Legislation governing elections to the European Parliament

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I. INTRODUCTION

This paper is intended to provide the reader with a summary of the legislation governing the election of the European Parliament by direct universal suffrage.

In the absence of a uniform electoral procedure (despite various proposals which will be discussed later), the European elections are governed by national legislation and the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage, and by the Edinburgh European Council decisions on the number of representatives of the European Parliament, the provisions of the Treaty on European Union which came into force on 1 November 1993 concerning citizenship of the Union and the Council directive of 6 December 1993.

This study is available in the European Community's eleven official languages and the bibliography provides references to the legal sources.

II. COMMUNITY LEGISLATION

The Act of 20 September 1976 [1], concerning the election of the representatives of the European Parliament by direct universal suffrage, has 16 articles and includes the following provisions:

- elections must be held on a date falling within the same period starting on a Thursday morning and ending on the following Sunday; the counting of votes may not begin until after the close of polling in all the Member States;
- Members of the European Parliament are elected for a term of 5 years;
- the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the date of the elections, shall verify the credentials of representatives and rule on any disputes;
- the European Parliament shall draw up a proposal for a uniform electoral procedure to serve as a basis for deliberations by the Council with a view to the adoption of this proposal by the Member States.

The Act of 20 September 1976 lays down general rules governing incompatibility which deal in the main with national ministerial office and political or administrative duties within the Community institutions. The Member States may also lay down their own rules on incompatibility at national level. The Act states that membership of the European Parliament is compatible with membership of a national parliament [2]. The Act also lays down provisions governing the distribution of seats among the nine States which were members of the European Community in 1976.

Increase in the number of representatives

In order to take account of German unification and the prospect of future enlargement, the European Council fixed the number of seats for the twelve Member States as follows (present numbers in brackets) [3]:

<table>
<thead>
<tr>
<th>Country</th>
<th>New Number</th>
<th>Present Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>Denmark</td>
<td>16</td>
<td>(unchanged)</td>
</tr>
<tr>
<td>Germany</td>
<td>99</td>
<td>81</td>
</tr>
<tr>
<td>Greece</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>Spain</td>
<td>64</td>
<td>60</td>
</tr>
<tr>
<td>France</td>
<td>87</td>
<td>81</td>
</tr>
<tr>
<td>Ireland</td>
<td>15</td>
<td>(unchanged)</td>
</tr>
<tr>
<td>Italy</td>
<td>87</td>
<td>81</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>6</td>
<td>(unchanged)</td>
</tr>
<tr>
<td>Netherlands</td>
<td>31</td>
<td>25</td>
</tr>
<tr>
<td>Portugal</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>87</td>
<td>81</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>567</strong></td>
<td><strong>518</strong></td>
</tr>
</tbody>
</table>

The Member States have ratified this decision and the new allocation of seats has been in force since June 1994.

Uniform electoral procedure

Following the adoption on 10 March 1992 of a draft act on a uniform electoral procedure for the election of its Members [4] - which was not adopted by the Member States - the European Parliament reconsidered the matter (De Gucht report) and in March 1993 came out in favour of a uniform electoral procedure based on proportional representation with a 5% minimum threshold (proportional representation is currently in force in fourteen Member States of the Community, whereas the United Kingdom applies a system of majority voting in single member constituencies).

As the Council had not adopted such an act before the Treaty on European Union came into force, it will now be required, pursuant to Article 138(3) of the EC Treaty 'acting unanimously after obtaining the assent of the European Parliament, which shall act by a majority of its component Members, [to] lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements'.

Entry into force of the Treaty on European Union

Article 8 of the Treaty on European Union, signed in Maastricht on 7 February 1992, establishes a citizenship of the Union which applies to every person holding the nationality of a Member State. Under Article 8b(2) 'every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in
which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1993 by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State'.

The implications of this legislation are clear: for the first time, the concept of European citizenship has become a practical reality in that the citizens of the Union have acquired a fundamental right, namely the right to vote and to stand as a candidate wherever they reside in the Union.

This article is of major significance both in terms of the principles involved - extending voting rights to non-nationals, which for most Member States is a major new departure - and in practice, since 3 million citizens were able to exercise their new rights for the first time in the European elections in June 1994.

The relevant implementing arrangements were adopted by the Council on 6 December 1993 in a directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (Directive No. 93/109/EC [5]). It is important to note that, in a spirit of subsidiarity and proportionality, the Council has opted for a directive and has confined the contents to what is strictly necessary to achieve the set objective. Thus the provisions of the directive do not affect the Member States' legislation concerning the right to vote and stand as a candidate for their nationals who are resident outside the electoral territory. The directive is concerned primarily with repealing any nationality requirements still in force in the various Member States and with harmonizing the electoral rules.

All the Member States of the Union have amended their legislation on the right to vote and stand for election to comply with the Community directive.

The differences between the electoral systems in the Member States and the concern to avoid excessive formalities have resulted in a system which, while flexible, contains sufficient checks to prevent abuses. The Council directive therefore establishes the following arrangements for the exercise of the right to vote:

- Community citizens must have their names entered on the electoral roll in their country of residence (similar arrangements to those applying to national voters, but they are also required to produce a formal declaration stating their nationality, address and intention to exercise their right to vote in the Member State of residence).
- Any Community citizen who has been deprived of his right to vote in his home Member State is precluded from exercising that right in his Member State of residence.
- A Community national submitting an application to stand as a candidate must produce the same supporting documents as a candidate who is a national. He is also required to produce a formal declaration stating, inter alia, that he is not standing as a candidate for election in any other Member State.
- The Member State of residence is required to inform the person concerned of the action taken on his application (to vote or stand as a candidate).
event of rejection, the person concerned should be entitled to legal remedies under the national law of the Member State of residence.

- The Member States are required to inform Community voters and Community nationals entitled to stand as candidates of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections.
- Member States are to exchange the information required to ensure that no-one votes more than once or stands as a candidate in more than one Member State.

The directive also allows derogations where specific problems in any Member State so warrant. However, it stipulates that such derogations do not apply to the principle of the right to vote and to stand as a candidate in the country of residence but only to the arrangements for doing so; the relevant provisions are derogations and not transitional arrangements and will be maintained as long as the specific problems persist.

Consequently, in its directive the Council of the European Union has granted Luxembourg a series of derogations owing to the exceptionally high proportion of Community nationals resident in Luxembourg (over 20%). These derogations entail a minimum residence requirement (five years) for the right to vote, a similar restriction (ten year residence requirement) to stand as a candidate and a clause restricting the proportion of non-Luxembourg nationals on any list of candidates (the latter may not constitute a majority on any list).

