



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



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**Article 136 TFEU, ESM,
Fiscal Stability Treaty -
Ratification requirements
and present situation
in the Member States
June 2012**

NOTE



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C: CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

CONSTITUTIONAL AFFAIRS

RATIFICATION REQUIREMENTS AND PRESENT SITUATION IN THE MEMBER STATES

- Article 136 TFEU, ESM, Fiscal Stability Treaty -

12 June 2012 v05

NOTE

Abstract

This note provides an overview of the ratification procedures of the modification of article 136 TFEU, the European Stability Mechanism Treaty and the Treaty on Stability, Coordination and Governance in EU Member States. The following tables summarize general state of play of the ratifications in the member states and deal with more detail with the constitutional rules and the circumstances surrounding the ratification process in the Member States. All articles mentioned refer to the national constitutions if not specified otherwise. The electronic version of this note allows accessing relevant background information [via hyperlinks](#) (national constitutional texts, draft bills, acts, notes, press releases and articles).

The text will be updated on regular basis and bear as reference the version number and the date of edition on the front page.

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1. ARTICLE 136 (3) TFEU

1.1. Content

The European Council of 25th March 2011, acting by unanimity, following the procedure of article 48(6), after consultation of the European Parliament, the Commission and the European Central Bank, adopted a decision 2011/119/EU aiming at the amendment of article 136 (3), inserting a sentence: "The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality".

1.2. National constitutional requirements

The constitutional requirements for ratification differ from Member State to Member State. Application of the simplified revision procedure by the European Council under article 48(6), is conditional upon the principle that the amending decision does not provide for an increase of competences of the European Union. This principle, as well as the fact that the article applies solely to the members of the Euro zone, guided the analysis of certain EU Member States' governments who submit it to less constraining ratification procedures (Denmark, Greece, and Latvia). But several Member States already indicated their decision to use the constitutional majority (Germany). The constitutions of other Member States require a constitutional majority for any treaty amendment (Austria).

1.3. Entry into force

Article 2 of the Decision of the European Council indicates as the objective for the date of entry into force 1st January 2013, provided that all EU Member States have successfully completed approval of the decision according to their respective constitutional requirements. Nevertheless, the ratification objective for the related ESM treaty was anticipated to 1st July 2012.

2. EUROPEAN STABILITY MECHANISM TREATY

2.1. Revised ESM treaty

The ESM treaty was signed by the euro area Member States on 2nd February 2012. Its establishment was conditional on the revision of article 136 of the TFEU, containing the rules specific to Eurozone Member States. The ESM will be established as an international financial institution based in Luxembourg. Its purpose will be to provide financial assistance to its members, who experience or are being threatened by severe financing problems, if indispensable for safeguarding financial stability in the euro area as a whole.

The original version of the treaty was signed on 11th July 2011, but it has been modified to incorporate decisions taken by the heads of state and government of the euro area on 21st July and 9th December 2011, aimed at improving the effectiveness and flexibility of the mechanism, providing for new financing tools similar to those of EFSF, more flexible pricing of the aid, timing of the capital contributions, urgency decision-making procedures and finally also a conditionality link to the Treaty on Stability Coordination and Governance.

2.2. Constitutional requirements in Member States

With the exception of Estonia, most of the Member States will treat ESM as a standard international treaty, and apply the relevant less constraining options for its ratification.

In some Member States ratification might be subject to a decision to be taken by a constitutional court or similar body (Estonia), in others, *ex post* scrutiny of ratification is probable (Germany).

2.3. Entry into force

According to the provisions in article 48 (1), the ESM treaty shall enter into force once parties representing at least 90% of capital subscription (as specified in an annex and based on ECB contribution key) to have ratified it, i.e Euro zone members. The stated objective for its entry into force is 1st July 2012.

3. TREATY ON STABILITY, COORDINATION AND GOVERNANCE IN THE ECONOMIC AND MONETARY UNION

The Treaty on Stability, Coordination and Governance (TSCG) was signed on 2nd March 2012 by all the heads of State and government of the EU Member States with the exception of the Czech Republic and the United Kingdom.

3.1. Ratification procedure

The only country that to date announced its intention to submit the treaty ratification to referendum was Ireland. The Irish referendum will take place on 31st May 2012. Three countries consider its ratification via an act of government (Cyprus, Malta, Poland). The majority of the Member States will opt for ratification along the lines of the provisions for international treaties.

3.2. Transposition of the balanced budget rule into the national legal order

By virtue of article 3 paragraph 2 of the treaty, the Contracting Parties have the obligation to transpose the rules on balanced budgets "through provisions of binding force and permanent character, preferably constitutional" at the latest one year after the entry into force of the Treaty. Several Member States already have such rule embedded in the constitution (Germany, Austria, Poland, Hungary, Spain); in some cases more stringent than the requirements enshrined in the treaty (Germany), other countries indicate their intentions to upgrade the related provision (Austria).

3.3. Entry into force

According to article 14(2) and (3), the TSCG needs to be ratified by at least twelve euro area Member States to enter into force among them. At the time of the signing the objective date for its entry into force was 1st January 2013.

