

DRAFT COMPROMISES - EEL

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, and amending Regulation (EU, Euratom) No 1141/2014

Legislative act

Articles

COMP A on Article 1 and Article 2

Covering AMs 332, 333, 341, 342, 360, 379, 381, 382

Article 1

Subject matter

This Regulation establishes the provisions necessary for the election of members of the European Parliament by direct universal suffrage in accordance with a uniform electoral procedure as regards the Union-wide constituency referred to in Article 15 and with principles common to all Member States.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'political party' means an association of citizens which pursues political objectives and which is either recognised by, or established in accordance with, the legal order of at least one Member State in accordance with Regulation (EU, Euratom) No 1141/2014; and including those which intend to form or to join a European coalition of national political parties and/or national associations of voters in order to table a list of candidates for, and campaign in the Union-wide constituency;
- (2) 'associations of voters' means an association of citizens which pursues political objectives which, rather than being established as a political party, is registered as an association of citizens in accordance with applicable national provisions, including those which intend to form or joining a European coalition of national political parties and/or

Commented [EGJW1]: The EU elections have been held the same way for more than 40 years. Previous minor reforms have only amended the 1976 Act. With this new proposal, the first electoral law act from 1976 will be repealed and replaced by this new act.

Previously called a legal monster, this repeal will bring the 1976 Act into the 21st century. It will be a clean start for European democracy that can also easily be amended in the future.

Commented [EGJW2]: The first article describes what we are talking about in the Regulation

This retakes the original wording from the 1976 act, but adds a new element, which is the **Union-wide constituency**.

This establishes for the first time, that additionally to the national provisions for the elections, there will be Union-wide standards/principles applicable across all Member States.

Commented [EGJW3]: An easy definition, which has already been described in other existing rules determining what a political party is under the Regulation for European Political Parties (EuPPs).

Commented [EGJW4]: New element: building on various Member States' practices the concept of an association of voters is legally established. This will be important throughout the text as these associations can form coalitions across Member States to run in the EU-wide constituency.

This inclusion will lead to a greater generation of ideas, competition and innovation for the EU elections.

associations of voters in order to table a list of candidates for, and campaign in the Union-wide constituency;

- (3) 'European coalition of national political parties and/or associations of voters' means an electoral alliance of national political parties and/or national associations of voters, which are registered in at least one quarter of the Member States, where necessary rounded up to the nearest whole number, that tables a list of candidates to, and campaigns for the Union-wide constituency;
- (4) 'European political party' means a political alliance of national political parties which pursues political objectives and is registered with the Authority for European political parties and foundations in accordance with Regulation (EU, Euratom) No 1141/2014 ⁽¹⁾ for the purposes of tabling a list of candidates for, and campaign in, the Union-wide constituency;
- (5) 'European associations of voters' means a transnational association of citizens registered in at least a quarter of the Member States, representing at least a number equal to 0.02 % of the voting population in the relevant Member States, which pursues political objectives, but is not established as a European political party, and is recognised for the purpose of tabling a list of candidates for, and campaign in the Union-wide constituency;
- (6) 'European electoral coalition' means an electoral alliance by two or more European political parties and/or European associations of voters that fields a list of candidates for and campaign in the Union-wide constituency which may be joined by national political parties and/or national associations of voters, provided that they are not affiliated to a European political party;
- (7) 'Political alliance' means a structured cooperation between political parties and/or citizens in accordance with Regulation (EU, Euratom) No 1141/2014;
- (8) 'European electoral entity' means a European coalition of national political parties and/or associations of voters, a European political party, a European association of voters, a European electoral coalition or a *political* alliance;
- (9) Union-wide list means the list of candidates fielded in the Union-wide constituency by a European electoral entity.

Commented [EGJW5]: New element: political parties and associations can coalesce to form a European electoral entity (see (8)). They have to go through the national registration mechanisms before they are allowed to form a European-wide coalition that can run on the EU-wide constituency.

Commented [EGJW6]: Defining what European political parties are. The definition and role of EuPPs is also currently being discussed

Commented [EGJW7]: New element: the approach of (2) is applied to the European level. By collecting signatures across the Union, citizens will be able to set up political associations or even parties and run on the EU-wide list to promote their policies and politics for the future of Europe.

Commented [EGJW8]: New element: If two EuPPs or European association of voters want to join forces to increase their reach and ability to compete in the elections, this is now possible.

Commented [EGJW9]: The inclusion of a political alliance is new in the electoral act, but the definition comes from an established rulebook (EuPP Regulation).

Commented [EGJW10]: New element: A new element summarising (3), (4), (5), (6) and (7) to make the reading throughout the text easier

Commented [EGJW11]: New element: As indicated in Article 1 Defining what is understood under a pan-European list/vote.

COMP B on Article 3

Covering AMs 385, 387

Article 3

National provisions

¹ Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations, OJ 2014/L 317/1.

The electoral procedure for the election of the members of the European Parliament shall be governed by this Regulation. Matters not covered by this regulation shall be governed in each Member State by its national provisions.

Those national provisions shall not affect the proportional nature of the voting system.

