

Revision of Council Directive 93/109/EC

Electoral rights of mobile EU citizens in elections to the European Parliament

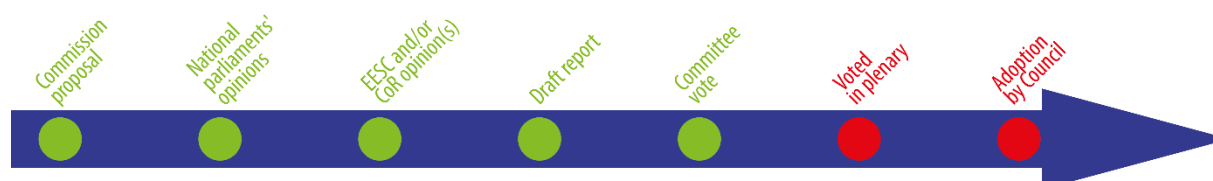
OVERVIEW

On 25 November 2021, the European Commission submitted a proposal to modify Directive 93/109/EC on the right of mobile European Union (EU) citizens – those residing in a Member State of which they are not nationals – to vote and stand as candidates in elections to the European Parliament. The proposal was presented with three others: to modify the rules on EU citizens' rights in municipal elections; to set rules on political advertising; and to revise the rules on EU political party and foundation funding. Directive 93/109/EC gives EU citizens the same rights to vote and to be elected in European Parliament elections as the citizens of the Member State in which they reside; Member States have varying rules on the exercise of these rights. The Commission proposal seeks to address some of the concerns raised about the implementation of the directive.

In Parliament, the file was referred to the Committee on Constitutional Affairs. The committee adopted its report on 1 December 2022 and a vote in plenary is scheduled for the February II 2023 plenary session.

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 Union citizens residing in a Member State of which they are not nationals (recast)

<i>Committee responsible:</i>	Committee on Constitutional Affairs (AFCO)	COM(2021)0732 25.11.2021
<i>Rapporteur:</i>	Damian Boeselager (Greens/Germany)	
<i>Shadow rapporteurs:</i>	Loránt Vincze (EPP, Romania), Pedro Silva Pereira (S&D, Portugal), Sandro Gozi (Renew, France), Leila Chaibi (GUE, France)	2021/0372(CNS)
<i>Next steps expected:</i>	Awaiting Parliament's vote	



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Introduction

The concept of European Union (EU) [citizenship](#) was formally introduced into the constitutional order by Article 8 of the [Treaty of Maastricht](#) (now [Article 20 of the Treaty on the Functioning of the European Union \(TFEU\)](#)); this form of citizenship is additional to national citizenship and does not replace it. The [Charter of Fundamental Rights of the European Union](#) (EU Charter) – which was first declared in 2000 and later became binding with the Treaty of Lisbon – includes and enforces EU citizenship in its Title V. The Treaty of Lisbon further reinforced EU citizenship. Today, EU citizenship grants EU citizens the right to move and reside freely in other Member States, to petition the European Parliament, to apply to the European Ombudsman, and to enjoy in a third country protection from the diplomatic and consular authorities of any other Member State than their own. Citizens who decide to live in another Member State are 'mobile citizens'.

In addition, the EU Treaties recognise that: 'The functioning of the Union shall be founded on **representative democracy**' and that '**citizens are directly represented at the Union level in the European Parliament**' (Article [10\(1\) and 10\(2\)](#) TEU). Moreover, they recognise EU citizens' **right to participate in the democratic life of the Union** (Article [10\(3\)](#) TEU), the **right to vote but also to stand as candidates** in both **European Parliament elections (European elections)** and **municipal elections** in the Member State of residence, even when they are not nationals of that Member State (Article [20\(2\)\(b\)](#) TFEU). Moreover, EU mobile citizens enjoy these rights under the same conditions as the nationals of the host Member State (Article [22](#) TFEU and Articles 39 and 40 of the [EU Charter](#)), based on the principle of non-discrimination on grounds of nationality within the scope of application of the Treaties. It is worth mentioning that the right to vote and stand is not applicable to national elections, which remain first-order elections in the Member States. This is why the European Parliament in a 2017 [resolution](#) called, inter alia, for extending these rights to 'all remaining elections' not covered by the current Treaty articles.

