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

2015/0001(NLE) - 19/06/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by João FERREIRA (GUE/NGL, PT) on the draft Council decision 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.

The committee recommended the European Parliament to give its consent to the approval of the Declaration.

To recall, given that there is no international agreement between the EU and Venezuela on fisheries, cooperation with this country is not in line with the requirements of Community law. In practice, however, fishing by Venezuelan vessels is allowed.

Accordingly, the Commission made a proposal for an EU commitment on the transfer of fishing rights to Venezuelan vessels. The legal solution found - a declaration to be made by the Council, with the approval of the European Parliament, which aligned the agreement with Union legislation, in particular with the Common Fisheries Policy (CFP), for the conservation and management of fishing stocks, as well as other legislation affected - is appropriate for the small-scale fishing in question.

This declaration took shape in Decision 2012/19/EU, by which the Council - changing the legal basis of the declaration - regarded Parliament as an advisory body, rather than the body from which it needed to request approval.

As a result, Parliament and the Commission brought proceedings before the European Court of Justice in order to annul the decision of the Council.

The Court clearly confirmed that decisions relating to the conclusion of external fisheries agreements are fully covered by Article 43(2) TFEU, namely that Parliament’s decision is not only advisory but binding, in the sense that its approval is required.

Consequently, as the judgment of the ECJ was in favour of the position of the Commission and the European Parliament, the Commission submitted a new proposal to the Council and Parliament aiming to replace Decision 2012/19/EU, the proposal which is currently under review.

Now that this institutional conflict is resolved, which was based solely on a disagreement over the correct legal basis, the rapporteur is of the opinion that the approval procedure for this proposal should be completed as soon as possible. This will thereby provide the fishing carried on in this area – and whose regular activity was not affected by this delay – with the appropriate framework.