



Council of the  
European Union

047530/EU XXVI. GP  
Eingelangt am 12/12/18

Brussels, 12 December 2018  
(OR. en)

8483/98  
DCL 1

PECHE 177

#### DECLASSIFICATION

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of document:	ST 8483/98 RESTREINT
dated:	15 May 1998
new status:	Public
Subject:	South East Atlantic Fisheries Organization (SEAFO): Draft Convention (non-paper)

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

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

8483/98

RESTREINT

PECHE 177

## OUTCOME OF PROCEEDINGS

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from: Working Party on External Fisheries Policy

dated: 7 May 1998

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No. prev. doc.: 7915/98 PECHE 155

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Subject : South East Atlantic Fisheries Organization (SEAFO): Draft Convention (non-paper)

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## INTRODUCTION

1. The Working Party resumed its discussions on the basis of the non-paper prepared by the Commission's DG XIV: a draft SEAFO Convention, and in the light of introductory remarks by the Commission representative.
2. The Commission representative considered that two points in the draft Convention needed to be addressed; its territorial scope, and its provisions on control.

## TERRITORIAL SCOPE

3. Essentially, for the Commission representative three approaches were possible:
- limit the scope to the high seas only, as suggested in the South African proposal; this, however, would not allow for management of stocks straddling national waters and was not in line with provisions on compatibility in the UN Convention on the Law of the Sea and in the New York Agreement;
  - follow the NEAFC/NAFO model, defining both a Convention Area (high seas and national waters) and a Regulatory Area (high seas only), management measures to be applied in the Convention Area;
  - establish a Regulatory Area only, but reinforce in the text of the Convention the need for compatibility of measures with those applying in the national waters in order to respect the biological unity of the stocks.
4. The Commission favoured the *third* approach, given the sensitivity of the coastal States involved - particularly those developing countries which had recently acquired sovereignty.
5. The overriding concern of Member States was to ensure compatibility of treatment of stocks in the Convention Area as a whole, and with this in mind, delegations expressed a clear preference for the *second* approach (NAFO/NEAFC model). However, the need for pragmatism in this negotiation was generally appreciated and Member States indicated their willingness to be flexible.

6. The coastal States were seeking to include a control scheme in the text of the Convention. The Commission was in favour of an efficient control scheme based on international regulations and satellite monitoring, but considered that inclusion of all the details of such a scheme in a legal text was inappropriate and would render it difficult to amend later; the Commission favoured setting out the general principles of the scheme in the Convention, and working out the details later which would then be inserted in an Annex to the Convention.
7. There was a general consensus in support of the Commission's suggested approach, with Member States demonstrating a clear preference for an organic approach to control.
8. The Spanish delegation expressed some reservations as to the extent to which a control scheme in SEAFO should be based on international regulations, pointing out that if the scheme included all the provisions of the New York Agreement then the SEAFO Convention would, similarly, become a mixed competence agreement, a view which was not shared by the Commission.
9. This delegation considered that a control scheme should be established for the region which, in terms of cost, would be proportionate to its resources; the Commission should also make it clear that the Community fleet was subject to a certain level of control in international waters and would not find it acceptable to go below that level in those regions.
10. The Netherlands and Swedish delegations pointed out that some of the coastal States involved would not have the resources to establish a modern control scheme and suggested that some assistance be provided.

11. To demonstrate the Community's commitment to an effective control scheme, the Commission representative undertook to draw up a table of principles for a control scheme along the lines of that applying in NEAFC, the details of which could be discussed by the Working Party before presentation to the other parties. The aim would be to control contracting parties to the SEAFO Convention by such a scheme and to control non-contracting parties in such a way as to ensure that their activities did not jeopardise management of the stocks. In particular, third country vessels flying flags of convenience which did not respect the provisions of the Agreement, as was happening in CCAMLR, would have to be controlled.
12. Non-contracting parties to SEAFO who were members of the New York Agreement would be bound by the provisions of that Agreement. Once ratified, its Articles 21 and 22 could be automatically applicable to all regional organisations which did not already have their own control schemes in place; similarly, regulations from other organisations, eg. ICCAT, would also have to be applied, resulting in a broad system of control.
13. In response to the Spanish delegation's intervention, the Commission representative pointed out that the negotiation of a control scheme fell within the realm of Community competence.
14. In conclusion, the Working Party noted that delegations had been invited to an informal meeting on 8 May 1998 in the Commission to examine the draft Convention. A coordination meeting had been convened in Cape Town at 17hrs on 18 May 1998.

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