EC/Madagascar Fisheries Partnership Agreement: fishing opportunities and financial contribution from 28 November 2012 to 27 November 2014. Protocol

2012/0238(NLE) - 19/09/2012 - Preparatory document

PURPOSE: the conclusion of a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and Madagascar.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of the relevant Council mandate, the Commission negotiated with the Republic of Kiribati the renewal of the Protocol to the Fisheries Partnership Agreement between the European Union and Madagascar.

Following these negotiations, a new Protocol was initialled on 10 May 2012 which should now be concluded on behalf of the European Union.

IMPACT ASSESSMENT: the Member States were consulted ahead of the negotiations. These consultations concluded that it would be beneficial to maintain a fishing protocol with Madagascar. The Commission has also based its work on, *inter alia*, the results of an *ex-post* assessment by independent external experts, which was finalised in November 2011.

LEGAL BASIS: Article 43 paragraph 2, of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218, paragraph 6 a) thereof.

CONTENT: this proposal for a decision relates to the conclusion of a new Protocol to the Partnership Agreement in the fisheries sector concluded with Madagascar.

The new Protocol is in line with the objectives of the EC/Madagascar Fisheries Partnership Agreement.

The primary objective behind the Protocol is to define the fishing opportunities for tuna vessels from the European Union in the waters of Madagascar, in line with scientific advice and other resolutions issued by the relevant Regional Fisheries Organisation, namely the Indian Ocean Tuna Commission (IOTC).

The overall aim is to reinforce cooperation between the European Union and the Republic of Madagascar, thereby consolidating the partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in Madagascar's fishing zone, in the interests of both Parties.

The main provisions of the Protocol may be summarised as follows:

Fishing opportunities: the protocol provides for fishing opportunities for 96 vessels, divided as follows:

- 40 tuna seiners,
- 34 surface longliners with a tonnage greater than 100 GT,
- 22 surface longliners with a tonnage less than 100 GT.

Financial contribution: EU vessels may only exercise their fishing activities in the Madagascar fishing area if they hold a fishing licence granted in accordance with the Agreement and having paid the registration fee, the conditions of which are defined in the attached Fishery Protocol.

A financial contribution shall be paid to Madagascar in return for the exploitation of its fishery resources by EU vessels. This contribution is fixed at **EUR 1 525 000** per year for the total period of validity of the Protocol, i.e. EUR 3 050 000 for the total duration of the Protocol's application.

This amount is broken down as follows:

- an annual amount for access to the Malagasy fishing zone of EUR 975 000 equivalent to a reference tonnage of 15 000 tonnes per year, and
- EUR 550 000 per year in respect of developing the sectoral fisheries policy within the Republic of Madagascar.

If the total quantity of catches per year by European Union vessels in Malagasy fishing zone exceeds **15 000 tonnes**, the annual financial contribution for access rights shall be EUR 65 for each additional tonne caught. Where the volumes caught by European vessels exceed an amount corresponding to twice the annual total, the amount due for the volume exceeding this limit shall be paid the following year. However, in order to anticipate any possible exceeding of the reference tonnage, the two Parties shall adopt a system allowing ongoing catch monitoring.

The fishing opportunities referred to in Article 1 may be amended by mutual agreement insofar as the recommendations and resolutions of the Indian Ocean Tuna Commission (IOTC) and the joint scientific working group tend to confirm that such an amendment will secure the sustainable management of tuna and tuna-like species in the Indian Ocean. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis* but the total annual amount many not be more than twice the figure indicated in the Protocol.

New fishing opportunities not covered by the Agreement could also be envisaged following consultation and agreement between the Parties.

Towards responsible fishing: the Protocol also provides for the overall compatibility of fishing activities undertaken by EU vessels with the principles of responsible fishing. Thus, as of the entry into force of the Protocol, the Malagasy authorities shall present a detailed annual and multiannual programme to the Joint Committee of the Agreement which addresses a number of requirements in regard to responsible and sustainable fishing.

Duration of the Protocol: the Fishing Protocol and its annex are concluded for a period of **two years from 1 January 2013** unless it is terminated by one or other of the Parties.

BUDGETARY IMPLICATION: the financial allocation for this Fishing Protocol shall be **EUR 3.152 million from 2013 to 2014** (operational costs), including payments of an administrative nature funded from allocations to certain specific programmes in the order of EUR 102 000 over the two years. To this sum should be added administrative costs of the Protocol's management and human resource costs in the region of EUR 184 000 for the duration of the Protocol.