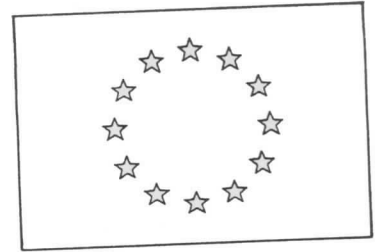


DG X

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FLASH REPORT

Brussels, 21 May 1992

DG X INTERNAL DOCUMENT
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RATIFICATION OF THE TREATY OF MAASTRICHT

"State of Play in the Member States"

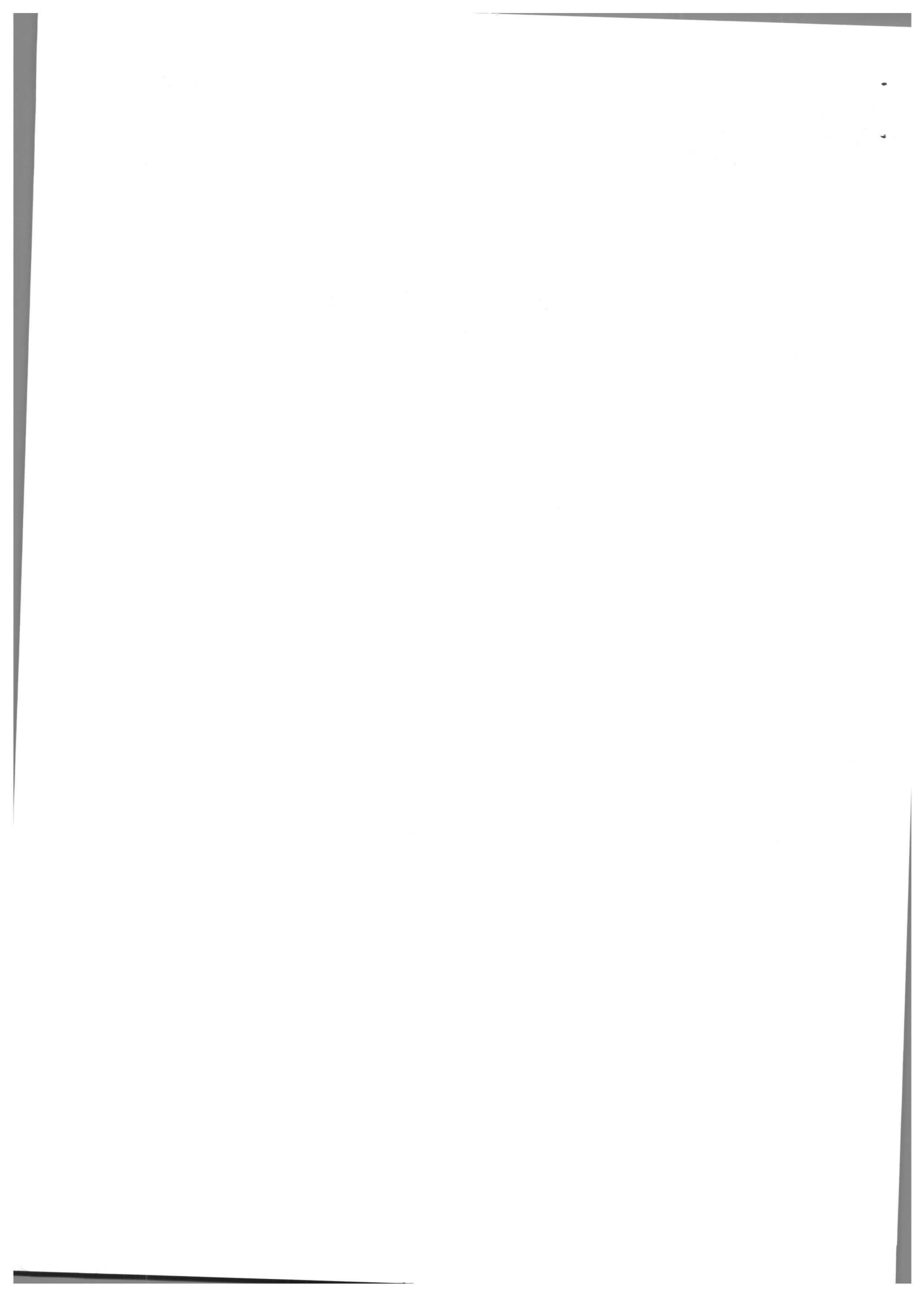
Belgium
Denmark
Germany
Greece
Spain
France
Ireland
Italy
Luxembourg
The Netherlands
Portugal
The United Kingdom

