

EUROPEAN ELECTIONS BRIEFING 4

April 1978

Polling day in the United Kingdom for the first direct elections to the European Parliament will be Thursday 7 June 1979. Other Community countries will be voting during the following three days, and the result should be known early on Monday the 11 June.

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The date of the world's first international general election was at last fixed by the European Council ("summit") in Copenhagen on April 7. The new decision replaces that taken by the European Council in Rome on December 2 1975 that the target election date should be "within the period May/June 1978".

There are still a number of formalities before the polling-day decision can become legally binding:

- i) The power to establish the date of the election rests legally, with the Council of Ministers rather than the European Council;
- ii) Before the Ministers can take the binding decision, the European Parliament must be consulted;
- iii) Most important, the decision cannot be taken until all nine Community Member States have passed the necessary domestic legislation (see p. 2).

Position in the UK

Contrary to a widespread belief, the United Kingdom is not noticeably behind in passing the direct elections legislation. The European Assembly Elections Bill (summarised on Page 2) was finally adopted by the House of Commons on February 16; and received a Second Reading in the House of Lords on March 7. It is expected to become law, according to the Government, "in the course of the summer".

After this there are two further stages at national level:

- i) The Parliamentary Boundary Commissions must draw up The constituency boundaries in England, Scotland and Wales.
- ii) These, together with the other regulations for the conduct of the elections, must be adopted by the House of Commons. This the Government expects this to take place "into the Autumn".

Election arrangements

The legal framework under which the elections will be held exists, first, at Community level; and second, at national level.

a) Community level

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". This it did when the so-called "Patijn Convention" was adopted in January 1975.

The Treaty then requires the Council of Ministers to lay down the appropriate provisions, which it shall recommend to Member States . . . This was also achieved by the adoption on September 20, 1976, of the Community Act. (summarised on Page 2).

Finally, the Member States have to adopt these provisions "in accordance with their respective constitutional requirements". Appropriate legislation is now taking place, or has already taken place in the different countries.

The main provisions of the Community Act are:

1. The distribution of seats is to be:



2. The Parliament is to be elected for a fixed term of five years.
3. Being a Member of the European Parliament is to be compatible with being a Member of a national parliament.
4. Initially, each country will decide for itself the method of voting; but a common system is to be drawn up for later elections.
5. The elections are to be held at the same time in all the member countries, within a period running from a Thursday to the following Sunday.

b) National level

The main provisions of the United Kingdom Bill are:

1. The distribution of the 81 seats within the U.K. should be (average number of voters per Member in brackets):

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

2. The electoral system is to be in England, Scotland and Wales, simple majority in single-member seats ("first-past-the-post"); and in Northern Ireland Single Transferable Vote in one 3-member seat.
3. Only those on the normal electoral register (with the addition of Peers) will be able to vote.

The position in other countries, mid-April 1978

Table 1.

Country	State of Bill	Voting System	Franchise	Voting Age	Other Comments
Belgium	In parliamentary committee	PR in two or three constituencies	—	18	Compulsory Voting
Denmark	Passed 2 Dec. 1977	1 seat for Greenland. Rest of Denmark PR on national lists	Votes for Danes living in other Community countries	20	
Germany	Passed by Bundestag on 16 March 1978	PR on national or Land lists (choice for parties)	Votes for Germans living in other Community countries	18	3 seats for Berlin, filled by nomination from Berlin <i>Landtag</i>
France	Passed 30 June 1977	PR on national lists	Votes for all French nationals living abroad	18	Overseas departments and territories included
Ireland	Passed 8 Dec. 1977	Single Transferable Vote in 4 multi-member constituencies	Votes for all Community nationals living in Ireland	18	
Italy	Not yet tabled	PR		18 or 25	
Luxembourg	In parliamentary committee	PR on national lists, but cross-party voting possible	Votes for resident Luxembourgers only	18	compulsory voting
Netherlands	Electoral Council proposal	PR on national lists	Votes both for Dutch abroad and Community nationals living in the Netherlands with no vote elsewhere	18	
UK	In Lords	England, Scotland, Wales 'first-past-the-post'. STV in N. Ireland	Votes for resident UK nationals, and Irish nationals only	18	

The European Elections Act, 1976

(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".

