

Report by the Committee on Constitutional Affairs on the composition of the EP (3 October 2007)

Caption: On 3 October 2007, in a bid to ensure that the European Parliament to be elected in 2009 will involve a transition from the present situation to that which will result from a more stable system based on degressive proportionality, the Committee on Constitutional Affairs submits a report on the composition of Parliament.

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REPORT

on the composition of the European Parliament
(2007/2169(INI))

Committee on Constitutional Affairs

Rapporteurs: Alain Lamassoure and Adrian Severin

PR_INI

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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): opinion of the European Parliament (Article 48 of the Treaty on European Union)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(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,

¹ Texts adopted of that date, P6_TA(2007)0328.

² OJ C 310, 16.12.2004, p. 1.

³ 11177/1/07 REV 1.

⁴ CIG 1/07, 23 July 2007.

- E. whereas, defined in this way, the principle of degressive proportionality, as a principle enshrined in primary legislation, 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 this 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 this 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 this 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 this 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 thus defined 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 annexed draft decision of the European Council establishing the composition of the European Parliament 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 the Statistical Office of the European Union (Eurostat), but of the number of European citizens;
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 transnational 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

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 approval 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 country, the greater its entitlement to a large number of seats;

- the larger the population of a country, 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*

EXPLANATORY STATEMENT

I - Historical Background

Starting from 1979, the Members of the European Parliament (MEP) began to be elected by universal, direct and secret ballot by the citizens of the Member States (MS) following the European Council of Brussels (12-13 July 1976), where quotas of representation were established for each Member State: the bigger countries (France, the Federal Republic of Germany, Italy and the United Kingdom) got 81 representatives each, while the less large ones got a number of representatives proportional to their population, but more than their proportion in the population of the European Economic Community, as it then was (25 for the Netherlands, 24 for Belgium, 16 for Denmark, 15 for Ireland and 6 for Luxembourg).

After the accession of Greece in 1981, Spain and Portugal in 1986, new seats were allocated to the respective countries in addition to those of the existing MEPs, following the same initial principles (Greece and Portugal were allocated 24 seats each, while Spain received 60 seats).

A new composition of the European Parliament was agreed by the Edinburgh European Council (11-12 December 1992), on the basis of a Parliament proposal¹, taking into account the unification of Germany (granting 18 additional places to the Federal Republic of Germany, but also 6 additional places to France, Italy, the Netherlands and the United Kingdom, 4 to Spain, 1 to Belgium, Greece and Portugal), already taking account of the forthcoming accession of certain EFTA countries. The European Parliament proposal was again based on a principle of degressive proportionality. The same formula was used to determine the number of members to represent Austria, Finland and Sweden (21, 16 and 22 seats, respectively), although a slight modification was made to the number that would have resulted from the strict application of the formula.

The allocation of seats by Member State proposed by the European Parliament was based on the following formula: 6 seats to be allocated to each Member State regardless of population, plus an additional seat per 500,000 inhabitants for the number of inhabitants between 1 and 25 million, an additional seat per million inhabitants for the number of inhabitants between 25 and 60 million, and an additional seat for every two million inhabitants above 60 million. However, this formula has not been strictly applied.

The Treaty of Amsterdam consecrated this formula offering it an institutional dimension, but also introducing the principle of efficiency, by limiting the total MEPs number to 700. This number was amended during the negotiations of the Nice Treaty to reach to up 732 members, after the enlargement process. During the same negotiations a pro rata correction was adopted to allow the total number to remain constant. Thus, a series of Member States renounced to some of their seats (10 for Spain, 9 for France, Italy and the United Kingdom, 4 for Netherlands, 3 for Austria and Sweden, 2 for Denmark, Finland and Ireland, 1 for Belgium,

¹ 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, 13.7. 1992, p. 72 (De Gucht report).

Greece and Portugal) in order to insure a balanced and efficient composition after the eastern enlargement.

