



WORKING REPORT

**A fair European transnational lists system
for European citizens and Member States**

The Ranked apportionment method

Submitted by

European Democracy Consulting

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Executive Summary

On 3rd May, the European Parliament adopted a report on the [reform of the EU electoral act](#) harmonising several voting modalities and providing for the creation of second vote aimed at electing 28 MEPs on a Union-wide constituency. While this announcement was welcomed by the pro-European community, European Democracy Consulting remains concerned by specific shortcomings in the way candidates are elected on this transnational constituency.

This report shows that, beyond its objective contribution to geographical diversity, the arbitrary re-arrangement system introduced by the European Parliament **does not actually prevent the over-representation of Member States** large and small, that **it fails to sufficiently respect parties' and movements' preferences** in the ordering of their lists, and that **it introduces a structural and unavoidable discrimination** favouring the largest Member States of each group.

Admittedly, given the limited size of the proposed constituency and the vast demographic differences between European Member States, there are no perfect solutions. This does not mean, however, that all transnational lists systems are equal. In order to remedy this proposal's shortcomings, European Democracy Consulting has developed **the Ranked apportionment method**.

Instead of relying on arbitrary groups of Member States, the Ranked apportionment method derives more information from the apportionment of seats between transnational lists, and makes use of a second apportionment based on Member States' populations.

As such, the Ranked apportionment method provides an easy and fair solution to the issue of national representation in the transnational constituency. Easy, because, beyond a basic requirement to provide a number of different nationalities in the first positions, **there are no additional criteria imposed on list formation**. It is easy to explain and easy to implement.

Fair, because it **provides the balanced representation that Member States should expect**, ensures that **the assignment of seats results directly and exclusively from electoral lists' own performance** at the polls, and **successfully respects parties' and movements' ranking preferences**.

Finally, the Ranked apportionment method provides sufficient flexibility to be fine-tuned, allowing decision-makers to agree on a balance between the equal representation of Member States and the proportional representation of European citizens.

European Democracy Consulting is 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 Council to review this proposal, consider the overarching goals they seek to reach via the introduction of a Union-wide constituency, and to adopt a voting method truly able to achieve these goals and to strengthen our common European democracy.

Context

On 3rd May, the European Parliament adopted a report on the [reform of the EU electoral act](#) providing, among other provisions, for the creation of second vote aimed at electing MEPs on a transnational constituency. This proposed constituency would comprise 28 seats, be open to European movements (and not restricted to officially registered European political parties¹), and rely on zipped lists to improve gender balance.

This announcement was welcomed by the pro-European community as a victory paving the way for truly European elections. Likewise, European Democracy Consulting recognised this as a step forward for the strengthening of European democracy, especially with regards to the harmonisation of several voting modalities for European elections.

However, as notified to the European Parliament and its AFCO Committee during their deliberations, European Democracy Consulting remains very concerned by specific shortcomings in the way candidates are elected on this transnational constituency.

In particular, the underlying system for the election of MEPs should respect three basic criteria: sufficient seats for the new transnational constituency, a neutral apportionment method, and a fair distribution of seats between competing electoral lists, as well as between Member States. These measures are not mere details or pro-European arguments; they are the key to ensuring a properly democratic electoral system that works for all citizens, parties, and Member States.

While the number of seats on this transnational constituency and the use of the D'Hondt method of apportionment are now unlikely to be changed,² European Democracy Consulting calls on the Council to critically assess the proposed method for the distribution of seats among the competing transnational lists on two main counts. Firstly, we note that the proposed method fails to sufficiently respect the preferences of European parties and movements running on this transnational constituency — meaning the order of priority in which these parties and movements wish to see their candidates elected.

Secondly, we argue that the adopted “group system” creates a regime of structural discrimination between Member States. While the creation of three groups of Member States, based on their population sizes, does increase the representation of some medium- and small-sized Member States, its direct consequence is an advantage for the Member States located at or near the top of each group, and a clear disadvantage for the Member States located at or near the bottom of each group.

This report will present the European Parliament’s adopted system and its shortcomings before introducing a solution to the identified problems. These presentations are supported by electoral data from the 2019 European elections, whereby close to 175 million votes out of 179 million votes cast (or 97.4%) were successfully attributed to a transnational electoral list.³

¹ For ease of reading, we may sometimes refer only to European parties. In the framework of this report, this is not meant as a distinction between European parties and other European movements presenting Union-wide lists.

² With regards to the creation of a transnational constituency, European Democracy Consulting has advocated a size of at least 40 seats and the use of the Webster method of apportionment. For more information, see <https://eudemocracy.eu/transnational-lists-deserve-better>. More generally, European Democracy Consulting supports a broader reform of the electoral act and the adoption of a mixed-representation system akin to the [Improved Bundestag Method](#).

³ 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.

Note: more detailed information on the transnational lists considered and the electoral data used can be found in our seminal report entitled [A fair European transnational list system](#).

Considerations on distribution methods

The *distribution* method is not to be confused with the *apportionment* method. An apportionment method takes in each party's number of votes obtained and, as a result, computes each party's number of seats gained. By contrast, the distribution method indicates how these seats gained are to be distributed to candidates on each list.

The most basic distribution method is simply to give these seats to the first candidates on the lists: if Party A gains N seats, then the first N candidates on the list of Party A are elected. This method is the most straightforward and the most respectful of parties' preferences — the order of priority in which parties wish to see their candidates elected.

Studies of European parties and European parliamentary groups highlight that, given these structures' highly nation-centric functioning, power is mostly contested between national delegations, and that these delegations usually enjoy a level of power commensurate with their respective number of MEPs. The larger the national delegation, in terms of MEPs, the more power it wields — as is seen for the nationality of parliamentary groups' leader(s). Applied to electoral matters, this means that larger delegations are better positioned to press for their candidates to feature higher up in the list ranking.

Of course, the largest delegations are not *always* from the largest Member States, and some national delegations from middle-sized States do outsize their Member State's share of EU population. For instance, Portugal is the EU's 12th largest Member State, and yet it is the S&D's fourth largest national delegation. Likewise, Latvia, 23rd EU Member States by population, is the EFA's fourth most important national delegation (tied with France by MEPs, but with far fewer votes).

Nevertheless, these cases remain more the exception than the norm, and the EU's large demographic disparities mean that the largest Member States are bound to provide, in average, the largest national delegations. For instance, despite placing only third in its Member State, the German SPD alone received more seats than the contingents of MEPs of twelve Member States.

In order to avoid such imbalances, and the subsequent natural tendency for the over-representation of larger Member States (which would reap most seats by occupying all eligible positions), distribution methods can impose conditions on list formation ahead of the election (*ex ante* measures) and on seat distribution following the apportionment (*ex post* measures). These two types of measures, before and after the election, impact the final distribution of seats compared to a party's initial (or *preferred*) order of priority for its candidates.

One of the simplest *ex ante* measures is to require some form of *alternation* of citizenship for candidates, whereby the first N candidates on an electoral list must stem from N different Member States. For instance, it may be required that the first 27 seats of each transnational list contain candidates from each of the EU's 27 Member States.

Table 1 — 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, and despite the nationality alternation, the largest Member States occupy most eligible seats.

While useful, such a measure has clear limitations. Firstly, an alternation requirement is only efficient for eligible seats. For instance, using data from the 2019 European elections, we see that, with 28 seats allocated to the transnational constituency, the most seats any single list would receive is 8, using the D'Hondt method of apportionment. Therefore, any alternation requirement beyond this number is, in practice, moot. One course, one may wish to tread on the safe side in case one party does exceedingly well, but requesting the presence of all 27 EU nationalities imposes needless hurdles (especially on smaller or regional parties) with no *actual* benefit for diversity.

