

# THE FEDERAL TRUST

for education & research

enlightening the debate on good governance

## EU Constitution Newsletter

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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).

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### 1. Editorial: French Referendum : the obsolescence of French political elites

What is happening in France today with the referendum on the European Constitution is certainly not a specific French issue but it has a very specific French dimension: the obsolescence of its political elites regarding the European project.

Indeed it is not only a French political crisis because it is already impacting on the whole of the European Union, generating a new 'wave' of interrogations regarding the Constitution project and, more deeply, the current state of the EU political system. Meanwhile, all those who are used to travel and debate all around the Union know very well that citizens' trust into their national political elites has become extremely low. Therefore those components of the current French political crisis are not specifically French.

What is on the contrary genuinely French is the fact that since the earliest stage of the European construction process, the French political and administrative elites (which used to be of two different kinds, and have now become one single Parisian cast) pretended to embody the true intellectual engine of the European integration dynamics. At least, they made

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#### 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. The planned dates for ratification are currently 11 May for the lower and 25 May for the upper house.
<b>Belgium</b>	Belgium will not hold a referendum and will seek ratification through parliament. The relevant bill has been introduced with ratification expected on 19 May. The government has begun a 1.1 million Euro information campaign on the Constitution.
<b>Cyprus</b>	Will seek ratification through parliament, probably in May 2005. There was no referendum on EU accession.
<b>Czech Republic</b>	Likely hold a referendum. The CSSD, the current ruling party, wants to hold the referendum in conjunction with the general election planned for June 2006. Both main parties remain committed to holding a popular vote on the Constitution, though no law allowing a referendum has yet been passed. The government is planning a 7.3 million Euro information campaign. In a recent poll, 56 per cent of voters said they would vote for ratification and 21 per cent against, with 23 per cent undecided. Only 4 per cent felt well-informed about the Constitution.
<b>Denmark</b>	Will hold a binding referendum on 27 September 2005. Most main parties, including the usually Eurosceptic Socialist People's Party, will support ratification. Among significant parties, only the Danish People's Party and the Red-Green Alliance oppose the Constitution. The Danish Prime Minister Rasmussen has said that Denmark would have to leave the EU if it rejected the Constitution. In a recent opinion poll, 46 per cent of respondents were undecided, 33 per cent for and 21 per cent against ratification.
<b>Estonia</b>	Will seek ratification through parliament.
<b>Finland</b>	Will seek ratification through parliament, probably late 2005/early 2006.
<b>France</b>	Will hold a binding referendum on 29 May. On February 28, the Versailles Congress (uniting both houses of parliament) adopted the necessary constitutional amendments with an overwhelming majority, paving the way for the referendum. Party campaigns are now in full swing. According to various recent surveys, the outcome of the referendum will be very close, with both sides getting around 50 per cent of the vote.
<b>Germany</b>	The process of ratification has begun, with a final decision expected in the lower house (Bundestag) on 12 May and on 27 May in the upper house (Bundesrat). The date for ratification was explicitly chosen in order to pass momentum on to the French campaign. Reaching the necessary two-thirds majority will not pose any problems, as only a few CSU politicians will oppose ratification.
<b>Greece</b>	Ratified the Constitution on 19 April 2005 by a parliamentary vote with 268 to 17 in favour. Ratification supported by both main parties, Nea Demokratia and PASOK. Greece is the fifth country fully to ratify the Constitution.
<b>Hungary</b>	Ratified the EU Constitution on 20 December 2004 by a parliamentary vote with 322 to 12 in favour and 8 abstentions. 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 may 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>	Ratified the EU Constitution on 6 April 2005, with 217 votes for and 16 against in the Senate. On 25 January, the Chamber of Deputies of the Italian parliament had ratified the EU Constitution by a majority of 436 in favour, 28 against and five abstentions. This made Italy the fourth country fully to ratify the Constitution.
<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>	Will hold a referendum on 10 July 2005, immediately after Luxembourg's EU Presidency. The Chamber of Deputies will vote on draft legislation on the ratification of the EU Constitution in June, which will then need to be approved by the binding 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. The question asked will be: 'Are you for or against the Netherlands agreeing to the Treaty establishing a Constitution for Europe?' Polls predict a close outcome, currently favouring rejection of the Constitution, although interest and information levels remain low.
<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, to take place in September and October 2005 respectively. A vote in conjunction with an election would also make the fifty per cent turnout required for ratification a virtual certainty. Polls have shown a majority of Poles currently in favour of ratification.
<b>Portugal</b>	Will hold a referendum, possibly on 2 or 9 October in conjunction with municipal elections. This was announced by the new Portuguese prime minister Jose Socrates on 12. The national Constitution will have to be amended before a referendum can take place. Popular approval for the Constitution seems very likely at present.
<b>Slovakia</b>	Will seek ratification through parliament, probably in May 2005.
<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 was ratified by the lower house of the Spanish parliament on 28 April, with 311 votes in favour and 19 against. Ratification by the upper house is expected soon.
<b>Sweden</b>	Will seek ratification through parliament. The bill will be introduced into Parliament in May 2005 and is expected to be passed in December 2005. No referendum will be held after an agreement last year between Social-Democrat PM Göran Persson and four right-wing opposition parties that parliamentary ratification will suffice, although on 22 March a petition calling for a referendum signed by over 120,000 Swedes was handed to the government.
<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 have to be reintroduced after the General Election on 5 May.

