A fair European transnational list system

The Ranked apportionment method

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Executive summary

As the European Parliament discusses the introduction of transnational lists ahead of the next European elections, and as several MEPs have presented their own proposals, European Democracy Consulting argues that the key to finding the optimal electoral method is to focus on the goals and principles that led to the idea of transnational lists. This report therefore makes four fundamental hypotheses.

- *Hypothesis 1: Transnational lists must be European by design*
- *Hypothesis 2: Party proportionality must be ensured*
- *Hypothesis 3: Member States must be fairly represented*
- *Hypothesis 4: The ordering of electoral lists must be preserved as far as possible*

Additionally, for the purpose of testing the impact of the proposed methods in a real-life scenario, we assume the following practical hypotheses:

- *Hypothesis 5: The composition of electoral lists will broadly follow the political groups of the European Parliament*
- *Hypothesis 6: Electoral lists are likely to be ordered by sizes of national delegations in the European Parliament*

Based on these hypotheses, we analyse five proposals, respectively from the EPP, Rapporteur Domènec Devesa, the Greens/EFA group, Renew Europe, and the European Democratic Party.

We find that the EPP method fails hypotheses 1 and 2, while the Devesa, Greens/EFA and EDP methods fail hypothesis 3. Whether before or after the election, the Devesa, Renew Europe, and EDP methods also have a very high impact on electoral lists' ordering (hypothesis 4), and as a consequence fail to respect the preferences of European parties or coalitions running for election.

In order to identify a compromise and remedy the identified shortcomings of these proposals, European Democracy Consulting has developed the **Ranked apportionment method**. By using the characteristics of apportionment methods and introducing a second, population-based apportionment, the **Ranked apportionment method** is a simple and elegant solution satisfying hypotheses 1 through 4.

The most elemental version, the **Simple ranked apportionment method**, satisfied all hypotheses and leaves lists almost untouched. While citizens of the smallest Member States are currently over-represented in the European Parliament due to degressive proportionality, the **Baseline ranked apportionment method** offers a solution to ensure the representation of all Member States, at the cost of only limited impact on lists' ordering — far more respectful of parties' preferences than the Devesa, Renew Europe, and EDP methods.

Finally, the report analyses a number of secondary factors for the design of a democratic, open and inclusive electoral system, including gender balance, list composition, and citizens engagement.

Overall, we are convinced that the **Ranked apportionment method** provides the best possible voting method and the fairest compromise for the introduction of a transnational constituency for the 2024 European elections. As a result, we call on the members of the AFCO committee to review this proposal, consider the overarching goals they seek to reach via the introduction of transnational lists, and adopt a voting method truly able to achieve these goals and strengthen our common European democracy.

Method	EPP method	Devesa method	Simple ranked apportionment method	Baseline ranked apportionment method
Running entities	European parties only	EU & nat. parties and movements	EU & nat. parties and movements	EU & nat. parties and movements
Nber of elected representatives	27	46	46	46
Nber of European constituencies	27, one per MS	1 EU-wide	1 EU-wide	1 EU-wide
Mandated list composition	27 candidates, from all MS	46 candidates, from at least 14 MS	Max requirement of 9 or 14 MS	Max requirement of 9 or 14 MS
Seat attribution	First-past-the-post	Proportion of EU vote	Proportion of EU vote	Proportion of EU vote
Apportionment method	N/A	D'Hondt	Webster	Webster
Electoral threshold	High natural threshold	No	No	No
List re-ordering (between original list and final distribution)	N/A	Extensive re-ordering through strict criteria	Limited re-ordering to avoid over-representation	Limited re-ordering to ensure seats to all MS and avoid over-representation
Member State representation	1 seat per MS	No min/max or quota, advantage for leads of each group of Member States	Max in line with population (up to 6)	Min (1) and max in line with population (up to 6)
Gender representation	No	"Gender parity" (implementation unclear)	Gender-alternate lists	Gender-alternate lists
European election (hyp 1)	❌	✅	✅	✅
Party proportionality (hyp 2)	❌	✅	✅	✅
Fair representation of MS (hyp 3)	✅	❌	✅	✅
Impact on list ordering* (hyp 4)	N/A	❌ High impact	✅ Minimal impact	✅ Low impact
Seat ensured for each MS	✅	❌	❌	✅
Ensures election of list leader	N/A	✅	✅	✅
Clarity of electoral system	✅	❌	✅	✅

* The impact on list ordering is assessed by the number of positions that candidates are moved for, from the original to the final rankings. In our scenario, the above lists (not including the EPP method) produce, respectively, 128, 10 and 58 position changes.

Method	Greens/EFA method	Renew Europe method	EDP method
Running entities	EU & nat. parties and movements	European parties only	European parties only
Nber of elected representatives	46	46	46
Nber of European constituencies	1 EU-wide	1 EU-wide	1 EU-wide
Mandated list composition	Max requirement of 7 MS	Unclear requirement on number of candidates, at least 27 from all 27 MS	46 candidates, from all 27 MS
Seat attribution	Proportion of EU vote	Proportion of EU vote	Proportion of EU vote
Apportionment method	D'Hondt	D'Hondt	D'Hondt
Electoral threshold	No	Not specified	Not specified
List re-ordering (between original list and final distribution)	Limited re-ordering to avoid over-representation	Last seats re-distributed to ensure seats to all Member States	Extensive re-ordering through strict criteria
Member State representation	Max share of 25% (in practice, 6)	Min (1) and Max (6)	Max (6)
Gender representation	Gender balance via zipped list (w/ formulation aimed at not excluding non-binary citizens)	"Gender balance" (implementation unclear)	No amendment on Devesa proposal ("gender parity", unclear)
European election (hyp 1)	✅	✅	✅
Party proportionality (hyp 2)	✅	✅	✅
Fair representation of MS (hyp 3)	❌	✅	❌
Impact on list ordering* (hyp 4)	✅ Minimal impact (depends on diversity)	❌ High impact	❌ Very high impact
Seat ensured for each MS	❌	✅	✅
Ensures election of list leader	❌	❌	❌
Clarity of electoral system	✅	⚠️	❌

* The impact on list ordering is assessed by the number of positions that candidates are moved for, from the original to the final rankings. In our scenario, the above lists produce, respectively, 1-to-11, 175, and 253 position changes.

Context

The topic of the Europeanisation of European elections has been an on-going issue, ever since the adoption of direct universal suffrage, in 1976.

As part of this discussion, the introduction of a transnational constituency has periodically emerged as the way to allow all European citizens to vote on the same political projects. In particular, the idea picked up steam in 2011 through the Duff reports and, more recently, ahead of and during the campaign for the 2019 European elections.

The Committee on Constitutional Affairs of the European Parliament (AFCO) is now once again discussing a reform of the EU's electoral act, with a view to introducing transnational lists. As part of these talks, rapporteur Domènec Ruiz Devesa (PES) submitted his proposal in July 2021. The EPP, Greens/EFA and Renew Europe groups, as well as the European Democratic Party (EDC) later submitted counter-proposals, and discussions are on-going for a compromise solution.

1. Working hypotheses and data

Institutional design cannot be drawn in a vacuum. And in the same way that institutions must match the values they seek to uphold, careful attention must be given to their likely practical impact. Therefore, while the design of transnational lists must respect certain values and goals, it cannot be separated from a study of what its concrete impact is likely to be. In order to assess this impact, we need to define working hypotheses and relevant data.

1.1. Working hypotheses

The "impact" of an electoral system is its resulting apportionment of seats. In the case of transnational lists for European elections, this means the final apportionment of seats between the various electoral lists in competition, as well as between the EU's Member States. In order to attempt a measure of this impact, we make the following working hypotheses.

Hyp. 1. — Transnational lists must be European by design

Despite being often referred to "European elections" (often in the plural), the election of MEPs is mostly carried out — from decisions on candidates and electoral alliances, to electoral programmes and campaigns, to funding and subsequent reimbursements — at the national level. Of course, it is mostly as a reaction to this nation-centric characteristic of European elections that transnational lists were (and are still) proposed. Therefore, in order to serve this very purpose, the election of candidates on transnational lists must take place clearly at the European level, with lists in competition in a common pan-European constituency.

Hyp. 2 — Party proportionality must be ensured

As is to be expected for the election of members of the legislature based on lists of candidates in a multi-party system, the number of seats attributed to each electoral list in competition must be based on the share of the vote received by this list across the constituency. This is the way European elections already function in each Member State, whether using one national constituency or several regional constituencies.

Hyp. 3 — Member States must be fairly represented

The apportionment of seats in the legislatures of multi-level political systems have been a long-running source of discussion. This is especially true of the European Parliament, owing to the Union's incomplete political unity. As a result, party considerations are often secondary and Member States keep a watchful eye on their number of representatives. This zero-sum approach has led, in particular, to the adoption of "degressive proportionality", whereby Member States' concern for their own representation prevails over European citizens' equality before the vote and equality of representation.

At any rate, "fairness" is a very vague concept, and "fair" apportionment methods range from a pure equality between Member States (whereby every Member State gets the same number of seats, be it one or more) to population-based proportionality (whereby Member States get a number of seats apportioned in relation to their population, including if this apportionment leads smaller Member States not to "have" a seat). Of course, in a system of party lists, seats are not actually attributed to Member States, but to electoral lists.

In between those two positions stand a range of other solutions only limited by constitutionalists' creativity. The one common element of these solutions (the one *pre-requisite* for a "fair" apportionment) is for the distribution to be based on *intrinsic* characteristics of the Member States: this can be their status as a Member State (whereby all are equal) or their populations (whereby proportionality is warranted), compromises between these two, or even other intrinsic characteristic. However, by all means, distributions should avoid being based on some *extrinsic*, arbitrary element, for fear of introducing a biais, an element of unfairness in the level of representation.

Hyp. 4 — The ordering of electoral lists must be preserved as far as possible

Electoral lists are not mere pools of candidates; they come with a ranking of candidates expressing parties' or coalitions' preferences of the order in which their candidates should be elected. This ordering of electoral lists is often the result of long intra- and inter-party discussions and a delicate political balancing act. Indeed, this ordering is even more important for the identification of the list leader — which, in the European context, is the key to the Spitzenkandidat system. We consider as "electoral lists' ordering" the ranking established by electoral lists free from any constraint derived from the electoral system itself.

While the exact order of electoral lists may be tempered with for the achievement of superior goals (for instance to increase or ensure geographical balance), it is important that electoral lists' own preferences be respected as far as possible. This softer criteria is an important part of respecting electoral actors' freedom to decide of their own candidates. Therefore, between two similar proposals, the one better respecting electoral lists' initial ordering should be preferred.

Additionally, for the purpose of testing the impact of the proposed methods in a real-life scenario, we assume the following practical hypotheses.

Hyp. 5 — The composition of electoral lists will broadly follow the political groups of the European Parliament

In most properly integrated political systems relying on some form of proportional vote, electoral lists submitted for the election of the legislature tend to be party-based lists. Smaller formations may decide to present a common list or join a larger party in order to overcome natural and legal thresholds, but mainstream political parties often submit their own electoral list.

The case of the European Union is much different, owing to the continued weakness of it political party system. In practice, many national political parties have yet to join the European political party they sit together with in the European Parliament. As shown by European Democracy Consulting in a dedicated research piece, (updated in 2021), while only 37 MEPs out

of 705 are “non-inscrits” (just over 5%), close to 50 million votes (over 25%) went to national political parties not full members of a European political party. While thresholds may explain why votes given to some national parties do not translate to the election of representatives from these parties, the vast majority is made up of votes for national parties not having joined a European political party.

Despite this refusal to join (or, at a minimum, this particularly long delay in joining) a European political party, it is unlikely to see these national parties refuse to join a common electoral list for European elections: it is unclear who else they would run with than the parties they sit with in Parliament, and refusing to join any major grouping of parties would mean their exclusion from the second vote provided by transnational lists (given the likely cross-border requirement for list formation).

Additionally, given the overly strict registration criteria imposed on European political parties by Regulation 1141/2014 (far stricter than any Member State imposes on its own national political parties), limiting electoral lists to European parties would deprive many citizens of a chance at political representation, should they support a political movement that, despite its existing support, has failed to register as a European political party. Such movements include, among others, Animal Politics EU, the European Pirate Party (despite what its name suggests), DiEM25, and Volt.

Therefore, while limiting transnational list candidacies to European political parties may contribute to their eventual strengthening (an essential element in its own right), it would be far too detrimental to citizens’ representation in the short and medium term. As a result, electoral lists should be broader than just European political parties and are likely to gather national political parties sitting together in European parliamentary groups, thereby closely resembling these groups’ composition.

Hyp. 6 — Electoral lists are likely to be ordered by sizes of national delegations in the European Parliament

Following the question of which national political parties are present on a given transnational electoral list is the issue of how this list will be ordered. Of course, from a party-centric perspective, one would hope that only individual qualities and credentials would be taken into account and enable the best candidates to lead the list.

Nevertheless, while an approximation of this idealistic principle may be applicable in properly integrated political systems with strong intra-party democracy, the situation is notably different in the case of the European Union, given the enduring focus on national identities in intra-European party and political group dynamics.

As such, as indicated in Table 1, we see an extremely close correlation between the Member State of the largest MEP delegation (usually where the most votes were cast) and the nationality of the political group leader.

Table 1 — Comparison of European parliamentary groups’ (or parties', where relevant) largest delegation and leadership identity

	ALDE/ RE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
Largest MS with members	Germany	Germany	Germany	Germany	Germany	Germany	Germany	Germany	Germany	Germany	Germany	Germany
Largest number of votes at EP2019	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	Germany	Spain	Czech Republic	Germany
Largest delegatio	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Republi	Germany

President (group or party)	France	Moldova	Poland/ Italy	France	Spain	Germany/ Belgium	Germany	Italy	France/ Germany	Spain	Czech Republic	Nether./ Italy

With the exception of the ECPM (since Volt just recently replaced its outgoing German co-president), all considered groups or parties are led by a national of their largest national delegation. This is usually the Member State where the most votes were received, not the largest Member State where these groups or parties are present.

Out of the twelve political groups and parties considered, ten were led by a national of the group's largest delegation. In the case of Renew Europe, French MEP Stéphane Séjourné recently replaced Dacian Cioloș of Romania; however, Mr Cioloș' nomination came as a sudden replacement for French MEP Nathalie Loiseau. Romania is also RE's next-largest national delegation. The European Democratic Party sits within Renew Europe in the European Parliament; as a party, however, they are led by French politician François Bayrou as president, and by French-elected Sandro Gozi as Secretary General. Finally, Volt does not have its own parliamentary group, but at the party level, despite being the most integrated European political movement, both co-presidents — from Italy and the Netherlands — stem from some of the largest national chapters; one recently outgoing co-president was a German national, Volt's single largest national chapter.

Therefore, with the exception of the ECPM, the direct link between the size of national delegations and the choice of the political leadership is ubiquitous, confirming beyond a doubt that, statistically speaking, power dynamics in European groups and parties are, and are likely to remain, nation-based. Likewise, the most likely estimation of the ordering of transnational electoral lists is based on the relative strengths of the national delegations composing these lists. Of course, this is not a prediction, and individual characteristics will come into play, but this assumption is the most reliable for an overview of what electoral lists will look like.

1.2. Data

Hypotheses 5 and 6 above provide useful information in the drafting of what transnational electoral lists are likely to resemble, should they be introduced by 2024. Below is a brief explanation of the data used for this purpose.

Electoral lists in competition

As seen in hypothesis 5, transnational electoral lists are likely to resemble European parliamentary groups. This is especially true for parliamentary groups made up of a single European political party (and, in many cases, additional national political parties), such as the EPP, ID, the PEL, and the PES.

The situation is much less clear with regards to European parliamentary groups gathering two or more European political parties or movements. Should the number of seats dedicated to the transnational constituency remain small, a party-proportional distribution of seats would mean a high natural thresholds. In this case, smaller European parties or movements will need to assess their chances of meeting this threshold, versus their ability to negotiate eligible seats on a common list with a bigger European party. This would be the case for the ECPM with the ECR, the EDP with ALDE, and the EFA, the Pirates and Volt with the EGP. Conversely, the larger the transnational constituency, the easier for these smaller formations to receive enough votes to secure seats independently.

Finally, the number of electoral lists not linked to European parties or parliamentary groups (for instance NGO- or citizen-led lists) cannot be estimated and will depend heavily on the requirements imposed on transnational list formation.

For the purpose of diversity, we have chosen to consider a scenario where smaller European parties and movements decide to run separately. This leads to twelve transnational electoral lists in competition.

Seats and votes

For the lists identified, and given hypothesis 5 above, we have attributed to each transnational list the number of currently elected MEPs sitting in the relevant parliamentary group; this number of MEPs is broken down by Member States, in order to assess the relative importance of each Member State for each transnational list.

Of course, some practical arrangements had to be made for specific and limited cases. For instance, with the EDP presenting its own list, the remaining parties of the Renew Europe group fits under an "ALDE" list; however, this ALDE list also includes members of the French *La République En Marche*, despite this party not being a full member of ALDE Party. The name ALDE was kept for convenience.

Likewise, in the case of smaller European political parties whose MEPs sit in different European parliamentary groups, we have chosen to make European party affiliation prevail over parliamentary group affiliation. For instance, the EFA list is credited with 10 MEPs from six countries, even though four of these MEPs do not sit in the Greens/EFA group, but instead with the ECR or The Left. The actual creation of transnational lists may lead to a re-alignment of national party affiliations with their European party and group.

With regards to votes, European Democracy Consulting has previously analysed the results of European political parties in the 2019 elections and recently reviewed these results in the context of the European Parliament's work on the reform of Regulation 1141/2014. These numbers were used to simulate the votes that each transnational electoral list would receive on the proposed "second vote".[1]

The attribution of votes given in 2019 to national political parties or national electoral lists which are not members of a European political party and did not lead to the election of MEPs (and, therefore, for which a parliamentary group affiliation cannot be directly established) was made based on their likely political affiliation. For instance, the 500,000 votes given to various pirates parties outside of Germany were quite easily linked to the transnational electoral list of the European Pirate Party (which is not a registered European party); likewise, small national communist-leaning parties and movements were rather safely attributed to the PEL transnational list, on the assumption that these voters would lend their support to this transnational list. Other choices were less clear-cut but remain duly motivated.

