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) - 16/12/2011 - Final act

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.

NON-LEGISLATIVE ACT: Council Decision 2012/19/EU on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana.

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 for a **certain number of fishing authorisations to be granted to Venezuelan vessels operating in French Guyana waters**.

The authorisation of the Venezuelan vessels has hitherto not implied any obligations on the Venezuelan side towards the European Union, 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. It is for this reason that the parties have decided to limit them by approving this Statement.

CONTENT: the processing industry based in French Guiana depends on the landings from those fishing vessels and therefore the continuity of those operations should be ensured. In order to ensure such continuity it is necessary that the Union make a declaration addressed to Venezuela **confirming its readiness to issue fishing authorisations to a limited number of fishing vessels flying the flag of Venezuela** on the condition that they comply with the applicable legally binding Union acts.

The Declaration is hereby approved on behalf of the European Union and the main elements may be summarised as follows:

- a limited number of fishing vessels flying the flag of the Bolivarian Republic of Venezuela shall be authorised to fish in the part of the exclusive economic zone off the coast of the French department of Guyana that lies more than 12 nautical miles from the base lines;
- authorised fishing vessels flying the flag of the Bolivarian Republic of Venezuela shall, when fishing in the area, comply with relevant European Union law pertaining to the conservation and

management of fish stocks and with all European Union rules and regulations governing fishing activities in that area;

- these vessels shall comply with any relevant European Union rules or regulations specifying inter alia the fish stocks that may be targeted, the maximum number of authorised fishing vessels and the proportion of catches to be landed into ports in French Guyana;
- without prejudice to the withdrawal of authorisations of individual fishing vessels flying the flag of the Bolivarian Republic of Venezuela on grounds of failures to comply with relevant rules and regulations, this specific access regime may be terminated at any time by way of **unilateral statement** on behalf of the European Union.

ENTRY INTO FORCE: the Decision shall enter into force on 16 December 2011.