



Council of the  
European Union

145791/EU XXVII.GP  
Eingelangt am 19/06/23

Brussels, 19 June 2023  
(OR. fr)

9525/23

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**Interinstitutional File:**  
**2023/0117 (NLE)**

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PECHE 193

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: 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)

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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**on the conclusion of the Sustainable Fisheries Partnership Agreement  
between the European Union and the Republic of Madagascar  
and its implementing protocol (2023-2027)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43,  
in conjunction with Article 218(6), second subparagraph, point (a)(v), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1+</sup>,

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).  
<sup>+</sup> OJ: Please complete the corresponding footnote.

Whereas:

- (1) In accordance with Council Decision (EU) 2023/...<sup>1+</sup>, the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar ('Madagascar') (the 'Agreement') and its implementing protocol (the 'Protocol') were signed on ...<sup>++</sup>.
- (2) The Agreement replaces the previous Fisheries Partnership Agreement between the European Community and the Republic of Madagascar<sup>2</sup>, applied on a provisional basis since 1 January 2007.
- (3) The objectives of the Agreement and the Protocol are to enable Union vessels to fish in Madagascar's fishing zone and to enable the Union and Madagascar to work closely together to further promote the development of a sustainable fisheries policy and the responsible exploitation of fishery resources in Madagascar's fishing zone and in the Indian Ocean. That cooperation will also contribute to decent working conditions in the fisheries sector.
- (4) The Agreement and the Protocol should be approved.

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<sup>1</sup> OJ ...

<sup>+</sup> OJ: Please insert the number of the Decision contained in the document ST 9523/23 and complete the corresponding footnote.

<sup>++</sup> OJ: Please insert the date of signature of the Agreement and the Protocol contained in document ST 9007/23.

<sup>2</sup> Fisheries Partnership Agreement between the Republic of Madagascar and the European Community (OJ L 331, 17.12.2007, p. 7).

- (5) Article 14 of the Agreement establishes a Joint Committee responsible for monitoring the application of the Agreement and the Protocol. In addition, pursuant to Article 14(3) of the Agreement and Article 11 and Article 12(4) of the Protocol, the Joint Committee is authorised to adopt certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be authorised, subject to substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.
- (6) The Union's position on proposed amendments to the Protocol should be established by the Council. The proposed amendments should be approved unless a blocking minority of Member States objects to them, in accordance with Article 16(4) of the Treaty on European Union.
- (7) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1</sup> and delivered an opinion on 1 June 2023,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

### *Article 1*

The Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and its implementing protocol (2023-2027) are hereby approved on behalf of the Union<sup>1+</sup>.

### *Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17 of the Agreement and the notification provided for in Article 18 of the Protocol<sup>2</sup>.

### *Article 3*

In accordance with the procedure and conditions laid down in the Annex to this Decision, the Commission is authorised to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee established under Article 14 of the Agreement.

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<sup>1</sup> The texts of the Agreement and the Protocol are published in OJ L ...

<sup>+</sup> OJ: Please insert, in the footnote, the OJ references to the Agreement and the Protocol contained in document ST 9007/23.

<sup>2</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 4*

This Decision shall enter into force on the date of its adoption.

Done at ...,

*For the Council*

*The President*

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## **ANNEX**

### **PROCEDURE AND CONDITIONS FOR THE APPROVAL OF AMENDMENTS TO THE PROTOCOL TO BE ADOPTED BY THE JOINT COMMITTEE**

Where the Joint Committee is asked to adopt amendments to the Protocol in accordance with Article 14(3) of the Agreement and Article 11 and Article 12(4) of the Protocol, the Commission is authorised to approve the proposed amendments on behalf of the Union, under the following conditions:

- (1) The Commission shall ensure that the approval on behalf of the Union:
  - (a) is in accordance with the objectives of the common fisheries policy;
  - (b) is consistent with the relevant rules adopted by regional fisheries management organisations and takes account of joint management by coastal states;
  - (c) takes account of the most recent statistical, biological and other relevant information sent to the Commission.
- (2) Before approving the proposed amendments on behalf of the Union, the Commission shall submit them to the Council in sufficient time before the relevant meeting of the Joint Committee.

- (3) The Council shall assess whether the proposed amendments comply with the criteria laid down in point 1.
- (4) Unless a number of Member States equivalent to a blocking minority of the Council, in accordance with Article 16(4) of the Treaty on European Union, object to the proposed amendments, the Commission shall approve them on behalf of the Union. If there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the Union.
- (5) If, in the course of subsequent meetings of the Joint Committee, including on the spot, it is impossible to reach an agreement, the matter shall be referred back to the Council, in accordance with the procedure set out in points 2 to 4, in order for the Union position to take account of new factors.
- (6) The Commission is invited to take, in due time, any steps necessary to follow up on the decision of the Joint Committee, including, where appropriate, publishing the relevant decision in the *Official Journal of the European Union* and submitting any proposal necessary for the implementation of that decision.

As regards other matters which do not concern amendments to the Protocol, in accordance with Article 14(3) of the Agreement and Article 11 and Article 12(4) of the Protocol, the position to be adopted by the Union within the Joint Committee shall be determined in accordance with the Treaties and established working practices.