



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE

Directorate C : Fundamental rights and Union citizenship  
**Unit C.2 : Union citizenship**

**MINUTES OF THE MEETING OF THE ELECTORAL EXPERTS GROUP**

14 February 2011, Centre A. Borschette

**Participants:** - DG JUSTICE: Ms Chiara Adamo (Chair of the Meeting, head of unit), [REDACTED] (policy officer), [REDACTED] (NEPT); Member States: 41 electoral experts from the national administrations in charge with electoral matters. Luxembourg, Portugal and Spain were not represented.

**Conclusions**

- The Commission presented to the electoral experts the **Citizenship Report 2010** and asked them in particular to inform about current state of play in terms of disenfranchisement of own citizens from national elections following a period of residence abroad in other member States.
- As a follow-up to the **Report on the 2009 EP elections**, the Commission put forward a number of possible informal preliminary options at technical level to adjust the current mechanism of data exchange on voters for preventing double voting, laid down in Directive 93/109 on the participation of EU citizens in EP elections. The purpose was to test these options and to collect information for further developing.
- The experts received positively the option of making it compulsory for the Member States to collect additional personal data on voters from other Member States when registering to vote (i.e. the date and place of birth) since this would make it possible for the Member State of origin of these citizens to identify them on electoral rolls and thus to prevent double voting.
- The experts also supported the idea of providing for the obligation to appoint one single authority in each Member State as responsible for the implementation of the mechanism. In addition, notifications on non-national EU citizens should be sent in one single package per Member State and by electronic means only.
- A majority of Member States also supported the idea of fixing a common time-frame for carrying out the exchange of data. Some were sceptical about its feasibility, mainly because it would need further harmonisation in electoral laws and because it would still not prevent double voting at 100 %.
- In the second part of the meeting, the participants discussed about the questionnaire sent by Commission in view of the report to be adopted in 2011 on the implementation of Directive 94/80-participation of EU citizens in municipal elections. On basis of a first assessment of the replies, the number in relative terms of non-national EU citizens registered to vote seems to be low: approx. 10% in most Member States.

**The agenda of the meeting:** 1) presentation by the Commission of the 2010 EU Citizenship report and of the Report on the 2009 EP elections, jointly adopted in October 2010; 2) way forward with Directive 93/109/EC; 3) preparing the 2011 reports to be adopted by the Commission on municipal elections – Directive 94/80/EC; 4) any other business.

In connection with item 2) of the agenda, the Commission distributed a table with data that is needed in each Member State to identify EU citizens on the electoral rolls, as well as a table with the current deadlines in the Member States for registering citizens on the rolls.

### **1) 2010 EU Citizenship report and of the Report on the 2009 EP elections**

First, the Commission presented the main conclusions of the **2010 EU Citizenship report**. As regards the political rights of the citizens, the Commission highlighted that in the last **EP elections general turnout** reached only 43%. Improving information on the impact of the EU on the daily life of citizens and more information on the programmes of political parties and candidates in the EP elections seem, in the light of the recent Eurobarometer survey (Flash 292), major factors for increasing turnout.

A specific obstacle that EU citizens are facing in a number of member states is their **disenfranchisement in national elections**, by reason of not residing on the territory of their respective home Member States but in another Member State. For addressing this issue, action n° 20 in the report foresees that «the Commission will launch discussions to identify political options to prevent EU citizens from losing their political rights as a consequence of exercising their right to free movement». The Commission asked the participants in the meeting to comment the 2010 Citizenship report and its action n 20.

Second, the Commission presented the **Report on the 2009 EP elections**. It concluded that the highest participation rates of non-national EU citizens in the 2009 elections were registered in Ireland (45%), Sweden (21,8), Denmark (17,3), Luxembourg (16,1) Spain (14,4). The average rate was 11,6 % compared to 12 %. However, these data are only indicative since a number of MS could not provide statistics.

As regards information provided by the Member States to EU citizens from other Member States, in accordance with Article 12 of Directive 93/109, the report concluded that more and more Member States send individual letters to these citizens. This has previously been identified by the Commission as a **best practice for informing citizens**.

