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German challenge to Lisbon

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GERMAN RATIFICATION of the Lisbon Treaty faces a new hurdle following a constitutional challenge by a Bavarian MP.

Minutes after the treaty was ratified yesterday by the Bundesrat, the upper house representing the federal states, Munich MP Peter Gauweiler lodged his objection to a treaty he says is “not compatible with our democratic principles”.

The ratification Bill passed the lower house, the Bundestag, earlier this month and was approved yesterday by 15 of Germany’s 16 federal states.

Berlin’s Social Democrat (SPD) mayor, Klaus Wowereit, abstained in a concession to his Left Party junior coalition partners, who oppose the treaty.

The ratification Bill now proceeds to German president Horst Köhler for his signature, usually seen as a formality.

But ratification could be stalled until at least the autumn if Germany’s constitutional court agrees to study the case.

In a constitutional challenge in 2005, Dr Gauweiler prevented the ratification in Germany of the now abandoned constitutional treaty.

“This treaty merely increases the democratic deficit in Europe,” Dr Gauweiler told The Irish Times.

“According to our chancellor, it contains 95 per cent of the old treaty, which is to say 95 per cent of what voters in France and Holland already rejected.”

He called for a treaty preface, specifying that it does not enable the transfer of jurisdiction over competences from member states to the EU. His proposed preface specifies that the treaty does not give the EU the status of a federal state, nor does it degrade the status of Germany’s federal states.

Without the preface, Dr Gauweiler said the Lisbon Treaty represented a “hollowing out” of Germany’s post-war constitution.

Although Bavaria voted in favour of the treaty in the Bundesrat yesterday, Dr Gauweiler said his party, the Christian Social Union (CSU), backed his challenge.