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COMMISSION STAFF WORKING DOCUMENT

Accompanying

Proposal for a Council Regulation

amending Regulations (EU) No 1380/2013, (EU) No 1308/2013, (EU) 2023/1115 and (EU) 2024/1348 of the European Parliament and of the Council, and Council Regulation (EU) 2023/2720 as regards adaptation of certain requirements and reduction of administrative burden in the Union outermost regions

and

Proposal for a Council Decision

amending Decision (EU) 2021/991 concerning the dock dues scheme in the French outermost regions

{COM(2026) 661 final} - {COM(2026) 662 final}

TABLE OF CONTENTS

Glossary

Term or acronym	Meaning or definition
APR	Asylum Procedures Regulation (Regulation (EU) 2024/1348)
AMIF	Asylum, Migration and Integration Fund
CAP	Common Agricultural Policy
CBAM	EU Carbon Border Adjustment Mechanism
CFP	Common Fisheries Policy
CMO	Common Market Organisation
CPRUP	Conference of Presidents of the Outermost Regions
DDS	Due Diligence Statement
ECA	European Court of Auditors
EEZ	Exclusive economic zone
EMFAF	European Maritime, Fisheries and Aquaculture Fund
EP	European Parliament
ERDF	European Regional Development Fund
ETS	Emissions Trading System
EU	European Union
EUDR	EU Deforestation Regulation (Regulation (EU) 2023/1115,)
EUR	Euro
EVP	Executive Vice President
GBER	General Block Exemption Regulation (Regulation (EU) 651/2014)
GT	Gross tonnage
INSEE	Institut national de la statistique et des études économiques (French National Institute for Statistics and Economic Studies)
ISSG	Interservice steering group of the European Commission
MFF	Multiannual Financial Framework
OECD	Organisation for Economic Co-operation and Development
OFPRA	Office français de protection des réfugiés et apatrides (French Office for the Protection of Refugees and Stateless Persons)
OR	Outermost region
POSEI	Programme of options specifically relating to remoteness and insularity (supporting the European Union's outermost regions)
RCD	Reception conditions Directive (EU) 2024/1346
SAR / RDP	Schéma d'aménagement régional (regional development plan)
SWD	Staff Working Document
TFEU	Treaty on the Functioning of the European Union
UAA	Utilised agricultural area

1. INTRODUCTION

The nine outermost regions (OR) of the European Union (EU)[1] are strategic outposts of the EU located in the Caribbean, Atlantic Ocean, Indian Ocean, and South America. They are a home to some five million EU citizens. However, due to their remoteness, they face many structural challenges and permanent constraints on their development, as recognised by **Article 349** of the Treaty on the Functioning of the European Union (TFEU)[2].

Since 2004, successive **Commission strategies[3]** for the OR (2004, 2007, 2008, 2012, 2017, and 2022), together with targeted legislative measures and the specific support from EU funds and programmes, have contributed positively to their prosperity. Nonetheless, the OR still lag behind the continental parts of the EU located in continental Europe in terms of their socio-economic development, living standards and access to basic services.

In 2025, the Commission announced **a new strategy for the OR[4]** in its Communication on the mid-term review[5] of cohesion policy, and his initiative which was also included in the Commission Work Programme 2026[6]. In September 2026, the Commission is to adopt this new strategy and the first ever **regulatory package[7] dedicated to the OR**, which will identify bottlenecks and barriers to their growth in the OR in EU's policies, legislation and programmes, and propose actions to better address their specific characteristics in the future.

This **Staff Working Document (SWD)** accompanies that regulatory package for the EU outermost regions. It provides evidence-based analysis on the need for the regulatory package, its objectives and its potential economic, social, and environmental impact. addresses. Specifically, the SWD covers (i) presents the (1) consultation process for gathering input and feedback from stakeholders; (2) ii) explains the legislation covered; (3) and (iii) proposes measures proposed for adoption for streamlining the regulatory framework and considers the impact of these proposed legislative amendments.

1.1. EU policy framework

Most EU policies are relevant to the OR, and the following policy areas have a particularly strong impact on their development and the lives of their inhabitants: fisheries and agriculture, cohesion, transport and digital connectivity, energy, climate and environment, waste and water management, research, health, skills and education, (youth) employment and social inclusion, culture, housing, migration, competition, taxation, defence and space, trade and external cooperation.

1 French Guiana, Guadeloupe, Martinique, Mayotte, Reunion and Saint-Martin (France), the Azores, Madeira (Portugal), the Canary Islands (Spain).

2 Article 349 of the Treaty on the Functioning of the European Union.

3 COM(2004) 543 final, COM(2007) 507 final, COM(2008) 642 final, COM(2012) 287 final, COM(2017) 623 final, COM(2022) 198 final.

4 COM(2026) 660.

5 COM(2025) 163 final.

6 COM(2025) 870 final.

7 Proposals for a Council Decision and Council Regulation.

Therefore, the EU policy framework relevant to the OR includes a wide range of EU policy initiatives. The most recent ones, with a particular focus on the OR comprises the following:

- Previous Commission strategies for the OR, particularly the last Communication "Putting people first, securing sustainable and inclusive growth, unlocking the potential of the EU's outermost regions" adopted in 2022, and its accompanying SWD "Outermost Regions at a glance – assets, challenges and opportunities"[8];
- The 2024 Commission report on the implementation of the 2022 OR strategy[9] which presented the significant progress made in implementing the 2022 strategy. The SWD "The role of cohesion policy in the implementation of the Communication"[10] accompanying the report presented the key support provided by cohesion policy to the OR in selected sectors;
- The 2025 Communication on the mid-term review of cohesion policy[11] which announced that the Commission will launch a new strategy for the OR;
- The 2025 Commission Communication on the European Ocean Pact[12] which included the new strategy for the ORs as a key flagship action for implementing the Pact;
- The Commission 2026 Work Programme[13] which included the new strategy for the OR among the Commission's list of initiatives for 2026;
- The 2026 Commission Communication on a new strategy for the OR and a proposal for a legislative package for the OR.

The OR have featured prominently featured in the conclusions, resolutions and opinions of other EU institutions, including in the following:

- 2022 Council conclusions No 10513/2 on the 2022 OR strategy, which welcomed the Communication and called on the concerned Member States concerned to take action to support their outermost regions, e.g. in developing administrative capacity, in participating in research consortia, and in building basic infrastructure to address citizens' basic needs;
- 2023 Council conclusions No 16230/2 on the future of cohesion policy, which called on the Commission to systematically consider the needs of the outermost OR and the impact of its legislative proposals on those regions;
- 2024 Council conclusions No 16124/2 on providing "glocal" opportunities for young people living in rural and remote areas, including in the OR;
- 2025 Council Conclusions No 6787/25 underlining, which underlined the need to unlock the OR's full potential within the EU and called on the Commission to make full use of the possibilities offered by Article 349 TFEU, fostering the OR's regional integration, for tailored rules under cohesion policy post 2027, and in any other legislative proposals;
- 2023 European Parliament Resolution on the Communication on the OR C/2024/480 of 13 June 2023 stressing, which stressed the importance of fully implementing the 2022 OR strategy;

8 COM(2022) 198 final and SWD(2022) 133 final.
9 COM(2024) 435 final.
10 SWD(2024) 227 final.
11 COM(2025) 123 final.
12 COM(2025) 281 final.
13 COM(2025) 870 final.

- 2023 Opinion of the Committee of the Regions on the Communication on the OR[14] drawing attention to the urgent need to address the significant social and economic inequalities in the OR compared with mainland Europe;
- 2022 Opinion of the European Economic and Social Committee[15] which made recommendations to consider the unique assets of the OR for the EU and to take account of the specific characteristics of the OR across EU policies.

1.2. EU legal framework

The current EU legal framework applicable to the OR comprises:

- **Article 349** of the Treaty on the Functioning of the European Union (TFEU), which recognises the specific characteristics, constraints and structural challenges of the OR, and enables the EU to adopt specific measures to address them, including derogations from or adaptations to the application of EU law and specific provisions on access to funds and programmes.
- The 2015 judgementJRC.B Fair and Sustainable Economy **of the European Court of Justice** (*Parliament and Commission v Council*, Joined Cases C-132/14 to C-136/14) "Mayotte", which clarifies the scope of Article 349 TFEU, confirming that it provides a legal basis for the adoption of specific measures "*designed to take account of the structural, social and economic situation of the outermost regions*"[16].
- All relevant **EU sectoral legislation** and establishing established **funds and programmes** under the multiannual financial framework for 2021-2027 with which have a special impact on the OR[17], in areas such as: sectors including fisheries and agriculture, cohesion, transport and digital connectivity, energy, climate and the environment, waste and water management, research, health, skills and education, (youth) employment and social inclusion, culture, housing, migration, competition, taxation, defence and space, trade and external cooperation.

