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Committee on Constitutional Affairs

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DRAFT REPORT

on the composition of the European Parliament with a view to the 2014 elections
(2012/2309(INI))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the composition of the European Parliament with a view to the 2014 elections (2012/2309(INI))

The European Parliament,

- having regard to Article 14(2) of the Treaty on European Union,
 - having regard to Protocol No 36 on transitional provisions,
 - having regard to the Treaty concerning the accession of the Republic of Croatia to the European Union,
 - having regard to Rules 41, 48 and 74f of its Rules of Procedure,
 - having regard to its resolution of 11 October 2007 on the composition of the European Parliament¹,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0000/2013),
- A. whereas the provisions of Article 2(1) and (2) of Protocol No 36 will expire by the end of the 2009-2014 parliamentary term,
- B. whereas the Republic of Croatia is expected to accede to the Union before the elections to the European Parliament due to be held in the spring of 2014, and whereas the end of the 2009-2014 parliamentary term will entail the expiry of the provisions of Article 19(1) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community,
- C. whereas the demographic changes that have occurred since the last elections to the European Parliament should be taken into consideration,
1. Submits to the European Council the annexed proposal for a decision of the European Council establishing the composition of the European Parliament for the 2014-2019 parliamentary term, on the basis of its right of initiative laid down in Article 14(2) of the Treaty on European Union;
 2. Underlines the urgent need to adopt that decision, which requires its consent, as soon as the Treaty concerning the accession of the Republic of Croatia to the European Union enters into force, so that the Member States can enact, in good time, the necessary domestic provisions for organising the elections to the European Parliament for the 2014-2019 parliamentary term;
 3. Undertakes to submit sufficiently far in advance of the beginning of the 2019-2024 parliamentary term a new proposal for a decision of the European Council with the aim of establishing a system which in future, before each election to the European Parliament,

¹ OJ C 227 E, 4.9.2008, p. 132 (Lamassoure-Severin report).

will allow, whenever necessary, a reallocation of the seats amongst the Member States in an objective manner, based on the principle of degressive proportionality as set forth in Article 1 of the decision, taking account of any increase in their number and demographic trends in their population as duly ascertained, and without excluding the possibility of reserving a number of seats to members elected on transnational lists;

4. 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 and to the government and parliament of the Republic of Croatia, and, for information, 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 Article 2(3) of Protocol No 36 on transitional provisions,

Having regard to the initiative of the European Parliament,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The provisions of Article 2(1) and (2) of Protocol No 36 on transitional provisions will expire by the end of the 2009-2014 parliamentary term.
- (2) The provisions of Article 19(1) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community will expire by the end of the 2009-2014 parliamentary term.
- (3) It is necessary to comply without delay with the provisions of Article 2(3) of Protocol No 36 and therefore to adopt the decision provided for in the second subparagraph of Article 14(2) of the Treaty on European Union, in order to enable the Member States to adopt in good time the necessary domestic measures for the holding of the elections to the European Parliament for the 2014-2019 parliamentary term.
- (4) This Decision must 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, 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,

HAS ADOPTED THIS DECISION:

Article 1

In the application of the principle of degressive proportionality provided for in the first

subparagraph of Article 14(2) of the Treaty on European Union, the following principles shall be respected as far as possible:

- the minimum and maximum numbers set by the Treaty shall be fully utilised to ensure that the allocation of seats in the European Parliament reflects as closely as possible the sizes of the respective 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 greater the number of inhabitants represented by each of its Members of 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 a regulation of the European Parliament and of the Council.

Article 3

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 2014-2019 parliamentary term:

Belgium	21
Bulgaria	17
Czech Republic	21
Denmark	13
Germany	96
Estonia	6
Ireland	11
Greece	21
Spain	54
France	74
Croatia	11
Italy	73
Cyprus	6
Latvia	8
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	26
Austria	19
Poland	51
Portugal	21
Romania	32

Slovenia	8
Slovakia	13
Finland	13
Sweden	19
United Kingdom	73

Article 4

This Decision shall be revised sufficiently far in advance of the beginning of the 2019-2024 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 set forth in Article 1, taking account of any increase in their number and demographic trends in their population as duly ascertained.

