

## EU Constitution Newsletter

March 2005 • The Federal Trust, 7 Graphite Square, Vauxhall Walk, London SE11 5EE • [www.fedtrust.co.uk](http://www.fedtrust.co.uk)

Since the Intergovernmental Conference came to an agreement on the EU Constitution the focus of the debate has shifted to the challenge of ratifying this constitution. This monthly newsletter will monitor the debate, events and developments surrounding the ratification process in all 25 member states. It will offer a particular UK perspective of this process and provide a forum for differing views on the debate.

Back issues are available at [www.fedtrust.co.uk/constitution\\_newsletter](http://www.fedtrust.co.uk/constitution_newsletter).

### Contents

1. Editorial .....	1
2. Overview of 25 .....	2
3. News from the institutions .....	3
4. The UK debate .....	4
5. Countries of the month .....	5
The Referendum Debate in the Netherlands .....	5
Portugal after the General Election .....	6
Update: Spain, France .....	7
6. And finally... ..	7
7. News from the Federal Trust .....	8

### 1. Editorial

#### The European Constitution – an analysis by European business

With 25 member states and 456 million inhabitants, the current shape of the European Union is far beyond the imagination of the fathers of Europe, Robert Schuman and Jean Monnet, even in their wildest dreams.

With the globalisation of the economy and the emergence at the political level of a multi-polar system, the European Union needs a tool to ensure the future of Europe and the answer is the European Constitution. This document consolidates the political birth of the Union which will get for the first time legal personality. However, one should remember that the European Constitution is, legally speaking, an international treaty and does not correspond with the definition of a constitution *stricto sensu*. The title 'EU Constitution' is sometimes exploited by its opponents when they argue, incorrectly, that it is an additional step in the reduction of member states' sovereignty.

continued on p.3

#### The Federal Trust for Education and Research

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...is a think tank that studies the interactions between regional, national, European and global levels of government.

Founded in 1945 on the initiative of Sir William Beveridge, it has long made a powerful contribution to the study of federalism and federal systems.

