



**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

Germany

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 overall assessment of the German government with regard to the results of the Convention has been very positive. The German Chancellor Gerhard Schröder as well as the Foreign Minister Joschka Fischer, who was the representative of the German government to the Convention, publicly and repeatedly praised the work of the Convention in press conferences and in a formal government declaration.¹ They also presented the positive outcome of the Convention as a result also of the German contributions and highlighted the crucial importance of the close co-operation Germany had established with France especially since the Autumn of 2002.

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

The overall positive assessment of the results of the Convention has been shared by most of the political forces and the major opposition party at the federal level – the Christian Democratic Party (CDU) – also agreed with the results reached. However, strong criticism came from the head of the regional state of Bavaria, Edmund Stoiber, who is also the leader of the Christian Social Democratic (CSU), a twin party of the CDU. In an interview with the daily newspaper 'Die Welt', he especially criticised the

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

‘centralising tendencies’ within the Convention that had failed to establish a proper division of competences and a necessary re-transferral of tasks to the national level. Some of his party colleagues also demanded that a clear reference to God be included in the Constitution.² Among other christian democrats, however, this strong critique caused considerable irritation. Especially the christian democratic Convention members such as Elmar Brok (MdEP) and the Representative of the German Bundesrat Erwin Teufel feared that the CDU/CSU would lose their traditionally EU-friendly image and advocated a common CDU/CSU approach.³ This was reached after a week of discussion in a common paper and the struggle calmed down for a while.⁴ Another rather unusual source of critique raised public interest in July. One of the judges at the Federal Constitutional Court expressed his concern with the pace of the constitution making in Brussels. In an unusual move, he commented directly on this policy issue and called for a more cautious approach and for a public referendum on the new constitutional treaty.⁵ After the summer break, the government further insisted on taking the Convention draft as it is in the IGC. The CSU opposition, however, voiced again its criticism and Stoiber asked for renegotiations in the areas of competences, asylum policy, economical co-ordination, and the mentioning of God in the constitution.⁶

1.2 Convention method

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

The German political elite has generally expressed a very positive assessment of the Convention method. The government, in particular, has repeatedly emphasised its advantages compared with the traditional method of the intergovernmental conferences. Foreign Minister Fischer has explicitly attributed the “success” of the Convention to the adoption of a new procedure that, for the first time, allowed for the direct involvement of European and national parliamentarians.⁷

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

² "Brüssel macht uns zu Verwaltungsprovinzen", Interview with Edmund Stoiber, Die Welt, 14.06.03.

³ "In der Union eskaliert der Streit um die Europapolitik", Die Welt, 17.06.03.

⁴ Gemeinsame Positionen von CDU und CSU zum Stand der Beratungen des EU-Verfassungs-Vertrages, 20.06.03, accessible at: <http://www.cdu.de/>.

⁵ "German federal judge attacks Constitution" EuObserver, 01.08.2003, "Top German judge fears too hasty EU Constitution", EuObserver, 21.08.2003, accessible at: <http://www.euobserver.com/>.

⁶ "Stoiber: Kanzler muss nachverhandeln", at <http://www.merkur-online.de/nachrichten/politik/aktuell/297,179312.html>.

⁷ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03.

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?

Overall the German representatives within the European Convention have been rather active. The first two representatives of the Government Peter Glotz and his alternate Gunter Pleuger tried in an early phase of the Convention to influence the course of the deliberations and the first Constitutional draft by Gunter Pleuger remains one of the most important contributions.⁸ However the government's involvement within the Convention substantially increased with the arrival of the Foreign Affairs Minister Joschka Fischer in Autumn 2002. Although it was feared that Fischer would mainly use this role to catch the media attention, he was actually able to substantially influence the work of the Convention. Especially in co-operation with his French counterpart, Dominique de Villepin, he presented a whole series of common contributions to internal,⁹ foreign and security policy,¹⁰ economic policy¹¹ and most famously and controversially, institutional affairs.¹² This revival of the Franco-German axis in European affairs was widely regarded as a crucial factor that facilitated compromises in the most difficult areas. The later attempt to form a broader alliance involving all six founding members of the EC - a group that includes both small and big states - did not have the same effect since the initiative came too late when an heated debate was under way between small and big states concerning the new institutional structure of the Union.¹³

