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P9_TA(2023)0038

Electoral rights of mobile Union citizens in municipal 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 municipal elections by Union citizens residing in a Member State of which they are not nationals (recast) (COM(2021)0733 — C9-0022/2022 — 2021/0373(CNS))

(Special legislative procedure — consultation — recast)

(2023/C 283/21)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2021)0733),

— having regard to Article 22(1) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0022/2022),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts [1],

— having regard to the letter of 8 November 2022 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home 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 Constitutional Affairs,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0005/2023),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, 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.

[1] OJ C 77, 28.3.2002, p. 1.

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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 organise, in a manner demonstrating consistency and solidarity, relations between the peoples of the Member States. Its fundamental 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.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission	*Amendment*
(3) The detailed arrangements governing the exercise of the right to vote and to stand as a candidate in municipal elections are set out in Council Directive 94/80/EC.	(3) The detailed arrangements governing the exercise of the right to vote and to stand as a candidate in municipal elections ***by Union citizens residing in a Member State of which they are not nationals*** are set out in Council Directive 94/80/EC.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission	*Amendment*
(4) In the EU Citizenship Report 2020 ([22]), 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 municipal elections in order to ensure that they support the broad and inclusive participation of ***mobile*** Union citizens. Taking also into account the experience gained in its application to successive elections, and in order to take account of changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.	(4) In the EU Citizenship Report 2020 ([22]), 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 municipal elections 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 its application to successive ***municipal*** elections, and in order to take account of changes introduced by the amendments to the Treaties, several of the provisions of that Directive should be updated.
([22]) EU Citizenship Report 2020 Empowering citizens and protecting their rights, COM/2020/730 final.	([22]) EU Citizenship Report 2020 Empowering citizens and protecting their rights, COM/2020/730 final.

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Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission	*Amendment*
(5) The electoral procedure related to municipal elections falls within the competences of the Member States that organise them reflecting their specific traditions and in accordance with international and European standards. In line with International Covenant on Civil and Political Rights as well as the law of the European Convention on Human Rights, Member States should not only recognise and respect the right of Union citizens to vote and to stand as a candidate but also ensure ***easy*** access to their electoral rights by removing ***as many*** obstacles to their participation in elections ***as possible***.	(5) The electoral procedure related to municipal elections falls within the competences of the Member States that organise them reflecting their ***constitutional and*** specific traditions and in accordance with international and European standards. In line with ***the*** International Covenant on Civil and Political Rights***, the United Nations Convention on the Rights of Persons with Disabilities*** as well as the law of the European Convention on Human Rights, Member States should not only recognise and respect the right of Union citizens ***residing in a Member State of which they are not nationals*** to vote and to stand as a candidate ***in municipal elections*** but also ensure ***full and effective*** access to their electoral rights by removing ***all*** obstacles to their participation in ***municipal*** elections***, as well as by providing full access to relevant information***.

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission	*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 municipal elections 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 municipal elections 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 as the proofs for demonstrating compliance with such a condition.	(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 municipal elections 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 municipal elections 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 as the proofs for demonstrating compliance with such a condition.

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Amendment 6

Proposal for a directive

Recital 7

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

Amendment 7

Proposal for a directive

Recital 8

Text proposed by the Commission	*Amendment*
(8) In order to facilitate the exercise by Union citizens of their right to vote and to stand as a candidate in their ***country*** of residence, ***such*** citizens should be entered on the electoral roll in sufficient time in advance of polling day. The formalities applicable to their registration should be as simple as possible. It should be sufficient for the Union citizens concerned to produce a valid identity card and a formal declaration that include elements evidencing their entitlement to participate in the elections. Once registered, non-national Union citizens should remain on the electoral roll under the same conditions as Union citizens who are nationals of the 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.	(8) In order to facilitate the exercise by ***non-national*** Union citizens of their right to vote and to stand as a candidate in their ***Member State*** of residence, ***Member States should endeavour to make immediate registration as a voter available, after Union citizens have expressed a wish to vote in their Member State of residence. Where immediate registration was not used,*** 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 easily accessible and as similar*** as possible ***across Member States***. It should be sufficient for the Union citizens concerned to produce a valid identity card and ***in duly justified cases*** a formal declaration that include elements evidencing their entitlement to participate in the ***municipal*** 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. ***Member States should establish distinct electoral rolls for municipal and European elections.***

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Amendment 8

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) Member States should ensure that the requirements for registering as a candidate and for submitting a list of candidates respect democratic, proportionate and transparent standards and are applicable to both national and non-national Union citizens.

