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**The period of reflection and the future of Europe**

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France is one of the two countries which have voted by referendum against ratification of the treaty establishing a Constitution for Europe.

This contribution focuses mainly on my analysis as a French parliamentarian of the situation in France, the reasons why the French voted as they did and the conclusions which may be drawn.

## **1. The situation in France**

### *a) The state of the debate*

The European Council decided in June 2005 to embark on a period of reflection to enable a debate on the European Union to get under way in its member countries. However, there has been no real debate in France on the European Union over the past twelve months.

This is hardly a surprise. **Never before had France experienced such a far ranging, lively and thorough debate on Europe as in the run-up to the referendum.**

We may be sorry about the result of the referendum. I am among those who regret this. But it cannot be denied that before the vote there had been a serious and considered debate in France on the text of the constitutional treaty. And, if we have to identify a positive aspect in the referendum held in France, it has to be its educational effect.

In a certain manner the transparency surrounding the referendum may have acted against the constitutional treaty. For many French people this was their first discovery of the real scope of the European Union's writ. They discovered the broad lines of the earlier treaties. It was the first time they had been informed; they were surprised and maybe confused

The fact remains that after such an impassioned and lively debate, it was not possible to think seriously of encouraging another in-depth debate. Nobody would have seen the point of this. And some would have thought that the sole objective was to dispute the people's vote.

### *b) A new referendum?*

Nobody in a position of responsibility in France has challenged the idea that the ratification process in the member states had to go ahead. No voice of authority in France had declared the treaty dead. Yet no-one among the many French presidential candidates has suggested that the constitutional treaty could be put before the French people again in its present form.

It should be stressed that France's vote is in no way comparable to Denmark's vote on the Maastricht Treaty or Ireland's vote on the Nice Treaty. In both Denmark and Ireland, serious reasons could be invoked to justify a new vote. In Denmark, it was a close race. Besides that, when this country voted again, the European Council had adopted a statement making several specific guarantees, which meant that new elements had been introduced. In Ireland's case the turnout had been very low: it was therefore not unreasonable to hold a second vote, once again on the basis of a statement of interpretation by the European Council. And in both these cases, a single country had said "no" while all others without exception had said "yes". This made it possible to turn to their

voters and say: “*Do you really want your country alone to block an advance desired by everyone else?*”

We now face an unprecedented situation. Two countries have said “no” by a large majority and with a strong turnout of voters. And we are not in a situation where all other countries have said “yes”: we know full well that in several other member countries, ratification of the treaty cannot be taken for granted.

How can a new referendum in France be justified when other countries have not yet voted? Only a “yes” vote by the other twenty-three members would justify holding new referenda in France and the Netherlands.

Even if these obstacles were overcome public opinion would still have to be taken into account. Nothing indicates that the general attitude has shifted in favour of the constitutional treaty. A recent poll even suggests that the “no” vote in France would be stronger today than it was last year.

Given the circumstances, **it is hard to imagine that the French president due to be elected in 2007 will decide to submit the same text to a new referendum.**

*c) The meaning of the “no” vote*

What can one make of the way the French voted in May 2005? Does this vote mean a rejection of the text of the constitutional treaty or was it inspired by other motivations? It is a tough question since we know that voters do not cast their ballot in a referendum solely in answer to the question that is put to them: Many other elements intervene. We often hear people say that “the French did not vote on the text but on the context”. That is certainly so, yet I believe that this assessment should be qualified in two respects.

Firstly, while the French did vote on the context, this was not just the French context, but rather the European context as a whole. **The French voted against the constitutional treaty mainly because they are dissatisfied with the way Europe functions today.** They have expressed their views on Europe’s performance as it is today, not on a future project for Europe. More on this later.

Secondly, the French voted on the context as much as on the text because **the text was not such as to make them forget about the context.** Let me explain this. I was myself a member of the Convention. I took part in drafting the constitutional treaty. I was convinced that it represented a step forward for Europe. But I believed in it because I am passionately committed to Europe and because I am immersed in European affairs. In contrast, for the citizens of a small French village, for the industrial worker exposed to competition, nothing in the constitutional treaty held out hopes of changing a disappointing present into a promising future. The Single European Act heralded a single market. The Treaty of Maastricht opened the road to a single currency. But what is the meaning of the constitutional treaty? What better future did it hold in store?

The best one could say was that the new institutions would enable European decisions to be taken more effectively in an enlarged Union. But even this explanation could backfire against the

treaty's instigators. Many took the view that this could mean that, thanks to these new institutions, we could pursue the enlargement of the Union without difficulty. However, a considerable part of the French population misunderstood what enlargement meant. And the fact that new or prospective member countries are more distant and more different from us makes it even more difficult for the French to understand what enlargement is about.

