



Plenary sitting

A8-0000/2018

24.1.2018

REPORT

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

Committee on Constitutional Affairs

Rapporteurs: Danuta Maria Hübner and Pedro Silva Pereira

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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 Article 10 of the Treaty on European Union¹;
 - having regard to its resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections²,
 - having regard to its resolution of 11 November 2015 on the reform of the electoral law of the European Union, and the annexed Proposal for a Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage³;
 - having regard to the European Council Decision 2013/312/EU, of 28 June 2013, establishing the composition of the European Parliament,
 - having regard to the Good Friday Agreement of 10 April 1998;
 - having regard to Rules 45, 52 and 84 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A8-0000/2018),
- 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, 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 Art. 14 (2) TEU states that the European Parliament shall be composed of representatives of the Union's citizens;
- C. whereas the Treaty on European Union and the Treaty on the Functioning of the European Union emphasize the importance of equality and equal treatment of citizens by Union institutions; whereas it is essential to enhance the equality of representation with a view of increasing the legitimacy of the European Parliament as legislative body representing Union citizens;
- D. 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,

¹ That article stipulates that “citizens are directly represented at Union level in the European Parliament”

² P7_TA(2013)0082.

³ P8_TA-PROV(2015)0395

it;

- E. whereas on 29 March 2017 and in accordance with Art.50 (2) TEU, the UK government notified the European Council of its intention to leave the European Union and whereas the two-year timeframe for the negotiation and conclusion of a withdrawal agreement ends on 29 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period;
 - F. whereas, unless the current legal situation changes, the UK will no longer be a member of the European Union at the time of the next European elections in 2019;
 - G. whereas, in its proposal of 11 November 2015 for a Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, the European Parliament 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;
 - H. whereas several Member States have recently voiced support for the creation of a joint constituency as of the elections in 2019; whereas a precondition for the establishment of a joint constituency is a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage, which should be adopted at least one year before the European elections as stipulated in the Venice Commission's Code of Good Practice in Electoral Matters;
 - I. whereas the introduction of such a constituency would reinforce the notion of European citizenship and strengthen the European character of the elections for the European Parliament
 - J. whereas not only lists submitted by established European political parties should be admissible as transnational lists for the European elections in the joint constituency, but also lists submitted by national political parties or movements not affiliated with a European political party, that conform to pre-established European criteria;
 - K. whereas in its proposal of 11 November 2015 for a Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage the Parliament demanded the introduction of an obligatory threshold for constituencies, and for single-constituency Member States, in which the list system is used and that hold more than a certain number of seats; considers that this threshold is to be established taking into account the new allocation of seats;
- 1. Notes that the current allocation of seats in Parliament as established in the European Council Decision of 28 June 2013 only applies to the 2014 - 2019 parliamentary term; stresses, therefore, that a new decision on the composition of the European Parliament for the 2019- 2024 parliamentary term is required;
 - 2. Acknowledges that the current distribution of seats does not respect the principle of degressive proportionality in several instances, and therefore -must be corrected for the composition of the European Parliament as of the next European elections in 2019;
 - 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. Underlines that, whilst the mathematical formulas display great potential for providing a permanent system for the distribution of seats in the future, -it is politically unviable for Parliament to suggest a permanent system at this stage;
5. Acknowledges that, unless the current legal situation changes, the UK will no longer be a Member of the European Union at the time of the next European elections in 2019;
6. Proposes that a new -allocation of seats in Parliament, -which respects the criteria laid down in Article 14 TEU, shall be applied as of the next European elections in 2019; in case the above mentioned legal situation concerning UK's withdrawal from the EU changes, the allocation of seats applied during the 2014-2019 parliamentary term should apply until the withdrawal of the United Kingdom from the EU becomes legally effective;
7. Underlines that the seats to be vacated by the UK upon its withdrawal from the EU will facilitate the adoption of a new allocation of seats in Parliament, which will implement the principle of degressive proportionality; further underlines that the new allocation proposed would allow for a reduction in the size of Parliament; Notes that the use of only a fraction of the seats vacated by the UK is sufficient to ensure no loss of seats for any Member State and which makes it possible to allocate a significant number of seats to the joint constituency;
8. Recalls that under the Good Friday Agreement, the people of Northern Ireland have an inherent right to hold British citizenship, Irish citizenship, or both, and by virtue of the right to Irish citizenship, to citizenship of the Union as well;
9. Also underlines that the reduction in the size of Parliament would leave a number of seats to accommodate potential future enlargements of the EU and members elected on transnational lists, in a joint constituency;
10. Recalls that degressive proportionality, as defined by the Treaties, is based on the number of seats per Member State and not on the nationality of the candidates;
11. Calls on the Council to rapidly finalise the revision of the Act concerning the election of the members of the European Parliament by direct universal suffrage;
12. Underlines that the reform of the Act concerning the election of the members of the European Parliament by direct universal suffrage proposed by the European Parliament will strengthen the European character of the elections and send a positive message for the future of the European project;
13. Underlines that the revision of the Act concerning the election of the members of the European Parliament by direct universal suffrage shall create the legal base for the establishment of the joint constituency;
14. Considers that the proposed distribution based on Treaty principles provides a solid foundation for a method to determine the allocation of seats in the future respecting the criteria of Article 14 TEU, in particular the principle of degressive proportionality, as

well as being fair transparent, objective, in line with the most recent demographic shifts, and understandable to European citizens;

15. 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;
16. 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) The appropriate legal basis for a joint constituency comprising the entire territory of the Union needs to be provided by the Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, stipulating, in accordance with Art.223 (1) TFEU, the terms for the establishment of such a joint constituency;

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.
- the allocation of seats shall reflect demographic developments in Member States.

