



2021/0373(CNS)

27.10.2022

OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the Proposal for a Council Directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast)
(COM(2021)0733 – C9-0022/2022 – 2021/0373(CNS))

Rapporteur for opinion: Alin Mituța

PA_Legam

SHORT JUSTIFICATION

Approximately 13.3 million EU citizens live in an EU Member State that is not their country of origin. Of these so-called 'mobile' citizens, over 11 million have the legal age to vote and stand as a candidate in elections. Under Council Directive 94/80/EC on the right of mobile EU citizens to vote and stand as a candidate in municipal elections, mobile citizens can participate in municipal elections in their country of residence, under the same conditions as nationals of that state.

26 years after the lapse of the transposition deadline of the above-mentioned directive, voter turnout among mobile citizens remains low compared to nationals of the host Member State. While the EU and Member States have removed legal hurdles that were hindering mobile citizens to exercise their electoral rights in their country of residence, many *de facto* and *de jure* obstacles remain.

Voter registration, access to information and administrative barriers appear to be major obstacles. Approximately half of the Member States include mobile EU citizens automatically in their electoral roll when they register for residence, while the remainder impose a separate voter registration procedure. While it is of utmost importance that information reaches citizens when they formally reside in a Member State and that they are regularly reminded of this information, clear communication about the upcoming elections is often lacking.

Moreover, there is a real 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 their municipal elections. Where data is kept and exchanged, the scope and format of the reporting are inconsistent and vary between Member States, leading to incomparable results.

The Commission proposes specific amendments to the above Council Directive in order to address certain shortcomings. The new proposal is intended to simplify the process of registering EU mobile citizens to vote and run in local elections and to reduce the administrative barriers faced by EU mobile citizens by imposing standardised templates for official declarations. Member States will be required to designate authorities to proactively inform EU mobile citizens about the detailed conditions and rules for registering as a voter or candidate in local elections.

Your rapporteur supports a broad and inclusive participation of all citizens to the electoral process, including mobile citizens and believes that in order to respond most efficiently to this mission, it is essential to address the hurdles identified above.

In order to achieve this, it is crucial to strengthen several pillars.

One pillar is **information**. Language can pose a barrier if the information is only provided in the local language and in a format that is insufficiently accessible. In addition, the manner in which the information reaches the citizens is a crucial factor. Mobile citizens may not sufficiently understand the domestic political system and may be unfamiliar with political parties in their country of residence. This can create a 'representation gap', a situation in which the views of mobile citizens are disproportionately less represented, due to low turnout. This is why information should ideally be provided in the native language of the mobile

citizens, and at least also in an official language of the Union other than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory.

Given the differences in local government structures and the fact that municipal elections might be held in different cycles, in different parts of the same Member State, appropriate information on the right to vote, the administrative steps to exercise this right, as well as the nature of the political system and customs, should be provided to Union citizens when they establish their residence and should be reminded periodically.

Another pillar is **registration**. In order to increase mobile citizens' awareness of their voting rights in the Member State of residence, national authorities that do not foresee automatic registration in the electoral roll should be required to duly inform them of the possibility to opt for registration in the electoral roll when they register for residence. Automatic registration should be incentivized to increase the uptake of mobile citizens in the democratic life of the Member State of residence.

Furthermore, there should be a clear distinction between electoral rolls. Member States should keep two separate records for local and European elections and mobile citizens should be duly informed of their rights under the respective electoral systems, including the option to maintain their voting rights in their home country. Two different electoral rolls would help mobile citizens make an informed choice and thus avoid any confusion.

Last but not least, there is the **access to vote** pillar. Mobile citizens should have the same access to electronic and remote voting as nationals of the Member State. The conditions governing the right to vote and the right to participate in local elections should be clear and not leave room for bureaucratic pitfalls. Moreover, mobile citizens should have access to effective legal recourse where their rights set forth in this Directive are seemingly not observed.

AMENDMENTS

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

Amendment 1

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The electoral procedure related to municipal elections falls within the competences of the Member States that organise them reflecting their specific traditions and in accordance with international and European standards. In line with International Covenant on Civil and Political Rights as well as the law of the European Convention on Human Rights, Member States should not only recognise and respect the right of Union citizens to vote and to stand as a candidate but also ensure *easy* access to their electoral rights by removing *as many* obstacles to their participation in elections *as possible*.

