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# **DRAFT REPORT**

on the composition of the European Parliament  
(2021/2229(INL) – 2023/0900(NLE))

Committee on Constitutional Affairs

Rapporteurs: Loránt Vincze, Sandro Gozi

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## MOTION FOR A EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

### on the composition of the European Parliament (2021/2229(INL) – 2023/0900(NLE))

*The European Parliament,*

- having regard to Article 14(2) of the Treaty on European Union,
  - having regard to Article 106a(1) of the Treaty establishing the European Atomic Energy Community,
  - having regard to its resolution of 7 February 2018 on the composition of the European Parliament (2017/2054(INL) – 2017/0900(NLE))<sup>1</sup>,
  - having regard to European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament<sup>2</sup>,
  - having regard to its legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision<sup>3</sup> ('resolution of 3 May 2022 on the reform of the electoral law of the European Union'),
  - having regard to the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe,
  - having regard to Rules 46, 54 and 90 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A9-0000/2023),
- A. whereas the composition of the European Parliament must respect the criteria laid down in the first subparagraph of Article 14(2) of the Treaty on European Union (TEU), 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 Article 14(2) TEU states that the European Parliament shall be composed of representatives of the Union's citizens;
- C. whereas its resolution of 3 May 2022 on the reform of the electoral law of the European Union proposes the establishment of a Union-wide constituency;

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<sup>1</sup> OJ C 463, 21.12.2018, p. 83.

<sup>2</sup> OJ L 165, 2.7.2018, p. 1.

<sup>3</sup> OJ C 465, 6.12.2022, p. 171.

- D. whereas a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage is required to provide the legal basis for the establishment of such a Union-wide constituency;
- E. whereas the determination of the number of seats of a potential Union-wide constituency falls within the remit of the European Council decision on the composition of the European Parliament based on Article 14(2) TEU, while the provisions necessary for its establishment are based on Article 223(1) of the Treaty on the Functioning of the European Union;
- F. whereas the decision of the European Council establishing the composition of the European Parliament must be ready sufficiently in advance of polling day in order to enable Member States to enact the necessary legal provisions to organise the elections to the European Parliament for the 2024-2029 parliamentary term;
1. Notes that the current allocation of seats in the European Parliament as established in European Council Decision 2018/937/EU only applies to the 2019-2024 parliamentary term; stresses, therefore, that a new decision on the composition of the European Parliament for the 2024-2029 parliamentary term is required;
  2. Acknowledges that the current allocation of seats in the European Parliament breaches the principle of degressive proportionality in six instances, and therefore must be corrected in a new allocation to be applied as of the next European elections in 2024;
  3. Recognises that a number of Member States consider that the voting system in the Council needs to be taken into consideration when deciding on the allocation of seats in the European Parliament;
  4. Stresses that the proposed allocation of seats should include a reserve of 28 additional seats for members elected in an Union-wide constituency in line with Parliament's proposal on the Electoral Law as adopted on 3 May 2022; points out that, in line with that proposal, those seats can only be taken up after the elections following the entry into force of a revised Electoral Law including the necessary provisions for the Union-wide constituency;
  5. Underlines that a mathematical formula displays great potential for providing in the future a permanent system to allocate the seats of the European Parliament in an objective, fair, durable and transparent way; Considers that such a permanent system needs further deliberation and should be introduced well in advance of elections of the European Parliament;
  6. Adopts and 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) TEU; reminds that the Parliament will need to give its consent to the decision, therefore requests to be immediately informed if and how the European Council intends to deviate from the submitted proposal; underlines the urgent need to adopt the decision 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 2024-2029 parliamentary term;

7. Instructs its President to forward this legislative resolution and the proposal annexed hereto to the European Council and the Commission, and to the parliaments and governments of the Member States.

## ANNEX TO THE MOTION FOR A LEGISLATIVE RESOLUTION

Proposal for a

### EUROPEAN COUNCIL DECISION

#### 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 Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the initiative of the European Parliament<sup>1</sup>,

Having regard to the consent of the European Parliament<sup>2</sup>,

Whereas:

- (1) Article 14(2), first subparagraph, of the Treaty on European Union (TEU) lays down the criteria for the composition of Parliament, namely that representatives of the Union's citizens are not to exceed seven hundred and fifty in number, plus the President, that representation is to be degressively proportional, with a minimum threshold of six members per Member State, and that no Member State is to be allocated more than ninety-six seats.
- (2) Article 10 TEU provides, inter alia, that the functioning of the Union is to 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.
- (3) Article 14(2) TEU 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.
- (4) The adoption of the legal basis for a Union-wide constituency should be complemented by laying down an appropriate number of representatives in the European Parliament to be elected in that constituency comprising the entire territory of the Union,

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<sup>1</sup> Initiative adopted on ... (not yet published in the Official Journal).

<sup>2</sup> Consent of ... (not yet published in the Official Journal).

HAS ADOPTED THIS DECISION:

*Article 1*

In the application of Article 14(2) TEU, the following principles shall be respected:

- the total number of seats in the European Parliament shall not exceed 750 in number, plus the President,
- the allocation of seats to Member States shall be degressively proportional with a minimum threshold of 6 seats and a maximum threshold of 96 seats per Member State while reflecting as closely as possible the sizes of the respective populations of the Member States,
- degressive proportionality is defined as follows: the ratio between the population and the number of seats of each Member State before rounding up or down to the nearest whole number 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 of the European Parliament 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 in the European Parliament,

*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 Council<sup>1</sup>.

*Article 3*

1. The number of representatives in the European Parliament elected in each Member State for the 2024-2029 parliamentary term is set as follows:

Belgium	21
Bulgaria	17
Czech Republic	21
Denmark	15
Germany	96
Estonia	7
Ireland	14
Greece	21
Spain	61

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<sup>1</sup> 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).