## 2. Overview of 25

<b>Austria</b>	Will seek ratification through parliament. On 16 February 2005, the constitutional committee of the lower house took the first steps towards adopting the Constitution by unanimously passing a legislative bill preparing for parliamentary ratification.
<b>Belgium</b>	Belgium will not hold a referendum and will seek ratification through national and regional parliaments. A parliamentary majority to allow non-binding referendums fell apart after the surprising volte-face on 23 January of the Flemish nationalist Spirit Party. On 16 February 2005, the relevant bill was defeated at the committee stage by 9 to 8 votes.
<b>Cyprus</b>	Will seek ratification through parliament. There was no referendum on EU accession.
<b>Czech Republic</b>	Will hold a referendum, though the date is uncertain. The CSSD, the current ruling party, wants to hold the referendum in conjunction with the general election planned for June 2006. The governing coalition is currently in turmoil, and possible early elections may affect the timing of the referendum. Both main parties remain committed to holding a popular vote on the Constitution.
<b>Denmark</b>	Will hold a binding referendum on 27 September 2005. The date was announced on 28 February by recently re-elected Prime Minister Rasmussen. Most main parties, including the usually Eurosceptic Socialist People's Party, will support ratification. The Danish People's Party and the Red-Green Alliance oppose the Constitution. Opinion polls are currently favourable and suggest that 44 per cent of voters would support the Constitution, with 36 per cent against and 20 per cent undecided.
<b>Estonia</b>	Will seek ratification through parliament.
<b>Finland</b>	Likely to seek ratification through parliament.
<b>France</b>	Will hold a binding referendum, most likely on 22 or 29 May. On February 28, the Versailles Congress (uniting both houses of parliament) adopted the necessary constitutional amendments, paving the way for a referendum. In February 2005, the Assemblée Nationale and the Senate separately held preparatory votes, with each bill passing with an overwhelming majority. In order to defuse the issue of Turkish accession, the bill includes an amendment that requires further referendums for all future EU enlargements after Croatia. In an internal referendum on 13 February, the Green party narrowly voted to support ratification, with 53 per cent of 'yes' votes. Party campaigns are now expected to gather force. According to recent surveys, around 60 to 63 per cent of those who have an opinion on the Constitution would vote 'yes' and around 37 to 40 per cent 'no'. However, 59 per cent of respondents said they would abstain.
<b>Germany</b>	The process of ratification has begun, with a final decision expected by May/June 2005. The lower and upper houses of parliament held debates on 24 and 25 February respectively. Due to issues concerning states' rights under the new Constitution, the process may take until early July, although the SPD would like to achieve speedy ratification, in part to pass momentum on to the French campaign. It does not seem that reaching the necessary two-thirds majority will pose significant problems as only a few CSU parliamentarians have announced a 'no' vote so far.
<b>Greece</b>	Will seek ratification through parliament.
<b>Hungary</b>	Ratified the EU Constitution on 20 December 2004 by a parliamentary vote with 322 to 12 in favour and eight abstentions, easily achieving the necessary two-thirds majority. Hungary was the second member state to ratify the EU Constitution.
<b>Ireland</b>	Will hold a binding referendum, the timing of which is still unclear. It will possibly take place in October 2005. The Irish government has announced a full White Paper on the referendum as well as an information campaign to improve awareness of the Constitution.
<b>Italy</b>	On 25 January, the Chamber of Deputies of the Italian Parliament ratified the EU Constitution by a majority of 436 in favour, 28 against and five abstentions. The votes against were cast by members of the Communist Party and the right-wing Northern League. Ratification now moves to the upper house, the Senate, where little opposition is expected.
<b>Latvia</b>	Will seek ratification through parliament.
<b>Lithuania</b>	Ratified the EU Constitution on 11 November 2004 by a parliamentary vote with 84 to four in favour, with three abstentions. This made Lithuania the first country to ratify the text.
<b>Luxembourg</b>	The date for the referendum has been set as 10 July 2005, immediately after Luxembourg's EU Presidency ends. The Chamber of Deputies will first vote on draft legislation on the ratification of the EU Constitution, which will then need to be approved by the binding referendum. No referendum has been held since 1937 and there was overwhelming support in the Chamber of Deputies for holding a referendum.
<b>Malta</b>	Will seek ratification through parliament, probably by mid-July.
<b>Netherlands</b>	Will hold a non-binding referendum on 1 June 2005. On 25 January, the Senate gave its authorisation to organise the poll. It will be the first national referendum in the country's history. (See articles under 'Countries of the Month'.)
<b>Poland</b>	Will hold a referendum, though the date is uncertain. Currently, it seems that the referendum will be held in conjunction with parliamentary or presidential elections, both to take place in Autumn 2005. As opponents of the Constitution seem likely to win the parliamentary elections, the pro-ratification governing party want to hold the referendum before a change in parliamentary majorities that would allow opponents to defeat the Constitution in parliament. A referendum vote in conjunction with an election would also make the fifty per cent turnout required for the referendum's validity more likely.
<b>Portugal</b>	Will probably hold a referendum, though the date is uncertain. On 17 December, the Portuguese constitutional court rejected the wording of the proposed referendum question. A new wording will only be decided by the new parliament after the elections on 20 February. The earlier planned date for the poll, 10 April 2005, was abandoned as a result of the decision of the Portuguese President to dissolve Parliament and call for early elections.
<b>Slovakia</b>	Will seek ratification through parliament.
<b>Slovenia</b>	Ratified the EU Constitution on 1 February 2005 by a parliamentary vote with 79 to 4 in favour and 7 abstentions, easily reaching the necessary two-thirds majority. Slovenia was the third member state to ratify the EU Constitution.
<b>Spain</b>	In the non-binding referendum on 20 February 2005, 76.7 per cent voted for the Constitution and 17.2 per cent against. The turnout was 43.3 per cent. The Constitution will now be ratified by the Spanish Parliament.
<b>Sweden</b>	Will seek ratification through parliament. The bill will be brought to Parliament in May 2005 and is expected to be passed in December 2005. No referendum will be held after an agreement between Social-Democrat PM Göran Persson and four right-wing opposition parties that parliamentary ratification will suffice. Ratification is almost certain as pro-Europeans currently hold a majority of seats in parliament, with new elections due only in 2006.
<b>United Kingdom</b>	Will hold a referendum in 2006, after the country's Presidency of the EU. No date has been set as yet. On 26 January, the British government published its bill on the Constitution, including the wording of the question: 'Should the United Kingdom approve the Treaty establishing a Constitution for the European Union?' The bill was passed with a majority of 215 in its second reading on 9 February 2005, and has now proceeded to the committee stage. It will probably have to be reintroduced after the General Election expected in May.

For European Chambers, the European Constitution provides significant measures to improve the efficiency of the EU institutions with the extension of the use of the qualified majority. It also provides new tools which permit checks and balances to ensure good grounds for any new Commission proposal and thus avoid unnecessary and excessive regulations undermining the competitiveness of businesses (for example, the proposals for an early warning system, consultation procedure with the relevant concerned socio-economic actors).

