An tAcht um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009

Twenty-eighth Amendment of the Constitution (Treaty of Lisbon) Act 2009

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TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION (TREATY OF LISBON) ACT 2009

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 29 of Constitution.

2. Citation.

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PART 1

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AN tACHT UM AN OCHTÚ LEASÚ IS FICHE AR AN mBUNREACHT (CONRADH LIOSPÓIN) 2009

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Alt

1. Airteagal 29 den Bhunreacht a leasú.

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AN SCEIDEAL

Cuid 1

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TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION (TREATY OF LISBON) ACT 2009

AN ACT TO AMEND THE CONSTITUTION.

[15*th October*, 2009]

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend Article 29 of the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of Article 29 of Constitution.

1.—(1) Article 29 of the Constitution is hereby amended as follows:

(*a*) in subsection 3° of section 4 of the Irish text—

(i) the words “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”, and

(ii) the second sentence,

shall be repealed,

(*b*) in subsection 3° of section 4 of the English text—

(i) the words “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”, and

(ii) the second sentence,

shall be repealed,

(*c*) subsections 4°, 5°, 6°, 7°, 8°, 9°, 10° and 11° of section 4 of both the Irish text and the English text shall be repealed,

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AN tACHT UM AN OCHTÚ LEASÚ IS FICHE AR AN mBUNREACHT (CONRADH LIOSPÓIN) 2009

ACHT CHUN AN BUNREACHT A LEASÚ.

[15 *Deireadh Fómhair*, 2009]

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe Airteagal 29 den Bhunreacht a leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN MAR A LEANAS:

Airteagal 29 den Bhunreacht a leasú.

1.—(1) Leasaítear leis seo mar a leanas Airteagal 29 den Bhunreacht:

(*a*) déanfar, i bhfo-alt 3° d'alt 4 den téacs Gaeilge—

(i) na focail "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", agus

(ii) an dara habairt,

a aisghairm,

(*b*) déanfar, i bhfo-alt 3° d'alt 4 den téacs Béarla—

(i) na focail "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", agus

(ii) an dara habairt,

a aisghairm,

(*c*) déanfar fo-ailt 4°, 5°, 6°, 7°, 8°, 9°, 10° agus 11° d'alt 4 den téacs Gaeilge agus den téacs Béarla araon a aisghairm,

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(*d*) the subsections, the texts of which are set out in Part 1 of the Schedule, shall be inserted after subsection 3° of section 4 of the Irish text,

(*e*) the subsections, the texts of which are set out in Part 2 of the Schedule, shall be inserted after subsection 3° of section 4 of the English text.

(2) The amendment of section 4 of Article 29 of the Constitution effected by this Act shall—

(*a*) subject to paragraph (*b*), have effect upon and from the entry into force of 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, and

(*b*) in so far as it inserts subsection 5° of that section, have effect upon and from the passing of this Act.

(3) Subsection 5° (inserted by this Act) of section 4 of Article 29 of the Constitution shall, before the entry into force of the treaty referred to in paragraph (*a*) of subsection (2), be numbered subsection 12°.

Citation.

2.—(1) The amendment of the Constitution effected by this Act shall be called the Twenty-Eighth Amendment of the Constitution.

(2) This Act may be cited as the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Act 2009.

SCHEDULE

PART 1

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 Chonradh 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,

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(*d*) déanfar na fo-ailt, a bhfuil na téacsanna díobh leagtha amach i gCuid 1 den Sceideal, a chur isteach i ndiaidh fho-alt 3° d'alt 4 den téacs Gaeilge,

(*e*) déanfar na fo-ailt, a bhfuil na téacsanna díobh leagtha amach i gCuid 2 den Sceideal, a chur isteach i ndiaidh fho-alt 3° d'alt 4 den téacs Béarla.

(2) Maidir leis an leasú ar alt 4 d'Airteagal 29 den Bhunreacht a dhéantar leis an Acht seo—

(*a*) faoi réir mhír (*b*), beidh éifeacht leis ar agus ó theacht i bhfeidhm Chonradh 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, agus

(*b*) a mhéid a chuirtear fo-alt 5° den alt sin isteach leis, beidh éifeacht leis ar agus ó dháta rite an Achta seo.

(3) Roimh theacht i bhfeidhm don chonradh dá dtagraítear i mír (*a*) d'fho-alt (2), déanfar fo-alt 5° (a chuirtear isteach leis an Acht seo) d'alt 4 d'Airteagal 29 den Bhunreacht a uimhriú mar fho-alt 12°.

2.—(1) An tOchtú Leasú is Fiche ar an mBunreacht a thabharfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo. Lua.

(2) Féadfar an tAcht um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009 a ghairm den Acht seo.

AN SCEIDEAL

CUID 1

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 Chonradh 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,

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

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

ó fheidhm dlí a bheith acu sa Stát.

7° 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 sin agus 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° 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-údaraítear 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 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.

PART 2

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.

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

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

ó fheidhm dlí a bheith acu sa Stát.

7° 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 sin agus 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° 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-údaraítear 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 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.

CUID 2

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.

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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 bodies competent under the treaties referred to in this section,

from having the force of law in the State.

7° 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° 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 freedom, security and justice,

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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 bodies competent under the treaties referred to in this section,

from having the force of law in the State.

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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.

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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 freedom, security and justice,

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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.

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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.

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