

EUROPEAN PARLIAMENT

# Elections to the European Parliament by direct universal suffrage

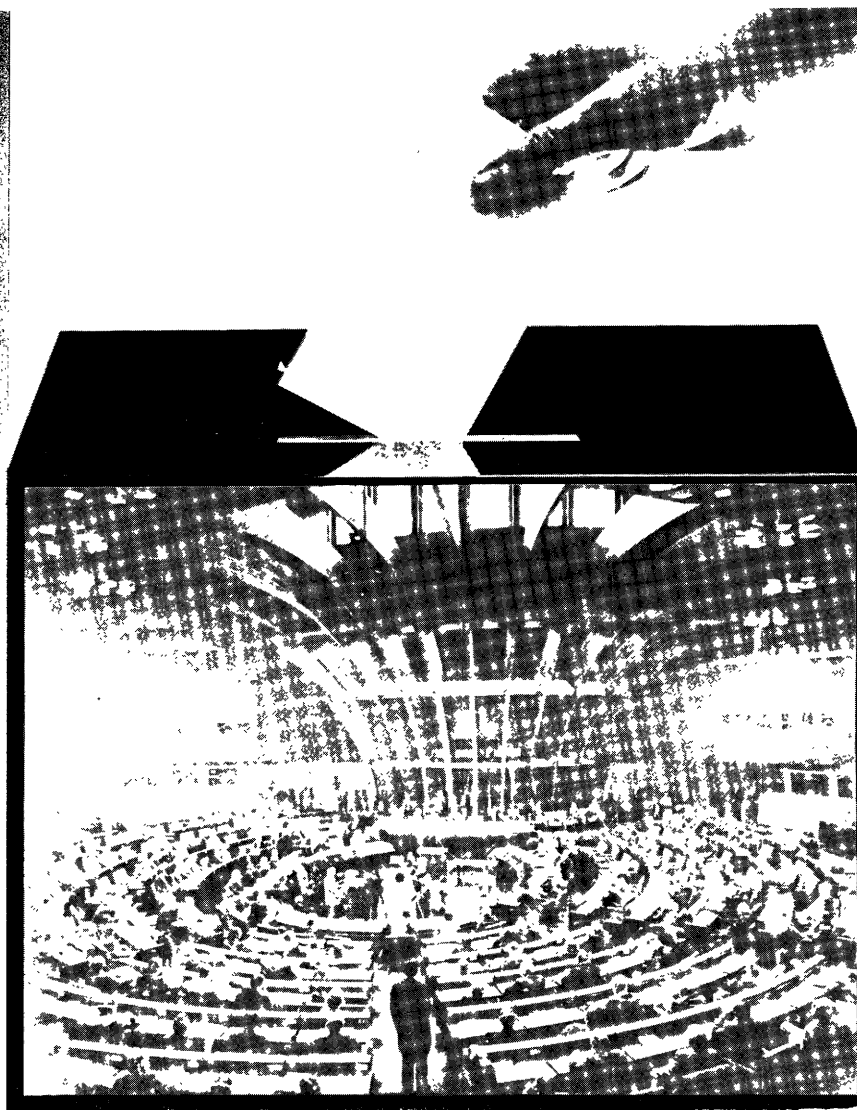
**Preface by  
Emilio Colombo**  
President  
of the European Parliament

**Introduction by  
Schelto Patijn**

Rapporteur  
of the Political Affairs  
Committee

Secretariat

Directorate-General for Research  
and Documentation





EUROPEAN PARLIAMENT

# Elections to the European Parliament by direct universal suffrage

Preface by  
Emilio Colombo

Introduction by  
Schelto Patijn

Report, resolutions and debates  
of the European Parliament

SECRETARIAT  
DIRECTORATE-GENERAL FOR RESEARCH AND DOCUMENTATION

July 1977

**COLOMBO, Emilio**

**Italy**



**Christian-Democrat Group**

**President of the European Parliament**

Born — 11 April 1920 in Potenza

Member of the Chamber of Deputies of Italy since 1946

Parliamentary Group: Christian-Democrat

1955-1962: Held ministerial office as Minister of Agriculture, of External Commerce, and of Industry and Commerce

1963-1969: Minister of the Treasury

1970-1972: Prime Minister

1972-1976: Minister of the Treasury

1976-1977: Chairman of the Political Affairs Committee of the European Parliament



## PREFACE

by Emilio Colombo  
President of the European Parliament

By solemnly signing in Brussels on 20 September 1976 the *Act on the election in May-June 1978 of the European Parliament by direct universal suffrage*, the Nine responded to one of the most enduring and popular European aspirations.

The most *enduring* because, since it was first put forward at The Hague Conference in 1948, the idea of a European Parliament elected by direct universal suffrage has never lost its attraction. Although it has frequently been disparaged and held up to derision, it could never be completely stifled.

The most *popular*, because the present organization of Europe — although a necessary stage in its development — has none the less failed to elicit the wholehearted support of its peoples who saw it as something remote from their everyday life. The election of the European Parliament by direct universal suffrage provides an opportunity of bringing the debate on Europe into the public forum and of enlisting the active support of the man in the street for the construction of Europe.

Is the direct election of the European Parliament an end in itself? Obviously not; no more than the election of a national assembly, but certainly no less. The eternal question of the purpose of Parliament is no more relevant to the European Parliament than to a national assembly.

Like a national Parliament, a European Parliament elected by universal suffrage will, above all, be the custodian of fundamental liberties. It will also exercise control, not only over the Community budget, now financed by resources directly levied from the European taxpayer, but also over the Community executive, thereby preventing the Community from drifting into technocracy.

That is what democracy means. For the vast majority of men and women in Europe, parliamentary democracy remains, in the last analysis, the best possible system.

Thanks to the patient and stubborn efforts of a handful of pioneers, the plan to elect the European Parliament by direct universal suffrage has surmounted the innumerable political, legal and technical obstacles in its path.

It is now for the governments, parliaments, political parties and the people of Europe to do all in their power to ensure that the Act is ratified and that the electoral laws are enacted on time.

The pages which follow contain the most important documents on the direct election of the European Parliament and are published as part of its contribution to the achievement of these goals.

**PATIJN, Schelto**

**Netherlands**

**Socialist Group**



**Rapporteur of the Political Affairs Committee since 1973**

**Born: 13 August 1936 at The Hague. Doctor of Law**

**Member of the Second Chamber of the States-General since 1973**

**Parliamentary Group: Partij van de Arbeid**

## INTRODUCTION

by Schelto Patijn

Member of the European Parliament

Member of the Second Chamber of the Dutch Parliament

Rapporteur on direct elections to the European Parliament

The political significance of direct European elections lies in the fact that they are to take place. It lies in the creation of a direct link between the citizens and 'their' European Community. It is the citizens — not the governments — who must influence the further development and the policies of the European Community through the democratic processes which are vital to all Member States. This will be possible with the help of a directly elected European Parliament — even with the powers it at present possesses. For too long now, opponents of direct elections have claimed that the European Parliament must be given wider powers before such an election can take place, while ironically denying Parliament these powers on the grounds that it has not been directly elected.

The European Parliament has broken out of this vicious circle and made it clear that the one does not depend on the other. Naturally, we must continue to fight for greater powers for the European Parliament and, in particular, for legislative powers within the European Community. That, however, is not germane to the issue of whether we will shortly be able to meet as the peoples' representatives with a mandate given us by the European peoples instead of one conferred on us by our national parliaments. Once we derive legitimate authority from a direct link with the European electors, our claims for such powers will be correspondingly more legitimate.

To gain these rights we are contending not with the national parliaments, but with the Council, which meets behind closed doors to take its decisions. The national parliaments are our allies in the endeavour to bring uncontrolled power under the democratic control of democratically-elected representatives in the European Community.

There is also a purely practical aspect. As long as we are subject to the pressure exerted upon us by our dual mandate — on the national and the European levels — we remain amateurs here in the European Parliament. We fulfil our legislative and supervisory tasks in Europe in so far as our duties in the national parliaments or in our constituencies allow us to do so.

A large part of our responsibility still lies within our countries and we can only carry out our tasks here by dint of superhuman efforts.

This must stop. The development of the European Community requires a professional parliament to oversee and participate in it. European elections are a means to this end and nothing more.

The publication of the texts of the decisions and negotiations on preparations for direct elections should give the public a clearer picture. The national legislative bodies are called upon to ratify the Decision and Act of 20 September 1976 and introduce the legislation necessary for their implementation — especially the electoral law — so that the elections may duly take place in 1978. This interplay of national and Community parliaments illustrates

our claim that it is not a question of reducing the democratic rights of any parliament. The democratic process at Community level will be strengthened by these elections. This is in the interests of the people and, therefore, in the interests of all the democratic institutions of the Member States and of the Community.

The connection between direct elections and close cooperation by the elected European Parliament with the Parliaments of the Member States is a constantly recurring theme in the debates of the European Parliament. Last but not least there is the broad political consensus among the various political groups in the European Parliament in favour of such elections.

It is to be hoped that this consensus of opinion will also hold good in the Member States and help to arouse the interest of the electors.

# COUNCIL

## DECISION

(76/787/ECSC, EEC, Euratom) <sup>1</sup>

*The Council,*

composed of the representatives of the Member States and acting unanimously,

Having regard to Article 21 (3) of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 138 (3) of the Treaty establishing the European Economic Community,

Having regard to Article 108 (3) of the Treaty establishing the European Atomic Energy Community,

Having regard to the proposal from the Assembly,

Intending to give effect to the conclusions of the European Council in Rome on 1 and 2 December 1975, that the election of the Assembly should be held on a single date within the period May/June 1978,

Has laid down the provisions annexed to this Decision which it recommends to the Member States for adoption in accordance with their respective constitutional requirements.

This Decision and the provisions annexed hereto shall be published in the *Official Journal of the European Communities*.

The Member States shall notify the Secretary-General of the Council of the European Communities without delay of the completion of the procedures necessary in accordance with their respective constitutional requirements for the adoption of the provisions annexed to this Decision.

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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<sup>1</sup> OJ L 278 of 8. 10. 1976.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundertsechundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le vingt septembre mil neuf cent soixante-seize.

Arna dhéanamh sa Bhruiséil, an fichiú lá de mhí Mhéan Fómhair, míle naoi gcéad seachtó a sé.

Fatto a Bruxelles, addì venti settembre millenovecentosettantasei.

Gedaan te Brussel, de twintigste september negentienhonderd zesenzeventig.

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Thar ceann Chomhairle na gComhphobal Eorpach

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

*Formand*

*Der Präsident*

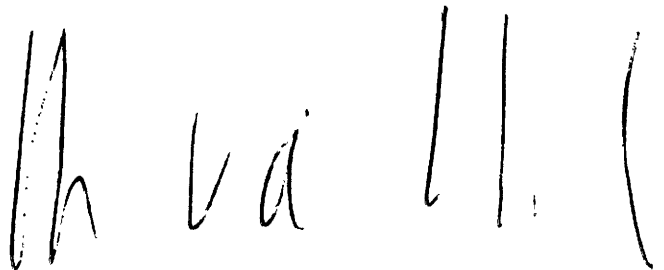
*The President*

*Le président*

*An t-Uachtarán*

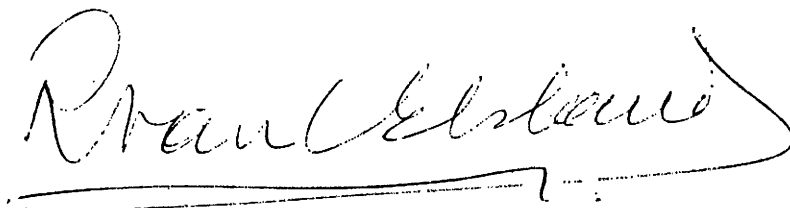
*Il Presidente*

*De Voorzitter*

A handwritten signature in black ink, appearing to read "H. Kohl". The signature is stylized and cursive, with a large initial "H" and a long, sweeping underline.

Le ministre des affaires étrangères du royaume de Belgique

De Minister van Buitenlandse Zaken van het Koninkrijk België



Kongeriget Danmarks udenrigsøkonomiminister



Der Bundesminister des Auswärtigen der Bundesrepublik Deutschland

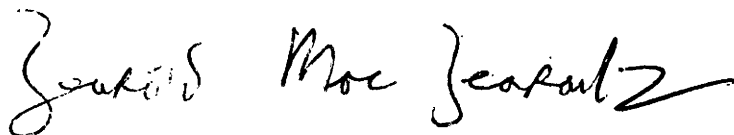


Le ministre des affaires étrangères de la République française



The Minister for Foreign Affairs of Ireland

Aire Gnóthaí Eachtracha na hÉireann



Il ministro degli Affari esteri della Repubblica italiana

*Arnaldo Forlani*

Membre du gouvernement du grand-duché de Luxembourg

*Jean Stammers*

De Staatssecretaris van Buitenlandse Zaken van het Koninkrijk der Nederlanden

*W. P. van der Stoep*

The Minister for Foreign Affairs and of the Commonwealth of the United Kingdom of Great Britain and Northern Ireland

*A. Croxall*



## ACT

### concerning the election of the representatives of the Assembly by direct universal suffrage

#### *Article 1*

The representatives in the Assembly of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.

#### *Article 2*

The number of representatives elected in each Member State shall be as follows:

Belgium	24
Denmark	16
Germany	81
France	81
Ireland	15
Italy	81
Luxembourg	6
Netherlands	25
United Kingdom	81

#### *Article 3*

1. Representatives shall be elected for a term of five years.
2. This five-year period shall begin at the opening of the first session following each election.

It may be extended or curtailed pursuant to the second subparagraph of Article 10 (2).

3. The term of office of each representative shall begin and end at the same time as the period referred to in paragraph 2.

#### *Article 4*

1. Representatives shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.
2. Representatives shall enjoy the privileges and immunities applicable to members of the Assembly by virtue of the Protocol on the privileges and immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission of the European Communities.

### *Article 5*

The office of representative in the Assembly shall be compatible with membership of the Parliament of a Member State.

### *Article 6*

1. The office of representative in the Assembly shall be incompatible with that of:
  - member of the Government of a Member State,
  - member of the Commission of the European Communities,
  - Judge, Advocate-General or Registrar of the Court of Justice of the European Communities,
  - member of the Court of Auditors of the European Communities,
  - member of the Consultative Committee of the European Coal and Steel Community or member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community,
  - member of committees or other bodies set up pursuant to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' 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 Communities or of the specialized bodies attached to them.
2. In addition, each Member State may, in the circumstances provided for in Article 7 (2), lay down rules at national level relating to incompatibility.
3. Representatives in the Assembly to whom paragraphs 1 and 2 become applicable in the course of the five-year period referred to in Article 3 shall be replaced in accordance with Article 12.

### *Article 7*

1. Pursuant to Article 21 (3) of the Treaty establishing the European Coal and Steel Community, Article 138 (3) of the Treaty establishing the European Economic Community and 108 (3) of the Treaty establishing the European Atomic Energy Community, the Assembly shall draw up a proposal for a uniform electoral procedure.

2. Pending the entry into force of a uniform electoral procedure and subject to the other provisions of this Act, the electoral procedure shall be governed in each Member State by its national provisions.

#### *Article 8*

No one may vote more than once in any election of representatives to the Assembly.

#### *Article 9*

1. Elections to the Assembly shall be held on the date fixed by each Member State; for all Member States this date shall fall within the same period starting on a Thursday morning and ending on the following Sunday.

2. The counting of votes may not begin until after the close of polling in the Member State whose electors are the last to vote within the period referred to in paragraph 1.

3. If a Member State adopts a double ballot system for elections to the Assembly, the first ballot must take place during the period referred to in paragraph 1.

#### *Article 10*

1. The Council, acting unanimously after consulting the Assembly, shall determine the period referred to in Article 9 (1) for the first elections.

2. Subsequent elections shall take place in the corresponding period in the last year of the five-year period referred to in Article 3.

Should it prove impossible to hold the elections in the Community during that period, the Council acting unanimously shall, after consulting the Assembly, determine another period which shall be not more than one month before or one month after the period fixed pursuant to the preceding subparagraph.

3. Without prejudice to Article 22 of the Treaty establishing the European Coal and Steel Community, Article 139 of the Treaty establishing the European Economic Community and Article 109 of the Treaty establishing the European Atomic Energy Community, the Assembly shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the end of the period referred to in Article 9 (1).

4. The powers of the outgoing Assembly shall cease upon the opening of the first sitting of the new Assembly.

### *Article 11*

Pending the entry into force of the uniform electoral procedure referred to in Article 7 (1), the Assembly shall verify the credentials of representatives. For this purpose it shall take note of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act other than those arising out of the national provisions to which the Act refers.

### *Article 12*

1. Pending the entry into force of the uniform electoral procedure referred to in Article 7 (1) and subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 3 for the remainder of that period.

2. Where a seat falls vacant pursuant to national provisions in force in a Member State, the latter shall inform the Assembly, which shall take note of that fact.

In all other cases, the Assembly shall establish that there is a vacancy and inform the Member State thereof.

### *Article 13*

Should it appear necessary to adopt measures to implement this Act, the Council, acting unanimously on a proposal from the Assembly after consulting the Commission, shall adopt such measures after endeavouring to reach agreement with the Assembly in a conciliation committee consisting of the Council and representatives of the Assembly.

### *Article 14*

Article 21 (1) and (2) of the Treaty establishing the European Coal and Steel Community, Article 138 (1) and (2) of the Treaty establishing the European Economic Community and Article 108 (1) and (2) of the Treaty establishing the European Atomic Energy Community shall lapse on the date of the sitting held in accordance with Article 10 (3) by the first Assembly elected pursuant to this Act.

### *Article 15*

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

Annexes I to III shall form an integral part of this Act.

A declaration by the Government of the Federal Republic of Germany is attached hereto.

*Article 16*

The provisions of this Act shall enter into force on the first day of the month following that during which the last of the notifications referred to in the Decision is received.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundertsechundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

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Fatto a Bruxelles, addì venti settembre millenovecentosettantasei.

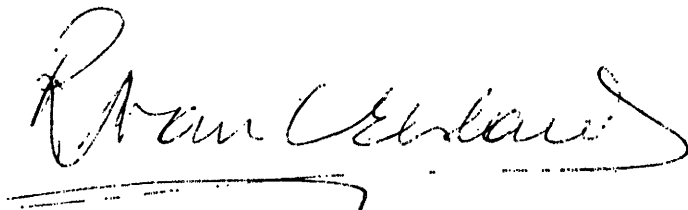
Gedaan te Brussel, de twintigste september negentienhonderd-zesenzeventig.

Pour le royaume de Belgique, son représentant

Voor het Koninkrijk België, zijn Vertegenwoordiger

le ministre des affaires étrangères du royaume de Belgique

De Minister van Buitenlandse Zaken van het Koninkrijk België

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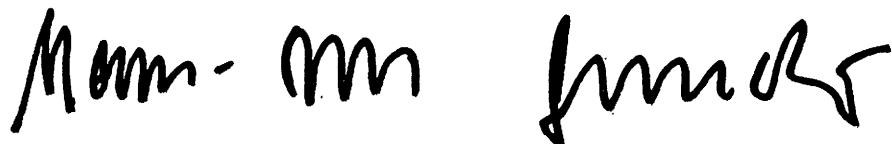
For kongeriget Danmark, dets repræsentant

kongeriget Danmarks udenrigsøkonomiminister

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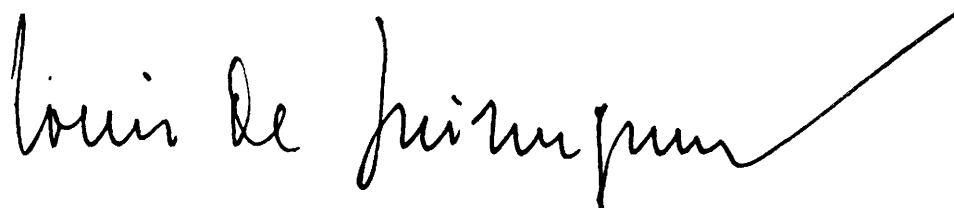
Für die Bundesrepublik Deutschland, ihr Vertreter

Der Bundesminister des Auswärtigen der Bundesrepublik Deutschland

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Pour la République française, son représentant

le ministre des affaires étrangères de la République française

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For Ireland, its Representative

Thar ceann na hÉireann, a hIonadaí

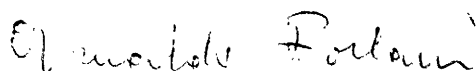
The Minister for Foreign Affairs of Ireland

Aire Gnóthaí Eachtracha na hÉireann

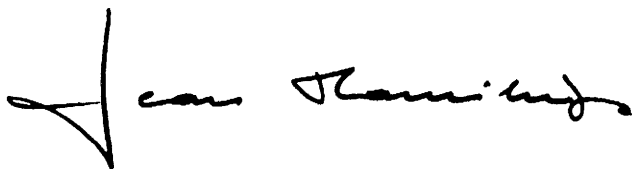
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Per la Repubblica italiana, il suo rappresentante

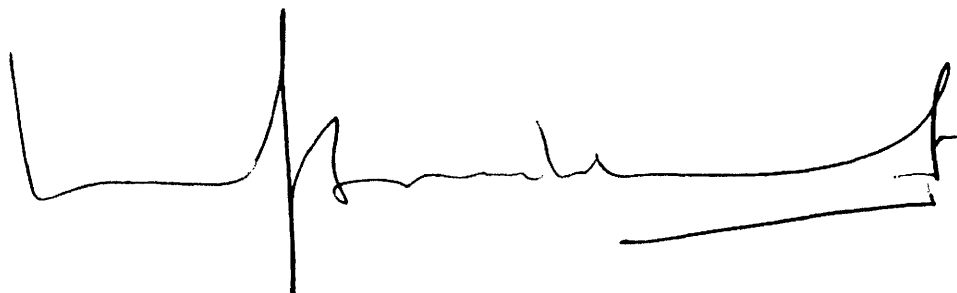
il ministro degli Affari esteri della Repubblica italiana

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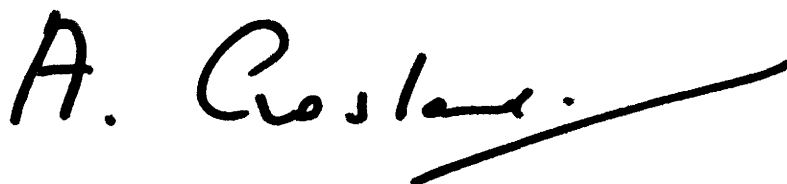
Pour le grand-duché de Luxembourg, son représentant,  
membre du gouvernement du grand-duché de Luxembourg

Handwritten signature of Jean Hamilius in black ink.

Voor het Koninkrijk der Nederlanden, zijn Vertegenwoordiger  
De Staatssecretaris van Buitenlandse Zaken van het Koninkrijk der Nederlanden

Handwritten signature of the Dutch representative in black ink.

For the United Kingdom of Great Britain and Northern Ireland, their representative  
The Minister for Foreign Affairs and of the Commonwealth of the United Kingdom of Great  
Britain and Northern Ireland

Handwritten signature of A. Croston in black ink, with a long horizontal line underneath.

*ANNEX I*

The Danish authorities may decide on the dates on which the election of members to the Assembly shall take place in Greenland.

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*ANNEX II*

The United Kingdom will apply the provisions of this Act only in respect of the United Kingdom.

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*ANNEX III*

**Declaration on Article 13**

As regards the procedure to be followed by the Conciliation Committee, it is agreed to have recourse to the provisions of paragraphs 5, 6 and 7 of the procedure laid down in the joint declaration of the European Parliament, the Council and the Commission of 4 March 1975.<sup>1</sup>

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<sup>1</sup> OJ C 89 of 22. 4. 1975.



## **Declaration by the Government of the Federal Republic of Germany**

The Government of the Federal Republic of Germany declares that the Act concerning the election of the members of the European Parliament by direct universal suffrage shall equally apply to Land Berlin.

In consideration of the rights and responsibilities of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, the Berlin House of Deputies will elect representatives to those seats within the quota of the Federal Republic of Germany that fall to Land Berlin.



**A — Resolution of the European Parliament <sup>1</sup>  
on the adoption of a draft convention introducing elections to the European  
Parliament by direct universal suffrage**

**I**

*The European Parliament,*

- having regard to the report of its Political Affairs Committee (Doc. 368/74),
- reaffirms its conviction that the process of European unification cannot succeed without the direct participation of the peoples affected,
- therefore considers a European Parliament elected by direct universal suffrage as an indispensable element in achieving further progress towards integration and establishing a better equilibrium between the Community institutions on a democratic basis,
- in pursuance of the task assigned to it by the Treaties establishing the European Communities,
- having regard to the need to adapt the draft convention of 1960 to the changed circumstances as they now exist,

replaces the draft convention it adopted on 17 May 1960 <sup>2</sup> by the following

**DRAFT CONVENTION**

**ON THE ELECTION OF MEMBERS OF THE EUROPEAN PARLIAMENT BY DIRECT UNIVERSAL  
SUFFRAGE**

*The Council of the European Communities,*

- resolved to take the freely expressed will of the peoples of the Member States of the European Communities as the justification for the mission entrusted to the European Parliament;

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<sup>1</sup> Adopted on 14. 1. 1975.

<sup>2</sup> OJ No 37, 2. 6. 1960, p. 834/60.

- anxious to emphasize the representative character of the European Parliament by the election of its members by direct universal suffrage;
- having regard to Articles 21 (3) and 96 of the Treaty establishing the European Coal and Steel Community;
- having regard to Articles 138 (3) and 236 of the Treaty establishing the European Economic Community;
- having regard to Articles 108 (3) and 204 of the Treaty establishing the European Atomic Energy Community;
- having regard to the draft prepared by the European Parliament and adopted by it on 14 January 1975.

has drawn up the following provisions which it recommends the Member States to adopt:

## CHAPTER I

### General Provisions

#### *Article 1*

The representatives of the peoples in the European Parliament shall be elected by direct universal suffrage.

#### *Article 2*

1. The number of representatives elected in each Member State shall be as follows:

Belgium	23
Denmark	17
Germany	71
France	65
Ireland	13
Italy	66
Luxembourg	6
Netherlands	27
United Kingdom	67
	355

2. The Parliament, the Commission or the Government of any Member State may propose to the Council changes in the number of members provided for in paragraph 1.

Amendments to this convention shall be made pursuant to the procedure provided for in Article 14 of this Convention.

### *Article 3*

1. Representatives shall be elected for a term of five years.
2. The five-year legislative period shall begin at the opening of the first session following each election.

### *Article 4*

1. Representatives shall vote on an individual and personal basis. They shall accept neither instructions nor any binding mandate.
2. National legislation shall ensure that the representatives receive the same guarantees as to independence, indemnity and immunity as their counterparts in the national Parliaments.

### *Article 5*

Membership of the European Parliament shall be compatible with membership of a Parliament of a Member State.

### *Article 6*

1. The office of representative in the European Parliament shall be incompatible with that of:
  - member of the Government of a Member State;
  - member of the Commission of the European Communities;
  - Judge, Advocate-General or Registrar at the Court of Justice of the European Communities;
  - member of the Court of Auditors of the European Communities;
  - member of the Consultative Committee of the European Coal and Steel Community or member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community;
  - member of committees or other bodies set up in pursuance of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent and 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 Communities or of the specialized bodies attached to them.
2. Subject to the entry into force of special rules pursuant to Article 7 (1) of this Convention, the provisions of each Member State relating to incompatibility with a national parliamentary mandate shall be applied.
  3. Representatives of the European Parliament appointed, in the course of a legislative period, to any of the offices mentioned above shall be replaced under the terms of Article 12.

## CHAPTER II

### Electoral system

#### *Article 7*

1. The European Parliament shall draw up a proposal for a uniform electoral system by 1980 at the latest. The Council shall unanimously lay down the appropriate provisions, which it shall recommend to the Member States for adoption in accordance with their constitutional requirements.
2. Pending the entry into force of this uniform electoral system and subject to the other provisions of this Convention, the electoral system shall fall within the competence of each Member State.

#### *Article 8*

The provisions governing the admission of political parties to elections in each Member State shall apply to elections to the European Parliament.

#### *Article 9*

1. Elections to the European Parliament shall be held on the same day in all Member States.
2. Any Member State may, however, decide to hold the elections one day earlier or later than the fixed date or to spread them over two consecutive days including that day.
3. The Council shall make arrangements in accordance with the procedure laid down in Article 14, to ensure that the election results are declared at one and the same time.

### *Article 10*

1. Elections to the European Parliament shall be held not later than one month before the end of each legislative period.
2. The European Parliament shall sit automatically on the first Tuesday following an interval of one month from the last day of the elections.
3. The outgoing European Parliament shall remain in office until the first sitting of the new Parliament.

### *Article 11*

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7 (1), the European Parliament shall verify the credentials of representatives and rule on any disputes that may arise in this connection.

### *Article 12*

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7 (1) and subject to the other provisions of this Convention, the Member States shall lay down appropriate procedures for filling any seat which falls vacant during a legislative period.

## CHAPTER III

### **Transitional and final provisions**

### *Article 13*

1. Subject to the provisions of Article 9, the first elections to the European Parliament shall be held not later than the first Sunday of May 1978.
2. The date of subsequent elections shall be fixed, taking account of Articles 3, 9 and 10, in accordance with the procedure laid down in Article 14.

### *Article 14*

Should reference be made to the procedure laid down in this Article or should it appear that further measures are required to implement direct elections to the European Parliament in accordance with this Convention and if the necessary powers are not provided, the Council

shall, acting unanimously on a proposal from the European Parliament and with its approval, make the appropriate provisions. The Council shall consult the Commission before making its decision.

#### *Article 15*

1. The following provisions stand repealed by the present Convention: Article 21 (3) of the Treaty establishing the European Coal and Steel Community, Article 138 (3) of the Treaty establishing the European Economic Community, and Article 108 (3) of the Treaty establishing the European Atomic Energy Community.

2. Article 21 (1 and 2) of the ECSC Treaty, Article 138 (1 and 2) of the EEC Treaty, and Article 108 (1 and 2) of the EAEC Treaty shall be repealed on the date fixed in Article 10 (2).

#### *Article 16*

This Convention is drawn up in the Danish, Dutch, English, French, German, Irish and Italian languages, all seven texts being equally authentic.

#### *Article 17*

1. This Convention shall be ratified by the Member States in accordance with their respective constitutional requirements.

2. The instruments of ratification shall be deposited with the Government of the Italian Republic, which shall inform the signatory States and the institutions of the European Communities when this has been done.

3. This Convention shall enter into force on the day the instrument of ratification is deposited by the last signatory State to carry out this formality.

## II

### *The European Parliament,*

- instructs its Political Affairs Committee to establish appropriate contacts with the Council and the Member States with a view to securing the early adoption of the draft convention;
- urges the Council to establish the appropriate contacts with the European Parliament immediately if, in its opinion, changes should be made to the draft convention;



- instructs its Political Affairs Committee to bring forward a supplementary report when modifications of the draft Convention appear to be necessary;
- instructs its Political Affairs Committee immediately to carry out the necessary preliminary work for the introduction of a European electoral system;
- instructs its President to forward this resolution, together with the draft convention and the report of its committee, to the Council and Commission of the European Communities and to the Parliaments and Governments of the Member States.

## B — Explanatory statement by the Political Affairs Committee <sup>1</sup>

Rapporteur: Mr Schelto Patijn

### I — Introduction

1. Direct elections to the European Parliament are essential to enable the peoples to play an immediate part in the unification of Europe. They would thus lend to the exercise of power by the Communities a legitimacy which has hitherto been lacking. The Treaties establishing the European Communities specifically provide for this direct link between the peoples and the European Parliament, but it has not yet proved possible to convince the responsible politicians of the need to take this step which is so fundamental to integration.

2. On 17 May 1960 the European Parliament, acting on the mandate given to it by the Treaties, submitted a draft Convention on the direct election of the European Parliament. This draft was prepared by a working party under the chairmanship of Mr Dehousse, a Member of Parliament. Despite intensive efforts by Parliament the Council did not adopt this draft Convention or forward it to the Member States. In the meantime, with the expiry of the transitional period leading to the establishment of the Communities, the accession of three further States and the general political development in Europe, a new and changed situation has been created which has diminished the relevance of the 1960 proposal.

However, the goal of European integration in the form of political union planned for 1980 will require, speedy measures to extend the peoples' participation in the construction of Europe.

3. The increasing problems created by the exercise of a dual mandate merely emphasize the urgency of direct elections. The continuously increasing workload borne by representatives has long since made it impossible for them properly to carry out both national *and* European duties. This situation adversely affects the national parliaments and the European Parliament — not to mention the dependents of the representatives themselves. Only the introduction of direct elections will make a fundamental improvement possible.

4. The submission of a new draft Convention thus serves three purposes:

- By taking into account the changes which have occurred since 1960 it should provide a new opportunity for all the Member States to give their approval to this Convention, first in the Council and later by ratification in the national parliaments.
- In addition, it should strengthen the legitimacy of the European Community and thus smooth the road to European Union.
- Finally, it should provide a solution to the problems associated with the exercise of a dual mandate.

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<sup>1</sup> The following text is an amended version of the report (Doc. 368/74) submitted to the Assembly by the Political Affairs Committee. The amendments were adopted by the Political Affairs Committee at its meeting of 23 and 24 January 1975 in accordance with the wording of the Draft Convention adopted by the Assembly on 14 January 1975.

5. The rapporteur was guided by these considerations during his work and, through numerous conversations with politicians and competent experts from all the Member States and through an analysis of the obstacles which have until now prevented the Council from adopting the 1960 draft Convention, has made every effort to submit a realistic proposal.

It became apparent during the preparatory work that, despite differences in opinion on specific questions, there exists a broad measure of agreement on the need for elections to the European Parliament by direct universal suffrage.

The rapporteur wishes in this connection to emphasize that he encountered a great readiness to make a serious beginning on the implementation of direct elections and to support him in his work.

The European Parliament's rapporteur is deeply grateful to the national politicians and experts who so readily cooperated with him.

6. The report contains the following sections:

- a draft Convention on the introduction of direct elections in the form of a motion for a resolution to be adopted by the European Parliament;

and, in the explanatory statement

- comments on the individual articles of the Convention together with a comparison of the old and new Convention texts;
- a summary of the Dehousse report submitted to the European Parliament in 1960;
- a description of the work done on the question of direct elections since 1960;
- an analysis of the major problems of the draft Convention.

## II — Notes on the individual Articles of the draft Convention

### *Article 1*

The representatives of the peoples in the European Parliament shall be elected by direct universal suffrage.

#### *Explanation*

The text of this Article is identical with that of the 1960 proposal.

This Article gives effect to the principle of elections to the European Parliament by direct, universal suffrage laid down in Article 21 (3) of the ECSC Treaty, Article 138 (3) of the EEC Treaty and Article 108 (3) of the Euratom Treaty.

The terms 'universal' and 'direct' mean that the elections shall take place throughout the territory of the Community and that the electorate shall directly determine the composition of the Parliament. Indirect elections, e.g., through electoral colleges or by means of the present system of delegation (delegation of members by their national parliaments) is thus excluded.

## *Article 2*

<b>New text</b>	<b>1960 text</b>
1. The number of representatives elected in each Member State shall be as follows:	The number of representatives elected in each Member State shall be as follows:
Belgium 23	Belgium 42
Denmark 17	France 108
Germany 71	Germany 108
France 65	Italy 108
Ireland 13	Luxembourg 18
Italy 66	Netherlands 42
Luxembourg 6	426
Netherlands 27	
United Kingdom 67	
355	

2. The Parliament, the Commission or the Government of any Member State may propose to the Council changes in the number of members provided for in paragraph 1.

Amendments to this Convention shall be made pursuant to the procedure provided for in Article 14 of this Convention.

### *Explanation*

1. The 1960 proposal provided for a trebling of the previous number of members. This procedure would today result in a total number of 594 representatives.

The changes to the 1960 proposal are based on the following considerations:

In arriving at the total number of representatives and the distribution of mandates between the individual Member States, an attempt was made to achieve the best possible compromise between the Parliament's functional efficiency and maximum representation, without taking the existing situation as a general point of departure.

The total number of representatives was decided upon in the belief that the present number of 198 members is too small to effectively carry out the mission of the European Parliament. It is also too small for the European Parliament to appear sufficiently representative of the approximately 250 million inhabitants of the Community.

On the other hand, parliamentary experience in the democratic countries indicates a maximum number beyond which effective parliamentary work is no longer possible. This is probably somewhere between 600 and 700 members. However, the European Parliament's workload, as far as it can be anticipated at present, does not yet call for a parliament as large as those in the Member States with the biggest populations. For the time being, then, a figure below 600 representatives would appear sufficient. The 1960 report provided for 426 seats to be distributed amongst the six Member States. The 355 representatives provided for in the new proposal would appear to be enough for the present. This figure allows for any necessary adjustments to be made in the event of an increase in the powers of Parliament or the accession of new States. This figure would also permit — given the retention of the present number of committee seats — each representative to participate as a full member of one committee.<sup>1</sup>

2. The distribution of seats amongst the individual Member States is based on the following criteria:

- the highest degree of proportionality should be achieved between the number of inhabitants of a State and the number of its representatives in the European Parliament;
- all the important political forces of a State should be represented in the European Parliament;
- the new distribution of seats should not lead to a reduction in the present number of any State's representatives.

These criteria can be applied fairly accurately by adopting the following system:

- (a) Up to a population of 1 million each State receives 6 seats.
- (b) States with a population between 1 million and 2.5 million are given 6 further seats.
- (c) Up to a population of 5 million, each State receives 1 further seat for each additional 500 000 inhabitants.
- (d) For a population between 5 million and 10 million each State receives 1 further seat for each additional 750 000 inhabitants.
- (e) For a population between 10 million and 50 million each State receives 1 further seat for each additional 1 million inhabitants or part thereof.
- (f) For a population exceeding 50 million, each State receives 1 further seat for each additional 1.5 million inhabitants or part thereof.

The seat distribution provided for in Article 2 results from the application of this system to Member States' populations in 1973.

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<sup>1</sup> The Political Affairs Committee proposed that Parliament should decide on a total number of 550 seats. This proposal was not, however, adopted. For the system of calculation and the distribution of the seats between Member States suggested by the Political Affairs Committee, see below Part V, paragraph 50.

