

EUROPEAN ELECTIONS BRIEFING 1

(beginning with No 1, 1971...)

January 1977

May or June 1978 will probably see the world's first international elections. More than 175 million European voters — from the Shetlands to Sicily, from Brittany to Bavaria — will be going to the polls to elect directly their 410 representatives in the European Parliament. Of these, 81 will come from England, Scotland, Wales and Northern Ireland.

The agreement by the governments of the nine European Community countries that these elections should at last take place was signed in Brussels on Monday, September 20. It provides for:

1. The distribution of seats to be (numbers in the present, nominated European Parliament in brackets):

Belgium	24	(14)
Denmark	16	(10)
Germany	81	(36)
France	81	(36)
Ireland	15	(10)
Italy	81	(36)
Luxembourg	6	(6)
Netherlands	25	(14)
United Kingdom	81	(36)
TOTAL:	410	(198)

2. The Parliament to be elected for a fixed term of five years.

3. Being a Member of the European Parliament to be compatible with being a Member of a national parliament.

4. Initially, each country to decide for itself the method of voting; but a common system to be drawn up for later elections.

5. The elections to be held at the same time in all the member countries, within a period running from a Thursday to the following Sunday.

Although the actual date of the first elections has still to be confirmed, successive summit conferences have fixed the target of May or June 1978. Whether this can be met now depends on each country passing the necessary legislation in time.

The position in the United Kingdom

Legislation on European elections was promised in the Queen's speech of November 29, 1976. Meanwhile, a Select Committee of the House of Commons has produced three reports on how the elections could be held.

Its principal conclusions are:

1. The 81 UK seats should be distributed as follows (average electorates in brackets):

England	66	(514,067)
Scotland	8	(470,399)
Wales	4	(511,601)
N. Ireland	3	(344,413)

2. The system of voting to be used in the UK, at least for the first elections, should be "first past the post" in single-member constituencies.

3. Eight to ten existing House of Commons constituencies should be grouped together to form each European seat, taking into account local authority boundaries where possible. The seats should have approximately equal electorates.

4. All UK nationals working abroad, with the right to live in the UK, and provided that they or their spouses have at some time done so, should have the vote in European elections. The votes would be cast by proxy in the constituencies of last residence.

5. The 81 constituencies should be drawn up by the Parliamentary Boundary Commissions using existing procedures, but with only one round of local appeals.

What the Treaties say

The European Parliament has, at present, 198 Members, nominated by the various national parliaments from among their own members. The UK, for example, has a delegation of 36 of whom 26 are from the House of Commons and 10 are from the House of Lords.

From the very beginning, this was envisaged as only a temporary arrangement. Article 138(3) of the EEC Treaty requires the Parliament itself to "draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States". It is then up to the Council of Ministers, by a unanimous vote, to "lay down the appropriate provisions, which it shall recommend to Member States in accordance with their respective constitutional requirements".

Declared candidates: Francois Mitterand and Willy Brandt



Progress in implementation

Belgium Bill expected early 1977. Problems on distribution of seats between Flemish and French-speaking areas.

Denmark Legislation in preparation. *Folketing* expected to accept the Community Act without reservations.

France Constitutional Court has reported that there are no constitutional objections. Draft law in the spring. Communists and some Gaullists will oppose.

Germany The new *Bundestag* now having met, Bill expected in March. No opposition.

Ireland Bill ready, and expected to be law by Easter.
Italy Bill published and already in committee. Few problems.

Luxembourg Working party now preparing legislation.

Netherlands Legislation expected following Dutch elections in May.

U.K. Legislation promised in Queen's Speech. Bill probably in February.

The European Elections Act

(Full text published by HMSO, Cmnd. 6623, price 22p.)

The Council of Ministers' decision of September 20, 1976 falls into three parts:

1. A brief formal text announcing that the Council has "laid down the provisions annexed to this Decision which it recommends to the Member States for adoption in accordance with their respective constitutional requirements". This section also announces the Council's intention "to give effect to the conclusions of the European Council in Rome on December 1 and 2, 1975 that the election of the Assembly should be held on a single date within the period May-June 1978".

