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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DIRECTIVE laying down detailed arrangements for the exercise of the right to vote and to 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)

COUNCIL DIRECTIVE (EU) 2024/...

of ...

**laying down detailed arrangements for the exercise of the right to vote
and to 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)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 22(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament¹,

Acting in accordance with a special legislative procedure,

¹ Opinion of ... (OJ C, ..., ELI: .../not yet published in the Official Journal).

Whereas:

- (1) A number of amendments are to be made to Council Directive 93/109/EC². In the interests of clarity, that Directive should be recast.
- (2) Article 20(2), first subparagraph, point (b), and Article 22(2) of the Treaty on the Functioning of the European Union (TFEU) confer on Union citizens residing in a Member State of which they are not nationals the right to vote and to stand as a candidate in elections to the European Parliament in their Member State of residence under the same conditions as nationals of the host Member State. The right, which is also affirmed in Article 39 of the Charter of Fundamental Rights of the European Union ('the Charter'), gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21 of the Charter. It is also a corollary of the right to move and reside freely enshrined in Article 20(2), first subparagraph, point (a), and Article 21 TFEU and Article 45 of the Charter.
- (3) The detailed arrangements governing the exercise of the right to vote and to stand as a candidate in elections to the European Parliament are set out in Directive 93/109/EC.

² Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34).

- (4) In the EU Citizenship Report 2020, the Commission stressed the need to update, clarify and strengthen the rules on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in order to ensure that they support the broad and inclusive participation of mobile Union citizens. In view thereof, and taking into account the experience gained in the application of Directive 93/109/EC for successive elections and the changes introduced by the amendments to the Treaties, several provisions of that Directive should be updated.
- (5) Article 22(2) TFEU is without prejudice to Article 223(1) TFEU, which provides for the establishment of a uniform procedure in all Member States in accordance with principles common to all Member States for elections to the European Parliament.
- (6) In order to ensure that Union citizens who reside in a Member State of which they are not nationals ('non-national Union citizens') are able to exercise their right to vote and to stand as a candidate in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in such elections should be clarified in order to ensure the equal treatment of Union citizens who are nationals of the Member State concerned and non-national Union citizens. In particular, Union citizens seeking to vote and to stand as candidates in elections to the European Parliament in their Member State of residence should be treated equally as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well as the proof required in order to demonstrate compliance with such a condition.

- (7) The freedom of Union citizens to choose the Member State in which to take part in elections to the European Parliament must be respected, while appropriate measures to ensure that no one may vote more than once or stand as a candidate in more than one country are taken.
- (8) In line with international and European standards, including the requirements of the International Covenant on Civil and Political Rights and the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Member States should not only recognise and respect the right of Union citizens to vote and to stand as a candidate but also ensure easy access to their electoral rights by removing as many obstacles to participation in elections as possible.
- (9) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their country of residence, such citizens should be entered on the electoral roll in sufficient time in advance of polling day. The formalities applicable to their registration should be as simple as possible. In order to be registered, it should be sufficient for the Union citizens concerned to produce a valid identity document and a formal declaration that includes elements demonstrating their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the Member State concerned, for as long as they satisfy the conditions for exercising the right to vote. Where applicable, Union citizens should be able to provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

- (10) While Member States are competent to determine the right to vote or to stand as a candidate in elections to the European Parliament as regards nationals who reside outside their territory, the fact that non-national Union citizens have been entered on the electoral roll of their Member State of residence should not in itself constitute grounds for their removal from the electoral roll of their home Member State for other types of election.
- (11) In order to ensure the equal treatment of non-national Union citizens seeking to exercise the right to stand as a candidate for election in their Member State of residence, such citizens should be required to produce the same supporting documents as those required from candidates who are nationals of the Member State concerned. However, in order to establish that such citizens are beneficiaries of the right laid down in Article 20(2), first subparagraph, point (b), and Article 22(2) TFEU, Member States should be able to require the production of a formal declaration that includes the elements necessary to demonstrate their entitlement to stand in the elections in question.
- (12) In order to facilitate the accurate identification of voters and candidates registered both in their home Member State and in their Member State of residence, Member States should be able to require that the data to be provided by Union citizens, when submitting an application to be entered on the electoral roll or to stand as a candidate in the Member State of residence, also include a personal identification number or the serial number of a valid identity or travel document.

