



Office for Democratic Institutions and Human Rights

**ELECTIONS TO THE EUROPEAN PARLIAMENT
10-13 June 2004**

OSCE/ODIHR PRE-ELECTION OVERVIEW



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I. INTRODUCTION

The 2004 elections to the European Parliament, taking place in the 25 Member States of the European Union between 10-13 June 2004, will be the largest cross-border election in European history. With the enlargement of the European Union on 1 May 2004 from 15 to 25 Member States, the number of persons eligible to vote in the European Parliamentary elections will surpass 348 million people.

At the Permanent Council of the OSCE, the Ambassador of Ireland made the following statement on 25 March 2004, on behalf of the European Union:

“The EU wishes to inform that elections to the European Parliament will take place in the Member States of the European Union between 10-13 June 2004. In the spirit of our commitments in the 1990 Copenhagen Document, each Member State will invite the ODIHR to send an observation mission to the elections.”

To date, the OSCE/ODIHR has received invitations from 22 of the 25 Member States of the European Union. This is first time that the OSCE/ODIHR has been invited to observe the European Parliamentary elections, and in response, the OSCE/ODIHR is issuing this pre-election overview paper, considering aspects of the process from a Union-wide perspective.

In this context, the OSCE/ODIHR sent an election expert team to Brussels between 17-19 May 2004 to meet with representatives from the relevant European Union Institutions: the Parliament, the Commission and the Council. The team was lead by Mr. Gerald Mitchell, Head of the OSCE/ODIHR Election Section and included Mr. Vadim Zhdanovich, OSCE/ODIHR Election Advisor and Ms. Janne Lindblad.

The OSCE/ODIHR has determined that for the 2004 European Parliamentary elections, it will not be following the process at national level, so there will be no further reports issued in relation to this election process.

II. EXECUTIVE SUMMARY

Most elections to the European Parliament in 2004 will take place on the 13 June, but in the Netherlands and the United Kingdom polling will be conducted on the 10 June, in Ireland on the 11 June, in the Czech Republic on the 11-12 June in Latvia and Malta on the 12 June and in Italy on the 12-13 June. An official presentation of the results as reported by all the 25 Member States will take place in the European Parliament on the evening of the 13 June in Brussels.

During the OSCE/ODIHR's meetings with European Union institutions, a broad range of issues were raised, including the following:

- **Voter registration** – According to a 1993 Directive¹, the Member States are required to exchange information to ensure that EU-citizens residing in another Member State, other than their own, are able to exercise their right to vote. In view of the different registration systems existing within the EU, this may require an EU wide solution ensuring that each EU-citizen is registered to vote in one location only.
- **Suffrage** – Some issues were raised concerning suffrage rights which are not uniformly applied in the European Parliament elections. For example, the United Kingdom permits certain categories of non-EU-citizens to vote in the European Parliament elections. Moreover, the United Kingdom will for the first time permit voting to be conducted in Gibraltar.² In Latvia and Estonia, however, a significant proportion of the resident populations remain in a category of “non-citizens” or “persons with undetermined citizenship” respectively, and they are therefore not entitled to vote or to be elected in the elections to the European Parliament.³
- **The incompatibilities of mandates** – Starting from the 2004 elections, it is not permitted to hold a seat in the European Parliament and a seat in a national parliament simultaneously.⁴ Accordingly, members of the national parliaments who stand as candidates for the European Parliament are obligated to choose between these two offices, should they be elected to the European Parliament.
- **The alliance of parties in the groups in the parliament** – The national parties do not have to announce before the election, to which political grouping they will align themselves in the European Parliament after the election. However, such intentions should be public in advance of the elections in order for the electors to make an informed choice. If not, such practice could be viewed as not sufficiently informing the electors in order for them to make an informed choice.
- **The voter turnout** – Voter turnout is a general concern. Less than 50% of the electorate voted in the 1999 elections, which is consistent with a downward trend in the turnout in the elections to the European Parliament since 1979, see Annex I.⁵
- **Voter information** – There is a recognition that voter information is not readily accessible in all relevant languages in the Member States, which may make it

¹ OJ L 329/34, 30.12.1993. Hereinafter: Directive 93/109/EC.

