

**Opinion**  
**of the Foreign and European Union Affairs Committee of the Senate**  
**of the Republic of Poland**  
**on the proposal for a decision of the Council adopting the provisions amending the Act**  
**concerning the election of the members of the European Parliament by direct universal**  
**suffrage**

**adopted at the meeting of 17 February 2016**

1. The Foreign and European Union Affairs Committee of the Senate of the Republic of Poland (FEUAC) draws attention to the fact that the European Parliament, when transmitting its proposal for a decision of the Council, failed to meet the obligations following from Protocol (No 2) on the application of the principles of subsidiarity and proportionality. The proposal has not been explicitly transmitted to the parliaments with an indication of the deadline for submitting a reasoned opinion. Moreover, in the opinion of the FEUAC, the substantiation of the proposal is not sufficient from the point of view of its compliance with the subsidiarity principle.

2. The FEUAC does not endorse the proposal of establishing a joint constituency. The compliance of this proposal with Art. 14 (1) and Art. 17 of the TEU seems doubtful. Moreover, this provision is very general and it is not clear how the balance between the candidates representing different Member States would be ensured and how remedying the obvious overbalance on the joint list of the candidates from the Member States with the greatest number of voters would be guaranteed.

3. The FEUAC also considers that several provisions should be redrafted in more detail and should be adapted to a greater extent to the traditions of Member States. This includes among others:

- too long a period between finalising the electoral rolls and the election day, which is not conducive to adjusting the electoral rolls to reality;
- the requirement to indicate “logos” on ballot papers, which, in the opinion of the FEUAC, is an excessive requirement;
- the obligation for each Member State to transmit data of persons who are nationals of more than one Member State.