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Prime Minister

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FROM: Malcolm Rifkind

DATE: 18 March 1985

Prime Minister

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DOOGE COMMITTEE

1. I attach a telegram reporting the final outcome of the Dooge Committee.

2. The changes from the Interim Report are satisfactory for us. I have conceded no points of substance. We have achieved a text on decision-making which presents options, one of which we can accept. And we have reduced the number of our footnote reservations while others have had to increase the number of theirs: (this applies particularly to the Germans who now have reservations on EMS, on convergence, and on the number of Commissioners).

3. The key passages in the Report relate to:

Decision-making. Heads of Government are offered two possibilities. Most members of the Committee supported an option establishing majority voting as a general principle, with unanimity maintained only for a few Articles to be determined; and implicit rejection of the veto. The minority (ie we, the Greeks, the Danes and, to a certain extent, the Irish) supported an option calling for more majority voting where this is provided for under the Treaties and, in return, explicit acceptance of the veto. In accordance with 'Europe the Future', I have said that we would like to see the procedure for invoking the veto formalised, to prevent abuse.

The majority option is not so alarming as it might seem. It reflects the wishful thinking of some representatives, rather than political realities. M. Faure, for example, has taken

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a more advanced position than the French Government.

Powers of the Parliament. Here too the majority on the Committee have run some way ahead of Governments. The text is unattractive, calling for "joint decision-making" with the Council and revenue-raising powers for the European Parliament. I have entered a reserve on the whole section. I do not think there is much real danger from this quarter, though there may be opportunities for practical improvements in procedures within the existing powers of the Parliament.

Next Steps. The majority want an inter-governmental conference to negotiate a new European Treaty. I have given no undertaking whatever. Some of my colleagues on the Committee conceded, in the margins, that it was dangerous to arouse expectations until it was clear that a Conference was both necessary and likely to be successful. But there was too much momentum behind the idea to stop the majority of the Committee from espousing it.

Internal Market. The text has been significantly improved. At my suggestion the Committee has called for completion of the market "by the end of the decade" (broadly in line with Delors' target of 1992).

4. The next three months should see the winnowing out of some of the sillier propositions in the Report, provided this work is now remitted for consultations between Governments. I see no need for us to adopt a defensive position. The French and Germans appear to want something to emerge from this exercise that we could accept. We should continue to put the emphasis on proposals for practical reforms genuinely helpful both to Britain and to the Community. Geoffrey will be putting his recommendations to you shortly on how we might play all this both at the next European Council and in the period leading up to Milan.

Malcolm Rifkind

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AD HOC COMMITTEE ON INSTITUTIONS (DOOGE COMMITTEE)
BRUSSELS 13/14 MARCH - FINAL MEETING

SUMMARY

1. FINAL REPORT WAS AGREED FOR PRESENTATION TO 29/30 MARCH
EUROPEAN COUNCIL. ITS MAIN FEATURES (FROM UK POINT OF VIEW)
ARE:

- (A) USEFUL CONCLUSIONS ON INTERNAL MARKET AND HIGH TECHNOLOGY;
- (B) RETENTION OF ALL THE POSITIVE ELEMENTS IN THE TEXT ON POLITICAL COOPERATION AND DEFENCE;
- (C) ACCEPTABLE TEXTS ON EMS, CONVERGENCE AND BUDGET;
- (D) NO UK COMMITMENT TO TREATY AMENDMENT OR TO AN INTERGOVERNMENTAL CONFERENCE;
- (E) REDUCTION OF UK RESERVATIONS FROM THE 5 IN THE INTERIM REPORT TO 3, IN CONTRAST WITH A PROLIFERATION OF RESERVES FROM OTHERS.

