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Report

drawn up on behalf of the Legal Affairs Committee

on ~~an~~ amendment to Rule 7(1) and (5) of the Rules of Procedure of the European Parliament, concerning the election of the President and Vice-Presidents of the Parliament, and an amendment to Rule 41(5), concerning elections for the Bureaus of the committees; and on a corresponding amendment to Rule 35(6), concerning the voting procedure in the case of appointments

Rapporteur: Mr L. JOZEAU-MARIGNÉ

PE 33.225/fin.

By letter of 27 April 1973, the President of the European Parliament invited the Legal Affairs Committee to submit a motion for a resolution with a view to amending Rule 7 of the Rules of Procedure of the European Parliament in respect of the voting procedure for the election of the President and Vice-Presidents of the Parliament.

Mr Jozeau-Marigné was appointed rapporteur on 23 May 1973.

At its meeting of 28 June 1973, the Legal Affairs Committee discussed and adopted unanimously the motion for a resolution together with explanatory statement.

The following were present : Mr Schuijt, chairman; Mr Jozeau-Marigné, vice-chairman and rapporteur; Mr Brewis, Mr Broeksz, Mr Corterier, Mr Duval, Mr Lautenschlager, Mrs Nielsen, Mr Radoux (deputizing for Mr Ballardini), Mr Schmidt, Mr Schwörner, Mr Vermeylen, Sir Derek Walker-Smith.

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A

The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement.

MOTION FOR A RESOLUTION

on an amendment to Rule 7(1) and (5) of the Rules of Procedure of the European Parliament, concerning the election of the President and Vice-Presidents of the Parliament and an amendment to Rule 41(5), concerning elections for the Bureaus of the committees; and on a corresponding amendment to Rule 35(6), concerning the voting procedure in the case of appointments

The European Parliament,

- having regard to its Rules of Procedure,
- having regard to the report by the Legal Affairs Committee (Doc.153 /73),

1. Decides to amend as follows Rules 7, 35 and 41 of its Rules of Procedure:

Rule 7

1. The President and Vice-Presidents shall be elected by secret ballot; Parliament, may, however, decide to depart from this rule for a particular election if the number of nominations does not exceed the number of seats to be filled.

Four tellers chosen by lot shall count the votes cast in a secret ballot.

Paragraphs 2 to 4 unchanged

5. The Vice-Presidents shall take precedence in the order in which they were elected, and in the event of a tie, by age.

When they are not elected by secret ballot, the order in which their names are read out to the House by the President of the sitting shall be the order of precedence.

Paragraphs 6 and 7 unchanged

Rule 35

Paragraphs 1 to 5 unchanged

6. In the case of appointments, voting shall be by secret ballot, without prejudice to the application of Rule 7(1), Rule 37(2) and Rule 41(5), second para. Only ballot papers bearing the names of persons who have

been nominated shall be taken into account in calculating the number of votes cast.

Rule 41

Paragraphs 1 to 4 unchanged

5. Without prejudice to the provisions of paragraph 2 above, the Bureau shall be elected by secret ballot without discussion. Its elections shall require an absolute majority of the votes cast; if, however, a second ballot is necessary, a relative majority shall suffice.
If the number of nominations corresponds to the number of seats to be filled, the candidate or candidates may be declared elected without holding the ballot stipulated in the preceding paragraph.

Paragraphs 6 to 9 unchanged

2. Instructs its President to forward this resolution to the Council and Commission of the European Communities for their information.

EXPLANATORY STATEMENT

1. The purpose of the amendment submitted to the Legal Affairs Committee is to adapt the provisions of Rule 7 of the Rules of Procedure to the European Parliament's practice of holding elections without a secret ballot when the number of candidates for the post of President or Vice-President does not exceed the number of seats to be filled.

2. Normally, the fact that the number of candidates does not exceed the number of seats to be filled is the result of an agreement between the political groups.

In the event of disagreement, the secret ballot, which is the rule in parliamentary bodies when elections are held, is the only procedure which allows Parliament to deliver a clear and independent opinion.

While the rule of voting by secret ballot must be expressly retained, the option not to hold such a ballot in the instance under consideration by the Legal Affairs Committee has the advantage of making the procedure for sittings less cumbersome; this option is also provided for in the rules of procedure of the parliaments of several Member States¹.

3. Your committee therefore proposes that the first sentence of Rule 7(1) stipulating that

'The President and Vice-Presidents shall be elected by secret ballot' should be retained and the following provision added:

Parliament, may, however, decided to depart from this rule for a particular election, if the number of nominations does not exceed the number of seats to be filled'.

Your committee stresses that the decision to depart from the general rule of a secret ballot must be taken for each election individually; in other words, for example, the decision not to elect the President by secret ballot is independent of any decision taken on the election of the Vice-Presidents.

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See, for example:

- Rule 3 of the Rules of Procedure of the Belgian House of Representatives
- Rule 4 of the Rules of Procedure of the Luxembourg House of Deputies.

4. To clarify the text, the second sentence of Rule 7 (1) should become a second paragraph worded as follows:

'Four tellers chosen by lot shall count the votes cast in a secret ballot'.

5. It also seemed necessary to add a second paragraph to Article 7 (5), defining the order of precedence of the Vice-Presidents when election is not by secret ballot; this paragraph could be worded as follows:

'When they are not elected by secret ballot, the order in which their names are read out to the House by the President of the sitting shall be the order of precedence.'

The order in which the names of candidates are read out to the House by the President of the sitting is one of the main points of the agreement concluded between the groups; the new provision contained in Rule 7 (5), second paragraph, will merely confirm the practice and -if necessary - bring the significance of the order in which names are read out to the House to the attention of the political groups.

6. By analogy with the proposed amendment to Rule 7(1) it seemed advisable to amend Rule 41(5), concerning elections to the committee bureaus, in the same way; the latter text could be worded as follows:

Without prejudice to the provisions of paragraph 2 above, the Bureau shall be elected by secret ballot without discussion. Its elections shall require an absolute majority of the votes cast; if, however, a second ballot is necessary, a relative majority shall suffice.

'If the number of nominations corresponds to the number of seats to be filled, the candidate or candidates may be declared elected without holding the ballot stipulated in the preceding paragraph'.

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7. Finally, in the interests of legal correctness, it would be advisable to propose a corresponding amendment to Rule 35(6) of the Rules of Procedure concerning the voting procedure in the case of appointments.

In fact, this text which stipulates voting by secret ballot as the general rule, should indicate the two cases in which derogation from this rule is possible:

- the derogations under Rule 7(1) and Rule 41(5) (proposed in this report);
- the derogation stipulated in Rule 37(2), concerning the election of committee members.

Rule 35(6) could therefore be worded as follows:

'In the case of appointments, voting shall be by secret ballot, without prejudice to the application of Rule 7(1), Rule 37(2) and Rule

41(5), second paragraph. Only ballot papers bearing the names of persons who have been nominated shall be taken into account in calculating the number of votes cast.'

