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Foreign and Commonwealth Office

London SW1A 2AH

23 August 1984

Dear Tim,

Chairmanship of the Ad Hoc Committee on EC Institutional
Questions (Spaak Committee)

Michael Alexander's record of the conversation between the Prime Minister and Chancellor Kohl on 14 August shows that the Prime Minister reacted favourably when the Chancellor suggested that ex-President Carstens should chair the Ad Hoc Committee on EC Institutional Questions set up by the Fontainebleau European Council. This poses the following problem.

On the basis of discussion at the General Affairs Council on 23-24 July, we had assumed that it was generally accepted that Senator Dooge of Ireland would be Chairman of this Committee. The Prime Minister was therefore not briefed on the issue for her discussion with Chancellor Kohl; as a result she seems to have overlooked the fact that Dr FitzGerald wrote to her on 11 July proposing that Senator Dooge should chair the Committee and that she replied on 20 July welcoming this suggestion. Copies of this exchange are enclosed for ease of reference.

Dooge is already making arrangements for the first meeting of the Committee, which may take place as early as 6 September. It is likely therefore that the Germans will know by now that an effort to secure the Chairmanship for Carstens comes too late.

Nevertheless, you may think it worthwhile for us to instruct the Embassy in Bonn to speak to the Federal Chancellery to clear up any possible misunderstanding. I enclose a draft telegram.

*Yours Sincerely,
Colin Budd*

(C R Budd)
Private Secretary

Timothy Flesher Esq
10 Downing Street

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10 DOWNING STREET

From the Private Secretary

24 August 1984

CHAIRMANSHIP OF THE AD HOC COMMITTEE ON
EC INSTITUTIONAL QUESTIONS

Thank you for your letter of 23 August about the chairmanship of the Ad Hoc Committee on EC Institutional Questions. The Prime Minister recalled that she had indeed endorsed Chancellor Kohl's suggestion that ex-President Carstens would be a good Chairman of the Committee. She recognises, however, that we had previously welcomed Dr. FitzGerald's suggestion that the chairmanship should be held by Senator Dooge of Ireland and, in these circumstances, agrees that the Embassy in Bonn should be asked to clear up any possible misunderstanding in the way you suggest.

(TIM FLESHER)

Colin Budd, Esq.,
Foreign and Commonwealth Office.

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 IMMEDIATE DUBLIN
 TELEGRAM NUMBER 135 OF 20 JULY
 INFO UKREP BRUSSELS
 AND EC POSTS

M. P. Fitzgerald
Dr. G. Fitzgerald

EUROPEAN COMMUNITY: AD HOC COMMITTEES ON INSTITUTIONAL QUESTIONS AND ON A PEOPLE'S EUROPE

1. PLEASE PASS THE FOLLOWING MESSAGE FROM THE PRIME MINISTER TO DR FITZGERALD, IN REPLY TO HIS LETTER TO THE PRIME MINISTER OF 11 JULY (COPY TO YOU BY BAG).

BEGINS QUOTE:

THANK YOU FOR YOUR LETTER OF 11 JULY ABOUT THE COMPOSITION AND TERMS OF REFERENCE OF THE TWO COMMITTEES WHICH ARE TO BE SET UP AS A RESULT OF THE PONTAINEBLEAU EUROPEAN COUNCIL.

AS I MENTIONED WHEN WE SPOKE ON THE TELEPHONE, I WELCOME YOUR SUGGESTION THAT SENATOR DOOGE SHOULD CHAIR THE AD HOC COMMITTEE ON INSTITUTIONAL AFFAIRS. OUR REPRESENTATIVE WILL BE MR MALCOLM RIFKIND MP, MINISTER OF STATE AT THE FOREIGN AND COMMONWEALTH OFFICE.

AS TO THE TERMS OF REFERENCE OF THE COMMITTEE, I SEE ITS TASK AS BEING, FIRST OF ALL, TO MAKE RECOMMENDATIONS ABOUT THINGS WHICH WE OUGHT TO DO TOGETHER. SOME OF THESE THINGS ARE IDENTIFIED IN YOUR LETTER: SOME OF THEM ARE SUBJECTS WHICH WERE MENTIONED IN THE BRITISH GOVERNMENT'S PAPER 'EUROPE - THE FUTURE', WHICH I SENT TO YOU AND OTHER COLLEAGUES BEFORE PONTAINEBLEAU AND WHICH WE SHALL WANT TO FOLLOW UP IN THE AD HOC COMMITTEES AND IN SPECIALIST COUNCILS WHERE APPROPRIATE. ONCE THE COMMITTEE HAS REACHED AGREEMENT ON SUBJECTS WHERE ACTION IN COMMON IS THOUGHT TO BE DESIRABLE, IT CAN GO ON TO CONSIDER WHETHER THEY SHOULD BE DONE UNDER THE EXISTING TREATIES, OR WHETHER ACTION SHOULD BE UNDERTAKEN OUTSIDE THE TREATIES. I AM