Overall, close to 175 million votes out 179 million votes cast (or 97.4%) were attributed to a transnational electoral list. Finally, since the votes of 2019 are used to inform on the vote of 2024 (notwithstanding changes in voters' political preferences), votes from the United Kingdom were discarded.

List rankings

Based on hypotheses 5 and 6 and on the data identified above, ordered lists for the proposed twelve transnational electoral lists can be drawn up, and a real-life vote for a transnational constituency can be simulated.

The ordering of the lists is made as follows.

1. **Each transnational list contains one candidate per Member State.** While this decision is most likely far from reality, it allows to maximise the presence of smaller Member States on these lists. Should this not be a requirement, candidates from these smaller Member States are the most statistically likely to be missing from transnational lists. Our lists therefore provide a particularly diverse field of candidates, much more so than is likely to be the case in reality.

[1] Of course, since the considered electoral lists comprise parties not belonging to European political parties or parliamentary groups (but, in all likelihood, would sit with them if elected), the number of vote cast in the simulated second vote cannot be expected to exactly match votes actually received by European parties or parliamentary groups in 2019.

2. **For each list, these 27 candidates from 27 Member States are ordered by the number of MEPs from their Member State, then by vote, then by population.** For instance, with 29 MEPs from Germany, the German candidate tops the EPP list. For a given list where two Member States have the same number of MEPs, the Member States providing more votes comes first. For instance, Latvia and Lithuania both have 2 MEPs linked to the PES list; however, these votes correspond to over 200,000 in Lithuania, against 83,000 in Latvia. Lithuania's candidate therefore ranks higher than the one from Latvia on the PES list. Finally, where votes cannot be used to rank Member States (usually because no votes were cast in the absence of member parties, since the number of votes cast are highly unlikely to be exactly the same in two Member States), the candidate from the larger Member State is ranked above.

The resulting ranked lists are given in Table 2; names in blue indicate Member States from which an electoral list has elected MEPs, names in black indicate Member States where an electoral list has received votes, and names in grey are Member States with neither MEPs nor votes.

Table 2 — Ranked list of candidates, ordered by MEPs, number of votes, and population of Member States

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech R	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech R	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech R	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech R	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech R	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech R	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech R
13	Slovakia	Czech R	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech R	Portugal	Lux.	Czech R	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech R	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech R	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Names in blue indicate Member States from which an electoral list has elected MEPs; names in black indicate where an electoral list has received votes. As expected, the largest Member States occupy most eligible seats.

The number of votes previously identified is then used, for each voting method, to apportion seats between the twelve proposed transnational lists. Section 2 will explain these voting methods, present their outcome, and analyse their strengths and shortcomings.

2. Overview and outcome of submitted proposals

Now that we have established our working hypotheses, collected votes granted to each of the twelve transnational lists, and ranked the candidates of each list, we can measure the appropriateness and impact of the EPP, Devesa, Greens/EFA, Renew Europe, and EDP voting methods.

2.1. The EPP proposal

Overview

In the EPP proposal, the transnational constituency is composed of 27 seats which would be taken from the 705 seats already allocated to Member States, with each Member State setting aside one seat that would be filled by one of its nationals.

Then, in each Member State, national parties who are members of a European political party come together to choose one candidate from (and for) that Member State.

On election day, voters are given a second ballot with the name of the transnational list (seemingly limited to European political parties in the proposal). In each Member State, the seat set aside for the transnational constituency is filled by the candidate of the transnational list winning the plurality of the vote.

Subsequently, the transnational list winning a plurality of the 27 seats of the transnational constituency sees its Spitzenkandidat (nominated via a European party convention) appointed by the European Council and confirmed by the European Parliament as President of the European Commission.

Outcome

Based on the votes of the 2019 European election tallied in the above section, we easily see which transnational list wins which seat, as indicated in Table 3. Green-shaded cells indicate, for each Member State, which electoral list won the plurality of the vote and, therefore, the single seat for that Member State.

Table 3 — Result per electoral list and winners of the plurality in each Member State

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir.	Volt
Austria	319.024	-	-	-	-	532.193	1.305.956	650.114	30.087	903.151	-	-
Belgium	1.153.389	-	113.793	144.555	954.048	1.018.238	849.976	811.169	566.274	1.089.814	-	20.385
Bulgaria	323.510	-	143.830	-	-	6.051	725.678	70.830	-	474.160	-	3.500
Croatia	83.787	-	91.546	9.971	-	19.313	244.076	-	-	200.976	-	-
Cyprus	-	-	-	4.616	-	4.616	81.539	-	77.241	68.471	-	-
Czech Republic	502.343	-	344.885	-	3.195	-	447.943	216.718	164.624	93.664	330.844	-
Denmark	926.132	-	-	-	-	364.895	170.544	296.978	254.004	592.645	-	-
Estonia	134.959	-	-	-	-	5.824	34.188	42.265	221	77.375	-	-
Finland	363.439	-	6.043	-	-	292.892	469.664	253.176	129.595	267.603	12.579	-
France	4.455.991	-	51.240	1.209.289	782.343	3.210.492	1.920.407	6.616.265	2.198.305	2.144.942	30.105	-
Germany	2.028.594	340.155	43.961	806.703	-	8.946.019	10.794.042	4.205.464	2.728.504	5.916.882	243.302	249.098
Greece	-	-	236.347	82.084	46.575	49.418	1.873.137	37.540	1.513.230	436.726	-	-
Hungary	344.512	-	-	-	-	75.498	1.824.220	114.156	-	786.632	-	-
Ireland	277.705	-	-	-	-	190.755	496.459	-	584.173	52.753	-	-

Italy	555.629	5.041	1.726.189	277.814	17.692	781.762	2.688.942	9.175.208	705.485	6.089.853	60.809	-
Latvia	58.763	2.242	77.591	-	29.546	-	124.193	-	-	82.604	-	-
Lithuania	196.326	-	69.347	-	-	158.190	330.741	-	-	200.105	-	-
Luxembourg	46.539	-	21.804	-	-	41.054	45.804	-	10.496	26.462	16.714	4.583
Malta	-	-	-	-	-	1.866	98.611	-	-	141.267	-	-
Netherlands	1.194.792	375.660	602.507	-	-	599.283	884.754	194.178	406.162	1.045.274	10.692	106.004
Poland	-	-	7.317.532	-	-	-	4.130.781	7.900	-	2.188.887	-	-
Portugal	-	-	-	15.751	-	396.060	930.191	-	325.093	1.104.694	-	-
Romania	2.028.236	-	-	583.916	-	-	3.447.949	-	40.135	2.141.434	-	-
Slovakia	99.128	37.974	94.839	-	2.270	-	327.240	31.840	-	154.996	-	-
Slovenia	82.254	-	-	27.329	-	10.706	180.155	-	30.983	89.936	-	-
Spain	2.731.825	12.430	1.393.684	633.090	1.523.922	320.254	4.519.205	-	2.258.857	7.369.789	16.755	32.432
Sweden	619.060	-	636.877	-	-	478.258	1.056.626	-	282.300	974.589	26.526	-

By far, the EPP wins the plurality of the vote in the largest number of Member States.

Table 4 gives the resulting party distribution for the transnational constituency (the Member State distribution being, by design, exactly one seat for each Member State).

Table 4 — Number and share of seats won per electoral list

Electoral list	Seats won	Share of seats
ALDE	6	22%
ECPM	0	0%
ECR	1	4%
EDP	0	0%
EFA	0	0%
EGP	0	0%
EPP	14	52%
ID	2	7%
PEL	1	4%
PES	3	11%
Pirates	0	0%
Volt	0	0%

With 14 seats, the EPP wins over half of the 27 seats available (52%).

Evaluation

The EPP proposal provides a straightforward solution: one seat per Member State (a fair distribution, in line with hypothesis 3), no changes in the apportionment of seats between Member States (since each Member State seat is taken from its current quota), and a clear winner in each Member State. It is easily understandable and rather implementable.[2]

Additionally, by seemingly limiting electoral lists to European political parties, it is likely to encourage national political parties that have so far not joined a European party, despite often sitting together in the European Parliament, to finally do so. This would streamline and strengthen the European political party system. By having European political parties' name and logo on the ballot, it would also increase the visibility of European parties for citizens.

[2] With one candidate per Member State, the EPP proposal does not rely on true lists of candidates, as the candidates on the same electoral lists are actually one strictly separate constituencies and are not ranked. Hypothesis 4 is therefore not applicable to the EPP proposal.

Despite these advantages, however, it presents a number of grave shortcomings. First of all, beyond having candidates running under the common banner of a European political party, this proposal is not any more European than the current European elections. According to this proposal, it is national parties who come together to decide of the single candidate attributed to their national seat on the joint constituency. Votes are also not tallied at the European level, but separately for every Member State. Therefore, instead of one single European-wide election (or vote), this proposal builds 27 separate first-past-the-post elections. This fails hypothesis 1.

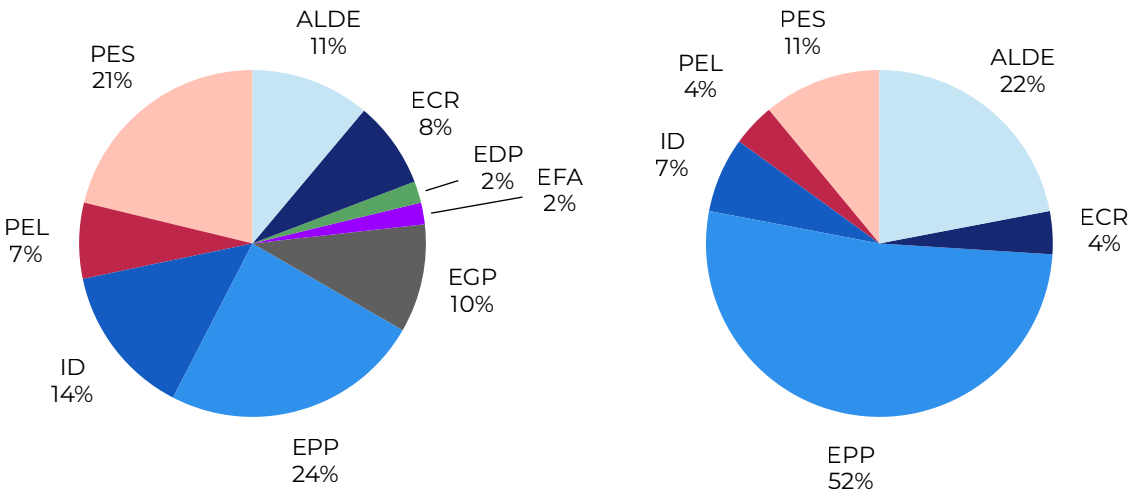
As a result of the first-past-the-post nature of this proposed election, there is no proportionality between the share of the vote received by a European political party at the European level and the number of seats it wins in the transnational constituency. For instance, as indicated in Table 5 and Figure 1, the EPP would win 14 seats (or 52%), despite only gathering 24% of the Europe-wide vote. Likewise, ALDE wins 6 seats (or 22%), despite only winning 11% of the vote. Conversely, the PES wins only 3 seats (11%), despite winning 21% of the vote. The EGP, with 10% of the vote, wins 0 seats — fewer than the ECR and the PEL, which each receive fewer votes. This fails hypothesis 2.

Table 5 — Comparison of the shares of seats and votes

Electoral list	Share of seats	Share of votes
ALDE	22%	11%
ECPM	0%	0%
ECR	4%	8%
EDP	0%	2%
EFA	0%	2%
EGP	0%	10%
EPP	52%	24%
ID	7%	14%
PEL	4%	7%
PES	11%	21%
Pirates	0%	0%
Volt	0%	0%

Under the EPP proposal, the EPP and ALDE double the number of seats their votes entitle them to, the PES gets half its share, and the EGP receives no seats.

Figure 1 — Comparison of the share of the votes (left) and the shares of seats (right)



Finally, by taking a seat away from the lot already attributed to each Member State, the proposal does not affect Member States' level of representation in the European Parliament, but it will clearly affect the level of party representation. In essence, each Member State will have one fewer seat to distribute among its national parties in the first vote. Given the widespread use of the D'Hondt apportionment method, which favours larger parties, this means that smaller parties are more likely to be deprived of these seats. Since the seat in question is attributed, in each Member State, to the candidate of the European party leading the second vote (who is likely to be a candidate of the national party leading the first vote), this change will often result in a transfer of one seat from a smaller party to a leading party, therefore skewing the D'Hondt apportionment even further.

Finally, the removal of one seat from the national quota for the purpose of filling the transnational constituency will force Member State using sub-regional constituencies to re-assess their internal distribution of seats, making the process less painless than it seemed.

For all these reasons, the EPP proposal does not seem conducive to a fair and acceptable European transnational electoral system.

2.2.The Devesa proposal

Overview

In the Devesa proposal, the transnational constituency is composed of the 46 seats vacated in the wake of the United Kingdom's departure from the European Union and not re-attributed to any Member State. Using these 46 seats would return the European Parliament to its pre-Brexit size of 751 members, as allowed by the Treaty on European Union.

Electoral lists may be submitted by European political parties, European political movements (given proof of popular support), coalitions of European parties and/or movements, or coalitions of national political parties and/or movements (provided they stem from a quarter of the EU's Member States).

Each electoral list must comprise 46 candidates and the ordering of candidates must respect three conditions:

1. The first 14 positions on the list must not have two candidates resident of the same Member State.
2. Every group of five successive positions until position 14 (1-5, 6-10, and 11-14, presumably) must comprise a candidate from each of five groups of Member States (A, B, C, D, and E, with Member States being grouped together by population).
3. Within each group of five positions (until position 14), the order of Member States from the five groups must be different.[3]

On election day, voters are given a second ballot with the name of the transnational electoral list. Results are aggregated across the Union and seats are attributed to electoral lists using the D'Hondt method.

Outcome

Before assessing the vote, we must re-arrange our proposed electoral lists to meet the three distribution criteria. We do this by using the data from Table 2 and, for each list, ordering candidates according to the three criteria according to Member States' order of priority in the

[3] Despite the wording of the proposal being obtuse, we understand this requirement as "no group of Member States (A, B, C, D or E) can be in the same rank from one batch of five positions to another", meaning that simply moving one group does not suffice. In this sense, if positions 1-5 are A-B-C-D-E, then positions 6-10 cannot be B-A-C-D-E, but, for instance, B-C-D-E-A.

list. This means that priority for a better place is always given to Member States ranked higher in Table 2. The result of this re-ordering is given in Table 6.

Table 6 — Ranked electoral lists according to Devesa proposal

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Romania	Germany	Czech Rep	Romania	Belgium	Belgium	Romania	Belgium	Greece	Romania	Germany	Nether.
3	Denmark	Croatia	Sweden	Slovenia	Latvia	Austria	Austria	Austria	Ireland	Portugal	Denmark	Lux.
4	Sweden	Latvia	Latvia	Portugal	Slovakia	Finland	Ireland	Finland	Portugal	Croatia	Sweden	Bulgaria
5	Estonia	Sweden	Slovakia	Croatia	Sweden	Lux.	Slovenia	Estonia	Cyprus	Malta	Lux.	Denmark
6	Nether.	Slovakia	Nether.	Belgium	Greece	Nether.	Greece	Czech Rep	Belgium	Nether.	Italy	Belgium
7	Spain	Romania	Italy	Germany	France	France	Poland	France	Germany	Italy	Nether.	Spain
8	Slovenia	Spain	Lithuania	Denmark	Portugal	Denmark	Latvia	Denmark	Sweden	Slovenia	Slovenia	Sweden
9	Finland	Portugal	Bulgaria	Cyprus	Slovenia	Slovenia	Portugal	Slovenia	Slovenia	Sweden	Finland	Finland
10	Bulgaria	Slovenia	Lux.	Sweden	Denmark	Sweden	Slovakia	Hungary	Finland	Denmark	Portugal	Slovenia
11	Slovakia	Italy	Croatia	Hungary	Hungary	Ireland	Bulgaria	Bulgaria	Denmark	Austria	Romania	Slovakia
12	Lux.	Hungary	Slovenia	Denmark	Finland	Estonia	Lithuania	Latvia	Lux.	Slovakia	Hungary	Latvia
13	Germany	Estonia	Spain	Spain	Italy	Italy	Spain	Germany	Spain	Germany	France	France
14	Czech Rep	Belgium	Greece	Greece	Czech Rep	Portugal	Malta	Nether.	Nether.	Latvia	Latvia	Romania
15	Hungary	Denmark	Portugal	Latvia	Estonia	Czech Rep	Nether.	Slovakia	Austria	Belgium	Slovakia	Sweden
16	Belgium		Germany		Germany	Lithuania	Italy	Greece	Czech Rep	Poland	Spain	
17	Ireland		Belgium			Spain	France	Poland	Italy	France		
18	Italy		France			Poland	Sweden		Romania	Hungary		
19	Austria		Finland			Hungary	Czech Rep		Estonia	Bulgaria		
20	Lithuania					Greece	Belgium			Greece		
21	Croatia					Croatia	Croatia			Finland		
22	Latvia					Bulgaria	Finland			Lithuania		
23						Cyprus	Cyprus			Estonia		
24						Malta	Lux.			Cyprus		
25							Hungary			Czech Rep		
26							Denmark			Lux.		
27							Estonia			Ireland		

Given the limited need to go beyond the first 15 seats, we chose to limit the number of seats filled to as few as were needed to include all Member States from which electoral lists have elected MEPs or have received votes. In some cases (such as the European Pirate Party, which only received MEPs or votes from 10 Member States), this required also including supplementary Member States, in order to meet the Devesa method criteria.

