Election of the representatives of the European Parliament by direct universal suffrage, amending the Act annexed to the Decision 76/787 /ECSC, EEC, Euratom

2002/0807(AVC) - 27/10/2010 - Follow-up document

The Commission presented a report on the election of Members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens

in elections for the European Parliament in the Member State of residence (Directive 93/109/EC).

Context: European elections are regulated by the 1976 Act on the election of the members of the European Parliament by direct universal suffrage, as amended by Council Decision 2002/772/EC, Euratom which lays down some common principles for all Member States, such as the obligation to use proportional representation and to ensure that polling day falls within the same period starting on a Thursday and ending on the following Sunday. Detailed arrangements for allowing EU citizens to participate in European elections in the Member State where they choose to live are laid down in Directive 93/109/EC. Besides rules concerning registration on electoral rolls and checks to prevent double voting and candidacy, the Directive provides for a derogation to be granted to Member States where the number of residents who are nationals of other Member States exceeds 20% of the total number of EU citizens residing there who are of voting age.

The most recent European elections were held in June 2009 when the number of seats in the European Parliament was set by provisions of the Nice Treaty at 736. Accordingly, in the 2009 elections 736 Members were elected to the European Parliament. With the entry into force of the Lisbon Treaty on 1 December 2009, the number of seats will increase to 751. The necessary preparatory measures to implement these provisions were taken by the Council on 23 June 2010.

This **report on the 2009 European Parliament elections** accompanies and feeds into the 'EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights', focusing on the problems citizens still face, especially when trying to source goods and services across internal borders, and ways to tackle them. It aims at assessing the enforcement of EU citizens' electoral rights in the 2009 European Parliament elections. Firstly, it assesses the level of awareness about the elections and the associated rights, the measures taken by the Member States and by the EU institutions in this respect and the actual participation in the elections. Secondly, it looks into how the Member States have transposed and implemented EU law in this field. Finally, the report outlines the measures to be taken to improve participation and guarantee enforcement of EU citizens' electoral rights.

Main conclusions: more and more EU citizens are exercising their right to free movement, and may wish also to make use of their voting rights in their Member State of residence. However, it seems that the **number of citizens who register to vote in European elections in the Member State where they live is lower than the potential electorate**, i.e. the number of EU citizens of voting age who live in a Member State other than their own. This indicates that there is scope for making citizens more aware of their electoral rights and encouraging them to participate in the democratic life of the Union.

Properly informed EU citizens are much more likely to get involved in political life. In the aftermath of the European Parliament elections, the Commission identified best practices that should be pursued with a

view to the 2014 elections. The Commission will propose to designate 2013 as the European Year of Citizens also in view of raising awareness on European Parliament elections. This is expected to lead to a better mobilization of the electorate in 2014.

The Commission also intends to continue offering funding for activities of NGOs and other organisations to ensure that citizens know their electoral rights and are encouraged to make use of them.

Besides informing citizens of their electoral rights, proper legal conditions are an important prerequisite for the exercise of these rights. The Commission is looking carefully at the way the Member States have transposed and implemented relevant EU law, and will where necessary take steps to remedy shortcomings.

Difficulties with the current mechanism for **prohibiting voting in two Member States in the same European elections**, already identified by the Commission in previous elections and addressed in 2006 by a proposal for amending it, persisted in 2009. The Commission is examining the need to replace the 2006 proposal with a further amendment to Directive 93/109/EC. A more efficient mechanism seems to require further common rules. At the same time, any new arrangement should be proportionate to the problem and extent of double voting.

The Commission is also following and, within the limits of its powers, contributing to the ongoing reflection in the European Parliament on how to generate greater interest among citizens. The Commission will support efforts to enhance the European dimension of the elections and to reform the way in which the Members of the European Parliament are elected so that to bring political parties and the decision-making process closer to the citizens and to strengthen the democratic basis of its functioning.