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N o t e

The Treaty of Lisbon: Ratification requirements
and present situation in the Member States

On 13th of December 2007 the EU leaders signed the Treaty of Lisbon, thus bringing to an end several years of negotiation on institutional reform. Pursuant to Art. 48 TEU, a new round of ratifications at the national level is required, in accordance with the respective constitutional requirements of the Member States (cf. Art. 6 I of the Final Provisions of the Treaty of Lisbon).

The constitutional requirements for ratification differ from Member State to Member State. At this moment it seems likely that all Member States except Ireland (constitutionally bound to hold a referendum) will provide for parliamentary ratification. However, the possibility of a referendum exists also in other Member States. Most constitutions provide for consultative and facultative, some even for mandatory referendums. In some countries, meeting the high thresholds for ratifying the treaty in parliament could prove more challenging than expected.

In general, the exact nature of the ratification procedure depends on a legal and political assessment of the scope and depth of the new competences transferred to the Union by the Treaty of Lisbon. More particularly, in most countries the question arises whether the national constitution is amended by the Lisbon Treaty or requires an amendment before the Treaty can be ratified. This is important because generally an amendment of the constitution requires higher thresholds than normal ratification laws. In some Member States ratification might be subject to a decision to be taken by a constitutional court or similar body.

The following table summarizes both the constitutional constraints and requirements and the present state of affairs regarding the ratification procedure in every Member State. All articles are from the national constitutions if not specified otherwise.

Country	Referendum ?	Parliamentary Ratification Process	Current Situation
Austria	Modifications or amendments of the constitution require a referendum if requested by 1/3 of the members from one of the chambers (Art. 44 III). In case of a complete revision of the constitution, a referendum is mandatory.	Modification or amendment of laws requires a majority of votes in the parliament (in the senate only if its powers are concerned) Art. 50, 31, 9 II. Should constitutional law be modified or complemented by the treaty, a majority of 2/3 of votes from parliament is required (also from the senate if its competencies are concerned) Art. 50 I, III, 44 I, II, 9 II	At this moment, the required majority is expected to be attained as only the right-wing parties FPÖ and BZÖ have declared their opposition.
Belgium	No constitutional provisions	Majority in both chambers, Art. 167 § 2, 77 I Nr. 6, 53, 34. If the powers of the Community and Regional Governments are concerned, their approval is also required (Art 167 III). A revision of the constitution requires a majority of votes of at least 2/3 from both chambers after the dissolution of both chambers and their re-election (Art. 195).	At this moment, the required majority is expected to be attained but the difficulties to form a new government are creating some uncertainty.
Bulgaria	Referenda can be called for pursuant to Art 84 V.	Majority of the members of parliament (Art 85 I Nr. 2, 81 I, II). A revision of the constitution requires a majority of 3/4 of members of parliament (Art. 155 I).	At this moment, the required majority is expected to be attained.
Cyprus	No constitutional provisions	Majority of votes in the parliament (Art. 169 II); President and Council of Ministers can veto parliaments' decision (Art. 50 I a). If a constitutional amendment were required: majority of 2/3 of members of parliament (Art. 182 III, II).	Ratification starts after the presidential election in February 2008. At this moment, the required majority is expected to be attained.
Czech Republic	A binding referendum can be called for any transfer of sovereignty to an international organisation but requires enactment by constitutional law (Art. 10 a II).	3/5 majority of votes in both chambers (Art. 10a I, 39 IV). Revision of the constitution also requires a majority of 3/5 of the votes from parliament and senate (Art. 9 I, 39 IV)	The Czech Parliament voted on 30 October 2007 to ratify the treaty through the parliamentary route. At this moment, the required majority is expected to be attained, as only the KSCM is against the Lisbon Treaty.
Denmark	Referendums on laws can be called for according to Art. 42. They are obligatory if the 5/6 parliamentary majority for any transfer of sovereignty (Art. 20) is not reached or if one third of MPs request it (Art. 42 I, VI)	A 5/6 majority in the parliament is required (Art. 20). Constitutional revision requires a majority in the parliament after its dissolution and re-election as well as a mandatory and binding referendum (Art. 88).	On 11 December 2007 parliament voted against a referendum. At this moment, the required majority is expected to be attained, as only the Danish People's Party and the Red-Green Alliance are against ratification of the Treaty.
Estonia	Referenda on international treaties are ruled out (Art. 106). If fundamental principles of the constitution or	A majority of votes in parliament is required (Art. 121, 73, 70); if a constitutional amendment is required the parliament endorses it by two successive approval votes, the first with a	At this moment, the required majority is expected to be attained, as all parties have

