

Rems generally via. P. see arts.

PRIME MINISTER

MAASTRICHT: MEDIA STRATEGY

You will obviously need to explain to the British public the outcome of the Maastricht Council. We should consider the message that needs to be put across and the best way of doing so.

It is also worth remembering Europe is far from the top issue in people's minds. They are far more concerned about health, unemployment and general economic well-being than with the intricacies of the European debate.

Message

Either: Government has negotiated an excellent deal for Britain. It preserves Parliament's sovereignty, achieves greater democratic control over the Commission and strengthens inter-governmental co-operation in important areas for Britain.

Or: The Government was not willing to sign away important interests. We had made our position clear in advance. The benefits on offer were significantly outweighed by the costs.

The message is straightforward. We will need to explain what a good deal you have achieved or why you had to stand up for British interests and refuse to sign. Either way you will want to explain the reasons at some length straight after Maastricht.

You need not bear the burden alone: the Foreign Secretary and the Chancellor can do some interviews but the main news programmes will want you.

I have had some preliminary discussions with Francis Cornish and Dick Saunders and the attached plan reflects their views.

ATOD

A T O'DONNELL
29 November 1991

SELLING MAASTRICHT

A. The Set-Up

THURSDAY, 5 DECEMBER

Joint briefing by Gus O'Donnell, Francis Cornish, Dick Saunders and officials

FRIDAY, 6 DECEMBER

Ronald Hughes - 1 attend?

Sunday Lobby: as normal, positioning ourselves as required (!)

WEEKEND 7/8 DECEMBER

Articles

Foreign Secretary	Sunday Times	✓
Tristan Garel-Jones	News of the World	✓
Gillian Shephard	Mail on Sunday	✓
Francis Maude	Sunday Telegraph	✓
on "Why Maastricht is important for Britain"		✓

Others to provide articles/appear on weekend media

Sir Norman Fowler	Observer?	✓
Sir Geoffrey Howe	Sunday Express	✓
Sir Leon Brittan		✓
Sir Charles Powell		✓

If Ministers required, we should probably not field the front line Ministers but use instead:

Mr Heseltine
Mr Mellor
Mr Howard
Mr Rifkind
Mr Maude

SUNDAY, 8 DECEMBER

Scene-setter briefing at 8pm by
Gus O'Donnell, Francis Cornish, [Dick Saunders] ✓

B. The Deal - Scenario 1* - Agreement reached Tuesday afternoon

MONDAY, 9 DECEMBER

Briefings as required, no interviews unless necessary

Possible background briefings by Chancellor and Foreign Secretary, if necessary to correct any false impressions. ✓

* Alternative scenarios to be completed in due course.

C. The Sell

TUESDAY, 10 DECEMBER

Press Conference evening of 10 December PM [+ Foreign Secy + Chancellor] ✓

If time, Foreign Secretary to brief lobby off-the-record on the finer points of the negotiations, ideally at around 5pm.

News interviews BBC) PM, Foreign Secy, ✓
ITN) Chancellor to ✓
Ch4) divide up between ✓
Sky) them ✓
World Tonight) Prime Minister ✓
IRN)

For later news programmes we have the option of live interviews from Maastrich with the Channel 4 7 o'clock news (Foreign Secretary?), BBC 9 o'clock news (Prime Minister) and News at Ten (Prime Minister) ✓

WEDNESDAY, 11 DECEMBER (London)

Breakfast TV TV-am) Foreign Secy + ✓
BBC) Chancellor ✓

Radio Today programme Prime Minister ✓
IRN Prime Minister ✓

The Economist Sir John Kerr ✓
Tuesday pm or ✓
Wednesday am (?) ✓

Prime Minister gives Statement to the House ✓

Party political broadcast ✓

THURSDAY, 12 DECEMBER

Live 8-10 minute Prime Minister interview on News at Ten (recorded early in the day, with clips used earlier) ✓
(5.40pm ITN, 7.00 Ch 4)

FRIDAY, 13 DECEMBER

Prime Minister to give interview to Daily Mail over breakfast. ✓
Press conference by industrialists and others welcoming the deal ✓
Prime Minister to speak to Sunday Lobby (on the record) ✓
Live interview with BBC recorded early in day for 9 mo'clock news with clips for 6.00pm ✓

WEEKEND 14/15 DECEMBER

Television

World This Weekend

Prime Minister

On the Record

Foreign Secy

Walden

Leave free for
Opposition ✓

Records. surely!

