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Preparing for the 2014 European elections: further enhancing their democratic
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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

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efficient conduct**

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1. INTRODUCTION

The 2014 European elections will be the first since the Lisbon Treaty entered into force. They will be all the more important as the European Union is taking major steps towards genuine Economic and Monetary Union, of which democratic legitimacy is a cornerstone.

The Lisbon Treaty has strengthened the democratic foundations of the Union. It enhances the role of the EU citizen as a political actor in the EU¹ by establishing a solid link between citizens, the exercise of their political rights and the democratic life of the Union². The role of the European Parliament as the representative democratic assembly of the Union has been underscored by the Lisbon Treaty. In addition, by introducing the citizens' initiative, the Lisbon Treaty enables EU citizens to participate more directly and fully in the democratic life of the Union³.

The European Commission is committed to fully exploiting existing Lisbon provisions to further enhance transparency and the European dimension of the European elections, thereby reinforcing the democratic legitimacy of the EU decision-making process and bringing the system closer to Union citizens. This is particularly relevant in view of the actions required at EU level to address the financial and sovereign debt crisis. This can also act as a stepping stone towards further Treaty reforms to enhance the European Union's basis as a democratic organisation.

Citizens are directly represented at Union level in the European Parliament⁴. The citizens' perspective is further affirmed in the new definition of members of the European Parliament as 'representatives of the Union's citizens'⁵ and not simply as 'representatives of the peoples of the States brought together in the Community'⁶. In the same vein, the Lisbon Treaty grants enhanced powers to the European Parliament, consolidating its role as full co-legislator alongside the Council. The European Parliament now decides on the vast majority of EU

¹ According to Article 10(3) of the Treaty on the European Union (TEU) '*Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.*'

² Title II TEU integrates EU citizenship in the provisions on democratic principles (Article 9 TEU) and strengthens the link between citizenship and democracy (Articles 10 and 11 TEU).

³ Article 11(4) TEU stipulates that '*not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.*'

⁴ Article 10(2) TEU.

⁵ Article 14(2) TEU.

⁶ Article 189 of the Treaty Establishing the European Community.

legislation and has power over the entire EU budget on an equal footing with the Council, while its consent is required for the adoption of Multiannual Financial Frameworks.

In its 2010 report evaluating the 2009 European elections⁷, the Commission assessed the implementation of EU law, as well as citizens' participation and awareness about the elections and their associated rights. The 2010 EU Citizenship report '*Dismantling obstacles to EU citizens' rights*'⁸ stressed the need to raise EU citizens' awareness of the European elections, about their rights, and the impact of EU policies on their daily lives. It also highlighted the need to address shortcomings in applying the common democratic principles of the European elections and to remove obstacles citizens face in exercising their electoral rights effectively.

In view of the reinforced role and powers of the European Parliament, it is essential to enhance and to give more prominence to the process for electing its Members.

Calling for the completion of a deep and genuine economic union, based on a political union, the President of the European Commission, José Manuel Barroso, stressed in his 'State of the Union 2012' address⁹ that 'the credibility and sustainability of the Economic and Monetary Union depends on the institutions and the political construct behind it. This is why the Economic and Monetary Union raises the question of a political union and the European democracy that must underpin it'. With a political union as a horizon, President Barroso announced the Commission's commitment to take concrete steps towards developing a European public space as well as to put forward further ideas on how to make the European Union more open and democratic in time for a debate before the European elections in 2014.

In its Communication of 28 November 2012 '*A blueprint for a deep and genuine economic and monetary union — Launching a European Debate*'¹⁰ the Commission proposed 'reinforced democratic legitimacy and accountability' as a necessary part of any European Union reform. As further underlined in the Report '*Towards a Genuine Economic and Monetary Union*' prepared by the President of the European Council in close cooperation with the Presidents of the Commission, the Eurogroup and the European Central Bank¹¹, democratic legitimacy and accountability are essential for a genuine Economic and Monetary Union.

Across Europe, a political dialogue on the future of Europe is taking place at all levels. This includes a series of citizens' dialogues between European and national politicians and citizens as part of the European Year of Citizens¹². Many of the ideas raised in the process have emerged because of the need for a stronger link between the EU and its citizens.

