

The Lisbon Treaty

PowerPoint presentation

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Voting in the Council

- Ordinary legislative procedure, qualified majority is changed to:
- 55 % of the member states representing
- 65 % of the population (Art. 238 TFEU)

QMV in the Nice Treaty requires

- Majority of member states and
- 255 of 345 votes in the Council

The Irish Vote

- Today Ireland has 2.0% of the votes
- The Lisbon Treaty offers 0.9% to Ireland
- The UK will go from 8.4% to 12.33%
- Germany will double from 8.4% to 16.4%
- The 6 largest countries will increase their share of the vote from 49% to over 70%
- The 21 smallest countries will reduce from 51% to less than 30%

Commissioner

- The Commission must have at least one member from each member state, Art. 213 TEC (Nice)
- Protocol on enlargement, subsection 4: When the EU reaches 27 member states the next Commission shall be smaller
- The reduction must be decided by unanimity
- Lisbon: Only 2/3 of member states will have a commissioner until there is a unanimous decision to change this, Art. 17.5 TEU

Nomination

- Today: Member states "propose" their Commissioner, Art. 214.2.2 TEC (Nice)
- Lisbon Art. 17.7.2 TEU: Member states come with "suggestions" – the Commission President and 20 of 27 prime ministers decide on who the commissioners shall be
- After a No: Commission will have 26 members PLUS the High Representative (foreign minister), *Fredrik Reinfeldt, President of the European Council*, 6 September, Irish Times

Taxes

- Art. 113 TFEU and Protocol 27 inserts a new clause on "distortion of competition" which undermines lower corporate taxes
- Art. 311 TFEU is a new legal base for raising new taxes directly for the EU
- Taxes require unanimity among prime ministers
- Procedure can be changed to majority vote by the prime ministers - by unanimity

Irish "assurances"

- Political promises from 27 prime ministers
- Includes a sentence saying it amends nothing in the Lisbon Treaty
- If it did it would be illegal without a new ratification in all 27 member states
- Art. 344 TFEU forbids member states to settle disputes on the interpretation of EU law outside the EU Court in Luxembourg

World Trade Organisation, WTO

- Art. 218.8 TFEU makes voting by qualified majority the general rule
- Veto on agreements involving intellectual property rights may disappear by Art. 207.4.1
- Veto on trade of cultural, educational and social services only when there is a serious disturbance of the national organisation of these services
- The Commission decides, and can be delegated the competence to amend, treaties on their own, Art. 218.7 TFEU

Abortion

- Assurances declare that nothing in the Charter or the Home and Justice part of the Treaty will change the Irish Constitution Art. 40.3.3
- True, The EU Court decided on abortion in 1991 in the Grogan-Spruk case
- Abortion is a normal economic service under Art. 57 TFEU
- "On balance" the Court accepted the Irish rules on abortion – they decide, not Ireland

A NEW STATE

- Primacy of EU law – including primacy over national constitutions, Declaration No 17
- EU signs international agreements like an independent state, “legal personality” in Art. 47 TEU
- New ‘additional’ EU citizenship has primacy over national citizenship
- Self-amending Treaty, Art. 48.7 TEU
- EU will have a President, a Foreign Ministry, a Government and an EU High Court which every citizen must obey

Neutrality

- Treaty does not contain the word 'neutrality'
- The EU will become a military alliance with a mutual defence clause, Art. 42.7
- Member states are bound to "improve their military capacities", Art. 42.3
- The EU can enter into wars without approval of the UN
- No soldier can be sent to war, unless his/her member state agrees
- No conscription, but legal base for introducing it (not realistic)

Member state competences

- The Referendum Commission has invented a new area of "exclusive member state competences"
- This area does not exist in the Treaty
- The EU Court can touch every corner of national law
- I offer good wine and excellent Belgian chocolate for just one example of an Irish law which cannot be reached by the EU...

Competition

- I also offer a very good bottle of wine and Belgian chocolate for just one example of a law which can be passed by the draft Constitution and not by the Lisbon Treaty
- Have also wine and chocolate for any example of a decision which can be passed by the Lisbon Treaty, but not under Brian Cowen's Treaty with "Irish assurances"
- Read the Treaty – vote for or against it
- The Irish referendum may be the last general referendum on a European Treaty