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COUNCIL DIRECTIVE (EU) 2026/1194

of 26 May 2026

laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections 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(1) 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 Parliament ⁽¹⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) A number of amendments are to be made to Council Directive 94/80/EC ⁽²⁾. In the interests of clarity, that Directive should be recast.
- (2) Article 20(2), first subparagraph, point (b), and Article 22(1) 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 municipal elections in their Member State of residence under the same conditions as nationals of that Member State. The right, which is also affirmed in Article 40 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 municipal elections are set out in Directive 94/80/EC.
- (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 municipal elections in order to ensure that they support the broad and inclusive participation of mobile Union citizens. In view thereof, taking into account the experience gained in the application of Directive 94/80/EC for successive elections, and in order to take account of changes introduced by the amendments to the Treaties, several provisions of that Directive should be updated.
- (5) The electoral procedure related to municipal elections falls within the competence of the Member States that organise them in accordance with their specific traditions and with international and European standards. In line with International Covenant on Civil and Political Rights and the provisions of the European Convention on Human Rights, 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 their participation in elections as possible.

⁽¹⁾ Opinion of 14 February 2023 (OJ C 283, 11.8.2023, p. 100).

⁽²⁾ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ L 368, 31.12.1994, p. 38, ELI: <http://data.europa.eu/eli/dir/1994/80/oj>).

- (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 municipal elections under the same conditions as nationals of their Member State of residence, the conditions governing registration and participation in such elections should be clarified in order to ensure equal treatment between national and non-national Union citizens. In particular, Union citizens seeking to vote and to stand as candidates in municipal elections 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) In addition, non-national Union citizens should not be required to fulfil any special conditions in order to exercise the right to vote or stand as a candidate in municipal elections unless, exceptionally, different treatment of nationals and non-nationals is justified by circumstances specific to the latter distinguishing them from the former.
- (8) 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 the same documents as voters who are nationals. Member States should be able to require voters who are non-national Union citizens 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.
- (9) While Member States are competent to determine the right to vote or to stand as a candidate in municipal elections 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.
- (10) Deprivation of the right to stand as a candidate may be ordered by an individual decision of the authorities either of the Member State of residence or of the home Member State. In view of the political significance of the holding of elected municipal office, Member States should be entitled to obtain information from the home Member State related to the deprivation of the right to stand as a candidate in the candidate's home Member State.
- (11) Since the duties of the leadership of basic local government units can involve taking part in the exercise of official authority and in the safeguarding of the general interest, Member States should be able to reserve those offices for their nationals, while fully respecting the principle of proportionality.
- (12) It should likewise be possible for participation by elected municipal officers in the election of a parliamentary assembly to be reserved for a Member State's own nationals.
- (13) Where Member States' laws provide that the holding of elected municipal office is incompatible with holding other offices, Member States should be able to extend the scope of such laws to include equivalent offices held in other Member States.
- (14) It is necessary to ensure that the freedom of Union citizens to choose whether or not to take part in municipal elections in the Member State in which they reside is respected and that those citizens are able to express their wish to exercise their right to vote in their Member State of residence. It is therefore appropriate for provision to be made by Member States where voting is not compulsory to automatically register those citizens on the electoral roll.

- (15) 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(1) TFEU.
- (16) 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 ensure that competent authorities provide appropriate information to Union citizens on their rights under Article 20(2), first subparagraph, point (b), and Article 22(1) TFEU and the relevant rules and procedures regarding participation in and the organisation of municipal elections. Competent authorities should be understood to include authorities designated at a subnational level where responsibility for the organisation of municipal elections is ordinarily exercised at that level in accordance with the national constitutional order. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms. This means that information should be provided in a manner that the person concerned can be reasonably expected to understand. The requirement for clear and plain language is to be seen in the context of the formal requirements for administrative procedures in the Member State. It should be possible for Member States to make reference to provisions of national law when informing the person concerned of a decision on an application to register as candidate or voter within the meaning of this Directive. It should be possible for competent authorities to notify an authorised representative of such a decision.
- (17) In order to improve the accessibility of electoral information, general information on the organisation of elections, conditions for registration for voters and candidates, the date of the election and how and where to vote should be made available, for example on a generally accessible website that enables automated translation, in at least one other official language of the Union. Translations in such other languages should be purely informative and should not have any legal effect. If any questions arise with regard 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.
- (18) Any derogation from the general rules of this Directive has to be warranted, pursuant to Article 22(1) 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 limitations on the exercise of the right to vote and to stand as a candidate in municipal elections to be provided for by law and to be subject to the principles of proportionality and necessity. In addition, any derogation has to be in line with Article 47 of the Charter.
- (19) 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.
- (20) 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(1) TFEU, specific provisions concerning the composition of lists of candidates.
- (21) 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.
- (22) The Kingdom of Belgium is characterised by specific features and balances linked to the fact that Articles 1 to 4 of its Constitution provide for three official languages and a territorial division into regions and communities. As a result, the full application of this Directive in certain communes might have effects such as to necessitate providing for the possibility of a derogation from the provisions of this Directive in order to take account of those specific features and balances.