Amendment

(5) The electoral procedure related to municipal elections falls within the competences of the Member States that organise them reflecting their ***constitutional and*** specific traditions and in accordance with international and European standards. In line with International Covenant on Civil and Political Rights as well as the law of the European Convention on Human Rights, Member States should not only recognise and respect the right of Union citizens to vote and to stand as a candidate but also ensure ***full and effective*** access ***to information and*** to their electoral rights by removing ***all*** obstacles to their participation in elections.

Amendment 2

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 to vote or to stand as a candidate when they register 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 municipal elections, in a timely

manner, to all voters and persons entitled to stand as candidates pursuant to Article 3. Moreover, non-national Union citizens should be duly informed about their distinct rights under the municipal and European electoral systems.

Amendment 3

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In addition, non-national Union citizens should not be required to fulfil any special conditions in order to exercise the right to vote or stand in municipal elections unless, exceptionally, a different treatment of nationals and non-nationals is justified by circumstances specific to the latter distinguishing them from the former.

Amendment

deleted

Amendment 4

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their **country** of residence, such citizens should be entered on the electoral roll in sufficient time in advance of polling day. The formalities applicable to their registration should be as simple as possible. It should be sufficient for the Union citizens concerned to produce a valid identity card and a formal declaration that include 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

Amendment

(8) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their **Member State** of residence, such citizens should be entered on the electoral roll in sufficient time in advance of polling day. **Those Union citizens that have expressed their will to vote in the municipal elections of their Member State of residence, are ideally entered immediately in the electoral roll upon registration for residence, as per their consent. The Member State of residence should allow the non-national Union citizens to decide and inform the authorities at any time.** The formalities applicable to their

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.

registration should ***in any case*** 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 declaration that include 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. ***Non-national Union citizens entitled to stand as candidates in their Member State of residence should be subject to the same administrative requirements as nationals of that Member State, when it is necessary to demonstrate a minimum residence period as a resident in a basic local government unit.***

Amendment 5

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) To enable Union citizens residing in a Member State of which they are not nationals to be eligible in practice to stand as candidates in municipal elections, national political parties should not make membership conditional on having the nationality of the Member State of election.

Amendment 6

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

(11) *Since the duties of the leadership of basic local government units may involve taking part in the exercise of official authority and in the safeguarding of the general interest, Member States should be able to reserve those offices for their nationals in full respect of the principle of proportionality .* **deleted**

Justification

Necessary for internal coherence and in accordance to the principle of non discrimination

Amendment 7

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(12) *It should likewise be possible for participation by elected municipal officers in the election of a parliamentary assembly to be reserved for own nationals.* **deleted**

Justification

Necessary for internal coherence and in accordance to the principle of non discrimination

Amendment 8

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) The accessibility of information on electoral rights and procedures **is a key component** in ensuring the effective exercise of the right enshrined in Article 20(2), point (b) and Article 22(1) TFEU.

(15) The accessibility, **clarity and intelligibility** of information on electoral rights and procedures **are key components** in ensuring the effective exercise of the right enshrined in Article 20(2), point (b) and Article 22(1) TFEU.

Amendment 9

Proposal for a directive Recital 16

Text proposed by the Commission

(16) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should 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(1) TFEU and the national rules and procedures regarding participation in and the organization of municipal elections. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms.

Amendment

(16) ***In many Member States, there are differences in local government structures, and occasionally municipal elections are held on different periods in different parts of the same Member State. In this context,*** 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(1) TFEU and the national rules and procedures regarding participation in and the organization of municipal elections. ***Cooperation and coordination should be strengthened and improved between national and local authorities in the Member State with regard to the registration of non-national Union citizens and to providing them with information on their electoral rights and procedures.*** In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms, ***and at least upon registration for residence and sufficiently in advance of the next elections.***

Amendment 10

Proposal for a directive Recital 16 a (new)

(16a) In order to avoid a situation in which the views of non-national Union citizens are disproportionately less represented than those of citizens who are nationals of the Member State concerned, Member States should provide appropriate information to Union citizens on the right to vote, including on technical arrangements in place for citizens with disabilities, on the administrative steps to exercise that right, as well as on the nature of the political system and traditions.

Amendment 11

Proposal for a directive Recital 17

Text proposed by the Commission

Amendment

(17) 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.

