Basic information

2021/0373(CNS) CNS - Consultation procedure Directive	Awaiting final decision
Electoral rights of mobile Union citizens in municipal elections Repealing Directive 1994/80 1994/0034(CNS) **Subject** 1.20.01 Political rights, right to vote and to stand in elections **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	BRUDZIŃSKI Joachim Stanisław (ECR)	20/04/2022
	Shadow rapporteur RANGEL Paulo (EPP) RUIZ DEVESA Domènec (S&D) TOOM Jana (Renew) BOESELAGER Damian (Greens/EFA) FEST Nicolaus (ID) ARVANITIS Konstantinos (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
AFCO Constitutional Affairs	MITUȚA Alin (Renew)	10/02/2022

Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
JURI Legal Affairs	DZHAMBAZKI Angel (ECR)	01/07/2022

Council of the

European Union	
European Commission	Commission DG: Justice and Consumers Commissioner: REYNDERS Didier

Key events

Date	Event	Reference	Summary
25/11/2021	Legislative proposal published	COM(2021)0733	Summary
27/01/2022	Committee referral announced in Parliament		
12/01/2023	Vote in committee		
23/01/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0005/2023	Summary
13/02/2023	Debate in Parliament		
14/02/2023	Decision by Parliament	T9-0038/2023	Summary
14/02/2023	Results of vote in Parliament		

Technical information

Procedure reference	2021/0373(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 1994/80 1994/0034(CNS)
Legal basis	Rules of Procedure EP 113 Treaty on the Functioning of the European Union TFEU 022-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/9/07838

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE736.363	26/09/2022	
Committee opinion	AFCO	PE719.611	27/10/2022	
Specific opinion	JURI	PE738.428	08/11/2022	
Amendments tabled in committee		PE737.413	09/11/2022	

Committee report tabled for plenary, 1st reading/single reading		A9-0005/2023	23/01/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0038/2023	14/02/2023	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0733	25/11/2021	Summary
Document attached to the procedure	SWD(2021)0357	25/11/2021	
Document attached to the procedure	SWD(2021)0358	25/11/2021	
Commission response to text adopted in plenary	SP(2023)154	12/04/2023	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	RO_CHAMBER	COM(2021)0733	19/05/2022	
Contribution	AT_BUNDESRAT	COM(2021)0733	05/10/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR1120/2022	27/04/2022	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Electoral rights of mobile Union citizens in municipal elections

2021/0373(CNS) - 14/02/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 504 votes to 79, with 69 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 municipal elections by Union citizens 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.

Definitions

Members clarified the concept of '**Union voter**', i.e. any Union citizen who has the right to vote in municipal elections in this person's Member State of residence in accordance with the Directive, and '**Union candidate**' means any Union citizen who has the right to stand as a candidate in municipal elections in this person's Member State of residence in accordance with this Directive.

Freedom to choose to vote in the Member State of residence

Member States should endeavour to introduce **immediate registration** of nonnational Union citizens as Union voters on the electoral roll upon receiving the consent of the Union citizens concerned at the time of registering as a resident in the Member State of residence. Union voters who have opted out of immediate registration should be invited to register well in advance of the election period.

Entry and removal from the electoral roll

In order to have their name entered on the electoral roll, Union voters should produce the same or equivalent documents as voters who are nationals. They should also produce a **formal declaration** in accordance with the template set out in Annex II.

In addition, the Member State of residence may also require Union voters to:

- produce a valid identity document;

- indicate the date from which they have been resident in that Member State or in another Member State;

- if they so wish, indicate **one or more language preferences** in which they would like to receive the information, selected among the official languages of the Union, or, where offered by the competent authority, other languages.

Registration as an applicant

In case of legitimate doubt regarding the content of the formal declaration, the Member State of residence could directly request to the home Member State of the non-national Union citizen, before or after the election, a certification that the person has not been deprived of the right to stand as a candidate in that Member State.