II - The state of play

1. In the institutional structure of the European Union the main political decision-makers are the European Parliament and the Council. The Council is the body representing the Member States. The European Parliament is the body representing the citizens. This became particularly evident since 1979, when Parliament became directly elected by the citizens of each Member State.
2. However, although being the "chamber of the citizens", the composition of the European Parliament is conceived in such a way that it is not - has not been since the beginning - "proportional" to the size of the population of each Member State, as one could expect. This brings the consequence that all MEP do not represent the same number of inhabitants, contrary to what one could expect concerning the body representing the citizens. Consequently, the weight of the votes of the citizens of different Member States is not similar, far from that.
3. To a certain extent this rather weird situation from the point of view of democracy can be understood if one considers the complex reality of the political system of the Union:
 - the enormous differences in population between Member States (some examples: Germany's population is around 205 times superior to the one of Malta, the Netherlands represent more than 21 times the population of Cyprus, Spain has more than 4 times more inhabitants than Portugal), the fact that the representation of the main political families in each country, at least the majority and the opposition, must be guaranteed, the need to keep the overall number of MEPs within reasonable limits to ensure the efficiency of the institution, are elements that all call for a certain "flexibility" in the application of the principle of proportionality;
 - moreover, one should not forget the specificity of the political arrangements on which the Union lies. In fact, although the Council is the institution in which the Member States as such are represented, Member States do not have the same weight in the decision procedure, except in as much as the Council decisions are taken by unanimity (which tends to become more and more the exception). Indeed, when qualified majority applies, there has always been a system of weighting of votes that somehow takes into consideration the differences of population between Member States. This is in a certain measure accentuated by the draft reform treaty (just like the Constitutional Treaty) with the recognition of the criteria of the size of the population as one of the criteria of the "double majority" on the basis of which the "qualified majority" is calculated. One could imagine that if the present system would evolve in the sense of a greater parity of the weight of Member States in the Council, then a more accurate consideration of the size of the population in what concerns the composition of the Parliament could be possible. But we have no signs of such an evolution in a near future.

4. It was precisely the fact that the new system of qualified majority (double majority) implies a reinforced consideration of the population criteria that conducted the 2004 Intergovernmental Conference to foresee that the composition of EP should be reviewed, according to the new procedure and to the specific limits and principles it established, on time for the entry into force of the new voting system in the Council, which was then foreseen for 2009¹.

As we know, the Constitutional Treaty did not enter into force. The draft revision of the treaties currently under discussion now foresees that the new voting system in the Council will only enter into force in 2014. This could give ground to argue that the new composition of the EP should also only enter into force by that date. However, the European Council of last June expressly invited the Parliament to present its proposal concerning the redistribution of seats until next October, presumably due to political pressure from some Member States particularly sensible to this question, which demand that a political agreement on that redistribution be already established before giving its consent to the overall reforms contained in the new treaty.

Anyway, it is our conviction that the Parliament should indeed respond positively to the request of the Council, especially because the new Parliament elected in 2009 should benefit of the new powers as foreseen in the draft revision of the treaties. We are taking as our starting point the principle that the request of the European Council means that our proposal will constitute the basis for a political agreement that will anyway have to be translated into a formal decision according to the new procedure, once the amending treaty is ratified and enters into force.

III -The legal situation

5. The distribution of seats in the European Parliament is a very delicate question, due to national sensitivities. Any proposal to review this distribution must take into consideration the legally binding provisions established in the treaties currently in force and the innovations foreseen in the draft revision of the treaties, be sufficiently close to the current system so as not to cause a dramatic overhaul and be firmly grounded in principles, in order to avoid the traditional bargaining based on purely national interests.
6. The legal framework of the composition of the EP is quite complex.
 - 6.1. Until now, the composition of the Parliament and the distribution of its seats have been directly established by the treaty.

At present, the Parliament is composed of 785 members, distributed according to

¹ Protocol 34 on the transitional provisions relating to the institutions and bodies of the Union. Article 1, paragraph 1 states that: *"In accordance with the second subparagraph of Article I-20(2) of the Constitution, the European Council shall adopt a European decision determining the composition of the European Parliament sufficiently in advance of the 2009 European Parliament elections"*. Article 2, paragraph 1 stipulates: *"The provisions of Article I-25 (1) (2) and (3) of the Constitution on the definition of the qualified majority in the European Council and the Council shall take effect on 1 November 2009, after the 2009 European Parliament elections have taken place in accordance with Article I-20(2) of the Constitution."*

Article 190 of the EC Treaty (as amended by the Nice Treaty) and to Article 21 of the Protocol concerning the conditions and arrangements for admission of Bulgaria and Romania to the European Union (annexed to the Treaty of 25 April 2005 concerning the accession of Bulgaria and Romania to the European Union)¹.

