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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)

IMPACT ASSESSMENT REPORT

for a possible amendment of Council Directive 93/109/EC laying down detailed arrangements for exercising the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

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SUMMARY

1	POLICY BACKGROUND AND PROBLEM DEFINITION	5
1.1	Introduction	5
1.2	Current legal provisions in the EU in relation to EU citizenship and right to vote in EP elections	5
1.2.1	Participating in European Parliament elections	6
1.2.2	Context of the Impact Assessment on a possible amendment to Directive 93/109/EC	7
2	PROBLEM ASSESSMENT	8
2.1	Introduction	8
2.2	Problem 1: Deficient system to prevent double voting and double candidature	8
2.2.1	Scale of Problem 1 – Double voting and double candidature	9
2.2.2	(Practical) problems relating to the information exchange system and Member States' administrative burden and costs for the system	16
2.3	Summary – Problem 1	29
2.4	Problem 2: Heavy administrative burden for non-national candidates to the EP elections	30
2.4.1	Scale of Problem 2 – EU non-nationals standing as candidates in EP elections	31
2.4.2	Member States' provisions in relation to what national authority is competent to deliver proof of entitlement to stand as a candidate	33
2.5	Summary – Problem 2	37
3	POLICY OBJECTIVES	39
3.1	Introduction	39
3.2	Definition of general and specific policy objectives	39
4	POLICY OPTIONS	40
4.1	Policy options to address Problem 1: Deficient system to prevent double voting and double candidature	40
4.1.1	Policy Option 1.1 – Status quo	40
4.1.2	Policy Option 1.2 – Improvements to the current information exchange system (administrative and operational)	40
4.1.3	Policy Option 1.3 – Abolish current system but maintain declaration of no double vote and candidature and introduce penalties	41
4.1.4	Policy Option 1.4 – Establishing a European Parliament Electoral Commission and maintain declaration	41
4.1.5	Policy Option 1.5 – New information system	42
4.1.6	Policy Option 1.6 – Declaration by voters of no double voting	42
4.1.7	Policy Option 1.7 – Developing an EP electoral roll	42
4.2	Policy options to address Problem 2: heavy administrative burden for non-national candidates to the EP elections	43
4.2.1	Policy Option 2.1 – Status quo	43
4.2.2	Policy Option 2.2 – Refine current system	43

4.2.3	Policy Option 2.3 – Facilitate and enhance the role of political parties in enabling candidature by non nationals	43
4.2.4	Policy Option 2.4 – Introduce a formal declaration	43
4.2.5	Policy Option 2.5 – New information system	43
4.2.6	Policy Option 2.6 – Abolish the obligation to provide a declaration	43
5	ANALYSIS OF IMPACTS	44
5.1	Introduction	44
5.2	Identifying and assessing impacts of each of the policy options	44
5.2.1	Assessment of policy options to address Problem 1	44
5.2.2	Assessment of policy options to address Problem 2	60
6	COMPARING THE OPTIONS AND ELABORATING THE PREFERRED OPTION	73
6.1	Introduction	73
6.2	Problem 1 – Comparison of policy options	73
6.3	The preferred option to address Problem 1	77
6.4	Problem 2 – Comparison of policy options	83
6.5	The preferred option to address Problem 2	87
6.6	Subsidiarity, proportionality and EU added value	89
7	MONITORING AND EVALUATION	91
ANNEX 1	.....	94
ANNEX 2	.....	100
ANNEX 3	.....	102
ANNEX 4	.....	102
ANNEX 5	.....	102
ANNEX 6	.....	115
ANNEX 7	.....	117
ANNEX 8	118
ANNEX 9	120
ANNEX 10	126
ANNEX 11	130
ANNEX 12	132
BIBLIOGRAPHY	136

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Introduction

The Commission Work Programme 2006 includes a Communication to be issued under the title *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)*.

The purpose of the Communication is to evaluate the application of Community law in the last European elections on the basis of information received from the Member States and to propose necessary changes to be prepared for the reality of the European Union of 27 Member States, including possible amendments to the Directive.

In order to deal with the prevention of double voting, under Directive 93/109/EC a system of information exchange on registered non-national Community voters has been agreed between the Commission and the Member States as from the 1994 elections. Despite sustained efforts to improve the system, it is for Member States too administratively burdensome and seems to lack operability and effectiveness, mainly because of the non-harmonised national legislations in electoral matters.

Furthermore, problems were identified related to the rules, as laid down in the Directive, that apply for EU citizens who wish to stand as a candidate in EP elections in their country of residence instead of their country of origin. The Directive includes the requirement for these citizens to obtain a proof that they are eligible to stand as a candidate in their country of origin. The Directive does not, however, identify or regulate what national authority is competent to deliver such proof, and in some Member States it is also not clearly regulated. The Commission has identified that the administrative burden candidates may face in some Member States to obtain this proof might be one reason for their low participation rate.

The main objectives are to streamline the processes and to simplify administrative procedures whilst not neglecting the necessary control of basic principles in electoral matters, such as the prohibition of double vote and double candidature, even if the extent of double voting and double candidature seem to be very low.

DG JLS prepared an extensive questionnaire in which Member States were invited to provide both statistical and qualitative information on the elections and on the implementation of the Directive. Answers elaborated by the Member States were received between 8.12.2004 for the first Member States and 25.1.2006 for the last Member State.

Member States' electoral experts were consulted in a meeting organised by DG JLS in Brussels.

Further information was gathered by an external consultant under a contract signed with GHK Consulting Ltd as a result of a call for proposal. The preparatory study undertaken by the contractor included additional questionnaires and contacts with Member States' competent authorities.

1 POLICY BACKGROUND AND PROBLEM DEFINITION

1.1 Introduction

This Section provides a brief introduction to current agreements in the EU that set the legal frame in relation to EU citizens' right to vote and stand as a candidate in EP elections in whichever Member State they reside.

1.2 Current legal provisions in the EU in relation to EU citizenship and right to vote in EP elections

All nationals of EU Member States are EU citizens. EU citizenship is a set of rights additional to those of national citizenship, enshrined in the EC Treaty¹. Article 19 (2) establishes EU citizens' right to choose to vote in their Member State of residence or origin:

Without prejudice to Article 190(4) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

The principles on voting and standing as a candidate in a Member State of which an EU citizen is not a national, which are established in the EC Treaty, are implemented by Directive 93/109/EC. This Directive establishes detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the EP for EU citizens residing in a Member State of which they are not nationals, including that citizens may only vote in one Member State in one EP election. Two main preventative measures have been put in place to prevent the occurrence of double voting and candidature:

- **Exchange of information between the Member States.** The purpose of this system is to ensure that citizens are only included on the electoral roll in one Member State, and thereby make it impossible for citizens to vote twice in the same EP election. The Member States and the Commission have agreed guidelines for exchanging information on citizens who register to vote in their Member State of residence instead of their Member State of origin. Personal data to identify these citizens are sent from the Member State of residence to the Member State of origin in order for the Member State of origin to be able to delete the citizen from their electoral roll.

¹ The concept of European citizenship is enshrined in the Treaty establishing the European Community (Articles 17-22). EU citizenship was introduced in the Maastricht Treaty (signed in 1992), which aimed to strengthen the protection of the rights and interests of Member State nationals.

- The Directive also establishes that EU non-nationals are to provide a **formal declaration** that he/she will exercise the right to vote in the Member State of residence only.

In relation to citizens who wish to stand as a candidate in their Member State of residence, the Directive establishes that these citizens also need to provide a **formal declaration** that they only stand as a candidate in their Member State of residence. In addition, there is a requirement for EU non-national candidates to **provide an attestation from their Member State of origin** that they are eligible to stand as candidates there.

1.2.1 Participating in European Parliament elections

Voting is a fundamental right and duty of the citizen, however, no one may vote more than once in the EP elections or stand as a candidate in two countries in the same election².

In terms of restrictions to this right, a period of residency may be required if more than 20% of the voting population are EU non-nationals eligible to vote³. This is the case in Luxembourg, where EU non-nationals may vote only after having resided in the country during five years.

The members of the EP are elected every five years by direct universal suffrage. According to common provisions in force, the elections must be based on proportional representation and use either the list system or the single transferable vote⁴.

Member States are free to apply their national provisions in relation to those aspects which are not governed by the common rules.

With regard to nominations, in some countries only political parties and political organisations may submit nominations, whereas in other Member States it is possible to stand as an independent candidate.

As far as minimum age for standing as a candidate is concerned, the countries with the highest required age, namely 25, are Greece and Cyprus. Eight countries have set the minimum age for running as a candidate as 18. The majority of Member States put the minimum age to be elected as 21.

In some countries, a number of signatures from voters is required in order to present a candidate or a list of candidates. Hungary is the country which requires the highest number of endorsements, i.e. 20,000 followed by Spain with 15,000 signatures. This can be compared to the Netherlands and Ireland where only 30 and 60 signatures respectively are required.

As far as a deposit for candidates and lists of candidates that is also required in some countries, there are big differences between the EU Member states. Lithuania demands 6,800 euro per each list of candidates, while Estonia requires a deposit of 3,950 euro

² Article 4 of Directive 93/109/EC.

³ Article 14(1) of Directive 93/109/EC

⁴ Act of 20 September 1976 [OJ No. L 278 8.10.1978]) as amended by Council Decision of 25 June 2002.

(five times the minimum monthly wage) per person presented for registration. Greece demands 122 euro for each list while the Netherlands 11,250 for parties not represented in the outgoing EP. This deposit is normally refunded by the States only if the party or the candidate obtains a certain percentage of the "electoral divisor" (the minimum number of votes required to win one seat).

1.2.2 Context of the Impact Assessment on a possible amendment to Directive 93/109/EC

Surveys, meetings, and discussions with the Member States have indicated that there may be merit in amending Directive 93/109/EC due to two main problems

- **The practical weaknesses of the information exchange system** established to prevent double voting and double candidature. Several Member States consider the system disproportionately administratively burdensome in view of the purpose of the system.
- **Rules that apply for EU citizens who wish to stand as a candidate in EP elections in their country of residence instead of their country of origin.** The Directive includes the requirement for these citizens to obtain a proof that they are eligible to stand as a candidate in their country of origin. The Directive does not, however, identify or regulate what national authority is competent to deliver such proof, and in some Member States it is also not clearly regulated. The Commission has identified that the heavy administrative burden candidates may face in some Member States to prove that they may stand as a candidate might be one reason for their low participation rate.

Directive 93/109/EC was adopted at a time when the EU consisted of only 12 Member States. The present Impact Assessment was launched to provide further information on the problems identified since adoption of the Directive and to propose possible solutions to address the challenges in view of the Enlargement of the Union to 27 Member States elections when the increasing diversity of Member States' electoral system is to accentuate those problems identified.

2 PROBLEM ASSESSMENT

2.1 Introduction

This Section outlines and assesses the extent of current problems with regard to their scale and nature. The Section also provides an elaboration of what has caused the problems and therefore, what are the challenges to be addressed.

The following two problems are considered and analysed in turn:

- Problem 1: Deficient system to prevent double voting and double candidature; and,
- Problem 2: Heavy administrative burden for non-national candidates in the EP elections.

Each of the problems is described and an assessment of the scale of the problem and specific issues is made.

2.2 Problem 1: Deficient system to prevent double voting and double candidature

Article 4 of Directive 93/109/EC prohibits EU citizens to vote or stand as a candidate in more than one Member State in the same election to the EP. Member States are obliged⁵ to 'sufficiently in advance of polling day' exchange information on nationals of other Member States who have entered on electoral rolls or are standing as a candidate, and to take appropriate action to ensure that their nationals do not vote twice or stand as a candidate in more than one Member State in the same election⁶. To this end, an information exchange system between the Member States has been set up. The Directive also establishes that EU non-nationals who register themselves to vote in their Member State of residence are to provide a formal declaration that he/she will exercise the right to vote in that Member State only⁷.

The information exchange system has been used in three EP elections: 1994, 1999 and 2004. Surveys after the elections with users in Member States⁸ indicate that the system is not working effectively despite changes that have been made between the elections to improve its efficiency. This has also been confirmed in meetings between the Commission and electoral experts of the Member States. The Commission and the Member States have agreed on guidelines for the exchange of information within the system (including what information is to be exchanged concerning the individuals, e.g. names, birth data etc.), however, there is no legal obligation for the Member States to follow these guidelines.

⁵ Article 13 of Directive 93/109/EC.

⁶ The Directive does not, however, address the problem of double or multiple nationality.

⁷ Article 9 of Directive 93/109/EC.

⁸ COM(2000)843 final of 18.12.2000. Communication from the Commission on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament – Right of Union citizens residing in a Member State of which they are not nationals to vote and stand in elections to the European Parliament.

2.2.1 **Scale of Problem 1 – Double voting and double candidature**

Based on the 2005 Commission Eurobarometer study in all 25 EU Member States, it has been estimated that in 2006 around 4% of the EU population had at some point in their life lived in another Member State⁹.

As far as the voting population is concerned, available data from a survey undertaken by DG JLS amongst the Member States, show that the total number of EU non-nationals of voting age in 21 EU Member States¹⁰ is more than 5.5 million people.

The country with the highest number of EU non-nationals of voting age is Germany with more than two million. France has the second highest number with one million EU non-nationals. These two countries account for 57,68% (3,258,905 persons) of EU non-nationals of voting age in the 21 EU Member States for which data are available. Spain and Belgium also have very high numbers of EU non-nationals of voting age with 700,906 (2.05%) and 515,715 (6.39%) persons respectively. Of the countries for which data are available on EU non-nationals in voting age, with 38.28% (133,831 persons) Luxembourg has the highest proportion of EU non-nationals of voting age of the total population of voting age, whereas Slovenia has the lowest rate with only 0.04% (707 persons).

The New Member States only account for 1.59% of the total number of EU non-nationals in voting age across the EU. However, the proportion of EU non-nationals of voting age of the total voting population is comparatively high in Cyprus (7.08%) and Malta (2.61%).

Table 3.1 below provides an overview of total numbers of EU non-nationals and numbers of EU non-nationals of voting age by Member State¹¹. In order to be able to compare the total number of EU non-nationals of voting age with the total number of nationals in voting age in the Member States, only data for those countries for which figures are available for both EU non-nationals and nationals in voting age have been used for the totals in columns C and D. The numbers that have not been used are indicated in brackets in respective columns (C and D).

Eurostat figures¹² have also been included in the Table so as to give an indication of the total number of EU non-nationals in those countries where figures are unavailable. Figures on non-national population from Eurostat include, though, both non-national citizens from EU Member States and non-nationals from countries outside the Union.

⁹ Krieger, Hubert: Long distance mobility within the EU: considering the Lisbon Agenda and transitional arrangements (Discussion Paper for a European Foundation for the Improvement of Living and Working Conditions seminar in Luxembourg 8 March 2006).

¹⁰ National figures are unavailable for four countries: the Czech Republic, Poland, Portugal and the United Kingdom.

¹¹ Important mention must be made that a few Member States only provided estimations. Through lack of other sources such estimations were also included in this and in the further tables (indicated in *bold*).

¹² [Voter turnout in EU parliamentary elections](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996_39140985&_dad=portal&_schema=PORTAL&_screeen=detailref&language=en&product=sdi_gg&root=sdi_gg/sdi_gg/sdi_gg/pub/sdi_gg1210) (1994-2004) : http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996_39140985&_dad=portal&_schema=PORTAL&_screeen=detailref&language=en&product=sdi_gg&root=sdi_gg/sdi_gg/sdi_gg/pub/sdi_gg1210

Table 2.1 – Absolute figures and proportion of non-nationals by Member State in 2004

Country	All non-nationals in the country number (Eurostat)	All non-nationals in the country % (Eurostat)	EU non-nationals of voting age in the country number (DG JLS questionnaire)	Nationals of voting age number (DG JLS questionnaire)	EU non-nationals of voting age % (DG JLS questionnaire)
	A	B	C	D	E
Austria	750,000	9.40%	150,000	6,025,036	2.43%
Belgium	860,000	8.30%	515,715	7,552,025	6.39%
Czech Republic	195,000	1.90%	NA	(8,283,485)	
Cyprus	65,000	9.40%	45,725	600,000	7.08%
Germany	7,342,000	8.90%	2,156,388	61,548,395	3.38%
Denmark	271,000	5.00%	58,148	3,992,586	1.44%
Estonia	274,000	2.00%	5,054	875,385	0.57%
France	3,263,000	5.60%	1,102,517	43,900,000	2.45%
Greece	891,000	8.10%	64,672	9,875,842	0.65%
Spain	2,772,000	6.60%	700,906	33,491,194	2.05%
Finland	107,000	2.00%	30,091	4,222,462	0.71%
Hungary	130,000	1.30%	17,719	8,017,805	0.22%
Ireland	274,000	7.10%	118,118	2,800,000	4.05%
Italy	1,990,000	3.40%	(149,544)	NA	
Lithuania	34,000	1.00%	1,826	2,740,919	0.07%
Luxembourg	174,000	38.53%	133,831	215,757	62.03%
Latvia	515,000	2.22%	3,736	1,397,736	0.27%
Malta	11,000	2.80%	8,273	308,884	2.61%
Netherlands	702,000	4.30%	202,000	12,168,878	1.63%
Poland	700,000	1.80%	NA	(29,964,041)	
Portugal	239,000	2.30%	NA	NA	
Slovakia	30,000	0.60%	6,871	4,209,870	0.16%
Slovenia	45,000	2.30%	707	1,628,856	0.04%
Sweden	476,000	5.30%	177,881	6,780,094	2.56%
UK	2,760,000	4.70%	NA	NA	
Total number / weighted average %	24,870,000	5.44%	5,649,722	250,599,250	5.04%

Whilst eligible to vote in their country of residence in EP elections, there is evidence that EU non-nationals vote to a lower extent than nationals. In the 2004 EP elections in the 25 Member States the total participation (i.e. rate of citizens voting) in EP elections varied between 17% voting in Slovakia and 90.8% in Belgium (in Belgium, Luxembourg and Greece and Cyprus voting is compulsory¹³). In those six countries where figures on participation of EU non-nationals in the Member State of residence are available the participation rate varied between 2.65% in Cyprus and 39.11% in the Netherlands (see column G of table 3.2). The weighted average for EU non-nationals voting in their country of residence in the 2004 EP elections was 19.57%.

Table 3.2 below provides an overview of participation of nationals and EU non-nationals in the 2004 EP elections¹⁴.

¹³ Deloy, Corinne et Dominique Reynié: Les élections européennes 10-13 juin 2004 (Robert Schuman Centre for advanced studies)

¹⁴ The figures that have been used come from the DG JLS questionnaire if nothing else has been indicated.

Country	Total participation in EP elections by Member State	Total participation in % (Eurostat)	No. of nationals of voting age in country	% of EU non-nationals of voting age out of total country inhabitants of voting age	No. of EU non-nationals of voting age residing in country	No of EU non-nationals entered in the electoral roll in country of residence who voted	% of EU non-nationals voting
	A	B	C	D	E	F	G (F/E)
Austria	2,556,423 ¹⁵	42.40%	6,025,036	2.43%	150,000	NA	NA
Belgium	6,857,800	90.80%	7,552,025	6.39%	515,715	NA	NA
Czech Republic	2,346,010 ¹⁶	28.30%	8283485		NA	NA	NA
Cyprus	349,174	58.20%	600,000	7.08%	45,725	1,213	2.65%
Germany	26,523,104	43.10%	61,548,395	3.38%	2,156,388	NA	NA
Denmark	1,921,541	48.10%	3,992,586	1.44%	58,148	NA	NA
Estonia	234,485	26.80%	875,385	0.57%	5,054	NA	NA
France	1,878,920,015	42.80%	43,900,000	2.45%	1,102,517	NA	NA
Greece	6,257,979	63.40%	9,875,842	0.65%	64,672	NA	NA
Spain	1,510,452,815	45.10%	33,491,194	2.05%	700,906	NA	NA
Finland	1,657,791	39.30%	4,222,462	0.71%	30,091	2,342	7.78%
Hungary	309,765,716	38.60%	8,017,805	0.22%	17,719	NA	NA
Ireland	1,800,000	64.30%	2,800,000	4.05%	118,118	NA	NA
Italy	35,598,379	73.10%			149,544	NA	NA
Lithuania	127,384,916	46.50%	2,740,919	0.07%	1,826	NA	NA
Luxembourg	209,402	89%	215,757	38.28%	133,831	9,556	7.14%
Latvia	57,787,916	41.30%	1,397,736	0.27%	3,736	NA	NA
Malta	249,864	80.90%	308,884	2.61%	8,273	776	9.38%
Netherlands	4,686,677	38.50%	12,168,878	1.63%	202,000	79,000	39.11%
Poland	6,243,926	20.80%	29,964,041		NA	NA	NA
Portugal		38.60%			NA	NA	NA
Slovakia	71,450,816	17.00%	4,209,870	0.16%	6,871	NA	NA
Slovenia	461,879	28.40%	1,628,856	0.04%	707	NA	NA
Sweden	NA	37.80%	6,780,094	2.56%	177,881	24,100	13.55%
UK	NA	38.80%	NA		NA	NA	NA
Total	4,053,716,628	45.70%	250,599,250	3.85%	5,649,722	116,987	
Weighted average (tot. 6 countries)					597,801	116,987	19.57%

¹⁵ The Member States had not provided any number in their response to the DG JLS survey. Numbers have been calculated on the basis of the rate of people voting.

¹⁶ Numbers indicated by the Member States do not correspond to what the number should be according calculations on the basis of Eurostat participation rates. The numbers indicated by the Member States have been used.

For a few countries data are also available on numbers of nationals residing abroad who chose to vote in their country of origin instead of their country of residence in the 2004 EP elections. The participation rate of these citizens is around 4% in Greece, 5% in two countries (Finland and Slovenia), 9.85% in Latvia, almost 20% in Spain and Sweden, but only 0.10% in Belgium (see column D of table 3.3). The weighted average for these seven countries is 8%. Figures are provided in Table 3.3 below.

Table 2.3 – Number of nationals resident abroad voting in the Member State of origin or in their Member State of residence in 2004

	Total number of nationals in voting age residing in other MS	Total number of nationals residing in other MS entered on home country electoral roll	Total number of nationals residing in other MS who voted in home country	% nationals residing abroad who vote in their home country
Country	A	B	C	D(C/A)
Austria	NA	35,527	NA	
Belgium	195,776	215	186	0.10%
Czech Republic	NA	NA	NA	
Cyprus	NA	0 ¹⁷	0	
Germany	NA	2,826	NA	
Denmark	NA	4,000	4,000	
Estonia	NA	3,574	1,027	
France	52,032	NA	NA	
Greece	716,015	34,113	25,546	3.57%
Spain	388,313	388,313	74,720	19.24%
Finland	135,217	113,001	6,799	5.03%
Hungary	NA	0	0	
Ireland	NA	286	286	
Italy	1,165,994	NA	NA	
Lithuania	NA	5,898	4,156	
Luxembourg	NA	NA	NA	
Latvia	32,630	32,630	3,215	9.85%
Malta	NA	96	51	
Netherlands	NA	NA	NA	
Poland	NA	12,625	7,815	
Portugal	NA	NA	NA	
Slovakia	NA	0	0	
Slovenia	8,594	2,375	510	5.93%
Sweden	53,522	49,637	10,600	19.80%
UK	98,851	8555	NA	
Total	2,846,944	693,575	128,322	
Weighted average (7 countries)	1,530,067		121,576	8%

¹⁷ Cypriot, Hungarian and Slovak legislation does not allow nationals residing abroad to be enrolled on their home country electoral roll

In 1999¹⁸ the rate of nationals who voted in their country of origin was much higher than in their country of residence. On average 91.2% of those EU nationals who resided in another EU Member State chose to vote in their country of origin compared to 8.8% in their country of residence. The data are presented in Table 3.4 below.

