



Host of the  
European Referendum  
Campaign

**Study**  
about  
**constitutional conditions**  
concerning  
**referendums on the EU constitution**  
in the  
**EU member states**

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# Democratic Legitimation of EU Constitution

The Convention on the Future of Europe was implemented as a democratic approach for drafting an EU Constitution. Opinions differ, however, as to whether it really was a democratic approach since the people were not directly involved in its drafting process. The best way to involve the citizens in this process are fair referendums in all countries concerned! Only then the EU Constitution can get the highest democratic legitimation!

But can this be considered legally feasible? In which states will a referendum on the EU Constitution be held for sure? In which states is it demanded by their national constitutions or actually excluded? In which states is a referendum not provided for at all?

The ratification of the EU Constitution has to be made according to the requirements of the national constitutions of the member states because the EU Constitution effects an amendment of the valid treaties pursuant to Art. 48 EU Treaty. Due to this requirement in this study only the constitutional regulations were examined whether and in which cases they enable a binding referendum or whether they enable expressly a consultative referendum. One of the demands of the European Referendum Campaign is that the parliaments of the states concerned make the appropriate legal and constitutional provisions for a binding referendum. Consultative referendums can be an alternative, if the procedure for a constitutional amendment to enact a binding referendum requires more time than available for the ratification of the EU Constitution.

Referendums are expressly provided for in 20 national constitutions out of the 25 states concerned.

In 17 states the provisions of the national constitutions enable a referendum on the EU Constitution. The constitutional provisions of twelve states enable a binding referendum (Czech Republic, Denmark, France, Greece, Hungary, Ireland, Latvia, Lithuania, Poland, Portugal, Slovakia and Slovenia). In Ireland a referendum on a transfer of sovereignty is even mandatory and can only be circumvented in Denmark under specific conditions. In three states (Finland, Luxembourg and Spain) at least a consultative referendum on the EU Constitution can be held. Further 2 states (Austria and Sweden) enable a binding referendum only if the transfer of sovereignty caused by the EU Constitution effects a constitutional amendment to their national constitutions but at least consultative referendums can be held in both states independent of the extent of transferred sovereignty.

Malta enables a referendum only if the transfer of sovereignty caused by the EU Constitution effects amendments to the fundamental principles of its constitution. But these principles are guaranteed by Art. 6 EU-Treaty. But Malta held a referendum on the accession to the EU. In two states a referendum on international treaties is expressly excluded by their national constitutions (Estonia and Italy). Nevertheless both countries already held a referendum on EU-matters.

The constitutional provisions of the remaining five states (Belgium, Cyprus, Germany, Netherlands and the UK) don't provide for referendums at all. Nevertheless in the UK a referendum on EU-matters was already held and will be held on the EU Constitution as well as in Belgium and the Netherlands. And Cyprus took the decision on the UN blueprint for the island's reunification in a referendum without a constitutional basis.

So Germany is the only country in the EU that has no constitutional basis for a referendum, has never held a nationwide referendum and didn't declare to hold a referendum on the EU Constitution yet.

Summarising in 17 member states a referendum on the EU Constitution can be held according to their constitutional provisions. In 9 out of the remaining 10 states referendums were held or will be held even without a constitutional basis or though referendums on international treaties are expressly excluded.

**Conclusion: Provided that there is the political will for a democratic legitimation of the EU Constitution binding or at least consultative referenda can be held in all countries concerned.**

# Austria

Regulation about a special transfer of sovereignty to EU	Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Transfer concerning the Common Defence Policy and an integration of the WEU into the EU has to be approved by a majority of 2/3 of both chambers by presence of at least 1/2 of their members, Art. 23f I, 44 I, II ConstAustria.	Majority of votes from parliament, from senate only if its competencies concerned (a notice of opposition given by the senate can be outvoted by the parliament with a majority of votes by presence of at least 1/2 of its members), Art. 50, 42 ConstAustria.	Majority of 2/3 of votes from parliament by presence of at least 1/2 of its members, also from senate required if its competencies concerned, Art. 50 I, III, 44 I, II ConstAustria.	Majority of 2/3 from parliament by presence of at least 1/2 of its members, Art. 42 I ConstAustria, also from senate if its competencies concerned, Art. 44 II ConstAustria. A partial revision additionally by Referendum if demanded by 1/3 of the members from one of the chambers, Art. 44 III ConstAustria. An over-all revision of the constitution additionally by mandatory Referendum, Art. 44 III ConstAustria.	Public opinion poll can be held, Art. 41, 49b ConstAustria.	1	Yes. Binding referendum provided if total revision or partial revision effected. Otherwise binding referendum requires implementation by constitutional amendment. Public opinion poll expressly provided.

