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**Research Report**

## Cards on the table! Ideas for tackling the EU's constitutional malaise

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## Cards on the Table!

Ideas for Tackling the EU's Constitutional Malaise

*Andreas Maurer / Daniela Schwarzer*

The “pause for thought” decreed by the heads of state and government for themselves and their citizens after the voters in France and the Netherlands rejected the Treaty Establishing a Constitution for Europe has been extended for at least another year. The European Council meeting on 15<sup>th</sup> and 16<sup>th</sup> June 2006, did little more than sketch out the way forward for the period 2006-2008: by the end of 2008, decisions should have been taken on the question how to continue the reform process. A concrete strategy for implementing the Constitutional Treaty or an alternative treaty, still appears out of reach. Before even beginning to agree on how to move forward, all 25 European Union member states would have to state clearly what goals they are pursuing in the process of institutional reform (a process which all sides agree is necessary) and what steps they believe are required for achieving these goals. In this context, clear statements on the importance of the Treaty and its fate are needed. Consensus on these issues is unlikely to be achieved among all 25 member states. In order to allow a constructive discussion to take place regardless, the 25 would have to agree on shared criteria for assessing the reform proposals that are on the table, and on the options for resolving the “constitutional crisis.”

There is no shortage of optimistic talk. Towards the end of the informal meeting of EU foreign ministers at Klosterneuburg near Vienna on 27<sup>th</sup>/28<sup>th</sup> May 2006, the Chair, Ursula Plassnik, stated that the “phase of silence on the Constitutional Treaty” and “speechlessness” were over. The “skies are clearing,” and “last year’s thunder-clouds are slowly disappearing.” Nevertheless, the pause for thought was officially prolonged on 15<sup>th</sup>/16<sup>th</sup> June 2006. According to the Conclusions of the recent Council, in the first semester 2007, the

German EU-Presidency will present a report on the state of discussions with regard to the Constitutional Treaty and will explore possible future developments. The task of putting the Constitutional Treaty -or an alternative to it- on track for ratification will be an extremely difficult task in political terms.

In recent months, the European Commission, the European Parliament, and almost all member states have formulated proposals for dealing with the crisis triggered by the double “no”. Not that this

has yet produced any kind of clarity. In fact, there is not even a consensual interpretation of the crisis. The actors start from conflicting premises in some cases; they keep their real interests under wraps, and keep their proposals vague. This is why the June summit, a year after the two negative referendums, was not able to take a joint strategic decision on the fate of the Constitutional Treaty or the search for an alternative.

In order to analyze the existing positions in the “crisis discussion” it is useful to systematize the debate with reference to two indicators: The first indicator sorts actors according to whether they advocate the abortion of the Treaty or not; the second, according to the actual reform goals that they are pursuing. Three groups can be clearly distinguished (see Overview 1, p. 9):

- ▶ One group, led by those who have already ratified the Treaty, **calls for the ratification process to be continued** and for the text of the Constitutional Treaty to be retained, because the reforms laid out there still continue to represent the aims of these states (Treaty). At most they would consider amending the Treaty with declarations and protocols that might make ratification in other states easier (Treaty plus). These states would want France and the Netherlands to embark on a fresh attempt at securing ratification.
- ▶ A second group, led by representatives from France, the Netherlands, Poland, and the Czech Republic, **proposes “burying” the Constitutional Treaty** and discussing reform of the EU’s institutional system on the basis of the *status quo* of the Treaty of Nice (Treaty of Nice plus).
- ▶ Between these two extremes lie the advocates of the **“mini-treaty” option**, which foresee progress on the basis of the first two parts of the Constitutional Treaty. These “bridge-builders” would like, in particular, to save parts I and II of the Constitutional Treaty in order to ensure implementation of the institutional and procedural reforms (Treaty

minus). For that to occur, the Treaty would have to be renegotiated in a reconvened convention or in a brief intergovernmental conference.