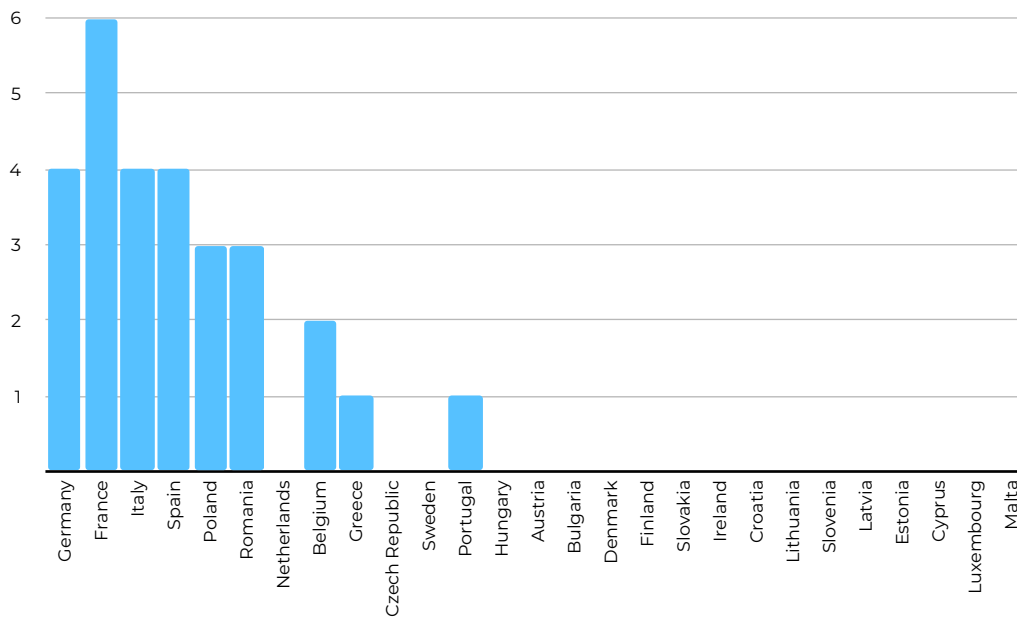
Secondly, the overall representation of a Member State is an aggregate of the seats received by its elected citizens on *all* the lists. Therefore, even with an alternation on *each* list, if a large Member State sees its citizens near the top of all (or most) electoral lists, it may still end up far more represented than its fair share.

For instance, using the list above, which includes an alternation requirement but no other *ex ante* or *ex post* obligations, we see that the largest Member States are still far over-represented. An alternation requirement can therefore be useful, but certainly not sufficient to ensure a fair representation of Member States.

Table 2 — Outcome of election with only alternation criteria, using the Webster method apportionment

	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

Figure 1 — Outcome of the election with only alternation criteria



In order to enhance geographical representation, the European Parliament’s adopted proposal includes, in addition to the alternation requirement, an *ex ante* "group system", which requires successive candidates on transnational lists to stem from alternating groups of Member States, according to their population sizes.

By forcing parties and movement to re-order their candidates using this group system, the proposal moves candidates from medium- and smaller-sized Member States up the list, at the cost of disrespecting these parties and movements’ preferences for the ordering of their candidates.

We will now detail the specifics of this group system, as presented in the adopted proposal.

The European Parliament’s proposal

Description of the group system

In order to promote the geographical representation of Member States, the European Parliament’s adopted report includes three *ex ante* requirements. Firstly, it requires that lists comprise as many candidates as there are seats on the transnational constituency, currently 28 (Article 15.7). Secondly, it requires an alternation using a three-tier group system based on

Member States' population sizes, whereby each consecutive "section of three slots [...] is to be filled with one candidate coming from each of the three groups of Member States" (Article 15.9). Finally, for the first 14 seats,⁴ the order of the groups themselves "shall vary in each list section of three slots" (Article 15.10). Table 3 presents the European Parliament's proposed groups.

Table 3 — Proposed group structure

Group A (5 Member States)			Group B (10 Member States)			Group C (12 Member States)		
	Member States	Population		Member States	Population		Member States	Population
1	Germany	83.166.711	6	Romania	19.328.838	16	Denmark	5.822.763
2	France	67.320.216	7	Netherlands	17.407.585	17	Finland	5.525.292
3	Italy	59.641.488	8	Belgium	11.522.440	18	Slovakia	5.457.873
4	Spain	47.332.614	9	Greece	10.718.565	19	Ireland	4.964.440
5	Poland	37.958.138	10	Czech Republic	10.693.939	20	Croatia	4.058.165
			11	Sweden	10.327.589	21	Lithuania	2.794.090
			12	Portugal	10.295.909	22	Slovenia	2.095.861
			13	Hungary	9.769.526	23	Latvia	1.907.675
			14	Austria	8.901.064	24	Estonia	1.328.976
			15	Bulgaria	6.951.482	25	Cyprus	888.005
						26	Luxembourg	626.108
						27	Malta	514.564

These provisions mean that a transnational list cannot have, for instance, as its first three positions, candidates stemming from only one or two of the above groups; if we represent a section of three slots with the letters of the groups, then "AAB" is not a valid ordering.

This system therefore forces European parties and movements to move up the list candidates from smaller Member States that may otherwise have found themselves on ineligible positions. As it not only ensures alternation, but also prevents most or all eligible positions to be grabbed by the largest Member States, this system contributes to a fairer level of representation between Member States.

Impact on Member State representation

Despite its objective contribution to geographical representation, this proposal also presents clear and eventually unacceptable shortcomings.

As we have noted above, and despite some exceptions, the largest delegations often stem from the EU's largest Member States. This means that, more often than not, the default order for national candidates on a list (assuming that an alternation system requires a ranking of different nationalities) will broadly match the order of demographic importance of Member States. As we

⁴ Half the number of seats in the transnational constituency, rounded up if necessary (Article 15.10).

see from Table 1, and notwithstanding some exceptions, this order often features Member States from group A at the top, then from group B, and finally from group C.

As a result, while the *ex ante* redistribution imposed by the use of the group system does push candidates from smaller Member States higher up the list, it does not, in and of itself, alter the underlying delegation-based ordering and challenge parties' propensity to favour, first and foremost, their largest members. We can therefore expect a re-ordering as follows: the party's largest delegation from group A, then its largest delegation from group B, then its largest delegation from group C, the next largest delegation from group A, and so on.

Mindful of this, and in order to avoid lists from being simply ordered following an "ABC-ABC-ABC" pattern, the report requires the order of the groups to vary from one "section of three slots" to the next. However, the text itself does not clearly indicate whether only two or all three groups must change their positions from one section of three slots to the next — therefore, whether "ABC-ACB" is allowed (whereby A does not move) or if "ABC-BCA" is required.

Likewise, it is unclear how quickly previously-used sequences can be reused. Can two similar sequences be used as soon as possible provided they not be consecutive? For instance, is "ABC-ACB-ABC" acceptable? Or do all combinations need to be used before reusing a specific sequence?⁵ For the sake of legal certainty, it is important to clarify these points in the text of the final electoral act.

The example given in Annex II sheds some light on the consequences of these provisions. In this example, Member States are referred to by their group letter and position, and called A1, A2, ..., A5, B1, ..., B10, C1, ..., and C12. Table 4 recalls this example.

Table 4 — Example of Union-wide list given in Annex II

Sections	Slot number	Candidate from
Section 1	1	A1
	2	B7
	3	C7
Section 2	4	B10
	5	C5
	6	A3
Section 3	7	A2
	8	C3
	9	B7
Section 4	10	B5
	11	C3
	12	A4
Section 5	13	A5
	14	C12
	15	B9

⁵ With three letters, six combinations are possible: ABC, ACB, BAC, BCA, CAB, and CBA.

Sections	Slot number	Candidate from
Section 6	16	A4
	17	A2
	18	B2
Section 7	19	B3
	20	A1
	21	B8
Section 8	22	C1
	23	C2
	24	B4
Section 9	25	A5
	26	C8
	27	B1
Section 10	28	B7

By comparing sections 2 and 3, we see that C5 and C3 occupy the same "middle" position (slots 5 and 8). This means that not *every single* group must change its position from one section to the next. Therefore, while "ABC-ABC" is ruled out, "ABC-ACB" is valid. This allows the largest Member States (from group A) to remain at the top of each group, if desired.

Likewise, we see that sections 2 and 4 have the same "BCA" order. This means that the same order can be repeated, provided they be not consecutive. As a result, the "ABC-ACB-ABC" order, which optimises the ranking of group A over groups B and C and the ranking of group B over group C, is also valid.⁶

As a consequence of this group system and of the power dynamics at play in European parties and parliamentary groups, the largest Member States *of each group* will therefore benefit from a built-in advantage, as they will be the ones most systematically moved up the list. By contrast, the smaller Member States of each group will suffer a structural discrimination, as they are likely to be consistently bypassed by smaller Member States which are better placed in a lower group.

