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RATIFICATION OF THE EUROPEAN CONSTITUTION

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Introduction

The trials and tribulations (referendum initiatives; debates;…) regarding the ratification process of the draft European Constitution in the various Member States show that European politics are predominantly national politics conducted by other means, to paraphrase "von Clausewitz".

It is clear that the referendum initiatives, the campaigns and the debates about that are not merely about the construction of Europe as such, but that they are also being held with national ulterior motives in mind.

This is no criticism of the way things are going, yet an established fact and actually an acceptance of this ambiguity.

There is no such thing as the "pure European interest".

Democracy at the European level can only exist by the grace of confrontation between the various interests of political actors in the European Union. The European Union is a "multi-level governance system" where both regional, national and European actors with their varying perceptions and interests play a role.

Democracy at the European level therefore is the realization of the European competition process at a political level[1]

At the same time, the recognition of democracy as the realization of the "political free market" constitutes criticism of the "pure European discourse".

I do not intend to address the internal aspects and ratification problems in each Member State individually, nor is it my intention to lecture.

I would rather like to discuss the attitude of public opinion towards the European Constitution as well as examine the ways in which the Union Citizens can be convinced of the need for a European Constitution and consider what role the national parliaments can play in that regard.

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[1] Democracy as a market principle in fact relies upon the view of Schumpeter, J.A., Capitalism, Socialism and Democracy, 1947

1. Overview in the various Member States

On 29 October 2004, the heads of state and government leaders of the 25 Member States signed the Treaty establishing a Constitution for Europe. The Treaty had been unanimously approved by them on 18 June 2004.

The Treaty can only come into force if it has been approved by all signatory Member States in accordance with their constitutional procedures: the so-called ratification of the Treaty by the Member States.

Depending on the legal and historic traditions of the Member States, different procedures have been laid down in the national constitutions for this purpose, which run according to one or both of the following mechanisms:
- Through parliament: the text is approved by voting in the parliamentary chamber(s) of the country on a text ratifying an international treaty;
- Through a referendum: a referendum is organised in which the citizens declare themselves directly in favour or against the text of the Treaty.

These two formulas can vary from country to country or can be combined.

Sometimes other conditions must be fulfilled as well: for example, it may be necessary for a national constitution to be amended in view of the content of the Treaty before the Treaty can be ratified.

As soon as the Treaty has been ratified and all signatory states have officially announced this ratification (deposit of the ratification instruments), the Treaty can come into force and become effective, in principle, on 1st of November, 2006, according to the Treaty.

In 10 of the 25 Member States the ratification is subjected to a referendum. In 4 countries it is a consultative referendum. In the other 6 it is a binding referendum.

The state of affairs is described in Appendix I. It concerns the overview compiled by the COSAC secretariat. This overview is one of the best documented, which in passing underlines the purpose of a COSAC-secretariat.

2. Sticking points with regard to the ratification process

2.1. Findings and problems

Specifically in Member States where a binding referendum is held (France in particular), opinion polls show that the opponents of the European Constitution are gaining ground.

For public opinion the proposed services directive has become the symbol of a "liberal" Europe, which is something the majority do not want. Opposition to this is reflected in a significant "no" towards the European Constitution itself.

By all indications, a negative outcome of the referendum in France will have a baleful influence on public opinion as well as on referendum results in other Member States.

As part of this report, it is difficult to speculate on the political consequences of a possible French "no". This has been amply done in the international press.

2.2. Expectations

Nevertheless, the referendum results in Spain (20 February 2005) set the stage for optimistic expectations in other Member States.

76.73% of those who participated in the referendum said "yes" and
17.24% said "no" to the European Constitution.

The level of participation was 42.32% (against 45% in the European elections of June of 2004).

The Eurobarometer survey of March 2005 revealed 56% support for Spain and a participation propensity of 36 %. The actual results therefore are substantially higher.

With these results Spain opens up a favourable prospect for the other referenda. It may be hoped that elsewhere, too, the outcome of the referenda will be higher.

Even though Spain has lost some of its weight in the European Council of Ministers (compared to Nice), and will also receive less support from the structure funds, a majority has proved to be in favour of the European Constitution.

3. Public support for the European Constitution

The ratification of the European Constitution must be able to take place in the most democratic and transparent conditions.

In order to guide this information process (either through a referendum, or through the parliamentary approval and the information campaigns which will be organised with regard to this), it is necessary to know the factors that determine a favourable attitude towards the European Constitution.
Based on this, an information strategy can be devised.

For that I go back here to the latest Eurobarometer survey about the Constitutional Treaty (survey of November 2004 – publication in March 2005).

This survey provides insight into the factors that determine a favourable attitude towards the European Constitution.

