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**How nationals of other Member States vote in local elections. A case
study: France**

INTRODUCTION

Among all the democratic institutions, local democracy is probably the closest level, both for a question of distances and the issues at stake: primary education (kinder garden, primary school...), urban development, security, and the fight against poverty... it does therefore make sense to question how millions of European citizens living in another EU member state can really have access to local democracy.

Rights to vote in local elections is granted (Maastricht Treaty, Title 2 article 8b) to any European citizen living in Europe even not one's country (i.e. an Irish citizen living in Spain). As a matter of fact, few of them actually exercise this right.

Nevertheless, these citizens pay taxes, benefit from public services, but do not say a word about local political choices.

Getting more Europeans living abroad to vote would be a powerful source of European integration and a sense of belonging to a same community, both for the foreigner resident and the country where he lives.

Our research question we intend to address is: how do European citizens living abroad in another EU member state experience their integration to local politics? How do they experience what they give and receive from the local community?

Hypothesis: despite the existing juridical framework, the reality of a local political citizenship is still limited and varies depending on the host country (or region, when local administration is organised by region, for example in Belgium with Wallonia, Flanders, and Brussels Region).

Further to this analysis, we expect to offer leads on how to empower European citizens' local political involvements.

This study will focus on investigating this issue in France, as recent local elections offer an ideal case study in a country where 3 million Europeans live. Even extremist parties such as Front National are targeting European foreigners in order to gather candidates and voters. This should be an interesting case study. It could also be used as a methodological reference to further analyse other countries such as Belgium, Spain, Portugal, Germany and Italy.

SUMMARY

1. Origins of the right to vote for foreigners in Europe and description of the debate back then of the pros and cons.
2. What is the reality of European citizens living in France in terms of participation to local politics? Number of residents, number of voters, number of elected local representatives, where do they live in France? Where do they come from? Which local competencies are at stake?
3. Qualitative analysis: testimony from voters, non-voters, French local politicians, and European citizens living abroad who were elected locally: what is it that motivates and discourages them to vote? What are their expectations? Do they or do they not feel integrated?

rat des villes : vote, non vote, local French, local foreign

rat des champs : idem

4. How do political parties deal with Europeans living in France: speech analysis, political communications, arguments, selection of candidates, message tailored to this population (or not)
5. Future actions: what is the potential? What could be the actions/steps taken to meet this potential?

PART 1. Origins of the right to vote for foreigners in Europe and description of the debate back then of the pros and cons.

According to the last general census conducted by the INSEE in France in 2012, 2.37% of the persons residing in France and in age of voting are citizens of another EU Member States. This share 1,202,730 persons. As the Annex 1 shows, EU citizens represent a small population in French overseas regions such as in Reunion with 0.18%, Martinique with 0.24% or Guadeloupe with 0.25%. However, in mainland France, this share represents a significant population: from 0.85% in Pays de la Loire to 4.19% in Ile-de-France and 4.32% in Corsica.

Origins of the right to vote for foreigners in Europe

The idea to give to foreigners political rights was theorised in the 1793 French constitution even if this constitution never entered into force:

“Article 4. - Tout homme né et domicilié en France, âgé de vingt et un ans accomplis ; - Tout étranger âgé de vingt et un ans accomplis, qui, domicilié en France depuis une année - Y vit de son travail - Ou acquiert une propriété - Ou épouse une Française - Ou adopte un enfant - Ou nourrit un vieillard ; - Tout étranger enfin, qui sera jugé par le Corps législatif avoir bien mérité de l'humanité - Est admis à l'exercice des Droits de citoyen français.”

The article 4 of the 1793 French constitution therefore explains that a foreigner would have been able to obtain political rights after a minimum period of residency of one year, if he worked, owned a property, married a French women, adopted a child or fed an old man or if the Parliament gave him these rights¹.

Political rights were afterwards given to new parts of the French population such as the universal male suffrage in 1875 and the inclusion of women in 1944. Despite several initiatives in the 1980s with Left-wing President and governments, foreigners residing in France were not allowed to participate in any French elections.

1 ¹“Constitution du 24 juin 1793 .” Paris, 24 June 1793.

