

Treaty of Lisbon: concerns of the Irish people in the areas of right to life, family, education, taxation and military neutrality. Protocol

2011/0815(NLE) - 06/10/2011 - Legislative proposal

PURPOSE: to revise the Treaties with respect to the inclusion of a Protocol on the concerns of the Irish people on the Treaty of Lisbon.

PROPOSED ACT: Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon.

CONTENT: on 19 June 2009, the Heads of State or Government of the 27 Member States of the European Union, meeting within the European Council, adopted a decision on the concerns of the Irish people on the Lisbon Treaty on the right to life, family and education, taxation, and the security and defence.

The Heads of State or Government also stated that at time of the conclusion of the next Accession Treaty, they would set out the provisions of this Decision in a Protocol to be attached in accordance with their respective constitutional requirements, to the Treaty on the European Union and the Treaty on the Functioning of the European Union.

According to what was decided by the Heads of State or Government on 20 July 2011, the Irish Government submitted to the Council a draft for the revision of treaties with respect to the inclusion of a Protocol on the concerns of the Irish people on the Treaty of Lisbon.

The Draft under review reproduces the text of the decision of the Heads of State or Government. Its main elements are the following:

Right to life, family and education: the Protocol stipulates that nothing in the Treaty of Lisbon attributing legal status to the Charter of Fundamental Rights of the European Union, or in the provisions of that Treaty in the area of Freedom, Security and Justice affects in any way the scope and applicability of the protection of the right to life, the protection of the family in Article 41 and the protection of the rights in respect of education provided by the Constitution of Ireland.

Taxation: nothing in the Treaty of Lisbon makes any change of any kind, for any Member State, to the extent or operation of the competence of the European Union in relation to taxation.

Security and Defence: the draft Protocol stipulates, inter alia, the following points:

- the Union's common security and defence policy does not prejudice the security and defence policy of each Member State, including Ireland, or the obligations of any Member State;
- the Treaty of Lisbon does not affect or prejudice Ireland's traditional policy of military neutrality;
- any decision to move to a common defence will require a unanimous decision of the European Council. It would be a matter for the Member States, including Ireland, to decide, in accordance with the provisions of the Treaty of Lisbon and with their respective constitutional requirements, whether or not to adopt a common defence;
- the Treaty of Lisbon does not provide for the creation of a European army or for conscription to any military formation;
- it will be a matter for Ireland or any other Member State, to decide, in accordance with any domestic legal requirements, whether or not to participate in any military operation.