

Address given by Jean-Claude Juncker on the Constitutional Treaty (Luxembourg, 28 June 2005)


Caption: On 28 June 2005, two weeks before the national referendum on the Treaty establishing a Constitution for Europe, Jean-Claude Juncker, Luxembourg Prime Minister and President-in-Office of the Council of the European Union, explains to the Chamber of Deputies why his government supports the ratification of the text.

Source: Intervention du Premier ministre au nom du gouvernement lors du débat parlementaire sur le projet de loi sur la Constitution pour l'Europe. [EN LIGNE]. [Luxembourg]: Gouvernement du Grand-Duché de Luxembourg- Service Information et Presse, [12.07.2005]. Disponible sur http://www.gouvernement.lu/salle_presse/actualite/2005/06/28juncker_chd/index.html.

Copyright: (c) Translation CVCE.EU by UNI.LU
All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.
Consult the legal notice and the terms and conditions of use regarding this site.

URL:
http://www.cvce.eu/obj/address_given_by_jean_claude_juncker_on_the_constitutional_treaty_luxembourg_28_june_2005-en-652e33b9-862e-43b7-a59a-ff038407a2ed.html

Last updated: 05/07/2016



Address given by the Prime Minister on behalf of the Government during the parliamentary debate on the European Constitution bill (Luxembourg, 28 June 2005)

President,
Ladies and gentlemen,

Now that it's the Government's turn to speak, I should like to say thank you on its behalf to the author, Ben Fayot — or 'Fayots Ben' as Mr Castegnaro calls him — for the excellent report that he has delivered, both verbally and in writing, and for the many years of experience which have enabled him to comment on these questions as he has done here. Reports on important subjects, like all reports, can't grow from nothing, they have roots and convictions. And in Ben Fayot's case, these roots run long and deep, and so it was good to listen, and well said too.

The debate which followed was also good, because we avoided making one particular mistake. Firstly we didn't engage in too much argument with those who are not here. They didn't want us to argue with them, which is why they didn't come, and if they're not here, then we'd better not argue with them. And secondly we didn't try to credit the European Constitutional Treaty with virtues, merits and advantages, which, like all political projects created by people, the European Constitutional Treaty simply can't have.

I oppose those who lambast the Constitutional Treaty and condemn it out of hand. I also oppose those who behave as though, if the Treaty takes effect at some point, then, under some kind of wondrous European influence, all the problems that we have in Europe, and all those that we encounter here at home, would be resolved. This is not the reality. If it were that simple, then others before us would have had the idea of solving people's problems by writing essays. We know that we can solve people's problems, once we've written a good essay, by putting it into action and steering it in the right direction.

And it has already been made clear, in the debates and conversations that have already taken place, what it is not about on 10 July, when the Luxembourgers have what I see as a historic appointment with themselves and with others. It is not about saying 'No' after the event to something that has already happened.

I know from many conversations, countless conversations, that enlargement of the European Union to include the countries of Central and Eastern Europe — astonishingly, no one mentions Malta and Cyprus, and maybe we should ask ourselves exactly why not — that enlargement to include the countries of Central and Eastern Europe is a topic that people won't let go. In this context we must state once more that there were no valid alternative options to enlargement to include the countries of Central and Eastern Europe. If there had been, then someone would have formulated them and, once they'd been repeated over and over again, would have stopped others from saying that there could be any alternative other than enlargement or accession. The people of Central and Eastern Europe wanted this once they had thrown out communism, in circumstances which we seem to have forgotten. It was ordinary people who did this. It was not the elite, because, as a rule, the elite could come to an arrangement with their respective systems and regimes. It was the people who missed out on essential life experiences, which they could have had if they had not been prevented from having them, very often risking their lives at crucial moments, and so it's not for those who grew up in the sun, the sun of freedom, the sun of the Marshall Plan, which Soviet might kept out of reach of these other countries, to say, you mind your business and we'll mind ours.