Nonetheless, several initiatives were taken in the 1980s in certain number of cities in order to incorporate EU citizens in local politics. In Mons-en-Baroeul (Lille area), foreigners were able to be ‘elected’ as associated representatives. Other cities took the same initiative: Amiens (Somme), Longjumeau (Essonne), Cerizay (Deux-Sèvres), Vandoeuvre-les-Nancy (Meurthe-et-Moselle) and Portes-les-Valence (Drôme)². According to these cities’ mayor :

“These cities’ mayors thought this was not justified that a foreigner can be staff representative, union representative, participate in industrial tribunal elections, chair an association, be an administrator of a public entity such as caisses de sécurité sociale [NHS local entity] or Opac [local public entity in charge of managing public housing] but cannot be a local councillor³”

Enabling political rights for EU citizens living in France at local elections was not an easy path. European citizens living in France were able to participate in French local elections for the first time in 2001. The process lasted at least 9 years throughout the EU and French legal systems: the Treaty of Maastricht, the EU directive and the French organic law.

Treaty of Maastricht

The Treaty of Maastricht is the first treaty in which concrete elements promoting and developing democratic participation are included with the notion of European citizenship. This treaty aimed at filling the legitimacy gap of European institutions⁴. This lack was more and more evident with the success of economic elements (Single European Market ...) and the failure of more political elements:

“These measures provided a strong political dimension to the economic imperatives that had dominated the integration process to date⁵.”

2 [□]*La Croix*. «Place de la mairie. Semaine 3/5. Citoyens acteurs de leur ville et village. En Dordogne, une élue anglaise chargée des... anciens combattants.» 28 February 2008.

3 [□]*La Croix*. «Place de la mairie. Semaine 3/5. Citoyens acteurs de leur ville et village. En Dordogne, une élue anglaise chargée des... anciens combattants.» 28 February 2008.

4 [□]Élise AUVACHEZ, « Penser la citoyenneté européenne. Du Livre blanc sur la gouvernance au projet de Traité constitutionnel » *Revue canadienne de science politique*, 2007, Vol. 40, No. 2, p. 344.

As theorised by Yves Bertoncini and Thierry Chopin⁶, an institutionalised participation of European citizens was put in place in European affairs. European citizens could therefore send a petition to the European Parliament and have recourse to the Ombudsman in order to settle disputes⁷.

The first step towards the new right happens with the Treaty of Maastricht within the second part – entitled “Citizenship of the Union”:

“Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1994 by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State⁸”

The right to vote at municipal elections was even written within the Treaty of Maastricht before the same political rights for European elections (second indent of the Article 8).

A referendum on the Treaty of Maastricht was held in France on the 20th of September 1992. Some elements of the Treaty were quite controversial and opposed by French politicians and political parties⁹. The right to vote at municipal and European elections for European citizens was therefore opposed by two political parties: extreme-right National Front (in French: *Front National*, hereinafter FN) and a large part of the right-wing party Rally for the Republic (in French: *Rassemblement pour la République*, hereinafter RPR)

5 [□]Ian BACHE, Simon BULMER, and Stephen GEORGE. *Politics in the European Union*. Oxford: Oxford University Press, 2011, p. 164.

6 [□]Yves BERTONCINI, Thierry CHOPIN, *Politique européenne – États, pouvoirs et citoyens de l’Union européenne*, Paris, Presses de la Fondation Nationale des Sciences Politiques, 2010

7 [□]Articles 138D and 138E (Article 227 in Treaty of Lisbon)

8 [□]Treaty of Maastricht, Article 8B §1

9 [□]*Le Monde*. «L'adoption de la révision constitutionnelle au Palais du Luxembourg et le débat sur la construction de l'Union européenne Les sénateurs ont obtenu des concessions sur le droit de vote des étrangers.» 18 June 1992.

whereas centre-right Union for French Democracy (in French: *Union pour la Démocratie Française*, hereinafter UDF), left-wing parties Socialist Party (in French: *Parti Socialiste*, hereinafter PS), Greens (in French: *Verts*) and Communist Party (in French: *Parti Communiste*, hereinafter PC) were in favour^{10,11}. On the other hand some politicians went against the main line of their parties: Philippe de Villiers (UDF) and Jean-Pierre Chevènement (PS)¹².

Nonetheless, this issue was also linked to the political rights of foreigners who are not EU citizens residing in France: Extreme-right politicians such as Jean-Marie Le Pen – FN president – and Philippe de Villiers (UDF) analysed the possible future right to vote for EU citizens as a first step towards a more general right to vote for all foreigner residing in France whereas some Extreme-Left politicians such as Georges Marchais (PC) did not support this step forward because this could be an obstacle for obtaining political rights for all foreigners living in France¹³. Other issues were also taken into account: supporters of the No feared a federalist drift and explained that political rights to vote and citizenship are strongly linked and indivisible¹⁴.

Eventually, an important restriction was established in the constitutional law enabling the French government to ratify the Treaty of Maastricht concerning the right to hold an official position: an EU citizen would not be able to become mayor or deputy mayor and designate representatives for the senatorial elections. This is due to the electoral system in France: senators are elected indirectly, by local elected representatives and they represent the national sovereignty¹⁵. The Constitutional law indicated that this restriction will be written in the EU directive.