# Belgium

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of members from both chambers, Art. 167 § 2, 53 ConstBelgium.	Not expressly regulated, but constitutional amendment required.	Majority of at least 2/3 of votes from both chambers by presence of at least 2/3 of their members after disbandment of both chambers and their re-election, Art. 195 ConstBelgium.	none	none	No. Binding referendum requires implementation by constitutional amendment. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Cyprus

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 169 II ConstCyprus. President and council of ministers can veto the decision of parliament, Art. 50 I a ConstCyprus. International treaties relating to commercial matters, economic co-operation has to be approved by the council of ministers, Art. 169 I ConstCyprus.	Not expressly regulated, but constitutional amendment required.	Majority of 2/3 from members of parliament, Art. 182 III, II ConstCyprus. Basic articles of constitution cannot be amended, Art. 182 I ConstCyprus.	none	none	No. Binding referendum requires implementation by constitutional amendment. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Czech Republic

Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Previous constitutional amendment required if constitutional court decides that an international treaty is not in conformity with the constitution, Art. 89 III, 87 II ConstCzRep.	Only by constitutional act that requires a majority of 3/5 from members of parliament and 3/5 of the votes from senate, Art. 9 I, 39 IV ConstCzRep.	With constitutional act referenda can be implemented into constitution with a majority of 3/5 from the members of parliament and 3/5 of the votes from senate, Art. 2 II ConstCzRep.	1	Yes. Binding referendum expressly provided for transfer of sovereignty but requires enactment by constitutional law. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Denmark

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of 5/6 from members of parliament, § 20 ConstDenmark. If majority of 5/6 is not reached but a majority of votes and government holds on to the transfer of sovereignty, a referendum has to be called, § 20 ConstDenmark. Even if majority of 5/6 is reached a referendum can be called by a special law, § 42 I, VI ConstDenmark.	Not expressly regulated but constitutional amendment required.	Majority from parliament after its disbandment and re-election, additionally by mandatory and binding referendum, § 88 ConstDenmark.	Referendum on laws can be called, § 42 ConstDenmark.	7	Yes. Binding referendum mandatory if constitutional amendment effected. Otherwise only evitable if not approved by a majority of 5/6 from members of parliament.

# Estonia

Approval of international treaties and transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 121, 73 ConstEstonia.	Majority of votes from parliament, Art. 121, 73 ConstEstonia.	International treaties that are in conflict with the constitution shall not be ratified, Art. 123 ConstEstonia. As a result constitutional amendment required.	Parliament orders approval by referendum, by two successive approvals from parliament first with majority of its members, second with majority of 3/5 of its members or in case of urgency by majority from 2/3 of its members, Art. 163, 164, 165, 166. Amendment of fundamental principles of constitution and of rules about amending the constitution by referendum, Art. 162 ConstEstonia.	Parliament has the right to submit a bill or another national issue to a referendum but new-elections have to be set if the referendum doesn't confirm the bill, Art. 105 ConstEstonia. Referendum on international treaties expressly excluded, Art. 106 ConstEstonia.	1	No. Binding referendum provided for several cases but referendum on international treaties expressly excluded. For binding referendum constitutional amendment required. Consultative referendum can anyhow be held if ordered by ad-hoc-law.



# Finland

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about Referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, §§ 93, 94, 95 ConstFinland.	Majority of 2/3 of votes from parliament, § 94 II ConstFinland. Limit for transference is an endangerment of the fundamental democratical rights of the constitution, § 94 III ConstFinland.	Majority of 2/3 of votes from parliament after proposed constitutional amendment was approved by majority of votes from parliament and its new-election. Only if parliament declares with a majority of 5/6 of the votes a constitutional amendment as urgent it can be realised circumventing with majority of 2/3 of the votes, § 73 ConstFinland.	Consultative referendum can be called, § 53 ConstFinland.	2	Yes. Binding referendum requires implementation by constitutional amendment. Consultative referendum expressly provided.