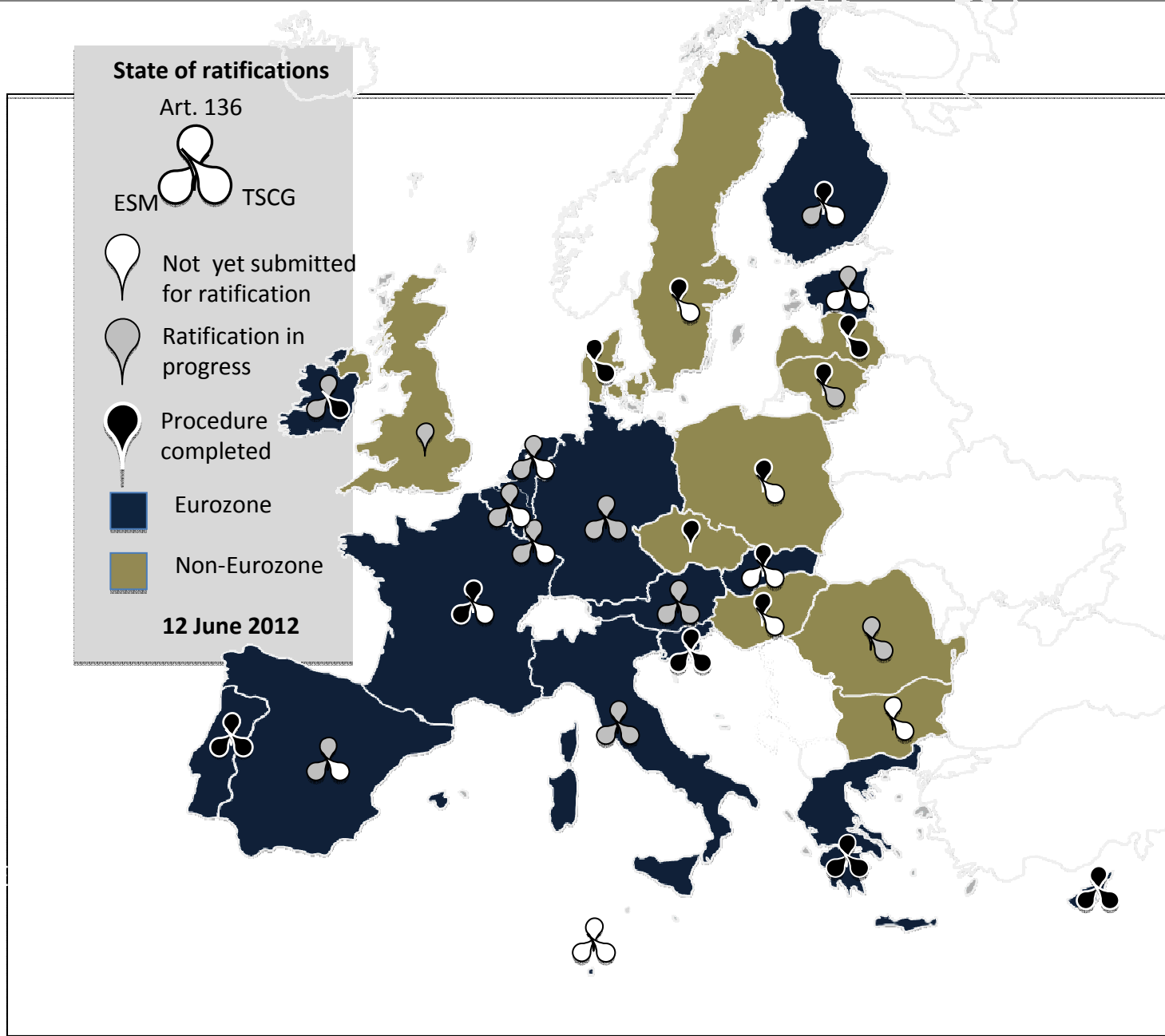
Intertwined ratifications

Several Member States started the process of adopting the decision on the amendment of article 136(3) in earnest (Slovenia, Portugal), but temporarily suspended or delayed the procedure in waiting for the modifications of the ESM treaty.

During the revision of the ESM treaty a recital was inserted stating: "It is acknowledged and agreed that the granting of financial assistance in the framework of new programmes under the ESM will be conditional, as of 1 March 2013, on the ratification of the Treaty on Stability, Coordination and Governance by the ESM Member concerned". Therefore several countries intend to ratify both treaties as well as the amendment of the article 136 TFEU at the same time, such as Greece already did on 19th April 2012 (Germany, Italy). So far,

where the country ratifies both ESM and amendment of article 136, this is usually done simultaneously (France, Greece). Some other countries, due to the obvious element of conditionality enshrined in the ESM treaty, indicated their preference to ratify the TSCG first. The Irish parliament should vote on the ESM treaty and the article 136(3) only after 31st May referendum on TSCG.

Several Member States also tend to include (although in separate procedure) an amending vote on the budget regarding their capital contribution (paid-in capital) to the ESM (Germany, Austria), that are to be divided into 5 equal parts, with the first being foreseen for July 2012, second for October 2012, two following in 2013 and the last one in 2014.