² Following the judgment ECHR *Matthews v. UK*, Judgment of 18 February 1999, Reports of Judgments and Decisions 1999-I, in which the European Court of Human Rights came to the conclusion that the United Kingdom violated Mrs. Matthews right to vote, because elections to the European Parliament had not been conducted in Gibraltar.

³ In Latvia this number amounts to 20,7 % of the population according to the figures from the Latvian Naturalization Board, while in Estonia the number is 12% according to the Estonian Ministry of Foreign Affairs.

⁴ The 2002 amendment to the 1976 act on the elections to the members of the European Parliament, article 7.

⁵ Despite the fact that voting was mandatory in Belgium, Luxembourg and Greece.

difficult for EU-citizens residing in a Member State different from their state of citizenship to exercise their right to vote.

- **Early publication of results** – There is a possibility that some Member States, in particular those that vote in advance of 13 June, may release their results prior to 13 June at 22h CET, the time identified in EU-legislation as the earliest official time for publication of the results in the Member States. This could potentially influence voting patterns in other Member States.
- **The difference in the status of the elected representatives** – Salaries, taxation and the eligibility criteria for the members of the European Parliament are determined by the Member States in which they are elected. This could present a lack of incentive for EU-citizens who wish to stand as candidates in Member States other than their own.

III. BACKGROUND

EU-voters will, between 10-13 June 2004, elect 732⁶ members of the European Parliament. The first elections to the European Parliament took place in 1979⁷ and elections to the European Parliament take place every five years.

The European Parliament is the sole institution of the European Union elected directly by the population of the Member States. It plays a significant role in the European Union's legislative process, provides budgetary control of the European Union Institutions and has a range of consultative powers. The European Parliament has the power to reject the appointment of the Commission in its entirety, or to dismiss the Commission in its entirety. However, it cannot refuse the appointment of or dismiss individual Commissioners, except for the President of the Commission, whose nomination by the Council of Ministers has to be approved by the European Parliament.

According to the legal framework, the European Parliament consists of representatives of the peoples of the States brought together in the Community, and these representatives are to be elected by direct universal suffrage.⁸ The 1957 Treaty of Rome establishing the European Community already provided for the European Parliament to draw up proposals for its election by direct universal suffrage in accordance with a uniform procedure in all Member States. Despite numerous attempts, however, the Member States have not been able to agree on the details in a common electoral code.

As a result, the Treaty of Amsterdam changed the wording of the provision from the Treaty of Rome, and today the EC-Treaty provides for the European Parliament to draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States, or in accordance with principles common to

⁶ The Treaty of Nice limits the number to 732 no matter how large the Union grows.

⁷ Prior to 1979, Members of the European Parliament were appointed by national parliaments from amongst their own members.

⁸ EC-Treaty, consolidated version of 24 December 2002, OJ 325 (Hereinafter: the EC-Treaty) article 189 and 190, para. 1.

all Member States.⁹ Although the basic framework for elections has been harmonised to a degree, a common electoral procedure for the Member States has not been enacted yet. Member States are reluctant to adapt their electoral procedures, which contributes to the divergent national features found throughout the process.

The elections to the European Parliament are direct national elections based on universal suffrage to a supranational body. This construction makes the elections to the European Parliament unique. In terms of organisation, the elections to the European Parliament are in fact 25 national elections, and are not conducted by an institution of the European Union. The Member States are treated as separate electoral units in which the population elects a fixed number of representatives, see Annex II.

IV. LEGAL FRAMEWORK

The legal framework lays down common rules concerning the electoral system, certain aspects of the right to vote and the right to stand as a candidate, and rules relating to political parties, including their funding. These rules are found dispersed in different acts of legislation in the European Union legal system, which overall demonstrate a very limited degree of harmonisation of the electoral rules.¹⁰

In 1976 an Act concerning the election of members of the Assembly by direct universal suffrage was adopted,¹¹ and it was amended in 2002.¹² The Act requires that the elections in the Member States are based on a system of proportional representation. It also regulates a number of incompatibilities with the office of a member of the European Parliament. Furthermore, it sets out rules on when the publication of the results can take place in the Member States. However, it does not contain any rules regulating the franchise, or identify any common requirements relating to the practical aspects of the conduct of the elections on polling day. Accordingly, these aspects of the elections are left to the Member States' as determined by national legislation.

