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**COMMISSION STAFF WORKING DOCUMENT**

**Accompanying the**

**COMMUNICATION FROM THE COMMISSION**

**European elections 2004**

**Commission report on the participation of European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC)**

{COM(2006) 790 final}  
{SEC(2006) 1646}  
{SEC(2006) 1647}

**COMMISSION STAFF WORKING DOCUMENT**

**European Elections 2004**

**Commission report on the participation of the Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral modalities (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom)**

This working paper supplements the Commission report on the participation of the European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral modalities (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom), COM(2006) 790. It contains additional information relating to the relevant Chapters of the report as follows:

- (1) Reference point: Chapter 1. Introduction: the questionnaire sent by the Directorate-General for Justice, Freedom and Security to Member States concerning participation in the 2004 European elections and the implementation of Directive 93/109/EC
- (2) Reference point: Chapter 3. Participation in the 2004 EP Elections – Application of Directive 93/109/EC: assessment of answers given by Member States to the Questionnaire

## Annex

### COMMISSION STAFF WORKING DOCUMENT

#### European Elections 2004

#### Commission report on the participation of the Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral modalities (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom)

#### 1. The questionnaire sent by the Directorate-General for Justice, Freedom and Security to Member States concerning participation in the 2004 European elections and the implementation of Directive 93/109/EC

In order to evaluate the participation of non-national citizens of the European Union in elections in the Member State of residence and to obtain a complete overview of the application of the Directive, the Commission invited Member States to provide information on the elections, using a detailed and comprehensive questionnaire. The Commission sent the questionnaire to all Member States with a letter of 18 November 2004.

The questionnaire was divided into two sections. The first section contained questions concerning statistical data on enrolment on the electoral roll and voting in the elections, on candidates to the elections and on the information exchange system.

The second section contained questions about qualitative data on the political rights of non-national EU citizens, on measures taken to inform national and non-national EU citizens of their political rights, on the exercise of those rights, on the information exchange system and, lastly, about opinions on whether the Directive should be amended and, if so, in what sense.

A copy of the questionnaire is annexed to this document.

#### 2. Assessment of answers given by Member States to the questionnaire

All Member States replied to the questionnaire. The answers reached the Commission between 8 December 2004 for the first Member State and 25 January 2006 for the last.

It should be noted that several Member States encountered difficulties in providing statistics for all of the questions in Section 1. This was the case, for example, for the:

- number and breakdown of their nationals residing in another Member State,
- number and breakdown of non-national EU citizens residing in their territory,
- number and breakdown of votes cast by non-national EU citizens who voted in the Member State of residence.

Given this lack in availability of statistical data, Member States often made efforts to provide estimates in order to complete the Commission's questionnaire, with a view to enabling participation in the elections to be assessed.

Consequently, the Commission does not possess complete and exact data on all aspects of participation in the elections and implementation of the Directive. Despite that fact, it may be considered, however, that information was sufficient for general trends to be identified, in particular concerning the degree of participation in the elections by non-national EU citizens in their Member State of residence<sup>1</sup>.

Regarding the qualitative questions, some Member States gave detailed opinions or suggestions, e.g. on the information exchange system, while others gave concise answers to the questions in that section. Others did not express any opinion on some of the questions.

Member States provided comprehensive and detailed information on the measures taken with a view to informing non-national EU citizens of their rights, which enabled the Commission to identify practices that proved to be particularly efficient<sup>2</sup>.

Annexes 2 to 8 of this document summarize the most relevant information provided by Member States in their answers to the questionnaire. Other information provided by Member States is analysed and developed in the impact assessment carried out by the Commission on possible amendments to the Directive 93/109/EC<sup>3</sup>.

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<sup>1</sup> See Commission Communication COM(2006) 790.

<sup>2</sup> See Commission Communication COM(2006) 790.

<sup>3</sup> See the document SEC(2006) 1646.

