

Pascal Goergen



**THE EUROPEAN
PARLIAMENT
IN ITS MANY SHAPES
AND FORMS**

**Practical vade mecum
on the European Parliament
against the backdrop
of enlargement**

Acknowledgements

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Preface

In 2004 Europe takes centre stage, working through a process of redefinition and renewal. It is during this year that the number of Member States will increase from 15 to 25 and the last discussions will, I hope, be held on the constitutional treaty that will give Europe a fresh boost. This year also European Parliament elections will be held involving voters from west and east stretching from Ireland to the eastern borders of the Baltic states: an event of a cross-continental importance never before seen in Europe.

Through **enlargement**, we are being given the chance to achieve on a truly continental scale a goal that has seemed for millennia to be beyond Europe's grasp, i.e. to create a new unity, not through violence, but based on the free will of sovereign and independent peoples. And yet, the European Union must not close its doors after the current wave of enlargement, in particular at a time when other countries are endeavouring to push through the reforms required for their accession or are entering a democratic process with the aim of joining the EU. It is our duty to leave the door open for countries such as Romania, Bulgaria, Turkey and the Balkan states.

The second great challenge faced by the EU relates to the **constitutional treaty**. On the eve of an unprecedented wave of enlargement, Europe needs today more than ever to operate effectively, supported by a robust treaty dealing with all outstanding matters once and for all and enabling the European Union to focus more on its core mission. The draft constitutional treaty drawn up by the Convention, under the guidance of Valéry Giscard d'Estaing, is a remarkable accomplishment which, in many respects, would create a more efficient, transparent and democratic Union. I for my part hope that by the month of June, it will have been adopted.

The **European elections** to be held in June are the third challenge that the year 2004 will bring. To my mind, this event will be quite exceptional in that it is unprecedented in terms both of its scale and diversity. The citizens of all 25 Member States of the European Union will be given the possibility to vote for the new Members of the European Parliament, who will be entrusted with managing the new Europe for a term of five years. And the elections come at a time when a great many political issues within Europe are hotly debated: its financial perspectives, the future of cohesion policy, sustainable development, terrorism, the role of the EU on the international stage and so on. It is now up to us, on the basis of this list of essential issues (which is by no means exhaustive), to contribute to the debate and pull out all of the stops to place Europe and the hurdles it faces at the centre of the election campaign, thus creating a truly European debate. Only by focusing on issues that really matter to citizens will we harness their interest in the European elections and Europe itself. It is

essential that we do not portray Europe in an abstract manner and avoid ‘eurospeak’ at all costs.

With this in mind, I would like to thank the Brussels-Capital Region for publishing this practical document on the institution of which I am the President. I am certain that by following the example of this vade mecum, i.e. by addressing the citizens of Europe using clear language, with conviction and passion and by focusing on European values and the direct impact of the EU on everyday life, they will not remain indifferent. This is the challenge we now face.

Pat COX

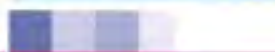
President of the European Parliament



Enlarging the European Union: a historic step



Member States
of the European Union



New Member States
due to join in 2004



Candidate
countries



European
Union

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INTRODUCTION

The fall of the Berlin wall in 1989 created a host of brand new opportunities for the development of Europe. The issue of enlargement at once came to the fore as a great many countries from the east began to knock on the Union's door. At the Copenhagen Council meeting of 12 and 13 December 2002, the negotiations with the ten first accession countries from central and eastern Europe were brought to a close and their accession date fixed for 1 May 2004. These ten states are: Poland, the Czech Republic, Hungary, Slovakia, Lithuania, Latvia, Slovenia, Estonia, Cyprus and Malta. This vast wave of enlargement, which is unprecedented in the history of the European Union, is an extraordinary challenge both for the existing and new Member States.



The European Union sees this round of enlargement as an opportunity, which will provide a fresh boost to the process of European construction. From a geopolitical viewpoint, the accession of these new Member States will further strengthen the stability and democratic structures of the European continent and will enhance its influence on the world stage. Moreover, the European economy will prosper thanks to a globally unparalleled single market.



But this wave of enlargement is also a highly ambitious challenge. In order to ensure its success, both the current Member States and candidate countries must carry through the necessary reforms. The former are being called upon to make some far-reaching changes to the EU's current institutions, policies and financial mechanisms. The latter meanwhile have undertaken to push through swingeing economic and social reforms. This joint effort will ensure the success of this tricky stage in the history of Europe, enabling enlargement without creating paralysis.

The European Parliament is at the heart of the necessary reforms. Since its creation, the Parliament has shed a great many shackles and today plays a crucial part within the EU's 'insti-

tutional triangle' (the Commission, Council and Parliament). In June 2004, the citizens of the acceding states will be invited to come to the ballot box to vote in their own representatives to the European Parliament. This will be the most powerful symbol of their inclusion within the European family. Although the acceding states have today inherited the *acquis communautaire*, tomorrow they will be required to take part in the decision-making process. This *vade mecum* focuses above all on ensuring a greater understanding of the structures of the European Parliament. Its aim is to answer practical questions concerning the role, powers and functioning of the Parliament as well as explain the workings and rules governing European elections. It is essential that these elections should take place in the best possible conditions. The European Union is entering a new phase of heightened democratisation in which the Parliament will play an essential role.





CHAPTER 1

PRESENTATION OF THE EUROPEAN PARLIAMENT

1.1. The European Parliament: one of the European institutions

1.1.1. The European institutions

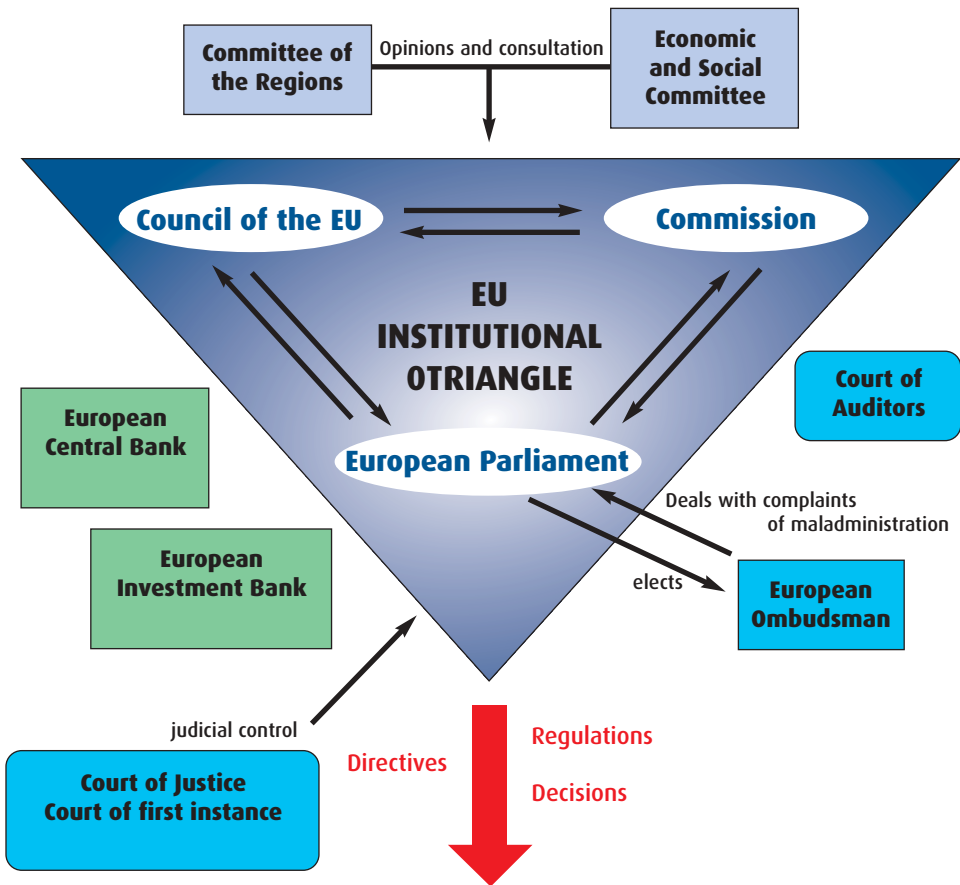
Before looking at the internal workings of the European Parliament, it is important to pinpoint its exact role within the European institutions as a whole. The Parliament is one of the three players in the EU's institutional 'triangle' alongside the Commission and the Council. The role of the Parliament is changing and growing all the time. It is the mouth-piece of the citizens of Europe and embodies democracy within the European Union. Situated between the Commission, which represents the global interests of the EU, and the Council, which represents the Member States, the Parliament represents the citizen. In the past, the Parliament has succeeded in asserting its role by stressing its legitimacy and democratic character within a European structure that was greatly lacking in the latter.

1.1.2. Parliament's seat

For historical reasons, the seat of the European Parliament is located in Strasbourg. Strasbourg was initially chosen as the seat of the Council of Europe then, in 1952 thanks to its symbolism of Franco-German reconciliation, became the seat of the European Parliament.