Despite the possibility of developing a uniform electoral process – which has been enshrined in the Treaties since 1957 – European elections are still governed for the most part by national laws. This creates discrepancies in the arrangements for citizens exercising their right to vote or stand as candidates in European elections. It is also the case for citizens residing in a Member State of which they are not nationals. Over the years, the EU electoral law has been amended to increase the democratic dimension of the European elections, improve citizen participation in the election process, and bring the Members of the European Parliament (MEPs) closer to their voters.

The current rules applicable to the election of MEPs result from a combination of the common principles established in the [1976 European Electoral Act](#) (1976 Act), as amended by Council Decision [2002/772/EC, Euratom](#), and the [different national rules](#) implementing those principles. In 2018, the Council agreed on further amendments to the 1976 Act (Council Decision (EU, Euratom) [2018/994](#)), but those amendments are still not in force, as three Member States ([Germany, Cyprus and Spain](#)) have not yet approved them. In May 2022, Parliament adopted a [legislative resolution](#) to repeal the [1976](#) European Electoral Act and replace it with a new Council regulation that would further harmonise the rules applicable to European elections, including through the creation of an EU-wide electoral constituency.

According to Article [223\(1\)](#) TFEU, Parliament's legislative initiative has to be unanimously approved by the Council after obtaining Parliament's consent by a majority of its component members. Furthermore, the proposed regulation cannot enter into force until it has received the approval of all the Member States in accordance with their constitutional requirements. The proposed regulation is now being analysed by the Council in its General Affairs configuration, and some national delegations have already sent their preliminary written [contributions](#) relating to it.

In accordance with Article [22\(2\)](#) TFEU, Directive [93/109/EC](#) lays 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.

Existing situation

With successive enlargements and increased mobility, the number of EU mobile citizens has grown over the years. However, in certain Member States the share of mobile EU citizens of voting age remains very low (0.09 % in Poland), while in some others, it is so significant (40.4 % in Luxembourg) as to justify the possibility of introducing derogations to the principle of equal treatment, as recognised by Article 14 of Directive 93/109 EC. In 2019, it was estimated that around 17 million EU citizens lived in a Member State of which they were not nationals; 14 million of them were of voting age.¹ Following the United Kingdom's departure from the EU, the number of mobile EU citizens went down to 13.3 million, 11 million of whom were of voting age. The distribution of the EU mobile citizens' population of voting age varies greatly among Member States.²

EU mobile citizens' participation in European elections has increased over the years but is still not optimal. Already in 1998, a Commission [report](#) pointed to a number of shortcomings, including lack of information about voting rights, a low success rate for non-national candidates and a great degree of variation among Member States regarding the participation of non-national voters in the Member State of residence (e.g. from 44.11 % in Ireland to 1.55 % in Greece). The number of non-national candidates in European elections has slightly increased³ over the years, from 53 in the 1994 elections to 168 in those of 2019, while still remaining quite low. [Directive 2013/1/EC](#) certainly incentivised mobile candidacies but challenges remained, as acknowledged by the 2021 European Parliamentary Research Service (EPRS) [implementation appraisal](#) of Directive 93/109/EC (for more details see the Section on Preparation of the Proposal).

Successive citizenship reports, transposition and implementation reports of Directive 93/109/EC and studies have pointed to a **number of challenges** that prevent mobile EU citizens from fully enjoying their voting rights in European elections. These include but are not limited to: difficulties in obtaining timely and clear information about registration processes and voting rights; and inconsistent collection of data on registered voters and candidates. According to Article [25 TFEU](#), every three years the Commission should submit a citizenship report to the Parliament, Council and European Economic and Social Committee (EESC).

