



Fonds Inventory

Andrew Duff

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sub-fonds



sub-sub-fonds



serie



sub-serie



sub-sub-serie





file



item



electronic copy

 Andrew Duff	3
 Elections to the European Parliament and Voting Systems	3

 **Andrew Duff**

Documents from 1990 to 1993

Material concerning the Liberal Democrats' action in the European Court of Justice, in pursuit of their longstanding ambition to reform the electoral system of the European Parliament where the Liberals began a process of litigation in the EC jurisdiction in October 1991. The party, which was supported in this action by the Federation of European Liberal and Democratic & Reform Parties (ELDR), sued the Parliament under Article 175 of the Treaty of Rome for failure to act to initiate electoral reform.

To reform the electoral system of the European Parliament (EP), the Liberal Democrats began a process of litigation in the EC jurisdiction in October 1991. Pleadings were filed with the European Court of Justice (ECJ) in February 1992. Notice of the case (C-41/92) was published in the EC's Official Journal C75 of 26 March (pp. 6-7). After an exchange of written evidence, the public hearing of the Case took place before all 13 judges in Luxembourg on 19 January 1993. Advocate-General Darmon delivered his report on 24 March 1993.

The Party sued the Parliament under Article 175 of the Treaty of Rome for failure to act to initiate electoral reform. No time limit was set by the Treaty, but the Liberal Democrats argued that a 15-year delay since the introduction of direct elections was more than adequate.

Finally, on 10 March 1993, the Parliament passed by 207 votes to 79 a final version of a report by the Liberal MEP, Karel De Gucht on proposals to introduce Proportional Representation for the 1994 elections. This constituted, to the satisfaction of the Liberal Democrats, a fulfillment of the EP's obligations under the terms of Article 138(3).

Size: 12 files

Languages: English

Access level: Open Document, Open Description


 **Elections to the European Parliament and Voting Systems**

Documents from 1990 to 1993

These papers focus on the institutional reform of the European Union, especially on matters relating to the emergence of the directly elected European Parliament, the introduction of proportional representation (PR) to those elections, and the exceptional position of the United Kingdom. Mr Duff was Director of the Federal Trust in London and Vice-President of the Liberal Democrats, and advisor to successive leaders of that party on EU affairs, including on relevant negotiations with the Labour Party. He took a leading part in the activities of Group of the European Liberal Democrat and Reform Party (ELDR) in the European Parliament. He was elected MEP in 1999 until 2014 and served as coordinator of the Liberal Group on the Constitutional Affairs Committee throughout that time. He subsequently became a rapporteur on electoral reform.

In case *Liberal Democrats v. European Parliament* (Case 41/92) "the Liberal Democrats, a political party in Great Britain, ('the applicant'), seek a declaration from the Court that the European Parliament ('the Parliament') has failed to act by its obligations under the first subparagraph of Article 138(3) of the EEC Treaty (1) and Article 7(1) of the Act concerning the election of the representatives of the Assembly by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (2) ('the Act') through its failure to submit to the Council a proposal for the election of members of the Parliament by a uniform procedure in all Member States".

Access level: Open Document, Open Description

 **file: AND-1** 02/1990 - 12/1991

Euro Citizen I

File concerning European Parliament electoral reform, includes a memorandum by Andrew Duff, "The Electoral Reform of the European Parliament," which he sent to peers to garner support for the vote, with copies of cover letters and both negative and positive reactions for the first and second readings of the Bill.

List of British peers contacted by Duff on reform

Liberal Democrats Press Release on the Bill to Reform the electoral law of the European Parliament given First Reading in the House of Lords

Press notice "Lords Report on Economic and Monetary Union and Political Union", November 1990

Signatories to the Statement of the Campaign for European Democracy

Rapport de Karel De Gucht "Proposition du Parlement européen relatives au projet de procédure électorale uniforme pour les membres du Parlement européen", 21/3/90

Booklets and election manifestos produced by the European Liberal, Democratic, and Reform Parties (ELDR) calling for a citizens' Europe

Copies of "Crocodile"

Note by Duff on "The Treaty of European Union" and a briefing note on the draft Treaty on Political Union [for Summit of foreign ministers in Brussels 2-3 December 1991]

