COUNCIL DECISION (EU) 2023/1476

of 26 June 2023

on the signing, on behalf of the European Union, and provisional application 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(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Fisheries Partnership Agreement between the Republic of Madagascar ('Madagascar') and the European Community ([1]) (the '2007 Agreement'), approved by Council Regulation (EC) No 31/2008 ([2]), has been applied on a provisional basis since 1 January 2007. The Protocol thereto setting out the fishing opportunities and financial contribution provided for in the 2007 Agreement, which entered into force on the same day, has been replaced several times.

(2) The previous Protocol to the 2007 Agreement expired on 31 December 2018.

(3) On 4 June 2018, the Council adopted a Decision authorising the Commission to open negotiations with Madagascar for the conclusion of a new Sustainable Fisheries Partnership Agreement (the 'Agreement') and a new protocol implementing the Agreement (the 'Protocol').

(4) Between July 2018 and October 2022, eight rounds of negotiations were held with Madagascar regarding the Agreement and the Protocol. Following those negotiations, the Agreement and the Protocol were initialled on 28 October 2022.

(5) 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.

(6) The Agreement and the Protocol should be signed.

(7) The Agreement and the Protocol should enter into application as soon as possible, in view of the economic importance of the fishing activity of Union vessels in Madagascar's fishing zone and the need to limit, as far as possible, the duration of any interruption of that activity.

(8) The Agreement and the Protocol should be applied on a provisional basis from 1 July 2023 or from the date of their signature if that falls after that date, pending the completion of the procedures necessary for their entry into force.

(9) 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 ([3]) and delivered an opinion on 1 June 2023,

([1]) OJ L 331, 17.12.2007, p. 7.

([2]) Council Regulation (EC) No 31/2008 of 15 November 2007 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar (OJ L 15, 18.1.2008, p. 1).

([3]) 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).

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and of the Protocol implementing the Agreement (2023-2027) is hereby authorised, subject to the conclusion of those acts ([4]).

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement and the Protocol on behalf of the Union.

Article 3

The Agreement shall be applied on a provisional basis, in accordance with Article 19 thereof, from 1 July 2023 subject to its signature, or from the date of its signature if it is signed after 1 July 2023, pending the completion of the procedures necessary for its entry into force.

Article 4

The Protocol shall be applied on a provisional basis, in accordance with Article 19 thereof, from 1 July 2023 subject to its signature, or from the date of its signature if it is signed after 1 July 2023, pending the completion of the procedures necessary for its entry into force.

Article 5

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

Done at Luxembourg, 26 June 2023.

For the Council
The President
P. KULLGREN

([4]) The texts of the Agreement and the Protocol are published on page 84 of this Official Journal.