The most recent such [report](#) – from 2020 – recognises that the exercise of EU citizenship rights has faced a number of challenges, among them the coronavirus pandemic and the online disinformation targeted at EU citizens during the European elections. Nevertheless, one should also acknowledge some positive developments, such as the fact that 9 out of 10 European citizens [declare](#) to be familiar with the term 'citizen of the European Union' and that the most recent [European elections](#) had the **highest turnout in the past two decades** (50.66 % compared to 42.61 % in the 2014 elections). The report also confirmed the Commission's intention to update the relevant provisions so as to strengthen mobile citizens' ability to exercise their electoral rights. Moreover, the report stressed that a number of Member States deprive their nationals of the right to vote in national parliamentary elections if they permanently reside in other countries. This implies de facto that those citizens face exclusion from political life in both countries, of origin and of residence. This is why a 2014 Commission [recommendation](#) invited Member States to allow their nationals residing in another Member State to remain registered on the electoral roll for national parliamentary elections.

The previous [citizenship report](#), dating from 2017, also pointed to the **lack of awareness among EU mobile citizens** about their rights, which would explain why they do not fully exercise their right to vote in European and municipal elections. EU mobile citizens risk to be excluded from any democratic participation if they do not exercise their electoral rights both in their home and host countries. The report stressed the need **for better data collection**, for raising citizens' awareness, **for making the voting process easier** and for engaging with stakeholders.

In February 2018, the Commission issued a [recommendation](#) on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament. The recommendation

stressed *inter alia* the importance of engaging with EU citizens in debates on European issues; called on national parties to make it known if and which European political parties they are affiliated with; and called on the competent national authorities 'to support democratic conduct and help achieve a high turnout', and to identify best practices. In addition to that, the recommendation stressed the importance of ensuring that 'European citizens resident in another Member State can use their right to vote in that Member State, to promote the exercise of electoral rights of underrepresented groups, including persons with disabilities'. In September 2018, the Commission adopted a **package on free and fair European elections**, which included a [communication](#) and a [recommendation](#). Moreover, to support the Member States in sharing good practices and experience, the Commission established the [European cooperation network on elections](#) bringing together representatives of Member States' authorities with competence in electoral matters.

EU citizens themselves seem concerned about the difficulties they encounter in exercising their voting right, suffice to mention that on **4 March 2020**, the Commission [agreed](#) on the admissibility of a request for a **European citizens' initiative** entitled '[Voters without borders, full political rights for EU citizens](#)', and registered the initiative under this name. The initiative calls for 'reforms to strengthen the existing rights of EU citizens to vote and stand in European and municipal elections in their country of residence and new legislation to extend them to regional, national elections and referenda'. The [end date](#) for the collection of statements was 11 June 2022.

Parliament's starting position

In a [resolution](#) of **February 2017**, Parliament stressed the need to further involve citizens in the political life of their country of residence in order to build European democracy; it furthermore called to extend citizens' electoral rights to 'all remaining elections' not covered by the current Treaty provisions.

This request was reiterated in a **2019** [resolution](#) in which Parliament called on the Commission to 'extend the rights listed in Article 20 TFEU in order to allow EU citizens to choose whether to vote in their Member State of nationality or of residence and that this be extended to include all elections, in line with the constitutional possibilities of each Member State'.

In **November 2020**, Parliament adopted a [resolution](#) taking stock of the 2019 European Parliament elections, in which it urged 'Member States to guarantee that all those who have the right to vote, including EU citizens living outside their country of origin, homeless people and prisoners who are granted such a right in accordance with national laws, are able to exercise this right'. Parliament also pointed to the fact that people with disabilities faced major challenges to vote, in fact, 'an estimated 800 000 EU citizens were not able to exercise their right to vote in the last European elections because of their disabilities or mental health problems'. Parliament stressed that Roma people also faced difficulties in the area of political participation. Moreover, Parliament welcomed the increased participation in the 2019 European elections, which shows the possibility of reversing the downward trend in turnout in the EU. Among other things, the Parliament recommended launching an examination of the new remote voting methods for citizens during European elections in specific or exceptional circumstances; and introducing harmonised standards for passive and active voting rights across Member States.

