

## Changes in the number and distribution of seats

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## The number and distribution of seats

### The number and distribution of seats in the founding Treaties

Establishing the composition of the Common Assembly of the European Coal and Steel Community (ECSC), the predecessor to the European Parliament, was no easy task. To determine the total number of Members and the numbers from each Member State, the authors of the Treaty establishing the ECSC referred to the only model for a European Assembly in existence at that time: the Assembly of the Council of Europe. The small Benelux countries, major producers of coal and steel, were afraid of being under-represented. As a result, the number of Members representing them was increased. This at once raised the question of representativeness: a delegate from the Luxembourg Chamber of Deputies represented 80 000 citizens as against 3 million in the case of a delegate from the German Parliament.

At its first sitting in 1952, the ECSC Common Assembly had 78 Members, the seats being distributed between Member States as follows:

**Table:** Distribution of seats in the ECSC Common Assembly by Member State (1952)

Belgium	10
Germany	18
France	18
Italy	18
Luxembourg	4
Netherlands	10
<b>Total</b>	<b>78</b>

The composition of the Common Assembly, as well as its operation, was radically changed with the establishment of the Ad Hoc Assembly in 1952. This Assembly was entrusted with the task of drawing up a draft Treaty establishing the European Political Community (EPC). For this occasion, nine more representatives (three French, three German and three Italian) were co-opted by the Members of the ECSC Assembly. After the failure of the EPC — the scheme was rejected by the Foreign Ministers of the Six in November 1953 — and of the European Defence Community (EDC) — the Treaty was rejected by the French National Assembly on 28 August 1954 — the Common Assembly resumed its normal work until 1958.

It was at this time that the Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom) came into force. A single assembly was set up to avoid increasing the number of assemblies. It was initially known as the European Parliamentary Assembly before the name European Parliament was adopted on 30 March 1962 (this name was officially laid down in the Single European Act in 1986). It constituted both the Assembly of the two new Communities and the continuation of the ECSC Common Assembly. Its activities extended to new areas, and its membership increased to 142, with the following distribution of seats:

**Table:** Distribution of seats in the single Assembly by Member State (1958)

Belgium	14
Germany	36
France	36
Italy	36
Luxembourg	6
Netherlands	14
<b>Total</b>	<b>142</b>

### **Adjustments following the first enlargements (1973–1986)**

The 1972 Act of Accession added 10 seats for Denmark and Ireland and 36 for the United Kingdom, bringing the total number of Members to 198.

On 20 September 1976, the Council adopted the decision relating to the Act concerning the election of the representatives of the Assembly by direct universal suffrage. The first elections took place on 7 and 10 June 1979. The Act provided for the election of 410 Members and led to a change in the allocation of seats in Parliament (Article 2 of the 1976 Act). The doubling of the number of seats was hotly debated. The question of a better balance of representativeness between Members had to be reconciled with that of representation for the main political movements in the smaller Member States, as well as with ensuring parliamentary work was done effectively. The solution found to this was to amend the system for allocating seats and increase the total number of Members elected. The Council departed from the proposal for a decision from the European Parliament (the Patijn report), which was for a total of 355 Members.

**Table:** Distribution of seats in the single Assembly by Member State (1979)

Belgium	24
Denmark	16
Germany	81
France	81
Ireland	15
Italy	81
Luxembourg	6
Netherlands	25
United Kingdom	81
<b>Total</b>	<b>410</b>

The accession of Greece in 1981, and of Spain and Portugal in 1986, increased the number of seats without altering the allocation scheme: Greece was allocated 24 seats, Spain 60 and Portugal 24, bringing the total number of representatives to 434 and then 518.

