

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 731 final

Brussels, 15 December 1978

Recommendation for a
COUNCIL DECISION
authorizing the Commission to negotiate fisheries agreements with
developing countries

(submitted to the Council by the Commission)

COM(78) 731 final

Explanatory Memorandum

SUPPLEMENTARY DIRECTIVES FOR THE COMMISSION FOR THE NEGOTIATION OF FISHERIES AGREEMENTS WITH DEVELOPING COUNTRIES

1. On 3 November 1976, the Council adopted a Resolution concerning certain external aspects of the creation of a 200-nautical mile fishing zone in the Community.

On June 27, 1977, the Council authorized the Commission to open negotiations with Guinea-Bissau, Senegal, Mauritania and Cape Verde on the basis of the directives already agreed for negotiations with those third countries to which the Community does not offer reciprocity of fishing rights. These directives were confirmed and made more precise by the Decision of 7 December 1977 (S/1962/77 and R/3217/77).

2. Meanwhile, a large number of States have extended their fishing zones to 200 miles and are making fishing in those zones subject to authorization. Certain developing countries in particular have shown a desire to enter into negotiations with the Community (Guinea, Sao Tome and Principe, Gabon, Congo, Angola); in addition, one of the Member States has requested that negotiations be opened with the Seychelles and Mauritius. Furthermore, the Agreement between Italy and Tunisia expires in June 1979 and a new agreement will have to be negotiated by the Community.

In these circumstances, it seems appropriate to give the Commission the authority to open negotiations with all the developing countries in which Community fishermen have a justified interest. It is also desirable that the Commission should be able to open negotiations immediately, particularly in those cases where it is approached by a country that is seeking increased cooperation by establishing closer relations with the Community.

3. On 6 July 1978, the Commission presented to the Council the Supplementary Memorandum on sea-fishing in the context of the renewal of the Lomé Convention (COM (78) 323 final = I/207/78 (ACP 34)). It sets out in that memorandum its interest in strengthening relations between the EEC and the ACP in the fisheries field, in the expectation notably of a general willingness on the part of the ACP States to negotiate with the Community, the principles that have emerged from the Third United Nations Conference on the Law of the Sea being respected by both sides.

It is therefore proposed that the Council authorise the Commission to open negotiations in accordance with directives, which are based on the principles underlying the directives already adopted, these principles being restated in the above memorandum. As things stand at present, the Commission feels that negotiations should first be undertaken with the following countries : Mauritius, Seychelles, Sao Tome and Principe, Congo (Brazzaville), Gabon, Guinea, Angola and Tunisia.

Council decision authorizing the Commission to negotiate fisheries agreements with developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Recommendation from the Commission,

Whereas on 27 June and 7 December 1977 the Council authorized the Commission to open and continue negotiations for the conclusion of fisheries agreements with Guinea-Bissau, Senegal, Mauritania and Cape Verde;

Whereas other developing countries to which the Community does not offer reciprocity of fishing rights have shown their interest in such agreements; whereas the negotiating situation vis-à-vis all those countries is broadly identical; whereas consequently the directives for the negotiations with the above West African countries constitute a valid basis for the negotiations with the other developing countries,

HAS DECIDED AS FOLLOWS :

Sole Article

The Commission is hereby authorized to open, in accordance with the directives annexed hereto, negotiations for fisheries agreements with coastal developing countries, provided there is proven interest in fishing in those countries' fishing zones.

The Commission shall conduct the negotiations, assisted by the representatives of the Member States.

Done at,

For the Council

ANNEX

Supplementary negotiating directives

1. The principal objectives of the Community in the negotiations to be conducted with developing countries, are as follows :
 - (a) to maintain current fishing rights under agreements concluded by the Member States;
 - (b) to restore other traditional Community fishing activities;
 - (c) to acquire additional access rights,thereby improving the overall fishery possibilities for Community vessels.
2. It is understood that total vessel capacity for all the zones concerned, including the zone referred to in the negotiating directives of 7 December 1977 (S/1962/77), will not significantly exceed the order of magnitude of 80 000 gross registered tons, this being the volume already established in those directives.
3. The Community's overall approach shall be that laid down in the negotiating directives of 7 December 1977. The Commission will also take account of the results of deliberations in the Council in the field of sea-fishing in the context of the renewal of the Lomé Convention (I/207/78 (ACP 34)).
4. As regards financial compensation in the case of agreements where the Community does not offer reciprocity, the principles set out in paragraph 6 of the negotiating directives of 7 December 1977 shall remain valid; it is stressed nevertheless that the negotiations must take account; in respect of compensation, of the most economical fishing possibilities both for Community fishermen and for the Community itself and of the Community's interest in maintaining or establishing relations in the matter of fisheries with the country in question.
5. As a first step, negotiations are foreseen with Mauritius, Seychelles, Saô Tome e Principe, Congo, Gabon, Guinea, Angola and Tunisia.