The introduction of a president of the European Council - elected for two and a half years - and of a European Minister for Foreign Affairs will guarantee the official representation of the European Union internationally. The significant extension of the term of the presidency which is renewable once will ensure stability, continuity and coherence of European initiatives and policies.

However, for European business the most relevant chapter is the introduction of a special chapter on the democratic life of the Union and in particular the principle of participatory democracy. By constraining the Commission to have open and regular dialogue with representative associations and civil society when it is initiating a proposal, the Commission will have to take into account the expectations and needs of business.

The role of the representative organisations - for business e.g. the Chambers of Commerce - is strengthened by the Constitution. It is through these organisations that businesses can exercise their rights in practice.

The Chambers of Commerce are well placed to act as interface between the authorities and business with grass root access to local and regional economic data, direct proximity to business and an interactive European network of 2,000 Chambers representing 18 million of enterprises employing 120 million people.

In addition, thanks to the representative nature of the Chambers,

business could easily bring together one million signatures in different Member States to make use of the citizens' initiative and invite the Commission to submit a legislative proposal when they consider it necessary.

The battle for ratification is far from being won. Refusal by a single member state would be enough to prevent the implementation of the Constitution and prevent business to make use of their new rights.

The positive outcome of the first referendum on the ratification of the European Constitution gives a new dynamic in the process of ratification. When approving the Constitution by 77 per cent the Spanish citizens have marked their strong commitment to pursue the European construction. The opponents of the Constitution in the other member states should not exploit the level of abstention in Spain. The poll on 20 February was a consultative one. If the Spanish citizens were fundamentally against the Constitution no doubt participation would have been higher in order to send a strong message to the Spanish Parliament, which will have to ratify this document in the coming months.

Nine further member states will hold a referendum on the European Constitution. Three member states have already ratified the European Constitution. The future of Europe can be dangerously jeopardised if the debates on the Constitution are used at the national level as a means to settle domestic issues.

Christoph Leidl,  
President of  
EUROCHAMBRES

[Eurochambres website](http://eurochambres.eu)

### 3. News from the institutions

All eyes were fixed on Spain and its referendum this month, and it was with obvious relief that the Commission and the Parliament noted the positive outcome of Europe's first public test of the new Constitution. Josep Borrell, the EP president and himself a Spaniard, noted with satisfaction that the

percentage of 'yes' votes in Spain (76.7 per cent) was strikingly similar to the outcome of the EP vote on the Constitution (74 per cent). While turnout was lower than in the Spanish elections to the EP last year, he argued that it remained higher than the EU average for the 2004 European elections. He concluded: 'I am extremely happy with the result.'

José Manuel Durão Barroso, whose PSD party had been roundly beaten in the Portuguese parliamentary elections the same day as the Spanish vote, also welcomed the outcome of the referendum. 'The Spanish', he argued, 'have said 'yes' to Europe and 'yes' to the future. With its absolutely clear 'yes', Spain has declared itself in favour of a Europe that advances and makes a difference, a Europe united in diversity.' He continued: 'This pioneering and historic vote is a 'yes' to a Europe that is more democratic, more efficient and more transparent.' This is a result, he declared, that the Commission could be very happy with and that he hoped would inspire voters in the other referendums to come.

The Commission will not rely on national governments to do the inspiring. In Spain, it spent around 1.3 million Euro on an information campaign. This year, it will spend an additional 8 million Euro on publicising the contents of the EU Constitution. These extra funds are meant to help member states inform their citizens about the Treaty, and the Commission emphasised that only neutral, factual campaigns would be supported. The first five million will be distributed according to the size of member states and sent out to Commission offices around the EU. A further three million Euro will be given to specific projects according to criteria to be determined by the Commission. Although the Commission officially allocated 650,000 Euro to increase awareness of the Constitution in the UK, the British government declared that it would not accept any public funding in relation with the Constitution. According to *The Times*, an official stated, 'We don't want any of this money spent in the UK. It would clearly be utterly counterproductive.'