They shall in any event ensure respect for democratic standards, leading to democratic and proportionate requirements for registering a political party or an association of voters and for submitting a list of candidates for the national constituencies and the Union-wide constituency.

COMP C on Articles 4 and 5

Covering AMs, 389, 391, 393, 396, 402, 404,

Article 4

The right to vote

1. Every Union citizen from 16 years of age, including persons with disabilities regardless of their legal capacity, shall have the right to vote in elections to the European Parliament without prejudice to existing constitutional orders establishing a minimum voting age of 18 or 17 years of age.

2. No Union citizen entitled to vote shall vote more than once in any election of members of the European Parliament in the national constituencies or in the Union-wide constituency.

3. Member States shall take measures necessary to ensure that double voting in elections to the European Parliament is subject to effective, proportionate and dissuasive penalties.

Article 5

The right to stand as a candidate

1. Every Union citizen from 18 years of age shall have the right to stand as a candidate for the elections to the European Parliament in either a national constituency or in the Union-wide constituency, or in both.

2. No Union citizen entitled to stand as a candidate shall stand as a candidate in more than one national constituency nor appear on more than one list for a national constituency or more than in one Union-wide list in any election of the European Parliament.

COMP D on Article 6

Covering AM 398, 399, 400

Article 6

Exercise of the right to vote

Commented [EGJW12]: Need to make sure that the results proportionally reflect the outcome of the will of Europeans.

Commented [EGJW13]: New element: The newly introduced wording under subparagraph 3 will make sure that national requirements for running in the EU elections adhere to a minimum standards that respect the concepts the Union is built on.

Unreasonable requirements and thresholds such as financial hurdles or insurmountable numbers of signatures or even unfair judiciary procedures shall no longer be possible to prevent new political ideas from emerging.

Commented [EGJW14]: New element: A first step in the right direction to reduce the voting age as has been done in various Member States already or is being tested in others.

Commented [EGJW15]: Changed element: This provides a safeguard to all Member States that currently do not have 16 as the voting age. Therefore the text does not at all change any existing voting rights in Member States, for now.

Commented [EGJW16]: Keeps the same wording from the 2018 text.

Commented [EGJW17]: Changed element: Every 18-year old now has the right to present herself/himself/themselves for the EU elections in both the national and EU-wide constituencies. This will have positive effects for many young, ambitious politicians that were previously not allowed to run for example in Greece, Belgium, Romania, Italy or Poland (and many others (see [here](#))).

Commented [EGJW18]: This way, leaders of political parties are no longer able to themselves on the first spot of each regional or local list.

Commented [EGJW19]: Increasing the accessibility to voting as much as possible was one of the key drivers for the reform. Making sure that all Union citizens can vote, no matter where they reside, is ensured through this provision.

Member States shall ensure that all Union citizens, including those living or working in a third country, those without a permanent residence, those living in closed residential settings, those experiencing homelessness or those serving a prison sentence in the Union, are able to exercise their right to vote in elections to the European Parliament.

With regard to those citizens serving a prison sentence in the Union, the first paragraph shall be without prejudice to national law or court decisions handed down in accordance with national law.

COMP E on Article 7

Covering AMs 407, 408, 409, 421, 590

Article 7

Accessibility

1. Member States shall ensure that all citizens, including persons with disabilities, have equal access to relevant materials, to voting facilities, and to polling stations.
2. Based on their national voting systems, Member States shall put in place appropriate arrangements with the aim of facilitating the exercise of the right to vote by persons with disabilities independently and in secret.
3. Member States shall ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.

COMP F on Article 8

Covering AMs , 410, 411, 414, 416, 419, 423

Article 8

Postal voting

1. Member States shall provide for postal voting in elections to the European Parliament, including for citizens living in a third country, and shall adopt measures that ensure that postal voting is accessible, in particular for persons with disabilities. Member States shall adopt all

Commented [EGJW20]: New element: Overdue clarification that voting should be easy so that as many Union citizens as possible can easily cast their vote. These provisions will ensure that all polling stations and voting booths are accessible for people with handicap(s).

Commented [EGJW21]: New element: The way we vote for the EU elections was regulated nationally. Many Member States prohibited postal voting for their citizens. This article will ensure that, even if you are not at home on the voting day, you are able to vote before and make your vote count.

necessary measures to ensure the reliability and secrecy of the vote, and the protection of personal data in accordance with applicable Union law.

2. Member States may provide additional possibilities of voting by way of advance physical voting, proxy voting and voting by electronic and internet systems.

In the event of electronic, internet and proxy voting, Member States shall adopt all necessary measures to ensure the reliability, integrity, the secrecy of the vote, transparency in the design and deployment of electronic and internet systems, the possibility for manual or electronic recounts without compromising the secrecy of the vote and the protection of personal data in accordance with applicable Union law.

Commented [EGJW22]: While these rules existed before, it is important that they are mentioned again, so that Member States can provide for many more means of voting for the EU elections other than just postal voting.

Commented [EGJW23]: This clarification safeguards the secrecy and integrity of the voting system, whilst ensuring personal data is not risked.

