

National Parliaments Background Briefing (November 2016)

PROCEDURES OF RATIFICATION OF MIXED AGREEMENTS

SUMMARY

COUNTRY	NATIONAL/FEDERAL LEVEL		REGIONAL LEVEL	POSSIBLE REFERENDUM
	<i>Approval</i>	<i>Chambers</i>	<i>Approval</i>	
Austria (AT)	✓	2/2	X	✓
Belgium (BE)	✓	2/2	✓	X
Bulgaria (BG)	✓	1/1	X	✓
Croatia (HR)	✓	1/1	X	✓
Cyprus (CY)	✓	1/1	X	X
Czech Republic (CZ)	✓	2/2	X	X
Denmark (DK)	✓	1/1	X	✓
Estonia (EE)	✓	1/1	X	X
Finland (FI)	✓	1/1	X	X
France (FR)	✓	2/2	X	✓
Germany (DE)	✓	2/2	X	X
Greece (EL)	✓	1/1	X	✓
Hungary (HU)	✓	1/1	X	X
Ireland (IE)	✓	1/2	X	✓
Italy (IT)	✓	2/2	X	X
Latvia (LV)	✓	1/1	X	X
Lithuania (LT)	✓	1/1	X	✓
Luxembourg (LU)	✓	1/1	X	X
Malta (MT)	X	0/1	X	X
The Netherlands (NL)	✓	2/2	X	✓
Poland (PL)	✓	2/2	X	✓
Portugal (PT)	✓	1/1	X	X
Romania (RO)	✓	2/2	X	✓
Slovakia (SK)	✓	1/1	X	✓
Slovenia (SI)	✓	1/2	X	X
Spain (ES)	✓	2/2	X	X
Sweden (SE)	✓	1/1	X	X
United Kingdom (UK)	✓	2/2	X	✓
TOTAL	27/28 Member States 38/41 Federal Chambers		1 Member State	14/28 Member States

SOURCES NOTE:

The information provided in this document is the product of research into national constitutions of EU Member States, institutional documents, an academic study (Eschbach, Anna, University of Cologne, The Ratification Process in EU Member States, 2015), and information provided by representatives of the EU's 28 national parliaments in November 2016.

NATIONAL PROCEDURES OF MIXED AGREEMENT RATIFICATION

AUSTRIA (AT)	Bicameral: National Council, Federal Council Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The National Council in cooperation with the Federal Council must approve the ratification of the majority of mixed agreements. - No regional bodies formally participate in the ratification procedure. - A referendum is possible under specific conditions at the request of the National Council. 	
Specifics:	
<p>Treaties that modify or complement existing Austrian laws may only be concluded with approval – in form of a decision – of the National Council. This is achieved by a simple majority of the votes cast, following up to three readings. The Federal Council has the right to object or in specified cases to approve. Referendums are not provided for international treaties according to Austrian law. The National Council may, however, wish to have a referendum on an optional federal law that authorizes the ratification of such a treaty.</p>	

BELGIUM (BE)	Bicameral: Kamer/Chambre, Senaat/Sénat Parliaments of the federated entities: Flemish, Walloon, Brussels-Capital, German-speaking Community, Walloon-Brussels Federation, French-speaking Community in Brussels, Joint Assembly of the Common Community Commission in Brussels
Overview:	
<ul style="list-style-type: none"> - The Kamer/Chambre has to approve all mixed agreements. The Senate/Sénat no longer has ratification powers. - The parliaments of the federated entities in Belgium must also approve mixed agreements if the content of the agreement touches upon their competences. - Referendums are not provided for according to Belgian law. 	
Specifics:	
<p>The draft/proposal to approve a mixed agreement is sent to the House of representatives from which point it is dealt with by the competent committee. Following discussions and a vote in this committee, the text is then subjected to a vote in a plenary session determined by a simple majority. Where agreements directly affect federated competences, approval from the competent parliaments of the federated entities is required. There are potentially 7 parliaments concerned. The required parliamentary approval in Belgium is concluded only when all competent parliaments of the federated entities and the Kamer/Chambre have given their consent. There is no scope for a referendum on mixed agreements.</p>	

BULGARIA (BG)	Unicameral: National Assembly Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The National Assembly must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - Following a resolution of the National Assembly, a referendum may be held. 	
Specifics:	
Ratification of mixed agreements result from an act of assent to the National Assembly, which undergoes two readings. Following this, parliamentary approval is provided with a simple majority of Members present at the vote.	

