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DRAFT REPORT

on a Permanent system for the allocation of seats in the European Parliament
(2023/2104(INL))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on a Permanent system for the allocation of seats in the European Parliament (2023/2104(INL) – (2023/2104(INL))(NLE))

The European Parliament,

- having regard to Article 14(2) of the Treaty on European Union,
 - having regard to Article 106a(1) of the Treaty establishing the European Atomic Energy Community,
 - having regard to its resolution of 7 February 2018 on the composition of the European Parliament (2017/2054(INL) – 2017/0900(NLE)),
 - having regard to its legislative resolutions of 15 June 2023 on the composition of the European Parliament and of 13 September 2023 on the draft European Council decision establishing the composition of the European Parliament (00013/2023 – C9-0319/2023 – 2023/0900(NLE)),
 - having regard to the European Council Decision (EU) 2023/2061 of 22 September 2023 establishing the composition of the European Parliament,
 - having regard to its legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (‘resolution of 3 May 2022 on the reform of the electoral law of the European Union’),
 - having regard to the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe,
 - having regard to Rules 46, 54 and 90 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0000/2024),
- A. whereas the European Parliament is the only institution of the Union where citizens are directly represented; whereas the citizens’ well founded expectation to be fairly represented in this institution is a matter of democratic legitimacy;
- B. whereas Article 14(2) TEU states that the European Parliament shall be composed of representatives of the Union’s citizens;
- C. whereas Article 14(2) sets out a special legislative procedure for the adoption of the decision on composition of the Parliament; whereas Parliament has the right of initiative for a proposal on the composition of the European Parliament while the European Council decides by unanimity and after obtaining Parliament’s consent; whereas detailed arrangements for applying this special legislative procedure have not been

agreed among the institutions so far;

- D. 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 (TEU), namely no more than seven hundred and fifty representatives of the Union's citizens, 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;
- E. whereas the basis for the calculation of the number of seats per member states is to be based on Eurostat data on these member states' resident population in accordance with a method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council ; whereas the calculation includes mobile EU citizens;
- F. whereas the European Council has repeatedly requested that Parliament propose an objective, fair, durable and transparent method to allocate the seats in the European Parliament ; whereas, despite considering the issue , Parliament has not put forward a proposal for such an allocation method so far; whereas there is a renewed call for Parliament to present a proposal as European Council Decision (EU) 2023/2061 of 22 September 2023 establishing the composition of the European Parliament requests that by the end of 2026 and in advance of the proposal on its composition, the European Parliament should propose an objective, fair, durable and transparent seat allocation method implementing the principle of degressive proportionality, without prejudice to the institutions' prerogatives under the Treaties; whereas the European Council Decision further states that, taking into account the impact of possible future developments, such a method should safeguard a sustainable maximum number of members of the European Parliament;
- G. whereas European Council Decision (EU) 2023/2061 of 22 September 2023 establishing the composition of the European Parliament for the 2024-2029 legislative term increases the size of Parliament from 705 to 720 members; whereas the Treaty currently sets an upper limit of 751 members; whereas the current solution used to avoid seat losses by individual member states of tapping into the remaining reserve of seats until the upper limit is reached is neither sustainable nor contributes to a more equitable allocation of seats; whereas this situation underlines the need for an agreement on an objective, fair, durable and transparent seat allocation method;
- H. whereas, in the application of Article 14(2) TEU, Parliament has proposed and the European Council has approved that the following principles shall be respected:
- the total number of seats in the European Parliament shall not exceed 750 in number, plus the President;
 - the allocation of seats to Member States shall be degressively proportional with a minimum threshold of six seats and a maximum threshold of 96 seats per Member State, while reflecting as closely as possible the sizes of the respective populations of the Member States;
 - degressive proportionality is defined as follows: the ratio between the population and the number of seats of each Member State before rounding up or down to the nearest

whole number is to 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 of the European Parliament 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 in the European Parliament;

