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## **DRAFT RECOMMENDATION**

on the draft Council decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and its Implementing Protocol (2023-2027)  
(09525/2023 – C9-0223/2023 – 2023/0117(NLE))

Committee on Fisheries

Rapporteur: Clara Aguilera

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and its Implementing Protocol (2023-2027) (09525/2023 – C9-0223/2023 – 2023/0117(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (09525/2023),
  - having regard to the draft Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar (09007/2023),
  - having regard to the request for consent submitted by the Council in accordance with Articles 43(2) and Article 218(6), second subparagraph, point (a) (v), of the Treaty on the Functioning of the European Union (C9-0223/2023),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Fisheries (A9-0000/2023),
1. Gives its consent to the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Madagascar.

## EXPLANATORY STATEMENT

The first fisheries partnership agreement between the European Union and the Republic of Madagascar dates back to 19 December 2007. The most recent implementing protocol to this partnership agreement applied from 1 January 2015 until 31 December 2018, when it expired.

Since 31 December 2018, the partnership agreement has operated within the framework of 'dormant agreements' that apply to countries with an active fisheries cooperation agreement but without an active implementing protocol. As a result, EU vessels were not allowed to fish in Malagasy waters.

On 28 October 2022, the EU and Madagascar reached an agreement, the goal of which is to restore and improve the partnership between the EU and Madagascar, and to further good fisheries governance. The objective is to enable EU vessels to access Madagascar's fishing zone and to fish for tuna and associated species there, under the management mandate of the Indian Ocean Tuna Commission (IOTC). The agreement and the protocol will also provide sectoral support for monitoring and combating illegal fishing, the small-scale fisheries sector, scientific and technical cooperation – with a view to ensuring that fisheries resources are exploited in a sustainable manner, proper training for seafarers, management and conservation of fisheries resources, and scientific cooperation. Sectoral support is not intended to provide support for the Malagasy fishing fleet.

What is more, the agreement and the protocol will advance Madagascar's fishing economy by fostering growth and decent working conditions in fisheries-related economic activities.

The new agreement shall apply for a period of four years from the date of its provisional application, unless terminated in accordance with Article 21.

The agreement is the culmination of intensive negotiations with the Malagasy Government, which called for a reduction in the number of EU vessels and, at the same time, made considerable financial demands. The outcome of the negotiations provides for a lower reference tonnage, down from the previous 15 750 tonnes per year to 14 000 tonnes. The number of authorised vessels has also fallen from 94 to 65 units in the latest agreement. EU vessels, mainly from Spain, Portugal, Italy and France, have traditionally benefited from fishing rights in Malagasy waters.

The quantity of sharks authorised to be caught in association with tuna and tuna-like species will be limited to 220 tonnes per year, i.e. less than 250 tonnes.

The agreement also covers the Mozambique Channel, which is strategically important for the EU fleet. EU vessels may not enter a protection area of 3 nautical miles around anchored fish aggregating devices (FADs) used by Malagasy fishers.

Vessel owners are subject to fees based on catch tonnage. The fee for tuna seiners has risen from EUR 70 per tonne to EUR 85 per tonne. What is more, vessels must pay flat-rate advances as follows:

- EUR 16 150/year per tuna seiner for a catch tonnage of 190 t
- EUR 4 930/year per surface longliner > 100 GT for a catch tonnage of 58 t

- EUR 3 145/year per surface longliner ≤ 100 GT for a catch tonnage of 37 t
- EUR 5 000/year per support vessel

The estimated total cost of the new protocol over its four-year span is expected to be EUR 12 880 000, i.e. EUR 3 220 000 per year. That overall amount shall be broken down as follows: EUR 7 200 000 to account for the EU's financial commitment and EUR 5 680 000 to account for the estimated value of the vessel owners' contributions. Thus, the EU will contribute 56 % of the total and vessel owners 44 %. Provisions have also been included to promote cooperation between the EU and Madagascar within the framework of the Indian Ocean Tuna Commission (IOTC).

The agreement also introduces a new contribution for the protection of ecosystems, to be paid by the owners of EU fishing vessels, who will pay annually a gross tonnage-based specific contribution amounting to EUR 2.50 per GT. The total estimated amount should be approximately EUR 200 000 and should be paid to the Malagasy agency responsible for fisheries and aquaculture.

### **Rapporteur's position**

The Republic of Madagascar is the fourth largest island in the world, the largest of the African islands, completely surrounded by the Indian Ocean and considered one of the best countries at nature conservation. It has many endemic species. Agriculture, fisheries and forestry are the backbone of the Malagasy economy, accounting for 34 % of GDP.

