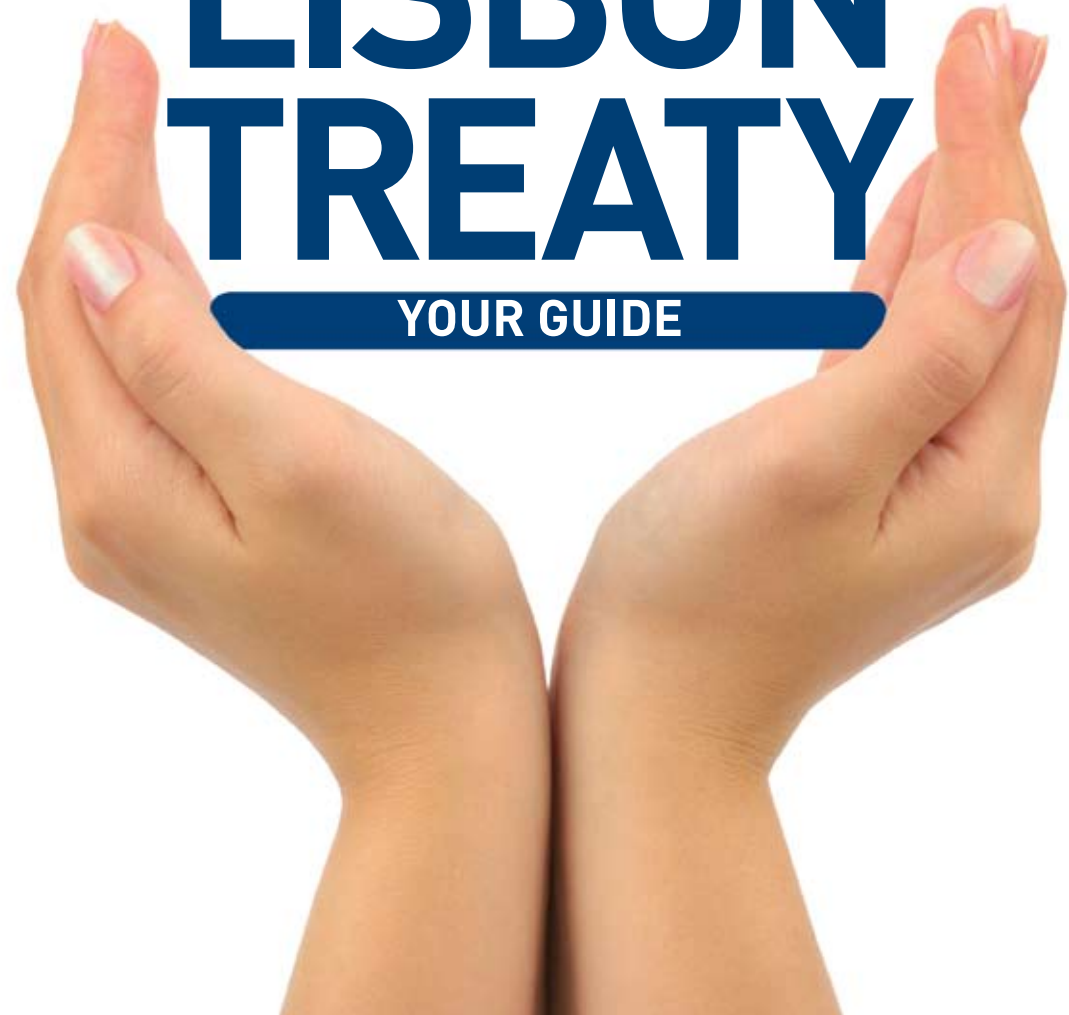




THE LISBON TREATY

YOUR GUIDE



The Referendum Commission

The Referendum Commission is an independent body set up by the Referendum Act 1998. The Chairman of the Commission is Mr Justice Frank Clarke. The other members are: Mr Kieran Coughlan, Clerk of the Dáil; Ms Deirdre Lane, Clerk of the Seanad; Ms Emily O'Reilly, Ombudsman and Mr John Buckley, Comptroller and Auditor General.

