



Council of the
European Union

Brussels, 9 October 2015
(OR. en)

7594/95
DCL 1

PECHE 197

DECLASSIFICATION

of document:	ST 7594/95 RESTREINT UE
new status:	Public
Subject:	NAFO:Preparation of the meeting of the Fisheries Commission (Toronto, 7-9 June 1995)

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

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

RESTREINT

7594/95

RESTREINT

PECHE 197

OUTCOME OF PROCEEDINGS

of Working Party on Internal and External Fisheries Policy

dated: 30 May 1995

No. prev. doc.: 7468/95 PECHE 190 RESTREINT

Subject: NAFO: Preparation of the meeting of the Fisheries Commission (Toronto, 7-9 June 1995)

INTRODUCTION

1. The Commission representative explained that bilateral discussions with Canada were continuing with a view to preparing for the meeting of the NAFO Fisheries Commission in June. There were three main items to be addressed, namely:
 - the continuation of the work begun in STACTIC;
 - the development of a strategy for handling the Agreement at the Fisheries Commission meeting;
 - the allocation key for the quota of Greenland Halibut.

STACTIC

2. The Commission representative reported briefly on the outcome of the STACTIC meeting on the implementation of the control measures set out in the Agreed Minute between Canada and the Union.
3. Certain issues of control remained problematic.

RESTREINT

7594/95

mh

EN

- 1 -

Threshold figure obliging inspection presence

4. While the Union and Canada had proposed 10 vessels fishing in the NAFO area as the threshold to oblige Contracting Parties to deploy an inspection vessel, some Contracting Parties wanted 20, which would effectively leave the Union as the only party providing inspection. The Union position was that if 20 were to be considered, the question of "cooperation" by other Parties and financial assistance for deployment of such vessels would have to be addressed.

"State" or "Port"

5. The existing proposal requires that an inspector be present at the port bordering the fishing area. Japan wanted to change "port" to "State" but the Union could not agree to this as the USA could be a bordering State. The Union position was to insist on retaining the term "port".

Discards

6. Certain Parties wanted to be included in the derogation which at present allows only Canada to ban discards. The Union position was that it would not be left as the only Contracting Party to discard. There were two possibilities for resolving this: either accept all the derogations suggested as a temporary measure and ask the Scientific Council to advise on the impact of a discard ban in these waters for every Party, or leave the existing provisions as they stand. The Union and Canada were agreed on this.

Major infringements

7. In NAFO there was no real definition of what constituted a directed fishery; if major infringements were to be discussed in this context, a proper definition would be required. Possible formulae were: "retain on board species for which fishing is prohibited" and "retain on board undersized fish". This, of course, would depend on whether a discard ban or obligation applied.

RESTREINT

Rerouting of vessels

8. Where an infringement was reported by an inspector and the vessel was rerouted, the Union and Canada had proposed that the possibility of returning to the home port be provided. Iceland objected to this as it did not want the master to have the choice. The Commission wanted to adhere as closely as possible to the Agreed Minute.

Observers and satellite tracking

9. Most Contracting Parties found the provisions for both observers and satellite tracking excessive and were reluctant to pay for them. Norway stated that it would agreed to 10% observer coverage, but not 100%. However, this was an important point for Canada and could ultimately prove to be the most difficult point to resolve at the Fisheries Commission meeting.

DELEGATIONS' RESPONSE

10. The delegations congratulated the Commission representative on the negotiations carried out at the STACTIC Meeting.
11. The Spanish and Portuguese delegations stated that there could be no question of any Party being allowed to evade its responsibilities in the domain of inspection and control. All parties would have to participate. The Spanish and Portuguese delegations pointed out that the option of having port inspections already provided a degree of flexibility and cut costs.
12. As regards the threshold figure obliging the deployment of an inspection vessel, the Spanish delegation believed that the figure 20 was specified in order to exclude all the other Contracting Parties from this obligation. It could not accept this approach, and would monitor this question in the light of the degree of cooperation emerging from the other Parties.

RESTREINT

RESTREINT

13. The Portuguese delegation pointed out that as the threshold figure at present was 15 vessels, if the figure of 20 was accepted the result would be to reduce control. While this should not become a point of conflict, it was necessary to know what level of control was required.
14. The German delegation thought that it might be necessary to make concessions on this issue in order to secure more essential points.
15. The Portuguese delegation endorsed the Commission's position on major infringements. This delegation together with the Spanish delegation considered that the responsibility for inspections should rest with the flag State. Portugal could not accept that inspection on Portuguese territory should be carried out by other than Portuguese authorities. It called on the Council Legal Service to provide an opinion on the legal implications of this question.
16. On the question of rerouting of vessels, the Spanish and Portuguese delegations considered that the Master should be offered the choice of port. The Spanish delegation placed a scrutiny reservation on the inclusion of Las Palmas in the list of ports. The United Kingdom delegation suggested that the port be left unspecified and reference be made simply to a nearby State or the home port.
17. The Spanish, Portuguese and United Kingdom delegations would prefer to retain the derogation applying to Canada on discards as it stood; they were not in favour of extending it to other Parties. The Spanish delegation was open to approaching the Scientific Council for advice on discards policy for the future.