10 [¶]*Le Monde*. «Après l'accord de Maastricht La citoyenneté européenne divise l'opposition.» 14 December 1991.

11 [¶]*Le Monde*. «Le débat sur la ratification du traité de Maastricht au Sénat... La droite se divise sur le droit de vote des ressortissants de la Communauté.» 21 May 1992.

12 [¶]*Le Monde*. «Point / Les enjeux de Maastricht Droit de vote.» 18 September 1992

13 [¶]*Le Monde*. «Nouvelle polémique au PCF M. Herzog et ses amis sont en désaccord avec M. Marchais sur la citoyenneté européenne.» 24 May 1992.

14 [¶]*Le Monde*. «Point / Les enjeux de Maastricht Droit de vote.» 18 September 1992

15 [¶]*Le Monde*. «Point / Les enjeux de Maastricht Droit de vote.» 18 September 1992

The Treaty of Maastricht was signed on the 7th of February 1992 and effective on the 1st of November 1993.

EU Directive

The EU directive was proposed by the European Commission on the 23rd of February 1994. It followed the consultation procedure. The Consultation procedure: “involved the Commission submitting a proposal to the Council of Ministers, which was then obliged to seek the opinion of the European Parliament, and, where required by the Treaty, of the European Economic and Social Committee¹⁶.”

This directive laid down the arrangements for the exercise of political rights by EU citizens living in another Member state, following the new indent 1 of the Article 8 of the Treaty of Maastricht. One of the most important initiatives on the Directive from France was to extend the deadline for the implementation: on the 1st of January 1996, i.e. after the Spring 1995 municipal elections.

The European Parliament with its report aimed at clarifying and strengthening the original text and amended the Directive following 4 priorities: recognition of the right to choose whether to participate in municipal elections or not (as in certain Member states, voting is compulsory), derogations for Member states with a foreign population higher than 20% (more especially for the Luxembourg), eligibility and implementation deadline (as we will study it more in-depth further in this part)¹⁷.

During the EU legislative process, members of the Assemblée Nationale voted a resolution regarding the directive proposal. Due to specificities within the French electoral law, one can vote where one’s principal or secondary residence is. French MPs wanted derogation for France in order to establish discrimination between French citizens and EU citizens residing in France due the possibility to vote where the secondary residency is for EU

16 □ Ian BACHE, Simon BULMER, and Stephen GEORGE. *Politics in the European Union*. Oxford: Oxford University Press, 2011, p. 241.

17 ¶ European Parliament. “Legislative observatory - Procedure file: 1994/0034(CNS).” *European Parliament*. n.d. <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1994/0034%28CNS%29&l=FR>.

citizens residing in France as the Treaty of Maastricht established that the political rights had to be the same for both French and EU citizens residing in France. Luxembourg already obtained this possibility. French MPs therefore wanted to only enable EU citizens with their principal residence in France voting in France¹⁸. Nonetheless, French government did not obtain this possibility at the European Council on the 6th of December 1993¹⁹.

This derogation mostly aimed at influencing the municipal elections and not the European elections. Right-wing politicians from RPR were afraid of a possible bias in border cities. As you can see in the annex 2, out of the 10 regions with a higher percentage of EU citizens residing in France than the national average (2.37%), 7 regions are border regions: Aquitaine, Midi-Pyrénées and Languedoc Roussillon bordering Spain (respectively 2.83%, 2.74% and 2.61%), Rhône-Alpes and Provence-Alpes-Côte d'Azur bordering Italy (respectively 2.57% and 2.51%); and even 8 if Corsica is included. Only Picardie, Champagne-Ardenne and Nord-Pas-de-Calais have lower percentages than the national average (respectively 1.36%, 1.57% and 1.29%). This was therefore an important issue regarding the possibility to give political rights to a new important percentage of the population in several areas in France. This issue, as we saw was raised at the European level with the Luxembourg and the restriction if EU citizens residing in another Member states represent more than 20% of the population.

An amendment at the Committee level was tabled in order to add this discrimination but a majority left/centre-right (PS and UDF) voted against it. Nonetheless another amendment was adopted on the principle of a continuous residency in France²⁰.

Another important issue was raised regarding the implementation for adopting the EU directive and its deadline. The European Commission, after a French authorities' request, postponed this implementation deadline after the 1994 European elections and 1995 local elections. This could also be explained by the 1995 presidential elections. French government in 1994 preferred not to have a possible harsh and cleaving debate before the presidential

18 [□]*Le Monde*. «Les députés voudraient limiter le droit de vote des Européens.» 5 December 1993.

