



**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

### AUSTRIA

## 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 government's reaction to the European Constitutional Treaty has been rather lukewarm. Federal Chancellor Wolfgang Schüssel welcomed the results but at the same time asked that improvements be made at the upcoming Intergovernmental Conference on several issues, including keeping the principle of one commissioner for every member state, the rotating presidency of the European Council and the extension of qualified majority voting to CFSP. The Social Democratic Party and the Green Party as well as the major social partners welcomed the draft Constitutional Treaty. Overall, the outcome of the Convention did not attract widespread public attention.

### 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?*

From a general point of view the Convention did not receive a high degree of attention. Concerning transparency and democracy we must differentiate between the population and experts. The latter approved the involvement of European and national parliamentarians; similarly the transparent proceedings of the Convention have been regarded as positive. By contrast, the working method of the Convention's Presidium was perceived as cumbersome and opaque. The population's overall knowledge is rather

superficial and sceptical (according to the Flash Eurobarometer<sup>1</sup>, 51% have already heard of the Convention, and only 21% declared to be satisfied). There is also a widespread scepticism concerning the results of the Convention. Public debate has mostly concentrated on the question of a European Foreign Minister (39% in favour, 50% against), the replacement of the current rotating presidencies of the European Council with a permanent one (46% in favour, 42% against), the extension of the powers of the European Parliament (60% in favour, 26% against) and the co-decision procedure.

### **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?*

The Austrian government was represented at the Convention by Hannes Farnleitner, a former minister belonging to the conservative People's Party. He was not given a strict mandate, which allowed him to act rather independently. In his contributions Farnleitner concentrated on the following issues:

- Strong role for regions and municipalities as a foundation of the European architecture (strengthening of the Committee of regions and the principle of subsidiarity)
- Reinforcement of the control over the respect of the subsidiarity principle by involving national parliaments
- Shifting the EURATOM Treaty into an annexed protocol
- Revision of Art. 230 paragraph 4 TEC (actions for annulment)
- Reinforcement of the social dimension of Europe
- Incorporation of the Charter of Fundamental Rights
- Improving the access of individuals to the European Court of Justice
- Asylum and migration policy as important Union tasks
- Extension of the European Parliament's co-decision rights
- Creation of a European Foreign Minister as spokesperson of the national foreign ministers
- Strengthening the Common Foreign and Security Policy and the European Security and Defence Policy
- Reform of the budget (introduction of a transnational tax or levies paid directly into the EU budget, e.g. aviation tax)
- Keeping the principle of equality for the composition of the Commission (one state, one Commissioner)

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<sup>1</sup> Flash Eurobarometer 142 "Convention on the Future of Europe" (23.06.03 – 01.07.03).

In the final phase of the Convention negotiations,<sup>2</sup> Farnleitner, together with five other government representatives, opposed the renegotiation of the "institutional package" agreed in Nice. He recognised that the Treaty of Nice is far from perfect, but argued that, in the absence of a credible alternative, it remains the best means of guaranteeing equality between Member States and the continuation of the Community method. He spoke in favour of the rotation of the Council Presidencies, the representation of each Member State in the European Commission, and the weighting of votes in the Council. "Let's decide in 2009 whether or not the Nice agreement has worked", he said. "We are being told in advance that the enlarged Union will not be able to function with Nice. We think it can", as long as the EU's efficiency is improved by extending qualified majority voting, and a single annual or multi-annual programme is adopted for the successive Presidencies. "Give Nice a chance", he concluded.<sup>3</sup> Regarding the divergences between the Convention members he said: "We would prefer the Convention to produce a text with options, if compromise is impossible".

## **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?*

According to Eurobarometer 59 (June 2003), 34% of the Austrians favour membership in the EU, 19% think it is negative and 41% are neutral. This marks a clear deterioration compared to 2002. Most Austrians are also in favour of a national veto (65%) when vital national interests are at stake. However, as said above, 51% of Austrians were aware of the Convention's existence. Moreover, the results of the Convention have generally received positive comments and assessments by the Austrian press. But a substantial impact of the Constitutional Treaty on the attitude of the general public cannot be discerned.

### **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 draft proposal was discussed in the national parliament. Moreover, a so-called parliamentary enquiry on the Constitutional Treaty promoted by the Green Party took place on July 15, 2003. The parliamentary committee in charge of the EU affairs did not deal with the Convention on a regular basis. Its session on July 4, 2003 was entirely

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<sup>2</sup> Bulletin Quotidien Europe, 02.06.2003.

<sup>3</sup> Bulletin Quotidien Europe, 05.06.2003.

devoted to a report by the Austrian Permanent Representative at COREPER about the Convention proceedings<sup>4</sup>. Additionally, the June 16, 2003 parliamentary session dealt with the preparation of the EU Council summit in Thessaloniki.

