Outermost regions: specific measures for agriculture

2010/0256(COD) - 13/03/2013 - Final act

PURPOSE: the adoption of measures for agriculture in the outermost regions of the Union.

LEGISLATIVE ACT: Regulation (EU) No 228/2013 of the European Parliament and of the Council laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006.

CONTENT: the Regulation introduces **specific measures in the agricultural sector to remedy the difficulties caused by peripherality**, linked to their extreme remoteness, specifically their isolation, insularity, small surface areas, mountainous terrain and climate and their economic dependency on a small number of products. It covers the following regions: Guadeloupe, French Guyana, Martinique, Réunion, Saint Barthelemy, Saint Martin, the Azores, Madeira and the Canary Islands.

This new Regulation falls within the framework of the alignment of the EU's legislation with the Lisbon Treaty as regards implementing acts and delegated acts (Articles 290 and 291 of the Treaty).

In parallel, because Council Regulation (EC) No 247/2006 had been amended a number of times, this exercise provided the opportunity to recast the Regulation as a whole to ensure it corresponds more closely with the measures currently applied by Member States.

Objectives: the specific measures shall help to meet the following objectives:

- guaranteed supply to the outermost regions of products essential for human consumption or for processing and as agricultural inputs by mitigating the additional costs incurred due to their extreme remoteness, without harming local production and the growth thereof;
- securing the **long-term future** and development of the 'livestock' and 'crop-diversification' sectors in the outermost regions, including the production, processing and sale of local products;
- maintaining the development and strengthening the competitiveness of **traditional agricultural activities** in the outermost regions, including the production, processing and marketing of local crops and products.

Programmes of Options Specifically Relating **to Remoteness and Insularity (POSEI) Programmes:**

The new text highlights the central role played by POSEI programmes which comprise two main aspects: (i) **specific supply arrangements** to compensate for peripherality; and (ii) **specific measures to assist local agricultural production**. The POSEI programme shall be established at the geographical level which the Member State concerned deems to be the most appropriate. Only products of sound, fair and marketable quality shall benefit from the specific supply arrangements. **Products from third countries** shall provide an equivalent level of guarantees to those produced under the Union's veterinary and plant health standards.

Impact of economic advantage: benefiting from the specific supply arrangements resulting from the awarding of aid shall be subject to the condition that the impact of the economic advantage is passed on up to the end user.

The advantage shall be equal to the amount of the exemption from import duties or to the amount of the aid. No security shall be required when applying for import licences, exemption certificates or aid certificates. However, the competent authority may require a security to be lodged equal to the amount of the advantage.

Controls and penalties: products which are the subject of specific supply arrangements shall be subject to administrative checks at the time that they are imported into or enter the outermost regions, as well as when they are exported or dispatched.

Except in cases of force majeure or exceptional climatic conditions, if an operator, as referred to in Article 12, fails to comply with the commitments made in accordance with Article 12, the competent authority, without prejudice to any penalties applicable under national law, shall: (a) recover the advantage granted to operator; (b) temporarily suspend or revoke the operator’s registration, depending on the seriousness of the non-compliance.

Financial allocation: in respect of each financial year, the Union shall finance the measures provided for in the Regulation, up to an annual sum equivalent to:

- in the **French overseas departments:** EUR 278.41 million (of which a maximum amount of EUR 26.9 million for specific supply measures);
- **Azores and Madeira:** EUR 106.21 million (of which a maximum amount of EUR 21.2 million for specific supply measures);
- **Canary Islands:** EUR 268.42 million (of which a maximum amount of EUR 72.7 million for specific supply measures).

Banana sector: for the financial year 2013, the Union shall grant **an additional financing of EUR 40 million** for the banana sector of the outermost regions up to the maximum amounts as follows:

- in the French overseas departments: EUR 18.52 million;
- Azores and Madeira: EUR 1.24 million;
- Canary Islands: EUR 20.24 million.

This new specific measure seeks to enable the banana sector in outermost regions to adapt to the reduction in customs duties on this product following the recent trade agreements concluded in the area.

Review: the Commission shall review these arrangements before the end of 2013, in view of their overall effectiveness and the new CAP policy framework, and if necessary come forward with appropriate proposals for a revised POSEI scheme.

ENTRY INTO FORCE: 21/03/2013.

DELEGATED ACTS: the Commission is empowered to adopte delegated acts to ensure the proper functioning of the system set in place by the Regulation. The power to adopt such acts shall be conferred on the Commission for a period of **five years** from 21 March 2013 (a period that can be tacitly extended for periods of an identical duration). The European Parliament or the Council may object to the delegated act within a period of **two months** of notification of that act (which may be extended by two months.) If the European Parliament or Council objects, the delegated act shall not enter into force.