# France

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums hold on European matters	Constitutional practicability of referendum on EU Constitution
Majority of both chambers, Art. 53, 46 ConstFrance.	Previous constitutional amendment required, Art. 54 ConstFrance. Limit for transfer is the integrity of state and the republican form of government, Art. 89 IV ConstFrance.	Majority from both chambers and a referendum on constitutional amendment, Art. 89 ConstFrance. Referendum is not called if both chambers foregathered by proposal of the president as the Congress approves constitutional amendment with majority of 3/5 of the votes, Art. 89 III ConstFrance.	By proposal of the government or a joint proposal of both chambers the president can call a referendum on any law that substitutes the approval of the chambers. This presidential plebiscite can only be called for approval of international treaties if constitutional amendment is not effected, Art. 11 ConstFrance.	2	Yes. Binding referendum provided if constitutional amendment effected or ordered by presidential plebiscite.

# Germany

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from both chambers, Art. 23 I 2 ConstGermany.	Majority of 2/3 from the members of parliament and 2/3 of votes from the senate, Art. 23 I 3, 79 II ConstGermany. Limit of transfer is the "clause of eternity" for the fundamental principles of the constitution, Art. 23 I 3, 79 III, 20 ConstGermany.	Majority of 2/3 from the members of parliament and 2/3 of the votes from senate, Art. 79 II ConstGermany.	Referendum mentioned in Art. 29, 118 ConstGermany for a new formation of the federal states. Art. 20 ConstGermany mentions expressly that the people practise their sovereignty besides election and through special organs of legislation and execution by holding referenda.	none	No. Binding referendum requires implementation by constitutional amendment. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Greece

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority from the members of parliament, Art 28 III ConstGreece.	Majority of 3/5 from the members of parliament, Art. 28 II ConstGreece.	Majority of 3/5 from members of parliament twice in between at least one month on proposal of at least 50 members of parliament. Additionally amendment has to be approved by the next parliament with majority of its members. Majorities can also be vice versa. Constitutional amendment of fundamental principles of the constitution excluded, so called "clause of eternity", Art. 110 ConstGreece.	Referendum can be called on subjects of very important national interest on proposal of the council of ministers approved by the majority from the members of parliament. Referendum on laws can be called on proposal of 2/5 and their approval with a majority of 3/5 from the members of parliament. In one legislative period of the parliament at most two referendums can be held, Art. 44 II ConstGreece.	none	Yes. Binding referendum provided for on a subject of very important national interest.

# Hungary

<b>Regulation about a special transfer of power</b>	<b>Approval of transfer of sovereignty without effect of constitutional amendment</b>	<b>Approval of transfer of sovereignty with effect of constitutional amendment</b>	<b>Approval of constitutional amendment</b>	<b>Other constitutional regulations about referendums</b>	<b>Referendums held on European matters</b>	<b>Constitutional practicability of referendum on EU Constitution</b>
International treaties which effect matters of national defense must be confirmed by national law, Art. 40c II ConstHungary.	Majority of votes from parliament by presence of at least 1/2 of its members, Art. 30a I lit. b, 24 I, II ConstHungary.	Not expressly regulated, but constitutional amendment required.	Majority of 2/3 from members of parliament, Art. 24 III ConstHungary.	As well initiatives, referendums, binding and consultative, demanded by the president, government, 1/3 of the members of parliament or the people, as referendums on laws can be called, Art. 26 VI, 28b, 28c, 28d, 28e ConstHungary.	1	Yes. Binding and consultative referendum can be held.

# Ireland

<b>Regulation about a special transfer of power to EU</b>	<b>Approval of transfer of sovereignty without effect of constitutional amendment</b>	<b>Approval of transfer of sovereignty with effect of constitutional amendment</b>	<b>Approval of constitutional amendment</b>	<b>Other constitutional regulations about referendums</b>	<b>Referendums held on European matters</b>	<b>Constitutional practicability of referendum on EU Constitution</b>
A decision taken by the European Council to establish a common defence shall not be adopted if Ireland would be included, Art. 29 IV 9 ConstIreland.	Majority from both chambers, Art. 29 V, VI ConstIreland.	Not expressly regulated, but constitutional amendment required.	Majority from both chambers and by mandatory and binding referendum, Art. 46, 47 ConstIreland.	Any bill not amending the constitution can be given to a referendum on demand of a majority of the members of parliament or not less than 1/3 of the members of senate, Art. 27 ConstIreland.	6	Yes. Binding referendum provided for any transfer of power because that requires a constitutional amendment which makes a referendum mandatory.

