

The Future of the EU and Ireland's role in shaping that future



November 2008



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Majority View - Minority Report

Introduction

Since Sinn Fein's initial meeting with the Foreign Affairs Minister to discuss the setting up of the sub-committee we have constructively engaged with the it's process at every stage. Although critical of its composition and narrow terms of reference, we welcomed the opportunity to debate the future of the EU and Irelands role in shaping that future.

We made it clear from the outset that we would not collude in a process whose primary purpose was to lay the ground for a rerun of the Lisbon Treaty referendum.

Throughout the proceedings of the sub-committee Sinn Fein made clear our view that Irelands place is at the heart of Europe. We emphasised that the Lisbon Treaty was dead, and that the government had a responsibility to begin the process of building social and political alliances across the EU to secure the treaty's renegotiation.

Sinn Fein argued that the sub-committee should proactively engage as broad a section of the public as possible, that it should meet in open session, outside of Dublin, and listen to the opinions of ordinary citizens. The government shamefully chose to reject this proposal with Labour and Fine Gael following suit in their own approach to the Committees work.

The imbalance of speakers that addressed the sub-committee was stark and again illustrated the chasm between the electorate and Ireland's decision makers and opinion formers. Of the 80 or so individuals who addressed the sub-committee only about 10 advocated against the Lisbon Treaty.

Having excluded the general public, and selected a panel of speakers that held the governments own view, it is hard to see how the sub-committee's report will do anything other than confirm the Governments own position. Sinn Féin has dissented from the Committees report and that is why we have our own Majority View – Minority Report.

The people have spoken and their mandate to government is clear. Fianna Fáil and the Green's handling of the Lisbon Treaty have been worse than their handling of the current economic crisis. It is time the government stood up for the interests of the Irish people. EU leaders will only move if the Irish government leads the way.

Senator Pearse Doherty
Mary Lou McDonald Dublin MEP

Section 1 – A Flawed Process

The Oireachtas sub-committee on Ireland's future in the European Union started its work on October 8th 2008. Its terms of reference were:

- To analyse the challenges facing Ireland in the EU following the Lisbon Treaty referendum result;
- To consider Ireland's future in the EU including in relation to economic and financial matters, social policy, defence and foreign policy and our influence within the European Institutions
- To make recommendations to enhance the role of the Houses of the Oireachtas in EU affairs
- To consider measures to improve understanding of the EU and its fundamental importance for Ireland's future

Speaking at the inaugural meeting of the Oireachtas sub committee Senator Pearse Doherty warned against the government's attempt to reshape the public debate on Lisbon away from the Treaty itself to one of Ireland's membership of the EU. Senator Doherty also emphasised "that the debate must be led by the general public and not politicians who clearly from the referendum result are out of sync with ordinary people. Critically we must use the outcome of this debate to inform and change government policy on the EU that reflects the Irish people's views on its future."

Sinn Fein took a constructive and positive role in the work the Committee. However we made it clear that we would not be part of any choreography to set aside the democratic wishes of the Irish electorate.

Sinn Fein was concerned that it was the government's intention, with the support of Labour, Fine Gael and the Greens, to use this committee as a space to prepare the groundwork for a re-run of Lisbon.

We argued that the terms of reference for the sub-committee were too restrictive and that the focus of the debate should be 'The Future of the EU and Ireland's role in shaping that future.' The government rejected our proposals for a more inclusive terms of reference.

The founding principles of EU were and must continue to be peace and prosperity. We want to see Ireland continue to play a central role in shaping the future of the EU in the interests of all citizens. We are ambitious for what we, as a small member state, can achieve in the interest of all the people of the EU.

It is important to emphasise Sinn Fein's view that Ireland's place is at the heart of the EU. We want the Irish government and people to play a central role in shaping the future of the EU. Our policy of critical engagement means supporting those aspects of EU policy and development that are good for Ireland and the EU while opposing and working to change those policies and developments that are not in our collective interests. For Sinn Féin this means changing the present course of the European Union. We want to move it away from the centralising, privatising and militarising direction it is currently on, in favour of a more democratic, social and peaceful road, promoting prosperity and equality for all.

In addition to seeking a broader terms of reference Sinn Fein also wanted to see a proactive public engagement, and a debate that reflected the diversity of opinions on the European Union that were clearly evident during the referendum campaign.

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Unfortunately neither of these things occurred.

The sub-committee adopted a rigid and exclusive format, inviting 'witnesses' to appear before the committee to be 'interrogated'. The meetings were all held in Leinster House with limited public attendance and no avenue for meaningful public engagement.