Overall, this survey reveals a positive fundamental attitude of the European citizens towards the European Constitution (see the results by country in Appendix II).

The main conclusions are the following:

- 11 % of the Union Citizens feel they globally know the content of the Constitution, 56 % say they know little on the subject and 33 % declare they have never heard about it.
- The level of knowledge on the content of the text, tested by a quiz, differs widely. If 63 % of those surveyed know that the Constitution does not plan for removal of the national citizenship, there are only 48 % who know that a Member State could leave the Union if it wishes to do so. And 39 % believe falsely that a direct European tax will be created.
- According to this survey, made after the signature of the Constitution in Rome, 49 % of those surveyed say they are in favour of the Constitution and 16 % are opposed to it. Positive opinions prevail on negative ones in all countries with the exception of the United Kingdom. All in all, 35 % of the population do not express an opinion. Indecision reaches a majority in some of the countries, which have announced a referendum: it reaches 67 % in Ireland, 53 % in Portugal and 50 % in the United Kingdom.
- There is a clear correlation between the level of information and the level of support. Only 22 % of the people who have never heard about the Constitution say they are nevertheless in favour of the draft, whereas 60 % of those who have heard of the text but know little about it are favourable. The figure reaches 75 % among those who feel that they globally know its content.

FACTORS THAT DETERMINE THE SUPPORT FOR THE EUROPEAN CONSTITUTION

- According to profile
  - Sex
    There proves to be no difference between men and women. So sex is no determining factor.
  - Age
    Clearly, youths have a more positive view of the European Constitution than do older people.
  - Education
    Higher-skilled people also have a more positive view than do lower-skilled people.
  - Political attitude
    Respondents situated on the left side of the political spectre clearly are more positive than those situated on the right side.

- Support according to knowledge of the European Constitution
  Respondents who are familiar with the content of the European Constitution have a far more favourable view of the European Constitution than those who do not know the text.

Among the main reasons for supporting the European Constitution is the need for further European integration (38%) and for efficient operation of the European institutions (22%) (see Appendix III for a global overview).

The main reasons for not supporting the European Constitution are:
(see global overview in Appendix IV)

- Fear of loss of national sovereignty (37%).
- Opposition to European integration (22%).
- Lack of information (20%).

The survey reveals a fairly weak propensity to participate in a referendum (the average among Member States where a referendum will be held: 42%).

It is a peculiar finding that precisely in those countries where a referendum had been announced (at the time of the survey), the number of undecided regarding support for the European Constitution was the greatest (Ireland: 67%; Portugal: 53% and the United Kingdom: 50%).

So it appears that the decision to hold a referendum does not yield the expected turnout.
Indeed, one might expect public opinion to have adopted an unequivocal position with respect to this.
Further analysis (Table 1) also shows that subjective knowledge (according to the respondents themselves) of the European Constitution is not significantly greater in countries where a referendum is organised (level of knowledge of 10% and more:
Countries with a referendum: 6; without referendum: 5.2).

TABLE 1 : KNOWLEDGE OF THE EUROPEAN CONSTITUTION

Level of knowledge	Referendum	No referendum	
< 10%	**4**	**7**	(4.6)
10 – 15%	**4**	**7**	(4.6)
15 + %	**2**	**1**	(0.6)
	10	**15**	(10)
Source: analysis worked out by our departments and based upon the data of Eurobarometer, March of 2005 (relative figures between brackets) Basic data: Appendix VI			

Finally, it appears that support for the European Constitution is greater in Member States where no referendum is held (in 4. 6 Member States out of 10). (Table 2)

TABLE 2 : SUPPORT FOR THE EUROPEAN CONSTITUTION

Support in %	Referendum	No referendum
< 50 %	**7**	**8** (5.3)
50 and >	**3**	**7** (4.6)
	10	**15** (10)
Source: analysis worked out by our departments and based upon the data of Eurobarometer, March, 2005 (relative figures between brackets) Basic data: Appendix VI		

So, this data rather casts doubt on the use of holding referenda with the aim of stirring public debate and bringing about turnout, involvement and, ultimately, a positive conviction.

The key conclusion that dominates everything else with regard to the ratification and referendum strategy, respectively, is precisely the need for information.

Analysis of Eurobarometer shows that the better (more accurate) the knowledge of the European Constitution is, the more favourable the attitude towards the Constitution becomes.

Also, the national governments are viewed by the citizens as the most reliable sources of information.

This is of paramount importance with a view to the information campaigns yet to be mounted in the Member States.