Since 7 July 1981 the European Parliament has adopted a series of resolutions concerning its seat. These resolutions stress the obligation enforced by the treaties to decide on a single seat for the insti-

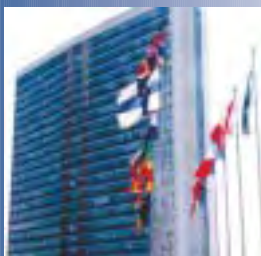




This diagram provides an insight into the interaction between the European institutions, but is by no means exhaustive. However, it is the basis on which the European Union should be studied. When discussing the European Parliament in this brochure, it is necessary to bear this diagram in mind so as to fully understand its role.

tutions. The Edinburgh European Council of 11 and 12 December 1992 definitively chose Strasbourg as the seat of the European Parliament. In that same decision, it set down rules governing the General Secretariat, the duration and location of additional sessions and the parliamentary committees. Although within the Parliament itself some negative reactions to this decision were heard, the ruling issued by the Court of Justice of the European Communities on 1 October 1997 confirmed that the decision of the European Council did indeed establish Parliament's seat on the basis of Article 289 of the EC Treaty. Although Parliament's seat is indeed located in Strasbourg, its political and parliamentary committee meetings are held in Brussels.

1.1.3. The Parliament Secretariat



The General Secretariat of the European Parliament is located in Luxembourg. The Secretariat deals with all of the administrative tasks related to the Parliament. A Secretary-General supervises the 3,500 civil servants working in the Secretariat, who are recruited on the basis of open competitions held in all of the EU's Member States. The current Secretary-General is Julian Priestley.

The European Parliament has to work within the constraints of multilingualism and about one third of its administrative staff deal with linguistic tasks. The many debates held within the Parliament and its committees are made possible thanks to simultaneous inter-

preting into the eleven official languages of the Union. In addition, all of the documents produced are translated and published in these eleven languages. Following enlargement, the number of official languages will increase from 11 to 21. The Parliament has decided to guarantee multilingualism in line with the concrete needs of the user.

The Parliament's administrative staff estimated that 1,119 new jobs would need to be created following the accession of the 10 new Member States. However, thanks to streamlining measures, the actual number of new posts to be created is 850. 70% of these will cover the new translation and interpreting needs.

The need for multilingualism and the fact that the Parliament has three places of work costs EUR 2.5 per year per EU inhabitant (the equivalent of just 1% of the EU's total budget).

1.2. The organisation of the European Parliament

1.2.1. The President

The President oversees all of the activities of the Parliament and its constituent bodies. He or she is elected for a term of two and a half years and presides over the plenary sessions, the meetings of the Bureau and the Conference of Presidents. He or she represents Parliament in all of its external relations and in particular international relations. The current President of the European Parliament is Mr Pat Cox, Irish MEP from the liberal-democrat group (ELDR).

The Parliament has had such illustrious Presidents as Paul-Henri Spaak and Robert Schuman. Following the very first European Parliament elections based on universal suffrage held in 1979, Simon Veil was appointed President .

1.2.2. The Bureau

The Bureau manages the Parliament. It is responsible for the Parliament's budget and for administrative, organisational and staff matters. In addition to the President and fourteen Vice-Presidents (elected for a term of two and a half years), it includes five quaestors who have a consultative role. The quaestors are responsible for administrative and financial matters relating directly to the MEPs, the Conference of Committee Chairmen and the Conference of Presidents of the delegations. The quaestors are also elected for a term of two and a half years.

1.2.3. The Conference of Presidents

This body is made up of the President of the Parliament, the Vice-Presidents, the quaestors and the chairs of the seven political groups. It is responsible for parliament's political organisation and establishes the responsibilities and number of members of the parliamentary committees and delegations. It decides on the number of seats in the Chamber and draws up the timetable and agenda for plenary sessions. It considers the recommendations of the Conference of Committee Chairmen regarding the work of the committees and the session agendas. This conference is held twice monthly.

Chairmen of the political groups

Hans-Gert POETTERING

Group of the European People's Party (Christian Democrats)
and European Democrats (PPE-DE)

Enrique BARON CRESPO

Group of the Party of European Socialists (PSE)

Graham WATSON

Group of the European Liberal Democrat and Reform Party (ELDR)

Daniel COHN-BENDIT et Monica FRASSONI (Co-chairs)

Group of the Greens/European Free Alliance (V/ALE)

Francis WURTZ

Confederal Group of the European United Left/Nordic Green Left
(GUE/NGL)

Charles PASQUA

Union for a Europe of Nations Group (UEN)

Jens-Peter BONDE

Group for a Europe of Democracies and Diversities (EDD)

1.2.4. The European Parliament's Information Offices

Each of the Member States has its own Information Office within the European Parliament. These offices have a multifaceted role to play: they provide information and representation; they are an essential liaison point between the European Parliament and political and administrative authorities, the economic and social spheres, universities and associations; and they assist their MEPs in their work.

These offices provide information to the citizens in the Member State concerned on the role, responsibilities and activities of the European Parliament and on the EU as a whole. They work in close cooperation with the national press.

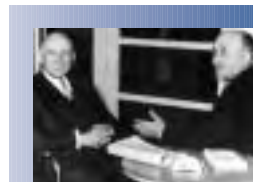
They supply information on the decisions taken by the European Parliament in its role as legislative and budgetary authority as well as on its stand on major issues such as the future of the European Union.

The information offices work closely with the Commission Representations; both are generally housed within the same premises (see web links at end of text).

1.3. The European Parliament: some key dates

January 1958 Entry into force of the Rome Treaties. The EEC and EURATOM Communities are set up in Brussels. The ECSC Assembly is extended to include the two other Communities.

March 1958 Session setting up the “European Parliamentary Assembly” held in Strasbourg. The Assembly is made up of 142 members; Robert Schuman is elected as President.



May 1958 The deputies of the Parliamentary Assembly sit for the first time according to political groups rather than nationality. The Parliamentary Assembly adopts its internal rules of procedure.

March 1962 The Parliamentary Assembly decides to change its name to “European Parliament”.

April 1970 Signature of the Treaty of Luxembourg. The Council decides to extend the budgetary powers of the European Parliament after replacing the financial

contributions of the Member States with a system of Community own-resources.

January 1973 Increase in the number of MEPs from 142 to 198 following the accession of Denmark, Ireland and the United Kingdom to the European Community (1st wave of enlargement).

July 1975 Signature of the Treaty of Brussels giving the European Parliament wider budgetary powers in line with the Treaty of Luxembourg of April 1970.

June 1979 First elections to the European Parliament by direct universal suffrage. 410 deputies are elected in the nine Member States. Mrs Simone Veil is elected President.



January 1981 Greece joins the European Community (2nd wave of enlargement). The 24 initial MEPs appointed by the Greek parliament are replaced in October by MEPs elected via direct universal suffrage.

January 1986 Number of seats increased from 434 to 518 following the inclusion of 60 Spanish deputies and 24 Portuguese deputies (3rd wave of enlargement) appointed by their national parliaments and later replaced by MEPs elected via direct universal suffrage.

February 1986 Signature of the Single European Act modifying the Treaty of Rome in Luxembourg and The Hague. The legislative powers of the Parliament are strengthened via the introduction of the cooperation procedure and by subjecting accession and association treaties to the opinion of the Parliament.

February 1992 Signature of the Treaty on European Union in Maastricht. The decision-making structures of the European Union are changed: the legislative role of the Parliament is strengthened via the introduction of the codecision procedure and by extending the cooperation procedure to include further issues.



June 1994 Following German reunification and in line with an EP resolution, the number of MEPs elected in June 1994 is increased from 518 to 567.

January 1995 Following the accession of Austria, Finland and Sweden (4th wave of enlargement), the total number of MEPs increases to 626. The distribution key proposed in the aforementioned resolution is applied.

October 1997 Signature of the Treaty of Amsterdam which reinforces the role of the European Parliament by simplifying the legislative procedures and ensuring greater use of the codecision procedure.

February 2001 Signature of the Treaty of Nice which strengthens the Parliament's role as co-legislator. The treaty creates a new legal basis enabling the Council to establish the status of political parties operating at European level (in particular with respect to their financing). It also caps the number of MEPs at 732 and determines how the available seats will be distributed between the Member States and acceding countries.



Dec. 2002 The European Council of Copenhagen determines the arrangements for the fifth and largest wave of enlargement of the European Union involving ten new Member States.

April 2003 Signature of the Treaty of Accession by the new EU Member States in Athens.

May 2004 Enlargement of the EU to include ten new Member States (Poland, Czech Republic, Hungary, Slovakia, Lithuania, Latvia, Slovenia, Estonia, Cyprus and Malta).

June 2004 Election of the Members of the European Parliament in the twenty-five Member States.



CHAPTER 2

THE MEMBERS OF THE EUROPEAN PARLIAMENT

2.1. How to become a Member of the European Parliament

Elections based on direct universal suffrage

The Members of the European Parliament have been elected on the basis of direct universal suffrage and using a proportional system that varies according to Member State since 1979. In accordance with the Maastricht Treaty, any citizen of a Member State of the European Union living in another EU country is entitled to vote or stand for election in their country of residence (see voting regulations below).

