



**TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION
BILL 2008**

As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 29 of the Constitution.
2. Citation.

SCHEDULE

PART 1

PART 2



**AN BILLE UM AN OCHTÚ LEASÚ IS FICHE AR AN
mBUNREACTH 2008**

Mar a ritheadh ag Dáil Éireann

RIAR NA nALT

Alt

1. Airteagal 29 den Bhunreacht a leasú.
2. Lua.

AN SCEIDEAL

CUID 1

CUID 2



**TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION
BILL 2008**

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION. 5

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: 10

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of
Article 29 of the
Constitution.

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

- (a) subsections 9° and 11° of section 4 of both the Irish text and the English text shall be repealed; 15
- (b) the subsections, the texts of which are set out in *Part 1* of the *Schedule*, shall be inserted after subsection 10° of section 4 of the Irish text;
- (c) the subsections, the texts of which are set out in *Part 2* of the *Schedule*, shall be inserted after subsection 10° of section 4 of the English text; and 20
- (d) subsection 10° of section 4 of both texts shall be numbered subsection 9°.

Citation.

2.—(1) The amendment of the Constitution effected by this Act shall be called the Twenty-Eighth Amendment of the Constitution. 25

(2) This Act may be cited as the Twenty-Eighth Amendment of the Constitution Act 2008.



**AN BILLE UM AN OCHTÚ LEASÚ IS FICHE AR AN
mBUNREACTH 2008**

BILLE

dá ngairtear

5 ACHT CHUN AN BUNREACTH A LEASÚ.

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
10 Bhunreacht a leasú:

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

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

15 (a) déanfar fo-ailt 9° agus 11° d'alt 4 den téacs Gaeilge agus den téacs Sacs-Bhéarla araon a aisghairm;

(b) déanfar na fo-ailt, a bhfuil na téacsanna díobh leagtha amach i *gCuid 1* den *Sceideal*, a chur isteach i ndiaidh fho-alt 10° d'alt 4 den téacs Gaeilge;

20 (c) déanfar na fo-ailt, a bhfuil na téacsanna díobh leagtha amach i *gCuid 2* den *Sceideal*, a chur isteach i ndiaidh fho-alt 10° d'alt 4 den téacs Sacs-Bhéarla; agus

(d) déanfar fo-alt 10° d'alt 4 den dá théacs a uimhriú mar fho-alt 9°.

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

(2) Féadfar an tAcht um an Ochtú Leasú is Fiche ar an mBunreacht 2008 a ghairm den Acht seo.

SCHEDULE

PART 1

10° 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, a dhaingniú agus tig leis a bheith ina chomhalta den Aontas Eorpach a bhunaítear de bhua an Chonartha sin. 5

11° Ní dhéanann aon fhoráil atá sa Bhunreacht seo dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an Stát, de bhíthin riachtanais na n-oibleagáidí mar chomhalta den Aontas Eorpach dá dtagraítear i bhfo-alt 10° den alt seo, a chur ó bhail dlí ná cosc a chur le dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an tAontas Eorpach sin nó institiúidí de, nó comhlachtaí atá inniúil faoi na conarthaí dá dtagraítear san alt seo, ó fheidhm dlí a bheith acu sa Stát. 15

12° Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú a shocraítear le hAirteagail 1.22, 2.64, 2.65, 2.66, 2.67, 2.68 agus 2.278 den Chonradh dá dtagraítear i bhfo-alt 10° den alt seo agus le hAirteagail 1.18 agus 1.20 de Phrótacal Uimh. 1 atá i gceangal leis an gConradh sin, nó a shocraítear faoi na hAirteagail sin, ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais. 20

13° Tig leis an Stát an roghnú a fheidhmiú chun a áirithiú, i ndáil leis an bPrótacal maidir le seasamh na Ríochta Aontaithe agus na hÉireann i dtaca leis an limistéar saoirse, slándála agus ceartais atá i gceangal leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (ar a dtugtaí an Conradh ag bunú an Chomhphobail Eorpaigh tráth), go scoirfidh sé, 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. 25 30

14° Tig leis an Stát aontú leis na cinntí, leis na rialacháin nó leis na gníomhartha eile arna ndéanamh—

i faoi Airteagal 1.34(b)(iv),

ii faoi Airteagal 1.56 (a mhéid a bhaineann sé le hAirteagal 48.7 den Chonradh dá dtagraítear i bhfo-alt 4° den alt seo), 35

iii faoi Airteagal 2.66 (a mhéid a bhaineann sé leis an dara fomhír d'Airteagal 65.3 den Chonradh ar Fheidhmiú an Aontais Eorpaigh),

iv faoi Airteagal 2.67 (a mhéid a bhaineann sé le fomhír (d) d'Airteagal 69A.2, leis an tríú fomhír d'Airteagal 69B.1 agus le míreanna 1 agus 4 d'Airteagal 69E den Chonradh ar Fheidhmiú an Aontais Eorpaigh), 40

v faoi Airteagal 2.144(a),

vi faoi Airteagal 2.261 (a mhéid a bhaineann sé leis an dara fomhír d'Airteagal 270a.2 den Chonradh ar Fheidhmiú an Aontais Eorpaigh), agus 45

vii faoi Airteagal 2.278 (a mhéid a bhaineann sé le hAirteagal 280H den Chonradh ar Fheidhmiú an Aontais Eorpaigh),

CUID 1

10° 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, a dhaingniú agus tig leis a bheith ina chomhalta den Aontas Eorpach a bhunaítear de bhua an Chonartha sin.