SUNDAY PAPERS

Interviews given by industrialists and financiers welcoming the agreement.

Shift of emphasis to show wide support for deal outside government. ✓

MONDAY 16 DECEMBER

Today programme

Foreign Secretary ✓

Panorama

Prime Minister

FOREIGN MEDIA

Foreign Office to advise

Not sure about this.

SUGGESTED CHANGES TO PRIME MINISTER'S DIARY

PRIME MINISTER TIMINGS

THURSDAY, 12 DECEMBER

4.00-5.00 ITN interview ✓

FRIDAY, 13 DECEMBER

8.00-9.00 Breakfast with Daily Mail (partly on the record) ✓

10.45-11.15 Record interview for BBC ✓

[Is photograph for Scottish Conservative Central Office necessary? If not time could be used for BBC interview]

SATURDAY, 14 DECEMBER

Rest Is Bluntisham and Colne supper evening necessary? Yes
If not, drop.

SUNDAY, 15 DECEMBER

Rest

MONDAY, 16 DECEMBER

Pass Sheikh Khalifa of Bahrain to Foreign Secretary ✓
Defer meeting with Sir Robin Butler ✓
to allow Panorama recording from 11.00-12.00

Yes
Yes

Maybe

OTHER POSSIBLE WAYS TO SAVE TIME

1. Postpone audience No.
2. Cancel dinner with Progress Trust ?
3. Re-arrange reception for Action Research (?)
4. Postpone Amnesty International interview

PI. refer
Yes. P/jane.

DRAFT PRIVATE SECRETARY LETTER TO MR WALL, NO.10

POLITICAL UNION IGC: REVIEW CLAUSE

In your letter of 27 November reporting the Prime Minister's meeting that day with Chancellor Kohl, you report the Prime Minister as saying that the whole Treaty would be reviewed in 1996, and that there was no need for a review clause covering the European Parliament. You also report Bitterlich contending that the review clause in Article W2 of the Presidency draft did not apply to the European Parliament. You asked for advice on the matter.

Article W2 says that:

"A conference of representatives of governments of the member states shall be convened in 1996 in the perspective of strengthening the federal character of the union to examine those provisions of this Treaty which provide for such an amendment."

This is not a general review clause, and applies only to those areas of the Treaty which specifically provide for a review, i.e.

- Article D5 of the CFSP chapter, which reads:

"With a view to the definition, at a later stage, of a defence policy, the provisions of this Article may be revised, as provided for in Article W2, on the basis of a report to be submitted by the Council to the European Council in 1996 at the latest."

- Article J of the CFSP text. This is not yet drafted, but is expected to include provision for the review or evolution of the whole of the CFSP chapter.

In addition, the Presidency text includes various footnotes and declarations proposing the inclusion of other activities in the 1996 review. These include the classification of Community acts (the Italian bid to revive the idea of a hierarchy of acts, i.e. regulations, directives, decisions, recommendations and opinions, with "lois" added at the top) and police cooperation (Europol).

Finally, the Presidency took up a German proposal at the Noordwijk Conclave that a review clause should be added to Article 189B (negative assent procedure) which would read:

"The procedure set out in this Article may be extended to other areas, in conformity with the procedure set out in Article W, paragraph 2, on the basis of a report the Commission will present to the Council."

At the moment, therefore, Article W2 is not a general review clause, although Bitterlich's remark that Article W2 does not cover the European Parliament is rather odd given that the clause which the Presidency have now promised to add would cover Article 189B - which is the most important aspect of the dossier on the European Parliament. In practice, however, we must accept that there will be an IGC in 1996, and that it will not be possible to prevent member states proposing that it should cover areas which might not be specifically mentioned in the Treaty as subject to review then. Moreover, Article W1, which replaces Article 236 of the Treaty of Rome, allows for an IGC to amend the Union Treaty to be called - by simple majority - at any time. Against this background, the Foreign Secretary thinks there would be nothing to lose in our proposing Treaty language on a general review clause, provided that it was neutral. This would be a formal recognition of the line we have recently been taking with partners. Indeed, the conversation between the Prime Minister and Chancellor Kohl suggests that the

Germans might see some slight advantage in such a clause. If you are discussing the subject again with Peter Hartmann, the Foreign Secretary thinks that you might, therefore, say that we would be prepared to consider a general review clause which would explicitly mention reviews of defence, interior/justice and the European Parliament - the issues of most concern to the Germans - provided that such a clause were neutral. Such a clause might read as follows:

"A conference of representatives of the Governments of the Member States shall be convened in 1996 to examine whether any revision of this Treaty, and in particular Article 189B, title [CFSP], including Article D, and title [interior/justice chapter], is required."