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CONVINCED THAT THIS WOULD BE A BETTER WAY FOR THE COMMITTEE TO PROCEED THAN FOR IT TO START BY CONSIDERING POSSIBLE EXTENSIONS OF COMMUNITY COMPETENCE. I THINK THE TERMS OF REFERENCE SHOULD REFLECT THIS APPROACH, BY INVITING THE COMMITTEE TO EXAMINE WHETHER, 'COMMON ACTION WOULD BE DESIRABLE IN, FOR EXAMPLE, THE FIELDS OF EDUCATION, CULTURE, HEALTH, JUSTICE AND THE FIGHT AGAINST TERRORISM'. THE REMAINING ITEMS ON YOUR PROPOSED AGENDA WOULD ALSO REMAIN WITHIN THE GROUP'S REMIT.

FOR THE COMMITTEE ON 'A PEOPLE'S EUROPE' OUR REPRESENTATIVE WILL BE MR DAVID WILLIAMSON, DEPUTY SECRETARY AND HEAD OF THE EUROPEAN SECRETARIAT IN THE CABINET OFFICE. I AGREE WITH YOUR SUGGESTION FOR THE TERMS OF REFERENCE OF THIS SECOND COMMITTEE.

YOU SUGGEST THAT THE CHAIRMAN OF THE SECOND COMMITTEE SHOULD BE A PERSON OF EUROPEAN STANDING WHO COULD KEEP IN DIRECT CONTACT WITH THE PRESIDENCY IN OFFICE. SINCE YOU ENVISAGE THAT THE COMMITTEE WILL REPORT TO THE EUROPEAN COUNCIL IN DECEMBER, I THINK IT WOULD BE VERY APPROPRIATE IF YOUR GOVERNMENT WERE TO TAKE ON THE CHAIRMANSHIP OF THIS COMMITTEE, AS WELL AS THAT OF THE COMMITTEE ON INSTITUTIONAL AFFAIRS. THIS WOULD MEAN THAT BOTH COMMITTEES COULD GET DOWN TO WORK WITH THE MINIMUM DELAY.

I LOOK FORWARD TO HEARING FROM YOU AGAIN WHEN YOU HAVE COMPLETED YOUR CONSULTATION WITH OTHER MEMBER STATES. UNQUOTE.
ENDS.

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11th July 1984

The Rt Hon Mrs Margaret Thatcher MP
Prime Minister

Following our telephone conversation today and my discussions with our colleagues about the establishment of the committees mentioned in the Presidency Conclusions of our meeting in Fontainebleau, I would propose that the terms of reference of the high level committee on the further development of the Community should be -

"To consider and make recommendations to the European Council on the extension and deepening of European integration, and for that purpose to examine

- (1) The possibility of extending the competence of the Community in relation to education, culture, health, justice and the fight against terrorism, and the technological future of Europe, and of developing the European Monetary System.
- (2) The functioning and decision-making arrangements of the institutions and the inter-relationships between them."

I would propose that Senator James Dooge, who is Government Leader in the Senate and a former Minister for Foreign Affairs, would Chair the Committee for the duration of its work, and that the Head of State or Government of each country would each nominate a representative, as could the Commission. I would envisage that the members of the Committee would be persons of high political standing. I would intend asking the Secretary General of the Council to ensure the provision of the necessary Secretariat for the Committee, which would normally meet in Brussels.

I am writing to you to request your agreement to these proposed arrangements as soon as possible and to ask you to nominate the person whom you would propose to act as your representative on the Committee.

/...

I would suggest that the terms of reference of the other Committee mentioned in the Fontainebleau conclusions should be

"To consider and make recommendations on measures to strengthen and promote the identity of the Community and its image both for its citizens and for the rest of the world, taking into account, to that end, the measures suggested in the Presidency Conclusions of the European Council at Fontainebleau and other appropriate measures."