their citizens think so! And, to be true, all along the past 5 decades of European construction, with leaders like Schumann, Monnet, De Gaulle, Giscard, Mitterrand or Delors, they indeed displayed some of the most remarkable players of the 'EU political champions' league', able to put on the European negotiations table both visionary contents and political will.

Today's French crisis about the EU Constitution comes from the very collapse of the credibility of the French elites on the European project. French citizens are discovering, to their great dismay, that the only thing left of their elites's pretention is arrogance! Those elites are unable to credibly answer any question about the future. No vision at all. And, in a country like France, which has always required a common project to feel alive and unified, this is the ultimate weakness any ruling elite cannot afford to show.

When people started to understand, about two months ago, that their current political leaders could not answer their legitimate questions about the Constitution and the EU because they simply did not understand anything about it, the trend was set on a collision course between them and the elites. This feeling crosses political as well as generation boundaries. And it is gaining momentum, whatever pollsters are asked to make their surveys look like.

The highly probable 'No' vote in France on May 29<sup>th</sup> will therefore not be the consequence of a French opposition to the EU; but on the contrary, will express the deep conviction of the French people that their political class has betrayed both their trust and the responsibilities they had to push forward the European project. And it is not an attitude turned towards the past, seeking to be the 'Grande Nation' again; not at all, as one can see from the very negative reactions to President Chirac's last TV show when he claimed that France has made no compromise for this Constitution. Such a ridiculous remark was seen by many in France has the ultimate proof that the country's leadership is out of touch with both French and European realities.

How do the people know that? Because in the past 10 years, like in most EU countries, a growing part of the French population has learned to cooperate/work with other Europeans. Whether it happens within their companies, their universities, their NGOs, their local authorities, ... , the fact is that on a daily basis, hundreds of thousands of French people do work now within a trans-European environment, and, as a consequence, have discovered that the way their politicians talk of Europe is showing that they simply do not know how it works.

French political elites are discovering, maybe a bit earlier than other European countries' elites, that their citizens have now become much more demanding when it comes to European politics than they were a decade ago. Unfortunately, the politicians have not changed.

Therefore we can see in France today a flurry of meetings triggered by the collapse of the French elites' monopoly on the European debate, which are taking place without any political class representatives.

The French have now become the European citizens with the most exhaustive knowledge on questions related to the EU and its future. A very promising field for nurturing future European political players, especially as it seems that in this country, the European political debate is slipping away from the hands of its national political class.

Franck Biancheri  
Europe 2020

### 3. News from the Institutions

Ever since some opinion polls started showing a majority of French voters against ratification, the mantra of the EU institutions has been that 'there is no Plan B' in the event of a French or a Dutch 'no'. Officially, the ratification process will continue as if nothing happened. According to the *Financial Times* of 22 April, a Luxembourg Presidency official

went so far as to insist that it would be 'undemocratic' to let the French decide for the whole EU. The Dutch and Danish foreign ministers have also declared that their respective referendums would proceed as planned.

