



Ms Roberta Metsola
The European Parliament
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Belgium.

Reasoned opinion regarding the European Parliament's proposals for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage

01 July 2022

Dear Ms Metsola,

On 19 May 2022, the Danish Parliament received the European Parliament's proposals for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage repealing existing election regulations dating back to 1976 to create a more uniform procedure for elections in individual Member States, improve the transparency and democratic accountability of the European Parliament, and increase voter turnout at European Parliamentary elections.

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On 23 June 2022, the European Affairs Committee of the Danish Parliament debated the proposals and considered whether they comply with the principle of subsidiarity laid down in TEU Article 5(3). Under the principle of subsidiarity, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can be better achieved via measures taken at Union level. Moreover, the institutions of the Union are obliged to substantiate the need for legislative measures at Union level and draw up a detailed statement supported by qualitative and, if possible, quantitative indicators making it possible to appraise compliance with the principle of subsidiarity.

The European Affairs Committee supports the objectives of the proposals to increase the transparency and democratic accountability of the European Parliamentary elections and encourage a larger voter turnout at these elections. The European Affairs Committee also believes it positive that the proposals seek to give all citizens, including persons with disabilities, equal access to participate in elections.



However, the Committee finds that multiple elements of the European Parliament's proposals could be better achieved via national legislation than at Union level, and therefore that these elements do not comply with the principle of subsidiarity.

Firstly, this applies to the proposal to introduce a common minimum voting age at European Parliamentary elections of 16 years. The European Affairs Committee believes that the minimum voting age should correlate with the age of majority in individual Member States and is therefore best regulated by the EU Member States individually in line with respective Member States' national electoral traditions and national legislation. Furthermore, with regard to this particular element, the European Parliament's proposals will not create uniform legislative standards as the provision regarding a minimum voting age of 16 years will only apply to Member States where the minimum voting age is laid down elsewhere than in the constitution. In Denmark, the minimum age for voting in the European Parliamentary elections is established by ordinary legal tenets, not by the Constitutional Act of Denmark.

Secondly, the European Affairs Committee believes that the European Parliament's proposals go too far in pursuit of establishing common regulations for the conduct of European Parliamentary elections. Member States should have significant powers to establish detailed regulations for the conduct of elections to concur with national electoral traditions and practices.

Among other objections, the Committee believes it important that the internal organisation of political parties is not regulated at Union level, e.g. the EU should not determine which issues political parties should consider when assembling lists of candidates to the European Parliament. Every political party should be responsible for determining how its own candidates are selected. Nor is there a need at Union level to lay down common provisions regarding election campaigns, including when political parties may embark on election campaigns and the content of their election campaign material. Furthermore, the Committee cannot support the proposal that would allow the EU legislature to prohibit opinion polls among voters in the final 48 hours before election day.

Thirdly, the Committee wishes to point out that the European Parliament's draft version of the legislative act does not include the prerequisite justification for regulation at Union level, as laid down in Article 5 of the Treaty on Eu-



European Union on the application of the principles of subsidiarity and proportionality. The European Parliament neither justifies why the proposal best meets its purpose by means of uniform EU regulations, nor provides the prerequisite detailed statement of the proposals' implications that shall make it possible to appraise compliance with the principles of subsidiarity and proportionality. Among other issues, the financial impacts of the proposal are unclear. On this basis, the European Affairs Committee encourages the European Parliament to draw up the required statement regarding these proposals so that their financial, legal and administrative impact can be appraised.

Yours sincerely,

Eva Kjer Hansen
Chair, the European Affairs Committee of the Danish Parliament