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EHG (L) (80)18 (Revise)

25 April 1980

COPY NO. **1**

EUROPEAN COUNCIL, LUXEMBOURG

27/28 APRIL 1980

FRENCH MEMORANDUM ON THE SAFETY OF MARITIME TRANSPORT  
AND THE FIGHT AGAINST POLLUTION FROM HYDROCARBONS  
TRANSPORTED BY SEA

Brief by Department of Trade

OBJECTIVE

1. To avoid substantive discussion and any premature commitments.

POINTS TO MAKE

2. (a) Grateful to the French President for drawing attention to the problems of marine safety and pollution prevention which affect us too (Torrey Canyon, Eleni V, Christos Bitas).  
(b) A Ministerial conference might be useful to give impetus to the implementation and enforcement in Europe of internationally-agreed standards. We agree with the French that such a conference should include all the European countries and not merely the Community.  
(c) There are certain dangers we would wish to avoid. We do not think it would be appropriate to aim for a Convention. Furthermore, as a major maritime country, the UK wishes marine and pollution standards to continue to be set on a worldwide rather than a narrower basis. We favour the present balance between flag and port state enforcement.

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- (d) We do not necessarily oppose all regional initiatives. But, some of the French proposals appear to undermine the principle of worldwide application by envisaging widespread regional action against non-European ships in anticipation of the entry into force of international Conventions.
- (e) We have only recently received the Memorandum. We shall all need to consider it carefully in capitals.
- (f) [If the proposal for a study group on tankers is pressed] IMCO has devoted a good deal of time in recent years to developing standards for tankers. It would be best to concentrate upon bringing these IMCO standards into force rather than diverting our energies into further studies.

BACKGROUND

References

- A: Conclusions of European Council, Copenhagen:  
7-8 April 1978.
- B: Conclusions of European Council, Bremen: 6-7 July 1978.
- C: The French Memorandum.

3. The extensive French Memorandum was only made available at the Council of Ministers (Foreign Affairs) on 22 April. It contains a number of proposals which could raise major problems for the UK.
4. The apparent purpose of the Memorandum is to give a political dimension to discussions on maritime safety and pollution prevention. While some Community activity is foreseen, the French

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recognise that the problem involves "Europe" in a more general sense. This at least is useful.

5. The French also have a political problem in Brittany. In an election year, the French President cannot be indifferent to the pressures which arose from the Amoco Cadiz disaster - pressures which have been reinforced by the recent incident involving the Tanio. In translating this political need into proposals for action, the French instinctively think in terms of imposing requirements on all comers: such requirements may indeed have the indirect benefit of affording a degree of protection to France's own (relatively uncompetitive) merchant fleet. The UK fleet, by comparison, still has a competitive cost structure and is deployed on a worldwide basis. This makes us more cautious about unilateral European action which could have the effect of inciting others to adopt unilateral measures against our shipping.

6. The centrepiece of the French Memorandum is a proposal for a formal Convention by which European Governments (not limited to the EC) would bind themselves to enforce certain marine safety and pollution standards upon all shipping frequenting European waters in advance of these standards coming into force internationally. We would not want this practice to become at all widespread, though there may be some justification in exceptional circumstances. We see a danger that such a European Convention could undermine IMCO's role as the pre-eminent body for fixing marine safety standards.

7. Nonetheless, we could go along with the concept of a Ministerial Conference. We would see this as a means of achieving greater political co-operation among the European countries in the

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effective implementation of standards which are internationally in force. [CONFIDENTIAL. We might also try to turn the Conference to advantage by suggesting Ministerial discussion of other shipping topics.]

8. We think the high level expert group would be a complete waste of time. It would not add anything to existing IMCO work.

9. The Memorandum also envisages that further work should be undertaken within the Community, on the basis of proposals from the Commission. Ministers decided at OD(E) that the creation of Community competence within IMCO would not be helpful to the UK and should thus be resisted. Our interest lies in opposing a proliferation of Commission proposals which, if adopted, would bring the Community into the technical world of IMCO. Our preference is for increasing the direct contacts between European maritime administrations to facilitate a common enforcement effort. (There are already arrangements for this among the North Sea States through the Hague Memorandum).