The Commission, for its part, has said that it is 'not its job to decide next what should happen next should France vote no'. However, it has pointed to a declaration annexed to the Constitution, which states that 'if, two years after the signature of the Treaty establishing a Constitution for Europe, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council'.

This, the Commission argued, should be the 'yardstick' to judge possible further moves in the ratification process. This view has been echoed by Luxembourg's President Jean-Claude Juncker. However, Britain will be taking over the EU Presidency in July. Its approach to the question of ratification may not be the same as that of the Luxembourg presidency, especially as some members of the now re-elected government may well be looking for an excuse to avoid holding a potential dangerous referendum on the Constitution in the UK next year.

Even before the British Presidency, the European Council on June 16 is likely to be dominated by discussions on how to proceed if, by then, either France and the Netherlands have rejected the Constitution. Political commentators have already been trying to come up with possible solutions to the crisis a 'no' would create. Various plans, such as a reduced, less controversial new treaty or some form of 'multi-speed Europe', have been mooted. Naturally, none of these plans have been embraced or even publicly acknowledged by the EU and its member states.

Instead, a number of voices have been raised, stressing that substantive renegotiation would be impossible. In an interview with the French newspaper *La Croix*, Mr. Juncker said that renegotiation was 'unrealistic', and that non-ratification would lead to Europe

losing 'two decades', in which other parts of the world would overtake or catch up with the EU.

EU officials have also been quick to point out the consequences of a failed ratification process for further enlargement. According to the *Financial Times*, a French 'no' may endanger the planned opening of entry negotiations with Turkey in October. Marek Belka, the Polish prime minister, agreed, saying that rejecting the Constitution would 'completely change the way the EU negotiates with Turkey'.

Whatever the outcome of the referendums in France and the Netherlands, the EU will need to reflect on the apparent unpopularity of the Constitution in two founding members of the Union.

Markus Wagner  
The Federal Trust

[Jean-Claude Juncker's interview with \*La Croix\*, 21 April 2005](#)

#### 4. The UK debate

During the current British General Election, all of the major political parties have decided to speak as little as possible about European questions. The governing Labour Party has long since realised that General Elections in the United Kingdom are largely fought and won on domestic issues. The major Opposition party, the Conservatives, wish to prevent advertising their divisions over Europe during the General Election. The Liberal Democrats are careful to avoid what they see as the damaging image of 'excessive' pro-Europeanism. As a result, political and public discussion of the European Constitution in the United Kingdom has ceased almost entirely over the past month.

Politicians and commentators have followed, however, the French debate on the Constitution with considerable interest. The Eurosceptic media have already concluded after a string of unfavourable opinion polls that the French electorate will reject the

Constitution on 29 May. Officially, Mr. Blair insists that the United Kingdom will hold a referendum on the Constitution in any event, although the Foreign Secretary Jack Straw has hinted that French rejection of the Constitutional Treaty could change the government's plans. Mr. Blair's insistence that Britain will definitely hold a European referendum next year is partly due to his desire to postpone European controversy until well past the current General Election. In part, it seems to reflect his belief that winning a referendum on the European Constitution would be a fitting climax to his career as Prime Minister. During the current General Election campaign, he has repeated his promise to stand down as Prime Minister before the next General Election.

A major feature of British internal politics over the past month has been the rapprochement between the Prime Minister and his likely successor, Gordon Brown. Their renewed partnership has been seen by political commentators as a decisive contribution to the government's probable electoral victory on 5 May. Over the past eight years, Mr. Brown has made little effort to conceal his lack of enthusiasm for any moves to take Britain into the single European currency. In the last week of April, Mr. Blair went further than he normally does in echoing Mr. Brown's view of the single currency, strongly hinting that Britain would not join the euro even in the Parliament elected on 5 May. Few commentators believe Mr. Blair could have won a referendum on the single currency in any foreseeable future. Even if there is a positive vote in France on 29 May, he will face formidable difficulties in winning a referendum on the European Constitution in 2006.