If you take a look at history and stroll through it, stopping now and then at important junctures — where it deviates from its normal course — it is sometimes significant. You just don't always notice it straight away. It would be of great benefit to anyone to read one of Churchill's speeches — not, by the way, his famous Zurich speech of 1946, which was already quite farsighted, since it says that large and small countries must work together with equal dignity in Europe — that was well observed — whilst at the same time saying that Britain would not need to take part in this exercise. That was seldom more apt than today. For Churchill was a great man, and we see this above all — and not all his successors are in this category. I'm not necessarily referring to the present incumbent. There have been others before him. We didn't go straight from Churchill to Blair. There was something in between. In 1948 Churchill said, at the time of the meeting in The Hague to hold the first Congress of the European Movement — Adenauer was there, the young Mitterrand, philosophers and

trade unionists who travelled, in so far as they were permitted to do so, from all European countries.

At the time when the Council of Europe was created, an institution whose importance is all too often not properly recognised in this House, since it paved the way for much of what later came into being, Churchill said: what we begin today in the West, we shall finish one day in the East. In 1947. How many decades of division, unnecessary division, until we reached the point which Churchill, Adenauer, and the young Mitterrand of that era would have liked to have reached by the 1950s? Everything in Europe would have turned out better if we had not had those 60 years, which were 60 years of division. And to complain about it is to ignore history, is to forget the symptoms of paralysis experienced by this continent because of the Cold War, and the great fear that was felt — nowadays, people are afraid of all manner of things — the great fear felt by generations of Europeans because of the warheads that were aimed at one another. And so, on closer examination, we have to support the European task of enlargement, because it has made the continent more stable, it has made the continent more secure and it has made the freedom that many of the new democracies of Europe have discovered more absolute, because this is a point of no return.

In 1989, there were many here in the House who felt that, now that communism had gone and capitalism had won the day, everything was resolved. Such a reading of this turning point in European history is of course totally wrong, because even capitalism, which seemed at the time to have triumphed, is not an ideal social system, not one that one would wish to see take hold with full force, unregulated, with no limits, leaving no room for hope. In fact, those who won were those who had always been in favour of the third way, and there are many of them, and their political affinities vary. The Berlin Wall was the wall against which Europe, the European house, was built, and once the wall was gone that house needed to be supported, and so we shouldn't act as though, after the fall of the Berlin Wall, after the fall of communism and the enlargement to include the countries of Central and Eastern Europe, uncontrolled capitalism should be waved through and allowed to ride roughshod across our countries, while we applaud enthusiastically. That is not what we want.

And so the European Constitutional Treaty is especially valuable when it speaks, not without subtlety, not without some reservations, in favour of what we call economic liberalism, and I do feel sorry for the Liberals in so far as, by an association of sound and meaning, they find themselves connected with such harsh descriptions. It's not the kind of liberalism that we have here, that we mean when we talk about economic liberalism, and it is certainly not this kind of liberalism which is honoured in the Constitution.

Under this Constitutional Treaty, it is subject to the normalising power of political influence. And it is to our continent's credit that this power is shared: the nation states retain various powers but have transferred some aspects of sovereignty to Europe. The nation state alone, which for itself and for its neighbours [inaudible], this leads to the opposite of what we understand today by European Union. There is no other example, worldwide, of parliaments, governments, nations and peoples deciding of their own free will to share some of their powers with others, powers which — if they kept them for themselves — could lead to dangerous developments, or, as is the case with us, might prove completely ineffectual. That's why supporters of sovereignty on the Left and the Right are now not embarrassed to speak out about this process here in Luxembourg, although they've never done so before. Never. Even the Extreme Right was afraid to speak out in Luxembourg against Europe. Now there's a new tone to the debate, both in Europe and here at home. People are no longer embarrassed to say out loud what they've always thought quietly to themselves. I hope that some day, somewhere, at some university, provided someone there can master Luxembourgish, they will amuse themselves, though it's not amusing at all, by cataloguing all the xenophobic vitriol which has been used here in this debate by the various followers of certain doctrines. Some of what we have heard was utterly shocking, both here in Luxembourg and in our large Western neighbour.

Between enlargement and the coming into force of the Constitutional Treaty — if this can be brought to a successful conclusion — we shall not run any of the risks which have been described, not in this House but outside, and no more shall we do so afterwards. I receive a lot of letters from various people whose economic circumstances differ considerably. And many of them are from people who are worried, and I mean genuinely worried — you can tell from their tone whether they are genuinely worried or whether they have some other motive. And, quite frankly, there are many people who are living under the impression that, as a result of the debate on the Constitution and because of the reality of today's Europe, hundreds of thousands, if not millions

of people from Central and Eastern Europe will come here, taking people's jobs, undermining the existence of small and medium-sized businesses and causing complete chaos.