	Total number of nationals having residence abroad who voted in 1999	Number of nationals voting in the MS of origin	% of nationals voting in the MS of origin	Number nationals voting in the MS of residence	% of nationals voting in the MS of residence
Country	A	B	C (B/A)	D	E (D/A)
Austria	35,202	30,911	87.81%	4,291	12.2%
Belgium	357,967	342,504	95.68%	15,463	4.3%
Germany	47,352	2,708	5.72%	44,644	94.3%
Ireland	2,858	220	7.70%	2,638	92.3%
Italy	1,056,716	1,003,353	94.95%	53,363	5.0%
Netherlands	33,602	17,010	50.62%	16,592	49.4%
Portugal	119,320	94,957	79.58%	24,363	20.4%
Spain	358,083	342,504	95.65%	15,579	4.4%
Total	2,011,100	1,834,167		176,933	
Weighted average			91.2%		8.8%

In terms of gathering statistical data on numbers of cases of double voting, the information exchange system was not established with the aim of identifying cases of double voting and candidature, but to prevent the occurrence thereof¹⁹. The only two Member States that have established that double voting has occurred is Germany, where in total 120 cases were estimated in the 2004 EP elections²⁰ and Luxembourg, where it was discovered that four Luxembourg nationals double voted. This indicates that the number of cases of double voting is very small. For instance, the number of cases of double voting available for Germany is very small compared to the total numbers of EU non-nationals of voting age in Germany (2,156,388 citizens).

¹⁸ Communication from the Commission on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament, Brussels, 18.12.2000, COM(2000)843 final.

¹⁹ Regarding possibilities for citizens to vote in more than one Member State, such cases include when citizens are registered on the electoral roll in more than one Member State, e.g due to the failure of the information exchange system (for example, when data have not been transferred in time to remove nationals from the electoral rolls) or because of multiple nationality.

In surveys²¹ amongst Member States it has been suggested that, as in particular there is very little evidence that double voting occurs in EP elections, the information exchange system might be unnecessary. It could also mean that the system has been successful in preventing double voting.

The seemingly low scale of double voting might point to that joint action is unnecessary, as has been suggested by several Member States. However, there are important legal responsibilities at EU level to ensure free and fair elections, and, in accordance with the principles of democracy, safeguard the principle 'one person, one vote'. Therefore, the scale of the problem provide a means to assess whether joint actions are working efficiently or not, and not whether to undertake any actions to prevent double voting or not. In the current situation it is, however, not possible to correctly establish how effective the exchange system has been in terms of preventing double voting as there are no instruments in place to measure double voting in EP elections.

The functioning of the system is further analysed in Section 3.2.2 below on problems relating to the information exchange system in use to prevent double voting and candidature.

2.2.2 (Practical) problems relating to the information exchange system and Member States' administrative burden and costs for the system

Since 1994 an information exchange system to reduce the risk of double voting and candidature has been in place. The Commission has established guidelines together with the Member States concerning practical details on sending and receiving information²². There is, however, no legal obligation for the Member States to follow the agreed guidelines. The guidelines include what information should be transferred, how the information should be presented, the format of the file to be sent, how a record should be presented, character set to be used, means for transferral of data (diskettes etc.), to whom in the Member States the information should be sent, contact person in the Commission and deadlines for the electoral roll in the Member States.

Information to be transferred between the Member States includes:

- Name(s);
- Forenames;
- Maiden name;
- Sex;

²⁰ This was indicated in German response to the DG JLS questionnaire to the Member States. GHK also undertook a survey in all EU 25 Member States requesting evidence in which it was indicated in the German response that the respondent was unaware of any double voting.

²¹ COM(2000)843 final of 18.12.2000. Communication from the Commission on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament – Right of Union citizens residing in a Member State of which they are not nationals to vote and stand in elections to the European Parliament. Also, all 16 Member States who had responded to the GHK survey confirmed that they had not discovered any cases of double voting taking place either through the information exchange system or by any other means.

²² In accordance with Article 13 of Directive 93/109/EC.

- Place of birth;
- Locality or constituency in the Member State where the voter was last registered; and,
- Locality where he / she is registered for the elections in the EP elections

An overview of how this information should be presented is included in Annex 1 where the complete text of the guidelines is included. The information must be circulated in file format << *text tab delimited* >>. The character set to be used is that defined by the ISO 8859-Latin 1 standard.²³

Information on all individuals who are trying to register to vote in their country of residence instead of where they are nationals is transferred, not just information where there is a likelihood of double voting (e.g. those with dual or multiple nationality, those moving to near neighbour countries where there would be a possibility to travel between countries on 'election days' etc.).

As an example, the Maltese respondent to the DG JLS questionnaire indicated that it would be possible for people to travel between Malta and the United Kingdom (where many Maltese citizens reside) and vote in two different countries in the same election. Table 3.5 below provides an overview of the different election days in the 2004 elections²⁴.

²³ EP – Transmission of information: Instructions for the electronic transmission of information, European Commission 2004, SAS/12.12.2003

²⁴ <http://www.elections2004.eu.int/ep-election/sites/en/yourvoice/be/candidates.html>

Dates of elections 2004	Thursday 10 June	Friday 11 June	Saturday 12 June	Sunday 13 June
Country	<ul style="list-style-type: none"> ▪ Netherlands ▪ UK 	<ul style="list-style-type: none"> ▪ Czech Republic ▪ Ireland 	<ul style="list-style-type: none"> ▪ Italy ▪ Latvia ▪ Malta 	<ul style="list-style-type: none"> ▪ Austria ▪ Belgium ▪ Cyprus ▪ Germany ▪ Denmark ▪ Estonia ▪ France ▪ Greece ▪ Spain ▪ Finland ▪ Hungary ▪ Lithuania ▪ Luxembourg ▪ Poland ▪ Portugal ▪ Slovakia ▪ Slovenia ▪ Sweden

However, travelling between different countries might not be the only option to double vote. There may also be possibilities to vote in the country of origin through an embassy in the country of residence (and also vote in the country of residence on the same election day). Postal voting might be another option that does not require the costs of travelling. Information on current provisions in relation to postal voting is available for 15 Member States. In 9 of these, postal voting in EP elections is possible for nationals residing abroad (see Annex 2). In the Netherlands, i-voting (voting by Internet) was another option in the 2004 EP elections.

Surveys organised by DG JLS amongst experts of Member States indicate that in a majority of the Member States the information exchange system is considered administratively demanding and lengthy and that the heavy administrative burden does not seem to be proportionate to the purpose of the system. In fact, 14 Member States consider it necessary to either abolish or improve the current information exchange system. An overview of these Member States and their suggestions for improvements are included in Annex 3.

There are some important drawbacks to the information exchange system including:

- **In some cases information that is transferred from one Member State to another is insufficient to identify the individual on existing national registers in the country of origin²⁵.**

Cause: Sometimes this is because a Member State do not collect those data indicated in the guidelines. Moreover, in some Member States information other than what is included in the guidelines is necessary to be able to identify citizens (i.e. identity card number / national number, father's and mother's name etc.). An overview of what information the Member States require to be able to delete citizens from their national electoral roll is provided in Annex 4.

Consequence: The Member State receiving information that one of its nationals has registered to vote in his/her country of residence is unable to delete the citizen from their electoral roll. The citizen is therefore registered on two electoral rolls, i.e. both in the country of origin and country of residence. This results in an opportunity for the individual to double vote.

- **Problems with transliteration of names.**

Cause: This problem regards information exchanges concerning individuals either originating from or residing in Greece due to the type of alphabets and letters used in these countries. In view of the 2009 EP elections, the Cyrillic alphabet is used in Bulgaria. The problem of transliteration of names also occurs in information exchanges between other countries because of spelling mistakes.

Consequence: For example, the Greek authorities were not able to identify persons communicated through the system as the Latin alphabet is not used in Greece, and were thereby not able to delete them from their electoral rolls. The same is relevant for cases sent from Greece and those cases where names were spelt incorrectly. Due to being registered on two electoral rolls, this also results in a possibility for the individuals concerned to double vote.

- **Data arrived too late to be processed.**

Cause: In lack of respective legal basis, no common deadline for closing the registers could be fixed for sending information. Thus, there was no common deadline for sending the information, neither.

Consequence: Some Member States received information too late to be able to process the information and delete the individuals from their electoral rolls.

- **The formats in which information is transferred vary**

Cause: The guidelines do not establish that one single format should be used for transferring information. Therefore, information was transferred by different means including paper form, diskettes, CD-ROM etc.

Consequence: Automatic processing was prevented and the identification and deletion of individuals from electoral rolls became more time-consuming than

²⁵ Including unusable information on paper; reception of forms intended for other Member States; reception of blank forms; Information received in a different lay-out than the one agreed, not all information provided etc.

necessary. In particular information sent by decentralised electoral registers in many cases resulted in a high number of paper communications, of varying quality, with local authorities.

- **The sender was not identified as a qualified body to transfer the information to the electoral body**

Cause: This problem is of a structural nature as some countries have decentralised systems for handling the EP elections.

Consequence: The Member State of origin did not process the information as it was not sent from a qualified body. Therefore, there was a possibility that those individuals the transferred information concerned were taken up on electoral rolls in two different countries and could double vote.

- **In some of countries the information exchanged cannot by law be used to change the existing national register**

Cause: The laws in the UK and Ireland do not allow people to be deleted from their national electoral rolls based on information received from, for example, an organisation or public body. The request needs to come directly from the individual.

Consequence: It was not possible to amend the electoral rolls in these two countries on the basis of information exchanged through the system. The individuals concerned by the information exchanges with these countries therefore had the possibility to double vote as they were registered on two electoral rolls. However, the British electoral body informed the relevant citizens that they would commit an offence if they double voted, by sending them an information letter together with their ballot paper.

- **Citizens have been deprived of the right to vote.**

Cause: For instance, information was exchanged on EU non-national citizens who were being incorrectly considered as still wishing to vote in their previous Member State of residence, even though they had already left the territory of the Member State of residence and returned to their Member State of origin (but did not inform electoral authorities of the Member State of residence). The problem occurred when citizens had not been informed that they had been deleted from the EP electoral roll in their country of origin.

Consequence: EU citizens have been deprived of their right to vote. One example concern a French national, who resided in Spain from 1997 to 2000 where she voted in the June 1999 presidential elections. The French national returned to France in March 2000 and entered her name on the electoral roll in a French city. She was not allowed to vote there in the June 2004 elections to the EP on the grounds that she should vote abroad, although she was able to vote in the same city for the e.g. municipal elections in 2001. According to the French national, she was not informed about any additional measures required to be eligible to vote in the elections to the EP in France.²⁶

Annex 5 specifies the practical problems experienced by Member State.

Most of these problems originate in differences between Member States' electoral systems and on how national registers are processed in the Member States and what

²⁶ Petition No 592/2004.

information is included on the registers. This is one of the key challenges to exchanging information on EU non-national voters in a fast and efficient way.

In terms of the problem of receiving incomplete information, 11 Member States have confirmed that when they receive insufficient information to be able to identify citizens they contact the Member State from which the information was sent to try to obtain additional data, whereas 10 Member States indicated that they do not take any action²⁷. Eight of the Member States²⁸ that requested more data from the transferring Member States stated that such contacts did not bring any results. Reasons mentioned by Member States for not taking any action included: lack of time; that they were confident that all information received had been included in the initial transmission; and, problems with the Latin alphabet (Greece).

Table 3.6 below provides an overview of the total number of cases received and sent by Member State, and how many of the cases were received with incomplete information to be able to identify and delete the citizen from the electoral roll.

Information on the number of cases received and sent has been provided by 19 Member States²⁹. From these Member States a total number of 458,090 cases of people to be deleted from the electoral roll were received and 617,166 cases sent within the information exchange system. Theoretically, in case if all Member States had supplied complete data the two figures should be identical and equal to the total number of non-national EU citizens entered in the electoral roll of the Member State of residence (which was 1,045,058 as provided in the DG JLS questionnaire). The gap between these numbers suggests that information is not transferred on all individuals.

The Member States that handled the highest number of cases (sent and received) was Germany with 229,808 cases and France with 197,000 cases. Each of these countries handled almost one out of five of the total number of cases handled within the system. The countries that handled the third and fourth highest number of cases were Spain (160,317 cases) and the United Kingdom (159,570). Italy and Belgium also handled almost 100,000 cases each. The country with the lowest number of cases was Malta (1,113).

There is a difference between which Member States sent and received the highest number of cases. The country with the highest number of cases received is the United Kingdom with 98,851 cases, followed by Germany with 96,327 cases, Italy with 78,904 cases and France with 52,000 cases. Belgium has also reported a rather high number of cases received, i.e. 30,749. The country with the lowest number of cases received is Luxembourg with only 4.

France, Germany and Spain sent the highest number of cases: 145,000 (France), 133,481 (Germany) and 129,989 (Spain). Together these three countries account for two thirds of the total number of cases sent by the 19 Member States within the

²⁷ GHK questionnaire to Member States. Table A6.1 in Annex 6 provides a summary of the responses from the Member States.

²⁸ The other 2 Member States did not elaborate on results.

²⁹ Information has not been received from / was not available in Austria, Ireland, the Netherlands, Poland, Slovakia and Sweden.

information exchange system. The country that transferred the lowest number of cases was Slovenia; 51 cases.

The average proportion of cases received with incomplete information is one out of five cases. As far as the percentage of cases received with incomplete information is concerned, Luxembourg has reported the highest rate with 75% while Slovenia and Estonia only 1% each. Greece indicated that most of the cases received (3,000) were incomplete as the information was provided in Latin alphabet and thus unusable.

Table 2.6 – Capacity of the information exchange system

Country	Total number of cases handled by country	Number of cases received	Number of cases sent	Number of cases received with incomplete information	Cases with incomplete information as % of total number of cases
Austria					
Belgium	90,117	30,749	59,368	2,460	8%
Czech Republic	3,114	3,015	99	905	30%
Cyprus	2,194	140	2,054	7	5%
Germany	229,808	96,327	133,481	NA	NA
Denmark	32,772	17,200	15,572	2,600	15%
Estonia	8,628	3,574	5,054	30	1%
France	197,000	52,000	145,000	3,900	7.50%
Greece	5,577	3,000	2,577	<i>Most of them as sent in Latin alphabet</i>	
Spain	160,317	30,328	129,989		
Finland	27,771	22,239	5,532	1,200	5%
Hungary	3,770	1,817	1,953	545	30%
Ireland					
Italy	95,626	78,904	16,722	20,000	25%
Lithuania	3,187	2,866	321	413	14%
Luxembourg	9,604	4	9,600		75%
Latvia	1,859	1,318	541	346	26%
Malta	1,113	77	1,036	100	
Netherlands					
Poland					
Portugal	41,486	13,989	27,497	3,979	28%
Slovakia				185	
Slovenia	1,743	1,692	51	20	1%
Sweden					
UK	159,570	98,851	60,719	32,621	33%
Total	1,075,256	458,090	617,166	69,310	
Average					20%

On the basis of time inputs by staff in the Member States and the Commission, costs for the information exchange system can be estimated. An estimation and specification of costs for the Commission is provided in Table 3.7 below.

Table 2.7 – Commission costs for the information exchange system in relation to the 2004 EP elections		
Task	Costs / item (euro)	Total costs (euro)
Preparation of guidelines for each election (1 FTE during 2 months, 500 euro/day)	11,000 euro / 1 FTE / month	22,000
Organising expert meetings for Member State electoral bodies	17,000 euro/ meeting	34,000
Total costs		56,000

The costs are mainly borne by the Member States. Staff costs for those 15 Member States which provided data have been estimated as 981,000 euro for the 2004 EP elections (on the basis of their assessments of time spent working on the system and a day rate of 450 euro). As data are lacking for 10 Member States total costs can be estimated to be much higher. For those countries data are available, costs range from 4,050 euro in Estonia to one hundred times more in Italy: 405,000 euro. A large part of these costs are due to insufficient information, as it takes much longer to handle such cases, and because of various ways to transfer information, which prevents automatic processing. It is likely that costs would increase if the system remained as it is because of increases in EU non-nationals and next Enlargement of the EU to 27 Member States.

In terms of numbers of staff working with the system, 17 Member States provided figures on how many persons worked with the system in their country in connection with the 2004 EP elections. Numbers of staff ranged from one person (Slovenia and Latvia) to thirty persons (Italy). In one third of the countries for which data were available (5 Member States), five persons worked with the system. In the United Kingdom and Luxembourg the work was decentralised to the local level and it was therefore not possible to provide staff numbers. In Germany, numbers of staff were available for the Federal Returning Office (20), whereas the numbers of employees in the electoral offices of the approximately 12,500 local authorities (who handled the announcements forwarded by the Federal Returning office because of the locally managed electoral rolls) are unknown.

The total number of full time days varied between the Member States from nine days in Estonia to 900 in Italy. According to the Member States average working time on cases ranged from 1 to 60 minutes by case. In six of the 16 Member States that provided estimations, the average time for one case was one minute. Cases with incomplete information demanded on average from 1 to 60 minutes of additional working time compared with cases where complete information was received.

Table 3.8 below outlines both staff numbers and average working hours by case received. The calculations regarding costs for staff and time spent can at a later stage be compared with assessments based on total numbers of cases received and how

much time is estimated to be spent on cases on average. An overview Table including such estimations is provided in Annex 7.

Table 2.8 – Staff input by Member State

Country	No. of staff working with the system	Organisation	Days per month(s)/ person (Description)	Total number of full time days (7 h)	Total cost for staff (450 euro/day)	Average working time / case (minutes)	Average working time / complete info case (minutes)	Additional working time / incomplete info case (minutes)
Austria	2	Federal Ministry of Interior	NA	NA	NA	5	2	NA
Belgium	2	Federal Public service for Home Affairs	1 person (project leader) – 1 month (before April = 1 day/week and after April 2-3days/week) 1 person (encode) – 1 week in total	35	15,750	1	1	5
Czech Republic	5	The Ministry of Interior, General Administration Department, Section of Elections	10 days per 2 months	50	22,500	12	12	NA
Cyprus	2	Ministry of Interior		20	9,000	2	2	1
Denmark	10	Ministry of Interior and Health, Computer Science Corporation	Two persons from the section concerning election affairs: each person used 20 hours One person from the section concerning Information Technology: 100 hours Seven persons from CSC: each person used 20 hours	37	16,650	1	NA	NA
Estonia	4	Ministry of Interior	In the Ministry of the Interior one person spent one work-day per two months, another eight work-days per two months	9	4,050	1	1	1
France	NA	NA	NA	NA		1	1	NA
Germany	20 ³⁰	Federal Returning Office	20 employees in the Federal Returning Office dealt with the system approximately 5 months (February to June 2004), approximately 262 working days.	262	117,900	7	3	11

³⁰ This figure relates to the number of staff in the Federal Returning Office only. Numbers of employees in the electoral offices of the approximately 12,500 local authorities (who handled the announcements forwarded by the Federal Returning office because of the locally managed electoral rolls) are unknown. All figures (including average working time) relate to the employees of the Federal Returning Office only.

Table 2.8 – Staff input by Member State

Country	No. of staff working with the system	Organisation	Days per month(s)/ person (Description)	Total number of full time days (7 h)	Total cost for staff (450 euro/day)	Average working time / case (minutes)	Average working time / complete info case (minutes)	Additional working time / incomplete info case (minutes)
Greece	4	Hellenic Ministry of the Interior, Public Administration and Decentralisation (Directorates of Elections and Informatics)		80	36,000	NA	NA	NA
Spain	2	National Statistical Office/ Ministry of Economy and Finance		80	36,000	1	1	2
Finland	3	Population Register Centre		90	40,500	2	1	10
Hungary	8	National Election Office, the Ministry of the Interior's Central Data Processing, Registrations and Election Office and a company contracted by the same Office		400	180,000	22	15	25
Italy	30		1 month	900	405,000	60	40	80
Lithuania	5	Central Electoral Committee	5 month (February-June). Secretariat of the Central Electoral Committee - 5 days; Company that manages electoral rolls - 20 days; Temporally employed personal: 1 person – 51 days; 2 persons (work to inform citizens of the Union, receive voter's registration forms, enter data in to the computer) – 9 days.	85	38,250	15	5	25
Luxembourg	NA	117 local authorities/municipalities	NA	NA		NA	NA	NA
Latvia	1	Central Electoral Commission	NA	NA		2	2	5
Malta	4	Electoral Office	1 hour each day for a month	12	5,400	5	5	60
Portugal	2	STAPE, Ministry of Interior and Administration, technical secretariat for elections		100	45,000	1	1	5
Slovakia	NA	NA	NA			NA	NA	NA

Table 2.8 – Staff input by Member State

Country	No. of staff working with the system	Organisation	Days per month(s)/ person (Description)	Total number of full time days (7 h)	Total cost for staff (450 euro/day)	Average working time / case (minutes)	Average working time / complete info case (minutes)	Additional working time / incomplete info case (minutes)
Slovenia	1	Ministry of Interior		20	9,000	4	3	13
UK	NA (as decentralised system)	Electoral registration officers	NA	NA	NA	NA	NA	NA
Total				2,180	981,000	8	6	19

2.3 Summary – Problem 1

Scale of the problem

In the 2004 EP elections the total number of EU non-nationals in voting age in the 25 EU Member States was more than 5.5 million people or 2.5% of the total eligible voting population in these countries. The country with the highest number of EU non-nationals in voting age is Germany with more than two million. The New Member States only account for 1.59% of the total number of EU non-nationals in voting age across the EU.

EU non-nationals voted in the EP elections to a lower extent than nationals. In the 2004 EP elections across the EU the average participation rate was 45.7%³¹. For those six countries where figures on participation of EU non-nationals are available the average participation was 19.57%.

The evidence suggests that the number of double votes in EP elections is very small. Cases have only been identified in two Member States: 4 cases were discovered in Luxembourg and 120 cases estimated in Germany. The total number of EU non-nationals in voting age in Germany is 2,156,388 persons, i.e. the rate of double voting is very low.

Problems with the information exchange system

The main drawbacks of the information exchange system have been identified by Member States to include: receipt of insufficient information to be able to identify the individual on national registers, problems with transliteration of names, data arriving too late to be processed, the formats in which information is transferred vary (e.g. paper form, diskettes, CD-ROM etc.) which prevents automatic processing, the sender was not identified as a qualified body to transfer the information to the electoral body etc. In some of countries the information cannot by law be used to change the existing national register (i.e. UK and Ireland) and decentralised electoral registers which in many cases resulted in a high number of paper communications of varying quality with the decentralised authorities. Finally, the system has resulted in some citizens being deprived of their fundamental right to vote.

Most of these problems originate in differences between Member States' electoral systems and on how national registers are processed in the Member States and what information is included on the registers. This is one of the key challenges to exchanging information on EU non-national voters in a fast and efficient way.

It is not possible to know if the system has reduced double voting. The system does not directly generate information on the amount of double voting that takes place, nor the number of attempts to double vote.

Information on the number of cases received and sent has been provided by 19 Member States³². From these Member States a total number of 458,090 cases of people to be

³¹ Eurostat: Voter turnout in EU parliamentary elections.

³² Information has not been received from / was not available in Austria, Ireland, the Netherlands, Poland, Slovakia and Sweden.

deleted from the electoral roll were received and 617,166 cases sent within the information exchange system.

The Member States that handled the highest number of cases (sent and received) was Germany with 229,808 cases and France with 197,000 cases. Each of these countries handled almost one out of five of the total number of cases handled within the system. The country with the highest number of cases received is the United Kingdom with 98,851 cases, followed by Germany with 96,327 cases. France, Germany and Spain sent the highest number of cases: 145,000 (France), 133,481 (Germany) and 129,989 (Spain). Together these three countries account for two thirds of the total number of cases sent by the 19 Member States within the information exchange system. The country that transferred the lowest number of cases was Slovenia; 51 cases.