Incompatibility and other mandates

The Members of the European Parliament are forbidden from taking on certain other posts deemed to be incompatible with their role as MEP. These include the posts of magistrate, minister and company director. Furthermore, all MEPs must adhere to any laws applicable in their country of origin which restrict or prohibit combining several mandates.

Working towards a common statute for all MEPs

For the time being, the status of the 626 Members of the European Parliament is governed by their respective national legislation. As such, some of the MEPs are entitled to hold office at both national and European level whilst others are not. Furthermore, the country-specific salaries paid to the MEPs are not only highly varied, rather highlight what are sometimes glaring gaps between the Member States.

In order to speed up the necessary reform process, the Treaty of Amsterdam created a new legal basis on which to harmonise the status of the MEPs. The lack of sufficient legal provisions and the refusal of the Council to act had previously rendered this impossible. Article 190.5 of the Amsterdam Treaty specifies that “*The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its Members.*”

On 3 December 1998 the European Parliament invited the Council of the European Union to approve a draft statute for its Members, which the Parliament itself had adopted by an overwhelming majority of 327 votes for, 110 against and 45 abstentions. The text was drawn up by the Committee on Legal Affairs and the Committee on Citizens' Rights who were keen that it should enter into force following the European elections of June 1999. However, the Council did not approve the draft text and the entire question was left unanswered until a vote held on 5 December 2002 on a Parliament resolution which brought it back to the fore. The PSE and PPE-DE groups had proposed this resolution in support of the Rothley report which advocated a remuneration level for all MEPs of 50% of the basic salary of a judge of the Court of Justice of the European Communities and that this salary, together with reimbursement of all fees incurred as part of the parliamentary work of MEPs, should be taken from the EU's budget and should be taxed according to Community taxation, and that the Member States should be given the possibility of levying an additional tax on the amounts concerned. Finally, the resolution made various changes to the Protocol on Privileges and Immunities. It faces serious opposition from the Council.

On 26 January 2004, the Parliament's amended proposal was rejected by the General Affairs Council, pressurised to do so by Germany, France, Austria and Sweden, who felt the proposed salary to be excessively high in comparison to the European average. Also, given that the proposal advocated paying for MEPs' salaries using the EU budget rather than national budgets, the Member States were concerned that the needs outlined in the financial perspective would "rocket". Those Member States who opposed the proposed compromise made use of the exception provided for under the fiscal arrangements relating to the regulation on the statute of the Members of the European Parliament which replaces qualified majority voting with unanimity. This system allows a minority group of countries to block a proposal.

A final attempt based on a proposal to withdraw the fiscal arrangements so as to ensure approval based on qualified majority voting failed and today, the Members of the European Parliament are divided on whether the negotiations with the Council should be restarted. The chairs of the political groups met on 26 February 2004 with President Pat Cox and the Chairman of the Legal Committee Giuseppe Gargani to exchange views with the rapporteur of the draft text on the status of MEPs, Willi Rothley. Both the latter and Mr Cox indicated that they would support a last endeavour to reach a compromise with the Council, whilst the greens and the PPE opposed this idea. Nonetheless, the following breakdown calls to mind once again the urgent need to reach a compromise on the eve of enlargement to a 25-member Union.

Current breakdown - significant disparity across the 15 Member States	
Highest salary: The Italian MEPs earn €10972 per month	Lowest salary: The Spanish MEPs earn €2618 per month
Salary expectations in an enlarged Europe: Hungary €761 per month	

2.2. The face of the Parliament

The number of MEPs per Member State is set down in the Treaties (Article 190 of the EC Treaty).

The political groups



The European Parliament currently has seven political groups as well as some “non-attached” Members. The groups include members from over one hundred national political parties. Each political group has its own chair, bureau and secretariat. The political groups hold regular meetings during the week prior to and in tandem with the plenary session. They also organise study days during which they decide on the basic principles behind their work.

Breakdown of seats according to country and party(*):

	Be	Dk	De	Gr	Es	Fr	Ie	It	Lu	Nl	At	Pt	Fi	Se	GB	Total
PPE-DE	5	1	53	9	28	20	5	35	2	9	7	9	5	7	37	232
PSE	5	2	35	9	24	18	1	16	2	6	7	12	3	6	29	175
ELDR	5	6			3	1	1	8	1	8			5	4	11	53
GUE/NGL		3	7	7	4	15		6		1		2	1	3		49
Verts ALE	6		4		4	9	2	2	1	4	2		2	2	6	44
UEN		1				4	6	10				2				23
EDD		3				9				3					3	18
NI	3				1	10		11			6				1	32
Total	25	16	99	25	64	87	15	87	6	31	21	25	16	22	87	626



(*) As at 15 March 2004

An aspirant European Parliament political group must fulfil two conditions: it must be transnational and be based on shared political goals.

- **transnationality:** according to the European Parliament’s Rules of Procedure, a political group must be made up of a minimum number of 29 MEPs, where all of these MEPs belong to the same Member State, 23 where they belong to two Member States, 18 where they belong to three Member States and 14 where they belong to four Member States

- **shared political goals:** in Chamber, the MEPs do not sit in national delegations, rather according to their political group, in line with the concept of ideological solidarity.

The political groups

	PPE-DE Group of the European People's Party (Christian Democrats) and European Democrats	
	PSE Group of the Party of European Socialists	
	ELDR Group of the European Liberal, Democrat and Reform Party	
	GUE/NGL Confederal Group of the European United Left/Nordic Green Left	
	Verts/ALE Group of the Greens/ European Free Alliance	
	UEN Union for Europe of the Nations Group	
	EDD Group for a Europe of Democracies and Diversities	
	NI Non-attached	

Article 191 of the EC Treaty states that the role of the political parties is to contribute to forming a European awareness and to express the political will of the citizens of the Union. The European Parliament endeavours to promote the development of these parties for the future.

In January 2002, Pat Cox (ELDR) took over from Nicole Fontaine (PPE) as President of the European Parliament. This changeover was significant in that it broke with the traditional coalition between the PPE and the PSE, making way for a new agreement between the PPE and the ELDR. The PPE group has been the largest in the Parliament since 1994, following several terms of prior domination by the PSE.

At the first plenary session of the new Parliament, to be held in Strasbourg from 20 to 23 July, the newly elected MEPs will appoint fellow Members to the posts of President, Vice-President and chairs of the parliamentary committees.

Working towards a review of the status of European political parties

The role of the political parties has been recognised in each successive treaty since Maastricht. Article 191 of the EC Treaty stipulates that they are “*important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.*”

So why, then, are plans afoot to amend the existing system? As it stands, Article 191 serves only as a simple declaration. But widespread support abounds for further clarification of the current system. It is felt that this article should be extended and rendered more explicit so as to create a clear and transparent legal basis for the organisation of political parties at European level. The Court of Auditors has also stressed the need for greater transparency of the financing of such parties.

The Treaty of Nice added an additional paragraph to Article 191, which reads, “*The Council, acting in accordance with the procedure referred to in Article 251, shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding*”. This additional text provides the Community legislator with a legal basis on which to determine the status of political parties operating at European level. The initial focus of the reform is the funding of parties, which was previously far from transparent.

In June of 2003 the Council and Parliament approved via the codecision procedure a regulation defining the statute and financing of European political parties.

Although the major political families had already set up federations at European level, until then they had no clear legislative framework within which to work. The new regulation remedied this situation, defining a European political party as “*a political party or alliance of political parties*” in line with specific conditions:

- It must have legal personality in the Member State in which its seat is located.
- It must be represented, in at least one quarter of Member States, by Members of the European Parliament, national parliament, a regional parliament or regional assembly, or it must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent European Parliament elections.
- It must observe the principles of liberty, democracy, human rights and fundamental freedoms and the rule of law. Adherence to these principles is assessed by the European Parliament and an independent committee of three members appointed by the institutional triangle.
- It must have participated in European Parliament elections or have expressed its intention to do so.

European political parties are required to submit an annual application to the European Parliament for funding. The first such application must comprise:

- documentation proving that the party satisfies the conditions listed above and as such is a European party,
- a political programme outlining the party's objectives at European level,
- a statute defining those bodies responsible for the political and financial management of the party as well as those bodies or individuals entitled to legally represent the party in each of the Member States concerned.

The European Parliament then adopts its decision on the matter within three months and authorises and manages the corresponding appropriations. The available financing is distributed annually amongst the European parties as follows: 15% in equal shares, and 85% amongst those European political parties that have elected members in the European Parliament, in proportion to the number of elected members.

European political parties publish their accounts on an annual basis. In these they declare their sources of finance by providing a list of all donations exceeding EUR 500.00 and within a threshold of EUR 12,000 per year per source. Membership fees can be charged provided these do not exceed 40% of the party's annual budget.

Breakdown of the MEPs

The number of MEPs in any one Member State depends on its population figure. There are currently 626 MEPs in total, of whom 195 are women (31%). The Treaty of Nice set out a new breakdown of the seats in order to prevent an excessive increase in the number of MEPs, which could cause the Parliament to grind to a halt. The maximum number of MEPs has been fixed at 736 in line with the principle of appropriate representation of the peoples of the Member States.