2. The Act itself, including a declaration by the German Government on the representation of Berlin. (Because of the special status of Berlin, it will be impossible for European Parliament Members to be directly elected there. Instead they will be elected by the West Berlin House of Deputies.)

3. Three Annexes to the Act, dealing with the position of Greenland; the Isle of Man and Channel Islands (to which the Act does not apply); and the details of the Parliament-Council conciliation procedure mentioned in Article 13 of the Act.

The Act follows very closely the draft Convention passed by the European Parliament in January 1975. The final form of some of the Articles, however, are the result of very hard bargaining and long negotiations between governments.

1. The number and distribution of seats (Article 2)

This proved the most intractable problem of all. The Parliament's draft Convention would have enlarged the Parliament to 355 Members, allocated between the Member States according to a formula producing strong weighting in favour of the smaller countries: Belgium would have had 23 seats, Denmark 17, Germany 71, France 65, Ireland 13, Italy 66, Luxembourg 6, the Netherlands 27 and the UK 67.

During subsequent discussions of the draft Convention by the Council of Ministers, its working party and the European Council, at least seven other proposals were considered.

All the schemes, including that eventually adopted, agreed in treating Luxembourg — which has a population of only about 357,000 — as a special case. Had there been strict proportionality between population and seats, it would have been necessary to have a Parliament of some 730 Members to give Luxembourg even a single seat. It was also thought necessary,

however, to continue an element of weighting in favour of all the smaller States.

2. The term of the Parliament (Articles 3 and 10(2))

Though there was some argument in favour of four-year Parliaments, the Act provides for five years as proposed by the draft Convention. There is no provision for dissolution before this term; but under Article 10(2) the elections can be advanced or retarded by up to one month "should it prove impossible to hold the elections in the Community" on the due date.

3. The dual mandate (Article 5)

Whether elected Members of the European Parliament should or should not also be Members of their national parliaments has been the subject of extensive debate, particularly among parliamentarians themselves.

The Parliament's draft Convention struck a balance between these two positions by declaring that "Membership of the European Parliament shall be compatible with membership of a parliament of a Member State"; i.e. by making the "dual mandate" optional. This is now adopted in the Act.

This is an issue quite separate from that of the formal link, if any, between the parliament of a Member State and the Members of the European Parliament from that State as a whole, which will be decided by each country separately.

4. Incompatibilities (Article 6)

On the other hand, the Act lists a number of positions which are to be incompatible with European Parliament membership. These include membership of the Commission, national governments, the Court of Justice, etc., and active employment in the Community's civil service. In addition, each Member State can add other incompatibilities as far as its own Members are concerned.

5. Electoral system (Article 7)

The Parliament's draft Convention interpreted the phrase "uniform procedure" in Article 138(3) of the Treaty flexibly, allowing each Member State, initially, to choose its own voting system, voting age, etc. Uniformity was limited to basic democratic principles: that elections shall be "equal, free, universal, direct and secret".

There was, however, support for a stricter view. In the European Parliament the Communist Group abstained from voting on the Convention on the ground

that "uniform procedure" implied a single system of voting; and a similar objection has more recently been raised by certain Gaullists in France.

The Act substantially follows the Parliament's position. Pending the entry into force of "uniform electoral procedure" (the Parliament's Convention referred to "a uniform electoral system") "the electoral procedure shall be governed in each Member State by its national provisions".

6. Electoral register (Article 8)

The Act makes no reference to the question of whether nationals of one Community country resident in another should vote in their place of residence or in their home country. It does envisage, however, that certain people might qualify to vote in more than one country (for example, if a voter were given a proxy vote by his home country and another by his country of residence). Voting more than once is therefore prohibited at Community level.