**As regards transposition** of Directive 93/109, the report concludes that on the whole the legal conditions are fulfilled, even if a few transposition issues seem to persist in a number of Member States, such as the requirement of additional identification documents for enrolling on the electoral lists.

The report also focuses on the importance for the EU citizens to be able to **get involved in political parties (as members or founders)** since this contributes to the full application of Article 22 of the TFEU.

As for the implementation of the **current mechanism for preventing double voting** in EP elections, the same type of difficulties persisted in the 2009 elections than in the previous ones. Due to lack of data and to differences in the data used in the Member

States for identifying voters, information on EU citizens sent by the Member State of residence to the Member State of origin **very often could not be used**. Furthermore, in many cases, the information sent by one Member State comes too late for the other to process it. Lastly, another obstacle identified is the dispatching of the information *by a large number of decentralised bodies* instead of one single contact point. In the light of the difficulties, the Commission is examining ways to improve things.

## 2) Way forward with Directive 93/109

The Commission recalled that the 2006 proposal for amending the Directive is currently pending in the Council. This proposal aims at simplifying the mechanism and removing burden on the administrations by eliminating the ex-ante checks. In the light of the discussions in 2007 in the Council framework it can be concluded that two needs have to be met: the need *to ensure legitimacy* of the elections and the need to provide for a *light system* which does not constitute a disproportionate administrative burden. A number of possible options have been prepared at technical level. The purpose of the meeting was to collect data for further elaboration:

### a) Amending the list of personal data to be collected and exchanged for identifying EU citizens on the electoral rolls (Article 9 and 13 of the Directive)

The Commission distributed a table with the data necessary in each Member States for identifying EU citizens on the electoral rolls. Four Member States have so far made comments on it [EE, EL, LV, SK] and the Commission will again circulate it to collect the reactions [to confirm or to correct the table] of the missing Member States.

*Option a.1)* Providing for a minimal additional data to be collected and to be exchanged: date and place of birth are the most commonly needed data.

The advantage is that it would require only minimal further rules in the electoral procedures. The drawback is that such data would still be insufficient for citizens to be identified in some of the Member States

*Option a.2)* Adding a new annex to the Directive listing the data required in each Member State for identifying citizens on the electoral rolls. The authorities would have to ensure that the data corresponding to the Member State of origin of the concerned citizens are collected and transmitted to that Member State.

The advantage is that Member States would have at their disposal a simple table where to find which data to collect. This would make it possible for citizens of all Member States to be identified. The drawback is that it might require important administrative efforts.

At the meeting **Italy, Austria and France** supported option a.1.

The Commission concluded that in the light of the comments it appears that option a.2 would be burdensome and difficult to put into practice.

**Germany, France and Sweden** drew the attention on the difficulty the authorities met in cases where the names of EU citizens from other Member States are not registered *with their original characters*. **Italy and Austria** suggested that a commonly used conversion-table should be used for solving the issue of special characters.

**b) Changes to the method of notification** of Member States on EU citizens registered to vote (Article 13 of the Directive)

The Commission put forward the idea of stipulating in the Directive that *notifications by the Member State must be done in one single package. This is to avoid that information is sent by multiple authorities in multiple subsequent packages.*

The drawback is that in a number of Member States, data on citizens enrolled to vote/to stand as a candidate is not centralised. Therefore, changes in the electoral procedures of these Member States would be necessary.

**Italy and Austria** stressed that such provision in the Directive would be much welcomed and of utmost importance.

**Romania, Italy, Ireland and France** added that a new provision in the Directive should also provide that a single contact point for sending and receiving the data shall be appointed in each Member State. In addition, **Romania** suggested that a common format should be adopted for the exchange of data.

**c) Specifying a timeframe for exchanging the data** (Article 13 of the Directive)

The Commission distributed in a meeting a table with the deadlines for citizens to register on electoral rolls, as fixed in the national laws. The participants were asked to check the data and make comments. The Commission will circulate it again by email, after the meeting, to allow the Member States to complete it.