Number of MEPs/Member State

	Current breakdown of MEPs	Breakdown following June 2004 elections	Prior to 2009 elections	After 2009 elections
Germany	99	99	99	99
Italy, France, United Kingdom	87	78	78	72
Spain	64	54	54	50
Poland		54	54	50
Romania			36	33
Netherlands	31	27	27	25
Portugal, Belgium, Greece	25	24	24	22
Czech Republic, Hungary		24	24	20
Sweden	22	19	19	18
Austria	21	18	18	17
Bulgaria			18	17
Denmark, Finland	16	14	14	13
Slovakia		14	14	13
Ireland	15	13	13	12
Lithuania		13	13	12
Latvia		9	9	8
Slovenia		7	7	7
Luxembourg	6	6	6	6
Estonia, Cyprus		6	6	6
Malta		5	5	5
TOTAL	626	732	786	736

Practical guide: the transition

The new Member States will not be able to elect their own MEPs until the European elections to be held between 10 and 13 June 2004. In order to make up for this shortcoming, 162 **observers**, representing the citizens of the ten new Member States, have been attending the Parliament's sessions since 18 April 2003 (following the signature of the accession treaty on 16 April 2003) and as such have been involved in the Parliament's work. Until such time as the new Member States

fully accede, they will continue to be represented in Chamber by these observers, who are not entitled to speak or vote during plenary sessions but who are entitled to speak, although not to vote, during meetings of the parliamentary committees. Following the accession of the new Member States on 1 May 2004 these observers will become full Members of the European Parliament, taking the number of MEPs from 626 to 788 – above the threshold of 732 set down in the Treaty of Nice. However, following the June 2004 elections the number of MEPs in each of the Member States will be brought down proportionately so as to reach an overall number of MEPs of 732. It should also be noted that when Bulgaria and Romania, currently candidate countries, join the EU, they will be given 36 and 18 seats respectively. The spread of MEPs will then once again be reviewed for the 2009 elections.

Draft constitutional treaty: the Convention has set out a maximum number of MEPs of 736 as well as a minimum of 4 seats for any one Member State in accordance with a principle of “degressively proportionate” representation.

2.3. The work done by the MEPs

Location and organisation of their work

The Members of the European Parliament travel regularly between Brussels and Strasbourg as part of their work. A typical month in the life of an MEP might look something like this:

- **First two weeks in Brussels** attending parliamentary committee meetings. It is easier to liaise with the Commission and Council from Parliament’s base in Brussels.
- **Third week in Brussels** attending meetings of their political group. During these meetings the group will attempt to draw up a joint position on the different issues discussed at the plenary session.
- **Fourth week in Strasbourg** for the plenary session during which MEPs speak either in their capacity as rapporteur for a specific committee, as spokesperson of their political group or quite simply on their own behalf. They vote on the texts submitted and may explain such votes. They may propose resolutions and submit written or oral questions to the members of the Council and Commission. The MEPs must attend in person in order to vote; proxy voting is not allowed.

A precise timetable is available to view via the web link provided at the end of this brochure. Additional two-day plenary sessions are sometimes also held in Brussels.

Working within a committee

The lion's share of the work of the MEPs takes place within the many parliamentary committees and delegations. They prepare the work to be done during Parliament's sessions. The MEPs are divided between 17 parliamentary committees, 20 interparliamentary delegations and 14 delegations to the joint parliamentary committees. The Joint Assembly created within the framework of the agreement signed by the African, Caribbean and Pacific States and the European Union (ACP agreement) is added to this list.

Each committee and delegation elects its own "bureau" for a term of two and a half years and comprising one chair and two or three vice-chairs.

There are **17 standing committees**:

- *AFET - Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy*
- *BUDG - Committee on Budgets*
- *CONT - Committee on Budgetary Control*
- *LIBE - Committee on Citizens' Freedoms and Rights, Justice and Home Affairs*
- *ECON - Committee on Economic and Monetary Affairs*
- *JURI - Committee on Legal Affairs and the Internal Market*
- *ITRE - Committee on Industry, External Trade, Research and Industry*
- *EMPL - Committee on Employment and Social Affairs*
- *ENVI - Committee on the Environment, Public Health and Consumer Policy*
- *AGRI - Committee on Agriculture and Rural Development*
- *PECH - Committee on Fisheries*
- *RETT - Committee on Regional Policy, Transport and Tourism*
- *CULT - Committee on Culture, Youth, Education, the Media and Sport*
- *DEVE - Committee on Development and Cooperation*
- *AFCO - Committee on Constitutional Affairs*
- *FEMM - Committee on Women's Rights and Equal Opportunities*
- *PETI - Committee on Petitions*

Each committee appoints one MEP to act as rapporteur. The role of the rapporteur is to draw up a report on the proposal made by the European Commission on the matter at hand and to submit this draft report to the Commission. Following discussion, a vote is held on the draft report and amendments may be made. Next, the report is discussed, amended and adopted at the plenary session.

Parliament also has a series of **temporary committees**, which it may set up at any time. The decision creating a temporary committee will also determine its powers, composition and term of office. The maximum term for such committees is twelve months. The Parliament may extend the term of a temporary committee, but may not “alter [its] powers either by increasing or reducing them” (Rule 150 of the European Parliament Rules of Procedure).

- *FIAP - Committee on Foot and Mouth Disease (set up in February 2002)*
- *GENE - Committee on Human Genetics and other new Technologies of Modern Medicine (16 January 2001 to 15 January 2002)*
- *ECHE - Committee on the ECHELON Interception System (set up in July 2000)*
- *ESB2 - Committee to Monitor Action taken on BSE Recommendations (April to November 1997)*

In addition to the above, **temporary committees of inquiry** are also used (see 3.3.5 below).

Voting within the European Parliament

Although the type of majority voting applied depends on the decision to be reached, a simple majority of all votes cast is generally that system used within the European Parliament. For budgetary matters, draft amendments require the backing of the majority of the 626 MEPs whilst proposed modifications are adopted only if supported by an absolute majority of all votes cast. Parliament is able to both block and reject the budget. In view of the far-reaching impact of such decisions, they require the backing of a majority of the 626 MEPs and two-thirds of all votes cast.

Rule 133 of the Parliament’s Rules of Procedure stipulates that votes are cast by a show of hands.

Should the result be deemed “doubtful”, the President may request an electronic vote or, if that system is not working, a ‘sitting and standing’ vote. Should further doubt as to the outcome of the vote persist, the President may then request a vote by roll-call.

A group of at least thirty-two MEPs or a political group may also request a vote to be taken by roll call. For this, they must submit their request in writing on the evening before the vote.

The President may request electronic voting at any time. The MEPs vote by secret ballot for appointments, such as that of the European Ombudsman.





CHAPTER 3

THE POWERS OF THE EUROPEAN PARLIAMENT

The European Parliament has three different types of power within the European Union: legislative power, budgetary power and political and democratic supervisory power vis-à-vis the other European institutions.

3.1. Legislative power

Strength gained over time

The legislative process was first set out in the Rome Treaties which provided that the Commission would submit proposals and the Council would decide on these after consulting the Parliament. Since then the role of the Parliament has been strengthened and extended and it is now also responsible for both drafting and adopting Community legislation. At present, the European Parliament shares the decision-making power of the EU equally with the Council in a host of areas. Furthermore, although the Commission alone is able to propose new legislation, the Maastricht Treaty granted “*the Parliament the right to ask the Commission to draw up proposals on all issues for which it feels Community regulations are required*”. Finally, the Parliament studies the Commission’s annual programme of work and underlines its own priorities therein.

The legislative procedures

- **Codecision**

The Amsterdam Treaty instituted codecision as the standard legislative procedure used within the European Union. This procedure puts the European Parliament and the Council on an equal footing: all texts must be approved by both the Parliament and the Council of the European Union before they can be adopted (see box below). The final agreement of Parliament is indispensable and as such it plays an essential role from start to finish. As use

of this procedure has become increasingly widespread, so the powers of the Parliament have been strengthened.

