen im Freistaat Sachsen (Kommunalwahlgesetz - KomWG) vom 18.10.1993 (SächsGVBl. S. 937), zuletzt geändert durch Gesetz vom 10.12.1998 (SächsGVBl. S. 604);</p> <p>4. Verordnung des Sächsischen Staatsministeriums des Innern zur Durchführung des Gesetzes über die Kommunalwahlen im Freistaat Sachsen (Kommunalwahlordnung - KomWO) vom 13.12.1993 (SächsGVBl. 1994, S. 21), zuletzt geändert durch Verordnung vom 10.02.1999 (SächsGVBl. S. 62).</p>	<p>20 February 1997</p> <p>10 October 1998</p> <p>10 December 1998</p> <p>10 February 1999</p>
Saxony-Anhalt	<p>1. Gesetz über das Kommunalwahlrecht für nichtdeutsche Unionsbürger vom 6.11.1995 (GVBl. S. 314),</p> <p>2. Zweite Verordnung zur Änderung der Kommunalwahlordnung für das Land Sachsen-Anhalt vom 5.12.1995 (GVBl. S. 383)</p> <p>3. Gesetz vom 25. Juli 1997 zur Herabsenkung des Wahlalters zur aktiven Teilnahme an Kommunalwahlen.</p>	<p>6 November 1995</p> <p>5 December 1995</p> <p>25 July 1997</p>

Schleswig-Holstein	<p>1. Gesetz zur Änderung des Gemeinde- und Kreiswahlgesetzes vom 8. Dezember 1995 (GVOBl. Schl.-H. S. 480),</p> <p>2. Landesverordnung zur Änderung der Gemeinde- und Kreiswahlordnung vom 22. Dezember 1995 (GVOBl. Schl.-H. 1996 S. 19).</p> <p>3. Gesetz über die Wahlen in den Gemeinden und Kreisen in Schleswig-Holstein (Gemeinde- und Kreiswahlgesetz –GKWG-) in der Fassung vom 19.03.1997 (GVBl.SH S. 152)</p> <p>4. Landesverordnung über die Wahlen in den Gemeinden und Kreisen in Schleswig-Holstein (Gemeinde- und Kreiswahlordnung – GKWO) vom 19. März 1997 (GVOBl. Schl.-H. S. 167).</p>	<p>8 December 1995</p> <p>22 December 1995</p> <p>19 March 1997</p>
Thuringia	<p>1. Thüringer Gesetz über die Wahlen in den Landkreisen und Gemeinden (Thüringer Kommunalwahlgesetz – ThürKWG) vom 16. August 1993 (GVBl. S. 530), geändert durch das Gesetz vom 25. März 1994 (GVBl. S. 358)</p> <p>2. Zweite Verordnung zur Änderung der Kommunalwahlordnung vom 12. Dezember 1995 (GVBl. S. 420).</p>	<p>12 December 1995</p>
<b>Greece</b>	<p>Προεδρικό Διάταγμα υπ' αριθ. 164, Τροποποίηση του Π. Δ/τος 133/1997 «Άσκηση του δικαιώματος του εκλέγειν και εκλέγεσθαι κατά τις Δημοτικές και Κοινοτικές εκλογές από πολίτες της Ευρωπαϊκής Ένωσης που κατοικούν στην Ελλάδα και δεν είναι Έλληνες πολίτες, σε συμμόρφωση προς την 94/80/EK Οδηγία του Συμβουλίου της Ευρωπαϊκής Ένωσης (L 368 της 31.12.1994, σελ. 38) (Α' 121)», ΦΕΚ Α' 145 της 8ης Ιουλίου 1997.</p>	<p>8 July 1997</p>
<b>Spain</b>	<p>Ley Orgánica número 1/97 de 30/05/1997, de modificación de la Ley Orgánica del Régimen Electoral General para la transposición de la Directiva 94/80/CE, de Elecciones Municipales, Boletín Oficial del Estado número 130 de 31/05/1997 Página 16828 (Marginal 11653)</p>	<p>30 May 1997</p>
<b>France</b>	<p>Loi organique n° 98/404 du 25/05/1998 déterminant les conditions d'application de l'article 88-3 de la Constitution relatif à l'exercice par les citoyens de l'Union européenne résidant en France, autres que les ressortissants français, du droit de vote et d'éligibilité aux élections municipales, et portant transposition de la directive 94/80/CE du 19/12/1994, Journal Officiel du 26/05/1998 Page 7975</p>	<p>25 May 1998</p>
<b>Ireland</b>	<p>The Local Elections Regulations, 1995, Statutory Instruments number 297 of 1995</p>	<p>1995</p>

