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FRAME EXTERNAL/FISHERIES

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FM UKREP BRUSSELS 281935Z FEB 85

TO IMMEDIATE FCO

TELEGRAM NUMBER 747 OF 28 FEBRUARY

INFO PRIORITY COPENHAGEN, THE HAGUE, ROME, DUBLIN, PARIS, BONN,

ATHENS, LISBON, MADRID

INFO SAVING LUXEMBOURG, BRUSSELS

FOREIGN AFFAIRS COUNCIL : 28 FEBRUARY 1985

ENLARGEMENT

SUMMARY

1. PRESIDENCY TABLED OUTLINE COMPROMISE POSITION ON FISH BASED ON DISCUSSION IN COREPER AND AIMING TO FIND A MIDDLE WAY BETWEEN THE COMMISSION APPROACH AND THAT OF THE FIVE. MIXED RESPONSE FROM MEMBER STATES, MOST STICKING TO THEIR ORIGINAL POSITIONS BUT INDICATING WILLINGNESS TO STUDY THE NEW PROPOSALS.

2. NO DISCUSSION OF AGRICULTURE, SOCIAL AFFAIRS OR PORTUGAL.

DETAIL

2. AT ANDREOTTI'S (PRESIDENCY) REQUEST CALAMIA (CHAIRMAN OF COREPER) GAVE AN ACCOUNT OF THE STATE OF DISCUSSION REACHED IN COREPER. HE DREW THE CONCLUSION THAT IT WOULD BE DIFFICULT FOR THE COMMUNITY POSITION TO MENTION RESTRUCTURING AND THAT THIS, AND CONSEQUENTLY REFERENCES TO BALANCE CLAUSE, MIGHT BETTER BE OMITTED. THE IDEA OF CONTROL BY LISTS SEEMED TO BE GENERALLY ACCEPTED, INCLUDING BY SPAIN, ALTHOUGH THE NUMBER OF VESSELS ON THE LISTS REMAINED AN ISSUE. WITHIN THIS FRAMEWORK IT WAS POSSIBLE TO IMAGINE A SYSTEM LASTING UNTIL 2002. THREE MAJOR ISSUES WOULD REMAIN TO BE DECIDED:

- (A) QUOTAS - THE COMMUNITY HAD A CHOICE OF STICKING RIGIDLY TO EXISTING PERCENTAGES OR OFFERING AN IMPROVEMENT.
- (B) THE RELATED QUESTION OF NUMBERS OF VESSELS.
- (C) GEOGRAPHIC LIMITATION.

ON THIS LAST POINT CALAMIA NOTED THAT SPAIN WAS INSISTING ON PROGRESSIVE ACCESS TO THE IRISH BOX, THOUGH NOT NECESSARILY TO THE NORTH SEA. HE COULD IMAGINE AN ARRANGEMENT UNDER WHICH A NUMBER OF SPANISH VESSELS COULD BE ALLOWED INTO EACH AFTER A TRANSITIONAL PERIOD OF BETWEEN 7 TO 10 YEARS. THE COUNCIL MIGHT REVERT TO THIS QUESTION AFTER DISCUSSING THE GENERAL FRAMEWORK. ANDREOTTI NOTED THAT IF THE COMMUNITY LAID STRESS ON INTEGRATING SPAIN INTO THE COMMON FISHERIES POLICIES UP TO 2002, A DEBATE ON THE TRANSITION PERIOD WOULD BECOME REDUNDANT. THE PRESIDENCY THEN CIRCULATED A NOTE (TO MAFF BY HAND OF HADDON) OUTLINING ITS IDEAS AND INVITED DISCUSSION.

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3. TYGESEN (DENMARK) DID NOT REFER TO THE PRESIDENCY'S NOTE BUT INSTEAD ATTACKED THE PROPOSALS OF THE COMMISSION, OBJECTING TO THE BALANCE CLAUSE WHICH WAS A FUNDAMENTAL CHANGE IN THE CFP THAT HAD BEEN SOUGHT BY NO-ONE, THE PHASING OUT OF GEOGRAPHIC LIMITS AFTER 7 YEARS AND THE FACT THAT PORTUGAL'S REJECTION OF IT HAD NOT BEEN TAKEN INTO ACCOUNT.

4. NANTEUIL (FRANCE) LIKEWISE DID NOT ADDRESS THE PRESIDENCY'S PROPOSAL BUT REPEATED HIS CRITICISM OF THE PRESIDENCY FOR CONDUCTING TALKS WITH SPAIN ON A BASIS NOT AGREED BY THE COMMUNITY. HE NOTED THAT THE PRESIDENCY HAD NOW UNVEILED CERTAIN IDEAS WHICH IT HAD ONLY HINTED AT IN COREPER. IT WAS DIFFICULT TO GIVE A SERIOUS REPLY TO A PROPOSITION PUT SUDDENLY ON THE TABLE IN THIS FASHION. THE SECOND PART OF THE PROPOSAL IN PARTICULAR SEEMED UNCLEAR. IT WAS DANGEROUS FOR THE PRESIDENCY TO MOVE INTO A DISCUSSION OF QUOTAS WITH SPAIN TOO EARLY.