2. ON THE INSTITUTIONAL CHAPTER OUTCOME WAS AS FOLLOWS:

- (A) ALTERNATIVE TEXTS ON MAJORITY VOTING/LUXEMBOURG COMPROMISE WHICH GO FORWARD TO EUROPEAN COUNCIL ON AN EQUAL FOOTING, THOUGH MINORITY TEXT WAS SUPPORTED ONLY BY 3 MEMBERS: ONE CURIOUS ASPECT WAS THAT THE MAJORITY FORMED ROUND A TEXT PROPOSED BY FAURE WHICH MAKES NO REFERENCE AT ALL TO VITAL NATIONAL INTEREST AND IS UNLIKELY TO BE ACCEPTABLE TO THE FRENCH GOVERNMENT AND WAS CLEARLY A SOURCE OF EMBARRASSMENT TO FAURE HIMSELF.
- (B) MR RIFKIND'S POSITION ON METHOD OF APPOINTING MEMBERS OF COMMISSION AND ON THE EUROPEAN PARLIAMENT ARE RECORDED IN FOOTNOTES.

3. THE MAJORITY REFUSED TO ACCEPT THAT THERE SHOULD BE ALTERNATIVE PROPOSALS IN CHAPTER ON INTERGOVERNMENTAL CONFERENCE, AND GREEK SUPPORT FOR MR RIFKIND'S OPTION TEXT FADED. SO HIS POSITION IS RECORDED IN A FOOTNOTE INSTEAD.

4. IN REACHING THIS OUTCOME THE MAIN DISCUSSIONS OF INTEREST AT THIS FINAL MEETING RELATED TO POWERS (AND SEAT) OF THE EUROPEAN PARLIAMENT, NUMBER OF COMMISSIONERS, MAJORITY VOTING, PRESENTATION OF OPTIONS IN THE REPORT, AND FUTURE ROLE OF THE COMMITTEE.

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5. MR RIFKIND, CAPITALISING ON PRIVATELY EXPRESSED APPRECIATION FOR HIS PROPOSED AMENDMENT ON THE EP'S PARTICIPATION IN LEGISLATION, MADE A STRONG PLEA TO THE COMMITTEE TO RECOGNISE THAT THERE WAS WIDE AGREEMENT ON SUBSTANCE: MEMBERS SHOULD RECOGNISE THIS BY DROPPING THEIR INSISTENCE ON THE PHRASE 'IN THE FORM OF JOINT DECISION-MAKING WITH THE COUNCIL'. IN SPITE OF EXPRESSIONS OF INTEREST THE MAJORITY FOLLOWED DOOGE AND FERRI WHO FELT COMMITTED TO THE TEXT IN THE INTERIM REPORT. DURING AN INTERVAL THERE WERE FURTHER PRIVATE EXPRESSIONS OF REGRET THAT AGREEMENT HAD NOT BEEN REACHED ON MR RIFKIND'S EXCELLENT TEXT. MR RIFKIND THEREFORE ENCOURAGED COLLEAGUES TO TRY AGAIN. VAN EEKELEN CANVASSED AND THEN PROPOSED A REVISION OF THE TEXT WITHOUT THE OFFENDING PHRASE WHICH WOULD HAVE BEEN JUST TOLERABLE, BUT FERRI AND OTHERS STILL INSISTED THAT THE EP MUST HAVE A POWER OF DECISION. MR RIFKIND THEREFORE ABANDONED THE ATTEMPT, BUT NOT WITHOUT GAINING A GOOD DEAL OF CREDIT IN THE PROCESS.

6. THIS CREDIT DID NOT HOWEVER MAKE THE COMMITTEE WILLING TO ACCEPT MR RIFKIND'S PROPOSAL THAT THE EP SHOULD HAVE A SINGLE SEAT. A NUMBER OF COMMITTEE MEMBERS CLAIMED THAT THE ISSUE WAS TOO SENSITIVE, THAT THE EP'S VIEWS WERE WELL KNOWN (MR RIFKIND AGREED TO DROP THIS ELEMENT), THAT IT WAS UP TO HEADS OF GOVERNMENT TO DECIDE ETC. FAURE SUGGESTED THAT THE PROPOSAL WAS A TRAP TO DIVIDE THE COMMITTEE AND SHOULD NOT BE MADE BECAUSE IT HAD NO CHANCE OF SUCCESS. AFTER THIS SHOW OF DOUBLE-THINK ONLY MOLLER SUPPORTED THE PROPOSAL, WHICH THEREFORE FELL. DONDELINGER GAVE NOTICE THAT LUXEMBOURG WOULD RAISE THE SUBJECT AT THE INTER-GOVERNMENTAL CONFERENCE.

