



Plenary sitting

A9-0297/2022

13.12.2022

REPORT

on 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 Union citizens residing in a Member State of which they are not nationals (recast)
(COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS))

Committee on Constitutional Affairs

Rapporteur: Damian Boeselager

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on 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 Union citizens residing in a Member State of which they are not nationals (recast)

(COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS))

(Special legislative procedure – consultation – recast)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2021)0732),
 - having regard to Article 22(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0021/2022),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to the letter of 8 November 2022 from the Committee on Legal Affairs to the Committee on Constitutional Affairs in accordance with Rule 110(3) of its Rules of Procedure,
 - having regard to Rules 110 and 82 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0297/2022),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

¹ OJ C 77, 28.3.2002, p. 1.

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive Recital 2

Text proposed by the Commission

(2) Article 20(2), point (b) and Article 22(2) of the *of the* Treaty on the functioning of the European Union (TFEU) confers 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 (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter.

Amendment

(2) ***The 1992 Treaty on European Union (the ‘Maastricht Treaty’) marked a new stage in the process of creating an ever-closer union among the peoples of Europe by introducing the legal concept of EU citizenship with the aim to strengthen the protection of the rights and interests of the nationals of its Member States by adding to existing EU entitlements a number of new political and electoral rights.*** Article 20(2), point (b) and Article 22(2) of the Treaty on the functioning of the European Union (TFEU) confers 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 (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter. ***The right to vote and to stand as a candidate also allows citizens to effectively participate in the democratic life of the Union and to have a stake in the European Union as a political entity. It is imperative that all Union citizens, including mobile Union citizens, citizens with disabilities and citizens in a situation of homelessness, can fully exercise their political rights in the context of the elections to the European Parliament, both as candidates and as voters. There is a danger that European mobility could***

prevent mobile Union citizens from exercising fundamental political rights established by the European treaties, namely participation in elections to the European Parliament. The right of mobile citizens to vote and stand as candidates should apply in all electoral lists and constituencies, including in the Union-wide constituency in the event of its establishment.

Amendment 2

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) According to the European Parliament legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision, the aim of this Directive should be to make the elections to the European Parliament more accessible, more competitive, and more European.

Amendment 3

Proposal for a directive Recital 4

Text proposed by the Commission

Amendment

(4) In its *the* EU Citizenship Report 2020²⁴, 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

(4) In its EU Citizenship Report 2020²⁴, 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 EU** citizens. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

²⁴ https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en

they support the broad and inclusive participation of **Union** citizens **residing in a Member State of which they are not nationals**. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

²⁴ https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en

Amendment 4

Proposal for a directive Recital 5

Text proposed by the Commission

(5) Article 20 (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 those elections**.

Amendment

(5) Article 20 (2) TFEU is without prejudice to Article 223(1) TFEU, which provides for the establishment of a uniform procedure **for elections to the European Parliament** in all Member States in accordance with principles common to all Member States.

Amendment 5

Proposal for a directive Recital 6

Text proposed by the Commission

(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 candidates in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in

Amendment

(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 candidates 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 equal treatment between national 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 the proofs for demonstrating compliance with such a condition.

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 elections to the European Parliament in their Member State of residence should be treated equally ***to nationals of that Member State*** as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well the proofs for demonstrating compliance with such a condition.

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Non-national Union citizens should receive information about the possibility of voting or standing as a candidate upon registration as residents of a Member State of which they are not nationals. Information pertaining to the registration as a voter or as a candidate should also be provided periodically, ahead of European elections, in a timely manner, to all voters and persons entitled to stand as candidates in accordance with the conditions governing the right to vote and stand as a candidate provided for in this Directive. Moreover, non-national Union citizens should be duly informed upon registration as voters and sufficiently in advance of the elections about their specific rights under the European electoral system.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

(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 the appropriate measures to ensure that no one may vote more than once or stand as a candidate in more than one country.

Amendment

(7) ***Given that most Member States allow non-national Union citizens to retain under national law their right to vote for a home country list, the possibility to choose between two or more countries to vote in requires clear information provision for non-national Union citizens and coordination among Member States to reduce the risk of multiple voting.*** The freedom of Union citizens to choose the Member State in which to take part in elections to the European Parliament ***should*** be respected, while the appropriate measures to ensure that no one may vote more than once or stand as a candidate in more than one country. ***When receiving information about the possibility of voting or standing as a candidate in their Member State of residence, non-national Union citizens should be duly informed of the possibility to vote or stand as candidate either in their home country or in their country of residence, in line with their choice and the respective applicable national provisions. Non-national Union citizens should make the final choice of the Member State in which they would like to vote.***

Amendment 8

**Proposal for a directive
Recital 8**

Text proposed by the Commission

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political Rights and the law of the European Convention on Human Rights, Member States should not only recognize and respect the right of Union citizens to vote and to stand as a candidate but also ***ensure easy*** access to their

Amendment

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political Rights and the law of the European Convention on Human Rights, Member States should not only recognize and respect the right of Union citizens to vote and to stand as a candidate but also ***make*** access to their electoral

electoral rights by removing *as many* obstacles to participation in elections *as possible*.

rights *as democratic, proportionate and as easy as possible* by removing *all* obstacles to participation in elections.

Amendment 9

Proposal for a directive Recital 9

Text proposed by the Commission

(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. It should be sufficient for the Union citizens concerned to produce a valid identity card and a formal declaration that includes elements evidencing 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. Additionally, Union citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

Amendment

(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, *immediate registration as a voter should be possible upon their registration as residents subject to their consent. Those citizens must receive prior information regarding this immediate registration, notably on the fact that double voting is prohibited and immediate deregistration from the electoral roll for the European elections of their place of origin. Where immediate registration as voters has not occurred upon their registration as residents,* 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. It should be sufficient for the Union citizens concerned to produce a valid identity card and, *in duly justified cases,* a formal *and user-friendly* declaration that includes elements evidencing 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. Additionally, Union citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a

regular basis.

Amendment 10

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates 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)(b) and Article 22(2) TFEU, Member States should be able to require the production of a formal declaration that includes elements necessary to evidence their entitlement to stand in the elections in question.

Amendment

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates 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)(b) and Article 22(2) TFEU, ***in duly justified cases***, Member States should be able to require the production of a formal declaration that includes elements necessary to evidence their entitlement to stand in the elections in question.

Amendment 11

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) To enable Union citizens residing in a Member State of which they are not nationals to be eligible in practice for election to the European Parliament, national political parties should be encouraged not to make membership conditional on having the nationality of that Member State.

Amendment 12

Proposal for a directive
Recital 12

Text proposed by the Commission

(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, the list of data to be required from Union citizens, **when submitting** an application to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

Amendment

(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, the list of data to be required from Union citizens, **at the time of immediate registration or after the submission of** an application to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

Amendment 13

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Union citizens who have been deprived of their right to vote and to stand as candidates, 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. When receiving an application for registration as a voter, Member States may require from the citizen concerned 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.

