(2a) Article 8 TFEU establishes the principle of gender mainstreaming by which the Union should aim to eliminate gender inequalities and to promote gender equality in all its activities.

(3) The Treaty of Lisbon has not only conferred on the European Parliament the power of initiative regarding the provisions on the election of its members, but has also changed the nature of the mandate of the members of the European Parliament, making them direct representatives of the citizens of the Union. These constitute fundamental changes that should be reflected in a modernised European electoral law by inserting new elements that aim to enhance democratic legitimacy and to more accurately reflect the breadth of the role and competences of the European Parliament.

(4) In spite of the provisions of the Electoral Act, elections to the European Parliament are largely organised in accordance with national rules, which differ considerably across Member States, resulting in a range of different electoral systems. Elections for the European Parliament take place on different days, and votes are cast for national parties with national candidates on the basis of national programmes. Approximation of those different electoral systems through the adoption of a more unified European electoral law based on clear common principles and rules would ensure equality for all citizens of the Union, and would strengthen the European public sphere.

(4a) Electoral thresholds are a part of the political system in many Member States and contribute to the development of stable government and opposition dynamics within Parliaments. Such thresholds should not exceed 5% to safeguard fair political competition.
4 (b) Electoral thresholds should not affect the chances of recognised national and linguistic minorities to participate in the political life of the Union and to be represented in the European Parliament. Recognised national or linguistic minorities should benefit from exemptions from any thresholds that are provided for at national level. Exemptions from national thresholds should also apply to political parties or association of voters running in European elections in a quarter of Member States, which include in their ballot papers the names and logos of the European entities to which they are affiliated.

COMP F-REC on Recital 5

Covering AM 181 (Sven Simon, Esteban González Pons, Rainer Wieland), AM 198 (Victor Negrescu), AM 278 (Vladimír Bilčík), AM 279 (Leila Chaibi), AM 280 (Esteban González Pons, Rainer Wieland, Vladimír Bilčík), AM 281 (Damian Boeselager)

(5) According to Article 17(7) of the Treaty on European Union (TEU), the candidate for President of the Commission is to be proposed by the European Council, taking into account the European elections, and is then to be elected by the European Parliament. In order to give that right its appropriate expression, the European public sphere should be developed in such a way that all European voters are allowed to indicate their preferred candidate for the President of the European Commission. For this to happen, the lead candidates nominated by European political parties, by European associations of voters or by other European electoral entities, need to be able to stand behind a common electoral programme in all Member States. In view of securing a majority within the Parliament ahead of the appointment of the Commission, interested parliamentary groups should establish a practice of concluding “legislature agreements” ensuring a political follow-up of the European elections. Through a process that should be formalised on the basis of a political agreement between the European political entities, the lead candidate whose European political entity has received the overall highest number of seats should be tasked first with forming a coalition majority in the newly elected Parliament as regards the nomination of a candidate for President of the European Commission. In case a coalition majority cannot be reached, the task should be assigned to the next lead candidate. In order to inform the nomination process, the President of the European Council should consult the said leaders of the European political entities and parliamentary groups. The lead candidate process could be formalised by a political agreement between the European political entities and by an Inter-Institutional Agreement between Parliament and European Council.

COMP G-REC on Recital 5a

(5a) A Union-wide constituency, in which lists are headed by each political family’s candidate for President of the Commission, should be created in addition to the national constituencies, in order to enhance the democratic and pan-European dimension of the European elections. That Union-wide constituency should be subject to detailed and clear rules that ensure that the list of candidates respects the principles of gender equality.
and geographical proportionality and representativeness and in particular that the interests of small and medium sized Member States are fully taken into account.

COMP H-REC on Recital 6

Covering AM 288 (Domènec Ruiz Devesa, Gabriele Bischoff), AM 290 (Damian Boeselager)

(6) European political parties, European associations of voters and other European electoral entities have a key role to play in fostering a truly European political debate. According to Article 10(4) TEU, political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union. European political parties, European associations of voters and other European electoral entities should therefore play a more central role in the European elections' process, including by giving them the possibility of fully participating in European election campaigns, and of tabling Union-wide lists, so that they become known by and more visible to electors, both on ballot papers and in campaign materials and publications.

