

**From the European Convention to Public Discourse:
Debating on Common European Future**

EUROPEAN



Istituto Affari Internazionali

in cooperation with



The Trans European Policy States Association

convention watch

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THE PROJECT

The Convention Watch is a tool to make the national debates on the future of Europe easily accessible for a broad EU public. Organised as a questionnaire, the second issue of the Convention Watch focuses on four topics:

- evaluation of the work and results of the European Convention
- national debate and public opinion trends
- prospects for the Intergovernmental Conference
- the ratification process.

National rapporteurs highlight the most important positions of the government, political parties and leaders, but also of the various components of the civil society in the respective countries.

The Convention Watch is part of the project "From the European Convention to Public Discourse: Debating our Common European Future" (EUCON) supported by the European Commission within the framework of the PRINCE programme. The EUCON project aims to promote transnational debate on the main issues concerning the future of the European Union.

EUCON is coordinated by The Trans European Policy Studies Association (T.E.P.S.A.).

Contributors to the Convention Watch are:

Barbara Engelstoft, Marlène Arany, Trans European Policy Studies Association (TEPSA), Brussels; *Björn Fägersten*, Swedish Institute of International Affairs (SIIA), Stockholm; *Peter van Grinsven*, Netherlands Institute of International Relations "Clingendael", The Hague; *Emmi Helle*, Finnish Institute of International Affairs (FIIA), Helsinki; *Lars Hoffmann*, Federal Trust for Education and Research (FTER), London; *Elina Kanataki, A.D. Papayannides, Nikos Frangakis*, Greek Centre of European Studies & Research (EKEME), Athens; *Raffaello Matarazzo*, Istituto Affari Internazionali (IAI), Rome; *Noémia Pizarro*, Instituto de Estudios Estrategicos e Internacionais (IEEI), Lisbon; *Johannes Pollak, Peter Slominski*, Austrian Academy of Sciences, Vienna; *Bruno Scholl*, University of Cologne; *Kasimierz Sobotka, Anna Jędrzejewska*, Foundation for European Studies, European Institute, Lodz; *Catharina Sørensen*, Danish Institute for International Studies (DUPI), Copenhagen; *Mieke Vandepierre*, Groupe d'Etudes Politiques Européennes (SEP-GEPE); *Esther Zapater*, Instituto Universitario de Estudios Europeos-Universitat Autònoma de Barcelona (IUEE-UAB).

The Istituto Affari Internazionali (IAI) is responsible for the coordination of the Convention Watch. Contact persons are *Michele Comelli* and *Ettore Greco*.

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Convention Watch

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Countries:

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Poland, Portugal, Spain, Sweden, The Netherlands, United Kingdom

Questionnaire for

convention watch

second issue

1. Evaluation of the work and results of the European Convention

1.1 Overall assessment of the results of the Convention

What is your government's overall assessment of the results of the Convention? How have they been received by the other main political and social actors?

1.2 Convention method

Is there the perception in your country that the Convention has contributed substantially to making the process of constitutional reform of the EU more transparent and democratic? What are considered to be the main positive elements of the Convention method? And those that, on the contrary, have drawn the most widespread criticism?

1.3 Performance of national representatives

How do you judge the performance of the representative of your government in the Convention? Do you think that he/she played a proactive and dynamic role? What are the Convention issues on which he/she concentrated his/her interventions and proposals? Did your government work actively to adopt common positions or establish a unity of action with other governments? Did the representatives from your country at the Convention take similar stances on the most important issues, or did their different political affiliations and ideological convictions reflect in substantially different positions?

2. National debate and public opinion trends

2.1 Public opinion trends

How have the attitudes of public opinion towards the EU evolved in your country in the last months of the Convention's work? Can it be argued that the completion of the Convention's activities, and the presentation of the draft constitutional treaty have had a substantial impact on public opinion trends?

2.2 The role of parliament

Was the draft constitutional treaty approved by the Convention discussed in your national parliament? Did the committees of your parliament working on EU issues address and examine, on a more or less regular basis, the work of the Convention? How

did the government inform parliament about its initiatives and positions concerning the constitutional reform of the EU?

2.3 Other relevant initiatives

Do you think that the many initiatives undertaken by the EU to promote a public debate on European constitutional issues, notably by involving civil society, have had an impact in your country? Has your government played an effective role in raising the knowledge and awareness of public opinion concerning the Convention's goals and activities?

2.4 Media coverage

How was the media coverage of the final, crucial phase of the Convention's work? How extensive has information on the content of the draft constitutional treaty been? Has it been presented in a positive or negative light? Which issues have been covered the most?

3. Prospects for the Intergovernmental Conference

3.1 Link between the Convention and the IGC

The Thessaloniki Council did not go beyond defining the text of the draft constitutional treaty "a good basis for starting the Intergovernmental Conference". In your government's view, should the IGC limit itself to endorsing the results of the Convention, concentrating only on the few issues that still remain controversial, or engage in a more comprehensive review of the draft constitutional treaty?

3.2 Organisation of the IGC

To prevent the upcoming Intergovernmental Conference (IGC) from bogging down in obscure and prolonged negotiations, as in the previous IGCs, the Italian government, which will hold the EU's presidency until December 2003, proposes that the IGC be held mostly at top-level, i.e. at the level of the Heads of State and Government and the Ministers of Foreign Affairs. Does your government agree with this approach?

3.3 Controversial issues

What is your government's position on the following issues that remain controversial even after the end of the Convention?

3.3.1 Elected President of the Council

While there is general agreement concerning the establishment of a permanent and elected President of the Council, there are still different ideas on his/her functions, especially on whether or not he/she should play a co-ordinating role with regard to the presidencies of the other Council formations.

3.3.2 Composition of the Commission

The debate in the Convention concerning the European Commission eventually concentrated on its composition. The Convention approved the following proposal: "The Commission shall consist of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners

selected on the basis of a system of equal rotation between the Member States.” In addition, “the Commission President shall appoint non-voting Commissioners, chosen according to the same criteria”. Does your government back this proposal or is it in favour of a different solution?

3.3.3 Definition of qualified majority voting

The Convention has proposed abolishing the current weighting system for qualified majority voting (QMV), by defining QMV as the majority of the member states representing at least 60% of the European population. . Is your government satisfied with this provision, or would it rather change it?

3.3.4 Extension of qualified majority voting

Does your government support an extension of QMV to policy fields other than those indicated in the draft constitutional treaty, such as taxation and CFSP?

3.3.5 Minister of Foreign Affairs and EU diplomatic service

While there is a consensus on the creation of a EU Minister of Foreign Affairs, different views exist concerning the executive structure he/she should rely upon. What is your national government’s position on this issue? Should the structure be placed within the Commission or the Council?

4. The ratification process

4.1 Eventual obstacles

Do you think that the process of ratification of the new constitutional treaty may encounter difficulties or major political opposition in your country? If so, which?

4.2 European Parliament elections

According to the conclusions of the Thessaloniki Council, the Intergovernmental Conference should “complete its work and agree the Constitutional Treaty as soon as possible and in time for it to become known to European citizens before the June 2004 elections for the European Parliament”. Do you expect the constitutional issues to become a central matter of debate during the electoral campaign in your country? Or do you think that the European Parliament elections are more likely to be dominated by national issues?

4.3 Referendums

For constitutional reasons, some countries need to submit the EU Constitutional Treaty to a national referendum before it can enter into force. Others may decide to hold a referendum in order to give the national ratification more legitimacy. Is a referendum foreseen in your country? If so, do you expect this to be a factor that will complicate or facilitate the ratification process?

4.4 What to do in case of failed ratification

Has your government expressed any preference on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty?

1. Evaluation of the work and results of the European Convention

1.1 Overall assessment of the results of the Convention

What is your government's overall assessment of the results of the Convention? How have they been received by the other main political and social actors?

Austria

The government's reaction to the European Constitutional Treaty has been rather lukewarm. Federal Chancellor Wolfgang Schüssel welcomed the results but at the same time asked that improvements be made at the upcoming Intergovernmental Conference on several issues, including keeping the principle of one commissioner for every member state, the rotating presidency of the European Council and the extension of qualified majority voting to CFSP. The Social Democratic Party and the Green Party as well as the major social partners welcomed the draft Constitutional Treaty. Overall, the outcome of the Convention did not attract widespread public attention.

Belgium

The Belgian government came quite late with its first assessment of the Convention. This was due to internal political reasons: there had been national elections on 18 May and the winning coalition's negotiations for a new government were, at the moment of the European Council in Thessaloniki, still well under way. It was only on the eve of the Thessaloniki European Council on 19 and 20 June, that the Ministry of Foreign Affairs issued a press release on the draft Constitution. At that time, the Convention's activities were not yet fully finished and the communiqué stated that the Government would only pass judgement on the draft Constitution in mid-July, after the complete conclusion of the Convention's work.

In its policy document about the European Convention¹, the Ministry of Foreign Affairs pointed out that several of the objectives pursued by Belgium "appear to have been secured".

They include:

- Integration of the Charter of fundamental rights into the Constitution
- Possibility of accession to the European Human Rights Convention
- Establishment of a single treaty incorporating the existing Treaties along with their achievements, providing greater coherence and legibility
- Single legal personality and merger of the various pillars
- Better definition of competencies, albeit without actually drawing up a list
- Inclusion of the principle of the Union's respect for the national identities of the Member States and their constitutional structures, including with regard to regional autonomy
- A mechanism for monitoring subsidiarity that enhances the role played by the national parliaments, but without affecting the Commission's right to take initiatives
- Simplification of the legal instruments and of the hierarchy governing them.
- Extension of qualified majority voting and co-decision procedures
- Representation of the euro zone

¹ Policy document "The European Convention"

<http://www.diplomatie.be/en/policy/policynotedetail.asp?TEXTID=2011>. The rest of this paragraph is equally quoted from this document.

- Better coordination of external action by setting up a "double-hatting" European Foreign Ministry
- Establishment of new forms of cooperation in the area of defence and of a European Agency for Military Capabilities
- Boosting the Union's ability to develop a space of freedom, security and justice and extending the powers of the European Court of Justice in this domain
- The chapter on participatory democracy and the prospect of a right of popular initiative

As for the institutional issues, the Belgian government is in favour of the following innovations: the reinforcement of the European Parliament's legislative and budgetary powers, a clearer distinction between the Council's legislative and executive functions, a simpler way of calculating the qualified majority, the reduction in the number of the Commissioners as of 2009, and the establishment of a European Foreign Minister who will be vice-president of the Commission and will preside over the Foreign Affairs Council.

On the other hand, Belgium finds it regrettable "that the European Council will become a distinct institution (albeit with no legislative authority), and that the European Parliament will not be given a greater role in electing the President of the Commission. Admittedly the European Parliament will elect the President of the Commission, but only on the basis of a candidate presented by the European Council. Moreover, with the exception of the arrangement made for the Foreign Affairs Council, the issue of presiding over Council formations has not been satisfactorily resolved. The President of the Commission will not be able to preside over the General Affairs Council. The organisation of the Presidency of the Council's specialised formations remains to be settled, with no guarantees regarding the efficiency of the system and institutional balance (possible shift towards team presidencies coordinated by the President of the European Council). Finally, the draft also provides for the creation of a more permanent job for the President of the European Council while at the same time specifying some limits"².

The three Belgian Trade Unions Confederations openly expressed their disapproval of the draft constitutional Treaty in a press statement of July 10, 2003. They asked that the principle of unanimity in the field of social, fiscal and environmental issues be abandoned. They argued for an extension of QMV to the social field, as is already the case for the deregulation and competition field. Though services of general interest will be withdrawn from competition rules, there has been too little improvement on the social plan. The trade unions will not support the draft Constitution and they urge the Belgian government to inform the people by means of a broad public debate.³

The Federation of Enterprises in Belgium (FEB), Belgium's largest employers' organisation, is satisfied with the outcome of the Convention, in particular with the simplification of the treaties and the higher efficiency of the Union due to the extension of the system of qualified majority voting. Other positive points are the reinforcement of the role of the Commission with regard to the Stability Pact's rules, the establishment of competition as one of the goals of the Union and the acknowledgement of and support for the role of the social partners. The FEB pleads for a further strengthening of the central role of the Commission in the institutional structure, an extension of

² Ibidem.

³ Les syndicats belges demandent un vaste débat public sur la future Constitution européenne http://www.fgtb.be/code/fr/ComPres/2003/c04_03axx.htm.

qualified majority voting in the field of trade and more flexible mechanisms for co- and self-regulation.⁴

Denmark

The Danish government is satisfied with the overall results of the European Convention and so is a broad majority of Parliament. The draft proposal is backed not only by the two governing parties, the Liberals and the Conservatives, but also by the opposition parties, the Social Liberals and the Social Democrats. These four parties even produced a common position paper on Danish European policy on March 14th, 2003.⁵ Awareness of the coming Danish referendum on the constitutional Treaty may partly explain the reluctance to change the draft: presenting the result of an uncomplicated IGC – which embraces the Convention's results – would be an advantage for the advocates of the yes-vote. Since the Socialist People's Party is broadly positive towards the draft, firm opposition comes only from the Danish People's Party (far right), the Unity List (far left) and two eurosceptic movements, the June Movement and the People's Movement Against the EU. Furthermore, both the Danish Employers' Confederation (DA) and the Danish Confederation of Trade Unions (LO) are generally positive towards the Convention's results. However, both oppose the extension of qualified majority voting to labour market issues, fearing that this could undermine the Danish labour market model, which is highly esteemed by the Danish social partners.

Finland

The Finnish government, headed by Matti Vanhanen (Centre Party), is of the opinion that the Convention's proposal for the new constitutional Treaty of the Union is for the most part acceptable and includes many important achievements. It agrees with the conclusions of the European Council of Thessaloniki, according to which the Convention's proposal is a good basis for starting the intergovernmental conference. However, the proposal includes also points that in the Finnish view should be still negotiated in the IGC.⁶

According to the Finnish government, the main achievement of the Convention was that it succeeded in unifying all EU treaties into one single document and in clarifying the division of competences between the Union and the member states. Also the establishment of a legal personality for the EU was welcomed by Finland. On the other hand, Finland does not consider the Convention's solution on EU institutions balanced. It finds problematic also the possibility for a smaller group of countries to form a "core group" in defence. The Finnish government wants qualified majority decision-making to be further increase over and above what was defined in the Convention's proposal.

The Finnish opposition has criticised the government for having been too passive and conciliatory within the Convention. For this reason, according to the opposition, Finland did not succeed in promoting its own priorities in the Convention. Opposition leaders want Finland to take a more active role in the IGC.⁷

⁴ Goedkeuring ontwerp van grondwettelijk Verdrag moet Europa behoeden voor verlamming.
[\[http://www.vbo.be/\]](http://www.vbo.be/)

⁵ [\[http://www.europa-kommissionen.dk/eu-politik/aktuelt/konvent-fremtid-debat/dansk_europapolitisk_udspil/\]](http://www.europa-kommissionen.dk/eu-politik/aktuelt/konvent-fremtid-debat/dansk_europapolitisk_udspil/).

⁶ The present inquiry is based, as far as the official positions are concerned, mainly on the Report of the Finnish government to the parliament on the results of the work of the European Convention and on the preparation to the Intergovernmental Conference, 29.8.2003.

⁷ Helsingin Sanomat, 4.9.2003.

The former government, headed by Paavo Lipponen, has been criticised for not having understood the critical role that the Convention would play. According to the critics, the Lipponen government moved from the wrong assumption that the "real" negotiations on the new constitutional treaty would have been conducted in the IGC. In fact, many important questions were agreed upon already in the Convention.

France

The French government and the President of the Republic have on several occasions expressed their general satisfaction with the outcome of the Convention. Indeed, the Convention accepted most of the French proposals, particularly those regarding the Union's institutional structure. France would have preferred a more precise text on several issues. But in general the draft Treaty is considered a very good basis for the negotiations at the Intergovernmental Conference.

As of this writing there are very few comments available from the trade unions and the employers' associations concerning the result of the Convention. The incorporation of the Charter of Fundamental Rights and the formal recognition of the role of the social dialogue has been very much appreciated by the trade unions. The new articles on employment and environment protection are also considered of key importance. However, there is a certain disappointment about the French government's failure to find support for its proposals on economic governance and coordination within the Euro zone.

Germany

The overall assessment of the German government with regard to the results of the Convention has been very positive. The German Chancellor Gerhard Schröder as well as the Foreign Minister Joschka Fischer, who was the representative of the German government to the Convention, publicly and repeatedly praised the work of the Convention in press conferences and in a formal government declaration.⁸ They also presented the positive outcome of the Convention as a result also of the German contributions and highlighted the crucial importance of the close co-operation Germany had established with France especially since the Autumn of 2002.

The Foreign Minister in particular emphasised the results of the Convention's work – the 'Constitution for Europe' in his terminology - as a historic step and as a 'century project'. In his very positive appraisal he also mentioned that compromises had to be accepted in order to reach a final result. However, he added that, after achieving these compromises, the result needs now to be defended and agreed upon by the Intergovernmental Conference.

The overall positive assessment of the results of the Convention has been shared by most of the political forces and the major opposition party at the federal level – the Christian Democratic Party (CDU) – also agreed with the results reached. However, strong criticism came from the head of the regional state of Bavaria, Edmund Stoiber, who is also the leader of the Christian Social Democratic (CSU), a twin party of the CDU. In an interview with the daily newspaper 'Die Welt', he especially criticised the 'centralising tendencies' within the Convention that had failed to establish a proper division of competences and a necessary re-transferral of tasks to the national level.

⁸ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03. Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

Some of his party colleagues also demanded that a clear reference to God be included in the Constitution.⁹ Among other christian democrats, however, this strong critique caused considerable irritation. Especially the christian democratic Convention members such as Elmar Brok (MdEP) and the Representative of the German Bundesrat Erwin Teufel feared that the CDU/CSU would lose their traditionally EU-friendly image and advocated a common CDU/CSU approach.¹⁰ This was reached after a week of discussion in a common paper and the struggle calmed down for a while.¹¹ Another rather unusual source of critique raised public interest in July. One of the judges at the Federal Constitutional Court expressed his concern with the pace of the constitution making in Brussels. In an unusual move, he commented directly on this policy issue and called for a more cautious approach and for a public referendum on the new constitutional treaty.¹² After the summer break, the government further insisted on taking the Convention draft as it is in the IGC. The CSU opposition, however, voiced again its criticism and Stoiber asked for renegotiations in the areas of competences, asylum policy, economical co-ordination, and the mentioning of God in the constitution.¹³

Greece

There has been a quite positive assessment of the Convention by the Greek Government. This is partly due to the fact that the Simitis Government (Socialist/PASOK) held the EU's Presidency in the first semester of 2003 and it therefore "had to" present the Thessaloniki Summit - where the Convention's work was accepted as "a good basis" for the IGC to follow – as successful. In fact, the Greek Presidency put much pressure on the Convention's President Giscard D'Estaing to present the draft Constitutional Treaty at the Thessaloniki Summit.

At the same time, what was officially considered the federal thrust of the draft Treaty was to the liking of the strongly pro-European Simitis Government. A similar stance was taken by the main opposition party (Conservative/Nea Dimocratia), with some criticism about the Government's failure to inform public opinion adequately; more or less the same applies to Synaspismos, a leftist, "EuroCommunist" party, which expressed reservations about the little attention paid by the Convention to social-policy issues. The only strong negative positions were voiced by KKE, a hard-line Communist and anti-European party that considered the work of the Convention one more step towards the subjugation of European countries – and of course of Greece – to a capitalist/neo-liberal/globalisation-friendly political system. It is to be noted that the KKE representative in the EP September debate over the Draft Constitution presented a strongly negative written assessment of the Convention's work (clearly diverging from GUE positions). Also negative were DIKKI, a left-wing party which originated from a split within PASOK, but with no seats in Parliament, as well as LAOS, an extreme right-wing party, also with no parliamentary representation. Individual PASOK members have also taken a negative position.

⁹ "Brüssel macht uns zu Verwaltungsprovinzen", Interview with Edmund Stoiber, Die Welt, 14.06.03.

¹⁰ "In der Union eskaliert der Streit um die Europapolitik", Die Welt, 17.06.03.

¹¹ Gemeinsame Positionen von CDU und CSU zum Stand der Beratungen des EU-Verfassungs-Vertrages, 20.06.03, accessible at: <http://www.cdu.de/>.

¹² "German federal judge attacks Constitution" EuObserver, 01.08.2003, "Top German judge fears too hasty EU Constitution", EuObserver, 21.08.2003, accessible at: <http://www.euobserver.com/>.

¹³ "Stoiber: Kanzler muss nachverhandeln", at <http://www.merkur-online.de/nachrichten/politik/aktuell/297.179312.html>.

The business and the trade unions have been generally positive. However, the latter have shown some hesitations because of the liberal policies they think to be enshrined in the Constitution. There was a major debate about social security and labour relations: the leftist groups fear that workers' rights can potentially be threatened by the EU regulation. The Greek Orthodox Church has been very critical of the overall thrust of the Constitution; the lack of reference to the religious, Christian foundations of Europe raised special concern. Academic circles and the press have been quite favourable, although the latter did not provide extensive coverage.

Italy

In a speech at the Chamber of Deputies (July 1, 2003), the Minister of Foreign Affairs Franco Frattini stated that the Convention had produced so valuable a result that the Intergovernmental Conference should abstain from changing it in a substantial way. He argued that the final result of the Convention represents a balanced compromise between the positions of those countries that, like Italy, want a stronger Union within its internal borders as well as on the international scene, and the positions of some old and new partners that are more cautious about the idea of a deeper integration and about the extension of QMV to strategic decisions. This opinion, shared by other members of the ruling coalition, has been reaffirmed by the Deputy Prime Minister Gianfranco Fini - who represented the Italian Government at the Convention - in his speech at the European Parliament on September 3, 2003. He expressed his satisfaction for the final result of the European Convention, declaring that "certainly it is a compromise among different proposals, sensibilities and interests, but still a realistic and high profile one." According to the Italian Government, the most positive aspect of the final draft approved by the Convention is that it enhances the powers of the European Parliament, the European Commission and the Council while preserving the balance among them.

The political parties of the centre-left opposition coalition gave a positive evaluation of the Convention outcomes. During the parliamentary debate their leaders asked the Italian Presidency of the Union to embrace the position of the countries which want to go even beyond the Convention's draft in the direction of a more federal Union and, in any case, to resist the attempts to restore the prerogatives of the national governments.

Confindustria, Italy's main business association, also gave a positive assessment of the draft Constitutional Treaty. Gian Marco Moratti, who is responsible for Confindustria's European policies, affirmed that the Convention has done an excellent job and achieved important goals even if the international development were not favourable.

So far the Trade Unions have expressed no general evaluation of the Constitution results.

