

Procedure file

Basic information	
CNS - Consultation procedure Decision	2014/0010(CNS) Procedure completed
Doc dues tax: implementation in Mayotte Amending Decision 2004/162/EC 2003/0308(CNS)	
Subject 2.70.02 Indirect taxation, VAT, excise duties 4.70.06 Outlying and outermost regions, overseas countries and territories	
Geographical area France Mayotte	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	REGI Regional Development		24/02/2014
	Committee for opinion	PPE HÜBNER Danuta Maria	
	ECON Economic and Monetary Affairs	Rapporteur for opinion	Appointed
		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3302	11/03/2014
European Commission	Commission DG	Commissioner	
	Taxation and Customs Union	ŠEMETA Algirdas	

Key events			
24/01/2014	Legislative proposal published	COM(2014)0024	Summary
24/02/2014	Committee referral announced in Parliament		
24/02/2014	Vote in committee		
24/02/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0144/2014	Summary
26/02/2014	Results of vote in Parliament		
26/02/2014	Decision by Parliament	T7-0140/2014	Summary
11/03/2014	Act adopted by Council after consultation of Parliament		
11/03/2014	End of procedure in Parliament		
25/03/2014	Final act published in Official Journal		

Technical information	
Procedure reference	2014/0010(CNS)

Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Decision 2004/162/EC 2003/0308(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 349-p1sub1-as1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	REGI/7/15090

Documentation gateway

Legislative proposal		COM(2014)0024	24/01/2014	EC	Summary
Committee draft report		PE529.748	13/02/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0144/2014	24/02/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0140/2014	26/02/2014	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

Decision 2014/162 OJ L 089 25.03.2014, p. 0003 Summary

Doc dues tax: implementation in Mayotte

PURPOSE: to amend Decision 2004/162/EC with regard to its implementation in Mayotte from 1 January 2014.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: Council Decision 2004/162/EC authorises the French authorities to apply exemptions or reductions to dock dues for products produced locally in the French overseas departments and listed in the Annex to the Decision.

These exemptions or reductions constitute specific measures designed to offset the specific constraints facing the outermost regions which increase production costs for local companies and make it difficult for their products to compete with the same products imported from metropolitan France and other Member States.

Mayotte's situation is the same as that of the other French outermost regions.

In accordance with Decision 2012/419/EU, with effect from 1 January 2014 Mayotte will become an outermost region within the meaning of the Treaty.

The French authorities have asked for Decision 2004/162/EC concerning dock dues to be applicable to Mayotte with effect from 1 January 2014, and have submitted a list of the products to which they wish to apply differentiated taxation according to whether or not the products are produced locally.

CONTENT: the purpose of the Proposal is to amend Decision 2004/162/EC in order to make it applicable to Mayotte.

The proposal makes provision for authorising the application of a differentiated tax system for 59 products produced locally in Mayotte.

For all these products the French authorities were able to prove: (1) the existence of local production; (2) the existence of substantial imports (including from metropolitan France and other Member States) which could jeopardise the continuation of local production; and thirdly, the existence of additional costs relating to local production compared with 'imported' products, which compromise the competitiveness of locally produced products.

Doc dues tax: implementation in Mayotte

The Committee on Regional Development adopted, in the framework of a special legislative procedure (Parliament consultation), the report by Danuta Maria HÜBNER (EPP, PL) on the proposal for a Council decision amending Decision 2004/162/EC with regard to its implementation in Mayotte from 1 January 2014.

To recall, Council Decision 2004/162/EC authorises France, until 1 July 2014, to apply exemptions or reductions to the dock dues tax for the products listed in the Annex of that Decision which are produced locally in the French overseas departments of Guadeloupe, Guyana, Martinique and Réunion.

By Decision 2012/419/EU amending the status of Mayotte with regard to the European Union, the European Council decided that Mayotte would have the status of an outermost region within the meaning of Article 349 TFEU from 1 January 2014, rather than that of an overseas country or territory.

With Mayotte being added to the list of outermost regions, the French authorities informed the Commission of their intention to introduce the dock dues tax in Mayotte, under similar conditions to those for Guyana, and requested authorisation from the Commission to apply a differentiated tax system according to whether or not products are produced locally.

This proposal for a Council Decision thus amends the Decision 2004/162/EC by making it applicable to Mayotte, authorising the application of a differentiated tax system for 59 products produced locally in Mayotte, for which the French authorities have provided evidence that additional costs are incurred as required by the Commission, and proposing a maximum differential for each product limited to what is necessary to offset the lower competitiveness and additional costs of the local products.

As regards the substance, the proposed modification appears to be justified by objective reasons as it stems necessarily from the Mayotte status change as decided by the above-mentioned Decision of the European Council, and granting therefore an identical treatment to all the French ORs.

The proposed decision has a precise and well-defined scope, given that it applies to a limited number of identified products, and is subject to a short duration, as the authorisation granted to France expires on 1 July 2014.

Moreover, given that this measure will be effective from 1 January 2014, it is all the more important to adopt it swiftly for reasons of legal security.

Taking account of these elements, the committee proposed that Parliament to adopt, unamended, the Commission proposal.

Doc dues tax: implementation in Mayotte

The European Parliament adopted by 554 votes to 65, with 8 abstentions, in the framework of a special legislative procedure (Parliament consultation), a legislative resolution on the proposal for a Council decision amending Decision 2004/162/EC with regard to its implementation in Mayotte from 1 January 2014.

Parliament approved the Commission proposal without amendment.

To recall, the proposal seeks to amend the Decision 2004/162/EC by making it applicable to Mayotte which has become an outermost region within the meaning of Article 349 TFEU from 1 January 2014, pursuant to Decision 2012/419/EU.

The proposal provides that the French authorities should be allowed, until 1 July 2014, to apply exemptions or reductions to the dock dues tax for certain products which are produced locally. It also seeks to authorise the application of a differentiated tax system for 59 products produced locally in Mayotte.

Doc dues tax: implementation in Mayotte

PURPOSE: to amend Decision 2004/162/EC with regard to its implementation in Mayotte from 1 January 2014.

LEGISLATIVE ACT: Council Decision 2014/162/EU amending Decision 2004/162/EC with regard to its implementation in Mayotte from 1 January 2014.

CONTENT: Council Decision 2004/162/EC authorises the French authorities to apply exemptions or reductions to dock dues in respect of products produced locally in the French outermost regions and listed in the Annex to that Decision. Those exemptions or reductions constitute specific measures designed to offset the specific constraints faced by the outermost regions which increase production costs for local companies and make it difficult for their products to compete with the same products imported from metropolitan France and other Member States. Mayotte's situation is the same as that of the other French outermost regions.

With effect from 1 January 2014, Mayotte became an outermost region within the meaning of the Treaty.

The French authorities have asked for Decision 2004/162/EC concerning dock dues to be applicable to Mayotte with effect from 1 January 2014, and have submitted a list of the products to which they wish to apply differentiated taxation according to whether or not the products are produced locally.

This Decision authorises France, until 1 July 2014, to apply exemptions or reductions to the dock dues tax in respect of the products listed in the Annex which are produced locally in Guadeloupe, Guyana, Martinique, Mayotte and Réunion as outermost regions.

ENTRY INTO FORCE: 11.03.2014. It shall apply from 1 January 2014.