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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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) - Adoption

I. INTRODUCTION

1. On 25 November 2021, the Commission submitted to the European Parliament and the Council the 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 citizens of the Union residing in a Member State of which they are not nationals (RECAST) – (hereinafter referred to as the ‘proposal’)¹. This proposal is one of the elements of the ‘Democracy and Integrity of EU elections’ package (hereunder referred to as the ‘Democracy package’)².

¹ 14376/21 + ADD 1 to 4.

² 14369/21.

2. Articles 20(2)(b) and 22(2) TFEU and Article 39 of the EU Charter of Fundamental Rights, provide that citizens of the Union have the right to vote and to stand as candidates in elections to the European Parliament in their Member State of residence, under the same conditions as nationals of that State. Article 22(2) TFEU provides that the exercise of this right is to be subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament.
3. The Committee of the Regions delivered its opinion on the Commission proposal on 28 April 2022.
4. The European Parliament delivered its opinion on the Commission proposal on 14 February 2023.
5. A detailed analysis of the proposal took place at the meetings of the Working Party on General Affairs (GAG). On the basis of this examination, the Presidency issued a compromise text which is set out in doc. 8773/24.
6. The Permanent Representatives Committee came to an agreement in principle on that text on 24 April 2024, subject to legal-linguistic review. A new consultation process of the European Parliament was launched on account of the substantive changes introduced compared to the Commission's proposal.
7. The European Parliament adopted its opinion on 17 June 2025³, not making any change to the Council's text as set out in document 8773/24.
8. The legal linguistic review has been completed; the final text is set out in doc. 9789/24 REV 1.

³ A10-0090/2025.

II. CONCLUSION

9. In view of the above, the Permanent Representatives Committee is invited to recommend that the Council adopt the text of the 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) as set out in doc. 9789/24 REV 1 as a “A” item of a forthcoming meeting.
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