



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Constitutional Affairs*

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**2009/0813(NLE)**

11.3.2010

# **AMENDMENTS**

## **1 - 25**

**Draft report**  
**Íñigo Méndez de Vigo**  
(PE439.157v02-00)

on the draft protocol amending Protocol No 36 on transitional provisions concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term  
(17196/2009 – C7-0001/2010 – 2009/0813(NLE))

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PE439.866v01-00

**EN**

*United in diversity*

**EN**

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**Amendment 1**  
**Andrew Duff**

**Draft resolution**  
**Citation 2**

*Draft resolution*

– having regard to Article 48(3) of the *EU Treaty*, pursuant to which the Council consulted Parliament (C7-0001/2010),

*Amendment*

– having regard to Article 48(3) of the *Treaty on European Union (TEU)*, pursuant to which the *European* Council consulted Parliament (C7-0001/2010),

Or. en

**Amendment 2**  
**Andrew Duff**

**Draft resolution**  
**Citation 3**

*Draft resolution*

– having regard to Article 14(2) *of the EC Treaty*,

*Amendment*

– having regard to Article 14(2) *and (3) TEU*,

Or. en

**Amendment 3**  
**Andrew Duff**

**Draft resolution**  
**Citation 7**

*Draft resolution*

– having regard to the conclusions of the European Council meetings of *11 and 12* December 2008 *and of 18 and 19* June 2009,

*Amendment*

– having regard to the conclusions of the European Council meetings of *11-12* December 2008, *18-19* June *and 10-11* December 2009,

Or. en

**Amendment 4**  
**Andrew Duff**

**Draft resolution**  
**Citation 8**

*Draft resolution*

– having regard to Rules 55, 11(4) and 74a of its Rules of Procedure,

*Amendment*

– having regard to Rules 11(4) and 74a of its Rules of Procedure,

Or. en

**Amendment 5**  
**Andrew Duff**

**Draft resolution**  
**Recital A**

*Draft resolution*

A. whereas Article 14(2) *of the EU Treaty*, as amended by the Lisbon Treaty, provides that the European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a decision establishing the composition of the European Parliament,

*Amendment*

A. whereas Article 14(2) *TEU*, as amended by the Lisbon Treaty, provides that the European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a decision establishing the composition of the European Parliament,

Or. en

**Amendment 6**  
**Søren Bo Søndergaard**

**Draft resolution**  
**Recital B a (new)**

*Draft resolution*

*Amendment*

***Ba. whereas Article 14(3) of the Treaty on European Union lays down that the members of the European Parliament shall be elected by direct universal***

*suffrage in a free and secret ballot,*

Or. da

### **Amendment 7**

**Ramón Jáuregui Atondo**

#### **Draft resolution**

##### **Recital D**

###### *Draft resolution*

D. whereas the agreement reached in the European Council increased the total number of MEPs by 15 (from the 736 stipulated in the Nice Treaty to 751), with 18 additional seats to be distributed among 12 Member States, *while Germany was allocated three fewer seats in view of the maximum number laid down in the EU Treaty,*

###### *Amendment*

D. whereas the agreement reached in the European Council increased the total number of MEPs by 15 (from the 736 stipulated in the Nice Treaty to 751), with 18 additional seats to be distributed among 12 Member States,

Or. es

### **Amendment 8**

**Ramón Jáuregui Atondo**

#### **Draft resolution**

##### **Recital F**

###### *Draft resolution*

F. whereas, given that the Lisbon Treaty finally entered into force on 1 December 2009, the 18 additional MEPs from the 12 Member States concerned should *now* legitimately be able to take up their seats,

###### *Amendment*

F. whereas, given that the Lisbon Treaty finally entered into force on 1 December 2009, the 18 additional MEPs from the 12 Member States concerned should legitimately be able to take up their seats *at the earliest opportunity and their home Member States should thus be able to enjoy the representation to which they are entitled,*

Or. es

**Amendment 9**  
**Ramón Jáuregui Atondo**

**Draft resolution**  
**Recital G a (new)**

*Draft resolution*

*Amendment*

***Ga. whereas nearly all of the Member States have designated their MEPs in accordance with the limits laid down in the June 2009 European Council conclusions,***