COMP G on Article 9, Article 29 and Recital 13 b (new)

Covering AMs 424, 425

Article 9

Establishment of the national electoral rolls and European electoral roll

1. For the purpose of detecting and avoiding double voting in the elections to the European Parliament, the deadline for the establishment of the electoral roll in each Member State shall be no later than fourteen weeks before the Election day as referred to in Article 19(1). Errors in the electoral roll may be corrected until Election day.

2. For the purpose of establishing the European electoral roll, the competent national authorities shall provide the European Electoral Authority with all necessary data in accordance with Article 18. The criteria to be registered in the national roll shall be regulated by national provisions.

3. The Commission shall adopt implementing acts laying down the technical requirements, including the format and data to be provided for the establishment of the European electoral roll for the implementation of paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29.

Commented [EGJW24]: New element: When one usually votes, the local or regional governments have one's data to verify, whether or not one is allowed to vote in whichever election. The same is true for the European elections.

An article was therefore included to make sure that a) there is a clear overview of where one European votes and b) to help prevent double voting so that the voting results are not meddled with.

Commented [EGJW25]: As this is a new element, the European Commission has to come up with a common way of reporting (or talking to each other) between the different national bodies sending and exchanging data. This makes sure that the data is comparable.

COMP H on Article 10

Covering AMs 428, 429, 432, 434, 436, 439

Article 10

Principles of selection of candidates

1. All political parties, association of voters, electoral alliances and European electoral entities participating in elections to the European Parliament shall observe democratic procedures, transparency and gender equality, through measures that aim to ensure that all eligible persons

Commented [EGJW26]: Describes how politicians end up on the lists that we will eventually vote on.

Commented [EGJW27]: This way, the Presidents/Chairs of political parties can no longer only appoint/position their friends on the lists. Rather the list have to be democratically approved by members of the respective parties.

Commented [EGJW28]: It has to be clear how candidates end up on which position of the list.

Commented [EGJW29]: To be sure that all genders have an equal chance of being elected.

have an equal opportunity to be elected, and a composition of the European Parliament that reflects the diversity of the European Union, when selecting their candidates for election to the European Parliament. Gender equality shall be reached depending on the Member States electoral systems and in any event in the Union-wide constituency by the use of zipped lists, quotas, without infringing on the rights of non-binary people

Commented [EGJW30]: Describes the instruments on how equal opportunities shall be reached.

2. A member of a political party, an association of voters or a European electoral entity may file a reasoned complaint of non-compliance with the democratic procedures, transparency and gender equality criteria laid down in this Article with the responsible national or the European Electoral Authority.

Commented [EGJW31]: If the conditions that are described in the first paragraph are not applied, a candidate has the right to file a complaint with the Member State authority so that it will be correctly applied.

COMP I on Article 11 **Covering AM 440**

Article 11

Tabling of the lists of candidates

1. The deadline for tabling the lists of candidates for elections to the European Parliament shall be twelve weeks before the Election day referred to in Article 19(1).

Commented [EGJW32]: Sets the conditions and the deadline for submitting a list so that one's party is electable on election day.

2. No later than 12 weeks before the Election day, the European electoral entities shall provide the European Electoral Authority with a document establishing that all the candidates consent to their inclusion in the Union-wide list. That document shall include the candidates' full names and their identity card or passport numbers. It shall be signed by the candidates and shall indicate the date and place of signature.

COMP J on Article 12

Covering AM 441, 450

Article 12

Electoral system

1. Elections shall be by direct universal suffrage and shall be equal, free and secret. Each voter shall have two votes, one to elect the Members of the European Parliament in the national constituencies and one to elect Members of the European Parliament in the Union-wide constituency.

Commented [EGJW33]: As all democratic elections, the EU elections shall also be equal, free and secret.

Commented [EGJW34]: New element: Instead of only one vote for the national politician, a second is added to vote for the pan-European (Union-wide constituency).

2. Members of the European Parliament shall be elected as representatives of the Union citizens on the basis of proportional representation, in the national constituencies and in the Union-wide constituency.

Commented [EGJW35]: Since 2007 (Lisbon Treaty (the last treaty we agreed on)), all politicians in the EP have to represent all Union citizens.

3. In the national constituencies, Members of the European Parliament shall be elected using any national system of proportional representation commonly used by the Member States.

4. In the Union-wide constituency, Members of the European Parliament shall be elected using the closed list system.

Commented [EGJW36]: A closed list system means that the voter can vote for the political party, but not for the individual politician. This is done so as to prevent national biases towards electing representatives from one's own member state. This would directly benefit countries with large populations and therefore would go against the idea of a truly European vote.

COMP K on Article 13

Covering AMs 460, 461, 462, 467

Article 13

Electoral threshold

1. Member States may set a minimum threshold for the allocation of seats. At national level, this threshold shall not exceed 5 % of the valid votes cast.

Commented [EGJW37]: This provision is the result of differing national electoral systems having different national thresholds. Cyprus for example has a 1.8% electoral threshold. France has a 5% threshold, whereas Austria and Italy have 4%.

2. For national constituencies, which comprise more than 60 seats a threshold shall be set and shall not be lower than of 3,5 % of the valid votes cast in the constituency concerned.