<b>Italy</b>	Decreto legislativo del 12/04/1996 n. 197, attuazione della direttiva 94/80/CE concernente le modalità di esercizio del diritto di voto e di eleggibilità alle elezioni comunali per i cittadini dell'Unione europea che risiedono in uno Stato membro di cui non hanno la cittadinanza, Gazzetta Ufficiale - Serie generale - del 15/04/1996 n. 88 pag. 7	12 April 1996
<b>Luxembourg</b>	1. Loi du 28/09/1995 fixant les modalités de participation aux élections communales des citoyens non luxembourgeois de l'Union Européenne et modifiant 1) la loi électorale modifiée du 31/07/1924 2) la loi communale modifiée du 13/12/1988, Mémorial Grand-Ducal A Numéro 101 du 28/12/1995 Page 2551 2. Loi du 28/12/1995 modifiant la loi communale du 13/12/1988, Mémorial Grand-Ducal A Numéro 101 du 28/12/1995 Page 2553	28 September 1995 28 December 1995
<b>Netherlands</b>	Wet van 03/07/1996, houdende wijziging van de Kieswet en de Gemeentewet ter uitvoering van richtlijn nr. 94/80/EG van de Raad van de Europese Gemeenschappen van 19/12/1994 tot vaststelling van de wijze van uitoefening van het actieve en passieve kiesrecht bij gemeenteraadsverkiezingen ten behoeve van burgers van de Unie die verblijven in een Lid-Staat waarvan zij de nationaliteit niet bezitten, Staatsblad nummer 392 van 16/07/1996 bladzijde 1	3 July 1996
<b>Austria</b> Burgenland	1. Landesverfassungsgesetz vom 17/4/1997, mit dem die Burgenländische Gemeindeordnung geändert wird (Gemeindeordnungsnovelle 1997) 2. Gesetz vom 17/4/1997, mit dem die Gemeindevahlordnung 1992 geändert wird (Gemeindevahlordnungsnovelle 1997) 3. Landesverfassungsgesetz vom 17/4/1997, mit dem das Eisenstädter Stadtrecht geändert wird (Eisenstädter Stadtrechtsnovelle 1997) 4. Landesverfassungsgesetz vom 17/4/1997, mit dem das Ruster Stadtrecht geändert wird (Ruster Stadtrechtsnovelle 1997)	17 April 1997

