

PRES 97(2)  
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COUNCIL OF THE EUROPEAN UNION  
GENERAL SECRETARIAT

**PRESS RELEASE**

11687/97 (Presse 309)

2037th Council meeting

**- FISHERIES -**

Luxembourg, 30 October 1997

President: **Mr Fernand BODEN**  
Minister for Agriculture, Viticulture and Rural  
Development,  
Grand Duchy of Luxembourg

**SUMMARY****PARTICIPANTS** ..... 3**ITEMS DISCUSSED**

TECHNICAL MEASURES FOR THE CONSERVATION OF FISHERIES RESOURCES ..... 4

POLICY ON FISHERIES AGREEMENTS WITH THIRD COUNTRIES ..... 5

CONTROL SYSTEM APPLICABLE TO THE COMMON FISHERIES POLICY ..... 10

OTHER BUSINESS ..... 11

**ITEMS ADOPTED WITHOUT DISCUSSION**

## EXTERNAL RELATIONS

- Russia ..... I
- Angola ..... I

## CONSUMER AFFAIRS

- Directive on injunctions for the protection of consumer interests ..... II

## AGRICULTURE

- Processed fruit and vegetables ..... II
- Improvement of fruit production ..... III

**DECISION ADOPTED BY THE WRITTEN PROCEDURE**

## COMMERCIAL QUESTIONS

- Anti-dumping ..... III

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The Governments of the Member States and the European Commission were represented as follows:

<b><u>Belgium</u></b>	
Mr Karel PINXTEN	Minister for Agriculture and Small and Medium-Sized Businesses
<b><u>Denmark</u></b>	
Mr Henrik DAM KRISTENSEN	Minister for Agriculture and Fisheries
<b><u>Germany</u></b>	
Mr Franz-Josef FEITER	State Secretary, Ministry of Food, Agriculture and Forestry
<b><u>Greece</u></b>	
Mr Vasilis GERANIDIS	State Secretary for Agriculture
<b><u>Spain</u></b>	
Ms Loyola de PALACIO DEL VALLE-LERSUNDI	Minister for Agriculture, Fisheries and Food
<b><u>France</u></b>	
Mr Louis LE PENSEC	Minister for Agriculture and Fisheries
<b><u>Ireland</u></b>	
Mr Michael WOODS	Minister for the Marine and Natural Resources
<b><u>Italy</u></b>	
Mr Michele PINTO	Minister for Agriculture, Food and Forestry
<b><u>Luxembourg</u></b>	
Mr Fernand BODEN	Minister for Agriculture, Viticulture and Rural Development
<b><u>Netherlands</u></b>	
Mr Jozias VAN AARTSEN	Minister for Agriculture, Nature Conservation and Fisheries
<b><u>Austria</u></b>	
M. Walter TAUSCH	Director-General, Ministry of Agriculture and Forestry
<b><u>Portugal</u></b>	
Mr Marcelo de VASCONCELOS	State Secretary for Fisheries
<b><u>Finland</u></b>	
Mr Kalevi HEMILÄ	Minister for Agriculture and Forestry
<b><u>Sweden</u></b>	
Ms Madeleine EMMERVALL	State Secretary, Ministry of Agriculture
<b><u>United Kingdom</u></b>	
Mr Elliot MORLEY	Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food (Fisheries and the Countryside)
Lord SEWEL	Parliamentary Under-Secretary of State, Scottish Office (Agriculture, Environment and Fisheries)
	- + -
<b><u>Commission</u></b>	
Ms Emma BONINO	Member

## **TECHNICAL MEASURES FOR THE CONSERVATION OF FISHERY RESOURCES**

Following lengthy discussions the Council reached political agreement by a qualified majority, with the Danish delegation unable to record its agreement, on a proposal for a Regulation laying down certain technical measures for the conservation of fishery resources through the protection of juvenile fish. Once the text has undergone legal/linguistic finalization, the Regulation will be formally adopted at a forthcoming Council meeting.

The Regulation will replace Regulation (EEC) No 3094/86, which has been amended several times.

Its aim is to increase the effectiveness of existing technical conservation measures designed to prevent catching juvenile fish. For this purpose, it lays down technical measures for the conservation of fishery resources, which specify inter alia the mesh sizes to be used for the capture of certain species, other characteristics of fishing gear and the minimum sizes of marine organisms, as well as restrictions on fishing within certain areas, at certain times and with certain gear and equipment.

The discussion centred on a draft compromise from the Luxembourg Presidency. Ministers dealt with the outstanding issues, particularly selectivity, the one-net rule, discards, boxes, mesh sizes and fish sizes, territorial application of the Regulation and its entry into force.