Commented [EGJW38]: This provision effectively only applies to Germany (given that only France and Italy have more than 60 seats in the EP and both already have a threshold). This provision as it stands goes against previous rulings from the German constitutional court.

3. The thresholds referred in paragraph 1 and 2 shall be without prejudice to exemptions made in national law for political parties or associations of voters that represent recognized national or linguistic minorities.

Commented [EGJW39]: This provision exempts nationally recognised minorities that are organised in political parties or associations to be exempt from the thresholds implemented at national level.

4. An exemption from national thresholds set in paragraph 2 shall be made for political parties or associations of voters, registered in a quarter of member States and obtaining at least one million votes across the Union, which include in their national ballot paper the single name and logo of the European electoral entity to which they are affiliated, and where appropriate, adapted to the languages of the Member States concerned.

Commented [EGJW40]: This is an attempt not to kill political innovation in Germany given that paragraph 2 only applies to Germany. At the same time it should help German parties to reach beyond their border and coalesce and cooperate with other political parties and movements in order to be exempted from the 3.5% threshold.

5. There shall be no minimum threshold for the allocation of seats in the Union-wide constituency referred to in Article 15.

Commented [EGJW41]: Given that there will only be 28 seats available in the Union-wide list, the mathematical threshold is at 3.56%, which translates into around 7.1 million votes across the Union.

COMPL on Article 14

Article 14

National constituencies

In accordance with its specific national situation and without prejudice to Article 15, each Member State may establish single constituencies for elections to the European Parliament or subdivide its electoral area in a different way, without affecting the proportional nature of the voting system in general.

Commented [EGJW42]: Maintains that national electoral rules apply to the vote for national constituencies.

Member States may form single-member constituencies representing linguistic or ethnic minorities, overseas nationals, outermost regions or overseas territories in accordance with national regulations, without affecting the proportional nature of the voting system.

COMP M on Article 15

Covering AMs 482, 483, 484, 498, 531

Article 15

Union-wide constituency

1. There shall be one constituency formed of the entire territory of the European Union from which 28 Members of the European Parliament shall be elected at the first election of Members of the European Parliament following the entry into force of this regulation.

For elections of Members of the European Parliament thereafter, the size of Union-wide constituency shall be determined by the European Council Decision establishing the composition of the European Parliament

2. The election in respect of the Union-wide constituency shall be without prejudice to the members of the European Parliament elected in each Member State.

3. All European electoral entities in accordance with Article 2 may submit to the European Electoral Authority Union-wide lists.

4. No European electoral entity may submit more than one Union-wide list. National parties and national associations of voters may only support one Union-wide list.

5. The ballots comprising the Union-wide lists shall bear the name and logo of the respective European electoral entity.

6. For candidates living in a third country, the candidate's place of residence for the purposes of drawing up the Union-wide list shall be their last one before leaving the European Union. For candidates born and resident in a third country, the place of residence for the purposes of drawing up the Union-wide list shall correspond to that of the candidate's Member State of nationality.

7. The Union-wide lists shall include a number of candidates equal to the number of mandates referred to in paragraph 1.

8. The Union-wide lists shall be drawn up by the European electoral entities in accordance with the principles as laid down in Article 10(1).

9. In order to ensure geographical balance, the Union-wide lists are divided in sections of three slots. Each of these three slots is to be filled with one candidate coming from each of the three groups of Member States as defined in Annex I and exemplified Annex II.

10. The order of candidates resident in any of the Member States in each of the three groups of Member States included in Annex I shall vary in each list section of three slots up to the list slot corresponding to the number resulting from dividing the total number of seats by two, where necessary rounding up to the next whole number.

11. The total population of the Member States shall be calculated by the Commission (Eurostat) on the basis of the most recent data provided by the Member States, in accordance with a

Commented [EGJW43]: The entire article is new. Describes in detail how the Union-wide constituency will be voted for.

Commented [EGJW44]: Once this Regulation has been adopted by all Member States, for the first time, 28 new MEPs will be voted upon across the Union.

Commented [EGJW45]: Given that the discussion on the size of the constituency does not need to open the entire electoral act, the goal is to decide on the enlargement of the Union-wide constituency via another law that decides on the composition of the EP.

Commented [EGJW46]: For now, this means that the current distribution of the seats allocated to each country stay the same and nothing is changed for now.

Commented [EGJW47]: Everyone who qualifies as a electoral entity (see definitions part) can be elected across all of Europe.

Commented [EGJW48]: To ensure that all Europeans no matter where they live have a right to run in the EU elections.

Commented [EGJW49]: Each political party or association or movement running in the elections should have 28 candidates

Commented [EGJW50]: This means that the lists should be gender balanced, the decision on how they were drawn up should be transparent and democratic.

Commented [EGJW51]: Paragraph 9 and 10 are a complicated way of saying that candidates from all countries whether small, medium-sized or large should have a chance to be represented on the party list. Given that there are only 28 seats, however, this balance only really matters up until list place 5 or 6.

Commented [EGJW52]: This makes sure that population size of a country is constantly updated so that whether a country is in group A, B, or C (see the Annex at the end of this text) is constantly verified.

method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council.

