



Basic information	
2021/0372(CNS) CNS - Consultation procedure Directive	Awaiting committee decision
Electoral rights of mobile Union citizens in European Parliament elections Subject 1.20.01 Political rights, right to vote and to stand in elections 8.40.01.01 Elections, direct universal suffrage Legislative priorities Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	




Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	AFCO Constitutional Affairs		SIMON Sven (EPP)	14/10/2024
			Shadow rapporteur ANGEL Marc (S&D) EHLERS Marieke (P/E) JAKI Patryk (ECR) GOZI Sandro (Renew) VAN LANSCHOT Reinier (Greens/EFA) FARANTOURIS Nikolas (The Left)	
	Former committee responsible		Former rapporteur	Appointed
	AFCO Constitutional Affairs			
	AFCO Constitutional Affairs			
	Committee for opinion		Rapporteur for opinion	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		MENDES Ana Catarina (S&D)	30/09/2024
	Former committee for opinion		Former rapporteur for opinion	Appointed

	LIBE Civil Liberties, Justice and Home Affairs		
	LIBE Civil Liberties, Justice and Home Affairs	RUIZ DEVESA Domènec (S&D)	20/04/2022
	Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
	JURI Legal Affairs		
	Former committee for opinion on the recast technique	Former rapporteur for opinion	Appointed
	JURI Legal Affairs		
	JURI Legal Affairs	DZHAMBAZKI Angel (ECR)	01/07/2022
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REYNDERS Didier	

Key events			
Date	Event	Reference	Summary
25/11/2021	Legislative proposal published	COM(2021)0732 	Summary
27/01/2022	Committee referral announced in Parliament		
01/12/2022	Vote in committee		
13/12/2022	Committee report tabled for plenary, 1st reading/single reading	A9-0297/2022	
13/02/2023	Debate in Parliament	CRE link	
14/02/2023	Decision by Parliament	T9-0037/2023	Summary
14/02/2023	Results of vote in Parliament		
16/05/2024	Formal reconsultation of Parliament		
16/09/2024	Amended legislative proposal for reconsultation published	08773/2024	Summary

Technical information	
Procedure reference	2021/0372(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 113 Treaty on the Functioning of the EU TFEU 022-p2
Stage reached in procedure	Awaiting committee decision
Committee dossier	AFCO/10/00398 AFCO/9/07840

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE735.496	14/07/2022	
Committee draft report		PE704.775	20/07/2022	
Amendments tabled in committee		PE719.605	08/09/2022	
Committee opinion	LIBE	PE732.915	27/10/2022	
Specific opinion	JURI	PE738.427	08/11/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0297/2022	13/12/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0037/2023	14/02/2023	Summary
Council of the EU				
Document type		Reference	Date	Summary
Amended legislative proposal for reconsideration		08773/2024	16/09/2024	Summary
European Commission				
Document type		Reference	Date	Summary
Document attached to the procedure		SWD(2021)0357	25/11/2021	
Document attached to the procedure		SWD(2021)0358	25/11/2021	
Document attached to the procedure		SEC(2021)0576	25/11/2021	
Legislative proposal		COM(2021)0732	25/11/2021	Summary
Commission response to text adopted in plenary		SP(2023)154	12/04/2023	

Electoral rights of mobile Union citizens in European Parliament elections

2021/0372(CNS) - 14/02/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 500 votes to 143, with 9 abstentions, following a special legislative procedure (consultation), a legislative resolution on the proposal for a Council directive 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 (recast).

Parliament approved the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission and subject to amendments.

Participation in the democratic life of the Union

Members stressed that the right to vote and to stand as a candidate also allows citizens to effectively participate in the democratic life of the Union and to have a stake in the European Union as a political entity. It is **imperative that all Union citizens, including mobile Union citizens, citizens with disabilities and citizens in a situation of homelessness, can fully exercise their political rights** in the context of the elections to the European Parliament, both as candidates and as voters.

The right of mobile citizens to vote and stand as candidates should apply in all electoral lists and constituencies, including in the Union-wide constituency in the event of its establishment.

Freedom to choose to vote in the Member State of residence

Union voters should exercise the right to vote in the Member State of residence if they so wish. Non-national citizens of the Union should be able to **register as voters immediately**.

When registering as residents, non-national Union citizens should have the possibility to express their wish to be registered as voters in their Member State of residence and shall be informed about the possibility to stand as a candidate and submit an application in this regard.

Should non-national Union citizens choose not to express their wish to be registered as voters in their Member State of residence at the moment of their registration as residents, they should retain the right to do so afterwards. Member States shall duly **inform non-national Union citizens** that they may vote or stand as candidates either in their home Member State or in their Member State of residence, dependent on their own choice.

