



2015/2035(INL)

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AMENDMENTS

219 - 281

Draft report

Danuta Maria Hübner, Jo Leinen

(PE560.824v01-00)

on a proposal for amendment of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage
(2015/2035(INL))

Amendment 219
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 1 – paragraph 1

1976 Electoral Act

1. In each Member State, members of the European Parliament shall be elected on the basis of proportional representation, using the list system or the single transferable vote.

Amendment

1. In each Member State, members of the European Parliament shall be elected **as representatives of the citizens of the Union** on the basis of proportional representation, using the list system or the single transferable vote.

Or. en

Amendment 220
Mercedes Bresso

1976 Electoral Act
Article 1 – paragraph 3 a (new)

1976 Electoral Act

3a. The list of candidates for election to the European Parliament shall ensure gender equality.

Amendment

Or. en

Amendment 221
Sylvie Goulard

1976 Electoral Act
Article 1 a (new)

1976 Electoral Act

Article 1a
1. For the purpose of allocating seats among Member States in accordance with the principle of degressive proportionality pursuant to Article 14 of the Treaty on European Union, the ratio between the

Amendment

population of each Member State and the number of seats allocated to it, before rounding to whole numbers, shall vary in relation to the respective populations of the Member States in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats.

2. Where a State accedes to the Union during a parliamentary term, it shall be allocated seats which will be added to the number of seats provided for in Article 14 of the Treaty on European Union on a transitional basis for the remainder of that parliamentary term.

Or. en

Amendment 222

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 2

1976 Electoral Act

In accordance with its specific national situation, each Member State may establish constituencies for elections to the European Parliament or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system.

Amendment

1. Each Member State shall establish its constituencies for elections to the European Parliament in accordance with its specific national situation, without prejudice to paragraph 2 and without generally affecting the proportional nature of the voting system.

2. Member States with regions vested with legislative powers shall subdivide their electoral area in such a way as to reflect this reality.

Or. en

Amendment 223
Max Andersson, Sven Giegold

1976 Electoral Act
Article 2

1976 Electoral Act

In accordance with its specific national situation, each Member State may establish constituencies for elections to the European Parliament or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system.

Amendment

1. In accordance with its specific national situation, each Member State may establish constituencies for elections to the European Parliament or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system.

2. Constituencies shall not comprise fewer than 10 % of the total number of seats allocated to the Member State in which they are situated.

3. For constituencies in which the list system is used and which comprise fewer than 26 seats, a mechanism for the adjustment of seats shall be put in place at national level, to be governed in each Member State concerned by its national provisions.

Or. en

Amendment 224
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 2 a (new)

1976 Electoral Act

Amendment

Article 2a

1. There shall be one additional constituency formed of the entire territory of the Union. This constituency shall be represented by 25 Members of the European Parliament.

2. The European Parliament and the Council, acting in accordance with the

ordinary legislative procedure, shall establish a European electoral authority to conduct and verify the electoral process of the European Union constituency referred to in paragraph 1.

3. Transnational lists of candidates for election in the European Union constituency shall be registered with the European electoral authority at least 12 weeks before the start of the elections to the European Parliament.

4. Without prejudice to Article 3a, the lists shall be admissible only if:

– the candidates whose names appear on the lists in question are, in the aggregate, resident in at least one third of the Member States,

– no more than 25% of those candidates are resident in the same Member State,

– each group of five candidates is composed of nationals of five different Member States.

5. Each elector shall have two votes, one of which may be cast for the election of Members in his or her Member State and the other of which, being a supplementary vote, may be cast for the European Union-wide list. Seats shall be allocated from the European lists in accordance with the Sainte-Laguë method.

Or. en

Amendment 225

Sylvie Goulard

1976 Electoral Act

Article 2 a (new)

1976 Electoral Act

Amendment

Article 2a

1. Pursuant to Article 14 of the Treaty on European Union, there shall be one additional constituency formed of the

entire territory of the Union from which 25 Members shall be elected.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish an electoral authority to conduct and verify the electoral process of the European Union constituency referred to in paragraph 1.

