



Council of the  
European Union

077561/EU XXV. GP  
Eingelangt am 24/09/15

Brussels, 24 September 2015  
(OR. en)

7009/00  
DCL 1

PECHE 47

## DECLASSIFICATION

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of document: ST 7009/00 RESTREINT UE

dated: 29 March 2000

new status: Public

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Subject: Item 5: Greenland: Preparation of the Second Round of Negotiations of a  
Fourth Fisheries Protocol  
- Ilulissat (Jakobshavn), 10 - 14 April 2000

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

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

  

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**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 March 2000**

**7009/00**

**RESTREINT**

**PECHE 47**

**OUTCOME OF PROCEEDINGS**

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of :	Working Party on External Fisheries Policy
on :	22 - 23 March 2000
No. prev. doc. :	11211/99 PECHE 171 ENV 317 EXT 2 + COR 1
Subject :	<b>Item 5: Greenland: Preparation of the Second Round of Negotiations of a Fourth Fisheries Protocol</b> <b>- Ilulissat (Jakobshavn), 10 - 14 April 2000</b>

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**I. General outline**

1. The Commission representative presented a restricted paper from the Commission services (SN 1899/00). In particular, he pointed out that it was the Commission's aim to split the current arrangements with Greenland into two components. The first component should represent the value in real terms of the fishing opportunities contracted by the Community in Greenland waters and the second an additional part to compensate for the lack of development aid by virtue of Greenland's OCT status.
2. The Fourth Protocol (1 January 2001 - 31 December 2006) should be conceived at the same time as a "roll-over" of the Third Protocol and a precursor for change. This element could be laid down in a mid-term review clause.

3. In the meantime, the Commission would forward to the Council a draft Negotiating Mandate and draft Negotiating Directives with the overall aim of adapting the financial compensation for fishing rights in Greenland waters to the real fishable opportunities. Quotas should be reduced in accordance with scientific advice. At the same time, the Commission would be authorised to negotiate with Greenland financial assistance outside the Fisheries Agreement to compensate for the elimination of "paper fish".
4. It was in his view premature to introduce these new concepts at the date of entry of the new Protocol, bearing in mind the 2002 review of the Common Fisheries Policy and the 2001 review of the Community's development policies.
5. The Danish, German, French, Swedish and United Kingdom delegations were in broad support of the Commission's approach to the negotiations. However, the French delegation considered that the conditions of a possible transfer of the financial compensation from the fisheries to the development sector should be clarified.
6. The Netherlands delegation referred to its own paper (SN 1900/00). In particular, it asked how the Commission intended to comply with the Council's 1997 Conclusions on European Community Fisheries Agreements with Third Countries<sup>1</sup>. At the very least, the Commission should present a quantified assessment in respect of the new Protocol and specify the date on which the "roll-over" arrangement would be replaced by a mixed fisheries/development construction. Would this entail a denunciation of the 1985 Fisheries Agreement?
7. These concerns were shared by a number of delegations, the Spanish and Portuguese delegations in particular.
8. The Commission representative responded that it was the Commission's intention that the Fisheries Agreement should be tacitly renewed for another six years<sup>2</sup>. He further pointed out that it had been the policy of the Community to contract "paper fish" in exchange for Greenland's express renunciation on OCT assistance, but that the value of this element had never been quantified.

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<sup>1</sup> Doc. 11784/97 PECHE 332

<sup>2</sup> Notice of termination must be given at least nine months before expiration, i.e. before 30 April 2000.

## II. Detailed examination

### a. *Fishing quotas and financial compensation*

9. Most delegations shared the overall objective of adapting quota allocations to real fishable opportunities. However, certain delegations (DK, D, F and UK in particular) cautioned against too drastic cuts. It should be possible for the Community to maintain access to these stocks in the case of recovery and in accordance with the Community preference laid down in the Fisheries Agreement. The United Kingdom delegation in particular mentioned the possibility of carrying forward the "cod savings bank" without additional financial compensation.
10. The French delegation maintained an interest in shrimps, blue whiting and redfish. In particular it asked for increased East/West flexibility in the shrimp fishery. The United Kingdom delegation suggested extending the flexibility to other stocks.
11. The Danish delegation confirmed its interest in shrimp and capelin and in access to Greenland waters inside 12m.
12. The Spanish and Portuguese delegations inquired about the possible payment for fishing rights by shipowners in accordance with the principles set out in the Council's 1997 Conclusions.
13. The Netherlands delegation once again pointed to its paper and to the fact that "cod equivalents" were out of step with economic reality as a currency for purchase or exchange of fishing possibilities.
14. The Commission representative responded that:
  - Greenland's legislation did not provide for the possibility of licence fees and that the consequence of imposing them could be negative discrimination of Community fishermen. He did not, however, exclude that the Community could discuss the matter internally as part of the 2002 review;
  - he agreed that cod equivalents no longer reflected economic reality. On her side, Greenland had referred to market prices when calculating the value of the agreement. However, since cod equivalents were used throughout the North-East Atlantic it was

almost impossible to calculate the balance of fisheries arrangements with Norway, Iceland and the Faroe Islands in any other way.

***b. Utilisation rate and relative stability***

15. The Spanish and Portuguese delegations reiterated their demand for a mechanism to ensure access for all Member States to underutilised quotas and new fishing possibilities, without infringing the principle of relative stability.
16. The Commission representative maintained that relative stability was an internal Community matter. The subject should be considered in the 2002 CFP review, not in piecemeal negotiations with a third country.

***c. New species and experimental fisheries***

17. Some delegations (F, P and UK in particular) maintained the condition that such allocations should be fishable, including technical conditions providing for a sustainable exploitation. They remained sceptical about the deep-water species offered by Greenland, referring to NEAFC assessments.

***d. Joint ventures and enterprises***

18. Some delegations suggested retaining the possibility of setting up temporary joint ventures under the new Protocol, although the Commission had proposed to include only joint enterprises. The Commission representative warned against setting a lump sum for these ventures as part of the financial compensation, in which case there could be no credible financial control of the money spent.

***e. Technical conservation measures***

19. In response to the French delegation's question on sorting grids, the Commission representative noted that technical conservation measures were not part of the agreement. The root of the dispute was the high outtake of shrimps by Greenland (without sorting grids) and the trawl prohibition in the Community's Greenland halibut fishery.