7. Timing of the elections (Article 9)

The Act, like the Parliament's draft, provides for the elections to be held simultaneously in all Member States. Each State can choose to poll on a day which "falls 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 the Member State whose electors are the last to vote. . . ." If the French use their usual system of two polls on successive Sundays, it is the first ballot that takes place on the agreed Sunday.

8. The date of the first elections (Article 10)

Although the text of the Council of Ministers decision itself refers to the target date of May-June 1978, this is not in the Act. Instead, provision is made for the Council of Ministers to take a final decision in consultation with the present European Parliament.

Following the elections, the Parliament will convene on the first Tuesday one month later.

9. By-elections, etc. (Article 12)

Different countries have different procedures for filling seats which fall vacant in their national parliaments between elections. In the UK, for example, there is a by-election in the appropriate constituency. Countries with PR merely take the next name from the appropriate party's list at the previous election. Until the uniform system of election is introduced, each country will be able to fill vacancies in its European Parliament delegation in its own way.

10. Further acts (Article 13)

If any further measures turn out to be necessary at Community level to implement Article 138(3) of the Treaties, a procedure is established to enact them. The right to propose will remain with the Parliament. The Council then has the right to decide by unanimous decision:

(a) having consulted the Commission (which would thus be brought into the matter for the first time);

(b) after having endeavoured to reach agreement with Parliament in a conciliation committee consisting of the Council and representatives of Parliament. Annex III appended to the Act states that the procedure to be followed by this committee should be that established on March 4, 1975 (see 'Official Journal' C89, April 22, 1975, pp. 1 & 2).

Members and population by country in the directly elected Parliament

Country	Members	(% of total)	Population	(% of total)	Population per Member
Belgium	24	(5.85)	9,772	(3.77)	407,167
Denmark	16	(3.9)	5,052	(1.95)	315,750
Germany	81	(19.76)	62,041	(23.96)	765,938
France	81	(19.76)	53,780	(20.77)	663,951
Ireland	15	(3.66)	3,086	(1.19)	205,733
Italy	81	(19.76)	55,361	(21.38)	683,469
Luxembourg	6	(1.46)	357	(0.14)	59,500
Netherlands	25	(6.1)	13,450	(5.19)	538,000
UK	81	(19.76)	56,056	(21.65)	692,049
Community	410	(100)	258,955	(100)	631,598

Implementation in the United Kingdom

House of Commons Select Committee reports I, II and III from HMSO, House of Commons Papers 489 at 35p.; 515 at 30p.; and 715 at 85p.

Now that the Community Act has been passed, the next stage of decision-taking is at national level. The House of Commons Select Committee has made recommendations on most of the major problems — though neither the Government nor Westminster as a whole, of course, is bound to accept these recommendations.

1. Allocation of seats within the UK

Strictly on the basis of electorate, England should have about 67.4 of the UK's 81 European Parliament seats, Scotland 7.5, Wales 4.1 and N. Ireland 2.1. The distribution suggested by the House of Commons Select Committee (see p. 1) is in fact very close to this.

In the Select Committee, a proposal to give Scotland 16 seats like Denmark (both have a population about 5 million) was heavily defeated. Also rejected, more narrowly, was a proposal to give Scotland 10 seats (average electorate 376,319), Wales 5 seats (409,281), England 63 seats (538,546) and N. Ireland 3 (344,413).

2. Electoral system

The agreement on direct elections at Community level enables each Member State to decide separately on the electoral system to be used in 1978. The UK will therefore be free to adopt the traditional parliamentary voting system of simple majority in single member constituencies ('first past the post'). Equally, the UK is not obliged to adopt such a system.

