

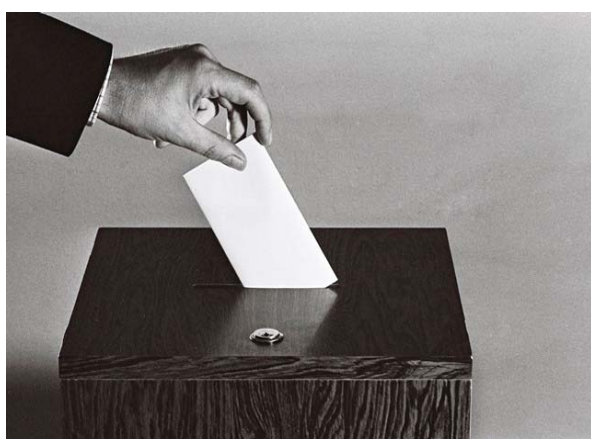
40th Anniversary of the 1976 Act on Direct Elections to the European Parliament

SUMMARY

Between 7 and 10 of June, 1979, the first direct elections to the European Parliament by universal suffrage were held, thus signalling the end of a long and arduous attempt to institute this new degree of democracy in the European Community. Indeed, the effort spanned two decades, with the first draft Convention for direct elections having been submitted by Fernand Dehousse in 1960. Direct elections to the European Parliament had been mandated in the Treaty of Rome. Despite this, Mr Dehousse's draft Convention had little effect, until in 1972, with a push for European Union, it was felt that the time had come to act on it.

However, such a long period had lapsed that the draft needed updating. This task was entrusted to Schelto Patijn in 1973, and by January of 1975 a new draft Convention on direct elections to the European Parliament was submitted. Fearing that these efforts might again fall by the wayside, the Parliament sought to do what it could to push toward the implementation of the draft Convention. In the lead-up to, and following several Council meetings during 1975 and 1976, the European Parliament was disillusioned at the lack of Council action.

After a concerted effort on the part of a majority of Parliament, the Council signed the draft Convention into an Act on 20 September 1976. While this was seen as a great achievement, considering the extent to which the European Parliament had to lobby, MEPs recognised that this was merely the beginning, for there were many outstanding issues regarding the organisation of direct elections still to be addressed.



European elections, 1976

This briefing covers:

- The Treaties and the 1960 draft Convention
- The 1974 draft Convention
- Initial motions for a resolution
- Final motion and adoption
- Amending the Act on direct elections

The Treaties and the 1960 draft Convention

In the Treaty on the European Coal and Steel Community, Member States were given a choice to designate or elect, by universal suffrage, the representatives to the Common Assembly. The Treaty of Rome revoked this option, mandating Member States with the designation of representatives. However, Article 138(3) provided for the future 'elections by direct universal suffrage in accordance with a uniform procedure'. By 1960, Fernand Dehousse, for the Committee on Political Affairs and Institutional Matters of the European Parliamentary Assembly, had prepared a draft Convention on direct elections, adopted by the European Parliament.¹



Fernand Dehousse in October 1960

However, over a decade passed with no progress made on implementing the adopted resolution. In that time, Ireland, United Kingdom and Denmark had joined the Community and the Paris Summit of 1972 had initiated the project for European Union. It was decided that the 1960 draft Convention needed updating.²

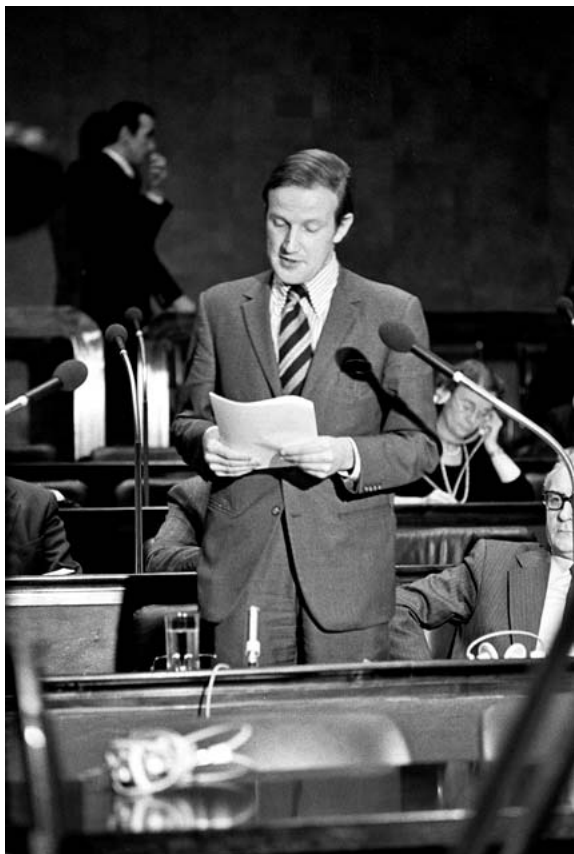
The 1974 draft Convention and the Schelto Patijn report