**Table:** Distribution of seats in the European Parliament by Member State (1989)

Belgium	24
Denmark	16
Germany	81
Greece	24
Spain	60
France	81
Ireland	15
Italy	81
Luxembourg	6
Netherlands	25
Portugal	24
United Kingdom	81
<b>Total</b>	<b>518</b>

### **Taking German reunification into account**

German unification in 1990 led to an increase of 16 million citizens in the population of Germany. The discrepancy in representativeness between Members of the European Parliament became even more marked: a Member elected in Germany represented 976 000 people, a Member elected in France 698 000 people, a Member elected in Belgium 414 000 and, to take the extreme case, a Member elected in Luxembourg represented 63 000 people. The question of striking a fresh balance, which was raised by the German authorities when the Treaty of Maastricht was being negotiated, was not resolved and was put off until 1992. In a declaration annexed to the new Treaty, the conference agreed to ‘examine the questions relating to the number of members of the Commission and the number of members of the European Parliament no later than at the end of 1992, with a view to reaching an agreement which will permit the establishment of the necessary legal basis for fixing the number of members of the European Parliament in good time for the 1994 elections. The decisions will be taken in the light, inter alia, of the need to establish the overall size of the European Parliament in an enlarged Community.’

In October 1991, the European Parliament recommended that the number of representatives elected in Germany be increased by 18<sup>1</sup> — corresponding to the number of observers from the five new Länder invited by the European Parliament. In June 1992, to take account of the possibility of enlargement to six new Member States (Austria, Finland, Sweden, Switzerland, Malta and Cyprus), Parliament recommended a change in the composition of Parliament which would involve a departure from equality in the number of Members elected from the large Member States. Strict proportionality was ruled out — leading to certain distortions — out on the grounds that ‘the development of a federal type of European Union has not reached a sufficiently advanced stage’.<sup>2</sup>

The December 1992 Edinburgh European Council endorsed the Parliament Resolution of June 1992 and tasked the Council with amending the 1976 accordingly, which it did in Decision 93/81/Euratom, ECSC, EEC of 1 February 1993.<sup>3</sup> The decision was applied for the 1994 June elections. With a 567-

<sup>1</sup> European Parliament Resolution of 9 October 1991 on democratic representation in the European Parliament of the 16 million new German EC citizens (B3-1531/91/rev.), OJ C 280, 28 October 1991, p. 94.

<sup>2</sup> European Parliament Resolution of 10 June 1992 on a uniform electoral procedure: a scheme for allocating the seats of Members of the European Parliament, OJ C 176, 13 July 1992, p. 72.

<sup>3</sup> Decision amending the Act concerning the election of the representatives of the European Parliament by direct

seat Parliament, most states saw a marked increase in the number of their Members, and the number of Germany's representatives increased by over 20 %:

**Table:** Allocation of seats in the European Parliament by Member State (1994)

Belgium	25
Denmark	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15
Italy	87
Luxembourg	6
Netherlands	31
Portugal	25
United Kingdom	87
<b>Total</b>	<b>567</b>

#### **Adjustments following the 1995 enlargement**

In 1995, the Act of Accession of Austria, Finland and Sweden brought the total number of Members up to 625. Without altering the previous distribution, it added 21, 16 and 22 seats for each of these countries respectively. Austria and Sweden each gained one seat more than what was recommended in the European Parliament Resolution of June 1992. The European Parliament turned into what was, at the time, one of the largest parliamentary assemblies among democratic systems: the lower house of the Indian Parliament had 545 Members statutorily, the House of Representatives of the United States Congress 435. Only the UK House of Lords, the German Bundestag and the Italian Chamber of Deputies were on a level pegging (with 780, 598 and 630 Members respectively). To keep this regular expansion in numbers within limits, the European Parliament, in its Resolution of June 1992, recommended setting the maximum number of MEPs at 700.

#### **Difficult adjustments following the 2004–2007 enlargement**

With a view to further enlargement, the 1997 Treaty of Amsterdam introduced an upper limit of 700 Members of the European Parliament, without amending the current allocation of the 626 seats (Article 20 ECSC, Articles 189 and 190 (2) EEC and 107 and 108 (2) EAEC). This question was held over. The Protocol on the institutions with the prospect of enlargement of the European Union annexed to the Treaty of Amsterdam provides that ‘At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.’