Article 349 TFEU is the sole **legal basis** for **the regulatory package**. This Article enables the Council, acting on a proposal from the Commission and after consulting the European Parliament, to adopt specific measures aimed at laying down the conditions of application of the Treaties to the OR, including common policies. As confirmed by the "*Mayotte* judgment", such measures may, where appropriate, also provide for adaptations to the application of secondary EU legislation[18].

As regards **subsidiarity**, the specific constraints and barriers to the socio-economic development of the OR cannot be adequately addressed by the Member States and the OR alone. Therefore, the needs of the OR are best served by cross-cutting measures at EU level in particular when those measures aim at addressing specific challenges with a transregional and/or transnational dimension or to adapting and streamlining existing EU sectoral legislation to their specificities (e.g. remoteness and insularity, different climate, small size, difficult topography and high economic dependence on just a few local products).

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14 2023/C 157/04.
15 ECO/567.
16 Judgment of the ECJ of the 15 December 2015, Joined Cases C-132/14 to C-136/14, para. 71.
17 Inforegio - Implementing the strategic approach towards the Outermost Regions.
18 Mayotte judgment, para. 72.

As regards **proportionality**, the regulatory package adapts very few EU legal provisions to the unique characteristics of the OR, as recognised by Article 349 TFEU, and only to the extent necessary to address the identified regulatory or policy bottlenecks. The overall impact on the Member States' achievement of the objectives of the underlying EU sectoral legislation to be adapted or on the EU as a whole is therefore minimal.

2. CONSULTATION STRATEGY AND EVIDENCE GATHERING

2.1. Consultation strategy

The Conference of Presidents of the Outermost Regions (CPRUP) announced in its meeting in April 2025 that **a consultation exercise** would be launched for a new OR strategy, to be accompanied by a set of specific regulatory measures for the OR. The Commission subsequently sent **targeted consultation letters** to the Presidents of the OR and the relevant Ministers in their respective Member States inviting them to identify their priorities for the new strategy by the end of May 2025.

In order to continue discussing specific ideas for the strategy and the regulatory package, the Commission convened a **high-level forum on the OR** in Brussels in November 2025. The high-level forum brought together representatives from the nine OR, their Member States, the European Parliament and the Committee of the Regions. A public **call for evidence** was opened on the Commission's Have Your Say portal[19] between November 2025 and January 2026. Its purpose was to collect views from stakeholders, on both the new EU strategy and the regulatory package for the OR.

The call for evidence received 137 responses from 91 individual participants representing a broad spectrum of stakeholder groups. Responses were received from national and regional governments, public authorities and bodies at national, regional and local level, socio-economic actors, industry and business representatives, academics and research institutions, civil society and youth organisations, non-profit organisations, citizens, international partners, and neighbouring countries and territories.

The feedback received underlined the potential of the new strategy and regulatory package to promote growth and prosperity in the OR, improve living standards, and create favourable conditions for businesses to thrive. It also highlighted regulatory obstacles at EU level that hamper the development of the OR and identified measures that could simplify regulations and reduce administrative burden for the stakeholders in these regions.

The geostrategic importance of the OR was mentioned in many contributions. Certain policy areas emerged as particularly important for all OR and their Member States, notably agriculture, fisheries, trade, transport, migration, climate, the environment, and cohesion policy.

To finalise the consultation exercise, an **Implementation Dialogue** was held in April 2026, focused on the regulatory package, which brought together business representatives and trade associations from the OR. The Implementation Dialogue helped to identify key regulatory

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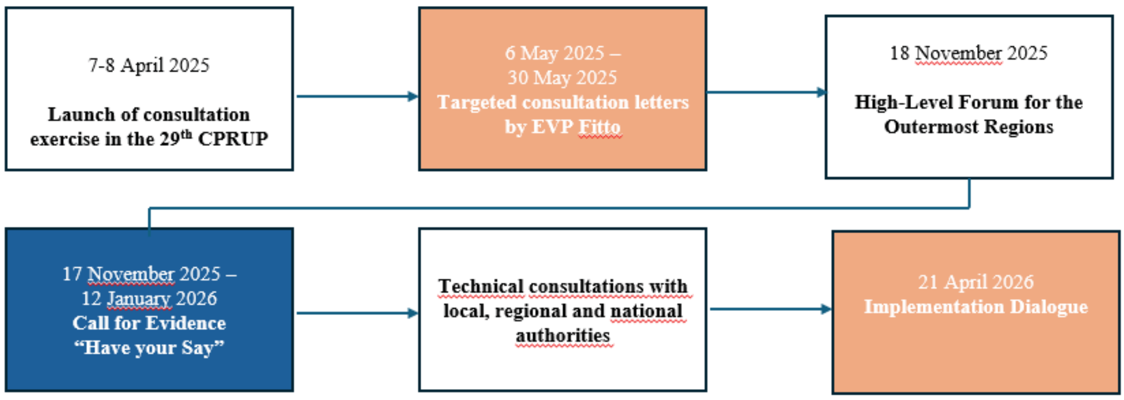
19 https://have-your-say.ec.europa.eu/index_enStrategy for the EU's outermost regions and Regulatory simplification package for the EU's outermost regions.

bottlenecks that businesses representatives from the primary, secondary and tertiary sector face in the OR, and which limit their development and their access to the single market. Key challenges which were identified include high costs of production and transport costs, unfair competition from third countries, and the impact of EU instruments such as the Carbon Border Adjustment Mechanism (CBAM) and the Emissions Trading System (ETS). Proposed solutions included specific derogations, stronger financial support, and the introduction of more consistent checks on the impact of new legislation impacting the OR, in order to better address their specific constraints, in line with the Treaty.

All feedback received during these consultations was carefully compiled and analysed. A synopsis report of the consultations is provided in **Annex I.**

Further **technical consultations** with relevant local, regional and national authorities, including through the OR Working Group were organised on specific **legislative** proposals to clarify their details, justification, and relevance.

Figure 1. Consultations timeline



2.2. Further evidence

The following studies and reports contributed to the new OR strategy and regulatory package:

- Independent study conducted at the request of the Commission on living conditions and access to basic needs in the OR[20] (2024).
- Independent study y conducted at the request of the Commission on the impact of COVID-19 impact in the OR[21] (2021).
- Independent study conducted at the request of the Commission on data collection on fisheries stockfish stocks[22] (2022).
- Evaluation by the Commission on the Common Fisheries Policy Regulation[23] (2026).

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20 Ecorys January 2024.

21 Ecorys October 2021.

22 ISBN 978-92-95225-32-9, Overview of the State of Data Collection and Scientific Advice in the EU ORs, with Case Study on a Roadmap Towards Regular Stock Assessment in French Guiana Final Report.

23 SWD(2026) 120.

- Evaluation by the Commission on the POSEI programme for agriculture in the OR and the independent supporting study[24] (2024).
- Technical Support Instrument (TSI) OECD projects for the outermost regions[25]:
  - Improving access to EU programmes in France's OR.
  - Developing structural tools to support the implementation of the European Child Guarantee in Portugal.
- Research studies conducted for the European Parliament:
  - Study on transport and tourism in the OR: assessing mobility poverty and the effects of new climate policies[26] (2025).
  - Study on Cohesion policy in the OR[27] (2024).
- Relevant OECD studies on the OR:
  - OECD report on internationalisation, specialisation and technological collaboration in the EU OR[28] (2023).
  - OECD report on leveraging the cultural and creative sectors for the development of the European OR[29] (2023).
  - OECD report on making renewable energies drivers of competitiveness in the EU OR[30] (2023).
  - Innovative agri-food industries in the EU OR[31] (2023).
  - OECD Production Transformation Policy Review – Spotlight on Guadeloupe's Internationalisation[32] (2023).
  - OECD Regional Development Studies on Preparing for Demographic Change in the Azores[33] (2025).
  - OECD report on the region La Réunion in the world (2022).

- Studies by other institutions and NGOs:
  - Enabling OR to inspire climate resilience in the EU[34] - French catalogue of February 2026 on recent studies on agriculture in the OR[35].
  - Information report tabled by the Overseas Territories Delegation on food self-sufficiency in the overseas territories (Mr Marc Le Fur and Ms Estelle Youssouffa), No. 1502[36].

24 EEIG Agrosynergie, Ecorys and Metis February 2024.
25 https://www.oecd.org/en/about/projects/strengthening-access-to-eu-programmes-in-french-outermost-regions.html.
26 Maucorps et al. (2025).
27 Maucorps et al. (2024).
28 OECD Development Policy Papers, No. 50, OECD Publishing, (2023).
29 OECD Local Economic and Employment Development (LEED) Papers, No. 2023/21, OECD Publishing (2023).
30 OECD Development Policy Papers, No. 52, OECD Publishing (2023).
31 OECD Development Policy Papers October 2023 No. 49.
32 OECD Development Pathways, OECD Publishing (2023).
33 OECD Regional Development Studies, OECD Publishing (2025).
34 REGILIENCE – Policy brief on climate resilience in EU outermost regions.
35 https://www.odeadom.fr/ressources/etudes/
36 https://www.assemblee-nationale.fr/dyn/16/rapports/om/l16b1502_rapport-information.

