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Committee on Constitutional Affairs

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DRAFT REPORT

on the draft protocol on the concerns of the Irish people on the Treaty of Lisbon (Article 48(3) of the Treaty on European Union)
(00092/2011 – C7-0387/2011 – 2011/0815(NLE))

Committee on Constitutional Affairs

Rapporteur: Paulo Rangel

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on the draft protocol on the concerns of the Irish people on the Treaty of Lisbon (Article 48(3) of the Treaty on European Union)
(00092/2011 – C7-0387/2011 – 2011/0815(NLE))**

The European Parliament,

- having regard to the decision of 19 June 2009 of the Heads of State or Government of the 27 Member States, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon (Annex 1 to the Presidency Conclusions),
 - having regard to the letter from the Irish Government to the Council of 20 July 2011, sent in accordance with Article 48(2) of the Treaty on European Union, on a proposal for the addition of a draft protocol on the concerns of the Irish people on the Treaty of Lisbon ('the draft protocol') to the Treaty on European Union and the Treaty on the Functioning of the European Union,
 - having regard to the submission of that proposal on 11 October 2011 by the Council to the European Council, in accordance with Article 48(2) of the Treaty on European Union,
 - having regard to the first subparagraph of Article 48(3) of the Treaty on European Union, pursuant to which the European Council consulted Parliament (C7-0387/2011),
 - having regard to Rule 74a of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0000/2012),
- A. whereas in 2008 the Irish Government decided to hold a referendum on ratification of the Treaty of Lisbon;
- B. whereas, because of the negative result of the referendum of 12 June 2008, Ireland was not in a position to ratify the Treaty of Lisbon;
- C. whereas the European Council, at its meeting on 11 to 12 December 2008, upon request of the Irish Government agreed that a decision would be taken to the effect that the Commission will continue to include one national of each Member State after 2014;
- D. whereas, because of the requirement of unanimity for the entry into force of the Treaty of Lisbon, the Irish Government was expected to find a solution to the situation that was brought about by the decision to hold a referendum and its subsequent rejection;
- E. whereas at the European Council on 19 June 2009 the Heads of State or Government agreed to take a decision in order to provide reassurance and to respond to the concerns of the Irish people in relation to the right to life, family and education, taxation, security and defence, and agreed that they would, at the time of the conclusion of the next accession treaty and in accordance with their respective constitutional requirements, set out the provisions of the decision in a protocol to be attached to the Treaty on European Union and the Treaty on the Functioning of the European Union as clarifications of the

provisions of the Treaty of Lisbon with respect to the Irish concerns;

- F. whereas Article 1 of the draft protocol when stipulating that nothing in the Treaty of Lisbon affects the scope and applicability of the protection of the right of life, the protection of the family and the protection of the rights in respect of education provided by the Constitution of Ireland, refers to matters which do not constitute areas of Union competence under Articles 4 and 5 of the Treaty on European Union and Articles 2 to 6 of the Treaty on the Functioning of the European Union, or for which the Union has only a complementary role (Article 6 of the Treaty on the Functioning of the European Union);
- G. whereas Article 2 of the draft protocol, in relation to taxation, only draws general conclusions in the absence of specific provisions of the Treaty of Lisbon and does not prevent further progress towards enhanced economic coordination in the Union;
- H. whereas Article 3 of the draft protocol explicates the provisions of the Treaty of Lisbon on security and defence (Articles 42 to 46 of the Treaty on European Union), making it clear that the Union's common security and defence policy does not prejudice the security and the defence policy of each Member State, including Ireland, or the obligations of any Member State;
- I. whereas it is necessary to respect the previous political understandings between governments, and whereas the content of the draft protocol is not incompatible with the provisions of the Treaty of Lisbon;
 - 1. Expresses a positive opinion with regard to a European Council decision in favour of examining the proposed amendments to the Treaties;
 - 2. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the national parliaments, and to the Government and Parliament of the Republic of Croatia.