

Procedure file

Basic information	
CNS - Consultation procedure Directive	2021/0372(CNS) Awaiting final 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 2023-24 Joint Declaration 2022 Joint Declaration 2021	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Constitutional Affairs	 BOESELAGER Damian	10/02/2022
		Shadow rapporteur	
		 VINCZE Loránt	
		 SILVA PEREIRA Pedro	
		 GOZI Sandro	
		 CHAIBI Leila	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Civil Liberties, Justice and Home Affairs	 RUIZ DEVESA Domènec	20/04/2022
	Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
	 Legal Affairs	 DZHAMBAZKI Angel	01/07/2022
Council of the European Union European Commission	Commission DG Justice and Consumers	Commissioner REYNDERS Didier	

Key events			
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		
14/02/2023	Results of vote in Parliament		
14/02/2023	Decision by Parliament	T9-0037/2023	Summary

Technical information	
Procedure reference	2021/0372(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 022-p2; Rules of Procedure EP 110
Stage reached in procedure	Awaiting final decision
Committee dossier	AFCO/9/07840

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

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.

Electoral rights of mobile Union citizens in European Parliament elections

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.