Amendment 9

Proposal for a directive

Recital 8 b (new)

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

Amendment 10

Proposal for a directive

Recital 10

Text proposed by the Commission	*Amendment*
(10) Disqualification from the right to stand as a candidate may be ordered by an individual decision of the authorities either of the Member State of residence or of the home Member State. In view of the political significance of the holding of elected municipal office, Member States should be entitled to obtain information from the home Member State related to the deprivation of the right to stand as a candidate in the candidate's home Member State.	(10) Disqualification from the right to stand as a candidate may be ordered by an individual decision of the authorities either of the Member State of residence or of the home Member State. In view of the political significance of the holding of elected municipal office, Member States should be entitled to ***directly*** obtain information from the home Member State related to the deprivation of the right to stand as a candidate in the candidate's home Member State. ***Decisions depriving Union citizens of legal capacity due to disability taken by their home Member State should not render them ineligible to stand as candidates in their Member State of residence provided that the law of the Member State of residence upholds that right for all persons with such disabilities without restrictions.***

Amendment 11

Proposal for a directive

Recital 11

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

Amendment 12

Proposal for a directive

Recital 12

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

Amendment 13

Proposal for a directive

Recital 14

Text proposed by the Commission	*Amendment*
(14) The right conferred on non-national Union citizens to vote and to stand as a candidate in municipal elections in the Member State of residence is not a substitute for the right to vote and to stand as a candidate in the Member State of which the Union citizen is a national. It is therefore necessary to ensure that the freedom of Union citizens to choose whether or not to take part in municipal elections in the Member State in which they reside is respected and that those citizens are able to express their wish to exercise their right to vote in their Member State of residence . ***Provision may therefore be made by Member States where voting is not compulsory to automatically register those citizens on the electoral roll .***	(14) The right conferred on non-national Union citizens to vote and to stand as a candidate in municipal elections in the Member State of residence is not a substitute for the right to vote and to stand as a candidate in the Member State of which the Union citizen is a national. It is therefore necessary to ensure that the freedom of Union citizens to choose whether or not to take part in municipal elections in the Member State in which they reside is respected and that those citizens are able to express their wish to exercise their right to vote in their Member State of residence.

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Amendment 14

Proposal for a directive

Recital 15

Text proposed by the Commission	*Amendment*
(15) The accessibility of information on electoral rights and procedures is a key component in ensuring the effective exercise of the right enshrined in Article 20(2), point (b) and Article 22(1) TFEU.	(15) The accessibility of information on electoral rights and procedures is a key component in ensuring the effective exercise of the right enshrined in Article 20(2), point (b) and Article 22(1) TFEU. ***Non-national Union citizens should have access to information about their electoral rights and about electoral procedures upon their arrival in the Member State, periodically and sufficiently in advance of the municipal elections. They should also be informed about the fact that there are distinct electoral rolls for the municipal elections and the elections for the European Parliament.***

Amendment 15

Proposal for a directive

Recital 16

Text proposed by the Commission	*Amendment*
(16) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should be required to designate authorities with special responsibilities for providing appropriate information to Union citizens on their rights under Article 20(2), point (b), and Article 22(1) TFEU and the national rules and procedures regarding participation in and the organization of municipal elections. In order to ensure the effectiveness of communications, information should be provided in clear and comprehensible terms.	(16) The lack of adequate information, in the context of electoral procedures, affects citizens in the exercise of their electoral rights as part of their rights as Union citizens. It also affects the capacity of competent authorities to exercise their rights and to deliver on their obligations. Member States should be required to designate authorities with special responsibilities for providing appropriate information to Union citizens on their rights under Article 20(2), point (b), and Article 22(1) TFEU and the national rules and procedures regarding participation in and the organization of municipal elections***, and information on the electoral and political system, including the powers of basic local government units. Such authorities should coordinate information campaigns together with local authorities and, whenever possible civil society organisations, and they should use a wide range of information channels***. In order to ensure the effectiveness of communications, information should be provided in ***due time, on a regular basis and 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***.