10. At Annex are guidance notes for those drafting the Communique.

Department of Trade

25 April 1980

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FRENCH MEMORANDUM ON MARINE SAFETY

## Guidance Notes

1. It is important that, in the Communique, any reference to discussion of this item within the European Council should be couched in non-prejudicial terms.
2. Following the Amoco Cadiz disaster, the European Councils of April and July 1978 called for action at the Community level. The Commission produced an ambitious action programme much of which was subsequently found by Member States to:

- i) duplicate work under way in other international bodies notably IMCO;
- ii) be largely impracticable.

We do not want the French Memorandum to lead to a revival of many of these proposals which have been allowed to run into the sand. In particular, Ministers in this Administration, after reviewing the scope for an EC shipping policy, have concluded that the creation of Community competence in IMCO would be undesirable. This view is firmly shared by at least Denmark. Since competence may flow from the adoption by the Community of common rules on marine safety items, it is important that the European Council should not call for work which would enable the Commission to claim that they were under a mandate to produce such common rules.

3. Ideally, the Communique should do no more than record that the French President introduced his Memorandum and that the other Heads of Government took due note and agreed to study the detailed proposals in their capitals. If necessary, we could also:

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- (a) agree that the subjects of marine safety and pollution prevention are politically sensitive ones and deserve full consideration by all European Governments;
- (b) welcome the concept of greater political co-operation among European Governments to give impetus to the earlier ratification of Conventions and the more effective implementation and enforcement of internationally-agreed standards;
- (c) recognise that, to this end, the proposal for a Ministerial meeting on marine safety and pollution prevention deserves serious consideration.

4. It is important to avoid language in the Communique which could:

- (a) give the impression that all the EC States were favourably disposed to the general imposition by Europe of safety and pollution standards on third country ships in advance of the coming into effect of relevant international Conventions;
- (b) give the impression that we were favourably disposed towards a Convention which embodied this idea;
- (c) give the Commission an excuse to produce another set of proposals for Community action;
- (d) give the impression that we wished to use the Community as a vehicle through which to improve marine safety and pollution prevention measures, thereby implicitly or explicitly accepting the

Community role in IMCO;

- (e) offer endorsement for the idea of a European expert group:
- (f) suggest that measures in the safety field were desirable to secure broader economic objectives (eg restraining competition from flags of convenience or from "unsafe" Greek shipping).

5. The French see action in the safety area as being a means of achieving economic objectives. They have consistently campaigned against flags of convenience alleging, incorrectly, that all vessels under such flags are sub-standard. The UK does not share French hostility <sup>it</sup> towards the phenomenon of flags of convenience. We believe this issue should be treated on its economic merits and that there should be no overlap with safety and pollution measures which should be considered in their own right.

Department of Trade

25 April 1980

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REF A

OR 240A  
IMMEDIATE

DESKBY 103800Z

FRAME GENERAL

FM COPENHAGEN 081703Z

DESKBY 103800Z

UNCLASSIFIED

TO IMMEDIATE FCO TELNO 141 OF 08 APRIL  
AND REPEATED TO ROUTINE WASHINGTON UKMIS NEW YORK UKREP BRUSSELS ALL  
OTHER EEC POSTS

BY TELNO 132

FOLLOWING FROM DELEGATION

EUROPEAN COUNCIL: COPENHAGEN: 7/8 APRIL

MARINE POLLUTION

FOLLOWING IS TEXT OF CONCLUSION ADOPTED BY EUROPEAN COUNCIL

THE EUROPEAN COUNCIL

AFTER HEARING A STATEMENT BY THE PRESIDENT OF THE FRENCH REPUBLIC  
CONCERNING THE RUNNING AGROUND OF AN OIL TANKER ON THE FRENCH  
COAST, AND BEARING IN MIND THE MEASURES ALREADY TAKEN AND THE  
PROPOSALS ALREADY PUT FORWARD BY THE COMMISSION AND BY SOME  
MEMBER STATES CONCERNING THE FIGHT AGAINST POLLUTION (LAST  
WORD UNDERLINED) AND THE IMPOSITION OF MINIMUM STANDARDS ON SHIPS,