In order to test this hypothesis, we can proceed with the likely re-ordering of European parties' and movements' candidates indicated in Table 1. Since the ordering of Table 1 rests on each national delegation's level of influence, priority is given in decreasing order (the first delegation gets its highest-possible ranking, then the second delegation, etc.). For ease of reading, we focus on the lists that obtain seats under the D'Hondt apportionment method.⁷

⁶ While it is unlikely that this will be very useful, the example leaves unclear the situation of position 15. Since it lies under position 14, it does not seem to fall under the alternation requirement. However, since the compromise amendment refers to "each list section of three slots up to the list slot corresponding to...", it is not entirely clear whether the section straddling position 14 entirely falls under the alternation requirement, therefore whether section 5 could have been ACA. Legal certainty on this point would be welcome.

⁷ This excludes the ECPM, EDP, EFA, Pirates, and Volt lists. Given the issue highlighted in the footnote above, we choose to apply the group alternation requirement to entire sections of three slots. This means that slot 15 also falls under this requirement. With regards to the result of the election, this changes nothing.

Table 5 — Ordered lists following group alternation

	ALDE	ECR	EGP	EPP	ID	PEL	PES
Sec. 1	France	Poland	Germany	Germany	Italy	France	Spain
	Romania	Czech Rep.	Belgium	Romania	Belgium	Greece	Romania
	Denmark	Latvia	Finland	Ireland	Finland	Ireland	Croatia
Sec. 2	Spain	Italy	France	Poland	France	Germany	Italy
	Finland	Slovakia	Denmark	Slovakia	Denmark	Cyprus	Malta
	Nether.	Sweden	Nether.	Greece	Austria	Portugal	Portugal
Sec. 3	Germany	Spain	Italy	Spain	Germany	Spain	Germany
	Czech Rep.	Nether.	Austria	Austria	Czech Rep.	Belgium	Nether.
	Estonia	Lithuania	Ireland	Lithuania	Estonia	Finland	Denmark
Sec. 4	Belgium	Bulgaria	Sweden	Italy	Nether.	Nether.	Poland
	Slovakia	Germany	Lithuania	Croatia	Slovakia	Italy	Slovakia
	Italy	Croatia	Spain	Portugal	Poland	Denmark	Sweden
Sec. 5	Sweden	Greece	Portugal	France	Hungary	Sweden	France
	Poland	France	Luxemb.	Bulgaria	Spain	Slovenia	Austria
	Ireland	Luxemb.	Poland	Slovenia	Ireland	Poland	Finland
Sec. 6	Bulgaria	Belgium	Czech Rep.	Sweden	Bulgaria	Czech Rep.	Hungary
	Hungary	Finland	Hungary	Nether.	Greece	Romania	Bulgaria
	Slovenia	Romania	Greece	Czech Rep.	Romania	Austria	Belgium
Sec. 7	Luxemb.	Portugal	Croatia	Belgium	Sweden	Luxemb.	Greece
	Austria	Hungary	Slovenia	Finland	Portugal	Estonia	Lithuania
	Lithuania	Austria	Bulgaria	Latvia	Croatia	Hungary	Slovenia
Sec. 8	Croatia	Denmark	Estonia	Malta	Lithuania	Bulgaria	Latvia
	Latvia	Ireland	Cyprus	Cyprus	Slovenia	Slovakia	Estonia
	Greece	Slovenia	Malta	Luxemb.	Latvia	Croatia	Cyprus
Sec. 9	Portugal	Estonia	Romania	Hungary	Cyprus	Lithuania	Czech Rep.
	Cyprus	Cyprus	Slovakia	Denmark	Luxemb.	Latvia	Luxemb.
	Malta	Malta	Latvia	Estonia	Malta	Malta	Ireland

Bordered in red at the top are candidates elected on each party's transnational list.

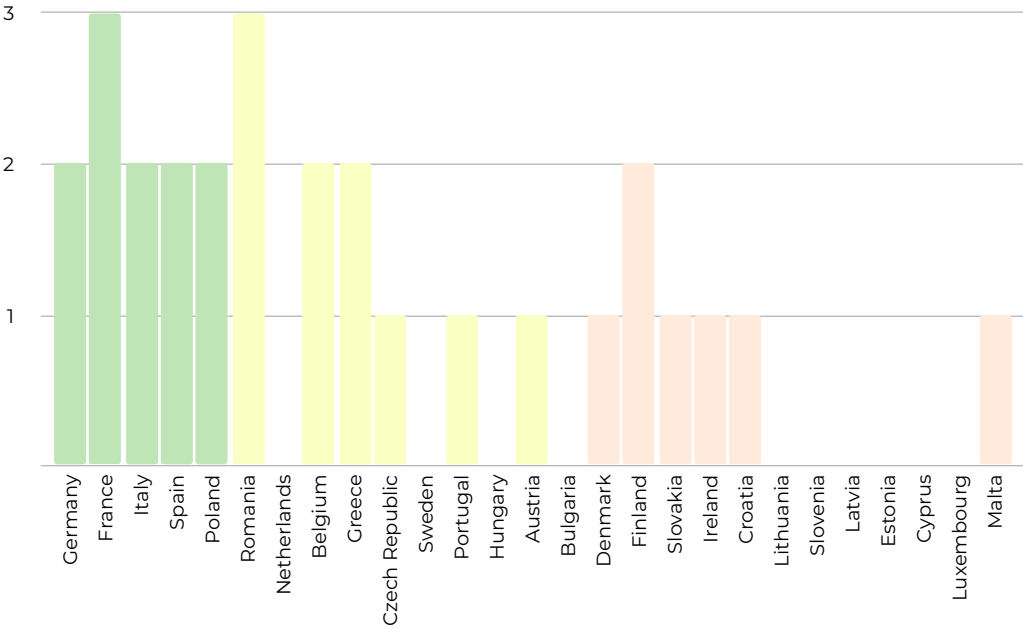
At first glance, Table 5 seems to provide some welcome alternation, ensuring solid geographical diversity. However, one must keep in mind that only eligible positions will eventually matter in the final representation of Member States. Bordered in red are the candidates elected.

We note that all elected candidates remain within the first three sections of three slots. We also note that, for every European party or movement, these three first sections follow the same pattern “ABC-ACB-ABC”, maintaining a clear premium for larger Member States.

Figure 2, showing the distribution of elected candidates, clearly confirms the structural bias conferred upon each group, with the larger Member States of each group doing systematically better — and better than the last Member States of the preceding group.

In this sense, the cases of Romania and Finland, both at or near the top of their group and with a far higher representation than their population should provide for, are illustrative of this structural advantage. It is also particularly revealing that, while three out of the five smallest

Figure 2 — Outcome of the election using the adopted three-tier group system

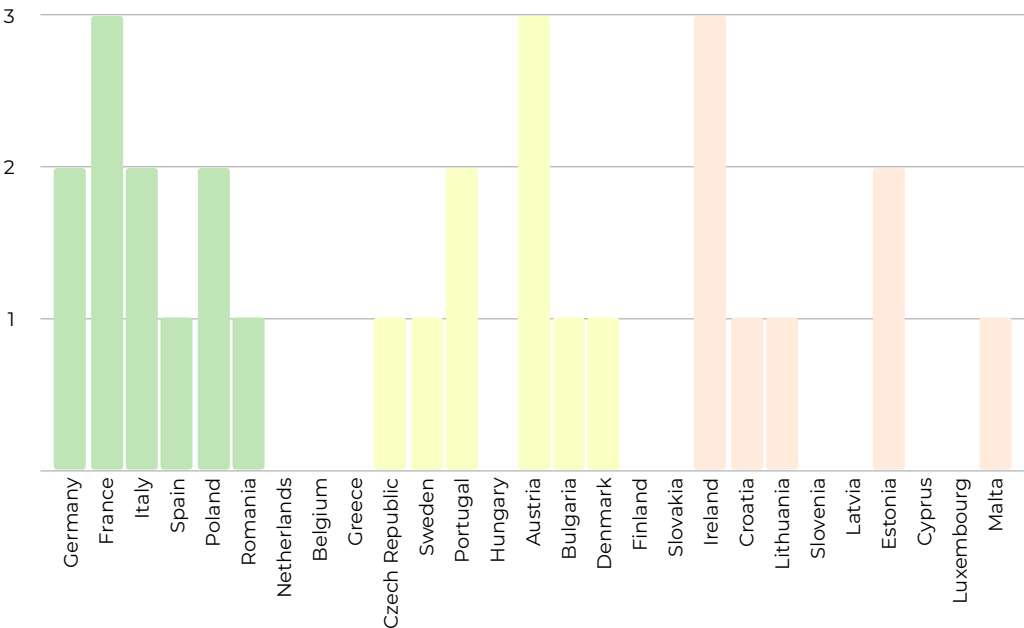


Member States of group B do not see their citizens elected, the five largest Member States of group C all see at least one of their citizens elected.