Amendment 16

Proposal for a directive

Recital 17

Text proposed by the Commission	*Amendment*
(17) In order to improve the accessibility of electoral information, such information should be made available in ***at least one other*** official language of the Union ***than that or those of the host Member State, broadly understood by the largest possible number of Union citizens residing on its territory.*** Member States ***may use different*** official languages ***of the Union in specific parts of their territory or their regions depending on the language understood by the largest group of Union citizens residing therein***.	(17) In order to improve the accessibility of electoral information, such information should be made available in ***all*** official ***languages of the Union and where offered by the authorities, in the preferred*** language of the Union ***voter, which they should be able to indicate at the time of registration. Where necessary, the Commission should provide support to*** Member States ***for the translation of information on the registration and electoral procedures into the*** official languages of the ***Union***.

Amendment 17

Proposal for a directive

Recital 18

Text proposed by the Commission	*Amendment*
(18) Any derogation from the general rules of this Directive has to be warranted, pursuant to Article 22 (1) TFEU, by problems specific to a Member State and has to be in line with the requirements of Article 52 of the Charter, including the requirement that any limitations to the exercise of the right to vote and to stand as a candidate in municipal elections shall be provided by law and shall be subject to the principles of proportionality and necessity . Additionally, any derogation has, by its very nature, to be subject to review as provided by Article 47 of the Charter .	(18) Any derogation from the general rules of this Directive has to be warranted, pursuant to Article 22 (1) TFEU, by problems specific to a Member State and has to be in line with the requirements of Article 52 of the Charter, including the requirement that any limitations to the exercise of the right to vote and to stand as a candidate in municipal elections ***by Union citizens residing in a Member State of which they are not nationals*** shall be provided by law and shall be subject to the principles of proportionality and necessity. Additionally, any derogation has, by its very nature, to be subject to review as provided by Article 47 of the Charter. ***In view of the limited use made by the Member States of the possibilities laid down in Directive 94/80/EC to derogate from its general rules, those possibilities for derogations should no longer be offered.***

Amendment 18

Proposal for a directive

Recital 19

Text proposed by the Commission	*Amendment*
(19) 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. Where such citizens form more than 20 % of the total electorate, derogations are warranted . Such derogations are to be based on the criterion of period of residence.	***deleted***

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Amendment 19

Proposal for a directive

Recital 20

Text proposed by the Commission	*Amendment*
(20) Member States in which the proportion of non-national Union citizens of voting age exceeds 20 % of the total number of Union citizens of voting age who reside there should be able to lay down, in compliance with Article 22(1) TFEU, specific provisions concerning the composition of lists of candidates.	***deleted***

Amendment 20

Proposal for a directive

Recital 21

Text proposed by the Commission	*Amendment*
(21) Account has to be taken of the fact that in certain Member States residents who are nationals of other Member States have the right to vote in elections to the national parliament and consequently the formalities provided for in this Directive can be eased.	***deleted***

Amendment 21

Proposal for a directive

Recital 22

Text proposed by the Commission	*Amendment*
(22) The Kingdom of Belgium is characterized by specific features and balances linked to the fact that Articles 1 to 4 of its Constitution provide for three official languages and a territorial division into regions and communities, as a result of which full application of this Directive in certain communes might have effects such as to necessitate providing for the possibility of a derogation from the provisions of this Directive in order to take account of those specific features and balances;	***deleted***

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Amendment 22

Proposal for a directive

Recital 23

Text proposed by the Commission	*Amendment*
(23) Data regarding the exercise of rights and the application of this Directive ***can be useful*** in the identification of measures necessary to ensure the effective exercise of Union citizens' electoral rights. In order to improve the collection of data for municipal elections, it is necessary to introduce regular monitoring and reporting of implementation by Member States, which should include, besides statistical data, information on the measures taken to support participation in elections of non-national Union citizens. The Commission should assess the application of the Directive, including any changes in the electorate that have taken place since its entry into force and submit a report in this connection to the European Parliament and to the Council.	(23) Data regarding the exercise of rights and the application of this Directive ***is important*** 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 improve the collection ***and reporting*** of data ***by Member States*** for municipal elections, it is necessary to introduce regular monitoring and reporting of implementation by Member States, which should include, besides statistical data, information on the measures taken to support participation in elections of non-national Union citizens***, including for people with disabilities. Such data should be collected in a transparent and secure way across all Member States and on the basis of the same indicators. To that effect, the Commission should set up common indicators for the provision by the Member States of the statistical data concerned***. The Commission should assess the application of the Directive, including any changes in the electorate that have taken place since its entry into force and submit a report in this connection to the European Parliament and to the Council.