Poland

The Polish government has given a generally positive assessment of the results of the Convention. According to the government delegate to the Convention, D. Huebner, the results of the Convention will contribute to simplifying the Union's functioning, which in turn may bring about more efficiency¹⁴. In a speech at the plenary session of the Convention on July 9, 2003, the Minister expressed her conviction that the "European Union which emerges from the draft Treaty will be capable of responding to the future

¹⁴ "Przejrzysta Europa" ["Transparent Europe"], interview with Minister D. Huebner, *Trybuna* (daily), 12 July 2003, source: <http://www.trybuna.com.pl/>.

challenges (...) and above all the Convention has shown that the widening and deepening of the European Union can go together”.

A similar – broadly positive - assessment of the results of the Convention was presented by the Prime Minister and the Minister of Foreign Affairs in numerous media interviews and conference presentations¹⁵. Most recently the Council of Ministers considered that the following were the most important achievements of the Convention: the establishment of a legal personality of the Union, the extension of QMV and the co-decision procedure, the increased democratic legitimacy and the strengthening of the role of the Union on the international scene¹⁶.

On the other hand, on many occasions the government has stressed the need to maintain the institutional arrangements decided in Nice and to include an *Invocatio Dei* or - at least – a reference to the Christian tradition and heritage in the Constitutional Treaty¹⁷.

These two issues themselves have become the main concern of public debates in Poland after the presentation of the draft Constitution (see answers to questions 2.1, 2.4 and 3.3.3).

The members of the Polish Parliament focused mainly on the issue of the lack of a reference to the Christian heritage in the preamble of the Constitutional Treaty and on the new system of QMV. However, the stance of political parties with regard to the results of the Convention were diversified. While the ruling left Democratic Alliance has supported the government’s position, the right-wing parties expressed a very negative judgment arguing that the Convention had tried to “change the rule of the game in the middle of it”.

On the other hand, all the parliamentary parties supported a resolution¹⁸ asking the government to continue its efforts to maintain the institutional package agreed in Nice.

Portugal

Both the Portuguese Prime Minister and the Minister for Foreign Affairs have judged the draft Constitutional Treaty «globally positive». Although the government’s representative at the Convention, Ernâni Lopes, was rather critical in respect to some institutional solutions, the draft Treaty was globally thought to be much better than what had been foreseen by the government some months before. The socialists - the main opposition party - also expressed a positive opinion about the Convention’s result. In Portugal, there has been traditionally a consensus between the two major parties – the socialists and the governing social democrats, currently the largest party - on EU matters, and their approaches to the European Convention are similar.

Beyond this overall positive reception there is a general concern, shared by the whole political spectrum, that provisions of the draft Constitution concerning institutional matters strengthen the bigger countries’ powers and jeopardise the principle of equality between Member States. *Bloco de Esquerda* (“Left Block”, an extreme left wing party)

¹⁵ E.g. Contribution to the Forum "Wspólnie o przyszłości Europy" [*Together about the Future of Europe*], Warsaw, 26 June 2003

¹⁶ Position of the Council of Ministers for the IGC on the Treaty establishing the Constitution for Europe; Chancellery of the Prime Minister, 9 September 2003; source: <http://www.kprm.gov.pl/>

¹⁷ Source: reports by Polish Press Agency: <http://euro.pap.com.pl/>; Contributions to the Forum "Wspólnie o przyszłości Europy" [*Together about the Future of Europe*], Warsaw, 26 June 2003 and <http://www.futurum.gov.pl/futurum.nsf/main> (Polish Convention’s website)

¹⁸ Source: Polish Robert Schuman Foundation, <http://www.schuman.org.pl/> and <http://www.pap.com.pl/>, 29 August 2003.

was the most critical in stating that the Convention's final text was a "fraud" and announcing a radical opposition to it.

The Christian Democrats - traditionally against any kind of "European federalism" - have remained silent about the Convention's final outcome. This stance is probably due to the policy of "non-confrontation" towards their partners in the government, the Social Democrats. Their only criticism concerns the lack of reference to the Christian heritage in the Preamble.

The President of the Republic, Jorge Sampaio, has welcomed the text while distancing himself from some of its institutional aspects.

Social partners, in general, have paid little attention to the draft Constitution. This is attributable to the fact that the issues that most affect them - those concerning the European economic and social model - have remained largely unchanged.

Spain

The Spanish government's assessment of the achievements of the Convention has been, in general terms, quite positive. Nevertheless, there are still some points that the Spanish government wants to re-negotiate in the framework of the next Intergovernmental Conference (IGC).

The main opposition party, the socialist party (PSOE), has shown a positive attitude towards the Convention, especially concerning its working method.

Some initiatives, especially at regional level, have also given a relevant contribution to the debate. Various autonomous regions have, in fact, promoted a debate on the Convention. In particular the regional Parliament of Catalonia created a forum of discussion that involved a large number of people.

Sweden

The Swedish government has given a general assessment of the outcome of the Convention. It has argued for some adjustments but sees the Constitution draft as a sound compromise that will strengthen the Union while preserving the balance between its institutions. It considers that the questions asked at Nice and Laeken have been properly answered. If forced to say yes or no to the Constitution draft the Swedish Prime Minister, Göran Persson, has said it would be a yes¹⁹.

There has been a broad support in the Swedish parliament for the work of the Convention. The controversial issue has been the proposal concerning the full-time President of the European Council. The proposal has sparked intense dissatisfaction among all the other parties (see question 3.3.1). The conservative and the liberal parties are happy with the results in general but would have liked to see further steps, including the extension of QMV to other areas, for example the CFSP. The Christian Democrats and the Centre parties are also satisfied and have fewer objections than the government, asking only for some small adjustments. The only direct opposition comes from the left and the green parties who see the Constitution draft as a further step towards the supranational union they fear. The support for the Convention is solid among the most influential social actors. The Swedish Trade Union Confederation and the Confederation of Swedish Enterprise as well as the Federation of Swedish Farmers are generally happy with the results of the Convention.

¹⁹ Göran Persson in Svenska Dagbladet 2003-06-19.

The Netherlands

The overall assessment of the Dutch government on the outcome is positive. In its communication to Parliament²⁰ it argued that the Convention produced a “balanced compromise” which includes many of the Dutch proposals and requests. In fact, it has stated that the draft Treaty adopted by the Convention provides an ideal basis for a successful Intergovernmental Conference; it does not require many textual changes. Some other political actors have adopted a more reserved stance and appear to be waiting for the results of the IGC. Most social actors are reluctant to take a position on the draft Treaty, as they are waiting for the final outcome of the Intergovernmental Conference.

United Kingdom

Tony Blair has declared during the Thessaloniki summit that the result of the Convention ‘is a good basis for negotiations’. The government is overall content with the outcome. It has been able to prevent the extension of QMV to CFSP and tax policy and has obtained the institutionalisation of the role of national parliaments and the establishment of a permanent president of the European Council – all these being core demands of the UK government.

When it comes to EU politics the UK government mainly focuses on ‘what does Britain get out of this’ rather than on ‘what Europe gets out of this’. A UK government White Paper, published in September 2003, stresses that “the Convention outcome was a good result for the UK”.

The overall perception of the outcome of the Convention is that the changes included in the draft constitution are acceptable. The closer involvement of national parliaments and the introduction of a permanent president of the European Council are judged as very positive developments; and the British government has made it clear that it will not support any extension of QMV into areas of taxation, defence and foreign policy.

²⁰ *Regeringsnotitie Nederlandse inzet in de IGC*, 16 September 2003.

1. Evaluation of the work and results of the European Convention

1.2 Convention method

Is there the perception in your country that the Convention has contributed substantially to making the process of constitutional reform of the EU more transparent and democratic? What are considered to be the main positive elements of the Convention method? And those that, on the contrary, have drawn the most widespread criticism?

Austria

From a general point of view the Convention did not receive a high degree of attention. Concerning transparency and democracy we must differentiate between the population and experts. The latter approved the involvement of European and national parliamentarians; similarly the transparent proceedings of the Convention have been regarded as positive. By contrast, the working method of the Convention's Presidium was perceived as cumbersome and opaque. The population's overall knowledge is rather superficial and sceptical (according to the Flash Eurobarometer²¹, 51% have already heard of the Convention, and only 21% declared to be satisfied). There is also a widespread scepticism concerning the results of the Convention. Public debate has mostly concentrated on the question of a European Foreign Minister (39% in favour, 50% against), the replacement of the current rotating presidencies of the European Council with a permanent one (46% in favour, 42% against), the extension of the powers of the European Parliament (60% in favour, 26% against) and the co-decision procedure.

Belgium

It is generally accepted that this European Convention has reached results that could have never been reached by a traditional IGC.

The results of the Convention go well beyond the lowest common denominator. In a speech before the Interparliamentary Assembly of the Benelux²², Minister of Foreign Affairs Louis Michel summed up the merits of the Convention method: the new debating culture through which the Convention has brought about a wide range of actors in the debate, the public nature of the Convention, the participation of the new members and the fact that the Convention considered the question about the nature and finality of the European project.

During an interview on May 7, 2003, Pierre Chevalier, representative for the Belgian government in the Convention, expressed the view that the time is too short. Maybe the Convention could be interrupted for the IGC, and continue its work afterwards. Anyhow, Belgium supports the idea of giving the Convention a permanent character, for instance for institutional affairs.

²¹ Flash Eurobarometer 142 "Convention on the Future of Europe" (23.06.03 – 01.07.03).

²² Michel, Louis, La Coopération des pays du Bénélux dans le domaine de la Politique extérieure et débat d'actualité sur la Convention européenne et la Constitution européenne. Conseil interparlementaire consultatif du Bénélux, 27 juin 2003.

Denmark

Danish members of the Convention differed in their evaluation of the Convention method. Henning Christophersen (government representative and member of the Praesidium) and Henrik Dam Kristensen (representative of Parliament) and their alternates were generally positive, stressing the unique and open nature of the Convention's work. Kristensen judged the Convention method so positive in terms of making the EU more transparent and democratic that he believed the EU "should never return to the old method, where negotiations take place behind closed doors".²³ During the final stages of the Convention's work, however, frustration regarding the Presidium's handling of the Convention method was aired by Kristensen and Peter Skaarup (both representatives of the Danish national parliament), as well as Jens-Peter Bonde (representative of the European Parliament), who labelled Giscard d'Estaing as "manipulative" and "undemocratic". Christophersen did, however, continue to support the Presidium's role and its handling of the Convention method.

Finland

According to the Finnish government, the European Convention achieved very good results on the questions to which the Convention method was applied in a genuine way. On the contrary, there is the feeling that the questions that were not adequately discussed in the plenary sessions were addressed less successfully. In fact, all the questions to which Finland would like to return in the IGC belonged to the second category²⁴.

The working method of the Presidium, which often left out the other members of the Convention from the decision-making process, has also been heavily criticised in Finland. The big countries are perceived to have agreed on many critical issues without consulting the smaller ones. The democratic character of the process has been questioned especially by the Finnish media.²⁵

France

The Convention is clearly seen as a success story in terms of both the results achieved and the new method used to discuss the constitutional issues. It is often compared with the failure of the Nice negotiations. The fact that the Convention brought together representatives of both European and national institutions is seen as a key element of its eventual success. Furthermore, it was feared that the compromise reached in Nice would be impossible to renegotiate. In fact, the Convention was able to adopt reform proposals concerning many key aspects of the Nice package, including the composition of the European Commission and the definition of the qualified majority. Moreover, it is perceived that the Convention method facilitated considerably the consensus-building process. No less important, in terms of transparency, the Convention method is considered very innovative.

²³ Stig Ørskov og Anette Marche (2003): "EU på vej ud af røgtågerne", *Politiken*, 3.sect, page 4, June 15th.

²⁴ Press release 239/2003, Government's information unit, 29.8.2003. See also Alexander Stubb, professor at the College of Europa, Brugge and EU expert of the Finnish government on Helsingin Sanomat, 6.7.2003.

²⁵ Helsingin Sanomat, 7.9.2003.

Germany

The German political elite has generally expressed a very positive assessment of the Convention method. The government, in particular, has repeatedly emphasised its advantages compared with the traditional method of the intergovernmental conferences. Foreign Minister Fischer has explicitly attributed the “success” of the Convention to the adoption of a new procedure that, for the first time, allowed for the direct involvement of European and national parliamentarians.²⁶

Greece

The Convention method has been generally praised by the press, as it was seen as instrumental in alleviating the opacity of the European political scene and, consequently, the “democratic deficit” of the EU.

There have been, though, some dissenting voices who accused the whole Convention exercise of been equally out of touch with public opinion as earlier IGCs.

In Greece the Convention was seen as a positive innovation. Thanks to its composition, the principles of transparency and democratic participation were promoted in line with the need to obtain the consent not only of national governments but also of the peoples of the European Union.

Reaching consensus on a single text that does not contain different options was considered in itself a success. Among the factors that contributed to this success were: the method of work of the Convention; the role of the Praesidium; and the fact that everyone was conscious of the need to adopt as soon as possible the reforms needed to cope with the challenges posed by enlargement. In this context, there is the feeling that the Greek Presidency - which tried from the outset to find acceptable solutions - played a pivotal role.

Italy

According to Deputy Prime Minister Fini, the European Convention has been more productive than the two last intergovernmental conferences (Amsterdam and Nice), thanks not only to its positive working atmosphere, but also to its innovative working method which allowed the formation of *consensus* without resort to voting, which could prove divisive. The Italian government has also appreciated the active role played by the Praesidium, which in its view has taken positions of national governments into due consideration.

In Italy the Convention’s activity stimulated a debate about the constitutional reform of the EU which was wider than in the past, and involved a great number of political, social and institutional actors. This has partly reduced the popular perception that the EU’s constitution changes are the result of a close door negotiation process.

Nevertheless, a part of the press (in particular the radical leftist daily *Il Manifesto* and some other leftist newspapers) and some members of the European Parliament criticised the Praesidium and Giscard D’Estaing’s management of the Convention’s debate, arguing that especially the latter did not take into due consideration the proposals that were not agreed by the representatives of the governments. Some Italian associations criticised that, on the occasion of the debate with civil society, the Praesidium involved mainly associations from Brussels rather than those working on Europe in the various national contexts.

²⁶ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03.

Poland

The debate on the Convention method concentrated on the limited role played by the accession countries within the Convention and the role and performance of the Convention's Praesidium. Within the debate of the Parliamentary European Committee some MPs characterized the Conventions' modus operandi as unclear. The role of the Praesidium was considered excessive and some of its solutions were perceived as not fully democratic, because they did not take into account the contrary views expressed by a substantial number of Convention members. In his appeal to the European Parliament to reject the draft Constitution, the head of Catholic National Movement, Antoni Macierewicz (MP), called the way the draft treaty was adopted as "undemocratic". He declared that, despite the fact that the Convention was supposed to adopt its decisions by consensus, it adopted a treaty that did not enjoy such a consensus, which thus jeopardises democracy and "cannot bring anything good to citizens, nations, states and the whole Europe²⁷".

On the other hand, some more moderate voices stress that only the sometimes rigid position of the Convention's Praesidium enabled reaching consensus on the text of the draft Constitution, while no limits were imposed on discussion of relevant issues²⁸.

Portugal

Many political leaders and media commentators have shown enthusiasm for the Convention method. Compared with the IGC procedure, where negotiations normally take place behind "closed doors", the Convention has been seen as more democratic for its openness, diversity of actors and transparency.

There has been, however, criticism both from the left and the right wings of some Portuguese society. The critics denounce four big "deficiencies" in this Convention method: lack of legitimacy, internal decision-making, insufficient citizens' participation and lack of internal political debate.

The first criticism mainly derives from the erroneous idea (though conveyed by Giscard d'Éstaing himself) that the European Convention had true constituent powers and that the IGC would have nothing left to decide. The second "deficiency" is, according to some, directly related to the constant search by the President of the Convention for a consensus at all cost. Furthermore, the fact that there was no voting and that national Parliaments did not discuss or vote on the positions of their representatives at the Convention prevented an adequate political debate and variety, all vital elements of a democratic procedure.

The Convention's President was also criticized for having rushed through the negotiations on institutions and for having openly revealed his own ideas before the various subjects were even brought to the plenary session.

There was criticism also about the fact that many of the civil society contributions were not incorporated in the draft text and that the Convention was a "hostage" of a political and intellectual elite.

²⁷ Source: Polish Press Agency, 4th September 2003, <http://www.pap.com.pl/>.

²⁸ Discussion during the Parliamentary European Committee debate; source: <http://www.sejm.gov.pl/>.

Spain

The perception regarding the method is that the Convention improved the level of transparency while it had a more limited impact on the EU level of democracy. In fact, it included representatives of European and national institutions, but not of local ones.

The main positive elements of the Convention are perceived to be the following:

- The transparency and the wide debate that it has generated;
- The fact that it involved on an equal basis the representatives of all the member states; and
- The promotion of an active participation by citizens.

On the contrary, the most criticised point is that the Convention has gone, in certain aspects, beyond its scope and mandate.

Sweden

The Convention model has been widely appreciated in Sweden even though it was initially underestimated by some actors, including the government. The Swedish participants as well as the majority of the political parties think that the Convention model allowed for a fruitful policy process and are content with its level of transparency. The open debate as well as the widespread publications of a variety of documents on the Convention web page have been seen as positive aspects. Negative views about the Convention as a method have been raised mainly by the green party, which has complained about the excessive role played by the President as well as the lack of voting²⁹.

The Netherlands

At the start of the Convention the former Dutch government, and notably the Foreign Minister, was rather sceptical about the Convention method. However, the new government - composed of the Christian Democrats (CDA), the liberals (VVD) and the social-liberals (D'66) - has been far more positive in its approval of the Convention method. It has stated that the Convention process reinforced the legitimacy of the constitutional revision: representatives from all important political bodies have closely cooperated for a year and a half in a transparent and open setting. The fact that the debates were held in public and the Convention documents were all published, contributed to much greater transparency vis-à-vis the European citizens.

The Dutch government has not expressed public criticism about the Convention method. Some Dutch newspapers published critical articles on the modus operandi of the Presidium of the Convention. In the first phase of the Convention some comments underlined that the Convention President, Mr. Valéry Giscard d'Estaing, seemed to pay attention only to the proposals of the larger member states. Subsequently, the judgements about the behaviour of the Convention Praesidium became increasingly positive.

In short, the three main advantages of the Convention method were:

- the open and transparent character of the debate; this applies to both the meetings and the documents;
- the considerable time (almost a year and a half during which the Convention took place), its broad composition and the variety of the background of its members; and

²⁹ Per Garhton and Gustav Fridolin in Svenska Dagbladet 2003-08-06

- the richness of the discussion, which addressed all the topics concerning the future of the European Union.

United Kingdom

The Convention method allowed national parliamentarians to take part in the treaty reform process, which contributed to increasing legitimacy and transparency. This parliamentary involvement has been perceived as a positive element of the Convention method in Britain, where the role of the House of Commons is very important.

There has been no explicit criticisms of the Convention method. However, the fact that the individual countries were not granted a veto power within the Convention gave the UK a narrower diplomatic room compared with the intergovernmental conferences. This was perceived as a problem of the Convention method.

1. Evaluation of the work and results of the European Convention

1.3 Performance of national representatives

How do you judge the performance of the representative of your government in the Convention? Do you think that he/she played a proactive and dynamic role? What are the Convention issues on which he/she concentrated his/her interventions and proposals? Did your government work actively to adopt common positions or establish a unity of action with other governments? Did the representatives from your country at the Convention take similar stances on the most important issues, or did their different political affiliations and ideological convictions reflect in substantially different positions?

Austria

The Austrian government was represented at the Convention by Hannes Farnleitner, a former minister belonging to the conservative People's Party. He was not given a strict mandate, which allowed him to act rather independently. In his contributions Farnleitner concentrated on the following issues:

- Strong role for regions and municipalities as a foundation of the European architecture (strengthening of the Committee of regions and the principle of subsidiarity)
- Reinforcement of the control over the respect of the subsidiarity principle by involving national parliaments
- Shifting the EURATOM Treaty into an annexed protocol
- Revision of Art. 230 paragraph 4 TEC (actions for annulment)
- Reinforcement of the social dimension of Europe
- Incorporation of the Charter of Fundamental Rights
- Improving the access of individuals to the European Court of Justice
- Asylum and migration policy as important Union tasks
- Extension of the European Parliament's co-decision rights
- Creation of a European Foreign Minister as spokesperson of the national foreign ministers
- Strengthening the Common Foreign and Security Policy and the European Security and Defence Policy
- Reform of the budget (introduction of a transnational tax or levies paid directly into the EU budget, e.g. aviation tax)
- Keeping the principle of equality for the composition of the Commission (one state, one Commissioner)

In the final phase of the Convention negotiations,³⁰ Farnleitner, together with five other government representatives, opposed the renegotiation of the "institutional package" agreed in Nice. He recognised that the Treaty of Nice is far from perfect, but argued that, in the absence of a credible alternative, it remains the best means of guaranteeing equality between Member States and the continuation of the Community method. He spoke in favour of the rotation of the Council Presidencies, the representation of each Member State in the European Commission, and the weighting of votes in the Council. "Let's decide in 2009 whether or not the Nice agreement has worked", he said. "We are

³⁰ Bulletin Quotidien Europe, 02.06.2003.

being told in advance that the enlarged Union will not be able to function with Nice. We think it can”, as long as the EU’s efficiency is improved by extending qualified majority voting, and a single annual or multi-annual programme is adopted for the successive Presidencies. “Give Nice a chance”, he concluded.³¹ Regarding the divergences between the Convention members he said: “We would prefer the Convention to produce a text with options, if compromise is impossible”.

Belgium

The representatives for the Belgian government at the Convention were Minister of Foreign Affairs Louis Michel, a member of the working group on national parliaments, and Pierre Chevalier, a member of the working group on subsidiarity. As Minister of Foreign Affairs, Louis Michel mostly stressed the importance of the Convention in general and not specific topics.

During the Convention, Belgium collaborated with the other Benelux countries to adopt common positions on issues debated at the Convention.³² However, during the last weeks of the Convention, some differences arose about the institutional aspects: Belgium could endorse the proposals by Valéry Giscard d'Estaing about the permanent Presidency of the European Council and the end of the rotating presidencies, whereas the Netherlands and Luxembourg continued to criticise these plans. In the running up to the IGC, Belgian Ministers stressed the importance of the partnership with the other Benelux countries. The Benelux countries already made it clear that they would not participate in an "alliance of small countries" that wants to reopen the debates at the IGC.³³

Meetings with the founding members of the EU (Benelux, France, Germany, and Italy) ended with few results. It was impossible to reach a compromise on the reinforcement of the powers of the Commission's President as a counterweight to the full-time president of the Council.

Belgian Prime Minister Guy Verhofstadt also met on April 29, 2003 with his colleagues from France, Germany and Luxembourg in the so-called mini-summit on European Defence. They approved a joint document on the strengthening of the EU defence dimension, and namely on the creation of a EU separate military headquarters.

