
The Reform of the Electoral Law of the European Union

European Added Value Assessment
accompanying the
legislative own-initiative Report
(Co-Rapporteurs Danuta Hübner
and Jo Leinen)

IN-DEPTH ANALYSIS

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European Added Value Unit

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In-Depth Analysis

Abstract

The legislative initiative report on the "Reform of the Electoral Law of the European Union", drawn-up by the Committee on Constitutional Affairs calls for amendment of the Act concerning the election of Members of the European Parliament by direct universal suffrage. In this report, the Co-Rapporteurs Danuta Hübner and Jo Leinen propose a number of measures with the aim of enhancing the democratic nature of the European elections; reinforcing the legal status of citizenship of the Union; improving the functioning of the European Parliament and the governance of the Union; strengthening the legitimacy and efficiency of the European Parliament; enhancing the effectiveness of the system for conducting European elections and providing for greater electoral equality for the citizens of the Union.

The arguments in support of the proposals of the European Parliament are set out in detail in this European Added Value Assessment.

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On 6 November 2014, the Committee on Constitutional Affairs (AFCO) decided to draw up a legislative initiative report on the "Reform of the EU Electoral Law" (Co-Rapporteurs Danuta Hübner and Jo Leinen). The aim of the report is to draft proposals for changes, pursuant to article 223 TFEU, to the electoral law of the European Union as it is laid down in the 1976 Electoral Act concerning the election of the representatives of the European Parliament by direct universal suffrage" of 1976, as amended in 2002.

The arguments in favour of the proposals of the European Parliament are set out in detail in this European Added Value Assessment.

This paper has been drawn up by the **European Added Value Unit** of the Directorate for Impact Assessment and European Added Value, within the European Parliament's Directorate-General for Parliamentary Research Services.

This assessment draws on previous work and documents provided by the Citizens Policies Unit in the Members Research Service, the Library of the European Parliament and by Policy Department C for Citizens' Rights and Constitutional Affairs.

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Executive summary

Although the Treaties foresee the possibility of a uniform electoral procedure, elections to the European Parliament are determined by national electoral rules, which differ considerably from one Member State to the next. The discrepancies in national procedures make for a very complex overall process of electing Members of the European Parliament. Moreover, problems arise given the nature of political debates ahead of the European elections, tending to focus on domestic issues and ignoring to a large extent, the impact, which decisions at EU level have on national policies. These deficiencies touch upon core founding principles of the EU, such as the equality of citizens, the notion of European citizenship and the democratic character of the elections. They also prevent matters that concern the livelihoods of all Europeans from being brought to the forefront of the debate, as well as hindering the development of a genuine European dimension to the elections.

Article 223 (1) TFEU gives the European Parliament the right to initiate a reform of European electoral law. The Committee on Constitutional Affairs has decided to draft a legislative initiative report to this effect. The Co-Rapporteurs Danuta Hübner and Jo Leinen have proposed a number of measures with the aim of enhancing the democratic nature of the European elections; reinforcing the legal status of citizenship of the Union; improving the functioning of the European Parliament and the governance of the Union; strengthening the legitimacy and efficiency of the European Parliament; enhancing the effectiveness of the system for conducting European elections and providing for greater electoral equality for the citizens of the Union.

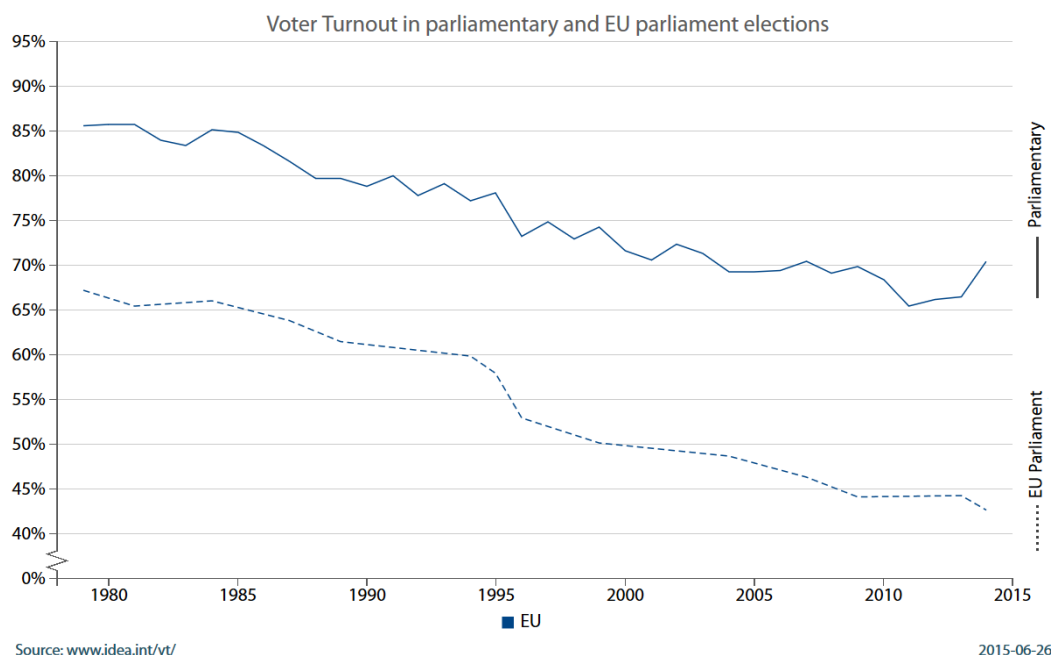
This paper describes the European Added Value of possible changes to the EU's electoral law. It does so by analysing: a) the impact of proposed modifications with respect to these goals, and; b) the necessary level of intervention (action at Member State or EU level, binding or non-binding measures); c) the feasibility of certain actions addressing the heterogeneity of Member States legislation (in particular, linked to the necessity to revise Member States Constitutions).

Introduction

The European Parliament is a unique body in many respects. It is the only directly-elected international assembly in the world. It is also the only directly elected Institution of the European Union. But more importantly, over the years, its role and importance in the decision-making have increased exponentially. With the Treaty of Lisbon, Parliament was given increased legislative powers (40 new fields of co-decision and the right to reject/approve international agreements), budgetary powers (on an equal footing with the Council of Ministers in deciding what the EU does and how money is spent) and “elective” powers (the EP elects the President of the European Commission), making it an essential pillar of the EU’s Institutional framework.¹

With over 400 million citizens having the opportunity to choose the “representatives of the Union citizens”² and thus to have their say on where Europe is headed, the European Parliament elections is one of the largest democratic events in the world, second only to India. Yet, these elections, similarly to national elections in most Member States draw a record of declining participation rates.