General overview: Calendar of ratifications¹

Country	Article 136 decision	European Stability Mechanism	Treaty on Stability, Coordination and Governance
Austria	Submitted 21/03/2012 (Nationalrat).	Submitted 27/03/2012 (only Nationalrat)	Submitted 26/03/2012 (Nationalrat)
Belgium	Approved by the Senate 10/05/2012 Transmitted to the Chamber 11/05/2012	Adopted by the Senate 07/06/2012 Transmitted to the Chamber.	To be submitted before the end of July.
Bulgaria	Not yet submitted.	-----	Not yet submitted.
Cyprus	Approved by the House of Rep. 30/05/2012	Approved by the House of Rep. 30/05/2012	Approved 20/04/2012 (act of the Council of Ministers)
Czech Republic	Approved by the Senate 25/04/2012 Approved by the Chamber 5/06/2012	-----	-----
Denmark	Adopted by Folketinget 23/02/2012	-----	Approved by Folketinget 31/05/2012
Estonia	Submitted to Riigikogu 28/05/2012	Awaiting opinion of the Supreme Court (mid-July)	To be submitted to Riigikogu by 11/06/2012
Finland	Approved by Eduskunta 29/05/2012	Submitted 24/04/2012	Not yet submitted. Planned Fall 2012
France	Ratification notified 02/04/2012	Ratification notified 02/04/2012	Not yet submitted.
Germany	Submitted 20/03/2012 (Bundestag)	Submitted 20/03/2012 (Bundestag)	Submitted 20/03/2012 (Bundestag)
Greece	Approved by the Parliament 28/03/2012	Approved by the Parliament 28/03/2012	Approved by the Parlia 28/03/2012
Hungary	Ratification notified 19/04/2012	-----	Not yet submitted.
Ireland	Submitted to Dail 04/05/2012	Submitted to Dail 03/05/2012	Ratified by referendum on 31/05/2012
Italy	Submitted 19/09/2011 (Senato)	Submitted 03/04/2012 (Senato)	Submitted 3/04/2012 (Senato)
Latvia	Ratification notified 19/04/2012	-----	Approved by Saemas 31/05/2012
Lithuania	Approved by Seimas 12/06/2012	-----	Submitted 05/06/2012
Luxembourg	Submitted 27/09/2011	Submitted 05/03/2012	Not yet submitted.
Malta	Not yet submitted.	Not yet submitted.	To be approved by an act of government (possibly)
Netherlands	Adopted by Tweedekamer 24/05/2012 Submitted to Eerste Kamer	Adpted 24/05/2012 by Tweedekamer Submitted to Eerste Kamer	Not yet submitted.
Poland	Approved by Sejm. Approved by the Senate 30/05/2012	-----	Not yet submitted. Might be approved by an act of government.
Portugal	Ratification notified 06/02/2012	Ratification completed 13/04/2012	Ratification completed 13/04/2012
Romania	Submitted 12/12/2011 (Chamber and Senate). Expected to be adopted 12/06/2012	-----	Adopted by the Chamber 08/05/2012 Adopted by the Senate 21/05/2012
Slovakia	Approved by Narodna Rada 16/05/2012	To be submitted by 18/06	Not yet submitted.
Slovenia	Ratification notified 17/10/2011	Ratification completed 19/04/2012	Ratification completed 19/04/2012
Spain	Approved by Congreso 17/05/2012. Transmitted to Senado	Submitted 20/02/2012. Approved by Congreso 17/05/2012. Transmitted to Senado	Not yet submitted.
Sweden	Adopted by Riksdag 30/05/2012	-----	Not yet submitted. Planned Fall 2012.
United Kingdom	Submitted 10/05/2012 (1st stage in Lords)	-----	-----

¹ The overview was produced with the kind cooperation of Legislative Dialogue Unit, Directorate for the Relations with National Parliaments and with the Permanent Representatives of National Parliaments in Brussels

