

EU-Philippine Justice Support Programme Launched

Executive Secretary Eduardo Ermita, Foreign Secretary Alberto Romulo, and EU Ambassador Alistair MacDonald today officially launched the EU-Philippine Justice Support Programme (EPJUST). Also participating were Mr Detlev Mehlis, the Team-Leader of the EPJUST programme, and Mr Bo Åström, the programme's police advisor.

In a short ceremony at the Department of Foreign Affairs, Ambassador MacDonald said "The launching of the EPJUST programme underlines the willingness of the Philippines and the European Union to work together, even in sensitive areas such as governance, and this reflects the true spirit of partnership which we have built up over the years." The Ambassador added that "during the fourth round of negotiations on the proposed Partnership and Cooperation Agreement (in Manila on 4-5 February), we were already able to point to the EPJUST programme as one very positive sign of our cooperation".

Ambassador MacDonald expressed the hope that the EPJUST programme would help all stakeholders in the Philippines – in government, in the judiciary and in the Commission on Human Rights, and in civil society - to work together to address the critical issue of extra-legal killings and enforced disappearances. "This issue has



Phil. & EU formally launched the Phil.-EU Justice Support Programme (EPJUST) (left-right) Secretary of Foreign Affairs Hon. Alberto G. Romulo, Executive Sec. & Chairman, Presidential Human Rights Committee Hon. Eduardo R. Ermita, EU Ambassador Alistair MacDonald for the European Union and Mr. Detlev Melis, Team Leader, Eu Phil. Justice Support Program (EPJUST).

brought grief to many families here over the years," the Ambassador said, "and has risked sullyng the country's reputation internationally, as well as working to diminish the voice of the Philippines in the field of human rights – a voice for democracy which otherwise has been strong and consistent since 1986."

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The European Union After the Treaty of Lisbon

The Treaty of Lisbon stands for the modernisation of the European Union to meet the challenges faced by Europe today. It is designed to update the tools available to the Union and sets out the EU's objectives for the twenty-first century. The Treaty of Lisbon is accompanied by the legally binding Charter of Fundamental Rights that brings together civil, political, economic and social rights. The Treaty of Lisbon entered into force on 1st December 2009 following the ratification by all 27 EU Member States. This note sets out some of the key elements which the Treaty of Lisbon brings to the European Union.

I. More Efficient European Union

To turn policy aspirations into effective change for citizens, the EU needs the capacity to act. That requires

institutions and working methods which are effective and streamlined. The Treaty of Lisbon updates the Union's institutional system to reflect the need for the enlarged Union to adapt policies to a fast-moving world.

1. Simplification of the decision-making

To enhance the EU's capacity to act, the use of qualified majority voting in the Council has been expanded to many new areas and the definition of the qualified majority voting (QMV) procedure has been simplified.

• The use of the QMV has been significantly expanded; there are more than 40 new areas in which QMV will be used by the Council. This makes the Union more effective.

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Delegation of the European Union to the Philippines



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- The qualified majority in the Council is calculated using an ad hoc weighting system which takes some account of the relative size of Member States. Based on the Lisbon Treaty from November 2014, decision-making in the Council will become simpler, with QMV based on the principle of double majority of Member States and population, representing the dual legitimacy of the Union. The qualified majority will be attained when the vote in favour of a proposal represents at least 55 % of Member States accounting for at least 65 % of the population of the Union. At least four countries will be needed to block a decision.

- The Treaty of Lisbon generalizes (with some exceptions) the 'co-decision' procedure which gives the European Parliament power as co-legislator on an equal footing with the Council. The generalisation of the co-decision procedure (which the Treaty of Lisbon establishes as the ordinary legislative procedure) underlines the dual legitimacy of the States (Council) and peoples (European Parliament), which is the hallmark of the Union. These innovations (co-decision + QMV) enable the Union to better implement its policies.

- The Treaty of Lisbon also maintains a degree of flexibility, with the provision which allows the Union to act in order to attain one of its objectives even if the treaties have not explicitly provided the necessary powers. In such cases, the Council must decide by unanimity, and the consent of the European Parliament will now be required.

2. Single entity

The Union will have a single legal personality, which puts an end to the current duality between the Union and the Community, and enhances the Union's capacity to act.

- The Treaty of Lisbon puts an end to the current distinction between European Union and European Community.

- Under the Lisbon Treaty, the Union has a legal personality, what hitherto only the European Community had under the previous EU Treaties. This innovation is particularly important for the external dimension of EU action. A single legal personality will clarify the role of the European Union inside the EU and with partners world-

wide. The Treaty of Lisbon will allow the EU to work more effectively alongside the Member States, who retain their existing role and prerogatives in international relations and international organisations.

- Having a single legal personality enables the Union to conclude international agreements and join international organizations. Thus, for example, the Union will be able to accede to the European Convention on Human Rights. This will allow the Court of Human Rights in Strasbourg to control the compliance of the Union's acts with the European Human Rights Convention.

3. Enhanced cooperation

The strengthened role of enhanced cooperation enables the Union to retain its ability to act, even without the participation of all Member States. By this mechanism the different interests of the Member States can be respected.

- The Treaty of Lisbon confirms the possibility introduced by the Amsterdam Treaty, of developing enhanced cooperation in specific policy areas under some strict conditions and facilitates the operation of such a mechanism. Enhanced cooperation aims at allowing some Member States to act jointly in the framework of the institutional organisation of the Union. This form of cooperation is in itself a mechanism which improves the capacity to act at the European level, by allowing a certain number of Member States to go forward, while leaving the option for others to join.

- This approach also allows Member States to stay outside of closer cooperation in which they do not want to take part, without preventing others from acting together.

4. Institutional changes

The European Council becomes a separate institution, with its own stable president to give more coherence to the Union's actions.

- The European Council is established as a separate institution from the Council and will have a President appointed for a period of two-and-a-half years. This will consolidate the authority of the European Council in steering consistent political action.

Following the effectivity of the Lisbon Treaty on 1 December 2009, the EU News features this Lisbon Treaty to present highlights of the Treaty as well as the major changes and implications in the EU.

Many further changes are bound to be adapted this year and in the future, but the bottomline is that after this Treaty emerges a more democratic, transparent and efficient Europe.

Here in the Philippines, to welcome the Lisbon Treaty and to highlight the partnership and friendship between the EU and the Philippines, the European Union in Manila organises a series of events, including Europe Cultural Summer dubbed Viva Europa 2010, a festival of arts, culture, music, languages, poetry, film, and dances to provide the best of the EU in the country. The EU Delegation also organises two major competitions, Europe Ko To and Aking Europa MTV Contest for young people (reference: <http://www.delphi.ec.europa.eu>)

The EU News acknowledges all the contributors in this issue. Theme for the next issue is "Peace" and deadline for submission of articles is on 17 May 2010.

THELMA A. GECOLEA

The European Parliament in session.



- Establishing an elected President for the European Council increases the visibility of the Union and the overall coherence of the Union's action. The full time President enables the European Council to provide continuous policy impetus and political guidance, while not having any legislative function.

- The role of this President is to chair and take forward the work of the European Council, and to ensure at his or her level and in his/her capacity the external representation of the Union, including issues concerning the CFSP.

- The Treaty of Lisbon reinforces the legislative and budgetary powers of the European Parliament, and modifies its composition: the number of MEPs cannot exceed 754 (until 2014, from 2014 onwards there will be 751 MEPs, 750 plus the Parliament's President). The distribution of seats between Member States is based on degressive proportionality.

- The size of the Commission is kept to one Commissioner per EU Member State. Originally the Treaty of Lisbon foresaw the reduction to two thirds of the number of EU Member States. However, following the commitments given to Ireland at the European Council in December 2008, each Member State will continue to nominate a Commissioner.

- The Treaty of Lisbon introduces a direct link between the results of the European elec-

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tions and the appointment of the President of the Commission.

5. High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission

The new post of the High Representative of the Union for Foreign Affairs and Security Policy improves the coherence of the external action of the Union

- The post of the High Representative of the Union for Foreign Affairs and Security Policy is reshaped and strengthened. The High Representative is responsible for conducting the Union's common foreign and security policy. The posts of the former Secretary General of the Council and High Representative of the Union for Foreign Affairs and Security Policy and the Member of the Commission responsible for External relations have been merged into this new function. The High Representative, who is also Vice-President of the Commission, is responsible for external relations and the coordination of the other external aspects of the Union's action. He/she will also chair the Council of Ministers of Foreign Affairs. The newly introduced European External Action Service is under the authority of the High Representative for Foreign Affairs and Security Policy.

- Bringing together these two roles will improve the coherence and efficiency of the Union's external action (in a harmonised collaboration and support of the permanent President of the European Council).

- Citizens of the EU will also be able to take advantage of improved diplomatic and consular assistance when travelling abroad.

II. More Democratic European Union

With the Lisbon Treaty, Europe's democratic infrastructure is refreshed and reinforced. It offers more open institutions and more opportunities for European Union citizens to have their voice heard on the work of the Union. A new section of the Treaty of Lisbon lays out the principles underlying the Union's democratic accountability.

1. Democratic values

The Treaty of Lisbon sets out explicitly and reinforces the values on which the Union is built. These values must be respected by all Member States.

- The Treaty of Lisbon sets out, right at the beginning, the values on which the Union is based: human dignity, freedom, democracy, equality, the rule of law, and respect for human rights. These values are common to the Member States. The Union is open to all European countries which respect its values.