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

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 a Parliament-Council conciliation procedure in the event of new measures to implement the Act becoming necessary.

The Act follows very closely the draft Convention passed by the European Parliament in January 1975.

1. The numbers of seats (Article 2)

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

2. The term of the Parliament

(Articles 3 and 10 (2))

The Act provides for Parliaments with a fixed term of five years. 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)

Membership of the European Parliament is compatible with membership of a parliament of a Member State" (i.e. the dual mandate is optional).

This is a matter 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)

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.

5. Electoral system (Article 7)

The Act interprets 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.

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.

7. Timing of the elections (Article 9)

The Act 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"

8. The date of the first elections

(Article 10)

Although the text of the Council of Ministers decisions itself refers to a 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.

The Elections in the United Kingdom

Preparations for European Elections in the United Kingdom have been slow but thorough. The first step was the publication in February 1976 of a **Green Paper**. A **Select Committee of the House of Commons** was then established, which produced three reports, together with published evidence.

These were followed in April 1977 by a **Government White Paper**. The first version of the **European Assembly Elections Bill** was published on 24 June 1977, and given a **Second Reading** in the Commons on July 3 by 394 to 147 votes. The Bill was re-introduced in a slightly amended version on 9 November, and given another **Second Reading** on November 24 by 381 votes to 98.

There followed the **Committee stage** during which the major decisions on electoral system, etc. were taken. A crucial guillotine vote on 26 January 1978 was passed by 314 to 137. The Bill was finally **approved by the Commons** on 16 February 1978 by 159 votes to 45.

The Bill then went to the House of Lords, where it was given a **Second Reading** on March 7. It is now in House of Lords committee, and is expected to receive the **Royal Assent** during May.

During this period, the House of Commons has debated the issue on over 26 separate occasions. (For most important references, see table 3).

The Elections Bill

The Bill now before the House of Lords is dramatically shorter than that originally presented to the House of Commons. This is because the larger part of the earlier Bill concerned the possible introduction of Proportional Representation; this was removed by the Commons on 13 December 1977 by 321 votes to 224.

The major provisions of the Bill as it now stands are:—

Clause 2. Distribution of seats

England 66, Scotland 8, Wales 4, Northern Ireland 3.

Clause 3. Electoral system

Simple majority system ("first-past-the-post") in Great Britain, single transferable vote in N. Ireland.

Clause 4. Double voting

Voting more than once in an European election, "whether in the United Kingdom or elsewhere", is made an offence.

Clause 6. Powers of the Parliament

"(1) No treaty which provides for any increase in the powers of the Assembly shall be ratified by the United Kingdom unless it has been approved by an Act of Parliament."

"(2) In this section 'treaty' includes any international agreement and any protocol or annex to a treaty or international agreement."

This clause to the Bill was added by the House of Commons on 17 February 1978. It constitutes a major constitutional innovation for the United Kingdom — normally, treaties are ratified, under the Ponsonby rules, by Order in Council (either they are assumed to be agreed if no-one moves a negative resolution; or they are passed by affirmative resolution. No formal Act, with all its stages, is required).

The Government nevertheless introduced the clause in order to allay what

the Foreign Secretary called Members' "legitimate and passionate concern" that they were not signing away powers from Westminster to Europe. A similar provision is contained in the French legislation.

The effect of the clause is not, however, clear-cut. It does not cover, for example, such developments as the setting up of the "conciliation procedure" by agreement between Council of Ministers and the European Parliament on 4 March 1975 (*for details see Background Note, 30 March 1977 obtainable from EP London Office*).

Clause 7. Cost of election

The payment of returning officers, etc. will be made by the U.K. Exchequer. The cost of the elections is estimated in the Financial Memorandum to the Bill "to be at least £10 million every 5 years".

Clause 9. Implementation

"Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument". This will cover such matters as candidates' election expenses, deposits, signatures for nomination, etc.

However, Schedule 1,2(6) provides that regulations will only be made when "a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament". This, the Government expects to happen in the Autumn.

Appended to the Bill are two Schedules, dealing with the detailed electoral arrangements. The most important provisions are:

The Franchise

The Bill does not accept the recommendation of the Commons Select Committee that U.K. nationals living abroad should be able to vote. Instead, only those on the normal register (which includes Peers for local government elections) will be voting. In this, the U.K. will probably differ from all other Community countries except Luxembourg (see table 1).