COMP I-REC on Recital 7

Covering AM 294 (Domènec Ruiz Devesa, Gabriele Bischoff, Brando Benifei, Giuliano Pisapia), AM 470 (Damian Boeselager)

(7) The conditions for the selection of candidates and for submitting candidacies should be reasonable, fair, democratic, proportionate and should respect the principles laid down by Code of Good Practice in Electoral Matters of the Council of Europe's European Commission for Democracy through Law (the Venice Commission). Furthermore, in the European democracy action plan\(^1\), the Commission has committed itself to promoting access to democratic participation, which entails inclusiveness and equality in democratic participation, as well as gender balance in politics and decision-making. In its 2020-2025 gender equality strategy\(^2\), the Commission stated that “equal opportunity in participation is essential for representative democracy at all levels”. Gender equality as well as democratic and transparent procedures and informed decisions for the selection of candidates to the European Parliament elections, including the lead candidate, are key elements for ensuring a level playing field for all European electoral entities and for reinforcing representativeness and democracy. For reasons of equality, those principles should apply to all lists of candidates in the elections to the European Parliament both in the national constituencies and in the Union-wide constituency.

COMP J-REC on Recital 8

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\(^1\) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European democracy action plan (COM(2020)0790).

\(^2\) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “A Union of Equality: Gender Equality Strategy 2020-2025” (COM(2020)0152).
(8) Transparency of the electoral process and access to reliable and timely information on voters and on candidates are important for ensuring the reliability of the electoral process, for raising European political awareness and for securing a strong election turnout. It is important to facilitate the exchange of information between Member States on voters in order to avoid double voting. Moreover, citizens of the Union should be informed about the candidates standing in the elections to the European Parliament, and where applicable about the affiliation of national political parties to a European political party, well in advance of those elections. It is therefore necessary to establish a European electoral roll and mandatory time-limits for the establishment of the electoral roll at European and national level and of the lists of candidates.

COMP K-REC on Recital 9

Covering AM 302 (Damian Boeselager)

(9) A European Electoral Authority exercising an independent mandate and composed of members with the necessary expertise and experience is essential in order to manage the Union-wide constituency. The key tasks of the European Electoral Authority should include monitoring the implementation of this regulation and solving disputes in respect of the common standards of the European electoral law; managing the European electoral roll; proclaiming the electoral results; and ensuring an efficient exchange of information and best practices between national bodies.

COMP L-REC on Recital 9a

Covering AM 308 (Domènec Ruiz Devesa, Gabriele Bischoff, Brando Benifei, Giuliano Pisapia)

(9a) In order to ensure that the European electoral entities have the sufficient funds to convey their messages and their political programmes to the EU citizens, the electoral campaign in the Union-wide constituency should receive adequate funding.

COMP M-REC on Recital 10

Covering AM 311 (Leila Chaibi, Helmut Scholz), AM 312 (Damian Boeselager), AM 314 (Fabio Massimo Castaldo), AM 315 (Domènec Ruiz Devesa, Gabriele Bischoff, Brando Benifei, Giuliano Pisapia).

(10) In order to encourage voter participation in elections to the European Parliament, Member States should provide for postal voting and could also allow advance physical and proxy voting. To fully take advantage of the possibilities offered by technological developments, Member States could also permit electronic and internet voting, taking into account the Council of Europe recommendations in that area, while ensuring the accessibility of the electronic and internet systems, the reliability of the results through a possibility for recounts, the secrecy of the vote, the protection of personal data, in accordance with applicable Union law, and full transparency in the design and deployment of the electronic and internet systems; as well as the accessibility for persons with disabilities and for all citizens.