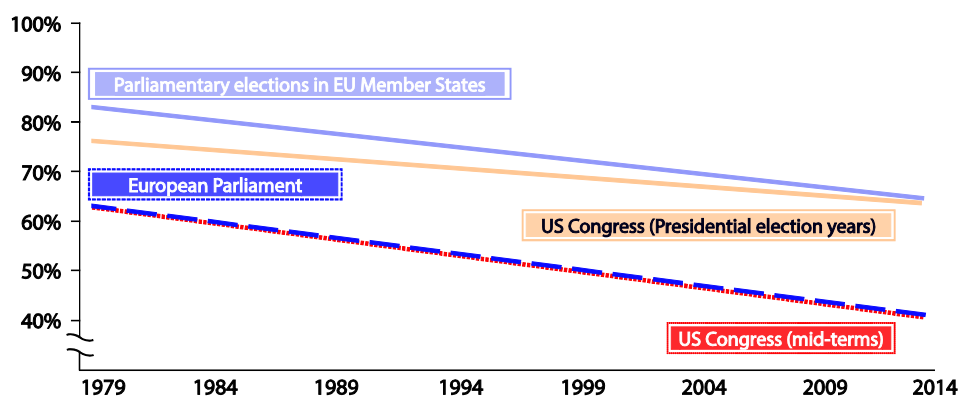
Figure 1: Voter turnout in parliamentary and EU parliament elections



Note: The average across the Member States refers to parliamentary elections for all countries, except for Cyprus (only presidential elections), France, Portugal and Romania (both parliamentary and presidential elections).

¹ See for a general overview of the evolvement of Parliament's powers S. Hix and V. Hoyland, "[Empowerment of the European Parliament](#)", Annual Review of Political Science, Vol. 16, 2013.

² Article 14 (2) Treaty on the European Union (TEU).



Source: *European Parliament: Facts and Figures*, EPRS, November 2014

Since the introduction of direct elections to the EP in 1979, the framework for European elections relies on the "Act concerning the election of the representatives of the European Parliament by direct universal suffrage" of 1976, as amended in 2002³ (European Electoral Act). Another key component is Council Directive 93/109/EC (as amended in 2012), which concerns the formalities to be met by the European Union citizens wishing to vote or stand as candidates in the European elections in a Member State of which they are not nationals. These documents set out a number of basic common rules and principles. However, the procedure for the European elections is largely governed by national legislation.

Elections to the EP are to a great extent governed by national rules, which has led many to conclude that European elections are rather a collection of national elections.⁴ EU law establishes only some basic common principles. European elections are conducted throughout the European Union on a proportional basis and in the same "electoral period". The discrepancies in the electoral procedures in the Member States make the process of electing Members of European Parliament very diverse. Elections do not take place necessarily on the same day; the conditions of the right to vote or to stand as a candidate, the reasons and conditions for disenfranchisement, the deadlines for registering to vote, the type of ballot structure, the method used for the allocation of seats or the minimum threshold for the allocation of seats, differ, sometimes greatly, from Member State to Member State.⁵

³ [Act concerning the election of the representatives of the Assembly by direct universal suffrage.](#)

⁴ Organization for Security and Co-operation in Europe (OSCE), [European Union, European Parliament Elections, 4-7 June 2009: Expert Group Report](#), September 2009; K.-F. Oelbermann, A. Palomares, F. Pukelsheim, "The 2009 European Parliament elections: From votes to seats in 27 ways", *Evropská volební studia – European Electoral Studies*, 5 (2010), 148–182.

⁵ W. Lehmann, [The European elections: EU legislation, national provisions and civic participation](#), European Parliament Policy Department C Citizens' rights and constitutional affairs, PE 493.047, Brussels: European Parliament, 2014.

Apart from the diversity in electoral procedures, problems also arise from the political context and the related political debates ahead of the European elections. EP election campaigns are focused mainly on national issues. Citizens vote for domestic candidates, belonging to national parties. There is little, if any, visibility of the candidates' affiliation to European parties and very often, voters are unaware of which stance their preferred candidates would take on important matters that are decided in Brussels and Strasbourg.⁶

These issues can prove particularly problematic as they touch upon core founding principles of the EU, such as the Union citizenship, the equality of citizens, and the democratic character of the elections. They hinder discussion on matters that affect the livelihood of Europeans and from developing a genuine European dimension of the elections. This, on the other hand, has led to a certain 'mismatch' between the underlining goal of European elections, which is to elect a parliamentary chamber representing Union citizens and their preferences on EU politics and thus to provide the EU decision-making with more democratic legitimacy, and the way how elections actually operate.⁷ As a result, low turnout and second-order character of European elections have been often used to put into doubt the democratic legitimacy of Parliament itself. Whilst many of these problems can be addressed only by the political actors taking part in European elections, the electoral law is an important instrument to remedy many of these flaws.⁸ Indeed 'electoral engineering' cannot solve all problems inherent to the European elections as elections to a supranational legislative body as the European Parliament, but electoral procedures are all but institutionally and politically neutral⁹ so that a change in the form of European elections will surely lead also to changes in their substance as truly European elections.¹⁰ The way to address this conundrum has been discussed many times in the past in different fora, including the European Parliament itself. In fact, the Treaty of Rome and all subsequent Treaties have given the European Parliament the right – and in a way the responsibility – to put forward proposals “to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all member States” or, since the Treaty of Amsterdam “in accordance with principles common to all Member States” (Article 223(1) TFEU). In line with this mandate, Parliament has made efforts in recent years to enhance the uniformity of electoral rules for the EP elections and to elevate the European challenges at the centre of electoral debates.

⁶ D. Schleicher, What if Europe Held an Election and No One Cared?, *Harvard International Law Journal* Vol. 52, Num. 1, 2011, p. 138.

⁷ *Ibidem*, p. 139.

⁸ K.-F. Oelbermann and F. Pukelsheim, *Future European Parliament Elections: Ten Steps Towards Uniform Procedures*, 2011. See a general overview over electoral engineering, M. Gallagher, P. Mitchell, *The Politics of Electoral Systems*, Oxford, 2008, 607.

⁹ L. Massicotte, A. Blais, A. Yoshinaka, *Establishing the rules of the game. Electoral laws in democracies*, 2004, pp. 18-32.

¹⁰ S. Hix and S. Hagemann, *Could changing the electoral rules fix European parliament elections?*, *Politique européenne*, n° 28, 2009, pp. 27-42.

Box 1: European Parliament reports on the reform of the EU electoral procedure

A 2011 own-initiative report¹¹ prepared by the Committee on Constitutional Affairs sought to amend the 1976 Direct Elections Act to introduce inter alia the creation of a pan-European constituency. The report was referred back by the Plenary to the Committee for further consideration and a second amended report was tabled, which was rejected¹².

In view of the 2014 elections, Parliament adopted an initiative report on improving the practical arrangements for the holding of the European elections in 2014¹³.

So far however, the divergent constitutional and electoral traditions in the Member States have prevented any major agreement, including at the EP. In the last legislature, the only formal measures that the Parliament adopted were a series of recommendations aiming to improve practical arrangements for the 2014 elections. These recommendations focused mainly on promoting greater visibility for the EU elections, ensuring that national politicians align their policies to the challenges the EU faces and to the priorities of their respective European political parties. The host of recommendations included actions to promote the visibility of European political parties and to strengthen the link between the election of the European Parliament and the selection of the President of the European Commission. This opened the way to the Spitzenkandidaten “experiment”, namely the nomination of “lead candidates” by European political parties, combined with a commitment that the nominee of the party, which gained most seats in the newly elected European Parliament, would be proposed by the Parliament to the European Council for the President of the European Commission position. This arrangement led to the subsequent nomination of Jean-Claude Juncker as President of the European Commission, as he was the “lead candidate” of the European People’s Party, which won the largest number of seats in the newly elected Parliament (see following sections).