Amendment 23

Proposal for a directive

Recital 24

Text proposed by the Commission	*Amendment*
(24) It is necessary that the Commission conduct its own evaluation of the application of this Directive within a reasonable timeframe from its entry into force, in close connection to the evaluation of the application of the Council Directive 93/109/EC ([23]) of 6 December 1993 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.	(24) It is necessary that the Commission conduct its own evaluation of the application of this Directive within a reasonable timeframe from its entry into force, in close connection to the evaluation of the application of the Council Directive 93/109/EC ([23]) of 6 December 1993 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. ***The evaluation should be followed, where appropriate, by a legislative proposal to amend this Directive.***

([23]) Council Directive 93/109/EC of 6 December 1993 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).

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Amendment 24

Proposal for a directive

Recital 26

Text proposed by the Commission	*Amendment*
(26) The Member States, by ratifying, and the Union, by concluding ([25]), have committed themselves to ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities including on Article 29 on Participation in political and public life. In order to ***support*** inclusive and equal electoral participation for persons with disabilities, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in municipal elections should have due regard to the needs of citizens with a disability and older citizens.	(26) The Member States, by ratifying, and the Union, by concluding ([25]), have committed themselves to ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities including on Article 29 on Participation in political and public life. In order to ***ensure*** inclusive and equal electoral participation for persons with disabilities***, particularly taking into account the substantial impact local decisions can have on matters of accessibility and the life of persons with disabilities and older citizens***, arrangements for Union citizens residing in a Member State of which they are not nationals to exercise the right to vote and to stand as a candidate there in municipal elections should have due regard to the ***specific*** needs of citizens with a disability and older citizens. ***In particular, Member States should consider implementing appropriate arrangements tailored to their national voting procedures to facilitate voting by citizens with disabilities, such as the possibility to choose polling stations 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 allow for persons with disabilities to receive, at their request, assistance in voting by a person of their choice. Member States should strive to provide the possibility of postal voting and may provide for other complementary tools to facilitate voting, such as advance physical voting, proxy voting and electronic and online voting.***

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

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

Amendment 25

Proposal for a directive

Article 2 — paragraph 1 — point d a (new)

Text proposed by the Commission	*Amendment*
	(da) 'Union voter' means any Union citizen who has the right to vote in municipal elections in this person's Member State of residence in accordance with this Directive;

Amendment 26

Proposal for a directive

Article 2 — paragraph 1 — point d b (new)

Text proposed by the Commission	*Amendment*
	(db) 'Union candidate' means any Union citizen who has the right to stand as a candidate in municipal elections in this person's Member State of residence in accordance with this Directive;

Amendment 27

Proposal for a directive

Article 4 — paragraph 1

Text proposed by the Commission	*Amendment*
1. If, in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the territory of that State, voters and ***persons entitled to stand as*** candidates ***pursuant to Article 3*** shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States.	1. If, in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the territory of that State, ***Union*** voters and ***Union*** candidates shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States.

Amendment 28

Proposal for a directive

Article 4 — paragraph 2

Text proposed by the Commission	*Amendment*
2. If, under the laws of the Member State of residence, its own nationals may vote or stand as candidates only in the basic local government unit in which they have their principal residence, voters and ***persons entitled to stand as*** candidates ***pursuant to Article 3*** shall also be subject to that condition.	2. If, under the laws of the Member State of residence, its own nationals may vote or stand as candidates only in the basic local government unit in which they have their principal residence, ***Union*** voters and ***Union*** candidates shall also be subject to that condition.