12. The apportionment of seats to the Union-wide lists based on the aggregated results in the Union-wide constituency shall be carried out in accordance with the D'Hondt system, as follows:

(a) The numbers of votes obtained by the candidates are ordered from highest to lowest, in a column;

(b) The number of votes obtained by each candidacy is divided by 1,2,3, etc., up to a number equal to the number of seats corresponding to the constituency, forming a table similar to the one that appears in Annex III. The seats are attributed to the candidates that obtain the highest ratios in the table, attending to a decreasing order;

(c) When two seats corresponding to different candidacies coincide in the list of quotients, the seat will be allocated to the list with the highest total number of votes obtained. If there are two candidates with the same number of votes, the first tie will be resolved by lottery and the successive ones alternatively.

13. European and national public broadcasters shall provide broadcasting time in proportion to the results of the preceding election to the Union-wide constituency, ensuring minimum broadcasting time for every Union-wide list.

Commented [EGJW53]: This describes how votes are translated into seats. The D'Hondt method of apportioning seats is more beneficial for larger parties but is applied in many countries around Europe and also for the allocation of seats for most national constituencies.

Commented [EGJW54]: So that politicians running across the Union get to speak about it on television and radio.

Article 16

Financing of electoral campaigns of European electoral entities

The provisions of Chapters IV and V of Regulation (EU, Euratom) No 1141/2014 shall apply mutatis mutandis to the financing of the electoral campaigns of European electoral entities.

Commented [EGJW55]: Currently there are no clear campaign financing rules for European parties and entities running in elections. While we tried to establish clear transparent financing and reporting rules, for many in the negotiations that was too complex and thus we agreed to regulate this under a different Regulation.

COMP O on Article 17

Covering AMs 587, 588, 590, 594, 595, 596

Article 17

Common provisions related to electoral campaigns

1. Electoral campaigning shall not start until eight weeks before the Election day.

2. Electoral campaigning consists of asking voters for their votes in an election to the European Parliament by means of print or digital material and other formats of public communication, media advertising, and public events. Electoral campaign materials shall include the logo and a reference to the manifesto or programme of the European electoral entity to which the national party is affiliated.

Commented [EGJW56]: New element: Before, each Member State regulated their campaign periods meaning that campaigns started at very different times creating a patchwork of campaign trails and lagging media reporting.

The aim of introducing a common timetable is to create a common time for political campaigning and for debate across the Union.

Commented [EGJW57]: New element: This way, voters know which European political direction they are voting for when putting their X behind a national party.

3. Electoral campaign materials shall be accessible to persons with disabilities.

4. In the national constituencies, the ballot papers used in elections to the European Parliament shall be uniform, give equal visibility to the names, acronyms, symbols and logos, if any, of national political parties and/or national association of voters, and to those of the European electoral entities when affiliated to any of them, and shall feature the list of names of the candidates and, where appropriate of the substitutes, in the order in which they appear on the relevant electoral lists.

5. The rules concerning the posting of electoral materials to voters in elections to the European Parliament shall be the same as those applied for national, regional and local elections in the Member State concerned.

6. Member States shall ensure that European electoral entities are given equal treatment and opportunities as national political parties and national political movements regarding the electoral campaign related to the Union-wide constituency.

7. Member States shall implement a European electoral reserve period of 48 hours before the Election day, during which it shall not be permitted to ask electors about their voting intentions.

COMP P on Article 18

Covering AM 609

Article 18

Contact authorities

1. Each Member State shall designate a contact authority responsible for exchanging, with its counterparts in the other Member States and with the European Electoral Authority established in accordance with Article 28, data on voters necessary for establishing the European electoral roll in accordance with Article 9(2), and on candidates.

2. The contact authority referred to in paragraph 1 shall, in accordance with the applicable Union law concerning the protection of personal data, begin transmitting to those counterparts and to the European Electoral Authority, no later than six weeks before the Election day the data indicated in Articles 9 and 10 of Council Directive 93/109/EC² concerning citizens of the Union who have been entered on the national electoral rolls and European electoral roll or are standing as candidates, in a Member State of which they are not nationals.

COMP Q on Articles 19 and 20

² 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 citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34).

Commented [EGJW58]: New Element: If you want to campaign, you have to make sure that everyone will be able to understand what you are proposing. This is not different for people with disabilities. The goal is to make sure that the key documents necessary to make an informed opinion are available for everyone.

Commented [EGJW59]: Simply proposes the structure and the content of the piece of paper you will get when you vote.

Commented [EGJW60]: Everyone should have the same opportunities to spread their political message.

Commented [EGJW61]: New element: This was important for some in the negotiations to ensure that late polls and polling data do not influence the decision-making process of voters.

Commented [EGJW62]: Old element: Needed to make sure that everyone knows who is responsible for what and who has authority over what and who exchanges data with whom.

