

## **The Danish national debate on the Convention**

### *Background*

The Danish debate has hitherto been dominated by two factors that have little to do with the Convention itself: the Danish presidency in the fall of 2002 and the four Danish opt-outs.<sup>1</sup>

The Danish presidency's sole focus on closing the enlargement negotiations meant that Prime Minister, Anders Fogh Rasmussen, and his government at a very early stage decided not to present any formal proposals in the Convention until after the end of the Danish presidency. The explanation given was that the government didn't wish to belong to any "camp" in the Convention debate as long as it was conducting the sensitive enlargement negotiations. The government has, however, been criticised for dodging the debate to safeguard its parliamentary co-operation with the far-right, EU-sceptic party the Danish People's Party. A more probable reason is that although Denmark is a small member state it has pursued a rather intergovernmental due to the large popular EU-scepticism. This was reflected in the prime minister's proposal in his speech on January 15<sup>th</sup> 2003.<sup>2</sup> (*See below.*)

As regards the four Danish opt-outs, they have yet again dominated the headlines. The main discussion is whether the Danes should vote to abolish the four opt-outs in a national referendum this coming spring or wait until the result of the next IGC is known. Advocates of the former, mainly belonging to the opposition, argue that the government needs a clear mandate from the people to navigate by at the next IGC. The prime minister's point of view expressed in his new year's speech is that one referendum on both the four opt-outs and the result of the next IGC should be held sometime in late 2004 or early 2005. That way the full content of the constitutional treaty will be known, and the Danes will thus most likely be faced with a once and for all "yes" or "no" to EU membership.<sup>3</sup>

### *The new leadership of the Union*

The government's position in the debate on leadership of the European Union has been rather unclear until 15 January. For a long time, the Prime Minister argued against a permanent European Council president and for group presidencies. However, "the experience of the past half year [as EU president]"<sup>4</sup> has made Anders Fogh Rasmussen change his position. The government now, albeit somewhat reluctantly, favours a model with an elected European Council president. Characteristic of the Danish model is the idea to create three separate groups of member states (large, medium and small states), and then let the president post rotate between these groups (although the president would be elected by all member states).

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<sup>1</sup> The Danish exemptions regard defence, justice and home affairs, the Euro and EU citizenship.

<sup>2</sup> Anders Fogh Rasmussen's speech: "Dansk Europapolitisk efter formandskabet" ("Danish EU policy after the Presidency"), Institute for International Studies, 15 January 2003.  
[www.stm.dk/index/printSide.asp?URL=dokumenter.asp&o=2&n=0&d=1365&s=1](http://www.stm.dk/index/printSide.asp?URL=dokumenter.asp&o=2&n=0&d=1365&s=1)

<sup>3</sup> EU spokesperson of the Liberal Party Charlotte Antonsen in Danish daily, *Politiken* 9 December 2002.

<sup>4</sup> *Ibid.* 2

This should, of course, be seen as a compromise proposal ensuring the balance between larger and smaller countries of the Union<sup>5</sup>.

In addition, the President of the Commission should be strengthened through a new election procedure. The Danish proposal<sup>6</sup> sets out that the President of the Commission should be elected by a college of representatives from the European Parliament and national parliaments, allegedly to enhance the influence of national parliaments and ensure the independence of the Commission president from the European Parliament. The representatives from the national parliaments are to be appointed by national governments, and the European Council should still finally approve the president of the Commission. The member states thus retain a firm grip on his appointment. What makes the Danish model even more complex is that it implies that the 6-month rotating presidency is kept for the Council of Ministers, and that the distinction between the High Representative and the external relations commissioner is kept as it is today.