CROATIA (HR)	Unicameral: National Assembly Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The National Assembly must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - Possibility of a binding referendum. 	
Specifics:	
Agreements that are of a political or military nature, or that contain financial commitments must be ratified by the National Assembly. In these instances, a single vote is required in the chamber for approval. A binding referendum may be held where at least 10% of eligible voters so request.	

CYPRUS (CY)	Unicameral: House of Representatives Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - Mixed agreements require parliamentary ratification. - No regional bodies formally participate in the ratification procedure. - No possibility of a referendum. 	
Specifics:	
The Constitution of the Republic of Cyprus provides that international agreements relating to commercial matters and economic co-operation shall be concluded under a decision of the Council of Ministers while, any other treaty, convention or international agreement shall be negotiated and signed under a decision of the Council of Ministers, and shall only be operative and binding on the Republic when approved by the House of Representatives. Therefore, the competent Ministry (Ministry of Energy, Commerce, Industry and Tourism) will first submit a relevant bill of law for consideration to the Council of Ministers and the Bill will be subsequently submitted to the House of Representatives for consideration and, eventually, ratification.	

CZECH REPUBLIC (CZ)	Bicameral: Chamber of Deputies, Senat Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - Both the Chamber of Deputies and the Senat must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - A referendum is possible. 	
<p>Specifics:</p> <p>International agreements and those concerning legal commercial issues require approval of both Chambers through entirely separate processes of ratification. Once the consent is given by both chambers (regardless of which one comes first), the agreement then must be formally ratified by the President of the state. If one of the chambers refuses to give its consent or does not finish the whole procedure, the treaty cannot be ratified. A referendum may be possible where the Parliament adopts a special law allowing for it. So far, this has only happened with the ratification of the Lisbon Treaty.</p>	

DENMARK (DK)	Unicameral: Folketinget Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - Where considered to be of major national importance or if the agreement entails legislation, the Folketinget must give its consent to the government's ratification of mixed agreements. - No regional bodies formally participate in the ratification procedure. - A consultative referendum is possible. 	
<p>Specifics:</p> <p>Ratification of international agreements are a task for the government – unless an agreement is considered of major importance or fulfilment of the agreement entails legislation. In these cases the Folketing must give its consent to the to the government's ratification. An international agreement can be ratified in the Folketing by a resolution (two readings) or by bill (three readings). Bills and resolutions are adopted by simple majority. All votes require a quorum comprising half of its members for a vote to be valid.</p>	

ESTONIA (EE)	Unicameral: Riigikogu Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The vast majority of mixed agreements require a procedure of ratification by the Riigikogu. - No regional bodies formally participate in the ratification procedure. - No referendum on mixed agreements is permitted. 	
<p>Specifics:</p> <p>The Riigikogu must ratify mixed agreements where said agreements: (a) modify a state border; (b) require the passage, amendment or repeal of Estonian laws; (c) allow for Estonia to join an international organisation or union; or (d) allow for the assumption of military or financial obligations. Following an act of assent, two readings are required for parliamentary approval and subsequent ratification, unless the management committee deems necessary a third reading. Parliamentary approval requires a simple majority in the final reading before being signed by the Estonian President.</p>	