Candidates

Unlike elections to Westminster, it will be possible for Peers and ministers of religion to stand for the European Parliament.

Constituency Boundaries

Schedule 2 of the Bill is concerned with the arrangements for drawing up the boundaries of the 78 "Euro-constituencies" in England, Scotland and Wales.

Procedure

1. Each Boundary Commission is instructed to submit, "as soon as may be after the passing of this Act", recommended constituencies for their areas.

2. These first recommendations will be published "in such a manner as they think best calculated to bring it to the attention of those concerned". Copies of the recommendations will be "open to inspection at one or more specified places" within each House of Commons constituency covered by the "Euro-constituency".

3. Representations on the recommendations can be made by local authorities, the public, etc. within one month after publication.

4. The Boundary Commissions "shall take into consideration" any representations before submitting their final report.

5. The boundaries will then be approved by the House of Commons by Order in Council.

6. It is estimated that all this will take about 18 weeks.

Criteria

The Schedule lays down a number of criteria for the Boundary Commissions.

(a) *The Euro-constituencies would consist of two or more House of Commons constituencies, with no overlapping of boundaries.*

(b) *The electorates of the Euro-constituencies would be "as near the electoral quota as is reasonably practicable having regard, where appropriate, to special geographical considerations". The quota would be the electorate divided by the number of seats for that part of Great Britain (see p. 1).*

Table 3. Most important debates
(ref. to Hansard volume and column)

Date	Ref.	Debate
<i>House of Commons</i> 29 & 30 March 1976	908 c.900 908 c.1119	Green Paper debate
12 July 1976	915 c.110	1st Select Committee report
20 & 25 April 1977	930 c.200 930 c.735	White Paper debate
6 & 7 July 1977	934 c.1250 934 c.1436	Second Reading (1)
24 November 1977	939 c.1763	Second Reading (2)
1 December 1977	940 c.752	Committee (points of order, Clause 1)
12 December 1977	941 c.115	Committee (Clause 1)
13 December 1977	941 c.298	Committee (electoral system)
12 January 1978	941 c.1879	Committee (Clause 3)
26 January 1978	942 c.1623	Guillotine vote
2 February 1978	943 c.723	Committee (allocation of seats, powers)
8 February 1978	943 c.1463	Committee (rest of Bill, salaries)
16 February 1978	944 c.683	Third Reading
<i>House of Lords</i> 7 March 1978	HL389 c.691	Second Reading
13 April 1978	HL390 c.791	Committee (electoral system)

Political parties

The Members of the present European Parliament sit, not in national delegations, but in six political groups (together with a few independents).

With the coming of European Elections, some of these groups are already preparing to fight on a Community-wide basis.

1. The Socialists

Eleven Socialist, Social Democrat and Labour parties, from all nine Community countries, have formed a Confederation of Socialist Parties of the European Community. Its interim President is the French Socialist Robert Pontillon.

Working parties of the Confederation have already produced a draft electoral text which will be considered by a "summit" conference of party leaders in June. The final text will be adopted by a Congress in Brussels on 11-13 January 1979.

2. The European People's Party

The national parties which form the Christian Democrat Group in the European Parliament have created, at Community level, a new political party: the European People's Party. Its leader is the Belgian Prime Minister, Leo Tindemans.

The main elements of the People's Party manifesto for direct elections were adopted at the Party's first conference in Brussels on 6 and 7 March 1978.

3. The Liberals & Democrats

The thirteen national parties participating in the Liberal & Democrat group also formed a Federation at Community level (ELD) in

March 1976. Since then, two Congresses have been held — in November 1976 in the Hague and a year later in Brussels — and two more are planned before polling day. The 1977 Congress adopted the outlines of the ELD manifesto, which is soon to be published.

The President of ELD is the Luxembourg Prime Minister, Gaston Thorn.

4. The Progressive Democrats

The three parties which make up the European Progressive Democrats — the RPR (Gaullists) in France, Fianna Fail in Ireland and the Progress Party in Denmark — are in the course of drafting their joint manifesto. A Congress is planned for later in the year.

5. The Conservatives

The British Conservative Party, together with the Danish Conservative and Centre Democrat parties, are also in the course of working out their election platform. There is likely to be a certain degree of co-ordination with the European People's Party.