### **Wanted: A Common Yardstick**

In the ongoing discussions in the EU, the heart of the problem is more than simply disagreement over the question of how to deal with the *impasse* in the ratification of the Constitutional Treaty and the underlying crisis of the European integration project. The causes of this lack of direction lie deeper; so too do the reasons for the severe difficulties observers encounter in their efforts to gain an overview of the different proposals (something which explains the lack of signs of convergence, still less of consensus). Almost none of the 25 governments has revealed its actual political aims in the current discussions about the EU’s future. There is no shared, explicable yardstick by which the problem-solving potential and chances of implementation of the various proposals could be measured. In setting up such an instrument, there are three obvious criteria which should be referred to:

#### **1. Implementing the Constitutional Treaty on the agreed date of 2009.**

First of all, one could consider whether the proposals further the goal of putting the Treaty into effect by June 2009 at the latest, as the heads of state and government agreed when they signed it.

#### **2. Refuting or accommodating the arguments that led citizens to reject the Constitutional Treaty or integration as a whole.**

This criterion could be used to assess the extent to which the proposals satisfactorily deal with the reasons motivating those who rejected the Treaty in France and the Netherlands as well as those who could yet reject it in countries that have still to complete ratification. Proposals that meet these reservations would increase the chances of

ratification of the existing Constitutional Treaty or an alternative treaty.

### **3. Achieving the reform goals laid down in the Treaty.**

All proposals can be measured against the mandate of the Constitutional Convention and the Intergovernmental Conference that was sketched out in the Treaty of Nice (in Declaration No. 23 on the Future of the Union) and fleshed out with more detail at the European Council of Laeken in December 2001, to discover the extent to which they satisfy the terms of that brief. The mandate encompassed several separate tasks: adapting the Union's institutions for expansion, defining the division of powers between Union and member states, clarifying the status of the Charter of Fundamental Rights, defining the role of national parliaments in the Union, and simplifying the Treaties. The Constitutional Treaty—as the product of a broad, thorough discussion in the Convention, signed and thus recognized by all the member states—can be regarded as the fulfillment of this mandate. For that reason, analysis of this third criterion is largely a matter of juxtaposing the alternative proposals against the existing answers of the Constitutional Treaty.

These three criteria allow us to conduct a transparent assessment of the options. Studies that keep their criteria of analysis under wraps quickly attract charges that they are arbitrary or merely politically motivated “advocacy research” (for example with the predetermined aim of saving—or sinking—the Constitutional Treaty). In the political debate, too, the actors should openly reveal their goals and principles, so that their co-actors understand clearly which problems they want to solve and which conceptual prerogatives and political interests guide their actions.

In the absence of such transparency there is a real risk of the debate unraveling and the Union becoming politically even more fragmented. Growing public discontent and Euro-skepticism—exacerbated

by the impression of helplessness at the level of the heads of state and government and the deliberate instrumentalization of negative European stories by populist forces—can only strengthen these centrifugal forces. And in strategic political terms these forces will be stronger than the centripetal element of the European Union, partly because the Commission (which is treaty-bound to pursue the European “common interest”) is displaying increasingly clear signs of polarization. The Commission has suffered a noticeable loss in its capacity to provide integrative momentum as well as in its political influence over the member states' governments and the public debate.

### **Saving the Constitutional Treaty by Slimming or Renegotiating**

Nicolas Sarkozy, French interior minister and leader of the governing UMP party, called in his New Year's address on 12<sup>th</sup> January 2006 for a shorter treaty text based on the first part of the Constitutional Treaty; this text would do nothing more than regulate the institutional and procedural organization of the 25-member Union. The subject matter of this abridged Constitutional Treaty would be the arrangements for the presidency of the European Council and Council of Ministers, the areas of application for qualified majority voting and for the co-decision procedure for the European Parliament, and the creation of the post of a European foreign minister. M. Sarkozy proposed having this “mini-treaty” ratified only by national parliaments and left open the question of how the Charter of Fundamental Rights included in the second part of the Constitutional Treaty and the reforms of the third and fourth parts of the Treaty should be put into effect. M. Sarkozy's proposal would only offer a way out if he were to win France's May 2007 presidential election (for which he has already declared his intention to stand) and then claim an electoral mandate for pushing an abridged

reform treaty through parliament. So far, Italy's prime minister, Romano Prodi, is the only European head of state or government to publicly support M. Sarkozy's initiative.