The representatives of the Bundestag and Bundesrat, Jürgen Meyer and Erwin Teufel, were also among the most active participants within the Convention. Even though the first statements of Mr. Teufel in favour of a "catalogue of competences" did not find broad support among the conventioners,¹⁴ he insisted on the importance of the topic and later contributed less publicly but effectively to the Convention's work. Jürgen Meyer, who had also taken part in the first Convention, played a less visible role but

⁸ The Comments of Dr Gunter Pleuger to the Preliminary draft report, submitted by the Chairman at the meeting of 18 July 2002 (SN 03130/02), WGIII, WD11.

⁹ Contribution by Mr. Joschka Fischer and Mr. Dominique de Villepin, members of the Convention "Joint Franco-German proposals to the European Convention on an area of freedom security and justice", CONV 435/02.

¹⁰ Beitrag von Herrn Dominique de Villepin und von Herrn Joschka Fischer, Mitglieder des Konvents: "Gemeinsame deutsch-französische Vorschläge für den Europäischen Konvent zum Bereich Europäische Sicherheits- und Verteidigungspolitik", CONV 422/02.

¹¹ Beitrag von Joschka Fischer und Dominique de Villepin zur Arbeit des Europäischen Konvents über die Stärkung der Wirtschaftspolitischen Zusammenarbeit, accessible at: www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/df-initiative.pdf.

¹² Beitrag, der von den Mitgliedern des Konvents Herrn Dominique de Villepin und Herrn Joschka Fischer übermittelt wurde: "Deutsch-Französischer Beitrag zum institutionellen Aufbau der EU", CONV 489/03.

¹³ "Founding six to present institution compromise", Euobserver, 30.05.03, at: <http://www.euobserver.com/index.phtml?aid=11446>.

¹⁴ See for example: Statement von Herrn Ministerpräsident Erwin Teufel, Mitglied des Konvents, in der Generaldebatte "Erwartungen an die Europäische Union", bei der zweiten Plenartagung des Europäischen Konvents am 21.-22.März 2002: <http://european-convention.eu.int/docs/speeches/106.pdf>.

engaged in the work of the working group on the Charter of Fundamental Rights and the Area of Freedom, Security and Justice.¹⁵

As for the two European parliamentarians who participated in the Convention, the social democrat Klaus Hänsch formally had – as member of the Presidium – an influential position. However, as the work of the Praesidium remained largely behind closed doors his influence is difficult to judge. His publicly expressed views indicated that he did not follow the very distinct German federalist line, but advocated a more traditional Community model.¹⁶ By contrast, the other German member of the European Parliament, the Christian democratic Elmar Brok, worked largely in public. Not only his draft constitution, but also his coalition building efforts, detectable in the dozens of group amendments with his name presented in the last phase of the Convention, raised considerable public attention.¹⁷ Less publicly visible was Sylvia Kaufmann, the only socialist German representative in the Convention, although she strongly engaged in the working group and plenary on social affairs.¹⁸

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

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 work of the European Convention has not been very present in the public debate in Germany. Convention news barely made the headlines on TV and only the quality press covered the topic. The last¹⁹ Flash Euro Barometer of July 2003 shows that 39 % of the interviewed German people knew what the Convention was doing. This corresponds to the EU average. Knowledge on who actually was taking part in the Convention was considerably lower than the EU average.

On specific issues of the draft treaty it is interesting to see that the support of the German public for the election of the President of the Commission by the European Parliament dropped from 38 % in Nov. 2002 to 23 % in July 2003. The support for a stronger role of the EU in foreign policy remained high: 49% percent of the Germans supported European action in this area and 86% were in favour of a further extension of EU sphere of action in CFSP.