FINLAND (FI)	Unicameral: Eduskunta Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The Eduskunta must ratify mixed agreements. - No regional bodies formally participate in the ratification procedure. - A non-binding, consultative referendum is permitted. 	
Specifics:	
<p>Mixed agreements require formal approval by the Eduskunta. Following preparation by the relevant committee, two readings take place. Following a successful vote based on a simple majority threshold, the President has three months to sign the agreement into law. Failure to do so refers the agreement in question back to the Parliament. A consultative referendum on such agreements is allowed, but is under no circumstances to be considered binding.</p>	

FRANCE (FR)	Bicameral: Assemblée Nationale, Sénat Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - Both the Assemblée Nationale and the Sénat must authorise the ratification of mixed agreements. - No regional bodies formally participate in the ratification procedure. - A referendum may be held. 	
Specifics:	
<p>Where a mixed agreement concerns trade, state finances, civil statuses or legal provisions, approval of both chambers is necessary. Approval begins in the National Assembly or the Senate with the Foreign Affairs Committee and is then subject to debate in a plenary session during which the text as a whole is voted on. Following successful passage in the house, the file is then sent to the other house where the same process ensues. If the Senate disagrees with the National Assembly, the National Assembly can have the final say. A referendum may be held.</p>	

GERMANY (DE)	Bicameral: Bundestag, Bundesrat Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The Bundestag must ratify all mixed agreements. - The Bundesrat has the power to object to a mixed agreement, but is not necessarily required to provide its consent. - No regional bodies formally participate in the ratification procedure. - No possibility of a referendum. 	
Specifics:	
<p>Mixed agreements require the approval of both houses following the general legislative procedure. However, the Bundesrat may only object to the proposed agreement except in cases where the issues concerned require approval in accordance with the German Constitution. Once submitted by the Federal Government, the Bundestag adopts a bill in first reading, which is then sent to the Bundesrat (as basis for the discussions in the house) and who has its say on the bill (objection, no objection or consent/reference to the reconciliation committee). After this decision and – only if necessary – the reconciliation procedure and a second vote in the Bundesrat, the second reading in the Bundestag can take place. There is no scope for a referendum.</p>	

GREECE (EL)	Unicameral: Hellenic Parliament Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The Hellenic Parliament must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - A referendum is possible, though unlikely. 	
<p>Specifics:</p> <p>All agreements concerning trade, tax, economic cooperation or cooperation with international organisations and/or associations require formal approval of the Hellenic Parliament. The agreement, upon receipt by the Hellenic Parliament, is sent to the relevant committee and subsequently voted on in plenary. For a referendum to occur two fifths of the Parliament must propose this and approval for said referendum requires a three-fifths majority of Members.</p>	

HUNGARY (HU)	Unicameral: National Assembly Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The Hungarian Assembly must ratify mixed agreements. - No regional bodies formally participate in the ratification procedure. - A referendum is not possible. 	
<p>Specifics:</p> <p>Mixed agreements are subject to ratification by the National Assembly. According to this procedure, the Government proposes a bill on an international agreement, which is then debated at committee level. This is then followed by a detailed discussion on the proposal in the plenary prior to a vote in the plenary. According to the Constitution, no referendum may be held on obligations arising from international treaties.</p>	

IRELAND (IE)	Bicameral: Dáil Éireann, Seanad Éireann Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - Approval from the Dáil is required to ratify mixed agreements. - No regional bodies formally participate in the ratification procedure. - A binding referendum is possible. 	
<p>Specifics:</p> <p>The Dáil must provide an approval subsequent to a positive vote with a majority of Members present. A legally binding referendum occurs where an agreement requires an amendment of the Irish Constitution. In remaining cases, a referendum may be required where a majority of Senate members and at least one third of Members of the House of Representatives make a request to the President.</p>	

ITALY (IT)	Bicameral: Camera dei deputati, Senato Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - Both the Camera dei deputati and the Senato must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - No possibility of referendum. 	
<p>Specifics:</p> <p>All agreements which are of a political nature, or which call for arbitration or legal settlements, or which entail changes to the national territory or financial burdens or changes to legislation require ratification by the Italian Parliament. Discussions occur in both chambers at the committee and plenary stages. Referendums in Italy are not admissible in the case of laws authorising the ratification of international treaties.</p>	