Looking at variations of the group system only confirms this structural bias. Figure 3 below shows the distribution of elected candidates using three alternate groups (A*, B*, and C*) each comprising nine Member States. With the notable exception of Austria, we observe the same pattern as before, with downward trends within each group.

Additionally, we note that, while the general trends within each group remain the same, the number of elected citizens per Member States fluctuates enormously. While Finland, near the head of group C, did better than most medium- and small-sized Member States, it no longer has elected citizens upon moving to the tail of group B*. Likewise, Romania, which led group B and saw three of its citizens elected, only sees one elected citizen when moving to the bottom

Figure 3 — Outcome of the election with groups of equal sizes



of group A*. Belgium, also moved to the end of group A*, loses all representation. Conversely, Ireland, which moves to the lead of group C*, goes from 1 to 3 elected citizens.

We therefore see that the precise design of the group structure has a direct and tremendous impact on each Member States' level of representation on the transnational constituency — despite no changes in Member States' populations, in parties' electoral performance, or in candidates' initial ordering.

As a consequence, the structural bias and extreme volatility of Member States' representation are likely to raise endless questions concerning the legitimacy and arbitrariness of the group structure and of the composition of these groups: why three groups and not two, four or five? Should groups have the same number of Member States (or as nearly as possible)? Why the proposed distribution of Member States and not another?

For instance, in the European Parliament's three-tier system, Bulgaria, the smallest Member State of group B, is closer in population to Denmark, the largest Member State of group C, than to Austria, penultimate member of group B. Given the group system and its alternation requirement, as the last member of group B, Bulgaria is likely not only to be picked after larger Member States (from groups A and B), but also to be consistently bypassed by smaller Member States of group C. With a slightly smaller population or a mere change in the group structure, it could instead top an alternate group C and have high chances of bypassing much larger Member States in groups A and B, directly impacting its level of representation.

Of course, many alternate proposals have indeed been made over time, using different numbers of groups and slightly different distributions, and all these proposals are equally valid and equally arbitrary. There is therefore no way out of these questions and no satisfactory answer to provide those Member States that will be structurally and permanently disadvantaged compared to Member States smaller than themselves, for no other reason than the choice of the various groups.

Finally, beyond the discrimination and the volatility induced by the group system, it is important to note that the this system's promotion of geographical diversity still suffers from a clear flaw. Since the system does not provide for a maximum number of citizens elected per Member State, the number of citizens that can be elected from the same Member State directly depends on the number of competing lists.

Given the small size of the constituency and the requirement to alternate nationalities for the first 14 positions, it is unlikely that a given list would lead to the election of two candidates from the same Member State — as this would require at least 15 candidates elected on the same list. However, nothing prevents citizens from the same Member State to be elected in every single list in competition. This is particularly true for the citizens of group A, which are likely to be elected on all lists.

Our example, using the 2019 electoral data, does show different Member States topping each list, but it would not take much for one large Member State to drastically increase its representation by topping several lists. This is especially true if and when the EU's political party system increases in maturity, and all major European parties (those likely to win seats on the transnational constituency) build a solid presence in all Member States. At this point, it will become even more likely that European parties' largest national delegations all stem from the first few largest Member States.

While this is statistically less likely for medium- and small-sized Member States, these do not need to see their candidates elected on *all* lists in order to gain a level of representation far outpacing their share of the EU's population. For instance, Romania, the Netherlands, or Belgium could easily reach three or four MEPs each, while Denmark and Finland could reach two or three. This would further exacerbate the proposal's distortions in geographical representation, and the European Parliament's proposal contains no provisions to address this.

Impact on parties' preferences

In order to be effective, measures seeking to ensure geographical representation on a proposed transnational constituency are bound to affect the order in which candidates are elected. This can either be ahead of the election — whereby *ex ante* measures force parties to re-order their list, despite their initial preferences — or after the election — where *ex post* measures may distribute seats to candidates in an order that differs from lists' ordering.

Therefore, beyond the mere question of whether or not measures in favour of geographical representation will impact lists' ordering (and, therefore, parties' preferences), it is interesting to assess the *level of impact* of these measures on lists' ordering, and see whether this impact is limited or substantial.

Based on studies of European parties and parliamentary groups, we have posited that lists would broadly follow national delegations' number of MEPs and, when these number are equal (or null), their number of votes received at the previous European election. These "initial" or "preferred" lists are given in Table 1 above.⁸

Likewise, after analysing the proposed group system, we have determined the likely re-ordering imposed by the group system's alternation requirement, giving us the re-ordered lists of Table 5 above. Electoral data and the D'Hondt apportionment method, proposed by the European Parliament's report, also give the number of elected candidates for each list.

From this information, we can view where these elected candidates stood on their party's or movement's initial "ideal" list. The result is provided in Table 6 below.

Table 6 — Position of elected candidates on parties' initial lists

	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

⁸ In practice, given the small size of the proposed translational constituency, only national delegations which have received MEPs are likely to see one of their candidates elected on a transnational list.

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
	3		2			6	17	3	0	18		

In order to assess the impact of the re-ordering imposed by the group system (in this case, via *ex ante* measures), we can count the number of positions by which seats were shifted down. For instance, using the table above, we see that ALDE's first seat does indeed go to its first candidate — meaning a shift of 0. ALDE's second seat eludes Spain and is assigned instead to Romania, one position down — meaning a shift of 1. Finally, ALDE's third seat, which should ideally have gone to Romania, moved down two positions and is attributed to Denmark — meaning a shift of 2. This means that ALDE's seats are collectively shifted down 3 positions.⁹

Applying this reasoning to all lists, we see that the proposed group system induces a collective shift of 49 positions.

We also note that parties and movements are unequally affected by this shift. In practice, the largest parties, which are more likely to have large national delegations in most or all Member States, are also more likely to have their largest delegations come from the EU's largest Member States — and, therefore, occupy most top positions on their ideal lists. As a result, despite fairing better at the polls, they are forced to re-order their lists extensively and reach far down to bring smaller Member States up their lists.

By comparison, medium-sized parties may lack national delegations from some large Member States or may have disproportionately large national delegations from smaller Member States. As a result of these smaller Member States already featuring higher up on the lists, less re-ordering is requested of them, and their shift is consequently more limited. In this sense, the group system is likely to impose a higher burden on larger or more homogenous parties and movements.

At this stage, observers may infer that parties could "skip" this re-ordering by pre-emptively choosing to place candidates from medium- or small-sized Member States high on their list. However, this consideration is based on the false impression that parties may *first* establish an "ideal" list, and later be forced to re-arrange it. In practice, of course, parties will simply submit a list compatible with the alternation requirement. At any rate, placing candidates from smaller national delegations higher up than their actual weight within the party or parliamentary group, even done pre-emptively, would go against the natural internal bargaining of national delegations, leaving some dissatisfied at being bypassed by smaller contenders.

⁹ Since France and Romania, respectively in positions 1 and 3, do get seats, we can also obtain the same result by looking at the number of positions by which Spain's initial seat was shifted down. In this logic, Spain's seat is given directly to Denmark, which is 3 positions down, confirming our total shift number.

Finally, we note that the observed impact of the group system — both on the structural discrimination against the smaller Member States of each group and on the disrespect for parties' preferred ordering — increases along with the size of the Union-wide constituency. Therefore, any subsequent increase of the constituency's size, allowed by Article 15.1 and possible without treaty change up to 46 seats, would only worsen the structural discrimination and the extent of the re-ordering.

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In the end, we see that the *ex ante* re-arrangement required by the European Parliament's proposed group system does increase the representation of a few select medium- or small-sized Member States, **but it does so by extensively re-ordering parties' and movements' lists** — and, therefore, by clearly failing to respect European parties' and movements' preferences — **and by entrenching a structural and permanent discrimination against the smallest Member States of each group**. No matter the number of groups or their composition, the Member States located near the bottom will always be disfavoured, not because of their limited population, but merely for being near the bottom of their group. In the current proposal, and based on reliable electoral data, Sweden, Hungary and Bulgaria seem to be the biggest losers.

A fair compromise: the Ranked apportionment method

Considerations for a fair compromise solution

Admittedly, there is no perfect electoral system, and each comes with its own advantages and shortcomings. However, among the range of potential systems, the ones we should consider are those meeting, at least, a series of baseline goals.