In **March 2022**, Parliament adopted a [resolution](#) on the EU citizenship report 2020. Parliament regretted that 'stateless persons with long-term residency status are not fully involved in democratic participation and, in particular, are deprived of the right to participate in municipal and/or European elections'. Parliament stressed the need to increase and facilitate citizens' democratic participation, including by removing any obstacle before mobile EU citizens, and in particular persons with disabilities, for voting. It called for better and easily accessible information to citizens, including through 'a fully accessible, single EU-wide information platform'. Parliament called on Member States to share best practices, including through the EU cooperation network on elections, in order to identify and address the specific electoral needs of people with disability. It also stressed the need

for robust data on 'under-represented categories of voters and the need to agree on a basic set of common definitions of disadvantaged groups, which may include groups such as LGBTIQ people, migrants and refugees, people from low-income households, racial, ethnic or linguistic minorities, and persons with disabilities'. Finally, Parliament pointed out that disenfranchisement of EU mobile citizens, accompanied by the fact that EU mobile citizens cannot vote in national elections in their country of residence, might have a negative impact on the freedom of movement and on the right to political participation.

As mentioned earlier in this paper, in a **May 2022 [resolution](#)** Parliament adopted a draft legislative act proposing to repeal the European Electoral Act and replace it with a new Council regulation that would further harmonise the rules applicable to European elections, including through the creation of an EU-wide electoral constituency. One of the [aims](#) of the resolution was to increase voter turnout in European elections by means of:

- harmonising the minimum voting age at 16 (except where the Member State's constitution provides for a voting age of 17 or 18);
- setting the minimum age for standing candidate at 18;
- carrying out the election on the same day across the Member States (9 May);
- creating an EU-wide constituency in which 28 MEPs would be elected to the Parliament through transnational electoral lists and a uniform electoral system;
- improving accessibility requirements for people with disabilities;
- introducing postal voting for all EU citizens;
- considering additional means of voting such as proxy, electronic or advanced voting.

Council starting position

In January 2022, the General Affairs Council had a [public policy debate](#) on the reinforcing democracy and integrity of elections package, presented by the Commission on 25 November 2021, which also included the proposal on the [revision](#) of Council Directive 93/109/EC. Within the Council, the Commission proposal is discussed at the level of the Working Party on General Affairs ([GAG](#)).

Prior to that, in its 2017 [conclusions](#) on the citizenship report, the Council stressed the importance of raising awareness about the rights deriving from EU citizenship; of sharing good practices among Member States to help citizens vote or stand in EU elections; and of ensuring access to information in all official languages. In particular, in relation to voting rights, Council called for specific measures to foster election turnout, including of under-represented groups of voters and to remove the barriers to EU citizens' participation in elections as voters or candidates.

Preparation of the proposal⁴

On **19 October 2020**, the European Commission presented its [2021 work programme](#), which included, as one of its priorities, bringing into effect 'a new push for European democracy', as announced by President von der Leyen in her [political guidelines](#) for 2019-2024. Under this priority, the Commission announced its intention to issue a proposal on the revision of Council Directive 93/109/EC. A preparatory [study](#) was conducted in **2021** to support the upcoming impact assessment. The study looked at the barriers and challenges faced by mobile EU citizens in the exercise of their rights to vote and stand as candidates in their Member State of residence. The study pointed, inter alia, to: an insufficient level of information among mobile EU citizens about their voting rights; lower voting participation rates in local and European elections for mobile EU citizens compared to nationals of the host and home countries; the existence of unnecessary administrative barriers to the exercise of the electoral rights, in particular during the registration process; and a low level of understanding of the political and election systems of the country of residence.

From **19 April to 12 July 2021**, the Commission held a [public consultation](#) with a view to collecting stakeholders' views (including the general public, academia and research institutions, local and national authorities) on the electoral rights of mobile EU citizens who move across borders, and to

feeding the upcoming impact assessment on electoral rights. The consultation received a total of 61 responses, a large majority of which from citizens (39), followed by civil society organisations (10) and national authorities (8). Geographically speaking, the three Member States with the highest number of responses were Germany, France and Italy. Contributions highlighted that the [main challenges](#) facing EU mobile citizens were linked to 'unclear or early registration deadlines and registration processes'; that said, the impact assessment (Section 2.2) accompanying the proposal highlighted that, given the number of participants who took part in the public consultation, the validity of the open consultation was limited.