The House of Commons Select Committee's second report, however, comes down in favour of 'first past the post'. The main reasons it considered were:

- (i) *If the UK were to change the electoral system for the first direct elections, the later introduction of a uniform Community system would probably mean two changes within a comparatively short period — the Committee was "much impressed" by this argument.*
- (ii) *It would not be practical to reach agreement on any particular new system in time for 1978.*
- (iii) *The 'first past the post' system was familiar to electors and to returning officers' staffs.*
- (iv) *It would be easier for the existing constituency organisations of the political parties to operate.*
- (v) *Voters would identify more easily with their existing Parliamentary constituency.*

On the other side, the report notes that the Committee received "a considerable amount of evidence in favour of the proposition that elections for the European Assembly should be carried out under a system of proportional representation". The main arguments were:

- (i) *It could be introduced without undue administrative difficulty and avoided disadvantages inherent in the 'first past the post' system, which "tended to exaggerate the effects of comparatively minor swings in the relative popularity of the two main parties, and to lead to under-representation of minority parties" (at least those, like the Liberals, not geographically concentrated).*
- (ii) *It would ensure that the UK membership of the European Parliament reflected more nearly the overall pattern of opinion, both regional and*

national.

- (iii) *It would be particularly suitable for a multi-national Assembly from the membership of which no executive body had to be formed.*
- (iv) *Most other Member States of the Community used a form of proportional representation.*

3. Constituency boundaries

House of Commons constituency boundaries are the subject of regular review by the Parliamentary Boundary Commissions for the different parts of the UK. Under the present system the Commissions are required to publish their provisional recommendations in each constituency affected and to invite representations within the following month. If representations are received from an interested local authority or body of electors numbering 100 or more, a local enquiry must be held. The provisional recommendations may then be revised and further representations made; and a second enquiry may be held if the relevant Commission considers it justified. To employ this full procedure in the case of European Parliamentary boundaries could take up to two years.

The Select Committee accordingly recommends that, in the case of fixing the 81 European Parliament constituencies, the second round of representations and enquiries should be dispensed with.

4. The Franchise

The House of Commons Select Committee's third report examines the matter of the franchise in some detail. In general, it recommends that it should be the same as for elections to the House of Commons — i.e. the voting age should be 18, etc. It adds, however, that peers should be allowed to vote.

The report also recommends that UK nationals resident in other European Community countries should generally be able to vote in the European elections. As a general principle, one would expect all voters to go to the polls in their country of residence. This, however, the Committee concedes, will have to wait until the setting up of a uniform, Community-wide electoral procedure.

Meanwhile, therefore, the report recommends that arrangements be made for them to vote in UK constituencies, (as service and diplomatic voters do already) provided that:

- (a) *they are nationals of the UK;*
- (b) *"their right of abode within the meaning of Section 2 of the Immigration Act 1971 should have been established" (i.e. they should be 'patrials');*
- (c) *they or their spouses have at some time resided in the UK;*
- (d) *"the occupation, service or employment of themselves or their spouses should be abroad".*

This, it is estimated, would add a possible 270,000 voters to the normal electoral registers. The method of voting would be by proxy; and the constituency would be that in which the voter was last resident in the UK.

In the following section, the report considers the position of UK nationals resident in non-Community countries; and, rather surprisingly, recommends that they too be given the vote in European elections.

5. Links with Westminster

Despite the problems of the dual mandate, it is very widely felt that to sever entirely all connections between the Members of the European Parliament and national parliaments would be a mistake. The possibility of certain 'supermen' being 'Members of both parliaments cannot provide a complete answer.

In the case of the UK, various proposals have been made which would allow a Member of the European Parliament to retain links with Westminster. One is the creation of a "Grand Committee" consisting of the British European Parliament Members, and the two committees responsible for scrutinising Community legislation in the Lords and Commons. Most recently the Conservative leader in the House of Lords, Lord Carrington, has put forward a scheme for House of Lords reform in which there would be "automatic election to the Second Chamber of those who have been directly elected to the European Parliament.

The Select Committee believes that in the field of formal links "it would be best to proceed with some caution". Instead, it recommends that the most useful contacts could be made in an informal way, particularly through the political parties. To facilitate this, Members of the European Parliament should have access to "some of the amenities available in Parliament (i.e. Westminster) to Members of both Houses": for example, the library and refreshment rooms.