In November 1974, after having worked extensively for a year,^{3,4} Schelto Patijn, rapporteur for the Political Affairs Committee, submitted a new initial draft Convention on direct elections.^{5,6} It included amendments agreed upon by the Members of Parliament. Part I outlined the practical details of implementing direct elections, including reasoning, technical issues, responsibilities for implementation, and a possible election date. Part II covered a summary of events since 1960, and the main problems raised by the new draft Convention.

In January 1975, the draft Convention concerning elections to the European Parliament by direct universal suffrage was submitted.⁷ It included the motion for a resolution and a

detailed explanatory statement, as well as an opinion by Hans Lautenschlager on behalf of the Legal Affairs Committee.^{8,9} The resolution outlined the practical details for implementation, covering number of seats, length of term, electoral system and transitional provisions. The explanatory statement justified the need to update the 1960 draft, detailing the main differences between the two texts, and included a summary of the report adopted in May 1960. The statement also rehearsed relevant events since that time, illustrating the failure to move on after the initial draft Convention. In its conclusion, the report mentioned possible problems, including the electoral procedure, links with national parliaments, incompatibility rules, the total number of seats, and transitional arrangements. The opinion of the Legal Affairs Committee discussed technical considerations but found the draft Convention to be legally sound.

The official draft Convention was published on 13 January 1975¹⁰ and a debate in Parliament followed.^{11,12} Schelto Patijn opened the debate by providing his opinion on issues such as uniform procedure and electoral systems, the need for greater parliamentary power, and announced that any delay by the Council in signing the draft could not be tolerated. After Hans Lautenschlager and the President of the Commission, Francois-Xavier Ortoli, representatives from each political group spoke before the debate was opened to all. Generally, MEPs' positions were not too divergent, with wide agreement on topics such as the need to abolish dual mandate, to hold elections simultaneously across Europe, the importance of keeping to the agreed deadline, the total number of seats, and how a uniform procedure could be established at a later stage. However, the European Conservative Group felt that the dual mandate should not be abolished. The Group of European Progressive Democrats questioned the timing of direct elections, without having obtained greater parliamentary powers.



Schelto Patijn in a, debate in Plenary on elections to the European Parliament by direct universal suffrage, 14/01/1975

Initial motions for a resolution

On 11 March 1976, Parliament debated and adopted a motion for a resolution put forward by several political groups (Socialist Group, Christian-Democratic Group, Liberal and Allies Group, European Conservative Group), urging the Council to make its final decision on the draft at its meeting in April.^{13,14,15} Again, Schelto Patijn took the floor, declaring that the main outstanding issue was a decision on the number of seats and urging the Council to pass the draft in the interest of creating a more democratic Europe.

On 7 April, following the Council meeting, the same cross-group alliance proposed another motion for a resolution that was again debated and adopted, deploring the failure of the Council to come to a final decision.^{16,17,18} The President-in-Office of the European Council, Gaston Thorn, addressed Parliament and assured MEPs that the draft was supported but that there were still disputes over the number of seats. The remainder of Parliament's debate largely consisted of expressions of disappointment and disillusionment at the Council's failure to act.

The Christian-Democratic Group felt that citizens had been let down, while the Group of European Progressive Democrats claimed that the European Community was slipping backwards and that the Council was yet to find its role. The European Conservative Group expressed its disappointment but also its hope that the next Council meeting would be more successful. The Communist and Allies Group claimed the failure was no surprise but reflected the deep crisis of European policies supporting big business.