Based on this first and very successful for the European Parliament initiative, the Committee on Constitutional Affairs of the European Parliament decided to kick-start again a process for the revision of the EU electoral law. After careful analysis of the

¹¹ Report of 28 April 2011, on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 (2009/2134(INI), Rapporteur Andrew Duff

¹² Second Report of 2 February 2012, on a proposal for a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage of 20 September 1976 (2009/2134(INI)), Rapporteur Andrew Duff.

¹³ European Parliament resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014

impact of various possible amendments to the existing rules, Rapporteurs Danuta Hübner and Jo Leinen focus in their latest report on changes that could lead to the highest "European Added Value".

Added Value of possible changes to the EU electoral law

The concept of European Added Value concentrates on the benefits of action at EU level with a specific legal instrument, compared to action taken at national level while applying other measures. Any analysis of the European Added Value entails several of the following elements:

Impact. The goal for reforming the electoral procedure is not uniformity in itself. It is rather to bring de facto improvements to the status quo of European elections, with its identified gaps and consequent shortcomings. The added value of each potential measure has therefore been examined against the following specific goals/criteria:

- enhancing the democratic nature of the European elections;
- reinforcing the concept of citizenship of the Union;
- improving the functioning of the European Parliament and the governance of the Union;
- strengthening the legitimacy and efficiency of the European Parliament;
- enhancing the effectiveness of the system for conducting European elections;
- and providing for greater electoral equality for the citizens of the Union.

Level of intervention. Before deciding on the level of intervention, it is necessary to examine two key questions: is there a legal basis for action? Is the choice of legal instrument justified, in other words - could the objectives described above be achieved by other measures? As noted above, the key instrument governing the elections of the European Parliament is the European Electoral Act. The legal basis for reforming the electoral procedure is enshrined in Article 223 TFEU, giving the Parliament the initiative to propose a revision of the EU Electoral Act. However, the procedure is rather complex as it amounts to revising primary legislation. Indeed, Article 223 TFEU further specifies that:

"the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, which shall act by a majority of its component Members, shall lay down the necessary provisions. These provisions shall enter into force following their approval by the Member States in accordance with their respective constitutional requirements."

Article 14 of the EU Electoral Act provides for a lighter procedure to be used for more technical - implementing - measures. After consultation of the European Commission, unanimity is again required in the Council but without the need for national ratification. However any implementing measure must be based on specific provisions in the European Electoral Act itself. Given the limited scope of the latter, no substantial reforms can be undertaken by implementing measures at this stage. Similarly, other "light" measures that not require amendment of legislation, such as the issuance of guidelines on the conduct of EU elections, the encouragement of awareness raising campaigns, etc. have been considered. Again, given their limited potential impact, they would fail to appropriately achieve the above objectives.

Feasibility. The feasibility of each option has also to be considered, especially in view of the requirements for unanimity and for the ratification by the Member States according to their constitutional requirements. It is clear that changes to the Electoral Act and other related measures will have, to varying degrees, an impact on Member States, national political parties as well as citizens. Some changes may go against particular national traditions or raise constitutional objections at national level. Therefore, the assessment of the added value has examined the feasibility of potential changes with regard to the diversity of national provisions on European elections and their level in national legal orders. The analysis is focused on the degree of legal complexity required to introduce a measure (i.e. linked with the necessity to revise primary law, to the heterogeneity of Member States legislation, etc.), but left aside the more "political" considerations on the domestic acceptability of certain measures. While the latter should be left for discussion to policy-makers, it is clear that changing national legislation to accommodate EU law is not an intrinsic problem, if the political will is present.

* * *

The present paper outlines the benefits stemming from the options retained by the European Parliament on the basis of the above criteria.

Added Value of EP proposals for a reform of the electoral law

Enhancing the visibility of European Political Parties

State of play. European political parties are recognised in the Treaties as important actors of democracy, as they “contribute to forming a European awareness and to expressing the political will of the citizens of the Union.”(Article 10 TEU). Political parties at European level are mainly composed of national parties and are represented in several Member States. Nonetheless they are not widely known to citizens and the link between national and European political parties is rarely made prominent in electoral campaigns for EP elections. Citizens often ignore the impact that has their vote for national candidates or parties on the size of a given European political group, which subsequently determines the European parties ability to determine policies that affect their daily lives.

In its Recommendation on preparing for the European Parliament elections¹⁴, the European Commission recognised this problem, calling on member States to “encourage and facilitate the provision of information to the electorate on the affiliation between national parties and European political parties before and during the elections to the European Parliament, inter alia by allowing and encouraging the indication of such an affiliation on the ballots used in those elections.” The Commission recommendation also encouraged national parties to draw attention to their links with European political parties in their campaign material.

In several Member States, these recommendations had already been put into practice for the 2014 elections, but overall the outcome was rather patchy.

¹⁴ *Preparing for the 2014 European elections: further enhancing their democratic and efficient conduct*, 12 March, 2013, COM(2013) 126

Table 1: National Authorities actions to promote the publication of the link between national and European political parties

National Authorities' actions	Member States
1. Through non-legislative measures: - national authorities simply informed political parties of recommendations	BE, DE, EE, EL, ES, FIN, IT, LU, LT, MT, NL, PT, RO, UK, SE, HU
2. Through legislative measures: the national legal framework allowed an indication of European political party affiliations on the ballot paper	AT, BE, CY, EL, FR, IRL, NL, SI, UK
3. Non-implementation: - national authorities did not take any action to inform or encourage political parties to inform the electorate on the affiliation to a EP party)	CZ, DK, LV, SK, PL, HR

Note: Some Member States supported the Commission's Recommendation both informally and formally. Therefore, they are mentioned in Category 1 and 2 and marked in bold letters.

Source: Centre for Strategy and Evaluation Services (CSES 2015), Study on the Conduct of the 2014 Elections to the European Parliament, 10 March 2015.

Note: The table is compiled based on information supplied in reply to the question: "How did Member States promote the publication of the link between national and European Parties".

Currently, ballot papers are regulated in very different ways at national level. In sixteen Member States, it is explicitly prohibited the inclusion of any additional information on the ballot paper to that, which is already provided for by law. In some cases it also against the law for national authorities to interfere with the way political parties develop their campaigns. Therefore moving the recommendations on enhanced visibility of European political parties into the Act on Direct Elections would give them additional force.

EP proposal. The rapporteurs propose a two-way improvement of the Electoral Act; namely to introduce a provision that the ballot paper should include information concerning the affiliation of the national party with the European party, as well to encourage the inclusion of such information on electoral campaign materials.

Added Value. First and foremost, better information about the link between national and European parties would make European elections more transparent for the citizen. It would considerably raise the profile of European political parties and allow them to understand and express more directly the will of citizens at EU level. Also, an enhanced visibility of European political parties in electoral campaigns would render elections more "European", shifting the focus from domestic politics to European issues. Such scenario would make citizens' votes more "meaningful" in terms of decision-making at EU level and as such it could help to bridge the divide between EU politics and Member State citizens.