The EU Commissioners have discovered a new way to reach the public: blogs. Margot Wallström, the Swedish Communication Commissioner, has got her own personal blog, in which she describes her work and comments on life in Brussels. In her February 14 entry, she gave an account of her pre-referendum trip to Spain: 'The passionate Spaniards are having a 'cold' debate on the European constitution. Without a political conflict or any kind of 'drama' around this subject – even convinced Europeans such as the Spaniards risk losing interest.' Comparing Sweden to Spain, she added: 'Different meetings, including with Vice-President Fernandez de la Vega and Foreign Minister Moratinos, revealed the interesting difference between the 'no' arguments in a country like Spain and the 'no' opposition in, for example, Sweden. The 'Superstate-threat' cannot be used in Spain where many of the opponents to the constitution rather criticise it for not being ambitious enough.' She also seems to have picked up some ideas for the EU's communication strategy: 'We need more faces, stories, images of Europe for people to get acquainted with – almost like 'tapas of Europe' – something with a flavour!'

Meanwhile, Jacques Barrot, the French Transport Commissioner, occasionally blogs at [www.lesamisduoui.com](http://www.lesamisduoui.com). In an entry on January 10, he argued that 2005 will be 'a decisive step in the pursuit of the great European adventure'. It will be a year, he added, in which the French will have the opportunity to involve themselves personally in the preparation of their future by voting in the upcoming referendum. There will be no future, he continues, without European unity. As Transport Commissioner, he says, he has been able to follow the success of Airbus and Galileo, the European navigation system - for him, truly inspiring achievements.

Markus Wagner  
The Federal Trust

[José Manuel Durão Barroso's press statement](#)

[Josep Borrell's press statement](#)

[Jacques Barrot's blog](#)

[Margot Wallström's blog](#)

[The Times, 17/2/2005: EU's poll data 'propaganda'](#)

## 4. The UK debate

### Referendum takes back seat to General Election

All three main political parties in the United Kingdom seem to agree that Europe will not be a decisive issue in the forthcoming General Election, widely expected to take place on 5 May. The government will argue that next year's referendum on the European Constitutional Treaty is the most appropriate time to discuss specifically European issues. The Eurosceptic Conservative Opposition seems to accept that, even if many voters share its underlying hostility to the European Union, these same voters will still cast their votes on 5 May largely in relation to domestic issues. Even the traditionally pro-European Liberal Democrat Party, sharing the Conservative electoral analysis, are eager to avoid any suggestion of excessive European enthusiasm or commitment.

For this reason, the preliminary reading earlier this month in the House of Commons of the Bill to permit next year's referendum on the European Constitution was a muted affair. The government did not wish to seem to be avoiding the issue, but it will be content to have obtained its majority at this first reading, and ensure that further parliamentary debate on the matter is postponed until well after the General Election.

In the brief parliamentary debate that did take place, the Foreign Secretary, Jack Straw, was at pains to present the Constitutional Treaty as a 'British' success in constraining and limiting the powers of the European Union. This may well be an indication of the rhetoric with which he and the rest of the government hope to win next year's referendum. Whether such essentially negative rhetoric is likely to achieve its goal is one unresolved

question. Just who will be the leading government ministers deploying this rhetoric is another.

Some recent opinion polls have suggested that the majority of New Labour in the next General Election will be considerably less than it now is. These opinion polls have also suggested a steep decline in the personal popularity of the Prime Minister, who is currently less of an electoral asset to the Labour Party than is his Chancellor, Gordon Brown. This has led some commentators to speculate that if the government is reelected in May, but with a substantially reduced majority, the Labour Party could move swiftly to replace Mr. Blair with Mr. Brown. Equally, there are persistent rumours that after the General Election Mr. Blair intends to insist that Mr. Brown should take up the post of Foreign Secretary, with principal responsibility for fighting and winning the referendum on the European Constitution.

In a little-noticed speech, the Secretary of State for Trade and Industry, Patricia Hewitt has recently suggested that a reelected Labour government intend to use Europe Day, 8 May, as the launching date for a more active campaign on European issues, particularly directed towards the business community. In this speech she recognised that the British business and financial community is no longer as predominantly well-disposed towards the European Union as it was even as recently as ten years ago. In winning the British referendum of 1975 on continuing membership of the European Community, the resources and advocacy provided by the business community were vitally important. The 'yes' campaigners in 2006's referendum will have a much harder job mobilising those resources and advocacy.

Brendan Donnelly  
The Federal Trust

## 5. Countries of the Month

### The Referendum Debate in the Netherlands

#### *The European Constitution in the Dutch Parliament*

From 2002 to 2004, the European Convention and the draft European Constitution have often been on the agenda of the Dutch parliament. Four aspects were discussed in detail: the constitutional implications of the new EU Treaty, the impact of the new Charter of Fundamental Rights, the increased role of national parliaments and the possibility of a referendum on the issue.

