



4 May 2012

Mr Paul Murphy MEP
150 Pearse Street
Dublin 2

Dear Mr Murphy,

Thank you for your letter of 4 May 2012 and for your statement of appreciation of the hard work of the Commission. The Referendum Commission guide is a guide to the contents of the Fiscal Stability Treaty. The section on the "Effect of Treaty on financial assistance/bail-out mechanisms" describes what the Treaty states on the subject of access to the ESM. It does not, nor does it seek to, prejudge any future political decisions.

The Referendum Commission has no role in explaining the ESM Treaty (as it is not before the people in a referendum) other than in the context of its interaction with the Fiscal Stability Treaty. However, in order to avoid any possible public confusion between the various Treaties, it did want to make clear that the ESM is not the subject of this referendum. The text makes it clear that the ESM Treaty is not yet in place as it states that "The ESM is the permanent EU bail-out mechanism which is **expected** to be established by July 2012." (emphasis added)

In answer to a question at yesterday's press conference I stated that Ireland could have vetoed the amendment to Article 136 of the Treaty on the Functioning of the EU but did not do so. I also pointed out that this amendment can come into effect only if ratified by the Dáil and Seanad. This further statement may not have been reported.

I am aware that a legal case in relation to Art 136 and the ESM treaty is underway. It would be entirely inappropriate for the Referendum Commission or I to comment on this.

The argument which you quote is the opinion of an author. I welcome the public expression of all opinions on this Treaty. I pointed out at the press conference that such expressions of opinion are essential for a good debate on the issues. The Referendum Commission, however, cannot express its views on such opinions.

The Referendum Commission will be publishing more detailed information on its website over the coming days and will consider all inputs and suggestions.

Yours faithfully,

Kevin Feeney
Chairperson