For the purpose of European elections, European Democracy Consulting places, as part of its baseline goals, the following: that the electoral system be European — and not nation-centric — in nature; that party proportionality be ensured; that Member States be fairly represented; and that the preferences of competing parties be respected as far as possible.

As we have seen, the European Parliament's proposed design for the election of a transnational constituency meets the first two goals: the second, common vote given to all European citizens is indeed European in nature, and the use of EU-wide proportionality ensures that parties receive a number of seats commensurate with the votes in their favour.¹⁰

However, we have shown how this design, because of the group system it relies on, only poorly respects parties' preferred ordering for their lists of candidates. More importantly, this proposal does not allow the fair representation of Member States, as it is perpetually tilted in favour of the largest Member States of each group.

As such, Member States' level of representation does not derive solely from *intrinsic* criteria — for instance, their equal status as Member States, according to which they could receive equal representation on the transnational constituency, or their population sizes, according to which larger Member States would, by and large, receive more seats than smaller ones. Instead, Member States' level of representation relies heavily on an *extrinsic* criteria: the number and composition of the groups used for the alternation requirement.

Finding a fair and politically acceptable compromise for Member States requires an electoral system where Member States' level of representation is based solely on *intrinsic* criteria.

Of course, this does not mean that each Member State should exactly receive a share of seats equal to its share of the EU's population (which, given the small size of the transnational constituency is impossible), but merely that there be no external bias favouring some Member States at the expense of others.

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.

For instance, if Germany sees ten of its citizens elected on the transnational constituency, then

¹⁰ As we have previously indicated, we do not support the proposed use of the D'Hondt method for the apportionment of seats among parties, as it induces a clear bias in favour of larger parties. In our simulation, it prevents two smaller parties (the EDP and the EFA) from gaining representation on the transnational constituency, for the sole benefit of the largest party. Instead, we advocate for the use of the Webster method of apportionment, which is proven to be the most neutral apportionment method, in that it is the one that least systematically favours larger or smaller parties.

its national constituency is reduced by ten seats, bringing it from 96 seats 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 this agreement is maintained. However, this proposal creates a host of subsequent issues that 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 (but instead by a European party, for instance), 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 would oppose.

Secondly, those Member States using sub-national constituencies would need to re-apportion their lot of seats, and, for each number of citizens that a Member State could see elected on the Union-wide constituency, determine which sub-national constituencies would lose seats and how many. This is sure to raise more opposition at the sub-national level.

Thirdly, smaller Member States already have few seats to distribute to their national parties, and removing seats from their lot is bound to drastically affect these Member States' ability to provide any semblance of proportional representation to their citizens. For instance, Luxembourg currently 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' national party in Luxembourg would lose its seat, despite receiving a substantial share of the vote. This solution would therefore come at the expense of political diversity at the national level.

Beyond small Member States, the same reasoning is directly applicable to all Member States where low thresholds allow small parties to be elected, as these parties would be the first to lose their representation, contributing to a damaging and unwanted loss of political diversity in many Member States.

Finally, 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. European parties could then choose to place high on their list a number of candidates from Member States where their national members have a limited presence, so as to deprive competing national parties of seats that they were sure not to win in the first place.

For instance, the PES could place high up on its list a number of Irish citizens, since it does not have MEPs from Ireland. In doing so, it would reduce Ireland's nationally-elected number of MEPs down from its current 13, and leave non-PES national parties with fewer seats to share among themselves. We therefore see that this seemingly more open proposal easily lends itself to detrimental strategic manoeuvring.

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 the allocations of 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 would require treaty change. Additionally, its ingrained complexity and trade-offs, acceptable in close-knit Swiss cantons, seem politically untenable in a political

system with extremely limited political integration, such as the European Union.

Given these considerations, a fair compromise should respect all four baseline goals identified, not rely on the seats already devolved to national constituencies, and remain easy to explain and implement — a key factor for its acceptance by national government and audiences.

The Ranked apportionment method

Initial considerations

a. Avoiding over-representation

We have firmly established that seats allocated to the transnational constituency are not received by the Member States themselves, but apportioned to electoral lists. Nevertheless, there is a general consensus, for instance, that not all seats on the transnational constituency should go to candidates from a single Member State, and, more broadly, that there should be limitations as to how many seats can be filled by citizens of *any* Member State. This is an eminently political question.

Since we do not seek to entrench the equal representation of all Member States on the transnational constituency — which, in any case, would be impossible with 28 seats for 27 Member States —, the core idea of ensuring geographical representation is to *avoid flagrant cases of over-representation*.

For this purpose, many proposals for the design of transnational lists¹¹ provided for a global maximum number of MEPs per Member State — often, a maximum of six for a previously proposed transnational constituency of 46 seats.

However, these proposals failed to account for the EU's large demographic imbalances. Indeed, in terms of representation, it is entirely different for a Member State such as Germany, comprising close to 19% of the EU's total population, to receive 6 seats out of 46 (or 13%), than it would be for a Member State such as Malta, with just over 0.1% of the EU's population. In the first case, Germany, despite reaching the maximum number of MEPs, sees its citizens remain clearly under-represented on the transnational constituency, whereas Malta would see its citizens receive more than one hundred times their demographic weight.

Therefore, any assessment of what constitutes over-representation — and, parting, a *fair* level of representation — must first account for the EU's large demographic disparities. A general indication can be given by realising an apportionment of the 28 seats among the Member States based on their population sizes. Table 7 details the results of such an apportionment using the Webster method, which is proven to be more neutral between larger and smaller Member States.

This apportionment gives us an estimation of what constitutes a fair representation of Member States, based on their respective population sizes, and will serve as the basis for the Ranked apportionment method described below.

Before digging into the details of the Ranked apportionment method, the issue of the

¹¹ See the [proposals](#) put forward by European parliamentary groups and discussed by the AFCO Committee.

Table 7 — Webster apportionment of 28 seats among Member States

Member State	Total population	Seats appor.	Member State	Total population	Seats appor.
Germany	83.166.711	5	Bulgaria	6.951.482	0
France	67.320.216	4	Denmark	5.822.763	0
Italy	59.641.488	4	Finland	5.525.292	0
Spain	47.332.614	3	Slovakia	5.457.873	0
Poland	37.958.138	3	Ireland	4.964.440	0
Romania	19.328.838	1	Croatia	4.058.165	0
Netherlands	17.407.585	1	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			

distribution of seats needs clarification. Unlike with the European Parliament's current proposal, imposing any limit on the number of candidates per Member States (which is required in order to avoid cases of over-representation) requires knowing when to apply this limit and, consequently, the order in which seats are distributed.

b. Ordered distribution of seats

The Ranked apportionment method rests on a characteristic of divisor apportionments that is discarded in the European Parliament's proposal. While the proposal imposes strict and precise *ex ante* group alternation requirements, it does not apply *ex post* measures and merely distributes all seats to the first candidates on the re-ordered lists.

However, divisor methods — such as the D'Hondt method used in the European Parliament's proposal for the apportionment of seats between the lists — do not merely indicate *how many* seats electoral lists win, they also indicate *in which order* these seats are won, using successive rounds to apportion seats.

For instance, since each list's number of votes is first divided by 1, the first seat (allocated in round 1) is always apportioned to the electoral list with the largest number of votes (in the 2019 elections, 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.¹² In round 2, this divided number of votes is compared to the original number of votes of the other lists (which have not yet been assigned seats), and the largest number apports its list with the second seat. The process is continued in an iterative manner until all seats are apportioned.

The table below shows the allocation of the first five seats using the D'Hondt method of apportionment, using only the four largest parties; parties winning each round's seat are indicated in bold. As explained above, the EPP, with the largest number of votes, is apportioned the first seat. For the second round, the EPP sees its votes divided by 2, and the PES ends up with the largest number of votes. Similarly, for the third and fourth rounds, ID and the EPP are

¹² 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.

Table 8 — First five rounds of D'Hondt apportionment among four largest parties

Round	1	2	3	4	5
EPP	40.003.021	20.001.511	20.001.511	20.001.511	13.334.340
PES	34.715.684	34.715.684	17.357.842	17.357.842	17.357.842
ID	22.723.801	22.723.801	22.723.801	11.361.901	11.361.901
ALDE	18.525.936	18.525.936	18.525.936	18.525.936	18.525.936

apportioned the following two seats. For the fifth round, since the EPP has now been apportioned two seats, its original number of votes is divided by 3. The process is repeated until the apportionment of all seats, one at a time.