The launching of the process of accession to the Union for the ten countries of Central and Eastern Europe and Cyprus by the Luxembourg European Council of December 1997, and the opening of the

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universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, OJ L 33, 9 February 1993, p. 15.

accession negotiations for six of them from spring 1998, made it necessary to resume the discussions on the functioning of the Community institutions. The European Council, meeting in Cologne in June 1999, confirmed that it proposed to convene, for the beginning of 2000, an intergovernmental conference which would have to complete its work within the year. The Weizsäcker-Dehaene-Simon report on the institutional implications of enlargement which was submitted to the Commission in October 1999 made an obvious point: ‘A significant increase in the number of participants automatically increases problems of decision making and management.’<sup>4</sup> Maintaining the rule for allocating seats selected in 1997 as the means of determining the number of elected representatives from the future Member States would mean that the 700-Member limit could not be adhered to; conversely, maintaining that ceiling, the position defended by the European Parliament (Dimitrakopoulos/Leinen report),<sup>5</sup> would require a radical revision of the allocation rule. In either case, a balance should be maintained in the representation of Europe’s citizens, even though the Union consisted of countries with increasing disparities in terms of size.

The Treaty of Nice took action on these two parameters: the cap on the number of elected representatives was raised to 732, while a new distribution of seats was carried out, to take effect, in principle, from the beginning of Parliament’s 2004–2009 term. Article 2 of the Protocol on the enlargement of the Union reduced the number of representatives of the 15 Member States from 626 to 535, distributing the seats in such a way that only Germany and Luxembourg kept the same number as before. There was provision for 197 seats for the countries of Central and Eastern Europe, Cyprus and Malta.

**Table:** Distribution of seats in the European Parliament by Member State of the 15-member Union pursuant to the Treaty of Nice (2004)

Belgium	22
Denmark	13
Germany	99
Greece	22
Spain	50
France	72
Ireland	12
Italy	72
Luxembourg	6
Netherlands	25
Austria	17
Portugal	22
Finland	13
Sweden	18
United Kingdom	72
<b>Total</b>	<b>535</b>

The Declaration on enlargement annexed to the Treaty of Nice foreshadowed what the distribution of

<sup>4</sup> Von Weizsäcker, Richard; Dehaene, Jean-Luc; Simon, David, *The institutional implications of enlargement*, Report to the European Commission, Brussels, 18 October 1999.

<sup>5</sup> European Parliament Resolution of 13 April 2000 containing its proposals for the Intergovernmental Conference (A5-0086/2000), OJ C 40, 7 February 2001, p. 5.

seats would be in a European Union of 27 Member States. The distribution took the number of seats allocated to the 15 existing Member States and added those earmarked for the 12 future Member States. In addition, Article 2 (3) of the Protocol on the enlargement of the Union provided that a pro rata correction should be applied to the number of representatives to be elected in each Member State if the number of Member States at the beginning of the 2004–2009 term was not 27.

As only ten new Member States signed the Treaty of Accession in Athens on 16 April 2003, the 50 seats intended for Romania and Bulgaria were distributed between the 25 Member States in such a way that the total number of representatives corresponded to the upper limit of 732 seats laid down in Nice. Thus, Article 11 of the Act of Accession provided for a fresh distribution of seats among the 25 Member States from the start of Parliament’s 2004–2009 term.

**Table:** Distribution of seats in the European Parliament by Member State of the 25-member Union in accordance with the Act of Accession (2004)

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14
Finland	14
Sweden	19
United Kingdom	78
<b>Total</b>	<b>732</b>

Finally, Article 2 (4) of the Protocol on the Enlargement of the European Union provides that the total number of seats may temporarily exceed 732 so as to allow for accessions taking place after the 2004 European elections. The accession of Bulgaria and Romania on 1 January 2007 added 18 and 35 seats respectively to the previous distribution, bringing the total number of Members to 785 until the end of the 2004–2009 parliamentary term.

