



*Euro Pol
CAP*

*cc WR
Press Office*

Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's Private Office

CONFIDENTIAL

R J Bone Esq
Private Secretary to the
Secretary of State
Foreign and Commonwealth Office
12 Downing Street
LONDON
SW1A 2AL

*A.d.c. 8
2*

h-a.

8 February 1983

Dear Roger

IMPORTS OF UHT MILK

- ... I enclose the revised text of the statement Mr Walker proposes to make this afternoon in answer to a written Parliamentary Question. This takes account of the judgment of the European Court, which we have now received, and of the comments received on the text I circulated yesterday. If any one has any further comments I should be very grateful to have them by 2.30 pm today.
- ... I enclose also a copy of the Court's conclusions, for those who may not have seen them. They are as expected, but a preliminary study of the rest of the judgment suggests that some of our earlier ideas for controls in other Member States may have to be revised. This however does not affect the action to be taken today, ie to make the statement this afternoon and amend the Open General Licence so as to prohibit imports immediately.
- ✓ I am sending copies of this letter and enclosures to the private secretaries of the other members of the OD(E) Committee, of the other Agricultural Ministers, and of the Secretary of the Cabinet.

Yours sincerely

Robert Lawson

ROBERT LOWSON
Private Secretary

CONFIDENTIAL

JUDGMENT OF THE EUROPEAN COURT

CASE 124/81 : COMMISSION v UK : UHT MILK

The Court hereby:

1. Declares the Commission's conclusions to be inadmissible insofar as they relate to the new legislation applicable in Northern Ireland with effect from 31 July 1981 (S.R. 1981 Nos. 233 and 234);
2. Declares that by prescribing a system of prior individual licenses for imports on to its territory of milk and cream which have undergone ultra heat treatment on the territory of other Member States, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Article 30 of the EEC Treaty;
3. Declares that by making the distribution in England, Wales and Scotland of UHT milk imported from other Member States subject to a system involving a second heat treatment and the repacking of the milk, the United Kingdom has failed to fulfil its obligations under Article 30 of the EEC Treaty;
4. Declares that by prohibiting all sales of UHT milk or cream in Northern Ireland until the adoption of the new regulations on milk in 1981 (S.R. 1981 Nos. 233 and 234) the United Kingdom failed to fulfil its obligations under Article 30 EEC Treaty;
5. Orders the United Kingdom to pay the costs.

UK IMPORTS OF UHT MILK

The European Court of Justice has today issued its judgment in the case dealing with UK imports of ultra heat treated milk. The Court finds our present arrangements for licensing imports of ultra heat treated milk and cream, and for applying certain requirements to the sale of such milk, to be contrary to Community law.

The Government will be studying the judgment in detail and will take as soon as possible the steps necessary to comply with it. The preparation of the necessary legislation will be set in hand urgently as soon as the details of the judgment have been studied and consultations held with the Commission and with other Member States.

Meanwhile, in order to deal with the immediate situation created by the judgment and to retain full safeguards for public health, the Government is maintaining the status quo temporarily by amending the Open General Licence so as to prohibit imports while the necessary studies and consultations take place.

Euro Port : CAP : Pt 10

23 FEB 1988





Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's Private Office

R J Bone Esq
Private Secretary to the
Secretary of State
Foreign and Commonwealth Office
12 Downing Street
London SW1A 2AL

A.S.C. 1/2

h.a.

7 February 1983

Dear Roger

IMPORTS OF UHT MILK

- ... I enclose a statement which, depending on the precise terms of the ECJ Judgment, Mr Walker proposes to make tomorrow in the form of a reply to a written Parliamentary Question. I will assume that you and other recipients of copies of this letter are content unless comments have been received by 10 am tomorrow, 8 February.
- / I am sending copies of this letter and enclosure to the private secretaries of the other members of OD(E) Committee, of the other Agricultural Ministers, and of the Secretary of the Cabinet.

Yours sincerely

Robert Lawson

ROBERT LOWSON
Private Secretary

Draft Statement by the Minister of Agriculture

UK Imports of UHT Milk

The European Court of Justice has today issued its judgement in this case. The Court recognises that, in the absence of agreed Community measures it is reasonable for HMG, in order to protect UK consumers, to take steps to assure itself about the health and hygienic quality of imports of milk from other Member States. However, it says that we must not apply to imports standards which go beyond those applied to our own milk or impose measures for this purpose which are excessive. The Court declares that to the extent that our present legislation (which requires all UHT milk sold in the UK to have been treated in registered premises in this country) prevents imports it is illegal.

The Government is taking immediate steps to make the necessary changes in UK legislation to comply with the Court's judgement. This will involve primary legislation. The preparation of this will be set in hand, as soon as we have digested the details of the judgement and had the necessary consultations with the Commission with the aim of passing the necessary Act as soon as possible. These provisions will provide for the import of UHT milk from other Member States subject to it satisfying the same strict health and hygiene requirements on which, in the interests of public health, we insist for the production and processing of our own milk

This will take a little time to achieve and in order to deal with the immediate situation created by the judgement the Government is maintaining the status quo by prohibiting imports

while we settle the requirements to be applied for the import of UHT milk. We are informing the local authorities responsible for the enforcement of our present legislation of the effect of the judgement in relation to the registration and licensing provisions which at present effectively exclude imports.