



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 93/109/EC**

*Voting rights of EU citizens living in a Member State of which they are not nationals
in European Parliament elections*

EXECUTIVE SUMMARY

Council Directive 93/109/EC was applied by all the Member States to the June 1994 EP elections. Sweden, Austria and Finland also applied it to their first EP elections held in the course of 1995 and 1996. On this basis, circa 4.471.647 eligible Union citizens resident in a Member State of which they are not nationals were able take to part in the elections in their Member State of residence, if they so wished.

A low turnout

However, the results of the June 1994 election highlighted two shortcomings in the participation of non-national Union citizens. First and foremost there was a lack of information about the new rights. Secondly there was a dramatically low rate of successful non-national candidates. Participation of non-national voters in the Member State of residence varied between 44.11% in Ireland where this right had been available since 1979, to 1.55% in Greece. The aggregate turnout of non-national Union citizens in the Fifteen was of about 5.87%. Only one non-national candidate was elected in her Member State of residence. These figures should be considered alongside the continuing steady decline in national voter participation in European Parliament elections, from 63.0% in 1979 to 56.5% in 1994.

Implementation

The Commission has completed the analysis of the implementation laws and concluded that on the whole the directive was satisfactorily implemented by Member States. At the Commission's request a number of minor adjustments to the implementation laws have been carried out by the Member States. Considering the most recent population figures, the derogation awarded to Luxembourg with regard to a minimum residence period should be confirmed for the next European Parliament elections.

On the basis of that analysis, the Commission submits that at this stage, the Directive itself does not need to be changed. This being said, the Commission considers that improvements in its application should be carried out by Member States specifically with regards to Articles 12 and 13, with a view to increase participation of non-national voters and candidates and to fine tune the mechanism for the exchange of information between the Member States on EU citizens wishing to vote in their Member State of residence:

Information campaign

Member States should substantially increase their efforts to inform their non-national EU residents as provided by Article 12 of the Directive. This is particularly the case for those Member States that do not contact their EU citizens individually and make use of administrative posting only.

For its part the Commission, together with the European Parliament, will continue to provide detailed information on how electoral rights should be exercised building on the Citizens First information initiative and the oncoming Citizens Dialogue.

The exchange of information

In order to curb the double vote, Article 13 requires Member States to exchange information about their nationals voting in their Member State of residence. The Commission submits that substantial improvements in the application of the current provisions should be carried out.

In order to achieve this the Commission's services are presently working with Member States in order to improve administrative co-operation. The objective is to find a reliable, flexible and cost-effective way which will enable Member States to exchange information about their nationals voting in the Member State of residence, in time to introduce modifications to their electoral rolls and in the respect of the rules on the protection of individuals with regard to the processing of personal data.

The participation in the political process prior to elections

Although not foreseen by a specific provision of the directive, in order to ensure that the right to stand as a candidate is more widely enjoyed by non-national EU, it appears important to facilitate their participation in the political life of their Member State of residence.

The role of political parties, both at national and European level is of course paramount towards the achievement of this goal. But efforts should also be deployed at national level to remove any potential obstacles to the political activity of Union citizens.

The Commission for its part will fulfil its role as guardian of the Treaty and take all the necessary steps towards ensuring that discrimination on the basis of nationality does not hinder Union citizens from presenting their candidature.

TABLE OF CONTENTS

Introduction

1. The situation prior to the entry into force of the Directive
2. The scope of Article 8B(2) CE and the objectives of Directive 93/109

Chapter I : THE JUNE 1994 ELECTIONS

3. The information campaign
 - 3.1 The duty to inform
 - 3.2 The implementation
 - 3.3 The role of the European institutions
4. Who is entitled to participate and the conditions for the exercise of these rights
 - 4.1 Entry into the electoral roll
 - 4.2 Maintenance in the electoral roll
 - 4.3 The disqualification rule

CHAPTER II : EVALUATION OF THE APPLICATION OF THE DIRECTIVE

5. The participation of non-national voters and candidates
6. Reasons for low turnout
7. The exchange of information between Member States
8. Derogations and transitional provisions

CHAPTER III: CONCLUSIONS

9. Suggested improvements to the application of the directive

INTRODUCTION

Voting rights in European Parliament elections and in local elections in the Member State of residence are one of the most important new entitlements conferred on all nationals of the Member States by the Treaty of Maastricht. Taking part, in the democratic process of the host Member State on an equal footing as nationals not only embodies the idea of a citizenship of the Union as a set of common values shared by all but it also strengthens, on an individual basis the integration of the Union citizen in the host Member State¹.

The first application of these new rights, to the June 1994 European Parliament elections enabled circa 4.471.647 eligible Union citizens resident in a Member State other than their own to take part in the elections, if they so wished. Those residing in the three new Member States soon followed suit as the first ever European Parliament elections were held on 17 September 1995 in Sweden and on 13 and 20 October 1996 in Austria and Finland.

Objective of the present report is to evaluate the application of Council Directive 93/109/EC of 6 December 1993 which lays down detailed arrangements for the exercise of the right to vote and to stand as a candidate in European Parliament elections for Union citizens resident in a Member State of which they are not nationals².

It briefly explains the main principles behind the directive and relates on the procedures applicable in the Fifteen on the basis of which non-national residents were able to participate in the elections. It analyses how the implementation laws interacted with national legislation in the respect of the principle of non-discrimination. Finally it evaluates how the electorate responded and explores avenues of improvement in the application of the Directive.

The Commission would like to take this opportunity to thank Member States for providing information for the presentation of this report. During the course of 1995, two meetings with experts of the Member States were held under the auspices of the Commission and bilateral contacts continued during the course of 1996. The contents of the six tables annexed to this report have been reviewed by the Member States.

1. The situation prior to the entry into force of the Directive

Before the introduction of the directive most Member States allowed their expatriate citizens to vote in European Parliament elections through proxy or at consulates and embassies whilst voting rights were extended to non-nationals EU citizens in four Member States only.

¹ Cf. 2nd Report of the Commission on citizenship of the Union, COM (97) 230 of 27 May, 1997

² OJ L 329/34 of 30.12.1993. Article 16 of the Directive provides for the Commission to submit a report by 31 December 1995 on the June 1994 EP elections only. But in order to allow for a global evaluation of the application of the Directive including in the three new Member States, the presentation of the report was postponed.

In Ireland, nationals of another Member State have been able to vote since the first elections by direct universal suffrage of 1979. The Netherlands granted the right to vote to its non-national EU residents who had lost their voting rights due to residence abroad. In Belgium, nationals of other Member States could vote provided that they had been in the population register for at least three years and had lost their voting rights in their home Member State on account of their residence in Belgium. Lastly, all Irish nationals and Commonwealth citizens had the right to vote in the United Kingdom.

As far as the right to stand as a candidate was concerned, prior to the Directive only two Member States allowed non-nationals to stand as candidates in their territory. Italy welcomed nationals of all Member States to stand for election regardless of their residence since 1979 and the United Kingdom allows Irish nationals to stand as candidates.

2. *The scope of Article 8B (2) of the EC Treaty and the objectives set out in Directive 93/109*

In granting the right to vote and to stand as a candidate to Union citizens resident in another Member State, *Article 8 B of the EC Treaty does not seek to harmonise electoral laws of the Member States* but merely to eliminate the nationality condition which, in most cases, meant that Union citizens did not enjoy electoral rights outside their own Member State.

Similarly, its provisions and implementation are *without prejudice to the uniform electoral procedure provided for in Article 138 (3) of the EC Treaty*. Article 8B is concerned exclusively with extending electoral rights to Union citizens resident in another Member State, under the same conditions as nationals of that State, whereas Article 138 (3) aims to introduce, throughout the Union, a set of common rules on the basis of which EP elections are to be held. These concern, for instance, the voting system, the scrutiny of members' credentials, the rules on incompatibility, the allocation of seats and other matters.

Existing electoral rights are also unaffected by the provisions of Article 8B (2). Member States retain their competence to maintain or grant electoral rights to third country nationals residing in their territory. Similarly, the rules governing the exercise of voting rights by expatriate Union citizens in favour of their own national candidates through embassies, consulates or by proxy, are expressly outside the scope of the Directive.

In pursuing the aims set out by Article 8B (2), Directive 93/109 laid down the principles under which *EU citizens resident in another Member State may exercise their rights in their Member State of residence provided that they fulfil the conditions imposed by the electoral law of that Member State with regard to its own nationals*. These principles are:

- The freedom of choice - Union citizens are free to choose whether to exercise their rights in their Member State of origin or in that of residence.
- A single vote and a single candidature - No one may vote or stand as a candidate in more than one Member State in the same EP election. By opting to vote or to stand in one Member State, the EU citizen automatically loses the same right in the other Member State. In order to avoid double voting and double candidature, Member States exchange information on citizens exercising their rights abroad.
- First entry into the electoral roll in the Member State of residence by application only - EU citizens wishing to exercise their franchise in their Member State of residence must apply to be entered on the electoral roll.
- Equal access to electoral rights - On the basis of the principle of non discrimination EU citizens are to benefit from electoral rights under the same conditions as nationals of the State of residence. This includes, for example, access to the same appeal procedures with regard to omission or errors in the electoral roll or in the application to stand as a candidate or an obligation to vote extended to registered non-nationals. Similarly, once on the electoral roll, the EU citizen remains on it under the same conditions as nationals or until he/she requests to be removed.
- Extra territorial effect of the rules of disqualification of candidates - No one deprived of the right to stand as a candidate in his/her Member State of origin may be elected to the European Parliament in his/her Member State of residence.
- A duty to inform - In order to ensure that Community voters living in a Member State other than their own are made aware of their new entitlements, the Directive imposes an obligation on the Member State of residence to inform its Community residents, "in good time and in an appropriate manner" of the ways in which their rights may be exercised
- Derogations only if warranted by a specific situation in a Member State - Article 8B exceptionally allows for derogations to the principle of equal treatment to be introduced where warranted by the specific situation in a Member State. The Directive contains two derogations. The first one relates to minimum residence requirements that may be imposed on non-nationals by those Member States whose proportion of non-national EU citizens exceeds 20% of enfranchised Union citizens. The second one concerns those Member States in which EU residents have already taken part in national elections and to that effect were entered on the electoral roll under exactly the same conditions as nationals. The Directive allows these Member States to refrain from applying some of its provisions in respect of such nationals.
- Transitional provisions applicable only to the June 1994 elections: The four transitional provisions concern the formalities required for entry into the electoral roll and the presentation of candidatures already underway in some Member States at the time of the adoption of the Directive. Their insertion was dictated by the need to cope with the limited time available between the adoption of the Directive and the holding of the 4th direct elections to the European Parliament.

