



TEXTS ADOPTED

P9_TA(2023)0037

Electoral rights of mobile Union citizens in European Parliament elections

European Parliament legislative resolution of 14 February 2023 on the proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast) (COM(2021)0732 - C9-0021/2022 - 2021/0372(CNS))

(Special legislative procedure - consultation - recast)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2021)0732),
 - having regard to Article 22(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0021/2022),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to the letter of 8 November 2022 from the Committee on Legal Affairs to the Committee on Constitutional Affairs in accordance with Rule 110(3) of its Rules of Procedure,
 - having regard to Rules 110 and 82 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0297/2022),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission,

¹ OJ C 77, 28.3.2002, p. 1.

the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive Recital 2

Text proposed by the Commission

(2) Article 20(2), point (b) and Article 22(2) of the **of the** Treaty on the functioning of the European Union (TFEU) confers on Union citizens residing in a Member State of which they are not nationals the right to vote and to stand as a candidate in elections to the European Parliament in their Member State of residence under the same conditions as nationals of the host Member State. The right, which is also affirmed in Article 39 of the Charter of Fundamental Rights of the European Union (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter.

Amendment

(2) ***The 1992 Treaty on European Union (the 'Maastricht Treaty') marked a new stage in the process of creating an ever-closer union among the peoples of Europe by introducing the legal concept of EU citizenship with the aim to strengthen the protection of the rights and interests of the nationals of its Member States by adding to existing EU entitlements a number of new political and electoral rights.*** Article 20(2), point (b) and Article 22(2) of the Treaty on the functioning of the European Union (TFEU) confers on Union citizens residing in a Member State of which they are not nationals the right to vote and to stand as a candidate in elections to the European Parliament in their Member State of residence under the same conditions as nationals of the host Member State. The right, which is also affirmed in Article 39 of the Charter of Fundamental Rights of the European Union (Charter) gives specific expression to the principle of equality and non-discrimination on grounds of nationality set out in Article 21. It is also a corollary of the right to move and reside freely enshrined in Article 20(2) point (a) and Article 21 TFEU and Article 45 of the Charter. ***The right to vote and to stand as a candidate also allows citizens to effectively participate in the democratic life of the Union***

and to have a stake in the European Union as a political entity. It is imperative that all Union citizens, including mobile Union citizens, citizens with disabilities and citizens in a situation of homelessness, can fully exercise their political rights in the context of the elections to the European Parliament, both as candidates and as voters. There is a danger that European mobility could prevent mobile Union citizens from exercising fundamental political rights established by the European treaties, namely participation in elections to the European Parliament. The right of mobile citizens to vote and stand as candidates should apply in all electoral lists and constituencies, including in the Union-wide constituency in the event of its establishment.

Amendment 2

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a)According to the European Parliament legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct

universal suffrage annexed to that Decision, the aim of this Directive should be to make the elections to the European Parliament more accessible, more competitive, and more European.

Amendment 3

Proposal for a directive Recital 4

Text proposed by the Commission

(4) In its ***the*** EU Citizenship Report 2020²⁴, the Commission stressed the need to update, clarify and strengthen the rules on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in order to ensure that they support the broad and inclusive participation of ***mobile EU*** citizens. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

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

Amendment

(4) In its EU Citizenship Report 2020²⁴, the Commission stressed the need to update, clarify and strengthen the rules on the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in order to ensure that they support the broad and inclusive participation of ***Union citizens residing in a Member State of which they are not nationals***. Taking also into account the experience gained in the application of Council Directive 93/109/EC to successive elections and the changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.

24

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

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a directive **Recital 6**

Text proposed by the Commission

(6) In order to ensure that Union citizens who reside in a Member State of which they are not nationals (“non-national Union citizens”) are able to exercise their right to vote and to stand as candidates in elections to the European Parliament under the same conditions as nationals of their host Member State, the conditions governing registration and participation in 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 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) The freedom of Union citizens to choose the Member State in which to take part in

(7) Given that most Member States allow non-national Union citizens to retain under

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.

