

## Statement by Wolfgang Schüssel on the ratification of the Constitutional Treaty (Vienna, 11 May 2005)

**Caption:** On 11 May 2005, the day on which the Austrian Parliament ratifies the Treaty establishing a Constitution for Europe in Vienna, the Austrian Chancellor, Wolfgang Schüssel, emphasises the benefits of the Treaty for European citizens.

**Source:** Bundeskanzler Schüssel zur Ratifizierung des Europäischen Verfassungsvertrages im Nationalrat. [ONLINE]. [Wien]: Bundeskanzleramt Österreich, [13.05.2005]. Disponible sur <http://www.bundeskanzleramt.gv.at/DesktopDefault.aspx?TabID=3334&Alias=bka>.

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## Statement by Federal Chancellor Wolfgang Schüssel on the ratification of the European Constitutional Treaty in the Austrian National Assembly (11 May 2005)

Mr President, Honourable Members,

I am grateful to the Austrian Presidency and Conference of Presidents for making it possible to vote on this highly important European Constitutional project at this point in time. On 27 April, 60 years ago, the Second Republic was established; this coming Sunday, it will be 50 years since the Austrian State Treaty was signed, and now, precisely during these anniversary days, we are voting on the European Constitution. That is profoundly significant. The State Treaty freed us from occupation, and this European Constitution also frees us to do something, which is to play our part in creating a social, peaceful and economically strong Europe. That is the most important message being sent out today.

Europe was not built in a day; Rome was not, nor was the European Union. It was the Treaties of Rome that paved the way for and introduced a process. We are nowhere near the end of that process, but we have reached a temporary peak. Let me now remind you briefly of the history of that European integration movement. The idea was conceived by Victor Hugo, found an ardent champion in Coudenhove-Kalergi, led up to the famous Churchill speech and eventually culminated in the founding of the European Economic Community.

It has been a 60-year story of success, peace and stability. A very positive factor is that we, too, can play a part in that story. For this Constitutional Treaty was not invented today. The idea dates back to December 2001, when we decided, in Laeken, to appoint Valéry Giscard d'Estaing as the President of a Convention of 105 eminent figures. That Convention spent nearly two years preparing the draft Constitution. It set to work on 28 February 2002. It completed the Constitutional Treaty the following year, in July 2003. By October 2003, we had opened the Intergovernmental Conference in Rome, and, finally, on 29 October 2004, we were able to sign that Constitutional Treaty.

Let me, at this point, offer special thanks to the then Foreign Minister, Benita Ferrero-Waldner, for her work, as well as the current Foreign Minister, Ursula Plassnik. In a two-stage process, Mrs Plassnik and I received authorisation to sign it on the basis of a unanimously adopted Federal Constitutional Act. Anyone who thinks that we should have provided even more information is clearly unaware of all the public events that we organised even before the Convention began, especially with young people. Before the Intergovernmental Conference opened, we had hours and hours of public debate. Here, in this Assembly, we held several all-day discussions. We had discussions before and after every European Council, and now, too, of course, we have been discussing this Treaty repeatedly.

I can say that I am indeed proud of the work that we have done. We have also informed the citizens and sent out an information brochure to 1.2 million households. It is not intended as propaganda; it is purely for information.

As to what is set out in the 200 or so pages of the Constitution, what I regard as fundamentally important is what this Treaty actually establishes for the citizens of Europe. Every European citizen has a passport, not just an Austrian one but a European one, too. Under this new Constitution, every citizen acquires European citizens' rights. That means, for instance, that everyone can claim those rights in every European country. Everyone has a right to vote, everyone is entitled to consular assistance in third countries, something which would have been particularly important when the tsunami struck South-East Asia. Every citizen is covered by the Charter of Fundamental Rights, has the right to effective access to justice, can take action against the Union and its bodies and pursue the matter as far as the European Court of Justice so as to ensure that their rights really are applied. I really consider that a most important step, one which actually takes us into an open and democratic Europe that is close to the citizen.

For the first time, we can launch citizens' initiatives at European level. Think of issues that may be significant here, such as the protection of animals, which we have also included in the list of objectives in the Constitution. It is an issue that has concerned us deeply in Austria, and now we have the possibility of forcing the Union's institutions and bodies to deal with such issues through European citizens' initiatives. Or think of

transport policy, environmental issues, food safety and many other issues that are really pressing now, or think that, in the event of maladministration, discrimination or abuse by EU institutions or bodies, the matter can be referred to the European Ombudsman.