3. Transnational lists of candidates for election in the European Union constituency shall be submitted by the European political parties and shall be admissible only:

(a) if the candidates whose names appear on the lists in question are, in the aggregate, resident in at least one third of the Member States, and

(b) if the lists in question are balanced in terms of gender.

4. Each elector shall have one supplementary vote that may be cast for the European Union-wide list.

5. Detailed arrangements for elections in the European Union constituency shall be laid down in implementing measures to be adopted in accordance with Article 14.

Or. en

Amendment 226

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 3

1976 Electoral Act

Member States may set a minimum threshold for the allocation of seats. At national level this threshold may not exceed 5 per cent of votes cast.

Amendment

Member States may set a minimum threshold for the allocation of seats. At national level this threshold may not exceed 3 per cent of votes cast.

There shall be no minimum threshold for the allocation of seats from the European

Union constituency referred to in Article 2a(1).

Or. en

Amendment 227

Sylvie Goulard

1976 Electoral Act

Article 3 – paragraph 1 a (new)

1976 Electoral Act

Amendment

1a. There shall be no minimum threshold for the allocation of seats from the European Union constituency referred to in Article 2a(1).

Or. en

Amendment 228

Jo Leinen

1976 Electoral Act

Article 3 a (new)

1976 Electoral Act

Amendment

Article 3a

Each Member State shall set a deadline for the establishment of electoral lists of at least 12 weeks before the start of the elections to the European Parliament in that Member State.

Or. en

Justification

In the original version of the draft proposal the amendments reads "Each Member State shall set a deadline for the establishment of electoral lists at national level (...)". This would possibly exclude regional lists or lists on constituency level from the scope of the provision. The amendment seeks to clarify that all electoral lists for the elections to the European Parliament are meant.

Amendment 229
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 3 a (new)

1976 Electoral Act

Amendment

Article 3a

Each Member State shall set a deadline for the establishment of electoral lists at national level at least 12 weeks before the start of the electoral period referred to in Article 10(1).

Or. en

Justification

Amendment to bring the wording in line with the wording of amendment 4 tabled by Hübner/Leinen (article 3c (new))

Amendment 230
Cristian Dan Preda

1976 Electoral Act
Article 3 a (new)

1976 Electoral Act

Amendment

Article 3a

Political parties participating in elections to the European Parliament shall observe democratic procedures and transparency in selecting their candidates for those elections.

Or. en

Amendment 231
Helmut Scholz, Barbara Spinelli, Kostas Chrysogonos

1976 Electoral Act
Article 3 a (new)

1976 Electoral Act

Amendment

Article 3a

Member States shall take measures to ensure the application of the principles of equal opportunities and balanced representation of women and men in every aspect of elections to the European Parliament.

Or. en

Amendment 232
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 3 a (new)

1976 Electoral Act

Amendment

Article 3c

All electoral lists must contain an equal number of men and women, with lists alternating between male and female candidates.

Or. en

Amendment 233
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 3 a (new)

1976 Electoral Act

Amendment

Article 3a

In the case of constituencies using the list system, the gap between the number of female and male candidates in each list shall not be greater than one. Each list

shall alternate candidates by gender in every position on the list.

Or. en

Amendment 234
Rainer Wieland, David McAllister

1976 Electoral Act
Article 3 b (new)

1976 Electoral Act

Amendment

Article 3b

Member States shall allow national parties to have information about their membership of European political parties included on the ballot paper.

Or. de

Amendment 235
Pedro Silva Pereira

1976 Electoral Act
Article 3 b (new)

1976 Electoral Act

Amendment

Article 3a

The ballot papers used in elections to the European Parliament shall include information concerning the affiliations of national parties with European political parties, where such affiliations exist. Member States shall encourage and facilitate the provision of such information in television and radio campaign broadcasts and on other electoral campaign materials.

Or. en

Amendment 236
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 3 b (new)

1976 Electoral Act

Amendment

Article 3b

Electoral materials distributed shall include the names and logos of the national political parties of any European political parties to which they are affiliated. They shall also provide a reference to the manifesto of the European political party, if any, to which they are affiliated.