Specific voting tools

Member States should endeavour to provide for the possibility to vote by means of postal voting in municipal elections. Where Member States allow their nationals to vote by means of postal voting, advance voting, proxy voting or electronic and internet voting in municipal elections, they shall ensure that such means of voting are also available under the same conditions to Union voters.

Provision of information

Information on the conditions and detailed rules of registration as a voter or as a candidate in municipal elections should be provided by the relevant authorities in a coordinated way and, whenever possible, in cooperation with civil society organisations, upon registration as a resident and in a timely manner ahead of elections.

The designated authority should communicate directly and individually to Union voters and eligible Union citizens: (i) as soon as this information is known, the date of the elections and how and where to vote, including, where appropriate, specific voting arrangements; (ii) specific measures to **facilitate the exercise of the right to vote by particular groups of voters, such as people with disabilities**; (iii) information on the electoral and political system, including the powers of local authorities.

Information provided directly and individually to Union voters and eligible Union citizens should be provided to the person concerned in a language of this person's preference.

The Commission should ensure that the information relating to the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals is made available to those citizens in a clear and accessible manner, in all official languages of the Union, where necessary, including via Europe Direct and Your Europe.

Information should be made accessible to persons with disabilities, older persons, people in remote areas, minority groups and those who face difficulties in voting generally. Member States should ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.

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.

As regards **ineligibility**, Members called for the deletion of provisions allowing Member States to stipulate that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of their mandate.

Electoral rights of mobile Union citizens in municipal elections

2021/0373(CNS) - 25/11/2021 - Legislative proposal

PURPOSE: to lay down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by 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 94/80/EC sets down the detailed arrangements for the exercise of their electoral rights in municipal elections in the Member State of residence. n 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 municipal elections in order to ensure that they support the broad and inclusive participation of mobile Union citizens.

Despite the measures currently in place, mobile EU citizens still face difficulties in exercising their electoral rights in municipal elections. Problems include difficulties for mobile EU citizens to obtain correct information on how to exercise their electoral rights, burdensome registration processes and the effect of deregistration from elections in the Member State of origin. It is necessary to revise the Directive´s Annex due to changes in some Member State' 'basic local government units' and to the withdrawal of the United Kingdom from the European Union.

CONTENT: this proposal intends to **update Council Directive 94/80/EC** on the right to vote and to stand as a candidate in municipal elections. The main aim is to facilitate the provision of information to citizens and to update outdated and obsolete provisions in the Annex to the Council Directive.

More specifically, the proposal seeks to:

- simplify registration requirements and improve information provision and awareness on voting for mobile EU citizens supports free movement and integration;

- guarantee higher standards for providing electoral information to mobile EU citizens. The proposal requires Member States to appoint authorities that will proactively inform mobile EU citizens residing on their territory of the conditions and detailed rules for registration as a voter or candidate in municipal elections, before and after their registration. This could also entail the provision of information and the use of means of communication adapted to specific voter groups such as young voters;

- provide for an obligation for the authorities appointed by Member States to **communicate to mobile EU citizens** who were registered as voters or as candidates, specific and tailored information on the following: (i) the status of their registration; (ii) once available, the date of the election and how and where to vote; (iii) the relevant rules on voter and candidate rights and obligations, including prohibitions and incompatibilities, and applicable sanctions in the case of violation of electoral rules; (iv) means of obtaining further information on the organisation of the election including the list of candidates;

- **reduce administrative barriers** faced by mobile EU citizens by putting in place standardised templates for the formal declarations that have to be produced by mobile EU citizens in order to register as voters and candidates;

- **limit the scope of registration** of mobile EU citizens on the electoral rolls of the host Member State, preventing de-registration from electoral rolls of the home Member State solely on this basis;

- require regular monitoring and reporting of implementation by Member States. Reports will contain relevant statistical data on the participation in municipal elections of voters and candidates and a summary of measures taken in that regard. This will allow the Commission to assess the efficiency of the methods employed by Member States and offer alternatives for improvement;

- provide for an evaluation of the application of the Directive within two years after the 2029 elections to the European Parliament;

- confer upon the Commission the power to adopt delegated acts to ensure that the list of basic local administrative units remains up-to-date and that the templates of the formal declarations submitted by mobile EU citizens at their registration as voters or candidates continue to comprise relevant data;

- require Member States to ensure access for mobile EU citizens to the same means of advance voting, postal voting, electronic voting and internet voting, that is available to their own nationals in municipal elections.