	Popula- tion (in millions) 1973	(a)			(b)			(c)			(d)			(e)		(f)
		Seats after 1st count	Remain- der (in millions)	Seats after 2nd count	Remain- der (in millions)	Seats after 3rd count	Remain- der (in millions)	Seats after 4th count	Remain- der (in millions)	Seats after 5th count	Remain- der (in millions)	Seats after 6th count	Total seats			
Belgium	9.7	6	8.7	6	7.2	5	4.7	6	--	--	--	23				
Denmark	5.0	6	4.0	6	2.5	5	--	--	--	--	--	17				
Germany	61.7	6	60.7	6	59.2	5	56.7	6	51.7	40	11.7	71				
France	51.7	6	50.7	6	49.2	5	46.7	6	41.7	40	1.7	65				
Ireland	3.0	6	2.0	6	0.5	1	--	--	--	--	--	13				
Italy	54.3	6	53.3	6	51.8	5	49.3	6	44.3	40	4.3	66				
Luxembourg	0.35	6	--	--	--	--	--	--	--	--	--	6				
Netherlands	13.3	6	12.3	6	10.8	5	8.3	6	3.3	4	--	27				
United Kingdom	55.8	6	54.8	6	53.3	5	50.8	6	45.8	40	5.8	67				

3. Should it prove necessary to alter the number of representatives, this can be done according to a procedure similar in principle to that laid down in Article 235 of the EEC Treaty for supplementing the Treaties — account being taken of the special provisions of Article 14 of this Convention. Under this procedure the Council shall decide unanimously on adoption or rejection of the proposal after obtaining Parliament's approval and consulting the Commission. By contrast with Article 14 of this Convention, the Member States and the Commission may also themselves submit appropriate proposals to the Council. Details of the procedure for adopting this proposal should be laid down by the European Parliament in its Rules of Procedure.

### *Article 3*

#### **New text**

1. Representatives shall be elected for a term of five years.
2. The five-year legislative period shall begin at the opening of the first session following each election.

#### **1960 text (Article 5)**

1. Representatives shall be elected for a term of five years.  
  
The mandate of the representatives elected by the Parliament shall, however, end with the loss of the national parliamentary mandate or at the end of the period for which they have been elected by their national Parliaments. Any representative whose mandate ends in this way shall remain in office until the mandate of his successor has been confirmed in the European Parliament.
2. The five-year legislative period shall begin at the opening of the first session following each election.

### *Explanation*

The proposed text is basically the same as that contained in the 1960 proposal. However, since no transitional period is provided for in the new proposal, the second subparagraph of Paragraph 1 of the 1960 proposal can be deleted.

The legislative periods in the parliaments of the Member States differ. However, the proposed five-year period represents for the European Parliament the best possible compromise between the necessary continuity of work and the most exact reflection in Parliament of the will of the electorate.

#### *Article 4*

##### **New text**

1. Representatives shall vote on an individual and personal basis. They shall accept neither instructions nor any binding mandate.

2. National legislation shall ensure that the representatives receive the same guarantees as to independence, indemnity and immunity as their counterparts in the national Parliaments.

##### *Explanation*

The first paragraph of this text corresponds to Article 6 of the 1960 proposal.

It clearly indicates that the position and function of representatives in the European Parliament corresponds to those of their counterparts in the parliamentary democracies.

The purpose of the newly added provision of paragraph (2) is to ensure that Members of the European Parliament obtain the same legal rights (for instance, protection against prosecution) as Members of national Parliaments. Otherwise there would be no guarantee of directly elected Members without a dual mandate having the same status as Members who are simultaneously Members of a national Parliament.

##### **1960 text (Article 6)**

Representatives shall vote on an individual and personal basis. They shall accept neither instructions nor any binding mandate

#### *Article 5*

##### **New text**

Membership of the European Parliament shall be compatible with membership of a Parliament of a Member State.

##### **1960 text (Article 7)**

1. During the transitional period, membership of the European Parliament shall be compatible with membership of a Parliament.

2. The European Parliament shall decide whether these mandates are to remain compatible after the end of the transitional period.

##### **1960 text (Article 3)**

During a transitional period, one third of these representatives shall be elected by the Parliaments from among their own members, in accordance with a procedure that ensures that the political parties are fairly represented.



## *Explanation*

The 1960 draft Convention stipulated that during a transitional period one third of the representatives in the European Parliament were to be elected by the national Parliaments.

This rule was not retained in the new Convention for two reasons:

- (a) As more than 15 years have elapsed since the establishment of the European Communities, it does not appear necessary to make the transition from the present situation to a directly elected Parliament in stages.

Moreover, since this was not provided for by the Treaties, legal objections were also raised to the introduction of a transitional period.

- (b) Furthermore, the *advantage* of a close link between the national Parliaments and the European Parliament, which would be created by the obligation for one third of the representatives to retain a dual mandate, must be set against the *disadvantage* that the European Parliament would thereby create a special status for a particular group of its members. After all, the purpose of direct elections is to grant the European mandate independent status alongside a national mandate and to enable all representatives to devote themselves completely to their duties in the European Parliament. The convention provides that the loss of a national mandate will no longer lead to the loss of a European mandate.

The new Convention leaves it to the individual members to decide whether, in addition to this European mandate, they also wish to belong to their respective national Parliaments. The individual national Parliaments can themselves lay down the conditions and rules governing simultaneous membership of both Parliaments. This could, for example, take one of the following forms:

- members of the European Parliament are also members of the national Parliaments with or without voting rights;
- members of the European Parliament are released from active participation in the national Parliaments;
- members of the European Parliament may delegate their voting rights in their national Parliament to another member.

## *Article 6*

### **New text**

1. The office of representative in the European Parliament shall be incompatible with that of:

- member of the Government of a Member State;

### **1960 text (Article 8)**

1. During the transitional period:

(a) The office of representative in the European Parliament shall be incompatible with that of:

- member of the Government of a Member State;

- member of the Commission of the European Communities;
- Judge, Advocate-General or Registrar at the Court of Justice of the European Communities;
- member of the Court of Auditors of the European Communities;
- member of the Consultative Committee of the European Coal and Steel Community or member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community;
- member of committees or other bodies set up in pursuance of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities funds or carrying out a permanent and direct administrative task;
- member of the Board of Directors, Management Committee of staff of the European Investment Bank;
- active official or servant of the institutions of the European Communities or of the specialized bodies attached to them.
- member of the High Authority of the European Coal and Steel Community, of the Commission of the European Economic Community or of the Commission of the European Atomic Energy Community;
- Judge, Advocate-General, or Registrar at the Court of Justice of the European Communities;
- member of the Consultative Committee of the European Coal and Steel Community or member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community;
- auditor, as provided for in Article 78 of the Treaty setting up the European Coal and Steel Community, or member of the Supervisory Committee of Auditors provided for in Article 206 of the Treaty setting up the European Economic Community and Article 180 of the Treaty setting up the European Atomic Energy Community;
- member of committees or other bodies set up in pursuance of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent and 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 Communities or of the specialized bodies attached to them.

2. Subject to the entry into force of special rules pursuant to Article 7 (1) of this Convention the provisions of each Member State relating to incompatibility with a national parliamentary mandate shall be applied.

3. Representatives of the European Parliament appointed, in the course of a legislative period, to any of the offices mentioned above shall be replaced under the terms of Article 12.

Representatives of the European Parliament appointed, in the course of a legislative period, to any of the offices mentioned above shall be replaced under the terms of Article 17.

(b) Each Member State shall determine whether, and to what extent, the incompatibilities laid down by its laws with regard to the exercise of a national parliamentary mandate shall apply to the exercise of a mandate in the European Parliament.

2. The European Parliament shall decide on the system of incompatibility to be adopted after the end of the transitional period.

### *Explanation*

The incompatibility provisions in the new draft Convention are practically identical to those of the 1960 draft. The only new feature is the reference to members of the Court of Auditors. This institution, to be set up shortly, will replace the existing Board of Auditors and the ECSC auditor.

The provision in Article 8 (1) (b) of the 1960 proposal, to the effect that the Member States may determine further incompatibilities at national level, has been modified in order to maintain for the time being the incompatibility rules in force within the individual Member States.

### *Article 7*

#### **New text**

1. The European Parliament shall draw up a proposal for a uniform electoral system by 1980 at the latest. The Council shall unanimously lay down the

#### **1960 text (Article 9)**

The European Parliament shall lay down the provisions governing the election of representatives after the end of the transitional period provided for in Article 4,

appropriate provisions, which it shall recommend to the Member States for adoption in accordance with their constitutional requirements.

2. Pending the entry into force of this uniform electoral system and subject to the other provisions of this Convention, the electoral system shall fall within the competence of each Member State.

in accordance with as uniform a procedure as possible.

Until these provisions come into force, the electoral system shall, subject to the terms of the present Convention, fall within the competence of each Member State.

### *Explanation*

This provision differs from that in the 1960 proposal to the extent that the latter provided for the introduction of a uniform electoral system after the end of the transitional period.

Article 21 (3) of the ECSC Treaty, Article 108 (3) of the Euratom Treaty and Article 138 (3) of the EEC Treaty require the European Parliament to draw up proposals for direct elections in accordance with a uniform procedure.

The Treaties do not specify how uniform the procedure must be in order to satisfy this requirement. At the present stage of the approximation of the procedures for shaping the political will in the Member States, a uniform procedure could already be said to exist when elections in all the Member States are carried out according to the same basic principles. These include in particular, apart from the provisions contained in this draft Convention, the fundamental principles of democratic elections, i.e., elections must be equal, free, universal, direct and secret.

In 1960 Parliament, after extensive study, came to the conclusion that it would not at present be possible to introduce a uniform electoral system in all the Member States. Parliament therefore believed at the time that a 'uniform procedure' was not synonymous with a 'uniform electoral system'.

Even though its ultimate aim was a uniform electoral system, Parliament nevertheless proposed that direct elections be held initially on the basis of national electoral systems.

Particularly in the light of the enlargement of the Community, the position then adopted by the European Parliament remains appropriate.

Within the limits of the principles mentioned above, each Member State is therefore free to draft a law which corresponds to its political traditions and structures. It was already pointed out in the explanatory statement to the 1960 proposal that any problems arising from a conflict between national electoral law and Community electoral law could eventually be resolved by recourse to the European Court of Justice.

However, as the political structures of the Member States become more similar, the level of uniformity must necessarily increase. The European Parliament should work out for the elections to be held after 1980 an electoral system to take account of political developments in

the Member States and to settle further details uniformly. 1980 is a target for the carrying out of this obligation on the European Parliament. If Parliament sets energetically about working out this project, it will be possible to hold the first elections after the introduction of direct elections (presumably therefore in 1983) in accordance with this uniform procedure.

### *Article 8*

#### **New text**

The provisions governing the admission of political parties to elections in each Member State shall apply to elections to the European Parliament.

#### **1960 text (Article 13)**

The constitutional provisions governing the admission of political parties to elections in each Member State shall apply to elections to the European Parliament.

#### *Explanation*

This text corresponds in essence to Article 13 of the 1960 proposal.

The European Parliament consists at present of representatives belonging to 53 different parties. As long as the electoral procedure is not fully uniform, it does not seem necessary to include in the Convention provisions governing the role of the parties in direct elections.

A reference to individual national regulations also appears appropriate because of the considerable differences between individual national provisions governing the function and eligibility of parties.

However, the European Parliament emphasizes the great importance of the parties in the preparation for European elections. Not until the parties succeed, within the Community framework, in establishing close links between themselves, developing joint programmes and creating supranational party structures can direct elections to the European Parliament become a key factor in the process of political integration.

### *Article 9*

#### **New text**

1. Elections to the European Parliament shall be held on the same day in all Member States.

2. Any Member State may, however, decide to hold the elections one day earlier or later than the fixed date or to spread them over two consecutive days including that day.

#### **1960 text (Article 14)**

Elections to the European Parliament shall be held on the same day in all six Member States; the dates shall be fixed so that national elections do not coincide with those for the European Parliament.

Any Member State may, however, on grounds of tradition or geographical conditions, decide to hold the elections one

3. The Council shall make arrangements in accordance with the procedure laid down in Article 14, to ensure that the election results are declared at one and the same time.

day earlier or later than the fixed date or to spread them over both these days.

### *Explanation*

Paragraphs 1 and 2 are essentially the same as the corresponding text of the 1960 proposal. They lay down the important principle that European elections shall be held on the same day.

Respect for national customs, however, ought not to be precluded, and for this reason a minor deviation from this election date is permitted. If elections are held on different days, however, care must be taken that the results from those countries which have already voted do not influence the behaviour of the electorate in the States where voting takes place later. A Council directive could be used to resolve this technical detail.

It does not appear practical, however, to retain the provision contained in the 1960 proposal prohibiting the holding of national and European elections on the same day. Although a cumulation of several elections on a single day would detract from the psychological significance of European elections, it is not inconceivable that a specific political situation in individual States (e.g. early dissolution of Parliament) might necessitate the holding of national elections at the same time.

Other factors in favour of holding European and national elections (at regional or national level) at the same time include financial consideration and the advantage that — at least in the beginning — a higher turnout in the European elections could thus be achieved.

### *Article 10*

#### **New text**

1. Elections to the European Parliament shall be held not later than one month before the end of each legislative period.
2. The European Parliament shall sit automatically on the first Tuesday following an interval of one month from the last day of the elections.
3. The outgoing European Parliament shall remain in office until the first sitting of the new Parliament.

#### **1960 text (Article 15)**

1. Elections to the European Parliament shall be held not later than one month before the end of each legislative period.
2. The European Parliament shall sit automatically on the first Tuesday following an interval of one month from the date of the elections.
3. The outgoing European Parliament shall remain in office until the first sitting of the new Parliament.

### *Explanation*

This provision is virtually identical to that of the 1960 draft. It ensures continuity in the transition from one European Parliament to the next. The precise election date for all elections taking place after 1978 will be fixed according to the procedure under Article 14.

### *Article 11*

#### **New text**

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7(1), the European Parliament shall verify the credentials of representatives and rule on any disputes that may arise in this connection.

#### **1960 text (Article 16)**

The European Parliament shall verify the credentials of representatives and rule on any disputes that may arise in this connection.

### *Explanation*

With the exception of the reservation in regard to Article 7(1), Article 16 of the 1960 draft Convention contains a similar provision. The European Parliament already verifies the credentials of representatives, but this verification will have greater practical significance in the case of a directly elected Parliament. Procedural details should be fixed in the Rules of Procedure.

As long as the direct elections are organized under laws enacted at national level, supervision of the election procedure is incumbent on the national bodies. But as soon as a uniform European electoral system is introduced, consideration should be given to handing over verification of the lawfulness of the election to a Community institution — e.g. the European Court of Justice.

### *Article 12*

#### **New text**

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7(1) and subject to the other provisions of this Convention, the Member States shall lay down appropriate procedures for filling any seat which falls vacant during a legislative period.

#### **1960 text (Article 17)**

Should a seat filled in elections by direct universal suffrage fall vacant, no by-election shall be held.

Subject to this provision an electoral procedure for filling such a vacancy during the transitional period shall be determined by national law.

Should a seat filled in pursuance of Article 3 fall vacant, the successor shall be elected or nominated by the Parliament of the Member State.

### *Explanation*

The new text differs in two important respects from the 1960 proposal. Firstly, the third paragraph of the former Article 17 has been deleted, since the nomination of representatives by the national Parliaments is no longer provided for. Furthermore, for the sake of consistency, a national electoral law should remain responsible for establishing a replacement procedure for seats which have fallen vacant. This includes the possibility of holding by-elections.

### *Article 13*

#### **New text**

1. Subject to the provisions of Article 9, the first elections to the European Parliament shall be held not later than the first Sunday of May 1978.
2. The date of subsequent elections shall be fixed, taking account of Articles 3, 9 and 10, in accordance with the procedure laid down in Article 14.

#### **1960 text (Article 21)**

Subject to the provisions of Article 14, the first elections to the European Parliament shall be held on the first Sunday following an interval of six months from the day this Convention comes into force.

### *Explanation*

Unlike the 1960 proposal, the new text lays down a latest date for the first elections. This change was made for the following reasons: by fixing a date prior to which the draft Convention will have to be ratified the Council is given notice of the maximum period in which Parliament expects the proposal to be dealt with and adopted.

The Conference of Heads of State or Government on the 9 and 10 December 1974 also recommended that direct elections to the European Parliament should take place in or after 1978. Further, the Conference wished the Council to act in 1976 on the proposals of the Parliament.

If the Council starts to work immediately on the Parliament's proposals, it should be possible to take even earlier a decision to recommend the text of a convention to Member States. By 1978 it should be possible to accomplish ratification Member States, the introduction of



national electoral provisions and the actual preparations for the elections. In this context, it is essential to emphasize the importance, in the achievement of a European Union by 1980, of a directly-elected European Parliament.

A European Parliament elected by direct suffrage is an essential part of a political union in Europe. Moreover it is to be hoped that the first elections will be held before the creation of the Union, so that the direct cooperation of the European peoples in this Union will be assured to the full.

If the elections take place in the first week of May, the political mobilization of public opinion for European integration which traditionally takes place during this period may have a positive effect on the European elections.

After 1978 elections to the European Parliament, pursuant to Article 3, will take place at five-yearly intervals. Article 10 lays down that the elections shall be held not later than one month before the end of each legislative period. It would appear appropriate not to fix the exact election dates now but to leave the decision in each case to Parliament and to the representatives of the Member States in Council acting under the procedure laid down in Article 14.

*Article 14*  
(new)

Should reference be made to the procedure laid down in this Article or should it appear that further measures are required to implement direct elections to the European Parliament in accordance with this Convention and if the necessary powers are not provided, the Council shall, acting unanimously on a proposal from the European Parliament and with its approval, make the appropriate provisions. The Council shall consult the Commission before making its decision.

*Explanation*

The draft Convention — like the 1960 proposals — intentionally contains only the most essential provisions. A complete solution to every problem is not at present necessary. At the present stage of the development of the European Communities such a solution would also cause unnecessary technical and political difficulties.

It would be impractical, however, if every addition to this Convention necessitated the complicated procedure of concluding and ratifying an Agreement between the Member States (pursuant to Article 236 of the EEC Treaty). Article 14 therefore provides a flexible procedure which permits the Community to make any essential additions itself. This procedure corresponds almost exactly to that laid down in Article 235 of the EEC Treaty and Article 203 of the Euratom Treaty, so that, for the purpose of interpretation, reference can be made to the commentaries on these Articles.

The deviation from Article 235 of the EEC Treaty and from Article 203 of the Euratom Treaty is of an institutional character. The Council is to take the necessary measures not only on a

proposal from the European Parliament but also with its approval. If reference is here made to the long-standing demand by the European Parliament for the right to approve legislation, this represents an attempt to reach a compromise between two extremes.

- Under Article 235 the European Parliament must be consulted by the Council; the latter, however, is not bound by Parliament's opinion.
- On the other hand, since the direct election of the European Parliament is at issue here, it could be argued that the Council should have absolutely nothing to do with the electoral arrangements but that the power to make them should be vested exclusively in the European Parliament. The proposed right of approval changes the present legal situation to the extent that the Council can no longer disregard the opinion of the European Parliament but may nevertheless participate in equal measure in laying down legislation.

In this procedure the Commission has the right to be consulted corresponding to the consultation of the European Parliament under Article 235 EEC and 203 EAEC. This role is already assigned to the Commission elsewhere in the Treaties (e.g. Article 126 EEC).

#### *Article 15* (new)

1. The following provisions stand repealed by the present Convention: Article 21(3) of the Treaty establishing the European Coal and Steel Community, Article 138(3) of the Treaty establishing the European Economic Community and Article 108(3) of the Treaty establishing the European Atomic Energy Community.
2. Article 21 (1 and 2) of the ECSC Treaty, Article 138 (1 and 2) of the EEC Treaty, and Article 108 (1 and 2) of the EAEC Treaty shall be repealed on the date fixed in Article 10(2).

#### *Explanation*

The new text corresponds to the concept put forward by the Political Affairs Committee in 1960. This Article was deleted in plenary sitting because it was felt that it would be no more than a superfluous declaration. It nevertheless seems expedient to include in the Convention a provision which clearly defines the relationship between the Convention and previously applicable provisions.

The repeal of all the Articles which have until now governed the election and composition of the European Parliament is based on the following considerations:

Paragraph 1 of Article 21 of the ECSC Treaty, Article 138 of the EEC Treaty and Article 108 of the Euratom Treaty governs the designation of delegates by the national Parliaments. This will no longer be possible after the introduction of direct elections.

Paragraph 2 of these Articles governs the distribution of seats between the individual Member States and lays down the total number of representatives. This provision is superseded by Article 2 of the new Convention.

These two provisions cannot, however, cease to be valid until the newly elected Parliament assembles. So that a competent and lawfully constituted Parliament can continue to function until that date, the provisions governing the composition of the European Parliament until now have to be retained until then.

Paragraph 3 of the same Articles calls for the introduction of direct elections, provides the necessary powers and describes the procedure for adoption of the provisions. Where the powers provided under Article 21(3) of the ECSC Treaty, Article 138(3) of the EEC Treaty and Article 108(3) of the Euratom Treaty have not already been exhausted they are included in similar terms in Article 7(1) of the new proposal. These Articles therefore lose their significance on adoption of this Convention.

Since the complete repeal of these provisions represents a Treaty amendment, a reference has been made in the preamble to the amendment clauses contained in the Treaties (Article 96 of the ECSC Treaty, Article 236 of the EEC Treaty and Article 204 of the Euratom Treaty).

### *Article 16*

#### **New text**

This Convention is drawn up in the Danish, Dutch, English, French, German, Irish and Italian languages, all seven texts being equally authentic.

#### **1960 text (Article 22)**

This Convention is drawn up in the Dutch, French, German and Italian languages, all four texts being equally authentic.

#### *Explanation*

This text has been amended because of the increase in the number of the Community languages following enlargement.

The wording used, moreover, corresponds to the form used in the Community Treaties concluded between the Member States.

### *Article 17*

#### **New text**

1. This Convention shall be ratified by the Member States in accordance with their respective constitutional requirements.

2. The instruments of ratification shall be deposited with the Government of the Italian Republic, which shall inform the signatory States and the institutions of the European Communities when this has been done.

#### **1960 text (Article 23)**

This Convention shall be ratified by the Member States in accordance with their respective constitutional requirements.

The Governments of the Member States agree to take the steps necessary for this purpose as soon as possible, presenting to the Parliaments any document that may be needed before approval can be given.

The instruments of ratification shall be deposited with the Government of the Italian Republic which shall inform the signatory States and the institutions of the European Communities when this has been done.

3. This Convention shall enter into force on the day the instrument of ratification is deposited by the last signatory State to carry out this formality.

This Convention shall come into force on the day the instrument of ratification is deposited by last signatory State to carry out this formality.

### *Explanation*

The new text corresponds to the form habitually used in agreements between the Member States on Community matters (see Article 2 of the Treaty of Accession).

## **III — Summary of the report adopted by the European Parliament on 17 May 1960**

7. Directly after the constitution of the European Parliament in March 1958 the Political Affairs Committee began work on a report on direct elections. A special working party was first set up under the chairmanship of the Socialist Member, Mr Dehousse, to make a detailed study of all problems associated with such elections. After consultations in the Member States, the Political Affairs Committee adopted a draft Convention in March 1960 and submitted this proposal to Parliament for its approval. This proposal was accompanied by a report in four parts: the general report was drafted by Mr Dehousse, the report on the composition of Parliament by Mr Maurice Faure, that on questions relating to the electoral system by Mr Schuijt, and the report on the representation of the overseas countries and territories was drafted by Mr Metzger.

Details of the background to and the parliamentary consideration of this proposal will be found in the selected documents published by the European Parliament in 1969 under the title 'The case for elections to the European Parliament by direct universal suffrage'.

8. The rapporteur would refer those interested to this publication. He will confine himself here to a summary of the main problems considered by the European Parliament in its examination of the draft Convention in 1960. The main points included:

- the electoral procedure;
- the transitional period;
- the number of representatives;
- links with national Parliaments;
- date of the election, and
- general political problems associated with the introduction of direct elections.

9. As regards the *electoral procedure* the impossibility of setting up in the foreseeable future a completely uniform system within the European Communities was already recognized in 1960. The draft Convention therefore proposed that the details of the electoral procedure should initially be settled at national level until such time as a uniform electoral system was prepared and introduced by the European Parliament.

10. The 1960 draft Convention also proposed that direct elections should be introduced by stages and that during a *transitional period* — to run parallel with the transitional period for establishing the European Communities — only two-thirds of the representatives would be directly elected while certain questions of electoral procedure would not be finally settled until the end of this transitional period.

11. The 1960 proposal recommended setting the number of *representatives* in the directly elected Parliament by tripling the then existing number of members. The Convention thus proposed a total of 426 representatives.

12. *Links with the national Parliaments* were still of particular importance to the European Parliament in 1960. The proposal would thus have provided for the retention of the dual mandate for one-third of the representatives for the duration of the transitional period. However, the European Parliament did not take any binding decisions as to when the permanent arrangement for a directly-elected parliament was to come into force.

13. According to the 1960 Convention the *elections* were to take place on the same *date*. The first elections would be held six months after ratification of the Convention by all the Member States.

14. It was the view of the draftsmen of the 1960 proposal that the question of *increased powers* for the European Parliament and the matter of direct elections should be dealt with separately. Increased powers were in any case not a prerequisite for direct elections.

15. The details of the 1960 proposal together with the new draft Convention are set out in comparative form in Part II of this report.

#### IV — Summary of events between 1960 and 1973

16. On 17 May 1960 the European Parliament adopted the following resolutions:

- (a) resolution on the adoption of a draft convention introducing elections to the European Parliament by direct universal suffrage;
- (b) resolution on the procedure to be adopted in respect of the draft convention;
- (c) resolution on the electoral procedure during the transitional period;
- (d) resolution on the strengthening of Parliament's powers;

- (e) declaration of intent on participation by parliamentary representatives of the overseas countries and territories in the work of the European Parliament;
- (f) resolution on the preparation of public opinion for European elections by direct universal suffrage.

17. In the next twelve years, the European Parliament made many attempts to obtain a Council decision on the draft convention. At the same time bills were tabled in certain national parliaments with a view to arranging the direct election of the national delegations concerned.

18. In a resolution of 27 June 1963 on the powers and responsibilities of the European Parliament (Doc. 31/1963), Parliament stated that the direct election of representatives to the European Parliament was an essential factor for the democratization of the Community, and urged the Councils of Ministers and Governments to assume their full responsibility for the early entry into force of the draft convention.

19. On 12 March 1969 the European Parliament adopted the following resolution (Doc. 214/68-69):

- having regard to the fact that Article 138 (3) of the EEC Treaty provides for the election of its Members by direct universal suffrage,
- having regard to the fact that Parliament submitted as long ago as on 17 May 1960 a draft convention on elections to the European Parliament by direct universal suffrage,
- having regard to the fact that the Council has to date taken no decision on this draft convention and has not considered the matter for six years,

instructs its President to call upon the Council to apply without further delay the procedure laid down in the Council to Parliament's draft, and to refer the Council to Article 175 (1) and (2) of the EEC Treaty.

20. On 12 May 1969 the Council instructed the Committee of Permanent Representatives to report to it on the question of elections by direct universal suffrage.

21. At their meeting in The Hague on 1 and 2 December 1969, the Heads of State or Government published a final communiqué,<sup>1</sup> which contained the following passage (paragraph 5):

‘The question of direct elections shall be given further consideration by the Council.’

22. The European Parliament then adopted on 3 February 1970 a resolution on the basis of a report by Mr Dehousse (Doc. 210/69-70); the most important passage in this resolution was as follows:

- 1. notes that the Heads of State or Government, while inviting the Council to give further consideration to the question of direct general elections, laid down no timetable or time-limit for such consideration;

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<sup>1</sup> Printed in the Commission's Third General Report, p. 426.

2. urges the Council to complete its work on this question as quickly as possible;
3. calls for the creation by mutual agreement of a suitable consultation procedure between Parliament and the Council, in order to define concrete provisions on the basis of the draft drawn up by Parliament in 1960 to enable Article 138 of the EEC Treaty, Article 108 of the EAEC Treaty and Article 21 of the ECSC Treaty to be implemented.

23. Under the terms of this dialogue requested by Parliament, meetings were held on 26 June 1970, 8 December 1970 and 2 March 1972 between a delegation from the European Parliament or its Political Affairs Committee and the President-in-Office of the Council. It became apparent that the Council's working party had still not evolved a unanimous position on the plan proposed by the European Parliament.

24. Parliament therefore made the following recommendations in its resolution of 5 July 1972 on the forthcoming Summit Conference (Doc. 73/72):

'The request first made by the European Parliament in 1960, and emphatically repeated on several occasions since for its Members to be elected by direct universal suffrage in accordance with Article 138 (3) of the EEC Treaty, still stands. The search for ways and means of removing the practical and political obstacles which have so far postponed implementation of this measure must be begun immediately and pursued resolutely.

The widening of Parliament's powers is not linked with the issue of its direct election, and cannot be postponed until such elections are held.'

When the Summit Conference failed to adopt a position on the question of direct elections, Parliament stated on 14 November 1972 (Doc. 194/72):

'It regrets that no definite dates have been laid down for the general and direct election of Members of the European Parliament and no instructions given to solve the remaining difficulties.'

25. At the same time as it was urging the adoption of its 1960 proposal by the Council, Parliament contacted the authors of the national bills for the introduction of European elections. On 6 October 1971 there was a meeting with the Political Affairs Committee. These bills mostly made provision for the direct election of the delegations from the respective national parliaments. There were considerable differences between the details of the schemes. To date, however, no such law has been passed in any Member State.

26. Until 1970, Mr Dehousse was rapporteur for the Political Affairs Committee. After his departure, the Political Affairs Committee appointed Mr Lautenschlager the new rapporteur on 14 May 1971. Mr Lautenschlager was made responsible for ascertaining whether the conclusions which Parliament had reached in 1960 should be altered after eleven years. In view of the enlargement of the European Communities on 1 January 1973, there was also undoubtedly a need to adapt Parliament's draft of 1960 to the changed circumstances.

The European Parliament therefore decided at its sitting of 4 June 1973 to draw up a new report on the introduction of elections by direct universal suffrage. After Mr Lautenschlager had left the Political Affairs Committee, Mr Patijn was appointed the new rapporteur on 13 September 1973.

## C — Opinion of the Legal Affairs Committee

Draftsman: Mr Hans Lautenschlager

### I

1. The Treaties establishing the European Communities contain identical provisions concerning the formation and composition of the European Parliament:<sup>1</sup>

1. The Assembly shall consist of delegates who shall be designated by the respective Parliaments from among their members in accordance with the procedure laid down by each Member State.

2. The number of these delegates shall be as follows:

Belgium	14
Denmark	10
Germany	36
France	36
Ireland	10
Italy	36
Luxembourg	6
Netherlands	14
United Kingdom	36

3. The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.

The Council shall, acting unanimously, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. At the present time the European Parliament is constituted in accordance with the procedure described in paragraph 1 of these provisions; seats are allocated in accordance with paragraph 2. However, as shown by the task entrusted to the European Parliament and the Council by paragraph 3, this 'indirect' election procedure is to be replaced by 'direct universal suffrage'. The purpose of the Draft Convention prepared by the Political Affairs Committee is to introduce a new election procedure on the basis of Article 138(3) EEC Treaty.<sup>2</sup> It should not be confused, therefore, with the proposals under discussion in various Member States for changes in the relevant *national* systems of appointing delegates. As the text of the Treaty already shows the European Parliament can only directly influence the form of the elections by direct universal suffrage by way of paragraph 3.

As long as the European Parliament is still made up of representatives designated by the national parliaments from among their members, it is a matter for the individual Member States to establish the details of this procedure and amend it if necessary.

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<sup>1</sup> Article 21 ECSC Treaty, Article 108 EAEC Treaty and Article 138 EEC Treaty.

<sup>2</sup> Article 21 (3) ECSC Treaty; Article 108 (3) EAEC Treaty.



3. Any draft convention, but particularly the draft text for the introduction of elections by direct universal suffrage, which is so important, always raises an abundance of additional legal problems. The wording of the draft of the Political Affairs Committee and the lengthy explanatory statement given by its rapporteur show that the legal aspects have been thoroughly examined.

The Legal Affairs Committee will therefore confine itself to a few further comments on the following problems:

- (a) relationship between paragraphs 1 and 2 of Article 138 EEC Treaty (Article 21 ECSC Treaty, Article 108 EAEC Treaty) and paragraph 3 of those provisions;
- (b) the concept of a 'uniform election procedure';
- (c) legal aspects of the links with national parliaments;
- (d) incompatibility provisions;
- (e) number of Members;
- (f) transitional period;
- (g) Article 14 of the Draft Convention;
- (h) further consideration of the Draft Convention by the Council;
- (i) action against the Council for failure to act.

## II

- (a) *The relationship between paragraphs 1 and 2 of Article 138 EEC Treaty (Article 21 ECSC Treaty, Article 108 EAEC Treaty) and paragraph 3 of those provisions*

4. As already mentioned, the first two paragraphs of these provisions constitute the present legal basis for both the allocation of seats and the procedure for the designation of delegates. This situation must necessarily continue until a European Parliament meets which has been elected by direct suffrage on the basis of a procedure introduced in accordance with paragraph 3. It should be noted, therefore, that these provisions which have been in force hitherto will not become ineffective on the adoption of a convention for the introduction of elections by direct universal suffrage. Article 15(2) of the Draft Convention adopted by the Political Affairs Committee takes this into account.

5. Therefore, even if it is possible to hold elections to the European Parliament by direct universal suffrage by 1978 or even before, the Parliaments of the Member States will retain the right, *until the directly elected Parliament meets*, to lay down independently the details for the appointment of the Members of the European Parliament until that date. This is not the place to analyse the scope of Article 138(1) of the EEC Treaty or, in particular, to deliver an opinion as to how far the various schemes adopted at national level to establish the link between the Parliaments by elections comply with the Treaty as regards the appointment of the national delegations to the European Parliament.

In any case — from the legal point of view — the discussion and adoption of a draft submitted by the European Parliament pursuant to Article 138(3) does *not* affect the application and amendment of the national rules until a directly elected parliament meets.

6. With regard to the relationship between the individual paragraphs of Article 138 EEC Treaty (Article 21 ECSC Treaty, Article 108 EAEC Treaty), it should be pointed out that the allocation of seats in paragraph 2 is clearly limited to the present election procedure referred to in paragraph 1. If this is replaced by a new election procedure, it must be established at the same time whether the allocation of seats is to be retained or altered. The proposal of the Political Affairs Committee includes a new allocation of seats, thus establishing the necessary link with the election procedure.

(b) *The concept of a 'uniform election procedure'*

7. The interpretation of this concept was already examined in detail by the authors of the first Draft Convention submitted by Parliament in 1960. The rapporteur of the Political Affairs Committee has continued this discussion by proposing that the term 'uniform election procedure' should be interpreted flexibly, i.e., in accordance with the actual state of common political procedures, and only certain basic requirements of democratic elections should be declared indispensable. These basic requirements are that European elections must be free, equal, secret, direct and general. The Legal Affairs Committee assumes that these basic requirements are in fact met by the national electoral systems to be used on a temporary basis according to Article 7(2).

The concept of 'uniformity' will acquire a different value when further parallels have developed between the election procedures of the individual Member States. This approach therefore requires the development of a more standardized European election system at a later date. The Draft Convention makes provision in Article 7(1) for Parliament to undertake this task.

8. The Legal Affairs Committee considers this to be a suitable way of taking advantage of the common features existing at present between the election procedures of the Member States for the first European elections. This method is also *admissible*, since, according to the case law of the European Court of Justice, it is now acceptable in Community law for a legal act — i.e., in this case a uniform election procedure — to be introduced in stages.

9. When defining this uniform election procedure, which has yet to be worked out, the cooperation of the Legal Affairs Committee should be sought. The comments following the Draft Convention should therefore be amended to this effect.

10. For the *first* direct elections the Draft Convention refers mainly to the national rules applying at the time. Only a few provisions, namely

- date of the election (Articles 9, 10, 13),
- duration of the mandate (Article 3),
- scrutiny (Article 11),

are standardized. With regard to scrutiny, judicial control at Community level has rightly not yet been introduced. The rapporteur of the Political Affairs Committee is considering whether to involve the European Court of Justice at the point when the elections take place in accordance with the uniform procedure. For the moment, the national authorities are responsible for ensuring that the elections are held in accordance with the law (i.e., in accordance with the national electoral law). They are also competent, however, for establishing whether this electoral law has been infringed. The European Parliament is already responsible for the verification of credentials; direct elections will be even more reason for it to retain this responsibility.

(c) *Legal aspects of the links with national parliaments*

11. Article 5 of the Draft Convention provides for cumulation of the national and the European mandates. This eliminates the rigid ruling of the 1960 draft which prescribed that one-third of the delegates to the European Parliament must simultaneously be members of the national parliaments.

The question arises as to whether it is advisable for members of the national parliaments to stand for elections to the European Parliament. The organizational links between the two parliamentary levels have not as yet been developed to any great extent; however, does a link between the parliaments not involve a certain infringement of the sovereignty of the European Parliament and thereby detract from the significance of direct universal suffrage within the meaning of Article 138(3) of the EEC Treaty? In any case it is essential to remove the compulsion to exercise a dual mandate.

In the long term the independent position of the European Parliament must be emphasized by the absence of dual mandates. The Legal Affairs Committee therefore suggests a new wording for Article 5. This will ensure that dual mandates can only be held for a limited period. Article 5 should read as follows:

‘After the entry into force of the procedure provided for in Article 7(1), membership of the European Parliament shall not be compatible with membership of a Parliament of a Member State.’

In his first term of office a member of a national parliament elected to the European Parliament can choose on the basis of the specific situation in his country and the time at his disposal, whether he wishes to exercise a dual mandate or not. The national parliament can give no instructions on this choice.

The wording of Article 5 makes it clear, however, that the national mandate has *no legal effects* on the European mandate. Accordingly, if a directly elected member who is still exercising a dual mandate loses his national seat (for instance, because of differences in the length of the legislative period), his European mandate will simply continue. Likewise, it is left to the national legislator to alleviate the effects of exercising a dual mandate for instance by creating a special status as regards membership of the national parliament for members with a dual mandate.

The electoral principles mentioned under 7 above do, however, set a limit to the freedom of action of national legislators. It would be *inadmissible* for a national electoral law to lay down that *only* persons who are members of a national parliament could stand for election to the European Parliament.

(d) *Incompatibility provisions*

12. The incompatibility provision in Article 6 of the Draft Convention is in two parts: a definitive list of incompatibilities with various offices in the Community, and a broad reference to corresponding national provisions. This combination is advantageous. It establishes with the desired clarity the principle that a person exercising different functions should not decide on the same matter. The reference to national law, moreover, allows different usages in the Member States to be taken into account. Thus, for example, the times and legal effects of the resignation of a national official from public service in order to sit in parliament differ from country to country.

13. As regards employees of the European Communities, it should be noted that the Staff Regulations (Article 15) already provide for leave for the purpose of candidature for and exercise of elective public office.

(e) *Number of Members*

14. The determination of the total number of Members of a directly elected European Parliament and of the allocation of seats to the individual Member States is primarily a political problem, not a legal one.

The distribution of seats should, of course, not lead to discrimination against individual States or against the citizens of a State.

Both the Political Affairs Committee rapporteur's original proposal and the text adopted by the majority in the committee reflect an endeavour to allow all citizens as far as possible the same influence on the composition of the European Parliament, and also to guarantee representation of all States. The compromise adopted for this purpose cannot be criticized on legal grounds.

15. Nevertheless, the Legal Affairs Committee considers it desirable to decide the total number of seats according to the functions of the European Parliament. The proposed figure of 550 seats means almost a tripling of the present figure. The committee is of the opinion that an increase to 355 seats is sufficient to take account of the foreseeable development of the European Parliament — at least for the first two terms. It therefore proposes that this figure, with the distribution of seats on which it is based, be reinstated, and that subsequent experience and developments be allowed to decide whether the number of seats should be raised.