Sinn Fein argued that the sub-committee should travel across the country, meet in different venues including public libraries, schools, universities, community centres and places of work. We argued that rather than the adversarial 'witness' approach the sessions should take the form of an ongoing dialogue.

Unfortunately all of these proposals were rejected. As a consequence the sessions were on most occasions simply a re-run of the debates of the Lisbon Treaty referendum campaign itself, involving many of the same well known public faces, with little new content.

Worse still was the incredible imbalance in the 'witnesses' who attended the sub-committee. Approximately 80 individuals appeared before the sub-committee during 50 sessions, representing a broad range of civil society. Of these only 10 were clearly opposed to the Lisbon Treaty. While some speakers or organisations did not adopt a formal position either way, the overwhelming majority of those who presented were clearly in support of the Treaty. Hence the reason they were invited in the first place.

On the basis of the limited terms of reference, rigid format, failure to engage the public and imbalance in speakers it is hardly surprising that the official report from the committee is unbalanced, biased, filled with supposition and factual inaccuracies. Indeed the report could have been written by any of the pro Lisbon Treaty parties on the committee without having to go through the charade of dozens of sessions over eight weeks.

Sinn Fein submitted very detailed and wide ranging amendments to the report. Speaking in advance of the final session of the sub-committee Senator Pearse Doherty described the contents of the draft report as being out of step with the views of voters and not reflecting the very real concerns of the people in key issues of democracy, workers rights, public services, defence and neutrality. He also announced Sinn Fein's intention to publish a report to counterbalance the committee's report due for release on the same day. We believe that this report reflects the views of the majority of the electorate, if not this Sub-Committee.

In Sinn Fein's view the government and opposition parties have abused the Oireachtas, cynically manipulating the sub-committee in order to set the ground for a re-run of the Lisbon Treaty. In so doing they have done a great disservice to the Irish people and the European Union as a whole. The sub-committee could have been an invaluable opportunity to open up a meaningful and wide ranging debate about the future of the EU and Ireland's place in that future. We could have extended the debate beyond the narrow confines of the Lisbon Treaty; a treaty democratically rejected by the electorate, and created a vibrant and forward looking dialogue on a broad range of policy issues. Instead the government closed down the debate. As a result the sub-committee's official report will add nothing either to our understanding of the EU, the Lisbon Treaty or the various options that currently exist for the future of the EU.

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Section 2 : Challenges and options after Lisbon

After Lisbon: The Challenges

The Sub-Committee discussed Ireland's place in the EU and the short, medium and long term consequences of the decision of the Irish electorate to reject the Lisbon Treaty. There was wide acceptance that Ireland's place is at the heart of Europe and that the concerns of the Irish people need to be recognised.

However the report goes on to make wide ranging assertions which are put forward as fact in relation to Ireland's ongoing position in the EU and our ability to influence key policy discussions. No evidence was put forward to back up any of these claims. We believe that sending out mixed messages on our future involvement in the EU is a serious mistake particularly at a time of economic uncertainty.

Paul Rellis, Managing Director of Microsoft Ireland – "An intervention by the Taoiseach would be helpful for the purposes of clarity. It would be helpful. The mixed messages received, rightly or wrongly, is that Ireland is not as pro-European Union as it was and is not as driven to be fully part of the Union as it used to be." (21st October, Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that Ireland's place is in Europe. Co-operation with our European partners is valuable and must continue. The way to move forward is to work with other EU member states to address concerns raised not just in Ireland but also in France and the Netherlands in 2005.

Section Two: Ireland's future in the EU: Issues and options

Ireland's economic interests Economy

In relation to the economy the Sub-Committee discussed a number of issues, most particularly job creation and retention and taxation. There was widespread agreement that maintaining control over direct taxation policy is vital to Ireland's national interests and that certainty in relation to our position in the EU is important for business to flourish. However instead of dealing with these issues the report from the Committee attempts to scaremonger and without presenting any evidence whatsoever attempts to suggest that the economy will be at risk because of the democratic decision of the Irish electorate. The report from the Committee also completely ignores the legal advice which it sought and received in October in relation to Article 48 and the impact that this would have on the right of the Irish people to a referendum on tax matters if Lisbon was passed.

