

Basic information	
2013/0191(COD)	Procedure completed
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	
Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union	
Amending Regulation (EC) No 850/98 <a href="#">1996/0160(CNS)</a> Amending Regulation (EC) No 1069/2009 <a href="#">2008/0110(COD)</a> Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a> Amending Regulation (EU) No 1379/2013 <a href="#">2011/0194(COD)</a> Amending Regulation (EU) No 1380/2013 <a href="#">2011/0195(COD)</a>	
<b>Subject</b>	
3.10.08 Animal health requirements, veterinary legislation and pharmacy 3.15.01 Fish stocks, conservation of fishery resources 3.15.03 Fishing fleets, safety of fishing vessels 3.15.06 Fishing industry and statistics, fishery products 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas 4.60.04.04 Food safety 4.70.06 Outlying and outermost regions, overseas countries and territories	
<b>Geographical area</b>	
France Mayotte	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries	FERREIRA João (GUE/NGL)	10/07/2013
		Shadow rapporteur CADEC Alain (PPE) THOMAS Isabelle (S&D) GALLAGHER Pat the Cope (ALDE) BESSET Jean-Paul (Verts /ALE)	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	REGI Regional Development	TIROLIEN Patrice (S&D)	11/07/2013

	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs	VOSS Axel (PPE)	14/10/2013
Council of the European Union	Council configuration	Meetings	Date
	General Affairs	3287	2013-12-17
European Commission	Commission DG	Commissioner	
	Regional and Urban Policy	HAHN Johannes	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
Date	Event	Reference	Summary
13/06/2013	Legislative proposal published	COM(2013)0417 	Summary
01/07/2013	Committee referral announced in Parliament, 1st reading		
27/11/2013	Vote in committee, 1st reading		
02/12/2013	Committee report tabled for plenary, 1st reading	A7-0425/2013	Summary
12/12/2013	Decision by Parliament, 1st reading	T7-0591/2013	Summary
12/12/2013	Results of vote in Parliament		
17/12/2013	Act adopted by Council after Parliament's 1st reading		
17/12/2013	Final act signed		
17/12/2013	End of procedure in Parliament		
28/12/2013	Final act published in Official Journal		

Technical information	
Procedure reference	2013/0191(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 850/98 1996/0160(CNS) Amending Regulation (EC) No 1069/2009 2008/0110(COD) Amending Regulation (EC) No 1224/2009 2008/0216(CNS) Amending Regulation (EU) No 1379/2013 2011/0194(COD) Amending Regulation (EU) No 1380/2013 2011/0195(COD)

Legal basis	Treaty on the Functioning of the EU TFEU 168-p4 Treaty on the Functioning of the EU TFEU 043-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/13042

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE516.743	15/10/2013	
Committee opinion	REGI	PE519.805	16/10/2013	
Amendments tabled in committee		PE521.737	06/11/2013	
Specific opinion	JURI	PE522.888	08/11/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0425/2013	02/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0591/2013	12/12/2013	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Supplementary legislative basic document	14342/2013	07/10/2013	Summary	
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2013)0417 	13/06/2013	Summary	
Commission response to text adopted in plenary	SP(2014)148	13/02/2014		
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2013)0417	31/07/2013	
Contribution	ES_PARLIAMENT	COM(2013)0417	15/09/2013	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5566/2013	18/09/2013	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2013/1385 OJ L 354 28.12.2013, p. 0086
Corrigendum to final act 32013R1385R(02) OJ L 122 17.05.2018, p. 0035

[Summary](#)

## Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union

2013/0191(COD) - 13/06/2013 - Legislative proposal

PURPOSE: to amend certain Regulations in the fields of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: by Decision 2012/419/EU, **the European Council amended the status of Mayotte with regard to the Union with effect from 1 January 2014**. Therefore, from that date Mayotte will cease to be an overseas territory to become an **outermost region** within the meaning of Articles 349 and 355(1) TFEU. Union law will apply to Mayotte from 1 January 2014.

This proposal follows the examination of requests made by the French authorities to have the Union *acquis* amended through specific measures applicable to Mayotte in different areas, such as fisheries and animal health. The examination of the situation regarding Mayotte has revealed that it is necessary to protect the sensitive biological situation of its waters. In certain respects, France needs additional time to comply with the Union *acquis* with regard to Mayotte.

The amendments proposed all relate to Regulations in the fields of fisheries and animal health. In the interest of simplicity and speediness, it has been considered expedient not to resort to individual proposals for each of the acts concerned but, where legally possible, to bundle the amendments to several acts in a single proposal.

IMPACT ASSESSMENT: the Commission did not undertake an impact assessment.

LEGAL BASIS: Article 43(2) and Article 168(4)(b) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: in view of the specific situation in Mayotte, the Commission is proposing **amendments to certain Regulations in the fields of fisheries and animal health**.