RESTREINT

RESTREINT

18. The Spanish delegation declared, as its general position and as a matter of principle, that if NAFO partially took on board measures agreed bilaterally between the Union and Canada, the Union should not accept more stringent regulations than those which applied to other Contracting Parties. It would adopt its definitive position at the Fisheries Commission meeting in the light of the response of other Parties. The German delegation endorsed this position.
19. The United Kingdom delegation highlighted the importance of persuading the other Contracting Parties to accept the contents of Annexes I and II to the Agreed Minute. It was vital that the Union and Canada decide on which elements were essential and which measures, if not multilateralised, would not be applied bilaterally. For example, on the question of the threshold figure, whether the present figure of 15 vessels should be retained if 10 or 20 were not acceptable to all Parties. Similarly, on the question of retaining the discard derogation for Canada and asking the Scientific Council for advice. The German delegation supported this view, particularly as regards the need to persuade the other Contracting Parties to accept 100% observer coverage.
20. The Commission representative noted the delegations comments, particularly those of Spain and Portugal. On the question of rerouting of vessels he suggested that a compromise formula stating that if a Master did not want to go to any of the listed ports, he could go to a port designated by the Contracting Party. He called on delegations to consult with their national legal services.
21. The Legal representative of the Council stated that he would reflect on the legal implications of this proposal and offered to have bilateral discussions in this regard with Portugal.

RESTREINT

STRATEGY

22. The Commission representative outlined the strategy to be adopted at the Fisheries Commission meeting:

- the Agreement was a package; no elements on Annex I would be adopted by NAFO until all elements of Annex II and its accompanying letters were ready for adoption;
- while there were some problems outstanding on Annex I the objective would be to clarify these rather than to terminate work on this element of the Agreement; tactically speaking, it would be necessary to have the possibility of making some concessions in order to arrive at a global package solution at the NAFO Annual General Meeting in September 1995.

ALLOCATION KEY FOR GREENLAND HALIBUT

23. The Commission representative identified two key elements to be addressed in negotiating the contents and implementation of Annex II, viz. the division of NAFO zone 2+3, and the securing of a Union quota of 55.35% in NAFO zone 3LMNO.

Division of zone 2+3

24. The Union and Canada were agreed that this zone should be divided into a Northern area - 2+3K within the Canadian zone - and a Southern area - 3LMNO. This should not create problems as there was plenty of scientific evidence to justify such a division and this would be used. This would have no implication for the allocation of the quota.

Quota of 55.35% in 3LMNO

25. The Commission representative pointed out that it would not be easy for other Contracting Parties to have to agree to increased control and at the same time have to relinquish the quotas they had obtained at the Special Fisheries Commission meeting in Brussels in February 1995. This was particularly true in the case of Russia and Japan.

RESTREINT

26. The other Contracting Parties which had objected to the allocation key - the three Baltic States and Poland - would only be satisfied with a national quota as was given to Russia. A token percentage of perhaps 1% - 2% was envisaged. Poland might require a bit more as it had a track record on Greenland Halibut.
27. Joint visits would be made by Union and Canada to the other Contracting Parties before September in order to prepare their acceptance of the package.

DELEGATIONS' RESPONSE

28. The Spanish delegation observed that the conclusions of Coreper of 23 May 1995 needed to be taken into account. Annexes I and II formed a package, should be negotiated as such and should be adopted together. The Spanish ambassador had stated that the Commission had a mandate to negotiate on behalf of the Member States and should inform the delegations on all developments.
29. This delegation had understood, in the course of negotiations to date, that the Union would secure a Union quota of 55.35% of the overall TAC and it noted that Canada had agreed to act in good faith to obtain this quota for the Union. It would take up its definitive position at the meeting itself.
30. The Portuguese delegation agreed with the Commission's approach. It stressed that the three elements of the package - inspection, distribution of the TAC in zones 2+3 and the Union quota of 55.35% - were of equal importance.
31. It also agreed with the Spanish delegation. It was necessary to make it clear to other Contracting Parties that the quota for the Union was vital to approval of the package as a whole.
32. The German delegation supported the Commission, particularly on its suggested treatment of the Baltic States.

RESTREINT

RESTREINT

33. The Presidency endorsed the Commission's strategy for the forthcoming meeting.
34. The Commission representative informed the Working Party that he would meet with the Canadian delegation on 6 June 1995, Tuesday evening in Toronto. The first coordination meeting would be held on Wednesday 7 June 1995 at 8.30 a.m.
-

DECLASSIFIED

RESTREINT

7594/95

mh

EN

- 8 -

7594/95 DCL 1

VG

DG F 2A

EN