Amendment

(13) Union citizens who have been deprived of their right to vote and to stand as candidates, 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. **Upon immediate registration or** when receiving an application for registration as a voter, Member States may, **in duly justified cases**, require from the citizen concerned a formal declaration confirming that they have not been deprived of their right to vote. When **they stand** as candidates in their country of residence, **it should be possible for the country of residence to require that** Union citizens produce a statement confirming that they have not been deprived of the right to stand in the elections to the European Parliament.

Amendment 14

Proposal for a directive Recital 16

Text proposed by the Commission

(16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at 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 these purposes.

Amendment

(16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same elections, Member States ***need to coordinate their administrative systems in a coherent manner. For this reason, Member States should be required to*** exchange information gathered from the formal declarations produced by ***non-national*** Union voters and ***non-national*** Union citizens entitled to stand as candidates ***in a Member State of residence***. 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 these purposes.

Amendment 15

Proposal for a directive Recital 17

Text proposed by the Commission

(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 elections. To facilitate communication between national authorities, Member States should be required to designate one contact point for that information exchange. A secure tool

Amendment

(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 elections. 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 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.

was developed by the Commission to be used 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.

Amendment 16

Proposal for a directive Recital 20

Text proposed by the Commission

(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), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms.

Amendment

(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), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. In order to ***encourage non-national Union citizens to actively seek such information, Member States should also ensure that it is made widely available through a wide range of channels, including through targeted cooperation projects between civil society organisations, the designated national authorities and, in the event of its establishment, the European electoral authority. In order to*** ensure the effectiveness of communications, information should be provided in clear and comprehensible terms ***and in a timely manner, taking into account the dates on***

which electoral rolls are to be closed and on which the lists of candidates are to be announced in accordance with the Act concerning the election of the members of the European Parliament by direct universal suffrage.

Amendment 17

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In order to foster the democratic participation of non-national Union citizens, Member States should provide appropriate, clear and inclusive information to Union citizens on the right to vote and on the possible administrative steps to exercise that right, as well as on the electoral cultures and voting systems. Such information should be provided when the residence of non-national Union citizens is registered, either immediately or upon request, later on, and sufficiently in advance of European elections. Special attention should also be paid to the needs of vulnerable citizens, such as people with disabilities and elderly people;

Amendment 18

Proposal for a directive Recital 21

Text proposed by the Commission

Amendment

(21) In order to improve the accessibility of electoral information, such information should be made available in at least one other official language of the Union than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory. Member States may use different

(21) In order to improve the accessibility of electoral information, such ***essential*** information ***on electoral rights*** should be made available ***in a clear and inclusive manner, and well ahead of the elections***, in at least one other official language of the Union than that or those of the host Member State, broadly understood by the

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.

largest possible number of Union citizens residing on its territory. ***Member States should be encouraged to provide information also in the native language of the non-national Union citizen.*** 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.

Amendment 19

Proposal for a directive Recital 22

Text proposed by the Commission

Amendment

(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 of Article 52 of the Charter, including that any limitations to the exercise of the right to vote and to stand as a candidate at elections to the European Parliament is to be provided for by law and be subject to the principles of proportionality and necessity . In addition, any derogation has to be subject to review as provided by Article 47 of the Charter .

deleted

Amendment 20

Proposal for a directive Recital 23

Text proposed by the Commission

Amendment

(23) Such specific problems may 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

deleted

should be warranted where such citizens form more than 20 % of the total electorate on the criterion of period of residence;

Amendment 21

Proposal for a directive Recital 24

Text proposed by the Commission

(24) Member States in which the proportion of non-national citizens of the Union 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.

Amendment

deleted

Amendment 22

Proposal for a directive Recital 26

Text proposed by the Commission

(26) Data regarding the exercise of 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. 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. In parallel, the Commission should assess the application of this Directive, and submit a report including such an assessment to the European Parliament and to the Council, after each election to the European Parliament.

Amendment

(26) Data regarding the exercise of rights and the application of this Directive *is critical* in the *evaluation of the relevant Union policy and* identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In order to *increase and* improve the collection *and reporting* of data for elections to the European Parliament *by Member States*, it is necessary to introduce regular monitoring and reporting of implementation by Member States *on the basis of common indicators*. In parallel, the Commission should assess the application of this Directive, and submit a report including such an assessment to the European Parliament and to the Council,

after each election to the European Parliament.

Amendment 23

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) 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.

Amendment

(27) It is necessary that the Commission conduct its own evaluation of the application of this Directive ***no later than 18 months*** after ***each election*** to the European Parliament, ***followed, if appropriate, by a legislative proposal to amend this Directive.***

Amendment 24

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) In order to ensure that the templates of the formal declarations to be submitted by non-national Union citizens seeking to vote or stand in elections to the European Parliament continue to contain relevant data in the context of the exercise of electoral rights by Union citizens, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to amend those templates. 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 on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council

Amendment

(28) In order to ensure that the templates of the formal declarations to be submitted by non-national Union citizens seeking to vote or stand in elections to the European Parliament continue to contain relevant data in the context of the exercise of electoral rights by Union citizens, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to amend those templates. ***In order to increase and improve the collection and reporting of data by Member States for elections to the European Parliament, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Directive by establishing a template and the form of the data to be collected for the purposes of Article 17(1).*** It is of particular importance that the Commission carry out appropriate

receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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 on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 25

Proposal for a directive Recital 29

Text proposed by the Commission

(29) The Member States, by ratifying, and the Union, by concluding²⁷, the United Nations Convention on the Rights of Persons with Disabilities have committed themselves to ensure compliance with that Convention. In order to support inclusive and equal electoral participation for persons with disabilities, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in elections to the European Parliament should have due regard to the needs of citizens with a disability and older citizens.

Amendment

(29) The Member States, by ratifying, and the Union, by concluding²⁷, the United Nations Convention on the Rights of Persons with Disabilities have committed themselves to ensure compliance with that Convention, ***in particular Article 29 thereof***. In order to support inclusive and equal electoral participation for persons with disabilities, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in elections to the European Parliament should have due regard to the needs of citizens with a disability and older citizens. ***In particular, Member States should implement appropriate arrangements tailored to their national voting procedures to facilitate voting by citizens with disabilities, such as the possibility to choose polling stations, closed polling stations in key locations, and the use of assistive technologies, formats and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign***

language communication. Furthermore, Member States should consider introducing complementary tools to facilitate voting, such as advance physical voting and proxy voting, as well as electronic and online voting.

²⁷ 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).

²⁷ 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).

Amendment 26

Proposal for a directive Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) Member States should, ahead of the elections to the European Parliament, foster awareness and information campaigns while improving accessibility requirements for people with disabilities, elderly and vulnerable people.

Amendment 27

Proposal for a directive Recital 29 b (new)

Text proposed by the Commission

Amendment

(29b) Member States should guarantee that prisoners who are granted the right to vote in accordance with national laws, including when they are in a Member State of which they are not nationals, are able to exercise those voting rights.

