Resolution on the draft protocol amending Protocol No 36 on transitional provisions concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term: the European Parliament's opinion

2009/0813(NLE) - 04/12/2009 - Legislative proposal

PURPOSE: to amend Protocol No 36 on transitional measures concerning the composition of the European Parliament.

PROPOSED ACT: proposal for the revision of the Treaties.

CONTENT: the Government of Spain submits to the Council, in accordance with Article 48 of the Treaty on European Union, a proposal for the amendment of the Treaties as regards the transitional measures concerning the composition of the European Parliament, as agreed by the European Council.

The proposal provides that Article 2 of the Protocol (No 36) on transitional provisions annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community shall be replaced and state as follows: for the period of the 2009-2014 parliamentary term remaining at the date of entry into force of this provision, and by way of derogation from various articles in the EC Treaty and the EAEC Treaty, which were in force at the time of the European elections in June 2009, and by way of derogation from the number of seats provided for in the Treaty on European Union, the following 18 seats shall be added to the 736 existing seats, **thus provisionally bringing the total number of Members of the European Parliament to 754 until the end of the 2009-2014 parliamentary term**:

- Bulgaria 1
- Netherlands 1
- Spain 4
- Austria 2
- France 2
- Poland 1
- Italy 1
- Slovenia 1
- Latvia 1

- Sweden 2
- Malta 1
- United Kingdom 1

The Member States concerned shall designate the persons who will fill the additional seats in accordance with the legislation of the Member States concerned and provided that the persons in question have been elected by direct universal suffrage:

- either in ad hoc elections by direct universal suffrage in the Member State concerned, in accordance with the provisions applicable for elections to the European Parliament;
- or by reference to the results of the European elections from 4 to 7 June 2009;
- or by designation by the national parliament of the Member State concerned from among its members of the requisite number of members, according to the procedure determined by each of those Member States.

The text of the proposal states that the European Council shall adopt a decision determining the composition of the European Parliament in good time before the 2014 European Parliament elections.

As the Treaty of Lisbon entered into force after the European elections of June 2009, it is necessary to lay down transitional provisions on the composition of the European Parliament until the end of the 2009-2014 parliamentary term. This is to allow those Member States whose number of Members of the European Parliament would have been higher if the Treaty of Lisbon had been in force at the time of the European elections in June 2009 to be given the appropriate number of additional seats and to fill them. The number of seats per Member State was provided for in the draft Decision of the European Council and approved by the European Parliament on 11 October 2007.

In accordance with Art. 48(3)((i), the **European Council** is consulting Parliament before deciding whether to examine the proposed amendments.