7. NONE OF MR RIFKIND'S OTHER AMENDMENTS ON THE EP RECEIVED SUFFICIENT SUPPORT TO BE INCORPORATED. HE THEREFORE PLACED A RESERVATION ON THE WHOLE SECTION AND RECORDED HIS POSITION IN A FOOTNOTE SUMMARISING THE POSITIVE PROPOSALS IN HIS PAPER ON DECISION-MAKING.

COMMISSION

8. AFTER A SHORT DISCUSSION PROVOKED BY FAURE'S ATTEMPT TO GET AGREEMENT TO A POST-ENLARGEMENT COMMISSION OF 9 MEMBERS, THE EXISTING PROPOSAL WAS SUSTAINED AFTER SUPPORT FROM FERRI, VAN EEKELEN AND MR RIFKIND, AND FINALLY GRUDGING ACQUIESCENCE FROM FAURE, WITH RUHFUS ENTERING A RESERVATION. ONLY PAPANTONIOU SUPPORTED MR RIFKIND IN SEEKING TO MAINTAIN THE PRESENT SYSTEM OF APPOINTING MEMBERS OF THE COMMISSION (THOUGH WITH ADDITIONAL CONSULTATION OF THE PRESIDENT-DESIGNATE). EFFORTS TO BRIDGE THE GAP CAME TO NOTHING. MR RIFKIND THEREFORE RECORDED HIS VIEW IN A FOOTNOTE.

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9. DOOGE INTRODUCED DISCUSSION BY DESCRIBING FAURE'S PROPOSAL (WHICH WOULD REDUCE THE NUMBER OF DECISIONS TO BE TAKEN BY UNANIMITY BUT MADE NO MENTION OF THE POSSIBILITY OF INVOLVING A VITAL INTEREST) AS AMBIGUOUS AND DANGEROUS, ALLOWING TOO FEW EXCEPTIONS TO THE MAJORITY PRINCIPLE. HIS OWN TEXT WAS TOO ELABORATE. HE INVITED THE COMMITTEE TO CONSIDER SERIOUSLY MR RIFKIND'S TEXT. IN SPITE OF THIS HELPFUL INTRODUCTION NO ONE TRIED TO REACH CONSENSUS

RUHFUS LEAPED ON TO SUPPORT THE FAURE TEXT: KOHL DID NOT WANT EXPLICIT MENTION OF THE VITAL INTEREST, A CONCEPT GERMANY HAD NEVER RECOGNISED. THE TEXT SHOULD BE ROUNDED OFF WITH A PARAGRAPH FROM A TEXT BY VAN EEKELEN DEALING WITH THE PRESIDENCY'S OBLIGATION TO CALL A VOTE. HERMAN, FERRI, RIPA DI MEANA AND DONDELINGER SHIFTED UNEASILY DURING THE DISCUSSION BETWEEN THAT FORMULA AND A SLIGHTLY REVISED VERSION OF THE INTERIM REPORT TEXT. DOOGE HIMSELF CAME OUT FOR THE LATTER, AND THIS TEMPTED FAURE TO COME CLEAN AND ACKNOWLEDGE HIS OWN PREFERENCE FOR IT, CLAIMING THAT HIS NEW PROPOSAL HAD BEEN DESIGNED TO HELP MR RIFKIND. MR RIFKIND ARGUED WITH SOME SUCCESS THAT HIS OWN TEXT REPRESENTED REAL MOEVMEMENT ON HIS PART, BUT THAT NO RECIPROCAL MOVE BY THE MAJORITY WAS EVIDENT: A SLIGHT FORMALISATION OF THE PRACTICE OF THE LAST 20 YEARS WAS NO GREAT CONCESSION. THOSE WHO SUPPORTED THE NEW FAURE TEXT WERE GOING BEYOND EVEN THE SPINELLI DRAFT TREATY. BUT WHILE SUBSEQUENT SPEAKERS MADE A BOW IN MR RIFKIND'S DIRECTION, A SUBSTANTIVE MAJORITY GATHERED ROUND THE FAURE TEXT, WITH RUHFUS WHIPPING (DIRECTING HIS EFFORT MAINLY AT RIPA WHO WAS VACILLATING VIGOROUSLY). SEVERAL MEMBERS OF THE MAJORITY TRIED TO HAVE IT BOTH WAYS AND SUPPORT THE MODIFIED INTERIM REPORT TEXT AS WELL WHICH THUS ATTRACTED THE SUPPORT OF 5. ONLY MOLLER AND PAPANTONIOU (PREDICTABLY) SUPPORTED MR RIFKIND. DOOGE CONCLUDED THAT THERE WOULD BE THREE OPTIONS AND INVITED PROPONENTS TO DRAFT.

