



**2021/0372(CNS)**

26.10.2022

## **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

PA\_Legam

## 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 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.

*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 **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 2020<sup>24</sup>, 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.

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<sup>24</sup> [https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights\\_en](https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en)

#### *Amendment*

(4) In its EU Citizenship Report 2020<sup>24</sup>, 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.

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<sup>24</sup> [https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights\\_en](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

#### *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 *for those elections*.

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 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

#### *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 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



citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

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*

(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, 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*

(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

*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 automatic registration or* when receiving an application for registration as a voter, Member States may require from the

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.

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 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

### *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.

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 total number of Union citizens of voting age who reside there should have the** *deleted*

*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 concluding<sup>27</sup>, 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.

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<sup>27</sup> 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 concluding<sup>27</sup>, 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.***

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<sup>27</sup> 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

#### *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.

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 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

#### *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***

law decision.

*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)

***(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*

*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 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*

*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

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

application to stand as a candidate.

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

##### *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.

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*

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***.

##### *Amendment*

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<sup>1a</sup>*** 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***.

## 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

#### *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**



methods to Union voters under *similar* conditions as the ones applicable to their own nationals.

*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*

###### ***Article 16***

###### ***Derogations***

***1. If, in a given Member State, the proportion of Union citizens of voting age***

###### *Amendment*

***deleted***

*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 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.

#### *Amendment*

2. The power to adopt delegated acts 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

#### *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

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.

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<sup>1a</sup>.

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***<sup>1a</sup> 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

<b>Title</b>	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)
<b>References</b>	COM(2021)0732 – C9-0021/2022 – 2021/0372(CNS)
<b>Committee responsible</b> Date announced in plenary	AFCO 27.1.2022
<b>Opinion by</b> Date announced in plenary	LIBE 27.1.2022
<b>Rapporteur for the opinion</b> Date appointed	Domènec Ruiz Devesa 20.4.2022
<b>Discussed in committee</b>	27.6.2022
<b>Date adopted</b>	25.10.2022
<b>Result of final vote</b>	+: 49 –: 3 0: 5
<b>Members present for the final vote</b>	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 Skytvedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Susanna Ceccardi, Gwendoline Delbos-Corfield, José Gusmão, Erik Marquardt, Matjaž Nemec, Janina Ochojska, Sira Rego, Franco Roberti, Rob Rooker, Róza Thun und Hohenstein
<b>Substitutes under Rule 209(7) present for the final vote</b>	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 Skyttedal, 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 Briemont, 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