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I N T E R I M R E P O R T

of the Committee on Institutional Affairs

on the European Parliament's guidelines for the draft
uniform electoral procedure for Members of the European
Parliament

Rapporteur: Mr Karel De Gucht

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A Series: Reports - B series: Motions for Resolutions, Oral Questions.

- C Series: Documents received from other Institutions (e.g. Consultations)

* = Consultation procedure requiring a single reading

**II = Cooperation procedure (second reading) which requires the votes of the majority of the Members of Parliament

**I = Cooperation procedure (first reading)

*** = Parliamentary assent which requires the votes of the majority of the current Members of Parliament

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By letter of 23 January 1990 the Committee on Institutional Affairs requested authorization to draw up a report on the uniform electoral procedure.

At the sitting of 2 April 1990, the President of the European Parliament announced that the committee had been authorized to report on this subject.

At the meeting of 29 and 30 January 1990 Mr Karel De Gucht had been appointed rapporteur pending a favourable reply from the Enlarged Bureau.

At the sitting of 14 May 1990, the President of the European Parliament announced that he had also requested the Committee on Legal Affairs and Citizens' Rights to deliver an opinion.

At its meeting of 21 and 22 February 1990, 17 and 18 April 1990, 26 and 27 June 1990, 26 and 27 September 1990, 17 and 18 December 1990, 18 and 19 March 1991, 23 and 24 April 1991 and 27 and 28 May 1991, the committee considered the question.

At the last meeting the Committee on Institutional Affairs adopted the interim motion for a resolution by 11 votes to 1, with 1 abstention.

The following took part in the vote: Prag, vice-chairman and acting chairman; Avgerinos, Bocklet, Bourlanges, Capucho, Dury, Luster, Newton Dunn, Poettering (for Herman), Rothley, Roumeliotis, Von Wechmar and Woltjer (for Hänsch).

The opinion of the Committee on Legal Affairs and Citizens' Rights is attached.

The report was tabled on 29 May 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

MOTION FOR A RESOLUTION

on the European Parliament's guidelines
for the draft uniform electoral procedure

The European Parliament,

- having regard to Article 138(3) of the EEC Treaty, which requires the European Parliament to draw up proposals for its election by direct universal suffrage in accordance with a uniform procedure in all Member States,
 - having regard to Article 7 of the Act of 20 September 1976 concerning the election of representatives of the European Parliament by direct universal suffrage, which requires the European Parliament to draw up a proposal for a uniform electoral procedure,
 - having regard to its Rule 121 of its Rules of Procedure,
 - having regard to the interim report of the Committee on Institutional Affairs and the opinion of the Committee on Legal Affairs and Citizens' Rights (A3-0152/91),
- A. whereas almost 12 years after the first European elections by direct universal suffrage, disagreements within the Community institutions and between the governments of the Member States have made it impossible to achieve the objective of electing the Members of the European Parliament in accordance with a uniform procedure in all the Member States,
- B. whereas, therefore, in spite of past difficulties, the European Parliament should seize the initiative and successfully draw up as soon as possible a proposal that will command a broad consensus within its ranks,
- C. whereas European elections by direct universal suffrage in accordance with a uniform procedure in all the Member States would strengthen the political authority of the European Parliament and consolidate its democratic legitimacy in the current phase of achieving political, economic and monetary union in Europe with a view to transforming the Community into an effective federal-style European union,
- D. whereas the establishment of a uniform electoral procedure, in accordance with procedures which stimulate the expression of common political will at European level and via common procedures of representation is a fundamental factor in strengthening people's awareness of belonging to a single European society,
- E. whereas the objective of a uniform electoral system is more likely to be achieved by a step-by-step approach,
- F. whereas the concept of uniformity does not require a completely identical and uniform electoral procedure in all Member States but a harmonization of the main elements of the electoral procedure,

- G. whereas it is necessary first to lay down general guidelines on the draft uniform electoral procedure, before drafting and adopting the final proposal to be submitted to the Council,
- H. whereas the European Parliament's position should be clearly stated so that its rapporteur has an unambiguous remit,
- I. Having regard to its resolution of 12 July 1990 on the implications of German unification for the European Community, which recommends that the question of the representation in the European Parliament of the people of the former GDR should be resolved in the context of the revision of the relevant Treaty provisions;
1. Reaffirms that the main priority would be to achieve, as soon as possible, harmonization of common criteria for the electoral procedure, starting with the issues on which there is a possibility of consensus;
 2. Voting system:
The distribution of seats within the Member States shall be determined by the 'largest average' method.
Member States shall retain the option of authorizing preferential voting or vote-splitting;
 3. A national system to redistribute supernumerary votes between constituencies may be set up for a proportion of seats;
 4. The right to vote:
Any national of a Member State of the European Community aged 18 by the date of the election shall be entitled to vote and stand for election to the European Parliament in the Member State in which he has had his main residence for at least the previous year. The Member States shall cooperate to make it easier to exercise the right to vote and the right to stand for election and to prevent any voter from casting two votes in an election. Any citizen may stand for election in any Member State.
Elections to the European Parliament shall take place at a time set by each Member State, within a timespan which shall be the same for all Member States beginning on a Thursday morning and ending at 8 p.m. local time on the following Sunday evening.
The counting of the votes may not begin before 6 p.m. on the Sunday.
 5. Scrutiny:
The European Parliament shall scrutinize the credentials of Members on the basis of the election results officially declared by the Member States. Those concerned may appeal against the European Parliament's decision through the Court of Justice of the European Communities.
 6. Incompatibility:
The rules on incompatibility shall be those laid down in the Act concerning the election of representatives of the European Parliament of 20 September 1976. In addition, the office of Member of the European Parliament shall be incompatible with that of an executive office in a Member State or region.