Amendment 28

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) the person who, on the reference date is a Union citizen within the meaning of Article 20 (1) TFEU ;

Amendment

(a) the person who, on the reference date, is a Union citizen within the meaning of Article 20 (1) TFEU **and regardless of their legal capacity**;

Justification

Necessary for internal coherence and in accordance with the principle of non-discrimination. It is specifically linked to recital 29, which falls under the recast procedure and where it is stated that in European Parliament elections due regard should be had to the needs of citizens with a disability. It is inextricably linked, because it further defines how Member States should ensure there is due regard for the needs of citizens with a disability in European Parliament elections.

Amendment 29

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

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 at the same election.

Amendment

1. Union voters shall **have the right to choose to** 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 at the same election.

Justification

In line with AM26 of the rapporteur. Necessary for the internal coherence. The conditions governing registration and participation should be clarified in order to make sure that the non-national Union citizens have the final say in its electoral roll.

Amendment 30

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. Union citizens who reside in a Member State of which they are not

Amendment

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.

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. ***However, decisions on deprivation of legal capacity due to disability taken by the home Member State shall not make Union citizens ineligible to stand as a candidate in elections to the European Parliament in their Member State of residence if the law of that Member State upholds that right for all persons with disabilities without restrictions.***

Amendment 31

Proposal for a directive Article 6 – paragraph 5

Text proposed by the Commission

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.

Amendment

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 ***in the case of*** changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.

Amendment 32

Proposal for a directive Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Immediate registration of non-national Union citizens as voters shall be possible.

Amendment 33

Proposal for a directive Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. When registering as residents, non-national Union citizens shall have the possibility to express their wish to be registered as voters in their Member State of residence and shall be informed about the possibility to stand as a candidate and submit an application in this regard.

Should non-national Union citizens choose not to express their wish to be registered as voters in their Member State of residence at the moment of their registration as residents, they shall retain the right to do so afterwards. When providing information about the possibility of voting or standing as a candidate, Member States shall duly inform non-national Union citizens that they may vote or stand as candidates either in their home Member State or in their Member State of residence, dependent on their own choice.

Amendment 34

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to enable a Union voter who has expressed the wish to be

1. Member States shall take the necessary measures 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.

registered as a voter to be entered on the electoral roll *no later than 14 weeks before* polling day. *Member States shall enable registration as soon as the voter concerned is registered as a resident.*

Amendment 35

Proposal for a directive Article 9 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) if they so wish, indicate the language in which they would like to receive the information referred to in Article 12(2);

Amendment 36

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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, these provisions shall apply to Union voters *in the same way*.

4. Union voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until *such time as* 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, these provisions shall apply to Union voters *as well. Notifications shall be provided in an official language of the Union understandable to the Union voters in question.*

Amendment 37

Proposal for a directive Article 10 – paragraph 2 a (new)

2a. National authorities shall ensure that the democratic, proportionate and transparent standards which apply to national Union citizens when submitting a list of candidates also apply to non-national Union citizen candidates.

Amendment 38

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. The Member State of residence shall inform the persons concerned in **good time and** in clear and plain language of the decision taken **on** their application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate.

1. The Member State of residence shall inform the persons concerned, in **a timely manner**, in clear and plain language, **and in an official language of the Union understandable to them**, of the decision taken **concerning their immediate registration or** their application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate, **including the possibilities to appeal those decisions**.

Amendment 39

Proposal for a directive Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. In case of errors in the electoral rolls or in the lists of candidates to the European Parliament, 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** case of errors in the electoral rolls or in the lists of candidates to the European Parliament, the **persons** concerned shall be **informed thereof in a timely manner and 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.

Amendment 40

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall inform ***clearly and in a timely manner, the person*** concerned of the decision referred to in paragraph 1 and of the legal remedies referred to in paragraphs 2 and 3.

Amendment

4. Member States shall inform ***the persons*** concerned of the decision referred to in paragraph 1 and of the legal remedies referred to in paragraphs 2 and 3 ***clearly in a timely manner, and in an official language of the Union understandable to them.***

Amendment 41

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall designate a national authority with responsibility for taking the necessary measures 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.

Amendment

1. Member States shall designate a national authority with responsibility for taking the necessary measures 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 ***as soon as they register as residents of a Member State of which they are not nationals, as well as periodically, ahead of European elections taking into account the deadlines established for the announcement of the lists of candidates. That information shall indicate that citizens have the choice to register in their Member State of residence or remain registered in their home Member State, according to their preferences.***

The designated authority shall provide those concerned with a copy of the standardised templates for the formal declarations set out in Annexes I and II

that non-national Union citizens are required to submit in order to register as voters or candidates.

Amendment 42

Proposal for a directive

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the specific measures taken to facilitate the exercise of the right to vote by vulnerable and marginalised groups of voters, such as persons with disabilities.

Amendment 43

Proposal for a directive

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall make efforts to actively involve civil society organisations in raising public awareness concerning the information referred to in paragraphs 1 and 2, as well as in encouraging non-national Union citizens to actively seek such information as often as they need it. Member States should ensure that sufficient financial resources are set aside for this purpose.

Amendment 44

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

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 provided in clear and plain language.

in paragraph 2 shall be provided in clear and plain language *in accordance with the quality requirements set out in Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council*^{1a}.

^{1a} *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).*

Amendment 45

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The information referred to in the first subparagraph shall, *in addition to being communicated in one or more of the official languages of the host Member State, also be accompanied by a translation in at least one other* official language of the Union *that is broadly understood by the largest possible number of Union citizens residing on its territory, in accordance with the quality requirements of Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council*³⁰.

Amendment

The information referred to in the first subparagraph shall *be provided in an* official language of the Union *that is understandable to the Union voter or candidate in question.*

³⁰ *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).*

Amendment 46

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

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 *is* made accessible to persons with disabilities *and* older persons by using appropriate means, modes and formats of communication.

Amendment

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 to ***vulnerable and marginalised groups, such as*** persons with disabilities, older persons, ***homeless people and persons in prison who enjoy their voting rights, by applying the accessibility requirements laid down in Annex I of Directive (EU) 2019/882 of the European Parliament and of the Council^{1a}*** and by using appropriate means, modes and formats of communication, ***such as Braille, large print, audio-based information, tactile stencils, easy to read information and sign language.***

^{1a} ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

Amendment 47

Proposal for a directive Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Persons entitled to vote and stand as candidates pursuant to Article 3 and who have established their residence in a Member State, shall automatically receive information about their rights under this Directive. That information shall also be

provided to them periodically and sufficiently ahead of the elections to the European Parliament.

Amendment 48

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall exchange the information required for the implementation of Article 4, sufficiently in advance of polling day. To that end, the Member State of residence shall begin supplying 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 Act concerning the election of the members of the European Parliament by direct universal suffrage the set of information provided in Annex III, . The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

Amendment

1. Member States shall exchange the information required for the implementation of Article 4, sufficiently in advance of polling day. To that end, the Member State of residence shall begin supplying the home Member State, no later than **16** weeks before the first day of the electoral period referred to in Article 10(1) of the Act concerning the election of the members of the European Parliament by direct universal suffrage the set of information provided in Annex III. The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

Amendment 49

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

Member States *shall consider the introduction of complementary* voting *tools such as* postal voting, *advance physical voting, proxy voting, mobile polling stations for voters who are unable to go to the polling stations on election day* and electronic and *online* voting, in elections to the European Parliament. *Member States* shall ensure the availability

of those voting methods to Union voters under *the same* conditions as the ones applicable to their own nationals.