**POLICY ON FISHERIES AGREEMENTS WITH THIRD COUNTRIES****– Council conclusions**

- "1. Following its earlier exchange of views on 15 April 1997 and taking note of the Commission communication <sup>(1)</sup>, the Council conducted an extensive in-depth debate on the issue of fisheries agreements between the European Community and third countries.
2. The Council, recognizing their socio-economic benefit to the Community, in particular in relation to the objective of ensuring employment in the regions dependent on fisheries, reaffirms its commitment to fisheries agreements which are and will continue to be an essential and integral component of the common fisheries policy. In this context the Council underlines that safeguarding the traditional distant-water activities and also other traditional fishing activities of Member States' fleets is a fundamental objective of the fisheries agreements. At the same time, in view of the constantly evolving situation both within and outside the European Union in the fisheries sector, including the framework flowing from international commitments (e.g. Code of Conduct for Responsible Fisheries) on the one hand, and of the general budget situation as well as of other factors which the European Union is facing on the other, the Council agrees that it is important to adapt the existing policy guidelines governing fisheries agreements to these changing circumstances, taking into account that the expenditure concerned is in the opinion of the Council compulsory expenditure within the meaning of Article 203 of the Treaty and taking into account the need to follow an integrated approach allowing for all components of the fishing industry to be covered. These adaptations should allow, where necessary, for adjustments to be made to the framework within which these agreements are negotiated and implemented, bearing in mind the need to ensure that fisheries agreements are concluded in accordance with a cost-benefit oriented approach and that these agreements are coherent with the other components of the common fisheries policy and the other European Union policies.

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<sup>(1)</sup> Commission communication entitled "Fisheries Agreements: Current situation and Perspectives"

3. The Council calls upon the Commission to conduct a cost-benefit analysis of Community fisheries agreements by 30 June 1999. The Council urges that in this cost/benefit exercise, account also be taken of non-quantifiable elements, such as the Union's political relations, the strategic importance of the Community's fleet presence in the waters of the third country, the economic and social costs of the non-conclusion of fisheries agreements, the contribution of fisheries agreements to sustainable fisheries throughout the world and the development effects of the agreements for third countries.
4. Pending the policy guidelines which it will adopt on the basis of the results of the aforementioned cost-benefit analysis, the Council calls upon the Commission:
- (i) to consider to what extent greater flexibility in the implementation of fisheries agreements can be achieved. This consideration should address, *inter alia*,
    - the adjustment of fishing opportunities to the level of sustainable exploitation of the stocks;
    - the application of existing or future provisions in fisheries agreements stipulating that in the event of fishing opportunities available to Community shipowners being reduced, or in the event of a manifest under-utilization of these opportunities by Community shipowners, a corresponding adjustment in the financial compensation will be considered;
    - future and existing arrangements allowing for fishing possibilities to be transferred from one Member State to another Member State in case of under-utilization, without prejudice to the principle of relative stability;
    - the institutional means by which the flexibility sought can be achieved, in particular the role of the Joint Committees in that connection;
  - (ii) to consider, against the background of the Community's commitment towards responsible and sustainable exploitation of fishery resources throughout the oceans of the world, how to improve the monitoring and inspection of the activities of the Community's fleets operating in the waters of third countries, without prejudice to the sovereign rights of those countries, to ensure compliance by Community operators with existing obligations, in particular as regards the declaration of catches;

- (iii) to endeavour, in cooperation with Member States and the third countries concerned, to develop scientific research with a view to improving and supplementing data on the state of stocks in third-country waters. The Commission should promote, where appropriate, regional or subregional cooperation through regional fisheries organizations in relation to research on the state of stocks and their management;
- (iv) to examine with Member States the possibility of determining the financial counterpart in connection with fisheries agreements in the light of economic and commercial realities, and of improving the parameters for measuring fishing possibilities;
- (v) to examine to what extent and by which means the financial costs of all fisheries agreements with third countries should be equitably shared, on a non-discriminatory basis, between the Community and those shipowners who benefit from these agreements, whilst taking into account the interests of both the Community and the Community shipowners as well as of the third countries concerned.

5. The Council underlines the importance of the co-existence of different types of fisheries agreements, i.e. first generation and second generation (notably involving joint enterprises/joint ventures) to take account of the different conditions and interests prevailing in the countries of our fishing partners. With regard to second generation agreements, the necessity to ensure that fishing opportunities be reserved under the form of quotas for the Community fleet is recognized, whilst taking into account the objective of maintaining, to every extent possible, a certain level of Community employment, including crews. Equally, the Council invites the Commission to consider the possibility of ensuring greater coherence between the financial aids available to promote joint enterprises under the fisheries agreements and those available under the Financial Instrument for Fisheries Guidance (FIFG). The Council notes that the Commission will also examine to what extent it is possible to develop the network of tuna agreements.