Brendan Donnelly  
The Federal Trust

['Blair retreats from EU vote', \*The Guardian\*, 18 April 2005](#)

['Why I say Oui to a French No', Anatole Kaletsky, \*The Times\*, 14 April 2005](#)

#### 5. Countries of the month

##### The Poles will vote 'Yes'

It will be for the *Sejm* (Chamber of Deputies) and the Polish Senate to adopt the act of Parliament deciding the choice of procedure for granting consent to ratification by the Polish President to the EU Constitution. Given the strong commitments of the parliamentary caucuses the procedure will be a nationwide referendum, not a simple act of parliament. The analysts are divided as to whether this procedure diminishes or increases the chance of obtaining consent. Were it not for their party commitments, the Opposition to the EU Constitution might opt for the regular act of Parliament. Their hope would be that the 460-strong *Sejm* and 100-strong Senate might not produce a two-thirds majority vote in the presence of at least half of the statutory number of Deputies (similar numbers in the Senate) to pass the authorization for the President.

The referendum strategy has risks for the Opposition to the Constitution, since for it to be binding more than half of the number of those having the right to vote have to participate. This fifty percent clause is a remnant of state-socialism-in-decline when the ruling few had to compromise and create the institution of the referendum but saw to it that it would not be that easy to use it as an abiding expression of popular will. Nevertheless, the clause has been included in the new Constitution of Poland, and a referendum may now only be held in respect of matters of particular importance. In fact, public opinion polls have shown repeatedly that well over fifty percent of those having the right to vote are willing to participate in a referendum on the Constitution and an even larger percent of those who will vote are willing to vote for ratification. The most important consideration is that should the referendum fail to endorse the Constitution due to insufficient participation (the referendum validity being determined by the Supreme Court), the President will be free to act unhampered. Although any President will be careful not to swim against the political current, Mr. Aleksander



Kwasniewski is a staunch European and will act accordingly, his term of office expiring very shortly after the referendum in any case.

Some supporters of the EU Constitution try to suggest indirectly that a negative vote will seriously undermine, if not cancel, Polish membership. This is the position of the ruling Social Democrats. Technically, they are wrong. The two moderate right-wing and center-right parties, on the other hand, a possible coalition of the would-be winners in the Parliamentary elections 2005, either express reservations about the EU Constitution (Law and Justice Party) or speak mildly in its favour (Civic Platform). The most influential opponents among the leading politicians are careful not to be identified as anti-Europeans, and tell the public that by rejecting the EU Constitution one may stimulate the EU toward negotiating a better agreement in the EU and a better deal for Poland. The heartening observation is that on the whole even the Constitution's opponents are not questioning membership itself. There are, however, a minority of politicians among the Constitution's opponents who deplore the very concept of Poland's EU membership. In general, the fiercest opponents of the EU are the ill-educated traditionalists of the older generation inhabiting villages and small impoverished towns. Populists and some right-wing Catholic politicians play upon fears and complexes in the Polish population. The Catholic Church hierarchy is for the EU Constitution, albeit half-heartedly as the lack of the *Invocatio Dei* in the EU Constitution is still resented.

Voting will take place either towards the end of June or in early autumn. The decision with respect to the date will probably be taken within the next ten days. Anyway, the referendum campaign is about to start. At the same time there will be the election campaigns both for the Parliamentary and Presidential elections. These campaigns will help to define political positions more clearly. The French and Dutch referenda will also be a factor in the

background. In the meantime we have to draw upon intuition rather than hard information.

Professor Ryszard  
Stemplowski  
Jagellonian  
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## Yes, no, yes: the fickle French?

### Recent polls

With about three weeks to go until the referendum, opposition to ratification in France seems to be weakening, with four of the six most recent polls, all conducted at the end of April, even showing a slight advantage for the 'yes' campaign. The opinion reversal of mid-March has itself been reversed, and the race is thus currently evenly balanced, with neither side being able to claim a clear lead.