Or. en

Justification

This will contribute to the better understanding of citizens that the European elections are supranational and that national political parties are often affiliated with European political parties, which have European manifestos and programmes and which make up the political groups of the European Parliament.

Amendment 237
Jo Leinen

1976 Electoral Act
Article 3 b (new)

1976 Electoral Act

Amendment

Article 3b

The ballot papers used in elections to the European Parliament shall give equal visibility to the names and logos of national parties and to those of any European political parties to which they are affiliated. Member States shall encourage and facilitate the provision of such information on electoral campaign materials.

Amendment 238
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 3 b (new)

1976 Electoral Act

Amendment

Article 3b

- 1. Only European political parties and European candidatures that have registered a transnational list for the European Union-wide constituency shall nominate a candidate for the position of Commission President.***
- 2. Those candidates shall be placed in the first position on the corresponding transnational list.***
- 3. The newly elected European Parliament shall express, through a vote in plenary, its preference among the candidates for the position of Commission President.***

Or. en

Amendment 239
Helmut Scholz, Barbara Spinelli

1976 Electoral Act
Article 3 c (new)

1976 Electoral Act

Amendment

Article 3c

Candidates for the position of Commission President shall be nominated by European political parties at the latest 12 weeks before the start date of the electoral period referred to in Article 10(1). Candidates nominated for the position of Commission President shall be

also stand as candidates for election to the European Parliament.

Or. en

Amendment 240
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 3 d (new)

1976 Electoral Act

Amendment

Article 3d

The rules concerning the posting of electoral materials to voters in elections to the European Parliament shall be the same as those applied for national, regional and local elections.

Or. en

Justification

If a Member State sends electoral material to all citizens by post for national, regional and local elections, then this must also be the case for the European elections

Amendment 241
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 4

1976 Electoral Act

Amendment

Each Member State may set a ceiling for *candidates'* campaign expenses.

Each Member State may set a ceiling for *the* campaign expenses *of candidates and political parties at the national and/or regional level. The electoral authority of the Member State concerned shall set a ceiling for the campaign expenses of candidates and political parties at the European Union level.*

Or. en

Amendment 242
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 4 a (new)

1976 Electoral Act

Amendment

Article 4a

Member States may introduce electronic and internet voting for elections to the European Parliament and, where they do so, shall adopt measures sufficient to ensure the reliability of the result, the secrecy of the vote and data protection.

Or. en

Amendment 243
Cristian Dan Preda

1976 Electoral Act
Article 4 a (new)

1976 Electoral Act

Amendment

Article 4a

Member States shall introduce electronic and internet voting for elections to the European Parliament and shall adopt measures sufficient to ensure the secrecy of the vote and data protection.

Or. en

Amendment 244
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 5 – paragraph 1

1976 Electoral Act

1. The five-year term for which members of the European Parliament are elected 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)**.

Amendment

1. The five-year term for which members of the European Parliament are elected 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 **11(2)**.

Or. en

Justification

This amendment is to correct an error in the original Electoral Act. Article 11(2) and not article 10(2) deals with this issue.

Amendment 245

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 6 – paragraph 1

1976 Electoral Act

1. Members of the European Parliament shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.

Amendment

1. Members of the European Parliament shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate. ***They shall represent all the citizens of the Union.***

Or. en

Amendment 246

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 7 – paragraph 1 – indent 1

1976 Electoral Act

– member of the Government of a Member State,

Amendment

– member of a national or regional parliament,

Amendment 247

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 7 – paragraph 2

1976 Electoral Act

Amendment

2. From the European Parliament elections in 2004, the office of member of the European Parliament shall be incompatible with that of member of a national parliament.

deleted

By way of derogation from that rule and without prejudice to paragraph 3:

– members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament, at which juncture the first subparagraph of this paragraph shall apply;

– members of the United Kingdom Parliament who are also members of the European Parliament during the five-year term preceding election to the European Parliament in 2004 may have a dual mandate until the 2009 European Parliament elections, when the first subparagraph of this paragraph shall apply.