Carinthia	<ol style="list-style-type: none"> <li>1. Allgemeine Gemeindeordnung 1993 - AGO, LGBl. 1993/77 (Änderung zur Umsetzung der Richtlinien: LGBl. 1996/21);</li> <li>2. Klagenfurter Stadtrecht 1993 - K-KStR, LGBl. 1993/112 (Änderung zur Umsetzung der Richtlinien: LGBl. 1996/23);</li> <li>3. Villacher Stadtrecht 1993 - K-VStR, LGBl. 1993/118 (Änderung zur Umsetzung der Richtlinien: LGBl. 1996/22);</li> <li>4. Gemeinderats- und Bürgermeisterwahlordnung - K-GBWO, LGBl. 1991/9 (Änderung zur Umsetzung der Richtlinien: LGBl. 1996/20);</li> <li>5. Landesverfassungsgesetz über die Direktwahl der Bürgermeister - K-BDW-VG, LGBl. 1994/74 (Änderung zur Umsetzung der Richtlinien: LGBl. 1996/19).</li> <li>6. Gesetz vom 3/12/1999 mit dem die Gemeinderats- und Bürgermeisterwahlordnung geändert wird</li> </ol>	14 December 1995
Lower Austria	<ol style="list-style-type: none"> <li>1. NÖ Gemeindeordnung 1973 – NÖ GO 1973, LGBl. 1000-0 (letzte Änderung: LGBl. 1000-9);</li> <li>2. NÖ Gemeinderatswahlordnung 1994 - NÖ GROW 1994, LGBl. 0350-0 (letzte Änderung: LGBl. 0350-1);</li> <li>3. NÖ Landesbürgerevidenzgesetz, LGBl. 0050-0 (letzte Änderung: LGBl. 0050-2).</li> </ol>	7 October 1999
Upper Austria	Gesetz zur Änderung des Brandenburgischen Kommunalwahlgesetzes zur Umsetzung der Richtlinie 94/80/EG des Rates vom 19. Dezember 1994, und zur Änderung des Landesbeamtengesetzes vom 14. Dezember 1996 (GVBl. I S. 274) und die Verordnung zur Änderung der Brandenburgischen Kommunalwahlverordnung vom 18. Dezember 1995 (GVBl. I S. 738).	4 July 1996
Salzburg	<ol style="list-style-type: none"> <li>1. Salzburger Gemeindewahlordnung 1974 letzte Änderung LGBl. Nr. 1997/79</li> <li>2. Salzburger Gemeindeordnung 1994, letzte Änderung LGBl. Nr. 1997/38</li> <li>3. Salzburger Stadtrecht 1966, letzte Änderung LGBl. Nr. 1997/16.</li> </ol>	--

Styria	<ol style="list-style-type: none"> <li>1. Gemeindewahlordnung 1960, LGBL. 1960/6 (Änderung zur Umsetzung der Richtlinien: LGBL. 1997/43 - GWO);</li> <li>2. Gemeindewahlordnung Graz 1992, LGBL. 1992/42 (Änderung zur Umsetzung der Richtlinien: LGBL. 1997/44 – GWO-G);</li> <li>3. Gemeindeordnung 1967, LGBL. 1967/115 (Änderung zur Umsetzung der Richtlinien: LGBL. 1997/4);</li> <li>4. Statut der Landeshauptstadt Graz, LGBL. 1967/130 (Änderung zur Umsetzung der Richtlinien: LGBL. 1997/42).</li> </ol>	30 June 1997
Tyrol	<ol style="list-style-type: none"> <li>1. Tiroler Gemeindewahlordnung 1994 (TGWO 1994), LGBL. 1994/88 (letzte Änderung: LGBL. 1995/94);</li> <li>2. Innsbrucker Wahlordnung 1975 (IWO 1975), LGBL. 1975/54 (letzte Änderung: LGBL. 1995/95);</li> <li>3. Tiroler Landesordnung 1989, LGBL. 1988/61 (letzte Änderung: LGBL. 1995/36).</li> </ol>	11 October 1995
Vienna	<ol style="list-style-type: none"> <li>1. Wiener Gemeindewahlordnung 1996 (GWO 1996), LGBL. 1996/16, idF LGBL 1996/31</li> <li>2. Wiener Stadtverfassung (WStV), LGBL. 1968/28 (Änderung zur Umsetzung der Richtlinien: LGBL. 1996/16), idF LGBL 1997/41.</li> </ol>	28 March 1996
Vorarlberg	<ol style="list-style-type: none"> <li>1. Landesverfassung, LGBL. 1984/30 (entsprechende Änderung: LGBL. 1997/64);</li> <li>2. Gemeindewahlgesetz, LGBL. 1979/31 (entsprechende Änderung: LGBL. 1997/67);</li> <li>3. Gemeindegesetz, LGBL. 1985/40 (entsprechende Änderung: LGBL. 1997/69).</li> <li>4. Wählerkarteigesetz, LGBL. 1987/57 (entsprechende Änderung: LGBL. 1997/68).</li> </ol>	7 August 1997
<b>Portugal</b>	Lei n° 50/96 de 04/09/1996. Altera a Lei n° 69/78, de 3 de Novembro (Lei do Recenseamento Eleitoral), e o Decreto-Lei n° 701-B/76, de 29 de Setembro (Lei Eleitoral dos Órgãos das Autarquias Locais), Diário da República I Série A n° 205, de 04/09/1996, Página 2946.	4 September 1996