With former Prime Minister Jean-Luc Dehaene, still one of the most popular politicians in Belgium³⁴ as vice-president, the media paid a lot of attention to the work of the Convention.³⁵

Denmark

While not among the most active contributors to the public debate on the Convention, the government’s representative Henning Christophersen (Liberal Party) enjoyed a prominent position as member of the Praesidium and chairman of the Working Group

³¹ Bulletin Quotidien Europe, 05.06.2003.

³² 5 December 2002, Benelux Memorandum on the institutional framework; 5 June 2002, Benelux Memorandum on the reform of the Council, 20 June 2001, Benelux Memorandum on the Future of Europe

³³ The Benelux countries declined an invitation of the Czech Minister of Foreign Affairs to a "discussion forum" in Prague at which 18 smaller countries (current and future members states) were supposed to reach a common position to adopt at the IGC.

³⁴ However, his party, the Christian-democrats are in the opposition

³⁵ Interviews with Jean-Luc Dehaene in a.o. De Standaard 31/05/2003, Libération 05/06/2003, Le Vif-L'express 13/06/2003, La Libre Belgique 14/06/2003, De Standaard 19/06/2003, De Morgen 20/06/2003.

on Competencies. Perhaps the greatest disappointment for Christophersen was the lack of support within the Convention for a “catalogue of competencies”, which was a priority of the political programme of the governing Liberal Party. On the other hand, he succeeded in securing Danish interests notably in the domains of sea-transport and labour market policy, as well as the number of Danish seats in the European Parliament. As holder of the EU Presidency, the Danish government abstained from taking definite positions until spring 2003. In contrast to the majority of the smaller countries, Denmark was not part of the group that defended the rotating presidency of the European Council, yet in early June 2003 it joined the “group of nine” in rejecting a change of the Council’s voting rules decided in Nice.

In general, there was consensus between Henning Christophersen and the Social-Democratic parliamentary representative, Henrik Dam Kristensen, on such crucial issues as the Presidency of the European Council – reflecting the situation of the European debate in Denmark and the common position paper mentioned above. Likewise, Peter Skaarup’s attitude towards most of the Convention’s proposals was generally sceptical, in agreement with his party’s line.

Finland

The representative of the Finnish government during the whole process was Teija Tiilikainen, research director of the Centre for European Studies of the Helsinki University. Despite the fact that she is appreciated for her wide and profound knowledge of EU affairs and for her active participation in the Convention’s work, there were speculations about her replacement with a representative of ministerial level who would have had more weight in the Convention. However, the former Prime Minister Lipponen and his successor Anneli Jäätteenmäki were satisfied with the work of Tiilikainen and did not see any reason to replace her.

The Finnish government collaborated during the spring of 2003 with other governments of small member states in order to influence the outcome of the Convention. This proved however difficult because of the very different objectives of the governments concerned and because this collaboration between the “seven small” (Finland, Benelux, Ireland, Austria and Portugal) was established too late. There was also an attempt to create a Nordic coalition in the Convention, but Sweden, Denmark and Finland proved to have quite different starting points and expectations as regards the Convention.

The Finnish Parliament’s representatives in the Convention were Kimmo Kiljunen (social democrat) for the whole period and the current Prime Minister Matti Vanhanen (centrist) until May 2003 when he was replaced by Jari Vilén (conservative). The Finnish representatives’ positions as regards the questions that were considered the most important from a national point of view were quite similar: e.g. they were all against the establishment of a permanent President of the European Council and a “core group” in defence. All Finnish representatives also asked that the Commission’s future composition ensure equality between member states. They advocated a further extension of majority decision-making in the Council and the inclusion in the new constitutional treaty of a separate paragraph devoted to civilian crisis management.

The Convention ended in a confused atmosphere for the Finnish representatives. On the last session of 10th July, some of them refused to sign the cover page of the draft constitutional treaty. They did not accept the fact that the Praesidium had made some last minute changes to the draft. This demonstrated, according to some critics, that there

were serious divergences among the Finnish representatives concerning the EU-policy.³⁶

France

The French government succeeded in gaining the support of the Convention for most of its proposals. On only a few issues did the French government back down and this was often to facilitate the definition of common positions with Germany.

The main priority of the French government was the abolishment of the rotating Presidency. There was a strong demand from the French side that the European Council should be chaired by a permanent president. Other central issues for the French government were the establishment of a Foreign Affairs Minister of the Union and the extension of qualified majority voting. However it successfully resisted the attempt to extend QMV also to negotiations and conclusion of agreements in the field of trade in cultural and audio-visual services.

The Franco-German couple in the Convention has been very active at the Convention especially since Fall 2002. The two countries made joint proposals on European security and defence, justice and home affairs, economic governance and the institutional system. Especially the proposal on defence and institutional affairs were of high importance. In particular, they reached an agreement on the idea of a European minister of foreign affairs.

The French government was successful in persuading Germany to accept the idea of a President of the European Council elected for a period of two and a half years renewable.

There were also a joint Franco-Dutch proposal on the Community method, and a Greco-French one on the social dimension. Furthermore, together with the Polish and Portuguese governments, France presented a text on the European Council with regard to a stable Presidency. The governments of France, Austria, Britain and Latvia presented a common proposal on the future organisation of the Commission. Finally, the French government cooperated with the Czech government on justice and home affairs.

Lequiller, who represented the Assemblée Nationale at the Convention, proposed to have a single chairman for both the European Commission and the European Council. Badinter from the Sénat came up with the idea of a new system which would combine a President of the Union (proposed by the Council and elected by the European Parliament) with a Union Prime Minister (nominated by the European Council but accountable to the European Parliament)³⁷.

The French politicians agree that the existing division of competences between the Union and the Member States should be maintained. However, left-wing members of the Convention have argued in favour of a stronger role of the EU in the social policy field. The more federalist-oriented French members such as Lamassoure have argued in favour of a federalist approach in particular concerning the common foreign and security policy. By contrast, the “souverainistes” have expressed concern about the risk of a loss of national sovereignty in the CFSP field. Generally speaking, the divisions have reflected more the cleavages between federalists and “souverainistes” than party affiliations.

³⁶ Aamulehti, 12.7.2003

³⁷ M. Lefebvre, Policy Brief, IFRI 2003

Germany

Overall the German representatives within the European Convention have been rather active. The first two representatives of the Government Peter Glotz and his alternate Gunter Pleuger tried in an early phase of the Convention to influence the course of the deliberations and the first Constitutional draft by Gunter Pleuger remains one of the most important contributions.³⁸ However the government's involvement within the Convention substantially increased with the arrival of the Foreign Affairs Minister Joschka Fischer in Autumn 2002. Although it was feared that Fischer would mainly use this role to catch the media attention, he was actually able to substantially influence the work of the Convention. Especially in co-operation with his French counterpart, Dominique de Villepin, he presented a whole series of common contributions to internal,³⁹ foreign and security policy,⁴⁰ economic policy⁴¹ and most famously and controversially, institutional affairs.⁴² This revival of the Franco-German axis in European affairs was widely regarded as a crucial factor that facilitated compromises in the most difficult areas. The later attempt to form a broader alliance involving all six founding members of the EC - a group that includes both small and big states - did not have the same effect since the initiative came too late when an heated debate was under way between small and big states concerning the new institutional structure of the Union.⁴³

The representatives of the Bundestag and Bundesrat, Jürgen Meyer and Erwin Teufel, were also among the most active participants within the Convention. Even though the first statements of Mr. Teufel in favour of a "catalogue of competences" did not find broad support among the conventioners,⁴⁴ he insisted on the importance of the topic and later contributed less publicly but effectively to the Convention's work. Jürgen Meyer, who had also taken part in the first Convention, played a less visible role but engaged in the work of the working group on the Charter of Fundamental Rights and the Area of Freedom, Security and Justice.⁴⁵

As for the two European parliamentarians who participated in the Convention, the social democrat Klaus Hänsch formally had – as member of the Presidium – an influential

³⁸ The Comments of Dr Gunter Pleuger to the Preliminary draft report, submitted by the Chairman at the meeting of 18 July 2002 (SN 03130/02), WGIII, WD11.

³⁹ Contribution by Mr. Joschka Fischer and Mr. Dominique de Villepin, members of the Convention "Joint Franco-German proposals to the European Convention on an area of freedom security and justice", CONV 435/02.

⁴⁰ Beitrag von Herrn Dominique de Villepin und von Herrn Joschka Fischer, Mitglieder des Konvents: "Gemeinsame deutsch-französische Vorschläge für den Europäischen Konvent zum Bereich Europäische Sicherheits- und Verteidigungspolitik", CONV 422/02.

⁴¹ Beitrag von Joschka Fischer und Dominique de Villepin zur Arbeit des Europäischen Konvents über die Stärkung der Wirtschaftspolitischen Zusammenarbeit, accessible at: www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/df-initiative.pdf.

⁴² Beitrag, der von den Mitgliedern des Konvents Herrn Dominique de Villepin und Herrn Joschka Fischer übermittelt wurde: "Deutsch-Französischer Beitrag zum institutionellen Aufbau der EU", CONV 489/03.

⁴³ "Founding six to present institution compromise", Euobserver, 30.05.03, at: <http://www.euobserver.com/index.phtml?aid=11446>.

⁴⁴ See for example: Statement von Herrn Ministerpräsident Erwin Teufel, Mitglied des Konvents, in der Generaldebatte "Erwartungen an die Europäische Union", bei der zweiten Plenartagung des Europäischen Konvents am 21.-22.März 2002: <http://european-convention.eu.int/docs/speeches/106.pdf>.

⁴⁵ Beitrag von Herrn Professor Dr. Jürgen Meyer, Mitglied des Konvents: „Einklagbarkeit der Charta-Grundrechte und Verbesserung des Individualrechtsschutzes, CONV 439/02; Beitrag: Raum der Freiheit, der Sicherheit und des Rechts, CONV 447/02.

position. However, as the work of the Praesidium remained largely behind closed doors his influence is difficult to judge. His publicly expressed views indicated that he did not follow the very distinct German federalist line, but advocated a more traditional Community model.⁴⁶ By contrast, the other German member of the European Parliament, the Christian democratic Elmar Brok, worked largely in public. Not only his draft constitution, but also his coalition building efforts, detectable in the dozens of group amendments with his name presented in the last phase of the Convention, raised considerable public attention.⁴⁷ Less publicly visible was Sylvia Kaufmann, the only socialist German representative in the Convention, although she strongly engaged in the working group and plenary on social affairs.⁴⁸

Generally speaking, German members of the Convention shared a federalist orientation, although they concentrated on different constitutional issues.

Greece

For most of the Convention's duration, the Greek Government representative to the Convention was the member of parliament G. Katiforis, an economist with no special background on EU institutional matters. He was replaced by Foreign Minister George Papandreou just after the beginning of the Greek presidency, a move decided to give a higher profile to the Greek participation in the Convention. Papandreou made several comments on the future of CFSP and on the direct election of the President of the Union. He was assisted by the alternate member to the Convention, P.C. Ioakimidis, who worked hand in hand with *de facto* head of prime minister's office Nikos Themelis, as well as with the director of the prime minister's legal office George Papadimitriou (who had been active earlier in the preparation of the Charter of Fundamental Rights).

Greece has always had the tendency to align itself with the prevailing pro-integrationist/federalist positions in the recent intergovernmental conferences, e.g. usually siding with the Commission. A major turning point for Greece in this Convention was the decision to abandon the front of smaller Member States on the important issue of the permanent/long-term Presidency of the Union and to side with the larger countries.

The press attributed this change in attitude to Simitis' own career ambitions to take over one of the European-level political posts in the enlarged Union.

However, despite the emphasis on the Greek role, no really influential position was taken in the Convention by any of the Greek participants.

The main Greek Government positions on the Future of Europe, as presented by Katiforis, are the following:

- He stressed that a better coordination was required to ensure coherence between various policies (in particular, of regional, budget and employment policies).
- He emphasised the economic dimension of the EU. In this regard, it was suggested:
 1. To add the objective of full employment;
 2. To analyse the implications of this objective at the institutional level and for the various EU policies;
 3. To transfer the social and employment policy to the category of shared competences;
 4. To include the question of fiscal federalism in the agenda of the Convention.

⁴⁶ Hänsch, Klaus (2002): Aus der aktuellen Arbeit des Konvents, Stand und Perspektive, in: integration 03/02, p. 226-229.

⁴⁷ For these amendments, confer to: <http://european-convention.eu.int/amendemTrait.asp?lang=EN>

⁴⁸ See for example: Beitrag des Mitglieds des Konvents Frau Sylvia-Yvonne Kaufmann: Ein Verfassungsvertrag für ein soziales Europa, CONV 190/1/02 REV 1.

- Katiforis pleaded for the fusion of the functions of the High Representative and the Commissioner for the External Relations and for the reinforcement of the control exercised by the European Parliament and national parliaments on the EU's external action. He also supported the use of qualified majority voting in the foreign policy sector.
- He advocated the adoption of a truly constitutional text, incorporating the Charter of Fundamental Rights.
- He also supported the reinforcement of the role of national parliaments, but without the establishment of new institutions.

In a contribution on the “Effectiveness and democracy in the EU”, Katiforis lamented the persistent democratic deficit, the lack of transparency and the resulting little trust of the citizens towards the Union. In the economic field, he argued in favour of a politically accountable body that can serve the Union's general interests. His general argument was that making the EU more democratic would also increase its effectiveness.

Italy

The Italian Government was represented at the Convention by Deputy Prime Minister Gianfranco Fini, who participated actively in the works of the assembly and in all plenary sessions. Fini's performance at the Convention reflected the Italian intention to play a “mediating role”, and contribute to a compromise among the solutions proposed. Indeed, in the first stage of the debate at the Convention, the government representative maintained a cautious and balanced line, avoiding explicit positions that could jeopardise the aspiration of playing such mediating role effectively.

This approach was also functional to the objective of obtaining the consensus of European partners for the holding the Intergovernmental Conference (IGC), during the semester of the Italian presidency (July-December 2003).

The only document presented by the Italian government to the Convention is a joint declaration with the Spanish government (drafted during the Italo-Spanish summit of November 28, 2002), in which the two governments support “the election of a president of the European Council ensuring continuity and visibility for the action of the Union in specific areas such as the CFSP and ESDP”.

The Italian members of the Convention have all, above and beyond the political parties to which they belong, been in favour of the strengthening of the Community method and institutions, even if those representing the ruling centre-right coalition have placed a greater emphasis on protecting the prerogatives of the states and reinforcing the role of national parliaments. There have been however different positions concerning the deepening of the cooperation in the criminal justice field: the centre-right members expressed reservations about this objective which were not shared by those representing the opposition.

There was an even deeper division over the proposal to insert a reference to Europe's religious roots in the Constitution's preamble – a proposal strongly supported by the centre-right members and opposed by those belonging to the opposition.

Different views were also expressed by the Italian members on some aspects of the institutional reform. In particular, while the government representative Gianfranco Fini was in favour of the French-German proposal for the dual presidency – president of the Commission plus a full-time president of the European Council – other Italian members

advocated the creation of a single president for both the Commission and the European Council, as proposed by German Foreign Minister Joschka Fischer.

All the Italian members supported the introduction in the new treaty of an article to promote the participation of local governments to the Union's political life. Finally all of them supported the extension of qualified majority voting to CFSP issues.

Poland

At the beginning, on many occasions (see: previous issue of the *Convention Watch*) the stance of the Polish representatives to the Convention (both the government representatives and the parliamentary ones) were described and criticised as not very concrete and decisive, which is probably attributable to the will of “not antagonising” other governments in the pre-accession period. However, in the final stage of the Convention, when the Nice institutional arrangements were discussed, the Polish members became more active.

Danuta Hübner, the government's representative, was among the signatories together with other representatives of Heads of State or Government of several States of the contribution: "A Union Constitution for all. A success for the Convention"⁴⁹. Apart from a number of individual contributions and speeches, the government representative was among the signatories of a number of joint contributions and declarations on key constitutional issues:

- “Reforming the Institutions: Principles and Premises” – CONV 646/03
- “Proposal on Transparency” – CONV 830/03 and CONV 765/03
- “Contribution regarding articles III.59 and III.60 of the draft Constitutional Treaty” – CONV 782/03
- “Every Member State shall have one representative each in the Commission”, submitted by Mr Bonde, CONV 819/03
- “Joint contribution by Peter Glotz, Peter Hein, Danuta Hübner, Ray McSharry, Pierre Moscovici, members of the Convention, on Division of competences” – CONV 88/02

According to one of the Polish parliamentary representatives in the Convention, Senator Genowefa Grabowska, an Alternate Member of the Convention, the contribution of Polish members was substantial, not only in plenary sessions but also in the working groups⁵⁰.

The parliamentary members and their alternates were also signatories of a number of joint documents regarding the key issues under discussion in the Convention. In particular E. Wittbrodt (Convention member) and M. Fogler (alternate member) presented a contribution for the inclusion of a reference to the Christian heritage in the Preamble.

On the other hand, some critical voices on the opposition side blamed the Polish representatives (especially those representing the governing parties) for having failed to address more effectively the issue of the Christian heritage and to defend the Nice institutional arrangements⁵¹.

⁴⁹ CONV 766/03

⁵⁰ Interview with Sen. Genowefa Grabowska, Alternate Member of the Convention, source: *Trybuna* daily, <http://www.trybuna.com.pl/>.

⁵¹ Declaration by Prawo i Sprawiedliwość (Law and Justice Political Party) on non-performance by the Government during the Thessaloniki Summit with regard to the contents of the Constitutional Treaty, source: <http://www.pis.or.pl/>.

A discussion also took place on the way of selecting the parliamentary members of the Convention and consequently on their legitimacy⁵². It focused around the problem of whether they should represent party interests or rather the Polish national interests.

Portugal

It can be said that the Portuguese representatives have, in general, taken similar stances on the most important issues discussed at the Convention. This is logical if we take into account that only two political forces were represented at the Convention: the Socialists and the Social Democrats who, as mentioned above, usually adopt common positions towards EU affairs.

The interventions of the government's representative have covered a broad number of issues, but he seems to have paid particular attention to the institutional aspects and CFSP. He also insisted that tourism should fall under EU's "coordination, complementing and supporting measures" competences and on the need to clarify and improve the status of the outermost regions. Together with national parliament representatives, he pushed for the "constitutionalisation" of the open method of coordination, a mechanism in which creation Portugal had a fundamental role.

Criticised by a few media commentators for having assumed a very defensive and conservative posture, the government's representative has, in his turn, always been rather critical of the Convention's internal functioning. Although very coherent and determined in the defence of some positions and principles, like the strengthening of the Community method and the equality among Member States, he was not very pro-active for instance, in proposing better alternatives to the suppression of the rotating presidencies. In line with the so-called "group of small countries" willing to maintain the "status quo" in institutional aspects, Portugal has preferred, since the very beginning, that the institutional debate take place within the IGC instead of within the Convention.

Since the beginning of the Convention's work the Portuguese government has tried to coordinate its positions with countries sharing the same views. It has been a strong supporter of the "Benelux paper". The Portuguese representative at the Convention was one of the promoters of a contribution, subscribed by 15 other "small countries", about the principles that ought to guide EU's institutional reform: maintaining and reinforcing the Community method; preserving the institutional balance; no new institutions; the equality of Member States; openness⁵³. In September 2003, the Minister for Foreign Affairs attended a meeting in Prague where representatives of 15 small EU countries defined a common position for the upcoming IGC.

Spain

The Spanish representatives have played an active role throughout the work of the Convention. In particular, the Spanish Government has actively sought an alliance with other countries, in particular the UK and Italy.

The Spanish representatives took similar positions on most issues, even if the members of the opposition party adopted different positions in matters related to social policy, the Christian heritage and institutional structure.

⁵³ CONV 646/03, Contrib. 288

Sweden

First it should be said that both the representative of the Swedish government and the other Swedish members of the Convention have changed their attitude towards the Convention as work has advanced. Many of them had initially few expectations but have realised the effectiveness of the Convention model and appreciated the atmosphere. The representative of the Swedish government, Lena Hjelm Wallén, contributed in many areas, including transparency, environment, common agricultural policy, good governance, the open coordination method and equality between the sexes, just to name a few. Alone or together with others she handed in 18 texts. She also participated in the group of the smaller states that mostly focused on the co-ordination of institutional questions. Sweden was for example among the authors of the small state initiative, Contribution 288, to the Convention on March 28, 2003.

The representative of the Swedish government and those of the Swedish parliament took common stances on some areas of special importance to Sweden. They also had a fruitful co-operation on issues concerning transparency and human rights and handed in many amendment proposals together. All the Swedish Convention members have participated in a variety of debates, workshops and seminars to create understanding and encourage the debate about the work of the Convention and the future of Europe.

The Netherlands

The efforts, interventions, proposals and judgments of the Dutch national representatives have been highly appreciated by both the Dutch government and the Dutch Parliament. The Dutch representatives have played an important and proactive role in trying to reach agreement on the most important issues. They have worked closely especially with their counterparts of the other Benelux countries. The Dutch representatives have promoted several coalitions on different topics.

This has resulted in the presentation of many policy papers with differing countries (Benelux, France, other smaller member states). All representatives have actively informed both the Dutch government and the Dutch parliament. They have also worked closely together. This has facilitated the definition of a clear Dutch position within the Convention. In other words, the different political affiliations and ideological convictions did not reflect substantially different positions.

United Kingdom

The representative of the UK government Peter Hain played a very proactive role in the Convention. The choice of the UK government to appoint from the beginning a high ranking parliamentarian, and then member of the Cabinet, was instrumental in ensuring consistency to the government's positions within the Convention. Peter Hain submitted a substantial number of amendments. He co-operated with different government representatives on several issues – most prominently on the EU institutional structure on which the British and Spanish governments presented a joint proposal in February 2003. In addition, as early as October 2002, the government submitted a draft constitution written by an independent legal team at the University of Cambridge.

In line with the preferences of the British government, Peter Hain concentrated mostly on three issues: the role of national parliaments (including the issue of subsidiarity and proportionality), the reform of the European Council and the prevention of an extension of QMV into areas of taxation and foreign/defence policy.

As a member of the Convention Praesidium, the MP Gisela Stuart (Labour) tried to maintain a certain degree of independence and avoid too close co-operation with Peter Hain. The other parliament representative, the euro-sceptic David Heathcoat-Amory (Conservative) did not co-operate with Peter Hain or Gisela Stuart for party political as well as ideological reasons. Nevertheless, Heathcoat-Amory and Stuart submitted regular joint reports to Parliament keeping MPs informed of their work and the latest developments in the Convention.

The British representatives of the European Parliament, such as the federalist Andrew Duff and Neil MacCormick, from the Scottish National Party, were active and influential members of the Convention but not in line with official government views.

