

Voting and candidacy rights of mobile EU citizens in European elections under Council Directive 93/109/EC

This briefing is one in a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

Under the arrangements set out in Council Directives 93/109/EC and 94/80/EC, EU nationals who live in a Member State other than their own are entitled to participate in European and municipal elections, respectively, in their country of residence. This concerns an estimated 11 million EU citizens of voting age (post-Brexit data). Even if Member States have successfully transposed both directives, voter turnout among mobile citizens remains low compared to nationals. Similarly, only a fraction of candidates standing for European elections is made up of non-nationals (slightly over 1 % in the 2019 elections). The European Commission has announced its intention to update both directives; according to its 2021 work programme (Annex II), amending proposals are envisaged for the fourth quarter of 2021, forming part of the 'transparency and democracy package'. This briefing looks into the operation of Council Directive 93/109/EC on the right to vote and stand as candidate in European elections. It discusses obstacles that hinder mobile EU citizens from effectively exercising their electoral rights, such as registration and communication issues, and looks into the problem of double voting.

The implementation of Directive 94/80/EC regarding municipal elections is examined in a [separate briefing](#).

Legal framework

EU citizenship and the principle of non-discrimination

As part of the political rights granted under [EU citizenship](#), included in primary EU law since the Treaty of Maastricht, EU citizens residing in an EU Member State other than their own are entitled to vote and stand as candidates in European and municipal elections, under the same conditions as nationals. The voting and candidacy rights of mobile citizens in European elections are anchored in [Article 20\(2\)\(b\)](#) and [22\(2\) TFEU](#) and in Article 39 of the [EU Charter of Fundamental Rights](#). Detailed provisions are set out in [Council Directive 93/109/EC](#).

The **directive's objective** is to enable EU citizens who live in an EU Member State of which they are not nationals to cast their vote and to stand as candidate in European elections in their country of residence. Notwithstanding, this right does not substitute any right to electoral participation in their home Member State. Most Member States – although not all – allow their nationals residing abroad ('non-resident citizens') to retain their electoral rights and to exercise them from abroad.¹ Directive 93/109/EC leaves those citizens the freedom to choose whether they want to participate in elections to the European Parliament in their home or host country, but explicitly **prohibits double voting**: Article 4(1) and (2) stipulates that no-one may vote or stand as candidate in more than one Member State in the same European elections. Several provisions in the act aim at curbing double voting.

- Article 9(2)(c) requires that a mobile voter submits, at the moment they register on the electoral roll of their country of residence, a formal declaration stating that 'he will exercise his vote in the Member State of residence only'.
- By analogy, Article 10(1)(b) requires a formal declaration from candidates stating that they are not standing for the European Parliament in any other Member State.
- In addition, Article 13 establishes a mechanism for exchanging voter and candidate data among Member States ahead of the polling day.

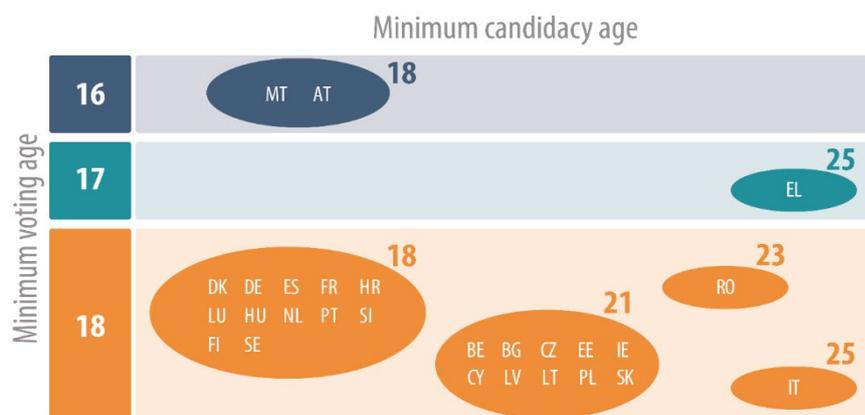
If mobile citizens opt to vote in their country of residence, the directive grants them electoral participation **under the same conditions as nationals** of that country, as long as they are eligible for voting and candidacy in their home country.

The directive does not seek to harmonise Member States' electoral laws. Pending the adoption of a uniform electoral procedure at the EU level, elections to the European Parliament are largely governed by national legislation, although some common principles are enshrined in the [European Electoral Act of 1976](#) (as amended). Due to considerable variation in Member States' electoral rules, procedures and deadlines, citizens may 'find it hard to navigate the complex patterns of entitlements based on nationality and residence'.² Differences concern inter alia:

- the electoral systems;
- procedures and deadlines for registration and the establishment of electoral lists;
- voting modalities, including the determination of the election date;³
- eligibility criteria for voters and candidates (e.g. criminal convictions, incapacity, age).

