

RESTRICTED

FROM: M A Arthur

DATE: 25 July 1991

cc: Private Secretary

PS/Lord Caithness

Special Advisers

PRU

Miss Bury,

Legal Advisers

Mr Parker,

Cabinet Office

Mr Nye, HMT

Mr de Fonblanque,

UKRep

ECN(E)

Ps/PUS
Mr Bayne

Yes. I think the
PM's work should be
borne in mind though I
do not think very one
a definitive under taking
to do it after an election

Mr Jay

PS/Mr Garel-Jones

SJ
25/7

IGCS : WESTMINSTER HANDLING

1. I understand Mr Garel-Jones is reflecting on Westminster handling of the outcome of the IGCs. The following points may be relevant.

2. The Prime Minister said in the Commons on 1 July, when reporting on the European Council, "when we have concluded the negotiations in December, as I expect we will have to do, there will be a certain amount of work to be done before it will be possible to put the conclusions of those negotiations before the House. So it is very probable that there will be a General Election before the House is invited to accept the Conclusions of Maastricht". That rather implies taking the necessary legislation through Westminster after the election.

3. Both the Treasury and FCO have bid for bills in the next legislative session to give effect to their respective IGCs. However, it looks increasingly likely that there will be one composite treaty text (the Treaty on Union) which will emerge from the two IGCs. I assume therefore that there will have to be one parliamentary exercise not two, but with Treasury Ministers leading on "their" Articles (e.g. in Committee stage), and Ministers from both departments participating in the second and third reading debates.

4. The Treaty on the Union will incorporate amendments to the Treaty of Rome. It will therefore require a European Communities (Amendment) Bill, just as the Single European Act was given effect in this way. There may be other legislation required too, or minor alterations to existing legislation, as a result of the content of the Treaty. We cannot judge this until nearer the time.

5. Even if agreement is reached at the Maastricht European Council, it is most unlikely that that will be in the form of a Treaty, signed on that day. It is far more likely that experts will be sent away to polish up the Treaty text, with the signature ceremony taking place some time in the new year, probably January or February.

6. Preparing instructions for Parliamentary Counsel will take some time. This process can of course start later this year, certainly after Maastricht, but probably cannot be formalised until after the Treaty is signed. I understand that drafting the Parliamentary Bill itself is rather quick, because Parliamentary Counsel work closely with Whitehall lawyers (led by FCO Legal Advisers) in preparing these instructions. But we should allow, say, 4-6 weeks between formal signature and first reading in the Commons.

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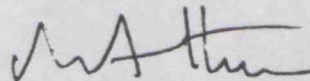
7. As with the Single European Act, I assume that Committee stage will be taken on the floor, given the importance of this treaty.

8. This treaty is likely to range rather wider than the Single European Act. So the debate should in principle take at least as long. I attach a schedule of the parliamentary timetable for the Single European Act. The proportion of time was about 2/1, Commons/Lords.

9. Following the SEA precedent, I assume we would need one day for the first and second reading debates; about five or six days for Committee stage (after which presumably the government would guillotine, as with the European Communities Bill and the Single European Act); and one day for the third reading. That would mean about eight or nine Commons working days. Perhaps one or two fewer in the Lords.

10. As I understand it, if an election is held sometime after Easter (e.g. May), there are precedents for the new Parliament starting a new session after the election and running straight through to October the following year (this happened in 79/80). This would help, insofar as the Lords reading could be taken in October/November, assuming the Bill had passed through the Commons before the summer.

*This is a useful analysis
of the procedural steps
involved in the
ratification process - though I
think it could be speeded*



M A Arthur
European Community Department
(Internal)

MA3AIV/3 up if

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Necessary Mx Jay 25/7

EUROPEAN COMMUNITIES BILL 1971/72

House of Commons

House of Lords

1st R 25 Jan 1972
2nd R 15-17 Feb 1972
Committee 29 Feb-5 Jul 1972
Guillotine imposed 2 May 1972
3rd R 13 Jul 1972

1st R 14 Jul 1972
2nd R 25-26 Jul 1972
Committee 3-10 Aug 1972
Report 12-20 Sep 1972
3rd R 20 Sep 1972

Royal Assent 17 Oct 1972

European Communities (Amendment) Bill 1985/86

1st R 27 Mar 1986
2nd R 24 Apr 1986
Committee 16 Jun-10 Jul 1986
Guillotine imposed 1 Jul 1986
3rd R 10 Jul 86

1st R 11 Jul 1986
2nd R 31 Jul 1986
Committee 8-17 Oct 1986
Report 27 Oct 1986
3rd R 3 Nov 1986

Royal Assent 7 Nov 1986