- 6.2. For the 2009 elections, however, the composition of the Parliament will be different, according to the rules already into force that were agreed and ratified by all Member States (Article 9, paragraph 2 of the Act concerning the conditions of accession of Bulgaria and Romania and the adjustments to the Treaties on which the Union is founded (annexed to the said treaty of accession of 25 April 2005))². This establishes an overall number of 736 MEPS, distributed between the 27 Member States in such a way that all Member States from Latvia upwards (in terms of population), with the exception of Germany, will lose several seats (from a maximum loss of 6 for France, UK and Italy, to a minimum of 1 for all Member States comprised between Sweden and Latvia) compared to the current situation. Only Germany, Slovenia, Estonia, Cyprus, Luxembourg and Malta maintain their current position³.

This is the legal situation that will in any case apply for the 2009 elections if the amending treaty currently being negotiated does not enter into force soon enough.

- 6.3. Further to this we should consider the draft revision of the treaties, which creates a new procedure for the distribution of seats in the EP and introduces some specific rules (identical to those foreseen in the Constitutional Treaty) that must be taken into account in any redistribution⁴.

— As far as the procedure is concerned, instead of the traditional definition of the number and the distribution of seats being enshrined in the treaties, it stipulates that these shall be established by a decision of the European Council, adopted by unanimity, on the basis of an initiative of the European Parliament and with its consent (article I-20 TEU, paragraph 2, second subparagraph). This means that the distribution of the seats will henceforth become a matter for secondary legislation, within the limits defined in the treaties, and no longer be established in primary law. This means also that it will be submitted to the jurisdiction of the Court of Justice in case the principles established in the treaties will not be implemented in an appropriate way.

— Concerning the substance, the following limits and principles must be respected (article I-20, paragraph 2, first subparagraph):

¹ OJ L 157, 21.6.2005, p. 35.

² OJ L 157, 21.6.2005, p. 206.

³ See table in Annexed I (page 9), the column "Nice" rev (2) 2009-2014.

⁴ Article I - 20, paragraph 2:

2. The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number. Representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.

The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a European decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.

- total size of Parliament limited at 750 seats;
 - no Member State can be allocated more than 96 seats (which slightly reduces the weight of bigger countries, since the current ceiling of seats for a Member State is 99 in the case of Germany);
 - a minimum threshold of 6 seats per Member State (it is at present 5 in the case of Malta).
- Within these limits, the distribution of seats must respect the principle of “degressive proportionality”.
7. However, the draft treaty does not define the content of the principle of "degressive proportionality"- which has traditionally been mentioned by the doctrine as the guideline for the distribution of seats, although this is the first time that it would expressly be mentioned in the treaties.

IV- The way forward

8. The draft revision of the treaties reaffirms the limits established in the Constitutional Treaty and emphasises the principle of "degressive proportionality". It is thus up to the Parliament to give content to this principle of "degressive proportionality":
- in theory, seats might be allocated among the Member States on a strictly proportional basis according to population. However, even if the principle of "degressive proportionality" does not forbid it, the Committee on Constitutional Affairs feels that this is not a realistic option at this stage of political integration of the Union;
 - one option would be to produce a revised version of the formula on which the 1992 decision was based, maintaining the principle of digressive proportionality but starting from a lower minimum number of members and allocating fewer seats per capita and/or altering the population bands. It is important to remember, however, that the degressive proportionality element would reduce the parliamentary representation of the most populous Member States even more than in the past, because the formula, even after modification, will continue to benefit the other countries, particularly those with a medium-sized population;
 - another option would be a linear reduction in the number of seats allocated by the formula used until now. An enlargement process would then have the same relative impact on the distribution of the number of members. The factor for the reduction would have to be calculated on each new accession, as a function of the ratio of the 750-member limit to the theoretical total number of members that would result from application of the current formula for both current Member States and the accession countries. But the Committee on Constitutional Affairs feels that no further cuts in the number of MEPs of any Member State should be envisaged for the moment (see

infra, points 16 and 18).

