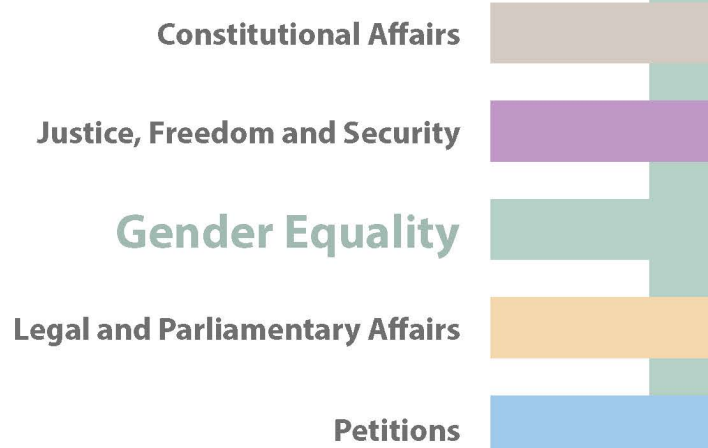


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



**Preparing a harmonized
maternity leave for Members
of the European Parliament
- legal analysis**

In-depth analysis for the FEMM Committee



DIRECTORATE GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS**

WOMEN'S RIGHTS & GENDER EQUALITY

Preparing a harmonized maternity leave for Members of the European Parliament - legal analysis

IN-DEPTH ANALYSIS

Abstract

Upon request by the FEMM Committee, the Policy Department has examined the Member States' different national legislations for maternity or parental leave for national members of Parliament. Furthermore, the rules concerning absence and leave for Members of the European Parliament have also been explored. The overview of the European and national rules provide insights in the different ways how maternity or parental leave is regulated for members of parliament at both levels. It concludes that the provisions of the European Electoral Act prohibit presently the introduction of rules for maternity or parental leave with a possibility of temporary replacement for MEPs.

ABOUT THE PUBLICATION

This research paper was requested by the European Parliament's Committee on Women's Rights and Gender Equality and commissioned, supervised and published by the Policy Department for Citizen's Rights and Constitutional Affairs.

Policy departments provide independent expertise, both in-house and externally, to support European Parliament committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU external and internal policies.

To contact the Policy Department for Citizen's Rights and Constitutional Affairs or to subscribe to its newsletter please write to: poldep-citizens@europarl.europa.eu

Research Administrator Responsible

Ms Erika SCHULZE
Policy Department C: Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

AUTHOR

Anne BONEWIT

LINGUISTIC VERSIONS

Original: EN

Manuscript completed in April, 2016
© European Union, 2016

This document is available on the internet at:
<http://www.europarl.europa.eu/supporting-analyses>

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and 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.

CONTENTS

LIST OF ABBREVIATIONS	5
INTRODUCTION	6
1. EU LEVEL	7
1.1. Outline of the situation of MPs and MEPs during maternity leave	7
1.2. EU provisions	7
2. MEMBER STATES' PROVISIONS	9
2.1. Austria	9
2.2. Belgium	9
2.3. Bulgaria	10
2.4. Croatia	10
2.5. Cyprus	11
2.6. The Czech Republic	11
2.7. Denmark	11
2.8. Estonia	11
2.9. Finland	12
2.10. France	12
2.11. Germany	13
2.12. Greece	13
2.13. Hungary	13
2.14. Ireland	14
2.15. Italy	15
2.16. Latvia	15
2.17. Lithuania	15
2.18. Luxembourg	16
2.19. Malta	16
2.20. The Netherlands	16
2.21. Poland	17
2.22. Portugal	17
2.23. Romania	18

2.24. Slovakia	18
2.25. Slovenia	19
2.26. Spain	19
2.27. Sweden	20
2.28. The United Kingdom	20
3. CONCLUSION	21
3.1. Member States	21
3.2. European level	22
REFERENCES	23

LIST OF ABBREVIATIONS

- B-VG** Bundesverfassungsgesetz
- EP** European Parliament
- EU** European Union
- MP** Member of Parliament
- MEP** Member of the European Parliament

INTRODUCTION

The Committee for Women's Rights and Gender Equality (FEMM) asked the Policy Department to present an overview of the different national legal regimes for Members of Parliament (MPs) regarding maternity and parental leave. Furthermore, the Policy Department should analyse which steps would be needed for an introduction of maternity and parental leave for Members of the European Parliament (MEPs). In particular it should be examined if, on the one hand, national rules applicable to MPs could be transferred to MEPs, which would lead to equal treatment of MPs from the same Member State. On the other hand, if it would be appropriate to create common rules on the European level with a view to ensure equal treatment of all MEPs.

For the research it was considered that the possible replacement of MEPs during maternity leave would be a major step forward for the empowerment of women in the European political system. The research should explore avenues to avoid the inconvenience for political groups when MEPs who are entitled to vote in their favour are absent due to maternity leave.

The research of the Policy Department took into account the efforts of the Committee on Constitutional Affairs (AFCO) from 2006. At that time, AFCO examined this question, however, without a concrete result. This was due to the fact that it became apparent that the Electoral Act would have to be modified before a temporary replacement of MEPs during maternity leave - or for other reasons - could be introduced.

Against this backdrop, the Policy Department presents a summary of the legal situation on European level and, for comparison, an overview of the national legislations regarding maternity leave for MPs which applies in some cases also to MEPs, to the extent to which they are compatible with the European Electoral Act¹.

¹ The research was carried out with the kind support of the contact points in the national parliaments of the Union of the European Centre for Parliamentary Research & Documentation (ECPRD). The following Member States responded to the questionnaire: AT, BE, CZ, DE, DK, EE, ES, FI, FR, GR, HR, HU, IT, , LT, LV, LU, NL, PL, PT, RO, SE, SI, SK, and UK. Consequently, the information provided in this analysis copy the information received through the ECPRD. No answer was received from BG and CY. Further references to national documents is provided in the annex.

1. EU LEVEL

1.1. Outline of the situation of MPs and MEPs during maternity leave

Members of the European Parliament have certain rights and obligations. One of these rights is the right to vote. However, in certain circumstances like illnesses, serious family related circumstances, pregnancy and after child-birth, MEPs might have difficulties to attend Plenary² meetings. During such absence, Members are unable to exercise their voting rights. Furthermore, the registration as absent without any reason can also have an effect on the financial reimbursement of MEPs.

Furthermore, being absent for a longer period of time can have an effect on the reputation of a Member of a national or the European Parliament (EP). In particular, in the case that this Member is coming from a Member State with a constituency system, there is a large chance that a longer absence will influence the reputation of this Member. Local voters might have the feeling that their representative did not do a proper job when this member would have been absent from Parliament for a longer period of time. This can affect the Member negatively in his or her career.

