



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 December 2009 (07.12)
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POLGEN 232

COVER NOTE

from: General Secretariat of the Council
to: Coreper/Council
Subject: Revision of the Treaties
– Transitional measures concerning the composition of the European Parliament

Delegations will find attached a copy of a letter from Ambassador Carlos Bastarache Sagües, Permanent Representative of Spain, to Mr Pierre de Boissieu, Secretary General of the Council, relating to a proposal for the amendment of the Treaties concerning the composition of the European Parliament.

*Ambassador
Permanent Representative of Spain
to the European Union*

Brussels, 4 December 2009

Pierre de BOISSIEU, Esq.
Secretary-General
Council of the European Union
Rue de la Loi 175
Brussels

Sir,

I have been instructed by the Government of Spain to submit 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 is attached hereto.

(Complimentary close).

(s.) Carlos Bastarreche

DRAFT

PROTOCOL

AMENDING THE PROTOCOL (No 36) ON TRANSITIONAL PROVISIONS

THE HIGH CONTRACTING PARTIES,

WHEREAS, as the Treaty of Lisbon entered into force after the European elections on 4 to 7 June 2009, and as provided for in the declaration adopted at the European Council meeting on 11 and 12 December 2008 and in the Decision of the European Council adopted at its meeting on 18 and 19 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,

WHEREAS 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,

CONSIDERING the number of seats per Member State provided for in the draft Decision of the European Council approved politically by the European Parliament on 11 October 2007 and Declaration No 4 annexed to the Final Act of the Intergovernmental Conference which approved the Treaty of Lisbon,

WHEREAS it is necessary to create, for the period remaining between the entry into force of this Protocol and the end of the 2009-2014 parliamentary term, the 18 additional seats provided for the Member States concerned by the Decision of the European Council adopted at its meeting on 18 and 19 June 2009,

WHEREAS, in order to do this, it is necessary to allow a provisional exceeding of the number of Members per Member State and the maximum number of Members provided for in both the Treaties in force at the time of the European elections in June 2009 and the first subparagraph of Article 14(2) of the Treaty on European Union, as amended by the Treaty of Lisbon.

WHEREAS it is also necessary to lay down the detailed arrangements for the Member States concerned to fill the additional seats provisionally created,

WHEREAS, as regards transitional provisions, it is necessary to amend 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,

HAVE AGREED UPON the following provisions, which shall be annexed to the Protocol (No 36) on transitional provisions,

Article 1

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 by the following text:

"1. For the period of the 2009-2014 parliamentary term remaining at the date of entry into force of this Article, and by way of derogation from Articles 189, second subparagraph, and 190(2) of the EC Treaty and Articles 107, second subparagraph, and 108(2) of 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 first subparagraph of Article 14(2) of 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

2. By way of derogation from Article 14(3) of the Treaty on European Union, the Member States concerned shall designate the persons who will fill the additional seats referred to in paragraph 1, in accordance with the legislation of the Member States concerned and provided that the persons in question have been elected by direct universal suffrage:

- (a) 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;
- (b) or by reference to the results of the European elections from 4 to 7 June 2009;
- (c) 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.

3. In accordance with the second subparagraph of Article 14(2) of the Treaty on European Union, the European Council shall adopt a decision determining the composition of the European Parliament in good time before the 2014 European Parliament elections."

Article 2

This Protocol is hereby ratified by the High Contracting Parties, in accordance with their respective constitutional rules. The instruments of ratification shall be deposited with the government of the Italian Republic.

It shall enter into force on 1 December 2010, provided that all the instruments of ratification have been deposited or, failing that, on the first day of the month following deposit of the instrument of ratification of the signatory State which is the last to complete this formality.

Article 3

This Protocol, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic, shall be deposited in the archives of the government of the Italian Republic, which shall transmit a certified copy to each of the governments of the other signatory States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have hereunto set their hands.

Done at ... this day of in the year

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