And many of those who are going down the 'No' route stir up these fears with what I would have to say is a good dose of perfidy. Given that most of them are intelligent human beings, I don't believe that they believe what they want to make others believe. And to behave as though tomorrow a bus-load of Polish workers, Czech workers or Slovakian workers could just disembark here in Luxembourg and be able to get work in some company for 2 euros an hour or be able to start their own business, without a business permit, without needing to respect the detailed rules governing the establishment of small and medium-sized undertakings, is simply a wicked idea. It has been dreamt up in order to frighten people.

I am in favour of telling people the truth in politics. But I am against trying to get people's support by telling them stories in order to scare them and significantly strengthen any fears that they already have. That is irresponsible in the highest degree. It is immoral to frighten people. There is no need to frighten people when there is nothing for them to be frightened of. And so we need to tell the people here in our country clearly that what happens in these stories and what's being said doesn't happen like that, and therefore no one should be allowed to say that it does.

Here in Luxembourg, it will not be possible, neither following enlargement nor once the Constitution is in force, for one single Polish worker to work for less than the Luxembourgish minimum wage, less than the official rate of pay, and no one can start up a company here without respecting Luxembourgish employment law and Luxembourgish social security legislation. This is simply not allowed. It is not allowed in this country. And I should like to ask the Luxembourgish people, who are otherwise critical, and rightly so, of attempts originating abroad to influence and mould our way of thinking here, I should really like to ask them not to believe everything that's said on German television, not to mention on other TV channels, but that's another matter.

When it's said that, in Germany, Polish workers are employed by an abattoir in Potsdam for 3 euros an hour and that hundreds of East German workers have effectively lost their jobs because of this, then this is correct, but it's wrong to think that this could be true in Luxembourg or that it could happen here. If the German legislators, the efficient German legislators, had done what we did here in Luxembourg, first of all in 1994, and once more in 2002, in other words, to make it clear that Luxembourgish employment law applies throughout the territory, that everyone who works or starts a business in Luxembourg has to respect Luxembourgish law, the Luxembourgish minimum wage, the official Luxembourgish pay-scale, then this would not have happened in Germany. In France, people wouldn't need to be debating the subject of the Polish plumber, the *plombier polonais* — who, as it happens, uses a French wrench, but that's just by the way — who is taking work from their people. This can't happen here, because here in Luxembourg we have succeeded in creating an exemplary body of social legislation as a result of long years of social dialogue and lengthy debates here in Parliament. And so I would urge you most strongly not to see everything which can realistically be called a danger in Germany and France as in any way a potential danger for Luxembourg.

We have achieved a better level of protection than others, not with the most recent enlargement in mind, but because, in Luxembourg, we've always applied a set of principles. And one of those principles is that, regardless of who is working here, they must be paid a fair wage, and that equal work must be rewarded with at least equal pay. This is an abiding principle of Luxembourgish employment and Luxembourgish social legislation. We have created this, and the Constitutional Treaty, if it comes, does not change this one iota. It stays the way it is. And those who behave as though the Constitutional Treaty would destroy the Luxembourg social model have a total misconception not only of the legal basis that we have here but also of the political will of the Government, and of many others, to ensure that this remains the case. So this is not an issue when it comes to voting. We have all the weapons in our legal arsenal that we need in order to avoid the situation in which Germany and France ended up after enlargement because of the failure of their domestic policies. And so we don't need to vote on this issue, we should just say that things are good here as they are and that they won't change as a result of the Constitutional Treaty.

