

RESOLUTION

on the adoption of a draft convention introducing elections to the European Parliament by direct universal suffrage

I

The European Parliament,

- having regard to the report of its Political Affairs Committee (Doc. 368/74),
- reaffirms its conviction that the process of European unification cannot succeed without the direct participation of the peoples affected,
- therefore considers a European Parliament elected by direct universal suffrage as an indispensable element in achieving further progress towards integration and establishing a better equilibrium between the Community institutions on a democratic basis,
- in pursuance of the task assigned to it by the Treaties establishing the European Communities,
- having regard to the need to adapt the draft convention of 1960 to the changed circumstances as they now exist,
- replaces the draft convention it adopted on 17 May 1960 ⁽¹⁾ by the following;

**DRAFT CONVENTION ON THE ELECTION OF MEMBERS OF THE EUROPEAN
PARLIAMENT BY DIRECT UNIVERSAL SUFFRAGE**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

- resolved to take the freely expressed will of the peoples of the Member States of the European Communities as the justification for the mission entrusted to the European Parliament;
- anxious to emphasize the representative character of the European Parliament by the election of its members by direct universal suffrage;
- having regard to Articles 21 (3) and 96 of the Treaty establishing the European Coal and Steel Community;
- having regard to Articles 138 (3) and 236 of the Treaty establishing the European Economic Community;
- having regard to Articles 108(3) and 204 of the Treaty establishing the European Atomic Energy Community;
- having regard to the draft prepared by the European Parliament and adopted by it on 14 January 1975;

has drawn up the following provisions which it recommends the Member States to adopt:

CHAPTER I

General provisions

Article 1

The representatives of the peoples in the European Parliament shall be elected by direct universal suffrage.

Article 2

1. The number of representatives elected in each Member State shall be as follows:

Belgium	23
Denmark	17
Germany	71
France	65
Ireland	13
Italy	66
Luxembourg	6
Netherlands	27
United Kingdom	67

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⁽¹⁾ OJ No 37, 2. 6. 1960, p. 834/60.

2. The Parliament, the Commission or the Government of any Member State may propose to the Council changes in the number of members provided for in paragraph 1.

Amendments to this convention shall be made pursuant to the procedure provided for in Article 14 of this convention.

Article 3

1. Representatives shall be elected for a term of five years.

2. The five-year legislative period shall begin at the opening of the first session following each election.

Article 4

1. Representatives shall vote on an individual and personal basis. They shall accept neither instructions nor any binding mandate.

2. National legislation shall ensure that the representatives receive the same guarantees as to independence, indemnity and immunity as their counterparts in the national Parliaments.

Article 5

Membership of the European Parliament shall be compatible with membership of a 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 at 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 Economic Community and of the European Atomic Energy Community;
- member of committees or other bodies set up in pursuance of the Treaties establishing the European Coal and Steel Community, the

European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent and 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. Subject to the entry into force of special rules pursuant to Article 7 (1) of this Convention, the provisions of each Member State relating to incompatibility with a national parliamentary mandate shall be applied.

3. Representatives of the European Parliament appointed, in the course of a legislative period, to any of the offices mentioned above shall be replaced under the terms of Article 12.

CHAPTER II

Electoral system

Article 7

1. The European Parliament shall draw up a proposal for a uniform electoral system by 1980 at the latest. The Council shall unanimously lay down the appropriate provisions, which it shall recommend to the Member States for adoption in accordance with their constitutional requirements.

2. Pending the entry into force of this uniform electoral system and subject to the other provisions of this convention, the electoral system shall fall within the competence of each Member State.

Article 8

The provisions governing the admission of political parties to elections in each Member State shall apply to elections to the European Parliament.

Article 9

1. Elections to the European Parliament shall be held on the same day in all Member States.

2. Any Member State may, however, decide to hold the elections one day earlier or later than the fixed date or to spread them over two consecutive days including that day.

3. The Council shall make arrangements in accordance with the procedure laid down in Article 14, to ensure that the election results are declared at one and the same time.