It is important to note that, given the proportionality of the vote and the number of electoral lists competing, the majority of the 46 seats on the list are of no importance. Generally speaking, in order to appreciate the impact of the electoral system among Member States, only eligible positions are relevant (12 for the EPP, 11 for the PES, and less than six for the remaining electoral lists). However, since the criteria for the ordering of candidates apply up until position 14, we have made sure to fill at least the first three blocks of five seats (15 seats); remaining seats are filled with remaining Member States in the same order as Table 2. Therefore, while the list in Table 6 does not extend all the way to 46 candidates per list, there is no difference in outcome, nor would filling more seats affect the post-vote result.

Based on the votes of the 2019 European election tallied in the above section, we easily find the number of votes given to each electoral lists and deduce the seat apportionment using the D'Hondt method, as indicated in Table 7.

Table 7 — Result of D'Hondt apportionment

	1	2	3	4	5	6	7	8	9	10	11	12
EPP	40.003.021	20.001.510	13.334.340	10.000.755	8.000.604	6.667.170	5.714.717	5.000.378	4.444.780	4.000.302	3.636.638	3.333.585
PES	34.715.684	17.357.842	11.571.895	8.678.921	6.943.137	5.785.947	4.959.383	4.339.460	3.857.298	3.471.568	3.155.971	2.892.974
ID	22.723.801	11.361.901	7.574.600	5.680.950	4.544.760	3.787.300	3.246.257	2.840.475	2.524.867	2.272.380	2.065.800	1.893.650
ALDE	18.525.936	9.262.968	6.175.312	4.631.484	3.705.187	3.087.656	2.646.562	2.315.742	2.058.437	1.852.594	1.684.176	1.543.828
EGP	17.503.636	8.751.818	5.834.545	4.375.909	3.500.727	2.917.273	2.500.519	2.187.955	1.944.848	1.750.364	1.591.240	1.458.636
ECR	12.972.015	6.486.008	4.324.005	3.243.004	2.594.403	2.162.003	1.853.145	1.621.502	1.441.335	1.297.202	1.179.274	1.081.001
PEL	12.305.769	6.152.885	4.101.923	3.076.442	2.461.154	2.050.962	1.757.967	1.538.221	1.367.308	1.230.577	1.118.706	1.025.481
EDP	3.795.119	1.897.559	1.265.040	948.780	759.024	632.520	542.160	474.390	421.680	379.512	345.011	316.260
EFA	3.359.591	1.679.796	1.119.864	839.898	671.918	559.932	479.942	419.949	373.288	335.959	305.417	279.966
ECPM	773.502	386.751	257.834	193.376	154.700	128.917	110.500	96.688	85.945	77.350	70.318	64.459
Pirat.	748.326	374.163	249.442	187.082	149.665	124.721	106.904	93.541	83.147	74.833	68.030	62.361
Volt	416.002	208.001	138.667	104.001	83.200	69.334	59.429	52.000	46.222	41.600	37.818	34.667

These results lead us to the the party distribution indicated in Table 8.

Table 8 — Results of the Devesa election method

Electoral list	Seats	Share of seats	Share of votes
EPP	12	26%	24%
PES	10	22%	21%
ID	6	13%	14%
ALDE	5	11%	11%
EGP	5	11%	10%
ECR	3	7%	8%
PEL	3	7%	7%
EDP	1	2%	2%
EFA	1	2%	2%
ECPM	0	0%	0%
Pirates	0	0%	0%
Volt	0	0%	0%

Seats are then attributed in block to each electoral list, starting with the top of the list. The final distribution of candidates elected for each electoral list according to the Devesa method is given in Table 9.

Table 9 — Distribution of seats between electoral lists under the Devesa method

	ALDE	**ECPM**	**ECR**	**EDP**	**EFA**	**EGP**	**EPP**	**ID**	**PEL**	**PES**	**Pirates**	**Volt**
	5	0	3	1	1	5	12	6	3	10	0	0
1	France		Poland	France	Spain	Germany	Germany	Italy	France	Spain		
2	Romania		Czech R			Belgium	Romania	Belgium	Greece	Romania		
3	Denmark		Sweden			Austria	Austria	Austria	Ireland	Portugal		
4	Sweden					Finland	Ireland	Finland		Croatia		
5	Estonia					Lux.	Slovenia	Estonia		Malta		
6							Greece	Czech R		Nether.		

7							Poland			Italy		
8							Latvia			Slovenia		
9							Portugal			Sweden		
10							Slovakia			Denmark		
11							Bulgaria					
12							Lithuania					

Evaluation

The Devesa method provides a typically European response to the issue at hand: circumventing a political difficulty stemming from the EU's lack of political integration with an extremely complex set of technical fixes.

Firstly, the Devesa method is a European electoral system by design: the election is indeed EU-wide and the votes are aggregated and tallied at the Union level, fully satisfying hypothesis 1.

Secondly, seats are indeed attributed to the various electoral lists in proportion to their share of the vote, meaning that party proportionality is ensured, satisfying hypothesis 2.

It is unfortunate, however that the D'Hondt method is retained for this apportionment, as it is proven to favour larger political parties. By contrast, the Webster apportionment method (also known as Saint-Lagüe apportionment method), often wrongly said to favour smaller parties, is proven to be the most neutral (hence, the fairest) of divisor methods in its apportionment of seats.[4] The difference between the two apportionment methods is shown in Table 10.

Table 10 — Differences between D'Hondt and Webster apportionments

Electoral list	Share of votes	Seats D'Hondt	Share of seats	Diff. with votes	Seats Webster	Share of seats	Diff. with votes
EPP	23,8%	12	26,1%	+2,3%	11	23,9%	+0,1%
PES	20,7%	10	21,7%	+1,1%	10	21,7%	+1,1%
ID	13,5%	6	13,0%	-0,5%	6	13,0%	-0,5%
ALDE	11,0%	5	10,9%	-0,2%	5	10,9%	-0,2%
EGP	10,4%	5	10,9%	+0,4%	5	10,9%	+0,4%
ECR	7,7%	3	6,5%	-1,2%	4	8,7%	+1,0%
PEL	7,3%	3	6,5%	-0,8%	3	6,5%	-0,8%
EDP	2,3%	1	2,2%	-0,1%	1	2,2%	-0,1%
EFA	2,0%	1	2,2%	+0,2%	1	2,2%	+0,2%
ECPM	0,5%	0	0,0%	-0,5%	0	0,0%	-0,5%
Pirates	0,4%	0	0,0%	-0,4%	0	0,0%	-0,4%
Volt	0,2%	0	0,0%	-0,2%	0	0,0%	-0,2%

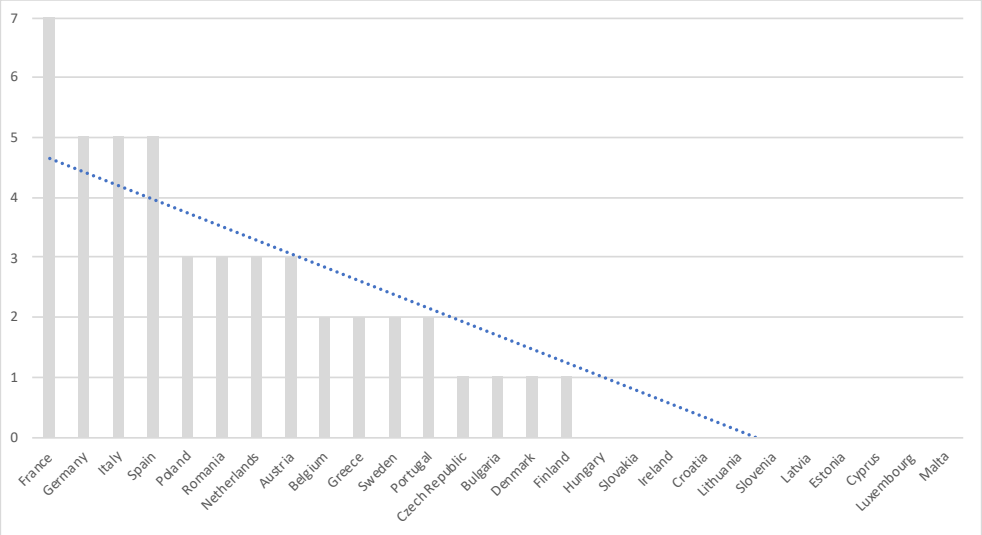
The D'Hondt apportionment favours the largest parties and consistently shows a deviation equal to or above that of the Webster apportionment.

The problem comes with hypothesis 3 — the idea of a "fair" distribution of seats between Member States. The Devesa solution is eager not to attribute the same number of seats to each of the Member States, potentially as a statement that this transnational election is not about Member States (who would be guaranteed equal seats and "representatives"), but about citizens (who, through their vote, give their support to a list order based on political considerations). If confirmed, this would be a very understandable position.

[4] M. L. Balinski and H. P. Young, The Webster method of apportionment, Proceedings of the National Academy of Science of the United States of America, Vol. 77, No. 1, pp. 1-4, January 1980

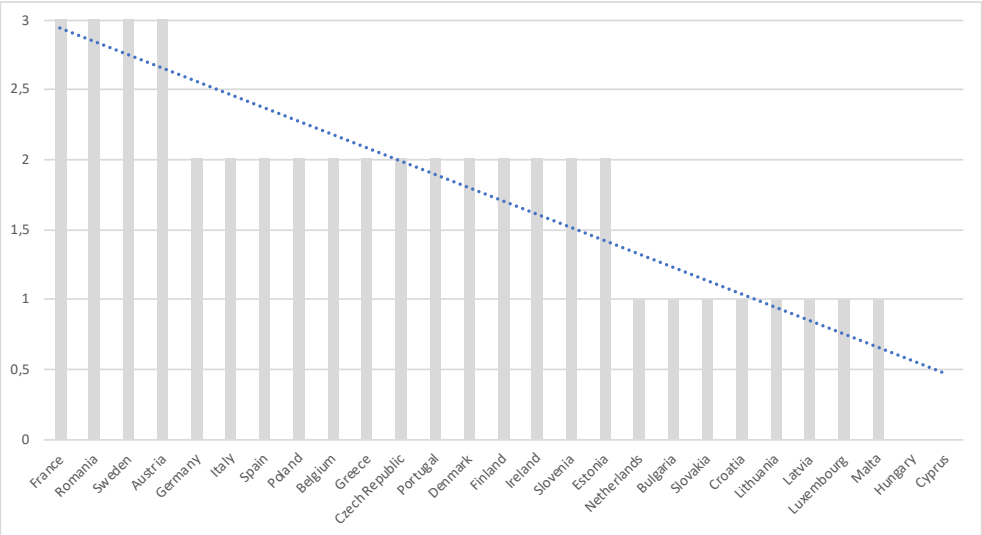
The Devesa method also works to avoid the over-representation of larger Member States and it does so rather successfully compared to the un-ordered list system, as shown by Figures 2 and 3.

Figure 2 — Distribution of seats per Member State in un-ordered list system



The distribution ranges from 7 down to 0 seats,
with 11 Member States not receiving seats.

Figure 3 — Distributions of seats per Member State in the Devesa method

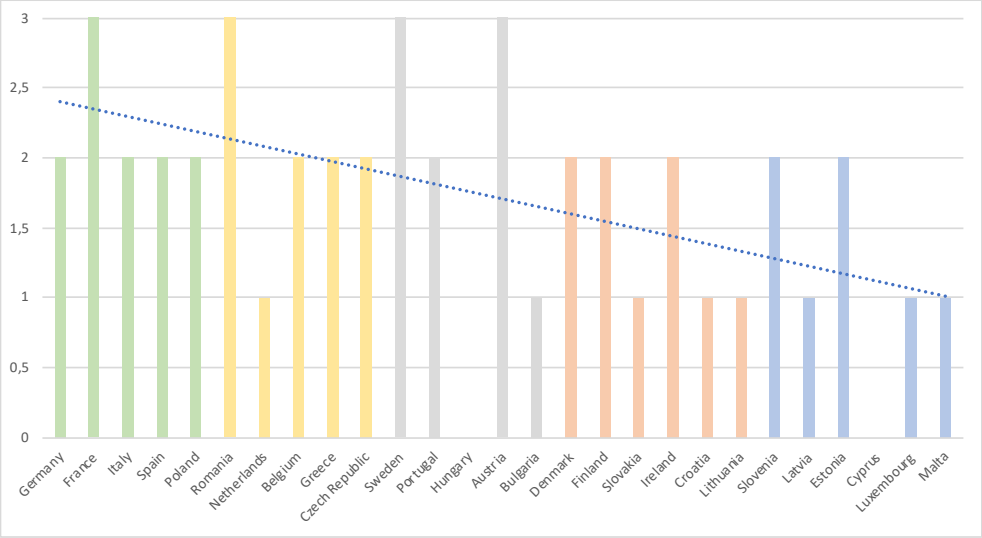


The distribution ranges from 3 down to 0 seats,
with 2 Member States not receiving seats.

However, in doing so, the Devesa method jumps through complex hoops that introduce their own shortcomings. As such, the introduction of five separate groups of Member States, based on their population, creates a *de facto* extrinsic distinction between Member States — a distinction not tied to their own intrinsic characteristics, but to their place in these groups, which affects their order on the lists: it is not only a Member State's population that will have an impact, but a Member State's *ranking within these arbitrary groups*, as shown in Figure 4.

As a result of the conditions imposed on the ordering of lists, Member States at the top of their group (A, B, C, D, and E) will benefit from a built-in advantage, while the ones at the bottom of their group will be at a constant disadvantage.

Figure 4 — Distribution of seats per Member States in Devesa method for 46 seats (ordered by population group)

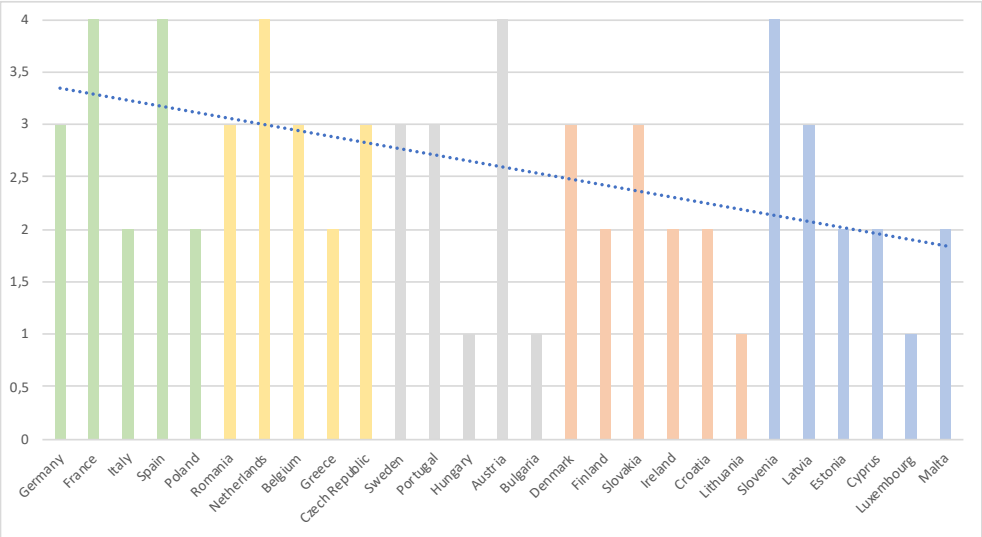


The distribution of seats shows a clear bias towards the more populous Member States within each population group.

However, this breakdown into precisely five groups (and *these* five groups in particular) has no intrinsic basis, and other similar examples in the literature propose other numbers of groups — for instance the EDP method comprises three groups, which is just as valid and just as arbitrary. This choice of groups obviously opens endless questions: why not three, or four, or six groups? Why is Group C stopping at a population of 10.3 million instead of rounding at 10 million? Why is Group E up to 2.1 million and not rounded at 3 million, with Group D starting at 4 million?

Unfortunately, all these questions have a direct impact on the order of the lists and the "representation" of Member States, and none of them have a "fair" answer based, for instance, on Member States' equality, on population proportionality, or on a maximum number of seats per Member State. This solution therefore fails hypothesis 3.

Figure 5 — Distribution of seats per Member States in Devesa method for 70 seats (ordered by population group)



The extrinsic bias in the distribution of seats is even clearer as the size of the transnational constituency increases.

It is interesting to note that this impact of the ordering criteria imposed by the Devesa method becomes ever more apparent as the size of the transnational constituency increases. For instance, Figure 5 gives the distribution of seats for a transnational constituency made up of 70 seats (around 10% of the European Parliament). Apart from specific exceptions (such as Spain and Austria), the pattern structurally favouring the first Member States in each group and disfavouring the latter ones is even clearer.

Additionally, the extensive re-ordering imposed by the Devesa method — whereby lists that may wish to freely arrange their candidates are required, before submitting their candidacy, to re-order their list in order to meet the group criteria — has a strong impact on parties' or coalitions' preferences. Table 11 shows elected candidates (see Table 9) displayed on the lists' original ordering given in Table 2.

Table 11 — Distribution of seats between electoral lists under the Devesa method according to initial ordering

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech R	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech R	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech R	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech R	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech R	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech R	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech R
13	Slovakia	Czech R	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech R	Portugal	Lux.	Czech R	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech R	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech R	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Compared to electoral lists' original ordering, the mandated pre-electoral re-ordering of the Devesa method moves elected candidates, collectively, 128 positions down the list, meaning a high impact on and disrespect for parties' and coalitions' preferences. As such, the Devesa method can be considered to fail hypothesis 4.

A final issue with the Devesa method, which should not be underestimated, is the dramatic loss of simplicity of the voting method. Political systems must strive, wherever possible, to make their institutions clear and understandable to citizens. This is pre-condition for ownership and acceptance, and is all the more applicable with parts of the institutional design which relate directly to citizens, as is the case for elections and representation in the legislature. Evidently, this is even more important for European institutions, which most citizens struggle to understand and consider overly bureaucratic. While the language of the Devesa method, currently obtuse, can surely be simplified, the very design of the voting method is bound to

alienate citizens. While not a technical consideration, this “readability" aspect is paramount in order to associate citizens to the new concept of transnational lists.

