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P8_TA(2015)0395

Reform of the electoral law of the EU**European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035(INL))**

(2017/C 366/02)

The European Parliament,

- having regard to the Act concerning the election of the members of the European Parliament by direct universal suffrage ('the Electoral Act') annexed to the Council decision of 20 September 1976 as amended ⁽¹⁾, in particular Article 14 thereof,
- having regard to the Treaties and in particular to Articles 9, 10, 14 and 17(7) of the Treaty on European Union (TEU) and to Articles 22, 223(1) and 225 of the Treaty on the Functioning of the European Union (TFEU), and to Article 2 of Protocol No 1 on the role of national parliaments in the European Union,
- having regard to Protocol No 7 on the Privileges and Immunities of the European Union,
- having regard to its previous resolutions on the European Parliament's electoral procedure, and in particular its resolution of 15 July 1998 on a draft electoral procedure incorporating common principles for the election of Members of the European Parliament ⁽²⁾, its resolution of 22 November 2012 on the elections to the European Parliament in 2014 ⁽³⁾ and its resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 ⁽⁴⁾,
- having regard to its resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections ⁽⁵⁾,
- having regard to Commission Recommendation 2013/142/EU of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament ⁽⁶⁾,
- having regard to the Commission communication of 8 May 2015 entitled 'Report on the 2014 European Parliament elections' (COM(2015)0206),
- having regard to the European Added Value Assessment on the Reform of the Electoral Law of the European Union ⁽⁷⁾,
- having regard to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission ⁽⁸⁾,
- having regard to 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 ⁽⁹⁾,

⁽¹⁾ Council Decision 76/787/ECSC, EEC, Euratom (OJ L 278, 8.10.1976, p. 1) as amended by Council Decision 93/81/Euratom, ECSC, EEC (OJ L 33, 9.2.1993, p. 15) and by Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1).

⁽²⁾ OJ C 292, 21.9.1998, p. 66.

⁽³⁾ Texts adopted, P7_TA(2012)0462.

⁽⁴⁾ Texts adopted, P7_TA(2013)0323.

⁽⁵⁾ Texts adopted, P7_TA(2013)0082.

⁽⁶⁾ OJ L 79, 21.3.2013, p. 29.

⁽⁷⁾ PE 558.775 ([http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/558775/EPRS_IDA\(2015\)558775_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/558775/EPRS_IDA(2015)558775_EN.pdf))

⁽⁸⁾ OJ L 304, 20.11.2010, p. 47.

⁽⁹⁾ OJ L 329, 30.12.1993, p. 34.

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- having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations ⁽¹⁾, and in particular Articles 13, 21 and 31 thereof,
 - having regard to the Charter of Fundamental Rights of the European Union (Charter), and in particular Articles 11, 23 and 39 thereof,
 - having regard to Rules 45 and 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A8-0286/2015),
- A. whereas Article 223 TFEU gives the European Parliament the right to initiate the reform of its own electoral procedure, with the aim of drawing up a uniform procedure which applies throughout the Union or a procedure that is based on principles common to all the Member States, and to give its consent thereto;
- B. whereas the reform of the European Parliament's electoral procedure should aim to enhance the democratic and transnational dimension of the European elections and the democratic legitimacy of the Union decision-making process, reinforce the concept of citizenship of the Union, improve the functioning of the European Parliament and the governance of the Union, make the work of the European Parliament more legitimate, strengthen the principles of electoral equality and equal opportunities, enhance the effectiveness of the system for conducting European elections, and bring Members of the European Parliament closer to their voters, in particular the youngest amongst them;
- C. whereas the reform of the electoral procedure must respect the principles of subsidiarity and proportionality and should not seek to impose uniformity for its own sake;
- D. whereas the possibility of developing a uniform electoral procedure based on direct universal suffrage has been enshrined in the Treaties since 1957;
- E. whereas the steadily decreasing turnout in European elections, in particular among the youngest voters, and voters' lack of interest in European issues is posing a threat to the future of Europe, and whereas there is therefore a need for ideas that will help to revive European democracy;
- F. whereas a genuine harmonisation of the procedure for elections to the European Parliament in all the Member States could better promote the right of all Union citizens to participate, on an equal basis, in the democratic life of the Union, while strengthening the political dimension of European integration;
- G. whereas the European Parliament's competencies have been gradually increasing since the first direct elections in 1979, and whereas the European Parliament now has equal status as co-legislator with the Council in most of the Union's policy areas, most notably as a result of the entry into force of the Treaty of Lisbon;
- H. whereas the Treaty of Lisbon changed the mandate of Members of the European Parliament, making them direct representatives of the Union's citizens ⁽²⁾ instead of 'representatives of the peoples of the States brought together in the Community' ⁽³⁾;
- I. whereas the only reform of the Electoral Act itself took place in 2002 as a result of the adoption of Council Decision 2002/772/EC, Euratom ⁽⁴⁾, which requires the Member States to conduct the elections on the basis of proportional representation using a list system or a single transferable vote system and which abolished the dual mandate for Members of the European Parliament; whereas, furthermore, Member States were expressly granted the right to establish constituencies at national level and to introduce a national threshold not exceeding 5 % of the votes cast;

