EC/Madagascar Fisheries Partnership Agreement

2007/0006(CNS) - 19/07/2007 - Legislative proposal

PURPOSE: to propose an **amended** Fisheries Partnership Agreement between the European Community and Madagascar.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Community and the Republic of Madagascar negotiated and initialled, on 21 June 2006, a Fisheries Partnership Agreement which provides Community fishermen with fishing opportunities in Madagascar's fishing zone. It replaces the existing Agreement (please refer to CNS/2004/0070). The main objective of the new Partnership Agreement is to strengthen cooperation between the European Community and Madagascar, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in Madagascar's fishing zone, in the interests of both Parties.

However, the Protocol and the Annex approved between the parties which set out the technical and financial conditions governing the fishing activities of European Community vessels had to be re-negotiated, amended and re-signed on 16 March 2007 to accommodate requests for additional fishing opportunities for longliners. The reference tonnage and the financial contribution have been adjusted accordingly. The requests for additional fishing opportunities result from a joint declaration by the Council and the Commission No 10529/06 amending Council Regulation (EC) No 639/2004 allowing the outermost regions, on the basis of Article 299 of the Treaty, to extend the system of public funding for renewal of their fleet. The requests are also in line with Indian Ocean Tuna Commission (IOTC) recommendations authorising island or developing countries to submit a development plan for their fleet.

An amended proposal for a Council Regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and Madagascar i s therefore necessary, to take account of the amendments made to the Protocol signed on 16 March 2007.

CONTENT: it should be noted that the content of the Agreement remains overall the same as the 1st proposal. Only the fishing opportunities and the financial contribution have been amended.

This Partnership Agreement was signed for a period of six years from its entry into force and is renewable. It provides the following elements:

This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting responsible fishing in Madagascar's fishing zones to guarantee the conservation and sustainable exploitation of fisheries resources and develop Madagascar's fisheries sector;
- the conditions governing access by Community fishing vessels to Madagascar's fishing zones;
- cooperation on the arrangements for policing fisheries in Madagascar's fishing zones with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fish stocks are effective and that illegal, undeclared and unregulated fishing is prevented;
- partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

Other themes dealt with in the Agreement are as follows:

Implementation principles: to promote responsible fishing in Madagascar's fishing zones on the basis of the principles of non-discrimination between the different fleets fishing in those waters; to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, respecting the state of fish stocks; to apply measures to ensure that the employment of ACP seamen on board Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work.

Strengthened dialogue: the two Parties are taking part in a political dialogue on topics of mutual interest in the fisheries sector. In the Partnership Agreement, the current priorities of national fisheries policy in Madagascar will allow the identification by mutual agreement between the two Parties of objectives, and the annual and multiannual programming to attain them, with a view to ensuring sustainable and responsible management of the sector.

Licences: Community vessels may fish in Madagascar's fishing zone only if they are in possession of a valid fishing licence issued by Madagascar under this Agreement and the Protocol hereto. The procedure for obtaining a fishing licence for a vessel, the taxes applicable and the method of payment to be used by shipowners shall be as set out in the Annex to the Protocol.

The **financial contribution** as amended in the Protocol signed on 16 March 2007 is fixed at **EUR 1 197 000 per year against a reference tonnage of 13 300 tonnes**. Of this financial contribution, 80% will provide annual financial support for defining and implementing a sectoral fisheries policy in Madagascar, with a view to introducing responsible and sustainable fishing. This financial support will be based on annual and multiannual programming.

The fishing opportunities provided for in the revised Protocol have been laid down according to three categories (as opposed to two):

1) for the fishing category "freezer tuna seiners":43 vessels;

2) for the fishing category "surface longliners over 100 GT": 50 vessels;

3) for the fishing category "surface longliners of 100 GT or below": 26 vessels.

In addition, 5 vessels may carry out exploratory line or bottom longline fishing for demersal species over two 6-month periods. Shipowners' fees have been fixed for each category and, overall, could provide Madagascar with an additional annual income of around **EUR 465 000** (for a reference tonnage of 13 300 tonnes).

The new fishing opportunities shall be allocated among the Member States as follows:

As regards tuna fishing:

- Freezer tuna seiners: Spain : 23; France : **19**; Italy : 1.
- **Surface longliners: Spain : 25; France : 13; Portugal : 7; United Kingdom : 5.**
- Tuna fishing Surface longliners of 100 GT or below: France 26.

Demersal fishing: exploratory line or bottom longline fishing: France 5.

If licence applications from these Member States do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Entry into force: pending the entry into force of the new Agreement, this Protocol and the Annex thereto will enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. They will apply with effect from 1 January 2007.