

Dé Céadaoin, 8 Iúil, 2009
Wednesday, 8th July, 2009

2.30 p.m.

I DTOSACH GNÓ PHOIBLÍ
AT THE COMMENCEMENT OF PUBLIC BUSINESS

Fógra Tairsceana : Notice of Motion

a11. “GO ndéanfar an ráiteas atá leagtha amach sa Sceideal a ghabhann leis an Rún seo a fhorordú mar fhaisnéis do vótálaithe de bhun alt 23 d’Acht an Reifrinn 1994 (Uimh.12 de 1994), i ndáil leis an togra chun Airteagal 29 den Bhunreacht a leasú, atá ar áireamh sa Bhille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009, agus is ábhar do reifreann bunreachtá.

An Sceideal

An Reifreann ar Chonradh Liospóin

Déanfar, le Conradh Liospóin, athruithe áirithe ar fheidhmiú an Aontais Eorpaigh. In Éirinn, ní féidir Conradh Liospóin a dhaingniú ach amháin má thoilítear le leasú ar an mBunreacht trí reifreann. Iarrfar ort an dtoilíonn tú nó nach dtoilíonn tú leis an mBille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009, lena mbeartaítear forálacha an Bhunreachtá a bhaineann le comhaltas na hÉireann den Aontas Eorpach a leasú agus a thabhairt cothrom le dáta. Leis an leasú beartaithe, dhéanfaí-

- (a) tiomantas na hÉireann i leith an Aontais Eorpaigh a dhearbhu,
- (b) a chumasú d’Éirinn Conradh Liospóin a dhaingniú agus a bheith ina comhalta den Aontas Eorpach a bhunaítear leis an gConradh sin,
- (c) forálacha an Bhunreachtá a thabhairt cothrom le dáta, rud a chinnteoidh go mbeidh comhoiriúnacht dhlíthiúil idir dlí na hÉireann agus dlí an Aontais Eorpaigh,

THAT the statement set out in the Schedule to this Resolution be prescribed for the information of voters pursuant to section 23 of the Referendum Act 1994 (No.12 of 1994), in relation to the proposal to amend Article 29 of the Constitution which is contained in the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009, and is the subject of a constitutional referendum.

Schedule

Treaty of Lisbon Referendum

The Treaty of Lisbon will effect certain changes to the functioning of the European Union. In Ireland the Treaty of Lisbon can only be ratified if an amendment of the Constitution is approved by referendum. You will be asked whether or not you approve of the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 which proposes to amend and update the provisions of the Constitution relating to Ireland’s membership of the European Union. The proposed amendment would-

- (a) affirm Ireland’s commitment to the European Union,
- (b) enable Ireland to ratify the Treaty of Lisbon and to be a member of the European Union established by that Treaty,
- (c) update the provisions of the Constitution that will ensure legal compatibility between Irish law and the law of the European Union,

- (d) a ligean d'Éirinn comhaontú le bearta áirithe faoi na conarthaí arna leasú le Conradh Liospóin, faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais, agus
- (e) an toirmeasc atá ar Éirinn dul isteach in aon socrú comhchosanta de chuid an Aontais Eorpaigh a athdhearbhú,

agus tá an leasú beartaithe leagtha amach mar áis tagartha anseo thíos.

Is é atá beartaithe leis an mBille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009-

- (a) na fo-ailt seo a leanas a chur isteach in alt 4 d'Airteagal 29 den Bhunreacht:

4° Dearbhaíonn Éire a tiomantas i leith an Aontais Eorpaigh ar laistigh de a oibríonn ballstáit an Aontais sin le chéile chun an tsíocháin, comhluachanna agus leas a bpobal a chur chun cinn.