A closer look at the opinion polls suggests two explanations for this change. First, left-wing voters are moving towards supporting ratification. The Ipsos poll for *Le Figaro* gives a good picture of this evolution. While on 22-23 April, Socialist Party sympathisers were split 45 to 55 per cent against ratification, by 29-30 April this had reversed, with 56 to 44 per cent in favour of the Constitution. Although among left-wing voters more generally the 'no' vote is still in a majority, the gap has narrowed to 46 to 54 per cent from the more daunting 40 to 60 per cent. On the right, little has changed, with around 80 per cent of UDF and UMP voters consistently supporting ratification. *Front National* supporters are still the most overwhelmingly opposed to the Constitution, with 80 per cent saying they will vote 'no'.

Second, voters have changed their perception of the Constitution and the referendum. In a new development, a majority of respondents now expect a victory for the 'yes' campaign and also wish the Constitution to be ratified. Moreover, the message from supporters of ratification that renegotiation of the Constitution will not be possible seems to be slowly making headway. The Ipsos poll of 29-30 April shows that 39 per cent of respondents see

renegotiation as an unlikely outcome of a French 'no' (up from 27 per cent three weeks earlier). However, the fact that 52 per cent (though down from 63 per cent) still believe renegotiation possible indicates that French pro-ratification campaigners have not yet got their message through to all voters.

This second major opinion shift in the course of the campaign shows how volatile referendums can be. Nevertheless, this current trend in favour of ratification is arguably less likely to erode than the support that collapsed in mid-March. Fewer people are now undecided, especially in the 'yes' camp, and those who have recently made their mind up have done so after both sides of the debate have had a clear airing in the French media. Current support for the Constitution has thus withstood the confrontation with anti-ratification arguments and may in consequence be more stable. Finally, turnout is likely to be high as the referendum is now seen as an important issue, with a close outcome expected: voters have come to feel strongly about the issue and realise that their vote will be important in a tight race.

### Party politics in the campaign

This is the longest referendum campaign in the history of the French Fifth Republic, and it is a vote that is controversial and hard-fought. As a result, the referendum, which will have dominated French political life for several months, has become the arena for broader conflict among French politicians and parties.

On the side of the government, President Jacques Chirac's televised debate with young French voters was widely regarded as a failure, with Mr. Chirac looking old and out of touch by berating the French youth for their pessimism. Perhaps as a result, his next televised intervention on 3 May took the more traditional form of an interview with two journalists and seems to have been more successful.

Mr. Chirac is not the only government politician who has seemed weak in this campaign. Prime Minister Jean-Pierre Raffarin is spectacularly

unpopular in France and has been forced to take a backseat in the referendum, even going on a long official trip to China in the past week. Interior Minister Dominique de Villepin has publicly taken over the reins of the campaign, hinting that Raffarin will have to leave his post no matter the outcome of the referendum. De Villepin is seen as the most likely candidate to succeed Raffarin and, possibly, compete with the UMP leader Nicholas Sarkozy to become the Right's presidential candidate as Mr. Chirac's successor in 2007.

On the left, party politics is no less dominant. The conflict between Socialist Party leader François Hollande and former Prime Minister Laurent Fabius over ratification has always been just as much about presidential prospects as about the quality of the Constitution. The drop in the support for a 'yes' in the French PS has been widely blamed on Hollande's weak leadership and seems to have lowered his standing and authority within the party. The recent televised interview with former Prime Minister Lionel Jospin, coming just after the first polls showing a slight advantage in favour of ratification, was regarded as a success, with some six million viewers watching. It was Jospin's first television interview since his defeat in the first round of the presidential elections on 21 April 2002.

Jospin's very public intervention has recalled the surprise result of 21 April 2002 to the minds of the French public. Three years ago, left and centre-left voters ended up having to support Chirac in the run-off with Jean-Marie Le Pen, partly because they gave their vote to minor left-wing candidates in the first round, thus weakening Jospin's position. Initially, the referendum was seen by some on the left as a way of expressing disapproval of Chirac and his policies, something which had been denied to the French public in 2002. Prominent Socialist politicians such as Jospin now seem to be having some success in convincing sympathetic voters that the referendum should not be used for national political ends. Indeed, Jospin is once again being seen as a possible

Presidential candidate in 2007, and his broad appeal has shown up the limitations of Hollande as a party leader. This intense referendum campaign, with its perceived winners and losers, is likely to have an effect on the broader course of French politics at least until the next presidential election.