LATVIA (LV)	Unicameral: Saeima Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The Saeima must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - No possibility of a referendum. 	
<p>Specifics:</p> <p>All agreements that concern national legislative matters are subject to parliamentary approval. Following two readings and a consultation by the competent committee, approval may be granted through an absolute majority. While agreements that transfer competences to the EU or change Latvia's membership conditions are subject to referendums, the Latvian Constitution prohibits referendums on agreements concerning foreign states.</p>	

LITHUANIA (LT)	Unicameral: Seimas Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The Seimas must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - A binding referendum is possible. 	
<p>Specifics:</p> <p>All multilateral and/or long-term economic agreements require ratification by the Lithuanian Parliament. Following recommendations of relevant committees, the majority of representatives present (with a quorum of at least two fifths of Members) may approve an act of assent. Approval of law via referendum is permitted if at least 300,000 citizens so demand and that at least half of eligible voters participate.</p>	

LUXEMBOURG (LU)	Unicameral: Chambre des députés Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The Chamber of Deputies must approve all mixed agreements. - No regional bodies formally participate in the ratification procedure. - No possibility of a referendum. 	
Specifics:	
<p>The Luxembourg Chamber of Deputies has the right to scrutinise all draft legislation in the relevant committees before its adoption into law. It is subsequently examined by the State Council, which, though not a second chamber per se, carries out checks for the legislation's compliance with the Constitution. Upon approval from the State Council, the Chamber of Deputies may vote on the legislation in a plenary session with the majority of Members present. An absolute majority is required for the law to pass. All forms of international agreement must undergo this procedure. No provisions are in place to allow for a binding referendum.</p>	

MALTA (MT)	Unicameral: Chamber of Deputies Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The Chamber of Deputies must ratify agreements that touch upon issues of sovereignty and territory, independence and membership of multinational organisations only. - No regional bodies formally participate in the ratification procedure. - A referendum is possible, though unlikely. 	
Specifics:	
<p>Only agreements that touch upon Malta's security, sovereignty, independence, territorial integrity, or relations with a multinational organisation require parliamentary ratification. For legislation that falls under these areas, stakeholder consultations, three readings in the Chamber, as well as committee consultation take place. A simple majority is required in the Chamber for an agreement to receive parliamentary approval. With the exception of cases of constitutional amendment, referendums may only occur at the behest of the Parliament and subsequent approval by the government. This has only been the case on one occasion to date.</p>	

THE NETHERLANDS (NL)	Bicameral: House of Representatives, Senate Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The vast majority of agreements require parliamentary ratification. - No regional bodies formally participate in the ratification procedure. - Possibility of referendum. 	
Specifics:	
<p>The vast majority of agreements require parliamentary ratification. Areas of international agreements that are not specified in the Constitution concerning the ratification procedure require a decision by the Parliament with a two-thirds majority vote. Following committee discussions and regular consultations with the relevant minister in both Chambers, a simple majority vote in both Chambers provides parliamentary approval for the agreement. Following this, the law can then be subject to a referendum.</p>	

POLAND (PL)	Bicameral: Sejm, Senate Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - Generally, mixed agreements must be ratified by both Houses. - No regional bodies formally participate in the ratification procedure. - Possibility of a binding referendum. 	
Specifics:	
<p>Approval is required for agreements that concern (1) peace, alliances, political or military treaties; (2) freedoms, rights or obligations of citizens, as specified in the Constitution; (3) the Republic of Poland's membership in an international organization; (4) considerable financial responsibilities imposed on the State; (5) matters regulated by statute or those in respect of which the Constitution requires the form of a statute. Following committee consultation and three readings in the Sejm, the proposal is passed to the Senate for consent. A referendum may be possible where the topic in question is deemed to be of special national interest.</p>	