The average proportion of cases received with incomplete information is one out of five cases.

Commission costs in relation to the 2004 EP elections have been estimated to 52,000 euro. Staff costs for 15 Member States have been estimated to a total of 981,000 euro for the 2004 EP elections (on the basis of their assessments of time spent working on the system and a day rate of 450 euro). As data lack for ten Member States total costs can be estimated to be much higher. For those countries data are available, costs range from 4,050 euro in Estonia to hundred times more in Italy: 405,000 euro. A large part of these costs are due to insufficient information. It is likely that costs would increase if the system remained as it is because of increases in EU non-nationals and Enlargement of the EU.

2.4 Problem 2: Heavy administrative burden for non-national candidates to the EP elections

When submitting an application to stand as a candidate in the Member State of residence in an EP election, EU citizens must provide proof supplied by their Member State of origin that they are entitled to stand as a candidate there³³.

In some Member States it is not clearly identified or regulated at all what national authority is competent to deliver such proof. The Commission has identified that the heavy administrative burden candidates may face in some Member States to prove that they may stand as a candidate might be one reason for their low participation rate. Other reasons have also been identified below.

³³ Article 10 of Directive 93/109/EC specifies that a Community nationals shall produce the same supporting documents as a candidate who is a national, and produce a formal declaration stating; (a) his nationality and address in the electoral territory in the Member State of residence; (b) that he is not standing as a candidate for election to the European Union in any other Member State; and, (c) where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered. The EU citizen must also produce an attestation from the competent administrative authorities of his Member State of origin, certifying that he has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to the authorities. The Member State in which the EU citizen resides may also require a valid identity document, including an indication of the date from which he has been a national of that Member State. Article 6 establishes that an EU citizen may stand as a candidate in the Member State of residence of which he is not a national if he has not been deprived of this right in his country of origin through and individual criminal law or civil law decision.

2.4.1 Scale of Problem 2 – EU non-nationals standing as candidates in EP elections

Whilst eligible to stand as candidates in EP elections there is evidence that EU non-nationals participate to a lower extent than nationals. In 2004 there were in total 8,974 candidates in the EP elections. Of these, 8,917 stood as candidates in their country of origin, i.e. 99% of the total number of candidates. Only 57 candidates were EU non-nationals. 3 EU non-national candidates succeeded to be elected.

As a comparison, in the two previous elections, where only nationals from the EU15 participated, in 1994, 53 non-national candidates stood for election in their Member State of residence and only one was elected, whereas in 1999, 62 non-national candidates ran for EP elections in their country of residence and 4 were elected.

If the participation rate for EU non-nationals had been the same as for nationals in the 2004 EP elections, the total number of non-national candidates would have been 182 instead of 57.

Table A8.1 in Annex 8 provides an overview of candidates by Member State in the 2004 EP elections (total, nationals and EU non-nationals). A comparison between the number of candidates in the 1999 and the 2004 elections is included in Table 3.9 below.

Country	1999		2004	
	<i>Number of EU non-nationals standing as a candidate in their MS of residence</i>	<i>Number of EU non-nationals candidates elected in their MS of residence</i>	<i>Number of EU non-nationals standing as a candidate in their MS of residence</i>	<i>Number of EU non-nationals candidates elected in their MS of residence</i>
Austria	1		1	
Belgium	14	2	8	
Czech Republic	-		5	1
Cyprus	-		0	
Germany	16		16	1
Denmark	0		0	
Estonia	-		0	
France	8	1	8	1
Greece	5		4	
Spain	10		1	
Finland	0		0	
Hungary	-		0	
Ireland	0		0	
Italy	6	1	0	
Lithuania	-		0	
Luxembourg	NA		8	
Latvia	-		0	
Malta	-		0	
Netherlands	2		2	
Poland	-		0	
Portugal	0		1	
Slovakia	-		0	
Slovenia	-		0	
Sweden	0		1	
UK	NA		2	
Total	62	4	57	3

In the survey undertaken by DG JLS in the 25 Member States, three countries (Greece, Germany and France) reported a number of difficulties relating to the obligation to provide a proof from their Member State of origin to stand as a candidate by EU non-national citizens, where the result was that EU non-nationals were deemed ineligible to stand as a candidate in their country of residence. A number of candidates were refused as their applications were incorrect or incomplete. For example, in Greece, one application was refused by the Supreme Court, since the EU non-national candidate did not submit the attestation under article 10(2) of the Directive 93/109/EC. In Germany two cases occurred where EU non-nationals were refused to stand as candidates:

- One candidate was deleted from the list of candidates after having presented an application containing a copy and not the original proof of entitlement to stand as a candidate from the relevant administration in his Member State.
- Another application was refused as it did not contain any such attestation at all.

A third candidate submitted the document in his original language and not in German. In this case, the president of the electoral commission asked the person responsible for submitting the list of candidates to provide an addendum including the translation of the document. This is an additional burden for candidates, both in view of costs and time³⁴.

France also reported that a number of candidates had been deleted from the list of candidates as their application did not contain the proof of entitlement to stand as a candidate in their country of origin. The number of candidates concerned was not mentioned.

This shows that the current obligation to provide an attestation has had a negative influence on the participation of EU non-national candidates in their country of residence. Other factors likely to influence the low number of EU non-national candidates include their rights to join a political party in their country of residence. In some countries, it is namely a requirement to be a member of a political party to be able to stand as a candidate. Currently, non-national EU citizens are not allowed to join a political party in seven Member States³⁵. A summary table presenting the conditions and requirements in the Member States for candidates wishing to run for EP elections is included in Annex 9. Account is taken of the practical and administrative requirements for nationals and EU non-nationals in each country.

'Poor integration' (that EU non-nationals feel a closer connection to the political life in their home country) may also impact on their involvement in the political life in their country of residence.

2.4.2 Member States' provisions in relation to what national authority is competent to deliver proof of entitlement to stand as a candidate

In a number of Member States it is not clearly identified or regulated at all what national authority is competent to deliver proof of entitlement to stand as a candidate. Therefore, a survey³⁶ amongst Member States electoral bodies was undertaken to collect information on in what Member State this is not clearly regulated, if any guidance is readily available, time to receive information and documentation and any costs involved for the candidate.

Responses to the survey were received from 14 Member States. All except one (Slovakia) of these countries identified the competent authority to deliver a proof of entitlement for citizens wishing to stand as a candidate in their country of residence.

³⁴ Compatibility of such practice with the EU law has to be checked.

³⁵ As indicated in the *Opinion regarding the participation of EU citizens in the political parties of the Member State of residence* prepared by the EU network of independent experts in fundamental rights. Reference: CFR-CDF.Opinion1.2005

³⁶ An e-mail was sent by GHK to the general e-mail address of the Electoral Body in each Member State, including e.g. questions on the procedures if a potential candidate would contact them the same way.

In Slovenia nationals wishing to obtain the documents required have to contact different authorities themselves whilst in six other Member States this process is coordinated by one authority³⁷.

In 9 of the 14 Member States guidance is readily available for citizens and EU non-nationals wishing to run for EP elections. In most countries this guidance is available on the websites of the bodies responsible for issuing the proof of entitlement or are available in paper version (in this case the time for receiving the documentation was 5 to 10 days). Most of the countries stated that there were no costs involved except for France and Lithuania. According to the latter, any certificate issued by the Ministry of Interior costs 2 euro.

Table A10.1 in Annex 10 provides an overview of the situation in each of the 14 Member States that responded to the survey.

Interviews have also been arranged with candidates to the EP elections in 2004 to obtain their views on the requirement to provide an attestation and whether they had experienced any problems. One interview was undertaken with a Member of the European Parliament who stood as a candidate in his Member State of residence, and three EU non-nationals candidates who were not elected.

The party of the EU non-national who was elected informed him about the requirement to obtain proof. The Ministry of Justice provided the relevant documentation, although the authority has not the competence to provide the proof. Also one EU non-national candidate who was not elected had problems obtaining the proof and even considered giving up on his candidature. He finally received the attestation only two days before the deadline for registering as a candidate. The third and fourth candidates interviewed did not have any problems obtaining the relevant documentation. Both were assisted by their parties.

Boxes 3.1 to 3.4 below provide summaries of the answers of the three interviews with candidates to the 2004 EP elections.

Box 2.1 – Interview with Candidate 1

How was the candidate informed about the requirement to obtain a proof?

The campaign manager within the party told the candidate what documents were needed to be able to stand as a candidate as well as which was the authority to contact in the country of origin.

Any assistance in obtaining the proof

The party only provided information on what authority to contact and a list of documents needed.

What are the competent authorities to contact?

The Ministry of Justice provided the attestation although the Ministry has not formally been given the competence to provide the required .

Timeframe to receive the documents

One day.

³⁷ The remaining Member States did not respond to this query.

Any costs involved

No.

Administrative burden/consider to not following through with candidature

The MEP considers that the administrative requirements are not too burdensome. However, the proof required is normally not provided to nationals of his country of origin.

Box 2.2 – Interview with Candidate 2

How was the candidate informed about the requirement to obtain a proof?

The candidate received the information on the documents to be included in the application from the party she was running for. The party provided her with a list of documents to present to the authorities in her Member State of residence.

Any assistance in obtaining the proof

Yes, the party provided a list of documents to be received by the embassy of her country of origin. The party asked for the help of a legal assistant.

What are the competent authorities to contact?

The embassy in her country of residence.

Timeframe to receive the documents

A few hours.

Any costs involved

No.

Administrative burden/consider to not following through with candidature

The candidate considers that the requirements for EU non-nationals standing as a candidate in their country of residence are not too burdensome. She sees the requirement as being a “normal administration” process.

Box 2.3 – Interview with Candidate 3

How was the candidate informed about the requirement to obtain a proof?

Through my party.

Any assistance in obtaining the proof

No. I checked the official elections website in the Member State of residence and downloaded the relevant documents. Unfortunately the reference to competent authority of the State of origin was not explicit enough, so I went to my Embassy (see below).

The Embassy seemed very surprised about my demand. They never heard about this and knew not what to do.

Eventually they gave me a telephone number at the Ministry of Justice (competent for electoral affairs for nationals living abroad) in my country of residence.

There someone told me to send an email with my demand.

As I got no answer I called back later.

Eventually I got the name of the person I had to contact. From then on contacts went rather smooth.

This took about one week.

What are the competent authorities to contact?

1. Embassy (consular department): Declaration of nationality
2. Ministry of Justice (department administrative affairs) : proof of eligibility

Timeframe to receive the documents

Eventually I received the main document (proof of eligibility) by fax (without signature) and by regular post delivery (with signature) only 1 or 2 days before the deadline (16 April).

I started this procedure in the first week of April.

Any costs involved

Only consular fees for the Declaration of nationality.

Several phone calls and fax messages.

Administrative burden/consider to not following through with candidature

I did consider the requirements unreasonably burdensome, and did consider not following through with the candidature because of the requirement to obtain the attestation 'especially when deadline approached and I was still without information from my Member State of origin. Sometimes I saw myself as a fool (especially confronted with Embassy staff in my Member State of residence) caught up in some Catch-22 situation'.

As this is fundamentally a "country of origin" problem, I think local Embassies should be made aware of procedures and practical solutions. Parties are not in a position to get in contact with relevant authorities in the country of origin of their foreign candidates.

Box 2.4 – Interview with Candidate 4

How was the candidate informed about the requirement to obtain a proof?

The president of the party provided her with all the relevant information.

Any assistance in obtaining the proof

The party only provided information on what authority to contact and a list of documents needed.

What are the competent authorities to contact?

The registry office within the commune of residence in the country of origin (local level).

Timeframe to receive the documents

One day.

Any costs involved

10 euro.

Administrative burden/consider to not following through with candidature

The candidate considers that the administrative requirements are not too burdensome. However, she thinks that an information and awareness raising campaign should be organised to make EU citizens as well as political parties conscious of the opportunity for non-nationals to stand as candidates for EP elections. The only obstacle she had to face was the short timeframe for the organisation of the electoral campaign as the Belgian authorities confirmed the acceptance of her application very late.

2.5 Summary – Problem 2

Scale of the problem

The rate of EU non-national candidates to the EP elections is much lower than of nationals. In 2004 there were in total 8,974 candidates to the EP elections. Of these, 8,917 stood as candidates in their country of origin, i.e. 99% of the total number of candidates. Only 57 candidates were EU non-. 3 EU non-national candidates succeeded to be elected.

Estimations show that if the participation rate for EU non-nationals had been the same as for nationals, the total number of EU non-national candidates would have been 182 instead of 57.

There is evidence that the number of EU non-national candidates would have been higher, had there not been an obligation to provide a proof of eligibility. Three countries (Greece, Germany and France) have reported a number of difficulties relating to the obligation to provide a proof from their Member State of origin to stand as a candidate by EU non-national citizens, where the result was that EU non-nationals were deemed ineligible to stand as a candidate in their country of residence. A number of candidates were refused as their applications were incorrect or incomplete. For example, in Greece, one application was refused by the Supreme Court, since the EU non-national candidate did not submit the attestation under article 10(2) of the Directive 93/109/EC. In Germany two cases occurred where EU non-nationals were refused to stand as candidates. France also reported that a number of candidates had been deleted from the list of candidates as their application did not contain the proof of entitlement to stand as a candidate in their country of origin. The number of candidates concerned was not mentioned.

This shows that the current obligation to provide an attestation has had a negative influence of the participation of EU non-national candidates in their country of residence. Other factors likely to influence the low number of EU non-national candidates include, in addition to 'poor integration' (that they feel a closer connection to the political life in their home country) the possibility and their rights to join a political party in their country of residence. This is in some countries a requirement to be able to stand as a candidate. In fact, in five Member States non-national EU citizens are not allowed to join a political party.

Heavy administrative burden

In a number of Member States it is not clearly identified or regulated at all what national authority is competent to deliver proof of entitlement to stand as a candidate. Therefore, a survey amongst Member States electoral bodies was undertaken to collect information on in what Member State this is not clearly regulated, if any guidance is readily available, time to receive information and documentation and any costs involved for the candidate. Only 14 Member States responded to the survey. The majority of these countries were able to identify competent authority. Only very minor costs are involved in two countries.

Interviews that have been undertaken with EU non-national candidates confirm that there are problems in relation to contacting and receiving the relevant attestation from the competent authority in their country of origin. In two out of three countries

candidates experienced problems either identifying the competent authority or that it was not regulated which the competent authority is. One of the candidates even considered giving up on standing as a candidate, and only received the relevant proof two days in advance of the deadline for registration as a candidate.

3 POLICY OBJECTIVES

3.1 Introduction

This Section outlines the political orientation for any changes to the Directive 93/109/EC, including general and specific objectives, i.e. what aims and objectives have been set, and how well these are articulated. The policy objectives will provide some of the criteria for assessing the policy options.

3.2 Definition of general and specific policy objectives

There is a risk that EU citizens living in other EU countries than of their origin could illegally vote and stand as a candidate in both their country of origin and country of residence. There are important legal responsibilities at EU level to ensure free and fair elections.

Directive 93/109/EC include the following policy objectives for the Community in addressing the question of EU citizens' right to vote and stand as a candidate in elections to the European Parliament when they are residing in a Member State of which they are not nationals:

General objectives:

- **To ensure participation** of all citizens of the Union to the elections to the European Parliament.
- **To encourage participation** of all citizens of the Union to the elections to the European Parliament.
- **To ensure equal access to electoral rights** (non-discrimination principle) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.

Specific objectives:

- **To prevent double voting** in EP elections.
- **To prevent double candidature** in EP elections.
- **To reduce obstacles for EU citizens who wish to stand as a candidate** in EP elections in their Member State of residence.

These objectives provide part of the assessment criteria put forward in Section 6 for the assessment and comparison of the policy options described in Section 5.

In terms of the relationship and a possible hierarchical order between these objectives, the relative priority for these objectives will need to be defined at the political level.

4 POLICY OPTIONS

4.1 Policy options to address Problem 1: Deficient system to prevent double voting and double candidature

The sub-sections below provide brief descriptions of available policy options to address Problem 1 – Deficient system to prevent double voting and candidature.

4.1.1 Policy Option 1.1 – Status quo

No changes are made to the current situation, i.e. the following measures are maintained:

- **The current information exchange system** between the Member States. Within the frame of this system, the Member State of residence is responsible for transferring information about EU non-national citizens who register to vote in the country to the Member State of origin, which is to delete the citizen from their electoral roll as to prevent double voting and candidature. The Commission and the Member States have agreed guidelines on what and how information is to be exchanged. No amendments to the Directive would be made in the status quo option, but further meetings involving the Commission and Member States are to be arranged by the Commission in view of improving and adapting these guidelines (to an EU 27) which are implemented by the Member States.
- **The written declaration by EU non-nationals**, made when they enrol to vote in their Member State of residence, that they will vote in their Member State of residence only and not in their Member State of origin (Art. 9 of Directive 93/109/EC) and register to stand as candidates in their Member State of residence (Art. 10).

4.1.2 Policy Option 1.2 – Improvements to the current information exchange system (administrative and operational)

In this policy option the current information exchange system could be improved in terms of administrative and operational procedures to ensure consistency across the EU, by:

- Establishing a single, harmonised deadline for exchanging information;
- Adapting the already established format for information to be exchanged so that it allows all Member States to have all information needed to identify their national citizens when they receive information;
- Establishing that all information need to be transferred electronically by one specific means as to allow automatic processing of all information;
- Introducing the use of the Greek and Cyrillic alphabets; and,
- Member States would need to duly inform citizens that they have been deleted from an electoral roll.

The system would have to be implemented by the Member States probably on the basis of a decision from the Commission adopted under a comitology procedure.

4.1.3 Policy Option 1.3 – Abolish current system but maintain declaration of no double vote and candidature and introduce penalties

This policy option would include the following amendments to Directive 93/109/EC:

- **Abolishing the current information exchange system**, but
- **Maintaining the declaration by EU non-national citizens** to not double vote (established in Art. 9 of Directive 93/109/EC) or stand as a candidate in two Member States in the same EP election (Art. 10). This declaration is made at the time EU non-nationals register to vote in their country of residence (according to Art. 9 EU non-nationals need to confirm in written that they will not vote in their Member State of origin but only Member State of residence) or register as a candidate.
- **Introducing an offence for double voting**
- **Introducing a system for checking the occurrence of double voting** and candidature. Further research is, however, necessary to elaborate the details of how the system would function and what data on voters are available in the Member States. It is not realistic to anticipate that it would be possible to implement the system for checking double voting already in the 2009 elections, but first in subsequent elections. At the time of these later elections, it can be expected that more Member States will have developed electronic systems to register voters, which would increase the efficiency of a checking system. In the 2009 EP elections Member States could report on double voting and what actions they undertook to prevent the occurrence thereof. Such a system would be helpful to implement the penalty as a penalty without checking the occurrence of double voting and candidature would not provide an effective means to prevent double voting and candidature. It could, for instance, be based on comparisons of lists of voters in the Member States.

4.1.4 Policy Option 1.4 – Establishing a European Parliament Electoral Commission and maintain declaration

This policy option would mean abolishing the current information exchange system and introduce the following amendments to the Directive:

- **An offence for double voting;**
- **An audit system based on risk assessments** of EU non-nationals voting in their Member State of residence. On the spot audits would be undertaken after the elections in selected Member States by an 'independent' auditor employed by a European Parliament Electoral Commission, on the basis of lists of people who voted. Criteria for selecting Member States where audits would be undertaken could include e.g. high total numbers of EU non-nationals, high numbers of EU non-nationals from a specific country, different voting dates (i.e. travel to vote is possible / easier than if elections were undertaken on the same day) etc. The current Working Group of Member States could form the basis for this Electoral Commission with the European Commission as a chair. The

current declaration of no double voting, made by EU citizens at the time of registration to vote in EP elections in their Member State of residence, would be maintained.

4.1.5 Policy Option 1.5 – New information system

The current information exchange system could be abolished and replaced by a new information system, e.g. where citizens input information directly into a central electronic system, common for all Member States, on where they choose to vote. All Member States' administrations would have access to the information in the system. The system would provide an automatic notification to relevant Member States when information had been updated / inputted. The system would be accessible via the Internet. Failure to register on the system before a specified date would mean that the citizen would be ineligible to vote (which is also currently the case in most Member States, although the date for registration varies. In a few Member States citizens are automatically taken up on the electoral roll). A common deadline for registering would have to be introduced.

The electronic system would have to be supported by a less technology knowledge based system for those citizens who would not be able to use the system themselves. For instance, staff in the Member States could be educated to provide assistance and / or it would be possible to make the registration also by letter. . The system would be maintained centrally, e.g. similarly to Eurodac.

4.1.6 Policy Option 1.6 – Declaration by voters of no double voting

This policy option would involve the termination of both the information exchange system and the declaration of no double vote (in Art. 9), made when EU non-nationals enrol to vote in their Member State of residence. These measures would be replaced by a system of a formal declaration of no double voting by EU citizens who choose to vote in their Member State of residence, made at the time when they vote. Follow up audit checks would be undertaken by the Member States on a sample of declarations (i.e. checking that the EU non-national who voted in his/her country of residence did not also vote in the country of origin).

4.1.7 Policy Option 1.7 – Developing an EP electoral roll

This policy option would involve either all electoral rolls of the Member States (for EP elections) being integrated into one common EP electoral roll for all Member States or incremental improvements to the electoral roll updating processes in Member States so that the likelihood of double voting is reduced (such a sub option could involve the identification and exchange of good practice). The latter would imply a process of harmonisation concerning type of personal data included on the electoral roll. However, a common EP electoral roll could also be created by collecting additional information directly from the citizens. What information to include would be agreed by the Member States. The information on the electoral roll would be shared between the Member States

In addition to amendments to Directive 93/109/EC the policy option would also necessitate changes to the 1976 Act on elections.

4.2 Policy options to address Problem 2: heavy administrative burden for non-national candidates to the EP elections

The sub-sections below provide brief descriptions of available policy options to address the problem of the heavy burden for non national candidates wishing to stand for election to the EP.

4.2.1 Policy Option 2.1 – Status quo

No changes are made to the present situation. When submitting an application to stand as a candidate in their Member State of residence in an EP election, EU citizens must currently provide proof supplied by their Member State of origin that they are entitled to stand as a candidate there (Art. 6 and 10). It is currently not clear or regulated at all in certain Member States, what authority is competent to provide this attestation.

4.2.2 Policy Option 2.2 – Refine current system

This policy option would, for example, involve giving publicity through an EU wide information campaign to a comprehensive list of authorities which are competent to deliver proof of eligibility to citizens who wish to stand as a candidate in their Member State of residence.

4.2.3 Policy Option 2.3 – Facilitate and enhance the role of political parties in enabling candidature by non nationals

For example, providing a 'tool kit' so that political parties in Member States could efficiently advise potential candidates of the steps they must take to obtain the relevant attestation.

4.2.4 Policy Option 2.4 – Introduce a formal declaration

This policy option would involve the abolishment of the obligation of candidates to present the proof and to replace it with formal declaration that they have not been deprived of the right to stand as a candidate through an individual criminal law or civil law decision. The Member State of residence would have the possibility to check with the Member State of residence that the citizen has not been deprived of his/her right to stand as a candidate.

4.2.5 Policy Option 2.5 – New information system

This policy option would involve the creation of a central electronic information system, common for all the electoral authorities of the Member States, to which candidates would provide a declaration directly about their eligibility to stand as a candidate. The system would enable quick checks of eligibility of candidates by Member State authorities.

4.2.6 Policy Option 2.6 – Abolish the obligation to provide a declaration

This policy option would involve the abolishment of the obligation for EU non-national candidates to provide an attestation of eligibility from their Member State of origin.

