

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Legal Affairs*

**2007/2207(INI)**

16.12.2008

## **OPINION**

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 (2007/2207(INI))

Rapporteur: Giuseppe Gargani

PA\_Legam

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Annex I to the resolution

#### Act of 20 September 1976

#### Article 1

*Act of 20 September 1976*

*Amendment*

1. In each Member State, members of the European Parliament shall be elected on the basis of proportional representation, using the list system or the single transferable vote.
2. Member States may authorise voting based on a preferential list system in accordance with the procedure they adopt.
3. ***Elections shall be by direct universal suffrage and shall be free and secret.***

***-1. Elections of Members of the European Parliament shall be by direct universal suffrage and shall be free and secret.***

1. In each Member State, members of the European Parliament shall be elected on the basis of proportional representation, using the list system or the single transferable vote.
2. Member States may authorise voting based on a preferential list system in accordance with the procedure they adopt.
3. ***The order of those elected may not be altered except as a result of a decision on an objection.***

#### *Justification*

*The amendment highlights the universal, direct, free and secret nature of the election more effectively and ensures greater respect for the will of the electorate by stipulating that the order in which candidates are elected cannot be altered except as a result of a decision on an objection.*

## Amendment 2

### Annex I to the resolution

#### Act of 20 September 1976 Article 6, paragraph 1 a (new)

*Act of 20 September 1976*

*Amendment*

***1a. Any agreement on resignations of membership before the expiry or at the end of the parliamentary term shall be null and void.***

#### *Justification*

*The amendment underlines a fundamental principle of democratic life based on absolute freedom to perform parliamentary duties. This principle is also laid down in Article 2(2) of the Statute for Members of the European Parliament.*

## Amendment 3

### Annex I to the resolution

#### Act of 20 September 1976 Article 12

*Act of 20 September 1976*

*Amendment*

The European Parliament shall verify the credentials of members ***of the European Parliament. For this purpose it shall take note*** of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act ***other than those arising out of the national provisions to which the Act refers.***

The European Parliament shall verify the credentials of ***its*** members ***on the basis*** of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act.

#### *Justification*

*The amendment permits the European Parliament to verify whether decisions by national authorities concerning the proclamation of the names of those elected accord with the letter and the spirit of the Act.*

## Amendment 4

### Annex I to the resolution

#### Act of 20 September 1976 Article 13, paragraph 3

*Act of 20 September 1976*

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

*Amendment*

3. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall ***without delay*** inform the European Parliament thereof, ***which shall verify the compatibility of such withdrawal with the letter and spirit of this Act.***

*Justification*

*The amendment permits the European Parliament to verify whether decisions by national authorities concerning withdrawal of the mandate of a Member accord with the letter and the spirit of the Act.*

## Amendment 5

### Annex I to the resolution

#### Act of 20 September 1976 Article 13, paragraph 3 a (new)

*Act of 20 September 1976*

*Amendment*

***3a. Where the verification referred to in paragraph 3 produces a negative result, the parliamentary mandate shall be confirmed and the European Parliament shall inform the competent national authorities thereof, which shall note the fact.***

*Justification*

*The amendment permits the European Parliament to decide autonomously on withdrawal of the mandate of a Member.*

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	15.12.2008
<b>Result of final vote</b>	+: 13 -: 0 0: 0
<b>Members present for the final vote</b>	Bert Doorn, Monica Frassoni, Giuseppe Gargani, Othmar Karas, Klaus-Heiner Lehne, Manuel Medina Ortega, Francesco Enrico Speroni, Diana Wallis
<b>Substitute(s) present for the final vote</b>	Costas Botopoulos, Jean-Paul Gauzès, Eva Lichtenberger, Georgios Papastamkos, Ieke van den Burg