Let me take an example. Today, nobody can say with certainty whether the Ukraine will join the European Union some day. But to bring up the future membership of Ukraine has a very negative impact on the French population. As for many important things, enlargement requires time. And, if one neglects the demands of time, time takes its revenge.

But the European context was not just worry and the loss of bearings caused by enlargement. There was also a lack of understanding of certain measures that the Union seemed about to take, which seemed fraught with menace.

The Directive on "Services", commonly referred to as the "Bolkestein Directive", is a case in point. We all know that the liberalisation of the services market is useful and necessary. We know that the citizens will benefit from it. But how many bungles were perpetrated in this affair! I believe that one would not have proceeded differently in order to bring about a reaction against the liberalisation of the services market. The scope of the directive was left vague. This generated the greatest possible number of anxieties, negative reactions and protests. Nobody seemed to know whether existing directives for various sectors would remain in force, or be dropped in favour of the new directive, and this led to yet more opposition. If one approached the European Commission seeking clarification in order to provide reassurance, the only response was that the Commission then in office had not originated the proposal. The draft had been prepared by the previous Commission and would have to go before the European Parliament before any decisions on essential issues could be made. There seemed to be nobody to talk to.

Let us admit that, if one had wanted to equip Europe's opponents with arguments, one would not have proceeded otherwise. And let us admit that it is time to draw lessons for the future from this sad experience.

## **2. The outlook for a relaunch**

I have stressed that, at the time of the referendum, the majority of the French expressed their views on Europe's record as they saw it. It is interesting to stop to consider how they perceive Europe. I personally took part in close to 120 meetings during the referendum campaign and can therefore pass on to you my own observations.

For the past ten years institutional issues have become the principal purpose for revising the treaties. This was the case for the Treaty of Amsterdam in 1997, and for the Treaty of Nice in 2000. Three years later the constitutional treaty again focused on institutional issues. This makes three treaties in seven years on this subject. Let's face it: most European citizens hardly feel interested in the Union's institutional problems. They have other priorities. By concentrating on its own internal operations, the Union therefore appears cut off from the citizens.

What is of interest to them are the objectives that Europe ought to be pursuing and the issues to which it ought to be giving priority treatment. I must report that, at these referendum campaign meetings, I was told in the same breath that Europe does too much and that Europe does too little.

**On the one hand, Europe does too much.** The voters may not know the words “subsidiarity” and “proportionality”: yet they are puzzled by what is happening over VAT in the restaurant sector, they see the Common Agricultural Policy as a maze of regulations and they are well aware of the repeated difficulties caused by texts such as “Natura 2000” or the directive on migrant birds.

For these reasons it is important that, starting today, the national parliaments oversee the application of the principles of subsidiarity and proportionality to proposals for European legislation. They must make themselves heard by the Union’s institutions - and above all by the European Commission which generally initiates legislation. A form of public dialogue on the need for legislation at European level must take place at the start of the law-making process. In this manner the citizens of Europe would be shown that the Union does not impose constraints haphazardly or out of sheer whim, but to address a genuine and visible need.

**On the other hand, Europe does too little.** In fields such as foreign policy, judicial and police cooperation, economic and social governance, and particularly in employment, the citizens want European action to be more concrete and more effective.

A purely institutional answer to concerns of this type fails to convince. For example, who could say that a simple institutional change would produce a genuine foreign policy, a genuine defence policy or more effective judicial and police cooperation?

For my part, I believe that real progress in these areas can result from two sources.

First, in response to an outside threat. As soon as there is such a threat, hesitations towards genuine joint action diminish and can even vanish. We saw this with the European arrest warrant which - it has to be said - is a veritable judicial revolution and which – it should also be said - was adopted in record time.

If there is no external threat – as we all wish – **then in depth work is required.** We must first define clearly what action we wish to take. Once all 25 – and soon 27 – member countries reach an agreement on the goal, after making the necessary compromises, it will become easier to agree on the institutions we need to carry out our project.

Another reason in favour of placing less stress on purely institutional issues is that, after all, the enlarged Europe does function. It is not in the state of paralysis that had been feared. During the referendum debate in France, defenders of the constitutional treaty stressed the fact that “*there is no plan B.*” Yet it is clear that the Union can function under the Treaty of Nice. The financial perspectives have been adopted. The Services directive is moving ahead: rarely, if ever, has such an important and controversial draft advanced so fast. The Union has embarked on a new external military operation in the Democratic Republic of the Congo. The European evidence warrant is about to be adopted. Indeed, the Union could work better. But, in the view of Europe’s citizens, the situation is far from justifying an urgent reform of its institutions.

**The present situation argues overwhelmingly in favour of seeing what can be done under the existing treaties, based on the concerns of the citizens. At the same time we must agree on the big new projects to be undertaken.**

**The next stage will be to link these new projects to the basic institutional changes which will enable them to be accomplished. Then, but no earlier, will we be able to convince our populations that a treaty to bring institutional change is necessary.**