With regard to the latter, for instance, **electoral age thresholds** vary greatly between Member States, due to divergent constitutional and electoral traditions. While in most Member States the minimum age to be eligible to vote in European elections is 18 years, Austria and Malta have lowered it to 16 and Greece to 17 years. Lowering the age threshold to 16 is also under discussion in [Belgium](#), [Ireland](#) and [Italy](#) and backed by the European Parliament (see chapter on European Parliament resolutions). The minimum candidacy age varies greatly from country to country, ranging between 18 and 25.

Figure 1 – Minimum age thresholds for European elections (EU-27)



Source: EPRS

The conferral of voting rights upon mobile EU citizens is 'an instance of the application of the **principle of non-discrimination** between nationals and non-nationals and a corollary of the right to move and reside freely', as a recital to the directive puts it. Therefore, any conditions applying to non-nationals must be the same as those applying to nationals. The directive allows Member States to impose upon mobile citizens a minimum period of prior residence in that country before they can be eligible for electoral participation, but only if the same requirements apply to nationals of that country and if prior residence in other Member States is taken into account. Similarly, mobile voters remain on the electoral roll of the host state as long as – and under the same conditions as – nationals of that state. The principle of non-discrimination on grounds of nationality also applies to candidacy incompatibilities and deprivations set out in national legislation, compulsory voting (if applicable in the host country), requirements for registration on the electoral roll, and the documents required from candidates. With regard to the latter, however, the directive grants Member States the discretion to require certain **additional documents**:

Voters: a formal declaration stating:

- the voter's nationality and address in the Member State of residence;
- where applicable, the locality or constituency in the voter's home Member State where they were last registered on the electoral roll;
- that they will exercise their right to vote in the host Member State only.

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

- declare that they have not been deprived of their right to vote in their home country;
- produce a valid identity document; and
- indicate periods of residence in that or another Member State.

Candidates: a formal declaration stating:

- the candidate's nationality, date and place of birth, last address in the home Member State and the current address in the Member State of residence;
- that he or she is not standing as candidate for European elections in another Member State;
- where applicable, the locality or constituency in her or his home Member State where he or she was last registered on the electoral roll;
- that she or he has not been deprived of his passive voting rights in her or his home Member State (either through a judicial or administrative decision).

Moreover, candidates may be required to produce a valid identity document and indicate the date from which he or she has been a national of a Member State.

Article 14 of Directive 93/109/EC provides for a **derogation to the principle of equal treatment**: Member States may tie voting and candidacy rights to specific minimum residence requirements if the proportion of non-national EU citizens (of voting age) exceeds 20 % of the voting population. In practice, this is only the case in Luxembourg, where non-national EU citizens account for over 40 % of the electorate. Luxembourg had initially invoked this derogation, but [removed](#) it in 2013.

Another derogation was provided for Member States that grant non-national EU residents voting rights in their national elections under exactly the same conditions as their citizens. These Member States are exempted from certain registration formalities otherwise required under the directive. The derogation applied reciprocally in respect of British and Irish citizens in Ireland and the United Kingdom (UK), and ceased to be relevant after Brexit.

The Member State of residence has an **information duty** towards mobile voters and candidates. It is required to inform them 'in good time and in an appropriate manner of the conditions and detailed arrangements' for the exercise of their electoral rights.

2013 Amendment: Boosting non-national candidacies

Participation of non-national EU citizens in European Parliament elections was initially very low in relation to both active and passive voting rights. A 1998 European Commission report ([COM\(97\) 731](#)) deplored the 'dramatically low rate of successful non-national candidates' in the 1994 elections. An amendment to Directive 93/109/EC, passed in 2013 ([Directive 2013/1/EU](#)), aimed at incentivising mobile candidacies. The initial provision requiring candidates to obtain a formal attestation as to their eligibility from the authorities in their home country was deemed a major administrative hurdle. The amendment shifted the burden to the Member States: it asked candidates to merely sign a formal declaration regarding their eligibility, and left it to the host country to request verification from the candidate's home country. If no objection is received within five days, candidacy is deemed permissible. In the elections following the amendment, the number of non-national candidates doubled, rising from 81 in 2009 to 170 in 2014.

Members of the European Parliament elected in other Member States

The first Member of the European Parliament elected in her Member State of residence was Wilmya Zimmermann, a Dutch national living in Germany. She became a Member in 1994, at the first elections to which Directive 93/109/EC applied.