- As already foreseen in the previous treaties, penalties would be imposed on any Member States which was found to fail to comply with these values in a serious and persistent manner.

- The Treaty of Lisbon provides that the

Union fully respects national identity, including regional and local autonomy. It establishes the principle of protecting linguistic and cultural diversity.

- The Treaty of Lisbon makes clear the ability of any Member State, in accordance with its own constitutional rules, to withdraw from the Union. Its relations will, in this event, be governed by an agreement between itself and the Union

2. Clarification of competences

The relationship between the Member States and the European Union will become clearer with the categorisation of competences. The competences of the Union and the Member States are unambiguously defined in the Lisbon Treaty, indicating where the Union has exclusive, shared or complementary competences.

- The Treaty of Lisbon streamlines the distribution of competences between the Union and the Member States. Starting from the principle that the Union only has the powers which are conferred upon it, the Treaty of Lisbon introduces a major innovation in comparison to the current system, namely the classification of the Union competences into three categories

A. Exclusive competence: only the Union may legislate in areas such as the customs union, monetary policy for the Member States whose currency is the Euro or common commercial policy.

B. Shared competence: the Union as well as the Member States may legislate in areas such as the internal market; environment; consumer protection; transport; energy; the area of freedom, security and justice.

C. Areas of supporting, coordinating or complementary action: the Union can act in support of the Member States' action without thereby superseding their competence in areas such as industry, culture, tourism, education, youth, sport and vocational training.

- By making clear who is responsible for doing what in the European Union, the Treaty of Lisbon reduces the risk of unnecessary centralisation.

- The Treaty of Lisbon also provides a guarantee for a more decentralized approach so that decisions are taken as close as possible to the citizen. It brings the local and regional dimension into the legal framework and provides that the Union must respect the national identities of Member States, inherent in their fundamental structures, including regional and local self-government.

3. Strengthened role for Parliaments

The enhanced participation of the European and national parliaments in the decision making will enhance democracy and increase legitimacy in the functioning of the Union.

European Parliament

- The Treaty of Lisbon confirms the role currently played by the European Parliament, with



The seals on the pages of the Treaty of Lisbon.

a considerable extension of its functions. The European Parliament's role as co-legislator is substantially reinforced as a result of the co-decision procedure becoming the ordinary legislative procedure. The ordinary legislative procedure will apply to new areas, such as the area of freedom, security and justice.

- The Treaty of Lisbon also makes explicit the link between the European Parliamentary election results and the appointment of the Commission President in terms of his/her "political colour".

National parliaments

- For the first time in European treaties, national parliaments are directly involved in the European decision-making process. They act as "watchdogs" of the principle of subsidiarity. National parliaments have eight weeks to send a reasoned opinion if they consider that a legislative proposal does not respect subsidiarity. A reasoned opinion from one third of national parliaments triggers a review of the proposal by the Commission; a negative opinion from over half national parliaments could only be overruled by a specific decision by both the European Parliament and the Council.

- This system, which complements the current Commission practice of sending all its proposals to national parliaments for information and comment, further increases democratic legitimacy in EU decision-making.

- The new Treaty also provides for closer co-operation between the European Parliament and national parliaments.

4. Citizens' rights

The Treaty of Lisbon constitutes a step forward for the protection of citizen's rights. It preserves existing rights, and establishes new rights and new mechanisms to make sure that these rights are fully respected within the Union.

- Principle of democratic equality which means the equality among all citizens and an equal attention from the Union's institutions, bodies, offices and agencies.

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Human dignity, freedom, democracy, equality, the rule of law and the respect for human rights: these are the core values of the EU which are set out at the beginning of the Treaty of Lisbon. It reaffirms important steps to outlaw discrimination on the grounds of gender, race and colour. It also mentions social rights applied within companies, e.g. workers' rights to be informed, to negotiate and take collective action

- Principle of participatory democracy which complements the existing principle of representative democracy: right of regular dialogue between the institutions and the citizens and representative associations; right to broad consultations; etc.

- The Treaty of Lisbon establishes a European citizens' initiative which creates a possibility for a million citizens from different Member States – out of the Union's population of almost 500 million – to trigger an invitation to the Commission to bring forward a new proposal on any issue which falls within the competence of the Union.

5. Charter of Fundamental Rights

The Treaty of Lisbon recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights, and gives its provisions a legally binding force.

- The Charter of Fundamental Rights is of great symbolic value but is much more than that, as it sets out a real catalogue of rights that all citizens of the Union should enjoy. This means more guarantees of the rights and greater freedom for European citizens but does not mean an extension of the Union's powers.

- The Treaty of Lisbon gives the Charter binding legal force, the Court of Justice will ensure that the Charter is adhered to.

- "Opt-outs" to the application of the Charter have been agreed for the Czech Republic, Poland or the United Kingdom.

6. European Human Rights Convention

- The Union will accede to the European Human Rights Convention, which is possible through the EU's new legal personality. This will allow the Court of Human Rights in Strasbourg to control the compliance of the Union's acts with the European Human Rights Convention.

7. Solidarity in the Union

The Treaty of Lisbon put solidarity at the heart of the Union's values and sets out how solidarity is expressed in a variety of policy areas.

- Solidarity is included as one of the core values of the Union.

- The Treaty sets out how solidarity must apply in a number of specific areas: energy supply, common foreign and security policy; and asylum, immigration and external border control.

- In particular, a new "solidarity clause" requires the Union and its Member States to give assistance if a Member State is the target of a terrorist attack or the victim of a natural or man-made disaster.

8. The social dimension

The Treaty of Lisbon establishes the social market economy as one of the Union's core objectives, backed up by the social provisions of the Charter of Fundamental Rights.

- As well as the social market economy, the Union's aims include full employment and social progress, as well as the task of combating social exclusion and discrimination, and promoting social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. Social objectives are to be mainstreamed into all policy areas.

- The role of the social partners and the Tripartite Social Summit is explicitly recognised.

9. Access to information

- The Treaty of Lisbon confirms that citizens and national parliaments will see the decisions taken by their government at first hand through opening the legislative discussions in the Council of Ministers to the public.

III. MORE SECURE EUROPEAN UNION

The Treaty of Lisbon aims to guarantee a free and secure Europe where the rule of law preserves liberty for all residents of the Union. New possibilities are opened up to fight against crime, terrorism or climate change and to secure energy supply as a response to a fundamental request for 'more Europe' in these areas.

1. Justice, freedom and security

People live in a safer Europe as the Union can take decisions easier and faster in the field of security. Europe is more effective in combating terrorism, dealing with criminal gangs, crime prevention, illegal migration and human trafficking.

- The concept of an area of freedom, security and justice already features in the previous Treaties. However, the Treaty of Lisbon gives the Union better means of reaching solutions which match the scale of the challenges facing the Union.

- In the area of freedom, security and justice, the Treaty of Lisbon introduces qualified-majority voting in the vast majority of cases. Furthermore, new legislation in this area will fall under the jurisdiction of the European Court of Justice, giving extra protection to citizens.

- The Treaty of Lisbon confirms the EU commitment to the development a common immigration policy. This will ensure a consistent approach on immigration, taking into account the economic and demographic evolution of our continent, and giving due attention to social integration.

- The Treaty of Lisbon also confirms the development of a common European asylum system with the establishment of a uniform status and common procedures for all persons in need of international protection.

- Opt-outs to some of these provisions are maintained for Ireland and the UK due to specific national circumstances.

2. Climate change/environment

Climate change is among the biggest environmental, social and economic challenges facing mankind. Urgent action is needed to limit climate change and to limit the damage.

- The Treaty of Lisbon identifies promoting measures to combat climate change at the international level as a specific objective of environment policy.

- The Treaty of Lisbon indicates that one of the Union's objectives is to work for sustainable development in Europe based, in particular, on a high level of protection and improvement of the environment. The affirmation of sustainable development as one of the fundamental objectives of the Union in its relations with the outside world is a novelty of the Lisbon Treaty.

3. Energy

Europe is facing a new challenge: how to secure, sustainable and competitive energy. The Treaty of Lisbon clarifies and complements the rules on energy in the Treaties.

- For the first time, the Treaty of Lisbon contains a section on energy which assigns to EU policy in this sector the objectives of ensuring the proper functioning of the energy market, in particular energy supply and the promotion of energy efficiency and energy saving, and the development of new and renewable forms of energy.

- The Treaty of Lisbon also establishes the principle of solidarity in the case of difficulties of energy supply of one or several Member States. Other Member States are expected to step in, for instance in case a major external supply disruption faced by a country.



Explaining the Treaty of Lisbon

Why does Europe need the Lisbon Treaty?

The European Union (EU) of 27 members has been operating with rules designed for an EU of 15 Member States. To realise its full potential, the European Union needs to modernise and reform.

At the same time, there is increasing support for the EU to work together on issues that affect us all, such as climate change, energy security and international terrorism. As the EU has grown and its responsibilities have changed, it makes sense to adapt the framework it operates in so that the EU has the means to tackle today's challenges and tomorrow's.

In particular, the Lisbon Treaty will lead to greater efficiency in the decision making process, increased democratic accountability by associating the European Parliament and national parliaments and increased coherence externally. All of these improvements will equip the EU better to defend the interests of its citizens on a day-to-day basis.