- (23) The Commission should regularly assess the application of this Directive and submit a report in that regard to the European Parliament and to the Council. The report should include information on the measures taken by Member States to support participation in elections of non-national Union citizens and, where available, statistical data regarding the exercise of their electoral rights. Such statistical data could include data on the registration of voters and candidates and on voter turnout, as well as aggregated anonymised data on nationality, age, language and location. Taking into account their administrative capacity and the fact that there is no obligation to collect or create new data, Member States should make best efforts to support that exercise by providing the available information in a timely manner on the basis of a questionnaire circulated by the Commission.
- (24) Where applicable, the processing of personal data for the purpose of providing to the Commission statistical data on the participation of non-national Union citizens in elections should be carried out in compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁽³⁾ and Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽⁴⁾, 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.
- (25) It is necessary that the Commission conduct its own evaluation of the application of this Directive within a reasonable timeframe from its entry into force, in conjunction with the evaluation of the application of Council Directive (EU) 2025/1788⁽⁵⁾.
- (26) In order to ensure that the list of basic government units in Member States remains up to date, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the list of basic government units. 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-Making⁽⁶⁾. In particular, to ensure timely access to all information regarding the preparation of delegated acts, the Council should receive all documents at the same time as Member States' experts, and its experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (27) 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/EC⁽⁷⁾, have committed themselves to ensuring compliance with that Convention, including Article 29 thereof on participation in political and public life. 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 there in municipal elections should have due regard to the needs of citizens with a disability and of older citizens.

⁽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, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

⁽⁴⁾ 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, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁽⁵⁾ Council Directive (EU) 2025/1788 of 24 June 2025 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 (OJ L, 2025/1788, 8.9.2025, ELI: <http://data.europa.eu/eli/dir/2025/1788/oj>).

⁽⁶⁾ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

⁽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, ELI: [http://data.europa.eu/eli/dec/2010/48\(1\)/oj](http://data.europa.eu/eli/dec/2010/48(1)/oj)).

- (28) Regulations (EU) 2016/679 and (EU) 2018/1725 apply to personal data processed when implementing this Directive.
- (29) 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.
- (30) This Directive respects fundamental rights and the principles recognised in particular by the Charter, in particular Articles 21 and 40 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 protection of personal data, the right to non-discrimination, the right to vote and to stand as a candidate in municipal elections, the freedom of movement and of residence and the right to an effective remedy.
- (31) 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.
- (32) 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 II, 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 municipal elections.
- 2. Nothing in this Directive shall affect any Member State's provisions concerning the right to vote or to stand as a candidate either of its nationals who reside outside its territory or of third-country nationals who reside in that Member State.

Article 2

Definitions

- 1. For the purposes of this Directive, the following definitions apply:
 - (a) 'basic local government unit' means an administrative entity as listed in Annex I which, in accordance with the laws of the relevant Member State, contains one or more bodies elected by direct universal suffrage and is empowered to administer, at the basic level of political and administrative organisation, certain local affairs under its own responsibility;
 - (b) 'municipal elections' means elections by direct universal suffrage to appoint the members of the representative council and, where appropriate, under the laws of the relevant Member State, the head and members of the executive of a basic local government unit;
 - (c) 'Member State of residence' means the Member State in which a Union citizen resides but of which the Union citizen is not a national;

- (d) 'home Member State' means the Member State of which a Union citizen is a national;
- (e) 'electoral roll' means the official register of all voters entitled to vote in a given basic local government unit or in one of its subdivisions, 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;
- (f) 'reference date' means the day or the days on 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 Member State;
- (g) '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.

2. A Member State shall notify the Commission if any basic local government unit referred to in Annex I is, by virtue of a change in its domestic law, replaced by another unit having the functions referred to in paragraph 1, point (a), of this Article or if, by virtue of such a change, any such unit is abolished or further such units are created.