<b>Finland</b>	<ol style="list-style-type: none"> <li>1. Kuntalaki (365/95) 17/03/1995</li> <li>2. Laki Suomen Hallitusmuodon muuttamisesta (969/95), 17/07/1995</li> <li>3. Laki Suomen Hallitusmuodon 11 §:n muuttamisesta (1641/95), 22/12/1995</li> <li>4. Laki kuntalain 10 ja 26 §:n muuttamisesta (1647/95), 22/12/1995</li> <li>5. Laki kunnallisvaalilain muuttamisesta (1648/95), 22/12/1995</li> <li>6. Laki neuvoa-antavissa kunnallisissa kansanäänestyksissä noudatettavasta menettelystä (1649/95), 22/12/1995</li> <li>7. Landskapslag om rösträtt och valbarhet I kommunalval för personer som saknar åländsk hembygdsrätt, 02/05/1997</li> <li>8. Landskapslag om rösträtt och valbarhet i kommunalval för personer som saknar åländsk hembygdsrätt (63/97) 14/08/1997, Ålands författningssamling</li> </ol>	Between March 1995 and August 1997 (Åland Islands)
<b>Sweden</b>	Vallag utfärdad den 17 april 1997 – SFS 1997 :157	17 April 1997
<b>United Kingdom</b>	The Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995	23 July 1995

## Annex 2: Municipal elections: Questionnaire

### A. Statistical data

#### 1. National statistics

- 1.1 Total number of non-national Community citizens of voting age resident in your Member State?
  - 1.1.1 Breakdown by Member State?
- 1.2 Total number of non-national Community citizens entered on the electoral roll in your Member State?
  - 1.2.1 Breakdown by Member State?
- 1.3 If Union citizens are automatically enrolled on the electoral rolls in your Member State, number of non-nationals who voted?
  - 1.3.1 Breakdown by Member State?
- 1.4 Number of non-nationals standing?
- 1.5 Number of non-nationals elected?

#### 2. Local statistics

- 2.1 Which are the ten (10) municipalities with the highest percentage of non-national Union citizens of voting age?
- 2.2 For each of these ten municipalities, please give the following information for the last municipal election before the Directive entered into force and next elections:
  - 2.2.1 Total number of voters?
  - 2.2.2 Total number of votes cast?
  - 2.2.3 Number of citizens of voting age?
    - 2.2.3.1 Breakdown by Member State?
  - 2.2.4 Total number of non-national Community citizens entered on the electoral roll?
    - 2.2.4.1 Breakdown by Member State?
  - 2.2.5 If Union citizens are automatically enrolled in the electoral rolls in your Member States, number of non-nationals who voted?
    - 2.2.5.1 Breakdown by Member State?
  - 2.2.6 Result of the elections?
  - 2.2.7 Number of non-nationals standing?
  - 2.2.8 Number of non-nationals elected?

### B. Qualitative data

#### 1. Information

- 1.1 Please give the details of the measures taken to inform EU citizens of their right to vote and stand as candidates and of how to go about exercising it.
- 1.2 Do you consider the information campaign adequate?

#### 2. Changes in electorate

- 2.1 Did the application of Directive 94/80/EC significantly modify the electorate?
- 2.2 Did the application of the Directive modify the political composition of elected bodies in these municipalities?

### ANNEX 3: Information campaign

Member State	Description of the information campaign	Proportion of non-national citizens of the Union entered on electoral roll
<b>Belgium</b>	Announcements were published in daily newspapers. An information leaflet was distributed widely via municipal administrations and post offices. The leaflet was also sent to municipal authorities so that they were able to forward it individually to all non-national citizens of the Union. Leaflets were also distributed in the European schools. An Internet site on elections was created and there were TV spots on several national and regional channels.	17.8%
<b>Germany</b>	<p>All voters registered on the electoral rolls receive a personal notification about three weeks before the election day. This applies also to the non-national voters who have been registered automatically. Otherwise, the municipalities inform the voters through an official announcement. There were also local campaigns:</p> <p>Baden-Württemberg: Municipalities distributed a multi-language leaflet prepared in cooperation with the Ombudsman for Foreigners.</p> <p>Bavaria: There was a special announcement on conditions for voting. An information leaflet was distributed via schools, consulates, authorities, associations and promoters of civic awareness.</p> <p>Berlin: A letter was sent in two languages (German/mother tongue) to non-national voters. The Electoral Authority informed the media through press releases, press conferences and the Internet.</p> <p>Brandenburg: Distribution of leaflets, Internet.</p> <p>Hamburg: The Electoral Authority informed the media by press releases and through an information leaflet in 11 languages.</p> <p>Hessen: There was a large-scale general information campaign concerning the new Act on citizen participation using the media (radio, television, newspapers, cinema, leaflets sent to all voters and Internet). An info-flyer</p>	(all registered automatically)

