



Brussels, 31.10.2014
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2014/0317 (NLE)

Proposal for a

COUNCIL REGULATION

concerning the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of the powers conferred on it by the Council¹, the European Commission has conducted negotiations with the Republic of Madagascar with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar. At the end of the negotiations a new draft protocol was initialled by the negotiators on 19 June 2014. The new Protocol covers a period of four years from the date of provisional application laid down in Article 15 – i.e. from the date of its signature and 1 January 2015 at the earliest.

The primary objective behind the Protocol to the Agreement is to define the fishing opportunities for vessels from the European Union in the fishing zone of the Republic of Madagascar, in line with the management measures adopted by the relevant Regional Fisheries Management Organisation, namely the Indian Ocean Tuna Commission (IOTC) and where relevant, in keeping with the limits of the available surplus. The Commission based itself in part on the results of an ex-post evaluation carried out by external experts.

The general aim is to enhance the cooperation between the European Union and the Republic of Madagascar, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the Malagasy fishing zone, in the interests of both Parties.

More specifically, the Protocol provides for fishing opportunities in the following categories:

- 40 tuna seiners;
- 32 surface longliners with a tonnage greater than 100 GT
- 22 surface longliners with a tonnage less than or equal to 100 GT.

The Commission proposes, on this basis, that the Council, with the consent of the Parliament, adopt this new Protocol by Decision.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted during the evaluation of the Protocol for the period 2013-14. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to maintain a fishing protocol with the Republic of Madagascar.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision adopting the provisional application of the Protocol itself, as well as with the Council Regulation concerning the allocation of the fishing opportunities between EU Member States.

¹ Adopted by the Agriculture and Fisheries Council on 14 April 2014.

4. BUDGETARY IMPLICATION

The annual financial contribution, which is EUR 1 566 250 for each of the first two years of the Protocol and EUR 1 487 500 for each of the following two years is based on: a) a reference tonnage of 15 750 tonnes linked to access, for an annual amount of EUR 866 250 for each of the first two years of the Protocol and EUR 787 500 for each of the following two years and b) support for the development of the sectoral fisheries policy of the Republic of Madagascar, amounting to EUR 700 000 per year. This support meets the objectives of the national fisheries policy and in particular the needs of the Republic of Madagascar in the fight against illegal fishing.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission¹,

Whereas:

- (1) 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 Madagascar².
- (2) A new Protocol to the Partnership Agreement was initialled on 19 June 2014 (hereinafter referred to as the 'new Protocol'). The new Protocol grants EU vessels fishing opportunities in the fishing zone over which Madagascar exercises its jurisdiction.
- (3) On [...] the Council adopted Decision No .../2013/EU³ on the signing and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.
- (5) Article 10(1) of Council Regulation (EC) No 1006/2008⁴ provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the European Union under the new Protocol are not fully exhausted. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. The deadline should be set by the Council.
- (6) To ensure continued fishing activities by Union vessels, Article 15 of the new Protocol provides for the possibility of the Protocol being applied on a provisional basis by each of the Parties, from the date of its signature and by 1 January 2015 at the earliest.
- (7) This Regulation should apply from the provisional application of the new Protocol,

¹

² OJ L 15, 18.1.2008, p.1.

³ OJ C ...*

⁴ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters (OJ L 286, 29.10.2008, p. 33).

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Madagascar (hereinafter referred to as the 'Protocol') shall be allocated among the Member States as follows:
 - (a) tuna seiners:
Spain: 18 vessels
France: 22 vessels
 - (b) surface longliners with a tonnage greater than 100 GT
Spain: 18 vessels
France: 9 vessels
Portugal: 5 vessels
 - (c) surface longliners with a tonnage less than or equal to 100 GT.
France: 22 vessels
2. The limits on the catching of sharks in combination with tuna and similar species, as established in the Annex to the Protocol for Union surface longliners, is distributed as follows amongst Member States:
Spain: 207 tonnes
France: 34 tonnes
Portugal: 9 tonnes
3. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Protocol, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission communicates this information to them.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date of the signature of the Protocol and at the earliest from 1 January 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*