Paul Rellis Managing Director of Microsoft Ireland – "I have not seen any material impact on jobs, market access or sales in recent months attributable to the rejection of the Lisbon treaty." (21st October Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Legal Opinion - "Article 48 expressly gives power to change the mechanism of voting and a ratification of this Article or the Treaty containing this Article by the Irish people in referendum gives authority in referendum for any subsequent change

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which complies with Article 48 without the necessity of further recourse to the people." **Legal Opinion received by the committee**

Mark Redmond, Irish Taxation Institute - "The development of a common consolidated corporate tax base is the latest manifestation of the Union's ongoing attempt to take control of direct taxation." (4th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Mary Lou McDonald MEP – "The issue is not merely one of corporation tax but of tax sovereignty. The securing of a protocol – albeit one that simply sets out Ireland's position, the absolute nature of our tax sovereignty and the necessity for a referendum in order that it is the people, not the Government, who exercise the veto – would provide the certainty the people are seeking." (4th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that at a minimum the Irish government needs to secure a legally binding protocol on tax sovereignty and the deletion of Article 48.

Workers Rights

In relation to workers rights the Sub-Committee discussed concerns raised as a result of recent judgements of the European Court of Justice and the belief that there is a neo-liberal tendency within the Commission when it is developing EU law. It also agreed that the EU had been a source of positive social legislation for Ireland in the past. It mentioned a range of issues including the Charter of Fundamental Rights, a social progress clause and other alternatives but makes not clear recommendations.

Jimmy Kelly of UNITE – "The findings of the European Court of Justice interfere with workers' rights in Ireland and dilute what we consider to be progressive agreements protecting workers nationally. Instead of workers having a fundamental right to withdraw their labour, it is now proportionate in the delivery of goods and services." (4th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes the interest of Irish and European workers can only be secured by a legally binding social progress clause. This demand is supported by Trade Unions across Europe and must be included in a re-negotiated Treaty.

Public Services

The Sub-Committee accepted that there were concerns expressed that the Lisbon Treaty could adversely affect the ability of Member States to provide public services but in the report ignores these concerns and merely sets out the views of the Yes side in the referendum in relation to this issue. The EU does not talk about public services but Services of General Economic Interest and Services of General Interest. At present there is no definition of Services of General Interest or Services of General Economic interest.

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However current EU case law defines economic activity as the offering of any goods or services on the market. By this definition all current public services would fit into the Services of General Economic Interest rather than Services of General Interest. Article 16(b) of the Lisbon Treaty places new "economic and financial conditions" on the provision of Services of General Economic Interest (these are detailed in Articles 86 and 87 of the existing Treaties These conditions mean that services, including health care and education for example, would be subject to the rules of competition.

Jimmy Kelly of UNITE – "In discussions with our members, it was evident there was a fear about the move in the direction of privatising services which should be the right of citizens across Europe." (4th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that there are two serious matters that need to be addressed urgently to protect public services. Firstly the need to clearly define public services – currently they are referred to as Services of General Interest and Services of General Economic Interest. There is also a need to remove proposals which would open up services, including healthcare and education to competition.

Defence and Foreign Policy

While the Sub-Committee accepted that the EU's Common Foreign and Security Policy has been a consistent area of concern for the Irish electorate, the report fails to address any of these concerns and instead re-iterates the views set out by those who supported the Lisbon Treaty. The report fails to mention calls for a legally binding protocol to be put into a re-negotiated Treaty and instead focuses on red herrings such as conscription.

Roger Cole of PANA – "It is incumbent on those of us who oppose the treaty to give some idea of what should be contained in a new treaty.... We have always argued that we wanted a protocol, a legally binding part of the treaty, unlike a declaration that has no legal status." (21st November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Dr. Andy Storey – "Under the terms of the Lisbon Treaty, the range of tasks that EU forces may engage in was to be even further widened to constitute a sort of 'Petersberg Plus'. Article 28B states that the EU forces may be deployed on: "Joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories."

The underlined text identifies the new tasks EU (including Irish) forces could perform. A concern here is that external interventions by the EU are being given by a very wide (potential) legitimizing framework and agenda for action. For example, claiming to be assisting a third country government to combat terrorism through the provision of Military advice and assistance raises fears of autocratic rulers being facilitated to suppress opposition." (Submission to the Sub-Committee on Ireland's future in the European Union)

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Sinn Féin believes that our position as a neutral state can allow Ireland to make a unique contribution on the international stage but this has been seriously undermined by the growing militarisation of the EU and the undermining of neutrality. We are calling for a specific legally binding protocol on neutrality to be included in a re-negotiated Treaty.