As regards Parliament’s next term, the Act of 25 April 2005 concerning the conditions of accession of the Republic of Bulgaria and Romania laid down that the number of Members of Parliament should not exceed 736, with a new distribution of seats taking effect from the beginning of the 2009–2014 term. This distribution is identical to that provided by the Declaration on Enlargement annexed to the Treaty of Nice except that the Czech Republic and Hungary each receive two extra seats, in accordance with what was decided at the December 2002 Copenhagen European Council. In 2000, Hungary, which was then a candidate for accession, had complained at the number of seats awarded to it (20) as compared with the number given to countries of identical size such as Greece or Belgium (22).

**Table:** Distribution of seats in the European Parliament by Member State in the 27-member Union (2009)

Belgium	22
Bulgaria	17
Czech Republic	22
Denmark	13
Germany	99
Estonia	6
Greece	22
Spain	50
France	72
Ireland	12
Italy	72
Cyprus	6
Latvia	8
Lithuania	12
Luxembourg	6
Hungary	22
Malta	5
Netherlands	25
Austria	17
Poland	50
Portugal	22
Romania	33
Slovenia	7
Slovakia	13



Finland	13
Sweden	18
United Kingdom	72
<b>Total</b>	736

### The new system laid down by the draft European Constitution (2004)

The draft Treaty establishing a Constitution for Europe took note of the increase in the number of elected representatives as compared to that originally laid down in the Treaty of Amsterdam. It laid down a new, non-negotiable limit of 750 on the number of Members of the European Parliament. The distribution of seats by Member State was not defined; responsibility for taking that decision was referred to the European Council, acting on the initiative and with the approval of the European Parliament. Principles governing the decision-making power of the European Council were laid down: representation of citizens should be degressively proportional, with a minimum threshold of six Members per Member State and a maximum of 96 Members (Article I-20). A protocol annexed to the draft Treaty laid down that the European Council should adopt a decision determining the composition of the European Parliament sufficiently in advance of the 2009 European Parliament elections. The Treaty of Lisbon incorporated Article I-20, which became Article 14 TEU. The protocol was also incorporated into the new treaty, to form Protocol No 36. In accordance with the protocol, the European Council of June 2007 called on the European Parliament to submit a proposal for its own composition by October 2007. On 11 October, Parliament adopted a resolution on its composition (the Severin-Lamassoure report). The distribution of seats among Member States broke the equality between France, the United Kingdom and Italy.

**Table:** Distribution of seats in the European Parliament by Member State in the 27-member Union in accordance with the Severin-Lamassoure report (2007)

Belgium	22 (=)
Bulgaria	18 (+1)
Czech Republic	22 (=)
Denmark	13 (=)
Germany	96 (-3)
Estonia	6 (=)
Greece	22 (=)
Spain	54 (+4)
France	74 (+2)
Ireland	12 (=)
Italy	72 (=)
Cyprus	6 (=)
Latvia	9 (+1)
Lithuania	12 (=)
Luxembourg	6 (=)
Hungary	22 (=)

Malta	6 (+1)
Netherlands	26 (+1)
Austria	19 (+2)
Poland	51 (+1)
Portugal	22 (=)
Romania	33 (=)
Slovenia	8 (+1)
Slovakia	13 (=)
Finland	13 (=)
Sweden	20 (+2)
United Kingdom	73 (+1)
<b>Total</b>	<b>750 (+14)</b>

### The system laid down by the Treaty of Lisbon

The intergovernmental conference held in autumn 2007 approved the new distribution worked out by the European Parliament. In the face of criticism from the Italian Government concerning the drop in the number of seats as compared with France and the United Kingdom, the conference amended the wording of Article I-20 of the draft European Constitution (the future Article 14 TEU). The European Parliament would be composed of 750 Members ‘plus the President’. Mentioning the President separately enabled 751 Members to be elected without infringing the ceiling set for the number of MEPs. A declaration annexed to the Treaty of Lisbon stated that the additional seat in the European Parliament was allocated to Italy.