2. National debate and public opinion trends

2.1 Public opinion trends

How have the attitudes of public opinion towards the EU evolved in your country in the last months of the Convention's work? Can it be argued that the completion of the Convention's activities, and the presentation of the draft constitutional treaty have had a substantial impact on public opinion trends?

Austria

According to Eurobarometer 59 (June 2003), 34% of the Austrians favour membership in the EU, 19% think it is negative and 41% are neutral. This marks a clear deterioration compared to 2002. Most Austrians are also in favour of a national veto (65%) when vital national interests are at stake. However, as said above, 51% of Austrians were aware of the Convention's existence. Moreover, the results of the Convention have generally received positive comments and assessments by the Austrian press. But a substantial impact of the Constitutional Treaty on the attitude of the general public cannot be discerned.

Belgium

Public awareness about the Convention has risen during the last months of the Convention. According to the Flash Eurobarometer 142, dedicated to the Convention on the Future of Europe, Belgians are better informed about the European Convention than the average EU citizen. Fifty-five percent of the people asked whether they had heard of the Convention on the future of Europe answered "yes", and 45% answered "no". This is a significant progress in comparison to the results of Eurobarometer 59 (Spring 2003), where only 39% of the respondents had heard of the Convention. Still, the percentage of Belgian respondents that answered "Don't know" to questions about the Convention was pretty high (though lower than the EU average).

In the Flash EB 142, the Belgians also turned out to be the most satisfied with the results of the Convention: 48% of them considered themselves satisfied with the results, whereas the European average was only 30%. A remarkable outcome was that 70% of the Belgian respondents declared themselves to be in favour of a permanent president of the European Council: this is much higher than the European average, which was 58%, and also different from the position that the Belgian government defended initially in the Convention.

Denmark

The completion of the Convention's activities and the subsequent presentation of the draft constitutional Treaty seem to have had a negligible impact on Danish public opinion. According to one national survey (Vilstrup) conducted after the Convention had completed its work in July 2003, 40% of Danes had never heard of the draft Constitution. In August another survey (PLS Rambøll) found the number to be 61%. According to the latter survey, a large majority would nevertheless vote no in a referendum (39% no vs. 18% yes). This attitude has not changed significantly throughout the course of the Convention, and there is thus no conclusive evidence that the activities of the Convention have had a substantial impact on Danish public opinion trends. As for the various aspects of the constitutional Treaty, the recent Eurobarometer

shows that 82% of Danes are in favour of keeping one commissioner per country; 57% do not want to extend majority voting; 44% want to keep the rotating presidency of the European Council. Finally, 37% are against the very idea of the EU constitutional treaty.

Finland

According to the Commission's Eurobarometer 142 of June 2003, the Finnish people were more aware of the Convention's work than the citizens of EU countries on average. 65 % of the Finnish respondents had heard about the Convention, while 35 % did not know what it was about.⁵⁴ One third of the Finnish respondents was satisfied with the Convention's work, while other third was unsatisfied and the remaining third had no opinion at all on the matter.⁵⁵ Still, the text of the draft constitutional Treaty has been often criticised by the public as too difficult for an ordinary citizen to understand.

The public opinion was more favourable to the work of the Convention until it became clear that some of the decisions were taken in quite an independent way by the Praesidium. The way in which the Convention concluded its activities left a negative impression in Finland about the whole process. Finns have been disappointed about the plans to conclude the IGC before the end of 2003 and about the big countries' unwillingness to reopen the draft constitutional Treaty for further negotiations, as they expected the IGC to be the "real" forum for negotiations.

France

Opinion polls showed that towards the end of the Convention's working period the Convention remained largely unknown among the French⁵⁶. Only 29% of the French had heard about it. However, concerning other European topics, it appears that the media have succeeded in spreading a better knowledge of the EU's constitutional issues. Indeed, the French who claimed they were not informed at all on these issues had diminished. Most French citizens supported the idea of a European constitution, although the percentage of this support had slightly dropped. It can be argued therefore that the presentation of the draft Treaty did not have a significant influence on public opinion trends.

Germany

The work of the European Convention has not been very present in the public debate in Germany. Convention news barely made the headlines on TV and only the quality press covered the topic. The last⁵⁷ Flash Euro Barometer of July 2003 shows that 39 % of the interviewed German people knew what the Convention was doing. This corresponds to the EU average. Knowledge on who actually was taking part in the Convention was considerably lower than the EU average.

On specific issues of the draft treaty it is interesting to see that the support of the German public for the election of the President of the Commission by the European Parliament dropped from 38 % in Nov. 2002 to 23 % in July 2003. The support for a stronger role of the EU in foreign policy remained high: 49% percent of the Germans

⁵⁴ Commission's press release IP/03/1115, 25.7.2003.

⁵⁵ Aamulehti, 26.7.2003.

⁵⁶ Eurobarometer 59, National report France, European Research Group EEIG, Spring 2003

⁵⁷ Flash Eurobarometer 142: convention on the Future of Europe, carried out between the 23.06.2003 – 1.07.2003; accessible at: http://europa.eu.int/comm/public_opinion/archives/eb/eb59/eb59_en.htm.

supported European action in this area and 86% were in favour of a further extension of EU sphere of action in CFSP.

These data seem to indicate that the finalisation of the work of the Convention has not had a substantial impact on public opinion trends.

Greece

According to a survey conducted by “Taylor Nelson Sofres/EOS Gallup” immediately after the Thessaloniki European Council and focused on the results of the Convention⁵⁸, the Greeks were the best informed about the Convention (81%). Most thought that the Convention had come up with satisfactory results. Most of the Greek citizens also want the President of the European Council to be elected by the Heads of State and Government. Also a vast majority of the Greek are in favour of a Constitution as a way of reforming the EU. Generally, people's awareness of the Convention appears to have increased, but it remains quite limited.⁵⁹

Italy

The most recent Eurobarometer survey shows that support for the introduction of a European Constitution is stronger in Italy than in any other EU country (77% of the sample). This attitude is lightly increased compared with the result of the previous survey, which may be taken as an indication that the presentation of the draft treaty has had a relatively little impact.

Moreover, the level of knowledge of the EU's issues and institutions remains low: only 36% are aware that the Convention has worked on proposals to reform the European Union. When asked on the functioning and the composition of the Convention, an absolute majority of the Italians, answered “I don't know”.

Poland

The conclusion of the Convention work coincided with the referendum on membership that took place on the 8th and 9th of June, 2003. Opinion poll trends should therefore have been more influenced by the pre-referendum campaign than by the Convention itself. The results of the opinion poll conducted in the first half of 2003 by the Public Opinion Research Center (CBOS⁶⁰) showed a slight increase in the number of supporters of Poland's integration with the EU, and a decrease in the number of opponents (especially when compared to the March and April results).

On the other hand, according to the poll published by the European Commission, Poles are, in Europe, the least interested in the EU Constitution⁶¹. Only some 30% of Polish citizens intend to read the new Constitution or an abstract of it, compared with an average of 49% in the 25 countries. The poll also indicates a dramatic fall in the support for an EU Constitution – from 76% in Eurobarometer survey of May to only 53% at the end of June (with a EU-25 average of 68%). Only 24% of Poles supported the idea to

⁵⁸ The survey covered the period from the 23 to the 29 June, and took in 25000 people from all the countries in the enlarged EU.

⁵⁹ Further information on this survey can be found on the "analysis of public opinion" website at the following address: http://europa.eu.int/comm/public_opinion/index.htm

⁶⁰ Source: Poparcie dla integracji polski z Unią Europejską tydzień przed referendum akcesyjnym [*Support for Integration One Week before the Referendum*], CBOS, Warsaw, June 2003; <http://www.cbos.pl/>

⁶¹ Source: Polish Press Agency; <http://www.pap.com.pl/>.

create a EU foreign minister, and only 29% were in favour of a permanent President of the Council.

The result may reflect - on the one hand - the reservations about the draft Constitution raised by the politicians and media and, on the other hand, perhaps the effect of a decline in the interest for the EU issues after the referendum “mobilisation”, with life “getting back to normal”.

Regardless of the actual reasons for this change of public attitudes, there is no doubt that the EU Constitution contributed to a rather spectacular revival of public debates over the EU, with media, politicians and experts debating ardently on the two most controversial issues, namely the inclusion of a reference to the Christian heritage and, above all, the changes proposed for the QMV system.

The voices in the debate over the Constitutional project range from extreme criticism (mainly right-wing parties and their supporters), reflecting the disappointment with the project and the EU soon after the Poles voted “yes” in the membership referendum and the sense of deceit as Poles were supposed to vote for a different Union than the one that emerges from the draft Constitutional Treaty, to firm but rational and conciliatory opinions mainly from the pro-integrationists circles, and moderate voices on the side of experts analyzing pros and cons of the proposed new system⁶².

The public debate will certainly continue alongside preparations for the IGC and the would-be future EU Constitutional referendum in Poland.

Portugal

Eurobarometer 59⁶³, published in July 2003, confirms the Portuguese support for a European Constitution, with 60% of the respondents saying yes, a percentage close to the one shown by the previous European poll.

However, according to the Eurobarometer fall 2003, the question regarding support for a European Constitution gets from the Portuguese one of the highest rates of “Don’t Know/No answer” responses and most Portuguese are unable to answer specific questions about the functioning of the European Convention. Questions about specific proposals for reform also received very high levels of non-responses. On institutional reform, a majority of the Portuguese (55 %) is in favour of keeping the rule that allows one Commissioner per Member State while 43 % of respondents agree with the notion that “the Presidency (of the European Council) should be extended because six months is too short to achieve significant results” (36% disagree). Lastly, 45% of the Portuguese agree with the preservation of the veto right “in order to preserve national interests”.

A June poll conducted at the national level showed that an increasing number of Portuguese people had heard of the European Constitution (67%) while 33% were still unaware that the EU was preparing its fundamental law. The most important result of the poll is, however, the fact that a staggering 84% of the Portuguese population wants to have a referendum on the European Constitution.

⁶² E.g. paper by Bartłomiej Nowak, *Europejski Konwent. Sukces czy porażka?* [European Convention. Success or Failure?] Centre for Integrational Relations, Reports and Analyses 8/03, <http://www.csm.org.pl/>.

⁶³ Fieldwork: March - April 2003. Available at http://europa.eu.int/comm/public_opinion/archives/eb/eb59/eb59_en.htm

Despite the intention to hold a referendum, almost half of the respondents (47%) did not know what the draft Constitution was about, which confirms the findings of Eurobarometer 59.

Spain

Generally speaking, the Convention has had a very limited impact on the Spanish public opinion and the debate has been restricted to the academic and political circles. Consequently, the draft of the Constitutional treaty is scarcely known by the citizens. It should be noted, however, that the public opinion debate regarding European affairs has always been quite limited.

Sweden

The attitude of the Swedish public opinion has been broadly stable over the last years and no changes can be traced during the period of the Convention. A survey from June 2003⁶⁴ recorded a drop in public support for Swedish participation in the European Union compared with November 2001. This should however be seen as a part of the normal trend - the high results from 2001 were probably due to the September 11th terror attack and the Swedish presidency of the EU, which both bolstered the support for the European Union. Considering the low awareness of the work of the Convention it can hardly be said that the constitutional Treaty has had a substantial impact on public opinion trends.

The Netherlands

In the last months the Dutch political agenda has been mostly dominated by the national elections (and the formation of a new government) and the crisis in Iraq. The Convention did not get much media coverage. Furthermore, the Dutch do not seem much interested in the Convention and the constitutional questions under discussion. More attention is being paid to the enlargement process.

The attitudes of the public opinion have not changed significantly as a result of the presentation of the constitutional Treaty. However, a majority of the people is in favour of a referendum on the new EU Treaty.

United Kingdom

The public debate in the UK has been very limited. The Convention appears to have had only a very little impact. The Iraq war certainly contributed to diverting the debate away from the EU. The newspaper coverage was very limited and only the *Financial Times* and *The Economist* have regularly reported on the developments in the Convention.

The publication of the government's White Paper on the Convention on 9 September has attracted considerable media attention. However, the resulting public debate has mainly focused on the problem of whether there should be a referendum on the Constitution and whether the Constitution will make the EU a 'superstate'.

⁶⁴ *Allmänhetens kunskap och uppfattning i frågor som rör EU's framtid*. [The Public Awareness and Opinions on Issues Concerning the Future of the EU] ARS RESEARCH AB.

2. National debate and public opinion trends

2.2 The role of parliament

Was the draft constitutional treaty approved by the Convention discussed in your national parliament? Did the committees of your parliament working on EU issues address and examine, on a more or less regular basis, the work of the Convention? How did the government inform parliament about its initiatives and positions concerning the constitutional reform of the EU?

Austria

The draft proposal was discussed in the national parliament. Moreover, a so-called parliamentary enquiry on the Constitutional Treaty promoted by the Green Party took place on July 15, 2003. The parliamentary committee in charge of the EU affairs did not deal with the Convention on a regular basis. Its session on July 4, 2003 was entirely devoted to a report by the Austrian Permanent Representative at COREPER about the Convention proceedings⁶⁵. Additionally, the June 16, 2003 parliamentary session dealt with the preparation of the EU Council summit in Thessaloniki.

Belgium

During the last months of the Convention, the Belgian parliament was not very active. Due to the national elections, the parliament was dissolved on April 8, 2003. During the summer, the new parliament was in recess so no special attention was given to the results of the Convention.

Within the Belgian parliament, a special "Federal Advisory Committee for European Affairs" exists, which is composed of ten members of the Belgian Chamber of representatives, ten members of the Belgian Senate and ten members of the European Parliament. This committee draws up information reports on important European issues, after which a proposal of resolution can be submitted to vote. Before each European Council there is an exchange of views between the Federal Advisory Committee and the Prime Minister.

A special procedure allows Belgian members of the European Parliament to ask written questions to the federal government. These questions and answers are published in the "Bulletin of questions and answers" of the Chamber.

Denmark

The role of the Danish parliament was mostly confined to the scrutiny of government positions, hearings by the Europe Committee and information services by the EU-information bureau. Scrutiny took place through a considerable number of interrogations in parliament, all accessible on the Parliament's web-site. The Convention debate was almost exclusively dealt with in the Europe Committee. In April, the Committee held its fourth and last public hearing, transmitted live on the Internet, which was attended by the government representative Henning Christophersen. The parliament's EU-information bureau regularly followed the drafting of the constitutional Treaty. By the time the Convention drew to a close it had produced around 200 publicly accessible info-notes on various issues.

⁶⁵ 8052/EU XXII. GP.

Finland

The Finnish government presented its report on the draft constitutional treaty and on the forthcoming IGC to the parliament on 29 August 2003. This was followed by an intense discussion. The parliament was given one month time to examine the government's report and define proposals for the Finnish IGC delegation.

During the work of the Convention, the Finnish parliament was quite actively involved in formulating the national positions. It was the responsibility of the parliament's Grand Committee and Foreign Affairs Committee - using the expertise of other relevant committees when needed - to follow the work of the Convention. These committees held a meeting before each session of the Convention in order to discuss the Finnish positions. Also the government informed the parliament on the proceedings of the Convention's work on a regular basis.⁶⁶

France

The European Affairs Committee of the Assemblée Nationale has, as its primary mission, to provide adequate and timely reports to Parliament concerning European issues. The Minister for European Affairs, Noelle Lenoir, and Minister of Foreign Affairs, de Villepin, spoke several times before the Committee, explaining the developments of the Convention. Several parliamentary debates and reports have addressed the role played by the French government and by the French members of the Convention in the European constitutional debate.

Germany

On 26 June Foreign Minister Joschka Fischer informed the Bundestag on the results of the European Council in Thessaloniki.⁶⁷ This governmental statement was followed by a debate characterised by a positive attitude towards the results of the Convention.⁶⁸ However, some members of the CSU voiced their criticism in line with the position of the Bavarian Prime Minister Stoiber. The debate focused in particular on the possibility of a referendum about the result of the IGC, the position of the Foreign Minister, asylum policy and the question of Turkish membership of the EU.

Greece

The draft Constitution and the overall efforts of the Convention were examined by the Committee for European Affairs, on the basis of briefings by its two vice-presidents and representatives of Parliament at the Convention, Paraskevas Avgerinos and Marietta Giannakou. However, no politically important debate took place.

Italy

On July 3, 2003, after a long debate, a vast majority in the Senate approved a resolution expressing a positive evaluation of the work of the Italian members of the Convention and defining the draft treaty "a good constitutional basis". The resolution was supported not only by the political parties of the ruling coalition, but also by the main political

⁶⁶ Turun Sanomat, 9.9.2003.

⁶⁷ Regierungserklärung des Bundesministers des Auwärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03.

⁶⁸ The protocol of the session is accessible at:
<http://www.bundestag.de/plenargeschehen/plenarprotokolle/15053.html>.

parties of the opposition. The resolution asks the government, which will chair the next IGC, to “defend and develop the results achieved by the Convention; to consider the IGC as the continuation of the Convention’s work, whose constituent spirit should not be lost”; and to reaffirm “the historical role played by Italy in the support of a federal Europe”.

During the Convention works, the government kept Parliament regularly informed through speeches at the plenary sessions of the Senate and of the House of deputies and hearings at the Committees dealing with foreign affairs and European issues.

Poland

The draft Constitutional Treaty was discussed by both houses of Parliament with the participation of the government’s representative at the European Convention. It was also discussed in the European Committee, although only after the completion of the Convention works.

Unfortunately, the works of the Convention were not a subject of regular debates in the House and in the Committee, a problem which has been raised by the Chairman of the Committee during the post-Convention debate⁶⁹.

While some members of the Committee lamented the lack of adequate information about the Convention proceedings, the Convention members in turn blamed the members of Parliament for scarce interest in the Convention issues.

A number of initiatives were undertaken by various political groups in Parliament: they included calls for a nation-wide referendum, appeals to EU parliamentarians about non-approval of the draft Constitution, and appeals to the government for maintaining a rigid position at the IGC. These initiatives reflect an increased interest in Convention-related issues.

The most recent activities of the Polish Parliament include a resolution of the *Sejm* Foreign Affairs Committee urging the government to undertake all possible initiatives to maintain the system of voting in the Council agreed at Nice⁷⁰.

According to most members of Parliament, the change of the Nice rules would infringe on the rules approved by the nation in the membership referendum.

Portugal

According to a 1994 law at least one debate during each EU Presidency shall take place in the Parliament with the presence of the government. The law also requires that the government keep the Parliament regularly informed on EU activities.

On June 12, the Prime Minister presented before the Parliament the government’s stance on the draft text and the broad orientations for its future policy on EU matters. The debate ended with a broad consensus between the two major parties on the text’s main guidelines, but the Christian Democrats and the Social Democrats expressed some concerns about its lack of references to Christianity. The Communists and Bloco de Esquerda questioned, once more, the Convention’s legitimacy and representativeness. The Prime Minister proposed to set up a contact group formed by government and parliament representatives with the view of improving the Parliament’s follow-up of negotiations at the IGC.

Also, on the eve of the European Council of Thessaloniki, the Minister for Foreign Affairs, António Martins da Cruz, held the usual consultation with the political parties

⁶⁹ Source: <http://www.sejm.gov.pl/> - Parliamentary (lower house) website.

⁷⁰ Source: *Gazeta Wyborcza*, 9 September, 2003, <http://www2.gazeta.pl>.

to hear their positions on the Council's agenda. After his return from Greece, the Minister presented the outcome of the European Council before the Parliament's specialised committee on European Affairs and Foreign Policy.

Spain

To date, the draft Constitutional Treaty has not been discussed by the Spanish Parliament in plenary session. In fact, the overlap with the budgetary session, the Iraq crisis and other internal matters prevented the final work of the Convention from becoming a priority issue. Nevertheless, the project was examined and discussed at the committee level (*Comisión Mixta para la Unión Europea*).

The Spanish Government has used the normal channels to inform the Parliament about the Spanish positions in the Convention and about its results. However the information provided by the government has not been considered satisfactory by the regional parliaments.

Sweden

The draft constitution Treaty, as presented by the Convention, has not yet been discussed in the Swedish parliament. Consultations and discussions with the Swedish representatives and the Swedish parliament occurred throughout the Convention in the Committee on EU Affairs (*EU-nämnden*). There have also been public hearings and seminars in the parliament and elsewhere with the Swedish delegates of the Convention. On June 18th the Swedish Prime Minister Göran Persson attended a meeting of the Committee on EU Affairs where positions at the upcoming Thessalonica summit were explained. In August the Swedish Foreign Minister Anna Lindh participated in a hearing of the Committee.

The co-ordination between the Swedish parliament and the Swedish government has worked well. There was however a major contrast concerning the proposal of a full-time President for the European Council. The Swedish government has supported this proposal of the Convention. Indeed it even advocated a rather similar idea in a non-paper. By contrast, the Swedish parliament has rejected the proposal. For this the Prime Minister Göran Persson has been warned by the Committee on the Constitution but neither side has changed views and the conflict remains unsolved at the time of this writing. (See question 3.3.1.).

The Netherlands

After the presentation of the outcome of the Convention the Dutch political parties have mainly put forward the so-called "written questions" within the permanent Parliamentary committee on European affairs. They were put forward mainly by the smaller political parties that had no representatives in the Convention⁷¹.

Parliament was briefed on several occasions both by the government itself and by the Dutch representatives in the Convention. There were also some consultations in Parliament with the Dutch Convention representatives. The Dutch Parliament, however, did not play an important role in defining the Dutch policies and opinions towards the Convention. It mostly took a reactive approach.

The Dutch government sent all its Convention proposals to both Chambers. Furthermore, two important documents were published and discussed in Parliament:

⁷¹ *Beantwoording vragen over ontwerp-artikelen van het ontwerp Constitutioneel Verdrag voor de Europese Unie*, 11 juni 2003, DIE-328/2003

“Europa in de steigers” (Europe under construction) and “De Conventie: de eindfase” (The Convention: the final phase).

United Kingdom

Parliament established a Committee on the Convention and is planning to create a Committee on the IGC as well.

The Commons’ European Scrutiny Committee, the Lord’s EU Select Committee and a standing Joint Committee all dealt with the Convention. Especially the Lords’ Select Committee produced regular and detailed reports (all available online). The government representatives as well as the parliament representatives all reported back to the Committees on a regular basis. The Commons’ also had four debates dedicated to the Convention and the government’s White Paper on the Constitutional Treaty also provoked a comprehensive debate in both Chambers.

2. National debate and public opinion trends

2.3 Other relevant initiatives

Do you think that the many initiatives undertaken by the EU to promote a public debate on European constitutional issues, notably by involving civil society, have had an impact in your country? Has your government played an effective role in raising the knowledge and awareness of public opinion concerning the Convention's goals and activities?