Article 10

1. Elections to the European Parliament shall be held not later than one month before the end of each legislative period.

2. The European Parliament shall sit automatically on the first Tuesday following an interval of one month from the last day of the elections.

3. The outgoing European Parliament shall remain in office until the first sitting of the new Parliament.

Article 11

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7 (1), the European Parliament shall verify the credentials of representatives and rule on any disputes that may arise in this connection.

Article 12

Pending the entry into force of the uniform electoral system to be adopted in accordance with Article 7 (1) and subject to the other provisions of this convention, the Member States shall lay down appropriate procedures for filling any seat which falls vacant during a legislative period.

CHAPTER III

Transitional and final provisions

Article 13

1. Subject to the provisions of Article 9, the first elections to the European Parliament shall be held not later than the first Sunday of May, 1978.

2. The date of subsequent elections shall be fixed, taking account of Articles 3, 9 and 10, in accordance with the procedure laid down in Article 14.

Article 14

Should reference be made to the procedure laid down in this Article or should it appear that further measures are required to implement direct elections to the European Parliament in accordance with this convention and if the necessary powers are not provided, the Council shall, acting unanimously on a proposal from the European Parliament and with its approval, make the appropriate provisions. The Council shall consult the Commission before making its decision.

Article 15

1. The following provisions stand repealed by the present convention: Article 21 (3) of the Treaty establishing the European Coal and Steel Community, Article 138 (3) of the Treaty establishing the European Economic Community, and Article 108 (3) of the Treaty establishing the European Atomic Energy Community.

2. Article 21 (1 and 2) of the ECSC Treaty, Article 138 (1 and 2) of the EEC Treaty, and Article 108 (1 and 2) of the EAEC Treaty shall be repealed on the date fixed in Article 10 (2).

Article 16

This convention is drawn up in the Danish, Dutch, English, French, German, Irish and Italian languages, all seven texts being equally authentic.

Article 17

1. This convention shall be ratified by the Member States in accordance with their respective constitutional requirements.

2. The instruments of ratification shall be deposited with the Government of the Italian Republic, which shall inform the signatory States and the institutions of the European Communities when this has been done.

3. This convention shall enter into force on the day the instrument of ratification is deposited by the last signatory State to carry out this formality.

II

The European Parliament,

- instructs its Political Affairs Committee to establish appropriate contacts with the Council and the Member States with a view to securing the early adoption of the draft convention,
- urges the Council to establish the appropriate contacts with the European Parliament immediately if, in its opinion, changes should be made to the draft convention,
- instructs its Political Affairs Committee to bring forward a supplementary report when modifications of the draft convention appear to be necessary,
- instructs its Political Affairs Committee immediately to carry out the necessary preliminary work for the introduction of a European electoral system,
- instructs its President to forward this resolution, together with the draft convention and the report of its committee, to the Council and Commission of the European Communities and to the Parliaments and Governments of the Member States.

Change in agenda

At the request of Mr Spinelli, *Member of the Commission of the European Communities*, Parliament decided that the joint debate on the two oral questions on the Community's attitude to South Africa (Doc. 422/74 and Doc. 421/74) should be held during the sitting of Wednesday, 15 January 1975, as the fourth item on the agenda following consideration of the oral question with debate put by the Committee on Public Health and the Environment (Doc. 417/74).

Agenda for next sitting

The President announced the following agenda for the next sitting on Wednesday, 15 January 1975:

12 noon and 3 p.m.:

- Question Time;
- report by Mr Radoux on the results of the Paris summit conference;
- oral question with debate on the Committees on Implementing Provisions;
- joint debate on:
 - oral question to the Council on the Community's attitude to South Africa;
 - oral question to the Commission on the Community's attitude to South Africa;
- oral question with debate on the code of conduct for maritime transport conferences;
- oral question with debate on the status of women.

The sitting was closed at 8.10 p.m.

H. R. NORD
Secretary-General

Cornelis BERKHOUWER
President