5 ANALYSIS OF IMPACTS

5.1 Introduction

This Section outlines the main advantages and disadvantages of each policy option identified in Section 5 in terms of social and economic impacts³⁸ on different target groups, risks and trade-offs.

The following sub-sections present impact assessments of each of the Policy Options against a set of criteria which derive from the problems in the current situation, policy objectives and relevant Articles from the Charter of Fundamental Rights of the European Union. Common grids have been used for systematic comparison of the policy options to address each of the two problems:

1. Deficient system to prevent double voting and candidature; and,
2. Heavy administrative burden for candidates.

5.2 Identifying and assessing impacts of each of the policy options

For each option, anticipated impact effectiveness has been assessed based on a rating scale, against the criteria derived from the problems and policy objectives on an 'intuitive' scale of one to five. The assessment criteria include:

- The impacts with respect to the policy objectives – i.e. how far does the policy option forward each objective?
- To what extent are relevant fundamental rights ensured and promoted?
- What are the main benefits and advantages?
- What are the disadvantages and risks?
- Are there any essential accompanying measures?
- Views expressed by stakeholders, including Member States and other interested parties.

A brief explanation of why a certain rating has been given is provided for each criterion in the grids. Impact assessments of the six identified policy options to address Problem 1: 'Deficient system to prevent double voting and candidature' are presented in Tables 6.1 to 6.6 below. Impact assessments of the five identified policy options to address Problem 2: 'Heavy administrative burden for candidates' are presented in Tables 6.7 to 6.11 below.

A comparison of ratings given to each policy option to address Problem 1 and Problem 2 and elaborations of the preferred options are provided in Section 7.

5.2.1 *Assessment of policy options to address Problem 1*

³⁸ Environmental non-applicable.

Overview of Policy Options to address the problem of 'Deficient system to prevent double voting and double candidature':

- Policy Option 1.1 – Status quo
- Policy Option 1.2 – Improvements to the current information exchange system (administrative and operational)
- Policy Option 1.3 – Abolish current system but maintain declaration of no double vote
- Policy Option 1.4 – Establishing a European Parliament Electoral Commission and maintain declaration
- Policy Option 1.5 – New information system
- Policy Option 1.6 – Declaration by voters of no double voting
- Policy Option 1.7 – Developing an EP electoral roll

Summary of Policy option 1.1 – Status quo

No changes are made to the current situation, i.e. the following measures are maintained:

- **The current information exchange system** between the Member States. Within the frame of this system, the Member State of residence is responsible for transferring information about EU non-national citizens who register to vote in the country to the Member State of origin, which is to delete the citizen from their electoral roll as to prevent double voting. The Commission has, together with the Member States, elaborated guidelines on what and how information is to be exchanged. No amendments to the Directive would be made in the status quo option but further meetings involving the Commission and the Member States are to be arranged by the Commission in view of improving and adapting these guidelines which are implemented by the Member States.
- **The written declaration by EU non-nationals**, made when they enrol to vote in their Member State of residence, that they will vote in their Member State of residence only and not in their Member State of origin (Art. 9 of Directive 93/109/EC) and register to stand as candidates in their Member State of residence (Art. 10).

Table 5.1 –Summary assessment of policy option 1.1 “Status quo” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√	Through information exchanges between the Member States EU citizens are prevented from being registered on electoral rolls in two countries at the same time. Thereby the risk of double voting is decreased. Due to identified flaws of the system some individuals are, though, not possible to delete from electoral rolls but are still registered on two electoral rolls in the same election. This problem is likely to be aggravated in case of further Enlargement of the EU.
To prevent double candidature in EP elections.	√√√	In addition to exchanging information on people who are registering on the electoral roll in their Member State of residence, Member States have to send separate information on EU non-nationals who have registered as candidates to their Member State of origin.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√	There is evidence that EU citizens have been deprived of the right to vote due to the flaws of the information exchange system. This problem is likely to be aggravated with the next Enlargement of the EU.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	Article 12 of the Directive establishes that the Member State of residence is to inform EU non-nationals of the conditions to vote and stand as candidates 'in good time and an appropriate manner'. Participation rates in the EP elections have decreased the last elections. There is no evidence that the situation will improve in future elections.
To ensure equal access to electoral rights (non-discrimination principles ³⁹) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√	Because of the problems of the system, and the fact that some EU non-nationals have been deprived of their right to vote, equal access is not fully ensured.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament⁴⁰ 	√√√	Since some EU non-nationals have been deprived of their right to vote, this Fundamental Right is not fully ensured.
<ul style="list-style-type: none"> ▪ Protection of personal data⁴¹ 	√	Much personal data are transferred between different locations by different means (paper, diskettes, CD-ROMs). As many people have access to the data there is a risk that information leaks and/or is re-used for other purposes. There is evidence that citizens in the current situation are not informed about the information exchanges of personal data between the Member States.
Benefits and advantages of option	Staff of Member States electoral bodies is familiar with the system.	
Disadvantages and risks of policy option	In addition to that citizens have been deprived of their right to vote, several Member States consider the current system un-proportionately burdensome in relation to the problem of double voting. The propensity for mistakes will increase disproportionately with the increased number of exchanges that will take place upon Enlargement of the EU.	
Essential accompanying measures	NA	
Costs	Costs for the system for each election are not very high, but they will increase as more countries join the Union. The return will not improve.	
Issues raised in Member State consultations	Member States consider the system burdensome.	

³⁹ Charter of Fundamental Rights of the European Union: Articles 20-26.

⁴⁰ Charter of Fundamental Rights of the European Union: Article 39.

⁴¹ Charter of Fundamental Rights of the European Union: Article 8.

Summary of Policy option 1.2 – Improvements to the current information exchange system

In this policy option the current information exchange system could be improved in terms of administrative and operational procedures to ensure consistency across the EU, by:

- Establishing a single, harmonised deadline for exchanging information;
- Adapting the already established format for information to be exchanged so that it allows all Member States to have all information needed to identify their national citizens when they receive information
- Establishing that all information need to be transferred electronically by one specific means as to allow automatic processing of all information;
- Introducing the use of the Greek and Cyrillic alphabet,
- Member States would need to duly inform citizens that they have been deleted from an electoral roll.

The changes would have to be implemented by the Member States.

Table 5.2 –Summary assessment of policy option 1.2 “Improvements to the current information exchange system” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	The proposed improvements to the system would lead to a simplification of the current system and increased utility of the data transferred on citizens. A higher number of EU non-nationals who have registered to vote in their Member State of residence would be possible to identify on the basis of the personal data received on citizens.
To prevent double candidature in EP elections.	√√√√	The prevention of double candidature will improve to the same extent as double voting.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√√	If the information exchange system works better there will be fewer cases of people being prevented to vote.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	No changes to the current situation.
To ensure equal access to electoral rights (non-discrimination principles ⁴²) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√	Equal access will be ensured to a higher extent than in the current situation, but there may still be cases of EU non-nationals being prevented from voting.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√	The right to vote will be ensured to a higher extent than in the current situation, but there may still be cases of EU non-nationals being prevented from voting.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√	Personal data would still be transferred between different actors, which would imply a risk of information leaks and/or re-use for other purposes.
Benefits and advantages of option	There would be incremental improvements of the functioning of the system. One particular advantage would be that automatic processing would be possible, which would reduce the time Member State staff spends on the system.	
Disadvantages and risks of policy option	The current situation would be improved but all problems would not be eliminated (e.g. concerning cases involving UK and Ireland).	
Essential accompanying measures	NA	
Costs	The deficiencies in the information exchanged contribute to a large part of the overall costs of the system. Costs would first increase when the changes to the system are introduced and then they would decrease (automatic processing would ensure this).	
Issues raised in Member State consultations	Several Member States have indicated that their preference is either to abolish the current information exchange system completely or at least make changes to it. The suggested changes to the information exchange system stem from comments and suggestions from the Member States.	

⁴² Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 1.3 – Abolish current information exchange system but maintain declaration of no double vote and candidature and introduce penalties

This policy option would include the following amendments to Directive 93/109/EC:

- Abolishing the current information exchange system, but
- Maintaining the declaration by EU non-national citizens to not double vote (established in Art. 9 of Directive 93/109/EC) or stand as a candidate in two Member States in the same EP election (Art. 10).. This declaration is made at the time EU non-nationals register to vote in their country of residence (according to Art. 9 EU non-nationals need to confirm in written that they will not vote in their Member State of origin but only Member State of residence) or register to stand as a candidate.
- Introducing penalties for double voting
- Introducing ex post checks on the occurrence of double voting.

Table 5.3 –Summary assessment of policy option 1.3 “Abolish current information exchange system but maintain declaration of no double vote and candidature and introduce penalties” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	Incentives to double vote would be decreased as EU citizens would be aware that they are committing an offence by voting twice in the same elections (penalty and check of declarations). It is, however, likely that more citizens would be registered on electoral rolls in two countries in the same election as there would be no means of co-operation in place to exchange information on registrations to the EP electoral roll ⁴³ .
To prevent double candidature in EP elections.	√√√√	The situation in relation to prevention of double candidature would be the same as for double voting.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√√	This would be dependent on the Member States' systems. It is likely that the problem of people being prevented to vote would decrease as information would not be exchanged between Member States.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	The current situation is not likely to change.
To ensure equal access to electoral rights (non-discrimination principles ⁴⁴) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√	This would be dependent on the implementation of the Directive in the individual Member States, but the option would not involve any discriminatory measures <i>per se</i> .
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√	This would be dependent on the implementation of the Directive in the individual Member States.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√√√	Personal data will be necessary to communicate between different authorities in the country of residence or origin for the purpose of the ex-post checking.
Benefits and advantages of option	Incentives to double vote would be decreased as EU citizens would be aware that they are committing an offence by voting twice in the same elections (penalty and check of declarations). The current information exchange system would be abolished, which several Member States are in favour of.	
Disadvantages and risks of policy option	Ex post checks whether double voting had occurred would need to be put in place. It would be the responsibility of the individual Member States to prevent double voting. It is likely that more citizens would be registered on electoral rolls in two countries in the same election as there would be no means of co-operation in place to exchange information on registrations to the EP electoral roll.	
Essential accompanying measures	The Member States would have to rely on their own systems for updating EP elections electoral rolls. Not all Member States have such systems in place.	
Costs	There would be no costs for transferring data between Member States as the information exchange system would be abolished.	
Issues raised in Member State consultations	Several Member States have indicated that their preference is either to abolish the current information exchange system completely or at least make changes to it.	

⁴³ Annex 12 provides an overview of current arrangements in the Member States to update their electoral rolls would the information exchange system not exist.

⁴⁴ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 1.4 – Establishing a European Parliament Electoral Commission

This policy option would mean abolishing the current information exchange system and introduce the following amendments to the Directive:

- **An offence for double voting;**
- **An audit system based on risk assessments** of EU non-nationals voting in their Member State of residence. On the spot audits would be undertaken after the elections in selected Member States by an ‘independent’ auditor employed by a European Parliament Electoral Commission, on the basis of lists of people who voted. Criteria for selecting Member States where audits would be undertaken could include e.g. high total numbers of EU non-nationals, high numbers of EU non-nationals from a specific country, different voting dates (i.e. travel to vote is possible / easier than if elections were undertaken on the same day) etc. The current Expert Group of Member States could form the basis for this Electoral Commission with the European Commission as a chair. The current declaration of no double voting, made by EU citizens at the time of registration to vote in EP elections in their Member State of residence, would be maintained.

Table 5.4 –Summary assessment of policy option 1.4 “Establishing a European Parliament Electoral Commission” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	Incentives to double vote would be decreased as EU citizens would be aware that they are committing an offence by voting twice in the same elections.
To prevent double candidature in EP elections.	√√√√	Double candidature would lead to committing an offence.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√√	No one would be prevented from voting, which is a problem in the current situation, since checks would be undertaken after the elections.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√√	Introducing an EP Electoral Commission could provide a means to make the EP elections more distinct from national policy issues. It could also play a role in identifying good practices amongst initiatives undertaken by Member States to encourage citizens to vote in the EP elections.
To ensure equal access to electoral rights (non-discrimination principles ⁴⁵) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√√	There would be equal access to electoral rights. On the spot checks would only be undertaken after the elections.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√√	The right to vote would be ensured since on the spot checks would only be undertaken after the elections.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√√√√	There would be increased protection of personal data as the current exchanges of information would be replaced by on the spot checks. Only the EP Electoral Commission staff would have access to lists of voters in order to be able to undertake audits.
Benefits and advantages of option	The establishment of an EP Electoral Commission could result in a simple system if it would be possible to check double voting on the basis of electronic registers of people who voted. This would provide a systematic way to check the extent of double voting, which does not exist now. As a knock-on effect the body would increase the sense of a European citizenship.	
Disadvantages and risks of policy option	An audit system would need to be put in place. For this system, electronic lists of voters with details such as nationality, date of birth, address etc. would have to be available in the Member States. This is currently not the case. The Electoral Commission would need to take over some tasks which are currently the Member States' responsibility.	
Essential accompanying measures	An EU wide information campaign on the creation of the EP Electoral Commission and its role would be necessary.	
Costs	Costs would shift from Member State to EU level. The Member States' costs (and time spent) would drastically decrease as they only would have to submit their lists of voters (including data on EU non-nationals) to the EP Electoral Commission in order for the auditor to be able to undertake checks.	
Issues raised in Member State consultations	The policy option has not been raised with Member States.	

⁴⁵ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 1.5 – New information system

The current information exchange system could be abolished and replaced by a new information system, e.g. where citizens input information directly into a central electronic system, common for all Member States, on where they choose to vote. All Member States' administrations would have access to the information in the system. The system would provide an automatic notification to relevant Member States when information had been updated / inputted. The system would be accessible via the Internet. Failure to register on the system before a specified date would mean that the citizen would be ineligible to vote (which is also currently the case in most Member States, although the date for registration varies. In a few Member States citizens are automatically taken up on the electoral roll). A common deadline for registering would have to be introduced.

The electronic system would have to be supported by a less technology knowledge based system for those citizens who would not be able to use the system themselves. For instance, staff in the Member States could be educated to provide assistance and / or it would be possible to make the registration also by letter.

Table 5.5 – Problem 1: Summary assessment of policy option 1.5 “New information system” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	Double voting would be prevented to a high extent. It is not likely to be completely prevented as there could be instances where EU citizens use different names etc. to try to circumvent the system.
To prevent double candidature in EP elections.	√√√√	The prevention of double candidature would improve to the same extent as double voting.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√	Failure to register in time would lead to that the citizen would be ineligible to vote. Participation would therefore not be ensured. This is, though, also currently the situation in most Member States.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√	EU non-nationals would need to be informed about the information system. The need to register could be problematic for those who are unfamiliar with the Internet and others could be unwilling to submit personal information to a system accessible electronically for several actors. The option could therefore to some extent discourage participation.
To ensure equal access to electoral rights (non-discrimination principles ⁴⁶) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√	After having registered on the system EU non-nationals would have the same access to electoral rights as nationals of the country. However, there would be a risk of unequal access for those who would not be able to use the electronic system.
Fundamental rights		
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	√√√√	The right would be ensured as long as EU non-nationals register on time.
▪ Protection of personal data (Art. 8)	√	There are chances that information would leak.
Benefits and advantages of option	There would be one central system which would provide automatic notifications to the Member States. This would decrease some of their work.	
Disadvantages and risks of policy option	The system relies on active citizenship. Since it could be seen as problematic by the citizens it could decrease the already low participation in EP elections. The Member States would need to implement the use of the system in their national laws. It is, though, not clear who would take on the responsibility for the system, and it could be seen as a way to try to introduce a harmonised electoral system, which is outside the Commission competences. A practical problem is that the system could crash.	
Essential accompanying measures	EU non-nationals would have to be made aware of the need to register on the system before a certain date, e.g. through personal letters and/or information campaigns.	
Costs	The system would be very expensive compared to the scale and nature of the problem. It would have to be available in all EU languages and be able to deal with massive information flows immediately prior to the EP elections.	
Issues raised in Member State consultations	The policy option has not been raised with Member States	

⁴⁶ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 1.6 – Declaration by voters of no double voting

This policy option would involve the termination of both the information exchange system and the declaration of no double vote (in Art. 9), made when EU non-nationals enrol to vote in their Member State of residence. These measures would be replaced by a system of a formal declaration of no double voting by EU citizens who choose to vote in their Member State of residence, made at the time when they vote. Follow up audit checks would be undertaken by the Member States on a sample of declarations (i.e. checking that the EU non-national who voted in his/her country of residence did not also vote in the country of origin).

Table 5.6 – Problem 1: Summary assessment of policy option 1.6 “Declaration by voters of no double voting” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	There would be less incentives for EU citizens to double vote as they would be aware that someone would check whether they vote both in their Member State of residence and country of origin.
To prevent double candidature in EP elections.	√√√	The prevention of double candidature would improve to the same extent as double voting.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√	Citizens might not want to sign a declaration on the spot and thereby they would lose their chance to vote.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√	People might get offended and not vote as a protest.
To ensure equal access to electoral rights (non-discrimination principles ⁴⁷) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	–	The declaration would only be made by EU non-nationals.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√	The right to vote would be ensured as long as EU non-nationals are willing to sign a declaration to not double vote.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√√	As the declarations would be made in paper form there would be a risk that information would leak. Someone in the Member States would need to check the declarations.
Benefits and advantages of option	Member States have suggested to abolish the current information exchange system and rely on declarations by citizens. UK and Ireland could change their electoral rolls on the basis of this type of declaration. According to Art. 9 of the Directive EU non-national citizens already have to make declarations of not double voting (although not at the time of the vote). The Directive also establishes that the Member State of residence may undertake checks that the citizen has not been deprived of the right to vote (Art. 7).	
Disadvantages and risks of policy option	Someone in the Member States, e.g. electoral bodies, would need to check declarations, which would all be in paper form, and thereby quite time-consuming to handle. There would be a risk of declarations getting lost and/or information leaks.	
Essential accompanying measures	EU non-nationals would have to be made aware of the need to make a declaration at the time of the vote, e.g. through personal letters and/or information campaigns.	
Costs	The costs for the information exchange system would be shifted from information exchanges to handling and checking declarations by EU non-nationals. The option would probably not lead to any cost advantages.	
Issues raised in Member State consultations	The policy option has not been raised with Member States in the current form (i.e. declaration at the time of voting).	

⁴⁷ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 1.7 – Developing an EP electoral roll

This policy option would involve either all electoral rolls of the Member States (for EP elections) being integrated into one common EP electoral roll for all Member States or incremental improvements to the electoral roll updating processes in Member States so that the likelihood of double voting is reduced (such a sub option could involve the identification and exchange of good practice). The latter would imply an approximation process concerning type of personal data included on the electoral roll. However, a common EP electoral roll could also be created by collecting additional information directly from the citizens. What information to include would be agreed by the Member States. The information on the electoral roll would be shared between the Member States. The system would be maintained centrally, e.g. similarly to Eurodac.

In addition to amendments to Directive 93/109/EC the policy option would also necessitate changes to the Act on elections⁴⁸.

⁴⁸ Council Decision of 25 June 2002 amending EC Act on Direct Elections of 1976 (Act of 20 September 1976 [OJ No. L 278 8.10.1978]).

Table 5.7 – Problem 1: Summary assessment of policy option 1.7 “Developing an EP electoral roll” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To prevent double voting in EP elections.	√√√√	Double voting would be prevented to a high extent since only one electoral roll would exist. It is, though, not likely to be completely prevented as there could be instances where EU citizens use different names etc. to try to circumvent the system.
To prevent double candidature in EP elections.	√√√√	The prevention of double candidature would improve to the same extent as double voting.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√√	One electoral roll would mean that no deletions would prevent EU citizens from voting.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√	There would be a need to publicise the development of the EP roll across the EU. This would increase the visibility amongst citizens that EP elections are separate from national elections and increase their sense of EU citizenship.
To ensure equal access to electoral rights (non-discrimination principles ⁴⁹) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√√	Equal access to electoral rights would be ensured as all citizens would be on the same system.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√√	The right to vote would be ensured.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√√√	There would be a risk of information leaks, but to a less extent than in the current situation.
Benefits and advantages of option	It would lead to an increased sense of EU citizenship amongst EU citizens as EP elections would be more distinct from national elections. The current information exchanges between the Member States would be abolished.	
Disadvantages and risks of policy option	There are several practical disadvantages as the system would need Member States to adapt their current lists to fit the system. It would duplicate current national electoral rolls, and it is outside the EU competences to harmonise the Member States electoral systems ⁵⁰ . It is not clear who (what body) would be responsible for the EP electoral roll.	
Essential accompanying measures	There would be a need to publicise the development of the EP electoral roll.	
Costs	Costs are likely to increase in the short term and decrease in the long term.	
Issues raised in Member State consultations	The policy option has not been raised in Member State consultations, but is likely to be unacceptable in the foreseeable future due to political and administrative reasons.	

⁴⁹ Charter of Fundamental Rights of the European Union: Articles 20-26.

⁵⁰ Article 19(2) of the Treaty.

5.2.2 *Assessment of policy options to address Problem 2*

Overview of Policy Options to address the problem of heavy administrative burden for non-national candidates to the EP elections

- Policy Option 2.1 – Status quo
- Policy Option 2.2 – Refine current system
- Policy Option 2.3 – Facilitate and enhance the role of political parties in enabling candidature by non nationals
- Policy Option 2.4 – Introduce a formal declaration
- Policy Option 2.5 – New information system
- Policy Option 2.6 – Abolish the obligation to provide a declaration

Summary of Policy option 2.1 – Status quo

No changes are made to the present situation. When submitting an application to stand as a candidate in their Member State of residence in an EP election, EU citizens must currently provide proof supplied by their Member State of origin that they are entitled to stand as a candidate there (Art. 6 and 10). It is currently not clear or regulated at all in certain Member States what authority is competent to provide this attestation.

Table 5.8 – Problem 2: Summary assessment of policy option 2.1 “Status quo” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√	All EU non-national candidates are currently obliged to provide an attestation from their Member State of origin that they are eligible to stand as a candidate there. It is not clearly regulated in some Member States what authority is competent to provide this attestation. This problem is likely to increase with the Enlargement and/or if participation increases.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√	Participation is prevented if no authority in the Member State of origin is able to provide an attestation.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√	The obligation to provide an attestation discourages participation.
To ensure equal access to electoral rights (non-discrimination principle ⁵¹) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√	Nationals do not have a similar obligation.
Fundamental rights		
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	–	The right to stand as a candidate is not ensured for citizens who are unable to get an attestation.
▪ Protection of personal data (Art. 8)	√√√√√	Data are only transferred between the relevant authority and the citizen, i.e. this is not a problem in the current situation.
Benefits and advantages of option	Current arrangements are not costly for Member States.	
Disadvantages and risks of policy option	The burden lies on the EU non-national candidates who need to allocate the competent authority to provide an attestation.	
Essential accompanying measures	NA	
Costs	Only minor costs are involved. The main problem is that it can be time-consuming for EU non-national candidates to obtain an attestation or that no national authority is able to provide it.	
Issues raised in Member State consultations	In Greece one EU non-national was refused by the Supreme Court to stand as a candidate as this citizen did not submit the attestation. Cases like this also occurred in France and Germany. The other Member States have not experienced any problems, mainly due to that there were no EU non-national candidates in or from their country.	
Issues raised in stakeholder consultations	Not all Member States have clearly established what authority is competent to provide the attestation.	

⁵¹ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 2.2 – Refine current system

This policy option would, for example, involve giving publicity through an EU wide information campaign to a comprehensive list of authorities which are competent to deliver proof of eligibility to citizens who wish to stand as a candidate in their Member State of residence.