## ANNEXES

- (1) The questionnaire sent to the Member States by the Justice, Freedom and Security DG
- (2) Table 1: Participation of non-national EU citizens in the EP elections in the Member State of residence
- (3) Table 2: Participation of non-national EU citizens in the EP elections in the Member State of origin
- (4) Table 3: Participation of non-national EU citizens as candidates in the EP elections in the Member State of residence
- (5) Table 4: Informing citizens – measures taken by Member States to inform non-national EU citizens of their rights to vote and to stand as a candidate
- (6) Table 5: The Information Exchange System
- (7) Table 6: Time frame for the sending and receiving of data by Member States within the framework of the Information Exchange System
- (8) Table 7: Opinions expressed by Member States regarding Directive 93/109/EC

**ANNEX**  
**Annex 1 : Elections to the European Parliament in June 2004**  
**EU Questionnaire on the application of Directive 93/109/EC**

**DEADLINE FOR REPLIES: 17 JANUARY 2005**

**(1) Statistical data**

**1. ARTICLE ENTRY IN THE ELECTORAL ROLL**

- 1.1. Total number of your own nationals in voting age in your country?
- 1.2. Total number of your own nationals in your country entered in the electoral roll in your country?
- 1.3. Total number of your own nationals in voting age residing in other Member States?
- 1.4. Total number of your own nationals residing in other Member States entered in the electoral roll of your country?
- 1.5. Total number of non-national citizens of the Union in voting age residing in your country?
- 1.6. Breakdown of non-national citizens of the Union in voting age residing in your country by Member State?
- 1.7. Breakdown of non-national citizens of the Union in voting age residing in your country by gender?
- 1.8. Total number of non-national citizens of the Union entered in the electoral roll in your country?
- 1.9. Breakdown of non-national citizens of the Union entered in the electoral roll in your country by Member State?
- 1.10. Breakdown of non-national citizens of the Union entered in the electoral roll in your country by gender?

**2. PARTICIPATION IN THE ELECTIONS**

- 2.1. Total number of your own nationals residing in your country who voted?
- 2.2. Total number of your own nationals residing in other Member States who voted in your country (that is voted for candidates in their home country)?
- 2.3. Total number of non-national citizens of the Union entered to electoral rolls in your country who voted?
- 2.4. Breakdown of non-national citizens of the Union who voted by Member State?
- 2.5. Breakdown of non-national citizens of the Union who voted by gender?

### **3. RIGHT TO STAND AS A CANDIDATE**

- 3.1. Total number of your own nationals standing as a candidate on the lists of candidates for the European parliament in your country?
- 3.2. Total number your own nationals elected from the lists of candidates for the European parliament in your country?
- 3.3. Number of non-national citizens of the Union standing as a candidate on the lists of candidates for the EP in your country, broken down by Member State and by gender?
- 3.4. Number of non-national citizens of the Union elected to from the lists of candidates for the EP in your country, broken down by Member State and by gender?

### **4. INFORMATION EXCHANGE SYSTEM**

- 4.1. Number of data transmissions that were sent from your country within the system of information exchange?
- 4.2. Time frame (first and last dates) for sending data on non-national citizens of the Union entered in the electoral roll in your country?
- 4.3. Number of the data transmissions that were received by your country within the system of information exchange?
- 4.4. Time frame (first and last dates) for receiving of data on nationals of your country entered in the electoral rolls of other Member States?
- 4.5. Number of your nationals residing in other Member State who were deleted from your electoral rolls on the basis of the information exchange, broken down by Member State?

## **(2) Qualitative information**

### **5. POLITICAL FREEDOMS SUPPORTING PARTICIPATION TO THE EP ELECTIONS: INVOLVEMENT OF NON-NATIONAL CITIZENS OF THE UNION IN POLITICAL ACTIVITIES IN THEIR COUNTRY OF RESIDENCE**

- 5.1. Can a non-national citizen of the Union residing in your country set up a political party?
- 5.2. Can a non-national citizen of the Union residing in your country join a political party as a member?
- 5.3. Are there any quotas in relation to non-national citizens of the Union in political parties?
- 5.4. Are there any other restrictions as regards the political activities of non-national citizens of the Union?