19 [□]*Le Monde*. «Les travaux du Parlement Les députés RPR encadrent le droit de vote des ressortissants communautaires aux élections européennes.» 21 January 1994.

20 [□]*Le Monde*. «Les travaux du Parlement Les députés RPR encadrent le droit de vote des ressortissants communautaires aux élections européennes.» 21 January 1994.

elections, more especially in the Senate, one of the two co-legislators assemblies in France where Right-wing senators were against this possibility during the Maastricht treaty ratification debates²¹. Some senators were even less in favour of an incoming implementation: with for example, a legislative resolution linking the implementation of these political rights with the implementation of the Single European Currency or with additional geographical restrictions. Members of the Assemblée Nationale were also reluctant and aimed at having a strict reading regarding the European citizenship and based their opinions on the lack of control of double-vote (in France and in one's country of birth) and ineligibility in another country²².

At the opposite side of a longer implementation deadline, the Members of the European Parliament, even if in 1994 the European Parliament only had a consultative role, suggested a faster implementation deadline: 1995 and less restrictions such as preventing non-Luxembourgish resident in Luxembourg to vote. This resolution was therefore adopted with the support of socialists, liberals, Christian-democrats and centre-left radicals²³.

Eventually, Foreign affairs ministers within the Council agreed on three exemptions: France, Luxembourg and Belgium. Regarding France, this was as explained by them: "more a precision than an exemption²⁴". Foreign local politicians would not be allowed to vote for the senatorial elections and become mayor. Indeed, senators are elected by local politicians in France and a mayor is also an officer of the judicial police and the French government wanted to avoid foreigners obtaining these key positions. The EU directive was adopted by the Council with the abstention of the Portuguese delegation²⁵. The EU directive was later amended by the Council following the accession of Austria, Finland and Sweden: "the

21 [□]*Le Monde*. «La préparation des élections européennes Le vote des résidents communautaires aux municipales remis en question.» 17 April 1994.

22 [□]*Le Monde*. «La mise en oeuvre du traité de Maastricht en France. La citoyenneté européenne ne s'appliquera pas pour les élections municipales de 1995.» 26 October 1994.

23 [□]*Le Monde*. «Contrairement au souhait du gouvernement français Le Parlement de Strasbourg veut hâter la mise en oeuvre de la citoyenneté européenne.» 29 October 1994.

24 [□]*Reuters*. «UE - Feu vert au vote municipal sans frontières.» 19 December 1994.

25 [□]European Parliament. "Legislative observatory - Procedure file: 1994/0034(CNS)." *European Parliament*. n.d. <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1994/0034%28CNS%29&l=FR>.

amendment was aimed at adapting the annex to the Directive in order to add the names of the local administrative areas of the three countries in question²⁶”.

This caused only a first implementation of these new political rights for EU citizens for the 2001 local elections. Indeed, the EU directive was implemented into French law by an organic law²⁷ adopted on the 25th of May 1998.

Following this implementation, the French Parliament adopted a proposition of a constitution law aiming at giving political rights to all foreigners living in France. Several EU member states allow non-EU citizens to vote and become candidate for local elections: Spain, Portugal and the United-Kingdom (restricted to certain EU member states), Belgium, Denmark, Luxembourg, the Netherlands, Sweden (with a minimum period of residency), and Ireland (no minimum period of residency).²⁸ However, non-EU citizens residing in France did not obtain political rights.

Nevertheless, even after the French organic law, several problems happened

First elections in the 2000s

The possibility for EU citizens to be local councillors was seen by them as being a representative of their fellow citizens in their cities but as being a “normal” local councillor²⁹ with the example of this British local councillor elected in the Perigord:

“We were about 20 European citizens out of 500 inhabitants. But I explained [to the incumbent mayor] that I do not want to become the designated European citizen of the local council, but a local councillors as the other local councillors are.³⁰”

26 [□]European Parliament. “Legislative observatory - Procedure file: 1996/0016(CNS).” *European Parliament*. n.d. <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=1996/0016%28CNS%29>.

27 [□]Loi organique n° 98-404 du 25 mai 1998

28 [□]Sénat. *Le droit de vote des étrangers aux élections locales*. Les Documents de travail du Sénat - Série Législation comparée, Paris: Sénat, 2005.

29 [□]*Le Parisien*. «Politique - 53 citoyens européens candidats en Essonne.» 4 March 2008.

30 [□]*La Croix*. «Place de la mairie. Semaine 3/5. Citoyens acteurs de leur ville et village. En Dordogne, une élue anglaise chargée des... anciens combattants.» 28 February 2008.