In addition, a Directive was adopted in 1993,¹³ laying down rules for EU-citizens' right to vote in elections to the European Parliament when residing in an EU Member State other than their country of citizenship.

In the year 2000, the Charter of Fundamental Rights of the European Union was adopted.¹⁴ The Charter confirms that members of the European Parliament are to be elected by direct universal suffrage in a free and secret ballot. It also repeats that every citizen of the Union has the right to vote and to stand as a candidate at elections

⁹ EC-treaty, article 190, para. 4.

¹⁰ For an overview of community legislation governing the elections to the European Parliament, see Annex III.

¹¹ OJ L 278/5, 08.10.1976.

¹² OJ 283/1, 21.10.2002. The references in this paper concerning the 1976 Act and its 2002 amendment refer to the consolidated text 1976X1008-23/09/2002. This text will hereinafter be referred to as the amended 1976 Act. The official name of the Act is today "Act concerning the elections of the Members of the European Parliament by direct universal suffrage".

¹³ Directive 93/109/EC.

¹⁴ OJ C 364/1, 18.12.2000.

to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.¹⁵

A new phenomenon in the European Union context is the existence of political parties at the European level. EU-legislation regulates the European parties' access to funding by the European Union, in a Regulation from 2003.¹⁶

The European Court of Human Rights held in a judgment in 1999,¹⁷ that after the entry into force of the Maastricht Treaty,¹⁸ the European Parliament is considered a part of the legislature within the meaning of article 3 of the First Protocol to the European Convention on Human Rights, since it now plays a decisive role in the legislative process in the European Union. Accordingly, the European Union Member States have to comply with the requirements of article 3 of the First Protocol, the principle of which is consistent with OSCE Commitments, when conducting elections to the European Parliament.¹⁹

Due to the fact that the European Parliamentary elections are conducted according to 25 national election codes, and that EU-related rules are dispersed throughout a number of different documents, the rules governing the elections are not easily accessible, which could have consequences for the transparency of the process.

V. THE ELECTORAL SYSTEM

In view of the proportional representation established, Member States are free to choose whether they will use a fixed list system, a preferential list system or the single transferable vote.²⁰ The Member States are allowed to introduce a threshold for obtaining a seat, but this threshold may not exceed 5% of the votes cast on the national level.²¹ The Member States are free to establish constituencies in accordance with their national systems, as long as this division does not generally affect the proportional nature of the voting system.²² Most States have one single national constituency for the elections to the European Parliament, while the United Kingdom, France, Poland, Ireland and Belgium have created voting systems with regional constituencies.

The numbers of representatives elected in the different Member States have been laid down in the European Union treaty body and reflect to some degree population numbers in the respective Member States. However, the number of votes required for obtaining a seat varies significantly, between some 71.000 votes to obtain a seat in Luxembourg, compared to some 830.000 votes to obtain a seat in Germany.

¹⁵ Article 39 of the Charter of Fundamental Rights of the European Union.

¹⁶ OJ L 297/1, 15.11.2003.

¹⁷ Matthews v. the United Kingdom.

¹⁸ OJ C 191, 29 July 1992. Hereinafter: the EU-Treaty.

¹⁹ The provision reads "The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."

²⁰ Article 1, of the amended 1976 Act.

²¹ Article 2A of the amended 1976 Act.

²² Article 2 of the amended 1976 Act.

Furthermore, as there are no common rules concerning the drawing of constituency borders, and the above mentioned imbalance can be accentuated by the Member States' national constituencies. In order for the votes cast to have the same weight and for the representatives to be closer to the electorate, the Parliament has proposed that Member States exceeding 20 million inhabitants should create national constituencies. However, such regulations have not yet been adopted.

The Parliament has also supported the idea of creating cross-border or transnational constituencies to promote European integration. This idea would call for 5-10% of the members of the European Parliament to be elected in a common Union-wide constituency. However, as of yet, there has not been an agreement on the creation of transnational constituencies.

VI. SUFFRAGE RIGHTS

A. THE RIGHT TO VOTE

EU-legislation provides that the elections shall be free and secret, and based on the principle of direct universal suffrage.²³ While all Member States grant voting rights to citizens whom have reached the age of 18, some of the Member States have expanded voting rights beyond the group of citizens (see below).

