



Council of the
European Union

Brussels, 19 October 2018
(OR. en)

13228/03
DCL 1

PECHE 230

DECLASSIFICATION

of document: ST 13228/03 RESTREINT UE

dated: 7 October 2003

new status: Public

Subject: Libya: Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations with the Government of the Socialist People's Libyan Arab Jamahiriya for the conclusion of a Fisheries Partnership Agreement

- Examination

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

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

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 7 October 2003

13228/03

RESTREINT UE

PECHE 230

OUTCOME OF PROCEEDINGS

From : Working Party on Internal and External Fisheries Policy

Dated : 2 October 2003

No. prev. doc. : 11487/03 PECHE 171 RESTREINT and 12625/03 PECHE 208 RESTREINT

No. Cion prop. : 11168/03 PECHE 158 RESTREINT

Subject : Libya: Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations with the Government of the Socialist People's Libyan Arab Jamahiriya for the conclusion of a Fisheries Partnership Agreement
- Examination

After discussion in the Working Party on 10 July and 11 September 2003, this item was placed on the agenda again for the purpose of, firstly, allowing the Commission services to debrief the Working Party on the recently undertaken fact finding mission to Libya and, secondly, to finalise the technical discussions on the draft negotiation mandate.

I. FACT FINDING MISSION

1. The recent fact finding mission in September had, according to the Commission representative, been carried out in a very positive and transparent manner.

RESTREINT UE

During several technical meetings held with representatives from the Libyan Ministry of Production (also responsible for fisheries) a clear political will to conclude a fisheries agreement had transpired. The Libyan authorities saw a possible agreement as an important step towards the European Union as a privileged partner in the fisheries sector.

2. The Libyan authorities are in the process of completing a scientific trawler campaign to establish the fishing possibilities, and although the campaign is not yet finished, the results so far suggest very good fishing possibilities especially for demersal species. On the basis of the results which are expected to be available in 2 weeks, the Commission services will prepare a negotiation strategy with a view to launching the first round of negotiations. With regard to tuna, the contacts had suggested that Libya could be willing to allow their quota of bluefin tuna to be caught exclusively by Community vessels.
3. The fact finding mission had also included visits to the fisheries research centre in Tripoli and more importantly to port facilities on the approximately 1700 km long stretch of coastline from Benghazi to the Egyptian frontier. This part of the coast is the area which a future agreement would probably cover and also the part where only a very limited number of vessels from the small Libyan fleet operate.
4. Libya is in need of help to step up its inadequate research programmes and its fisheries control. Also, in the field of health and hygiene certification important work is required. Libya needs to put improved health and hygiene controls in place in order to be able to export fisheries products to the Community.

II. DRAFT NEGOTIATION MANDATE

5. The Presidency recalled that certain remarks had been made on the wording of the draft mandate at the previous meetings of the Working Party and, in the light of these remarks, suggested as a compromise the following textual amendments:

RESTREINT UE

- to replace the words "Libyan EEZ" with "Libyan fisheries zones" in the first paragraph, first bullet point, and in the second paragraph's second subparagraph;
- to replace the words "to comply with the obligations, inter alia, of signing on seamen and observers and of landing the catches" with "to comply with the provisions in the Libyan fisheries legislation" in paragraph 3.

The Spanish delegation suggested to add "and ICCAT" alongside "GFCM" in paragraph 4 since the agreement would also cover tuna and tuna-like species.

In accordance with the Council legal service, the Presidency suggested to delete paragraph 5 since Article 300(1) of the EC-treaty lays down the procedure to be followed for the negotiation of the agreement.

Delegations and the Commission representative agreed to these amendments to the draft mandate.

5. The German delegation maintained on political grounds its general reservation on the draft mandate.
6. The delegation of Cyprus as an observer expressed their interest in an agreement with Libya and wondered if efforts should not be made also to have an agreement with Egypt.
7. The Presidency noted the agreement on the textual amendments to the draft mandate as well as the German reservation, and concluded that the Presidency would now report the outcome of the discussions to COREPER.^{1 2}

¹ Note of the Secretariat:
At its meeting of 6 October, the Mashrek/Maghreb Working Party was informed by the Commission representative on the preparation of the draft mandate.

