



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 February 2012**

**6199/12**

**PECHE 43**

**“I” ITEM NOTE**

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**From:** General Secretariat of the Council  
**To:** Permanent Representatives Committee (Part 1)

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**Subject:** Council Decision on 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

- Reply to a request for further information from the Venezuelan mission to the EU

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1. On 16 December 2011, the Council adopted the Council Decision on 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<sup>1</sup>. The adoption took place in the absence of an opinion of the European Parliament<sup>2</sup>.
2. On that same day, the Council Secretariat undertook the notification of the said Declaration to the Mission of the Bolivian Republic of Venezuela in Brussels.

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<sup>1</sup> OJ L 6 of 10.1.2012, p. 8

<sup>2</sup> Cf. Doc. 17668/3/11 REV 3 PECHE 355.

3. In its Note no. 0088/2012 of 30 January 2012<sup>3</sup>, the Mission of the Bolivian Republic of Venezuela in Brussels requests further information as to how the decision of the European Parliament to take the Council Decision before the Court of Justice of the EU, may affect the fishing activities of Venezuelan vessels off the coast of French Guiana and, as a consequence, the livelihoods of the inhabitants of the region.
  
  4. In these circumstances, COREPER is invited to approve that the Chairman of COREPER sends the attached reply<sup>4</sup> to the Mission of the Bolivian Republic of Venezuela in Brussels.
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<sup>3</sup> Cf. Annex I to this note.

<sup>4</sup> Cf. Annex II to this note.



**REPÚBLICA BOLIVARIANA DE VENEZUELA**  
Embajada en Bélgica, Luxemburgo y la Unión Europea

Nº 0088/2012

La Misión de la República Bolivariana de Venezuela, saluda atentamente a la Secretaría General del Consejo de la Unión Europea, y en referencia a la nota verbal N°SGS11/15187, de fecha 16 de diciembre de 2011, tiene el honor de solicitar información correspondiente a la "Declaración dirigida a la República Bolivariana de Venezuela sobre la concesión de oportunidades de pesca en aguas de la UE por parte de buques que enarbolan el pabellón de la República Bolivariana de Venezuela en la zona económica exclusiva frente a la costa de Guyana Francesa", a la luz de la decisión del Parlamento Europeo de llevar el caso al Tribunal de Justicia de la Unión Europea, y como ésta podría afectar el desenvolvimiento de la actividad pesquera de los buques venezolanos frente a la costa de Guyana Francesa y, en consecuencia, la calidad de vida de los habitantes de la región.

La Misión de la República Bolivariana de Venezuela aprovecha la ocasión para reiterar a la Secretaría General del Consejo de la Unión Europea, las seguridades de su más alta y distinguida consideración.

Bruselas, 30 de enero de 2012.



**A la Secretaría General  
del Consejo de la Unión Europea  
Bruselas**

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of the Bolivarian Republic of Venezuela  
to the European Union  
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Brussels, ....

Dear Sir or Madam,

The Council of the European Union wishes to thank the Mission of the Bolivarian Republic of Venezuela for its Note no. 0088/2012 of 31 January 2012 and has the honour to inform you of the following:

In the system of European Union law, it is solely for the Court of Justice of the European Union to declare, in legal proceedings before it, an act of an Union institution invalid. Consequently, the Council Decision of 16 December 2011 (no. 2012/19/EU) on the granting of fishing opportunities to Venezuela has to be considered valid and having full legal effects unless and until its validity is challenged before the Court of Justice of the European Union and a judgement is delivered upon such legal challenge. The Council has not been notified of any legal steps taken either by the European Parliament or another institution that would put into question the validity of the Council Decision.

Should an action for annulment be lodged before the Court of Justice of the European Union, the Council would of course defend the validity of its Decision. In such a case, it would request that, in the unlikely event of the Council Decision being annulled, the effects thereof be preserved by the Court.

Finally, as far as the year 2012 is concerned, the Council recalls that fishing opportunities were allocated to the Bolivarian Republic of Venezuela in the EU waters off the coast of French Guiana by means of Annex VIII to Council Regulation (EU) 44/2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements.

Yours faithfully,

Jonas BERING LIISBERG  
Chairman of the Permanent Representatives  
Committee (Part 1)