


# Procedure file

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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries		12/07/2012
		PPE <a href="#">RIVELLINI Crescenzo</a>	
		Shadow rapporteur	
		S&D <a href="#">COTTIGNY Jean Louis</a>	
		ALDE <a href="#">MEISSNER Gesine</a>	
	Verts/ALE <a href="#">BESSET Jean-Paul</a>		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>DEVE</b> Development		08/10/2012
		Verts/ALE <a href="#">LÖVIN Isabella</a>	
	<b>BUDG</b> Budgets		03/10/2012
		Verts/ALE <a href="#">ALFONSI François</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">3313</a>	13/05/2014
European Commission	Commission DG	Commissioner	
	<a href="#">Maritime Affairs and Fisheries</a>	DAMANAKI Maria	

Key events			
19/09/2012	Preparatory document	<a href="#">COM(2012)0505</a>	Summary
19/11/2012	Legislative proposal published	<a href="#">14164/1/2012</a>	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	<a href="#">A7-0178/2014</a>	Summary
16/04/2014	Results of vote in Parliament		
16/04/2014	Decision by Parliament	<a href="#">T7-0400/2014</a>	Summary

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
	See also <a href="#">2007/0006(CNS)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/10714

### Documentation gateway

Preparatory document		<a href="#">COM(2012)0505</a>	19/09/2012	EC	Summary
Document attached to the procedure		<a href="#">14159/2012</a>	18/10/2012	CSL	
Legislative proposal		<a href="#">14164/1/2012</a>	20/11/2012	CSL	Summary
Committee draft report		<a href="#">PE500.521</a>	06/12/2012	EP	
Committee opinion	DEVE	<a href="#">PE502.105</a>	21/02/2013	EP	
Committee opinion	BUDG	<a href="#">PE500.770</a>	06/03/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0178/2014</a>	19/03/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0400/2014</a>	16/04/2014	EP	Summary

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Decision 2014/351](#)  
[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

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 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 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

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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 Madagascars 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 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

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The Committee on Fisheries adopted the report by Crescenzo 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 Madagascars fishing zone.

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

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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

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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.