10. AFTER DEALING WITH A FEW PERIPHERAL AMENDMENTS THE COMMITTEE ADJOURNED FOR THE NIGHT. TRILATERAL MEETINGS THEN AND THE NEXT MORNING WITH PAPANTONIOU AND MOLLER PRODUCED THE FOLLOWING CONCLUSIONS:

- (A) QUICK AGREEMENT ON AN OPTION TEXT ON THE INTEGGOVERNMENTAL CONFERENCE CHAPTER:
- (B) EQUALLY QUICK ACKNOWLEDGEMENT THAT NO AGREEMENT WOULD BE POSSIBLE ON THE EP OR THE APPOINTMENT OF COMMISSION:
- (C) EVENTUAL AGREEMENT ON AN OPTION TEXT ON DECISION TAKING. NEITHER MOLLER NOR PAPANTONIOU WOULD AGREE TO A MENTION OF ARTICLE 100, AND THEY COULD NOT GO QUITE AS FAR AS MR RIFKIND IN THE SENTENCE ON THE NEED FOR AN EXPLANATION OF THE NATURE OF THE NATIONAL INTEREST A MEMBER STATE INVOKES.

11. TOWARDS THE END OF THE SECOND DAY RENEWED DISCUSSION CONFIRMED THE MAJORITY FOR THE FAURE TEXT, LEAVING DOOGE HIGH AND DRY SUPPORTING THE INTERIM REPORT. FAURE MADE ANOTHER HALF-HEARTED ATTEMPT TO GET BACK TO IT, BUT HE CLEARLY KNEW HE WAS COVERED. DOOGE CONCEDED THAT HE WOULD NEED A FOOTNOTE (WHICH WOULD CASTIGATE THE COMMITTEE AS WELL AS RECORDING HIS SUPPORT FOR THE INTERIM REPORT TEXT).

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12. ONCE IT BECAME CLEAR THAT ALL SUPPORTERS OF OPTIONS WOULD BE NAMED, MR RIFKIND DECIDED THAT HE TOO SHOULD TABLE A FOOTNOTE RECORDING MORE CLEARLY HIS VIEW ON THE PROCEDURE TO DETER ABUSE OF THE LUXEMBOURG COMPROMISE. THIS CAUSED PAPANTONIOU TO WITHDRAW HIS SUPPORT FOR THE SENTENCE ON EXPLAINING THE NATURE OF THE NATIONAL INTEREST. FURTHER CONSULTATION WITH DOOGE, MOLLER AND PAPANTONIOU YIELDED AGREEMENT ON A TRUNCATED OPTION (SEE MIFT) AND A MORE ELABORATE FOOTNOTE BY MR RIFKIND, MOLLER DROPPED HIS RESERVE. AN EFFORT BY MR RUHFUS TO QUESTION THE MINORITY TEXT WAS REPELLED AFTER CONSIDERABLE ARGUMENT IN THE AFTERNOON OF 15 MARCH.