This wording is modelled on that of Article 30(12) of the Single European Act.

Such a review clause would implicitly cover EMU, which will form part of the composite draft Union Treaty to be circulated next week. A review of EMU in 1996 would be undesirable. But since monetary arrangements will be under review in any case in 1996 in preparation for a move to Stage III and since in practice an IGC, once called, will dictate its own agenda, we and the Treasury do not regard a general review clause as causing significant EMU problems.

I am copying this letter to Private Secretaries to members of the Cabinet and to Sir Robin Butler.



Mr Rumbold
Private Office

ICRC (P) : OPD : 27 NOVEMBER 1991.

I attach:

- 1) an index of contents by article and subject.
- 2) a summary of the contents

for the Dutch draft Treaty text. For No.10 see OPD.

J. Rumbold

25/11/91

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(Attached to
Union Treaty)

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General

1. This Dutch text reverts to the structure of the Luxembourg draft (June 1991) and bears no traces of their unitary text which we managed to kill earlier in the autumn.

2. The text takes the form of a self-contained treaty, divided into five sections. These are:

- "common provisions" (sometimes known as "the chapeau");
- amendments to the Treaty of Rome (pages 7-100 - the lion's share of the text);
- common foreign and security policy (pages 108-119);
- cooperation on interior and justice matters (pages 120-135);
- final provisions.

3. In principle this Treaty structure means that the provisions on common foreign and security policy, and on most aspects of interior/justice, are based on inter-governmental cooperation outside the Treaty of Rome, but within the "Union". This is in effect a pillared structure, with the separate pillars (one of which is the Treaty of Rome) together constituting the European Union. Activity under the two inter-governmental pillars would take place on a different basis from activity within Community competence under the Treaty of Rome. In particular, the Commission would not have an exclusive right of proposal, the role of the European Parliament would be circumscribed

and most important the jurisdiction of the European Court of Justice would be excluded. But the Union does have "a single institutional structure", and there are overlaps.

4. So in practice there is a less clear structure than we would like with some unacceptable blurring of the distinction between Community and inter-governmental activities.

Common Provisions (Chapeau) Pages 3-6

5. These seven articles establish the Union. The main problem is that provisions in the articles create undesirable linkages between the Treaty of Rome and the other two pillars, including the role of the ECJ. We still need changes to this text. This section includes a set of objectives for the Union (Article B) which is broadly acceptable, but contains unacceptable references to:

- : "federal goal" (Article A);
- : single currency;
- : a Union defence policy (although this language is not far from the Anglo-Italian text).

6. The chapeau also establishes the European Council (Article D) as the Union's supreme institution. The European Council therefore remains outside, and above, the institutional framework of the Treaty of Rome, as we want.

Amendments to the Treaty of Rome

7. There are five parts to this section.

- i) "principles": a revision of the opening articles of the Treaty of Rome. These articles include:
 - : a far wider list of the Community's activities than at present (Article 3) reflecting the new competence texts later in the Political Union treaty;

- : a Treaty provision on subsidiarity (Article 3B); the latest text is better than the last, but still not tightly enough drafted to deter unnecessary Community legislation.
- ii) Union Citizenship (pages 14-17): this formally establishes within the Treaty of Rome the concept of citizenship of the European Union. Such citizenship is intended to be complementary to national citizenship. The text is steadily improving. The rights conferred are limited to the right of free movement, the right to vote in EP and municipal elections in other member states, and to reciprocal consular protection in third countries. National parliaments would have to give their approval to the creation of any further rights.
- iii) "Policies of the Community" (pages 18-69): this section contains a wide range of new proposals for codifying or extending Community competence. In addition, it extends qualified majority voting to most new policy areas. In some of these areas, the new "codecision" procedure is applied (see below). The most important of the policy areas are:
- EMU [the results of the EMU IGC will be slotted into this section of the Treaty of Rome];
 - Immigration Policy (Article 100C and 100D): Community competence in limited areas of immigration policy (crossing the external frontier and free-circulation within the Community for short stay visitors, visa policy). We want all these policies to remain inter-governmental, in the interior/justice chapter (see below).
 - Common Commercial Policy (Articles 113-116, and 228): a rewrite of the existing articles, but now acceptable.