The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the amendment of Annex I on the basis of the notifications received pursuant to the first subparagraph of this paragraph.

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 national,

shall have the right to vote and to stand as a candidate in municipal elections in the Member State of residence in accordance with this Directive.

Article 4

Residence period requirements

1. 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 territory of that Member State, persons entitled to vote and stand as candidates pursuant to Article 3 shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States.

2. If, under the laws of the Member State of residence, its own nationals are able to vote or stand as candidates only in the basic local government unit in which they have their principal residence, persons entitled to vote and to stand as candidates pursuant to Article 3 shall also be subject to that condition.

3. Paragraph 1 shall not affect:

- (a) the provisions of any Member State under which the exercise of the right to vote and to stand as a candidate in a given basic local government unit is subject to a minimum residence period in that unit;

- (b) any national provision already in force on the date of adoption of this Directive, whereby the exercise of such right to vote and to stand as a candidate is subject to a minimum residence period in the constituent part of the Member State of which the basic local government unit forms a part.

Article 5

Ineligibility

1. Member States of residence may provide that non-national Union citizens who, through an individual decision under civil law or a criminal law decision, have been deprived of their right to stand as a candidate under the law of their home Member State shall be precluded from exercising that right in municipal elections.
2. An application from any non-national Union citizen to stand as a candidate in municipal elections in the Member State of residence may be declared inadmissible where that citizen is unable to produce the declaration referred to in Article 9(2), point (a), or the attestation referred to in Article 9(2), point (b).
3. Member States may provide that only their own nationals are able to hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of their mandate.

The Member States may also lay down that the temporary or interim performance of the functions of a head, deputy or member of the governing college of the executive of a basic local government unit may be restricted to their own nationals.

Having regard to the TFEU and to general legal principles, Member States may take appropriate, necessary and proportional measures to ensure that the offices referred to in the first subparagraph can be held, and the interim functions referred to in the second subparagraph can be performed, only by their own nationals.

4. Member States may also provide that non-national Union citizens elected as members of a representative council are to take part in neither the designation of delegates who can vote in a parliamentary assembly nor the election of the members of that assembly.

Article 6

Incompatibility

1. Persons entitled to stand as candidates pursuant to Article 3 shall be subject to the same conditions concerning incompatibility that apply, under the laws of the Member State of residence, to nationals of that Member State.
2. Member States may provide that the holding of elected municipal office in the Member State of residence is also incompatible with the holding of offices in other Member States which are equivalent to those which give rise to incompatibility in the Member State of residence.

CHAPTER II

Exercise of the right to vote and the right to stand as a candidate*Article 7***Freedom to choose to vote in the Member State of residence**

1. Persons entitled to vote pursuant to Article 3 ('voters pursuant to Article 3') shall exercise their right to vote in municipal elections 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, voters pursuant to Article 3 who have been entered on the electoral roll there shall also be obliged to vote.
3. Member States where voting is not compulsory may provide for the automatic registration of voters pursuant to Article 3 on the electoral roll.

*Article 8***Entry on and removal from the electoral roll**

1. Member States shall take the measures necessary to enable voters pursuant to Article 3 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, voters pursuant to Article 3 shall produce the same documents as voters who are nationals.

The Member State of residence may also require voters pursuant to Article 3 to produce a valid identity document, along with a formal declaration stating their name, nationality, date and place of birth and address in the electoral territory of the Member States of residence. The Member States may also require that the formal declaration include additional contact details such as a telephone number or email address.

3. Voters pursuant to Article 3 who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, 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 voters pursuant to Article 3 in the same way.

Voters who have been entered on the electoral roll at their request can also be removed from it if they so request.

If such voters move to another basic local government unit in the same Member State, they shall be entered on the electoral roll of that unit under the same conditions as voters who are nationals.

4. Without prejudice to the rules of any Member State concerning the right to vote or to stand as a candidate of nationals who reside outside its territory, the fact that voters pursuant to Article 3 have been entered on the electoral roll of their Member State of residence shall not result in their removal from the electoral roll of the home Member State.

*Article 9***Registration as a candidate**

1. When submitting an application to stand as candidates persons entitled to stand as candidates pursuant to Article 3 shall produce the same supporting documents as candidates who are nationals. The Member State of residence may require those persons to produce a valid identity document, along with a formal declaration stating their name, nationality, date and place of birth and address in the electoral territory of the Member States of residence.