Entry on the electoral roll and deletion

Member States should take the necessary measures to enable a Union voter who has expressed the wish to be registered as a voter to be entered on the electoral roll **no later than 14 weeks before polling day**. Member States shall enable registration as soon as the voter concerned is registered as a resident.

Where provisions are in place to notify nationals of such a removal from the electoral roll, these provisions should apply to Union voters as well. Notifications should be provided in an official language of the Union understandable to the Union voters in question.

Registration as a candidate

National authorities should ensure that the democratic, proportionate and transparent standards which apply to national Union citizens when submitting a list of candidates also apply to non-national Union citizen candidates.

The Member State of residence should inform the persons concerned, in a timely manner, in clear and plain language, and in an official language of the Union understandable to them, of the decision taken concerning their immediate registration or their application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate, including the possibilities to appeal those decisions.

Information

Non-national citizens of the Union should be informed in a timely manner of the conditions and detailed rules for registering as a voter or as a candidate in elections to the European Parliament, as soon as they register as residents of a Member State of which they are not nationals, as well as periodically ahead of European elections. This information should indicate that citizens have the choice to register in their Member State of residence or remain registered in their home Member State, according to their preferences.

EU voters and eligible voters should also be informed about specific measures taken to **facilitate the exercise of the right to vote by vulnerable and marginalised groups** of voters such as persons with disabilities. Civil society organisations should be involved in raising public awareness of the information provided.

Information on the conditions and detailed rules for registration as a voter or as a candidate in elections to the European Parliament should be made accessible to vulnerable and marginalised groups, such as people with disabilities, the elderly, homeless people and prisoners who enjoy the right to vote, in using appropriate means and formats of communication, such as Braille, large print, audio-based information, easy-to-read information and sign language.

Persons entitled to vote and stand as candidates and who have established their residence in a Member State, shall automatically receive information about their rights under this Directive. That information should also be provided to them periodically and sufficiently ahead of the elections to the European Parliament.

Specific voting tools

Member States should consider introducing complementary voting tools such as postal voting, advance physical voting, proxy voting, mobile polling stations for voters who are unable to go to the polling stations on election day and electronic and online voting, in elections to the European Parliament.

Derogations

Parliament called for the **deletion** of the so-called 'derogation' provisions, which would allow a Member State to restrict the electoral rights of nationals of other EU countries when they represent more than 20% of all EU citizens residing on its territory.

Electoral rights of mobile Union citizens in European Parliament elections

The Council decided to consult the European Parliament again on the draft Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast).

The main elements of the draft Council Directive are as follows:

Provision of information

Member States shall designate one or more authorities with responsibility for taking the necessary measures to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament.

General information on the national framework for the organisation of elections to the European Parliament, including the conditions for registration as a voter or candidate, the date of the election and how and where to vote shall also be available in at least one other official language of the Union that is broadly understood by Union citizens residing on its territory.

Right of vote and eligibility of non-national Union citizens

In order to ensure that Union citizens who reside in a Member State of which they are not nationals (non-national Union citizens) are able to exercise their right to vote and to stand as candidates in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in such elections should be clarified in order to ensure equal treatment between national and non-national Union citizens. In particular, Union citizens seeking to vote and to stand as candidates in elections to the European Parliament in their Member State of residence should be **treated equally** as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well as the proofs for demonstrating compliance with such a condition.

Member States should take the necessary measures to enable a Union voter who has expressed the wish to be registered as a voter to be entered on the electoral roll sufficiently in advance of polling day.

In order to have their name entered on the electoral roll, Union voters shall produce the **same documents** as voters who are nationals. The formalities applicable to their registration should be as simple as possible. It should be sufficient for the Union citizens concerned to **produce a valid identity document and a formal declaration** that includes elements evidencing their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the Member State concerned, for as long as they satisfy the conditions for exercising the right to vote.

Where applicable, Union citizens should be able to provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

In order to facilitate the accurate identification of voters and candidates registered both in their home Member State and in their Member State of residence, Member States should be able to require that the list of data provided by the Union citizens, when submitting an application to enter the electoral rolls or to stand as candidates in the Member State of residence, include also the personal identification number or the serial number of a valid identity or travel document.

Information exchange mechanism

In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same elections, Member States shall exchange the information collected sufficiently in advance of polling day. To that end, without prejudice to national provisions on the entry of voters on the electoral roll and the submission of candidates, the Member State of residence shall begin supplying that information to the home Member State, no later than six weeks before the first day of the electoral period concerning the election of the members of the European Parliament by direct universal suffrage.

Specific means of voting

Member States that provide for the possibilities of advance voting, postal voting, and electronic and internet voting, in elections to the European Parliament shall ensure the availability of those voting methods to Union voters under similar conditions as the ones applicable to their own nationals.

