



Council of the  
European Union

Brussels, 22 March 2019  
(OR. en)

7686/19

LIMITE

AG 9  
PE 88  
INST 84  
FREMP 44

#### 'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
Subject:	Council Decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 <ul style="list-style-type: none"><li>• Approval of a letter</li></ul>

1. On 13 July 2018, the Council adopted Decision 2018/994 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (the Electoral Act).<sup>1</sup>
2. In accordance with Article 223 TFEU, the provisions of Council Decision 2018/994 shall enter into force following their approval by the Member States in accordance with their respective constitutional requirements. Accordingly, as provided for in its Article 2(1), the Council Decision will enter into force on the first day after the last notification by the Member States of the completion of their approval procedure has been received by the Council General Secretariat.

<sup>1</sup> OJ L 187, 16.7.2018, p. 1.

3. On 15 March 2019, the representatives of Member States meeting in the margin of Coreper agreed that if, by 26 March 2019, two months before the EP elections, the necessary notifications for Council Decision 2018/994 to enter into force are not received by the Council General Secretariat, it will become necessary, in order to ensure the legal certainty, to make clear that the Council Decision will not enter into force before the 2019 EP elections and that the Electoral Act currently in force will hence apply to them. For that purpose, the Member States which by 26 March 2019 will not have sent their notification will refrain from doing so until the date of the EP elections. The representatives of Member States meeting in the margin of Coreper also agreed that the European Parliament and the Commission should be informed that Council Decision 2018/994 will not enter into force before the 2019 EP elections and that the Electoral Act currently in force will be applicable.
  4. It is therefore suggested that the Permanent Representatives Committee approve the letter in the Annex to this Note, in accordance with the Council's Rules of Procedure (Article 19(7)(k)).
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*DRAFT LETTER*

[Dear Mr Tajani]

[Dear Mr Timmermans]

This is to inform you that the Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976<sup>2</sup> will not enter into force ahead of 2019 EP elections as there will not be the necessary Member States' notifications of the completion of their internal approval procedure, that are required for the Council Decision to enter into force.

The Act concerning the election of the members of the European Parliament by direct universal suffrage currently in force will hence apply to the 2019 EP elections.

Yours sincerely

[Signature]

L. T. ODOBESCU

Chair of the Permanent Representatives Committee

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<sup>2</sup> OJ L 178 of 16.7.2018, p.1