For all these reasons, the Devesa proposal does not seem conducive to a fair and acceptable transnational electoral system.

3.3.The Greens/EFA method

Overview

In the Greens/EFA proposal, the transnational constituency is composed of the 46 seats vacated by Brexit, in addition to the 705 currently used.

As in the Devesa proposal, electoral lists may be submitted by European political parties, European political movements (given proof of popular support), coalitions of European parties and/or movements, or coalitions of national political parties and/or movements (provided they stem from a quarter of the EU’s Member States).

Electoral lists must not comprise twice the same nationality for each successive block of seven candidates, and must be “gender balanced” via zipped lists (with a formulation that does not exclude non-binary citizens). Lists are not explicitly required to comprise 46 candidates.

On election day, voters are given a second ballot for a transnational list. The process is as follows:

1. Results are aggregated across the Union and seats are attributed to electoral lists using the D’Hondt method.
2. In order to prevent an over-representation of Member States, a cut-off share is imposed at 25% of MEPs per Member State. Subsequent candidates from this Member State are skipped in the distribution of seats.

Outcome

Beyond the requirement, on each list, not to repeat candidates’ citizenship for each consecutive block of seven candidates, the Greens/EFA proposal only comprises a maximum share of 25% of elected citizens from any single Member State. Since Brexit, the number of Member States has decreased to 27, and 25% yields 6.75 — therefore any Member State with more than 6 elected citizens would be above this threshold. The threshold applies uniformly to all Member States, regardless of their population.

Unlike other proposals where different citizenships are required until more or less half of the electoral list, the fact that the Greens/EFA method only requires it for blocks of seven positions means that its outcome will depend on the dynamics of political forces during the ordering of the list. On the one hand, one may consider that a European party (or any form of electoral alliance) will seek to satisfy all its members and, therefore, provide each of them with a seat before attributing another seat to a candidate of an already-represented nationality. If so, electoral lists would look like the ones given in Table 2. This is assuming, for simplification, that there is one member per Member State.

On the other hand, stronger political forces may insist on being more represented and force the presence of more of their candidates as high up as possible, meaning after the first batch of seven seats is allocated. In the most extreme form, this would mean that the second batch of seven seats (positions 8 to 14) would comprise the same nationalities as the first seven positions, and most likely in the same order. Of course, in practice, this only impacts the outcome for electoral lists gaining strictly more than seven seats — using our data, only the EPP and PES.

The results of these two scenarios are given in Tables 12 and 13 and the distributions per nationality are given in figures 6 and 7.

Table 12 — Distribution of seats under the Greens/EFA method

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	3	1	1	5	12	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep

Seats are distributed between electoral lists starting at the top of each list.

Table 13 — Distribution of seats under the Greens/EFA method with larger delegations repeated

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	3	1	1	5	12	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
9	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
10	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
11	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
12	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
13	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
14	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
15	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
16	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.

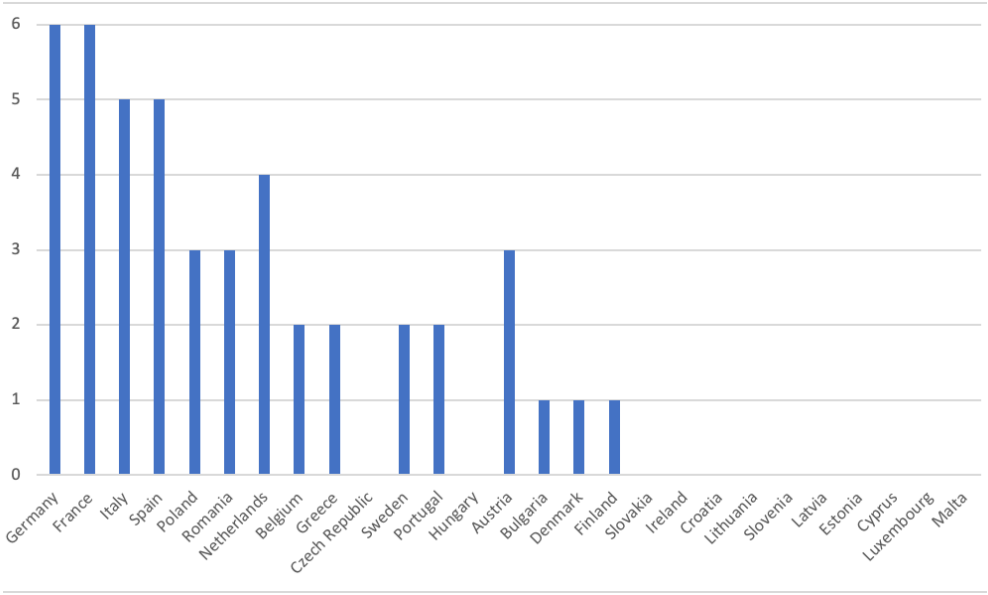
Seats are distributed between electoral lists starting at the top of each list.

Evaluation

The Greens/EFA method tallies votes across the European level and ensures party proportionality; it therefore satisfies hypotheses 1 and 2.

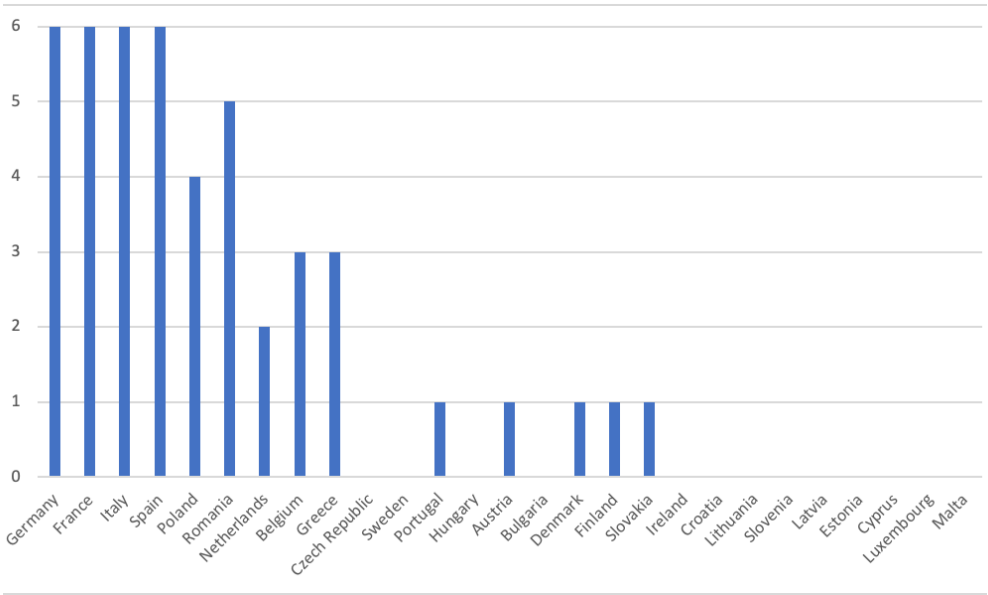
Additionally, the Greens/EFA method, by design, chooses to mostly ignore the nationality of candidates — under the assumption that transnational lists are essential European lists and, therefore, that all candidates on the list are equally European. This is an ideological positioning that is contradictory to, but as valid as, the position of seeking to ensure the fair representation of all Member States. It therefore does not fulfil hypothesis 3, but only insofar as it side-steps the hypothesis entirely, and leaves many Member States unrepresented.

Figure 6 — Distribution of seats according to the Greens/EFA method



The distribution roughly follows Member States' population and leaves the ten smallest Member States unrepresented.

Figure 7 — Distribution of seats according to the Greens/EFA method with stronger delegations repeated



The distribution roughly follows Member States' population but concentrates seats in the largest Member States.

As a result, in case of limited diversity on the lists, 41 seats (89%) are taken by the largest 9 Member States (33%), and 24 seats (52%) are taken by the four largest Member States (15%). This discrepancy is consistent with the ideology underlying the proposal, although it is bound to make it difficult to accept politically, especially in the Council of the European Union.

The proposed 25% cut-off share also means that some candidates will have to be skipped. However, this happens on a limited scale, especially if lists are diverse enough and do not place the same nationalities every block of seven candidates. The initial ranking of electoral lists is therefore broadly respected, satisfying hypothesis 4.

The Greens/EFA method does not ensure that list leaders are elected and does not provide for remedial action (such as clearly stating that candidates can appear both on national and transnational lists). It also applies its cut-off rate uniformly, meaning that mid-sized and small Member States can actually easily be over-represented (as they can reach a level of representation far exceeding their share of the EU's population). Finally, its reliance on the D'Hondt method of apportionment gives an advantage to larger electoral lists to the detriment of mid-sized players.[5]

2.4.Renew Europe's D'Hondt Plus method

Overview

In the Renew Europe proposal, the transnational constituency is composed of the 46 seats vacated by Brexit, in addition to the 705 currently used.

Electoral lists are limited to European political parties, must comprise at least one candidate residing in each Member State, and be "gender balanced" (whether this means "gender-alternate" is left unclear). Lists are not explicitly required to comprise 46 candidates.

On election day, voters are given a second ballot for a transnational list. The process is as follows:

1. Results are aggregated across the Union and seats are attributed to electoral lists using the D'Hondt method.
2. A correction mechanism ensures that elected MEPs stem from all Member States. Starting from the 46th attributed seat, and moving upwards, candidates-elect from a Member State represented more than once will be substituted by another candidate from the same party but from a Member State that is not yet represented[6] (starting with the least populous Member State — although this does not matter from the perspective of Member States)[7].
3. In order to prevent an overrepresentation of Member States, a cut-off number is imposed at 6 MEPs per Member State. Subsequent candidates from this Member State are skipped in the distribution of seats.

This is the proposal as presented by Renew Europe. In practice, however, step 3 is carried out during the initial apportionment, therefore before step 2.

Outcome

Renew Europe's proposal relies on the D'Hondt method of apportionment between electoral lists, as in the Devesa method. The result of this apportionment is listed in Table 7 above. Table 14 gives the ranked order in which these seats are to be attributed to each of the electoral lists, as will be discussed in more details for the **Ranked apportionment method**.

Table 14 — Ranked order of distribution of seats among electoral lists under the Renew Europe method

Seat number	Electoral list	Seat number	Electoral list	Seat number	Electoral list	Seat number	Electoral list
1	EPP	13	EPP	25	PES	37	EPP
2	PES	14	ALDE	26	EPP	38	PES

[5] Given the small size of the electoral constituency, small players would not receive seats in any case, so those affected by the use of the D'Hondt method are mid-sized lists.

[6] The proposal actually does not state that, as Step 2 is carried out starting with the 46th position, Member States represented only once are skipped. However, this seems like a fair assumption. Both procedures are analysed.

[7] The choice of attributing seats to Member States starting with the least populous one is surprising. As such, it would be sensical for the the last-attributed seats to receive the least favourable treatment. However, it may well be that the least populous State to fill (say, Malta) is higher up on a list than others. In this sense it would be more suitable to start with the highest of the seats that will be transferred and to transfer this seat to its list' favoured non-represented Member State.

3	ID	15	EGP	27	ID	39	EDP
4	EPP	16	PES	28	EPP	40	ID
5	ALDE	17	EPP	29	PES	41	ALDE
6	EGP	18	ID	30	ALDE	42	EPP
7	PES	19	PES	31	ID	43	EGP
8	EPP	20	EPP	32	EPP	44	PES
9	ECR	21	ECR	33	EGP	45	EFA
10	PEL	22	ALDE	34	PES	46	EPP
11	PES	23	PEL	35	ECR		
12	ID	24	EGP	36	PEL		

The ranked order is found by ordering all green cells from Table 7 in decreasing order.

As indicated in the description, seats are given to electoral lists one at a time. Within each list, the seat is given to the highest candidate whose nationality has not reached its maximum allowed number.

Following this distribution, and starting from the last seat attributed (number 46, to the EPP), seats are transferred, within the same electoral list, from a Member State already represented more than once to a Member State not represented at all, starting with the least populous Member State. This process is carried out until all Member States are represented at least once.

For instance, once all seats have been distributed according to step 1, twelve Member States remain without representation. Seat 46 is attributed to the Netherlands for the EPP; since the Netherlands have 4 candidate-elects, this seat is transferred to the EPP's candidate from Malta (the EU's least populous Member State). Likewise, seat 45, attributed to Spain for the EFA is transferred to the EFA's candidate from Luxembourg. However, when we reach seat 41, attributed to Denmark for ALDE, this seat is not transferred, as Denmark is only represented once. We leave this seat intact, so as not to deprive Denmark of its only seat, and move to seat 40.

The final distribution of candidates elected for each electoral list according to the Renew Europe method is given in Table 15.

Table 15 — Distribution of seats between electoral lists under the Renew Europe method

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	3	1	1	5	12	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
13	Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland

21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Seats are distributed between electoral lists one at a time, starting at the top of each list and skipping a candidate only when their Member State maximum representation has been reached. Starting from the bottom of the list, Member States already represented more than once transfer their seat to Member States not represented, starting with the least populous ones.

As indicated, our decision to skip, in the correction mechanism, Member States with only one seat is not explicitly indicated in the Renew Europe proposal. This decision alters the transfer process. Table 16 therefore presents the distribution of seats without this assumption — with unaltered transfers. In this scenario, seat 41, attributed to Denmark for ALDE, is indeed transferred to ALDE's candidate from Slovenia. Denmark is left without a seat and will therefore later receive a seat transfer within the ECR list.

Table 16 — Distribution of seats under the Renew Europe method with unaltered transfers

	ALDE	**ECPM**	**ECR**	**EDP**	**EFA**	**EGP**	**EPP**	**ID**	**PEL**	**PES**	**Pirates**	**Volt**
	5	0	3	1	1	5	12	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
13	Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Seats are distributed between electoral lists one at a time, starting at the top of each list and skipping a candidate only when their Member State maximum representation has been reached. Starting from the bottom of the list, Member States transfer their seat to Member States not represented, starting with the least populous ones.

Evaluation

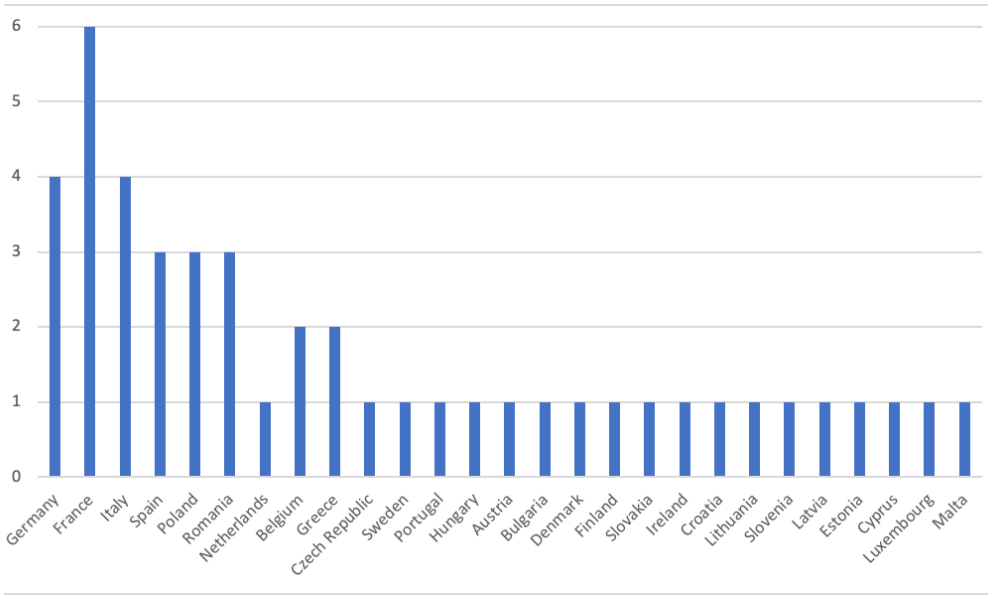
The Renew Europe method, in its core aspects, is actually a variant of the **Ranked apportionment method** described below (called it the **Rear ranked apportionment method**) and therefore shares similarities with others ranked apportionment methods.

By design, it fulfils hypotheses 1 and 2, as votes are tallied at the Union level and party proportionality is ensured. By relying only on *intrinsic* criteria (the size of Member States and the number of votes attributed to electoral lists), it also fulfils hypothesis 3.

The main difference with European Democracy Consulting's ranked apportionment methods is both in the impact of the transfer process on electoral lists' ordering, and in secondary characteristics.

Let us first assess its impact on the distribution of seats for each Member State. The distribution provided by the Renew Europe method is shown in Figure 8.

Figure 8 — Distribution of seats according to the Renew Europe method



The distribution follows Member States' population and is very close to the Baseline ranked apportionment method.

As expected, there are more nationals from larger Member States than smaller Member States, but, following the correction procedure, only one Member States reaches the cut-off number of allowed seats. The distribution is actually almost identical to that of the **Baseline ranked apportionment method**, with one seat transferred from Spain to Greece.

Under the Renew Europe method, in 15 cases (33%) were seats attributed to a candidate outside of the lists' original order, in line with the **Baseline ranked apportionment method**. In both methods, this re-ordering is done according to electoral lists' own performance.

However, since the Renew Europe method transfers seats to Member States in order of their population and with no regards for their order on the list, the re-ordering ends up transferring seats much further down than with the **Baseline ranked apportionment method**. With the latter, a priority is given to each list' highest-placed candidates. As a result, in the **Baseline ranked apportionment method**, only one seat is transferred below the 14th position, compared to 9 seats in the Renew Europe method. Collectively, seats are moved 176 positions down under the Renew Europe method, for only 58 for the **Baseline ranked apportionment method**. The Renew Europe method is therefore far less respectful of electoral lists' original ranking (and also

less respectful than the Devesa method) and fails to satisfy hypothesis 4. A comparison is provided in Table 17.

