



Up-to-date News of the Federal Returning Officer of November 9, 2011

Five per cent clause in the law governing the European elections held unconstitutional

In its judgment pronounced today, the Second Senate of the Federal Constitutional Court has ruled that the five per cent clause in force at the 2009 election to the European Parliament violates the principles of equal suffrage and of equal opportunities of the political parties. It has therefore declared void the provision of Section 2 (7) of the European Elections Act (Europawahlgesetz), which is the basis of the restrictive clause.

In contrast, the Senate has not found proportional representation on the basis of “rigid” lists, which had been objected to by one of the complainants, unconstitutional.

You can find more detailed information on the website of the Federal Constitutional Court:

<http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg11-070en.html>

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