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This publication is also available in Braille and on audio tape through the National Council for the Blind.

What you are being asked on October 2nd

When you go to vote, you will be asked to vote Yes or No to a proposal to amend the Constitution to allow Ireland to ratify the Lisbon Treaty and implement the provisions of that Treaty.

This booklet was printed using paper sourced from a sustainably managed forest.

Introduction

This leaflet has one simple purpose: to help you, the voter, understand the Lisbon Treaty before you vote in the referendum on October 2nd.

The Treaty is mainly concerned with changing the way the EU makes decisions and it also affects some of its powers. If the Treaty is approved in the referendum and ratified by all 27 member states, including Ireland, the proposed changes will come into force.

Our job in the Referendum Commission is to explain, as factually and clearly as possible, what you are voting on. We do not argue for a yes or a no vote: but we do strongly encourage you to vote.

In this leaflet we outline the main changes that the Lisbon Treaty would make in the EU institutions, and in the way the EU makes its decisions. We also explain the effect, if any, the Treaty would have on key issues which research has shown some voters were concerned about in the 2008 referendum.

A more detailed handbook is available in post offices, libraries, garda stations and citizens information centres. This handbook and other information is also available on our website: www.lisbontreaty2009.ie. You can order a copy of the handbook to be posted to you by calling **1890 270 970**.



Frank Clarke

Chairman
Referendum Commission



Lisbon – the main proposed changes

The Lisbon Treaty proposes to make a number of changes to the way in which the EU is run and how it makes decisions. This would happen largely through changes in the EU institutions.

Here we outline how these institutions now operate and how they would be affected by the proposed changes.

The European Commission

PRESENT POSITION

Who is on it? One Commissioner from each member state - there are 27 Member States and 27 Commissioners. A new Commission is due to be appointed towards the end of 2009. If the Lisbon Treaty is not in force when this happens, then the number of Commissioners must be reduced because of existing EU law.

What does it do? It proposes policies and laws, implements EU decisions and ensures that EU law is respected by member states.

PROPOSED CHANGES

The European Council (Heads of Government) has decided that, if the Lisbon Treaty is in force, each member state, including Ireland, will continue to nominate a Commissioner.

No change.

Council of Ministers

PRESENT POSITION

Who is on it? One government minister from each member state – usually the minister responsible for the subject being discussed.

What does it do? It makes final decisions on legislation, either alone or in co-operation with the European Parliament.

It sometimes makes those decisions unanimously, sometimes by Qualified Majority Voting (QMV). Under the QMV system, each member state's vote is given a weighting, with smaller countries getting a greater share than their populations would warrant.

A qualified majority currently requires almost 74% of the total weighted votes.

The Council takes decisions in private and holds some policy debates in public.

PROPOSED CHANGES

This arrangement will continue.

More decisions would be made by the Council in co-operation with the European Parliament.

More decisions would be made by QMV; for example, in the areas of energy, asylum and immigration.

From 2014, a qualified majority would require that:

- a)** 55% of the member states agree;
- b)** those member states supporting the decision must represent 65% of the EU population.

A decision cannot be blocked by fewer than four member states, no matter how large their combined population.

The Council would meet in public when a law is being debated and approved.



UNDERSTAND

European Council

PRESENT POSITION

Who is on it? The heads of government or state of each member state and the President of the Commission.

It is chaired on a rotating basis by the head of government or state of the member state holding the six-month EU Presidency.

What does it do? It gives overall political direction to the EU.

PROPOSED CHANGES

There would be a new post of President of the European Council. The President would be elected (by qualified majority) by the European Council for a two and a half year term which is renewable once. The President would chair and co-ordinate the European Council's work.

The Treaty would set out the powers and rules relating to the European Council.

European Parliament

PRESENT POSITION

Who is in it? Members of the European Parliament (MEPs) who are directly elected by the voters in the 27 member states.

What does it do? It adopts legislation jointly with the Council of Ministers in a number of areas, for example, in relation to consumer protection and environmental issues. This is known as co-decision.

The European Parliament and the Council of Ministers have joint decision-making powers over most of the EU's budget but the Council of Ministers has the final say over certain spending items.