Note by James Knight "The Single Transferable Vote in Elections to the European Parliament" 14 June 1984

Karel De Gucht was the rapporteur of the Institutional Affairs Committee of the European Parliament charged with reforming the electoral law of the EP. He drafted a proposal under Art. 138 of the Treaty of Rome

On 1 March, Lord Bonham-Carter introduced the EP Electoral Reform Bill in the House of Lords. Bill sought to amend the original legislation of 1978 and establish 91 that elections should be held by proportional representation, (2) that there should be multi-member regional constituencies, and 930 that the electoral system used should be the Single Transferable Vote. (also called the Bonham Carter Bill)

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-2** 10/1987 - 01/1993

Euro Citizen II

File concerns lobby organised with the support of the Joseph Rowntree Reform Trust for electoral reform in the European Parliament (EP). Includes: Letters lobbying for change in the EP voting system, pamphlets, leaflets and circular newsletters, in particular with regards to the Labour Campaign and Liberal Democrat campaign for electoral reform

Correspondence on Judge/Rapporteur Schockweiler Report

Material concerning the campaign headed by Duff on behalf of the Liberal Democrats to push through electoral reform in the EP with press statements, circular letters to members, etc

European Court of Justice oral procedure, Case C-41/92 – Liberal Democrats v. European Parliament with correspondence between Duff and the legal team. Observations and submissions of the Liberal Democrats concerning the preliminary objections of inadmissibility lodged by the EP

Correspondence between Duff and Karel De Gucht, MEP

Liberal Democrats press briefings and circular letters on the Uniform Electoral System.

Memorandum by Duff "Electoral Reform of the European Parliament," 23 April 1992

Copy of European Parliament Reform Bill proposed by Lord Bonham Carter

Oral procedure on the question of admissibility in the case Liberal Democrats v. European Parliament (Case 41/92)

Article for Electoral Reform Society by Andrew Duff "PR for 1994"

Memo from Derek Prag, MEP, to all members of the British Section of the EPP concerning the uniform electoral procedure on the adoption of the de Gucht report on UEP for European elections, with some necessary amendments, by the Institutional Committee on 25 November 1992

Press cutting of Duff giving the update on electoral reform, sharing news of the vote for the De Gucht proposals and providing information on the debate to be voted at the plenary session in the EP, with a copy of the resolution

Information note on the process of litigation in the European Court of Justice, taken by the Liberal Democrats versus the EP (marked confidential - removed until further notice)

Submissions in reply to the objection of inadmissibility submitted on behalf of the Liberal Democrats in CASE C-41/92, the Liberal Democrats v European Parliament

Note on recent developments sent by Duff to interested individuals on the case progress.

Editorial by Emanuele Gazzo, Vice Président, Agence Europe « National Elections and « globalisation » of systems – electoral procedures

Testimonial of Willy De Clercq, President of the Federation of the European Liberal and Democrat and Reform Parties, writing in support of the case brought by the UK lib democrats against the European Parliament for alleged failure to act to initiative proposals for a uniform electoral procedure

Note on the progress of the litigation against the EP on failure to act on the initiation of proposals for a uniform electoral procedure, 13/01/92

Draft letter to Portuguese PM Anibal Cavaco Silva (President-in-office of the Council) on electoral reform of the EP: unless the EP elections in 1994 are fought based on proportional representation, the Liberal Democrats will fail to win any MEPs

Report on the opinion of some British Labour Party leaders against the idea of electoral reform, such as Neil Kinnock
Liberal Democrats circular news letter "Fair Votes for 1994?"

Note accompanied by handwritten notes: "Pursuing Electoral Reform of the European Parliament Through Litigation: A Plan"

Submission by Duff to Prof. Raymond Plant, Chairman of the Labour Party Working party on electoral systems, 13/8/91

Handwritten notes on EP debate on De Gucht Report

A memorandum on The Electoral Reform of the European Parliament by Andrew Duff, June 1990

Proposition de résolution intérimaire sur Les orientations du Parlement européen relatives au projet de procédure électorale uniforme pour les membres du Parlement européen

Article by David Millar, formerly Director of Research, Secretariat General of the EP: "A Uniform Electoral Procedure for European Elections"

Karel De Gucht was the rapporteur of the Institutional Affairs Committee of the European Parliament charged with reforming the electoral law of the EP. He drafted a proposal under Art. 138 of the Treaty of Rome

On 1 March, Lord Bonham-Carter introduced the EP Electoral Reform Bill in the House of Lords. Bill sought to amend the original legislation of 1978 and establish 91) that elections should be held by proportional representation, (2) that there should be multi-member regional constituencies, and 930 that the electoral system used should be the Single Transferable Vote (also called the Bonham Carter Bill).

