EUROPEAN PARLIAMENT

Andrew Duff MEP argues that political horse-trading should not decide how many seats Croatia has in the European Parliament. He proposes a mathematical alternative

Before Croatia joins the European Union in July next year, its voters will elect a number of its national parliamentarians to act as members of the European Parliament for the remainder of this Parliament's term. This will bring the number of MEPs to 766. At the elections in June 2014, however, Croatian MEPs will be included in the 751 seats ordained for the Parliament by the Lisbon treaty.

That wonderful treaty also gave to Parliament the job of making a proposal as to its future composition to the European Council. There are certain other constraints, namely that no state shall have more than 96 seats or fewer than six, and that the distribution of seats shall be degressively proportional.

While the treaty itself does not define degressive proportionality, both the Parliament and the Council of Ministers agreed in the run-up to the Lisbon treaty's entry into force that it would be interpreted to mean that MEPs elected in larger states will represent more citizens than MEPs elected in smaller states and, conversely, that smaller states will have fewer MEPs than larger ones.

In the past, every redistribution of seats has triggered an unseemly squabble at the level of the Council (which has to decide on this by unanimity). Seats in the Parliament have been traded like pawns for other, larger concessions, usually in the early hours at the end of a fractious inter-governmental conference. Interestingly, few heads of government seem to care to maximise the number of their MEPs: indeed, I know some who would not mind having fewer to contend with.

Tension rises, however, on the matter of pairing – in other words, ensuring that parity of esteem is kept among roughly similar states such as Poland and Spain, Italy and the UK, and Belgium and the Netherlands.

The ad hoc manner and lack of rigour that have characterised decisions on the apportioning of seats are undermining the political legitimacy of the Parliament.

Importantly, the relative under-representation of the larger states has been criticised by Germany's constitutional court in Karlsruhe, as has the fact that the composition of the present Parliament breaches the Lisbon treaty principle of degressive proportionality. It will not be long, in these litigious times, before someone takes the Parliament to court to force it to rectify the situation. Better to instigate the systemic reform itself.

Trading places

Dividing up the Parliament

Member state	Population	2009	2014	2019	2024
Germany	81,751,602	99	96	96	96
France	65,075,373	74	79	83	83
UK	62,435,709	73	76	79	80
Italy	60,626,442	73	75	78	78
Spain	46,152,926	54	58	61	61
Poland	38,200,037	51	51	51	51
Romania	21,413,815	33	31	31	31
Netherlands	16,655,799	26	25	25	25
Greece	11,325,897	22	20	19	19
Belgium	10,951,665	22	20	19	19
Portugal	10,636,979	22	20	18	18
Czech Republic	10,532,770	22	20	18	18
Hungary	9,985,722	22	20	18	17
Sweden	9,415,570	20	18	17	17
Austria	8,404,252	19	17	16	16
Bulgaria	7,504,868	18	16	14	14
Denmark	5,560,628	13	12	12	12
Slovakia	5,435,273	13	12	12	12
Finland	5,375,276	13	12	12	12
Ireland	4,480,858	12	11	11	11
Croatia	4,412,137	-	11	11	11
Lithuania	3,244,601	12	10	9	9
Latvia	2,229,641	9	8	8	8
Slovenia	2,050,189	8	8	8	8
Estonia	1,340,194	6	7	7	7
Cyprus	804,435	6	6	6	6
Luxembourg	511,840	6	6	6	6
Malta	417,617	6	6	6	6
Total	506,932,115	754	751	751	751

Mathematics to the rescue

There is a long-standing debate among mathematicians and political scientists about seat apportionment in federal systems. As the Parliament's rapporteur on electoral reform, I organised an international symposium in January 2011 in Cambridge, inviting the participants to agree on a mathematical formula for the distribution of seats that could replace the current system of barter and that would be as far as possible clear, neutral and durable. The new methodology agreed is called the Cambridge Compromise (CamCom).

While variants on this formula can be discussed, intensive scientific scrutiny of CamCom has not negated its essential strength in mathematical terms. CamCom does what it has to in terms of fairness, transparency and legal certainty. In any case, no other mathematical approach comes to widely different results if it is accepted that all available 751 seats are to be used up.