France	79
Croatia	12
Italy	76
Cyprus	6
Latvia	9
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	31
Austria	20
Poland	52
Portugal	21
Romania	33
Slovenia	9
Slovakia	15
Finland	15
Sweden	21

2. In addition, subject to the entry into force of Council Regulation (xx/yy) on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision, in the first elections following that event, 28 representatives in the European Parliament are elected in a Union-wide constituency, as provided for in that Regulation.

#### *Article 4*

Sufficiently far in advance of the beginning of the 2029–2034 parliamentary term, the European Parliament shall submit to the European Council, in accordance with Article 14(2) TEU, a proposal for an updated allocation of seats in the European Parliament.

#### *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 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, respecting a balance between the interests of large and small and mid-sized Member States.

The allocation of the European Parliament's seats must follow the general provisions of Article 14 of the Treaty on European Union (TEU). These provisions concern the maximum 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 defined in Article 1 of the European Council Decision 2018/937/EU, to which Parliament consented.

The current allocation of seats in the Parliament, as examined in the light of the latest available population figures, breaches the principle of degressive proportionality in six instances. Those breaches must be repaired in order to respect the degressive proportionality principle.

The European Parliament has always attached great importance to the need to consider the establishment of a system for the allocation of seats in conjunction with a revision of the voting system in the Council, in order to ensure an inter-institutional balance<sup>1</sup>. This issue is alluded to in the European Council Decisions of 28 June 2013 (2013/312/EU) and 28 June 2018 (2018/937/EU) establishing the composition of Parliament. 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 transparent allocation of its seats, to be used before each new European election, in line with the provisions 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. During the legislative term 2014 - 2019, the AFCO Committee had examined a number of proposals for such a permanent system based on mathematical formulas. A permanent system based on a mathematical formula produces interesting results that deserve further analysis and could be taken into consideration for the future allocation of seats from the 2029 elections onwards. Given the link between a permanent system for the allocation of its seats and a review of the voting system in the Council, the Rapporteurs consider that the establishment of such a permanent system requires a further 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 an allocation of seats among the Member States, which is fair, objective and based on clear principles.

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<sup>1</sup> This issue is raised in Parliament resolutions P6\_TA(2007)0429 and P7\_TA-PROV(2014)0082

This new allocation is based on three principles:

1. The principle of degressive proportionality, as required by Article 14 TEU and defined in Article 1 of European Council Decision 2018/937/EU,
2. No loss of seats for any Member State,
3. An absolute minimum increase in the number of seats allowing to correct the degressive proportionality and leaving sufficient room for additional members elected in an Union-wide constituency, once the corresponding legal Act is adopted.

The proposed solution is a viable option in the current political context and it fully respects the above-mentioned principles and all criteria listed in Article 14 TEU.

The Annex illustrates the impact of the Rapporteurs' proposal on the allocation 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.

The rapporteurs regard that the proposal of the Union-wide constituency, based on Art 223(1) TFEU is to be settled in the framework of the reform of the European electoral law, except for the number of seats allocated to it. The European Parliament resolution of 3 May 2022 (on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision) lays down detailed arrangements for the creation of a Union-wide constituency. *This resolution is legally and politically closely interlinked with the newly proposed redistribution of seats based on Art 14 (2) TEU. Whereas the proposed European Council decision on the composition of the European Parliament lays down the legal arrangements for the allocation of 28 seats to the Union-wide constituency put forward by the proposed Council Regulation on the election of the members of the European Parliament by direct universal suffrage, it is it is the current legislative proposal that makes it effective in terms of numbers. The two legislative proposals should therefore be jointly considered.*

## ANNEX

### Principle-based solution for the allocation of seats in Parliament for the 2024 - 2029 parliamentary term:

	Population 2022 <sup>2</sup>	Current allocation of seats	Current ratio population/ seats	New allocation of seats	New ratio population/ seats	Additional seats under the new allocation
Germany	83.203.320	96	866.701	96	866.701	
France	67.842.582	79	858.767	79	858.767	
Italy	59.607.184	76	784.305	76	784.305	
Spain	47.432.805	59	803.946	61	777.587	2
Poland	37.654.247	52	724.120	52	724.120	
Romania	19.038.098	33	576.912	33	576.912	
Netherlands	17.734.036	29	611.518	31	572.066	2
Belgium	11.631.136	21	553.864	21	553.864	
Greece	10.603.810	21	504.943	21	504.943	
Czech Republic	10.545.457	21	502.165	21	502.165	
Sweden	10.440.000	21	497.143	21	497.143	
Portugal	10.352.042	21	492.954	21	492.954	
Hungary	9.689.010	21	461.381	21	461.382	
Austria	8.967.500	19	471.974	20	448.375	1
Bulgaria	6.838.937	17	402.290	17	402.290	
Denmark	5.864.667	14	418.905	15	390.978	1
Finland	5.541.241	14	395.803	15	369.416	1
Slovakia	5.434.712	14	388.194	15	362.314	1
Ireland	5.060.004	13	389.231	14	361.429	1
Croatia	3.862.305	12	321.859	12	321.859	
Lithuania	2.805.998	11	255.091	11	255.091	
Slovenia	2.107.180	8	263.398	9	234.131	1
Latvia	1.875.757	8	234.470	9	208.417	1
Estonia	1.331.796	7	190.257	7	190.257	
Cyprus	904.700	6	150.784	6	150.784	
Luxembourg	643.648	6	107.275	6	107.275	
Malta	520.971	6	86.829	6	86.829	
<b>TOTAL (population and seats)</b>	447.533.143	705		716		11
<b>AVERAGE (ratio)</b>			634.799		625.046	

<sup>2</sup> As established by Council Decision 2016/2353