- (13) Union citizens who have been deprived of their right to vote or to stand as a candidate, on the basis of an individual civil law or criminal law decision taken by the competent authority, should be precluded from exercising that right in the Member State of residence in elections to the European Parliament. Member States should be able to require that Union citizens applying to register as voters provide a formal declaration confirming that they have not been deprived of their right to vote. When standing as candidates in their country of residence, Union citizens should be required to produce a statement confirming that they have not been deprived of the right to stand in the elections to the European Parliament.
- (14) It should be possible for the Member State of residence to check that Union citizens who have expressed a desire to exercise their right to stand as a candidate have not been deprived of that right in their home Member State. Where a Member State receives a request to that effect from the Member State of residence, it should provide the necessary confirmation within a time limit allowing for the admissibility of the candidacy to be effectively assessed. The personal data being exchanged may be processed only for that purpose. Given the fundamental importance of electoral rights, failure by the home Member State to provide timely information on the status of a Union citizen should not result in the deprivation of the right to stand as a candidate in the Member State of residence. In cases where the relevant information is provided at a later stage, the Member State of residence should ensure, by means of appropriate measures and in accordance with the procedures provided for by its national law, that Union citizens deprived of the right to stand as a candidate in their home Member State who were registered as candidates or have already been elected are prevented from being elected or from exercising their mandate.

- (15) Given that the admissibility procedure in a Member State necessarily entails administrative steps for a national of another Member State in addition to those for the nationals of that Member State, it should be possible for Member States to set a deadline for the submission of applications to stand as a candidate by non-national Union citizens that is different from that set for national Union citizens. Any difference in the deadline should be limited to that which is necessary and proportionate in order to allow for the notification of the information from the home Member State to be taken into account in a timely manner. Establishing such a separate deadline should not affect the deadlines for obligations for other Member States to make notifications pursuant to this Directive.

- (16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once in the same elections, Member States should exchange information gathered from the formal declarations produced by Union voters and Union citizens entitled to stand as candidates. As Member States rely on different data to identify citizens, a common set of data should be envisaged in order to accurately identify Union voters and Union citizens entitled to stand as candidates and stop them from voting or standing as a candidate more than once. The personal data exchanged should be limited to the minimum necessary to achieve those purposes. Member States should supply the information sufficiently in advance of polling day. Member States should conduct the exchange of information in a way which does not create an unnecessary administrative burden for their competent authorities. Without prejudice to national provisions on the entry of voters on the electoral roll and the submission of candidacies, the Member State of residence should start supplying the available data no later than the date six weeks before that on which the electoral period begins. The data exchanged between Member States should be as accurate as possible, and Member States should be able to update it, having regard to national provisions on the entry of voters on the electoral roll and the submission of candidacies.

- (17) The information exchange between Member States to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same election should not prevent their nationals from voting or standing as candidates in other types of election. To facilitate communication between national authorities, Member States should be required to designate one contact point for that information exchange. A secure tool was developed in the past by the Commission to be used only by the Member States under their responsibility to exchange the necessary data. That secure tool should be incorporated in this Directive, to further support exchanges between Member States' competent authorities. Member States will act as separate controllers for their processing of personal data in this regard. This tool should give access to Member States only to the data of the Union citizens residing in their electoral territory who explicitly expressed their wish to be entered on their electoral rolls or stand as candidates and their own nationals who expressed explicitly the wish to vote or stand as candidates in the Member States of residence.

- (18) For defining responsibilities, obligations and technical standards for the operation of the secure tool, in accordance with Chapter IV of Regulation (EU) 2016/679 of the European Parliament and of the Council³, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴.
- (19) The accessibility of information on electoral rights and procedures is a key component in ensuring the effective exercise of the right enshrined in Article 20(2), first subparagraph, point (b), and Article 22(2) TFEU. This means, in particular, that such information should be made accessible not only to persons with disabilities, but also to those lacking digital skills, especially older persons, by ensuring that communication does not take place exclusively through one channel.