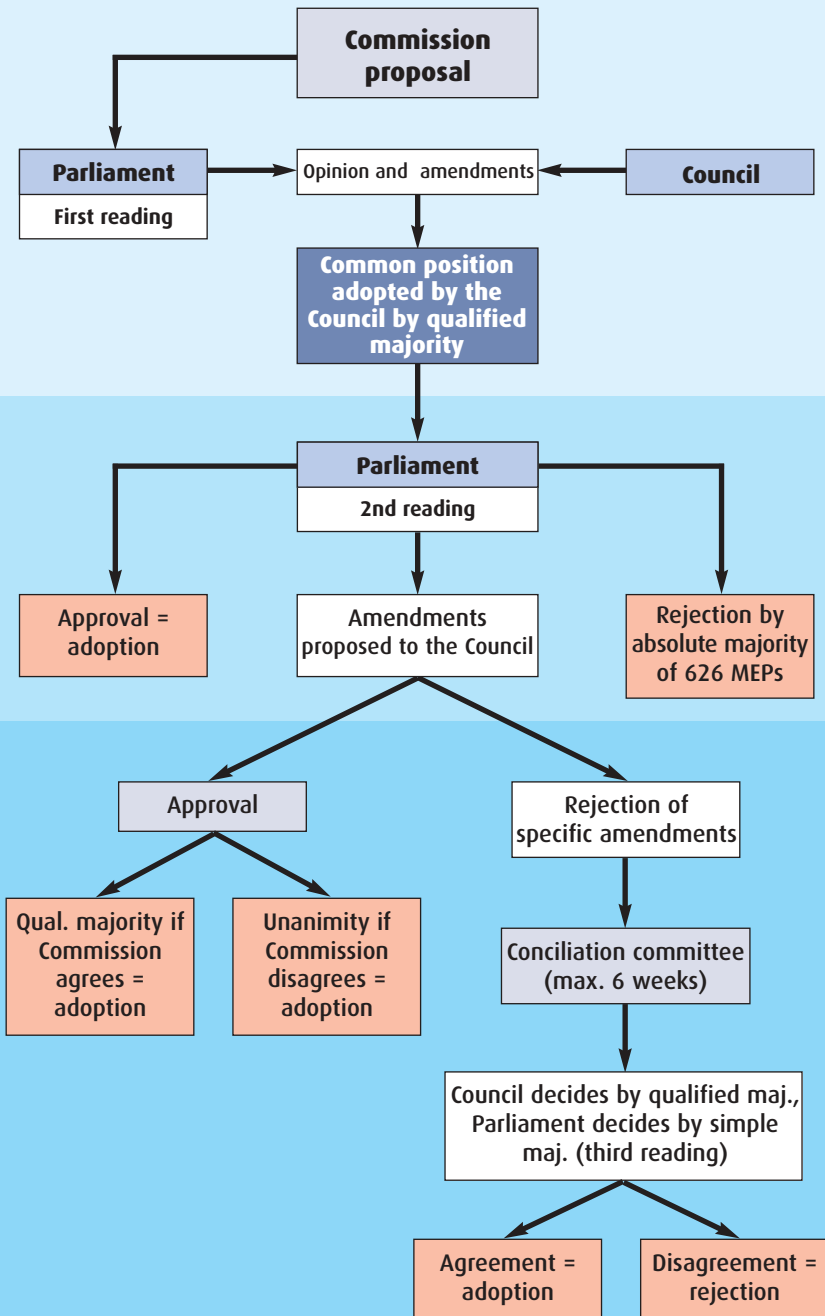
Some areas in which the codecision procedure is used are:

- promoting the freedom of movement and of residence of the citizens of the EU (Article 18 of the EC Treaty),
- the right of establishment (Article 44),
- mutual recognition of diplomas (Article 47),
- initiatives in the field of employment (Article 129),
- social policy (Article 137),
- education (Article 149),
- vocational training (Article 150),
- culture (Article 151),
- public health (Article 152),
- consumer protection (Article 153),
- measures relating to trans-European networks (Article 156),
- the framework programme for research and technological development (Article 166)
- the environment (Article 175) ...

(See web link at the end of this brochure.)

Codecision (see diagram below)

- The Commission proposes a *legislative text*.
- The European Parliament adopts a position on the basis of a report by its relevant standing committee; it usually suggests changes to the Commission proposal in the form of *amendments*. This is the *first reading*.
- The Council either approves Parliament's amendments - in which case the legislative proposal is adopted - or modifies them by adopting a *common position*.
- On the basis of a *recommendation* by the relevant standing committee, the European Parliament delivers an opinion at *second reading*: it approves, rejects or amends the Council position by an absolute majority of its Members (314 votes).
- The Commission takes account of Parliament's amendments and forwards an *amended proposal* to the Council. The Council can adopt Parliament's amendments that have been accepted by the Commission by a qualified majority, or modify Parliament's amendments only by a unanimous vote.
- In the event of disagreement between Parliament and the Council, a **conciliation committee** made up of the members of the Council and a delegation from Parliament meets for a maximum of six weeks. The 15-member EP delegation, which reflects the composition of Parliament, is chaired by one of its Vice-Presidents. It always includes Parliament's *rapporteur*.
- In the vast majority of cases the two parties reach an agreement, in the form of a *joint text*.
- Parliament is invited to confirm this agreement at the *third reading*. If no agreement is reached, the proposal for a Community 'law' is deemed not to have been adopted (i.e. it lapses).



In some specific areas, alternative procedures are used:

- **Simple consultation procedure**

According to this procedure Parliament's opinion is sought before a proposal issued by the Commission is adopted by the Council. This compulsory consultation phase is required for the common agricultural policy (Article 37 of the EC Treaty), transport policy (Article 71 of the EC Treaty), the approximation of the laws governing directives that require unanimity within the Council (Article 94 of the EC Treaty) and industrial development (Article 157 of the EC Treaty).

- **Cooperation procedure**

Under the cooperation procedure Parliament is entitled to amend draft European regulations during two separate readings. This procedure today applies to three areas: multilateral economic surveillance (Article 99 of the EC Treaty), the ban on privileged access to financial institutions (Article 102 of the EC Treaty) and the issue of coins (Article 106.2 of the EC Treaty). Since the Amsterdam Treaty came into force, this procedure has become much less widespread; it has been overwhelmingly replaced by codecision which strengthens the powers of the Parliament.

- **Assent procedure**

The assent procedure instituted by the Single European Act and strengthened by the Maastricht Treaty is essentially a veto right. It comes into play above all for important international decisions, such as those governing accession of new Member States, association agreements with third countries, the organisation and objectives of the structural and cohesion funds and the uniform election procedure for the Parliament. According to this procedure the Parliament can either approve or reject the legislative text submitted, but may not amend the latter.

3.2. Budgetary power

Voting the budget

The budget is determined by the Council and the Parliament together. The Parliament is entitled, to a certain degree, to modify the distribution and levels of so-called “non-compulsory” spending (spending on the workings of the institutions and operational spending within the budget of the European Union such as appropriations to the ESF and ERDF, spending on research and industrial policy, etc.). The Parliament is also able to propose

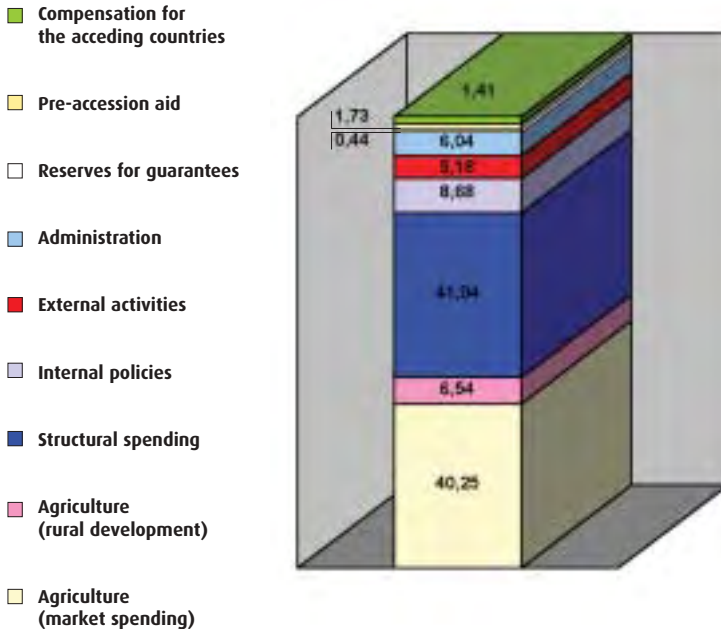
changes to compulsory spending (i.e. which arises from the Treaty and in particular that linked to the CAP), but in such cases the Council of the European Union has the final say. The Parliament approves the final EU budget, usually in December of each year. At this point, it can reject the budget outright and demand that the Council come up with a new draft. This occurred in 1979 and again in 1984.

The constitutional treaty

In its work, the Convention decided to propose a shift in the balance between the institutions that would strengthen the role of the European Parliament. It advocates simplifying the procedure according to which the annual budget is adopted by giving Parliament the final say both for compulsory and non-compulsory spending. Furthermore, it suggests that all laws determining the multi-annual financial framework should be approved by the Parliament via an absolute majority.

The budget for 2004

**2004 Budget allocation
(commitment credits in billions of €)**



Last December, the European Parliament adopted the budget for the year 2004. A sum of EUR 111.3 billion¹ was earmarked aside for appropriations for commitments. This sum amounts to just 0.98% of Community GNP, the lowest level since 1990 despite the enlargement of the EU to 25 Member States. This provoked ELDR rapporteur Jean Mulder to describe the budget as an “austerity measure”.

Controlling the execution of the budget

Parliament’s Budgetary Control Committee oversees and monitors the management and efficient use of Community funds as well as fighting fraud on an ongoing basis. Furthermore, it was the European Parliament that took the initiative of setting up the European Anti-Fraud Office (OLAF), whose headquarters are in Brussels.