1. CONSIDERS THAT THE COMMUNITY SHOULD MAKE THE PREVENTION AND  
COMBATING OF MARINE POLLUTION, PARTICULARLY FROM HYDROCARBONS,  
A MAJOR OBJECTIVE,
2. CONSEQUENTLY INVITES THE COUNCIL, ACTING ON PROPOSALS FROM  
THE COMMISSION, AND MEMBER STATES FORTHWITH TO TAKE APPROPRIATE  
MEASURES WITHIN THE COMMUNITY AND TO ADOPT COMMON ATTITUDES IN THE  
COMPETENT INTERNATIONAL BODIES CONCERNING IN PARTICULAR:

/ (A) THE

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- (A) THE SWIFT IMPLEMENTATION OF EXISTING INTERNATIONAL RULES,  
IN PARTICULAR THOSE REGARDING MINIMUM STANDARDS FOR THE  
OPERATION OF SHIPS:
  
- (B) THE PREVENTION OF ACCIDENTS THROUGH CO-ORDINATED ACTION  
BY THE MEMBER STATES
  - WITH REGARD TO A SATISFACTORY FUNCTIONING OF THE SYSTEM  
OF COMPULSORY SHIPPING LANES,
  
  - AND WITH REGARD TO MORE EFFECTIVE CONTROL OVER VESSELS  
WHICH DO NOT MEET THE STANDARDS:
  
- (C) THE SEARCH FOR AND IMPLEMENTATION OF EFFECTIVE MEASURES  
TO COMBAT POLLUTION.

WAREURTON

FRAME GENERAL:  
EID

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The following is the relevant extract from the conclusions  
of the European Council, Bremen 6/7 July 1978

II. SAFETY AT SEA, PREVENTION AND REDUCTION OF POLLUTION

THE EUROPEAN COUNCIL HAS DISCUSSED THE SUBJECT  
OF SAFETY AT SEA, PREVENTION AND REDUCTION OF POLLUTION  
(AMOCO CADIZ) AS SET OUT IN THE REPORT FROM THE FOREIGN  
MINISTER'S COUNCIL, DATED 29 JUNE 1978.

IT DEEMS IT NECESSARY TO TAKE FURTHER MEASURES TO  
INCREASE THE SAFETY OF MARITIME TRAFFIC, TAKING INTO  
ACCOUNT THE PROPOSALS OF INDIVIDUAL MEMBER STATES AND  
THE COMMISSION. THE EUROPEAN COUNCIL REAFFIRMS THE  
NECESSITY TO INTENSIFY THEIR EFFORTS TO PREVENT AND  
CONTROL POLLUTION OF THE SEA, ESPECIALLY BY HYDROCARBONS.

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DESKBY 230830Z

FM LUXEMBOURG 222136Z APRIL 80

TO IMMEDIATE FCO

TELEGRAM NUMBER 115 OF 22 APR

INFO IMMEDIATE UKREP BRUSSELS, PRIORITY BRUSSELS, COPENHAGEN,  
THE HAGUE, ROME, DUBLIN, PARIS, BONN.

FOLLOWING FROM UKREP BRUSSELS.

FOREIGN AFFAIRS COUNCIL, LUXEMBOURG 22 APRIL.

EUROPEAN COUNCIL PREPARATIONS.

1. FRANCOIS-PONCET (FRANCE) PRESENTED A MEMORANDUM ON  
MARITIME POLLUTION AS IN PARAGRAPH 2 BELOW, ASKING THAT  
IT BE BRIEFLY DISCUSSED AT THE EUROPEAN COUNCIL AND RECALLING  
SIMILAR DISCUSSION AT COPENHAGEN AND BREMEN EUROPEAN COUNCILS  
IN 1979.

2. MEMORANDUM DU GOUVERNEMENT FRANCAIS SUR LA SECURITE DES  
TRANSPORTS MARITIMES ET LA LUTTE CONTRE LA POLLUTION  
PAR HYDROCARBURES TRANSPORTES PAR VOIE DE MER

AU COURS DE CES DERNIERES ANNEES, ET NOTAMMENT  
DE CES DERNIERS MOIS, LES ACCIDENTS DE MER SE SONT MUL-  
TIPLIES DANS L'ENSEMBLE DU MONDE AVEC LEURS CONSEQUENCES  
DRAMATIQUES POUR LES EQUIPAGES ET DANS LE CAS DU TRANSPORT  
D'HYDROCARBURES, DES DOMMAGES TRES GRAVES CAUSES PAR LA  
POLLUTION A L'ECOLOGIE MARINE ET AU LITTORAL.