The reactions to the government's proposal have been mixed. The largest opposition party, the Social Democrats, has received the proposal with caution but tend to support the government's proposal. Their spokesperson on EU affairs, Henrik Dam Kristensen, expressed sympathy to the idea of an EU president. Yet he added that he still finds "there are unclear sides to the proposal".<sup>7</sup> One of these unclear sides is according to the chairman of the Social Democrats, Mogens Lykketoft, that such a president would be "out of reach" for national parliaments.<sup>8</sup> The Danish People's Party has reacted strongly to the government's proposal, because they perceive an EU president as "another step towards the United States of Europe".<sup>9</sup> Other critical voices are the Social Liberal Party and the Socialist People's Party, which both favour group presidencies.<sup>10</sup>

#### *The role of the national parliaments*

The Danish government and Parliament strongly advocates an enhanced role for national parliaments as a way of anchoring legitimacy in the EU. The national parliaments should be given a specific role in monitoring the EU legislation process, and both government and parliament thus support the introduction of the "early warning mechanism" proposed by the Convention working group on subsidiarity.

#### *Enhancing efficiency*

Special priority has been given to ensure efficiency in the new enlarged European Union. The Danish government favours the extension of qualified majority voting in the Council and of the co-decision procedure to all areas where the Council decides by QMV. New areas suggested under the co-decision procedure are e.g. the CAP and some areas of taxation. (The introduction of co-decision on agriculture can also be seen as a measure in the CAP reform process, a process which the government and parliament are very keen to push forward). However, the Prime Minister underscored

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<sup>5</sup> However, it should be noted that the Danish prime minister did not rule out a revised version of the current model with rotating presidencies, but said that the proposed model with an elected president for the European Council should be considered "without prejudice".

<sup>6</sup> First launched a month and a half ago by Henning Christophersen, the Danish government's representative in the Convention.

<sup>7</sup> *Berlingske Tidende* 16 January 2003, p. 9 & *Morgenavisen Jyllands-Posten* 16 Januar 2003, p. 4.

<sup>8</sup> *Information* 16 January 2003, p. 5.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Berlingske Tidende* 16 January 2003, p. 9 & *Morgenavisen Jyllands-Posten* 16 January 2003, p. 4.

several times that unanimity should be retained, when deciding the overall ceiling for the EU budget.

Enhanced co-operation has not been discussed in detail, but as Denmark already has practical experience with being outside key areas of co-operation, such as the euro and defence, it is not likely that Denmark will oppose more enhanced co-operation in the future as long as “opting back in” remains possible.

#### *The Charter of Fundamental Rights*

The Government has proposed to make a reference in the constitutional treaty to the Charter of Fundamental Rights and then keep the Charter itself as a protocol to the constitutional treaty.

#### *ESDP*

The Danish government wishes to strengthen co-operation on CFSP/ESDP matters. Yet co-operation should remain within the intergovernmental framework, the explanation being that it is “unrealistic” to expect larger member states like France and the UK to surrender significant competencies to the EU level in this matter. “There is a need for the EU to take over a larger share of the burden on the global scene”.<sup>11</sup> However, it is also strongly stressed that the CFSP/ESDP must not in any way jeopardise the role of NATO and transatlantic relations.

#### *The public debate*

The public debate on the future of Europe has until recently been almost non-existent. A few proposals made by opposition parties in the fall - mainly the Social-liberal party (Radikale Venstre) and the Social Democrats - did not gain much attention in the media. Also, the Europe Committee in the Danish Parliament has held several public hearings on the Convention, but only the last meeting in November 2002 was well attended.

The Prime Minister’s speech sparked some debate, reflected among other places in the newspapers’ letters to the editor. But public meetings continue to suffer from low attendance, and the large amount of funds set aside by the parliament for citizens’ meetings etc. are not being used.

#### *Concluding remarks*

In many ways, the Danish position on the future of Europe resembles the British. On contentious issues like the Charter and to some extent ESDP and Council president, the positions are indeed very close.

The overall Danish position is marked by a large degree of consensus domestically, even if some disagreement can be traced on specific proposals. Only the far left and far right directly oppose the line of the government due to their general EU scepticism.

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<sup>11</sup> Anders Fogh Rasmussens speech: ”Dansk Europapolitik efter formandskabet” (“Danish EU policy after the Presidency”), Institute for International Studies, 15 January 2003.

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