#### 1) *Constitutional implications*

On 4 June 2003 the Dutch Government asked for an Opinion from the Council of State (Raad van State, the supreme administrative court) on the expected implications of the European Constitution for the Dutch legal order. From a substantive point of view, the European Communities and the Union already have a 'constitution' already for a long time. Now it will also be established formally in a written constitution. Therefore the evaluation of the Council of State does not consider whether a transfer of state powers is necessary but more specifically whether the European Constitution satisfies the requirements of a democratic society with the rule of law: legal certainty and equality; democratic legitimacy and public accountability; efficiency and effectiveness. As far as the accession to the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) is concerned, the Constitution does not result in a new transfer of sovereignty, but more especially in a better co-ordination between the activities of the EU and the ECHR concerning human rights protection.

In the Opinion of the Council of State, the draft Constitution is only a codification and continuation of European legal developments and does not conflict with the Dutch constitution. However, the draft EU Constitution will

have an impact on the interrelationship of the national institutions.

The Dutch Government agrees with the Council of State that the European Constitution does not include a new transfer of state powers but is only a continuation of an existing trend and restructuring of present powers.

#### 2) *The Charter of Fundamental Rights*

The Council of State also focused on the inclusion of the Charter of Fundamental Rights in Part II of the European Constitution. As a consequence the Charter provisions will have legal force. The Council found that the Charter is not directed to the national legal orders but refers to Union and European Community law and its implementation by the Member States. The inclusion of the Charter of Fundamental Rights within the European Constitution has a legal added value, which characterises the European Constitution as a real constitution with fundamental rights.

#### 3) *The role of national parliaments*

The Protocol on the role of national parliaments in the European Union annexed to the Constitutional Treaty will have an impact on the working method of the Dutch Parliament. In particular, this concerns Article 3 and following which holds *inter alia* that National Parliaments may send a reasoned opinion on whether a draft European legislative act complies with the principle of subsidiarity to the presidents of the European Parliament, the Council and the Commission. This will lead to joint meetings and deliberations between the first and second chamber. The Government has not yet considered if these united meetings and joint deliberations will lead to a Dutch constitutional amendment, whereas France has already decided to adapt the French constitution to allow for the reinforced role of the national parliament.

#### 4) *The consultative referendum*

In its general comment on the Treaty, the Dutch Government explains that in the

EU Constitution additional powers are established regarding criminal law and external policies as well as especially the inclusion of fundamental rights. The Constitution is not just another Treaty amendment, and therefore more involvement of the citizens is necessary. A referendum is presented as the solution. By drafting a proposal for a law to hold a consultative referendum, the Government envisages strengthening and improving the legitimacy of the decision on the Constitutional Treaty.

The Council of State agreed that the consultative referendum could be seen as an adapted form of consultation of the citizen. However a minority opinion was put forward by one Council Member: Richard Lauwaars. He was of the opinion that a consultative referendum is not very useful, as a negative referendum will not be accepted by the Dutch Government, as the Netherlands cannot accept to be out of the European Union.

Alfred E. Kellermann

T.M.C. Asser Instituut

#### **Recent events**

The Dutch vote on the Constitution will be the first nation-wide referendum on any subject, but it will not be legally binding. At first, the Dutch government rejected to the idea of a binding national referendum, despite the vote of a majority of the Dutch Parliament in 2002 in favour of such a proposal. A compromise was then reached and a new law establishing a legal ground for a purely consultative referendum was adopted on 25 January 2005. On 23 February, it was announced that the referendum will take place on 1 June 2005, with the question put to the Dutch citizens being: 'Are you for or against the Netherlands agreeing to the Treaty establishing a Constitution for Europe?' In the next months, the government will allocate one million Euro in campaign funding for the referendum, with 400,000 Euro going to the 'yes' camp, another 400,000 Euro to opponents of ratification and the remaining 200,000 to be spent on a 'neutral' information campaign.

The Minister for European Affairs Atzo Nicola has stressed that 'although the outcome of the referendum is not binding, politicians will not be able to ignore it'. Moreover, the political parties that hold the parliamentary majority have publicly stated that they will respect the outcome of the vote if turnout is high. Thus, the Social Democrats (PvdA), the Greens (Groen-Links) and the Democrats 66 party (D66) have all said that they would let the referendum determine whether the Constitution is ratified. The Christian Democrats, meanwhile, have agreed to respect the referendum result only if two conditions are fulfilled: turnout has to be higher than 30 per cent, and a clear majority 60 per cent of voters have to have voted either 'yes' or 'no'.