And this opportunity was understood as a chance by mayors.³¹

Nonetheless, differences between French and EU voters and candidates still exist. A EU candidate have to indicates his/her nationality in the ballot paper³² and they are in different electoral rolls³³. These have caused problems for EU citizens to use their political rights: cancellation of the election or removal from the electoral roll.

31 [□]*La Croix*. «Place de la mairie. Semaine 3/5. Citoyens acteurs de leur ville et village. En Dordogne, une élue anglaise chargée des... anciens combattants.» 28 February 2008.

32 [□]*Sud Ouest*. «Ils sont Néerlandais, Anglais, Belges, Portugais de nationalité, mais ont adopté le département comme deuxième patrie; Des Européens prêts à investir la vie communale.» 22 February 2014.

33 [□]*La Charente Libre*. «Les étrangers rayés des listes.» 17 March 2014.

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Treaty of Maastricht. n.d.

Annex 1 - French Political landscape

In yellow: Centrist President/PM - In red: Left-wing President/PM (PS)

In blue: Right-wing President/PM (RPR, UMP and Les Républicains)

Year	President	Prime Minister	
1974	Valéry Giscard d'Estaing	Jacques Chirac	
1975			
1976			
1977		Raymond Barre	
1978			
1979			
1980			
1981			
1982			Pierre Mauroy
1983			
1984	François Mitterrand	Laurent Fabius	
1985			
1986		Jacques Chirac	
1987			
1988		François Mitterrand	Michel Rocard
1989			
1990			

1991		
1992		Edith Cresson
1993		Pierre Bérégovoy
1994		Édouard Balladur
1995		
1996	Jacques Chirac	Alain Juppé
1997		
1998		
1999		Lionel Jospin
2000		
2001		
2002		
2003	Jacques Chirac	J.-P. Raffarin
2004		
2005		
2006		Dominique de Villepin
2007	Nicolas Sarkozy	François Fillon
2008		
2009		
2010		

2011		
2012	François Hollande	Jean-Marc Ayrault
2013		
2014		Manuel Valls
2015		

Annex 2: percentage of EU citizens residing in France according the region of residency³⁴

Region	Total Population	EU Citizens	Percentage
La Réunion	588604	1043	0,18%
Martinique	298093	707	0,24%
Guadeloupe	299157	756	0,25%
Guyane	144222	918	0,64%
Pays de la Loire	2795128	23242	0,83%
Haute-Normandie	1423014	12283	0,86%
Bretagne	2532695	26202	1,03%
Basse-Normandie	1158814	12121	1,05%
Nord-Pas-de-Calais	3079966	39684	1,29%
Franche-Comté	914670	12278	1,34%
Picardie	1470893	20004	1,36%
Champagne-Ardenne	1047052	16477	1,57%
Centre	2007437	36112	1,80%
Poitou-Charentes	1424094	26567	1,87%
Auvergne	1089949	20554	1,89%
Bourgogne	1307810	25761	1,97%
Total	50803474	1202730	2,37%
Limousin	602600	14949	2,48%
Provence-Alpes-Côte d'Azur	3919857	98285	2,51%
Rhône-Alpes	4895619	125987	2,57%
Midi-Pyrénées	2330353	60803	2,61%
Languedoc-Roussillon	2138759	58558	2,74%
Aquitaine	2627761	74419	2,83%
Lorraine	1857454	53816	2,90%
Alsace	1459213	47202	3,23%
Île-de-France	9132952	382884	4,19%
Corse	257309	11118	4,32%

³⁴ □ Insee (Institut national de la statistique et des études économiques). “Résultats du recensement de la population 2011.” Paris: Insee (Institut national de la statistique et des études économiques), 26 June 2014.

PART 2. What is the reality of European citizens living in France in terms of participation to local politics? Number of residents, number of voters, number of elected local representatives, where do they live in France? Where do they come from? Which local competencies are at stake?

It is interesting to outline the limited access to informations from the French home affairs office. Quantitative information cannot be compared from one election to the other, as data collected is not always the same. This tells either about the lack of transparency, or about the lack of interest for data mining for that matter.

Nevertheless additional information was possible to be collected also with the national statistical office (INSEE) and the national mayor association.

PART 3. Qualitative analysis: testimony from voters, non-voters, French local politicians, and European citizens living abroad who were elected locally: what is it that motivates and discourages them to vote? What are their expectations? Do they or do they not feel integrated?

PART 4. How do political parties deal with Europeans living in France: speech analysis, political communications, arguments, selection of candidates, message tailored to this population (or not)

PART 5. Future actions: what is the potential? What could be the actions/steps taken to meet this potential?

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