

Brussels, 10 September 2026
(OR. fr)

13009/26

PECHE 338

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2026) 465 final
Subject:	Recommendation for a COUNCIL DECISION authorising the opening of negotiations for a sustainable fisheries partnership agreement and its implementing protocol between the European Union and the Republic of Madagascar

Delegations will find attached document COM(2026) 465 final.

Encl.: COM(2026) 465 final



EUROPEAN
COMMISSION

Brussels, 10.9.2026
COM(2026) 465 final

Recommendation for a

COUNCIL DECISION

**authorising the opening of negotiations for a sustainable fisheries partnership agreement
and its implementing protocol between the European Union and the Republic of
Madagascar**

{SWD(2026) 272 final} - {SWD(2026) 273 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Commission recommends negotiating a new sustainable fisheries partnership agreement and its implementing protocol with Madagascar, which would be in accordance with Regulation (EU) No 1380/2013¹ on the Common Fisheries Policy (CFP), to meet the needs of the EU fleet and contribute to CFP objectives.

- **Consistency with existing policy provisions in the policy area**

The Sustainable Fisheries Partnership Agreement (SFPA) between the European Union and Madagascar and its Implementing Protocol², signed on 30 June 2023 and applied since 1 July 2023, will expire on 30 June 2027. The Protocol currently sets the fishing opportunities provided to the EU fleet and the corresponding financial contribution paid by the EU to Madagascar amounting to EUR 1 800 000, of which EUR 1 100 000 for sectoral support, and the contributions paid by vessel operators.

Access by EU vessels to Madagascar's fishing zone is authorised for fishing for tuna and highly migratory species, which concerns four Member States (Spain, France, Italy and Portugal). The European Union has a network of active bilateral sustainable fisheries partnership agreements (SFPAs) in West and Central Africa and in the region of the Indian Ocean. In the region of the Indian Ocean, the tuna fleet has active SFPAs with the Republic of Mauritius and the Republic of Seychelles.

SFPAs help to promote common fisheries policy objectives internationally by ensuring that EU fishing activities outside EU waters are based on the same principles and standards as those applicable under EU law. In addition, SFPAs strengthen the EU's position in international and regional fisheries organisations, in particular in the Indian Ocean Tuna Commission (IOTC), the body for the conservation and management of highly migratory species in the region, as well as in the Southern Indian Ocean Fisheries Agreement (SIOFA). Lastly, SFPAs are based on the best available scientific advice and contribute to better compliance with international measures, including combatting illegal, unreported and unregulated (IUU) fishing.

- **Consistency with other Union policies**

Negotiating an SFPA and protocol with Madagascar is in line with the EU's external action towards African, Caribbean and Pacific (ACP) countries, and in particular with the EU's objectives with regard to respecting democratic principles and human rights.

SFPAs complement other EU instruments, including the Neighbourhood, Development and International Cooperation Instrument (NDICI), in strengthening national and regional capacities on fisheries management, and rely on existing opportunities such as the training offered by the European Fisheries Control Agency (EFCA).

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

² Current sustainable fisheries partnership agreement: OJ L 182, 19.7.2023, pp. 25-81.

The promotion of decent work is ensured by the expected negotiation of a social clause in line with the 2007 International Labour Organization (ILO) Work in Fishing Convention (No 188) for partner country workers to be employed by EU vessels.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Substantive legal basis**

The substantive legal basis is provided by Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) in relation to the common fisheries policy.

- **Procedural legal basis**

Article 218(3) TFEU provides that, where the agreement envisaged does not relate exclusively or principally to the common foreign and security policy, the Commission shall submit recommendations to the Council. The Council shall adopt a decision authorising the opening of the negotiations and nominating the EU negotiator or the head of the EU's negotiating team.

Article 218(4) TFEU provides that the Council may address negotiating directives to the negotiator and designate a special committee to be consulted by the negotiator.

The Commission recommends opening negotiations between the European Union and the Republic of Madagascar so as to conclude an international sustainable fisheries partnership agreement and its implementing protocol. The Commission is to be nominated as negotiator.

The procedural legal basis for the proposal for a decision to authorise the opening of negotiations for the envisaged agreement is Article 218(3) and (4) TFEU.