Covering AMs 618, 624, 625

Article 19

Election day

1. Elections to the European Parliament shall be held on 9 May of the last year of a parliamentary term, as referred to in Article 20 (the “Election Day”).
2. During the opening hours of the polling stations and from half an hour before polling stations open, any political activities at the polling stations or in their proximity is prohibited without prejudice to any activity organised to celebrate Europe Day in the Member States.
3. The elections shall end in all Member States by 21:00 local time on that day. To take into account the time difference, elections to the European Parliament may be held on 8 May of the last year of a parliamentary term in the Union’s overseas countries and territories.
4. Member States shall not make public the results of their count officially or on a provisional basis until after the close of polling, in accordance with paragraph 3, in the Member State whose electors are the last to vote.
5. Member States may declare the Election day a national holiday.

Commented [EGJW63]: New element

Commented [EGJW64]: The goal is to have one common election day across all of Europe!

Commented [EGJW65]: This is to prevent intimidation or intense campaigning in front of polling stations. This is largely common across the Union, though some countries do not have explicit rules on this.

Commented [EGJW66]: This is to accommodate the oversee territories of France that find themselves in very many different time zones.

Commented [EGJW67]: We would hope that every five years, European election day would be a national holiday for people to vote and debate European politics.

Article 20

Determination and publication of the election results

1. The election results in the Union-wide constituency and in the national constituencies shall be proclaimed, in that order, by the European Electoral Authority, on the basis of the information provided by the contact authorities.
2. The official election results shall be published in the Official Journal of the European Union.

Commented [EGJW68]: Who announces the official results of the elections.

COMP R on Article 21

Article 21

Parliamentary term and mandate

1. The five-year term for which members of the European Parliament are elected shall begin at the opening of the first session following each election (the “parliamentary term”).
2. The term of office of each member of the European Parliament shall begin and end in accordance with the parliamentary term (the “mandate”).

Commented [EGJW69]: How long before the next election.

Article 22

Convening of Parliament

In addition to the obligation set out in Article 229 of the Treaty on the Functioning of the European Union, the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the Election day.

Commented [EGJW70]: When does the work start after the elections?

COMP S on Article 23

Article 23

Verification of credentials

The European Parliament shall verify the credentials of members of the European Parliament.

For this purpose it shall take note of the results declared officially by the Member States and proclaimed by the European Electoral Authority.

Commented [EGJW71]: Someone needs to verify that politicians actually got elected and have the right to call themselves Members of the European Parliament.

COMP T on Article 24

Article 24

Incompatibilities

1. The office of member of the European Parliament shall be incompatible with the following offices:

- member of the government of a Member State,
- member of a national or regional parliament or assembly vested with legislative powers,
- member of the European Commission,
- Judge, Advocate-General or Registrar of the Court of Justice of the European Union,
- member of the Executive Board of the European Central Bank,
- member of the Court of Auditors,
- European Ombudsman,
- member of the Economic and Social Committee,
- member of the Committee of the Regions,
- member of committees or other bodies set up pursuant to the Treaty on the Functioning of the European Union or the Treaty establishing the European Atomic Energy Community for the purposes of managing the Union's funds or carrying out a permanent direct administrative task,

Commented [EGJW72]: Who cannot be a Member of the European Parliament.

- member of the Board of Directors, Management Committee or staff of the European Investment Bank,
- active official or servant of the institutions of the European Union or of the specialised bodies attached to them or of the European Central Bank.

2. Each Member State may adopt additional national rules concerning incompatibility with the office of member of the European Parliament.

3. Members of the European Parliament to whom paragraphs 1 and 2 become applicable in the course of the parliamentary term, shall be replaced in accordance with Article 26.

COMP U on Article 25

Article 25

External parliamentary activities

Upon election, Members of the European Parliament shall designate the municipality and, where applicable, region, within their Member State of residence, from which they will conduct external parliamentary activities.

Commented [EGJW73]: This is a strange one. While you are elected by all European citizens, you still have to choose one single city or region, from which you will carry out your job. We would have hoped that all Members of the European Parliament, no matter whether elected nationally or European-wide should have the right to work from all cities and regions across the Union to represent all Europeans and not just some.

COMP V on Article 26

Covering AMs 633, 634

Article 26

Personal and independent vote

1. Members of the European Parliament shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.

2. Members of the European Parliament shall enjoy the privileges and immunities applicable to them by virtue of Protocol No 7 on the privileges and immunities of the European Union, annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, from the moment when their election to the European Parliament is officially declared.

Commented [EGJW74]: MEPs are only accountable to themselves in the way they vote and carry out their function. This ensures that they are independent and should not take orders from national or European political leaders when writing or voting on legal texts.

COMP W on Article 27

Covering AM 643, 648, 649

Article 27

Vacancies

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of that member's resignation or death, or due to the withdrawal of his or her mandate.

1a. In the event of death, resignation, or withdrawal of the mandate of a Member of the European Parliament elected in the Union-wide constituency, the President of the European Parliament shall immediately inform the European Electoral Authority

The vacancy shall be filled by the next candidate in the list of candidates in which the member who has died, resigned or withdrawn was originally elected.

2. Subject to the other provisions of this Regulation, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the parliamentary term, for the remainder of that period.

3. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall inform the European Parliament thereof.

4. Where a seat falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned and the Authority thereof.

5. Where Parliament declares a vacancy of a seat of a Member elected from the Union-wide constituency, the President shall inform the European Electoral Authority thereof and invite it to fill the seat for the remainder of the mandate without delay.

