



Council of the
European Union

044229/EU XXVI. GP
Eingelangt am 23/11/18

Brussels, 22 November 2018
(OR. es)

5628/98
DCL 1

PECHE 25
AFRICA 4

DECLASSIFICATION

of document:	ST 5628/98 RESTREINT
dated:	11 February 1998
new status:	Public
Subject:	South Africa: Commission report on exploratory contacts

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

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

5628/98

RESTREINT

PECHE 25
AFRICA 4

OUTCOME OF PROCEEDINGS

of: Working Party on External Fisheries Policy

dated: 29 January 1998

Prev. doc. n°: 5347/98 PECHE 20

Subject: South Africa: Commission report on exploratory contacts

Debriefing by the Commission

Timetable of negotiations

1. The Commission representative informed delegations that the South African side had not been willing to accept that dates for the first round of formal negotiations be brought forward. The South African authorities had continuing concerns that initiating formal negotiations at this stage with the EU on a Fisheries Agreement might interfere with the ongoing internal debate on the future of the fisheries sector in South Africa which was due to be completed at the end of March 1998.
1. In these circumstances the Commission delegation, whilst seeking to ensure to every extent possible the dovetailing of negotiations for a Fisheries Agreement with those for a Free Trade Agreement, had suggested the following timetable:
 - the first round of negotiations on 7/8 April 1998 - as suggested by South Africa itself;
 - and subsequently three further rounds, one per month, with the intention to wind up negotiations in July.

1. To date, the South African authorities had agreed only to hold the first round of negotiations on 6/7 April 1998. Commitments regarding subsequent arrangements could be made only after the meeting on 27 February 1998 of the Steering Committee (i.e. the South African body which has to clear all negotiating meetings).

Format for a future Agreement

1. The Commission representative explained that in these exploratory talks, the Commission delegation, in the light of the guidance given by the Working Party at its last meeting on 15 January 1998 (see doc. 5347/98 PECHE 20), had outlined the Commission's approach with regard to the format of a possible agreement.

i) Overall objectives

The Agreement should provide the platform for balanced and mutually beneficial cooperation between South Africa and the Community, taking account of, among other things, the need to ensure sustainable fisheries. In this connection, it was the Commission's intention to ensure that conditions and arrangements for operating the Community fleet under the Agreement be made sufficiently specific. On the other hand, the South African authorities would wish the future Agreement to take account of the interests of the historically disadvantaged communities in their society.

ii) Type of Agreement

- The Agreement should provide a partnership covering the entire sector. In specific terms: access regimes to resources should have as a basis a combination of licensing schemes and the transfer of vessels on a temporary or permanent basis (e.g. joint enterprise schemes and joint ventures);
- the scope of the financial compensation would be wider than that in other agreements (specific allocations should be earmarked for the development needs of the fisheries sector in South Africa). The level of the financial compensation should reflect both the amount and quality of fishing opportunities;
- requests for opportunities for hake, orange roughy, toothfish, alfonso, certain pelagic species and tuna had been tabled;
- a four/five year duration for the Agreement had been suggested, bearing in mind the need to ensure

stability in fisheries relations.

1. The South African side had not been in a position to give any specific response to the suggestions made by the Commission as its domestic debate on the future fisheries policy was still under way.

Member States' reactions

1. Delegations, without prejudice to a number of specific comments (see *infra*), generally expressed satisfaction at the progress achieved at these exploratory talks, in particular South Africa's willingness now to initiate negotiations on a fisheries Agreement.
1. The Spanish delegation voiced its continuing concerns at the fact that negotiations on the Fisheries Agreement were falling behind the progress made in respect of the Free Trade Agreement. This delegation also failed to understand why the ongoing political debate in South Africa on a future fisheries policy could be invoked as an argument for delaying the negotiations on a Fisheries Agreement with the EU. The very acceptance of this argument seemed to imply that domestic legislation should *a priori* be considered as superseding an international fisheries agreement. In those circumstances, this delegation whilst having expressed the wish that Member States be allowed to attend any further informal meetings with South Africa which should help to clarify positions, reiterated its earlier request that the Community withdraw any element relating to fisheries from the current FTA offer.

1. The French and Portuguese delegations, recalling the link which had been established between the progress of work on the FTA on the one hand and the Fisheries Agreement on the other, supported the Spanish position. These delegations felt that it was important that the Commission insist on its suggested timetable being respected, all the more in view of the uncertainty which was stemming from the fact that the start of negotiations had been made subject to the finalisation of the parliamentary debate in South Africa. Furthermore the French delegation expressed concern that if the needs of the disadvantaged local communities were taken into account, this would have an adverse impact on the profitability of a possible agreement, in particular from the perspective of operating joint enterprises and maintaining Community employment, a point supported by the Spanish delegation.
1. Several other delegations (in particular DK, IRL, NL and S) expressed support for the approach outlined by the Commission. These delegations stressed, in particular, the need for further preparatory work to clarify a number of important aspects such as the scientific basis regarding stocks and the identification of Member States' real interests. These delegations also expressed satisfaction with the negotiating timetable suggested by the Commission.
1. The Commission representative, in reply to delegations' comments, recalled that the Commission had been conducting exploratory talks in full awareness of the parallelism between the Free Trade Agreement and the Fisheries Agreement, of which the South African side was without doubt equally aware⁽¹⁾. Against this background he wondered whether the withdrawal of the fisheries-related components from the FTA offer would not be counter-productive as regards progress in the Fisheries Agreement negotiations. As to the timetable of negotiations, he noted that the South African authorities would not be in a position to take a position on specific aspects of a future Fisheries Agreement until the outcome of their domestic debate was known. The Commission would nevertheless bring pressure to bear with a view to ensuring that the proposed timetable be accepted and implemented, thus allowing negotiations to be wound up by the end of July.

⁽¹⁾ As reflected in the composition of the South African delegation at the latest exploratory talks (high level representatives from the Ministry of Fisheries but also from the South African Foreign Office and the Ministry of Trade).

Procedural conclusion

1. The Working Party agreed to revert to the matter in early March. In the meantime it was important that preparatory work be put in hand so as to ensure all possible progress.
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