

Martin Schulz
President of the European Parliament

... January 2016

Re: Transmission of the Proposal for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage to the national parliaments

Dear Mr. Schulz,

Undersigned national parliaments of the European Union are writing you to request an explanation for the way the European Parliament has transmitted its draft legislative proposal on the reform of the Electoral Act (EP-resolution T8-0395/2015, file number 2015/2035) to us.

As you well know, on 11 November 2015 the European Parliament adopted a resolution and a proposal for a Council Decision adopting the provisions amending the Act concerning the election of members of the European Parliament by direct universal suffrage (electoral act reform proposal). This proposal is based on Article 223 TFEU and thus constitutes a draft legislative act. According to Article 2 of Protocol 1 and Article 4 of Protocol 2 to the Lisbon Treaty, draft legislative acts originating from the European Parliament shall be forwarded to national Parliaments directly. Within eight weeks of a draft legislative act being made available to national Parliaments in the official languages of the Union, any national chamber or Parliament has a right to issue a reasoned opinion concerning the subsidiarity of the proposal.

However, in this particular instance, the national parliaments were notified of the adoption of the draft legislative act for electoral reform by the EP not only much later than the Council was, but also on different dates, sometimes without the actual text of the proposal and only on an administrative level. Some of us have not received the transmission letter as of yet, either hard-copy or electronically.

This means that the European Parliament failed to send the legislative proposal to the national parliaments in conformity with the provisions of Protocol 1 and 2. As a result, we were hampered in the exercise of our rights under the Lisbon Treaty.

We urge you to repair the faulty transmission of this proposal at the earliest opportunity and request a written explanation as to why this legislative proposal was not transmitted to national parliaments as a draft legislative act, in accordance with the provisions of Protocols 1 and 2.

We also notify you that some of us are currently scrutinizing the proposal pursuant to the procedures as described in the Lisbon Treaty.

This letter reflects the position of the competent committees in national parliaments, whose chair persons are the signatories of this letter.

We look forward to receiving a response to this letter within one week from receipt.

Mrs. P.A. DIJKSTRA
Chair of the committee on the interior
House of Representatives of the Netherlands

etc....