3. PROBLEM DEFINITION AND POLICY RESPONSE

3.1. Problem definition

During the consultations to inform the new EU strategy and regulatory package for the OR, stakeholders and authorities at national, regional and local level pointed out that application of **Article 349** TFEU has shown **varying levels of ambition**, **consistency, and effectiveness** across different EU policy areas. Meanwhile, evidence from recent research and reports point to the potential benefits of a deeper and more **systematic application** of Article 349, TFEU, ensuring that EU legislation, funding, and programmes are better tailored to the specific constraints of the OR. On this basis, the Commission identified the following **key problem** in relation to the current EU legal framework and **its consequences** for the OR:

Problem: Uneven application of Article 349 TFEU across EU policies and legislation

Article 349 TFEU provides for the possibility of specific measures and provisions in EU legislation to be adopted in order to help the OR address their particular challenges. The judgment European Court of Justice of 15 December 2015 (Joined Cases C-132/14 to C-136/14 "*Mayotte*") confirmed the broad scope of Article 349 TFEU as the legal basis for adopting specific measures for the OR.

However, the possibility of adapting EU legislation and programmes to the specificities of the OR has been used unevenly across policies and sectors. For example, some legislative acts lay down tailored measures, while others do not - or do so only to a limited extent. This has sometimes resulted in inconsistencies and gaps in EU legislation, policies, funds and programmes of relevance to the OR. This has, in turn, had an impact on key economic sectors in the OR and on the EU citizens living there.

Example: Under Regulation (EU) 1308/2013 (the Common Market Organisation (CMO)) Regulation, financial support for collective producer organisations is limited to the products listed in its Annex I. However, this list does not include many locally adapted tropical crops farmed locally in the OR, such as cassava, yams, taro, turmeric, ginger, and coconut. These are critical for sustainable production sectors in regions where climate and geographical constraints limit their agricultural alternatives.

- **Consequence 1: Challenges under current EU legislation**

As a consequence, certain EU regulations may create obstacles for the OR by generating disproportionate administrative, compliance or financial burdens for them or by overlooking opportunities to adapt measures to their specific circumstances.

This challenge has been repeatedly highlighted in requests and declarations by the Presidents of the OR, by the French, Spanish and Portuguese national authorities, and by business representatives, who have called for EU legislation and initiatives to be more systematically assessed in terms of their effect on the OR and to be better adapted to their realities. For further references please see the synopsis report of the consultation actions linked to the regulatory package for the OR in annex I to this report and the Joint Contributions presented by the CPRUP[37].

[37] Bibliothèque | RUP: Conférence des Présidents

Example: The Deforestation Regulation (EU) 2023/1115, by seeking to limit deforestation, risks restricting domestic hindering local food production in French Guiana, which is covered by 95% by tropical forest, hindering local food sovereignty and increasing its reliance on less sustainable imports as 95% of its surface area is by tropical forest.

- **Consequence 2: Difficulty for the OR to access the single market**

The application of Article 349 TFEU can address to different extent the structural weaknesses that hold back the development of the OR by limiting their access to the single market and discouraging economic activity in these small, remote economies.

Most of the OR are among the least competitive regions in the EU, as evidenced by the EU Regional Competitiveness Index 2.0 (2022 edition)[38] and the Ninth report on economic, social and territorial cohesion[39]. Therefore, they need stronger support to promote growth, innovation and economic diversification, and to offer more opportunities to the people living there. The small market size of their markets, limited scope for economies of scale and high cost of living make them less attractive for large-scale investments.

To bolster the competitiveness of companies in the OR, including small and medium-sized companies (SMEs), and to deepen their access to the single market, policy measures to capitalise on these regions' assets are needed. These must support their most promising sectors (fisheries and the blue economy, biotech, renewable energy, tourism, agriculture, trade and logistics) and protect their strategic products. Such measures can help to maximise the impact of EU investments in the neighbourhood of the OR and promote the uptake of EU technologies, standards and innovation.

Example: a sector with limited access to the single market is fisheries, in specifically the processing of **southern red snapper in French Guiana**. Although French Guiana is part of the EU, southern red snapper caught by third-country vessels is subject to a 15% customs duty, while the local processing operations are not covered by the current Autonomous Tariff Quotas i.e. Regulation (EU) 2023/2720. This limits local value creation and weakens the ability of operators in French Guiana to effectively access the single market.

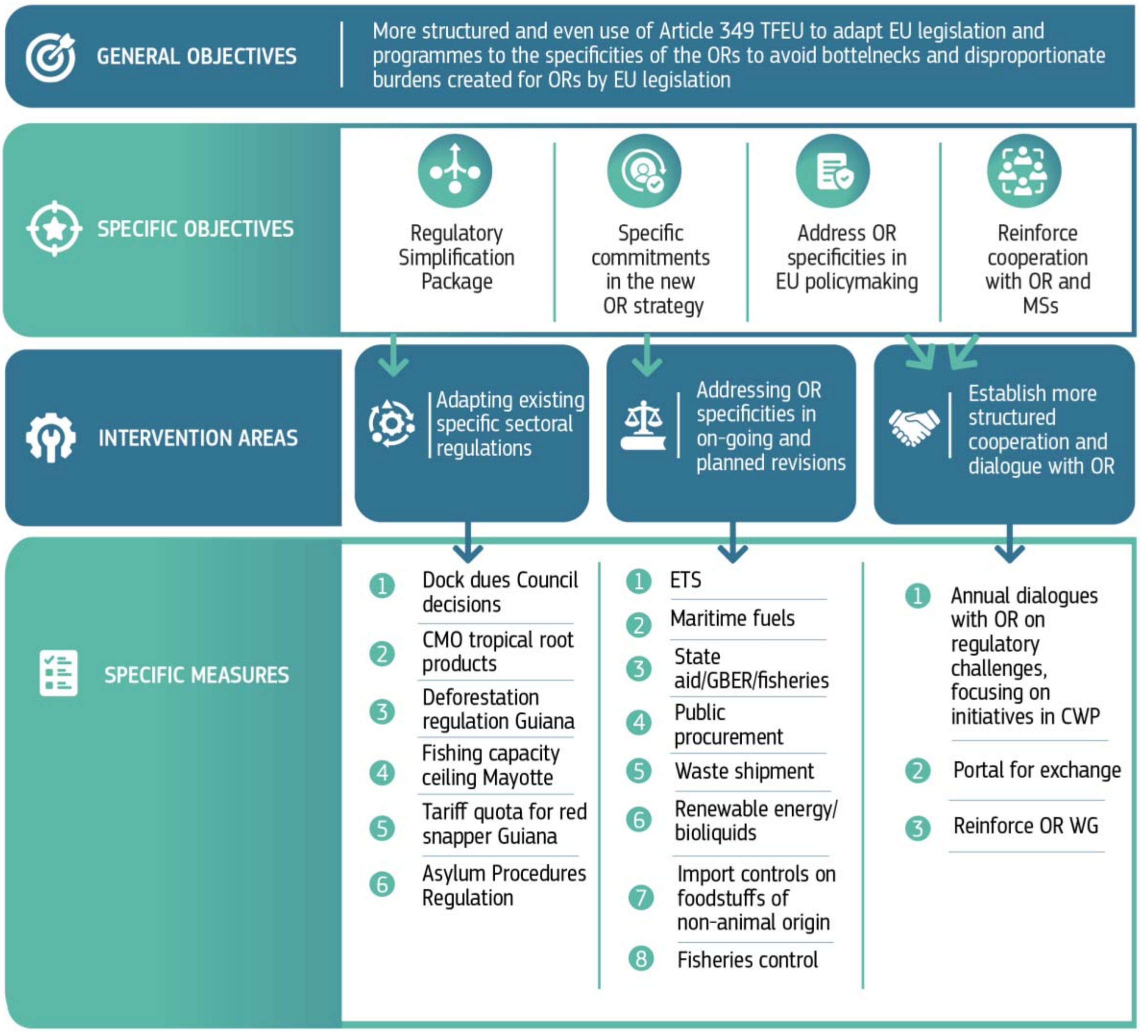
3.2. Objective

The identified problem and its consequences can only be tackled through action at EU level. The objective of the proposed EU action is for Article 349 TFEU to be applied more systematically, to adapt EU legislation and programmes to the specific characteristics of the OR, thereby avoiding bottlenecks and disproportionate burdens for the OR.

This objective will be achieved via the **regulatory package** proposed for adoption in September 2026 which addresses the key bottlenecks and shortcomings for the OR under current EU legislation. Furthermore, the new strategy for the OR from September 2026 refers to additional regulatory amendments targeting the OR's specificities, which have been already adopted or will be later proposed as part of sectoral reviews of EU legislation.

Figure 2: Objectives

[38] https://ec.europa.eu/regional_policy/assets/regional-competitiveness/index.html#/
[39] Inforegio - Ninth Report on Economic, Social and Territorial Cohesion



3.3. Policy options

Mainstreaming the OR' specificities in EU legislation, policies and programmes has so far not consistently taken into account the Treaty provisions applicable to the OR and the case-law of the European Court of Justice[40]. This has resulted in the uneven application of Article 349 TFEU across EU policies and legislation.