Influence

The Sub-Committee discussed in detail concerns raised that Irish influence within the EU institutions would be reduced due to proposed changes under the Lisbon Treaty to the European Commission and the voting weights within the Council of Ministers. However the report does not address any of these concerns and instead sets out how in their view the electorate did not understand the proposed changes or the role of the Commission. There is a constant assertion throughout the report that the key to Ireland's success in the EU is influence as opposed to power and that Ireland is moving to the margins of Europe. The report ignores the important role played by Irish Commissioners in the past and the reality that if you do not have a voice at the table you have nowhere to exert any influence. It is important that we maintain our political strength in Europe.

Deputy Aengus Ó Snodaigh – “Mr. Bruton claimed that Ireland has lost influence in Europe since rejecting the Lisbon treaty. Others who made that claim asserted it without any concrete example or evidence of our loss of influence other than chats with people and the like. Where is the evidence that Ireland's influence has diminished? Can Mr. Bruton give concrete examples? It is not good enough to talk about people being psychologically affected.” (30th October Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that the loss of a permanent Irish Commissioner, the reduction in our voting strength at the Council of Ministers and the loss of key strategic vetoes in more than 60 areas would have serious consequences for Ireland in the future and therefore fundamental changes are required to maintain our political strength and influence.

Ireland's future options in the EU

The Sub-Committee discussed a wide range of options regarding Ireland's future within the EU and the report sets out a wide range of options in terms of ratification and non-ratification. In Sinn Féin's opinion much of this was entirely irrelevant and was designed to create public uncertainty over Ireland's future in the EU. A number of facts are clear. The vast majority of people want to see Ireland continue to be at the heart of the EU. The Lisbon Treaty cannot be ratified without the support of all 27 member states. It is possible for the EU to continue to operate under the terms of the Treaty of Nice while the concerns raised are addressed.

Anthony Coughlan, National Platform “The referendum result has not been respected ...For the Government to respect the result would mean abiding by the result.” (21st November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

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IBEC - However, the crucially important job of adequately addressing the legitimate concerns of Irish voters remains. It is the job of government and our partners in Europe to address these concerns openly and honestly, albeit within the confines of what is politically achievable. The EU will have no credibility or legitimacy if it cannot do this. (IBEC submission to the Sub-Committee on Ireland's future in the European Union).

DÓCHAS - For better or worse, Ireland is uniquely positioned after the 'No vote' to engage actively to ensure that the arrangements put in place have a positive impact on development and Humanitarian work within the EU and its member states. An opportunity well worth exploring. (Dóchas submission to the Sub-Committee on Ireland's future in the European Union).

Gerard Colleran, The Star: Members of the Oireachtas must realize the people of Ireland made the right decision. Members better get their heads around that because the people do not make a wrong decision. Demonising people on the "No" side is entirely the wrong approach.... A lot of people like me who made decisions of that nature on a knife edge would oppose the political establishment if it were to come back with the same document without having due regard to and respect for the people of this country. I did not get the vibe during the campaign that the "Yes" side was saying anybody arguing per se in favour of a "No" vote was adopting an anti-European Union position.. (19st November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that there is only one option to be considered. The legal position on the future of the Lisbon Treaty is clear. The Lisbon Treaty can only come into effect if all 27 member states ratify it. The Irish electorate have democratically chosen not to ratify this Treaty. The Irish government has a constitutional and democratic obligation to seek a re-negotiation on that basis.

Constitutional Referendum Process

The Sub-Committee discussed a range of options in relation to Ireland's future within the EU including the issue of referenda. The constitutional referendum process is also being addressed by the Oireachtas Joint Committee on the Constitution, to which Sinn Féin has already made a detailed written submission.

In relation to the need for referenda on amendments to the constitution, Sinn Féin believes that the current system, works well. It is designed to discern the will of the people before changing the constitution. If those in favour of the change can convince the people to agree with them, the referendum passes and the constitution is changed. If not, then the constitution remains the same. One of the great protections offered by our system is it prevents governments from having total control over the process (having already the power to bring forward the proposed amendments) unless they can convince the electorate of the merits of their view on the specific proposal. This was described in the McKenna case in the majority judgment in the following terms: "The sovereign power is in the people and is exercised by them through elected representatives in representative government, or directly. Government by representatives is the norm. However, on occasion direct democracy is invoked. A referendum is an exercise in direct democracy by the people."

