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Subject: State of play of fisheries with:
- Namibia
- Chile
- New Zealand

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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RESTREINT

PECHE 30

OUTCOME OF PROCEEDINGS

from: Working Party on External Fisheries Policy

dated: 29 January 1998

No. prev. doc.: 5972/97 PECHE 40 (Namibia)
5745/97 PECHE 29 (New Zealand)

Subject : State of play of fisheries with:

- Namibia
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Namibia

1. The Commission representative explained that recent informal contacts with the Namibian authorities, *inter alia* on the fringe of discussions on SEAFO which took place in Namibia last December, had shown that Namibia continued to oppose the idea of granting a guaranteed quota to the Community fleet under a possible Fisheries Agreement with the EC, whatever access regime were to be agreed upon. In the Commission's view, it was unlikely that the Namibian position would evolve on this particular aspect in the foreseeable future. On the other hand, the Namibian authorities did not seem to rule out the prospect of a Fisheries Agreement with the EC, as evidenced in a recent speech by the Namibian fisheries Minister.

2. A number of delegations, in particular E, F, I, NL and P, recalled their fleets' continuing interest in fishing in Namibian waters. At the same time, these delegations confirmed that a guaranteed quota for Community vessels continued to be a prerequisite for entering into an agreement with

Namibia. Finally, pending any further developments, these delegations invited the Commission to update and supplement, where appropriate, existing information on fishing in Namibia waters. This updating should in particular concern the state of stocks and the Namibian legislation on foreign investment.

3. In response, the Commission representative said that a "fiche technique" on Namibia would be submitted at the appropriate time. The Commission would moreover seek to maintain the appropriate contacts with Namibia so as to obtain all relevant information with regard to a possible development of fisheries relations with Namibia.
4. In conclusion, the Working Party invited the Commission to keep it informed of any developments. In this connection, it was noted that forthcoming negotiations within the context of both the future SEAFO and the fisheries agreement with South Africa might help to clarify some particular issues.

Chile

5. The Commission representative outlined the course of events with respect to the ban imposed by Chile on the transshipment of fisheries products (in particular of swordfish) in its ports. In that connection, he drew delegations' attention to the Chilean claim that discussions on the issue of the ban be linked to the establishment of a framework for scientific cooperation between the EC and Chile on the management of the swordfish stock in the area. The Chilean side had agreed that a meeting to discuss these matters be called in April, in Santiago, although the Commission had pressed for a March meeting. At the same time, the interim period should be used *inter alia* to draw up the terms of reference for the above-mentioned scientific cooperation. The Commission would thus initiate preparatory work to that effect and called on Member States to provide any useful input.
6. The Spanish delegation claimed that the Chilean ban in question constituted a violation of the WTO rules and expressed surprise that a first formal meeting between parties in the matter had now been arranged for as late as April. This delegation pointed out that Chile had agreed earlier that a meeting on scientific cooperation be held in February 1998. The postponement of talks would have important repercussions, both from the conservation and trade points of view. In these circumstances, this delegation, whilst willing to cooperate with the Commission to prepare the meeting on scientific cooperation, urged the Commission to press the Chilean party to respect its earlier commitments.

7. The Commission representative shared the latter concerns of the Spanish delegation. At the same time, she undertook to see whether proceedings could be accelerated.

New Zealand

8. The Commission representative pointed out that the New Zealand authorities had recently indicated that in view of new commercial realities there no longer existed any real interest on New Zealand's part to enter into a fisheries agreement with the EU. However, and as an alternative, the New Zealand authorities had shown interest in establishing a structured fisheries dialogue with the Community. This forum would meet once a year. The Commission held the view that this avenue should effectively be pursued. Such a dialogue, which should not focus on market access for fisheries products, would in particular serve the purpose of conducting bilateral discussions on a number of issues of mutual interest, in particular pertaining to multilateral cooperation (eg. CCAMLR, FFA).
9. The Working Party expressed support for the Commission's approach.

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