In practical terms, the one inescapable feature of the maths is that the middling-sized states are at the moment over-represented. For that reason, several MEPs from those states have reacted against CamCom, making it difficult for the raw proposal to win the large majority in the Parliament desirable for constitutional innovations.
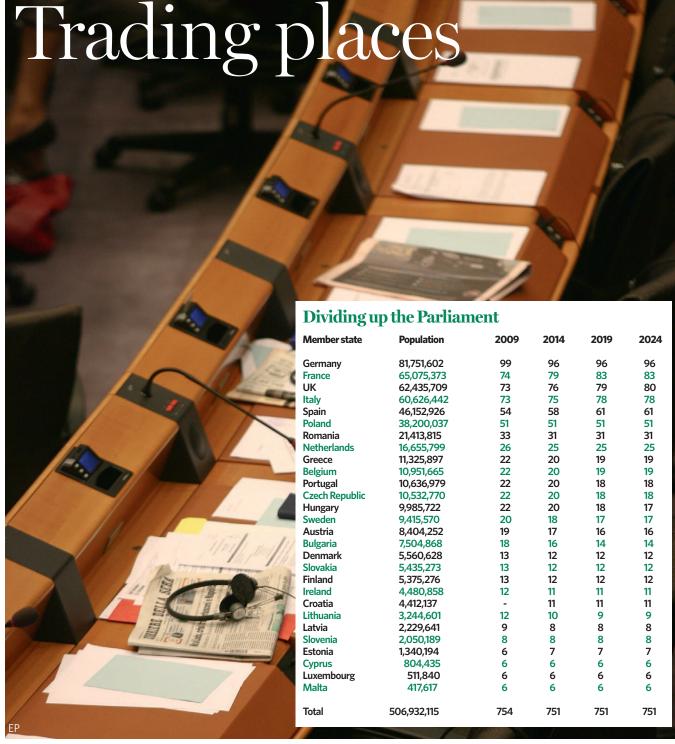
My proposal is to phase in the introduction of CamCom over three elections with corrections to ensure that no state would lose more than two MEPs in any one election (with the exception of Germany, which, according to the treaty, must go down from 99 to 96 in 2014). The remaining seats would be given to states in proportion to how far below their strict entitlement they still are, while respecting degressive proportionality.

Such a gradualist approach will end up with the full CamCom formula in 2024, as illustrated in the table on this page. The accession of other states before then, such as Iceland, would quicken the transition. And one should not underestimate the short-term impact of demographic change and migration: the number of Germans, for example, continues to fall both in real terms and relative to the French and British, which are growing fast.

The European Court of Justice (and its friends in Karlsruhe) could be expected to accept an approach determined scientifically, as this has been, that would eventually bring the Parliament into line with its treaty obligations. The question now is can the Parliament bite the mathematical bullet or will it succumb, as the Council has done before it, to the ways and means of the Oriental bazaar?

Croatia, by the way, would get 11 MEPs.

Andrew Duff is a British Liberal MEP and a member of the Parliament's constitutional affairs committee.

TREATY RULES

The Lisbon treaty sets the number of seats in the European Parliament at 751 and says that no country should have fewer than six and more than 96 MEPs. Unlike previous treaties, it does not list the seats for each country.

The representation of citizens should be "degressively proportional", the treaty says, meaning that countries of similar (but not exactly the same) size should have the same number of MEPs. The treaty leaves it to the European Council, acting in unanimity, to adopt a decision on how this provision is to be applied in practice, on a proposal from the Parliament.

The current Parliament, elected in June 2009, is not fully aligned with the provisions of the Lisbon treaty, which took effect half a year later. It has 754 seats, and Germany has 99 MEPs. The next election, in 2014, will take place under the Lisbon treaty rules. This will be the first election to the Parliament to include 28 member states, after Croatia's accession, scheduled to take place in July 2013.

Toby Vogel

CROATIAN OBSERVERS

Twelve Croatian observer MEPs took their seats in Strasbourg on 17 April. Appointed by the Croatian parliament, they will serve until Croatia joins the European Union, which is scheduled for 1 July 2013. Before accession, Croatia will be required by its treaty of accession with the EU to hold an election for its MEPs. Until the June 2014 elections to the European Parliament, Croatia will have 12 MEPs.

As observers, the Croatians can attend and speak in committee and group meetings, but they cannot vote, stand for positions in the Parliament, or address the plenary. Five of the observer MEPs are members of the centre-left Socialists & Democrats group, three come from the centre-right European People's Party, and one is a member of the Liberal group. Three of the Croatian observer MEPs are not members of any group in the Parliament.

Because Croatian is not currently among the EU's 23 official languages, the Parliament has hired six Croatian staff interpreters and hopes to hire another four before the end of the year.

Toby Vogel