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A7-0425/ 001-022

AMENDMENTS 001-022

by the Committee on Fisheries

Report

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A7-0425/2013

Amending certain regulations in the field of fisheries and animal health by reason of the change of status of Mayotte

Proposal for a regulation (COM(2013)0417 – C7-0175/2013 – 2013/0191(COD))

Amendment 1

Proposal for a regulation

Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) **and** Article 168(4)(b) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 168(4)(b) **and Article 349** thereof,

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) By Decision 2012/419/EU³, 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. It is

(1) By Decision 2012/419/EU³, 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 **and** become an outermost region within the meaning of Articles 349 and 355(1) **of the Treaty on the Functioning of the European Union**

appropriate to provide for certain specific measures justified by the particular situation of Mayotte *in a number of areas*.

³ OL L 201, 31.7.2012, p. 131.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) As regards Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organism⁴, the waters around Mayotte should be included within the scope of that Regulation and 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 should be prohibited in order to preserve the shoals of large migratory fish in the vicinity of the island of Mayotte.

⁴ OJ L 125, 27.04.1998, p. 1.

Amendment 4

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) First, an important part of the fleet flying the flag of France and operating from the French Department of Mayotte is composed by vessels of less than **9** meters which are dispersed around the island, have no specific landing sites and still need to be

(TFEU). *Following this change in Mayotte's legal status*, Union law will apply to Mayotte from 1 January 2014. 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*.

³ OL L 204, 31.7.2012, p. 131.

Amendment

(3) As regards Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organism, the waters around Mayotte should be included within the scope of that Regulation and the use of purse-seines on tuna and tuna-like schools of fish inside the area within 24 *nautical* miles from the baselines of the island should be prohibited in order to preserve the shoals of large migratory fish in the vicinity of the island of Mayotte.

⁴ OJ L 125, 27.04.1998, p. 1.

Amendment

(6) First, an important part of the fleet flying the flag of France and operating from the French Department of Mayotte is composed by vessels of less than **10** meters which are dispersed around the island, have no specific landing sites and still need to be

identified, measured and equipped with minimum safety implements in order to be included in the register of Union fishing vessels; as a consequence, France will not be able to complete this register until 31 December **2016**. France should, however, install a provisional fleet register guaranteeing minimum identification of the vessels of this segment in order to avoid proliferation of informal fishing vessels.

identified, measured and equipped with minimum safety implements in order to be included in the register of Union fishing vessels; as a consequence, France will not be able to complete this register until 31 December **2020**. France should, however, install a provisional fleet register guaranteeing minimum identification of the vessels of this segment in order to avoid proliferation of informal fishing vessels.

Amendment 5

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Second, it is necessary for the protection of the sensitive biological situation of the waters around Mayotte and the preservation of the local economy of that island, having regard to its structural, social and economic situation, to limit certain fishing activities in those waters to vessels registered in the ports of that island.

Amendment

(7) Second, it is necessary for the protection of the sensitive **ecological and** biological situation of the waters around Mayotte and the preservation of the local economy of that island, having regard to its structural, social and economic situation, to limit certain fishing activities in those waters to vessels registered in the ports of that island.

Amendment 6

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) As regards Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions⁷, a particular feature of Mayotte is that no objective has been set for its fleet under Regulation (EC) No 2371/2002 which refers to the Multiannual Guidance Programme 1997-2002. From the point of view of conservation of fish resources, it is appropriate to freeze the fishing capacity of the fleets at current levels, especially for the segment of large vessels with a great fishing capacity. However, for smaller vessels, in view of the fact that France

Amendment

(8) As regards Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions⁷, a particular feature of Mayotte is that no objective has been set for its fleet under Regulation (EC) No 2371/2002 which refers to the Multiannual Guidance Programme 1997-2002. From the point of view of conservation of fish resources, it is appropriate to freeze the fishing capacity of the fleets at current levels, especially for the segment of large vessels with a great fishing capacity. However, for smaller vessels, in view of the fact that France

presented to the Indian Ocean Tuna Commission (IOTC) a development plan indicating the expected evolution of the fleet based in Mayotte, to which no IOTC contracting party, including the Union, has objected, it is appropriate to use the objectives of that plan as reference levels for the capacity of the fleet registered in the ports of Mayotte and to allow France to increase its fleet up to the objectives of its development plan.

⁷ OJ L 102, 7.4. 2004, p. 9.

Amendment 7

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) As regards Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁹, it appears that France will not be in a position to comply with all Union control obligations for the segment "Mayotte. Pelagic and demersal species. Length < **9m**" of the fleet of Mayotte by the date on which Mayotte becomes an outermost region. The vessels of that segment, dispersed around the island, have no specific landing sites and still need to be identified. In addition, it is necessary to train fishermen and controllers and to set up the appropriate administrative

presented to the Indian Ocean Tuna Commission (IOTC) a development plan indicating the expected evolution of the fleet based in Mayotte, to which no IOTC contracting party, including the Union, has objected, it is appropriate, ***due to the current specific social and economic circumstances of Mayotte***, to use the objectives of that plan as reference levels for the capacity of the fleet registered in the ports of Mayotte and to allow France to increase its fleet up to the objectives of its development plan.