6. The Communists

No joint policy statement by the parties making up the Communist Group has so far been drafted. (The secretariat covers the Italian, French and Dutch parties, together with the Danish Socialist People's Party). The Italian Party, however, has carried out preparatory work for the elections.

Table 4. Votes for parties supporting each European Parliament group at the last elections (figures in millions).

	Comm.	Soc.	CD	EPD	Con.	Lib.	Other	Total
Belgium	0.1	1.5	2.0	—	—	0.9	1.0	5.5
Denmark	0.2	1.1	—	0.5	0.5	0.5	0.3	3.1
France	5.9	7.1	2.0	6.5	—	4.0	2.1	27.6
Germany	0.1	16.1	18.4	—	—	3.0	0.3	37.9
Ireland	—	0.2	0.5	0.8	—	—	0.1	1.6
Italy	12.6	4.8	14.2	—	—	0.5	4.5	36.6
Luxembourg	0.02	0.05	0.05	—	—	0.04	0.01	7.3
Netherlands	0.12	2.5	2.7	—	—	1.4	1.9	7.3
UK	0.02	11.5	—	—	10.5	5.3	1.4	28.7
TOTAL	19.1	44.9	39.9	7.8	11.0	15.7	11.6	148.6
Possible seats in elected Parliament	47	131	103	29	38	32	31	410

Financial Aspects

The political parties

Each of the political groups in the European Parliament receives regular finance out of the Parliament's own budget for the employment of a secretariat, the publication of documents, the holding of group meetings, etc.

In addition, special sums of money were allocated to the groups in both the 1977 and 1978 Community budgets specifically for "information on direct elections". Some of this money is being spent centrally — for example, to finance the establishment of the People's Party or the E.L.D. Some is being re-distributed to the national parties which belong to each group.

The sums in the 1978 Budget are:

Socialists	£1 million
People's Party	£0.81 million
Liberals & Democrats	£0.56 million
E.P.D.	£0.36 million
Communists	£0.33 million
Conservatives	£0.27 million

The Independents in the European Parliament — which cover only three national parties: the Scottish National Party (UK), the M.S.I. (Italy) and the Land Reform Party (anti-market) of Denmark — are allocated £12,500.

Any direct finance of parties for the election campaign itself will be discussed in the framework of the 1979 Community Budget.

MP's Salaries

One aspect of the elections which has still to be settled, is the pay of the directly elected European Parliament Members.

The procedure for fixing the pay and conditions of Members is not entirely clear. In one view, the Parliament itself is empowered to do this within its own Budget. In another — and certainly in that of the British Government — the Parliament is entitled to make initial proposals, but the final decision rests with the Council of Ministers. In the House of

Commons debate of February 17, the Minister declared: "In that body, we shall be able to withhold our consent to any proposals on salaries about which we are unhappy."

A further matter to be settled is whether MP's salaries will be subject to national or to Community tax rates.

Relative MPs' Pay

(Source, *Hansard* 7 March 1978)

Germany	£22,700 p.a.*
Belgium	21,500 "
France	21,000 "
Netherlands	19,530 "
Denmark	11,750 "
Italy	10,500 "
Ireland	6,273 "
UK	6,270 "
Luxembourg	4,500 "

* Subsistence, secretarial, office, travel, post and telephone allowances are normally paid in addition.

UK Government Publications

Direct Elections to the European Assembly	(Green Paper HMSO Cmnd. 6399 February 1976 38p.)
First Report of the Select Committee	(HMSO House of Commons Paper 489, June 1976 35p.)
Second Report of the Select Committee Vol. I	(HMSO House of Commons Paper 515, August 1976 30p.)
Second Report of the Select Committee Vol. II	(HMSO House of Commons Paper 515-1, August 1976 £2)

Third Report of the Select Committee	(HMSO House of Commons Paper 715, October 1976 85p.)
Select Committee, Minutes of Evidence to July 1976	(HMSO House of Commons Paper 462-i-xi, August 1976 £2.90)
Direct Elections to the European Assembly	(White Paper, HMSO Cmnd. 6708, April 1977 60p.)
European Assembly Elections Bill	(HMSO June and November 1977 £1.25)
European Assembly Elections Bill	(HMSO February 1978 35p.)