B. NON-DISCRIMINATION

One of the fundamental principles in the European Union legal system is the principle of non-discrimination. This principle has the effect that all citizens of the Union residing in a Member State of which s/he is not a national has the right to vote in elections to the European Parliament in the Member State in which s/he resides, under the same conditions as citizens of that State.²⁴ Along the same lines, the principle of equal suffrage requires that "no one may vote more than once in any election of members of the European Parliament."²⁵

C. VOTER REGISTRATION

To fulfil the above-mentioned obligations, it is necessary that there exists an effective information exchange system between the Member States. This information exchange system should ensure that EU-citizens are registered as voters in their Member State of residence, but also ensure that double registration does not occur, and the possibility of double voting is precluded. Directive 93/109/EC requires that such an informational exchange system is set up²⁶, and the Directorate-General for Justice and Home Affairs has provided standardised information to facilitate this process.

²³ Article 190, para. 1 of the EC-Treaty and article 1, para. 3 of the amended 1976 act.

²⁴ Article 19, para. 2 of the EC-Treaty and Directive 93/109/EC. Directive 93/109/EC allows for derogation in cases where, by 1 January 1993, in a given Member State, the proportion of citizens of the Union of voting age who reside in it, but are not nationals of it, exceeds 20% of the total number of citizens of the Union residing there who are of voting age. These Member States may restrict the right to vote to Community voters who have resided in that Member State for a minimum period, which may not exceed five years

²⁵ Article 4 of Directive 93/109/EC and article 8 of the amended 1976 act.

²⁶ Article 13 of the 93/109/EC Directive.

However, there are still concerns that some member states are not regarding this as an administrative priority, with the potential for persons to either be excluded from the list in their country of residence, or be registered twice, in their country of residence and their country of origin.

D. VOTER INFORMATION

To be able to make an informed choice, voters should have access to voter information in a language that they understand. However, with the enlargement to 25 Member States, it is recognised that voter information is not readily accessible in all relevant languages in the Member States. This may make it difficult for non-national EU-citizens to exercise their right to vote.

E. EXERCISE OF THE RIGHT TO VOTE

A general concern for the 2004 elections is the turnout. In 1999, the average Union-wide turnout in these elections was below 50% of eligible voters, despite the fact that three Member States, Belgium, Luxembourg and Greece have mandatory voting. In the 2004 elections, there is a possibility that voting patterns in the new member States may raise the Union-wide turnout, but there is also a concern that the result will be the opposite, as a result of possible “voter fatigue” in relation to EU-issues in some new Member States.

F. COUNTRY SPECIFIC ISSUES

EU-legislation does not uniformly address the issue of voting rights, and it is up to the Member States’ national legislation to determine who has the right to vote in their national elections to the European Parliament. There are some distinctly different examples of divergent approaches to this issue from among the Member States.

Following the above-mentioned judgment from the European Court of Human Rights from 1999, *Matthews v. UK*, the United Kingdom is for the first time arranging elections to the European Parliament in 2004 in Gibraltar. For this purpose Gibraltar has been attached to a constituency in the southern United Kingdom.

As a result, Spain has lodged a complaint against the United Kingdom with the European Court of Justice. In the complaint, Spain challenges the United Kingdom’s practice of granting certain non-EU-citizens voting rights.²⁷ Spain claims that by doing this, the United Kingdom violates European Union legislation. The European Commission has in this connection expressed the view that rules on franchise are left to the Member States national legislation and that the Member States in that respect have a large margin of discretion. In the European Commission’s opinion, the United Kingdom is thus free to decide to whom they grant voting rights.

Another uncommon construction is found in France, where, by virtue of the French legal principle of indivisibility of the republic, France grants voting rights to the

²⁷ The United Kingdom grants voting rights to “qualifying Commonwealth citizens”, who in some cases are third-country citizens, see representation of the People Act 2000, 9 March 2000, Part I, Electoral registration and Franchise, read together with the European Parliamentary Elections Act 2002, 24 July 2002, article 8.

inhabitants of the French Overseas Territories, although these territories are associated with the EU rather than an integral part of it. Three seats out of France's 78 seats are elected in these territories.