With the prospect of ratification, it has become apparent that there is a growing trend in Europe towards a culture of referendum. European Treaties are no longer viewed as merely inter-governmental (international treaties), but as an expression of the will of the European citizens. This trend towards the organisation of referenda points to the emergence of a political union designed to involve the European citizens. In 17 of the 25 Member States a referendum was held at some point about the European Union (more specifically, the referenda about entry into the European Union and the acceptance of Euro (see appendix V). There are now four countries where no referendum has ever been held (Luxembourg, Portugal, Spain and The Netherlands). In fact, the organisation of a referendum was not considered in only three Member States (Germany, Malta and Greece, although a referendum is possible here from a constitutional viewpoint).

In Belgium, too, it was considered to organise a referendum on the European Constitution. This required an amendment to the Constitution, for which no special majority (two thirds) was found. Those opposed feared that a referendum on the European Constitution would be used as a survey about Turkey's entry.
For that reason some countries consider holding a separate referendum on Turkey at a later stage.

It seems that in most new Member States no referenda are held anymore as referenda on entry were held just recently and it is probably assumed that these referendum results also reflect the attitude towards the European Constitution.

Referenda are organised for a variety of reasons:

-       in certain countries it is a statutory norm to hold a referendum when the national constitution is to be amended (this is the case in Ireland);
-       owing to the symbolic nature of the European Constitution and in order to involve citizens (Spain, The Netherlands, Denmark);
-       in case there is no clear parliamentary majority (France + United Kingdom).

Referenda as a solution to political lack of clarity sometimes risk becoming part of the problem without offering a solution.

Moreover, the propensity to turn out for the referenda does not prove to be that great (see Eurobarometer).

One must beware of improper use of referenda.

Referenda often answer a question that was not asked.

The culture of referendum adopts a "republican view" of democracy: the will of the people must be expressed through a referendum.
It is the most elementary form of direct democracy.

Those in favour argue that through referenda and direct democracy, the citizens identify themselves more closely with the public cause.

Thanks to information campaigns ahead of the planned referenda, there is greater involvement and growing confidence in the institutions, in this case the European Constitution.

The previous analyses, however, cannot confirm this theory.

4. Information initiatives

A survey among the parliaments reveals that where parliamentary support is already certain, media attention is rather limited.

Yet, in this case too, it is necessary to inform the citizens about the content of the European Constitution.

Governments must set up well-considered information projects. Several governments have already decided to do so. As becomes apparent from the Eurobarometer survey of March, 2005, citizens view their respective national governments as the most reliable source of information with regard to the European Union.
In my opinion, the notion "national government" must be seen here as the "national governance system". Parliaments are also a part of that.

Parliaments constitute important intermediaries (information mediators) between the citizens, the societal midfield and the European institutions.

Individual parliamentarians are important opinion leaders who must be able to convince public opinion of a European Constitution.

For that reason, the national parliaments must help mobilise the citizens and raise awareness among them of Europe as well as mount suitable information campaigns. The information regarding Europe is no exclusive concern of the governments.

Structured communication initiatives with the midfield (without slipping into parliamentary corporatism) seem very appropriate.

The national parliaments can also support individual MP's (through information packages) to explain the European Constitution in their respective regions (for instance in associations etc.)

However, information initiatives must not be downgraded to "sales pitches". In addition, the nature of the parliamentary information must be such that it justifies the parliament's opting for the European Constitution.

It is difficult for me to give a lecture on information strategy to those Member States where a referendum is organised.

The exchange of ideas, which will follow the presentation of my report, will offer the possibility to learn a lesson from the ongoing referendum campaigns.

5. Prospects

The possibility of a negative scenario must be taken into account.

We must dare ask ourselves the question what will happen if certain Member States fail to approve the Draft Constitution.

The legal response to that is, of course, that in such a case we would fall back on the Treaty of Nice (2001).
Yet, the more fundamental question is whether, in such a case, there will be possibilities for the Member States who did approve the Constitution, to cooperate on that basis.

This issue also was the subject of an exchange of ideas as part of the Federal Advisory Committee on European Affairs of the Belgian House of Representatives and the Belgian Senate, with the reporters in the European Parliament about the Draft Constitution.

The main considerations were the following:

In the declaration added to the Final Act of the IGC it is stipulated that "when, after the expiration of a two-year period, counting from the signing of the Constitutional Treaty, the Treaty was ratified by 4/5ths of the Member States and could not be ratified by one or more Member States due to all kinds of difficulties, the matter is dealt with by the European Council."

It is not yet entirely clear what must be done in such a case. What exactly can the European Council do when problems arise during the approval procedure of the Draft Constitution? Some believe that in such a case talks will be held with the 'no' voters. Perhaps there will be a lengthy negotiation process, but in the meantime the Treaty of Nice will apply.