Although proposals of this kind are oriented around the text of the Constitutional Treaty, by undoing its "package" character they call into question the outcome achieved by the Constitutional Convention and the Intergovernmental Conference. The scope of the renegotiation would probably not be confined to the revision of the points criticized by the French and Dutch opponents of the Constitution. Other aspects would in all probability be called into question. Certain actors could take the negotiations as an opportunity to put elements of the Constitutional Treaty that they themselves were unhappy with, back on the agenda. In January 2006 the French foreign minister hinted that France would like to reconsider the double majority voting system for the Council of Ministers laid down in the Constitutional Treaty. Criticism of this mode of vote-weighting in the Council can also be expected from Poland, whose relative influence would be weakened in comparison to the Nice rules.

If an attempt to abridge the Treaty were to lead to the original constitutional compromise being picked apart in the way described above, this would entail a risk of delays extending well beyond 2009—for a proposal that fails to accommodate to any meaningful degree the reasons for the no-votes in the French and Dutch referendums. Admittedly, the length and structure of the Treaty (which was mailed to every French household) may have fostered incomprehension and consequently rejection in France, but all the analyses agree that this aspect was only one of many reasons for rejection, and the others will not be addressed by simply cutting out content.

### **Add-on and Opt-in as Last Resorts**

Proposals for amending the Treaty—for example with a protocol, a declaration, or

a charter—are more clearly designed to rescue the Constitutional Treaty (and to achieve its goal of implementing the reform projects set out in the Treaty of Nice). An addendum of this kind could constructively address the concerns of the Treaty's critics without affecting the political substance of the Treaty. The starting point for considerations of this kind would be the reasons for the French and Dutch "no" to the Treaty. Three factors can be named as common denominators in the motivation behind rejection: existential personal worries (with regard to social security and societal—or national—identity), fears associated with EU expansion, and the wish to preserve the autonomy of one's own nation-state as, supposedly, the last bastion against the threats of globalization (the latter, according to the German political scientist Fritz Scharpf, being a process that the EU has tended to push forward through liberalization of the internal market rather than ameliorating its socially detrimental effects and mitigating its impact on sovereignty and autonomy).

After considering this collection of factors, the fears and expectations of many EU citizens could be taken as a starting point for stating the goals of the Treaty more clearly. The aim would be to clearly explain the social and economic policy dimension and the function of the European Union with respect to the sovereignty and national identity of the member states in a context of globalization and EU expansion.

At the end of such a process, the first concrete step could be to prepare a declaration on the social dimension of the EU, possibly in connection with the adoption of a European globalization strategy that would translate the EU's fundamental social and economic standards into effective foreign policy guidelines for relations between the EU and other states.

If, however, the substance of such an amendment were to go further than the content of the Constitutional Treaty, that could endanger ratification in the United

Kingdom, Poland, and the Czech Republic. On the other hand, if a new attempt to achieve ratification were to be launched with a protocol that was nothing more than a “placebo,” this would fail to silence the opponents and certainly do nothing to stimulate a “yes” vote; it would instead be dismissed as a cheap trick. One way out of this dilemma could be to formulate the elements of deepening that go further than the existing Constitutional Treaty as options for a particular minority group of member states, which others would be free to join as the integration process progressed. The Constitutional Treaty would remain intact in the form already presented for ratification and no state would be compelled to participate in deepening.

