Basic information

2015/0001(NLE) NLE - Non-legislative enactments	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	FERREIRA João (GUE/NGL)	10/03/2015
	Shadow rapporteur MATO Gabriel (PPE) CORBETT Richard (S&D) BILBAO BARANDICA Izaskun (ALDE)	

Council of the European Union

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

Key events

Date	Event	Reference	Summary
12/01/2015	Preparatory document	COM(2015)0001	Summary
30/01/2015	Legislative proposal published	05420/2015	Summary
25/02/2015	Committee referral announced in Parliament		
17/06/2015	Vote in committee		
19/06/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0195/2015	Summary

07/07/2015	Decision by Parliament	T8-0242/2015	Summary
07/07/2015	Results of vote in Parliament		
14/09/2015	Act adopted by Council after consultation of Parliament		
14/09/2015	End of procedure in Parliament		
19/09/2015	Final act published in Official Journal		

Technical information

Procedure reference	2015/0001(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/02580

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE551.985	31/03/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0195/2015	19/06/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0242/2015	07/07/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	05420/2015	30/01/2015	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2015)0001	12/01/2015	Summary

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act

Decision 2015/1565
OJ L 244 19.09.2015, p. 0055

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

2015/0001(NLE) - 12/01/2015

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.

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) - 14/09/2015 - Final act

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.

LEGISLATIVE ACT: Council Decision (EU) 2015/1565 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.

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

Under this Decision, the Council approved the declaration addressed to the Bolivarian Republic of Venezuela 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 the French Guiana on behalf of the European Union.

Declaration: the declaration stipulates that:

- the European Union shall issue fishing authorisations to a limited number of fishing vessels flying the flag of the Bolivarian Republic of Venezuela to fish in the part of the exclusive economic zone off the coast of French Guiana that lies more than 12 nautical miles from the base lines;
- 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;
- 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.

Without prejudice to the withdrawal of authorisations granted to individual fishing vessels flying the flag of the Bolivarian Republic of Venezuela on grounds of their failure to comply with any relevant European Union rules or regulations, the European Union may at any time withdraw, by way of unilateral declaration, the specific undertaking expressed in this Declaration to grant fishing opportunities.

Legal note: this Decision should replace Council Decision 2012/19/EU which was **annulled by the judgement of the Court of Justice of 26 November 2014** and the effects of which are being maintained until the entry into force of a new decision within a reasonable period of time.

As the Declaration has already been notified to the Bolivarian Republic of Venezuela, there is no need for a new notification.

ENTRY INTO FORCE: 22.9.2015.

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.

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) - 07/07/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 651 votes to 18, with 42 abstentions, a legislative resolution 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.

Following the recommendation by the Committee on Fisheries, Parliament gave its consent to the approval of the Declaration.

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) - 30/01/2015 - Legislative proposal

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

The processing industry based in the French Guiana depends on the landings from those fishing vessels and therefore the continuity of those operations should be ensured.

This Decision should replace Council Decision 2012/19/EU which was annulled by the judgement of the Court of Justice of 26 November 2014 and the effects of which are being maintained until the entry into force of a new decision within a reasonable period of time. As the Declaration has already been notified to the Bolivarian Republic of Venezuela, there is no need for a new notification thereof.

CONTENT: under this proposed Decision, the Council is requested to approve the Declaration addressed to the Bolivarian Republic of Venezuela 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 the French Guiana on behalf of the European Union.

Declaration: in the Declaration addressed to the Bolivarian Republic of Venezuela, it is stipulated that:

- the EU shall issue fishing authorisations to a limited number of fishing vessels flying the flag of the Bolivarian Republic of Venezuela to fish in the part of the exclusive economic zone off the coast of French Guiana that lies more than 12 nautical miles from the base lines;
- 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;
- the 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.

Without prejudice to the withdrawal of authorisations granted to individual fishing vessels flying the flag of the Bolivarian Republic of Venezuela on grounds of their failure to comply with any relevant European Union rules or regulations, the European Union may at any time withdraw, by way of unilateral declaration, the specific undertaking expressed in this Declaration to grant fishing opportunities.

For further details of the proposed Decision, please refer to the summary of the *Commission's initial legislative proposal dated 12/01/2015*.

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) - 12/01/2015 - Preparatory document

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.

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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.

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