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Subject: Adoption of a Council decision to authorise the Commission to negotiate a Fisheries Co-operation Agreement with the Russian Federation

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 March 2001

6656/01

RESTREINT

**PECHE 46
NIS 19**

"A" ITEM NOTE

from :	Permanent Representatives Committee
dated :	16 March 2001
to :	Council

No. prev. doc.:	6652/01 PECHE 42 NIS 15 RESTREINT
No. Cion rec.:	14085/99 PECHE 267 NIS 136 RESTREINT – SEC (1999) 2052 final

Subject :	Adoption of a Council decision to authorise the Commission to negotiate a Fisheries Co-operation Agreement with the Russian Federation
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1. 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.
2. At its meeting on 16 March 2001, the Permanent Representatives Committee agreed on a Presidency compromise text set out in document 6652/01 PECHE 42 NIS 15 and suggests to the Council to:

- authorise the Commission to
 - = open the negotiations required for a Fisheries Co-operation Agreement between the European Community and the Russian Federation;
 - = conduct the negotiations, on behalf of the European Community, in consultation with a special committee appointed by the Council to assist it in its task and in accordance with the negotiating directives attached in Annex 1;
- include in the minutes of the Council meeting adopting this decision the declarations appearing in Annex 2.

DECLASSIFIED

Negotiating directives for a Fisheries Cooperation Agreement with the Russian Federation

1. Objectives

The aim of the negotiations is to conclude an agreement on co-operation of mutual benefit.

2. Forms and means of co-operation

The co-operation should comprise the following elements:

- a framework agreement under the Partnership and Co-operation Agreement to enhance legal security for private operators. This would entail the creation of a specific "fisheries body", which would meet formally, and whenever necessary, as part of the Sub-Committee on Agriculture, Fisheries and Consumer Protection;
- co-operation on technical issues such as fishing rights, quotas, control and enforcement, exchange of reciprocal fishing possibilities and collaboration in other matters for the fisheries sector such as fisheries research and conservation (including international waters);
- assistance for establishing joint ventures and enterprises, including action to facilitate investments. This should cover all sectors of the fishing industry, including aquaculture.

3. Duration

The Fisheries Co-operation Agreement shall be concluded for an initial period of six years and will be renewable by common agreement between the parties (tacit renewal) for ensuing periods of three years.

4. Financing

The Community may consider granting financial assistance for co-operation in the field of fisheries research and control. In return for such financial assistance, the Community would be prepared to accept fishing possibilities in Russian waters.

The agreement should facilitate such exemptions from taxes and other duties (import duties, VAT, etc) as are necessary for the proper implementation of this co-operation.

Furthermore, the Community will consider and autonomously decide whether Tacis funds should be made available in regard to the financing of the "fisheries desk".

The financial compensation for fishing possibilities in the waters of the Russian Federation, to be offered under the co-operation aspects of the agreement, shall take account of the Council conclusions of October 1997 on fisheries agreements concluded by the European Community with third countries, including those on the sharing of costs between the Community and shipowners. Licence fees should be paid by Community shipowners in cases where fishing possibilities are offered to the Community in return for financial compensation, including financial assistance to be used for research and control activities.

5. Management of the agreement

A "fisheries body" will be set up in order to promote and keep under review the various co-operation activities envisaged under the Agreement. This body will meet, whenever necessary, within the framework of the Sub-Committee on Agriculture, Fisheries and Consumer Protection established under the Partnership and Co-operation Agreement.

Declarations to be included in the minutes of the Council meeting adopting the decision:

1. Commission statement on the geographical scope:

*"The Commission declares that the fisheries arrangements resulting from the coming negotiations for a fisheries agreement with the Russian Federation will limit access for Russian fishing vessels in Community waters to the confines of the Baltic Sea. The Commission will endeavour to obtain additional fishing possibilities in the waters of the Russian Federation, including the Barents Sea and the Bering Sea. Such new fishing possibilities will be open to all Member States in accordance with the principle of non-discrimination.
The Council endorses this statement".*

2. Commission statement on the availability of Tacis funds:

"The Commission declares that in the forthcoming negotiations on a fisheries agreement with the Russian Federation the negotiations on the assistance for economic co-operation in the fisheries sector will be conducted in full respect of the priority areas of co-operation as identified in the Tacis Indicative Programme 2000-2003 for the Russian Federation, which is based on Council Regulation (EC, EURATOM) No 99/2000 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia."

3. Council and Commission statement on licence fees:

"The Council and the Commission undertake to examine all aspects of financing of bilateral fisheries agreements, including the question of shipowners' fees in the framework of the discussion of the Commission's Green Paper on the review of the Common Fisheries Policy."