Fishing opportunities in EU waters of fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana. Declaration

2010/0392(NLE) - 07/01/2011 - Initial legislative proposal

PURPOSE: to approve a Statement, on behalf of the EU, giving access to fishing vessels flying the flag of Venezuela to the exclusive economic zone off the coast of Guyana.

PROPOSED ACT: Council Decision

BACKGROUND: fishing vessels flying the flag of Venezuela have been authorised to operate in the exclusive economic zone (EEZ) of the French overseas department of Guyana for several decades. However, Council Regulation (EC) No 1006/2008 (Fishing Authorisation Regulation) presuppose the existence of an international fisheries agreement when granting fishing authorisations to third-country vessels within EU waters. Given that the EU has not concluded an international fisheries agreement with Venezuela, the current practice is not in line with this Regulation.

In view of the economic and social importance of these fishing activities, the Council and the Commission nonetheless considered a sudden discontinuation inappropriate. Council Regulation (EU) No 53/2010 (TAC and Quota Regulation 2010) therefore still provides in Annex VIII for a certain number of fishing authorisations to be granted to Venezuelan vessels operating in French Guyana waters. At the same time, the Council and Commission stated that the situation concerning landings of Venezuelan vessels in the ports of French Guyana had to be regularised before 31 December 2010 and that licences to Venezuelan vessels would otherwise not be renewed beyond that date.

The authorisation of the Venezuelan vessels has hitherto not implied any obligations on the Venezuelan side towards the EU, apart from those applicable to the fishing operators on the due respect of the fishing rules applicable in EU waters and an obligation to land part of the catches in the ports of Guyana. Under these circumstances, and given the limited scope of the fishery in question, a fully-fledged fisheries agreement between Venezuela and the EU appears as disproportionate.

IMPACT ASSESSMENT: there is no formal impact assessment. However, the proposal states that a call for expressions of interest in exploiting this fishery, which the French authorities directed at all Member States at the end of June 2010, has not met with any response from EU vessel operators. Venezuelan operators, by contrast, have expressed their interest in continuing their activities in French Guyana. The landing and processing of catches from these vessels at ports in French Guyana contributes significantly to the livelihood of the local population and to the supply of fisheries products to the local industry.

As for environmental impacts, the resources exploited by these vessels are not endangered by over-exploitation at present according to the available scientific reports. Nevertheless, it appears necessary to establish a mechanism so the Council can fix annually the fishing opportunities that can be made available to Venezuelan vessels with a view to avoiding overexploitation.

LEGAL BASIS: Article 43 in conjunction with Article 218 (6)(a) TFEU.

CONTENT: it is proposed that the Council approve the Statement on the access of fishing vessels flying the flag of the Bolivarian Republic of Venezuela to the exclusive economic zone off the coast of the French department of Guyana on behalf of the European Union.

The text of the proposal recalls that the processing industry based in the French department of Guyana depends on the landings from those vessels. The continuity of these operations should be ensured by providing an international access title for the third-country vessels in question with the proviso that they shall operate in compliance with restrictions under applicable Union law designed to conserve fish stocks in the zone in question and to secure the supplies of the affected processing industry.

The proposed **unilateral declaration by the Council of the European Union**, with the consent of the European Parliament, serves a purpose similar to that of a fisheries agreement by consenting to the granting of fishing authorisations to Venezuelan vessels.

It may be noted that the International Court of Justice, in the Nuclear Tests (New Zealand v. France) case, has stated that a unilateral statement of a subject of international law may, in certain circumstances, create international rights and obligations for the parties concerned and can thus be associated to international treaties.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.