Integration and legitimacy have to advance in parallel. More democracy is the corollary of the greater institutional integration needed to enable the European Union to rise to current global challenges. In this respect, there is a pressing need to strengthen links between EU citizens and the democratic process of the Union.

⁷ COM(2010) 605 final — 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).

⁸ COM(2010) 603 final.

⁹ 12 September 2012, Plenary Session of the European Parliament, Strasbourg, available at <http://ec.europa.eu/soteu2012/>.

¹⁰ COM(2012) 777 final/2.

¹¹ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/134069.pdf.

¹² http://ec.europa.eu/european-debate/index_en.htm.

Delivering on President Barroso's commitment to deepen, as a first concrete step, the pan-European debate and strengthen the European dimension of the European elections, this Communication outlines the Commission's initiatives to facilitate citizens' participation in the 2014 European elections and to safeguard the respect of the democratic principles of these elections. This Communication is accompanied by a Recommendation intended to enhance the democratic and efficient conduct of the European elections¹³.

2. FURTHER ENHANCING THE DEMOCRATIC CONDUCT OF THE EUROPEAN ELECTIONS

Overall, EU citizens are aware of the importance of European elections as a means of taking part in the democratic life of the Union. However, they are not aware of the effect these elections have on their daily lives, nor of the political choices available to them, and this has a negative impact on turnout in European elections.

- *Almost 6 out of 10 EU citizens believe that voting in European elections is the best way of ensuring that their voice is heard by EU decision-makers¹⁴.*
- *More than 7 out of 10 EU citizens believe that if political parties displayed in all campaign materials to which European political party they are affiliated, voter turnout would be higher¹⁵.*
- *More than 8 out of 10 EU citizens say that receiving more information on the programmes and objectives of candidates and parties in the European Parliament, on the impact of the EU on their lives and on the elections themselves would boost their motivation to vote in European elections¹⁶.*
- *6 out of 10 EU citizens responding to a public consultation would be motivated to vote by a political programme that would improve their daily lives — followed by a programme for strengthening the EU economy and a programme for overcoming social disparities in the EU¹⁷.*

The above surveys show EU citizens are clearly interested in being offered a choice between meaningful political options on European issues with a direct impact on their lives. To this extent, it appears that the dominance of national topics that overshadow issues of EU relevance negatively affects voter turnout in European elections. As highlighted by President Barroso in his 'State of the Union 2012' address, the political debate is all too often cast as if it were just between national parties. As a result, there is very often a real disconnect between political parties at national level and European political parties.

To better communicate the connection between political processes at national and EU level, it is essential to make the links between the main actors involved more visible to citizens. Strengthening the European political parties and increasing their visibility is a means to achieve this directly.

¹³ C (2013)1303 final.

¹⁴ European Parliament Eurobarometer EB/EP 77.4, 'Two years to go to the 2014 European elections' Brussels, 20 August 2012.

¹⁵ Flash Eurobarometer 364 on electoral rights of EU citizens, Fieldwork in November 2012.

¹⁶ Idem.

¹⁷ Public consultation 'EU citizens — your rights, your future' launched by the Commission between May and September 2012 on the 2013 EU citizenship report.

European political parties, as transnational actors with a key role in articulating the voices of citizens at European level, are best placed to bridge the divide between EU politics and citizens. The Lisbon Treaty gives European political parties a key role in this, assigning them the mission to ‘contribute to forming European political awareness and to expressing the will of citizens of the Union’¹⁸.

To enable European political parties to fully accomplish their mission, the Commission has adopted a proposal for a Regulation on the statute and funding of European political parties and European political foundations¹⁹. The proposal aims to ensure that European political parties benefit from a more visible status and a more flexible, transparent and efficient framework for their funding.

This proposal also requires pan-European political parties to take all appropriate measures to inform EU citizens of the affiliation of national political parties and their candidates to European political parties²⁰ during elections.

To further underline the link between pan-European and national parties, the Commission is recommending that national parties also make clear their affiliation to pan-European political parties.

Creating a visible link between the national parties for which EU citizens cast their votes and the European political parties to which the national parties are affiliated would have an important impact on the transparency of decision-making in the EU. Increasing the visibility of European political parties during the whole electoral process, from the campaign to the casting of ballots, would increase the accountability of the political parties taking part in the European electoral process and improve the trust of voters in this process. It would make citizens more aware of the European repercussion of a vote cast for a national party.

