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DRAFT REPORT

on the composition of the European Parliament
(2017/2054(INL))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the composition of the European Parliament (2017/2054(INL))

The European Parliament,

- having regard to Article 14(2) of the Treaty on European Union,
 - having regard to its resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections¹,
 - having regard to Rules 45, 52 and 84 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A8-0000/2017),
- A. whereas the composition of the European Parliament should respect the criteria laid down in the first subparagraph of Article 14(2) of the Treaty on European Union, namely representatives of the Union's citizens not exceeding seven hundred and fifty in number, plus the President, representation being degressively proportional, with a minimum threshold of six members per Member State and no Member State being allocated more than ninety-six seats;
- B. whereas the United Kingdom submitted its withdrawal notification under Article 50 TEU on 29 March 2017 and therefore the Treaties and all *acquis* shall cease to apply to it on the date of entry into force of the withdrawal agreement, or failing that, two years after the date of submission of its notification, meaning at the latest on 29 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period;
- C. whereas it examined a number of proposals for a permanent system for the distribution of seats based on mathematical formulas that were commissioned by, and presented to, it;
- D. whereas its resolution of 11 November 2015 on the reform of the electoral law of the European Union² outlined its position on establishing a joint constituency in which lists are headed by each political family's candidate for the post of President of the Commission;
- E. whereas a modification of the electoral law of the EU will be necessary to create the legal basis for such a joint constituency;
1. Acknowledges that the current distribution of seats only partially respects the principle of degressive proportionality, and therefore should be corrected as soon as possible;
 2. Recognises the legal uncertainty created by the triggering of Article 50 of the Treaty on European Union by the United Kingdom, the unknown date for finalisation of the Brexit

¹ P7_TA(2013)0082.

² Texts adopted, P8_TA(2015)0395.

negotiations and the impossibility of adjusting, without a change in the Treaty, the Council's qualified majority voting system, which should be defined in connection with the allocation of seats in Parliament in order to better ensure the inter-institutional balance;

3. Underlines that, whilst the mathematical formulas display great potential for providing a permanent system for the distribution of seats in the future, the political and legal uncertainty as a result of the UK's withdrawal from the EU ultimately make it politically unviable for Parliament to suggest a permanent system at this stage;
4. Notes that until the United Kingdom withdraws from the Union, the most viable solution providing legal certainty to Member States would be to maintain the same distribution of seats in Parliament as the one applied in respect of the 2014 - 2019 parliamentary term;
5. Proposes that a new distribution of seats in Parliament should immediately apply once there is legal certainty and the United Kingdom's withdrawal from the Union becomes legally effective; insists that the MEPs that will occupy the seats resulting from this new distribution shall all take up their seats in Parliament at the same time;
6. Proposes that this new distribution of seats should be fair, objective and based on the following principles: respect for the principle of degressive proportionality, no loss of seats for any Member State, and the use of only a minimal fraction of the seats vacated by the UK;
7. Underlines that the new distribution proposed would allow for a reduction in the size of Parliament to 699 members plus the President, thereby leaving sufficient room for manoeuvre to accommodate potential future enlargements of the EU and members elected in a joint constituency;
8. Considers that the proposed distribution based on principles provides a solid foundation for the future establishment of a permanent system and calls for the adoption of such permanent system in the near future; proposes that this system be chosen well in advance of the elections to the European Parliament in 2024;
9. Submits to the European Council the annexed proposal for a decision of the European Council establishing the composition of the European Parliament, on the basis of its right of initiative laid down in Article 14(2) of the Treaty on European Union; underlines the urgent need to adopt that decision, which requires its consent, so that the Member States can enact, in good time, the necessary domestic provisions to enable them to organise the elections to the European Parliament for the 2019 - 2024 parliamentary term;
10. Instructs its President to forward this resolution and the proposal for a decision of the European Council annexed hereto, together with the aforementioned report of its Committee on Constitutional Affairs, to the European Council, to the Commission and the governments and parliaments of the Member States.