Table 17 — Comparison of Renew Europe and Baseline ranked apportionment methods on seat distribution

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

The Renew Europe method (left) and the Baseline ranked apportionment method (right) keep lists' original order and, where necessary, skip candidates to avoid over-representation. However, where the Baseline apportionment method starts with ensuring a baseline representation, the Renew Europe method does this last. The Baseline ranked apportionment method remains closer to the original ranking, preserving list preferences more closely.

As we have indicated before, we have worked on the assumption that, in the correction procedure, the seats of Member States only represented once were not transferred (thereby altering the transfer process). Table 18 compares the distribution according to the altered transfer process (left) and the unaltered transfer process (right), whereby Member States can see their single seat transferred, only to regain it afterwards in a different list.

Table 18 — Comparison of altered (left) and unaltered (right) distributions of the Renew Europe method

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece

Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

The altered process (left) and unaltered process (right) give roughly similar results.
In some cases, seats are move further down, in others slightly up.

The difference between the altered and unaltered transfer processes is ambiguous. Under the unaltered process, 16 seats are transferred (35%) from the lists' original ranking, one more than in the altered process. ALDE, which previously had no transfers, now has one. For the ECR and EDP, transfers send seats further down; by contrast, for the EGP, EPP and PEL, seats are moved slightly up the list. The EFA, ID and PES lists are broadly unaffected. Collectively, seats are moved 168 positions down under the unaltered distribution, for 176 in the altered distribution and only 58 for the **Baseline ranked apportionment method**. With the unaltered process, the Renew Europe method therefore remains far less respectful of electoral lists' original ranking and still fails to satisfy hypothesis 4.

Beyond the mere re-ordering of seats, the choice of attributing seats to Member States starting with the least populous one is surprising. As such, when it comes to transfers, it would be sensical for the a worse-faring seat to receive a less favourable treatment than a better-fairing one. However, it may well be that the least populous State to fill (say, Malta) is higher up on a list than other non-represented States. Overall, worse-faring lists are therefore likely, at some point, to receive more advantageous transfers (meaning, transfers to Member States higher on their list) than better-faring ones. In this sense it would be more suitable to start with the highest of the seats that will require a transfer and to transfer this seat to its list' favoured non-represented Member State.

Additionally, neither of the versions of the Renew Europe method, as it is proposed, are able to guarantee the election of list leaders — as no exceptions are made for this purpose, and candidates are not explicitly allowed to run both on national and European electoral lists.

Finally, beyond the seat distribution process itself, the Renew Europe method differs from European Democracy Consulting's ranked apportionment methods via a number of secondary characteristic that impact the result of the vote.

Firstly, as with the Greens/EFA method, the Renew Europe method relies on the D'Hondt apportionment method, which, as we have previously indicated, is proven to favour larger electoral lists. In this case, the EPP gains an extra seat, to the detriment of the ECR.

Secondly, the Renew Europe proposal limits electoral lists to European political parties. As we have discussed with the EPP method, this may be a sound proposal for the development of European political parties, but, in the short and medium term, will clearly be detrimental to the political representation of citizens and to political pluralism in the European Union.

Thirdly, the Renew Europe proposal assesses the representation of Member States according to candidates' residency, instead of their citizenship. As we will see in the last section, citizenship is a better indicator in the specific framework of European transitional lists.

Fourthly, the Renew Europe proposal does not clearly indicate what its means by "gender balanced", leaving open the question of whether the ordering of lists actually alternates between different genders, or whether lists *as a whole* should be balanced (regardless of the ordering itself).

Fifthly, while the Renew Europe proposal includes a cut-off number of elected MEPs per Member State, aimed at avoiding cases of overrepresentation, this cut-off number does not take into account Member States' actual population, as in the Greens/EFA method. Even though this does not happen in our scenario, nothing would preclude a mid-sized or small Member State from reaching this cut-off number of six representatives, which would be entirely out of proportion with that Member State's population and introduce a serious and damaging breach in Member States' fair representation, which the cut-off number specifically seeks to protect. By contrast, the **Baseline ranked apportionment method** accounts for a minimum, a maximum *and* a cut-off number, giving Member States flexibility in their number of elected MEPs whilst safeguarding proportional representation (as indicated in Figure 11).

Finally, while the proposal does not explicitly indicate whether or not lists are required to comprise 46 candidates, it does mandate lists to comprise representatives from each of the 27 Member States. This places a needless burden on electoral lists, especially the ones of smaller political formations or of political forces seeking to represent a geographical subset of the European Union (as is their right). This is done without any tangible advantage in terms of representation — especially since the Renew Europe method ends up re-arranging lists to a very wide extent. For reference, in our scenario, five out of twelve electoral lists have received votes in eleven or fewer Member States, and only two have received votes from all 27 Member States.

Overall, the Renew Europe therefore remains a subpart variant of the **Ranked apportionment method**: while it respects working hypotheses 1 through 3, it fails to satisfy hypothesis 4 owing to its drastic impact on the ordering of electoral lists (far more than the **Simple** and **Baseline ranked apportionment methods**), does not provide any supplementary party or Member State representation, does not guarantee the election of list leaders, and presents worrying shortcomings in a number of secondary characteristics.

3.5.The EDP method

Overview

The EDP proposal mixes the group system of the Devesa proposal and the correction mechanism of the Renew European method.

In the EDP proposal, the transnational constituency is composed of the 46 seats vacated by Brexit, in addition to the 705 currently used.

Electoral lists are limited to European political parties, and must comprise 46 candidates and at least one candidate residing in each of the Member States. The proposal, which is presented via amendments to the Devesa proposal, does not mention gender issues, therefore presumably leaving intact the unclear concept of "gender parity".

The ordering of candidates must respect three conditions:

1. The first 14 positions on the list must not have two candidates resident of the same Member State.
2. Every group of three successive positions until position 14 (1-3, 4-6, etc.) must comprise a candidate from each of three groups of Member States (A, B, and C, with Member States being grouped together by population).

3. Within each group of three positions (until position 14), the order of Member States from the three groups must be different.

This last provision is actually not implementable. The EDP proposal copies this ordering requirement from the Devesa proposal. However, it fails to account for the fact that, unlike the Devesa proposal, it leads to five consecutive blocks of three positions (1-3, 4-6, 7-9, 10-12, and 13-15), while the Devesa proposal creates three consecutive blocks of five positions. Since there are only three different combinations that can be made with three groups where no letter has the same position as in any other combination (for instance, A-B-C, B-C-A, and C-A-B), it is impossible for all five blocks of three positions be in a strictly different order. In order to remedy this issue, we consider that no group (A. B or C) can have twice the same position in each block of three positions until it has occupied all three positions. For instance, if positions 1-3 are A-B-C, then A-C-B cannot be used until positions 10-12).

On election day, voters are given a second ballot for a transnational list. The process is as follows:

1. Results are aggregated across the Union and seats are attributed to electoral lists using the D'Hondt method.
2. A correction mechanism ensures that elected MEPs stem from all Member States. Starting from the 46th attributed seat, and moving upwards, candidates-elect from a Member State represented more than once will be substituted by another candidate from the same party but from a Member State that is not yet represented (starting with the least populous Member State — although this does not matter from the perspective of Member States).
3. In order to prevent an overrepresentation of Member States, a cut-off number is imposed at 6 MEPs per Member State. Subsequent candidates from this Member State are skipped in the distribution of seats.

This is the proposal as presented by EDC via its amendments to the Devesa proposal. In practice, however, step 3 is carried out during the initial apportionment, therefore before step 2.

Outcome

The EDP proposal retains the separation of Member States into population-based groups introduced in the Devesa proposal, until the 14th position. However, it chooses to split Member States in three groups of nine Member States. This equality of each group's number of Member States seems to be the only guiding criteria for the composition of the three groups.

As a result of this use of groups of Member States, electoral lists must be re-arranged to respect the strict ordering criteria. Additionally, the EDP proposal requires that each electoral lists contain at least one member of each of the Member States. For this purpose, and while the proposal actually requires electoral lists to comprise 46 candidates, we include the first 27 candidates. This has no impact on the result, other than the fact that, if all 27 Member States are not at the top of the list, the post-election re-arranging (aimed at ensuring that all Member States are represented) will respect lists' ordering even less. The result of this re-arrangement is shown in Table 19.

Table 19 — Ranked electoral lists according to EDP proposal

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Denmark	Croatia	Czech Rep	Slovenia	Latvia	Austria	Austria	Austria	Ireland	Portugal	Germany	Lux.
3	Estonia	Slovakia	Latvia	Portugal	Czech Rep	Ireland	Ireland	Estonia	Portugal	Croatia	Lux.	Bulgaria
4	Ireland	Czech Rep	Lithuania	Czech Rep	Slovakia	Lithuania	Lithuania	Ireland	Sweden	Malta	Ireland	Czech Rep
5	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Denmark	Nether.
6	Czech Rep	Latvia	Sweden	Croatia	Ireland	Sweden	Portugal	Finland	Cyprus	Sweden	Italy	Ireland
7	Sweden	Ireland	Bulgaria	Cyprus	Croatia	Finland	Bulgaria	Czech Rep	Slovenia	Austria	France	Croatia

8	Slovenia	Sweden	Croatia	Sweden	Sweden	Lux.	Croatia	Croatia	Czech Rep	Lithuania	Sweden	Sweden
9	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Croatia	Spain
10	Nether.	Spain	Nether.	Italy	Italy	Italy	Spain	Belgium	Spain	Romania	Spain	Belgium
11	Finland	Portugal	Slovakia	Hungary	Portugal	Denmark	Sweden	Denmark	Finland	Hungary	Finland	Portugal
12	Lux.	Lithuania	Lux.	Ireland	Lithuania	Croatia	Slovenia	Lithuania	Lux.	Slovenia	Lithuania	Lithuania
13	Lithuania	Slovenia	Ireland	Lithuania	Slovenia	Slovenia	Latvia	Slovenia	Estonia	Latvia	Slovenia	Slovenia
14	Germany	Italy	Greece	Romania	Germany	Nether.	Italy	Nether.	Belgium	Poland	Nether.	France
15	Bulgaria	Hungary	Finland	Austria	Hungary	Portugal	Czech Rep	Hungary	Finland	Bulgaria	Portugal	Hungary
16	Belgium	France	Germany	Belgium	Greece	Spain	France	Bulgaria	Nether.	France	Poland	Italy
17	Slovakia	Poland	Belgium	Greece	Poland	Poland	Greece	Greece	Denmark	Nether.	Romania	Poland
18	Hungary	Belgium	France	Poland	Romania	Czech Rep	Nether.	Slovakia	Romania	Belgium	Belgium	Romania
19	Italy	Greece	Romania	Nether.	Nether.	Hungary	Slovakia	Poland	Austria	Denmark	Greece	Greece
20	Austria	Austria	Portugal	Bulgaria	Austria	Greece	Belgium	Spain	Poland	Slovakia	Hungary	Austria
21	Croatia	Bulgaria	Hungary	Denmark	Bulgaria	Bulgaria	Finland	Romania	Hungary	Greece	Austria	Denmark
22	Latvia	Denmark	Austria	Finland	Denmark	Estonia	Malta	Sweden	Bulgaria	Finland	Bulgaria	Finland
23	Poland	Finland	Denmark	Slovakia	Finland	Cyprus	Cyprus	Portugal	Slovakia	Estonia	Slovakia	Slovakia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

As with the Devesa method, the EDP method relies on the D'Hondt method of apportionment. The result of this apportionment is given in Tables 7 and 8 above.

The seats resulting from this apportionment are then attributed, one by one, to each electoral list, so as to avoid any Member State from going beyond the cut-off number of 6 elected representatives per Member State. In our model, this cut-off number is never reached.

The correction mechanism of the Renew Europe method is then applied and redistributes the last-allocated seats in order to ensure the election of residents from every Member State. The final allocation of seats and their distribution per Member State are given below in Table 20 and Figure 9.

Table 20 — Distribution of seats under the EDP proposal

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	3	1	1	5	12	6	3	10	0	0
1	France		Poland			Germany	Germany	Italy	France	Spain		
2	Denmark		Czech Rep			Austria	Austria	Austria	Ireland	Portugal		
3	Estonia		Latvia			Ireland	Ireland	Estonia	Portugal	Croatia		
4	Ireland					Lithuania	Lithuania	Ireland		Malta		
5							Poland	France		Italy		
6							Portugal			Sweden		
7							Bulgaria			Austria		
8							Croatia			Lithuania		
9							Romania			Germany		
10								Belgium				
11												
12							Slovenia					
13												
14												
15												
16												
17										Nether.		
18												

19												
20												
21												
22				Finland								
23												
24	Greece						Lux.					
25					Cyprus		Hungary					
26						Slovakia						
27												

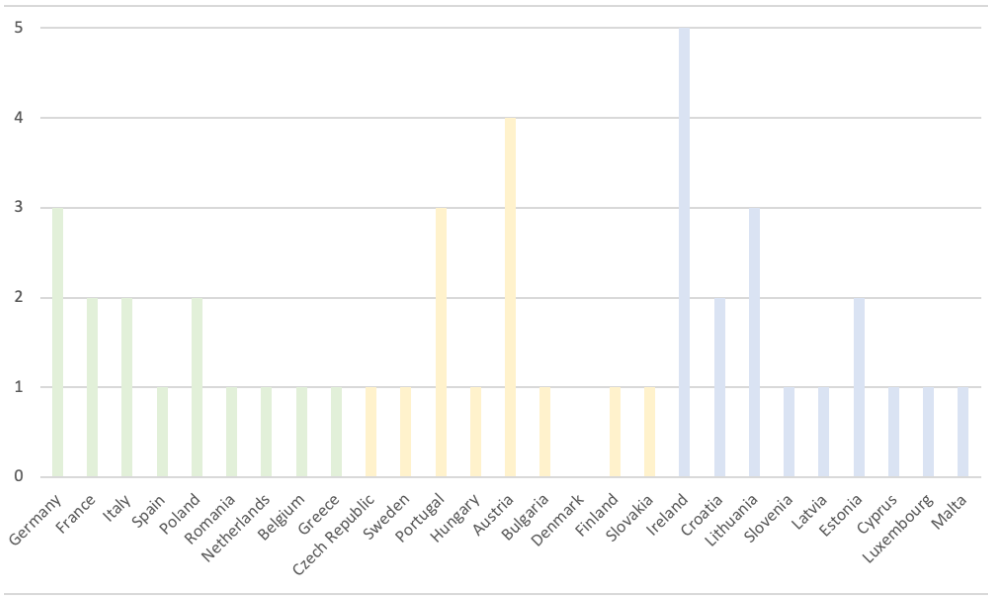
Evaluation

By design, the EDP method fulfils hypotheses 1 and 2, as votes are tallied at the Union level and party proportionality is ensured.

However, by taking the group structure from the Devesa method and the correction mechanism from the Renew Europe method, the EDP method — far from mitigating their respective shortcomings — inherits the flaws of these two methods.

Firstly, like the Devesa method, it introduces an extrinsic criteria: Member States' belonging to one of the three groups. In a way, the EDP method illustrates the issue with the Devesa method and group structures in general: there is no objective argument to support either a three-group structure or a five-group structure, and four or six would be just as valid — and therefore just as arbitrary. Furthermore, the composition of the groups — seemingly designed to create groups with the same number of Members — makes the difference between the groups tenuous as best. For instance, Greece and the Czech Republic are in different groups despite a difference in population of under 25,000. By contrast, the Czech Republic and Sweden (the next Member State down) is over 365,000, and the difference between Greece and Belgium (the next Member State up) is over 800,000. Finally, the logic of equally-sized groups will collapsed as soon as the Union expands its membership and therefore does not even provide a future-proof solution.

Figure 9 — Distribution of seats according to the EDP method

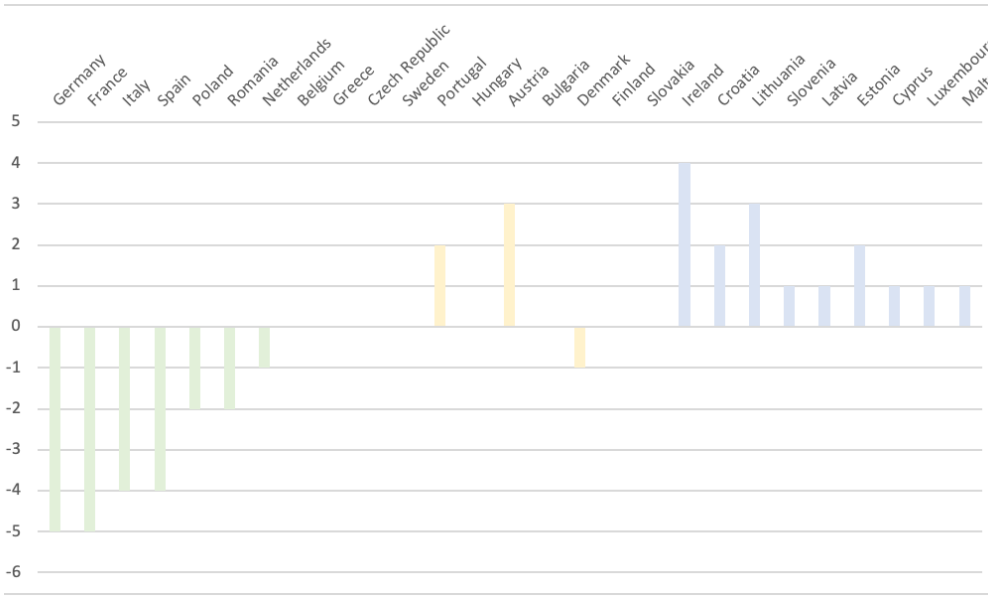


The distribution favours smaller Member States and provides an advantage for Member States higher in their respective group.

The arbitrariness of these groups would not matter if it weren't for the real impact associated with Member States' presence in this or that group. As shown in Figure 9, the EDP method suffers from the same built-in advantage as the Devesa method, whereby Member States at the top of a group have a statistical advantage compared to Member States located at the bottom. Continuing on our previous example, Greece may well have a strong incentive to move down to the lead position of group B, instead of the tail position of group A.