The dates on which the electoral rolls for the European Parliament elections are closed **vary considerably** from one Member State to another: e.g. in **Greece**, in March while in others only a few days before the elections (e.g. **Slovenia**, 9 days before the elections).

The Commission floated one possible informal idea consisting in fixing a *timeframe* for the national authorities for sending the notifications to the other Member States, to be inserted in Article 13 of the Directive. The advantage would be that a commonly agreed *end date* would prevent that data is received too late to be processed. The purpose of a *start date* would be to allow for the information exchange to be carried out within a reasonable timeframe. If the end date is set to the 30<sup>th</sup> day before the election day and the start day is set to the day which is the 90<sup>th</sup> day before that date, this would allow 2 months for carrying out the notifications.

For this arrangement to be implemented a number of Member States would need their current rules. Member States, such as Greece, where electoral rolls are closed at a date *earlier* than the 30<sup>th</sup> day before the elections should extend the possibility for updating the rolls, to make it possible that citizens notified by the other Member States after that date can be deleted. As regards Member States where the electoral rolls can be modified until a day close to the election day (as in Slovenia), the question to be solved is that what happens in the case of the citizens who registered *after* the end date for sending the notifications, i.e. the 30<sup>th</sup> day before the election day and thus names are not notified. An option would be that the Member States inform and encourage non-national EU citizens to register at latest 30 days before the elections but however, not excluding legally the possibility for them to register later.

**France, Austria, Italy and Ireland** supported this idea. Italy and Ireland added that possibility of double voting could not be prevented in absolutely all cases. Therefore, the objective would only be to make efforts to reduce double voting.

**Germany** considered that this option could be a step back compared to the status quo in the sense that citizens who registered after the 30<sup>th</sup> day before the elections would not be notified and therefore, double voting could not be prevented in their case.

**Austria** considered that more harmonisation is needed: a common deadline across the EU should not only be fixed for the exchange of data but also for the registrations on the rolls. **Sweden** also stressed that there seems to be a discrepancy between, on one hand, the common timeframe under discussion for exchanging data and the varieties of deadlines across the EU for registering citizens on the rolls.

Italy suggested that a single web-based application created and managed by the Commission could replace the mechanism of data exchange between the Member States.

3) The objective was to discuss on local elections, in view of the coming report of the Commission on the implementation of Directive 94/80/EC planned for 2011.

In the light of information provided by the Member States it could be concluded that in Austria, Latvia, Denmark, Estonia, Lithuania, Romania, Sweden, the Netherlands and Hungary, all residents, including non-national citizens of the Union, are entered on the electoral rolls automatically. In Member States where registration is not automatic, the percentage of non-national EU citizens registered is approx. 10%, except in Ireland where it reached approx. 40%.

*Most of the MS declared that data on non-national EU citizens standing as candidates and elected are not available. Austria, Germany and Sweden underlined the difficulties in collecting these data from local authorities. The Commission invited the MS to undertake efforts to collect the missing information.*

As regards measures taken to inform citizens, most Member States indicated that information on the exercise of electoral rights is published on the website of central or local authorities and information campaigns are conducted at local level. Targeted information is provided in Germany, Denmark, Estonia, Lithuania, Sweden and Hungary: polling cards or individual letters were sent by post to the concerned citizens. No Member State informed the Commission about existing specific *initiatives or actions to encourage* non-nationals EU citizens in institutional and political life *at local level*. The Commission invited the Member States to collect all available information on this issue.

The Commission informed the participants on the programme "Fundamental Rights and Citizenship" for promoting, inter alia, information and civic education initiatives on the active participation of Union citizens in the democratic life of the Union and, in particular, in municipal elections.

Finally, the Member States were invited to provide the Commission with their newly adopted legislation regarding municipal elections. This concerns Greece, Denmark, Lithuania, Czech Republic, Poland, Sweden and Hungary who communicated that such legislation exists but have not yet sent it via the official MNE application of the Commission. In addition, Latvia, Denmark, Lithuania, Czech Republic and Ireland were asked to notify their newly adopted legislation referring to the Annex of Directive 94/80/EC which provides the list of "basic local government units" of the Member States.

