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EUROPEAN COUNCIL, DUBLIN

29/30 NOVEMBER 1979

COMMON FISHERIES POLICY

Brief by Ministry of Agriculture, Fisheries and Food

OBJECTIVE

1. To avoid a substantive discussion on the CFP

POINTS TO MAKE

[If necessary]

2. (i) No need for substantive discussion of CFP. Last Fisheries Council established more constructive atmosphere. Next Fisheries Council will be held on 3/4 December.
- (ii) UK determined to seek satisfactory CFP settlement. Has played positive role in preparatory discussions at Official and Ministerial level.

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- (iii) Hope December Council will maintain and consolidate improvement noted at October Council. This should enable a start to be made to substantive negotiations, particularly on conservation measures which are needed to protect fish stocks increasingly at risk.

BACKGROUND

3. Other member states consider the UK is adopting an obstructive approach on fisheries. There may therefore be pressure, particularly from the French, for a substantive discussion of fisheries in Dublin and some suitable expression of UK "goodwill" in association with progress on the budget. The Presidency has identified two issues of particular concern to member states - UK national conservation measures and UK refusal to ratify third country fishery agreements.

4. A substantive discussion of the CFP at Dublin could cut across the work currently in progress within the Fisheries Council. The 29 October Council established a more constructive approach towards the outstanding problems. A High Level Group of senior officials was set up. This met on 19 November and considered possible proposals on Total Allowable Catches in member states' fishing limits in 1980, and a package of technical conservation measures. In addition, UK Fisheries Ministers have discussed specific problems bilaterally with the Presidency and the Commission on 19th November, Germany (22nd) Denmark (23rd) and France (26th). The next Fisheries Council will meet on 3/4 December when it is hoped further progress will be made

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on these difficult and highly technical issues.

5. In the absence of Community measures, the UK has adopted a number of national conservation measures to protect fish stocks within UK fishery limits. These are in accordance with international scientific recommendations, are non-discriminatory and have been adopted in accordance with Community law. A number of these measures are subject to proceedings in the European Court of Justice. The UK considers the measures are fully justified and will continue to enforce them unless they are ruled illegal or a Community conservation regime is adopted. France has protested strongly over the arrest of 3 French trawlers in September for contraventions of measures introduced on 1 July 1979 increasing the minimum permitted mesh for nets used to catch nephrops (scampi). Denmark has protested about the extension of the area off North East Britain (the pout box); in this area fishing with small mesh nets is prohibited to prevent young haddock and whiting being caught as a by-catch in the pout fishing and used for fish meal. The French may seek to use these difficulties as an excuse for a substantive CFP discussion which can then be linked to other issues.

6. The UK has maintained its reserve on the conclusion of EEC fisheries framework agreements with Norway, Sweden, Canada and a number of other third countries. These agreements provide long-term objectives within which annual agreements on reciprocal fishing opportunities will be negotiated. The UK is not prepared to agree these more permanent measures in the absence of progress on internal arrangements. The UK has agreed to

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annual interim agreements in 1978 and 1979 to enable fishing to continue in third country waters.

At the October Fisheries Council, particular difficulties arose over the Canadian measure. It was claimed that Canada would not negotiate 1980 arrangements if the framework agreement (which applies only to 1979) was not signed. Germany has a substantial fishery in Canadian waters and protested accordingly. It was subsequently agreed at the meeting with Chancellor Schmidt in Bonn on 31 October, that the UK would ratify the agreement at the Fisheries Council on 3/4 December.

The UK reserve on the other, open-ended agreements will be maintained, in the absence of progress on the general CFP regime.

MINISTRY OF AGRICULTURE FISHERIES AND FOOD

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