According to Parliament's Rules of Procedure, absences are excused under certain circumstances. But the Rules of Procedure do not provide for temporary substitution of MEPs in compliance with the European Electoral Act. This is discussed in more detail in section 1.2.

Also in national parliaments, MPs might face difficulties in case they are absent for a longer period of time. Some Member States have consequently put in place regulations for the absence of Members and sometimes these provisions include the possibility of replacement during maternity or parental leave or sickness. In some Member States, these provisions for maternity or parental leave are also applicable to Members of the European Parliament when they are in line with European laws. Other Member States only provide for the possibility to be excused from attending sessions of Parliament, like in the EP. This can be the case in Member States where the constitution or other laws establish voting as a personal right which cannot be transferred to another person.

Consequently, there are large differences between the Member States and their national laws regulating the rights of Members of Parliament (MPs) and Members of European Parliament (MEPs). Chapter 2 provides an overview of the legislation at national and European level for maternity or parental leave for MPs and MEPs.

1.2. EU provisions

On EU level, the Act concerning the Election of the Representatives of the Assembly by Direct Universal Suffrage of 20 September 1976 and the Rules of Procedure of the European Parliament provide generally for some indications regarding the rights and

² It should be noted that replacement by a substitute is possible in committee meetings.

obligations of MEPs. Maternity or parental leave, however, is neither mentioned in the Election Act nor in the EP's Rules of Procedure.

Article 6 of the Election Act states that Members shall vote on an individual and personal basis and shall not be bound by instructions or a binding mandate.³ Furthermore, article 177 of the Rules of Procedure confirms that the right to vote is a personal right. Members must vote individually and in person according to this article. In addition, the article notes that any infringement of this article shall constitute a serious case of disorder which can have legal consequences.⁴ These provisions indicate that the vote of a Member who is absent cannot be assumed by another Member from his/her group or from his/her Member State. Consequently, based on these provisions, substitution during maternity or parental leave is not possible in the European Parliament.

Presently, the rule applicable for MEPs with regard to maternity leave on the European level can be found in paragraph 4 of Article 31 of the Decision of the EP Bureau of 19 May and 9 July 2008 concerning implementing measures for the Statute for Members of the European Parliament (Official Journal 2009/C 159/01) which states that:

"4. A Member expecting a child shall be excused attendance at official meetings of Parliament for a period of three months preceding the birth of the child. The Member must submit a medical certificate indicating the probable date of confinement. After confinement, the Member shall be excused attendance at official meetings for a period of six months. The Member must submit a copy of the child's birth certificate."⁵

This provision is the basis for a valid excuse in relation to Article 148 of the EP's Rules of Procedure on "Attendance of Members at Sittings". In conclusion, Members of the European Parliament are excused for being absent before and after the birth of a child, even when there is no official maternity leave or possibilities for substitution of the vote.

Finally it should be noted that when the Electoral Act does not mention the substitution of a Member, it does not mean that it is in the competence of the Member States to do so. According to the Electoral Act, the Member States can only intervene after the election of a Member in two cases: when the place becomes vacant because of resignation or death or when, in accordance with national legislation, a Member loses his/her mandate. In any case it could be argued that the application of Member States' rules would also have the inconvenience of creating disparity between MEPs which would be difficult to be implemented in a uniform and non-discriminatory way on the European level.

³ Decision of 20 September 1976 of the Council, article 6, <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2012-27&language=EN>. It should be noted that the Electoral Act reflects the provisions of some Constitutions of Member States which codify the personal and individual vote as an absolute right and exclude any possibility of delegation of vote. Consequently, also the Members' Statute and the Rules of Procedure cannot provide for a delegation of the vote.

⁴ Rules of Procedure European Parliament, July 2014, <http://www.europarl.europa.eu/sipade/rulesleg8/Rulesleg8.EN.pdf>

⁵ [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009D0713\(01\)-20130701&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009D0713(01)-20130701&from=EN)

2. MEMBER STATES' PROVISIONS

2.1. Austria

Members of both the Federal and the National Council can apply for leave of absence (art 59a (2) Federal Constitution). If a member is prevented from attending the plenary, he/she must inform the President in advance (§ 4 para 2 Rules of Procedure). If a member is unable to attend plenary for more than 30 days, the president shall inform the plenary (§4 para. 3). At the Plenary, the President will announce apologies for Members who are absent with a valid reason (§41).⁶ The legal framework on the Austrian federal level (B-VG, Rules of Procedure Act does not provide for maternity leave for Members of the Federal and National Council or for Members to be substituted. There is only one exception: article 56 (2) B-VG allows MPs who become member of the Federal government or State Secretary to relinquish their seat, with the possibility of reassignment of the seat when these Members return, after having left their office, to Parliament.⁷ In parliamentary practice, MPs in need of maternity leave continue to hold their office and justify their absence towards the President (as provided for in § 11 para 2 Rules of Procedure Act of 1975).

However, even if there is no possibility for maternity leave for members of the federal Parliament, some *Länder* Parliaments do give the possibility for maternity or care leave. For example, the *Länder* of *Vorarlberg* allows members of the *Voralberg* Parliament to take leave and to be substituted for a period of at least three and no more than fourteen months (art 14 para 5 Constitutional Law of *Voralberg*). The Electoral Rules for the Land Parliament of *Voralberg* specifies that leave can be taken for the care of a child until the completion of its first year. The Constitution of the Burgenland Lander has similar provisions for leave. There are no provisions in Austrian law on leave for Austrian MEPs.

2.2. Belgium

The Belgian House of Representatives has no specific regulations on maternity leave for Members of the House. There are no regulations for (maternity) leave for Belgian MEPs either.

However, a Member of the House of Representatives, who is on maternity leave, shall be deemed to be present for the purpose of applying the rules on penalties for not participating in the nominal votes in the plenary session. Moreover, in the committees of the House of Representatives, the rules with regard to substitution can be applied in case of maternity leave. For every committee Member, a substitute (from the same political group) is appointed. In case one of the Members is absent, the substitute will replace this Member (Art. 22 of the Rules of Procedure).⁸ The Members of committees and their substitutes can also be replaced by another substitute from the same political group. Consequently, there

⁶ Austria, Rules of Procedure Federal Council, <https://www.parlament.gv.at/ENGL/PERK/RGES/GOBR/>

⁷ Austria, Constitution, https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1930_1/ERV_1930_1.pdf

⁸ Federal Chamber Belgium, Rules of procedure, https://www.dekamer.be/kvvcr/pdf_sections/publications/reglement/reglement_UK.pdf

is no substitution for Members of Parliament but in the committees substitutes can be appointed.

The Belgian Senate does not have any provisions to ensure attendance and has no provisions for maternity leave. For the committees, the Senate has a similar system as the House of Representatives: a Member who is unable to attend committee meetings can appoint another Member from the same political party, to take this members place in the committee (Art. 21.4 Rules of Procedure).