Austria

Even in this regard a differentiation has to be made between the wider public and the small circle of interested citizens. With regard to the former it might be said that the EU efforts had little, if any, impact. The latter participated in the debate by either visiting panel discussions or participating in the *futurum* website. In this context it has to be mentioned that the Austrian Government held between 2001 and 2002 three so-called "European Table Rounds" on the Future of Europe. But these events were not open to the general public and included only politicians, members of interest groups and academicians. Press coverage of these events took place but not extensively. Additionally, the Austrian government established its own internet site on the Convention (<http://www.zukunfteuropa.gv.at>), but it is difficult to evaluate its actual impact. There were also several public discussions within the context of academic institutions and the party meetings.

Belgium

The Belgian Ministry of Foreign Affairs created a website entitled "Belgium at the EU Convention - Debating the future of Europe." This site was intended to serve as an interface between the Minister and the Belgian population. The site contains a list of Belgian participants in the Convention and their contributions, a list of frequently asked questions about the Convention, a questionnaire and a discussion forum. After 16 months of Convention, the results are rather poor: 313 people responded to the questionnaire and 31 messages were posted on the forum.

The Eurobarometer 59 (Spring 2003) found that written media, television and radio were the most durable information sources through which Belgian people obtained information on European Affairs, so the lack of response on the website is understandable.

The debate on the Future of Europe did not deeply involve the Belgian public opinion, as it took place mostly within academic and political circles.

Denmark

A large-scale three-year information campaign on the EU, with a budget of approx. 9.4 million euro, started in Denmark in connection with the launch of the Convention. The aim was to encourage a public debate on EU-matters through debate fora on the web and national TV hearings. However, politicians have admitted, few participated and public awareness and knowledge of Union activities have remained low, even as work in the Convention was drawing to a close.

Finland

EU's www-pages and discussion channels on the future of Europe and on the Convention's work gathered some attention in Finland. Also the initiative of convening a Youth Convention and a separate session for the non-governmental organisations received public interest. In Finland a forum for non-governmental organisations and social actors met seven times to discuss the proceedings of the work of the Convention. Also a separate web site was created in order to promote discussion and provide information on the future of Europe.⁷²

In addition, the Finnish Foreign Ministry's Europe Information Unit that has EU-information points in all the provinces of Finland has delivered information about the proceedings of the Convention to the public and to the actors of civil society. Among other things, it plans to organise public seminars on the new constitutional Treaty in 21 Finnish cities during autumn 2003.⁷³ The European Commission's Representation in Helsinki also organises a series of public seminars on the future of Europe and on the enlargement of the Union, where experts from present and future EU members are invited to give a presentation.

France

The French Minister for European Affairs, Lenoir⁷⁴, has undertaken many actions aimed at involving French civil society in the European debate, including an active information campaign, forums in the largest cities, the organisation of several so-called "rencontres pour l'Europe" in the provinces on different European themes. Most of these initiatives were undertaken during the final stages of the Convention. Their impact is difficult to assess. It will probably become more evident in the coming months when the debate on the new constitution will intensify in view of its ratification.

Germany

There have been quite a few initiatives initiated by the government or by the European Union to stimulate a public debate on the future of Europe. The Ministry of Foreign Affairs coordinated the government's initiatives. It created a special online section on the future of Europe and the Convention. It presented the most important political and scientific contributions and other initiatives, such as online fora, relating to the future of Europe debate.⁷⁵ The Bundestag has also set up a website where the German members of the Convention regularly engaged in online discussions which recorded considerable participation.⁷⁶

The Länder state ministries of Niedersachsen and Baden Württemberg had their own online sections on the Convention.⁷⁷ The Niedersachsen online forum hosted the official Future of Europe debate website that was linked to the Commission's website.⁷⁸

Apart from these official websites a number of think tanks such as the Institut für Europäische Politik,⁷⁹ the Stiftung Politik und Wissenschaft⁸⁰ and the Bertelsmann

⁷² The web site was called "minun Eurooppa", my Europe, <http://www.minuneurooppa.fi/>.

⁷³ Pirkko Hämäläinen, Head of Unit, Europe Information, at Helsingin Sanomat, 13.9.2003.

⁷⁴ « Un an d'action pour l'Europe », Noelle Lenoir, 30 June 2003

⁷⁵ http://www.auswaertiges-amt.de/www/de/eu_politik/aktuelles/zukunft/index.html.

⁷⁶ http://www.bundestag.de/europa/eu_konvent/.

⁷⁷ <http://www.eu-konvent-bw.de/>.

⁷⁸ <http://www.eiz-niedersachsen.de/cgi-bin/frameset-eiz.pl?page=links/eupf-zukunft.htm&title=EIZ%20Niedersachsen>.

⁷⁹ <http://www.iep-berlin.de/forschung/verfassung/index.htm>.

Foundation Centre for Applied Politics⁸¹ provided online coverage of the Convention's work as well as conferences.

Still, it seems that only those anyway dealing with issues relating to the European Union got in contact with those initiatives.

Greece

The initiatives taken by the EU (either the Commission or Parliament) to raise interest about constitutional issues remained largely unnoticed. Only such "hot" issues as the role of the Christian heritage in the Union or the desirability of enhanced cooperation in defence policy became matters of public interest.

The Greek government – especially the Ministry for Foreign Affairs – has tried to raise the interest of public opinion through an initiative called e-Vote project which allows people not only to give their answers to a pre-determined list of questions, but also to submit their own suggestions as to what issues should be given priority and how they should be tackled. The extensive feedback received from both e-voters and the media has been overwhelmingly positive.

The most popular e-Vote to date, with over 105,000 e-Voters, has been on the Iraq crisis. The e-Vote project is thought to have created a new European forum, a virtual 'Agora' where people can express their views on issues that affect their daily lives and their collective future. At the website <http://evote.eu2003.gr/>, anyone could vote on important issues, share and compare his/her ideas and opinions, and make specific suggestions about the current and future Union.

Italy

From the beginning of the Convention's work, more than fifty public initiatives on issues related to the constitutional reform of the Union have taken place in Italy⁸², promoted by European or national academic institutions think tanks. Various initiatives have also been organised to prepare and discuss the program of the Italian Presidency of the UE. All those initiatives helped involve a part of civil society interested in European constitutional issues and in the debate on the future of Europe, but apparently had a limited impact on the wider public.

In February 2002 the Ministry for European Affairs set up an "Observatory on the Convention" which was particularly active in involving the regions, provinces and municipalities in the debate over the EU's constitutional reform. The Observatory also managed to promote a broad debate in the universities through an articulated programme of meetings and conferences.

Poland

The polls show that the EU initiatives aiming at promoting a wider debate on EU constitutional issues did not have much impact in Poland.

Despite the efforts of some pro-European NGOs (like the Robert Schuman Foundation⁸³ which regularly reported on the Convention news), before the final stage of the

⁸⁰ <http://www.swp-berlin.org/produkte/brennpunkte/eukonvregkonf.htm>.

⁸¹ <http://www.cap.uni-muenchen.de/konvent/index.htm>.

⁸² Check on the Italian Parliament website : <http://www.camera.it/aveur/it/Sezione/default.ASP>

⁸³ <http://www.schuman.org.pl/>.

Convention, the EU constitutional issues were not very much present in the national foreign policy debate which was dominated by other EU-related issues.

The government web-site provided up-to-date information on the proceeding of the Convention, a collection of documents and contributions, synopses of the Convention sessions, alongside with internet forums. Extensive reports on Polish European policy are also available on the other official web-sites e.g. those of the Ministry of Foreign Affairs, the Committee for European Integration, the office of the Prime Minister and other central agencies.

Under the auspices of the Ministry of Foreign Affairs a Forum entitled "Together about the Future of Europe" was established in February 2002 with the aim of stimulating the debate about the future shape of the enlarged EU. The Forum, bringing together NGOs, academic and research institutions, churches and media, was articulated in a number of meetings on various EU issues, including those discussed at the European Convention.

The Polish representatives to the Convention gave a number of interviews and participated in numerous media discussions, although they became particularly active only towards the end of the Convention when the Nice arrangements were discussed.

Portugal

The government's role in this field has been quite limited. It consisted mainly in the participation in debates and other events by its representatives. The two successive government representatives at the Convention and several members from the Foreign Office have taken part very actively in the public debate, writing in newspapers and attending the (rare) TV debates; the presence of the Prime Minister and the Minister of Foreign Affairs in this kind of events was less visible. In the Government's website, for instance, no link to the European Convention or any sort of civil society forum were available, unlike in the Parliament's website.

Information campaigns and debates were organised mainly by universities, professional associations and European information centres. Of these, the most dynamic was undoubtedly the "Jacques Delors Centre", which operates under the authority of the Presidency of the Republic.

In Portugal, there are very few think tanks. It was, however, one of them, the Institute for Strategic and International Studies, that launched the broader initiative involving civil society in the discussion of the "Future of Europe" and the Convention's work. Co-funded by the European Commission and the European Parliament, this initiative was organised jointly with universities, business and industrial associations. Named "National Debate on the Future of Europe", it consisted of 10 seminars organised from October 2002 to June 2003, in six main Portuguese cities, culminating with a final congress in Lisbon where more than 500 persons participated in working groups, and presented and discussed their papers on a wide range of subjects concerning the Future of Europe and the Convention.

Spain

The different initiatives have had an impact mainly in the political and academic arena, while it is not possible to affirm that the civil society has been involved in the debate.

An example of this is the creation of the Council for the debate on the future of the EU which was articulated in three forums: a first one at the political level, a second one at the academic level and third one at the civic level. However, this last forum received a relevant contribution only by the Spanish Entrepreneurial Confederation of Social

Economy (CEPES). In fact, the Spanish government has insisted on the need to organise a popular referendum in 2004 about the final text of the Constitutional Treaty. If a referendum is called, a more exhaustive explanation of the text of the Constitutional Treaty and of its consequences will be required for the benefit of the wider public.

Sweden

The involvement of civil society in the policy process has not stimulated the debate in any substantial way. The Swedish government has been working fervently to promote the discussion on the future of Europe. A parliamentary committee, The EU2004 Committee, established in the aftermath of the Nice treaty, has been working through a variety of activities to promote debate and strengthen awareness about the work of the Convention and the coming intergovernmental conference. The seminars, conferences, forums and web pages of the Committee have undoubtedly attracted a large number of citizens but the overall impact is hard to estimate. In fact, still only 31%⁸⁴ of the Swedes have heard about the Convention which must be seen as a setback for the Committee.

The Netherlands

So far, the impact of the Convention on the Dutch public opinion has been rather limited. The government has made only limited efforts to raise knowledge and awareness of the Convention issues among the Dutch citizens.

Some public meetings were organized by national organizations, institutes, the national scientific council and the Ministry of Foreign Affairs, but they were mostly attended by EU experts and professionals.

United Kingdom

There has been an increased debate within the civil society. However, this debate was very much led by people who were already interested/involved in the area of EU politics. So there has been an increase in debate but it did not reach the 'people on the streets'.

The UK government has tried to stimulate public attention. To this end, the Minister for Europe, Dennis MacShane, has toured the country but this does not seem to have resulted in a widespread public debate. Also, due to the largely eurosceptic media and opposition, the government feels constantly the need to defend such basic issues as the benefits of the EU membership for Britain and hence has difficulty in focusing on current issues and developments the way that the governments do in other member states.

⁸⁴ Flash Eurobarometer 142

2. National debate and public opinion trends

2.4 Media coverage

How was the media coverage of the final, crucial phase of the Convention's work? How extensive has information on the content of the draft constitutional treaty been? Has it been presented in a positive or negative light? Which issues have been covered the most?

Austria

The public broadcasting institution (ORF) did provide information about the last phase of the Convention's work, but not on a regular basis. The information concentrated on the reactions by the Austrian government, e.g. its reluctance to agree on a permanent President of the European Council and the abolishment of the equality principle, whereby the Commission is composed of one national member for each state. The print media have covered the Convention proceedings but also in a rather scattered and unsystematic way.

Belgium

During the last weeks of the Convention, the media paid a lot of attention to its work. In the period from June 11 to June 23, 2003, each day one or several articles on the Convention appeared in the newspapers. There was a peak around June 19-20 due to the Thessaloniki European Council. The final presentation of the draft Constitution to the Italian presidency didn't get much attention.

The headlines tended to be rather negative: "La Convention va mal" (Le Soir, June 6), "L'Europe cherche muscles et souffle" (Le Soir; June 19), "Belgium also marks text of Convention as 'insufficient'"⁸⁵ (De Standaard, June 19), "Le gouvernement belge rallié au projet, sans enthousiasme" (L'Echo, June 23). In interviews⁸⁶, things were put more positively. An oft-quoted comment by Jean-Luc Dehaene was "The glass is more than half-full".

The articles published mostly dealt with the draft Constitutional Treaty in general and the institutional changes it brings.

Denmark

Following the presentation of the draft proposal by the Presidium in April, Danish media coverage of the Convention increased (especially in the newspapers). The suggested EU-President and the contrasts between small and big member states attracted substantial attention. Also the ideas of introducing an "exit-clause", and even a "throw-out" clause, were extensively covered. From the end of May/beginning of June, focus shifted to the disputed ability of the Convention to reach a result. When the first and second parts were finally agreed upon, one Danish daily, *Politiken*, produced an independent section listing and explaining the main points of the draft. Editorials in the major dailies were mainly positive towards the Convention's proposals, reflecting the broad political consensus on EU-issues amongst the government, the centrist parties and the main opposition party (the Social Democrats).

⁸⁵ Original title: "Ook België geeft tekst van Conventie onvoldoende"

⁸⁶ Most frequently interviewed were Jean-Luc Dehaene, vice-president of the Convention and Franklin Dehousse, Director of the Institut Royal des Relations Internationales

The impact of the new Treaty on the Danish opt-outs from areas of European integration also received considerable and sustained attention by the media.

Finland

Many decisions taken by the Convention, especially those related to EU's institutional reforms and security and defence policy, were covered quite extensively by the Finnish mass media. Especially during May, June and July 2003 the mass media reported almost daily about the proceeding of the Convention. In August and September the media attention concentrated mainly on the forthcoming IGC's possible nature, outcome and length and on the strategies that the Finnish delegation should follow in the conference. In this framework the presentation in the parliament of the government's report on the Convention's outcome and on the forthcoming IGC received wide attention.

Although the improvements included in the new draft constitutional treaty have been noted by the mass media, the media discussion has concentrated mostly on the questions that have been problematic for Finland, namely the institutional changes and the creation of a "defence core".

France

Judging by the French media headlines, one could have believed in the existence of two Europes⁸⁷. On the one hand, most French media presented the elaboration of the new Constitution as a process of crucial importance for the future of Europe and France. On the other hand, the EU was seen as a distant entity forcing the French government to introduce unpopular reforms which were opposed by a large protest movement. Rather abundant information was provided especially on the proposals to reform the EU's institutional structure but this kind of information was of little interest for most citizens. A serious effort has been made to inform about the content of the draft Constitutional Treaty, but the subject was too technical to attract the attention of the wider public. The information broadcasted on the contents of the draft Treaty has improved over time but have also had difficulties reaching a large public. This may be attributed to the fact that the French opinion had not been sufficiently prepared to understand what was at stake at the Convention. The Thessaloniki Council received relatively little coverage. Very few articles were devoted to the European constitutional issues during the summer holidays. It is also worth noting that some newspapers and reviews, e.g. *L'Express*, *Libération*, *Le Monde Diplomatique*, have recently published critical analyses of the Convention proceedings and results.

Germany

The coverage of the final stage of the Convention was broad and intensive in the quality press. Comments, background information and interviews could be found regularly, although only rarely were the front pages dedicated to the Convention. The prospect of the German Foreign Minister taking over the post of the EU Foreign Minister was extensively commented. Apart from that, the main issues covered in the press have been the division of competences and the possible extension of qualified majority voting (QMV) to foreign and security policy.

Nevertheless, newspaper attention has been considerable. A survey revealed that the two main national newspapers (*Frankfurter Allgemeine Zeitung* and *Süddeutsche*

⁸⁷ « Europe, une Convention pour rien », in <http://www.lemondediplomatique.fr/>, by Bernard Cassen, edition , edition July 2003

Zeitung) in June alone published more than one hundred articles related to the European Convention.⁸⁸ Additionally weekly papers and political magazines such as *Die Zeit*, *Der Spiegel* or *Der Rheinische Merkur* reported and commented on the work and the result of the Convention rather extensively.⁸⁹

The general tone in the media coverage ranged from very positive to reserved. No paper took a radically critical stance towards the Convention and even the biggest German tabloid (*Bild*) was superficial rather than negative in its reports. Thus the idea of a European Constitution was in general terms presented as a good idea that might help to improve the democratic legitimacy, transparency and efficiency of the European Union.⁹⁰

Greece

The Press and, to a lesser extent, the electronic media did not follow closely the Convention work. Only the final rush to Thessaloniki and the violent demonstrations there caused a surge in interest. A certain attention was paid to Greece's support for the defence initiative undertaken by Belgium, France, Germany and Luxembourg, as well as to the reference to Christianity in the Treaty.

There were some interesting articles in the Greek newspapers on the future institutional structure of the EU. The issue of how to strengthen the Common Foreign and Security Policy, especially after the Iraqi crisis, raised considerable interest. As far as television and radio are concerned, the national channels have broadcast several programmes devoted to European issues.

Italy

In the final phase of the Convention there was a considerable increase in the media coverage of the EU constitutional issues. When the Convention approved the final draft treaty, magazines and newspapers published specials and surveys explaining the main new provisions and proposals of the text. Particular attention was devoted to the critical assessment of the draft treaty made by the President of the Commission, Romano Prodi. The press also reported the proposal to extend qualified majority voting to other areas, particularly CFSP. In several interventions in the press Tommaso Padoa Schioppa, a member of the Executive Board of the ECB, declared himself strongly in favour of this idea.

Widely debated in the Italian newspapers was also the question of the inclusion of a reference to the Judeo-Christian roots in the preamble of the Constitution. The repeated statements of the Pope urging the EU to mention the Christian heritage in its constitution made the headlines.

Poland

The debate over the EU constitutional issues enjoyed a rather wide coverage in the Polish media which, even if preoccupied with a number of domestic problems, devoted numerous and high quality reports to Convention issues. Most newspapers and the most important internet portals provided up-to-date information on the Convention and basic

⁸⁸ Frankfurter Allgemeine Zeitung: 70, Süddeutsche: 40, database: LexisNexis, key words: 'Konvent', 'EU-Verfassung'

⁸⁹ <http://www.zeit.de/>, <http://www.spiegel.de/>, <http://www.merkur.de/>.

⁹⁰ For a press review of the reactions towards the result of the Convention, refer to: <http://www.europa-digital.de/aktuell/dossier/konvent/presseende.shtml>.

issues related to constitutional issues discussed within this forum. The most serious coverage was provided by the Polish Press Agency and the two main Polish daily newspapers. The Polish Press Agency provided regular reports on the Convention, the government's positions and the initiatives undertaken by political parties and other lobbies regarding the EU within its European service *Europap*. The two main nationwide dailies, *Gazeta Wyborcza* and *Rzeczpospolita*, provided on their internet sites access to the text of the draft Constitution together with quite extensive commentaries and fresh news from the debate on constitutional issues in Poland and in Europe.

The two issues that raised public interest the most were the QMV system and the reference to Christianity in the Constitution. The way these two central issues were presented by various media reflected their general stance towards integration, ranging from extremely negative, e.g. right-wing *Gazeta Polska*⁹¹, to moderate and balanced. In the latter case the focus was on the potential benefits and costs of the EU Constitution as proposed by the Convention.

Portugal

Media coverage increased substantially during the final phase of the Convention's work, reaching its peak when the final text was approved and released to the public opinion. TV coverage has, however, been largely insufficient compared with newspaper coverage. In the final phase, newspapers gave an overview of the draft Constitution's main changes, highlighting the persistent contrast on the institutional changes.

They paid attention to the creation of a full-time President of the European Council, to the suppression of rotating presidencies and to the new composition of the Commission. The politicians' opinion that these changes were harmful for Portugal was passed onto the media, contributing to a somewhat negative idea of the draft constitutional text.

Likewise, TV coverage has dedicated some attention to the most controversial institutional aspects of the draft Constitution, but there were almost no debates on these subjects. In sum, the media coverage appeared to be adequate.

Spain

The media coverage of the Convention work has been very poor. Only the newspapers have provided information on the key phases of the Convention, while television has only briefly informed about them in the news. No special programs or surveys have been broadcast on TV or radio.

Almost all the articles written about the Convention have taken a positive approach, focusing on such topics as the role of Spain in the future Constitution, Spanish participation in the Praesidium of the Convention and the main practical consequences for the citizens.

Sweden

During spring and summer the media coverage of the Convention has been overshadowed by the debate on the introduction of the euro. Most of the political parties have chosen to keep the results of the Convention out of the euro debate and the media have also mainly focused on the functionality of the monetary union and the upcoming Swedish referendum. The work of the Convention has quite often been portrayed in optimistic and hopeful ways and often from a European perspective instead of a more

⁹¹ <http://www.gazetapolska.pl/>

narrow national perspective. The reports on the Convention concentrated on the question of the European Council President because of the controversy between the government who supported the idea of abandoning the present rotation system and parliament who took the opposite view (see question 3.3.1.). This has perhaps prevented other important proposals to reach the general public.

The Netherlands

Media attention primarily focused on such institutional issues as the elected President of the European Council and the powers and composition of the European Commission and the Parliament. The focus has been on the contrast between the larger and smaller states and the future role of the Netherlands in the enlarged Union.

Most reports and articles presented in a neutral way the current dilemmas of European integration. The proceedings of the Convention and its eventual outcome were positively evaluated. However, it must be noted that the media attention on the Convention was fairly limited. This can partly be explained by the widespread indifference towards and ignorance of the Convention issues among the Dutch public.

United Kingdom

The media coverage picked up towards the end of the Convention but the debate was mostly led by editorials in the *Financial Times* and *The Economist*. TV and radio reported mainly on the last day of the Convention and gave brief overviews of the actual outcome and the government responses.

The coverage focused very much on the incorporation of the Charter (and the legal implications for Britain), the permanent president of the European Council (to which the eurosceptics were opposed), the extension of QMV and issues related to CFSP and ESDP.

The outcome of the Convention has been mostly reported in a neutral or negative light. The eurosceptic press has called the constitution a blueprint for a European superstate. However, other newspapers have assessed the constitutional draft in a more sober way and criticised more specific aspects, such as the institutional changes and the role of national parliaments.

3. Prospects for the Intergovernmental Conference

3.1 Link between the Convention and the IGC

The Thessaloniki Council did not go beyond defining the text of the draft constitutional treaty “a good basis for starting the Intergovernmental Conference”. In your government’s view, should the IGC limit itself to endorsing the results of the Convention, concentrating only on the few issues that still remain controversial, or engage in a more comprehensive review of the draft constitutional treaty?

