

Noticeboard: A Competition about the European Parliament's Electoral Procedure

From the very beginning, i.e. since Article 21(III) of the Treaty Establishing the European Coal and Steel Community of 18 April 1951, the European integration process was to include a parliament elected 'by direct universal suffrage in accordance with a uniform procedure in all Member States'.¹ However, it took until 1979 for the first *direct* elections to take place. Before that, the European Parliament consisted of delegates nominated by and from among members of the national parliaments of the Member States.

What is more important, to this very day, there is no '*uniform procedure*' in European elections.² Quite to the contrary, the procedures differ substantially from one Member State to another and are frequently not even the same as for the national parliamentary elections in those Member States.³ Some harmonization, for example with respect to nationality rules on the eligibility to stand as a candidate and with respect to age limits for voters, has been achieved on the basis of Article 8b of the EC Treaty and Council Directive 93/109. However, many important differences between the procedures in the various Member States remain.⁴ Some Member States apply thresholds – usually 5 per cent – below which smaller parties cannot send any delegates to the European Parliament, other Member States do not. This has contributed to a situation where in the present Parliament, 14 Italian parties are represented while only four German parties were able to send delegates. In some Member States the lists are drawn up by the parties and cannot be modified by the voters, in others the voters can give their own preferences and/or can vote for independent candidates. Some Member States allow parallel membership in the national and in the European Parliament, others forbid it. Important differences can

¹ *Ibid.*, cf. also the identical provisions in Art. 138(III) of the EC Treaty and Art. 108(III) of the Euratom Treaty.

² The fault for this situation lies not with the European Parliament which submitted a first proposal for direct elections as early as 1961 (in the Dehousse Report) and have already twice submitted proposals for a uniform procedure. However, all proposals have been substantially delayed or completely blocked in the Council.

³ The most striking example is France, where national parliamentary elections are conducted on the basis of a majority system in two rounds within some 577 single member constituencies, whereas the elections for the European Parliament in France have been conducted on the basis of a proportional system with the whole country as one constituency.

⁴ For more details see the excellent book by Corbett *et al.*, *The European Parliament*, (London, 1995, 3rd ed.) in particular at pp. 13 et seq.

finally be found in the national rules on the financing of election campaigns and the availability of public money for certain party expenses.

There can be no doubt that the differences in election procedures not only have an impact on the composition of the European Parliament and thus its political priorities and the outcome of its work but are also delaying the development of a European *democracies*. The fact that to this day European elections are won or lost mostly on the basis of national rather than European campaigns and issues is partly due to these differences. Therefore, it would be strongly desirable to finally move to a direct and uniform procedure for European Parliament elections.

On 15 July 1998, the European Parliament (General Assembly) adopted a Resolution on a Draft Electoral Procedure Incorporating Common Principles for the Election of Members of the European Parliament.⁵ This reform, if adopted unanimously by the Council and then ratified by all Member States, would introduce a general system of proportional representation and thus constitute a major step forward. However, the proposal leaves many things unsaid and does not nearly go as far as for example Article 189 suggests for directives: it does not prescribe a result to be achieved and thus leaves much more than a choice of form and methods to the national authorities. The proposal would thus seem either an all too timid first step in a long procedure of reform or as a mistake altogether. Given the fact that the envisaged elections in 2004 are probably the last elections with just 15 Member States, it seems that more substantial reform should be sought.

To contribute to the search for an adequate compromise between the differing national systems and preferences, the *EJLR* is hereby announcing a competition. Individuals and teams at law schools, international, and national organizations are invited to submit draft proposals corresponding to the mandate given in the abovementioned Treaty articles.

These proposals should take into account all drafts previously submitted by the European Parliament itself and by other sources, in particular from academic origin, as well as the reasons why none of them has yet succeeded to win general support in the Council and the Member State governments.

An international board of experts will evaluate all proposals for their feasibility and originality and the *EJLR* will publish the most interesting ones. The best overall proposal will be rewarded with book vouchers for Kluwer Law International publications in the amount of £500. In addition, the author(s) of the most original idea will receive book vouchers in the total amount of £250. Finally, and this is the whole point, European integration will be stimulated, the debate about the best procedure for direct and uniform European elections will receive not only some fresh input but – hopefully – some decisive ideas to overcome the present problems.

Interested?

Please submit your proposals no later than 30 September 1999 to this Journal.

⁵ A4-0212/98.