

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 489 final

Brussels, 22 November 1978

draft statement by the Community Delegation
at the first meeting of the Conference at deputy
level (Brussels, 1 December 1978) on the procedure for
and organisation of the accession negotiations with Portugal

(Submitted by the Commission to the Council)

EXPLANATORY MEMORANDUM

1

1. At the opening meeting at ministerial level of the negotiations on Portugal's accession held in Luxembourg on 17 October it was decided to assign the task of agreeing on the procedure for and organization of the negotiations to the deputies.

2. On 19 October the Chairman of the Permanent Representatives Committee informed the Committee of his intention to hold the first meeting at deputy level on 1 December 1978. With a view to preparing this meeting, the Commission was asked to propose to the Council a draft Community statement on questions of procedure and organization in connection with the negotiations as it did for the negotiations with Greece.

3. This paper has been prepared in response to this request. It was drawn up on the basis of the provisions already adopted for the negotiations with Greece, which in turn were directly modelled on the "UK precedent". However, the timetable of meetings at ministerial and deputy level has been made slightly more flexible.

ACCESSION NEGOTIATIONS WITH PORTUGAL

1a

Draft statement by the Community Delegation at the first meeting of the Conference at deputy level (Brussels, 1 December 1978)

Item of the provisional Agenda

= Procedure for and organization of the negotiations

1. In accordance with the brief given to us at the opening meeting at ministerial level of the negotiations between the European Communities and Portugal in Luxembourg on 17 October 1978, it is our task today to agree on procedures for our work. In his address on 17 October, Mr Correia Gago stated that the experience gained by the Community during the earlier enlargement and the guidelines being followed in the current negotiations could broadly speaking be considered and accepted by Portugal. The Community welcomes the Portuguese declaration, which has accelerated the preparation of the decisions we are called upon to take today.

Because of existing precedents it will be possible to agree rapidly on what after all are minor matters such as:

- (i) the Presidency, the venue and frequency of the meetings at both ministerial and deputy level;
- (ii) the setting up of working parties;
- (iii) organizational measures such as the setting up of a Secretariat, the operating expenses of the Conference and the preparation of working papers for the meetings.

A working paper covering these various points which was drawn up on the basis of the precedents referred to above, has been forwarded to you (see Annex I). If it meets with your approval, it will be taken over in full in the draft summary of the conclusions of our meeting.

2. As regards the timetable for the negotiations, we can certainly make a quick start to discussions in some sectors because, as Mr Correia Gago stressed on 17 October, the work done in preparing the Opinion on Portugal's application and the information already gathered represent a considerable time-saving.

In his statement, Mr Correia Gago also set out the broad lines of Portugal's initial position on certain aspects of the negotiations, such as the customs union, commercial policy, agriculture, free movement of persons, services and capital, taxation and the system of own resources.

The Community has taken note of these declarations and will make its position known on each of the points covered as the negotiations proceed.

The views expressed by the Portuguese Delegation will make it easier to organize the work schedule now that Portugal's position on the various aspects of the negotiations is now better understood.

The subjects raised by Mr Correia Gago cover by and large the main chapter headings, of which a list is included in the working papers for this meeting (see Annex II). However, this list of chapter headings for the negotiations is not to be considered final or exhaustive, for it will have to be adapted as the negotiations go on and further fields may have to be added.

Following Mr Von Dohnanyi's suggestion of 17 October last at the ministerial meeting opening the negotiations, we can treat the chapters on the customs

union and external relations as priority subjects. Work on them could begin at our next meeting.

I propose furthermore that we ask the Commission to begin work straight away with your Delegation on examining Community secondary legislation.

This work could be started on the basis of the three objectives set out by Mr Von Dohnanyi: gathering comprehensive information, determining the technical adaptations and, where necessary, identifying the substantive problems to be dealt with in the negotiations.

The Commission will also examine with you the most suitable method of concerting action and undertaking possible support measures which, as you know, do not come within the scope of the negotiations.

3. The Community thinks that the dates and agendas of the meetings could be decided upon each time through contacts between Portugal and the Presidency.

The Community will therefore contact the Portuguese Delegation through the Presidency as soon as possible to fix the provisional agenda for our next meeting.

The Portuguese Delegation is free of course to present documents at any time which set out its position on the various subjects of the negotiations.

WORKING PAPER

Procedure for the negotiations

(a) Presidency

In accordance with the practice at bilateral negotiations between two delegations, each led by a Chairman, the question of electing a President of the Conference does not arise.

The practical work involved in chairing meetings will be performed by the leader of the Community Delegation in his capacity as leader of the host delegation.

(b) Frequency of meetings at ministerial level and deputy level -- setting up of working parties

It is planned that there should be at least three meetings a year at ministerial level and two meetings at deputy level each quarter, on the understanding that the frequency of meetings could be changed if this were felt necessary.

The negotiations will remain centralized at ministerial and deputy level. The setting up of working parties should not be envisaged except to meet specific requirements of the negotiations. Any such working parties will operate under the authority of the deputies, on the basis of explicit terms of reference and in the framework of a given timetable.

(c) Venue of the meetings

Meetings will be held in Brussels, but in April, June and October ministerial meetings will be held in Luxembourg.

(d) Organization

(1) Secretariat

Conference Secretariat services will be provided, under the authority of the Secretary-General of the Council of the Communities or his representative, by a team consisting of officials of the General Secretariat of the Council and officials appointed by the Portuguese Delegation.

(2) Operating expenses of the Conference

Each Party will bear its own travel and subsistence expenses and also the salaries of its own staff who are placed at the disposal of the Secretariat.

The operating expenses of the Conference (rents, office furniture and supplies, telecommunications, interpreting, translating, auxiliary staff recruited for the Conference, etc.) will be met by advances made by the Council of the Communities.

These expenses will be entered in the budget of the Council under a special budget appropriation.

The Secretary-General of the Council will submit to the Conference an annual financial management report on the operating expenses. These expenses will be divided among the participants in accordance with procedures to be established by common agreement.

(3) Preparation of working papers

Without prejudice to other, special documents which the Secretariat might be asked to draw up, the following provisions were adopted on the understanding that they could, if necessary, be modified in the light of experience.

(i) Ministerial meetings

Preparation, after each meeting, of a summary of conclusions, to be finalized by the deputies on the basis of a draft produced by the Secretariat and submitted to the next ministerial meeting for formal approval;

The verbatim account of the ministerial meetings, as recorded on tape, will be filed in the archives of the Secretariat, where it can be consulted in the event of a dispute over the interpretation of a decision.

(ii) Meetings at deputy level

Preparation after each meeting of a summary of conclusions;

Preparation of reports for submission to ministerial meetings, on the basis of drafts produced by the Conference Secretariat.

(iii) Working Parties

Preparation of reports for the deputies on the basis of drafts produced by the Conference Secretariat.

LIST OF CHAPTER HEADINGS

1. Customs union/Free movement of goods
2. External relations
3. Agriculture and fisheries
4. Free movement of workers and social policy
5. Right of establishment and free movement of services
6. Regional policy and state aids
7. Movement of capital and economic policy
8. Financial and budgetary provisions
9. Institutions
10. Transitional measures
11. Other