



Council of the
European Union

047491/EU XXVI. GP
Eingelangt am 12/12/18

Brussels, 12 December 2018
(OR. en)

7464/98
DCL 1

PECHE 147

DECLASSIFICATION

of document:	ST 7464/98 RESTREINT
dated:	30 April 1998
new status:	Public
Subject:	Argentina: Preparation of Joint Committee (Buenos Aires, 4-5 May 1998)

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

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

7464/98

RESTREINT

PECHE 147

OUTCOME OF PROCEEDINGS

from: Working Party on External Fisheries Policy

dated: 2 and 24 April 1998

No. prev. doc.: 5963/98 PECHE 47

Subject : Argentina: Preparation of Joint Committee (Buenos Aires, 4-5 May 1998)

1. Following the earlier debriefing⁽¹⁾ on 2 April last by the Commission representative on the results of the discussions of the *ad hoc* EU/Argentina Joint Working Party of 9-10 February 1998 and 9-10 March 1998, the Working Party considered the main elements of the EU/Argentina Fisheries Agreement, particularly in the light of draft measures to implement new Argentinian Fisheries Legislation.

⁽¹⁾ This debriefing took place with reference to the Minutes of the EU/Argentina Joint Working Party meeting. The text of these minutes was initially circulated in Spanish, i.e. the linguistic version in which the Minutes were drafted, but was later on made available in French and English as well.

2. The Commission representative explained that the establishment of implementing measures with respect to the new Argentinian Fisheries Legislation was still under way. The Argentinian draft Decree to that effect does not add any new considerations to the analysis already required with respect to the Argentinian Fisheries Law but raises nevertheless three fundamental issues, which are cause for deep concern:

- the draft Decree makes specific reference to measures that Argentina might adopt with respect to areas outside its EEZ. While this aspect was unacceptable to the Community, any assessment should however be nuanced taking into account indications from the Argentinian side that such measures might be adopted only until a multilateral regime has been established in the area;
- the provisions in the draft Decree with respect to crewing requirements seem to have a more damaging effect than the corresponding concepts laid down in the Argentinian Law. The captain and the officers should have Argentinian nationality as from the first day of the entry into force of the Argentinian Legislation. For the other members of the crew (petty officers, seamen and other operators on board), the requirement of Argentinian nationality covering 75% of this crew would enter into force following a transitional period of 6 months. The Argentinian side explained that these requirements targeted above all Asiatic fleets. It was the Commission's view however that if Argentina wished to achieve that aim, more discriminatory measures would be necessary. For the Commission, the point of departure still remains the free choice by the vessel owners;
- the draft Decree does not provide any new elements with respect to the envisaged quota allocation. This matter should be looked at from the perspective of the state of resources, and in particular the hake resource;

3. The Commission representative also mentioned a number of other issues which should be discussed at the forthcoming Joint Committee:
- the issue of the four pending projects, which should target surplus species, should be discussed with a view to their formal approval. The Argentinian authorities, in view of their dissatisfaction with the operating of previous surplus projects, are seeking to impose additional conditions (eg. the respect of fishing plans) on the approval of future projects;
 - with respect to the projects which have already been approved but had not yet become operational, a deadline should be imposed by which interested Member States and operators should give firm indications as to the starting-up of these projects. Once this deadline has expired, and in the absence of any positive reaction, these projects should be cancelled.
 - the request from Community shipowners aiming at extending the duration of joint ventures for another year would also be considered.
4. The Spanish delegation reiterated the concern it had expressed in the previous Working Party discussion regarding a number of aspects relating to the implementation of this Agreement, such as the extra-territorial application of the new Argentinian Legislation, the crewing requirements and the quota allocation. With respect to the issue of the extra-territorial application and the crewing requirements, it underscored the need to respect existing legal obligations flowing either from international law or the Agreement itself. The issue of quota allocation had to be considered in full transparency and on a non-discriminatory basis. This delegation also drew attention to some other issues such as the conversion factors and the new fishing conditions.
5. In conclusion, it was agreed that further coordination on these matters would take place in-situ prior to the meeting of the Joint Committee.