In the case of Latvia, while only Latvian citizens, and citizens of other EU member countries, have voting rights, around 20 per cent of the resident population of Latvia have a status of "non-citizens" and are therefore effectively disenfranchised.²⁸ Non-citizens who have lived in Latvia for five years or more have the right to become naturalised citizens upon the completion of the naturalisation process, which includes a proficiency exam in the Latvian language as well as basic historical and constitutional facts. However, the overall rate of naturalisation is slow.

A similar situation exists in Estonia where 12% of the resident population are categorised as "persons with undetermined citizenship".²⁹ As Estonia only grants the right to vote in the elections to the European Parliament to EU-citizens, this segment of the population is not able to participate in the European Parliamentary elections.

In the Republic of Cyprus, although all citizens have the legal right to vote in the European Parliamentary elections, voting will not be organised in the northern part of the island where the government of the Republic of Cyprus does not exercise effective control. This presents an obstacle for the members of the Turkish Cypriot community living in the northern part of the island to exercise their right to vote. In addition, only parties registered in the Republic of Cyprus, where the government exercises effective control, are able to present candidates for the elections.

There is not a common policy regarding the qualifications and disqualifications for voters. The Member States are also free to decide that an EU-citizen has to satisfy the requirements of both his/her Member State of origin and the requirements of his/her Member State of residence. Therefore, the Member State of residence can choose to refuse to enter voters who are disqualified from voting in their Member State of origin on voter lists.

VII. THE RIGHT TO STAND AS A CANDIDATE

As is the right to vote, the right to stand as a candidate is not explicitly laid down in EU-legislation, but it is presupposed in the legal framework.³⁰ As a consequence, all EU-citizens have the right to stand as a candidate in his/her Member State of residence (if different from his/her Member State of citizenship) if s/he satisfies the same conditions that the Member State of residence imposes by law on its own

²⁸ According to the Citizenship Law of Latvia, only persons who were citizens before 17 June 1940, and their descendants, received automatic citizenship upon the re-establishment of independence in 1991. Migration led to large numbers of Russians settling in Latvia (particularly in the late 1940s). As a result, a large number of residents of Latvia do not meet citizenship criteria, and fall into a category of so-called "non-citizens". See also OSCE/ODIHR Final Report on Parliamentary Elections in the Republic of Latvia, 5 October 2002.

²⁹ An additional 7% of the population are categorised as "citizens of other countries".

³⁰ Article 19, para 2 of the EC-Treaty and Directive 93/109/EC.

nationals.³¹ No person may stand as a candidate in more than one Member State in the same election.³²

A number of incompatibilities with the office of member of the European Parliament are regulated in EU-legislation. Several official functions connected to the institutions of the European Union are listed as incompatible with holding a seat in the European Parliament.³³ Furthermore, starting from the 2004 elections, there is an incompatibility of mandates. The office of member of the European Parliament is accordingly incompatible with that of member of a national parliament, with specific and minor exceptions for Ireland and the United Kingdom, at the latest until the 2009 elections.³⁴

This means that a member of a national parliament who is elected to the European Parliament, will have to choose between his/her national seat and the seat in the European Parliament. In this connection, concerns could arise, if it occurs that members of national parliaments present their candidacy without the intention of taking their seat in the European Parliament, should they be elected. Such practice is not in contravention of EU-legislation, but could in general be viewed as misleading to the electorate. The same considerations apply if the head of government or other high profile public figures present themselves on the top of a party list, without any prior intention to take their seat, once elected.³⁵

EU-legislation gives the Member States the right to introduce further incompatibilities with the membership of the European Parliament in their national legislation.³⁶

The Member States have in their national legislation various criteria for standing as a candidate. These include age requirements, deposit requirements, collection of a certain number of signatures of potential voters or backing by members of the national parliament. In addition, the members of the European Parliament are remunerated and taxed by the Member State, in which they stand as a candidate. These variations in the status of the Members of the European Parliament are further accentuated by the fact that the differences in salaries and taxation of the members of the European Parliament are significant. This situation could create a lack of incentive for candidates who wish to stand as candidates in Member States other than their own.

VIII. GENDER REPRESENTATION

The objective of equal treatment between men and women is generally reflected in EU-legislation, but equal opportunities for access to the European Parliament for men and women are not directly regulated. The general opinion in the European Parliament and the Council of the European Union is that it is primarily a matter for the political parties to achieve this objective.