5. NOTERDAEME (BELGIUM) SAID THAT THE PRESIDENCY'S CONCEPT OF INTEGRATING SPAIN UP TO 2002 WAS A GOOD ONE. IT AVOIDED THE PROBLEM OF THE EXIT REGIME. BUT, IF THE COMMUNITY WAS TO FIX THE REGIME APPLICABLE TO SPAIN FOR SUCH A LONG PERIOD, MAXIMUM CLARITY WOULD BE NEEDED. HE AGREED WITH NANTEUIL THAT THE SECOND HALF OF THE PRESIDENCY PROPOSAL NEEDED CLARIFYING. AS FAR AS THE FIRST PHASE WAS CONCERNED HE COULD ACCEPT THE IDEA THAT SPAIN SHOULD BE KEPT OUT OF THE IRISH BOX. HE COULD ALSO ACCEPT THE LIST SYSTEM, THOUGH HE DID NOT TAKE A POSITION ON THE NUMBER OF VESSELS WHICH SHOULD BE ON THE LIST. IT SHOULD, HOWEVER, INCORPORATE AN EVOLUTION CLAUSE TO ALLOW FOR CHANGES IF TACS INCREASED. ON QUOTAS HE THOUGHT IT WAS NECESSARY TO OFFER SPAIN A REASONABLE DEAL. THE DIFFICULTY WAS THAT THE COMMUNITY TOOK 1985 AS ITS STARTING POINT. THE SPANISH QUOTA HAD BEEN PROGRESSIVELY REDUCED OVER PRECEEDING YEARS. IT MIGHT BE MORE REASONABLE FOR THE COMMUNITY TO TAKE ACCOUNT OF EARLIER MORE GENEROUS ARRANGEMENTS IN OFFERING A ONCE AND FOR ALL CHANGE IN SPAIN'S PERCENTAGE QUOTA. THIS WOULD LAST TILL 2002. ON THE SECOND PHASE, NOTERDAEME SAID THAT IT MIGHT NOT BE NECESSARY TO TREAT THE NORTH SEA AND THE IRISH BOX ON EXACTLY THE SAME FOOTING SINCE THERE WAS NO HISTORY OF SPANISH FISHING IN THE NORTH SEA. BUT ALL COMMUNITY COUNTRIES FISHED IN THE IRISH BOX AND EVEN THIRD COUNTRIES SUCH AS NORWAY HAD RIGHTS THERE. BUT GIVING SPAIN ACCESS TO THE BOX DID NOT IMPLY ANY NEED TO INCREASE THE NUMBER OF VESSELS ON THE LIST SINCE SPANISH QUOTAS WOULD REMAIN UNCHANGED. THE OPENING OF THE IRISH BOX, WHICH MIGHT BE GRADUAL, SHOULD NOT DEPEND ON A COUNCIL DECISION BUT SHOULD BE, TO SOME EXTENT AUTOMATIC.

6. O'KEEFE (IRELAND) SAID THAT THE COUNCIL SHOULD NOT FORGET THAT THE EXISTING COMMUNITY OFFER TO SPAIN WAS PERFECTLY FAIR. IT WAS ONLY SPANISH AMBITIONS THAT WERE EXAGGERATED. SPAIN WAS BRINGING LITTLE TO THE COMMUNITY IN THE WAY OF FISHING RESOURCES.

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THE 1980 AGREEMENT ALREADY GRANTED IT A UNIQUE STATUS IN THAT OTHER THIRD COUNTRIES ALL PAID ONE WAY OR ANOTHER FOR THEIR ACCESS TO COMMUNITY WATERS. TRYING TO INTEGRATE SPAIN FURTHER WOULD UPSET THE BALANCE OF THE CFP. THE COMMUNITY SHOULD THEREFORE STICK TO THE DECEMBER DECISION AS MODIFIED BY THE FIVE. THIS ALREADY PROVIDED A NUMBER OF OPENINGS ON THE LIST SYSTEM, QUOTAS, AND RESTRUCTURING. THERE WAS LITTLE SCOPE FOR IMPROVING ON THIS EXCEPT PERHAPS IN PRESENTATIONAL TERMS.

7. I AGREED WITH O'KEEFE'S GENERAL ARGUMENT. IT SHOULD BE POSSIBLE TO MAKE PROGRESS ON THE BASIS OF THE FIVE'S IDEAS. THE PRESIDENCY'S PAPER WAS A CONSTRUCTIVE ATTEMPT TO BRING AGREEMENT CLOSER AND IT WAS HELPFUL THAT IT OMITTED MENTION OF THE BALANCE AND RESTRUCTURING. IT WAS IMPORTANT THAT THE SUBJECT SHOULD BE DEALT WITH AS A WHOLE. IF WE FIRST DISCUSSED NUMBERS WITH THE SPANIARDS THEY WOULD POCKET CONCESSIONS AND THEN NEGOTIATE FOR MORE. AS O'KEEFE HAD POINTED OUT, THE FIVE HAD INDICATED FLEXIBILITY ON THE SIZE OF QUOTAS. BUT ANY CONCESSIONS WOULD HAVE TO BE IN THE CONTEXT OF A FINAL SETTLEMENT OF THE WHOLE SUBJECT. I SUGGESTED THAT THE PRESIDENCY AND COMMISSION SHOULD DISCUSS NUMBERS PRIVATELY WITH INTERESTED DELEGATIONS.