The Dutch “nee” to the Treaty was above all an expression of the fear of loss of national identity and a rejection of European “egalitarianism.” Similar sensitivities could also influence the ballots in the Czech Republic, Poland, Britain, and Ireland, and a declaration on the social dimension would not on its own be enough to make a difference in these countries. But by taking a similar approach to the one adopted in the field of social and economic policy, Europe’s citizens and their representatives could set out to find the concrete elements of the “national identities” that are currently named in Article 6 of the Treaty on European Union but not elaborated in further detail and—in a second stage of Constitutional Treaty amendment—proclaim them politically. Article I-5 of the Constitutional Treaty provides a foothold for this debate when it states that, in its relationship with the member states, the EU will respect their “equality . . . before the constitution as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.” National politicians should, however, avoid defining these elements of national identity purely in terms of the limits to the state’s willingness to pursue European integration.

On the other hand, this approach would foster the formation of opposing camps (nation-states versus the Union) and would hamper constructive cooperation within the EU’s institutional structures. The over-emphasis (and deliberate fomenting) of conflicts between the EU and nation-states could lead to European political integration becoming frozen at the state of the current *acquis*, which in turn would block necessary reforms. In the worst case there could be a regression in economic and political cooperation. The conflict that recently flared up over the *de facto* challenge to European competition rules on the part of power companies and governments in Spain and France showed just how strong protectionist tendencies have already become. It is hence important to identify national identities as constitutive elements of the EU project—without presenting them as contradictory to integration. In this approach, the EU would be defined as the protector of these values and expectations in the environment of global competition. Seen like that, the emphasis on national identity could even have a dynamizing effect on internal relations and a protective one in its external relations.

Any declaration or charter dealing with the problems outlined here would also need to serve to clarify the meaning of the term “constitution” itself if used as in the Constitutional Treaty. A charter could be advanced informally by the Finnish Council Presidency, working with France and the Netherlands. The proposal could then be fleshed out with detail—including on the question of EU expansion—under the German Council Presidency (or, at the latest, the subsequent Portuguese one) and then passed into the Union’s formal decision-making mechanisms.

### **Nice and Nice Plus: Piecemeal Approaches and Concrete Projects**

Criticizing the Austrian suggestion of reviving the ratification process, Dutch foreign minister Bernard Bot stressed that

his government felt it was advisable for the moment to “concentrate on practical measures on the basis of the Treaty of Nice.” French President Jacques Chirac has also been calling since January 2006 for the EU to be reformed “on the basis of existing treaties” in order to improve the functioning of the institutions. A letter written in April 2006 by the French foreign and European affairs ministers to the Austrian foreign minister lent weight to this proposal. In it they suggest:

- ▶ using the *passerelle* clause in Article 42 of the Treaty on European Union to shift issues from the third intergovernmental pillar of the Treaty on European Union to the supranational Treaty Establishing the European Community. This move would include the reform and communitization of police and judicial cooperation. Some or all of the policy areas named in the “third pillar” would thus come under the qualified majority voting procedure in the Council, would be subject to the co-decision procedure of the European Parliament rather than the much weaker right of consultation, and would be open to much stronger judicial control by the European Court of Justice.
- ▶ utilizing the *passerelle* clause in Article 137.2 of the Treaty Establishing the European Community to move to co-decision procedure in those fields of social policy that are currently subject to unanimity in the Council of Ministers but only the consultative procedure in the European Parliament.
- ▶ stronger networking as well as institutional and procedural convergence in those committees of the Council and the Commission dealing with foreign policy questions, on the basis of the organs’ right of self-organization.
- ▶ a further increase in the transparency of the Council of Ministers, on the basis of its right of self-organization.
- ▶ strengthening the European Parliament’s rights of control and information through the committees dealing with

questions relating to the implementation of Community law (comitology).