Amendment 248

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 7 – paragraph 2

2. ***From the European Parliament elections in 2004***, the office of member of the European Parliament shall be incompatible with that of member of a national parliament.

By way of derogation from that rule and without prejudice to paragraph 3:

– members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament, at which juncture the first subparagraph of this paragraph shall apply;

– members of the United Kingdom Parliament who are also members of the European Parliament during the five-year term preceding election to the European Parliament in 2004 may have a dual mandate until the 2009 European Parliament elections, when the first subparagraph of this paragraph shall apply.

2. The office of member of the European Parliament shall be incompatible with that of member of a national parliament ***or of a regional parliament or assembly vested with legislative powers.***

Or. en

Amendment 249

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 7 – paragraph 3

3. In addition, each Member State may, in the circumstances provided for in Article 8, extend rules at national level relating to incompatibility.

3. In addition, each Member State may, in the circumstances provided for in Article 8, extend rules at national level relating to incompatibility ***in respect of members elected in one of its constituencies.***

Or. en

Amendment 250
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 7 – paragraph 4

1976 Electoral Act

4. Members of the European Parliament to whom paragraphs 1, 2 and 3 become applicable in the course of the five-year period referred to in Article 5 shall be replaced in accordance with Article 13.

Amendment

4. Members of the European Parliament to whom paragraphs 1, 2 and 3 become applicable in the course of the five-year period referred to in Article 5 shall be replaced in accordance with Article **13a or Article 13b**.

Or. en

Amendment 251
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 7 – paragraph 4

1976 Electoral Act

4. Members of the European Parliament to whom paragraphs 1, 2 and 3 become applicable in the course of the five-year period referred to in Article 5 shall be replaced in accordance with Article 13.

Amendment

4. Members of the European Parliament to whom paragraphs 1 and 3 become applicable in the course of the five-year period referred to in Article 5 shall be replaced in accordance with Article 13.

Or. en

Amendment 252
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 8 – paragraph 2 a (new)

1976 Electoral Act

Amendment

Where, in a Member State, the turnout in the last elections to the European Parliament was below 50%, that Member State shall take action to increase the

turnout and shall provide for information campaigns.

Or. en

Amendment 253

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 9

1976 Electoral Act

No one may vote more than once in any election of members of the European Parliament.

Amendment

Without prejudice to Article 2a, no one may vote more than once in any election of members of the European Parliament.

In order to ensure that this principle is respected, the European Parliament and the Council, acting by means of a regulation in accordance with the ordinary legislative procedure, shall establish an electoral roll at European Union level.

Or. en

Amendment 254

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 9

1976 Electoral Act

No one may vote more than once in any election of members of the European Parliament.

Amendment

Without prejudice to Article 2a(5), no one may vote more than once in any election of members of the European Parliament.

Or. en

Amendment 255

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 9 a (new)

1976 Electoral Act

Amendment

Article 9a

The minimum age of voters in elections to the European Parliament shall be 16.

Or. en

Amendment 256
Mercedes Bresso

1976 Electoral Act
Article 9 a (new)

1976 Electoral Act

Amendment

Article 9a

In order to avoid fraud, double voting or inability to vote due to inefficiency in the exchange of information between Member States, the deadline for the establishment and finalisation of the electoral roll is set at eight weeks before election day.

Or. en

Justification

In the original version of the draft proposal the amendments reads "Each Member State shall set a deadline for the establishment of electoral lists at national level (...)". This would possibly exclude regional lists or lists on constituency level from the scope of the provision. The amendment seeks to clarify that all electoral lists for the elections to the European Parliament are meant.

Amendment 257
Mercedes Bresso

1976 Electoral Act
Article 9 b (new)

Article 9b

In each Member State, a single contact authority shall be responsible for exchanging data on voters with its counterparts in the other Member States. That authority shall transmit to those counterparts, at the latest six weeks before election day and via uniform and secure electronic means of communication, data concerning Union citizens who are nationals of more than one Member States and Union citizens who are not nationals of the Member State in which they are residing.

The information transmitted shall include at least the surname and forename, age, city of residence, and date of arrival in the Member State concerned, of the citizen in question.

