

EUROPEAN UNION (CROATIAN ACCESSION AND IRISH PROTOCOL) ACT 2013

EXPLANATORY NOTES

BACKGROUND

Irish Protocol

10. In December 2008, the European Council agreed that the concerns of the Irish people in respect of the Lisbon Treaty relating to taxation policy, the right to life, education and the family, and Ireland's traditional policy of military neutrality would be addressed to the mutual satisfaction of Ireland and the other Member States, by way of legal guarantees. In June 2009, the Heads of State or Government of the 27 Member States of the European Union, meeting within the European Council, adopted a Decision on the concerns of the Irish people on the Treaty of Lisbon ("the Decision"). The Decision gave a legal guarantee that certain matters of concern to the Irish people would be unaffected by the entry into force of the Treaty of Lisbon. Its content was fully compatible with the Treaty of Lisbon and would not necessitate any re-ratification of that Treaty.
11. The Heads of State or Government also agreed that at the time of the conclusion of the next accession Treaty, the provisions of the Decision would be set out in a Protocol, to be attached to the TEU and TFEU. The Irish Protocol clarifies, but does not change either the content or the application of the TEU and the TFEU and in no way alters the relationship between the EU and its Member States. Its sole purpose is to enshrine in the Treaties, by means of a new Protocol, the guarantees set down in the Decision. The Treaty of Lisbon came into force on 1st December 2009.
12. On 12 October 2011, the draft Irish Protocol was submitted by the Council to the European Council and notified to national Parliaments in accordance with Article 48(2) TEU. At its meeting of 23 October 2011, the European Council consulted the European Parliament and the Commission on the proposed Protocol to the Treaties under the first sub-paragraph of Article 48(3) TEU. It also requested the consent of the European Parliament not to convene a Convention given that, in its view, the convening of such Convention was not justified by the extent of the proposals. On 18 April 2012, the European Parliament gave a favourable opinion on the proposed Protocol and gave its consent to a Convention not being required. On 4 May 2012, the European Commission issued a favourable opinion on the proposed Protocol. The European Council agreed, on 10 May 2012, by means of a written procedure, not to convene a Convention and defined the terms of reference for a conference of representatives of the governments of the Member States (IGC). The IGC was convened on 16 May 2012 and the proposed Irish Protocol was agreed then signed by all 27 Member States. The Protocol has to be ratified by all 27 Member States before it can enter into force.