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Citizens Information Board  
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# EU Supplement

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This supplement covers the significant EU developments from September 2009 to November 2009 in the broad areas of social policy and citizens' rights.

There is further information about almost all the issues mentioned on the Europa website: <http://www.europa.eu>. In some cases, we give the extended website address. The Official Journal of the EU may be accessed via <http://eur-lex.europa.eu>.

## Treaty of Lisbon

In a referendum on 2 June 2009, the people of Ireland agreed to ratify the Lisbon Treaty. Technically, the referendum was to approve the proposal to amend the constitution in the 28th Amendment of the Constitution (Treaty of Lisbon) Bill 2009. That Bill became law on 15 October. The Irish Government subsequently ratified the treaty.

The European Union Act 2009 amends the European Communities Act 1972 in order to give effect to the provisions of the Lisbon Treaty in Irish law. This includes giving effect to some of the provision of the role for national parliaments.

The Treaty of Lisbon came into effect on 1 December 2009 after it was ratified by all 27 member states of the EU. The following are among the main changes which are now in effect. **Further information on all aspects of the Lisbon Treaty is available at:** [http://europa.eu/lisbon\\_treaty](http://europa.eu/lisbon_treaty)

## Institutional changes

### The name and the treaties

The European Union is now governed by two treaties – the Treaty on European Union and the Treaty on the Functioning of the European Union. This latter treaty replaces the Treaty establishing the European Community. The term *European Community* is no longer relevant.

Full details on the treaties are available at:  
<http://eur-lex.europa.eu/en/treaties/dat/12007L/htm/C2007306EN.01020201.htm>

### Decision making

There are changes in the way the EU makes decisions. The pillar structure of the EU has been abolished. Under the pillar structure, there were three different pillars, each of which made decisions in different ways (they related to: community; common foreign and security policy; and police and judicial cooperation in criminal matters). The usual way in which decisions are made is now called the *ordinary legislative procedure*. This means that a proposal is made by the Commission, it is then discussed and a decision is made jointly by the Council and the European Parliament. Most decisions are made by qualified majority voting in the Council but some, for example, on direct taxation, are made unanimously.

There are some exceptions to this procedure, notably in the areas of common foreign and security policy. In the area of justice and home affairs, most decisions are made in accordance with this procedure but some areas remain for intergovernmental decisions, for example, family law and operational police co-operation.

The European Parliament has a greater role in decision making as a result of the Lisbon Treaty. For example, it is now involved in decisions on the entire budget and it makes decisions on agriculture and fisheries jointly with the Council.

### Qualified majority voting

The Lisbon Treaty does provide for a change in the voting system within the Council but this does not come into effect until 2014.

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## President of the European Council

A President of the European Council has been appointed. The President holds office for a two-and-a-half-year period and may be re-elected once. He chairs the European Council. This means that the European Council is no longer chaired by the country which holds the six-monthly rotating presidency of the EU. Generally, the Council of Ministers continues to be chaired by the country which holds the presidency. However, the Foreign Affairs Council will be chaired by the High Representative for Foreign Affairs and Security Policy. This is a new position. The holder is a member of the Commission.

## Charter of Fundamental Rights

The Charter of Fundamental Rights of the EU now has the same legal value as the main treaties. The Charter lists the civil, political, social and economic rights recognised by the EU. These are listed under the headings of Dignity, Freedoms, Equality, Solidarity, Citizens' Rights and Justice. Specific principles apply to groups such as older people, children and people with disabilities.

The Charter applies to the EU institutions and bodies and to the member states when they are implementing EU law. The Charter does not extend the field of application of EU law or give the EU any new area of competence.

It does not apply in the UK, Poland and the Czech Republic, which have chosen to opt out of the provisions on the Charter.

## Role for national parliaments

Under the Lisbon Treaty, the national parliaments must be provided with all relevant policy and legislative documents (for example, green papers, white papers, proposals for directives and regulations). They usually have eight weeks to consider the proposals. They may then send a *reasoned opinion* to the EU institutions on whether draft legislation complies with the principle of subsidiarity – which is that decisions should be taken at local or national level, rather than at EU level, if possible.

If enough national parliaments vote to send a reasoned opinion, the draft legislation must be reviewed. Each national parliament has two votes. The Dáil and Seanad have one vote each. In general, one third of the available votes (18 at present) are required to ensure a review; a quarter of the votes (14 at present) is enough in the case of draft legislation in the areas of judicial co-operation in criminal matters and police co-operation.