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

Amendment 8

Proposal for a directive Recital 8

Text proposed by the Commission

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political

Amendment

(8) In line with International and European standards, including, the requirements of International Covenant on Civil and Political

Rights and the law of the European Convention on Human Rights, Member States should not only recognize and respect the right of Union citizens to vote and to stand as a candidate but also **ensure easy** access to their electoral rights by removing **as many** obstacles to participation in elections **as possible**.

Rights and the law of the European Convention on Human Rights, Member States should not only recognize and respect the right of Union citizens to vote and to stand as a candidate but also **make** access to their electoral rights **as democratic, proportionate and as easy as possible** by removing **all** obstacles to participation in elections.

Amendment 9

Proposal for a directive Recital 9

Text proposed by the Commission

(9) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their country of residence, **such** citizens should be entered on the electoral roll in sufficient time in advance of polling day. The formalities applicable to their registration should be as simple as possible. It should be sufficient for the Union citizens concerned to produce a valid identity card and a formal declaration that includes elements evidencing their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the Member State concerned, for as long as they satisfy the conditions for exercising the right to vote. Additionally, Union citizens should provide the competent authorities with contact information, enabling those

Amendment

(9) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their country of residence, **immediate registration as a voter should be possible upon their registration as residents subject to their consent. Those citizens must receive prior information regarding this immediate registration, notably on the fact that double voting is prohibited and immediate registration could imply deregistration from the electoral roll for the European elections of their place of origin. Where immediate registration as voters has not occurred upon their registration as residents,** citizens should be entered on the electoral roll in sufficient time in advance of polling day. The formalities applicable to their registration should be as simple as possible. It should be sufficient

authorities to keep them informed on a regular basis.

for the Union citizens concerned to produce a valid identity card and, ***in duly justified cases***, a formal ***and user-friendly*** declaration that includes elements evidencing their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the Member State concerned, for as long as they satisfy the conditions for exercising the right to vote. Additionally, Union citizens should provide the competent authorities with contact information, enabling those authorities to keep them informed on a regular basis.

Amendment 10

Proposal for a directive Recital 11

Text proposed by the Commission

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates for election in their Member State of residence, such citizens should be required to produce the same supporting documents as those required from candidates who are nationals of the Member State concerned. However, in order to establish that such citizens are beneficiaries of the right laid down in Article 20(2)(b) and Article 22(2) TFEU, Member States should be able to require the production of a formal declaration that includes elements necessary to evidence

Amendment

(11) In order to ensure equal treatment of non-national Union citizens seeking to exercise the right to stand as candidates for election in their Member State of residence, such citizens should be required to produce the same supporting documents as those required from candidates who are nationals of the Member State concerned. However, in order to establish that such citizens are beneficiaries of the right laid down in Article 20(2)(b) and Article 22(2) TFEU, ***in duly justified cases***, Member States should be able to require the production of a formal declaration that includes elements necessary

their entitlement to stand in the elections in question.

to evidence their entitlement to stand in the elections in question.

Amendment 11

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

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

Amendment 12

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(12) In order to facilitate the accurate identification of voters and candidates registered both in their home Member State and in their Member State of residence, the list of data to be required from Union citizens, **when submitting** an application to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

(12) In order to facilitate the accurate identification of voters and candidates registered both in their home Member State and in their Member State of residence, the list of data to be required from Union citizens, **at the time of immediate registration or after the submission of** an application to enter the electoral rolls or to stand as candidates in the Member State of residence, should include the personal identification number or the serial number of a valid identity or travel document.

Amendment 13

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Union citizens who have been deprived of their right to vote and to stand as candidates, on the basis of an individual civil law or criminal law decision taken by the competent authority, should be precluded from exercising that right in the Member State of residence in elections to the European Parliament. When receiving an application for registration as a voter, Member States may require from the citizen concerned a formal declaration confirming that they have not been deprived of their right to vote. When ***standing*** as candidates in their country of residence, Union citizens ***should be required to*** produce a statement confirming that they have not been deprived of the right to stand in the elections to the European Parliament.