6. The Council, whilst recognizing the essentially commercial nature of fisheries agreements from which both parties benefit, reaffirms that, in the case of a number of third countries, these agreements should also provide for actions to develop the fisheries sector of the third country, whilst reflecting the legitimate demands of the third country in that respect. In this regard, without jeopardizing the conclusion of the agreements, the Council invites the Commission to use its best endeavours to convince the third country that a significant share of the financial compensation is devoted to actions to promote the sustainable development of that sector.
7. Recalling its Resolution on Coherence of 5 June 1997, the Council notes that the issue of coherence may be considered by an ad hoc joint meeting of experts within the Council framework. The Council calls upon the Commission to ensure the necessary coordination and complementarity of actions in the fisheries and development fields in respect of countries with which the Community has concluded fisheries agreements. In that connection the Council welcomes the Commission's initiative to improve coordination between its relevant departments and its willingness to keep it informed on an annual basis and in writing on the follow-up.
8. The Council, with a view to improving negotiation procedures (including the timely fixing of the terms of reference for impending negotiations), calls upon the Commission to provide it in good time, prior to the expiry of each fisheries agreement/protocol, with a written evaluation of the implementation of that agreement/protocol together with an assessment of the parameters to be retained for the new agreement/protocol. The assessment in respect of the future agreement/protocol should comprise *inter alia* the following elements:
  - the state of stocks, notably taking into account the need to ensure sustainable fisheries;
  - an appraisal of the requests for fishing opportunities put forward by Member States *inter alia* in the light of the take-up of fishing opportunities, as expressed e.g. in catch figures, under the previous agreement/protocol;
  - the budgetary aspects;
  - the distribution of the cost of the new protocol/agreement between the Community and shipowners;

- the coherence with the other components of the common fisheries policy and with the European Union's development cooperation and other relevant Community policies;
- the expectations of the third country;
- the contribution of the agreement/protocol to the supply of the Community market in fishery products;
- an evaluation of the impact of the agreement/protocol on employment, in particular in those regions dependent on fisheries in the Community, without losing sight of the interests of the third country in that respect.

In respect of new agreements, similar procedures with respect to their prior assessment should be implemented without prejudice to the submission of a draft negotiation mandate."

**CONTROL SYSTEM APPLICABLE TO THE COMMON FISHERIES POLICY**

The Council unanimously adopted the Regulation amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (catch reporting).

This Regulation lays down measures to monitor and control fishing activities which are subject to limits on fishing effort in Western waters (following access to these waters of the Spanish and Portuguese fleets), and to ensure compliance with the levels of fishing effort for each fishery.

It establishes measures for the reporting of catches held on board at the time of entry into and exit from each area. The Regulation supplements Regulation 2870/95, which was adopted by the Council in December 1995, and whose main feature was to oblige skippers to provide an "effort report" on each entry into and exit from a fishing area subject to fishing effort limits.

**OTHER BUSINESS****(a) Information from the Spanish delegation concerning the establishment of a Spanish fisheries protection zone in the Mediterranean**

The Spanish delegation informed the Council of a Royal Decree which came into force on 27 August 1997 and which declared a 49-nautical-mile fishing zone off Spain's Mediterranean coasts.

The Council took note of this information and other delegations' comments.

**(b) Driftnets**

Further to a request by the Spanish delegation, the Council heard Commissioner BONINO give a progress report on the Commission proposal to ban driftnets. The Council noted the positions expressed and asked the Commission and the Presidency to devise a suitable means of achieving progress on this issue as soon as possible.

**(c) Autonomous Community tariff quotas for cod and herring (1997 and 1998)**

The Council noted

- the Danish delegation's request to increase the tariff quota opened for 1997 for fresh cod and its request that the proposal for opening the 1998 quotas be submitted as soon as possible;
- that the Commission would consider the request for an increase in the 1997 quotas;

**(d) Multiannual guidance programme (1997 - 2001)**

The Council noted the Danish delegation's comments on the multiannual guidance programme for the period 1997 - 2001 (MAGP IV) and the Commission's intention to continue efforts to verify and control the data provided by Member States and required to implement the programme.

## **OTHER DECISIONS**

**Adopted without debate. Where these are legislative acts, votes against or abstentions are indicated. Decisions including statements to which the Council has decided to grant public access are indicated by asterisks; the statements in question may be obtained from the Press Office.**

## **EXTERNAL RELATIONS**

### **Russia – Partnership and Cooperation Agreement**

The Council and the Commission approved the Partnership and Cooperation Agreement signed with Russia on 24 June 1994 by the then twelve Member States, and the Protocol enabling the new Member States – Austria, Finland and Sweden – to become parties thereto.

