

Council Decision on certain provisions relating to a uniform electoral procedure (10 March 1982)

Caption: In the light of the European Parliament's draft text, the Council decides upon certain provisions for a uniform electoral procedure for the election of Members of the European Parliament, recommending that these procedures be adopted by Member States in line with their respective constitutional rules.

Source: Official Journal of the European Communities (OJEC). 05.04.1982, n° C 87. [s.l.]. "Proposal for a Decision and Draft Act adopting certain provisions relating to a uniform electoral procedure for the election of Members of the European Parliament (10 March 1982)", auteur:Council of the European Communities , p. 61.

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Proposal for a Decision and Draft Act adopting certain provisions relating to a uniform electoral procedure for the election of Members of the European Parliament (10 March 1982)

Proposal for a Decision

THE COUNCIL,

- having regard to Article 21 (3) of the Treaty establishing the European Coal and Steel Community;
- having regard to Article 138 (3) of the Treaty establishing the European Economic Community;
- having regard to Article 108 (3) of the Treaty establishing the European Atomic Energy Community;
- having regard to Article 7 (1) of the Act concerning the election of the representatives of the Assembly by direct universal suffrage;
- having regard to Parliament's draft;

has laid down the provisions annexed to this Decision which it recommends to the Member States for adoption in accordance with their respective constitutional requirements.

This Decision and the provisions annexed hereto shall be published in the *Official Journal of the European Communities*.

The Member States shall notify the Secretary-General of the Council of the European Communities without delay of the completion of the procedures necessary in accordance with their respective constitutional requirements for the adoption of the provisions annexed to this Decision.

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Draft Act adopting certain provisions relating to a uniform electoral procedure for the election of Members of the European Parliament

Part I

The electoral system

Article 1

The parliamentary representatives of the peoples of the States brought together in the Community shall be elected in accordance with the system laid down by this Act, by the Act of 20 September 1976 and, in the absence of Community provisions, by national provisions.

Article 2

1. In each Member State the representatives shall be elected by proportional representation.
2. The Member States shall be divided into multi-member constituencies in which a minimum of three and a maximum of fifteen representatives shall be elected.

The Member States shall decide how their territory is to be divided into constituencies.

3. The Member States shall lay down the conditions for combining at national level the lists submitted in the various constituencies.

4. The Member States shall lay down the conditions for the submissions of lists.
5. Each elector shall have one vote. The Member States may make provision for preferential voting within a list.

Article 3

1. Seats shall be allocated to each list or combination of lists in accordance with the d'Hondt system, taking account of the total number of votes secured by the list or combination of lists at national level.

The seats allocated to individual lists or combined lists shall be divided between the number of seats fixed for each constituency on the basis of the number of votes secured in the constituencies.

2. Seats shall be allocated within a list on the basis of the order of the names on the list. In the case of preferential voting, the seats shall be allocated on the basis of the number of votes secured by each of the candidates on the list concerned. Where the number of votes is identical, seats shall be allocated in the order in which the candidates were nominated.

3. If a seat falls vacant, it shall be filled in accordance with the provisions of paragraph 2. The same shall apply to the replacement of such Members to whom, in the course of the term of office, Article 6 (1) of the Act of 20 September 1976 and Article 6 (4) of this Act shall apply.

Article 4

1. The introduction of a threshold below which a list obtains no seats shall be left to the discretion of the Member States.

2. In order to take account of special geographical or ethnic factors recognized by the constitution (1) of a Member State, measures deviating from the provisions of Articles 2 and 3 may be adopted by that State.

Part II

Other aspects of electoral procedure

Article 5

1. The Member States shall grant their nationals the right to vote irrespective of their place of residence provided that this place of residence is situated in a Member State of the European Community.
2. The Member States shall take all the necessary measures to enable nationals resident outside the country whose nationality they hold to exercise their right to vote, without difficulty, in the country whose nationality they hold.

Article 6

1. The Member States shall grant their nationals the right to stand for election irrespective of their place of residence.
2. The Member States shall grant the right to stand for election to nationals of another Member State who have been resident on their territory for at least five years.
3. Nationals of a Member State may stand for election in one Member State only.
4. Member States may lay down rules at national level relating to incompatibility supplementing the provisions of Article 6 (1) of the Act of 20 September 1976.

Article 7

1. Elections to the European Parliament shall be held on the date fixed by each Member State. This date shall fall within the same period of two days, starting on a Sunday morning and ending on the Monday evening.

2. The counting of votes may not begin until after the close of polling stations in the Member State whose electors are the last to vote within the period referred to in paragraph 1.

Article 8

Parliament shall verify the credentials of representatives. For this purpose it shall take note of the election results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act and out of the Act of 20 September 1976 other than those arising out of national provisions to which these Acts refer.

Article 9

The provisions of Article 6 (2) and (3), Article 7, Article 9, Article 11 and Article 12 (1) of the Act of 20 September 1976 are hereby repealed.

(¹) The term 'constitution' covers written and unwritten constitutions in addition to laws relating to the constitution.