

“The EU wants to privatise public services, like health and education....”

FALSE

The Claim

Lisbon gives the EU more powers to pursue its obsession with competition.

Speaking from Leinster House, Sinn Féin TD Caoimhghín Ó Caoláin said that Articles 16 and 188 of the Lisbon Treaty “will provide the European Commission with the tools to progressively open up areas of European public services such as health and education to internal market competition and international trade.”¹

Lisbon gives the EU the power to privatise key areas.

The CAEUC have claimed that the Lisbon Treaty “would give the EU trade commissioner much more leverage to make international trade agreements leading to privatisation of health, education, social and cultural and audio-visual services (Art 188c TFEU).”²

The Short Answer

Lisbon does not affect Irish health, education and cultural policy. Ireland has 100% control over these issues.

The Long Answer

Health, education and culture are all areas which the Lisbon Treaty clearly states are under complete control of each EU country. There is nothing in the Treaty that can force privatisation in these areas. In fact, the Treaty clearly states that it will support countries’ efforts while fully respecting their responsibility in these matters.

The Treaty in no way expands control of the EU over national policy in these areas but instead requires the Union to support countries in their efforts and to promote co-ordination between them, especially with regard to education; for example in relation to student exchanges and recognition of diplomas.



This European Movement Ireland fact sheet is part of a series of research conducted to clarify the issues in the Lisbon Treaty debate. European Movement Ireland is a pro-European non-profit organisation which does not advocate either side of the Lisbon Treaty Referendum, we advocate the facts.



Current legal situation

The EU can only act in the areas that we as EU countries have given it the power to. This list of areas has grown over the years as we have voted through each Treaty. The EU has four different types of power. Health, education and culture are all areas where the EU has a supporting role, otherwise known as 'supporting competence'.

Where the Union has supporting competence, it can take some actions to support the countries but there cannot be any harmonization of laws in these areas.

While the EU can support the European Union countries in these areas, this is completely led by the countries themselves. For human health, think of the fact that when you're traveling abroad, you have the right to get health service. For education, think of the Erasmus programme – the state of our primary and

secondary schools is our concern, and not something that the EU is involved with. In fact, **the Maastricht Treaty has expressly excluded any harmonisation of law in certain areas, such as education, vocational training, culture and public health.**

Supporting competence

Protection & improvement of human health
Industry & culture
Tourism
Education, vocational training, sport & youth
Civil protection, for example against natural disasters
Administrative co-operation between national authorities

What Lisbon Introduces

Articles 165 to 168 of the Lisbon Treaty require the Union to respect the responsibilities of the Member States for the definition of their health, education and social policies; it excludes any harmonisation of the laws and regulations of the Member States.

Article 165: "1. The Union shall contribute to the development of quality education by encouraging co-operation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity."

...

4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the law and regulations of the Member States."

Article 166: "1. The Union shall implement a vocational training policy which shall support and supplement the action of the Member states, while fully respecting the responsibility of the Member States for the content and organisation of vocational training."

...

4. The European Parliament and the Council, acting in accordance with the ordinary

legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States, and the Council, on a proposal from the Commission, shall adopt recommendations."

Article 167: "5. In order to contribute to the achievement of the objectives referred to in this Article: the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the law and regulations of the Member States."

Article 168: "Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them."

To note, the Water Charge Directive, an issue that arose during the referendum campaign in June 2008, was introduced before the Lisbon Treaty and doesn't have much in common with the Treaty itself.

¹ Deputy Ó Caoláin, "Lisbon Treaty is Bad for Public Services", <http://www.sinnfein.ie/contents/12744>

² <http://www.caec.org/files/CAEUCpamphlet4Feb08.pdf>.