- ▶ strengthening the EU’s instruments for coordinating economic and financial policy through, and on the basis, of the organizational autonomy of the Euro group.
- ▶ *de facto* advance implementation of the Constitutional Treaty’s protocol on the principle of subsidiarity in an effort to involve national parliaments more closely; also on the basis of the current protocol on the role of national parliaments in the EU.

Without wholeheartedly joining the group who declare the Constitutional Treaty to be dead, the EU Commission has shifted closer to this line and in its communication to the European Council, “A Citizens’ Agenda – Delivering Results For Europe,” proposed similar reform steps “à traité constant.”

Numerous efforts are currently being undertaken to implement the two Treaty protocols on the role of national parliaments and the application of the principle of subsidiarity. The start was made by British foreign minister Jack Straw, who emphasized directly after the two referendum defeats that the rules of the two protocols could be put into effect even without the Constitutional Treaty. And the majority of the participants at the annual subsidiarity conference of the Committee of the Regions at the end of November 2005 demanded the implementation of the subsidiarity protocol in the Constitutional Treaty.

In this connection, since fall 2005, the lion’s share of the political energy has been directed at advancing the “Europe of projects” in order to offer the populations of the member states “visible successes.” The prime examples here include the results of the Hampton Court summit of October 2005 under the British Council Presidency, which brought forth the “Globalization Fund” as its most prominent project and invigorated the energy policy debate, and the discussion pushed by President Chirac

on projects in the field of research and innovation, which has also dynamized bilateral projects in the field of Franco-German cooperation.

Although strictly speaking these initiatives have nothing to do with the Constitutional Treaty, they can be regarded as an attempt to change the context—to engender a positive shift in the public mood toward the EU, with an eye to returning to ratification (of the original treaty or a replacement) at a later date. However, there are grounds to believe that those governments that are particularly enthusiastic about a Europe of projects also have no present interest in ratifying the Constitutional Treaty.

If we ask whether concentrating on partial reforms and individual projects makes it possible to address the concerns of those citizens who rejected the Treaty (or, for example in Britain, would reject it if asked), the answer is probably negative. Demonstrative activity at the EU level is certainly helpful in allaying further criticism of the system and relativizing the (empirically unproven) argument of high levels of public Euro-skepticism, but the “projects” cannot be expected to have any material effect before 2009.

Lastly, the concentration on piecemeal approaches and projects stands for an interpretation that understands the current crisis of the EU above all as an “output problem.” In France this reading is associated with a striking overemphasis on the part of the political elite of the social policy reasons for rejection. This rather threadbare maneuver distracts the debate from the crisis of political leadership in France, from criticism of the government’s unsatisfactory representation of national interests at the EU level, and finally from the more fundamental problem of the input legitimization of the EU decision-making system itself. Interestingly, France is not the only country where, in terms of the “input” and “output legitimization” question, the political interpretation of the “non” and the proposed responses diverge

strongly from the academic discussion, which itself has brought forth a veritable flood of publications on the theme of democratization and politicization of the EU.

A fundamental overhaul of the EU Treaties by the piecemeal route of taking the Constitutional Treaty apart and passing partial reforms on the basis of the Treaty of Nice is a cumbersome and risky venture. It would open up the possibility of making changes—to the relationships between the organs themselves and between the organs and the member states—that would not be compatible with the logic and method of the “quid pro quo” deals practiced at the Intergovernmental Conferences. Each individual question would thus demand of the member state governments a greater willingness to compromise than required at the intergovernmental conferences. Additionally, this approach could have the disadvantage that by multiplying the volume of documents and rules it would further increase the bureaucracy that citizens already complain about. One of the main goals of the Constitutional Treaty—simplifying European primary legislation (treaties)—would thus not be achieved. Finally, if the proposed approach were to be implemented, important reforms laid down in the Constitutional Treaty would remain on the sidelines (for detail see SWP Study S 4/2006, p. 23f.).

