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of : Working Party on External Fisheries Policy
dated : 6 September 1996

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Subject : Management of Norway Mackerel

INTRODUCTION

1. The Commission Representative brought the Working Party up to date on the management of Norway Mackerel. In the first round of negotiations between Norway and the European Union, Norway had proposed a single area of access for all parties. This proposal was discussed by the Working Party, at Council and in bilaterals between the Commission and Member States. On the basis of these discussions the Commission prepared a non-paper outlining the kind of negotiating position it considered most desirable; this did not constitute a formal proposal but rather a working document for further discussion.

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Management régime in the North Atlantic

2. The Community would ask Norway to dissociate the question of the new management régime from that of the allocation of the share.
3. The management régime in the North Atlantic would consist of :
 - one single TAC for the entire management area, to cover all catches by Norway, the Faroe Islands and the Community, including catches in international waters, but excluding third countries catches in international waters as this would require a set aside quota for such countries;
 - one fixed allocation key for each of the three parties to avoid holding annual discussions on such a key;
 - three management areas corresponding to the fishing zones of each of the three parties (this would imply that the present three EU fishing zones would be reduced to one);
 - agreement to be reached on reciprocal access to these zones, but in a more balanced fashion than is the case at present, i.e. access should be equal;
 - existing quotas would be absorbed into the new overall TAC and reciprocal access would be used to ensure flexibility in pursuing the migration pattern of the mackerel.

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Share

4. The above position would be discussed with both Norway and the Faroe Islands. The Commission would propose to Norway that the 1996 catch figures be used as a baseline for determining the future share out of the TAC. Some practical solution would have to be found for the Faroe Islands who were unhappy with the erosion of their quota due to its link with Western mackerel.

EU internal management of the stock

5. The management of this stock internally within the Community would naturally be affected if the above position was accepted. The establishment of a single fishing zone for the EU would mean that a new relative stability key would have to be determined for Member States.
6. Such a key would be as neutral as possible in its effect, no Member State's present allocation being substantially altered. However, the Danish delegation's preferences would be respected, as agreed at Council; access to mackerel stocks would be limited in the case of certain Member States, due to the provisions set out in their Accession Treaties; and restrictions on fishing in certain areas which were set on biological grounds would remain in place.

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MEMBER STATES' COMMENTS

7. The majority of delegations acknowledged the complex nature of the non-paper and entered general scrutiny reservations. The French and United Kingdom delegations entered Parliamentary scrutiny reservations. The Irish delegation entered a reservation both on the substance of the paper and the procedure outlined by the Commission.
8. The majority of delegations considered that the Commission's non-paper should not be the basis for opening negotiations with Norway. The main problem areas are set out below.
9. The Irish and United Kingdom delegations were unhappy with the presentation of a **single model** for action and considered that several options should be examined and eventually developed in the light of Norway's reactions during negotiations, particularly in relation to access to stocks.
10. While the Spanish and Netherlands delegations considered **dissociating the management régime from the allocation of the share** a positive element in principle, they supported the Danish, German, French, Portuguese and United Kingdom delegations in urging caution on adopting such a position before knowing what effect this would have on EU fishing patterns.

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11. A number of delegations had problems with the concept of establishing a **single stock**, on the basis that: the science to support this treatment was inconclusive; there was great uncertainty as to whether this would be in the interests of the EU, particularly where Western mackerel was concerned; relative stability, both between Norway and the EU and within the EU, would be affected. The Spanish and Portuguese delegations also had doubts about the integration of the Southern stock.

12. The French delegation wondered if establishment of a single TAC covering international waters would be legally consistent with the positions adopted in the North East Atlantic Fisheries Commission.

13. The general view was that establishment of the **fixed share between Norway, the Faroe Islands and the EU** would have to be carefully timed in the negotiating process and would require extensive preparation and coordination. The United Kingdom delegation suggested that the share could be fixed with a review clause providing for its revision if the stock pattern altered. The Irish delegation did not consider 1996 a suitable basis for the share. It took the view that Norway's share should be significantly reduced to historic levels; Ireland had lost out externally to Norway on the 1988 share out and maintained that it had a fundamental right to recover its proper share.

14. The French delegation was opposed to any increased share or other advantages being offered to Norway. It also pointed out that the Commission non-paper would limit France's access to Norwegian zones.

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15. This delegation added that setting up a common TAC for the EU zones would allow increased access to these zones to Norway.
16. The majority of delegations were concerned that any change in the **internal share in the EU** would have an impact on relative stability and considered that the present balance should be maintained. The United Kingdom delegation considered that Member States should receive quotas based on historic figures since 1993. The French delegation pointed out that the 1993 Community position gave preferential treatment to Denmark, the counterpart to which was that Denmark had to relinquish access to Western waters; using 1993 as a basis could therefore be problematic.
17. The Danish delegation responded that the Commission non-paper would benefit Member States holding a share of Western mackerel by allowing them to fish it in the Northern zone. On the other hand, Denmark did not have exclusive rights to fish in the Northern zone but had to share licenses with other Member States; if even more access were granted to the Norwegian zone it would run counter to the Danish preferences and make the situation even more unbalanced. It took the view, therefore, that a new weighting would have to be added to maintain the present system.
18. The Irish delegation pointed out that Ireland had suffered in the internal share out of the mackerel stock because of its loss to the Western sea quota.

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19. The Spanish delegation noted that Spain had been fully integrated into the Common Fisheries Policy and that any change in flexibility arrangements could have a serious impact on Spanish access to the North Sea. It was anxious to maintain the coherence between the three parties' zones and the zones in EU waters.

CONCLUSION

20. The Presidency concluded that the Commission should not proceed on the basis of its non-paper and that 25 September 1996 - the date planned for further consultations with Norway on mackerel - was therefore premature. He requested Member States to submit written observations on this matter to the Commission by 30 September 1996 at the latest. The subject would be discussed again at a forthcoming meeting of the Working Party.

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