9. In trying to give an operational content to the rule of degressive proportionality we could agree on the following principles:
 - a) the principle of efficiency – the EP could not function with more than a certain number of members (therefore the limitation to 750 is rational);
 - b) the principle of national representation and motivation of voters – each Member State should have a minimum number of seats in order to send a relevant number of parliamentarians representing the national political main streams in the EP, thus stimulating the national citizens to participate in voting and consequently in the EU democratic process;
 - c) the principle of European solidarity – following this principle, the more peopled states accept to get less seats than those which could be allocated to them by a strict application of full proportionality in order to let the less peopled states to get a better representation than that to which they would be entitled by the application of full proportionality;
 - d) the principle of the relative proportionality – the ratio population / number of seats is bigger the bigger the state is and respectively smaller the smaller the state is;
 - e) the principle of fair distribution – no state will have more seats than a bigger state or less seats than a smaller state;
 - f) the principle of the justified flexibility or of a flexible direct proportionality / degressivity – while observing the other principles, slight modifications of the number of seats could be agreed through a transparent procedure meant to bring as close as possible the differences between States in terms of population and in terms of seats. This should lead to an as linear curve as possible.
10. Within this context, how to go forward? The ideal alternative would be to agree on an undisputed mathematical formula of "degressive proportionality" that would ensure a solution not only for the present revision but for future enlargements or modifications due to demographic changes.
11. However, an analysis of the different proposals in that sense put forward in the debate makes it clear that any mathematical formula for degressive proportionality is based on some prior political assumptions and will result, in the end, in benefiting some groups of Member States. For instance, the so called "parabolic method" is rationally very attractive, but depending whether the curve is more concave or more convex, it will benefit the bigger countries or the smaller countries... This means in fact that there is not an abstract, impartial, good for all cases mathematical solution for a problem that is essentially political.
12. Nonetheless it is obvious that the principle of degressive proportionality must be given a minimum of content which allows us to rule out some situations as obviously contrary to

this principle.

13. The most obvious way of defining that content in neutral terms is based on the *ratio* between the inhabitants of a given Member State and the seats allocated to that Member State in the European Parliament. If we were to follow a full proportionality principle this *ratio* should be the same (or very close) in all Member States. This means that every MEP of all Member States should then represent more or less the same number of inhabitants (for instance: in 2009, admitting that the population of the 27 Member States keeps stable around the present 492 million inhabitants, if the Parliament was made up of 750 MEPs each seat in the European Parliament should correspond more or less to 657 000 inhabitants). The number of Members attributed to each country would then be rather easy to calculate.
14. But instead of full proportionality it is a concept of "degressive proportionality" that will be imposed by the amending treaty. Consequently, it is fair to say that the *ratio* should vary according to the size of the population of the different Member States: the bigger the population of a Member State, the higher must be the number of inhabitants that each MEP represents; the smaller the population of a Member State is, the lower must be the number of inhabitants that each MEP of that Member State represents.
15. On this ground it becomes clear that if the *ratio* population/MEPs of a Member State with less population is higher (or even equal) to the *ratio* of a Member State with more population, then there is a clear breach of the idea of degressive proportionality.
16. Indeed, if one analyses the distribution that would apply for the period 2009/2014, already taking into consideration the changes that would inevitably derive from the draft revision of the treaties currently being negotiated (Germany automatically losing 3 seats, from 99 to 96, and Malta automatically gaining 1, from 5 to 6), one concludes that in some cases this rule is not respected¹.
17. These results are confirmed if we follow an alternative approach which shows clearly the relative position of each Member State in what concerns the relation between its population and its representation in the European Parliament: the ratio between the percentage of the seats allocated to each Member State (in terms of the whole number of seats of the Parliament) and the percentage of the population of each Member State (in terms of the whole population of the Union). If "degressive proportionality" is to be respected, then this ratio should be higher for less populated Member States than for more populated Member States. What we can conclude however is that this rule is breached in some cases², which correspond exactly to the same cases in which we can see that the ratio population/seats shows a violation of the idea of degressivity.
18. Before suggesting a solution, however, we have to decide if we do already deal with possible future enlargements or not.

