

Basic information

1994/0034(CNS)

CNS - Consultation procedure
Directive

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

Amended by [1996/0016\(CNS\)](#)

Subject

1.20.01 Political rights, right to vote and to stand in elections

Procedure completed

Key players

[Council of the European Union](#)

Council configuration

Meetings

Date

[General Affairs](#)

1820

1994-12-19

Key events

Date	Event	Reference	Summary
23/02/1994	Legislative proposal published	COM(1994)0038	Summary
18/04/1994	Committee referral announced in Parliament		
05/10/1994	Vote in committee		Summary
05/10/1994	Committee report tabled for plenary, 1st reading/single reading	A4-0011/1994	
26/10/1994	Debate in Parliament		
19/12/1994	Act adopted by Council after consultation of Parliament		Summary
19/12/1994	End of procedure in Parliament		
31/12/1994	Final act published in Official Journal		

Technical information

Procedure reference	1994/0034(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by 1996/0016(CNS)
Legal basis	EC Treaty (before Amsterdam) E 008B-p1
Stage reached in procedure	Procedure completed
Committee dossier	JURI/3/05509

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0011/1994 OJ C 323 21.11.1994, p. 0005	05/10/1994	
Text adopted by Parliament, 1st reading/single reading		T4-0058/1994 OJ C 323 21.11.1994, p. 0039-0075	26/10/1994	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1994)0038 OJ C 105 13.04.1994, p. 0008	23/02/1994	Summary
Follow-up document	COM(2002)0260 	30/05/2002	Summary
Follow-up document	COM(2012)0099 	09/03/2012	Summary
Follow-up document	COM(2018)0044 	25/01/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0099	07/06/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1026/1994 OJ C 393 31.12.1994, p. 0186	15/09/1994	
CofR	Committee of the Regions: opinion	CDR0181/1994 OJ C 210 14.08.1995, p. 0051	28/09/1994	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

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

1994/0034(CNS) - 26/10/1994 - Text adopted by Parliament, 1st reading/single reading

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.).

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

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

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

1994/0034(CNS) - 23/02/1994 - Legislative proposal

This proposal for a directive lays 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 are not nationals, as recognised in Article 8 B 1 of the Treaty on European Union. 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 must be subject to the same conditions relating to residence, the fact that it is 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. By way of derogation, Member States where the proportion of citizens of the Union who reside in it but are not nationals of it exceeds 20% on 1 January 1996 (e.g. Luxembourg) will be able to: - restrict the right to vote and to stand as a candidate to citizens of the Union who have resided in that state for a minimum period, which should not be longer than the term for which the representative is 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 are nationals of another Member State.

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

1994/0034(CNS) - 28/09/1994 - Committee of the Regions: opinion

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.

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

1994/0034(CNS) - 30/05/2002 - Follow-up document

This report complies with that obligation by assessing the application of the Directive in law and in fact. It covers the period from 1 January 1996 to 31 May 2001. The report starts with a description of the main features of the Directive and an assessment of its legal implementation. The Commission received the information concerning transposition into national law when the Member States communicated their national implementing measures under Article 14 of the Directive. This assessment in the first part of the report covers the situation in all Member States. As regards application in practice, the Directive does not place the Member States under an explicit obligation to report to the Commission on implementation. However, the Commission depends on their cooperation in order to be able to assess application of the Directive and changes in the electorate. Therefore, to gather the necessary information, a questionnaire prepared in cooperation with electoral experts from the Member States was sent to all Member States in spring 2001, requesting replies by the end of May 2001. The questionnaire consisted of two sets of questions, one concerning statistics at national and local level and the other concerning qualitative data on information campaigns and on changes in the electorate. Thirteen Member States replied to this request for information: Belgium, Germany, Greece, Spain, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom. No information was received from Denmark and France. The second part of the report thus examines the practical application of the Directive in the above-mentioned thirteen Member States. The questionnaire requested both statistical and qualitative information. The report contains an assessment based on the statistical information on participation in the municipal elections. As regards the complaints, the Commission has received only a few complaints during the five years in which the Directive has been in force. The small number of complaints seems to indicate that the Member States have applied the Directive fairly well. In conclusion, the report highlights that as regards legal application, all the Member States have transposed the Directive and there are only a few problems of non-compliance. Thus, the implementation of the Directive has successfully served as a legal basis for extending the right to vote and to stand as a candidate in municipal elections to cover a further four million citizens of the Union. Legal implementation can be considered satisfactory and does not call for any changes to the Directive. This is borne out by the fact that the number of complaints concerning the application of the Directive has been low. Application in practice has not been so successful, since the proportion of non-national citizens of the Union entered on the electoral rolls is in general rather low in the thirteen Member States covered by the report. The Commission is specifically concerned about the situation in Greece and Portugal. However, the Commission does not consider that this would necessitate new legislative measures, but improvements can be achieved by applying the requirements of the existing Directive correctly and efficiently, with special reference to appropriate and sufficient information campaigns. In order to improve the awareness of non-national citizens of the Union concerning their political rights, the Commission recommends sending personalised information by post or providing Union citizens with appropriate information whenever they have contact with the local authorities.