7. Provisions concerning the election campaign:
 - (a) the Member States shall bear the cost of holding the elections, in particular the printing and distribution of ballot papers and establishing the results of the vote.
 - (b) within the framework of its internal organization and budgetary powers, the European Parliament shall ensure that the electorate is appropriately informed of the activities, principles and objectives of the political forces within the European Parliament.
 - (c) the reimbursement by the Member States of electoral expenses shall not be affected by these provisions. The Council shall, on a proposal from the European Parliament and within two years of the entry into force of this proposal, adopt measures, pursuant to Article 13 of the Act of 20 September 1976, on the reimbursement of electoral expenses at European level incurred in the course of direct elections to the European Parliament.

8. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

OPINION

(Rule 120 of the Rules of Procedure)

of the Committee on Legal Affairs and Citizens' Rights
for the Committee on Institutional Affairs

Draftsman: Mr Francesco Enrico SPERONI

At its meeting of 23 May 1990, the Committee on Legal Affairs and Citizens' Rights appointed Mr Speroni draftsman.

At its meetings of 26, 27 and 28 September 1990 and 28 and 29 November 1990, it considered the draft opinion.

At the latter meeting it adopted the conclusions by 14 votes to 1.

The following were present for the vote: Vayssade, first vice-chairman and acting chairman; Amaral (for De Gucht), Bontempi, Casini, Elliott, Falconer, Garcia Amigo, Grund, Inglewood, Janssen van Raay, Lucas Pires, Medina Ortega, Merz, Rogalla, Salema, Sarlis and Anthony Simpson.

Background and legal basis

The question of the implementation of a uniform procedure for the election of Members of the European Parliament takes us back to the origins of the Community and its legal foundations.

The Treaties establishing the European Communities stipulate that 'the European Parliament 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.' (1)

The Act of 20 September 1976 (2) concerning the election of the representatives of the European Parliament by direct universal suffrage requires the European Parliament to draw up a draft proposal for a uniform electoral procedure to serve as a basis for Council deliberations with a view to adoption by the Member States.

Having been assigned this task, Parliament has already drawn up two reports on a draft uniform electoral procedure: the report by Mr Seitlinger (3) and the report by Mr Bocklet (4). However, through lack of consensus, neither report has been adopted by the European Parliament.

After these setbacks, an intergroup working party on uniform electoral law was set up by the chairmen of the political groups. On 10 December 1986, this working party adopted a draft proposal for a first Act establishing a uniform electoral procedure for the election of Members of the European Parliament (5). This proposal contained so many details relating to the electoral system, proportional representation and the different models for regional constituencies that it was not accepted by any political group.

After the European elections of 1989, Parliament decided to resume consideration of the question and the Committee on Institutional Affairs appointed Mr De Gucht rapporteur. The Committee on Legal Affairs and Citizens' Rights was asked for its opinion on the report. On 21 March 1990, Mr De Gucht tabled an interim motion for a resolution on the European Parliament's guidelines for the draft uniform procedure for electing Members of the European Parliament.

Criteria

It seems that progress in reforming European electoral law can be achieved only by concentrating on a priority objective likely to win the widest possible support in Parliament.

The basic criteria could be:

(a) The Community system should enable all Community citizens to vote and stand for election in the member country in which they have had their usual residence for more than five years, and to see that, in the interests of fairness, better account is taken of their votes.

(b) The Community system should, of course, enable all the political forces to stand for election, but should also ensure that they all have equal access to the official media and should impose a ceiling on expenditure during the election campaign.

Proposals

(A) Right to vote, right to stand for election and voting procedures

All the citizens of a Member State aged 18 or over shall have the right to vote and to stand for election.

Citizens shall vote and stand for election in their State of residence. However, if they have lived in another Member State for less than five years, they shall vote and may stand for election in their State of origin.

(B) Incompatibility

The rules on incompatibility shall be those laid down in the European electoral Act of 20 September 1976. In addition, the office of Member of the European Parliament shall be incompatible with an executive office in a Member State or region.

(C) Provisions governing the election campaign

(a) Member States shall bear the organizational costs of elections, particularly the costs of printing and distributing the ballot papers and counting the votes.

(b) In the exercise of its right to independent internal organization and of its budgetary powers, the European Parliament shall provide the electorate with appropriate information on the activities, principles and objectives of the political forces operating within the European Parliament.

(c) The reimbursement by the Member States of the costs of the election campaign shall not be affected by these provisions. The Council shall reach a decision, on a proposal from the European Parliament, within two years following the implementation of the present proposal - pursuant to Article 13 of the Act of 20 September 1976 - on the reimbursement of the costs of the European election campaign incurred during the direct elections to the European Parliament.

Conclusions

In order to avoid the problems which have arisen in the past and have so far prevented the adoption of a draft uniform electoral procedure by the European Parliament, it should be pointed out that the concept of uniformity does not imply the adoption of an identical electoral procedure in the twelve Member States, but rather the establishment of common criteria on certain essential aspects of the electoral procedure.

In view of the difficulties which in some Member States the adoption of these common criteria could cause, it would be advisable to apply them gradually, beginning with those on which a possibility of consensus exists, such as the details of the right to vote and the right to stand for election.

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- (1) ECSC Treaty, Article 21(3)
EEC Treaty, Article 138(3)
EAEC Treaty, Article 108(3)
 - (2) Act of 20 September 1976, Article 7(1)
OJ No. L 278, 8.10.1976
 - (3) Document 1-988/81/A - PE 64.569/1/fin. of 10 February 1982
Document 1-988/81/B-C - PE 64.569/B+C/fin. of 26 February 1982
 - (4) Document A 2-1/85 - PE 94.297/A/fin. of 22 March 1985
 - (5) Document PE 111.992