Many commentators initially thought that the result of the referendum would be a foregone conclusion, as all the major political parties have come out firmly in favour of the Constitutional Treaty and the Dutch are traditionally one of the most pro-integrationist states. Only marginal political groups, such as the leftist Socialist Party, two small Protestant parties and the populist organisation set up by Geert Wilders, are opposed to ratification. However, there is a growing concern that the vote will not be so clear-cut. For the first time, questions are starting to be asked about the Dutch position within the EU. There is growing dissatisfaction with the fact that the Netherlands is the biggest per-capita contributor to the EU budget, a feeling which has been exacerbated by the flouting of the Stability and Growth Pact by Germany and France. Internal political issues may also play a part in the referendum campaign. The centre-right coalition government is currently tabling reductions of 20 billion Euro in public spending, the largest in the history of the Netherlands, and this has provoked wide-spread discontent. Future Turkish membership of the Union and a growing distrust of the political establishment may also have a negative impact on voter turnout.

Recent polls confirm that the result of the referendum may be very close indeed. While a Eurobarometer poll in November still showed that 63 per cent

of Dutch in favour of ratification, with only 11 per cent against, opinion surveys in February indicate that the situation may have reversed since then. A poll for NOS published on 14 February puts opposition to the Treaty at 42 per cent, with only 29 per cent in favour and, with around 30 per cent undecided. 40 per cent of respondents said they would definitely vote in the referendum. According to this poll, most of the 'no' votes will come from supporters of the List Pim Fortuyn, the Wilders group and the Socialist Party, with only Christian Democrat voters actually in favour of ratification. This poll confirms the result of another poll for *Twee Vandaag* which sees 44 per cent against ratification, 30 per cent in favour and 23 per cent undecided. However, official government research published in February shows that more than 80 per cent of Dutch citizens have 'no idea' about the contents of the Constitution, while only 46 per cent have heard of the document.

Consequently, although a 'Nee' vote would not be legally binding on the government, the Dutch referendum may be more of a danger to the ratification process than initially anticipated. Clearly, rejection in the Netherlands this June would risk derailing the whole ratification procedure.

Anthony Dawes and  
Markus Wagner  
The Federal Trust

[NOS opinion poll](#)

[Twee vandaag poll](#)

[Eurobarometer surveys](#)

[Dutch government research](#)

[Official government announcement](#)

### Portugal after the General Election

The decision to hold a Constitutional referendum was first discussed by then Prime Minister José Manuel Durão Barroso in the autumn of 2003. He declared that 'it is essential that [the Constitution] is legitimised by the people before it takes effect'. The poll was set to take place in early 2005, and a preliminary date was set for April. However, a series of political difficulties

suffered by Santana Lopes's Cabinet, especially in the areas of education and taxation, led the President Jorge Sampaio to dissolve the Parliament and call an early election in November 2004. The referendum was delayed, since the Portuguese Constitution stipulates that the date for holding a referendum must not be set until after the general election, due to take place on 20 February 2005.

During the campaign debates, parties debated European themes only when they fitted their arguments over domestic issues. Since parties were mainly occupied with discussing the correct solutions to deal with the country's socio-economic crisis, and owing to the surplus of the budget deficit above the threshold set by the rules of the EMU, the Stability and Growth Pact, its rules and effects on the budget, were an omnipresent issue in the campaign. By contrast, since the ratification of the Constitutional Treaty is a largely consensual matter among parties with a parliamentary seat, the issue was hardly mentioned during the campaign. Party positions on the ratification can nevertheless be inferred from their election manifestos. The resigning governing parties, the Social Democratic Party (PSD) and the Popular Party (PP), as well as the main opposition party, the Socialist Party (PS), declare themselves committed to the successful ratification of the European Constitution after the holding of a referendum. The eurosceptic communist Unitary Democratic Coalition (CDU), allied with the Green Party (Os Verdes), defends the holding of a referendum in the sense that opposition to the project should be given opportunity to manifest itself, while the left-libertarian Left Bloc (BE) does not mention the Constitutional Treaty nor the process of its ratification.

In a clear show of protest against the PSD-PP coalition government, the parliamentary ballot held on 20 February gave the first absolute majority to the opposition Socialist Party. The Socialists won 45 percent of the vote, securing 120 seats in the 230-seat legislature. It was the Socialists biggest-ever win at the polls. The centre-right PSD gathered 28.7 percent of the vote,

down from 40 percent, and the PP 7.2 percent. The swing to the left was completed by the four-fold increase of the vote of the BE to 6.4 percent. The CDU reversed its tendency for decline and polled 7.6 percent of the vote.