Additionally, the EDP method displays not only a failure to realise a moderate amount of population-based representation, but an actual and consistent over-representation of smaller Member States. Figure 10 shows the difference between the number of seats Member States would be "entitled to" according to their population (using the Webster apportionment given in Table 11) and the number of seats they obtain under the EDP method.

Figure 10 — Difference between Member States' population-based representation and representation under the EDP method



The EDP method displays a clear bias toward smaller Member States.

The result is a clear under-representation of the citizens of larger Member States and over-representation of those of smaller Member States. As a result, not only does this method fail to provide a fair representation of European citizens, but it compounds the pre-existing bias in favour of the citizens of smaller Member States in the European Parliament deriving from the use of degressive proportionality.

Secondly, the EDP method suffers from the impact of the correction mechanism on list ordering. As we have seen with the Renew Europe method, the proposed correction mechanism results in many candidates being skipped, meaning a strong disrespect for electoral lists' preferences, as shown in Table 21.

Table 21 — Comparison of EDP and Baseline ranked apportionment methods on seat distribution

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy

Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

The EDP method (left) uses groups to re-arrange the initial lists and later applies a corrective mechanism to ensure the representation of all Member States. By contrast, the Baseline ranked apportionment method (right) keep lists' original order and, where necessary, skip candidates to avoid over-representation. The Baseline ranked apportionment method remains closer to the original ranking, preserving list preferences more closely.

As a result of the use of a group structure and of the correction mechanism, the EDP proposal introduces 253 shifts in positions compared to electoral lists' original order, completely upsetting the ranking initially supported by electoral lists. This compares to 58 for the **Baseline ranked apportionment method**, and only 10 for the **Simple ranked apportionment method**.

Finally, in addition to these two major issues, are a lot of secondary concerns already discussed for other proposed method:

- The EDP method limits list formation to European political parties, which may be good for the strengthening of European political parties in the long term, but it very detrimental to European citizens' representation, political pluralism, and the renewal of the political class.
- The EDP method requires electoral lists to comprise 46 candidates, which imposes a needless burden on all lists, in particular those of smaller political formation, but with no discernible benefit.
- The EDP method uses the criteria of residence for geographical diversity, which is less in line with the purpose of EU-wide transnational lists than the criteria of citizenship.
- The EDP method requires the presence of residents from all 27 Member States of the Union on each list, which is an overly strict criteria (even stricter than the criteria for the registration of European political parties, which only requires members from a quarter of EU Member States), in particular for smaller political formations and for formations seeking to represent a geographical subset of the Union, as is their right.
- The EDP method relies on the D'Hondt method of apportionment, which is proven to favour larger electoral lists, instead of the Webster method, which is proven to be the fairest apportionment method.
- Finally, the EDP method applies its cut-off number equally to all Member States, in an attempt to avoid over-representation, without accounting for the fact that 6 elected representation from Germany actually means the under-representation of German citizens, while 6 from Malta would mean a clear over-representation.

Overall, the EDP method therefore fails in its attempt to bring the best of both world and, as a result of its complex design, ends up faring worse than both the Devesa and Renew Europe methods.

3. A fair compromise: the Ranked apportionment method

3.1. Considerations for a fair compromise solution

Clearly, there is no *perfect* electoral system: each comes with its advantages and shortcomings. However, among the range of potential systems, the ones we should consider are those meeting, at least, all working hypotheses. In addition to other secondary shortcomings, we have seen that the EPP proposal fails hypotheses 1 and 2, while the Devesa, Greens/EFA, and EDC proposals fail hypothesis 3, and the Devesa, Renew Europe, and EDC methods fail hypothesis 4.

Hypotheses 1 and 2 are fairly straightforward to comply with. In order for the election to be truly European (hypothesis 1), votes for European parties must be aggregated at the European level, instead of tallied separately at the national level. And in order for party proportionality to be ensured (hypothesis 2), the use of any *divisor* method to apportion the European-wide votes among European parties will provide a party-proportional apportionment (or, rather, proportionality among *electoral lists* in competition).

Hypothesis 4 is less clear-cut in theory, as the impact of a voting method on a lists' ordering may be more or less justified by overriding goals and the impact is measured on a continuous spectrum (from one position shift to several hundreds). In practice, however, it is rather easy to see which electoral methods have a limited impact and which ones completely upset lists' initial orderings.

Admittedly, the most delicate criteria is the fulfilment of the slightly more subjective hypothesis 3: finding an apportionment system that is not based on *extrinsic* criteria and that is politically acceptable to all European political parties, as well as to the Member States.

This notion of "politically acceptable" further narrows down the realm of potential solutions. For instance, a solution put forward by Professors Wolfs and van Hecke of KU Leuven university suggests to distribute the seats of the transnational constituency without criteria imposed on candidates' citizenship, and later to subtract to each Member State's national constituency the number of seats it has received from the transnational constituency (as the EPP proposal did with a single seat per Member State). For instance, if Germany sees ten of its citizens elected on the transnational constituency, then its national constituency is reduced by ten seats, bringing it down to 86 seats. This way, the overall number of elected MEPs from Germany is maintained.

On the surface, this solution is pleasing: Member States have already agreed on an apportionment of EP seats among themselves and, like for the EPP proposal, this agreement is maintained. However, this proposal creates a host of subsequent issues that would make it politically unacceptable. First of all, assuming that the choice of candidates for the transnational list is not directly carried out by national parties, every seat attributed to the transnational constituency means one fewer seat that national parties will share among themselves for their candidates — something many national parties will oppose.

Secondly, those Member States using sub-national constituencies would need to re-apportion their lot of seats and determine which sub-national constituency would lose seats and how many. This is sure to raise opposition at the sub-national level.

Finally, smaller Member States already have few seats to distribute to their parties and removing seats from their lot is bound to drastically affect these countries' ability to provide any semblance of proportional representation to their citizens. For instance, Luxembourg has six seats: two going to ALDE, two to the EPP, one to the EGP, and one to the PES. Should three of those seats be filled from the transnational constituency, the PES would lose a seat, despite receiving a notable share of the vote. Beyond small Member States, the same reasoning is applicable to all Member States where low thresholds allow small parties to be elected; these parties would be the first to lose their representation, contributing to a damaging loss of political diversity.

If no criteria are imposed on the composition of electoral lists (which is the idea behind the Wolfs-Hecke proposal in the first place), this shortcoming could actually turn into an electoral strategy, by placing high on a list a number of candidates from Member States where the list has a limited presence, so as to deprive competing national parties of seats that that electoral list's national member parties were sure not to win. For instance, the PES transnational list could place high up a number of Irish citizens, since it does not have MEPs from Ireland, thereby reducing Ireland's nationally-elected number of MEPs down from its current 13 and leaving national parties with fewer seats to share.

More advanced electoral systems seek to address some of these shortcomings. For instance, Professor Pukelsheim's "compositional proportionality" relies on *double proportionality*, whereby proportionality is ensured both between electoral lists and between Member States. However, despite its advantages, this method also introduces its own shortcomings. First of all, it requires to allocated at least twice as many seats as there are Member States (27) *and* electoral lists, (12, in our example, and probably more in reality) meaning a transnational constituency of at least 78 seats, which only increases issues identified above. Additionally, its complexity is politically untenable in a political system with extremely limited political integration, such as the European Union.

Given these considerations, a fair compromise should 1) respect all four relevant working hypotheses, 2) not rely on the seats already devolved to national constituencies, and 3) remain easy to explain and implement — a key factor for its acceptance by national audiences.

3.2.The Ranked apportionment method

Description

a. General presentation

The **Ranked apportionment method** rests on a characteristic of divisor apportionments that is discarded in the Greens/EFA and Devesa method, but found in the Renew Europe and EDC methods. The Greens/EFA method imposes very limited criteria on list formation, while the Devesa method imposes very strict and precise re-ordering rules; they later take, as a whole, the *n* first positions on the re-ordering lists, where *n* is the number of seats that the electoral list is entitled to.

However, divisor methods do not merely indicate how many seats electoral lists win, they also indicate *in which order* these seats are won. For instance, since each list's number of votes is first divided by 1, the first seat is always attributed to the electoral list with the largest number of votes (in our example, the EPP). The number of votes of this list is then divided by an increased divisor (1+1=2 for the D'Hondt method, 2*1+1=3 in the Webster method[8]) and this divided number of votes is compared to the original number of votes of the other lists (which have not yet received seats). The second seat is then attributed to the list with the largest of the numbers compared and the process is continued in an iterative manner until all seats are distributed.

As a result, not only do we know *how many seats* are attributed to each electoral list, but we also know *the ordered sequence* of these attributions. In the example used for the analysis of the Devesa method, the first three seats went, respectively, to the EPP, the PES and ID; then the EPP is attributed its second seat before ALDE gets its first one.

This sequence of attribution of seats is an important piece of information, as it provides an order of priority in the attribution of seats to each party based, not on some *extrinsic* criterion, but on each party's own number of votes. If a party fairs better, not only can it wins more seats (depending on the number of seats to be apportioned), but it earns a priority in the sequence of

[8] The D'Hondt method divides the number of votes using the "n+1" formula, leading to the following divisors: 1, 2, 3, 4, 5, etc. The Webster method divides the number of votes using the "2*n+1" formula, leading to the divisors: 1, 3, 5, 7, 9, etc.

seat attribution. We can therefore use this information to choose those candidates on each list who will be elected.

As a result of the use of this intrinsic criterion, stemming from voters' preferences, we obtain a rather *fair* distribution: it seems fair and sensical that a better-fairing party would gain an advantage, in the form of a priority, over a worse-fairing competitor.

Another element to consider is how many seats each Member State should "receive". Of course, we have established that seats are not really received by the Member States themselves, but by electoral lists. Nevertheless, there is a consensus, for instance, that not all seats on the transnational constituency should come from a single Member State, and, more broadly, that there should be limitations as to how many seats can be filled by nationals or residents of any Member State. This is an eminently political question.

We here assume that we do not wish to impose a strict equality of seats (which, in any case, would not be feasible if 46 seats were to be filled). A Webster apportionment of 46 seats among the 27 Member States according to their population gives the distribution provided in Table 22.

Table 22 — Webster apportionment of seats among Member States

Member State	Total population	Seats appor.	Member State	Total population	Seats appor.
Germany	83.166.711	8	Bulgaria	6.951.482	1
France	67.320.216	7	Denmark	5.822.763	1
Italy	59.641.488	6	Finland	5.525.292	1
Spain	47.332.614	5	Slovakia	5.457.873	1
Poland	37.958.138	4	Ireland	4.964.440	1
Romania	19.328.838	3	Croatia	4.058.165	0
Netherlands	17.407.585	2	Lithuania	2.794.090	0
Belgium	11.522.440	1	Slovenia	2.095.861	0
Greece	10.718.565	1	Latvia	1.907.675	0
Czech Republic	10.693.939	1	Estonia	1.328.976	0
Sweden	10.327.589	1	Cyprus	888.005	0
Portugal	10.295.909	1	Luxembourg	626.108	0
Hungary	9.769.526	1	Malta	514.564	0
Austria	8.901.064	1			

Given the wide disparities between the population of EU Member States, we naturally find wide disparities in the apportionment of the 46 seats.

b. The Simple ranked apportionment method

The **Simple ranked apportionment method** uses the distribution of seats of Table 11 as a maximum, giving the following principle:

> "there shall not be more candidates elected (for all electoral lists combined) from any Member State than its apportioned number of seats."

Of course, an exception is made so that this maximum number cannot be lower than 1, so that every Member States *may* see one of its nationals elected (or residents, depending on the criteria retained, but we shall focus on nationals for the remainder of this document). The resulting *maximum* number of seats per Member State is given in Table 23.

Table 23 — Maximum number of seats attributable to each Member State

Member State	Max. seats	Member State	Max. seats	Member State	Max. seats
Germany	8	Czech Republic	1	Ireland	1
France	7	Sweden	1	Croatia	1

Italy	6	Portugal	1	Lithuania	1
Spain	5	Hungary	1	Slovenia	1
Poland	4	Austria	1	Latvia	1
Romania	3	Bulgaria	1	Estonia	1
Netherlands	2	Denmark	1	Cyprus	1
Belgium	1	Finland	1	Luxembourg	1
Greece	1	Slovakia	1	Malta	1

The **Simple ranked apportionment method** therefore follows the following steps:

1. Rank the seats to be apportioned in the order provided by the Webster apportionment of seats between lists (in our case: 1. EPP, 2. PES, etc.).
2. For the electoral list receiving the first seat, attribute that list's first candidate; in a dedicated column, set to 1 the number of seats attributed to that candidate's Member State (in our case: Germany, the Member State of the first EPP candidate).
3. For the electoral list receiving the next seat:
   - if the highest available candidate on the list is from a Member State that has not received its maximum of seats, attribute the seat to that candidate; increase by 1 the number of seats of that candidate's Member State; or
   - if the highest available candidate is from a Member State that has already received its maximum number of seats, cross that candidate off the list and re-start step 3.

Using this mechanism, we ensure a fair level of diversity in the overall composition of the transnational constituency that broadly reflects each Member State's population.

However, we may choose to impose a maximum (cut-off) number of elected nationals for any Member State. In the same way that the "degressive proportionality" principle, used for European elections, states that no Member States shall have more than 96 seats, we may decide that no more than 5 or 6 nationals of any Member State shall be elected on the transnational constituency.[9] The resulting maximum seats per Member States are indicated in Table 24. Since this cut-off number applies to all Member States, it does not create arbitrary categories like the Devesa method, and thus does not violate hypothesis 3.

Table 24 — Maximum number of seats attributable to each Member State, with cut-off number

Member State	Max. seats	Member State	Max. seats	Member State	Max. seats
Germany	6	Czech Republic	1	Ireland	1
France	6	Sweden	1	Croatia	1
Italy	6	Portugal	1	Lithuania	1
Spain	5	Hungary	1	Slovenia	1
Poland	4	Austria	1	Latvia	1
Romania	3	Bulgaria	1	Estonia	1
Netherlands	2	Denmark	1	Cyprus	1
Belgium	1	Finland	1	Luxembourg	1
Greece	1	Slovakia	1	Malta	1

Additionally, in order to ensure diversity *within* electoral lists, we may still require the first *n* positions (for instance by rounding up the number of Member States divided by 2 or 3, so the first 14 or 9 seats) to be of different nationalities. Once again, this does not affect the diversity of

[9] We may also decide to increase the maximum number of seats to two for the smallest Member States, so that they may not be too constrained. However, this is instead likely to favour middle-sized Member States, who would then qualify for two seats instead of one, and strongly decrease the chances of the smallest Member States to receive a single seat.

the transnational constituency itself, which is already ensured via the maximum number of seats imposed on Member States, but only that of electoral lists.

In rare cases, especially if electoral lists are required to comprise citizens from *n* different Member States (for instance, 9 or 14, as proposed above), there may be instances of electoral lists qualifying for seats, but for which all Member States present on their list of candidates are already at full capacity when it is their turn to be attributed a seat.

Rare as this may be, this scenario should be accounted for. There are two mains ways to address this situation. The harsh way is to say that the electoral list concerned forfeits the seat in question, as it is its responsibility to provide enough diversity on its list. The accommodating way is to say that these seats are set aside until the end of the apportionment, and then attributed, as a penalty, either at random or to the last candidate on the list.[10] This situation does not occur in our scenario and, at any rate, is unlikely to occur for any list comprising several of the largest Member States — which, in practice, all lists do.

c. *The Baseline ranked apportionment method*

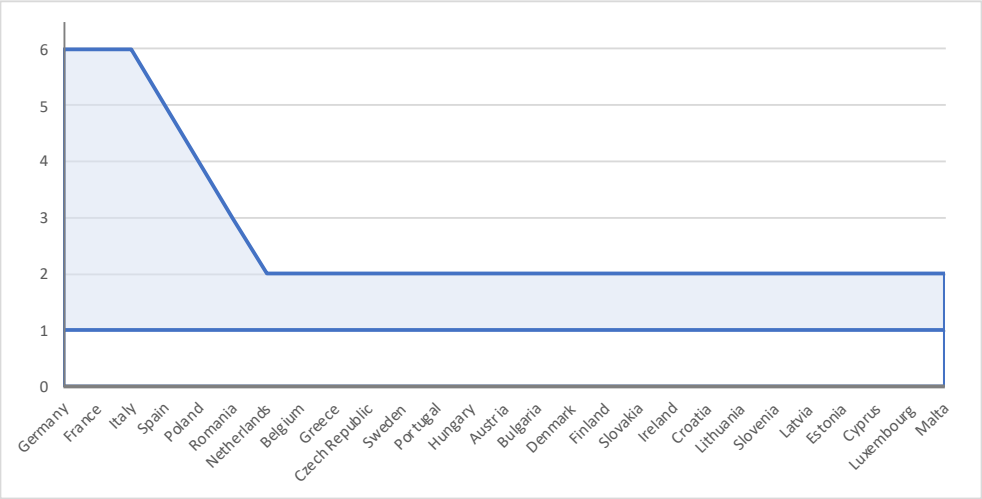
A variation of the above method, the **Baseline ranked apportionment method**, uses the distribution of seats of Table 11 in conjunction with a minimum, giving the following principle:

> "there shall be at least one candidate elected from each Member State *and* there shall not be more candidates elected (for all electoral lists combined) from any Member State than its apportioned number of seats."

Of course, once again, an exception is made so that this maximum number cannot be lower than 1 and, in this case, preferably set at 2 (since there is already a minimum of 1). As with the **Simple ranked apportionment method**, a cut-off number of nationals can also be imposed (here, 6), and electoral lists can be required to have their first *n* seats from different nationalities (in our example, the first 14 seats). The **Baseline ranked apportionment method** therefore ensures hypothesis 3.

The resulting minimum and maximum numbers of seats for each Member State are given in Figure 11 and Table 25.

Figure 11 — Interval of seat distribution for Member States



By design, the interval of seats per Member State is in line Member States' demography, whilst ensuring that each Member State receives a seats and that major imbalances are avoided.

[10] In case of random selection, the pool can be narrowed down to candidates of the least-represented gender among the candidates already elected.