According to the Fontainebleau Conclusions, the Committee is to comprise representatives of the Heads of State or Government of the member States. I would suggest that, in view of the terms of reference, persons of high or the highest standing associated with the administration of each country could appropriately be nominated. The suggestion has been made that the Chairman should be a person of European standing and could keep in direct contact with the President in Office.

I suggest that the Commission should be represented also on this Committee while the Secretary General of the Council might appropriately be asked to ensure the provision of a Secretariat. The Committee would normally meet in Brussels and would also be asked to report to the European Council in Dublin in December.

If you find that the foregoing suggestions are acceptable to you, I would propose to proceed with the arrangements for the establishment of the two Committees, having received from you and our colleagues your proposed nomination of representatives for the Committees.

Garret FitzGerald TD
Taoiseach

OUT TELEGRAM

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11 CHAIRMANSHIP OF THE AD HOC SELECT COMMITTEE ON EC INSTITUTIONAL
12 AFFAIRS (SPAAK COMMITTEE)
13 1. During the Prime Minister's conversation with Chancellor
14 Kohl in Austria on 14 August, he asked for ~~the Prime Minister's~~^{her}
15 support for the candidature of former President Carstens for the
16 Chairmanship of this Committee. The Prime Minister said that she
17 thought ex-President Carstens was an excellent candidate and that
18 he should have the job.
19 2. There was some discussion of the Chairmanship of the
20 Committee at the General Affairs Council on 23-24 July (UKRep
21 Brussels telnos 2508 and 2529 to FCO). Although one or two
22 Member States (not including the Germans, who were still unable
23 to name their representative) and the Commission suggested that
24 the choice of Chairman should be left to the Committee when it
25 met for the first time, the consensus seems to have been that the

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Drafted by (Block capitals) P S Fairweather		
Telephone number 233 5612		
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Irish nominee, Senator Dooge, should get the job. We should be surprised if German officials are in any doubt about this, particularly as the Irish, and indeed Dooge personally, are now making arrangements for the first meeting of the Committee in early September. It would probably be best that this question were not re-opened. However, we should not wish the Germans, and particularly Chancellor Kohl himself, to be left with the impression that we have gone back on a commitment made to the Chancellor personally by the Prime Minister on 14 August. You should therefore approach the Federal Chancellery at whatever level you consider appropriate and speak along the following lines:

(a) Officials have just been made aware of the exchange between the Chancellor and the Prime Minister on 14 August about the Chairmanship of the Ad Hoc Committee on Institutional Questions (Spaak Committee). We understand the Prime Minister reacted favourably when the Chancellor suggested that ex-President Carstens would make an excellent Chairman of the Committee.

(b) We had understood that the question of the Chairmanship was decided at the General Affairs Council on 23-24 July. At that meeting one or two Member States (not including the Germans) suggested that the Committee should choose a Chairman from its own ranks when it met, but most seem to have gone along with Dr Fitzgerald's nomination of Senator Dooge.

(c) The UK was one of these. In response to Irish lobbying, the Prime Minister had indeed undertaken to support Senator Dooge in a letter to Dr Fitzgerald a few days before the Council.

(d) Believing that the matter was settled, we had not expected it to be discussed at the Prime Minister's meeting with the Chancellor. She was therefore unbriefed. We regret any misunderstanding which may have arisen as a result of her

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 response. How should the confusion now be sorted out?
 (e) [If they say that they assume that Carstens is a candidate for the chairmanship] Will have to report back. Have the Germans spoken to the Irish? We believe that they are assuming that Dooge will chair. But if there is a general disposition among Member States to re-open the question in favour of ex-President Carstens, we would certainly agree.
 (f) Hope officials can sort out the muddle without the Prime Minister needing to raise this issue directly with the Chancellor.
 3. It is just possible that the Chancellor had in mind the Chairmanship of the second Ad Hoc Committee set up by the Fontainebleau European Council: the Committee for A People's Europe. The Irish Presidency said at the Council on 24 July, they would welcome suggestions as to the Chairmanship of this second Committee. If the Germans raise this question, you should say that the People's Europe Committee is evidently a lower level Committee which will be staffed mainly by officials (David Williamson is our representative). Professor Carstens would out-gun his colleagues if he were to be the German representative in the Group. However, if the Germans were to propose that he chair this group we would certainly raise no objections though the Prime Minister has told Dr Fitzgerald that we would be prepared to see an Irish Chairman of this Committee also.

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