Anyone who says that there is too little democracy in the Constitution or that it contains too few democratic elements should also remember that here, for the first time, we are conferring huge codecision powers on the European Parliament. That was and is a matter of course for us in Austria, but not in all European countries. In future, some 95 % of all European laws will come into being only if the European Parliament is also involved in the legislative process. When Ministers meet in the Councils and take legislative decisions, they must now meet in public. The Court of Justice may now also monitor the activities of the European Council. National parliaments have obtained greater powers. They can now take part in the decision-making procedure, and henceforth they will have a right to institute proceedings or indeed to apply the brakes if smaller units are in any way threatened in relation, for instance, to questions of subsidiarity, or in the event of discrimination or maladministration. So I think that those are specific points with which we can face any critics. In real terms, Europe may still not be perfect enough, but this Constitution includes many provisions that have never applied before.

As has happened in every other country, we Austrians have addressed several national issues, of which the public should certainly be informed. They include enshrinement of the protection of minorities; the explicit statement of the principle of equal treatment for men and women; enshrinement of the principle that all Member States are equal; the principle, especially in relation to personnel appointments — to the Presidency of the European Council, the Presidency of the Commission, the Foreign Minister — that there must be no special provisions for large countries or specific regions but that they must all be treated in an equal and balanced manner. I have already referred to the protection of animals. Other important points in this Constitution are services of general economic interest, price stability and border regions. Those are all issues that we regard as significant, and they can all be found in this Treaty.

Now there are some critics who say that the Treaty is neo-liberal. If that were the case, why does the European Trade Union movement unanimously endorse the entire substance of this Treaty? In fact, it lays down the main principles of a social union, such as, for example, full employment in Article I-3. Originally, that article called only for a high level of employment. Now it no longer calls just for a high level of social protection but for full solidarity, measures to combat abuse and discrimination and social justice as a fundamental principle.

Honourable Members, I should like to address another point that is under constant discussion just now. It is the question of Article I-6. It provides that European law has primacy over national law. Let us be honest now: how else could a European Community work? How else could a European economic area work if, for example, national rules took precedence over European Community rules? The principle is really not new. It has applied in the courts for the past 40 years. At that time, an Italian national complained about his electricity bill as a way of protesting at the nationalisation of the Italian electricity company ENEL. The Luxembourg judges found in his favour, in the interest, incidentally, of consumer protection. And, to be honest, when we joined the EU 30 years after that finding, everyone knew that we were joining a European Union in which European law took precedence. That precedence applies, however, only to areas where there are Community competences. Nothing has changed there. Eleven years ago, the people approved of that by an impressive two-thirds majority in the referendum. And I also consider it only natural to say these things out loud and to stand by them.

Honourable Members, let me also say a few words on the referendum. I was very surprised by Mr Voggenhuber's criticisms. In fact he criticised me, my personal representative and the government groups because allegedly we did not voice strong enough support for the idea of a Europe-wide referendum. At this point, therefore, I should like to remind you of a joint document. It is a joint document put forward by my personal representative Hannes Farnleitner in the EU Convention of 31 March 2003. It was signed by Johannes Voggenhuber as well as by 15 other Convention members. That represented, after all, 15 % of the entire Convention. It puts forward exactly this idea that I publicly supported in September 2003 before the Intergovernmental Conference had even begun. It proposes a pan-European vote, to be held on the same day in all 25 Member States. That would have made it possible for the entire population of Europe to endorse this

first European Constitution. The government parties and the Green Group supported that proposal. Others would have been invited to do so, but they did not accept the invitation at the time. Yet I am really glad that the Social Democrats support that idea today. Later, I put these ideas forward again at three European Councils, on 18 June, 29 July and 5 November 2004. However, I remained the only one to do so. That, too, can happen. I am not at all ashamed of it. I think, in this regard, that we are a step ahead of other nations. I have always warned against the kind of patchwork that has now emerged. There will now be referendums in nine states, spread over nearly two years. As a result, the European project is virtually at a standstill in important areas. Hardly anyone dares to submit proposals in the Commission, Parliament or the Councils that might turn out to be controversial because one or other national referendum, usually overshadowed by quite different issues, is at stake.

In Austria, there is broad support for a Europe-wide referendum: 52 % of the people of Austria are in favour of a Europe-wide vote, which surely implies that they are against a national vote.

Honourable Members, 40 years ago on Monday this week, a great Austrian died. We commemorated the 40th anniversary of the death of Leopold Figl. I have looked out one of his speeches, one which sets out a moving vision dating from 1951. It was his farewell speech as Chancellor and Party Chairman of the Austrian People's Party. He said at the time: 'The United States of Europe is the goal to be sought after overcoming all the hurdles of history. The road is still strewn with many obstacles, and yet it would appear that this idea of European unification is looking increasingly less utopian as a result of the harsh constraints of its history and is entering the realm of the possible.

'That would create a European order with an economic potential that could resolve the economic and social problems that the national economies have not so far managed to resolve alone.' And today, in the year 2005, we have still not realised that dream fully, but we have come a huge step closer. So I ask you: let us vote together for that important step, for a peaceful, social, economically strong and democratic Europe. In voting for this Constitution, let us create a Europe for its citizens.