It is important that Member States encourage and facilitate in their electoral system the provision of information to the electorate on affiliations between national parties and the European political parties. At the same time, national political parties participating in European elections should make publicly known their affiliation to European political parties ahead of the elections.

Elections to the European Parliament currently take place on different days in different Member States. This entrenches the perception that European elections are primarily national elections and limits the impression that European elections are a common endeavour. A European voting day with polling stations closing at the same time would better reflect common participation by citizens across the Union, as part of the representative democracy on which the EU is founded.

Member States should agree on a common day for elections to the European Parliament, with polling stations closing at the same time.

¹⁸ Article 10(4) TEU and Article 12(2) of the Charter of Fundamental Rights of the European Union.

¹⁹ COM(2012) 499 final.

²⁰ See Article 17(3) of the Proposal for a Regulation.

3. A STRONGER LINK BETWEEN THE VOTES OF EU CITIZENS AND THE ELECTION OF THE PRESIDENT OF THE COMMISSION

The Lisbon Treaty strengthens the European Parliament's role and responsibility in relation to the Commission: the European Parliament elects the President of the Commission, on the basis of a proposal by the European Council, which must take into account the results of European elections²¹.

The President of the Commission is the figurehead of the EU's executive, and should be chosen according to a clear process. Each political party should make known its candidate for President of the Commission during the election process.

In accordance with the Treaty, the outcome of the European elections should play a key role in determining which candidate becomes President of the Commission²².

1 out of 2 EU citizens would feel more inclined to vote in the 2014 European elections if each of the major European political alliances put forward a candidate for the function of President of the European Commission, on the basis of a common programme²³.

As stressed by President Barroso in his 'State of the Union 2012' address, 'an important means to deepen the pan-European political debate would be the presentation by European political parties of their candidate for the post of Commission President at the European Parliament elections already in 2014 [...] This would be a decisive step to make the possibility of a European choice offered by these elections even clearer.'

The Parliament's resolution of 22 November 2012 on the 2014 elections to the European Parliament²⁴ urged European political parties to nominate candidates for the Presidency of the Commission, noting that it expected those candidates to play a leading role in the parliamentary electoral campaign, in particular by personally presenting their programme in all Member States of the Union. The European Parliament further stressed the importance of reinforcing the political legitimacy of both Parliament and Commission by connecting their respective elections more directly to the choice of the voters.

The Commission's Communication of 28 November 2012 on 'A blueprint for a deep and genuine economic and monetary union — Launching a European Debate'²⁵ highlighted the nomination of candidates for the office of Commission President by political parties in the context of the European elections of 2014 as one of the steps of significant importance that can be taken to foster the emergence of a genuine European political sphere.

²¹ According to Article 17(7) TEU: 'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members.' Declaration no 11, on Article 17(6) and (7) of the Treaty on the European Union, indicates that the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the Commission and provides indications about the necessary consultations in this framework.

²² See footnote 21.

²³ Eurobarometer survey EB/EP 77.4, of 20 August 2012, cited above.

²⁴ European Parliament resolution of 22 November 2012 on the elections to the European Parliament in 2014(2012/2829(RSP))

²⁵ COM(2012) 777 final/2.

If European political parties and national political parties make known their nominations for the function of President of the Commission and the candidate's programme in the context of the European elections, this will make concrete and visible the link between the individual vote of the EU citizens for a candidate for membership of the European Parliament and the candidate for President of the Commission supported by the party of the candidate MEP.

This would help EU citizens to better understand which candidate for President of the Commission their vote will ultimately support. It would increase the legitimacy of the President of the Commission and more generally, the democratic legitimacy of the whole EU decision-making process. It could also contribute to raising the turnout for European elections by strengthening the link between the election of the representatives of the citizens with the selection and election process of the head of the European executive. In the United States of America, when elections to Congress take place in the same year as the Presidential election, more people turn out to vote than in mid-term years, when only about 40% of voters go to the polls.

Political broadcasts serve the purpose of allowing the electorate to make informed choices. National political parties should use this means to provide the information about their candidates and programmes, in an environment promoting media pluralism and an open democratic debate, taking into account Article 11 of the Charter of Fundamental Rights of the European Union.

