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EUROPEAN COMMISSION

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**COMMISSION OPINION**

**pursuant to the first subparagraph of Article 48(3) of the Treaty on European Union  
on a European Council decision in favour of examining amendments to the Treaties  
concerning the composition of the European Parliament, as proposed by the  
Government of Spain**

## COMMISSION OPINION

**pursuant to the first subparagraph of Article 48(3) of the Treaty on European Union**

**on a European Council decision in favour of examining amendments to the Treaties concerning the composition of the European Parliament, as proposed by the Government of Spain**

The Commission welcomes the Spanish government's initiative to amend Protocol No 36 to the Treaty of Lisbon on Transitional Provisions. It shares the position that the transitional measures concerning the composition of the European Parliament to which the European Council has given its political agreement should be adopted as soon as possible, in accordance with the necessary legal procedures.

The Commission recalls that the Spanish initiative aims to put into practice a long-standing political agreement of the European Council. The initiative is the consequence of the fact that the European elections in June 2009 did not take place, as initially foreseen, according to the rules of the Treaty of Lisbon.

Following a request from the European Council, the European Parliament had already adopted a resolution<sup>1</sup> on 11 October 2007 including a draft European Council decision on the future composition of the Parliament. The draft decision provided numbers of representatives in the European Parliament in view of Article 14(2) of the Treaty on European Union as amended by the Treaty of Lisbon. The European Council gave its political agreement to the draft decision at the time of the Intergovernmental Conference 2007<sup>2</sup>, including one additional amendment to the numbers put forward (namely, one additional seat for a member from Italy)<sup>3</sup>.

At its meeting on 11 and 12 December 2008 the European Council declared that in the event of the Treaty of Lisbon only entering into force after the European elections in June 2009, transitional measures would be adopted as soon as possible in order to increase the number of Members of the European Parliament (MEPs) until the end of the 2009-2014 legislative period, in conformity with the numbers agreed at the time of the Intergovernmental Conference 2007. The declaration explicitly states that the total number of MEPs will therefore rise from 736 to 754 until the end of the 2009-2014 legislative period. It also states that the modification should enter into force, if possible, in 2010.

After the European elections in June 2009, the European Council again recalled its declaration at its meeting on 18 and 19 June 2009, explicitly listing the numbers agreed during the Intergovernmental Conference 2007. It was also specified how Member States could fill the additional seats, namely by an ad hoc election, by reference to the results of the European elections in June 2009 or by having the respective national parliament appoint the requisite number of members from its midst. Following the entry into force of the Treaty of Lisbon on

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<sup>1</sup> European Parliament Resolution of 11 October 2007 on the composition of the European Parliament {2007/2169(INI)}.

<sup>2</sup> Declaration No 5 annexed to the Final Act of the Intergovernmental Conference.

<sup>3</sup> Declaration No 4 annexed to the Final Act of the Intergovernmental Conference.

1 December 2009, the Spanish government put forward its initiative on which the European Council has now consulted the Commission.

Since the proposal reflects the political agreement among Member States that was reached in view of the Treaty entering into force after the June 2009 European elections, the Commission recommends opening an Intergovernmental Conference as soon as possible, remaining strictly limited to discussion of the Spanish proposal for a protocol amending Protocol No 36 on Transitional Provisions.