In the area of **fisheries**, the proposed amendments aim to:

- **include the waters around Mayotte** and to prohibit the use of purse-seines on tuna and tuna-like schools of fish inside the area within 24 miles from the baselines of the island in order to preserve the shoals of large migratory fish in the vicinity of the island of Mayotte;
- grant **additional time** to France to comply with the Union *acquis* with regard to Mayotte, in particular in regard to the registering and control obligations in the area of fisheries, to the extent it concerns certain vessels dispersed around the island and not associated to a specific landing site.

In the area of **animal health**, it is proposed to amend Regulation (EC) No 1069/2009 of the European Parliament and of the Council in order to grant France **a transitional period of five years** in regard to Mayotte, which would enable it to create the infrastructure necessary for the identification, handling, transport, treatment and disposal of animal by-products.

BUDGETARY IMPLICATION: the proposal has no budgetary implications.

## **Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union**

2013/0191(COD) - 07/10/2013 - Supplementary legislative basic document

The Council adopted a proposed **compromise text** on the Council Regulation amending Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union.

The proposed changes by the Presidency were as follows:

The proposal should be based on **Article 349** of the Treaty on the Functioning of the European Union (TFEU).

The Council should adopt this proposal having regard to the opinion of the European Parliament following the **special legislative procedure**.

It is stipulated that Mayotte should be considered as an **outermost region** within the meaning of Article 349 of the TFEU and that it is appropriate to provide for certain specific measures justified by the particular structural social and economic situation of Mayotte which is compounded by its remoteness, insularity, small size, difficult topography and climate, in a number of areas.

It has been proposed to amend the **CMO Regulation** - on the common organisation of the markets in fishery and aquaculture products to provide for a temporary derogation from the rules concerning the labelling of fishery products offered for retail sale to the final consumer in Mayotte until 31 December 2021.

**Regulation of the Common Fisheries Policy** should be amended in order to stipulate that France:

- shall be authorised, **until 31 December 2025**, to introduce new capacity without the withdrawal of an equivalent capacity for the various segments as referred to in Annex XX;
- shall be exempted **until 31 December 2021** from the obligation to include in its register of Union fishing vessels those vessels which are less than 10 meters in overall length and operate from Mayotte;
- **until 31 December 2021**, shall keep a provisional register of fishing vessels which are less than 10 meters in overall length and operate from Mayotte. Vessels registered in the provisional register shall be considered to be vessels registered in Mayotte.

Lastly, **animal by-products** and derived products generated in Mayotte before 1 January 2021 shall be disposed of in accordance with the Regulation.

## **Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union**

2013/0191(COD) - 17/12/2013 - Final act

**PURPOSE:** to amend certain Regulations in the fields of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union.

**LEGISLATIVE ACT:** Council Regulation (EU) n° 1385/2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

**CONTENT:** on 11 July 2012, the European Council decided to **grant Mayotte the status of an outermost region of the Union with effect from 1 January 2014**. From that date, Union law will apply to Mayotte.

**Specific measures** provided in this Directive aim to take account of the particular structural social and economic situation of Mayotte, which is compounded by its remoteness, insularity, small size, difficult topography and climate.

The amendments aim to:

- include **In the scope** of Council Regulation (EC) No 850/98 the waters around Mayotte as a new outermost region and to prohibit the use of purse-seines on tuna and tuna-like schools of fish inside the area within 24 miles from the baselines of the island in order to preserve the shoals of large migratory fish in the vicinity of the island of Mayotte;
- provide for a temporary derogation (until 31 December 2021) from the rules concerning the **labelling of fishery products** offered for retail sale to the final consumer in Mayotte;
- ensure that France does not have to comply with the obligation to include in the **register of Union fishing vessels**, the ships of less than 10 metres which are dispersed around the island. France should, however, keep a provisional fleet register until 31 December 2021;
- allow France a period of five years in order to establish the infrastructure necessary for the identification, handling, transport, treatment and disposal of **animal by-products** in Mayotte in full compliance with Regulation (EC) No 1069/2009;

- provide for a temporary derogation for France (until 31 December 2021) from certain rules concerning the control of fishing vessels to the extent that such vessels are dispersed around the island, have no specific landing sites and still need to be identified. By 30 September 2014, France shall establish a simplified and provisional scheme of control applicable to such fishing vessels;

ENTRY INTO FORCE: 01/01/2014.

## Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union

2013/0191(COD) - 12/12/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 553 votes to 56, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union.

The position at first reading adopted by the Parliament following the ordinary legislative procedure amended the Commission proposal as follows:

**Legal basis:** Parliament proposed to add **Article 349** of the Treaty on the Functioning of the European Union as a legal basis, since Mayotte is an **outermost region**. It is appropriate to provide for certain specific measures justified by the particular structural, social and economic situation of Mayotte which is compounded by its remoteness, insularity, small size, difficult topography and climate.