11° Ní dhéanann aon fhoráil atá sa Bhunreacht seo dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an Stát, de bhíthin riachtanais na n-oibleagáidí mar chomhalta den Aontas Eorpach dá dtagraítear i bhfo-alt 10° den alt seo, a chur ó bhail dlí ná cosc a chur le dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an tAontas Eorpach sin nó institiúidí de, nó comhlachtaí atá inniúil faoi na conarthaí dá dtagraítear san alt seo, ó fheidhm dlí a bheith acu sa Stát.

12° Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú a shocraítear le hAirteagail 1.22, 2.64, 2.65, 2.66, 2.67, 2.68 agus 2.278 den Chonradh dá dtagraítear i bhfo-alt 10° den alt seo agus le hAirteagail 1.18 agus 1.20 de Phrótacal Uimh. 1 atá i gceangal leis an gConradh sin, nó a shocraítear faoi na hAirteagail sin, ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

13° Tig leis an Stát an roghnú a fheidhmiú chun a áirithiú, i ndáil leis an bPrótacal maidir le seasamh na Ríochta Aontaithe agus na hÉireann i dtaca leis an limistéar saoirse, slándála agus ceartais atá i gceangal leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (ar a dtugtaí an Conradh ag bunú an Chomhphobail Eorpaigh tráth), go scoirfidh sé, 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.

14° Tig leis an Stát aontú leis na cinntí, leis na rialacháin nó leis na gníomhartha eile arna ndéanamh—

i faoi Airteagal 1.34(b)(iv),

ii faoi Airteagal 1.56 (a mhéid a bhaineann sé le hAirteagal 48.7 den Chonradh dá dtagraítear i bhfo-alt 4° den alt seo),

iii faoi Airteagal 2.66 (a mhéid a bhaineann sé leis an dara fomhír d'Airteagal 65.3 den Chonradh ar Fheidhmiú an Aontais Eorpaigh),

iv faoi Airteagal 2.67 (a mhéid a bhaineann sé le fomhír (d) d'Airteagal 69A.2, leis an tríú fomhír d'Airteagal 69B.1 agus le míreanna 1 agus 4 d'Airteagal 69E den Chonradh ar Fheidhmiú an Aontais Eorpaigh),

v faoi Airteagal 2.144(a),

vi faoi Airteagal 2.261 (a mhéid a bhaineann sé leis an dara fomhír d'Airteagal 270a.2 den Chonradh ar Fheidhmiú an Aontais Eorpaigh), agus

vii faoi Airteagal 2.278 (a mhéid a bhaineann sé le hAirteagal 280H den Chonradh ar Fheidhmiú an Aontais Eorpaigh),

den Chonradh dá dtagraítear i bhfo-alt 10^o den alt seo, agus tig leis freisin aontú leis an gcinneadh faoin dara habairt den dara fomhír d’Airteagal 137.2 den Chonradh ar Fheidhmiú an Aontais Eorpaigh (arna leasú le hAirteagal 2.116(a) den Chonradh dá dtagraítear san fho-alt 10^o sin), ach beidh aontú le haon chinneadh, rialachán nó gníomh den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais. 5

15^o Ní ghlacfaidh an Stát cinneadh arna dhéanamh ag an gComhairle Eorpach chun comhchosaint a bhunú—

i de bhun Airteagal 1.2 den Chonradh dá dtagraítear i bhfo-alt 7^o den alt seo, ná 10

ii de bhun Airteagal 1.49 den Chonradh dá dtagraítear i bhfo-alt 10^o den alt seo,

i gcás ina mbeadh an Stát san áireamh sa chomhchosaint sin.