Table 25 — Minimum and maximum number of seats per Member State, with cut-off number

Member State	Min.	Max.	Member State	Min.	Max.	Member State	Min.	Max.
Germany	1	6	Czech Rep.	1	2	Ireland	1	2
France	1	6	Sweden	1	2	Croatia	1	2
Italy	1	6	Portugal	1	2	Lithuania	1	2
Spain	1	5	Hungary	1	2	Slovenia	1	2
Poland	1	4	Austria	1	2	Latvia	1	2
Romania	1	3	Bulgaria	1	2	Estonia	1	2
Netherlands	1	2	Denmark	1	2	Cyprus	1	2
Belgium	1	2	Finland	1	2	Luxembourg	1	2
Greece	1	2	Slovakia	1	2	Malta	1	2

The procedure therefore follows the following steps:

1. Rank the seats to be apportioned in the order provided by the Webster apportionment of seats between lists (in our case: 1. EPP, 2. PES, etc.).

Attribution of baseline seats (seats 1-27)

2. For the electoral list receiving the first seat, attribute that list's first candidate; in a dedicate column, set to 1 the number of seats attributed to that candidate's Member State (in our case: Germany, the Member State of the first EPP candidate).
3. For the electoral list receiving the next seat:
   - if the highest available candidate on the list is from a Member State that has not received a single seat, attribute the seat to that candidate; set to 1 the number of seats of this candidate's Member State; or
   - if the highest available candidate is from a Member State that has already received a seat, set that candidate aside and re-start step 3.

Attribution of remaining seats (seats 28 to 46)

4. For the electoral list receiving the next seat:
   - if the highest available candidate on the list is from a Member State that has not received its maximum of seats, attribute the seat to that candidate (including candidates previously set aside) and increase by 1 the number of seats of this candidate's Member State; or
   - if the highest available candidate is from a Member State that has already received its maximum number of seats, cross that candidate off the list and re-start step 4.

Of course, in the first iteration where a seat is filled from each of the Member States, it may be that an electoral list simply does not have a candidate from one of the remaining Member States. If so, its seat is skipped temporarily and is filled at the very end of the procedure. This way, the electoral list in question does not lose a seat (and is therefore not punished for not having candidates from every single Member State), but it does receive a light penalty, in the sense that it loses its priority ranking for that seat. It may be that, at the end of the process, some Member States have received their maximum number of elected nationals, meaning one or more candidates may be skipped in that list' order.

As with the **Simple ranked apportionment method**, the **Baseline ranked apportionment method** ensures diversity within the transnational constituency. It does this even more, as it ensures that at least one national from each Member State is elected. Overall, since there is no difference if a candidate is elected first or elected last, the fact that some top candidates are skipped in the first iteration of the procedure (when a seat is filled from every single Member State) is not a problem, since they will be elected from the remaining seats.

Outcome

The **Ranked apportionment method** relies on the Webster method of apportionment between electoral lists, since it more fairly distributes seats between larger and smaller lists. The result of this apportionment is listed in Table 10 above and recalled on the left-hand side of Table 26. Green-shaded cells indicate the 46 highest values, which warrant their electoral list a seat.

Table 26 — Result of Webster apportionment between electoral lists

	Seats	1	3	5	7	9	11	13	15	17	19	21
EPP	11	40.003.021	13.334.340	8.000.604	5.714.717	4.444.780	3.636.638	3.077.155	2.666.868	2.353.119	2.105.422	1.904.906
PES	10	34.715.684	11.571.895	6.943.137	4.959.383	3.857.298	3.155.971	2.670.437	2.314.379	2.042.099	1.827.141	1.653.128
ID	6	22.723.801	7.574.600	4.544.760	3.246.257	2.524.867	2.065.800	1.747.985	1.514.920	1.336.694	1.195.990	1.082.086
ALDE	5	18.525.936	6.175.312	3.705.187	2.646.562	2.058.437	1.684.176	1.425.072	1.235.062	1.089.761	975.049	882.187
EGP	5	17.503.636	5.834.545	3.500.727	2.500.519	1.944.848	1.591.240	1.346.434	1.166.909	1.029.626	921.244	833.506
ECR	4	12.972.015	4.324.005	2.594.403	1.853.145	1.441.335	1.179.274	997.847	864.801	763.060	682.738	617.715
PEL	3	12.305.769	4.101.923	2.461.154	1.757.967	1.367.308	1.118.706	946.598	820.385	723.869	647.672	585.989
EDP	1	3.795.119	1.265.040	759.024	542.160	421.680	345.011	291.932	253.008	223.242	199.743	180.720
EFA	1	3.359.591	1.119.864	671.918	479.942	373.288	305.417	258.430	223.973	197.623	176.821	159.981
ECPM	0	773.502	257.834	154.700	110.500	85.945	70.318	59.500	51.567	45.500	40.711	36.833
Pirat.	0	748.326	249.442	149.665	106.904	83.147	68.030	57.564	49.888	44.019	39.386	35.635
Volt	0	416.002	138.667	83.200	59.429	46.222	37.818	32.000	27.733	24.471	21.895	19.810

Table 27 below gives the ranked order in which these seats are to be attributed to each of the electoral lists.

Table 27 — Ranked order of distribution of seats among electoral lists

Seat number	Electoral list	Seat number	Electoral list	Seat number	Electoral list	Seat number	Electoral list
1	EPP	13	ALDE	25	EGP	37	EPP
2	PES	14	EGP	26	EFA	38	PES
3	ID	15	EPP	27	ID	39	EPP
4	ALDE	16	PES	28	PES	40	ID
5	EGP	17	ID	29	EPP	41	ALDE
6	EPP	18	EPP	30	PES	42	PES
7	ECR	19	ECR	31	EPP	43	EGP
8	PEL	20	PEL	32	ALDE	44	EPP
9	PES	21	PES	33	ECR	45	ECR
10	EPP	22	EDP	34	ID	46	PES
11	ID	23	ALDE	35	EGP		
12	PES	24	EPP	36	PEL		

The ranked order is found by ordering all green cells above in decreasing order.

As indicated in the description, seats are given to electoral lists one at a time. Within each list, the seat is given to the highest candidate whose nationality has not reached its maximum allowed number.

For instance, in our example, the first seat, according to Table 27, goes to the EPP. It is therefore attribute to the first candidate of the EPP, who is from Germany (see Table 2); the number of seats attributed to Germany is set to 1. The second seat goes to the PES and is therefore attributed to the first candidate of the PES, who is from Spain; the number of seats attributed to Spain is set to 1. The process is repeated one seat at a time for all 46 seats.

Upon reaching the attribution of seat 38 to the PES, we note that this seat is to be attributed to a candidate from France (the PES' seventh candidate). However, France has already been attributed 6 seats, which is our cut-off number (seat 4 for ALDE, seat 8 for the PEL, seat 11 for ID, seat 14 for the EGP, seat 22 for the EDP, and seat 24 for the EPP). The seventh candidate of the

PES is therefore crossed off the list and the seat is attributed to the next-available candidate, candidate 8 from the Netherlands, which has not yet received its maximum number of seats.

The final distribution of candidates elected for each electoral list according to the **Simple ranked apportionment method** is given in Table 28.

Table 28 — Distribution of seats between electoral lists under the ranked apportionment method

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	4	1	1	5	11	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
13	Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Seats are distributed between electoral lists one at a time, starting at the top of each list and skipping a candidate only when their Member State maximum representation has been reached.

The **Baseline ranked apportionment method** slightly alters the distribution of seats, owing to the requirement that each Member State "receives" at least one elected MEP.

As before, the first seat goes to the EPP and the number of seats attributed to Germany is set to 1. The second seat goes to the PES and the number of seats attributed to Spain is set to 1. The process is repeated one seat at a time for seats 3 and 4. However, seat number 5, attributed to the EGP should go to its first candidate stemming from Germany, which has already “received" an elected MEP. This candidate is therefore placed aside for the first part of this process, and the seat goes instead to the next available candidate, candidate number 3 from Belgium (since Italy has also already received an MEP).

However, when it comes to seats 26 and 27, the EFA and ID do not have candidates from the remaining Member States which have not yet received a seat (Luxembourg and Malta). Seats 26 and 27 are therefore set aside and will only be filled at the very end of the process. Seat 28,

attributed to the PES, is filled from Malta, and seat 29, attributed to the EPP is filled from Luxembourg. Thus, all 27 Member States see one of their citizens elected.

The process continues with the remaining seat attributed as in the **Simple ranked apportionment method** and, once all other 44 seats have been attributed, seats 26 and 27 are attributed to the EFA and ID.

The final distribution of candidates elected for each electoral list according to the **Baseline ranked apportionment method** is given in Table 29.

Table 29 — Distribution of seats between electoral lists under the Baseline ranked apportionment method

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	5	0	4	1	1	5	11	6	3	10	0	0
1	France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
2	Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
3	Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
4	Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
5	Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
6	Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
7	Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
8	Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
9	Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
10	Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
11	Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
12	Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
13	Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
14	Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
15	Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
16	Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
17	Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
18	Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
19	Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
20	Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
21	Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia
22	Latvia	Lithuania	Denmark	Ireland	Lithuania	Estonia	Malta	Lithuania	Bulgaria	Latvia	Lithuania	Lithuania
23	Poland	Slovenia	Ireland	Lithuania	Slovenia	Cyprus	Cyprus	Slovenia	Slovakia	Estonia	Slovenia	Slovenia
24	Greece	Estonia	Slovenia	Latvia	Estonia	Malta	Lux.	Latvia	Croatia	Cyprus	Latvia	Latvia
25	Portugal	Cyprus	Estonia	Estonia	Cyprus	Romania	Hungary	Cyprus	Lithuania	Czech Rep	Estonia	Estonia
26	Cyprus	Lux.	Cyprus	Lux.	Lux.	Slovakia	Denmark	Lux.	Latvia	Lux.	Cyprus	Cyprus
27	Malta	Malta	Malta	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland	Malta	Malta

Seats are first distributed between electoral lists one at a time in order to grant one seat to a representation of every Member State, skipping a candidate when their Member State already has a representative; the remainder of seats is then allocated as before.

We note that some electoral lists qualifying for seats do not see their list leaders elected. This is a natural consequence of another objective — that of ensuring that each Member State sees at least one of its citizens elected on the transnational constituency, while respecting the priority order provided by citizens' votes. However, for political reasons, this may be problematic.

An easy work-around is to set an exception for list leaders, in order to ensure that each list receiving at least one seat sees its leader elected. In practice, this would almost only affect electoral lists receiving a single seat (as for the EDP and EFA above), but may also occur with slightly larger seat contingents. There are two methods to implement this. This is the easiest way is to start the seat distribution with list leaders, before ensuring that each Member State

has one of its citizens represented. A slightly more refined approach is to carry out the full apportionment as previously described and, at the end of it, note which list leader was not elected; at this point, the apportionment is carried out anew with exceptions *only* made for electoral lists whose leaders would *actually* have been skipped. This allows the exception to have only a limited effect on the list composition.

While this exception for list leaders is rather easy to implement, we nevertheless discourage the use of and reliance on exceptions, so as not to skew the apportionment system. By contrast, in order to ensure that list leaders are elected, we instead propose that the electoral law clearly state that citizens are allowed to stand as candidates simultaneously on a transnational electoral list and on a national list. The transnational constituency should be filled first, making room on national lists as the seats of the transnational constituency are filled.

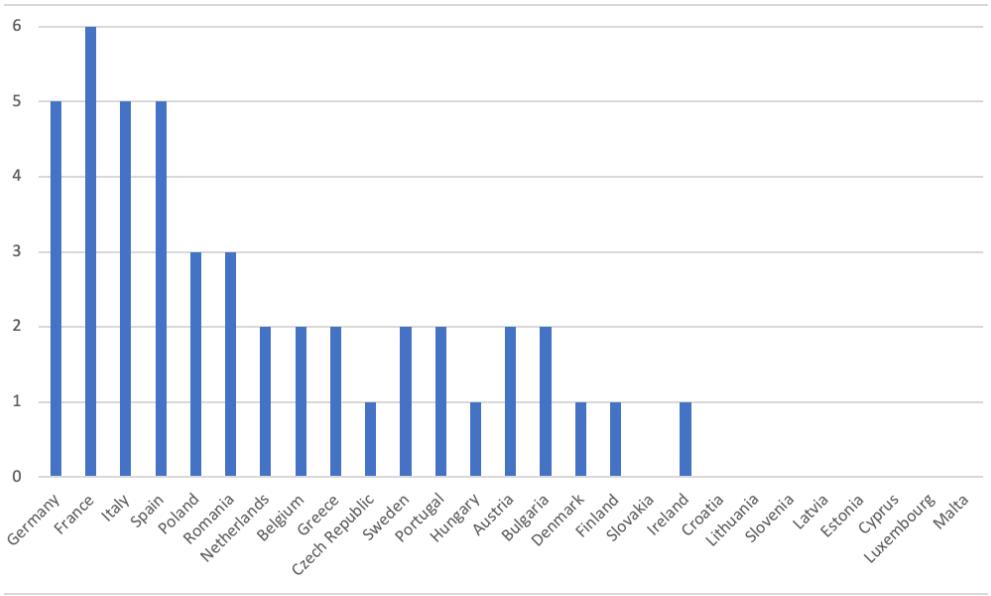
Given our fair assumption that list leaders stem from the Member State where electoral lists have the most chances of electing MEPs (more precisely, where they have elected their greatest number of MEPs, or received their highest number of votes in the past), this should ensure that lists which have received enough votes for a seat on the transnational constituency but not seen their leader elected have this person elected from a national list. This system additionally creates stronger ties between national and transnational lists (therefore increasing transnational lists' visibility for citizens) and may contribute to making transnational lists more appealing to national parties.

Evaluation

By design, both variations of the **Ranked apportionment method** fulfil hypotheses 1 and 2. Furthermore, by relying only on *intrinsic* criteria (the size of Member States and the number of votes attributed to electoral lists), they also both fulfil hypothesis 3.

Let us now see their impact on the distribution of seats for each Member State. The distribution provided by the **Simple ranked apportionment method** is shown in Figure 12.

Figure 12 — Distribution of seats according to the Simple ranked apportionment method



The distribution follows Member States' population; nine of the smallest Member States do not have citizens on the transnational constituency.

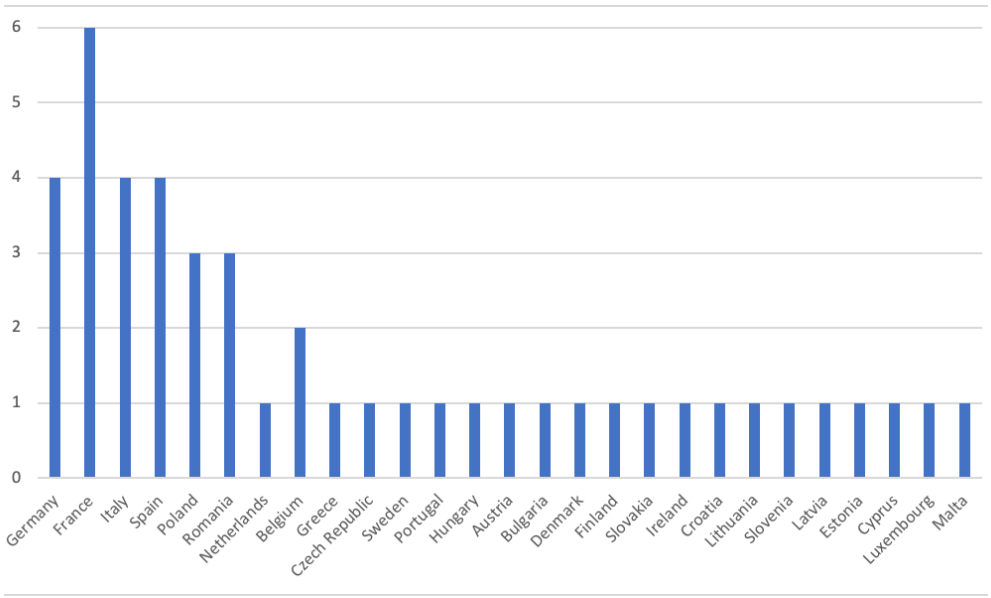
As expected, there are more nationals from larger Member States, although only two of the largest Member States reach their maximum number of allowed seats. Conversely, some smaller

Member States, which are less statistically likely to have their nationals make it to the top of an electoral list given their limited population, do not have elected representatives. In this case, 9 Member States do not have one of their nationals elected on the transnational constituency. These Member States have a combined population of 20 million out of 447 million in the Union (or 4.5%).

We also note that in only four cases was a seat attributed to a candidate outside of list's original order, with only one or two Member States skipped when this happened. Collectively, elected candidates are only moved by 10 positions from lists' original ordering. As such, the **Simple ranked apportionment method** clearly satisfies hypothesis 4.

The distribution provided by the **Baseline ranked apportionment method** is shown in Figure 13. As expected, there are still more nationals from larger Member States than smaller Member States, but only one of the largest Member States reaches the cut-off number of allowed seats. Additionally, and by design, no Member State is left without representation in the transnational constituency.

Figure 13 — Distribution of seats according to the Baseline ranked apportionment method



The distribution follows Member States' population and every Member State has at least one citizen on the transnational constituency.

This time, in 16 cases (35%) were seats attributed to a candidate outside of the lists' original order; elected candidates are moved, collectively, by 58 positions.

While this characteristic of the **Baseline ranked apportionment method** (shared with the Renew Europe and EDC methods) to skip candidates from a list's original order may seem off-putting, it is in fact similar to the mandatory re-ordering requirement of the Devesa method, which drastically alters lists' original ranking.

In practice, as shown in Table 30, the "re-ordering" done *a posteriori* by the **Baseline ranked apportionment method** (on the right) is far less invasive than the *a priori* re-ordering mandate by the Devesa method (on the left); it is simply less predictable, although it remains guided by electoral lists' own performance at the polls, instead of by external and arbitrary criteria. It is also far more respectful of lists' original ordering than the "correction mechanism" shared by the Renew Europe and EDC methods. This method therefore also satisfies hypothesis 4.

