



Press statement

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Lisbon Treaty could yet be rejected – concerns over possible German referendum

There is growing concern among EU leaders that a legal challenge to the Lisbon Treaty currently before the courts in Germany could lead to a referendum there. The crucial two-day hearing, due to end today, is examining whether the treaty is compatible with the German constitution. Today the court will examine an article in the German constitution on holding referendums, which says that a referendum may be called if the constitutional order in the country is changed to the detriment of the current constitution. The court could request a referendum if it decides that the Lisbon Treaty poses such a threat.

Today, Former Green Party MEP and leading No campaigner Patricia McKenna welcomed the possibility of a German referendum. She said: “It is widely assumed that German voters would vote the same way as the Irish did and reject this treaty. It is also highly unlikely that any EU leader would force German people to vote again. A German No would be accepted and would guarantee an end to this discredited treaty.”

McKenna, who is chairperson of the People’s Movement, one of the main groups on the No side in last years Irish referendum went on to say: “Reports on the case before Germany’s most powerful court indicate that the judges are giving serious consideration to the implications of the treaty and to many of the same concerns raised by No campaigners here in Ireland. It is interesting to note that the learned judges, unlike our own political establishment, are not dismissing these concerns as ‘vexatious’, ‘scaremongering’ or ‘distortion of facts’”. She said: “It is clear from statements by the German judges that they agree with at least some of the concerns raised by No campaigners in Ireland.”

Several of the eight judges in charge of examining whether the EU's Lisbon Treaty is compatible with the German constitution have expressed scepticism about the constitutional effects of further EU integration. According to reports in the German media, the debate on the treaty centred on criminal law and the extent to which it should be the preserve of member states rather than the EU.

The judges questioned whether the EU should be allowed to increase its powers in criminal law. Judge Herbert Landau said new EU powers in criminal justice affected “core issues” of German legislative authority. “These are issues affecting the shared values of a people”, he said.

Judge Udo Di Fabio, who prepared the procedure and will deliver the judgement on the treaty, asked whether the transferral of powers to the EU really means more freedom for EU citizens. “Is the idea of going ever more in this direction not a threat to freedom?” he asked, according to *FT Deutschland*.

“A referendum in Germany would put the final nail in the coffin of Lisbon and would force EU leaders to accept once and for all, the voices the people they are elected to serve. Ireland is being condemned by all EU leaders including our own for failure to accept the Lisbon Treaty but we are not alone. It would be ironic if Germany, one of the main proponents of this Treaty, was the country responsible for its eventual downfall”, concluded McKenna

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