⁽¹⁾ OJ L 317, 4.11.2014, p. 1.

⁽²⁾ Articles 10(2) and 14(2) TEU.

⁽³⁾ Article 189(1) of the Treaty establishing the European Community.

⁽⁴⁾ Council Decision 2002/772/EC, Euratom of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom (OJ L 283, 21.10.2002, p. 1).

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- J. whereas a comprehensive agreement on a truly uniform electoral procedure has not yet been achieved, though some convergence of electoral systems has taken place gradually, inter alia as a result of the adoption of secondary legislation, such as Council Directive 93/109/EC;
- K. whereas the concept of citizenship of the Union, formally introduced into the constitutional order by the Treaty of Maastricht in 1993, includes the right of Union citizens to participate in European and municipal elections in their Member States, and in their State of residence under the same conditions as nationals of that State ⁽¹⁾; whereas the Charter, to which the Treaty of Lisbon gave binding legal force, has reinforced that right;
- L. whereas despite these reforms, European elections are still governed for the most part by national laws, electoral campaigning remains national, and European political parties cannot sufficiently fulfil their constitutional mandate and 'contribute to forming European political awareness and to expressing the will of citizens of the Union' as required by Article 10(4) TEU;
- M. whereas European political parties are best placed to 'contribute to forming European political awareness' and should therefore play a stronger role in the campaigns for Parliament elections in order to improve their visibility and to show the link between a vote for a particular national party and the impact it has on the size of a European political group in the European Parliament;
- N. whereas the procedure for nominating candidates for elections to the European Parliament varies considerably from Member State to Member State and from party to party, in particular as regards transparency and democratic standards, while open, transparent and democratic procedures for the selection of candidates are essential for building trust in the political system;
- O. whereas the deadlines for finalising electoral lists ahead of European elections vary greatly among Member States, currently ranging from 17 days to 83 days, and this puts candidates and voters across the Union in an unequal position when it comes to the time they have to campaign or to reflect on their voting choice;
- P. whereas the deadlines for finalising the electoral roll ahead of European elections vary greatly among Member States and may render the exchange of information between Member States on voters (which is aimed at the avoidance of double voting) difficult, if not impossible;
- Q. whereas the establishment of a joint constituency in which lists are headed by each political family's candidate for the post of President of the Commission would greatly strengthen European democracy and legitimise further the election of the President of the Commission;
- R. whereas the existing European electoral rules allow for a non-obligatory threshold of up to 5 % of votes cast to be set for European elections, and whereas 15 Member States have availed themselves of this opportunity and have introduced a threshold of between 3 % and 5 %; whereas in smaller Member States, and in Member States that have subdivided their electoral area into constituencies, the de facto threshold nevertheless lies above 3 %, even though no legal thresholds exist; whereas introducing obligatory thresholds is recognised by constitutional tradition as a legitimate means of guaranteeing that parliaments are able to function;
- S. whereas, although Article 10(2) of the Electoral Act expressly prohibits the early publication of the results of elections, such results have been made public in the past; whereas a harmonised time for the close of polling in all Member States would contribute strongly to the common European character of the European elections and would reduce the possibility of their outcome being influenced if election results in some Member States are made public before the close of polling in all Member States;

⁽¹⁾ Article 20(2) TFEU.