CHAPTER I: THE JUNE 1994 ELECTIONS

National rules prevail

Pending the adoption of a uniform electoral procedure, European Parliament elections are governed by national legislation, by the 1976 Act concerning the elections of the representatives of the European Parliament by direct universal suffrage³ and finally by the provisions of Article 8B (2) and by those of directive 109/93 which implements them.

The 1994 elections to the European Parliament were held on 9 June in Denmark, Ireland, the Netherlands and the United Kingdom and on 12 June in Belgium, Greece, Germany, Spain, France, Italy, Luxembourg and Portugal.

The Accession Act provided for the new Member States to hold their first European Parliament elections by direct universal suffrage within the first two years following accession⁴. Sweden chose to elect its representatives on 17 September 1995 whereas Austria and Finland held their first EP elections in the course of 1996, namely on the 13th and 20th October respectively.

All twelve Member States implemented the provisions of Directive 93/109 within the prescribed deadline and in time for the June 1994 elections. The three new Member States adopted the necessary provisions by 1996 and applied them in their first EP elections. Detailed references to all implementation laws may be found in Table 6, annexed.

3. The information campaign

3.1 A duty to inform

The obligation set out in Article 12 of the Directive to inform EU citizens in good time and in an appropriate manner, leaves Member States free to decide how to carry out the information campaign. The objective is of course to mobilise expatriates sufficiently in advance in order to allow them to request their entry into the electoral roll or, in the case of candidates, to allow them to fulfil the necessary requirements to present their candidature.

The need for an effective information campaign was underlined from the outset by the European Parliament whose members adopted resolutions calling for an appropriate information campaign and for "...Union citizens to be informed on the same basis as nationals of the Member States and in particular to receive letters of notification addressed to them in person ..."⁵. Throughout the period of

³ OJ L 278 of 8.10.1976

⁴ Art 31 (1) and (2) of the Act of Accession in OJ C241/27 of 29.8.1994

⁵ Resolution B3-0064/94 of 20 January 1994 on Voting Rights for citizens of the Union in

implementation a number of petitions and written and oral questions were presented by MEPs focusing on the access of non-nationals to their new rights and notably their right to be informed.

3.2 Its implementation

Generally speaking, for the June 1994 EP election, Member States chose one of two approaches : To carry out an information campaign addressed to the public in general or to forward individual letters to registered Union citizens.

In the first category were Belgium, France, Spain, Germany, Greece, Ireland, Italy, Portugal, Austria and the United Kingdom. In these Member States, an information campaign was initiated by the central government but the final responsibility for relaying the information to the general public was left to local authorities. In some of these Member States these authorities took it upon themselves to address voters personally through direct mailing. This was the case for instance in some municipalities of Belgium and in some German Länder.

Table 1 indicates by Member State, the measures adopted to inform the public. They ranged from press releases and the distribution of leaflets in various languages to compulsory posting of public notices. Throughout the Union television appears to have played a minor role in diffusing the information.

Other Member States adopted the second approach and informed registered Community voters of their rights through direct mailing. This was the case in Luxembourg where an information leaflet was published in 5 languages and forwarded to all residents. In Denmark, Sweden and Finland individual letters containing a brief explanation of the new rights as well as an application to vote were addressed to all eligible EU residents three to six months before polling day. In Northern Ireland an information leaflet was distributed to every household. Finally, the Netherlands, in accordance with Article 15 c of the Directive, forwarded a letter informing all registered EU citizens that they would be entered on the Dutch electoral roll unless they specifically opted to vote in their Member State of origin.

Private associations and businesses also contributed on a voluntary basis to relay the information to the public. Such campaigns were carried out in Belgium, Spain, France, Germany, Luxembourg *where migrant organisations were particularly active.*

In the course of the evaluation meetings of experts of the Commission and the Member States it emerged that there was awareness of the advantages of addressing information directly to EU citizens. Two Member States in particular, Portugal and Spain, indicated that they were considering reinforcing such contacts for the next EP elections whereas the United Kingdom and Ireland due to the lack of a central population register are unable to introduce such a system.

European Parliament elections, OJ C 44 of 14.2.1994, p. 159 and Resolution B3-0433/94 on obstacles to, and discrimination against, EU citizens participating in the European elections, OJ C 128 of 9.5.1994, p.316 :

In evaluating the importance of the information campaign it should be considered that June 1994 was the first time in most Member States when non-nationals had access to voting rights. EU citizens were not necessarily aware of the ways in which the new entitlements could be exercised as they inevitably differed from the ones applying in their own Member States of origin. Moreover, the strict deadlines between the date of implementation of the Directive (6 February 1994) and polling day (9-12 June 1994) made it difficult to relay adequate information on the new entitlements.

On the basis of the above it can be concluded that delegating the responsibility to inform citizens to the local level although it allows to pitch the campaign to particular needs, does not always ensure that the information is accessible in an equal manner throughout the country. Direct mailing on the other hand ensures an even handed approach and has the advantage of making the non-national citizen aware in due time not only of the existence of a right but also of the conditions under which it can be exercised. This method should therefore be encouraged.

Non-governmental organisations also contribute to mobilise the EU electorate and their participation in the information effort should be encouraged through financial aid. In Germany for instance, it was found that registration levels were higher in those regions where direct mailing was combined with an effective campaign on the part of private organisations.

3.3 The role of the European institutions

In the 1994 EP elections, the campaign to inform EU citizens of their new rights was carried out mainly by the Member States⁶.

In its effort to monitor the impact of the rights flowing from citizenship of the Union, in June 1995 the Commission carried out an opinion poll via Eurobarometer addressing a number of questions related to the awareness and the emotional attachment to citizenship of the Union as well as to rights attached to it⁷.

Concerning the right to vote in European elections in the Member State of residence, 82% of interviewees were aware of this right. The highest scores were registered in Germany and in the Netherlands (89%) whereas the lowest scores were registered in Greece (64%).

The right to stand as a candidate in the Member State of residence was familiar to 76% of interviewees with the highest score registered in Luxembourg (82%) and the lowest again registered in Greece with 56%. Twelve per cent of interviewees thought that there was no right to vote in the Member State of residence whereas 16% were

⁶ The EP published a booklet on the right to vote in the Member State of residence which contained an overview of the electoral laws in the various Member States which was made available through the press offices of the Parliament in the different Member States (Infomemo: special elections 18 May 1994.)

⁷ The opinion poll was conducted on the basis of 500 telephone interviews in every Member State.

persuaded that European citizens could not stand as candidates outside their own Member State.

Although purely indicative these results show that efforts still need to be made in order to ensure that the European electorate is fully informed of one of the basic rights deriving from citizenship of the Union.

4. *Who is entitled to participate and the conditions for the exercise of this right.*

The following are entitled to vote and stand as candidates in their Member State of residence provided they express a wish to do so:

- Citizens of the Union who are not nationals of their Member State of residence;
- who fulfil the conditions to vote and stand applicable to nationals of that State; and
- who are not deprived of their rights in their Member State of origin.

4.1 The first application to enter on to the electoral roll

“A Community voter exercises his right to vote in the Member State of residence if he has expressed the wish to do so”. This provision is translated in practice by the need for the EU citizen to request to be entered on the electoral roll of his Member State of residence.

This obligation may appear to be discriminatory in those Member States where entry into the electoral roll is carried out automatically for nationals, on the basis of a population register for instance⁸. But it should be considered that such an application, requested only for the first entry into the roll, in fact safeguards the EU citizen's freedom to choose whether or not to participate in the electoral process of his/her Member State of residence.

For the 1994 elections, with the exception of Ireland, the Netherlands and the United Kingdom, Member States entered their EU residents on the electoral roll on the basis of an application.

Ireland benefited from the transitional provision enshrined in Article 15(a) as its EU residents were entered on the electoral roll before the Directive was adopted. The Netherlands under Article 15 (c) was entitled to maintain its national system of automatic registration on the basis of the population register for the 1994 elections⁹ and the United Kingdom and again Ireland, on the basis of the derogation provided for in Article 14 (2), received dispensation from registration formalities for their respective nationals as these citizens were already able to take part in national elections.

⁸ Automatic registration is in fact the rule in all Member States with the exception of Greece, France and Portugal

⁹ Cf. infra paragraph 9

The application to enter into the electoral roll must be made on the basis of a formal declaration containing the voter's nationality and address and, where applicable, the last constituency in his Member State of origin. The EU voter is also requested to state that s/he will exercise his/her vote in his/her Member State of residence only. A false statement is punished in all the Member States either by a fine or a term of imprisonment. *Possible* sanctions, however, differ greatly from one Member State to another ranging from 8 days to 8 years imprisonment or the equivalent fine (cf. Tables 1 for voters and 3 for candidates). If voting is compulsory in the Member State of residence, Community voters who have expressed the wish to do so are obliged to vote. This is the case in Belgium, Luxembourg and Greece.