³¹ Directive 93/109/EC, article 3.

³² Directive 93/109/EC, article 4, para. 2.

³³ Article 6, para. 1 of the amended 1976 Act.

³⁴ Article 6, para. 2 of the amended 1976 Act.

³⁵ The office as member of a national government is also incompatible with that of member of the European Parliament, see article 6, para. 1 of the amended 1976 Act.

³⁶ Article 6, para. 3 of the amended 1976 Act.

The issue of women's representation in the Parliament has attracted special attention in relation to the accession of the ten new Member States. The representatives of the ten new Member States between the accession on 1 May 2004³⁷ and elections on 10-13 June 2004 in the European Parliament present a significantly lower percentage of women than the other Member States. Three of the new Member States have not at present any women representatives in the European Parliament, see Annex IV.

IX. POLITICAL PARTIES

A. ALLIANCES IN THE EUROPEAN PARLIAMENT

Up until 2004, the nationally elected members have grouped themselves in alliances in the Parliament. Since only a small number of parties so far have created or joined "political parties at the European level", the parties outside these European parties will undoubtedly continue to act in alliances in the European Parliament.

The groups in the parliament, prior to the accession of the new 10 Member States as of 1 May 2004, are the Christian Conservative Group (PPE-DE / EPP-ED) (232 members), the Socialist Group (PSE / PES) (175 members), the Liberal Group (ELDR) (53 members), the group for the European Green Left (GUE / NGL) (49 members), the Greens/Regionalist Party (Verts/ALE Greens / EFA) (45 members), the Group for the Nations of Europe (UEN) (23 members), and the group for a Europe of Differences and Democracies (EDD) (18 members). 31 representatives are not attached to any group (NI).

The criteria for forming alliances are found in the Rules of Procedure of the European Parliament.³⁸ There are numerical requirements regarding the size of the alliances and requirements concerning the presence of representatives from a certain number of Member States, depending on the numerical size of the group.³⁹ This tends to give rise to extensive negotiations and reshuffling of the groups following an election. The national candidates do not have to inform the electorate before the election to which group they will align themselves in the Parliament after the elections. However, such intentions should be public in advance of the elections, in order for the electors to make an informed choice.

B. PARTIES AT THE EUROPEAN LEVEL

As mentioned, the establishment of political parties at European level is a new phenomenon within the realm of the European Union. In February 2004 the first European party was established, when 32 Green parties from throughout Europe officially founded the European Green Party. This was followed by a group within the alliance of Green parties in the European Parliament, European Free Alliance,

³⁷ Prior to the accession of the ten new Member States on 1 May 2004, the ten Candidate States each had a number of observers in the European Parliament corresponding to the number of representatives that each State obtained at their accession.

³⁸ Rule 29 of the Rules of Procedure of the European Parliament.

³⁹ Rule 29 has been updated and simplified for the incoming European Parliament. Today the rule reads: "A political group shall comprise Members elected in at least one-fifth of the Member States. The minimum number of Members required to form a political group shall be sixteen".

representing 30 regional parties, who in March 2004 also launched itself as a European Party or “a party at the European level”.

In November 2003, rules regulating the European Union’s funding of these parties were adopted.⁴⁰ The Regulation requires that a “political party at the European level”, in order to qualify for funding by the European Union, satisfies, among other things, the following conditions: it must be represented in at least one quarter of Member States, by Members of the European Parliament or in the national parliaments or regional parliaments or in the regional assemblies, 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.

Especially the requirement of a certain presence in at least one quarter of the Member States has caused concern for smaller parties.

X. ELECTORAL PROCEDURES

Despite several attempts to agree on one common election day, the system within which Member States can stagger their voting over a period of four days, has been upheld. This creates a particular dilemma concerning the publication of the results in the Member States. On the one hand, a continuing information vacuum between the closing of the polls and the announcement of the results is generally not recommended. On the other hand, in the specific context of the European Parliamentary elections, the announcement of the results in one Member State, days before the polling starts in other Member States, could potentially influence voting patterns in these Member States. The European Commission has cautioned Member States that if they release election results prior to 13 June, at 22 CET, an infringement procedure at the European Court of Justice may follow.