Table 5.9 – Problem 2: Summary assessment of policy option 2.2 “Refine current system” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√√√	It would be easier and less time-consuming for EU non-national candidates to obtain the relevant attestation, but it would still be their responsibility to contact the competent authority, i.e. some obstacles will remain.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√	There is evidence that the number of EU non-national candidates could have been higher had there not been an obligation to provide an attestation from the country of origin. Simplifying current procedures would facilitate candidature for EU non-nationals. It would ensure to a higher extent than currently that no such cases occur where citizens do not go through with their candidature because of the attestation requirement.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	Simplifying current procedures would encourage candidature by EU non-nationals. However, there would not be any major improvement to the current situation as they would still have to provide an attestation.
To ensure equal access to electoral rights (non-discrimination principle ⁵²) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√	Nationals do not have a similar obligation.
Fundamental rights		
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	√√√	The right to stand as a candidate would be ensured to a higher extent than in the current situation as it would be clear what national authority is competent to provide the attestation.
▪ Protection of personal data (Art. 8)	√√√√√	Data are only transferred between the relevant authority and the citizen.
Benefits and advantages of option	It would simplify obtaining an attestation for the citizens.	
Disadvantages and risks of policy option	Some Member States would need to clarify what body is competent to produce the attestation and change legislation to give this body the competence to provide an attestation.	
Essential accompanying measures	NA	
Costs	Costs would relate to creating the list or authorities, keeping it up to date and arranging the EU wide information campaign.	
Issues raised in Member State consultations	The option has not been raised with Member States.	
Issues raised in stakeholder consultations	Stakeholders have confirmed that it is not clear in the current situation what authority in the Member States is competent to provide the attestation.	

⁵² Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 2.3 – Facilitate and enhance the role of political parties in enabling candidature by non nationals

For example, providing a 'tool kit' so that political parties in Member States could efficiently advise potential candidates of the steps they must take to obtain the relevant attestation.

Table 5.10 – Problem 2: Summary assessment of policy option 2.3 “Facilitate and enhance the role of political parties in enabling candidature by non nationals” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√	Most obstacles would remain as it still would not be clear what national authority would be competent to provide the attestation. It would also still be the candidates’ responsibility to contact the competent authority. The problem would not be improved for independent candidates.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√	Giving the parties the role to assist their candidate would only improve the current situation to a minor extent.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	Most obstacles would remain as candidates would still have to provide an attestation, and it would still not be clear what national authority would be competent to provide the attestation. The problem would not be improved for independent candidates.
To ensure equal access to electoral rights (non-discrimination principle ⁵³) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√	Nationals do not have a similar obligation.
Fundamental rights		
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	–	The right to stand as a candidate would not be ensured for citizens who are unable to get an attestation.
▪ Protection of personal data (Art. 8)	√√√√√	Data would only be transferred between the relevant authority and the citizen.
Benefits and advantages of option	The policy option would only result in very minor improvements to the current situation.	
Disadvantages and risks of policy option	Difficulties for EU non-national candidates would not be resolved. They would only receive some assistance from their party. For independent candidates the situation would not be improved at all.	
Essential accompanying measures	NA	
Costs	Costs would be involved for creating the tool kit.	
Issues raised in Member State consultations	The option has not been raised with Member States.	
Issues raised in stakeholder consultations	One MEP and two EU non-national candidates who were not elected interviewed commented that their parties had informed them about the obligation to provide an attestation and that this was helpful.	

⁵³ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 2.4 – Introduce a formal declaration

This policy option would involve the abolishment of the obligation of candidates to present the proof and to replace it with formal declaration that they have not been deprived of the right to stand as a candidate through an individual criminal law or civil law decision. The Member State of residence would have the possibility to check with the Member State of origin that the citizen has not been deprived of his/her right to stand as a candidate.

Table 5.11 – Problem 2: Summary assessment of policy option 2.4 “Introduce a formal declaration” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√√√√	Obstacles would be reduced to a high extent as EU non-national candidates only would have to provide a formal declaration and not any attestation from an authority.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√	It is likely that no EU non-nationals would abstain from candidature because of having to provide a formal declaration.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√	The formal declaration would be less burdensome for the citizens.
To ensure equal access to electoral rights (non-discrimination principle ⁵⁴) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√	Nationals do not have a similar obligation.
Fundamental rights		
<ul style="list-style-type: none"> Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√	The right to stand as a candidate would be ensured to a higher extent than in the current situation as there would be no instances where candidates are prevented to stand as a candidate because of obstacles to provide an attestation.
<ul style="list-style-type: none"> Protection of personal data (Art. 8) 	√√	Personal data would need to be transferred between the Member State of origin and the Member State of residence, i.e. there would be a risk of information leaks.
Benefits and advantages of option	Obstacles for citizens would be reduced to a high extent. The Directive already provides the possibility for the Member State of residence to check formal declarations made by EU non-national voters that they have not been deprived of that right through a civil or criminal law decision, and to take appropriate steps if the person is found ineligible (Art. 7).	
Disadvantages and risks of policy option	The burden to check the eligibility of an EU non-national candidate would be transferred from the individual to the Member State of residence (to check his/her eligibility with the Member State of origin). Someone ineligible could stand as a candidate if checks of the declarations are not properly undertaken by Member States.	
Essential accompanying measures	The Member States would need to establish a cooperation for checking declarations (e.g. identify relevant national body for contacts).	
Costs	Member States would have to undertake checks of the eligibility of EU non-national candidates. Some Member States already do this.	
Issues raised in Member State consultations	The policy option has not been raised with the Member States.	
Issues raised in stakeholder consultations	NA	

⁵⁴ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 2.5 – New information system

This policy option would involve the creation of a central electronic information system, common for all the electoral authorities of the 25 Member States, to which candidates would provide a declaration directly about their eligibility to stand as a candidate. The system would enable quick checks of eligibility of candidates by Member State authorities.

Table 5.12 – Problem 2: Summary assessment of policy option 2.5 “New information system” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√√√√	Obstacles would be reduced to a high extent as EU non-national candidates would only have to provide a formal declaration and not any attestation from an authority.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√	It is likely that no EU non-nationals would abstain from candidature because of having to provide a formal declaration.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√	The formal declaration would be less burdensome for the citizens.
To ensure equal access to electoral rights (non-discrimination principle ⁵⁵) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√	Nationals do not have a similar obligation.
Fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√	The right to stand as a candidate would be ensured to a higher extent than in the current situation as there would be no instances where candidates are prevented to stand as a candidate because of the need to provide an attestation.
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	√√	There would be a risk for information leaks and / or re-use of the information for other purposes as many different actors would have access to the system.
Benefits and advantages of option	Obstacles for citizens would be reduced to a high extent.	
Disadvantages and risks of policy option	In the last EP elections there have been very few EU non-national candidates. Even though participation in country of residence would reach the same proportion as those standing in country of origin the number would not be more than 200. It is not proportionate to create an electronic system for this amount of candidates.	
Essential accompanying measures	Non-national candidates would need to be informed about the obligation to provide a formal declaration to the information system, e.g. through letters and/or information campaigns.	
Costs	Costs would be unreasonable in view of the nature and extent of the problem.	
Issues raised in Member State consultations	The policy option has not been raised with Member States.	
Issues raised in stakeholder consultations	NA	

⁵⁵ Charter of Fundamental Rights of the European Union: Articles 20-26.

Summary of Policy option 2.6 – Abolish the obligation to provide proof

This policy option would involve the abolishment of the obligation for EU non-national candidates to provide an attestation of eligibility from their Member State of origin.

Table 5.13 – Problem 2: Summary assessment of policy option 2.6 “Abolish the obligation to provide proof” to meet identified objectives		
Objective to be achieved/ problem addressed	Anticipated impact effectiveness (rated from – to √√√√√)	Explanation of rating and aspects of the policy option necessary to achieve impact
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√√√√	There would be no obligation to provide any proof from their Member State of origin. They would, though, still have to provide some evidence in relation to identity, nationality etc.
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√√√	No EU non-national would be prevented from standing as a candidate due to not having provided the requested proof. They would still be required to provide other documentation.
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√√	There would be no burden or difficulties to provide the attestation from the Member State of origin. The policy option would, though, not involve any other measures to encourage increased participation.
To ensure equal access to electoral rights (non-discrimination principle ⁵⁶) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√√	Nationals do not have a similar obligation.
Fundamental rights		
<ul style="list-style-type: none"> Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	√√√√	The risk of EU non-nationals being denied to stand as a candidate in their country of residence would be decreased as they would not be obliged to provide the certificate.
<ul style="list-style-type: none"> Protection of personal data (Art. 8) 	√√√√√	Data would be communicated between EU non-nationals and their country of residence only.
Benefits and advantages of option	Obstacles for citizens would be reduced to a high extent.	
Disadvantages and risks of policy option	EU non-nationals could have been deprived of their right to stand as a candidate in their country of residence and there would be no means in place that would allow the Member State of residence to check this. If this fact was discovered at after the person was elected and therefore not able to work as an MEP, votes would have been wasted, which could discourage other EU citizens to vote in EP elections.	
Essential accompanying measures	NA	
Costs	Neither the EU non-national candidates nor the Member States would have to bear any additional costs.	
Issues raised in Member State consultations	The policy option has not been raised with Member States.	
Issues raised in stakeholder consultations	NA	

⁵⁶ Charter of Fundamental Rights of the European Union: Articles 20-26.

6 COMPARING THE OPTIONS AND ELABORATING THE PREFERRED OPTION

6.1 Introduction

This Section compares the different options and provides elaborations of the preferred options to address each of the Problems 1 and 2. Comparing and assessing each option implies developing a rationale for choosing between them as well as developing specific evaluation criteria. Proposals for monitoring and evaluation criteria are provided in Section 8.

The assessment of the most appropriate option includes consideration of the data and statistics gathered, the analysis of each policy option and their impacts as well as the points of views of different Member States and other stakeholders.

The analysis has been undertaken on the basis of the assessment criteria and templates included in Section 6. These criteria relate to the policy objectives described in Section 5. This approach allows for systematic comparison between the policy options. The policy options to address Problem 1 – Deficient system to prevent double voting and candidature are compared in Section 7.3 whereas and the policy options to address Problem 2 – Heavy administrative burden for candidates are compared in Section 7.5. Each of these sub-sections starts with a comparative grid providing the ratings of all policy options.

The elaboration of the preferred option considers economic impacts in terms of financial costs, administrative costs and costs savings⁵⁷ to the EU budget, Member States, other public authorities, other stakeholders and citizens are provided in common grids below for status quo and the preferred option to address each of the two problems. Elaborations of the preferred options are provided in Sections 7.4 and 7.6. Finally, EU added value, subsidiarity and proportionality are considered for both preferred policy options.

6.2 Problem 1 – Comparison of policy options

Table 7.1 below provides the ratings of all policy options to address Problem 1 – Deficient system to prevent double voting and candidature.

⁵⁷ The Communication from the Commission on an EU common methodology for assessing administrative costs imposed by legislation: COM(2005) 518 final of 21.10.2005.

Table 6.1 – The assessment of Policy Options to improve the system to prevent double voting and candidature

<i>Objective to be achieved/ problem addressed</i>	<i>Policy Options (Anticipated impacts rated from – (no contribution to objective) to √√√√ (full achievement of objective)</i>						
	PO 1.1: Status quo	PO 1.2: Improvements to the current information exchange system	PO 1.3 Abolish current information exchange system	PO 1.4: Establishing a European Parliament Electoral Commission	PO 1.5: New information system	PO 1.6: Declaration by voters of no double voting	1.7: Developing an EP electoral roll
To prevent double voting in EP elections.	√√√	√√√√	√√√√	√√√√	√√√√	√√√√	√√√√
To prevent double candidature in EP elections.	√√√	√√√√	√√√√	√√√√	√√√√	√√√	√√√√
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√√	√√√√	√√√√	√√√√	√√	√	√√√√
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√√	√√	√√	√√√√	√√√	√	√√√
To ensure equal access to electoral rights (non-discrimination principles ⁵⁸) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√√√√	√√√√	√√√√	√√√√√	√√√√	–	√√√√√
Fundamental rights							
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	√√√	√√√√	√√√	√√√√√	√√√√	√√√	√√√√√
▪ Protection of personal data (Art. 8)	√	√	√√√	√√√√	√	√√	√√√
Costs relative to status quo	0	0	–	–	+	0	+
+ Higher cost than status quo; 0 Unchanged costs; – Lower costs than status quo							

⁵⁸ Charter of Fundamental Rights of the European Union: Articles 20-26.

Policy Option 1.1 Status quo:

Main advantages: Staff of Member States electoral bodies is familiar with the system. Costs for the system for each election are not very high. Double voting and candidature is prevented to some extent.

Main disadvantages: The system prevents citizens from being registered on electoral rolls in two Member States in the same EP election to some extent, but due to flaws of the system, not all information exchanges result in that citizens are possible to delete from the electoral roll. In addition, flaws have led to that citizens have been deprived of their right to vote. The propensity for mistakes will increase disproportionately with the increased number of exchanges that will take place upon Enlargement of the EU. Costs will also increase as more countries join the Union. The return will not improve. There are no measures to check if double voting occurs. Several Member States consider the current system un-proportionately burdensome in relation to the problem of double voting.

Policy Option 1.2 – Improvements to the current information exchange system (administrative and operational)

Main advantages: There would be incremental improvements of the functioning of the system. If the information exchange system would work better there would be fewer cases of people being prevented to vote. Another particular advantage would be that automatic processing would be possible, which would reduce the time Member State staff spends on the system. The deficiencies in the information exchanged contribute to a large part of the overall costs of the system. Costs would first increase when the changes to the system are introduced and then they would decrease (automatic processing would ensure this).

Main disadvantages: The current situation would be improved but all problems would not be eliminated (e.g. concerning cases involving UK and Ireland). The right to vote would be ensured to a higher extent than in the current situation, but there may still be cases of EU non-nationals being prevented from voting. Costs would increase initially.

Policy Option 1.3 – Abolish current system but maintain declaration of no double vote and introduce penalties

Main advantages: The deterrent to double voting would increase as EU citizens would be aware that they are committing an offence by voting twice in the same election (due to the introduction of a penalty and prospective check of votes made). No one who has the right to vote would be prevented from voting. The current information exchange system would be abolished and the associated costs saved.

Main disadvantages: It would be the responsibility of the individual Member States to prevent double voting. It is likely that more citizens would be registered on electoral rolls in two countries in the same election as there would be no means of co-operation in place to exchange information on registrations to the EP electoral roll.

Policy Option 1.4 – Establishing a European Parliament Electoral Commission

Main advantages: The establishment of an EP Electoral Commission would result in a simple system to prevent double voting and take away the burden from the Member

States. It would also provide a systematic way to check the extent of double voting, which does not exist now. As a knock-on effect the body would increase the sense of a European citizenship. Incentives to double vote would be decreased as EU citizens would be aware that they are committing an offence by voting twice in the same elections. No one who has the right to vote would be prevented from voting, which is a problem in the current situation, since checks would be undertaken after the elections. Introducing an EP Electoral Commission could provide a means to make the EP elections more distinct from national policy issues. It could also play a role in identifying good practices amongst initiatives undertaken by Member States to encourage citizens to vote in the EP elections. Costs would shift from Member State to EU level. The Member States' costs (and time spent) would drastically decrease as they only would have to submit their lists of voters (including data on EU non-nationals) to the EP Electoral Commission in order for the auditor to be able to undertake checks.

Main disadvantages: The audit system would be dependent on electronic lists of people who voted, which are not kept in all Member States. They would therefore have to change their current systems, which might be very costly. The Commission would need to take over some tasks which are currently the Member States' responsibility. The Member States would need to have their own systems to ensure that their electoral rolls are up to date and that EU non-nationals are identified on their rolls. An EU wide information campaign on the creation of the EP Electoral Commission and its role would be necessary.

Basically without electronic records of voters and access to them the 'audit' process would be expensive and certainly not comprehensive. In practice it would be restricted to some manual checking of instances where double voting is most likely.

Policy Option 1.5 – New information system

Main advantages: There would be one central electronic system which would provide automatic notifications to the Member States. This would decrease some of their work. Double voting would be prevented to a high extent.

Main disadvantages: Double voting is not likely to be completely prevented as there could be instances where EU citizens use different names etc. to try to circumvent the system. The system relies on active citizenship and since it could be seen as problematic by the citizens it could decrease the already low participation in EP elections. EU non-nationals would have to be made aware of the need to register on the system before a certain date, e.g. through personal letters and/or information campaigns. The Member States would need to implement the use of the system in their national laws. It is, though, not clear who would take on the responsibility for the system, and it could be seen as a way to try to introduce a harmonised electoral system, which is outside the Commission competences. A practical problem is that the system could be unreliable.

Policy Option 1.6 – Declaration by voters of no double voting at the time of voting

Main advantages: There would be a further deterrent against EU citizens double voting as they would be aware that someone would check whether they vote both in their Member State of residence and country of origin. Several Member States have suggested to abolish the current information exchange system and rely on declarations by citizens. UK and Ireland, which have legislation that prevents them from deleting

citizens from their electoral rolls on the basis of information received from public authorities in other Member States (i.e. a third party) could change their electoral rolls on the basis of this type of declarations made directly by individuals.

Main disadvantages: Citizens might not want to sign a declaration on the spot and thereby they would lose their chance to vote. People might get offended and not vote as a protest. The declaration would only be made by EU non-nationals. Someone in the Member States, e.g. electoral bodies, would need to check declarations, which would all be in paper form, and thereby quite time-consuming to handle. There would be a risk of declarations getting lost and/or information leaks.

Policy Option 1.7 – Developing an EP electoral roll

Main advantages: Double voting would be prevented to a high extent since only one central electoral EP electoral roll would exist, which would be common for all Member States. One electoral roll would have the benefit that it is likely that fewer mistakes that would lead to that EU citizens are prevented from voting would occur (e.g. since only one list would exist, there would not be any risk of citizens being mistakenly deregistered from lists and not informed about it). There would be a need to publicise the development of the EP roll across the EU. This would increase the visibility amongst citizens that EP elections are separate from national elections and increase their sense of EU citizenship.

Main disadvantages: Double voting is not likely to be completely prevented as there could be instances where EU citizens use different names etc. to try to circumvent the system. There are several practical disadvantages as the system would need Member States to adapt their current electoral lists to fit the system. It would duplicate current national electoral rolls, and it is outside the EU competences to harmonise the Member States electoral systems. It is not clear who (what body) would be responsible for the EP electoral roll. Costs are likely to increase in the short term and decrease in the long term. The policy option has not been raised in Member State consultations, but is likely to be unacceptable in the foreseeable future due to political, cultural and administrative reasons.

6.3 The preferred option to address Problem 1

On the basis of comparing the policy options in terms of meeting policy objectives, contributing to and respecting fundamental rights, Member States' and stakeholder views, and also in terms of practicality and costs, the preferred policy option to address Problem 1 – Deficient system to prevent double voting and candidature, is proposed to be Policy Option 1.3 – Abolish current system but maintain declaration of no double vote. In this option the current information exchange system would be discontinued, but the formal declaration of no double vote at the time EU non-nationals register to vote in their country of residence would be maintained. This would mean that the individual Member States would be responsible for updating their own electoral rolls. The likelihood that citizens would be mistakenly deleted from an electoral roll or not be informed of having been deleted from an electoral roll and therefore not being able to vote, would decrease. The costs and work of exchanging information between Member States would be eliminated.

The policy option would also introduce penalties for double voting. This is likely to be a deterrent to double voting.

Information has been gathered on Member States' current provisions in relation to penalty or fine for double voting. Of the Member States for which data were available, Greece is the country with the most severe penalty, since double voting or false declaration is punishable with imprisonment for up to five years. Italian law also foresees up to 3 years of imprisonment for false declaration; France and Ireland up to 2 years of imprisonment for double voting while Finland up to 1 year. People voting twice in France are obliged to pay a 15,000 euro fine. Ireland also foresees a fine of 1,270 euro for multiple voting and 63.50 euro for false declarations.

Table 7.2 below provides a summary on legislation on penalties in six Member States.

Table 6.2 – Penalties for voting twice or making false declarations in the Member States	
Country	Specification of penalty
Finland	Voting twice: fine or up to 1 year's imprisonment. False declaration: fine or up to 6 months' imprisonment.
France	Multiple voting: Article L.92 of the Electoral Code, 2 years' imprisonment and EUR 15 000 fine
Germany	Fine or imprisonment
Greece	3 to 5 years' imprisonment and debarment from standing as a candidate for a period of 1 to 5 years (Art. 6.3 of Penal Code; Art. 104 and 108 of Electoral Law)
Ireland	Voting twice: fine not exceeding €1,270 and/or up to 2 years' imprisonment. False declaration: fine not exceeding €63.50 and/or up to 3 months' imprisonment.
Italy	Any person who makes a false declaration when applying to stand as a candidate may be imprisoned for up to 3 years.

In order to be able to establish if and when double voting has occurred, an audit system for checking declarations of double voting by EU non-nationals would be necessary.

Based on a survey amongst five of the Member States with the highest numbers of EU non-nationals in voting age (France, Germany, the Netherlands, UK and Sweden) not all countries keep electronic lists of people who voted. Neither France, the Netherlands nor the UK keeps electronic records of voters. For example, in France, a registry is kept at the local level, by each town hall, for 3 years (sometimes less depending on the communes). There are about 36,780 communes in France. There is no electronic or central record. Annex 11 provides an overview of the way lists of people who voted are maintained in each of the above countries.

Because not all Member States keep electronic records of the people who voted, there would be a need for a feasibility study to elaborate on what such an audit system would involve. The feasibility study would need to consider issues of data availability, the appropriate methods of checking, data protection and administrative and institutional issues.

Undertaking manual checks of paper based lists of votes cast to search for instances of double voting would be extremely time consuming and would not be feasible at the EU level. However, several Member States indicated that they are contemplating keeping electronic records of voters in the future, some Member States have already experimented with electronic voting, and the possibilities for the transnational exchange of information between administrative authorities in Member States are improving rapidly.

On the basis of the preliminary analysis undertaken in this impact assessment it is unlikely that a cost effective audit system could be put in place before 2009. However, there is a reasonable likelihood that this would be possible in subsequent elections. In place of an audit system in 2009, preventive measures such as advertising the new penalty for double voting and 'light' systems of post hoc checking in situations where there would be a motivation for double voting and few practical constraints could be put in place. Member States could also be asked to report on the occurrence of double voting and how they have acted to prevent this by completing a questionnaire after the 2009 EP elections. It should be stressed that there is no evidence of widespread double voting having taken place in previous EP elections.

In relation to costs for the preferred policy option, Tables 7.3 and 7.4 below compare the costs for the status quo (current situation) with the preferred option.

Table 6.3 – Problem 1: Summary assessment of policy option 1.1 “Status quo” in terms of direct financial costs and administrative costs

Bearer of Costs	Financial and administrative costs of implementation			Relative Costs
	Specification / explanation	Initial cost/ recurring cost	Total cost for election (euro)	
				+ Higher cost than status quo 0 Unchanged costs – Lower costs than status quo
EU	Preparation of guidelines for each election (1 FTE during 2 months, 500 euro/day)	22,000 euro for staff costs	22,000	0 Costs are likely to remain practically unchanged.
	Organising expert meetings for MS electoral bodies	17,000 euro/meeting	34,000	
Member States governments				
Electoral bodies	Information exchanges before each election (cost per million population)	xxx euro for staff costs		+ Costs are likely to slightly increase as New Member States will join the EU (this will go up in all cases)
Political parties				
EU citizens				
TOTAL COSTS			Around 2 million euro (preliminary estimation)	

Table 6.4 – Problem 1: Summary assessment of the preferred policy option 1.3 “Abolish current system but maintain declaration of no double vote” in terms of direct financial costs and administrative costs

Bearer of Costs	Financial and administrative costs of implementation			Relative Costs
	Specification / explanation	Initial cost/ recurring cost	Total cost for one election (euro)	+ Higher cost than status quo 0 Unchanged costs - Lower costs than status quo
EU	Costs for implementing change to Directive (2 months work, senior level staff, 800 euro/day)	One-off cost: 33,600 euro	33,600	0 Costs are likely to remain unchanged.
	Salaries of the staff undertaking the ex-post checking (3 months/ election, 600 euro/day)	Cost for each election: 40,000 euro	40,000	
	EU level management costs: (6 days / MS / election, 600 euro/day)	Recurring cost: 90,000 euro	90,000	
Member States governments	Implementing amendments to Directive in national legislation, 5 days / MS / 600 euro/day	One-off cost: 75,000 euro	75,000	+ There will be a one-off cost for implementing the amendments to the Directive.
Electoral bodies	Staff costs for submitting the lists of voters to the EP Electoral Committee	Minimal		- Costs will decrease.
Political parties				
EU citizens				
TOTAL COSTS			Prior to next election: 258,000 euro Subsequent elections: 130,000 euro	Resources would also be needed for a feasibility study and some preventative measures.

