

**Opinion No 4**  
**of the European Union Affairs Committee of the Sejm of the Republic of Poland**  
**on the**  
**“Proposal for a Council Decision on the adoption of provisions amending the Act**  
**concerning the election of Members of the European Parliament by direct universal**  
**suffrage (interinstitutional number 2015/0907 (APP))**  
**adopted on the 19th meeting of 27 January 2016**

The European Union Affairs Committee of the Sejm of the Republic of Poland:

1. Voices its negative opinion on the proposal for a Council Decision on the adoption of provisions amending the Act concerning the election of Members of the European Parliament by direct universal suffrage attached to the European Parliament resolution of 11 November 2015 on the reform of the European Union electoral law (2015/2035 (INL)).
2. The Committee presents the following specific reservations:
  - 1) The proposed solutions stem from the European Parliament’s conviction – expressed in the Resolution – that harmonisation of the rules regulating the process of electing Members of the European Parliament would strengthen the concept of EU citizenship, extend the EP’s mandate, improve its functioning and serve as the basis for raising the European political awareness.
  - 2) The Committee does not share the view that the above-mentioned aims justify additional harmonisation of the EU electoral law.
  - 3) The draft provision enabling the Council to decide on the common (pan-European) electoral constituency, the lists of which open with the names of candidates for the position of the President of the European Commission who belong to particular political “families”, is the cause of major concerns. This provision raises considerable doubts as to its compliance with the Treaty (Article 17(7) of the TEU), due to the fact that it encroaches on the European Council right to propose a candidate for the President of the European Commission.
  - 4) The proposal to present the names and logos of European political parties on ballot papers, during electoral broadcasts and on electoral materials also warrants criticism.
  - 5) The Committee is also critical of the proposal to set the common term for the registration of electoral lists at 12 weeks prior to the date of the elections.
  - 6) The suggestion that parties should adopt “democratic and transparent procedures for the selection of candidates” is unclear and vague and may give rise to doubts as to whether it does not constitute an excessive interference in the political party’s right to freely decide on the composition of its lists of candidates.

- 7) The establishment of uniform deadlines for the closure of electoral registers constitutes an excessive interference in the national electoral systems and would prevent the voters who attain the voting age later than 8 weeks prior to the date of the elections from casting their vote.
  - 8) Recommendations advising the Member States to consider the possibility of introducing electronic and on-line voting and recommendations on decreasing and harmonising the voting age are considered to stem from excessive willingness to regulate. Such decisions should be taken solely at the Member States discretion.
  - 9) The Committee is critical of the attempt to impose the principle of gender parity with regard to electoral rolls and of the recommendations on the introduction of parities for ethnic, linguistic and other minorities. Adoption of any potential regulations in this field should remain the exclusive competence of the Member States.
  - 10) The proposal to establish a European electoral management body responsible for aggregating voters' data and for exercising at least partial supervision over the conduct of the elections is unfounded.
3. The Committee shall communicate this opinion to the President of the European Parliament, the President of the European Commission, the President of the European Council and the President of the Council of the European Union.

Chair of the Committee

Izabela Kloc