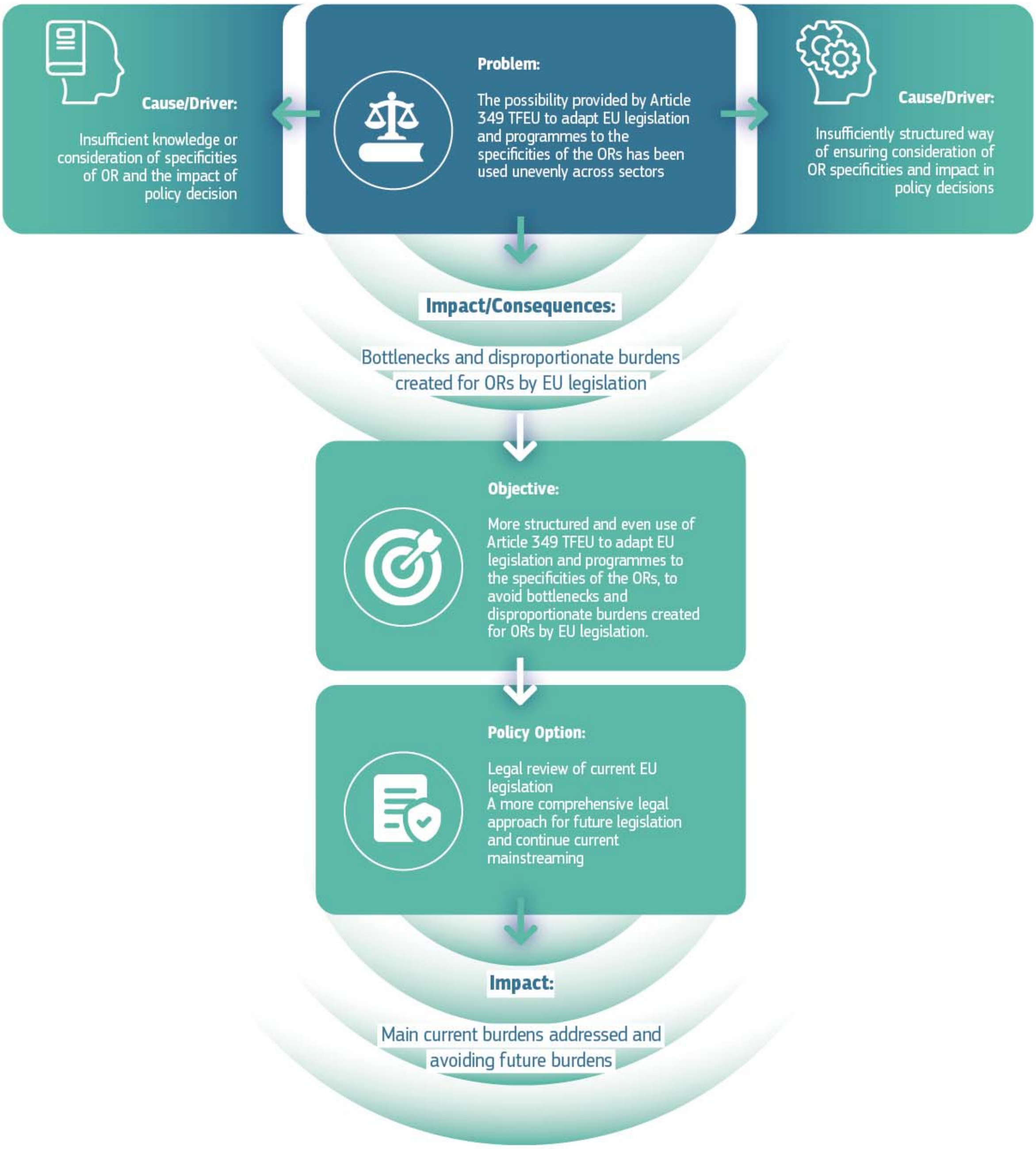
To address this problem, the regulatory package being proposed in September 2026 includes measures to address challenges identified for the OR in existing EU legislation and policies, focusing on the main areas with a significant or asymmetric impact on the OR. These areas were identified on the basis of evidence gathered through the consultations and studies listed in chapter 2.

Furthermore, a new structured approach is introduced, as outlined in the new OR strategy from September 2026, whereby *ex ante* assessments will be more consistently carried out on EU legislation and initiatives in policy areas expected to have a significant impact on the OR.

40 EUR-Lex - 62014CJ0132 - EN - EUR-Lex.

Besides, cooperation will be stepped up between the Commission, the OR and their Member States.

Figure 3: Identified problem and, its drivers, its consequences, the Commission's objective and policy options, and the impact of the Commission's policy options



4. METHODOLOGY

This Staff Working Document uses a three-step methodology combining quantitative analysis, stakeholder consultation, and triangulation of findings:

1. **Quantitative information:** This analysis draws on quantitative and qualitative evidence from several official and stakeholder sources. The statistical assessment is based primarily on data from Eurostat and from the French National Institute for Statistics and Economic Studies (INSEE), including indicators on demographic trends, economic activity, labour market developments, territorial disparities, and access to services where relevant. In addition, the formal Call for Evidence described in Chapter 2 provided complementary qualitative input from public authorities, stakeholders, and other interested parties. The contributions received helped to identify practical implementation problems, highlight territorial effects that may not be fully captured by statistical data alone, and clarify the main concerns, expectations, and priorities expressed by affected stakeholders.

   Often only limited data is available for the OR due to their small size and limited resources. In particular, for the Collectivity of Saint Martin, specific data is often not available at all, as it is grouped in with the Guadeloupe NUTS2 region.

2. Based on the findings of the quantitative analysis, different stakeholders and national and regional authorities were **consulted** to further validate, refine and complement those findings. This **qualitative information** expanded on the findings from the quantitative analysis and provided additional insights regarding areas not fully covered by the available data. This allowed for a better understanding of the challenges and barriers that the OR face under the current EU legislation.

3. **The quantitative and qualitative information** was **triangulated** to enable for a more complete analysis to be carried out building on the multiple data sources. This methodology was aimed at identifying the barriers under existing EU legislation and assessing the relevance of the proposed legal amendments.

5. DESCRIPTION OF THE MEASURES AND THEIR IMPACTS

This chapter sets out the qualitative impacts of the proposed measures and, where sufficient data was available, provides a limited quantitative assessment. The quantitative assessment covers the basic underlying assumptions from the Commission's previous work with regard to the OR and takes into account the uncertainties and limitations resulting from the analytical constraints of these regions, including the lack of comprehensive statistics and data. The proposed amendments as part of the regulatory package are based on:

1. the unique geographical vulnerabilities of the OR that justify tailored adaptations to EU legislation, as recognised in the TREU;
2. existing impact assessments for the underlying legislation that analyse impacts on the OR[41];
3. existing evidence on the OR' specific challenges and needs (section 2.2);
4. the limited policy alternatives, bearing in mind that maintaining the status quo would hinder the development of these regions.

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41 E.g. This includes the impact assessment on the Octroi de Mer Decision (EU) 2021/991, COM(2021) 95 final.

The proposal for a regulatory packageadapts existing legislation in specific, targeted policy areas without affecting the EU's broader objectives and specific sectorial legislation. It is designed to address bottlenecks in EU legislation with regard to specific constraints of the OR and is a very limited in scope with a clearly defined target, as it is restricted to the OR of three Member States.

The regulatory package is composed of a Commission proposal for a Council Decision concerning the dock dues scheme in the French OR and amending Decision No 940/2014/EU, and a Commission proposal for a Council Regulation that amending Regulation (EU) No 1308/2013 [on the common organisation of the markets in agricultural products], Regulation (EU) No 2023/1115 [on deforestation], Regulation (EU) No 1380/2013 [on the common fisheries policy] and Regulation (EU) No 2023/2720 [on autonomous tariff quotas]. It aims to ensure a level playing field for the ORs with respect to the rest of the EU, to improve their competitiveness, especially with regard to their neighbouring countries, to reduce administrative burdens, and to unlock their economic potential while fully complying with broader EU policy goals.

The measures included in the regulatory package are the following ones:

- Measure 1 – Taxation: dock dues (*octroi de mer*) in five French OR[42]
- Measure 2 – Agriculture: eligibility of tropical root products under the CMO
- Measure 3 – Environment: deforestation Regulation (EUDR) for French Guiana
- Measure 4 – Fisheries: fishing capacity ceiling for Mayotte
- Measure 5 –Taxation: applicability of southern red snapper quota in French Guiana under the Autonomous Tariff Quotas Regulation
- Measure 6 – Migration: Asylum procedure in French outermost regions

5.1. Measure 1 – Taxation: Dock Dues in five French OR (Guadeloupe, French Guiana, Martinique, Mayotte and Réunion)

Context

The dock dues *(octroi de mer*) scheme consists of a consumption tax applied in Guadeloupe, French Guiana, Martinique, Mayotte, and Reunion, which is levied on both imported goods and locally produced goods at the point of sale. While EU Treaty provisions generally prohibit differential taxation between local products and similar EU-sourced products, Article 349 TFEU permits specific measures for the OR to address their structural constraints, such as their remoteness and insularity. The objective of the French dock dues scheme is to support the socio-economic development of the French OR by compensating for higher production costs, promoting the local industry, and ensuring the financial autonomy of local authorities.