A common minimum deadline for establishing lists at the national level

State of play. There are very substantial variations in the existing national practices on setting of deadlines for establishing candidate lists at the national level and registering these with the national authorities. They range from a maximum of around three months in Sweden to a minimum of less than three weeks in Greece and Spain. In addition, in some cases, the deadline seems uncertain: for instance, in Croatia the deadline is 14 days *after* the announcement of the election, but in the case of a European Parliament election, it is not clear when (and by whom) is it announced. There is thus no level playing field for electoral campaigns across the EU. This affects both candidates as well as voters.

EP proposal. The rapporteurs determine to set a common minimum deadline of twelve weeks for the establishment of candidate lists at national level.

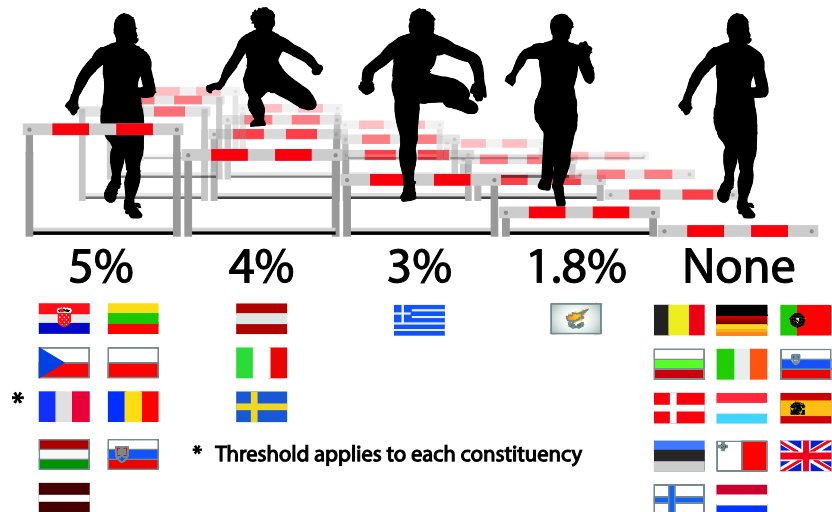
Added Value. Firstly, a common deadline would contribute to making European elections more democratic as they would give candidates sufficient time to present their ideas in the campaign and enable citizens to prepare adequately, scrutinise and choose between the various candidates. It would also improve the "media-friendliness" and drama building towards an electoral event common to citizens across the EU.

In addition, it would prepare the ground for linking the various national campaigns among themselves, and therefore contribute to making EP elections more "European". Thirdly, it would also be a helpful pre-requisite in the process of nomination of the Spitzenkandidaten, thus bringing the argument of greater equality between candidates and citizens at a higher level.

When examining the feasibility of this proposal, the first observation is that the deadline of twelve weeks - or eighty four days- is significantly longer than established practices in all Member States (except for instance in Germany). In most cases, it would also introduce a different deadline than the one applicable in domestic elections. It could thus put pressure on domestic electoral bureaucracies and parties, especially the smaller ones. However, a longer deadline for the European elections could be an advantage as it would reveal the specificity and the European character of these elections. And finally, the dates of European Parliament elections are known well in advance, leaving electoral authorities and parties enough time to organise themselves and prepare adequately to this five-yearly event.

Electoral threshold for the allocation of seats in the EP

State of play. The Direct Elections Act establishes no binding electoral threshold for the allocation of seats in the European Parliament, but enables Member States to include thresholds in their national legislation governing European elections (Article 3). Such thresholds applicable to European election may not exceed at national level 5% of votes cast.



In fact, the possibility to establish an electoral threshold, introduced in the Direct Election Act in 2002, codified at EU level an already existing and widespread legal practice in the Member States. 15 Member States have introduced a threshold of between 3 % and 5 % (Cyprus 1,8%). However, in practice, party lists often need to achieve an even higher percentage of the votes cast than the formally established threshold. Particularly, smaller Member States (allocating as a consequence a small number of seats in the EP) and Member States that have subdivided their electoral area into constituencies have such a 'natural threshold' that often exceeds 5%, even when no formally established thresholds exist in these Member States. All Member States with up to 26 seats have a de facto threshold of more than 3%. Of the seven Member States with more than 26 seats (Germany, France, the United Kingdom, Italy, Poland, Romania and Spain), all, except Spain and Germany, have a statutory electoral threshold for European elections, ranging from 3% to 5%, or have subdivided their electoral area in constituencies comprising not more than 26 seats.

EP proposal. The rapporteurs propose an obligatory threshold of at least 3% and at most 5% of votes cast for constituencies, and for single-constituency Member States, in which the list system is used and which comprise more than 26 seats.

Added Value. The principle of equal suffrage requires inter alia that every vote has the same influence on the composition of a representative body. Conversely, votes cast for political parties not reaching the threshold are unsuccessful. Therefore, electoral thresholds touch upon the principle of equality both between citizens and between political parties. However, constitutional theory sees (proportional) electoral thresholds as justified whenever needed in order to prevent further fragmentation of parliamentary body and to make its functioning more efficient.¹⁵ This is because the act of voting and choosing between different political options is no end in itself, but seeks to create an operational and functional peoples' representation.¹⁶

In this context, scholars have stressed that the EP, with its large number of MEPs, different cultures, nationalities and political ideologies, needs to avoid further fragmentation.¹⁷ This is to retain the ability to achieve rapidly the majorities required under the ordinary legislative procedure and for Parliament to be able to keep up with its function as a co-legislator on equal footing as Council. Others, like the German Federal Constitutional Court, have, however, put into question the very need for Parliament to remain operational by preventing further fragmentation, due to the separation of powers in the EU context, with Parliament not having to politically sustain a stable European executive. In particular the Court refused to assess the implications of the direct political link that was to be established with the European Commission with the Spitzenkandidaten-process and the election of the Commission President. The Court affirmed that this new balance in powers was still merely the aspiration of the European Parliament and concluded that there is no clarity on whether the Member States will agree to proceed according to Parliament's call, i.e. to propose as a candidate for the Commission Presidency one of the candidates nominated by the European political parties. The events after the 2014 European elections brought, however, a successful outcome to Parliament's initiative and the European Council eventually did nominate the Spitzenkandidat from the political party that gained most seats in Parliament. The Spitzenkandidaten experiment has been rightfully seen by scholars as a proof of the stronger politicisation of an increasingly antagonistic relationship between Parliament and Commission that is ultimately leading to coalition formations in Parliament along ideological lines.¹⁸

But even regardless of the assessment of the circumstances that arose from the new political link between Parliament and the Commission established with the 2014 elections, it should be noticed that the *Bundesverfassungsgericht* stated expressly that it only could rule over the German threshold for European elections because there is no

¹⁵ C. Schöneberger, Das Bundesverfassungsgericht und die Fünf-Prozent-Klausel bei der Wahl zum Europäischen Parlament, *Juristenzeitung* (JZ) 2012, p. 80.

¹⁶ M. Kotzur, F. Heidrich, "Ein (Bären-)Dienst an der Europäischen Demokratie? Zur Aufhebung der Drei-Prozent-Sperrklausel im Europawahlrecht", *ZEuS* 3, 2014, p. 264.

