

**EXPLANATORY MEMORANDUM TO
THE TREATY OF LISBON (CHANGES IN TERMINOLOGY) ORDER 2011**

2011 No. 1043

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments and the Merits Committee.

2. **Purpose of the instrument**

- 2.1 The purpose of the instrument is to make textual changes to UK legislation following the entry into force of the Treaty of Lisbon, for example replacing references to the “EC” with references to the “EU”. It is not intended to change any UK Government policies or legislative provisions in a substantive manner.

3. **Matters of special interest to the Joint Committee on Statutory Instruments and Merits Committee**

- 3.1 The Order makes textual changes to UK legislation following the entry into force of the Treaty of Lisbon and is not considered to be a matter of special interest.

4. **Legislative Context**

- 4.1 This Order is made under section 3(4) and (5) of the European Union (Amendment) Act 2008 and section 2(2) of the European Communities Act 1972.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

The Minister for Europe has made the following statement regarding Human Rights:

In my view the provisions of the Treaty of Lisbon (Changes in Terminology) Order 2011 are compatible with the Convention rights.

7. **Policy background**

- 7.1 The European Union (Amendment) Act 2008 made changes to UK legislation to implement the Treaty of Lisbon. This Order makes consequential and textual amendments to help clarify references in UK legislation.
- 7.2 It covers nearly all UK legislation, but not certain Northern Ireland legislation. Northern Ireland can make its own legislation because Northern Ireland Departments are designated separately under the European Communities Act 1972.

- 7.3 The Order does not apply to references in respect of things done before the Treaty of Lisbon came into force on 1st December 2009.
- 7.4 References to: the European Communities; the European Community; the European Coal and Steel Community; the Communities; the Community; the EC and EEC are now replaced with references to the “European Union”.
- 7.5 The Order changes the term Community to the term “EU” when it is used as an adjective only for the following terms: Community treaties; Community customs duty; Community institution; Community instrument; Community obligation, and enforceable Community right, or as specifically set out in the Schedule in relation to particular amendments.
- 7.7 Following the entry into force of the Lisbon Treaty, the Euratom Community remains a separate legal entity from the EU. References to Euratom accordingly remain as such in legislation. Some references to “the Communities” appeared in a context where Euratom was necessarily included. All references to “the Communities” have now become references to “the EU”. These references include, when appropriate, references to Euratom as well.

8. Consultation outcome

- 8.1 The Order has no impact on private and voluntary sectors so a consultation exercise is not considered necessary.

9. Guidance

- 9.1 No guidance is necessary as the impact on voluntary and private sectors is negligible.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is negligible.
- 10.2 The impact on the public sector is negligible.
- 10.3 No Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

11. Regulating small business

- 11.1 To the extent that this Order can be considered to apply to small business, it has no significant impact for small businesses.

12. Monitoring & review

- 12.1 The Order has no significant impact on private, charities or voluntary bodies to require monitoring and review of its application.

13. Contact

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