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**STATEMENT BY MR. ANVAR AZIMOV,
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AT THE MEETING OF THE OSCE PERMANENT COUNCIL**

3 September 2009

Regarding the results of the elections to the European Parliament

Madam Chairperson,

We have more than once listened to the extremely stern and finger-pointing statements on behalf of the European Union (EU) regarding the outcome of elections in various countries within the OSCE area. I should like to take this opportunity to comment on certain features of the recently held elections to the European Parliament.

Let me say straight away that in our view the present EU electoral system is by no means a model for the organization and conduct of elections. It has demonstrated in the clearest way possible that for the sake of maintaining the EU institutions Brussels is frequently willing to turn a blind eye to legal inconsistencies, resorting to a policy of “double standards” and manipulation of the law.

Let us touch on the legal aspect of the question. Here there is an obvious conflict. The elections to the European Parliament take place on the basis of the Treaty of Nice although a portion of the broad powers that the European Parliament will acquire after the elections will by that time flow from the Lisbon Treaty. At the same time, it is not at all clear when this latter document will come into force. A rhetorical question arises: Would the same EU countries that so closely follow the elections in other OSCE countries tolerate the formation of a county’s parliament on the basis of a constitution that had not yet entered into force? I rather think the answer is obvious.

There is yet another, in my view, paradoxical aspect. The European Parliament is the only legislative branch institution in Europe that no one has the right to dissolve. The procedure for that purpose has simply nowhere been written down.

Another legal absurdity has to do with the extraordinarily confused situation as regards the total number of members of the European Parliament. Let me explain. Following the ratification of the Lisbon Treaty there has been no provision for any by-elections. Today, you have a *de facto* situation where 754 members have been elected but 736 will take up their duties. As for the remaining 18 EU parliamentarians, they will have to content themselves

with the juridically non-existent status of observers until the aforementioned Treaty comes into force.

I should like also to draw attention to another remarkable aspect: The representation of the EU member countries in the European Parliament will not be proportional to the populations of the European Union countries, neither before the entry into force of the Lisbon Treaty nor thereafter. As far as is known, three members from one of the EU countries whose quota will be reduced will still remain in the European Parliament on the basis of a “gentlemen’s agreement”.

It is worthwhile mentioning another legal circumstance, which, as we see it, would be vigorously played up, were our discussion not about the European Union, namely the absence of norms defining the uniformity of national legislation within the EU member countries. In other words, elections to the single supranational legislative body of the European Union are held according to different rules.

The consequence of this is a serious problem. When it is advantageous, calls are heard urging respect for national legislation, whereas in other circumstances Brussels directly dictates its will to the national authorities. Let me cite the most recent example. The announcement by the Netherlands of the preliminary results of the voting was legally correct from the point of view of that country’s national legislation, but since the results influenced the outcome of the elections in other countries in favour of the Euro-sceptics, there were threats of sanctions for the premature publication of the results on the grounds that this contradicted the “EU spirit”. It is interesting to imagine what might have been the reaction of our European partners had there been a different outcome for the Euro-sceptics in the Netherlands elections.

There is yet another, I think, aspect of significance for the outcome of the elections, namely the difference in the rules banning campaigning on the day before the elections. As far as we are aware, this restriction exists in some countries but not in others, for example in Belgium and the United Kingdom.

And how are we to explain the paradoxical situation when Latvia’s quota in the European Parliament is calculated taking into account its “non-citizens”, i.e., persons who have been stripped of the right to vote. Also surprising is the absence of any single European Union body with responsibility both for counting the votes and tallying the results and for monitoring the actual election process.

What is also generally striking is the extremely relaxed attitude towards the ever lower turnout of voters and the clearly dwindling interest in the work of the European Parliament.

Unfortunately, there are no answers to other, no less interesting questions either. How, for example, are we to explain the pressure brought to bear by the media of one EU member country on the candidates of another (consider, for example, the affair involving Jean-Marie Le Pen, whom it was decided in advance should be deprived of his privilege of opening the first session of the new parliament as the oldest member of that body), the absence of guarantees for the representation of national minorities in the European Parliament, and differences in the age requirements for candidates, the systems for holding

elections, the principles governing the formation of electoral districts, and also the methods for distributing seats depending on the results of the election.

It would be interesting to know the opinion of the Office for Democratic Institutions and Human Rights (ODIHR) on these matters and also in general its assessment of the results of the elections to the European Parliament, including the question of to what degree these results are in line with the Office's so-called "gold standard". It would also be interesting to hear from EU representatives, who are so enthusiastic in their verbal support for any ODIHR initiatives, why that Office's recommendations concerning the results of the 2004 European Parliament elections have not in fact been carried out. We are still awaiting the long-overdue ODIHR monitoring report on the last elections to the European Parliament, enough time having by now elapsed for its submission.

As you are aware, on the eve of the 2004 elections to the European Parliament the ODIHR released a pre-election overview in which attention was called to aspects that required appropriate measures so as to bring the pan-European electoral process into conformity with democratic election standards.

For example, the Office noted that the existing voter registration procedures failed to provide sufficient guarantees to enable European Union citizens living in one EU country to vote without difficulties in another member country, and also failed to eliminate the risk that the same person might vote twice. This issue has not been resolved since 2004.

The report also notes the absence of a uniform approach to ensuring the right to vote within the area of the European Union. Specifically, the ODIHR pointed to the situation of "non-citizens" in Latvia. As we know, the situation in that regard has not changed since then.

Questions also remain regarding a number of other issues noted by the ODIHR in connection with the 2004 elections: the information coverage for the electorate, including in the various languages of the member countries; the time-frames for the publication of election results; candidate registration, etc. To judge by the report of the 2009 ODIHR exploratory mission, it is fair to say that the Office's comments have not been taken into account.

Thank you for your attention.