¹⁷ B. Grzeszick, "[Demokratie und Wahlen im europäischen Verbund der Parlamente - zum Urteil des BVerfG über Sperrklauseln bei Wahlen zum Europäischen Parlament](#)", *Europarecht* (EuR) 47 (2012), p. 666.

¹⁸ T. Christiansen, "EU-Spitzenkandidaten- neue Impulse und ihre Folgen für das politische System der EU", *Integration* 1/2015, pp. 25 et seq.

binding threshold provision at EU level.¹⁹ It is for the European legislator to assess the need for an electoral threshold and as national electoral legislators, it is also to be granted a certain scope of appreciation of any future developments that might entail adverse effects for its functionality. In any case, it would be for the Court of Justice of the EU to decide on the compatibility of a binding electoral threshold at EU level with primary EU law and not for national courts.

Against this background, it should be noted that a binding electoral threshold at EU level would have a practical effect mainly in Spain and Germany. It could be argued therefore, in terms of equal opportunities for political actors across the EU, that a binding electoral threshold would render electoral conditions more equal for political parties in all Member States. Otherwise, small political parties in Member States with a statutory or a de facto electoral threshold would have fewer chances to be allocated a seat than smaller parties in Member States without such a threshold.

Accordingly, the added value of a binding electoral threshold lies in its suitability of ensuring Parliament's operability by preventing further fragmentation, as well as in contributing to promoting equal opportunities for political parties across the EU. The appreciation of the circumstances that might involve a risk of a hampered functionality of the Parliament belongs to the European Parliament and the Council as electoral law legislators, for which they enjoy a certain scope of appreciation deprived from judicial examination replacing their criteria.

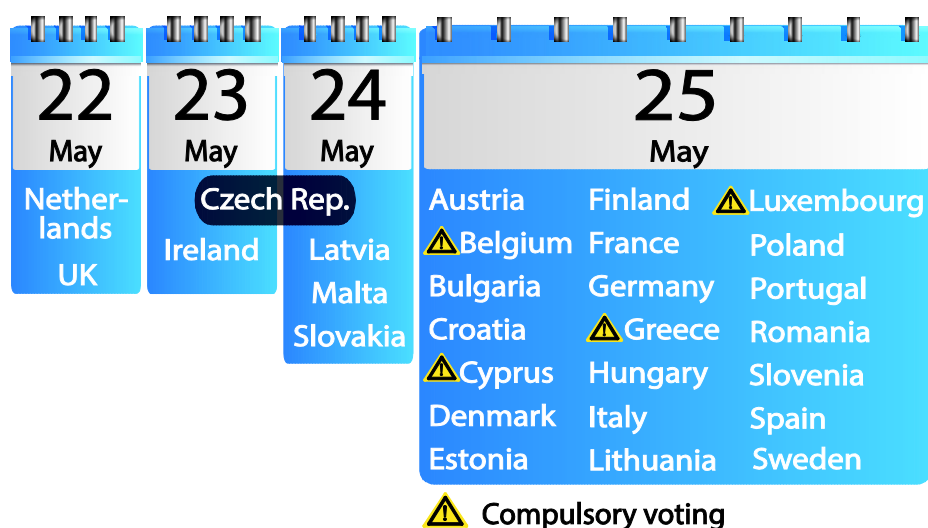
Uniform end of voting

State of play. In line with Article 10 of the Act on Direct Elections, elections to the EP can be spread over a maximum of four days within the same period (from Thursday morning until the following Sunday), with Member States fixing the date and voting time. In practice, the voting happens on Sunday in the majority of Member States. In 2014, only seven countries – the Czech Republic, Ireland, Latvia, the Netherlands, Malta, Slovakia and the United Kingdom – voted earlier. The issue of instituting a uniform voting day – the Sunday being mentioned most often – has been discussed many times in the past, as a way to enhance the common European character of the elections and increase their visibility.

¹⁹ Bundesverfassungsgericht, Ruling from 26 February 2014, 2 BvE 2/13, 2 BvR 2220/13, paras. 40-43.

Election day for the allocation of seats in the EP

This could however prove problematic, for several reasons. First, the need for some Member States to abandon various traditions, like the British tradition of voting on a Thursday. Secondly, in some cases, Member States combine different elections in a single electoral event, in order to maximise participation. If the obligation to vote on a single day at European elections were to be introduced, Member States, which have a different voting day for national or local elections, would find such arrangement problematic.



The issue of aligning the timing of the European elections is also linked with the timing of the publication of results. Initially, the Act on Direct Elections prohibited the counting of votes until after the closing of the last polls. The 2002 revision allowed for the earlier counting but explicitly prohibits the early publication of results (Article 10(2) of the Act on Direct Elections). Despite this embargo, there have been a number of leaks in the past, creating the risk of influencing the results in Member States whose electors had yet to cast their votes.

EP proposal. The rapporteurs propose to institute a common ending time of the elections on Sunday evening.

Added Value. This reform would, first of all, ensure the correct application of Article 10(2) of the Act on Direct Elections, with the view to safeguarding the equality between voters from different Member States, making the whole process more democratic and flawless.

Secondly, a common ending of the vote would contribute to giving European elections a more original European character. It would allow for instance, creating an electoral evening, and helping the shift from “second-tier” elections towards a major pan-European event, a date of celebration for European democracy!

Spitzenkandidaten

State of play. The Spitzenkandidaten-process was first put in practice in the 2014 European Parliament elections, with five European political families nominating a lead candidate. This initiative was made possible due to a change in Article 17 (7) TEU by the Lisbon Treaty establishing that the European Council must 'take into account the elections to the European Parliament' when proposing to Parliament a candidate for President of the Commission. The European Council initially opposed the initiative invoking its right to nominate the candidate for the Commission Presidency. Parliament on the other hand recalled that whilst previously, the nomination of a Presidential candidate was merely 'approved' by it, Parliament now 'elects' the candidate, which places particular emphasis on the political linkage between Parliament and Commission.

EP proposal. The rapporteurs propose the introduction of a common deadline of 12 weeks for the nomination of lead candidates by the European political parties.

Added Value. The Spitzenkandidaten-process has a two-fold raison d'être. On the one hand, it seeks to increase voter turnout as citizens are given an indirect say on who is going to preside the European executive and therefore on the core direction of European politics. In practice, the 2014 European elections saw a slight decline in voters' turnout in comparison with the previous elections, but it is well possible that this decline could have been much higher without the Spitzenkandidaten.²⁰

On the other hand, besides its possible impact on voters' participation, the Spitzenkandidaten-process needs to be analysed from a constitutional perspective. The initiative is of utmost constitutional significance for the institutional balance in the EU, with establishing a direct political link between the elections to the European Parliament and the election of the President of the European Commission.²¹ This direct political link between Parliament and the European executive has already been translated into a further parliamentarisation of the EU decision-making, not only within the legislative process itself, but also in the rest of the EU policy cycle, including agenda-setting and evaluation. In this context, Parliament has made important efforts

²⁰ T. Christiansen, EU-Spitzenkandidaten- neue Impulse und ihre Folgen für das politische System der EU, in *Integration* 1/2015, pp. 25 et seq.