Amendment 50

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Member States shall designate an authority with responsibility for collecting and providing relevant statistical data *to the public and the Commission*, on the participation of Union citizens who are not nationals in elections to the European Parliament.

Amendment

Member States shall designate an authority with responsibility for collecting and providing *to the public and the Commission* relevant statistical data *based on common indicators* on the participation of Union citizens who are not nationals in elections to the European Parliament.

Amendment 51

Proposal for a directive Article 16

Text proposed by the Commission

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 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 five 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,

Amendment

deleted

which may not exceed 10 years.

These provisions are 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 candidates in that home State shall not be subject to the conditions as to length of residence set out above.

2. Where the laws of a Member State prescribe that the nationals of another Member State who reside there have the right to vote for the national parliament of that State and, for that purpose, may be entered on the electoral roll of that 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 check 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.

Amendment 52

**Proposal for a directive
Article 16 a (new)**

Text proposed by the Commission

Amendment

Article 16 a

The exercise of the right of non-national Union citizens to vote and stand as candidates in the elections to the European Parliament shall apply to all electoral lists and constituencies established by the Act concerning the election of the members of the European Parliament by direct universal suffrage, including in the event of the establishment of a Union-wide constituency, in order to ensure that the principle of non-discrimination is upheld.

Amendment 53

**Proposal for a directive
Article 17 – title**

Text proposed by the Commission

Amendment

Reporting

Data collection and reporting

Amendment 54

**Proposal for a directive
Article 17 – paragraph 1**

Text proposed by the Commission

Amendment

1. Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. In addition to general observations, the report shall contain statistical data on the participation in elections to the European Parliament of Union voters and Union citizens entitled to stand as candidates and a **summary** of the measures taken to support it.

1. Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. In addition to general observations, the report shall contain statistical data on the participation in elections to the European Parliament of Union voters and Union citizens entitled to stand as candidates and a **detailed overview** of the measures taken to support it, **based on common indicators. Member States shall also provide detailed information on**

the effectiveness of exchanges among them to prevent double voting.

Amendment 55

Proposal for a directive Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Commission is empowered to adopt delegated acts in accordance with Article 20 establishing a template and the form of the data to be collected for the purposes of paragraph 1 of this Article.*

Amendment 56

Proposal for a directive Article 18 – paragraph 1

Text proposed by the Commission

Amendment

Within **two years** after **the 2029 elections** to the European Parliament, the Commission shall assess **its** application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation shall also include a review on the functioning of Article 13.

Within **18 months** after **each election** to the European Parliament, the Commission shall assess **the** application **of this Directive** and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation shall also include a review on the functioning of Article 13. **The evaluation shall be followed, if appropriate, by a legislative proposal to amend this Directive.**

Amendment 57

Proposal for a directive Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of power referred to in Articles 9, 10 and 13 may be revoked at any time by the Council. A decision to

3. The delegation of power referred to in Articles 9, 10 and 13 **and Article 17(2a)** may be revoked at any time by the Council.

revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following 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.

A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following 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.

Amendment 58

Proposal for a directive Article 20 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 9, 10 and 13 shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and 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 two months at the initiative of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 9, 10 and 13 **and Article 17(2a)** shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and 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 two months at the initiative of the Council.

Amendment 59

Proposal for a directive Annex I – row 4 a (new)

Text proposed by the Commission

Amendment

Language preferences in which you want to receive information related to the elections.

Amendment 60

Proposal for a directive Annex II – paragraph 4

Text proposed by the Commission

Amendment

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

I have not been deprived of the right to stand as a candidate in my home Member State^{1a}.

^{1a} Only if also required from nationals of the Member State of residence

Justification

Necessary to ensure coherence in the text.

EXPLANATORY STATEMENT

Pursuant to Article 20(2)(b) of the Treaty on the Functioning of the European Union (TFEU), Article 22(2) TFEU and Article 39 of the Charter of Fundamental Rights of the European Union (CFREU), EU citizens residing in an EU Member State other than their own are entitled to vote and stand as candidates in European and municipal elections, under the same conditions as nationals. Detailed provisions on the political rights granted under EU citizenship are set out in Council Directive 93/109/EC regarding the participation of non-national Union citizens in European Parliament elections in their country of residence.

There is an estimated 13.3 million non-national Union citizens of voting age (post-Brexit data), which equals, when aggregated, the voting population of a medium-sized Member State. Nevertheless, voter turnout among non-national Union citizens remains low compared to nationals, despite the fact that all Member States have successfully transposed directive 93/109/EC. Similarly, the percentage of candidates standing for European elections made up of non-nationals is extremely limited (slightly over 1 % in the 2019 elections).

It thus becomes clear that despite the arrangements under Directive 93/109/EC, non-national Union citizens still face many obstacles in exercising their electoral rights in elections to the European Parliament. In particular, for the exercise of the right to vote, major obstacles appear to be the difficulties in accessing correct and timely information on how to vote and stand as candidate, complicated voter registration processes, and the effect of deregistration from elections in the Member State of origin.

For the exercise of the right to stand as a candidate, non-national and national EU citizens still face a great variety of electoral cultures, resulting in a vast range of different electoral systems that often make it impossible to register a party, association of voters or other electoral entities and to stand for elections. This is mainly due to either impedingly high judicial or financial thresholds or disproportionate signature requirements, which make it impossible especially for new political ideas to be represented on ballot lists for both EU and municipal elections.

Moreover, there is a lack of public and comparable data. In several countries, registration rates for mobile EU voters are not published. Several Member States do not keep record of the amount of mobile EU citizens standing as a candidate in the elections to the European Parliament. Where data is kept and exchanged, the scope and format of the reporting obligations are inconsistent and vary between Member States, leading to incomparable results.

The amendments put forward by the Commission are limited and specific to the Council Directive and only marginally solve the difficulties faced by mobile EU citizens. While the new proposal is intended to update, clarify and strengthen the existing, outdated rules, it does so with limited effect as major issues, such as broadening the scope of the Directive as well as truly improving the accessibility to EU elections have not been addressed sufficiently.

More ambitious steps have to be taken in order to a) truly ensure a broad and inclusive participation in the 2024 elections to the European Parliament, b) reduce inhibitive and

undemocratic registration requirements both for voters and candidates, c) support mobile EU citizens in the exercise of their rights and d) protect the integrity of elections.

Specifically, in order to make access to voting and standing as candidate in EP elections as easy as possible for non-national Union citizens, Member States should ensure that information on mobile citizens' rights to vote or stand as candidates should be available in all Union languages and should reach marginalised groups, especially disabled people. Additionally, obstacles accessing voting booths and polling stations should be addressed, the possibility for postal, proxy, advance and electronic voting should be revisited. Minimum residence requirement for non-national Union citizens should be abolished, where still existent, and civil society organisations should play an important role in assisting the designated authorities in Member States to reach out to citizens through appropriate information campaigns, encouraging non-national Union citizens to proactively seek information about their voting and candidacy rights in European Parliament elections.