¹⁵ Beitrag von Herrn Professor Dr. Jürgen Meyer, Mitglied des Konvents: „Einklagbarkeit der Charta-Grundrechte und Verbesserung des Individualrechtsschutzes, CONV 439/02; Beitrag: Raum der Freiheit, der Sicherheit und des Rechts, CONV 447/02.

¹⁶ Hänsch, Klaus (2002): Aus der aktuellen Arbeit des Konvents, Stand und Perspektive, in: integration 03/02, p. 226-229.

¹⁷ For these amendments, confer to: <http://european-convention.eu.int/amendemTrait.asp?lang=EN>

¹⁸ See for example: Beitrag des Mitglieds des Konvents Frau Sylvia-Yvonne Kaufmann: Ein Verfassungsvertrag für ein soziales Europa, CONV 190/1/02 REV 1.

¹⁹ Flash Eurobarometer 142: convention on the Future of Europe, carried out between the 23.06.2003 – 1.07.2003; accessible at: http://europa.eu.int/comm/public_opinion/archives/eb/eb59/eb59_en.htm.

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

2.2 The role of parliament

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

On 26 June Foreign Minister Joschka Fischer informed the Bundestag on the results of the European Council in Thessaloniki.²⁰ This governmental statement was followed by a debate characterised by a positive attitude towards the results of the Convention.²¹ However, some members of the CSU voiced their criticism in line with the position of the Bavarian Prime Minister Stoiber. The debate focused in particular on the possibility of a referendum about the result of the IGC, the position of the Foreign Minister, asylum policy and the question of Turkish membership of the EU.

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?

There have been quite a few initiatives initiated by the government or by the European Union to stimulate a public debate on the future of Europe. The Ministry of Foreign Affairs coordinated the government's initiatives. It created a special online section on the future of Europe and the Convention. It presented the most important political and scientific contributions and other initiatives, such as online fora, relating to the future of Europe debate.²² The Bundestag has also set up a website where the German members of the Convention regularly engaged in online discussions which recorded considerable participation.²³

The Länder state ministries of Niedersachsen and Baden Württemberg had their own online sections on the Convention.²⁴ The Niedersachsen online forum hosted the official Future of Europe debate website that was linked to the Commission's website.²⁵

Apart from these official websites a number of think tanks such as the Institut für Europäische Politik,²⁶ the Stiftung Politik und Wissenschaft²⁷ and the Bertelsmann

²⁰ Regierungserklärung des Bundesministers des Auwärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03.

²¹ The protocol of the session is accessible at:

<http://www.bundestag.de/plenargeschehen/plenarprotokolle/15053.html>.

²² http://www.auswaertiges-amt.de/www/de/eu_politik/aktuelles/zukunft/index.html.

²³ http://www.bundestag.de/europa/eu_konvent/.

²⁴ <http://www.eu-konvent-bw.de/>.

²⁵ <http://www.eiz-niedersachsen.de/cgi-bin/frameset-eiz.pl?page=links/eupf-zukunft.htm&title=EIZ%20Niedersachsen>.

Foundation Centre for Applied Politics²⁸ provided online coverage of the Convention's work as well as conferences.

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

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?

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

Nevertheless, newspaper attention has been considerable. A survey revealed that the two main national newspapers (*Frankfurter Allgemeine Zeitung* and *Süddeutsche Zeitung*) in June alone published more than one hundred articles related to the European Convention.²⁹ Additionally weekly papers and political magazines such as *Die Zeit*, *Der Spiegel* or *Der Rheinische Merkur* reported and commented on the work and the result of the Convention rather extensively.³⁰

The general tone in the media coverage ranged from very positive to reserved. No paper took a radically critical stance towards the Convention and even the biggest German tabloid (*Bild*) was superficial rather than negative in its reports. Thus the idea of a European Constitution was in general terms presented as a good idea that might help to improve the democratic legitimacy, transparency and efficiency of the European Union.³¹

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?