(17) 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 ***should provide information, where possible, also in the native language of the non-national Union citizen, as indicated at the time of their registration.*** 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. ***When necessary, the Commission should provide support to Member States for the translation of registration and electoral procedures into the official and non-official languages of the European Union.***

Amendment 12

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) 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 municipal elections, it is necessary to introduce regular monitoring and reporting of implementation **by Member States**, which should include, besides statistical data, information on the measures taken to support participation in elections of non-national Union citizens. The Commission should assess the application of the Directive, including any changes in the electorate that have taken place since its entry into force and submit a report in this connection to the European Parliament and to the Council.

Amendment

(23) Data regarding the exercise of rights and the application of this Directive **is critical in the evaluation of Union policy regarding citizens' rights and** the 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 **by Member States** for municipal elections, it is necessary to introduce regular monitoring and **to harmonise the** reporting of implementation, which should include, besides **uniform** statistical data, information on the measures taken to support participation in elections of non-national Union citizens **as well as on technical arrangements in place for citizens with disabilities and on all voting means, including possibilities of voting by way of postal voting, advance physical voting, proxy or electronic voting**. The Commission should assess the application of the Directive, including any changes in the electorate that have taken place since its entry into force and submit a report in this connection to the European Parliament and to the Council.

Amendment 13

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) The Member States, by ratifying, and the Union, by concluding²⁵, have committed themselves to ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities including on Article 29 on Participation in political and public life. In

Amendment

(26) The Member States, by ratifying, and the Union, by concluding²⁵, have committed themselves to ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities including on Article 29 on Participation in political and public life. 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 municipal elections should have due regard to the needs of ***citizens with a disability and older*** citizens.

²⁵ 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).

order to ***increase inclusiveness*** and equal electoral participation for ***marginalised and vulnerable*** persons, ***in particular people*** 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 municipal elections should have due regard to the needs of ***these*** citizens. ***Furthermore, Member States should ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.***

²⁵ 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 14

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

3. ***Member States may provide that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of their mandate.***

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

Having regard to the Treaty and to general legal principles, Member States may take appropriate, necessary and proportional measures to ensure that the

Amendment

deleted

offices referred to in the first subparagraph can only be held and the interim functions referred to in the second subparagraph can be performed only by their own nationals.

Justification

This deletion is connected to the aim of the Directive, which is to eliminate discrimination of mobile citizens as regards the exercise of their electoral rights

Amendment 15

**Proposal for a directive
Article 7 – paragraph 3**

Text proposed by the Commission

3. Member States where voting is not compulsory may provide for the *automatic* registration of voters pursuant to Article 3 on the electoral roll.

Amendment

3. ***Both*** Member States where voting is not compulsory ***and Member States where voting is compulsory*** may provide for the ***immediate*** registration of voters pursuant to Article 3 on the electoral roll. ***Such registration requires the prior consent of the voter concerned.***

Amendment 16

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

1. Member States shall take the necessary measures to enable a voter pursuant to Article 3 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 voter pursuant to Article 3 to be entered on the electoral roll sufficiently in advance of polling day. ***Following the consent of the non-national Union citizen concerned, Member States shall enable immediate registration on the electoral roll when the non-national Union citizen registers for residence.***

Amendment 17

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Voters pursuant to Article 3 who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote. Where Member States provide for the notification of nationals of their removal from the electoral roll, those provisions shall apply equally to voters pursuant to Article 3.

Amendment

Voters pursuant to Article 3 who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote. Where Member States provide for the notification of nationals of their removal from the electoral roll, those provisions shall apply equally to voters pursuant to Article 3. ***This notification shall be provided, where possible in the native language of the non-national, or in at least one other official language of the Union other than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory.***

Amendment 18

Proposal for a directive

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Member State of residence shall establish a distinct electoral roll for municipal elections. The electoral roll for the municipal elections of the Member State of residence of voters pursuant to Article 3 shall not be automatically linked with the electoral roll for European elections of the respective Member State.

Amendment 19

Proposal for a directive

Article 9 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) in case of doubt regarding the content of the declaration pursuant to point **(a)**, to produce before **or after** the election an attestation from the competent administrative authorities in their home Member State certifying that they have not been deprived of the right to stand as a candidate in that State or that no such disqualification is known to those authorities;

(b) in case of **legitimate** doubt regarding the content of the declaration pursuant to point **(a)**, to produce before the election an attestation from the competent administrative authorities in their home Member State certifying that they have not been deprived of the right to stand as a candidate in that State or that no such disqualification is known to those authorities;

Justification

The standard of 'legitimate' doubt offers more legal certainty, as does the verification of declarations before the election.

