EC/Madagascar Fisheries Partnership Agreement

2007/0006(CNS) - 25/01/2007 - Initial legislative proposal

PURPOSE: to conclude the 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. This Agreement replaces the existing Fisheries Agreement (CNS/2004/0070). On the date of its entry into force, this Agreement repeals and replaces the Agreement between the European Community and the Republic of Madagascar on fishing off the coast of Madagascar which entered into force on 28 January 1986.

The main objective of the new Partnership Agreement is to strengthen cooperation between the European Community and the Republic of 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.

CONTENT: this Partnership Agreement, accompanied by a Protocol and the Annex thereto, was signed for a period of 6 years from its entry into force and is renewable.

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 Protocol and the Annex thereto setting out the technical and financial conditions governing the fishing activities of European Community vessels were signed for a period of six years from 1 January 2007. 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.

The **financial contribution** is fixed at EUR 990 000 per year against a reference tonnage of 11 000 tonnes. This tonnage may be increased to 12 000 tonnes from 2007 and the financial contribution increased to EUR 1 080 000 per year if the total catch in 2006 exceeds 11 000 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 Agreement have been laid down according to two categories:

As regards tuna fishing:

Freezer tuna seiners

- Spain : 23
- France : 20
- Italy : 1

Surface longliners

- Spain : 21
- France : 15
- Portugal : 6
- United Kingdom : 2.

In addition, five vessels may carry out exploratory line or bottom longline fishing for demersal species over two six-month periods.

Shipowners' fees have been fixed for each category and, overall, could provide Madagascar with an additional annual income of around EUR 385 000 (for a reference tonnage of 11 000 tonnes) or EUR 420 000 (if the reference tonnage increased to 12 000 tonnes).

The Commission proposes on this basis that the Council adopt the conclusion of this new Fisheries Partnership Agreement between the European Community and the Republic of Madagascar by Regulation.

For further details concerning the financial implications of this proposal, please refer to the financial statement.