	rules about amending the constitution should be revised a referendum is required (Art. 162).	majority of its members, the second with a majority of 3/5 of its members or, in case of urgency, by a majority of 2/3 of its members (Art. 163, 165, 166).	declared their support for the Treaty.
Finland	A consultative referendum can be called for according to Art. 53.	Majority of votes in the parliament (Art. 93, 94, 95); if a proposal concerns modification of the Constitution a 2/3 majority of votes is required (Art. 94 II, 95 II).	The parliament's composition changed after the 2007 elections, but the large majority that had already voted for the Constitutional Treaty appears stable.
France	Art. 11 allows for a non-binding referendum; in case of a constitutional amendment a referendum must be held unless both chambers approve the constitutional amendment with a majority of 3/5 of votes (Art. 89 I 1)	Majority in both chambers (Art. 53, 46); a revision of the constitution requires a majority from both chambers and a referendum on the constitutional amendment (Art. 89 II) unless both chambers approve the amendment by a 3/5 majority (Art. 89 III)	On 4 February 2008 the Congress will vote on the constitutional reform that is required for the ratification of the Lisbon Treaty.
Germany	No constitutional provisions	Majority in both chambers (Art. 23 I 2); for changes of basic rules of the EU treaty entailing a revision or amendment of essential provisions of the constitution or enabling such a revision a majority of 2/3 from both chambers is required (Art. 23 I 3, 79 II).	At this moment, the required majority is expected to be attained. There will probably be a complaint of unconstitutionality against the ratification act.
Greece	Facultative referendums can be called for on matters of high national interest and on any legislative proposal (Art 44 II)	Majority in parliament for "limiting the exercise of national sovereignty" (Art 28 III); if "authorities provided by the Constitution are vested to International Organisations" a majority of 3/5 of the members of the parliament is required (Art. 28 II).	At this moment, the required majority is expected to be attained, as only the Communist Party and the Popular Orthodox Rally are against the Treaty.
Hungary	A consultative or facultative referendum can be held pursuant to Art 28c IV	The transfer of constitutional powers to the European Union requires a 2/3 majority from the parliament (Art 2a); a 2/3 majority of votes in the Parliament is required to amend the Constitution (Art. 24 III)	The Treaty of Lisbon was ratified on 17 December 2007 (325 votes in favour, 5 votes against, and 14 abstentions)
Ireland	Any bill can be put for a referendum (Art. 27 I). A bill amending the constitution requires a majority of votes from both chambers as well as a mandatory and binding referendum (Art. 46 II, 47).	Majority from both chambers (Art. 29 V, VI, 15 XI); a revision of the constitution requires a majority from both chambers and a mandatory and binding referendum (Art. 46 II, V, 47, 15 XI).	Ireland is likely to hold a referendum in the first half of 2008.
Italy	Referenda on international treaties are ruled out (Art. 75 II).	Majority from both chambers (Art. 80, 72 IV, 64 III); any revision of the constitution requires two successive approvals from both chambers having at least three month in between. The majority of votes must be achieved in the first vote and the majority of members in the second (Art 138 I). If a 2/3 majority could not be obtained in the second	At this moment, the required majority is expected to be attained, as only the Northern League and the Communist Refoundation are against the Treaty.

		vote and a request is made by one fifth of the members of either chamber, by 500 000 electors, or by five regional councils, a referendum must be held (Art 138 II, III).	
Latvia	If the conditions of Latvian membership in the EU change significantly a referendum must be held if requested by at least one-half of the members of the Parliament (Art. 68 IV). Otherwise referenda on international treaties are ruled out (Art. 73).	Majority of votes in the parliament (Art 68 I, 24). The ratification of International agreements where part of State institutions' competencies are delegated to international bodies requires a 2/3 majority (Art 68 II).	At this moment, the required majority is expected to be attained, as no Party has signalled opposition to the Treaty.
Lithuania	Essential provisions concerning the State and the People shall be decided by referendum (Art 9 I). Referendums shall also be announced if no less than 300 000 of the electorate so request (Art 9 III). The fundamental principles of the state or the provisions for amending the constitution (Chapter 1 and 14) can only be amended with approval in a referendum (Art. 148 II).	Majority of parliament (Art. 138, 67 nr. 16, 69 II); the amendment of constitutional laws requires two successive approvals from parliament with majority of 2/3 its members (Art. 147, 148 III).	Ratification should be completed before the elections in October 2008. At this moment, the required majority is expected to be attained.
Luxembourg	Art. 51 VII consents a consultative referendum.	Majority of the parliament (Art. 37 I, 46, 62). If powers reserved by the constitution for the legislature, executive, and judiciary are transferred, a 2/3 majority of votes in the parliament is required (Art. 37 II, 49a, 114 V).	At this moment, the required majority is expected to be attained as no party signalled opposition to the Treaty.
Malta	no constitutional provisions	Procedure for a revision of the constitution varies according to what constitutional amendments are required (Art. 88).	At this moment, the required majority is expected to be attained.
Netherlands	no constitutional provisions	Majority from both chambers by at least more than half of members present (Art 92, 91 I, II, 67 I, II); if a constitutional amendment is required a 2/3 majority from both chambers is necessary (Art. 92, 91 III).	In September 2007 the government decided to rule out the possibility of having a referendum; however, the opposition wishes to pass a law that will make the referendum obligatory.
Poland	A Referendum on subjects of particular importance to the state can be called for if initiated by the parliament and approved by the senate with a majority of its members (Art. 125). This particularly applies if sovereignty	A 2/3 majority from both chambers is required (Art 90 I, II). Additionally, a referendum can be called for according to Art. 90 III if ordered by the parliament with a majority of votes of its members or the President and approved by the senate again with a majority of its members (Art. 125 II). The result of the referendum is binding if more than half of those	The new Prime Minister Donald Tusk wants to end Poland's opt-out from the Charter of Fundamental Rights but it may remain in place as it is a highly contentious issue between the main parties.