As a result, not only do we know how many seats are apportioned to each electoral list, but we also know the ordered sequence of these apportionments. Looking at 2019 electoral data, we know that the first five seats were apportioned to, respectively, the EPP, the PES, ID, the EPP again, and ALDE. The full list is given in Table 9 below.

Table 9 — Order of seat distribution following D'Hondt apportionment

Seat	List	Seat	List	Seat	List	Seat	List
1	EPP	8	EPP	15	EGP	22	ALDE
2	PES	9	ECR	16	PES	23	PEL
3	ID	10	PEL	17	EPP	24	EGP
4	EPP	11	PES	18	ID	25	PES
5	ALDE	12	ID	19	PES	26	EPP
6	EGP	13	EPP	20	EPP	27	ID
7	PES	14	ALDE	21	ECR	28	EPP

This ordered sequence of apportionment 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 fares better, not only can it win more seats (depending on the number of seats to be apportioned), but it earns a priority in the sequence of seat apportionment.

Instead of distributing all seats at the same time, as the European Parliament's proposal does, we can therefore use this sequence to distribute these seats to candidates one by one, respecting their party' order of priority — thereby reflecting and rewarding their own electoral performance.

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

Description of the Ranked apportionment method

The **Simple ranked apportionment method**, presented below, is the basic form of the Rank apportionment method. Since the more complex **Baseline ranked apportionment method** is not recommended for such a small-sized constituency, we shall hereafter simply refer to our

proposal as the Ranked apportionment method.¹³ It relies on the distribution of seats of Table 7 as a maximum, using the following principle:

"No Member State shall see more of its citizens elected — from all electoral lists combined — than its apportioned number of seats."

As a result of this principle, seats are distributed to electoral lists following the order deriving from the apportionment method (in our case, the D'Hondt method). When a Member State's maximum quota is reached, any subsequent candidate from that Member State is skipped. Since the quota is a maximum, it is not necessarily reached for all Member States.

Of course, an obvious exception is made so that this *maximum* number of seats is never lower than 1, so that every Member States *may* see one of its citizens elected. The resulting *maximum* number of seats per Member State is given in Table 10.

Table 10 — Maximum seats attributable to each Member State under the Simple ranked apportionment method

Member State	Total population	Seats appor.	Member State	Total population	Seats appor.
Germany	83.166.711	5	Bulgaria	6.951.482	1
France	67.320.216	4	Denmark	5.822.763	1
Italy	59.641.488	4	Finland	5.525.292	1
Spain	47.332.614	3	Slovakia	5.457.873	1
Poland	37.958.138	3	Ireland	4.964.440	1
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Sweden	10.327.589	1	Cyprus	888.005	1
Portugal	10.295.909	1	Luxembourg	626.108	1
Hungary	9.769.526	1	Malta	514.564	1
Austria	8.901.064	1			

As a process, the Ranked apportionment method follows the steps below:

1. Rank the seats to be distributed to the Union-wide lists in the order provided by the D'Hondt apportionment (in our case: 1. EPP, 2. PES, 3. ID, etc., as presented in Table 9).
2. For the list receiving the first seat, assign that seat to the list's first candidate; in a dedicated table, set to 1 the number of seats assigned to citizens of that candidate's Member State (in our case: to Germany, the Member State of the first EPP candidate).
3. For the list receiving the next seat:
 - if the highest available candidate on the list is from a Member State whose citizens have not been assigned their maximum number of seats, assign the seat to that

¹³ For more information on the Baseline ranked apportionment method, consult our seminal report at <https://eudemocracy.eu/ranked-apportionment-method>

- candidate; increase by 1 the number of seats assigned to citizens of that candidate's Member State; or
- if the highest available candidate is from a Member State whose citizens have already been assigned their maximum number of seats, cross that candidate off the list and re-start step 3.

Using this mechanism, we provide a fair level of diversity in the overall composition of the transnational constituency and avoid any over-representation of Member States.

Additional considerations

a. Citizenship requirement

In order to ensure diversity within electoral lists, we may still require the first N positions to be filled with candidates of different citizenships¹⁴ — for instance, by rounding up the number of Member States divided by 2 or 3, so the first 14 or 9 seats. Once again, given our process, this does not affect the diversity of the transnational constituency itself, which is *already* ensured via the maximum number of seats imposed on Member States, but only that of electoral lists. This also helps avoid cases of quota overflow mentioned below.

b. Quota modulation

In order to avoid over-presentation, the Ranked apportionment method uses the Webster method to apportion seats between Member States. However, for practical and political reasons, this use is flexible, and the resulting quotas can be modulated.

For instance, given the limited number of seats on the transnational constituency, many Member States cannot have more than a single elected citizen: 9 middle-sized Member States because of their population, and the 13 smallest Member states following the exception created to ensure they may see one of their citizens elected (see Tables 7 and 10).

Decision-makers may choose to increase this number to 2, either just for the first 9 Member States (in order to make a difference between them and the smallest Member States), or to all of them. While this does affect these Member State's level of representation, it is mostly a political decision.

The drawback of any such decision to lift small Member States' maximum quota is that fewer of them will receive seats. Indeed, if middle-sized Member States receive more seats, there will be fewer seats to go around for the remaining Member States, in particular for the smallest ones. In this case, the result may be more in line with the EU's demographic differences, but also leave more Member States without representation on the transnational constituency. This is a natural result of such a small-sized constituency.

Conversely, the quota allocated to the largest Member States can be modulated by using a

¹⁴ The European Parliament's proposal currently uses the criterion of residency over that of citizenship. While this is unlikely to be changed, European Democracy Consulting encourages the use of citizenship over residency. Since a Union-wide constituency's purpose is political and not local representation, it is preferable for Union-wide lists to comprise citizens of wide array of citizenship but perhaps all residing in Brussels, than to be composed of citizens of a single Member State residing across the Union.

more regressive apportionment method than the default Webster method. We have mentioned how the D'Hondt apportionment method uses the successive divisors 1, 2, 3, 4, etc., and is biased towards larger Member States (or towards larger parties). The Webster apportionment method uses the successive divisors 1, 3, 5, 7, etc., and is proven to be more neutral. A more regressive method can therefore use the successive divisors 1, 5, 9, 13, etc., and be slightly biased towards smaller Member States. Its direct consequence will be to decrease the quotas of the larger Member States — which, comparatively, increases the weight of the smaller Member States, by collectively giving them more remaining seats.

Figures 4 and 5 below provide a comparison of the apportionments provided by the regular and regressive Webster methods.

Figure 4 — Member State quotas under the default Webster method

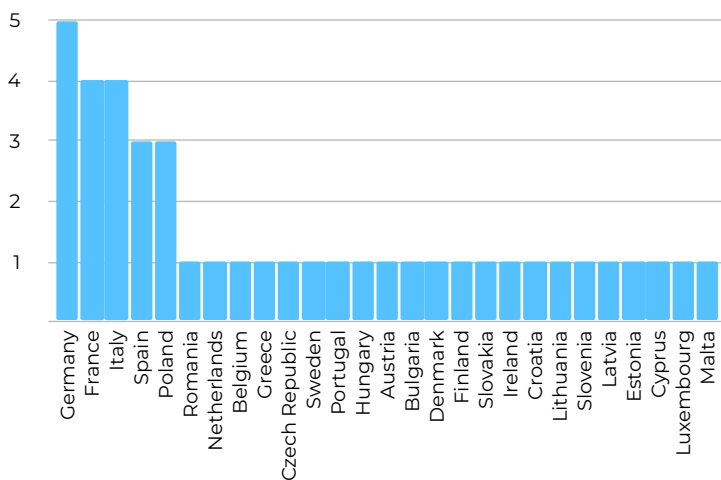
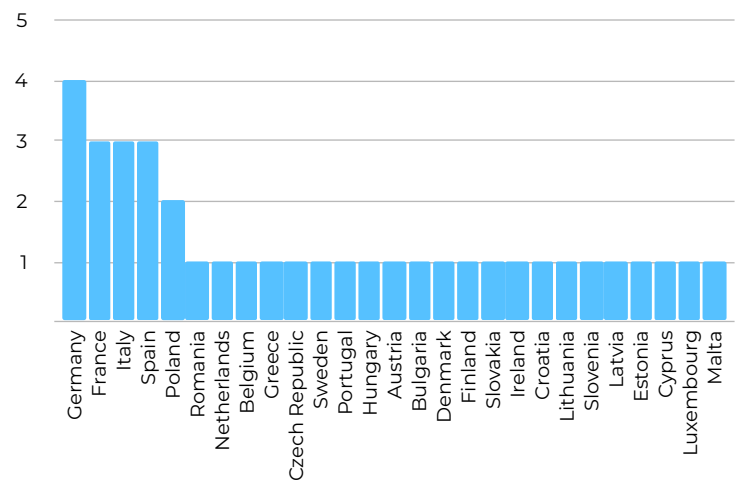


Figure 5 — Member State quotas under the regressive Webster method



c. Quota overflow

In rare cases, there may be instances of Union-wide lists qualifying for seats, but for which all Member States present on their list of candidates have already met their quota when it is this list's turn to be attributed a seat. This scenario is made more unlikely using the citizenship requirement mentioned above. Rare as this may be, this case must nevertheless be accounted for.

