

Municipal elections: right to vote and to stand as candidate of the Union citizens

1994/0034(CNS) - 19/12/1994 - Final act

The Council adopted Directive 94/80/EC laying down the arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they were not nationals. - Specifically, in order to have the right to vote and to stand as a candidate citizens of the Union should simply satisfy the same conditions as those imposed by the host Member State on its own nationals. In particular, they were subject to the same conditions relating to residence, the fact that it was impossible to vote and be elected in more than one district, the exercise and forfeiture of civil rights (e.g. following a criminal conviction), incompatibilities and the holding of several posts. Similarly, exercising the right to vote and to stand as a candidate should comply with the rules affecting nationals: inclusion on the electoral lists, application to stand as a candidate, etc. - In accordance with the principle of equal treatment for nationals and non-nationals, the directive stipulated that the conditions - notably those linked to period and proof of residence - should be the same, except where different treatment of nationals and non-nationals was justified as a result of specific circumstances which distinguished the latter from the former. - The directive allowed nationals of the Union to decide whether to vote in their country of origin or their country of residence. It resolved the problem of ineligibility by permitting the Member States to refer not only to the system in the country of residence, but also to the laws of the country of origin. - In certain cases (in France for example), where local representatives participated in the exercise of official authority and in the safeguarding of the general interest, Member States could reserve these offices for their nationals. - Similarly, by way of derogation, Member States where the proportion of citizens of the Union who resided in it but were not nationals of it exceeded 20% on 1 January 1996 (e.g. Luxembourg) could: . restrict the right to vote and to stand as a candidate to citizens of the Union who had resided in that state for a minimum period, which should not be longer than the term for which the representative was elected for voters and twice the term for those standing as candidates; . take appropriate measures with regard to the composition of lists of candidates to encourage in particular the integration of citizens of the Union who were nationals of another Member State. - By 31 December 1998 at the latest, and every six years thereafter, the Commission would submit to the EP and the Council a report in which it would check whether the granting of derogations was still warranted. - The directive would enter into force on 20 January 1995. Member States should comply with the directive no later than 1 January 1996.