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

In the next Parliamentary term starting in 2014 the current derogation to Article 14(2) of the Treaty on European Union (TEU) will expire and the European Parliament shall be composed of 751 members (750, plus the President). The current number of European Parliament's (EP) seats is 754: 736, elected according to the Nice Treaty, which was in force at the time of the elections of 2009; plus 18, appointed according to the Lisbon Treaty through the amendment of Article 2 of the Protocol (No 36) on transitional provisions, which established also a temporary derogation to the Article 14(2) TEU allowing the permanence till 2014 of the 99 seats assigned to Germany according to the Nice Treaty (while the Lisbon Treaty establishes that no Member State shall be allocated more than 96 seats).

When the Croatia accession Treaty will enter into force, there will be a temporary increase of the EP seats to 766 by assigning 12 seats to Croatia (which currently has 12 observers), according to Article 19(1) of the Act of accession which amends again Article 2 of Protocol (No 36).

As a consequence, a composition of 751 seats in line with the Treaty provisions shall imply a reduction of 15 seats in comparison with the current Parliament. Three out of these fifteen have necessarily to be drawn from Germany's quota, which shall pass from 99 to the 96 Treaty threshold. The other 12 shall have to be found by reducing one or more seats to up to 12 of the 24 Member States (including Croatia) which have more than the minimum Treaty threshold of 6 seats (the Member States with 6 seats are currently: Malta, Luxembourg, Cyprus and Estonia). The scope of the decision establishing the composition of the new EP might also imply a broader seats' redistribution to take into account eventual changes in the Member States' population and/or to improve the interpretation and implementation of the Treaty principle of degressive proportionality.

According to Article 14(2) TEU, the composition of the new Parliament shall be established by a European Council decision adopted by unanimity on the initiative of the European Parliament and with its consent. As a consequence, the EP has the responsibility to submit a proposal to the European Council.

The proposal submitted by your rapporteurs is based on the following considerations.

Article 14(2) TEU states that representation of citizens in the EP must be degressively proportional. According to the Lamassoure-Severin report, degressive proportionality means the following: 1) 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 close as possible the range of population of the Member States"; 2) "the larger the population of a Member State, the greater its entitlement on a large number of seats", and 3) "the larger the population of a Member State, the more inhabitants are represented by each of its Members of the European Parliament". This definition draws a general principle and not a mathematical criterion. On the one hand, it cannot be fully respected as far as its second principle is concerned (which taken literally would prevent two Member States with different populations to have the same number of seats). On the other hand, it can be implemented in different ways and does not lead to one single result. In any case, in the current seats' allocation the third principle is not respected for different Member States, as it can be seen in table 1 of annex I.

Hence, our first criterion shall be to respect as much as possible degressive proportionality. But which of the different ways of doing so should be chosen?

Previous reallocations stretched to the limit the degressivity of the seats distribution, increasing considerably the ratio population/seats for big Member States in comparison to medium ones (see annex II), and suggesting the need to rebalance this trend. Moreover, the first principle of the Lamassoure-Severin report (to make full use of the limits set by the Treaty) prevents a further reduction of seats for Germany below the 96 threshold, which would be politically counterproductive for the whole European Parliament in light of the well known critical position of the German Constitutional Court against degressive proportionality. This automatically excludes a reduction of seats for big Member States, and on the contrary would logically lead to an increase at least for some of them.

In the last Convention, the European Parliament proposed the so called "fix-prop" method, which has been recently developed under the name of Cambridge compromise: six seats shall be allocated to all the Member States, and the other shall be distributed according to proportionality (see annex I, table 4). The fix-prop method is the most "proportional" mechanism to respect degressive proportionality, and it would considerably reduce the criticism of the German Constitutional Court (especially if combined with a Treaty revision abolishing the upper limit of 96). But its implementation would trigger a traumatic reallocation of seats with heavy losses for medium and small Member States and huge increases for big ones. Furthermore, without abolishing the 96 upper limit it would discriminate Germany among the big Member States, introducing a steep increase of the ratio population/seats between France and Germany.

Among the various possible mathematic formulas to implement the principle of degressive proportionality¹, the "parabolic" method is one of the most degressive (see annex I, table 3). It could be the orientative criterion in the long term without a treaty change, but this model also produces a too huge redistribution to be politically sustainable in a single step.