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

1994/0034(CNS) - 09/03/2012 - Follow-up document

In accordance with the requirements of Directive 94/80/EC, the Commission presents a report on the application of Directive on 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 are not nationals.

The previous report on the transposition and implementation of the Directive was adopted by the Commission in 2002. This report touches upon the broader issue of participation in local democracy and assesses the state of transposition and implementation of the Directive in the Member States which were not yet members of the Union in 2002, when the first report was adopted. The report also assesses whether the grant of the derogation pursuant article 22(1) of the TFEU is still warranted. The [last report on the derogation](#) was adopted in 2005.

In most Member States, a turnout lower than 50% has been recorded in recent European elections. The trend is similar in many Member States as regards recent local elections. The Commission **considers it essential to invert this trend in order to strengthen the link between voters and elected representatives** and to enhance legitimacy of decisions taken by the latter. The report assesses the awareness and the use of the electoral rights of EU citizens in municipal elections and it focuses on the information measures put in place by the Member States in compliance with the provisions of the Directive. It also highlights **best practices** in the Member States in conducting information campaigns and initiatives to encourage EU citizens who are non-nationals to take part in institutional and political life at local level.

Awareness and participation: the majority of the citizens in the Member States are aware of the right to vote and to stand as a candidate in municipal elections in their Member State of residence. The awareness of electoral rights at the local level has increased significantly in four years in all Member States. At EU level, the average percentage of the citizens who are aware of such rights has almost doubled from 37% (2007) to 69% (2010).

Generally, however, **data on the turnout in local elections reveal a tendency for political disaffection of the citizens.** Remedying the 'democratic deficit' remains a challenge for the Member States and the European institutions as well as for the elected local authorities across the Union.

The report states that, comparing data provided in the first report with data gathered through a questionnaire in 2011, the number of EU citizens of voting age residing in a Member State other than their own has increased from 4.7 million (2000) to 8 million (2010), mainly due to enlargement of the EU. Despite this significant increase in the number of non-nationals EU citizens of voting age who reside in a Member State other than their own, **only a relatively low number of these citizens actually exercised their electoral rights** in the municipal elections that have been held in recent years in their State of residence.

In order to participate in municipal elections, the individual has to be registered on the electoral roll. The detailed procedures for registration vary from one Member State to another. In those Member States where registration is not automatic, the data provided show that only **an average of 10% of resident non-national EU citizens asked to be entered on the electoral rolls.** No data are available on the percentage of the resident non-national EU citizens who actually voted after being entered on the electoral rolls.

The report notes that renewed efforts must be made to provide citizens with **targeted information about their electoral rights** and the administrative procedures to be fulfilled to exercise them. All initiatives aimed at strengthening awareness of electoral rights and at encouraging participation in local elections are to be considered as a useful and effective support, including participation in the programmes managed by the Commission, as above indicated in chapter.

Transposition and implementation: on the basis of the national transposition measures communicated by the Member States, the level of transposition of the Directive in the legislation of all the Member States can be considered **satisfactory.** Nevertheless, some issues of incorrect or incomplete transposition, detailed in the report, have to be addressed in order to avoid incorrect implementation, which would represent an obstacle to the full exercise of electoral rights.

Derogation: Luxembourg is the only Member State that has availed itself of the derogation by restricting the right to vote to non-national EU citizens who have had their legal domicile in the territory of Luxembourg and have resided in the territory for at least five years before registration. The report states that the **granting of a derogation to Luxembourg is still warranted** since the proportion of non-national EU citizens to the total number of EU citizens of voting age is 42.9%, beyond the threshold of 20% set by Directive.

Future action: the Commission will continue working in close cooperation with the Member States in order to monitor the correct transposition and implementation of the Directive and to help Member States adopt all the necessary measures to ensure the full exercise of electoral rights, while removing obstacles to the right to be informed in good time and in an appropriate manner of their electoral rights. The proposal for an **European Year for Citizens in 2013** represents a real opportunity to enhance the efforts to encourage participation at elections, with the involvement of the interested national and local authorities, as well as key stakeholders shaping the political life of the Member States and their citizens.