	<p>was prepared in English, Greek, Italian and Spanish especially for non-national voters. Information was provided on the Internet.</p> <p>Mecklenburg-Western Pomerania: Announcement in official gazette and information in local press.</p> <p>Lower Saxony: The Electoral Authority prepared an information leaflet in 11 Union languages, which was available at the municipalities, election management bodies and the press centre. It was also posted on notice boards in public buildings. There were press releases and an Internet site.</p> <p>North Rhine-Westphalia: Press releases, Internet.</p> <p>Rhineland-Palatinate: Information was provided in Union languages. Several information seminars and public meetings were organised.</p> <p>Saarland: Press releases; the Ausländerbeirat (Council of Foreigners) distributed the information.</p> <p>Saxony: Special information was provided for non-national voters (because they were obliged to register). The municipalities took decisions on information campaigns locally.</p> <p>Saxony-Anhalt: The municipalities took decisions on information campaigns locally.</p> <p>Schleswig-Holstein: A special remark was included in the official announcement on elections. In addition, there was PR work, including press releases.</p> <p>Thuringia: A leaflet was distributed through municipalities. The Ombudsman for Foreigners informed the non-national voters.</p>	
<b>Greece</b>	<p>The municipal authorities informed voters about the registration procedures through the local press and radio. Information leaflets were published in English, German, French and Greek and distributed via embassies, cultural institutions and municipalities. There were specific telephone lines to answer questions.</p>	9.5%
<b>Spain</b>	<p>The Ministry of the Interior ran a nationwide information campaign starting in January 1999. It consisted of publicity shots on TV (both public and private channels) and radio and the distribution of leaflets in Spanish, English, French and German. The Central Electoral Offices prepared documents for the municipalities to use to</p>	24.4%

	facilitate registration. Many municipalities organised their own campaigns. A personal letter was sent to all Union citizens in February 1999, informing them about the obligation to enrol on electoral rolls. A prepaid reply coupon was enclosed in the letter. A free telephone information hot line was arranged. A special public campaign was carried out through different media when the electoral rolls were established to inform voters about the right to appeal.	
<b>Ireland</b>	A fact sheet, highlighting the electoral rights of resident citizens of the Union was enclosed with the registration form issued to all households in autumn 1998. This was also sent to all new citizens of the Union known by the registration authorities. The national newspaper campaign for the draft 1999/2000 register emphasised that the register would be used for local elections. Notices publicising the register inserted as supplements in national newspapers highlighted the electoral rights of resident Community citizens at elections.	52.8%
<b>Italy</b>	The central government distributed leaflets by all legal and technical means and many municipalities sent a letter to all non-national voters residing in their area, inviting them to register on the electoral rolls.	19.2%
<b>Luxembourg</b>	The government published a brochure addressed to non-national voters. Locally, there were different campaigns: in some municipalities, the local authorities made door-to-door visits to non-national residents, information meetings were organised in cafés, personalised letters were sent to potential voters in their mother tongue; a pre-completed registration form was distributed, which could be signed and returned; the administration had a special information desk with long opening hours; announcements were published in local papers.	12.4%
<b>Netherlands</b>	Municipalities published announcements and special election newspapers in several languages on the right to vote of non-nationals. A letter was sent to all the political parties drawing their attention to the conditions for non-nationals to stand as candidate. There were announcements, leaflets and advertisements on TV and radio on the municipal elections in general. The Ministry of the Interior distributed leaflets and set up a telephone hot line to answer any questions.	(all registered automatically)
<b>Austria</b>	By means of a circular (Wahlerlass) the Ministry urged municipalities to inform citizens. The municipalities published announcements, posted public notices and used local press, TV and radio. Leaflets were also distributed and non-national citizens were contacted personally (the application form was sent to them).	54.2%

