

EUROPEAN UNION ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Implementation of Transitional Protocol on MEPs

Section 15: Protocol on MEPs: approval, and addition to list of treaties

113. This section provides for parliamentary approval of the Transitional Protocol on MEPs ('MEPs Protocol') for the purposes of section 5 of the 2008 Act. *Subsection (2)* provides that the MEPs Protocol is to be included in the definition of 'the Treaties' contained in section 1(2) of the European Communities Act 1972.

Section 16: Number of MEPs and electoral regions

114. *Subsection (3)* of this section makes provision for the West Midlands electoral region to be assigned the additional MEP gained by the UK as a result of the entry into force of the MEPs Protocol. The decision on which UK electoral region should be allocated the additional UK seat was made by the Electoral Commission in its report laid before Parliament on 26 October 2010. In accordance with the European Parliament (Representation) Act 2003, the recommendation is based on the region that has the lowest number of MEPs per head according to the current electoral register.

Section 17: Election of additional MEP

115. This section, and *Schedule 2* to this Act, makes provision for how the additional MEP is to be elected, namely by reference to the results of the last European Parliamentary elections held in the UK on 4 June 2009, as if the additional seat had been allocated to the West Midlands electoral region at the date of that election. This is one of the three methods of electing the additional MEP provided for by the MEPs Protocol, and is the method being used by the majority of the other Member States gaining MEPs under the MEPs Protocol.
116. This section and *Schedule 2* are to be the operative provisions governing the initial election of the MEP for this additional seat, and not section 5 of the European Parliamentary Elections Act 2002 ('2002 Act').
117. This section and *Schedule 2* will only apply until the next 'general' election of Members of the European Parliament, which is expected to be held in June 2014 (see *subsection (3)(a)*). If a subsequent vacancy arises in the same seat, after an MEP has been returned in accordance with the provisions of this section and *Schedule 2* but *before* the next general election of MEPs, the vacancy will be filled in the same way as any other vacant seat in a UK electoral region would be filled – by reference to section 5 of the 2002 Act (see *subsection (3)(b)*).