Amendment 20

**Proposal for a directive
Article 10 – paragraph 1**

Text proposed by the Commission

Amendment

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

Member States that provide for the possibility for nationals to vote by means of advance voting, postal voting, **proxy voting** and electronic and internet voting in municipal elections shall ensure that such means of voting are also available under the same conditions to voters pursuant to Article 3. ***Those voters shall also have the possibility of choosing or changing the desired means of voting under the same conditions as the nationals of the Member State of residence.***

Amendment 21

**Proposal for a directive
Article 11 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Member State of residence

1. The Member State of residence

shall inform the concerned persons 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.

shall inform the concerned persons in **due** time and in clear and plain language, **in their mother tongue or preferred 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 22

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

2. Should Union citizens not be entered on the electoral roll or have their application for entry refused or have their application to stand as a candidate rejected, the person concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.

Amendment

2. Should Union citizens not be entered on the electoral roll or have their application for entry refused or have their application to stand as a candidate rejected, the person concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals. **The persons concerned shall be informed of those legal remedies in their mother tongue or preferred language.**

Amendment 23

Proposal for a directive Article 11 – paragraph 3

Text proposed by the Commission

3. In case of errors in the electoral roll or in the list of candidates for municipal elections, 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 roll or in the list of candidates for municipal elections, the person 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 24

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The municipal authorities of the Member State of residence shall develop and increase awareness-raising and information campaigns concerning the right to vote and to stand as a candidate in municipal elections for non-national Union citizens, among others through cooperation with civil society organisations and a wide range of channels.

Amendment 25

Proposal for a directive
Article 12 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The designated authority pursuant to paragraph 1 shall collaborate with other competent authorities to ensure that citizens are informed of their rights under this Directive as soon as they register for residence in the Member State concerned. Persons entitled to vote and to stand as candidates pursuant to Article 3 who establish their residence in a basic local government unit, shall automatically receive information about their rights under this Directive. That information shall also be provided periodically, sufficiently ahead of municipal elections, to all voters and persons entitled to stand as candidates pursuant to Article 3.

Amendment 26

Proposal for a directive
Article 12 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Persons entitled to vote and to stand as candidates pursuant to Article 3 shall be informed about their registration in the electoral roll for municipal elections and that European elections have a different electoral roll.

Justification

There is the need to increase the awareness of mobile citizens of their rights under the distinct electoral systems. There are two types of elections, with different purposes, and therefore this should be reflected in the electoral rolls. There are mobile citizens who wish to vote in the Member State where they reside in local elections, and for the European elections in the Member State of origin. This is why they might be reluctant to be in a single electoral roll. Two different rolls would help them make an informed choice and thus avoid any confusion.

Amendment 27

**Proposal for a directive
Article 12 – paragraph 2 – point b**

Text proposed by the Commission

(b) once available, the date of the election and how and where to vote,

Amendment

(b) once available, the date of the election and how and where to vote, ***as well as the measures taken to facilitate the participation in the vote by people with disabilities;***

Amendment 28

**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 ***European*** Union citizens residing on its territory, in accordance with the quality requirements

Amendment

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 ***where possible in the native language of the voters and persons entitled to stand as candidates pursuant to Article 3, or in the official languages of the Union other than that or those of the host Member State,***

in Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council²⁸.

broadly understood by the largest possible number of Union citizens residing on its territory, in accordance with the quality requirements in Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council²⁸. ***Member States and their designated authorities shall provide persons entitled to vote and to stand as candidates in municipal elections pursuant to Article 3 with easy and clear access to information about municipal elections, including the information referred to in the first subparagraph, and about the electoral calendar, nature, features and peculiarities, and history of the political and electoral system and traditions of the Member State, where possible in native language of those persons, or in the official languages of the Union other than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on their territory. That language will be determined at the time of registration on the electoral rolls.***

²⁸ 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. 1–38)

²⁸ 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. 1–38)

Amendment 29

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 municipal elections and information

Amendment

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

referred to in paragraph 2 is made accessible to persons with disabilities and older persons by using appropriate means, modes and formats of communication.