## **6. INFORMING CITIZENS (ARTICLE 12 OF DIRECTIVE 93/109/EC)**

- 6.1. What specific measures did your authorities take to inform citizens of the Union of their right to vote and right to stand as a candidate and of how to go about this?
- 6.2. Did you use for example
- brochures and leaflets;
  - advertisements in the newspapers;
  - TV advertisements;
  - radio campaigns;
  - personal letters sent to citizens of the Union;
  - website
  - other means, what?
- 6.3. Did you receive any feedback from citizens, associations or non-governmental organisations concerning the information campaign?
- 6.4. Did political parties play any role in the information campaigns and how?
- 6.5. What is your estimation on the costs of the information campaign?
- 6.6. Do you consider that your information campaign was adequate in the light of the turnout of non-national Union citizens?

## **7. RIGHT TO STAND AS CANDIDATES**

- 7.1. Did you experience difficulties relating to submission of applications to stand as a candidate, including producing or controlling the attestations referred to in Article 10(2)?
- 7.2. Where any applications from nationals of other Member States to stand as a candidate refused by your electoral authorities and, if so, why?

## **8. INFORMATION EXCHANGE SYSTEM**

- 8.1. What method did you use in practice in sending and receiving the data on Community voters (e-mail, diskettes, CD-rom, paper)? Did this differ by Member State concerned?
- 8.2. Did the data received from the other Member States enable you to identify the citizens concerned and delete them from your country's electoral roll? If not, why?
- 8.3. Do you consider that the data sent by your country enabled the other Member States concerned to identify the voters and to delete them from their national electoral rolls? If not, why?



- 8.4. Did you encounter specific problems with the functioning of the information exchange system? Which kind of problems?
- 8.5. How well do you think the information exchange system operated, in particular compared with year 1999?
- 8.6. Did you encounter cases in practice that a citizen tried to register or to vote twice? How many? What do you consider that the reasons were?
- 8.7. Do you consider the present system adequate for avoiding double voting?
- 8.8. Did you consider the issues of data protection in connection to the information exchange? How did you take into account the requirements laid down in Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular of requirements on informing a data subject under Article 10 of the Directive?
- 9. VOTING OF UNION CITIZENS WHO RESIDE IN OTHER MEMBER STATES IN THEIR HOME COUNTRY**
- 9.1. Did you take any measures to encourage your citizens who reside in other Member States to vote in your country? If yes, which kind of measures?
- 9.2. Did you allow the authorities of other Member States to establish polling stations for their citizens in your country? If yes, which Member States used this possibility in your country?
- 10. ANY OTHER REMARKS?**
- 10.1. Did you encounter problems with citizens having multiple nationalities (of two or more Member States)?
- 10.2. Other remarks?
- 11. POSSIBLE NEEDS TO AMEND DIRECTIVE 93/109/EC**
- 11.1. Do you think that Directive 93/109/EC should be amended?
- 11.2. If so, in what way?

**ANNEX 2 - TABLE 1\***

<b>PARTICIPATION OF NON NATIONAL EU CITIZENS TO THE EP ELECTIONS IN THE MEMBER STATE OF RESIDENCE</b>				
<i>Member State</i>	Non-national EU citizens in voting age residing in your country	Non-national EU citizens entered in the electoral roll in your country		Non-national EU citizens entered in the electoral roll in your country who voted
	<b>Number (A)</b>	<b>Number (B)</b>	<b>%</b>	<b>Number</b>
Austria	150 000 *	24 093	<b>16</b>	N/A
Belgium	515 715 *	59 368	<b>11,5</b>	N/A
Cyprus	45 725	2 054	<b>4,4</b>	1 213
Czech Republic	N/A	99		N/A
Denmark	58 148	15 572	<b>26,7</b>	N/A
Estonia	5 054	621	<b>12,2</b>	N/A
Finland	30 091	5 525	<b>18,3</b>	2 342
France	1 102 517	144 925	<b>13,1</b>	N/A
Germany	2 156 388	133 465	<b>6,1</b>	N/A
Greece	64 672	2 577	<b>3,9</b>	N/A
Hungary	17 719	1 956	<b>11,0</b>	N/A
Ireland	118 118 **	46 108	<b>39,0</b>	N/A
Italy	149 544 ***	16 390	<b>10,9</b>	N/A
Latvia	3 736	541	<b>14,4</b>	N/A
Lithuania	1 826	321	<b>17,5</b>	N/A
Luxembourg	133 831	13 792	<b>10,3</b>	9556
Malta	8 273	1 060	<b>12,8</b>	776
Netherlands	202 000 *	N/A		79 000 *
Poland	N/A	182		N/A
Portugal	N/A			N/A
Slovakia	6 871	593	<b>8,6</b>	N/A
Slovenia	707	51	<b>7,2</b>	N/A
Spain	700 906	129 989	<b>18,5</b>	N/A
Sweden	177 881	44 776	<b>25,1</b>	24 100 *
United Kingdom	N/A	401 000 ****		N/A
<b>Total EU</b>	<b>5 649 722</b>	<b>1 045 058</b>		<b>107 431</b>
<b>Total for those Member States which provided data both for A and B</b>	<b>5 389 574</b>	<b>643 777</b>	<b>11,94</b>	