10 examples of benefits for European citizens

- A right for citizens to make a request to the Commission for it to pro-

pose a new initiative ("European citizens initiative")

- Better protection for citizens through the new status given to the Charter of fundamental rights

- Diplomatic and consular protection for all EU citizens when travelling and living abroad

- Mutual assistance against natural or man-made catastrophes inside the Union, such as flooding and forest fires

- New possibilities to deal with cross border effects of energy policy, civil protection and combating serious cross border threats to health

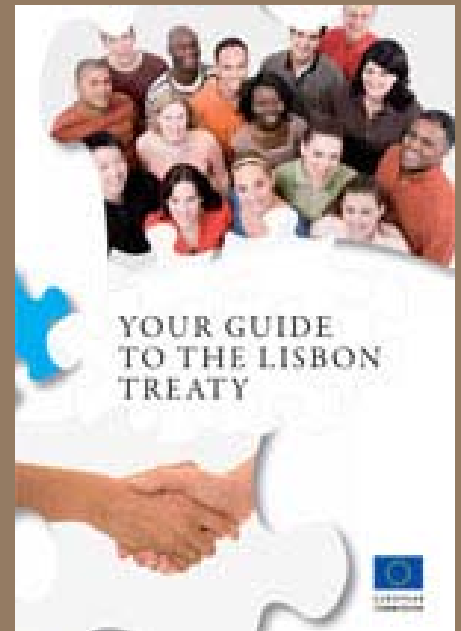
- Common action on dealing with criminal gangs who smuggle people across frontiers

- Common rules to avoid asylum shopping where multiple applications are made to different member countries

- Tackling terrorism through the freezing of assets, while full judicial review is guaranteed by the European Court of Justice

- More democratic approach to EU decision-making (strengthened role of European Parliament and national Parliaments)

- An ability to provide urgent financial aid to third countries



For more information:

The European Commission's Guide to the Lisbon treaty : http://ec.europa.eu/publications/booklets/others/84/index_en.htm

European Commission website on the Lisbon Treaty : http://europa.eu/libson_treaty/index_en.htm

A copy of the Treaty of Lisbon can be found at : http://europa.eu/libson_treaty

The Launching of the...from page 1

"The EU very much appreciated President Macapagal-Arroyo's invitation to provide technical assistance to help address this issue", the Ambassador said, "and we very much look forward to working through the EPJUST programme to help Philippine society as a whole address and resolve these issues."

Background

Under the Financing Agreement for the EPJUST programme signed in October 2009, the EU has committed the amount of €3.9 million (approx. PhP 250 million) to cover the cost of technical assistance services, advice and training, intended to strengthen the criminal justice system (investigation, prosecution, and judiciary), to

support the Commission on Human Rights as well as civil society groups working in this area, to enhance human rights awareness among the uniformed services, and to establish a credible and effective National Monitoring Mechanism, which will bring together all Philippine stakeholders to help track the nation's progress in addressing this issue.

The inception phase of the programme commenced already in late November, with the arrival of the first experts. Following approval of the project workplan by the Steering Committee, full project implementation will be carried forward through till April 2011.

The programme will be implemented by a core team of senior European experts, working closely with all the Philip-

pine stakeholders. The EPJUST team is led by Mr. Detlev Mehlis, Senior Prosecutor and Head of Section in the Office of the Superior Prosecutor in Berlin. The two other key experts are Mr. Bo Åström, Head of the International Affairs Division in the Swedish National Police Academy, and Ms Benedetta Odorisio, an Italian expert with extensive working experience with the United Nations Office of the High Commissioner for Human Rights. (Mr Mehlis and Mr Åström took up their duties in November/December 2009, while Ms Odorisio will arrive at the end of this month.) In addition, a number of short-term European expert inputs will be made to assist in different aspects of the programme.

The Treaty of Lisbon and the EU as a world actor

Gabriel Munuera Viñals, *Political Counsellor, EU Delegation to the Philippines*

The Treaty of Lisbon entered into force on 1 December 2009 with two major innovations aimed at boosting the EU's international role: the appointments of Herman Van Rompuy as President of the European Council and of Catherine Ashton as High Representative for Foreign Affairs and Security Policy.

The Treaty has equipped the Union with a larger and more sophisticated "foreign policy kit", which should boost Europe's international visibility and its capacity to support human rights and fundamental freedoms, international law and the UN Charter, peace and development worldwide. Such foreign policy kit includes:

- The integration of the European Community into a European Union that is granted a single legal personality. No more confusion between EC and EU when referring to the Union.
- A reinforced High Representative. The new High Representative of the Union for Foreign Affairs and Security Policy, unlike the previous HR who only reported to the Council, is also a Vice-President of the European Commission. She/he "...shall conduct the Union's common foreign and security policy (...) shall be responsible within the Commission for responsibilities incumbent on it in external relations..." and, most importantly, "...shall ensure the consistency of the Union's external action".
- The new HR will also be better assisted by a new European External Action Service composed of officials from diplomatic services of Member States and the relevant services from the European Commission and the Secretariat of the Council. A HR/VP proposal should be adopted by the Council in April.

- The Union is now represented around the world by EU Delegations that cover the whole spectrum of the Union's action, unlike the previous European Commission Delegation focused on European Community policies (mainly trade and cooperation) and with a limited involvement in CFSP/ESDP or the external dimension of Justice and Home Affairs (migration, trafficking, organised crime). These Delegations will also gradually integrate diplomats from Member States and civil servants from the Secretariat of the Council.

- The European Council (previously an ad hoc gathering of EU Heads of State and Government providing strategic guidance to the Union/Community) has been institutionalised and is now headed by a new President of the European Council, who will also help represent the Union worldwide.

Other Lisbon features should also strengthen the Union as an international actor, from the full integration of investment in the exclusive EU trade competence, to that of most previously called "justice and home affairs" matters in the 'acquis communautaire', to the possibility for those Member States having the will and the capacity to develop a structured cooperation in the field of defence that may lead to a common defence system.

A long and surely at times winding road still lies ahead, starting with the creation of an EEAS and the full equipping of the Union Delegations, but significant headway is being made towards a Union that works more efficiently and visibly in the world.

Milestones to the Lisbon Treaty

2001: The Treaty of Nice and the Laeken Declaration pave the way for institutional reform

- Declaration annexed to the Treaty of Nice (signed 26 February 2001) highlights the need to review the EU's constitutional framework, particularly in light of the accession of ten new Member States.
- The 'Declaration on the Future of the European Union' (known as the Laeken Declaration), made on 15 December 2001, commits the EU to becoming more democratic, transparent and effective - paving the way for the Convention of the Future of Europe and a new constitution.

2002/3: The Convention of the Future of Europe starts work.

- The inaugural meeting of the European Convention takes place on 28 February 2002. The Convention, presided over by Valéry Giscard d'Estaing.
- The Convention concludes its work on 10 July 2003 after reaching agreement on the proposed Constitutional Treaty.

2004: The European Constitution is agreed by European Leaders

- European leaders reach an agreement on the draft European Constitution on 18 June 2004. The text is signed at a ceremony in Rome on 29 October 2004.
- The ratification process begins.

2005: 'No' votes lead to a 'period of reflection'

- 'No' votes in referenda in France (29 May 2005) & the Netherlands (1 June 2005) against the new European Constitution lead to a 'period of reflection'. The European Constitution is suspended.

2007: A new treaty is agreed.

- Leaders agree on the foundation of a new treaty to replace the rejected Constitution. An IGC (Inter-Governmental Conference) discusses the new treaty on 23 July 2007.

- A deal on a final text is reached at the European Council on 19 October 2007. The 'Treaty of Lisbon' is signed in the Portuguese capital on 13 December 2007.

- Ratification begins. The Hungarian legislature is the first to approve the treaty - which it does on 17 December 2007.

2008: No vote from the Irish electorate puts ratification process in doubt

- 22 Member States complete the ratification process during 2008 leaving Poland, Germany, the Czech Republic and Ireland (following the 'no' vote in a referendum on the treaty) yet to ratify the Treaty.

2009: Treaty enters into force.

- Irish citizens vote yes to the Treaty following a second referendum on 2 October 2009.
- The final instrument of ratification - from the Czech Republic - is deposited in Rome on 13 Nov 2009.
- The Treaty enters into force on 1 December 2009.

The European Union after the Lisbon Treaty

Excerpts from the Speech of **Ambassador Alistair MacDonald**
Head of the EU Delegation to the Philippines

Manila, 26 January 2010

Full copy of the speech may be found in: <http://www.delph.ec.europa.eu>



• One of the main areas where the Lisbon Treaty brings important changes is precisely in relation to strengthening the role of the EU as an effective actor on the global stage. The Treaty gives Europe a clearer voice in its relations with our partners around the world, and in promoting European interests and values worldwide, while of course respecting the particular interests of the Member States in Foreign Affairs. The new High Representative of the Union in Foreign Affairs and Security Policy, Catherine Ashton, will also be a Vice-President of the Commission, indeed the senior VP of the Commission, and will head the new European External Action Service, the diplomatic service of the EU. Indeed Lady Ashton's phone-number is the one that Henry Kissinger was looking for many years ago.

While the EEAS is still "work in progress" – the HR has to present her proposals on this for decision by the Council in April – one of the first changes introduced by the Treaty was that already from the 1st of December, all European Commission Delegations to third countries have become "Delegations of the European Union", working under the authority of the High Representative / Vice President, and representing the interests of the Union rather than just of the Commission. One very simple consequence of this was that we had workmen in RCBC changing the name-plate outside our door at 1:00 am on the 1st of December. More substantially, here in the Philippines as in more than 50 other countries around the world, the EU Delegation has from 1 January taken on the task of representing the EU vis-à-vis the Philippines, replacing in that respect the normal Presidency or Troika arrangements – except for certain areas where the EU Delegation has no competence, for example in consular issues, where the rotating Presidency will continue to chair our internal meetings in this area.