To this end, the Commission intends to make use of an **informal platform of cooperation** aimed at facilitating a direct dialogue between the Commission, the Committee of the Regions and national associations of local and regional authorities. This platform will allow the Commission to identify any ongoing difficulties encountered by local authorities in implementing EU citizens' electoral rights and to directly draw on the ideas and expertise of these authorities and the best practices they have developed, with a view to enhancing the effective exercise of these rights on the ground.

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

The Commission presents a report on the application of Directive 94/80 / EC on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections

In this third report, the Commission takes stock of the extent to which, since 2012, citizens of the Union have exercised their right to vote in municipal elections in their Member State of residence.

This report is a follow-up to the [2017 EU citizenship report](#), in which the Commission called on Member States to promote participation in democratic life by better informing citizens of their electoral rights and removing obstacles to their participation. .

Awareness of the right to vote or stand as candidate in municipal elections: recent Eurobarometer surveys indicate that 87 % of EU citizens are familiar with the term "Citizen of the European Union". On average, **54 % of Union citizens know about their right to vote** and stand as a candidate in municipal elections in their Member State of residence. This is a **significant decrease** compared to 2012 and can be observed in all Member States). While awareness of this right is substantially higher now than in 2007, when it was at its lowest level, it has declined in over half of Member States since 2010.

Of the more than 16 million mobile EU citizens in 2016, **almost 14 million were of voting age and eligible to vote**. They accounted for 3.25 % of the voting population.

The number of mobile EU citizens of voting age has increased significantly in many Member States since the 2012 report.

However, **voter registration levels of EU mobile citizens on electoral lists for municipal elections remain low**. In Member States where registration on the electoral roll is not automatic, the data provided showed that only 18.5 % of mobile EU citizens who were residents requested to be entered on the electoral rolls. The percentage of mobile EU citizens on the electoral rolls more than doubles to 51.2 % in Member States using automatic enrolment.

The report notes that the low number of Member States that could provide data makes it difficult to draw further conclusions. In addition, very little data is available on the number of EU citizens who stand as candidates for elections in a Member State of which they are not nationals.

Accordingly, the Commission considers that **better data collection appears necessary**. More quantitative and qualitative data on mobile EU citizens' awareness and exercise of political rights and any difficulties they experience in participating in their local communities would help to address the low turn-out of mobile EU citizens. Furthermore, data on the number of mobile citizens is often only collected at national level, **not at regional or local level**. Yet such regional and local data are needed to assist targeted EU policymaking and raise the visibility of mobile EU citizens among local stakeholders.

Derogations: the Directive allows Member States to restrict a number of offices in the local administration to its own nationals, namely head, deputy or member of the governing college of the executive of a basic local government unit. In addition, a Member State where the proportion of mobile EU citizens of voting age exceeds 20 % of the total electorate can require both voters and candidates to have a minimum period of residence. Luxembourg is the only Member State that uses this derogation.

Restrictions on mobile EU citizens holding executive posts in their local administrations are **slowly diminishing** in the Member States.

The Commission feels that **Luxembourg's** request to continue its derogation under the

Directive remains warranted. It will also take the necessary steps to amend the Annex to the Directive, updating the list of national definitions of a basic local government unit in the light of recent changes in some Member States.

Lastly, although many issues have been resolved, the Commission continues to monitor the implementation of the Directive and is continuing discussions with a few Member States.

Next steps: the Commission intends to take the following measures:

- **better knowledge:** the Commission will run a special Eurobarometer survey on democratic participation of mobile EU citizens in 2018 and will seek to improve the collection of regional-level demographic data for mobile EU citizens;
- **inform and raise awareness** by incorporating information on EU citizenship rights, including electoral rights, in its information campaigns. The Commission will actively promote the 'Your Europe' portal, where EU citizens will find easily accessible information on the electoral formalities in their resident Member State;
- **making the voting process easier:** automatic registration of voters will be promoted. A study on remote voting (including postal and e-voting) will be completed in 2018. A high-level event on democratic participation will be organised in 2018;
- **engaging stakeholders:** the Commission intends to cooperate with the Committee of the Regions and its network of regional and local authorities to promote activities that increase participation in political life. It will address the issue of political participation of mobile EU citizens, including those with disabilities or belonging to minorities, as part of its high-level event on democratic matters in 2018. Lastly, it will continue to use [the rights, equality and citizenship programme](#) to fund projects promoting the successful inclusion and participation of mobile EU citizens in their host countries.