8. I WENT ON TO NOTE THAT THERE WERE CONSIDERABLE DIFFICULTIES IN THE SECOND STAGE AS SUGGESTED BY THE PRESIDENCY. IF THE ARRANGEMENTS

WERE TO LAST UNTIL 2002 IT WAS PERHAPS UNWISE TO TALK ABOUT TRANSITION AT ALL. ABOLITION OF GEOGRAPHICAL LIMITATIONS WAS NEITHER NECESSARY NOR DESIRABLE. LIKewise IT WAS UNDESIRABLE TO TALK OF SUPPLEMENTARY PERIODIC LISTS. THE INITIAL PERIODIC LIST WOULD CONTAIN ENOUGH VESSELS TO FISH THE AVAILABLE QUOTAS. MORE WOULD NOT BE NEEDED. MOREOVER AS FAR AS THE NORTH SEA WAS CONCERNED ALL ECONOMICALLY EXPLOITABLE SPECIES WERE COVERED BY TAC AND QUOTAS. A SUPPLEMENTARY PERIODIC LIST FOR THE NORTH SEA WOULD THEREFORE ONLY LEAD TO ILLEGAL FISHING OF QUOTA SPECIES. IT WAS ALSO UNDESIRABLE TO SUGGEST AS THE PAPER DID THAT THERE SHOULD BE ANNUAL RENEGOTIATION.

9. RUHFUS (FRG) AGREED WITH IRELAND AND THE UK. THE COMMUNITY'S CURRENT AGREEMENT WITH SPAIN WAS ALREADY A PART OF THE OVERALL EQUILIBRIUM OF THE CFP. HIS GOVERNMENT'S POSITION WAS BASED ON THE DECEMBER DECLARATION WITH THE MODIFICATIONS SUGGESTED BY THE FIVE. HOWEVER, THE FIVE WERE WILLING TO REVISE THEIR PROPOSALS IF NECESSARY AND THE FRG WOULD EXAMINE THE PRESIDENCY PAPER CAREFULLY.

10. VAN DEN BROEK COULD ACCEPT THE BROAD LINES OF THE PRESIDENCY APPROACH BUT THOUGHT IT WAS SHORT-SIGHTED TO DROP THE PROPOSALS FOR RESTRUCTURING THE SPANISH FLEET. IF THIS WAS INCLUDED THEN SOME KIND OF EQUILIBRIUM CLAUSE WOULD ALSO BE NECESSARY. HE SUGGESTED A FORMULA STATING THAT THE SPANISH FLEET SHOULD BE REDUCED BY A CERTAIN PERCENTAGE BUT THAT THE PERCENTAGE WOULD FALL IF THE COMMUNITY FLEET GREW IN THE MEANWHILE.

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11. GOEBBELS (LUXEMBOURG) MADE A LONG STATEMENT IN FAVOUR OF BOTH THE COMMISSION APPROACH AND THAT OF THE PRESIDENCY.

12. ANDRIESEN (COMMISSION) SAID THAT THE REAL QUESTION FOR THE COMMUNITY WAS WHETHER IT WAS PREPARED TO GO BEYOND THE POSITION OF 18 DECEMBER WHICH WAS UNACCEPTABLE TO SPAIN AND WHICH WOULD ONLY RESULT IN DEADLOCK. HE AGREED WITH THE NETHERLANDS THAT THE PRESIDENCY APPROACH WAS FAULTY IN THAT IT OMITTED MENTION OF RESTRUCTURING AND ITS LOGICAL CONCOMITANT, THE BALANCE CLAUSE. HE THOUGHT THAT THE PRESIDENCY APPROACH WOULD BE LESS ACCEPTABLE TO SPAIN THAN THAT OF THE COMMISSION AND NOTED THAT MANY OF THE FIVE WISHED TO MAKE IT EVEN LESS ATTRACTIVE. HE PREFERRED THE COMMISSION PROPOSAL BUT WOULD STUDY THE PRESIDENCY'S APPROACH CAREFULLY.

13. ANDREOTTI FELT THE DISCUSSION HAD BEEN USEFUL, BUT ADDED THAT A BIG EFFORT WOULD BE NEEDED ON 17-20 MARCH AND THAT DISCUSSION AT THE EUROPEAN COUNCIL SHOULD BE AVOIDED. EVERYONE HAD KNOWN ABOUT THE SPANISH FISHING FLEET WHEN NEGOTIATIONS WITH SPAIN HAD OPENED AND SHOULD BE READY TO MAKE APPROPRIATE COMPROMISES.

FCO ADVANCE TO:

FCO - RENWICK, SHEPHERD, MISS EVANS
CAB - WILLIAMSON, LAMBERT
MAFF - MASON, GRIFFITHS, HADDON, MELVILLE
DAFS - GORDON

FCO PASS SAVING - LUXEMBOURG

BUTLER

FRAME External / Fisheries
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