XI. TEST OF THE CREDENTIALS OF THE NEWLY ELECTED MEMBERS

Subsequent to the election of the representatives in the respective Member States, each Member State tests the representatives’ eligibility if national provisions stipulate so. In addition, according to article 11 of the 2002 Act amending the 1976 Act, the European Parliament verifies the credentials of the members of the European Parliament. For this purpose it takes note of the results declared officially by the Member States and rules on any disputes which may arise out of the provisions of the act. However, it does not rule on disputes that arise out of national provisions. This verification takes place in the European Parliament’s Committee on Legal Affairs and the Internal Market,⁴¹ who report to the European Parliament.⁴² However, the rules on the basis of which the European Parliament conducts this assessment are not found in EU-legislation.

⁴⁰ Regulation (EC) No. 2004/2003 of the European Parliament and of the Council of November 2003 on the regulations governing political parties at the European level and the rules regarding their funding, laid down the rules mentioned in EC-Treaty article 191.

⁴¹ Rules of Procedure of the European Parliament, Annex VI, Powers and responsibilities of standing committees, VI. Committee on Legal Affairs and the Internal Market, article 11.

⁴² Rules of Procedures of the European Parliament, Chapter I, Rule 7, para. 1.

XII. CONCLUSION

The Member States of the European Union have succeeded to a limited degree in the harmonisation of the electoral framework by which the European Parliamentary elections are conducted. For example, all Member States now use a proportional system for elections to the European Parliament, and the proportional nature of the system must be respected. Within these parameters, the Member States have the discretion to determine their exact electoral procedures, such as the electoral districts, establishment of the electoral threshold, and whether or not to use a list system or the single transferable vote.

However, despite the common rules which can be found in European Union legislation, the actual administration of the European Parliamentary elections are conducted at national level and are regulated by national legislation. From this perspective, the upcoming elections to the European Parliament are essentially 25 parallel elections in each of the EU Member States, rather than one European-wide election.

This fact seems to contribute to the perspective that the European Parliamentary elections are essentially national exercise in terms of the issues under discussion. A number of interlocutors expressed the opinion that the election campaign has evolved around issues connected to national politics or national interests, rather than European-wide issues.

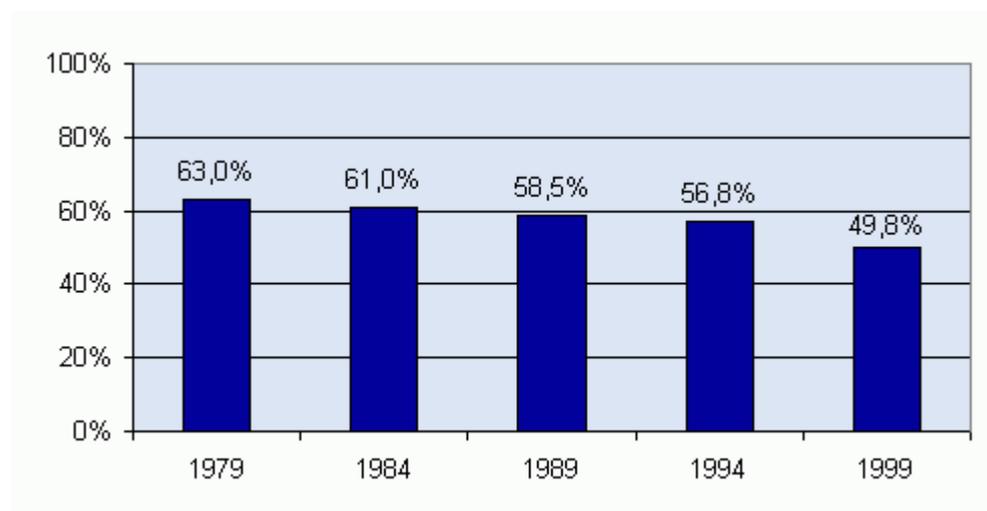
A dialogue on how to enhance the European-wide dimension of the process has been ongoing in the European parliament. The Anastassopoulos report from 1998⁴³ proposed a number of amendments to the system, and several of these proposals were later adopted in European Union legislation. However, it is recognised that the Member States maintain considerable latitude to maintain their national electoral traditions.