I'd like to be very clear about the role of the Delegation, though, in case there's any possible misunderstanding. Yes, the Delegation will represent the foreign-policy interests of the Union in the Philippines, and will also represent the Union in any other area where the EU, as EU, has decided to work together. But No, the Delegation will not in any sense take over any of the normal work of Member-State Embassies. It has to be remembered that the EU component of the work of an Embassy is only one small part of their normal work-load – promoting commercial and cultural links, looking after the interests of their citizens, issuing visas, cooperating with the Philippines in many areas which are not part of the work of the EU as EU. Now I apologise if any in the audience might think that I'm simply stating the obvious – but I have to say that I've been asked such questions. So I must tell you that the rich multiplicity of Europe's diplomatic, commercial and cultural contacts with the Philippines will not change – just as I must tell you that I cannot give you a visa !

• I'd like now to say a few words about the more specific implications of the Treaty for trade and investment issues. In the field of EU trade and investment policy, the Lisbon Treaty brings important new opportunities, since it will help better defend European industrial and commercial interests in third countries by allowing us to do more things at the EU level. In addition, it will broaden the scope and democratic basis of our trade policy by enhancing the powers of the European Parliament in relation to trade matters.

One important innovation under the Lisbon Treaty is that it establishes an exclusive competence for the EU on Foreign Direct Investment. Previously, investment was an area of mixed competence: the EC conducted investment negotiations focused on liberalisation, bilaterally or multilaterally, while Member States

negotiated Bilateral Investment Treaties (BITs) aimed at protecting their companies' investments abroad. There are currently some 700-800 such BITs in force around the world, and I gather that these agreements will be

"grandfathered" by a Council Decision, to ensure that legal certainty prevails and no investor rights are lost. Thereafter, it is expected that there will be an increasing recourse to EU as opposed to national investment treaties, perhaps particularly with our largest international partners. The precise procedures for this are still under discussion in the Council, but there is a real prospect that EU investors will in future be able to count on support from the EU as such, rather than only from their national administration.

The role of the European Parliament in trade policy will also be considerably strengthened. All trade agreements will now have to be approved by the European Parliament, which will mean that we will have to build in more lead-time in our trade negotiations in order to avoid that these might be slowed down. It is also possible that broader issues, such as social, environmental or human rights issues, will figure more prominently in future trade negotiations, given the attention which the European Parliament has long paid to such matters. Certainly, our trade negotiators will have to engage the Parliament very actively from now on.

• Finally, I'd just like to comment briefly on the EU's response to the global recession, and on the way forward. Currently, the EU's economic recovery is gathering momentum, though admittedly at a very modest pace, with 0.3% GDP growth in the third quarter of 2009, after 5 consecutive quarters of decline. This reflects improvements in the external environment, in financial markets and in overall confidence, which to a large extent is due to the unprecedented scale of worldwide policy response to the recession.

For the two years 2009-10, the EU's overall fiscal stimulus amounts to some 5% of GDP (or •650 billion), including the effects of automatic stabilisers. Inflation is expected to remain subdued (1% in 2009-2010, 1.5% in 2011) but the overall economic outlook remains uncertain, particularly as rising unemployment (projected to reach 10.25% across the EU by 2011, up from 9.5% last Nov) is a major source of concern. But a gradual stabilisation in employment is likely to be seen towards the end of 2010 and into 2011 as recovery takes hold.

In this context, structural reforms coupled with an orderly and timely exit strategy are essential for a self-sustained and durable recovery. The financial sector support schemes will gradually be withdrawn, starting with potentially the most distorting government guarantees. But there will certainly be a need to ensure the banking sector becomes sufficiently capitalised to withstand any future adverse shocks without impairing provision of credit to the real economy.

The EU has attached great importance to upgrading the supervisory architecture of our financial markets – a new European Systemic Risk Board will monitor macro-prudential risks (and issue warnings and recommendations for policy action if risks are judged significant). We are also creating three new European supervisory authorities for banks, insurance and securities markets that will strengthen supervision and act efficiently in case of urgency; the European Parliament's approval of these proposals is currently awaited.

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A Stronger Voice for the Euro Area The Impact of the Lisbon Treaty on EMU

Among the key EU policy areas where the Lisbon Treaty will have important practical consequences is on the functioning of the Economic and Monetary Union (EMU). EMU represents a major step in the integration of EU economies. It involves the coordination of economic and fiscal policies, a common monetary policy, and a common currency, the euro. Whilst all 27 EU Member States take part in the economic union, some countries have taken integration further and adopted the euro. Together, these countries make up the euro area.

The euro area is currently composed of 16 out of the 27 EU Member States: Belgium, Germany, Ireland, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Greece, Slovenia, Cyprus, Malta and Slovakia.

Of the 11 EU Member States not yet using the euro, two (Denmark and the United Kingdom) agreed an 'opt-out' clause in the Treaty exempting them from participation, while the remainder (many of the newest EU members plus Sweden) have yet to meet the conditions (which include low and stable inflation, exchange rate stability and sound public finances) for adopting the single currency. Once they do so, they will replace their national currency with the euro.

When the euro came into being, monetary policy became the responsibility of the independent European Central Bank (ECB), which was created for that purpose, and the national central banks of the Member States having adopted the euro. Together they compose the Eurosystem. Fiscal policy (tax and spending) remains in the hands of individual national governments – though they undertake to adhere to commonly agreed rules on public finances known as the Stability and Growth Pact. They also retain full responsibility for their own structural policies (labour, pension and capital markets), but agree

to co-ordinate them in order to achieve the common goals of stability, growth and employment.

The Treaty of Lisbon reinforces the capacity of the euro area to decide and act autonomously and smoothens the decision-making process for the coordination of economic policies within the EU.

A reinforced capacity for the euro area to decide and act autonomously

The Treaty of Lisbon contains a new provision to ensure the proper functioning of the EMU. The Economic and Financial Affairs Council (composed of the Economics and Finance Ministers of all EU Member States) can adopt specific measures to those Member States whose currency is the euro in order to strengthen the coordination and surveillance of their budgetary discipline.

Before the entry into force of the Treaty of Lisbon, the Member States not participating in the euro area had no voting rights in certain decisions solely concerning the euro-area (such as decisions on the issuance of euro banknotes and coins, the nomination of members of the ECB's Executive Board, the euro-area's exchange rate policy and the imposition of sanctions under the excessive-deficit procedure, etc.) With the Lisbon Treaty, the areas in which the non-participating Member States have no voting rights are extended and now also cover:

- the adoption of broad economic policy guidelines concerning the euro area
- recommendations (or early warnings) made to euro-area Member States in the framework of multilateral surveillance (including on stability programmes)
- all measures in the context of the excessive deficit procedure insofar as euro-area Member States are concerned.

The Euro area Member States can also address a recommendation to the Council for the discussion of European Commission proposals aiming at enlarging the euro area.

The important role of the Eurogroup in the euro-area's decision-making is recognised in a separate Protocol annexed to the Treaty of

Lisbon, confirming the current practice of informal meetings of the euro-area ministers in which the European Commission participates and to which the ECB is invited. The Protocol specifies that the Eurogroup elects a President for two and a half years. This has been informally already the case, though not for the same duration (2 years instead of 2 years and a half).

A smoother decision making process for the coordination of economic policies

The Treaty of Lisbon streamlines and simplifies decision-making procedures concerning EMU.

In comparison with the present rules, it extends the scope of qualified majority voting to almost all areas of EMU. The unanimity requirement is preserved only for a few specific Council decisions, in particular on measures to replace the Protocol on the excessive deficit procedure and on the fixing of the conversion rate between the euro and the currency of a Member State adopting the euro.

The European Commission's role as independent "referee" in relation to economic governance is strengthened. For instance, the Commission has the possibility to issue a "direct" warning to Member States (as opposed to a Recommendation to the Council) whose economies are misaligned with the broad economic policy guidelines adopted by the Council or risk jeopardising the proper functioning of EMU.

Member States are no longer allowed to vote on Council Recommendations in the context of multilateral surveillance and on Council Decisions in the excessive deficit procedure which are addressed to them in order to avoid conflict of interest.

The Treaty of Lisbon also introduces some other changes, for instance the ECB, becomes an EU institution, while its legal personality and independence vis-à-vis the other institutions and the Member States are not changed.

Overall, the Treaty of Lisbon provides for a specific set of provisions for the euro area and facilitates the decision-making process.



The EP and Lisbon

The Lisbon Treaty gives the European Parliament more power to shape Europe than ever before. Along with more power, comes more responsibility vis-à-vis citizens, national parliaments and the European Union.

Every new EU treaty has increased the European Parliament's legislative power. The Lisbon Treaty now places Parliament on an equal footing with the Council of Ministers in deciding on the vast majority of EU laws.

More powers

The Lisbon Treaty makes the European Parliament a **stronger lawmaker** by bringing over 40 new fields within the "co-decision" procedure, under which Parliament has equal rights with the Council. These areas include agriculture, energy security, immigration, justice and home affairs, health and structural funds.

Parliament gains a bigger role in **setting budgets**, as the old distinction between "compulsory" and "non-compulsory" expenditure is abolished. Parliament will decide on the entire EU budget together with the Council.

