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European Communities

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EUROPEAN PARLIAMENT

# Working Documents

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30 September 1981

DOCUMENT 1-540/81

## Report

drawn up on behalf of the Committee on the Verification of Credentials

on the verification of Members' credentials

**Rapporteur: Mr R. CHAMBEIRON**

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At its sitting of 6 July 1981 Parliament referred to the Committee on the Verification of Credentials the examination of the mandate of Mr CLUSKEY, replacing Mr O'LEARY who had resigned, and at its sitting of 9 July 1981 it referred to the committee the examination of the mandates of Mr TREACY and Mr PATTISON, respectively replacing Mrs DESMOND and Mr KAVANAGH following their resignation.

The committee examined the mandates of these new Members at its meetings of 7 July, 17 September and 23 September 1981.

At its meeting of 17 September it appointed Mr CHAMBEIRON rapporteur.

At its meeting of 23 Septemebr 1981 the committee unanimously adopted this report and the motion for a resolution.

Present: Mr Ferri, chairman; Mr Nord, vice-chairman; Mr Chambeiron, rapporteur; Mr Addonino (deputizing for Mr Malangré), Mr Blaney (deputizing for Mrs Macciocchi), Mr Flanagan and Mr Sieglerschmidt.

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The Committee on the Verification of Credentials hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the verification of Members' credentials

The European Parliament,

- having regard to Articles 7, 11 and 12 of the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by universal suffrage,
- having regard to Rules 6 and 7 of its Rules of Procedure,
- having regard to the report of the Committee on the Verification of Credentials (Doc. 1-540/81),

establishes the validity of the mandates of Mr CLUSKEY, Mr TREACY and Mr PATTISON.

## THE PROBLEM

5. The reservations made concerning firstly the nomination of Mr CLUSKEY to replace Mr O'LEARY and secondly the nomination of Mr TREACY and Mr PATTISON to replace Mrs DESMOND and Mr KAVANAGH are based on Article 1 of the Act of 20 September 1976 in the light of Irish law.

6. Article 1 of the Act of 20 September 1976 reads as follows:

'The representatives in the Assembly of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.'

7. Moreover, Article 11 of the Act stipulates:

'Pending the entry into force of the uniform electoral procedure referred to in Article 7 (1), the Assembly shall verify the credentials of representatives. 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.'

8. Further, Article 12(1) provides that 'pending the entry into force of the uniform electoral procedure referred to in Article 7(1) and subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 3 for the remainder of that period.'

9. The problem here is that while the verification of the credentials of the elected Irish Members did not give rise to any disputes, reservations were made about the nomination of the Members intended to replace the Irish Members who had resigned, since, according to the Irish law on the election of the Members of the European Parliament by direct suffrage, these replacement Members are nominated by the Dáil of the Irish Republic on a proposal from the party to which the resigning Member belongs<sup>1</sup>.

10. The Committee on the Verification of Credentials considered that it was not competent to pronounce on the conformity of the Irish law with the Act of 20 September since its task consisted merely of examining the credentials of the new Irish Members. Nevertheless, it took note of the reservations made concerning the method of replacement of the Members who had resigned.

<sup>1</sup> See attached extract from the Irish Electorate Law

The provisions of the Irish Electoral Law governing the election and replacement of Members of the European Parliament  
Casual vacancies

15. (1) Where a casual vacancy occurs amongst the persons elected to the Assembly under this Act or appointed under this section, the procedure for filling the vacancy shall be as follows:

- (a) subject to Paragraph (b) of this subsection, the vacancy shall be filled by the appointment by Dáil Éireann of a person who is eligible for election under this Act to the Assembly,
- (b) in case by reason of the last preceding Assembly election the relevant place in the Assembly was held by a person who was at that election a candidate of a political party which at the time of the said election was and for the time being is registered pursuant to this Act in the Register of Political Parties the person appointed under this subsection to fill the vacancy shall, if, but only if, the nomination is made within three months of the day on which the vacancy occurred, be a person nominated by that political party.

(2) A person appointed under Subsection (1) of this section shall, unless he sooner dies, resigns, becomes disqualified for election under this Act to the Assembly, is removed from office or otherwise ceases to be a representative in the Assembly, hold office as such a representative for the residue of the term for which the representative whom he replaces would have held office had he not ceased to hold office.

(3) In this section "a casual vacancy" means

- (a) a vacancy occasioned by a person who though elected to the Assembly pursuant to this Act is, by virtue of any provision laid down under any or all of the treaties, not entitled to assume the office of representative in the Assembly,
- (b) a vacancy occasioned by a person having ceased to be a representative in the Assembly otherwise than by the effluxion of time or in consequence of the making of an order under Section 17 of this Act by the High Court.