Amendment

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

Amendment 14

Proposal for a directive Recital 16

Text proposed by the Commission

(16) In order to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same elections, Member States should exchange information

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***

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.

administrative systems in a coherent manner. For this reason, Member States should be required to exchange information gathered from the formal declarations produced by ***non-national*** Union voters and ***non-national*** Union citizens entitled to stand as candidates ***in a Member State of residence.*** As Member States rely on different data to identify citizens, a common set of data should be envisaged in order to accurately identify Union voters and Union citizens entitled to stand as candidates and stop them from voting or standing as a candidate more than once. The personal data exchanged should be limited to the minimum necessary to achieve these purposes.

Amendment 15

Proposal for a directive Recital 17

Text proposed by the Commission

(17) The information exchange between Member States to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same election should not prevent their nationals from voting or standing as candidates in other types of elections. To facilitate communication between national authorities, Member States should be required to designate one contact point for that information exchange. A secure tool was developed ***in the past*** by the Commission to be used by the Member States under their responsibility to exchange the

Amendment

(17) The information exchange between Member States to prevent multiple voting or instances where the same person would stand as a candidate more than once at the same election should not prevent their nationals from voting or standing as candidates in other types of elections. To facilitate communication between national authorities, Member States should be required to designate one contact point for that information exchange. A secure tool was developed 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.

necessary data. That secure tool should be incorporated in this Directive, to further support exchanges between Member States' competent authorities. Member States will act as separate controllers for their processing of personal data in this regard.

Amendment 16

Proposal for a directive Recital 20

Text proposed by the Commission

(20) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should be required to designate authorities with special responsibilities for providing appropriate information to Union citizens on their rights under Article 20(2), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms.

Amendment

(20) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should be required to designate authorities with special responsibilities for providing appropriate information to Union citizens on their rights under Article 20(2), point (b), and Article 22(2) TFEU and the national rules and procedures regarding participation in and the organization of elections to the European Parliament. In order to ***encourage non-national Union citizens to actively seek such information, Member States should also ensure that it is made widely available through a wide range of channels, including through targeted cooperation projects between civil society organisations, the designated national***

authorities and, in the event of its establishment, the European electoral authority. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms and in a timely manner, taking into account the dates on which electoral rolls are to be closed and on which the lists of candidates are to be announced in accordance with the Act concerning the election of the members of the European Parliament by direct universal suffrage.

Amendment 17

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

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

disabilities and elderly people.

Amendment 18

Proposal for a directive Recital 21

Text proposed by the Commission

(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 ***essential*** information ***on electoral rights*** should be made available ***in a clear and inclusive manner, and well ahead of the elections,*** in at least one other official language of the Union than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory. ***Member States should be encouraged to provide information also in the native language of the non-national Union citizen.*** Member States may use different official languages of the Union in specific parts of their territory or their regions depending on the language understood by the largest group of Union citizens residing therein.

Amendment 19

Proposal for a directive Recital 22

Text proposed by the Commission

(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

Amendment

deleted

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 .

Amendment 20

Proposal for a directive Recital 23

Text proposed by the Commission

Amendment

(23)Such specific problems may arise in a Member State in which the proportion of Union citizens of voting age, who reside in it but are not nationals of it, is very significantly above average. Derogations regarding the right to vote should be warranted where such citizens form more than 20 % of the total electorate on the criterion of period of residence;

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Amendment 21

Proposal for a directive Recital 24

Text proposed by the Commission

Amendment

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

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citizens of the Union of voting age exceeds 20 % of the total number of Union citizens of voting age who reside there should have the possibility to lay down, in compliance with Article 22(2) TFEU , specific provisions concerning the composition of lists of candidates.

Amendment 22

Proposal for a directive Recital 26

Text proposed by the Commission

(26) Data regarding the exercise of rights and the application of this Directive ***can be useful*** in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In order to improve the collection of data for elections to the European Parliament, it is necessary to introduce regular monitoring and reporting of implementation by Member States. In parallel, the Commission should assess the application of this Directive, and submit a report including such an assessment to the European Parliament and to the Council, after each election to the European Parliament.

Amendment

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

Amendment 23

Proposal for a directive Recital 27

Text proposed by the Commission

(27) It is necessary that the Commission conduct its own evaluation of the application of this Directive ***within a reasonable timeframe*** after ***at least two elections*** to the European Parliament.