The question was also raised whether it would be worse if the Constitution were rejected by one of the six founding countries of the European Communities as opposed to it being rejected by a Member States having joined more recently.

During the exchange of ideas about possible alternative scenarios it was attempted to learn lessons from previous approval (ratification) problems.

By way of illustration, I refer to the example of Denmark. In an initial referendum, that country voted against the Maastricht Treaty. Then Denmark came around, after it had obtained that the so-called *opting-out* clauses would be incorporated into the Treaty. The Irish, too, needed two attempts before the Treaty of Nice could be approved.

Perhaps it might be appropriate, in the granting of *opting-out* clauses, to take into account the "capacity" of a "no" vote. Also, it might be appropriate to conduct negotiations about a special status.

If a second referendum still proves necessary in some Member States, perhaps it might be appropriate to ask the question if they agree to stay in the European Union.

The outcome is likely to be different.

It is highly peculiar that, despite a certain level of scepticism of the European Constitution, countries are standing in line to be admitted to the European Union.
Optimism therefore is warranted.

The distinction between "founding Member States" and newer Member States is artificial and does not justify different treatment or assessment. Each Member State is a full member of the Union.

The scepticism with which some have greeted the European Constitution can be partly explained by the following reasons. First and foremost, there is the term "Constitution" itself. While, formally, it is a Treaty that will be approved and ratified in accordance with the rules that apply to Treaty amendments, realistically, it would be better to refer to it as a "Constitutional Treaty". This, however, does not detract from the fact that this Treaty, owing to its nature and content, establishes a genuine Constitution.
The Treaty lays down the conditions and constraints that apply to the exercise of powers as part of the political Union. The Union is more than a large single market. This development is not well received by the opponents who advocate a "sovereign" system.

The "vox populi" also gives rise to some distrust of public opinion with regard to the Constitution. Europe is depicted as a distant entity, which is far away from the day-to-day worries of its citizens and which is the cause of the social-economic problems some countries face. Certain political parties therefore use Europe to oppose the ruling governments.

It is therefore an essential task of all parliaments – which constitute a medium between the European institutions and the citizens – to demonstrate that the often way too complex deliberations and decisions are palpable indeed in the daily lives of the citizens (pedagogic role of the parliaments).

Nevertheless, the Constitution must be adopted, for it is the result of an honourable compromise brought about through the unique formula of a Convention. Should the Treaty not be approved, it would be very hard to find another majority to start new negotiations about another, similar Treaty.

All criticism that is currently being passed on the flaws of the Constitution, in fact provides "material" on the basis of which the next stage will start. Indeed, there will be other stages.

The Constitution is a text with internal "dynamics". This is clearly illustrated, amongst other things, by the possibility the European Parliament will have to take the initiative to call an Inter-governmental Conference, and thus a new Convention.

No "contingency plan" is available should the ratification process not run smoothly.

The statement by the Inter-governmental Conference to refer the dossier to the European Council in the event of problems arising during the approval process is a significant political signal.

The drawing up of the Constitution also leaves a lot to be desired.

It indeed proved impossible to split up the provisions of the Draft Treaty establishing a Constitution into two separate treaties, more specifically, a first Treaty comprising Sections I and II (matters of a "constitutional" nature) and a second treaty encompassing Section III (containing detailed provisions regarding the policy options as well as the operation of the European Union).

That the European Constitution is fairly detailed can also be explained by the fact that one was not prepared to give the European institutions a "blank cheque" to act in an unrestricted manner in all fields of policy.

The institutional frame defined by the Constitution is deemed sufficiently flexible to cope with the future enlargements of the Union to 30 or 35 member states and, accordingly, to provide stability, even though amendments remain possible and necessary.
Also, it is reminded that the Constitution incorporates an "opting-out" clause that lays down the specific rules for an "amicable separation". The fact that this clause is included in the Constitution also will make it possible to demonstrate, *a contrario*, the desire of the member states to stay in the Union.

6. Conclusions

THE EUROPEAN CONSTITUTION IS THE "SOFTWARE" TO OPERATE THE COMPLEX EU-SYSTEM.

The thing is to search for arguments to convince public opinion to support the European Constitution.

It will not be possible to persuade the European citizens to accept the European Constitution by saying that Europe has become more democratic because the European Parliament has received more powers in the wake of the expansion of the consultation procedure

The real challenge is to get the public to embrace the European project.

There is a great deal of misunderstanding about that among public opinion.

Public opinion is mistaking the concrete policy of the Union for the basic structures of the Union.

For one thing, it expresses its concern about the proposed services directive, as well as about the possible entry of Turkey into the European Union, etc. In its criticism of this policy, public opinion rejects the constitution itself.