Council Decision (EU) 2021/991[43] authorises France and the regional authorities of five OR (Guadeloupe, French Guiana, Martinique, Réunion, Mayotte) to apply as from 1 January 2022 until 31 December 2027 exemptions or reductions in dock dues to the locally produced goods

42 All French ORs except Saint Martin which officially separated from Guadeloupe to become its own Overseas Collectivity (*collectivité d'outre-mer*) in 2007. This status granted it tax autonomy. Saint-Martin creates and manages its own unique Saint-Martin Tax Code, entirely separate from the French General Tax Code and French Overseas Departments (*départements d'outre-mer*) where dock dues are applied.

43 L 221, 21.6.2021, p. 1, ELI: http://data.europa.eu/eli/dec/2021/991/oj.

included in lists A and B of Annex I to that Decision. Differences in taxation may not exceed 20 percentage points (for list A) or 30 percentage points (for list B) when compared with imported equivalents (dock dues differentials scheme).

The Commission proposal for a Council Decision concerning the dock dues scheme in the French OR and amending Decision No 940/2014/EU (COM(2021)95), was accompanied by a Commission Staff Working Document[44] (impact assessment) and a study on specific tax regimes for the OR belonging to France and Spain[45]. The table below provides an overview of the regional value added in the French OR in the sectors benefitting from the tax differentiation system under the 'dock dues' regime and the level of regional employment which they represent.

Table: Changes in the value added of sectors receiving aid between 2019 and 2023				
	2019	**2020**	**2021**	**2022**
	Value in million € (base index 100=2019)			
Guadeloupe				
Regional value added	4 841.45	90.71	98.72	104.63
In the sectors benefiting from tax differentiation	743.58	102.83	107.46	89.14
Total regional employment	72 236.00	104.75	105.93	105.19
In the sectors benefiting from the tax differentiation	10 688.00	98.11	101.38	80.32
Martinique				
Regional value added	6 149.49	93.35	99.85	109.65
In the sectors benefiting from tax differentiation	649.66	112.51	108.23	111.09
Total regional employment	90 366.00	98.39	100.25	105.90
In the sectors benefiting from the tax differentiation	12 250.00	104.67	117.21	111.91
French Guiana				
Regional value added	1 794.90	95.48	103.43	112.59
In the sectors benefiting from tax differentiation	109.21	127.92	127.67	139.01
Total regional employment	27 586.00	98.19	103.11	110.90
In the sectors benefiting from the tax differentiation	2 219.00	108.02	102.36	108.49
Réunion				
Regional value added	10 451.52	95.97	107.81	113.56
In the sectors benefiting from tax differentiation	1 366.42	108.87	122.81	126.30
Total regional employment	171 050.00	105.49	106.64	112.91
In the sectors benefiting from the tax differentiation	23 332.00	110.37	116.24	125.26
Mayotte (employment figures not available)				
Regional value added	591.36	110.94	145.72	159.72

44 COM(2021) 95 final.

45 European Commission, Directorate General for Taxation and Customs Union, and Economisti Associati, *Study on Specific Tax Regimes for Outermost Regions Belonging to France and Spain: Final Report*, Publications Office of the European Union, Luxembourg, 2020.

In the sectors benefiting from tax differentiation	80.36	104.70	65.98	77.11

Sources: Insee -FARE[46]

Problem identified

The customs nomenclature codes listed in Annex I to Council Decision 2021/991 were set in 2021, based on the EU's tariff classification system for that year. The operative part of the Council Decision does not allow any update or addition to lists A or B from Annex I to be updated or added to during the period of application of the Decision. However, the EU's Combined Nomenclature (CN)[47] is updated annually, meaning that some of the 2021 codes are obsolete or misaligned with current classifications. As regional authorities are required to apply dock dues rates on the basis of the latest Combined Nomenclature codes, this leads to legal uncertainty over whether certain goods still qualify for differential taxation.

While dock dues are a useful mechanism for enhancing the competitiveness of overseas undertakings, Annex I to Decision (EU) 2021/991 has not been updated since its adoption and does not provide for any review mechanism during its period of application. Consequently, in the light of the annual changes to the Combined Nomenclature and the adoption of the most recent Harmonised System in 2022, certain data in Annex I may no longer correspond to the nomenclature in force. In addition, the recurrent need for revision of the Decision on the dock dues regime may result in legal uncertainty for economic operators in the OR.

According to a 2025 evaluation[48] of the dock dues scheme by the French government, companies in the French OR face **additional production costs** some 11.3% higher than their counterparts in mainland France. These additional costs fall to 7.4% after direct aid has been taken into account, which justifies the case for the dock dues indirect aid scheme. After factoring in this aid scheme, the additional costs fall to 1.2% on average, although this varies at territorial level. In addition, the dock dues differential is targeted primarily at undertakings suffering from additional costs in the OR concerned. The evaluation concluded that the current scheme mainly benefits relatively dynamic sectors. During the period under assessment, with the exception of Mayotte and more recently Guadeloupe and French Guiana, the sectors benefiting from the scheme had consistently experienced growth above the regional average.

(*Source: INSEE, FARE)*

Justification for the proposed amendment

It is necessary to update the lists of products eligible for an exemption or reduction in dock dues, specifically lists A and B from Annex I, to reflect the annual changes to the Combined

46 Rapport d'évaluation intermédiaire des réductions d'octroi de mer et non assujettissement à l'octroi de mer dans certaines RUP françaises pour la période 2022-2027, October 2025 – drawn up on the basis of data from FARE and INSEE submitted to the Commission on 31 October 2025.

47 The Combined Nomenclature (CN) is a tool for classifying goods, set up to meet the requirements of the Common Customs Tariff (CCT) and the EU's trade statistics. It builds on the World Customs Organization's Harmonized System nomenclature.

48 Sources : rapport d'évaluation intermédiaire des réductions d'octroi de mer et non assujettissement à l'octroi de mer dans certaines RUP françaises pour la période 2022-2027, October 2025 – drawn up on the bais of data from FARE and INSEE submitted to the Commission on 31 October 2025.

Nomenclature (CN). Updating the lists will provide clarity on the taxation of all goods each year.
The aim is to introduce a simple and reliable procedure for updating lists A and B under the scheme without needing to wait for the expiry of the Decision. This should be done by conferring delegated powers on the Commission so that the lists can be updated each year once the EU's Combined Nomenclature has been updated. This will prevent local products eligible for the exemptions over the life of the scheme, from being excluded as a result of a change in the customs nomenclature. It will also ensure that the measures remain relevant and effective without the need for repeated legislative intervention.

Furthermore, the scheme should adapt to economic and market changes in the OR. Since the current product list was adopted, local production structures and market conditions have changed, creating opportunities in innovation, technological modernisation, and the circular economy. However, local producers still face structural disadvantages such as remoteness, insularity, small markets, reliance on imported inputs and higher costs.

To remain relevant, the scheme needs enough flexibility to include additional local products where this helps sustain or develop production, particularly in strategic, innovative sectors that support the EU's industrial goals. Expanding the list therefore helps local businesses respond to new demand, encourage innovation and strengthen regional resilience. For these reasons, the list of products eligible for a tax differential is expanded by 22 new CN product codes.

- For **Guadeloupe** a new tariff code for plastics and articles was added (39211100).
- For **Martinique** the following tariff codes were added: animal products (0209 10), wood and articles of wood (4404 10 00, 4411 94 90), glass and glassware (7005, 7007 29 00).
- For **French Guiana** the following tariff codes were added: rice (1006 30 98, 1006 30 99, 1006 40 00), wood and articles of wood (4410 11 90, 4411 94 90), articles of paper and paperboard (4819 10 00) and products of chemical or allied industries (3506 99 00, 3808 92).
- For **Reunion** the following tariff codes were added: vegetables (0714 20 90), animal products (0511 91 90), fats and oils (1517 90 91), paper and paperboard articles (4819), chemicals (2804 30 00, 2811 21 00), cement (2523 29 00) and articles of iron and steel (7306 90 00).

The duration of the scheme is proposed to be extended until 31 December 2030 in order to provide legal certainty to economic actors in the OR and continue supporting the competitiveness of goods produced locally.

This amendment is targeted and limited in scope, and it applies exclusively to the five French OR covered by the Council Decision. The amendment does not introduce substantive policy changes, but instead adapts existing legislation on a specific, targeted issue without affecting the EU's broader objectives.

Expected positive impact

Overall, the proposed amendments proposed will offer legal clarity for the French OR' authorities and businesses when it comes to the application of the dock dues scheme. As stated above, the extension of the scheme until 2030 will also bring predictability and legal certainty, allowing businesses to make longer-term decisions on investments in the OR.