Electoral rights of mobile Union citizens in municipal elections

2021/0373(CNS) - 23/01/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, in the framework of a special legislative procedure (Parliament's consultation), the report by Joachim Stanisław BRUDZIŃSKI (ECR, PL) 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 municipal elections by Union citizens residing in a Member State of which they are not nationals (recast).

The committee called on the European Parliament to approve 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 as amended below.

Definitions

Members include the definitions of:

- 'Union voter' to mean any Union citizen who has the right to vote in municipal elections in this person's Member State of residence in accordance with this Directive;

- 'Union candidate' to mean any Union citizen who has the right to stand as a candidate in municipal elections in this person's Member State of residence in accordance with this Directive.

Ineligibility

Member States of residence may provide that Union citizens who, through an individual decision under civil law or a criminal law decision, have been deprived of their right to stand as a candidate under the law of their home Member State, should be precluded from exercising that right in municipal elections. However, decisions on deprivation of legal capacity due to disability taken by the home Member State should not make Union citizens ineligible from standing as a candidate in municipal elections in their Member State of residence if the law of that Member State upholds that right to all persons with such disabilities without restrictions.

Freedom to choose to vote in the Member State of residence

The report suggests that Member States should endeavour to introduce immediate registration of nonnational Union citizens as Union voters on the electoral roll upon receiving the consent of the Union citizens concerned at the time of registering as a resident in the Member State of residence. Union voters who have opted out of immediate registration should be invited to register well in advance of the election period.

Entry and removal from the electoral roll

In order to have their name entered on the electoral roll, Union voters should produce the same or equivalent documents as voters who are nationals. They should also produce a formal declaration in accordance with the template set out in Annex II.

The report adds that the Member State of residence may also require Union voters to:

- produce a valid identity document;

- indicate the date from which they have been resident in that State or in another Member State;

- if they so wish, indicate one or more language preferences in which they would like to receive the information, selected among the official Union languages, or, where offered by the competent authority, other languages.

Union voters who have been entered on an electoral roll in the Member State of residence should remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote.

Registration as a candidate

When submitting an application to stand as candidates, non-national Union citizens should produce the same or equivalent supporting documents as candidates who are nationals. The Member State of residence may require the persons concerned to produce a formal declaration drawn up in accordance with the template set out in Annex III.

In case of legitimate doubt regarding the content of the declaration, the Member State of residence may directly request to the home Member State of the non-national Union citizen, before or after the election, a certification that the person has not been deprived of the right to stand as a candidate in that State.

Specific means of voting

Member States should endeavour to provide for the possibility to vote by means of postal voting in municipal elections. Where possibilities of postal voting, advance voting, proxy voting or electronic and internet voting are available in municipal elections to their nationals, Member States should ensure that such means of voting are also available under the same conditions to Union voters.

Provision of information

Member States should ensure that the designated authority should directly and individually communicate to Union voters and Union candidates the following information the specific measures to facilitate the exercise of the right to vote to particular groups of voters, such as persons with disabilities.

A new article is proposed stipulating that the European Commission should ensure that the information relating to the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals and the relevant information is made available to these citizens in a clear and accessible manner, in all official languages of the Union, where necessary, including via Europe Direct and Your Europe.

In addition, Member States should ensure that information on conditions and detailed rules for registration as a voter or candidate in municipal elections and relevant information is made accessible to persons with disabilities, older persons, people in remote areas, minority groups.