²¹ S. Hobolt, "[A vote for the President? The role of Spitzenkandidaten in the 2014 European Parliament elections](#)", *Journal of European Public Policy*, 2014, Vol. 20, Issue 10, pp. 1528-1540.

to co-shape the EU's political agenda-setting together with the Commission and the Council, as now established in Article 17(1) TEU. However, Parliament's say on the political and legislative planning of the EU has seen, and is expected to further see, an important boost through the new political link between it and the European Commission, rendering the setting of the political and legislative agenda more democratic and indeed more political.

Moreover, the electoral campaign of the lead candidates across the EU has been found to have indeed contributed to the 'Europeanisation' of the elections to the European Parliament by putting truly European topics to the centre of the electoral debate and by increasing its visibility through the personalisation of the campaign.²² These developments, although in an early stage, show the potential of the Spitzenkandidaten-process to help creating a common European political space, in which voters make an informed choice about the different political options that stand for election to the European Parliament.

Although the Spitzenkandidaten-process was successfully put into practice in 2014, the wording of Article 17(7) TEU is open to interpretation, as we saw after the 2014 European elections. Indeed, the Spitzenkandidaten-process is as such is not mentioned in the Treaties. However, the combination of the provisions relating to the 'taking into account the elections to the European Parliament' when the European Council nominates the candidate for the Commission Presidency, as well as the fact that the Parliament not only approves but now elects the Commission President, put the initiative on a solid ground. Otherwise, the 'election' of the Commission President by the European Parliament would be emptied from its very substance, which presuppose a political choice instead of a mere rubber-stamp on a selection made by the European Council. The resistance of the European Council however to accept this reading of the Treaties right away after the 2014 elections makes it indeed recommendable to add a reference to this process in the European electoral law so as to make the political compromise to it firmer.

Voting rights for EU citizens residing abroad

State of play. The Direct Elections Act contains no provision as to the right of EU citizens to vote from abroad or to retain their electoral rights when residing abroad. The Treaties as well as Council Directive 93/109/EC refer merely to the right of Union citizens residing in a Member State different from their Member State of nationality to vote and stand as candidates there. Several Member States do not provide a possibility for their citizens residing abroad to vote in EP elections held in their Member State of

²² H. Schmitt, S.B. Hobolt, S. A. Popa, "[Spitzenkandidaten" in the 2014 European Parliament Election: Does Campaign Personalization Increase the Propensity to Turn Out?](#), ECPR General Conference, September 2014.

origin, neither at an embassy, nor per post, per proxy or per electronic voting. Six Member States disenfranchise their citizens after a certain time spent abroad, usually in a third country.²³

The European Parliament, and particularly its Committee on Petitions, has been addressed by citizens calling for a solution to this situation (see below). In January 2014, the Commission published a communication addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement⁷ calling on Member States to improve the situation of nationals residing abroad and wishing to vote.²⁴

EP proposal. The rapporteurs propose that Union citizens who reside in third countries be granted the right to cast their vote in elections to the European Parliament.

Added value. There are no statistics on the number of citizens of EU Member States deprived of their right to vote in European elections held in their country of origin either due the impossibility to vote from abroad or because they have lost their electoral rights due to residence abroad. The reason is that most countries do not oblige their citizens abroad to register with national authorities. Moreover, not all Member States have procedures in place for nationals to give notice to the authorities of their move abroad. However, estimates show that there are several millions of EU citizens affected by the impossibility to vote when abroad.

Disenfranchisement of nationals staying abroad is based on the assumption that they lack knowledge of the political reality in their country of nationality, thereby depriving them of the ability to cast a well-informed and thus a meaningful vote. It is argued that non-residents are not directly affected by acts of the legislature as they for instance do not pay income taxes in their country of origin.²⁵ This weakened link between expatriates and their country of origin does not, however, lead to a loss of nationality, which means that are still subjects of rights and obligations stemming from nationality and as a consequence also from Union citizenship. In addition, the ability to remain informed on politics in the home Member State through digital communication means should be emphasised today. In this sense, the very act of registering to vote that citizens resident abroad provides a sufficient proof for their interest in political participation at the European elections.²⁶

²³ See E.-M., Poptcheva, [Disenfranchisement of EU citizens resident abroad: Situation in national and European elections in EU Member States](#), European Parliamentary Research Service, June 2015.

²⁴ [Communication](#) from the Commission addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement, 29.01.2014, COM(2014) 33 final.

²⁵ C. López Guerra, *Democracy and Disenfranchisement: The morality of electoral exclusions*, Oxford University Press, 2014.

²⁶ See in this sense the [Ruling](#) of Ontario Superior Court of Justice, *Frank et al. v. AG Canada*, 2014 ONSC 907, 02.05.2014.

Therefore, providing Union citizens with the possibility to vote at elections to the EP held in their Member State of origin is expected to increase voter turnout. Expat voting would also render EU citizens more equal regardless of their place of residence and nationality. Moreover, it would help remedy any violations of the free movement rights of EU citizens, at least whenever they are deprived from their choice to vote in European elections either in their Member State of residence or in their Member State of origin.²⁷ It would thus invigorate the legal status of the Union citizenship, a notion that the Lisbon Treaty puts in the heart of European integration, by providing an added value in the list of citizens' concrete rights.

Harmonized minimum voting age

State of play. The 1976 EP Elections Act does not establish minimum age to vote in the European Parliament elections. It is established by national law. There is relatively little divergence amongst the Member States in relation to voting age, with the minimum age to be eligible to vote being 18 in all Member States except Austria, where it is 16.

It remains however questionable, why citizens should have a different right to voting in European elections, depending on their nationality or the Member State of their residence. These discrepancies can be perceived as discrimination in the right to participate in the democratic process.

EP proposal. The rapporteurs recommend that Member States consider ways to harmonise the minimum age of voters. They propose it be aligned at 16.

Added Value. A legal reform in that sense might not be an easy undertaking. In fact, in some Member States the law establishing the minimum age to vote has constitutional status. This is the case in Hungary, Luxembourg, Portugal and Sweden. Obviously, in these countries a modification of the minimum age to vote for the EP elections would be complicated as it would require constitutional reform. In the other Member States, this rule has been laid down in a statutory law, either in the general electoral law or in a specific law on the EP elections, and therefore would be easier to modify. Nevertheless, the relative difficulties should however not overshadow the potential advantages of this reform.

Harmonising the minimum age to vote for the European Parliament elections would thus be another way to enhance the equality of EU citizens in the access to EU elections. Moreover, the issue of vote at 16 is in discussion in several countries across

²⁷ D. Kochenov, 'Free movement and participation in the parliamentary elections in the Member State of nationality: an ignored link?', *Maastricht Journal of European and Comparative Law*, Vol. 16 (2009), No 2, p. 219.

Europe and in international fora. In 2011, the Council of Europe adopted a Resolution²⁸ in which it called the contracting parties to investigate the possibilities of lowering the voting age to 16 years in all countries and for all kinds of elections. Some Member States have allowed voting at 16 for local elections. Following the experiment in the Scottish Independence Reference of September 2014, voting at 16 has now been instituted for the Scottish Parliament elections in 2016 as well as future local elections. Most recently, a constitutional amendment allowing 16- and 17-year-old to vote in local elections was approved in the Estonian Parliament, which proves that when there is political will, the normative obstacles can be overcome.