(f) *Transitional period*

16. In the Draft Convention the term 'transitional period' no longer occurs, by contrast with the 1960 proposals. This is in accordance with the Treaties, which do not provide for any transitional period in connection with the introduction of universal direct elections. Elsewhere in the EEC Treaty (Article 8), this term is used to denote the transitional period for the establishment of the common market, but this period has long expired.

The considerable delays which have already taken place in the introduction of direct elections also make it inadvisable to propose a further transitional period.

On the other hand, the preconditions for the creation of certain features — for instance a completely uniform electoral system — can only develop under a directly elected parliament.

17. Here, too, the Draft Convention has been worded very flexibly, to make it possible to hold the first and also the subsequent elections under the provisions of the Draft Convention, or else — provided the necessary consensus can be arrived at — apply a new system based on further progress towards integration. In view of the abovementioned Court of Justice decision on the application in stages of a legal act, there can be no objection to the Convention taking this form.

(g) *Article 14*

18. Apart from the uniform electoral system, which is to be introduced through the classical procedure for amending the Treaties (the powers contained in Article 138(3) being transferred to Article 7(1), the adaptations and additions to the Treaty will otherwise be effected in accordance with the procedure which is essentially that of Article 235 (EEC).

As regards the legal considerations on this provision, reference may be made to the Political Affairs Committee rapporteur's comments on Article 14. It should be recalled that the draft provides Parliament with the right of co-decision on amendments or supplements to the Treaty. In view of Parliament's position as the body mainly affected, it is to be hoped that this formulation can be maintained in the further discussions on the draft.

(h) *Further consideration of the Draft Convention*

19. According to the text of the Treaties, direct elections to the European Parliament by universal suffrage are to be introduced by a special procedure. This procedure provides essentially for three stages:

- submission of proposals by Parliament;
- consideration of Parliament's proposals by the Council; and their rejection or recommendation to the Member States for adoption;
- the Treaty to be concluded among the Member States.<sup>1</sup>

20. As regards the further consideration by the Council, the text of the Treaties is not absolutely clear whether — and if so how far — the Council can depart from Parliament's proposals. The translations of the text concerned differ considerably from each other:

‘Der Rat erläßt einstimmig die *entsprechenden* Bestimmungen und empfiehlt sie den Mitgliedstaaten zur Annahme gemäß ihren verfassungsrechtlichen Vorschriften.’

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<sup>1</sup> Article 138(3) does not make it compulsory for direct elections to be introduced by way of a Treaty between the Member States (see the exception in Article 236 EEC), but this method is the most suitable.

‘De Raad stelt met eenparigheid van stemmen de *desbetreffende* bepalingen vast, waarvan hij de aanneming door de Lid-Staten overeenkomstig hun onderscheidene grondwettelijke bepalingen aanbeveelt.’

‘Le Conseil statuant à l’unanimité arrêtera *les dispositions* dont il recommandera l’adoption par les États membres, conformément à leurs règles constitutionnelles respectives.’

‘Il Consiglio, con deliberazione unanime, stabilirà *le disposizioni* di cui raccomanderà l’adozione da parte degli Stati Membri, conformemente alle loro rispettive norme costituzionali.’

‘The Council shall, acting unanimously, lay down *the appropriate provisions*, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.’

‘Rådet fastsætter herom med enstemmighed *forskrifter*, som det henstiller til Medlemsstaterne at vedtage i overensstemmelse med deres forfatningsmæssige bestemmelser.’

21. However, the general sense of Article 138(3) is that it is incumbent on the Council and Parliament to cooperate in meeting the obligation laid down therein. Even though the two institutions have different tasks to carry out, these tasks each serve the common goal which both institutions *must endeavour to attain jointly*.

From this viewpoint, it is unthinkable for the Council to make significant changes to the Draft Convention without the approval of Parliament. Even in the ordinary legislative procedure, this would initiate renewed consultation of Parliament. In the case of the consideration and adoption by the Council of the Draft Convention on direct elections, it is all the more necessary for Parliament’s agreement to be ensured.

22. The Convention introducing elections by direct universal suffrage is to enter into force when all Member States have deposited the instrument of ratification. If the agreement of all the States to the holding of these elections cannot be obtained by 1978, the problem will arise whether the text of the Treaty is to remain a dead letter, or else those States who have ratified the convention should not then agree to hold direct elections.

It seems premature to provide regulations on this point now, since such provisions might even increase the delaying effect mentioned.

(i) *Complaint of failure to act*

23. It has already been mentioned that the Council and Parliament are *obliged* to work towards the attainment of the Treaty objective of elections by direct universal suffrage.

The Council must take a decision on Parliament’s plan within a reasonable period. It is not for us here to consider whether a complaint by Parliament against the Council on grounds of failure to act in respect of the direct election plans, on the basis of Article 175 EEC, would have been successful in past years.

The *admissibility* of such a complaint can certainly be regarded as the prevailing opinion today.<sup>1</sup>

As regards grounds for a complaint, the submission of this new Draft Convention sets new dates. If it becomes apparent that the Council is not using this period actively in order to reconcile differing views and to seek a compromise, but is again acting passively over a long period, then a complaint of failure to act would be justified.

It is to be hoped that these considerations will remain hypothetical and that the Council will pass Parliament's draft to the Member States without delay.

#### 24. The Legal Affairs Committee

- recommends the European Parliament to consider how the introduction of direct elections can be linked with the extension of the powers of the European Parliament, for instance by
  - granting comprehensive budgetary powers,
  - the introduction of a legislative right, to be supervised by a second chamber,
  - a different allocation of the right of initiative,since it should be ensured that in complying with Article 138, the all-round significance of this provision for changing the status of the European Parliament is not forgotten;
- welcomes the fact that this Draft Convention has been submitted;
- approves the draft, with the above reservations;
- hopes that it will be asked to play a part in the working out of the common electoral system.

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<sup>1</sup> See the communication on the opinion requested by President Behrendt, Annex to the Bulletin of the European Parliament No 12/1972.





**Report of the Political Affairs Committee**  
**on the adoption of a Draft Convention introducing elections to the European Parliament by direct universal suffrage (Doc. 368/74)**

AMENDMENTS No 1<sup>1</sup> AND No 2<sup>2</sup>

*tabled by Mr H. Lautenschlager  
on behalf of the Legal Affairs Committee*

AMENDMENT No 1

*Article 2(1)* of the Draft Convention on elections to the European Parliament by direct universal suffrage to read as follows:

*Article 2*

1. The number of representatives elected in each Member State shall be as follows:

Belgium	23
Denmark	17
Germany	71
France	65
Ireland	13
Italy	66
Luxembourg	6
Netherlands	27
United Kingdom	67
	355

*Explanation*

The aim of the amendment is to restore the number of seats originally proposed by the rapporteur, for the following reasons:

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<sup>1</sup> adopted by 15 votes in favour with one abstention.

<sup>2</sup> adopted by 8 votes in favour and 7 votes against.

The number of Members of the European Parliament has a triple function:

- to ensure fair representation of all the citizens of the Community;
- to ensure conditions such that the European Parliament can exercise its rights and discharge its duties in the best possible way;
- provision must be made for the possibility of future increases in numbers in the event of enlargement of the Communities (e.g. possible accession of Greece, Portugal or Norway) or growth in Parliament's workload.

An increase in the number of seats to 550 would not now fulfil these requirements. In particular, the accession of one of the abovementioned States would tend to enlarge the European Parliament unduly to almost 700 Members. It is to be feared that this great size would not be beneficial to the quality of Parliament's work. Moreover, the existing ratio of representatives from small and medium States to representatives from large Member States would be abruptly changed to the detriment of the smaller States.

According to the draft prepared by the Political Affairs Committee, Ireland for example would have 10 representatives as at present, Denmark's representation would increase to 14, whilst France, Italy, the United Kingdom and Germany would have their number of representatives virtually tripled.

The amendment proposed by the Legal Affairs Committee, on the other hand, envisages 13 representatives for Ireland, 17 for Denmark and for the four Member States with the highest population increases which would in no case go beyond double the present figure.

The Legal Affairs Committee's proposal for the distribution of seats between the Member States is also based on a mathematical model. The essential objectives of this model are as follows:

- so far as possible, a proportional ratio would be established between the population of a State and the number of its representatives in the European Parliament;
- the new distribution of seats must not lead to a reduction in the present number of representatives from any one side;
- the size of the delegation to be elected in each State should be such that all significant political forces in that State can be represented in the European Parliament.

Only a compromise can enable these objectives to be achieved to any extent. The proposed figure of 355 representatives and the distribution of seats between the Member States on the basis of the following calculation are fair and adequate and make provision for any growth in the workload of the European Parliament and possible enlargement of the Communities:

- (a) Up to a population of 1 million each State receives 6 seats.

- (b) States with a population between 1 million and 2.5 million are given 6 further seats.
- (c) Up to a population of 5 million, each State receives 1 further seat for each additional 500 000 inhabitants.
- (d) For a population between 5 million and 10 million each State receives 1 further seat for each additional 750 000 inhabitants.
- (e) For a population between 10 million and 50 million each State receives 1 further seat for each additional 1 million inhabitants or part thereof.
- (f) For a population exceeding 50 million, each State receives 1 further seat for each additional 1.5 million inhabitants or part thereof.

The seat distribution provided for in Article 2 results from the application of this system to Member States' populations in 1973. Details will be found in the following table.

#### AMENDMENT No 2

*Article 5* of the Draft Convention on elections to the European Parliament by direct universal suffrage to read as follows:

'After the entry into force of the procedure provided for in Article 7 (1), membership of the European Parliament shall not be compatible with membership of a Parliament of a Member State.'

#### *Explanation*

A representative should be permitted to combine a national parliamentary mandate with a European mandate only during a transitional period. This dual mandate will no longer be justified after the introduction of the uniform election procedure. The two parliamentary levels should function quite independently and in parallel.

At this stage of the Community's development there would seem to be no further need for individual *States* to exercise influence on Community legislation in the European Parliament. In the discussions so far held on the future institutional structure an outline has emerged for a Chamber of States which would enable the Member States to influence Community legislation.

It would significantly disturb the balance of the future system if representatives to the European Parliament were tied to the national parliaments by the maintenance of the dual mandate.

	Popula- tion (in millions) 1973	(a)		(b)		(c)		(d)		(e)		(f)	
		Seats after 1st count	Remain- der (in millions)	Seats after 2nd count	Remain- der (in millions)	Seats after 3rd count	Remain- der (in millions)	Seats after 4th count	Remain- der (in millions)	Seats after 5th count	Remain- der (in millions)	Seats after 6th count	Total seats
Belgium	9.7	6	8.7	6	7.2	5	4.7	6	--	--	--	--	23
Denmark	5.0	6	4.0	6	2.5	5	--	-	--	--	--	--	17
Germany	61.7	6	60.7	6	59.2	5	56.7	6	51.7	40	11.7	8	71
France	51.7	6	50.7	6	49.2	5	46.7	6	41.7	40	1.7	2	65
Ireland	3.0	6	2.0	6	0.5	1	--	-	--	--	--	-	13
Italy	54.3	6	53.3	6	51.8	5	49.3	6	44.3	40	4.3	3	66
Luxembourg	0.35	6	--	-	--	-	--	-	--	--	--	--	6
Netherlands	13.3	6	12.3	6	10.8	5	8.3	6	3.3	4	--	-	27
United Kingdom	55.8	6	54.8	6	53.3	5	50.8	6	45.8	40	5.8	4	67

# DEBATES OF THE EUROPEAN PARLIAMENT

Session 1974-75

SITTING OF TUESDAY, 14 JANUARY 1975 <sup>1</sup>

## Contents

1. Approval of the minutes .....	67
2. Convention introducing elections to the European Parliament by direct universal suffrage — Debate on a report drawn up by Mr Patijn on behalf of the Political Affairs Committee (Doc. 368/74):	
Procedural motion:	
Mr Scott-Hopkins .....	67
Mr Patijn, rapporteur .....	68
Mr Lautenschlager, draftsman of the opinion of the Legal Affairs Committee; Mr Ortoli, President of the Commission of the European Communities; Mr Klepsch, on behalf of the Christian-Democratic Group; Mr Schmidt, on behalf of the Socialist Group; Mr Jozeau-Marigné, on behalf of the Liberal and Allies Group; Mr Kirk, on behalf of the European Conservative Group; Mr de la Malène, on behalf of the Group of European Progressive Democrats; Mr D'Angelosante, on behalf of the Communist and Allies Group ....	70
3. Welcome to the Turkish Delegation to the Joint Parliamentary Committee of the EEC-Turkey Association .....	97
4. Convention introducing elections to the European Parliament by direct universal suffrage (Doc. 368/74) (continued):	
Mr Outers; Mr Cifarelli; Lord Gladwyn; Mr Scelba; Sir Derek Walker-Smith; Mr Bordu; Mr Lenihan; Mr Scholten; Mr Broeksz; Mr Johnston; Mr Brewis; Mrs Caretoni Romagnoli; Mr McDonald; Mr Nørgaard; Lord Reay; Mr Hill; Mr Andreotti .....	97
Mr Patijn, rapporteur .....	128
Adoption of Part 1 of the resolution .....	133

<sup>1</sup> Official Journal of the European Communities, Annex No 185, January 1975.

Consideration of the Draft Convention:	
Amendment No 6 to Article 1:	
Mr Yeats; Mr Patijn .....	134
Amendments Nos 3, 5, 7, 13, 15 and 17 to Article 2:	
Mr de la Malène; Mr McDonald; Mr Nyborg; Mr Outers; Mr Lautenschlager; Lord Reay; Mr Patijn .....	136
Amendments Nos 4, 9 and 16/rev. to Article 5:	
Mr Liogier; Mr Lautenschlager; Lord Gladwyn; Mr Patijn; Mr Liogier.....	141
Amendment No 10 to Article 6:	
Mr Yeats; Mr Patijn; Mr Scelba .....	144
Amendment No 14 to Article 7:	
Mr D'Angelosante; Mr Patijn; Mr Memmel; Mr Patijn.....	146
Amendments Nos 1 and 11 to Article 13 (1):	
Mr de la Malène; Mr Patijn .....	147
Amendment No 12 to Article 13 (2) .....	148
Amendment No 8 to Article 14:	
Mr Yeats; Mr Scelba; Mr Patijn .....	148
Amendment No 2 to Article 16:	
Mr Patijn .....	150
Adoption of Part II of the resolution	
Mr Spénale .....	151
Explanations of vote:	
Mr Memmel; Mr Klepsch; Mr Romualdi .....	151
Vote by roll call on the motion for a resolution as a whole.....	152
Adoption of the resolution .....	153



IN THE CHAIR: MR BERKHOUWER

*President*

*(The sitting was opened at 10.15 a.m.)*

**President.** — The sitting is open. At the request of the Christian-Democratic Group the sitting is beginning a little later than planned.

1. *Approval of the minutes*

**President.** — The minutes of proceedings of yesterday's sitting have been distributed.

Are there any comments?

The minutes of proceedings are approved.

2. *Convention introducing elections to the European Parliament by direct universal suffrage*

**President.** — The next item is the report drawn up by Mr Patijn on behalf of the Political Affairs Committee on the adoption of a Draft Convention introducing elections to the European Parliament by direct universal suffrage. (Doc. 368/74)

I would remind the House that it was decided yesterday to allot speaking time in this debate according to certain rules which have been brought to your attention and are recorded in the minutes of proceedings of yesterday's sitting.

On behalf of all those present, I am pleased to welcome Mr Dehousse to the House this morning. In 1960 he was rapporteur on the same subject.

*(Applause)*

I call Mr Scott-Hopkins for a procedural motion.

**Mr Scott-Hopkins.** — Mr President, I have no wish to hold up the proceedings, but may I ask your guidance? I understand the importance of this debate and I understand the necessity of this debate to be as widely known throughout our Community as possible, but is it really necessary to have so many of these gentlemen in the middle of the Chamber? It makes this not a debating chamber but something entirely different, and I suggest that some form of compromise be arranged by yourself with all these gentlemen of the press with their lights and so on. Perhaps it can be done a little more discreetly. Our constituents throughout the Community must know what we are saying on this very important matter, but this is really going too far.

**President.** — Mr Scott-Hopkins, these gentlemen will only be here for a short time. Furthermore I shall ask them as far as possible to film the whole Assembly, but for not more than 15 minutes at the most.

I call Mr Patijn, who has asked to present his report.

**Mr Patijn, rapporteur.** — (NL) Mr President, in May 1960 the European Parliament met for three days in order to establish a draft convention introducing direct elections of Members. Now, almost 15 years later, we are devoting only one day to this.

Has our interest in our own elections diminished since then? By no means—indeed, quite the reverse is true. The need for European elections is greater today than ever before. I shall return to this point shortly.

In 1975 we can build on the great amount of work that has been done in recent years, and can take up the thread where it was left off. Without delving too far into past history, I would nevertheless like to recall a few names to memory. First and foremost there is Mr Dehousse, whom you have just mentioned, Mr President, and who performed excellent work in 1960 as chairman of the Working Party on European elections, and was also the Political Affairs Committee's rapporteur on this matter until 1970.

As your rapporteur, therefore, I have great pleasure in welcoming the 'father of European elections', here today. Mr Dehousse, your presence is a source of stimulation to me as your 'son and heir' in this matter; you and I will know by the end of the day whether I am a prodigal son or not.

I should also like to mention the other members of the 1960 Working Party and I would draw your attention to the fact that three of them, Mr Faure, Mr Poher and Mr Schuijt, are still members of our Parliament.

Finally I should remind you of the great amount of work which my predecessor Mr Lautenschlager has done as rapporteur. I have profited enormously from his experience, and he will shortly present an extremely valuable opinion in his capacity as rapporteur of the Legal Affairs Committee.

All that had already been written and said about European elections thus greatly facilitated my task as rapporteur of the Political Affairs Committee. On the other hand it also made it more difficult. Firstly, three new Member States have joined the European Communities and an almost completely new generation of politicians has grown up. In addition, I knew that the Council has hitherto never managed to reach any decision on direct elections of Members of the European Parliament.

Thus, the political climate was somewhat uncertain when I took on this task in autumn 1973. Was the European Parliament once more going to draw up a detailed draft convention which would find its way into the Council filing cabinets, never to be seen again?

However, the Heads of State and Government surprised us at the Paris Summit in December with their statement that direct elections to the European Parliament should be introduced as soon as possible. True, two delegations had reservations, but the majority of governments have now approved the principle of European elections. The Council is waiting for our proposals, and as far as your rapporteur is concerned, the Council can start its work tomorrow and complete it very swiftly. If the Council again wants to take 15 years to reach agreement, it can certainly spend a whole year on each individual article proposed. But I would stress that the proposals on which we shall vote today and the political climate which emerged at the last summit make a rapid decision possible.

The need for a rapid decision was constantly in my mind when I was formulating my proposals. Like the 1960 rapporteurs, I worked from the premise that a speedy decision on



European elections was of vital importance. Consequently I had to exercise considerable restraint with regard to the evolution of a uniform procedure. Anything which need not absolutely be decided today has been deferred for consideration in the context of the uniform electoral system which the European Parliament itself will have to work out. I decided to work in this way for very specific reasons. During my extraordinarily useful and informative tour of the capitals of the nine Member States, almost everyone I spoke to recommended that we should first organize the elections on the basis of national rules and the rest would follow. The Political Affairs Committee and the Legal Affairs Committee share this view.

The real political significance of direct European elections lies not in the extent to which they are uniform, but in the fact that they are held at all. Opponents of direct elections have been telling us for long enough that the European Parliament must have power before it can be directly elected, while at the same time withholding these powers from Parliament on the hypocritical grounds that we are not directly elected.

The European Parliament must break this vicious circle and make it quite clear that the one does not depend on the other. Of course we must continue to fight for increased powers — particularly legislative powers — for the European Parliament, but that is a very different question from whether we will meet shortly as representatives of the people, with a mandate from the peoples of Europe rather than from our national parliaments. Once we have acquired legitimacy by virtue of our direct link with the European voters, we shall have an even more legitimate right to demand that the governments grant us powers.

There is an additional, very practical point. Unless we are released from the burden of our dual task, i.e. our duties to our individual countries and to Europe, we in the European Parliament will remain amateurs. We perform our legislative and supervisory task in Europe only when our duties to our national parliaments or our constituencies allow. The major part of our responsibilities is still at home, and we can only carry out our task here by dint of excessive efforts and at the expense of our families and ourselves.

This must stop. The development of the European Community requires professional parliamentary control. European elections are an aid to this and no more.

If, with the vote on my report this evening, we take a further step on the long and difficult road to European elections, it will not be an occasion for jubilation, since it will mean that we are again submitting proposals to the Council which, in 15 years, has done nothing about European elections. We shall therefore have to make it very clear to the Council that we are not prepared to tolerate another delay of this kind. We shall insist that the Council adheres to the terms of the communiqué issued by the Paris Summit, i.e. a decision in 1976 and elections in 1978.

The European Parliament will therefore begin work tomorrow on a threefold task. Firstly, we shall have to put pressure on the Council in the immediate future to compel it to take a swift decision on direct elections to the European Parliament. The European Parliament must not and cannot tolerate another 15 years of unbroken silence on the part of the Council.

Secondly, the European Parliament must consider the uniform electoral procedure. I have learned from my experience over the last year that Parliament here faces an enormous task which involves a great deal of responsibility and which we must tackle without too much delay.

Thirdly, we must prepare for the first European elections. Your rapporteur feels this is an exceptionally important task. We must make it clear to our political parties that they have to think seriously about what they want from the European elections and how they see the development of European politics, since their views on this can vary greatly in accordance with their different principles. Above all, however, we must prepare the peoples of Europe and explain to them the whys and wherefores of our work in the European Parliament, not for our own sakes, but for theirs.

To conclude, the report we are discussing today is only a beginning. We will be dealing for a long time yet with the question of direct elections to the European Parliament and, of course, with the related question of the powers of the Parliament. We must have no illusions: no one simply by virtue of European elections is going to hand us powers, or legitimacy on a plate. We ourselves must fight for them. But anyone who hopes and believes, as I do, that the European Community will be able to do something for our peoples must be prepared to make great efforts to achieve democratic control and, therefore, the direct election of the Members of the European Parliament.

*(Applause)*

**President.** — I call Mr Lautenschlager, draftsman of the opinion of the Legal Affairs Committee.

**Mr Lautenschlager.** — *(D)* Mr President, ladies and gentlemen, under Article 138(3) of the EEC Treaty and the corresponding provisions of the ECSC and Euratom Treaties, the European Parliament must submit to the Council of Ministers a draft convention on direct elections to the European Parliament. Parliament fulfilled this condition as early as 1962, and it is a modified draft convention which is to be adopted today. It should be pointed out that Parliament certainly cannot be reproached for this twelve-year delay. It must, however, be said that in spite of the great importance of the discussions on a draft convention introducing direct elections to the European Parliament, the Bureau was unable to shake off the self-imposed restrictions of the division of responsibilities—for instance, the Legal Affairs Committee should have been asked to advise on a whole series of legal matters. It was only after a suggestion to this effect from the Legal Affairs Committee that the Bureau decided, on 13 November 1974—i.e. after the Patijn report had been adopted by the Political Affairs Committee on 7 November 1974—to ask the Legal Affairs Committee for its opinion as well. The result of this is that the House is now faced with two reports, which certainly does nothing to make our deliberations simpler.

The Legal Affairs Committee first of all studied the question of continuity, in other words it had to see whether, after the Convention came into force, the outgoing Parliament was automatically dissolved under Article 138(3) of the EEC Treaty, or whether it would remain in office until the new Parliament—i.e. the directly elected Parliament—met. The terms of reference of the outgoing Parliament in the Treaty were so imperative that we came to the view that it was essential to have an uninterrupted transition to the directly elected Parliament. This requirement is satisfied by Article 15 in conjunction with Article 10(3) of the Draft Convention. It also means that the national parliaments retain the right to fill the seats allocated to the individual Member States in accordance with the old procedure.

The next point studied was the seat distribution. It must be pointed out in this context that the seat distribution laid down in Article 138(2) of the EEC Treaty in the version for the Treaties of Accession is linked unequivocally and exclusively to Article 138(1) of the Treaty, so that any convention on direct elections to the European Parliament must also contain provisions regarding the distribution of seats. The actual number of seats will doubtless be discussed in the context of the proposed amendments to the Patijn report.

One of the greatest problems over the years has been the uniform electoral system. It is understandable that each Member State felt its own system was best and tried to have it accepted by the others. To escape from this impasse, it was essential to study whether the term 'uniform' necessarily referred to an entire system. Since all Member States profess their allegiance to democracy, in other words to a form of government in which the people is the source of power, there is a guarantee that by means of elections the people can make its views effectively known on political decisions. This, in turn, means that all the electoral laws in the Member States satisfy the five minimum requirements for democratic elections: they are free — as are all citizens —, they are equal — we do not have an electoral system based on classes —, they are secret, they are direct — no electoral college is involved — and they are universal. These were the criteria on which the Political Affairs Committee agreed as being covered by the term 'uniform'.

The harmonization of the national electoral laws will then be undertaken by the directly elected Parliament, as provided for in Article 7(1) of the Draft Convention. The national laws will also apply to the other procedural aspects in the first direct election. Only the timing of the election, the period of the mandate and verification are settled in the Convention. This last item was necessary since the national electoral laws are not subject to supervision by the European Court of Justice.

Almost the longest time was spent by the Legal Affairs Committee on the combination of the mandates in the national and European Parliaments. After a thorough debate, it decided to accept the proposal to allow the dual mandate for a transitional period, while rejecting it in principle. Mr President, I myself and the speakers for my group will be making further comments on this aspect in connection with the amendments tabled on this point.

The number of seats was also the subject of a detailed debate in the Legal Affairs Committee, and we finally decided to submit the amendment which you have before you. Essentially, the Legal Affairs Committee saw no need to base the Parliament on principles of maximum representation, in other words to lay down a representative size, but felt that, as Parliament could still be enlarged if need be, it was better to avoid laying down a size which could not be changed at a later date. We must also remember that we have applications from potential member countries and that their representatives would have to be added to this figure, with the result that Parliament might become so large that its work would be affected. That was all I wanted to say as spokesman of the Legal Affairs Committee for the time being — more when we come to move the amendments.

The transitional period proposed originally is no longer contained in the Convention. There have been so many political changes in the meantime that there is really no further need to discuss it.

The remaining paragraphs of the report by the Legal Affairs Committee concern legal questions dealing with the further processing of the Draft Convention after its approval by

Parliament. We reached the conclusion that if the Council of Ministers wishes to make any changes to the Draft Convention in the form approved here today, Parliament must always be consulted. There must, in other words, be cooperation between the Council of Ministers and the European Parliament, since the right of initiative for Parliament laid down explicitly in the Treaty requires that Parliament must be consulted right up to the very last minute, i.e. until approval by the Council of Ministers.

We could also deal here with the action against the Council for failure to act, but this would probably take too long today. Ladies and gentlemen, you know that Parliament looked in to this question a long time ago—it must be about six or seven years—, but that it decided not to bring an action against the Council of Ministers before the European Court of Justice for failure to act, since the then current strict interpretation of the provisions of the Treaty forced Parliament to drop the action it has planned. Since then, there has been a change of attitude in all the Community institutions, and we feel that an action for failure to act would now have some prospect of success—at least as regards its admissibility. We hope, however—and I must emphasize this as strongly as possible—that the Council of Ministers does not allow things to go so far that Parliament is obliged to bring an action against it for failure to act.

Mr President, our debate today should also be used as an occasion to point out to the Council of Ministers and the governments of the Member States that the direct elections to a European Parliament are not intended to represent the final stage of development, but that, alongside this—although, as Mr Patijn has just pointed out, not necessarily linked to it—there should be an extension of Parliament's powers and responsibilities. Budgetary powers stand at the top of the list, along with some form of involvement of the European Parliament in legislation and the granting to the European Parliament of a right of initiative in the creation of European law. This is something which must not be forgotten. If our interpretation is correct, it is one of the points contained in paragraph 12 of the Summit Conference communiqué, and it is now up to the Council of Ministers to satisfy this most pressing wish of the European Parliament. Mr President, it is the opinion of the Legal Affairs Committee that the European Parliament is today taking one of its most important decisions, and it would be a good thing if this decision were backed by a convincing, indeed an overwhelming majority in the final vote this evening.

*(Applause)*

**President.** — Ladies and gentlemen, I think it would be a good thing for this very important debate to be publicized as fully as possible throughout the Community; hence the presence of television,

*(Applause from the Socialist Group)*

to whom have given instructions that all the institutions and all the parties should be given the most objective possible coverage. This will happen once or twice again later in the debate when we get round to voting. I hope everyone is satisfied with this arrangement.

I call Mr Ortoli, whom I congratulate on behalf of us all on being reappointed President of the Commission of the European Communities.

**Mr Ortoli, President of the Commission of the European Communities.** — *(F)* Mr President, first of all should like to thank you for your kind words. I am pleased to be re-elected at a time when we are debating a subject which is of major importance for Europe. If we do indeed

succeed in implementing the Treaty to the full, in other words investing Europe with real power, we shall have effected a decisive change in the coming years by moving from the first preparatory phase of European construction to the establishment of the real Europe. This is why as a European and as a democrat I find this conjunction between the renewal of my mandate as President and the prospect of direct elections to Parliament most felicitous.

Mr President, the fact that Parliament is today deliberating on the direct election of its Members reflects a positive and very significant development. In spite of doubts, in spite of persistent threats, Europe seems to be moving in the right direction, at least as far as its democratization is concerned. For thirteen years, since 1960, when Mr Dehousse—whom I am glad to see here today—produced his report, the objective of election by universal suffrage has been one of your and our constant preoccupations, but has disappeared from the priorities of our governments. The work of your Political Affairs Committee and the Draft Convention presented by Mr Patijn on renewed bases, which take account of the new factors involved in the construction of Europe and in particular the enlargement of the Community and the opportunities offered by European Union, thus reflect a very substantial change of attitude. We know—and the events of 1974 have only reinforced this conviction — that the difficulties and the challenges facing Europe are leading, for reasons both of principle and necessity, to prospects of progress in the institutional field, in particular in the direction of greater European democracy. Indeed, in the period of confrontation with world problems which is ahead of us I do not believe that we shall succeed in convincing our peoples that Europe is both a necessity and a refuge unless they feel a greater sense of participation in this great undertaking.

But it is particularly essential that we should henceforth not be the only ones to share this feeling. While for years the governments of the Member States have shown obvious reluctance to take concrete steps towards direct elections to your Assembly, the Heads of State and Government at their recent Paris Summit have, in a decision of major political significance, fixed dates, laid down objectives and provided a very profound and very powerful impetus. Parliament's role in this must not be underestimated. I am convinced, for instance, that the quality of the work done by your Political Affairs Committee and in particular the logical and realistic character of Mr Patijn's draft played a great part in the developments leading to the results of last December. This is also true of the pressure which the Commission has untiringly brought to bear, both in public and in private, and the desires and preoccupations which I myself expressed clearly at the Summit.

But we must also admit that the political leaders of our countries have succeeded in giving concrete form to the general feeling that it is not only possible but necessary to open up the way to institutional progress in Europe. For me this illustrates the usefulness of meetings between Heads of Government—which I, like many of us, sometimes have my doubts about, as you know—when they are properly prepared and centred on a limited agenda. They are a way of introducing major political initiatives without the protracted debates and risk of bogging down which characterize other gatherings. The problem of how to implement these policies remains. Mr Patijn said this quite clearly. I do not underestimate the difficulties involved, nor am I unaware of the reservations expressed by two Member States as to the conclusions of the Heads of Government. But I believe nonetheless that this is an important step forward.

Europe is advancing towards a new institutional equilibrium on a democratic basis. There is a logical link, which cannot be denied, between the election of Parliament by universal suffrage

and the whole question of the European institutions. To envisage the direct election of your Assembly amounts effectively to raising the problem of Parliament's legislative powers, given its added political weight and, ultimately, to anticipating developments towards European Union and the general institutional equilibrium it will bring about. From this point of view the Paris communiqué represents the first brick in the construction of European Union.

It is self-evident that the thinking and the work which have been going on in recent months will have to be continued and intensified if this logical sequence of ideas is to be converted into an overall strategy. This will be a difficult task, we must not pretend it won't; I myself can already see difficulties and dangers. The greatest hazard is foolhardiness, and we can avoid this only by maintaining maximum flexibility in our overall strategy, in order to avoid the creation of formal links between the various aspects of institutional development in Europe, which could lead to political stalemate.

In other words I hope that, while keeping this overall strategy in view, we shall be able to achieve specific aims—and the direct election of Parliament is one of the most important—without seeking to lay down every detail of the construction beforehand. Otherwise in fifteen years' time we shall find ourselves thanking Mr Patijn and telling him that he did a very good job and that now at last we can get down to doing something concrete.

*(Laughter)*

We must also avoid the danger of over-bureaucratic preparation and thinking. The Community's institutions are now faced with a series of deadlines in respect of certain commitments. For 1975, the approval by Parliament of a draft convention, the submission of a report on European Union by each of the institutions, and the preparation of a comprehensive report by Mr Tindemans; for 1976, action by the Council on your proposals; and for 1978, the first direct elections to Parliament. These different procedures form part of a whole; the development of a new institutional system for Europe. This must be part of a process of creation and ongoing reflection, and cannot under any circumstances eliminate the powers of any of the institutions, or remove their right to make proposals and to intervene at any time. Procedures make it possible for ideas and initiatives to be channelled in a useful direction. They must not become sterile straitjackets impeding the spontaneity and popular enthusiasm which are essential to the success of such an ambitious enterprise. However, I can understand that the closeness of the deadlines, in particular 1978, may cause a certain amount of confusion and anxiety. In my opinion such fears are legitimate, for time is short, but we must not be paralysed by them.

Let us not be frightened by our own boldness, for one thing is certain, the creation of a cumulative process, a dynamic interlinking of the institutions can only be beneficial for Europe.

It is difficult at this stage to say any more about the form and content of the final edifice of which the election of your Assembly by universal suffrage will be the foundation stone. I myself believe—though this is at the moment no more than a personal opinion—that a strong executive with wide powers and adapted to the requirements of modern government is a natural counterpart to a Parliament, elected by the citizens of Europe. This, however, is no more than a preliminary judgment.

On the other hand, I am fully convinced that the policies decided at the Paris Summit symbolize the return, after the doubts of 1974, to a more constructive state of mind. The

somewhat absurd debate which took place for a certain time between the advocates of progress through institutional developments and those who put economic and monetary recovery above all else, seems to have been settled satisfactorily. There has been a salutary awakening, as I said a few moments ago. We have reached a point today where the reality of Europe, the problems it must face and the realization of our ambitions require a step forward at the institutional level.

This is why I am pleased that, despite the present crisis in Europe, despite the pressures of external payments, inflation and unemployment, those in the highest positions have shown ambition and real political courage, inspired by forward-looking ideas on the institutions, and have put Europe back on the right path, the path of integration, by confirming and completing the European project born of the Treaty of Rome and put into focus at the October 1972 Summit.

This does not dispose of all the problems, nor does it remove all my doubts about European initiatives which smack too much of intergovernmental collaboration. But today we are discussing a subject which allows room for hope rather than doubt.

This path towards European integration has been rediscovered by the Heads of State and Government in another, and perhaps more significant way, for their stimulus relates to the democratic ideal itself, which is part of the common inheritance of our nine countries.

For the first time, indeed, the goal of European Union is being approached in a concrete manner via the route of universal suffrage. This is not only of symbolic but of considerable practical significance, since it represents a commitment to build the new European institutional system in accordance with democratic principles. It seems obvious to me that this essential element cannot be ignored in the final construction.

This is an extremely significant step, since excessive stress on the technical aspects of building Europe could lead to the fundamental requirements of democracy being disregarded or at least undervalued.

The fact that democracy is the primary objective of the new Europe seems to me to have a further significance. The fact which the Europe of tomorrow will present to the world will be that of democracy, which represents not only its most precious asset, but perhaps its most original one, too, and which, in a world in upheaval where individual rights and liberties are so often trodden under foot, perhaps best portrays its identity. In short, the setting-up of democratic machinery is unarguably the best way to start building Europe. It means setting in motion important dynamic forces, which must play, and I believe will play, an extremely positive role in the subsequent construction of Europe by strengthening its legitimacy and hence the impact of the initiatives taken in its name.

You are right about this, Mr Patijn. You spoke of Parliament's legitimacy, but it goes further than this; it is the legitimacy of Europe which is involved *vis-à-vis* its peoples, in so far as its peoples are democratic peoples. They will be tomorrow, because direct elections to Parliament will place the citizens at the very heart of Europe and forge the strongest possible bonds between their views and resolve and the construction of Europe.

But already there are bound to be positive aspects and positive effects, as the impending prospect—1978 is tomorrow after all—of elections to the European Parliament by universal suffrage must help to give a purpose and a more specific direction to our present efforts to

overcome Europe's economic and social difficulties. The policies decided at the Paris Summit must get things moving and convince our citizens that the measures proposed or undertaken at Community level are aimed at helping them to control a destiny which is their own, and in the determination of which they will shortly be very directly associated.

I hope I have not been misunderstood and that my words will not be thought over-optimistic or over-triumphant. On the contrary, this is a time of struggle. I speak as a man who recognizes the added responsibilities which henceforth are his and those of the Commission. Responsibilities which require us to do all we can to give form to the forward-looking ideas stated in Paris, and which also require us to justify the confidence we have asked others to have in us by performing the particularly heavy tasks which we have accepted in the Community in its present form.

The reassuring prospects for the future cannot indeed absolve us from the often thankless and always difficult work of the present. And the present already consists in bringing about the future, in other words in obtaining rapidly the decision of the governments on the Draft Convention which you are about to vote on, and in setting in motion in the very near future the process of democratization required by the Treaty.

Although I have spoken for longer than the rapporteurs, which is unusual, I should like to add a final comment. The matter we are dealing with today—the presence of television cameras has shown this—has a prime virtue: it has enabled us to turn to the peoples of Europe and tell them a little more about the type of future and the type of institutions which will be theirs. But I think that one of the things—and this will be my conclusion—which we must do straightaway is to bring the struggle out into the open. Since we are going to have elections, we hope, in three years' time, there must be a greater effort to arouse public interest, the impact of Europe must be much more powerful. I think this idea of democracy, this profoundly creative perspective must be presented properly, for Europeans will have to vote for Europe, and they must therefore be encouraged to understand that the Europe they are being offered will open the way to a real debate about democracy in Europe and about Europe itself.

You may rest assured that the Commission is absolutely determined, now that Europe seems to be back on the rails again, to engage openly in this struggle to win over public opinion and to convince our peoples, confident in the belief that the essence of Europe is that it is a democracy.

*(Applause)*

**President.** — I call Mr Klepsch to speak on behalf of the Christian-Democratic Group.

**Mr Klepsch.** — *(D)* Ladies and gentlemen, let me begin by saying that my Group is glad that we have been able to reach a decision in Parliament and to submit this proposal so soon after the Summit gave us the green light. I should like to extend my sincere thanks to all those who worked on this Draft Convention, and particularly to Mr Patijn for the expertise and experience which he provided and for his efforts to produce a proposal which Parliament will be able to approve by the largest possible majority.

