

FROM: J S Wall
DATE: 3 July 1985

Mr Renwick
PS

cc: PS/Mr Rifkind
Mr Braithwaite
Mr Adam Fergusson
ECD(E)
ESSD
Legal Advisers
Mr Williamson, Cab. Office.

EUROPEAN COUNCIL CONCLUSIONS

Problem

1. Whether, in Coreper tomorrow, Sir Michael Butler should query
A the text of the European Council conclusions.

Recommendation

2. I recommend that we should consider querying the text in two
or three instances, depending on the Secretary of State's
recollection of what transpired. I attach a speaking^{note} on which
/ Sir Michael Butler might draw.

Background

3. There are three possible areas where the European Council
conclusions do not accurately reflect discussion:

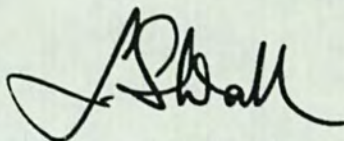
- a) Paragraph 4 of the section on institutional affairs records discussion by the European Council on the convening of a conference to work out . . . "a Treaty on a common foreign and security policy on the basis of the Franco-German and UK drafts". The Danes suggested that discussion should focus on either a Treaty or an agreement. UKRep Brussels believe that the Danish proposal was not accepted. If the Secretary of State agrees with UKRep we should clearly not query the conclusions. We should, however, point out that final

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status of the PoCo text will be for decision. We should support the Luxembourg Presidency if, as they intend, they recommend that Foreign Ministers should charge the Political Directors with working on the draft PoCO agreement (UKRep Brussels telno 2448). We should not, however, get into a procedural wrangle about whether the inter-governmental conference has overall responsibility for the PoCo text as well as for discussion of Treaty amendment. Given that the conference will almost certainly be at Foreign Minister level, we would not get support for a suggestion that Foreign Ministers should not be in overall charge of all aspects of the negotiation. It will however be essential to establish that negotiation on the PoCo text does not take place in the framework of Article 236 (Treaty amendment).

- b) The conclusions on a People's Europe (paragraph 3) say that "the European Council accepted the suggestions along the same lines contained in the French memorandum on a People's Europe and emphasised in particular the sections of that document concerning young people, culture and health". We believe it was agreed only that the European Council noted the French suggestions. We believe this point is worth pursuing. The French suggestions are not only far reaching in themselves but could form the basis of attempts to extend Community competence so that areas now dealt with either on the basis of mixed competence (culture and health) or inter-governmental cooperation were drawn into the Community structure. I recommend that Sir Michael Butler should draw attention to our understanding that the French memorandum was noted by the European Council, adding that the subjects raised in it, and the People's Europe Committee Report itself, will now fall to be dealt with in the relevant fora.

c) The section in the conclusions on technology (paragraph 2) records that "the European Council approved and endorsed the Commission report on the strengthening of technological cooperation in Europe". The reporting telegram UKDel Milan telno 4 para 13) records that the Commission's report was "accepted" but that the French version of this was "approuve et fait sien". The Secretary of State's notes show President Mitterrand as saying that "he could approve and endorse the Commission report". There is no record of dissent. However, the Prime Minister will have made our views clear on the basis of the attached speaking note. I recommend that Sir Michael Butler should not challenge the conclusions as such but should draw attention to the fact that the issues raised in the Commission's report will need to be considered by the Research Council. DTI agree.



J S Wall
European Community
Department (Internal)

On (a), depending on the Secretary of State's recollection of the discussion, I doubt if we should make much of the title of the Political Cooperation text. It helps our general cause, and to avoid any general treaty on

European Union, to be willing to
consider a treaty in this area. No
final decision will need to be
taken until the end of this
process. The conclusions already
have been tabled in Parliament.

2. On (b), we should only challenge
the conclusions if this point was
made strongly in the discussion.
Otherwise we should simply insist
that the matter will require study
in the appropriate Com.

3. I agree with the attached
sheeting note on point (c)
(Technology).

Hubert
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SPEAKING NOTE FOR USE BY SIR MICHAEL BUTLER IN COREPER:
EUROPEAN COUNCIL CONCLUSIONS

Inevitably, the conclusions of the European Council were drawn up in great haste at the end of the meeting. On one or two points the conclusions do not altogether reflect our understanding of what was agreed by Heads of Government. I should like to make our understanding of what was agreed clear now so that there is no misunderstanding later on when these issues come to be discussed in greater detail.

In the section on A People's Europe, the conclusions record that the European Council accept the suggestions contained in the French Memorandum. We agree with a great deal in the French text and it will obviously be an important element in our future work. We do not believe that the Council accepted all the suggestions in the French Memorandum. [We had understood that it was agreed that the conclusions would note rather than accept the French suggestions] That is the basis on which we believe work should now be pursued in other fora.

There was something of a last minute discussion on the Commission's paper COM(85)320 on the strengthening of technical cooperation in Europe. The conclusions record that the European Council "approved and endorsed" the report. Our understanding is that the European Council "accepted" the report but did not go as far as the conclusions as issued imply: the Commission set out an agenda for future action, but the implementation of the ideas in the Commission paper will need to be the subject of proposals which will have to be considered in detail by the Council.

Private Secretary

Charles

We spoke.

Speaking note
OK?

Colin Budd

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