5° Tig leis an Stát Conradh Liospóin ag leasú an Chonartha ar an Aontas Eorpach agus an Chonartha ag bunú an Chomhphobail Eorpaigh, arna shíniú i Liospóin an 13ú lá de Nollaig 2007 ("Conradh Liospóin"), a dhaingniú agus tig leis a bheith ina chomhalta den Aontas Eorpach a bhunaítear de bhua an Chonartha sin.

6° Ní dhéanann aon fhoráil atá sa Bhunreacht seo dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an Stát roimh theacht i bhfeidhm do Conradh Liospóin, ar theacht i bhfeidhm dó nó tar éis teacht i bhfeidhm dó, de bhíthin riachtanais na n-oibleagáidí mar chomhalta den Aontas Eorpach dá dtagraítear i bhfo-alt 5° den alt seo nó den Chomhphobal Eorpach um Fhuinneamh Adamhach, a chur ó bhail dlí ná cosc a chur le dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac-

(i) an tAontas Eorpach sin nó an Comhphobal Eorpach um Fhuinneamh Adamhach nó institiúidí den chéanna,

(ii) na Comhphobail Eorpacha nó an tAontas Eorpach a bheidh ar marthain díreach roimh theacht i bhfeidhm do Conradh Liospóin, nó institiúidí den chéanna, nó

- (d) allow Ireland to agree to certain measures under the treaties being amended by the Treaty of Lisbon, subject to prior approval of both Houses of the Oireachtas, and

- (e) restate the prohibition on Ireland joining any European Union common defence arrangement,

and for ease of reference the proposed amendment is set out hereunder.

The Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 proposes-

- (a) to insert the following subsections in section 4 of Article 29 of the Constitution:

4° Ireland affirms its commitment to the European Union within which the member states of that Union work together to promote peace, shared values and the well-being of their peoples.

5° The State may ratify the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 13th day of December 2007 ("Treaty of Lisbon"), and may be a member of the European Union established by virtue of that Treaty.

6° No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State, before, on or after the entry into force of the Treaty of Lisbon, that are necessitated by the obligations of membership of the European Union referred to in subsection 5° of this section or of the European Atomic Energy Community, or prevents laws enacted, acts done or measures adopted by-

(i) the said European Union or the European Atomic Energy Community, or institutions thereof,

(ii) the European Communities or European Union existing immediately before the entry into force of the Treaty of Lisbon, or institutions thereof, or

(iii) comhlachtaí atá inniúil faoi na conarthaí dá dtagraítear san alt seo,

ó fheidhm dlí a bheith acu sa Stát.

7^o Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú-

(i) a bhfuil feidhm ag Airteagal 20 den Chonradh ar an Aontas Eorpach a bhaineann le comhar feabhsaithe maidir leo,

(ii) faoi Phrótacal Uimh. 19 maidir le *acquis* Schengen arna lánpháirtiú i gcreat an Aontais Eorpaigh atá i gceangal leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (ar a dtugtaí an Conradh ag bunú an Chomhphobail Eorpaigh), agus

(iii) faoi Phrótacal Uimh. 21 maidir le seasamh na Ríochta Aontaithe agus na hÉireann i dtaca leis an limistéar saoirse, slándála agus ceartais, atá i gceangal amhlaidh, lena n-áirítear an rogha go scoirfidh an Prótacal sin Uimh. 21, go hiomlán nó go páirteach, d'fheidhm a bheith aige maidir leis an Stát,

ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

8^o Tig leis an Stát aontú leis na cinntí, leis na rialacháin nó leis na gníomhartha eile arna ndéanamh-

(i) faoin gConradh ar an Aontas Eorpach agus faoin gConradh ar Fheidhmiú an Aontais Eorpaigh á údarú do Chomhairle an Aontais Eorpaigh gníomhú ar shlí seachas d'aontoil,

(ii) faoi na conarthaí sin lena n-údaraitear an gnáthnós imeachta reachtach a ghlacadh, agus

(iii) faoi fhomhír (d) d'Airteagal 82.2, faoin tríú fomhír d'Airteagal 83.1 agus faoi mhíreanna 1 agus 4 d'Airteagal 86 den Chonradh ar Fheidhmiú an Aontais Eorpaigh, a

(iii) bodies competent under the treaties referred to in this section,

from having the force of law in the State.

