

Lisbon Treaty to bind us to Euratom



The Lisbon Treaty has a binding protocol attached which was added without debate at the last minute. This protocol, Protocol No. 12, links the provisions of the European Atomic Energy Treaty to the Lisbon Treaty and applies the financial provisions of the Union to the European Atomic Energy Community. The Euratom Treaty binds EU member states to ‘create *the conditions necessary for the speedy establishment and growth of nuclear industries*’ while ‘*facilitating investment to develop nuclear energy*’. So, for the first time, these provisions are legally and constitutionally binding on those member states that accept Lisbon. The EU Commission is responsible for the financing of Euratom through the EU budget and decisions on loans etc. are made in secret. There is absolutely no public consultation and the Commission is pro-nuclear.

John Gormley, who was an alternate member of the convention that drew up the Constitution warned during the debates that the inclusion of Euratom in the Treaty would ‘put a bomb’ under the Constitution/Treaty. The argument was advanced that the complexities of the Treaty would be reduced to the question, ‘are you for or against nuclear energy?’ He was supported by his fellow Green member, the Austrian Johannes Voggenhuber.

Two major concerns arise from the addition of Protocol 12: with the recent accession of the new member states, a majority now have nuclear reactors but there are no common safety rules that can be enforced and, secondly, there is now a danger that the balance of forces in the EU in favour of the aggressive promotion of nuclear power may change, through the dual effect of the accession of the new pro-nuclear member states and the powerful *binding* Protocol 12. This could result in the diversion of larger portions of the EU budget to the development of nuclear power. Furthermore, the Lisbon Treaty at Title XVI, ‘Energy’, states that ‘the Council may unanimously adopt measures ... significantly affecting a Member State’s choice between different energy sources and the general structure of its energy supply’. With a pro-nuclear Commission, a legally binding Euratom Treaty and the majority of member states using nuclear power, it doesn’t take a genius to guess that Minister Ryan will come under extreme pressure to acquiesce in the drive for a nuclear-powered EU, especially as the Lisbon Treaty is a self-amending treaty.

Public opinion in Sweden and Germany has achieved a phase-out of nuclear power. These hard won outcomes may now be reversed by the Euratom protocol. Indeed, the first signs of such a shift is beginning to appear in Ireland with the ICTU, through the urgings of the ETUC, calling for a debate on the desirability of nuclear power, as has the government and business interests.

The Green Party leadership makes much of Declaration 44 which states in full that ‘Germany, Ireland and Austria note that the core provisions of the Treaty establishing the European Atomic Energy Community have not been substantially amended since its entry into force and need to be brought up to date. They therefore support the idea of a Conference of the Representatives of the Governments of the Member States, which should be convened as soon as possible’. Of course, if there are any changes resulting, they will not affect the relationship between Euratom and the Lisbon Treaty, and it should be remembered that a Declaration is only aspirational, not binding.

But it is the support extended by our Green Minister for Energy for the Treaty which is most puzzling. Eamon Ryan’s brief includes co-ordination of a campaign to close Sellafield and his party policy states clearly its opposition to the use of nuclear power. As Minister, he could hardly have been unaware of the issues as even John Bruton had pleaded at the convention for Euratom to be re-focused on safety and be used as an instrument to close Sellafield. Maybe he should consult ‘Previous Generation – ten reasons why nuclear power makes no sense for Ireland’ and available on the Green Party website!