## Employment and social affairs

### UN Convention on the Rights of Persons with Disabilities

The EU is in the process of ratifying the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Twelve member states have already ratified the Convention. Ireland has not yet ratified the Convention. It is expected to do so when the mental capacity legislation is enacted. The Commission is working on a range of implementation

## Implementation in Ireland

The Oireachtas Joint Committees on European Affairs and European Scrutiny have issued a Joint Report on *Implementation of the Lisbon Treaty: Interim arrangements on the enhanced role of the Houses of the Oireachtas*.

This recommended that interim arrangements and procedures should be put in place to enable the Houses to undertake and execute their powers under the Lisbon Treaty pending the completion of a comprehensive consultation by the Joint Committees on the future role of the Houses of the Oireachtas in EU affairs.

The Oireachtas has made these interim arrangements and they will be in place until July 2010.

## Citizens' Initiative

The Lisbon Treaty provides for a Citizens' Initiative. This will allow one million citizens who are nationals of a significant number of member states to ask the Commission to bring forward a particular policy proposal. The Commission has published a Green Paper and launched a public consultation to help to define the practical details of how it will operate. [http://europa.eu/documentation/official-docs/green-papers/index\\_en.htm](http://europa.eu/documentation/official-docs/green-papers/index_en.htm)

## New Commission

Each of the 27 member states has nominated a member of the Commission and each has been allocated his or her responsibilities. The Commission as a whole is subject to the approval of the European Parliament. The Parliament is expected to hold hearings and confirm or reject the Commission in January 2010.

The Commission continues to be divided into Directorates General (DG). They are rather like government departments in Ireland. There are some changes in the organisation of the Commission. For example, the Employment, Social Affairs and Inclusion DG will have an increased emphasis on inclusion. The equality aspects of this DG will be the responsibility of the Commissioner for Justice, Fundamental Rights and Citizenship, a newly-named area. There is a Commissioner for Home Affairs – this covers part of what was Justice and Home Affairs. [http://www.ec.europa.eu/commission\\_designate\\_2009-2014/index\\_en.htm](http://www.ec.europa.eu/commission_designate_2009-2014/index_en.htm)

measures, including the preparation of a new European Disability Strategy 2010-2020. <http://www.un.org/disabilities>

## Consultation on EU 2020

The Commission has published a public consultation document on giving the EU economy a brighter future through the EU 2020 Strategy. EU 2020 aims to deliver greener and socially inclusive growth. The new strategy will aim to build on the Lisbon Strategy. <http://ec.europa.eu/eu2020>

## Growth and jobs strategy

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The Commission has published a report on the social dimension of the EU's Growth and Jobs Strategy which has been prepared by the EU Social Protection Committee. This examines how economic, employment and social policies interact.

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=596&furtherNews=yes>

## Health and consumer affairs

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### Rail passengers' rights

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Regulation (EC) No. 1371/2007 on rail passengers' rights came into effect in early December 2009. The rights concerned are broadly similar to those available to air passengers. They include:

- Passengers with disabilities and people with reduced mobility must be able to access trains and to get assistance.
- All passengers have the right to compensation when their luggage gets lost or damaged (up to about €1285 for each piece of luggage).
- In case of death or injury, passengers may get an advance payment to meet immediate economic needs. This advance payment is at least €21,000 per passenger in the event of death.
- Passengers are entitled to compensation for delay and cancellation; the minimum compensation is 25% of the ticket price for delays between one and two hours and 50% of the ticket price for delays of two hours and more.
- Passengers have the right to be informed comprehensively before and during their journey, for example about delays.
- Rail companies are obliged to set up a complaint handling mechanism for the rights and obligations covered by the Regulation.
- Member states are obliged to ensure that passengers can lodge a complaint to an independent body.

The Regulation also, in principle, extends the existing rights of passengers under the Convention for the International Carriage by Rail (COTIF), which only covers international transport, to all domestic train services.

Member states may defer implementation of these new rules for up to 15 years in respect of internal train journeys. They must implement immediately in respect of cross border journeys. Ireland has decided to defer implementation for at least five years. This means that, for example, journeys from Dublin to Cork are not covered but journeys from Dublin to Belfast are. The UK government has also decided to defer implementation in respect of internal journeys. Ireland is implementing the provisions in relation to passengers with a disability.