# Italy

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from both chambers, Art. 80, 72 ConstItaly.	Not expressly regulated, but constitutional amendment required.	Two successive approvals from both chambers inbetween at least three months with majority of votes in the first voting and the majority of their members in the second, Art. 138 ConstItaly. Referendum on the constitutional amendment is mandatory if demanded by 1/5 of the members of one of the chambers or 500.000 of the electorate or 5 members of the council of regions but excluded if approval of the chambers in the second voting was given by a majority of more than 2/3 of their members. Limit for an amendment is the republican form of state, Art. 139 ConstItaly.	An initiative referendum is possible, Art. 71 ConstItaly. A referendum on laws can be held but expressively not on ratification treaties, Art. 75 ConstItaly. Referendum also foreseen on amalgamation, incorporation and seperation of regions, provinces and townships, Art. 132 ConstItaly.	1	No. Binding referendum provided if constitutional amendment effected but referendum on international treaties expressly excluded. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Latvia

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 68, 24 ConstLatvia.	Not expressly regulated, but constitutional amendment required.	Majority of 2/3 of the votes by presence of at least 2/3 of the members initiated by the parliament, Art. 76 ConstLatvia. Amendment can also be initiated by 1/10 of the electorates. If the parliament refuses this amendment a referendum has to be called, Art. 78 ConstLatvia. Amendment has to be approved by the majority of all electors, Art. 79 ConstLatvia. For amendment of fundamental principles of the constitution approval by a referendum required, Art. 77 ConstLatvia.	Referendum on laws can be called on proposal of 1/10 of the electorate, Art. 72, 74, 75 ConstLatvia. Dissolution of parliament by the president has to be approved by Referendum, Art. 48 ConstLatvia. Referendum on agreements with other nations is expressly excluded, Art. 73 ConstLatvia. Substantial changes in the terms regarding the membership of Latvia in the European Union shall be decided by a national referendum if such referendum is requested by at least one-half of the members of the Saeima. But substantial changes in the terms regarding the membership in the European Union shall be decided by a national referendum if requested by half of the members of parliament, Art. 68 IV ConstLatvia.	1	Yes. Binding referendum provided for several cases and especially if the conditions of Latvias membership in the EU change significantly. Otherwise referendum on international treaties expressly excluded. Consultative referendum can anyhow be held if ordered by ad-hoc-law.



# Lithuania

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority from parliament, Art. 138, 67 nr. 16, 69 ConstLithuania.	Not expressly regulated but constitutional amendment required.	Two successive approvals from parliament with majority of 2/3 its members initiated by 1/4 from the members of parliament or at least 300.000 of the electorate, Art. 147, 148 III ConstLithuania. Amendment of the democratic and republican form of state has to be approved by referendum with majority of 3/5 from the electorate, Art 148 I ConstLithuania. Other fundamental principles of the state or the provisions for amending the constitution can only be amended with approval by referendum, Art. 148 II ConstLithuania.	Referendums can be called on the most significant issues for the state and the people, can be requested by at least 300.000 of the electorate and people have the right of legislative initiative if submitted by 50.000 of the electorate, Art. 9, 68 II ConstLithuania.	1	Yes. Binding referendum provided if constitutional amendment to fundamental principles of state effected but Art. 6 EU Treaty guarantees integrity of these principles. Otherwise binding referendum can be held as a very significant issue for the state and the people.

# Luxembourg

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority from parliament, Art. 37 I, 46 ConstLux.	Majority of 2/3 from the members of parliament by presence of at least 3/4 of its members, Art. 37 II, 49a, 114 V ConstLux. In contradiction to Art. 51 EU Treaty only temporary transference allowed within Art. 49a ConstLux.	Majority of 2/3 of the votes from the parliament by presence of 3/4 of its members after the parliament has declared the necessity of a constitutional amendment, its disbandment and re-election, Art. 114 ConstLux.	Consultative referendum can be called, Art. 51 ConstLux.	none	No. Binding referendum requires constitutional amendment. Consultative referendum expressly provided.

# Malta

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
No constitutional regulation.	Not expressly regulated, but constitutional amendment required.	Majority of 2/3 from members of parliament, amendment of fundamental principles by referendum, Art. 66 ConstMalta.	none	1	No. Binding referendum only provided for if amendment of fundamental principles of the constitution effected but Art. 6 EU Treaty guarantees integrity of these principles. Consultative referendum can anyhow be held if ordered by ad-hoc-law.

