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#### COVER NOTE

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From: Mr Markus WINKLER, Deputy Secretary-General of the European Parliament

date of receipt: 16 June 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: Proposal for a EUROPEAN COUNCIL DECISION establishing the composition of the European Parliament  
- European Parliament resolution

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Delegations will find in the [Annex](#) the European Parliament resolution of 15 June 2023 on the composition of the European Parliament.

# European Parliament

2019-2024



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## TEXTS ADOPTED

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### P9\_TA(2023)0243

#### Composition of the European Parliament

**European Parliament legislative resolution of 15 June 2023 on the composition of the European Parliament (2021/2229(INL) – 2023/0900(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 European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament<sup>1</sup>,
- having regard to its resolution of 7 February 2018 on the composition of the European Parliament<sup>2</sup>,
- 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<sup>3</sup> ('legislative resolution of 3 May 2022 on the reform of European electoral law'),
- 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,

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<sup>1</sup> OJ L 165 I, 2.7.2018, p. 1.

<sup>2</sup> OJ C 463, 21.12.2018, p. 83.

<sup>3</sup> OJ C 465, 6.12.2022, p. 171.

- having regard to the report of the Committee on Constitutional Affairs (A9-0214/2023),
- A. whereas the composition of the European Parliament must respect the criteria laid down in Article 14(2), first subparagraph, of the Treaty on European Union (TEU), namely representatives of the Union's citizens not exceeding seven hundred and fifty in number, 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;
- B. whereas Parliament has the right of initiative regarding the composition of the European Parliament;
- C. whereas Article 14(2) TEU states that the European Parliament is to be composed of representatives of the Union's citizens;
- D. whereas 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;
- E. whereas Parliament's legislative resolution of 3 May 2022 on the reform of European electoral law proposes the establishment of a Union-wide constituency;
- F. whereas the establishment of a potential Union-wide constituency requires the Act concerning the elections of the members of the European Parliament by direct universal suffrage to be amended;
- G. whereas the determination of the number of seats of a potential Union-wide constituency falls within the remit of a European Council decision on the composition of the European Parliament based on Article 14(2) TEU, while the provisions necessary for its establishment are based on Article 223(1) of the Treaty on the Functioning of the European Union;
- H. whereas the allocation of seats among Member States in the current and past legislative terms was not the result of a permanent calculation system, but of political negotiations; whereas, as a result, the current method of allocation of seats to Member States does not automatically comply with the principle of degressive proportionality; whereas a permanent calculation mechanism reflecting the population figures in the Member States of the Union would ensure future compliance with that principle;
- I. whereas the European Council Decision establishing the composition of the European Parliament must be ready sufficiently in advance of polling day in order to enable Member States to enact the necessary legal provisions to organise the elections to the European Parliament for the 2024-2029 parliamentary term;
- 1. Notes that the current allocation of seats in the European Parliament as established in Decision (EU) 2018/937 applies to the 2019-2024 parliamentary term; stresses, therefore, that a new decision on the composition of the European Parliament for the 2024-2029 parliamentary term is required without delay;
- 2. Recognises that a number of Member States consider that the voting system in the Council needs to be taken into consideration when deciding on the allocation of seats in the European Parliament;

3. Points out that, in line with its proposal for a Council Regulation annexed to its legislative resolution of 3 May 2022 on the reform of European electoral law, the 28 additional seats for Members elected in a Union-wide constituency are only to be effectively established after the elections following the entry into force of a revised European electoral law, along with the necessary provisions for a Union-wide constituency;
4. Strongly underlines the need in the future for a permanent system, based on a clear mathematical formula, that would allocate the seats of the European Parliament in an objective, fair, durable and transparent way, respecting the principle of degressive proportionality as defined in Article 1 of Decision (EU) 2018/937; considers that it is not politically viable at this stage for Parliament to propose such a permanent system whilst it needs further deliberation and should be introduced well in advance of elections of the European Parliament; calls on the Committee on Constitutional Affairs to resume its work on such a permanent system, within this legislature, including exploring the possibility for Eurostat to be involved;
5. Considers that any further delay in the work of the Council on the modification of European electoral law would run counter to the principle of sincere cooperation as enshrined in Article 4(3) TEU since the Council's decision is expected to have an impact on the elections of the European Parliament and may have an impact on its composition;
6. Underlines the urgent need for the European Council to adopt the decision on the composition of the European Parliament so that Member States can enact, in good time, the necessary domestic provisions to enable them to organise the elections to the European Parliament for the 2024-2029 parliamentary term; stresses that Parliament is committed therefore to proceed swiftly with the consent procedure, in the spirit of mutual sincere cooperation;
7. Adopts, and submits to the European Council, the annexed proposal for a European Council decision establishing the composition of the European Parliament, on the basis of its right of initiative laid down in Article 14(2) TEU; points out that such a decision may only be adopted with Parliament's consent, and therefore requests the European Council to immediately inform it, if it intends to deviate from the submitted proposal, and in what way;
8. 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 governments of the Member States.