Detailed overview: Ratifications in EU Member States

Country	Ratification Procedure	ESM treaty & article 136	Treaty on Stability, Coordination and Governance
Austria	<p>Constitution of Austria</p> <p>Modification or amendment of laws requires a majority of votes in the parliament (the second chamber – Bundesrat – has limited veto powers) art. 50, 31, 9 (2). Should constitutional law be modified or complemented by the treaty, a majority of 2/3 of votes from parliament is required (also from the Bundesrat if its competencies are concerned) art. 50(1), (3), 44 (1), (2), 9 (2). Modification or amendment of EU-primary law requires a 2/3 majority in parliament (art. 50 (1), (4)); the ratification of all other international treaties requires a simple majority of the votes in the Nationalrat (also from the Bundesrat if its competencies are concerned) (art. 50 (1), (2)). The ratification of international treaties may be accompanied by by-laws, i.e. in case of transferral of significant powers or the necessity of constitutional amendments (art. 9 (2) etc.).</p>	<p>The draft law on the adoption of the ESM was submitted to <i>Nationalrat</i> on 27th March 2012. The treaty is to be ratified only by the lower chamber by an assent of a simple majority of its members following the Art. 50(1).</p> <p>The Instrument for the adoption of the Council decision on the modification of the article 136, was submitted on 21st March 2012 and should be adopted by constitutional majority of 2/3 in both chambers of the Parliament (<i>Nationalrat</i> and <i>Bundesrat</i>) according to art. 23i(4) and 50(4).</p> <p>Amending Financial law was submitted to the Nationalrat on 28th March.</p>	<p>According to the draft law the treaty will be adopted by a simple majority in <i>Nationalrat</i> and <i>Bundesrat</i> (art. 50(1)1 and 50(2)2) which the government coalition of SPÖ and ÖVP is confident to obtain.</p> <p>A balanced budget rule was already passed into law in November 2011, but the government promises to present an additional amendment to upgrade it to the constitutional level.</p>
Belgium	<p>Constitution of Belgium</p> <p>Majority in both chambers, Art. 167(2), 77(1) Nr. 6, 53, 34. In all three cases powers of the Community and Regional Governments are concerned and their approval is also required (Art 167(3)). 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).</p>	<p>The draft law concerning the ratification of the article 136 was put to the <i>Sénat</i> on 13th March 2012. It was voted by the Senate and transmitted to the <i>Chamber</i> on 11th May 2012.</p> <p>The ESM was submitted on 29th May to the Senate and voted on without amendment by 46 votes in favour, 4 against and 14 abstentions. It is now with the Chamber.</p> <p>In the chamber, there is a pending proposal for a resolution on the Belgian representation at the ESM submitted on 14th March by two Green MPs.</p>	<p>The draft law should be submitted to the Parliament before the end of June. The treaty has to be ratified by all seven parliaments (following the art. 167(3)), which might bring substantial delays. PM committed himself to ratification by the end of the year. Conference of the presidents of assemblies has set up a working group that should coordinate the process.</p> <p>The balanced budget rule into should be adopted as a constitutional bill and will require 2/3 majority.</p>

<p>Bulgaria</p>	<p>Constitution of Bulgaria</p> <p>Majority of the members of parliament (Art 85 (1)2 81(1),(2). A revision of the constitution requires a majority of 3/4 of members of parliament (Art. 155 I).</p>	<p>The Ministry of Foreign Affairs is preparing draft instrument for the adoption of the Council decision on article 136. No tentative date is yet available.</p>	<p>Ratification of the treaty should require a simple majority in the national assembly. Agenda of adoption is not yet established.</p>
<p>Cyprus</p>	<p>Constitution of Cyprus</p> <p>Majority of votes in the parliament (Art. 169(2)); President and Council of Ministers can veto parliaments' decision (Art. 50(1) a). If a constitutional amendment is required: majority of 2/3 of members of parliament (Art. 182 (2), (3)).</p>	<p>Cypriot Parliament ratified the both ESM and amendment of the Art. 136 TFEU on 31st May 2012.</p>	<p>TSCG was approved by an act of the Council of Ministers on 20th April 2012.</p> <p>The government currently explores whether the balanced budget rule will be inserted at the constitutional level.</p>
<p>Czech Republic</p>	<p>Constitution of the Czech Republic</p> <p>Constitutional majority of 3/5 is required for the ratification (Art. 10a(1), 39(4)).</p>	<p>The project of modification of art. 136 was submitted for the ratification on 18th May 2011. On 25th April, the Czech Senate voted its consent to the modification by 49 votes in favour and 9 against.</p> <p>The Chamber of Deputies adopted the decision on 5th June 2012 by 140 votes in favour, 18 against (mainly VV - Public Affairs party) and 31 abstentions (mainly Communist party).</p> <p>The adopted law awaits the signature of the President.</p>	
<p>Denmark</p>	<p>Constitutional Act of Denmark</p> <p>A 5/6 majority in the parliament is only required if a transfer of sovereignty occurs (Art. 20). Otherwise, simple majority is sufficient. Constitutional revision would require a majority in the parliament after its dissolution and re-election as well as a mandatory and binding referendum (Art. 88).</p>	<p><i>Folketinget</i> adopted the decision on modification of the article 136 on 23rd February 2012.</p>	<p>The draft law was submitted to Folketinget on 11th April 2012. The analysis of the ministry of Justice concluded that ratification of the treaty does not represent a transfer of sovereignty and therefore a single majority will be required (art. 19 of the constitution applies). <i>Folketinget adopted the law on 31st May 2012 by 80 votes to 27.</i></p> <p>The expectation is that the budget brake will be inserted into new budget law of general nature.</p>