The Agreement, which will come into force on 1 December 1997, is a major step towards establishing a close and mutually beneficial partnership between the European Union and Russia. It will govern all political, economic and trade relations between the Parties and lay the basis for cooperation in the social, financial, scientific, technological and cultural fields. The Agreement will thus introduce a new dimension to relations between the EU and Russia, which is a vital partner for stability in Europe.

Responsibility for applying the Agreement will lie with the joint institutions – the Cooperation Council, the Cooperation Committee and the Parliamentary Cooperation Committee.

The Cooperation Council is due to hold its first meeting shortly after the Agreement comes into force. The Presidency plans to hold this meeting when the Council meets on 8 December 1997.

### **Angola – measures concerning UNITA**

The Council adopted a common position on Angola following the expiry on 30 October 1997 of the deadline set by the UN Security Council for UNITA to fulfil its obligations under the terms of the peace process and the Lusaka Protocol. The common position states that relations with UNITA are to be curtailed in line with Security Council Resolutions 864 (1993), 1127 (1997) and 1130 (1997).

To ensure that these sanctions are enforced at Community level, the Council also adopted the Regulation concerning the interruption of certain economic relations with Angola. The Regulation imposes restrictions on the supply to Angola of petroleum products, aircraft and aircraft services, and on granting aircraft from Angola permission to take off from, land in or overfly territory. It also prohibits the opening or continued operation of any UNITA offices.

## **CONSUMER AFFAIRS**

### **Directive on injunctions for the protection of consumer interests**

The Council adopted by a qualified majority, with Germany voting against, its common position on the amended proposal for a Directive on injunctions for the protection of consumer interests. The common position will be forwarded to the European Parliament for a second reading in accordance with the co-decision procedure.

The Consumer Affairs Council on 10 April this year had already recorded political agreement on the text, the contents of which may be summarized as follows:

The objective of the proposal is to ensure access to courts or administrative authorities for qualified entities (especially consumer associations and public bodies such as the ombudsman) and, to this end, obtain the designation of national competent courts or administrative authorities, the establishment of a list of qualified national entities, and the mutual recognition of such a list by other Member States. Thus, whenever a practice contrary to certain Directives listed in the Annex to the Directive occurs in one Member State but has originated in another, the application of the Directive would allow competent bodies of the first Member State to take action in the second, either directly or through equivalent bodies.

This Directive would be subject to regular reporting by the Commission, with the first report appearing no later than 5 years after its entry into force.

Member States should transpose this Directive no later than 30 months after its entry into force.

## **AGRICULTURE**

### **Processed fruit and vegetables**

The Council adopted an amendment to Regulation (EC) No 2201/96 on the common organization of the markets in processed fruit and vegetables.

This amendment, which follows the overall compromise reached on the 1997/1998 price package, reduces the French quota for tinned whole peeled tomatoes by 15 000 tonnes and raises its quota for "other products" by the same amount in order to allow for the needs of the French processing industry.

**Improvement of fruit production \***

The Council unanimously adopted, with the Italian delegation abstaining, a Regulation on the improvement of the Community production of apples, pears, peaches and nectarines.

The aim of the Regulation is to respond to the imbalance between supply and demand on the market for the products in question. It consists of a one-off improvement measure for orchard areas covering 10 000 hectares (ha) for apples and pears and 10 000 ha for peaches and nectarines for the 1997/1998 marketing year. These areas are allocated according to each Member State's set-asides, surface area and production.

A one-off premium, set by the Commission after allowing for costs and the estimated loss in revenue, may be granted to producers who grub up all or part of their orchards, provided the minimum grubbing-up area is 0,5 ha for apples and pears and at least 0,4 ha for peaches and nectarines, and provided the minimum plantation density is 300 trees per hectare (with the exception of apple trees of the Annourca variety).

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**DECISIONS ADOPTED BY THE WRITTEN PROCEDURE****Anti-dumping: footwear with textile uppers originating in China and Indonesia**

On 29 October 1997 the Council adopted by written procedure the Regulation imposing a definitive anti-dumping duty on imports of footwear with textile uppers originating from China and Indonesia, with the exception of certain types of footwear considered not to belong to the same category (espadrilles, diving boots, medical shoes, beach shoes).

The rate of the anti-dumping duty applicable to the net, free-at-Community-frontier price, before customs duty, is set at 49,2% for footwear from China and at 14,1% for that from Indonesia, with the exception of three Indonesian companies which cooperated in the investigation (PT Dragon: 4,0%; Emperor Footwear Indonesia: 0,0%; Sindoll Pratama: 0,0%).

The amounts secured by way of provisional anti-dumping duty are definitively collected at the definitive rate, except those concerning types of footwear excluded from the definitive Regulation which are exempt.

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