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (20) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should be required to designate authorities with special responsibilities for providing appropriate information to Union citizens on their rights under Article 20(2), first subparagraph, point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organisation of elections to the European Parliament. In order to ensure the effectiveness of communications, information should be provided in clear and plain language. This means that information should be provided in a manner that the person concerned understands or can be reasonably expected to understand.
- (21) In order to improve the accessibility of electoral information, such information should be made available, for example on a generally accessible website, in at least one official language of the Union, other than that or those of the host Member State, that is broadly understood by the largest possible number of Union citizens residing on its territory. Translations in such other languages should be purely informative and should not have any legal effect. If any questions arise in relation to the accuracy of the information contained in those translations, only the versions in the official language or languages of that Member State should be considered legally binding. Member States may use different official languages of the Union in specific parts of their territory or their regions depending on the language understood by the largest group of Union citizens residing therein.

- (22) Any derogation from the general rules of this Directive has to be warranted, pursuant to Article 22(2) TFEU, by problems specific to a Member State and has to be in line with the requirements set out in Article 52 of the Charter, including the requirement for any limitation on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament to be provided for by law and be subject to the principles of proportionality and necessity. In addition, any derogation has to be in line with Article 47 of the Charter.
- (23) Specific problems could arise in a Member State in which the proportion of Union citizens of voting age who reside in it but are not nationals of it is very significantly above average. Derogations regarding the right to vote are warranted where such citizens form more than 20 % of the total electorate. Such derogations should be based on the criterion of period of residence.
- (24) Member States in which the proportion of non-national Union citizens of voting age exceeds 20 % of the total number of Union citizens of voting age who reside there should have the possibility to lay down, in compliance with Article 22(2) TFEU, specific provisions concerning the composition of lists of candidates.
- (25) Account has to be taken of the fact that, in certain Member States, residents who are nationals of other Member States have the right to vote in elections to the national parliament. Certain provisions of this Directive may consequently be dispensed within those Member States.

(26) Statistical data regarding the exercise of electoral rights and the application of this Directive can be useful in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. Such statistical data can help evaluate the measures put in place to support the participation of Union citizens in elections and could result in more efficient solutions. In particular, where available, statistical data on the participation of non-national Union citizens in elections, such as data on the registration of voters and candidates and on voter turnout, as well as aggregated anonymised data on nationality, age, language and location, could be useful for Union and national policy measures supporting high turnout and facilitating the exercise of electoral rights. The collection of such data, in full respect of data protection applicable rules, may be conducted,, through, inter alia, surveys or any methods of deriving information from public or administrative sources. The European Cooperation Network on Elections could support such a process by developing common references for the collection of data on the participation of non-national Union citizens in elections.

- (27) In order to improve the collection of data for elections to the European Parliament, it is necessary to introduce regular monitoring and reporting of implementation by Member States. The Commission supports such monitoring and reporting, including by circulating, sufficiently in advance of the date of the elections to the European Parliament, a questionnaire to Member States on the participation of Union citizens in the elections. That questionnaire is prepared in cooperation with the members of the European Cooperation Network on Elections. In parallel, the Commission should assess the application of this Directive, and submit a report including the results of that assessment to the European Parliament and to the Council, after each election to the European Parliament.

- (28) The collection and processing of personal data for the purpose of producing statistical data on the participation of non-national Union citizens in elections, as well as the provision of such data to the public and the Commission, should be carried out in full compliance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 of the European Parliament and of the Council⁵, including the principles of purpose limitation, data minimisation, storage limitation, and integrity and confidentiality. In particular, the processing of personal data for statistical purposes should be subject to appropriate safeguards, in accordance with Article 89(1) of Regulation (EU) 2016/679 and Article 13 of Regulation (EU) 2018/1725. In that regard, data should be shared by using privacy-enhancing technologies that are specifically designed to implement those principles. Statistical data processed for the purposes of this Directive should be aggregated to such a degree that individuals cannot be identified, and should be rendered anonymous prior to their aggregation.
- (29) It is necessary that the Commission conduct its own evaluation of the application of this Directive within a reasonable timeframe after at least two elections to the European Parliament.