PART 2

15

10^o 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, and may be a member of the European Union established by virtue of that Treaty. 20

11^o No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State that are necessitated by the obligations of membership of the European Union referred to in subsection 10^o of this section, or prevents laws enacted, acts done or measures adopted by the said European Union or by institutions thereof, or by bodies competent under the treaties referred to in this section, from having the force of law in the State. 25

12^o The State may exercise the options or discretions provided by or under Articles 1.22, 2.64, 2.65, 2.66, 2.67, 2.68 and 2.278 of the Treaty referred to in subsection 10^o of this section and Articles 1.18 and 1.20 of Protocol No. 1 annexed to that Treaty, but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas. 30

13^o The State may exercise the option to secure that the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union (formerly known as the Treaty establishing the European Community) 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. 35 40

14^o The State may agree to the decisions, regulations or other acts under—

i Article 1.34(b)(iv),

ii Article 1.56 (in so far as it relates to Article 48.7 of the Treaty referred to in subsection 4^o of this section), 45

iii Article 2.66 (in so far as it relates to the second subparagraph of Article 65.3 of the Treaty on the Functioning of the European Union),

den Chonradh dá dtagraítear i bhfo-alt 10^o den alt seo, agus tig leis freisin aontú leis an gcinneadh faoin dara habairt den dara fomhír d’Airteagal 137.2 den Chonradh ar Fheidhmiú an Aontais Eorpaigh (arna leasú le hAirteagal 2.116(a) den Chonradh dá dtagraítear san fho-alt 10^o sin), ach beidh aontú le haon chinneadh, rialachán nó gníomh den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

15^o Ní ghlacfaidh an Stát cinneadh arna dhéanamh ag an gComhairle Eorpach chun comhchosaint a bhunú—

10 i de bhun Airteagal 1.2 den Chonradh dá dtagraítear i bhfo-alt 7^o den alt seo, ná

ii de bhun Airteagal 1.49 den Chonradh dá dtagraítear i bhfo-alt 10^o den alt seo,

i gcás ina mbeadh an Stát san áireamh sa chomhchosaint sin.

15 CUID 2

10^o 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, and may be a member of the European Union established by virtue of that Treaty.

11^o No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State that are necessitated by the obligations of membership of the European Union referred to in subsection 10^o of this section, or prevents laws enacted, acts done or measures adopted by the said European Union or by institutions thereof, or by bodies competent under the treaties referred to in this section, from having the force of law in the State.

12^o The State may exercise the options or discretions provided by or under Articles 1.22, 2.64, 2.65, 2.66, 2.67, 2.68 and 2.278 of the Treaty referred to in subsection 10^o of this section and Articles 1.18 and 1.20 of Protocol No. 1 annexed to that Treaty, but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.

13^o The State may exercise the option to secure that the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union (formerly known as the Treaty establishing the European Community) 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.

14^o The State may agree to the decisions, regulations or other acts under—

i Article 1.34(b)(iv),

45 ii Article 1.56 (in so far as it relates to Article 48.7 of the Treaty referred to in subsection 4^o of this section),

iii Article 2.66 (in so far as it relates to the second subparagraph of Article 65.3 of the Treaty on the Functioning of the European Union),

- iv Article 2.67 (in so far as it relates to subparagraph (d) of Article 69A.2, the third subparagraph of Article 69B.1 and paragraphs 1 and 4 of Article 69E of the Treaty on the Functioning of the European Union),
- v Article 2.144(a), 5
- vi Article 2.261 (in so far as it relates to the second subparagraph of Article 270a.2 of the Treaty on the Functioning of the European Union), and
- vii Article 2.278 (in so far as it relates to Article 280H of the Treaty on the Functioning of the European Union), 10

of the Treaty referred to in subsection 10° of this section, and may also agree to the decision under the second sentence of the second subparagraph of Article 137.2 of the Treaty on the Functioning of the European Union (as amended by Article 2.116(a) of the Treaty referred to in the said subsection 10°), but the agreement to any such decision, regulation or act shall be subject to the prior approval of both Houses of the Oireachtas. 15

15° The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to—

- i Article 1.2 of the Treaty referred to in subsection 7° of this section, or 20
- ii Article 1.49 of the Treaty referred to in subsection 10° of this section,

where that common defence would include the State.

iv Article 2.67 (in so far as it relates to subparagraph (d) of Article 69A.2, the third subparagraph of Article 69B.1 and paragraphs 1 and 4 of Article 69E of the Treaty on the Functioning of the European Union),

5 v Article 2.144(a),

vi Article 2.261 (in so far as it relates to the second subparagraph of Article 270a.2 of the Treaty on the Functioning of the European Union), and

10 vii Article 2.278 (in so far as it relates to Article 280H of the Treaty on the Functioning of the European Union),

of the Treaty referred to in subsection 10° of this section, and may also agree to the decision under the second sentence of the second subparagraph of Article 137.2 of the Treaty on the Functioning of the European Union (as amended by Article 2.116(a) of the Treaty
15 referred to in the said subsection 10°), but the agreement to any such decision, regulation or act shall be subject to the prior approval of both Houses of the Oireachtas.

15° The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to—

20 i Article 1.2 of the Treaty referred to in subsection 7° of this section, or

ii Article 1.49 of the Treaty referred to in subsection 10° of this section,

where that common defence would include the State.