Moreover, recent developments in reforming the European elections should be taken into account in the recasting of this Directive. The new proposed rules can, if adopted and ratified by Member States, have a truly Europeanising effect that can change the way mobile EU citizens perceive EU democracy. Consequentially, the direction taken in this Directive should, as much as legally possible, reflect these developments.

8.11.2022

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Mr Salvatore De Meo
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: Opinion on Proposal for a directive of the Council 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) (COM2021(0372) – C9-0021/2022 – 2021/0372(CNS))

Dear Mr Chair, The Committee on Legal Affairs has examined the proposal referred to above pursuant to Rule 110 on Recasting of Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 180 and 181, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the here attached opinion of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the Rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its meeting of 27 October 2022, the Committee on Legal Affairs, with 21 votes in favour, no votes against and two abstentions¹ decided to recommend that the Committee on Constitutional Affairs (AFCO), as the committee responsible, proceed to examine the above proposal in accordance with Rule 110.

Yours sincerely,

Adrián Vázquez Lázara

¹ The following were present for the final vote: Sergey Lagodinsky (Vice-Chair), Marion Walsmann (Vice-Chair), Raffaele Stancanelli, Barry Andrews (for Adrián Vázquez Lázara pursuant to Rule 209(7)), Pascal Arimont, Patrick Breyer, Isabel Carvalhais (for Maria Manuel Leitão Marques pursuant to Rule 209(7)), Ilana Cicurel, Ibán García Del Blanco, Geoffroy Didier, Pascal Durand, Angel Dzhambazki, Virginie Joron, Pierre Larrouturnou (for Lara Wolters pursuant to Rule 209(7)), Gilles Lebreton, Karen Melchior, Theresa Muigg, Ljudmila Novak (for Jiří Pospíšil pursuant to Rule 209(7)), Anne Sophie Pelletier (for Manon Aubry pursuant to Rule 209(7)), Sabrina Pignedoli, Luisa Regimenti, Franco Roberti, Marie Toussaint, Axel Voss, Tiemo Wölken, and Javier Zarzalejos.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 7 July 2022

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

Proposal for a directive of the Council 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)

COM(2021)732 of 25.11.2021 – 2021/0372(CNS)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 1 February 2022 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting², an examination of the proposal for a Council Directive recasting 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 resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in recital 5, the adding of the words '*in accordance with principles common to all Member States*';
- in Article 3, introductory wording, the deletion of the words '*Any person who*' and the adding of the words '*The following persons*';
- in Article 3, point (a), the adding of the words '*the person who*';
- in Article 3, point (b), the adding of the words '*the person who*'.

2. In recital 5, the words '*Article 20(2) TFEU*' should be replaced by '*Article 22(2) TFEU*'.

² The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

T. BLANCHET
Jurisconsult

D. CALLEJA CRESPO
Director-General

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Constitutional Affairs

on the proposal for a Council directive on 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 Union citizens residing in a Member State of which they are not nationals (recast)

(COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS))

Rapporteur for opinion: Domènec Ruiz Devesa

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The 1992 Treaty on European Union (the ‘Maastricht Treaty’) marked a new stage in the process of creating an ever closer union among the peoples of Europe. One of its tasks was to organize, in a manner demonstrating consistency and solidarity, relations between the peoples of the Member States. Its objectives included strengthening the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union. To that end, the Maastricht Treaty introduced a citizenship of the Union for all nationals of the Member States and conferred on such nationals on that basis a number of rights.

Amendment 2

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Democracy is one of the values on which the Union is founded. Every citizen has the right to participate in the democratic life of the Union. It is important to ensure that mobile Union citizens can fully exercise their political rights in the context of future elections to the European Parliament where Union citizens are directly represented. The loss of acquired political rights for Union citizens as a result of European mobility may hinder participation in elections to the European Parliament for mobile voters. An ever closer union necessarily entails the progressive convergence of political rights among Union citizens when voting and standing as candidates for elections to the European Parliament.

Amendment 3

Proposal for a directive Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) By its legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision, the European Parliament adopted a proposal for a new European Electoral Act on the basis of Article 223(1) of the Treaty on the Functioning of the European Union (TFEU), harmonising further Member States' electoral systems by introducing elements

aiming to enhance democratic legitimacy and to more accurately reflect the breadth of the role and competences of the European Parliament. The right of mobile citizens to vote and stand as candidates should apply in all electoral lists and constituencies determined by the Act, including in the event of the establishment of a Union-wide constituency, in order to ensure that the principle of non-discrimination is upheld.

Amendment 4

Proposal for a directive Recital 2

Text proposed by the Commission

(2) Article 20(2), point (b) and Article 22(2) *of the* of the Treaty on the functioning of the European Union (TFEU) confers 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 (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter.

Amendment

(2) Article 20(2), point (b) and Article 22(2) of the Treaty on the functioning of the European Union (TFEU) confers 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 (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter.

Amendment 5

Proposal for a directive Recital 3

Text proposed by the Commission

(3) The detailed arrangements

Amendment

(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 Council Directive 93/109/EC.

governing 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** are set out in Council Directive 93/109/EC. **These provisions should be in accordance with Article 223(1) TFEU and the provisions in force for its implementation. Such arrangements should not 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 and of certain persons who have close links to this Member State, other than its own nationals or Union citizens residing in this Member State.**

Amendment 6

Proposal for a directive Recital 4

Text proposed by the Commission

(4) In its **the** EU Citizenship Report 2020²⁴, 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 EU** citizens. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

²⁴ https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en

Amendment

(4) In its EU Citizenship Report 2020²⁴, 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 **Union citizens residing in a Member State of which they are not nationals**. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

²⁴ https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en

Amendment 7

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Article 20 (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 those elections**.

Amendment

(5) Article 20 (2) TFEU is without prejudice to Article 223(1) TFEU, which provides for the establishment of a uniform procedure **for elections to the European Parliament** in all Member States in accordance with principles common to all Member States.

Amendment 8

Proposal for a directive

Recital 6

Text proposed by the Commission

(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 candidates 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 equal treatment between national 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 the proofs for demonstrating compliance with such a condition.

Amendment

(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 candidates 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 equal treatment between national 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 **to nationals of that Member State** as regards any periods of residence that are to be fulfilled as a condition for the exercise of the right, as well the proofs for demonstrating compliance with such a condition.

Amendment 9

Proposal for a directive

Recital 7

Text proposed by the Commission

(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 the appropriate measures to ensure that no one may vote more than once or stand as a candidate in more than one country.

Amendment

(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 **taking** the appropriate measures to ensure that no one may vote more than once or stand as a candidate in more than one country.

Amendment 10

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political Rights **and** the law of the European Convention on Human Rights, Member States should not only recognize 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**.