MEPs will also have to give their consent to a whole range of international agreements negotiated by the Union, in areas such as international trade.

More responsibility

More power means more responsibility. With this increased legislative power, Parliament's decisions will, more than ever, directly affect the daily lives of Europe's **citizens**. Parliament shall, in all its activities, fully respect the **fundamental rights** of EU citizens, in line with the Charter of Fundamental Rights enshrined in the Lisbon Treaty.

MEPs will have a new role in relations with the **other institutions** of the EU. From now on, results of elections to the European Parliament will be directly

linked to the choice of candidate for the President of the European Commission. The whole Commission, including the High Representative of the Union for Foreign Affairs and Security Policy, needs Parliament's approval to take office.

Lastly, the Lisbon Treaty gives Parliament a new right to propose treaty changes.

EP and Lisbon Treaty in 5 points

1. New EP: better equipped for today's challenges

The Lisbon Treaty improves the ability of the EU and its Parliament to act and deliver. At a time when both Europe and the rest of the world are faced with new challenges like globalisation, demographic shifts, climate change, energy security and terrorism, no single state can effectively deal with them alone. Only by working together, in a more efficient, accountable, transparent and coherent way and speaking with one voice, can Europe respond to its citizens' concerns. The reform treaty makes your Parliament better equipped for today's and tomorrow's challenges - in a growing EU. Further, with Lisbon, your Parliament will also enjoy a new right to propose future treaty changes.

2. New EP: more powers in shaping Europe

With the Lisbon Treaty, the European Parliament will have more power in shaping Europe than ever before. With its full legislative power extending to over 40 new fields, Parliament becomes a truly equal lawmaker with the Council of Ministers, representing member states governments. Agriculture, energy security, legal immigration, justice and home affairs, public health and structural funds are just a few of the areas where Parliament acquires full authority. Its decisions will have an ever stronger impact on your everyday life.

3. New EP: tighter hold on EU's purse strings

From now on, the Parliament will de-

cide on the entire EU budget together with the Council of Ministers. Until now, it did not have the final word on "compulsory expenditure" (around 45% of the EU budget) such as spending relating to agriculture or international agreements. This changes as the Parliament becomes responsible for the entire EU budget, together with EU governments. Your Parliament will not only have a decisive say on overall spending priorities, but will also have a tighter hold on the EU's purse strings.

4. New EP: greater say on who runs the EU

In the Lisbon era, the Parliament will not only decide what is done and how money is spent, it will also have a greater say on which men and women run the EU. The Parliament will elect the President of the European Commission, on the basis of the EU heads of state and government's pre-selection, which must take into account the results of European elections - and your choice. Also, Parliament's consent is needed in the appointment of the EU's new voice in the world and foreign policy chief, the High Representative for Foreign Affairs and Security Policy, who will also be a Commission Vice-President.

5. New EP: stronger voice for Europe's citizens

New power means more responsibility. As the only directly-elected EU institution, the Parliament will have new tools to give a stronger voice to the 500 million citizens it represents and to hold the EU accountable to them. The Parliament will be the guardian of EU citizens' new catalogue of civil, political, economic and social rights - the Charter of Fundamental Rights - embedded in the Lisbon Treaty, as well as their new right of citizens' initiative, which will allow people to call for new policy proposals if supported by 1 million signatures. Also, it will safeguard national parliaments' right to object to European level legislative proposals should they consider them to concern matters better dealt with at national level.

The European Union...from page 5

More generally, the Commission will shortly be presenting to Council and Parliament its proposals for the long-term sustainable growth strategy which the EU should follow in seeking to protect and enhance the prosperity and security of our citizens, taking account of the challenges and opportunities that globalisation offers, of the challenges posed by climate change and by the ongoing task of recovery from the global recession, and of the need to build jobs and economic opportunities, promote social cohesion, and

keep Europe "fit-for purpose" in the 21st century. Intended to replace the "Lisbon Strategy" of 2000, these new proposals - "Europe 2020" will be finalised as soon as the new Commission has taken up its duties, and I gather that the first discussion of this new policy agenda might take place in February. This will certainly be something that we can look at together in the months to come.

• Ladies and gentlemen, I could continue to speak of different aspects of

the Lisbon Treaty for some considerable time, but I suspect that I would be outstaying my welcome. I hope though that I've addressed most of the key issues that might have been in your mind, and I would be happy to answer any questions that you might have. For those of you who are anxious to have the full details, the texts of the consolidated Treaties (and of the Lisbon Treaty itself, for insomniacs) are available on the Delegation website.

Thank you for your attention, maraming salamat po.



External Policy of the European Union

The Barroso Commission II group photo

Europe as an actor on the global stage

The specific provisions on the Union's external action are split between the EU Treaty and the FEU (Functioning of the European Union) Treaty as follows:

The EU Treaty contains a new chapter with general provisions on the Union's external action and on the role of the European Council. A key innovation is the creation of the post of High Representative / Vice-President (HR / VP) of the Commission who will have a new service, the European external action service, at his/her disposal.

A specific part of the FEU Treaty covers the Union's external action, incorporating all the relevant provisions apart from those relating to the Common Foreign and Security Policy (CFSP). The Union's action on the international scene will be conducted in accordance with the general provisions laid down in the EU Treaty. The *acquis communautaire* relating to the Union's external relations has been consolidated (especially by extending the scope of commercial policy). The EP has been given a bigger say in commercial policy and international agreements through an extension of the codecision procedure. A new legal basis has been added for humanitarian aid. The same applies to the solidarity clause in the event of a terrorist attack or a natural or man-made disaster.

The New EU

A stronger voice in the world

The Treaty brings clarity to the EU's objectives, and provides new tools to deliver change. The Treaty sets out common principles and ob-

jectives for the Union's external action: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity.

Most of the external relations provisions of the existing treaties will be regrouped in a single Title. This will improve their readability and promotes the coherence of the Union's action. The provisions on CFSP will remain in the Treaty on European Union.

The former functions of the High Representative for CFSP have been combined with those of a Vice President of the Commission, creating a new institutional player with "two hats". This will strengthen coherence in external action and raise the EU's profile in the world, "putting a face" on the Union and bringing together Europe's external policy tools, both in policy development and policy delivery.



Role of the new High Representative / Vice President of the Commission, Baroness Catherine Ashton was chosen as the first High Representative / Vice-President at the informal Euro-

pean Council on 19 November 2009. She took office on 1 December 2009.

The High Representative is also the Vice-President of the Commission, and will chair the Foreign Affairs Council. S/he is appointed by the European Council, acting by a qualified majority, and with the agreement of the President of the Commission.

The objective is to ensure the consistency of the Union's external action. It should give the EU a clear voice in its relations with partners worldwide. The HR/VP will be responsible for external relations in the Commission and be mandated by the Council to conduct the CFSP.

As HR, he/she will chair the Foreign Affairs Council. He/she will also, at ministerial level, represent the Union for matters relating to the CFSP. He/she will conduct political dialogue with third parties on the EU's behalf and express the Union's position in international *fora*. At the same time, the external representation of the EU on specific external policy issues beyond the CFSP/ESDP and on monetary matters will be continued to be ensured by the Commission and thus by the competent Commissioner.

The post of HR/VP does not create new powers but streamlines the work by merging three previous roles, avoiding duplication and confusion. The jobs of the Council foreign policy representative (previously Javier Solana), the Commission's external relations Commissioner (previously Benita Ferrero-Waldner) and that of chairperson of External Affairs Council (currently 6 months rotation) will be combined. This will allow greater consistency between the work of the Commission and the Member States in developing and presenting agreed foreign policy and external actions.

Given the above changes, the European Union is asked to act when a coherent voice is needed on the international stage. A range of foreign policy issues are best addressed by the Member States of the European Union acting together. However, the HR / VP will act in foreign policy matters on the basis of decisions taken unanimously by the EU 27 – as today. S/he will complement not replace the foreign policy or diplomatic efforts of Member States which will continue to operate in parallel as long as they respect action commonly agreed at EU level.

Representation of the EU's external policies at the level of Heads of State and Government will be shared between the President of the European Council (covering common foreign and security policy) and the President of the European Commission (covering the rest of external policy, including development, trade and the external dimension of external policies like energy, climate change and visa policy). This division of tasks is much clearer than today.

European neighbourhood policy

The Treaty will include a new provision for the Union to develop a special relationship with its neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

For this purpose, the Union may conclude and implement specific agreements, which do not necessarily need to contain all the elements of a full-fledged association agreement.

European External Action Service (EEAS)

The purpose of the EEAS is to assist the

HR/VP in fulfilling his/her mandate, developing and coordinating EU foreign policy, coherently and effectively projecting European values and interests worldwide.

The will be composed of officials from the Secretariat of the Council, the Commission and the diplomatic services of the Member States, as well as local and contract staff. The October European Council agreed that when the EEAS reaches full capacity, staff from Member States' diplomatic services should add up to at least one third at policy desk level and above.

Commission delegations will become EU delegations on 1 st December 2009 and will work under the authority of the HR/VP and come within the structure of the EEAS, once this is up and running.

The organisation and working arrangements of the EEAS are to be established by a decision of the Council, acting on a proposal from the HR/VP after consulting the European Parliament and after obtaining the consent of the Commission. The EEAS will be separate from but closely related to the Commission and the Council, and will need to work in harness with the rest of the EU system, in particular the European Parliament. It will take some time before it is fully up and running.

