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Subject: **RUSSIA: Recommendation for a Council Decision to authorise the Commission to negotiate a Fisheries Co-operation Agreement with the Russian Federation**

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RESTREINT

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NOTE

from : Presidency
to : Permanent Representatives Committee

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Subject : **RUSSIA: Recommendation for a Council Decision to authorise the Commission to negotiate a Fisheries Co-operation Agreement with the Russian Federation**

I. THE 1977 AND 1995 MANDATES

1. The initial negotiations of a fisheries agreement between the European Community and the former Soviet Union, under a general mandate following the extension of exclusive fishery zones to 200 nautical miles in 1977, failed as a result of the Soviet Union's rejection of the territorial clause, the so-called "Berlin clause". Even after this dispute had been settled with the conclusion of the EEC/CMEA Co-operation Agreement, a second round of negotiations during the years 1988 and 1989 did not produce any tangible results before the eventual break-up of the Soviet Union.
2. The next attempt to negotiate an agreement was based on the negotiating directives adopted by the Council in December 1995, following the enlargement of the Community where the Community took over the management of Sweden's and Finland's bilateral fisheries agreements with the Russian Federation.

3. These negotiating directives were based on the traditional concept of a balanced exchange of fishing possibilities, reciprocal access to fishing zones and exchange of surplus stocks, confined to the Baltic Sea only. There was, however, a certain limited scope for including new elements such as joint ventures and enterprises and purchase of fishing possibilities against financial compensation.
4. It transpired from the explanatory talks and fact-finding missions conducted by the Commission that the Russian Federation, still a main player on the world's fisheries scene, had no interest in concluding a traditional agreement confined to a region where its territorial presence had been significantly reduced. The only realistic way to be pursued seemed to be a comprehensive agreement on co-operation in the fisheries sector.
5. As a consequence of the absence of a fisheries agreement between EC-15 and the Russian Federation, fishing opportunities under the bilateral agreements with Finland and Sweden have been limited, and no quotas were obtained for 2001.
6. It should also be pointed out that a fisheries agreement between EC-15 and the Russian Federation is a prerequisite for the future regulation of fishery resources in the Baltic Sea after the accession of Poland and the Baltic States to the European Union.

II. THE MANDATE PROPOSED IN 1999

7. On 14 December 1999, the Commission presented to the Council a recommendation for a Council decision authorising the Commission to negotiate a fisheries co-operation agreement with the Russian Federation. Such an agreement would be part of the structure of the Partnership and Co-operation Agreement (PCA) which is the core of the relationship between the European Union and the Russian Federation as set out in the Common Strategy on Russia adopted by the European Council in Cologne in June 1999.
8. The objective would be to conclude a comprehensive agreement including traditional elements such as exchange of fishing possibilities, co-operation on conservation, research, and control and enforcement. The agreement would also provide for assistance in establishing joint ventures and joint enterprises in all sectors of the Russian fishing industry,

using Tacis and ERBD loan mechanisms, and the promotion of trade in fishery products, including tariff concessions, standards and certification procedures.

9. The recommendation was examined by the Working Party on External Fisheries Policy in January 2000 and again in November and December 2000.
10. During this process, the Commission representative clarified some of the questions raised by delegations. It was pointed out that traditional exchanges of fishing possibilities would be fixed in annual consultations and limited to the Baltic Sea. The Commission was willing to clarify this point in a statement for the Council minutes. These fishing possibilities would be implemented in the annual TACs and quotas regulations, and the principle of relative stability would apply. However, the geographical scope of the agreement itself would not and could not be limited to specific areas, and new fishing possibilities in the waters of the Russian Federation offered under the co-operation aspects of the agreement would in principle be open to all Member States.
11. Commercial co-operation in the field of fisheries would not go beyond what was already provided for under the PCA and would be discussed under the institutional framework of that agreement. Exchanges of fishing possibilities and all technical aspects of fisheries would be treated in a specific "fisheries body" under the fisheries agreement.
12. The French delegation maintained its doubts, shared by the Spanish, Italian and Portuguese delegations, on the inclusion of commercial features in the agreement. In particular, it felt that the import of Russian fisheries products into the Community should not be treated more favourably than at present.
13. The Spanish, Netherlands and Portuguese delegations maintained that the agreement must provide for the inclusion of shipowners' fees in order to limit the financial cost of the agreement to the Community in accordance with the Council's conclusions of 30 October 1997. On this point, however, the Commission representative pointed to the risk of discriminatory treatment of Community fishermen in the Baltic Sea where no licence fees were paid under existing arrangements.

III. FURTHER PROCEDURE

14. The Presidency takes the view that the adoption of the negotiation directives should be treated as a matter of priority and not be further delayed. The Commission may yet have to clarify further technical questions from Member States. It is, however, the Presidency's opinion that, prior to such an exercise, the fundamental issues outstanding should be addressed at the political level in order to ensure the adoption of the mandate in the near future. It therefore invites the Committee to consider the following questions :

Does the Committee consider it appropriate to :

- *conclude an agreement without a pre-defined geographical scope, on the understanding that exchanges of fishing possibilities under the principle of relative stability, which are determined in annual consultations, will be limited to the confines of the Baltic Sea ?*
- *include in the agreement technical co-operation on fisheries, including conservation measures, research, and control and enforcement ?*
- *provide for technical assistance, establishment of joint ventures and joint enterprises, and Tacis and ERBD loan mechanisms ?*
- *also provide for the promotion of trade in fishery products within the scope laid down by the PCA and inside its institutional framework ?*
- *establish a "fisheries body" responsible for the fisheries co-operation activities under the agreement, including annual consultations on fisheries arrangements ?*