Article 2

The total population of the Member States is calculated by the Commission (Eurostat) on the basis of the most recent 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 is hereby set as follows for the 2019 - 2024 parliamentary term:

Belgium	21
Bulgaria	17
Czech Republic	21
Denmark	14
Germany	96
Estonia	7
Ireland	13
Greece	21
Spain	59
France	79
Croatia	12
Italy	76
Cyprus	6
Latvia	8
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	29
Austria	19
Poland	52

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).

Portugal	21
Romania	33
Slovenia	8
Slovakia	14
Finland	14
Sweden	21

2. However, in case the United Kingdom is still a Member State of the Union at the beginning of the 2019-2024 parliamentary term, the number of representatives in the European Parliament per Member State taking up office shall be the one provided for in Article 3 of the European Council Decision 2013/312/EU of 28 June 2013¹ until the withdrawal of the UK from the EU becomes legally effective.

Once United Kingdom's withdrawal from the European Union becomes legally effective, the number of representatives in the European Parliament elected in each Member State shall be the one indicated in paragraph 1 of this Article.

The representatives in the European Parliament who fill the additional seats resulting from the difference between the number of seats allocated to that Member State in the first and second subparagraph of paragraph 2 of this article shall take up their seats in Parliament at the same time.

Article 4

Following the entry into force of the appropriate legal basis for transnational lists, a joint constituency comprising the entire territory of the Union shall be established. The terms of such joint constituency shall be stipulated in the Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage.

However, in case the UK is still a Member State of the Union at the beginning of the 2019 – 2024 parliamentary term, and if there are representatives in the European Parliament elected on transnational lists, they shall only take up their seats once the UK's withdrawal from the Union becomes legally effective.

The number of representatives elected in the joint constituency shall be defined on the basis of the number of Member States of the European Union.

Article 5

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 an updated allocation of seats.

¹ 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).

Article 6

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 seats. This idea was taken up by the European Council in Article 4 of its Decision of June 2013

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

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 distribution would take effect.

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 Ramírez González and the “700 No-loss Composition” solution proposed by Prof. Grimmer, Prof. Pukelsheim, Prof. Ramírez González, Prof. Ślomeczński and Prof. Życzkowski](#)

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 705 MEPs. This would mean that 46 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 2017¹	Current distribution of seats	Population/ MEP	New Distribution	Population/ MEP
Germany	82064489	96	854838	96	854838
France	66661621	74	900833	79	854636
United Kingdom	65341183	73	895085		
Italy	61302519	73	839761	76	806612
Spain	46438422	54	859971	59	800662
Poland	37967209	51	744455	52	744455
Romania	19759968	32	617499	33	617499
Netherlands	17235349	26	662898	29	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		705	

¹ As established by Council Decision 2016/2353

MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure
Kazimierz Ujazdowski on behalf of the ECR Group

We do not agree with the decision to re-distribute seats after Brexit. The EP loses a massive opportunity to reduce its membership to 678 Members. A smaller European Parliament would be more efficient and reducing the budget would be greatly appreciated by our citizens. Moreover, the authors of the report, contrary to the previous EP resolutions, did not present the objective criteria for the new distribution, and therefore the allocation of seats is arbitrary.

The ECR also opposes the calls for the future creation of a transnational list. Transnational MEPs, whom would be beyond traditional electoral boundaries, will only serve to make citizens feel even more distant from the EU. It is naive to assume it will increase accountability and participation in European elections when it will unfortunately do the exact opposite.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	23.1.2018
Result of final vote	+: 20 -: 4 0: 1
Members present for the final vote	Michał Boni, Mercedes Bresso, Elmar Brok, Fabio Massimo Castaldo, Pascal Durand, Esteban González Pons, Danuta Maria Hübner, Diane James, Ramón Jáuregui Atondo, Alain Lamassoure, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Markus Pieper, Paulo Rangel, Helmut Scholz, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Țapardel, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Guy Verhofstadt
Substitutes present for the final vote	Max Andersson, Pervenche Berès, Roberto Gualtieri, Sylvia-Yvonne Kaufmann, Jérôme Lavrilleux, Georg Mayer, Rainer Wieland

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

20	+
ALDE	Maite Pagazaurtundúa Ruiz, Guy Verhofstadt
EFDD	Fabio Massimo Castaldo
GUE/NGL	Helmut Scholz, Barbara Spinelli
PPE	Michał Boni, Elmar Brok, Esteban González Pons, Danuta Maria Hübner, Alain Lamassoure, Paulo Rangel, György Schöpflin
S&D	Pervenche Berès, Mercedes Bresso, Ramón Jáuregui Atondo, Jo Leinen, Claudia Țapardel, Pedro Silva Pereira
VERTS/ALE	Pascal Durand, Josep-Maria Terricabras

4	-
ECR	Morten Messerschmidt, Kazimierz Michał Ujazdowski
ENF	Georg Mayer
NI	Diane James

1	0
PPE	Markus Pieper

Key to symbols:

+ : in favour

- : against

0 : abstention