Since I am on the subject of enlargement, I know that large numbers of people have problems with

enlargement to include Turkey. This is a subject which I broach with extreme caution, since I was criticised in at least three major Luxembourgish daily papers in 1997 because I was the only one, at the time of our 1997 Presidency, who spoke out against Turkey being granted the status of applicant country. At the time, I was told that I hadn't acted diplomatically, by those heroes of the future, those farsighted people, who wrote that, the same ones who are now saying that we didn't ever make things clear to the people about Turkey. I did try, but I just didn't get any help from anyone here when I tried to do it. I will say on this subject, which is really a debate in itself, that this enlargement, if it ever happens, is quite clearly not an enlargement that will come at a gallop, and neither historically nor materially, nor with respect to its basic elements, does it have the same make-up, the same component parts, as the enlargement which we now have behind us. These are two fundamentally different subjects. The negotiations will be carried out on an open-ended basis, as confirmed by the European Council in December 2004. This means that they may lead, after some long time, to accession, but in the process, if the Turks — and if we — realise that full membership will not work, and I think that we will realise this one day, for a variety of reasons, then a different relationship of a particular kind will be proposed for relations between Europe and Turkey, something between association and full membership.

To behave as though by voting for this Constitutional Treaty one would simultaneously see a decision to allow Turkey to become a Member State of the European Union overnight is a total misreading of the situation as it actually is and of the actual timetable as it stands. And by the way, according to that timetable, the Commission will be announcing tomorrow the mandate for negotiations between the European Union and Turkey, including details of exactly what elements have to be taken into account in these negotiations. So I'd like to take some pre-emptive action and ask people when, tomorrow morning, or rather tomorrow evening, they are faced with a summary account of this, not to think that a new and faster step is being taken in the direction of enlargement to include Turkey. This is a normal process in the mandate for negotiations, which always has to be approved unanimously by the 25 Foreign Ministers. It is not a ticket to begin a swift journey towards enlargement but rather a catalogue of all the points which have to be taken into account during negotiations on enlargement.

Those who have doubts about the correct phrasing of the Charter of Fundamental Human Rights have to admit, when they read it in detail, that when the Charter has been declared binding, once the Constitutional Treaty takes effect, then the hurdles Turkey has to clear in order to become a Member State of the European Union would obviously be higher than they are today. This was not the reason behind this, and no one should claim, as I have sometimes heard in the French debates, that this was done deliberately with Turkey's accession negotiations in mind. But the objective result of it is, however, that the Turks have to jump considerably higher and take a much longer run-up if they want to fulfil these conditions.

So we are not voting on enlargement, which has not been on trial, we are not voting on Turkey's accession, we are not voting on a change in the social landscape of Luxembourg. The latter will have to adapt in some way, in response to the overall considerations which always arise when social, economic and fiscal policies are being considered. The European Constitution won't require it to reject things that it would not be natural to reject. No one needs to fear this and therefore no one should be trying to stoke this fear.

Moreover, there is something else that we are not voting about, and that is the Prime Minister. First of all, not about what he said at some time in the past — since I have been following both the utterances of a political group, which can't even muster enough support to make a fifth of the total here, and some comments in the Luxembourgish media, which are no less political than those here in the House. These people keep asking why the Prime Minister is suddenly in favour of a treaty which he described as a darkroom. Allow me enough autobiographical self-indulgence to say that it was not the Treaty which I described as a darkroom, but the Convention. Despite this, some radio stations gaily announce that I said this about the Treaty. Why should I bother to be precise if others are content with approximations?

Now the person who got most worked up about what I said, apart from Mr Fayot, who always gets worked up when I like to say things my way, was Mr Gibéryen. And it's most unusual for them to be worked up over the same subject. But Mr Gibéryen was quite delighted with the outcome of the European Convention since he signed it, although there were two statements available for signing. One of them was in favour of a European Constitution and the other stated that a European Constitution was not needed. There weren't so many sheets

of paper there, just two in fact. There could be no mistake. It was 'Yes' or 'No' and Mr Gibéryen signed the 'Yes' paper, which is why I can't understand why he says 'No' today. I would have been happy to put that question to him today, but he's not here. Perhaps you now have a better idea of why he's not here.

I criticised the European Convention because I said that at times it was working in the dark. Talking to the *Spiegel* magazine, I said something which Mr Fayot had said to the *Tageblatt* newspaper three months previously, before he was clear about things. And fundamentally we had the same point of view.