Or. es

**Amendment 10**  
**Andrew Duff**

**Draft resolution**  
**Recital I**

*Draft resolution*

*Amendment*

I. whereas the conclusions of the European Council meeting of 11 and 12 December 2008 already provided for the adoption of transitional measures permitting the arrival of the additional MEPs during the current parliamentary term, and whereas the conclusions of the European Council meeting of 18 and 19 June 2009 ***laid down*** rules governing a temporary increase in the number of MEPs,

I. whereas the conclusions of the European Council meeting of 11 and 12 December 2008, ***under the chairmanship of the President of the French Republic***, already provided for the adoption of transitional measures permitting the arrival of the additional MEPs during the current parliamentary term, and whereas the conclusions of the European Council meeting of 18 and 19 June 2009 ***proposed*** rules governing a temporary increase in the number of MEPs,

Or. en

**Amendment 11**  
**Andrew Duff**

**Draft resolution**  
**Recital J a (new)**

*Draft resolution*

*Amendment*

***Ja. whereas Article 14(3) TEU and the 1976 Act ordain that Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot,***

Or. en

**Amendment 12**  
**Andrew Duff**

**Draft resolution**  
**Recital J b (new)**

*Draft resolution*

*Amendment*

***Jb. whereas the European Council of 10-11 December 2009 decided to consult Parliament on an amendment to Protocol No 36, tabled by the Spanish Government, which, by way of derogation from Article 14(3) TEU, suggests three options for choosing the 18 extra MEPs, namely:***

- (a) holding ad hoc by-elections;***
- (b) recounting the results of the poll of June 2009;***
- (c) designation of members of national parliaments,***

Or. en

**Amendment 13**  
**Andrew Duff**

**Draft resolution**  
**Paragraph 1**

*Draft resolution*

**1. Takes the view that the amendment of Protocol No 36 requested by the European Council stems directly from the new provisions of the Lisbon Treaty, and is a valid solution that will enable all those Member States entitled to additional seats to designate the MEPs concerned;**

*Amendment*

**1. Agrees that an additional 18 MEPs should be elected to Parliament for the remainder of the 2009-2014 term; insists, however, that all 18 should take up their seats in Parliament at the same time in order not to upset the balance of nationalities in the House; urges Member States to complete their election procedures in a pragmatic way as soon as possible;**

Or. en

**Amendment 14**  
**Andrew Duff**

**Draft resolution**  
**Paragraph 2**

*Draft resolution*

**2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and that one of the solutions envisaged in the context of the amendment sought is not in keeping with the spirit of the 1976 Act, which was designed to ensure that MEPs are elected directly, rather than indirectly through an election within a national parliament;**

*Amendment*

**2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force;**

Or. en



**Amendment 15**  
**Gerald Häfner, Sandrine Bélier**

**Draft resolution**  
**Paragraph 2**

*Draft resolution*

2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and that ***one of the solutions*** envisaged in the context of the amendment sought is ***not in keeping with the spirit of the 1976 Act***, which ***was*** designed to ensure that MEPs are elected directly, ***rather than*** indirectly through an election within a national parliament;

*Amendment*

2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and that ***the proposed third option*** envisaged in the context of the amendment sought is ***clearly in breach of EU primary law***, which ***is*** designed to ensure that MEPs are elected directly ***and not, as proposed in the third option***, indirectly through an election within a national parliament;

Or. en

**Amendment 16**  
**Søren Bo Søndergaard**

**Draft resolution**  
**Article 2**

*Draft resolution*

2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and that one of the solutions envisaged in the context of the amendment sought is not in keeping with the spirit of the 1976 Act, which was designed to ensure that MEPs are elected directly, rather than indirectly through an election within a national parliament;

*Amendment*

2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and ***considers it unacceptable*** that one of the solutions envisaged in the context of the amendment sought is not in keeping with ***Article 14(3) of the Treaty on European Union and*** the spirit of the 1976 Act, which was designed to ensure that MEPs are elected directly, rather than indirectly through an election within a national parliament;