## **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?*

Even in this regard a differentiation has to be made between the wider public and the small circle of interested citizens. With regard to the former it might be said that the EU efforts had little, if any, impact. The latter participated in the debate by either visiting panel discussions or participating in the futurum website. In this context it has to be mentioned that the Austrian Government held between 2001 and 2002 three so-called "European Table Rounds" on the Future of Europe. But these events were not open to the general public and included only politicians, members of interest groups and academicians. Press coverage of these events took place but not extensively. Additionally, the Austrian government established its own internet site on the Convention (<http://www.zukunfteuropa.gv.at>), but it is difficult to evaluate its actual impact. There were also several public discussions within the context of academic institutions and the party meetings.

## **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 public broadcasting institution (ORF) did provide information about the last phase of the Convention's work, but not on a regular basis. The information concentrated on the reactions by the Austrian government, e.g. its reluctance to agree on a permanent President of the European Council and the abolishment of the equality principle, whereby the Commission is composed of one national member for each state. The print media have covered the Convention proceedings but also in a rather scattered and unsystematic way.

## **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*

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<sup>4</sup> 8052/EU XXII. GP.

*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?*

Though the Austrian government has praised the work of the Convention, it maintained that the draft Treaty shall be considered as a “good basis” for further negotiations in the forthcoming IGC. The Austrian Foreign Minister Benito Ferrero-Waldner has also specified that the Austrian government wants experts – not only high-level representatives of Member States – to be involved in the preparation of the final text. She has also warned against excessive haste and advocated a mix of meetings of experts and multilateral meetings. The contested issues are the arrangements for the composition of the Commission, the provisions related to the permanent president of the European Council, the presidencies of the Council formations and the interrelationship between them as well as the decision-making in CFSP.

### **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 Austrian government agrees that the main negotiations should be conducted at the top political level. However, it also stressed that some sort of technical work will be necessary in order to finalise the Convention's work on issues such as consistency, coherence and legal clarity of the treaty provisions.

### **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 Austrian Foreign Minister regards the provisions related to the President of the European Council as flawed. According to her, the draft Treaty fails to specify the Foreign Minister's job profile and qualifications. Furthermore, there is no clear distinction between the competences of the President, the European Foreign Minister and the Commission President.<sup>5</sup> In sum the position of the government is that there is no need to create a permanent president of the European Council. However, the government recognises that this proposal has received wide support within the Convention.

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<sup>5</sup> Interview by Foreign Minister in the *Kurier*, 4.8.2003

### **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?*

The position of the government regarding the rotation principle for national representation in the Commission is that some improvements have to be made in the final draft to ensure equality. However, it still disagrees with the idea of having two different categories of Commissioners, namely with and without voting rights, which is considered incompatible with the principle of collegiality. Additionally, the government believes that the one-state-one commissioner principle should be maintained at least until 2009.

### **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?*

In the view of the Austrian government, the current provisions of the Nice Treaty concerning the weighting system for QMV is a balanced compromise which could be maintained. At the same time, the government considers itself open to a system of double majority, provided that it ensures a proper balance between the number of Member States and the percentage of population required. The solution proposed by the Convention is considered advantageous for the big Member States but not for the smaller ones and should be reconsidered at the IGC.

### **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 government has always been in favour of an extension of QMV in the fields of CFSP and taxation.

### **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 Austrian government advocates that the support structure should be composed equally of staff from the Commission, the Council Secretariat and the Member States. Foreign Minister Benita Ferrero-Waldner has argued for a common diplomatic service of the Union.<sup>6</sup> The service as such should be attached to the Commission.

## **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?*

Parliamentary ratification of the new Constitutional Treaty is not likely to take place without any problems. The same applies to an eventual national referendum (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?*

Due to the dense domestic political situation, it can be expected that the EP elections 2004 will be dominated by national issues – as usual. The government coalition, composed of the conservative People’s Party and the right-wing Freedom Party, is rather unstable. As usual, domestic issues like pension reform, liberalisation, neutrality and constitutional reform can be expected to overshadow European issues. However, given the impact of the Constitutional Treaty, the latter could play a certain role during the campaign.

### **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?*

See 4.1. So far no decision concerning the holding of a public referendum has been made. According to the Flash-Eurobarometer 142, 26% of the Austrians deem a

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<sup>6</sup> Main committee session of the Austrian parliament, 21.5.2003.

referendum essential, 43% useful but not essential, and 23% useless. It can be expected that, in an eventual referendum, the “yes” vote will prevail.

#### **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?*

The Austrian government has not expressed any option on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty.