


# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2013/0191(COD)</p>	Procedure completed
<p>Fisheries and animal health: amending certain Regulations by reason of the change of status of Mayotte with regard to the Union</p> <p>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></p>	
<p>Subject</p> <p>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</p>	
<p>Geographical area</p> <p>France Mayotte</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries	Shadow rapporteur	
		PPE <a href="#">CADEC Alain</a>	
		S&D <a href="#">THOMAS Isabelle</a>	
		ALDE <a href="#">GALLAGHER Pat the Cope</a>	
		Verts/ALE <a href="#">BESSET Jean-Paul</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>REGI</b> Regional Development		11/07/2013
		S&D <a href="#">TIROLIEN Patrice</a>	
	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs		14/10/2013
		PPE <a href="#">VOSS Axel</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">3287</a>	17/12/2013
European Commission	Commission DG	Commissioner	

## Key events

13/06/2013	Legislative proposal published	<a href="#">COM(2013)0417</a>	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	<a href="#">A7-0425/2013</a>	Summary
12/12/2013	Results of vote in Parliament		
12/12/2013	Decision by Parliament, 1st reading	<a href="#">T7-0591/2013</a>	Summary
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
	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>
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	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/13042

## Documentation gateway

Legislative proposal	<a href="#">COM(2013)0417</a>	13/06/2013	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES5566/2013</a>	18/09/2013	ESC	
Supplementary legislative basic document	<a href="#">14342/2013</a>	07/10/2013	CSL	Summary

Committee draft report		<a href="#">PE516.743</a>	15/10/2013	EP	
Committee opinion	REGI	<a href="#">PE519.805</a>	16/10/2013	EP	
Amendments tabled in committee		<a href="#">PE521.737</a>	06/11/2013	EP	
Specific opinion	JURI	<a href="#">PE522.888</a>	08/11/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0425/2013</a>	02/12/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0591/2013</a>	12/12/2013	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2014)148</a>	13/02/2014	EC	

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

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

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

**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

---

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

---

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 Parliaments 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.

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

---

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

---

**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.