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-3** 1989 - 1989

Printed Material 1989

Pamphlets, leaflets and newsletters of the Liberal Party, Alliance of Liberals and Democrats for Europe (ALDE), Liberals Democrats and European Liberal Democrat and Reform Party (ELDR)

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-4** 1976 - 1977

Direct Elections to the European Assembly

Handwritten notes by Andrew Duff on the progress of the Bill in the UK House of Lords concerning direct Elections in the European Parliament, include comments on the Government's Green Paper, Cmnd. 6399, setting out the issues for decision and the Government's preliminary thinking; Notes on Cmnd. 6768 on the Government Green Paper on the text of a draft Convention on direct elections

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-5** 1987 - 1990

Petition to the European Parliament


Correspondence between Andrew Duff and some British MPs and MEPs concerning the European Parliament's attitude towards the introduction of a uniform system before 1989 and the adoption of the Bocklet Report, and the decision to take the course of action of petitioning the European Parliament on the question of a uniform electoral system for the next elections based on proportional representation

Copy of petition with list of signatories sent to the President of the European Parliament

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-6** 1990 - 1990

European Parliament Electoral Reform

Explanatory memo on European Parliament Electoral Reform by [H.L.]

Memo to Lords Tordoff & Bonham-Carter, 22/1/90, containing details of the second draft of the European Parliament Electoral Reform Bill

"New Statesman" publication: The Intelligent Person's Guide to Electoral Reform"

Photocopy of article by Richard Holme "A Democracy which Works: an analysis of the West German electoral system"

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-7** 02/1990 - 06/1990

Letters to Karel De Gucht


Includes: "The Draft Uniform Electoral Procedure of the European Parliament (EP): Interim Draft Resolution" – rapporteur Karel De Gucht, MEP

Letter from Andrew Duff to De Gucht on progress being made on the reform of the electoral procedure of the EP and plans being made by Liberal Democrat Peer Lord Bonham-Carter to introduce the European Parliament Electoral Reform Bill which sought to amend the original legislation of 1978 and establish (1) that elections should be held by proportional representation (2) that there should be multi-member regional constituencies, and (3) that the electoral system used should be the Single Transferable Vote. Letter from Bonham Carter to De Gucht on the progress of the introduction of his Bill to reform the electoral law of the EP in Great Britain

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-8** 1990 - 1990

Correspondence between Andrew Duff and British MEPs

Includes: "A Memorandum: The Electoral Reform of the European Parliament" by Andrew Duff, 02/1990

Circular letters from Duff on his work on how an emerging concept of European Community citizenship would affect the UK, funded by the Joseph Rowntree Social Service Trust, with particular emphasis on the reform of the electoral procedures to the European Parliament (EP)

Letters requesting support of MPs, MEPs and members of the House of Lords, for Lord Bonham Carter's European Parliament Electoral Reform Bill

Correspondence between Jeff Rooker, MP (Labour Campaign for Electoral Reform) on resistance in the Left wing of the Labour Party on signing anything cross-or all- party

Printed Labour Party material calling for electoral reform

Letters from British MPs to Duff confirming their support/non-support for the "Early Day Motion" in the House of Commons in connection with the European Parliament Electoral Reform Bill

Letter to Jeff Rooker from Duff, on lobbying by Charter 88 of known supporters of EDM as soon as it's tabled

Explanatory Memorandum of the European Parliament on the Electoral Reform Bill (House of Lords)

Official report of House of Lords, Parliamentary Debate on European Parliament Electoral Reform Bill (H.L.) – second reading, 23/3/1990

Official report of House of Lords, Parliamentary Debates, Committee Phase of the European Parliament Electoral Reform Bill (H.L.), 26/4/1990

Official Report of House of Lords, Parliamentary Debates, European Parliament Electoral Reform Bill (H.L.) – Third Reading, 6/6/1990