6.4 Problem 2 – Comparison of policy options

Table 7.5 below provides the ratings of all policy options to address Problem 2 – Heavy administrative burden for EU non-national candidates to the EP elections.

Table 6.5 – The assessment of Policy Options to address the heavy administrative burden for EU non-national candidates to the EP elections

<i>Objective to be achieved/ problem addressed</i>	<i>Policy Options</i>					
	<i>(Anticipated impacts rated from – (no contribution to objective) to √√√√ (full achievement of objective)</i>					
	PO 2.1: Status quo	PO 2.2: Refine current system	PO 2.3: Facilitate and enhance the role of political parties in enabling candidature by non nationals	PO 2.4: Introduce a formal declaration	PO 2.5: New information system	PO 2.6 Abolish the obligation to provide a declaration
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	√	√√√	√	√√√√	√√√√	√√√√
To ensure participation of all citizens of the Union to the elections to the European Parliament.	√	√√	√	√√√	√√√	√√√√
To encourage participation of all citizens of the Union to the elections to the European Parliament.	√	√√	√√	√√√	√√√	√√√
To ensure equal access to electoral rights (non-discrimination principle) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	√	√	√	√√	√√	√√√√
Fundamental rights						
▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39)	–	√√√	–	√√√√	√√√√	√√√√
▪ Protection of personal data (Art. 8)	√√√√√	√√√√√	√√√√√	√√	√√	√√√√√
Costs relative to status quo	0	+	+	0	+	0
+ Higher cost than status quo; 0 Unchanged costs; – Lower costs than status quo						

Policy Option 2.1 – Status quo

Main advantages: Only minor costs are involved for EU non-national candidates and Member States alike.

Main disadvantages: All EU non-national candidates are currently obliged to provide an attestation from their Member State of origin that they are eligible to stand as a candidate there. Participation is prevented if no authority in the Member State of origin is able to provide an attestation. The burden lies on the EU non-national candidates who need to allocate the competent authority to provide an attestation. The main problem is that it can be time-consuming for EU non-national candidates to obtain an attestation or that no national authority is able to provide it. It is namely not clearly regulated in some Member States what authority is competent to provide this attestation. This problem is likely to increase with the Enlargement and/or if participation increases. The obligation to provide an attestation discourages participation. In Greece one EU non-national was refused by the Supreme Court to stand as a candidate as this citizen did not submit the attestation. Cases like this also occurred in France and Germany.

Policy Option 2.2 – Refine current system

Main advantages: There is evidence that the number of EU non-national candidates could have been higher had there not been an obligation to provide an attestation from the country of origin. Simplifying current procedures would facilitate and encourage candidature for EU non-nationals. It would be easier and less time-consuming for EU non-national candidates to obtain the relevant attestation if a list of competent authorities would be provided to them. It would ensure to a higher extent than currently that no such cases occur where citizens do not go through with their candidature because of the attestation requirement.

Main disadvantages: There would not be any major improvement to the current situation as EU non-national candidates would still have to provide an attestation. Some Member States would need to clarify what body is competent to produce the attestation and change legislation to give this body the competence to provide an attestation. Costs would relate to creating the list of authorities, keeping it up to date and arranging the EU wide information campaign.

Policy Option 2.3 – Facilitate and enhance the role of political parties in enabling candidature by non nationals

Main advantages: The policy option would only result in very minor improvements to the current situation.

Main disadvantages: Giving the parties the role to assist their candidate would only improve the current situation to a minor extent. Most obstacles would remain as it still would not be clear what national authority would be competent to provide the attestation (candidates would only receive some assistance from their party). It would also still be the candidates' responsibility to contact the competent authority. The problem would not be improved for independent candidates.

Policy Option 2.4 – Introduce a formal declaration

Main advantages: Obstacles for citizens would be reduced to a high extent. The burden to check the eligibility of an EU non-national candidate would be transferred from the individual to the Member State of residence (to check his/her eligibility with the Member State of origin). Obstacles would be reduced to a high extent as EU non-national candidates only would have to provide a formal declaration and not any attestation from an authority. It is likely that no EU non-nationals would abstain from candidature because of having to provide a formal declaration. The formal declaration would be less burdensome for the citizens.

Main disadvantages: The Member States would need to establish a cooperation for checking declarations (e.g. identify relevant national body for contacts). Someone ineligible could stand as a candidate if checks of the declarations were not properly undertaken by Member States.

Policy Option 2.5 – New information system

Main advantages: Obstacles would be reduced to a high extent as EU non-national candidates would only have to provide a formal declaration and not any attestation from an authority. It is likely that no EU non-nationals would abstain from candidature because of having to provide a formal declaration. The formal declaration would be less burdensome for the citizens.

Main disadvantages: In the last EP elections there were very few EU non-national candidates. Even though participation in the country of residence would reach the same proportion as those standing in country of origin the number would not be higher than 200. It is not proportionate to create an electronic system for this amount of candidates. Nationals do not have to provide a similar attestation that they are eligible to stand as a candidate. Non-national candidates would need to be informed about the obligation to provide a formal declaration to the information system, e.g. through letters and/or information campaigns. Costs would be unreasonable in view of the nature and extent of the problem.

Policy Option 2.6 – Abolish the obligation to provide a declaration

Main advantages: Obstacles for citizens would be reduced to a high extent. There would be no obligation to provide any proof from their Member State of origin. They would, though, still have to provide some evidence in relation to identity, nationality etc. No EU non-national would be prevented from standing as a candidate due to not having provided the requested proof. They would still be required to provide other documentation. Neither the EU non-national candidates nor the Member States would have to bear any additional costs.

Main disadvantages: EU non-nationals could have been deprived of their right to stand as a candidate in their home country and there would be no means in place that would allow the Member State of residence to check this.

6.5 The preferred option to address Problem 2

On the basis of comparing the policy options in terms of meeting policy objectives, contributing to and respecting fundamental rights, Member States' and stakeholder views, and also in terms of practicality and costs, the preferred policy option to address Problem 2 – Heavy administrative burden for EU non-national candidates to the EP elections, is proposed to be policy option 2.4 – Introduce a formal declaration.

As a result of this policy option obstacles for EU non-national candidates would be reduced to a high extent as they only would have to provide a formal declaration and not any attestation from an authority. It is unlikely that any EU non-nationals would abstain from candidature because of having to provide a formal declaration. The formal declaration would be less burdensome for citizens. (Nationals do not have to provide a similar attestation that they are eligible to stand as a candidate).

The Member States would need to establish a cooperation for checking declarations (e.g. identify relevant national body for contacts).

Tables 7.6 and 7.7 below compares the costs of the status quo (current situation) and the preferred option. Overall the 'cost to society' would remain small with the preferred option. However, there would be a shift in providing the burden of proof on the legality of the candidature from the individual candidates to the Member State.

Bearer of Costs	Financial and administrative costs of implementation			Relative Costs
	Specification / explanation	Initial cost/ recurring cost	Total cost for one election (euro)	
				+ Higher cost than status quo 0 Unchanged costs – Lower costs than status quo
EU				
Member States governments	Providing attestation	Minimal	Minimal/ low	0 Unchanged costs
Electoral bodies				
Political parties				
EU citizens	Time for allocating / contacting competent authority, potential costs for documentation	Minimal in aggregate but potentially high for the individuals concerned	Minimal	0 Unchanged costs
TOTAL COSTS			Minimal	

Bearer of Costs	Financial and administrative costs of implementation			Relative Costs
	Specification / explanation	Initial cost/ recurring cost	Total cost for one election (euro)	
				+ Higher cost than status quo 0 Unchanged costs – Lower costs than status quo
EU	Cost implementing change to Directive (2 months work, senior level staff, 800 euro/day)	One-off cost: 35,000 euro	35,000	0 Unchanged costs (except initial cost)
Member States	Implementing amendments to Directive in national legislation, 5 days / MS / 600 euro/day	One-off cost: 75,000 euro	75,000	0 Unchanged costs (except initial cost)
Electoral bodies	Staff costs for handling and checking formal declarations	Minimal	Minimal/small	0 Unchanged costs (some Member States already contact the Member State of residence in connection with candidature by an EU non-national)
Political parties				
EU citizens				
TOTAL COSTS			Prior to next election: 110,000 euro Subsequent elections: Minimal	

6.6 Subsidiarity, proportionality and EU added value

The subsidiarity principle ensures that within the EU, interventions are taken at the most appropriate level to achieve the policy objectives and to address the problems in the current situation. The proportionality principle provides that measures taken are proportionate to the size and extent of the problems (i.e. that public authorities do not 'use the hammer to crack the nut').

The right of EU citizens to choose to participate in EP elections either in their Member State of origin or their Member State of residence, if these are different, even if he/she is not a national of that Member State is established in Article 19(2) of the EC Treaty. This Article does not presuppose harmonisation of Member States' electoral systems, however, to take account of the principle of proportionality (providing that common action shall not go beyond what is necessary to achieve the objectives), as set out in Article 5 of the Treaty establishing the European Community.

The preferred policy option to address Problem 1 – Deficient system to prevent double voting and candidature; Policy Option 1.3 – Abolish current system but maintain declaration of no double vote, would not introduce any measure that harmonises Member States' electoral systems or common action that goes beyond what is necessary to achieve the objectives.

There are important legal responsibilities at EU level to ensure free and fair elections. Voting is a fundamental right and duty of the citizen, however, no one may vote more than once in the EP elections or stand as a candidate in two countries in the same election. Due to the transnational nature of the problem, i.e. that citizens are not allowed to vote more than once in each EP election across the EU, a certain extent of co-operation between Member States is necessary. The current information system is not working effectively, and in view of increased movement of EU citizens within the Union and further Enlargement before the next EP elections in 2009, the costs of maintaining the system would increase, but not the returns and benefits derived (in terms of problems deleting citizens from electoral rolls or people being prevented from voting).

The formal declaration of no double vote at the time EU non-nationals register to vote in their country of origin is not a new instrument, but would be maintained in its current form. The introduction of penalties for double voting would only constitute a common principle and not harmonisation of the Member States electoral systems. An additional benefit of introducing ex post checks would be the possibility to check the extent of double voting, which is currently not possible.

That no measures that harmonises Member States' electoral systems or common action that goes beyond what is necessary to achieve the objectives would be introduced is also valid for the preferred policy option to address Problem 2 – Heavy administrative burden for EU non-national candidates to the EP elections; policy option 2.4 – Introduce a formal declaration. This policy option would result in the abolishment of the current obligation to provide an attestation of eligibility from the Member State of residence, and replace it with a formal declaration by the EU non-national citizen wishing to stand as a candidate.

Obstacles for EU non-national candidates would be reduced to a high extent as they only would have to provide a formal declaration and not any attestation from an authority. It is unlikely that any EU non-nationals would abstain from candidature because of having to

provide a formal declaration. The formal declaration would be much less burdensome for citizens.

Introducing the possibility for Member States for checking declarations by EU non-nationals would be valuable to ensure that no one who has been deemed ineligible to stand as a candidate in one Member State is able to move within the EU and stand as a candidate in another Member State. The Member States would need to establish a co-operation for checking declarations (e.g. identify relevant national body for contacts). The checking would ensure that no one ineligible would be able stand as a candidate.

The lack of EU action would significantly damage the interests of EU citizens, who have valid expectations that no one is able to abuse the electoral system to vote more than once in the same EP election, or stand as a candidate in one Member State despite having lost this right in another Member State. The preferred policy options would therefore meet the EU obligation to safeguard and ensure the protection of citizens' fundamental rights. Common action therefore respects the principle of subsidiarity and the proportionality principle in Article 5 of the Treaty establishing the European Community for both preferred policy options.

7 MONITORING AND EVALUATION

Monitoring and evaluation of the preferred policy option are important elements to ensure its efficiency and effectiveness in addressing the problems and meeting policy objectives. Table 8.1 below suggests several indicators to evaluate the progress made by the preferred option towards achieving each of the objectives set.

Evaluation would require regular follow-up surveys of both policy options, as well as collection of information from electoral bodies in the Member States. A proper, regular and systematic assessment of effectiveness and efficiency of the preferred policy option would have cost implications, which might require support, in terms of financial and human resources, from the European Commission.

Tables 8.1 and 8.2 below provide monitoring and evaluation criteria for the preferred policy options to address the problem of deficient system to prevent double voting (Problem 1) and the problem of heavy administrative burden for EU non-national candidates (Problem 2).

Table 7.1 – Potential monitoring and evaluation indicators of the preferred option to address Problem 1: Policy Option 1.3 – Abolish current system but maintain declaration of no double vote

Objectives	Evaluation indicators	Sources of information
To prevent double voting in EP elections.	Identified cases of double voting Evidence of systematic double voting	New ex post checking, Member States
To prevent double candidature in EP elections.	Number of double candidatures	Member States
To ensure participation of all citizens of the Union to the elections to the European Parliament.	Numbers of legitimate voters prevented from voting	Member States
To encourage participation of all citizens of the Union to the elections to the European Parliament.	Numbers of EU non nationals voting Numbers of EU non national registering to vote	Member States Member States
To ensure equal access to electoral rights (non-discrimination principles ⁵⁹) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	Relative levels of registration and voting of nationals and EU non nationals Relative levels of candidature of nationals and EU non nationals	Member States Member States
Impacts on fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	As above	
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	Instances of misuse of information exchanged during checking process	NGO

⁵⁹ Charter of Fundamental Rights of the European Union: Articles 20-26.

**Table 7.2 – Potential monitoring and evaluation indicators of the preferred option to address Problem 2:
Policy option 2.4 – Introduce a formal declaration**

Objectives	Evaluation indicators	Sources of information
To reduce obstacles for EU citizens who wish to stand as a candidate in EP elections in their Member State of residence.	Numbers of EU non nationals standing Relative levels of candidature of nationals and EU non nationals	Member States Member States
To ensure participation of all citizens of the Union to the elections to the European Parliament.	Na	
To encourage participation of all citizens of the Union to the elections to the European Parliament.	Na	
To ensure equal access to electoral rights (non-discrimination principle ⁶⁰) for EU citizens to have the same electoral rights in their Member State of residence as the nationals of that country.	Relative levels of candidature of national and EU non nationals	Member States
Impacts on fundamental rights		
<ul style="list-style-type: none"> ▪ Right to vote and to stand as a candidate at elections to the European Parliament (Art. 39) 	Relative levels of candidature of national and EU non nationals	Member States
<ul style="list-style-type: none"> ▪ Protection of personal data (Art. 8) 	Instances of leaks of information resulting from Member State checks on candidatures.	NGO political parties

⁶⁰ Charter of Fundamental Rights of the European Union: Articles 20-26.

ANNEX 1



**Transmisión de la información
Fremsendelse af oplysninger
Übermittlung der Informationen
διαβίβαση των πληροφοριών
Transmission of information
Transmission des informations
Trasmissione delle informazioni
Overbrenging van de gegevens
Transmissão das informações
Tietojen siirtäminen
Informationsöverföring**

2004



Comisión Europea
Ευρωπαϊκή Επιτροπή
Commissione Europea
Euroopan Komissio

Europa Kommissionen
European Commission
Europese commissie
Europeiska Kommissionen

Europäische Kommission
Commission Européenne
Comissão Europeia

Instructions for the electronic transmission of information

This document aims to give the competent authorities in the Member States practical details about sending and receiving information, in accordance with Article 13 of Directive 93/109/EC.

It is in question-and-answer form and covers the main aspects of the various phases in the procedure, from collection of information to final transmission to the home Member State.⁶¹

1. What information should be collected?

For each EU citizen registered on the electoral rolls, the information set out on the standard form (see Annex 1) must be collected, i.e. name(s), forename(s), maiden name, sex, nationality, date of birth, place of birth, locality or constituency in the Member State where the voter was last registered, locality where he/she is registered for the elections to the European Parliament in 2004. The information must be given in this order, to make it easier to process in the home Member State.

Given that the aim is to allow the home Member State to identify the voter in question in order to delete him/her from the electoral roll, the information must be as full as possible. However, in some cases, certain fields will remain blank, because the information is either not relevant or not available.

2. How should the information be presented?

There is no need to standardise the textual fields (name, forename, etc.). However, certain fields have to be coded, to avoid any risk of misinterpretation. The table below shows the fields to be coded and values to be inserted.

Number	Designation	Type	Codes	Remarks
2	Name(s)	Text	----	No coding
3	Forenames	Text	-----	No coding
4	Maiden name	Text	-----	No coding
5	Sex	Code	0 1	0 = male 1 = female
6	Nationality	Code	AT BE	In accordance with ISO 3166:

⁶¹ This document uses the terminology of Directive 93/109/EC. Home Member State means the Member State of which a citizen of the Union is a national. For the purposes of the information exchange system, the home Member State is that which receives the information from the Member States in which nationals of that State are registered as voters for European Parliament elections.

Number	Designation	Type	Codes	Remarks
			DE DK ES FI FR GB GR IE IT LU NL PT SE CZ EE CY LV LT HU MT PL SI SK	AT= Austria BE = Belgium DE = Germany DK = Denmark ES = Spain FI = Finland FR = France GB = United Kingdom GR = Greece IE = Ireland IT = Italy LU = Luxembourg NL = Netherlands PT = Portugal SE = Sweden CZ = Czech Republic EE = Estonia CY = Cyprus LV = Latvia LT = Lithuania HU = Hungary MT = Malta PL = Poland SI = Slovenia SK = Slovak Republic
7	Date of birth	Standardised	DD/MM/YYYY	Dates must be written as shown (day/month/year), where all fields are numeric, to avoid problems when data are imported.
8	Place of birth	Text	---	
9	Locality or constituency in the Member State where the voter was last	Text	---	

Number	Designation	Type	Codes	Remarks
	registered			
10	Is registered as a voter for the elections to the EP in 2004 in	Standard-ised	AT BE DE DK ES FI FR GB GR IE IT LU NL PT SE CZ EE CY LV LT HU MT PL SI SK	AT= Austria BE = Belgium DE = Germany DK = Denmark ES = Spain FI = Finland FR = France GB = United Kingdom GR = Greece IE = Ireland IT = Italy LU = Luxembourg NL = Netherlands PT = Portugal SE = Sweden CZ = Czech Republic EE = Estonia CY = Cyprus LV = Latvia LT = Lithuania HU = Hungary MT = Malta PL = Poland SI = Slovenia SK = Slovak Republic

3. What is the format of the file to be sent?

Regardless of the application used to capture data, the information must be sent to the home Member State in file format «*text tab delimited*». If the application does not allow data to be exported in the «*text tab delimited*» format, a conversion program will be needed.

4. How should a record be presented?

Here are two fictional examples of a record:

Dupont→Jeanne→Durand→1→FR→27/02/1965→Lyon→Nantua→BE

Silva Costa→Manuel→→0→PT→04/11/1901→Porto→Aveiro→LU

Please remember to include also possible empty fields to the record.

5. What character set should be used?

The character set to be used is that defined by the ISO 8859-Latin 1 standard. Depending on the application used for the data capture and processing in each Member State, the following situations may arise:

- before transmission: the character set used by the local system may need to be converted to ISO 8859-Latin 1 after or during data extraction and before processing in the "text tab delimited" format;
- after receipt: the character set ISO 8859-Latin 1 may need to be converted to that used by the local system after the data have been received from another Member State and before or during conversion from the "text tab delimited" format to the format used by the local system.

6. A diskette may contain information on how many voters?

Although it is impossible to quote an exact figure, the number of records which a 1.4 MB diskette may contain is estimated at 10 000. However, this figure may be doubled by data compression.

7. How can files larger than 1.4 MB be compressed?

The compression must be done using Winzip or PKZip only. The compression rate is around 60%. The compressed files must always have a "ZIP" extension.

8. To whom should the information be sent?

Member States have very little time in which to process data correctly. For this reason, the procedure must be as rapid as possible. Thus the preferred method is for the department responsible in the Member State of residence to send the information direct to the department responsible in the home Member State, without going via diplomatic channels or consulates.

For ease of management, please send a letter with the diskette(s) to explain the content.

9. Where can one find the list of bodies responsible for receiving the information in each Member State?

Each Member State has appointed authorities to be responsible for receiving the information. Their names and addresses are given in the List of contact points, approved at the meeting of 21 November 2002 and last updated on 12 December 2003.

10. If there are problems, who may be contacted in the European Commission?

The contact person is:

xxx

11. When should the information be sent?

Deadlines for the electoral rolls vary considerably from one Member State to another, and may be very close to the election date. It is therefore vital that the information be sent as soon as it is available, by the fastest route (see "To whom should the information be sent?"). The deadlines recommended by the Member States are listed in the document Time schedules for the exchange of information, distributed with the minutes of the meeting of 21 November 2002.

ANNEX 2

<http://www.elections2004.eu.int/ep-election/>

Table A2.1 – Postal voting in EP elections	
Country	Criteria for identification of ‘risk cases’ (11)
<i>Postal voting is allowed</i>	
Austria	Austrians resident abroad may vote using polling cards.
Belgium	Belgians residents abroad who are aged 18 or over and in full possession of their voting rights and who apply to vote <i>by post</i> for Belgian lists are entitled to vote. Voting is compulsory for all voters registered on electoral rolls. Proxy voting is allowed for the first two categories above (All Belgian citizens aged 18 or over and in full possession of their voting rights are entitled to vote. All EU citizens who meet the same conditions may vote.)
Denmark	Danish citizens resident abroad: Danish citizens resident in an EU Member State who have not been deprived of their voting rights by legal decision in Denmark vote. Postal voting is an option. In Denmark a postal vote must be cast during the three-week period prior to polling day but no later than two weekdays before that day.
Germany	Postal vote is allowed.
Spain	Spanish nationals residing abroad are entitled to vote by post.
Lithuania	Voting by post is possible (it starts 5 days before the elections and ends 1 day before the elections.)
Luxembourg	Voting by post: Luxembourg citizens resident abroad may vote by post, as may certain other categories of voter (both Luxembourg citizens and other EU citizens).
Latvia	Voting by post: only for Latvians living abroad.
Sweden	Voting at Swedish Post office and voting by mail from abroad is possible.
UK	Anyone may register for a postal vote. In certain constituencies all voting will be by post.
<i>Postal voting is not allowed</i>	
Cyprus	No voting by post.
France	French nationals living outside France may vote by travelling to France or by proxy; they cannot now vote in the consulates.
Hungary	Voting by mail is not possible. Citizens, who are not present at their place of residence on the polling day, may vote with a certificate within the territory of Hungary. Citizens, who are abroad on the polling day may vote at the embassies, given that they asked for their inclusion to the register of voters at the diplomatic missions 30 days before the polling day at the latest.

