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

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PURPOSE: to approve, on behalf of the European Union, 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities presupposes the existence of an international fisheries agreement when granting fishing authorisations to third-country vessels within EU waters. The EU has not concluded such an international fisheries agreement with Venezuela.

However, **access for Venezuelan fishing vessels operating in EU waters off the coast of the French department of Guiana has been provided in the form of a Council Declaration** (Decision 2012/19/EU) which, in accordance with the case-law of the International Court of Justice, has legal effects under international law.

By its judgement of 26 November 2014 on the joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council), **the Court of Justice annulled Council Decision 2012/19/EU**. It also confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion) and rejected the position that such decisions could fall within the scope of **Article 43(3) TFEU**.

The Court of Justice maintained the effects of the Council Decision until the entry into force, within a reasonable period of time after the date of the judgement, of a new decision to be adopted on an appropriate legal basis. Hence, the present proposal.

CONTENT: in order to ensure the continuity of the access following the judgement of the Court, the Commission considers it necessary that t**he Council re-adopts a Decision on the 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 provides that in accordance with Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, the authorised fishing vessels flying the flag of the

Bolivarian Republic of Venezuela shall comply with the provisions of the European Union common fisheries policy concerning the conservation and control measures and other European Union provisions governing fishing activities in that zone.

More particularly, authorised fishing vessels flying the flag of the Bolivarian Republic of Venezuela 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 Guiana.