It was the third part, which was continuously criticised here, which the 'darkroom' description referred to: the fact that Luxembourg would have five MEPs under the European Convention, rather than the six subsequently agreed at the Intergovernmental Conference — that was the part that was intended. Precise details of the task of the elected President of the European Council, which the Convention apparently took some way from Mr Giscard d'Estaing's original ideas, were really painted in only at the Intergovernmental Conference. Similarly, the right to exercise the role of President, left totally in the dark by the Convention, was really illuminated only by the Intergovernmental Conference. And the parts which deserved to be criticised were criticised not only by the Prime Minister but also by his colleagues, whilst the Convention's work, and the work carried out on the Convention, were subjected to a constant flow of additional demands, such that we need to distinguish between the parts resulting from the Convention and the end product of the Intergovernmental Conference, which we now call the Constitutional Treaty.

And the second reason why more people are cross with me than I deserve is because I have said that I would resign if the Constitutional Treaty were not ratified by the Luxembourgish people. Now, I've been in politics for some time, 22 years in government I think, and 10 of those as Prime Minister. I've heard that it's been said on radio that my popularity after 10 years has fallen by 3 %, tumbling down to 89 %, which compares pretty well with my colleagues round about, not here in the Chamber of Deputies, but in other countries. If Mr Chirac was told he had 89 % support, then even the *Tageblatt* and others in the media might comment on how amazing this was after such a long time.

But regardless of that, I've been in politics for a long time, and this is how it is. When I've been asked questions, I've always tried hard to say what I thought. And I've always done this. I've never tricked people. I proved this a year ago in different, albeit similar, circumstances. It was in December when, knowing that it would be a close-run thing here, I said, 'Very well, if that's how it is, then I can't go on,' because I couldn't represent Luxembourg adequately, comfortably and in the way that the people deserve if the Luxembourgers voted 'No' at a crucial point in Europe's history. Our influence in Brussels would be nil if we did that. And I thought to myself — I only thought this later, after giving a spontaneous answer, since I always answer spontaneously, saying whatever comes into my head — it's better to say this to people in advance, rather than angering people, by coming out of the Palace on 11 July and saying: well, that's that then. But I shouldn't have said it. I should not have said it. It's not always a good thing to say something that you feel people have the right to know, if you don't take into account the fact that people may later completely misinterpret it. And for this reason I am sorry, not that I said what I thought — because I did say it — but I am sorry that, for a moment, the debate was taken in a direction in which it manifestly didn't belong. I wanted to say that here, especially to those who hadn't properly understood.

Last Tuesday, or 'Daaschdeg', as they say where Marie-Josée Jacobs comes from — and in Steinfort, too, but that's on the border — I outlined why I think that we should vote 'Yes' to the Constitution. I don't want to detain the House again with chapter and verse on why I think so, and there are so many excellent colleagues here, from all kinds of professional backgrounds, those who have been Foreign Minister, Junior Ministers in the Ministry of Foreign Affairs, other Ministers, in short, and those who one day will become so, and therefore, Mr Huss, we are bound to abide by the Constitution, this is a fundamental principle in order to move forward, because I [he is interrupted] — (...) I put before you Article 50 of our Constitution, which states that Deputies should not act on the basis of outside influences and that party statutes do not apply in the Chamber of Deputies, they do not apply here. Here, we have something quite different, specifically an attempt by the Greens to push through a Congress resolution. But it's another thing to argue about something (...), I count you amongst those who say 'No', not amongst those who are saying a calculated 'No' based on a false premise, I don't call your 'No' a European 'No', and it's certainly not a nationalistic 'No', and so, in fact, I

don't want to have any quarrel with you at all. I should hope that we have enough years ahead of us for that. All the reasons have been made public.

I should like to name two or three of them which, to my mind, have not been highlighted enough. What is vital for a small country, in my opinion, is that the Constitutional Treaty must make the European competences absolutely clear, and Mr Goerens has made pointed allusions to this. We know that, once the Constitutional Treaty is in force, there is a particular debate which we shall no longer need to have. It is the debate about the competence to determine competences, in which the European Union gives itself competences which, according to treaties transferring sovereignty, it doesn't have. Now we shall know that Europe is responsible for this matter and individual countries are responsible for that. I consider this to be vital if we are to maintain respect for national sovereignty, for national identity and for national institutional structures within the Member States.

