

## Act concerning the election of the representatives of the European Parliament by direct universal suffrage (20 September 1976) — Consolidated version 1997

**Caption:** Consolidated version of the Act of 20 September 1976, as last amended by Article 5 of the Treaty of Amsterdam.

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Consolidation CVCE.

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**Last updated:** 10/06/2014

## Act concerning the election of representatives of the European Parliament by direct universal suffrage

[Consolidated version incorporating the Act of 20 September 1976 (OJEC L 278 of 08.10.1976, p. 5) and amendments introduced by Article 10 of the Act of Accession of Greece to the European Communities, by Article 10 of the Act of Accession of Spain and Portugal to the European Communities, by Decision 93/81/Euratom, ECSC, EEC of the Council of 1 February 1993 (OJEC L 33 of 09.02.1993, p. 15), by Article 11 of the Act of Accession of Austria, Sweden and Finland to the European Union and by Article 5 of the Treaty of Amsterdam of 2 October 1997 (OJEC C 340 of 10.11.1997, p. 1).]

### Article 1

The representatives in the European Parliament 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	25
Denmark	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15
Italy	87
Luxembourg	6
Netherlands	31
Austria	21
Portugal	25
Finland	16
Sweden	22
United Kingdom	87

In the event of amendments to this Article, the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the States brought together in the Community.

### 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 European Parliament 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 European Parliament shall be compatible with membership of the 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 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 Community and of the European Atomic Energy Community,

— member of the Committee of the Regions,

— member of committees or other bodies set up pursuant to the Treaties establishing the European Coal and Steel Community, the European 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 European Parliament 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 190(4) of the Treaty establishing the European Community and 108(3) of the Treaty establishing the European Atomic Energy Community, the European Parliament shall draw up a proposal for a uniform electoral procedure.

2. Pending the entry into force of a uniform electoral procedure or a procedure based on common principles 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 European Parliament.

#### **Article 9**

1. Elections to the European Parliament 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 European Parliament, the first ballot must take place during the period referred to in paragraph 1.

#### **Article 10**

1. The Council, acting unanimously after consulting the European Parliament, 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 European Parliament, 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 196 of the Treaty establishing the European Community and Article 109 of the Treaty establishing the European Atomic Energy Community, the European Parliament 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 European Parliament shall cease upon the opening of the first sitting of the new European Parliament.

#### **Article 11**

Pending the entry into force of the uniform electoral procedure or the procedure based on common principles referred to in Article 7, the European Parliament 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 or the procedure based on common principles referred to in Article 7 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 European Parliament, which shall take note of that fact.

In all other cases, the European Parliament 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 European Parliament after consulting the Commission, shall adopt such measures after endeavouring to reach agreement with the European Parliament in a conciliation committee consisting of the Council and representatives of the European Parliament.

### **Article 14**

Article 21(1) and (2) of the Treaty establishing the European Coal and Steel Community, Article 190(1) and (2) of the Treaty establishing the European 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 European Parliament 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.

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 negentienhonderdzesenzeventig.

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

[signature: R. VAN ELSLANDE]

For kongeriget, dets repræsentant  
kongeriget Danmarks udenrigsøkonomiminister

[signature: Ivar NØRGAARD]

Für die Bundesrepublik Deutschland, ihr Vertreter  
Der Bundesminister des Auswärtigen der Bundesrepublik Deutschland

[signature: Hans-Dietrich GENSCHER]

Pour la République française, son représentant  
le ministre des affaires étrangères de la République française

[signature: Louis DE GUIRINGAUD]

For Ireland, its Representative  
Thar ceann na hÉireann, a hIonadaí  
The Minister for Foreign Affairs of Ireland  
Aire Gnóthaí Eachtracha na hÉireann

[signature: Gearóid MAC GEARAILT]

Per la Repubblica italiana, il suo rappresentante  
il ministro degli Affari esteri della Repubblica italiana

[signature: Arnaldo FORLANI]

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

[signature: Jean HAMILIUS]

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

[signature: L. J. BRINKHORST]

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

[signature: A. CROSLAND]

## ANNEX I

The Danish authorities may decide on the dates on which the election of Members to the European Parliament shall take place in Greenland.

## **ANNEX II**

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

## **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>

### **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.

<sup>(1)</sup> OJ C 89, 22.4.1975, p. 1