



European Union (Amendment) Act 2008

2008 CHAPTER 7

1 The Treaty of Lisbon

In this Act “the Treaty of Lisbon” means the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007.

2 Addition to list of treaties

At the end of the list of treaties in section 1(2) of the European Communities Act 1972 (c. 68) add—

“; and

- (s) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy;”.

3 Changes of terminology

- (1) In section 1(2) of the European Communities Act 1972 (interpretation) before the definition of “the Communities” insert—

““the EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty);”.

- (2) A reference to the EU in an Act or an instrument made under an Act includes, if and in so far as the context permits or requires, a reference to the European Atomic Energy Community.
- (3) The Table in the Schedule to this Act sets out substitutions required to reflect terminology after the commencement of the Treaty of Lisbon.

- (4) The Secretary of State or the Treasury may by order make other amendments of Acts or instruments made under Acts to reflect changes in terminology or numbering arising out of the Treaty of Lisbon.
- (5) An order under subsection (4)—
 - (a) may include incidental provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In an Act or instrument made under an Act a reference to all or any of the Communities shall, in the application of the enactment or instrument after the passing of this Act, be treated as being or including (as the context requires) a reference to the EU.

4 Increase of powers of European Parliament

The Treaty of Lisbon is approved for the purposes of section 12 of the European Parliamentary Elections Act 2002 (c. 24) (Parliamentary approval of treaties increasing the European Parliament's powers).

5 Amendment of founding treaties

- (1) A treaty which satisfies the following conditions may not be ratified unless approved by Act of Parliament.
- (2) Condition 1 is that the treaty amends—
 - (a) the Treaty on European Union (signed at Maastricht on 7th February 1992),
 - (b) the Treaty on the Functioning of the European Union (the Treaty establishing (what was then called) the European Economic Community, signed at Rome on 25th March 1957 (renamed by the Treaty of Lisbon)), or
 - (c) the Treaty establishing the European Atomic Energy Community (signed at Rome on 25th March 1957).
- (3) Condition 2 is that the treaty results from the application of Article 48(2) to (5) of the Treaty on European Union (as amended by the Treaty of Lisbon) (Ordinary Revision Procedure for amendment of founding Treaties, including amendments affecting EU competence).

6 Parliamentary control of decisions

- (1) A Minister of the Crown may not vote in favour of or otherwise support a decision under any of the following unless Parliamentary approval has been given in accordance with this section—
 - (a) Article 48(6) of the Treaty on European Union (simplified revision procedure),
 - (b) Article 48(7) of that Treaty (adopting qualified majority voting or applying ordinary legislative procedure: general),
 - (c) the provision of Article 31(3) of that Treaty (Common and Foreign Security Policy) that permits the adoption of qualified majority voting,

- (d) the provision of Article 81(3) of the Treaty on the Functioning of the European Union (family law) that permits the application of ordinary legislative procedure in place of special legislative procedure,
 - (e) the provision of Article 153(2) of that Treaty (social policy) that permits the application of ordinary legislative procedure in place of special legislative procedure,
 - (f) the provision of Article 192(2) of that Treaty (environment) that permits the application of ordinary legislative procedure in place of special legislative procedure,
 - (g) the provision of Article 312(2) of that Treaty (EU finance) that permits the adoption of qualified majority voting,
 - (h) the provision of Article 333(1) of that Treaty (enhanced cooperation) that permits the adoption of qualified majority voting, or
 - (i) the provision of Article 333(2) of that Treaty that permits the application of ordinary legislative procedure in place of special legislative procedure.
- (2) Parliamentary approval is given if—
- (a) in each House of Parliament a Minister of the Crown moves a motion that the House approves Her Majesty’s Government’s intention to support the adoption of a specified draft decision, and
 - (b) each House agrees to the motion without amendment.
- (3) The motions under subsection (2) in respect of a draft decision (“Draft Decision 1”) may include provision (“disapplication provision”) disapplying subsection (1) in respect of any later draft decision which a Minister of the Crown may certify as an amended version of Draft Decision 1; and—
- (a) if Parliamentary approval is given in accordance with subsection (2), any disapplication provision agreed to by both Houses shall have effect, and
 - (b) an amendment to omit the disapplication provision shall be ignored for the purposes of deciding under subsection (2) whether a motion has been agreed to without amendment.
- (4) In this section—
- (a) “the Treaty on European Union” means the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by the Treaty of Lisbon), and
 - (b) “the Treaty on the Functioning of the European Union” means the Treaty establishing (what was then called) the European Economic Community, signed at Rome on 25th March 1957 (as amended and renamed by the Treaty of Lisbon).

7 Short title

This Act may be cited as the European Union (Amendment) Act 2008.

8 Commencement

- (1) Section 3 (and the Schedule) come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.
- (2) An order under subsection (1)—
- (a) may make provision generally or for specified purposes only,

Status: This is the original version (as it was originally enacted).

- (b) may make different provision for different purposes, and
 - (c) may include incidental, transitional and consequential provision.
- (3) The other provisions of this Act come into force on Royal Assent.