

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

2012/0238(NLE) - 13/05/2014 - Final act

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.

NON-LEGISLATIVE ACT: Council Decision 2014/351/EU on the conclusion of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force.

BACKGROUND:

The Union has negotiated a new Protocol with the Republic of Madagascar granting EU vessels fishing opportunities in waters in which Madagascar exercises its sovereignty or jurisdiction as regards fishing.

The new Protocol was signed on the basis of Council Decision 2012/826/EU, and has been applied provisionally from 28 November 2012.

It is now appropriate to approve the Protocol on behalf of the European Union.

CONTENT: by means of this decision, the Council approves on behalf of the European Union, with the consent of the European Parliament, a Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and Madagascar.

Purpose: the Fishery Protocol defines 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.

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. This support is in line with national fishery policy objectives.

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 (i.e. EUR 1 950 000), the amount due for the volume exceeding this limit shall be paid the following year.

The fishing opportunities 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 may 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 its provisional application date** unless it is terminated by one or other of the Parties.

ENTRY INTO FORCE: the decision enters into force on 13.05.2014. The date of entry into force of the protocol will be published in the Official Journal of the European Union by the General Secretariat of the Council.