As mentioned earlier in this paper, in **October 2021** the EPRS published an [implementation appraisal](#) that identified the main challenges facing mobile EU citizens when exercising their right to vote and stand as candidates in European elections. These include, among others:

- **low** participation rates and low candidacy rates. In the 2019 European elections, only 10 % of EU mobile citizens registered to vote in their host Member State. Moreover, it is not possible to clearly ascertain how many of these registered citizens effectively cast a ballot because Member States do not collect data in a systematic way. A sizable percentage of eligible EU mobile citizens are not registered in the electoral roll of their home country or their host country. The reasons behind this low percentage are multiple and include lack of understanding of the electoral and political systems of the host country, language barriers, and poor and insufficient voting options (for instance, cumbersome procedures for voting by mail).
- complex registration requirements. According to the EPRS document, procedures and deadlines for registration differ greatly from one Member State to another.
- lack of clear and pertinent information both about the procedures and the political system in the host Member State is a persistent problem.

Moreover, the report points to a statistical problem concerning **double voting**. In fact, Directive 93/108/EC grants EU mobile citizens the freedom to choose whether to vote – in their home Member State or their host Member State – yet prohibits them from voting twice.

On **25 November 2021**, ahead of the European elections of 2024, the Commission put forward its [proposal](#) for the revision of Council Directive 93/109/EC (recast). As already mentioned, the proposal was part of a broad package aimed at i) regulating [online political advertising](#); ii) regulating [European political parties and foundations](#); and iii) ensuring that EU mobile citizens do vote and stand as candidate at [municipal elections](#) (Directive 94/80/EC).⁵ A single [impact assessment](#) accompanied the proposals for the revision of Directives 93/109/EC and 94/80/EC. The impact assessment points to the fact that, despite the lack of robust data, overall 'mobile EU citizens are substantially less likely to vote than their counter-parts who live in their home countries'. The underlying reasons are multiple, notably lack of awareness of these rights, difficulties in getting accurate information on the administrative procedures and difficulties in registering. As the number of mobile EU citizens has been growing over the years, these problems are therefore likely to affect an increasingly larger proportion of the population.

Recasting

[Recasting](#) is a process aimed at amending EU legislation, consolidating existing EU provisions in a new single act and introducing substantive changes. The resulting new legislative act follows the full legislative process and repeals all the acts being recast. It is precisely the introduction of substantive changes that makes this technique different from [codification](#). The latter involves the preparation of a completely new act combining the original act and the successive amendments but without any additional substantive changes. Finally, recasting differs from [consolidation](#), as the latter simply consolidates in a single document the provisions of the original instrument and all its subsequent amendments without introducing substantial changes, without resulting in the adoption of a new legal act. The [Interinstitutional Agreement](#) of 28 November 2001 lays down detailed rules on the use of the recasting technique for legal acts.

The changes the proposal would bring

The [proposal](#) aims to revise Council Directive 93/109/EC. More particularly, it:

