

As a presidency country of the Council, the German government is promoting the European Constitution as its priority task.

For that purpose the chancellor Angela Merkel has sent 12 questions to be answered by every member country by the 4th of May.

These questions imply no real need or wish of rewriting the text of the dead version ratified by 17 Member States (excluding Germany). Germany wants to make only minor changes to the text.

The key phrase is the question n:o 3: the different terminology will be used "without changing the legal substance".

The treaty will not be referred as a Constitution any more, because the purpose of the federalists is to get rid of the referenda in all Member States. A referendum in any country is too big a risk to be taken in the rebirth of the Constitution which must be approved unanimously.

Here are the questions leaked out in Sweden. They should be read as cosmetic changes which will be dealt with in the next Intergovernmental Conference scheduled to start as early as possible after the Brussels Summit of 21.6.2007.

The 12 questions (which are a hidden constitutional agenda) to be answered by the MSs to the German government by 4.5.2007:

1. How do you assess the proposal made by some Member States not to repeal the treaties but to return to the classical method of treaty changes while preserving the single legal personality and overcoming the pillar structure of the EU?

2. How do you assess in that case the proposal made by some Member States that the consolidated approach of part 1 of the Constitutional Treaty is preserved, with the necessary presentational changes resulting from the return to the classical method of treaty changes?
3. How do you assess in that case the proposal made by some Member States to use different terminology without changing the legal substance for example with regard to the title of the treaty, the denomination of EU legal acts and the Union's Minister for Foreign Affairs?
4. How do you assess the proposal made by some Member States to drop the article that refers to the symbols of the EU?
5. How do you assess the proposal made by some Member States to drop the article which states the primacy of EU law?
6. How do you assess the proposal made by some Member States that Member States will replace the full text of the Charter of Fundamental Rights by a short cross reference having the same legal value?
7. Do you agree that the institutional provisions of the Constitutional Treaty form a balanced package that should not be reopened?
8. Are there other elements which in your view constitute indispensable parts of the overall compromise reached at the time?
9. How do you assess the proposal made by some Member States concerning possible improvements/clarifications on issues related to new challenges facing the EU, for instance in the fields of energy/climate change or illegal immigration?
10. How do you assess the proposal made by some Member States to highlight the Copenhagen criteria in the article on enlargement?

11. How do you assess the proposal made by some Member States to address the social dimension of the EU in some way or the other?

12. How do you assess the proposal made by some Member States applying opt-in/out provisions to some of the new policy provisions set out in the Constitutional Treaty?