My Group is able to support all sections of the report of the Political Affairs Committee. There are two points on which my Group has slightly differing views, and I shall return to



these later. The main thing as far as we are concerned, however, is that we have now found a starting point and have been provided with definite dates which give us an opportunity to take the great step forwards towards the creation of a European Parliament elected directly by the peoples of the European Community.

We remember the continued efforts of Parliament to accomplish this task. The rapporteur referred to them in his introduction, and I shall therefore not dwell upon them. I should like to state most emphatically that the occasional criticism of this Parliament—levelled even by people in the highest quarters—that it did not recognize its duty and was not acting as a driving force and initiator in the very field of achieving greater influence for the peoples through their parliamentary representatives was always misplaced. This Parliament has tried to press forward at all times and with all the means placed at its disposal.

The old argument—powers or direct elections—has, I feel, now fortunately receded into the background. It is the old question of which comes first—the chicken or the egg. We at any rate are convinced that, once the decision in favour of direct elections to the European Parliament has been taken, the question of Parliament's powers will be the subject of more intensive deliberation and that by the time the directly elected Parliament meets for the first time considerable progress will have been made in this question.

Ladies and gentlemen, it is precisely in the context of the process of democratization that a directly elected European Parliament is a dominant factor. In years past, we have rightly been increasingly critical of the fact that there is a widening gap as regards opportunities to influence and supervise measures taken by the Council of Ministers outside the provisions of the Treaty, since the national parliaments have relinquished more and more powers. They often do not fully realize the extent to which they no longer have a say in matters, but we here see very clearly that this lacuna in democratic supervision, of representation of the will of the peoples, must be eliminated. This, I believe, was why the Summit realized that the step towards a directly elected European Parliament had to be taken. One of the aims of this Draft Convention is in fact to ensure that the legitimacy of the European Community is enhanced, so as to make the path towards European Union smoother. Ladies and gentlemen, there is no doubt that this decision represents a departure which will lead to a new quality for this House. When approving this Draft Convention, it must therefore be pointed out that we are not aiming at half measures, that we don't just want to take half a step forwards in order to achieve the improved status of a more or less consultative assembly and work towards the final aim of a genuine Parliament in easy stages. In our debates today and in the deliberations in the months to come, we must bear in mind the aim of creating a fully effective European Parliament. Direct election of the Members provides direct access. Whereas our work of representation has previously been determined by the national parliaments, there will now, after the first European elections, be a direct relationship between electors and elected, between the Members of this House and the citizens of the European Community, the individual members of the peoples who form the basis of this Community.

Having stated this principle, I would add that in my view the future, directly elected European Parliament's main responsibility will be to preserve an overall view, to focus attention on the interests of the Community as such, and to ensure adequate representation of our peoples and the regions.

One of the features of this responsibility is that questions which have to be left out of this Draft Convention are of particular importance. If we envisage having European elections in

1978, it is clear that, in order to develop political resolve, the political forces—and the Groups in this House represent a starting point in this respect—should be established at European level in such a way that the electors of the European Parliament are given an opportunity to choose between different political credos and to determine the course of European politics.

I therefore believe—and although this cannot be incorporated in a draft of this kind, it is nevertheless important for future work—that we must start coalescing European political forces and give them clearer expression than before.

We have the job of electing a Parliament for this Community. I stress this point because the question of the future enlargement and growth of the Community is, of course, an interesting one. At present, nobody can say when and how this will come about, apart from the case of the Association agreements, which include provisions for the attainment of full membership. I am therefore somewhat disappointed that the Legal Affairs Committee, when enumerating potential Member States, omitted to place the main emphasis on associated countries and peoples linked to us with a view to full membership. We must avoid entering the realm of speculation and regarding even countries which have just declined membership, Norway for instance, as being immediate candidates.

I should like to say that it is difficult at present to tell how large the Community will be. Naturally, we all hope that if possible, all democratically organized States and also those which may become completely democratic, such as Spain, may one day join the European Community. At the moment, however, it is the Community as it is now for which we are taking decisions and it is to this Community to which the ideas embodied in our decisions must relate.

There is something else I should like to say. There are four major fields in which any parliament has to assume democratic responsibilities.

First of all, there is the predominant right of all parliaments, that of supervising the budget, in our case the Community budget. As has been announced, we can soon expect an extension of our powers in this respect. Perhaps, however, we are sometimes in danger of restricting our aims to those of participating in the legislative process and in budgetary matters. These things are necessary, but we must not lose sight of two major duties incumbent upon any democratic parliament.

First of all there is the job of supervising the exercise of power, something I touched upon before. The predominant rights and duties of any parliament include that of supervising those who exercise power and, in doing so, of taking account of the wishes of individual groups of electors. This supervision must be exercised by parliamentarians who have the time needed to master the complexity and ramifications of the questions involved, and it is in this light that we must view the duties of a future European Parliament. If the diverse structures of the countries linked together in this Community are to be harmonized, the parliamentary representatives must have an extremely deep insight into the problems of the other peoples and sectors in the Community.

It must therefore be stated quite clearly right from the start that a European Parliament must make demands on its Members far beyond those encountered at national level. If Parliament is to take decisions on behalf of the European Community and exercise a decisive influence, it is essential that it be aware of absolutely all the interests of the Community and tie them in with the attitudes deriving from the various national backgrounds.

Ladies and gentlemen, there is something else which I think is of extreme importance for the European Parliament. Precisely because it is elected by the people and there is a direct relationship between electors and elected, this Parliament has the same basic duty as a national parliament to cultivate the links with the electors, to maintain the constant flow of information between electors and elected, and to ensure that sufficient account is taken of the different viewpoints reflected in this continuous exchange of opinions.

Again, it must be admitted that the burden of the dual mandate—I shall return to this point in a minute—naturally puts the Members under extreme pressure. If, however, we take a closer look, I feel sure we will recognize that the directly elected European Parliament which we hope will be starting work in 1978 will have an enormous workload, for it will also have the task of being the driving force behind further moves towards European unity. We Christian-Democrats are firmly convinced that our future depends on the extent to which we succeed in making progress towards the political unification of Europe and in securing the principal objective of political European union. I am sure that this Parliament will have to be a deciding force in this field. Allow me to comment on some questions which arise in this context.

I should first of all like to say something in recognition of Parliament's work. The wide range of duties of this Parliament is not fully recognized in many sectors of the public and even in the national parliaments I should like to take this opportunity of stressing that the work done by this House in becoming acquainted with the problems of other Member States, in drawing up compromise solutions and establishing a consensus, in acquiring expert knowledge and in obtaining an overall view of the complex and ramified problems which face the Community and which vary from country to country, is of immeasurable value for further development. The work which has been done over the last few years in preparation for the activity of the future directly elected European Parliament is something with which we could not dispense.

Going by the number of proposed amendments to Article 2, we can obviously expect a discussion on the number of Members. For those in my Group, the essential question is as follows: Is this going to be a genuinely democratic Parliament which satisfies the criterion that each citizen should, as far as possible, have an equal influence on its composition, i.e. that the vote of each citizen should, as far as possible, have equal weight? Should the Members sent to Parliament by the electors each represent, as far as possible, the same number of voters? This is the principle behind the decision of the Political Affairs Committee, and it is also the basis for one of the proposed amendments.

Alongside this, there are other questions which can be viewed from different aspects depending on the problems involved, and there is also the attitude, which has some supporters in my own Group, that the starting point should really be the text of the Treaty of Rome, thereby more or less following the Dehousse proposal—either by retaining the present number, as proposed by Mr Nyborg, or by multiplying it by two or three, although this procedure is not suggested in any of the proposed amendments. I must, however, emphasize our view that Parliament's conception of its own role and the tasks which I have tried to describe mean that we must not regard ourselves as a 'conventicle of the chosen few' at a level above that of the national parliaments and remote from the voters. It was undoubtedly right for us in the Political Affairs Committee, and I assume in all the bodies, to discuss whether the number of seats allocated to the smallest country should be taken as a basis, but there was complete agreement that Luxembourg would have to be regarded as a special case within the

Community, and that its status would thus have to be dealt with fully in our considerations. My Group agreed with this view, and I therefore do not deny that there has been a tiny departure from the principle which I have just described.

I should like to comment briefly upon another question under discussion here, that of the dual mandate. Here again, I can state that my Group agrees with the concept laid down by the rapporteur in his report, since it ensures maximum flexibility and leaves it largely to Parliament to take the necessary decision. An opinion also held in my Group, however, is that we could adopt the revised version of Amendment No 16, so as to lay down the incompatibility of the dual mandate. Speaking personally, I feel sure in any case that, in a directly elected European Parliament with the tasks which we want it to have, the possibility of a dual mandate is completely unrealistic. What parliamentarian could, in the long term, bear this double workload?

I feel that there are some who view this question from an angle which belongs more to the past than to the future. When we come to vote on this Draft Convention, we who have to decide upon these amendments must fix our eyes on the future. I am grateful to Mr Ortoli for the remarks he has just made in this respect. For us Christian Democrats, the essential thing is to develop the democratic structure of Europe and to ensure that political European union does not remain a remote aim, but becomes tangible and attainable, and that we have a means of achieving this in a Parliament which is in direct contact with the peoples of Europe. We all know that every opinion poll taken in our countries shows that more than two thirds of the European citizens interviewed are in favour of this European political community. This is something which has often been expressed unanimously in this House. I should therefore like to stress particularly the fact that, in the discussions on this Draft Convention, we consider the decisive advance to be legitimation through universal elections.

We are fully aware that there is still a lot to be done. It is naturally something of a blemish that we have not yet reached any agreement on the electoral procedure, but I am sure that we shall achieve it in this House. I am glad that we have at any rate managed to agree on having a single date for the elections, and I share the rapporteur's opinion, expressed in his report, that it would be a good thing if this date did not coincide with that of a national election. In this way, the Members of the European Parliament would be elected on the same day all over the Community, and without there being any risk of this election being confused with any other.

In conclusion, let me say that we support the Patijn report. We realize that we still have a lot of hard work before us if we are actually to achieve by 1978 everything that appears to us today to be not only desirable, but essential.

The President of the Commission, who indicated his readiness to give us his support, and the Heads of State or Government, who also indicated their support at the Paris Summit, must be taken at their word. The European Parliament will today be taking a decision which makes clear its interpretation of its own role. Let us take this step forwards towards a genuine, fully-functioning and democratic Parliament.

*(Applause)*

**President.** — I call Mr Schmidt to speak on behalf of the Socialist Group.

**Mr Schmidt.** — *(D)* Mr President, we have often talked in this House about so-called 'institutional equilibrium', and we have time and again rightly complained that this

equilibrium does not really exist in view of the fact that the Commission's position *vis-à-vis* the Council has been steadily weakened and that this Parliament does not have adequate powers. One thing we rarely mentioned, however, was that there is one extremely important person in the Community who is completely excluded from participating in European decisions, namely the European citizen. His exclusion from these political decisions is extremely unjust, and in my view has hindered integration more than any other factor.

When this Community was first established, there was great enthusiasm for Europe, and politicians were prodded on by the citizens. Now that the citizens have been excluded completely from participation, the impetus from that side has declined somewhat. When we talk today about direct elections to a European Parliament, it is not we ourselves who are the point at issue, ladies and gentlemen, but the participation of the citizens of Europe in European decisions. This appears to me to be one of the main aspects of our present discussions on this question.

The second point which I should like to bring up is that the lengthy period of time between the presentation of the report in 1960 and our debate today is a clear indication of where the European dilemma lies, that we have made no progress over all these years in one of the central factors in the construction of Europe. We hope that today's debate will not mark the beginning of another equally long period, but that the Council will adhere to its own 1976 deadline for a decision on this matter. We in the Socialist Group and, I assume, Parliament as a whole, will do everything in our power to draw attention repeatedly to this deadline.

Now for the Draft Convention presented by Mr Patijn on behalf of the Political Affairs Committee. We welcome above all the fact that this Draft Convention restricts itself to the essentials. The 1960 report—and this is probably understandable in the context of current attitudes at that time—attempted to solve a number of questions which, in our view, need not necessarily be settled immediately, e.g. the minimum voting age, the admission of political parties, etc. Although it was probably not the deciding factor, this may have been one reason why it was not discussed further. The fact that the present report restricts itself to statements on the election date, the validity of the mandate and the number of Members means, in our opinion, that it has a considerably greater chance of being implemented than Parliament's report of 1960.

Another point is this: We do not deny that the Draft Convention has—as Mr Klepsch said—one 'blemish' in that it does not incorporate a uniform procedure. We Socialists would naturally have much preferred a solution without flaws for the whole of Europe, but we believe that, politically, this Draft Convention satisfies those requirements which can realistically be made at the present time, if we are to make any progress in this direction. It is possible that some legal problems might arise in this connection, but I shall leave my colleague Mr Broeks to deal with that point later on.

A fourth point. We as a Group are in full agreement with the three objectives of the Patijn report: the adaptation of the 1960 Draft to meet modern requirements and to take account of the changes which have taken place in Europe since then; secondly, an extension of the legitimacy of the Community, and I must point out to Mr Ortoli in this context that it is not purely and simply a question of increasing the legitimacy of Parliament. Of all the institutions, Parliament has the 'most' legitimacy, since each of us here has been elected somewhere and sent here by the national parliament.

*(Scattered applause)*

Other institutions, as well, lack legitimacy, and this legitimacy can be increased if we introduce European elections.

Now let me turn to the connection between powers and elections. There is one thing I must emphasize strongly on behalf of the Socialist Group: we will not let anybody take away the legislative powers of this House in return for giving us direct elections.

*(Scattered applause)*

There is no dividing line between powers and elections. In the long term, there can be no direct elections to a Parliament which has no powers. We are not involved in a package deal. It should nevertheless be stressed that this Parliament must stand on two legs, that it must be legitimized directly by the citizens, but that it also needs the powers to be able to tell the citizens what they are voting for, what their representatives in this House intend and are able to do for the citizens of Europe.

It is for this reason that the question of the deadline arises. We shall not really be able to say that the democratization of this Community is complete until the constant task of fighting for increased budgetary and legislative powers for this House has been ended, until these powers are granted in full, and until Parliament is elected by universal suffrage. It will be a constant struggle until we have achieved this. May I also draw attention to the Summit communiqué and make it clear that, for us, the two ideas expressed are of equal importance. The statement from the Summit that Parliament's proposals are awaited with interest is just as important as the statement that additional legislative powers will have to be granted to this Parliament.

Then there is one point on which we disagree with the report from the Political Affairs Committee. I refer to the increase in the number of Members to 550. Ladies and gentlemen, we know how difficult it is, in a Community composed of countries of such varying size, to implement the principle which we basically support and which Mr Klepsch has mentioned, that is 'one man, one vote', or 'each vote must carry the same weight'. Even Mr Klepsch had to admit that, if we look at the case of Luxembourg, his proposal does not fully reflect this principle. Wherever a principle is breached, there is a danger spot, and we must ask ourselves how we are to escape from this dilemma. I think there are two things we need: representation which is as fair and balanced as possible on the one hand, and a Parliament which is capable of working on the other. If, at a time when the wave of accessions is probably not over, we envisage a Parliament of nearly 600 Members, and if we proceed on the probably justified assumption that no parliament in the world has ever managed to reduce its numbers—only to grow larger—, we must expect a steady increase in numbers if more countries join the Community. This would mean, however, that Parliament would become unworkable, and an unworkable Parliament cannot fulfil its task, and this is not the kind of Parliament we want. Let us therefore stick to Mr Patijn's proposals, since increases would then be possible if new countries joined.

We believe in any case that the interests of small countries are better protected, and that there is less immobility in this proposal than in the proposal made by the Political Affairs Committee.

One further point on which I should like to make a clear statement. The Socialist Group is of the opinion that, as far as the future is concerned, the dual mandate is out of the question. We know that the dual mandate is undoubtedly necessary for the time being. None of us could fulfil our duties if we did not also have an opportunity to engage in national politics.

Ladies and gentlemen, let us be honest. Each of us has already more or less decided which mandate is more important to us, the national mandate or the European one. It is simply impossible to exercise both of them simultaneously and to the same degree. I think most of us have placed more emphasis on the European mandate, and in future it will simply no longer be possible to exercise a dual mandate. Let me give an example. In the Federal Republic of Germany it is legally possible to be a member of both a Land parliament, and the Bundestag but there is not one member of the German Bundestag who is at the same time a member of a Land parliament. In future, this will apply equally to the case of the European Parliament, no matter what decision we reach here today. I feel we must be consistent and make it clear from the beginning that dual mandates will be impossible in future. We should therefore lay down a regulation which, while not necessarily definitive, allows this dual mandate until final elections are held. From then on, we should proceed on the assumption that it is no longer possible.

On behalf of the Socialist Group, I should like, in conclusion, above all to express our thanks to Mr Patijn. I feel it is impossible to be appreciative enough of the work he has done, travelling throughout Europe and establishing what was feasible and what was impossible. If this work had been done simply at a desk, it would not have had nearly as much chance of being accepted here today as the Patijn report. Mr Patijn, may I extend to you the sincere thanks of the Socialist Group.

*(Applause)*

And now, ladies and gentlemen, one final remark. There are politicians in Europe who feel that the European Parliament will probably never have sufficient powers for effective supervision of the enormous organization which has arisen here. There are some who say that it would be better to let parliamentary sovereignty remain with the national parliaments. To echo Mr Klepsch, I should like to point out that whoever says this has failed to recognize the slow undermining of democracy, the quiet sapping of the powers of the national parliaments and their replacement by unsupervised actions, by an impenetrable jungle. Decisions involving sums of thousands of millions are taken without any democratic supervision. Anyone who pleads for the retention of the sovereignty of the national parliaments, even in a European context, is essentially attacking parliamentary supervision. This is something which we Socialists cannot accept. What we need is adequate democratic supervision, since the only Europe which has a future is a Europe with democratic structures. This is what we want.

*(Loud applause)*

**President.** — I Call Mr Jozeau-Marigné to speak on behalf of the Liberal and Allies Group.

**Mr Jozeau-Marigné.** — *(F)* Mr President, ladies and gentlemen, this is certainly an exceptionally important day for this Assembly. Indeed, I feel we are turning a corner in the struggle and in the procedures we have known for so many years.

This first campaign was led by Mr Dehousse to whom we are bound—I use the word advisedly—by close ties of friendship forged during his constant leadership of what might be termed the ‘good fight’, particularly in our Legal Affairs Committee.

*(Applause)*

At that time we were intent on conducting this action at two levels: at the political level—of which the representative of the Socialist Group has just been speaking—but also at the legal level. Indeed, though Mr Patijn's report relates to an extremely important political matter, the legal aspects it raises are nevertheless most significant.

Some Members, ladies and gentlemen, have just raised the question of the legitimacy of our Assembly. I shall not do so. I shall not do so, partly because it was correct to stress the political aspect, but also because when our committees were working along the lines of the report from the Political Affairs Committee and the opinion of the Legal Affairs Committee, we were acting in full conformity with the 1957 Treaty, particularly Articles 137 and 138.

The text of Article 137 expressly stated that the Assembly should consist of representatives of the peoples of the States brought together in the Community: moreover Members should be designated by the respective parliaments from among their members. This was necessary at the time as we were still in our infancy. It is the 1957 Treaty which, after stating this principle and after specifying the number and distribution of delegates, stipulates that the Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.

It is this duty, laid on us by the 1957 Treaty, that we are in the process of fulfilling today. It has often been deplored—time and time again by Professor Dehousse—that such a long time should elapse between the application of the first paragraph and that of the third. It is therefore very gratifying that the Paris Summit has permitted rediscussion of this important matter and that the national forces of each country must now commit themselves on Europe, and consequently draw up their strategies. We can say today that the European Parliament is to progress from the theory to the reality. How pleased I was, Mr Ortolí, to hear you say just now that the existing policies of our governments had not included these matters, and that we had to wait for the Paris Summit to highlight them again. We must therefore point out these legal aspects against the political background which Mr Patijn so justly stressed.

It is not for the Liberal Group, ladies and gentlemen, to go into every aspect of the problem. We are in agreement with the main principles. However, I should like, in a few words, to indicate our views on the text and on the amendments to be discussed today.

The previous speakers, have, quite rightly, stressed their concern about the number of Members of which Parliament is to consist. I must state straightaway that the Liberal Group generally shares the views expressed by the last speaker from the Socialist Group. I therefore told Mr Lautenschlager, whose work and whose opinion on behalf of the Legal Affairs Committee I greatly admire, that it does not seem feasible to me to accept the considerable figure of 550 Members proposed by the Political Affairs Committee as a basis for beginning a Parliament.

Indeed, ladies and gentlemen, as the representative of the Christian-Democratic Group so rightly said just now, it is to be hoped that in the future Europe's position will be such that a number of countries, whether present or future associates—for we should not forget that this Convention can establish the situation for many years to come—will wish to join us. If we now think in terms of at least 550 Members for the nine countries currently making up Europe, there might well be as many as 800 in the Assembly in the future. What sort of useful work could it then do? Let us first consider the Assembly's work and then that of the Members.



What standard of work could we expect from the committees? They would be so large that they would be unable to produce any documents. Even now this is too often true when dealing with tricky problems. A number of us on the committees are unhappy with the long drawn-out debates which make it impossible to present conclusions to Parliament as rapidly as is required.

Moreover committee work would be even more difficult as, don't forget, we have to work in several languages. The problem would become almost impossible to solve, and work carried out under such circumstances could prejudice the political influence of the European Parliament. The work of an Assembly such as this must be of a high standard if it is actually to help build Europe.

So much for the Assembly. Now what about the Members? Just now, Mr Schmidt rightly asked how one man could carry out two mandates. It is a fact, I repeat, that it is the 1957 Treaty which stipulates that Members should be designated from within our national parliaments. There was no other possibility at the time. Now, however, if, as we all wholeheartedly hope, Europe goes on to gain major economic and political significance, the work will increase so much that we may well ask, since we already find the dual mandate so burdensome, how either mandate could be accomplished. Our very electors, the citizens of Europe, will be entitled to ask whether we are still capable of being national citizens.

That then is the problem and heaven knows what the solution to it is. Recently, regional institutions were set up in France and the members of the National Assembly were obliged to become members of the regional assemblies. To make this possible, the statute provides that meetings of the regional assemblies may not be held when the National Assembly is in session. There's an impossible situation for you. Would we here, at the European level, be able to arrange sessions of the European Parliament which did not coincide with sessions of the national parliaments? It certainly would not be easy, particularly as we are dealing with nine countries.

Without wanting to draw out the debate, I have simply indicated a few difficulties which make us feel that we should not unduly increase our numbers and which, as far as the problem of incompatibility is concerned, lead us to the conclusions which Mr Lautenschlager described so well earlier.

However, ladies and gentlemen, we also have to consider election dates. It goes without saying, Mr Patijn, that in a text such as this, it is impossible to cover everything. Indeed, depending on whether incompatibility is considered at the present time or over the long term, various possibilities occur. Either, over a transitional period, it is felt that the dual mandate is compatible but not obligatory, or the principle of incompatibility is accepted as irrevocable. At the same time, we also have to consider the question—a most important one—of liaison between the European Parliament and the national parliaments. All of us here, ladies and gentlemen, must think seriously about this problem. One of the previous speakers spoke of the very tricky problem of liaison between the citizen and his representative. Will it not be extremely difficult to ensure liaison between the European Parliament and the national parliaments? We shall have to find a transitional solution and provide for various situations. The rapporteurs or members of the committees could remain in contact with our national parliaments, rather as you have done, Mr Patijn, by travelling extensively to examine more closely and on the basis of the facts what was possible, what was useful and what was impossible. Allow me to point out, without producing a whole catalogue, another difficulty

which could arise. Will it not be necessary to ensure that elections for the European institutions do not take place in any country on the same day as national elections? It would not do if those whom Mr Schmidt earlier described as citizens of Europe were to lose sight somewhat of European problems owing to involvement with far more national problems, particularly in some countries where, because of the winner-take-all electoral system, domestic problems gain more attention than problems of a European character.

We all have a task to accomplish together and during this debate today we must see whether, on the basis of the amendments to be made, the text under scrutiny—I am thinking particularly of Articles 7, 9 and 13—should not, at a later stage, form the basis of a coordinated effort. But, of course, as national members of parliament you know all about that. Don't we have to do this every day of our working lives?

Mr Schmidt told us just now that our struggle was not yet over and that we would still have to solve the problem of powers. That is of course quite true. However, it is equally true that today our thinking, our determination and the new dimension we can provide will have enabled us to accomplish an important task. And we shall have done so fully respecting our European convictions and the opinions of each nation. I should again like to congratulate Mr Lautenschlager who was concerned in his amendment on the number of representatives with ensuring adequate representation of the small countries such as Luxembourg. There is no doubt that the text itself—and this is, of course, the intention of the basic Treaty—relates to a parliament consisting of only one chamber. But if there is only one chamber, while the citizens will naturally have to be represented, the smaller States will also have to be given minimum representation. It would not be right for them to have no voice, and thus to be at the mercy of the larger States.

On this note I wish to conclude. However, I should also like to join with Mr Ortoli in saying that by taking this decision today, by taking this forward step, in full awareness that our work is not yet finished and that we have not yet solved all the problems, we shall perhaps succeed, by mutual understanding and effective joint action, in bringing the governments face to face with the reality and the political will of Europe, and particularly of this Assembly.

*(Applause)*

**President.** — I call Mr Kirk to speak on behalf of the European Conservative Group.

**Mr Kirk.** — Mr President, like all those who have preceded me, I should like to start by complimenting Mr Patijn on the document that he has laid before us today. As one who has had the privilege of working with his father in a number of fields over very many years, I am not sure whether I would agree with his description of himself as a prodigal son. On the contrary, I think this is a case where the son has succeeded the father and, like a wise child, not only knows but follows, his father's example, and the result is the very remarkable document that we have before us. Like other members of the Political Affairs Committee who have worked with him on drawing up this document, I know the amount of effort that has gone into it.

I should like also to add to the tributes that have been paid to Fernand Dehousse. By curious coincidence, the first day that I ever sat in the European Assembly was the day that he was elected President of it, and that is going back some years. So, for me, this is almost old home

week. It is very nice to meet so many old friends again, and one of the old friends, of course, is the question of direct elections.

This is something which has been very much on the minds of Members of this Parliament since long before we joined it and, as Members may recall, it is something which the European Conservative Group has supported from the very first day that we joined. Unfortunately, the governments of two countries which our group represents have placed a reservation on this matter; nevertheless, all three of the parties that we represent in this group are convinced that direct elections to the European Parliament are an urgent necessity. I think it is important, Sir, that I should make this clear from the start, if only in the light of an article in *The Times* yesterday which may have been read by the rapporteur and perhaps by other Members and which puzzled me considerably. It puzzled me because it seemed totally to fail to grasp the significance of what we are doing here today. It was puzzling because the commentator who wrote it is a man who is very eminent, has commented much on politics over the years, and indeed, has attended many part-sessions of the European Parliament. I think it ought to be made plain, in the light of that article, that, as Mr Jozeau-Marigné said, there are, of course, political as well as legal implications here, there are practical implications as well, and Mr Schmidt's very eloquent speech underlined what those practical implications were.

So far as the political principles are concerned, I think the doubts reflected by the writer in *The Times* on the effect that this debate might have on internal British politics in the immediate future—I have always been very careful not to inflict British internal politics on this Parliament, but I think in this particular case one must mention them—were fully answered by the remarkable speech we heard from the President of the Commission, which set the context of what we are doing today in the framework of the general development of Europe over the next five or ten years. More than anything else, we need to bring this home to people in all the nine countries and, perhaps, first and foremost to people in my own country, who, we understand, will be called upon to vote on this matter in the near future. It is important that they should understand precisely what it is they are voting for or against, and it is important too that they should understand that, in the Europe that we are building, the common picture of the Europe of bureaucracies is an untrue picture. We are trying to build a Europe in which every citizen participates in the same way that they participate in the national governments and parliaments of their own countries.

*(Applause from the Conservative Group)*

I think it is essential that this misunderstanding in *The Times* yesterday should be cleared up.

Today we may be taking a step towards a federal Europe for those who want to go in that direction. It may be a step away from it for those who do not, but the essential thing is that it is a step towards the participation of the peoples of our countries in the work of the Community as a whole, bringing the Community closer to them and therefore giving them a say in the way they want the Community to go. It is absolutely essential therefore that this step should be taken today and that it should be taken clearly, so that when the British people are called upon to take a decision on this matter later this year—if they are—they will know that they will have a share in the Community on which they are voting.

*(Applause from the Conservative Group)*

The practical reasons were made quite plain by Mr Schmidt and, indeed, by Mr Patijn and virtually everybody else.

This Parliament cannot continue to function for very much longer on the basis of the dual mandate. That is quite clear to all of us who take part in it. It is quite clear, or should be quite clear, to all of those who observe it. However, there is a point here which I think has to be brought out because it is a matter of some importance. In doing away with the dual mandate—if we do—we must be careful not to do away with the connection between what we do here and what is done in the national parliaments. There is a distinction, I think, between the two. I don't think there is any need for Members to be members of both—indeed, I see the difficulty in their being members of both. Nevertheless, it has become clear in the two years that I have been a Member here that the cooperation of national parliaments in our work is going to be needed for a very long time ahead, and some way must be found, whether through the follow-up to this Convention or by some other means, to ensure that this connection is kept. To that extent I agree with the article in *The Times* yesterday. I do not think that the dual mandate is necessary. However, I would not go so far as Mr Lautenschlager, or indeed Mr Jozeau-Marigné, and forbid it. If somewhere in Europe there are supermen who feel that they can carry both burdens at once, why should we prevent them? I think we should allow them, if they wish, to expose their talents to us in this way. There have been men who have indeed in the recent past been members not only of their own national parliaments but of the North Atlantic Assembly, the Council of Europe, Western European Union and the European Parliament. I can think of one very eminent member of the Christian-Democratic Group who until a few months ago fulfilled all those mandates and fulfilled them with great distinction and effect. Now, if Members wish to do it, why shouldn't they? I think there is a lot to be said for it, and that we should oppose the ban Mr Lautenschlager would have us put upon the dual mandate. Certainly it is the intention of my group to vote against this ban.

There are a mass of other points, of course, which arise from this document, such as the date of 1978, which arises really from the Summit Communiqué. I am quite prepared to agree with it. I fear, however, that it will be extremely difficult to keep to it. Not because of any lack of good intentions, but because of the mass of work which has to be done—I think Parliament must be clear about this—before these elections can take place. The devising of a common electoral system that shall be acceptable to all nine member governments is not going to be easy. The creation, if I may put it like that, of European political parties in order to ensure a proper ideological debate when these elections take place, the registration of the electorate throughout the whole of the nine countries for the European elections, the age of election, matters of this kind which differ to a considerable extent between the member countries will not be easy either. All these may seem matters of detail, but three years is not a very long time to clear up all the problems that will face us when we vote, as I am sure we shall, by an overwhelming majority for this document later tonight. Therefore though I will certainly cheerfully vote for Mr Patijn's amendment for 1978, in the hope that this will hurry things up, I myself shall not be greatly surprised, nor indeed overwhelmingly disappointed, if we find that we are back at the original date of 1980 before this comes into effect.

Having said that, I merely wish once again to repeat that I think this has been a magnificent achievement on the part of the rapporteur. The attendance at this debate today, the interest that has been reflected from outside, shows the importance of it not just to us but to the

citizens of Europe as a whole, and I hope very much that Parliament will vote for it by an overwhelming majority.

*(Applause)*

**President.** — I call Mr de la Malène to speak on behalf of the Group of European Progressive Democrats.

**Mr de la Malène.** — *(F)* Mr President, ladies and gentlemen, speaking on behalf of my friends, I should like to group my comments under two headings, firstly those dealing with the relevance of discussing the text before us today, and secondly those relating to the text itself.

It may be useful to explain briefly what we expect and hope for from the construction of Europe. We have spoken and still speak of a European Europe and a Europe of States. *L'Europe des patries* is an apocryphal expression which was never uttered, but European Europe and a Europe of States are terms we still employ. Why? Because we feel that to create Europe must be our ambition, just as we feel that Europe cannot be other than legitimate.

First the ambition. We are ambitious for our country, as we believe you are, quite rightly, for yours. And when we say we are ambitious for Europe, we mean that the Europe to which we aspire, far from making inroads on the independence of our countries which we feel it is our duty to enhance and maintain in their own interests, must, on the contrary, be strong and independent in itself.

What kind of Europe would it be without its own, independent foreign policy, one which differed from any other, not *a priori* of course—that would be absurd—but potentially? Simply a powerless diplomacy.

What kind of Europe could maintain it had a foreign policy without having the necessary means to implement it, namely a common independent defence system?

In the world as it is today, is it always necessary to be on a par with the major powers, to have one's own policy and defence system and to be listened to in respect of one's interests? Of course not! We only need to look around us.

Let me be quite clear. I am not making any grandiose claim for power, let alone advocating any kind of imperialist attitudes—far from it. What I am saying is that we must allow the highly developed, industrialized peoples of Europe, rich in culture, strong in numbers, but nevertheless weak in so many respects—as we can see only too well today—to be masters of their destiny, masters of their choice of civilization and of society, to defend their legitimate interests and to play their part in improving the peaceful organization of this planet. This is our ambition, for our individual countries and for Europe.

Next legitimacy. We are living in an era when, in Europe more than anywhere else, everything is being questioned and challenged, above all authority and power. Power can no longer simply be imposed. If it is, it is merely a semblance, void of any real existence, and heaven knows how many examples of this can be seen throughout the world. There is nothing worse, because you think you have built something and in fact you have done nothing at all. And as you have done nothing about power, power emerges or is exercised elsewhere—another situation with which we are only too familiar. In a world where

everything is challenged, power to be effective must be felt to be legitimate, and if it is to be considered legitimate, it must be based on maximum solidarity. Despite the progress made, particularly among the young with their sometimes naïve but always enthusiastic discussions—the meaning of frontiers, progress or discussions which certainly go far beyond the frontiers of the Europe of the Nine—it is nonetheless true that solidarity within our States is still by far the strongest and most striking reality on which to build and advance. Without solidarity, there can be no majority rule. Without majority rule, there can be no democracy, no legitimacy, and without legitimacy, no real authority, only a façade, a mere façade, a pretence. We do not want façades, we do not want pretence; that is why we speak not only of a European Europe but of a Europe of States.

During my fifteen years in this Parliament, I have seen many attempts to construct Europe, and either successively or simultaneously, but mostly successively, these attempts have been concerned either with the *why* or with the *how*.

By the *why*, I mean the process of defining or developing common policies or objectives on the short term, as for example the common agricultural policy, or more ambitious foreign policy objectives, such as defining a common policy with respect to the Middle East conflict. The *why* consists of deciding, bit by bit, little by little, ambitiously or not so ambitiously, what the policy of tomorrow's Europe is to be in every field.

The *how*, on the other hand, is the procedure, the means of making progress, in other words the institutions conceived in a dynamic perspective.

The two aspects—the *why* and the *how*—have their craftsmen and their eras. On the one hand we have seen the creation of suitable institutions, on the other the definition of common objectives. For instance, it was said. 'Let us follow the institutional route, let us try to create a new force in the world, Europe. To benefit what policy? Whatever the people want'.

A little later, it was realized that owing to lack of agreement on the objectives, no-one was prepared to commit himself to the venture, even if the refusals were often disguised. And disagreement on the *how* was only a thinly concealed pretext for disagreement on the basic objectives. However, as Europe was the only possibility, the *why* and *how* cycle has been repeated again and again.

Today, we are faced once more with a proposal bringing us back to the *how*. In order to assess its present relevance, its value, and its prospects, experience has taught us that we should look carefully at what went before it and at the surrounding circumstances.

What has become of the *why* over the last few years, the last few months, the last few days? Has there been any gradual advance in foreign policy, in the common policies, have there been concrete results or rapprochements which justify involving the *how*? If we cast our minds back and support this new, extremely important step for a moment and take a brief look at recent history and the present situation in Europe, what do we see?

From Six, we have now become Nine. We have made progress, there is no doubt about it. But what will become of it? The British claim to 'renegotiate' or even leave Europe is now having an effect on all the plans and decisions of the Community.

No doubt we are now more numerous and more representative of Europe. But while our increased heterogeneity and size have made action and decision-making more difficult, we have had first the world monetary crisis and then the current crisis of raw material and energy

prices. After a few attempts to meet the challenge, via what is known as the Economic and Monetary Union, the European front neither resisted the difficulties nor the pressures from the other side of the Atlantic. The lira, the pound sterling and now the franc are floating. Efforts have been made to reduce the consequences by introducing safeguards and compensatory measures, but now long can the Community policies now in force hold out?

Then came the energy crisis. All our Member States were in more or less the same boat. But where is the common energy policy? What has become of the common enriched uranium policy? What has happened to our common policy *vis-à-vis* the oil-producing countries?

The monetary crisis and the energy crisis, and their offspring inflation, or rather stagflation, are becoming increasingly if irregularly widespread. Serious employment problems are looming on the horizon, and instead of there being a coming together, instead of the emergence of a common approach, we see here and there the first signs of a 'devil take the hindmost' attitude, as if Europe were only a luxury to be enjoyed in periods of calm.

Whether the crisis gets worse or simply continues, the infection will spread. Little by little Europe will lose its substance until only an empty institutional shell remains, bearing no relationship either to reality or to authority.

Like the rest of the world, Europe is going through a crisis.

But over and above this—and it is even more worrying—is the reluctance, if not the downright refusal, experienced on every occasion, to try to define a common foreign policy. It is as if in this area, and even more so in the area of defence, Europe did not come within the competence of the Nine of the European Institutions, indeed, as if this were not a European responsibility at all. It is as if this area had been set aside to be dealt with elsewhere within some other much larger framework.

But of what value is a Europe restricted to milk or steel prices?

What is Europe worth if it cannot organize its own diplomacy and defence without the assistance of its great transatlantic ally?

Acceptance of this argument, which has been clearly stated—though thank heavens not in Europe—whether explicit, or as is more often the case, implicit, is incompatible with any hope of seeing a political Europe come into being at some time in the future. Unfortunately, however, that is our impression, I might even say conviction, about the attitudes of most of the Nine to foreign policy. Whether the issue is a monetary crisis, the vital reform of the international monetary system, the role of reserve currencies, the role of gold or of SDR's, whether it is the energy crisis, or Europe's relationships with the oil-producing countries, or the manufacture of enriched uranium, whether it is a matter of European policy in the Middle East conflict, or last but not least, of any of our defence problems this is the conclusion we unfortunately have to draw.

It is in this climate then, where despite successive summit conferences, despite proposals or plans made here or there on the *why* of Europe, nothing or precious little seems to have crystallized that it is proposed that we rush enthusiastically to implement the results of another 'summit'.

On the one hand, we see an inability to define objectives or the refusal to define objectives for Europe, while at the same time we are asked to take an important step in the institutional area. No one can tell us where we're going, but they're sure we're going to get there.