2. The Member State of residence may also require persons entitled to stand as candidates pursuant to of Article 3 to:
 - (a) state in the formal declaration referred to in paragraph 1 that they have not been deprived of the right to stand as a candidate in their home Member State;
 - (b) where there is doubt with regard to the content of the formal declaration as referred to in point (a), produce before or after the election an attestation from the competent administrative authorities in their home Member State certifying that they have not been deprived of the right to stand as a candidate in that Member State or that no such deprivation is known to those authorities;
 - (c) state in the formal declaration referred to in paragraph 1 additional contact details such as a telephone number or email address;
 - (d) state in the formal declaration referred to in paragraph 1 that they hold no office which is incompatible within the meaning of Article 6(2);
 - (e) indicate their last address in their home Member State, insofar as they have had one.

Article 10

Specific means of voting

Member States that provide for the possibility for nationals to vote by means of advance voting, postal voting, or electronic or internet voting in municipal elections shall ensure that such means of voting are available to voters pursuant to Article 3 under the same conditions.

Article 11

Decision on registration and legal remedies

1. The competent authorities of 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. The notification of an application to stand as candidate may also be issued to an authorised representative.
2. Should a non-national Union citizen not be entered on the electoral roll or an application of such a citizen for entry on the electoral roll be rejected or an application of such a citizen to stand as a candidate be rejected, the person concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.
3. In the event that there are errors in the electoral roll or in the list of candidates for municipal elections, the persons concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.

Article 12

Provision of information

1. Member States shall ensure that one or more authorities have the 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 municipal elections.

2. Member States shall ensure that the competent authorities pursuant to paragraph 1 make the following information available to registered Union voters pursuant to Article 3 and registered Union citizens entitled to stand as candidates pursuant to Article 3, 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) 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 municipal elections 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 Council⁽⁸⁾ in one or more of the official languages of the Member State of residence.

General information on the organisation of elections, 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 as referred to in Article 12(3) of Regulation (EU) 2018/1724 or that is broadly understood by Union citizens residing on the territory of the Member State of residence. 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.

4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in municipal elections 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.

CHAPTER III

Derogations and transitional provisions

Article 13

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 and non-national Union citizens residing there who are of voting age, that Member State may, by way of derogation from this Directive:

- (a) restrict the right to vote to voters pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be longer than the term for which the representative council of the municipality is elected;
- (b) restrict the right to stand as a candidate to persons entitled to stand as candidates pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be longer than twice the term for which the representative council of the municipality is elected; and

⁽⁸⁾ 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, ELI: <http://data.europa.eu/eli/reg/2018/1724/oj>).

- (c) take appropriate measures with regard to the composition of lists of candidates to encourage in particular the integration of non-national Union citizens.

2. The Kingdom of Belgium may, by way of derogation from the provisions of this Directive, apply the provisions of paragraph 1, point (a), to a limited number of local government units, the list of which it shall communicate at least one year before the local government unit elections for which it intends to invoke the derogation.

3. Where the law of a Member State prescribes that the nationals of another Member State who reside in the first Member State 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 11 in respect of such nationals.

4. 6 years after 24 June 2026 and every 6 years thereafter, the Commission shall submit to the European Parliament and to the Council a report in which it shall check whether the grant to the Member States concerned of a derogation pursuant to Article 22(1) TFEU is still warranted and shall propose that any necessary adjustments be made. Member States which invoke derogations under paragraphs 1 and 2 shall furnish the Commission with all the necessary background information.

CHAPTER IV

Final provisions

Article 14

Reporting

Within 6 years of 24 June 2026 and every 6 years thereafter, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive, including on the application of Article 5(3) thereof. The report shall contain, where available, statistical data on the participation in municipal elections of voters pursuant to Article 3 and persons entitled to stand as candidates pursuant to Article 3 and a summary of measures taken in that regard. Member States shall make best efforts to support the Commission by providing the available information.

Article 15

Evaluation

Within 10 years of 24 June 2026, the Commission shall assess the application of this Directive and produce an evaluation report on the progress towards achievement of the objectives contained herein.

Article 16

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 Article 2(2) shall be conferred on the Commission for an indeterminate period of time from 24 June 2026.
3. The delegation of power referred to in Article 2(2) 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 Article 2(2) 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 17

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 8(2), (3) and (4), Articles 9 and 10, Article 11(1) and (3), Articles 12 and 14 and Annex I by 25 June 2028. 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(s) 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 provisions of national law which they adopt in the field covered by this Directive.