6. Finance

It is not clear, as yet, what financial arrangements will be made for European elections. The Select Committee recommends that the costs incurred by public authorities in administering the elections (the referendum in July 1975 cost £10¼ million) should be met by monies voted by Westminster; but makes no recommendation as to assistance towards campaign expenses, nor as to limits on expenses.

Both aid from Community funds to parties — possibly through the political groups in the existing European Parliament — and the salaries and/or expenses of directly-elected Members of the European Parliament are currently under discussion at Community level.

7. Other matters

The Committee's third report also recommends:

- (i) *Disqualification from standing should be as for Westminster with the exception of peers and all clergymen, who should be able to stand for the European Parliament.*
- (ii) *Candidates should be proposed and seconded and the nominations signed by 10 voters per Westminster constituency covered by the European constituency.*
- (iii) *The deposit should be £150 per Westminster constituency covered (i.e. £1,200 - £1,500) which would be forfeit (as for Westminster) if the candidate failed to poll 12½ per cent of the vote.*
- (iv) *Ballot boxes should be verified at local level, before the count is carried out centrally in each European constituency.*
- (v) *UK electoral law should determine such matters as recounts, etc.*
- (vi) *The machinery for by-elections should be set in motion by the means of a writ moved in the House of Commons.*

Voting systems and political parties

The results of the first European elections will to some extent depend on the electoral systems to be used; under the Act, each country is free to choose a system for itself. Though basically five methods of voting are used in the Community for national elections, countries will not necessarily choose these for European elections.

1. **Belgium, Denmark, Italy, Luxembourg and the Netherlands** all use forms of proportional representation using party lists. This will clearly be the system used for European elections as well. Decisions have to be taken, however, on how proportionality is calculated. In Italy, for example, the Government is attempting to ensure that smaller parties and particular regions are represented among the total 81 Members.

2. **Ireland** is the only Community country using the system of single transferable vote in multi-member constituencies. A committee of the Irish Parliament has recommended that a party list system be used for European elections instead; but it is now probable that the legislation will provide for STV.

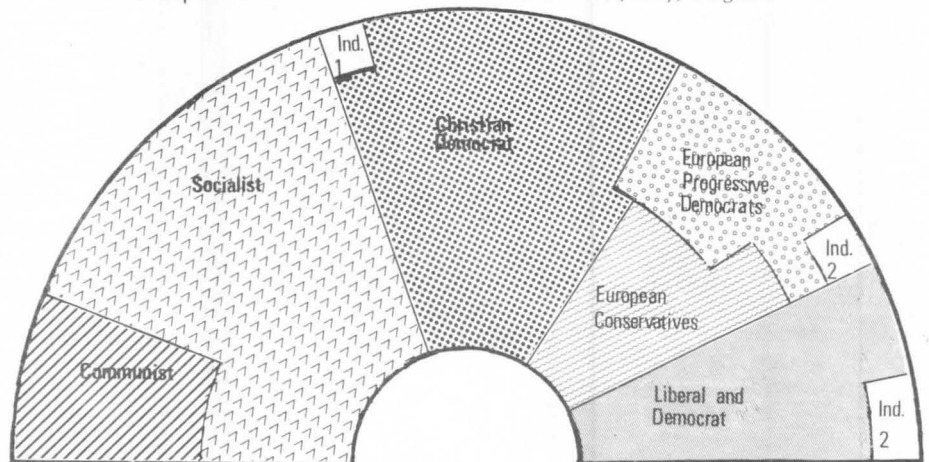
3. **The UK** is likewise the only country using simple majority in single-member constituencies ('first past the post'). Despite pressure for some form of PR, it is likely that only the traditional system has a chance of acceptance by the House of Commons.