A review of the application of the different criteria that have to be met by EU citizens shows the following:

The nationality criterion: Besides the indication of the voter's nationality, three Member States require candidates to indicate the date from which they have been nationals of a Member State. However the only instance, where this criterion is linked to the exercise of the right to stand as a candidate is in Germany. Here, nationals must have held German nationality for at least one year, on the day of the election, whereas other Union citizens, in accordance to Article 3(2) of the Directive, are deemed to have met this condition if they have been nationals of a Member State for the same period¹⁰ thereby meeting the requirement of non-discrimination.

Proof of identity: Articles 9(3) and 10(3) of the Directive allow Member States to introduce the option of requesting the production of a valid identity document for enrolment of voters and application for candidates. Only six Member States made use of this option, the remaining preferring to rely on the citizen's declaration (cf. Table 5)

The concern of the Commission's services in this case was geared toward ensuring that Union citizens were effectively allowed to enter in the electoral roll simply by producing a valid identity document issued by their own national authorities. An example of the above is the adoption by Spain of Real Decreto 157/1996 that removes the obligation for Union citizens to produce a Spanish residence permit to gain entry on the electoral roll.

The residence criterion: In the absence of a definition of residence either in the Treaty or in the text of the Directive, it is up to Member States themselves to apply, in a non-discriminatory way, to their nationals and to Union citizens alike, the residence concept as it flows from their own national legislation.

¹⁰ Section 6b §1 (1) and § 2(1) of the European Elections Act -EuWG. Consequently non-German candidates are required to submit to the returning officer along with the nomination a statutory declaration as to the length of time for which they have been nationals of one of the other Member States of the European Union (cf. section 11(2) of the European Elections Act-EuWG)

The Directive however does contain a provision on the subject. In order to avoid a requirement by Member States that all electors should complete a residence period which in practice could be attained easily by nationals but only with difficulty by non-nationals, Article 5 indicates that a requirement of a minimum residence period may be deemed to have been fulfilled by non-nationals if they resided for an equivalent period in another Member State. This provision is to apply without prejudice to any specific condition as to the length of residence in a given constituency as long as this is applied in a non-discriminatory way.

Accordingly, in Germany, the residence period of three months required from nationals and non-national residents is deemed to be fulfilled by the latter if the same period was spent in another Member State of the European Union¹¹. But in France, nationals and community voters alike are subject to a six month residence period if they choose to enrol in the commune where they elect their residence whereas no residence period is requested if they enrol in the commune of their domicile¹². In Northern Ireland, nationals and non-nationals alike are subject to a three month period of residence in the constituency before they may vote.

The application of the rule of equal treatment as far as the residence condition is concerned also means that Community voters benefit from the same treatment as nationals if the latter are allowed, for instance, to exercise their electoral rights in the place of their secondary residence. An example of such may be found in the French legislation which allows nationals and non-nationals alike to enrol, under certain conditions in the municipality of their secondary residence, provided of course that the Community nationals are effectively resident somewhere else in French territory¹³.

4.2 Maintenance on the electoral roll

Once entered on the electoral roll of their Member State of residence, EU citizens remain on it, under the same conditions as nationals, until they request to be removed from it or until they are automatically removed because they no longer fulfil the necessary residence conditions. This is a particularly important provision of the Directive which in fact enables Union citizens living in another Member State to gradually integrate in the electoral process of the host Member State.

For the next European Parliament elections, newcomers or non-national residents who did not take part in the 1994 EP elections in their Member State of residence and who wish to do so for 1999 will need to submit their first application to be entered on the electoral roll, within the prescribed national deadlines (cf. Table 7). On the other hand EU residents who have already registered in 1994 will not need to renew their applications¹⁴. This split of the expatriate EU community may need careful implementation especially on the part of those Member States which establish electoral rolls on the basis of their population registers.

¹¹ Cf. Section 6 §1 (2) and §3 (2) European elections Act -EuWG

¹² Cf. Article L11 French electoral code

¹³ Loi du 5 février 1994 n°94-104 Article L11 (2) of the electoral code

¹⁴ Except in Greece, Portugal and France where nationals and non-national residents are entered on the roll on application only.

In Germany however, due to the absence of a permanent electoral roll, Union citizens are required to apply to register for every single EP election even if they took part in the previous election and to that effect were entered on the electoral roll in Germany. Considering that German nationals are entered on the electoral roll automatically on the basis of the population register and therefore do not need to *apply* to register, this practice is regarded by many citizens as being discriminatory in their regard. The Commission is presently investigating the situation with the Member State concerned.

4.3. The disqualification rule

Union citizens that lose their right to vote or to stand as a candidate in their Member State of origin through an individual criminal law or civil law decision, may not regain these rights simply by moving into another Member State. Besides being subject to disqualification rules in their own Member States, EU citizens are also subject to the rules in force in their Member State of residence and applicable to nationals of that State.

In order to operate a system of concurrent disqualifications, the Directive provides for the Member States to exchange information on voters on an optional basis and to require an attestation from the candidate's Member State of origin attesting his eligibility.

Thus all Member States with the exception of Ireland¹⁵, Sweden and the United Kingdom made use of the option in Article 9 (3-a) and requested that voters state in the formal declaration that they have not been deprived of their right to vote in their Member State of origin. But only four actually verified, if such a statement was correct, making Article 7 (1) the least used option in Directive 93/109 (cf. Table 5). In Italy, clarification of the implementing law is still underway¹⁶.

Concerning candidates, the Commission's main concern was to ensure that even in those Member States where it is up to the national Parliaments to decide, after the elections, whether candidatures are admissible, the attestation from the Member State of origin foreseen by Article 10 (3) is required at the time of the presentation of the candidature. Thus, the Dutch authorities have recently informed the Commission of their intention to implement such a system¹⁷.

Throughout the control of implementation very few Member States reported cases of disqualified EU citizens attempting to vote in the Member State of residence. Applications to register were turned down more often due to registration deadlines rather than to disqualification of entitlements.

¹⁵ In Ireland the legal system does not provide for the possibility of losing the right to vote through a court decision.

¹⁶ Article 14, Bill 95/97 modifying Law n°483 is presently being examined by the Camera dei Deputati

¹⁷ Draft bill adopted by the Dutch government on 19 September 1997

It is worth noting that the United Kingdom is the only Member State that deprives its own citizens of the right to vote and to stand if they have resided abroad for more than 20 years. These British nationals, if they are resident in another Member State, qualify to participate as voters and candidates in their Member State of residence, because they have been deprived of their rights simply on account of their residence abroad. Similarly to enfranchise these expatriate EU citizens, Luxembourg which may require of its non-national residents a period of 5 years' residence before granting the right to vote, has included in its law a specific provision eliminating this requirement for those non-national citizens who have lost their rights due to a period of residence abroad¹⁸, in accordance to Article 14(1).

CHAPTER II: EVALUATION OF THE APPLICATION OF THE DIRECTIVE

5. *The participation of non-national voters and candidates*

Voters

Available information shows that there was a very low participation of non-national voters in the Member State of residence for the June 1994 elections. Amongst the Twelve aggregate non-national voter turnout was of 5.11%. In the new Member States in their first EP elections held in 1995 and 1996 it increased considerably to 18.19%. Aggregate turnout in the Fifteen was of 5.87%.

These figures relate to registered voters only. With the exception of Greece, Luxembourg and Belgium where voting is compulsory, it is impossible to determine how many non-national residents actually voted. This is due to the fact that non-nationals are listed together with nationals and the secrecy of the ballot makes it unconstitutional in most MS to know if and how a citizen voted.

Table 1 contains, per Member State, the general level of participation, the total electorate, the number of potential non-national voters and the numbers of those who actually enrolled in their Member State of residence. The percentage of the non-national registered voters varied from a peak of 44.11% in Ireland where the right to vote in European Parliament elections dates back to 1979 to a low of 1.55% in Greece. It should be noted that no figure is available from the Netherlands on account of the application of the transitional provision for automatic voter registration on the basis of the population register. Similarly, there are no figures concerning Irish nationals voting in the United Kingdom and British nationals voting in Ireland on account of the fact that these citizens were entered on the electoral lists under exactly the same conditions as nationals, in conformity *with* the derogation provided for in Article 14(2).

Needless to say that in the above figures are not included those EU citizens that voted in their Member State of residence but in favour of candidates from their own Member State through embassies, consulates or by proxy (cfr Table 2).

¹⁸ Article 1 (4) loi 28 janvier 1994

Candidates

Throughout the Union 53 non-national candidates stood for election and one was successfully elected in her Member State of residence¹⁹ (cf. Table 3).

