



Number 35 of 2009

DEFENCE (MISCELLANEOUS PROVISIONS) ACT 2009

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
 2. Participation by State in certain projects and programmes.
 3. Participation by State in permanent structured cooperation.
 4. Short title.
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Number 35 of 2009

DEFENCE (MISCELLANEOUS PROVISIONS) ACT 2009

AN ACT TO REQUIRE THAT PARTICIPATION BY THE STATE IN PROJECTS AND PROGRAMMES UNDER ARTICLES 20 AND 21 OF COUNCIL JOINT ACTION 2004/551/CFSP OF 12 JULY 2004¹ ON THE ESTABLISHMENT OF THE EUROPEAN DEFENCE AGENCY BE SUBJECT TO THE PRIOR APPROVAL OF THE GOVERNMENT AND DÁIL ÉIREANN; TO REQUIRE THAT PARTICIPATION BY THE STATE IN PERMANENT STRUCTURED COOPERATION REFERRED TO IN ARTICLE 42 OF THE TREATY ON EUROPEAN UNION ALSO BE SUBJECT TO SUCH APPROVAL; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[24th November, 2009]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Council Joint Action” means Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency;

“Treaty on European Union” means the Treaty on European Union amended by the Treaty of Lisbon;

“Treaty of Lisbon” means 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;

“United Nations mandated mission” means a mission established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations.

2.—(1) Participation by the State in a project or programme to which Article 20 or 21 of the Council Joint Action applies shall be subject to the prior approval of the Government and the prior approval of Dáil Éireann.

Participation by State in certain projects and programmes.

¹OJ No. L245 of 17.7.2004, p.17

S.2

[No. 35.] *Defence (Miscellaneous Provisions) [2009.]
Act 2009.*

(2) The Government shall not approve participation by the State in a project or programme referred to in *subsection (1)* unless it is satisfied that such participation would contribute to the enhancement of capabilities for United Nations mandated missions engaged in peace keeping, conflict prevention or the strengthening of international security in accordance with the principles of the Charter of the United Nations.

Participation by
State in permanent
structured
cooperation.

3.—(1) Notification by the State under paragraph 1 or 3 of Article 46 of the Treaty on European Union of the State's intention to participate in permanent structured cooperation referred to in paragraph 6 of Article 42 of that treaty shall be subject to the prior approval of the Government and the prior approval of Dáil Éireann.

(2) The Government shall not approve the giving of a notification to which *subsection (1)* applies unless it is satisfied that participation in permanent structured cooperation to which the notification relates would contribute to the enhancement of capabilities for United Nations mandated missions engaged in peace keeping, conflict prevention or the strengthening of international security in accordance with the principles of the Charter of the United Nations.

Short title.

4.—This Act may be cited as the Defence (Miscellaneous Provisions) Act 2009.