

WM 8/4



Foreign and Commonwealth Office

London SW1A 2AH

7 April 1983

J. W. Pym,

UHT Milk: Implementation of European Court Judgement

Thank you for your letter of 5 April in which you asked us to transmit a letter from Mr Walker to Commissioner Dalsager affirming that we need new primary legislation as a basis for new arrangements for milk imports.

Mr Pym has seen a copy of Mr Walker's letter of 30 March to the Prime Minister on this subject and the Prime Minister's reply. He has asked me to let you know that, in view of the Solicitor General's advice and of the need for us to implement the European Court's judgement as rapidly as possible, and subject to any comments from the other recipients of Mr Walker's letter, he agrees to the course Mr Walker proposes to take.

Mr Pym also endorses the Solicitor General's warning that, in specifying ports of entry for milk imports, we shall have to proceed very carefully if we are to avoid the charge of attempting to introduce quantitative restrictions in disguise.

Mr Pym nevertheless wonders whether a simple affirmation of the need for primary legislation is an adequate reply to send Mr Dalsager at this stage. More than a month has elapsed since Mr Dalsager sent his letter querying the need for new legislation. It might be tactically better to say something more concrete about the reasons for, and timing of, such legislation. It would help deflect further unwelcome enquiries from the Commission if we could do so. Mr Pym suggests that officials might perhaps consider quickly whether this is possible, with a view - if all are agreed - to getting a slightly more substantive letter off to Dalsager as quickly as possible

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I am copying this letter to the Private Secretaries to the Prime Minister and Members of the Cabinet, the Attorney General, the Lord Advocate, to the Chief Whips (Lords and Commons) and to Sir Robert Armstrong.

*Your own*

A handwritten signature in dark ink, appearing to read 'R B Bone', written in a cursive style.

(R B Bone)  
Private Secretary

R Lawson Esq  
MAFF  
Whitehall Place  
LONDON SW1

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Mr P Dalsager  
Commission of the European Communities  
Rue de la Loi 200  
1049 BRUSSELS

9 March 1983

UHT MILK: EUROPEAN COURT CASE

Thank you for your telex of 2 March on this subject asking me to communicate details of the measures the UK intends to take to comply with the Judgment of the European Court. My officials had a useful first meeting with yours on 4 March at which they explained in detail what we had in mind and I understand that a further meeting between them will take place shortly.

As regards the need for primary legislation, it is, as you say, for Member States to decide on the measures to be taken in order to comply with a judgment of the Court. I have accordingly given very careful consideration to the various possibilities, and it is clear to me that we shall need both primary and subordinate legislation to implement the arrangements which I described in the final paragraph of my letter of 22 February. I recognise your concern that the need for primary legislation could cause delay, but in practice there is no reason why this should take longer than the subordinate legislation which will also be needed. I am not yet in a position to indicate a precise timetable but we intend to proceed urgently as soon as we have had the necessary discussions with the Commission and Member States and you may be assured that there will be no unnecessary delay.

PETER WALKER

Enrico Peli  
KAP, 1941



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R B Bone Esq  
Assistant Private Secretary to  
the Secretary of State  
Foreign and Commonwealth Office  
Downing Street  
London SW1

5 April 1983

UHT MILK: EUROPEAN COURT CASE

In the light of the Solicitor General's clear advice that primary legislation is needed to implement our new control system, the way is now open for a reply to be sent to Dalsager's telex of 22 February. I enclose a message which has been approved by Mr Walker and would be grateful if you could arrange for it to be transmitted as quickly as possible via UKREP Brussels.

R LOWSON  
Private Secretary