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Answer given by Mr McGrath
on behalf of the European Commission
(11.8.2025)

The grant of nationality is a prerogative of the Member States. According to settled case-law of the Court of Justice of the European Union, it is for each Member State, having due regard to international law, to lay down the conditions for the acquisition and loss of its nationality¹. In situations covered by EU law, Member States' rules in the sphere of nationality must, however, have due regard also to EU law². The definition of the conditions for granting the nationality of a Member State does thus not fall within the competence of the EU, but within that of each Member State, which has a broad discretion in the choice of the criteria to be applied, provided that those criteria are applied in compliance with EU law.

The Commission cannot intervene in the legitimate exercise of powers by Member States in this area but can act only if a Member State's rules on the acquisition and loss of nationality breach EU law.

While the Treaty on European Union and the Treaty on the Functioning of the European Union establish democracy as one of the founding values of the EU and provide EU citizens with a right to participate in the democratic life of the EU, among others through the right to vote in European Parliament elections and municipal elections in a host Member State, none of the relevant provisions provides for voting rights in favour of nationals of a third country or stateless persons residing in a Member State.

¹ See judgments of the Court of Justice of the European Union in Cases *Micheletti and Others v Delegación del Gobierno en Cantabria*, C-369/90, ECLI:EU:C:1992:295; *Kaur*, C-192/99, ECLI:EU:C:2001:106, para. 19; *Rottmann*, C-135/08, ECLI:EU:C:2010:104, para. 39; *Tjebbes and Others*, C-221/17, ECLI:EU:C:2019:189, para. 30; *V.M.A.*, C-490/20, ECLI:EU:C:2021:1008, para. 38; *Wiener Landesregierung*, C-118/20, ECLI:EU:C:2022:34, para. 37.

² C-135/08, *Rottmann*, para. 41 and 45; C-221/17, *Tjebbes and Others*, para. 32; *V.M.A.*, C-490/20, ECLI:EU:C:2021:1008, para. 38; C-118/20, *Wiener Landesregierung*, para. 37; *Commission v Malta*, C-181/23, para. 81.