<p>Estonia</p>	<p>Constitution of Estonia</p> <p>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 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). Referenda on international treaties are ruled out (Art. 106). Also only secondary legislation can be modified when in conflict with the treaties.</p>	<p>The draft bill on adoption of Article 136 was submitted to Riigikogu on 24th May 2012.</p> <p>The draft bill on ESM was submitted to the <i>Riigikogu</i> on 28th May 2012. Its adoption is conditional on the clearance by the Supreme court.</p> <p>The treaty is being challenged on the 12th March by the minister of Justice Indrek Teder in the Supreme court, on the basis that the emergency voting system is contrary to constitution. The court should deliver its judgement in urgency procedure before mid-July. Chair of the Constitutional Affairs Committee of <i>Riigikogu</i> suggested an option of signing up to the treaty with reservation of not committing to the emergency voting system. Pursuant to art. 104(2)(15) on acts pertaining foreign and domestic borrowings, may be passed only by majority of the component members. In case of conflict with national secondary legislation, the treaty automatically takes precedence, but Estonia cannot ratify treaties that are in conflict with its constitution (art. 123).</p>	<p>The ratification instrument was not yet submitted to the Parliament, while waiting for the supreme court decision on ESM.</p> <p>The Government received a mandate from Riigikogu European Union affairs committee to sign the treaty on 27th January. A majority of members (art. 70 and 73) is required for the ratification.</p> <p>The balanced budget rule should be provided by the standard legislative process.</p>
<p>Finland</p>	<p>Constitution of Finland</p> <p>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(2), 95(2)).</p>	<p>The draft bill on the ratification of the article 136 treaty was put to <i>Eduskunta</i> on 15th May 2011. The bill was adopted on the 9th May 2012.</p> <p>The draft bill seeking the approval of the ESM treaty was submitted to <i>Eduskunta</i> on 27th April 2012 and referred to the Committee on Finance with requests for opinion from Constitutional Affairs and Audit committees.</p>	<p>The ratification bill was not yet forwarded to the Parliament. It is expected to be submitted for the autumn session.</p> <p>Finnish government already sought mandate of the Parliament to sign the treaty. The process of ratification is expected to be completed before the end of summer by a simple majority. The governing six-party coalition has a majority of 124 seats (out of 200). Balanced budget rule should be dealt with by a means of a standard law.</p>

<p>France</p>	<p>Constitution of France</p> <p>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) 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).</p>	<p>Two draft laws (article 136 modification and ESM treaty) were submitted to the French Parliament on 8th February under accelerated procedure.</p> <p><i>Assemblée nationale</i> voted on 21st February on the treaty by 256 votes in favour, 44 against and 131 abstentions (mainly Socialist party).</p> <p><i>Sénat</i> voted on the treaty on 28th February, with 169 votes in favour, 138 abstention (in majority Socialist party) and 35 against. The amendment of article 136 TFUE was adopted 168 to 27.</p>	<p>Legislative activity is suspended until June 2012 elections. The newly elected François Hollande announced its intention to renegotiate addition of a set of new clauses, a separate protocol or declaration with the aim to insert provisions supporting growth.</p> <p>The outgoing government maintained the intention to insert the debt brake rule since summer 2011. The measure has been approved by both houses but awaits the passage before the special congress session of both houses required to change the constitution by 2/3 of its members.</p>
<p>Germany</p>	<p>Basic Law Germany</p> <p>Majority in both chambers (Art. 23(2)2); for changes of basic rules of the EU treaty a majority of 2/3 from both chambers is required (Art. 23(1) 3, 79 (2)).</p>	<p>The draft ratification bill on the article 136 and ESM financing law were sent to Bundesrat on 30th March. On 14th May 2012 the German government approved the ESM bill itself.</p> <p>The draft bill shall also include conditions for the ratification of the modification of the ESM treaty - increase in the capital stock or change to the financial instruments would require adoption of a new law.</p> <p>The ESM bill also incorporates the principles regarding the powers of the special Bundestag panel (<i>Sondergremium</i>), with regards to the Constitutional Court ruling of 28th February 2012.</p> <p>A 2/3 majority is required for the ratification of the article 136. A simple majority of both chambers will be required for ESM ratification.</p> <p>Angela Merkel intends to push through the legislation on ESM before the summer recess.</p> <p>The overall aim of the government is to ratify the two treaties and amendment of the article 136 jointly.</p>	<p>Germany aims to ratify the treaty together with the ESM treaty, ESM financing law and amendment of the article 136. For TSCG, the Government took decision to apply the 2/3 constitutional majority. The draft bill was tabled to Bundestag on 30th March. The budget committee of <i>Bundestag</i> held a special hearing on the TSCG/ESM on 7th May. Provisional completion of the ratification process was foreseen for 25th May 2012 in <i>Bundestag</i> and 15th June in <i>Bundesrat</i>. Nevertheless, in exchange for the support in ratification, the Social Democrats would like to subscribe to a growth pact in line with the intention of president Hollande and to establish in exchange for the support of the ratification a binding timetable on the taxation of financial transactions . According to latest news, the ratification will be delayed until end of June (for the <i>Bundestag</i> vote).</p> <p>Angela Merkel indicated that she explores the options for boosting of growth and was ready to bolster the European Investment bank.</p> <p>The overall aim of the government is to ratify</p>