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Amendment 29

Proposal for a directive

Article 5 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States of residence may provide that Union citizens who, through an individual decision under civil law or a criminal law decision, have been deprived of their right to stand as a candidate under the law of their home Member State shall be precluded from exercising that right in municipal elections.	1. Member States of residence may provide that Union citizens who, through an individual decision under civil law or a criminal law decision, have been deprived of their right to stand as a candidate under the law of their home Member State, shall be precluded from exercising that right in municipal elections. ***However, decisions depriving Union citizens of legal capacity due to disability taken by their home Member State shall not render them ineligible to stand as candidates in municipal elections in their Member State of residence provided that the law of the Member State of residence upholds that right for all persons with such disabilities without restrictions.***

Amendment 30

Proposal for a directive

Article 5 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States may provide that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of their mandate.	***deleted***
The Member States may also lay down that the temporary or interim performance of the functions of a head, deputy or member of the governing college of the executive of a basic local government unit may be restricted to own nationals.	
Having regard to the Treaty and to general legal principles, Member States may take appropriate, necessary and proportional measures to ensure that the offices referred to in the first subparagraph can only be held and the interim functions referred to in the second subparagraph can be performed only by their own nationals.	

Amendment 31

Proposal for a directive

Article 5 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States may also provide that Union citizens elected as members of a representative council shall take part in neither the designation of delegates who can vote in a parliamentary assembly nor the election of the members of that assembly.	***deleted***

Amendment 32

Proposal for a directive

Article 6 — paragraph 1

Text proposed by the Commission	*Amendment*
1. ***Persons entitled to stand as*** candidates ***pursuant to Article 3*** shall be subject to the same conditions concerning incompatibility as apply, under the laws of the Member State of residence, to nationals of that State.	1. ***Union*** candidates shall be subject to the same conditions concerning incompatibility as apply, under the laws of the Member State of residence, to nationals of that State.

Amendment 33

Proposal for a directive

Article 7 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Voters fulfilling the conditions of Article 3 shall exercise their right to vote in municipal elections in the Member State of residence if they have expressed the wish to do so.	1. ***Union*** voters fulfilling the conditions of Article 3 shall exercise their right to vote in municipal elections in the Member State of residence if they have expressed the wish to do so.

Amendment 34

Proposal for a directive

Article 7 — paragraph 2

Text proposed by the Commission	*Amendment*
2. If voting is compulsory in the Member State of residence, voters ***pursuant to Article 3*** who have been entered on the electoral roll there shall also be obliged to vote.	2. If voting is compulsory in the Member State of residence, ***Union*** voters who have been entered on the electoral roll there shall also be obliged to vote.

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Amendment 35

Proposal for a directive

Article 7 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States ***where voting is not compulsory may provide for the automatic*** registration of voters ***pursuant to Article 3*** on the electoral roll.	3. Member States ***shall endeavour to introduce immediate*** registration of ***non-national Union citizens as Union*** voters on the electoral roll ***upon receiving the consent of the Union citizens concerned at the time of registering as a resident in the Member State of residence. Union voters who have opted out of immediate registration shall be invited to register well in advance of the election period.***

Amendment 36

Proposal for a directive

Article 8 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall take the necessary measures to enable a voter ***pursuant to Article 3*** to be entered on the electoral roll sufficiently in advance of polling day.	1. Member States shall take the necessary measures to enable a ***Union*** voter to be entered on the electoral roll sufficiently in advance of polling day.

Amendment 37

Proposal for a directive

Article 8 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
In order to have their name entered on the electoral roll, voters ***pursuant to Article 3*** shall produce the same documents as voters who are nationals .	In order to have their name entered on the electoral roll, ***Union*** voters shall produce the same ***or equivalent*** documents as voters who are nationals. ***They shall also produce a formal declaration in accordance with the template set out in Annex II.***

Amendment 38

Proposal for a directive

Article 8 — paragraph 2 — subparagraph 2

Text proposed by the Commission	*Amendment*
The Member State of residence may also require ***a*** voter ***pursuant to Article 3 to produce a valid identity document, along with a formal declaration drawn up in accordance with the template set out in Annex II.***	The Member State of residence may also require ***Union*** voter***s to:***
	(a) produce a valid identity document;

Text proposed by the Commission	*Amendment*
	(b) indicate the date from which they have been resident in that Member State or in another Member State;
	(c) if they so wish, indicate one or more language preferences in which they would like to receive the information referred to in Article 12(2), selected among the official languages of the Union, or, where offered by the competent authority, other languages.

Amendment 39

Proposal for a directive

Article 8 — paragraph 3 — subparagraph 1

Text proposed by the Commission	*Amendment*
3. Voters ***pursuant to Article 3*** who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote. Where Member States provide for the notification of nationals of their removal from the electoral roll, those provisions shall apply equally to voters ***pursuant to Article 3***.	3. ***Union*** voters who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such a time as they are removed because they no longer satisfy the requirements for exercising the right to vote. Where Member States provide for the notification of nationals of their removal from the electoral roll, those provisions shall apply equally to ***Union voters. This notification shall be provided to Union*** voters ***in question in a Union language of this person's preference indicated in the formal declaration, if the Union voter has provided such preference***.

