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FCS/86/132

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MINISTER OF AGRICULTURE, FISHERIES AND FOOD

Welfare of Battery Hens - Proposed Challenge to Council Directive
86/113/EEC

1. Thank you for your letter of 2nd/May seeking agreement that we should challenge in the European Court of Justice the recent Community directive on the welfare of battery hens.
2. Since the legal issues are, as you say, more clear cut than in the comparable hormones case which we are also challenging I agree that we should proceed as you propose. I think it would strengthen our case if we had support from other Member States. Since Denmark joined with us in voting against the measure and Germany and the Netherlands also had reservations on the substance you might consider seeking their support for our case in the Court.
3. So far as further legal challenges on other measures are concerned I think we shall need to consider each on its merits.
4. You mention the possibility of a hostile reaction by the animal welfare lobby. You will be better able to judge than I am whether they are open to reasoned argument. But you might want to try to make sure that it is clearly understood that our objections to the directive are based on legal grounds, not substance, and that if the Court found in our favour we would hope that the directive could be re-adopted but on the correct legal basis.

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5. I am copying this letter to the Prime Minister, members of OD(E), the Secretaries of State for Wales, Northern Ireland, Scotland and the Environment, the Solicitor General and Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
14 May 1986

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Home Affairs Annual welfare 6/75