### **Options for Action in 2007**

Given that discussion over ratification of the Constitutional Treaty has intensified, it is time to stop wasting the pause for thought on planless discussions about Europe’s future without any agreement on the criteria and without countries being open about their own goals.

If the German Council Presidency makes it its top priority to get ratification of the Constitutional Treaty in its current form back on the rails, the 50<sup>th</sup> anniversary of the European Community at the end of March 2007 could yet be celebrated by



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adopting a commensurate declaration and a “globalization strategy” along the lines of the elements described above. The chances of saving the Constitutional Treaty this way should be discussed openly with France and the Netherlands, which are not currently moving toward ratification. The actors from these two states are not going to be able to make any commitments before the elections in 2007, but attempts should nonetheless be made to encourage them to adopt a more cautious fundamental attitude to the question of the Constitutional Treaty, and especially to foster greater critical self-reflection in each of the two countries both with respect to their own role in the EU and to the costs of weakening the EU.

If in the meantime the cherry-picking continues, and elements of the constitutional reforms are put into effect in a piecemeal manner, their implementation would have to be accompanied by a joint initiative by the “friends of the Constitutional Treaty” to revive the ratification process if there is any interest in saving the Treaty as a whole.

Here too, the possible scenarios must be soberly assessed. A strategy of confrontation with the “no”-voting countries and the not-yet-ratifiers could put the “friends of the Constitutional Treaty” in a situation where the outcome of a new initiative is that at best twenty countries agree, while two still reject the Treaty and three want to wait longer. In this constellation, the political leeway for the “friends” would be small. Germany has no interest in urging France to leave the European Union and European Monetary Union in order to implement the Constitutional Treaty with the diminished core group of the “friends”, nor can it be expected that political pressure will lead the “non-ratifiers” (probably five) to change their minds. So an initiative of that kind would only make sense if the situation of the non-ratifiers were to change in such a way that they would rediscover their own inherent interest in the Constitutional Treaty or if the “friends” were to come to

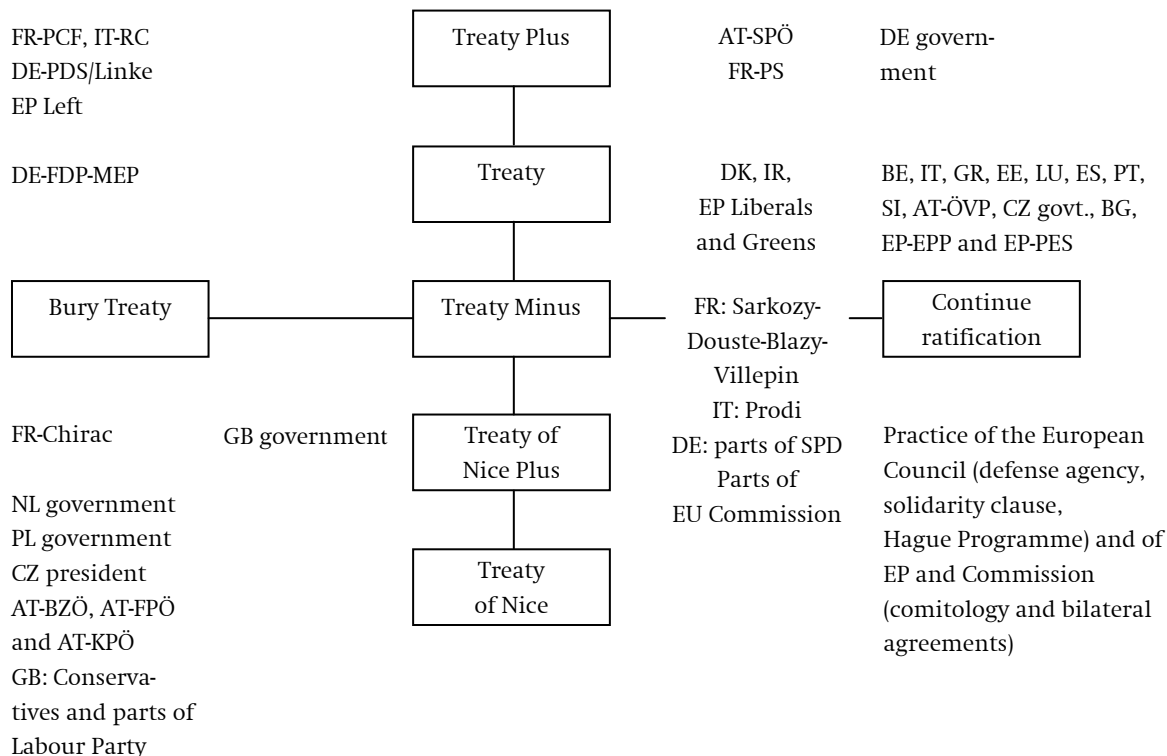
the conviction that if the worst came to the worst it would be better to proceed with a reduced number of members than to abandon the Constitutional Treaty.