Finally, the Commission is required to report to the European Parliament and the Council by 31 December 1995 on the application of the directive to the June 1994 elections, after which any changes required may be made.
III. THE ELECTORAL LAWS: BY COUNTRY

- Austria
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- Luxembourg
- The Netherlands
- Portugal
- Federal Republic of Germany
- United Kingdom
- Sweden

1. AUSTRIA

(a) Legislation

The Austrian Federation's Constitution of 1929 was amended in 1994 by federal law No 1013 and by the electoral law governing the election of Austrian representatives to the European Parliament, which was adopted by the national parliament on 26 January 1996.

(b) Distribution of seats

Austria has 21 seats.

For the purposes of elections to the European Parliament, the federal territory forms a single constituency.

(c) Electoral system

Seats are allocated by proportional representation using the d'Hondt system (largest average).

Voters have one vote which they may cast either for a list as a whole or for a candidate of their choice on the list.

Lists which win less than 4% of the votes cast do not qualify for the allocation of seats.

(d) Entitlement to vote and eligibility for election

Austrian citizens aged 18 years or over on 1 January of the year of the election.

Austrians resident in one of the Member States of the Union may vote by proxy or by post.
Nationals of other Member States ordinarily resident in Austria must be entered on an electoral register.

Anyone entitled to vote may stand as a candidate if they are aged 19 years or over on election day.

(e) Nomination of candidates

Nominations may be submitted by political parties which have the support of 5 members of the national parliament or 2 MEPs, or have obtained 2 600 signatures.

(f) Allocation of seats

Seats are allocated according to the number of preferential votes cast for the individual candidates.

Candidates must have gained at least 7% of the total votes cast for their party.

Vacant seats are filled by the next candidate on the same list.

(g) Incompatibilities

In addition to the incompatibilities laid down in the Electoral Act of 20 September 1976, a European mandate is incompatible with membership of the Cabinet, the office of judge in the Constitutional Court or the Administrative Court, President or Vice-President of the Court of Auditors or Ombudsman, and the post of manager of a partnership limited by shares, a private bank, a commercial, industrial or transport firm, a provincial credit institution or a mutual insurance company.

(h) Regulations concerning the election campaign

By analogy with the rules applying to national elections, a ceiling of 130 million schillings is placed on the reimbursement of campaign expenses.

(i) Validation of election results

Following publication of the results in the 'Amtsblatt zur Wiener Zeitung', complaints may be lodged with the Federal Constitutional Court.

2. BELGIUM

(a) Legislation


(b) Distribution of seats
Under the new federal organization of the State, the elections to the European Parliament will be based on the following four constituencies:

- the Flemish electoral constituency comprising the administrative districts belonging to the Flemish region with the exception of Hal-Vilvorde;
- the Walloon electoral constituency comprising the administrative districts belonging to the Walloon region with the exception of municipalities in the German-speaking region;
- the Brussels-Hal-Vilvorde electoral constituency comprising the administrative districts of Brussels-Capital and Hal-Vilvorde;
- the German-speaking electoral constituency comprising the municipalities of the German-speaking region.

There are three electoral colleges: French, Dutch and German-speaking and persons entered on the electoral roll of the Brussels-Hal-Vilvorde electoral constituency may opt for either the French-speaking electoral college or the Dutch-speaking electoral college.

In the elections on 12 June 1994, of Belgium's 25 seats in the EP, 14 will be elected by the Dutch-speaking electoral college (Flanders + part of the Brussels region), 10 by the French-speaking electoral college (Wallonia + part of the Brussels region) and 1 by the German-speaking electoral college.

(c) Electoral system

Each voter has one vote which he can give either to a list or to a candidate on the list. Vote-splitting is not permitted. Seats are allocated by proportional representation using the d'Hondt system.

(d) Entitlement to vote and eligibility for election

In addition to Belgian nationals aged 18 or over, the following are also entitled to vote in elections to the European Parliament and may exercise their right to vote for candidates standing on Belgian lists:

- Belgian nationals who are resident in another Member State of the European Community.
- nationals of other Member States of the European Community who are aged 18 or over and ordinarily resident in Belgium and who have not been deprived of their right to vote in their home Member State.
- In order to stand as a candidate it is now necessary:
  - to be entered on the Belgian electoral roll,
  - to be over the age of 21 on the day of the election,
  - to be French-speaking if standing for the French-speaking electoral college, German-speaking if standing for the German-speaking electoral college and Dutch-speaking if standing for the Dutch-speaking electoral college.

Voting is compulsory and failure to do so carries a penalty.

Voting by proxy and postal voting are allowed.
(e) Nomination of candidates

Lists of candidates must be endorsed by at least five Belgian Members of Parliament belonging to the relevant linguistic group or by the signatures of at least 5000 voters registered on the relevant electoral roll (for the Walloon, Flemish or Brussels-Hal-Vilvorde constituencies); or 200 voters registered in the German-speaking constituency.

Nominations must be submitted on the 58th or 57th day preceding the elections.

(f) Allocation of seats

Seats are allocated according to the criteria of proportional representation on the basis of the number of votes cast for individual lists and candidates.

Vacant seats are filled by substitute candidates from the same list.

There is no threshold clause.

(g) Incompatibilities

Membership of the European Parliament is incompatible with national public office or membership of a community or regional executive. The incompatibilities laid down in the Act of 20 September 1976 and in the Community directive of 6 December 1993 also apply. Membership of the European Parliament is also incompatible with the office of mayor, alderman or chairman of the CPAS (social aid centre) of a municipality with more than 50 000 inhabitants.

(h) Regulations concerning the election campaign

No special rules for the European elections. Various provisions of the electoral code also apply to elections to the European Parliament.

(i) Validation of election results

By the Council of State.

The Chamber of Representatives rules on the validity of elections with regard to those elected and their substitutes and on any objections lodged pursuant to the electoral law.

3. DENMARK

(a) Legislation

(b) Distribution of seats

Denmark forms a single national constituency from which all 16 Members are elected. The seat which was allocated to Greenland under the previous legislation (Law No. 619 of 14 December 1977) has reverted to Denmark.

The Faeroes and Greenland do not form a part of the constituency.

Voting takes place in the electoral districts used for elections to the Folketing.

(c) Electoral system

Proportional representation.

Voters have one vote which they can give either to a list as a whole or to a candidate of their choice on the list. During counting, all votes cast for candidates and lists in the individual electoral districts are added together. Candidates with the most votes on the individual lists are elected.

Seats are allocated to the individual lists using the d'Hondt system.