Markus Wagner  
The Federal Trust

[French polls on the Constitution - website](#)  
[Le Figaro - Ipsos poll](#)  
[Federal Trust Policy Brief: What do French voters want from the Constitution?](#)

## Updates...

### *The Netherlands*

The referendum campaign in the Netherlands stands in striking contrast to the debate in France, where the Constitution is dominating political life. In Holland, the campaign has had a slow start, and there still seems to be very little interest in the vote on 1 June. The consultative referendum is the first in modern Dutch history.

Two recent polls show that ratification is far from certain. On 2 May, a poll for Dutch public television showed 32 per cent against ratification, but only 30 per cent in favour. 38 per cent were undecided, and only 37 per cent said they would definitely vote in the referendum. A TNS-NIPO survey published on 22 April showed 22 per cent in favour of and 24 per cent against ratification, with 48 per cent answering 'don't know'. In this poll, only 32 per cent said they would definitely vote. Maurice de Hond, a leading Dutch pollster, has argued that high turnout will be the key to approval of the Constitution by Dutch voters, but predicted that only 35 per cent would vote on June 1.

The five main political parties and the vast majority of parliamentarians endorse ratification, while only marginal groupings are publicly opposed to the Constitution. These include the small Socialist Party and the Groep Wilders, the party set up by right-wing populist Dutch MP Geert Wilders. Given the low interest in the referendum, public disenchantment with the national

political establishment and disagreement with Turkish accession seem to be the main reasons for the low ratings for the Constitution.

In an effort to strengthen the 'yes' campaign, a new cross-party foundation, 'Better Europe', has been set up to defend the Constitution. In part, this initiative stems from the concern that the arguments in favour of the Constitution had become unclear, with each of the five parties in favour of ratification putting forward their own reasons why the Constitution is desirable. We will see on 1 June to what extent the Dutch public can be mobilised to turn out in favour of a Constitution they know little about.

[The Dutch Government's referendum website](#)

[The 'Better Europe' campaign](#)

## *Upcoming Parliamentary Ratifications*

Both Germany and Austria have decided to ratify the Constitution in May, while Belgium, Cyprus, Slovakia and Spain are planning to have completed the ratification process by June.

In Austria, the lower house (Nationalrat) will vote on 11 May and the upper house on 25 May. The Constitutional Committee of the lower house has recommended ratification, and little opposition is expected.

## *Germany*

In Germany, ratification is scheduled for 12 May in the lower house (Bundestag) and 27 May in the upper house (Bundesrat). Opposition is only expected from around 15 to 20 CDU and CSU politicians as well as from the socialist PDS, which makes achieving the necessary two-thirds majority a virtual certainty.

There has been some controversy recently surrounding the Constitution in Germany, as Peter Gauweiler, a CSU member of the Bundestag, took legal action against ratification, claiming that the EU Constitutional Treaty would devalue the German Constitution, the

Basic Law. His aim was to stop the ratification process. However, on 28 April, Germany's highest constitutional court decided that Gauweiler's suit could only be heard once the Constitution had been ratified. As a result, parliamentary ratification can proceed unhindered.

Chancellor Schröder's efforts to complete the ratification process before the French referendum were also endangered by a dispute with the Länder about their involvement in the EU. In order to preserve the tight timetable, Schröder promised the Länder that they will in future have more say in EU legislation that concerns their interests and that the upper house, which represents the Länder, will participate in the naming of judges to the European Court of Justice.

### Italy and Greece

On 6 April, Italy ratified the Constitution, with 217 votes in favour and 16 against in the Senate. On 25 January, the lower house, the Chamber of Deputies, ratified the Constitution by 436 to 28 votes, with 5 abstentions. Italy, the fourth country to complete ratification, was followed by Greece. There, the sole parliamentary chamber voted to ratify the Constitution with 268 to 17 votes.