Well, ladies and gentlemen, my friends and I have serious doubts about the value of a venture of this kind at this juncture. We have often said, and still say 'yes' to the election of the European Parliamentary Assembly by universal suffrage if that is to lead us to a strong, independent Europe. But if this objective was not wanted, what would such an insitutional step be, other than an embarrassment or an obstacle for those who, if Europe failed them, would try to remain masters of their destiny? These are the main reasons which have led us to consider whether this is the right time for such a move.

I shall now go on to consider the text itself.

But before doing so, I should like to express my very sincere congratulations to Mr Patijn for his work, his text and his report which appear to me—to us all—to be models of intellectual honesty and clarity. I should like him to know that I speak both on my own behalf and that of my Group.

As regards the text, I shall limit my comments to what appear to me to be the three major difficulties.

The first is to examine whether it is right for our Assembly to be elected in an isolated manner, without any accompanying modifications to the institutions or their powers. The second relates to the electoral procedure and the third to the number and distribution of Members.

Firstly, isolated election seems to us to be questionable. What is the objective? The ostensible, recognized objective is threefold: in one way or another to establish a better equilibrium between the institutions, to make this Parliament more legitimate and to make its operations more effective. I shall not dwell on the third objective. A better equilibrium between the institutions: in this connection a basic question ought to be put. Is it necessary to improve the equilibrium? It is only necessary to adjust the equilibrium between the institutions after considerable progress has been made enabling a different institutional balance. I am not sure, bearing in mind what I said earlier, that we have reached this stage. But if, nevertheless, we answer the question in the affirmative and say yes, equilibrium has to be improved, I do not think it is possible—and the difficulty was seen in 1960—to consider election by universal suffrage without also considering the Assembly's powers and the relationship of this elected Assembly, equipped with powers, to all the other institutions. Simply to have the Parliament elected by universal suffrage without changing its powers and without changing its relationship with the other institutions seems to us to be a most unfortunate development.

Now to the second argument, the second objective: to acquire legitimacy through the elections. Let me first say that I have always considered this Assembly to be legitimate and I am not aware that the Upper Houses in the various countries where their members are elected indirectly, are felt to be illegitimate assemblies. Obviously, therefore, it's not legitimacy in this sense that we're after. What should be said is that an effort is being made to ensure greater participation. To enable people to take part in choosing the Members of our Assembly is certainly a praiseworthy objective.

However, in the present framework, if we simply hold elections and forget, as I said earlier, about our powers and relationship with other institutions, are we entitled to feel that such elections will provide the desired result—allowing the people to participate? First of all, will people be interested in an assembly with such limited powers as ours? Secondly, if there are elections, what issues will the candidates raise? Here, of course, we are specialists in European



matters. We do have our differences but we often find that they are only nuances. If I am compelled to oppose a colleague from the Liberal Group on a European issue, I shall have the greatest difficulty in making clear where I stand *vis-à-vis* him. The voters will find it rather difficult to place me.

The electoral issues will in fact be based on domestic policy, and the elections will thus not depend on European policies, but on differences of domestic policy. Another difficulty is that we cannot set up a huge assembly. Yet the number of electors will be extremely large. Will it then be possible to encourage participation from our peoples, who are already subjected to more than enough elections, in an election where the representatives are very distant figures and where they cannot see any differences among the various candidates?

Inevitably, the choices will be made by the parties and thus the electors' votes will in fact play a very small part. In other words, the desired objective, participation of our peoples in this election, seems unlikely to be achieved. In fact, the real objective is to strengthen Parliament so that in the future it may become a sort of European constituent assembly able to promote future construction.

The second difficulty is the problem of the electoral system. According to the text, universal suffrage is to be ensured by applying a uniform procedure. This uniform procedure obviously relates only to the electoral procedure—it cannot relate to anything else. Indeed, our rapporteur is so well aware of this that he proposes that initially the difficulty should be avoided and that only at a later stage should an attempt be made to reach agreement on a uniform electoral procedure.

However, I should like to draw his attention, and that of this House, to the fact that if we evade this second difficulty, we may be providing the Council with a loophole for delaying its decision on the grounds that Parliament has not succeeded in agreeing on an electoral procedure.

The third difficulty is probably the most important and I should like to consider it for a few moments before concluding. It concerns the number and distribution of seats. My Group's position on this matter is quite clear. Indeed, we have tabled an amendment to which we attach great importance in the institutional context. It seems to us quite impossible to aspire to one thing and its opposite at one and the same time. If we are trying to acquire legitimacy and representativeness, if we want to have more authority in our decision-making, we cannot adopt a system of weighting. That is illogical. You cannot try to obtain one thing while employing an approach which leads to something else. Nor can you mix the methods. No-one is more concerned than we are about defending the interests of the smaller States. I would even say that it is our basic aim. But we would point out to all the representatives of the smaller States that election of the European Parliament by universal suffrage is not the way to defend their interests. This should be done by other institutional means. Once again we can see that it is not enough to consider the question of the election of Parliament by universal suffrage on its own.

We must, then, not make a pretence or a façade of our institutions. The basic rule of any parliament is that all the citizens represented in it are represented on a uniform basis . . .

**Mr Giraud.** — (*F*) It is not the case in the French Senate . . .

**Mr de la Malène.** — (*F*) ... To agree to break this principle simply on the grounds of expediency amounts to saying you don't really believe in it and I find this most unfortunate.

It is on the basis of all these aspects, relating to the relevance and the procedure, that we shall approach this debate. We make no secret of the fact that we find the remarkable gulf between the progress on the institutional front and the lack of it as regards the objectives extremely alarming. We do not wish to see the development of new institutions being used as an alibi *vis-à-vis* certain individuals and public opinion. The institutions are a necessary tool, but they are useless without policy or will. If such will were not to be shown, if such policies were not to be implemented, the institutions would merely become façades and would certainly cause more harm than good.

(*Applause*)

**President.** — I call Mr D'Angelosante to speak on behalf of the Communist and Allies Group.

**Mr D'Angelosante.** — (*I*) Mr President, ladies and gentlemen, we have always considered the direct election of this Parliament a very important step towards making the Community more democratic and giving it a structure sensitive to the social, economic and political demands of the workers and democratic forces in Europe.

Ever since we entered this House, we have clearly and emphatically taken this stand, which we also promote and defend wherever our party is represented and whenever we have a chance to do so. However, over the last few years we have also realized that this objective can only be achieved if we pursue a strong campaign not only against the external forces bent on blocking the path to democracy, but also against those who ostensibly favour but in fact oppose the process. There has never been a lack, nor is there now, of fears, delays and obstacles either consciously or subconsciously placed before us. Thus we are faced with concepts which weaken democracy and with attitudes which, though expressed in democratic language, are actually only a poor disguise for interests, positions and ideas in direct conflict with the stated principles. We have always taken a firm stand against attitudes such as these.

Ladies and gentlemen, we in the Communist Group certainly make no pretence that the objective of democratizing the Community as a whole consists solely of increasing democracy in the operations of one of its institutions, the European Parliament, which in fact has almost no power at all. Far more is necessary to accomplish this, or even to reach a satisfactory stage of development!

However, we feel that the direct election of the European Parliament is an important step in the process. We feel that it is of value in itself as similar steps have been in the past. We have always considered a sound democratic system to be a positive driving force even in the face of backward economic, social and political structures. Indeed, it provides an important means of combating such structures. Thus we have always done our utmost to defend proportional representation, decentralization and strong, democratic local centres of power.

Let us not forget the limitations posed by this objective.

The disparity between the Parliament and other Community machinery, the tendency to make outdated political choices, the absence of power, the contrast between the elected Parliament and a Council based on negotiated rules, are factors which have and—even under

the best possible conditions—will continue to limit, obstruct and delay the effective functioning of democracy in this Parliament. However, it is an important step and we are firmly convinced that by allowing the people to deal with these problems, we shall be helping to solve them.

Nonetheless, ladies and gentlemen, we have observed only too clearly that this Parliament, which has always called for the decision before us today, has not always shown the necessary courage and necessary respect for the principles we defend. Whenever, as today, we have had before us a text claiming to be a blueprint for the attainment of what seems to be our greatest aspiration, we have found limitations and shortcomings, making us doubt whether this Parliament is really anxious to tackle and solve this important matter.

Like some of the earlier speakers, I wish to consider some of these shortcomings, in the hope that the rapporteur will note our comments and that Parliament itself will look more closely at this draft, certain aspects of which, in our opinion, raise serious difficulties for the process of institutional democratization which we all support.

My first point concerns the stages in adopting the uniform electoral procedure. Today, 14 January 1975, we find ourselves in the same position as Parliament was at the time of the Dehousse draft.

Owing to his firm conviction that the problem is insoluble, the rapporteur has simply disguised or avoided the difficulties in favour of a few assertions aimed at causing a minimum of distress and disagreement by being as neutral as possible. Thus, once again, fifteen years later, we are faced with a programme involving two phases, one transitional, the other final.

Mr Patijn—whose report I have read with great care—denies this. Yet I fail to understand how he can. You only have to read the text of the Draft Convention to realize that at least half of it is concerned with dividing the process of electing the European Parliament into two phases—one phase in which more or less everything would be in the hands of the individual States and a second phase which would see the implementation of the uniform electoral procedure, about which Mr Patijn does not give us enough information, not even in his comments in the text.

We should not forget that we are speaking of elections, and not discussing abstractions or insignificant matters in a gentlemen's club. But if we are to have uniform European elections, how can we accept that a variety of legal rules should govern which parties are to be represented in the elections? Is it conceivable that in certain countries parties which are already represented in this House and which form a legitimate group would not be permitted to take part in the elections?

In comparison with Mr Dehousse's text, Mr Patijn's current text is even more retrograde. Although the Dehousse draft made the admission of parties to the elections subject to the national rules it at least restricted this arrangement to the transitional period. Mr Patijn, on the other hand, has now decided once and for all—that the question of which parties may participate should be decided by the national procedures, subject of course to any future reform of the system.

I am amazed that no-one, not even the rapporteur himself, has considered taking advantage of the decisions of the recent Summit which, by bringing forward the dates for elections to Parliament, made possible the drafting of a text aiming at genuinely European elections in

1978. We must therefore assume that the obstacles do not come from the Council of Ministers or from the governments, and that it is here that objections and opposition have arisen.

The Legal Affairs Committee, having examined this aspect of the problem, considers that a process or a series of acts such as those leading to the establishment and application of a uniform electoral procedure for the Community, can be divided into different phases. I have my doubts about this. I would simply remind Mr Patijn that Article 138(3) of the Treaty requires the Council of Ministers to act unanimously, — that is, to take one decision, not two or more. I therefore wonder if, when we reach the second stage in our plan (as we claim to be able to do)— or perhaps even the third—the Council of Ministers will not have valid grounds for stating that it has already completed its task and that the electoral procedure is that decided on the basis of this draft.

Of course, Mr Patijn, like the clever lawyer he is, has found the solution. Article 15(1) on the Draft Convention repeals Article 138(3) of the Treaty and, in so doing, removes the legal basis provided by the Treaty for a uniform electoral procedure.

Another point I wish to raise is proportional representation, a matter of great political importance, and for us, absolutely essential. Not only does he not refer to this in connection with the future uniform electoral procedure, but in his notes to the text, Mr Patijn states that a system of proportional representation is not necessary. We are completely opposed to this approach to the problem. We shall never accept discrimination, and consider proportional representation to be absolutely essential in a democratic election. Even from a conceptual point of view there can be no uniform electoral procedure if both proportional representation and the simple majority system are used indiscriminately. This Parliament will thus have to be told how we can use the term 'uniform electoral procedure' when in some countries the election will be based on the list system of proportional representation and in other countries a constituency system will be used on the basis of the majority vote. Even Mr Patijn, with all his ingenuity, has not succeeded in reconciling this disparity, which in our opinion is an outright contradiction in terms, and as such, is quite unacceptable, particularly as there can be no common electoral procedure as long as the individual States are free to decide on the form elections will take. Here again we have contradictions. France, of course, will opt for its own system. Yet this Convention will make it impossible for France to go on using its system as it specifies that elections must be held on one day only, whereas in France, as we all know, the two-ballot system is customary.

On the other hand, I do not see why we should worry about the so-called dangers inherent in proportional representation, since all the criticisms of this system relate to the instability of those governments which use it. As we have no government here, our only task is to see how the peoples can be better represented in this Parliament.

Finally, Article 14 introduces a strange provision on the basis of which in the future, by means of a completely new procedure which is not provided for in the Treaty, further measures may be introduced and the electoral system may be changed. An attempt has been made to draw a comparison between this provision and Article 236. However, I would ask Mr Patijn whether such a comparison is possible.

If it is possible, there is no need to include this provision, as Article 236 already exists. However, to me it does not seem to be possible, as the legal basis of Article 236 is that we have no specific provisions in the Treaty for regulating this matter.

But Mr Patijn has thought of this too, as this may perhaps be one of the purposes of the repeal of Article 138(3), of the Treaty, whereby he deprives us of the only real legal basis for planning common elections and substitutes this machinery which, in my opinion, has many shortcomings.

These are the rather serious limitations in the Draft Convention which certainly indicate weakness of political purpose; the limitations relate to basic aspects of politics, principle and law, and affect the very substance of the solutions put forward, causing grave doubts about their ability to achieve the main objective.

In order not to complicate the debate—and also because we are convinced we shall be unable to settle this matter today—we have only proposed one amendment. However, in view of what has already emerged from the text and the speeches, we can state now that owing to the conflict between our full agreement with the basic principle and our severe criticism of the way in which the principles are expounded, we have no choice but to abstain from voting.

*(Applause from the Communist and Allies Group)*

**President.** — The proceedings will now be suspended until 3 p.m.

The House will rise.

*(The sitting was suspended at 12.50 p.m. and resumed at 3 p.m.)*

IN THE CHAIR: MR MARTENS

*Vice-President*

**President.** — The sitting is resumed.

3. *Welcome to the Turkish Delegation to the Joint Parliamentary Committee of the EEC-Turkey Association*

**President.** — I am pleased to welcome on behalf of Parliament the Members of the Turkish Delegation to the Joint Parliamentary Committee of the EEC-Turkey Association.

*(Applause)*

4. *Convention introducing elections to the European Parliament by direct universal suffrage*  
(continued)

**President.** — The next item is the continued consideration of the report by Mr Patijn on direct elections to the European Parliament (Doc. 368/74).

I call Mr Outers.

**Mr Outers.** — *(F)* Mr President, ladies and gentlemen, in speaking in today's debate it is not my intention to sing the praises of the Draft before us, or to draw attention to its merits; others have spoken before me, and I shall not repeat what has already been said extremely

well concerning the quality of Mr Patijn's report and the opinion presented by Mr Lautenschlager on behalf of the Legal Affairs Committee.

I am one of those who believe that, in view of the fact that the Treaty of Rome was signed 17 years ago, it is about time that our Assembly implemented one of the most important provisions of that Treaty, namely Article 138. I also believe—and here I echo Mr de la Malène—that the people should obviously be consulted, not only to determine who will sit in the future Parliament, but above all to ask Europeans to state their opinion on the political choices concerning the kind of Europe they wish to see, on both the economic and social levels; in other words, the kind of society that Europe wants to build.

Mr President, I will merely touch on four points which in my view are bound to give rise to certain reservations as regards the Draft we have before us.

The first concerns one of the most delicate aspects of the Draft, of which much has been said already; I mean, the number of delegates to be sent to the Assembly. As I said when the Legal Affairs Committee was discussing this matter, the compromise offered to us today—and I am speaking primarily of Mr Lautenschlager's proposal—is not entirely satisfactory. It seems to me that this is because it attempts to reconcile two ideas or objectives which are apparently difficult to reconcile within the same Assembly, where we are trying both to give the nine Member States a proper system of representation by taking into account the relative numerical sizes of their populations, and at the same time to ensure a system of proportional representation for those populations. The two principles are at odds with each other and the decision we have reached seems to me incompatible with either.

This is no new problem. All States throughout the world which have adopted the federal or confederal pattern have had exactly the same difficulties. But I am obliged to point out that they have solved them by a different method from the one we are adopting today. They have observed these principles by creating two Chambers, one representing the populations, which consequently takes account of the numerical size of the populations in question, the other representing the States and comprising an equal number of representatives according to the number of nationalities or States. In the United States, for example, the State of Nevada, which is a desert with a necessarily small number of inhabitants, has exactly the same number of representatives as the very populous State of New York. To deal with such a situation they have created two assemblies, and one of them, the House of Representatives, corresponds completely as regards what one might call its 'political geography' to the 'human geography' it claims to represent. If I may, I should like to reply to an interruption made during Mr de la Malène's speech; reference was made to the French Senate, but there again, and I repeat, that is a second Assembly. Consequently, that point did not seem particularly relevant.

We are now trying to combine these two ideas, but in my view the plan providing for 355 Members conforms neither to the first principle nor the second. I do not consider that the relatively small States—and I am in a good position to talk about them, since I come from one where the population is not very large—receive any outstanding safeguards; I would have preferred to see them represented in a second Chamber, and in fact the report before us does refer to the possibility that a second Chamber for Member States will be created at some unspecified time in the future.

But what is the present situation? I have made some calculations and I find that in certain countries there will be three or four representatives for every million inhabitants, while in

others there will be only one. I have even found that the proportion within one country may vary between 1 and 17. And this is what you call 'representation of the peoples'. I doubt whether the peoples are going to feel particularly well represented so long as such blatant discrepancies exist. I repeat, therefore, that the only satisfactory solution to this problem is to set up two Chambers.

May I now in a short aside comment on the rather paradoxical attitude adopted by certain persons. I find that it is the most ardent advocates of supranationality—which means a completely integrated Europe, where by definition the role of individual States will be gradually whittled down and may even disappear one day—who are now becoming the keenest supporters of a solution which consists in further sanctifying the existence of these States and increasing their representation. Universal suffrage in an integrated system usually means 'one man, one vote', whereas the compromise we have now, as can be seen from the statement of the grounds on which it is based, tends to favour certain Member States at the expense of others. Of course, I am not opposed to such a solution but only to the way in which it has been implemented.

The second problem I should like to deal with briefly is that of the uniform procedure. At this point I should like to pay tribute to the mental gymnastics of the lawyers who, since 1960, have managed to convince us that the uniform procedure in all Member States, referred to in Paragraph 3 of Article 138, actually means that the procedure may be different in each of the Member States. I personally see this as a legalistic *tour de force*, but I am not saying that the neat way in which this volte-face has been given legal sanction is a bad thing in itself. Nevertheless, I think that one day we shall have to turn towards a solution that pays more regard to the texts. Of course, there is some mention of this in the Draft we have before us, and in Article 7, in particular, we are told that the European Parliament will draw up a proposal for a uniform electoral system by 1980. What worries me is that we are not told what will happen if the work which has been going on since 1960, that is, the search for a uniform procedure, fails to produce results by 1980; or by 1978, since another date is now being mentioned. Does this mean that paragraph 1 of Article 7 is no longer applicable, and that the second paragraph is to be applied automatically? The text is not very clear in this respect, and I think that, in view of that hypothetical situation, we should be given more precise information so that we do not end up in a kind of legal void.

My third observation concerns Article 5. I have no criticism of it, in fact, I voted for it in the Legal Affairs Committee. If I may remind you, this article refers to the dual mandate of national parliamentarian and European parliamentarian. For the time being, this dual mandate is permitted in principle. It should end in 1980 and I think this is the right solution. It is a good idea to provide a preliminary, transitional solution, but I do not quite understand the explanation given in Mr Lautenschlager's report. He tells us that at that point the role of the States will be less important in the Assembly, as there will then be a second Chamber—a Chamber of States. But I see that Article 7 of the Draft makes no mention of an institutional reform, only a reform of the uniform electoral system. The argument thus loses much of its weight if one keeps strictly to the text of Article 7 as worded at present.

One final observation, Mr President. The report by the Legal Affairs Committee mentions the complaint of failure to act referred to in Article 175 of the Treaty for cases where proposals made by our Assembly are not taken up by the Council. There is, however, another situation where a complaint of failure to act may arise, and of which nothing has been said—I am thinking particularly of cases where States fail to act.

This is no academic theory. Suppose a State were to fail to implement the electoral procedure to which it was normally bound. I repeat, this is a possibility we must bear in mind, for it cannot be totally excluded. For example, in spite of the requirement of Article 138, representation in this Assembly is not complete, since one Member State has not yet sent its full complement of representatives. One might even question the composition of this Assembly on the very grounds that one Member State has not yet designated all its representatives. What would happen if this State, or any other, were to adopt the same attitude? What would be the situation then? As far as I am concerned, these States should be compelled to choose between observing the Treaty and leaving the Community.

That concludes the observations I wanted to make regarding the text which has been put to us, Mr President. In spite of its shortcomings, I shall vote for the Draft as a whole, because, basically, it is a valid aspiration. I see it as a useful and adequate method of achieving the European revival we all desire. Furthermore, it embodies by its very nature the democratic ideal to which the peoples of Europe are so deeply attached.

*(Applause)*

**President.** — I call Mr Cifarelli.

**Mr Cifarelli.** — *(I)* Mr President, I am very grateful to the colleagues in my Group for giving me the opportunity to speak on this important problem. This allows the voice to be heard in a debate of such great significance of one reared in a democratic school of thought and an Italian political tradition which is closely linked with the problem of European unification.

Next to the monuments in memory of Churchill and Adenauer at our seat in Strasbourg there is another, presented to the European Parliament by the Mayor of Genoa, in memory of Guiseppe Mazzini, the apostle of Italian unification, which even at that time was modelled on the unification of Germany, the unification of Poland and above all the democratic unification of Europe. I want to stress this fact not because my concept of democracy has any need for heroes, even if I respect a great historical figure, but because I believe that our judgment must always be based on a historical awareness which must help us set our aims realistically.

While thanking Mr Patijn for his work, I should like to stress that, seen from this angle, this very comparison, this juxtaposition of the young parliamentarian, Mr Patijn, and a Nestor of the European Parliament like Professor Dehousse, means a lot to those who, like myself, are rather older than Mr Patijn. In the early 1950's Mr Dehousse's generation was moved to see politicians in the same European assembly debating together in the languages of the peoples which had been involved in two European civil wars, i.e. the First and Second World Wars which had wrought such damage to our continent's future. Mr Patijn's generation has grown up with this reality of peace among Europeans and hence might now be inclined towards maximalism. However, I must give credit to Mr Patijn for drafting his report in gradualist and concrete terms which should now be given full approval.

Leaving apart the legal aspects of Mr Patijn's draft, which have already been dealt with by Mr Schmidt, and other considerations and reasons behind our vote, which will be outlined by Mr Broeks, I should like to underline certain points which I feel are most important. First of all, this debate is taking place in a spirit which excludes grandiose self-congratulation. We do not feel that a decisive change is being made, one that will transform the face of Europe, even if it



is a positive and highly significant step forward. Mr Ortoli's arguments this morning were, in my opinion, highly pertinent and lucid. We are not making this advance, let it be noted, in an attempt to implement what might be termed the Kirk thesis. As you will no doubt remember, when the United Kingdom representatives entered this Assembly, their spokesman, Mr Kirk, quoted a British maxim: Parliament may assume to itself any powers which are not absolutely forbidden to it.

We have to admit that in all these years we have not applied this teaching, or statement of experience, nor have Mr Kirk and his friends in this Parliament. It was the recent Summit which finally gave expression to the feelings of public opinion of the citizens of Europe, of the peoples of Europe, and—as we all know—laid down in paragraph 12 that Parliament is associated with the achievement of European unity, that elections to Parliament by direct universal suffrage must be held as soon as possible and that Parliament will be given greater powers, including legislative ones. This, I would say, is the crux of the matter, and although it would be foolish to be over-optimistic or to imagine that the battle is already won, we may fairly consider the possibility of elections by direct universal suffrage by 1978 as the point of no return as regards the democratic future of the Community institutions. Not because this will give Parliament the democratic legitimacy which it has hitherto derived from the Treaty and the fact that we are elected by the people to the national parliaments which then appoint us here, but because, faced with the growing tasks of the Community and the increasing demands of Europe at a time when the future of the Community is particularly at stake, we can now look forward to elections to the European Parliament by equal and direct universal suffrage at the very moment when we have achieved something else. Quite apart from the commitment undertaken in paragraph 12 by the Heads of State and Government in December last, we have fought for and obtained something else, namely substantial budgetary powers, the acquisition of which represents a resounding vindication of Parliament.

Against this background we can now reply to certain questions which have arisen in today's debate. You heard Mr Outers a moment ago say that, in fact, this House (as elected by the methods laid down in the Draft Convention) will be an unsatisfactory cross between a parliament of the people and a parliament of States. He referred—we all agree that this is the model—to the American constitution, which provides for two Houses, a model which, moreover, exists not only in the United States of America but also in Switzerland and elsewhere. Well, I would like to read the following section from the 1974 Summit communiqué: 'the European Assembly is composed of representatives of the peoples of the States united within the Community'.

It might seem superfluous, but I think that the European Parliament should include not only the representatives of the peoples but also a Chamber of States.

Ladies and gentlemen, in approving these proposals, which are gradualist and concrete, we must not forget that certain basic problems, such as some consequences of the principles incorporated which we may find troublesome, are due to the present situation and its limitations. But let us hope that the future offers better prospects!

This morning Mr D'Angelosante advised us not to abandon lightly the conditions laid down in paragraph 3 of Article 138 of the Treaty. Admittedly, if you want to look for hidden meanings or if you fear that in the future there will be a lack of political resolve to achieve progress, it could be dangerous to scrap paragraph 3 of Article 138 of the Treaty of Rome. And indeed, Mr D'Angelosante's comment that the ideal electoral system, at least as far as

representation of citizens is concerned, is the proportional system, is perfectly true from a democratic point of view. However, I would like to say to Mr D'Angelosante that to think we cannot strengthen the democratic roots of the European Parliament before the electoral system is in force is tantamount, in the words of the ancient poet, to sitting on the bank of the river and waiting for the water to stop flowing before crossing to the other side. I should also like to tell Mr D'Angelosante, and I do not think he will mind my doing so, that his theoretically correct but basically maximalist position reminds me that Lenin defined maximalism as 'one of the teething troubles of Communism'. As far as Mr D'Angelosante is concerned, this judgment can be applied to his Europeanism.

Obviously, with this concrete outlook and awareness of the past and of the future prospects, I cannot accept the somewhat sceptical approach of Mr de La Malène who, once more, gave an airing to certain of his Group's familiar clichés. We are ready to do everything for Europe, he says, but Europe needs to be independent.

In actual fact, of course, Europe needs to be created first; it needs to live. By the very fact of its existence, inevitably, and yet with total realism in its political expectations, Europe will want and be able to be independent, and will accept an autonomous and decisive role in the world *vis-à-vis* America, Russia, the sheikhs and other forces and situations which may arise. But if we do not create a united Europe our situation will be impossible.

Looking back we recall with emotion the years of the great illusions, the 50's when the fathers of the European Community maintained that it was sufficient to convoke a parliament which could declare itself sovereign and act as a European constituent assembly.

It was a time of courage and noble ideals, the time of the *ad hoc* Parliament when basically everybody had in mind the example of the French Revolution and the Oath of the Tennis Court.

However, there was no revolution in progress but rather a painful struggle for moral and material reconstruction in a world divided into opposing blocs. Today's world is still divided and possibly irreversibly so, but something was achieved in yesterday's Community. In the 50's there were too many illusions; in the 60's there were too many obstacles, both hidden and open, and too much scepticism. Maybe now we can start to work on a more concrete and constructive basis. I should like to finish by saying that we must never forget how States are created: they are created either by force of arms, or by peaceful and democratic means, or by revolutions, with the exploits of conquerors, as has happened so often in the past, or they emerge from the will of the people. I feel we must do everything to allow this will to be expressed as fully as possible. Commissioner Spinelli will remember the great debates we federalists had on the question of the European people. Let us allow the European people to express itself, we said: years ago we really thought it possible to arouse civil disobedience in Europe as did Gandhi when fighting to awaken his people and gain independence for India.

Let us give this European people the opportunity to speak and vote and let us make ourselves heard by these citizens of Europe.

This morning I was astonished to hear a Member protesting against the presence of radio and television from various countries, with their men and their equipment. We ought to be rejoicing, since this is surely our objective: to speak to the European people in the hope that we shall in the very near future be the increasingly effective representatives, not of nine

peoples, of nine States of the Community, but of the sole protagonists of the free, just and civilized Europe we seek, i.e. the European people.

*(Applause)*

**President.** — I call Lord Gladwyn.

**Lord Gladwyn.** — Mr President, I should like first, if I may, to express all my admiration for the way in which our rapporteur has succeeded not so much in cutting as in actually untying several Gordian knots. His scheme is, undoubtedly, the one most likely to gain general support, more especially, as the Liberal Group believes, now that he has accepted this smaller number of 355. It is also evidently the fruit, if I may say so, of tremendous and patient endeavours during the past year to reconcile all sorts of conflicting tendencies. In Mr Patijn, we have the makings of a real statesman.

My dear colleagues, this is a great day for Europe and more especially for the Liberals, who have always been in the vanguard of progress towards European unity. But there are still many lions in the path. After all, the Ministers will have to approve a draft convention—and it is hoped they will do so after long and free discussions with this Parliament—by unanimous vote, and then all the national parliaments will have to ratify it. Nor will the Ministers even give preliminary consideration to the Convention until the question of British membership is out of the way, and when and if they do achieve unanimity—that will be no mean feat—it is by no means certain that all the Nine national parliaments will follow suit. After hearing Mr de la Malène this morning, we must, for instance, be in some doubt whether the French parliament will do anything of the sort. Mr Jozeau-Marigné has already, most eloquently, explained the opposition, in general, of our group on the main issues, so this afternoon I shall limit myself to some short remarks on ways and means of getting round some of the still remaining stumbling-blocks.

First, the question of the weighted representation in this Parliament of the smaller States. To my mind, this proposal cannot possibly be dissociated from the possibility, or otherwise, of establishing a Chamber of States or Senate in the Union which it is, after all, still the declared intention of the Nine governments to achieve in 1980. For, if such a proposal goes through, it will be evident that, as under the American system, the smaller members of the Community will by reason of that fact alone, by being members of the Senate, possess power out of all proportion to their size. If, in addition, the Council, or the European Council, is going increasingly to take its decisions by qualified majority vote, as proposed by the French President himself, the smaller States, or some of them, by combining with one larger State, would also exercise a sort of collective veto thus rendering their power and influence *pro tanto* even greater. It might well, therefore, be held by some parliaments that the grant of special representation to the smaller powers in this Parliament is hardly compatible with a Chamber of States. I only say that this is a view that may be held, and I hasten to add that I do not say this because I am opposed to any special representation of the smaller States in this Parliament. On the contrary, I am all for it. I am merely trying to draw attention to its likely consequences.

Then there is the matter which is likely to be the chief concern of the British parliament—namely, the vexed question of what is called the dual mandate. It is not that I believe that my country—once it has decided to stay in the Community—is likely to be particularly suspicious or nationalistic, or more suspicious or more nationalistic than any

other. But there is little doubt that for many years it will wish itself to have, if possible, what I might call a say in the proceedings of the Community and that it would thus greatly prefer some system providing for what is known as an 'organic link' between Westminster and Strasbourg. And such a link can, in practice, only be achieved by some form of dual membership, even if it is only of a limited and temporary nature such as that proposed by Mr Patijn, unless I have got him wrong.

It is no doubt useless to say this—since the die has now been cast, and after all cast by the Ministers themselves—but I myself have always thought that the best way to arrive at a fully European system of direct elections would be to have a preliminary period of, say, 10 years during which the existing (nominated) parliamentary delegations—possibly doubled in numbers—were directly elected by means of each nation's choice while remaining, technically at least, members of their national parliaments. That, of course, at the moment is out. But this would at least have resulted in an organic link, and at the same time put an end to the present system whereby—in the United Kingdom at least—a member of the House of Commons, if he takes his European duties seriously, is faced with the prospect of a nervous breakdown, or the disruption of his family, or the loss of his seat, or possibly all three.

*(Applause)*

Is it therefore conceivable—I repeat, conceivable—that it would still be compatible with Article 5 of the proposed Convention for the British Parliament, pending agreement on a uniform electoral procedure—which may well take years, even after the new parliament has been elected and is actually exercising its powers—to introduce a system whereby the British elected members of the European Parliament were also deemed, in some way, to be members of the British Parliament? If the total membership of the European Parliament is fixed at 355, an addition of 67 to the House of Commons—or less if some were in the Lords—might perhaps be an inconvenience that could at least be tolerated (Of course, if it were a question of accepting an additional 116, it would be out of the question). So I would ask the rapporteur whether, in his view, such a solution is possible. Of course it would only be a provisional solution. In the long run, no doubt, the principle of incompatibility would have to be accepted. I don't deny that. But surely the great thing is to get the new directly-elected parliament functioning as soon as possible: a uniform electoral procedure, agreement on which might well not be possible for years, seems to me at least to be a secondary consideration.

Had time permitted, which it does not, I would have also liked to refer to regional representation. However, my colleague Russel Johnston will doubtless deal with that. For my part, I would only just say this. My own hope would be that a British delegation of 67 would provide sufficient representation, not to an independent Scotland or Wales, or an independent Brittany or Bavaria for that matter, but for an adequate number of Scots, Welsh, Bretons and Bavarians, who would largely account for their actions to some regional assembly with limited if real powers.

Be that as it may, I repeat that our vote tonight is likely to be a great day for Europe and that no one more than myself will rejoice if Mr Patijn's conception wins tonight an overwhelming vote.

*(Applause)*

**President.** — I call Mr Scelba.

**Mr Scelba.** — *(I)* Mr President, I should like to make a few criticisms of the provisions laid down in Mr Patijn's draft. I agree, of course with the basic principle and the urgency of proceeding to the vote; I have been campaigning for it for 15 years, so I need not stress the desirability of speeding up the democratization of Parliament.

My remarks are aimed at offering the rapporteur and Parliament reasons for certain improvements to the draft submitted to the Council of Ministers, who will have the last word—certain alternatives on the assumption that the differences of opinion expressed in this Parliament regarding certain provisions in Mr Patijn's draft will again arise in the Council.

For practical reasons I shall follow the text of the draft as presented by the rapporteur.

Article 2 refers to the number of Members and the breakdown by State.

As regards the number of Members, the 1960 draft provided for a threefold increase in the current number. This was based, however, on a Community comprising six States and a threefold increase would have resulted in a Parliament of 426 Members. But taking the same criterion for a Community of nine States, we would now have a total of some 600 parliamentarians.

Divergent views have already been expressed in this House regarding the number of Members and I shall not opt for one solution rather than another. Personally, I would be in favour of doubling the current number of parliamentarians, in line with a proposal made in view of the enlargement of the Community by the Bureau of Parliament when I was president. Double the number of Members for nine countries would result in a Parliament of around 400, which is a fairly reasonable figure even allowing for the possible accession of other countries. But if it is desired to increase our numbers, the present figure could be multiplied by 2.5 or 3.

The other problem regarding the breakdown, is a more delicate one from the political viewpoint.

On this point Mr Patijn's draft differs clearly from the Treaties of Rome and, in fact whereas the Treaties of Rome had established a weighted distribution of seats among Member States, Mr Patijn's draft uses different criteria. I totally disagree with the proposal made in Mr Patijn's draft. The authors of the Treaties were great democrats and knew full well the value of attaching more or less equal importance to each vote while agreeing to more relaxation of this rigid criterion. The proposal to attach the same importance to the votes of all countries in the Community came from the Gaullists for controversial reasons as they were opposed to direct elections to the European Parliament. This draft, however, would now reduce the number of French representatives in the European Parliament. I am not speaking for Italy, which would benefit from Mr Patijn's draft, but I do think that to break away from the criteria laid down in the Treaties of Rome is a political mistake; these criteria were based on a great number of considerations which are still valid. Furthermore, I cannot imagine France with fewer Members in the European Parliament than Italy, the United Kingdom or Germany. Nor do I think it possible, Mr President. We members of this Parliament must avoid creating problems for the Council of Ministers. There must be special reasons for breaking away from the system specified in the Treaties; I personally fail to see them and am therefore in favour of maintaining the system of distribution of seats as laid down in the Treaties of Rome.

The other point I should like to comment on is paragraph 2 of Article 4 which reads: 'National legislation shall ensure that the representatives receive the same guarantees as to

independence, indemnity and immunity as their counterparts in the national Parliaments'. This is an error, Mr Patijn; why assign these guarantees to national legislation? It is Community law that establishes the criteria of independence for European parliamentarians and these criteria must also be accepted at the national level. Why reduce a Community criterion to a purely national level? I am thus opposed to paragraph 2 of Article 4.

Article 5 deals with the problem of compatibility of the two mandates. Enough has already been said on this score. I should like to remind everyone, Mr President, that a transitional period, as in the present draft, was also contained in the 1960 draft, but with completely different criteria. In 1960 we had provided for a transitional period in which one third of the Members of the European Parliament would be elected from national parliaments and the other two thirds by universal suffrage. This was to ensure that qualified parliamentarians would participate in the European Parliament, especially in its initial stages. Now, in contrast, all the Members of the European Parliament are to be elected by universal suffrage even if they have a national mandate.

I would now like to ask if there is a single parliamentarian in this House who would be prepared to stand as candidate for the European Parliament after already fighting an election campaign for his own national parliament and risk being defeated. To my mind no parliamentarian elected to his national parliament would be prepared to fight a second election campaign for the European Parliament when the issue is doubtful; in any case, what would be the advantage?

But this may only be a practical consideration. The real grounds for dispute are on pages 23 and 25 of Mr Patijn's report which clearly rejects compatibility of the two mandates. I therefore support this position and believe the dual mandate to be incompatible even for a transitional period merely limited to the first legislative period in 1978.

Mr President, I should now like to pass to Article 6, paragraph 2, which states that 'Subject to the entry into force of special rules pursuant to Article 7(1) of this Convention, the provisions of each Member State relating to incompatibility with a national parliamentary mandate shall be applied'.

Forgive me for saying so, Mr Patijn, but if you had known more about the 1960 draft you would not have suggested this provision and the Political Affairs Committee would not have approved it since there is an enormous difference between incompatibility for election to national parliaments and incompatibility for election to the European Parliament. In Italy the mayors of towns consisting of 40 000 inhabitants cannot be elected to the national parliament. But why should any such mayor not be allowed to be elected as a Member of a European Parliament?

The 1960 draft included a regulation which has been completely invalidated, if I may say so, by this new provision.

And now to Article 7 which states that a proposal for a uniform electoral system will have to be approved by 1978. Let us not deceive ourselves, the draft we approve today will last beyond 1980. It is easier to square the circle than to create a uniform electoral system which reconciles the proportional system with the majority one.

We shall never find a solution acceptable to the British, to the Germans, and to the countries governed on a strictly proportional system. Thus, the current system which allows Member

States the choice of electoral system will certainly last beyond 1980. I would therefore not take 1980 as the deadline but leave the task of deciding on a new electoral system to the future Parliament elected by universal suffrage. To fix a specific date for that decision seems to me entirely unrealistic.