A few Members were elected in different countries, in successive elections: Daniel Cohn-Bendit served two terms as a German and another two as a French Member; the Italian Member Monica Frassoni was first elected in Belgium and then re-elected in Italy; and the Finnish rally driver Ari Vatanen occupied first a Finnish and then a French seat.

In the current Parliament, for example, the Italian politician Sandro Gozi (Renew) and the Belgian national Caroline Roose (Greens/EFA) were both elected to the European Parliament in France.

Table 1: Non-national candidates under Directive 93/109/EC (1994-2019)

| Election year | Number of non-national candidates | Number of non-nationals elected MEP | Total number of seats in the EP | Number of Member States |
|---------------|-----------------------------------|-------------------------------------|---------------------------------|-------------------------|
| 1994 | 53 | 1 | 567 | EU-12 |
| 1999 | 62 | 3 | 626 | EU-15 |
| 2004 | 57 | 4 | 732 | EU-25 |
| 2009 | 81 | 2 | 736 | EU-27 |
| 2014 | 170 | 3 | 751 | EU-27 |
| 2019 | 168 (152) | 5 (3) | 751 (705) | EU-28 (EU-27) |

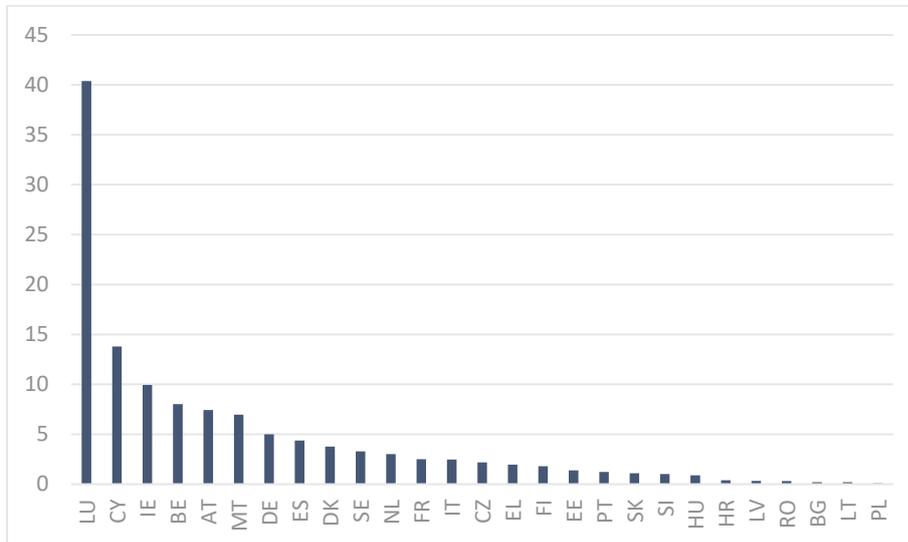
Source: author's own compilation, based on [COM\(97\) 731](#), [SWD\(2020\) 113](#) and European Parliament data ([Members of the European Parliament webpage](#) and data obtained from the Directorate-General for the Presidency).⁴

How many EU citizens are affected?

The initial European Commission proposal ([COM\(93\) 534](#)) estimated that, at the time, for the then 12 Member States, 5 million EU citizens were living in another Member State. Due to successive enlargement rounds and increased mobility of EU citizens, by the 2019 European elections, their numbers had risen to [17 million](#). Of these, 14 million were of voting age, which corresponds to over 3 % of the total EU electorate (EU-28). Brexit brought the number of EU citizens residing in other Member States down to 13.3 million, of which approximately **11 million are of voting age** (2020 data).

Today, the share of mobile EU citizens in the overall voting population varies greatly from one Member State to another. It is by far the highest in Luxembourg (40.4 %) and the lowest in Poland (0.09 %). In Cyprus, Ireland, Belgium, Austria and Malta, the share of non-national EU citizens of voting age is also considerable, corresponding to between 7 and 14 % of the electorate.

Figure 2 – Share of non-national EU citizens of voting age in the total electorate (%)



Source: [Ostling](#), pp. 42-43, based on 2017 Eurostat data.

Brexit implications

Due to the UK's withdrawal from the EU, British nationals lost their right to participate in elections to the European Parliament (unless they also hold the citizenship of a Member State). An interesting case in this respect is [Denmark](#), which continues to grant British nationals living on its territory the right to vote and stand in European Parliament elections, provided they had been registered as residents in Denmark before 31 January 2020. Such practice is in accordance with the Court's ruling in [case C-145/04 Spain v UK](#), which conceded Member States a certain discretion in determining their franchise for European Parliament elections.⁵ In turn, EU citizens resident in the UK will, as from the 2024 elections, be able to participate in the European elections only under national law, provided the electoral law of their Member State of nationality permits voting from abroad.