This is a revised edition of the note published on 6 April 1992 and the Flash Report dated 6 May 1992 (296/92)

359/92

Téléphone: (322) 299.94.05 / 299.94.12

Fax: (322) 299.91.97



BELGIUM

- * Ratification by simple majority (50 % + 1 vote) in both the House of Representatives and in the Senate. Since the government parties (Social-Christians and Socialists) have a "comfortable majority" in both Houses, ratification of the Treaty of Maastricht should not raise too many problems.

However, there are two legal problems :

- . should the Flemish, Walloon and Brussels Regions and the French-speaking and German-speaking Communities also ratify the Treaty or not ?
 - . Should the constitution be revised or not ? Constitutional lawyers have differing opinions. If, finally, a revision of the constitution should be necessary, this revision can take place after the ratification of the Treaty of Maastricht.
- * Referendum : no referendum.
 - * Date of ratification :
 - . 10 April : the government has asked the Council of State for its opinion on the draft law of ratification of the Treaty of Maastricht;
 - . 12 May : the Council of State has submitted its opinion;
 - . end of May : debate in the House of Representatives.

DENMARK (1)

- * Ratification : in Denmark the ratification of the Treaty of Maastricht is tied to the outcome of the referendum which takes place on 2 June.

The Folketing has adopted the law of ratification on 12 May :

- . 130 : yes;
 - . 25 : against.
- * Referendum : now that the law of ratification has been adopted by the Folketing, the Treaty will be submitted to a referendum on 2 June.
 - . The major political parties represented in the Parliament are in favour of a yes vote and do advise their electors to vote yes.

(1) See also the weekly Flash Report of the Copenhagen Office re the referendum, the latest Flash Report being No. 344/92 dated 18.5.1992.

- The electorate of the Social Democratic Party seems, however, to be unwilling to follow the directives of their party if one should believe the opinion polls which predict a high number of "undecided" and no votes. This attitude has persisted even after the election of the new Party Leader, Mr Nystrup Rasmussen, during the 11 April extraordinary party congress.
- All the opinion polls indicate (19-20 May) that the yes and no vote is evenly balanced but there are still 15 % of the voters who are "undecided".
- * Date of ratification : On 2 June in the evening, the results of the referendum will be known.

GERMANY

- * Ratification : art. 59 II of the constitution requires a 2/3 majority in both the Bundestag and the Bundesrat, which should be possible in spite of the criticism addressed to the Maastricht Treaty. All the political parties are of the opinion that the Treaty should be "improved" which "improvements" should not, however, endanger ratification.

In order to ensure ratification by the Bundesrat, Federal Chancellor Kohl has made significant concessions to the German Länder, who had been demanding a strengthening of Länder competences to gain further involvement in the unification process. In a meeting with the Chief Ministers of the Länder an agreement to change the constitution was reached on the following points :

- a future transfer of sovereign rights to the EC is subject to a 2/3 majority of the Bundesrat;
 - in the EC Council of Ministers, the Länder will represent the Federal Republic whenever a matter is on the agenda for which they are competent according to the German constitution, such as cultural policy and domestic security;
 - "European unification" will be included in the constitution as a goal of the Federal Republic. The same principles which form the basis of the German constitution will be laid down to achieve this goal, such as democracy, federalism, rule of law, welfare and protection of basic rights.
- * Referendum : no referendum.
 - * Date of ratification :
 - Bundestag : second and final "lecture of the ratification law" probably in November;
 - Bundesrat : probably in December;
 - Länder Parliaments : not consulted.

