

Composition of the European Parliament

European Parliament resolution of 11 October 2007 on 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): the European Parliament's opinion (Article 48 of the EU Treaty)¹,
 - having regard to Article I-20(2) of the Treaty of 29 October 2004 establishing a Constitution for Europe and Protocol No 34 to that Treaty²,
 - having regard to the conclusions of the Presidency of the Brussels European Council of 21 and 22 June 2007³,
 - having regard to Article 1, point 15, of the draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community (amending treaty)⁴,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0351/2007),
- 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 for a decision 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 amending 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 the principle of degressive proportionality, as a principle enshrined in primary

¹ *Texts Adopted*, P6_TA(2007)0328.

² OJ C 310, 16.12.2004, p. 1.

³ 11177/1/07 REV 1.

⁴ CIG 1/1/07, 5 October 2007.

legislation and as defined in this resolution, 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 that principle to result in penalisation by the Court of Justice,
 - 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 the impact of 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,
 - I. whereas a clear, comprehensible and transparent system must also be applicable to future changes in the size of the populations of the Member States without substantial new negotiations,
 - J. whereas a just, comprehensible and lasting system for the distribution of seats in the European Parliament will be necessary in order to increase the democratic legitimacy of the representation of the people and will be a precondition for the European Parliament's performance of its role and for its participation in the process of European opinion-forming and legislation,
 - K. whereas the present number of seats in the European Parliament makes it seem not only appropriate but also justifiable that the number of seats to be decided for the Parliament to be elected in 2009 should entail a transition from the present situation to that which will result from a more stable system based on degressive proportionality,
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 that agreement immediately after the entry into force of the new treaty in good time before the 2009 elections to the European Parliament;
 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 immediately after the amending treaty enters into force;
 4. Notes that Article [9a] of the Treaty on European Union as incorporated in the draft amending treaty 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 that term in any more precise way;

5. Observes that the framework of the aforementioned Article [9a] 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. Stresses, in view of the present insufficient harmonisation of the concept of citizenship between the Member States, that, with regard to the population of each Member State, reference should be made to the figures supplied by the Statistical Office of the European Union (Eurostat), which are those accepted by the Council of the European Union when it is required, where a decision is to be taken by qualified majority, to verify the percentage of the total population of the Union;
8. Considers it desirable not to propose for any Member State, at this point in the European integration process, any reduction in the number of seats assigned to it by the treaty on the accession of Bulgaria and Romania, with the exception of the reduction in the number of seats for the most populous Member State, Germany, from 99 to 96 provided for in the mandate for the amending treaty;
9. Considers at the same time that, under the present conditions, the number of seats in the European Parliament and hence the representation of European citizens should not be reduced in advance of future enlargements whose date it is as yet quite impossible to foresee;
10. Proposes therefore that the seats in the future European Parliament be divided on the basis of 750 Members, and considers that future accessions could result in a temporary increase over and above that ceiling until the end of the parliamentary term in progress, as was done for Bulgaria and Romania, followed by an overall revision of the distribution of seats for the elections to the European Parliament following the enlargement;
11. Recalls that failure to respect the principle of degressive proportionality as defined in this resolution 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;
12. Calls on the Intergovernmental Conference to incorporate the draft decision of the European Council establishing the composition of the European Parliament, as set out in Annex 1 to this resolution, in a declaration on Article [9a](2) of the Treaty on European Union as incorporated in the draft amending treaty to be attached to the final act of the

said Conference with the proviso that it will be formally adopted in accordance with the procedure laid down in the aforementioned Article [9a](2) immediately after the entry into force of the amending treaty; undertakes, for its part, to act without delay once the amending treaty has entered into force; calls on the European Council to give effect to the aforementioned declaration, as soon as the amending treaty enters into force and in accordance with its provisions, so that the Member States can enact, in good time, the necessary domestic provisions for organising the elections to the European Parliament for the 2009-2014 parliamentary term;

13. Calls for the revision provided for in Article 3 of the aforementioned draft decision of the European Council to be taken as an opportunity to consider the technical and political feasibility of taking account, not of the number of inhabitants as ascertained annually by Eurostat, but of the number of European citizens; to that end, calls on its representatives at the Intergovernmental Conference to forward to the Conference the draft Declaration concerning Article 2 of draft Protocol No 10 on transitional provisions (Title I: Provisions concerning the European Parliament), as set out in Annex 2 to this resolution, and calls on the Conference to annex that Declaration to its Final Act;
14. Draws attention to the political connection between the proposed new distribution of seats in accordance with the principle of degressive proportionality and the overall reform package for the institutions of the Union, particularly the 'double majority' principle for the definition of a majority in the Council (Article [9c](4) of the Treaty on European Union as incorporated in the draft amending treaty) and the composition of the Commission (Article [9d](5) of the aforementioned treaty), and stresses the need for that package to be coherent while at the same time recognising the specific legal nature of each institution; agrees that, while the reform of majority voting in the Council and of the composition of the Commission should not enter into force until 2014, the new distribution of seats in the European Parliament should take effect in 2009; reserves the right, however, to assess its consent to the European Council decision pursuant to the aforementioned Article [9a] of the Treaty on European Union on the new distribution of seats in the European Parliament in the light of the reforms of the EU institutions as laid down in the amending treaty;
15. Is aware that the composition of the European Parliament proposed in this way is an objective application of the provisions of the draft amending 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, as part of such a future reform, any inequalities which have arisen for historical reasons should at all events also be corrected;
16. Proposes to the European Council that it should, in good time before each election to the European Parliament, examine the population figures jointly with the European Parliament, with a view to establishing the basis for calculation;
17. Proposes in this connection to study the possibility of electing some Members of the European Parliament on trans-national lists; considers that this would help to impart a genuine European dimension to the electoral debate, particularly by entrusting a central role to European political parties;
18. Observes that this proposal is closely linked to the entry into force of the amending treaty; considers that, if the ratification of the latter cannot be successfully completed before the

2009 elections to the European Parliament, the distribution of parliamentary seats provided for in the existing Treaties should remain in force;

19. 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.

ANNEX 1

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 consent 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 principle of degressive proportionality provided for in Article [9a] of the Treaty on European Union shall be applied as follows:

- the minimum and maximum numbers set by the Treaty must be fully utilised to ensure that the allocation of seats in the European Parliament reflects as closely as possible the range of populations of the Member States;
- the larger the population of a Member State, the greater its entitlement to a large number of seats;
- the larger the population of a Member State, the more inhabitants are represented by each of its Members of the European Parliament.

Article 2

Pursuant to 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 3

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, based on the principle of degressive proportionality laid down in Article 1, taking account of any increase in their number and in demographic trends in their population as duly ascertained.

Article 4

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

ANNEX 2

Draft Declaration concerning Article 2 of Protocol No 10 on transitional provisions (Title I: Provisions concerning the European Parliament)

Without prejudice to the decision of the European Council establishing the composition of the European Parliament for the parliamentary term 2009-2014, the Conference invites the Parliament to make a proposal for the election of its members by direct universal suffrage, in accordance with Article 190(1) of the Treaty on the Functioning of the European Union, which more precisely defines the term 'citizens' as provided for in Article 9a(2) of the Treaty on European Union. That proposal should be drawn up in good time before the next elections in 2014.