Basic information

2010/0392(NLE) NLE - Non-legislative enactments Decision	Procedure completed
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 **Subject** 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.15 Fisheries agreements and cooperation **Geographical area** French Guiana Venezuela	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	RIVELLINI Crescenzio (PPE)	26/01/2011
	Shadow rapporteur TRAUTMANN Catherine (S&D) BESSET Jean-Paul (Verts /ALE)	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	MAŠTÁLKA Jiří (GUE /NGL)	01/07/2011

Council of the European Union

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	DAMANAKI Maria

Key events

Date	Event	Reference	Summary
		COM(2010)0807	Summary

07/01/2011	Initial legislative proposal published		
07/04/2011	Legislative proposal published	08202/2011	Summary
07/06/2011	Committee referral announced in Parliament		
15/12/2011	Act adopted by Council after consultation of Parliament		
15/12/2011	End of procedure in Parliament		
15/12/2011	Additional information		
10/01/2012	Final act published in Official Journal		

Technical information

Procedure reference	2010/0392(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6b-ab Treaty on the Functioning of the European Union TFEU 043-p3
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/04972

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE469.840	26/08/2011	
Committee draft report		PE474.087	16/11/2011	

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	08202/2011	07/04/2011	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2010)0807	07/01/2011	Summary

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2012/0019 OJ L 006 10.01.2012, p. 0008	Summary

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.

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) - 07/04/2011 - Legislative proposal

PURPOSE: 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.

PROPOSED ACT: Council Decision.

BACKGROUND: subject to their compliance with the applicable legally binding Union acts on the conservation and management of fishery resources, fishing vessels flying the Venezuelan flag have operated in EU waters in the exclusive economic zone off the coast of French Guiana for many decades.

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,

This Declaration must now be approved on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43(3) of the Treaty on the Functioning of the European Union (TFEU), in conjunction with point (b) of Article 218(6) thereof.

CONTENT: with this proposal, the Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (hereinafter "the Declaration") is hereby approved on behalf of the European Union.

The text of the Declaration is attached to this Decision. It stipulates in particular that 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.

For further information about other aspects of this Declaration, please refer to the summary of the previous legislative document dates 07/01/2011.

BUDGETARY IMPACT: the proposal has no impact on the EU’s budget.

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.