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- T. whereas first official projections of the electoral results should be announced simultaneously in all Member States on the last day of the election period at 21:00 hours CET;
- U. whereas establishing a common European voting day would better reflect common participation by citizens across the Union, reinforce participatory democracy and help create a more coherent pan-European election,
- V. whereas the Lisbon Treaty established a new constitutional order by granting the European Parliament the right to elect the President of the European Commission ⁽¹⁾ instead of merely giving its consent; whereas the 2014 European elections set an important precedent in this respect and have shown that nominating lead candidates increases the interest of citizens in European elections;
- W. whereas the nomination of lead candidates for the office of President of the European Commission provides a link between votes cast at national level and the European context and enables Union citizens to make informed choices between alternative political programmes; whereas the designation of lead candidates by open and transparent procedures reinforces democratic legitimacy and strengthens accountability;
- X. whereas the procedure for the nomination and selection of lead candidates for that office is a strong expression of European democracy; whereas, furthermore, it should be an integral part of the election campaigns;
- Y. whereas the deadline for the nomination of candidates by European political parties should be codified in the Electoral Act and whereas the lead candidates for the office of President of the Commission should be candidates in the elections to the European Parliament;
- Z. whereas not all Member States afford their citizens the possibility of voting from abroad, and among those that do, the conditions for deprivation of the right to vote vary greatly; whereas granting all Union citizens residing outside the Union the right to participate in elections would contribute to electoral equality; whereas, however, Member States need to coordinate their administrative systems better in order to prevent voters from voting twice in two different Member States;
- AA. whereas at least 13 Member States do not have in place adequate internal rules precluding citizens of the Union who have dual nationality of Member States from voting twice, in breach of Article 9 of the Electoral Act;
- AB. whereas an electoral authority, acting as a network of Member States' single contact authorities, should be set up at Union level, as it would facilitate access to information on the rules governing the European elections as well as streamlining the process and enhancing the European character of those elections; whereas, therefore, the Commission is called upon to explore the practical arrangements necessary to establish such an authority at Union level;
- AC. whereas the minimum age for eligibility to stand as a candidate across the 28 Member States varies between 18 and 25, and the minimum age for eligibility to vote ranges from 16 to 18, due to the divergent constitutional and electoral traditions in the Member States; whereas harmonisation of the voting age, and of the minimum age for candidates, would be highly desirable as a means of providing Union citizens with real voting equality, and would enable discrimination to be avoided in the most fundamental area of citizenship, namely the right to participate in the democratic process;
- AD. whereas the official establishment and consolidation of political parties at Union level are fostering the development of European political awareness and giving expression to the wishes of Union citizens, and whereas this has also facilitated the process of gradually bringing electoral systems closer together;

⁽¹⁾ Article 17(7) TEU.