# Netherlands

<b>Approval of transfer of sovereignty without effect of constitutional amendment</b>	<b>Approval of transfer of sovereignty with effect of constitutional amendment</b>	<b>Approval of constitutional amendment</b>	<b>Other constitutional regulations about referendums</b>	<b>Referendums held on European matters</b>	<b>Constitutional practicability of referendum on EU Constitution</b>
Majority of votes from both chambers, Art. 91 I, 67 II ConstNet.	Majority of 2/3 of the votes from both chambers, Art. 92, 91 III ConstNet.	Majority of 2/3 of votes from both chambers after a law declares the necessity of a constitutional amendment, the disbandment of both chambers and their re-election, Art. 137 ConstNet.	none	none	No. Binding referendum requires implementation by constitutional amendment. Consultative Referendum can anyhow be held if ordered by ad-hoc-law.

# Poland

Approval of international treaties without any transfer of sovereignty	Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on EU-matters	Constitutional practicability of referendum on EU Constitution
Majority from members of parliament and from senate, Art. 89 I, 120 ConstPoland. Requirements for approval can be regulated by law, Art. 89 III ConstPoland.	Majority from both chambers with 2/3 of votes by presence of at least 1/2 of their members, Art. 90 II ConstPoland. Additionally a referendum in accordance to Art. 125 ConstPoland can be called, Art. 90 III ConstPoland.	Not expressly regulated, but constitutional amendment required.	A bill submitted by at least 1/5 of the members of parliament, the senate or the President has to be approved with majority of 2/3 of votes from parliament by presence of at least 1/2 of its members and majority of the members of senate, Art. 235 IV ConstPoland. Amendment of fundamental principles of the constitution requires additionally a confirmatory referendum, Art. 235 VI ConstPoland.	Referendum on subjects of particular importance for the state initiated by the parliament with majority of its members or the president approved by the senate with majority of its members can be called and is binding if more than 1/2 of those having the right to vote have participated in it, Art. 125 ConstPoland. Any referendum has to be determined by the Supreme Court, Art. 125 IV ConstPoland.	1	Yes. Binding referendum provided if amendment of fundamental principles of constitution effected but Art. 6 EU Treaty guarantees integrity of these principles. Binding referendum also provided expressly for international treaties and subjects of particular importance for the state.

# Portugal

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 166 V, 161 lit. i, 116, 168 ConstPortugal. On proposal of the parliament or the government a referendum is provided for on matters of national interest which is expressly the approval of an international convention, Art. 115 I, III, 161 lit. j, 197 I lit. e ConstPortugal.	Not expressly regulated, but constitutional amendment required.	Majority of 2/3 from members of parliament, Art. 286 I ConstPortugal. Limit of the amendment are the fundamental principles of the constitution, Art. 288 ConstPortugal.	Initiatives and referenda possible, Art. 115, 167 ConstPortugal.	none	Yes. Binding referendum expressly on international treaties provided.

# Slovakia

Approval of international treaties without transfer of sovereignty	Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 86 lit. d, 84 II ConstSlovakia. Majority from members of parliament required if rights are conferred or duties imposed directly on natural persons or legal persons, Art. 7 IV, 84 IV ConstSlovakia.	Majority of 3/5 from members of parliament, Art. 7 II, 84 IV ConstSlovakia.	Not expressly regulated but constitutional amendment required.	Majority of 3/5 from members of parliament, Art. 84 IV ConstSlovakia.	Recall of president has to be approved by referendum, Art. 106 ConstSlovakia. Referendums can be called on important issues of public interest, Art. 93 II ConstSlovakia. Referendum can be initiated by 350.000 of the electorate or the parliament, Art. 95 I ConstSlovakia. Result is valid if more than 1/2 of the electorate participated and if the decision was approved by more than 1/2 of the participants.	1	Yes. Binding referendum provided for important issues of public interest.

