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ACT

concerning the election of the ►**M2** members of the European Parliament ◄ by direct universal suffrage

(OJ L 278, 8.10.1976, p. 5)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Decision 93/81/Euratom, ECSC, EEC amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976	L 33	15	9.2.1993
►**M2**	Council Decision 2002/772/EC, Euratom of 25 June and 23 September 2002	L 283	1	21.10.2002

Amended by:

►**A1**	Act of Accession of Greece	L 291	17	19.11.1979
►**A2**	Act of Accession of Spain and Portugal	L 302	23	15.11.1985
►**A3**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

Corrected by:

►**C1** Corrigendum, OJ L 326, 25.11.1976, p. 32 (76/1008/ECSC)

►**C2** Corrigendum, OJ L 126, 21.5.2009, p. 23 (2002/772/EC)

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ACT

concerning the election of the ►M2 members of the European Parliament ◄ by direct universal suffrage

▼M2

►M2 Article 1 ◄

1. In each Member State, members of the European Parliament shall be elected on the basis of proportional representation, using the list system or the single transferable vote.

2. Member States may authorise voting based on a preferential list system in accordance with the procedure they adopt.

3. Elections shall be by direct universal suffrage and shall be free and secret.

►M2 Article 2 ◄

In accordance with its specific national situation, each Member State may establish constituencies for elections to the European Parliament or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system.

►M2 Article 3 ◄

Member States may set a minimum threshold for the allocation of seats. At national level this threshold may not exceed 5 per cent of votes cast.

►M2 Article 4 ◄

Each Member State may set a ceiling for candidates' campaign expenses.

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►M2 Article 5 ◄

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►M2 1. ◄ ►M2 The five-year term for which members of the European Parliament are elected ◄ shall begin at the opening of the first session following each election.

It may be extended or curtailed pursuant to the second subparagraph of Article 10 (2).

►M2 2. ◄ The term of office of each ►M2 member of the European Parliament ◄ shall begin and end at the same time as the period referred to in ►M2 paragraph 1 ◄.

►M2 Article 6 ◄

1. ►M2 Members of the European Parliament ◄ shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.

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2. Members of the European Parliament shall enjoy the privileges and immunities applicable to them by virtue of the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.

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►M2 Article 7 ◄

1. The office of ►M2 member of the European Parliament ◄ shall be incompatible with that of:

— member of the Government of a Member State,

— member of the Commission of the European Communities,

— Judge, Advocate-General or Registrar of the Court of Justice of the European Communities ►M2 or of the Court of First Instance ◄,

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— member of the Board of Directors of the European Central Bank,

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— member of the Court of Auditors of the European Communities,

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— Ombudsman of the European Communities,

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— ►M2 ———— ◄ member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community,

— member of committees or other bodies set up pursuant to the Treaties establishing ►M2 ———— ◄ the European Econ omic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative task,

— member of the Board of Directors, Management Committee or staff of the European Investment Bank,

▼M2

— active official or servant of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.

2. From the European Parliament elections in 2004, the office of member of the European Parliament shall be incompatible with that of member of a national parliament.

By way of derogation from that rule and without prejudice to paragraph 3:

— members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament, at which juncture the first subparagraph of this paragraph shall apply;

— members of the United Kingdom Parliament who are also members of the European Parliament during the five-year term preceding election to the European Parliament in 2004 may have a dual mandate until the 2009 European Parliament elections, when the first subparagraph of this paragraph shall apply.

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►M2 3. ◄ In addition, each Member State may, in the circumstances provided for in ►M2 Article 7 ◄, ►M2 extend ◄ rules at national level relating to. incompatibility.

►M2 4. ◄ ►M2 Members of the European Parliament ◄ to whom ►M2 paragraphs 1, 2 and 3 ◄ become applicable in the course of the five-year period referred to in Article 3 shall be replaced in accordance with Article 12.

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►M2 Article 8 ◄

Subject to the provisions of this Act, the electoral procedure shall be governed in each Member State by its national provisions.

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These national provisions, which may if appropriate take account of the specific situation in the Member States, shall not affect the essentially proportional nature of the voting system.

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►M2 Article 9 ◄

No one may vote more than once in any election of ►M2 members of the European Parliament ◄.

►M2 Article 10 ◄

1. Elections to theEuropean Parliament shall be held ►M2 on the date and at the times fixed ◄ by each Member State; for all Member States this date shall fall within the same period starting on a Thursday morning and ending on the following Sunday.

