



Plenary sitting

A8-0248/2018

2.7.2018

RECOMMENDATION

on the draft Council decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (09425/2018 - C8-0276/2018 - 2015/0907(APP))

Committee on Constitutional Affairs

Rapporteurs: Danuta Maria Hübner and Jo Leinen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6
PROCEDURE – COMMITTEE RESPONSIBLE.....	8
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	9

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (09425/2018 – C8-0276/2018 – 2015/0907(APP))

(Special legislative procedure – consent)

The European Parliament,

- having regard to the draft Council decision (09425/2018),
 - having regard to the request for consent submitted by the Council in accordance with Article 223(1) of the Treaty on the Functioning of the European Union (C8-0276/2018),
 - having regard to its resolution of 11 November 2015 on the reform of the electoral law of the European Union and to the annexed proposal for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage¹,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, the Luxembourg Chamber of Deputies, the Netherlands Senate, the Netherlands House of Representatives, the Swedish Parliament, the United Kingdom House of Commons and the United Kingdom House of Lords, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 99(1) and (4) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Constitutional Affairs (A8-0248/2018),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 366, 27.10.2017, p. 7.

EXPLANATORY STATEMENT

In November 2015, Parliament adopted a proposal for the reform of EU electoral law that aimed to encourage citizens' participation, to reinforce the European dimension of elections, to make Parliament's own functioning more efficient, and to improve the conduct of elections. It was a necessary and much awaited step forward for European citizens, who in the past 40 years have been electing Members of European Parliament under the same old mainly national rules.

After almost three years of intensive negotiations, the Council finally reached an agreement on this crucial reform for European citizens and the Parliament. This is a victory in itself bearing in mind the constraints of the procedure contained in Article 223 of the Treaty on the Functioning of the European Union, which requires a unanimous position of the Member States.

Most importantly, this is the first successful attempt of Parliament to modernize the rules for the election of Members of the European Parliament since the adoption of the Electoral Act in 1976. It is a door-opener for a gradual and comprehensive reform of European elections. The draft Council decision was the maximum that could be achieved in the current political context and with the constraints of the procedure.

The draft Council decision amending the 1976 Act on the election of Members of European Parliament by direct universal suffrage contains a number of positive elements that will significantly improve the character and the conduct of European elections in the future:

- The text is fully in line with the constitutional and electoral traditions of the Member States;
- With the new rules citizens will finally be more aware of the link between the national parties and candidates running in the elections and their affiliation with a European political party. By accepting this proposal, we open the door for European issues to gradually replace national ones in the debate on European elections;
- European elections will also become more accessible, with the possibility to introduce electronic and postal voting. This would mean that electoral turnout will increase and more citizens will have the possibility to cast their vote in a secure and comfortable manner;
- Giving voting rights to EU citizens residing in third countries would have a profound impact on electoral participation, as more than 1.4 million EU-citizens are residing permanently in Switzerland alone. This important possibility is now acknowledged and is likely to be applied by many Member States after the entry into force of the new provisions;
- The minimum deadline for the establishment of electoral lists will act as a safeguard against arbitrary last-minute decisions by national parties in the Member States;

- Measures against double voting will strengthen citizens' trust in the electoral process;
- The designation of a contact authority for exchanging data on voters and candidates would ensure better coordination of national electoral authorities and would also dissuade the possibilities for double voting;
- The threshold would render electoral conditions more equal for political parties in all Member States. It would also create more equality regarding the weight that each citizens' vote carries for the election of Members of Parliament;
- The draft Council Decision is a Union Act, contrary to the intergovernmental character of the Act concerning the elections of members of European Parliament by direct universal suffrage. Therefore, the ECJ would have jurisprudence on those parts of the Electoral Act amended by the draft Council Decision. This gives citizens legal certainty.

Even though more ambition from the Council would have been expected, the European Parliament should now swiftly give its consent and thus show that, even within the currently difficult political context, European democracy can be improved step by step. The decision should be seen as a stepping stone rather than as an end point.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Reform of the electoral law of the European Union	
References	09425/2018 – C8-0276/2018 – 2015/0907(APP)	
Date of consultation / request for consent	18.6.2018	
Committee responsible Date announced in plenary	AFCO	
Rapporteurs Date appointed	Jo Leinen 26.2.2015	Danuta Maria Hübner 26.2.2015
Discussed in committee	20.6.2018	
Date adopted	2.7.2018	
Result of final vote	+: 15 -: 8 0: 1	
Members present for the final vote	Gerolf Annemans, Mercedes Bresso, Elmar Brok, Richard Corbett, Pascal Durand, Esteban González Pons, Danuta Maria Hübner, Alain Lamassoure, Jo Leinen, Maite Pagazaurtundúa Ruiz, Markus Pieper, Paulo Rangel, Helmut Scholz, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Guy Verhofstadt	
Substitutes present for the final vote	Max Andersson, Ashley Fox, Jérôme Lavrilleux, David McAllister, Cristian Dan Preda	
Substitutes under Rule 200(2) present for the final vote	Daniela Aiuto, Jonás Fernández, Birgit Sippel	
Date tabled	2.7.2018	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

15	+
NI	Kazimierz Michał Ujazdowski
PPE	Elmar Brok, Esteban González Pons, Danuta Maria Hübner, Alain Lamassoure, Jérôme Lavrilleux, Markus Pieper, Paulo Rangel, György Schöpflin
S&D	Mercedes Bresso, Richard Corbett, Jonás Fernández, Jo Leinen, Pedro Silva Pereira, Birgit Sippel

8	-
ALDE	Maite Pagazaurtundúa Ruiz, Guy Verhofstadt
ECR	Ashley Fox
ENF	Gerolf Annemans
GUE/NGL	Helmut Scholz, Barbara Spinelli
VERTS/ALE	Pascal Durand, Josep Maria Terricabras

1	0
EFDD	Daniela Aiuto

Key to symbols:

+ : in favour

- : against

0 : abstention