Experience shows that lowering the minimum voting age could be beneficial in terms of increasing participation and engaging young people in the European political process. In Austria, turnout in EP elections is around the same as it is for other age-groups. This is in itself a positive sign as otherwise the turnout in younger groups in European Parliament elections is much lower than older groups. In fact, according to research conducted after the last European Parliament elections, only 28% of young people (aged 18-24) from EU Member States voted, lower than any other age group (for example 51% of those aged 55 or over voted)²⁹.

Also in the above mentioned Scottish Independence Reference, participation rates and political engagement of the affected age-groups were strong.

This could also have positive longer-term effects as many argue that engaging young people in the political process is best done when they are still living with their parents and going to school. Voting is on one hand a habit formed when people are young. Also, because conversations about politics are often brought to the dinner table, it has the potential to positively impact on stronger civic participation of people of all ages.

Electronic and postal voting

State of Play. The 1976 EP Elections Act does not include provisions on electronic voting. Electronic voting is voting using electronic systems to cast and count votes. In general, two main types of e-Voting can be identified:

e-voting: this is voting via electronic voting machines. This takes place in an assigned physical location ("kiosk"), usually a polling station, a precinct or the office of the election official, and is physically supervised by representatives of governmental or independent electoral authorities;

²⁸ Resolution 1826 (2011) *Expansion of democracy by lowering the voting age to 16* (23 June 2011) Council of Europe (<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=18015&lang=en>);

²⁹ Public Opinion Monitoring Unit, 3 March 2015, DG Communication, European Parliament

Internet voting: this type of electronic voting is web-based and may be done in an assigned physical location via a "kiosk" (essentially a computer work station) or at a home computer. The key distinction is that internet voting is done via the web while electronic voting is machine-based, and is performed within the voter's sole influence, and is not physically supervised by representatives of governmental authorities.

Various Member States have tested or introduced the use of electronic voting systems for certain types of elections, or in certain regions with varying results. Estonia is the only EU Member State that allowed electronic voting in the 2014 European Parliament elections. It is also the only country to offer internet voting to the entire electorate for national elections. Between 2005 and 2015, the part of internet votes in Estonia passed from 2 % to more than 36 % of the total, and in 2015 12% of votes were made through a smartphone application³⁰.

Box 2: Overview of electronic voting practices in Member States

- Estonia: internet voting allowed for the entire electorate for nationwide, binding elections
- Germany - Discontinued
- Ireland - Piloted and Not Continued
- UK - Piloted and Not Continued
- Belgium - Currently used in parts of the country
- France - Currently used in parts of the country, mainly for voting from abroad
- Netherlands - Discontinued
- Italy - Piloted and Not Continued

Source: <https://www.ndi.org/e-voting-guide/electronic-voting-and-counting-around-the-world>

Other Member States have tested or introduced the use of electronic voting systems for certain types of elections, or in certain regions with varying results. In some of these Member States, attempts to introduce e-voting faced a number of challenges. For instance in Germany, lack of transparency and auditing capacity were the primary reasons for which the German Constitutional Court declared that electronic voting was unconstitutional³¹. The court found that the current electronic voting apparatus did not adequately allowed for auditing after votes were cast. It did not rule out the possibility that technology could eventually remedy this flaw. In the case of the Netherlands, a group opposed to electronic voting independently tested the voting machines to demonstrate their vulnerability to hackers' attacks. This verified the claims of opponents, which further fuelled public opposition.

³⁰ <http://www.smartmatic.com/fr/experience/article/elections-en-estonie-2014-2015/>

³¹ Bundesverfassungsgericht, Docket Nos. 2 BvC 3/07 & 2 BvC 4/07

As regards postal voting, it is allowed in seventeen Member States³². In some cases though, like in Ireland, it is permitted only in specific circumstances.

EP Proposal. Despite these potential challenges, which will certainly need to be remedied, the rapporteurs encourage electronic and postal voting for EU elections more widespread in Member States.

Added Value. Postal voting is used in Member States to allow citizens who are unable to come to the polling station (people in hospital, prison, abroad). Regarding electronic voting, the experience so far and the (limited) research available point to a number of benefits of e-voting technologies. First of all, it could increase the accessibility of voting for at least some social groups. Vote via internet allows voters who live in isolated places to continue to participate in public political life. It makes voting easier for people with reduced mobility. It is also a practical tool for citizens living abroad during the elections. In fact, it has been used in France mainly for this purpose. It contributes to the legitimacy of the process since all citizens can potentially express their opinions and moreover, in the same period³³. Some argue also, that e-voting could increase participation by removing obstacles to those that otherwise would not be able or willing to physically go to a polling location. Some examples would tend to corroborate this assumption. In 2007, when Australia allowed their soldiers based in Afghanistan to use internet voting, their participation rate jumped from 20 to 75 %³⁴. In Estonia, the participation in the European elections jumped from 27 % in 2004 to 43 % in 2009, however it decreased to 36 % in 2014³⁵. Given limited empirical data, comparative analysis does not allow at present to precisely measure the impact of electronic voting on turnout as it may be that other -unspecified- factors have contributed to the voters' turnout.

Costs savings and efficiency improvements are another set of arguments in favour of e-voting. The cost saving argument seems especially plausible in case of internet voting, rather than machine-based voting, which requires the acquisition and maintenance of the specialised machines. In case of internet voting, once the software is designed and bought by the State, it entails a fixed cost, paid once. On the other hand, since internet vote remains a substitute or alternative way of vote, it can potentially increase the general cost of the election, unless it becomes the sole voting mode. It is also possible that some of the other purported negative consequences of electronic voting (hacking)

³² Austria, Belgium, Germany, Denmark, Estonia, Spain, Finland, Ireland, Italy, Lithuania, Latvia, Luxembourg, the Netherlands, Portugal, Sweden, Slovenia and UK. See Study on possible developments of EU legislation in the field of electoral matters including possible modification of Directive 93/109/EC, IED, July 2010.

³³ Postal vote requires long pre voting period which means that those electors have less element of the debate when they express their views.

³⁴ Esambert Anne, « La participation électorale des diasporas », Service des relations internationales du Sénat, available at :

<http://www.senat.fr/international/actescollosystemeselectoraux2009/actescollosystemeselectoraux200911.html>

³⁵ <http://www.europarl.europa.eu/elections2014-results/fr/country-results-ee-2014.html>

would offset cost savings in terms of auditing, litigation, and other corrective measures.

Nevertheless, first estimates tend to demonstrate that the total costs of internet based systems remain lower than for the paper ballot³⁶. In the long term, internet voting could be a way to lower the cost of election if no paper substitute would be needed.

The advantages and disadvantages of more widespread electronic voting in Member States will vary from country to country, and will depend of the way electronic voting and counting systems are designed and implemented. It is therefore important that this is done in such a way as to not violate core electoral standards and erode the voters' confidence in electoral results and thus the legitimacy of the process itself.

Balanced gender representation

State of play. Equality between women and men is one of the European Union's founding principles and a transversal objective of the European Union. According to Article 8 of the TFEU - "in all its activities, the Union shall aim to eliminate inequalities and to promote equality, between men and women". In addition, Article 23 para. 1 of the Charter of Fundamental Rights of the European Union establishes that equality between women and men must be ensured in all areas.

