

ORAL QUESTION H-0806/03

for Question Time at the part-session in January 2004

pursuant to Rule 43 of the Rules of Procedure

by Josu Ortuondo Larrea

to the Council

Subject: Breach of the principles of Article 6(1) of the EU Treaty?

Article 7(1) of the EU Treaty states that ‘the Council ... may determine the existence of the serious and persistent breach by a Member State of principles mentioned in Article 6(1)’ and make appropriate recommendations to that State.

The leader of the main Spanish opposition party (PSOE) has publicly denounced as ‘inopportune, wrong-headed, imprudent, carried out clandestinely and in breach of basic legislative principles’ the Spanish Government’s ad hoc reform of the penal code by means of an amendment in the Senate to the Law on Arbitration, to punish the possible holding of a consultation of the public by the Basque Government on the reform of the Basque Country’s autonomous statute. The Coordinator of Izquierda Unida has stated that this reform ‘reintroduces political crime into Spanish democracy’, just as under the Franco dictatorship.

Does the Council believe that imposing prison sentences for the crime of consulting the public respects and conforms to the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law, principles shared by all the Member States? Does it not believe that the best way of solving historic political conflicts like those in Palestine, Ireland or the Basque Country is to encourage dialogue and debate, and allow citizens themselves to be consulted so that they can reach a free and democratic decision, when the proposals put to them are fully respectful of human rights?

Tabled: 09.12.2003

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