Despite all its natural wealth, Madagascar is one of the countries that the United Nations considers least developed. In 2017, poverty affected 92% of the population. The country has the fourth-highest rate of chronic malnutrition in the world. What is more, Madagascar is one of five countries where access to water is very difficult for the population. According to the NGO WaterAid, 12 million people there have no access to drinking water<sup>1</sup>.

The fisheries sector is estimated to employ more than 1.5 million people in Madagascar and catches come from a variety of species: highly migratory species, crustaceans, cephalopods, etc. Asian (Chinese, Korean, Japanese, Taiwanese) fleets and other flag states in West Africa and Central America have access to Malagasy waters. Madagascar is working with the EU to combat illegal, unreported and unregulated fishing in accordance with the EU's IUU Regulation.

According to the information provided by the Malagasy fisheries sector, small-scale fishing is a very important food resource for the country's population, but unfortunately does not have the means to maintain an adequate supply to the local population. Fish consumption levels are very low, despite the fact that the country suffers from famine, as fish, which is mostly caught by fleets from third countries, is exported. This agreement could be the perfect opportunity to change this state of affairs and improve the Malagasy people's access to food.

The rapporteur welcomes the work and congratulates the Commission on the conclusion of its complex negotiations with Madagascar. This agreement is very important for the European fleet and, at the same time, is an excellent opportunity to advance the much-needed

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<sup>1</sup> <https://www.accioncontraelhambre.org/es/afrika/madagascar>

development of the Malagasy fisheries sector.

It is important to note that the ex-post and ex-ante evaluation of the Protocol to the Sustainable Fisheries Partnership Agreement between the EU and Madagascar<sup>2</sup> indicates that, on the whole, the SFPA is a win-win agreement, as it meets stakeholders' identified needs. Overall, the traditional evaluation criteria (effectiveness, efficiency, economy, relevance, coherence) are met. On the basis of the comments provided by the stakeholders consulted during the evaluation, it is possible to establish that the current protocol is largely acceptable and that its renewal is welcome, given its benefits for all Parties.

The rapporteur believes that SFPAs in general are very positive for both the local population and the European fleet, and provide EU consumers with better access to sustainably caught fish. The recently published evaluation of SFPAs<sup>3</sup> confirmed that those agreements provide a suitable framework for meeting the needs and objectives of the common fisheries policy (CFP), so that access to EU fleet resources in external waters follows access principles and rules that ensure that fishing practices are sustainable and in keeping with CFP rules. In addition, SFPAs meet the needs of the partner third country, including by generating economic benefits by dint of the country's surplus resources, as a result of the country's geographical location on the routes of highly migratory species, and by establishing a budgetary envelope that enables the country to bolster its fisheries governance framework and develop its fisheries sector in a sustainable manner. What is more, SFPAs integrate the need for the EU's long-distance fleet and some segments of its small-scale fleet to access productive fishing areas in waters outside the EU, providing a level playing field between operators in the EU and other foreign countries.

In this connection, the rapporteur urges the Commission to analyse in detail the areas identified by the evaluation as likely to improve its performance, such as improving the joint committees' monitoring of the implementation by partner third countries of the non-discrimination clause and improving public transparency and communicating the outcome and impact of the implementation of the access and sectoral support components of SFPAs.

The rapporteur also urges the Commission to continue with the transparency it has shown during the negotiation of the agreement and to call for the involvement of civil society and the main NGOs operating in the country in all meetings with the Malagasy authorities. An appropriate action plan must be developed with a view to enabling funds for sectoral support to be devoted to priorities decided in agreement with the Malagasy population, with the aim of fostering the sustainable development of the country's fisheries sector.

The rapporteur calls on the Malagasy authorities to require the other fleets to have access to their waters with the same transparency criterion and to impose as a precondition the declaration of all catches and access to data so that scientific advice from the stocks can be assessed under the best possible conditions.

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<sup>2</sup> <https://op.europa.eu/en/publication-detail/-/publication/a48fa492-387b-11e8-b5fe-01aa75ed71a1>

<sup>3</sup> <https://op.europa.eu/en/publication-detail/-/publication/21927e4c-2f4d-11ee-9e98-01aa75ed71a1>



The rapporteur draws the Commission's attention to the need for constant monitoring of the Agreement that the objection to IOTC Resolution 23/02 does not pose any problem for the European fleet operating in Malagasy waters. The fact that Madagascar is not among the countries which have objected to a resolution of that kind should not cause conflict or affect the proper implementation of the agreement.

With regard to the new ocean protection fee, the rapporteur congratulates the Commission on the initiative, which will dedicate funds to repairing the state of oceans, a priority for the EU. The rapporteur urges the Commission, however, to set more precise rules for the application of that fee and for it to be included among the points to be analysed in the evaluations of the agreement.