referred to in paragraph 2 is made accessible to persons with disabilities and older persons by ***applying the accessibility requirements laid down in Annex I of Directive (EU) 2019/882^{1a} and by using appropriate means, modes and formats of communication, such as sign language, Braille or easy-to-read format, in the official languages of the Union that are understandable to them. 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 30

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Where, in a given Member State, the proportion of Union citizens of voting age who reside in it but are not nationals of it exceeds 20% of the total number of national and non-national Union citizens residing there who are of voting age, that Member State may, by way of derogation from this Directive:

deleted

(a) restrict the right to vote to voters pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be longer than the term for which the representative council of the municipality is elected;

(b) restrict the right to stand as a candidate to persons entitled to stand as candidates pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be

longer than twice the term for which the representative council of the municipality is elected; and

(c) take appropriate measures with regard to the composition of lists of candidates to encourage in particular the integration of Union citizens, who are nationals of another Member State.

Justification

These changes are required in order to comply with the principle of non-discrimination and ensure the democratic rights of EU citizens who have exercised their right to live, work or study in a Member State of which they are not nationals. The exemption rules foreseen in the Directive need to be adapted. Every Union citizens no matter where they live should have the right to vote even if there are many not-national EU citizens living in that Member State.

Amendment 31

Proposal for a directive
Article 14 – title

Text proposed by the Commission

Amendment

Reporting

Data collection and reporting

Justification

this AM connects to AM 19 and therefore necessary for pressing reasons relating to the internal logic of the text and the amendment is inextricably linked to other admissible amendments.

Amendment 32

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Within **three** years of the entry into force of this Directive and every four years thereafter, the Member States shall report to the Commission on the application of this Directive in their territory, including on the application of Article 5(3) and (4).

1. Within **two** years of the entry into force of this Directive and every four years thereafter, the Member States shall report to the Commission on the application of this Directive in their territory, including on the application of Article 5(3) and (4).

The report shall contain statistical data on the participation in municipal elections of voters and candidates pursuant to Article 3 and a *summary* of measures taken *in that regard*.

The report shall contain *uniform* statistical data on the participation in municipal elections of voters and candidates pursuant to Article 3 and a *detailed overview* of measures taken *to facilitate and encourage this participation*.

Amendment 33

Proposal for a directive Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning a template and the form of the data to be collected for the purposes of paragraph 1 of this Article.*

Amendment 34

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Within *two years* after the 2029 elections 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.

Within *one year* after the 2029 elections 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.

Amendment 35

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Articles 2, 8 *and 9* shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Directive.

2. The power to adopt delegated acts referred to in Articles 2, 8, *9 and 14(2a)* shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Directive.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast)
References	COM(2021)0733 – C9-0022/2022 – 2021/0373(CNS)
Committee responsible Date announced in plenary	LIBE 27.1.2022
Opinion by Date announced in plenary	AFCO 27.1.2022
Rapporteur for the opinion Date appointed	Alin Mituța 10.2.2022
Discussed in committee	28.3.2022 20.6.2022 13.7.2022
Date adopted	26.10.2022
Result of final vote	+: 19 -: 3 0: 1
Members present for the final vote	Gerolf Annemans, Gabriele Bischoff, Włodzimierz Cimoszewicz, Gwendoline Delbos-Corfield, Salvatore De Meo, Daniel Freund, Charles Goerens, Brice Hortefeux, Laura Huhtasaari, Victor Negrescu, Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Pedro Silva Pereira, Sven Simon, Loránt Vincze, Rainer Wieland
Substitutes present for the final vote	François Alfonsi, Seán Kelly, Alin Mituța, Maite Pagazaurtundúa
Substitutes under Rule 209(7) present for the final vote	Caterina Chinnici, Geoffroy Didier

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
PPE	Salvatore De Meo, Geoffroy Didier, Brice Hortefeux, Paulo Rangel, Sven Simon, Loránt Vincze, Rainer Wieland
Renew	Charles Goerens, Alin Mituța, Maite Pagazaurtundúa
S&D	Gabriele Bischoff, Caterina Chinnici, Włodzimierz Cimoszewicz, Victor Negrescu, Domènec Ruiz Devesa, Pedro Silva Pereira
Verts/ALE	François Alfonsi, Gwendoline Delbos Corfield, Daniel Freund

3	-
ECR	Jacek Saryusz Wolski
ID	Gerolf Annemans, Laura Huhtasaari

1	0
ID	Antonio Maria Rinaldi

Key to symbols:

+ : in favour

- : against

0 : abstention