- when allocating seats in the European Parliament, consideration is to be given to demographic developments in the Member States.
- I. whereas further to these principles, a future seat allocation method should be objective and transparent in terms of procedural application and data used, fair in terms of the equality of votes, and durable with respect to its application irrespective of variations in the populations of the Member States, the number of Member States, and the total number of EP seats;
- J. whereas it is necessary to ensure that the allocation method is flexible enough to accommodate future EU enlargements and possible changes to applicable Union law, and in particular to the Treaties or EU electoral law;
- 1. Underlines that a decision on the composition of the European Parliament is a prerequisite for the organisation of European elections; stresses that, in line with the guidelines of the Venice Commission, such elections should be free, universal, equal, direct and secret;
- 2. Welcomes that European Council Decision (EU) 2023/2061 has tasked the Parliament with proposing an objective, fair, durable and transparent seat allocation method implementing the principle of degressive proportionality, without prejudice to the prerogatives of the institutions under the Treaties
- 3. Points out that Treaty requirements together with political realities have led to ad hoc negotiated agreements on the composition of the European Parliament every mandate; observes that the reason for the politicisation is the aim of every Member State to minimise seat losses and maximise seat gains in absolute or relative terms; emphasises that in the last two decisions concerning the allocation of seats, seats were allocated that became available after the United Kingdom left the EU; highlights that, in the long-term, this strategy is not sustainable, given the Treaty limitation of a maximum of 751 seats and the potentially distortive effects of a political solution, rendering an agreement on an equitable allocation in the future more difficult;
- 4. Stresses that a seat allocation method offers great potential for providing in the future a permanent system to allocate the seats of the European Parliament in an objective, fair, durable and transparent way;
- 5. Stresses that in choosing the most suitable formula, priority needs to be given to objective and evidence-based criteria; further believes that changes to the relevant Treaty provisions can be considered;
- 6. Strongly believes that expert advice for a permanent system of allocation is readily available; stresses that, given existing political realities, finding the most suitable system, while reflecting on adaptations and alternatives, is key;

Principles and criteria for the allocation of seats in the European Parliament

7. Notes that the Treaty on European Union Art. 14 (2) lays down a number of numerical criteria for the allocation of seats among Member States, by imposing minimum and maximum limits for the number of seats allocated and by setting the number of MEPs overall; further notes that the Treaty also specifies that the allocation of seats shall be degressively proportional; underlines that any formula must comply with these criteria;
8. Underlines that any method chosen should be transparent; continues. therefore. to support using Eurostat data as the official source of population figures for the calculations, which is publicly available; fully supports that the same population figures are used as basis for the calculations on the EP composition and the qualified majority in Council;
9. Points out that the method chosen should be understandable, avoiding a level of complexity that citizens cannot understand;
10. Notes that degressive proportionality is assessed on the basis of the representation ratio of the citizens of a given Member State, meaning the ratio of the population of a Member State relative to its number of seats before rounding; observes that degressive proportionality entails that the ratio varies for the various Member States; further notes that the larger the population, the higher the entitlement to a number of seats for a specific Member State, while the ratio population to MEP also increases; notes and accepts that degressive proportionality entails an underrepresentation of citizens from Member States with a larger population and an overrepresentation of citizens of Member States with a smaller population; believes that this principle is justified given the current EU institutional framework;
11. Is of the opinion that a permanent system based on a formula needs to be durable and therefore flexible enough to account for changes in population figures, for future enlargements and for possible changes of applicable legislative provisions, such as the electoral law or treaty changes;
12. Stresses that a fair method must include elements that balance the interests of citizens from all Member States, while also respecting the overall balance of the institutional system as laid down in the Treaties when it comes to the indirect decision-making power of Union citizens, represented by MEPs in the European Parliament and by their governments in the Council;

Choosing the most suitable system

13. Notes that the definition of degressive proportionality, as recognised by the European Parliament¹ and the European Council², does not imply a particular method for seat allocation in the EP, but that, mathematically, there are an infinite number of options to

¹ Legislative resolutions of 15 June 2023 on the composition of the European Parliament and of 13 September 2023 on the draft European Council decision establishing the composition of the European Parliament (00013/2023 – C9-0319/2023 – 2023/0900(NLE))

² European Council Decision (EU) 2023/2061 of 22 September 2023 establishing the composition of the European Parliament

choose from;

