



EUROPEAN COMMISSION

Brussels, 4.5.2012
COM(2012) 198 final

COMMISSION OPINION

on a draft European Council decision in favour of examining the proposed amendment of the Treaties concerning the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union, and in particular Article 48(3) thereof,

Whereas:

- (1) Taking note of the outcome of the Irish referendum of 12 June 2008 on the Treaty of Lisbon, the European Council, at its meeting on 11 and 12 December 2008, agreed that the concerns of the Irish people, as presented by the Taoiseach, relating to taxation policy, the right to life, education and the family and Ireland's traditional policy of military neutrality should be addressed to the mutual satisfaction of Ireland and the other Member States, by way of the necessary legal guarantees.
- (2) The Heads of State or Government, meeting within the European Council on 18 and 19 June 2009, agreed on a Decision on the concerns of the Irish people on the Treaty of Lisbon in relation to the right to life, family and education, taxation, and security and defence (hereinafter: the "Decision"). The Heads of State or Government agreed that the Decision should take effect on the date of entry into force of the Treaty of Lisbon.
- (3) The Heads of State or Government declared that the Decision was fully compatible with the Treaty of Lisbon and would not necessitate any re-ratification of that Treaty. The Heads of State or Government also declared that they would, at the time of the conclusion of the next accession treaty, set out the provisions of the Decision, in accordance with their respective constitutional requirements, in a Protocol that would be attached to the Treaty on European Union and the Treaty on the Functioning of the European Union. In that connection, the Heads of State or Government declared that this Protocol would in no way alter the relationship between the EU and its Member States, that its sole purpose would be to give full Treaty status to the clarifications set out in the Decision to meet the concerns of the Irish people, that its status would be no different from similar clarifications in Protocols obtained by other Member States and that it would clarify but not change either the content or the application of the Treaty of Lisbon.
- (4) Having been approved by the Irish referendum of 2 October 2009, the Treaty of Lisbon entered into force on 1 December 2009.
- (5) On 20 July 2011, the Irish Government submitted to the Council a proposal, in accordance with Article 48(2) TEU, for the amendment of the Treaties concerning the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon.
- (6) The President of the European Council wrote to the Commission on 25 October 2011 requesting its opinion on that proposal.

- (7) The Commission notes that the agreement among the Heads of State or Government on an amendment of the Treaties concerning the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon has been reached in a specific context.

HAS DELIVERED A FAVOURABLE OPINION

on a draft European Council decision in favour of examining the proposed amendment of the Treaties concerning the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon.

This opinion is addressed to the European Council.