There are two main ways to address this situation. The "harsh" way is to say that the party or movement concerned forfeits the seat(s) in question, as it is its own responsibility to provide enough diversity on its list. The more accommodating way is to say that these seats are set aside until the end of the apportionment, and latter assigned, as a penalty, either at random or to the last candidate on the list. In case of random selection, the pool can be narrowed down to candidates of the least-represented gender among the candidates already elected. 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.

d. Leadership election

While this is also unlikely to happen and in practice does not happen using the 2019 electoral data, it is possible that a list leader be skipped for the benefit of a lower-ranked candidate, as his or her Member State has already reached its quota by the time their list is assigned its first seat.

This could happen if two or more lists that are large enough to receive seats on the transnational constituency were both led by candidates from a Member State with a maximum quota of 1. Alternatively, it would happen if a list's number of vote is small enough that it would be assigned its first seat after other lists have been assigned several; should the list leader stem from a medium-or small-sized Member State, that State's quota may have been reached by then.

This is a natural consequence, on the one hand, of seeking to achieve geographical diversity and to avoid over-representation, and, on the other hand, of respecting the priority order provided by citizens' votes — all the while only providing so few seats for the transnational constituency. This potential outcome should therefore not come as a surprise; however, for political reasons, it may be deemed 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, but may also occur with slightly larger seat contingents. There are two methods to implement this. The easiest way is to start the seat distribution with list leaders, before assigning all other seats in the order provided by citizens' votes.

A slightly more refined approach is to carry out the full distribution of seats as previously described and, at the end of the process, note which list leaders were not elected; at this point, the distribution is carried out anew, with exceptions only made for electoral lists whose leaders would actually have been skipped. This allows the exceptions to have only a marginal disruptive impact on the contingent of elected candidates.

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 and distribution systems. 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 Union-wide list and on a national list. Seats on the Union-wide constituency should be assigned first, subsequently making room on national lists.

Given the 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),¹⁵ 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 Union-wide lists (therefore increasing transnational lists' visibility for citizens) and may contribute to making transnational lists more appealing to national parties — avoiding transnational lists from being seen as too risky and ending up filled with lesser-known political figures.

Outcome

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

¹⁵ It is indeed very unlikely that a party or movement be successful enough to win seats on the transnational constituency despite its relatively high natural electoral threshold (at least 3.6%, but twice that in practice), and yet that the national member to whom the list leader belongs would not even be able to secure a single seat on a national list.

maximum quota.

For instance, in our example, the first seat, according to Table 9, goes to the EPP. It is therefore assigned to the first candidate of the EPP, who is from Germany (see Table 1); the number of seats assigned to Germany is set to 1. The second seat goes to the PES, and is therefore assigned to its first candidate, who is from Spain; the number of seats assigned to Spain is set to 1. The process is repeated one seat at a time for all 28 seats.

Upon reaching the distribution of seat 16 to the PES, we note that this seat is to be assigned to a candidate from Romania (the PES' fourth candidate). However, Romania, short of quota modulation, has a maximum quota of 1 and has already been assigned a seat — seat 8 assigned to the EPP. The PES' fourth candidate is therefore crossed off the list and the seat is assigned to the next-available candidate, candidate 5 from Portugal, which has not yet reached its quota.

The final distribution of candidates elected for each electoral list according to the Ranked apportionment method is given in Table 11.

Table 11 — Distribution of seats under the Ranked apportionment method

	ALDE	ECPM	ECR	EDP	EFA	EGP	EPP	ID	PEL	PES	Pirates	Volt
	3	0	2	0	0	3	8	4	2	6	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
	1		0			0	4	2	1	5		

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's maximum quota has been reached.

Evaluation

In our initial discussion, we had indicated four baseline goals: that the electoral system be European, and not nation-centric, in nature; that party proportionality be ensured; that Member States be fairly represented; and that the preferences of competing parties or movements be respected as far as possible.

By design, the Ranked apportionment method is indeed European in nature and ensures party proportionality. Furthermore, by relying *only* on intrinsic criteria (the population size of Member States and the number of votes attributed to each Union-wide list), the Ranked apportionment method also ensures that Member States are all fairly represented, with no structural discrimination or cases of over-representation.

As expected, given demographic differences, citizens elected from larger Member States are more numerous — although this remains squarely in line with, and often under, these Member States' share of the EU's population.

Conversely, some smaller Member States, which are less statistically likely to have their nationals make it to the top of a Union-wide list given their limited population, do not see one their citizens elected on the Union-wide constituency. This is a result of this constituency's limited size.

The distributions of seats under the Ranked apportionment method, using both the regular and regressive Webster methods, are given in Figures 6 and 7.

Using the default Webster apportionment, 13 Member States do not see one of their citizens elected on the transnational constituency; using the regressive Webster apportionment, this number is reduced to 9. These 9 Member States have a combined population of 23 million citizens, out of 447 million in the Union (or 5.4%).

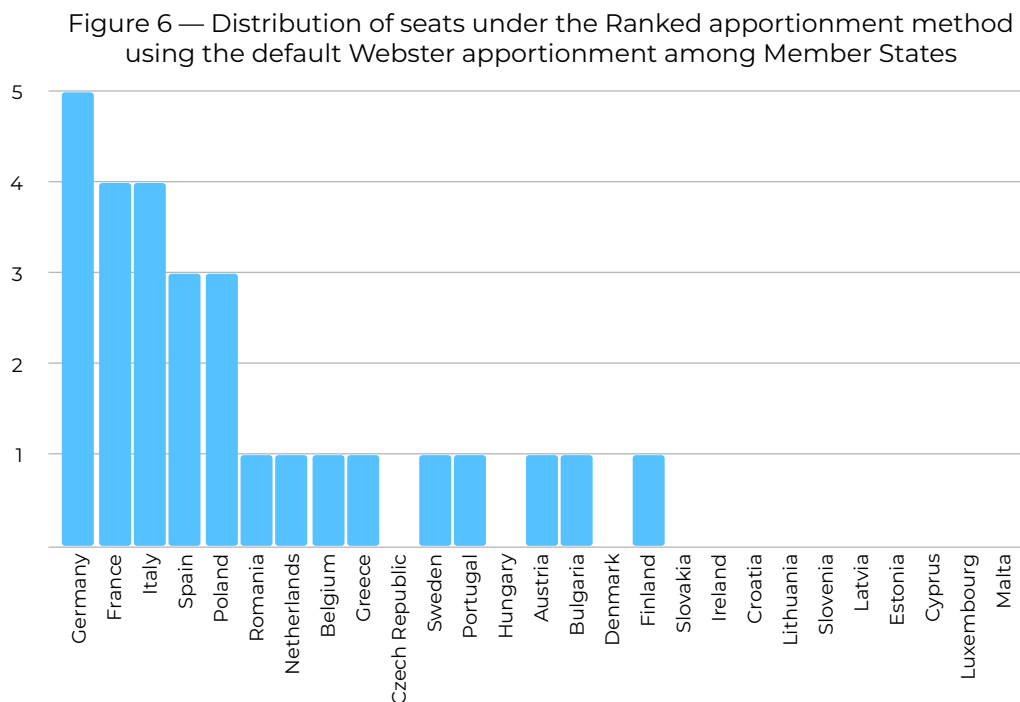
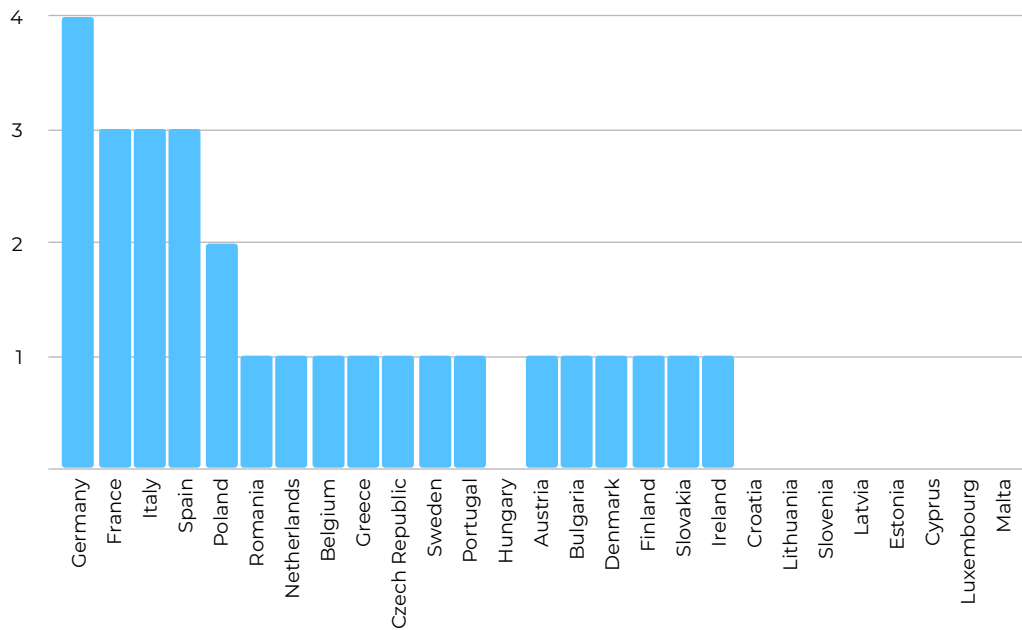


