



Greece

E

Foreign and Commonwealth Office
London SW1A 2AH

7 June 1979

Mr Norman

Ms Sanders

→ A.A.

*BW
7/6*

GREEK TREATY OF ACCESSION TO THE EEC

Greece's Treaty of Accession to the European Communities was signed on 28 May. We now have to consider how to make the changes in UK law necessary so that the UK can ratify this treaty. In particular, the law needs to be changed to ensure that Greece and Greek nationals receive Community treatment in the UK as envisaged in the Treaty.

We could make the changes by an Order under Section 1(3) of the European Communities Act 1972. There would, however, be advantages in parliamentary discussion which only procedure by a bill would allow. The admission of Greece to membership of the Community involves amendment of the EEC Treaty and a large number of technical changes in Community law on matters ranging from industrial and agricultural trade to budgetary arrangements and adjustments to Community institutions. But it is of course for you as Leader of the House to look after the interests of the House, and if you were content to proceed by an order in Council, I would be too. The substance of the matter has of course already been negotiated and agreed and is set down in the Treaty of Accession.

I hope that we can agree now to proceed by correspondence, so that if we decide to proceed by a bill, we can consider what priority to give it at the next meeting of the Legislation Committee on 14 June. The Greek Government have made

/representations

The Rt Hon N A F St John Stevas MP
Leader of the House



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representations to us both in Athens and via their Ambassador here about getting a first reading through this session. I myself think we should give this a fair wind and, if we decide to proceed by a bill, I would be so urging at the meeting of the Committee. I should therefore be grateful for an early indication of your views and those of the members of OD(E), to whom I am sending a copy of this letter. Copies also go to the Prime Minister, and Sir John Hunt.

yours ✓
lan.

17 JUN 1979

17 JUN 1979



Chancellor of the Duchy of Lancaster

Cabinet Office
70 Whitehall London SW1
Telephone 01-~~9333~~ 233 5826

28 June 1979

Dear Lord Privy Seal,

GREEK TREATY OF ACCESSION TO THE COMMUNITY

Thank you for your letter of 7 June about ratification of the Greek Accession Treaty, in which you set out the choice between proceeding by an Order under Section 1(3) of the European Communities Act (ECA) 1972 or by a Bill.

If each of these options is equally valid in other respects, I should be inclined at present to go for an Order on the grounds that Greek accession should not be controversial between the parties, that the whole question of enlargement was debated exhaustively in May 1978, and that we should not lightly resort to primary legislation if the ECA can do the job just as well. Moreover, it should be easier to meet Greek pressure for early progress if we proceed by an Order than through a Bill.

But it seems to me that two prior questions need to be answered before we can take a final decision on the choice of instrument. The first concerns the point raised by the Solicitor General and the Lord President of the Council in their letters of 14 and 18 June respectively, namely whether the Section 1(3) procedure can properly be used for a treaty of accession. I imagine that you will want to put this point to the Law Officers. The second is the purely practical question whether Greek accession will necessitate consequential changes in existing statutes, in which case it might be desirable to proceed by a Bill. I understand that officials are looking into this question on the basis of an enquiry initiated by your Department.

I suggest that we review the position again when these two points have been cleared up.

I am sending copies of this letter to the recipients of yours.

Yours sincerely
CM Egerton

*(Approved by the Chancellor of the Duchy
and signed in his absence)*

Lord Privy Seal
Foreign & Commonwealth Office
Whitehall
LONDON SW1

22 JUL 1979

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Greece



18 June 1979

The Rt Hon Sir Ian Gilmour, Bt MP
Lord Privy Seal
Foreign and Commonwealth Office
Downing Street
LONDON SW1A 2AL

M. Sanders
Mr. G. R. L.

Dear Ian,

GREEK TREATY OF ACCESSION TO THE EUROPEAN COMMUNITIES

I have seen your letter of 7 June to the Chancellor of the Duchy of Lancaster about the handling of the Greek Treaty of Accession to the EEC.

I think there are two points which weigh against the use of an Order under Section 1(3) of the European Communities Act 1972.

First I believe that the treaties to which the Section 1(3) procedure applies are treaties "ancillary" to the Treaty of Rome. Could the argument be sustained from a legal point of view that a Treaty of Accession should be regarded as "ancillary"?

Secondly, would it not be argued that the accession of a new member (or several new members) was of sufficient importance to justify a Bill rather than an Order in Council, regardless of whether an Order in Council is an appropriate vehicle from a strictly legal point of view?

I am copying this letter to recipients of yours.

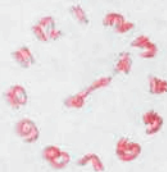
Yours ever
Christoph

SOAMES

P.S. Since dictating this I have received a copy of the Attorney General's letter which seems to confirm my second point - if not the first.

PPS. But if the Chancellor of the Duchy thinks he could get away with an order I would be ready to go along with it.

19 JUN 1979





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ROYAL COURTS OF JUSTICE.

LONDON, WC2A 2LL

Greene

14 June, 1979

Dear Sir,

Mr. Gilmour

GREEK TREATY OF ACCESSION TO THE EEC

You sent me a copy of your letter to the Leader of the House of 7th June about the question whether we should proceed by Order under Section 1(3) of the European Communities Act 1972 or by primary legislation in making the changes required to ratify this treaty.

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16/6*

It seems clear that, whichever of these alternatives is adopted, it will be essential to make the Greek Accession Treaty a Community Treaty for the purpose of the 1972 Act. I have not seen a copy of the Treaty and no information is available to me whether it contains any particular provisions which are of such a character that they ought, for legal or political reasons, to be implemented by primary legislation. Until we know whether a Bill would contain just one clause making the Treaty a Community Treaty (and therefore similar in content to an Order), or contain other provisions, it does not seem possible to reach a final conclusion on the matter you raise.

My provisional view is that, because of the importance of the matter, we should proceed by Bill.

I am sending a copy of this letter to the Leader of the House and the other members of OD(E), and also to the Prime Minister and Sir John Hunt.

*Yours ever
John*

The Rt Hon Sir Ian Gilmour, Bt MP
Lord Privy Seal
Foreign and Commonwealth Office
Downing Street, London, SW1A 2AL

15 JUN 1979

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From the Secretary of State

RESTRICTED

The Rt Hon Sir Ian Gilmour Bt MP
Lord Privy Seal
Foreign and Commonwealth Office
London, SW1A 2AH

14 June 1979

Mr Sanders

—o.a.—
SJM
16/2

Dear Ian.

GREEK TREATY OF ACCESSION TO THE EEC

Thank you for copying to me your letter of 7 June to Norman St John Stevas in which you invited views on how best to implement the changes in UK law needed to ratify the Greek Treaty of Accession.

The changes in Community law necessary to admit Greece to membership of the Community do not require primary legislation by my Department. If this is true for the rest of Whitehall I should favour following the normal practice of proceeding by an Order under Section 1(3) of the European Communities Act 1972. I accept the potential advantages you outline for proceeding by way of a bill but the House has already had two recent opportunities to debate Enlargement and, as you state, the substance of Greek accession has already been negotiated and agreed. I have only one reservation about this course of action. It will be important to satisfy ourselves first, through soundings of both sides of the House, that there is no strong objection to the use of a Section 1(3) Order.

I am copying this letter to the recipients of yours.

Yours ever
John

JOHN NOTT

RESTRICTED

15 JUN 1979