Each year, Parliament decides whether to grant the European Commission a ‘discharge’ for the implementation of the budget. The political repercussions of a refusal or postponement of this discharge are far-reaching. Parliament’s decision comes hand in hand with a set of comments upon which the institutions concerned are bound to act. In 1999, the Santer Commission stood down after this mechanism revealed a lack of transparency in its management procedures.

3.3. Supervisory power vis-à-vis the other European institutions

Parliament has been responsible for supervising the activities of the European Commission from the very outset. This power has since been extended to cover both the Council of Ministers and those bodies responsible for foreign and security policy. Parliament exercises this control in different ways:

3.3.1. Written and oral questions

Under this procedure, Parliament is entitled to put questions to the Commission, the Council or the Conference of Ministers of Foreign Affairs. Any questions asked by the MEPs must relate to issues concerning the European Union and its Member States. This procedure can be quite cumbersome and slow: four to six months will pass before the institution concerned provides its answer to the question submitted. Nonetheless, the institutions are bound to reply.

¹ EUR 99.52 billion in appropriations for commitments formally adopted then subsequently increased to EUR 111.3 billion in appropriations at the start of 2004 in line with an agreement reached by the Parliament and Council to take account of the appropriations needed for the new Member States.

3.3.2. Commission appointment



In 1981, Parliament was entrusted with the task of informally approving the appointment of the Commission by issuing an opinion on its programme of work. It was not until the Maastricht Treaty was signed in 1992 that the appointment by the Member States of the President and other members of the Commission as a whole became subject to the official prior approval of Parliament. The Amsterdam Treaty took

this provision one step further again by first submitting the appointment of the President of the

Country	Commissioner appointed	Profile	'Twinning'	Current Commissioner
Cyprus	Markos Kyprianou	age 44 – lawyer, current Minister of Finance	Budget	Michaele Schreyer
Estonia	Siim Kallas	age 56 – economist, former Prime Minister	Economic and monetary affairs	Pedro Solbes
Hungary	Péter Balázs	age 63 – economist, current Ambassador to the EU	Regional policy	Michel Barnier
Latvia	Sandra Kalniete	age 52 – lawyer, current Minister of Foreign Affairs	Agriculture	Franz Fischler
Lithuania	Dalia Grybauskaite	age 48 – economist, current Minister of Finance and involved in negotiating the accession agreements	Education and culture	Viviane Reding
Malta	Joe Borg	age 52 – lawyer, current Minister of Foreign Affairs	Development	Poul Nielson
Poland	Danuta Hubner	age 56 – current Minister of European Affairs	Trade	Pascal Lamy
Czech Republic	Pavel Telicka	age 38 – current Ambassador to the EU	Health and consumer protection	David Birne
Slovakia	Jan Figel	age 44 – engineer, current Chair of the Foreign Affairs Committee within the Slovak parliament	Enterprise and the information society	Erkki Liikanen
Slovenia	Janez Potocnik	age 46 – economist, current Minister of European Affairs	Enlargement	Günter Verheugen

Commission for ratification by the Parliament before moving on to deal with the appointment of the other Commission members. When the accession treaty comes into force on 1 May 2004, Parliament will be called upon to approve the ten new Commissioners appointed by the Council. The ten new Member States have already nominated their candidate Commissioners, or 'Commissioners-designate' as they are also known, ready to join the Prodi Commission on 1 May 2004 (debate and vote at the session of 3 to 6 May). These 10 new Commissioners will not initially have their own specific portfolio, rather will work alongside the existing Commissioners (see 'twinning' column above), but they will have the right to vote. A rota system will then be set up such that each of the new Commissioners will spend two three-month periods with two different existing Commissioners. A brand new Commission will take office on 1 November 2004 and it is very likely that the majority of the new Commissioners will retain their posts.

Practical guide: hearings of the Commissioners-designate by the European Parliament (13-15 April 2004)

The inclusion of ten new Commissioners into a Commission that is already up and running is something that has never before been done and a quite specific procedure had to be followed for this. This is why the new Commissioners will not be interviewed by individual parliamentary committees as is usually the case when a new Commission takes office. Rather, they will be heard by the Conference of Committee Chairmen in a format open to all of the MEPs, including the 162 observers from the acceding countries themselves.

As for standard hearings, a written procedure will precede the oral interviews. The Conference of Committee Chairmen has already sent two questionnaires out to each of the Commissioners-designate to be filled out by 24 March. The first questionnaire covers general information on the candidate, whilst the second relates to specific topics relevant to their individual skills (see web link at the end of this brochure).

Each of the hearings will be co-chaired by the chair of the Conference of Committee Chairmen as well as by the chairs of those parliamentary committees working within the specialist area allocated to the Commissioner being heard. At the end of the hearings, on 15 April, the Conference of Committee Chairmen will evaluate the results and invite the Conference of Presidents of the political groups to make any recommendations they deem necessary. The Parliament as a whole will hold a vote of approval at its plenary session of 5 May 2004 in Strasbourg.

It has also been decided that Parliament should approve the appointment of the President of the new Commission that will take office on 1 November 2004 at its session of July 2004. The names of the remaining members of the Commission will then be passed on to Parliament before the end of August 2004.

3.3.3. A motion of censure

Parliament has been able to pass a motion of censure against the Commission since the introduction of the Treaty of Rome. Today, this procedure is governed by Article 201 of the EC Treaty. A motion of censure adopted via a majority of two-thirds of all votes cast and a majority of the Members of Parliament would force the entire Commission to resign. Since the beginning, only seven votes have been held on motions of censure and none have been passed. Nonetheless, the number of votes in favour of such censures has been regularly increasing over time: the outcome of the last motion vote held on 14 January 1999 was 232 votes in favour, 293 against and 27 abstentions.

3.3.4. The right to appeal to the ECJ

Parliament also has the power to submit appeals to the Court of Justice of the European Communities should one of the other institutions contravene the treaty:

- It has the right to **intervene**, i.e. to act alongside one of the parties in a case. Most notably, Parliament exercised this right during the Isoglucose affair (138 and 139/79 of 29 October 1980). In its ruling, the Court nullified a Council regulation on the grounds that the latter had defaulted on its obligation to consult the Parliament.
- In line with the provisions governing **infringement** actions outlined in Article 232 of the EC Treaty, it is able to bring action before the Court of Justice against another institution felt to have infringed the treaty. This occurred in case 13/83, for example, when the Council was criticised for failing to take measures with respect to the common transport policy.
- The European Parliament is also entitled to initiate **proceedings for annulment** in order to protect its interests. It can act as defending party in appeals against acts adopted according to the codecision procedure or where the aim of any such act is to create a judicial effect vis-à-vis a third party.



3.3.5. Temporary committees of inquiry

Parliament has the power to set up temporary committees of inquiry to look in to potential infringements or cases of maladministration with respect to the application of Community law. During the BSE crisis, for example, one such committee was set up and this in turn led to the creation of a European veterinary agency in Dublin.

“Parliament may, at the request of one quarter of its component Members, set up a committee of inquiry to investigate alleged contraventions of Community law or alleged maladministration in

the application of Community law which would appear to be the act of an institution or body of the European Communities, of a public administrative body of a Member State, or of persons empowered by Community law to implement that law.” (Rule 151 of the Rules of Procedure)

These powers of control have been extended over time to meet with the growing need to render the process of European construction more democratic and legitimate.

3.4. Democratic control

3.4.1. Right of petition

In accordance with Article 194 of the EC Treaty, all of the citizens of the European Union have the right to address a petition or complaint in writing to the European Parliament, either individually or together with others. However, all such petitions must relate to matters that fall within the Community’s fields of activities. They must be addressed to the President of the European Parliament.

Practical guide: exercising the right of petition

Rules 174 and 176 of the Rules of Procedure of the European Parliament outline the conditions a petition must fulfil in order to be admissible as well as the procedures for evaluating petitions.

Formal conditions: Any citizen of the European Union and any person living in the European Union has the right to address a petition to Parliament on a matter that falls within the European Union’s fields of activities. Such petitions must bear the name, nationality and permanent address of the petitioner(s). All of these elements must be written in one of the official languages of the European Union. The President of the Parliament then forwards the petition to the parliamentary committee responsible, i.e. the “Petitions Committee”.

Material conditions: The Petitions Committee will ascertain whether the object of the petition falls within the sphere of activities of the Community. Petitions declared inadmissible are filed and the committee informs the petitioner of the reason for this. In such cases, the committee may advise the petitioner to contact another national or international body. Petitions deemed admissible are entered onto a public register (unless the petitioner requests confidentiality).

Examination of a petition: the procedures according to which petitions are examined are relatively flexible. The committee may decide to draw up a report or may issue its opinion in any other manner. The committee may also seek the view of other committees where the petition requires a change to existing legislative provisions. When examining petitions, the committee may organ-

ise hearings of petitioners or of any other party involved or may dispatch members to establish the facts of the matter on site. The Petitions Committee may also ask the Commission to provide it with documents and information and even to grant it access to its facilities. Furthermore, the committee may submit motions for resolutions to Parliament on petitions it has considered. Lastly, the committee may request that its opinion is forwarded to the Commission or Council. The committee informs Parliament of its findings on a six-monthly basis.