In the Flemish Parliament, Members are entitled to a maternity leave of 15 weeks (*Statuut van het Lid van het Vlaams Parlement*, Chapter 6). Substitution in the plenary session is achieved by means of pairing arrangements (where one Member abstains from voting by agreement with an absent Member); in the committees, Members who are absent are substituted in the committees in a similar way as in the House of Representatives.⁹

2.3. Bulgaria¹⁰

Members of the National Assembly are obliged to attend the sittings of the National Assembly and the sittings of the Committees of which they are a member. A Member who is absent for valid reasons from the Committee or National Assembly meetings shall notify the President in advance (art 130 Rules of Procedure).¹¹ Article 81 of the Bulgarian Constitution states that the vote of MPs is personal as well as in Committee as in National Assembly meetings.¹²

There are no provisions in the Constitution, Rules of Procedure or in the Election law about substitution or replacement of MPs. The lack of provisions in combination with Article 81 of the Constitution (the vote is personal) can lead to the conclusion that substitution or delegation of the vote is not allowed. In the case of Bulgarian MEPs, Bulgaria only provides for substitution in case of permanent loss of a members' mandate.¹³ The election law does not regulate other rights for Bulgarian MEPs.

2.4. Croatia

Croatian legislation provides for permanent or temporary substitution of at least 6 months of elected Members of the Croatian Parliament. This can take place when a MP's term of office terminates or if his/her term of office is suspended. Suspension of a members term of office can take place when: (a) *if during his or her term of office an elected MP accepts to assume a duty that does not comply with duties of Member of Parliament (parliamentary incompatibility)*, (b) *upon an elected MP's written application to suspend his/her term*. The period for suspension cannot be shorter than six months. When a member is substituted, the substitute MP is candidate from the same electoral list as the suspended Member, who received the greatest number of preferred votes. Special provisions apply for MPs

⁹ <https://www.vlaamsparlement.be/over-het-vlaams-parlement/vlaamse-volksvertegenwoordigers-partijen-en-fracties/rechten-en-plichten> and <http://docs.vlaamsparlement.be/docs/stukken/2014-2015/q7-1.pdf>

¹⁰ The findings on Bulgaria have to be treated with caution as they were not confirmed by the national authorities.

¹¹ Bulgaria National Assembly, Rules of Procedure <http://www.parliament.bg/en/rulesoftheorganisations>

¹² Bulgarian Constitution, <http://www.parliament.bg/en/const>, article 81.

¹³ Bulgaria, Law on the Elections to the European Parliament, articles 121, 122

representing national minorities since they are nominated and elected jointly, as well as their substitutes.

For Croatian MEPs, substitution is also only possible for Members whose mandate has ended.¹⁴

2.5. Cyprus

No information available.

2.6. The Czech Republic

The members of the Chamber of Deputies must exercise their mandate personally (art 26 Constitution). No other Member of the Chamber of Deputies can replace this original member and exercise their mandate.¹⁵ For this reason, temporary substitution is not allowed in the Czech Parliament. However, absences can be excused.¹⁶ In the Elections to the European Parliament Act (Law No. 62/2003), there are also no references to substitution of the vote.

Czech Members of the European Parliament can only be replaced when their seat becomes vacant. This can happen in specific circumstances like resignation, the death of a MEP and legal disqualification.¹⁷ These circumstances are of a permanent nature and the original MEP would not be able to regain her/his original mandate.

2.7. Denmark

In Denmark, Members of Parliament may be granted a leave of 12 months in case of pregnancy, child birth or adoption (Standing Order of the Danish Parliament chapter 15, article 41 (par 4)).¹⁸ During this leave of absence, the Member will be temporarily replaced by a substitute (Constitution, section 31, subsection 4). When a member applies for a leave of absence, the Speaker will call upon the substitute to take over the mandate of the original Member (Standing Orders § 41). With regard to substitution of Danish Members of the European Parliament, the Danish Members of the European Parliament Elections Act is applicable. Article 43 of this act regulates that a vacant seat can be taken over by a substitute. With every EP elections, a list of substitutes is made.¹⁹ However, this does not concern temporary replacement.

2.8. Estonia

Members of the *Riigikogu* may submit an application for suspension of the mandate to take parental leave. The leave may not be shorter than three months and the application must

¹⁴ Croatian European Election Law <http://www.sabor.hr/Default.aspx?art=37958&sec=3243>

¹⁵ Czech Parliament, Rules of Procedure, 2006, <http://www.psp.cz/cgi-bin/eng/docs/laws/1995/90.html>

¹⁶ Czech Parliament, Rules of Procedure, 2006, article 9.

¹⁷ Law No. 62/2003 of 18 February 2003 on Elections to the European Parliament and on Change of Selected Acts of Law, articles 54 and 55, <http://www.psp.cz/cgi-bin/eng/docs/laws/2003/62.html>

¹⁸ Folketing, Standing Orders

<http://www.thedanishparliament.dk/Publications/Standing%20Orders%20of%20the%20Folketing/Chapter%2015.aspx>

¹⁹ Denmark Members of the European Parliament, Election Act,

<http://elections.sim.dk/media/712619/consolidated-act-ep-elections-2014.pdf>

be approved by the Board of the *Riigikogu*. The Board will adopt a resolution which recognises the parental leave within three working days as of the date of receiving the application. The decision also sets out the date of resumption of the mandate. Consequently, members of the *Riigikogu* can suspend their mandate in connection with raising a child who is under the age of three (§6 Status of Members of the *Riigikogu* Act). During the parental leave, a substitute member assumes the membership of the *Riigikogu* instead of the member (§11 of the Status of Members of the *Riigikogu* Act). A substitute member of the *Riigikogu* is a candidate who stood in the election on the list for the member's political party and who is registered first in the order of substitute members (§12 of the Status of Members of the *Riigikogu* Act).²⁰ With regard to Estonian MEPs, the national European Parliament Election Act is applicable. Only a few rights are laid down in this Election Act. However, the Election Act does provide for substitution of original members.²¹

2.9. Finland

Members of the *Eduskunta* may be registered as absent for parental leave. According to the Section 48, of the Parliament's Rules of Procedure a record of an absence from a plenary session because of a task associated with parliamentary work or due to illness, maternity, paternity or parental leave shall be entered in the minutes of the plenary session. The rights of Members of the *Eduskunta* are personal and cannot be replaced temporarily. This means that a Member of the *Eduskunta* having maternity leave still has the right to participate in Plenary Sessions. A MEP can only be temporarily replaced in two cases: *The office of a Representative is suspended for the time during which the Representative is serving as a Member of the European Parliament. During that time a deputy of the Representative shall replace the Representative. The tenure of office of a Representative is suspended also for the duration of military service.*²² However, committees have alternate members who can substitute absent members. There are no regulations for maternity leave for Finnish MEPs.