			<p>the two treaties and amendment of the article 136 jointly.</p> <p>Germany already has a balanced budget rule that was inserted in the constitution in 2009. "Schuldenbremse" inserted in art. 109 of the Basic Law is more stringent than the rules in the treaty and applies both to the federal government and to the Länder.</p>
Greece	<p>Constitution of Greece</p> <p>Majority in parliament for "limiting the exercise of national sovereignty" (Art 28(3); 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(2)).</p>	<p>On 28th March 2012, the Greek Parliament with the majority of PASOK, Democratic Alliance and New Democracy adopted the Council decision on Art. 136 as well as the ESM treaty by 194 votes in favour, against 59 of other parties. The ratification was approved by roll-call vote.</p> <p>The ratification was notified to the Council of the EU on 17th April 2012.</p>	<p>Greece was the first country to ratify the treaty on 28th March by 194 votes in favour, 59 against with 47 MP not voting. The ratification was notified to the Council of the EU on 17th April 2012.</p>
Hungary	<p>Constitution of Hungary</p> <p>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(3))</p>	<p>Hungarian Parliament adopted the decision on the modification of the article on 27th February 2012. Ratification was notified to the Council of the EU on 19th April 2012.</p>	<p>The draft bill for the ratification of the treaty was not yet submitted. The governing party FIDESZ has a constitutional majority in the monocameral Parliament. Opposition socialist party also supports the fiscal treaty. Both supported the mandate to the government to conclude the treaty.</p> <p>The new Hungarian constitution that entered into force on the 1st January 2012 already contains a balanced budget rule (article 36 and 37).</p>

<p>Ireland</p>	<p>Constitution of Ireland</p> <p>Majority from both chambers (Art. 29 (5), (6), 15 (11)); a revision of the constitution requires a majority from both chambers and a mandatory and binding referendum (Art. 46(2)(5), 47, 15(11)). Any bill can be put for a referendum (Art. 27(1)). A bill amending the constitution requires a majority of votes from both chambers as well as a mandatory and binding referendum (Art. 46(2), 47).</p>	<p>The decision of Art. 136 should be incorporated into the national law by amendment of the European Communities Bill, submitted to Dail on 04th May 2012.</p> <p>The ESM bill, was submitted to Dail on 3th May 2012. Approval of both is scheduled before the end of the Summer session</p>	<p>Ireland ratified the TSCG by referendum held on 31st May by 60.29% votes in favour, 39.71 against with a participation rate of 50.6%.</p> <p>On 10th May, commissions of both houses of Oireachtas (Joint Committee on European Union Affairs and Sub-committee on Referendum on TSCG) submitted a common report on the Treaty.</p> <p>The government intends to provide for a balanced debt rule by a standard legislative procedure.</p>
<p>Italy</p>	<p>Constitution of Italy</p> <p>Majority from both chambers (Art. 80, 72(4), 64(3)); 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(1)). If a 2/3 majority could not be obtained in the second 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(2)(3)).</p>	<p>The draft bill N 3240 authorizing the president to ratify ESM treaty was presented by the government on 3rd April 2012.</p> <p>The draft bill N 2914 on the amendment of the article 136 was submitted to the Senate on 19th September 2011 and is currently examined by the Foreign Affairs Committee, jointly with the two international treaties.</p> <p>Both treaties (ESM /TSCG) and modification of the article 136 should be approved for the ratification by the president jointly and in coordination with German parliamentary ratification.</p>	<p>The draft bill N 3239 authorizing the president to ratify the stability treaty was sent to the Senate for consideration on 3rd April 2012. The government indicates that the ratification has to obtain a simple majority.</p> <p>Balanced budget rule was integrated via a constitutional bill passed by the Senate on 18th April.</p> <p>Both treaties (ESM/TSCG) should be approved for ratification by the president jointly and in coordination with German parliamentary ratification.</p>
<p>Latvia</p>	<p>Constitution of Latvia</p> <p>Majority of votes in the parliament (Art 68(1), 24). The ratification of International agreements where part of State institutions' competencies are delegated to international bodies requires a 2/3 majority (Art 68 (2)).</p>	<p>On Thursday, 19 April, the <i>Saeima</i> supported the ratification of the article 136 amendment by 79 votes in favour, no votes against and no abstentions.</p>	<p>The Saeima approved the treaty on 31st May by 67 votes in favour and 29 against (Haromny Center). According to the draft law, majority of 2/3 iwas required (art. 68(2)) for TSCG approval.</p>