COMP N- REC on Recital 11
Citizens of the Union have the right to participate in its democratic life, in particular by voting or standing as candidates in elections to the European Parliament. The right to vote and to stand as candidate, and access to information and voting should also be ensured on an equal basis for all citizens, including for persons with disabilities. Member States should take the measures necessary to allow all Union citizens who are residing or working in countries outside the Union, who are without a permanent residence, who are experiencing homelessness, who are serving a prison sentence in the Union or those who are living in closed residential settings such as hospitals, psychiatric institutions and other healthcare settings, retirement and nursing homes for old people or residential settings for persons with disabilities to exercise the right to vote in elections to the European Parliament. In particular, Member States should introduce appropriate measures, so that people living in closed residential settings have means to exercise their right to vote. The special needs of persons with disabilities should be taken into account when ensuring access to information, voting materials and voting facilities.

COMP O-REC on Recital 12

The minimum age for the exercise of the right to vote and the right to stand as a candidate varies across the 27 Member States from 16 to 18. A single harmonised age for voting and for standing as a candidate should be introduced across the Union in order to ensure equality and to avoid discrimination in access to those most fundamental civic and political rights. Without prejudice to existing constitutional orders establishing the minimum voting age at 18 or 17 years of age, the minimum age for voting should be set at 16. The minimum age to stand as a candidate should be set at 18. Regardless of their legal capacity, all the persons with disabilities should enjoy political rights on an equal basis with others.

COMP P-REC on Recital 12a

The deadlines for tabling the lists of candidates for elections to the European Parliament and for establishing the electoral rolls before European elections vary greatly between Member States. In order to ensure that candidates and voters across the Union have the same time available for campaigning or for reflection, and to facilitate the exchange of information between Member States on voters, the deadlines for tabling the lists of candidates and for establishing the electoral rolls should be the same throughout the Union.

COMP Q-REC on Recital 12b

The deadlines for tabling the lists of candidates for elections to the European Parliament and for establishing the electoral rolls before European elections vary greatly between Member States. In order to ensure that candidates and voters across the Union have the same time available for campaigning or for reflection, and to facilitate the exchange of information between Member States on voters, the deadlines for tabling the lists of candidates and for establishing the electoral rolls should be the same throughout the Union.
(12b) In order to ensure that European political parties, European associations of voters and European electoral entities are sufficiently visible, clear and transparent rules on campaigning and on official electoral materials are needed. Such rules should enable those entities to use any forms of public communication and electoral campaign materials. Such rules should enable European political parties, European associations of voters and European electoral entities to indicate their affiliations in any forms of public communication, electoral campaign materials and official electoral materials such as ballot papers. Member States should ensure that those entities are given equal treatment and opportunities regarding the electoral campaign related to the Union-wide constituency.

COMP R-REC on Recital 13

Covering AM 624 (Damian Boeselager), AM 625 (Damian Boeselager)

(13) The 1976 Electoral act established a common electoral period, giving the Member States the power to set the exact date and the time for the elections within that period. A truly pan-European election requires a common European voting day. The elections for the European Parliament should be held on 9 May, Europe Day, marking the anniversary of the Schuman Declaration of 9 May 1950. The election results should be proclaimed by the European Electoral Authority and published in the Official Journal of the European Union.

COMP S-REC on Recital 13a

(13a) In case of a Member of the European Parliament elected from the national constituencies, resigns, dies, or has his or her mandate withdrawn, the resulting vacancy should be filled in accordance with national legislations. Vacancies of seats of Members of the European Parliament elected in the Union-wide constituency should be filled by the next candidate in the relevant lists. Temporary replacements in cases of maternity, paternity, parental leave and severe illness of Members of the European Parliament should also be possible.

COMP T-REC on Recital 13b

(13b) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the technical requirements, including the format and data to be provided, for the establishment of the European electoral roll. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

COMP U-REC on Recital 13c

(13c) Since the objective of this Regulation, namely to establish the provisions necessary for the election of members of the European Parliament by direct

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universal suffrage in accordance with a uniform electoral procedure as regards the Union-wide constituency and with principles common to all Member States, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.