Article 14, Mr President, is particularly serious in that it assigns the Council of Ministers the task of making provisions for the implementation of direct elections to the European Parliament. These are legislative and not substantive provisions which are already contained in the Draft Convention. We are continually protesting against the Luxembourg Agreement which provides for unanimity and demanding the majority criterion provided for by the Treaties, and then we go and oblige the Council, in our Convention, to adopt by unanimous decision simple provisions for the implementing of elections to the European Parliament by direct universal suffrage. This is really too much, Mr President. It would even enable each State to prevent elections by universal suffrage. May I ask who will foot the bill for elections to the European Parliament? The European Community or the individual Member States? In the latter case, any one State finding itself in financial difficulties and unable to bear the cost of a second election to the European Parliament can make use of this provision of unanimity to prevent elections.

This is really a step backward rather than a democratic step forward.

My final remarks concern Article 15 which provides for the repeal of Article 138 of the EEC Treaty and the corresponding Articles 21 of the ECSC Treaty and 108 of the EAEC Treaty. I am against the provisions laid down in Article 15. The articles in question form the basis of direct elections and I do not see why we should cancel them.

This is a debasement of Community values in that the Treaty obligation would be merely transferred to the Council of Ministers.

Mr President, as you can see, my remarks are not dictated by any conservative attachment to the past but by democratic consideration. The European Parliament is an expression of real and effective democracy and I cannot agree to the Council's being assigned the task of establishing, by unanimous decision, such important provisions.

These are the comments I should like to bring to the attention of the rapporteur and the House. One final point, Mr President, regarding Article 8 which states that 'the provisions governing the admission of political parties to elections in each Member State shall apply to elections to the European Parliament'. The corresponding article in the 1960 draft specified that the admission of political parties to elections in each Member State should be governed by constitutional provisions. For example, in Italy it is written in the constitution that a fascist party has no right of citizenship. But it would be inadmissible that a government should limit by statute the participation of political parties in elections to the European Parliament. I consider the deletion of the reference to the constitution to be an undemocratic step and am thus opposed to this change which is a step backward compared with the 1960 position.

Mr President, it was not my intention to patronize the 1960 draft, but I must say that the persons who drafted it were closer to the spirit of the Treaties than we perhaps are and were more inspired by the ideal of a united Europe than we can be said to be today.

*(Applause)*

**President.** — I call Sir Derek Walker-Smith.

**Sir Derek Walker-Smith.** — As time is precious this afternoon, I shall confine within a single sentence my respectful congratulations to Mr Patijn on his devoted and conscientious labours in producing this report.

There are, I think two reasons for the introduction of direct elections. The first is, of course, a reason of law. The Treaties require it. Article 138 (3) is mandatory and there is therefore an obligation. Both States and individuals should be astute to fulfil their obligations. It is of course an obligation which could only be removed by a formal amendment of the Treaty. As things stand, there is in law a discretion only as to the methods by which this result should be achieved. The result itself of direct elections is a clearly imposed obligation.

The second reason is rooted in the philosophy of representative institutions in a democratic society. It is axiomatic that the status and significance, the strength and the authority of any parliamentary assembly depend on the closeness of its links with those it seeks to represent. The more direct the link, the broader the base on which the representative character of parliament rests. In a democratic and politically sophisticated society, indirect elections, representation by nomination, a delegated authority, cannot in principle be a wholly effective substitute for those closer and more intimate links between parliament and people, between the represented and the representative. Public participation is a basic ingredient in the practice of democracy. These two considerations of law and principle are in my view the real and sufficient justification for instituting a system of direct elections.

For myself, I would prefer to have the case put solely on the firm ground of these considerations. I would have preferred that in the preamble it had not been found necessary to invoke abstract terms such as the process of European unification and integration, which are generalized aspirations and mean different things to different people. For the avoidance of doubt, Mr Kirk mentioned the implications for federation and fairly said that direct elections might bring it nearer or might take it further away. In my view, direct elections neither need nor should be put forward as a means to achieve and expedite full political federation. Some within the Community want this. Others do not. And the views of the citizens of the Member States must await a clearer and more defined expression until direct elections are in operation. What will happen in the long run. I do not pretend to say. I do not court the risks of prophecy in an uncertain and unpredictable world. But the constitutional position is clear. Federation is not part of the Treaties, neither expressly nor by necessary implication. To move to a full political federation would require new treaties, in turn requiring ratification by the individual States. What cannot be done, or properly done without amendment in due constitutional form, is to extend the existing Treaties beyond their prescribed and proper compass. If that were done, then it would be open to any Member State in the classic phrase to say, *non haec in foedera veni*: these are not the treaties to which we subscribed.

Against that general background, Mr President, may I make a brief comment on three matters arising under the report: the links with the national parliaments, the uniform procedures, and the number and distribution of representatives. Eighteen months ago, in this House, I stressed the necessity of close cooperation between this Parliament and the national parliaments, to ensure that each in his own sphere achieved democratic supervision and parliamentary scrutiny over the whole range of executive activity and decision-making. I believe that a directly-elected European Parliament must continue to respect the rights and duties of



national parliaments. I believe that direct elections will actually increase the need for this close cooperation and understanding between parliaments. It would certainly be highly undesirable if direct elections resulted in any tendency for these institutions and those who comprise them to grow apart. But equally, it may be more difficult to achieve that cooperation and understanding, and it may need a more conscious effort to bring about and maintain it when Members of the European Parliament are no longer nominated by their national parliament and many or perhaps most are no longer members of it. I believe that after the first few years, at any rate, common membership will be the exception. This does not mean that I disagree with Article 5 and its acceptance of the principle of compatibility. On the contrary, I think it right in principle to allow it and right to leave it to the discretion of the Member States. It will, however, be a matter of logistics as well as law. What is not forbidden in law will in many cases be prohibited by circumstance, or at any rate severely limited. A directly-elected Member of the European Parliament will serve perhaps half a million people. The difficulties of the dual mandate and doing justice to both are too obvious to need recapitulation. There are, of course, ingenious schemes to overcome the difficulties, but some Member States may find it difficult to accept them.

There may be a tendency to regard them as fancy franchises, too far removed from the traditional conceptions of parliamentary institutions with which they are familiar. I think, therefore, we would be wise to recognize from the start the likelihood that common membership may well be rare and might, indeed, become extinct. It is better to recognize this now, because it emphasizes the duty of planning to ensure the necessary cooperation right from the start and evolving the procedures for continuing contact and coordination. The different parliamentary traditions, the varying practices and divergent procedures of the Member States, are likely to create difficulties in evolving a satisfactory and acceptable uniform pattern of election procedures.

To solve them I think we must pursue the aim of maximum flexibility. I welcome what is said in the Patijn report on this matter, and welcome what is said in the Legal Affairs Committee's report, that only certain basic requirements of democratic elections should be declared indispensable, and that European elections must be free, equal, secret and direct.

That brings me to the last matter, the number and distribution of representatives. Ideally, I would think, to the four requisites specified by the Legal Affairs Committee should be added a fifth. Elections should not only be free, equal, secret and direct. They should result as nearly as possible in parity of representation. In a practical world this may well be difficult to attain; but it is, after all, the democratic ideal, and the suggested distribution falls a good way short of it. Indeed, it will be possible for citizens in some parts of the Community to say that they only command perhaps one-tenth of the representation of others elsewhere. That may be an extreme case, but the citizens, for example, of Northern Ireland with their representation based on the United Kingdom formula will have a considerably lower representation than that of their neighbours in Eire. There are reasons for this, as we know; but we should not disguise the fact that a high price is exacted by way of derogation from the principle of parity of representation. The price is, of course, highest with the proposal for 335 seats. At least with 550 seats the disparity is confined to the first 6 seats. With the 355 formula there would be a continuing process of discrimination and diminution: the larger the population, the smaller the representation. What is needed, I would think, is a Parliament, not too unwieldy, in which inequality of representation is reduced to the minimum possible.

I conclude, Sir, by saying this: we are not likely to get a perfect system in this imperfect world. Or one that is wholly acceptable to everybody. We are, however, under a duty to devise a system which represents the highest common factor of what is equitable in principle and practical in operation.

And we must bend our efforts to the discharge of that duty and to the strengthening of the democratic workings of the Community, in cooperation with our national parliaments and with those citizens whom together we seek to represent.

*(Applause)*

**President.** -- I call Mr Bordu.

**Mr Bordu.** — *(F)* Mr President, ladies and gentlemen, the Paris Summit has decided on the election of Parliament by universal suffrage. This decision impels us to make a certain number of observations.

As you are aware, we are keen supporters of the principle of universal suffrage—true to the traditions of the French labour movement and the great names of Guesde and Jaurès. In our own country we are striving to ensure a just framework for universal suffrage so that a real choice may be offered to the electorate. We wish to speak about proportional representation; the only system capable of giving a moral content to universal suffrage, in particular by eliminating all forms of discrimination.

Therefore we feel that the election proposed cannot be solely evaluated in its institutional context. Even from this point of view, we think that to speak of a democratic process being set in motion, to pretend that universal suffrage will give Europe a democratic face-lift, is to show a gross disregard for the consequences and the grave shortcomings of such a step. Indeed, can anyone seriously claim that the States and majorities, which are today strengthening their authoritarianism, will tomorrow contrive by some sleight of hand to produce a democratic structure for Europe?

One might be tempted to define the concept of democracy, which is not merely based on the right to vote but takes into account the nature of the policy carried out. The real truth of the matter is that a handful of financial giants, backed by their governments, are deciding the fate of 250 million Europeans, the large majority of whom are workers—victims of the accumulation of thousands of millions of inflationary dollars, victims of austerity, victims of a system in a state of crisis.

It would be rash to assume that the legality of universal suffrage, solemnly confirmed on a European level, can henceforth abolish inalienable national obligations and characteristics. To ignore national sovereignties, even while paying lip-service to them, is to fly in the face of historical and social realities, to fight shy of the real reason for the troubles facing a capitalist Europe where the profit motive reigns supreme.

Can anyone claim to have the power to dismantle nations built up by centuries of struggle, suffering and hope? Can anyone but a sorcerer's apprentice attempt to meddle with the laws of historical development? Some of this was seen in the agricultural debates, and the process will shortly be renewed. The conflict of interests which sets capital against labour, sets certain multinational groups against each other, sets authoritarianism against democracy, shows that

the solution to the problem is essentially a democratic one—a solution which instead of ignoring the masses brings them together.

How can the peoples be brought together under a single European concept when Europe itself continues to be the lackey of big business? Indeed, what policy would be followed tomorrow by a European Parliament elected by universal suffrage? What would be the policy of a Europe whose desire for independence is broken down time and again by the crack of the American whip? Have not the Heads of State of the Member countries been congratulating themselves on the fact that the meeting in the West Indies made certain France would come back to the Atlantic fold, even though one of the safeguards ensuring both European and national independence was destroyed in the process? No doubt you will say that, in deciding on universal suffrage, the Summit wanted to give this Parliament, and a certain number of impatient parliamentarians, a kind of gadget to keep us happy for several part-sessions to come and which has already helped to make today a kind of grand historical event. But we ourselves do not attach so much value to it.

Parliament is going to take a decision, but do we know how many countries the European Community will in future consist of? Was there some desire to gratify France, whose term of presidency was about to expire? As far as we are concerned, there can be absolutely no question of approving a procedure which will fly in the face of the countries' desire to choose their own destiny, to decide their own future. Many speakers have referred to an elected Parliament which, they say, ought to be granted real powers in order to overcome the so-called selfishness of the various nations.

So let us say, in advance, that we cannot accept that a European parliamentary majority, indeed, any majority whatsoever, including an American one, should take France's decisions for her, or should oppose our national policy as laid down in the joint programme of government of the Left.

In the present circumstances, universal suffrage, far from being the solution to our problems, merely dodges them.

Of course, we do not doubt the honesty of those who sincerely believe that this action will take us some way along the road to democracy. Although we agree with the principle on which it is based, we assert that as a political reality it is devoid of meaning. It is for this reason, following on the statement by our comrade and colleague Mr D'Angelosante, that we shall abstain from voting on this question.

*(Applause)*

**President.** — I call Mr Lenihan.

**Mr Lenihan.** — Mr President, I think that this is a very important debate and one which, I am very glad to say, has been given greater emphasis by the recent communiqué from the Summit. I think it is important, in order to bring a realistic element into our discussion here, that we have regard to what the Heads of Government said at the recent meeting. First of all, I would refer to paragraph 12, in which they 'await with interest the proposals of the European Assembly, on which they wish the Council to act in 1976'—that is, next year—and add: 'On this assumption, elections by direct universal suffrage could take place at any time in or after 1978'. Now there is a request to us to act immediately and in a practical manner, and for that

reason I welcome the Patijn report which we are discussing here and which has emerged now with the Political Affairs Committee's recommendation at an appropriate time after the Heads of Government have made their point of view known. The most fundamental matter before us in the recommended Convention is that we have direct universal elections on one day throughout the Community and have them every 5 years. This is fundamental in order to ensure the participation of all European peoples in the election of this Parliament. It has been the absence of that participation, in my view, that has detracted from the moral and legitimate authority of this Parliament over the years. The proposal to hold direct elections on a specific day every 5 years will immediately draw the interest and invite the direct participation of our peoples in the European parliamentary system. I hope that, again in accordance with what the Summit has suggested, we shall now dispose of the sterile argument on which should come first—direct elections or increasing the powers of Parliament. Let the two go hand in hand between now and 1980: gradually increasing powers for the Parliament, and achieving by 1980 a positive system of direct elections. In my view, the two should not be regarded as being in conflict: they should evolve together in a complementary manner. Indeed, I might say that the Heads of Government have emphasized that fact in the fourth paragraph from the top of page 5 by saying: 'The competence of the European Assembly will be extended, in particular by granting it certain powers in the Communities' legislative process'. And they say that following on their guarantee of support for direct universal elections within the Community. In my view, it is also important, having regard to the timetable that has been set by the Heads of Government, to be practical with regard to aiming at a universal system of elections by 1980. In practice this is not possible. The electoral systems in the different countries of the Community vary to an extraordinary degree. In my view, the system of proportional representation, preferably with the list system as operates in the Netherlands, should be operated universally on either a national or a regional basis in time. If we go after that particular objective, we shall be years getting agreement on it. That is a personal opinion.

For the time being and, indeed I feel for some considerable time, we must be realistic and leave the system of elections to the national system obtaining in each Member State. That will have to remain the case even though we shall be making from this House our own recommendations about what we consider to be the desirable system of European elections. In practice, it is going to take some considerable time to have anything like that implemented.

Another respect in which I regard the report as being very practical, because of the importance once again of getting something done as quickly as possible, concerns the vexed matter of the dual mandate. I believe that Article 5 as proposed in the Convention is very well worded in this respect in that it merely states in a bald fashion that membership of the European Parliament shall be compatible with membership of a parliament of a Member State. In other words, the situation is open and completely flexible, and while, as an earlier colleague has stated, in practice most members coming to the European Parliament, developing as we hope it will develop, will be whole-time members of this Parliament, at the same time it should not be ruled out that in particular cases there may be people who participate in both their national parliaments and the European Parliament. Therefore this should not be ruled out, even though in the ordinary course of events it will not be the case. But I am very glad that it is not regarded as being incompatible. It is still compatible, and that is a sensible approach to take.

There is one matter on which I should like to take issue with the Political Affairs Committee and agree with Mr Patijn's original proposal. This concerns the question of national

representation in this Parliament, to which Mr Scelba has already referred. I feel that until we have a uniform system of elections throughout the Community it would be very unwise to insist on the one-man-one-vote principle rigidly throughout the Community, because the electoral systems existing in various member countries already conflict in many respects with this principle. If one were to decide, in advance of having a universal system of elections, to adhere rigidly to the one-man-one-vote principle, that, in my view, would be a very unwise development and would only entrench electoral distortions that exist in Member States; the logic of events calls for some continuation or adaptation of the existing national representation in the present Parliament. The present representation stands at 198. It could be doubled, it could be trebled. I don't think it should be trebled. I say again that the number which Mr Patijn has put at 335 is about right but we should either maintain the proportion of national representation which exists in our present 198 and preserve that 198 or double that figure or, alternatively, adopt the arrangement which Mr Patijn recommended in his original report and which was subsequently rejected by the Political Affairs Committee—that is, a weighted representation in respect of States with a population between 1 million and 2.5 million, of States between 5 million and 10 million, of States between 10 million and 50 million and in respect of States exceeding 50 million. Mr Patijn adopted an ingenious and, in my view, a very appropriate balance between national interests and population ('one-man-one-vote') interests, as set out on page 42 of the report, and a valuable compromise between the ultra-rigid one-man-one-vote principle, which can be very antidemocratic when combined with an electoral system that is not fair and proportional, and the present national divisions or propositions. It gives rise to a total of 335 which in my view is about right for a European Parliament. The proposal of the Political Affairs Committee to increase the membership of this Parliament to 550 would not, in my view, be accepted by the Council of Ministers and I appeal to this House to be practical in what it suggests. We must show ourselves to the Council of Ministers to be responsible people, and increasing the membership of this Parliament from 198 to 550 and all the consequent bureaucratic superstructure that that would involve would just not be acceptable to the Heads of State or Government or to the Council of Ministers at the present time. To bear out what I have just said, going back to the request which we have received in the communiqué from the Heads of Government, I would refer to page 5, where the Heads of Government state quite specifically: 'since the European Assembly is composed of representatives of the peoples of the States united within the Community, each people must be represented in an appropriate manner'. I finish on this note that we there have a very direct request from the Heads of State or Government to this Parliament to remember that we are not just counting heads, that we must in addition remember that each of the peoples within the Community must be represented in an appropriate manner. I think it can be done either by continuing with our existing scheme of proportionality or else adopting the very sensible balance which Mr Patijn has recommended. I do not think that the Political Affairs Committee's recommendation of 550 members in this Assembly, based on a head count throughout the Member States with their varying systems of election, is practicable by 1978 or by 1980.

We have made a great start in having this matter aired, but when making our final recommendation to the Council of Ministers we must ensure that it must be practical and above all else remember that the Heads of State or Government want practical action on this question by 1978, and if we submit ridiculous proposals to them they will be treated in the appropriate manner. In my view, Mr Patijn in his original report before it was changed and amended by the committee, sent forward to the committee and to this Parliament excellent

proposals which would be worthy of acceptance by the Council of Ministers and by the Heads of State or Government. Thank you, Mr President.

*(Applause)*

**President.** — I call Mr Scholten.

**Mr Scholten.** — *(NL)* Mr President, ladies and gentlemen, the adoption of Mr Patijn's report should be an important step on the road to further development of a Parliamentary democracy in Europe. I might say that the direct election of this Parliament would be the fulfilment of a wish cherished by myself and my colleagues, and I am particularly gratified that a compatriot of mine, Mr Patijn, has played such an important part in the preparation of this debate and in the debate itself. As a Dutch Christian Democrat, I should like to add my congratulations to the many he has already received.

It is not only an extremely important step, but in view of its probable consequences, also a very radical one. Mr Ortoli spoke this morning of a step of major importance. And this applies not only to this Parliament, which, whatever the result of our voting on the amendments tabled with regard to its size, will inevitably be faced with an increase in the number of Members and an extended range of activities. It is a radical step particularly for the political parties to which we belong, since the national political parties will be obliged to form definite groupings at European level in order to contest these direct elections. New links will have to be considered and the existing cooperation perhaps extended. The political parties will have to draw up programmes at the European level, in which first of all their political principles are clearly expressed, but which also deal clearly and unambiguously with the concrete questions currently facing the citizens of Europe.

We must bear in mind that the mere fact of holding direct elections to this Parliament is not in itself sufficient to involve the European citizen actively in European democracy. We must show the European citizen that his day-to-day problems and his direct interests are not only discussed, but also promoted in this Parliament. Mr Klepsch pointed out clearly this morning that for this reason we as European Members of Parliament must strengthen the link between voter and MP. That applies to us all collectively and individually. If it proves possible to keep to the proposed timetable before us—decisions in 1976 and elections in 1978—our parties will have to have established European-level political programmes by 1977. I must say that I personally share Mr Kirk's doubts as to whether it will be possible to keep to this schedule and I shall be pleased if these proposals have become reality by 1980.

With regard to the development of political programmes at European level it is encouraging to note that my own Christian-Democratic Group, for example, is already conducting detailed discussions on the drafting of a programme of this kind. Just as, despite all the criticism and negative commentary of our political opponents, the cooperation between the three Christian Democratic groupings in my country will lead shortly to the formation of a single Christian-Democratic union, the CDA, cooperation between likeminded parties at the European level must be developed further with a view to these direct elections. It would, after all, be extremely detrimental to the growth of a parliamentary democracy in Europe if the vigour and effectiveness of a directly elected Parliament were to be paralysed or at least severely weakened by excessive political fragmentation. We must therefore recognize that political confrontations in a directly elected Parliament will be much sharper than we have

been accustomed to in the past. The present system whereby priority is given to reaching compromise and agreement will, in my view disappear completely on the introduction of direct elections.

Finally I should like to comment briefly on two central issues in today's debate, namely the number of Members in the future Parliament and the question of the dual mandate. As regards the number of Members, I and most of my fellow Christian Democrats will give our support to the proposal for 550 Members contained in Mr Patijn's report. We shall do so for the following reasons. Given a total population of 250 million, parliamentary representation by 550 men and women is by no means excessive, particularly in comparison with the existing national parliaments. Secondly, I would point out that in my view we should avoid being faced right from the start with an under-representation of the large Member States. This may sound a little odd coming from a representative of one of the smaller Member States, but I feel that the European cause would suffer if the citizens of the large Member States were to get the idea that they were under-represented in comparison with the smaller Member States. This would not promote confidence in the representative character of this Parliament. Thirdly, society in general and thus political life, too, has become and continues to become much more complex. This means that Members of Parliament must be better informed if they are to be in a position to make political judgments. In this light 550 is not an excessive number of representatives for the entire population of Europe.

This last remark should leave no doubt as to my firm conviction that the dual mandate must be eliminated. Already it is a source of almost insuperable problems and in the future it will certainly be impossible to fulfil both tasks efficiently. The question is, however, whether we should leave this decision to the national parliaments and the national political parties as proposed in Mr Patijn's report, or whether we must arrive at a central binding decision, as proposed by Mr Lautenschlager.

I feel that, in general, we can serve Europe best by not restricting national freedom of movement any more than is necessary for the attainment of our central objectives. I should like to apply this principle here too. For this reason I support the present version of the Patijn report. It will be a red-letter day for Christian Democrats in Europe when we reach the milestone of directly elected representatives of the people in the European Parliament. The fact that we can begin to prepare for this today is a source of great satisfaction to us.

*(Applause)*

**President.** — I call Mr Broeksz.

**Mr Broeksz.** — *(NL)* Mr President, Chapter 1 of Part Five of the EEC Treaty, relating to the Institutions, does not give the impression at first reading that the Treaty contains any major legal obstacles to the implementation of Article 138(3). The only provision is that elections by direct universal suffrage must be held in accordance with a uniform procedure in all Member States.

The fact that so many years have passed since its proposals of 1960 before the European Parliament has again ventured to put forward proposals in a serious attempt to apply Article 138, shows, however, that the political and legal difficulties have in fact been very substantial.

Mr Patijn has produced very pragmatic and extremely well drawn up proposals, and I should like to associate myself with the words of thanks which my colleague Mr Schmidt has

addressed to him and to Mr Lautenschlager. The fact that we are optimistic about Mr Patijn's proposals is attributable to the hopeful sounds which were heard at the last Summit Conference in Paris; these were so hopeful indeed that the rapporteur rightly took the view that the date for the elections could be changed from 1980 to 1978. The Council, however, will unfortunately not be able to deal with these proposals before the referendum has taken place in the United Kingdom, and it is our hope that it will be able to do so before the end of this year.

The Draft Convention prepared by Mr Patijn is eminently suitable for a transitional period. But it is unfortunate that because the Legal Affairs Committee was consulted at such a late hour its advice could no longer be incorporated in the Patijn report. It is true that in 1960 also a resolution was adopted which had emanated solely from the Political Affairs Committee, but that committee was also competent with respect to institutional questions at the time, which is no longer the case. I am bringing this matter up because the Legal Affairs Committee has scarcely had time to formulate its advice because of the wish to discuss the Patijn report at an early date in Parliament. Consequently the work of the Legal Affairs Committee was too heavily concentrated on the main points of the report and the amendments. Nevertheless, there are also other interesting questions.

Why, for example, is a separate Convention necessary with regard to the Assembly? Why not a convention amending Article 138, for example? Must the Convention relating to the Assembly be based partially on Article 236, as it is in the fourth paragraph of the Preamble to the Draft Convention? I should not have thought so, because Article 138 surely represents a clear deviation from Article 236. Why was an amendment to the Treaty of Rome envisaged when our budgetary powers were modified?

I should like to put another question. Will the European Parliament, acting in pursuance of the Convention on the Assembly, and therefore elected in a different way, and having a different number of Members, be a new Parliament or a continuation of the present one? The answer to this question has consequences for the practical operation of Parliament as regards, for example, its rules of procedure, the opening of session, etc.

It is very tempting to dwell for a long time on this—up to now, as far as the first question is concerned, we have worked in the belief that the European Parliament chose the correct path in 1960. I would not say yes as regards 1960, but the Draft Convention of 1975 provides sufficient grounds for saying that, in view of its transitional nature, there are no objections to it.

When drafting a proposal for a uniform electoral procedure in accordance with Article 7 the Legal Affairs Committee should take time to examine this question. The same applies to the second matter. There is no provision relating to the Assembly in the EEC Treaty which would prevent our regarding the Parliament as a transitional parliament and as a direct continuation of the present one. When we deal with the Convention in its final form we shall also have to examine whether during revision of the EEC Treaty the numbers of Members of Parliament per country have to be laid down, or whether criteria have to be established for the calculation of those numbers. According to the Explanatory Statement contained in the Patijn report, such criteria already exist. In view of the possible enlargement of the Community in the future, it would be better, in my view, to list the criteria in order not to have to adapt this part of the Treaty of Rome every time there is an enlargement.



I will now just touch on the question of whether in due course there should be a bicameral system. This is very much interlinked with the question of whether both the Commission and the Council will remain in existence or whether the Commission becomes a European government and the Council is transformed into a kind of senate or disappears altogether. Only when that is known will it be possible to answer the question about a bicameral system. Leaving aside the fact that the Legal Affairs Committee wishes to change Article 5 by introducing an amendment, this Article is a somewhat strange provision in its present form as surely a dual mandate during the transitional period must be made possible. Otherwise only the rich or those with pensions, in short those with other sources of income, could become Members of the European Parliament.

The freedom of action of a Member of Parliament referred to under paragraph 11 in the Lautenschlager opinion will therefore be illusory if national legislation makes no material provision for membership of the European Parliament only. Article 5, in its present form, serves little purpose, and its amendment places this Parliament before an unavoidable declaration of principle. We are speaking now about a dual mandate, but we should not forget that the mandate for the European Parliament is not a mandate from the people, but an indirect mandate and more of a dual membership.

For a Parliament such as we now have, with a task which is almost exclusively advisory, that is no drawback. But each additional power which this Parliament acquires will make it more difficult to fulfil a dual mandate and could cause more conflicts between the various duties. The mandate of the European Parliament will certainly entail more work.

I do not believe in the superman who could carry out both tasks simultaneously, as depicted by Mr Kirk. Apart from that, it is questionable whether Members can really justify a dual mandate to their electors; I do not believe they can. Members are constantly complaining here about the difficulties of dual membership, but when the elections come up for discussion, reference to the difficulties is avoided.

It was not my intention to discuss the Legal Affairs Committee's proposal that Parliament should have a smaller number of members than is provided for in the report, but I should like to point out that the suggestion by my fellow countryman, Mr Scholten, that the large States would be under-represented if the Legal Affairs Committee's proposal were adopted, is completely unfounded.

Further, I wonder whether the list of functions stated in Article 6 to be incompatible with the office of representative should not in due time also include that of paid adviser to the institutions and bodies of the Community?

We do not anticipate that the Council will have many objections to the adoption of this Convention. Should this view prove to be incorrect, however, Parliament will really have to apply Article 175 in a few years' time. It would in any case be interesting to ascertain what the Court understands by the gradual introduction of a provision. Is it possible to postpone the introduction of a provision for years and yet speak of a gradual introduction? I doubt it very much. We are discussing today the direct election of Members of this Parliament. But no-one will have forgotten that the struggle for the rights of Parliament will proceed without interruption; we must continue to demand more powers for Parliament. Whatever the case today will be an important milestone on the long uphill road towards direct elections and the

rights of Parliament. We demand that the Council does not block this step forward, because otherwise Parliament will have to have recourse to its rights.

*(Applause)*

**President.** — I call Mr Johnston.

**Mr Johnston.** — Mr President, I would like straight away not only to compliment Mr Patijn upon his excellent work, but at the same time to pay tribute to his country, the Netherlands, which, of all the States in our Community, perhaps more than any other has been consistently in the van of those who have worked to shape a democratic European union. The fact that I do not extend this tribute is not to be taken as evidence either of a lack of enthusiasm on my part or of any inability on the part of the cold and nordic Scot to emulate the Latin rhetoric of my French and Italian colleagues. It is simply that I have not got any time.

Firstly, it is worth reminding the world outside which is now watching and reporting us that the concept of direct elections is not an idea thought up by the European Parliament to improve its strength, but it is something built into the Treaties to which every State in our Community is committed. It is equally worth reminding both the British and the Danish governments of this fact. In joining the Community they committed themselves to playing their part in building a democratic Europe, and I do not think that their Paris reservations did either of them any credit.

Secondly, I would like to refer briefly to two matters, both of which are deeply important if we are indeed to evolve a sensitive and representative European Parliament to which wide powers can in time readily be given. I am disappointed that Mr Patijn avoided the question of uniform electoral procedure. He said in paragraph 29 that the rapporteur himself 'does not feel that the time has come to propose standardization'; he felt that his discussions in various Member States led him to the conclusion that the time was not appropriate. And then of course, in paragraph 53 of his report, he refers to the fact that according to the new Convention, the electoral system should fall within the competence of each Member State while the European Parliament should draw up by 1980 a proposal for a uniform electoral system. I would have liked Mr Patijn to have firmly asserted his commitment to proportional representation now. In February last year, Liberals in Britain polled nearly 20 % of the vote, which even with the present representation in this Parliament, in which Great Britain has 36 Members, should have given us 6 or 7 Members here. We have 2.

Under the British system, it would certainly be possible for Liberals or any other minority party to poll over 20 % and obtain no representation at all. I know that the British Conservative Party has played its part in sustaining this crude, divisive and fundamentally unjust system, but I thought that they were turning away from it; I was therefore very disappointed to hear the remarks made by Sir Derek Walker-Smith. France, too, has a system which distorts the democratic will. In my view, we should now, as a Parliament, make clear our commitment to proportional representation.

In paragraph 48, Mr Patijn says that it was argued by those whom he consulted 'that there should be adequate representation of national political interests and of regions in the European Parliament', and he goes on at the end of paragraph 49 to say that 'while the concept of a second Chamber is interesting, it does not in his view fall within the scope of his report'. I believe that this Parliament must turn its attention very soon to the question of

whether or not there is to be a second Chamber. I do not dissent from the points made by the previous speaker about the various repercussions this has, but I think it is urgent that we turn our attention to thinking seriously about it. Personally I am a federalist. If you like, I am a believer in *l'Europe des régions*. But apart from my beliefs, there is no doubt at all in my mind that as time passes the privileged position of Ireland or Denmark, by comparison with Scotland or Wales or Bavaria, cannot be easily sustained and will come under criticism. If a second Chamber is evolved, similar perhaps to the Bundesrat, clearly this would remove the justification for a small nation weighting which is built into the Patijn proposals, and I accept the remarks in this regard made by my colleague Lord Gladwyn. Direct elections, Mr President, will change this Parliament fundamentally. It will probably become a much more divided, a much more argumentative and perhaps a much less pleasant place. But without them the necessity of a democratic Europe can never be achieved.

(Applause)

**President.** — I call Mr Brewis.

**Mr Brewis.** — Mr President, I want to restrict my remarks to two issues, the number of Members and the joint mandate. Personally I prefer the smaller number of 355 because I believe the number should be related to functions to be carried out. At Westminster the House of Commons has 635 members, but one has to bear in mind that only some hundred members have to form the Government and the remainder have to man the innumerable committees which exist in our parliament. Now in this Parliament we do not have to form a government and there is definitely an optimum number of members who should be on a committee. If we were to have no dual mandate, I believe that if membership was limited to only one committee we might very well be rather underemployed in this Parliament, even at 355.

I want to turn, like my friend Mr Johnston, to the representation of smaller countries. I think it is rather amusing to see that under the larger proposals of the Political Affairs Committee some of the smaller countries get an Irishman's rise: for example, Denmark goes down from 17 to 14 and Ireland from 13 to 10. Now I appreciate the need for sovereign States to have a possibility of being represented on each of our committees, and the number of 6 accorded to Luxembourg is perhaps the minimum which is possible. But Mr President, we should also take into account the representation of smaller countries on the other institutions of the EEC. I refer to the Commission and also to the Council of Ministers, where, of course, the representatives of Luxembourg have always carried out a very distinguished role. However, Luxembourg is not the only small country in Europe. We are all conscious of the historic fragmentation of Europe. What about a country like Andorra for example? If this country decided to be independent and to join the EEC I do not suppose anyone would object. But should a country like Andorra with a few thousand inhabitants have not only 6 members of Parliament but corresponding representation on the Commission and the Council of Ministers, and the accompanying power of veto which would go with it? This is perhaps a hypothetical question, but the over-representation of smaller States seems grossly unfair to countries like Scotland, which has its own traditions, its own legal system, its own church and other institutions, and has contributed a great deal to Europe in the past. Although it has a bigger population than Denmark, we in Scotland can expect at the most 8 Members, which may be compared with 17 for Denmark under the present proposals. I think, Sir, once we

depart from constituencies of about the same size, we are putting a premium on independence and therefore going in exactly the wrong direction for a united Europe.

Turning now to the dual mandate, I am sure that what we need here is interchangeability between the European Parliament and the national parliaments. There should, of course, be facilities in the national parliaments for European Members to attend party meetings and reunions, but I think in addition service in the European Parliament should be given credit and counted as qualification for ministerial office at home. I want to quote here the words of Michael Stewart, a former British Socialist foreign secretary. He said our aim should be to ensure that an able and zealous politician with legitimate hopes for his future can believe that work in Strasbourg will neither damage these hopes nor separate him from the main current of British politics. Now the possibility of promotion in the European Parliament is virtually nil — not even to a Commissioner's bench. I think interchangeability should therefore be encouraged and no one should look on service in the European Parliament as being a career in itself. For this reason, Mr President, I shall support the compatibility of the dual mandate when the amendment is proposed.

*(Applause)*

**President.** — I call Mrs Caretoni Romagnoli.

**Mrs Caretoni Romagnoli.** — *(I)* Mr President, my comments on this problem stem from the position adopted by the group to which I belong in the Italian Senate, i.e. the independent left, a group greatly interested in Europe, very much in favour of direct elections and whose leader is Mr Parri, who presented a draft law in Italy—but only in Italy—for the implementation of direct elections. Some of you will certainly remember the presence here some years ago of Senator Parri, a senior member of the European Parliament. If my group thought it useful at the time to cause a shock, to take this step for a single country, all the more reason why we now believe that election to the European Parliament by direct universal suffrage—even if this is far removed from that laid down in the Treaties—should be considered in a favourable light.

However, Mr President, we have been called here today to vote on a document, our rapporteur's report. I find his a somewhat minimalist approach and, in actual fact, although he is well aware of the size and seriousness of the problems he does what is known in skiing circles as a slalom. In other words, when faced with major issues he either fails to tackle them or shelves them or plays them down. I am not blaming him for this. He is only too aware of the importance of this issue, but he knows how to proceed in an area strewn with pitfalls. On the other hand one only needs to have followed today's debate to become aware of the infinite number of gradations between opponents, don't knows and adherents.

So we are on very thorny ground and my criticism is not directed at the rapporteur. But these flaws do exist and to my mind create doubt as to what positions to adopt when we come to vote on election to the European Parliament by direct universal suffrage, which I consider, and I repeat, to be an important and fundamental issue. We ought to have gone much further and shown greater courage especially in this European Parliament, since this, I feel would have pushed the governments towards a point of no return—and, on this point, might I say, Mr President, that obligations undertaken at summits have not always been automatically respected—and would have allowed us to reach a truly positive conclusion.

Having said this, let me add that we do appreciate the fact that we are finally at the discussion stage, for we are in favour of every step forward that can be made. Mr President, we consider it a positive step forward that we are now discussing institutions. Unfortunately, however, progress is not being made in other fields and this is why we have so to speak been 'guided' towards this sector though even here the light is interspersed with gloom.

We think that, even given these limitations to achieve European elections still provides a very beneficial shock, if I may use the term by which I defined the draft law on direct elections proposed in Italy. But we are convinced, Mr President, and as Mr D'Angelosante said before me, that this will not be the end of the discussion. After this evening's voting I believe that still more time and discussions will be needed before any definite conclusion is possible. Thus, Mr President, my abstention will not be an expression of any doubt of the aims but of my dissatisfaction with the limited nature of the proposal made by the European Parliament, a Parliament which is to be elected by universal suffrage, the party most affected and protagonist of this process which is now beginning. If anything, I hope my abstention will be an incentive to greater and bolder things at the greatest possible speed.

*(Applause)*

**President.** — I call Mr McDonald.

**Mr McDonald.** — Mr President, I would like first of all to compliment Mr Patijn on his work on this report on the adoption of a draft Convention introducing elections to the European Parliament by direct universal suffrage. I appreciate the amount of dedicated work he has put into this, and I think that it is very appropriate that the report itself should be the subject of such a very full and interesting debate here today. I believe that direct elections to the European Parliament will be a significant step forward towards greater democratization of the Community and, indeed, a significant contribution towards European union.

I should like, Mr President, to confine myself briefly to one or two points that I do not particularly agree with in the document. I would like to say at the outset that I think the document as a whole is a remarkable one and it is one that I can subscribe to and support practically in toto. But I should like to avail myself of this opportunity to point out that my people in a referendum just two and a half years ago expressed themselves overwhelmingly in favour of entering Europe, in favour of joining this Community, and we were influenced greatly in that decision by the Treaty of Accession. Under Article 138 of the EEC Treaty, as you all know, our country had 10 of the 198 seats in this Parliament. That is just two years ago, and in the past two years our people have maintained their devotion to Europe. I think that the vast majority of people, despite the adverse economic conditions, are more than happy and pleased, and indeed extremely lucky, that they voted in that way back in May 1972.

However, how will our population feel now, Mr President, when they learn that it is proposed under this document to reduce their representation from 10 seats in a Parliament of 198 to 10 seats in a Parliament of 550, particularly when they note the great increases in the numbers to be elected by other Member States? I know that arguments have been put forward from all sides of the House on this very topic. To my mind this will be seen as an attempt to push a proud and democratically-minded people into insignificant obscurity at parliamentary level. I was surprised, and perhaps a little pained, to hear my colleague from the European Conservative benches, Sir Derek Walker-Smith, just a short while ago bemoan the fact that

under the proposed system of representation the people of Northern Ireland will be at a disadvantage when compared with people in the southern part of Ireland. I should also like to point out very forcibly to the honourable Member that his particular system is apparently rolling along quite happily at present, when those people are not represented here at all. I think that is something to be regretted and I would share the views expressed by Mr Johnston when he touched, perhaps in a different context, on that same question.