But by doing so, it destroys precisely the basic mechanism that should allow for the concrete policy of the Union to be adjusted or co-defined in a democratic fashion.

If the "early warning mechanism" (provided for in the European Constitution) had applied to the proposed services directive, no doubt it would have looked entirely different.

In essence, there is great attachment to the European construction (as is shown by Eurobarometer). The problem lies in the fact that public opinion does not grasp the exact meaning of this construction and cannot make the distinction between the "system level" and the "policy level"[2]

The system level relates to the mechanism adopted to make decisions. That is the function of a constitution.

These mechanisms are "neutral procedures[3]" which, afterwards, must be able to formulate and alter policy choices, in light of a pluralistic society with evolving, varying problems and preferences.

The process-wise dimension of a constitution (which offers room for discourse about societal developments) thus is a key aspect.

So, a Constitution, in essence, can (must) not be too left-wing or right-wing, too liberal or too social.

A Constitution is, to put it in computer terminology, the "operating mechanism" that allows for policy choices to be made in an orderly fashion (within a generally adopted set of values) that are at any time reversible and subject to correction. Thus, a constitution must not stifle societal developments.

Here one descends to the "policy level" and the various policy fields of the Union.

From a constitutional viewpoint, it is not desirable to incorporate the "policy contents" into a Constitution. A Constitution must be neutral and contain only procedural mechanisms, with a view to giving content to the policy later on (and which can be modified, for this is the essence of democracy).

A constitution must guarantee that the "policy options" remain open at all times. No policy can be definitive, for this would be akin to downgrading to an absolutist system.

What is special about the European project is that it is a generative policy system. The European public space must remain open to continuous political debate, and must continue to enable political choices to be made.

If not, the European Union ushers in the end of politics, the end of democracy. To keep the European dream - which can never come true - alive is to keep democracy in Europe alive.

The constitutionalisation of the European Union proposals as a contract (see Shaw[4], amongst others) therefore seems wrong to us. In a contractual process every actor knows exactly what he or she wants (the preferences are definite), whereas a constitution must enable a generative process that is geared towards future development possibilities.

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[2] Distinction made by Neunreither, K., Governance without opposition. The case of the European Union, in: Government and opposition, vol. 33,4,1998; 419-441.
[3] Inspired by the ideas of Habermas, J., Between facts and norms. Contribution to a Discourse Theory of Law and Democracy, 1996.
[4] Shaw, J., Process and Constitutional Discourse in the European Union, in: Journal of Law and Society, N° 4, 2000, pp. 4 – 37.

Probably the fault also lies in the decision-makers for portraying the European Constitution as the next big thing. Great symbolic value is attached to it.

The fact of the matter is that the Constitution contains few new elements compared to previous treaties.

This constitutional treaty is the continuation of an integration process that has been in the making for almost as many as fifty years.

In closing, the European Constitution must be put in a real perspective. This can only be conducive to a positive outcome of a referendum[5].
Those who oppose the European Constitution invoke such arguments as unbridled exercise of power by Brussels.

Yet, it is precisely the European Constitution that curbs the exercise of powers (greater transparency, democratic procedures, binding to fundamental rights).

Europe needs a constitution to form a "countervailing power" in a globalised world. Precisely a constitution provides a "non-state" construction like the European Union with the necessary legitimacy (balance and control by institutions) and efficiency[6] to face the societal problems and challenges of the modern age.

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[5] By Pijpers (Dutch Institute Clingendael) in De Volkskrant, 28.2.2005
[6] J. Habermas, Why Europe needs a Constitution, in: New left review", Sept.-Oct. 2001, pp. 5 - 25

Outlook and results of the ratification procedures in EU-25 -

Country	Referendum?	Parliamentary approval	Ratified
Austria	No	The constitutional law determining the procedure for ratification of the Constitutional Treaty was discussed in the constitutional affairs committee of the National Council on 17 February. The draft bill will most likely be part of the debate in the plenary of the National Council by mid-May , then probably to the plenary of the Federal Council (after deliberations in the committee) end of May. The Constitutional Treaty itself is likely to be finally approved by both chambers by the end of May 2005. To read more click here.	
Belgium	No. The Belgian Constitution does not provide for the possibility of organising a referendum	The bill for the approval of the Constitutional treaty has been submitted by the government to the Senate. *The Senate's Committee on external relations adopted bill unanimously on 13 April. Debate in the Senate's chamber is foreseen to take place on 27 April followed by the vote on 28 April.* **(Latest news)**	
Cyprus	No.	Approval by Parliament probably in March 2005. Government submitted bill on 20 January 2005.	
Czech Republic	Yes. The new government declares in its "programme" its intention to prepare an ad hoc draft act allowing a referendum on the Constitutional Treaty. Disagreement between the government and the opposition about date of referendum.		
Denmark	Yes. A legally binding referendum will take place on 27 September 2005. The parliamentary bill concerning the proposal on the Constitutional Treaty will be put forward by the Government on 31 March. First reading is expected for 19 April while the second reading is foreseen to take place in the beginning of June. Third reading expected to take place on 7 September. A political agreement concerning the Constitutional Treaty has been adopted by the five "Yes parties" of the Parliament. The text can be read here.		