²⁶ <http://www.iep-berlin.de/forschung/verfassung/index.htm>.

²⁷ <http://www.swp-berlin.org/produkte/brennpunkte/eukonvregkonf.htm>.

²⁸ <http://www.cap.uni-muenchen.de/konvent/index.htm>.

²⁹ Frankfurter Allgemeine Zeitung: 70, Süddeutsche: 40, database: LexisNexis, key words: 'Konvent', 'EU-Verfassung'

³⁰ <http://www.zeit.de/>, <http://www.spiegel.de/>, <http://www.merkur.de/>.

³¹ For a press review of the reactions towards the result of the Convention, refer to: <http://www.europa-digital.de/aktuell/dossier/konvent/presseende.shtml>.

Even before the end of the Convention, the Government and especially the Foreign Minister spoke in favour of a very brief IGC.³² In the view of the government the IGC is supposed to endorse the Convention's text without big changes and Fischer and Schröder strongly warned against a major review of the text, since they feared that no consensus could be reached.³³ Especially after several smaller countries and Poland asked for a revision of some of the Convention's results, Fischer strongly insisted on the need to stick to the consensus reached within the Convention and warned of a risk of a European crisis.³⁴ He even linked a successful IGC to the upcoming negotiations on financial issues, emphasising the size of the German contribution – a move that was badly received among the accession countries.³⁵ Schröder, on the other hand, seems to be a little more open to discuss some details in the IGC, although he also wants to avoid, as much as possible, that the draft Treaty be revised.³⁶ The opposition in Germany mainly supports the government's position. However, the Bavarian CSU is for the reopening of the negotiations.³⁷

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 government is strongly in favour of a short IGC and hopes that it could be finished by the end of the year, and in any case well before the EP elections next year. According to the Foreign Minister and the Chancellor, the IGC should be held only at the political level without involving a large number of civil servants.³⁸ The Chancellor has argued that the decision on the European Constitution must be political – not technical.

³² "Der Konvent in schwierigem Fahrwasser" - Erklärung von Bundesaußenminister Fischer in der Plenartagung des Konvents am 27. Februar 2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4129.

³³ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03; Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

³⁴ "Convention Battle continues", EuObserver, 02.09.2003, <http://www.euobserver.com/index.phtml?sid=18&aid=12501>.

³⁵ "Fischer points to EU budget ahead of constitution talks", EuObserver, 08.09.2003, <http://www.euobserver.com/index.phtml?sid=18&aid=12581>.

³⁶ Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

³⁷ "Stoiber: Kanzler muss nachverhandeln", at <http://www.merkur-online.de/nachrichten/politik/aktuell/297,179312.html>.

³⁸ Regierungserklärung des Bundesministers des Auswärtigen, Joschka Fischer, printed in: Bulletin der Bundesregierung, Nr. 54-1 vom 26.06.03; Press Conference of the German Chancellor after the European Council of Thessaloniki, 21.06.03, accessible via: <http://www.bundesregierung.de/>.

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 elected president of the European Council has been an element of the Franco-German package of proposals concerning the reform of the EU institutions³⁹: Germany was not among the original advocates of the proposal to establish an elected President of the European Council but accepted it since it was part of a package which also included the election of the President of the Commission by the European Parliament. Therefore the German Government has not pushed for any further strengthening of the powers of the European Council's President,⁴⁰ and it continuously demanded to change the term president into "chairman" in its amendments.⁴¹ Apart from that, Joschka Fischer asked for a further clarification of his/her competencies especially in relation to the European Foreign Minister and the President of the Commission.⁴²

3.3.2 Composition of the Commission

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

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

³⁹ Beitrag, der von den Mitgliedern des Konvents Herrn Dominique de Villepin und Herrn Joschka Fischer übermittelt wurde: "Deutsch-Französischer Beitrag zum institutionellen Aufbau der EU", CONV 489/03.

