

Proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976

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The Committee on Constitutional Affairs adopted a second report by Andrew DUFF (ADLE, UK) on a proposal for a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage of 20 September 1976.

On 7 July 2011, the European Parliament postponed its vote on the draft resolution on the proposal and decided to refer the matter back to the Constitutional Affairs Committee for further discussion.

In this second report, Members recommend once again that the European Parliament should decide to reform its electoral procedure with the aim of enhancing the legitimacy and efficacy of Parliament by strengthening the European democratic dimension and by providing for a fairer distribution of seats among the States in accordance with the Treaties.

Pan-European lists: the committee proposes that 25 MEPs be elected by a single constituency formed of the whole territory of the European Union.

Pan-European lists would be composed of candidates drawn from at least one third of the States, and may ensure an adequate gender representation. Each elector would be enabled to cast one vote for the EU-wide list in addition to their vote for the national or regional list; and seats would be allocated without a minimum threshold in accordance with the D'Hondt method.

Further, the committee proposes that an electoral authority be established at EU level in order to regulate the conduct and to verify the result of the election taking place from the pan-European list.

Redistribution of seats (degressive proportionality): Parliament is empowered and obliged by the Lisbon Treaty to initiate a decision to redistribute seats among States within the constraints of threshold, ceiling and overall size, while respecting the principle of degressive proportionality. Members propose that Parliament, acting by a majority of its component Members, will initiate a proposal for a decision establishing its composition taking into account the accession of new Member States and on the basis of population figures established by Eurostat. This decision should be initiated during each parliamentary term and adopted, with its consent, before the end of the fourth calendar year of the parliamentary term.

Members suggest entering into a dialogue with the European Council to explore the possibility of reaching agreement on a durable and transparent apportionment of seats in Parliament respecting the criteria laid down in the Treaties and the principles of plurality between political parties and solidarity among States.

The report also suggests the following:

- that the date of the European elections shall be determined by the European Parliament, acting by a majority of its component Members and with the approval of the Council, no sooner than one year, and no later than six months, before the end of the five-year term;
- the need to promote the better representation of women and minority candidates;
- the importance of ensuring that political parties adhere to democratic principles in the selection of candidates at all levels;
- the Council, the Commission and States should intensify efforts to help EU citizens resident in a State other than their own to participate in the European elections in their country of residence; in this context, requests the Commission to submit a new proposal for the revision of Directive 93/109/EC;
- that the Protocol on Privileges and Immunities be amended with a view to establishing a uniform supranational regime for Members of the European Parliament.

In conclusion, the committee calls for the opening of a dialogue with the Council, with the participation of the Commission, on the comprehensive amendment of the Act concerning the election of the members of the European Parliament by direct universal suffrage. It notes the need to reach consensus in particular on the timing of the reforms, the overall size of the Parliament and seat apportionment within it (including a legal definition of degressive proportionality), and the voting system to be used for the pan-European constituency. It instructs a European Parliament delegation, appointed by the Conference of Presidents and empowered with a clear mandate, to initiate that dialogue with the Council.