Transposition and implementation

Transposition and infringement proceedings

Directive 93/109/EC, adopted by unanimity in the Council, entered into force on 30 December 1993. Member States had only one month, until 1 February 1994, to comply with the directive. Despite that tight deadline (imposed by the European elections of June 1994), the then 12 Member States succeeded in transposing the directive in time, but they had little time to promote the new rights among the electorate. In the first elections under the directive, [fewer than 6 %](#) of mobile EU citizens registered to vote and 53 non-national candidates stood for election in their country of residence.

Since the 1990s, the Commission has continuously monitored how the Member States implement and apply the directive. Throughout the years, the Commission has engaged in a dialogue with national authorities to resolve the remaining issues and pursued infringement proceedings against a number of Member States. [Issues](#) included for example:

- additional registration requirements for non-national EU citizens;
- the provision of adequate information to non-nationals about their voting rights;
- failure to collect adequate data to prevent double voting; and
- problems regarding the exchange of information among Member States within the five-day period set out in the directive regarding the eligibility of candidates.

Recent Commission reports⁶ raised a further issue, namely national law prohibiting non-national EU citizens from joining or founding political parties. The Commission deems these restrictions to be in breach with Articles 20(2)(b) and 22 TFEU and the principle of non-discrimination on grounds of nationality. While most Member States have brought their legislation into compliance with EU law, Czechia and Poland have not yet done so. According to a [press release](#) from June 2021, the Commission recently referred the two infringement cases to the **Court of Justice** (CJEU).

Major implementation challenges

Low participation rates

To date, Directive 93/109/EC applied to six European elections between 1994 and 2019. Available data suggest that only few mobile EU citizens make use of their right to participate in European elections in their country of residence. According to [Commission data](#), only some 10 % of mobile citizens registered to vote in the 2019 elections in the host Member State (aggregate percentage for those Member States that provided data; for 11 Member States, data are incomplete or lacking). It is not clear how many of those registered on the electoral roll in the host country have effectively cast their ballots, as most Member States do not collect data on the effective turnout of mobile EU citizens.

If mobile voters participate at all in European elections, they vote in their home country (if permitted under national legislation) rather than in their country of residence. Commission data suggest that 5.5 million non-resident nationals were registered on the electoral roll of their home country, compared to 1.3 million in the host country. These data also suggest that a large proportion of mobile EU citizens was not registered on either list. However, these quantitative data are to be read with caution, as the availability of disaggregated data is limited.

With regard to mobile citizens standing as candidates, electoral participation also remains low. In the 2019 elections, 168 of the 15 221 candidates EU-wide (i.e. 1.1 %) competing for a seat in the European Parliament were non-nationals. Five of them were elected, corresponding to 0.7 % of seats.

Possible reasons for non-nationals' low electoral participation in their host country may include:

- stronger emotional bonds with the home country;
- lack of understanding of the host country's political system and party landscape;
- lack of (targeted) information about the host country's voting rules and procedures;
- administrative delays and complications in the registration/voting process;
- language barriers;
- and insufficient remote voting options (e.g. administrative letters being sent too late; cumbersome postal voting procedures).

Voter registration

Research papers and Commission reports agree that complex registration requirements can pose a major hurdle to non-nationals' electoral participation. Registration on the electoral roll is a competence of the Member States. However, given that rules and procedures differ greatly from country to country, it can be challenging for non-nationals to understand the requirements. Some Member States provide for [automatic registration](#) of non-national EU residents on the electoral roll when registering for residence, while others have a request-based system.

A particular challenge derives from electoral registration [deadlines](#), which vary greatly across the EU. These discrepancies make it difficult for potential voters to understand at what moment they need to enrol, and they also impact on the effectiveness of the data exchange mechanism among Member States (established under Article 13 of the directive).

Pertinent and timely information

Despite Member States' information duty vis-à-vis their non-national residents (as set out in Article 12 of the directive), several reports find that limited awareness and lack of pertinent and timely information remain major hurdles. The directive leaves it for the Member States to decide how they communicate with voters. It appears that only a few Member States provide for targeted and multilingual information. Apart from language, the [timing](#) of the outreach and the format of information are also crucial factors. Digitalisation and social media should render communication with voters easier today than in the early days of the directive.