Figure 7 — Distribution of seats under the Ranked apportionment method using the regressive Webster apportionment among Member States



This is to be compared with the current European Parliament’s proposal, under which 10 Member States do not have representation on the transnational constituency. These 10 Member States have a combined population of 55 million citizens, leaving 12.2% of the Union’s population without representation.

With regards to the respect of parties’ and movements’ preferences in the ordering of their lists, we also note that in only six cases were seats attributed to a candidate outside of a list’s original order, with only one or two Member States skipped when this happened. By contrast, this happened 12 times under the European Parliament’s proposal.

Collectively, using the Ranked apportionment method, elected candidates are only shifted by 13 positions from lists’ original ordering, while the European Parliament’s proposal resulted in a collective shift of 49 positions — close to four times the impact. Table 12 below compares the shifts induces by the European Parliament’s proposal (left) and by the Ranked apportionment method (right), the latter being far less invasive.

Table 12 — Comparison of the shifts of the European Parliament’s proposal and of the Ranked apportionment method

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

Slovakia	Czech R	Belgium	Nether.	Sweden	Spain	Ireland	Greece	Italy	Croatia	Belgium	Sweden
Hungary	Sweden	Croatia	Czech R	Portugal	Lux.	Czech R	Slovakia	Denmark	Malta	Greece	Portugal
Ireland	Portugal	France	Sweden	Hungary	Poland	Slovakia	Poland	Romania	Belgium	Portugal	Hungary
Slovenia	Hungary	Lux.	Hungary	Austria	Czech R	Belgium	Spain	Slovenia	Denmark	Hungary	Austria
Lux.	Austria	Poland	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 R	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

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	Poland	Austria	Bulgaria	Hungary	Lithuania	Romania	Austria	Slovakia	Austria	Denmark
Malta	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 R	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

As such, we see that the Ranked apportionment method **ensures a fair level of representation for all Member States**, avoiding all cases of over-representation, and **is far more respectful of parties' and movements' preferences** than the system adopted by the European Parliament.

Conclusion

While falling short of the thorough reform needed to make our common election truly European, in line with established democratic standards and best practices, the European Parliament's proposal to introduce transnational lists may be a step in the right direction.

Yet, beyond its objective contribution to geographical diversity, we have shown that its arbitrary re-arrangement system **does not actually prevent the over-representation of Member States** large and small, that **it fails to sufficiently respect parties' and movements' preferences** in the ordering of their lists, and that **it introduces a structural and unavoidable discrimination** favouring the largest Member States of each group.

Admittedly, given the limited size of the proposed constituency and the vast demographic differences between Member States, there are no perfect solutions: distributions of seats among Member States will either leave some Member States unrepresented or several small Member States far over-represented — and, in the European Parliament's proposal, both.

This does not mean, however, that all transnational lists systems are equal, and a common constituency should not come at the cost of structural discrimination. We can ensure the [best possible outcome](#) by choosing a distribution method that successfully avoids all cases of over-representation, does not entrench arbitrary groups, and balances the diverse representation of Member States with the democratic representation of citizens.

The **Ranked apportionment method** provides an easy and fair solution to the issue of Member States' representation in the transnational constituency.

Easy, because, beyond the basic requirement to provide a number of different nationalities in the first positions (as well as gender requirements, as necessary), **there are no additional criteria imposed on list formation**. It is easy to explain and easy to implement.

Fair, because **it provides the balanced representation that Member States should expect**, ensures that **the assignment of seats results directly and exclusively from electoral lists' own performance** at the polls, and successfully **respects parties' and movements' ranking preferences**.

Finally, the Ranked apportionment method provides sufficient flexibility to be fine-tuned, allowing decision-makers to agree on a balance between the equal representation of Member States and the proportional representation of European citizens.

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 Council to review this proposal, consider the overarching goals they seek to reach via the introduction of a Union-wide constituency, and to adopt a voting method truly able to achieve these goals and to strengthen our common European democracy.

Annex — Legislative amendments

ANNEX TO THE LEGISLATIVE RESOLUTION

Proposal for a

Council Regulation

on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision

Article 15

Union-wide constituency

<p>7. The Union-wide lists shall include a number of candidates equal to the number of mandates referred to in paragraph 1.</p>	<p>7. The Union-wide lists shall include, <i>at least</i>, a number of candidates equal to the number of mandates referred to in paragraph 1 <i>Member States divided by 3 and rounded up as necessary</i>.</p>
<p>9. In order to ensure geographical balance, the Union-wide lists are divided in sections of three slots. Each of these three slots is to be filled with one candidate coming from each of the three groups of Member States as defined in Annex I and exemplified in Annex II.</p>	<p><i>deleted.</i></p>
<p>10. The order of candidates resident in any of the Member States in each of the three groups of Member States included in Annex I shall vary in each list section of three slots up to the list slot corresponding to the number resulting from dividing the total number of seats by two, where necessary rounding up to the next whole number.</p>	<p>10. The order of candidates resident in any of the Member States in each of the three groups of Member States included in Annex I shall vary in each list section of three slots up to the list slot corresponding to the number resulting from dividing the total number of seats <i>Member States</i> by two <i>three</i>, where necessary rounding up to the next whole number.</p>

	<p><i>10 a. In order to ensure demographic balance on the Union-wide constituency, there shall be a maximum number of citizens eligible from the Union-wide constituency for each Member State. For each Member State, this number shall be the Member State's apportioned number of seats according to its population, using the Webster method of apportionment. By way of exception, for each Member State, this maximum number shall not be lower than 1 [or higher than 4].</i></p>
<p>12. The apportionment of seats to the Union-wide lists based on the aggregated results in the Union-wide constituency shall be carried out in accordance with the D'Hondt system, as follows:</p> <p>[...]</p>	<p>12. The apportionment of seats to the Union-wide lists based on the aggregated results in the Union-wide constituency shall be carried out in accordance with the D'Hondt system, as follows:</p> <p>[...]</p> <p><i>(d) the order in which the seats are assigned to Union-wide lists is recorded.</i></p>
	<p><i>12 a. The assignment of seats on the Union-wide constituency is carried out according to the Ranked apportionment method. All seats are assigned to their list in the order recorded in paragraph 12(d), starting with the top of each list. When a Member State reaches its maximum number of elected citizens identified in paragraph 10 a, the seat is assigned to the next available candidate on this list whose Member State has not reached its maximum number of elected citizens.</i></p>
	<p><i>12 b. Candidates on the Union-wide lists shall be explicitly allowed to stand as candidates on national lists, provided they do not run with parties or other political formations belonging to another Union-wide list.</i></p> <p><i>Candidates running on a Union-wide list and on a national list together with parties or other political formations belonging to another Union-wide list shall be disqualified from their position on the Union-wide list by the European Electoral Authority.</i></p>