

The “No” Vote in the French and Dutch Referenda on the EU Constitution: A Spillover of Consequences for the Wider Europe

One reason why the results from the French and Dutch referenda were so devastating was that many members of the public get the impression that, although we attach conditions to a country’s accession, we do not ourselves take those conditions seriously. That is why the enlargement process has got completely out of hand.

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The Treaty Establishing a Constitution for Europe is widely regarded as a turning point in the history of European integration. It was designed to reconcile two key dimensions of the European construction: the deepening of integration and the need to ensure the democratic character of the European Union (EU).¹ The Constitution provides for the convergence of the model of regional integration and that

of democratic government. It contains simplified legal instruments and procedures which enhance the status of the Union as a political

system. The open deliberations on the constitutional text and its ratification through popular referenda or parliamentary endorsement extend democratic principles and procedures typical of domestic politics to regional integration.

The national referenda on the ratification of the Constitutional Treaty in France and the Netherlands were a vivid illustration of the effort to validate the democratic legitimacy of EU as an actor accountable to the European publics.² The referenda asked whether the citizens of France and the Netherlands agreed with the proposed European Constitution. Unambiguous majorities in both countries rejected the text by 54.7% of the vote in France and 61.6% in the Netherlands.³ The negative outcomes of the referenda had systemic impact. They blocked the ratification process with a potential to paralyze the institutional advancement of EU integration and undermine the credibility of European governance. In reality, however, the immediate effects of the rejection of the Constitution materialized along different lines. The first recipients of the negative consequences of the referenda were the countries outside (but close to) the EU’s membership base. This arti-

cle sheds light on the external regional impact of the “no” vote in France and the Netherlands by exploring its relationship to the enlargement and proximity policy of the Union.

The Argument in Brief

Issues related to Eastern Europe were not an object of the referenda. The eastward enlargement played a role in the national debates on the Constitution but did not act as a significant determinant of the “no” vote. Conversely, the negative consequences of the referenda for Eastern Europe and beyond were not the product of an explicit policy change at the EU-level. They may be explained by the creation of negative issue linkages between the vote on the Constitution and its primary impact, institutional retrenchment within the EU and the national governments. This mechanism of action (however, in a positive direction) is typical of the integration process. Integration theory refers to it as “spillover,” or linkages occurring as integration outcomes in one sector create incentives or demands for integration in other related areas. Spillover denotes the causal mechanism of regional integration, its constantly expanding logic of action across functional areas. It implies gradual incrementalism and the progressive deepening and widening of the process. Although the automatic character of spillover has been questioned or found inadequate to explain the true mechanism of European integration, it has been instrumental to advancing its theory beyond economic determinism. Spillover provides a link to human agency. Political will builds upon its momentum in order to institutionalize newly created interdependencies and assure the irreversibility of the process.

What spillover effects occurred during the ratification of the EU Constitution? The principal outcome of the negative vote in the French and the Dutch referenda was retrenchment and loss of initiative in agenda-setting on behalf of the EU institutions. By design, the ratification of the Constitutional Treaty did not envisage contingency actions in the event of its rejection. The “no” vote was an endogenous shock which seriously undermined the political purpose of the Union. The coherence of its decision-making system was compromised. Individual national and partisan

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priorities took precedent over concerns for the regional interest within its key institutions, the European Council and the European Parliament. Such effects became obvious initially in the EU foreign policy domain in which decision-making occurs predominantly through consensus. The prioritizing of national considerations reopened the discussion of prior shared policy positions. It is through spillover, in this case the creation of issue linkages within the EU external policies, that the negative vote in the French and Dutch referenda led to uncertainty in regard to a continued eastward enlargement. Although the constitutional vote and enlargement were explicitly distinct issues, the rejection of the Constitution produced immediate negative consequences for several tiers of countries in the eastern part of Europe. The new members from Central and Eastern Europe, the countries from Southeastern Europe, the Western Balkans, the former Soviet Union, Turkey, and the wider periphery were adversely affected.⁴ The post-referendum discussion of the open-door enlargement policy of the Union and its regional involvement leads to a conclusion that the broader long-term consequences of the French and Dutch “no” vote are likely to be geopolitical.

