

# EUROPEAN PARLIAMENT



*s e s s i o n   d o c u m e n t s*

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15 November 1993

A3-0357/93/Part A



## REPORT

of the Committee on Institutional Affairs

on the Commission proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence

Rapporteur: Mr François FROMENT-MEURICE

PART A:   LEGISLATIVE PROPOSAL  
          DRAFT LEGISLATIVE RESOLUTION

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PE 206.621/Fin./Part A  
Or. FR

\* Consultation procedure requiring a single reading.  
\*\* Cooperation procedure (first reading)

\*\* Parliament in procedure (second reading) requiring the votes of a majority of the current Members of Parliament.  
\*\*\* Parliamentary assent requiring the votes of a majority of the current Members of Parliament.

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B. EXPLANATORY STATEMENT . . . . . (published separately)	

By letter of 16 November 1993, the Council consulted the European Parliament, pursuant to Article 8b of the EC Treaty, on a proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence.

At the sitting of 17 September 1993 the President of the European Parliament announced that he had forwarded this proposal to the Committee on Institutional Affairs as the committee responsible and the Committee on Legal Affairs and Citizens' Rights for its opinion.

At its meeting of 14 July 1993 the Committee on Institutional Affairs had appointed Mr Froment-Meurice rapporteur.

At its meetings of 20 to 22 September, 7 and 8 October, 14 and 15 October, 3 and 4 November and 15 November 1993 the committee considered the draft Commission proposal and the draft report.

At the last meeting it adopted the motion for a resolution by 18 votes to 3, with 2 abstentions.

The following were present for the vote: Gil-Robles Gil-Delgado, chairman; Prag, vice-chairman; Bru Puron, vice-chairman; Froment-Meurice, rapporteur; Aglietta, Blot, Bourlanges (for Beiroco), Capucho, Cassanmagnago Cerretti, Cravinho (for Cheysson), David, Ford, Garcia Amigo (for Valverde Lopez), Herman, Imbeni (for Giovanni), Lagakos, Lulling (for Lamanna), Luster, Marinho, Moran (for Planas Puchades), Rothley, Roumeliotis and von Wechmar.

The Explanatory Statement will be published separately.

The Committee on Legal Affairs and Citizens' Rights tabled three oral amendments, which were rejected in committee.

The report was tabled on 15 November 1993.

The deadline for tabling amendments is 5 p.m. on Tuesday, 16 November 1993.

A  
LEGISLATIVE PROPOSAL

proposal for a Council directive (EC) laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence (COM(93) 0534 final - C3-0305/93)

This proposal is approved subject to the following amendments:

Commission text

Text amended by Parliament

(Amendment No. 1)  
Article 4(2)

No person may stand as a candidate in more than one Member State at the same election.

A Community national shall have the right to vote and to stand as a candidate in either the Member State of residence or the Member State of origin. No person may stand as a candidate in more than one Member State at the same election.

(Amendment No. 2)  
Article 14(1), first subparagraph (a)

(a) restrict the right to vote to Community voters who have resided in that Member State for a minimum period, which may not exceed five years; delete

(Amendment No. 3)  
Article 14(1), second subparagraph

These provisions are without prejudice to appropriate measures which this 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 citizens of the Union. delete

## DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence (COM(93) 0534 final - C3-0305/93)

### The European Parliament,

- having regard to Article 8b(2) of the Treaty on European Union which states that every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and stand as a candidate in elections to the European Parliament,
  - having regard to its resolution of 21 November 1991 on citizenship of the Union,
  - having regard to its resolutions of 10 October 1991 and 10 March 1993 on the plan for a uniform electoral procedure for the election of Members of the European Parliament,
  - having regard to its resolution of 7 April 1992 on the results of the intergovernmental conferences,
  - having regard to the Commission's proposal for a directive,
  - having regard to the report of the Committee on Institutional Affairs (A3-0357/93)
- A. whereas the construction of Europe must become a tangible reality for the five million citizens of the Member States who have availed themselves of the fundamental freedom to reside in another Member State,
- B. determined to ensure that elections to the European Parliament are characterized by the maximum participation of all those who have been entitled to vote in the past,
- C. whereas Article 8b(2), which states that citizens of the Union shall have the right to vote and stand as candidates in European Parliament elections, constitutes a fundamental step in the development of European citizenship, and this first stage must be rapidly followed by the adoption, on the basis of the provisions of Article 8b(1), of a directive laying down arrangements governing the right of citizens of the Union to vote and stand as candidates in municipal elections,
- D. whereas, without prejudice to the provisions of Article 138 on the uniform electoral procedure, the sole object of this proposal for a directive is to lay down the rules for the exercise of the right to vote and to stand as candidates in European Parliament elections by citizens of the Union residing in a Member State other than the Member State of which they are nationals, and it does not cover any other situation,

- E. whereas the Treaty provides only for Parliament to be consulted even though, since this is a measure that concerns it directly, it should certainly be given the right of assent,
1. Considers that all citizens of the Union should be entitled to vote in elections to the European Parliament;
  2. Stresses that only if every citizen of the Union who fulfils the relevant conditions expresses his desire to vote, will the exercise of the right to vote in the Member State of residence become a reality;
  3. Welcomes the fact that electoral disqualification and ineligibility is extra-territorial and desires the subsequent approximation of national legislations in this area so as to strengthen the implementation of this principle;
  4. Insists that the mechanisms for cooperation among Member States to prevent double voting should function effectively to ensure that the provision concerned is respected;
  5. Expresses its opposition to the derogation provided for in Article 14, as being contrary to the spirit and letter of Article 6 of the Treaty on European Union, which establishes the principle of non-discrimination among Community citizens as regards nationality;
  6. Insists that all the derogations should automatically lapse before the elections to the European Parliament in 2004;
  7. Calls on the Commission of the European Communities, which is required to report to the European Parliament and the Council before 31 December 1995 on the implementation of this directive in the elections of June 1994, to propose measures which take into account past experience;
  8. Calls on the Member States to transpose this directive into national legislation at the earliest opportunity so as to enable the citizens of the Union to take part in the elections of June 1994, as provided for in Article 8b;
  9. Calls on the Commission to submit as soon as possible, pursuant to Article 8b of the Treaty on European Union, a proposal concerning the participation in municipal elections of citizens resident in a Member State other than that of which they are nationals, so as to enable such citizens to participate in the elections to be held in 1994;
  10. Draws the attention of those Member States which organize elections to the European Parliament on a constituency basis to the need to take account, when drawing up constituency boundaries, of the number and places of residence of the citizens of the European Union who will have been enabled, under this directive, to vote in European Parliament elections;
  11. Approves the Commission proposal subject to Parliament's amendments;

12. Calls on the Commission to amend its proposal accordingly, pursuant to Article 189a(2) of the Treaty;
13. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.