Amendment

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political Rights, the law of the European Convention on Human Rights **and the UN Convention on the Rights of Persons with Disabilities**, Member States should not only recognize 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 **all** obstacles to participation in elections.

Amendment 11

Proposal for a directive

Recital 9

Text proposed by the Commission

(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. It should be sufficient for the Union citizens concerned to

Amendment

(9) In order to facilitate the exercise by **non-national** Union citizens of their right to vote and to stand as a candidate in their country of residence, **Member States should endeavour to make automatic registration as a voter available, after Union citizens have expressed a wish to vote in their Member State of residence. Where automatic registration was not**

produce a valid identity card and a formal declaration that includes elements evidencing 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. Additionally, Union citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

used, non-national Union citizens wishing to vote 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 *and as similar* as possible *across the Member States*. It should be sufficient for the Union citizens concerned to produce a valid identity card and a formal declaration that includes elements evidencing 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. Additionally, Union citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

Amendment 12

Proposal for a directive Recital 11

Text proposed by the Commission

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates 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)(b) and Article 22(2) TFEU, Member States should be able to require the production of a formal declaration that includes elements necessary to evidence their entitlement to stand in the elections in question.

Amendment

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates 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, *Member States have a genuine interest in establishing* that such citizens are beneficiaries of the right laid down in Article 20(2)(b) and Article 22(2) TFEU. *For this reason*, Member States should, be able to require *extraordinarily* the production of a formal declaration that includes elements necessary to evidence their entitlement to stand in the elections in question

Amendment 13

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) To enable European citizens residing in a Member State of which they are not nationals to be eligible in practice for election to the European Parliament, national political parties should be encouraged not to make membership conditional on having the nationality of the Member State of election.

Amendment 14

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(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, the list of data to be required from Union citizens, when submitting ***an application*** to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

(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, the list of data to be required from Union citizens, when ***automatically registered or when submitting the formal declaration of their intention*** to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

Amendment 15

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

(13) Union citizens who have been deprived of their right to vote and to stand as candidates, on the basis of an individual

(13) Union citizens who have been deprived of their right to vote and to stand as candidates, 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. When receiving an application for registration as a voter, Member States may require from the citizen concerned 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.

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. ***Upon automatic registration or*** when receiving an application for registration as a voter, Member States may require from the citizen concerned a formal declaration confirming that they have not been deprived of their right to vote. When ***receiving an application for*** standing as a ***candidate***, Member States may require the Union ***citizen concerned*** to produce a statement confirming that they have not been deprived of the right to stand in the elections to the European Parliament. ***Those requirements should apply only when they are also applicable to the nationals of the Member State of residence.***

Amendment 16

Proposal for a directive Recital 16

Text proposed by the Commission

(16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at 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 these purposes.

Amendment

(16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same elections, Member States ***need to coordinate their administrative systems in a coherent manner. For this reason, Member States should be required to*** exchange information gathered from the formal declarations produced by ***non-national*** Union voters and Union citizens entitled to stand as candidates ***in a Member State of residence***. 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 these purposes.

Amendment 17

Proposal for a directive Recital 17

Text proposed by the Commission

(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 elections. 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 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.

Amendment

(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 elections. To facilitate communication between national authorities, Member States should be required to designate one contact *authority* for that information exchange. A secure tool was developed in the past by the Commission to be used 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.

Amendment 18

Proposal for a directive Recital 20

Text proposed by the Commission

(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

Amendment

(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), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms.

information to Union citizens on their rights under Article 20(2), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. ***Such authorities should coordinate information campaigns together with local authorities and civil society organisations, whenever possible.*** In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms, ***ideally without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages. The information should be provided in a timely manner, taking into account that electoral rolls are to be closed 14 weeks and candidates to be announced 12 weeks before polling day in order for Member States to exchange information according to the provisions laid out in Article 13(1).***

Amendment 19

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) In order to improve the accessibility of electoral information, such information should be made available in ***at least one other official language of the Union than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory. 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.***

Amendment

(21) In order to improve the accessibility of electoral information, such information should be made available in ***all official languages of the Union.***

Amendment 20

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(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 of Article 52 of the Charter, including that any limitations to the exercise of the right to vote and to stand as a candidate at elections to the European Parliament is to be provided for by law and be subject to the principles of proportionality and necessity . In addition, any derogation has to be subject to review as provided by Article 47 of the Charter . **deleted**

Amendment 21

Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) Such specific problems may 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 should be warranted where such citizens form more than 20 % of the total electorate on the criterion of period of residence; **deleted**

Amendment 22

Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

(24) Member States in which the proportion of non-national citizens of the Union of voting age exceeds 20 % of the **deleted**

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.

Amendment 23

Proposal for a directive Recital 26

Text proposed by the Commission

(26) Data regarding the exercise of 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. 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. In parallel, the Commission should assess the application of this Directive, and submit a report including such an assessment to the European Parliament and to the Council, after each election to the European Parliament.

Amendment

(26) Data regarding the exercise of 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. In order to improve ***and harmonise*** the collection of data for elections to the European Parliament, it is necessary to introduce regular monitoring and reporting of implementation by Member States. ***Such data should be collected in a transparent and coordinated way across all Member States and on the basis of common indicators.*** In parallel, the Commission should assess the application of this Directive, and submit a report including such an assessment to the European Parliament and to the Council, after each election to the European Parliament.

Amendment 24

Proposal for a directive Recital 27

Text proposed by the Commission

(27) 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.

Amendment

(27) It is necessary that the Commission conduct its own evaluation of the application of this Directive within a reasonable timeframe after ***each election*** to the European Parliament, ***accompanied, if appropriate, by a legislative proposal to***

amend this Directive.

Amendment 25

Proposal for a directive Recital 29

Text proposed by the Commission

(29) The Member States, by ratifying, and the Union, by concluding²⁷, the United Nations Convention on the Rights of Persons with Disabilities have committed themselves to ensure compliance with that Convention. In order to **support** inclusive and equal electoral participation for persons with disabilities, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in elections to the European Parliament should have due regard to the needs of citizens with a disability and older citizens.

²⁷ 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).

Amendment 26

Proposal for a directive Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(29) The Member States, by ratifying, and the Union, by concluding²⁷, the United Nations Convention on the Rights of Persons with Disabilities have committed themselves to ensure compliance with that Convention. In order to **ensure** inclusive and equal electoral participation for persons with disabilities, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in elections to the European Parliament should have due regard to the **specific** needs of citizens with a disability and older citizens.

Furthermore, Member States should ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice. Member States should provide the possibility of postal voting and may provide for advance physical voting.

²⁷ 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).

All Member States shall endeavour to introduce automatic voter registration of non-national Union voters upon receiving the consent of the Union citizens concerned at the time of registering as a resident in the Member State of residence. Non-national Union voters who have opted out of automatic registration shall be invited to register as a voter well in advance of the election period.

Amendment 27

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

If, in order to vote or to stand as candidates, nationals of the Member State or residence must have spent a certain minimum period as *a resident* in the electoral territory of that 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 provision shall apply without prejudice to any specific conditions as to length of residence in a given constituency or locality.