**Conservation of fisheries resources:** as regards Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organism, the report proposed:

- to prohibit the use of purse-seines on tuna and tuna-like schools of fish inside the area within 24 nautical miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured;
- to prohibit fishing under drifting fish aggregating devices (FADs) and under large marine mammals and whale sharks (natural FADs) shall be prohibited in the whole of the Mayotte Marine Natural Park.

**The 'Marine Natural Park of Mayotte'** is defined as the entire exclusive economic zone (EEZ) of Mayotte (68 381 km<sup>2</sup>). The land area of the park shall extend to the upper foreshore, which marks the boundary of the maritime public domain.

**Consumer information** (Regulation (EC) No 104/2000): with regard to the requirements concerning traceability and consumer information for products offered for retail sale, Parliament proposed to extend to **31 December 2021** the deadline for implementing European legislation to give Mayotte time to comply.

**Register of fishing vessels** (Regulation (EC) No 2371/2002): France shall be exempted until **31 December 2021** from the obligation to include in its register of Union fishing vessels those vessels that are **less than 10 meters** in overall length and operate from Mayotte. Until 31 December 2021, France shall keep a **provisional register** of fishing vessels which are less than 10 meters in overall length and operate from Mayotte. That register shall contain, for each vessel, at least its name, its overall length and an identification code.

**Conservation measures:** in the waters up to 100 nautical miles from the baselines of Mayotte and in the whole of the Mayotte Marine Natural Park, France may adopt the conservation measures considered necessary for the preservation of the natural resources protected by the legislation establishing that park.

**Health rules** (Regulation (EC) No 1069/2009): Parliament felt it necessary to see that Mayotte was given enough time to apply the health rules governing animal by-products and derived products not intended for human consumption. The rules will apply from 1 January 2021.

**Control requirements:** Members introduced a derogation from Regulation (EC) No 1224/2009 to give Mayotte time to comply with the control requirements provided for in this Regulation. By **1 January 2015**, France shall establish a national scheme of control applicable to fishing vessels which are less than 10 meters in overall length and operate from Mayotte.

**By 30 September 2015**, France shall present to the Commission an action plan setting out the measures to be taken in order to ensure the full implementation of Regulation (EC) No 1224/2009 from **1 January 2018** concerning fishing vessels which are less than 10 meters in overall length and operate from the outermost region of Mayotte.

## Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union

2013/0191(COD) - 02/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by João FERREIRA (GUE/NGL, PT) on the proposal for a regulation of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union.

The committee recommended that Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Legal basis:** Members proposed to add Article 349 of the Treaty on the Functioning of the European Union as a legal basis, since Mayotte is an outermost region.

Conservation of fisheries resources: as regards Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organism, the report proposed:

- to prohibit the use of purse-seines on tuna and tuna-like schools of fish inside the area within **24 nautical miles** of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured;
- to prohibit fishing under drifting fish aggregating devices (FADs) and under large marine mammals and whale sharks (natural FADs) shall be prohibited in the whole of the Mayotte Marine Natural Park;

**The 'Marine Natural Park of Mayotte'** is defined as the entire exclusive economic zone (EEZ) of Mayotte (68 381 km<sup>2</sup>). The land area of the park shall extend to the upper foreshore, which marks the boundary of the maritime public domain.

**Consumer information:** with regard to the requirements concerning traceability and consumer information for products offered for retail sale, the report proposed to extend to **31 December 2021** (instead of 16 December 2016) the deadline for implementing European legislation to give Mayotte time to comply.

**Register of fishing vessels:** France shall be exempted until **31 December 2021** from the obligation to include in its register of Union fishing vessels those vessels that are **less than 10 meters in overall length** and operate from Mayotte. The Commission had proposed that France be exempted until 31 December 2016 for all vessels that are less than 9 meters in overall length.

**Conservation measures:** in the waters up to 100 nautical miles from the baselines of Mayotte and in the whole of the Mayotte Marine Natural Park, France may adopt the conservation measures considered necessary for the preservation of the natural resources protected by the legislation establishing that park.

Health rules : Members felt it necessary to see that Mayotte was given enough time to apply the health rules governing animal by-products and derived products not intended for human consumption. The rules will apply from **1 January 2021** (rather than 1 January 2019.)

**Control requirements :** Members introduced a derogation from Regulation (EC) No 1224/2009 to give Mayotte time to comply with the control requirements provided for in this Regulation. By **1 January 2015**, France shall establish a national scheme of control applicable to fishing vessels which are less than 10 meters in overall length and operate from Mayotte.

By **30 September 2015** France shall present to the Commission an action plan setting out the measures to be taken in order to ensure the full implementation of Regulation (EC) No 1224/2009 from 1 January 2018 concerning fishing vessels which are less than 10 meters in overall length and operate from the outermost region of Mayotte.