(d) Entitlement to vote and eligibility for election

- Citizens of the European Union aged 18 years or over and registered.
- The same conditions apply to eligibility for election.
- Danish citizens resident in another Member State of the EEC may vote at the Danish consulate or by post. Danish citizens resident outside the EEC are not entitled to vote.
- Nationals of other Member States of the European Community who wish to participate in the elections to the European Parliament must apply for entry on the electoral roll; applications must reach the local authority six weeks before the date of the elections.

(e) Nomination of candidates

Parties represented in the Folketing are entitled to submit lists of candidates. Lists submitted by other parties must be supported by electors numbering at least 2% of valid votes cast at the last election.

A list may contain a maximum of 20 candidates.

Parties have the right to decide the order in which names appear on their list (party list).

Lists may be linked.

(f) Allocation of seats

- According to the number of votes which the individual candidates or lists obtain.
Vacant seats are filled by the next candidate on the same list. 
There is no threshold clause.

(g) Incompatibilities


(h) Regulations concerning the election campaign

No special provisions for the European elections.

(i) Validation of election results

By the Danish Parliament.

4. SPAIN

(a) Legislation


(b) Distribution of seats

There are 64 seats.

Constituencies: Spain forms a single national constituency for elections to the European Parliament.

(c) Electoral system

- Proportional representation using the d'Hondt system, in accordance with the law on general electoral procedure.

(d) Entitlement to vote and eligibility for election

- All citizens of the European Union aged 18 years or over and domiciled in Spain.
- Under Spanish electoral law votes may be cast in person or by post. Proxy voting is not permitted. Spanish nationals resident abroad and entered on the special register of absentee nationals may vote only by post as the right to vote is personal and direct.

(e) Nomination of candidates
Lists of candidates may be submitted by parties, coalitions, federations and groups of voters who have collected the signatures of 15,000 registered voters or 50 elected representatives.

When nominating candidates to the Central Electoral Board the parties, federations, coalitions and groups of voters can indicate the area in which they wish their voting slips to be distributed, provided this is smaller than the State as a whole and corresponds to the existing electoral districts in at least one Autonomous Community.

(f) Allocation of seats

- In the order in which the candidates appear on the lists. For elections to the European Parliament there is no exclusion of candidates who do not obtain 3% of the vote.
- If a Member dies, is incapacitated or resigns, the seat will be filled by the next candidate on the list or, where applicable, the relevant substitute.

(g) Incompatibilities

The same as those laid down by the Act of 20 September 1976. A European mandate is incompatible with membership of the Cortes or the legislative assemblies of the Autonomous Communities.

The same incompatibilities as laid down in the general electoral law.

For membership of the Cortes and the legislative assemblies of the Autonomous Communities the mandate last achieved prevails.

(h) Regulations concerning the election campaign

The State subsidizes election campaign expenses at a rate of 3 million pesetas for each seat obtained and 100 pesetas for each vote received.

The maximum figure for campaign expenses which can be reimbursed is obtained by multiplying by 20 pesetas the number of people entitled to vote in the constituencies in which a party puts up candidates.

(i) Validation of election results

By the Central Electoral Board, after initial validation by the Regional Electoral Boards within 20 days of the elections. The Supreme Court has sole jurisdiction where the results are contested.

5. FINLAND

(a) Legislation

Law No 391/69 of 13 June 1969 concerning the election of the representatives of the National Assembly was supplemented and amended by the law of 10 February 1995 concerning the election of the representatives of the European Parliament.
(b) Distribution of seats

Finland has 16 seats.

The national territory is divided into 4 constituencies (south, west, north and east) on the basis of the constituencies laid down by national electoral law.

(c) Electoral system

List-based system with preferential vote and proportional allocation of seats by the d'Hondt system.

(d) Entitlement to vote and eligibility for election

All Finnish citizens aged 18 or over who have not been debarred on the grounds of electoral fraud (this prohibition lasts 6 years).

All citizens of the European Union domiciled in Finland for at least one year before the election may vote under the same conditions, if they apply to do so.

Anyone entitled to vote may stand for election.

No one placed under supervision or on active military service is entitled to stand for election.

Postal voting is authorized.

(e) Nomination of candidates

Nominations may be submitted at either constituency or national level.

They must be submitted by a legally constituted political party or a voters' association comprising at least 1 000 voters wishing to put up candidates in a constituency.

Voters' associations may submit joint lists at either constituency or national level (in the latter case, they must set up voters' associations in all the constituencies in which the joint lists are to stand).

Applications for publication of lists must be submitted to the central committee in Helsinki.

(f) Allocation of seats

Once the number of seats to be allocated to each party or voters' association has been established, the candidates on the various lists are ranked on the basis of the number of votes each has obtained.

Vacant seats are allocated to the next candidate on the same list.
(g) Incompatibilities

- The same as those laid down by the European Electoral Act and Directive 93/109.
- A European mandate is incompatible with the office of Chancellor (or Deputy Chancellor) of Justice, parliamentary Ombudsman (or Deputy Ombudsman), and judge of the Supreme Court or the Supreme Administrative Court.

(h) Regulations concerning the election campaign

No special rules.

(i) Validation of election results

The provisions governing national elections also apply to European elections.

The Uusismaa regional administrative tribunal has sole jurisdiction where the results are contested.

6. FRANCE

(a) Legislation

Law No 77-729 of 7 July 1977 on the election of representatives of the Assembly of the European Communities and Decree No 79-160 of 28 February 1979 have been supplemented and amended by the law of 5 February 1994 on the exercise by nationals of the European Union resident in France of the right to vote and to stand as a candidate in elections to the European Parliament (Law No 94-104, Journal Officiel of 8 February 1994, p. 2124-2155).

(b) Distribution of seats

France has 87 seats. French MEPs represent the entire national territory (including overseas departments and territories).

(c) Electoral system

- Proportional representation;
- The entire national territory makes up a single constituency;
- Votes are counted and seats allocated for the entire national territory. Seats are allocated among the various lists using the d'Hondt system;

(d) Entitlement to vote and eligibility for election

- French citizens aged 18 years or over. French citizens resident abroad may also vote by proxy or in polling stations in consulates and embassies.
- For Community nationals who are not of French nationality, the right to vote is restricted to those who have their main residence in France. In order to exercise the right to vote they must apply for entry on an additional electoral roll by 15 April 1994.
- French citizens aged 23 years or over are eligible for election, as are nationals of Member States of the European Union other than France aged 23 years or over who have their real domicile or permanent residence in France and who are eligible to stand as a candidate in their home Member State.
- Voting by proxy is permitted.

