



# Background

## Ratification of Parliament's 18 additional MEPs completed

With the vote of Belgium's Joint Community Commission (CoCom), the process of ratifying the protocol allowing 18 additional Members to join the European Parliament has been successfully completed. The 27 national ratification procedures started on September 2010, following a decision by national governments in June 2010 to adopt a proposal modifying the EP composition.

All ratified protocols have now been brought together in Rome, where the treaty change has been signed, thus allowing the text to enter into force on 1 December. The next and final step is for national authorities to notify the European Parliament of their decisions as to who the new MEPs will be. Once this is done, the 18 will be able to start working as fully-fledged MEPs.

The European Council decided on 17 June 2010 to launch an Intergovernmental Conference to handle a treaty change proposed by Spain to allow for the 18 additional MEPs. This short IGC was dealt with at Coreper II, the meeting of the permanent representatives of the Member States in Brussels on 23 June 2010.

### Contact :

#### **Federico DE GIROLAMO**

BXL: (+32) 2 28 31389

STR: (+33) 3 881 72850

PORT: (+32) 498 98 35 91

EMAIL: [constit-press@europarl.europa.eu](mailto:constit-press@europarl.europa.eu)

# Background

## Size and composition of the Parliament before and after the Lisbon Treaty

The Lisbon Treaty states that the European Parliament is composed of representatives of the Union's citizens and that there can only be 750 members, plus the President, bringing the maximum number up to 751 MEPs. The allocation of seats follows the principle of degressive proportionality, with a minimum threshold of 6 members per member state. No member state can have more than 96 seats.

The Treaty says a decision on the composition of Parliament is to be adopted unanimously by the European Council, on the initiative of Parliament and with its consent. This means in practice that these two institutions decide how many seats are allocated to each country.

The Lisbon Treaty includes also a protocol (number 36) on transitional provisions, defining transitional changes to be made in each institution after the expected entry into force of the Treaty (initially expected 1 January 2009). Concerning Parliament, the protocol says the European Council should have adopted a decision determining the composition of Parliament in good time before the 2009 European Parliament elections.

The last European Parliament elections took place in June 2009, when the Nice Treaty was still in force. In line with the latter, 736 Members of the European Parliament (MEPs) were elected and are now in office. However, the new Lisbon Treaty entered into force 1 December 2009, allowing 751 seats in Parliament. The Treaty gives the 18 additional seats to 12 Member States, while Germany loses 3 seats due to the new thresholds in the treaty.

As the 3 German MEPs elected in the last elections may continue to the end of the current legislature, the arrival of the 18 additional members would temporarily raise the total number of seats to 754 (736 + 18). A transitional change in the Lisbon Treaty was therefore required to allow a temporary increase in the total number of seats from 751 to 754 and to enable the 18 new MEPs to take their seats.

# Background

## European Council decisions on the EP composition

Since the Lisbon Treaty did not enter into force before the 2009 elections, the European Council never took a formal decision on Parliament's composition. Nevertheless, the conclusions of the European Councils of December 2008 and June 2009 set out the conditions under which the 18 additional members could join Parliament, provided the Lisbon Treaty entered into force during the 2009–2014 legislature. These conclusions emphasized a swift timetable and defined the seat allocation, as well as how the new MEPs could be designated.

In December 2008, the European Council decided that once the new Treaty enters into force, transitional measures would be adopted as soon as possible to increase, until the end of the 2009–2014 legislature, the number of MEPs of the 12 member states for which the number of MEPs was set to increase. Therefore, the total number of MEPs would rise from 736 to 754 until the end of this legislature. They also added that this modification should enter into force, if possible, during 2010.

In June 2009 the European Council reaffirmed this decision and added more detailed measures concerning the 18 future MEPs. The decision also included an annex which reconfirmed the distribution of the new seats already negotiated in the Intergovernmental Conference preceding the Lisbon Treaty on the basis of a proposal by Parliament adopted in October 2007 (Lamassoure–Severin report).