ANNEX TO THE MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

Proposal for a decision of the European Council establishing the composition of the European Parliament

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 14(2) thereof,

Having regard to the initiative of the European Parliament,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The first subparagraph of Article 14(2) of the Treaty on European Union lays down the criteria for the composition of Parliament, namely representatives of the Union's citizens not exceeding seven hundred and fifty in number, plus the President, that representation being degressively proportional, with a minimum threshold of six members per Member State and no Member State being allocated more than ninety-six seats,
- (2) Article 10 of the Treaty on European Union provides, inter alia, that the functioning of the Union shall be founded on representative democracy with citizens being directly represented at Union level in the European Parliament and Member States being represented by their governments, themselves being democratically accountable to their national Parliaments or citizens, in the Council. Article 14(2) of the Treaty on European Union on the composition of the European Parliament therefore applies within the context of the wider institutional arrangements set out in the Treaties, which also include the provisions on decision making in the Council,
- (3) From the European elections after the adoption of the legal basis for transnational lists, a number of representatives in the European Parliament should be elected in a joint constituency comprising the entire territory of the Union;

HAS ADOPTED THIS DECISION:

Article 1

In the application of the provisions of Article 14(2) of the Treaty on European Union, the following principles shall be respected:

- the allocation of seats in the European Parliament shall fully utilise the minimum and maximum thresholds per Member State set by the Treaty on European Union in order to

reflect as closely as possible the sizes of the respective populations,

- degressive proportionality shall be defined as follows: the ratio between the population and the number of seats of each Member State before rounding to whole numbers shall vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats.

Article 2

The total population of the Member States is calculated by the Commission (Eurostat) on the basis of data provided by the Member States, in accordance with a method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council¹.

Article 3

1. The number of representatives in the European Parliament elected in each Member State for the 2019 - 2024 parliamentary term shall be the one provided for in Article 3 of the European Council Decision 2013/312/EU of 28 June 2013².

However, once the United Kingdom's withdrawal from the Union becomes legally effective, the number of representatives in the European Parliament elected in each Member State, for the 2019 - 2024 parliamentary term, shall be set as follows:

Belgium	21
Bulgaria	17
Czech Republic	21
Denmark	14
Germany	96
Estonia	7
Ireland	13
Greece	21
Spain	58
France	78
Croatia	12
Italy	76
Cyprus	6
Latvia	8
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	28

¹ Regulation (EU) No 1260/2013 of the European Parliament and of the Council of 20 November 2013 on European demographic statistics (OJ L 330, 10.12.2013, p. 39).

² European Council Decision No 2013/312/EU of 28 June 2013 establishing the composition of the European Parliament (OJ L 181 of 29.6.2013, p. 57).

Austria	19
Poland	51
Portugal	21
Romania	32
Slovenia	8
Slovakia	14
Finland	14
Sweden	21

2. If the date on which the United Kingdom's withdrawal from the Union becomes legally effective falls after the European Parliament elections in 2019, each Member State concerned shall designate the persons who will fill the additional seats resulting from the difference between the number of seats allocated to that Member State in Article 3 of Decision 2013/312/EU and the number of seats allocated to it in the second subparagraph of paragraph 1 of this Article. Member States shall designate the persons who will fill those additional seats in accordance with their legislation, provided that the persons in question have been elected by direct universal suffrage and by reference to the results of the European Parliament elections in 2019.

3. The representatives in the European Parliament who fill the additional seats referred to in paragraph 2 shall take up their seats in Parliament at the same time.

Article 4

Sufficiently far in advance of the beginning of the 2024 – 2029 parliamentary term, the European Parliament shall submit to the European Council, in accordance with Article 14(2) of the Treaty on European Union, a proposal for a permanent method for the allocation of seats between Member States.

Article 5

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at ...

For the European Council
The President

EXPLANATORY STATEMENT

The apportionment of seats in the Parliament is a politically sensitive issue as it has a direct impact on citizens' representation in the only directly elected European institution. In this respect, it is of utmost importance to ensure that the composition of the European Parliament is based on fair, transparent, objective, sustainable, and equitable principles.

The distribution of the European Parliament's seats must follow the general provisions of Article 14 of the Treaty on European Union. These provisions concern the size of the Parliament, the maximum and minimum number of seats allocated to each Member State, and that the seats must be allocated in line with the principle of degressive proportionality. This principle is currently defined by European Council Decision 2013/312/EU.