- Social Policy (Articles 117-128): these provisions extend Community activity into detailed aspects of employment policy, working conditions, information and consultation of workers, equal opportunities on the employment market, etc. Moreover there are provisions on worker consultation, and Community level collective bargaining. The text extends QMV into most of these areas. Almost everything in this section is unacceptable.
- Education and vocational training acceptable in principle but too widely drafted.
- Cohesion (Article 130A-E): expands the existing provisions in the treaty, including possibility of new structural funds.
- Research and Development (Article 130F-P): this largely follows the existing treaty text, retaining unanimity for the framework programme, although combined with "codecision".
- Environment (Article 130R-T): This too largely follows the existing Treaty text, but introduces QMV except - helpfully - for tax measures. We want unanimity for energy-related issues too. There is provision for a new environment fund (aimed to help the Southerners).
- There follows a range of other new policy areas: energy (not liberal enough); trans-European networks (expensive and potentially interventionist); industry (unnecessary and potentially interventionist too); tourism; consumer protection; public health; civil protection; culture. Helpfully these texts do not for the most part contain provisions for harmonising national law. A further text provides for a Community development policy, complementary to

national policy, with Community decisions by QMV
(which we oppose).

→ (iv) Institutions

- New non-legislative powers of the European Parliament include the right to request (nor require) a Commission legislative proposal, the right of inquiry, the right of petition for the individual, and the establishment of an ombudsman (all Article 137).
- One Commissioner per member state (Article 157); EP approval required for appointment of Commission President, and subsequently of the whole Commission (Article 158).
- Improved procedures for the European Court of Justice, including the UK proposal that the ECJ may fine non-compliant member states (Article 171).
- New legislative powers for the European Parliament through a procedure (no longer known as "codecision") whereby the Parliament may in certain circumstances reject legislation (Article 189B); the scope of this procedure (set out, seriatim, through the treaty) is too wide for us, - including single market (Article 100A), R and D (with unanimity), multi-annual environment programmes, trans-European networks, free movement of workers, rights of establishment and consumer protection.
- Some extension of the existing cooperation is proposed, as is an extension of the existing positive assent procedure (too widely for us).
- A new regional committee, with consultative status only, (a German demand - Article 198).

- Tighter provisions on financial control, as proposed by the UK (Articles 201-209).

→ (v) General Provisions

8. A new provision added (228A) for applying economic sanctions, following a CFSP decision. There is also a slight change to Article 235 (the mechanism for legislation where no express powers exist elsewhere) but unanimity is still required, and the EP is only consulted. This is a marked improvement over earlier drafts.

Common Foreign and Security Policy (CFSP)

9. This chapter would replace and strengthen the political cooperation provisions of the Single European Act. The text would create two classes of action: "cooperation" (Article B), and "joint action" (Article C) which would be binding on member states: this includes some let-out clauses, and provision for action to be time-bound, but not the supreme national interest clause we seek. There are provisions concerning representation in international institutions (Article E), to which we and the French will want to append a declaration preserving our position in the UN Security Council. Decision making would be by unanimity (Article H) with implementing decisions taken by QMV "as a general rule" (Article C). ECJ jurisdiction would be excluded from the CFSP. There is a square bracketed passage on defence (Article D), but the real debate lies ahead on this.

Interior and Justice Matters

10. This chapter sets out a range of policy issues to be discussed inter-governmentally, including asylum; immigration matters not covered by Article 100C (see above); the fight against drugs and international fraud; judicial cooperation on civil and penal issues; customs cooperation;

police cooperation, particularly against terrorism, drugs and international crime, including establishment of EUROPOL. The ECJ would have no jurisdiction in these matters. There is however a clause (Article K) which allows for transfer of many of these items into Community competence, subject to unanimity and ratification by national parliaments.

11. However, the main problem in this area is the treaty article providing for immediate Community competence on aspects of immigration policy (see Article 100C above).

Final Provisions

12. These article provisions include amendment of the Union treaty, but including a prejudicial review clause (W.2) which reiterates the "federal character of the Union". There is a clause allowing new member states to join the Union (they cannot just join the Community - this is aimed at catching the neutrals on CFSP).