GREECE

- * Ratification : in principle, no serious problems. The two main parties, basically all the political parties are in favour of European unification.
- * Referendum : no referendum.
- * Date of ratification : cannot be predicted at this time. According to a declaration made by M. Mitsotakis, ratification of the Treaty of Maastricht and Greece's entry into the WEU will take place at the same time.

Since the negotiations for Greece's entry into the WEU proceed normally, Athens is of the opinion that the ratification of the Treaty of Maastricht should take place in due time, i.e. before the end of the year.

SPAIN

- * Ratification : in principle, no major problems are foreseen, given that the Socialist Party has a majority in Parliament and, furthermore, given the fact that during recent parliamentary debates no major political party has raised objections to the Treaty of Maastricht.
 - . On 24 April, the Constitutional Court has been asked by the Council of Ministers (government) whether a revision of the constitution, due to the Treaty of Maastricht, is necessary or not.
 - . The Constitutional Court must :
 - .. present its observations to the government and to the Parliament before 25 May;
 - .. submit its opinion before 25 June; its opinion is binding.
- * Referendum : not envisaged for the time being but cannot be totally excluded.
- * Date of ratification : the parliamentary process will begin in September if the opinion of the Constitutional Court is submitted before 25 June.

FRANCE

* Ratification :

. Revision of the constitution :

The Parliament (Assemblée Nationale) has adopted, on 13 May the draft text of a revision of the French constitution (398 yes, 77 no, 99 abstentions). The constitution has to be revised first, ratification takes place thereafter.

This text authorises the transfer of competences to the Community in certain economic and monetary matters and given the right to vote and the right to be elected in municipal elections to EC citizens residing in France.

Five amendments submitted by the opposition have been accepted by the government. These amendments refer notably to a strengthening of the French Parliament's powers of control re EC legislation, the constitutional recognition of "French as the language of the Republic" and a definition of the European Union.

The government has furthermore accepted that a special law (loi organique) will specify the modalities of the voting and eligibility rights of EC citizens.

The draft text was submitted on 13 May to the Senate which had a first hearing of Ministers on 20 May. Several (RPR) senators have tabled amendments.

The Senate is going to have a final debate on 2-4 May and will vote on 4 June.

* Referendum : a certain number of recent opinion polls give evidence that the French electorate wishes to be consulted as regards the ratification of the Treaty of Maastricht.

Opinion polls also indicate that the French voters show little interest as regards the ratification of the Treaty. One poll (SOFRES/Le Monde/TF1) indicates that 33 % are "indifferent" and 18 % have "no opinion".

That being said, the final decision regarding a possible referendum rests with the President of the Republic.

* Date of ratification : the government aims to finish the ratification procedures before the beginning of the summer holidays.

IRELAND (1)

- * Ratification : a referendum to amend the Irish constitution is required. In order to hold the referendum a Bill containing the proposed wording of the amendment must first be passed by both houses of Oireachtas (Parliament).
- * Referendum : the four main political parties support the Treaty. Only the Democratic Left, the Green Party, the Workers Party, two independents and two members of the Labour Party who disagree with the party line, representing in all only eleven of the 166 Dail deputies, are actively opposing.

With the recent launch of the government campaign the debate has developed considerably. Effectively all of the main social partner organisations have come out in favour of a yes vote.

The opinion polls show a considerable majority in favour of ratifying the Treaty. On average they show 60 % for, 11 % against, and 29 % undecided.

The earlier doubts in many quarters about the outcome of the referendum have now largely disappeared in the light of the strong support at political and social partner level and the findings of the opinion polls.

- * Date of ratification : referendum to be held on 18 June 1992. If after 21 days following the referendum there has not been a petition to the High Court questioning the result it is sent to the President. If the result is positive the President signs the Bill and the Constitution is amended accordingly.

ITALY

- * Ratification should not raise any serious problems, since most of the political parties, including the PDS (ex-Communist Party) have already stated that they will give a favourable vote.
 - Pro-memoriam : after the European Parliament vote in April, the pre-condition of the Italian Parliament and government which had tied Italy's ratification to the EP's attitude, has been lifted.

