EUROPEAN
COMMISSION

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2014/0128 (NLE)

Proposal for a

COUNCIL DECISION

determining the composition of the Committee of the Regions

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Article 305 of the Treaty on the Functioning of the European Union (TFEU) provides that the number of members of the Committee of the Regions (hereinafter "the Committee") shall not exceed 350.

Until the entry into force of the Lisbon treaty, the composition of the Committee was laid down in the Treaties. Henceforth, the second paragraph of Article 305 TFEU provides that the Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

Article 8 of the Protocol (No 36) on Transitional Provisions maintained the composition of the Committee as it was previously determined in Article 263 EC treaty "until the entry into force of the decision referred to in Article 305 TFEU". From 1 July 2013, the composition of the Committee was adapted by Article 24(1) of the Act concerning the conditions of accession of the Republic of Croatia. Article 24(2) of that Act provides that the number of members of the Committee "shall be temporarily increased to 353 to take account of the accession of Croatia for the period running from the date of accession until the end of the term of office during which Croatia accedes to the Union or until the entry into force of the decision referred to in Article 305, second paragraph, TFEU, whichever comes first".

The current term of office of the Committee will come to an end on the 31st of January 2015. Therefore, it is necessary that the Council adopts the decision on the composition of the Committee in time before the Council launches the procedure for the renewal of the Committee of the Regions for the period 2015 - 2020.

It should be recalled that Article 300(5) TFEU provides that the rules governing the nature of the composition of the Advisory Bodies "shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end".

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

The Committee of the Regions adopted, on 6 October 2010, recommendations to the European Commission and the Council on the future composition of the Committee of the Regions of the European Union.[1] It recommends a permanent "system for transferring seats to meet future enlargement needs, i.e. all delegations, starting with the smallest, would give up one allocation until enough seats have been put together to meet the needs of the enlargement concerned. With each further enlargement, the process would continue starting with the next delegation in order. However, no delegation should end up with fewer than five members, in order to preserve proportionality, plurality and solidarity between the delegations."

The Committee also "believes that, in line with [the] principles [defined by the Committee], the minimum number of members should be set at five for the least populous Member State, with a ceiling of 24 members for the most populous Member State."

The Commission also considered the opinions that some Member States addressed to it arguing for a higher number of seats for the most populous Member States as well as the views recorded in the protocols of and submissions to the European Convention 2002-2003.

[1] Committee of the Regions, R/CdR 137/2010 fin, Recommendations to the European Commission and the Council on the future composition of the Committee of the Regions of the European Union, 6 October 2010.

Moreover, no economic, social and demographic development has taken place since the Intergovernmental Conference that adopted the text of the Lisbon treaty that would justify a significant change in the nature of the composition of the Committee. Therefore, the current proposal is limited to the determination of the number of members of the Committee for each Member State.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1 Legal basis

The proposal is based on the second paragraph of Article 305 TFEU which provides for a unanimous Council decision determining the Committee's composition.

3.2 Explanation of the proposal

The present composition of the Committee, following the accession of Croatia, cannot be maintained in its entirety beyond the term of office of the current members, as it would exceed the maximum number of seats as provided for in the treaty.

The Treaties make no provisions on the method of composition of the Economic and Social Committee or the Committee of the Regions within the maximum number of 350 members. This is in contrast to the criteria for the composition of the European Parliament that are laid down in Article 14(2) of the Treaty on European Union. Whereas the Parliament is composed of directly elected representatives of the Union's citizens, the Committee consists of representatives of regional and local bodies (Article 300(3) TFEU). Therefore, ensuring that the voice of regions and local bodies is heard in the Committee should be the primary concern as opposed to establishing a direct link to the size of the respective populations of the Member States.

The Commission is of the view that the current balance in the composition of the Committee should be maintained as far as possible, as it is the result of successive Intergovernmental Conferences.

Therefore, it is proposed to provide for the fewest possible modifications, to reduce the current number of seats allocated to a Member State by maximum one, and, while respecting a minimum number of five seats per Member State (the current number of seats for Malta) in order to enable the involvement of members of each Member State in the whole range of activities of the Committee, to apply these reductions first to the least populous Member States (Luxembourg, Cyprus and Estonia).

The Commission adopts this proposal in parallel to the proposal on the composition of the Economic and Social Committee. The parallelism with regard to the allocation of seats between Member States in both Committees is to be maintained.

The Commission considers that it would not be appropriate to establish a methodology that would pre-determine the reallocation of seats in the event that a new Member State accedes to the Union, given that the Treaty provides for a regular review and does not provide criteria on which a permanent methodology could be based.

3.3 Entry into force

It is proposed that the Council postpones the entry into force of this decision until the day after the end of the current term of office of the Committee. If the entry into force was not deferred Article 24(2) of the Act concerning the conditions of accession of the Republic of Croatia would imply that the temporary increase to 353 members would no longer be legal as of the day of entry into force.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 300(3) of the Treaty on the Functioning of the European Union provides that the Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.

(2) Article 305 of the Treaty on the Functioning of the European Union provides that the Council shall determine the composition of the Committee of Regions. The number of members shall not exceed 350.

(3) The Committee of the Regions adopted, on 6 October 2010, recommendations to the European Commission and to the Council on the future composition of the Committee of the Regions of the European Union[2].

(4) The current balance in the composition of the Committee of the Regions should as far as possible be maintained as it is the result of successive Intergovernmental Conferences.

(5) In order to allow the Committee of Regions to be composed in accordance with Article 24 of the Act concerning the conditions of accession of the Republic of Croatia until the end of the term of office of the current members, the entry into force of the present decision should be deferred until that date,

HAS ADOPTED THIS DECISION:

Article 1

The number of members of the Committee of the Regions shall be as follows:

Belgium	12
Bulgaria	12
Czech Republic	12
Denmark	9
Germany	24

[2] CdR 137/2010 fin

Estonia	6
Ireland	9
Greece	12
Spain	21
France	24
Croatia	9
Italy	24
Cyprus	5
Latvia	7
Lithuania	9
Luxembourg	5
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Romania	15
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24.

Article 2

This Decision shall enter into force on the date of day following the end of the term of office of the current members of the Committee of the Regions.

Done at Brussels,

For the Council
The President