13. Attached to the treaty will be a number of conference declarations (a list, but not the texts is attached to the Presidency draft). These include some we seek, for example role of national parliaments; improvement of quality of legislation; environmental impact assessment; animal welfare; financial fiches.

file

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OFFICE OF THE UNITED KINGDOM
PERMANENT REPRESENTATIVE
TO THE EUROPEAN COMMUNITY
ROND-POINT ROBERT SCHUMAN 6
1040 BRUSSELS
TELEPHONE 2306205

FROM THE PERMANENT REPRESENTATIVE

CONFIDENTIAL

9 November 1991

J S Wall Esq CMG LVO
No 10 Downing Street

Dear Stephen,

IGC(P): PRESIDENCY PRE-CONCLAVE TEXT

1. With your Bonn visit in mind, I enclose:

- a) the new Presidency Political Union text, which issued this morning; and
- b) a preliminary UKRep commentary on it, which will give you the flavour.

An English text of (a) will be available on Monday; and (b) should not be regarded as definitive - it is merely our initial input into Whitehall's brief for the Foreign Secretary for the Conclave.

2. The three questions on which you might like early advice from here probably are:

- (a) Have the Dutch played fair, this time?
- (b) What will the Germans be telling Kohl today? and
- (c) What will the UK press think, if/when the new text leaks?

3. Have the Dutch played fair? My answer, this time, is Yes.

4. The Structure of the new text follows that of the Luxembourg text, and so is generally acceptable, though we still have to prune the ivy on the pillars. There is no trace of the Dutch

/September

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September text. Second, at our insistence the Dutch have restored unanimity for the Structural Funds and R&D Framework Programmes, the two biggest non-CAP spending programmes. Third, they have retained - almost unchanged from the Luxembourg text - the UK proposals (Articles 201A to 209A) on financial accountability, and on ECJ sanctions (Article 171) the Court of First Instance (Article 168A) and cutting down the size of the Commission. Fourth, the proposal in respect of QMV on the Environment now excludes fiscal measures. Fifth, our financially important amendments to the Citizenship chapter are taken (though we may have to fight further to keep them in). Sixth, the various adjustments we obtained to the machinery for what used to be, but no longer is, called Co-decision all survive; they weaken the Parliament's role and strengthen the Councils, and the Dutch didn't like them, but have kept them, in a new Article 189B. Seventh, among the new chapters, the ones on Education, Health, Tourism, Civil Protection and Culture now incorporate specific provisions preventing their being used for measures to harmonise laws or regulations in member states (and Civil Protection is back to Unanimity). Last, the Spanish have not secured their Cohesion bids.

5. Of course, playing fair doesn't always suit us. The Dutch have reflected majority views on CFSP, Interior/Justice, and the scope of the Article 189B Provision. On Defence, they have retained the Luxembourg wording, but only as a marker: everyone knows that the real negotiation has still to start. They have retained, among the new chapters, the three (Consumer Protection, Civil Protection, and Tourism) they cut out in their September text. And they have followed the views of the eleven on the Social Chapter, which remains for us uniquely bad.

6. So we still have plenty of work to do. But I found no unpleasant surprises in today's draft, and I don't think we have justifiable complaints about it. Indeed, we have smuggled in a fair number of drafting points, some quite important.

7. Will the Germans say the same? I doubt it. On the plus side, they will:

(a) note the exclusion of harmonisation measures under the Education, Health etc chapters - which will, I fear, go a long way to meet the Laender concerns reported in Bonn telno 847.

/(b) see

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(b) see that the Subsidiarity provision has been strengthened - probably sufficiently to match Laender requirements, though in our view not enough.

(c) note that some limited Community competence on Immigration (short stay) and Visas is envisaged (new Article 100C). They won't of course find this enough, just as we find it too much.

(d) share UK satisfaction at the neutralisation of the expenditure risks under Citizenship, and the fact that the Spaniards have not - yet - secured any of their Cohesion bids.

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10. My third question, about the UK press, is the most difficult. Expert commentators will no doubt spot the various respects - eg those listed in para 4 above - in which the new draft is better for us than the Luxembourg one. But I suspect that the popular press will be struck most by the facts that (a) this is still a very big draft - they won't immediately realise that some bits of it contain little more than tidying up provisions; (b) it still includes Luxembourg language - eg "vocation federale" - which we are known to reject; (c) it contains more on Interior/Justice than did the Luxembourg text (because it has had to respond in part to what Kohl said in Luxembourg, and the Luxembourg Conclusions text); and (d) the social provisions haven't got any better, from the Government's point of view.

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12. Good luck in Bonn.