The ratification procedure takes place in three phases :

- the government submits to the Parliament the draft law ratifying the Treaty;
- the Parliament takes a vote;

(1) See also the weekly Flash Report of the Dublin Office re the referendum, the latest Flash Report being No. 343/92 dated 18.5.1992.

- . the President of the Republic takes the necessary steps to implement the ratification law.

The implementation of the Treaty of Maastricht calls for a revision of the Italian constitution : rights of EC citizens and voting rights of EC citizens notably.

The revision of the constitution may take place after ratification.

- * Referendum : no referendum (excluded by the constitution).
- * Date of ratification : the new Parliament (after the 5-6 April elections) has begun the ratification debate on 23 April. At this point, it is impossible to predict when the Parliament will be ready to take a vote.

LUXEMBOURG

- * Ratification should not raise any serious problems. According to the Luxembourg constitution, three quarters of the members of the Chamber of Deputies must be present when the vote takes place of which two thirds must vote yes. The government's majority in the Parliament reaches the number of votes required to carry the decision.

The government, nevertheless, tries to arrive at a consensus with the Liberal Party which is the major party in the opposition. A majority of Liberal MPs is supposed to vote for ratification of the Treaty, a few have given evidence that they will vote against.

- * Referendum : no referendum (in spite of a request from the Liberal Party).
- * Date of ratification : the Parliament is expected to ratify on 1 or 2 July.

THE NETHERLANDS

- * Ratification should normally not raise any serious problems. A large majority of the political parties are in favour. On the timing there is a problem due to a very complicated and long procedure required by the Council of State (Raad van State). The only opposition could come from some extremely small right wing parties (Protestants).
- * Referendum : no referendum.
- * Date of ratification : the consultation of the Raad van State (Council of State) started in April, but their opinion will not be given before July, which means that the two Chambers will not be

able to discuss the Treaty and start the ratification authorization before September/October. Approval is normally expected before the end of December.

PORTUGAL

- * Ratification raises no serious problems. The government's majority in the Parliament is large enough to secure ratification of the Treaty. Furthermore, the Socialist MPs (major opposition party) should also vote in favour.

However, there are differences concerning the timing of the ratification. The PSD (the government's party) wants to do it soon, but the PS (Socialists) seeks to postpone it until after the approval of the Delors II Package.

The votes of the Socialist MPs are required to revise the constitution in order to implement the Treaty of Maastricht notably as regards the voting rights of EC citizens in municipal and European elections and as regards monetary matters. Political circles are now debating whether the revision of the constitution foreseen in 1994 should be brought forward to an earlier date.

- * Referendum : no referendum (in spite of a request of the Christian-Democratic Party).
- * Date of ratification : Octobre seems a probable target date if the Delors II package has received the political blessing of the EC Council of Ministers before that month.

THE UNITED KINGDOM

- * Ratification : this involves two steps :
 - . the Treaty itself has been tabled in Parliament as Command Paper 1934 for the necessary 21 days under the so-called "Ponsonby rules";
 - . the legislation necessary to implement the Maastricht Treaty has been introduced to amend the European Communities Act 1972. The vote on the Second Reading is scheduled for 21 May after which it will be referred to a Committee of the Whole House in June before a Third Reading, and passage to the House of Lords in July.
- * Referendum : very rare in the UK, only four examples : Northern Ireland Border question; EC referendum (1975); Scottish and Welsh Devolution referenda (1979). One Labour MP has tabled a motion deploring the lack of consultation of the electorate. It is not clear whether the rules of procedures will allow Tory Euro-sceptics

to move a pro-referendum amendment after the Second Reading. A poll by the right-wing Freedom Association shows 73 % of the public in favour of the referendum but the question is a little tendentious.

- * Date of ratification : the government is determined to secure parliamentary approval for Maastricht before the Edinburgh European Council and is thus acting speedily so as to leave nothing to chance. The session has been left relatively lightly filled with other business, so the government will be able to find more parliamentary time if necessary. Target date for ratification is mid-November.

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