

## **AUSTRIA IS TO BE THE 8th STATE TO RATIFY THE EUROPEAN CONSTITUTION**

Austria has ratified the treaty establishing a Constitution for Europe via its lower chamber of Parliament, the Nationalrat.

Members of the Nationalrat voted overwhelmingly in favour of the ratification of the European text. 182 MP's voted in favour and one against, a member of the extreme rightwing Liberal Party formerly led by Jörg Haider, (FPÖ). The 183 members of the Nationalrat were all present for this historic vote.

The European Constitution must now be ratified by the Bundesrat, the Upper Chamber before the end of May. The text will then be signed by Chancellor Wolfgang Schüssel and the President of the Republic Heinz Fischer before being promulgated.

### **How the political parties voted**

Austrian political parties are in favour of the European Constitution.

Chancellor Wolfgang Schüssel (Popular Party, ÖVP) asked for a vote *"for a strong and democratic, pacific, social Europe thanks to the Constitution"* that he believes, *"protects the sovereignty of the 25 EU Member States and increases citizens' individual and social rights."*

The leader of the main opposition party, the Social Democrat Party (SPÖ), Alfred Gusenbauer, declared that the Constitution was *"better than the present treaties."*

The leader of the Greens, Alexander Van der Bellen, said *"a frank yes - since we have to choose between this text and the miserable Nice Treaty."*

Even the extreme rightwing Vice-Chancellor Hubert Gorbach (member of the Alliance for the Future of Austria (BZÖ), a party created in April by Jörg Haider) distinguished himself from the leader of his party and emphasised that this was a *"text that protects the sovereignty of the States."*

The President of the Republic, Heinz Fischer (SPÖ), also said that he was in favour of the European text saying that *"to reject the Constitution would be a catastrophic step backwards."* The unions also said they were in favour of the ratification of the treaty.

### **The procedure**

According to article 50 of the Austrian Constitution the ratification procedure of international treaties, first and foremost, implies the approval of a draft constitutional law to authorise ratification by the government. This constitutional law was adopted unanimously on 2<sup>nd</sup>

March last by the Nationalrat. This draft had then to be transferred to Parliament and adopted by the majority of two thirds and with at least half of the 183 MP's in attendance – finally the Bundesrat, the Upper Chamber also has to approve the text with a majority of two thirds of its members and with at least half of them in attendance.

The Austrian Constitution does not exclude a popular consultation; article 43 of the fundamental text authorises the National Council to submit its acts to referendum after their adoption by the Bundesrat and before being approved by the President of the Republic. Before the European Constitution was signed by the Heads of State and Government Chancellor Wolfgang Schüssel (ÖVP) had asked for all referenda organised by Member States to take place on the same day; but his European partners did not take up his suggestion. Elisabeth Gehrler, Education Minister also declared on behalf of the government “*that a referendum was only possible if there was a consultation across all of Europe.*” For his part the President of the Republic, Heinz Fischer (SPÖ), had said he was against the organisation of a referendum for ratification of the European Constitution.

We should recall that the Austrians accepted their country's entry into the European Union by referendum on 12th June 1994 (66.60% of votes in favour of membership, 33.40% against; the participation rate rose to 81.30%).

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