Since it is not guaranteed that any accession will be completed during the very short term,

¹ See Annex I and II, pages 9 and 10.

² See Annex III, page 11.

we are of the opinion that we should find a solution for the present situation and do as always in the case of new accessions, that is, to provisionally go above the top-limit and solve the problem for the future in the accession negotiations, in accordance with the principles laid down in the treaties and respecting the future procedure.

19. In parallel we could agree to follow as a guideline that for 2009 no Member State should suffer further losses in its present representation than those already resulting from the Protocol concerning the conditions and arrangements for the accession of Bulgaria and Romania to the European Union.
20. The combined application of these criteria means that we have 16 "free seats" to redistribute: $750 - 736 = 14$ (the difference between the draft revision of the treaties and the Treaty of Nice as revised after the enlargement to Bulgaria and Romania), plus 2 seats resulting from the fact that due to the draft reform treaty Germany will automatically lose 3 seats and Malta gets an extra seat 1, which makes $14 + 3 - 1 = 16$. In proceeding to the redistribution of these seats we must solve those situations identified as clear breaches of any logic of digressive proportionality. Only within these limits can any other criteria of fairness or political nature intervene. The Committee on Constitutional Affairs believes that the proposal it puts forward reflects faithfully this reasoning and constitutes a sound, fair and balanced solution for a very complicated problem.
21. These criteria could be further developed in order to move even closer to a solution which accords more completely with these principles. We might then try by that time to come closer to more precise guidelines that would be applied in future enlargements and thus avoid or substantially reduce the traditional political bargains based on national interests.

On the occasion of the first revision of the proposed system, it will also be desirable to consider the technical and political feasibility of taking account, not of the number of inhabitants as ascertained annually by the Statistical Office of the European Union (Eurostat), but of the number of European citizens.

This two-tier approach will make it possible to respond to the urgency due to the next elections in 2009, but at the same time the review clause inserted to this end with a view to the 2014 elections will also make it possible to take into account the implementation by that date of the double majority voting system in the Council. In fact, a more thorough revision of the distribution of seats in the Parliament, although desirable from the point of view of democratic legitimacy, may only be made in a wider context of a review of the overall balance between the Union's institutions.

