

The election of Members of the European Parliament

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The elective principle in the founding treaties

As early as 1951, the Treaty establishing the European Coal and Steel Community (ECSC) provided for the possibility of electing representatives to the Common Assembly by direct universal suffrage. Article 21 of the Treaty states that ‘The Assembly shall be composed of delegates whom the parliaments of each of the member States shall be called upon to designate once a year from among their own membership, or who shall be elected by direct universal suffrage, according to the procedure determined by each respective High Contracting Party.’ In practice, no Member State opted to appoint its representatives by direct universal suffrage. Nevertheless, Article 13 of the Draft Treaty embodying the Statute of the European Political Community, adopted by the Ad Hoc Assembly on 10 March 1953, provided for the election of Members of the Peoples’ Chamber by universal, equal and direct suffrage, by secret ballot open to both men and women. But this treaty was abandoned after the French National Assembly rejected the Treaty establishing the European Defence Community in August 1954.

In 1958, the Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom) provided for the representatives to be appointed by and from among the members of the national parliaments, but also stipulated that ‘The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States’ (Articles 138 EEC and 108 Euratom). The Convention on certain institutions common to the European Communities provided for the replacement of the Common Assembly of the ECSC Treaty by a Single Assembly. This resulted in the harmonisation of Article 21 ECSC with Articles 138 EEC and 108 Euratom. ¹

Towards election by direct universal suffrage

On 17 May 1960, the European Parliamentary Assembly approved a resolution for the adoption of a draft agreement on the election of the Assembly by direct universal suffrage. ² The draft was forwarded to the Councils of the European Communities, but no further action was taken. Accordingly, pending a Council decision authorising direct elections, Members of the Assembly continued to be appointed by the national parliaments, in accordance with the procedure laid down by each Member State.

The allocation of own resources to the Communities, the strengthening of the Assembly’s budgetary power by the Budgetary Treaties of 22 April 1970 and 22 July 1975, the development of Community policies and the prospect of establishing a European Union raised questions as to how appropriate it was for Member State representatives to hold a ‘dual mandate’ at national and European level. At the Paris Summit on 19 and 20 October 1972, the Member States reaffirmed their determination to base the development of their Community on democracy and to establish a European Union by 1980. Two years later, meeting again in Paris on 9 and 10 December 1974, they called on the European Parliament to submit a further proposal to the Council, which was invited to adopt it in 1976.

On 20 September 1976, based on the new draft agreement submitted by the European Parliament, the Council adopted the decision on the Act concerning the election of the representatives of the Assembly by direct universal suffrage. The first elections were held from 7 to 10 June 1979. Since then, European elections have been held every five years. They take place on a date set by each Member State within a period from Thursday morning to Sunday evening.

The application of voting by direct universal suffrage is not absolute; there may be derogations in certain specific cases, particularly when the European elections take place after a new Member State

¹ Article 2 of the Convention on certain institutions common to the European Communities, signed in Rome on 25 March 1957. In *Mémorial du Grand-Duché de Luxembourg*, 3 December 1957, No 69.

² OJ P No 37 of 2 June 1960, p. 825/60.

accedes to the European Union. Notwithstanding the general provisions, between the date of accession and the next European elections, the representatives of a new Member State in the European Parliament are appointed by its national parliament according to a procedure determined by the state.³

³ For example: Article 21 (3) of the Protocol concerning the conditions and arrangements for admission of Bulgaria and Romania to the European Union, annexed to the Treaty concerning the accession of the Republic of Bulgaria and Romania of 25 April 2005, OJ L 157 of 21 June 2005, p. 29; and Article 19 (2) of the Act concerning the conditions of accession to the European Union of the Republic of Croatia. OJ L 112 of 24 April 2012, p. 21.