The October 2009 European Council endorsed the "Presidency report on the European External Action Service" (Council document 14930/09). The European Council has invited the HR/VP to present a proposal for the organisation and functioning of the EEAS as soon as possible with a view to its adoption by the Council at the latest by the end of April 2010

ALL ABOUT DEFENCE

All Member States can individually choose how far they want to get involved in defence issues. The Treaty will enable those Member States whose military capabilities fulfill higher criteria and which have made more binding commitments to one another to establish "permanent structured cooperation" within the Union framework. The prospect of a common defence is given more tangible shape by formally enshrining the obligation to provide mutual aid and assistance in the event of armed aggression and establishing an agency for armaments, research and military capabilities.

The Treaty maintains the prohibition on charging to the Union budget expenditure arising from operations having military or defence implications. This expenditure will continue to be charged to the Member States in accordance with the gross national product scale. However, the Treaty provides for the Council to adopt a European decision guaranteeing rapid access to appropriations for the urgent financing of preparatory activities for the Petersberg tasks (peace-keeping, humanitarian aid and crisis management).

In addition, a start-up fund made up of Member States' contributions is to be established to finance preparatory activities for Petersberg tasks which are not charged to the Union budget. The procedures for operating this fund will be laid down by the Council of Ministers acting by qualified majority .

However, it should be noted that military capabilities remain in national hands. The Treaty clarifies existing provisions on common security and defence policy as an integral part of the common foreign and security policy. It foresees that Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy. However, it also makes clear that any decision in this area shall be adopted by unanimity; any Member State has the right to oppose such operations and all contributions to them will be on a voluntary basis.

As regards disarmament operations, humanitarian and rescue tasks, military advice, assistance tasks or peace-keeping tasks, the Council may entrust the implementation of such tasks to a group of Member States which are willing and have the necessary capability to do so. No Member State can be forced to participate in such operations.

The European Defence Agency shall be open to all Member States wishing to be part of it. Equally, the permanent structured cooperation in the area of defence is only open to Member States wishing to participate and which fulfil the criteria and have made commitments on military capabilities. Furthermore, any Member State wishing to withdraw from a permanent structured cooperation in the area of defence may do so at any time.

TRADE, DEVELOPMENT AND HUMANITARIAN AID

The Treaty will extend the scope of trade policy to include all foreign direct investments and makes it clearly an exclusive competence of the Union. Transport agreements remain excluded from trade policy. Before Lisbon, investment was generally considered an area of mixed competence which meant that both the EU and the Member States could maintain and adopt instruments like international investment agreements.

As far as decision making is concerned, the Lisbon Treaty empowers the European Parliament as a co-legislator with the Council. This is a major change that improves the democratic legitimacy of the EU in a crucial policy area. Under the Lisbon Treaty:

- The EP, together with the Council, adopts framework legislation for implementing the common commercial policy; and,
- The EP's consent is required for the ratification of all trade agreements.

It puts the EP and the Council on an equal footing as regards powers over trade policy. In terms of legislation, this means, for instance, that the EP would be co-legislator for the review of the basic Anti-Dumping Regulation, or of the GSP (generalised system of preferences) Regulation.

As for voting rules, the Treaty will simplify the existing provisions in the treaties. Qualified majority voting will be the general rule but unanimity will apply when a trade agreement includes provisions for which unanimity is required for the adoption of internal rules ". Secondly, qualified majority voting will not apply to agreements in the field of trade in cultural and audiovi-

sual services if such agreements risk prejudicing the Union's linguistic and cultural diversity and to agreements in the field of social, education and health services if such agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of the Member State to deliver them.

The Treaty will enhance parliamentary control of EU trade policy, as it substantially increases the role of the European Parliament, which until now had no role.

EU AND INTERNATIONAL AGREEMENTS

The Treaty institutionalises the case law of the European Court of Justice on implied external powers. Thus, the Union may conclude agreements where the Treaty so provides or where the conclusion of an agreement is necessary in order to achieve one of the objectives referred to in the Treaty, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.

The same applies to the case law of the Court with regard to exclusive powers. The Treaty provides that the Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union, which is necessary to enable it to exercise its internal competence, or is likely to affect common rules or alter their scope.

All international agreements concluded by the Union except agreements in the monetary field are covered by a single article in the Treaty. The Treaty sets out clearly the respective responsibilities of the Commission and of the High Representative / Vice-President of the Commission with respect to the opening of negotiations. It specifies that the High Representative is responsible for negotiating agreements which exclusively or principally relate to the common foreign and security policy. However, this article does not designate a negotiator. It leaves it up to the Council of Ministers, depending on the subject of the future agreement, to nominate the negotiator or leader of the Union's negotiating team.

The Treaty also strengthens the position of the European Parliament by extending its right to be consulted to all agreements covering fields to which the ordinary legislative procedure or special legislative procedure applies. Under the EC Treaty, the Parliament's power of assent was limited to agreements requiring an adopted act to be amended under the co-decision procedure, as

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What does the Treaty of Lisbon bring to our rights?

By **Nayia Barmaliou**

Political and Human Rights Officer at the EU Delegation to the Philippines

One of the core objectives and significant achievements of the Lisbon Treaty is that it strengthens and enhances the protection of European citizens' human rights. The new Treaty amends Article 6 of the Treaty on European Union so as to recognise the Charter of Fundamental Rights, which was originally proclaimed by EU institutions at the Nice Inter-Governmental Conference in December 2000 and until now had no binding effect.

Inevitably this change will positively affect the rights of EU citizens, businesses and other organisations as it makes the Charter legally binding. While the text of the Charter has not been incorporated in the Treaty, Article 6 provides that it will have the same legal value as EU treaties, therefore making the rights it includes operational. The result is that for the first time the EU has managed to enumerate in one place the fundamental rights from which every European citizen can benefit.

A significant element of the European Charter is that it combines political, civil, economic, social and cultural rights, bringing them under a single and comprehensive document which actually is one of the most advanced and inclusive human rights declarations drafted.

More specifically, the Charter builds upon the 1950's European Convention on Human Rights, which is primarily focused on the so-called "first-generation rights", meaning the more traditional notion of civil and political rights, for example freedom of religion and freedom of speech, the right to a fair trial and the prohibition of torture. Especially in the light of greater EU efforts in criminal justice cooperation, the Charter foresees the right to a fair trial, the presumption of innocence until proved guilty, and the right not to be punished twice for the same offence.

But the Charter goes beyond the scope of these "classical" rights to cover "second generation rights" which are based on the principles of social justice and public obligation and are commonly known as social and economic rights. Indicatively these include amongst others the right to fair and just working conditions, the right to a family and professional life, social security and social assistance.

Similarly, the inclusion of progressive "third generation rights", as the right to a clean environment, is foreseen in the Charter; also, in response to questions arising by current times, the Charter sets out modern rights, such as the right of access to information in relation to the EU institutions, and the protection of personal data.

Nevertheless, it should be noted that in fact the Charter does not create new general rights under national law; instead, it is only applicable when national governments are implementing EU law. In this light, the rights guaranteed in the national constitutions of EU Member States are not superseded by the Charter, but they are rather complemented. Of course, the fact that the Charter now has the same legal value as the EU treaties is significant because it will allow the prescribed rights to be recognised or interpreted more broadly, thus bringing positive benefits to individuals and strengthening the guarantee of our fundamental rights. In practical terms, all EU countries will now have to abide by these rights when implementing EU law, while European courts are given the scope to rely directly on the provisions of the Charter.



Moreover, it is important to mention that the Lisbon Treaty provides a single legal personality for the European Union. In this context, the Treaty allows the EU to become a party to the European Convention on Human Rights (ECHR), ensuring therefore that the interpretation of human rights made by the EU and the ECHR will move in parallel in future. In fact, accession to the ECHR means that the EU and its institutions are now on accountable to the European Court of Human Rights for issues concerning the ECHR. That is to say that the EU institutions would be directly subject to the ECHR and the European Courts would be able to directly apply the ECHR as part of EU law.

In an effort to create a more democratic and transparent Europe, another innovative element introduced by the Treaty is the "Citizens' Initiative". This initiative is designed to promote direct participatory democracy and address the "democratic deficit" of the EU, giving more opportunities for citizens to have their voices heard. Citizens will be entitled to invite the European Commission to take action in one of the areas covered by the Treaty if at least one million citizens from a 'significant number' of EU countries put forward such a proposal. As a result, EU citizens will get to have greater involvement in EU decision-making.

In addition, the Lisbon Treaty further improves access to justice before the European courts for a significant category of cases. Before the entry into force of the Treaty, a person or business entity could challenge the legality of certain EU acts directly before the Court of First Instance only if that the person or business could prove that the act is of "direct and individual concern" to them. Over the years, the Court was interpreting the notion of "individual concern" in a strict manner and only few cases could be justified under this clause. A major change came with the Lisbon Treaty which amended the existing Treaties and removed the requirement of "individual concern" when a person or business challenges "a regulatory act which does not entail implementing measures". Consequently, several regulations can now be covered by this provision which in the past would be almost impossible to challenge as now it is required by those concern to only prove "direct concern".

Evidently, the Treaty of Lisbon brings a fresh air to the area of human rights as it enhances the rights of EU citizens, especially by giving the Charter of Fundamental Rights the same legal status as the EU Treaties and making it legally-binding instrument. It is important that every EU citizen will read the Charter, which contrary to the technical language of the Treaties is very clear and simple, even poetic at times.