LA SITUATION EST PARTICULIEREMENT ALARMANTE  
EN EUROPE, NOTAMMENT DANS LES ETATS RIVERAINS DE LA  
MANCHE ET DE LA MER DU NORD, PAR OU TRANSITE PRES DE LA  
MOITIE DES HYDROCARBURES TRANSPORTES DANS LE MONDE PAR  
VOIE MARITIME.

CETTE EVOLUTION INQUIETANTE, DONT L'OPINION  
PUBLIQUE DES ETATS EUROPEENS S'EMEUT A JUSTE TITRE,  
CONDUIT LA FRANCE - QUI VIENT DE SUBIR LES CONSEQUENCES  
D'UN NOUVEAU ET GRAVE ACCIDENT AU LARGE DE SES COTES -  
A DEMANDER UN EXAMEN ATTENTIF DE L'ENSEMBLE DE LA QUESTION  
DE LA SECURITE MARITIME ET DE LA LUTTE CONTRE LA POLLUTION  
PARS LES HYDROCARBURES, ET A PROPOSER DES INITIATIVES INTER-  
NATIONALES VIGOUREUSES DANS CE DOMAINE.

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LE GOUVERNEMENT FRANCAIS NOTE QUE LES PROBLEMES DE SECURITE MARITIME NE PEUVENT ATRE EXAMINES SANS REFERENCE A L'ORGANISATION ECONOMIQUE ET SOCIALE DU TRANSPORT MARITIME MONDIAL ET SOUHAITE NOTAMMENT QUE SOIT ACCENTUEE LA LUTTE ENTREPRISE CONTRE LA PRATIQUE DES NAVIRES SOUS NORMES (1) ET DES PAVILLONS DE COMPLAISANCE (2)

(1) OK.

(2) NOT NECESSARILY THE PROBLEM

AU PLAN DES MESURES TECHNIQUES DE SECURITE IL CONSIDERE QUE SEULE UNE ACTION INTERNATIONALE PERMETTRA DE FAIRE FACE AUX DEFIS AUXQUELS LES ETATS, NOTAMMENT EUROPEENS, SONT CONFRONTES. IL SE FALICITE DE L'ACTION EFFICACE DEJA ENTREPRISE PAR L'O.M.C.I. POUR CONDUIRE LES ETUDES TECHNIQUES ET DEFINIR LES INSTRUMENTS JURIDIQUES EN LA MATIERE, ET SOUHAITE QUE LES TRAVAUX DE CETTE ORGANISATION SOIENT ENCORE ACCELERES.

DANS CETTE OPTIQUE, LE GOUVERNEMENT FRANCAIS SOUHAITE QUE LES ETATS EUROPEENS CONCERNES PRENNENT D'URGENCE DES INITIATIVES AU NIVEAU REGIONAL, MONTRANT AINSI L'EXEMPLE A LA COMMUNAUTE INTERNATIONALE.

LES ETATS CONCERNES POURRAIENT PRENDRE DES MESURES COORDONNEES, NOTAMMENT POUR ACCELERER L'ENTREE EN VIGUEUR DANS LES ZONES DE LEUR SOUVERAINETE DES CONVENTIONS INTERNATIONALES PERTINENTES, POUR ASSURER LE CONTROLE DE LEUR APPLICATION AUX NAVIRES DE LEUR PAVILLON, AUX NAVIRES SE RENDANT DANS LEURS PORTS OU AUX NAVIRES TRAVERSANT DES ZONES DE HAUT RISQUE POUR LEUR LITTORAL, ENFIN POUR LANCER UN PROGRAMME COMMUN D'EQUIPEMENT QUI TRADUIRAIT CONCRETEMENT LA SOLIDARITE QUI DOIT UNIR LES BENEFICIAIRES DU COMMERCE INTERNATIONAL MARITIME ET CEUX QUI ENCOURENT LE RISQUE DU PASSAGE DES NAVIRES LE LONG DE LEURS COTES.

