

EU LOOKING INTO DISCRIMINATION CLAIMS IN LOCAL ELECTIONS

(BY Malta)

17/6/2012- The European Commission is looking into possible discrimination against non-Maltese EU citizens during last March's local elections, a spokesman has confirmed in a letter. An Irish national who lives in St Paul's Bay, has written to the Commission on a number of occasions regarding possible irregularities in the implementation of EU law concerning the voting rights in Malta of EU citizens from other member states. The issue of possible discrimination against non-Maltese EU nationals was first raised before the 2009 European Parliament elections. Back then, while Maltese citizens were automatically included in the electoral register, non-Maltese EU nationals residing in Malta were not. Instead, they had to personally register at the Electoral Commission's Valletta office or at the ID Cards Office in Victoria. Alternattiva Demokratika had noted that this was tantamount to discrimination between Maltese and non-Maltese EU citizens – in breach of EU law – and noted that it might discourage those affected from voting. EU nationals also have the right to vote and to stand as candidates in municipal elections, even if they do not hold the nationality of the state in which they reside.

But while non-Maltese EU nationals were automatically included in the electoral register for last month's local elections, a sizeable proportion of their voting documents went undelivered. Around 51,000 voting documents – over a quarter – were not delivered door-to-door, a proportion far higher than the national average. Over 33,000 documents went uncollected, and more than half belonged to non-Maltese EU nationals. Mr Jones-Dillon wrote to the Commission on the matter, pointing out apparent irregularities. In her reply, Commission spokesman Chiara Adamo observed that EU law did not mandate the door-to-door delivery of voting documents, as long as eligible voters are informed “in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote in elections.” However, she also pointed out that voting arrangements must not discriminate between nationals and non-nationals, even if arrangements for the latter are acceptable. As a result, the Commission set out to contact the Maltese authorities to determine whether any discrimination had occurred in the distribution of voting documents.

Last March, the Commission pointed out that the Maltese authorities seemed to have failed in remedying the incorrect transposition and implementation of the EU directive concerning the voting rights of EU nationals in other member states, warning that it would not hesitate to make use of its powers to ensure that Maltese legislation was in line with EU law.