Austria

Though the Austrian government has praised the work of the Convention, it maintained that the draft Treaty shall be considered as a “good basis” for further negotiations in the forthcoming IGC. The Austrian Foreign Minister Benito Ferrero-Waldner has also specified that the Austrian government wants experts – not only high-level representatives of Member States – to be involved in the preparation of the final text. She has also warned against excessive haste and advocated a mix of meetings of experts and multilateral meetings. The contested issues are the arrangements for the composition of the Commission, the provisions related to the permanent president of the European Council, the presidencies of the Council formations and the interrelationship between them as well as the decision-making in CFSP.

Belgium

The Belgian government hopes that the progress achieved at the Convention will not be harmed during the IGC. The IGC should not reopen the debate on questions on which consensus had already been reached at the Convention. The result of the Convention is a Pareto-like optimal but delicate balance and adjusting this could jeopardise the construction as a whole.

The Belgian Minister of Foreign Affairs does not want to re-discuss the achievements that have been made so far to make progress on other points.

However, "si certains rouvrent ...au sein de la CIG des questions ayant fait l'objet d'un consensus au sein de la Convention, la Belgique ne saurait être privée de la possibilité de faire de même."⁹²

Denmark

The government finds that from a Danish perspective little is to be gained from re-opening the discussion of individual articles during the coming IGC. Prime Minister Anders Fogh Rasmussen has repeated this view on several occasions since the Thessaloniki Council and it is also shared by a broad majority of Parliament (see 1.1.). Although Denmark participated in the meeting of the smaller countries in Prague in early September, where a clear opposition emerged again on the creation of an EU-President and on the two-tier Commission, the Danish government has afterwards repeated that it is in favour of endorsing the Convention’s draft as it is. The government makes clear, however, that should negotiations be re-opened it will not refrain from

⁹² Press release issued by the Ministry of Foreign Affairs after the European Council of Thessaloniki, <http://www.diplomatie.be/nl/policy/policynotedetail.asp?TEXTID=7631>

insisting on some of its key issues – of which the distribution of votes in the Council has high priority (please see question 3.3.3).

Finland

In the Finnish government's view the IGC should discuss these points of the draft constitutional Treaty that need clarification or are of particular importance for one or more member states. Finland does not want to put strict time limits for the IGC, because the quality of the new treaty is more important than rushing the IGC into an end before Christmas 2003. The IGC should however be brought to an end during spring 2004, so that EU citizens could become acquainted with the new treaty before the European Parliament elections in June 2004.

France

The French government considers the draft Treaty as a very good basis for the Intergovernmental Conference. It believes that the text can be adopted with only very modest modifications. Fearing that renegotiating on what was agreed at the Convention could open a Pandora's box of opposing requests, France will do its utmost to maintain the text as it is now.

Germany

Even before the end of the Convention, the Government and especially the Foreign Minister spoke in favour of a very brief IGC.⁹³ In the view of the government the IGC is supposed to endorse the Convention's text without big changes and Fischer and Schröder strongly warned against a major review of the text, since they feared that no consensus could be reached.⁹⁴ Especially after several smaller countries and Poland asked for a revision of some of the Convention's results, Fischer strongly insisted on the need to stick to the consensus reached within the Convention and warned of a risk of a European crisis.⁹⁵ He even linked a successful IGC to the upcoming negotiations on financial issues, emphasising the size of the German contribution – a move that was badly received among the accession countries.⁹⁶ Schröder, on the other hand, seems to be a little more open to discuss some details in the IGC, although he also wants to avoid, as much as possible, that the draft Treaty be revised.⁹⁷

The opposition in Germany mainly supports the government's position. However, the Bavarian CSU is for the reopening of the negotiations.⁹⁸

⁹³ "Der Konvent in schwierigem Fahrwasser" - Erklärung von Bundesaußenminister Fischer in der Plenartagung des Konvents am 27. Februar 2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4129.

⁹⁴ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03; Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

⁹⁵ "Convention Battle continues", EuObserver, 02.09.2003, <http://www.euobserver.com/index.phtml?sid=18&aid=12501>.

⁹⁶ "Fischer points to EU budget ahead of constitution talks", EuObserver, 08.09.2003, <http://www.euobserver.com/index.phtml?sid=18&aid=12581>.

⁹⁷ Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

⁹⁸ "Stoiber: Kanzler muss nachverhandeln", at <http://www.merkur-online.de/nachrichten/politik/aktuell/297.179312.html>.

Greece

The position of the Greek Government is rather favourable to the idea that the IGC should stay as close as possible to, if not simply limit itself to endorsing, the Draft Treaty. Still, such matters as the composition of the Commission or the extension of QMV to new areas remain controversial; if real negotiations start, the Greek Government is likely to participate actively and even to seek alliances with other states: for instance, Greece was present in the “small Member States” meeting of Prague (1 September) which Benelux countries did not attend (see also point 3.3.2).

Italy

In the Italian government’s view, the IGC should limit itself, as much as possible, to endorse the reform proposals agreed upon at the Convention, addressing only the issues that the latter leaves unresolved. The Italian presidency is likely to try to discourage the tendency to reopen the issues on which the Convention has reached an agreement. However, some reform proposals elaborated by the Convention which have already given rise to a hot debate – such as the creation of a stable president of the European Council, the revised composition of the Commission, the extension of qualified majority voting to many new policy areas, and the introduction of double majority system for the voting in the Council – may again become subject of intense discussion within the IGC. In this case, the Italian presidency would have to play an active mediating role during the IGC. In effect the Italian government has repeatedly declared its readiness to take on such a role and, in view of that, has chosen to adopt a conciliatory attitude throughout the Convention debate, putting forward several proposals aimed at accommodating, in particular, the concerns of the smaller countries with regard to the institutional changes. In a recent interview, Minister Frattini said he foresees an intense pace of work at the highest political level for the upcoming intergovernmental conference, with no formal subgroup meetings but with the possibility of a concluding conclave at the end of November. Frattini also proposed the adoption of a method of “constructive dissent,” whereby “a debate will be held on an issue only if there is a counterproposal whose proponent can explain its ameliorative effect”.⁹⁹ The Italian Presidency has also declared its intention to push for the introduction of a reference to the Judeo-Christian roots in the preamble of the Constitution.

Poland

The Polish position vis-à-vis the IGC does not seem to go beyond the request that it review the issues that are more controversial from the Polish point of view. As said above, the government representatives have repeatedly confirmed the general support for the draft Treaty. Poland will probably concentrate on the following objectives:

- maintaining the Nice system for the weighting of votes in the Council
- making the institutional system proposed in the draft Constitutional Treaty more efficient
- including a system of team Presidencies for the Council
- eliminating the Legislative Affairs Council

⁹⁹ Interview with Foreign Minister Franco Frattini - Ansa, 28/8/03

- securing participation of all EU Member States in decision-making on the establishment of the co-operation mechanisms in CFSP (and particularly ESDP) as well as giving more emphasis in the treaty to the role of NATO in the Euro-Atlantic defence system
- including of the reference to the Christian tradition in the Preamble¹⁰⁰.

Portugal

The government has already announced that it would only concentrate on the few issues that, according to it, the Convention did not address in a satisfactory manner. These issues include the European Commission's composition, the Presidency of the European Council and the Council of Ministers, the definition of qualified majority voting and lack of a reference to the Judaic-Christian heritage in the Constitution's preamble.

Spain

The Spanish government considers that the draft text of the Convention is a good initial basis for discussion, even though Foreign Minister Palacio and Prime Minister Aznar have both pointed out on several occasions that the Convention has changed the provisions concerning issues such as the system of qualified majority, the composition of the Commission and the number of members in the European Parliament that had already been firmly defined by the Nice Treaty in 2000 and confirmed in the Athens accession Treaty signed on 16th April 2003.

Sweden

The Swedish government sees a risk if the compromises reached within the Convention are put into question in the IGC. The risk is that the final result will be worse. The outcome of that will not be better than today's compromise. The government is also eager to protect the balance between the institutions as it is defined in the draft constitutional Treaty. It will argue for some adjustments but will not ask for a comprehensive review of the Treaty.¹⁰¹ It is also possible that after the Swedish rejection of the euro it will be eager to emphasize that Sweden is still a convinced supporter of the EU and therefore will show a more co-operative attitude in the IGC.

The Netherlands

The government has argued that the IGC should stick as closely as possible to the text of the draft Treaty adopted by the Convention.

Furthermore, the Dutch government agrees with the proposal of the Italian Presidency to keep the discussion as compact as possible by renegotiating only few controversial topics. The Dutch government is against a comprehensive revision of the final text of the Convention.

United Kingdom

The UK government is in principle satisfied with the outcome of the Convention. It will try to make sure that QMV is not extended to taxation and foreign policy areas and will promote a re-consideration of the clause allowing the Council to submit new policy areas to QMV. But it is unlikely to ask for a comprehensive review of the draft treaty.

¹⁰⁰ Position of the Council of Ministers for the IGC on the Treaty establishing the Constitution for Europe; Chancellery of the Prime Minister, 9 September 2003; source: <http://www.kprm.gov.pl/>

¹⁰¹ See for example Göran Persson in the Committee on EU Affairs 2003-06-18.

3. Prospects for the Intergovernmental Conference

3.2 Organisation of the IGC

To prevent the upcoming Intergovernmental Conference (IGC) from bogging down in obscure and prolonged negotiations, as in the previous IGCs, the Italian government, which will hold the EU's presidency until December 2003, proposes that the IGC be held mostly at top-level, i.e. at the level of the Heads of State and Government and the Ministers of Foreign Affairs. Does your government agree with this approach?

Austria

The Austrian government agrees that the main negotiations should be conducted at the top political level. However, it also stressed that some sort of technical work will be necessary in order to finalise the Convention's work on issues such as consistency, coherence and legal clarity of the treaty provisions.

Belgium

It was the opinion of the Belgian government that the IGC should start at the latest in October. Since the IGC can build on the work of the Convention, this should be a short IGC.

As to the composition of the IGC, Belgium feels that the IGC should be composed, as usual, of Representatives of the governments, since the preparatory body was the Convention. Belgium wants the IGC to be finished under the Italian Presidency.

Denmark

The Danish government fully supports the provisions for holding the IGC mostly at top-level.

Finland

The Finnish government has not expressed any dissenting opinions as regards Italy's approach to negotiate the most controversial issues at the top-level. However, according to the Finnish Minister for Foreign Affairs, Erkki Tuomioja, it is important for Finland that all the work that has proved useful in the previous IGCs could be also used in the forthcoming IGC.¹⁰²

France

The French government thinks that the IGC should take place at a high political level. This position is in tune with its desire that only few and minor modifications be made, if needed, to the draft Treaty adopted by the Convention.

Germany

The government is strongly in favour of a short IGC and hopes that it could be finished by the end of the year, and in any case well before the EP elections next year. According to the Foreign Minister and the Chancellor, the IGC should be held only at

¹⁰² Press release 191/2003, Finnish Foreign Ministry, 29.8.2003.

the political level without involving a large number of civil servants.¹⁰³ The Chancellor has argued that the decision on the European Constitution must be political – not technical.

Greece

The Greek government agrees with the approach of the Italian Presidency.

Italy

(No response)

Poland

Poland seems to have no objections to the proposal that the IGC should only be held at the level of top government representatives.

Portugal

The government does not agree with the proposal in the exact terms it has been presented by the Italian Presidency. Even though there has been no official position on the matter, the government thinks that it will eventually be necessary to set up a number of technical support groups, with a limited duration and mandate, structured to deal with the more complex topics such as the qualified majority voting rules.

Spain

The IGC's timetable and working methods proposed by the Italian Presidency have been criticised by the Spanish government. In fact, like other countries, it expressed doubts about the feasibility of the timing. Spain knows that its requests to introduce changes in various parts of the draft Constitutional Treaty will be opposed by other Member States (especially France and Germany). In this context it is felt that expert meetings will be necessary to prepare adequately the ministerial debates at the top level so that a consensus can be reached.

Sweden

The Swedish government does not mind discussing more areas at a lower level, possibly even at the level of civil servants. A juridical and technical review is also considered necessary.¹⁰⁴ The Swedish government will see no need to speed up the process in order to reach a conclusion this year. If necessary, the Swedish government regards the Irish presidency to be well suited to conclude the negotiations.¹⁰⁵

The Netherlands

Also on this issue the Dutch government supports the proposals of the Italian Presidency. The IGC should take place at the high political level (Heads of State and Government, assisted by Ministers of Foreign Affairs), and not at the diplomatic one. Three observers from the European Parliament should be appointed as well.

¹⁰³ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03; Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

¹⁰⁴ Personal communication with sources within the Foreign Office.

¹⁰⁵ Swedish Foreign Minister Anna Lindh at a public hearing in the Committee on EU Affairs the 14th of August.

United Kingdom

There has been no official statement on this issue but the UK government is very unlikely to agree to this. It is worth noting that, in his activities at the Convention, Peter Hain was assisted by a large group of advisers and researchers from the Foreign Office and it is thus unlikely that Britain will agree on excluding the civil service from involvement in the IGC.

3. Prospects for the Intergovernmental Conference

3.3 Controversial issues

3.3.1 Elected President of the Council

While there is general agreement concerning the establishment of a permanent and elected President of the Council, there are still different ideas on his/her functions, especially on whether or not he/she should play a co-ordinating role with regard to the presidencies of the other Council formations.

Austria

The Austrian Foreign Minister regards the provisions related to the President of the European Council as flawed. According to her, the draft Treaty fails to specify the Foreign Minister's job profile and qualifications. Furthermore, there is no clear distinction between the competences of the President, the European Foreign Minister and the Commission President.¹⁰⁶ In sum the position of the government is that there is no need to create a permanent president of the European Council. However, the government recognises that this proposal has received wide support within the Convention.

Belgium

The Belgian government regrets that the European Council has become a separate institution.

At the start of the Convention, Belgium was against a single President of the European Council and was in favour of keeping the rotating presidency. They defended this point of view together with the other Benelux countries. During the course of the Convention, Belgium gradually changed its opinion.

In the new governmental declaration, the question about the presidency of the Council was not mentioned.

The president of the European Council should be elected from amongst his/her members and not enter into competition with the European Commission. It is also essential that the President of the Council not impinge on the competencies of the Commission.

There is no satisfactory solution for the presidency of different Council formations, except for those of External Affairs. Even more, there are no guarantees to protect the efficiency of the system and the institutional balance.

Denmark

The Danish government supports the idea of a permanent and elected President of the European Council in combination with rotating presidencies of the individual councils. Denmark insists that the President's role must be clearly demarcated and that his/her election must be based on the principle of equality among the member states. Rotating Council presidencies must be maintained since it helps make the EU closer to its citizens. Daily coordination would, according to the Danish proposal, be ensured by the country holding the presidency and through meetings between the presidency and the elected President. Possibly, as Prime Minister Anders Fogh Rasmussen has suggested,

¹⁰⁶ Interview by Foreign Minister in the *Kurier*, 4.8.2003

the Prime Minister of the rotating presidency could function as deputy President for the European Council with the possibility of assisting the elected President.¹⁰⁷

Finland

The Finnish government has not supported the establishment of a permanent President of the European Council. Finland can however accept the proposal of the European Council's President advanced by the draft constitutional Treaty if the institutional balance and equality between member states are safeguarded. Finland also requires that the functions of the President should be accurately defined. They should not include tasks that would impinge on the work of the Council of Ministers.

France

France wants the President of the European Council to prepare and chair its meetings, ensure the follow-up and represent the EU internationally at the level of the heads of state and governments. This position was clearly stated in the Franco-German proposal concerning the institutional set-up of the Union.

Germany

The elected president of the European Council has been an element of the Franco-German package of proposals concerning the reform of the EU institutions¹⁰⁸: Germany was not among the original advocates of the proposal to establish an elected President of the European Council but accepted it since it was part of a package which also included the election of the President of the Commission by the European Parliament. Therefore the German Government has not pushed for any further strengthening of the powers of the European Council's President,¹⁰⁹ and it continuously demanded to change the term president into "chairman" in its amendments.¹¹⁰ Apart from that, Joschka Fischer asked for a further clarification of his/her competencies especially in relation to the European Foreign Minister and the President of the Commission.¹¹¹

Greece

At the Convention the Greek government, after some hesitation, supported the creation of a full-time President of the Council, but has continued to ask that all member states be treated on an equal footing when the President is elected. Moreover, it is of the view that the coordination tasks of the President need to be better clarified.

¹⁰⁷ Prime Minister, Anders Fogh Rasmussen (2003): "Danmark i fremtidens Europa", Speech at the Danish European Movement, May 3rd.

¹⁰⁸ Beitrag, der von den Mitgliedern des Konvents Herrn Dominique de Villepin und Herrn Joschka Fischer übermittelt wurde: "Deutsch-Französischer Beitrag zum institutionellen Aufbau der EU", CONV 489/03.

¹⁰⁹ Fischer, Joschka: "Die institutionelle Architektur der Union- Deutsch-französische Konventsinitiative" – speech at the Convention plenary, 21.01.2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=3982.

¹¹⁰ Fischer, Joschka, amendment to Art. 16 (at the time), accessible at: <http://european-convention.eu.int/docs/treaty/pdf/41699/16bisFischer.pdf>

¹¹¹ Fischer Joschka, Brief an den Präsident des Konvnets zur Zukunft der Europäischen Union Herrn Präsident a.D. Valéry Giscard d'Estaing, 30. April. 2003, accessible: http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/vorsch_l_fischer_0430.pdf

Italy

For the Italian government, the institutional relations between the permanent Presidency of the Council and the presidencies of the other Council formations need to be clarified, since the draft treaty does not address their problem adequately. In particular, the government believes that there is the need for effective instruments and procedure for the co-ordination and general direction of the various activities of the Council.

Poland

As for the functioning of the Council, Poland wants to keep the rotating Presidency. It is felt that despite the difficulty it has in ensuring continuity, the rotating Presidency offers more incentives for political leadership, bringing new elements and new vitality into the integration process with every change of the Presidency. Therefore, rotation should be retained although in the context of a new institutional system. To give more continuity and stability to the rotating Presidency, a system of team Presidencies lasting 2-2¹/₂ years could be developed. The Presidencies would be guided by a Steering Committee, chaired by the European Council Chairman and composed of the chairpersons of the various Council formations.

On the other hand, Poland sees the need for the election of a longer-term Chairman of the European Council to prepare and manage the European Council sessions. This person would also represent the European Union on the world fora. He/she should be elected by the European Council by qualified majority voting on the basis of a proposal by the team presidencies.

Portugal

The Portuguese government would not subscribe to the idea that there is a “general agreement” concerning the creation of a permanent President of the European Council. Portugal was one of the many small countries signing a communicate denying the existence of a “general consensus” in institutional matters.

The creation of a full-time President of the European Council is contested because, according to the Portuguese official position, it enhances the intergovernmental aspects of the European Union. Moreover, his/her role and competences have not yet been clearly defined. The government also thinks that this new institutional figure would not make the EU more effective but rather contribute to shifting the institutional equilibrium to the profit of the biggest Member States. Despite considering that this post is not good in every respect the Prime Minister has recently declared that he would be ready to make a compromise at the IGC, accepting the President of the EU in “exchange of strengthened powers of the Commission”.

The government has not yet expressed its views about the duties to be assigned to the proposed permanent President of the European Council, since its creation remains hypothetical. In any case, the Prime Minister said he would oppose any attempt to transform the Commission into a mere secretariat of the Council.

The government has also said that the IGC should “clarify” the President’s appointment procedure to avoid that only the candidates from the most populated countries be elected. It therefore proposes that, in this particular election, each Member State shall hold only one vote.

Spain

The creation of an elected President of the European Council was an explicit request that the Spanish government put forward rather early, jointly with the French and the British governments.

While Spain is generally satisfied with the provisions concerning the elected President, it would have preferred a longer mandate than the 2¹/₂ years agreed upon in the draft text and a wider range of attributions and competences such as a more active role with regard to the sectoral councils.

Sweden

As mentioned above the Swedish government supports the idea of a full-time European Council President as proposed by the Convention, even though the Swedish parliament rejects the idea. In November 2002 Sweden launched a proposal of its own in the form of a non-paper. According to this proposal a chairperson would be supported by a group presidency, in which several countries share responsibility, each of them dealing with different policy areas. Through strict rotation, presidencies would not need to occur less frequently than today. This was launched as a compromise proposal, designed to be acceptable to big and small countries.¹¹² The Prime Minister and the Foreign Minister were criticized by the parliament and the Committee on the Constitution: the Swedish proposal had been launched without prior consultation with the Committee on EU Affairs and also lacked support in this Committee.¹¹³ However, the Convention did not adopt this proposal. Sweden was sometimes mistakenly seen as supporting the proposal of the bigger states. Nevertheless the representative of the Swedish government participated in most meetings among the small states and was invited to all of them.

For Sweden the continued involvement of all member states is important hence its proposal to limit his/her powers. Moreover, the Swedish government considers it essential that the proposed rotation of chairmanships of the other Council formations is eventually endorsed by the IGC. Sweden also refers to the various possibilities of team presidencies which the Convention document opens up for.¹¹⁴ The government now supports the proposal of the Convention as a whole and does not think that a better compromise can be reached. It now wants to wait and see how the proposal evolves while not committing itself to any specific view. In the meantime it hopes to raise support for the idea at home.

The Netherlands

Since the Netherlands were not in favour of an elected President of the European Council, it will do its utmost during the IGC to keep the competencies of this new post as limited as possible. The Dutch government will give its consent to an elected President only if some changes are made:

- the elected President of the European Council should have mostly a technical function and not a strong political one, so that the institutional balance is not undermined;
- the post of the President of the European Council should be equally accessible to candidates from all EU member states.

¹¹² Information to the Riksdag giving the Government's views on the future of the EU, presented by Prime Minister, Göran Persson, 19 February 2003.

¹¹³ Konstitutionsutskottets betänkande 2002/03:KU30 [Report by the Committee on the Constitution]

¹¹⁴ Ministry for Foreign Affairs, Ds 2003:36, p36.

Furthermore, some requests have been put forward concerning the sectoral Councils:

- The Dutch government strongly opposes the creation of the so-called Legislative Council;
- The rotation system of the Council presidencies should be based on the equality among all member states; and
- The creation of an elected President of the European Council should not weaken the role of the Commission.

United Kingdom

The British government is in favour of a permanent President of the European Council as it will supposedly bring coherence and consistency to the EU's action "and thereby give the Member States through the Council much greater capacity to give direction and momentum to the EU's agenda" (White Paper). As far as the other Council formations are concerned, the government believes that these Councils should be chaired by representatives of Member States on the basis of equal rotation, and their work should be co-ordinated by the full-time European Council.