6. *The reasons for a low turnout*

- *The novelty of the rights*: The Maastricht Treaty enfranchised non-national EU citizens in November 1992. Prior to this only four Member States granted voting rights to nationals from other Member States.
- *Strict registration deadlines*: Directive 109/93 was adopted on 6 December 1993. Member States had to introduce the implementing laws by 1 February 1994 and apply them in the June 1994 EP elections. In most Member States, normal registration deadlines were extended in order to allow non-nationals to enter into the electoral roll, as specifically called for in Article 9 (1) of the Directive and echoed in a resolution of the EP²⁰. In spite of these efforts, in some Member States non-nationals barely had 15 days in which to register. Inevitably the strict deadlines also had an impact on the candidature of non-nationals who had difficulties in building up an electorate and asserting their positions (cf. Table 1 for voters and Table 3 for candidates).
- *Insufficient information campaign*: As explained above in paragraph 3.2 best results were attained when the non-national electorate was mobilised through direct mailing and the participation of non-governmental organisations. But this was the exception to the rule of administrative posting used by 10 Member States.
- *The option to vote for candidates of the Member State of origin*: One of the main principles of the Directive is to ensure the citizen's freedom to choose where to exercise his/her rights. All Member States with the exception of Ireland grant their expatriate citizens the right to vote for their own national candidates in European Parliament elections through embassies, consulates, by proxy or correspondence. Incomplete data shows that roughly 6.57 % of EU citizens living in another Member State made use of this possibility (cf. Table 2).
- *Access to political activity prior to elections and its impact on the participation of non-nationals as candidates*. Although present EC Treaty provisions merely grant voting rights without mentioning other political rights such as the right of association and freedom of expression, information provided by Member States shows that in theory access to political activity is open to EU citizens.

¹⁹ Ms Wilmya Zimmermann, a Dutch citizen resident in Germany (PSE/D)

²⁰ EP Resolution B3-0433 of 21.4.1994 called for the registration deadline to be extended, throughout the Union, to 31 May 1994, OJ C 128/316 of 9.5.1994

Yet some Member States subject the political activity of non-nationals to a number of conditions and political parties admit non-nationals at their sole discretion (cf. Table 2). The link between voting rights and the participation in the political debate is all the more clear if we consider that in some Member States only political parties are entitled to present candidates for European Parliament elections.

- National rather than European issues debated: In almost all the Member State, European Parliament elections *have been* centred around national issues. Consequently expatriate EU citizens may *have felt* more comfortable voting for candidates of their own Member State to whom they could relate in a well-known political context²¹.
In one Member State (L) it was found that the highest registration turnout was amongst second/third generation immigrants. This could indicate that those who could relate to national issues and were sufficiently integrated in their host Member State were more likely to participate in its electoral process.
- Overall decline in voter turnout: Alongside the above mentioned reasons specific to non-nationals voters and candidates, the steady decline in national voter participation in European Parliament elections to an all time low of 56.5% in June 1994 should be considered as a contributing factor.

7. *The exchange of information between Member States*

The mechanism set up by the Directive

The exchange of information as set out in Article 13 was established primarily to *avoid the double vote and/or the double candidature* whilst safeguarding the citizen's freedom to choose in which Member State to cast his/her vote. Secondly, it also serves the purpose of preventing citizens deprived of their rights to vote/stand in their Member State of origin to regain them simply by moving to another Member State - but this aspect of the information exchange was dealt with under paragraph 4.3

The mechanism provides for the Member State of residence, on the basis of the formal declaration, to inform the Member State of origin of all the names of their nationals entered into the electoral roll or standing as candidates. As a result, the Member State of origin takes the appropriate steps to prevent its own nationals from voting or standing more than once - usually by deleting their names from their own electoral roll.

²¹ A spontaneous inquiry of officials of the European institutions to which roughly 2% of the staff replied revealed that the most important reason preventing them from voting in their Member State of residence was the fact that the election campaign was focused exclusively on national issues. Cf. also Eurobarometer survey on the possible factors influencing the vote as well as Blondel, Sinnott, Svensson, *Participation and the legitimacy of European integration: The nature, sources and implications of low turnout in EP elections*, European University Institute, Florence, April 1997.

Its implementation

During the expert meeting held in July 1995, there was agreement amongst delegations that prior to the June 94 elections, the *information exchange did not work satisfactorily*: The problems were linked either to time constraints for the exchange of information itself or to practical difficulties affecting the reliability of the information. For instance:

- a) Information arrived too late and could not be processed
- b) It was insufficient and not addressed to the proper authorities
- c) The vector used was not compatible

In the case of the elections held in the three new Member States in the course of 1995 and 1996, the problem of avoiding the double vote was tackled mainly on the basis of the citizen's declaration that they had not taken part in the June 1994 EP elections in their Member State of origin. The reason for this was that although co-operation with the Twelve was forthcoming, the electoral lists relating to those elections were not always available.

Besides these problems that were common to all the Member States, other issues are specific to some Member States only. In the United Kingdom and in the Republic of Ireland, for instance, electors' names cannot be removed from the annual electoral register once they have been entered into it. For all practical purposes these Member States cannot use the information relating to their citizens registered as electors in other Member States which is notified just before elections, as the electoral roll is finalized in February of each year and the exchange of information with the other Member States takes place in June. This situation however is mitigated by the fact that there is an annual update of the electoral roll on the basis of a household canvassing. Nationals and non-nationals who leave Ireland or the United Kingdom do not have to request to be deleted from the electoral roll as this is done automatically at the annual review. Another mitigating factor for Ireland is that, with the exception of diplomats and their spouses, Irish citizens resident abroad are not entitled to be registered for or to vote at European Parliament elections.

In another Member State, the implementing legislation did not contain any provision for the names of Community voters entered on the electoral roll at a previous election to be notified to their Member States of origin. This situation has now changed through an amendment to the implementation law²².

A similar problem is to be found in Ireland. Its permanent EU residents which took part in the June 1994 elections have never manifested their intention to vote there as they were entered on the electoral roll under exactly the same conditions as nationals in fulfilment of Article 15 (c) of the Directive. If they continue to reside

²² Law amending the Law on the election of Danish representatives to the European Parliament of 13 January 1997

in Ireland these EU citizens shall remain in the electoral roll under the same conditions as nationals, in application of Article 8 (4) the Directive. But as they did not fill the formal declaration for entry into the roll in 1994, the Irish authorities do not have, at present, the information which will be necessary to notify their Member States of origin in 1999 and enable them to delete their names from their own electoral rolls²³.

Means of improvement

Any improvement to the information exchange mechanism must take into account the fact that Directive 93/109 based on Article 8B²⁴ may not encroach on an uniform electoral procedure. This means that any envisaged solution cannot be based on the establishment of a period of time within which the exchange of information must take place or on the introduction of a deadline for its completion. Both would involve a change in the registration dates which in turn would require harmonisation of national electoral laws.

Another issue to be looked at is the scale of the problem the exchange of information is meant to solve. Throughout the control of implementation of the Directive, there was no report from Member States on significant cases of double voting. On the contrary, Member States reported that the few cases of double registration tended to be linked to mistakes due, in part at least, to the novelty of the rights involved. Any improvement to the exchange of information mechanism therefore must not be disproportionate to the problem at hand.

This may not be the case for instance, if the approach chosen would be a stricter control of double voting after the elections. The means to achieve this could be a reinforcement of the sanctions for false statements. The advantage here is that checks could be carried out without time constraints. The drawback is that sanctions would be linked to the double registration and not to the double vote itself, due to the lack of records on actual voters. Furthermore, to be effective, sanctions would have to be dissuasive throughout the Union and this could inevitably entail adjustments as they differ greatly from one Member State to another (cf. Table 3). Finally, as some complaints to the Commission point out, the increased threat of sanctions may dissuade some citizens from exercising their option to vote in their Member State of residence.

In absence of a uniform electoral procedure, therefore, the answer must be found within the present system²⁵.

²³ This problem does not concern newcomers to Ireland as their entry into the electoral roll will be carried out in conformity with Article 9, through a formal declaration, the contents of which will be notified to the Member State of origin (Sec 6 (1) and 2) European Parliament Elections Act 1997) and infra paragraph 8.2

²⁴ Article 8B (2) specifically indicates that conferring voting rights to EP elections shall be "...without prejudice to Article 138(3) and the provisions adopted for its implementation..."

²⁵ cfr infra Chapter III, paragraph 9

8. *Derogations and transitional provisions*

8.1 *Derogations*

Directive 93/109 contains two derogations to the general principle of non-discrimination. The derogations, warranted by a specific situation in a Member State are provided for in Article 14 and are subject to review. The directive itself requires the Commission to submit, by 31 December 1997 and thereafter 18 months prior to each election, a report to the European Parliament and the Council in which it verifies whether the grant of a derogation to a Member State is still warranted by a specific situation in that Member State. Adjustments may be proposed by the Commission, if necessary.

The first derogation provided for by Article 14 (1), enables Member States that on 1 January 1993 detain a proportion of non-national Union citizens that exceed 20% of the total number of eligible citizens residing in its territory to restrict the right to vote and to stand as a candidate to those non-nationals who have completed a residence period of five and 10 years respectively.

On the reference date, Luxembourg was the only Member State to apply for such for such a derogation and it fully qualified for it as the percentage of non-national citizens residing in the Grand-Duchy in January 1994 was of 29,4%.

The right to vote is granted to EU non-nationals who have completed a minimum residence period of 5 years in the Grand-Duchy during the last 6 years, prior to the request to be entered on the electoral roll. The right to stand as a candidate is given after at least 10 years' residence completed in the course of the last 12 years²⁶. These provisions in fact allow those who are permanently resident in Luxembourg to leave the country for a period of one year without losing their voting rights in the Grand-Duchy. Similarly EU citizens who have lost their right to vote in their home State by reason of their residence abroad are not subject to this minimum residence requirement.

For entry into the electoral roll, a residence certificate, issued by a public authority attesting the period of time for which the non-nationals has resided in Luxembourg must be produced. As this requirement is not mentioned in the Directive, the Commission's services examined the issue with the Luxembourg authorities. It was concluded that such a requirement was legitimate and proportionate in so far as it was the only means to determine if the residence condition was fulfilled. The certificate is requested only once - for the first entrance into the electoral roll - and may be obtained fairly easily from the municipality of residence at a minimum cost.