2.10. France

In France, Members of the *Assemblée Nationale* can delegate their voting rights under certain circumstances (*Ordonnance n° 58-1066 du 7 novembre 1958 portant loi organique autorisant exceptionnellement les parlementaires à déléguer leur droit de vote*).²³ However, maternity leave is not mentioned as a reason for delegating their rights to vote, but only sickness. Consequently, there are possibilities for leave and a delegation of voting rights for the members of the *Assemblée Nationale*, however, female members who want maternity leave, have to rely on sick leave or another reason given in article 1 Ordonnance 58-1066 in order to delegate their vote. The rules of procedure of the *Assemblée Nationale* are applicable to the French Members of the European Parliament.²⁴

²⁰ Status of Members of the Riigikogu Act, <https://www.riigiteataja.ee/en/eli/520102014007/consolide>

²¹ European Parliament Election Act, <https://www.riigiteataja.ee/en/eli/522012015005/consolide>, § 73 and 74.

²² Finland Constitution, section 28.

²³ http://www.assemblee-nationale.fr/connaissance/pouvoirs-publics/pouvoirs_publics-08.asp#P13383_1259070

²⁴ Assemblée Nationale, rules of procedure http://www.assemblee-nationale.fr/connaissance/reglement_2015_01.pdf

The *Senat* does not allow senators to be absent. There is even a possibility to reduce the income of the senator in case of repeated absence. This provision is however, not applicable in case of maternity leave (art 23 *Règlement du Senat*).

2.11. Germany

Members of the *Bundestag* may be granted maternity leave. Maternity leave is granted six weeks before and eight weeks after the woman gave birth to a child. During this period of time, the MP shall receive the monthly remuneration. The member's failure to enter her name in the attendance register in the case of maternity leave does not result in a reduction of the expense allowance (section 14 Members of the Bundestag Act). However, MPs in the Bundestag cannot be temporarily replaced.²⁵

The German *Bundesrat* has no own provisions on maternity leave. Members of the *Bundesrat* receive no remuneration, but only daily allowances (of 60 euro per day) and a reimbursement of travel expenses. If they do not attend the plenary sessions they are not entitled to these benefits. However, members of the *Bundesrat* have twofold roles. They are always (prime) ministers of the Länder (or, in the case of the city states of Berlin, Bremen and Hamburg, Mayors and senators) or State Secretaries in their respective federal states. Due to their function as a member of the federal state government, they may be granted maternity leave. The general rules on maternity leave apply also for members of the federal state government. During the maternity leave, the member of the federal state government shall receive the monthly remuneration.

As far as MEPs are concerned, the Members of European Parliament Act does not provide for any regulation concerning maternity leave.

2.12. Greece

Members of the Greek Parliament can get a leave of absence for parliamentary activities (art 76 Standing Orders). Members of standing committees that are absent can be replaced or substituted by other Members who belong to the same Parliamentary Group. This replacement/substitution is based on a request from the President of the relevant Parliamentary Group to the Speaker. The Speaker decides whether this substitution can take place (art 35 Standing Orders).²⁶

There are no national provisions with regard to the rights and status of Greek Members of the European Parliament.

2.13. Hungary

The rights of Members of Parliament are personal and cannot be delegated or substituted (section 28 (5) Act XXXVI of 2012 on the National Assembly).²⁷ Members are obligated to be present at the vote. Members of Parliament have the right to maternity leave, like other

²⁵ German Bundestag, Members of the Bundestag and Members of the European Parliament Act: <https://www.bundestag.de/blob/189732/6e3095be7d1968201ca34bbca5f1c285d9/memlaw-data.pdf> [last retrieved 2015-11-25]

²⁶ Greek Parliament, Standing Orders, <http://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/Kanonismos-tis-Voulis/>

²⁷ Act XXXVI of 2012 on the National Assembly <http://www.parlament.hu/documents/125505/138409/Act+XXXVI+of+2012+on+the+National+Assembly/b53726b7-12a8-4d93-acef-140feef44395>

citizens. Based on the Hungarian social insurance system, pregnant Members can choose to have a maternity leave (and rely on the Pregnancy and confinement benefit - TGYS) for the time period from 1 to 168 days. Members would get 70% of their salary during this period and can ask for tax reduction. When Members are officially on maternity leave, they are excused to be absent during parliamentary activities, but their legal position as a MP is continuous. In addition, the social insurance system provides for an additional longer period of parental leave when the maternity leave has finished. This child care allowance is optional.

Hungarian Members of the European Parliament are covered by the Hungarian Fundamental Law, Act LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament, Act CXIII of 2003 on the Election of Hungarian Members of the European Parliament and Parliamentary Resolution 10/2014 (24 Feb. 2014) on Certain Provisions of the Rules of Procedure.²⁸ However, the current Hungarian MEPs have chosen not to be part of the Hungarian social insurance system. Consequently, the Hungarian social insurance legislation is not applicable for the current Hungarian MEPs.

2.14. Ireland

In Irish legislation there are no formal or special arrangements for Irish politicians (both members of the *Oireachtas* or MEPs) for maternity leave. There are no provisions relating to this matter in the Irish Constitution, the Electoral Act²⁹ or the rules of the Irish Parliament (Standing Orders).³⁰ Only provisions for a permanent replacement are provided in Irish legislation. Irish MPs and MEPs cannot be replaced or substituted. However, there are also no provisions which prevent MPs from not attending Parliament for a vote. On an informal basis, pairing arrangements can be used. This is where a politician of one party agrees with a politician of an opposing party not to vote in a particular division, giving both politicians the opportunity to be absent during the vote. Pairing arrangements can also be withdrawn by parties. In general, there is legislation for workers to take maternity leave,³¹ but obviously, Irish politicians (including MEPs) are not employees but office holders and therefore not entitled to formal maternity leave.³² However, once elected a politician's salary is untouchable and can therefore not be reduced during the politicians' time in office. The salary is paid to the Member from the moment he or she is elected until the moment he or she loses the seat or dies. Were a Member to take time off for maternity leave, this salary would still be paid, as would the salaries of a Member's staff.

²⁸ <http://www.parlament.hu/web/house-of-the-national-assembly/relation-to-the-european-parliament>

²⁹ [Electoral Act 1992](#) (as amended)

[European Parliament Elections Act 1997](#) (as amended). For MEPs, where there is a casual vacancy (caused by an elected MEP no longer being entitled to be a MEP or who ceases to be an MEP otherwise than by a term of the European Parliament passing), it is filled by a replacement candidate whose name stands highest on the replacement candidate list (with a maximum of 4 entries per list) of the political party or non-party candidate concerned. This is under section 17-19 and PART XIII of Schedule 2 of the 1997 Act.