Vacancies of seats of Members of the European Parliament elected from the Union-wide constituency shall be filled by the next candidate in the relevant list, according to the order of precedence.

5a. The Parliament may, at the request of the Member concerned, and with the agreement of the Member State concerned or the European Electoral Authority, propose a temporary replacement of the concerned Member in case of maternity, paternity or parental leave or in the case of leave due to a severe illness.

When a seat falls temporarily vacant for any of the reasons set out in the first subparagraph the member concerned shall be temporarily replaced for a period of 16 weeks by the next candidate on the relevant list, who may decide whether or not to fill the vacancy. A refusal to fill the vacancy does not entail the loss of the position in the relevant list for future vacancies. The 16 weeks' period may be renewed.

Commented [EGJW75]: New element: This regulates how MEPs are replaced in case they decide to leave their mandate, resign, withdraw or die. All these elements are very standard. But a **new element** has been introduced under paragraph 5a.

Commented [EGJW76]: For the first time, MEPs can be temporarily replaced. They can do this only if they officially request paternity, parental or maternity leave or have a severe illness that prevents them from carrying out their mandate.

COMP Wa NEW on the deletion of Article 28 of the draft report

Covering AMs 708, 709, 710

Article 28

Amendment to Regulation (EU, Euratom) No 1141/2014

Regulation (EU, Euratom) No 1141/2014 is amended as follows:

in Article 21, paragraph 1 is replaced by the following:

~~“1. Subject to the second subparagraph, the funding of European political parties from the general budget of the European Union or from any other source may be used to finance campaigns conducted by the European electoral entities in the context of elections to the European Parliament in which they or their members participate.~~

~~In accordance with Article 16 of Council Regulation ... on the election of the members of the European Parliament by direct universal suffrage, the funding and possible limitation of election expenses for all political parties, candidates and third parties in the national constituencies, in addition to their participation in elections to the European Parliament, is governed in each Member State by national provisions.”~~

COMP X on Article 28

Covering AM 658, 664, 676, 679, 680, 683, 687, 689, 691, 695, 704, 705

Article 28

European Electoral Authority

1. A European Electoral Authority (the “European Electoral Authority”) is hereby established for the purpose of :

- (a) ensuring the correct implementation of this Regulation as well as conducting and monitoring the electoral process of the Union-wide constituency;
- (b) defining the procedure applicable to complaints under Article 10(2) as regards the Union-wide constituency;
- (c) exercising all the functions related to the electoral process of the Union-wide constituency and liaise with the contact authorities referred to in Article 18;
- (d) verifying that the European electoral entities meet the conditions for submitting Union-wide lists in accordance with Article 15;
- (e) managing the European electoral roll established in Article 9;
- (f) proclaiming the electoral results in accordance with Article 20 ;

Commented [EGJW77]: New element, new European authority! While national constituencies have national “contact” authorities, the EU-wide constituency and the rules manifested in this Regulation also need a body to oversee that the rules are correctly applied and implemented. Hence the EEA is created.

Her tasks, her staff and her funding are regulated in Article 28.

(g) ruling on any disputes which may arise out of the provisions of this regulation other than those arising out of the national provisions to which this regulation refers.

The Authority may also provide assistance in case of difficulties related to the interpretation of the lists submitted by the national authorities.

2. The European Electoral Authority shall be independent and shall exercise its functions in full compliance with this Regulation.

3. The European Electoral Authority shall proclaim the Union-wide lists eleven weeks before the Election day.

It shall establish and manage a Register of the different Union-wide lists submitted by the European electoral entities. The information on the register shall be made public.

In its decisions, the European Electoral Authority shall give full consideration to the fundamental rights to vote and to stand as a candidate.

3. Each Member State shall appoint one member of the European Electoral Authority, selected from professors of law or political science and other experts in electoral systems on the basis of their professional qualities and respecting gender balance. The members of the European Electoral Authority will elect its president, vice-president, and secretary by simple majority, in separate votes. The European Electoral Authority shall endeavour to take decisions by consensus. If it is not possible to take a decision by consensus, the European Electoral Authority shall decide by a simple majority vote.

All members of the European Electoral Authority shall be independent in the performance of their duties. They shall neither seek nor take instructions from any institution or government or from any other body, office or agency. They shall not be members or former members of the European Parliament, national parliaments or national governments. In addition, they shall not hold any electoral mandate, or be officials or other servants of any EU institution or of any European political party or European association of voters, or of any European political foundation.

The members of the European Electoral Authority shall be appointed for a five-year term renewable once.

4. The European Electoral Authority shall be represented by its president who shall ensure the implementation of all decisions of the European Electoral Authority on its behalf.

The president of the European Electoral Authority shall refrain from any act which is incompatible with the nature of his or her duties.

If a member of the European Electoral Authority, including the president no longer fulfils the conditions required for the performance of his or her duties, he or she may be dismissed by a vote supported by at least three fifths of the members of the European Electoral Authority on the basis of a report setting out a reasoned proposal of dismissal.