Markus Wagner  
The Federal Trust

## 6. And finally...

With the UK General Election now over attention will start turning back towards some of the issues facing the new Labour government at the beginning of its third term. High on the agenda will be the UK Presidency of the European Union and the ratification of the EU Constitution. Each of these processes will impact on Britain's short and long-term relationship with Europe. To discuss issues surrounding both these processes the Federal Trust, in co-operation with Chatham House, UACES and TEPSA, is arranging a major two-day conference, 'The UK Presidency of the European Union: Priorities and Objectives' to take place in London on 20-21 June.

In particular, this conference will discuss the UK priorities for their six month term in the EU's Presidency and provide a platform for the analysis of these priorities within the context of the United Kingdom's general approach to the future of Europe and to Europe's role in the world.

For further information about the programme and speakers or to register online please visit [www.fedtrust.co.uk/presidency](http://www.fedtrust.co.uk/presidency).

## 7. News from the Federal Trust

### Recent 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. For more information and to order this book, please visit [www.fedtrust.co.uk/turkey](http://www.fedtrust.co.uk/turkey)

#### 'What do French Voters want from the European Constitution?'

European Policy Brief Number 11

**Brendan Donnelly**, Director and **Markus Wagner**, Research Associate at the Federal Trust contrast the differing public discussion of the European Constitution in France and the United Kingdom. This Brief argues that any interpretation of the Constitution which might make it more acceptable to French opinion would risk making it less acceptable in the United Kingdom.

To read or download this Policy Brief, please visit [www.fedtrust.co.uk/admin/uploads/PolicyBrief11.pdf](http://www.fedtrust.co.uk/admin/uploads/PolicyBrief11.pdf).

#### 'The Constitutional Treaty and the Question of Ratification: Unscrambling the consequences and identifying the paradoxes'.

European Policy Brief No. 10

**Professor Jo Shaw**, Senior Research Fellow at the Federal Trust and Professor of European Institutions at the University of Edinburgh assesses what might happen if the EU Constitution is not ratified. This Brief considers some historical examples of attempts to ratify previous European treaties. The article concludes by examining some of the options which might be taken by one or more of the Member States in the event of non-ratification.

To read or download this Policy Brief, please visit [www.fedtrust.co.uk/admin/uploads/PolicyBrief10.pdf](http://www.fedtrust.co.uk/admin/uploads/PolicyBrief10.pdf).

#### 'A Flexible Europe?'

European Policy Brief Number 9

**Brendan Donnelly**, Director and **Ulrike Rüb**, Senior Research Officer at the Federal Trust review and define some of the key terms, such as a 'multi-speed Europe' and 'European Vanguard', which are regularly used in discussions about the future shape and direction of the European Union. The Brief seeks to identify the degree of effective support that each of these models might enjoy amongst politicians and policy-makers from around Europe. Regardless of the outcome of the votes in France and other European Member States it is clear that questions about 'flexibility' within the Union will continue to be hotly debated and in all likelihood define the medium to long-term future of the Union.

To read or download this Policy Brief, please visit [www.fedtrust.co.uk/admin/uploads/PolicyBrief9.pdf](http://www.fedtrust.co.uk/admin/uploads/PolicyBrief9.pdf).

### Forthcoming Events



**The UK Presidency of the European Union**  
Priorities and Objectives



20-21 June 2005  
Chatham House, London

For further information about the programme and speakers or to register please visit [www.fedtrust.co.uk/presidency](http://www.fedtrust.co.uk/presidency).

### Forthcoming Publications

*European Essay 35, May 2005:*

Michael Lake, **'The EU and Turkey'**.

Michael Lake is a former EU Ambassador to Turkey (1991-98) and Hungary (1998-2001), and a former journalist with *The Scotsman*, *The Guardian* and the BBC World Service.

This Essay will be available to download from 13 May at [www.fedtrust.co.uk/uploads/Essays/Essay\\_35.pdf](http://www.fedtrust.co.uk/uploads/Essays/Essay_35.pdf).

### **'The Constitution for Europe' by Andrew Duff MEP.**

The Trust is pleased to announce a new title available from June 2005. In this new book one of the leading members of the Convention, the British MEP Andrew Duff, considers the origins, content and impact of Europe's first Constitution.

Distributed by I.B. Tauris. To pre-order please contact Matthew Fry at [mfry@ibtauris.com](mailto:mfry@ibtauris.com).

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