The European Parliament has certain supervisory functions in relation to the Commission. It approves or rejects the Commission which is appointed by the European Council (Heads of Government).

PROPOSED CHANGES

This arrangement will continue.

Co-decision would apply to a number of new areas, for example, agriculture, asylum and immigration.

The European Parliament and the Council of Ministers would have joint decision-making powers over the entire EU budget.

The European Parliament would elect the President of the Commission.



Some specific issues

A number of specific issues, which were clearly important to some voters, arose in the course of the last campaign. Some of these issues would not be affected by the Lisbon Treaty but are nevertheless of concern to some voters. Some of these have since been the subject of assurances from the European Council. Here we deal with the main issues which have been shown to be of concern and explain whether they would be affected by the Treaty and if so, how.

These issues are:

- a) Social issues including abortion
- b) Taxation
- c) Defence and foreign policy
- d) Workers' rights and social services

A word about the European Council assurances to Ireland

The European Council (Heads of Government) adopted a decision in June 2009 on a number of issues which had concerned some of the Irish electorate in the 2008 referendum. This decision is sometimes described as providing assurances or guarantees to Ireland that certain Irish laws will not be affected by the Lisbon Treaty in areas of:

- The right to life, family and education
- Taxation
- Security and defence

This decision would be part of an international agreement that binds the member states. The European Council has also agreed that this decision will be added to a future EU Treaty as a protocol. This would make the decision part of EU law.

a) Social issues including abortion

The Lisbon Treaty proposes no changes in relation to abortion or family rights. It says education is one of the areas in which the individual member states have the exclusive right to make laws.



The Lisbon Treaty, if ratified, would give legal status to the Charter of Fundamental Rights which lists the civil, political, social and economic rights recognised by the EU.

The European Council decision states that neither the Charter nor the provisions in the Lisbon Treaty relating to the area of Freedom, Security and Justice affect the articles in the Irish Constitution dealing with the right to life, the protection of the family, and the protection of rights in respect of education.

b) Taxation

Ireland's policies on direct taxation cannot be changed by the EU unless there is unanimous agreement in the Council of Ministers.

Ireland therefore has the power to veto any such change and the Lisbon Treaty does not change this.

The European Council has stated that nothing in the Lisbon Treaty makes any change of any kind for any member state in relation to the powers of the EU in respect of taxation.

c) Defence and foreign policy

If the Lisbon Treaty is ratified, decisions on defence and foreign policy would continue to be made unanimously.

Member states would be obliged to aid another member state which is the victim of armed aggression, in accordance with the UN Charter, but this must not compromise the character of certain states' policies, including Ireland's policy on neutrality.

Member states would be obliged to assist each other if any is the victim of a terrorist attack or a natural or man-made disaster. The details of this co-operation would have to be agreed by the European Council. This is known as the 'solidarity clause'.

The present arrangements for Ireland's military neutrality would continue. The European Council decision states that the Lisbon Treaty does not affect or prejudice Ireland's traditional policy of military neutrality.

It would be a matter for each member state to decide whether to participate in the European Defence Agency, and to decide on its own level of military spending.

d) Workers' rights and social services

The issue of workers' rights and social services also caused concern to some Irish voters. There is a declaration by the European Council (Heads of Government) that it confirms the high importance which the EU attaches to:

- **Social progress and the protection of workers' rights**
- **Public services**
- **The responsibility of member states for the delivery of education and health services**
- **The essential role and wide discretion of national, regional and local authorities in providing services of general economic interest**

This European Council declaration on workers' rights is a political statement. It is not legally binding.

A final word

Other issues will arise in the course of this campaign, and campaigners on both sides will work to encourage you to vote yes or to vote no. Here we have outlined the basic facts. It is up to you to listen to the arguments and decide how to vote. The one thing both sides agree on is that your decision is important.

As the campaign goes on the Referendum Commission will explain other issues that arise if they need clarification.

We hope this leaflet helps you to understand the main parts of the Lisbon Treaty. We hope it encourages you to find out more by listening to the debate and reading the other information we will provide. Most importantly, we hope you will come out to vote on October 2nd.