Amendment

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

Amendment 24

Proposal for a directive Recital 28

Text proposed by the Commission

(28) In order to ensure that the templates of the formal declarations to be submitted by non-national Union citizens seeking to vote or stand in elections to the European Parliament continue to contain relevant data in the context of the exercise of electoral rights by Union citizens, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to amend those templates. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at

Amendment

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

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

Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 25

Proposal for a directive Recital 29

Text proposed by the Commission

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

Amendment

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

States should implement appropriate arrangements tailored to their national voting procedures to facilitate voting by citizens with disabilities, such as the possibility to choose polling stations, closed polling stations in key locations, and the use of assistive technologies, formats and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign language communication. Furthermore, Member States should consider introducing complementary tools to facilitate voting, such as advance physical voting and proxy voting, as well as electronic and online voting.

²⁷ Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).

²⁷ Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).

Amendment 26

Proposal for a directive Recital 29 a (new)

Text proposed by the Commission

Amendment

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

vulnerable people.

Amendment 27

Proposal for a directive Recital 29 b (new)

Text proposed by the Commission

Amendment

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

Amendment 28

Proposal for a directive Article 3 - paragraph 1 - point a

Text proposed by the Commission

Amendment

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

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

Amendment 29

Proposal for a directive Article 4 - paragraph 1

Text proposed by the Commission

Amendment

1. Union voters shall exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once at the same election.

1. Union voters shall ***have the right to choose to*** exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once at the

same election.

Amendment 30

Proposal for a directive Article 6 - paragraph 1

Text proposed by the Commission

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

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

Amendment 31

Proposal for a directive Article 6 - paragraph 5

Text proposed by the Commission

5. Member States shall designate a contact point to receive and transmit the information necessary for the application of paragraph 3. They shall communicate to the Commission the name and contact details of the contact point and any updated information **or** changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.

Amendment

5. Member States shall designate a contact point to receive and transmit the information necessary for the application of paragraph 3. They shall communicate to the Commission the name and contact details of the contact point and any updated information **in the case of** changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.

Amendment 32

**Proposal for a directive
Article 8 - paragraph 2 a (new)**

Text proposed by the Commission

Amendment

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

Amendment 33

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

Text proposed by the Commission

Amendment

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

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

Amendment 34

Proposal for a directive Article 9 - paragraph 1

Text proposed by the Commission

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. ***Member States shall enable registration as soon as the voter concerned is registered as a resident.***

Amendment 35

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

Text proposed by the Commission

Amendment

(ca) if they so wish, indicate

the language in which they would like to receive the information referred to in Article 12(2);

Amendment 36

Proposal for a directive Article 9 - paragraph 4

Text proposed by the Commission

4. Union voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until they request to be removed or until they are removed because they no longer satisfy the requirements for exercising the right to vote. Where provisions are in place to notify nationals of such a removal from the electoral roll, these provisions shall apply to Union voters ***in the same way***.

Amendment

4. Union voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until ***such time as*** they request to be removed or until they are removed because they no longer satisfy the requirements for exercising the right to vote. Where provisions are in place to notify nationals of such a removal from the electoral roll, these provisions shall apply to Union voters ***as well***.
Notifications shall be provided in an official language of the Union understandable to the Union voters in question.

Amendment 37

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

Text proposed by the Commission

Amendment

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

Amendment 38

Proposal for a directive Article 11 - paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 39

Proposal for a directive Article 11 - paragraph 3

Text proposed by the Commission

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 **the** case of errors in the electoral rolls or in the lists of candidates to the European Parliament, the **persons** concerned shall be **informed thereof in a timely manner and shall be** entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.

Amendment 40

**Proposal for a directive
Article 11 - paragraph 4**

Text proposed by the Commission

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

Amendment

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

Amendment 41

**Proposal for a directive
Article 12 - paragraph 1**

Text proposed by the Commission

1. Member States shall designate a national authority with responsibility for taking the necessary measures to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament.

Amendment

1. Member States shall designate a national authority with responsibility for taking the necessary measures to ensure that non-national Union citizens are informed in a timely manner of the conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament ***as soon as they register as residents of a Member State of which they are not nationals, as well as periodically, ahead of European elections taking into account the deadlines established for the announcement of the lists of candidates. That information shall indicate that citizens have the choice to register in their Member State of residence or remain registered in their home Member State, according to their preferences. The designated authority shall***

provide those concerned with a copy of the standardised templates for the formal declarations set out in Annexes I and II that non-national Union citizens are required to submit in order to register as voters or candidates.

