



EUROPEAN PARLIAMENT

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Committee on Development

2012/0238(NLE)

21.2.2013

OPINION

of the Committee on Development

for the Committee on Fisheries

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 (14164/1/2012 – C7-0408/2012 – 2012/0238(NLE))

Rapporteur: Isabella Lövin

PA_Leg_Consent

SHORT JUSTIFICATION

The current Fisheries Partnership Agreement (FPA) concluded between the European Community and Madagascar covers the period 1 January 2007 – 31 December 2012 and provides access to Malagasy waters to fishing vessels mainly from Spain, Portugal, Italy and France. The Commission negotiated last May the renewal of the current Protocol. The new two years protocol will enter into force on 1 January 2013.

The recent Lövin report on the external dimension of the Common Fisheries Policy (T7-0461/2012) re-stresses the EU obligation to take into account the objectives of development cooperation in the policies that it implements which are likely to affect developing countries as laid down in Article 208 of the TFEU. The report also recognizes the important role the EU could play in promoting sustainable fisheries management and good governance in third countries and calls on the EU to achieve a more concerted and coherent policy.

The Provisions in the New Protocol

The new two year protocol grants access to 96 EU fishing vessels with a reference tonnage of 15,000 tonnes of tuna/year, increased from 13,300 tonnes in the previous one. The number of vessels is decreased from 119 vessels although this may mean little in practice: the utilization rate of the previous protocol has been 53% (purse seiners), 65% (longliners under 100GT) and 42% (longliners over 100GT).

Out of a total financial contribution of €3,050,000 for the two years of the new protocol, €1,950,000 correspond to access to resources and €1,100,000 to supporting Madagascar's fisheries policy and maritime policy. The sectoral support is therefore increased from €332,500/year to €550,000/year.

Sectoral support. The increase in sectoral support is to be welcomed. The ex-post evaluation of the protocol highlights that there is little scientific cooperation between the EU and Madagascar, although such cooperation, even if limited, is of foremost importance for Madagascar's compliance with Indian Ocean Tuna Commission data collection rules.

Confidentiality clause. Transparency is fundamental to ensure the right of information and participation of local stakeholders. We note with concern the confidentiality clause in the new protocol (Article 11) which calls on the parties to ensure “that, at any time, **all** data relating to EU vessels and their fishing activities in the waters of Madagascar will be treated as confidential.” Such a clause is becoming a common feature in the protocols of FPAs and represents a step back.

Exclusivity clause. We welcome that both the FPA (Art. 6) and the new protocol (Art. 7) contain an exclusivity clause, whereby EU vessels are allowed to fish in Madagascar only if they do so under this agreement.

Electronic data exchange. Article 12 of the new protocol provide for electronic data exchange to be implemented as soon as possible. This provision should contribute to a much more efficient monitoring, control and surveillance of the EU fleet.

Shark catch limits. The status of shark populations in the region is of great concern. So far, the existing protocol didn't impose any limits to catches of sharks and sharks have never been mentioned in EU agreements even though they constitute an important part of the catches.

According to the ex-post evaluation of the current protocol “*bycatches of Spanish longliners represent 55% of catches. They include mostly oceanic sharks*”. The 4th Joint Committee under the FPA met last 26 September 2012 in Antananarivo and decided to limit the catches of sharks in Malagasy waters to 200 tonnes/year. The introduction of such limits is an extremely positive development. The new protocol additionally prohibits the catch of five species of sharks. Provisions to prevent the overexploitation of shark populations should be included in other protocols.

Measures towards Madagascar under the Cotonou Agreement

Following the Coup d'état of 17 March 2009, the EU suspended development cooperation with Madagascar (Council Decision 2010/371/EU of 6 June 2010) in conformity with art 96 of the Cotonou agreement. The political dialogue has since put in with the Malagasy Government, but failed to agree on measures to reinstate democracy, respect for human rights and rule of law in the country.

Council Decision 2012/749/EU of 3 December 2012 acknowledged progress in the establishment of the transition institutions and in the electoral process, although recognized that the roadmap for the transition has not been implemented fully. Such Council Decision therefore decides that the application of Council Decision 2010/371/EU be extended until credible elections have taken place.

Given that Madagascar is currently subject to measures under the Cotonou Agreement we regret that the Council gave a mandate to the Commission to negotiate a new protocol last April. Article 8(c) of the new protocol establishes that the financial contribution shall be reviewed or suspended “*if the European Union notes that there has been a violation of the essential and fundamental human rights provided for in Article 9 of the Cotonou Agreement and following the procedure provided for in articles 8 and 96 of that Agreement. In this case, all European Union fishing vessel activities in the waters of Madagascar shall be suspended.*” Article 9(f) establishes that the implementation of the protocol may be suspended for the same reasons.

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament withhold consent until such time as democratic elections have taken place in Madagascar and the democratic order has been reinstated.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	19.2.2013
Result of final vote	+: 23 -: 1 0: 0
Members present for the final vote	Thijs Berman, Michael Cashman, Ricardo Cortés Lastra, Véronique De Keyser, Leonidas Donskis, Charles Goerens, Mikael Gustafsson, Filip Kaczmarek, Michał Tomasz Kamiński, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Jean Roatta, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Keith Taylor, Eleni Theocharous, Patrice Tirolien, Anna Záborská
Substitute(s) present for the final vote	Philippe Boulland, Agustín Díaz de Mera García Consuegra, Enrique Guerrero Salom, Isabella Lövin