Yours ever,
J. O. Kerr
J O Kerr

cc: ; Resident Clerk (for Secretary of State; Mr Prentice,
Mr Garel-Jones; Mr Jay; Mr Hadley, Cabinet Office)

2. S. C. Nallaby 'Bonn (letter only.)

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OFFICE OF THE UNITED KINGDOM
PERMANENT REPRESENTATIVE
TO THE EUROPEAN COMMUNITY
ROND-POINT ROBERT SCHUMAN 4
1040 BRUSSELS
TELEPHONE 2306203

FROM THE PERMANENT REPRESENTATIVE

CONFIDENTIAL

9 November 1991

J S Wall Esq CMG LVO
No 10 Downing Street

Dear Stephen,

IGC(P): PRESIDENCY PRE-CONCLAVE TEXT

1. With your Bonn visit in mind, I enclose:
 - a) the new Presidency Political Union text, which issued this morning; and
 - b) a preliminary UKRep commentary on it, which will give you the flavour.

An English text of (a) will be available on Monday; and (b) should not be regarded as definitive - it is merely our initial input into Whitehall's brief for the Foreign Secretary for the Conclave.

2. The three questions on which you might like early advice from here probably are:
 - (a) Have the Dutch played fair, this time?
 - (b) What will the Germans be telling Kohl today? and
 - (c) What will the UK press think, if/when the new text leaks?
3. Have the Dutch played fair? My answer, this time, is Yes.
4. The Structure of the new text follows that of the Luxembourg text, and so is generally acceptable, though we still have to prune the ivy on the pillars. There is no trace of the Dutch

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September text. Second, at our insistence the Dutch have restored unanimity for the Structural Funds and R&D Framework Programmes, the two biggest non-CAP spending programmes. Third, they have retained - almost unchanged from the Luxembourg text - the UK proposals (Articles 201A to 209A) on financial accountability, and on ECJ sanctions (Article 171) the Court of First Instance (Article 168A) and cutting down the size of the Commission. Fourth, the proposal in respect of QMV on the Environment now excludes fiscal measures. Fifth, our financially important amendments to the Citizenship chapter are taken (though we may have to fight further to keep them in). Sixth, the various adjustments we obtained to the machinery for what used to be, but no longer is, called Co-decision all survive; they weaken the Parliament's role and strengthen the Councils, and the Dutch didn't like them, but have kept them, in a new Article 189B. Seventh, among the new chapters, the ones on Education, Health, Tourism, Civil Protection and Culture now incorporate specific provisions preventing their being used for measures to harmonise laws or regulations in member states (and Civil Protection back to Unanimity). Last, the Spanish have not secured their Cohesion bids.

5. Of course, playing fair doesn't always suit us. The Dutch have reflected majority views on CFSP, Interior/Justice, and the scope of the Article 189B Provision. On Defence, they have retained the Luxembourg wording, but only as a marker: everybody knows that the real negotiation has still to start. They have retained, among the new chapters, the three (Consumer Protection, Civil Protection, and Tourism) they cut out in their September text. And they have followed the views of the eleven on the Social Chapter, which remains for us uniquely bad.

6. So we still have plenty of work to do. But I found few unpleasant surprises in today's draft, and I don't think we have any justifiable complaints about it. Indeed, we have smuggled in a fair number of drafting points, some quite important.

7. Will the Germans say the same? I doubt it. On the other side, they will:

(a) note the exclusion of harmonisation measures under Education, Health etc chapters - which will, I fear, go a long way to meet the Laender concerns reported in Bonn telno 847

/(b) see

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(b) see that the Subsidiarity provision has been strengthened probably sufficiently to match Laender requirements, though in our view not enough.

(c) note that some limited Community competence on Immigration (short stay) and visas is envisaged (new Article 100C). They won't of course find this enough, just as we find it too much.

(d) share UK satisfaction at the neutralisation of the expenditure risks under Citizenship, and the fact that the Spaniards have not - yet - secured any of their Cohesion bids.