4. FURTHER ENHANCING THE EFFICIENT CONDUCT OF THE EUROPEAN ELECTIONS WHILE REDUCING THE ADMINISTRATIVE BURDEN FOR MEMBER STATES

EU law grants EU citizens living in a Member State other than their own the right to vote and to stand as candidates in European elections under the same conditions as nationals of that State²⁶.

To safeguard the legitimacy of the European elections, Directive 93/109/EC provides for procedures ensuring that EU citizens can neither vote nor stand as candidates both in their Member State of origin and in their country of residence in the same elections²⁷.

The Commission report on the 2009 European elections²⁸ pointed to problems in the functioning of these procedures. As also indicated in the 2010 EU Citizenship report²⁹, these procedures can often result in an excessive burden for national administrations, disproportionate to the actual extent of the problem of multiple voting and multiple candidacies. The Commission therefore announced its intention to improve these procedures (action 19 of the 2010 EU Citizenship report).

²⁶ Article 22(2) TFEU and Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34).

²⁷ The mechanism consists in exchanges of data between the Member States on EU citizens registered to vote or stand as candidates in their Member State of residence. On the basis of data sent by the Member State of residence, the Member State of origin must remove from its electoral rolls the citizens concerned (or prevent them by other means from casting their vote or standing as candidates).

²⁸ COM(2010) 605 final.

²⁹ COM(2010) 603 final.

Drawing on consultations with electoral experts from Member States, the Commission prepared recommendations to the national electoral authorities on different aspects of the mechanism to prevent multiple voting. The recommendations simplify the mechanism and make it more effective in preventing abuses.

The Recommendation, adopted together with the present Communication, recommends to Member States, in particular:

- to set up one single contact authority in each Member State for a smoother exchange of data with other Member States;
- to take into account the different electoral calendars of the Member States when exchanging data;
- to provide additional personal data which may be necessary for more efficient identification of EU voters registered on the electoral rolls of their Member State of residence.

These recommendations, issued well ahead of the next European elections, can therefore contribute to substantially improving the functioning of the mechanism for preventing abuses, making it more efficient and reducing the administrative burden.

5. REMOVING THE OBSTACLES TO EU CITIZENS' VOTING RIGHTS AND ENSURING THE RESPECT OF THE COMMON EU PRINCIPLES

5.1. Enforcing the electoral rights of EU citizens residing in a Member State other than their own

In the 2010 EU Citizenship report³⁰, the Commission stressed the need to ensure that the voting rights of EU citizens residing in a Member State other than their own are fully enforced across the EU (action 18).

The Commission noted that some Member States require EU citizens from other Member States to fulfil conditions for electoral registration beyond those set out in Directive 93/109/EC on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament. Such additional conditions include, for example, possessing a national identity card and the obligation to renew registration for each European election. The Commission also noted that some Member States appear not to inform EU citizens from other Member States adequately about their right to take part in European elections.

As a follow-up to the 2010 EU Citizenship report, the Commission pursued a dialogue with the Member States concerned to ensure that EU citizens residing in a Member State other than their own can participate in the European elections under the same conditions as national citizens, in line with EU law.

As a result of this dialogue, a number of Member States amended their legislation or announced amendments intended to bring their legislation into compliance with the

³⁰ COM(2010) 603 final.

requirements of EU law³¹. The Commission is pursuing contacts with these Member States to ensure that the electoral rights of EU citizens are fully effective across the EU, including by launching infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU) where appropriate.

5.2. Ensuring respect for the common principles of the European elections

When organising European elections, all Member States must respect certain common principles: elections shall be free, secret and by direct universal suffrage.³² These principles set out in EU law prohibit *inter alia* the publication of results in one Member State before the polls close in all Member States. The aim is to avoid EU voters being influenced by results in Member States where polling has already finished, and thus to safeguard a core element of the principle of free suffrage.

As announced in the 2010 EU Citizenship report (action 17), the Commission has taken action to ensure that this democratic principle is respected across the EU in the next European elections. As a result, Member States have taken the measures necessary to remedy the problems identified³³.

The Commission will closely monitor implementation of measures in the 2014 European elections to ensure they are adequate and that the official publication of electoral results takes place in full compliance with this fundamental democratic principle.

5.3. Granting a derogation under Article 22(2) TFEU

Article 22(2) TFEU stipulates that EU citizens residing in a Member State other than their own have the right to participate in the European elections under the same conditions as nationals of that Member State. It also allows for derogations to this rule, where this is justified by a situation specific to a Member State.