ANNEX 1

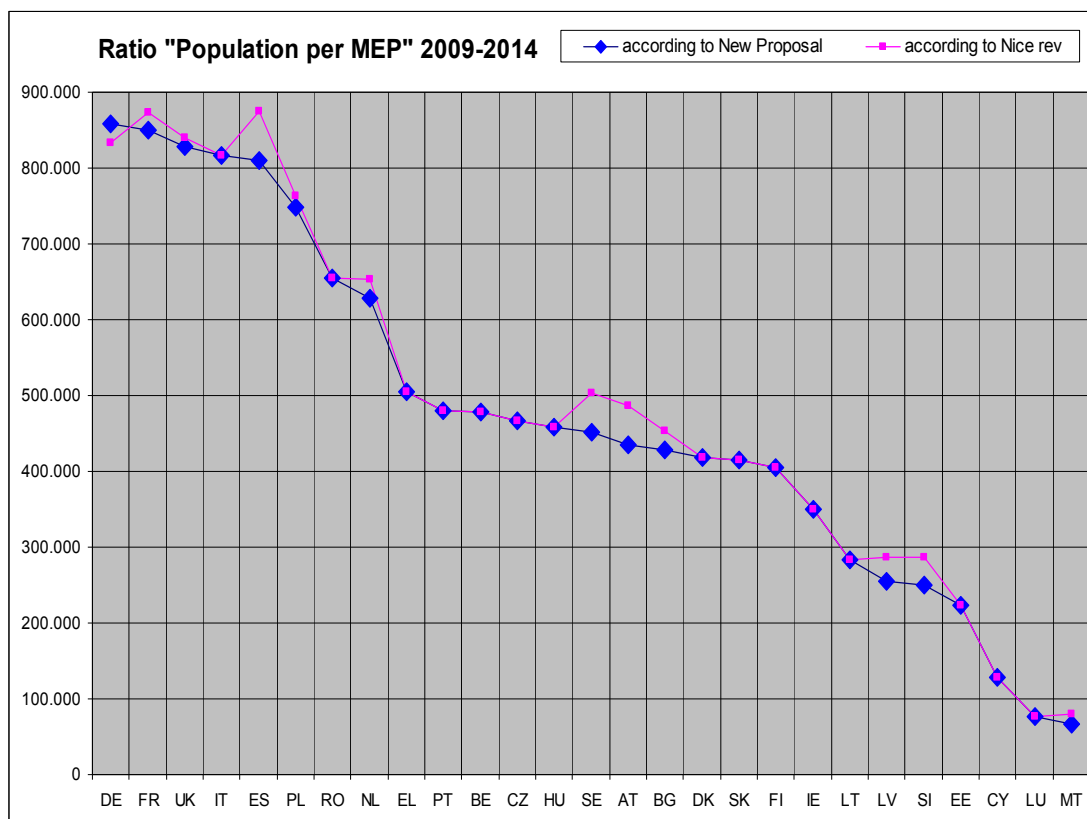
MS	Population (1) (in millions)	% of the popula- tion of the EU-27	Seats until 2009	'Nice' rev. (2) 2009- 2014	'Nice' rev. - Ratio population/ MEPs	'New' (3) 2009-2014 proposal by rapp.	'New' - ratio population/ MEPs	Proposal by rapp. (4) (effects)
DE	82.438	16.73%	99	99	832 707	96	858 729	-3
FR	62.886	12.76%	78	72	873 417	74	849 811	+2
UK	60.422	12.26%	78	72	839 194	73	827 699	+1
IT	58.752	11.92%	78	72	816 000	72	816 000	
ES	43.758	8.88%	54	50	875 160	54	810 333	+4
PL	38.157	7.74%	54	50	763 140	51	748 176	+1
RO	21.61	4.38%	35	33	654 848	33	654 848	
NL	16.334	3.31%	27	25	653 360	26	628 231	+1
EL	11.125	2.26%	24	22	505 682	22	505 682	
PT	10.57	2.14%	24	22	480 455	22	480 455	
BE	10.511	2.13%	24	22	477 773	22	477 773	
CZ	10.251	2.08%	24	22	465 955	22	465 955	
HU	10.077	2.04%	24	22	458 045	22	458 045	
SE	9.048	1.84%	19	18	502 667	20	452 400	+2
AT	8.266	1.68%	18	17	486 235	19	435 053	+2
BG	7.719	1.57%	18	17	454 059	18	428 833	+1
DK	5.428	1.10%	14	13	417 538	13	417 538	
SK	5.389	1.09%	14	13	414 538	13	414 538	
FI	5.256	1.07%	14	13	404 308	13	404 308	
IE	4.209	0.85%	13	12	350 750	12	350 750	
LT	3.403	0.69%	13	12	283 583	12	283 583	
LV	2.295	0.47%	9	8	286 875	9	255 000	+1
SL	2.003	0.41%	7	7	286 142	8	250 375	+1
EE	1.344	0.27%	6	6	224 000	6	224 000	
CY	0.766	0.16%	6	6	127 667	6	127 667	
LU	0.46	0.09%	6	6	76 667	6	76 667	
MT	0.404	0.08%	5	5	80 800	6	67 333	+1
	492 881	100.00%	785	736	669 675	750	657 175	

1) Population figures as forwarded officially on 7 November 2006 by the Commission to the Council: see doc. 15124/06 containing the figures as collected by Eurostat.

2) 'Nice' rev. Allocation of seats in accordance with Art. 189 of the ECT as amended by Art. 9 of the Act of Accession of BG/RO.