The current distribution of seats in the Parliament only partially respects the principle of degressive proportionality as defined in secondary legislation. The current distribution has been adopted as a "pragmatic solution", which was also designed to partially compensate the imbalances resulting from the current voting system in the Council. In 2013, this pragmatic solution was based on the principle that "nobody gains and nobody loses more than one seat" as a result of the political compromise that was struck. Such a political compromise meant that in some cases Members of the European Parliament from Member States with a smaller population represented more citizens per Member than their colleagues from relatively more populous Member States¹. This runs counter to the principle of degressive proportionality as it is currently defined.

The European Parliament has always attached great importance to the need to consider the establishment of a system for the distribution of seats in conjunction with a revision of the voting system in the Council, in order to ensure an inter-institutional balance². This issue is alluded to in the European Council Decision of 28 June 2013 on the composition of Parliament (2013/312/EU). It must be noted, however, that a change to the voting rules in the Council would require a change in the Treaties.

Over the years, the Parliament has acknowledged the importance of a permanent system for the fair, objective, and transparent³ distribution of its seats, before each new European election, in line with the provisions as set out in the Treaties. In this regard, it has sought to find a suitable method by commissioning several studies to examine a number of mathematical models for the allocation of its seats. However, a permanent system has not yet been put in place.

In its Resolution of 13 March 2013 on the composition of the European Parliament in view of the 2014 elections⁴, the Parliament undertook to propose a system for the apportionment of its

¹ French, British and Spanish MEPs represented more citizens than German Members, Dutch MEPs represented more citizens than Romanian Members, Swedish and Austrian MEPs more than Hungarian, Danish had more representatives per Member than Bulgarian and Irish more than Slovak

² This issue is raised in Parliament resolutions P6_TA(2007)0429 and P7_TA-PROV(2014)0082

³ Note on the allocation between member states of the seats in the European Parliament

[http://www.europarl.europa.eu/RegData/etudes/note/join/2011/432760/IPOL-AFCO_NT\(2011\)432760_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2011/432760/IPOL-AFCO_NT(2011)432760_EN.pdf) and In-depth analysis on the "reform of the European Parliament: composition, procedure and legitimacy":

[http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510002/IPOL_IDA\(2015\)510002_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510002/IPOL_IDA(2015)510002_EN.pdf)

⁴ P6_TA (2013) 0082

seats. This idea was taken up by the European Council in Article 4 of its Decision of June 2013 establishing the composition of the European Parliament¹ (to which the Parliament gave its consent). This Decision committed the Parliament to present a proposal for the definition of “...a system which in future will make it possible, before each fresh election to the European Parliament, to allocate the seats between Member States ...” by the end of 2016. Due to compelling political reasons linked to the UK referendum of 23 June 2016, the Parliament could not prepare a proposal before the end of 2016, as required by the European Council Decision.

The Rapporteurs have examined a number of proposals for a permanent system for the distribution of seats in Parliament based on mathematical formulas². Among the proposals which came closest to matching all criteria was the FPS (Fix, Proportional to population and Square root to population) method. It produces interesting results that deserve further analysis and should be taken into consideration for the future allocation of seats from the 2024 elections onwards.

While this and other formulas do respect the formal conditions necessary to achieve a composition of Parliament, which fully meets the requirements of Article 14 (2) TEU, they do not provide a solution which is also politically acceptable in the long run as well as in the current context. This current political context makes it very difficult to commit to a permanent system for the distribution of Parliament’s seats at this time. The political uncertainty is further compounded by the legal uncertainty as a result of the triggering of Article 50 by the United Kingdom. This is especially the case, because the procedure for finalising the European Council Decision in the Annex of this resolution has to be concluded by the summer of 2018, due to legal constraints of some Member States. By that time, the UK’s withdrawal from the EU will not have been completed. Therefore, it is legally and politically unfeasible to propose a permanent system for the distribution of the Parliament’s seats at this stage.

Furthermore, as the Parliament has already underlined the importance of the link between a permanent system for the distribution of its seats and a review of the voting system in the Council, which cannot be achieved without a revision of the Treaties, the Rapporteurs consider that the establishment of a system should be postponed to a time when the political context is ripe for a comprehensive discussion on the inter-institutional balance.