Or. en

Justification

Since the Commission and many Member States have pointed out the difficulties and problems encountered by them ahead of European elections in exchanging information concerning Union citizens living in another Member State, it is necessary to improve the system for exchanging information by appointing a single authority in each Member State to be responsible for gathering the information and transmitting it to its counterparts in other Member States, and for receiving such information from those counterparts and passing it to the authorities responsible for the voting operations. The deadline for transmitting the information should be six weeks before the election, thus giving enough time for the information to be processed in the Member States (and, in particular, for translation and transliteration in the case of alphabetic differences, and for the resolution of problems and issues arising from homonyms, etc.)".

Amendment 258
Rainer Wieland

1976 Electoral Act
Article 10 – paragraph 1

1976 Electoral Act

Amendment

Elections to the European Parliament shall be held ***on the date and at the times 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.***

Elections to the European Parliament shall be held ***in all Member States within the same period starting on a Thursday morning and ending on the following Sunday. The Sunday in question shall always be the second Sunday in May. The election shall end in all Member States at the latest at 20:00 hours CET on that Sunday.***

Or. de

Justification

Durch einen festgelegten Wahlzeitraum werden politische Einflüsse auf die Festlegung eines Wahltermins verhindert. Außerdem können sich die Wähler so über die Jahre an den Wahltermin gewöhnen. Mit dem durch den Antrag genannten Zeitraum wird die Kollision mit nationalen Feiertagen weitgehend vermieden; eine Kollision mit Ostern und Pfingsten ist in diesem Jahrhundert in den Wahljahren nicht absehbar. Die weitere Änderung würde verhindern, dass Informationen über Wahlergebnisse in Mitgliedstaaten veröffentlicht werden, in denen die Wahl zum Europäischen Parlament früher stattfindet, und dass somit das allgemeine Endergebnis der Wahl beeinflusst wird.

Amendment 259

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 10 – paragraph 1

1976 Electoral Act

Amendment

1. Elections to the European Parliament shall be held on the date and at the times 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.

1. Elections to the European Parliament shall be held on the date ***or dates*** and at the times fixed by each Member State. ***For*** all Member States ***the*** date ***or dates*** shall fall within the same period starting on a Thursday morning and ending on the following Sunday. ***The polling stations shall close in all Member States at 21:00 hours CET on that Sunday.***

Or. en

Amendment 260
Mercedes Bresso

1976 Electoral Act
Article 10 – paragraph 1

1976 Electoral Act

1. Elections to the European Parliament shall be held on the date and at the times 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.

Amendment

1. Elections to the European Parliament shall be held on the date *or dates* and at the times fixed by each Member State. *For* all Member States *the* date *or dates* shall fall within the same period starting on a Thursday morning and ending on the following Sunday. *The election shall end in all Member States by 23:00 hours CET on that Sunday.*

Or. en

Justification

This measure would avoid leakages of information on election results in Member States that hold European elections earlier and would thus eliminate the possibility to influence the overall final results of the elections.

Amendment 261
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 10 – paragraph 2

1976 Electoral Act

2. *Member States may not officially make public the results of their count 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.*

Amendment

2. *First projections of the results shall be communicated simultaneously in all Member States at 21:00 hours CET on the Sunday marking the end of the electoral period specified in paragraph 1.*

Or. en

Amendment 262
Mercedes Bresso

1976 Electoral Act
Article 10 – paragraph 2

1976 Electoral Act

2. Member States may not officially make public the results of their count 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.

Amendment

2. Member States may not officially make public the results of their count 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. ***First projections of the results shall be communicated simultaneously in all Member States at 23:00 hours CET on the Sunday marking the end of the electoral period specified in paragraph 1.***

Or. en

Justification

This measure would create a pan-European moment.

Amendment 263
Rainer Wieland

1976 Electoral Act
Article 10 – paragraph 2

1976 Electoral Act

2. Member States may not officially make public the results of their count 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.

Amendment

2. Member States may not officially make public the results of their count 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. ***Prior to this no exit poll-based forecasts may be published either.***

Or. de

Justification

In keeping with the interests of voters, the results should be announced promptly, not during

the night or only the next day.

