

**Title IV**

**Suggestion for amendment of Article : 15**

**By Members: Mr Andrew Duff, Mr Lamberto Dini, Mrs Maria Berger, Mrs Lone Dybkjaer, Lord Maclellan, Mr Adrian Severin.**

**Status : Members and alternate members.**

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**Article 15 : The European Parliament**

1. The European Parliament, *representing the citizens of the Union*, shall, jointly with the Council, enact legislation, as well as exercise *other* functions as laid down in the Constitution. It shall *nominate* the President of the European Commission.
  2. The European Parliament shall be directly elected by universal suffrage of European citizens in free and secret ballot for a term of five years *according to a uniform electoral procedure*. Its members shall not exceed seven hundred in number. Representation of European citizens shall be degressively proportional, with a *minimum of* four members per Member State *and a maximum of ninety-five*.
  3. The European Parliament shall elect its *President from* among its members, for a term of *two and a half* years.
  4. *Members of the Parliament shall enjoy immunity from prosecution for opinions expressed and votes cast in performance of their parliamentary duties.*
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**Explanation:**

1. *The Constitution should establish the popular basis for the representative capability of the Parliament, as does Article 189 TEC.*

*The Parliament has many functions concerning legislation, the budget (including discharge), political scrutiny, inquiry and control, as well as its constitutional duties and the powers of assent over international agreements. The article should either set them all out comprehensively or leave them all out with the exception of its prime function, which is to act as a branch of the legislature. Brevity suggests the latter option.*

*As far as the election of the President of the Commission is concerned, we propose in Article 18a that the process is reversed - in other words, that the Parliament nominates and the European Council decides.*

2. *This clause should establish that there is to be a uniform electoral procedure, to be determined according to the provisions of Part Two.*

*To be as equitable as possible to all Member States, the application of the principle of degressive proportionality needs a ceiling as well as a threshold. If the smallest Member State is to take a cut in numbers, so should the largest.*

3. *No criticism has yet been voiced in the Convention about the present term of office of the President of the Parliament.*

*It is strange to copy the present treaty in mentioning other 'officers' of the Parliament: there are many varieties of office holder in the Parliament, and their competences, terms and conditions are best left to the Rules of Procedure.*

4. *The present regime of parliamentary privilege and immunity is based on the 1965 Protocol, reflecting the situation when MEPs were delegates of national parliaments, and has given rise to much confusion. The Constitution needs to establish a clear legal base for a new system of EU privileges and immunities, to be fleshed out in Part Two.<sup>1</sup>*

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<sup>1</sup> See a separate contribution by Mr Duff on this subject (forthcoming).