² The Secretariat encloses a draft Council Decision drawn up in line with previous decisions of a similar nature.

RESTREINT UE

ANNEX

DRAFT COUNCIL DECISION

of

THE COUNCIL OF THE EUROPEAN UNION, on the recommendation of the Commission,
AUTHORISES the Commission to open negotiations for the conclusion of a Fisheries Partnership Agreement between the European Community and the Socialist People's Libyan Arab Jamahiriya.

The Commission will conduct these negotiations within the framework of the attached directives and in consultation with the committee appointed by the Council to assist the Commission.

Done at

For the Council
The President

RESTREINT UE

Appendix to the ANNEX

NEGOTIATING DIRECTIVES

1. The aim of the negotiations is to conclude a Fisheries Partnership Agreement between the EC and Libya. Due account will be taken of the Council Conclusions of 30 October 1997 on European Community Fisheries Agreements with Third countries and other relevant Council Conclusions on Fisheries Agreements with Third Countries.

Considering the European Union overall objective of contributing to sustainable fisheries inside and outside Community waters, the negotiations will have following specific objectives:

- obtain fishing rights for vessels of EC Member States in the Libyan fisheries zones, in line with the principle of sustainable fisheries and the latest available scientific information.
- ensure that the Libyan fisheries policy is in accordance with the principle of the sustainable exploitation of fishing resources and the integration of environmental protection, or reinforce them in that respect.
- ensure or reinforce administrative, technical and scientific co-operation with Libya, in particular to monitor the fishing activities
- ensure the appropriateness of the framework for the establishment of joint ventures in the fisheries sector, as well as to promote the establishment of joint venture and joint enterprises, including action to facilitate investments covering all sectors of the fishing industry.

2. The financial contribution to be offered shall take account of the Council Conclusions of 30 October 1997 on European Community Fisheries Agreements with Third countries, including those on the sharing of costs between the Community and ship-owners, whilst also taking into account the specific conditions of the fisheries in Libyan waters. In particular, the financial contribution shall be composed of the following elements:

- a financial contribution to be paid by the Community, including an amount to be devoted to the development of the fisheries sector in Libya, with special attention to, inter alia, the financing of scientific and technical programmes in the fisheries sector, programmes for fisheries control and surveillance, support to the fisheries infrastructure, training programmes, support to traditional and artisanal fisheries. The areas of intervention shall be defined with the Libyan authorities in the light of their needs and the results of a survey of the Libyan fisheries sector to be carried out by the Commission.
- a financial contribution to be paid by ship owners, which shall include the payment of licence fees.

The Commission shall recommend to the Council more detailed directives after having received the results of the trawling campaign in the Libyan fisheries zones and an analysis

RESTREINT UE

of the fishing possibilities. This will indicate the value of proposed fisheries rights granted to the EC and will be compared to the value of other EC agreements with third countries.

Another component in the evaluation of the financial contribution will depend on the results of the assessment of the fisheries sector, the impact assessment and analysis of supplementary measures needed to ensure sustainable and responsible fisheries.

3. Community ship-owners shall be required to comply with the provisions in the Libyan fisheries legislation.

At the request of Libya, Community ship-owners shall be encouraged to support small-scale initiatives aimed at the development of the local fisheries sector.

4. In the negotiation process, due account shall be taken of:
- the work of the competent regional organisation, namely the GFCM and ICCAT,
 - the provisions of the UN Convention on the Law of the Sea (UNCLOS) of 10 December 1982,
 - the principles of the Agreement of 4 August 1995 for the implementation of the provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York Agreement),
 - the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,
 - the Code of Conduct for responsible fishing and the International Plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU).

DECLASSIFIED