Hence your rapporteurs propose a pragmatic solution based on a different criterion: to minimize the loss of seats by Member States, while at the same time respecting as much as possible the degressive proportionality, according to the principle "nobody gains, nobody loses more than one" (see annex I, table 1). This pragmatic solution is achieved with a two stages approach. The first step (see annex I, table 2) is a reallocation fully in line with the three principles of degressive proportionality while implying at the same time the smallest possible changes of seats. Its result is a loss of seats for 13 Member States, among which two lose 3 seats (Hungary and Lithuania), six 2 (Romania, Greece, Belgium, Portugal, Czech Republic, Latvia), and five 1 (Sweden, Bulgaria, Ireland, Croatia, Slovenia). On the other hand, France would gain 4 seats, the United Kingdom and Spain 3, and Italy 1. The second step consists in the political compensation between the gains (11 seats) and the losses of more than one seat (10 seats). The additional saved seat is given to Slovenia (which keeps its 8 seats) as the smaller country among the loser of step one. The result is the "minimization of losses" mentioned above, with just twelve Member States losing 1 each and no one increasing in seats. Of course, this "gain waiver" implies that the third principle of degressive proportionality is not fully respected, but this outcome has a clear political logic. Furthermore,

¹ For an analysis and a description of the different mathematic formulas, see the Special Issue of "Mathematic social sciences", 63 (2012), pp. 65-191, especially table 2 at p. 100.

this solution is far closer to the respect of degressive proportionality than any other one based on the model “no gains, no losses of more than 1” (for example by cutting 12 seats, one to each of the “gainers” of the last reapportionment).

Your rapporteurs think that in the present circumstances and on the basis of the current decision making procedure in this field, the proposed solution is the most likely to reach a majority within Parliament and unanimity in the Council while respecting as much as possible degressive proportionality.

A new attempt for reaching a more permanent system based on objective criteria accepted by all stakeholders could be launched by way of a new Parliament initiative well in time before the following elections in 2019. In parallel a more appropriate method of calculation of the electorate to be taken into consideration at the level of the Member States could also be developed by way of a specific regulation to be adopted in accordance with the ordinary legislative procedure.

Annexes:

- I. Tables describing the effects of the different methods of calculation
- II. Historical background

ANNEX I

TABLE 1: PRAGMATIC SOLUTION

Member States	Population*	Seats (current allocation)	Ratio pop./seats	Seats (new allocation)	Difference	Ratio pop./seats (new allocation)
Germany	81843743	99	826704	96	minus 3	852539
France	65397912	74	883756	74		883756
United Kingdom	62989550	73	862871	73		862871
Italy	60820764	73	833161	73		833161
Spain	46196276	54	855487	54		855487
Poland	38538447	51	755656	51		755656
Romania	21355849	33	647147	32	minus 1	667370
Netherlands	16730348	26	643475	26		643475
Greece	11290935	22	513224	21	minus 1	537664
Belgium	11041266	22	501876	21	minus 1	525775
Portugal	10541840	22	479175	21	minus 1	501992
Czech Republic	10505445	22	477520	21	minus 1	500259
Hungary	9957731	22	452624	21	minus 1	474178
Sweden	9482855	20	474143	19	minus 1	499098
Austria	8443018	19	444369	19		444369
Bulgaria	7327224	18	407068	17	minus 1	431013
Denmark	5580516	13	429270	13		429270
Slovakia	5404322	13	415717	13		415717
Finland	5401267	13	415482	13		415482
Ireland	4582769	12	381897	11	minus 1	416615
Croatia	4398150	12	366513	11	minus 1	399832
Lithuania	3007758	12	250647	11	minus 1	273433
Slovenia	2055496	8	256937	8		256937
Latvia	2041763	9	226863	8	minus 1	255220
Estonia	1339662	6	223277	6		223277
Cyprus	862011	6	143669	6		143669
Luxembourg	524853	6	87476	6		87476
Malta	416110	6	69352	6		69352
TOTAL		766		751		