Or. da

**Amendment 17**  
**Andrew Duff**

**Draft resolution**  
**Paragraph 2 a (new)**

*Draft resolution*

*Amendment*

***2a. Believes, moreover, that the proposed inclusion of the third option in the amended Protocol No 36 – namely, that national MPs can be designated as MEPs – is in breach both of the letter and the spirit of EU primary law and would constitute a retrograde step which would impair the democratic legitimacy of the European Parliament and confuse the citizen at the very time when Parliament’s increased powers require every effort to build public confidence in its representative capability;***

Or. en

**Amendment 18**  
**Andrew Duff**

**Draft resolution**  
**Paragraph 3**

*Draft resolution*

*Amendment*

***3. Agrees, however, to the convening of an intergovernmental conference, provided that it is confined to the specific issue of the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;***

***3. Does not agree, therefore, to the convening of an intergovernmental conference unless it is preceded by a Convention which examines in particular the proposal made by the European Council to allow members of national parliaments to be designated as Members of the European Parliament for the rest of the 2009-2014 parliamentary term;***

Or. en

**Amendment 19**  
**Gerald Häfner, Sandrine Bélier**

**Draft resolution**  
**Paragraph 3**

*Draft resolution*

3. **Agrees, however,** to the convening of an intergovernmental conference, ***provided that it is confined to the specific issue of the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;***

*Amendment*

3. ***Does not agree, therefore, at this stage*** to the convening of an intergovernmental conference, ***and reserves its right to postpone its decision on the convening of a Convention until there is an agreement to withdraw the proposed inclusion of the third option in the amended Protocol No 36;***

Or. en

**Amendment 20**  
**Andreas Mölzer**

**Draft resolution**  
**Paragraph 3**

*Draft resolution*

3. Agrees, however, to the convening of an intergovernmental conference, ***provided that it is confined to the specific issue of the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;***

*Amendment*

3. Agrees, however, to the convening of an intergovernmental conference, ***which should, among other matters, deal with the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;***

Or. de

**Amendment 21**  
**Ramón Jáuregui Atondo**

**Draft resolution**  
**Paragraph 3**

*Draft resolution*

3. Agrees, however, to the convening of an intergovernmental conference, ***provided that it is confined to*** the specific issue of the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;

*Amendment*

3. Agrees, however, to the convening of an intergovernmental conference, ***which should deal with*** the specific issue of the adoption of transitional measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term;

Or. es

**Amendment 22**

**Andrew Duff**

**Draft resolution**

**Paragraph 3 a (new)**

*Draft resolution*

*Amendment*

***3a. In keeping with the precedent established in the negotiation of the Lisbon Treaty, and in view of Parliament's prerogatives in this matter, proposes to nominate three representatives to the intergovernmental conference;***

Or. en

**Amendment 23**

**Carlo Casini**

**Draft resolution**

**Paragraph 4 a (new)**

*Draft resolution*

*Amendment*

***4a. Believes, as regards the appointment of observers, that the spirit of the 1976 Act should likewise be observed as far as possible, but that if technical or political difficulties were to prove insurmountable,***

*indirect election via national parliaments  
would be an acceptable option;*

Or. it

**Amendment 24**

**Andrew Duff**

**Draft resolution**

**Paragraph 6**

*Draft resolution*

6. Emphasises also that any subsequent decision on the composition of the European Parliament will have to allow for any accessions that may take place in the meantime, and must therefore provide for the number of seats allocated to the new Member States;

*Amendment*

6. Emphasises also that any subsequent decision on the composition of the European Parliament will have to allow for any accessions that may take place in the meantime, and must therefore provide for the number of seats allocated to the new Member States; ***furthermore, reminds the European Council that any decision to include MEPs from an accession state during the 2009-2014 term will also have to be initiated by Parliament;***

Or. en

**Amendment 25**

**Andrew Duff**

**Draft resolution**

**Paragraph 6 a (new)**

*Draft resolution*

*Amendment*

***6a. Recalls, in any case, its intention to make substantial proposals for the reform of Parliament's electoral procedure in good time before the 2014 elections;***

Or. en