The impact of the tax differential on the dock dues scheme will continue to be evaluated by both the European Commission and the relevant French and local authorities, including through an evaluation report to be submitted to the Commission by 30 September 2028.

The update of CN codes in the list of goods eligible for a dock dues differential will ensure consistency with the latest classification of the Common Customs Tariff nomenclature without having additional economic impacts apart from the positive ones derived from having legal certainty. The CN codes to be added to the scope of the Council Decision will enable new local products to benefit from for lower dock dues rates, supporting the diversification and development of the OR' economies and compensating for additional production costs. It is too early to assess the specific economic impact of the addition of these product codes as the volume of new production is not certain yet. However, the impact of the addition of the 22 new product codes will be assessed by France in its new evaluation report to be submitted to the Commission in 2028. Previous evaluation reports from France and the Commission Staff Working Document[49] accompanying the Proposal to amend Council Decision No 940/2014/EU from 2021 have shown an overall positive impact on the addition of new products in the past.

In **Guadeloupe**, the measure is expected to support local production of insulation products. The measure would be likely to have a minor impact at sectoral level on the proportion of imports subject to the differential dock dues rate. Furthermore, the measure concerns a sector already facing significant additional costs while unable to benefit from the application of a differential dock dues rate. The introduction of such a differential is therefore vital for enabling production to diversify.

In **Martinique**, the measure is expected to support different sectors faced with additional costs:

- **Meat sector**: the list of products derived from meat processing will be expanded in order to diversify production. This measure would be likely to have a limited impact at sectoral level on the share of imports covered by the dock dues differential. The measure also concerns an industry with significant additional costs that is unable to benefit from the application of a dock dues differential, making it necessary to introduce such a differential to allow production to diversify.
- **Manufacturing sector**: intermediate consumer products from the forest-based industry, intended for construction will be added, including wood -derived products, fibreboard of wood or ligneous materials, float glass and laminated safety glass. This measure is expected to cover all current local production but would also significantly increase the share of imports covered by the dock dues differential. The measure concerns both a strategic sector (construction) and an industry with significant additional costs that is unable to benefit from the application of a dock dues differential, making it necessary to introduce such a differential to allow diversification of production to diversify.

In **French Guiana** the measure is expected to support several sectors facing additional costs:

- **Rice sector:** until 2007 local rice production covered 90% of domestic needs. In addition, a large proportion of the harvest was exported outside the EU, mainly to Haiti. Today, due to market trends and constraints rice is no longer produced in French

[49] SWD(2021) 44 final.

Guiana, apart from a small line of artisanal production based on traditional methods. This measure will therefore contribute to food security and economic diversification in the region.

- **Manufacturing sector:** intermediate consumer products from the forest-based industry intended for construction will be added, in particular boards of wood and fiberboard of wood or other ligneous materials, such as mycelial panels, made from recognised locally grown fungal strains, the measures proposed will. The measure is expected to support this activity.
- **Manufacturing sector**: the production of cartons, boxes and cases of corrugated paper or paperboard will be included. The measure would be expected to increase the share of imports covered by the dock dues differential, addressing additional costs faced by local producers.
- **Prepared glues and other prepared adhesives and fungicides sector**: the measure will support the research and development efforts for new applications of local raw products, by and would be expected to slightly increase the share of imports covered by the dock dues differential, thereby compensating the additional costs faced by the local industry.

In **Réunion** the proposed amendments will have a positive impact in several areas:

- **Root products sector**: major investments have already been made, in particular in sweet potato, which is already being produced locally. The measures would be expected to leverage the effect of these investments.
- **Seafood sector:** this highly competitive market has well-established players along the entire value chain, from fishing to distribution. The measure would help to address difficulties faced by the local processing industry which has to compete with importers who offering products that have processed at a lower cost.
- **Vegetable oils:** the measure will help rise to the challenge of increased imports of vegetable oils and support emerging local production for the food services market.
- **Local trades:** the measure is expected to support the diversification of local production, for example through the manufacturing of bags from reels of kraft paper and to the assembly and printing of those bags.
- **Industrial gas production**: the EU has only one gas production plant in the Indian Ocean region, specifically in Reunion which serves a pharmaceutical packaging centre to for filling bottles for remote or mobile use (e.g. in hospitals). The measure is expected to maintain this activity which is vital for the health care system of the region.
- **Cement sector**: demand for cement in Reunion has been falling steadily for many years and reached a historic low level in 2024 when total consumption was barely 279 000 tonnes consumed (compared with 420 000 tonnes in 2014, i.e. a decrease of more than 33%). The only producer on the island has struggled to compete with non-EU producers. This measure is justified as it would help the industry in the region which has faced significant additional costs while being unable to benefit from the application of the dock dues differential.

- **Iron and steel sector**: there only one manufacturer of ventilation equipment on Réunion. It works in partnership with numerous specialist fitters, supporting economic activity across several links in the construction sector's value chain. The measure is intended to safeguard the future of the local sector in the face the loss of market share. It is justified by the existence of additional costs prior to the application of the differential in dock dues, which the latter serves to offset.

5.2. Measure 2 – Agriculture: eligibility of tropical root products under the common market organisation (CMO) for agricultural products

Context

Regulation (EU) No 1308/2013[50] of 17 December 2013 established a common organisation of the markets in agricultural products and repeal Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [Common organisation of the markets (CMO) – Annex I.].

However, several agricultural products which are everyday foodstuffs in the EU OR are produced domestically and traded together with fruit and vegetables, even though they are not fall considered fresh or processed fruit and vegetables sectors as defined in under Article 1(2) points (i) and (j) of Article 1(2) of Regulation (EU) No 1308/2013. As a consequence, those products are ineligible for support under granted to operational programmes implemented of producer organisations in the fruits and vegetables sectors under Title III, Chapter III, Section 2 of Chapter III of Title III of Regulation (EU) 2021/2115 on CAP strategic plans[51].

Given that the production and marketing of these products is not currently organised through producer organisations, publicly available data on production is very limited. Below is data below from the French Ministry of Agriculture which, while not presenting the total production level, shows the volumes effectively marketed quantities, while not the full level of production[52] [53]:

Categories	Developed area (ha)			Yield (100 kg/ha)		Harvested production (tonne)			Production destined for processing (tonne)		
	2022	2023	Index 23/22	2022	2023	2022	2023	Index 23/22	2022	2023	Index 23/22
Tubers, roots and bulbs of tropical origin (Dom)											
Yams Cassava Other tubers	995 4 291 1 503	999 4 491 1 495	100,4 104,7 99,5	76 58	72 51	7 535 24 930 10 346	7 218 22 980 9 991	95,8 92,2 96,6	400 15 000 400	350 13 000 350	87.5 86.7 87.5
Total of tubers, roots and bulbs of tropical origin (Dom)	6 789	6 985	102.9			42 811	40 189	93.9	15 800	13 700	86.7
Total of potatoes and tubers	218 451	210 993	96.6			8 108 653	8 646 683	106.6			

[50] Regulation (EU) No 1308/2013.
[51] Regulation (EU) 2021/2115.
[52] Sources: Statistique agricole annuelle (SAA)-2022 2023 final.
[53] Production in 2024 (Statistics AGRESTE) – publicly available data: https://agreste.agriculture.gouv.fr/agreste-web/download/publication/publie/Chd2416/cd2024-16_SAA2023-Definitive.pdf.

Concerning The 2024 IEDOM report for **French Guiana** mentions the levels of indicates total root production[54]. The, however the IEDOM reports for the other French OR do not provide data on tropical roots production.

(in tonnes)	Yams	Manioc
Guadeloupe	2 182	639
Martinique	1 118	170
French Guiana	2 500	13 000
Réunion	0	253
Mayotte	272	8 670
Saint Martin	No data	No data

Production in 2024 of yams and manioc in the French OR[55]

The production of vegetables and tubers is estimated at around 21 000 tonnes in 2023. It is characterised by the cultivation of manioc (17 300 tonnes), which is a cornerstone of tuber production, not least because of its importance in Guiana traditions. Manioc is grown on three quarters of farms in the area[56].

	2020	**2023**
Traditional tuber production		
Area used (hectare)	7 700	4 250
of which manioc	6 600	3 300
Production (tonnes)	38 000	17 300
of which manioc	32 300	13 200
Number of farm holdings	4 600	N/A

A rough estimate of tropical root and tuber production (cassava, sweet potato, yam, taro, etc.) in the French OR is provided below. Precise data is difficult to obtain, as these crops are often subsistence-based crops and are only partially commercialised, but marketed. Nevertheless, reliable orders of magnitude are available. Tropical root crops in the French OR are grown on a surface area of only a few hundred hectares in the Caribbean, whereas in French Guiana they compared with a surface area exceeding 7,000 ha (around 23% of utilised agricultural area).