LES MESURES QUE LE GOUVERNEMENT FRANCAIS PROPOSE A CEETE FIN PEUVENT ETRE REGROUPEES AUTOUR DES THEMES SUIVANTS:

A. -

ACCELERATION DE L'ENTREE EN VIGUEUR DES CONVENTIONS TOUCHANT A L'EQUIPEMENT ET A LA SECURITE DES NAVIRES.

LES ETATS EUROPEEENS DEVRAIENT APPLIQUER DE MANIERE ANTICIPEE, LES DISPOSITIONS ESSENTIELLES DES PROTOCOLES DE 1978 AUX CONVENTIONS MARPOL 1973 ET

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SOLAS 1974 QUI INSTAURENT CERTAINES OBLIGATIONS (LAVAGE AU BRUT DES PETROLIERS, INERTAGE, ETC...). CETTE OBLIGATION DEVRAIT ETRE ETENDUE A L'ENSEMBLE DES NAVIRES PETROLIERS NEUFS OU ANCIENS FREQUENTANT LES PORTS EUROPEENS, QUEL QUE SOIT LEUR PAVILLON. LE GOUVERNEMENT FRANCAIS RAPPELLE QUE LES ETATS UNIS D'AMERIQUE ONT DECIDE DE FAIRE APPLIQUER CES DISPOSITIONS, A COMPTER DE JUIN 1981, AUX NAVIRES ENTRANT DANS LEURS EAUX.

B. -

ACCELERATION DE L'ENTREE EN VIGUEUR DES CONVENTIONS INTERNATIONALES EN MATIERE DE QUALIFICATION DES EQUIPAGES ET DE SECURITE DU TRAVAIL A BORD.

LES ETATS EUROPEENS DEVRAIENT DECIDER DE METTRE EN VIGUEUR PAR ANTICIPATION LES DISPOSITIONS DE LA CONVENTION 147 ADOPTEE PAR L'OIT EN 1976.

C. -

AMELIORATION DE LA SECURITE DE NAVIGATION DANS LA MANCHE.

LA FRANCE ATTACHE UNE TRES GRANDE IMPORTANCE AUX REGLES DE CIRCULATION DANS LA MANCHE ET AU RENFORCEMENT DES EQUIPEMENTS DE RADIO-COMMUNICATION ET DE POSITIONNEMENT DES NAVIRES ENTRANT DANS CETTE ZONE.

ELLE ATTEND EN CONSEQUENCE LE SOUTIEN DE SES PARTENAIRES EUROPEENS AUX PROPOSITIONS QUI SERONT FAITES A L'OMCI A CET EGARD.

D. -

DETERMINATION DES CONDITIONS D'ACCES ET DE CONTROLE DES NAVIRES DANS LES PORTS EUROPEENS.

AFIN DE FAIRE RESPECTER LES NORMES DE SECURITE QU'ILS AURONT DEFINIS EN COMMUN, LES ETATS EUROPEENS DEVRAIENT DETERMINER, D'UNE MANIERE HOMOGENE, LES CONDITIONS D'ACCES ET DE CONTROLE DES NAVIRES ENTRANT DANS LEURS PORTS. LES ELEMENTS D'INFORMATION AINSI RECUEILLIS POURRAIENT PERMETTRE L'ESTABLISSEMENT D'UN FICHIER EUROPEEN DES NAVIRES.

E. -

RENFORCEMENT DES EQUIPEMENTS DE PREVENTION DES ACCIDENTS.

LA SECURITE DE LA NAVIGATION DANS LA MANCHE OU EN MER DU NORD CONDITIONNE LE MAINTIEN ET LA CROISSANCE DU COMMERCE MARITIME DE L'ENSEMBLE DES PAYS EUROPEENS.

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IL EST DONC SOUHAITABLE QUE CEUX-CI PARTICIPENT A L'EFFORT TRES IMPORTANT QUI EST CONSENTI PAR LES PAYS RIVERAINS DANS LE DOMAINE DE LA PREVENTION DES ACCIDENTS, NOTAMMENT POUR LES AIDES A LA NAVIGATION.