⁵ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(30) Member States should be able to require non-national Union citizens to submit specific additional data as part of the formal declarations they have to provide in the context of the exercise of their electoral rights. In order to take into account evolving national requirements and practices, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the list of such data only by adding elements to it. All measures adopted in the exercise of that delegation should be necessary and proportionate to achieve the purposes of this Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶. In particular, to ensure timely access to all information regarding the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and its experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁶ OJ L 123, 12.5.2016, p. 1.

- (31) The Member States, by ratifying the United Nations Convention on the Rights of Persons with Disabilities, and the Union, by concluding that Convention by means of Council Decision 2010/48/EC⁷, have committed themselves to ensuring compliance with that Convention. In order to support inclusive and equal electoral participation for persons with disabilities, arrangements for non-national Union citizens to exercise the right to vote and to stand as a candidate in elections to the European Parliament should have due regard to the needs of citizens with a disability and older citizens.
- (32) Regulations (EU) 2016/679 and (EU) 2018/1725 apply to personal data processed when implementing this Directive.
- (33) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered formal comments on 17 January 2022.
- (34) This Directive respects fundamental rights and the principles recognised in particular by the Charter, in particular Articles 21 and 39 thereof. Accordingly, it is essential that this Directive be implemented in accordance with those rights and principles by ensuring full respect for, inter alia, the right to the protection of personal data, the right to non-discrimination, the right to vote and to stand as a candidate in elections to the European Parliament, the freedom of movement and of residence and the right to an effective remedy.

⁷ Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).

- (35) The obligation to transpose this Directive into national law should be confined to those provisions, that represent a substantive amendment as compared to the earlier Directives. The obligation to transpose the provisions that are unchanged arises under the earlier Directives.
- (36) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex III, Part B,

HAS ADOPTED THIS DIRECTIVE:

Chapter I

General provisions

Article 1

Subject matter and scope

1. This Directive lays down the detailed arrangements whereby Union citizens residing in a Member State of which they are not nationals ('non-national Union citizens') may exercise the right to vote and to stand as a candidate there in elections to the European Parliament.
2. Nothing in this Directive shall affect each Member State's provisions concerning the right to vote or to stand as a candidate of its nationals who reside outside its electoral territory.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

- (1) 'elections to the European Parliament' means elections by direct universal suffrage to the European Parliament of representatives in accordance with the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976⁸ ('the Electoral Act');

⁸ OJ L 278, 8.10.1976, p. 5.

- (2) ‘electoral territory’ means the territory of a Member State in which, in accordance with the Electoral Act and, within that framework, in accordance with the electoral law of that Member State, members of the European Parliament are elected by the people of that Member State;
- (3) ‘Member State of residence’ means a Member State in which a Union citizen resides but of which the Union citizen is not a national;
- (4) ‘home Member State’ means the Member State of which a Union citizen is a national;
- (5) ‘Union voter’ means any Union citizen who is entitled to vote in elections to the European Parliament in the Member State of residence in accordance with this Directive;
- (6) ‘Union citizen entitled to stand as a candidate’ means any Union citizen who has the right to stand as a candidate in elections to the European Parliament in the Member State of residence in accordance with this Directive;
- (7) ‘electoral roll’ means the official register of all voters entitled to vote in a given constituency or locality, drawn up and kept up to date by the competent authority under the electoral law of the Member State of residence, or the population register if it indicates eligibility to vote;

- (8) ‘reference date’ means the day or the days as of which Union citizens have to satisfy, under the law of the Member State of residence, the requirements for voting or for standing as a candidate in that State;
- (9) ‘formal declaration’ means a declaration by the person concerned, inaccuracy in which makes that person liable to penalties, in accordance with the applicable national law.

Article 3

Conditions governing the right to vote and to stand as a candidate

Any person who, on the reference date:

- (a) is a Union citizen within the meaning of Article 20(1) TFEU; and
- (b) is not a national of the Member State of residence, but satisfies the same conditions in respect of the right to vote and to stand as a candidate as that Member State imposes by law on its own nationals,

shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence unless deprived of those rights pursuant to Articles 6 and 7.

Where, in order to stand as a candidate, nationals of the Member State of residence must have been nationals for a certain minimum period, non-national Union citizens shall be deemed to have met this condition when they have been nationals of a Member State for the same period.