In June, the same cross-group alliance issued yet another motion for a resolution, debated and adopted, requesting the Council to establish the number of seats between 350 and 400.^{19,20,21}



Demonstration in support of European elections outside a meeting of the European Council in Brussels, 12/07/1976

Final motion and adoption

Between 13 and 15 September 1976, Schelto Patijn tabled a final motion for a resolution on behalf of the Political Affairs Committee, deploring once more the Council's failure to sign on the draft during their July meeting.^{22,23} There was a decision to pass the draft on the 20 of September, however, and Schelto Patijn pleaded that delays beyond this point would jeopardise the deadline for direct elections. President-in-Office of the Council Laurens Jan Brinkhorst assured Parliament that the draft would be signed in five days. Schelto Patijn looked toward the necessary work that lay beyond the signature. Others echoed this need to work hard in the future and the political Groups generally seemed optimistic. However, Gwyneth Dunwoody from the Socialist Group and Gérard Bordu from the Communist and Allies Group opposed any plan for direct elections, the latter regarded them 'as pseudo-democracy'.



Georges Spénale and Schelto Patijn at a press conference on the agreement on the direct election of the European Parliament, 20/09/1976

The Council formalised the draft Convention as the Act of 20 September 1976. However, Member States were slow to ratify the Act, and the date for direct elections was eventually set for 7 to 10 June 1979.²⁴



European elections, poster, 1979

Amending the Act on direct elections

On 28 September 2015, a report on a proposal to amend the Act on direct elections to the European Parliament was tabled by Danuta Hübner and Jo Leinen and adopted by the Committee on Constitutional Affairs.²⁵

The report calls for reform of the electoral process before the 2019 elections, notably enhanced visibility of the European Parties, common minimum deadlines for the publication of candidate lists and voting rules for citizens living outside the EU, including postal and electronic voting. Furthermore, a common electoral threshold is proposed.

In its explanatory statement, the report recalls previous decisions affecting the electoral system. In 1992, the Maastricht Treaty gave the European Parliament the right to assent to Council decisions on uniform procedure, and citizens the right to vote anywhere in the EU. In the 1997 Amsterdam Treaty, the European Parliament's mandate for a reform of electoral law was widened, including common principles to be followed by Member States. The Lisbon Treaty of 2007 gave Members of the European Parliament enhanced status as direct representatives of European Citizens (Art. 10 and 14 TEU) instead of the 'peoples of the States brought together' in the European Union (former Art. 189 TEC).

Secondary legislation has also affected the Act in terms of the right to vote and stand as a candidate, rules on the political parties and their funding, and legal their personality at the European level. The only direct reform of the Act since 1976 took place in 2002, requiring Member States to conduct elections on the basis of proportional representation, using a list or single transferable vote system, and abolishing the dual mandate.