It is likely that once the Socialist government is inaugurated a governmental initiative for holding the Referendum will be swiftly issued. However, the new Parliament will have to come up with a clear question to be put at the Referendum. As a sign of the shallow consensus on the Constitution Treaty among the political elite, the question proposed by the last parliament was deemed unconstitutional by the *Tribunal Constitucional*, or Constitutional Court, on the basis that it was too difficult to answer a clear 'Yes' or 'No'. Therefore, the Constitutional referendum will probably not now take place before the autumn, since the President can only set the referendum date between the 60th and 90th day after the publication of the decree.

The results of the 20 February ballot for the Constitutional Referendum can also mean that the government is going to put an extra effort for the mobilisation of voters. The Socialists have lost two referendums in the recent past due to the failure to mobilise the citizens to vote. Therefore they are probably going to put serious efforts into mobilising voters so as not to repeat their previous failures to attain the 50 percent threshold that is required for the referendum results to be legally binding.

Madalena Meyer  
Resende  
London School of  
Economics

## Update...

### Spain

On 20 February 2005, Spain held a consultative referendum on the European Constitution. As expected, an overwhelming majority of voters cast their vote in favour of ratification, with 76.7 per cent voting 'sí' and 17.2 per cent voting 'no'. Spain proved that it is an enthusiastic, if not unanimously pro-

European country. 'No' votes exceeded 25 per cent in the regions of Navarre and Catalonia as well as in the Basque Country.

At only 42.3 per cent, the turnout, however, was low, only just reaching the 40 per cent the government had set itself as a minimum target. 14 million out of 34 million eligible voters actively supported the Constitution by voting in its favour. The turnout in what was Spain's fourth national referendum was the lowest of any vote in post-Franco Spanish history, 3 per cent lower than the participation in the 2004 European elections. While the government celebrated the result as a resounding victory for the Constitution and the European idea, the opposition was critical and described the low turnout as a 'disaster' for Jorge Luis Zapatero.

Both main national parties, the governing PSOE and the opposition PP, as well as the three main regional parties, the Basque PNV, the Catalan CiU and the Canarian CC, were in favour of ratification. The main trade unions supported the 'sí' camp as well. Opposition came mainly from the Left, with the United Left (IU), the Catalan Greens (ICV) and the Catalan Left (ERC) heading the 'no' campaign.

The vote was publicly interpreted by European leaders as a clear signal to European citizens in general that the Constitution should be adopted. French politicians have already announced that they will try to hold their referendum as soon as possible to benefit from the momentum generated by the Spanish vote.

#### Election results

[Report of the Federal Trust seminar 'Reflections on the Spanish Referendum', 23 February 2005](#)

### France

On 28 February 2005, the Congress of Versailles, which unites both houses of parliament in order to pass constitutional changes, passed the necessary amendments required for the national referendum to be held in late May or early June 2005. 730 deputies and senators voted to adopt the

proposed constitutional changes and 66 voted no, with another 96 abstaining.

Recent surveys do not show that the 'no' camp is gaining momentum. In a survey for France Info published March 1, 63 per cent of those with an intention to vote said they would vote 'yes', 37 per cent 'no'. 59 per cent of respondents said they would abstain. A poll for Yahoo-I-télé-Libération gave the 'yes' camp 60 per cent and the 'no' camp 40 per cent. Less than 30 per cent of respondents felt they had an opinion on the Constitution. These numbers have changed little over the past six months.

Markus Wagner  
The Federal Trust

[CSA poll](#)

[Libération poll](#)

## 6. And finally...

February saw renewed discussion in the UK and elsewhere of the question of whether the European Council of June 2004 adopted a 'European Constitution' or 'European Constitutional Treaty'. For the Federal Trust view of this controversy see a recent Policy Commentary by the Trust, [www.fedtrust.co.uk/admin/uploads/policy\\_commentary\\_feb\\_05.pdf](http://www.fedtrust.co.uk/admin/uploads/policy_commentary_feb_05.pdf).

February also saw President George W. Bush take his first steps in the hallways of the European institutions during a closely watched trip to Europe. His carefully choreographed itinerary provided a number of opportunities for further analysis of the state of the transatlantic relationship. EU-US relations will be a major consideration of a new Federal Trust project, 'A Global Strategy for Europe', which is being coordinated by David Clark, former Special Adviser to the ex-Foreign Secretary Robin Cook. For further details about this project please visit [www.fedtrust.co.uk/global\\_strategy](http://www.fedtrust.co.uk/global_strategy).