3. Prospects for the Intergovernmental Conference

3.3 Controversial issues

3.3.2 Composition of the Commission

The debate in the Convention concerning the European Commission eventually concentrated on its composition. The Convention approved the following proposal: "The Commission shall consist of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation between the Member States." In addition, "the Commission President shall appoint non-voting Commissioners, chosen according to the same criteria". Does your government back this proposal or is it in favour of a different solution?

Austria

The position of the government regarding the rotation principle for national representation in the Commission is that some improvements have to be made in the final draft to ensure equality. However, it still disagrees with the idea of having two different categories of Commissioners, namely with and without voting rights, which is considered incompatible with the principle of collegiality. Additionally, the government believes that the one-state-one commissioner principle should be maintained at least until 2009.

Belgium

The Belgian government regrets that the European Parliament has no real power to designate the Commission president (it can only approve or reject the proposition of the European Council). It also deplores that the Commission president will not preside over the General Affairs Council. In a communiqué issued by the Ministry of Foreign Affairs on the eve of the Thessaloniki European Council, the composition of the Commission as a college of 15 Commissioners and some non-voting Commissioners, with a strict application of the equality principle, was considered to be a positive point. This implies that each Member State should have one voting or non-voting Commissioner and that no Member State should have more than one Commissioner.

Denmark

In contrast to other small member states, and despite the conclusions from Prague mentioned above, the Danish government is not opposed to the new model envisaged for the composition of the European Commission. Denmark can instead be expected to fight for such issues as full right of speech and participation in meetings for the commissioners not entitled to vote. The government considers the equal rotation mechanism for the appointment of commissioners of utmost importance to ensure equality among member states.

Finland

The Finnish government can accept the Convention's proposal on the composition of the Commission in other respects, but requires that it is changed in a way that would guarantee the presence in the Commission of one voting member from each member

state. It should also be safeguarded that the division of tasks among the Commissioners would be based on equal rotation between the member states.

France

The French government has kept a relatively low profile on the question of the number of commissioners as well as on the structure of the Commission. It has, however, accepted Giscard d'Estaing's proposal of 15 commissioners with voting rights plus others without voting rights so that all Member States are represented.

Germany

There is no indication that the German Government advocates a change of the proposal adopted at the Convention. It has been modestly in favour of a reduced College and therefore it is unlikely to support the requests voiced in particular by the smaller countries to re-establish a College in which each of the member states has a commissioner with voting rights.

Greece

Greece considers the role of the European Commission as a supranational and independent institution of key importance: to advance the Treaty objectives, promote common policies, and ensure the convergence between the member states (this point is especially important to Greece).

Greece is not ready to renounce the right to have a national representative in the Commission and is against the creation of second-class Commissioners without voting rights. On September 1 the Greek Foreign Minister participated, together with his colleagues from most of the smaller Member States of the enlarged EU (but, significantly, not BeneLux) in a meeting in Prague, where they adopted a common position for the IGC. They stated that "some issues ranging from aspects of institutional structures to decision-making procedures would require further consideration". One of the key demands of the smaller countries is that each should be guaranteed a post in the Commission with full voting rights.

Italy

According to the Italian government, the proposal adopted by the Convention concerning the composition of the European Commission is a positive aspect of the draft treaty since it would prevent the Commission from becoming a sort of intergovernmental body. Moreover, the Convention approved a rotation mechanism that guarantees equality among Member States with respect to representation in the Commission. Italy does not agree with the proposal to modify the Convention's compromise.

Poland

Poland supports the proposal of maintaining – until 2009 – the rule of one country – one Commissioner. At the Convention the government representative stressed that the statement "a big [Commission] is by definition inefficient"¹¹⁵ is not necessarily true, as the efficiency of the Commission depends in the first place on its modus operandi and

¹¹⁵ Interview with Min. D. Huebner for the Polish Press Agency, 13 June 2003, source: <http://www.pap.com.pl/>

not on the number of Commissioners, although the Polish Government is still aware of the necessity of further reforms in this respect.

Poland accepts the proposal to have voting and non-voting Commissioners, but stresses the need for a rotation mechanism that can ensure equality.

Portugal

The Portuguese government favours a different solution, whereby the Commission should include one national of each Member State. Moreover, it supports the agreement reached in Nice, which states that when the Union consists of 27 Members, the number of members of the Commission shall be less than the number of Member States. The Members of the Commission shall be chosen according to a rotation system based on the principle of equality.

Spain

The Convention's proposal for the composition of the Commission and the division of power among its members have been firmly rejected by the Spanish government. In fact, Spain insists on applying article 4 of the Protocol of Enlargement adopted in Nice which states that in a Union of 25 each member state will have its own representative in the Commission.

The reason behind this attitude is that Spain wants to preserve its power in an enlarged Europe.

Sweden

For the Swedish view on the Union Foreign Minister, see question 3.3.5. As for the composition of the Commission the Swedish government appreciates that the principle of one state - one commissioner remains. It would also like to keep the principle of one voting commissioner per state. However, it supports the idea of non-voting commissioners provided that the rotation of commissioners is based on a mechanism that ensure full equality.¹¹⁶

The Netherlands

The Dutch government has stated that it will only accept the Convention's proposal "if the distinction between commissioners will be limited to the voting power without undermining the collegial and consensual character of the Commission itself".

United Kingdom

The UK government is in principle in favour of this solution., although it has been supportive of the solution adopted in Nice. It can be expected that it will use this compromise attitude concerning the composition of the Commission as a bargaining card for extracting concessions on other issues.

¹¹⁶ Göran Persson in the Committee on EU Affairs 2003-06-18.

3. Prospects for the Intergovernmental Conference

3.3 Controversial issues

3.3.3 Definition of qualified majority voting

The Convention has proposed abolishing the current weighting system for qualified majority voting (QMV), by defining QMV as the majority of the member states representing at least 60% of the European population. Is your government satisfied with this provision, or would it rather change it?

Austria

In the view of the Austrian government, the current provisions of the Nice Treaty concerning the weighting system for QMV is a balanced compromise which could be maintained. At the same time, the government considers itself open to a system of double majority, provided that it ensures a proper balance between the number of Member States and the percentage of population required. The solution proposed by the Convention is considered advantageous for the big Member States but not for the smaller ones and should be reconsidered at the IGC.

Belgium

The Belgian government considers the simplification of the way in which QMV is calculated as a positive thing. However, the definition of qualified majority as a majority of member states, representing 60 percent of the population, in case of a Commission proposal, means that the smaller states in Europe can never reach a majority without the support of at least one large country. In case the Council decides without a proposal from the Commission, qualified majority voting means two thirds of Member States representing 60 percent of the population. This makes it even more difficult for small Member States to count.

Denmark

Although Denmark is ready to accept the new definition of qualified majority voting, the issue remains one of the Danish government's main concerns with the draft constitutional Treaty. The government has declared that if other countries, such as Spain and Poland, insist on changing the Convention's compromise in their favour, Denmark will also not sit idle. In case negotiations on the definition of QMV are reopened, the Danish aim will be to achieve a more balanced combination of the criterion related to the population and the one related to the number of countries so that a decision would need to be backed by 60% of EU citizens and 60% of member states in order to be accepted.

Finland

The Finnish government does not support the Convention's proposal on QMV, because it would enhance the possibilities of the big member states to hamper decision-making. In the Finnish view decision-making should be based on a simple double-majority, that is half of the member states representing half of the population.

France

France agrees on the new definition of qualified majority voting.

Germany

The German government wants the new definition of QMV to be endorsed by the IGC. Indeed, with the new definition of QMV, Germany would have a stronger weight than other big states such as Britain or France in the EU's decision-making.

Greece

Greece is not opposed to the definition of QMV adopted by the Convention.

Italy

In an interview (August 28, 2003), Minister of Foreign Affairs Franco Frattini declared that Italy was working to find an agreement with Spain and Poland, which are the strongest opponents of the system for QMV proposed by the Convention, and support, on the contrary, the maintenance of the system approved to Nice. He declared: "Italy is trying to identify compromise options that could be acceptable for Spain and other countries, and at the same time for those that supported the Convention agreement, which represent the overwhelming majority. The good relations between Italy and Spain will be helpful." The Italian Minister did not exclude finding an intermediate solution acceptable for everybody between the provisions adopted by the Convention and what was decided in Nice.

Poland

The system of QMV is by far the most controversial and discussed issue in Poland. Already during the Convention, Poland opposed changing the Nice arrangements in this respect. On many occasions both the Prime Minister and the Foreign Minister stressed that Poland sees no reasons for changing the system, especially because it has still to be tested. This position is shared by all political parties inside and outside the Parliament.

Portugal

The Portuguese government prefers the Nice Treaty system for QMV. If this system is abandoned, another acceptable option would be to introduce a "double majority" consisting of 60% of States representing 60% of the population.

Spain

The Spanish government totally disagrees with the qualified majority system (QMV) as defined by the draft Constitution. It insists on a return to QMV as defined in the Treaty of Nice.

In this context Ana Palacio considers that the proposed QMV goes against basic principles of the EU. According to her, the European Union is a union, not a federation of states. In fact, applying this new system, three "big" States - one being Germany - would be able to block the approval of any proposal.

Sweden

The Swedish government would prefer not to abolish the weighting system approved in Nice. However, it is aware of the existence of a strong support for a reform of the current system. It has not indicated any strong preferences on this issue and is unlikely to oppose a reform.

The Netherlands

The Dutch government is satisfied with the new definition of the qualified majority voting adopted by the Convention.

United Kingdom

The UK government supports the provisions of the Nice Treaty concerning QMV but has stated that at the same time it has no objections to the Convention's agreement on the introduction of the double majority system.

3. Prospects for the Intergovernmental Conference

3.3 Controversial issues

3.3.4 Extension of qualified majority voting

Does your government support an extension of QMV to policy fields other than those indicated in the draft constitutional treaty, such as taxation and CFSP?

Austria

The government has always been in favour of an extension of QMV in the fields of CFSP and taxation.

Belgium

Belgium feels that more efforts should be made to establish a general application of the qualified majority voting system. There has been great progress in the area of freedom, security and justice. However, The Belgian government is disappointed that the system of QMV is not extended to other areas such as the social and fiscal policy and in the field of foreign policy and security. Though the social objectives of the Union are reinforced, the text of the Convention does not sufficiently foresee the instruments and competencies to reach these goals. Belgian socialist MEP Anne Van Lancker and Minister Frank Vandenbroucke announced before the summit of Thessaloniki that they would find it hard to support the constitutional Treaty if the social dimension were not reinforced.

The draft Constitution foresees the possibility to change the decision-making method from unanimity to QMV, but this decision itself should be made by unanimity, which limits its use.

Denmark

Although favourable to the overall extension of QMV as established in the Convention's proposal, the Danish government is unlikely to back the extension of QMV to the area of taxation. With regard to the Common Foreign and Security Policy, the Danish government acknowledges that a more extensive use of majority voting may be necessary, however, this is unlikely to be a high priority during the IGC. Moreover, according to the Danish government, defence issues should still be decided by unanimity.

Finland

The Finnish government wants the EU decision-making procedures to become more efficient and is therefore prepared to extend QMV well beyond the fields defined in the draft constitutional Treaty. In the Finnish view QMV should become a general rule also in the CFSP, with the exception of security and defence policy. The decision-making procedures of the European Council should also be made clearer and more efficient than in the draft constitutional Treaty.

France

The French government would have liked a stronger commitment to the coordination of economic policies. Furthermore, the provisions on the social dimension are seen as too weak. It is, however, questionable whether the French government would be prepared to

accept qualified majority voting in these areas. France is also reluctant to accept QMV in the CFSP field despite the fact that in the proposal presented jointly with Germany it had subscribed to this idea.

Germany

The extension of QMV has been the aim of the German government right from the beginning of the negotiations. In various official statements and in particular in the Franco German papers, it expressed its support for an extension of QMV also to taxation and especially CFSP.¹¹⁷ It was disappointing for the German government that after it had given up its opposition to the extension of QMV to asylum matters, no agreement on the extension of QMV also to CFSP and tax issues could be found within the Convention.¹¹⁸

Greece

Greece has been steadily in favour of extending QMV. It is particularly interested in the extension of QMV to social policy issues as a way to facilitate social reforms. Greece seems more reluctant to renounce a national veto on foreign policy, considered the public opinion's stance.

Italy

Being aware that some countries ask for a further extension of QMV while others want to keep the unanimity rule in areas they consider vital for their national interest Italy will try to defend the compromise which was adopted by the Convention during the Intergovernmental Conference. Moreover, Italy does not share the doubts that some countries have expressed about the "passerelle clause" which allows the European Council to decide by consensus the extension of QMV to new policy areas.

Poland

Poland thinks that the Convention's proposal concerning the voting system in the area of Common Foreign and Security Policy can guarantee the efficiency of the decision-making process while preserving the role of national governments.

Portugal

The government is overall satisfied with the scope of the extension of QMV made in the draft Constitutional Treaty. Both CFSP and taxation should however remain subject to unanimity.

Spain

Spain will certainly not support a further extension of the QMV to new fields, especially in such domains as fiscal policy, where it thinks national sovereignty should remain. This also applies to CFSP. Although the Spanish position has not been as explicit as

¹¹⁷ Bury, Hans Martin: Erklärung im Plenum des Europäischen Konvents zum Präsidiumsentswurf zu außenpolitischem Handeln, 16.05.2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4489.

¹¹⁸ Fischer, Joschka: "Mehr Europa für mehr Freiheit und Sicherheit" – statement at the Convention plenary, 03.04.03., accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4301.

those of other countries like the UK, this has been affirmed on different occasions by Ana Palacio.

Sweden

The Swedish government agrees on the proposal of the Convention to extend the areas of majority voting. However, it is not in favour of the extension of QMV to all policy areas. In particular, it has said no to qualified majority voting in the taxation area. Concerning CFSP the Swedish government is in favour of an extension of the qualified majority voting in specific areas as long as there has been a prior unanimous vote about the general principles or strategy to be followed. Nevertheless no country should be imposed a foreign policy view.

It should also be said that the Swedish government is reluctant to give the European Council the possibility to, with a unanimous vote, move one policy field from unanimous voting to qualified majority voting. This can be seen as a way of circumventing the procedure for constitutional changes, namely the ratification by national parliaments.

The Netherlands

The Dutch government is in favour of the extension of QMV to the following policy fields:

- aspects of social policy
- all aspects of environmental policy
- all aspects of trade in services (without any exceptions for cultural and audiovisual services)
- CFSP-matters. In particular joint proposals by the Commission and the new European Minister of Foreign Affairs; and in case of CFSP-related sanctions and/or decisions that have purely financial consequences and neither operative nor military consequences.

The Netherlands wants unanimity to be preserved in the following policy areas:

- the financial perspectives
- criminal law, especially on judicial cooperation on criminal matters

United Kingdom

The UK government is staunchly opposed to QMV in CFSP and taxation areas and has stressed this on every possible occasion. It is, however, in favour of extending QMV to the following issues: the admission of third-country immigrants and the negotiation and conclusion of agreements in the field of trade in cultural and audiovisual services. These areas have been kept under unanimity in the final version of the Convention's proposal as a result of pressure from Germany and France respectively. The UK government has argued that this shows that every country has imposed its 'boundaries' on the extension of QMV.

3. Prospects for the Intergovernmental Conference

3.3 Controversial issues

3.3.5 Minister of Foreign Affairs and EU diplomatic service

While there is a consensus on the creation of a EU Minister of Foreign Affairs, different views exist concerning the executive structure he/she should rely upon. What is your national government's position on this issue? Should the structure be placed within the Commission or the Council?

Austria

The Austrian government advocates that the support structure should be composed equally of staff from the Commission, the Council Secretariat and the Member States. Foreign Minister Benita Ferrero-Waldner has argued for a common diplomatic service of the Union.¹¹⁹ The service as such should be attached to the Commission.

Belgium

Belgium is very pleased with the creation of an EU Minister of Foreign Affairs, who will also be vice-president of the Commission. Louis Michel believes that this institutional novelty will increase the visibility and actual impact the Union has on the international level. On the matter of whether his/her executive service should be placed within the Commission or within the Council, Belgium has taken no stance.

Denmark

The Danish government wants the Minister of Foreign Affairs to be placed within the structures of the Council. However, originally it would have liked him/her not to be given the role of chairman of the Foreign Affairs Council. He/she should be assisted by a secretariat composed of members of the General Secretariat and the Commission, as well as seconded diplomats from the member states.¹²⁰

Finland

The Minister of Foreign Affairs of the EU should, according to the Finnish government's view, be placed within the Commission. He/she should function as a Vice-President of the Commission and be a full member of the *collegium*. There should be no other members in the Commission from the member state from which the Foreign Affairs Minister is nominated. Finland has a reserved position as regards assigning Foreign Minister the role of chairman of the Foreign Affairs Council. The chairmanship of the Council of Ministers should remain a task of the member states and be based on equal rotation also in the future.

The creation of an external relations unit under the authority of the Foreign Minister is from the Finnish view acceptable. It should however not be a new, parallel structure, but it should be created using the existing resources.

According to the Finnish government, the Convention failed to clarify the division of powers between the President of the European Council and the EU Foreign Affairs

¹¹⁹ Main committee session of the Austrian parliament, 21.5.2003.

¹²⁰ Foreign Minister, Per Stig Møller (2003): "Det nye Europa og dets plads i verden", Speech at the Commission's European Conference, May 9th.

Minister concerning the external representation of the Union and therefore the IGC should return to this matter.

France

France has not taken a clear position on this question.

Germany

The very idea of a diplomatic service was introduced by the German Foreign Minister in a letter to the President of the Commission.¹²¹ Indeed, the German government was among the most ardent advocates of this proposal within the Convention. In an amendment to the draft treaty being discussed at the European Convention¹²² Mr Fischer proposed to add a protocol calling for the establishment of a diplomatic service as an independent agency under the personal and organisational responsibility of the foreign minister. This agency should consist of civil servants from both the Commission and the Council.

Greece

In a joint press-conference with Giscard D'Estaing and Romano Prodi in Thessaloniki, the Greek Prime Minister emphasised his support for the creation of the Minister for Foreign Affairs. The technical issue of the administrative structure on which he/she will rely, although of critical practical importance, does not seem to have been addressed.

Italy

Italy shares the view that the Minister of Foreign Affairs should be a member of the Commission but report to the Council on CFSP issues (double-hating). It is also in favour of entrusting him/her with the chairmanship of the Foreign Affairs Council.

Poland

Poland is in favour of the double-hatted Minister of Foreign Affairs, including his/her placement within the Commission as its Vice-President, although – as mentioned by Minister Huebner – Poland prefers the title “Representative” rather than “Minister”. It also stresses the need for a mechanism that minimises the potential inconveniences of the “double hatting”

To this end Poland proposes that the Minister of Foreign Affairs submit his/her proposals to the Council on behalf of the Commission.

Portugal

The creation of a Minister of Foreign Affairs was welcomed by the Portuguese government as an important instrument for improving the coherence of EU's external action. According to the official view, the Minister's executive structure should be placed within the Commission.

Moreover, many of the powers given to the Minister by the draft treaty in the field of CFSP should, according to the government's view, be reduced.

¹²¹ Fischer Joschka, Brief an den Präsident des Konvnets zur Zukunft der Europäischen Union Herrn Präsident a.D. Valéry Giscard d'Estaing, 30. April. 2003, accessible: http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/vorsch_l_fischer_0430.pdf

¹²² <http://european-convention.eu.int/Docs/Treaty/pdf/863/Art5Fischer.pdf>

Spain

The Spanish government considers that the effectiveness of this new institutional figure will depend on adequate mechanisms for his/her appointment, terms of office and hierarchical links with the Commission and the Council.

Spain seems to prefer that this figure be placed within the Council instead of the Commission since it is against the “communitarisation” of CSFP.

Sweden

The Swedish government sees advantages in an appointed Foreign Minister but have some concerns about this proposal. It is reluctant to accept that the Foreign Minister is given the chairmanship of the Foreign Affairs Council as well as the responsibility for initiation and implementation in the Commission. The government is aware of the strong support in favour of the proposal and will concentrate their efforts on securing a minister post that will work in practice. The Foreign Minister should be backed up by an effective administration drawing from the Commission’s and the Council's already available resources.

The Netherlands

The Dutch government will oppose any change of the institutional configuration of the Minister of Foreign Affairs as defined in article 27. It will oppose giving the Council more influence over this Minister, since the Dutch government strongly believes that the current text would best guarantee the coherence of the external policies of the Union.

In addition to this, the Dutch will ask for a more precise definition of the Foreign Affairs Minister’s tasks and institutional links. In particular the relationship between the European Minister for Foreign Affairs and European Parliament needs to be clarified. Also the division of competencies and the relations between the European Minister and the elected President of the European Council should be defined more clearly.

United Kingdom

In its White Paper, the UK government has argued that the actual title of the new double-hatted individual responsible for foreign policy will be decided only during the IGC. It is certain that the UK will push for the Foreign Minister to be part of the Council and thus be subject to more influence by the government representatives. It has stated that “we will of course want to ensure that this representative is properly accountable to Member States in the Council”.

4. The ratification process

4.1 Eventual obstacles

Do you think that the process of ratification of the new constitutional treaty may encounter difficulties or major political opposition in your country? If so, which?

Austria

Parliamentary ratification of the new Constitutional Treaty is not likely to take place without any problems. The same applies to an eventual national referendum (see below).

Belgium

The Flemish socialist party found it difficult, at the moment of the Thessaloniki European Council, to defend the draft Constitutional Treaty during a parliamentary ratification procedure, due to the lack of advancement in the social field. However, the socialist party took note of some progress, *inter alia* concerning the services of general interest and the open method of co-ordination, made by the Convention after the European Council of Thessaloniki.

Denmark

Ratification processes in Denmark have previously proved difficult (the Maastricht Treaty was rejected in 1992, as was the introduction of the euro in 2000). Eurosceptical feelings are widespread among Danish citizens, who will be able to decide in a national referendum (see below) from parties to the far left (Unity List) and right (Danish People's Party, as well as from the June Movement and the People's Movement Against the EU).

Finland

If the IGC provides satisfactory solutions to the most controversial issues for Finland, one can expect no difficulties as regards the ratification of the new constitutional treaty.

France

Given the vast majority that the government enjoys in parliament and the relatively strong position of the French President, it does not seem realistic to expect serious difficulties in the ratification process. However, the outcome of an eventual referendum is uncertain. The widespread concern about the effects of the enlargement process may increase the opposition to the new Constitutional Treaty¹²³. Moreover, the political discourse in France about European issues may have the ultimate effect of strengthening the anti-EU feeling. In fact, the EU is often presented as a technocratic entity which is imposing social and economic sacrifices on the citizens, while the benefits of the European integration are mentioned much less frequently.

Germany

In Germany the political elite is very supportive of European integration and all major Parties are in favour of the European Constitution. Major problems are therefore

¹²³ Eurobarometer 57, National report France, European Research Group EEIG, Autumn 2002

unlikely to emerge in the ratification process. Another issue, not yet high on the agenda, is the possibility of a national referendum on the results of the IGC (see below).