We must, therefore, act not only in the interests of Ireland but also in the interests of other small countries, bearing in mind the desirability of further enlargement of the Community, at no remote date, Mr President, by the adhesion of countries whose democratic conditions make them desirable partners.

The importance of public opinion cannot be overstressed. If the powers of national parliaments are on the decline, they can only be counterbalanced by a minimum effective representation in this Parliament; since we are talking about a single Chamber this is all the more reason why Member States must be adequately represented and must have a minimum number to represent the various parties, groups and, indeed, important political views in them.

In this regard, I perhaps share the views expressed earlier this morning by Mr Kirk. It is desirable to ensure that in a full-time and enlarged directly-elected Parliament, a small country such as ours has the minimum representation necessary so that we can be represented on each parliamentary committee. The proposal that is least satisfactory in this document, as I see it, is the one that would give us 10 seats out of 550. We must not, I think—and I should like to impress this on the rapporteur—make the mistake of placing mathematical formulas and mathematical scales above considerations of history and geography. This, I think, is particularly significant to those countries that form the peripheral areas of our Community.

I know that Mr Patijn, while working on his report, has travelled right across the Community and has experienced at first hand the difficulties and problems which affect the various Members in the Community. After his detailed study, he proposed in his original document a solution and a formula which we would go along with; but we very much regret the reduction to 10. In the absence of a second Chamber which could preserve the national presence more clearly—most democracies have a weighting in the Upper House designed to preserve the special interests of the component parts of their democracies marked by different traditions and different beginnings, different regions and, indeed, in some countries, different ethnic groups—there is a great danger of insufficient representation. Mr President, as I see it, this could produce a very negative result in that under-represented peoples would be so frustrated and their powers so reduced that their only hope of making themselves heard would be by obstructionist tactics. This, I think, would be most regrettable and it certainly would not be in the interests of a more dynamic, or indeed, a more European Parliament bravely shouldering the responsibilities that the European Parliament of the future must have, with the courage and the capacity to undertake them.

I am firmly convinced that through direct elections to a greater, developed European Parliament, we shall be able to give the institutions of this Community the support—the impetus—necessary to ensure that the people who directly elect the Members of a larger European Parliament will feel justly proud and indeed get a positive return for their interest and their efforts.

*(Applause)*

**President.** — I call Mr Nørgaard.

**Mr Nørgaard.** — *(DK)* Mr President, I should like to thank the Socialist Group for allowing a representative of the small group of Danish Social-Democrats to take up some of its speaking time. We are all the more grateful as our opinion of our colleague Mr Patijn's proposal is completely different from that of the rest of the Group and apparently from that of the great majority of those here.

We also appreciate Mr Patijn's achievement in drawing up the report and the Draft Convention.

Although we have acceded to the Treaty of Rome, thereby accepting the principle of direct elections to Parliament, we cannot recommend the adoption of this proposal.

In the final vote, we shall vote against the Draft Convention for two main reasons.

First of all, we do not think a proposal of this kind should be adopted in this House before it has been decided whether or not the United Kingdom will be remaining within the Community. It is obvious that if the United Kingdom withdraws the proposal will have to be modified. It is also our view, however, that if the United Kingdom remains a member of the Community—which we very much hope will be the case—it would be unreasonable towards such a relatively large group as the British Labour Party if, just before it entered this Parliament, we were to lay down the rules according to which it would be elected without its having had the least say in drafting them.

We shall also vote against Mr Patijn's proposal because it does not give any guarantee of a dual mandate.

It is perfectly true that the report states that the dual mandate may be retained, but in practice there will be very great difficulties involved in retaining it if Mr Patijn's proposal is adopted.

We have just had elections in Denmark. One Member of this Parliament only was re-elected by a bare margin. He was the leader of a party which was represented here in Parliament and which very nearly had to leave the Danish Folketing at the double-quick, as the margin was only 0.02 %. If 0.02 % of the voters had decided not to vote for his party, it would no longer have been in the Folketing—it would no longer have existed. If, therefore, we have a ruling that a Member can remain in this Parliament for up to 5 years, we run the risk that there will be representatives in the House for 4 years and 11 months who are not represented at all in the national parliament and may have completely different views on the decisions to be taken here and at home on matters affecting the future of Europe.

We feel there should be the greatest possible agreement between the political views expressed by Members here in this Parliament and those expressed in the national parliaments. For the time being, we regarded the dual mandate simply as a guarantee of this, and as long as no practicable proposal is presented, we cannot accept a ruling which, in practice, makes impossible the exercise of the dual mandate and, hence, the agreement between the political standpoints at home and in the European Parliament.

We think that Mr Patijn's proposal is considerably better than the amendment tabled by the Legal Affairs Committee, which states quite clearly that the dual mandate is inadmissible

We do not feel you need to be a superman to exercise the dual mandate, as was said here, but we do feel there is a danger of 'super-Europeans' being elected to this Parliament by a tiny minority of the national electorate. If universal elections to this consultative organ are held without any relationship to the national elections, only a very small group of people might take part in the elections and the results could be extremely arbitrary. For instance, there may be people who are very enthusiastic about Europe, and this is all right—but it is not all right if it does not reflect the power structure in the national parliament, which also chooses the government.

The proposal we are dealing with today has to be approved unanimously by the Council of Ministers. But the Council cannot start to consider the proposal until it has been decided whether the United Kingdom is to continue as a Member of the Community. Why then do we have to pass a proposal of this kind in Parliament now?

Why not give us extra time to see whether we cannot modify this proposal so that there is some hope of its being supported in the Council of Ministers by the Danish and British Governments? We know it cannot be approved as it now stands. Both the Danish and the British Governments will oppose it. There is every possibility that we can draw up a proposal which could be adopted unanimously here and which the British and Danish Governments could also accept. But if we adopt a proposal we know to be unacceptable, I feel we are damaging the concept of Europe as it will seem that Mr Patijn's thorough and valuable work will not be dealt with as seriously as it deserves.

I therefore submit that this proposal be dealt with in the same way as bills are dealt with in all democratic national parliaments. It should be given its first reading here and then sent back to the committees, so that we can discuss it further there and work out a better guarantee of agreement between political standpoints at home and here. We can then submit a proposal when we know whether or not the United Kingdom is to remain a Member of the Community.

*(Applause)*

**President.** — I call Lord Reay.

**Lord Reay.** — Mr President, I hope the rapporteur will appreciate that, confined as I am in my speaking-time, I must compress my compliments to him as much as the substance of my speech. I will only say that I think his document is realistic, that it is sensitive to the traditional needs and to the strength of the traditional factor in Member States and that it is wise as much for what it leaves out as for what it includes.

I think he was right to treat the question of powers as if it were an unrelated subject, although of course it is not, and right to leave discretion to Member States on such matters as voting-age and laws with respect to political parties, giving an opportunity, as he puts it, for a *de facto* standardization to grow up spontaneously without being imposed.

Mr President, I should like to raise two matters. The first concerns something which is contained in the note to Article 1 on page 13 of the report. Article 1 provides that the representatives of the peoples in the European Parliament shall be elected by direct universal suffrage. In the note to Article 1 it is stated, and I quote, that 'the terms "universal" and "direct" mean that the elections shall take place throughout the territory of the Community



and that the electorate shall directly determine the composition of the Parliament'. Now I have always understood that the 'universal suffrage' had a much broader meaning and that typically it meant the suffrage which was not based on property qualifications and other qualifications such as sex and was limited only by disqualifications on grounds of minority and some other grounds such as convictions for criminal offences. It therefore seems to me that it might be a source of legal confusion in the future if this Parliament gives to understand that when it employs the term 'universal suffrage' it means something different and far narrower than what the term has traditionally meant. I should therefore like to ask the rapporteur, if he has sufficient time, whether he could clarify in his concluding remarks his position and his intentions on that matter.

For my second point, Mr President, I should like to take up something which Mr Kirk touched on earlier today and to say that as things are now arranged we seem to be in danger of getting behindhand with the plans to introduce a uniform electoral system for the Community. On the one hand, each Member State as a result of this Convention is going to have to draft a law to enable elections to be held in 1978, or as soon as possible thereafter and is to be free to do so, as Mr Patijn points out on page 21 and I quote him, in a manner 'which corresponds to its political traditions and structures'. On the other hand, under Article 7 of the Convention, the European Parliament would draw up by 1980—and the date is still to be 1980, as I understand, not 1978—a uniform electoral system for elections to be held after that date. In other words, it is foreseen that the national solutions which will be devised for the first direct elections will apply for only one legislative period. In that case, surely, it would be desirable, before Member States set about framing their laws for that first election, that at least a passive agreement if not a formal agreement, a rough outline of an agreement if not one with all its details completed, should have been reached between Member States for the common system that was to be introduced for later elections. There must therefore be discussion of the traditions of Member States in this matter. Speaking for myself, and taking up the point that Mr Johnston referred to, I should like to say that out of consideration for what has been the practice in the great majority of Member States, and out of considerations of justice, the uniform system will have to include at least a very substantial element of proportional representation.

Mr President, in conclusion may I say that, in view both of the inherent importance of this question and of our authority in this matter, today's debate on Mr Patijn's report is extremely important.

I only hope that this Parliament will shortly demonstrate as much activity as it has today and express as strong a demand for an early decision as it has today on that other outstanding question, the question of a single seat for the institutions of the Community, on which our opinion is of equal importance and where the delivery of an opinion by us in view of the waste and the inconvenience of present arrangements is long overdue. Thank you, Mr President.

*(Applause)*

**President.** — I call Mr Hill.

**Mr Hill.** — Mr President, I shall speak very briefly.

First of all I thank Mr Patijn for the excellence of his report, and secondly may I say that this is a historic occasion, when for the first time it does seem that real progress is going to be

made towards direct elections for this Parliament. I am very pleased that the matter of direct elections has been kept quite separate from the evolution of the powers of this Assembly, because, as was rightly said in an editorial in yesterday's *Times*, it has come at an extremely awkward time for the United Kingdom. It will perhaps give further ammunition to the anti-Marketees in my country, and it may in some minor degree sway the views of the public which in the future we hope to represent.

I fully agree with my colleague, Sir Derek Walker-Smith, when he refers to two points: the reason of law which no renegotiations can change, and the necessity for close of links between this Parliament and the people. I think we all know the state of this Parliament, inasmuch as I think it is impossible for a Member to serve in his national parliament and in the European Parliament for the simple reason that he really is not the superman that certain people try to pretend we are. He has not only a double mandate: he has his constituency work as well. A double mandate would be a double mandate only of Members who have strong seats—in other words, Members with a good majority. In fact, many of us know that if we were fighting critical seats during this period of change in Europe, many of us would not be here for very long. Indeed, without direct elections we should, perhaps, always be the victims of unscrupulous political opponents who made the most out of our European Parliament work.

Certainly I think Lord Gladwyn, when he said there should be an organic link between the House of Commons and Europe, was quite right, but I do not think the organic link is membership of both Houses. I think the organic link should be some honorary status which gave us the facilities and the opportunity to mingle with our parliamentary colleagues in the United Kingdom and at the same time get their views. Mr Lenihan, I regret to say, has said that 550 Members would not be acceptable to the Council of Ministers. This I doubt, because if you look at the figures for the larger States—and, gentlemen, you will be real working Members of Parliament if you are elected to Europe directly will have a constituency of something like half a million constituents if the figure of 550 is accepted. Consequently, you will not be able to say that you will not be busy. The volume of work in committee will increase. There will be more committees, and indeed there will be more lobbying from the outside world, and I think by and large we shall be working four weeks of each month rather than, as now, one full week in the plenary part-session and perhaps four other days in committee.

Mr Lenihan said we must be represented in an appropriate manner. To my mind, this appropriate manner is direct election only to the European Parliament. We should then take our work extremely seriously, and this would exclude all those who wish to shine in both national and European chambers.

Mr President, I hope I have kept within my time. Mr Patijn himself has agreed with me. He says on page 11 that the continuously increasing workload borne by representatives has long since made it impossible for them properly to carry out both national and European duties. This is a half-way house. We want to be as efficient and as good as we can at our jobs.

Let us concentrate on Europe. Let us be directly elected, but let us still retain some honorary links with our parliaments in our Member States. Thank you.

*(Applause)*

**President.** — I call Mr Andreotti.

**Mr Andreotti.** — (I) Mr President, I should like to add my congratulations to Mr Patijn on his report.

Although the present discussion has many legal aspects the main issue is obviously a political one. It means implementing without delay the possibilities resulting from the recent Paris Summit and pressing for a decision for which we have been waiting for many years.

It is well worth recalling that the present European Parliament has indisputable democratic legitimacy, this being derived from the personal appointment each of us has in our own countries. However, direct elections to the European Parliament itself will mark a considerable step forward in Europe's own history.

But, we must not forget that there will be little use in having a European Parliament in 1978 elected directly by the European peoples if by then we have not taken many more sensible steps forward in order to widen the effective powers of Parliament and the Commission. We must rededicate ourselves to this task with all our hearts and minds.

I should just like to make two recommendations on the problem under discussion today. Firstly, there should not be too great an increase in the number of Members. It is not at all true to say that efficiency is linked to numbers; in fact, the opposite is often the case.

A little while ago Mr McDonald bemoaned the fact that the representatives of the smaller countries might be frustrated by massive disproportion; in the event of any enlargement of the Community it would certainly be easier to increase the total number of seats than to reduce the present number of representatives.

Secondly, on the point of the link with national parliaments, perhaps a compromise between the political advantages of the present system and the practical difficulties of the dual mandates could be found by creating a special status in the separate national parliaments for members who are also European parliamentarians. They could, for example, be exempted from certain duties, such as attendance at committees, acting as rapporteur, etc., and not be included in the requisite quorum for voting on certain issues. The calendars of the various parliaments could also be brought into line with that of the European Parliament.

There are cogent arguments both for and against compatibility of the dual mandate. Certain countries stressing the incompatibility of the dual mandate at home have not in practice strengthened the real representativeness of the assemblies. By way of contrast, in France, where there is no incompatibility between being a local administrator and a parliamentarian, the combination has a two-way advantage.

The amendments allow for a transitional period, and it may well be that a prolonged transitional period will solve the problem *de facto*. When an incompatibility arises it would surely be possible to find a practical way of avoiding a complete break between European and national parliamentarians. In Italy, for example, European parliamentarians would have to be called upon at least to take part in the extraordinary assembly which elects the President of the Republic, but these are matters which must be studied in greater detail.

I would like to end by agreeing with Mr Patijn's statement that there is a need to prepare the peoples for the creation of the new Community Parliament. I would even go so far as to say that a method must be found which will enable the various European peoples to follow satisfactorily, via the press or other medium, the work done by Parliament. This has rarely been the case up to now, either for the European Parliament or even the Council of Ministers.

Practically the only Community topics they have heard about are economic decisions which had specific consequences in certain national sectors.

We must make the Parliament elected by universal suffrage felt to be a living reality for European citizens, not only in economic but in political, social and cultural spheres.

For young persons in particular this will be an education in itself and a guarantee of freedom and effective democratic development.

*(Applause from the centre)*

**President.** — I call the rapporteur.

**Mr Patijn, rapporteur.** — *(NL)* Mr President, I do not think that any of the 25 preceding speakers today will expect me, as rapporteur, to be able to answer everyone and to be able to take up all the comments made.

I did not keep my speech this morning down to 10 or 15 minutes in order to come back now and elaborate blithely for a further three quarters of an hour. I intend to make only a few general comments, and to deal with matters of detail when, as rapporteur, I come to speak about the amendments to the various articles. We can then close the debate at 6 p.m., as arranged, and proceed to the vote.

I should like to express my extremely warm thanks to all speakers for the way in which they received the report presented by me on behalf of the Political Affairs Committee. Their attitude has been similar to my own attitude to the problem: no castles in the air, no attempt to attain paradise all at once, but a sober assessment of what is possible and necessary in the political situation of 1975. That was my starting point, which has been adopted both by the Political Affairs Committee and the Legal Affairs Committee and by the vast majority of the speakers in this debate. For this I am grateful. In making this general comment I do not wish to do anyone an injustice, including those speakers who find for whatever reasons that they are unable to vote for this Convention. I shall revert to that point later.

I should also like by way of an introductory remark to say something about the political context in which this Convention is being drawn up. Of course, the current interest in the subject has been increased by the fact that a positive decision was reached by a majority of votes at the Summit Conference a month ago. Nevertheless, current interest would have been very great even without the decision at the Summit Conference, because we are wrestling with problems, which have been described by many Members here in colourful terms, such as the lack of legitimate authority on the part of representatives in the European Parliament, the dual mandate and the struggle to increase the powers of this Parliament. I expressed my conviction this morning that the powers will only come when there is a full-time Parliament. I regard elections as the only way, the only means of exerting greater pressure in this direction from within this Parliament. Mr Ortoli rightly said this morning that there is a logical connection between powers and elections. The connection is not such that we cannot develop one without the other. I am glad that the majority of Members have taken the same view. Election by a people is not solely dependent on whether or not the powers are adequate. It is of course gratifying and commendable if these powers exist in large measure, but it is not an absolute precondition.

I should just like to take up a number of points which have been raised in this connection. Mr Schmidt has rightly said that what concerns us in this matter is not our powers but the European citizen.

Reference was also made to the European citizen by Mr Bordu, but in a somewhat different context. Mr Bordu said that the Parliament had obtained a gadget from the Summit Conference; that is a nice American word, Mr Bordu, which it does my heart good to hear you use. It could perhaps indeed be called a gadget, something with which we could pleasantly keep ourselves occupied, if it were not that at the same time, and this you know from recent years, we have been occupying ourselves on all kinds of fronts with the question of our powers. Parliamentary elections are not a game in your country, nor in mine, and European elections will not be one either. I agree with you that inflation and employment are much greater problems from the social point of view. The one does not exclude the other, however; we must advance on both fronts and try to take measures on both of them. If we had to tie parliamentary powers and the control of inflation to the European elections, then indeed we could give up trying to make further progress.

In this connection I should also like to make a comment to Mr Johnston. Mr Johnston spoke in general about the regions of Europe. I am interested in that problem; it is one for which we shall have to find a solution. But the problem of your rapporteur was that he had to concern himself with nine Member States and not with regions or countries within a Member State. We all have our own problems in that sector, and are all seeking solutions of our own.

For example, I know that in the United Kingdom original solutions are being sought for regional representation, possibly via regional parliaments. But you must not blame your rapporteur for being constrained by the fact that the Treaty establishing the EEC was signed by States, and that it was with these States that he had to concern himself. When the system is elaborated in detail at a later stage, firstly within the United Kingdom and secondly when deciding on uniform procedure, we shall of course have to take into account the problems which play an important role within the regions. But you could not expect, and I do not believe that you did expect, your rapporteur to find direct solutions to this problem.

I should also like to say a word in this connection to Mrs Caretoni Romagnoli, who finds my approach minimalistic and intends for that reason to abstain from voting. I find her attitude more positive than that of her colleague, Mr D'Angelosante, who is not going to vote for this Convention for quite different reasons. I shall revert to that point in due course.

The approach is perhaps minimalistic, but in my view and in the view of the majority of the Members of this Parliament it is the correct approach at this point in the development of the European Community. Of course I could have worked out a uniform procedure; of course I could have put forward suggestions on that point. The proposals would not have appeared until three years later, however, and we should only have reached agreement here after debates lasting many long weeks, if we had managed to reach agreement at all. But, as I said in my introduction already, the important thing for me was that the European elections should come soon. The introduction of elections in the short term, as envisaged by the Summit Conference, entails a limited framework for the first elections. That was the choice I made, and I admit that it is minimalistic. Many Members have spoken of a transitional period in this connection. We shall look into that question in more detail when laying down the uniform procedure. At least, that was what I had in mind.

Mr Nørgaard stated that he would vote against the whole project for two reasons: the British referendum and the obligatory retention of the dual mandate.

With regard to the dual mandate, I prefer to comment in the context of the amendments to Article 5. With regard to the British referendum, I should just like to say a few words.

I sympathize with Mr Nørgaard's problems; I also see why, in view of the reservations expressed during the Summit Conference, he holds the views that he does at the present time. I just hope that, whatever the result of the British referendum, Mr Nørgaard will not allow Danish membership, and thus the further development of the Community, to depend exclusively upon it. I am in fact optimistic about this referendum, and I look forward to it, I would say straight away as an outsider, with confidence. This is intended as a general remark.

Now I should like to proceed to a few general remarks on the contents of this Convention, about which I did not speak this morning and to which I should now like to refer briefly. Much has naturally been said about Article 2, relating to the number of Members. May I just summarize briefly how the Political Affairs Committee arrived at its decision? Our first consideration was that each Member State should have a minimum number of Members. Secondly, we took the view that the traditional compromise incorporated in the Treaty would have to be set aside in order to arrive at a more proportional system. I would stress 'a more proportional system', because I freely admit that the 'one man, one vote' principle has not been followed. I calculated, however, that on the basis of Luxembourg— and six seats for Luxembourg is the minimum—Parliament should have 5 000 members. And, of course, nobody wants that. In such a situation every solution is a compromise. Even if Luxembourg is left out of consideration, any solution that would result in a manageable Parliament will be a compromise. You are already aware of my views on this subject; the point has been raised often enough. I adopted as a starting point the Parliament of 355 Members on the basis of a system of calculation designed to arrive at a reasonably well functioning Parliament in the present situation with respect to powers. By that I mean that there would be the possibility of increasing the number of Members on the basis of increasing powers and the possible increase in the number of Member States of the Community. Let us not begin by being too big, because we shall never revert to a smaller number. That is the first point.

The amendment proposed by Mr Klepsch and adopted by the Political Affairs Committee has substantial advantages. It puts a better basic emphasis on the 'one man, one vote' principle than my original proposal. In addition, the legitimate rights of the large States with large populations are taken into account to a greater extent by having a large representation in the European Parliament. In that respect the amendment put forward by Mr Lautenschlager is a return to my original proposal, and you will appreciate that your rapporteur now stands before you with very mixed feelings. My heart is with the Lautenschlager amendment, but as rapporteur of the Political Affairs Committee I am defending the text of my report. I have already mentioned the arguments in favour of it. The principle of proportionality is best upheld in the text of my report. The Lautenschlager amendment very clearly favours the smaller States.

I now come to a comment which is intended for those who maintain: 'It is not up to us to determine what the number of Members shall be; leave that to the Council.' In my view Parliament is not worth very much if it does not put a proposal before the Council. We must do the same in 1975 as Mr Dehousse did in 1960. In the present situation we must not leave it to the Council. Of course, the Council decides, but we must let it know what our conception

is and why. It would be wrong to obscure it and hide it away, thereby passing on our task to the Council of Ministers.

Another point that has, of course, caused a considerable stir is the question of the dual mandate. I shall speak about the details when dealing with the amendments. But there is one thing which I should like to say in the present general context, and that is that we really ought to hold a survey among the 198 Members of this Parliament to establish who at the present time and with the present powers of the European Parliament would be prepared to relinquish his national mandate. Should the survey show that the vast majority is prepared to do so at the present time and would like to restrict itself to a European mandate, then my proposal is incorrect. During my tour of the European capitals the unanimous advice was: do not forbid it, make it possible. In my report I have quite clearly subjected the possibility of a dual mandate to limitations, two of which I referred to in my introduction to the article concerned. First of all, the European mandate is not terminated if the national mandate ends because the Member concerned has not been re-elected to the national parliament. If, for example, someone is elected on 1 March 1978 to the European Parliament and on 1 November 1978 he loses his national mandate, he remains a Member of the European Parliament. I would also draw Mr Nørgaard's attention to this, as he apparently has other ideas. That is the basis, as otherwise European elections would have no value because it would not be the European election which would be the deciding factor, but the national election. The European election is primary. Secondly, MP's will have to be freed completely for their work in the European Parliament. At the present time the opposite is the case; the national parliament takes precedence, and if there is any time over, we can work for Europe. Today, too, some of our colleagues are not present because they have to take part in a division in their national parliament.

An end must be made to this situation, but you cannot expect your rapporteur to provide a European solution. The solution must be found by national parliaments. A large number of possibilities will be apparent to you. For example, a Member of the European Parliament could take part in national activities without having a vote, so that he would not be forced to leave the European Parliament in order to go and vote in his own country. A further possibility would be for the national parliament to have extra members engaged exclusively on European work and therefore in a supernumerary position. Or one might consider a pairing system, which is a procedure whereby a supporter and an opponent of a government travel together to the European Parliament, or if one remains behind the other does not vote. These are all possibilities, but you must not expect your rapporteur to make the choice. I am only making suggestions to the national parliaments.

My next comment relates to the uniform procedure. Mr de la Malène has said that if this project is blocked by the Council, the reason will be, for example, that there is no agreement on the election procedure, and so it will merely postpone everything. I do not believe that the Council intimated at the Summit Conference that it wished to take a decision on the whole matter. The Council wishes to decide on the elections. It has not stated that a uniform procedure is a necessary part of the elections. I believe that the solution which I have chosen and which the great majority of you support is in accordance with the Treaty. The Treaty does not lay down anywhere that the provisions of an article must be implemented at one stroke. If that were the case, agricultural policy would have had to stand still for ten years, and no further alterations could be made to it. No, the Treaty is constantly evolving. Time limits have been laid down, but these have been exceeded by a large margin. Moreover, in its decision of

June 1973, pointing out the dynamic character of the Treaty, the European Court expressly stated that a decision provided for in the Treaty could be taken in stages. Well, a decision of this kind in stages is what I am putting before you. Mr D'Angelosante has made some very interesting legal comments on this subject. He said that by cancelling Article 138 I had lost the possibility of introducing a uniform election procedure.

No, Mr D'Angelosante, by introducing Article 7 and by endeavouring to modify the EEC Treaty we are creating a new obligation. From the point of view of consistency it is better to delete from the EEC Treaty any provision which has ceased to apply. That is the situation exactly. The obligation on the part of the Council to lay down the uniform procedure then arises from Article 7 of the Draft Convention now before us, and no longer from Article 138 of the EEC Treaty.

Mr D'Angelosante has also spoken in this connection about Article 14. Article 14 is not the provision laying down that the uniform procedure should be introduced by means of an amendment to the Treaty. Article 14 is what Article 235 is in the EEC Treaty, not Article 236, but Article 235, in which an additional opportunity is provided for the Council and the Commission to introduce more detailed provisions if there are gaps.

I should like, if I may, to mention a few examples. There is the question of the remuneration of Members. I have made no proposals in that respect. Will it require the conclusion of a new convention? That may be a matter which is regulated by Article 14. Then there is the matter of the expenses to be allowed to national parties or governments for elections. I had thought of taking up that point, but it is better that Parliament should discuss it later with the Council in accordance with the procedure of Article 14.

There are many things which still have to be settled, and for which I have provided for a flexible procedure along the lines on which we worked when considering budgetary powers, i.e. the consultation procedure to which reference is made in the Vedel report on the powers of Parliament and in our own proposals and also Article 203 of the EEC Treaty; we have to consider the interaction between the Council and Parliament, which enjoy equal rights in the drawing up of the required provisions. This is nothing new, as in Article 203 (8) of the EEC Treaty reference is made to agreement between the Council and Parliament on budgetary procedure.

Mr D'Angelosante also asked why I refer to national provisions when speaking of the banning of parties. That is an old provision from the Dehousse convention. Mr Scelba asked why no reference was made to constitutional provisions. The banning of parties is not regulated in all countries by the constitution. If I have understood correctly—and if not, my German colleagues will correct me—the ban on the Communist Party in its old form in the Federal Republic was introduced by a court in Karlsruhe, and is not part of the constitution. In Italy the ban on the Fascist Party is laid down in the constitution. Under those circumstances Mr Dehousse's old text seemed to me to be very valid, and I have adopted this point without making any changes.

In conclusion, I should like to make a couple of remarks about the date of the elections. Various comments have been made on this subject, and I should now like to refer briefly to them. Mr Jozeau-Marigné and others have spoken in this connection about the link with national elections. He asked whether such links should be forbidden I do not know, Mr Jozeau-Marigné. Perhaps we shall do so in the uniform procedure, but I can very well imagine that for reasons of cost or in order to increase the poll the elections may be made to coincide



with regional or local elections. That is a possibility which cannot be excluded. My Draft Convention is also open with respect to this point.

Mr Kirk asked in the modest way for which he is known whether 1978 is a feasible target date. Mr Kirk, it is a tremendous challenge for the European Parliament within the space of three years to take up the preparations for the elections with the national parliaments, the national political parties, the Council and the Commission and everyone else who has a part to play. We have learnt from the Treaty of Rome that deadlines can provide a stimulus to push ahead. The great advantage of the transitional period in the EEC Treaty is that we are working towards something, and that at a given time we shall again have to take a decision. I am not saying that I am one hundred percent certain that we will succeed by 1978, but it is up to us, the Parliament and the Council, the political parties and the national parliaments to aim at holding the elections in 1978 and to do everything possible to meet the deadline. Should we find that it is not possible, we shall have to reappraise the situation, but at the present time it is our aim, in accordance with the wishes expressed at the Summit Conference, to hold the elections in 1978.

Mr President, I know that many members will be disappointed by my reply because there are many important comments which I have not answered and because I have only given a general introduction. You must forgive me; I cannot give replies to 25 speakers. We agreed to begin the voting at a reasonable time. I still hope to go into a number of details when we deal with the amendments.

*(Loud applause)*

#### IN THE CHAIR: MR BERKHOUWER

*President*

**President.** — The general debate is closed.

We shall now consider the motion for a resolution.

On the first six paragraphs of Part I of the resolution I have no amendments or speakers listed.

I put these to the vote.

The first six paragraphs of Part I of the resolution are adopted.

On the preamble to the Draft Convention I have no amendments or speakers listed.

I put it to the vote.

The preamble is adopted.

On Article 1 I have Amendment No 6 tabled by Mr Bourges and Mr Yeats on behalf of the Group of European Progressive Democrats and worded as follows:

Article 1

This article to read as follows:

‘The Assembly of the representatives of the peoples of the States in the Community shall be elected by direct universal suffrage. It shall constitute the European Parliament.’

I call Mr Yeats to move this amendment.

**Mr Yeats.** — The purpose of this amendment is to alter the text placed before us by the rapporteur in order that it shall approximate more closely to the text of the Treaty itself. It is not intended to alter the precise intentions of the article that we have before us, but it does seem that it would be better to have it as close as possible to the relevant articles in the Treaty. Perhaps I might quote Article 137 of the EEC Treaty, which is as follows: ‘The Assembly, which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers which are conferred upon it by this Treaty.’ Our amendment, therefore, intends merely to incorporate the wording of this article of the Treaty, so far as it is relevant, into the Convention, and I would suggest that it is a relatively technical matter which we ought to accept because clearly we ought to try and adhere as far as possible to the Treaty.

**President.** — What is the rapporteur’s position?

**Mr Patjin, rapporteur.** — (NL) Mr President, I would point out to the movers of this amendment that if we accept it, we shall have Article 137 of the EEC Treaty on the one hand and Article 1 of our Draft Convention on the other, both of which will then state approximately the same thing. I think that this would be wrong and not very desirable if we want to preserve an orderly system of Community legislation.

Furthermore it is concerned with the election of the representatives and not of Parliament. I find the text ‘The Assembly of the representatives (. . .). It shall constitute the European Parliament’ considerably less clear and concise than my text. I would also point out that my text is the same as that contained in Mr Dehousse’s draft, and I felt it was exactly what was wanted. It reflects very clearly what we mean. I should like to ask the House to reject this amendment.

**President.** — I put Amendment No 6 to the vote.

Amendment No 6 is rejected.

I put Article 1 to the vote.

Article 1 is adopted.

On Article 2 I have six amendments:

— Amendment No 7 tabled by Mr de la Malène and worded as follows:

‘Article 2

This article to read as follows:

“The number of representatives elected in each Member State shall be fixed by the Council and shall be proportional to the population of each of these States.”’

— Amendment No 5 tabled by Mr McDonald and worded as follows:

‘Article 2

This article should read as follows:

“In proposing the number of representatives which each Member State shall be entitled to elect to the European Parliament, the Parliament shall maintain the same ratio of representatives per Member State as currently provided for under Articles 138 of the EEC Treaty, 108 of the Euratom Treaty and 21 of the ECSC Treaty, as amended by Article 10 of the Act of Accession, modified by Article 4 of the adaptation decision.”’

— Amendment No 15 tabled by Mr Nyborg and worded as follows:

‘Article 2(1)

This paragraph to read as follows:

“1. The number of representatives elected in each Member State shall be as follows:

Belgium	14
Denmark	10
France	36
Germany (FR)	36
Ireland	10
Italy	36
Luxembourg	6
Netherlands	14
United Kingdom	36
	<hr/>
	198”’

— Amendment No 13 tabled by Mr Outers and worded as follows:

‘Article 2(1)

This paragraph to read as follows:

“1. The number of representatives elected in each Member State shall be as follows:

Belgium	15
Denmark	11
France	57
Germany (FR)	67
Ireland	10
Italy	60
Luxembourg	6
Netherlands	19
United Kingdom	61
	<hr/>
	306”’

— Amendment No 3 tabled by Mr Lautenschlager on behalf of the Legal Affairs Committee and worded as follows:

‘Article 2(1)

This paragraph to read as follows:

“1. The number of representatives elected in each Member State shall be as follows:

Belgium	23
Denmark	17
France	65
Germany (FR)	71
Ireland	13
Italy	66
Luxembourg	6
Netherlands	27
United Kingdom	67
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	355”’

— Amendment No 17 tabled by Lord Reay and worded as follows:

‘Article 2(1)

This paragraph to read as follows:

“1. The number of representatives elected in each Member State shall be as follows:

Belgium	18
Denmark	12
France	74
Germany (FR)	87
Ireland	10
Italy	77
Luxembourg	6
Netherlands	23
United Kingdom	80
	<hr/>
	387”

These six amendments can be considered jointly.

I call Mr de la Malène to move Amendment No 7.

**Mr de la Malène.** — (*F*) Mr President, the scope of my amendment is apparent from its text. Since I commented on it in my introduction during the general debate, there is no need for me to do so again now.

**President.** — I call Mr McDonald to move Amendment No 5.

**Mr McDonald.** — Mr President, I should merely like to say that the proposals in Article 2 should at least not depart significantly from the Treaties of Accession. I have dealt with this amendment in the general debate. However, as there is another amendment which I think suits our situation a little better, I withdraw my Amendment No 5.

**President.** — Amendment No 5 is accordingly withdrawn.

I call Mr Nyborg to move Amendment No 15.

**Mr Nyborg.** — (*DK*) Mr President, I should like to start by thanking Mr Patijn for his report. I do so now because I did not have the opportunity to thank him before.

May I point out that not all Danes agree with the Danish Socialists' standpoint on direct elections. While I agree with the concept of direct elections, I am against an excessive increase in the number of Members for the following reasons.

At present Parliament has 198 Members, and all past experience shows that an increase in this number will not improve efficiency — the reverse if anything. The debates would certainly become longer and the work slower and more ineffective. We welcome any increase in the number of Member States in the Community, and when this happens the number of Members will rise automatically. Both here and in Strasbourg we have room enough for 198 Members. The administrative staff and other facilities are also intended to cater for this number. If we decide to increase the number of Members this will obviously cost a lot of

money. In view of the present economic situation in the Community I feel sure that our peoples do not want any extension of the bureaucracy and that they expect us to lead the way in exercising moderation.

I find the present distribution of seats in Parliament reasonable and recommend that we retain the *status quo* of 198 Members.

**President.** — I call Mr Outers to move Amendment No 13.

**Mr Outers.** — (*F*) Mr President, my amendment aims to reconcile several principles. The first of these is that the nations must be represented in accordance with the size of their population. Universal suffrage is based on and justified by the equality of all citizens, no matter to what country they belong.

The second principle is that, as long as the elections are held in national electoral constituencies, it is perfectly right to lay down a minimum number of Members for each country. My proposal allocates a basic quota of 6 Members to each Member State and one further seat each for every million inhabitants.

The third principle is that we must avoid a situation in which an excessive number of Members — and this is the main objection to the proposal to have 550 Members — makes the future accession of new Member States more difficult. The total number of Members is thus reduced from 550 in the original proposal and 355 in Mr Lautenschlager's proposal to 306.

One last principle is that the new seat distribution should not reduce the number of seats currently allocated to any Member State.

**President.** — I call Mr Lautenschlager to move Amendment No 3.

**Mr Lautenschlager.** — (*D*) Mr President, in our view the compromise proposed in Amendment No 3 is the one which comes closest to meeting the wishes of the large countries and the expectations of the small countries. If you take a system of coordinates and plot on it a line for the representation, you will find that, with the figure of 355 Members, Denmark, Luxembourg and Belgium gain slightly, the Netherlands is on the mean line, and the large countries make a slight concession on representation. It is my belief that this sacrifice is worth while, in order to form a Parliament which can implement European politics in solidarity and which does not give the impression that a large number of seats have been created in order to benefit some countries. Everything has been worked out in detail.

We also experimented with a lower number and found each time that, if the number of Members is less than 355, it is too much to the detriment of the larger countries, whereas if Parliament has more than 355 Members, it is too much to the detriment of the smaller countries. We thus found, without recourse to party-political or national considerations, that the figure of 355 Members was a suitable compromise. No-one maintains it is the ideal solution, but it is the one which comes closest to satisfying all standpoints.

We also found that if we take only the national parliaments and their relationships with the constituencies, i.e. the relationships between the individual Members and the constituencies, and apply them to a future European Parliament, we will not achieve the result we were aiming at, namely that in this directly elected European Parliament something new should be created.

There is nothing comparable in the Western world, not even the United States of America, which can look back on a history of only some two hundred years; and quite apart from that, even the House of Representatives manages with only about 400 members for a population much larger than that of Europe.

One amusing point, Mr President: there is no assembly hall in the whole of Europe which could hold more than 400 Members. Just a point.

*(Laughter)*

Anyway, if we do create a large Parliament on the basis that the European Parliament should be about as big as one of the larger national parliaments, the only aim being to achieve maximum representation, we shall certainly have a Parliament with loads of pomp and circumstance, but the self-imposed difficulties would result in this Parliament's becoming nothing more than a mutual admiration society, and all of us here would consider this to be a sad fate for it.

I therefore recommend that the House adopt the Amendment tabled by the Legal Affairs Committee, thereby limiting the number of seats to 355.

**President.** — I call Lord Reay to move amendment No 17.

**Lord Reay.** — Mr President, I think I shall have to say something, otherwise my amendment will not be understood by Members, since I had no opportunity to speak on this matter earlier in the debate. My amendment shares the intention of the Political Affairs Committee's amendment — that is to say, what is now the text of the report—of applying more closely than the rapporteur originally did himself the principle of parity in the ratio between electorate and elected throughout the Community, but with the intention of arriving at a lower total.

To do this, instead of allowing one Member for each additional 500 000 of the population or part thereof beyond the first million, which is now the present text, I have allowed one Member for each additional 750 000 of the population or part thereof beyond the first million.