Pangasinan, Negros Oriental LGUs support EU-La Liga project on localized MDGs

OFFICIALS of concerned local government units (LGUs) in the provinces of Pangasinan and Negros Oriental have expressed full support and cooperation for the successful implementation of a two-year European Union-funded project on localized Millennium Development Goals (MDGs) in the two provinces.

Alaminos City mayor Hernani Braganza, Bani mayor Marcelo Navarro Jr. and Burgos mayor Domingo Doctor Jr., all in the province of Pangasinan and Sibulan mayor Antonio Renacia, Dauin mayor Rodrigo A. Alanano and La Libertad mayor Lawrence Limkaichong Jr. viewed the inclusion of their towns as a welcome development saying it will boost their on-going initiatives in their localities.

The project, entitled "Cementing Pathways to Financing the Millennium Development Goals", a joint undertaking of the European Commission and the La Liga Policy Institute (La Liga) and its partners, Social Watch Philippines (SWP), LGUs and community-based organizations in the two provinces, is expected to boost the capacities of three LGUs each in the provinces of Pangasinan and Negros Oriental.

The project, which has a total cost of 282,159 Euros including funding support from the European Commission of 239,835 Euros, aims to prepare LGUs in undertaking partnership building activities geared towards financing and implementation of MDG-related programs and services, says La Liga Managing Director Roland Cabigas.

MDG-related programs and services will be anchored on the achievement of MDG targets

around poverty and hunger, universal primary education, maternal and reproductive health, and environmental sustainability.

"We appreciate the inclusion of Alaminos City in this partnership with EU and La Liga. We look forward to enhancing our capacities to achieve important MDG targets that will truly benefit the people," Alaminos City mayor Hernani Braganza said.

Braganza said Alaminos City and La Liga has been partners in implementing various programs and activities that promote the sustainable development of Alaminos City and he expects the EU-funded project to further improve the living condition of the people.

"The project will complement our on-going programs around very important MDG targets," he said. Alaminos has initiated various programs that promote sustainable agriculture, e-governance, and feeding program to help improve the health and nutritional status of the city.

He said the EU project will also help strengthen regional cooperation among members of the One Pangasinan Alliance of LGUs, an alliance of LGUs in Western Pangasinan which aims to boost local government capacities for local economic development in the province.

For his part, Renacia said the inclusion of his town in the project "will provide us with the much-needed technical assistance to see to it that MDG targets are being met."

"We are closely working with Social Watch before this. With EU, we hope to get more information to know whether we are on the right track," added said.

Both Alaminos City and Sibulan town are currently undertaking MDG-related projects and the partnership with EU will provide them the much-needed inputs to better improve basic social services to the people, the two local chief executives said.

Braganza and Renacia said the project will also help other LGUs in their provinces as it can serve as model for replication of the best practices on localizing MDGs.

Specifically, the project aims to mainstream nationally-committed MDG targets and incorporate these targets into local government programs and budgets.

The project will be implemented in two LGU clusters in Pangasinan and Negros Oriental. The first, within the first district of Pangasinan in Luzon, which include Alaminos City, Bani, and Burgos, while the second, within the Negros Oriental in the Visayas includes Sibulan, Dauin, and La Libertad.

"To cement pathways to financing the MDGs means being able to strengthen coherence and harmony towards achieving international commitments by channeling of public funds for the MDGs," Cabigas noted.

Cabigas said that through partnerships, the project will hopefully bolster delivery of basic social services to the 1.6 million people of the project's target sites, especially to the marginalized sectors of fisherfolk, farmers, women, school children and out of school youth. (30)

EUROPEAN COMMISSION VISITS BENGUET COMMUNITIES HIT BY TYPHOON PEPENG

BAGUIO CITY, Philippines – A delegation from the European Commission's Humanitarian Aid department visited the municipality of Bokod in Benguet province Tuesday to be appraised of the progress of implementation of a relief project the Commission is supporting in the Cordillera Administrative Region. Ms. Anne-Francoise Moffroid, Desk Officer for Southeast Asia of the European Commission Humanitarian Aid department (ECHO), together with Ms. Maria Olsen, Rapid Response Coordinator, visited Labey and Cobabeng, communities that were hit by landslides and floods triggered by typhoon Pepeng (international name: Parma) in October 2009. The landslides and floods destroyed houses, school buildings, and the economic assets of the two communities.

The communities of Cobabeng and Labey, and 100 other communities in

CAR, Region 1, Region 4 and NCR will benefit from a relief project being implemented by CARE Nederland in collaboration with the Cordillera Disaster Relief and Development Services (CORDIS RDS) and the Corporate Network for Disaster Response (CNDR). The relief project, with a budget of EUR400,000 or about PhP26 million, is fully funded by the European Commission's Humanitarian Aid department.

Some 13,000 households will benefit from the project. The selected households will receive cash, food or short-term livelihood support in exchange for their participation in activities that will benefit their communities such as repair of classrooms and community infrastructure such as irrigation canals, roads and foot paths, and water distribution points. Communities will also engage in sanitation activities such as clean up of garbage and debris left

by the floods, and de-clogging or digging of drainage canals. The targeted households will also benefit from public awareness activities on water, sanitation and hygiene, while some 20 select communities will undertake disaster risk reduction training and planning.

The ECHO monitoring mission, aside from monitoring CARE Nederland's project implementation, will likewise visit the projects being implemented by the World Food Program, German Red Cross/Spanish Red Cross, and Handicap International.

The European Commission's Humanitarian Aid department supports relief activities for vulnerable people in crisis zones around the world. A total EUR9 million in relief assistance was extended to the Philippines in response to the series of typhoons that hit the Philippines in 2009.



Photos by: Leody Barcelon/DIS-NEDA



Photos by: Leody Barcelon/DIS-NEDA

TRTA movers (from R to L: Department of Trade and Industry Senior Undersecretary Thomas Aquino, TRTA Imprest Administrator Brenda Mendoza, EU Ambassador MacDonald, NEDA Director-General Santos, Department of Agriculture Undersecretary Segfredo Serrano, NEDA Deputy Director-General and TRTA PSC Chair Margarita Songco and Bureau of Customs Deputy Commissioner Alexander Arevalo) gathered in the press conference after the TRTA project website was put online. TRTA Imprest Administrator, Ms. Brenda Mendoza (inset) responded in the conference how the funds are allocated in the project.

Putting TRTA co-operation on-line. Government partners, private stakeholders and members of the press come together for the website launch of TRTA last 14 January 2010. (Inset pictures: NEDA DG Santos and Ambassador MacDonald simultaneously lead the switch-on ceremony of the TRTA website).

EU Delegation and NEDA launch TRTA website

Theresa Cajarte-TRTA

EU Ambassador to the Philippines, Alistair MacDonald and NEDA Director-General Augusto B. Santos officially launched the Trade Related Technical Assistance (TRTA) Project 2 website last January 14 2010 in Pasig City. Government partners and private stakeholders attended the event to witness the first public viewing and ceremonial 'switch-on' of the TRTA website led by Ambassador MacDonald and NEDA DG Santos.

The website features the latest developments of the project in its three components which are: Trade policy and export development, Standards harmonisation and sanitary and phytosanitary (SPS) conformity and Trade facilitation. The website promotes the positive impact of the project to its government partner beneficiaries in enhancing their capability to perform their trade related functions and trainings provided to the private sector in food safety processes as an example. Relevant information on Philippine and EU standards and regulations on product and food safety can also be downloaded from the website.

The website can now be visited at www.eu-trtaphils.org.

The setting up of the project website is embedded in TRTA's communication and visibility plan which aims to increase the knowledge, improve acceptance and adoption of best practices relevant to trade of the private sector and government agencies involved in the project. As an electronic platform, the website is expected to reach a wider audience and increase the visibility of the project. The website will provide easy access to popularized information on TRTA for the public to understand instead of otherwise technical information.

TRTA is a • 6.5 million (approx. 420Php million) grant from the EU to support sustainable poverty reduction in the Philippines through more effective integration into the international trade system and facilitation of trade between RP and EU. The EU continues to be a major trading partner of the Philippines as it accounted for 17% of Philippine exports in 2008. TRTA is a worldwide programme which is EU's commitment in helping their trading partners to address the challenges of globalization and more recently, to take advantage of the recovering world economy.

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well as association agreements or agreements with significant budgetary implications (Article 300(3) of the EC Treaty).

Voting within the Council of Ministers remains subject to the rule of parallelism of forms. Thus, the Council takes a decision by a qualified majority, except in cases where the agreement relates to an area in which unanimity is required for the adoption of a Union act. Otherwise, unanimity is the principle in the case of association agreements or agreements on economic, financial and technical cooperation with candidate countries.

DEVELOPMENT/HUMANITARIAN AID

The most important policy change is that the new Treaty formally enshrines reduction and

eradication of poverty as the primary objective of development cooperation. Moreover, it gives a legal base to policy coherence for development, placing the obligation on the European Union to take account of development objectives in the other policies which it implements which affect developing countries. And Member States and the European Union are obliged to coordinate their development policies to promote complementarity and efficiency.

The Treaty introduces for the first time a specific legal basis for humanitarian aid and it is to be an area of shared competence (co-decision) with Member States. This means that the Union conducts an autonomous policy, which neither prevents the Member states from exercising their competences nor makes the Union's policy merely "complementary" to those of the member states.

The provision stresses the specificity of the policy and the application of the principles of international humanitarian law, in particular impartiality and non-discrimination. It also envisages the creation of a European Voluntary Humanitarian Aid Corps which will require a proposal for a regulation from the Commission at some point in the future.