(e) Nomination of candidates

- Submission of lists by the candidate at the head of the list or his representative;
- A deposit of FF 100 000 for each list (not reimbursed if the list fails to obtain 5% or more of the votes cast).

(f) Allocation of seats

- According to the order of names on the list. Voters have a single vote to be given to a list. The order of names on the lists cannot be changed;
- Lists which receive fewer than 5% of the votes cast are not allocated any seats;
- Vacant seats are filled by the next candidate on the list.

(g) Incompatibilities

The same as those laid down by the electoral code and those contained in the Community directive of 6 December 1993.

(h) Regulations concerning the election campaign

- French political parties and lists submitted by other groupings are allowed to take part in the election campaign. This begins two weeks before polling day. Broadcasting time is made available on radio and television;
- Parties winning at least 5% of the vote have part of their campaign expenses refunded (law of 15 January 1990 on the funding of and ceiling on electoral expenses).

(i) Validation of election results

- The Council of State (not the Constitutional Council as in the case of national elections) rules on disputes and on objections to the results of the ballot and is competent for all matters relating to application of the electoral law to elections to the European Parliament.

7. GREECE

(a) Legislation

The Electoral Law of 20 July 1981 and Law No. 1443/84 have been supplemented and amended by the law of 22 March 1994 establishing the arrangements for the election of the Greek representatives to the European Parliament (Greek official journal No 2196).
(b) Distribution of seats

The whole of Greece constitutes one electoral area from which 25 deputies are elected to the European Parliament.

(c) Electoral system

Proportional representation on a national basis.

Votes are cast for a single list and vote-splitting or preferential voting are prohibited.

(d) Entitlement to vote and eligibility for election

- Greek citizens and nationals of other Member States of the European Union aged 18 years or over may vote in elections to the European Parliament and exercise their right to vote for candidates on the Greek national lists.
- Voting is compulsory for all voters entered on the electoral roll.
- Greek citizens resident outside the EC are unable to vote unless they return to Greece or go to vote at a consulate in an EC country.
- Greek citizens and citizens of other Member States of the European Union who are at least 21 years old are eligible.

(e) Nomination of candidates

Lists may be submitted only by political parties or party coalitions. Each list can include a maximum of 25 candidates.

(f) Allocation of seats

- Seats are allocated according to the order of candidates on the list.
- Vacant seats are filled by substitute candidates from the same list. If the number of candidates presented on the list is exhausted replacement elections are held.
- No quorum clause exists.

(g) Incompatibilities

According to the Greek electoral law of 1981, a national parliamentary mandate is incompatible with the European mandate. However, law 1443/84 admits a dual mandate as an exception for the first two candidates on an electoral list. The incompatibilities laid down by the European Election Act of September 1976 and the Council directive of 6 December 1993 also apply.

(h) Regulations concerning the election campaign

For each list a deposit of 150 000 drachmas is required. This amount is repayable if the list obtains 3% or more of the votes.

(i) Validation of election results
The election results can be contested in the Constitutional Court.

8. IRELAND

(a) Legislation


(b) Distribution of seats

The 15 Irish Members of Parliament are elected in four constituencies: Dublin (4 seats), Munster (4 seats), Leinster (4 seats), Connacht/Ulster (3 seats).

(c) Electoral system

Proportional representation.

The traditional single transferable vote system is used. Candidates are listed in alphabetical order on the ballot paper. Each voter casts his vote for one candidate and in addition indicates in order of preference the candidates to whom his vote should be given if the candidate of his first choice has already received more than the number of votes necessary for election, or has obtained too few votes and has thus been eliminated.

(d) Entitlement to vote and eligibility for election

Irish citizens and citizens of the European Union domiciled in Ireland and 18 years of age or over are entitled to vote. To exercise their right to vote, citizens of other Member States of the European Community must apply for entry on the electoral roll by 24 May 1994.

Under Irish legislation, voters may vote in person or by post. Irish nationals entered on the postal register of a particular constituency may vote by post. Irish citizens resident abroad cannot be entered on the roll and are thus precluded from voting for Irish candidates.

Citizens of the European Union of 21 years or over may stand as candidates. Nationals of Member States of the Union other than Ireland are subject to the residence requirements referred to above.

e) Nomination of candidates

Candidates may nominate themselves or be nominated by a third party. Each candidate is required to pay a deposit of £1rl 1000; this is refunded if the candidate receives at least one third of the votes required for election.
(f) Allocation of seats

The alphabetical order in which candidates are listed on the ballot paper does not affect the order in which seats are allocated. There is no threshold clause. To be elected candidates must obtain a pre-established quota of votes obtained by dividing the total number of valid votes by the number of seats + 1 and adding 1 to the result obtained.

Vacant seats are filled by candidates on the various lists who obtain a number of votes higher than the quota, in accordance with the preferences expressed by voters.

(g) Incompatibilities

In addition to the incompatibilities laid down in the European Electoral Act of 20 September 1976, membership of the European Parliament is not compatible with the office of Attorney General or with the Chairmanship or Deputy-Chairmanship of the Dail (House of Representatives) or Seanad (Senate). Membership of the European Parliament is compatible with membership of the Dail. The incompatibilities laid down in the Community directive of 6 December 1993 also apply.

(h) Regulations concerning the election campaign

No special rules are laid down for the election campaign.

(i) Validation of election results

Receipt of a minute describing the implementation of the electoral procedure from the local electoral officer for each constituency to the relevant Minister suffices to verify the validity of the result. Electors or candidates can challenge the election results in the High Court.

9. ITALY

(a) Legislation


(b) Distribution of seats

Italy has 87 seats. The national territory is divided into five constituencies (North-West, 22 seats; North-East, 15 seats; Centre, 16 seats; South, 19 seats; and Islands, 9 seats).

(c) Electoral system

Proportional representation.
Votes are counted and seats allocated at national level where a quotient is established determining how many votes are required to win a seat. If in a constituency a list has obtained an insufficient number of votes to win a seat, these votes are transferred to the constituency in which the list of the party in question has obtained a relative majority of the votes. In this way all parties benefit from a redistribution of votes at national level.

(d) Entitlement to vote and eligibility for election

- Citizens of the European Union aged 18 years or over. Italian citizens resident in the other Member States of the Community vote either in that State or for the candidates in their constituencies in Italy. Italian citizens resident outside the Community must vote in Italy. Nationals of another Member State of the European Community who wish to take part in the elections to the European Parliament must submit their applications to the local authority no later than 90 days before the elections.
- Citizens of the Member States aged 25 years or over are eligible to stand for election, provided they satisfy the conditions of eligibility in their home Member State.