French Guiana (by far the largest producer)

- Cassava is the traditional staple food (‘couac’ flour made from cassava root)
- Large agricultural areas with parcels (over 7,000 ha in total) are dedicated to producing roots and tubers

→ French Guiana is the only OR where root crops are a core pillar of the agricultural sector.

Mayotte (second largest producer)

- Predominantly smallholder structure
- Cassava + bananas + agroforestry systems
- A large share of proportion is subsistence farming

54 https://www.iedom.fr/Rapport-annuel-economique-de-la-Guyane-2024?lang=fr
55 Source: annual agricultural statistics, Agreste.
56 Sources: Agricultural Mementos 2021 and 2023, Agricultural Census 2020 ©IEDOM (L'Institut d'émission des départements d'outre-mer).

→ Tubers represent around 20% of crop production.

Réunion (third largest)

- Agriculture dominated by sugar cane and fruit production
- Tropical roots are secondary crops (mainly sweet potato).

Guadeloupe and Martinique

- Root crops (especially yam) are historically important
- They have been progressively replaced by:
    - export banana production,
    - horticulture,
    - imported food products.

→ Production has declined significantly over the past 30 years.

Problem identified

A key issue for agricultural policy in the French OR is that the tropical root crops are strategic for local food security, yet only benefit from limited support under EU agricultural policy, compared to sectors such as the banana or sugar. In addition, tropical root crops are resilient to climate change, they require low inputs and generate high yields per hectare.

Products such as fresh and frozen manioc (cassava), yams, taro and yautia (malanga), intended for human consumption play an important role in local agricultural systems and contribute to food security in most French OR as stated above.

Producer organisations are true pillars of food sovereignty. However, due to the small market size of the local markets and the limited scope for economies of scale in the OR, producer organisations will struggle to be financially viable unless they have access to the same operational support available toas mainland EU producers.

In the OR, the development and operation of collective structures and the action of marketing structures is essential for increasing the volume and quality of agricultural production, for ensuring a sufficient local food supply, for addressing local public health issues (root vegetables have a lower glycaemic index than rice, pasta or potatoes) and for promoting the local market.

Nevertheless, given the very small and fragmented markets of the outermost regions, producer organisations often struggle to achieve the critical mass needed to spread fixed costs, invest in innovation and maintain a stable budgetary balance. This leaves them highly exposed to price volatility, supply disruptions and sudden shifts in demand. In this context, reinforcing their resilience helps sustain local economic activity and unlock investment in sustainable, advanced production.

Justification for the proposed amendment

For Member States to be allowed to grant support for tropical root products through the operational programmes implemented of producer organisations in the fruit and vegetables sector, these need to be included within the scope of the fresh and processed fruit and vegetables sectors referred to in Article 1(2)), points (i) and (j) of the CMO- Regulation.

By including these products within the scope of those sectors would also allow for such, i.e. by adding them to parts IX and X of Annex I to Regulation (EU) No 1308/2013, tropical root products, in their fresh stage, to state, would also be covered by the general marketing standards for fruit and vegetables, thereby facilitating their marketing and providing consumers with information on their origin, by including them in Annex I to Regulation (EU) No 1308/2013, under parts IX and X.

It is proposed to amend Annex I to Regulation (EU) No 1308/2013 by including certain tropical products in parts IX and X, as appropriate, in order to which will bring them within the scope of the fresh and processed fruit and vegetables sectors. This will allow those products to benefit from the relevant support schemes and, where applicable, to be subject to the general marketing standards for fruit and vegetables.

Expected positive impact

The proposed amendment could generate a positive medium-term structuring effect in the agricultural market for tropical root products. In fragmented and vulnerable markets, small-scale producers often operate informally and remain outside existing schemes. This adjustment would help bring essential local productions into clearer economic and administrative visibility, strengthen their organisation, and facilitate their progressive integration into recognised support frameworks. By creating a more coherent pathway towards eligibility, it would enable these producers to access funding, participate in targeted actions, and improve their capacity to respond to market, environmental and quality requirements.

A structural impact of the proposed measure is that it would likely incentivise the formalisation of agricultural production, support the creation and recognition of producer organisations for these products in question, improve their traceability and market integration, and strengthen local value chains. Tropical roots crops are a key production sector in French Guiana and Mayotte, a secondary sector in Guadeloupe and Martinique, and a marginal sector in Réunion. These receive little support under the POSEI, despite being important for the food security and food sovereignty in the French OR and having the potential to become even more important if the sectors become properly organised.

In the area of food security, the proposed amendment would have a particularly significant impact on French Guiana and Mayotte, due to their strong population growth, high food import dependency on food imports but largely under-valued local production. The amendment could contribute towards substituting imports and building more resilient food systems.

The estimated budgetary impact of the proposal to incorporate tropical root products into the CMO Regulation is broadly estimated as follows, taking into account that the medium- and long-term impact would depend on the pace and scale of the uptake of producer organisations:

- In the short-term the impact would be limited due to the low levels of marketing of production and weak structuring of the sector into producer organisations in the main producing OR. Any increase would be gradual and conditional on improvements in structuring.
- In the medium-term, better structuring → may lead to greater marketing of production (vegetatively propagated crops, i.e. crops that are reproduced by the same plant such as yams, cassava and bananas) and to gradual uptake of the producer organisation model. → Potential higher budgetary impact, but still moderate and controlled.
- In the long term → moderate budgetary impact, including at EU level.

Therefore, the budgetary consequences would be minimal to moderate as stated above, in relation to the overall budget available to support farmers in the French OR. This measure will also contribute to implementing the recommendation of the European Court of Auditors (ECA)[57] to diversify the agricultural sector in the OR, specifically the recommendation that "the Commission should work with the concerned Member States to reflect on how to better structure those sectors (e.g. producer organisations, cooperatives, associations) to efficiently plan and sell production."

5.3. Measure 3 – Environment: Deforestation Regulation (EUDR) for French Guiana

Context

Regulation (EU) 2023/1115[58] on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation, and repealing Regulation (EU) No 995/2010 (EUDR) was adopted on 31 May 2023[59] and provisions laying down due diligence obligations will start applying as of 30 December 2026. It aims to combat deforestation and forest degradation by establishing binding rules for EU operators and traders. Furthermore, it prohibits the placing on the EU market of certain commodities, such as cattle, cocoa, coffee, palm oil, rubber, soya, and wood, that have contributed to global deforestation. The EUDR also seeks to incentivise the production and trade of 'deforestation-free' products, thereby reducing the EU's impact on global deforestation and biodiversity loss.

In the 1950s, French Guiana had a population of only 28 000 inhabitants. Its population has since increased sharply, growing on average by 3.5% per year since the early 1980s. In recent years, this demographic momentum has accelerated, peaking at + 5.7%, partly due to a particularly high inflow of migrants. On 1 January 2025, the population of French Guiana was estimated by INSEE to have reached 292 354 inhabitants. Although the rate of population growth has since calmed somewhat, French Guiana continues to face strong demographic pressures. Between 2021 and 2024, its population grew by an annual average of + 1%, compared with a national average of + 0.3%. French Guiana is also one of the most dynamic French departments with the highest fertility rates (3.1 children per woman in 2024, compared with 1.6 in mainland France).

Demographic indicators

	French Guiana			Metropolitan France
	2014	2023 (p)	2024 (p)	2024 (p)
Live births	6 591	7 689	6 600	627 800
Deaths	786	1 228	1 200	627 400
Natural increase	5 805	6 461	5 400	400

57 Special report 03/2026: Specific measures to support agriculture in the EU outermost regions | European Court of Auditors.
58 Regulation - 2023/1115 - EN - EUR-Lex.
59 Regulation was amended twice: in December 2024 and December 2025.

Birth rate (‰)	25.7	26.4	22.6	9.5
Total fertility rate	3.4	3.6	3.1	1.6
Life expectancy at birth of men	76.7	75.3	76.1	80.1
Life expectancy at birth of women	83.1	81.4	81.8	85.7

Source: INSEE population estimates and civil status statistics
(p): provisional data

This long-term population growth place significant pressure on the food supply, agricultural production and local supply chains and can be seen, for example, in the sharp rise in demand for food products and the territory's continued reliance on imports. Insee estimates that the population of French Guiana could reach almost 390 000 by 2042, i.e. 115 000 more than in 2018, representing or an increase of 42% in 25 years.

The current size of French Guiana's agricultural area, i.e. the area owned by agricultural holdings, is around 81 000 hectares, i.e. less than 1% of the surface area of the territory, which is 8 353 400 hectares. The proportion of the territory which is utilised agricultural area (UAA), i.e. in active production, is by far the lowest in France, representing only 0.4% of the territory, compared with an average of 52% for mainland France. Viewed in terms of the size of its population, French Guiana has 13 hectares of UAA per 100 inhabitants, compared with 41 hectares per 100 inhabitants for mainland France.