Glossary:

- N/A Not available
- \* The Member State could only provide an estimate
- \*\* Data of 2002
- \*\*\* Data of 2001
- \*\*\*\* Estimate given by the UK not including nationals of MT, CY and IE

\* Answers given to the questionnaire by the Member States

**ANNEX 3 - TABLE 2\***

<b>PARTICIPATION OF NON NATIONAL EU CITIZENS TO THE EP ELECTIONS IN THE MEMBER STATE OF ORIGIN</b>			
<i>Member State</i>	Your own nationals in voting age <b>residing</b> in other Member States	Your own nationals residing in other MS <b>entered in the electoral</b> roll of your country	Your own nationals residing in other Member States <b>who voted</b> in your country
	<b>Number</b>	<b>Number</b>	<b>Number</b>
Austria	N/A	35 527	N/A
Belgium	195 776	215	186
Cyprus	N/A	0 ****	0 ****
Czech Republic	N/A	N/A	N/A
Denmark	N/A	4 000 *	4 000 *
Estonia		3574	1 027
Finland	135 217	113 001	6 799
France	52 032	N/A	N/A
Germany	N/A	2 826	N/A
Greece	716 015 *	34 113	25 546
Hungary	N/A	0 ****	0 ****
Ireland	N/A	286	286 ***
Italy	1 165 994	N/A	N/A
Latvia	32 630 **	32 630	3 215
Lithuania		5 898	4 156
Luxembourg	N/A	N/A	N/A
Malta	N/A	96 ***	51 ***
Netherlands	N/A	N/A	N/A
Poland	N/A	12 625	7 815
Portugal	N/A		N/A
Slovakia	N/A	0 ****	0 ****
Slovenia	8 594	2 375	510
Spain	388 313	388 313	74 720
Sweden	53 522 **	49 637	10 600 *
United Kingdom	98 851 ***	8 555 ***	N/A
<b>Total EU</b>	<b>2 748 093</b>	<b>693 671</b>	

Glossary:	N/A	Not available
	*	Member State could only provide an estimate
	**	all voters registered as : living abroad (Latvia)/in the whole Europe (Sweden)
	***	With reservation – Member State do not possess complete data
	****	Not possible to be enrolled or to vote with regard to national law

\* Answers given to the questionnaire by the Member States.

**ANNEX 4 - TABLE 3\***

<b>CANDIDATE PARTICIPATION OF NON NATIONAL EU CITIZENS TO THE EP ELECTIONS IN THE MEMBER STATE OF RESIDENCE</b>				
	<b>Candidates</b>	<b>Breakdown by member states and gender</b>	<b>Elected</b>	<b>Breakdown by member states and gender</b>
<i>Member State</i>	Number		Number	
Austria	<b>1</b>	1 ♀ GE	<b>0</b>	
Belgium	<b>8</b>	4 ♂ and 4 ♀: 2 NL, 2 DE, 1 FR, 1 GR, 1 IT, 1 ES	<b>0</b>	
Czech Republic	<b>5</b>	5 ♂: FR, GE, UK, IE, IT	<b>1</b>	♂ DE
France	<b>8</b>	1 ♀ DE + 1 ♂ BE + 1 ♂ FI + 1 ♀ IT + 1 ♀ LU + 1 ♂ UK + 1 ♀ UK + 1 ♀ SE	<b>1</b>	♂ FI
Germany	<b>16</b>	3 ♀ and 13 ♂: 3 FR + 3 IT + 2 IE + 2 NL + 2 SE + 1 DK + 1 LU + 1 UK	<b>1</b>	♂ NL
Greece	<b>4</b>	2 ♂ IT + 1 ♀ GE + 1 ♀ FI	<b>0</b>	
Luxembourg	<b>8</b>		<b>0</b>	
Netherlands	<b>2</b>	1 UK + 1 FR	<b>0</b>	
Portugal	<b>1</b>	1 ♂ IT	<b>0</b>	
Spain	<b>1</b>	1 ♀ FR	<b>0</b>	
Sweden	<b>1</b>	1 ♂ DK	<b>0</b>	
United Kingdom	<b>2</b>	1 ♂ GE + 1 ♀ IT	<b>0</b>	
<b>Total EU</b>	<b>57</b>		<b>3</b>	