Amendment 264

Rainer Wieland, David McAllister

1976 Electoral Act

Article 10 – paragraph 2 a (new)

1976 Electoral Act

Amendment

2a. The counting of postal votes shall begin in all Member States once the polls have closed in the Member State whose voters vote last within the period referred to in paragraph 1.

Or. de

Justification

Simultaneous counting of postal votes in all the Member States will prevent the results from being announced in those Member States whose polling stations closed before the end of the period referred to in paragraph 1.

Amendment 265

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 11

1976 Electoral Act

Amendment

1. The **Council**, **acting unanimously** after consulting the European Parliament, shall determine the electoral period for the **first** elections.

1. The **European Parliament**, after consulting the **Council**, shall determine the electoral period for the elections **at least one year before the end of the five-year term referred to in Article 5.**

2. Subsequent elections shall take place in the corresponding period in the last year of the five-year period referred to in Article 5.

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, at least one year before the end of the five-year term referred to in Article 5, another electoral period which shall not be more than two months before or one month after the period fixed pursuant to the preceding subparagraph.

3. Without prejudice to *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 electoral period.

4. The powers of the European Parliament shall cease upon the opening of the first sitting of the new European Parliament.

3. Without prejudice to *Article 229 of the Treaty on the Functioning of the European Union* 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 electoral period.

Or. en

Amendment 266
Rainer Wieland, David McAllister

1976 Electoral Act
Article 11 – paragraph 2 – subparagraph 2

1976 Electoral Act

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, at least one year before the end of the five-year term referred to in Article 5, another electoral period which shall not be more than two months before or one month after the period fixed pursuant to the preceding subparagraph.

Amendment

deleted

Or. de

Justification

The election date has already been fixed as a result of the changes to Article 10.

Amendment 267

Pervenche Berès

1976 Electoral Act

Article 11 – paragraph 2 – subparagraph 2

1976 Electoral Act

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, at least *one year* before the end of the five-year term referred to in Article 5, another electoral period which shall not be more than two months before or one month after the period fixed pursuant to the preceding subparagraph.

Amendment

Should it prove impossible to hold elections in the *Union* during that period, *the European Parliament and* the Council shall determine, at least *twelve weeks* before the end of the five-year term referred to in Article 5, another electoral period which shall not be more than two months before or one month after the fixed period pursuant to the preceding subparagraph.

Or. fr

Amendment 268

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 12

1976 Electoral Act

The European Parliament shall verify the credentials of *members of the European Parliament*. *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*.

Amendment

The European Parliament shall verify the credentials of *the Members of Parliament on the basis* of the results declared officially by the *electoral authority referred to in Article 2a(2) and the* Member States.

Or. en

Amendment 269

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act

Article 12

1976 Electoral Act

The European Parliament shall verify the credentials of members of the European Parliament. 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.

Amendment

The European Parliament shall verify the credentials of members of the European Parliament. For this purpose it shall take note of the results declared officially by ***the Member States and by the European electoral authority*** 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.

Or. en

Amendment 270

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 12 a (new)

1976 Electoral Act

Amendment

Article 12a

When former Members of the European Parliament intend to engage in an occupation during the period of 18 months after they have ceased to hold office, they shall inform the European Parliament within good time and the European Parliament shall examine the nature of the planned occupation. If the planned occupation is related to content for which the former Member in question has been responsible during his or her term of office, the European Parliament shall seek the opinion of the Ad Hoc Ethical Committee.

Justification

MEPs who are rapporteurs or shadow rapporteurs on a dossier have access to privileged information, which could give their future employer an unfair advantage during future negotiations if the former MEP is employed to work for them straight after the end of their mandate.

Amendment 271

Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act**Article 13***1976 Electoral Act**Amendment*

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate.

A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate.

2. 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 5 for the remainder of that period.

3. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall inform the European Parliament thereof.

4. Where a seat falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned thereof.

Amendment 272
Pervenche Berès

1976 Electoral Act
Article 13 – paragraph 1

1976 Electoral Act

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate.