Moreover in Luxembourg, candidates' lists may not be composed exclusively of non-nationals²⁷. This provision was confronted with Article 14(1)²⁸ and found to be

²⁶ Articles 1 (4) and 98 (4) Loi du 28 janvier 1994.

²⁷ Article 106 (2) Loi du 28 janvier 1994

compatible with the Directive. As Luxembourg benefits from a derogation on the basis of its large population of non-national EU residents, this measure appears appropriate to avoid polarisation between national and non-national lists thus encouraging the non-national candidates to participate alongside nationals, in the same lists²⁹.

The Luxembourg authorities have informed the Commission that at present there are 109.613 non-national EU citizens of voting age resident in Luxembourg and that they constitute 33,4 % of the total number of eligible EU citizens resident in the Grand-Duchy. These figures may be overestimated by a margin of error of between 7 to 8% points³⁰.

Considering that these figures fall within the prescribed limits set by Article 14 (1), on the basis of the above, the Commission submits that the derogation awarded to Luxembourg should be extended, on the same basis to the next European Parliament elections.

The second derogation concerns those Member States which, on 1 February 1994 granted voting rights to nationals of other Member States in their national elections and for that purpose entered them on the electoral roll exactly under the same conditions as nationals. These Member States are exempted from the provisions of Articles 6 to 13 generally in connection with registration formalities.

The Member States that qualify for such a derogation are Ireland and the United Kingdom with respect to each others' nationals. Considering that these voters exercise their rights under the exact same conditions as nationals in all other elections, the Commission *accepts* that this system be confirmed for future EP elections.

8.2. Transitional provisions

The Directive contains four transitional provisions applicable to the 1994 elections only.

The first provision contained in Article 15 (a), relates to those Member States where citizens of the Union already had the right to vote by 15 February 1994. If they names appeared on the electoral roll by that date, they were not required to make an application to register. This was the case in Ireland where EU citizens have had the right to vote in EP elections since 1979.

On this basis, for the 1994 elections, the registration procedure for non-national EU citizens was unchanged from previous elections and identical to that for Irish citizens as the registration authorities were required to register all eligible electors.

28 "This provisions (i.e. concerning the minimum residence period) are without prejudice to appropriate measures which this Member State may take with regard to the composition of lists of candidates and which are intended in particular to encourage the integration of non-national Union citizens "

29 Cf. penultimate recital of the Directive

30 Répertoire Général des Personnes Physiques – reference period October 1997

This will be changed in the next European Parliament elections. Non-national Union citizens, other than British nationals, who were not entered on the register of electors for the 1994 EP elections will have to apply, in writing to be registered as voters in Ireland. The application can be made throughout the year, at the latest 15 working days before polling day³¹.

The second and fourth transitional provisions were generally designed to ensure that in spite of the strict deadlines for implementation of the Directive, the national legislations in force at the time, effectively allowed Union citizens to be entered in the electoral roll or to submit their candidature, in time for the June EP elections. In most Member States, the traditional registration deadlines were extended in order to allow for non-nationals to enter into the electoral roll or to stand as candidates (cf. Tables 1 and 3).

The third transitional provision, Article 15 (c), allowed those Member States that do not draw up a specific electoral roll but rely on population registers to apply the same system to its non-national EU residents and disregard Articles 8 (manifestation of the will to vote in the Member State of residence) and 9 (application to enter into the roll).

The Netherlands qualified and made use of such a provision. Thus, in May 1994 all eligible voters, irrespective of nationality, were automatically entered on the electoral roll on the basis of the population register. Non-national EU citizens were nevertheless informed individually of this fact and received, at their home address, a standard form in which they had to indicate whether they wished to vote in their Member State of origin or in the Netherlands³². The form had to be returned at the latest three weeks before polling day, failing which the EU voter was automatically registered as voter in the Netherlands. The voter's Member State of origin was informed of this fact and the EU citizen automatically lost his right to vote in his Member State of origin.

But a situation whereby an EU citizen automatically loses his right to vote in his Member State of origin simply because he/she has not reacted in time to a letter does not seem to offer sufficient protection to the citizen's freedom of choice as to the Member State in which to cast his/her vote.

As announced by the Dutch government at the time of the implementation of the Directive, the present system is likely to be changed. To that effect, a government bill was presented on 19 September 1997. It proposes that non-nationals registered in their municipality of residence shall continue to receive, before the elections, a standard form asking them in which Member State they wish to vote. Should the form not be returned on time the EU citizen is considered to have opted to vote in his Member State of origin. By so doing, two obligations established by the Directive will be fulfilled - the duty to inform the citizen in good time and in appropriate manner of his

³¹ Sec 6 (1) and 2) European Parliament Elections Act 1997

³² Articles Y 3 b4 and Y33 of Law 26 January 1994 amending the electoral law.

electoral rights and secondly the respect of the citizens' freedom to choose whether or not to take part in elections in the Member State of residence.

CHAPTER III. CONCLUSIONS

Council Directive 93/109/EC was applied to the last European Parliament elections in all the Member States enabling expatriate Union citizens to take part in the elections in their Member State of residence.

The analysis of the implementation laws is complete and on its basis the Commission considers that overall the Directive has been implemented satisfactorily by the Member States. In the meantime a number of minor adjustments to those laws have been carried out by the Member States.

But the results of the June 1994 election highlighted two shortcomings in the participation of non-national EU citizens. First and foremost there was a lack of information about new rights. Secondly there was a dramatically low rate of successful non-national candidates.

The Commission submits that at this stage, the Directive itself does not need to be changed. This being said, improvements in its application should be carried out by Member States specifically with regard to Articles 12 and 13, with a view to increasing participation of non-national voters and candidates and to fine tune the mechanism for the exchange of information between the Member States.

Finally, considering the most recent population figures, the derogation for Luxembourg with regard to a minimum residence period should be confirmed for the next European Parliament elections.

9. SUGGESTED IMPROVEMENTS IN THE APPLICATION OF THE DIRECTIVE:

Information campaign

Member States should substantially increase their efforts to inform their non-national EU residents as provided for by Article 12 of the Directive. This is particularly the case for those Member States that do not contact their EU citizens individually and make use of administrative posting *only*.

A particular effort should be made to inform EU citizens of registration deadlines. Those that already enrolled in their Member State of residence for the 1994 election will remain in the electoral roll until they request to be removed from it but newcomers might not even be aware of the deadline for registration in the host Member State. Although in the majority of Member States the average deadline for registering in the electoral roll is eight weeks prior to polling day, in some Member States citizens must apply over a year before elections are held (cf. Table 7)

To overcome the information deficit, in 1996 the European Commission launched, together with the European Parliament, a vast information initiative, "Citizens First", geared to promote information on citizens' rights under Community law. It issued,

amongst several other guides, the guide "Living in another Member State" which contains general information on the rights and obligations arising when moving into another Member State as well as references on how electoral rights may be exercised in the Member State of residence.

Available with the guide "Living in another Member State" are fifteen factsheets on how to vote and stand as a candidate in European Parliament elections. The factsheets, for each Member State, are available in all official languages through the Internet and may also be requested like the guides, free of charge, by telephone³³. They have been drafted by the Commission and approved by national authorities. They contain practical and detailed information on each Member State's legislation and feature the documents that have to be produced to be entered on the electoral roll, the deadlines for registration, the means of appeal available to the citizen and the contact points in the Member States where the citizen may obtain further help and assistance.

As part of the Single Market Action Plan endorsed by Member States at the Amsterdam Summit, a permanent "Dialogue with Citizens" will be established as a successor to "Citizens First". For the next European Parliament elections therefore, the European Commission together with the European Parliament will be able to provide clear and detailed information on how voting rights can be exercised in all Member States and in all official EU languages.

In addition, the Citizens First Signpost service will be available to help people when they have difficulties in knowing how to exercise their rights. Typically the service will give people details of the appropriate points of contact at European, national or local level. The Signpost Service has been open since 1996, and questions can be put simply by using the telephone line or by Internet. These questions from citizens are important because they give the Commission a direct "feedback" about the practical problems which people face when using their EU rights.

Exchange of information between Member States:

In order to curb the double vote, Article 13 requires Member States to exchange information about their nationals voting in their Member State of residence. The Commission submits that substantial improvement in the application of the current provisions should be carried out.

The objective is to find a reliable, flexible and cost effective way for Member States to exchange information about their nationals voting in another Member State, in time to introduce modifications to the electoral rolls. Furthermore the exchange of information must be carried out in respect of the rules protecting individuals with

³³ Internet address: <http://europa.eu.int/citizens>. Telephone numbers in the various Member States: Austria (0660-6811), The Netherlands (0800-8051), Italy (167-876166) Belgium (0800-92038 in Dutch and 0800-92039 in French), Sweden (020-794949), Luxembourg (0800-2550), France (0800 90-9700), Greece (00800-3212254), Portugal (0800-222001), Spain (900-983198), Germany (0130-850400), UK (0800-581591), Ireland (1-800-553188), Finland (08001-13191) Denmark (8001-0201)

regard to the processing and free movement of personal data³⁴. In order to achieve this the Commission's services are presently working with Member States with a view:

- to pinpoint the national authorities to whom the notification must be addressed by the Member State of residence
- to identify the exact information that Member States' need to delete the voter's name from their own electoral register as well as the time which is necessary to keep such information in order to delete the voter's name
- to agree on a common format for a standard form for the exchange of information
- to explore ways in which the exchange of information may be carried out electronically in order to speed up proceedings.

Should the above mentioned issues be resolved, the main problems identified in the monitoring of the implementation, i.e. reliability of the information and time constraints, will have been addressed.

However, should the attempt fail and the system as presently conceived prove to be incompatible with wide ranging registration deadlines in the Member States (cf. Table 7), the only alternative would be to modify the Directive. But in this case the option available would be to eliminate the citizens' freedom to choose in which Member State to cast his vote or to restrict that choice to a specific time frame which would allow for double registrations into the electoral rolls to be corrected.

Concerning candidates, in order to assist electoral officers dealing with the applications of non-national EU citizens standing as candidates, the Commission suggests that Member States should circulate in advance of the next EP elections, the indications of their competent administrative authorities that will issue the attestation of eligibility required by Article 10 (2) and include, if possible, a sample of the attestation.

Access to political activity prior to elections

Although not foreseen by a specific provision of the directive, the Commission would like to draw the attention to the need to facilitate the participation of non-national EU citizens in the political life of their Member State of residence. This in order to ensure that the right to stand as a candidate is more accessible and widely enjoyed by non-national EU citizens.

The European Parliament has already called for an increased role of European political parties³⁵ and is presently drafting a proposal for a procedure incorporating common principles for the election of members of the European Parliament in accordance to Article 138(3) as reviewed by the Amsterdam Treaty³⁶. Throughout this

³⁴ Council Directive 95/46/EC of 24 July 1995 on the protection of personal data, OJ L L281/31 of 23.11.1995

³⁵ Cf. also Resolution of the European Parliament on the constitutional status of European political parties adopted on 10.12.1996 - Doc PE 254.448

³⁶ Working document of 22 October 1997- Committee on Institutional Affairs - Doc PE 224.331

process special attention should be paid to the contribution that EU citizens resident in a Member State of which they are not nationals, may offer towards the democratic process in the Union.

Information provided by Member States indicates that, in theory access to political activity is open to all EU citizens (cfr Table 2). This being said, at national level efforts should be deployed to remove any potential obstacles to the political activity of non-nationals Union citizens. The role of political parties is of course paramount towards the achievement of this goal. Not only because they are an important instrument of democratic participation but first and foremost because they are able to promote the candidature of non-national Union citizens. Yet in some Member States political parties admit non-nationals at their sole discretion. The link between voting rights and the participation in the political debate is all the more clear if we consider that in some Member States only political parties are entitled to present candidates for European Parliament elections.

The Commission for its part will fulfil its role of guardian of the Treaty and take all the necessary steps towards ensuring that discrimination on the basis of nationality does not hinder Union citizens from presenting their candidature.

IMPLEMENTATION OF COUNCIL DIRECTIVE 93/109/EC

TABLE 1*

PARTICIPATION OF NON-NATIONAL EU-VOTERS - EUROPEAN PARLIAMENT ELECTIONS 1994

Member State	Deadline for registration as voter	General level of participation in elections	Potential non-national EU-voters	Non-national EU voters enrolled and percentage of non-national electorate)	Sanctions for voting twice or false declarations	Information campaign
Belgium (voting is compulsory)	7.2.94 - 31.3.94	90.7% (total electorate: 7.096,273)	471,277	24,000 (5.1%)	Imprisonment 8-15 days, and/or fine 26 - 200 BF (Art. 1, law 23.3.1989 as amended)	Press conference by the Ministry of the Interior, information note in official journal, information brochures. Municipalities have responsibility for decentralised information campaign.
Denmark	9.3.94 - 28.4.94	52.9% (total electorate: 3.994,200)	27,042	6,719 (24.85%)	Double vote: fine False Declarations: fine or imprisonment up to 4 months	Individual letters to all foreign EU nationals over 18
Germany	end March - - 9.5.94	60% (total electorate: 60,473,927)	1,200,000	80,000 (6.66%)	Fine or imprisonment not exceeding three years	Municipalities have responsibility for decentralised information campaign. Measures vary from folders in 9 languages to individual information in different languages. Radio and TV programmes.
Greece (voting is compulsory)	8.1.94 - 31.3.94	71.2% (total electorate: 8.485,495)	ca. 40,000	622 (1.55%)	Imprisonment 3 months - 5 years and barred from public office as provided for in Art. 63 of the Penal Code. 1-5 years Art. 104 and 108 of the Electoral Law.	One TV spot sponsored by Government. In January 1994, information from the Ministry of the Interior was relayed under the responsibility of local authorities.
Spain	3.1.94 -15.2.94 and 25.4.94 -2.5.94	59.1% (total electorate: 18,664,053)	192,074 (including minors on 31.12.1993)	24,227 (12.61%)	Double vote: 6 months imprisonment, disqualification, and fine from 30,000 to 300,000 ptas (Art. 142 LOREG)	Radio spots, press announcements, posters, all sponsored by Government

26

France	14.3.94 - 15.4.94	52.7% (total electorate: 39,044,441)	1,427,315	47,508 (3.38%)	For false declaration: 1 year imprisonment and 100.000FF fine. Double vote: 2 years imprisonment and 100,000 FF fine	Compulsory administrative posting in every "commune". Prefets of police pitched the information campaign in accordance to the number of non-nationals EU citizens in each "département", through press releases and radio announcements. Private associations also participated.
Ireland	- 24.5.94	44% (total electorate: 2,639,000 including British citizens)	ca.13,600 (excluding British citizens)	6,000 (excluding British citizens) (44.11 %)	Double vote: fine not exceeding 1,000 IEP and/or max. 2 years imprisonment. False declarations: fine not exceeding 50 IEP and/or imprisonment max. 3 months	Press release, compulsory public notice and information sheets to EU embassies in Dublin
Italy	26.2.94 - 24.3.94	73,7% (total electorate: 48,372,726)	152.139	2.809 (1.8%)	Double vote: 1 - 3 years imprisonment and fine 100,000/500,000 LIT	Information leaflets forwarded to mayors for compulsory posting in municipalities.
Luxembourg (voting is compulsory)	- 1.3.94	88.5% (total electorate 198,370)	105,000	6,907 (6,58%)	10,000/100,000 FL fine	Information leaflet published in 5 languages and forward to all residents nationals and non-nationals alike.
Netherlands	Deadline for opt out until 19.5.94	36% (total electorate: 11,618,677)	ca.160,000	No data available	Double vote: imprisonment up to 1 month or fine up to 5,000 NLG. False declaration: imprisonment up to 6 years or fine up to 100,000 NLG	Individual letters to all foreign EU nationals
Austria **	30.8.1996 (reference date) to 10.10.96	67.73% (total electorate 5,800,377)	91,385	7.261 (7.94 %)	False declaration: Fine up to ÖS 3,000 or two weeks imprisonment vote by an non-eligible: 6 months imprisonment or fine corresponding to 360 daily units	Ministry of interior produced information sheets in German. In large municipalities EU nationals were informed in writing of their entitlements. Further information on radio, TV, newspapers
Portugal	1.3.94 -15.3.94	35.5% (total electorate: 8,555, 733)	30,519 (includes under 18 years old)	715 (2.34%)	Double vote and false declarations: up to 1 year imprisonment and 50 days fine (art 14 Lei 14/87 and art 53B Lei 69/78).	Press announcements, Radio, TV. Information brochure and poster in 5 languages sponsored by Government and distributed to local authorities and embassies.
Finland **	June to 15.8.96	60.3% (total electorate 4.108.703)	11.296	2.515 (22%)	Double vote: fine or imprisonment of maximum 1 year False declarations: fine or a maximum of 2 years imprisonment	Letter to all registered EU citizens in Finnish, Swedish, English , German and French forwarded in June with attached application form, informing them of their entitlements.

Sweden**	1.5.1995- 3.7.1995	41.64% 6 551 781	Ca. 150 000	36 191 (24%)	Double vote: no penalty False declaration: fine or imprisonment not exceeding 6 months	Letter with registration form forwarded on 6 April to all Union citizens on register of population. Those taking up residence afterwards were given a registration form when they registered their residence Press release and TV broadcast in Swedish only.
United Kingdom	17.2. - 29.3 (late claims for registration were accepted until 22.4.94)	36.4% (total electorate: 43,770,000 (including Irish citizens)	ca.400,000 (excluding Irish citizens)	7,845 (excluding Irish citizens (1.96%))	Fine of up to 1,000 GBP for either.	Press release, official statement and information sheets to embassies and consulates, private associations, electoral registration officers and Citizens Advice Bureaux. In N. Ireland, information leaflets delivered to every household.
EU Total			ca. 4,471,647 (-NL 4,311,647)	ca. 253,319 (excl. NL)		

* Information provided by the Member States

** Sweden held its first EP elections on 17 September 1995, Austria on 13 October and Finland on 20 October 1996

22

IMPLEMENTATION OF COUNCIL DIRECTIVE 93/109/EC

TABLE 2*

POSSIBILITIES FOR PARTICIPATION BY NATIONAL VOTERS LIVING ABROAD - EUROPEAN PARLIAMENT ELECTIONS 1994

Member State	Citizens living in another EU MS	Citizens residing in another MS and voting for candidates of the MS of origin by correspondence, by proxy or at local embassies and consulates	Citizens resident in another EU MS that opted to vote in their MS of residence for candidates of their MS of residence
Belgium (voting compulsory)	130,000	Yes, by correspondence, in consulates, following specific request. Art 1 (2) (1). 1,162 Belgian citizens made use of this possibility for the 1994 EP elections.	estimate between 5,000 and 6,000
Denmark	40,000	Yes, in embassies and consulates. Registration in electoral roll upon request.	3,580
Germany	290,000	Yes, by correspondence	24,708
Greece (voting compulsory)	360,000	Yes, in embassies and consulates. 47,947 voted for Greek candidates.	10,510
Spain	470,000 (of which 199,439 are enrolled in the Spanish electoral register)	Yes. Approximately 50,000 Spanish citizens made use of this possibility for the 1994 EP elections.	4,571
France	343,828	Yes, in consulates. 17,139 French citizens made use of this possibility for the 1994 EP elections.	16,300
Ireland	c. 38,000 (excluding 592,000 Irish citizens resident in the UK)	No, except for postal voting for diplomats and their spouses posted abroad.	1,899 (excluding Irish citizens resident in the UK)
Italy	1,200,000	Yes, in embassies and consulates	54,000
Luxembourg (voting compulsory)	11,000	Yes by correspondence. Art 1(1)(4)	no data available
Netherlands	240,000	Yes. Y 6 1	no data available
Austria**	220,000	Yes.	Not applicable **
Portugal	Almost 840,000 (including 87,307 registered)	Yes. By correspondence. DL 95-C/76. Registration in electoral roll is not compulsory but necessary to vote. In the 1994 elections, 20,844 Portuguese citizens made use of this possibility.	16,219
Finland**	150,000	Yes, in embassies and consulates.	Not applicable **
Sweden**	57,000	Yes, in embassies and consulates and by correspondence for Swedish citizens living in Germany.	Not applicable **
United Kingdom	ca. 600,000 (excluding residents in the Republic of Ireland)	Yes, by proxy, if they had not been absent from the UK for more than 20 years	no data available

* Information provided by the Member States

** Austria, Finland and Sweden acceded to the EU on 01.01.1995, and did not participate in the 1994 EP elections.

62

IMPLEMENTATION OF COUNCIL DIRECTIVE 93/109/EC

TABLE 3*

PRESENTATION OF NON-NATIONAL EU CANDIDATES - EUROPEAN PARLIAMENT ELECTIONS 1994

Member State	Deadline for registration as candidate	Conditions to be fulfilled For application	Financing	Sanctions for standing twice	EU candidates	Successful EU candidates
Belgium	1. 4. 94	21 years lists presented by 5 elected representatives (all confounded) or supported by 5.000 voters	private	8 - 15 days imprisonment and fine of 26 -200 FB (Art 1 law 23.3.1989 as amended)	18 (out of 534)	none
Denmark	4 weeks before election	18 years lists presented by parties that are represented in national Parliament or EP or supported by a number of voter equivalent to 2% of the valid votes cast in the previous general election.	private	Fine. The election of the candidate who stood twice is declared void.	1	none
Germany	66 days before election for Länder list and 68 days before election for the Bund list (Federal Parliament)	18 years. Lists may be presented by political parties or associations. Lists of parties or political associations which are not represented with at least 5 elected members in the EP, Bundestag or Landtag need respectively 4,000 signatures (lists for the Bund) and in case of the lists for the Land signatures of 1/1000 of the registered voters of the Länder with a maximum of 2,000 authorised voters.	partly State financing of political parties and associations. Reimbursement of parts of cost if more than 0.5 % of total number of votes is obtained (1 DM per vote)	Imprisonment for up to 3 years or fine	12	1
Greece	at latest 10 days after the announcement of the elections	25 years.	private	Imprisonment 6 months - 5 years and barred from public office 2-5 years as provided for in Article 63 Penal Code and Art. 32 of Presidential Decree 92/1994.	Not available	none
Spain	4.-9.5.1994	18 years List presented by a party, coalition or a federation, supported by 15,000 voters or 50 elected representatives (Art 220 (4))	partly public 3,000,000 pts per seat, 100 pts per vote if at least one seat gained - Art. 227ly2). Electoral mailing is also financed by the State.	As a falsehood in a public document: Imprisonment from 6-8 years and fine of 100,000 to 1,000,000 pts	1	none

30

France	27.5.1994	23 years. 100,000 FF deposit (reimbursed if list obtains more than 5% of the votes)	partly public	The election of a candidate who stood twice is declared void.	5	none
Ireland	7-14. 5.1994	21 years. 1,000 IEP deposit (reimbursable if candidate obtains 1/3 of votes necessary to win)	private	Fine for false declaration on nomination paper not exceeding 500 IEP and/or imprisonment not exceeding 6 months	None (excluding British citizens)	none (excluding British citizens)
Italy	39 days before election	25 years. Lists presented by political groups or parties represented in one of the two chambers, or support by 30,000 voters in the constituency. Since 1979 all EU citizens may stand as candidates	partly public	For false declaration: imprisonment up to 3 years	2	none
Luxembourg	60 days before election	21 years list presented by 250 voters, or an MEP, or a national MP. List must not contain more than 50 % of non-national members	partly public if list obtains more than 5% of votes	25,000/750,000 FL fine	8 (out of 120)	none
Netherlands	27.4.1994	18 years 10 signatures of voters and 25,000 NLG deposit. No more than 30 candidates per list	private	standing twice: imprisonment up to 1 month, fine up to 5,000 NLG	2 (out of 246)	none
Austria **	6.9.1996	19 years of age before January 1st of the year of the elections. Candidates may be nominated by political parties, by 3 members of the Federal Parliament, by 1 Austrian MEP or by 2.600 registered voters	Each political party which is represented in the EP is entitled, on request to a contribution to its campaign costs, after the election has taken place (Sec 2B Party Act)	For false declarations fine up to ÖS 3,000 or imprisonment up to two weeks (Section 31(6) of the European Elections Order)	none	none
Portugal	4-18.4.1994	18 years. List presented by political party or coalition of political parties only.	private or from political party funds (Lei 72/93).	100 days financial penalty and 2 years imprisonment For false declarations: accessory penalty: loss of passive voting rights for the following elections. (Art. 14 A Lei 14/87)	none	none

31

Finland**	31 days prior to election (i.e. 19 September 1996)	18 years of age by election day Political parties (max 16 candidates), constituency associations formed by 1.000 persons (max 1 candidate) Electoral alliances between parties and common lists of constituency associations (max 16 candidates)	partly public before the elections to parties represented in Parliament and to certain citizens' organisations private contributors as well	Double candidature: fine or a maximum of two years imprisonment For false declarations: Votes cast for candidate are declared null but party or common list proposing candidate benefits from them.	none (out of 207)	none
Sweden**	16 June 1996 - for registered parties - otherwise names may be entered on ballot papers for as long as ballot paper can be printed in time for polling day	18 years of age by polling day No particular restrictions on nomination of candidates	public: Sum of SKR 30 million divided between the parties represented in the Swedish Riksdag	False declarations: fine or term of imprisonment not exceeding six months No penalty for double candidature.	2 (out of 577)	none
United Kingdom	17.2 - 29.3.1994 (prolongation until 22.4.94)	21 years. deposit of 1,000 GBP 30 electors in support	private	False statement in particular: Fine not exceeding 1,000 GBP. Serious offences. Standing twice: fine not exceeding 5,000 GBP and prison sentence up to 6 months.	2 (out of 545)	none

* Information provided by the Member States

** Sweden held its first EP elections on 17 September 1995, Austria on 13 October and Finland on 20 October 1996

32

POLITICAL PARTICIPATION OF NON-NATIONAL EU CITIZENS PRIOR TO ELECTIONS

TABLE 4*

Member State	Can non-nationals found a political party?	Can non-nationals join a political party?	Is there a quota restriction?	Other restrictions?
Belgium	Yes	Yes	No	None
Denmark	Yes	Yes	No	None
Germany	Yes. non-nationals may co-found a party. However, it will loose its party status if the majority of its members or the members of the Board are foreigners.	Yes. when allowed by the statutes of the party.	Yes: Both political parties and their Boards may not have more than 50% of non-nationals as members. Article 2 (3) Party Law. For the European elections other political associations are considered as political parties and for these there is no quota.	Yes. Political activity of foreigners may be subject to restrictions, under certain conditions. Articles 6 and 37 of Forcigners Law
Greece	No	At the discretion of the political party	no data available	no data available
Spain	Yes. Although the law on political parties of 1978 recognises this right for Spanish nationals only. it is considered to be unconstitutional.	Yes	No	The internal structure and the operations of political parties should be democratic (Article 6 of the Constitution)
France	Yes	Yes	No	No
Ireland	Yes	Yes	No	None
Italy	Yes	Yes	No	None
Luxembourg	The Constitution gives the right of association only to nationals but in practice non-nationals also benefit.	Yes	No	A list of candidates may not be composed of a majority of non-nationals (Art 106 (5), law 25.2.79)
The Netherlands	Yes	Yes	No	Non-nationals may only stand for elections to the EP and local authorities.
Austria	Yes	Yes	No	No

33

Portugal	Article 15 of the Constitution gives political rights to nationals only. These are extended to non-nationals EU citizens (for EP and municipal elections on the basis of reciprocity). The Law on political parties (DL 595/74) does not envisage the forming of political parties by non-nationals. The reform of these provisions is currently featured in the Government's legislative programme.	Yes at the discretion of political parties. Main political parties have non-national members	No	Polling stations may not be composed exclusively by non-nationals. Art 9º B Lei 14/87(to avoid polarisation)
Finland	Yes, if they reside in Finland and are over 15 years of age	Yes, if they reside in Finland	No	None
Sweden	Yes	Yes	No	None
United Kingdom	Yes	Yes	No	None