Also on the world stage, it is a stated priority of the UK Presidency of the EU and G8 to put African development at the centre of new global policy initiatives. Good governance is a key consideration in this debate and

provides a basis for another new major project, *'Rethinking Institutional Effectiveness in Sub-Saharan Africa'*. This project is co-ordinated in partnership with a leading African think-tank, the Institute for Global Dialogue, who are based in Johannesburg. For further details about this project please visit [www.fedtrust.co.uk/africa](http://www.fedtrust.co.uk/africa).

## 7. News from the Federal Trust

### Recent Publications

European Essay No. 34:  
*'Thinking about Constitutions'*  
Professor Sir David Edward, Honorary Professor, University of Edinburgh and formerly Judge at the European Court of Justice. Please visit [www.fedtrust.co.uk/uploads/Essays/Essay\\_34.pdf](http://www.fedtrust.co.uk/uploads/Essays/Essay_34.pdf).

Federal Trust Policy Commentary, February 2005:  
*Brendan Donnelly, 'Constitution or Constitutional Treaty?'*  
Please visit [www.fedtrust.co.uk/admin/uploads/Policy\\_Commentary\\_Feb\\_2005.pdf](http://www.fedtrust.co.uk/admin/uploads/Policy_Commentary_Feb_2005.pdf)

### Recent Events

Reports are available of two recently held events:

#### **Europe's Role in Global Environmental Governance, 19 January 2005, Brussels.**

Speakers included Professor James Cameron, Satu Hassi MEP, Roselyne Bachelot MEP and Maritta Koch-Weser. The report is available for download at [www.fedtrust.co.uk/environment](http://www.fedtrust.co.uk/environment).

#### **Reflections on the Spanish Referendum, 23 February 2005, London.**

Speakers included Walter Oppenheimer of El Pais and Monica Threlfall of Loughborough University. The report is available for download at [www.fedtrust.co.uk/events](http://www.fedtrust.co.uk/events).

### Forthcoming Events

The negotiations for the next EU Budget 2007-2013 are likely to be a complex and politically charged process. Later this month the Trust will be publishing a report entitled 'Funding the EU', by Professor Iain Begg of the LSE. This report will be discussed at two seminars in London and Brussels:

#### **London: 09.30 - 13.30, 18 March 2005, 'The EU Budget: Short Term Negotiations but Longer-Term Problems?'**

For further details please visit [www.fedtrust.co.uk/events](http://www.fedtrust.co.uk/events) or contact [alexis.k@fedtrust.co.uk](mailto:alexis.k@fedtrust.co.uk).

#### **Brussels: 16.00 - 18.00, 21 March 2005, 'The EU's Financial Perspective 2007-2013'**

Organised in partnership with The Centre, Brussels ([www.thecentre.eu.com](http://www.thecentre.eu.com)). Confirmed speakers include Vasco Cal, Cabinet of Commissioner Grybauskaite and Lord Giles Radice, Rapporteur of the UK House of Lords' report on the Financial Perspective. For further details please visit [www.fedtrust.co.uk/events](http://www.fedtrust.co.uk/events). To register please send an email to [meet@thecentre.eu.com](mailto:meet@thecentre.eu.com) with 'March 21 2005' in the subject line.

#### **'The UK Presidency of the European Union: Priorities, Objectives and Scenarios', 20-21 June 2005**

This conference is organised in association with Chatham House, with sponsorship from the University Association for Contemporary European Studies (UACES) and the Trans European Policy Studies Association (TEPSA). Further information will be available soon at [www.fedtrust.co.uk/presidency](http://www.fedtrust.co.uk/presidency).

### Forthcoming Publications

#### **'The EU and Turkey: A glittering prize or a millstone?', edited by Michael Lake.**

'This book is a honest and multi-disciplinary attempt to illuminate the dimensions of the challenge from different perspectives. I admire its breadth, depth and relevance and believe it will be a useful reference, not only for policy-makers and practitioners but for any citizen who reads it.'

From the Preface by Pat Cox, former President of the European Parliament

ISBN 1903403618, £16.95. Available in March 2005 from I.B.Tauris (contact Matthew Fry at [mfry@ibtauris.com](mailto:mfry@ibtauris.com)).

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**European Union Studies Association**

Information and ideas on the European Union