Public Understanding of the EU

The Sub-Committee examined the factors affecting public understanding of the European Union in Ireland. A number of facts were set out. Irish people have a strongly favourable view of the European Union. European matters do not play a prominent role in Irish politics. Treaties are complex legal documents. There is a trend for public figures across the Union to apportion blame to EU institutions for any measures emanating from Europe that are perceived to have a negative effect. The Committee discussed the role of EU Institutions, national parliaments, education systems, specific measures aimed at improving media engagement. We accepted the majority of recommendations in this section but it is important to note that improved communication and understanding should not be confused with the right of the Irish people to take an informed democratic decision.

John Kierans – Irish Mirror: My big issue with the Commission concerned the literature put through doors. It was gobbledegook. People did not understand." (19th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Gerard Colleran – The Star: In terms of winning the hearts of the people of this Republic for Europe, this will not be sorted out today or tomorrow. I urge that an approach be made to sorting out a long-term project across the whole spectrum of human activity, from junior classes into the workforce, across the various career choices and into arts and sports – a kind of team Europe idea. I do not see any activity driving that." (19th November Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that in order to close the gap between the citizens of member states and the EU institutions there is a need for future treaties to be written in clear and accessible language. There is also a need to provide all members of the public with the consolidated treaties clearly marking the proposed changes under consideration and accompanying explanatory notes outlining in plain language the implications of the proposed changes. Such information should be provided by either the Government or the relevant EU institution at least six months before any future referendum.

Enhancing the role of the Oireachtas in EU affairs

The Sub-Committee discussed the role of the Oireachtas in EU affairs including scrutiny of EU legislation, weaknesses of current procedures and lessons to be learned from other parliaments. Sinn Féin supports the vast majority of recommendations in this section but we believe that they didn't go far enough and the discussion was too restrictive. The Committee should have discussed not just proposals around the EU scrutiny committee but also the role of the Taoiseach, Ministers and Irish Commissioner in relation to the EU.

Senator Pearse Doherty – "The role of the sub-committee is to examine the enhancement of the role of the Houses of the Oireachtas in European Affairs. It goes far beyond links between member states of the European Union. We also need to examine the role of the Taoiseach, Ministers and the Commissioner in this regard." (15th October Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

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Dr. Gavin Barrett - Senior Lecturer, School of Law, UCD – “While the reform in the Lisbon Treaty moves in the right direction, it does not go far enough. National parliaments should be able to object on the grounds of proportionality. Perhaps they should be able to object on the grounds that they simply do not like the measure in question.” (15th October Joint Committee on European Affairs, Sub-Committee on Ireland's future in the European Union)

Sinn Féin believes that EU Scrutiny proposed under the Lisbon Treaty is totally inadequate for a number of reasons –the short period of time for the parliament to intervene and the limitations on any interventions.

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Section 3 - Recommendations

These changes do not represent Sinn Féin's complete set of recommendations regarding the future direction of the EU and what is required in a new Treaty. These recommendations address the key concerns raised at this sub-committee. Go to www.no2lisbon.ie to access Sinn Féin's document 'A better deal for Ireland and the EU'

Recommendation: Sinn Féin believes that there is only one option to be considered. The legal position on the future of the Lisbon Treaty is clear. The Lisbon Treaty can only come into effect if all 27 member states ratify it. The Irish electorate have democratically chosen not to ratify this Treaty. The Irish government has a constitutional and democratic obligation to seek a re-negotiation on that basis.

Recommendations:

The Constitution should only be amended through the process of a referendum. Change effected by popular vote in a referendum has a greater legitimacy than change effected by other means.

The communication of the issues to the electorate must be done in a fair and balanced way. Whilst the allocation of equal time to the yes and no camps may not ensure absolute equality, it is the closest to equality that the system can provide. Any other subjective mechanism is open to abuse. A referendum is not primarily a contest between political parties. It is a contest between two sides of one proposal. Therefore solutions based on parties standings in the Dáil, or any other solution based on political parties, misses the point.

In order to ensure that print media is fair and balanced in its coverage also, Sinn Féin believes that guidelines should be produced.

Recommendation:- Protocol on Irish tax sovereignty

The High Contracting Parties

Considering the high level of public concern and opposition to any form of tax harmonisation during the Lisbon Treaty referendum in Ireland in 2008, Have agreed that the sovereignty of the Irish people in relation to matters of tax policy will be fully respected In addition, any Irish participation in EU tax harmonisation can only come about with the consent of the Irish people expressed through a referendum. This protocol shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Recommendation:-Self-Amending Articles

In order to strengthen or protect those key strategic vetoes on taxation, public services and international trade agreements we propose amendments to Articles 48 and 188 of the Lisbon Treaty. This would involve the deletion of all eight self-amending articles proposed in the Lisbon Treaty including Article 48.