The Rapporteurs’ proposal: a solution based on principles

The Rapporteurs are presenting a draft European Council Decision on the composition of Parliament that provides a distribution of seats among the Member States, which is fair, objective and based on clear principles. Taking into account the need of Member States to have legal certainty regarding the number of representatives they would elect for the 2019 - 2024 parliamentary term sufficiently ahead of the elections, the Rapporteurs propose to maintain the currently applicable distribution of seats for the period while the UK is still a Member of the Union. Once the UK formally and legally withdraws from the Union, the new

¹ European Council Decision of 28 June 2013 establishing the composition of the European Parliament

² [In-depth analysis on the Composition of the European Parliament, Policy Department C, PE583.117 and the proposals for the FPS method by Prof. Victoriano Ramirez Gonzalez and the “700 No-loss Composition” solution proposed by Prof. Grimmer, Prof. Pukelsheim, Prof. Ramirez Gonzalez, Prof. Slomczynski and Prof. Zyczkowski](#)

distribution would take effect.

This new distribution is based on three principles:

1. Respect for the principle of degressive proportionality, as required by Article 14 TEU
2. No loss of seats for any Member State
3. A minimal redistribution of the seats vacated by the UK's exit from the EU

The proposed solution is a viable option in the current political context and it fully respects the three above-mentioned principles and all criteria listed in Article 14 TEU. The proposal of the Rapporteurs uses a minimal number of UK seats that would remain vacant when the UK's withdrawal from the EU has been formally and legally completed, thus bringing the size of Parliament down to 699 MEPs plus the President. This would mean that 51 seats remain available for potential future enlargements or to be partially used for a joint constituency.

Furthermore, the new distribution based on principles corrects all breaches to the principle of degressive proportionality without entailing any losses of seats for the member States, while at the same time reducing the size of Parliament.

Annex I illustrates the impact of the Rapporteurs' proposal on the distribution of seats among the Member States. Most notably it proves that the proposed solution respects the principle of degressive proportionality by meeting the following two criteria:

- (1) no less populous State shall receive more seats than a more populous State,
- (2) the ratio population/seats shall increase as population increases before rounding to whole numbers.

Regarding the issue of the joint constituency, the Rapporteurs underline that this issue should be settled in the framework of the reform of the European electoral law. The European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union outlined the possibility of establishing a joint constituency in which lists are headed by each political family's candidate for the post of President of the Commission. Therefore, once the legal basis has been adopted, the creation of a joint constituency and the setting aside of a portion of Parliament's seats for this purpose should be considered for future elections.

ANNEX I

Principle-based solution for the distribution of seats in Parliament for the 2019 - 2024 parliamentary term:

	Population 2017 ¹	Current distribution of seats	Population/ MEP	New Distribution	Population/ MEP
Germany	82064489	96	854838	96	854838
France	66661621	74	900833	78	854636
United Kingdom	65341183	73	895085		
Italy	61302519	73	839761	76	806612
Spain	46438422	54	859971	58	800662
Poland	37967209	51	744455	51	744455
Romania	19759968	32	617499	32	617499
Netherlands	17235349	26	662898	28	615548
Belgium	11289853	21	537612	21	537612
Greece	10793526	21	513977	21	513977
Czech Republic	10445783	21	497418	21	497418
Portugal	10341330	21	492444	21	492444
Hungary	9830485	21	468118	21	468118
Sweden	9998000	20	499900	21	476095
Austria	8711500	18	483972	19	458500
Bulgaria	7153784	17	420811	17	420811
Denmark	5700917	13	438532	14	407208
Finland	5465408	13	420416	14	390386
Slovakia	5407910	13	415993	14	386279
Ireland	4664156	11	424014	13	358781
Croatia	4190669	11	380970	12	349222
Lithuania	2888558	11	262596	11	262596
Slovenia	2064188	8	258024	8	258024
Latvia	1968957	8	246120	8	246120
Estonia	1315944	6	219324	7	187992
Cyprus	848319	6	141387	6	141387
Luxembourg	576249	6	96042	6	96042
Malta	434403	6	72401	6	72401
TOTAL	510860699	751		700	

¹ As established by Council Decision 2016/2353