# Slovenia

Approval of international treaties without transfer of sovereignty	Approval of transfer of sovereignty without effect of constitutional amendment	Approval of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority of votes from parliament, Art. 86	Majority of 2/3 from members of parliament. Before ratification binding referendum on the transfer of sovereignty can be called by the parliament, Art. 3a ConstSlovenia.	Not expressly regulated but constitutional amendment required.	Majority of 2/3 from members of parliament after proposal of 20 members of parliament, the government or at least 30.000 of the electorate confirmed by the parliament with majority of 2/3 of the votes, Art. 168, 169 ConstSlovenia. If demanded by at least 30 members of parliament the proposed amendment has to be approved by binding referendum in that more than 1/2 of the electorate participated with the majority of votes, Art. 170 ConstSlovenia.	A binding referendum on laws can be called by the parliament. It is mandatory if demanded by 1/3 from the members of parliament, the council or 40.000 of the electorate, Art. 90 Const Slovenia. Laws can also be initiated by at least 5.000 of the electorate, Art. 88 ConstSlovenia.	1	Yes. Binding referendum provided if constitutional amendment effected. Otherwise mandatory and binding referendum provided if demanded from at least 30 members of parliament.



# Spain

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority from both chambers, Art. 94 ConstSpain.	Previous amendment of the constitution required, Art. 95, 94 ConstSpain.	Majority of 3/5 from both chambers. If this majority cannot be reached a committee drafts a new text which can be approved by majority of 3/4 from the members of parliament and the majority of the members of the senate, Art. 167 ConstSpain. Referendum on the constitutional amendment is required if demanded by 1/10 from the members of one of the chambers, Art. 167 III ConstSpain. In case of a total revision of the constitution or the amendment of fundamental principles of the constitution both chambers have to approve with a majority of 3/4 before and after a disbandment and re-election of both chambers. Additionally a referendum on the constitutional amendment required, Art. 168 ConstSpain.	Initiatives can be held but are expressively excluded on international affairs, Art. 87 III ConstSpain. Consultative referendums can be held on political decisions of far-reaching consequences by proposal of the prime minister approved by the parliament, Art. 92 ConstSpain.	none	Yes. Binding referendum provided if constitutional amendment, a total revision or an amendment of fundamental principles of the constitution effected. Otherwise binding referendum requires implementation by constitutional amendment. Consultative referendum expressly provided. Exclusion of international affairs only for initiatives, not for referendums.

# Sweden

Approval of transfer of sovereignty without effect of constitutional amendment	Approval of transfer of sovereignty with effect of constitutional amendment	Approval of constitutional amendment	Other constitutional regulations about referendums	Referendums held on European matters	Constitutional practicability of referendum on EU Constitution
Majority from parliament according to the particular area of competency required, X § 2 ConstSweden.	Approval in the way of a constitutional amendment. The procedure provided for the constitutional amendment can be excluded with a majority of 5/6 by presence of at least 3/4 of the members of parliament in case of urgency. Limit for transfer are the fundamental principles of the constitution, X § 5 ConstSweden.	Two successive approvals inbetween at least 9 months before and after re-election of the parliament. The constitutional committee can allow an earlier second consent with a majority of 5/6 of its members. A referendum on the amendment has to be held contemporaneous with the election of the new parliament if demanded by 1/10 of the members of parliament and approved by at least 1/3 from the members of parliament, VIII § 15 ConstSweden.	Consultative referenda can be called, VIII §4 ConstSweden.	1	Yes. Binding referendum provided if constitutional amendment effected. Otherwise binding referendum requires implementation by constitutional amendment. Consultative referendum expressly provided.

# United Kingdom

(UK has no written constitution but a European Communities Act)

## Approval of international treaties

Treaties are ratified by the Foreign Secretary, acting on the residual authority of the Crown (Royal Prerogative). Parliament has no formal role in treaty-making. Since the 1920's there has been a constitutional practice called "the Ponsonby Rule" which requires that all treaties subject to ratification be laid before parliament for information and debate. Under British constitutional practice, the passage of the implementing legislation is not formally part of ratification, but it must precede ratification.

## Approval of European Treaties

When the UK joined the Community, accession was preceded by the passing of the European Communities Act 1972 which made the Treaty and the law deriving from it applicable within the UK. Changes of the European treaties that implicate constitutional changes for the UK like the Maastricht Treaty are implemented by amending the European Communities Act 1972.

## Referendums held on European matters

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## Constitutional practicability of referendum on EU Constitution

No. (UK has no written constitution) Binding referendum requires a legal implementation as a part of the ratification-process. Consultative referendum can anyhow be held if ordered by ad-hoc-law.