Amendment 42

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 43

Proposal for a directive

Article 12 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 44

Proposal for a directive

Article 12 - paragraph 3 - subparagraph 1

Text proposed by the Commission

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

^{1a} Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

Amendment 45

Proposal for a directive

Article 12 - paragraph 3 - subparagraph 2

Text proposed by the Commission

The information referred to in the first subparagraph shall, ***in addition to being communicated in one or more of the official languages of the host Member State, also be***

Amendment

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

accompanied by a translation in at least one other official language of the Union that is broadly understood by the largest possible number of Union citizens residing on its territory, in accordance with the quality requirements of Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council³⁰.

³⁰ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

Amendment 46

Proposal for a directive Article 12 - paragraph 4

Text proposed by the Commission

4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament and information referred to in paragraph 2 **is** made accessible to persons with disabilities **and** older persons by using appropriate means, modes and formats of communication.

Amendment

4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in elections to the European Parliament and information referred to in paragraph 2 **are** made accessible to **vulnerable and marginalised groups, such as** persons with disabilities, older persons, **homeless people and persons in prison who enjoy their voting rights, by applying the accessibility requirements laid down in Annex I of**

Directive (EU) 2019/882 of the European Parliament and of the Council^{1a} and by using appropriate means, modes and formats of communication, such as Braille, large print, audio-based information, tactile stencils, easy to read information and sign language.

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

Amendment 47

**Proposal for a directive
Article 12 - paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Persons entitled to vote and stand as candidates pursuant to Article 3 and who have established their residence in a Member State, shall automatically receive information about their rights under this Directive. That information shall also be provided to them periodically and sufficiently ahead of the elections to the European Parliament.

Amendment 48

**Proposal for a directive
Article 13 - paragraph 1**

Text proposed by the Commission

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

Amendment

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

Amendment 49

Proposal for a directive Article 14 - paragraph 1

Text proposed by the Commission

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

Amendment

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

the same conditions as the ones applicable to their own nationals.

Amendment 50

Proposal for a directive Article 15 - paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 51

Proposal for a directive Article 16

Text proposed by the Commission

Article 16

Derogations

1. If , in a given Member State, the proportion of Union citizens of voting age who reside in it but are not nationals of it exceeds 20 % of the total number of national and non-national Union citizens residing there who are of voting age, that Member State may, by way of derogation from Articles 3, 9 and 10:

(a) restrict the right to vote to Union voters who have resided in that Member State for a minimum period, which

Amendment

deleted

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 52

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16 a

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

Amendment 53

Proposal for a directive
Article 17 - title

Text proposed by the Commission

Reporting

Amendment

Data collection and reporting

Amendment 54

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 on the application of this Directive in their territory. In addition to general observations, the report shall contain statistical data on the participation in elections to the European Parliament of Union voters and Union citizens entitled to stand as candidates and a **detailed overview** of the measures taken to support it, **based on common indicators. Member States shall also provide detailed information on the effectiveness of exchanges among them to prevent double voting.**

Amendment 55

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

Text proposed by the Commission

Amendment

2a. The Commission is empowered to adopt delegated acts in accordance with Article 20 establishing a template and

the form of the data to be collected for the purposes of paragraph 1 of this Article.

Amendment 56

Proposal for a directive Article 18 - paragraph 1

Text proposed by the Commission

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

Amendment 57

Proposal for a directive Article 20 - paragraph 3

Text proposed by the Commission

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, 10 and 13 ***and Article 17(2a)*** 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 58

Proposal for a directive Article 20 - paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 9, 10 and 13 shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the Council has informed the Commission that it will not object. That period shall be extended by two months at the initiative of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 9, 10 and 13 **and Article 17(2a)** shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the Council has informed the Commission that it will not object. That period shall be extended by two months at the initiative of the Council.

Amendment 59

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

Text proposed by the Commission

Amendment

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

Amendment 60

Proposal for a directive Annex II - paragraph 4

Text proposed by the Commission

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

Amendment

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

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