Basic information

2002/0807(AVC) AVC - Assent procedure (historic)	Procedure completed
Election of the representatives of the European Parliament by direct universal suffrage, amending the Act annexed to the Decision 76/787 /ECSC, EEC, Euratom **Subject** 8.40.01 European Parliament 8.40.01.01 Elections, direct universal suffrage	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	GIL-ROBLES GIL-DELGADO José María (PPE-DE)	26/03/2002

Council of the European Union

Council configuration	Meetings	Date
Environment	2439	2002-06-25
Culture	2427	2002-05-23

Key events

Date	Event	Reference	Summary
21/05/2002	Legislative proposal published	08964/2002	Summary
28/05/2002	Vote in committee		Summary
28/05/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0212/2002	
29/05/2002	Committee referral announced in Parliament		
11/06/2002	Debate in Parliament		
12/06/2002	Decision by Parliament	T5-0301/2002	Summary
25/06/2002	Act adopted by Council after consultation of Parliament		
25/06/2002	End of procedure in Parliament		
21/10/2002	Final act published in Official Journal		

Technical information

Procedure reference	2002/0807(AVC)

Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	Euratom Treaty A 108-p3/4 EC Treaty (after Amsterdam) EC 190-p4
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/16261

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0212/2002	28/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0301/2002 OJ C 261 30.10.2003, p. 0150-0306 E	12/06/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08955/2002	16/05/2002	
Legislative proposal	08964/2002	21/05/2002	Summary

European Commission

Document type	Reference	Date	Summary
Follow-up document	COM(2010)0605	27/10/2010	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32002D0772R(01)
OJ L 126 21.05.2009, p. 0023

Decision 2002/0772
OJ L 283 21.10.2002, p. 0001

Election of the representatives of the European Parliament by direct universal suffrage, amending the Act annexed to the Decision 76/787 /ECSC, EEC, Euratom

2002/0807(AVC) - 21/05/2002 - Legislative proposal

PURPOSE : to present a draft Council Decision amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976. CONTENT : the objective of the proposed amendments is to enable members to be elected by direct universal suffrage in accordance with principles common to all Member States while leaving Member States free to apply their national provisions in respect of aspects not governed by this decision. In order to improve the readability of the Act, as amended by this Decision, its provisions should be renumbered, thus producing a clearer consolidated text. The Council has laid down this draft decision which it recommends to the Member States for adoption in accordance with their respective constitutional requirements. The following statements should be inserted in the Council minutes, at the time of the final adoption: - the Council considers that the provisions of the present Act should be subject to a re-examination before the second elections at the European Parliament, which will take place after the entry into force of the amendments to the 1976 Act which are the subject of the present decision. - the Council and the Commission take note of the statement from the United Kingdom according to which, with a view to honouring the obligation which renders it responsible for the application of the judgement made by the European Court of Human Rights in the Matthews case against the United Kingdom, the United Kingdom shall make sure that the necessary amendments are made so that voters in Gibraltar are able to participate in the European Parliament elections in the framework of the existing voting constituency of the United Kingdom and under the same conditions as the other voters in this constituency, in accordance with European Union law.

Election of the representatives of the European Parliament by direct universal suffrage, amending the Act annexed to the Decision 76/787 /ECSC, EEC, Euratom

2002/0807(AVC) - 12/06/2002 - Text adopted by Parliament, 1st reading/single reading

By adopting the report by Mr José Maria GIL-ROBLES GIL-DELGADO (EPP-ED, E), with a majority of 399 votes for and 111 against, the Parliament approved the draft Council decision amending the act concerning the election of Members of the European Parliament. The changes proposed in the Council draft decision take up Parliament's own main demands, such as the principle of proportional representation, with Member States authorised to use a preferential list system; the right for Member States to establish regional constituencies (provided this does not affect the essentially proportional nature of the system), the incompatibility of being a Member of the European Parliament and a member of a national parliament (with the exemptions for the UK and Ireland until the 2009 elections); the right for each State to set a ceiling for the expenses of candidates for election campaigns.