Article 4

*Prohibition from voting more than once
or standing as a candidate in more than one Member State*

1. Union voters shall exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once in the same election.
2. No person may stand as a candidate in more than one Member State in the same election.

Article 5

Residence requirements

If, in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the electoral territory of that Member State, Union voters and Union citizens entitled to stand as candidates shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States. This Article shall apply without prejudice to any specific conditions as to length of residence in a given constituency or locality.

Article 6
Ineligibility

1. Union citizens who reside in a Member State of which they are not nationals and who, through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies, have been deprived of their right to stand as a candidate under either the law of the Member State of residence or the law of the home Member State shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament.
2. The Member State of residence shall check that the Union citizens who have expressed a desire to exercise their right to stand as a candidate there have not been deprived of that right in the home Member State through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies.
3. For the purposes of paragraph 2 of this Article, the Member State of residence shall notify the home Member State of the declaration referred to in Article 10(1). To that end, the relevant information that is available from the home Member State shall be provided in any appropriate manner within 5 working days from the reception of the notification or, where possible, within a shorter time limit, if so requested by the Member State of residence. Such information may include only details which are strictly necessary for the implementation of this Article and may be used only for that purpose.

If the information is not received by the Member State of residence within the time limit, the candidate shall none the less be admitted.

4. If the information provided invalidates the content of the declaration, the Member State of residence, irrespective of whether it receives the information within the time limit or at a later stage, shall take the appropriate steps in accordance with its national law to prevent the person concerned from standing as a candidate or, where this is not possible, to prevent this person either from being elected or from exercising the mandate.
5. Member States shall designate a contact point to receive and transmit the information necessary for the application of paragraph 3. They shall communicate to the Commission the name and contact details of the contact point and any updated information or changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.

Article 7

Disqualification from voting

1. The Member State of residence may check that the Union citizens who have expressed a desire to exercise their right to vote there have not been deprived of that right in the home Member State through an individual civil law or criminal law decision.

2. For the purposes of paragraph 1 of this Article, the Member State of residence may notify the home Member State of the declaration referred to in Article 9(2). To that end, the relevant and normally available information from the home Member State shall be provided in a timely and appropriate manner; such information may only include details which are strictly necessary for the implementation of this Article and may only be used for that purpose. If the information provided invalidates the content of the declaration, the Member State of residence shall take the appropriate steps to prevent the person concerned from voting.
3. The home Member State may, in a timely and appropriate manner, submit to the Member State of residence any information necessary for the implementation of this Article.

Article 8

Freedom to choose to vote in the Member State of residence

1. Union voters shall exercise their right to vote in the Member State of residence if they have expressed the wish to do so.
2. If voting is compulsory in the Member State of residence, Union voters who have expressed the wish to vote in that Member State shall be obliged to vote.

Chapter II
Exercise of the right to vote
and the right to stand as a candidate

Article 9

Entry on and removal from the electoral roll

1. Member States shall take the measures necessary to enable a Union voter who has expressed the wish to be registered as a voter to be entered on the electoral roll sufficiently in advance of polling day.
2. In order to have their name entered on the electoral roll, Union voters shall produce the same documents as voters who are nationals. They shall also produce a formal declaration, which shall contain the following elements:
 - (a) their name, nationality, date and place of birth, and address in the electoral territory of the Member State of residence;
 - (b) where applicable, the locality or constituency in their home Member State on the electoral roll of which their name was last entered; and
 - (c) a statement that they will exercise their right to vote in the Member State of residence only.

3. The Member State may also require Union voters to:
- (a) produce a valid identity document;
 - (b) state in their declaration under paragraph 2:
 - (i) that they have not been deprived of the right to vote in their home Member State;
 - (ii) where applicable, the personal identification number issued by the home Member State or the Member State of residence;
 - (iii) the type and serial number of the identity document or travel document issued by the home Member State;
 - (iv) the date of the declaration; and
 - (v) their contact details, such as a telephone number or email address;
 - (c) indicate the date from which they have been resident in that Member State or in another Member State.