³⁰ Ireland, Constitution 1999 <http://www.irishstatutebook.ie/eli/cons/en/html> and the Standing Orders of the Dáil 2011 <http://www.oireachtas.ie/parliament/about/publications/standingorders/>.

³¹ Under the [Maternity Protection Act 1994](#) (as amended), the [Maternity Protection \(Amendment\) Act 2004](#) (as amended) and the [Social Welfare Consolidation Act 2005](#), women employees in Ireland are entitled to maternity protection (protection of their job), maternity leave and, provided the employee has sufficient PRSI contributions, to a Department of Social Protection Maternity Benefit payment for the duration of the leave.

³² Ireland Social Welfare (Consolidated Contributions and Insurability, Statutory Instrument Number 312/1996, <http://www.irishstatutebook.ie/eli/1996/si/312/made/en/print>

2.15. Italy

The Bureau of the Chamber of Deputies will lay down permissible causes for absence (art 48 bis Rules of Procedure). The article does not include any references to what reasons are permissible causes for absence. Members of the Senate are also entitled to leave (article 62 Rules of the Senate).³³ There are no provisions in the Rules of Procedure or the Constitution about the transferral of the vote. There are no specifications whether the Rules of Procedure are applicable to Italian MEPs

2.16. Latvia

Members of the *Saeima* have the right to maternity and parental leave based on articles 154, 155 and 156 of the Labour Law. The Law on Remuneration of Officials and Employees of State and Local Government Authorities regulates the social and financial rights and obligations of Members of the *Saeima*. During maternity and childbirth leave, paternal leave, child adoption leave, as well as childcare leave, a Member keeps his/her employee status in the relevant *Saeima* convocation. A member can give up his/her mandate temporarily during maternity leave. The Presidium (which consists of the Speaker, two deputy speakers, the secretary and a deputy secretary) nominates the next candidate from the election list to become a Member. In order to renew their mandate, the Member must submit a petition to the Presidium seven days before he/she wants to terminate maternity leave or parental leave (article 5 (2) Rules of Procedure of the *Saeima*).³⁴

In the Rules of Procedure of the *Saeima*, there is no reference to Members of the European Parliament. The Election Law for Latvian Members of the European Parliament states that, when a seat of a Latvian MEP becomes vacant, this member can be replaced by another member from the electoral list. The reasons given by this Election Act indicate that they have to be of a more permanent nature and do not provide for temporary substitution.³⁵

2.17. Lithuania

According to Article 111 paragraph 4 of the Rules of Procedure of the *Seimas*, Members' right to vote may not be transferred to other persons. Article 11 of the Rules of Procedure states that important justifiable reasons for non-attendance at *Seimas* sittings and at *Seimas* committee or commission meetings include temporary working incapacity, child-rearing leave of a Member of the *Seimas* or other important circumstances.³⁶

The national Law on Elections for the European Parliament does not grant the same rights to Lithuanian MEPs. Just like in other Member States, another candidate from the election list can be given a vacant seat in case of resignation, the death and legal disqualification of a MEP.³⁷ However, Law No. IX-2025 on the status of working conditions of members of the

³³ Italy, Chamber of Deputies, Rules of Procedure http://en.camera.it/application/xmanager/projects/camera_eng/file/RULES_OF_PROCEDURE_CHAMBRE_OF_DEPUTIES.pdf

³⁴ Saeima, Rules of Procedure, article 4 (1) <http://www.saeima.lv/en/legislation/rules-of-procedure>

³⁵ <https://www.cvk.lv/pub/public/28144.html>

³⁶ The Seimas of the Republic of Lithuania Statute, Articles 11 and 111. The English text (as of 13th of October 2015) is available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/6d4489b08a1611e5bca4ce385a9b7048?jfwid=2pdfkq8fv>

³⁷ Law on Elections for the European Parliament,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=375934

European Parliament elected in the Republic of Lithuania, gives Lithuanian Members of the EP the same social guarantees with regard to maternity leave as members of the *Seimas*. Lithuanian MEPs can therefore have maternity leave but cannot substitute their vote.³⁸

2.18. Luxembourg

Article 44 (11) of the *Règlement de la Chambre des Deputes* gives each Member the right to substitute his/her vote to another member, this member can vote in the name of the original member in case of his/her absence.³⁹ There are no provisions in the European Parliament Election Law and the *Règlement de la Chambre des Deputes* about the substitution of the vote for MEPs for Luxembourg.

2.19. Malta

Members of the House of Representatives can have a leave of absence. This leave of absence can be granted by the Speaker. The Member with a leave of absence shall be excused from service in the house (art 158 Standing Orders of the House of Representatives).⁴⁰ When a Member is absent, his/her vote is not replaced (there are no provisions on the substitution of the vote). When a seat becomes vacant, the election commission shall announce new elections in order to fill the vacant seat.⁴¹ According to the national European Parliament Election Act, if a seat of a Maltese MEP becomes vacant, the vacancy shall be filled in the same manner as provided by national law for filling a vacant seat in the House of Representatives. This concerns permanent substitution and not temporary substitution.⁴²

2.20. The Netherlands

Members of the Dutch Parliament (both from the First and Second Chamber) can be temporarily replaced in case of pregnancy and childbirth or illness. At a member's request, the presiding officer of the representative assembly shall grant temporary termination of membership, in connection with pregnancy and childbirth, to the member. After granting the temporary termination, the presiding officer shall notify the chairperson of the central electoral committee (*Centraal Stembureau*).⁴³ This committee shall appoint a replacement member who will replace the member during maternity leave (article X10, X11 and X12 Dutch Election Law).⁴⁴ The Member of Parliament will be replaced by someone for the same political party and this is usually the next (unelected) member on the election list. Besides members of Parliament, these provisions are also applicable to members of the regional and municipal councils.

