



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Petitions

27.5.2014

NOTICE TO MEMBERS

Subject: Petition 0967/2012 by Jacqueline Cotterill (British), bearing 4 signatures, on the disenfranchisement of EU citizens exercising their right to free movement and discrimination based upon nationality under the Charter of Fundamental Rights

1. Summary of petition

The petitioner, a long-term resident of Spain, has no right to vote in national elections in either the UK or Spain due to the existing legislation in each country which has the effect of violating citizenship rights by, in effect, creating discrimination on the basis of citizenship. The situation facing second generation European citizens whose families have chosen to exercise their right to free movement is equally unjust - the other signatories are precisely in that category. EU law guarantees freedom of movement and non-discrimination, yet to obtain the right to vote in national elections in Spain, a change of nationality would appear to be the only course of action possible. To vote in the UK both she and her grown-up children would have to acquire a permanent residence. This is contrary to the spirit of the Treaty on European Union and contradicts Articles 2 and 21, and denies European citizens the right to participate fully in the life of the Union. Although the Commission has recognised this denial of fundamental rights it has so far failed to introduce any measures to counter-act the injustice. Rights contained in Article 20 of the TFEU may be strengthened or added to under the terms of Article 25 TFEU and action is demanded in that direction. The Parliament is asked to energetically promote such changes, demanding action from the Commission in the first instance, so as to allow EU Citizens full voting rights including in national elections. This, argues the petitioner, would deliver a strong signal and demonstrate a common desire for a more fraternal, more responsible and a stronger Europe, respectful of the common values on which the Union is founded. It would also, she adds, address some of the concerns of EU citizens who question democratic institutions and who do not participate in the democratic

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process. The petitioner furthermore laments the decision of the British Parliament on June 27th 2012 which removed an amendment which would have brought about an end to such discrimination. How will people be motivated to vote in the European elections, asks the petitioner, the EU can do nothing to guarantee their basic democratic rights recognised in the Treaty and in the Charter of Fundamental Rights.

2. Admissibility

Declared admissible on 22 November 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 27 February 2013

The petitioner complains about the loss by UK nationals of their right to vote in national elections due to having exercised the right of free movement and residence (disenfranchisement).

The petitioner considers that it is contrary to the spirit of the EU Treaties that Union citizens may be deprived of the right to vote in national elections, as a consequence of having exercised the right to free movement and residence.

The Commission launched a discussion to identify political options to remedy the disenfranchisement issue, as it had previously announced in the 2010 EU Citizenship Report.

In this context the Commission wrote in June 2011 to the Member States concerned (Austria, Cyprus, Denmark, Hungary, Ireland, Malta and United Kingdom) indicating that disenfranchisement of EU citizens may constitute an obstacle to the effective exercise of their fundamental right to freely move and reside within the EU. The Commission invited these Member States to share their ideas on how to find a reasonable solution to this issue.

Moreover, the Commission recently organized a wide reaching public consultation on EU citizenship, "Your Rights, Your Future", in which it asked the opinion of respondents on this matter. 62% of the respondents thought that there is no justification for disenfranchisement.

Discussions at the hearing on EU citizenship that took place on 19 February 2012 also highlighted the incongruity of depriving EU citizens of essential political rights for the very reason that they have exercised their fundamental EU right to free movement and the negative impacts of disenfranchisement on rights conferred to citizens by EU law.

Conclusion

The Commission will consider further actions in light of the above consultation and discussions.

4. Commission reply, received on 27 May 2014

Further to its previous communication issued in 2013 on this petition, the Commission would like to inform that, following up on the political dialogue carried out on the issue of disenfranchisement, the Commission announced in its "EU Citizenship report 2013" (COM(2013)269) that it would propose constructive ways to enable EU citizens living in another EU country to fully participate in the democratic life of the EU by maintaining their right to vote in national elections in their country of origin.

The Commission adopted, on 29 January 2014, Recommendation 2014/53/EU "Addressing the consequences of disenfranchisement of Union citizens exercising their rights to free movement"¹. In this recommendation the Commission has invited the Member States concerned, including the United Kingdom, to enable their nationals who make use of their free movement rights to retain their right to vote in national elections - if they demonstrate a continuing interest in the political life of their country. The objective is to guarantee full effect of the fundamental freedoms and rights that EU citizens derive from their status as EU citizens.

At the same time, the Commission reiterates that it is the sovereign right of Member States to determine the conditions for the exercise by their nationals of the right to vote in national elections.

Conclusions

The Recommendations put forward by the Commission constitute a balanced approach in view of addressing the issue raised by the petitioner regarding the negative consequences of disenfranchising policies.

¹ OJ L 32, 1.2.2014, p. 34.