4. Union voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until they request to be removed or until they are removed because they no longer satisfy the requirements for exercising the right to vote. Where provisions are in place to notify nationals of such a removal from the electoral roll, those provisions shall apply to Union voters in the same way.
5. Member States may use the template set out in Annex I for the purposes of the declaration referred to in paragraph 2.
6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend the list referred to in paragraph 3, point (b), of this Article only by adding elements to it.

Article 10

Registration as a candidate

1. When submitting an application to stand as a candidate, Union citizens shall produce the same supporting documents as candidates who are nationals. They shall also produce a formal declaration, which shall contain the following elements:
 - (a) their name, nationality, date and place of birth, last address in the home Member State and address in the electoral territory in the Member State of residence;

- (b) a statement that they are not standing as a candidate for election to the European Parliament in any other Member State;
- (c) where applicable, the locality or constituency in their home Member State on the electoral roll of which their name was last entered; and
- (d) a statement that they have not been deprived of the right to stand as a candidate in the home Member State through an individual judicial decision or an administrative decision, provided that the latter can be subject to judicial remedies.

2. The Member State of residence may also require Union citizens entitled to stand as candidates to:

- (a) produce a valid identity document;
- (b) state in their declaration under paragraph 1:
 - (i) where applicable, the personal identification number issued by the home Member State or Member State of residence;
 - (ii) the type and serial number of the identity document or travel document issued by the home Member State;
 - (iii) the date of the declaration; and
 - (iv) their contact details, such as a telephone number or email address;

- (c) indicate the date from which they have been nationals of a Member State.
3. Member States may use the template set out in Annex II for the purposes of the declaration referred to in paragraph 1.
 4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend the list referred to in paragraph 2, point (b), of this Article only by adding elements to it.

Article 11

Decision on registration and legal remedies

1. The Member State of residence shall inform the person concerned in a timely manner and in clear and plain language of the decision taken on that person's application for entry on the electoral roll or of the decision concerning the admissibility of that person's application to stand as a candidate.
2. Should a Union citizen be refused entry on the electoral roll, or a Union citizen's application to stand as a candidate be rejected, the person concerned shall be entitled to legal remedies on the same terms as the law of the Member State of residence prescribes for voters and persons entitled to stand as candidates who are its nationals.

3. In the event that there are errors in the electoral rolls or in the lists of candidates for election to the European Parliament, the person concerned shall be entitled to legal remedies on the same terms as the law of the Member State of residence prescribes for voters and persons entitled to stand as candidates who are its nationals.
4. Member States shall inform the person concerned clearly and in a timely manner of the decision referred to in paragraph 1 and of the legal remedies referred to in paragraphs 2 and 3.

Article 12

Provision of information

1. Member States shall designate one or more authorities with responsibility for taking the measures necessary to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament.
2. Member States shall ensure that the authorities designated pursuant to paragraph 1 make the following information available to registered Union voters and registered Union citizens entitled to stand as candidates, in a timely manner:
 - (a) the status of their registration, upon request;
 - (b) the date of the election and how and where to vote;

- (c) the relevant rules on voter and candidate rights and obligations, including those concerning prohibitions, incompatibilities and sanctions for violating electoral rules, in particular those pertaining to multiple voting;
- (d) means of obtaining further information relating to the organisation of the election, including the list of candidates.
3. The information on conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament and the information referred to in paragraph 2 shall be made available in accordance with the quality requirements set out in Article 9(1) of Regulation (EU) 2018/1724 of the European Parliament and of the Council⁹ in one or more official languages of the Member State of residence.

General information on the national framework for the organisation of elections to the European Parliament, including the conditions for registration as a voter or candidate, the date of the election and how and where to vote shall also be available in at least one other official language of the Union that is broadly understood by Union citizens residing on its territory. Member States may request the Commission to provide assistance for such translations in accordance with Article 12 of Regulation (EU) 2018/1724. Such translations shall be purely informative and shall have no legal effect.

⁹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament and information referred to in paragraph 2 are made accessible, in particular to persons with disabilities, by using appropriate means, modes and formats of communication.