Table 30 — Comparison of Devesa and Baseline ranked apportionment methods on seat distribution

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia

ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pir	Volt
France	Nether.	Poland	France	Spain	Germany	Germany	Italy	France	Spain	Czech Rep	Germany
Spain	Germany	Italy	Germany	Belgium	France	Poland	France	Greece	Italy	Germany	Nether.
Romania	Romania	Spain	Spain	France	Belgium	Romania	Germany	Germany	Germany	Denmark	Spain
Nether.	Croatia	Czech Rep	Italy	Latvia	Italy	Spain	Belgium	Spain	Romania	Italy	Belgium
Denmark	Slovakia	Sweden	Romania	Italy	Nether.	Italy	Austria	Ireland	Portugal	France	Lux.
Germany	Spain	Nether.	Belgium	Germany	Austria	France	Finland	Portugal	Poland	Sweden	Bulgaria
Czech Rep	Italy	Bulgaria	Greece	Greece	Sweden	Greece	Czech Rep	Cyprus	France	Spain	France
Belgium	Latvia	Latvia	Slovenia	Czech Rep	Finland	Austria	Denmark	Belgium	Nether.	Lux.	Italy
Sweden	France	Greece	Portugal	Slovakia	Denmark	Portugal	Nether.	Nether.	Sweden	Finland	Poland
Finland	Poland	Slovakia	Croatia	Poland	Ireland	Bulgaria	Estonia	Sweden	Austria	Nether.	Romania
Bulgaria	Belgium	Lithuania	Cyprus	Romania	Lithuania	Sweden	Hungary	Czech Rep	Hungary	Poland	Greece
Estonia	Greece	Germany	Poland	Nether.	Portugal	Nether.	Bulgaria	Finland	Bulgaria	Romania	Czech Rep
Slovakia	Czech Rep	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech Rep	Portugal	Lux.	Czech Rep	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech Rep	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Finland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Italy	Bulgaria	Romania	Bulgaria	Denmark	Greece	Croatia	Sweden	Lux.	Greece	Bulgaria	Finland
Austria	Denmark	Portugal	Denmark	Finland	Croatia	Slovenia	Portugal	Estonia	Finland	Slovakia	Slovakia
Lithuania	Finland	Hungary	Finland	Ireland	Slovenia	Finland	Ireland	Poland	Lithuania	Ireland	Ireland
Croatia	Ireland	Austria	Slovakia	Croatia	Bulgaria	Latvia	Croatia	Hungary	Slovenia	Croatia	Croatia

The Devesa method (left) distributes seats in each list' ranked order; however, this order was set according to specific criteria altering the list' original order. By contrast, the Baseline ranked apportionment method keeps the list' original order and, where necessary, skips candidates. We here compare the seat eventually attributed by both method according to the lists' original ranking (given in Table 2). The Baseline ranked apportionment method remains much closer to the original ranking, preserving list preferences more closely.

Overall, the **Ranked apportionment method** therefore provides an easy and fair solution to the issue of national representation in the transnational constituency. Beyond the basic requirement to provide a number of different nationalities in the top *n* positions, there are no requirements or criteria imposed on electoral lists or their ordering. The outcome of this method is in line with the differences in population between Member States, as is expected in a proportional system, all the while avoiding undue distortions and being able to ensure that all Member States are represented. It is easy to explain and easy to implement.

4. Supplementary considerations

This document has focused on the search for a fair compromise voting method for the election of representatives on an Europe-wide transnational constituency. After establishing working hypotheses helping understand what constitutes an acceptable electoral system and assess the impact of proposals, we went on to measure the performance of the EPP and Devesa methods against these hypotheses and reviewed their shortcomings. We then introduced two variations of the **Ranked apportionment method**, which meet all working hypotheses and the result of which produce a fair and easy distribution of seats between electoral lists and Member States.

A few secondary concerned were deliberately left out of this document and are briefly addressed here.

Gender

First of all, it is important to ensure an appropriate level of gender balance on the transnational constituency. Given the entirely decentralised nature of the EPP proposal, whereby national parties chose their candidate separately in each Member State, it is hard to see how overall gender balance could be reached.

By contrast, the Devesa method mentions ensuring “gender parity”, including through lists of candidates with an equal number of male and female candidates in eligible positions. It goes on to say that “the names of the male and female candidates shall appear alternately on the ballot paper.” The EDC method does not amend this part of the proposal and therefore retains it. The Renew Europe method mentions “gender balance” with no further explanation.

While the intent seems there, the phrasing of the Devesa proposal is unfortunately obtuse. For one, the ballot paper may not need to (and probably should not) list all candidates, especially since this second vote is a mostly party-oriented vote, not a candidate-centric vote (with the possible exception of the Spitzenkandidaten, and even then). Furthermore the concept of “eligible positions” is quite unclear and varies from electoral list to electoral list, as we have seen in both the D’Hondt and Webster apportionments. Finally, not only is “parity" very hard to achieve (because it implies a strict equality that the proposed electoral system by no means guarantees), but it fails to account for the possibility of non-binary candidates.

Overall, it is therefore more sensible to refer to “gender balance” and to request “gender-alternate lists of candidates” whereby the *n* first positions on an electoral list “do not comprise two consecutive candidates of the same gender” (for instance, the first 14 positions or, simply, the entire list of candidates, although the difference is minimal in practice).

When considering only two genders, even in the least diverse case where all lists are headed by a male candidate (giving male candidates a priority and statistical advantage), the **Simple ranked apportionment method**, leads to 26 male elected representatives for 20 female elected representatives; if only one list was headed by a female candidate (a rather safe assumption), the ratio would already be within the bounds of an acceptable 55-45 representation. Incidentally, these are the same figures as with the Devesa method, even though its candidates are elected exclusively in consecutive order, thereby illustrating the arbitrariness and impact of even and odd numbers of candidate elected on each list, especially for a small-sized transnational constituency.[11]

A similar test of gender-alternate lists with all-made list leaders under the **Baseline ranked apportionment method** brings a full equality between male and female elected representatives.

[11] When candidates are selected in consecutive order, as in the Devesa method, lists receiving even numbers of seats will provide gender equality, while lists receiving an odd number of seats will be biased towards the gender topping the list. This can easily lead to gender disparities.

Citizenship over residence

When considering the representation of Member States on the transnational constituency, the question arises as to what criteria is retained for the representation of a Member State. Mainly, does a citizen represent a Member State because he or she holds the citizenship of that Member State or because he or she resides there.

Most methods argues in favour of residency. The advantages of residency include that citizens only have one at a time, and that they are much easier to acquire than citizenship.

However, supporters of transnational lists often propose the use of these lists in conjunction with the Spitzenkandidat system, whereby list leaders are each electoral list's candidate for the presidency of the European Commission. As a result, list leaders and, often, a number of other candidates on these lists are likely to be politicians with a long engagement in European politics and, also often, current MEPs. This is a good thing for the development of a strong European political class. But, consequently, many of these candidates are likely to be residents of Belgium, which would not only skew the representation of Belgium itself, but also hide the presence of candidates from larger Member States (since their would appear as representing Belgium).

Additionally, while a sound electoral system would seek to have representatives close to citizens, this cannot be the purpose of a European transnational list system, where only 46 MEPs are elected to represent 447 million citizens. Therefore, while asking representatives to reside close to the citizens they represent is usually sound, the goal of these lists is to bring, first and foremost, a transnational *party* representation. Contrary to the first vote, diversity on these lists is therefore better served by electing European cadres, be they in Brussels or elsewhere, who are citizens of a diverse group of Member States. By contrast, a more local representation is better achieved via national or regional constituencies. For these reasons, and as we done in this document, we support the use of citizenship-based representation.

Democratic selection of candidates

A recurring argument in favour of transnational lists is to increase European citizens' ownership, as citizens would be provided with a direct vote to their favoured candidate for the presidency of the European Commission. While true, this argument fails to account for a crucial element: the procedure by which a candidate is chosen as list leader.

As such, if citizens do not have a say in the choice of the list leader, then they have as much of a say in the choice of the President of the European Commission by voting for a transnational list led by this candidate than they already do by voting for a national list which gives its support to a declared Spitzenkandidat. The support, provided indirectly, is the same.

Therefore, in order to increase citizens' agency in the choice of the leader of the European executive and to fully seize the opportunity of transnational lists, citizens should have a say in the selection of the list leader and/or the ordering of candidates.

This can be achieved, for instance, via a transnational primary gathering the party members of European and national political parties or movements forming a given electoral list. The choice of the democratic selection of the list leader can and should be made a requirement in the electoral act.

Additionally, the electoral system (for instance the **Ranked apportionment method**) should provide a way for voters to express a preference on the ordering of candidates. A simple way to do this is to allow voters to indicate a preference for a specific candidate on the electoral list, for instance, by indicating that candidate's position on the ballot. Candidates whose "preference votes" amount to at least X percent of their electoral list's total of preference votes (for instance 5%), bypass the list ranking and are placed at the top of their electoral list; an exception can be made for the list leader, provided he or she was selected democratically.

This procedure, which is clearly incompatible with the complex representation criteria of the Devesa method, is fully compatible with the **Ranked apportionment method**, since Member

States remain bound by a maximum number of seats for their citizens (and, in the baseline version, also a minimum). At any rate, assuming that lists are already more or less ranked in order of importance of their national delegations, the issue of voters mostly supporting a candidate from their Member State would only have marginal impact on their order.

Both the democratic choice of the list leader and the possibility for voters to express a preference on the ordering of candidates can serve to empower citizens, engage them in the European election, and strengthen our European democracy.

List length

With the exception of the EPP, all proposals support a transnational constituency of 46 seats. Other proposals not mentioned here have argued for much larger transnational constituencies, all the way to half of the size of the European Parliament.

Perhaps in the eventuality of a single list winning 100% of the vote (a rather remote possibility, to say the least), the Devesa and EDC proposals request “full lists”, meaning that every electoral list must comprise 46 candidates. The Renew Europe proposal remains unclear on this point. The EPP proposal is ambiguous, as, on the one hand, it explains that a European party convention will confirm "the entire list of 27 candidates” but, on the other, that "national member parties of European parties” will nominate candidates for each Member State — and it is clear that not all European parties have national member parties in all Member States.

In practice, and even in a large Union, the requirement to provide a full list is needless burden. A burden because it makes the selection process, in particular for smaller parties and movements, much longer, consuming time and resources which would be better placed elsewhere. And needless because not only is it not even remotely possible for a list to win the entire transnational constituency, but even the largest parties fall very far. In our scenario, the EPP only wins 11 or 12 seats, two electoral lists win only a single seat, and three lists win no seat at all.

Should the criteria for participation be broad enough, it is likely that many more smaller parties or movement will seek to run for this European constituency, despite very slim chances. This is part of the electoral process and important for a healthy democratic life. Requiring these lists to submit 46 candidates serves no purpose but to hamper these smaller candidacies.

Instead, electoral lists should generally be free to decide the number of candidates they present. Of course, due to the particular nature of this constituency and the constraint on Member State diversity that we seek to ensure, a requirement to present a number of candidates equal to a third or half of the number of Member States (9 or 14, as indicated before) is a fair requirement; any further number of candidates should be left to the electoral list itself. Should a list win more seats than it has presented candidates (a rather unlikely scenario), the extra seats are forfeiting for the benefit of the remaining lists.

Double candidacies

As we have indicated in the section relating to the **Baseline ranked apportionment method** and ensuring the election of list leaders for lists that qualify for at least one seat, we are of the opinion that candidates on transnational lists should be allowed to also stand for election in the constituency of a Member State.

Not only would this ensure that all list leaders are elected (in the case of the **Baseline ranked apportionment method**), but it would create closer ties between transnational and national constituencies, and avoid short and uncertain transnational lists to be filled with second-grade candidates, out of fear by national party cadres of not being elected — with national lists feeling comparatively safer.

Suitability of transnational lists

This document has focused on the design of a fair and acceptable electoral system for the election of representatives on a European transnational constituency and we believe the proposed **Ranked apportionment method** to provide the best possible solution.

However, from an institutional and democratic perspective, the setup of a transnational constituency for the election of the European legislature remains clearly a suboptimal proposition.

Conflicting imperatives for the election of a legislature are the willingness to elect representatives as close as possible to the citizens they represent, which is often done via single-representative constituencies, and the attempt to ensure political party proportionality, which derives from the use of party lists. A number of electoral systems seek to find a balance between these imperatives, with varying degrees of success.

By electing MEPs from Member State-wide party lists, the European Parliament currently ensures a reasonable amount of party proportionality. However, this proportionality can be severely curtailed owing to the small number of MEPs in the smallest Member States, despite the introduction of degressive proportionality — which, in turn, introduces a breach of equal representation between EU citizens of different Member States. Conversely, owing to the size of the mid-sized and larger Member States, MEPs are often not at all close to the citizens they seek to represent. In reality, the current electoral system of the European Parliament therefore ends up failing on both counts. Making matters worse, elections are largely isolated between Member States, leading to 27 national elections.

Transnational lists aim at making this election more European and, by using a list system, preserving party proportionality. This is, however, done at the complete expense of any closeness to European citizens. Additionally, as the EPP and Devesa proposals show, the quest to avoid the over-representation of larger Member States leads to unusually complex electoral proposals, all for a rather limited shared constituency (6% of the European Parliament for 46 seats).

By contrast, European Democracy Consulting has long advocated for the mixed-representation system called Improved Bundestag method. Based on the election of the German Bundestag, the **Improved Bundestag method** relies on two votes for citizens: one vote for local, single-representative constituencies (at the sub-national level, each representing between 1 and 1.3 million citizens), and one vote for Member State-wide lists of candidates. As in the election of the Bundestag, party proportionality is ensured not merely within each Member State, but also across the Union, and the balance between Member States' representation is guaranteed. While sub-national constituencies and Member State lists are not cross-border, the European character of the election is ensured by having all candidates (on the first and second vote) run exclusively under the banner of European political parties, which are at the centre of the election — from candidate selection all the way to the reimbursement of electoral expenses.

The **Improved Bundestag method** builds upon the traditional Bundestag electoral system by relying on Majority Judgment as a voting method for the first vote (in lieu of first-past-the-post), mandating gender-alternate lists of candidates, capping the overall number of seats (thereby avoiding an over-inflation of the size of the legislature), and limiting electoral thresholds. As a result, European citizens are close to their representatives, party proportionality and the balance of Member States' representation are ensured, and our common election is truly European, providing a solid basis for our European democracy.

Conclusion

While falling short of the real reform needed to make our common election truly European, in line with democratic standards and best practices, the introduction of transnational lists may be considered as a step in the right direction.

However, as we have shown in this document, there are countless ways to design such lists, and the manner in which they are implemented matters.

After defining working hypotheses and a real-life testing mechanism, we have assessed the five proposals currently considered by members of the European Parliament's AFCO committee and underlined the shortcomings undermining their adoption. We then introduced an innovative solution: the **Ranked apportionment method**.

The two variations presented — the **Simple ranked apportionment method** and the **Baseline ranked apportionment method** — satisfy all working hypotheses and provide very satisfactory results in our real-life scenario: they ensure party proportionality, provide the balanced representation that Member States expect, ensure that the attribution of seats results exclusively from electoral lists' own performance at the polls, and respect parties' or coalitions' ranking preferences. The **Ranked apportionment method** also provides sufficient flexibility to be further adapted to its intended use and can easily be explained to stakeholders and European citizens.

Finally, we also discussed supplementary considerations for the design of the electoral system, including gender balance, list composition, and citizens engagement, which are all compatible with the **Ranked apportionment method**.

We are therefore convinced that the **Ranked apportionment method** provides the best possible voting method and the fairest compromise for the introduction of a transnational constituency for the 2024 European elections. As a result, we call on the members of the AFCO committee to review this proposal, consider the overarching goals they seek to reach via the introduction of European transnational lists, and adopt a voting method truly able to achieve these goals and strengthen our common European democracy.

Annex — Ranked apportionment method summary

Simple ranked apportionment method

In the **Simple ranked apportionment method**, the transnational constituency is composed of the 46 seats vacated by Brexit, in addition to the 705 currently used.

Electoral lists are open to European parties, movement and coalitions as detailed in the Devesa proposal. The first 9 or 14 seats must be occupied by candidates of different citizenship and lists must be gender-alternate. Beyond these 9 or 14 candidates, the supplementary number of candidates is left up to the list itself.

On election day, voters are given a second ballot for a transnational list. The process is as follows:

1. Results are aggregated across the Union and the Webster method of apportionment gives the ordered distribution of seats to electoral lists.
2. Seats are attributed to electoral list one at a time, according to their rank in the Webster apportionment. When a Member State reaches its maximum number of elected candidates (based on Member States' population and with a cut-off number, see Table 24), the next candidates from this Member State are skipped.

Baseline ranked apportionment method

In the **Baseline ranked apportionment method**, the transnational constituency is composed of the 46 seats vacated by Brexit, in addition to the 705 currently used.

Electoral lists are open to European parties, movement and coalitions as detailed in the Devesa proposal. The first 9 or 14 seats must be occupied by candidates of different citizenship and lists must be gender-alternate. Beyond these 9 or 14 candidates, the supplementary number of candidates is left up to the list itself. Candidates are allowed to feature both on a national and transnational lists.[12]

On election day, voters are given a second ballot for a transnational list. The process is as follows:

1. Results are aggregated across the Union and the Webster method of apportionment gives the ordered distribution of seats to electoral lists.
2. The first 27 seats are attributed to electoral lists one at a time, according to their rank in the Webster apportionment. Each Member State "receives" one seat. If an electoral list does not contain a Member State that has not received a seat, its attributed seat is set aside.
3. Once every Member State has received a seat, the remaining seats are distributed. When a Member State reaches its maximum number of elected candidates (based on Member States' population and with a cut-off number, see Table 25), the next candidates from this Member State are skipped. At the end of the process, the seats set aside in step 2 are attributed.

[12] Alternatively, an exception can be provided so that, for every list qualifying for at least a one seat, list leaders are all attributed a seat.