Table A2.1 – Postal voting in EP elections	
Country	Criteria for identification of ‘risk cases’ (11)
Ireland	Irish citizens resident abroad, whether in the EU or outside it, are not entitled to a postal vote.
Malta	Voting by post: Not possible. Voting should take place in the country. The government offers special facilities for voters residing in other EU countries to vote in Malta.
Netherlands	Dutch citizens resident abroad may vote by proxy or by post. In the Netherlands the use of i-voting so far culminated at the EP election of 10 June 2004, where it was offered voters from abroad during ten days from 1 to 10 June 2004. Registration requirements were sent by mail. Out of 16.000 voters, 44% voted electronically. Out of the Internet and telephone channels offered for remote voting, 91% used the i-channel as it was simple, quick and user-friendly. While problems remained with postal transmission of codes, 16% of those who voted electronically said that they would not have voted had e-voting not being offered. ⁶²
Poland	No voting by post.
<i>No information available</i>	
Czech Republic	NA
Estonia	NA
Greece	NA
Finland	Advance voting: Voters may also vote in advance in post offices, hospitals and certain other institutions as well as in Finnish diplomatic missions or their offices. Advance voting in Finland begins on 2 June 2004 and ends on 8 June 2004; advance voting abroad begins on 2 June 2004 and ends on 5 June 2004. Votes cast in advance will be counted on election day.
Italy	NA
Portugal	NA
Slovakia	NA
Slovenia	NA

⁶² *Summary by the Chair, 2nd Election Seminar within the 'Regional Partnership' (Vienna, 6 and 7 December 2004), provisional (20/01/05), at www.wahlinfo-bmaa.at/view.php3?f_id=6805&LNG=de&version=*

ANNEX 3

Table A3.1 – Overview Member State considerations whether the exchange system is adequate or not		
Country	To amend?	How?
Yes		
Austria	Yes	Has suggested system improvements including: <ol style="list-style-type: none"> 1. Common deadline for transferring changes 2. Common way to transfer data; 3. Rules on double citizenship
Czech Republic	Yes	<ol style="list-style-type: none"> 1. To unify the latest date for asking to be entered in the electoral roll for EP elections in other Member States. 2. To make the information exchange system more effective and when no solution is found, to cancel the system and base it only on the honest proclamation of a voter that he/she is voting only once
Estonia	Yes	Synchronisation of information campaign and voter registration dates would be beneficial, whether this would have to be included in the Directive is another matter
Finland	Yes	<p>1. If the information exchange system is retained:</p> <ul style="list-style-type: none"> ▪ There should be a completely standard registration form. Alternatively, registration might only cover one European election. Those who registered for the 2004 election would have to re-register for the 2009 election. ▪ In those countries in which nationals of other countries are required to register separately for local elections, registration for elections to the European Parliament and registration for local elections should be completely separate. ▪ Uniform period within which the nationals of other countries must register as voters in their country of residence. ▪ The home country receiving information must be given enough time to process the notifications. <p>2. If the information exchange system is abandoned:</p> <p>Those registering to vote would simply have to state clearly that they will vote in one country only. An argument for this is that there are already an increasing number of people with dual nationality who in any case have the right to vote in two countries.</p>

Table A3.1 – Overview Member State considerations whether the exchange system is adequate or not		
Country	To amend?	How?
Ireland	Yes	<p>The present system may not prevent double voting as details in notifications by Member States of residence are not in many cases sufficient to identify them. Also there is no provision in Irish law for the removal of a name from the register of electors once it has come in to force.</p> <p>The exchange of information provisions under Article 13 relating to voting are onerous. The volume of work has increased dramatically with the accession of 10 new member states and will increase into the future as the EU expands further. An analysis of the benefit of this provision compared to the resources devoted to it is warranted at this stage. The incidence of double voting among a potential electorate of 353 million is in all probability negligible. Of far more significance is the turnout at European Parliament elections which averaged just 46% across the 25 Member States. The number of spoilt votes, which totalled over 6 million, is also of concern.</p>
Germany	Yes	<p>Abolish the system – favour of declaration by citizens as the current system:</p> <ul style="list-style-type: none"> ▪ Only affects scarce numbers of people but might prevent people from voting. ▪ Does not completely prevent double vote.
Lithuania	Yes	<p>Consider the system as adequate, but suggests amending Article 9 by adding a new point 9.2 (d) with the voter's personal identity number of the home Member State (passport number or identity card number, etc.).</p>
Netherlands	Yes	<p>The Netherlands is in favour of scrapping the information exchange provision in these directives altogether. It places a heavy administrative burden on both the municipalities and the central government, while problems of timing and completeness mean that no results are produced. The administrative burden is out of all proportion to the possible risk of a few citizens voting twice. In terms of the overall election result, the effect is negligible.</p>
Slovenia	Yes	<p>It is adequate for voters with just one citizenship; but not for voters with multiple citizenship.</p>
Sweden	Yes	<p>The application procedure, different qualification dates, the difficulties in actually being able to identify persons under the existing information exchange system PLUS an increasing number of persons with double citizenships together constitute a quite inefficient tool for avoiding double voting. Information also ought to be provided on CD-ROM.</p>
UK	Yes	<p>UK electoral law does not allow deletion of names from electoral registers of British citizens resident in other EU States who have indicated to the electoral authorities in their country of residence their intention to vote there. It is <i>not</i> an offence to be included in registers in both countries</p>

Table A3.1 – Overview Member State considerations whether the exchange system is adequate or not		
Country	To amend?	How?
		but it <i>is</i> an offence to vote in both. In the absence of any evidence that double voting is a significant problem in any Member State at the European parliamentary elections, we question the need for any system of checking. If there is to be a system of checking, however, article 13 of the Directive would need to be amended and the practical arrangements for dealing with transmission reviewed, taking account of the vastly differing practices and procedures that operate in Member States.
Italy	Yes	Only information on risk cases should be exchanged.
Malta	Yes	Amend Directive to: <ul style="list-style-type: none"> ▪ To obviate once and for all situations such as those described in our reply to question 8.4 above (UK said could not provide details), and ▪ To avoid situations wherein a voter has no other option than to apply twice for registration (simply because he is not informed in good time of his acceptance to cast his vote in his country of residence or his home country – wherever he applies first) so as not to miss out on his right to vote in these elections
Portugal	Yes	Either changes to the current system or abolish it.
No		
Belgium	No	
Poland	No	
Slovakia	No	
Hungary	No	But the practical guideline formulated on the basis of this as well as the practice should be applied and followed consistently.
Cyprus	No	There is only a small possibility for citizens with multiple nationalities to vote twice.
Luxembourg	No	In most cases the system seems to work well.
Denmark	No	The current system guarantees with a high degree of certainty that Danish nationals cannot vote more than once. However, people with dual nationality who are nationals both of Denmark and another Member State can slip through the system. Nor does the system take account of the fact that, owing to the Member States' different rules on registration of residence, an individual can legally be registered as resident in more than one Member State, in accordance with national rules.
Latvia	(No)	Consider the system as adequate but it should be taken into account that in very many cases we faced quite serious problems because of the lack of precise information, a request to indicate the crucial data (in our

Table A3.1 – Overview Member State considerations whether the exchange system is adequate or not		
Country	To amend?	How?
		case - personal identification number) whenever possible could be anticipated in a legal act.
<i>Hesitant</i>		
France	?	The system does not make it possible to know if citizens in fact tried to vote twice.
Greece	?	It is practically impossible to identify Greek citizens who have been registered in the electoral rolls of the other Member States, since the information that is sent to us is in Latin alphabet.
Spain	(No)	Current system is adequate only if electors registered in the rest of Member States can be identified, and, therefore, deleted from our Electoral Census, the “double voting” can be avoided.

ANNEX 4

Table A4.1 – Information necessary to delete citizen from national electoral roll

Country	Family name	First name	Maiden name	Date of birth	Place of birth	Gender	Current place of residence	Last residence in the country	Year when person left the country	Identity card number/national number	Electoral number	Father's and mother's name	Nationality	Specific for the country
Austria	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>							
Belgium	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				
Czech Republic	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>						
Cyprus	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Germany	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	Name of MS where voter is registered for the next EP elections
Denmark	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>										
Estonia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
France	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								

Table A4.1 – Information necessary to delete citizen from national electoral roll

Country	Family name	First name	Maiden name	Date of birth	Place of birth	Gender	Current place of residence	Last residence in the country	Year when person left the country	Identity card number/national number	Electoral number	Father's and mother's name	Nationality	Specific for the country
Greece	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		All information must be provided in Greek alphabet
Spain	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>		
Finland	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										
Hungary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	
Ireland														
Italy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	
Lithuania										<input checked="" type="checkbox"/>				
Luxembourg							<input checked="" type="checkbox"/>	*						
Latvia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				
Malta										<input checked="" type="checkbox"/>				
Netherlands														
Poland														

Table A4.1 – Information necessary to delete citizen from national electoral roll

Country	Family name	First name	Maiden name	Date of birth	Place of birth	Gender	Current place of residence	Last residence in the country	Year when person left the country	Identity card number/national number	Electoral number	Father's and mother's name	Nationality	Specific for the country
Portugal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> *							
Slovakia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>	
Slovenia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>						
Sweden														
UK								<input checked="" type="checkbox"/>						Exact local registration office

* Locality where the voter was last registered

ANNEX 5

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system							
Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
Austria	The information most commonly missing is the date of birth.						
Belgium	The list of information that should be recorded was not always respected so that in a number of cases, it was impossible to assure an automatic processing. Based on the data received, it was not possible to clearly identify a person		The processing of paper data is very time-consuming.				Some countries did not respect the prescribed layout and sent Excel or Pdf files. In some cases, the form concerning a person was sent several times. Sometimes forms intended for other Member States or blank forms were received.
Czech Republic	Approximately 25% of citizens were not identified because of the lack of the data concerned						
Cyprus	NA						
Germany	The percentage of declarations where the indication of the locality of origin was missing was comprised within a range of 21% (Estonia) to 96% (Cyprus). It was not possible to transfer this information to the respective localities. Spelling mistakes and incomplete information also made it impossible to identify individuals.	Part of the transmissions arrived far too late for the locality in charge of the electoral roll to be informed about them, and delete the names on the list when necessary.				Spelling mistakes when registering the name or the locality of origin. The letter «ß» was particularly problematic because it was often replaced with a «g».	

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system

Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
Denmark	The data received did not contain sufficient information to enable to check if Danish citizens resident in other EU countries were on the electoral roll in Denmark due to that date of birth was not included						<p>People with dual nationality can slip through the system.</p> <p>Due to the Member States' different rules on registration of residence, an individual can legally be registered as resident in more than one Member State, in accordance with national rules.</p>
Estonia	<p>"Problem cases" occurred, when the Member State sent incomplete information (e.g. only the first name and last name).</p> <p>Data on persons, who are not Estonian citizens but citizens of another Member State, were also received.</p>						
France	If the information about a person to be deleted from the roll included only the family name while the date of birth was missing, identification was not possible	Some data were received late.	Some data were not consistent with the agreed template.				Sometimes the sender was not identified as a qualified body to transfer the information to the INSEE
Greece	There was lack of necessary data in the information sent by certain Member States.					It is nearly impossible to identify Greek citizens who have been registered in the electoral rolls in other Member States since the information is sent in Latin alphabet	

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system

Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
Spain	Some citizens could not be identified because the data received from the other Member States was incomplete and they were not found in the Spanish Electoral Census	Some citizens could not be identified because the data did not arrive on time (in some cases the information was not sent directly to the relevant authority).	The forms sent by Germany were on paper.				
Finland		Finland received the information from Denmark very late. In this case Finns could possibly vote both in Finland and Denmark.					
Hungary	In many cases, the data received were incomplete and did not contain the majority of information outlined by the Commission.						
Ireland	The data provided by Member States were inadequate to enable Irish registration authorities to identify if the Irish citizens concerned were registered as electors in Ireland. Additional information such as their last full postal address in Ireland and the year they left Ireland would be required for this purpose.		The absence of a national co-ordinating body for sending notifications in Germany resulted in large quantities of paper copies of declarations being received.	There is no provision in Irish law for the removal of a name from the register of electors once it has come into force. There is no legal basis under Irish electoral law to delete a name from a register other than where a person changes residence			
Italy	No problems encountered if the citizens were registered on the list of italians with residence	Lack of a common deadline for all the Member States					

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system

Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
	abroad						
Lithuania	When not all required fields were completed, the voter was not identified or deleted.	Some data were received late.			Some data were sent on a decentralised basis		
Luxembourg	In some cases the information on the last place of residence in Luxembourg was missing.						
Latvia	In many cases it was impossible to identify Latvian citizens as their names and surnames were wrong or as there were several persons with the same name and surname. The personal identification number was not provided by many Member States.	Data about some Latvian nationals (who were included in the electoral roll of Germany) were received too late					
Malta	The UK authorities did not furnish data with details of Maltese nationals who resided in the UK and who were entitled to vote for UK candidates.						
Netherlands	In some cases there was no information about the municipality in which Dutch citizens had previously been registered.	There was a problem with timing: if the information was received after the closing date for submission of candidacies, it was not possible to remove the person's name from the electoral roll.					

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system

Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
Poland	Due to lack of information in some transmissions, it was not possible to identify 6,489 people and delete them from the electoral roll	Some of the data were not sent early enough to put it into the system	When paper data was received, it took a long time to transform it into an electronic version.			Many typing mistakes in the data received from the UK.	
Portugal	The information sent from the UK was inadequate to identify the electors	Delays in receiving the information. As a result of the delays, 482 entries could not be deleted from the electoral roll in time and transmissions from various Member States could not be processed					
Slovakia	In some cases, the data on voters were not complete pursuant to the Directive						
Slovenia	Some data contained only the name of the person. It was therefore impossible to identify the citizen						

Table A5.1 – Practical problems experienced by Member State in the implementation of the information exchange system

Country	Incomplete information	Information received too late	Unusable information on paper	Legal obstacles to amending the electoral roll once established	Decentralised electoral registers	Difficulties with the transliteration of names	Other
Sweden	<p>The data did not include enough identification information for the Election Authority to make a positive match with one single person.</p> <p>Each country has its own identification system, which makes it difficult for the agreed-upon data to fulfil all countries' identification specificities.</p> <p>Identification by means of the agreed-upon data is therefore quite time-consuming and at times even impossible.</p>	<p>The differences in qualification dates for the revision of the electoral rolls constitute a problem as data was received too late.</p>					
UK	<p>Most of the data did not include any details concerning the most recent place of electoral registration in the UK of British citizens resident abroad.</p>			<p>Under UK electoral law it is not possible to delete citizens from the electoral register on the basis of the names of any British citizens resident in another EU State who are included in the electoral register of their State of residence.</p>	<p>The UK does not have a national electronic register but rather a decentralised system of electoral registration. There are 390 separate electoral registration officers (EROs) and therefore as many electoral registers.</p>		

ANNEX 6

Table A6.1 – Actions concerning cases with incomplete information

Country	Contact MS from which data was sent (yes or no)	Result (complete information received?)	Comments
<i>Actions taken to contact Member State</i>			
France	Yes	No	
Germany	Yes	No	The Federal Returning Office has – especially in cases, in which the messages of other Member States presented several information gaps, e.g. lack of declaration of the relocation-commune or the date of birth – solicited either via a German agency abroad or (if the communication in German or English language is possible) by phone directly to the authorised office for the completion of the data. These time-consuming requests very rarely led to a completion of the necessary data.
Spain	Yes		All files received went through an electronic treatment that enabled to identify a highly important number of electors. Those electors impossible to identify by using the electronic treatment passed through a manual treatment of the information
Italy	Yes		
Hungary	Yes	No	
Lithuania	Yes	No	The answer provided when contacting the Member State was that all the information was sent.
Latvia	Yes	No	In most of the cases Member States apologized for not being able to send addition information because such data were not presented by voters when applying.
Malta	Yes	No	Often there was no response from the Member State.
Slovenia	Yes	No	Contact did not bring results.
Sweden	Yes		The request for completion of data needed for the identification of the elector was sent to the

Table A6.1 – Actions concerning cases with incomplete information

Country	Contact MS from which data was sent (yes or no)	Result (complete information received?)	Comments
			respective EU Member State in compliance with the Directive.
United Kingdom	Yes	No	
<i>No actions taken to contact Member State</i>			
Austria	No		Not aware of relevant examples but contact with Member State would be sought.
Belgium	No		
Czech Republic	No		Not done because of lack of time, and knew that all the information received from the person was sent in the initial transmission.
Cyprus	No		The number of problem cases was very small. Did not want to delete nobody from electoral roll if not sure about the data provided.
Denmark	No		
Estonia	No		
Greece	No		The information was sent in Latin alphabet making it impossible to locate the corresponding entry within the Greek electoral roll.
Finland	No		If the person could not be identified, the case was stored.
Luxembourg	No		The municipalities are not legally obligated to report those cases to the central authority.
Portugal	No		Lack of time and knew that all the information received was sent.

ANNEX 7

Country	No. of cases received	Total minutes spent	Hours	Working days (7 hours)	Number of cases received with incomplete info	Total minutes on incomplete cases	Hours	Working days (7 hours)
Austria	NA				NA	NA		
Belgium	30,749	30,749	512	73	2,460	14,760	246	35
Czech Republic	3,015	36,180	603	86	905	NA		
Cyprus	140	280	5	1	7	21	0	0
Germany	96,327	674,289	11,238	1,605		NA		
Denmark	17,200	8,600	143	20		NA		
Estonia	3,574	3,574	60	9	30	60	1	0
France	52,000	52,000	867	124		NA		
Greece	3,000					NA		
Spain	30,328	30,328	505	72		NA		
Finland	22,239	44,478	741	106	1,200	14,400	240	34
Hungary	1,817	39,974	666	95	545	NA		
Ireland								
Italy	78,904	4,734,240	78,904	11,272	20,000	2,800,000	46,667	6,667
Lithuania	2,866	42,990	717	102	413	16,520	275	39
Luxembourg	4					NA		
Latvia	1,318	2,636	44	6	346	2,422	40	6
Malta	77	385	6	1	100	6,500	108	15
Netherlands								
Poland								
Portugal	13,989	13,989	233	33	3,979	23,874	398	57
Slovakia					185	NA		
Slovenia	1,692	6,768	113	16	20	NA		
Sweden								
UK								
Total	458,090	5,721,460	95,358	13,623	69,310	2,878,557	47,976	6,854

ANNEX 8

Table A8.1 – Numbers of national and non-national candidates by Member States in the 2004 EP elections

Country	Total number of candidates	Total number of independent candidates	National candidates	National candidates in % of total number of candidates	Total number of nationals in voting age	% of total number of nationals in voting age	Non-national candidates	Non-national candidates in % of total number of candidates	Total number of non-nationals in voting age	% of total number of non-nationals in voting age	Number of non-national candidates if participation was same as for nationals
	A	B	C	D (C/A)	E	F (C/E)	G	H (G/A)	I	J (G/I)	K (F*I)
Austria	168		167	99%	6,025,036	0.003%	1	0.60%	150,000	0.0007%	4
Belgium	333		325	98%	7,552,025	0.004%	8	2.40%	515,715	0.0016%	22
Czech Republic	268		263	98%	8,283,485	0.003%	5	1.87%	NA		
Cyprus	59	7	59	100%	600,000	0.010%	0		45,725		4
Germany	537		521	97%	61,548,395	0.001%	16	2.98%	2,156,388	0.0007%	18
Denmark	152		152	100%	3,992,586	0.004%	0		58,148		2
Estonia	95	4	95	100%	875,385	0.011%	0		5,054		1
France	2,170		2,162	100%	43,900,000	0.005%	8	0.37%	1,102,517	0.0007%	54
Greece	135		131	97%	9,875,842	0.001%	4	2.96%	64,672	0.0062%	1
Spain	399		398	100%	33,491,194	0.001%	1	0.25%	700,906	0.0001%	8
Finland	140		140	100%	4,222,462	0.003%	0		30,091		1

Table A8.1 – Numbers of national and non-national candidates by Member States in the 2004 EP elections

Country	Total number of candidates	Total number of independent candidates	National candidates	National candidates in % of total number of candidates	Total number of nationals in voting age	% of total number of nationals in voting age	Non-national candidates	Non-national candidates in % of total number of candidates	Total number of non-nationals in voting age	% of total number of non-nationals in voting age	Number of non-national candidates if participation was same as for nationals
	A	B	C	D (C/A)	E	F (C/E)	G	H (G/A)	I	J (G/I)	K (F*I)
Hungary	254		254	100%	8,017,805	0.003%	0		17,719		1
Ireland	44	16	44	100%	2,800,000	0.002%	0		118,118		2
Italy	1,665		1,665	100%	NA		0		149,544		
Lithuania	241		241	100%	2,740,919	0.009%	0		1,826		0
Luxembourg	84		76	90%	215,757	0.035%	8	9.52%	133,831	0.0060%	47
Latvia	245		245	100%	1,397,736	0.018%	0		3,736		1
Malta	27	5	27	100%	308,884	0.009%	0		8,273		1
Netherlands	276		274	99%	12,168,878	0.002%	2	0.72%	202,000	0.0010%	5
Poland	122		122	100%	29,964,041	0.000%	0		NA		
Portugal	132		131	99%	NA		1	0.76%	NA		
Slovakia	188		188	100%	4,209,870	0.004%	0		6,871		0
Slovenia	91		91	100%	1,628,856	0.006%	0		707		0
Sweden	385		384	100%	6,780,094	0.006%	1	0.26%	177,881	0.0006%	10
UK	764	20	762	100%	NA		2	0.26%	NA		
Total	8,974	52	8,917	99%	250,599,250	0.006%	57	1.91%	5,649,722	0.0019%	182

ANNEX 9

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
Austria	<p>Any voter having reached the age of 19 at the latest on the day of the European elections and being supported by:</p> <p>either 3 members of the national parliament</p> <p>or an Austrian Member of the European Parliament</p> <p>or 2600 registered voters.</p> <p>Right to stand for election: Any EU citizen having reached the age of 19 on the day of the European elections and being in full possession of his right to stand for election in his Member State of origin may stand.</p>
Belgium	<p>Signatures required:</p> <p>5 Belgian MPs of the same language category as the candidate, or</p> <p>5000 French-speaking voters for the French-speaking electoral college,</p> <p>5000 Dutch-speaking voters for the Dutch-speaking electoral college,</p> <p>200 German-speaking voters for the German-speaking electoral college.</p> <p>Right to stand for election</p> <p>Anyone registered on a Belgian electoral roll for European Parliament elections may stand for election.</p> <p>Candidates must be aged 21 or over and enjoy their civil and political rights.</p> <p>Candidates must be French-, Dutch- or German-speakers, depending on the college for which they stand.</p>
Czech Republic	<p>Deposit: the contribution to election expenses is CZK 15 000 for each party, political movement or coalition.</p> <p>Right to stand for election: Any EU citizen aged 21 mainly resident in the Czech Republic with full eligibility rights in their Member State of origin may stand for election. Other EU citizens may stand for election if they have been registered as resident for at least 45 days.</p>
Cyprus	<p>Right to stand for election: citizens of the Republic and nationals of other Member States who have not been deprived of their right to vote on the reference date and a) have reached 25 years of age, b) have not been convicted of a serious offence or moral obscenity, and have not been deprived of the right to stand as a candidate under a court decision as a result of any electoral offence, c) do not suffer from any mental disease rendering them incapable of fulfilling their duties as members of the European Parliament.</p>
Germany	<p>Lists may be submitted by political parties and political associations organised on the basis of affiliation and based on European Union territory.</p> <p>Parties with less than five representatives in the German Bundestag or a Parliament of a Land, must submit 4000 signatures alongside their official registration. For lists at the level of a Land it is 2000 signatures.</p> <p>Right to stand for election:</p> <p>Anyone who on polling day has been German as laid down in Art. 116 Section 1 Basic Law for at least one year and who is aged 18 or over is entitled to stand for election. He/ She has to be in full possession of their right to stand as a candidate.</p>

