

Procedure file

Basic information	
CNS - Consultation procedure Regulation	2007/0006(CNS) Procedure completed
EC/Madagascar Fisheries Partnership Agreement See also 2012/0238(NLE) See also 2014/0319(NLE)	
Subject 3.15.15.02 Fisheries agreements with African countries	
Geographical area Madagascar	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		14/03/2007
		PPE-DE SUDRE Margie	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		28/02/2007
		PSE BORRELL FONTELLES Josep	
European Commission	BUDG Budgets		20/09/2004
		Verts/ALE TRÜPEL Helga	
	Council configuration Education, Youth, Culture and Sport	Meeting 2829	Date 15/11/2007
	Commission DG Maritime Affairs and Fisheries	Commissioner BORG Joe	

Key events			
24/01/2007	Initial legislative proposal published	COM(2007)0015	Summary
15/02/2007	Committee referral announced in Parliament		
18/07/2007	Legislative proposal published	COM(2007)0428	Summary
22/10/2007	Vote in committee		Summary
22/10/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0405/2007	
25/10/2007	Results of vote in Parliament		

25/10/2007	Decision by Parliament	T6-0477/2007	Summary
15/11/2007	Act adopted by Council after consultation of Parliament		
15/11/2007	End of procedure in Parliament		
18/01/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0006(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Regulation
	See also 2012/0238(NLE) See also 2014/0319(NLE)
Legal basis	EC Treaty (after Amsterdam) EC 037; EC Treaty (after Amsterdam) EC 300-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/45017

Documentation gateway

Initial legislative proposal		COM(2007)0015	25/01/2007	EC	Summary
Legislative proposal		COM(2007)0428	19/07/2007	EC	Summary
Document attached to the procedure		COM(2007)0429	19/07/2007	EC	Summary
Committee draft report		PE392.382	06/09/2007	EP	
Committee opinion	DEVE	PE386.352	11/09/2007	EP	
Amendments tabled in committee		PE396.401	04/10/2007	EP	
Committee opinion	BUDG	PE394.051	09/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0405/2007	22/10/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0477/2007	25/10/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)6028	21/11/2007	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2008/31](#)
[OJ L 015 18.01.2008, p. 0001](#) Summary

EC/Madagascar Fisheries Partnership Agreement

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.

EC/Madagascar Fisheries Partnership Agreement

PURPOSE: to propose an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and Madagascar on fishing off the coast of Madagascar for the period from 1 January 2007 to 31 December 2012.

CONTENT: the Community and Madagascar negotiated and initialled, on 21 June 2006, a Fisheries Partnership Agreement which provides Community fishermen with fishing opportunities in Madagascar's fishing zone (please refer to the previous initial proposal).

A proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the EC/Madagascar Fisheries Partnership Agreement for the period from 2007 to 2012 was adopted by the Commission on 25 January 2007.

However, the Protocol and the Annex had to be re-negotiated, amended and was 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 (refer to the new initial proposal dated 19/07/2007).

An amended proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the amended Protocol is therefore necessary, to take account of the amendments made to the Protocol signed on 16 March 2007.

This new Protocol and the Annex were signed for a period of 6 years from 1 January 2007. Pending the entry into force of the new Agreement, this Protocol and the Annex 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 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 Agreement have been laid down according to three categories:

- 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 Commission is accordingly proposing that the Council adopt by Decision the Agreement in the form of an Exchange of Letters concerning the provisional application of the amended Protocol, pending its definitive entry into force.

EC/Madagascar Fisheries Partnership Agreement

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 is 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.

EC/Madagascar Fisheries Partnership Agreement

The Committee on Fisheries adopted the report by Margie SUDRE (EPP-ED, FR) - under the consultation procedure - on the amended proposal for a Council regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar.

The committee tabled several amendments aimed at improving the information forwarded to Parliament. In particular, the report states that the Commission should forward the conclusions of the meetings of the joint committee.

In order to evaluate whether the compensation paid by the EU is properly accounted for and does in fact promote the sustainable use of fishery resources in Madagascar, the Commission should report annually to Parliament.

During the final year of the protocol's validity and before another agreement is concluded on its renewal, the Commission shall submit to the European Parliament and the Council a report on the application of the agreement and the conditions under which it was implemented.

Before any new agreement is concluded, the Commission should ask the authorities of the country with which it is opening negotiations to provide it with information on the basis of which it will submit a general assessment report to Parliament and the Council.

Parliament and the Council will be able to discharge their respective duties only on the basis of the evaluation report on the application of the fisheries agreement.

Lastly, the Commission is requested to evaluate each year whether Member States whose vessels operate under the Protocol have complied with reporting requirements. Where this is not the case, the Commission shall withhold their requests for fishing licences for the following year.

EC/Madagascar Fisheries Partnership Agreement

The European Parliament adopted a resolution drafted by Margie SUDRE (EPP-ED, FR) and made some amendments to the proposal on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar. The amendments were mostly aimed at improving the information forwarded to Parliament. The main ones were as follows:

- the Commission shall report annually to the European Parliament and the Council on the results of the multiannual sectoral programme referred to in Article 7 of the Protocol;
- during the final year of the Protocol's validity and before another agreement as to its renewal is concluded, the Commission shall submit to the European Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented;
- on the basis of the latter report and after consulting the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol;
- the Commission shall forward to the European Parliament the conclusions of the meetings of the joint committee referred to in Article 9 of the Agreement.

EC/Madagascar Fisheries Partnership Agreement

PURPOSE: to approve a Fisheries Partnership Agreement between the EC and Madagascar.

LEGISLATIVE ACT: [Council Regulation \(EC\) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar.](#)

CONTENT: this Regulation approves the Fisheries Partnership Agreement between the European Community and Madagascar, on behalf of the Community, for a period of six years from the date of entry into force. The Agreement is renewable. The Protocol to the Agreement sets out the fishing opportunities and financial contribution on fishing off the coast of Madagascar for the period from 1 January 2007 to 31 December 2012.

The 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.

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 the 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 the Agreement and the Protocol. 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:

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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: 25/01/2008. The Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It will apply with effect from 1 January 2007.