4. **French** national elections to the Assembly are held on a variant of the overall majority in single-member seats system (two polls are held on successive Sundays). For European elections, however, it is possible that single-member seats will be abandoned in favour of party lists which will avoid the problem of constituency boundaries.

5. For national elections **the Germans** use the additional members system: half the *Bundestag* is elected by 'first past the post', the rest on party lists in such a way that the final result is proportional. For European elections, however, PR based solely on national or State lists is likely to be chosen.

The present European Parliament sits, not in national delegations, but in six multinational political groups. These are (together with Independents):

Group	Members	Countries represented
Communist	17	Italy, France, Denmark
Socialist	65	All
Christian Democrat	50	All except UK, Denmark
European Progressive Democrat	17	France, Ireland, Denmark
European Conservative	17	UK, Denmark
Liberal and Democrat	27	All except Ireland
Independent	5	UK, Italy, Belgium



Three of these groups — Socialists, Christian Democrats, and Liberals — are therefore in a position to fight the European elections on a Community-wide basis. They have, indeed, made preparations to do so.

The **Confederation of Socialist Parties of the European Community** has established four joint working parties to prepare a common platform (though so far the British Labour Party has not participated).

The **Christian Democrats** have formed a new "European Peoples' Party" at Community level, with the Belgian Prime

Minister, Leo Tindemans, as leader.

The **Liberals** have formed a "Federation of Liberal and Democratic Parties", to which 13 national parties currently belong (including the British Liberals and the "Giscardiens" in France). Its first congress was held in November 1976.

Contacts have also been established between the Conservatives and other centre-right parties (in this case both inside and outside the Community), with the object of forming a looser "European Democratic Union".

Votes for parties supporting each European Parliament group at the last national elections (figures to nearest million)

	Comm	Soc	CD	EPD	Con	Lib	Other
Belgium	0.2	1.6	1.7	0.5	—	0.8	1.2
Denmark	0.1	0.8	—	—	0.5	0.4	0.8
France	5.2	4.6	4.0	5.8	—	1.7	2.0
Germany	0.1	16.1	18.4	—	—	3.0	0.3
Ireland	—	0.2	0.5	0.6	—	—	0.1
Italy	12.6	4.8	14.2	—	—	0.5	4.5
Luxembourg	0.02	0.05	0.05	—	—	0.04	0.01
Netherlands	0.3	2.0	2.3	—	—	1.0	1.7
UK	—	11.5	—	—	10.5	5.3	1.4
TOTAL	18.4	42.5	41.1	7.0	11.0	12.5	12.0

Some questions about the elected Parliament

What powers will it have?

Exactly the same as now. That is, the power

- to sack the Commission (by a two-thirds majority);
- to amend the "non-obligatory" sections of the Community Budget (about a quarter of the total), and to reject the Budget as a whole;
- to question, in public, both Commission and Council of Ministers;
- to scrutinise Community legislation in specialist committee;
- to discuss with the Council of Ministers, through the "concertation procedure", all Community measures having a financial implication;

- to raise in open debate any Community matter considered of public importance.

Any extension of these powers, whether the Parliament is directly elected or not, will require an amendment to the Community Treaties. Over this each Member State retains a veto.

Where will it sit?

The new "Palace of Europe" in Strasbourg, used by the present Parliament for half its monthly sittings, is capable of seating 410 Members — unlike the chamber now used in Luxembourg (where the Parliament's secretariat is situated) for the other half. It is certain that the election of the European Parliament will bring to a head the dispute over a permanent seat.

How often will it meet?

Certainly more often than the present Parliament, which sits in full session for an average of one week in the month. The committees, too, will probably meet more frequently than the present average of four days in the month. The elected Parliament, in other words, will be virtually full-time.

Who will be standing?

Already some prominent European statesmen — among them ex-chancellor Willy Brandt of Germany, and leader of the French Socialist Francois Mitterand — have announced their intention of standing for the European Parliament. In the UK, the Conservative Party is already well advanced in drawing up its European candidates list.