Estonia	Not likely.	Most likely approval by Parliament. Government proposed on 2 September 2004 that the Riigikogu should ratify the constitutional treaty. The decision by the Riigikogu is expected at the beginning of 2005.	
Finland	No.	Government bill approximately September 2005; parliamentary approval early Spring 2006. Formal ratification immediately thereafter (unless constitution process delayed by other Member States).	
France	Yes. The referendum will take place on 29 May 2005. This was announced by President Chirac on 4 March 2005.	On 1 February the Assemblée nationale approved (by 450-34 votes, with 64 abstentions) a revision of the French Constitution to allow a referendum. On 17 February the Senate also approved the revision, with 263 voting in favour, 27 against and 30 abstentions. On 28 February Senators and National Assembly deputies, meeting in a rare joint session at Versailles Palace, voted 730-66, with 96 abstentions, to amend the French constitution to clear the way for a referendum on the European Constitutional Treaty this summer. The vote easily cleared the three-fifths majority required. It was only the 13th time that the "Congrès" of both houses of the French parliament have met since France's Fifth Republic was created in 1958.	
Germany	No. The German constitution does not provide for organising a referendum.	Ratification procedure expected to be finished in July 2005.	
Greece	No.	*The Greek parliament passed the bill to ratify the Constitutional Treaty on 19 April.* (***Latest update)***	☐
Hungary	No.	The Hungarian Parliament ratified the Constitutional Treaty on 20 December 2004. 323 voted in favour, 12 against, while 8 abstained.	☐
Ireland	Yes.	*The Prime minister told the Parliament on 19 April that the government would attempt to have the Constitutional treaty ratified by the end of 2006.* **(Latest news)**	
Italy	No.	The Chamber passed the bill to ratify the Treaty on 25 January 2005. 436 members voted in favour, 28 voted against while 5 abstained. The Senate adopted the bill on 6 April. 217 voted in favour, while 16 voted against.	☐
Latvia	No.	Most likely ratification in Saeima by mid-2005.	
Lithuania	No.	Lithuania ratified in Parliament on 11 November 2004. 84 MPs voted for the ratification of the Treaty, 4 MPs were against and 3 abstained.	☐

Luxembourg	Yes. The referendum will take place on 10 July 2005.	
Malta	No.	Most likely approval by Parliament by mid-July 2005.
Netherlands	Yes. The referendum will take place on 1 June 2005. This was announced on 23 February by a special committee established by the House of Representatives. The bill on a consultative referendum regarding the EU Constitution has been approved by both chambers. For more information click here.	
Poland	Yes. The Polish Foreign Minister, Wlodzimierz Cimoszewicz, said on 21 June 2004, that it would be normal to hold a referendum on the Constitutional Treaty together with the presidential elections, which are due to take place in autumn 2005. But date is not yet decided.	
Portugal	Yes. Prime Minister, José Socrates, proposed that a referendum on the Constitutional treaty could take place together with local elections in autumn 2005.	
Slovakia	No	The Constitutional Treaty will be ratified in the National Council of the Slovak Republic during the plenary session held in May.
Slovenia	No	The Treaty has been ratified by the Parliament on 1 February 2005 by 79 votes to 4. ☐
Spain	On 20 February 2005 a majority of 76.73% of Spanish voters backed the Constitutional Treaty in a non-binding referendum. 17.24% voted against, while 6.03% returned a blank voting paper. Voter turnout was 42.32%. Government submitted bill to Parliament on 15 April. Approval expected in Parliament in the course of June.	
Sweden	No.	The government plans to submit a draft bill in September 2005. Most likely approval by Parliament in December 2005.
United Kingdom	Yes. Prime Minister Tony Blair announced the decision to hold a referendum in a statement to the House of Commons on 20 April 2004. Date not yet decided. On 26 January 2005 the Government published legislation to ratify the Treaty and to lay the groundwork for a referendum. The European Union Bill to make a referendum possible must be approved by both Houses of Parliament. The text of the Bill and accompanying Explanatory Notes are available on the UK Parliament website:Members of the House of Commons debated the Bill for the first time on 9 February. To read a transcript of the debate, click on this link.	The European Union Bill, which incorporates the Treaty provisions into UK law and provides for a referendum on ratification, has been introduced in the House of Commons. It must pass through both Houses to be enacted.