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- AE. whereas postal, electronic and internet voting could make the conduct of European elections more efficient and more appealing for voters, provided that the highest possible standards of data protection are ensured;
- AF. whereas in most Member States, members of the executive can seek election to the national parliament without having to discontinue their institutional activity;
- AG. whereas despite continuous progress since 1979 in terms of balance between women and men in the distribution of seats, there remain considerable divergences in this regard between Member States, with 10 of them having a level lower than 33 % accounted for by the less represented gender; whereas the current composition of the European Parliament, comprising as it does only 36,62 % women, falls short of the values and objectives of gender equality championed in the Charter;
- AH. whereas equality between women and men must be achieved, as one of the founding values of the Union, while only very few Member States have incorporated this principle in their national electoral laws; whereas gender quotas in political decision-making and zipped lists have proved to be highly effective tools in addressing discrimination and gender power imbalances and improving democratic representation on political decision-making bodies;
- AI. whereas the principle of degressive proportionality enshrined in the TEU has contributed significantly to the common ownership of the European project between all Member States,
1. Decides to reform its electoral procedure in good time before the 2019 elections, with the aim of enhancing the democratic and transnational dimension of the European elections and the democratic legitimacy of the EU decision-making process, reinforcing the concept of citizenship of the Union and electoral equality, promoting the principle of representative democracy and the direct representation of Union citizens in the European Parliament, in accordance with Article 10 TFEU, improving the functioning of the European Parliament and the governance of the Union, making the work of the European Parliament more legitimate and efficient, enhancing the effectiveness of the system for conducting European elections, fostering common ownership among citizens from all Member States, enhancing the balanced composition of the European Parliament, and providing for the greatest possible degree of electoral equality and participation for Union citizens;
 2. Proposes that the visibility of European political parties be enhanced by placing their names and logos on the ballot papers, and recommends that the same should also appear on television and radio campaign broadcasts, posters and other material used in European election campaigns, especially the manifestos of national parties, since those measures would render European elections more transparent and improve the democratic manner in which they are conducted, as citizens will be able to link their vote clearly with the impact it has on the political influence of European political parties and their ability to form political groups in the European Parliament;
 3. Considers at the same time, in the light of the Union's commitment to subsidiarity, that regional political parties competing in European elections should follow the same practice and that regional authorities should be encouraged to use officially recognised regional languages in that context;
 4. Encourages Member States to facilitate the participation of European political parties, as well as their lead candidates, in electoral campaigns, particularly on television and in other media;
 5. Determines to set a common minimum deadline of 12 weeks before election day for the establishment of electoral lists, in order to enhance electoral equality by providing candidates and voters across the Union with the same period in which to prepare and reflect ahead of the vote; encourages Member States to reflect upon ways to ensure greater convergence between rules governing electoral campaigns regarding European elections;
 6. Deems it essential that political parties at all levels adopt democratic and transparent procedures for the selection of candidates; recommends that national parties hold a democratic vote to select their candidates for European elections;

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7. Suggests the introduction of an obligatory threshold, ranging between 3 % and 5 %, for the allocation of seats in single-constituency Member States and constituencies in which the list system is used and which comprise more than 26 seats; considers this measure to be important for safeguarding the functioning of the European Parliament, since it will avoid further fragmentation;
8. Proposes, despite the fact that Member States are free to determine the day(s) of the elections within the electoral period, that elections in all Member States end by 21:00 hours CET on the Sunday of the European elections, as this would ensure the correct application of Article 10(2) of the Electoral Act and thus reduce the possibility of the outcome of the elections being influenced if the election results in some Member States are made public before the close of polling in all Member States; advocates that the ban on early announcement of the election results should remain in force in all Member States;
9. Determines to set a common deadline for the nomination of lead candidates by European political parties 12 weeks in advance of European elections, so as to enable their electoral programmes to be presented, political debates between the candidates to be organised and Union-wide electoral campaigns to be mounted; considers that the process of nomination of lead candidates constitutes an important aspect of electoral campaigns due to the implicit link between the results of European elections and the selection of the Commission President as enshrined in the Treaty of Lisbon;
10. Determines to set a common deadline of eight weeks for finalisation of the electoral roll and six weeks for information concerning Union citizens with dual nationality and Union citizens living in another Member State to be exchanged with the national single authority in charge of the electoral roll;
11. Suggests that the integrity of elections should be bolstered by limiting campaign expenditure to a reasonable amount that allows adequate presentation of political parties, candidates and their election programmes;
12. Proposes that all Union citizens, including those living or working in a third country, be granted the right to cast their vote in elections to the European Parliament; considers that this would finally give all Union citizens the same right to vote in European elections under the same conditions, irrespective of their place of residence or citizenship;
13. Calls on Member States, however, to coordinate their administrative systems better in order to prevent voters from voting twice in two different Member States;
14. Encourages Member States to allow postal, electronic and internet voting in order to increase the participation of, and to make voting easier for, all citizens, and especially for people with reduced mobility and for people living or working in a Member State of which they are not a citizen or in a third country, provided that necessary measures are taken to prevent any possible fraud in the use of voting by those means;
15. As a future step, recommends to Member States that they should consider ways to harmonise the minimum age of voters at 16, in order to further enhance electoral equality among Union citizens;
16. Calls for a review of the Framework Agreement on relations between the European Parliament and the European Commission, with a view to adapting the rules on Commissioners seeking election to the European Parliament, in order not to impede the institutional efficiency of the Commission in times of elections, while avoiding the misuse of institutional resources;
17. Determines to give Parliament the right to fix the electoral period for elections to the European Parliament after consulting the Council;
18. Encourages Member States to adopt adequate legal frameworks that ensure the highest standards of informative, fair and objective media coverage during the election campaigns, particularly from public service broadcasters; considers this crucial in order to allow Union citizens to make an informed choice about competing political programmes; recognises the significance of self-regulatory instruments such as codes of conduct in achieving this goal;