These options need to be assessed clearly and headedly before choosing strategies for moving forward. If this does not happen and if—as in the run-up to the French referendum—the maxim that “there is no alternative” is followed, the fixation on the Constitutional Treaty will get in the way of developing and weighing up alternatives. If the implementation of the existing Constitutional Treaty is treated as the only permissible option it may be possible to delay the piecemeal approach for a while, but if this strategy fails—and in view of the current constellation of attitudes toward the Treaty that is not unlikely—the discussion of alternatives that then becomes necessary will thus drag on over years. The EU would remain trapped in its stagnation and waste precious years while the rest of the world moves on.

This dilemma shows clearly how urgent it is for the 25 (soon to be 27) governments to bring about a clarification of their own and their shared motivations. In the absence of such clarification, Year Two of the post-no era looks like heralding the same kind of frazzled and vague discussion that characterized the first year of the pause for thought. Under these conditions, the German Council Presidency stands little chance of presenting a simple plan for the way forward. What is required in advance is to clarify as far as possible the interests and the existing willingness to act—even with partners such as France and the Netherlands, who are at present largely self-absorbed. During the past year plainly no progress was made toward clarity.

## Overview 1

### Positions on the Treaty Establishing a Constitution for Europe and its Ratification Process, as of June 2006



#### Abbreviations:

AT-BZÖ Alliance for Austria's Future	GB United Kingdom
AT-FPÖ Austrian Freedom Party	GR Greece
AT-KPÖ Austrian Communist Party	HU Hungary
AT-ÖVP Austrian People's Party	IR Ireland
AT-SPÖ Austrian Social Democratic Party	IT Italy
BE Belgium	IT-RC Rifondazione Comunista
BG Bulgaria	LI Lithuania
CY Cyprus	LT Latvia
CZ Czech Republic	LU Luxembourg
DE Germany	MEP Member of the European Parliament
DK Denmark	MT Malta
EE Estonia	NL the Netherlands
EP European Parliament	PL Poland
EP-EPP European People's Party	PT Portugal
EP-PES Party of European Socialists	SE Sweden
ES Spain	SF Finland
FR France	SI Slovenia
FR-PCF French Communist Party	SK Slovakia
FR-PS French Socialist Party	