³⁸ Law No. IX-2025 on the status of working conditions of members of the European Parliament elected in the Republic of Lithuania, Article 6. http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=228269

³⁹ Luxembourg Chambre des Deputes, Reglement de la Chambre des Deputes, <http://www.chd.lu/wps/wcm/connect/7d1764e3-2032-40f5-8e6f-b9a9f70def72/R%C3%83%C2%A8glement+CHD-01062015.pdf?MOD=AJPERES>

⁴⁰ House of Representatives Malta, Standing Orders <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8970&l=1>

⁴¹ General Election Law, thirteenth schedule, article 18. http://www.parlament.mt/general_election_act?l=1

⁴² Malta, European Parliament Election Act, article 22.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8933&l=1>

⁴³ <https://www.kiesraad.nl/artikel/ep-vervanging-bij-zwangerschap-en-ziekte>

⁴⁴ Dutch election law, https://www.kiesraad.nl/sites/default/files/Pdf_voor_Engelse_site-Elections_Act.pdf

In the case of Dutch MEPs, two new provisions to the election law are created that have not entered into force, yet. Article Y 30a and Y 30b state that article X 10 and X 11 of the Election law shall also be applicable to Dutch MEPs. Members have to make their request for temporarily termination of their mandate to the President of the House of Representatives, who shall notify the President of the European Parliament. A substitute is appointed by the Central Electoral Committee. These provisions were made in 2006. At that time, discussions were held at the European Parliament to provide maternity leave for MEPs. During that period, the Dutch government was amending its national election law to provide maternity or sickness leave for MPs. Due to the discussions at the EP, the Dutch proposal also included changes for the Dutch MEPs. However, the Rules of Procedure of the European Parliament have not been changed regarding maternity leave. Therefore, articles Y 30a and Y 30b are not in line with the EP's Rules of Procedure. The Dutch government therefore decided to postpone the entry into force of articles Y30a and Y30b until legislation and rules on the European level allow for maternity leave and substitution of MEPs.⁴⁵

2.21. Poland

The general rules of the Polish labour law do not apply to Members of the *Sejm* or the Senate because they are not considered to be employees. In general, Members of the *Sejm* are obliged to attend and actively participate in the sittings of the Parliament and any of its organs. It is considered to be the fundamental duty of members to participate in voting during the sittings and the committees. Based on article 7 (7) of the Standing Orders of the *Sejm*, members are required to notify their absence (if possible seven days in advance), to the Marshal of the *Sejm*. Paragraph 8 of this article lists the possible reasons for absence. The provisions related to maternity leave are: "*leave granted to a deputy by the Marshal of the Sejm, subject to Para. 10, other serious, unpredictable or unavoidable occurrences*".⁴⁶ Members may apply for leave for reasons of great importance to the Marshal of the *Sejm*. The Marshall shall grant the leave in consultation with the presidium or the political group to which the member belongs. If the leave is longer than fourteen days, the members will lose his/her allowance.⁴⁷ The provisions for members of the Senate are quite similar: senators are obliged to be present and participate in the Senate, leave can be granted by the Marshal for valid reasons. A senator's allowance will be suspended during leave.⁴⁸ Moreover, the vote of a Senator is personal and cannot be delegated. It is therefore not possible to substitute a senator.

There are no provisions in Polish law which regulate maternity leave for Polish MEPs.

2.22. Portugal

Members of the Assembly can ask the President of the Assembly to substitute them temporarily. Maternity or parental leave is mentioned as one of the grounds for this

⁴⁵ Staatsblad, Besluit van 26 september 2006, houdende vaststelling van het tijdstip van inwerkingtreding van de Wet van 7 september 2006 houdende regeling van de tijdelijke vervanging van leden van de Tweede Kamer en Eerste Kamer der Staten-Generaal, de provinciale staten en de gemeenteraden wegens zwangerschap, bevalling of ziekte, Staatsblad 2006 no. 449, <https://zoek.officielebekendmakingen.nl/stb-2006-449.html>

⁴⁶ Standing Orders of the Sejm, article 7(8).

⁴⁷ Standing Orders of the Sejm, article 7 (10)

⁴⁸ Poland, Standing Orders of the Senate, article 19 and 23.

temporary replacement (Article 5 Statute governing Members of the Assembly of the Republic).⁴⁹

The rights of Portuguese Members of the European Parliament are governed by the national Electoral Law for the European Parliament (Law No. 14/87, art 1) which is the election law that is applicable for the election for the national parliament and the European Parliament. The Statute of Members of the Portuguese Parliament is not applicable for Portuguese MEPs.⁵⁰ Therefore, Portuguese MEPs cannot rely on the maternity or parental leave and substitution provision from the Statute governing Members of the Assembly.

2.23. Romania

The members of the Chamber of Deputies and Senators are not allowed to be absent from sittings of the Chamber or committees unless he/she has an approval for leave. Maternity leave is a recognised reason for leave and can be granted on the basis of a medical certificate.⁵¹ The labour code applies to MPs. Based on article 50 and 53 of this labour code: the individual labour contract is legally suspended during maternity leave. During the temporary interruption of activity, employees concerned are granted at least 75% of the base salary. There are no regulations with regard to the substitution of the vote. Romania has a comparable provision as other EU Member States with regard to the substitution of rights of MEPs. Only permanent replacement is possible when a MEPs mandate ends.⁵²

2.24. Slovakia

According to section 39 (6) of the Rules of Procedure of the Slovakian Parliament, no member may be substituted in voting by another member or any other person. A member who has cast a vote for another Member shall be subject to disciplinary proceedings under Section 136 paragraph (2b).⁵³ However, members are allowed to take a leave of absence (section 49 Rules of Procedure).

The Slovakian electoral law for the European Parliament does not regulate the rights and obligations for Slovakian MEPs. In article 37, it is stated that when a seat becomes vacant, it will be taken over by a substitute.⁵⁴ Although the grounds for a seat to become vacant are not mentioned in the article, it gives the impression that it only concerns permanent substitution, in particular, because the election law would otherwise not be in line with article 39 and 136 of the Rules of Procedure of the Slovakian Parliament.

⁴⁹ Statute of Members of the Portuguese Parliament and the Rules of Procedure

<http://www.en.parlamento.pt/Legislation/StatuteofMembers.pdf>, http://app.parlamento.pt/site_antigo/ingles/cons_leg/regimento/Rules_of_Procedure.pdf

⁵⁰ Election Law Portugal, http://www.cne.pt/sites/default/files/dl/legis_lepe_2014.pdf

⁵¹ Romania, Standing Orders Senate, article 193.

⁵² Romania, Election Act European Parliament, http://www.cdep.ro/proiecte/2006/900/00/4/leg_pl904_06.pdf

⁵³ Slovakia, Rules of Procedure Parliament, http://www.nrsr.sk/web/Static/en-US/NRSR/Dokumenty/rules_of_procedure.pdf

⁵⁴

http://www.google.be/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CDAQFjAB&url=http%3A%2F%2Fwww.mestotornala.sk%2Fdownload_file_f.php%3Fid%3D62889&ei=4jL6UrLOOuu6yqOr-4DAAQ&usq=AFOjCNFOJH2trFz8iRZY8QVYIRNW-mQvZw&sig2=tRrR6hA05INRXF9420BV6g&bvm=bv.61190604.d.bGQ&cad=rjt

2.25. Slovenia

In accordance with the Rules of Procedure of the National Assembly (namely Article 95, which relates to the labour law), Members of Parliament in Slovenia have the right to parental leave. Parental leave in Slovenia includes maternity leave of 105 days, which can only be taken by the child's mother, and childcare leave of 260 days, which can be taken by either parent. A general provision on parental leave is enshrined in Article 186 of the Employment Relationships Act, stating that the employer is obliged to ensure a worker the right to absence from work, or to part-time work, because of applying parental leave provided by the law.⁵⁵ The Employment Relationships Act is applicable to MPs based on article 95 of the Rules of Procedure of the National Assembly/ The Rules of Procedure of the National Assembly consider the absence of a MP from work as justified, which is in line with the regulations governing employment relationships and health insurance. A MP on parental leave may still carry out his/her parliamentary function and attend sessions and voting at the National Assembly, since the law and the Rules of Procedure do not provide for temporary suspension of the mandate of the Member, which would be required if a MP on parental leave would be substituted for by an alternate MP.⁵⁶

There are no provisions in the Rules of Procedure or in the national European Election Law about the rights of the Slovenian MEPs.