Preventing double voting

While the directive grants mobile EU citizens the freedom to choose whether they vote in their home or host country, it also aims at countering any kind of double (or multiple) voting. It puts voters and candidates under a duty not to participate twice in the same elections, and it established an information exchange mechanism among Member States.⁷ Ever since its inception ahead of the 1994 elections, this information exchange mechanism presented major shortcomings and was deemed ineffective, despite the heavy administrative burden it puts on Member States. A 2006 Commission [proposal](#) aimed at improving the mechanism, but was never enacted. Eventually, the **common data exchange platform**, facilitated by the Commission since 2014, brought considerable improvements. A 2020 [Commission report](#) acknowledged this progress in terms of security and efficiency, but nonetheless held that exchanging information remained challenging, due to Member States' continued problems with the 'accurate and timely identification of the EU citizens concerned'. The report saw the root causes particularly in the

... diversity of the national electoral processes, including incompatible national deadlines to prepare and close the electoral census (the roll) and the effect of registration and deregistration on a citizen's ability to vote in other national elections. This diversity in the types of data exchanged and the timetables to which the data was being collected affected its quality and its usability.

While the law in most Member States provides for **sanctions** in case of double votes or false declarations, ranging from fines to terms of imprisonment,⁸ it is unclear to what extent Member States enforce them. Most recently, a provision in [Council Decision 2018/994](#) (amending the 1976 Electoral Act, but not yet in force) requires 'effective, proportionate and dissuasive penalties' from Member States in the event of double voting. Moreover, the Council Decision obliges Member States to designate an authority responsible for exchanging data on voters and candidates with its counterparts across the EU, within a set timeframe.

Some of the anti-double voting provisions in the recent Council Decision target not only mobile EU citizens, but also EU citizens with dual (or multiple) nationality, a group outside the scope of this briefing. It remains to be seen how successfully the deterrent effect of sanctions, paired with information campaigns promoting the principle 'one person one vote', will be able to prevent double voting in European elections.

European Commission reports

Directive 93/109/EC required the Commission to present a report on the application of the act to the 1994 elections, but it does not contain any regular reporting requirements. The last dedicated report dates from 2010 ([COM\(2010\) 605](#)). Notwithstanding, the Commission usually issues a report after every European Parliament election. Furthermore, the triennial EU citizenship report (drawn up under Article 25 TFEU) includes sections on democratic participation and electoral rights.

EU citizenship report 2020

The 2020 EU citizenship report ([COM\(2020\) 730](#) and [731](#)) announced a revision of directives 93/109/EC and [94/80/EC](#), aiming at 'updating, clarifying and strengthening the rules in order to ensure that they support the broad and inclusive participation of mobile EU citizens'. Apart

from necessary adjustments following Brexit, special attention would be paid to the following aspects:

- information provided to citizens, including on deadlines; in this context, the possibility of creating a dedicated 'shared resource' is explored;
- implications and durability of voter registration; and
- data exchange between Member States (inter alia to prevent double voting).

The Commission committed to making relevant information available centrally via its [Your Europe portal](#). As required by [Regulation 2018/1724](#) (Annex 1, D.3), a 'single digital gateway' will be integrated into that portal, giving access to pertinent national webpages. The Commission receives support in this endeavour from the [European cooperation network on elections](#). This network gathers representatives of national election authorities in order to exchange information and best practices on any aspect of electoral matters, as promoted in the Commission [Recommendation \(EU\) 2018/234](#) on enhancing the European nature and efficient conduct of the 2019 elections.

Report on the 2019 elections to the European Parliament

This report ([COM\(2020\) 252](#)), and the more detailed accompanying staff working document ([SWD\(2020\) 113](#)), addressed election turnout and data issues inter alia, including **data gaps**. While the 2019 European elections saw an increase in voter turnout (50.66 %, compared to 42.61 % in 2014), mobile EU citizen turnout remained low, as did the number of non-national candidates. However, as explained further above, precise data are scarce. The report acknowledged that data currently collected in respect of particular groups' electoral participation, including mobile voters, need to be improved, together with the quality of indicators.

Furthermore, the report provided an insight on the scale of **multiple voting**. It informed that data on 1.3 million voters and 114 candidates had been exchanged via the data-exchange tool between February and May 2019, resulting in the identification of over 200 000 multiple registrations. Causes of double registration might be national differences in data requirements and automatic registration. Moreover, the Commission sees a need to raise awareness regarding the multiple voting ban. In addition, the report mentioned that, in the aftermath of the 2019 European elections, the Commission received 'a large number of **complaints**' from **EU citizens living in the UK** who encountered difficulties in exercising their voting rights under Directive 93/109/EC. These problems also surfaced in petitions to the European Parliament (see below).