F. -

LUTTE CONTRE LA POLLUTION CAUSEE PAR LES DEVERSEMENTS D'HYDROCARBURES EN MER.

IL CONVIENT DE DONNER RAPIDEMENT UNE SUITE CONCRETE AUX ETUDES REALISEES EN APPLICATION DU PROGRAMME D' ACTION DES COMMUNAUTES EUROPEENNES APPROUVE PAR LE CONSEIL DES MINISTRES DU 26 JUIN 1978.

EN VUE D'AMELIORER LA LUTTE CONTRE LA POLLUTION, IL EST SOUHAITABLE QUE LES ETATS EUROPEENS DISPOSENT AU NIVEAU REGIONAL DES MOYENS ADAPTES. LES ETATS EUROPEENS DEVRAIENT DONC COOPERER AFIN DE:

-CONCEVOIR, REALISER ET METTRE EN OEUVRE DES SYSTEMES DE LUTTE CONTRE LA POLLUTION ET EN PARTICULIER DE RECUPERATION EN MER.

-METTRE AU POINT DE NOUVEAUX PRODUITS EN VUE DE TRAITER LES NAPPES DE PETROLE EN MER ET DE FACILITER LE NETTOYAGE DES COTES (UNE HARMONISATION DES PROCEDURES D'HOMOLOGATION DES PRODUITS DEVRAIT ETRE RECHERCHEE).

DE MANIERE GENERALE, LA FRANCE DEMANDE QU'UN EFFORT PARTICULIER SOIT PORTE AU NIVEAU EUROPEEN SUR LA RECHERCHE ET L'EXPERIMENTATION DES MOYENS DE LUTTE CONTRE LES POLLUTIONS AINSI QUE SUR LA GESTION DES MOYENS D'INFORMATION. DANS CE DOMAINE, LA COOPERATION ENTRE LES ETATS S'AVERE HAUTEMENT NECESSAIRE. A CET EFFET, LA FRANCE, QUI S'EST DOTEE D'UN ORGANISME APPROPRIE: LE CEDRE (CENTRE DE DOCUMENTATION, DE RECHERCHE ET D'EXPERIMENTATION POUR LA LUTTE CONTRE LES POLLUTIONS), EST PRETE A LE METTRE A LA DISPOSITION DE SES PARTENAIRES.

LA GOUVERNEMENT FRANCAIS DEMANDE QUE LA MISE EN OEUVRE DES PROPOSITIONS CI-DESSUS SOIT ENTREPRISE IMMEDIATEMENT SUIVANT LES MODALITES CI-APRES:

-IL PROPOSE LA REUNION A PARIS D'UNE CONFERENCE INTERNATIONALE A CARACTERE REGIONAL AU NIVEAU MINISTERIEL QUI SERAIT CHARGEE D'ELABORER UNE CONVENTION ENTRE LES ETATS SUR LES QUESTIONS RELATIVES A LA SECURITE DES TRANSPORTS MARITIMES ET EVOQUEES DANS LE PRESENT MEMORANDUM.

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/SIMULTANEMENT

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-SIMULTANEMENT, DANS LE CADRE COMMUNAUTAIRE,  
IL DEMANDE A LA COMMISSION DE FAIRE DES PROPOSITIONS AUSSI  
RAPIDEMENT QUE POSSIBLE ET NOTAMMENT EN VUE DES PROCHAINES  
SESSIONS DU CONSEIL DES MINISTRES CONSACREES AUX TRANSPORTS  
ET A L'ENVIRONNEMENT.

PARALLELEMENT A LA MISE EN OEUVRE DE CES MESURES,  
LE GOUVERNEMENT FRANCAIS SUGGERE QU'UNE MISSION D'ETUDES,  
DE REFLEXIONS, ET DE PROPOSITIONS SUR LES PROBLEMES PARTICU-  
LIERS DES NAVIERES ET DU TRANSPORT PETROLIER, SOIT CONFIEE A UN  
GROUPE RESTREINT D'EXPERTS EUROPEENS DE HAUTE QUALIFICATION.

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