

# EUROPEAN PARLIAMENT

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*Committee on Constitutional Affairs*

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## **DRAFT REPORT**

on the proposed amendment of the provisions of the Treaty concerning the composition of the European Parliament  
(2007/2169(INI))

Committee on Constitutional Affairs

Rapporteurs: Alain Lamassoure and Adrian Severin

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the proposed amendment of the provisions of the Treaty concerning the composition of the European Parliament (2007/2169(INI))

*The European Parliament,*

- having regard to its resolution of 11 July 2007 on the convening of the Intergovernmental Conference (IGC): opinion of the European Parliament (Article 48 of the Treaty on European Union)<sup>1</sup>,
  - having regard to the conclusions of the Presidency of the Brussels European Council of 21 and 22 June 2007<sup>2</sup>,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A6-0000/2007),
- A. whereas, at its meeting of 21 and 22 June 2007, the European Council asked the European Parliament to submit by October 2007 a draft initiative on the future composition of the European Parliament as provided for by Protocol 34 approved at the 2004 Intergovernmental Conference,
- B. whereas the distribution of seats for the 2009-2014 parliamentary term is currently laid down in Article 9(2) of the Act of 25 April 2005 concerning the conditions of accession to the European Union of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded,
- C. whereas the draft reform treaty proposes amending the Treaty on European Union (new Article 9a) so as to create a new procedure for determining the composition of the European Parliament under which there would be an overall limit of 750 seats, with a maximum of 96 and a minimum of 6 per Member State, and the principle of 'degressive proportionality',
- D. whereas the principle of degressive proportionality is not defined in the treaty and must be spelt out clearly and objectively in order to serve as a guideline for any redistribution of seats within the European Parliament,
- E. whereas, defined in this way, the principle of degressive proportionality, as a principle enshrined in primary legislation, will serve as a parameter for assessing whether the decision which the competent institutions take to establish the composition of the European Parliament complies with the rules applicable,
- F. whereas it will even be possible for any violation of this principle to result in penalisation by the Court of Justice,

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<sup>1</sup> Texts adopted of that date, P6\_TA(2007)0328.

<sup>2</sup> 11177/1/07 REV 1.

- G. whereas, under the current circumstances, it is important to ensure that no Member State is compelled to accept any further reductions in seats in comparison with those arising from the last enlargement,
- H. whereas at this stage it is not appropriate to take into account future enlargements, which cannot be judged in advance and of whose consequences it will be possible to take due account in the acts of accession relating to them by means of a temporary increase over and above the ceiling of 750 seats, as was done at the time of the last enlargement,
1. Shares the European Council's desire to reach without further ado a political agreement enabling the composition of the European Parliament to be adjusted in accordance with the letter and the spirit of the new treaty and to formalise this agreement immediately after the entry into force of the new treaty in good time before the 2009 elections;
  2. Considers that the definition of a new composition for the European Parliament which corresponds more closely to demographic realities and better reflects European citizenship will increase the democratic legitimacy of the European Parliament at a time when it will have to carry out the added responsibilities entrusted to it by the new treaty;
  3. Notes that, at all events, the composition of the European Parliament as provided for in the Act of Accession of Bulgaria and Romania will have to be altered when the provisions envisaged in Article 9a of the Treaty on European Union as incorporated in the draft reform treaty enter into force;
  4. Notes that this Article 9a provides for a framework comprising an overall ceiling of 750, a maximum of 96 for the most populous Member State and a minimum of 6 for the least populous Member State, and that it lays down the principle of representation of European citizens in accordance with degressive proportionality, without defining this term in any more precise way;
  5. Observes that this framework makes it possible to combine the principle of efficiency, by imposing a ceiling on the number of Members at a level which is still compatible with the role of a legislative assembly, the principle of plurality, by allowing the main constituents of the spectrum of political opinion in each Member State - particularly the majority and the opposition - to be represented, and the principle of solidarity, whereby the more populous States agree to be under-represented in order to allow the less populous States to be represented better;
  6. Considers that the principle of degressive proportionality means that the ratio between the population and the number of seats of each Member State must vary in relation to their respective populations in such a way that each Member from a more populous Member State represents more citizens than each Member from a less populous Member State and conversely, but also that no less populous Member State has more seats than a more populous Member State;
  7. Considers it desirable, at this point in the European integration process, not to propose any reduction in the number of seats assigned to Member States by the treaty on the accession of Bulgaria and Romania other than that made by the draft reform treaty, on condition that the principle of degressive proportionality is respected;