Amendment

If, in order to vote or to stand as candidates, nationals of the Member State or residence must have spent a certain minimum period as *residents* in the electoral territory of that 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 provision shall apply without prejudice to any specific conditions as to length of residence in a given constituency or locality.

Amendment 28

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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.

the home Member State, shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament. ***However, decisions on deprivation of legal capacity due to disability taken by the Member State of origin shall not make Union citizens ineligible from standing as a candidate in elections to the European Parliament in their Member State of residence if the law of that Member State upholds that right to all persons with disabilities without restrictions.***

Amendment 29

Proposal for a directive Article 6 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall designate a contact ***authority*** 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 ***authority*** and any updated information or changes concerning it. The Commission shall keep a list of contact ***authorities*** and make it available to the Member States.

Amendment 30

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

1. The Member State of residence may check whether 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.

Amendment

1. The Member State of residence may check whether 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. ***However, decisions on deprivation of legal capacity due to disability taken by the Member State of***

origin shall not disqualify Union citizens from voting in elections to the European Parliament in their Member State of residence if the law of that Member State upholds that right to all persons with disabilities without restrictions.

Amendment 31

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures 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.

Amendment

1. Member States shall take the necessary measures to enable a Union voter who has expressed the wish to be registered as a voter to be entered on the electoral roll *no later than 14 weeks before* polling day *in order for Member States to exchange information to prevent multiple voting in a timely manner, in accordance with the provisions laid out in Article 13(1).*

Amendment 32

Proposal for a directive Article 9 – paragraph 3 – point a

Text proposed by the Commission

(a) state in their declaration under paragraph 2 that they have not been deprived of the right to vote in their home Member State;

Amendment

(a) state in their declaration under paragraph 2 that they have not been deprived of the right to vote in their home Member State, *if such requirement is also required for nationals of the Member State of residence*;

Amendment 33

Proposal for a directive Article 9 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(c a) if they so wish, indicate language preferences among the official languages of the Union in which they want to receive the information referred to in Article 12(2).

Amendment 34

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

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, these provisions shall apply to Union voters in the same way.

Amendment

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 ***in the Member State of residence*** to notify nationals of such a removal from the electoral roll, these provisions shall apply to Union voters in the same way, ***and the notifications shall be provided in an official language of the Union understandable to the Union voters in question.***

Amendment 35

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

1. The Member State of residence shall inform the persons concerned ***in good time*** and in ***clear and plain*** language of the decision taken on their application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate.

Amendment

1. The Member State of residence shall inform the persons concerned ***clearly*** and in ***a timely manner, in an official Union language understandable to them,*** of the decision taken on their ***automatic registration or*** application for entry on the electoral roll or of the decision concerning the admissibility of their application to stand as a candidate.

Amendment 36

Proposal for a directive Article 11 – paragraph 3

Text proposed by the Commission

3. In case of errors in the electoral rolls or in the lists of candidates to the European Parliament, 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.

Amendment

3. In case of errors in the electoral rolls or in the lists of candidates to the European Parliament, the person concerned shall be entitled to **effective** 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.

Amendment 37

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall inform clearly and in a timely manner, the person concerned of the decision referred to in paragraph 1 and of the legal remedies referred to in paragraphs 2 and 3.

Amendment

4. Member States shall inform clearly and in a timely manner, the person concerned of the decision referred to in paragraph 1 and of the legal remedies referred to in paragraphs 2 and 3, **in an official Union language understandable to him or her.**

Amendment 38

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall designate a **national** authority with responsibility for taking the necessary measures 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.

Amendment

1. Member States shall designate a **competent** authority with responsibility for taking the necessary measures 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. **The information shall be provided at local and national level in a coordinated way and,**

whenever possible, in cooperation with civil society organisations, upon automatic registration or after the submission of an application to enter the electoral roll, taking into account that electoral rolls are to be closed 14 weeks and candidates to be announced 12 weeks before polling day in order for Member States to exchange information in a timely manner, according to the provisions laid out in Article13(1).

Amendment 39

**Proposal for a directive
Article 12 – paragraph 2 – point c a (new)**

Text proposed by the Commission

Amendment

(c a) information on the electoral system of the European Union enabling the election of Members of the European Parliament and on the national rules and procedures regarding participation in and the organization of elections to the European Parliament;

Amendment 40

**Proposal for a directive
Article 12 – paragraph 2 – point d a (new)**

Text proposed by the Commission

Amendment

(d a) the specific measures to facilitate the exercise of the right to vote to particular groups of voters, such as persons with disabilities or voters who cannot participate on election day.

Amendment 41

**Proposal for a directive
Article 12 – paragraph 3 – introductory part**

Text proposed by the Commission

Amendment

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 ***provided in clear and plain language***.

3. The information on conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament and ***any information communicated pursuant to the provisions of this Directive shall be provided in clear and plain language***; the information referred to in paragraph 2 shall be ***communicated in all official Union languages. The Commission shall provide access to this information and assistance in understanding to citizens, including via Europe Direct and Your Europe***.

Amendment 42

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

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 is made accessible to persons with disabilities ***and*** older persons by using appropriate means, modes and formats of communication.

Amendment

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 is made accessible to persons with disabilities, older persons, ***people in remote areas, minority groups and those who face difficulties in voting generally by applying accessibility requirements laid down in Annex I of Directive (EU) 2019/882^{1a}*** by using appropriate means, modes and formats of communication, ***such as sign language, Braille or easy-to-read format. Member States may ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.***

^{1a} ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

Amendment 43

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall exchange the information required for the implementation of Article 4, sufficiently in advance of polling day. To that end, the Member State of residence shall begin supplying 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 Act concerning the election of the members of the European Parliament by direct universal suffrage the set of information provided in Annex III, . The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

Amendment

1. Member States shall exchange the information required for the implementation of Article 4, sufficiently in advance of polling day **and with due regard to the dates for announcing candidates and closing the electoral rolls for the election**. To that end, the Member State of residence shall begin supplying the home Member State, no later than **sixteen** weeks before the first day of the electoral period referred to in Article 10(1) of the Act concerning the election of the members of the European Parliament by direct universal suffrage the set of information provided in Annex III. The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

Amendment 44

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

Member States **shall** provide for the **possibility of** postal voting in elections to the European Parliament. **In the case of postal voting, and where possibilities of advance voting and electronic and internet voting are available in elections to the European Parliament to their nationals, Member States** shall ensure the availability of those voting methods to Union voters under **the same** conditions as the ones applicable to their own nationals **Member States shall adopt all necessary measures to ensure the reliability and**

secrecy of the vote.

Amendment 45

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Member States shall designate an authority with responsibility for collecting and providing **relevant** statistical data to the public and the Commission, on the participation of Union citizens who are not nationals in elections to the European Parliament.

Amendment

Member States shall designate an authority with responsibility for collecting and providing statistical data to the public and the Commission, on the participation of Union citizens who are not nationals in elections to the European Parliament. ***Such statistical data shall be collected in a transparent and coordinated way across all Member States and on the basis of common indicators.***

The Commission is empowered to adopt implementing acts concerning the form of the data referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.