The East-European Context of the Vote on the EU Constitution

The adverse regional effects of the French and the Dutch referenda can be determined at the intersection of several political trends: conflicting public perceptions of the value of the 2004 EU enlargement, declining political solidarity in the process of Europe’s reunification, ambivalence in regard to the future enlargements of the Union, most notable vis-à-vis Turkey, and demands for an ultimate definition of Europe to the detriment of an open-border regional system. Eastern Europe thus occupies a dual position in the politics of the national referenda on the EU Constitutional Treaty. It may be regarded both as a context and as a domain significantly affected by their outcomes. The campaign of the “no” vote solicited support by portraying the open character of the Constitution as a proxy for an ever-growing, overly liberal, technocratic and competitive Europe, lacking democratic accountability and mechanisms for social protection. As the Constitutional Treaty assured the unlimited territorial expansion of the Union, the “no” vote linked the enlargement issue to a declining European model whose symbol was the proposed EU Constitution.

Several objective trends contributed to this discourse. The ratification process started in the wake of the 2004 eastward enlargement. By the time of the national referenda, European public opinion on the enlargement issue had become increasingly divided. In 2005, support for future enlargements fell by 3%, to just around 50%. Stable national majorities continued to question the desirability of the quasi-permanent territorial expansion of the Union. Forty percent of Germans opposed any future enlargement; 74% were against Turkey commencing accession negotiations. Support for enlargement was below the EU average also in France (32%) and the Netherlands (45%) (European Commission 2005a, 27).⁵

Such attitudes were not exclusively related to the enlargement policies of the EU. They reflected broader public discontent with its system of governance. Negative opinions on enlargement coincided with a declining trust toward the European institutions. Even in France, where the EU traditionally maintains a good image (53% approval), public confidence dropped sharply in 2005. Trust in the European Parliament was 9% lower than in 2004, compared to a 5% decline in the EU-25 on the average. Trust in the European Commission declined by 8% (6% for the EU-25). Equally revealing is the low EU approval rating in the

Netherlands. Public trust in the European Parliament declined by 12%; trust in the European Commission by 9%.

The low levels of public confidence in the EU at the time of the referenda can be explained by the preceding period of economic restructuring in Western Europe. The national governments were forced to reduce welfare entitlements and lower job protection. At the same time, the eastward enlargement was associated with perceptions of outsourcing of economic growth to the new members from Eastern Europe and further to the east. Under conditions of economic insecurity and declining trust in the political institutions, the ratification process reflected broad public concern over the loss of social welfare due to the expansion of regional integration. Quite vividly, the French “no” mobilization campaign took place under grim posters featuring “the Polish plumber” (or hundreds of thousands of them) taking over the provision of services and creating more unemployment.⁶ Eastern Europe was perceived as a factor contributing to the inability of the national government to preserve the existing social model.

The referenda were clearly not an instance of single-issue voting. They did not reflect public opinion on the proposed constitutional text *per se*, but rather the negative opinion on domestic policies and European governance. The main determinants of the results in the Dutch referendum were the lack of relevant information on the Constitution (32% of the “no” vote), fears of the loss of sovereignty (19%), and opposition to the national government and policies (14%). Only 7% of the voters believed that the EU Constitution would have negative effects on the Netherlands due to enlargement-related relocation of Dutch businesses and the loss of jobs. Three percent rejected the Constitution because it would make a future Turkish membership in the EU possible. Conversely, the majority “no” vote in France was determined by domestic social and political concerns. Thirty-one percent of the voters rejected the Constitution due to anticipated negative effects for the economy associated with the loss of jobs and relocation of businesses, 19% because of the excessive economic liberalism of the Constitutional text, and 18% in opposition to the president, the national government, or political parties. In comparison, disagreement with a future EU membership for Turkey accounted for 6% of the “no” vote; fear of future enlargements motivated 3% of the vote. Although the campaign against the Constitution actively used an Eastern- versus core-Europe rhetoric, the data indicate that disillusionment with the EU enlargement policy was not a direct determinant of the negative results. Conversely, enlargement was not a prominent factor in the mobilization of the “yes” vote, although it was integral to the broad European aspect which motivated it.⁷