14. Points to the existence of a vast number³ of previous recommendations concerning the formula;
15. Observes that previous recommendations for seat allocation comprised several elements; notes that these included a fixed base number of seats for all Member States and an allocation of remaining seats in proportion to respective population figures with a cap of 96 seats; stresses that these recommendations, such as the so-called ‘Cambridge Compromise’, have been criticised for not respecting Treaty criteria, such as degressive proportionality, in certain circumstances;
16. Further notes that the ‘Cambridge Compromise’ has been criticised for neglecting the interests of citizens of medium-sized Member States, entailing seat losses for these countries; recalls that in order to counterbalance this tendency of the ‘Cambridge Compromise’, an extensive reform of the qualified voting mechanism currently in force in the Council; regretfully acknowledges that, , due to high political hurdles, such as Treaty change, these reforms were never pursued;
17. Stresses the need for any method chosen to maintain the advantages of the known formulas, while minimising their disadvantages; points out that ‘base seat’ elements of the seat allocation system can be used to ensure the democratic representation of citizens from smaller Member States, while the proportional elements ensure that the larger a Member State’s population , the greater the number of seats allocated to it; highlights that seats allocated in proportion to the square root of the population of Member States contribute to ensuring that degressive proportionality is achieved and the citizens of small and medium-sized Member States are democratically represented; believes that the combination of these elements can be converted into a mathematical formula and used as the basis of the most suitable allocation system; believes that such allocation system should be proposed and adopted in the form of a political decision;
18. Proposes that the new seat allocation system should be applied for the allocation of seats among Member States from the parliamentary term following the next parliamentary term after the adoption of this resolution ;
19. Believes that the seat allocation system will make it easier for the European Parliament to swiftly adopt its proposal to the European Council concerning the composition of the European Parliament; resolves to make this seat allocation system the basis of its proposal to the European Council; points out that Parliament’s consent is required on the European Council decision on the composition of the European Parliament; further resolves not to give its consent to the European Council decision, if that decision deviates from the allocation resulting from the application of allocation system proposed by Parliament;
20. Instructs its President to forward this legislative resolution and the proposal annexed hereto to the European Council and the Commission, and to the parliaments and

³ These formulas include the Cambridge Compromise, the Power method, the Parabolic method, the D’Hondt method, the 0.5 DPL method and the FPS method.

governments of the Member States.

ANNEX TO THE MOTION FOR A LEGISLATIVE RESOLUTION

Proposal for a

EUROPEAN COUNCIL DECISION

establishing a seat allocation method for 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 Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the proposal of the European Parliament¹,

Having regard to the consent of the European Parliament²,

Whereas:

- (1) Article 14(2), first subparagraph, of the Treaty on European Union (TEU) lays down the criteria for the composition of Parliament,
- (2) Article 10 TEU provides, inter alia, that the functioning of the Union is to 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, which are democratically accountable to their national Parliaments or citizens, in the Council.
- (3) Article 14(2) TEU 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.

HAS ADOPTED THIS DECISION:

Article 1

When allocating seats based on Member States resident population, the following principles shall be respected:

- the allocation of seats to Member States shall be degressively proportional reflecting as closely as possible the sizes of the respective populations of the Member States,

¹ Proposal adopted on ... (not yet published in the Official Journal).

² Consent of ... (not yet published in the Official Journal).

- degressive proportionality is defined as follows: the ratio between the population and the number of seats of each Member State before rounding up or down to the nearest whole number varies 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 of the European Parliament from a less populous Member State and, conversely, in such a way that the larger the population of a Member State, the greater its entitlement to a large number of seats in the European Parliament,
- the allocation of seats in the European Parliament is to consider demographic developments in the Member States.

Article 2

The total population of the Member States is calculated by the Commission (Eurostat) on the basis of data provided by the Member States, in accordance with a method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council³.

Article 3

1. The number of representatives in the European Parliament elected from the parliamentary term following the next parliamentary term after the adoption of this decision onwards is to be calculated as follows:

[placeholder]

Article 4

Sufficiently far in advance of the beginning of the parliamentary term following the next parliamentary term after the adoption of this decision, the European Parliament shall submit to the European Council, in accordance with Article 14(2) TEU, a proposal for an updated allocation of seats in the European Parliament calculated in accordance with the formula laid down in Article 3.

Article 5

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at ...

For the European Council
The President

³ 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).