Amendment

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate ***in accordance with national electoral law.***

Or. fr

Amendment 273
Pervenche Berès

1976 Electoral Act
Article 13 – paragraph 1 a (new)

1976 Electoral Act

Amendment

1a. For the purposes of paragraph 1, withdrawal of the mandate shall cover all cases involving the automatic loss of the mandate, including as a result of incompatibility, provided for under national electoral law, provided that law is consistent with Union law.

Or. fr

Amendment 274
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 13 – paragraph 2 a (new)

1976 Electoral Act

Amendment

2a. Where the law of a Member State provides for the temporary replacement of a member of its national parliament during the absence of that member on

maternity leave, that State may decide that such provisions are to apply mutatis mutandis to the Members of the European Parliament elected in that State.

Or. en

Amendment 275
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 13 a (new)

1976 Electoral Act

Amendment

Article 13a

- 1. In the case of Members of the European Parliament elected in its constituencies, 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 5 for the remainder of that period.*
- 2. Where the law of a Member State makes explicit provision for withdrawal of the mandate of a Member of the European Parliament elected in a constituency of that Member State, that mandate shall end pursuant to those legal provisions. The competent authorities of that Member State shall inform the European Parliament of those legal provisions .*
- 3. Where a seat of a Member of the European Parliament elected in a Member State constituency falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned of that vacancy.*

Or. en

Amendment 276
Sylvie Goulard

1976 Electoral Act
Article 13 a (new)

1976 Electoral Act

Amendment

Article 13a

- 1. In the case of Members of the European Parliament elected for the European Union constituency, and subject to the other provisions of this Act, appropriate procedures for the filling of any vacancy for the remainder of the five-year term of office referred to in Article 5 shall be laid down in implementing measures to be adopted in accordance with Article 14.*
- 2. Where the law of the Union makes explicit provision for withdrawal of the mandate of a Member of the European Parliament elected on the European Union-wide list, that mandate shall end pursuant to those legal provisions. The electoral authority shall inform the European Parliament of those legal provisions.*
- 3. Where a seat of a Member of the European Parliament elected for the European Union constituency falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the electoral authority of that vacancy.*

Or. en

Amendment 277
Josep-Maria Terricabras, Ernest Maragall

1976 Electoral Act
Article 13 b (new)

Article 13b

1. In the case of Members of the European Parliament elected for the European Union constituency, and subject to the other provisions of this Act, appropriate procedures for the filling of any vacancy for the remainder of the five-year term of office referred to in Article 5 shall be laid down in accordance with the procedure established in Article 14.

2. Where the law of the Union makes explicit provision for the withdrawal of the mandate of a Member of the European Parliament elected on the European Union-wide list, that mandate shall end pursuant to those legal provisions. The electoral authority shall inform the European Parliament of those legal provisions.

3. Where a seat of a Member of the European Parliament elected for the European Union constituency falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the electoral authority of that vacancy.

Or. en

Amendment 278

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act

Article 14

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*

Measures to implement this Act shall be *proposed by the European Parliament, acting by a majority of its component members, and adopted by the Council, acting by a qualified majority*, after consulting the Commission *and obtaining*

to reach agreement with the European Parliament in a conciliation committee consisting of the Council and representatives of the European Parliament.

the consent of the European Parliament.

Or. en

Amendment 279
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Article 15

1976 Electoral Act

Amendment

This Act is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all the texts being equally authentic.

Pursuant to the Accession Treaties, the Bulgarian, Czech, Croatian, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Romanian, Slovak and Slovenian versions of this Act shall also be authentic.

Annexes I and II shall form an integral part of this Act.

Or. en

Amendment 280
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Annex I

1976 Electoral Act

Amendment

Annex I

deleted

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

the United Kingdom.

Or. en

Amendment 281
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

1976 Electoral Act
Annex II

1976 Electoral Act

Amendment

Annex II

deleted

Declaration on Article 14

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 1975¹.

¹ *OJ C 89, 22. 4. 1975, p. 1.*

Or. en