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Yours ever,
J. D. Kerr
J. D. Kerr

cc: Resident Clerk (for Secretary of State; Mr Frentlow;
Mr Carel-Jones; Mr Jay; Mr Hadley, Cabinet Office);

2. S. C. Mulhaby (Bonn (letter only))

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COUR DES COMPTES
DES
COMMUNAUTÉS EUROPÉENNES

L-1018 LUXEMBOURG
12, RUE ALBISSE DE GASPARI
TÉL. 4994-1

LE PRÉSIDENT

Luxembourg, le 11 octobre 1991
N° 0412/91

004800

Son Excellence
Monsieur Hans VAN DEN BROEK
Ministre des Affaires Etrangères
du Royaume des Pays-Bas
B.P. 20061
2500 EB - 's-GRAVENHAGE

Monsieur le Ministre,

Par lettre du 24 septembre 1991 reçue à la Cour le 3 octobre 1991, Monsieur LUBBERS, en tant que Ministre des Affaires étrangères a.i., m'a communiqué un projet de Traité sur l'Union politique européenne en sollicitant les commentaires de la Cour sur ce texte.

Je saisis cette occasion pour vous remercier vivement de l'intérêt que vous avez bien voulu manifester ainsi à l'égard de la Cour des comptes.

D'une manière générale, et comme j'ai eu l'honneur d'en informer la Présidence du Conseil par lettre du 23 novembre 1990 dont je vous joins copie en annexe, la Cour souhaite se limiter à une seule proposition de modification des Traités concernant son rôle et ses compétences.

Cette proposition demeure valable pour ce qui concerne le projet que vous venez de me communiquer, dans la mesure où celui-ci reprend les propositions de la Présidence luxembourgeoise.

La Cour est, plus que jamais, convaincue qu'une gestion financière efficace et disciplinée est une condition vitale à la réussite de l'Union politique européenne. Cette condition ne peut être remplie sans un contrôle adéquat, exercé dans l'intérêt de l'ensemble des contribuables, ainsi que de la Communauté elle-même.

A cette fin, la Cour des comptes est appelée à formuler et à publier, en toute indépendance, des observations qui, par leur objectivité et leur fiabilité, sont des éléments indispensables au contrôle démocratique, une des tâches les plus essentielles de la Communauté à laquelle des instances très diverses, communautaires et nationales, sont intéressées.

Ce sont les raisons pour lesquelles l'indépendance de la Cour doit être consacrée de façon incontestable. En effet, si cette indépendance était mise en cause, comme certaines prises de position le font croire, la crédibilité du contrôle démocratique s'en trouverait gravement affaiblie.

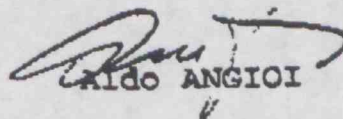
Dans cette situation, il convient de donner, à présent, à la Cour sa place logique dans l'organisation juridique et politique de la Communauté européenne, organisation qui par son originalité n'est pas comparable à celle des Etats membres. A la différence de plusieurs organismes de contrôle nationaux qui sont dans une mesure variable liés au pouvoir législatif ou exécutif de leurs Etats respectifs, la Cour devrait prendre place parmi les Institutions communautaires énumérées au paragraphe 2 de l'article 4 du projet de Traité. Ceci s'impose d'autant plus que dans le cadre de l'équilibre interinstitutionnel, seule une Cour placée sur le même pied que les autres Institutions pourrait jouer pleinement son rôle.

C'est dire qu'une plus grande autorité s'attacherait aux rapports et avis de la Cour, en ce qui concerne également la déclaration sur la fiabilité des comptes, qu'elle est appelée à fournir aux termes du projet actuel (art. 206 A, paragraphe 1, 2ème alinéa).

C'est dans le même sens que la faculté pour une Cour des Comptes devenue institution, de saisir la Cour de justice revêtirait tout son intérêt en cas de manquements des gestionnaires aux obligations qui leur incombent. En effet, la pluralité des gestionnaires découlant de l'application du principe de subsidiarité rend une sanction juridique indispensable au maintien du caractère contraignant du contrôle.

Il est donc de l'intérêt du contrôle démocratique - envisagé dans tous ses aspects - de renforcer l'indépendance de la Cour par l'insertion d'une mention spécifique dans la disposition même du Traité sur laquelle repose l'équilibre interinstitutionnel.

Veuillez agréer, Monsieur le Ministre, l'expression de ma très haute considération.


ALDO ANGIOI

05 DEC '91 10:53 MIN. ALG. ZAKEN 070 3564683

P.4

COUR DES COMPTES
DES
COMMUNAUTÉS EUROPÉENNES

12, rue des Saussaies
1050 BRUXELLES
TÉL. 480001

Le Président

23. XI. 1990

SOC 1301/90

003572

) Monsieur le Président,

En réponse à votre lettre du 05 novembre 1990, j'ai l'honneur de vous transmettre ci-joint une proposition d'amendement à l'article 4 du Traité CEE que la Cour a adoptée en sa réunion du 26 avril 1990 et qui a trait au statut de la Cour des comptes.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma très haute considération.