European Parliament

[Resolution](#) of 11 November 2015 on the reform of the EU electoral law

In accordance with Article 223 TFEU granting Parliament the right to initiate the reform of its own electoral law, Parliament's Committee on Constitutional Affairs (AFCO) tabled a legislative own-initiative report in 2015, under the co-rapporteurship of Danuta Hübner (EPP, Poland) and Jo Leinen (S&D, Germany). The resolution addressed, inter alia, a number of issues relevant to the scope of application of Directive 93/109/EC.

- It proposed a **common minimum deadline** of 12 weeks ahead of the elections for the establishment of electoral lists, 'in order to enhance electoral equality'.
- With regard to **double voting**, Parliament found that the different deadlines in Member States for finalising the electoral roll ahead of European elections rendered the exchange of information on voters 'difficult, if not impossible'. Therefore, it proposed a set of common deadlines for voter registration and information exchanges concerning mobile EU citizens and those holding dual nationality. Parliament also encouraged better coordination to prevent voters from voting twice in different Member States.
- It encouraged Member States to allow **postal, electronic and internet voting** in order to increase participation (including among EU citizens residing abroad).
- For the sake of equality, it called for a **common minimum voting age of 16**, while remaining unspecified regarding the minimum age of candidates.

The ensuing [Council Decision 2018/994](#) of 13 July 2018, amending the 1976 Electoral Act retained only some of Parliament's proposals.⁹ It sets a three-week deadline for the submission of electoral lists. Furthermore, it penalises double voting and requires Member States to designate an authority responsible for data exchange, and also addresses advance voting, postal voting, and electronic and internet voting. As already mentioned, the amendments did not apply to the 2019 elections, as the ratification process is [pending](#) in three Member States (Cyprus, Germany and Spain).

A new legislative own-initiative [report](#) aiming at modifying the 1976 Electoral Act is currently under preparation in the AFCO committee (rapporteur: Domènec Ruiz Devesa, S&D, Spain).

[Resolution](#) of 26 November 2020 on stocktaking of European elections

Drawing on the experience of the 2019 elections, Parliament advocated discussing electoral reform reflections in the context of the **Conference on the Future of Europe**, such as harmonised standards for active and passive voting rights across Member States; new remote voting methods; and harmonising the minimum voting age in order stimulate the participation of young voters.

[Resolution](#) of 12 December 2017 on the 2017 EU citizenship report

In this resolution (based on a Petitions Committee report drafted by Beatriz Becerra Basterrechea, ALDE, Spain), Parliament noted that the right of mobile EU citizens to vote in European and local elections 'is not facilitated and promoted equally in all Member States'. It mentioned petitions put forward by mobile citizens who experienced bureaucratic barriers. Even if these petitions mainly address voting rights denied by citizens' own countries (e.g. through procedural restrictions or disenfranchisement), some also relate to the application of Directive 84/90/EC. To enhance voter turnout, Parliament encouraged Member States to 'promote democratic participation by better informing citizens of their right to stand and vote in local and European elections, through multiple channels and in accessible language, and by removing all barriers to their participation'.

[Resolution](#) of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the EU

Based on a report drawn up by the Constitutional Affairs Committee under the rapporteurship of Guy Verhofstadt (ALDE, Belgium), Parliament argued that involving citizens in the political process of their country of residence helps to build a European democracy. The resolution called for extension of the electoral rights granted to mobile EU citizens 'to include all remaining elections' not covered by the current wording of Article 22 TFEU. Parliament reiterated its call in its [resolution](#) of 12 February 2019 on the implementation of the Treaty provisions related to EU citizenship.

[Resolution](#) of 4 July 2013 on improving the practical arrangements for holding European elections in 2014

In this resolution, adopted ahead of the 2014 elections, Parliament already encouraged national political parties to include non-national EU citizens in their lists of candidates.

Selected parliamentary questions

While a higher number of parliamentary questions deal with the difficulties mobile citizens encounter with respect to participating in elections in their own Member State (e.g. procedural issues or legal deprivation of voting rights), only a handful of questions relate to the scope of application of Directive 93/109/EC.

Most recently, in 2020, French Members from The Left Group in the European Parliament – GUE/NGL addressed **homeless people's access to political participation** ([E-006631/2020](#)). With specific regard to the revision of Directive 93/109/EC, the Members asked the Commission to lift the proof of address requirement for voter registration, as this excludes homeless people in countries where they cannot obtain an administrative address. On behalf of the Commission, Commissioner

Didier Reynders said that the update of Directives 93/109/EC and 94/80/EC would consider the 'diversity of mobile EU citizens' and aim at their 'broad and inclusive participation'.

In 2016, Salvatore Domenico Pogliese (EPP, Italy) asked the Commission about the measures it envisaged to **encourage mobile EU citizens** to vote in their Member State of residence ([E-008370-16](#)). Commissioner Věra Jourová replied that the Commission would promote awareness of EU citizenship rights and best practices before the 2019 European elections.