- introduces **standardised templates** for the formal declarations to be presented by EU mobile citizens when requesting entry or removal from the electoral roll (Article 9) or registration as candidate (Article 10). In order to ensure that those templates contain relevant information, the Commission is empowered to adopt delegated acts. The conditions for the exercise of the delegation are set in Article 20;
- requires Member States to appoint **national authorities** to inform, individually and in a timely manner, EU mobile citizens about the rules for registering as voters or candidates in the European elections. The **information** should cover, inter alia, the registration process, the date of elections, rules on candidates' rights, incompatibilities as well as ways to find further information. Moreover, the information should be provided in the country's official language/s and 'at least one other official language of the Union that is broadly understood by the largest possible number' of EU mobile citizens in the country, in accordance with Regulation ([EU 2018/1724](#) (the Single Digital Gateway Regulation)). Member States are also required to take specific measures to ensure that **this information is accessible to people with disabilities and older persons** (Article 12);
- requires Member States to **inform EU mobile citizens of their registration** as voters or candidates, as well as about the **legal remedies** they are entitled to, should their registration be rejected (Article 11). Moreover, legal remedies will be also available to EU mobile citizens in case of error in the electoral roll or in the list of candidates;
- requires the European Commission to provide a **secure tool** to facilitate the exchange of data between Member States (Article 13) and provides for the establishment of a unique set of information in Annex III (name, nationality, date and place of birth, etc.). To modify this data, the Commission will be able to adopt a delegated act; it will also be empowered to adopt implementing acts to establish 'responsibilities and obligations for the operation of the secure tool' in accordance with Article 19. Article 19 states that the Commission will be assisted by a committee and that the examination procedure⁶ requires Member States to designate an **authority specifically in charge of collecting and providing statistical data** on the participation of EU mobile citizens in European elections (Article 15);
- requires Member States to ensure that '**advance voting, postal voting, and electronic and internet voting**' is accessible to EU mobile citizens under 'similar' conditions as to nationals (Article 14).
- Concerning the **reporting requirements**, the proposal requires:
- the Member States to send the Commission information, including statistical data on citizens' participation as voters or as candidates, on the application of the revised directive, within 6 months after each European election (Article 17).
- the Commission to produce an evaluation report within 2 years after the 2029 European elections (Article 18).

Delegated and implementing acts

Article 20 of the proposal lays down the **conditions for the exercise of the delegation of power** in accordance with [Article 290 TFEU](#), namely: the power is conferred for an indeterminate period of time though it might be revoked at any time by the Council; before adopting a delegated act, the Commission must consult the experts designated by the Member States; each delegated act must be simultaneously notified by the Commission to the Parliament and the Council as soon as it is adopted; the delegated act enters into force only if Council does not object within the two-month period after the notification; the two-month period must be extended by two additional months if Council requests such an extension.

Article [290 TFEU](#) defines [delegated acts](#) as those that: 1) are adopted by the European Commission; 2) are of general application; 3) 'supplement or amend certain non-essential elements' of the basic act; 4) are based on an explicit delegation of power (contained in a legislative act) that lays down the objectives, content, and scope of the delegated act, and is of specific duration; and 5) may not be concerned with 'essential elements of an area' regulated by the basic act. The delegation contained in the basic act may attach one or both of the following conditions: 1) the power of the European Parliament or the Council to revoke the delegation; and 2) the entry into force of the delegated act only if no objection is expressed by the European Parliament or the Council within a period set by the basic act. In both cases, Parliament acts by a majority of its component members and Council by qualified majority voting (QMV – i.e. 'at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union', as provided in Article [16\(4\) TEU](#)).

According to Article 291(2) TFEU, 'implementing powers' (i.e. the competence to adopt implementing acts) may be conferred, in principle, on the Commission by a basic act 'where uniform conditions for implementing legally binding Union acts are needed'. The concept of 'implementation', used in Article 291 TFEU, refers to both acts of general application and to individual acts applying the law to concrete cases. Since the implementation of EU law, as a matter of principle (Article 291(1) TFEU), rests with Member States, the exercise of implementing powers by the Commission is viewed as an exception and is, therefore, subject to Member State supervision under the comitology system.

Advisory committees

There is no requirement under Article 22 TFEU to consult the advisory committees i.e. the European Economic and Social Committee (EESC) and the European Committee of the Regions (CoR). However, back in 2013 a CoR [opinion](#) on Strengthening EU Citizenship: Promotion of EU Citizens' Electoral Rights underlined that citizens faced some obstacles preventing them from fully enjoying their electoral rights in everyday life.

National parliaments

The subsidiarity scrutiny deadline was [22 March 2022](#). Nine national parliamentary chambers examined the proposal but none of them issued a 'reasoned opinion' to say that the proposal conflicts with the principle of subsidiarity. The [Spanish parliament](#) considered that the proposal was in conformity with the principle of subsidiarity.

