Basic information

2012/0238(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Madagascar Fisheries Partnership Agreement: fishing opportunities and financial contribution from 28 November 2012 to 27 November 2014. Protocol See also 2007/0006(CNS) **Subject** 3.15.15.02 Fisheries agreements with African countries **Geographical area** Madagascar	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	RIVELLINI Crescenzio (PPE)	12/07/2012
	Shadow rapporteur COTTIGNY Jean Louis (S&D) MEISSNER Gesine (ALDE) BESSET Jean-Paul (Verts/ALE) FERREIRA João (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	LÖVIN Isabella (Verts/ALE)	08/10/2012
BUDG Budgets	ALFONSI François (Verts/ALE)	03/10/2012

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3313	2014-05-13

Commission DG	Commissioner

European Commission		
	Maritime Affairs and Fisheries	DAMANAKI Maria

Key events

Date	Event	Reference	Summary
19/09/2012	Preparatory document	COM(2012)0505	Summary
20/11/2012	Legislative proposal published	14164/1/2012	Summary
13/12/2012	Committee referral announced in Parliament		
18/03/2014	Vote in committee		
19/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0178/2014	Summary
16/04/2014	Decision by Parliament	T7-0400/2014	Summary
16/04/2014	Results of vote in Parliament		
13/05/2014	Act adopted by Council after consultation of Parliament		
13/05/2014	End of procedure in Parliament		
14/06/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0238(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2007/0006(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/10714

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE500.521	06/12/2012	
Committee opinion	DEVE	PE502.105	21/02/2013	
Committee opinion	BUDG	PE500.770	06/03/2013	
Committee report tabled for plenary, 1st reading/single				

reading		A7-0178/2014	19/03/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0400/2014	16/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14159/2012	18/10/2012	
Legislative proposal	14164/1/2012	20/11/2012	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0505	19/09/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0351
OJ L 175 14.06.2014, p. 0024 Summary

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 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 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.

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.

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

2012/0238(NLE) - 20/11/2012 - Legislative proposal

PURPOSE: to conclude 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.

PROPOSED ACT: Council Decision.

BACKGROUND: on 15 November 2007 the Council adopted Council Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar.

On the basis of a mandate from the Council, the European Commission has conducted negotiations with the Republic of Madagascar with a view to renewing the Protocol on fishing opportunities for EU fishing vessels in Madagascar's waters. At the end of those negotiations, a new Protocol was initialled on 10 May 2012. It was signed and has been provisionally applied since the date of signature.

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

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: with this proposal for a decision, it is foreseen to conclude on behalf of the European Union, a fishing protocol with Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force.

For further details on the content of this fishing protocol, please refer to the summary of the initial legislative proposal dated 19/09/2012.

To recap, the protocol provides for:

- **fishing opportunities** for 96 vessels, split up as follows:

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

- **a financial contribution** of the EU to enable Community vessels to enable Community vessels to engage in fishing activities in the waters of Madagascar. This amounts to **EUR 1 525 000 per year during the period of application** of this Protocol, i.e. a total of EUR 3 050 000.

Duration of the protocol: the new fishing Protocol and its annex are concluded for a period of **two years and shall be applied provisionally from** 1 January 2013, unless revoked.

BUDGETARY IMPACT: the total financial contribution under the protocol comes to **EUR 3.152 million in 2013 and 2014** (operational expenditure), including payments of an administrative nature financed from the envelope of specific programmes amounting to EUR 102 000 over the two years. To this sum should be added EUR 184 000 in administrative costs for managing the protocol and for human resources throughout the duration of the protocol.

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

2012/0238(NLE) - 19/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Crescenzio RIVELLINI (EPP, IT) on the draft Council Decision 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.

The committee recommended that the European Parliament give its consent to the conclusion of the Protocol, with a view to developing a more sustainable fisheries policy and sound exploitation of fishery resources in Madagascar's fishing zone.

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

2012/0238(NLE) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 568 votes to 28, with 73 abstentions, a legislative resolution on the draft Council Decision on the conclusion of the Protocol agreed between the European Union and Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force.

Parliament gave its consent to the conclusion of the Protocol.

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

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.