FEDERICO DI ROBERTO

5

Monsieur Federico DI ROBERTO
Président
du Comité des Représentants Permanents
Conseil des C.E.

170, rue de la Loi

B - 1049 BRUXELLES

ANNEXESTATUT DE LA COUR DES COMPTESProposition de modification de l'article 4 du traité CEEArticle 4 premier paragraphe

Ajouter après "une Cour de justice" les mots "une Cour des comptes".

Article 4 paragraphe 3

Supprimer ce paragraphe.

Justification

1. Le statut indépendant de la Cour des comptes serait incontestablement renforcé par la reconnaissance de celle-ci en tant qu'institution de la Communauté européenne à part entière.
2. En tant qu'institution de contrôle supérieure de la Communauté chargée du contrôle externe de toutes les recettes et dépenses communautaires, il serait souhaitable que son statut soit du même niveau que celui des institutions intéressées.
3. Le dialogue de la Cour, reconnue en tant qu'institution, avec les autres institutions de la Communauté ainsi qu'avec toutes les autorités prenant part au traitement des fonds communautaires serait facilité.

4. Les observations de la Cour acquerraient plus de force si elle avait le statut d'institution et, dès lors, les intérêts financiers de la Communauté seraient mieux protégés.

(Note: des modifications correspondantes devront être apportées aux traités CECA et Euratom).

05 DEC '91 10:53 MIN. ALG. ZAKEN 070 3564683

Ministerie van
Financiën

Generale Thesaurie



3

DIRECTIE BUITENLANDSE FINANCIËLE BETREKKINGEN
AFDELING EUROPESE GEMEENSCHAPPEN

The President of the European Council
drs R.F.M. Lubbers
Prime Minister of the Kingdom of the Netherlands
Binnenhof 20
2513 AA The Hague

Nr.: 91 MOOD/144

Min. v. Alg. Zaken

3 OKT. 1991

SG GRA MC MP. Mepp

h	Wopikhorst	L	V	P
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Uw brief van/kenmerk

Ons kenmerk
BFB/91-929Doorkiesnummer 's-Gravenhage
070-3427076 30 October 1991

Onderwerp

During its meeting of 7 October, the ECOFIN Council discussed the problem of how to avoid the situations in which the European Council is invited to take decisions on issues whose budgetary implications have yet not been properly considered. In recent years there have been several examples of decisions by the European Council with significant financial consequences, without proper preparation by the ECOFIN Council, and without an advice from the Commission on the budgetary implications of the decision. Recent examples are the loan to Algeria (in June 1991) and the aid to the Kurds (in April 1991).

The members of the ECOFIN Council are of the opinion that the rules of budgetary discipline should also apply to the European Council. In particular, the ECOFIN Council has agreed on the desirability of the following rules of procedure, that should be applied in the future.

1. The European Council should not be asked to conclude on matters with significant financial consequences unless the views of the ECOFIN Council have been sought and the Commission has given clear advice on the financial and budgetary implications.
2. In emergency situations where prior consideration by ECOFIN is not possible the application of the above mentioned rule can only be suspended when the delegations have been notified by the Presidency at least 24 hours in advance.

I would highly appreciate you informing your colleagues in the European Council on the result of the discussions in the ECOFIN Council on this subject.

Korte Voorhout 7
Postadres Postbus 20201
2500 EE 's-Gravenhage

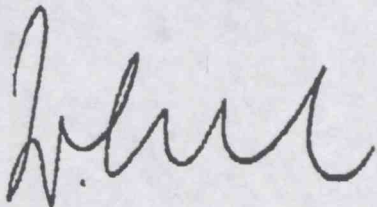
Telex 33141 mifi nl
Telegramadres finance
Telefoon (070) 3 42 80 00
Telefax (070) 3 42 79 05
Gebruik voor telefonisch contact
het bovenvermelde doorkiesnummer

Vermeld bij beantwoording
datum en kenmerk van deze brief

- 2 -

I send a copy of this letter to the President of the General Affairs Council and Budget Council, the President of the Commission, and my ECOFIN colleagues.

THE MINISTER OF FINANCE,
PRESIDENT OF THE ECOFIN COUNCIL,

A handwritten signature in dark ink, appearing to be 'J. G. de Wit', is written below the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.