Election of the representatives of the European Parliament by direct universal suffrage, amending the Act annexed to the Decision 76/787 /ECSC, EEC, Euratom

2002/0807(AVC) - 27/10/2010 - Follow-up document

The Commission presented a report on the election of Members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens

in elections for the European Parliament in the Member State of residence (Directive 93/109/EC).

Context: European elections are regulated by the 1976 Act on the election of the members of the European Parliament by direct universal suffrage, as amended by Council Decision 2002/772/EC, Euratom which lays down some common principles for all Member States, such as the obligation to use proportional representation and to ensure that polling day falls within the same period starting on a Thursday and ending on the following Sunday. Detailed arrangements for allowing EU citizens to participate in European elections in the Member State where they choose to live are laid down in Directive 93/109/EC. Besides rules concerning registration on electoral rolls and checks to prevent double voting and candidacy, the Directive provides for a derogation to be granted to Member States where the number of residents who are nationals of other Member States exceeds 20% of the total number of EU citizens residing there who are of voting age.

The most recent European elections were held in June 2009 when the number of seats in the European Parliament was set by provisions of the Nice Treaty at 736. Accordingly, in the 2009 elections 736 Members were elected to the European Parliament. With the entry into force of the Lisbon Treaty on 1 December 2009, the number of seats will increase to 751. The necessary preparatory measures to implement these provisions were taken by the Council on 23 June 2010.

This **report on the 2009 European Parliament elections** accompanies and feeds into the ‘EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights’, focusing on the problems citizens still face, especially when trying to source goods and services across internal borders, and ways to tackle them. It aims at assessing the enforcement of EU citizens’ electoral rights in the 2009 European Parliament elections. Firstly, it assesses the

level of awareness about the elections and the associated rights, the measures taken by the Member States and by the EU institutions in this respect and the actual participation in the elections. Secondly, it looks into how the Member States have transposed and implemented EU law in this field. Finally, the report outlines the measures to be taken to improve participation and guarantee enforcement of EU citizens' electoral rights.

Main conclusions: more and more EU citizens are exercising their right to free movement, and may wish also to make use of their voting rights in their Member State of residence. However, it seems that the **number of citizens who register to vote in European elections in the Member State where they live is lower than the potential electorate**, i.e. the number of EU citizens of voting age who live in a Member State other than their own. This indicates that there is scope for making citizens more aware of their electoral rights and encouraging them to participate in the democratic life of the Union.

Properly informed EU citizens are much more likely to get involved in political life. In the aftermath of the European Parliament elections, the Commission identified best practices that should be pursued with a view to the 2014 elections. The Commission will propose to designate 2013 as the European Year of Citizens also in view of raising awareness on European Parliament elections. This is expected to lead to a better mobilization of the electorate in 2014.

The Commission also intends to continue offering funding for activities of NGOs and other organisations to ensure that citizens know their electoral rights and are encouraged to make use of them.

Besides informing citizens of their electoral rights, proper legal conditions are an important prerequisite for the exercise of these rights. The Commission is looking carefully at the way the Member States have transposed and implemented relevant EU law, and will where necessary take steps to remedy shortcomings.

Difficulties with the current mechanism for **prohibiting voting in two Member States in the same European elections**, already identified by the Commission in previous elections and addressed in 2006 by a proposal for amending it, persisted in 2009. The Commission is examining the need to replace the 2006 proposal with a further amendment to Directive 93/109/EC. A more efficient mechanism seems to require further common rules. At the same time, any new arrangement should be proportionate to the problem and extent of double voting.

The Commission is also following and, within the limits of its powers, contributing to the ongoing reflection in the European Parliament on how to generate greater interest among citizens. The Commission will support efforts to enhance the European dimension of the elections and to reform the way in which the Members of the European Parliament are elected so that to bring political parties and the decision-making process closer to the citizens and to strengthen the democratic basis of its functioning.