The distribution of the 18 seats among the 12 member states is as follows:

Austria: 2  
Bulgaria: 1  
France: 2  
Italy: 1  
Latvia: 1  
Malta: 1  
Netherlands: 1  
Poland: 1  
Slovenia: 1  
Spain: 4  
Sweden: 2  
United Kingdom: 1

The only country to have fewer MEPs in the new Lisbon allocation of seats is Germany. According to the Nice Treaty, Germany had 99 members and, according to the new thresholds defined in the Lisbon Treaty, 96. As the June 2009 Parliament elections took place under the Nice Treaty, there are currently 99 German MEPs. All of them will continue until the end of the 2009–2014 legislature. This explains why the total number of MEPs will not be 751 as laid down in the Lisbon Treaty, but 754, as there are still 3 "Nice Treaty" German MEPs in Parliament.

The European Council also defined how these seats could be filled, or more precisely, by which method the 18 new members could be designated. The member states concerned should designate persons, first of all, in accordance with their national law and on the condition that they have been elected through direct universal suffrage. Once this overriding criterion has been fulfilled, the European Council laid down three different methods for the member states to designate the MEPs:

- a. an ad hoc election,
- b. by reference to the results of the European elections of June 2009, or
- c. by having their national parliament appoint, from its midst, the requisite number of members.

# Background

## **Lisbon Treaty change needed for the 18 to be able to take their seats**

To proceed in filling the 18 seats, it was necessary to amend the Lisbon Treaty, more specifically its protocol 36 on the transitional provisions. A new annex in the protocol lays down the allocation of seats and the methods of designating the new MEPs.

The treaty amendment followed a procedure laid down in the Lisbon Treaty itself, in article 48. According to this procedure, a member state government may make a proposal to the Council to change a treaty. The proposal is then forwarded to the European Council, which has to consult Parliament and the Commission.

A Convention should be convened, unless the change is so small that this is deemed unnecessary. The Convention's duty would be to examine the proposals for amendments and adopt by consensus a recommendation to an Intergovernmental Conference (IGC) of representatives of the governments of the member states.

Should the European Council propose not to convene a Convention, Parliament has to give its consent. If a Convention is convened, Parliament is also represented in it, along with representatives of national parliaments, of the Heads of State or Government of the member states, and of the Commission.

In either case, an Intergovernmental Conference is needed to make any treaty changes. It is convened by the President of the European Council for the purpose of determining by common accord the amendments to be made to the treaties. The amendments enter into force only after being ratified by all the member states in accordance with their respective constitutional requirements.

# Background

## Spain suggested a treaty change

The government of Spain proposed a treaty amendment to the Council at the start of December 2009. This proposal was placed on the General Affairs Council agenda during the same month. The Council forwarded the proposal to the European Council that took place on 10–11 December 2009 in Brussels.

The Spanish proposal amended the protocol 36 of the Lisbon Treaty. It listed the countries to get more seats as well as how many seats each country would get. It also repeated the decision of the European Council on how the persons filling the additional seats should be designated. Furthermore, it set a target timetable: the change should be in force 1 December 2010, provided all member states have ratified it by then.

The European Council decided on 11 December to proceed with the Spanish proposal and accordingly sent a letter to Parliament and the Commission informing them of the suggested treaty amendment. The letter from the European Council President to Parliament's President arrived in Parliament at the start of January 2010.

This letter included the two requirements set out in the Lisbon Treaty for treaty amendments:

- the European Council consulted the European Parliament on the suggested treaty changes

- it also requested the consent of Parliament to not convening a Convention.

# Background

## What are the next steps?

The 12 Member States concerned by the modified composition have to designate the new MEPs in accordance with their national laws and on the condition that they have been elected by direct universal suffrage and in accordance with one of the three different methods approved by the European Council (see previous chapter).

Once the decisions are taken and the names notified to the EP, the newly-designated MEPs will be announced by Parliament's President at a plenary meeting and can take office.