The outcome of the examination:

- Where a petition relates to a specific case requiring an individual approach, the European Commission is at liberty to contact the relevant authorities or act via the Permanent Representation of the Member State concerned if it is thought this could produce a solution to the problem. The Petitions committee has also been known to ask the President of the European Parliament to contact the national authorities with respect to a petition.
- Where a petition relates to an issue of general interest, e.g. should the European Commission become aware that Community law has been infringed, it is entitled to initiate infringement proceedings which may result in a ruling of the Court of Justice which the petitioner is then able to use to support their case.
- Parliament or the Commission may begin a new political process as a result of a petition. Whatever the outcome, the petitioner is informed of the results of the work done by the Petitions Committee and of all subsequent developments in the matter (See web link at the end of this brochure).

Two examples of petitions that reached a successful outcome:

- A British citizen who had obtained an education diploma in England submitted a petition after being refused the right to work in France on the premise that their diploma was insufficient. This petition was based on the Community directive on mutual recognition of “Bac+3” diplomas. France was required to make changes to its legislation under threat of infringement proceedings to be initiated by the Commission.
- Belgium and Italy also had to amend their administrative practices in the wake of a petition addressed to the European Parliament in relation to the time period for reimbursement of VAT in the sector of transport, which in these two Member States was longer than the six-month deadline set down by the eighth VAT Directive.

3.4.2. The European Ombudsman

The post of the European Ombudsman was first created by the Treaty on European Union at the request of the Parliament and in particular the Nordic countries, who have long-standing

experience in this field. The role of the Ombudsman is to deal with complaints submitted by European citizens in relation to maladministration on the part of the Community institutions. It is the Ombudsman's job to look for an amicable solution to disputes. The European Ombudsman is elected by the European Parliament for a term of 5 years.

The election of the European Ombudsman



The Parliament elects the European Ombudsman by a majority of all votes cast. Where no single candidate has been elected following the first two voting rounds, only those two candidates who obtained the largest number of votes during the second round may remain in the running. Where two candidates have the same number of votes, the older candidate is chosen.

Finn Jacob Söderman was elected as Europe's very first Ombudsman in June 1995 and subsequently re-elected in 1999. He decided to leave office before the end of his term and the Parliament then elected Greek candidate Nikiforos Diamandouros to take his place on 15 January 2003. He will hold the post of Ombudsman until the end of the legislative term in 2004.

How the Ombudsman's Office works

The European Ombudsman is assisted in his or her work by a team of 30 lawyers, administrators, secretaries and more. The Ombudsman acts entirely independently in the overall interests of the European Union and its citizens. Any complaints received are entrusted to specialist lawyers working in the appropriate language who oversee the entire procedure from start to finish and reply to the plaintiff on the Ombudsman's behalf. The office of the European Ombudsman is located at Parliament's seat in Strasbourg. A further office is located in Brussels.

Practical guide: How to submit a complaint to the Ombudsman ?

Who is entitled to submit a complaint?

Anyone who is a citizen of a Member State of the European Union or who is living in a Member State is entitled to submit a complaint. Businesses, associations and other bodies with their registered office in the Union can also complain to the Ombudsman.

What can complaints be about?

Complaints must relate to cases of maladministration by the Community institutions and bodies.

What is maladministration?

If an institution fails to do something it should have done, does it in the wrong way or does something it should not have done, we speak of 'maladministration'. Some examples of maladministration are administrative irregularities, iniquity, discrimination, abuse of power, missing information, refusal of information, unnecessary delay and so on.

Which institutions and bodies are concerned?

The European Ombudsman examines first and foremost complaints against the three institutions in the institutional triangle (Commission, Council and Parliament). However, complaints can also be made against other EU institutions and bodies, including the Council, the Court of Auditors, the Court of Justice (except in its judicial role), the Economic and Social Committee, the Committee of the Regions and the European Central Bank.

How should complaints be made?

Complaints should be addressed to the Ombudsman in writing in one of the 11 official EU languages. A standard form is available. The person submitting the complaint must clearly indicate who they are, which institution or body they wish to complain about and the grounds for the complaint. Complaints must be submitted within two years from the date on which the complainant became aware of the facts outlined in their complaint. However, the complainant does not have to be directly concerned by the case of maladministration at hand. The Ombudsman is also authorised to intervene where the complainant already submitted their complaint to the institution or body concerned. However, the Ombudsman may not intervene in cases being assessed by a court or about which a legal ruling has already been issued. The Ombudsman will study the complaint and inform the complainant as to the outcome of the investigations. (See web link at the end of this brochure.)



CHAPTER 4

CHANGING THE VOTING PROCEDURES

4.1. The principle

The original treaties provided that the Members of the European Parliament were to be elected via direct suffrage, but it was left to the Parliament itself to draw up a draft text outlining how this would be done. It was not until 1979 that the MEPs were elected via direct universal suffrage and this principle is now enshrined in Article 190 of the EC Treaty. Previously, the national parliaments appointed the Members of the European Parliament from amongst their own members. Article 190 also set out measures for harmonising the voting procedures in all of the Member States. Again, Parliament is responsible for drawing up a corresponding text which must then be adopted unanimously by the Council. Thus far, Parliament has adopted three successive resolutions – in 1991, 1992 and 1993 – none of which were felt by the Council to tally with Article 138 of the EC Treaty. The Council adopted solely that proposal concerning the breakdown of seats amongst the Member States.

In view of this repeated refusal by the Council to accept the drafts presented by Parliament, the Amsterdam Treaty introduced the possibility of adopting ‘joint principles’ rather than a uniform procedure. It was felt that this would help progress in this respect.

In line with this new possibility, on 15 July 1998 the Parliament adopted by an overwhelming majority the report drafted by MEP Anastassopoulos on a voting procedure for the election of the Members of the European Parliament based on a series of joint principles (see point 4.3 below).

4.2. The current voting procedures in the different Member States

4.2.1. The voting system

All fifteen of the current Member States operate a voting system based on proportional representation. Those lists that do not obtain 5% of votes in Germany and France or 4% of

votes in Austria and Sweden, for example, are not awarded any seats. Prior to the 1994 elections, the United Kingdom had applied a first-past-the-post system (except in Northern Ireland where proportional representation was also used).

4.2.2. The constituencies

In eleven of the Member States (Germany, Austria, Denmark, Spain, Finland, France, Greece, Luxembourg, the Netherlands, Portugal and Sweden), the entire territory of the country is considered to be a single constituency. The four remaining Member States (Belgium, Ireland, Italy and the United Kingdom) are divided into several distinct voting constituencies. In Germany, the parties can either submit lists of candidates at the level of the individual federal states or at national level and in Finland either according to electoral zone or at national level.

4.2.3. The right to vote



The citizens of all of the Member States have the right to vote from 18 years of age. All citizens of the Union who live in a Member State other than their country of origin have the right to vote in the European Parliament elections in their country of residence according to the same conditions as the nationals of that country. However, the provisions surrounding residence differ greatly from one Member State to another. Hence a person may only be considered resident in countries such as Finland and France where their permanent

or usual address is in that country. In Germany, Luxembourg, Belgium, Greece, Spain, Portugal and Italy it is sufficient for an individual to be usually resident whilst in Austria, Denmark, the United Kingdom, Ireland, the Netherlands and Sweden it is necessary to be entered on the population register. Furthermore, in Luxembourg, Community citizens are only entitled to vote where they can prove a minimum period of residence in that country. UK citizens living abroad are only entitled to vote if they are civil servants or members of the armed forces or left the United Kingdom less than five years ago and have informed the relevant authorities of this. Austria, Denmark, Portugal and the Netherlands only grant the right to vote to nationals living in another of the Member States of the EU. Meanwhile, Swedish, Belgian, French, Spanish, Greek and Italian nationals have the right to vote irrespective of their country of residence. German citizens living in another country for less than ten years are entitled to vote. In Ireland, the right to vote is granted only to citizens of the European Union who have their permanent address in Ireland.

4.2.4. Eligibility

Election candidates in all of the Member States must be nationals of one of the other Member States. Beyond this one joint provision, the eligibility conditions vary greatly from one country to another:

- **Minimum age**
18 in Finland, Sweden, Denmark, Germany, Spain, the Netherlands and Portugal, 19 in Austria, 21 in Belgium, Greece, Ireland, Luxembourg and the United Kingdom, 23 in France and 25 in Italy.
- **Residence**
Community nationals must have been resident in Luxembourg for some ten years before they can stand for the European elections. Furthermore, in this Member State it is forbidden for a list to comprise a majority of candidates who are not nationals of Luxembourg.

4.2.5. How to stand

In five of the Member States (Denmark, Greece, Germany, the Netherlands, Sweden) only parties or organisations comparable to parties are entitled to nominate candidates. In the other Member States, a candidate requires a certain number of supporting signatures or the backing of a specific number of voters in order to be able to stand. In some cases (France, Ireland, the Netherlands, the United Kingdom), candidates must also pay a deposit. Individual candidates are entitled to stand in Ireland and Italy provided they have collected a certain number of signatures.