3) 'New': New proposal pursuant to Art. 9a of the new TEU (I-20). (4) The new figures for Germany and Malta follow automatically from the draft reform of the provisions of the treaty.

ANNEX 2



Title:

Ratio 'Population per MEP' 2009-2014
 according to the new proposal
 according to Nice revised

ANNEX 3¹

Member State / État membre	Population (millions)	% of / de la population UE-27	«Nice» rev. 2009- 2014	% MEPs	Ratio % MPE - % popu- -lation	Proposal / Proposition rappor-teurs 2009-2014	% MEPs	Ratio % MPE- % population Proposal / Proposition rapporteurs
DE	82,438	16,73%	99	13,45%	0,77	96	12,80%	0,76
FR	62,886	12,76%	72	9,87%	0,76	74	9,87%	0,77
UK	60,422	12,26%	72	9,78%	0,79	73	9,37%	0,79
IT	58,752	11,92%	72	9,78%	0,82	72	9,60%	0,8
ES	43,758	8,88%	50	6,79%	0,76	54	7,20%	0,81
PL	38,157	7,74%	50	6,79%	0,87	51	6,80%	0,88
RO	21,61	4,38%	33	4,48%	1,02	33	4,40%	1
NL	16,334	3,31%	25	3,40%	1,02	26	3,47%	1,05
EL	11,125	2,26%	22	2,99%	1,31	22	2,93%	1,3
PT	10,57	2,14%	22	2,99%	1,39	22	2,93%	1,37
BE	10,511	2,13%	22	2,99%	1,39	22	2,93%	1,38
CZ	10,251	2,08%	22	2,99%	1,43	22	2,93%	1,41
HU	10,077	2,04%	22	2,99%	1,46	22	2,93%	1,44
SE	9,048	1,84%	18	2,45%	1,32	20	2,67%	1,45
AT	8,266	1,68%	17	2,31%	1,36	19	2,53%	1,51
BG	7,719	1,57%	17	2,31%	1,46	18	2,40%	1,53
DK	5,428	1,10%	13	1,77%	1,6	13	1,73%	1,57
SK	5,389	1,09%	13	1,77%	1,61	13	1,73%	1,59
FI	5,256	1,07%	13	1,63%	1,64	13	1,63%	1,62
IE	4,209	0,85%	12	1,63%	1,91	12	1,60%	1,88
LT	3,403	0,69%	12	1,09%	2,36	12	1,60%	2,32
LV	2,295	0,47%	8	0,95%	2,29	9	1,20%	2,55
SI	2,003	0,41%	7	0,82%	2,31	8	1,07%	2,61
EE	1,344	0,27%	6	0,82%	3	6	0,80%	2,96
CY	0,766	0,16%	6	0,82%	5,06	6	0,80%	5
LU	0,46	0,09%	6	0,82%	9	6	0,80%	8,9
MT	0,404	0,08%	5	0,68%	10,12	6	0,80%	10
EU/ UE-27	492,881	100,00%	736	100%		750	100%	

¹ Population figures as forwarded officially on 7 November 2006 by the Commission to the Council: see doc. 15124/06 containing the figures as collected by Eurostat.

RESULT OF FINAL VOTE IN COMMITTEE

Date of adoption	2.10.2007
Result of final vote	+: 17 -: 5 0: 3
Members present for the final vote	Jim Allister, Enrique Barón Crespo, Jens-Peter Bonde, Richard Corbett, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Genowefa Grabowska, Anneli Jäätteenmäki, Sylvia-Yvonne Kaufmann, Jo Leinen, Íñigo Méndez de Vigo, Rihards Pīks, Adrian Severin, József Szájer, Riccardo Ventre, Johannes Voggenhuber, Bernard Wojciechowski
Substitute(s) present for the final vote	Elmar Brok, Carlos Carnero González, Klaus Hänsch, Alain Lamassoure, Stavros Lambrinidis, Gérard Onesta, Bernard Poignant, György Schöpflin, Kathy Sinnott, Alexander Stubb
Substitute(s) under Rule 178(2) present for the final vote	Othmar Karas, Eoin Ryan, Rainer Wieland