Glossary: **Candidates:** Non-national citizens of the Union **standing as a candidate** on the lists of candidates for the EP in your country  
**Elected:** Non-national citizens of the Union **elected** to from the lists of candidates for the EP in your country

\* Answers given to the questionnaire by the Member States.

ANNEX 5 - TABLE 4\*

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\* Answers given to the questionnaire by the Member States.

Member State	INFORMING CITIZENS								
	What specific measures did your authorities take to inform citizens of the Union of their right to vote and right to stand as a candidate?								
	Brochures and leaflets	Ads in news papers	TV ads	Radio ads	Letter	Website	Other means	Parties	Success
Austria	✓				✓	✓		N/A	☺
Belgium	✓		✓		✓	✓			☺
Cyprus		✓	✓	✓	✓	✓			☺
Czech Republic	✓	✓	✓	✓		✓	①		☺
Denmark					✓			N/A	☺
Estonia			✓		✓	✓	②		☺
Finland					✓	✓			☺
France	✓	✓				✓		N/A	N/A
Germany	✓	✓	✓		✓	✓	③		☺
Greece	✓	✓				✓	④		☺
Hungary	✓	✓	✓	✓	✓	✓		✓	☺
Ireland	✓	✓			✓	✓		✓	☺
Italy	✓	✓	✓	✓	✓	✓		✓	N/A
Latvia		✓	✓	✓	✓	✓	⑤		☺
Lithuania					✓	✓	⑥		N/A
Luxembourg	✓	✓	✓	✓				✓	☺
Malta	✓	✓	✓	✓	✓	✓		✓	☺
Netherlands					✓		⑦		N/A
Poland	✓		✓	✓		✓			☺
Portugal	✓					✓			☺
Slovakia	✓		✓	✓	✓	✓		N/A	☺
Slovenia	✓		✓	✓	✓	✓		✓	☺
Spain	✓		✓	✓	✓	✓			☺
Sweden	✓				✓			N/A	N/A
United Kingdom	✓	✓	✓	✓	✓	✓	⑧		☺

Glossary:

- Letter:** Personal letters sent to citizens of the Union
- ① Information provided via embassies and local administration; phone line
  - ② phone line
  - ③ Information provided via local administration; phone line
  - ④ phone line; info letter available via embassies, local administration
  - ⑤ Phone line
  - ⑥ Meeting with embassies to inform and prepare
  - ⑦ When registering in a municipality, EU citizens are informed that they can at same register to vote
  - ⑧ National information-tour targeting young people; phoneline
- Parties:** Did political parties play any role in the information campaigns?
- Success:** Do you consider that your information campaign was adequate?
- N/A Question not answered by the Member State

ANNEX 6 - TABLE 5\*

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\* Answers given to the questionnaire by the Member States.