* as of 1 January 2012

TABLE 2 : PRAGMATIC SOLUTION - the two steps

Member States	Population*	Seats (step 1)	Difference	Ratio pop./seats (step 1)	Seats (step 2)	Difference	Ratio pop./seats (step 2)
Germany	81843743	96	minus 3	852539	96	minus 3	852539
France	65397912	78	plus 4	838435	74		883756
United Kingdom	62989550	76	plus 3	828810	73		862871
Italy	60820764	74	plus 1	821902	73		833161
Spain	46196276	57	plus 3	810461	54		855487
Poland	38538447	51		755656	51		755656
Romania	21355849	31	minus 2	688898	32	minus 1	667370
Netherlands	16730348	26		643475	26		643475
Greece	11290935	20	minus 2	564547	21	minus 1	537664
Belgium	11041266	20	minus 2	552063	21	minus 1	525775
Portugal	10541840	20	minus 2	527092	21	minus 1	501992
Czech Republic	10505445	20	minus 2	525272	21	minus 1	500259
Hungary	9957731	19	minus 3	524091	21	minus 1	474178
Sweden	9482855	19	minus 1	499098	19	minus 1	499098
Austria	8443018	19		444369	19		444369
Bulgaria	7327224	17	minus 1	431013	17	minus 1	431013
Denmark	5580516	13		429270	13		429270
Slovakia	5404322	13		415717	13		415717
Finland	5401267	13		415482	13		415482
Ireland	4582769	11	minus 1	416615	11	minus 1	416615
Croatia	4398150	11	minus 1	399832	11	minus 1	399832
Lithuania	3007758	9	minus 3	334195	11	minus 1	273433
Slovenia	2055496	7	minus 1	293642	8		256937
Latvia	2041763	7	minus 2	291680	8	minus 1	255220
Estonia	1339662	6		223277	6		223277
Cyprus	862011	6		143669	6		143669
Luxembourg	524853	6		87476	6		87476
Malta	416110	6		69352	6		69352
TOTAL		751			751		

* as of 1 January 2012

TABLE 3: PARABOLIC FORMULA

Member States	Population*	Seats	Difference	Ratio population/seats
Germany	81843743	96	minus 3	852539
France	65397912	80	plus 6	817474
United Kingdom	62989550	78	plus 5	807558
Italy	60820764	75	plus 2	810944
Spain	46196276	60	plus 6	769938
Poland	38538447	51		755656
Romania	21355849	32	minus 1	667370
Netherlands	16730348	26		643475
Greece	11290935	20	minus 2	564547
Belgium	11041266	19	minus 3	581119
Portugal	10541840	19	minus 3	554834
Czech Republic	10505445	19	minus 3	552918
Hungary	9957731	18	minus 4	553207
Sweden	9482855	17	minus 3	557815
Austria	8443018	16	minus 3	527689
Bulgaria	7327224	15	minus 3	488482
Denmark	5580516	13		429270
Slovakia	5404322	12	minus 1	450360
Finland	5401267	12	minus 1	450106
Ireland	4582769	11	minus 1	416615
Croatia	4398150	11	minus 1	399832
Lithuania	3007758	9	minus 3	334195
Slovenia	2055496	8		256937
Latvia	2041763	8	minus 1	255220
Estonia	1339662	7	plus 1	191380
Cyprus	862011	7	plus 1	123144
Luxembourg	524853	6		87476
Malta	416110	6		69352
TOTAL		751		

* as of 1 January 2012

TABLE 4: FIX-PROP - CAMBRIDGE COMPROMISE

Member States	Population*	Seats	Difference	Ratio population/seats
Germany	81751602	96	minus 3	851579
France	65048412	83	plus 9	783716
United Kingdom	62435709	80	plus 7	780446
Italy	60626442	78	plus 5	777262
Spain	46152926	61	plus 7	756605
Poland	38200037	51		749020
Romania	21413815	31	minus 2	690768
Netherlands	16655799	25	minus 1	666232
Greece	11309885	19	minus 3	595257
Belgium	10951665	18	minus 4	608426
Portugal	10636979	18	minus 4	590943
Czech Republic	10532770	18	minus 4	585154
Hungary	9985722	17	minus 5	587395
Sweden	9415570	17	minus 3	553857
Austria	8404252	16	minus 3	525266
Bulgaria	7504868	15	minus 3	500325
Denmark	5560628	12	minus 1	463386
Slovakia	5435273	12	minus 1	452939
Finland	5375276	12	minus 1	447940
Ireland	4480858	11	minus 1	407351
Croatia	4412137	11	minus 1	401103
Lithuania	3244601	9	minus 3	360511
Slovenia	2229641	8	minus 1	278705
Latvia	2050189	8		256274
Estonia	1340194	7	plus 1	191456
Cyprus	804435	6		134073
Luxembourg	511840	6		85307
Malta	417617	6		69603
TOTAL		751		

*calculation based on 2011 population data

ANNEX II

TABLE 1: 1979

Member States	Population	Seats	Ratio population/seats
Germany	61.321.663	81	757058
France	53.481.073	81	660260
United Kingdom	56.209.039	81	693939
Italy	56.247.017	81	694408
Netherlands	13.985.526	25	559421
Belgium	9.841.654	24	410069
Denmark	5.111.537	16	319471
Ireland	3.354.700	15	223647
Luxembourg	362.261	6	60377
TOTAL		410	