Amendment 40

Proposal for a directive

Article 8 — paragraph 5

Text proposed by the Commission	*Amendment*
5. Without prejudice to the rules of any Member State concerning the right to vote or to stand as a candidate of nationals who reside outside its territory, the fact that voters ***pursuant to Article 3*** have been entered on the electoral roll of their Member State of residence shall not result in their removal from the electoral roll of the home Member State.	5. Without prejudice to the rules of any Member State concerning the right to vote or to stand as a candidate of nationals who reside outside its territory, the fact that ***Union*** voters have been entered on the electoral roll of their Member State of residence shall not result in their removal from the electoral roll of the home Member State.

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Amendment 41

Proposal for a directive

Article 9 — paragraph 1

Text proposed by the Commission	*Amendment*
1. When submitting an application to stand as candidates ***, persons entitled to stand as candidates pursuant to Article 3*** shall produce the same supporting documents as ***a candidate who is a national***. The Member State of residence may require the persons concerned to produce a formal declaration drawn up in accordance with the template set out in Annex III .	1. When submitting an application to stand as candidates***, non-national Union citizens*** shall produce the same ***or equivalent*** supporting documents as ***candidates who are nationals***. The Member State of residence may require the persons concerned to produce a formal declaration drawn up in accordance with the template set out in Annex III.

Amendment 42

Proposal for a directive

Article 9 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The Member State of residence may also require ***persons entitled to stand as*** candidates ***pursuant to of Article 3*** to:	2. The Member State of residence may also require ***Union*** candidates to:

Amendment 43

Proposal for a directive

Article 9 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) state in the formal declaration which they produce in accordance with paragraph 1 when submitting their application to stand as candidates that they have not been deprived of the right to stand as a candidate in their home Member State;	(a) state in the formal declaration which they produce in accordance with paragraph 1 when submitting their application to stand as candidates that they have not been deprived of the right to stand as a candidate in their home Member State***. In case of legitimate doubt regarding the content of the formal declaration, the Member State of residence may directly request to the home Member State of the non-national Union citizen, before or after the election, a certification that the person has not been deprived of the right to stand as a candidate in that Member State***;

Amendment 44

Proposal for a directive

Article 9 — paragraph 2 — point b

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

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Amendment 45

Proposal for a directive

Article 9 — paragraph 2 — point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) if they so wish, indicate one or more languages in which they would like to receive the information referred to in Article 12(2), selected from the official languages of the Union, or, where offered by the competent authority, other languages.

Amendment 46

Proposal for a directive

Article 10 — paragraph 1

Text proposed by the Commission	*Amendment*
Member States ***that*** provide for the possibility ***for nationals*** to vote by means of ***advance*** voting, postal voting, ***and*** electronic and internet voting in municipal elections shall ensure that such means of voting are also available under the same conditions to voters ***pursuant to Article 3***.	Member States ***shall endeavour to*** provide for the possibility to vote by means of ***postal*** voting ***in municipal elections. Where Member States allow their nationals to vote by means of*** postal voting, ***advance voting, proxy voting or*** electronic and internet voting in municipal elections***, they*** shall ensure that such means of voting are also available under the same conditions to ***Union*** voters.

Amendment 47

Proposal for a directive

Article 11 — paragraph 1

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

Amendment 48

Proposal for a directive

Article 11 — paragraph 2

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

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Amendment 49

Proposal for a directive

Article 11 — paragraph 3

Text proposed by the Commission	*Amendment*
3. In case of errors in the electoral roll or in the list of candidates for municipal elections, the person concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.	3. In case of errors in the electoral roll or in the list of candidates for municipal elections, the person concerned shall be entitled to ***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 50

Proposal for a directive

Article 11 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall inform, in a clear and plain language 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 a language of the person's preference indicated in the formal declaration, if the Union voter has indicated such a language preference.

