

PRIME MINISTER

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GENSCHER/COLOMBO PROPOSALS

You asked whether these proposals should be laid before Parliament before the agreed text is signed at the European Council in Brussels on 21/22 March.

I attach the Lord President's advice. He considers that the Government can rest on the fact that there was a take-note debate on 17 June last year and that there is no legal requirement for the document to be laid formally before Parliament before signature. He adds that if when the signed document is sent to the Scrutiny Committee in the normal way ~~and~~ there is then widespread support for debate, the Government might have to consider this again.

In the light of this advice do you agree that:-

If it is laid before Parliament - there will be fresh opposition?

(a) The document need not be laid before Parliament before signature?

We ought at least to put a copy in the library.

(b) At the EC Foreign Ministers' Meeting on 1 March, Douglas Hurd should:

(i) continue to insist that the document is called a "declaration" and not an "act"? *Yes*

(ii) On majority voting, argue for a text which supports the existing Luxembourg compromise (see text at Flag A)? *Yes*

(iii) Continue to oppose provision for the Parliament to hold a "confidence" debate on the programme drawn up by the new Commission following ~~this~~ ^{its} appointment? *Yes*

Do we have to sign it. Can we just adopt it. It is a draft document.

(c) Subject to a satisfactory outcome on 1 March on these points, we should sign the document at the European Council?

A. J. C.

21 February 1983

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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

21 February 1983

Dear John

The Lord President has seen a copy of your letter of 17 February to Roger Bone in which you recorded the Prime Minister's request for advice on whether the text of the Genscher/Colombo proposals should be laid before Parliament before signature (if the Presidency's hopes are fulfilled) at the European Council on 21/22 March. *attached*

We have confirmed from the FCO Legal Advisers that these proposals for a Declaration on European Union do not constitute a Treaty. There is therefore no legal requirement for them to be laid before either House before signature. On the recommendation of the Scrutiny Committee, an earlier text of the proposals was debated on a take note motion on 17 June last year, at a time when there was still thought to be a chance that the proposals would be approved at the meeting of the European Council later that month. At the end of the debate, an Opposition amendment declining to approve the "proposals on European Union which would confer additional supra-national powers on the institutions of the EEC and further infringe the sovereignty of the United Kingdom and the powers of this House" was defeated by 290 votes to 185 and the Government motion was approved without a further division.

The Lord President understands that the latest text of the proposals is a materially watered down version of the document debated last June. He does not believe that the changes which have been made require the Government to provide time for a further debate. Nevertheless, the final text of the proposed Declaration on European Union will be of undoubted political significance and the position might therefore need to be looked at again if widespread support for a debate on the final text were to emerge. The Lord President assumes that the document which it is hoped will emerge from the European Council on 21/22 March will be sent to the Scrutiny Committee in the normal way and any views they may express would also have to be taken into account. But for the present he considers that the Government may properly rest on the fact that time has already been provided for a debate on the draft proposals as recommended by the Scrutiny Committee, and that there is no legal requirement for this document to be laid formally before Parliament before signature.

I am copying this letter to the recipients of yours.

yours ever
Nick Huxtable

N P M HUXTABLE
Private Secretary

John Coles Esq

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WHITEHALL, LONDON, E.C. 4

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10 DOWNING STREET

cc: LCO
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FILE SW
bcc:
Sir Anthony Parsons

From the Private Secretary

22 February, 1983

Genscher/Colombo Proposals

The Prime Minister has seen Nick Huxtable's letter of 21 February conveying the Lord President's advice on the question of whether the text of the Genscher/Colombo proposals should be laid before Parliament prior to signature at the European Council on 21/22 March.

Mrs. Thatcher notes the Lord President's advice that the document need not be laid before Parliament before the Council but she considers that, if this has not already been done, we should at least put a copy of the latest version of the proposals in the Library of the House.

As regards the meeting of EC Foreign Ministers on 1 March, the Prime Minister agrees with the recommendations of the Foreign and Commonwealth Secretary in his letter of 16 February as to the line which Mr. Douglas Hurd should take. That is to say, we should continue to insist on "declaration" as the title of the document; we should support the text on majority voting which allows Member States to maintain their existing positions on the Luxembourg compromise; and we should continue to oppose the provision for the European Parliament to hold a "confidence" debate on the programme drawn up for the new Commission, following its appointment.

As regards the question of signature of this document at the European Council, the Prime Minister has asked whether the Council could not simply adopt rather than sign it. I note that the final provision of the proposals refers to adoption as an alternative to signature. The Prime Minister finds the language of the proposals at a number of points a good deal less than ideal and believes that if the document does become the subject of debate in the House after adoption, there will be considerable opposition to it. I think she would therefore like Mr. Hurd to argue strongly at the meeting on 1 March that the procedure for endorsement should be one of adoption.

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I am copying this to the Private Secretaries to the other members of OD and to Sir Robert Armstrong.

A. J. COLES

R. B. Bone, Esq.,
Foreign and Commonwealth Office

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