Otherwise I have kept the same criteria. The first million will qualify for 6 seats: no State will have less than 6 seats; no State will have less than it has at present. In practice this last provision will only affect Ireland, which would otherwise under my amendment have 9 seats rather than 10. The main effect is to give a fairer representation to the electorate in the larger States than was done by the rapporteur originally or is done in the amendment now being moved by Mr Lautenschlager on behalf of the Legal Affairs Committee, while preserving a smaller total number. The higher number in my opinion is far too high, for the reason which I heard Mr Jozeau-Marigné give this afternoon—namely, that it ignores the possibility of the Community being enlarged in the future. I think by some this point has not been sufficiently appreciated. If for example you take only the possibility of Spain, Greece, Norway and Portugal joining the Community, using the current population figures and the same criteria as now laid down in Mr Patijn's report for determining individual membership, that would mean an additional membership of 128. That is to say a total membership for the Parliament of 678—a figure which perhaps in the opinion of most people would be hitting if not breaking the limit of what was considered a reasonable and practical number for a working parliament.

Mr President, in conclusion there is one thing that I think I must say. The order of voting puts me in a difficult position. Naturally enough, I prefer my own amendment to that of the Legal Affairs Committee, although, for the reasons which I have given, I prefer the amendment of the Legal Affairs Committee to the numbers as they now stand in the report. Now I think that the Legal Affairs Committee's amendment will be taken before mine. If that is to be the case I have decided that I shall support the amendment of the Legal Affairs Committee, that is to say Mr Lautenschlager's amendment, although this will reduce the possibility of mine being reached, in order to try to prevent the greater danger of the report's being adopted without any amendment at all. In return, and out of considerations of both gallantry and logic, I hope that those who vote for the Legal Affairs Committee's amendment, in the event of their experiencing the misfortune of defeat, will support my amendment when the time comes.

*(Applause and laughter)*

**President.** — What is the rapporteur's opinion?

**Mr Patijn, rapporteur.** — *(NL)* Mr President, in my reply to the debate I commented briefly on Mr de la Malène's remarks regarding Article 2. I think that what he is proposing here is wrong as Parliament would be giving up its right of initiative to the Council. This was the first point.

And then there is a second point. If no guarantee is given for a number which we fix or criteria which we lay down, there can be no certainty for such countries as Luxembourg, Ireland and Denmark that today's figure will at least constitute the starting point. Mr de la Malène's amendment also contains the criterion 'proportional to the population'. And my compromise for Luxembourg, i.e. six seats for 350 000 inhabitants, could theoretically, according to Mr de la Malène's scheme, be reduced to one or none, if one takes a minimum of 500 000 inhabitants as a starting point. For these two highly fundamental and highly important reasons I recommend that you reject this amendment.

Furthermore Mr de la Malène's amendment implies the deletion of Article 2, paragraph 2, which provides for the possibility of making subsequent changes to the number of seats. No provision is made for this in Mr de la Malène's amendment, so the Treaty would have to be modified before a change could be made in the number of seats. This is another argument for asking Parliament to reject Mr de la Malène's amendment.

I thank Mr McDonald for withdrawing Amendment No 5, which has a similar purpose to that of Amendment No 15 by Mr Nyborg.

For reasons of economy Mr Nyborg wants to keep the existing number of seats. I think that is a good principle, Mr Nyborg. Of course we must be economical and not a single unit of account must be wasted, but your amendment would mean that in large States such as the Federal Republic of Germany and Great Britain it would be necessary to organize elections to elect 36 people, 36 representatives for a population, in the Federal Republic of Germany, of 62 million and an electorate of 2 million per seat! It is moreover in conflict with the basic principle that we adopted in the Political Affairs Committee, and with which everyone was in agreement, namely that we are on the way to introducing the 'one man, one vote' principle, in other words proportionality. You prefer to keep the old system, the compromise based on the Treaty. But I think it was one of our fundamental preoccupations, that of the rapporteur, that of Mr Lautenschlager, that of Mr Outers and Lord Reay, to guarantee proportionality. For this reason I would recommend that Parliament reject Mr Nyborg's amendment.

Mr Outers has proposed one seat per million inhabitants with a minimum of six. Mr Outers is juggling the figures somewhat here, because according to his system the Irish would have nine seats and not ten. I feel that in Mr Outers' proposal the small States are kept too close to the present figure, and get too little compensation. In all the proposals, in the proposal of the Political Affairs Committee and that of Mr Lautenschlager, it has been one of the basic points that the large States must obtain the greatest number of seats, but not at the expense of proper representation for the small States. In my opinion the total number of 306 and the distribution which Mr Outers proposes do not satisfy these criteria. Furthermore, with 306 seats we are entering the danger zone as regards proportionality, if we want to be able to organize elections properly. Ten seats for Ireland eleven seats for Denmark? I know that these are small differences, but they are important differences for small States.

I now come to Mr Lautenschlager's amendment, which I spoke about a few moments ago in my second speech. The proposal of the Political Affairs Committee, as formulated in the Draft Convention, offers the best guarantee of proportionality.

You know that I have reservations about this, but if we assume that proportionality will be introduced, I think it fair to say what Mr Klepsch proposed in the Political Affairs Committee best satisfies the criterion that I have put forward. I, therefore, believe that Mr Lautenschlager's recommendation implies the same compromise, in that it gives the small States more than they are entitled to. In Mr Klepsch's proposal they get a considerably greater number of seats but the difference *vis-à-vis* the larger States is rather greater.

Mr President I think I can apply the same arguments to Lord Reay's amendment which is along the same lines as Mr Lautenschlager's amendment. There is not much difference between a total of 355 or 387. But here too the compromise is to the detriment of proportionality. I do not think I need go into this matter any further. All the Groups defined their positions this morning. Every Member knows what is involved and I shall now leave matters to the judgment of Parliament.

**President.** — Pursuant to the Rules of Procedure we shall first, consider the amendments which depart furthest from the Political Affairs Committee's text.

I put Amendment No 7 to the vote.

Amendment No 7 is rejected.

I put Amendment No 15 to the vote.

Amendment No 15 is rejected.

I put Amendment No 13 to the vote.

Amendment No 13 is rejected.

I put Amendment No 3 to the vote.

Amendment No 3 is adopted.

*(Applause)*

Following the adoption of Amendment No 3, Amendment No 17 is no longer necessary.

I put Article 2(1) so amended to the vote.



Article 2(1) is adopted.

I put Article 2(2) to the vote.

Article 2(2) is adopted.

On Articles 3 and 4 I have no amendments or speakers listed.

I put them to the vote.

Articles 3 and 4 are adopted.

On article 5 I have three amendments:

— Amendment No 9 tabled by Mr Liogier and worded as follows:

‘Article 5

Replace the word “compatible” by the word “incompatible”.’

— Amendment No 4 tabled by Mr Lautenschlager on behalf of the Legal Affairs Committee and worded as follows:

‘Article 5

This article to read as follows:

“After entry into force of the procedure to be adopted under Article 7(1) membership of the European Parliament shall not be compatible with membership of a Parliament of a Member State”.

— Amendment No 16/rev. tabled by Mr Lautenschlager and worded as follows:

‘Article 5

This article to read as follows:

“1. After entry into force of the procedure to be adopted under Article 7(1) membership of the European Parliament shall be incompatible with membership of a Parliament of a Member State.

2. However, mandates held in a national Parliament at the time of the election of the first European Parliament elected by a uniform procedure may be retained until the expiry of the term of office of the national Parliament”.

I call Mr Liogier to move Amendment No 9.

**Mr Liogier.** — (*F*) Mr President, ladies and gentlemen, if my amendment were accepted, Article 5 would read: ‘Membership of the European Parliament shall be incompatible with membership of a Parliament of a Member State.’ This total incompatibility seems absolutely essential to me and I am most surprised to find that in Article 5 of the new Draft Convention Mr Patijn recommends the contrary, after declaring in paragraph 3 of the explanatory statement: ‘The increasing problems created by the exercise of a dual mandate merely emphasize the urgency of direct elections. The continuously increasing work load borne by representatives has long since made it impossible for them properly to carry out both national *and* European duties. This situation adversely affects the national parliaments and the European Parliament—not to mention the dependants of the representatives themselves.’ I subscribe fully to this penetrating analysis of the situation and I would ask you to vote in favour of the incompatibility of the two mandates.

As for the suggestions made to parliaments of Member States, intended apparently to mitigate the disadvantages of this dual mandate, I believe that they are no more than feeble paliatives. If they were to be implemented in the present situation, they might yield some slight improvements in our working conditions, but they are quite unacceptable in the event of elections to the European Parliament by universal suffrage.

There is no question of making do with cut-rate representatives on the grounds that they represent both the European Community and their own country, which has elected them specifically to assume the responsibilities resulting from their mandate and not to entrust them to third parties, whoever they may be.

The tasks incumbent upon representatives of the European Parliament are growing unceasingly, as you yourselves realize every day. They will grow still further in the years to come. They are such that they require undivided attention which cannot be distracted without the risk of serious dilution of effort, leading inevitably to inefficiency, and sometimes even to errors of judgment due to lack of time for reflection.

Do we not all suffer, as a result of our dual mandate, from being confronted time and again with trying situations owing to shortage of time and despite our willingness to do our job well, as regards attendance at committee meetings, regular participation in various projects and detailed study of the reports we receive as well as the making of all the necessary contacts.

Do we really think that the dual mandate, national on the one hand, European on the other, is liable to create and foster that Community spirit without which we cannot achieve the great objective which we have fixed for ourselves, that of integration?

For these various reasons I would ask the honourable Members to vote for the amendment I have proposed.

**President.** — I call Mr Lautenschlager to move Amendments Nos 4 and 16/rev.

**Mr Lautenschlager.** — (*D*) Mr President, may I ask you to hold the vote on Amendment No 16/rev. first. If it is adopted, Amendment No 4 will become unnecessary, as the first paragraph of Amendment No 16/rev. contains the same wording as Amendment No 4.

Paragraph 2 of Amendment No 16/rev. to Article 5 merely guarantees that national mandates held at the time of the direct election of the European Parliament may be retained until the expiry of the term of office of the national parliament. From conversations I have had in this House it seemed necessary to me to add this, and I do not believe Parliament will oppose it. This must be the only exception allowing a dual mandate to be retained after the election of the new European Parliament.

**President.** — I call Lord Gladwyn.

**Lord Gladwyn.** — I should like the rapporteur to answer my question, which was this. Would it in his view be compatible with the Convention during the interim period which will follow the first election, taken, as we know, in accordance with national procedures, for the British Parliament, if it so desired, to elect all its 67 members and make them at the same time, in its opinion, members of the national parliament? The point is that, if I may say so, even though during this period, in accordance with the Lautenschlager second amendment, it

would be possible for the sitting members to present themselves, nobody in fact will present himself, because in the new Parliament it would be quite impossible in practice for a Member to have any dual function at all. Therefore, if it is indeed desired that there should be some kind of organic link with the European Parliament, would it, in his view, be possible for the British Parliament to act as I suggest—during the interim period, of course, and as a provisional measure?

**President.** — What is the rapporteur's opinion?

**Mr Patijn, rapporteur.** — (NL) Now we have reached the second very important point on which amendments have been tabled.

As regards Mr Liogier's amendment I can be relatively brief. He would like to oblige all directly elected representatives, immediately after European elections, to renounce their national parliamentary mandates, regardless of the powers which the European Parliament will enjoy at that time. I strongly recommend you to reject this amendment.

I gave some of my reasons for this a few moments ago. I believe that in the provisional period, during which, according to my proposal the first elections shall take place and we shall try to create a uniform procedure, a Parliament with full powers and an executive with full powers, we shall find the link with national parliaments very useful. In any case we must in my opinion not prohibit it. Such a link must be possible: whether anyone makes use of this facility is another question. In the light of the present political situation and the opinions of all the representatives with whom I have spoken I must strongly recommend that you reject Mr Liogier's amendment.

I come now to the two amendments tabled by Mr Lautenschlager. I can deal with them together since they relate to the same question.

Mr Lautenschlager is right when he says that Amendment No 16/rev. must be voted on first. If it is adopted, Amendment No 4 will become unnecessary. If it is rejected, Amendment No 4, which contains the first paragraph of Amendment No 16/rev., will be voted on.

Throughout my report I have avoided as far as possible anticipating what the directly elected parliament, subsequently to be elected by a uniform procedure, may wish to decide on matters of principle. I may be criticized for not going far enough. Mr Liogier and Mr Lautenschlager may criticize me for not saying that it is in principle forbidden to hold a dual mandate. I wish to leave this matter open. The text of Article 5 of my report does not exclude all this being settled at a later date. The rule forbidding the dual mandate may, for example, be incorporated into the uniform election regulations. This is one of the things about which I do not intend to make a pronouncement at the moment, and this applies equally to the proportional or non-proportional systems we shall be discussing shortly when we come to Article 7. The numerous people with whom I discussed this matter were all in agreement with my proposal.

There are already difficulties in sight. Mr Lautenschlager at first tabled an amendment containing a new paragraph 1 of Article 5, and immediately had to table a changed text, because difficulties had arisen with regard to the national mandate. I am in principle in agreement with him: he, too, prefers a transitional period until the application of the uniform procedure. Perhaps by that time the dual mandate will be considered quite unacceptable. In my proposal I have tended not to anticipate such fundamental decisions, which we shall be

taking in the coming years. In view of the arguments I have just put forward I cannot accept Amendment No 16/rev. and 4 by Mr Lautenschlager and request Parliament to approve Article 5 in the original version.

I can only partially answer Lord Gladwyn's question. For the constitution of the European Parliament only one election is valid and that is the European election. If 67 Britons are elected in the European election, they will be Members of the European Parliament. If Westminster, the House of Commons and the House of Lords want to make sure that, by means of a special procedure, these 67 members hold a mandate in the national parliament, there is nothing prohibiting this in the Draft Convention nor in the EEC Treaty.

**President.** — I call Mr Liogier.

**Mr Liogier.** — (*F*) Mr President, since Amendment No 16/rev. by Mr Lautenschlager does, after all, confirm the principle of the incompatibility of the two mandates, I support it and withdraw my own amendment.

**President.** — Amendment No 9 is accordingly withdrawn.

I put Amendment No 16/rev. to the vote.

As the result of the show of hands is not clear, a fresh vote will be taken by sitting and standing.

Amendment No 16/rev. is rejected.

*(Applause from the European Conservative Group)*

*(Protests)*

I put Amendment No 4 to the vote.

Amendment No 4 is rejected.

I put the original text of Article 5 to the vote.

Article 5 is adopted.

On Article 6 I have Amendment No 10 tabled by Mr Bourges and Mr Yeats on behalf of the Group of European Progressive Democrats and worded as follows:

'Article 6(2)

This paragraph to read as follows:

"2. Subject to the entry into force of the provisions laid down under Article 7, the national Parliaments shall establish the rules governing the question of incompatibility."

I call Mr Yeats to move this amendment.

**Mr Yeats.** — Mr President, the purpose of this amendment is to make a change which I think is necessary in the wording of paragraph 2 of Article 6 as set before us. This paragraph 2 of Article 6 covers the interim situation which will arise on and after the first election to the directly-elected Parliament and before the Council has in fact agreed on a uniform scheme of election for the Nine members of the EEC. Now, as Mr Lenihan has already pointed out in

the course of the general debate, it is in fact very likely that not one but perhaps a number of elections will be held under these so-called interim procedures, because the prospects of the Council's agreeing unanimously on a uniform system of election are not good. So this is a matter of some importance because it relates to a position which may last some time. Now under the rapporteur's text the incompatibilities existing in each national State will automatically be extended also to the European Parliament. This means in the case of my country, for example, that an electricity worker who is employed climbing up electric-light poles in the west of Ireland and is therefore forbidden to be a Member at the same time of the Irish Parliament because he is employed by a State corporation — this person and many others like him would not be able to be a Member of the European Parliament. Now whatever the reasons may be (and one sometimes wonders what they are) at the national level for incompatibilities of this kind, they certainly would seem not to apply to the European Parliament, but under the rapporteur's text there is no discretion given automatically: the incompatibilities at the national level must be carried over to the European level, and the national parliaments have no discretion to make rules for one and rules for the other. My amendment therefore suggests that the national parliaments should have the discretion to say, 'Well, all right, so-and-so is forbidden to be a member of the national parliament but we cannot see any reason why he should not be a Member of the European Parliament.' It makes the situation more flexible, and I suggest that we ought to adopt it. I am quite certain the result would be not that the national parliaments would add incompatibilities but that they would delete a number of incompatibilities from the ones that exist at the national level.

**President.** — What is the rapporteur's position?

**Mr Patijn, rapporteur.** — (NL) The difference between the text proposed by Mr Yeats and my text is that I have simply stated that the national provisions relating to incompatibility with other functions are to be applied. The pro-proposal made by Mr Bourges and Mr Yeats on behalf of the Group of European Progressive Democrats implies that they think there is a gap which must be dealt with by the national parliaments. If it is said that existing national provisions must be applied and the national parliaments lay down no such provisions, then you really can talk of a gap. If the special situation referred to by Mr Yeats does arise, namely that someone should be eligible for the European Parliament who may not be elected to the national parliament, then there is of course no objection to legislating nationally for this. There must, however, be a point of departure, and this must be the existing national legislation. I admit that the French text is badly worded on this point. I quote: '... les dispositions nationales relatives aux incompatibilités s'appliquent mutatis mutandis'. I do not think this is a very good translation. The versions in the other five languages are in order. I think the French text should read as follows: '... les dispositions nationales relatives aux incompatibilités sont applicables'. This means that it continues to be up to the national legislators to make special provisions, on the basis of existing regulations, for the European Parliament. But you must start with something which already exists, to which additions can then be made. The amendment by Mr Bourges and Mr Yeats gives the impression that there are no regulations at all and that they must be laid down by the national parliaments in the nine Member States. This is why, to ensure order and certainty as to the legal position, and in view of the arguments I have just put forward, I should prefer to reject this amendment by Mr Bourges and Mr Yeats.

**President.** — I call Mr Scelba.

**Mr Scelba.** — *(I)* The text proposed by the rapporteur gives rise to truly absurd consequences as has been pointed out by my colleague who has tabled the amendment.

As I have already mentioned, in my country, for example, the mayors of towns with more than 40 000 inhabitants cannot become members of the national parliament. In France the opposite is true and yet the provision contained in the Draft Convention would sanction these contradictions. This is unacceptable.

The amendment goes back to the text of the 1960 draft which, on this point, was as follows: 'Each Member State shall determine whether, and to what extent, the incompatibilities laid down by its law with regard to the exercise of a national parliamentary mandate shall apply to the exercise of a mandate in the European Parliament.' This was a plain, comprehensible and rational formula. I would thus recommend the adoption of this amendment which corrects the irrational text that we have been given and restores, even if not in the same form, the much clearer and much more explicit text of 1960.

**President.** — I put amendment No 10 to the vote.

Amendment No 10 is rejected.

I put Article 6 to the vote.

Article 6 is adopted.

On Article 7 I have Amendment No 14 tabled by Mr Bordu and Mr D'Angelosante and worded as follows:

'Article 7

This article to read as follows:

"The elections shall be held in accordance with a uniform electoral procedure based on the system of proportional representation."

I call Mr D'Angelosante to move this amendment.

**Mr D'Angelosante.** — *(I)* Mr President, the reasons for this amendment have already been put forward. To a certain extent this amendment represents our entire position as already outlined during the general debate.

By this amendment we propose that Parliament should introduce the proportional system and eliminate the two phases, i.e. the immediate introduction of a uniform electoral system.

The rapporteur has countered this opinion of ours merely with arguments of caution without however explaining who and what we are to be wary of. Since this is a question of principle we insist on this amendment and ask the House to approve it.

**President.** — What is the rapporteur's position?

**Mr Patijn, rapporteur.** — *(NL)* Mr President, I wish that Parliament were able to decide on one electoral system or the other. My findings are that Parliament is not in a position to do so at the moment. For these reasons I consider it wrong and unrealistic to anticipate the nature and content of this electoral procedure, which we ourselves have yet to work out. I will confine myself to this comment and ask Parliament not to adopt this amendment.

**President.** — I call Mr Memmel.

**Mr Memmel.** — (*D*) Mr President, one question to the rapporteur: the rapporteur has tabled Amendment No 1, in which he wants to change 1980 to 1978; in that case, should he not also change 1980 to 1978 in paragraph 1 of Article 7, on which we are now to vote?

**President.** — I call the rapporteur.

**Mr Patijn, rapporteur.** — (*NL*) Mr President, Mr Memmel is stating the obvious. 1978 refers to the date of the first elections. 1980, which appears in Article 7, refers to the drawing up of a proposal for a uniform electoral system. I and everyone else with me believe, Mr Memmel, that the first election in 1978, will not, as I have just told Mr D'Angelosante, be held according to the uniform electoral system. In this situation it is realistic to state that a uniform electoral system, on which study may begin tomorrow but has not yet begun, will not be drawn up before 1978. By taking 1978 in the text of the Convention as the date for drawing up a proposal, I might leave Parliament too little time. That is why I chose 1980.

The European Parliament must draw up the procedure by 1980. So much the better if we can draw up the uniform electoral system by 1978, but I want to extend the time limit a little, because we may well need that amount of time. In any case the system must be drawn up by 1980.

**President.** — I put Amendment No 14 to the vote.

Amendment No 14 is rejected.

I put Article 7 to the vote.

Article 7 is adopted.

On Articles 8 to 12 I have no amendments or speakers listed.

I put these to the vote.

Articles 8 to 12 are adopted.

On Article 13(1) I have two amendments:

— Amendment No 11 tabled by Mr de la Malène and worded as follows:

‘Article 13(1)

This paragraph to read as follows:

“1. The date of the first elections to the European Parliament by direct universal suffrage in accordance with the provisions of this Convention shall be fixed by the European Council.”’

— Amendment No 1 tabled by Mr Patijn on behalf of the Political Affairs Committee and worded as follows:

‘Article 13(1)

Replace the words “May 1980” by “May 1978”.’

I call Mr de la Malène to move Amendment No 11.

**Mr de la Malène.** — (*F*) Mr President, I shall be brief as I have no illusions as to the fate which awaits my amendment. Over the last 15 years I have all too often seen this type of debate, in which the dates have to be fixed in advance and are then not retained. This House proposes Europe, and the peoples and governments dispose. This is why I have tabled this amendment, I repeat, without any illusions as to the fate which awaits it.

At the same time, Mr President, I should like to defend my second amendment, modest in scope as it is: it requests the deletion of the adjective 'exact' in the second paragraph of Article 13, which, at least in the French text, seems to me superfluous.

**President.** — What is the rapporteur's position?

**Mr Patijn, rapporteur.** — (*NL*) I cannot say that Mr de la Malène made a very spirited defence of his amendment. I could well make a spirited counter-remark, but I do not think it necessary. It is clear that we have to fix the date for the elections ourselves. I suggest 1978, as can be seen from my Amendment No 1 on behalf of the Political Affairs Committee. I am prepared to accept Amendment No 12 by Mr de la Malène on the deletion of the word 'exact'. It is a marked improvement in the text if the word 'exact' in Article 13, paragraph 2, is deleted, as it adds nothing to the text.

**President.** — I put Amendment No 11 to the vote.

Amendment No 11 is rejected.

I put Amendment No 1 to the vote.

Amendment No 1 is adopted.

I put Article 13(1) so amended to the vote.

Article 13(1) is adopted.

On Article 13(2) I have Amendment No 12 tabled by Mr de la Malène and worded as follows:

'Article 13(2)

Delete the word "exact".'

The rapporteur has already indicated that he agrees to this change.

I put Amendment No 12 to the vote.

Amendment No 12 is adopted.

I put Article 13(2) so amended to the vote.

Article 13(2) is adopted.

I put the whole of Article 13 so amended to the vote.

Article 13 is adopted.

On Article 14 I have Amendment No 8 tabled by Mr Bourges and Mr Yeats on behalf of the Group of European Progressive Democrats and worded as follows:

'Article 14

Delete the last sentence.'

I call Mr Yeats to move this amendment.



**Mr Yeats.** — Mr President, this amendment seeks to eliminate from Article 14 the last sentence. This is the article which was referred to a short time ago by the rapporteur. He pointed out, and I think that one can certainly agree completely with him, that it was necessary to have a general article of this kind to provide for details which for whatever reason were not included or foreseen in this Convention, relating to the implementation of direct elections. It is necessary, quite clearly, to have an article like this. But what I and my group fail to see is why, when considering how the direct elections to this Parliament are to be implemented, it is necessary to consult the Commission. Now I wish to stress that this is not in any sense intended as criticism of the Commission. We have the highest respect for the Commission and the work it does. But I think one must have regard to the functions which are given to the Commission in the EEC. In the Community, Parliament and the Council share the legislative power.

The Commission is in part the executive, and indeed the various articles of the Treaty of Rome which refer to the legislative process naturally exclude the Commission from this. I think the rapporteur included this reference to the Commission through a misunderstanding, if I may be so bold as to say so in view of the extraordinarily able job he has done throughout. I hesitate to suggest such a thing, but in the last line of his explanation to Article 14, he says this role is already assigned to the Commission elsewhere in the Treaties, for example Article 126 EEC. Now if one looks up Article 126 of the EEC Treaty, one finds it relates to the Social Fund, which is clearly a matter directly related to the activities of the Commission and it is only right that they should be consulted with regard to it. But I do not think that we as a Parliament ought to concede that on matters strictly relating to the parliamentary process, which are strictly a matter between us and the Council, it ought to be necessary to consult the Commission. So I would ask the rapporteur to agree to delete this sentence.

**President.** — I call Mr Scelba.

**Mr Scelba.** — (*I*) Mr President, I call for a split vote on Article 14, i.e. for a separate vote on the phrase 'acting unanimously'.

My reason is this: the European Parliament has always protested against the application of the Luxembourg Agreement which imposed the rule of unanimity. Equally contradictory is the fact that Parliament, which must be heard in advance, decides on a majority basis whereas the Council would have to decide unanimously.

I therefore hope that Parliament will reject this rule of unanimity and leave the Council to act as it thinks best. I repeat that unanimity is contrary to the attitude of this House.

**President.** — What is the rapporteur's position?

**Mr Patijn, rapporteur.** — (*NL*) Mr President, the Commission is mentioned in two places in this Draft Convention, namely here and in Article 2, paragraph 2, which states that the Commission as well as the Member States and Parliament may propose to the Council changes in the number of members of the Parliament. Thus the Parliament and the Council do not regard the elections as something which concerns them exclusively. A short while ago we adopted Article 2, paragraph 2.

Secondly, Mr Yeats is of course right in saying that Article 126 of the EEC Treaty relating to the European Social Fund clearly assigns a role to the Commission. But I cannot at present foresee what administrative measures will have to be adopted jointly by the Council and Parliament, for example in the budgetary field or in the field of institutional or legal provisions, in the adoption of which the Commission, as guardian of the Treaty and sometimes also as administrative and executive body in the Community, should participate under the terms of Article 155. The Commission cannot influence agreement between Parliament and Council in the sense that its vote is mandatory. It advises. In view of the uncertainty with regard to the measures to be adopted during the coming years, I find this a very useful provision. Therefore I should like to ask the House to reject this amendment.

**President.** — As for Mr Scelba's request to have separate votes on the two parts of the first sentence of Article 14, so that the words 'acting unanimously' are voted on in isolation, I do not know if it is possible to have two votes on two parts of the same sentence. I would not have thought so, and besides no amendment has been tabled. If Mr Scelba had been consistent, he would have tabled an amendment to withdraw the unanimity requirement. But now that there is no amendment, I think a vote must be taken on the article as a whole.

I put Amendment No 8 to the vote.

Amendment No 8 is rejected.

I now put the proposal by Mr Scelba to the vote.

The proposal is rejected.

I now put Article 14 as a whole to the vote.

Article 14 is adopted.

On Article 15 I have no amendments or speakers listed.

I put it to the vote.

Article 15 is adopted.

On Article 16 I have Amendment No 2 tabled by Mr Patijn on behalf of the Political Affairs Committee and worded as follows:

'Article 16

This article to be worded as follows:

"This Convention is drawn up in the Danish, Dutch, English, French, German, *Irish* and Italian languages, all *seven* texts being equally authentic."

I call Mr Patijn to move this amendment.

**Mr Patijn.** — *(NL)* Mr President, Mr Yeats was kind enough to point out to me that, since an official amendment is being made to the Treaty, Irish will also have to be adopted as an official language for this Convention. Therefore 'Irish' is inserted between 'French' and 'Italian and Dutch' — at least that is the order in the Dutch text. This must be so because it involves an official amendment to the Treaties of Rome and Irish must therefore be included. That is the purpose of my amendment.

**President.** — I put Amendment No 2 to the vote.

Amendment No 2 is adopted.

I put Article 16 so amended to the vote.

Article 16 is adopted.

On Article 17 I have no amendments or speakers listed.

I put it to the vote.

Article 17 is adopted.

I note that we have thus adopted a Draft Convention to replace the Draft Convention adopted on 17 May 1960.

Therefore we can now vote on the sixth paragraph of Part I of the motion for a resolution.

I put it to the vote.

The sixth paragraph is adopted.

We shall now consider Part II of the motion for a resolution.

I have no amendments or speakers listed.

I put it to the vote.

Part II of the motion for a resolution is adopted.

We shall now vote on the motion for a resolution as a whole incorporating the various amendments that have been adopted.

I would point out that Mr Spénale and a certain number of representatives of the Socialist Group have requested that this vote be taken by roll call.

I call Mr Spénale.

**Mr Spénale.** — (*F*) Indeed, Mr President, I did submit a request, signed by ten members of the Socialist Group and myself, that this vote be taken by roll call. The importance of this question is such that it is desirable to find out the number of Members who were present today to vote on this matter.

**President.** — I call Mr Memmel.

**Mr Memmel.** — (*D*) I support Mr Spénale's request for a roll call, particularly because an old wish of mine was yet not fulfilled today. I mean that, as during voting on previous occasions when the results were close and there was a risk that a quorum did not exist, it was again only the officials and not we, the Members of Parliament, who knew the voting results!

**President.** — I call Mr Klepsch to explain his voting intentions.

**Mr Klepsch.** — (*D*) I shall support the motion, although it is based on a principle regarding the number of Members which I find unsatisfactory. I would have preferred to see Lord Reay's

request regarding the number of Members adopted as a compromise. In spite of this reservation, I shall vote positively in the final vote.

**President.** — I call Mr Romualdi for an explanation of vote.

**Mr Romualdi.** — (*I*) On behalf of the party I represent in the Italian Parliament and thus in the European Parliament I shall vote in favour of this motion for a resolution in the same spirit as my party did in favour of the Treaties of Rome fifteen years ago. I think that this important decision, with which I am delighted, may revive many hopes of European political union which seemed lost for ever. As Mr Ortoli said, this might not dissolve our doubts and difficulties, but it certainly augurs well for the future. I am honoured to be called upon, at the request of Mr Spénale, to explain our vote of approval of this Draft Convention.

**President.** — We shall now take a vote by roll call.

This will begin with Mrs Goutmann, whose name has been drawn by lot.

The vote may commence.

I ask the Secretary-General to call the roll.

Does anyone else wish to vote?

The ballot is closed.

Here is the result of the vote.

Number of Members voting: 125

The following 106 Members voted *in favour*;

Mr Adams, Mr Albers, Mr Andreotti, Mr Ariosto, Mr Artzinger, Mr Bass, Mr Bayerl, Mr Behrendt, Mr Berkhouwer, Mr Alfred Bertrand, Lord Bessborough, Mr Blumenfeld, Mr Boano, Mr Brewis, Mr Broeksz, Mr Brugger, Mr Carpentier, Mr Cifarelli, Mr Corterier, Mr Creed, Mr De Clercq, Mr De Keersmaecker, Mr Delmotte, Mr Didier, Sir Douglas Dodds-Parker, Mr Dondelinger, Mr Dunne, Mr Durieux, Lady Elles, Mr Fellermaier, Mrs Fenner, Mr Flämig, Miss Flesch, Mr Frehsee, Mr Früh, Mr Gerlach, Mr Geurtsen, Mr Giraud, Lord Gladwyn, Mr van der Gun, Mr Hansen, Mr Härzschel, Mr van der Hek, Mr Herbert, Mr Hill, Mr Howell, Mr Hunault, Mr Johnston, Mr Jozeau-Marigné, Mr Kavanagh, Mr Kirk, Mr Klepsch, Mr De Koning, Mr Laban, Mr Lagorce, Mr Lange, Mr Lautenschlager, Mr Lenihan, Lord Lothian, Mr Lücker, Mr McDonald, Lord Mansfield, Mr Martens, Mr Meintz, Mr Memmel, Mr Mitterdorfer, Mr Willi Müller, Mr Emile Muller, Mr Mursch, Mr Ney, Mr Noè, Mr Nolan, Mr Normanton, Mr Notenboom, Mr Nyborg, Mrs Orth, Mr Outers, Mr Patijn, Mr Pêtre, Mr Pianta, Mr Radoux, Lord Reay, Sir Brandon Rhys Williams, Mr Romualdi, Mr Rosati, Lord St. Oswald, Mr Santer, Mr Scelba, Mr Schmidt, Mr Scholten, Mr Schuijt, Mr Schwabe, Mr Schwörer, Mr Scott-Hopkins, Mr Seefeld, Mr Shaw, Mr Spénale, Mr Springorum, Mr Thornley, Mr Vandewiele, Mr Vernaschi, Sir Derek Walker-Smith, Mr Walkhoff, Mrs Walz, Mr Yeats and Mr Zeller.

The following 2 Members voted *against*:

Mr Espersen and Mr Nørgaard.

The following 17 Members *abstained*:

Mr Ansart, Mr Bordu, Mr Bourges, Mrs Caretoni Romagnoli, Mr Cointat, Mr Cousté, Mr D'Angelosante, Mrs Goutmann, Mr Hartog, Mr Leonardi, Mr Liogier, Mr de la Malène, Mr Marras, Mr Brøndlund Nielsen, Mr Petersen, Mr Rivierez and Mr Sandri.

As more than an third of the current Members of Parliament have taken part in the vote, it is valid.

The resolution as a whole is adopted. <sup>1</sup>

*(Loud applause)*

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<sup>1</sup> OJ C 32 of 11. 2. 1975.



# RESOLUTIONS OF THE EUROPEAN PARLIAMENT IN 1976

## relating to elections by direct universal suffrage

1. Resolution of 11 March 1976 (OJ C 79 of 5. 4. 1976, p. 27)
2. Resolution of 7 April 1976 (OJ C 100 of 3. 5. 1976, p. 24)
3. Resolution of 16 June 1976 (OJ C 159 of 12. 7. 1976, p. 23)
4. Resolution of 15 September 1976 (OJ C 238 of 11. 10. 1976, p. 25)

## RESOLUTION

### on direct elections to the European Parliament in 1978

*The European Parliament,*

— in anticipation of the meeting of the European Council on 1 and 2 April 1976,

1. Calls on the Council to take, at this meeting, the final decision allowing elections to the European Parliament by direct universal suffrage in 1978 on the basis of the Convention adopted by Parliament in January 1975;
2. Instructs its President to forward this resolution to the Council and Commission of the European Communities

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## RESOLUTION

### on elections by direct universal suffrage to the European Parliament

*The European Parliament,*

— recalling the draft Convention on elections by direct universal suffrage to the European Parliament which it adopted on 14 January 1975,<sup>1</sup>

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<sup>1</sup> OJ No C 32, 11. 2. 1975, p. 15.

- recalling the resolution on direct elections to the European Parliament which it adopted on 11 March 1976,<sup>1</sup>
  - recalling that at its meeting of 10 December 1974, the European Council itself decided that elections by direct universal suffrage should be held in 1978,
1. Regrets the failure of the European Council to respond to its resolution of 11 March 1976, which called upon it to take on 1 and 2 April 1976 the final decision to hold direct elections on the basis of the draft convention;
  2. Nevertheless welcomes the decision of the European Council to confirm that elections by direct universal suffrage should be held in May or June 1978;
  3. Emphasizes strongly its opinion that the final decision on the draft convention should now be taken in the shortest possible time in order to enable suitable arrangements to be made in Member States for elections to be held in May or June 1978;
  4. Affirms its opinion that the principles adopted in the draft convention as the basis for determining the number and distribution of seats remain valid and strongly urges the Council of Ministers to base their decision upon them;
  5. Urges that, in view of the delay in arriving at a decision on the draft convention, the European Parliament should now be consulted under the concertation procedure as discussions in the Council of Ministers proceed.

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## RESOLUTION

### on the election of the European Parliament by direct universal suffrage

*The European Parliament,*

- having regard to the fact that the Ministers of Foreign Affairs have not been able to fulfil the mandate given them by the European Council in respect of elections to the European Parliament by direct universal suffrage,
1. Shares the sincere hopes of all those who saw the election of the European Parliament by universal suffrage as a major contribution to the progress and democratization of the institutions of Europe;
  2. Considers it essential that steps should be taken to ensure that the elections can be held on the dates set and earnestly asks the European Council and the Council of Ministers to keep to the formal undertakings given at the 1974 Paris Summit Conference;

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<sup>1</sup> OJ No C 79, 5. 4. 1976, p. 27.



3. Asks them to establish the number of Parliamentarians at between 350 and 400, a necessary pre-requisite for a balanced representation of the people and their minorities in the various countries and regions;

4. Instructs its President to forward this resolution to the Council and Commission of the European Communities and to the Governments of the Member States.

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## RESOLUTION

### on direct elections to the European Parliament by universal suffrage

*The European Parliament,*

- having regard to its resolutions of 14 January 1975 (Doc. 368/74),<sup>1</sup> 11 March 1976 (Doc. 11/76),<sup>2</sup> 7 April 1976 (Doc. 45/76)<sup>3</sup> and 16 June 1976 (Doc. 174/76),<sup>4</sup>
- having regard to the undertaking given by the European Council on 12 and 13 July 1976 that the act concerning the election of the European Parliament would be signed by the end of July,
- deploring the decision by the Council of the Communities on 27 July to postpone the signing until its meeting of 20 September 1976,
- considering that any further delay in the approval of the act by the Council would jeopardize the implementation of the European Council's decision that the elections should take place on the date fixed by it,
- convinced of the need to broaden as soon as possible the democratic basis of the Community by election of the European Parliament by direct universal suffrage,

1. Calls upon the Council of the Communities to finally sign the act at its meeting of 20 September 1976;

2. Insists that the European Council's decision of 2 December 1975 in Rome that the election will take place in May/June 1978 should be respected;

3. Notes the total number of seats and their distribution between the Member States decided by the European Council on 12 July 1976 and declares its agreement thereto;

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<sup>1</sup> OJ No C 32, 11. 2. 1975, p. 15.

<sup>2</sup> OJ No C 79, 5. 4. 1976, p. 27.

<sup>3</sup> OJ No C 100, 3. 5. 1976, p. 24.

<sup>4</sup> OJ No C 159, 12. 7. 1976, p. 23.

4. Calls upon the Governments and Parliaments of the Member States to put the ratification procedures in hand as soon as possible after the signing of the legal act and to adopt the necessary implementing measures so that the election can take place on the agreed date;
5. Instructs its President to forward this resolution to the Council and Commission and to the Parliaments and Governments of the Member States.





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