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19. Calls for the standards intended to ensure free and unfettered competition between political parties to be tightened up and, in particular, for media pluralism and the neutrality of all levels of public administration with regard to the electoral process to be enhanced;
20. Highlights the importance of an increased presence of women in political decision-making and a better representation of women in European elections; consequently, calls on Member States and the institutions of the Union to take all necessary measures to promote the principle of equality between men and women throughout the whole electoral process; emphasises in this connection the importance of gender-balanced electoral lists;
21. Encourages Member States to take measures to promote adequate representation of ethnic, linguistic and other minorities in European elections;
22. Deems it to be desirable to establish an European Electoral Authority that could be tasked with centralising information on the elections for the European Parliament, overseeing the conduct of elections and facilitating the exchange of information between Member States;
23. Determines that the office of Member of the European Parliament should also be incompatible with that of member of a regional parliament or assembly vested with legislative powers;
24. Recalls that, despite recommendations by the Commission, Member States have repeatedly failed to agree on a common voting day; encourages Member States to work towards finding an agreement on this issue;
25. Submits to the Council the annexed proposal for amendment of the Act concerning the election of the Members of the European Parliament by direct universal suffrage ⁽¹⁾;
26. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the parliaments and governments of the Member States.

⁽¹⁾ The amendments in the annexed proposal are based on a consolidation produced by the Legal Service of the European Parliament on the basis of the Act concerning the election of the representatives of the Assembly by direct universal suffrage (OJ L 278, 8.10.1976, p. 5), as amended by Decision 93/81/Euratom, ECSC, EEC amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 33, 9.2.1993, p. 15), and Council Decision 2002/772/EC, Euratom of 25 June 2002 and 23 September 2002 (OJ L 283, 21.10.2002, p. 1). It differs from the consolidated version produced by the Publications Office of the European Union (CONSLEG. 1976X1008-23/09/2002) on two points: it incorporates an indent to Article 7(1) '– member of the Committee of the Regions' resulting from Article 5 of the Treaty of Amsterdam (OJ C 340, 10.11.1997) and is renumbered in accordance with Article 2(1) of Council Decision 2002/772/EC, Euratom.

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ANNEX

Proposal for a
COUNCIL DECISION

adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 223(1) thereof,

Having regard to the proposal from the European Parliament,

After transmission of the draft legislative act to the national parliaments,

Having regard to the consent of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas the Treaty provisions concerning the electoral procedure should be implemented,

HAS ADOPTED the following provisions and recommends that they be approved by the Member States in accordance with their respective constitutional requirements.

Article 1

The Act concerning the election of the Members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom ⁽¹⁾, is amended as follows:

(1) In Article 1, paragraph 1 is replaced by the following:

‘1. In each Member State, members of the European Parliament shall be elected as representatives of the citizens of the Union on the basis of proportional representation, using the list system or the single transferable vote.’

(2) The following article is inserted:

‘Article 2a

The Council decides by unanimity on a joint constituency in which lists are headed by each political family’s candidate for the post of President of the Commission.’

(3) Article 3 is replaced by the following:

‘Article 3

For constituencies, and for single-constituency Member States, in which the list system is used and which comprise more than 26 seats, Member States shall set a threshold for the allocation of seats which shall not be lower than 3 per cent, and shall not exceed 5 per cent, of the votes cast in the constituency, or the single-constituency Member State, concerned.’

⁽¹⁾ Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278, 8.10.1976, p. 1).

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- (4) The following articles are inserted:

‘Article 3a

Each Member State shall set a deadline for the establishment of lists of candidates for election to the European Parliament. That deadline shall be at least 12 weeks before the start of the electoral period referred to in Article 10(1).