2.26. Spain

The vote of a Member of The Congress of Deputies is personal and may not be delegated (Section 79 (3) Constitution). However, the votes of members, who are expressly authorized by the Bureau to vote, do count even if they are absent (Section 79 Standing Orders).⁵⁷ Article 82.2 of the Standing Orders of the Congress creates the possibility for members on maternity or parental leave to vote through, the telematics procedure with identity identification, in plenary sessions in a voting which cannot be subject to fragmentation or modification. The Bureau must authorise the use of this procedure. Before authorisation, the member on leave should request the Bureau to apply this special procedure in a specific plenary voting.⁵⁸ The Senate has a similar procedure in Article 92 of its Standing Orders. Senators on maternity or parental leave may be authorised to use telematics voting when the method and timing of such voting is foreseeable because it is not subject to fragmentation or modification.⁵⁹

There are no specific provisions on whether the Standing Orders of the Congress of Deputies or the Election Law are applicable to Spanish MEPs.

⁵⁵ Regulation on Employment Relations and Health Insurance
http://www.mddsz.gov.si/en/legislation/veljavni_predpisi/zdr_1/#c16981

⁵⁶ National Assembly Slovenia, Rules of Procedure, <http://www.dz-rs.si/wps/portal/en/Home/ODrzavnemZboru/PristojnostiInFunkcije/RulesoftheProcedureText>

⁵⁷ Spanish Parliament, Standing Orders of the Congress of Deputies, http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/standing_orders_02.pdf and the Spanish Constitution, see <http://www.tribunalconstitucional.es/en/constitucion/Pages/ConstitucionIngles.aspx#I13>

⁵⁸ Spanish Parliament, Standing Orders of the Congress of Deputies, http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/standing_orders_02.pdf

⁵⁹ Spanish Senate, Standing Orders of the Senate
<http://www.senado.es/web/conocersenado/normas/reglamentoootrasnormassenado/detallesreglamentosenado/index.html#t3c7>

2.27. Sweden

Members of the *Riksdag* have the same right to parental leave as other employees. This is regulated in the Parental Leave Act (1995:584). Parental benefit is payable for 480 days and has three different compensation levels. One level is based on the size of one's income, while the other two levels pay a fixed amount per day. A pregnant woman is entitled to start parental leave 60 days before the expected birth of the child.

Thus, a member of the *Riksdag* may be granted parental leave from his or her duties. If a member has been granted parental leave for at least one month, the member's duties shall be carried out by an alternate for the duration of his or her absence. An application for leave of absence is considered by the Speaker (*Riksdag* Act, Chapter 5 Articles 3 and 4).⁶⁰ These provisions are not applicable to Swedish MEPs.

2.28. The United Kingdom

There are no specific/official orders with regard to leave and absence or the substitution of the vote for members of the House of Commons.⁶¹ There are some informal practices with regard to maternity leave for MPs: a MP can negotiate with party whips for maternity leave.⁶² The problem is that MPs are office-holders, therefore, they are not considered to be employees and do consequently not qualify for maternity leave.

Members of the House of Lords can apply for leave but there is no substitution of the vote. During their leave, Members of the House of Lords are expected to be absent and are therefore not allowed to be present in meetings (Standing Orders House of Lords, point 1.36/1.37).⁶³

Since there is neither official leave nor a substitution of the vote for Members of the House of Commons, there is also nothing regulated for British MEPs. The practice of the House of Commons might give the possibility for MEPs that, when they want maternity leave, they could use the same informal practices within the British political parties as the House of Commons.

⁶⁰ Riksdag Act, <https://www.riksdagen.se/en/How-the-Riksdag-works/Democracy/The-Constitution/The-Riksdag-Act--almost-a-fundamental-law/>

⁶¹ Thomas Erskine May, Jack Malcolm and others, Treatise on the law, privileges, proceedings and usage of Parliament Erskine May's Treatise on the law, privileges, proceedings and usage of Parliament, London: LexisNexis 2011, pp. 47-48. Speaker's Conference on Parliamentary Representation, *Final Report*, 11 January 2010, HC 239-I 2009-10, chapter 7

⁶² House of Commons, <http://www.publications.parliament.uk/pa/spconf/239/23911.htm>

⁶³ House of Lords, Standing Orders, <http://www.publications.parliament.uk/pa/ld/ldcomp/composo2015/composo2015.pdf>

3. CONCLUSION

The research carried out showed that maternity and parental leave are differently addressed on the European level and in the Member States⁶⁴. Usually, as in the European Parliament, MPs can, however, be replaced in committee meetings.

3.1. Member States

On the European level and in some Member States, maternity leave either counts as a valid excuse for not voting or for not participating in meetings. Consequently, MEPs and MPs concerned continue to receive their remuneration also during the time when they are absent for maternity leave. For example, this is the case in Austria, Belgium and Germany. It should be noted that out of these three, in Austria there exists nevertheless a possibility to be replaced: MPs who become a member of the federal government or state secretary can relinquish their seat and return to Parliament when they leave their office, while in the other two countries, no temporary replacement is possible. In the European Parliament temporary replacement is also not possible.

In Finland, Germany, Hungary, Lithuania, Romania, Slovenia and Spain, absence for different kinds of reasons can be excused, including for the reason of maternity or parental leave. This is, however, without the possibility to be replaced.

Many Member States offer the possibility of excused absence. However, maternity or parental leave is not literally mentioned as one of the grounds for absence. This is the case in Austria, Belgium, Bulgaria, the Czech Republic, France, Greece, Italy, Malta, Poland and Slovakia. In these Member States, excused absence is offered without the possibility of being replaced. In some of these Member States, the right to vote is considered to be a personal right which cannot be delegated, for example in the Czech Republic and Slovakia.

Croatia has no regulation at all regarding maternity leave and does not provide excused absence for MPs. Croatian MPs can only be replaced when their mandate ends.

Interestingly, in a few Member States, the rules for maternity leave of the labour code apply also to MPs: Latvia, Romania, Slovenia and Sweden. This may introduce a reduction of the remuneration during maternity leave. Most of these Member States do not foresee for replacement during maternity leave. However, in Sweden it is possible to substitute a MP during maternity leave.