However, it's not enough for it to be stated in the Constitutional Treaty. The Commission — which I rarely speak of in a critical vein, since I think it's a good thing not to be constantly criticising the Commission, as one could easily get bogged down in it — the Commission must provide the substance and must grasp the fact that, alongside the principle of subsidiarity, we also have the principle of proportionality which, in the Constitutional Treaty, also applies to regulations, because it is stated for the first time that Brussels' regulations, in inverted commas, and European regulations cannot go down to too detailed a level. It would do many a Commissioner good, when he's let loose in Brussels, that is to say, when his Directors-General launch into their work with gay abandon, to consider that the Mayor of Beckerich has a better idea of what's good for his people, his local environment, his situation and the circumstances of his community than a Commissioner in Brussels. The Commission has to learn that the rush to implement programmes, the craze for detailed regulations, which we see from time to time, is something which damages the European idea and not something which advances it. And so it is up to Parliament, this Parliament which, through the Constitutional Treaty, will acquire new powers, since Parliament will be able to object to directives if they fail to respect subsidiarity or proportionality or if they take the craze for regulating too far, to make sure that, every so often, they take their hedging shears to any encroachment by power-seeking individuals from the Commission in Brussels. I'm not one of those who systematically criticises the Commission, in fact, I'm someone who systematically defends it. We just need to be aware that what is not good is not good, that what is not good is bad, and that what is bad needs to be stopped, before Ministers end up with all kinds of problems.

What I like about the Constitutional Treaty is something which I really feel hasn't been mentioned, and that is that, if you are no longer happy, you can go your own way. I think that this represents an extraordinary restoration of national sovereignty, the fact that nations are no longer irrevocably locked in to the European Union. And if you can't take the heat, then you can get up and leave, albeit after a somewhat complicated procedure. But everyone must be aware that, although, as Mr Fayot has clearly shown, the Treaty has no time limits, they are no longer bound up forever in something from which they would rather escape, if they no longer feel at ease in it.

I like the fact that the Constitutional Treaty actually consists of only 114 articles. Part I and Part II are the parts that really deserve the title 'European Constitution'; they are no greater in size or length, no more or less complex than national constitutions, nor is their detail any more or less subtle. Europe, as it really is, is summed up in these 114 articles in Part I and Part II.

Part III, with which a few of us were unhappy — even the Convention members were not happy that this was suddenly added — is, in itself, nothing more than an attempt to turn something incomprehensible into something more comprehensible, although I agree with Mrs Flesch that it has remained largely incomprehensible. However, we had five treaties to deal with, plus three lesser ones, if I include the Merger Treaty and others like it. Anyone who has had any practical dealings with Europe knows the enormous amount of documentary research required each time to establish which treaty includes particular details, what exactly the treaties say and how mutually compatible the various clauses of the different treaties might be. It's good that we now have one single treaty and that we have a certain level of constraint and, in particular, a firm constraint on the decision-making procedures of the European Union.

And I am glad that we are rid of those three pillars: the European Community, the common foreign and security policy and the third one, Justice and Home Affairs, that we've never had translated into Luxembourgish, just calling it JAI. How many people understand us when we talk about JAI? We won't need to refer to JAI any more, because JAI has gone. Do we miss it? No, no one knew it was there. What we should have done, to give an educational picture of all this, is to send to all those people who are shaking their heads over the incomprehensible third part copies of all the treaties which would be abolished and to ask them: would you prefer to keep all this, or would you rather have this new version? That would actually have been the right question to ask. But a vote against the Constitutional Treaty will, at all events, be a vote to keep that pile of paper that no one has ever read and that we have tried to summarise in a shorter form in Part III, so that, while it's still not completely comprehensible, it is more applicable, and it has enabled us to be clear about much that was crying out for clarification.

Commentaries on the Charter of Fundamental Rights can sometimes drive one to despair. We've been battling over it for 30 years, from the time when Mrs Flesch was Foreign Minister, followed by others, so that the European Union, the legal framework, might at least have a legal personality, and now it has. And for the European Union to be able to accede to the European Convention on Human Rights, and now it can. And at the same time, this Charter, which the British and the Swedes prevented from becoming binding in Nice in 2000, and which they accepted this time with some restrictions, will now become binding. I'm not prepared to underestimate this event. Where else in the world is there a continent where rights are written down? Not just the rights that we have today, but rights which extend to cover the dangerous mistakes which mankind could make in the future? The rights of children are laid down, and these are not laid down in all the constitutions of all the European Union Member States. It's laid down here in the Charter of Fundamental Rights that the cloning of human beings is forbidden. Where else in the world can you find a group of 27 or 28 countries who are prepared to commit themselves not to go down all the dangerous paths which the human mind might take?