In case of urgent financial aid, the Council acts by qualified majority upon a proposal from the Commission. This should mean quicker financial aid in the future.

Finally, it is important to underline that the new Institutional structure with the HR/VP is, of course, a very important development in relations with the countries of Africa, the Caribbean and Pacific, just as elsewhere. The Treaty will no longer contain reference to the special status of ACP-EC cooperation.

EC provides a further • 5.0 million (PhP 331 million) in humanitarian aid to help civilian victims of conflict in Mindanao

The European Commission has allocated a further •5.0 million (approximately PhP 330 million at current exchange rates) in humanitarian aid to assist internally displaced persons in Mindanao . Currently, more than 100,000 people continue to be displaced as a result of conflict since 2008, most of them living in very difficult conditions in evacuation centres, at relocation sites or with host families.

This latest decision for the Philippines forms part of a number of important humanitarian assistance decisions taken by the European Commission in recent weeks : including for example •90.0 million for earthquake victims in Haiti , •33.0 million for Afghanistan , and •17.0 million for Burmese refugees in Thailand.

Md Kristalina Georgieva, European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, said in Brussels that “there are many causes of humanitarian crises around the world: extreme weather conditions and natural disasters like drought and floods, conflicts, epidemics, chronic food insecurity and poverty. Humanitarian aid is crucial in saving lives and alleviating suffering until longer term solutions are found. It goes to those most in need, irrespective of their nationality, religion, political affiliation or ethnic origin.”

Ambassador Alistair MacDonald, Head of the EU Delegation in Manila , said “this further assistance for IDPs in Mindanao reaffirms the EU’s longstanding commitment to help alleviate the plight of victims of man-made or natural disasters, whether in Mindanao or in Manila . This new assistance will continue our help to the IDPs with food, shelter and basic health-care, as well as assisting their host communities. The EC funding will also be able to help the IDPs as they return to their homes and re-establish their livelihoods, when this becomes safely possible.”

The Ambassador noted also that, including this new grant, the EC has provided a total of •17.5 million (approx PhP 1.13 billion) in humanitarian or rehabilitation assistance for IDPs in Mindanao over the last 18 months. This is in addition to the •19.5 million (approx PhP 1.26 billion) provided last year by the EU as a whole (including •10.5 million from EU Member States plus •9.0 million from the EC) for the victims of Ondoy and Pepeng in Manila and elsewhere in Luzon last year.

The new funding now approved for IDPs in Mindanao will cover such areas as food aid and nutritional surveillance – including feeding programmes for children – as well as water and

sanitation, shelter, protection, basic health care, and psycho-social activities for displaced children who rarely attend school. The assistance will also help the host communities where the IDPs are located, as well as providing support for the IDPs when they can safely return to their homes and re-establish their livelihoods. The areas to be covered under this grant will include Maguindanao, North Cotabato , Lanao del Sur and Lanao del Norte (and other provinces if necessary). The EC funding will be implemented by international organisations and non-governmental organisations, the Red Cross / Red Crescent movement, and specialised UN agencies, in close coordination with concerned government agencies.

The Commission is also implementing a disaster preparedness programme (DIPECHO) in the Philippines to improve the coping capacities of communities prone to natural disasters, so that they are able to better prepare and protect themselves.

In addition to this humanitarian assistance, the EC also provides substantial development support in Mindanao, contributing for example to the development of basic health services in eighteen provinces across Mindanao (in cooperation with the Department of Health), to the Mindanao Trust Fund for community-based grassroots development (in cooperation with the World Bank, other donors and the Bangsamoro Development Agency), and to peace-building activities carried out by a number of civil society groups.

For further information:

<http://www.delphi.ec.europa.eu/>

http://ec.europa.eu/echo/index_en.htm

New Tool to better assist IDPs in Mindanao

The Philippine Government has a new tool to better address the humanitarian needs of thousands of internally displaced persons (IDPs) in conflict-affected Mindanao .

Organised by the International Organization for Migration (IOM) and funded by the European Commission’s Humanitarian Aid Office (ECHO) , the Humanitarian Response Monitoring System (HRMS) provides a new approach to streamline information about the more than 125,000 IDPs now estimated to be living in evacuation centres on the island.

This system is designed to monitor IDP movements, track humanitarian response, and highlight gaps and needs, according to IOM.

In addition to tracking IDP movement, the new system will enable agencies to collate information on humanitarian response activities by area as well as by sector and has the capability to store and manage maps.

(Editor’s Note: More about this new system in the next EU News edition).



Forum on Climate Change Adaptation Strategies and EU Initiatives held on 16 Feb in CDO

The Delegation of the European Union (EU) to the Philippines and the Xavier University - Ateneo de Cagayan jointly hosted a forum on "Climate Change Adaptation Strategies and European Union Initiatives" on February 16.

The forum presented EU's approach to reducing disaster risks due to climate change through its humanitarian arm, the European Commission Humanitarian Aid (ECHO).

Under ECHO is DIPECHO, a global disaster preparedness programme that aims to reduce the impact of natural disasters by strengthening physical and human resources in high-risk areas.

Guests were Ambassador Alistair MacDonald, Head of Delegation of the European Union to the Philippines, Mr Matthew Penot, environment officer of the Delegation of the European Union to the Philippines and Ms Mayet Alcid, EU partner, (Strengthening Assets and Capacities of Communities and Local Governments for Resilience to Disasters (ACCORD - 2) Project, Care Nederlands).

Fr Jose Ramon Villarin, SJ, President of Xavier University - Ateneo de Cagayan and Cagayan de Oro Mayor Constantino Jaraula together with Fr Jose Ramon Villarin, SJ, President of Xavier University - Ateneo de Cagayan, welcomed the EU officials and guests and presented Ambassador MacDonald with a symbolic key to the city of Cagayan de Oro.

A photo exhibit "Fighting Climate Change" was also opened before the forum. The weeklong exhibit generated about 900 audiences from CDO. The forum and photo exhibit were presented by the Delegation of the European Union to the Philippines, Xavier University - Ateneo de Cagayan in collaboration with ACCORD - 2 Project and VIP Hotel.

Meanwhile, the EU Delegation also held another forum "Adapting Wisely to a Changing Philippine Coastal Environment" on 11 January. The forum was conducted in partnership with the University of the Philippines - The Marine Science Institute. Ambassador MacDonald and Dr Maria Lourdes McGlone, Director of The Marine Science Institute underlined the urgent action to respond to climate change. Experts and scientists led by Mr Penot (EU Delegation), Dr Larua David, Dr Fernando Siringan and Dr Porfirio Alino (UP - MSI) served as resource persons. The Delegation's photo exhibit was also brought to UP MSI to help generate awareness about the current climate change scenario in the country as perceived by Filipino photojournalists. The images used in the exhibit were the result of a photo contest conducted by the EU Delegation together with The Philippine Center for Photojournalism, Inc. in 2008.

These events were in close collaboration with two Erasmus Mundus alumni, Sheila Balbutin (Xavier University - Ateneo de Cagayan) and Vera Horigue (UP).



Ambassador MacDonald is joined by Fr. Jose Ramon Villarin, SJ, Xavier University and CDO Mayor Constantino Jaraula to open the weeklong photo exhibit "Fighting Climate Change in Cagayan de Oro City."

Erasmus Mundus Leadership Seminars held in CDO and in Manila

The Delegation of the European Union to the Philippines organised two successful Erasmus Mundus Leadership Seminars in Cagayan de Oro City (16 February) and in Manila (3 March) with Ambassador Alistair MacDonald leading the guests and resource persons. Both seminars were comprised of two parts, first part focussed on good governance and human rights while the second part dealt with the Erasmus Mundus Journey of Erasmus Mundus alumni Sheila Balbutin, Jill Lopez and Abby Yao.

The first seminar which was held in Xavier University -Ateneo de Cagayan gathered around 100 audiences from various academic institutions, NGOs, civil society organisations, youth associations and media. The theme was "Advancing Citizen's Rights Via Political Education". Resource persons were Dr Ma Elizabeth Soriano, Director, Governance and Leadership Institute "Democracy Building Through Youth Voters' Education"; Mr Eddie Cuaresma, Area Officer, National Youth Commission, "The Roel of the Youth in Nation Building"; and Ms Victoria Melissa Pulido, KKP Volunteer and President, UNITASS Council, "Engaged Citizenship".

The theme for the second seminar was "Empowering the Youth Towards the Promotion of Human Rights and Good Governance" with Atty Carlos Medina of LENTE, Dr Temerio Rivera of CENPEG and Nayia Bampaliou as resource persons.

The two-in-one events were conducted in partnership with the Erasmus Mundus Students and Alumni Association - Philippines Chapter to encourage student leaders and young professionals to get actively involved in the promotion of human rights and good governance in the light of

the upcoming elections in May 2010 in the Philippines. The activities also enjoined the young to avail of the opportunities provided for by the European Commission's Erasmus Mundus programme which programme features higher quality education and mobility in the EU among young people.



Nayia Bampaliou, EU Delegation, Atty Carlos Medina LENTE, Ambassador MacDonald, Dr Temario Rivera, CENPEG and Abby Yao, Erasmus Mundus Students and Alumni Association - Phil Chapter, enjoin student leaders and young professionals to help promote human rights and good governance and to explore Erasmus Mundus during the 2nd Erasmus Mundus Leadership Seminar held in Manila