In question [E-002368-15](#), Alfred Sant (S&D, Malta) asked the Commission for **data** on mobile EU citizens. In response, Commissioner Jourová provided 2014 data on the number of mobile voters and candidates per Member States, as included in the 2014 election report [COM\(2015\) 206](#).

Council of the European Union

In its [conclusions](#) on the EU citizenship report 2017, the Council invited the European Commission to continue its efforts in promoting EU citizenship and removing obstacles to citizens' enjoyment of their EU rights. With specific regard to Directive 93/109/EC, it called on the Commission:

- to promote best practices implemented in the Member States;
- to consider developing a multilingual standard form to facilitate the swift exchange of information between Member States' designated contact points;
- and to promote cross-border access to political news.

Furthermore, the Council called on the Member States to enhance citizens' participation in the EU democratic process, in particular by better informing them of their rights to vote in local and European elections and by removing barriers to their participation.

Views and initiatives from the public

Petitions to the European Parliament

Citizens have addressed numerous petitions to the European Parliament in recent years pertaining to electoral rights in general or, more specifically, participation in European elections. Of these, however, only a fraction concern the scope and application of Directive 93/109/EC.

[Petition No 0465/2019](#) addressed difficulties encountered by mobile EU citizens residing in the UK during the 2019 European elections, alleging discriminatory practices. The European Commission confirmed it was aware of a number of comparable cases in the 2019 and 2014 elections. It noted a lack of timely and appropriate information about mobile citizens' requirements and a lack of legal remedies. A similar complaint regarding the 2014 elections was the subject of petition [1440/2014](#).

In 2010, Parliament received a petition ([0022/2010](#)) on behalf of the Staff Committee of the European Centre for Disease Prevention and Control (ECDC), an EU agency with its seat in Stockholm. The petitioner held that the Swedish authorities had denied ECDC staff and their families the right to participate in European and local elections. In 2011, a dialogue between the European Commission and the Swedish authorities led to changes to Swedish legislation.

Petitions [1746/2008](#) (by Maksim Reva, Estonian) and [0747/2016](#) (by Sergei Stepanov, resident of Estonia, accompanied by 19 552 signatures) concerned the situation of ['non-citizen residents' in Estonia and Latvia](#) (also referred to as 'residents of undetermined citizenship'). Tens of thousands in [numbers](#) of mainly Russian-speaking people, for historical reasons, hold neither Estonian/Latvian nor Russian citizenship. The petitioners pointed to the fact that they are not eligible to vote in European elections and called on the EU institutions to intervene. In its reply to the 2008 petition, the Commission explained it was not in a position to intervene, as EU law does not grant electoral rights to persons who are not EU citizens.

Eurobarometer surveys

According to the latest Eurobarometer data (2020), nine in ten respondents (91 %) are familiar with the term 'EU citizen'.¹⁰ Some 57 % suggested knowing their rights as EU citizens,¹¹ and 94 % said

they are aware that they have both the citizenship of their native Member State and EU citizenship.¹² With regard to electoral rights, 71 % of respondents stated they knew that EU citizens are entitled to vote and stand as candidate in European elections in their Member State of residence. Compared to 2007, when only 54 % were aware, this represents a substantial increase.¹³ It appears that awareness of electoral rights in European elections is much higher than that in municipal elections (56 % in 2020).

Finally, in 2020, a Eurobarometer survey sought to explore public attitudes towards the hypothetical question of whether mobile EU citizens' electoral rights should be extended to the national and regional level in their country of residence. Almost two thirds of respondents (63 %) were in favour in relation to participation in national elections, and 60 % in relation to regional elections.¹⁴

European Citizens' Initiative (ECI)

In March 2020, the European Commission [registered](#) an ECI entitled '[Voters without borders: full political rights for EU citizens](#)', which remains open for signature collection until 11 June 2022.¹⁵ It advocates legislative reform to remove the obstacles mobile EU citizens face with regard to the exercise of their voting rights. These include issues related to the application of directives 94/80/EC and 93/109/EC, as well as disenfranchisement. The accompanying '[advocacy paper](#)' finds the directives in question 'not sufficiently prescriptive to be properly enforced, leaving too much latitude to Member States'. The ECI requests extension of mobile citizens' electoral rights to regional and national elections, as well as to referendums in their country of residence. Specific demands include the obligation of electoral authorities to provide personalised and general information to EU citizens, and this in good time ahead of elections; and progress in e-voting and other forms of remote voting.