Stakeholder and academic views

In its position paper, the [European Disability Forum](#) stressed, among others: the need to ensure that mobile EU citizens with disabilities benefit from the same specific arrangements to facilitate their voting right as those put in place for nationals with disabilities; the need to reinforce the proposed requirement for accessible information by referring to the European Accessibility Act. Moreover, the forum proposes more detailed amendments (see p.12 of the position paper). [Voters without Borders](#) welcomed the proposal but called for a more ambitious vision that would include: the creation of an EU-wide helpdesk to help mobile EU citizens who have problems in exercising their electoral rights; the sharing of best practices among Member States; and the building up of partnership with local authorities and civil society.

Legislative process

Article [22\(2\)](#) TFEU stipulates that the exercise of the electoral rights to which it refers are subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a [special legislative procedure](#) (Article 289(2) TFEU) and after consulting the European Parliament (**consultation procedure**).

On 27 January 2022, the Parliament announced the names of the committees to which it had referred the file. The file was assigned to the Committee on Constitutional Affairs ([AFCO](#)); the Committee on Civil Liberties, Justice and Home Affairs ([LIBE](#)) would issue a separate opinion and the Legal Affairs ([JURI](#)) Committee an opinion on the recast technique.

In the AFCO committee, [Damian Boeselager \(Greens/Germany\)](#) was appointed as rapporteur; he presented his draft report on 20 July 2022, making [49 amendments](#) to the Commission proposal. The draft report was first considered by the AFCO committee during its [13 July meeting](#). On 8 September, another [80 amendments](#) were tabled. The LIBE committee issued its [opinion](#) on 26 October. The AFCO committee [voted on its draft report](#) on 1 December and tabled it for the February II plenary in 2023.

According to the draft report, the Commission's proposal is not ambitious enough and would only partially solve the specific problems faced by EU mobile citizens when voting or standing as candidates in European elections. The draft report insists on making information on mobile citizens' rights to vote or stand as candidates available in all EU languages, on providing this information periodically and in a timely manner, and on ensuring that it reaches all groups, including and specifically people with disabilities. Moreover, the draft report calls for further exploration of the possibility of voting by mail, by proxy, in advance and using electronic voting. It also insists on a deeper involvement of civil society organisations in assisting the designated authorities in Member States to inform citizens not only about the registration and voting process but also about the nature of the political system of the Member State in which they reside. Finally, the draft report considers that the recent Parliament [proposal](#) to reform the European Electoral Act should be duly considered in the recast of Directive 93/108/EC.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

De Groot D., [Revision of Council Directive 94/80/EC Electoral rights of mobile Union citizens in municipal elections](#), EPRS, January 2023.

Diaz Crego M., [Towards new rules for European elections?](#), EU Legislation in Progress, EPRS, September 2022.

Anglmayer I., [Voting and candidacy rights of EU mobile citizens in European elections under Directive 93/109/EC](#), Implementation Appraisal, EPRS, October 2021.

Manko R., Del Monte M., [Understanding delegated and implementing acts](#), EPRS, July 2021.

[Europeanising the elections of the European Parliament](#), Policy Department for Citizens' Rights and Constitutional Affairs, June 2021.

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

OTHER SOURCES

[Electoral rights of mobile Union citizens in European Parliament elections](#), Legislative Observatory, European Parliament.

ENDNOTES

- ¹ Anglmayer I., [Voting and candidacy rights of mobile EU citizens in municipal elections under Directive 94/80/EC](#), Implementation Appraisal, EPRS, October 2021, p. 4.
- ² Anglmayer I., [Voting and candidacy rights of mobile EU citizens in European elections under Directive 93/109/EC](#), Implementation Appraisal, EPRS, October 2021.
- ³ *ibid.*
- ⁴ [Article 16](#) of Directive 93/109/EC required the Commission to present a report on the application of the directive to the 1994 elections. However, the directive did not contain any provision for a regular reporting, thus the last Commission report dates back to 2010, [COM\(2010\)605](#).
- ⁵ A separate EPRS [briefing](#) examines the proposal for recasting Directive 94/80/EU laying down detailed arrangements for the exercise of 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.
- ⁶ The procedural arrangements for the adoption of implementing acts are laid down, as required by Article 291(3) TFEU, in the Comitology Regulation (Regulation 182/2011). It provides for two types of procedures: the advisory procedure, and the examination procedure. The type of procedure is usually determined in the basic act.

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