

## 'All or nothing' from Die Zeit (12 June 1992)

**Caption:** On 12 June 1992, ten days after the referendum in Denmark on the Maastricht Treaty, the German weekly newspaper Die Zeit speculates on the Treaty's validity, considering Denmark's refusal to ratify.

**Source:** Die Zeit. 12.06.1992, Nr. 25. Hamburg. "Alles oder nichts", auteur:Schmid, Klaus-Peter , p. 3.

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## No special status in Brussels for the Danes

### All or nothing

Only a few days after the shock from Denmark, hardly a trace remains of Brussels' initial helplessness. The EC Commission has obviously taken to heart the motto of 'business as usual' suggested by the 12 Foreign Ministers in Oslo.

Experts are still assuming that 12 Member States will have ratified the Maastricht Treaty by the end of the year. 'We shall not be deterred by the Danish incident', asserted a senior Commission official, adding that anyone initiating tactical manoeuvrings for other eventualities would quickly be told to stop. The utmost being conceded to the Danes is that the date of the Treaty's entry into force could be postponed until next year if the Danes needed more time to prepare a new referendum. This eventuality is actually provided for in the text of the Treaty.

But what happens if the Danes do not want to do what the 11 other Member States want to do, or even if more countries refuse?

In legal terms, there is no question that the Union Treaties with only 11 signatures will remain invalid. They have the force of an amendment to the 1957 Rome Treaties, and that has to be agreed unanimously. The Eleven cannot simply decide to carry on alone. It is also impossible for Denmark to be ejected from the European Community by a majority vote. It would have to vote in favour of its own ejection. Of course, a system could be negotiated whereby Denmark would remain an EC Member State on the basis of the 1986 Single European Act, i.e. accepting the institutions already in existence and the agreements concluded to date, including the Internal Market, while the other Member States would take part in the Union with a single currency and a common foreign and security policy. However, Denmark would then be the only member of the old European Community, and its connection to the new Union of the Eleven would be monstrously impractical.

For example, how would the Council of Ministers work? How likely is it that the Danish representative would be sent out of the room whenever an issue was raised that had been changed by Maastricht? That would include not only foreign and security policy but also industrial policy, research policy, social policy, economic policy, environmental policy and many others.

How much would the Danish Government have to contribute to the Community budget, which would be financing completely new tasks, such as the Cohesion Fund?

Would the Danes still be allowed to send MPs to the European Parliament, which has been granted new rights (albeit not very many) by Maastricht? Technically, Denmark would no longer have the right to nominate one of the 17 EU Commissioners nor to take part in summits of European Heads of State or Government.

Brussels has pointed out, quite rightly, that the inevitable legal complications would turn Europe, already criticised for being opaque and undemocratic, into a caricature of itself.

Brussels wants, at all costs, to avoid an 'à la carte' Europe or generous opt-outs whereby the Danes might pick and choose whatever suits them. Accordingly, extra discussions to negotiate a special status for Denmark would be pointless. The 'danger of proliferation' has already prompted Brussels to adopt a strategy of 'all or nothing', mainly put forward by Germany and France. This means that, if the Danes do not want to follow their fellow Member States, they will have to draw the obvious conclusions themselves, and abandon their EC membership.

The European Economic Area (EEA), which is leading the seven countries in the European Free Trade Association (EFTA) into a closer relationship with the EC at the beginning of 1993, might serve as a base. It allows the countries to enjoy the advantages of the Internal Market but does not give them any say in

Community affairs. However, the EEA is an institution without a future, since four out of its seven members have already submitted their application for accession to the EC.

No one in Brussels relishes the thought of a Europe without Denmark. Consequently, many are hoping for a further referendum to decide the question, not 'Yes' or 'No' to Maastricht, but: Are you in favour of Maastricht or of leaving the EC?

Klaus-Peter Schmid