7^o The State may exercise the options or discretions-

(i) to which Article 20 of the Treaty on European Union relating to enhanced cooperation applies,

(ii) under Protocol No. 19 on the Schengen *acquis* integrated into the framework of the European Union annexed to that treaty and to the Treaty on the Functioning of the European Union (formerly known as the Treaty establishing the European Community), and

(iii) under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, so annexed, including the option that the said Protocol No. 21 shall, in whole or in part, cease to apply to the State,

but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.

8^o The State may agree to the decisions, regulations or other acts-

(i) under the Treaty on European Union and the Treaty on the Functioning of the European Union authorising the Council of the European Union to act other than by unanimity,

(ii) under those treaties authorising the adoption of the ordinary legislative procedure, and

(iii) under subparagraph (d) of Article 82.2, the third subparagraph of Article 83.1 and paragraphs 1 and 4 of Article 86 of the Treaty on the Functioning of the European Union, relating to the area of

bhaineann leis an limistéar saoirse, slándála agus ceartais,

ach beidh aontú le haon chinneadh, rialachán nó gníomh den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

9° Ní ghlacfaidh an Stát cinneadh arna dhéanamh ag an gComhairle Eorpach chun comhchosaint a bhunú de bhun Airteagal 42 den Chonradh ar an Aontas Eorpach i gcás go mbeadh an Stát san áireamh sa chomhchosaint sin.’

- (b) an téacs seo a leanas a scriosadh as an gcéad abairt d’fho-alt 3^o d’alt 4 d’Airteagal 29 den Bhunreacht:

‘den Chomhphobal Eorpach do Ghual agus Cruach (do bunuigheadh le Connradh do sínigheadh i bPáras an 18adh lá d’Aibreán, 1951), de Chomhphobal Eacnamaíochta na hEorpa (do bunuigheadh le Connradh do sínigheadh insan Róimh an 25adh lá de Mhárta, 1957) agus’,

- (c) an dara habairt den fho-alt sin 3^o a scriosadh, agus
- (d) fo-ailt 4^o, 5^o, 6^o, 7^o, 8^o, 9^o, 10^o agus 11^o d’alt 4 d’Airteagal 29 den Bhunreacht a scriosadh.

MÁ THOILÍONN TÚ leis an togra, cuir X os coinne an fhocail TÁ ar an bpáipéar ballóide.

MURA dTOILÍONN TÚ leis an togra, cuir X os coinne an fhocail NÍL ar an bpáipéar ballóide.

Is féidir cóip den Bhille a iniúchadh nó a fháil saor in aisce in aon Phost-Oifig.

freedom, security and justice,

but the agreement to any such decision, regulation or act shall be subject to the prior approval of both Houses of the Oireachtas.

9° The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 42 of the Treaty on European Union where that common defence would include the State.’

- (b) to delete the following text from the first sentence of subsection 3^o of section 4 of Article 29 of the Constitution:

‘the European Coal and Steel Community (established by Treaty signed at Paris on the 18th day of April, 1951), the European Economic Community (established by Treaty signed at Rome on the 25th day of March, 1957) and’,

- (c) to delete the second sentence of the said subsection 3^o, and
- (d) to delete subsections 4^o, 5^o, 6^o, 7^o, 8^o, 9^o, 10^o and 11^o of section 4 of Article 29 of the Constitution.

IF YOU APPROVE of the proposal, mark X opposite the word YES on the ballot paper.

IF YOU DO NOT APPROVE of the proposal, mark X opposite the word NO on the ballot paper.

A copy of the Bill can be inspected or obtained free of charge at any Post Office.”

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

[This motion is in substitution for Item a11 on today's Order Paper]