



**SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS**

**POLITICAL CONTRIBUTION
ON THE PROPOSAL OF THE EUROPEAN PARLIAMENT FOR A COUNCIL
DECISION ADOPTING THE PROVISIONS AMENDING THE ACT CONCERNING
THE ELECTION OF THE MEMBERS OF THE EUROPEAN PARLIAMENT BY
DIRECT UNIVERSAL SUFFRAGE**

20 April 2016 No. 100-S-8

Vilnius

The Committee on European Affairs,

having examined the Proposal of the European Parliament for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage (2015/0907/APP) (hereinafter referred to as the Proposal), annexed to the European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035 (INL)),

having noted the position of the Ministry of Foreign Affairs regarding the Proposal (No. POZ-9),

having examined the opinions of the Ministry of Justice, the European Law Department under the Ministry of Justice of the Republic of Lithuania, the Central Electoral Commission, and the Legal Department of the Office of the Seimas concerning the Proposal,

supporting the conclusions of the Committee on State Administration and Local Authorities and the Committee on Legal Affairs of the Seimas regarding the Proposal, and *noting* that the conclusions of the Committee on Legal Affairs of 27 January 2016 emphasised that the Proposal was in conflict with the principles of subsidiarity and proportionality under Article 5 of the Treaty on European Union and Protocol No. 2 on the Application of the Principles of Subsidiarity and Proportionality,

having considered the disapproving opinions on the Proposal, submitted by the political groups of the Seimas, namely, the Lithuanian Social Democratic Party Political Group, the Lithuanian Poles' Electoral Action Political Group, the Order and Justice Political Group, the Homeland

Union – Lithuanian Christian Democrat Political Group, the Labour Party Political Group, and the Group of Non-attached Members of the Seimas,

consistently adhering to the position set out in the conclusions of the Committee on European Affairs of 3 February 2016 on possible breach of the principle of subsidiarity of the Proposal, where the Committee emphasises that some provisions of the Proposal may have a significant impact on national regulation, and expresses doubts as regards the interaction between the Proposal, which aims to establish a uniform procedure for elections to the European Parliament, on the one hand, and the national administration of the electoral process, on the other,

recalling the opinion adopted by the Committee on European Affairs on 2 April 2014 on the statute and funding of European political parties and political foundations, whereby the Committee welcomed the initiative to strengthen the activities of the European political parties and representative democracy at the EU level,

1. considers that the objectives of the Proposal – to reinforce democratic legitimacy of the Union decision-making process; to enhance the democratic and transnational dimension of the European elections and the concept of citizenship of the Union; to stimulate voter interest in the European elections and move towards a more effective system for conducting European elections – may be worthy of support, but doubts whether all the proposed measures can contribute to effective achievement of the pursued objectives;
2. takes the view that the Proposal fails to sufficiently clearly define and substantiate the concepts of a joint constituency and political family, thus making the interaction between the political family lists and national party lists of candidates unclear; furthermore, there is lack of clarity on how to ensure the election of the established number of members to the European Parliament in every Member State, as provided for in the Treaties, and how to guarantee adequate representation of small Member States;
3. has doubts whether the aim of the Proposal to ensure that members of the European Parliament represent all Union citizens would not lead to even greater alienation of voters in EU Member States from the European elections;
4. notes that the provision on harmonisation of the minimum age of voters under paragraph 15 of the European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union is in conflict with provision on the voting age of the citizens of Lithuania stipulated in the Constitution of the Republic of Lithuania;
5. recognises the EU's need to strengthen the visibility of European political parties and reinforce the development of the pan-European information space with the view to offering more coverage of the political debate during the European Parliament election campaign and more coverage of other EU matters;

6. as for the individual provisions of the Proposal, the Committee takes the view that:

6.1. Article 2a of the Proposal envisaging the establishment of a joint constituency is not substantiated; it is therefore not clear to what extent the provisions of this Article would influence the distribution in electoral lists of seats between Member States, i.e. whether candidates from smaller Member States would not move to the end of the electoral list during preferential voting after the introduction of the joint constituency and joint electoral lists of candidates throughout the EU;

6.2. the provisions of Article 3d of the Proposal on gender equality are not sufficiently clear, i.e. it is unclear how they would be implemented in Member States;

6.3. Article 3f of the Proposal, under which the European political families will put forward their candidates for the post of President of the European Commission, could unduly encroach on prerogatives of the EU institutions; i.e. the provision could limit the discretionary power of the European Council to select a candidate for the post of President of the European Commission in accordance with the procedure laid down in Article 17(7) of the EU Treaty, pursuant to which the European Council proposes to the European Parliament a candidate for President of the Commission, taking into account the elections to the European Parliament and after having held the appropriate consultations;

6.4. Article 9b of the Proposal, which deals with the exchange of information, should be made more specific, so that it meets the data protection requirements and is consistent with other provisions of the Proposal, namely, the provisions under Article 3b;

6.5. Article 11 of the Proposal, under which the European Parliament, after consulting the Council, should determine the electoral period, is legally flawed because it enables the European Parliament to determine the date of its own elections. In addition, the adoption of implementing measures is a matter of discretion of Member States;

6.6. Article 14 of the Proposal suggests modifying the voting rule for the adoption of implementing measures by the Council from unanimity to qualified majority; this alters the role of the European Parliament and possibly reduces the remit of the Council. The Committee therefore believes that the current unanimity voting and the current procedure should be retained;

7. notes that even though elections to the European Parliament inevitably have certain transnational aspects, the organisation of elections lies primarily within the remit of Member States, where a significant role is played by the national legal system, political culture, and democratic traditions. In the meantime, the Proposal aiming to harmonise the electoral system fails to take this into account.

Gediminas Kirkilas

Chair of the Committee