It's laid down in the Charter that trafficking in human organs is forbidden. But all around the world human organs are trafficked. Here we find ourselves in an orderly, civilised place — and in saying this, I don't mean to make a distinction from others — which is also concerned with rights in the future and in which it's clear what people may and may not do. They will be able to do everything which is legal, in respect of their civil and personal rights, as it stands today in Luxembourg.

The European Constitutional Treaty doesn't forbid us from introducing homosexual marriages, neither does it require us to abolish the partnership status which we adopted last year. It intervenes neither in the rights of the family nor in rights concerning adoption. It leaves all that in the hands of the Member State. This opera which is being sung so expansively about Europe bearing down on every aspect of national self-sufficiency, which is the impression that people are being fed at the moment, is untrue. The Constitutional Treaty does exactly the opposite. On many points, it actually refers the European Union to its limitations. And, in situations where it is important for us, and even in situations where we are prepared to implement solutions together with other European states, it leaves the final decision to the Luxembourgish Parliament.

This is important where taxes are concerned, and on this subject I must say that we shall need to achieve coordination and harmonisation on many levels. We already did this with VAT and capital gains tax. However, we are not going to discover, one day, that a majority of states have determined that our VAT should go up from 15 to 19 or 22 or 25 %. No one can decide that our food, which we currently tax at 3 %, must in future be taxed at 25 %. I've spent half my life arguing with people in Europe about taxes, and some of those here have been with me at times, such as Mr Grethen. And I often cooperate, but always in a way that suits us here at home. And in order to be sure that it suits us, in the final analysis, and depending on who has to deal with the issues involved, we need unanimity. This is not so as to avoid cooperation but to ensure that we don't find anything handed out to us that, for social, economic, cultural or sociological reasons, we don't want. This is guaranteed by the Constitutional Treaty, precisely because it guarantees that, in matters of social policy, where we should like to be in command ourselves, whilst not ignoring the concerns of others, we can decide what does or does not fit our social model.

I am against a majority of other Member States being able to make decisions on how our pensions system should function. God knows, I've been in enough trouble with many of you over pensions. But I prefer us to

have our quarrels here and make our decisions here, while still being aware of what's happening in other countries, and not to have others deciding what we should be doing here. I'm not saying this as someone who has to parade all his European convictions each time in order to make an impression on the public. No, I'm saying that, because I think that it will lead to a Europe which functions less well. If more and more Member States find that decisions on taxation and social policy are being forced upon them by a majority, this will lead to disaffection and to an erosion of the European idea. And therefore it's a good thing that the Constitution states this.

Another good thing is the principle of double majority enshrined in this Constitutional Treaty, which we already supported in Nice. People here at home are worried that we shall be overrun in this vast Europe — and I am not worried, but I must take into account that the people are. This is something that people have always been worried about. Even as part of Benelux, 3 was a little too much for them. When we became 6, then 9, then 10, then 12, then 15 and now 25, it's always been the same story. But things have never been as good as they are now. And every time that the European Union has expanded, and I don't think that it should be enlarged forever or at top speed, in fact, I think the opposite, but every time that the EU has collected new parts of the continent in its basket, our influence has increased. It has to be of great value for a small country to be able to sit at the biggest possible European table where decisions on all the continent's questions are made by 25, 27 or 30 and be able to take part instead of having to put up with and suffer decisions made by three or four large powers alone, as was the case for hundreds of years and, especially, for the last 150 years. People here take this for granted. It cannot be taken for granted, as this was never our situation in Europe. And this is not the first time that I have said this.

When we had the referendum in 1921, and when the Luxembourgers decided that we needed to establish an economic union with France, we got one with Belgium — it was a referendum, as we well know. At that time, the then Prime Minister, Émile Reuter, went to Paris and had to wait three weeks to get an appointment and was received by a parliamentary under-secretary of state, some fool called Pichon, who informed him that 'we are not interested'. That is Luxembourg without Europe. And anyone who thinks that he can go solo and extricate himself from the geographic and demographic reality is fundamentally wrong. Small countries get nothing from others if they are alone. And small countries get a lot when they act intelligently, carefully and proactively across many disciplines, like those of the European Union, which are well structured and well organised.