Amendment 51

Proposal for a directive

Article 12 — paragraph 1

Text proposed by the Commission	*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 municipal elections.	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 municipal elections. ***The information shall be provided by the relevant authorities in a coordinated way and, whenever possible, in cooperation with civil society organisations, upon registration as a resident and in a timely manner ahead of elections.***

Amendment 52

Proposal for a directive

Article 12 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. The Member States shall ensure that the designated authority pursuant to paragraph 1, shall directly and individually communicate to voters and ***persons entitled to stand as*** candidates ***pursuant to Article 3,*** the following information:	2. The Member States shall ensure that the designated authority pursuant to paragraph 1, shall directly and individually communicate to ***Union*** voters and ***Union*** candidates the following information:

Amendment 53

Proposal for a directive

Article 12 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) once available, the date of the election and how and where to vote,	(b) once available, the date of the election and how and where to vote, ***including specific means of voting referred to in Article 10, where applicable;***

Amendment 54

Proposal for a directive

Article 12 — paragraph 2 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the specific measures to facilitate the exercise of the right to vote for particular groups of voters, such as persons with disabilities,

Amendment 55

Proposal for a directive

Article 12 — paragraph 2 — point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) information on the electoral and political system, including the powers of basic local government units,

Amendment 56

Proposal for a directive

Article 12 — paragraph 3 — subparagraph 1

Text proposed by the Commission	*Amendment*
The information on conditions and detailed rules for registration as a voter or candidate in municipal elections ***and*** the information referred to in paragraph 2 shall be ***provided in clear and plain*** language.	The information on conditions and detailed rules for registration as a voter or candidate in municipal elections ***referred to in paragraph 1 and any other information communicated pursuant to this Directive shall be provided in clear and plain language. The information referred to in paragraph 1 shall be provided in all official languages of the Union, while*** the information referred to in paragraph 2 shall be ***communicated to the person concerned in a*** language ***of this person's preference, indicated in the formal declaration, if the Union voter has provided such preference***.

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Amendment 57

Proposal for a directive

Article 12 — paragraph 3 — subparagraph 2

Text proposed by the Commission	*Amendment*
The information referred to in the first subparagraph shall, in addition to being communicated in one or more of the official languages of the host Member State also be accompanied by a translation in at least one other official language of the Union that is broadly understood by the largest possible number of European Union citizens residing on its territory, in accordance with the quality requirements in Article 9 of Regulation (EU) 2018/1724 of the European Parliament and of the Council [28] .	***deleted***

[28] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1–38)

Amendment 58

Proposal for a directive

Article 12 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The Commission shall ensure that the information relating to the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals, under Article 20(2), point (b), and Article 22(1) TFEU, and the information referred to in paragraphs 1 and 2 of this Article, is made available to those citizens in a clear and accessible manner, in all official languages of the Union, where necessary, including via Europe Direct and Your Europe.

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Amendment 59

Proposal for a directive

Article 12 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in municipal elections and information referred to in paragraph 2 is made accessible to persons with disabilities ***and*** older persons by using ***appropriate*** means, modes and formats of communication.	4. Member States shall ensure that information on conditions and detailed rules for registration as a voter or candidate in municipal elections and information referred to in paragraph 2 is made accessible to persons with disabilities, older persons***, people in remote areas, minority groups and those who face difficulties in voting generally by applying accessibility requirements as laid down in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council*** [1a] and by using means, modes and formats of communication ***that are appropriate to them, 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.***
	[1a] ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and service (OJ L 151, 7.6.2019, p. 70).***

Amendment 60

Proposal for a directive

Article 13

Text proposed by the Commission	*Amendment*
Article 13	***deleted***
Derogations	
1. Where, in a given Member State, the proportion of Union citizens of voting age who reside in it but are not nationals of it exceeds 20 % of the total number of national and non-national Union citizens residing there who are of voting age, that Member State may, by way of derogation from this Directive:	
(a) restrict the right to vote to voters pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be longer than the term for which the representative council of the municipality is elected;	

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Text proposed by the Commission	*Amendment*
(b) restrict the right to stand as a candidate to persons entitled to stand as candidates pursuant to Article 3 who have resided in that Member State for a minimum period, which may not be longer than twice the term for which the representative council of the municipality is elected; and	
(c) take appropriate measures with regard to the composition of lists of candidates to encourage in particular the integration of Union citizens, who are nationals of another Member State.	
2. The Kingdom of Belgium may, by way of derogation from the provisions of this Directive, apply the provisions of paragraph 1 point (a) to a limited number of local government units, the list of which it shall communicate at least one year before the local government unit elections for which it intends to invoke the derogation.	
3. 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 11 in respect of such persons.	
4. Every six years after the entry into force of this Directive, 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 (1) TFEU is still warranted and shall propose that any necessary adjustments be made. Member States which invoke derogations under paragraphs 1 and 2 shall furnish the Commission with all the necessary background information.	