While references to Eastern Europe were not explicit in either case, paradoxically, even the casual association between declining economic opportunities in Western Europe and the eastward enlargement during the voting campaign had a negative regional impact at the post-referendum stage. Spillover emerged due to the refocusing of public attention on the value of the *national* social model based on equity, welfare, and national preference to the detriment of the EU-based *regional* liberal economic system based on competition, restructuring, and low-cost economics. The first tier of negative linkages referred to the place of Eastern Europe in EU integration.

Tier One: Eastern Europe as a Diminished Priority

Although the voters in France and the Netherlands were aware of the significance of their political choices for the future design of the Union, the causal impact of the rejection of the

Constitution materialized along different lines: as a spillover from institutional uncertainty at the post-referendum stage. Eastern Europe emerged as a diminished integration priority. The “no” vote reopened a series of controversies among the member states and the EU institutions in regard to the external policies of the Union, including considerable divergence of opinions on the eastward enlargement. The common view was that the Union needed a reflective pause in order to respond to its citizens’ appeal for better functioning European institutions. Such reasoning brought about attempts to reconsider the continued enlargement of the Union as an open system in which all members are also equal stakeholders. Prominent French politicians reintroduced the rhetoric of a multi-speed Europe typical of the early 1990s. Nicolas Sarkozy, president of the governing Union for a Popular Movement, suggested that a leading “G6” group of the largest EU members unite to become the new core of the Union and advance integration where common policies are impossible among all countries (Sarkozy 2005). President Chirac spoke of the need to “take forward the French model” (Chirac 2005).

The EU institutions did not effectively address such instances of policy reconsideration. The latter continued to create negative linkages across issues and participating actors. Due to spillover, enlargement emerged as inseparable from the post-referendum search for a meaningful *modus vivendi* of integration. In many respects it fully replaced that discussion.

Tier Two: Spillover into the Enlargement Policies of the Union

Enlargement is a project directly dependent on the EU Constitution. It will become impossible without a major revision of the currently valid Treaty of Nice (2000) which contains provisions only in regard to the pending 2007 membership of Bulgaria and Romania. The EU Constitution would have provided an institutional mechanism to accommodate the further territorial expansion of the Union.

The “no” vote in the French and Dutch referenda revealed a significant divergence between the policy positions of individual member states and the EU institutions on the enlargement issue, undermining consensus among the European Council, the European Parliament, and the Commission. The Council meeting held in the wake of the referenda (June 2005) failed to include a much-needed reference to the acceding and candidate countries from Eastern Europe under the pretext that enlargement was not a topic of the summit. The previously stated EU commitment to admit Bulgaria and Romania as members in 2007, should they fulfill the criteria for membership, was now open to discussion. The European Parliament engaged in a lengthy and unproductive debate on whether to grant observer status to parliamentarians from the two countries after they signed EU Accession Treaties. Individual EU parliamentarians sought to reexamine the enlargement mandate of the European Commission in order to “reflect the political realities of the European nations” (European Parliament 2005). The debate indicated that an EU-wide policy reversal in the domain of enlargement was a nontrivial possibility. According to observers, the Union’s constitutional crisis severely damaged its integration policy toward the Western Balkans at a time when the EU institutions were expected to update the incentive and conditionality structure of the existing arrangements (RFE/RL 2005).

The Union’s enlargement policy formally remained unchanged. Croatia and Turkey officially opened accession negotiations. Macedonia acquired the status of a candidate country. In substantive and temporal terms, however, enlargement is currently underspecified. Diverging national positions, repeated

compromise, and last-minute concessions diminish the principled character of the policy. The debate among the national governments, the European Commission, and the Council in regard to opening membership negotiations with Turkey demonstrated the immediate negative effects of such conflicting bureaucratic politics.