The ‘No’ vote in the Irish referendum of June 2008 prevented the Treaty of Lisbon from entering into force sufficiently in advance of the next European Parliament elections. Since there were no new legal provisions, the elections were, as a result, held on the basis of the provisions of the Treaty of Nice as amended by the various accession treaties. In June 2009, 736 Members were elected. The European Council of December 2008, however, agreed to incorporate the advances contained in the Treaty of Lisbon into the existing treaties. The number of MEPs per Member State had to be increased in accordance with the figures laid down by the intergovernmental conference of autumn 2007. On the other hand, no Member State could have the number of representatives elected on its territory reduced (which concerned Germany): the number of MEPs would therefore go up from 736 to 754.<sup>6</sup> The European Council of June 2009 confirmed its position and defined the arrangements for designating additional Members: either by special elections, or by reference to the results of the European Parliament elections of June 2009, or by each national parliament appointing the requisite number of Members from its own ranks.

As soon as the Treaty of Lisbon entered into force (1 December 2009), the Spanish Government, which was preparing to hold the Council Presidency, submitted a proposal for an amendment to bring the existing treaties into line with this political agreement. The amendment to Protocol No 36 annexed to the Treaties on European Union and on the Functioning of the European Union was adopted by the intergovernmental conference of 23 June 2010.<sup>7</sup> The protocol entered into force on 1 December 2011.

<sup>6</sup> Declaration of the European Council — Treaty of Lisbon — Transitional measures concerning the composition of the European Parliament, annexed to the Presidency Conclusions. Brussels, 11 and 12 December 2008, 17271/1/08 REV 1.

<sup>7</sup> Protocol of 23 June 2010 amending the Protocol on transitional provisions annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty instituting the European Atomic Energy Community, OJ C 263, 29 September 2010, p. 1.

**Table:** Distribution of seats in the European Parliament by Member State (2011)

Belgium	22 (=)
Bulgaria	18 (+1)
Czech Republic	22 (=)
Denmark	13 (=)
Germany	99 (=)
Estonia	6 (=)
Greece	22 (=)
Spain	54 (+4)
France	74 (+2)
Ireland	12 (=)
Italy	73 (+1)
Cyprus	6 (=)
Latvia	9 (+1)
Lithuania	12 (=)
Luxembourg	6 (=)
Hungary	22 (=)
Malta	6 (+1)
Netherlands	26 (+1)
Austria	19 (+2)
Poland	51 (+1)
Portugal	22 (=)
Romania	33 (=)
Slovenia	8 (+1)
Slovakia	13 (=)
Finland	13 (=)
Sweden	20 (+2)
United Kingdom	73 (+1)
<b>Total</b>	<b>754 (+18)</b>

The Treaty of Accession of Croatia to the European Union of December 2011 increased by 12 Croatian Members the number of seats in the European Parliament for the period from the accession to the end of the 2009–2014 term. To comply with the 750+1 ceiling on the number of MEPs laid down by Article 14 TEU, a new distribution of representatives in the European Parliament between Member States was carried out by the European Council in June 2013.<sup>8</sup>

<sup>8</sup> European Council Decision (2013/312/EU) of 28 June 2013 establishing the composition of the European Parliament, OJ L 181, 29 June 2013, p. 57.

**Table:** Distribution of seats in the European Parliament by Member State (2014)

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	18
Poland	51
Portugal	21
Romania	32
Slovenia	8
Slovakia	13
Finland	13
Sweden	20
United Kingdom	73
<b>Total</b>	750+1