Levels op support for the future Constitutional Treaty

Q2. Based on what you know, would you say that you are in favour of or opposed to the draft European Constitution?
("In favour" sub-total and "opposed to" sub-total in %)

	Favourable	Opposed
Italy	72	10
Begum	70	13
Netherlands	63	11
Slovakia	61	11
Hungary	60	9
Slovenia	60	9
Luxemburg	57	12
Spain	56	7
Germany	54	17
Lithuania	51	11
EU 25	49	16
France	48	17
Denmark	44	26
Austria	44	25
Poland	43	16
Finland	42	24
Latvia	41	16
Portugal	40	7
Czech Republic	39	20
Greece	34	11
Estonia	32	11
Malta	31	13
Ireland	28	5
Sweden	27	25
Cyprus	23	10
United Kingdom	20	30

Q3. What are all the reasons why you are in favour of the draft European Constitution? (Spontaneous answers in %)
Basis: Persons stating that they were in favour of the Constitutional Treaty

	EU25	Have heard about Constitution				Intention of vote in referendum		
		Yes and know	Yes and know little	No	Yes	Unlikely voter	Potential voter	Likely voter
Essential in order tu pursue European construction	38 %	43 %	38 %	30 %	39 %	24 %	28 %	35 %
Essential for the smooth running of the European institutions	22%	27 %	22 %	18 %	23 %	17 %	23 %	20 %
Strengthens the feeling of a European identity	20 %	23 %	19 %	18 %	20 %	15 %	22 %	21 %
Essential in order to manage the integration of the new member States of the European Union	17 %	24 %	17 %	13 %	18 %	10 %	15 %	14 %
First steps towards/Symbol of a political unification of Europe	17 %	21 %	17 %	12 %	17 %	13 %	14 %	17 %
I've always been in favour of the European construction	16 %	19 %	16 %	11 %	16 %	13 %	15 %	22 %
Strengthens the European Union over the United States	15 %	18 %	15 %	10 %	16 %	11 %	14 %	17 %
First steps towards/ Symbol of a social Europe	14 %	20 %	14 %	11 %	15 %	16 %	16 %	13 %
Creates a true European citizenship	14 %	19 %	14 %	11 %	15 %	14 %	21 %	18 %
Strengthens democracy in Europe / consults citizens	13 %	15 %	14 %	9 %	14 %	12 %	16 %	13 %
Other (SPONTANEOUS)	8 %	7 %	9 %	8 %	9 %	9 %	11 %	13 %
I don't see what is negative in this text	7 %	7 %	7 %	7 %	7 %	6 %	4 %	4 %
Supports the national Government/certain political parties	4 %	6 %	3 %	3 %	4 %	2 %	4 %	4 %
DK/NA	4 %	1 %	4 %	11 %	3 %	9 %	5 %	4 %

Q4. What are all the reasons why you are opposed to the draft European Constitution?
(Spontaneous answers in %)Basis: Respondents stating that they were opposed to the Constitutional Treaty