* Information provided by the Member States

21

IMPLEMENTATION OF COUNCIL DIRECTIVE 93/109/EC

TABLE 5*

IMPLEMENTATION OF THE DIRECTIVE'S OPTIONS BY MEMBER STATES

Member State	ART 7 §1: The MS of residence may check whether non-nationals who have expressed a desire to exercise their right to vote there have not been deprived of that right in their home MS through an individual civil or criminal law decision.	ART 9 §3: The MS of residence may also require a Community voter to: a) state that he has not been deprived of the right to vote in his home MS; b) produce a valid identity document; c) indicate the date from which he has been resident in that State or in another MS.	ART 10 §3: The MS of residence may require a Community national entitled to stand as candidate to produce a) valid identity document; b) state the date from which he has been a national of a MS.	ART 14 §1: If the proportion of eligible non nationals exceeds 20% of eligible voters, derogation to conditions of access to vote and to candidatures are possible. ART 14 §2: If national law allows non-nationals to vote for national Parliament elections, Art 6-13 are not applicable to them.
Belgium	Yes. Art 3 bis L (d'office)	a) Yes. Art 1 §3. 2, 2° Loi 23 mars b) No c) No	No	No No
Denmark	No	No.	No	No No
Germany	Yes. Art 6a § 2 Nr 2 EU WG in relation with Art. 17 a §5 EuWO. (when necessary, in case of doubt)	a) Yes. Art.6 § 2 Nr 2 EUWin relation to 17a(4) EuWO b) Yes. c) Yes	a) Yes. 11 §2 Nr 1b-1d Eu WG b) Yes. 11 § 2 Nr 1b-1d EuWG	No No
Greece	Yes, after the exchange of the necessary information with the other MS (Art. 6 Law 2196/94.	a) Yes. Art 4 §3 a) b) Yes. Art 4 §3 b) c) Yes. Art 4 §3 c)	a) Yes. Art 5 §2. b) Yes. Art 5 §2.	No No
Spain	Yes. Art 3 d) RD (when necessary)	a) Yes. Art 3 §1d) RD. b) Yes. Art 3 § 2 RD c) No	a) Yes. Art 220 bis §2 LO b) Yes. Art 220 bis §2 LO	No No
France	Yes	a) Yes. Art 2 §4 b) Yes c) No	No	No No
Ireland	No	No	No.	No Yes for resident British citizens only
Italy	No	a) Yes. Art2 §2 - preferably presenting a certificate. b) No c) No	No	No No
Luxembourg	No	a) Yes. Art 1, (2) 1° d) b) Yes. Art 1, (2) 2° c) Yes. Art 1, (2) 3°	a) Yes. Art 98 (2°) b) No	Yes, §1. Art 106 (5) No

35

e a n s

No.

a Yes. Y33 1
b No

No

No
No

Austria	No	a) Yes : Section 5(1) WEG b) Yes c) No	a) No b) No	No No
Portugal	No	a) Yes Art 20 (9 -d) Lei 69/78 (RE) b) Yes. Art 20 (3) (RE). c) No	a) Yes, art 24, lei 14/79 b) No	No No
Finland	Yes (when necessary)	a) Yes when necessary b) No c) No	No	No No
Sweden	No	No	No	No No
United Kingdom	No	No	No	No Yes. For Irish citizens only

* Information provided by the Member States

IMPLEMENTATION OF COUNCIL DIRECTIVE 93/109/EC

TABLE 6*

TRANSPOSITION MEASURES IN THE MEMBER STATES

Member State	Directive implemented by:
Belgium	Loi du 11.4.94 modifiant la Loi du 23 mars 1989 relative à l'élection du PE et portant exécution de la directive du Conseil des Communautés Européennes 93/109 du 6.12.93 in MB n° 10288 du 16.4.94
Denmark	Lov nr. 1086 af 22.12.93 om ændring af lov nr. 746 af 7.12.1988 om valg af danske repræsentanter til Europa-Parlamentet (L); Indenrigsministeriets bekendtgørelse nr. 79 af 31.1.1994 om sletning af den danske valgliste af personer, der er optaget på valglisten i en anden medlemsstat (N79); Indenrigsministeriets bekendtgørelse nr. 80 af 31.1.1994 om EU-borgeres optagelse på valglisten til valg til Europa-Parlamentet (N80); Lov af 13.1.1997 om ændring af lov om valg af danske repræsentanter til Europa-Parlamentet.
Germany	Drittes Gesetz zur Änderung des Europawahlgesetzes von 8.3.94, BGBl 1994, I, p. 419, 12.3.1994, Zweite Verordnung zur Änderung der Europawahlordnung von 15.3.94, BGBl 1994, I, p.544, von 19.03.1994
Greece	Νόμος αριθ. 2196 της 22 Μαρτίου 1994, Επίσημη Εφημερίδα της ελληνικής κυβέρνησης, τόμος 1 σειρά 41 της 22 Μαρτίου 1994 και προεδρικό διάταγμα αριθ. 60/1994 (49 Α)
Spain	Ley Organica 13/94 de 30.3.94, BOE n° 77, 102259 de 31.3.94 (LO); Real Decreto 2118/93 de 3.12.93, BOE n° 290, 34662 de 4.12.94 (RD); Orden del Ministerio de Economía y Hacienda 30393 de 20.12.1993, BOE n° 305 de 22.12.1993 (O.30) e Orden del Ministerio de Economía y Hacienda de 28.1.94, BOE n° 25 de 29.1.94 (O.20). Real Decreto 157/1996 de 2.2.1996 por el que se dispone la actualización mensual del censo electoral y se regulan los datos necesarios par la inscripción en el mismo modificado con Ley Organica 1/1997 de 30.5.1997, BOE n° 130 de 31.5.97
France	Loi n° 94-104 du 5 février 1994 relative à l'exercice par les citoyens de l'Union Européenne résidant en France du droit de vote et de l'éligibilité au Parlement Européen (L); Décret n° 94-206 du 10 mars 1994 pris pour l'application de la loi 94-104 du 5 février 1994 (D).
Ireland	European Parliament Elections (Voting and Candidature) Regulations 1994 of 31.12.1994; European Parliament Elections Act 1993, Electoral Act 1992; European Assembly Elections Acts 1977 and 1984, Statutory Declarations Act 1938; European Parliament Elections Act 1997
Italy	Decreto Legge n° 128 del 21.2.1994, GU n° 47 del 26.2.1994 reiterato dal DL n° 408 del 24.6.94 convertito dalla Legge n° 483 del 3.8.1994, GU n° 183 del 6.8.1994
Luxembourg	Loi du 28 janvier 1994 fixant les modalités de l'élection des représentants du Grand Duché de Luxembourg au Parlement Européen.
The Netherlands	Wet van 26 januari 1994 houdende wijziging van de Kieswet ter uitvoering van richtlijn n. 93/109/EG van 6.12.93 tot vaststelling an de wijze van uitoefening in de Lid-staat van verblijf van het actieve en passieve kiesrecht bij de verkiezingen van het europese parlement, Staatsblad 1994,58.
Austria	Bundesgesetz über die Wahl der von Österreich zu entsendenden Abgeordneten zum Europäischen Parlament (Europawahlordnung – EuWO, BGBI. Nr 117/1996) Bundesgesetz über die Führung ständiger Evidenz der Wahl - und Stimmberechtigten bei Wahlen zum Europäischen Parlament (Europa-Wählerevidenzgesetz - EuWEG, BGBI. Nr 118/1996)
Portugal	Lei 3/94 de 28.2.94 (RE); Lei 4/94 de 9.3.94 (PE), Diario da Republica Serie A n° 57 de 9.3.94
Finland	Laki Suomesta Euroopan parlamenttiin valittavien edustajien vaaleista (272/95) 3.3.1995
Sweden	Lag om val till Europaparlamentet utfärdad den 20 april 1995, SFS 1995:374 (repealed) 1 kap. 4, 8 och 13 §, 5 kap. 16 och 18 §, 7 kap. 5 och 12 § vallagen (SFS 1997:157)
United Kingdom	European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 of 17.2.1994

* Information provided by the Member States

TABLE 7*

DEADLINES FOR APPLICATION TO ENTER INTO THE ELECTORAL ROLL

In accordance to Article 9 (4) of Directive 93/109, EU citizens resident in another Member State who registered as voters in their Member State of residence for the June 1994 EP elections will remain on the electoral roll under the same conditions as nationals until they request to be removed from it or until they are removed automatically because they no longer fulfill the necessary residence conditions.

Other EU citizens wishing to vote in the Member State of residence in the next EP elections will have to request to be entered on the electoral roll.

Below are indicated per Member State where and when the application must be submitted.

Member State	Application to be entered on the electoral roll to be submitted to:	Deadline
Belgium	municipality of residence	Any time of the year except between 1 April and polling day on election year. Deadline for next EP elections: 31 March 1999
Denmark	district of registered residence	Not later than 6 weeks before polling day
Germany	municipality of residence	At the latest 34 days before polling day
Greece	municipality of residence	1-10/April of each year Deadline for next EP elections: 10 April 1999
Spain	municipality of residence	At the latest 41 days before polling day
France	municipality of residence	Last working day in December for definite registration in 1 March of the following year. Deadline for the next EP elections: 30 December 1998
Ireland	County or City Council of residence	Applications can be made throughout the year. Deadline for next EP elections: 13 working days before polling day
Italy	municipality of residence	At the latest 90 days before polling day
Luxembourg	municipality of residence	By 1 April of each year. Deadline for next EP elections: 31 March 1998
Netherlands	municipality of residence	Must be entered at the latest 42 days before polling day on the population register. For next EP elections: return form to municipality of residence at the latest 3 weeks before polling day
Austria	municipality of residence	At the latest 65 days before polling day
Portugal	electoral board of municipality of residence	Between 2 and 31 May of each year. Deadline for the next EP elections 31 May 1998
Finland	population registration office	At the latest 66 days before polling day
Sweden	local tax office	At the latest 30 days before polling day
United Kingdom	local registration office (ERO)	Must be resident in the UK by qualifying date which is 10 October of any year and 1 September for NI. For next EP elections return form to local ERO no later than 16 December 1998.

* Information provided by the Member States

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