<b>Portugal</b>	In the 1997 elections, there were TV and radio spots and announcements in the newspapers and the Ministry produced leaflets and posters in different languages, which were distributed through organisations frequented by potential voters. In the 2001 elections, the authorities prepared 50 000 copies of a leaflet on the voting rights of foreigners in Portugal, which was distributed through the municipalities, embassies and the Department for Foreigners. Information sites were created on the Internet both for the municipal authorities and for the general public. TV and radio spots on registration were shown.	9.8%
<b>Finland</b>	All non-nationals citizens of the Union and other foreigners received by mail a personal letter informing them about the right to vote, eligibility, standing as a candidate and voting. The letter was in three languages (Finnish, Swedish and English). In addition, all voters, both Finns and non-nationals, received the official announcement about the right to vote (a “voting card”) by mail.	(all registered automatically) (Turnout 30.7%)
<b>Sweden</b>	All persons with the right to vote received a leaflet with instructions on voting by personal letter. Information was translated into between 14 and 16 languages, including Finnish, English, German, French and Spanish. The information about standing as a candidate was distributed by the political parties.	(all registered automatically) (Turnout 35-49% depending on nationality group)
<b>United Kingdom</b>	The Electoral Commission has responsibility for voter awareness programmes. The Commission has launched a campaign to raise awareness of the right to register and to vote in the forthcoming local elections in 2002. This is aimed at all voters and in particular 18-24 year olds. There is no specific targeting of EU citizens.	41.1%

#### Annex 4: Changes in the electorate

Member State	Did application of the Directive significantly modify the electorate?	Did application of the Directive significantly modify the political composition of elected bodies?
<b>Belgium</b>	Compared to the last national elections in 1999, the number of electors rose by 1.2%, which is not considered to be significant.	No information; cannot really say in general; certain individual cases where this could have had an impact.
<b>Germany</b>	Because the number of non-national voters varies so much locally and regionally, it has had a different impact in different municipalities.	No cases known where application might have affected the political composition; however, this is entirely possible.
<b>Greece</b>	No significant change.	No changes in elected bodies.
<b>Spain</b>	Yes, there was a significant increase of 6% in the electorate, which was partly due to the 93% increase in non-national voters. A comparison can be made in the case of Danish, Swedish and Dutch citizens residing in Spain, who had the right to vote also in the previous elections in 1995. In those groups the increase of the electorate was 168%-292%.	No significant changes in the elected bodies; only 4 non-national candidates were elected.
<b>Ireland</b>	Because all residents have had the right to vote since 1963, implementation did not result in any significant change.	No, because no significant changes in electorate.
<b>Italy</b>	Application of the Directive did not bring about a significant evolution in the electorate because of the low number of non-national EU citizens in Italy and the even lower number of registered voters.	No changes in the elected bodies in the ten municipalities studied.
<b>Luxembourg</b>	No reply.	No reply.
<b>Netherlands</b>	Not possible to reply.	Not possible to reply.

<b>Austria</b>	Implementation of the Directive has caused an increase in the electorate in many municipalities.	At least 20 non-national citizens were elected.
<b>Portugal</b>	The evolution is not important due to the fact that the communities of EU nationals living in Portugal are not large. It should be mentioned that the first elections open to non-national voters were those of 1997.	No important modifications due to the fact that: - There were a limited number of non-national candidates in the 1997 elections and therefore a limited number of non-nationals actually elected.  - Independent candidatures, outside political parties, were not permitted (this was changed by the latest amendment to the Constitution) except for the elections to the Assembleia de Freguesia, the smallest local body.
<b>Finland</b>	No.	No.
<b>Sweden</b>	There were no significant changes in the electorate because the nationals of Member States already had the right to vote in municipal elections before, under certain conditions.	The implementation of the Directive did not change the composition of elected bodies; the number of elected EU citizens in fact decreased compared to the previous elections.
<b>United Kingdom</b>	No.	No.