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DECLASSIFICATION

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Subject:	South East Atlantic Fisheries Organisation (SEAFO) - Draft negotiating directives - Draft Convention

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 121

OUTCOME OF PROCEEDINGS

from: Working Party on External Fisheries Policy

dated: 19 and 20 March 1998

No. prev. doc.: 5347/98 PECHE 20

No. Cion Prop.: 6607/98 PECHE 96 - SEC(1998) 371 final

Subject : South East Atlantic Fisheries Organisation (SEAFO)
- Draft negotiating directives
- Draft Convention

INTRODUCTION

1. The Commission representative gave an initial presentation of two documents which were made available to delegations: the first containing draft negotiating directives for accession to SEAFO; the second a draft of the SEAFO Convention. The Commission was anxious to obtain a negotiating mandate from the Council prior to the SEAFO meeting scheduled for 18 May 1998 in Capetown, in order to participate fully in drawing up the Convention. It was important to become a full member of SEAFO as this would be the first regional fisheries organisation to be established following the UN Agreement on Straddling Stocks and any measures agreed in this forum would be likely to create a precedent for measures in other fora; in addition, constructive participation by the Community would have a positive effect on relations with other contracting parties to SEAFO, in particular coastal states with which the Community had fisheries relations and/or bilateral agreements.
1. With regard to the draft Convention, the Commission representative gave an article by article explanation of proposed textual revisions. In the main, these aimed to simplify or clarify the text, or to reflect better the Community position in accordance with internal legislation or positions adopted in other fora. Points of substance included the Commission's wish

- to reject the idea of funding the organisation by payments for fishermen on the basis of catches, as this would lead to budgetary instability;
- to ensure that decision-taking by a two-thirds majority could take place where consensus could not be reached;
- to ban transshipment from vessels which had not complied with the Convention, as long as this would be done on a bilateral basis;
- to ensure that any commercial sanctions would respect the multilateral framework on trade.

RESPONSE FROM MEMBER STATES

1. The Spanish, German, French, Italian, Portuguese, Netherlands and United Kingdom delegations entered scrutiny reservations on both draft documents, the French delegation expressing reservations particularly on the question of exclusive competence for the Commission in the draft negotiating directives.
1. The Portuguese delegation had reservations of substance on certain elements of the draft Convention, sharing the Commission's analysis in many respects. This delegation was anxious that the Community position be consistent with that presented in other fora, eg. NEAFC; the legal basis for the Convention should be UNCLOS, without prejudice to other legal texts not yet in force; and the Convention should aim to manage not just straddling stocks but also other stocks found on the high seas. It urged the Commission to be cautious in its approach to the question of a decision-taking procedure, stressing the sensitivity of this matter. It was equally wary of any attempt which might be made to narrow the ambit of the dispute settlement mechanism, or to impede contracting parties from exercising their proper rights; this latter point was particularly important to bear in mind in the context of contributions toward development in African countries.
1. The Spanish delegation endorsed the Portuguese position. It was anxious to see how the ratification process of the UN agreement was developing.
1. The United Kingdom delegation informed the Working Party that the United Kingdom had already participated in the SEAFO talks on behalf of its overseas territories: St. Helena, Ascension Is. and Tristan da Cunha. It would continue to do so on the basis of the Declaration No. 25 of the Treaty of Maastricht and in accordance with the procedures agreed in Council in 1989 on the representation of overseas dependent territories where a divergence might occur between the

Community position and that of the Member State representing its dependent territories.

1. In conclusion, the Working Party agreed to discuss SEAFO in greater depth on 2 April 1998. Delegations were invited to submit in writing their detailed comments on both draft documents to the Commission prior to that meeting.

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