TABLE 2: 1986

Member States	Population	Seats	Ratio population/seats
Germany	61.020.474	81	753339
France	55.411.238	81	684089
United Kingdom	56.618.895	81	698999
Italy	56.597.823	81	698739
Spain	38.484.642	60	641411
Netherlands	14.529.430	25	581177
Portugal	10.030.621	24	417943
Greece	9.949.100	24	414546
Belgium	9.858.895	24	410787
Denmark	5.116.273	16	319767
Ireland	3.534.117	15	235608
Luxembourg	367.210	6	61202
TOTAL		518	

TABLE 3: 1995

Member States	Population	Seats	Ratio population/seats
Germany	81538603	99	823622
France	59315139	87	681783
United Kingdom	57943472	87	666017
Italy	56844408	87	653384
Spain	39343100	64	614736
Netherlands	15424122	31	497552
Greece	10595074	25	423803
Belgium	10130574	25	405223
Portugal	10017571	25	400703
Sweden	8816381	22	400745
Austria	7943489	21	378261
Denmark	5215718	16	325982
Finland	5098754	16	318672
Ireland	3597617	15	239841
Luxembourg	405650	6	67608
TOTAL		626	

TABLE 4: 2004

Member States	Population	Seats	Ratio population/seats
Germany	81751602	99	825774
France	65048412	78	833954
United Kingdom	62435709	78	800458
Italy	60626442	78	777262
Spain	46152926	54	854684
Poland	38200037	54	707408
Netherlands	16655799	27	616881
Greece	11309885	24	471245
Belgium	10951665	24	456319
Portugal	10636979	24	443207
Czech Republic	10532770	24	438865
Hungary	9985722	24	416072
Sweden	9415570	19	495556
Austria	8404252	18	466903
Denmark	5560628	14	397188
Slovakia	5435273	14	388234
Finland	5375276	14	383948
Ireland	4480858	13	344681
Lithuania	3244601	13	249585
Latvia	2229641	9	247738
Slovenia	2050189	7	292884
Estonia	1340194	6	223366
Cyprus	804435	6	134073
Luxembourg	511840	6	85307
Malta	417617	5	83523
TOTAL		732	

TABLE 5: 2009

Member States	Population	Seats	Ratio population/seats
Germany	82002356	99	828307
France	64350226	72	893753
United Kingdom	60045068	72	833959
Italy	61595091	72	855487
Spain	45828172	50	916563
Poland	38135876	50	762718
Romania	21498616	33	651473
Netherlands	16485787	25	659431
Greece	10753080	22	488776
Belgium	11260402	22	511836
Portugal	10627250	22	483057
Czech Republic	10467542	22	475797
Hungary	10030975	22	455953
Sweden	9256347	18	514242
Austria	8355260	17	491486
Bulgaria	7606551	17	447444
Denmark	5511451	13	423958
Slovakia	5326314	13	409716
Finland	5412254	13	416327
Ireland	4450030	12	370836
Lithuania	3349872	12	279156
Latvia	2261294	8	282662
Slovenia	2032362	7	290337
Estonia	493500	6	82250
Cyprus	1340415	6	223403
Luxembourg	796875	6	132813
Malta	413609	5	82722
TOTAL		736	

TABLE 6: 2009 + 18 EXTRA MEPs

Member States	Population	Seats	Difference	Ratio population/seats
Germany	82002356	99		828307
France	64350226	74	plus 2	869598
United Kingdom	60045068	73	plus 1	822535
Italy	61595091	73	plus 1	843768
Spain	45828172	54	plus 4	848670
Poland	38135876	51	plus 1	747762
Romania	21498616	33		651473
Netherlands	16485787	26		634069
Greece	10753080	22	plus 1	488776
Belgium	11260402	22		511836
Portugal	10627250	22		483057
Czech Republic	10467542	22		475797
Hungary	10030975	22		455953
Sweden	9256347	20	plus 2	462817
Austria	8355260	19	plus 2	439751
Bulgaria	7606551	18	plus 1	422586
Denmark	5511451	13		423958
Slovakia	5326314	13		409716
Finland	5412254	13		416327
Ireland	4450030	12		370836
Lithuania	3349872	12		279156
Latvia	2261294	9	plus 1	251255
Slovenia	2032362	8	plus 1	254045
Estonia	493500	6		82250
Cyprus	1340415	6		223403
Luxembourg	796875	6		132813
Malta	413609	6	plus 1	68935
TOTAL		754		