Greece

As in the case of the past changes of the EU's Treaties, the new constitutional Treaty will be ratified by parliament, not through a national referendum. As in the past, the parliament is likely to approve the text with a vast majority. Only in the unlikely case that, in the meantime, the accession of Cyprus is blocked, might obstacles emerge to the ratification of the constitutional Treaty.

Italy

As mentioned above, all the main Italian political parties expressed a positive assessment of the final result of the Convention, and unless the IGC introduces radical changes, it is foreseeable that the Italian parliament will have no problems to ratify the new treaty.

Poland

Some political parties and their electorates are against the Polish membership in the EU or the federalisation of the EU. Their opposition can complicate the ratification process of the Constitutional Treaty¹²⁴. The recent debate over the institutional system proposed by the Convention suggests that dissatisfaction about some conditions of Poland's membership may increase the opposition to ratification.

Portugal

What will happen after the Intergovernmental Conference depends much on its results, that is on the substance and impact of the EU's new Constitutional text. Apart from the traditional opposition from the Communist party whenever a EU treaty revision takes place, there has usually been no major internal opposition to ratification, either at the political or at the public opinion level.

The leader of the socialists has declared that the negotiations at the IGC should not become the object of a national political dispute. Furthermore, left-wing opposition will not be an obstacle to parliamentary approval, because the coalition government holds a comfortable majority in parliament. Although it is obvious that, because of the constitutional nature of the treaty, the political discussion will be more intense than in the past, and serious difficulties might eventually arise only with regard to the already promised referendum.

Spain

Considering the current political situation, the ratification process of the new Constitutional Treaty should not encounter great obstacles. Traditionally, in fact, there is a convergence of opinions between the two major parties, Partido Popular and PSOE, on EU issues.

Sweden

The Swedish rejection of the euro in the September 14th, 2003, referendum will probably set the stage for the political debate on all EU matters in the near future. Also

¹²⁴ See the statements of Prawo i Sprawiedliwosc [Law and Justice – parliamentary party] and the British Conservatives in: Polish Press Agency, 10 September 2003

the murder of Swedish Foreign Minister Anna Lindh may have political consequences that today are hard to foresee. The green and the left parties who are against the new Constitution will feel strengthened by the no vote in the euro referendum. The political as well as the public opposition to the new Constitution will be based on the view that the new Constitution moves the EU closer to a centralised supranational actor, something they reject. Immediately after the euro referendum, members of the green and left parties said that this clear signal from the public must be considered in a wider EU context and in the debate on the future of Europe. They will also push for the formal inclusion in the new Constitution of a provision excluding Sweden from participation in the euro area. However, as mentioned under question 3.1, the Swedish government may now want to send a positive signal to the other members of the EU, and an increased co-operation with the EU positive parties in the Swedish parliament as well as a co-operative attitude in the IGC may be a way of doing this. On the other hand the Swedish Prime Minister will have to heal his own divided party and cope with the widespread EU scepticism in the Social Democratic party. For this reason, the future direction of the Swedish EU policy is today hard to foresee.

The Netherlands

No particular obstacles to the ratification process are likely to emerge. A vast majority in both Chambers is in favour of the Constitutional Treaty. However, for the first time in the Dutch political history a national consultative referendum will most probably be held on the outcomes of the IGC.

United Kingdom

No difficulties with regard to the ratification process are likely to emerge. The government has ruled out the holding of a referendum and the Labour majority in Parliament is so large, that there is no real risk that the Treaty will not be ratified (the liberaldemocrats are also in favour of the new EU's Constitutional Treaty). Still, it can be expected that the conservatives and the eurosceptic press will continue their campaign against the outcome of the IGC and the future constitutional treaty – but they are highly unlikely to be able to prevent its ratification.

4. The ratification process

4.2 European Parliament elections

According to the conclusions of the Thessaloniki Council, the Intergovernmental Conference should “complete its work and agree the Constitutional Treaty as soon as possible and in time for it to become known to European citizens before the June 2004 elections for the European Parliament”. Do you expect the constitutional issues to become a central matter of debate during the electoral campaign in your country? Or do you think that the European Parliament elections are more likely to be dominated by national issues?

Austria

Due to the dense domestic political situation, it can be expected that the EP elections 2004 will be dominated by national issues – as usual. The government coalition, composed of the conservative People’s Party and the right-wing Freedom Party, is rather unstable. As usual, domestic issues like pension reform, liberalisation, neutrality and constitutional reform can be expected to overshadow European issues. However, given the impact of the Constitutional Treaty, the latter could play a certain role during the campaign.

Belgium

In 2004, there are also elections at the regional level, and probably these will receive a lot more attention than the European elections. However, if there is a "consultative" referendum about the text of the draft constitution (see below), it can be expected that constitutional issues will be an issue during the European political elections.

Denmark

In Denmark, debates on European issues became central in connection with referenda. Outside these events it is often difficult to engage people in active debates on the EU. The timing of the planned Danish referenda (on the constitutional treaty and the opt-outs – please see question 4.3) in relation to the EP-election in June 2004 could therefore play a significant role. The EP-election can furthermore be expected to reflect the electorate’s general attitudes to the federalism/intergovernmental argument that often surfaces in connection with EU-debates. In Denmark, eurosceptic movements and parties typically enjoy a relatively larger representation in the European Parliament than in the national parliament (in the 1999 EP-election they secured five out of Denmark’s 16 seats).

Finland

In Finland the EP elections have usually been dominated by national issues. The Convention has, however, increased the interest of Finnish politicians and public in EU matters, including constitutional issues. One can thus expect some debate on the constitutional matters to take place during the EP election campaign.

France

During the election campaign for the European parliament the political debate will probably focus on the effects and possible revision of the Stability Pact. The social and

economic dimension of the EU will be at the centre of the public attention. By contrast, the constitutional issues per se are unlikely to play a major role. Moreover, most French appear to believe that their national parliament is more important than the European parliament. As a result, such issues as employment, security, environment and migration will be probably discussed from a national perspective rather than from a European one.

Germany

The European Parliament's elections are usually dominated by domestic issues. The Constitutional Treaty could become a major issue in the election campaign only in the unlikely case that the CSU criticism of the Treaty intensifies and is joined by the CDU. So far, however, the only European issue that seems likely to be widely debated is the possible accession of Turkey.

Greece

In Greece, European Parliament elections are traditionally treated as “surrogate national elections” or even as real-time country-wide polls. They tend therefore to centre on national issues. However, this time things will be complicated by the fact that European Parliament elections will occur only months – or even weeks – after a national election in Greece.

Italy

During the next electoral campaign for the European Parliament, the main issues of the European constitutional reform process will be certainly addressed by both the parties of the ruling coalition, as well as the opposition parties. However, the constitutional issues are unlikely to be the main focus of the electoral campaign: the debate will probably concentrate only on the general principles and choices of the European integration process. Moreover, given the growing antagonism between the ruling coalition and the opposition, one can expect that the debate will be mostly about domestic political issues.

Poland

The 2004 European parliamentary elections will be the first for Poland. For this reason, it is difficult to foresee the issues on which they will concentrate. The campaign could be influenced by the eventual results of the IGC as regards the institutional arrangements. Also, the electoral system of the European election has still to be adopted.

Portugal

In Portugal, EP elections are normally dominated by national issues. European matters receive very little attention from electors, like in the rest of Europe. The level of debate in the June 2004 electoral campaign will, once more, depend on the substance of the changes achieved at the IGC. The European elections might be dominated, not so much by constitutional issues, but by the prospect of the national referendum. If the new EU constitution is approved in time for the EP June elections, issues like the referendum's most appropriate date, its exact terms and the need for a constitutional revision will certainly heat the campaign up. *Bloco de Esquerda* will propose to hold a referendum before the June 2004 elections. It has also promised to campaign for the “no”.

Spain

In the coming months there will be a number of important political events in Spain, in particular five different elections (including national elections) that will take place by next spring. For this reason it may be expected that the debate on the Convention will not be particularly intense.

Sweden

As mentioned under question 4.1 the Swedish rejection of the euro will have a deep impact on the future debate on EU matters. After the no vote, parliamentarians with a negative or critical view of the EU will feel strengthened and might be able to gather a stronger support to oppose the new Constitution. There is also a possibility that the forces which fought for a yes in the euro campaign will prove unable to regain the initiative and then be less active in the Constitution debate.

As in many other European countries the elections to the European Parliament has in Sweden so far functioned as a sort of national election of second order. However, both sides are willing to place the European institutional questions, and not national issues, at the top of their agenda.¹²⁵

The Netherlands

The elections for the European Parliament are usually dominated by national issues. However, the upcoming elections could be different. There is a real chance that the coming elections for European Parliament will be linked with a national consultative referendum on the outcome of the IGC. Some political parties hope that this will have an impact on future of the European Union.

If the new Constitutional Treaty is submitted to a referendum and if this referendum is held on the same day as the European Parliamentary elections, the constitutional issues are likely to become the central matter in the electoral campaign. If, on the contrary, there is no referendum, the elections are likely to be, once more, dominated by national affairs.

United Kingdom

It is very probable that the European elections will be dominated by national issues. The government will make an effort to raise awareness of the elections (especially in light of the very low turnout at the last European elections). However, with the next General election potentially only a year ahead, it is very likely that both government and opposition will concentrate on domestic problems. Still, it is possible that the conservatives will try to use the European elections as a sort of referendum on the constitution or the euro to stimulate eurosceptic sentiments and increase the turn-out of eurosceptic voters.

¹²⁵ Based on personal communication with various Swedish members of the European Parliament.

4. The ratification process

4.3 Referendums

For constitutional reasons, some countries need to submit the EU Constitutional Treaty to a national referendum before it can enter into force. Others may decide to hold a referendum in order to give the national ratification more legitimacy. Is a referendum foreseen in your country? If so, do you expect this to be a factor that will complicate or facilitate the ratification process?

Austria

See 4.1. So far no decision concerning the holding of a public referendum has been made. According to the Flash-Eurobarometer 142, 26% of the Austrians deem a referendum essential, 43% useful but not essential, and 23% useless. It can be expected that, in an eventual referendum, the “yes” vote will prevail.

Belgium

A legally binding referendum is impossible, unless the Belgian constitution is changed. Though, more and more voices in public opinion and also from within the government are urging that the Constitutional Treaty be submitted to a "consultative" referendum¹²⁶. The governing liberal party (VLD) thinks a referendum would be good for democracy. Another idea would be to hold a European-wide referendum with no binding results.

Denmark

A referendum on the new constitutional treaty will be held in Denmark, probably “some time during 2004”. It has become a tradition in Denmark to hold referenda on treaty revisions, and the constitution requires that a referendum be held when aspects of national sovereignty are handed over to an international organisation. The referendum result is very open. Opinion polls show that at this stage a clear majority of Danes would vote no to the draft constitutional treaty (see 2.1). However, it remains unclear whether the government will link the referendum on the EU constitutional Treaty to a referendum on abolishing one or more of the Danish opt-outs. The future of the opt-outs is a sensitive political question in Denmark. In August 2003, the Foreign Ministry produced a report on the related consequences in the light of the new treaty.¹²⁷ The report especially pointed to the difficulty in transferring the opt-out on Justice and Home Affairs: with the proposed abolishment of pillar three, all co-operation on JHA will become subject to the Community method. This will also include Europol, which Denmark otherwise is very keen to participate in.

In mid-September, the Prime Minister suggested that the two referenda be held separately. Fogh Rasmussen proposed that the opt-outs on the euro and the CFSP be written into the new treaty for now, leaving it to the Danes to vote on the opt-out on Justice and Home Affairs. His aim is to re-formulate the opt-out to allow Denmark to

¹²⁶ On the website of the Belgian action group for a European referendum (WIT) (<http://www.wit-be.org/>), it is mentioned that Karel de Gucht (chairman of the governing liberal party VLD), Pierre Chevalier (liberal representative of the government at the European Convention), Mary Nagy (MP for Green Party Ecolo) and Anne Van Lancker (MEP for also governing socialist party) have signed the petition of the European Referendum Campaign to submit the draft Constitution to a referendum.

¹²⁷ [http://www.um.dk/Upload/forside/forbeholdsnat_110803.doc]

pick on a case-by-case basis the issues where the opt-out should be invoked (for instance, immigration policy) and the issues where Denmark should participate fully (for instance, Europol). So far, most political parties rejected the Prime Minister's proposal or reacted to it with caution.

Finland

The Finnish political elite is of the opinion that the decision on the possible referendum should be taken when the substance of the treaty is clear. However, a referendum is foreseen only in the case of a complete transformation of the draft constitutional treaty as a result of the IGC.¹²⁸ The Greens and the Left Alliance have actively claimed the rights of Finnish citizens to have a referendum on the new Treaty.

France

There is a widespread belief that a referendum is needed because of the federal character of the new Constitutional Treaty. As the draft Treaty is seen as leading to a closer political union it becomes a question of political legitimacy to have a referendum. As said above, in case such a referendum is held, the outcome appears very uncertain. When Valéry Giscard d'Estaing was invited to Matignon together with the French members of the Convention by Jean-Pierre Raffarin, he recalled that it is in the French political tradition to submit these texts to a referendum. On the one hand, given the widespread scepticism that exist in France towards European matters, a referendum appears a risky exercise¹²⁹. On the other hand, considering the strong democratic tradition of the country, the push for a referendum is likely to grow in the coming months. The fact remains that the decision of organising a referendum is up to the President. Jacques Chirac has repeatedly declared, notably during his presidential campaign of 2002, that the French must be consulted on the major issues related to the future of the EU. So far, he has however remained silent on the referendum issue.

Germany

So far the German constitution does not allow referendums on issues other than the internal federal organisation (Art. 29 German Basic Law)¹³⁰. However the Christian social (CSU) Vice President of the EP Ingo Friedrich supports a constitutional change allowing a constitutional referendum.¹³¹ During the Bundestag debate on the results of the Convention several speakers from the Greens and the SPD hinted at the possibility of a referendum which was adopted by parliamentarians of the FDP as well.¹³² However, for the moment it seems rather unlikely that the majority of SPD and CDU will opt for a referendum and a two-thirds majority in the Bundestag as well as in the Bundesrat is necessary to change the constitution. In the unlikely case of a referendum the result would be uncertain. Since European integration has always been an elite issue

¹²⁸ Helsingin Sanomat, 16.9.2003.

¹²⁹ « Chirac redoute un référendum piégé », in <http://www.libération.fr/>, by Antoine Guiral, edition 13 September 2003

¹³⁰ For an up-to-date online version in English, please consult: http://www.oefre.unibe.ch/law/the_basic_law.pdf.

¹³¹ Informationskampagne zum EU-Verfassungsvertrag

¹³² Protocol of the Bundestag Session at the 26.06.03 accessible at: <http://www.bundestag.de/plenargeschehen/plenarprotokolle/15053.html>.

in Germany and there has been no referendum at the federal level, the popular attitude is difficult to foresee.

Greece

There is no constitutional provision requiring a referendum for the ratification of the new constitutional Treaty.

Italy

Although both the ruling coalition and the opposition parties declared themselves formally in favour of a consultative referendum on the EU Constitutional Treaty, this issue seems to have lost momentum in Italy's debate. Moreover, it is doubtful that the arrangements for holding a referendum can be approved in time. In fact, despite its consultative nature, the referendum would probably require a change in the Italian Constitution which forbids referendums on international treaties.

Poland

There are two possibilities in Poland: ratification by Parliament or by referendum. It is unclear which option will be adopted eventually, although many have asked that the decision be taken by the people for at least two reasons:

- the European Constitution both in its current shape and after the potential revision by the IGC can result in a major constitutional change for Poland;
- the current draft Constitutional Treaty contains profound changes compared with the EU treaties in force when the Poland membership was submitted to referendum.

Portugal

In Portugal, the ratification of international treaties does not require a previous national referendum. However, this time the Prime Minister has announced that, if the IGC introduces "substantial" changes to the EU's architecture, the first referendum ever on European matters will be held in the country.

Holding a referendum on the EU's constitutional treaty would definitely complicate the ratification process, because, in principle, the Portuguese constitution would have to be changed. In fact, the Constitution says that there cannot be referendums about issues that are the "object" of an international treaty or a legislative act. In any case, the Constitution forbids the holding of a national referendum in the period between the convocation and the realisation of elections for the European Parliament. There are, consequently, two possibilities:

- Revising the Constitution. This requires the approval of two-thirds of parliament.
- Trying to find the right question for the referendum. The preferable, simpler solution. Instead of asking for the approval or rejection of the Treaty, there could be one question (or more), for instance on only a particular substantial institutional change. In this case a constitutional change will not be required.

The results of such a referendum are, right now, completely unpredictable; the most recent poll shows that two-thirds of citizens support the new Constitutional Treaty.

Spain

According to the Spanish Constitution, a referendum is not required for the entry into force of the Constitutional Treaty. Nevertheless, Spanish Prime Minister Aznar has

proposed the celebration of a referendum in coincidence with the European parliamentary election in order to give greater democratic legitimacy to the new “European Constitution”. An initiative of this kind could however generate some problems. An active support by the citizens could be difficult to obtain given their scarce involvement in the debate.

Sweden

The Swedish government has no plans for a referendum. It wants the new Constitution to be ratified through a vote in parliament, as has been done with previous treaty changes. This is based on the assumption that the new Constitution does not pose any major challenges to vital Swedish interests. A large majority of the Swedish parliament is likely to vote for the new Constitution.

The green party, as well as a few members of other parties demand a national referendum on the new Constitution, but will probably not be able to gather enough support for this in parliament. Considering the level of general EU scepticism in Sweden the outcome of a national referendum on the new Constitution is hard to foresee.

The Netherlands

The Dutch constitution contains no obligation to submit the EU Treaty to a national referendum. In fact, so far no national referendum has ever been held in the Netherlands.

However, currently there is a lively debate in the Netherlands on the possibility of having a so-called national consultative referendum on the outcomes of the Intergovernmental Conference, in other words on the new EU Treaty. Since the beginning of September a majority in parliament has spoken in favour of such a referendum. The outcome of this referendum is not supposed to be binding. The final decision on the referendum will be taken after the completion of the IGC. So far, the main opponent to this referendum is the largest party of the governing coalition, the Christian-Democrats. They fear that a negative result of the referendum would harm the position of their Prime Minister, Jan Peter Balkenende. The other two governing parties are, however, in favour of the referendum.

This national consultative referendum could quite well complicate the ratification process. Although the referendum is consultative and therefore non-binding, a “NO” vote of the Dutch people would confront the government and the parliament with a big challenge. Both are strongly in favour of the Treaty and are likely to ratify the new Treaty even if the Dutch people vote against it. This would, however, seriously change the image of European integration in the Netherlands.

United Kingdom

The opposition (both Conservatives and liberaldemocrats) have called for a referendum on the new constitutional treaty. The government has refused a referendum on the grounds that the new constitution does not involve any fundamental change in the relationship between the European Union and the member states (which would justify a referendum). The White Paper states that ‘in line with the approach of previous administrations, the Government does not believe that there is a case for a referendum on the draft Constitution Treaty’.

Due to the large majority that the Labour government enjoys in Parliament, the pressure from the opposition is unlikely to persuade the government to hold a referendum.

4. The ratification process

4.4 What to do in case of failed ratification

Has your government expressed any preference on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty?

Austria

The Austrian government has not expressed any option on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty.

Belgium

The Belgian government has never addressed the problem of what to do if the ratification process fails.

Denmark

Not much has been said in Denmark regarding the initiatives to be undertaken in case one or more countries fail to ratify the new constitutional Treaty. The government's representative in the Convention, Henning Christophersen, spoke during the Convention of the possibility for an agreement allowing non-ratifying states to continue as members with the rights and obligations foreseen by the Nice Treaty. Prime Minister Rasmussen recognises that a "no" to the constitutional Treaty in the referendum would be very critical, but so far he has not clarified what the actual Danish responses would be. Pro-EU campaigners in Denmark fear that rejecting the constitutional treaty leaves open only a "Norwegian model" of membership (in the Danish political jargon this indicates passive alignment with EU rules).

Finland

Finland thinks that, in the case that one or more countries fail to ratify the new treaty the European Council should discuss the matter and try to find a political solution. Finland is against a forced removal of a member country in the case of failed ratification.

France

So far the French government has not expressed a position on the attitude it would adopt in case the Constitutional Treaty is not ratified by one or more countries.

Germany

There has been no official government statement concerning the case of a failed ratification of the Constitutional treaty and it is therefore difficult to foresee what it would propose should this scenario materialise. One can only speculate that Germany would be in favour of a relaunch of the constitutional project with a hard core of member countries.

Greece

A clear position on what to do if the new Treaty/Constitution is not ratified by all Member States has not been taken by Greece.

Italy

First, it is worth noting that Italy has accepted to include the ratification procedure among the questions to be discussed at the IGC, as expressly asked by the President of the Commission Romano Prodi and some Member States at the recent meeting of foreign ministers in Riva del Garza. However, changes are realistically unlikely to be introduced on this subject. In any case, if one or more Member States should fail to ratify the new treaty, the government thinks that the only possibility would be to give those countries additional formal guarantees on the issues of national concern as was done in the case of Denmark and Ireland.

Poland

The question of possible solutions in the case of the non-ratification scenario seems a bit premature as - for the time being - such a scenario seems unlikely. The non-ratification scenario has not been debated so far and will probably become an issue only after the final text of the Constitutional Treaty is adopted.

Portugal

The government's official position is that the Constitutional Treaty should not enter into force unless it is ratified by all member states.

Spain

From a legal point of view, any country can block the enactment of the Constitution. If one State does not ratify the Constitutional Treaty, this would be a serious political problem. Spanish Foreign Affairs Minister Ana Palacio has affirmed that in this case it would be important to find a solution that avoids the fragmentation of the Union and, at the same time, prevents just one member state or a tiny minority from blocking the entire process.

Spain did not agree with the Commission proposal to exclude from the EU the countries that fail to ratify the new Treaty, since it considers that such rule could generate a climate of mistrust among the member states.

Sweden

According to article IV-8 of the Constitution draft, the Constitution must be ratified by all treaty signatories. In the case of failed ratification in one or more countries, it is up to the member states and the institutions of the Union to evaluate the political consequences as pointed out by the Convention Presidency¹³³. The Swedish government has not expressed any other preferences.

The Netherlands

There is no formal "backup plan" if one or more countries do not ratify the new Constitutional Treaty. The Dutch government has expressed its good faith in the outcomes of the national ratification processes throughout the European Union.

¹³³ See Convention document 647/03.

United Kingdom

The government states in its White Paper that it “will insist that unanimity remain for Treaty change”. The government has failed to mention any initiatives to be undertaken in case one or more countries should fail to ratify the new treaty.