	is transferred to an International Organisation (Art. 90 III).	having the right to vote have participated (Art. 125 III). A revision of the constitution requires a majority of 2/3 of votes from the parliament and a majority of votes from the senate (Art. 235 IV).	
Portugal	A referendum can be called on matters of national interest, e.g. the approval of an international convention (Art. 115 I, III, 161 lit. j, 197 I lit. e). The referendum is binding if more than 1/2 of those having the right to vote have participated (Art 115 XI).	Majority of votes from the parliament (Art. 166 V, 161 lit. i, 116, 168). A revision of the constitution requires a majority of 2/3 from members of parliament (Art. 286 I)	Prime Minister Jose Socrates has decided on 9 January 2008 not to hold a referendum on the Lisbon Treaty. At this moment, the required majority is expected to be attained.
Romania	In case of a revision of the constitution a referendum must be held (Art 151 III). The President of Romania can call a consultative referendum after consultation with Parliament (Art 90).	Majority of votes from both chambers (Art. 91 I, 75, 11 II). A revision of the constitution requires a 2/3 majority from both chambers (Art 151 I). Additionally, a binding referendum must be held (Art. 151 III).	At this moment, the required majority is expected to be attained. No party has signalled its opposition to the Treaty up to now.
Slovakia	Referenda can be called for on important issues of public interest (Art. 93).	3/5 majority from all members of parliament (Art. 7 II, 84 IV). The revision of the constitution requires a 3/5 majority vote from all members of the parliament (Art. 84 IV).	At this moment, the required majority is expected to be attained. Only the Christian Democrats are likely to vote against or abstain.
Slovenia	Before ratifying a treaty that transfers sovereignty to an International Organisation the parliament can call for a binding referendum (Art 3a II). In case of a revision of the constitution a binding referendum must be held if at least 30 members of parliament request it (Art 170 I). Moreover, binding referendums can be called for on every legislative proposal by the parliament (Art. 90 I).	2/3 majority from all members of the parliament (Art. 3a I). Before ratification the parliament can call for a binding referendum (Art 3a II). The revision of the constitution requires a majority of 2/3 from parliament (Art. 169). If required by at least 30 members of parliament a binding referendum on the revision of the constitution must be held (Art. 170 I).	At this moment, the required majority is expected to be attained. Only the Slovene National Party is expected to either abstain or oppose the ratification of the Lisbon Treaty.
Spain	Consultative referendums can be held on political decisions of special importance (Art. 92, 74 II). Binding referendums can be called for in case of a constitutional amendment if requested by 1/10 of the members of	A majority vote from both chambers is required (Art. 94, 74 II, 79 I). Any revision of the constitution requires a majority of 3/5 from both chambers (Art 167 I). A referendum on the constitutional amendment is required if requested by 1/10 of the members of one chamber (Art. 167 III).	Most Parties have not yet announced their positions but ratification is almost certain.

	one of the chambers (Art. 167 III), or in case of a total revision or an amendment of fundamental principles of the constitution (Art. 168). Referenda on International Treaties are ruled out (Art. 87 III).		
Sweden	In case of a transfer of sovereignty to an international organisation a binding referendum must be held if demanded by 1/10 of the members of parliament and approved by at least 1/3 (Chapter VIII § 15 III, IV, Chapter X § 5 I 1, 3, III). A consultative referendum can be called under Chapter VIII § 4.	Any judicial or administrative sovereignty not directly based on the constitution may be transferred to an international organisation if approved by a 3/4 majority of votes from the parliament or by the procedure for the revision of the constitution (Chapter X § 5 III). The transfer of any right of decision-making which is directly based on the constitution, the use of State property or the conclusion or denunciation of international treaties or commitments requires the approval by parliament in the way of a constitutional amendment (Chapter X § 5 I 1, 3). A revision of the constitution requires two successive approvals with a majority of votes from parliament before and after re-election of the parliament (Chapter VIII § 15 I 1, Chapter IV § 5).	At this moment, the required majority is expected to be attained. Only the Left Party and the Greens signalled their opposition.
United Kingdom	Only a consultative referendum is possible (<i>ad hoc</i> bill would be required).	Simple majority in both chambers.	Prime Minister Brown has refused to hold a referendum. Debate in the Commons starts 20 January 2008.