And in future, when the European Union makes decisions, if this treaty takes effect, then a double majority will count. In other words, it won't be the large countries who decide, by qualified majority or otherwise, because one more than half of all the Member States will have to be in agreement. The four or five large countries can't take decisions. They can block. But, in the Europe of 27, a decision can be taken only when 15 Member States are in agreement. That means that, when voting takes place, the French, British, Spanish or Italian vote is not worth any more than our vote. And then a check is made to see whether the countries in the majority, where our vote counts equally with theirs, represent more than 65 % of the total population. We don't play quite such a big role here, but in the first vote we count just as much as the French and just as much as the British. In this continent, which has been on the receiving end of so much criticism, when has it ever happened that, when the votes were counted, ours counted equally with those of the large countries? And here it's like this, and for me this is one of the main reasons for voting for the Constitutional Treaty, and also from time to time for a good deal of trouble that I can't always conceal.

I don't accept it when it's said that with Mrs Polfer I negotiated a treaty, and with Mr Asselborn I signed a treaty, that will result in a less social Europe. I do not accept this. Why now, of all times, when I'm old and wise, should I sit down in Rome on 29 October and sign acceptance of a less social Europe? Why? It's extremely offensive, in the true sense of the word, to accuse someone of putting their signature, consciously and in cold blood, to something that would reduce social policy in Europe. The Treaty includes a comprehensive horizontal social clause which requires all policies to comply with social requirements. And this is something essential. This restores the primacy of social policy, which is what we mean by the European social model, which Mrs Flesch talked about, that is to say combining economic power with social justice. Economic power means nothing if it doesn't serve certain ends in society. It needs to serve solidarity, the organisation of society and justice, and it must serve to distribute the resulting wealth in a just manner.

Economics is not an end in itself. The Constitution doesn't say that economics are everything, it says the exact opposite. Since it places social requirements above all others, this is reason enough to vote for this Treaty.

Who knows if that will all be on offer another time? Even my good friends from the Convention couldn't get that into the Convention text; that was put into the text at the Intergovernmental Conference. And we drafted it together with our colleagues from the Convention. Now, I'm not trying to introduce competition between the different parties. The texts were there, but a few of us pushed this through at the Intergovernmental Conference. And now I hear that it's not true that we have two opposing conceptions of Europe, those in favour of market forces, which do not create solidarity, and those in favour of a social market economy, which is included for the first time in a European treaty, and who want social, normalising processes to be officially imposed. I hear those who say that it's not true, that this is all a lie, that it's not just market forces that are favoured but obviously a social Europe, too. But in October at the latest, the Luxembourgish Government will propose doing this, adopting the horizontal social clause and making an immediate start. We don't need to approve the Treaty in order to do this. If we're all agreed, then 27 of us can say OK, what was supposed to come about in 2007, 2008 or 2009 can be done immediately, a political decision can be made, and then we'll see what will happen to the Bolkestein Directive, which we don't want but others do, which we don't want in its present form but others do, if we put that to the social test.

If we want to do this and to be able to do this because of our convictions, which not everyone here shares, then from October onwards we need to be in a position to demand this. How can we demand something that people have voted against? If we want to have a more satisfactory social policy, if we should like to open up the possibility of applying some of the socio-politically relevant parts — and a political decision is enough to do this — then it wouldn't be a good thing for this House to vote against the Constitutional Treaty, because in that event anyone proposing such policies would have to suffer some unpleasant moments and explain themselves in rather more detail before getting down to the real meat of their proposals.

And if the Treaty — which I don't believe — since you mustn't underestimate the spirit of nations, including the French and the Dutch ... I am absolutely convinced that the Constitutional Treaty will come into force. It will take a good while, it will be difficult, it will need a lot of discussion. But if it doesn't come into force, I know that what we have at the moment doesn't work. And so we need a new one. We can also [inaudible], then we will get a new treaty. And I say this once again. If we want a new treaty, should there be one, for our country and for Europe — or rather for our country, since we're here in the Luxembourgish Parliament — then we can't vote against this Constitutional Treaty, otherwise one day, when it's our turn to put our cards on the table, we shall have a poor hand.

Thank you.