Article 18

Repeal

Directive 94/80/EC, as amended by the acts listed in Annex II, Part A, is repealed with effect from 26 June 2028, 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 II, Part B.

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

Article 19

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 7, 8(1), 11(2) and 13 shall apply from 26 June 2028.

Article 20

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 26 May 2026.

For the Council

The President

M. RAOUNA

ANNEX I

'Basic local government unit' within the meaning of Article 2(1), point (a), of this Directive means any of the following:

- in Belgium: commune/gemeente/Gemeinde, conseil de district/districtsraad/Distriktrat,
- in Bulgaria: община/кметство/Общината е основната административно-териториална единица, в която се осъществява местното самоуправление,
- in the Czech Republic: obec, městský obvod nebo městská část územně členěného statutárního města, městská část hlavního města Prahy,
- in Denmark: kommune, region,
- in Germany: kreisfreie Stadt bzw. Stadtkreis; Kreis; Gemeinde, Bezirk in der Freien und Hansestadt Hamburg und im Land Berlin; Stadtgemeinde Bremen in der Freien Hansestadt Bremen, Stadt-, Gemeinde-, oder Ortsbezirke bzw. Ortschaften,
- in Estonia: vald, linn,
- in Ireland: counties, cities, and cities and counties,
- in Greece: δήμος, δημοτική κοινότητα,
- in Spain: municipio, entidad de ámbito territorial inferior al municipal,
- in France: commune, arrondissement dans les villes déterminées par la législation interne, section de commune,
- in Croatia: općina, grad, županija,
- in Italy: comune, circoscrizione,
- in Cyprus: δήμος, κοινότητα,
- in Latvia: novads, valstspilsēta,
- in Lithuania: Savivaldybė,
- in Luxembourg: commune,
- in Hungary: települési önkormányzat, területi önkormányzat, fővárosi önkormányzat,
- in Malta: Kunsill Lokali,
- in the Netherlands: gemeente,
- in Austria: Gemeinden, Bezirke in der Stadt Wien,
- in Poland: gmina,
- in Portugal: município, freguesia,

- in Romania: comuna, oraşul, municipiul, sectorul (numai în municipiul Bucureşti) şi judeţul,
 - in Slovenia: občina,
 - in Slovakia: samospráva obce: obec, mesto, hlavné mesto Slovenskej republiky Bratislava, mesto Košice, mestská časť hlavného mesta Slovenskej republiky Bratislavy, mestská časť mesta Košice; samospráva vyššieho územného celku: samosprávny kraj,
 - in Finland: kunta, kommun, kommun på Åland, aluevaalit,
 - in Sweden: kommuner, regioner.
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ANNEX II

PART A

**Repealed Directive with list of the successive amendments thereto
(referred to in Article 17)**

Council Directive 94/80/EC (OJ L 368, 31.12.1994, p. 38)	
Council Directive 2006/106/EC (OJ L 363, 20.12.2006, p. 409)	
Council Directive 2013/19/EU (OJ L 158, 10.6.2013, p. 231)	

PART B

**Time-limits for transposition into national law
(referred to in Article 17)**

Directive	Time-limit for transposition
Council Directive 94/80/EC	1 January 1996
Council Directive 2006/106/EC	1 January 2007
Council Directive 2013/19/EU	1 July 2013

ANNEX III

Correlation table

Directive 94/80/EC	This Directive
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2)	Article 2(2), first subparagraph
—	Article 2(2), second subparagraph
Articles 3 to 7	Articles 3 to 7
Article 8(1), (2) and (3)	Article 8(1), (2) and (3)
—	Article 8(4) and (5)
Article 9(1)	Article 9(1)
Article 9(2)	Article 9(2)
—	Article 9(3)
—	Article 10
Article 10(1)	Article 11(1)
Article 10(2)	Article 11(2)
—	Article 11(3)
Article 11	Article 12(1)
—	Article 12(2)
—	Article 12(3)
—	Article 12(4)
Article 12	Article 13
Article 13	Article 14
—	Article 15
—	Article 16
Article 14	Article 17
—	Article 18
Article 15	Article 19

Directive 94/80/EC	This Directive
Article 16	Article 20
Annex	Annex I
—	Annexes II and III