

The con-job Constitution

The much-trumpeted ‘compromises’ agreed at the EU summit are just a smokescreen. Apart from a few cosmetic changes in relation to such things as the flag and anthem, all the essential provisions of the draft EU constitution which was rejected by referenda in France and the Netherlands remain intact. In an RTÉ radio interview, Bertie Ahern, during whose presidency the constitution was drafted, expressed his satisfaction with the outcome: ‘Thankfully, they haven’t changed any of the substance’.

Other EU leaders were equally frank. The Danish prime minister, Anders Fogh Rasmussen, commented: ‘The good thing is ... that all the symbolic elements are gone, and that which really matters – the core – is left’ (*Jyllands-Posten* 25 June). German chancellor, Angela Merkel, also stated that ‘the fundamentals of the Constitution have been maintained in large part... We have renounced everything that makes people think of a state, like the flag and the national anthem’ (*El Pais* 25 June).

The changes, such as they are, can be summarised as follows:

National parliaments

The German presidency offered national parliaments extra time to scrutinise legislative proposals made by the European Commission. This has been extended by a period of two weeks. However, as before, the Commission is obliged only to ‘consider’ submissions from national parliaments, not act on them.

Voting system

‘Compromises’ were circulated to the Polish delegation to meet their concerns about the loss of voting weight. They were offered retention of the existing voting system agreed under the Nice Treaty until 2014. Poland was also offered extra MEPs.

Free-market principles

In a sop to France, it was agreed to remove a phrase referring to ‘free and undistorted competition’ in the operation of the single European market. However, any attempt to subsidise state companies would still be open to referral to, and interpretation by, the European (EU) Court of Justice. Given its penchant for expanding the powers of the Commission, it is unlikely to backtrack on its present policies.

Foreign policy

The title of EU foreign minister would be deleted from the new EU Constitution. Instead, the EU foreign policy chief would be called ‘high representative’ of the European Union and would combine the jobs of the foreign policy chief Javier Solana, who reports to EU governments, and Benita Ferrero-Waldner, who controls the aid budget and external

relations staff. He would chair meetings of EU foreign ministers and head an external action service drawing on national and EU diplomats. In Bertie Ahern's words: 'It's the original job as proposed ... It's the same job'.

The justice opt-out

A compromise was drafted to meet British concerns that its common law system could be undermined. Britain would be able to opt in to new EU justice proposals it supported, but withdraw from those it did not agree with. Ireland will also be offered the compromise, but will probably not decide to accept it until an intergovernmental conference in the autumn. But of course, given their ardent desire to be 'Good Europeans', it is unlikely that the government will ever invoke the opt-out.

So, that's it! You can safely read the material already on the Peoples Movement website as long as you remember that the title of the EU foreign minister has been changed, that we are likely to be given an opt-out on some proposals in justice and home affairs but are unlikely to invoke it and that the Dáil will have two weeks longer to consider Commission proposals and to send a response that the Commission is not obliged to act upon.

The final text of the proposed New EU Constitution will become available on conclusion of the inter-governmental conference, probably in October. The conclusions of the German presidency following the summit can be read at:

http://www.eu2007.de/en/News/download_docs/Juni/0621-ER/010conclusions.pdf