⁴⁰ Fischer, Joschka: "Die institutionelle Architektur der Union- Deutsch-französische Konventsinitiative" – speech at the Convention plenary, 21.01.2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=3982.

⁴¹ Fischer, Joschka, amendment to Art. 16 (at the time), accessible at: <http://european-convention.eu.int/docs/treaty/pdf/41699/16bisFischer.pdf>

⁴² Fischer Joschka, Brief an den Präsident des Konvnets zur Zukunft der Europäischen Union Herrn Präsident a.D. Valéry Giscard d'Estaing, 30. April. 2003, accessible: http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/vorschl_fischer_0430.pdf

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?

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

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?

The extension of QMV has been the aim of the German government right from the beginning of the negotiations. In various official statements and in particular in the Franco German papers, it expressed its support for an extension of QMV also to taxation and especially CFSP.⁴³ It was disappointing for the German government that after it had given up its opposition to the extension of QMV to asylum matters, no agreement on the extension of QMV also to CFSP and tax issues could be found within the Convention.⁴⁴

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 very idea of a diplomatic service was introduced by the German Foreign Minister in a letter to the President of the Commission.⁴⁵ Indeed, the German government was among the most ardent advocates of this proposal within the Convention. In an amendment to the draft treaty being discussed at the European Convention⁴⁶ Mr Fischer proposed to add a protocol calling for the establishment of a diplomatic service as an independent agency under the personal and organisational responsibility of the foreign minister. This agency should consist of civil servants from both the Commission and the Council.

⁴³ Bury, Hans Martin: Erklärung im Plenum des Europäischen Konvents zum Präsidiumsentswurf zu außenpolitischem Handeln, 16.05.2003, accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4489.

⁴⁴ Fischer, Joschka: "Mehr Europa für mehr Freiheit und Sicherheit" – statement at the Convention plenary, 03.04.03., accessible at: http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=4301.

⁴⁵ Fischer Joschka, Brief an den Präsident des Konvnets zur Zukunft der Europäischen Union Herrn Präsident a.D. Valéry Giscard d'Estaing, 30. April. 2003, accessible: http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/konvent/vorschl_fischer_0430.pdf

⁴⁶ <http://european-convention.eu.int/Docs/Treaty/pdf/863/Art5Fischer.pdf>

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?

In Germany the political elite is very supportive of European integration and all major Parties are in favour of the European Constitution. Major problems are therefore unlikely to emerge in the ratification process. Another issue, not yet high on the agenda, is the possibility of a national referendum on the results of the IGC (see below).

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?

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

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?

So far the German constitution does not allow referendums on issues other than the internal federal organisation (Art. 29 German Basic Law)⁴⁷. However the Christian social (CSU) Vice President of the EP Ingo Friedrich supports a constitutional change allowing a constitutional referendum.⁴⁸ During the Bundestag debate on the results of the Convention several speakers from the Greens and the SPD hinted at the possibility of a referendum which was adopted by parliamentarians of the FDP as well.⁴⁹ However,

⁴⁷ For an up-to-date online version in English, please consult:
http://www.oefre.unibe.ch/law/the_basic_law.pdf.

⁴⁸ Informationskampagne zum EU-Verfassungsvertrag

⁴⁹ Protocol of the Bundestag Session at the 26.06.03 accessible at:
<http://www.bundestag.de/plenargeschehen/plenarprotokolle/15053.html>.

for the moment it seems rather unlikely that the majority of SPD and CDU will opt for a referendum and a two-thirds majority in the Bundestag as well as in the Bundesrat is necessary to change the constitution. In the unlikely case of a referendum the result would be uncertain. Since European integration has always been an elite issue in Germany and there has been no referendum at the federal level, the popular attitude is difficult to foresee.

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?

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