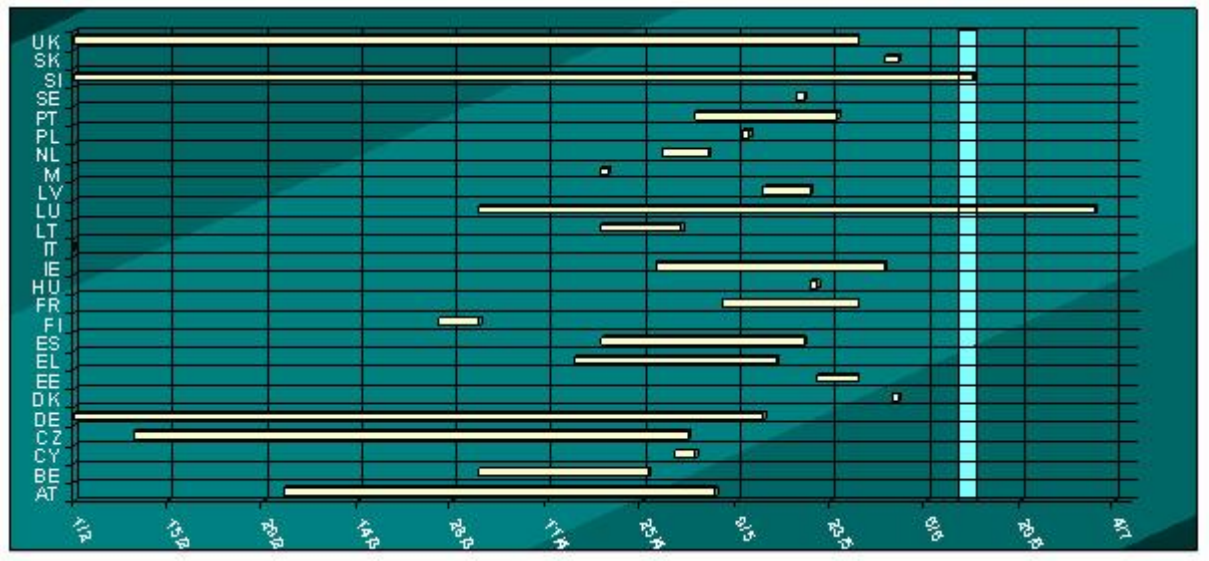
INFORMATION EXCHANGE SYSTEM								
Member State	SUCCESS	1999	IN WHICH AREAS HAVE YOU ENCOUNTERED PROBLEMS?					Present system adequate?
			Info	Date	Multiple nationalities	Centre	Law	
Austria	☺	☺						YES*
Belgium	☹		✓	✓				NO
Cyprus	☺							YES
Czech Republic	☹		✓					NO
Denmark	☺	☺	✓					YES *
Estonia	☹		✓		✓			YES *
Finland	☺		✓	✓				NO
France	☺	☺	✓	✓				NO
Germany	☹	☹	✓	✓	✓			NO
Greece	☹	☺	✓			✓		NO
Hungary	☹		✓					YES *
Ireland	☹	☺	✓				✓	NO
Italy	☺	☺		✓	✓			NO
Latvia	☹		✓	✓				YES *
Lithuania	☹		✓	✓		✓		YES
Luxembourg	☺		✓					YES
Malta	☺							YES *
Netherlands	☹	☺	✓	✓				NO
Poland	☹		✓	✓				YES
Portugal	☺	☺	✓	✓		✓		YES *
Slovakia	☹		✓					YES
Slovenia	☹		✓		✓			NO
Spain	☹	☺	✓	✓				NO
Sweden	☹	☺	✓	✓	✓			NO
United Kingdom	☹	☺	✓	✓		✓	✓	NO

Glossary:	<b>Success:</b>	Did the data received from the other Member States enable you to identify and delete the voters from your roll?
	<b>1999:</b>	Do you think the information exchange system operated better compared with year 1999?
	<b>Info:</b>	Exchanged data were not sufficient for full identification of persons and thus allow them to be deleted from the electoral rolls
	<b>Date:</b>	Exchanged data arrived too late in some cases.
	<b>Multiple nationalities:</b>	Did you encounter problems with citizens having multiple nationalities (of two or more Member States)?
	<b>Centre:</b>	Exchanged data did not arrive integrated but from decentralised agencies.
	<b>Law:</b>	Domestic legislation does not provide for possibility to remove from the roll on basis of information exchanged with Member States.
	<b>Present system adequate?</b>	Do you consider the present system adequate for avoiding double voting?
	<b>YES*</b>	The present system is adequate if further improvements will be implemented