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
	EU-citizens who on polling day are residents of Germany/ or usually reside in Germany and who are aged 18 or over are entitled to stand for election. They have to be in full possession of their right to stand as a candidate in their Member State of origin
Denmark	<p>A list of candidates may be submitted by any party which obtained one or more seats at the last elections to the Folketing and/or the European Parliament. List submitted by other parties must be supported by a number of voters which is no less than 2% of the total number of valid votes cast at the previous legislative elections (i.e. 68 120).</p> <p>Right to stand for election: Any EU citizen aged 18 or over and in full possession of his right to stand as a candidate in his Member State of origin is entitled to stand.</p>
Estonia	<p>Before the presentation of candidates for registration, a political party or independent candidate shall transfer an amount of five times the minimum monthly wage (12 400 EEK = 790 EUR) per each person presented for registration to the account of the National Electoral Committee as security.</p> <p>The right to be elected includes every Estonian and European Union citizen with the right to vote and who has attained 21 years of age. Regular Members of the Defence Forces have no rights to stand as candidates in elections to the European Parliament.</p>
France	Eligibility: All citizens of EU Member States aged 23 or over who are domiciled or long-term resident in France and are fully entitled to stand as candidates in their country of origin are eligible to stand.
Greece	<p>Deposit: A certificate from the payments office of the Athens Public Treasury stating that the sum of € 2934.70 has been deposited must be attached to the proposals from each list. Proposals for registration as candidates must be delivered by a bailiff to the public prosecutor of the Court of Cassation (Areios Pagos) or be sent to its office by recorded delivery no later than 13 days after the opening of the election campaign.</p> <p>Conditions: Only parties and coalitions of parties are entitled to register candidates. Lists comprise up to 24 candidates. Proposals must include the surname, forename, father's forename, occupation and exact address of the person proposed, together with their written agreement and a declaration on their honour.</p> <p>Eligibility: All EU citizens aged 25 or over on polling day who have the right to stand as candidates are eligible</p>
Spain	<p>Conditions: parties, coalitions, federations and groups of voters who have obtained the signatures of 15 000 voters or 50 elected representatives (including members of local councils) may submit ordered lists of candidates.</p> <p>Right to stand for election: Any EU citizen aged 18 years or over and fully entitled to stand for election in his or her country of origin.</p>
Finland	<p>The following organisations may put forward candidates :</p> <p>Political parties: Two or more political parties may also form electoral alliances.</p> <p>Electoral associations: Each electoral association may put forward a candidate. At least 2000 founder members eligible to vote are required to establish an electoral association (written agreement of each founder member required). Electoral associations may form joint lists.</p> <p>Each political party, electoral alliance or joint list may put forward a maximum of 20 candidates.</p>

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
	<p>Right to stand for election: Any Finnish citizen or citizen of another EU country aged 18 or over who has the right to vote may also stand for election, except persons subject to a care order. See also : incompatibilities.</p>
Hungary	<p>Conditions: Lists can be put forward by parties registered according to the Act on the operation and financial management of political parties. In order to put forward a list, a party needs to collect at least 20.000 endorsements</p> <p>Right to stand for election: All voters have the right to stand for election as candidates on party lists. The candidate shall declare that he/ she has the right to vote, and that he/ she does not have a function, which is incompatible with the membership of the European Parliament, or in case he obtains a mandate, he resigns from that function. In order to register a candidate who is the citizen of an other European Union Member State, a certificate of the competent authorities of the Member State of which the candidate is a national, shall be attached, stating that he/ she is eligible for election. Being a candidate is not limited by the fact that the mandate to be obtained may be incompatible with other functions.</p>
Ireland	<p>Conditions: Candidates of a political party must be nominated by their party. Independent candidates may nominate themselves but their nomination must be supported by 60 signatures (of persons on the electoral register in the same constituency). No-one may stand in more than one constituency</p> <p>Right to stand for election: Any EU citizen aged 21 or over who is resident in Ireland and in full possession of his/her right to stand as a candidate in his/her Member State of origin may stand for election.</p>
Italy	NA
Lithuania	<p>Deposit: The deposit required is 20 times the average monthly wage (the latest, as determined and published by the Department of Statistics under the GoRL.) per each list of candidates. In 2004 the amount will be approximately 23500 LTL (approx. 6800 euros).</p> <p>The deposit is returned to a political party if (1) its list has passed the 5 % threshold and (2) the party has submitted a report on financial expenditure for the elections.</p> <p>Conditions: Each political party that was registered by the Ministry of Justice 65 days prior to the elections is entitled to register its list of candidates.</p> <p>Only political parties can nominate lists of candidates.</p> <p>Right to stand for election: A candidate must be at least 21 years old. A person is prohibited from standing as a candidate if by 'reference date' he/she has not served his/her sentence imposed by a court, if he is in the military or if the application of forced medical treatment measures, as established by a court, has not expired as well as if this person has been declared legally incapable by a court. Only political parties can nominate lists of candidates</p>
Luxembourg	<p>Conditions: lists must be submitted by either 250 voters, or a Member of the European Parliament or a national MP.</p> <p>Right to stand for election: To be entitled to stand for election a citizen must:</p> <ol style="list-style-type: none"> a. be a Luxembourg national or national of another EU Member State; b. enjoy civil rights and not have been disenfranchised in the Grand Duchy of Luxembourg or in their Member State of origin;

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
	<p>c. be at least 18 years old on the day of the elections;</p> <p>d. for Luxembourg nationals, be resident in the Grand Duchy of Luxembourg;</p> <p>e. for nationals of another EU Member State, be resident in the Grand Duchy and have lived there, at the time of submission of the list of candidates, for five years; however, any EU citizen wishing to stand for election who, owing to their residence outside their Member State of origin or the duration of such residence, are not eligible to stand, cannot be prevented from doing so by the duration of residence condition.</p>
Latvia	<p>Deposit: 1 000 LVL per political party (~ 1 300 EUR). Refunded if at least one MEP is elected.</p> <p>Right to stand for election:</p> <ul style="list-style-type: none"> ▪ Citizen of the Republic of Latvia. ▪ Citizen of European Union who is not citizen of the Republic of Latvia and who lives in the Republic of Latvia. ▪ Above 21 years old.
Malta	<p>Deposit: 40 Maltese Pounds (90 Euro) per candidate (to be returned if obtaining 10% of the votes)</p> <p>Conditions: A person shall be qualified to stand for the EP elections if registered as a voter in the Electoral Register or in the EU Electoral Register. Public Officers may be restricted from standing for election by the Public Service Management Code. Not allowed to stand for elections if being member of Disciplined Forces (Armed Forces, Police or Prison Service), the Judiciary, declared bankrupt, interdicted or incapacitated for any mental infirmity or prodigality, serving a sentence of imprisonment exceeding 12 months, disqualified for standing for the elections of MEP in terms of any law in force.</p> <p>Right to stand for election: Qualified to stand for election if registered as a voter in the Electoral Register or in the EU Electoral Register (see also point 3 'Conditions'). A candidate must be at least 18 years old.</p>
Netherlands	<p>Deposit: EUR 11 250 for parties not represented in the outgoing European Parliament. The deposit is refunded by the State only if the party obtains at least three-quarters of the "electoral divisor" (the minimum number of votes required to win one seat).</p> <p>Conditions: Lists submitted must be accompanied by the signatures of at least 30 voters. Lists represented in the outgoing European Parliament with more than 15 seats may contain twice the number of their seats, others may contain no more than 30</p> <p>Right to stand for election: Any EU citizen aged 18 or over who is in full possession of his right to stand as a candidate in his Member State of origin may stand for election.</p>
Poland	<p>Conditions:</p> <ul style="list-style-type: none"> ▪ each electoral committee* is allowed to register one list in each of the 13 constituencies (lista okregowa), ▪ a list (in each constituency) has to contain from 5 up to 10 names, ▪ each list has to be supported by at least 10 000 signatures of electors inhabiting the given constituency. If the electoral committee registers its lists in more than half of the constituencies, it is permitted to register further lists in remaining

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
	<ul style="list-style-type: none"> ▪ constituencies without obligation of collecting 10 000 signatures, ▪ an elector can give its support/signature to more than one list, ▪ candidate's name can be placed on one list only and registered in one constituency only. <p>Right to stand for election: minimum age limit of 21 years + no public accusation for a crime committed deliberately + Polish or EU citizenship (permanent stay in Poland or any other EU member state for at least 5 years).</p>
Portugal	<p>Declarations of candidacy:</p> <ul style="list-style-type: none"> • Must be lodged with the Constitutional Court. • Lists must include as many candidates as there are Members to be elected plus a minimum of three, and a maximum of eight, substitute candidates. • When registering as candidates, the notifications of candidacy deposited by candidates who are not Portuguese nationals must be accompanied by a formal declaration stating the candidate's nationality and address in Portugal and certifying that he or she is not simultaneously standing for election in another Member State (nationality, address, name). • Candidates must certify that they have not been disqualified from standing for office in their Member State of origin. <p>Right to stand for election: Any EU citizen aged 18 or over and fully entitled to stand for election in his or her country of origin.</p>
Slovakia	<p>Deposit: The Electoral fee is 50 000 Sk (1.200 EUR).</p> <p>Right to stand for election: The right to stand in the election is attributed to Slovak citizens, who are at the least in the day of the election 21 years old and are domiciled in the Slovak Republic. Citizens of the Member State of the European Union, who are at the least in the day of the election 21 years old and are domiciled in the Slovak Republic.</p>
Slovenia	<p>Nomination of the candidates: Candidates may be nominated by political parties (according to their rules) and by voters. A political party can submit a list of candidates if it is supported by signatures of at least 4 members of the National Assembly or at least 1000 voters. If nominated by voters, the list of candidates must be supported by signatures of at least 3000 voters.</p> <p>For the candidates who are not Slovenian citizens a declaration of the candidate must be attached to the list, which, states his/her citizenship and address of his/her permanent residence in Slovenia and that he/she does not stand as a candidate in elections to the EP in any other member state of the EU; other statements or guarantees are not required.</p> <p>Right to stand for election: Each Slovenian citizen and citizen of EU with permanent residence in RS, who has attained the age of 18 years by the day of the election and is not suffering from mental disorder, have the right to stand as candidate;</p>
Sweden	<p>Conditions: No conditions for a party to stand for elections. But to register a party name 1500 signatures are needed. Nominations (i.e. lists of candidates) must be submitted to the competent authority.</p> <p>Right to stand for election: Anyone entitled to vote may stand for election.</p>

Table A9.1 – Conditions for registrations of candidates by Member State	
Country	Conditions for registration of candidates
UK	<p>Deposit: GBP 5000 for each party list for each region or GBP 5000 for each independent candidate (deposit is lost if less than 2.5% of votes cast in the region are polled by the party or candidate).</p> <p>Conditions: EU citizens must declare that they are not seeking election to the European Parliament in any other member state.</p> <p>Right to stand for election: All EU citizens resident in the UK aged 21 or over in full possession of their civic rights in their country of origin may stand for election.</p>

ANNEX 10

Table A10.1 – Overview of administrative burden for citizens to obtain proof of eligibility to stand as a candidate

Country	Identification of competent authority (yes/ no)	Citizen to contact different authorities him/herself? (yes / no)	Guidance readily available (yes / no and what type)	Possibility to provide guidance	Time to receive and documentation	Costs (specify how much for what item)
Denmark	Yes	No	Yes. A letter is sent to citizens from other Member States residing in Denmark. It provides information on the right to stand as candidate including information concerning the obligation to provide an attestation of eligibility.	Yes	NA	The costs concerning the letter which also included information concerning the right to vote in the election in Denmark were around 50 Euros.
Cyprus	Yes	NA	No	NA	NA	NA
Czech Republic	Yes	NA	Yes. According section 20 of the Act on Elections to the European Parliament, not later than 80 days in advance of the polling day, the Ministry of the Interior shall publish a notice on the conditions for candidacy in the election to the European Parliament held on the territory of the Czech Republic in a way enabling remote access, in Czech and in working languages of the EU (working languages of the EU are for the purpose of this Act English, German and French). This notice is presented on web site of the Ministry of the Interior of the Czech Republic (www.mvcr.cz).		Available on Internet	No costs involved.
France	Yes		Yes. The Ministry of the Interior publishes at the moment of each election a guide for the candidates to the European elections. Citizens and non-nationals can also get some practical information at the Prefectures.		The documents are put on-line. For the paper version, the time for reception is about one week from the request date.	The documents can be downloaded for free on the internet. If they are sent on a floppy disk or on paper version, there will be a charge.

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Greece	Yes	NA	Yes. In relation to the 2004 EP elections, Greek embassies and consulates in other Member States, were asked to inform by any convenient means, the Greek citizens residing there, about their right to vote and to stand as candidates. The EU citizens residing in Greece are able to consult the Website of the Ministry and several public services.	Yes	The attestation under Article 10 (2) of Directive 93/109/EC was provided immediately by fax. Information is provided anytime by contacting the competent authorities or by consulting the Website of the Ministry.	No costs involved.
Spain	Yes		Yes. The guidelines of the Junta Electoral Central (Central Electoral Committee) of 15 March 1999 include the documents to be presented by the EU citizens to be able to stand as a candidate in Spain.			
Lithuania	Yes	No	Yes. There is some information on the Central Electoral Committee (CEC) internet page: http://www.vrk.lt/rinkimai/2004/euro/kandidatai_e.htm	The CEC sent an information letter to EU non-national voters before the 2004 EP elections. The letter explained the voter's right to choose to stand as a candidate in his State of residence (Lithuania) or his home Member State. It also included information on voting.	It takes maximum around 10 days to receive the information. The election law establishes a 7 days term for State institutions to provide information requested by the CEC.	CEC provides documents free of charge. Certificates issued by the Ministry of Interior usually cost about 2 euro.

Table A10.1 – Overview of administrative burden for citizens to obtain proof of eligibility to stand as a candidate

Country	Identification of competent authority (yes/ no)	Citizen to contact different authorities him/herself? (yes / no)	Guidance readily available (yes / no and what type)	Possibility to provide guidance	Time to receive information and documentation	Costs (specify how much for what item)
Latvia	Yes	No	Yes. During EP elections information and guidelines were provided to every person who wished to stand as a candidate, including citizens of other EU Member States. Brief descriptions (also in English) and relevant legislation were available on the website of CEC of Latvia, as well as detailed contact information of the CEC of Latvia.	NA	As a rule, State administration institutions of Latvia (mentioned above) shall deliver necessary data about candidates within five days of receipt of request.	No costs involved.
Luxembourg	Yes	NA	No	NA	NA	NA
Malta	Yes	No	Yes	Yes	NA	No costs involved.
Slovakia	No There is no such an authority in the Slovak Republic competent to issue to the citizen of the Slovak Republic standing as a candidate to the European Parliament a proof, that he has not been deprived of the right to stand as a candidate.	NA	No	NA	NA	NA

Table A10.1 – Overview of administrative burden for citizens to obtain proof of eligibility to stand as a candidate

Country	Identification of competent authority (yes/ no)	Citizen to contact different authorities him/herself? (yes / no)	Guidance readily available (yes / no and what type)	Possibility to provide guidance	Time to receive information and documentation	Costs (specify how much for what item)
Slovenia	Yes	Yes	Yes. For the 2004 EP elections a specific brochure was prepared with information on the right to vote and stand as a candidate in the country of residence.	Such information is available at any time at the Administrative Unit and Ministry of the Interior of the Republic of Slovenia.	The information is available at any time during office opening hours.	No costs involved.
Sweden	Yes	No	NA	NA	Any official request received by the Election Authority should be handled without delay.	No costs involved
UK	Yes	No	No. The independent Electoral Commission was primarily responsible for informing citizens of the Union of their electoral rights. It did not take any specific measures to inform citizens of how to stand as a candidate – although anyone calling the free helpline to enquire about this would have been directed to the right place to find out the correct information.	NA	NA	No costs involved

ANNEX 11

Table A11.1 – Records of voters in the Member States

Country and source	1. What records is kept of people who have voted in the EP elections?	2. What detail is kept of people who voted: first and last names / nationality / date and year of birth / address?	3. System in place to stop double voting in national and local elections?
<p>France</p> <p>Ministry of Interior</p>	<p>A registry is kept at the local level, by each town hall, for 3 years (sometimes less depending on the communes). There are about 36 780 communes in France. There is no electronic or central record.</p>	<p>The details kept are those registered in the registry: First and last name, date of birth, address, nationality (same details as for national elections, plus the nationality).</p>	<p>The system in place is the centralisation of the information through INSEE. INSEE receives all the lists from the communes and check that there is no double registration. The same procedure takes place for a radiation when there is a change of address. Consequently, people are only registered in one place, so that they can only vote in one polling station. Vote by proxy is strictly controlled: the list of people having applied for a vote by proxy is displayed in the office. Once the proxy voted, the name is marked off and the person cannot vote anymore.</p>
<p>Germany</p> <p>Statistisches Bundesamt, Büro Bundeswahlleiter</p>	<p>The local authority of the municipality maintains voters' registers based on the residents' registers. Therefore, when the voters' register is compiled, only such persons may ex officio be taken into account as have registered with the residents' registration office as well as registered Union citizens entitled to vote who, upon their application, were registered in a voters' register for the European elections 1999. Also, persons who are entitled to vote but are not registered in the residents' register (e.g. Germans abroad, homeless persons) and Union citizens that were not registered in a voters' register for the European elections 1999, shall be entered in the voters' register if they have applied to be entered in the voters' register no later than the 21st day before the election.</p>	<p>Prior to each election, the local authority of the commune shall compile a register of persons entitled to vote for each general polling district entering their surnames, forenames, date of birth and abode. An automated process may also be used to compile and maintain the voters' register.</p>	<p>Registered voters may exercise their voting right to elections of the German Bundestag once only – anyone casting a vote without being entitled to vote will be liable to prosecution “Equal voting rights for all Germans entitled to vote – this is a characteristic of modern democracy.”</p> <p>Therefore, the Federal Returning Officer points to the fact that every person entitled to vote may cast his/her vote - but once only. This applies also to registered voters who have received several notification cards for persons eligible to vote. This may happen exceptionally when a person entitled to vote is registered – by accident – in the population registers of several municipalities.</p>

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Country and source	1. What records is kept of people who have voted in the EP elections?	2. What detail is kept of people who voted: first and last names / nationality / date and year of birth / address?	3. System in place to stop double voting in national and local elections?
	<p>Any person entered in a voters' register must have received a voter's notification from the local authority of the municipality no later than the 21st day before the election.</p> <p>The electoral rolls are generated newly for each election.</p> <p>In the polling place, on the polling day, each voter is matched with the local electoral roll to register the voter turnout. These directories generally have to be deleted after 6 months past the election (Art. 83 passage 3 EuWO).</p>		<p>To safeguard a regular election process, violations of election law provisions will be punished:</p> <p>Anyone casting his/her vote without being entitled thereto or causing an incorrect election result or falsifying the result shall be punished with imprisonment of up to five years or a fine (Article 107a Paragraph. 1 of the German Penal Code). Even the attempt to do so is liable to prosecution.</p>
Netherlands	<p>Each municipality keeps the list of people who voted for a few months, before destroying it. The list contains the name of the people who allowed to vote, based on the registry kept by the municipality. There is no electronic or central list.</p>	<p>The details kept are first and last name/ date of birth/ address.</p>	<p>There is no specific system in place to prevent double voting. The register is updated on the basis of the population files of the municipality, and people can only vote once in the polling station where they are registered. The Election Office of the city of Hague is responsible for checking applications for vote by proxy. They have a central system with the details of the Dutch citizens and they try to prevent double voting.</p>
UK	<p>A marked register is kept at the local level: when people go to vote their name and address is marked off once they voted. It is kept at the local level (paper version) for 6 month. There may be an electronic form for the next elections.</p>	<p>Only the name and address is written on the register, with a letter indicating in what kind of elections they can vote (EU, local...).</p>	

ANNEX 12

Table A12.1 – Other measures in place to keep electoral rolls up to date	
Country	Other measures in place to keep electoral rolls up to date (Member States' questionnaire responses)
Austria	In Austria, citizens with a permanent residence in a foreign country who want to be kept in the Austrian electoral register need to file an application which has to be renewed every 10 years.
Belgium	No
Czech Republic	No
Cyprus	No
Germany	
Denmark	No
Estonia	There is a continuous data exchange system between Estonia and Finland ensuring that electoral roll is kept up to date (about one quarter of Estonian citizens residing in other Member State are living in Finland).
France	No
Greece	Greek embassies and consulates in other Member States were asked to inform by any convenient means, the Greek citizens residing there, about their right to vote in their country of residence. In case they choose to vote for the Greek candidates, they had to fill an application – formal declaration, where they declared not to exercise their right to vote in the Member State of residence.
Spain	No
Finland	No
Hungary	Every national who moves to a foreign country and quits his residence in Hungary is obliged to report this. By doing so he automatically gets lost of his right to vote and is excluded from the voters register
Ireland	
Italy	No
Lithuania	The elector writes a declaration confirming that he is going to vote in Lithuania and that he did not vote or he will not vote in another country. There is also a system of prevention of double voting used during national elections in Lithuania. The base of this system is the centralised database of electoral roll. Each person who intends vote in another polling station has to be notified to the central database.

Table A12.1 – Other measures in place to keep electoral rolls up to date	
Country	Other measures in place to keep electoral rolls up to date (Member States' questionnaire responses)
Luxembourg	No
Latvia	No
Malta	No
Netherlands	
Poland	
Portugal	No
Slovakia	No
Slovenia	No
Sweden	
UK	No

Table A12.2 – How do MS keep their national electoral roll updated?	
Country	Updates of electoral rolls Additional information from: French Senate, Étude de législation comparée n° 161 - mars 2006 – « L'inscription sur les listes électorales ⁶³ »
Belgium	The electoral rolls are established on the basis of the population files of the municipality (population registry and Foreigners registry of the “communes”). Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically updated thanks to the declaration of residence.
Denmark	The electoral rolls are established on the basis of the population files of the municipality. Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically updated thanks to the declaration of residence.
France	All electoral rolls are revised annually, between September 1 and end of February. This revision is undertaken by an administrative commission which takes into account all the necessary amendments. From the 10 th of January the municipalities display in the town halls a corrected list which can be rectified by the electors.
Germany	The electoral rolls are established on the basis of the population files of the municipality. Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically updated thanks to the declaration of residence.
Italy	The electoral rolls are established on the basis of the population files of the municipality. Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically updated thanks to the declaration of residence. The periodical updating means that they are revised each semester.
Netherlands	The electoral rolls are established on the basis of the population files of the municipality. Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically and constantly updated thanks to the declaration of residence.
Portugal	The electoral rolls result from the electoral census: it is compulsory for any citizen of age to register at the Census commission of their place of residence. The lists are not automatically updated, but they are modified on the basis of the voters' declarations. They have to indicate any change of situation or address. There is an monthly update of the lists.
Spain	The electoral rolls are established on the basis of the population files of the municipality. Indeed the declaration of residence is compulsory and the roll is established on this basis. They are automatically updated thanks to the declaration of residence. The electoral census is permanent and the list and revised on a monthly basis.
UK	At present, the register is compiled by sending an annual canvass form to every house. A fine of up to £1,000 can be imposed for failing to complete the form or giving false information. This process produces a 'revised' register on 1 December each year, however it is possible to update the register with new names each month between January and September. The Coordinated Online Register of Electors (CORE) is a central database which Government has proposed as a replacement for existing electoral registers . The project consists of two phases. Phase One seeks to facilitate the export of information from local authorities' electoral registration systems in a standard format. Building on this process, Phase Two aims to establish a UK-wide system of on-line access to register data.

⁶³ <http://www.senat.fr/lc/lc161/lc1610.html>

Table A12.2 – How do MS keep their national electoral roll updated?

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	Such a database would assist electoral registration officers in providing data to authorized users, potentially saving time and expense. It may also at some future point be used to improve the integrity and accuracy of local registers and to facilitate the use of electronic voting methods.

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