The Bill has passed all its stages in the Lords, and had entered the Commons. An Early Day Motion had been tabled in support of the Bill by Messrs Robin Squire, Jeff Rooker and Paddy Ashdown. The Bill sought to extend to Great Britain the proportional representation system already existing in Northern Ireland. Such a reform would remove the serious anomaly of Great Britain alone in the Community not electing Members of the European Parliament (EP) according to the balance of votes case in the election. It would strengthen the coherence and legitimacy of the EP

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-9** 1992 - 1993

Liberal Democrats v. European Parliament Case C-41/92

Legal material: Observations of the Liberal Democrats concerning the preliminary objections of inadmissibility lodged by the European Parliament in the case before the Court of Justice of the EC, 19 May 1992. Application to the Court of Justice of the EC under Article 175 of the EEC Treaty by the Liberal Democrats v. European Parliament. Report for the hearing: actions against Community institutions for failure to act. Liberal Democrats pleadings; direct and individual concern. Oral remarks by lawyers for the Liberal Democrats. Oral remarks: Liberal Democrats v. European Parliament (EP)

Correspondence between Duff on behalf of the Liberal Democrats and the legal representatives representing them in their case against the European Parliament.

Briefing note: Proportional Representation for 1994

Letter from Winifred Ewing, MEP, President of the Scottish National Party to Yves A.V. Galland, MEP and President of the Liberal and Democratic Reformist Group in the EP on her disappointment that the UK Government is unlikely to take advantage of the increase in the number of European Parliamentary seats to introduce some form of Proportional Representation in time for the next Euro-elections

Letter from Yves Galland to Paddy Ashdown, MP on the problem concerning the imposition of a 5% threshold as part of the De Gucht Report on the Uniform Electoral Procedure

Committee on Institutional Affairs submits to the European Parliament the motion for a resolution concerning uniform electoral procedure for the election of members of the EP

Confidential briefing note to ELDR on the objectives of the British Liberal Democrats: to get the UK to ratify the Treaty of Maastricht, to bring the Treaty into force as soon as possible, to end the UK exclusion from the Social Chapter

Letter to Karel De Gucht from Duff, congratulating him on the successful passage of his proposals for a uniform electoral procedure

Note d'orientation de M. De Gucht, Rapporteur, sur la procédure électorale uniforme, 29/1/92

Analysis of the final vote on the De Gucht report, 11/3/93

Andrew Duff's speech of introduction to 30 April Conference on Electoral Reform of the EP

Opinion of Mr Advocate General Darmon, on the Case C-41/92: Actions against Community institutions for failure to act

Press release "Liberal Democrats Respond to the European Court of Justice"

Conference briefing by Andrew Duff, 30 April 1993 "The Electoral Reform of the EP", 30/4/93

Final Report: Liberal Democrats versus the European Parliament

The Liberal Democrats didn't have to wait for the final judgement of the European Court of Justice as the European Parliament by adopting on 10 March 1993, after the hearing on admissibility, Resolution A3-0381/92 concerning the proposal for a uniform electoral procedure for the election of members of the EP, had made a proposal as called for by Article 138(3) of the EEC Treaty. The process established for the adoption of a uniform electoral system had, therefore, been initiated.

In the report of the ECJ, the advocate general said the Liberals were right to be aggrieved that Clause 138(3) of the Treaty of Rome had not been implemented. But the report also argued that as a political party, they are not admissible to bring the case. Hence the duty falls to either an EC member government or the Council of Ministers or Commission.

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-10** 1992 - 1992

Court of Justice of the European Communities Case C-41/92

Observations of the Liberal Democrats concerning the preliminary objections of inadmissibility lodged by the European Parliament in Liberal Democrats v. European Parliament, Case C-41/92

Application under Article 175 of the EEC Treaty by The Liberal Democrats v. European Parliament

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-11** 1992 - 1993

Press cuttings, news sheets, campaign material

Materials: Textual

Languages: English

Access level: Open Document, Open Description

 **file: AND-12** 1992 - 1993

Financial Costs

Financial statements, correspondence with donor for contribution to costs and correspondence with law firm

Materials: Textual

Languages: English

Access level: Open Document, Open Description