The United Kingdom and Ireland have no official regulations for maternity leave for MPs. Furthermore, MPs are considered to be office holders and can therefore not rely on regulations in the labour law for maternity leave. In practice, maternity leave is negotiated with party whips. MPs keep their salary during maternity leave.

⁶⁴ No information is available for Cyprus

It is also worth mentioning that in France there are rules for excused absences and a delegation of the vote but these rules do not cover maternity leave. Luxembourg also allows MPs to delegate their vote. However, there is also no direct reference to maternity or parental leave as a reason to delegate the vote.

In Hungary, MPs are covered by the social security scheme during maternity leave. As Hungarian MEPs have not opted for the Hungarian system, this maternity leave scheme is not applicable to them. There is no replacement during maternity leave.

In addition, in Belgium, Greece and Finland substitution is not possible for Plenary sessions. During maternity leave, MPs are excused from absence in Plenary. However, in these Member States it is possible to substitute a MP in committee meetings. This system is comparable with the regulations for maternity leave in the European Parliament.

Noteworthy is that some Member States have a system which allows for the substitution of MPs during maternity or parental leave. This is possible in Sweden, Portugal, the Netherlands and Denmark. Furthermore, Luxembourg and France allow for substitution in case of absence, but maternity or parental leave is not directly mentioned as a ground for this absence. In addition, in Latvia, a MP's maternal or parental leave is based on the labour code. However, the MP is allowed to temporarily give up her/his mandate. Therefore, an unelected candidate from the same political party can temporarily replace the member on maternity or parental leave. Estonia has a similar system with the temporary suspension of a MP's mandate in order to substitute this MP during maternity or parental leave.

Moreover, it must also be mentioned that some Member States with a federal structure do not offer substitution of MPs in case of maternity or parental leave on federal level. However, on regional level, maternity leave and substitution is possible in the regional parliaments. This is, for example, the case in some of the parliaments of the Austrian Länder (regions) and in the Flemish Parliament in Belgium.

These above described situations in the EU Member States are in practice only applicable to national MPs and not for MEPs. It should be noted that the European Parliament's Committee on Constitutional Affairs (AFCO) already examined the question of maternity leave and substitution in 2006 without result because the Electoral Act would have to be modified to allow for temporary replacement of MEPs.

3.2. European level

As set out in chapter 1.2, the European Parliament has created the possibility for an excused absence during maternity leave. The Committee on Constitutional Affairs stated in 2006 that the European Electoral Act prohibited temporary replacement of MEPs during their maternity leave in the Plenary. Article 6 of the European Electoral Act states that the vote is an individual and personal right. This article is supported by article 177 of the Rules of Procedure. Replacement in committee meetings is possible. Consequently, substitution in Plenary would only be possible if the European Electoral Act and the Rules of Procedure of the European Parliament would be changed.

REFERENCES

- Austria
 - [Constitution](#)
 - [Rules of Procedure Parliament](#)
- Belgium
 - [Constitution](#)
 - [Rules of Procedure House of Representatives](#)
 - Rules of Procedure Senate
 - [Rules of Procedure Flemish Parliament](#)
 - [Election Law](#)
- Bulgaria
 - [Constitution](#)
 - [Rules of Procedure of Parliament](#)
 - [Election law](#)
- Croatia
 - [Constitution](#)
 - [Rules of Procedure Parliament](#)
 - [Election Law European Parliament](#)
- Czech Republic
 - [Constitution](#)
 - [Rules of Procedure](#)
- Denmark
 - [Constitution](#)
 - [Rules of Procedure](#)
 - [Election Law](#) European Parliament
- Estonia
 - [Constitution](#)
 - [Status of Members of the Riigikogu Act](#)

[Election Law European Parliament Elections](#)

- Finland

[Constitution and Rules of Procedure Parliament](#)

[Election Act](#)

- France

[Constitution](#)

[Rules of Procedure Assemblée Nationale](#)

[Rules of Procedure Senate](#)

[Election Law](#)

- Germany

[Constitution](#)

[Rules of Procedure Bundestag](#)

[Rules of Procedure Bundesrat](#)

[Members of the Bundestag and European Parliament Act](#)

European [Election law](#)

- Greece

[Constitution](#)

[Standing Orders Parliament](#)

[Election Act](#)

- Hungary

[Constitution](#)

[Rules of Procedure Parliament](#) and [Resolution on certain provisions Rules of Procedure](#)

[Election Act](#)

- Ireland

[Constitution](#)

[Standing Orders](#)

[European Parliament Election Act](#)

- Italy

[Constitution](#)

[Rules of Procedure](#)

- Latvia

[Constitution](#)

[Rules of Procedure Parliament](#)

[European Parliament Election Law](#)

- Lithuania

[Constitution](#)

[Statute of a Member of the Seimas](#)

[Law on the status and working conditions of Lithuanian members of the European Parliament](#)

- Luxembourg

[Constitution](#)

[Rules of Procedure Parliament](#)

[European Parliament Election Law](#)

[Election Law](#)

- Malta

[Constitution](#)

[Standing Orders Parliament](#)

[Election Law](#)

[European Election Law](#)

- The Netherlands

[Election Act](#)

- Poland

[Constitution](#)

[Standing Orders](#)

- Portugal

[Rules of Procedure Parliament](#)

[Statute of Members](#)

[European Election Law](#)

- Romania
 - [Rules of Procedure Parliament](#)
 - [European Parliament Election Law](#)
- Slovakia
 - [Rules of Procedure](#)
 - [European Parliamentary Elections Law](#)
- Slovenia
 - [Constitution](#)
 - [Rules of Procedure](#)
 - [European Parliament Election Law](#)
- Spain
 - [Constitution](#)
 - [Standing Orders Congress of Deputies](#)
 - [Standing Orders Senate](#)
 - [Election Law](#)
- Sweden
 - [Riksdag Act](#)
 - [Parental Leave Act](#)
- The United Kingdom
 - [Standing Orders House of Commons](#)
 - [Standing Orders House of Lords](#)
- European Parliament
 - [OJ L 278 of 8 October 1976 Act on election of the representatives of the Assembly](#)
 - [OJ L 283 of 25 June and 23 September 2002 Amending the Act on elections of the representatives of the European Parliament](#)
 - [OJ C 159 Decision of the Bureau of 19 May and 9 July 2008 on implementing measures for the Statute for Members of the European Parliament](#)

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website:
<http://www.europarl.europa.eu/supporting-analyses>

PHOTO CREDIT: iStock International Inc.



ISBN 978-92-823-9065-8 (paper)
ISBN 978-92-823-9064-1 (pdf)

doi: 10.2861/900430 (paper)
doi: 10.2861/31354 (pdf)