(e) Nomination of candidates

- Political parties and political groups which won at least one seat in the European Parliament at the previous election may submit lists of candidates.
- Individual nominations may be submitted provided they are endorsed by at least 30,000 and no more than 35,000 signatures.

(f) Allocation of seats

- Seats are allocated to candidates who obtain the largest number of preferential votes. Voters can give their vote to three candidates in the North-West constituency, two candidates in the North-East, Centre and South constituencies and one candidate in the Islands constituency. There is special provision for preferential votes in areas with linguistic minorities.
- Vacant seats are filled by the next candidate on the list, once the national electoral result has been established for each list and the seats have been allocated to the list on the basis of the national electoral result of each list.
- There is no threshold clause.

(g) Incompatibilities


(h) Regulations concerning the election campaign

Election campaign expenses are refunded within set limits.

(i) Validation of election results
Any voter may lodge an objection with the Latium regional administrative tribunal and subsequently appeal to the Council of State.

10. LUXEMBOURG

(a) Legislation

The Luxembourg electoral law of 25 February 1979 on the direct election of Luxembourg Members of the European Parliament has been supplemented and amended by two additional laws of March 1984 and by the law of 28 January 1994 on the election of the representatives of the Grand Duchy of Luxembourg to the European Parliament.

(b) Distribution of seats

Luxembourg forms a single national constituency from which all six Members are elected.

(c) Electoral system

Proportional representation.

Every elector has six votes and can vote for up to six candidates.

He may vote for a list as a whole or distribute his votes among individual candidates. If a voter casts all his votes for a list with fewer than six candidates, that list is credited with as many votes as it has candidates.

Votes are counted using the d'Hondt system.

Vote-splitting is permitted.

(d) Entitlement to vote and eligibility for election

- Luxembourg citizens aged 18 years or over.
- Nationals of Member States of the European Union other than Luxembourg must apply to be entered on the electoral rolls established by the Luxembourg municipalities and, at the time of their application, have resided in Luxembourg for at least five years during the past six years. However, Community voters who, because they reside outside their home Member State or have done so for a particular period, are not entitled to vote there are not subject to this residence requirement.
- Voting is compulsory for all persons entered on the electoral roll. Postal voting is allowed for Luxembourgish voters resident abroad.
- Luxembourg citizens aged 21 years or over are eligible for election.
- Nationals of other Member States of the European Union may stand as a candidate in the elections to the European Parliament provided that they have been resident in Luxembourg for at least ten years during the past twelve years at the time of submission of the list of candidates.

(e) Nomination of candidates
Lists may be submitted with the endorsement of 250 registered voters, or of one Member of the European Parliament or the Luxembourg Chamber of Deputies.

No list may include more than 12 candidates or be composed of a majority of candidates who are not of Luxembourg nationality.

(f) Allocation of seats

- In the order of the number of votes which the individual candidates or lists have received.
- Vacant seats are filled by the next candidate on the list.
- There is no threshold clause.

(g) Incompatibilities

Those laid down by the Act of 20 September 1976.

An elected Member of the European Parliament who subsequently assumes office in the Luxembourg Government and must therefore resign his seat becomes, as of right, the next candidate on the list from which he was elected.

(h) Regulations concerning the election campaign

No special rules for the European elections.

(i) Validation of election results

By the Luxembourg Chamber of Deputies.

11. THE NETHERLANDS

(a) Legislation

The Netherlands electoral law of 13 December 178 (Staatsblad 652) was repealed by the law of 28 January 1993 (Staatsblad 75), which was subsequently incorporated into the Netherlands electoral code (Kieswet 423 of 28 September 1989, Section Y). The arrangements implementing the right to vote and to stand as a candidate for citizens of the Union were adopted on 4 February 1994.

(b) Distribution of seats

The Netherlands has 31 seats and the country forms a single national constituency.

(c) Electoral system

Proportional representation. Votes are counted and seats allocated at national level using the d'Hondt system.

(d) Entitlement to vote and eligibility for election
Dutch citizens aged 18 years or over. Dutch citizens resident in the other Member States of the Community can take part in the election (personally, by proxy or by postal vote).

Citizens of other Member States of the Union entered on the population register are entitled to vote. Applications for entry on the register must be received by the local authority by 27 February 1994.

Citizens of the Union aged 18 or over are entitled to stand as candidates. In order to exercise this right, citizens of other Member States of the Union must satisfy the residence requirements referred to above and be eligible to stand as a candidate in their own country.

(e) Nomination of candidates

Candidates are nominated by political parties (25 signatures are required). The lists can include up to 40 names. A deposit of Fl 18 000 is required when a list is submitted by a party not represented in the European Parliament (Fl 1000 per district).

(f) Allocation of seats

Each voter has one vote which he can give either to a list or a candidate. In this way the order of names on the list can be changed. Vacant seats are filled by the next candidate on the relevant list.

(g) Incompatibilities

Those laid down for the Netherlands Parliament (Law of 13 December 1978, 'Staatsblad' 653, as amended by the law of 24 June 1992, Staatsblad 350). The incompatibilities referred to in the Community directive on the exercise of the right to vote and stand as a candidate for citizens of the Union also apply.

(h) Regulations concerning the election campaign

No special rules for the European elections.

(i) Validation of election results

By the central polling office.

12. PORTUGAL

(a) Legislation

The law on elections to the European Parliament was approved by the Assembly of the Portuguese Republic on 29 April 1987 (Law No. 14/87). It was subsequently amended and supplemented by law No. 3 of 9 March 1994 on the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the European Union residing in Portugal (Official journal, 1st series, No 57).

(b) Distribution of Seats
Portugal has 25 seats.

Portuguese territory constitutes a single electoral constituency.

(c) Electoral System

- Proportional representation;
- Seats are allocated to the different lists using the d'Hondt system, in accordance with the provisions of the general election regulations.

(d) Entitlement to vote and eligibility for election

- Portuguese citizens and citizens of the European Union aged at least 18 have the right to vote and stand for election. In order to exercise their right to vote and stand as a candidate, nationals of other Member States of the European Community must be ordinarily resident in Portugal and be entered on the electoral roll by 15 March 1994 and satisfy the conditions of candidacy in their own country. Portuguese nationals residing in another State of the Union may vote at consulates.

(e) Nomination of candidates

Lists of candidates are submitted to the Constitutional Court. Lists must contain a number of candidates equal to the number of members to be elected and between three and eight substitutes.

(f) Allocation of seats

- Seats are allocated in the order in which candidates appear on the lists;
- In the event of the death, invalidity or resignation of a Member, the seat is allocated to the candidate or, possibly, the substitute on the same list in the order in which candidates appear on the list.