2. ►M2 Member States may not officially make public the results of their count ◄ until after the close of polling in the Member State whose electors are the last to vote within the period referred to in paragraph 1.

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►M2 Article 11 ◄

1. The Council, acting unanimously after consulting theEuropean Parliament, shall determine the ►M2 electoral period ◄ for the first elections.

2. Subsequent elections shall take place in the corresponding period in the last year of the five-year period referred to in Article 3.

Should it prove impossible to hold the elections in the Community during that period, the Council acting unanimously shall, after consulting theEuropean Parliament, ►M2 ►C2 determine, at least one year before the end of the five-year term referred to in Article 3, another electoral period which shall not be more than two months before ◄ ◄ or one month after the period fixed pursuant to the preceding subparagraph.

3. Without prejudice to ►M2 ——————— ◄ Article 139 of the Treaty establishing the ►M2 European Community ◄ and Article 109 of the Treaty establishing the European Atomic Energy Community, theEuropean Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the end of the ►M2 electoral period ◄.

4. The powers of the outgoingEuropean Parliament shall cease upon the opening of the first sitting of the newEuropean Parliament.

►M2 Article 12 ◄

►M2 ——————— ◄ The European Parliament shall verify the credentials of ►M2 members of the European Parliament ◄. For this purpose it shall take note of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act other than those arising out of the national provisions to which the Act refers.

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►M2 Article 13 ◄

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate.

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2. Subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 3 for the remainder of that period.

3. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall inform the European Parliament thereof.

4. Where a seat falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned thereof.

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►M2 Article 14 ◄

Should it appear necessary to adopt measures to implement this Act, the Council, acting unanimously on a proposal from the Assembly after consulting the Commission, shall adopt such measures after endeavouring to reach agreement with the Assembly in a conciliation committee consisting of the Council and representatives of the Assembly.

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►M2 Article 15 ◄

This Act is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all the texts being equally authentic.

Annexes II and III shall form an integral part of this Act.

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Article 16

The provisions of this Act shall enter into force on the first day of the month following that during which the last of the notifications referred to in the Decision is received.

Udfærdiget i Bruxelles, den tyvende september nitten hundrede og seksoghalvfjerds.

Geschehen zu Brüssel am zwanzigsten September neunzehnhundertsechsundsiebzig.

Done at Brussels on the twentieth day of September in the year one thousand nine hundred and seventy-six.

Fait à Bruxelles, le vingt septembre mil neuf cent soixante-seize.

Arna dhéanamh sa Bhruiséil, an fichiú lá de mhí Mhéan Fómhair, míle naoi gcéad seachtó a sé.

Fatto a Bruxelles, addì venti settembre millenovecentosettantasei.

Gedaan te Brussel, de twintigste september negentienhonderd-zesenzeventig.

Pour le royaume de Belgique, son représentant Voor het Koninkrijk België, zijn Vertegenwoordiger

le ministre des affaires étrangères du royaume de Belgique De Minister van Buitenlandse Zaken van het Koninkrijk België

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For kongeriget Danmark, dets repræsentant

kongeriget Danmarks udenrigsøkonomiminister

Für die Bundesrepublik Deutschland, ihr Vertreter

Der Bundesminister des Auswärtigen der Bundesrepublik Deutschland

Pour la République française, son représentant

le ministre des affaires étrangères de la République française

For Ireland, its Representative Thar ceann na hÉireann, a hIonadaí

The Minister for Foreign Affairs of Ireland Aire Gnóthaí Eachtracha na hÉireann

Per la Repubblica italiana, il suo rappresentante

il ministro degli Affari esteri della Repubblica italiana

Pour le grand-duché de Luxembourg, son représentant,

membre du gouvernement du grand-duché de Luxembourg

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Voor het Koninkrijk der Nederlanden, zijn Vertegenwoordiger

De Staatssecretaris van Buitenlandse Zaken van het Koninkrijk der Nederlanden

For the United Kingdom of Great Britain and Northern Ireland, their representative

▼**C1**

The Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland

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▼**M2**

▼**B**

►**M2** *ANNEX I* ◄

The United Kingdom will apply the provisions of this Act only in respect of the United Kingdom.

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►M2 *ANNEX II* ◄

Declaration on Article 13

As regards the procedure to be followed by the Conciliation Committee, it is agreed to have recourse to the provisions of paragraphs 5, 6 and 7 of the procedure laid down in the joint declaration of the European Parliament, the Council and the Commission of 4 March 1975 ([1]).

▼M2

(1) OJ No C 89, 22.4.1975, p. 1.