	EU 25	Education (end of)				Left-Right scale			Have heard about Constitution				Intention of vote in referendu		
		15	16 - 19	20 +	Still studying	Left	Centre	Right	Yes and know	Yes and know little	No	Yes	Unlikely voter	Potential voter	Like vote
Loss of national sovereignty	37%	38 %	38 %	34 %	31 %	34 %	37 %	45 %	37 %	38 %	33 %	38 %	25 %	41 %	44
I am against Europe/European integration	22 %	24 %	22 %	18 %	24 %	18 %	24 %	26 %	18 %	22 %	20 %	22 %	21 %	24 %	29
Lack of information	20 %	20 %	22 %	18 %	19 %	19 %	23 %	18 %	10 %	22 %	21 %	20 %	16 %	23 %	18
I do not see what is positive in this text	16 %	18 %	17 %	11 %	19 %	14 %	14 %	16 %	12 %	16 %	16 %	16 %	13 %	11 %	8
Other (SPONTANEOUS)	15 %	13 %	14 %	18 %	14 %	14 %	13 %	19 %	23 %	15 %	10 %	16 %	14 %	11 %	23
The draft goes too far / advances too quickly	11 %	12 %	13 %	8 %	9 %	11 %	13 %	12 %	16 %	12 %	7 %	13 %	7 %	7 %	9 %
Too complex	11 %	10 %	12 %	10 %	6 %	13 %	10 %	9 %	10 %	10 %	13 %	10 %	13 %	11 %	10
Does not want Turkey in the European Union/Opposition to further enlargement	11 %	13 %	11 %	10 %	6 %	10 %	11 %	13 %	13 %	11 %	10 %	11 %	8 %	11 %	6
Not enough social Europe	10 %	8 %	11 %	10 %	12 %	17 %	8 %	5 %	12 %	11 %	9 %	11 %	10 %	11 %	6
Too technocratic /juridical/too much regulation	9 %	4 %	9 %	14 %	10 %	8 %	9 %	10 %	16 %	9 %	4 %	10 %	8 %	5 %	12
Not democratic enough	8 %	6 %	7 %	10 %	8 %	9 %	8 %	7 %	12 %	8 %	5 %	8 %	8 %	8 %	9
Economically speaking, the draft is too liberal	7 %	4 %	8 %	10 %	9 %	12 %	4 %	5 %	12 %	7 %	5 %	8 %	8 %	7 %	8 %
Opposes the national Government./ certain political parties	7 %	5 %	8 %	8 %	9 %	6 %	6 %	10 %	9 %	8 %	5 %	8 %	8 %	7 %	9
The draft does not go far enough	3 %	3 %	2 %	4 %	3 %	4 %	2 %	3 %	4 %	3 %	2 %	4 %	4 %	6 %	1 %
[DK/NA]	3 %	4 %	3 %	3 %	5 %	3 %	4 %	3 %	3 %	2 %	6 %	2 %	5 %	6 %	3 %

Referendums in the European Union			
State	Referendum on the Constitution	Previous referendums on the EU	Results
Austria	Undecided	Membership (1994)	Yes (66%); No (33%)
Belgium	**Yes**	No	–
Cyprus	Probably not	No*	–
Czech Republic	Undecided	Membership (2003)	Yes (77%); No (23%)
Denmark	**Yes**	Membership (1972) Single Act (1986) Maastricht I (1992) Maastricht II (1993) Amsterdam (1998) Adoption of the euro (2000)	Yes (53%); No (33%) Yes (42%); No (33%) Yes (41%); No (42%) Yes (49%); No (37%) Yes (41%); No (34%) Yes (41%); No (46%)
Estonia	Probably not	Membership (2003)	Yes (67%); No (33%)
Finland	Undecided	Membership (1995)	Yes (57%); No (43%)
France	**Probably yes**	Enlargement (1972) Maastricht (1992)	Yes (68%); No (32%) Yes (51%); No (49%)
Germany	No	No	–
Greece	Probably not	No	–
Hungary	Probably not	Membership (2003)	Yes (84%); No (16%)
Ireland	**Yes**	Membership (1972) Single Act (1987) Maastricht (1992) Amsterdam (1998) Nice I (2001) Nice II (2002)	 Yes (94%); No (6%) Yes (46%); No (54%) Yes (63%); No (37%)
Italy	**Possibly yes**	Constituent mandate for the EP (1989)	Yes (88%); No (14%)
Latvia	Probably not		Yes (67%); No (33%)
Lithuania	Undecided	Membership (2003)	Yes (91%); No (9%)
Luxemburg	**Yes**	No	–
Malta	No	Membership (2003)	Yes (54%); No 46%
Netherlands	**Yes**	No	–
Poland	Probably not	Membership (2003)	Yes (77%); No (23%)
Portugal	**Yes**	No	–
Slovakia	Probably not	Membership (2003)	Yes (94%); No (3%)
Slovenia	**Probably yes**	Membership (2003)	Yes (66%); No, (34%)
Spain	**Yes**	No	–
Sweden	No	Membership (1994) Adoption of the euro (2003)	Yes (52%); No (47%) Yes (42%); No (56%)
United Kingdom	**Yes**	Membership (1975)	Yes (67%); No (33%)

	Referendum (1)	Level of Support (in %) (2)	Degree of knowledge
Germany	_	54	11
Austria	_	44	11
Belgium	_	70	10
Cyprus	_	23	3
Denmark	+	44	9
Spain	+	56	12
Estonia	_	32	7
Finland	_	42	4
France	+	48	10
Greece	_	34	6
Hong	_	60	13
Ireland	+	28	10
Italy	_	72	18
Latvia	_	41	3
Lithuania	_	51	7
Luxembourg	+	57	22
Malta	_	31	12
Pays-Bas	+	63	19
Poland	+	43	8
Portugal	+	40	11
Czech Republic	+	39	7
United Kingdom i	+	20	6
Slovakia	_	61	10
Slovenia	_	60	8
Sweden	_	27	11

1. www.cosac.org
2. Eurobarometer march 2005 (www.europa.eu.int)