(g) Incompatibilities

Account is taken of:

- the instances of incompatibility cited in the Act of 20 September 1976;
- the general instances of incompatibility provided for by the electoral law for the Assembly of the Portuguese Republic.
- the instances of incompatibility provided for in the Community directive on the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union.
- Membership of the European Parliament is not compatible with membership of the Assembly of the Republic.

Members of certain local, administrative and judicial institutions are not eligible.

(h) Regulations concerning the election campaign
After consulting the government, the President of the Republic fixes the date of the elections within 75 days. The election campaign lasts for 12 days. The campaign is funded by the parties but within certain limits.

(i) Validation of election results

The election results are checked at district and autonomous region level by an intermediate verification Committee. The arrangements for national elections apply for general verification.

The general verification of results and the proclamation of successful candidates is undertaken by an assembly for general verification established in Lisbon.

The Constitutional Court has sole jurisdiction in the event of the election results being contested.

13. FEDERAL REPUBLIC OF GERMANY

(a) Legislation


(b) Distribution of seats

The 99 Members are elected from Land or Federal lists

(c) Electoral system

Proportional representation. Each elector has one vote.

Votes are counted at federal level using the Hare-Niemeyer system. When a party submits Land lists the total number of seats won by that party is divided among them using the Hare-Niemeyer system.

(d) Entitlement to vote and eligibility for election

- German citizens aged 18 years or over resident in the Federal Republic or in another Member State of the European Community or the Council of Europe, and those who have been resident in another country for less than 10 years and provided that they are entered on the German electoral roll.
- citizens of a Member State of the European Union other than Germany aged 18 years or over and who are ordinarily resident in Germany and who have lived there or in another Member State of the EEC for the three months immediately preceding the election.
- persons who have held citizenship of one of the Member States of the European Union for over a year and are entitled to vote in Germany may stand for election.
- the holder of a polling card may vote in person or by post.
(e) Nomination of candidates

Lists of candidates may be submitted by Land or grouped together on a single list for all the Länder.

Political parties and 'political associations organized on a membership basis' (e.g. the European party federations) may submit lists of candidates.

If not already represented in the Bundestag or the Landtag by at least five members, they must collect 4,000 signatures for a Federal list or 2000 for a Land list.

(f) Allocation of seats

- According to the order in which names appear on the lists.
- Vacancies are filled by substitutes which can be designated at the same time as each candidate on the list. In the absence of any substitute, the seat is allocated to the next candidate on the list.
- Lists obtaining fewer than 5% of the total number of votes at federal level do not qualify for the allocation of seats.

(g) Incompatibilities

The same as those laid down by the Act of 20 September 1976 and, in addition, those laid down by the Bundeswahlgesetz (Federal Electoral Law) and in the Community directive on the right to vote and stand as a candidate for citizens of the European Union.

Members of the European Parliament may also sit in the Bundestag.

(h) Regulations concerning the election campaign

Parties receive a sum in proportion to their share of the votes from an election campaign expenses fund. This fund totals approx. DM 215 million (DM 5 per voter). This reimbursement is granted for any list obtaining at least 0.5% of the votes cast. There are plans for an agreement between the parties limiting election campaign expenditure.

(i) Validation of election results

By the Bundestag. Its decision can be contested in the Bundesverfassungsgericht (Federal Constitutional Court).

14. UNITED KINGDOM

(a) Legislation


(b) Distribution of seats

The United Kingdom has 87 seats. These are divided among the different regions as follows:

<table>
<thead>
<tr>
<th>Region</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>England</td>
<td>71</td>
</tr>
<tr>
<td>Scotland</td>
<td>8</td>
</tr>
<tr>
<td>Wales</td>
<td>4</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td>3</td>
</tr>
</tbody>
</table>

The seats are contested in 85 constituencies allocated as follows:

<table>
<thead>
<tr>
<th>Region</th>
<th>Constituencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>England</td>
<td>71</td>
</tr>
<tr>
<td>Scotland</td>
<td>8</td>
</tr>
<tr>
<td>Wales</td>
<td>5</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td>1</td>
</tr>
</tbody>
</table>

(c) Electoral system

Representatives from England, Scotland and Wales are elected according to the traditional majority vote system in individual constituencies. The three Northern Ireland representatives are elected by the same system as in Ireland, i.e. on a proportional representation basis in a single 3-member constituency. For the selection of candidates, the single transferable vote is used (cf. Ireland).

(d) Entitlement to vote and eligibility for election

Citizens of the European Union resident in the United Kingdom and aged 18 years or over are entitled to vote. Applications for entry on the electoral roll must be received by the local authority by 24 October. In order to exercise their right to vote in Northern Ireland, citizens of the European Union must have resided in the national territory for the three months prior to their entry on the electoral roll. Contrary to the practice in national elections, members of the House of Lords also have the right to vote. British citizens who have registered to vote in the United Kingdom within the last five years, but now reside abroad, have the right to vote on completion of a declaration (Representation of the People Act 1985) as have government officials and members of the armed forces. Candidates must be citizens of the European Union aged 21 years or over. Members of the House of Lords and clergymen may also stand for election.

(e) Nomination of candidates
Candidates need not be nominated by a political party. Nominations in the constituencies must be endorsed by 30 electors. In addition a deposit of £1000 must be paid.

(f) Allocation of seats

In England, Scotland and Wales the seats are won by the candidate with the greatest number of votes in each single member constituency. In the 3-member constituency of Northern Ireland, candidates with sufficient first-choice votes are elected and thereafter the second and subsequent choice votes of the voters are used to fill the remaining seats.

Vacancies are filled by means of by-elections.

There are no 'threshold clauses'.

(g) Incompatibilities


(h) Regulations concerning the election campaign

In contrast to national elections no special rules have been laid down for the European elections, with the exception of a limitation on campaign expenditure. No grants of public moneys are made available to political parties to fund the election campaign. Expenses are limited to £10 000 and 4.3 pence per elector.

(I) Validation of election results

The Returning Officer in each constituency is responsible for the counting of the votes and the declaration of the results. Election results can be contested in the High Court.

15. SWEDEN

(a) Legislation

The electoral law of 1972 col. 620 concerning elections to the Riksdag was supplemented and amended by the law of 20 April 1995 on elections to the European Parliament.

(b) Distribution of seats

Sweden has 22 seats.

The country is not divided into constituencies for European elections.

(c) Electoral system
List-based system with preferential vote and proportional allocation of seats by the modified St Lagüe method (odd-numbers method in which the highest common factor is 1.4).