Endnotes

- ¹ Piodi, Fr., *Towards direct elections to the European Parliament*, *Cardoc Journals*, No 4, European Parliament, Archive and Documentation Centre (Cardoc), March 2009, pp. 9-25.
- ² *Idem*, pp. 31-40.
- ³ European Parliament, Political Affairs Committee, Direct elections to the European Parliament: some working hypotheses. Rapporteur: S. Patijn, 3.4.1974, doc. PE 36.643, Historical Archives of the European Parliament (HAEP) archives (PE0 AP RP/POLI.1961 A0-0368/74 0260).
- ⁴ European Parliament, Political Affairs Committee, Preliminary draft report in the form of a questionnaire on the problem of direct elections to the European Parliament. Rapporteur: S. Patijn, 12.11.1973, doc. PE 34.729, HAEP archives (PE0 AP RP/POLI.1961 A0-0368/74 0270).
- ⁵ European Parliament, Political Affairs Committee, Draft report on the submission of a new Convention on direct elections to the European Parliament, Part I: Draft Convention. Rapporteur: S. Patijn, 31.10.1974, doc. PE 37.881/I/rev., HAEP archives (PE0 AP RP/POLI.1961 A0-0368/74 0210).
- ⁶ European Parliament, Political Affairs Committee, Draft report on the submission of a new Convention on direct elections to the European Parliament, Part II. Rapporteur: S. Patijn, 6.9.1974, doc. PE 37.881/II, HAEP archives (PE0 AP RP/POLI.1961 A0-0368/74 0220).
- ⁷ European Parliament, Elections to the European Parliament by direct universal suffrage: Draft Convention with explanatory statement, January 1975, doc. AHPE (PE0 AP RP/POLI.1961 A0-0368/74 0230).
- ⁸ *Idem*, pp. 49-57.
- ⁹ European Parliament, Legal Affairs Committee, Opinion on the legal aspects of election of the members of the European Parliament by direct universal suffrage. Draftsman of the opinion: Mr H. Lautenschlager, *European Parliament: Working documents, 1974-1975*, 8.1.1975, doc. PE 37.881/fin, HAEP archives (PE0 AP RP/POLI.1961 A0-0368/74 0020).
- ¹⁰ European Parliament, Political Affairs Committee, Report on the adoption of a Draft Convention introducing elections to the European Parliament by direct universal suffrage. Rapporteur: S. Patijn, *European Parliament: Working documents, 1974-1975*, 13.1.1975, doc. PE 37.881/fin./2, HAEP archives (PE0 AP RP/POLI.1961 A0-0368/74 0010).
- ¹¹ *Debates of the European Parliament*, sitting of Tuesday, 14 January 1975, pp. 34-92, HAEP archives (PE0 AP DE/1974 DE19750114-01 9900, PE0 AP DE/1974 DE19750114-02 9900).
- ¹² Minutes of the proceedings of the sitting of Tuesday, 14 January 1975, OJ C 32, 11.2.1975, pp. 12-19.
- ¹³ Fellermaier, Bertrand, Durieux, and Kirk, Motion for a resolution [...] on direct elections to the European Parliament, *European Parliament: Working documents, 1976-1977*, 10.3.1976, doc. 44.114, HAEP archives (PE0 AP PR B0-0011/76 0010).
- ¹⁴ *Debates of the European Parliament*, sitting of Thursday, 11 March 1976, pp. 101-118, HAEP archives (PE0 AP DE/1976 DE19760311-01 9900).
- ¹⁵ Minutes: OJ C 79, 5.4.1976, pp. 26-27.
- ¹⁶ Fellermaier, Bertrand, Durieux, and Kirk, Motion for a resolution [...] on elections by direct universal suffrage to the European Parliament, *European Parliament: Working documents, 1976-1977*, 5.4.1976, doc. PE 44.263, HAEP archives (PE0 AP PR B0-0045/76 0010).
- ¹⁷ *Debates of the European Parliament*, sitting of Wednesday, 7 April 1976, pp. 85-116, HAEP archives (PE0 AP DE/1976 DE19760407-01 9900).
- ¹⁸ Minutes and adopted resolution: OJ C 100, 3.5.1976, p. 24.
- ¹⁹ Fellermaier, Bertrand, Durieux, and Kirk, Motion for a resolution [...] on the election of the European Parliament by direct universal suffrage, *European Parliament: Working documents, 1976-1977*, 15.6.1976, doc. PE 44.263, HAEP archives (PE0 AP PR B0-0174/76 0010).
- ²⁰ *Debates of the European Parliament*, sitting of Wednesday, 16 June 1976, pp. 108-115, HAEP archives (PE0 AP DE/1976 DE19760616-02 9900).
- ²¹ Minutes and adopted resolution: OJ C 159, 12.7.1976, p. 23.
- ²² Patijn, S., Motion for a resolution [...] on direct elections to the European Parliament by universal suffrage, *European Parliament: Working documents, 1976-1977*, 13.9.76, doc PE 45.431/fin., HAEP archives (PE0 AP PR B0-0288/76 0010).
- ²³ Debate, minutes, amendment votes, adopted resolution: OJ C 238, 11.10.1976, pp. 24-25.
- ²⁴ Piodi, Fr., *op. cit.*, p. 38.
- ²⁵ Hübner, D., and Leinen, J., The reform of the electoral law of the European Union, 2015/2035(INL), available: http://www.afconet.ep.parl.union.eu/afconet/cms/cache/offonce/welcome/adopted_documents/reports_1 [accessed on 2.10.15].

Disclaimer and Copyright

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the publisher is given prior notice and sent a copy.

Manuscript completed in October 2015, Luxembourg © European Union

Photo credits: © European Union, 1960, 1976, 1979 – EP

eprs@ep.europa.eu

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

www.epthinktank.eu (blog)