PORTUGAL (PT)	Unicameral: Assembly of the Republic Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The Assembly of the Republic must ratify all mixed agreements. - Regional bodies formally participate in the ratification procedure where regional issues are concerned; a non-binding opinion may be provided. - A referendum is possible, but unlikely. 	
Specifics:	
<p>The Portuguese Assembly must approve agreements that affect domestic legislative competencies or issues of foreign policy, defence and membership of international organisations. This process includes committee scrutiny and a final debate in plenary. Regional assemblies may participate in the legislative procedure where the agreement in question touches on regional matters by means of the provision of an opinion to the Assembly of the Republic. Referendums on specific articles of agreements are permitted where an issue of the national interest is at stake.</p>	

ROMANIA (RO)	Bicameral: Chamber of Deputies, Senate Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - Both Chambers must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - Possibility of referendum, though unlikely. 	
Specifics:	
<p>Both Chambers must provide approval for international agreements first passing through the Chamber of Deputies followed by the Senate. Reports from competent committees and opinions of others are conducted prior to a vote. On issues of national interest, the President may call a referendum. Nevertheless, previous referendums have only concerned issues requiring constitutional amendment.</p>	

SLOVAKIA (SK)	Unicameral: National Council Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The National Council must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure. - No possibility of referendum. 	
Specifics:	
<p>International agreements of a political or commercial nature or those that require a new law for its implementation are subject to parliamentary approval with at least three-fifths of all elected MPs. Referendums may only occur in instances of constitutional amendment and/or transfer of competences away from the national level.</p>	

SLOVENIA (SI)	Bicameral: National Assembly, National Council Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - The National Assembly must ratify mixed agreements, but not the National Council. - No regional bodies formally participate in the ratification procedure. 	
Specifics:	
<p>Agreements require the approval of only the National Assembly, not the National Council. According to the Rules of Procedure, the National Assembly ratifies international treaties with a law. The ratification of a treaty is subject to the provisions of these Rules of Procedure that apply to the urgent procedure. The treaties are ratified at the plenary session, after the discussion at the working body responsible (i.e. Committee on Foreign Policy). The treaties are usually ratified by majority.</p>	

SPAIN (ES)	Bicameral: Congreso de los Diputados, Senado Regional parliaments: n/a
Overview:	
<ul style="list-style-type: none"> - Both houses must approve mixed agreements. - No regional bodies formally participate in the ratification procedure. - No possibility of referendum. 	
Specifics:	
<p>All agreements of a political nature or that require changes in the domestic legislature require the approval of both Houses. First passing through the Chamber of Deputies' committees and a plenary vote, the Senate then has two months during which to veto the agreement by absolute majority. Such a veto may then be overruled in the Chamber of Deputies with an absolute-majority vote. A referendum is only possible where a constitutional amendment is required.</p>	

SWEDEN (SE)	Unicameral: Riksdag Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - The Riksdag must ratify all mixed agreements. - No regional bodies formally participate in the ratification procedure beyond consultation. - No possibility of referendum. 	
<p>Specifics:</p> <p>Where agreements require changes in national law, allow for a new treaty or affects trade and commerce law, the Riksdag must provide its approval. This process involves regional and committee inquiries following which two plenary session are held on the topic. With the exception of instances of constitutional amendments, no referendums may be held.</p>	

UNITED KINGDOM (UK)	Bicameral: House of Commons, House of Lords Regional parliaments: n/a
<p>Overview:</p> <ul style="list-style-type: none"> - Both Houses must ratify mixed agreements, though the Lords may only delay such an agreement. - No regional bodies formally participate in the ratification procedure. - Possibility of referendum, though unlikely where constitutional issues are not concerned. 	
<p>Specifics:</p> <p>The House of Commons may indefinitely delay, but not formally reject a mixed agreement. Whereas the House of Lords may only delay its ratification on one occasion. Relevant committees of both Houses debate the agreement before passing it on for a plenary session. The agreement first goes through the Commons and must, in both Houses, be approved by a simple majority of Members present. Non-binding referendums are possible upon the request of Parliament but are generally unprecedented where constitutional issues are not concerned.</p>	