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# BREXIT : AND AFTER ?



| The future after a 'Hard Brexit' remains uncertain.

## PUTTING CITIZENS FIRST: ATTRIBUTING THE 73 UK SEATS AT THE 2019 EUROPEAN ELECTIONS

by Friedrich Pukelsheim

Brexit, unfortunate as it is, may nevertheless give rise to some fortunate opportunities for the European project. In the 2014–2019 period, the United Kingdom held 73 seats in the European Parliament. The question is what to do with these seats in the upcoming 2019–2024 legislative period.

Leave the 73 UK seats vacant? Distribute them between the remaining Member States? Keep them separate from the Member States' seat contingents and instead fill them via new paneuropean lists? The composition of the European Parliament – the distribution of seats between the Member States – is currently determined by a system which cannot truly be called a system. It is no more than a political fix, and one that is consistently unstable. In the past, the golden rule was “adjustment by enlargement”. Negotiations had to ensure that every existing Member State finished with at least as many seats as it held previously. New Member States were equipped with new, additional seats as deemed agreeable.

### Striking a balance

The Treaty of Lisbon put an end to the good old times of an ever-enlarging Parliament. Since Lisbon, the house size of the European Parliament is capped at 751 seats. The inevitable population shifts between Member States can no longer be accommodated by creating new seats. There is no way to respond to population dynamics other than transferring seats from some Member States to other Member States. The existing 751 seats must suffice to strike a balance.

It would be a nightmare for all concerned if future allocations of the 751 seats between the Member States still had to be accomplished through negotiations. What is needed is a systematic method that is responsive to population changes

and that qualifies as objective, fair and sustainable. A fortunate effect of Brexit is the possibility of using some of the UK seats to soften the transition from negotiated seat allocations to an allocation resulting from a principled method. According to my calculations, 46 of the 73 UK seats would suffice to achieve a composition that is sound from the viewpoints of primary and secondary Union law, while at the same time enabling all Member States to maintain at least their current seat contingents. The envisioned composition may be paraphrased as follows: “Every Member State is assigned four base seats, plus one seat per 32,380 adjusted population units, where the adjusted units are obtained by raising the 2016 population figures to the power of 0.818.”

### Proportionality seats

The seat contingents are assembled in two stages. The first stage relies on “base seats”, thus honouring the citizens of a Member State as a whole. The second stage calculates “proportionality seats”, thereby referring to citizens as individuals. There are other proposals also worth contemplating. They all share a focus on the representative aim of putting citizens first. What to do with the remaining 27 UK seats, then? I envisage two options.

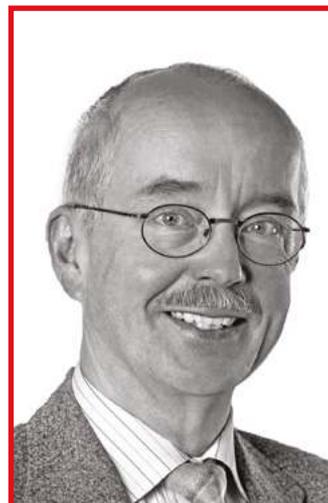
The first option is to fill them via paneuropean lists. Political parties at European level would have to gain visibility in order to compete in a single European constituency. This task would relieve the European political parties from always playing second fiddle to the domestic political parties. Thus,

the single European constituency would be separated out completely from the many domestic constituencies. The element of competition between the two may be accepted as a natural and necessary consequence in a parliament that claims to represent all Union citizens through its Members.

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However, the distribution of the 27 seats between the Member States would be in the hands of the electorate. Staunch democrats may welcome the increasing power of the electorate. The incumbent Parliament, considering its tradition and past debates, may be less enthusiastic when seats are adjoined whose Member State provenance is unpredictable. The second option is more modest

and leaves the remaining 27 seats vacant. By no means would this hinder the introduction of paneuropean lists. There are computational methods to fill the seats of paneuropean lists in a way that safeguards Parliament's composition. In Switzerland, these methods are referred to as “double proportionality”. For the purposes of the European Parliament, the term “compositional proportionality” might be more relevant. At any rate, the introduction of any kind of paneuropean list will take longer to establish itself and may have to wait until after Brexit.



#### > ABOUT

**Friedrich Pukelsheim** is Professor Emeritus at the Institute for Mathematics, University of Augsburg. He is an expert in the mathematical analysis of proportional representation systems and since 2000 he has authored and co-authored numerous articles in journals specialised in mathematics, constitutional law, statistics, and political science.