Stakeholder positions

In March 2021, some stakeholders, primarily non-government organisations (NGOs), provided [feedback](#) to the Commission's [inception impact assessment](#) outlining the revision process. In this context, a Dutch liberal political party ([D66 International Working Group Delft](#)) advocated expanding mobile EU citizens' electoral rights to include regional and national elections.

Furthermore, the disability organisations [European Disability Forum](#) (EDF) and [Mental Health Europe](#) called for improved political participation for persons with disabilities, in accordance with Article 29 of the UN Convention of Persons with Disabilities (CRPD) and the EU's disability strategy 2020-2030. They recalled that an estimated 400 000 people with disabilities were excluded from participating in the 2019 European elections, inter alia due to deprivation of legal capacity, which is still common practice in more than half of the EU Member States. The EDF pointed to the inequalities and legal uncertainty this creates in terms of electoral rights for persons with disabilities who move to another Member State.

Revision of Council Directive 93/109/EC

The European Commission announced a revision of Council directives 93/109/EC and 94/80/EC in its work programme ([Annex II](#)) and in the [2020 citizenship report](#). The new proposals should be released towards the end of November 2021, together with an impact assessment, as part of a wider 'Transparency and democracy package'. They will draw on existing reports on the application of the directives and stakeholder input, but no separate evaluation is planned. According to the joint [inception impact assessment](#), the amending proposals will tackle issues encountered in the application of the directives, in particular relating to registration on the electoral roll and in communication with citizens, and to take account of increased digitalisation. With specific regard to European elections, the initiative will also propose measures to prevent double voting. The different options considered include soft law measures; legislative changes stipulating Member States' enhanced information duties vis-à-vis newly registered EU citizens; and certain harmonisation measures.

MAIN REFERENCES

Elections to the European Parliament, 23-26 May 2019, Election-Watch.EU election assessment mission, [final report](#), 2019.

[Obstacles to participation in elections and the exercise of voting rights, inside the EU](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2020.

Ostling, A., [FAIR EU synthesis report: Electoral rights for mobile EU citizens – challenges and facilitators of implementation](#), European University Institute, GlobalCit, 2019.

Tilindyte, L., [EU citizenship rights](#), European Parliament, EPRS, 2017.

ENDNOTES

- ¹ Some Member States deprive their nationals from voting rights when they live abroad, or allow only for in-country voting, while others limit electoral rights after a certain period of living abroad. For details see: [Obstacles to participation in elections and the exercise of voting rights, inside the E.U.](#), 2020, chapter 4.
- ² A. Ostling, [FAIR EU synthesis report: Electoral rights for mobile EU citizens – challenges and facilitators of implementation](#), European University Institute, GlobalCit, 2019, p. 2.
- ³ Currently, European elections take place over four days, as Member States organise the election day according to their electoral traditions on a Thursday (Netherlands), Friday (Ireland), Saturday (Malta, Latvia and Slovakia), or Sunday (all others, with the exception of Czechia, where the election lasts two days – Friday and Saturday).
- ⁴ To be noted: these figures do not include Members who joined Parliament during the course of a legislative term.
- ⁵ See in particular paragraphs 77 and 78 of the judgment: 'The definition of the persons entitled to vote and to stand as a candidate in elections to the European Parliament falls within the competence of each Member State in compliance with Community law'. The Treaties 'do not preclude the Member States from granting that right to vote and to stand as a candidate to certain persons who have close links to them, other than their own nationals or citizens of the Union resident in their territory'.
- ⁶ See [COM\(2017\) 32](#), p.13. and [COM\(2020\) 252](#), pp. 13-14.
- ⁷ A further purpose of the information exchange mechanism is to prevent mobile citizens who have been deprived of their rights to vote/stand in their Member State of origin, from participating in the elections in their Member State of residence.
- ⁸ For a table detailing sanctions per Member State, see [Europeanising the elections of the European Parliament](#), European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, 2021, pp. 30-31.
- ⁹ For a detailed comparison, see [Europeanising the elections of the European Parliament](#), European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, 2021, pp. 15-33.
- ¹⁰ [Flash Eurobarometer 485](#) on European Union citizenship and democracy, July 2020, p. 9.
- ¹¹ [Standard Eurobarometer 93](#), Summer 2020, chapter EU citizenship, p. 36.
- ¹² Flash Eurobarometer 485, p. 17.
- ¹³ Flash Eurobarometer 485, pp. 53 and 64.
- ¹⁴ Flash Eurobarometer 485, pp. 68 and 71.
- ¹⁵ The collection deadline was extended due to the Covid-19 outbreak, in accordance with [Regulation \(EU\) 2020/1042](#).

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