

Ref: A092

This is Cabinet Office comment on Agriculture paper at A. Solicitor-General supports the paper, with one qualification, as at Flag B.

Reply as in para 4 below?

Yes not

MAD
6/11/77

MR. PATTISONCommon Fisheries Policy

The legal advice attached to Mr. Waters' letter to Bryan Cartledge of 1st August confirms that time is not on our side, both because the legality of our unilateral conservation measures is unlikely to be upheld by the European Court when it rules on the several cases before it, and because the 12 mile exclusive zone from which we now benefit by virtue of the Treaty of Accession will come to an end in December 1982 unless a new access arrangement is agreed.

2. Negotiations on a common fisheries policy are scheduled to resume at the 29th-30th October fisheries Council. If they do not make progress towards a settlement, the other member states - and the French in particular - will probably attempt to raise fish in the November European Council in order to make a link with the discussion of our budget problem. The Ministerial Sub-Committee on European Questions has agreed (OD(E)(79) 6th Meeting, Minute 1) that we should make every effort to keep fish off the European Council agenda where it might prejudice our budgetary objective.

3. Our line in the October fisheries negotiations will be influenced by the bilateral talks which the Fisheries Ministers are now having with their counterparts in other member states and by their private soundings with the industry. It will also be necessary to have discussions with Commissioner Gundelach on the handling of the October Fisheries Council.

4. In responding to the legal advice now provided by the Minister of Agriculture, the Prime Minister might accordingly wish to say that before any discussions are held with Commissioner Gundelach about the October Fisheries Council she would be grateful for a further report from the Minister of Agriculture covering the outcome of the bilateral exchanges with other member states, his private talks with the industry and the line it is proposed

that the United Kingdom should take at the October Council. (This would reaffirm and amplify the instruction conveyed to the Private Secretary to the Minister of Agriculture in the penultimate paragraph of Bryan Cartledge's letter of 18th June.)

MJV.

(M. J. Vile)

3rd August 1979