



**Brussels, 6 October 2014
(OR. en)**

13884/14

**CDR 108
INST 482
AG 16**

NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Proposal for a Council Decision determining the composition of the Committee of the Regions

1. Pursuant to Article 305 of the Treaty on the functioning of the European Union (TFEU) the members of the Committee of the Regions shall not exceed 350. Nevertheless, Article 24(1) of the Treaty of accession of Croatia increased the number of members to 353. This provision only applies temporarily, and namely until the current term of office of the Committee¹ comes to an end on 25 January 2015.
2. It follows that - as from the new term of office - the transitional increase ceases to apply and the number of members must be decreased by 3 seats, to a maximum 350.
3. The Committee of the Regions adopted, on 6 October 2010, recommendations to the European Commission and to the Council on the future composition of the Committee of the Regions of the European Union².

¹ OJ L 112, 24.4. 2012.

² doc. 16400/10.

4. On 12 June 2014, the Commission submitted to the Council a proposal for a Council decision determining the composition of the committee (10979/14). It suggests decreasing the number of members of the committee by reducing the number of members from Luxembourg, Cyprus and Estonia by one seat for each delegation. Unanimity is needed to adopt the Council Decision.
5. Four meetings of the General Affairs Group were devoted to examining the proposal thoroughly and discussing compromise suggestions.
6. As the Committee of the Regions' mandate expires on 25 January 2015, launching the reappointment procedure should be done without delay, in order to allow its renewal and a seamless functioning of the Committee.
7. The Treaties do not contain any provision allowing the Committee of the Regions to remain in place for current business after the end of its term of office, which was set on 25 January 2015 by Council Decisions 2009/1014/EU and 2010/29/EU. A failure by the Council to adopt a decision in due time will expose the Council to the risk of legal proceedings for failure to act, and could call into question the legality of procedures requiring the consultation of the Committee of the Regions as from its end of mandate.
8. It is therefore urgent to proceed with a Council Decision on the composition of the Committee of the Regions. Further delay could put in danger the timely completion of the renewal procedure which should have been launched in July 2014.
9. The Presidency deems a viable compromise solution should address concerns raised, in particular on:
 - the need for highlighting that the current file does not constitute a precedent;
 - the need to comply with the Lisbon Treaty;
 - the current balance in the composition of the Committees.
10. COREPER is invited to discuss the Presidency compromise text in the annex to this note with a view to reach an agreement on the draft Council Decision.

Changes in the text compared to the Commission proposal are underlined.

COUNCIL DECISION

determining the composition of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 300(3) of the Treaty on the Functioning of the European Union provides that the Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) Article 305 of the Treaty on the Functioning of the European Union provides that the Council shall determine the composition of the Committee of Regions. The number of members shall not exceed 350.
- (3) The Committee of the Regions adopted, on 6 October 2010, recommendations to the European Commission and to the Council on the future composition of the Committee of the Regions of the European Union³.
- (4) The current balance in the composition of the Committee of the Regions should as far as possible be maintained as it is the result of successive Intergovernmental Conferences.
- (5) This decision is adopted to address a specific legal issue, namely the discrepancy which exists in the total number of members of the Committee of the Regions resulting from the successive Intergovernmental Conferences mentioned above and the maximum number of members established by Article 305 of the Treaty on the Functioning of the European Union.
- (6) This decision must be seen on its own merits and cannot therefore constitute a precedent for the composition of any institutions.
- (7) It is urgent for the Council to take a decision ahead of the renewal of the membership of the Committee in 2015.

³ CdR 137/2010 fin

- (8) This decision may be revised by the Council, on the basis of a Commission proposal, in time for the mandate of the Committee starting in 2020.
- (9) In order to allow the Committee of Regions to be composed in accordance with Article 24 of the Act concerning the conditions of accession of the Republic of Croatia until the end of the term of office of the current members, the entry into force of the present decision should be deferred until that date,

HAS ADOPTED THIS DECISION:

Article 1

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

Belgium	12
Bulgaria	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	6
Ireland	9
Greece	12
Spain	21
France	24
Croatia	9
Italy	24
Cyprus	5
Latvia	7
Lithuania	9

Luxembourg	5
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Romania	15
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24.

Article 2

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

Done at Luxembourg,

*For the Council
The President*