Recommendation:- A legally binding social progress clause

Nothing in the Treaty, and in particular neither fundamental freedoms nor competition rules shall have priority over fundamental social rights and social progress. In case of conflict, fundamental social rights shall take precedence.

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Economic freedoms cannot be interpreted as granting undertakings the right to exercise them for the purpose or with the effect of evading or circumventing national social and employment laws and practices or for social dumping.

Economic freedoms, as established in the Treaties, shall be interpreted in such a way as not to infringe upon the exercise of fundamental social rights as recognised in the Member States and by Union law, including the right to negotiate, conclude and enforce collective agreements and to take collective action, and as not to affect the autonomy of social partners when exercising these fundamental rights in pursuit of social interests and the protection of workers.

The protection of workers shall be interpreted in such a way as to recognize the right of trade unions and workers to strive for the protection of existing standards as well as for the improvement of the living and working conditions of workers in the Union beyond existing (minimum) standards, in particular to fight unfair competition on wages and working conditions and to demand equal treatment of workers regardless of nationality or any other ground.

Recommendation: To protect public services

The protocol on Services of General Interests should be changed to a Protocol on vital public services which should include but not be limited to health, education and social services. And in order to ensure that vital public services are not opened to competition Article 2 should be amended to read as follows.

Article 2

The provisions of the Treaties do not affect in any way the competence of Member States to define those vital public services that should be subject to this protocol and exempt from competition and state aid rules irrespective of whether they contain an economic element. Nor does it affect in any way the competence of Member States to provide, commission and organise such services, and to intervene in any way deemed appropriate in order to ensure compliance with the principles established in this protocol non-economic services of general interest.

Amendments are also required to Articles 16, 52.1 and 52.2 to protect public services from being subject to economic and financial conditions.

Recommendation: Protocol on the neutrality of Ireland

With regard to measures adopted by the Council in the area of Common Foreign and Security Policy and Common Security and Defence Policy, Ireland will not participate in the implementation of decisions and actions within these areas with the exception of UN authorised peace keeping missions subject to the domestic Triple Lock procedure. However, without prejudice to our neutral status, Ireland retains the right to fully participate in all areas of CFSP and CSDP decision-making since actions in these areas will take place under the auspices of the European Union and affect all member-states. Ireland is not obliged to contribute to the financing of the operational expenditure of the Common Security and Defence Policy other than to finance Irish defence force participation in UN-authorized peace-keeping missions. This principle applies to the European Defence Agency, the start-up fund and the mechanism for rapid access to appropriations established in Article 28 of the Lisbon Treaty or any other form of direct or indirect financial contributions. This situation may only change in accordance with the express consent of the people through referendum.

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Nothing in this protocol shall prevent or limit Ireland's involvement in UN-authorized peacekeeping missions, civil or military assistance to third countries in response to humanitarian or natural disasters, so long as such missions are consistent with Ireland's constitutional requirements.

Recommendations: Commission and Council of Ministers

The members of the Commission shall be elected by their respective member state parliaments on the basis of their general competence and European commitment.

The Commission shall consist of one national of each Member State, including its President.

The Council shall act by a qualified majority on the basis of the formulae as outlined in the Treaty of Nice except where the Treaties provide otherwise.

Recommendations: Parliaments in member states There is currently an eight week period between a draft legislative act being made available to national Parliaments and the date when it is placed on the provisional agenda of the Council.

Sinn Féin has called for this to be extended to 16 weeks other than in an exceptional case and is agreed unanimously by the Council. We called for scrutiny not just in relation to subsidiarity but also in relation to the aims and values of the EU – this would allow discussion on the substance of proposals. The threshold should be one fifth not one third of parliaments in member states. The Commission should be legally obliged to produce a White Paper outlining a response to the proposed initiative or the treaty basis for not taking action.

If the Commission wishes it may invite those states expressing the reasoned opinion to submit agreed amendments where such amendments may address the failure of the initial proposal to comply with the aims and values of the European Union. If the Commission accepts the proposed amendments, then they may re-table the proposal as amended under the terms of the appropriate legislative procedure.

Under the Orange Card system –extend to aims and values of the EU and reduce from simple majority to 35%.

In terms of the Citizens Initiative it should be possible to impose a legally binding obligation on the Commission to produce a White Paper outlining a response to the proposed initiative or the legal basis for not taking action.