Lithuania	<p style="text-align: center;">Constitution of Lithuania</p> <p>Majority of parliament (Art. 138, 67 nr. 16, 69(2)); the amendment of constitutional laws requires two successive approvals from parliament with majority of 2/3 its members (Art. 147, 148(3)).</p>	<p>The amendment of the article 136 was approved by the European Affairs committee on 9th May 2012 . The plenary of Seima adopted the Council decision on 12th June 2012.</p> <p>The ratification is expected to be completed by the end of May.</p>	<p>TSCG draft law was submitted on 05th June 2012 with a view to its adoption in the plenary by the end of June. Only simple majority should be required for the ratification of the treaty. The ratification is expected to be completed by the end of June.</p> <p>Government might request opinion of the constitutional court on the treaty and debt brake requirement.</p>
Luxembourg	<p style="text-align: center;">Constitution of Luxembourg</p> <p>Majority of the parliament (Art. 37(1), 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(2), 49a, 114 (5)).</p>	<p>The draft law on the adoption of the modification of the article 136 was submitted to the <i>Chambre des députés</i> on 27th September 2011.</p> <p>The draft law on the participation of Luxembourg at the ESM was forwarded to the Parliament on 5th March 2012.</p> <p>At this moment, the required majority is expected to be attained as no party signalled opposition to the Treaty. Neither of the laws is expected to be adopted before the June session.</p>	<p>The law of ratification was not yet submitted to the parliament.</p> <p>The debt brake will be implemented via an organic law that has to be approved by 2/3 majority.</p>
Malta	<p style="text-align: center;">Constitution of Malta</p> <p>Procedure for a revision of the constitution varies according to which constitutional amendments are required (Art. 88).</p>	<p>The ratification bill has not yet been submitted to the Parliament. It is expected to be ratified by the end of June.</p>	<p>No difficulties are expected in adoption of the treaty. The ratifying instrument might be a simple act of government. The balanced budget rule would be introduced at the constitutional level.</p>
Netherlands	<p>Majority from both chambers by at least more than half of members present (Art 92, 91(1)(2), 67(1)(2)); if a constitutional amendment is required a 2/3 majority from both chambers is necessary (Art. 92, 91(3)).</p>	<p>The draft law for the ratification of ESM and article 136 were be discussed on 23rd May. The Art. 136 amendment was adopted on 24th May in the Tweede Kamer by 100 votes in favour and 46 against and the ESM by 100 votes in favour (VVD, PvdA, CDA, D66 and Greens) and 47 against (PVV, SP, SGP, PvdD). Both transmitted to the Eerste Kamer for approval.</p> <p>The Council of State in its opinion of 1st March 2012 endorsed the intent of the bill, but pointed to the discrepancies between the wording art. 136(3) and ESM treaty and necessity to</p>	<p>Political situation is unstable due to resignation of the government on 23rd April. Overall majority should be attained. The Dutch Parliament (<i>Tweede Kamer</i>) voted on 29th February against proposals to hold the referendum on the treaty deposed by Freedom Party (PVV) of Geert Wilders and Socialist Party (UEL/NGL). Both parties are opposed to its ratification. In spite of the government collapse, Finance minister Jan Kees de Jager indicated that he won support for the measures from three smaller opposition parties on 27th April.</p>

		maintain the integrity of EU institutional architecture. Whereas 136 allows for measures indispensable for the safeguard of the stability of the Eurozone, Art. 14 of ESM allows for preventive financial assistance.	
Poland	<p>Constitution of Poland</p> <p>A 2/3 majority from both chambers is required (Art 90(1)(2)) when the treaty implies transfer of sovereignty. Additionally, a referendum can be called for according to Art. 90(3) 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 (2)). The result of the referendum is binding if more than half of those having the right to vote have participated (Art. 125(3)). 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 (4)).</p>	<p>Modification of the article 136 was discussed in the plenary of the <i>Sejm</i> on 9th May and approved for the ratification on 11th May. It was forwarded to the Senate, which approved the bill on 30th May by 55 votes in favour, 30 against.</p> <p>The bill has to be signed by the President of the Republic to complete the ratification process.</p>	<p>Two options for ratifications are being explored by the government while awaiting legal opinion. The PM's preferred option would be approval for ratification by the president through a simple act of government (art. 89) as many of the provisions of the pact apply to the Eurozone members and would not imply a transfer of sovereignty. Alternatively art. 90 would have to apply, requiring 2/3 majority in both chambers.</p> <p>The balanced budget rule is already in the Polish constitution (Article 216 (5)), but it does not include the provisions concerning limit of annual structural deficit.</p>
Portugal	<p>Constitution of Portugal</p> <p>Majority of votes from the parliament (Art. 166 (5), 161-i, 116, 168). A revision of the constitution requires a majority of 2/3 from members of parliament (Art. 286(1))</p>	<p>Portugal ratified the ESM treaty and the article 136 modification on 13th April 2012.</p>	<p>Portugal was the second country to ratify the treaty on 13th April by 204 in favour, 24 against and 2 abstentions. Rule on balanced budget will take a form of a separate organic law.</p>

<p>Romania</p>	<p>Constitution of Romania</p> <p>Majority of votes from both chambers (Art. 91(1), 75, 11(2)). A revision of the constitution requires a 2/3 majority from both chambers (Art 151(1)). Additionally, a binding referendum must be held.</p>	<p>Following a favourable opinion of the Legislative council, the draft law for the ratification of article 136 decision was forwarded to the both <i>Chamber of Deputies</i> and <i>Senate</i> on 12th December 2011.</p> <p>European Affairs committees and Committee on Legal Affairs of both chambers produced a joint report submitted on 7th May.</p> <p>The bill was put on the agenda of the joint session of both chambers with a view to its adoption on 12th June.</p>	<p>The government submitted a draft law for the ratification of the treaty on 20th March and the president Basescu signed on March 29th a decree to submit the treaty for parliamentary ratification. It was put on the plenum agenda of the <i>Chamber of Deputies</i> on 24th April in an emergency procedure (Art. 74(3)). There was no final vote as the quorum was lacking.</p> <p><i>The bill was finally adopted by the Chamber on 8th May and by the Senate on 21st May. It was sent to the president for ratification on 28th May.</i></p> <p>Romania maintains its commitment since 2009 to join Eurozone by 2015.</p>
<p>Slovakia</p>	<p>Constitution of Slovakia</p> <p>3/5 majority from all members of parliament (Art. 7(2), 84(4)). The revision of the constitution requires a 3/5 majority vote from all members of the parliament (Art. 84(4)).</p> <p>Referenda can be called for on important issues of public interest (Art. 93).</p>	<p>The ESM Treaty is expected to be ratified by the Parliament in June. On the occasion of the visit of Herman Van Rompuy on 12th June, Pavol Paska, the speaker of the House indicated the intention to adopt the bill of ratification in the June Plenary session (19th-29th June 2012). The governing party Smer-SD commands majority in monocameral Narodna rada.</p> <p><i>Narodna rada adopted</i> on 15th May the European Council decision on the article 136 modification by 130 votes in favour, 11 against and 1 abstention.</p>	<p>Before the elections all coalition parties, have given their support to the ratification of the treaty. Governing SMER-SD, that raised after march 2012 elections supports the adoption in its government program. The party commands majority of 83/150 votes in the monocameral Parliament (<i>Narodna rada</i>) and expects its adoption in the first half of 2012.</p> <p>Balanced budget rule will be inserted into the constitution.</p>
<p>Slovenia</p>	<p>Constitution of Slovenia</p> <p>Before ratification the parliament can call for a binding referendum (Art 3a (2)). 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 (1)). 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(1)).</p>	<p>Slovenia was the second Member State to ratify the ESM treaty on 19th April 2012, through the vote in Drzavni Sbor, by 74 votes in favour out of 75 present.</p> <p>Amendment of the article 136 was ratified in July 2011.</p>	<p>National Assembly (<i>Drzavni sbor</i>) ratified the treaty on 19th April by 74 votes in favour out of 90, with 76 members present at the vote. Earlier in April, the Assembly started the procedure to change the constitution in order to include the balanced budget rule (amendment of art. 148).</p>