Amendment 46

Proposal for a directive Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

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 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 five 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.

These provisions are 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 candidates in that home State shall not be subject to the conditions as to length of residence set out above.

2. Where the laws of a Member State prescribe that the nationals of another Member State who reside there have the right to vote for the national parliament of that State and, for that purpose, may be entered on the electoral roll of that 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 check 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.

Amendment 47

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

1. Within six months after each election to the European Parliament Member States shall send information to the Commission on the application of this Directive in their territory. In addition to general observations, the report shall contain statistical data on the participation in elections to the European Parliament of Union voters and Union citizens entitled to stand as candidates and a summary of the measures taken to support it.

Amendment

1. Within six months after each election to the European Parliament Member States shall send information to the Commission ***and the European Parliament*** on the application of this Directive in their territory. In addition to general observations, the report shall contain statistical data on the participation in elections to the European Parliament of Union voters and Union citizens entitled to stand as candidates ***as referred to in Article 15*** and a summary of the measures taken to support it.

Amendment 48

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

Within two years after ***the 2029 elections*** to the European Parliament, the Commission shall assess its application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation shall also include ***a review*** on the functioning of Article 13.

Amendment

Within two years after ***each election*** to the European Parliament, the Commission shall assess its application and produce an evaluation report on the progress towards achievement of the objectives contained herein. The evaluation ***report*** shall also include ***an assessment*** on the functioning of Article 13. ***The evaluation shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.***

Amendment 49

Proposal for a directive

Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts

Amendment

2. The power to adopt delegated acts

referred to in Articles **9, 10 and 13** shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Directive.

referred to in Articles **9(5), 10(3) and 13(4)** shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Directive.

Amendment 50

Proposal for a directive Article 20 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles **9, 10 and 13** 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 the day following 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.

Amendment

3. The delegation of power referred to in Articles **9(5), 10(3) and 13(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 the day following 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.

Amendment 51

Proposal for a directive Article 20 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles **9, 10 and 13** shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and 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 two months at the initiative of the Council.

Amendment

6. A delegated act adopted pursuant to Articles **9(5), 10(3) and 13(4)** shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and 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 two months at the initiative of the Council.

Amendment 52

Proposal for a directive

Annex I – paragraph 4 a (new)

Text proposed by the Commission

Amendment

I wish to receive all future information related to the elections to the European Parliament in one of the following languages:

Amendment 53

Proposal for a directive Annex II – paragraph 4

Text proposed by the Commission

Amendment

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

I have not been deprived of the right to stand as a candidate in my home Member State^{1a}.

^{1a} Only if also required of nationals of Member State of residence.

Amendment 54

Proposal for a directive Annex II – paragraph 4 a (new)

Text proposed by the Commission

Amendment

I wish to receive all future information related to the elections to the European Parliament in one of the following languages:

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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)
References	COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS)
Committee responsible Date announced in plenary	AFCO 27.1.2022
Opinion by Date announced in plenary	LIBE 27.1.2022
Rapporteur for the opinion Date appointed	Domènec Ruiz Devesa 20.4.2022
Discussed in committee	27.6.2022
Date adopted	25.10.2022
Result of final vote	<div style="display: flex; justify-content: space-between;"> +: 49 </div> <div style="display: flex; justify-content: space-between;"> –: 3 </div> <div style="display: flex; justify-content: space-between;"> 0: 5 </div>
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Pietro Bartolo, Vladimír Bilčík, Malin Björk, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Damien Carême, Caterina Chinnici, Lena Düpont, Lucia Ďuriš Nicholsonová, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Fabienne Keller, Łukasz Kohut, Moritz Körner, Jeroen Lenaers, Juan Fernando López Aguilar, Nadine Morano, Javier Moreno Sánchez, Theresa Muigg, Maite Pagazaurtundúa, Paulo Rangel, Karlo Ressler, Birgit Sippel, Sara Skyttedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Susanna Ceccardi, Gwendoline Delbos-Corfield, José Gusmão, Erik Marquardt, Matjaž Nemec, Janina Ochojska, Sira Rego, Franco Roberti, Rob Rooker, Róza Thun und Hohenstein
Substitutes under Rule 209(7) present for the final vote	Asim Ademov, Mohammed Chahim, Morten Løkkegaard

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

49	+
PPE	Asim Ademov, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Nadine Morano, Janina Ochojska, Paulo Rangel, Karlo Ressler, Sara Skytvedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
S&D	Pietro Bartolo, Mohammed Chahim, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Theresa Muigg, Matjaž Nemec, Franco Roberti, Birgit Sippel, Elena Yoncheva
RENEW	Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Morten Løkkegaard, Maite Pagazaurtundúa, Ramona Strugariu, Róza Thun und Hohenstein, Yana Toom
VERTS/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Gwendoline Delbos-Corfield, Erik Marquardt, Tineke Strik
THE LEFT	Konstantinos Arvanitis, Malin Björk, José Gusmão, Sira Rego

3	-
ID	Susanna Ceccardi, Annalisa Tardino
NI	Milan Uhrík

5	0
ECR	Joachim Stanisław Brudziński, Patryk Jaki, Rob Rooken, Vincenzo Sofo, Jadwiga Wiśniewska

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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)			
References	COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS)			
Date Parliament was consulted	25.11.2021			
Committee responsible Date announced in plenary	AFCO 27.1.2022			
Committees asked for opinions Date announced in plenary	LIBE 27.1.2022			
Rapporteurs Date appointed	Damian Boeselager 10.2.2022			
Discussed in committee	28.3.2022	20.6.2022	13.7.2022	17.10.2022
Date adopted	1.12.2022			
Result of final vote	+: 18 -: 4 0: 0			
Members present for the final vote	Gabriele Bischoff, Damian Boeselager, Włodzimierz Cimoszewicz, Salvatore De Meo, Charles Goerens, Sandro Gozi, Laura Huhtasaari, Zdzisław Krasnodębski, Giuliano Pisapia, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Helmut Scholz, Pedro Silva Pereira, Sven Simon, Loránt Vincze, Rainer Wieland			
Substitutes present for the final vote	François Alfonsi, Gunnar Beck, Alin Mituța, Niklas Nienaa, Maite Pagazaurtundúa			
Substitutes under Rule 209(7) present for the final vote	Javier Zarzalejos			
Date tabled	13.12.2022			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

18	+
PPE	Salvatore De Meo, Sven Simon, Loránt Vincze, Rainer Wieland, Javier Zarzalejos
RENEW	Charles Goerens, Sandro Gozi, Alin Mituța, Maite Pagazaurtundúa
S&D	Gabriele Bischoff, Włodzimierz Cimoszewicz, Giuliano Pisapia, Domènec Ruiz Devesa, Pedro Silva Pereira
THE LEFT	Helmut Scholz
Verts/ALE	François Alfonsi, Damian Boeselager, Niklas Nienß

4	-
ECR	Zdzisław Krasnodębski
ID	Gunnar Beck, Laura Huhtasaari, Antonio Maria Rinaldi

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention