Basic information

2009/0813(NLE) NLE - Non-legislative enactments Decision	Procedure completed
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 **Subject** 8.10 Revision of the Treaties, intergovernmental conferences 8.40.01 European Parliament	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFCO Constitutional Affairs	MÉNDEZ DE VIGO Íñigo (PPE)	22/02/2010
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Secretariat-General	BARROSO José Manuel	

Key events

Date	Event	Reference	Summary
04/12/2009	Legislative proposal published	17196/2009	Summary
18/01/2010	Committee referral announced in Parliament		
07/04/2010	Vote in committee		Summary
12/04/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0115/2010	
05/05/2010	Debate in Parliament		
06/05/2010	Decision by Parliament	T7-0148/2010	Summary
06/05/2010	Results of vote in Parliament		
17/06/2010	Act adopted by Council after consultation of Parliament		
17/06/2010	End of procedure in Parliament		
26/06/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/0813(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Legal basis	Treaty on European Union TEU 48-p3-a1
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/02027

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE439.157	16/02/2010	
Amendments tabled in committee		PE439.866	11/03/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0115/2010	12/04/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0148/2010	06/05/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	17196/2009	04/12/2009	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2010)0189	27/04/2010	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2010/0350
OJ L 160 26.06.2010, p. 0005

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) - 06/05/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 479 votes to 122, with 15 abstentions, a 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 (revision of the treaties).

Parliament takes the view that the proposed amendment of Protocol No 36 requested by the European Council stems directly from the new provisions of the Lisbon Treaty, and is therefore a transitional solution that will enable all those Member States entitled to additional seats to designate the MEPs concerned. It agrees that an additional 18 MEPs should be elected to Parliament for the remainder of the 2009-2014 term. Members insist, however, that all 18 should take up their seats in Parliament at the same time in order not to upset the balance of nationalities in the House. Member States are urged to complete their election procedures in a pragmatic way as soon as possible.

While the Parliament regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, Members agree, however, to the convening of an intergovernmental conference provided that i) it is confined to the specific issue of the adoption of measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term; ii) these transitional measures are exceptional ones connected with the specific circumstances of the ratification of the Lisbon Treaty and can in no way set a precedent for the future.

The resolution recalls that, in the interval between the approval of the amendment of Protocol No 36 and its entry into force, the additional MEPs will be able to sit in the European Parliament as observers.

Members recall that the European Council will have to take a decision establishing the composition of the European Parliament by the end of the current parliamentary term in any case, and that Parliament will initiate such a decision under Article 14(2) of the EU Treaty.

Parliament notifies the European Council that it intends shortly to draw up proposals to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States and in accordance with principles common to all Member States, and that Parliament will initiate such electoral reform under Article 48(2) of the Treaty on European Union and Article 223 of the Treaty on the Functioning of the European Union. It insists, further, that a Convention devoted to the reform of the European Parliament will be called to prepare the revision of the Treaties. National parliaments are called upon to act to uphold the long-standing primary law of the European Union whereby Members of the European Parliament are directly elected by universal suffrage in a free and secret ballot.

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.