Such a derogation is laid down in detail in Article 14(1) of Directive 93/109/EC. It allows Member States to require both voters and candidates to have completed a minimum period of residence if the proportion of residents of voting age who are nationals of other Member States exceeds 20% of the total electorate.

Luxembourg is the only Member State which qualifies for the derogation. It has availed itself of this derogation in past elections by restricting the right to vote and to stand as candidates to non-national EU citizens who have had their legal domicile in Luxembourg and have resided there for at least two and five years respectively before registration.

³¹ Cyprus, Poland and Romania adopted new legislation; The Czech Republic, Hungary, Lithuania, Slovakia and Slovenia announced amendments of their legislation due to enter into force in time for the 2014 European elections; Bulgaria and Malta have recently adopted new legislation which is currently under analysis; Estonia and Latvia provided satisfactory explanations as regards the conformity of its legislation with EU law.

³² The common principles are laid down in the Act of 1976 on the election of the members of the European Parliament by direct universal suffrage, which is annexed to Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 and was last amended by Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1).

³³ The Netherlands issued instructions to this effect to municipal authorities.

According to information Luxembourg provided to the Commission on 31 August 2012, the total number of EU citizens of voting age residing in Luxembourg is 383.485, while the number of non-national EU citizens of voting age residing there is 151.126. It follows that the proportion of non-nationals is 39.41 %, exceeding the 20% threshold. It appears therefore that the grounds warranting a derogation pursuant to Article 22(2) TFEU still apply.

6. ENHANCING PARTICIPATION OF NON-NATIONAL EU CANDIDATES IN THE EUROPEAN ELECTIONS: AMENDING DIRECTIVE 93/109/EC

Amongst the different reasons behind low turnout in the European elections, the Commission report on the 2009 European elections pointed out that only a small number of EU citizens residing in a Member State other than their own make use of their right to stand as candidates there. In 2009, only 81 EU citizens stood.

The Commission noted that EU citizens who wish to stand as candidates in European elections in a Member State to which they have moved face costly and burdensome administrative procedures. It announced in the 2010 EU Citizenship report that it would re-launch negotiations on an amendment of Directive 93/109/EC to simplify current procedures for EU citizens to stand as candidates, while safeguarding the legitimacy of the European elections.

Following a relaunching of negotiations by the Commission, on 20 December 2012, the Council adopted Directive 2013/1/EU³⁴, amending Directive 93/109/EC, which provides *inter alia* that candidates no longer have to provide proof that they have not been deprived of their electoral rights in their home Member State. Instead, they will have to make a formal declaration to that effect, to be verified by the electoral authorities in the Member State in which they reside. This simplified procedure will apply in the 2014 European elections.

7. CONCLUSION

This year, 2013, is the European Year of Citizens. It marks the 20th anniversary of the establishment of EU citizenship by the Maastricht Treaty. A broad range of events, conferences and public debates is being organised across Europe at Union, national, regional and local level. These events aim to raise EU citizens' awareness about their rights under EU law, including their right to participate in the democratic life of the Union and to encourage their active participation in civic fora on EU policies and issues.

The European Year of Citizens provides a timely opportunity primarily to listen to the concerns of European citizens, but also to raise awareness about the tangible impact of EU policies on their lives, to highlight the significance of their contribution in shaping the EU and to engage with them in political debates on European issues. The European Year of Citizens is an opportunity for citizens of the Union to make their voices heard. The prime occasion for this purpose are the European Parliament elections.

In view of the European elections of 2014, the Commission believes that:

³⁴ OJ L 26, 26.1.2013, p. 28.

- voters should be informed of the affiliation between national parties and European political parties before and during elections to the European Parliament;
- Member States should agree on a common day for the elections of the European Parliament, with polling stations closing at the same time;
- each European political party should nominate its candidate for President of the European Commission;
- national parties should ensure that their political broadcasts in view of European Parliament elections inform citizens about the candidate they support for President of the European Commission and the candidate's programme.

The Commission believes that these practical recommendations, evolutionary but not revolutionary, can be implemented in time for the European Parliament elections of 2014. They will contribute to sparking a European debate and to forging a European public space. They will help to put Europe at the heart of national debates across the EU. This will provide a platform for the next steps of European integration.