8. Considers at the same time that, under the present conditions, it would not be appropriate to deprive the citizens of the European Union of part of the number of elected representatives to which they can aspire, purely in order to take account of future accessions neither whose date nor whose number can be prejudged;
9. Proposes therefore that the seats in the future European Parliament be divided on the basis of 750 Members, and considers that future accessions may be accompanied by a temporary increase over and above this ceiling, as was done for Bulgaria and Romania under terms which were satisfactory for all, followed by an overall revision of the composition of the European Parliament at the time of the first European elections following each enlargement;
10. Recalls that failure to respect the principle of degressive proportionality as thus defined could in future result in penalisation by the Court of Justice, once the act defining the composition of the European Parliament becomes a secondary legislative instrument which must comply with the limits and principles laid down in the treaty;
11. Calls on the European Council, as soon as the new treaty enters into force, to adopt the decision which the latter requires concerning the new composition of the European Parliament, on the basis of the draft decision of the European Council annexed to this resolution and in the light of the explanations contained in the aforementioned report of the Committee on Constitutional Affairs, in accordance with the procedure currently provided for in Article 9a of the draft reform treaty; stresses that the political agreement of the European Council should already be indicated in the form of a declaration annexed to the final act of the intergovernmental conference currently in progress;
12. Is aware that the composition of the European Parliament proposed in this way is an objective application of the provisions of the new treaty but will in future require adjustment in order to meet the new challenges which will arise in the long term, particularly at the time of future accessions; considers that, in the context of this effort, corrections to any existing imperfections which have arisen for historical reasons should be considered;
13. Recommends that, in the light of the application of the new treaty and looking forward to the entry into force in 2014 of other institutional innovations for which it provides, thought should be given to the establishment of a more equitable and more stable system of representation of citizens in the European Parliament which can avoid the traditional political horse-trading between Member States at the time of each accession and which will establish a closer relationship between demographic realities, aspects arising from the principle of degressive proportionality and the number of seats assigned to each Member State; does not exclude the possibility, when the time comes, of considering a change in the degree to which the citizen and national dimensions are taken into account in the two arms of the legislative authority; considers that, at all events, the system must provide for periodic revision procedures which make it possible to take due account of any demographic changes;
14. Instructs its President to forward this resolution and the aforementioned report by its Committee on Constitutional Affairs to the Intergovernmental Conference, the European Council, the Council and the Commission, as well as to the governments and parliaments

of the countries which are candidates for accession.



Draft decision of the European Council establishing the composition of the European Parliament

THE EUROPEAN COUNCIL,

having regard to Article [9a], paragraph 2, of the Treaty on European Union,

having regard to the initiative of the European Parliament,

having regard to the approval of the European Parliament,

whereas:

(1) It is desirable to adopt without delay the decision provided for in Article [9a], paragraph 2, second subparagraph, of the Treaty on European Union, in order to enable the Member States to adopt the necessary domestic measures for the holding of the elections to the European Parliament for the 2009-2014 parliamentary term.

(2) This decision must respect the criteria laid down in paragraph 2, first subparagraph, of the same article, viz. a total number of representatives of the citizens of the Union which does not exceed seven hundred and fifty members, this representation being achieved in a degressively proportional manner, with a minimum threshold of six members per Member State, while no Member State may be allocated more than ninety-six seats.

(3) It is desirable not to take account at this stage of the impact of possible future enlargements, which, in the corresponding acts of accession, may result in the ceiling of seven hundred and fifty being temporarily exceeded, which was the procedure adopted at the time of the accession of Bulgaria and Romania to the European Union,

HEREBY DECIDES AS FOLLOWS:

*Article 1*

The number of representatives in the European Parliament elected in each Member State is hereby set as follows, with effect from the beginning of the 2009-2014 parliamentary term:

Belgium	22
Bulgaria	18
Czech Republic	22
Denmark	13
Germany	96
Estonia	6
Greece	22
Spain	54



France	74
Ireland	12
Italy	72
Cyprus	6
Latvia	9
Lithuania	12
Luxembourg	6
Hungary	22
Malta	6
Netherlands	26
Austria	19
Poland	51
Portugal	22
Romania	33
Slovenia	8
Slovakia	13
Finland	13
Sweden	20
United Kingdom	73

*Article 2*

This decision shall be revised sufficiently long in advance of the beginning of the 2014-2019 parliamentary term with the aim of establishing a system which in future will make it possible, before each fresh election to the European Parliament, to reallocate the seats between the Member States in an objective manner, taking account of any increase in their number and in demographic trends in their population as recorded on 30 June of the previous year on the basis of the data of the Statistical Office of the European Union (Eurostat).

*Article 3*

This decision shall enter into force on the date of its publication in the Official Journal of the European Union.

Done in Brussels on

*By the European Council  
The President*