The five-year term of the Authority shall begin two and a half years after the beginning of the parliamentary term. The European Electoral Authority's first mandate shall begin as soon as possible after the entry into force of this Regulation.

A vacancy in the European Electoral Authority caused by resignation, retirement, dismissal or death shall be filled in accordance with the same procedure as that applicable to the initial appointment.

5. The European Electoral Authority will enjoy legal personality and have the necessary offices, staff, services and administrative support facilities to carry out its functions.

6. The European Electoral Authority shall submit a report to the European Parliament on the organisation of the European elections and on the implementation of this Regulation and the attainment of its aims, within nine months after the European elections.

7. The costs of the European Electoral Authority, including the remuneration of the members, shall be financed by appropriations from the general budget of the Union.

The Budget appropriations shall be sufficient to ensure the full and independent operation of the European Electoral Authority. A draft budgetary plan for the European Electoral Authority shall be submitted to the European Parliament by its president, and shall be made public. The European Parliament shall delegate the duties of Authorising Officer with respect to those appropriations to the president of the European Electoral Authority.

Article 29

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Commented [EGJW78]: Technical specifications to ensure that the work the Commission has to do is clear and targeted.

Article 30

Repeal

1. The Act concerning the election of the members of the European Parliament by direct universal suffrage, as well as Council Decision (76/787/ECSC, EEC, Euratom) laying down that Act, is repealed.

2. References to the repealed Act shall be construed as references to this Regulation.

Commented [EGJW79]: Very important element as it repeals the 40 year old electoral law act. This manifests that the rules outlined in this text are those that will be used to carry out the EU elections.

COMP Y on Article 31

Covering 723

Article 31

Review clause

No later than one year after each European election, the European Parliament shall, after consultation with the Authority, present a report on the overall functioning of this Regulation accompanied, if appropriate, by a legislative proposal to amend this Regulation.

Commented [EGJW80]: Very important element: the laws we write are not set in stone and not made for eternity. It is therefore important that after each election, the rules governing the way our European democracy are reviewed and if considered necessary revisited by opening all or only aspects of the rules so as to continuously improve and adapt them to changing circumstances.

Article 32

Entry into force

1. This Regulation shall take effect on the first day of the month following that of its approval by the Member States, in accordance with their respective constitutional requirements.
2. Member States shall notify the General Secretariat of the Council of the completion of their national procedures.

Commented [EGJW81]: Makes sure that the text goes live once it has been approved by everyone.

COMP Z on Annex I, Annex II, and Annex III

ANNEX I. TABLE - 27 EU MEMBER STATES BY POPULATION CATEGORIES

Categories	Member State	Total population
Group A (37,9 million - 83,1 million)	Germany	83.166.711
	France	67.320.216
	Italy	59.641.488
	Spain	47.332.614
	Poland	37.958.138
Group B (6,9 million - 19,3 million)	Romania	19.328.838
	Netherlands	17.407.585
	Belgium	11.522.440
	Greece	10.718.565
	Czechia	10.693.939
	Sweden	10.327.589
	Portugal	10.295.909
	Hungary	9.769.526
	Austria	8.901.064
Bulgaria	6.951.482	
Group C (05, million - 5,8 million)	Denmark	5.822.763
	Finland	5.525.292
	Slovakia	5.457.873
	Ireland	4.964.440
	Croatia	4.058.165
	Lithuania	2.794.090
	Slovenia	2.095.861
	Latvia	1.907.675
	Estonia	1.328.976
	Cyprus	888.005
	Luxembourg	626.108
	Malta	514.564

ANNEX II. PRACTICAL EXAMPLE OF UNION-WIDE LIST USING THE THREE CATEGORIES GROUPS WITH 28 SEATS

A1, A2, A3, A4, A5, B1, B2, B3, B4, B5, B7, B8, B9, B10, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12 are examples of candidates from the Union’s Member States by population categories

Example of transnational list		
Sections	Slot number	Candidates from
Section 1	1	A1
	2	B7
	3	C7
Section 2	4	B10
	5	C5
	6	A3
Section 3	7	A2
	8	C3
	9	B7
Section 4	10	B5
	11	C3
	12	A4
Section 5	13	A5
	14	C12
	15	B9
Section 6	16	A4
	17	A2
	18	B2
Section 7	19	B3
	20	A1
	21	B8
Section 8	22	C1
	23	C2
	24	B4
Section 9	25	A5
	26	C8
	27	B1
Section 10	28	B7

ANNEX III. PRACTICAL EXAMPLE - D'HONT METHOD

Practical example: 1.000.000 valid votes cast in a constituency that elects 5 deputies.

A (350.000 votes), B (300.000 votes), C (150.000 votes), D (100.000 votes), E (70.000 votes), F (30.000 votes)

Division	1	2	3	4	5
A	350.000	175.000	116.666	87.500	70.000
B	300.000	150.000	100.000	75.000	60.000
C	150.000	75.000	50.000	37.500	30.000
D	100.000	50.000	33.333	25.000	20.000
E	70.000	35.000	23.333	17.500	14.000
F	30.000	15.000	10.000	7.500	6.000

In consequence, A obtains 2 seats, B obtains 2 seats and C obtains 1 seat.