In this context, there remains the possibility for the further harmonisation of some of the issues identified above. The OSCE/ODIHR anticipates following the discussion and potential development of further regulations pertaining to the conduct of European Parliamentary elections.

⁴³ A4-0212/98.

ANNEX I

TURNOUT TRENDS AT EUROPEAN ELECTIONS



Source

<http://www.elections2004.eu.int/ep-election/sites/en/yourparliament/turnout/index.html>

ANNEX II

COMPOSITION OF THE EUROPEAN PARLIAMENT 2004 – 2009

Member State	European Parliament seats
Germany	99
United Kingdom	78
France	78
Italy	78
Spain	54
Poland	54
Netherlands	27
Greece	24
Czech Republic	24
Belgium	24
Hungary	24
Portugal	24
Sweden	19
Austria	18
Slovakia	14
Denmark	14
Finland	14
Ireland	13
Lithuania	13
Latvia	9
Slovenia	7
Estonia	6
Cyprus	6
Luxembourg	6
Malta	5
Total	732

Source

http://europa.eu.int/scadplus/nice_treaty/bodies_en.htm#EPSEATS

<http://europa.eu.int/> - the gateway to the European Union.

ANNEX III

COMMUNITY LEGISLATION RELEVANT TO ELECTIONS TO THE EUROPEAN PARLIAMENT

Article 189, 190 and 191 of the Treaty establishing the European Community

Article 107 and 108 of the Treaty establishing the European Atomic Energy Community

Article 39 of the Charter of Fundamental Rights of the European Union, OJ C 364, 18.12.2000, p. 1.

Article 11 and 25 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (Act of Accession 2003), OJ L 236, 23.9.2003, p. 33.

Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom (OJ L 278, 8.10.1976, p. 1), as last amended by Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1.)

Council Decision 78/698/Euratom, ECSC, EEC fixing the period of first election of representatives of the European Parliament by direct universal suffrage, OJ L 205, 29.7.1978, p. 75

Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding, OJ L 297, 15.11.2003, p 1.

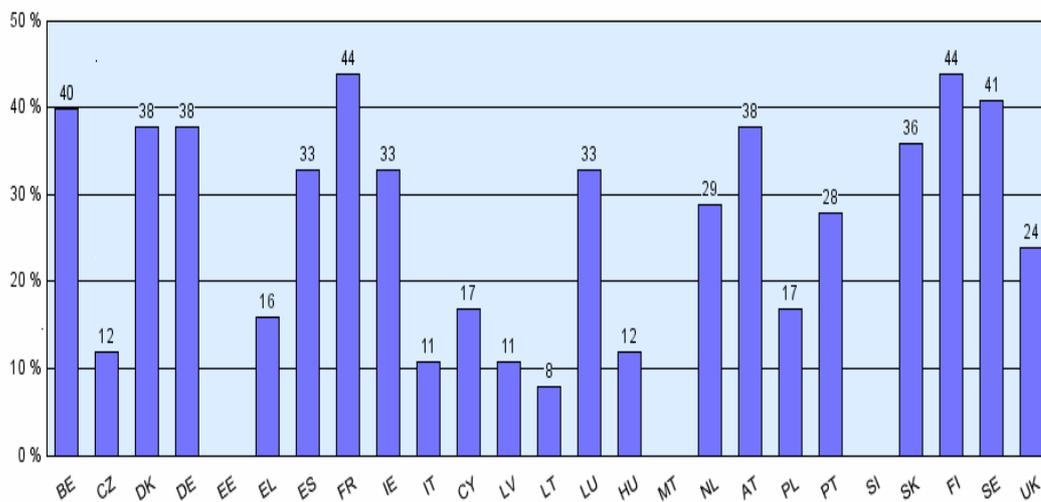
Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, OJ L 329, 30.12.1993, p. 34.

Rules of Procedure of the European Parliament.

ANNEX IV

WOMEN MEMBERS OF THE EUROPEAN PARLIAMENT IN %

BREAKDOWN BY MEMBER STATE - SITUATION AS AT 01/05/2004



Source

<http://www.elections2004.eu.int/ep-election/sites/en/yourparliament/outgoingparl/women/>

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, legislative support, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States and to discuss particular thematic areas.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).