Amendment 61

Proposal for a directive

Article 14 — title

Text proposed by the Commission	*Amendment*
Reporting	***Data collection and*** reporting

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Amendment 62

Proposal for a directive

Article 14 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Within three years of the entry into force of this Directive and every four years thereafter, the Member States shall report to the Commission on the application of this Directive in their territory, including on the application of Article 5(3) and (4). The report shall contain statistical data on the participation in municipal elections of voters and candidates ***pursuant to Article 3*** and a summary of measures taken ***in that regard***.	1. Within three years of the entry into force of this Directive and every four years thereafter, the Member States shall report to the ***public and to the*** Commission on the application of this Directive in their territory, including on the application of Article 5(3) and (4). ***In addition to general observations,*** the report shall contain statistical data on the participation in municipal elections of ***Union*** voters and ***Union*** candidates and a summary of measures taken ***to facilitate and encourage their participation. Those data shall be collected in a transparent, uniform, and secure way, based on common indicators***.

Amendment 63

Proposal for a directive

Article 14 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the setting up of the common indicators for the collection of statistical data referred to in paragraph 1.

Amendment 64

Proposal for a directive

Article 15 — paragraph 1

Text proposed by the Commission	*Amendment*
Within two years after the 2029 elections to the European Parliament, the Commission shall assess the application of this Directive and produce an evaluation report on the progress towards achievement of the objectives contained herein.	Within two years after the 2029 elections to the European Parliament, the Commission shall assess the application of this Directive and produce an evaluation report on the progress towards achievement of the objectives contained herein. ***The evaluation shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.***

Amendment 65

Proposal for a directive

Article 16 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to in Articles ***2, 8 and 9*** shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Directive.	2. The power to adopt delegated acts referred to in Article ***2(2), Article 8(4), Article 9(3) and Article 14(1a)*** shall be conferred on the Commission for an indeterminate period of time from … [date of entry into force of this Directive].

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Amendment 66

Proposal for a directive

Article 16 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The delegation of power referred to in Articles ***2, 8 and 9*** 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.	3. The delegation of power referred to in Article ***2(2), Article 8(4), Article 9(3) and Article 14(1a)*** 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 67

Proposal for a directive

Article 16 — paragraph 6

Text proposed by the Commission	*Amendment*
6. A delegated act adopted pursuant to Articles ***2, 8 and 9*** 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 European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article ***2(2), Article 8(4), Article 9(3) and Article 14(1a)*** 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 European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 68

Proposal for a directive

Article 19 — paragraph 2

Text proposed by the Commission	*Amendment*
Articles 1 to 7, 8(1)***, 11(2) and 13*** shall apply from 31 December 2023.	Articles 1 to 7, Article 8(1) ***and Article 11(2)*** shall apply from 31 December 2023.

Amendment 69

Proposal for a directive

Annex II — title

Text proposed by the Commission	*Amendment*
	ANNEX II — Formal declaration submitted by Union voters

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Amendment 70

Proposal for a directive

Annex II — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	I declare that I accept future communication related to voting in the municipal elections in one or more of the following languages:

Amendment 71

Proposal for a directive

Annex II — table 1 a (new)

Text proposed by the Commission

Amendment

I have been a resident in … (Name of residence Member State) for … (Period) ([1a])

Place/date:	
Signature:	

([1a]) Only if required by national legislation.

Amendment 72

Proposal for a directive

Annex III — title

Text proposed by the Commission	*Amendment*
	ANNEX III — Formal declaration submitted by Union candidates

Amendment 73

Proposal for a directive

Annex III — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	I declare that I accept future communication related to standing as a candidate in the municipal elections in one or more of the following languages:

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Amendment 74

Proposal for a directive

Annex III — table 1 a (new)

Text proposed by the Commission

Amendment

I have been a resident in … (Name of residence Member State) for … (Period) [1a]	
Place/date:	
Signature:	

(1a) Only if required by national legislation.