

(English version)

**Question for written answer E-000014/26
to the Commission
Jean-Paul Garraud (P/E)
(5 January 2026)**

Subject: Legal uncertainty imposed on national constitutional frameworks by a patchwork of European electoral rules

Following the 2024 European elections, a number of institutions highlighted practical and legal issues arising from the many EU rules on elections: the European Electoral Act, the Digital Services Act, rules on political advertising and anti-disinformation mechanisms.

This patchwork of rules built around different legal bases undermines the clarity and legal certainty of national constitutional frameworks, while organising elections is historically and legally under within Member States' competences. It also increases the risk of creating conflicts between rules and transfers of competences without the people's express consent.

Can the Commission say:

1. What is the legal basis for this gradual broadening of EU rules into an area that primarily falls within the scope of national constitutions?
2. How does it intend to ensure these rules do not undermine the constitutional sovereignty of Member States in electoral matters?
3. Is it considering suspending or revising these arrangements to restore legal certainty in line with national competences?

Submitted: 5.1.2026

**Answer given by Mr McGrath on behalf of the European Commission
(12 March 2026)**

As enshrined in Articles 2 and 10 of the Treaty on European Union, democracy is a founding value on which the EU is built. The Commission, together with all other EU institutions and the Member States, is responsible under the Treaties for promoting the founding values of the EU, including democracy.

Free and fair elections are at the core of democracy. The conduct and organisation of elections are the competence and responsibility of the Member States, in accordance with their constitutional and legislative rules, subject to EU law and their international obligations.

For elections to the European Parliament, certain common principles are set out in the European Electoral Act ⁽¹⁾, in line with Article 223(1) of the Treaty on the Functioning of the European Union (TFEU).

The Political Advertising Regulation ⁽²⁾ and the Digital Services Act ⁽³⁾ have been adopted on the basis of Article 114 and Article 16 TFEU, and Article 114 TFEU respectively, in full respect of the allocation of competences between the EU and Member States. They do not regulate elections.

Instead, they establish common standards within the internal market for ensuring the transparency of political advertising and, respectively, for ensuring that online platforms and search engines put in place measures to mitigate risks related to negative effects on civic discourse and electoral processes.

The Commission is fully committed and actively engaged to help Member States in their efforts to ensure the fairness and integrity of elections, including by supporting the application of this legislation.

The Council ⁽⁴⁾ also stressed the importance of maximising the use of EU tools, including the Political Advertising Regulation and the Digital Services Act, to safeguard free and fair elections in the EU.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A41976X1008%2801%29&qid=1746537901793>.

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2024/900/oj/eng>.

⁽³⁾ <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>.

⁽⁴⁾ Council conclusions on democratic resilience: safeguarding electoral processes from foreign interference approved on 21 May 2024 (<https://data.consilium.europa.eu/doc/document/ST-10119-2024-INIT/en/pdf>).