Article 3b

The deadline for the establishment and finalisation of the electoral roll shall be eight weeks before the first election day.

Article 3c

Political parties participating in elections to the European Parliament shall observe democratic procedures and transparency in selecting their candidates for those elections.

Article 3d

The list of candidates for election to the European Parliament shall ensure gender equality.

Article 3e

The ballot papers used in elections to the European Parliament shall give equal visibility to the names and logos of national parties and to those of the European political parties.

Member States shall encourage and facilitate the provision of those affiliations in television and radio campaign broadcasts and on electoral campaign materials. Electoral campaign materials shall include a reference to the manifesto of the European political party, if any, to which the national party is affiliated.

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.

Article 3f

European political parties shall nominate their candidates for the position of President of the Commission at least 12 weeks before the start of the electoral period referred to in Article 10(1).’.

- (5) The following articles are inserted:

‘Article 4a

Member States may introduce electronic and internet voting for elections to the European Parliament and, where they do so, shall adopt measures sufficient to ensure the reliability of the result, the secrecy of the vote and data protection.

Article 4b

Member States may afford their citizens the possibility of casting their vote by post in elections to the European Parliament.’.

- (6) In Article 5(1), the second subparagraph is deleted.

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(7) Article 6 is replaced by the following:

‘Article 6

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. They shall represent all Union citizens.

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.’

(8) Article 7 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The office of member of the European Parliament shall be incompatible with that of:

- member of the government of a Member State,
- member of a national or regional parliament or assembly vested with legislative powers,
- member of the 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,
- 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.’;

(b) paragraph 2 is deleted;

(c) paragraph 4 is replaced by the following:

‘4. Members of the European Parliament to whom paragraphs 1 and 3 become applicable in the course of the five-year period referred to in Article 5 shall be replaced in accordance with Article 13.’

(9) The following articles are inserted:

‘Article 9a

All Union citizens, including those living or working in a third country, shall have the right to vote in elections to the European Parliament. Member States shall take the necessary measures to ensure the exercise of this right.

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Article 9b

Each Member State shall designate the contact authority responsible for exchanging data on voters with its counterparts in the other Member States. That authority shall transmit to those counterparts, at the latest six weeks before the first day of the election and via uniform and secure electronic means of communication, data concerning Union citizens who are nationals of more than one Member State and Union citizens who are not nationals of the Member State in which they are residing.

The information transmitted shall include at least the surname and forename, age, city of residence, and date of arrival in the Member State concerned, of the citizen in question.’

(10) Articles 10 and 11 are replaced by the following:

‘Article 10

1. Elections to the European Parliament shall be held on the date or dates and at the times fixed by each Member State. For all Member States the date or dates shall fall within the same period starting on a Thursday morning and ending on the following Sunday. The election shall end in all Member States by 21:00 hours CET on that Sunday.

2. Member States shall not officially make public the results of their count until after the close of polling. First official projections of the results shall be communicated simultaneously in all Member States at the end of the electoral period specified in paragraph 1. Prior to this no exit poll-based forecasts may be published.

3. The counting of postal votes shall begin in all Member States once the polls have closed in the Member State whose voters vote last within the electoral period referred to in paragraph 1.

Article 11

1. The European Parliament, after consulting the Council, shall determine the electoral period for the elections at least one year before the end of the five-year term referred to in Article 5.

2. Without prejudice to 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 end of the electoral period.’

(11) Articles 14 and 15 are replaced by the following:

‘Article 14

Measures to implement this Act shall be proposed by the European Parliament, acting by a majority of its component members, and adopted by the Council, acting by a qualified majority, after consulting the Commission and obtaining the consent of the European Parliament.

Article 15

This Act is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all the texts being equally authentic.

Pursuant to Accession Treaties, the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian versions of this Act shall also be authentic.’

(12) Annexes I and II are deleted.

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Article 2

1. The amendments laid down in Article 1 shall take effect on the first day of the month following the approval of the provisions of this Decision by the Member States, in accordance with their respective constitutional requirements.
2. The Member States shall notify the General Secretariat of the Council of the completion of their national procedures.

Article 3

This decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council

The President
