



Council of the
European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	1. Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and the Implementing Protocol thereto (2023-2027) - Adoption 2. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar and the Implementing Protocol thereto (2023-2027) - Agreement in principle - Request for the consent of the European Parliament 3. Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Madagascar -Adoption

1. Following the completion of negotiations in October 2022, on the basis of a mandate¹ issued by the Council in June 2018, the Commission submitted the abovementioned proposals² to the Council on 28 April 2023.

¹ Doc. 8710/18 + ADD 1

² Doc. 8800/23 + ADD1, 8801/23 + ADD 1, 8803/23

2. The draft Decisions and Regulation are based on Article 43 and Article 218 of the Treaty on the Functioning of the European Union (TFEU).
3. The Working Party on Fisheries Policy examined the proposals on 4 and 11 May 2023. It agreed to modify the legal basis of the two decisions so as to refer to article 43 TFEU as a whole, and agreed a change of wording as concerns the person who is authorised to sign the protocol and to notify its conclusion on behalf of the EU.
4. The Commission representative announced that the Commission would submit a statement for the Council minutes regarding both the change of legal basis and the person designated to sign the protocol. DK signalled a parliamentary scrutiny reservation that has since been lifted. The changes agreed by the Working Party were issued as Presidency compromise texts³ and confirmed by means of a written consultation that concluded on 22 May 2023.
5. The European Data Protection Supervisor submitted a positive opinion on 1 June 2023. The Working Party reverted to the matter on 12 June 2023 to take note of the formal comments of the European Data Protection Supervisor⁴. Legal-linguistic experts have since finalised the texts in all languages.
6. The Permanent Representatives Committee is therefore invited to confirm the agreement reached and to recommend that the Council, at a forthcoming session:
 - adopts the decision on the signing and provisional application of the agreement and protocol, as set out in doc. 9523/23;
 - agrees in principle on the decision on the conclusion of the agreement and protocol, as set out in doc. 9525/23, and decides to send it, together with the text of the protocol in doc. 9007/23 to the European Parliament for its consent;
 - adopts the regulation on the allocation of fishing opportunities under the protocol, as set out in doc. 9812/23;
 - agrees to enter in its minutes the Commission statements contained in the addendum to this note.

³ Doc. 9029/23, 9030/23 and 9310/23

⁴ Doc. 10102/23

7. The decision on signing and provisional application, the texts of the agreement and protocol and the regulation on the allocation of fishing opportunities will be published in the Official Journal. The European Parliament will be informed in accordance with article 218(10) TFEU, and the decision on signing and provisional application will be sent to the EP.
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