

Recommendation on the Legislative Proposal regulating the Allocation of an Additional Seat of the Netherlands in the European Parliament

17 September 2009

The Electoral Council would like to make a recommendation following your request of 17 August 2009 regarding the legislative proposal regulating the allocation of an additional seat to the Netherlands in the European Parliament.

The Electoral Council already made a general recommendation on the allocation of an additional seat to the Netherlands in the European Parliament (on 19 March 2009¹). The Electoral Council commented then on the manner in which an additional seat (if any) would be allocated and indicated that your choice to allocate an additional seat (if any) in the European Parliament as if it were a residual seat is a sound one. However, to prevent a breach of the proportionality, albeit limited, that would result from your proposal, the council suggested that you further refine it by also enabling the parties which obtained at least 75% of the electoral quotient in the election to qualify for this additional seat.

The Electoral Council also made broad recommendations on the general set-up of this legislative proposal. The Electoral Council recommended that the matter of deciding to what list or set of lists a seat is allocated should correspond with chapter P of the Elections Act.

The council also recommended that the matter of deciding to which candidate a seat is allocated should correspond with chapter W of the Elections Act.

The Electoral Council let it be known that, as an implementing and advisory body, it would like to be involved in further shaping the necessary regulations.

The Electoral Council was pleased to take note of your legislative proposal and proposed model, which provide a sound basis for dealing with this unique situation of granting an additional seat. The legislative proposal is in line with the previous recommendations of the Electoral Council.

The Electoral Council has no wish to reopen the discussion about whether the 75 per cent rule (described above) should be included or not. After all, the Electoral Council emphasised the importance of selecting the system to be used before any vote is cast in its previous recommendation, so that the results of the voting do not influence the choice of system. A clear path has been taken with your letter to the Lower House dated 6 April 2009 (Parliamentary Documents II, 2008/2009, 31 700 VII, No. 76). Nevertheless, the Electoral Council has noted that you have not yet given any reasons for the decision not to follow its recommendation regarding the 75 per cent rule and would appreciate it if you would explain this choice in the explanatory memorandum.

¹ Our reference 2009-0000151978