## Overview 2

### Progress on Ratifying the Constitutional Treaty, as of 2<sup>nd</sup> June 2006

Country	Comments	Number of votes / Referendum percentages		
		Yes	No	Abst.
AT	👍 The constitutional affairs committee of the National Council passed the federal constitutional legislation ratifying the Constitutional Treaty on 2 <sup>nd</sup> February 2005. National Council ratified the Constitutional Treaty on 11 <sup>th</sup> May 2005. Council of States ratified the Constitutional Treaty on 25 <sup>th</sup> May 2005.	182	1	
		59	3	
BE	👍 Parliamentary process with positive votes in the Senate on 28 <sup>th</sup> April 2005, in the lower house on 9 <sup>th</sup> May 2005 and completed in the regional and language community parliaments on 8 <sup>th</sup> February 2006.	54	9	1
		118	18	1
CY	👍 Parliamentary ratification on 30 <sup>th</sup> June 2005	30	19	1
CZ	👎 Planned referendum postponed			
DE	👍 Parliamentary ratification by the Bundestag on 12 <sup>th</sup> May 2005 and on 27 <sup>th</sup> May 2005 by the Bundesrat President's signature still required	568	23	2
		66		3
DK	👎 Obligatory referendum originally planned for 9 <sup>th</sup> September 2005, postponed on 17 <sup>th</sup> June 2005; government and parliamentary majority for ratification of Treaty.			
EE	👍 Parliamentary process initiated with first reading on 8 <sup>th</sup> February 2006; concluded on 9 <sup>th</sup> May 2006.	73	1	
ES	👍 Positive referendum on 20 <sup>th</sup> February 2005. The Spanish Congress ratified the Treaty on 28 <sup>th</sup> April 2005, Senate on 18 <sup>th</sup> May 2005.	76.73%	17.24%	
		311	19	
		225	6	
FR	👍 Parliamentary ratification completed on 28 <sup>th</sup> February 2005, by Congress of National Assembly and Senate. Negative referendum on 29 <sup>th</sup> May 2005.	730	66	96
		45.13%	54.87%	
GB	👎 Referendum announced in April 2004 to be held in spring 2006, postponed indefinitely on 6 <sup>th</sup> June 2005. The lower house voted by a majority for the Constitutional Treaty on 2 <sup>nd</sup> February 2005.	345	130	
GR	👍 Parliamentary process completed on 19 <sup>th</sup> April 2005	268	17	
HU	👍 Parliamentary ratification completed on 20 <sup>th</sup> December 2004	322	12	8
IR	👎 Obligatory referendum postponed. At the end of May 2005 the government presented a bill for the 28th amendment to the Irish constitution to accommodate the Constitutional Treaty, and even after the negative French and Dutch referendums the government published a white paper on the Constitutional Treaty and has since repeatedly emphasized that it stands by the text of the Treaty and wants to have it ratified by referendum.			
IT	👍 Parliamentary ratification completed on 25 <sup>th</sup> January 2005, in the lower house and on 6 <sup>th</sup> April 2005, in the Senate.	436	28	5
		217	16	

Country		Comments	Number of votes / Referendum percentages		
			Yes	No	Abstain
LI	👍	Parliamentary ratification completed on 11 <sup>th</sup> November 2004	84	4	3
LT	👍	Parliamentary ratification completed on 2 <sup>nd</sup> June 2005	71	5	6
LU	👍	Positive referendum on 10 <sup>th</sup> July 2005, after which parliament accepted the Constitutional Treaty on 6 <sup>th</sup> June 2005.	56.52%	43.48%	
			55		
MT	👍	Parliamentary ratification completed on 6 <sup>th</sup> July 2005	66	0	
NL	👎	Negative referendum on 1 <sup>st</sup> June 2005. Parliamentary ratification subsequently suspended.	38.4%	61.6%	
PL	👋	Planned referendum postponed			
PT	👋	Planned referendum postponed			
SE	👋	Parliamentary ratification postponed			
SF	👉	Parliamentary process suspended following French and Dutch referendums. Ratification process resumed in March 2006; target date: summer 2006.			
SI	👍	Parliamentary ratification completed on 1 <sup>st</sup> February 2005	79	4	7
SK	👉	Parliamentary ratification completed on 11 <sup>th</sup> May 2005 Verification process before constitutional court still to be completed.	116	27	4

**Legend:**

- 👍 Ratification completed
- 👎 Referendum failed
- 👋 Ratification or referendum postponed
- 👉 Failure still possible despite ratification
- 👉 Ratification process under way

For country abbreviations see page 9.