Tier Three: Spillover into the Discourse on Turkey’s Place in Europe

Although the discussion on the desirability of enlargement as a permanent integration policy was not restricted to the Constitutional Treaty, the referenda conferred to the issue an increased salience, urgency, and intensity—almost the definitional features of a crisis. Under these circumstances, the question of Turkey’s roadmap to accession experienced major policy reconsideration.

In the wake of the referenda, France officially questioned the value of the Union’s open-door enlargement policy. “Is the EU able to expand if we do not have the institutions providing for the smooth functioning of this enlarged Union?” President Chirac asked, withdrawing political support for an inclusive system of regional integration in Europe (Gouillaud 2005). This rhetoric implicitly questioned the wisdom of the planned accession negotiations with Turkey. Domestic political discourse sought a revision of the French position on Turkey’s EU membership at the level of institutions (the National Assembly and the executive) and political parties (most notably, the party in government, the Union for a Popular Movement). France demanded that Turkey recognize Cyprus as a precondition for commencing accession negotiations.⁸ In a cascade-like manner, prominent European politicians and political circles in Austria, Germany, Sweden, and other countries openly expressed preparedness for a reversal of the EU enlargement policy toward Turkey. Austria demanded that Turkey be granted at most a privileged partnership. A last-minute Franco-British compromise extended the timeframe of Turkey’s recognition of Cyprus as a precondition for accession negotiations (Browne 2005). The European Parliament postponed its vote on the commencement of official negotiations with Turkey and included additional conditions in its roadmap to membership, such as recognizing the killings of Armenians in 1915 as genocide. In a declaration on the opening of accession negotiations, President of the European Commission Barroso stated: “Europe must learn more about Turkey. And Turkey must win the hearts and minds of European citizens. They are the ones who at the end of the day will decide about Turkey’s membership” (European Commission 2005d).

It is obvious that the precedent of the French and the Dutch referenda is now linked to the enlargement discourse. It is therefore also obvious that the EU lacks a political consensus on the rationale of its continued enlargement in the post-Cold War era.

Further Spillover: Consequences for the Definition of Europe

The next consecutive tier of consequences from the French and Dutch referenda refers to their symbolic impact over the endgame of European integration: the EU’s geopolitical status. The crisis in the external domain of the Union brought about by the rejection of the Constitution is not unprecedented. Its systemic coherence has been previously undermined in other foreign policy controversies. The 2003 U.S.-led campaign in Iraq split the EU core into Atlanticist and anti-war coalitions and established a dividing line between the “old” and the “new” Europe. That incident produced extensive speculation but no significant policy change. The EU system returned to

equilibrium in the short-term. In contrast, the present crisis is likely to have long-term effects. The negative outcome of the French and Dutch referenda prepared the ground for institutionalizing a new division in Europe paradoxically reemerging in the process of its reunification. For the first time in the history of the EU, the logic of integration—that of progressive functional and territorial expansion—has been interrupted.

The decline in cohesiveness and policy consistence among the EU institutions has a potentially disruptive effect for all acceding and candidate countries. What kind of a union are they aspiring to become members of? The countries from Eastern Europe view the EU as an anchor to their economic and political reforms. Its image of a political system whose citizens' trust is in decline diminishes other EU-oriented strategies for the democratization of the European periphery. In the wake of the constitutional crisis, public approval of the EU fell in all new member states, acceding, and candidate countries in Eastern Europe (European Commission 2004a; 2005a).

The "no" vote on the EU Constitution was followed by a broad consensus that the EU would need a pause for reflection. However, the national interpretations of its substance and purpose vary greatly. Political circles in France largely consider the pause necessary in order to adjust to voter disagreement with the principles of the EU's rapid constitutionalization. The British position differs in its understanding of the value of a post-referendum reflection. The UK favors a continued enlargement and understands the pause as a stage preparing for the "modernization" and reform of the Union (Blair 2005). The different and often conflicting views on the appropriate policy of change will most likely materialize in the indeterminacy of enlargement rather than in a principled revision of the Constitutional Treaty. European political discourse already reflects this anomaly. "Europe should have borders" became a key political message not only implying that the EU needs to be a well-defined territorial entity (Sarkozy 2005). It demands that the Union remain confined to Western and Central Europe, in stark contrast to its own programmatic declaration that "the only boundary of the European Union is democracy and human rights" (European Council 2001).⁹

Political elites have sought to respond to public fears related to the EU Constitution through the context of enlargement. Following democratic principles, a number of states now make future accessions to the Union contingent upon public approval in the current members. Such procedures display certain populist overtones and effectively diminish the political responsibility of national elites in EU decision-making. The absence of clear procedures for deliberative governance creates conditions for replacing the European agenda with domestic politics. Distrustful and vulnerable segments of the West-European publics, disengaged from the European construction due to domestic political reasons, are likely to continue to vote down common European projects. In this scenario the EU will become increasingly entrenched within its current widely advertised, however declining, model of "unity in diversity." The broader spillover effects of the "no" vote on the EU Constitution in France and the Netherlands thus amount to a symbolic pause in the effort to consolidate the wider European system through openness and reform.

Analysis: Theoretical Relevance of the Constitutional Referenda

The national referenda on the ratification of the EU Constitution provide critical insights into the workings of democracy in a post-national context. They formally comply with the propositions of democratic theory by demonstrating both outcome creation in line with the popular will and elite responsiveness to

public demands. The negative vote in France and the Netherlands halted further consideration of the Constitution. At the same time, the referenda demonstrated the vulnerability of an EU-wide democratic process. Although the "no" vote was a clear majority, it did not truly represent the median voter, or the popular will. The simple aggregation of individual voting preferences in the national referenda does not mean that a majority of the citizens in either France or the Netherlands rejected the Constitution because they *as a majority* shared an alternative idea of Europe. The "no" vote was comprised of political positions ranging from the radical left to the extreme right which do not have a common European project. The party proximity of the Dutch citizens who voted against the Constitution reveals incompatible political views. Eighty-seven percent of the supporters of the Socialist Party (PS) voted "no" but only 46% of those close to the Dutch Green Left (GroenLinks), together with 95% of voters outside the mainstream parties. In France, 94% of the supporters of the French Communist Party and 95% of the National Front/National Republican Movement (FN/MNR) rejected the Constitution, representing parties with profoundly different ideological orientations. As European Commissioner Louis Michel noted: "Forty-five percent of the French are for the Constitution. Does the European project of the extreme right have anything in common with the socialists who voted 'no'?" (Michel 2005).¹⁰

All these categories of voters are vulnerable to the open character of integration, including immigration and the eastward enlargement, but the parties on the left and the far right which represent them have different policy positions on EU integration. What unites them is their opposition to the national government. The negative vote on the Constitution was also a vote of dissatisfaction with government policies. It had significant domestic political consequences seriously undermining the position of the executive both in France and the Netherlands. French President Chirac admitted that the question the citizens chose to answer at the referendum was not one about the EU Constitution (Chirac 2005). The public transformed the referenda into a "no confidence" vote on the national government and the political parties of the establishment, despite the European content of the issue. The referenda provided evidence that, although formally an instance of single-issue voting, such procedures often represent a multiplicity of demands and policy dimensions hardly captured in the question itself (Tsebelis 2002, 117). While in line with democratic theory, their outcomes do not fully reflect the single-issue organizing principles of the referenda. Domestic concerns, national social models, EU membership, and political trust—only broadly influenced by the Union's enlargement policies—replaced the specific question on the proposed text of the EU Constitution and determined its outcomes in two of the founding states. Conversely, although the behavior of the national elites in the wake of the referenda reflected the popular will, it failed to address the need for a continued focus on the Constitution itself. Through negative spillover, political discourse related the constitutional failure to the Union's enlargement policies.