Article 13

Information exchange mechanism

1. Member States shall exchange the information collected pursuant to Articles 9 and 10, sufficiently in advance of polling day. To that end, without prejudice to national provisions on the entry of voters on the electoral roll and the submission of candidates, the Member State of residence shall begin supplying that information to the home Member State, no later than six weeks before the first day of the electoral period referred to in Article 10(1) of the Electoral Act. The Member State of residence shall also provide the registration date on its electoral roll for requests of registrations made after the transposition date of this Directive. The home Member State shall, in accordance with its national law, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.
2. The home Member State shall ensure that the measures referred to in paragraph 1 do not prevent its nationals from voting or standing as candidates in other types of election.

3. The Commission shall provide a secure tool supporting the exchange of the information referred to in paragraph 1 by Member States. The tool shall allow Member States of residence to provide that information in an encrypted form.
4. The Commission is empowered to adopt implementing acts for the purpose of defining the technical standards for the operation of the secure tool referred to in paragraph 3 and the responsibilities and obligations, in accordance with Regulation (EU) 2016/679. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).

Article 14

Specific means of voting

Member States that provide for the possibility of advance voting, postal voting, or electronic or internet voting in elections to the European Parliament shall ensure the availability of those voting methods to Union voters under conditions similar to those applicable to their own nationals.

Article 15

Provision of statistical data

Member States shall enable the collection of relevant statistical data on the participation of non-national Union citizens in elections to the European Parliament and, where available, provide such data to the public and the Commission.

Chapter III

Derogations and transitional provisions

Article 16 *Derogations*

1. If, in a given Member State, the proportion of Union citizens of voting age who reside in it but are not nationals of it exceeds 20 % of the total number of national Union citizens and non-national Union citizens residing there who are of voting age, that Member State may, by way of derogation from Articles 3, 9 and 10:
 - (a) restrict the right to vote to Union voters who have resided in that Member State for a minimum period, which may not exceed 5 years;
 - (b) restrict the right to stand as a candidate to Union citizens entitled to stand as candidates who have resided in that Member State for a minimum period, which may not exceed 10 years.

The first subparagraph is without prejudice to appropriate measures which that Member State may take with regard to the composition of lists of candidates and which are intended in particular to encourage the integration of non-national Union citizens.

However, Union voters and Union citizens entitled to stand as candidates who, owing to the fact that they have taken up residence outside their home Member State or by reason of the duration of such residence, do not have the right to vote or to stand as a candidate in their home Member State shall not be subject to the conditions as to length of residence set out in the first subparagraph.

2. Where the law of a Member State prescribes that the nationals of another Member State who reside there have the right to vote for the national parliament of that Member State and, for that purpose, may be entered on the electoral roll of that Member State under exactly the same conditions as national voters, the first Member State may, by way of derogation from this Directive, refrain from applying Articles 6 to 13 in respect of such nationals.
3. 18 months prior to each election to the European Parliament, the Commission shall submit to the European Parliament and to the Council a report in which it shall assess whether the grant to the Member States concerned of a derogation pursuant to Article 22(2) TFEU is still warranted and shall propose that any necessary adjustments be made.

Member States which invoke derogations under paragraph 1 shall furnish the Commission with all the necessary background information.

Chapter IV

Final provisions

Article 17

Reporting

1. Within 6 months after each election to the European Parliament, each Member State shall send to the Commission information on the application of this Directive in its territory. The report shall contain statistical data on participation in elections to the European Parliament, in particular, where available, the participation of Union voters and Union citizens entitled to stand as candidates and a summary of the measures taken to support it.
2. Within one year after each election to the European Parliament, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive.

Article 18

Evaluation

Within 2 years after the 2034 elections to the European Parliament, the Commission shall assess the application of this Directive and produce an evaluation report on the progress made towards the achievement of the objectives contained herein. That evaluation shall also include a review of the functioning of Article 13.

Article 19
Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 20
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 9(6) and 10(4) shall be conferred on the Commission for an indeterminate period of time from ... [the entry into force of this Directive].
3. The delegation of power referred to in Articles 9(6) and 10(4) may be revoked at any time by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following that of the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it to the Council.
6. A delegated act adopted pursuant to Articles 9(6) and 10(4) shall enter into force only if no objection has been expressed by the Council within a period of 2 months of notification of that act to the Council or if, before the expiry of that period, the Council has informed the Commission that it will not object. That period shall be extended by 2 months at the initiative of the Council.
7. The European Parliament shall be informed of the adoption of delegated acts by the Commission, of any objection formulated to them, or of the revocation of the delegation of powers by the Council.

