

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

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In addition to the technical amendments which seek to clarify and strengthen the original text (reinforcement of guarantees and better provision of information for citizens; the principle of the non-exhaustive list of local authorities to which the directive applies, etc.) the report contains four types of priority amendment: - by recognizing the right to choose whether to participate in municipal elections or not, Parliament wishes to protect those citizens who might find themselves in a particular situation. There are in fact some countries which practice registration on the electoral lists (Belgium, Denmark, Germany, Spain, Italy, Luxembourg, The Netherlands, the UK and Ireland). It is also known that some of these countries, and others, apply compulsory voting (Belgium, Greece and Luxembourg). The Palacio report stipulates that in those countries which practice registration and where there is compulsory voting, this would only be applied to those residents of other Member States who have "indicated, by any legally accepted means, their wish to participate in municipal elections". - The Directive provides for derogations for those Member States whose population is composed of more than 20% of non-nationals. At present this only applies to Luxembourg, where 29% of the residents are non-nationals. The text makes it possible to require non-national citizens to be resident for a minimum period of one term of office (in this case 6 years for Luxembourg), in order to be eligible to vote, and two terms in order to be able to stand as a candidate. Parliament accepted the idea of imposing a condition of residence equivalent to two terms of office in order to be elected, but rejected the one-term residence requirement for eligibility to vote. Parliament also disagreed with the Commission on the composition of the lists. Indeed the draft directive proposes that the Member State in question will be authorized to take measures relating to the composition of candidate lists which "seek to facilitate the integration of the citizens". In Parliament's opinion, this would be equivalent to preventing the compilation of lists made up exclusively of non-nationals (so-called 'polarization' lists). Parliament took the view that this measure contradicted the fundamental values of freedom and pluralism on which the Treaty was based. - As regards the provisions of the Directive which relate to eligibility, Parliament wished to limit the various restrictions proposed in this area. The Commission was in fact proposing, for reasons to do with the exercise of State sovereignty (for example policing), to grant Member States the right to decide that only "their own nationals are eligible for the post of head or member of the executive" of a local authority. Parliament, for its part, proposed that ineligibility in this respect should be limited "to the posts of leader or deputy leader". To complete these measures, the Palacio report stipulated that Member States would be able to decide that elected representatives who were nationals of another Member State could not participate in the nomination of a parliamentary assembly or in any election to it (as in the case of France for the election of the Senate). - Finally, the Commission put forward 1 January 1996 as the date for the implementation of the Directive in each Member State. Parliament called on Member States to implement the said measures before the first local elections scheduled to take place after 31 December 1994, and by 1 January 1996 at the latest, so that the elections planned for 1995 in Spain, France and Germany (Bremen and Berlin) would come under the scope of the Directive. During the debate in plenary Commissioner Vanni d'ARCHIRAFI accepted the following amendments: - those relating to the application of the Directive with effect from the first elections following the 1 January 1995; - those designed to remove the administrative conditions which Member States could impose on the exercise of the right to vote and eligibility (formal declaration instead of attestation of eligibility by the administrative authorities, etc.).