⁷ OJ L 102, 7.4. 2004, p. 9.

Amendment

(10) As regards Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁹, it appears that France will not be in a position to comply with all Union control obligations for the segment "Mayotte. Pelagic and demersal species. Length < **10m**" of the fleet of Mayotte by the date on which Mayotte becomes an outermost region. The vessels of that segment, dispersed around the island, have no specific landing sites and still need to be identified. In addition, it is necessary to train fishermen and controllers and to set up the appropriate administrative and

and physical infrastructure. It is therefore necessary to provide for a temporary derogation from certain rules concerning the control of fishing vessels and their characteristics, their activities at sea, their gear and their catches at all stages from the vessel to the market in respect of that segment of the fleet. However, in order to attain at least some of the most important objectives of Regulation (EC) No 1224/2009, France should establish a national control system allowing it to control and monitor the activities of that segment of the fleet and to comply with the international reporting obligations of the Union.

⁹ OJ L 343, 22.12.09, p. 1.

Amendment 8

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EC) No 850/98

Article 2 – paragraph 3 a

Text proposed by the Commission

Amendment 9

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 850/98

Article 34a

Text proposed by the Commission

Vessels shall be prohibited from using any

physical infrastructure. It is therefore necessary to provide for a temporary derogation from certain rules concerning the control of fishing vessels and their characteristics, their activities at sea, their gear and their catches at all stages from the vessel to the market in respect of that segment of the fleet. However, in order to attain at least some of the most important objectives of Regulation (EC) No 1224/2009, France should establish a national control system allowing it to control and monitor the activities of that segment of the fleet and to comply with the international reporting obligations of the Union.

⁹ OJ L 343, 22.12.2009, p. 1.

Amendment

(1a) In Article 2, the following paragraph is inserted:

"(3a) The 'Marine Natural Park of Mayotte' shall mean the entire exclusive economic zone (EEZ) of Mayotte (68 381 km²). The land area of the park shall extend to the upper foreshore, which marks the boundary of the maritime public domain."

Amendment

Vessels shall be prohibited from using any

purse-seine on tuna and tuna-like schools of fish inside the areas within 24 miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured.

purse-seine on tuna and tuna-like schools of fish inside the areas within 24 **nautical** miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured.

Amendment 10

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 850/98

Article 34a

Text proposed by the Commission

"Article 34a

Restrictions on fishing activities in the 24-mile zone around the island of Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish inside the areas within 24 miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured."

Amendment

"Article 34a

Restrictions on fishing activities in the 24-mile zone around the island of Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish inside the areas within 24 miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured.

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."

Amendment 11

Proposal for a regulation

Article 2

Regulation (EC) No 104/2000

Article 4 – paragraph 3a

Text proposed by the Commission

3a. Until **16** December **2016**, paragraphs 1, 2 and 3 shall not apply to products offered for retail sale to the final consumer in Mayotte.

Amendment

3a. Until **31** December **2021**, paragraphs 1, 2 and 3 shall not apply to products offered for retail sale to the final consumer in Mayotte.

Justification

The requirements concerning traceability and consumer information cannot be met given the current state of infrastructure in Mayotte. The deadline for implementing European legislation

should be generous enough to give Mayotte time to comply.

Amendment 12

Proposal for a regulation

Article 3 – point 1

Regulation (EC) No 2371/2002

Article 15 – paragraph 5

Text proposed by the Commission

5. By way of derogation from paragraph 1, France shall be exempted until 31 December **2016** from the obligation to include in its register of Union fishing vessels those vessels which are less than **9** meters in overall length and operate from Mayotte.

Amendment

5. By way of derogation from paragraph 1, France 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.

Justification

Many small vessels in Mayotte are between 9 and 10 metres in length. The number in the recital corresponding to the length of these small vessels should therefore be increased so as not to exclude an entire section of the fleet from these provisions. The deadline for implementing European legislation should be generous enough to give France time to carry out the work needed to include the vessels in its register.

Amendment 13

Proposal for a regulation

Article 3 – point 1

Regulation (EC) No 2371/2002

Article 15 – paragraph 6

Text proposed by the Commission

6. Until 31 December **2016**, France shall keep a provisional register of fishing vessels which are less than **9** 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.

Amendment

6. 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.

Amendment 14

Proposal for a regulation

Article 3 – point 2

Regulation (EC) No 2371/2002

Article 18a

Text proposed by the Commission

By way of derogation from Article 17, in the waters up to 100 nautical miles from the baselines of Mayotte, France may restrict fishing to fishing vessels registered in the ports of Mayotte, either in the register of Union vessels or in the provisional register referred to in Article 15(6), except for Union vessels that, within the two years preceding 1 January 2014, fished in those waters for at least 40 days insofar as they do not exceed the fishing effort traditionally exerted."

Amendment

By way of derogation from Article 17, 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, including measures to** restrict fishing to fishing vessels registered in the ports of Mayotte, either in the register of Union vessels or in the provisional register referred to in Article 15(6), except for Union vessels that, within the two years preceding 1 January 2014, fished in those waters for at least 40 days insofar as they do not exceed the fishing effort traditionally exerted."

Amendment 15

Proposal for a regulation

Article 4

Regulation (EC) No 639/2004

Article 1a – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than **9** meters in overall length, the reference level shall be the capacity foreseen in the development plan presented by France to the Indian Ocean Tuna Commission on 7 January 2011.

Amendment

However, for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than **10** meters in overall length, the reference level shall be the capacity foreseen in the development plan presented by France to the Indian Ocean Tuna Commission on 7 January 2011.

Amendment 16

Proposal for a regulation

Article 4

Regulation (EC) No 639/2004

Article 1a – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 13 of

Amendment

2. By way of derogation from Article 13 of

Regulation (EC) No 2371/2002, France shall be authorised to introduce new capacity in the fleet segments defined for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than **9** meters in overall length without the withdrawal of an equivalent capacity.”

Regulation (EC) No 2371/2002, France shall be authorised to introduce new capacity in the fleet segments defined for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than **10** meters in overall length without the withdrawal of an equivalent capacity.”

Amendment 17

Proposal for a regulation

Article 5

Regulation (EC) No 1069/2009

Article 56 – paragraph 3

Text proposed by the Commission

However, Article 4 shall apply to Mayotte from 1 January **2019**. Animal by-products and derived products generated in Mayotte before 1 January **2019** shall be disposed of in accordance with Article 19(1)(b).

Amendment

However, Article 4 shall apply to Mayotte from 1 January **2021**. Animal by-products and derived products generated in Mayotte before 1 January **2021** shall be disposed of in accordance with Article 19(1)(b).

Justification

Mayotte needs to be given enough time to apply the health rules governing animal by-products and derived products not intended for human consumption.

Amendment 18

Proposal for a regulation

Article 6

Regulation (EC) No 1224/2009

Article 2a – title

Text proposed by the Commission

Application of the Community control system to certain segments of the fleet of **the French overseas department** of Mayotte

Amendment

Application of the Community control system to certain segments of the fleet of **the outermost region** of Mayotte

Amendment 19

Proposal for a regulation

Article 6

Regulation (EC) No 1224/2009

Article 2a – paragraph 1

Text proposed by the Commission

1. Until 31 December **2016**, Article 5(3) and Articles 6, 8, 41, 56, 58 to 62, 66, 68 and 109 shall not apply to France in respect of fishing vessels which are less than **9** meters in overall length and operate from Mayotte, their activities and their catch.

Amendment

1. Until 31 December **2021**, Article 5(3) and Articles 6, 8, 41, 56, 58 to 62, 66, 68 and 109 shall not apply to France in respect of fishing vessels which are less than **10** meters in overall length and operate from Mayotte, their activities and their catch.

Amendment 20

Proposal for a regulation

Article 6

Regulation (EC) No 1224/2009

Article 2a – paragraph 2 – introductory part

Text proposed by the Commission

2. By 1 January **2014**, France shall establish a national scheme of control applicable to fishing vessels which are less than **9** meters in overall length and operate from Mayotte. That scheme shall comply with the following requirements:

Amendment

2. 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. That scheme shall comply with the following requirements:

Justification

A derogation from Regulation (EC) No 1224/2009 is needed to give Mayotte time to comply with the control requirements provided for in this regulation.

Amendment 21

Proposal for a regulation

Article 6

Regulation (EC) No 1224/2009

Article 2a – paragraph 3

Text proposed by the Commission

(3) By 30 September **2014** 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 **2017** concerning fishing vessels which are less than **9** meters in overall length and operate from the **French department** of Mayotte. The action plan

Amendment

3. 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. The action plan shall be

shall be the subject of a dialogue between France and the Commission. France shall take all necessary measures to implement that action plan.

the subject of a dialogue between France and the Commission. France shall take all necessary measures to implement that action plan.

Justification

A derogation from Regulation (EC) No 1224/2009 is needed to give Mayotte time to comply with the control requirements provided for in this regulation.

Amendment 22

Proposal for a regulation

Article 7

Text proposed by the Commission

This Regulation shall enter into force on ***the twentieth day following that of its publication in the Official Journal of the European Union.***

Amendment

This Regulation shall enter into force on ***1 January 2014.***

Justification

It is important to avoid a legal vacuum once the status of Mayotte changes from that of an overseas country and territory to an outermost region.