



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

**Istituto Affari Internazionali
in cooperation with
The Trans European Policy States Association**

convention watch

DENMARK

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

1.1 Overall assessment of the results of the Convention

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

The Danish government is satisfied with the overall results of the European Convention and so is a broad majority of Parliament. The draft proposal is backed not only by the two governing parties, the Liberals and the Conservatives, but also by the opposition parties, the Social Liberals and the Social Democrats. These four parties even produced a common position paper on Danish European policy on March 14th, 2003.¹ Awareness of the coming Danish referendum on the constitutional Treaty may partly explain the reluctance to change the draft: presenting the result of an uncomplicated IGC – which embraces the Convention's results – would be an advantage for the advocates of the yes-vote. Since the Socialist People's Party is broadly positive towards the draft, firm opposition comes only from the Danish People's Party (far right), the Unity List (far left) and two eurosceptic movements, the June Movement and the People's Movement Against the EU. Furthermore, both the Danish Employers' Confederation (DA) and the Danish Confederation of Trade Unions (LO) are generally positive towards the Convention's results. However, both oppose the extension of qualified majority voting to labour market issues, fearing that this could undermine the Danish labour market model, which is highly esteemed by the Danish social partners.

1.2 Convention method

Is there the perception in your country that the Convention has contributed substantially to making the process of constitutional reform of the EU more transparent

¹ [http://www.europa-kommissionen.dk/eu-politik/aktuelt/konvent-fremtid-debat/dansk_europapolitisk_udspil/].

and democratic? What are considered to be the main positive elements of the Convention method? And those that, on the contrary, have drawn the most widespread criticism?

Danish members of the Convention differed in their evaluation of the Convention method. Henning Christophersen (government representative and member of the Praesidium) and Henrik Dam Kristensen (representative of Parliament) and their alternates were generally positive, stressing the unique and open nature of the Convention's work. Kristensen judged the Convention method so positive in terms of making the EU more transparent and democratic that he believed the EU "should never return to the old method, where negotiations take place behind closed doors".² During the final stages of the Convention's work, however, frustration regarding the Praesidium's handling of the Convention method was aired by Kristensen and Peter Skaarup (both representatives of the Danish national parliament), as well as Jens-Peter Bonde (representative of the European Parliament), who labelled Giscard d'Estaing as "manipulative" and "undemocratic". Christophersen did, however, continue to support the Praesidium's role and its handling of the Convention method.

1.3 Performance of national representatives

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

While not among the most active contributors to the public debate on the Convention, the government's representative Henning Christophersen (Liberal Party) enjoyed a prominent position as member of the Praesidium and chairman of the Working Group on Competencies. Perhaps the greatest disappointment for Christophersen was the lack of support within the Convention for a "catalogue of competencies", which was a priority of the political programme of the governing Liberal Party. On the other hand, he succeeded in securing Danish interests notably in the domains of sea-transport and labour market policy, as well as the number of Danish seats in the European Parliament. As holder of the EU Presidency, the Danish government abstained from taking definite positions until spring 2003. In contrast to the majority of the smaller countries, Denmark was not part of the group that defended the rotating presidency of the European Council, yet in early June 2003 it joined the "group of nine" in rejecting a change of the Council's voting rules decided in Nice.

In general, there was consensus between Henning Christophersen and the Social-Democratic parliamentary representative, Henrik Dam Kristensen, on such crucial issues as the Presidency of the European Council – reflecting the situation of the European debate in Denmark and the common position paper mentioned above.

² Stig Ørskov og Anette Marche (2003): "EU på vej ud af røgtågerne", *Politiken*, 3.sect, page 4, June 15th.

Likewise, Peter Skaarup's attitude towards most of the Convention's proposals was generally sceptical, in agreement with his party's line.

2. National debate and public opinion trends

2.1 Public opinion trends

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

The completion of the Convention's activities and the subsequent presentation of the draft constitutional Treaty seem to have had a negligible impact on Danish public opinion. According to one national survey (Vilstrup) conducted after the Convention had completed its work in July 2003, 40% of Danes had never heard of the draft Constitution. In August another survey (PLS Rambøll) found the number to be 61%. According to the latter survey, a large majority would nevertheless vote no in a referendum (39% no vs. 18% yes). This attitude has not changed significantly throughout the course of the Convention, and there is thus no conclusive evidence that the activities of the Convention have had a substantial impact on Danish public opinion trends. As for the various aspects of the constitutional Treaty, the recent Eurobarometer shows that 82% of Danes are in favour of keeping one commissioner per country; 57% do not want to extend majority voting; 44% want to keep the rotating presidency of the European Council. Finally, 37% are against the very idea of the EU constitutional treaty.