<p>Spain</p>	<p>Constitution of Spain</p> <p>A majority vote from both chambers is required (Art. 94, 74 (2), 79(2)). Any revision of the constitution requires a majority of 3/5 from both chambers (Art 167(1)). A referendum on the constitutional amendment is required if requested by 1/10 of the members of one chamber (Art. 167(3)). Binding referendums can be called for in case of a constitutional amendment if requested by 1/10 of the members of one of the chambers (Art. 167(3)),</p>	<p>Request for approval of the ESM treaty was submitted to the <i>Congreso de los Diputados</i> on 20th February 2012. The Committee on Foreign Affairs recommended the plenary of the House to give its consent on 18th April.</p> <p>Both the amendment to the Article 136 and the ESM treaty were approved by the Congreso de los Diputados on 17th May 2012 by 292 votes in favour, 17 against and 7 abstentions and transmitted to Senado.</p>	<p>The draft bill on the TSCG was submitted to the Congreso on 14th May 2012 and referred to the Committee on Foreign Affairs. Deadline for amendments was reopened until 12th June. The approval shall require simple majority in both chambers. No difficulties with ratification are expected. <i>Partido Popular</i> commands a majority in both chambers.</p> <p>The reform package of November 2011 already inserted balanced budget rule at both national and regional level.</p>
<p>Sweden</p>	<p>Instrument of Government of Sweden</p> <p>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(3)). 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 (1) 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 (1) 1, Chapter IV § 5).</p>	<p>The instrument for approval was submitted to <i>Riksdag</i> on 23rd February 2012. The Constitutional affairs committee concluded in its opinion of 26th April 2012 that the modification of article 136 does not represent a transfer of sovereignty and only simple majority will be needed.</p> <p>The plenary of <i>Riksdag</i> debated the article 136 amendment on the 30th May and adopted it by subsequent vote with 276 votes in favour, 19 reservation, 19 abstentions.</p>	<p>The draft law will not be submitted to the Parliament before Fall 2012 (18th September at the soonest). The legal assessment by the government for the required majority is not yet concluded.</p> <p>The governing centre-right Alliance for Sweden - the Moderate Party, People's Party Liberals, Christian Democrats and Centre Party - has been supportive of the pact. However, with the opposition Left Party, Greens and Sweden Democrats opposed, support from the Social Democratic Party (SAP) was necessary to reach a parliamentary majority. It eventually supported the signing of the treaty against the guarantees that Swedish labour market will be maintained and that no decision-making powers would be transferred from <i>Riksdag</i> to EU institutions.</p> <p>The treaty should be ratified according to regular legislative procedure. The balanced budget rule should not be in principle included at the constitutional level.</p>

<p>United Kingdom</p>	<p>European Union Act 2011</p> <p>Simple majority in both chambers. The parliamentary ratification process in the UK requires the government to defend its Bill in three readings in the House of Commons and the House of Lords, respectively. Before submitting the bill, the Government must provide a statement to the Parliament whether the ratification does not fall within the section 4 of the EU Act of 2011 and therefore does not require a referendum.</p>	<p>Announced in the Queen's speech on 9th May,. the ratification Bill for the amendment of the Art. 136 was submitted to the Lords on the 10th May, second reading took place on 23rd May and begins the committe stage on 13th June.</p> <p>Foreign Office made the statement to the Parliament regarding the section 4 of the European Union Act (referendum test) - concluding that referendum will not be required.</p> <p>The draft treaty change decision has already been examined by Parliament as a result of the previous scrutiny process and approved by both House of Commons (16th March 2011) and House of Lords (21st March). Lords Select Committee published an opinion concerning the article 136.</p>	
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DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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