PRESENTATION OF OPTIONS

13. OVER LUNCH HERMAN, FAURE AND FERRI TRIED TO RENEGE ON THE AGREEMENT THAT THERE SHOULD BE OPTIONS. THEY SHIFTED THEIR GROUND TO AN ATTEMPT TO HAVE MINORITY VIEWS RECORDED IN A TYPOGRAPHICALLY DISTINCT WAY. RIPA SUPPORTED MR RIFKIND IN THE ENSUING, HEATED DISCUSSION. AFTERWARDS MR RIFKIND IMPRESSED ON RUHFUS, VAN EEKELEN AND DOOGE THE CONSEQUENCE OF ACQUIESCING IN SUCH A BREACH OF FAITH. THE SUBJECT CAME UP AGAIN IN THE CONTEXT OF THE PROPOSAL FOR AN OPTION IN THE CHAPTER ON A CONFERENCE, WHICH THE MAJORITY BLUNTLY REFUSED TO ACCEPT (SUGGESTING THAT THEY INCORPORATE THE ALTERNATIVE IN THEIR OWN TEXT). VAN EEKELEN PLAYED A DETERMINING ROLE BY ANNOUNCING THAT HE WOULD CAUSE TROUBLE ON THE OPTIONS ON DECISION-TAKING IF MR RIFKIND PRESSED FOR AN OPTION IN THE FINAL CHAPTER. PAPANTONIOU THEREUPON INDICATED THAT HE WOULD BE CONTENT WITH A RESERVATION. MR RIFKIND DID LIKEWISE, ON CONDITION THAT THE OPTIONS ON DECISION-MAKING WOULD BE PRESENTED WITHOUT DISCRIMINATION, TYPOGRAPHICAL OR OTHERWISE. UNDER PROMPTING FROM DOOGE MOST MEMBERS OF THE COMMITTEE, INCLUDING PAPANTONIOU, INSISTED THAT THEIR NAMES BE PUT TO THE OPTIONS THEY HAD SUPPORTED. MR RIFKIND HAD NO CHOICE BUT TO ACQUIESCE (BUT SUBSEQUENTLY DECIDED TO HAVE A SEPARATE FOOTNOTE IN ADDITION - SEE PARA.11 ABOVE). ON THAT NOTE THE COMMITTEE'S DISCUSSIONS ENDED.

FUTURE OF THE COMMITTEE.

14. DOOGE REPORTED THAT CRAXI WANTED THE COMMITTEE TO REMAIN IN EXISTENCE IN ORDER TO PREPARE A WORKING PAPER FOR USE AT THE JUNE EUROPEAN COUNCIL BY THE PRESIDENCY (SIC) ABOUT THE INTERGOVERNMENTAL CONFERENCE, COVERING SCHEDULE, METHOD OF PREPARATION OF TEXTS, STATUS OF E.P AND COMMISSION AND TERMS OF REFERENCE. DOOGE THOUGHT MOST OF THE WORK COULD BE DONE BY THE SECRETARIAT. THE PROPOSAL WAS DISCUSSED OVER DINNER AND ROUNDLY DISMISSED. BUT THERE SEEMED TO BE GENERAL ACQUIESCENCE IN VAN EEKELEN'S ATTEMPT TO FINESSE FURTHER DEBATE BY SUGGESTING ONE FURTHER MEETING IN JUNE 'TO TAKE STOCK'. SUBSEQUENT PRIVATE DISCUSSION CONFIRMED THAT THIS WAS NOT A FULLY THOUGHT OUT PROPOSAL.

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FINAL TEXT.

15. AFTER TODAY'S FINAL TIDYING-UP MEETING, A CLEAN VERSION WILL BE MADE AVAILABLE ON SUNDAY 17 MARCH (SECRETARIAT WILL SEND BY FAX TO FCO ON 18 MARCH). ALL COMMENTS, TEXTS OF FOOTNOTES TO BE IN BY 1400 ON 19 MARCH. FINAL TEXT WILL BE AVAILABLE AT 1800 ON 21 MARCH.

FCO ADVANCE TO:-

FCO - P.S, PS/MR RIFKIND, RENWICK, FAIRWEATHER, SHEPHERD.
CAB - WILLIAMSON.

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