2.2 The role of parliament

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

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

2.3 Other relevant initiatives

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

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

2.4 Media coverage

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

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

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

3. Prospects for the Intergovernmental Conference

3.1 Link between the Convention and the IGC

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

The government finds that from a Danish perspective little is to be gained from re-opening the discussion of individual articles during the coming IGC. Prime Minister

Anders Fogh Rasmussen has repeated this view on several occasions since the Thessaloniki Council and it is also shared by a broad majority of Parliament (see 1.1.). Although Denmark participated in the meeting of the smaller countries in Prague in early September, where a clear opposition emerged again on the creation of an EU-President and on the two-tier Commission, the Danish government has afterwards repeated that it is in favour of endorsing the Convention's draft as it is. The government makes clear, however, that should negotiations be re-opened it will not refrain from insisting on some of its key issues – of which the distribution of votes in the Council has high priority (please see question 3.3.3).

3.2 Organisation of the IGC

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

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

3.3 Controversial issues

3.3.1 Elected President of the Council

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

The Danish government supports the idea of a permanent and elected President of the European Council in combination with rotating presidencies of the individual councils. Denmark insists that the President's role must be clearly demarcated and that his/her election must be based on the principle of equality among the member states. Rotating Council presidencies must be maintained since it helps make the EU closer to its citizens. Daily coordination would, according to the Danish proposal, be ensured by the country holding the presidency and through meetings between the presidency and the elected President. Possibly, as Prime Minister Anders Fogh Rasmussen has suggested, the Prime Minister of the rotating presidency could function as deputy President for the European Council with the possibility of assisting the elected President.³

3.3.2 Composition of the Commission

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

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

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

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

3.3.3 Definition of qualified majority voting

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

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

3.3.4 Extension of qualified majority voting

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

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

3.3.5 Minister of Foreign Affairs and EU diplomatic service

While there is a consensus on the creation of a EU Minister of Foreign Affairs, different views exist concerning the executive structure he/she should rely upon. What is your

national government's position on this issue? Should the structure be placed within the Commission or the Council?

The Danish government wants the Minister of Foreign Affairs to be placed within the structures of the Council. However, originally it would have liked him/her not to be given the role of chairman of the Foreign Affairs Council. He/she should be assisted by a secretariat composed of members of the General Secretariat and the Commission, as well as seconded diplomats from the member states.⁴

4. The ratification process

4.1 Eventual obstacles

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

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

4.2 European Parliament elections

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

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

⁴ Foreign Minister, Per Stig Møller (2003): "Det nye Europa og dets plads i verden", Speech at the Commission's European Conference, May 9th.

4.3 Referendums

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

A referendum on the new constitutional treaty will be held in Denmark, probably “some time during 2004”. It has become a tradition in Denmark to hold referenda on treaty revisions, and the constitution requires that a referendum be held when aspects of national sovereignty are handed over to an international organisation. The referendum result is very open. Opinion polls show that at this stage a clear majority of Danes would vote no to the draft constitutional treaty (see 2.1). However, it remains unclear whether the government will link the referendum on the EU constitutional Treaty to a referendum on abolishing one or more of the Danish opt-outs. The future of the opt-outs is a sensitive political question in Denmark. In August 2003, the Foreign Ministry produced a report on the related consequences in the light of the new treaty.⁵ The report especially pointed to the difficulty in transferring the opt-out on Justice and Home Affairs: with the proposed abolishment of pillar three, all co-operation on JHA will become subject to the Community method. This will also include Europol, which Denmark otherwise is very keen to participate in.

In mid-September, the Prime Minister suggested that the two referenda be held separately. Fogh Rasmussen proposed that the opt-outs on the euro and the CFSP be written into the new treaty for now, leaving it to the Danes to vote on the opt-out on Justice and Home Affairs. His aim is to re-formulate the opt-out to allow Denmark to pick on a case-by-case basis the issues where the opt-out should be invoked (for instance, immigration policy) and the issues where Denmark should participate fully (for instance, Europol). So far, most political parties rejected the Prime Minister’s proposal or reacted to it with caution.

4.4 What to do in case of failed ratification

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

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

⁵ [http://www.um.dk/Upload/forside/forbeholdsnat_110803.doc]