The two referenda created a powerful precedent. For the first time procedures and outcomes at the national level produced an EU-wide change contrary to the integration logic of consensus and compromise. They also revealed the potential of any sub-set of preferences within individual nation states to prevail over a general regional preference.

From a methodological point of view the ratification process suffered from a typical individualistic fallacy. Select individual observations imposed certain conclusions in regard to the entire population without a valid measurement of the characteristics of all cases. National referenda may be of limited utility as an aggregate measure of the popular will in the EU.

Conclusion

The rejection of the EU Constitution as a result of the national referenda in France and the Netherlands seriously affected the evolution of the Union as a political system. The referenda caused a crisis in all components of European governance: institutions, actors, and policy process. It is through the mechanism of spillover that the negative consequences of the vote affected

Notes

1. The key elements of the EU Constitution are: granting the EU a single legal personality under domestic and international law, dismantling the existing pillar structure, defining the powers of the EU institutions and simplifying the legal instruments and decision-making procedures, incorporating the Charter of Fundamental Rights as an integral part of the Constitution, and enhancing the role of the national parliaments in EU-level decision-making.
2. The majority of the EU member states envisaged ratification of the Constitution in a parliamentary process. Several countries had planned the ratification to occur through a public vote (the Czech Republic, Denmark, France, Ireland, Luxembourg, the Netherlands, Poland, Portugal, Spain, and the UK). Spain was the first country to ratify the Constitution following a referendum, by a “yes” vote of 76.73%. The referendum in Luxembourg approved the Constitution by 56.5% of the vote. In the wake of the French and the Dutch vote the European Council decided that the remaining referenda be put on hold. The referendum in the UK has been canceled.
3. The voter turnout rate was 69.3% in France and 62.8% in the Netherlands. See European Commission (2005b; 2005c).
4. The eastern part of Europe and the wider European periphery are comprised of several tiers of countries. Eight Central- and East-European states, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia, became EU members in 2004 (together with Malta and Cyprus). Bulgaria and Romania are acceding countries. Having signed EU Accession Treaties in 2005, they are expected to join the Union in 2007. Croatia and Turkey have the status of candidate countries and have officially opened accession negotiations. Macedonia has been recognized as a candidate country. The remaining countries in the Western Balkans, Albania, Bosnia-Herzegovina, and Serbia and Montenegro are in the process of signing and implementing association agreements with the EU. The “Wider Eu-

the countries outside the EU. Negative issue linkages developed between the renationalization of the external policies of the Union and the prospects of its continued enlargement to the east. By allowing a spillover of retrenchment to affect its external domain, the EU has imposed limitations on its own capacity as an agent of political change. Such policy choices are likely to have significant geopolitical effects.

5. The following paragraphs will quote data from *Eurobarometer* 63 (July 2005). See European Commission (2005a).
6. It should be noted that economic data for the 1990s indicate that only the trade surpluses of the EU with the big four Central European countries created 114,000 jobs in the old member states. Although West-European foreign direct investment to Eastern Europe amounted to 20% of their total investment, its share in total corporate investment in Western Europe was marginal (Barysch 2005).
7. The three major reasons for the “yes” vote in the Netherlands were belief in the European construction, a common European identity, and recognition of the need to secure the smooth running of European institutions. The main determinants of the “yes” vote in France were the belief that the Constitution is essential for the European construction (39%) and the voters’ standing approval of EU integration (16%) (European Commission 2005b; 2005c).
8. The original conditions set by the European Council in December 2004 required that Turkey extend its customs union with the EU (effective since 1995) to the new member states, including Cyprus, prior to opening accession negotiations.
9. The Laeken European Council (2001), which issued the solemn Laeken Declaration, announced the EU Convention and opened the Constitution-writing process. The Convention prepared the Draft of the EU Constitutional Treaty.
10. Author’s translation.

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