- **Choice of negotiator**

Given that the envisaged agreement covers exclusively matters other than the common foreign and security policy, the Commission should be nominated as negotiator in accordance with Article 218(3) of the Treaty on the Functioning of the European Union.

- **Union competence**

The subject matter covered by the recommendation concerns the common fisheries policy, for which the Union exercises exclusive competence.

- **Proportionality**

The proposed decision is proportional to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in third-country waters, in accordance with Article 31 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy.

- **Choice of instrument**

This recommendation for a Council decision is submitted in accordance with Article 218(3) and (4) TFEU, which envisage the adoption by the Council of a decision authorising the opening of negotiations and nominating the Union negotiator. The Council may also address negotiating directives to the negotiator. No other legal instrument exists that could be used in order to achieve the objective expressed in this recommendation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations / fitness checks of existing legislation**

In 2026, the Commission carried out an ex-post evaluation of the current protocol to the SFPAs with Madagascar and an ex-ante evaluation of a possible new agreement and protocol. The report of that evaluation is public³.

The evaluation report concluded that the EU tuna fishing sector has a strong interest in an agreement on fishing activities in Madagascar. The evaluation report also highlights a continued discrepancy between the number of fishing opportunities offered and their use. Any future protocol should reduce the number of fishing opportunities offered, which should result in a reduction in the financial contribution under the Protocol. Furthermore, the renewal of the Protocol would help strengthen monitoring, control and surveillance, and would contribute to improved governance of the fisheries in the region. The evaluation shows that renewing the protocol would also bring benefits for Madagascar in view of the significant financial contribution to be paid towards development of the fisheries sector.

- **Consultation of interested parties**

The parties consulted during the evaluation were the Member States, fisheries representatives and international civil society organisations, in addition to EU and Malagasy fisheries administrations and civil society. Consultations also took place in the framework of the Long Distance Fleet Advisory Council.

- **Collection and use of expertise**

The evaluations carried out involved independent experts in the field.

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiating directives set out in the annex to the proposal for a decision recommend including a clause on the consequences of infringements of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary impact of a new protocol will derive from the payment of a financial contribution to Madagascar. The related budgetary allocations (commitments and payment appropriations) need to be included each year in the budget line for SFPAs (08 05 01) and be

³ Directorate-General for Maritime Affairs and Fisheries, POSEIDON and Fisheries Maritime Affairs, EU-Madagascar Sustainable fisheries partnership – Assessment of the 2023-2027 sustainable fisheries partnership agreement (SFPAs) and of a possible future SFPAs, Publications Office of the European Union, 2026, <https://data.europa.eu/doi/10.2771/4471552>

compatible with the financial programming of the Multiannual Financial Framework⁴ for 2021-2027 and for 2028-2034. The annual amounts for commitments and payments are established in the yearly budgetary procedure including the reserve line for protocols that had not entered into force at the beginning of the year⁵.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The negotiations should begin in the fourth quarter of 2026 in order to limit the period between the two SFPAs following the expiry of the current agreement on 30 June 2027.

- **Detailed explanation of the proposal's specific provisions**

The Commission recommends that:

- the Council authorise it to open and conduct negotiations for the conclusion of a new sustainable fisheries partnership agreement with Madagascar and an implementing protocol.

⁴ Article 20 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28), eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:433I:FULL.

⁵ See Article 20 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28), http://data.europa.eu/eli/agree_interinstitut/2020/1222/oj.

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations for a sustainable fisheries partnership agreement and its implementing protocol between the European Union and the Republic of Madagascar

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), in conjunction with Article 218(3) and (4) thereof,

Having regard to the European Commission's recommendation:

Whereas negotiations should be opened with a view to concluding a new sustainable fisheries partnership agreement and its implementing protocol between the European Union and the Republic of Madagascar,

HAS ADOPTED THIS DECISION:

Article 1

The opening of negotiations for a sustainable fisheries partnership agreement and its implementing protocol between the European Union and the Republic of Madagascar is hereby authorised.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

The negotiating directives set out in the annex to this Decision are hereby addressed to the Commission.

Article 4

The negotiations shall be conducted in consultation with the Council Working Party on Fisheries Policy, which is hereby designated as the special committee referred to in Article 218(4) TFEU.

Article 5

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*