[http://ec.europa.eu/transport/passengers/rail/rail\\_en.htm](http://ec.europa.eu/transport/passengers/rail/rail_en.htm)

## Youth co-operation 2010-2018

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EU Ministers with responsibility for youth affairs have agreed a new framework for EU co-operation in the youth field from 2010 until 2018.

The main objectives will be to create more and equal opportunities for all young people in education and in the labour market and to promote their active citizenship, social inclusion and solidarity.

### Protection for holiday travellers

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The Commission has started a consultation process on extending the package holidays Directive to situations where consumers compile their own packages. The current Directive applies to packages where at least two elements are booked together, for example, flights and accommodation. It does not cover situations where you book these separately. A consultation paper has been published and the consultation process is open until 7 February 2010.

[http://ec.europa.eu/consumers/rights/travel/consultation\\_en.htm](http://ec.europa.eu/consumers/rights/travel/consultation_en.htm)

### Compensation for flight delays

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The European Court of Justice has ruled (in Cases C-402/07 and C-432/07) that air passengers who reach their final destination three hours or more after the scheduled arrival time may seek flat-rate compensation from the airline, in the same way as passengers whose flights are cancelled, unless the delay is caused by extraordinary circumstances.

Regulation (EC) No. 261/2004 provides, among other things, that, in the event of cancellation of a flight, passengers are entitled to flat-rate compensation of between €250 and €600. The Regulation does not expressly provide that passengers whose flights are delayed also have such a right.

### Banking rules

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New rules about switching bank accounts came into effect on 1 November 2009. If you want to switch your account to another bank, your new bank must help you to do this. It deals with your former bank and ensures that the transfer is carried out efficiently.

[http://ec.europa.eu/internal\\_market/finservices-retail/mobility/baeg\\_en.htm](http://ec.europa.eu/internal_market/finservices-retail/mobility/baeg_en.htm)

The Single Euro Payments Area (SEPA) Direct Debit scheme came into effect on 2 November 2009. This allows bank customers to use a pan-European system for cross-border direct debit transactions. The charges for national and cross-border payments must be the same for transactions up to €50,000.

[http://ec.europa.eu/internal\\_market/payments/sepa/index\\_en.htm](http://ec.europa.eu/internal_market/payments/sepa/index_en.htm)

The Citizens Information Board provides independent information, advice and advocacy on public and social services through [citizensinformation.ie](http://citizensinformation.ie), the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

## Head Office

Ground Floor t + 353 1 605 9000  
George's Quay House f + 353 1 605 9099  
43 Townsend Street e [info@ciboard.ie](mailto:info@ciboard.ie)  
Dublin 2 w [www.citizensinformationboard.ie](http://www.citizensinformationboard.ie)

## Distance contracts

The European Court of Justice has ruled (in Case C-489/07) that a consumer who exercises his right of withdrawal from a distance contract must not, with some exceptions, be obliged to compensate the seller for the use of the goods acquired. The Directive on consumer protection in distance contracts provides that you may withdraw from such a contract within seven days without penalty and without giving a reason.

## Justice and home affairs

### Ireland opt-ins

Ireland has decided to opt in to the following proposals in the area of justice and home affairs:

- Proposal for a Council Framework Decision on accreditation of forensic service providers carrying out laboratory activities
- Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA
- Proposal for a Council Decision concerning the signing of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters
- Proposal for a Council Decision concerning the signing of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Programme
- Proposal for a Council Decision on the use of information technology for customs purposes

### EU Directives

The following directives in the area of justice and home affairs have not yet been implemented in Ireland:

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status; this is partly implemented and will be fully implemented when the Immigration, Residence and Protection Bill 2008 is enacted.

- Directive 2006/24/EC of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly-available electronic communications services or of public communications networks and amending Directive 2002/58/EC; this is partly implemented by the Criminal Justice (Terrorist Offences) Act 2005; the rest will be implemented when the Communications (Retention of Data) Bill 2009 is enacted.
- Directive 2005/60/EC of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing; and Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC; the Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009 will implement both of these.

## General

### 2011 – European Year of Volunteering

The Council has decided that 2011 will be designated *European Year of Voluntary Activities Promoting Active Citizenship*. The aim of the year is to foster volunteering in Europe and to help civil society, local and regional communities and member states to support and promote volunteering.

2010 is the European Year for Combating Poverty and Social Exclusion.

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