Voters may vote for a political party or for one or more candidates. They may change the order in which candidates appear on the lists and may add or delete names.

Parties must obtain at least 4% of the total number of votes cast at national level to qualify for the allocation of seats.

(d) Entitlement to vote and eligibility for election

All Swedish citizens aged 18 or over on election day, who are resident in Sweden.

Swedish citizens resident abroad must have resided in Sweden in the past and have applied for entry on a special electoral roll.

Citizens of other EU Member States who are resident in Sweden and aged 18 or over on election day may also vote, on condition that they notify the tax authorities before doing so.

Anyone who, according to the register kept by the tax authorities, was entered on the population register in Sweden before 1 July is considered to be a resident.

Postal votes may be cast at the Posten Aktiebolag post office, at consular offices or on ships travelling outside Sweden.

Anyone entitled to vote may stand for election.

(e) Nomination of candidates

By virtue of the principle of free nomination, parties and candidates are not obliged to collect a given number of signatures or pay a deposit.

Nominations must be submitted to the central authority.

(f) Allocation of seats

Each seat won by a party is allocated to a representative of that party and his or her substitutes.

Once the ballot papers containing votes for individual candidates have been collected, the candidates are ranked on the basis of the number of preferential votes obtained. Candidates must have obtained at least 5% of the total number of votes cast for their party.

The remaining seats are allocated to the candidates who obtained the highest proportion of the total number of votes cast for their party.
Should a seat fall vacant during a parliamentary term, it will be filled by one of the substitutes elected at the same time as the holder.

(g) Incompatibilities

The same as those laid down by the Electoral Act of 1976 and Directive 93/109.

Furthermore, no one who stood in the European elections in June 1994 is eligible for election.

(h) Regulations concerning the election campaign

National electoral law lays down no specific rules or limits governing the funding of political parties.

No special rules for European elections.

(i) Validation of election results

The validation board has sole jurisdiction where the results are contested. It has the power to order the annulment of a ballot and the organization of new elections.

IV. THE ELECTORAL LAWS: BY THEME

- Electoral system
- Constituency boundaries
- Counting of votes
- Entitlement to vote
- Eligibility for election
- Nomination of candidates
- Importance of order of names on lists
- Filling vacant seats
- Election day
- Validation of election results

1. Electoral system

Fourteen Member States use a system of proportional representation. In France and the Federal Republic of Germany lists obtaining fewer than 5% - and in Austria and Sweden, fewer than 4% - of the votes do not qualify for the allocation of seats.

One Member State (the United Kingdom) uses a majority vote system (except in Northern Ireland, where proportional representation is used).

2. Constituency boundaries

In nine Member States (Austria, Denmark, Spain, France, Greece, Luxembourg, the Netherlands, Portugal and Sweden) the whole country forms a single constituency.
Five other Member States (Belgium, Finland, Ireland, Italy and the United Kingdom) have divided their national territory into a number of constituencies.

In the Federal Republic of Germany parties may submit either Land or Federal lists. In Finland they may submit either a constituency list or a national list.

3. Counting of votes

Of the fourteen Member States which use proportional representation eight have adopted the d'Hondt system for counting votes and allocating seats (Austria, Belgium, Denmark, Spain, Finland, France, the Netherlands and Portugal). The FRG uses the Hare-Niemeyer system and Luxembourg a variant of the d'Hondt system, the 'Hagenbach-Bischoff' system. In Italy seats are allocated using the method of whole quotients and highest remainders, in Ireland by the system of the single transferable vote, in Greece by the system of pure proportional representation known as 'Enishimeni Analogiki' and in Sweden by the modified St Lagüe method (odd-numbers method in which the highest common factor is 1.4).

4. Entitlement to vote

The minimum voting age in all Member States is 18.

Every citizen of the Union residing in a Member State of which he is not a national now has the right to vote in the elections to the European Parliament on the same conditions as the nationals of that State. However, the concept of residence varies considerably from one Member State to another and may require a person to have his domicile or usual residence in the electoral territory (Finland and France), or to be ordinarily resident there (Germany, Luxembourg, Belgium, Greece, Spain, Portugal and Italy) or to be entered on the population register (Austria, Denmark, United Kingdom, Ireland, the Netherlands and Sweden). To be eligible to vote in Luxembourg, Community citizens must also satisfy a minimum period of residence.

As regards the right to vote extended to citizens living abroad, the United Kingdom restricts this right to government officials and members of the armed forces and to citizens who have been resident abroad for less than five years, provided the latter have made a declaration to the relevant authorities.

Austria, Denmark, Portugal and the Netherlands grant the right to vote only to those of their citizens living abroad who are resident in an EU Member State. Sweden, Belgium, France, Spain, Greece and Italy allow all their citizens resident abroad to vote.

The FRG grants the right to vote to citizens who have lived in another country for less than 10 years.

In Ireland the right to vote is restricted to citizens of the European Union domiciled in the country.

5. Eligibility for election
The minimum age requirement for eligibility is 18 years in Finland, Sweden, Denmark, FRG, Spain, the Netherlands and Portugal, 19 years in Austria, 21 years in Belgium, Greece, Ireland, Luxembourg and the United Kingdom, 23 years in France and 25 years in Italy.

Finally, to be eligible to stand for election in all Member States it is necessary to:

- be a national of one of the Member States of the European Union;
- satisfy the residence requirements laid down in the electoral law of the Member State concerned.

In Luxembourg, Community nationals' right to stand as a candidate in the European elections is subject to a ten-year residence requirement and no list may be composed of a majority of non-Luxembourg candidates.

6. Nominations

In five Member States the submission of nominations is restricted to political parties and political organizations (Denmark, Greece, FRG, the Netherlands and Sweden).

Elsewhere the only stipulation is that nominations should be endorsed by a specific number of signatures or voters and, in certain cases (France, Ireland, the Netherlands and the United Kingdom), a deposit is also required. Candidates may nominate themselves in Ireland and in Italy, although in the latter case they must collect a certain number of signatures.

7. Importance of the order of names on lists

In five Member States (FRG, Spain, France, Greece and Portugal) the voters cannot alter the order in which candidates appear on a list. In eight Member States (Austria, Belgium, Denmark, Finland, Italy, Luxembourg, the Netherlands and Sweden) the order of names on the list may be changed by casting preferential votes; in Luxembourg voters may, in addition, vote for candidates from different lists. In Sweden voters may also add or delete names. In Ireland and the United Kingdom voters vote for individual candidates.