4.2.6. Election dates

The last European elections were held in June of 1999. More precisely, they were held on 10 June in Denmark, Ireland, the Netherlands and the United Kingdom, where elections are traditionally held on Thursdays, and on 13 June in the remaining Member States where elections are generally held on Sundays. The next round of elections is to be held in June 2004 when the 10 new Member States will also take part.



When Communication COM (2003) 174 of 8 April 2003 was first presented, European Commissioner Antonio Vitorino indicated his concern that the timetable for voter registration was very tight. Indeed, in 17 of the Member States and acceding countries the final date for registration on the voting list was earlier than the official accession date. This is because time is also needed for verification (to prevent multiple registrations) and appeal (should registration be refused). Any national of any Member State living in another Member State is entitled to stand as a candidate for these elections.

Following a meeting of experts on election procedures held in January 2004, Commissioner Vitorino, who is responsible for Justice and Home Affairs, praised the Member States and acceding countries for taking the issue seriously and adopting the measures needed to ensure the registration of all non-national citizens of the European Union resident in these countries on the voter lists for the European Parliament elections of 2004. He stressed that this would guarantee their basic right to vote on the date of the election in June.

4.2.7. Voter freedom with respect to the order of the candidates on the lists

In five of the Member States (Germany, Spain, France, Greece and Portugal), the voter may not change the order in which the candidates appear on the list. In eight of the Member States (Austria, Belgium, Denmark, Spain, Finland, France, the Netherlands, Sweden), the order of the candidates can be changed via a system of preferential votes. In Luxembourg, voters may vote for several candidates from different lists, whilst in Sweden, the voter is at liberty to add or even remove names from lists. In Ireland and the UK, lists are not used as part of the election procedures.

4.2.8. Election monitoring

In Denmark and Luxembourg, the national parliament oversees the voting procedures. In Austria, Belgium, Finland, France, Italy, Ireland and the United Kingdom a judicial body has been entrusted with this role. In Germany, both intervene so as to guarantee a two-fold control mechanism. In Spain, the “Junta Electoral Central” oversees the elections, whilst in Portugal and Sweden this task is conferred upon a special monitoring committee. The chairperson of each individual polling station is responsible for counting the votes and publishing the results.

4.2.9. Vacancies that arise during a legislative term

In Austria, Denmark, Finland, France, Italy, Luxembourg, the Netherlands and Portugal, should a seat become vacant following the resignation of a member, the next candidate on the list who was not initially elected is awarded that seat. In Belgium, Ireland, Germany and Sweden, any seats falling vacant are handed over to the alternates in office. In Spain and Germany, where there is no alternate, the seat is awarded to the next candidate on the list. In the United Kingdom, a by-election is held. In Greece, a vacant seat is passed on to an alternate from the same list as the original member or, where the number of candidates on that list is insufficient, a by-election is held.

4.3. Working towards a uniform election procedure

A reform of the procedures according to which the Members of the European Parliament are elected is currently underway and will undoubtedly be pushed through with even greater speed once the work of the Convention is complete. For the time being, Parliament has adopted a draft uniform voting procedure for the election of the Members of the European Parliament. It is now the turn of the Council to adopt Parliament's proposal as outlined in the Anastassopoulos report.

The essential concepts outlined in the report:

- the introduction of a system of **proportional representation** in all of the Member States
- the introduction of a system of **territorial constituencies**
- establishing a **minimum threshold** for the distribution of seats of no more than 5% of votes cast
- allowing the Member States to permit **preferential voting** in accordance with procedures that they lay down
- rendering the office of Member of the European Parliament **incompatible** with the office of member of a national parliament
- enabling each Member State to set a **limit for candidates' expenditure** linked to the conduct of their election campaign
- the possibility of introducing special arrangements to take account of **specific regional characteristics** (where these do not impinge upon the principle of proportional representation)
- **a trans-national list** covering 10% of the total number of seats in the Parliament and based on a single constituency comprising the territory of the European Union Member States.

The only principle on this list to be adopted by the Member States prior to the 1999 elections was that of proportional representation. It is now up to the Council to harmonise the European election procedures so as to ensure that the citizens of Europe are better aware of exactly how their interests are represented by the Parliament. Greater transparency, simplicity and closeness are the key goals that will in turn enhance the legitimacy of the European Parliament. Nonetheless, despite the new method introduced by the Amsterdam Treaty, dismantling national voting traditions remains a very difficult task.



CONCLUSION

Ten countries of central and eastern Europe are set to join the European Union on 1 May 2004. Just one month later, the citizens of these countries will be called upon to vote in their own representatives to the European Parliament. These elections are not only an important symbol, rather will also be a major challenge for the new Member States: both in electoral terms (they will be involved in organising elections whose impact will be transnational); and in political terms (politicians and citizens alike must be made fully aware of the role of Parliament, in particular as increased use of the codecision procedure places European decision-making into its hands alongside the Council).

The aim of this vade mecum was to give you a greater insight into the European Parliament and as such make some contribution to overcoming the challenges outlined above. As we have seen, Parliament is an essential player on the European field both from a legislative and political viewpoint. The Convention on the Future of Europe, working under the chairmanship of Valéry Giscard d'Estaing, drew up a draft constitutional treaty which it presented to the Italian Presidency on 18 July 2003. The Parliament was one of the core topics discussed and the outcome of the Convention's work is based on a considerable extension of its powers. This is a further step in a series of developments that have been ongoing for some time, as shown in this brochure. The conclusions of the Convention stress above all the need to extend the codecision procedure and as such strengthen Parliament's role as co-legislator. They also call for greater streamlining and simplification of the budgetary procedure based once again on a more important role for the Parliament. Parliament's political sway is also enhanced through a proposal for the President of the Commission to be appointed via a vote by the MEPs. Lastly, the Convention has highlighted the need to harmonise the election procedures for the European Parliament across the Union, thus bringing the citizens closer to their representatives and guaranteeing ever-greater democracy within this institution.

Politicians, state bodies and citizens alike must be informed as to the work of Parliament, an institution which plays an essential part in Community decision-making and in shaping European policy and whose role is set to be reinforced in the future.

At its summit meeting in Brussels on 13 December 2003, the Intergovernmental Conference failed to reach a conclusion on the draft constitution. However, the efforts of the Irish Presidency and the tragic events witnessed in Spain will most certainly lend renewed momentum to this process, ensuring Europe will have at its disposal a treaty establishing a Constitution for Europe before the year is out.

Brussels,
24 March 2004

Web links

<http://www.europa.eu.int>

http://www.europa.eu.int/comm/represent_fr.htm (p. 12)

<http://www.infopointeurope.be> (p. 12)

http://www.euoparl.eu.int/plenary/cal2004_en.pdf (p. 22)

<http://ue.eu.int/codec/fr/> (p. 26)

http://www.euoparl.eu.int/hearings/commission/2004_enlarg/default_en.htm (p. 32)

http://www.euoparl.eu.int/petition/help_fr.htm (p. 35)

<http://www.euro-ombudsman.eu.int/home/fr/default.htm> (p. 37)

Other information on the European Union



Information in all the official languages of the European Union is available on the Internet. You can access it through the Europa server: (**<http://europa.eu.int>**).



All over Europe there are hundreds of local EU information centres. You can find the address of the centre nearest you at this web-site: **http://europa.eu.int/comm/relays/index_en.htm**.



EUROPE DIRECT is a service which answers your questions about the European Union. You can contact this service by freephone: **00 800 6 7 8 9 10 11** [or by payphone from outside the EU: (32-2) 299 96 96], or by electronic mail via **<http://europa.eu.int/europedirect>**.

The aim of this practical vade mecum on the European Parliament against the backdrop of enlargement, drawn up with the support of the Brussels-Capital Region, is to provide a clear and accurate overview of this European institution.

It is intended not only for the wider public in the new Member States, rather also provides concise, practical explanations for state authorities, businesses, political groups, students and all of the new players in the enlarged European Union of 25 Member States, whether voters or candidates.

The wide-ranging information that is currently available on the European Parliament can sometimes be difficult to understand. This succinct handbook aims to impart key facts for better understanding the Parliament, an institution faced with a series of challenges and situated at the centre of an in-depth debate on the reform of the European institutions. This vade mecum looks at all of the issues currently being discussed.



Pascal Goergen, born in Cologne in 1963 and father of three children, was appointed Representative of the Brussels-Capital Region to the European Union in November of 2000. He originally trained in Germanic Studies, has a doctorate in Political Sciences and a further diploma in International Relations and is truly impassioned by Europe. Over time, he has become highly specialised in matters related to regional policy and the lobby of the regions within the EU's decision-making process. He is the author of the book "Vous avez dit Europe?" (Artel 1999) and taught classes both in languages and on the European institutions in a specialist marketing institute in Brussels for some 10 years.

During the Belgian Presidency, he acted as spokesman for Belgium within the Council's Research Group. At the moment, he is involved in closely overseeing those matters related to the future of cohesion policy, research, enlargement and Euro-Mediterranean partnership.

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