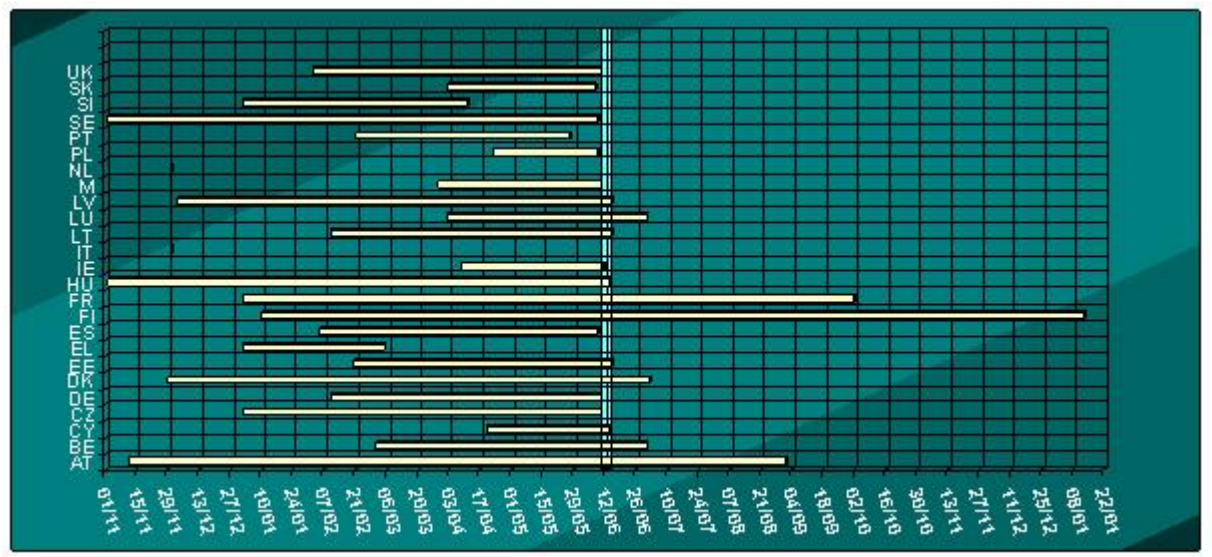


**ANNEX 7 - TABLE 6\***

**Time frame (starting with February 2004 or before until July 2005) for sending data on non-national citizens of the Union entered in the electoral roll in your country**



**Time frame (starting with March 2004 or before until January 2005) for receiving of data by Member States on their nationals entered in the electoral rolls of other Member States**



\* Answers given to the questionnaire by the Member States.

**ANNEX 8 - TABLE 7\***

<i>Member State</i>	SHOULD DIRECTIVE 93/109 BE AMENDED? IF SO, IN WHAT WAY?							
	Yes/No	Single date	Single format	No system	More effective	Administrative burden	Multiple nationality	Declaration only
Austria	YES	✓	✓		✓		✓	
Belgium	NO							
Cyprus	n/a							
Czech Republic	YES	✓		✓	✓			
Denmark	NO						✓	
Estonia	YES	✓		✓				
Finland	YES	✓	✓	✓				✓
France	n/a							
Germany	YES			✓		✓		✓
Greece	NO							
Hungary	NO				✓			
Ireland	YES					✓		
Italy	YES			✓				
Latvia	YES		✓					
Lithuania	YES		✓					
Luxembourg	NO							
Malta	YES							
Netherlands	YES			✓		✓		
Poland	NO							
Portugal	YES		✓	✓				
Slovakia	NO							
Slovenia	YES						✓	
Spain	YES							
Sweden	YES	✓	✓					
United Kingdom	YES		✓	✓	✓	✓		

- Glossary:
- Single date:** To set up a common deadline for sending information, within the information exchange system.
  - Single format:** To introduce a single format to be used within the framework of the exchange of information.
  - No system:** To abolish the current information exchange system.
  - Administrative burden:** The current information exchange results in a too heavy administrative burden for the national administration.
  - Multiple nationality:** The current regulation does not allow preventing double vote in case of persons holding nationality of several Member States.
  - Declaration only:** Abolish the current information exchange system and only maintain the declaration made at registering on not voting/not standing as a candidate in more than one MS.
  - n/a** Question not answered by the Member State

\* Answers given to the questionnaire by the Member States.