8. Vacant seats

In eight Member States (Austria, Denmark, Finland, France, Italy, Luxembourg, the Netherlands and Portugal) vacant seats are allocated to the first non-elected candidate on the relevant list (in some cases after permutations based on the number of votes received by the various candidates). In Belgium, Ireland, FRG and Sweden vacant seats are filled by substitutes; in Spain and the FRG, in the absence of substitutes seats are filled according to the order on the list. In the United Kingdom a by-election is held. In Greece vacant seats are allocated to substitutes on the same list; if there are insufficient candidates on the list by-elections are held.


- 9 June 1994 in Denmark, Ireland, the Netherlands and the United Kingdom
- 12 June 1994 in FRG, Belgium, France, Italy, Luxembourg, Spain and Portugal.
- 17 September 1995 in Sweden
- 13 October 1996 in Austria
- 20 October 1996 in Finland

10. Validation of election results

In Denmark, the FRG and Luxembourg Parliament rules on the validity of the election.

In Austria, Belgium, Finland, France, Ireland, Italy and the United Kingdom the courts rule on this matter and this is also the case in the FRG if the parliamentary ruling is challenged.

In Spain the 'Junta Electoral Central' rules on validity.

In Portugal and Sweden a special validation board rules on validity.
## V. SYNOPTIC TABLE

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of MEPs</th>
<th>Entitlement to vote Age</th>
<th>Eligibility for election Age</th>
<th>Electoral system</th>
<th>Constituency boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSTRIA</td>
<td>21</td>
<td>18</td>
<td>19</td>
<td>PR with preferential vote 4% threshold</td>
<td>Single constituency</td>
</tr>
<tr>
<td>BELGIUM</td>
<td>25</td>
<td>&quot;</td>
<td>21</td>
<td>PR with preferential vote</td>
<td>4</td>
</tr>
<tr>
<td>DENMARK</td>
<td>16</td>
<td>&quot;</td>
<td>18</td>
<td>PR with preferential vote</td>
<td>Single constituency</td>
</tr>
<tr>
<td>SPAIN</td>
<td>64</td>
<td>&quot;</td>
<td>18</td>
<td>PR</td>
<td>&quot;</td>
</tr>
<tr>
<td>FINLAND</td>
<td>16</td>
<td>&quot;</td>
<td>18</td>
<td>PR with preferential vote</td>
<td>4</td>
</tr>
<tr>
<td>FRANCE</td>
<td>87</td>
<td>&quot;</td>
<td>23</td>
<td>PR 5% threshold</td>
<td>Single constituency</td>
</tr>
<tr>
<td>GREECE</td>
<td>25</td>
<td>&quot;</td>
<td>21</td>
<td>PR</td>
<td>&quot;</td>
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<td>ITALY</td>
<td>87</td>
<td>&quot;</td>
<td>25</td>
<td>PR with preferential vote</td>
<td>5</td>
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<td>IRELAND</td>
<td>15</td>
<td>&quot;</td>
<td>21</td>
<td>PR with <strong>STV1</strong></td>
<td>4</td>
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<tr>
<td>LUXEMBOURG</td>
<td>6</td>
<td>&quot;</td>
<td>21</td>
<td>PR with vote-splitting</td>
<td>Single constituency</td>
</tr>
<tr>
<td>NETHERLANDS</td>
<td>31</td>
<td>&quot;</td>
<td>18</td>
<td>PR with preferential vote</td>
<td>&quot;</td>
</tr>
<tr>
<td>PORTUGAL</td>
<td>25</td>
<td>&quot;</td>
<td>18</td>
<td>PR</td>
<td>&quot;</td>
</tr>
<tr>
<td>FRG</td>
<td>99</td>
<td>&quot;</td>
<td>18</td>
<td>PR 5% threshold</td>
<td>Länder</td>
</tr>
<tr>
<td>UNITED KINGDOM</td>
<td>87</td>
<td>&quot;</td>
<td>21</td>
<td>Majority voting in single-member constituencies (N. Ireland PR with STV)</td>
<td>84 + 3 (Northern Ireland)</td>
</tr>
<tr>
<td>SWEDEN</td>
<td>22</td>
<td>&quot;</td>
<td>18</td>
<td>PR with preferential vote 4% threshold</td>
<td>Single constituency</td>
</tr>
</tbody>
</table>

1 STV = Single Transferable Vote
VI. REFERENCES

A. Texts translated and published by Services of the European Community


ACT OF ACCESSION OF GREECE - OJ L 291, 19.11.1979

ACT OF ACCESSION OF SPAIN AND PORTUGAL - OJ L 302, 15.11.1985


Treaty on European Union, Article 8b


NATIONAL ELECTORAL LAWS FOR THE 1984 EUROPEAN ELECTIONS

Text of the laws adopted by the Parliaments of the following countries: Belgium, Denmark, Ireland, Italy, Luxembourg. PE 90.698 of 14 June 1984

LAW No 609 of 14 December 1977 on the election of Danish Members of the EP as amended by LAW No 204 of 25 May 1983

ELECTORAL LAWS OF THE MEMBER STATES ON DIRECT ELECTIONS

Texts of the law adopted by the Greek Parliament, PE 75.841 of 11 November 1981 and PE 91.789 of 7 September 1984

Text of the laws adopted by the Parliaments of Belgium, Italy, Luxembourg and the Netherlands, PE 57.047 of 26 March 1979

Texts of laws adopted by the Parliaments of the Federal Republic of Germany and the United Kingdom, PE 54.757 of 2 September 1978

Texts of laws adopted by the Parliaments of Denmark, France and Ireland, PE 54.524 of August 1978

B. Original texts

LEI ELECTORAL PARA O PARLAMENTO EUROPEU approved by the Assembly of the Portuguese Republic on 29 April 1987 (Lei No 14/87)


- Austria: Law of 26 January 1996
- Denmark: Law No 1086 of 22 December 1993 (Danish official journal No 80, 31.1.1994, p. 344-347)
- Spain: Law of 31 March 1994 (BOE No 77, 31.3.1994) amending the Ley Orgánica del Regimen Electoral General
- France: Law No 94-104 of 5 February 1994 (Journal officiel de la République française, 8.2.1994, p. 2154-2155)
- Italy: Law No 128 of 21 February 1994 (Gazzetta Ufficiale della Repubblica Italiana, 26.2.1994, General series No 47)
Footnotes


[2] According to the stipulations of the electoral laws of Belgium, Greece and Spain, membership in the national Parliament, under certain conditions, is incompatible with membership in the European Parliament. Moreover, the EP adopted on 7 July 1988 a resolution (Doc. A2-65/88) in which the Member States are asked to change article 5 of the Act of 20 September 1976 and to rule on the dual mandate.

