



EUROPEAN COMMISSION

Directorate-General for Neighbourhood Policy and Enlargement Negotiations

Director-General

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ACCESSION NEGOTIATIONS

Serbia

DRAFT COMMON POSITION

(following Serbia's Negotiating Position CONF-RS 16/17)

Negotiating chapter 13

Fisheries

I. INTRODUCTION

Position of Serbia

In its negotiating position CONF-RS 16/17, Serbia accepts the *acquis* under chapter 13 Fisheries as in force on 1 January 2017, and declares that it will be ready to implement it by accession to the European Union.

Overall evaluation

The *acquis* in this chapter consists of regulations, which do not require transposition into national legislation. National legislation will however have to be adapted in some cases in order to ensure correct implementation.

As Serbia does not have access to the sea and does not have any maritime fisheries activities, substantial parts of the *acquis* in chapter 13 "Fisheries" will not require particular implementation efforts. Certain measures will however be needed, in particular as regards marketing standards, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing.

In view of the present state of Serbia's preparations, the Commission considers that the following benchmark would need to be met for the provisional closure of the fisheries chapter:

- Serbia presents an action plan that will ensure full compliance with the requirements of the EU legislation by the date of accession, in particular regarding organisation of the markets, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing.

II. DRAFT COMMON POSITION

This position of the European Union is based on its general position for the Accession Conference with Serbia (CONF-RS 1/14) and is subject to the negotiating principles therein, in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 23, 28, 42 and 47 of the Negotiating Framework.

The EU encourages Serbia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general to develop - already before accession – policies and instruments as close as possible to those of the European Union.

The EU notes that Serbia, in its position CONF-RS 16/17, accepts the *acquis* under chapter 13 as in force on 1 January 2017 and declares that it will be ready to implement it by the date of its accession to the European Union.

The EU recalls the principle of exclusive EU competence over the conservation of marine biological resources under the common fisheries policy.

Resource and fleet management

The EU takes note that Serbia plans to perform a technical and scientific evaluation to establish whether the river basins of Serbia are a natural habitat for European eel. The EU invites Serbia to provide this information to the Commission, in good time before accession, in order to ensure the correct application of Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel.

The EU underlines the importance of a reliable and systematic collection of data with regard to aquaculture.

The EU underlines the importance of a reliable system on licencing, fleet management, control and data collection in case Serbia develops of a long distance fishing fleet.

Inspection and control

The EU invites Serbia to ensure the control system required by the acquis on illegal, unreported and unregulated fishing.

Structural actions

The EU takes note of Serbia's plans to prepare for participation in the European Maritime and Fisheries Fund and in particular its plans to set up the necessary administrative structures. The EU underlines the importance of the timely establishment of the institutional framework, including the formal designation of institutional structures with specific tasks and responsibilities.

Market policy

The EU takes note of Serbia's plans to amend the legal framework on marketing standards for fish and fisheries products in order to ensure full compliance with the acquis on accession.

The EU underlines the importance that the administrative capacity be strengthened and the collection and monitoring of market information improved.

State aid

The EU recalls that Serbia will need to comply with EU State aid rules in the fisheries sector upon accession and in particular ensure that the necessary administrative capacity endowed with appropriate operational independence will be in place. The EU invites Serbia to provide comprehensive information to the Commission in this regard.

International agreements

The EU recalls its general position that fisheries agreements by acceding countries with third countries need, from the date of accession, to be managed by the EU.

The EU recalls that Serbia, at the date of accession or the earliest possible date thereafter, will have to withdraw from international fisheries agreements and organisations to which the EU is also a party, unless Serbia's membership relates to matters other than fisheries.

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In view of the present state of preparations, the EU notes that, on the understanding that Serbia continues to make progress in the alignment with and implementation of the acquis covered by Chapter 13 "Fisheries", this chapter may only be provisionally closed, once it is agreed by the EU that the following benchmark has been met:

- Serbia presents an action plan that will ensure full compliance with the requirements of the EU legislation by the date of accession, in particular regarding organisation of the markets, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing.

Monitoring of progress in the alignment with and implementation of the acquis will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Serbia's administrative capacity. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Serbia's legislation with the acquis and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Serbia to regularly provide detailed written information on progress in the implementation of the acquis.

In view of all the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new acquis between 1 January 2017 and the conclusion of the negotiations.
