



Committee on Legal Affairs
The Chair

8.11.2022

Mr Juan Fernando López Aguilar
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on a Proposal for a directive of the Council 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 – 2021/373(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 23 votes in favour, none against and no 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

¹The 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.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 29 September 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 to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast)
COM2021/733 of 25.11.2021 – 2021/0373(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 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- 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*';
- in Article 13(1), the deletion of the words '*on 1 January 1996*';
- in Article 13(3), the deletion of the words '*on 1 January 1996*'.

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,

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.

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