Article 21
Transposition

1. Member States shall adopt and publish, within ... [24 months after the entry into force of this Directive], the laws, regulations and administrative provisions necessary to comply with Article 9(2) and (4), Article 10(1), Article 11(1), (3) and (4), Article 12, Article 13(1), (2) and (3), Articles 14 and 15, and Article 17 (1). They shall immediately communicate the text of those measures to the Commission.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 22

Repeal

Directive 93/109/EC, as amended by the Directive listed in Annex III, Part A, is repealed with effect from ... [one day and 24 months after the entry into force of this Directive], without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 23

Entry into force and application

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Articles 1 to 8, Article 9(1) and (3), Article 10(2) and Article 11(2) shall apply from ... [one day and 24 months after the entry into force of this Directive].

Article 24
Addressees

This Directive is addressed to the Member States.

Done at ..., ...

For the Council
The President



ANNEX I

Template for the formal declaration submitted by Union voters

I (name) solemnly and sincerely declare that:

The following information is accurate:

Nationality	
Place of birth	
Date of birth	
Identification number issued by the home Member State (where applicable)*	
Type of identity document or travel document issued by the home Member State and its serial number (as an alternative if an identification number is not available)*	
Address in the electoral territory of the Member State of residence	
Locality or constituency of the home Member State on the electoral roll of which I was last entered (where applicable)	
Telephone number*	
Email address*	

I intend to exercise my right to vote in a European election only in
(name of Member State of residence).

I have been a resident in (name of Member State of residence)
for (period)*

Date*	
Signature	

* Only if required by national legislation.

ANNEX II

Template for the formal declaration submitted by Union citizens entitled to stand as candidates

I (name) solemnly and sincerely declare that:

The following information is accurate:

Nationality	
Place of birth	
Date of birth	
Last address in the home Member State	
Identification number issued by the home Member State (where applicable)*	
Type of identity document or travel document issued by the home Member State and its serial number (as an alternative if an identification number is not available)*	
Address in the electoral territory of the Member State of residence	
Locality or constituency of the home Member State on the electoral roll of which I was last entered (where applicable)	
Telephone number*	
Email address*	
The date from which I have been a national of the home Member State*	

I am not standing as a candidate for election to the European Parliament in any other Member State.

I have not been deprived of the right to stand as a candidate in my home Member State.

Date*	
Signature	

* Only if required by national legislation.

ANNEX III

Part A

Repealed Directive with the amendment thereto
(referred to in Article 20)

Council Directive 93/109/EC	(OJ L 329, 30.12.1993, p. 34)
Council Directive 2013/1/EU	(OJ L 026, 26.1.2013, p. 27)

Part B

Time limits for transposition into national law
(referred to in Article 20)

Directive	Time limit for transposition
Directive 93/109/EC	1 February 1994
Directive 2013/1/EU	28 January 2014

ANNEX IV

Correlation table

Directive 93/109/EC	This Directive
Articles 1 to 8	Articles 1 to 8
Article 9(1)	Article 9(1)
Article 9(2), introductory wording	Article 9(2)
Article 9(2), points (a), (b) and (c)	–
Article 9(3) and (4)	Article 9(3) and (4)
–	Article 9(5)
Article 10(1) and (2)	Article 10(1) and (2)
–	Article 10(3)
Article 11(1) and (2)	Article 11(1) and (2)
–	Article 11(3)
–	Article 11(4)
Article 12(1)	Article 12(1)
–	Article 12(2)
–	Article 12(3)
–	Article 12(4)
Article 13	Article 13(1)
–	Article 13(2)
–	Article 13(3)
–	Article 13(4)
–	Article 13(5)

Directive 93/109/EC	This Directive
–	Article 14
–	Article 15
Article 14	Article 16
Article 15	–
–	Article 17(1)
Article 16	Article 17(2)
–	Article 18
–	Article 19
–	Article 20
Article 17	Article 21
–	Article 22
Article 18	Article 23
Article 19	Article 24
–	Annexes I to IV