Provision of statistical data

Statistical data regarding the exercise of electoral rights and the application of this Directive can be useful in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In this regard, Member States shall enable the collection of relevant statistical data on the participation of Union citizens who are not nationals in elections to the European Parliament and, where available, provide such data to the public and the Commission.

Reporting

Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. The report shall contain statistical data on the participation in elections to the European Parliament, in particular, where available, of Union voters and Union citizens entitled to stand as candidates and a summary of the measures taken to support it.

Evaluation

Within two years after the 2034 elections to the European Parliament, the Commission shall assess its application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation will also include a review on the functioning of the information exchange mechanism.

Electoral rights of mobile Union citizens in European Parliament elections

The Council decided to consult the European Parliament again on the draft Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast).

The main elements of the draft Council Directive are as follows:

Provision of information

Member States shall designate one or more authorities with responsibility for taking the necessary measures to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament.

General information on the national framework for the organisation of elections to the European Parliament, including the conditions for registration as a voter or candidate, the date of the election and how and where to vote shall also be available in at least one other official language of the Union that is broadly understood by Union citizens residing on its territory.

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In order to ensure that Union citizens who reside in a Member State of which they are not nationals (non-national Union citizens) are able to exercise their right to vote and to stand as candidates in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in such elections should be clarified in order to ensure equal treatment between national and non-national Union citizens. In particular, Union citizens seeking to vote and to stand as candidates in elections to the European Parliament in their Member State of residence should be **treated equally** as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well as the proofs for demonstrating compliance with such a condition.

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Provision of statistical data

Statistical data regarding the exercise of electoral rights and the application of this Directive can be useful in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In this regard, Member States shall enable the collection of relevant statistical data on the participation of Union citizens who are not nationals in elections to the European Parliament and, where available, provide such data to the public and the Commission.

Reporting

Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. The report shall contain statistical data on the participation in elections to the European Parliament, in particular, where available, of Union voters and Union citizens entitled to stand as candidates and a summary of the measures taken to support it.

Evaluation

Within two years after the 2034 elections to the European Parliament, the Commission shall assess its application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation will also include a review on the functioning of the information exchange mechanism.

Electoral rights of mobile Union citizens in European Parliament elections

PURPOSE: to lay down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast).

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Council Directive 93/109/EC](#) lays down the detailed arrangements for the exercise of their electoral rights in elections to the European Parliament in their Member States of residence. In the EU Citizenship Report 2020, the Commission stressed the need to update, clarify and strengthen the rules on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament.

Recurrent issues on the exercise of electoral rights by mobile EU citizens concern difficulties in obtaining correct information on how to vote and stand as candidate, burdensome registration processes, and the effect of deregistration from elections in the Member State of origin. Specifically, the information exchange between Member States on registered voters and candidates in order to prevent multiple voting in elections to the European Parliament is being hindered by an inconsistent scope and deadlines for data exchange and collection.

CONTENT: this proposal intends to **update Council Directive 93/109/EC** on the right of mobile EU citizens to vote and stand as candidate in elections to the European Parliament. The aim is to facilitate the provision of information to citizens and improve the exchange of relevant information among Member States, including to prevent multiple voting.

More specifically, the proposal seeks to:

- simplify the process of registering to vote and to stand as candidates in European elections for mobile EU citizens and reduce their costs;
- ensure that mobile EU citizens have equal access to remote and electronic voting possibilities, under the same conditions as nationals of that Member State;
- ensure that no person may stand as a candidate in more than one Member State at the same election or vote more than once at the same election;
- streamline the current information exchange system on the electoral rights of mobile EU citizens. Measures taken to that end include the establishment of a unique set of data which, in addition to the data currently exchanged, will include, the **personal identification number** issued by the home Member State (where applicable) or the **type of identity document** or travel document, and the **registration date**;
- introduce regular monitoring and reporting of implementation by Member States. Reports are to contain relevant statistical data on the participation, either as voters or as candidates, of mobile EU citizens in European Parliament elections. Member States will be expected to improve their collection of data on the number of mobile EU citizens registered as voters and candidates, where applicable, and on the number of mobile EU citizens who voted. The proposal provides for the evaluation of the application of the Directive within two years after the 2029 elections to the European Parliament;
- support **optimisation of the technical tool for the exchange of data** on registered voters between Member States. This would primarily include a **formalised approach** to the system supporting the exchange of data that has been operationalised via the encryption tool. The whole transmission process facilitated by the encryption tool would be further strengthened through the secure transmission of data between Member States, including in case of doubts on individual cases. By doing so, the proposal facilitates the administrative tasks and ICT-related procedures for Member State administrations as main stakeholders.