



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 September 2012

14214/12

**CO EUR-PREP 35
INST 555
POLGEN 156**

"I/A" ITEM NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee (part 2) / COUNCIL
subject: Draft European Council Decision concerning the number of members of the European Commission

1. Within the process of ratification of the Lisbon Treaty, the European Council in December 2008 agreed that *"a decision will be taken, in accordance with the necessary legal procedures, to the effect that the Commission shall continue to include one national of each Member State"* after 1 November 2014.
2. Furthermore, in June 2009, the EC also agreed that, *"Having carefully noted the concerns of the Irish people as set out by the Taoiseach, the European Council, at its meeting of 11-12 December 2008, agreed that, provided the Treaty of Lisbon enters into force, a decision would be taken, in accordance with the necessary legal procedures, to the effect that the Commission shall continue to include one national of each Member State."*
3. Against this background, the European Council will adopt a Decision, based on Article 17(5) TEU, which enables the European Council to alter the number of members of the Commission. The decision will come into force as soon as it is adopted by the European Council, without the need for national ratifications.

4. In order for this Decision to be applicable to the Commission which will be appointed in November 2014, it should enter into force in due time, before the appointment process begins.
5. The European Council will adopt this decision in one of its meeting at the end of 2013 or beginning of 2014, but in order for Members States to prepare for their national procedures, a final version of the draft European Council Decision needs to be endorsed by the Council, by October 2012, at the latest.
6. In this context, the Council is invited to endorse the European Council Decision set out in doc. EUCO 176/12 INST 551 POLGEN 154.