Although the percentage of women MEPs has more than doubled since 1979, and the situation in the EP is more positive than in a number of Member States, there is a persistent under-representation of women. The situation is uneven across Member States, ranging from 9% women in Lithuania to 55% in Croatia and Ireland, and resulting into an overall figure of 37% at the level of the EP.

At present, the Electoral Act does not contain provisions on the promotion of gender balance in European elections. Member States have adopted a diversity of approaches for the establishment of candidate lists in relation to gender balance, ranging from legislated approaches to party based approaches. A study of the European Parliament³⁷ found that in the Member States, which have adopted legislative quotas, often political parties have implemented further quota provisions. Quota levels and the design of the respective quota provisions also vary across Member States. They sometimes include sanctions for non-compliance, which appear to be quite successful.

³⁶ Anziani Alain et Lefèvre Antoine, Rapport d'information du sénat n°445 sur le vote électronique, 2013-2014, p. 42. Available at : <http://www.senat.fr/rap/r13-445/r13-4451.pdf>

³⁷ See *Electoral Lists ahead of the Elections to the European Parliament from a Gender Perspective*, Study for FEMM Committee, May 2014, http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509980/IPOL-FEMM_ET%282014%29509980_EN.pdf.

Table 2: Men and Women MEPs since 1979

Men and women MEPs, 1979-2014

	1979		1984		1989		1994		1999		2004		2009		2014	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
Belgium	92%	8%	83%	17%	83%	17%	68%	32%	72%	28%	67%	33%	68%	32%	71%	29%
Denmark	69%	31%	63%	38%	63%	38%	56%	44%	63%	38%	57%	43%	54%	46%	62%	38%
Germany	85%	15%	80%	20%	69%	31%	65%	35%	63%	37%	67%	33%	63%	37%	66%	34%
Ireland	87%	13%	87%	13%	93%	7%	73%	27%	67%	33%	62%	38%	75%	25%	45%	55%
France	78%	22%	79%	21%	77%	23%	70%	30%	60%	40%	55%	45%	56%	44%	57%	43%
Italy	86%	14%	90%	10%	88%	12%	87%	13%	89%	11%	79%	21%	75%	25%	59%	40%
Luxembourg	83%	17%	50%	50%	50%	50%	50%	50%	67%	33%	50%	50%	67%	33%	67%	33%
Netherlands	80%	20%	72%	28%	72%	28%	68%	32%	65%	35%	52%	48%	52%	48%	50%	50%
UK	86%	14%	85%	15%	85%	15%	82%	18%	76%	27%	74%	26%	67%	33%	59%	41%
Greece			92%	8%	96%	4%	84%	16%	84%	16%	71%	29%	68%	32%	76%	24%
Spain					85%	15%	67%	33%	66%	34%	74%	26%	64%	36%	59%	41%
Portugal					88%	13%	92%	8%	80%	20%	75%	25%	64%	36%	62%	38%
Sweden									59%	41%	53%	47%	44%	56%	50%	50%
Austria									62%	38%	72%	28%	65%	35%	56%	44%
Finland									56%	44%	57%	43%	38%	62%	46%	54%
Czech Rep											79%	21%	82%	18%	76%	24%
Estonia											50%	50%	67%	33%	50%	50%
Cyprus											100%	0%	67%	33%	83%	17%
Lithuania											62%	38%	75%	25%	91%	9%
Latvia											67%	33%	37%	63%	63%	38%
Hungary											63%	38%	64%	36%	81%	19%
Malta											100%	0%	100%	0%	67%	33%
Poland											85%	15%	78%	22%	76%	24%
Slovenia											57%	43%	71%	29%	63%	38%
Slovakia											64%	36%	62%	38%	77%	23%
Bulgaria											56%	44%	53%	47%	76%	24%
Romania											71%	29%	64%	36%	59%	41%
Croatia															45%	55%
EU	84%	16%	82%	18%	81%	19%	74%	26%	70%	30%	69%	31%	65%	35%	63%	37%

Note: Figures for Italy, and therefore for the EU as a whole, are provisional.

Source: European Parliament

<http://www.europarl.europa.eu/elections2014-results/en/gender-balance.html>

EP proposal. The rapporteurs encourage Member States “to take measures to promote gender balance in every aspect of European elections”.

Added Value. The European Union is committed to promote gender equality in all its activities, including decision-making. Ensuring a better gender balance of elected MEPs is therefore an essential element for fulfilling this objective. It also represents an important dimension of the capacity of the European Parliament to reflect the community that elects it. As such, it would enhance the democratic character of the elections and of the Institution itself.

The gender balance of candidate lists, namely via the use of quotas, is one element of how to achieve better gender balance. Using the provision on “common principles” of the Electoral to introduce some kind of wording on gender balance of candidate lists could be envisaged in this respect. However given the diversity of Member State’s approaches and the continuous political sensitivity of the issue, putting forward a softer, non-binding approach might be the wiser option at this stage.

Conclusion

Since the introduction of direct elections in 1979, the European Parliament has grown and matured. The Lisbon treaty has placed the Parliament on equal footing with the Council as a legislator and as such it is a key pillar of the European integration. But despite the power and democratic legitimacy of the Parliament, the European elections are often snubbed and the political debates around them remain domestic, even if decisions taken by the EU institutions affect the Europeans' daily lives to a great extent.

There have been many debates on how the Parliament and Member States can remedy this. The present study has examined one of the core levers for the Parliament to regain the trust of the European public: the reform of the electoral law. The report has considered options for improving the appeal of the Parliament to EU citizens as well as of contributing to a further democratisation of the electoral process, ranging from the need to enhance the visibility of European political parties to the need to introduce practical improvements in the electoral law, such as the harmonised voting age or e-voting.

None of the proposed improvements would be easy to implement –as they need legislative, or even constitutional amendments in some Member States. However, the report argues that each of the proposed measures and all of them in combination can create real added-value and render the European elections more enticing to Europeans and allow them to make an informed choice on political options competing at the European elections. This is particularly true for the young, first-time voters, who in statistical terms score highest absenteeism rates at the elections. A thorough and ambitious reform of the Act shaping the EP elections can be the springboard to reconnect EU citizens with the only directly-elected European institution.

RECOMMENDATION

The European Parliament calls for amendment of the Act concerning the election of Members of the European Parliament by direct universal suffrage and submits the Council a proposal to this effect.

The legislative initiative report on the "Reform of the Electoral Law of the European Union", drawn-up by the Committee on Constitutional Affairs calls for amendment of the Act concerning the election of Members of the European Parliament by direct universal suffrage. In this report, the Co-Rapporteurs Danuta Hübner and Jo Leinen propose a number of measures with the aim of enhancing the democratic nature of the European elections; reinforcing the legal status of citizenship of the Union; improving the functioning of the European Parliament and the governance of the Union; strengthening the legitimacy and efficiency of the European Parliament; enhancing the effectiveness of the system for conducting European elections and providing for greater electoral equality for the citizens of the Union.

The arguments in support of the proposals of the European Parliament are set out in detail in this European Added Value Assessment.

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