Situation of agriculture	**2010**	**2020**	**Evolution 20/10**
Number of farm holdings	5 983	6 135	2.5%
Agricultural employment in full-time equivalent	6 883	12 658	83.9%
Share of agricultural area in the territory	0.3%	0.4%	+0.1pt
Utilised agricultural area of holdings (ha)	25 345	36 429	43.7%
Average size (ha/farms)	4.2	5.9	40.5%

Source: Recensement Agricole 2020, Odeadom © IEDOM

French Guiana's regional development plan ("*Schéma d'aménagement régional – SAR*"), – a local planning document adopted in 2016, before the EUDR. – sets out the procedures, rules and limitations regarding the expansion of the territory's agricultural area. The SAR envisages an agricultural area of 200 000 hectares and a UAA[60] of approximately 75 000 hectares by 2030. The additional area is intended to make it possible to achieve the food sovereignty objectives of the territory by 2040, with intermediate coverage-rate targets for 2030 of 50% for cattle, 85% for vegetables and 92% for fruit.

Problem identified

The provisions of the EUDR could have a significant impact on domestic production and consumption in French Guiana, where food sovereignty strategies rely on planned agricultural clearing to meet the needs of the rapidly growing population. Due to the specific geographical characteristics of French Guiana, the application of Regulation (EU) 2023/1115 poses significant challenges for the territory's food sovereignty and the development of local agricultural and agroforestry production.

60 Utilised agricultural area, abbreviated as UAA, is the total area taken up by arable land, permanent grassland, permanent crops and kitchen gardens used by the holding, regardless of the type of tenure or of whether it is used as a part of common land.

Regulation (EU) 2023/1115 prohibits the placing on the market and the export of commodities and derived products produced from land cleared after 31 December 2020, even where such clearing is legal and planned under local development documents, for local consumption. In French Guiana, it affects cattle farming and the production of derived products, which are essential for food security in the region, due to its geographical and economic constraints. In addition, the Regulation may affect. some sectors that are developing in the region, such as the 'Cocoa Guiana' niche sector, which could contribute to agricultural diversification.

Local meat production is still far from sufficient to meet the population's needs. In 2024, the self-sufficiency rate for beef stands at 12%.

	2000	2010	2020	2021	2024
Cattle production	371	311	631	546	434
Coverage rate of food requirements	22%	16.7%	23%	17%	12%

Source: IEDOM annual report, data from annual Memento of Agreste (public statistics on agriculture, food, forestry and fisheries)

NB: This data collected by DAAF (Department of Food, Agriculture and Forestry of French Guiana) partially cover informal activity and do not include own consumption.

French Guiana is heavily reliant on imports of animal feed and cereals; the rise in the price of animal feed has had an impact on livestock farming. The COVID-19 crisis left small-scale farms particularly vulnerable. Due to the low level of local production and the limited structuring of the agricultural sector, French Guiana still relies heavily on imports. Since 2015, French Guiana's imports of agricultural products have increased by more than 1.5 times and are now worth more than EUR 150 million. This increase in imports applies to all categories of agricultural products reflects the territory's low rate of coverage of its own needs, in particular for livestock products and cereals.

According to a report submitted by the Overseas Delegation of the French National Assembly on food sovereignty of the overseas territories in 2023[61], between 2009 and 2019, meat imports increased from 10 000 tonnes to around 17 000 tonnes per year, with cattle accounting for 9% of these imports. According to estimates by local authorities, for French Guiana to meet its needs, the forest losses required to recover agricultural land for cattle farming would amount to approximately 8 344 hectares, i.e. only a limited proportion of the 40 000 hectares of UAA.

Justification for the proposed amendment

In response to the problem identified, the Commission proposes a targeted amendment whereby, for the purposes of Regulation (EU) 2023/1115, French Guiana would be excluded from the territorial scope, including the customs territory as defined in Article 2(34), of that Regulation. The purpose of this amendment is to exclude relevant products that are produced and consumed locally in French Guiana from the application of the Regulation, or that are

61 Information report tabled by the Overseas Territories Delegation on food self-sufficiency in the overseas territories in 2023.

produced in any third country and consumed in French Guiana, as well as relevant products produced in French Guiana and exported to third countries.

At the same time, relevant products entering the EU market from French Guiana – i.e. exports from French Guiana to the rest of the Union – would be treated as goods that have not yet been placed on the Union market and would therefore remain subject to the EUDR's requirements. These flows would remain subject to strict safeguards, notably a due diligence statement (DDS) reference number in the relevant customs declaration.

This specific treatment also takes account of the practical enforcement constraints linked to French Guiana's geographical situation, in particular its borders with Suriname and Brazil. The aim of the amendment is to make a targeted adaptation reflecting the very specific situation and challenges of French Guiana, an EU region where the UAA needs to be increased in a planned and regulated manner to support local food self-sufficiency and food sovereignty objectives.

As most agricultural production in French Guiana is destined for the local market, and most relevant products within the meaning of the EUDR are produced and consumed locally within the territory or are imported from third countries and consumed in French Guiana, the targeted amendment would have no impact on the EU market, as it would concern relevant products produced, imported, and consumed locally within French Guiana, as well as relevant products produced in French Guiana and exported to third countries.

Expected positive impact

The proposed amendment would allow French Guiana to ramp-up agricultural production as set out in its regional development plan, within a limited and regulated framework. The products concerned, intended for the local market only, would directly support the territory's food self-sufficiency in view of its rapidly growing population.

The amendment would also support the development of beef and veal production, a key sector for local food sovereignty and the local economy. Beef production accounts for more than half of the territory's meat production (52% in 2020) but only 217 jobs, or 2% of the regional agricultural workforce (Agreste, 2020). As cattle farming in French Guiana is extensive and comprises both small mixed crop-livestock farms (around 70% of farms) and larger holdings of more than 250 hectares, the amendment would benefit farms of all sizes and contribute to the development of a local sector that is important for food sovereignty, employment and the resilience of local supply chains.

The targeted amendment would not call into question the environmental objectives of the EUDR. Moreover, it would be proportionate, as it would allow planned, regulated expansion of agricultural land in a territory where local production capacity needs to be increased to ensure food sovereignty.

This targeted amendment would ensure that the EUDR continues to apply to relevant products entering the EU market from French Guiana. Under the amendment, French Guiana would be excluded from the territorial scope, including the customs territory as defined in Article 2(34), of that Regulation. This would mean that such products would be treated as relevant products entering the EU market. As a consequence, they would be subject to the applicable requirements under Chapter 4 of the EUDR, including the submission of a due diligence statement reference number or a declaration identifier of the Simplified Declaration, when relevant products enter the EU market.

Likewise, relevant products moved from other parts of the EU with a view to being placed on the market in French Guiana would be considered relevant products leaving the EU market and would be treated as such. As a consequence, they would also be subject to the applicable requirements under Chapter 4 of the EUDR.

The proposed amendment would allow for the effective and proportionate implementation of the EUDR in French Guiana and would support local food self-sufficiency and food sovereignty for a rapidly growing population. It would preserve the environmental objectives pursued by the EUDR, while taking into account the structural constraints of the territory, in particular its geographical situation and its borders with Suriname and Brazil.

5.4 Measure 4 – Fisheries: fishing capacity ceiling for Mayotte

Context

An important part of Mayotte's fishing fleet is composed of artisanal *pirogues* (a simple dugout boat similar to a canoe) and small-scale fishing units that require urgent modernisation and reconstruction in the end of 2024. A derogation from the requirement to set a capacity ceiling for vessels under 10 metres in length which target demersal and pelagic species was granted in respect of Mayotte for this purpose until 31 December 2035. A derogation was also granted authorising France to introduce new capacity without the withdrawal of an equivalent capacity for the various segments in Mayotte until 31 December 2035. The damage caused by Cyclone Chido necessitates an extension of these derogations to achieve the intended objectives. The characteristics of the fishing fleet in Mayotte are set out in the latest Scientific, Technical and Economic Committee for Fisheries (STECF) report[62], on the basis of data provided by the French authorities.

The Mayotte Chamber of Agriculture, Fisheries and Aquaculture (CAPAM) drew up a report in March 2025 on the reorganisation and structuring of fisheries governance for 2025-2027. It highlighted the difficulties encountered by the sector, in particular how the fleet is outdated fleet and does not comply with safety standards, and proposed a transformation roadmap based on food sovereignty, locally driven economic development and sustainability. The proposal to postpone the deadline for setting the fishing capacity ceiling for Mayotte would thus fit in with this longer-term transformation and restructuring strategy.

Much of Mayotte's population continues to face difficult living conditions, and conditions, while the poverty rate is alarming[63]. The unemployment rate, which is above 30%, is also a major challenge. This situation highlights the importance of initiatives for creating jobs, drawing value from marine resources, and strengthening food sovereignty. Mayotte remains highly dependent on seafood imports, with local production covering less than 20% of domestic consumption according to the 2026 report by Ifremer's working group for overseas territories[64]. To this end, the Mayotte public authorities have adopted a three-year plan for 2025-2027 to support the sector by providing training and by setting up a maritime cooperative. The French

62 https://publications.jrc.ec.europa.eu/repository/handle/JRC145142.
63 77.3% of the population compared to French national average (2017 INSEE).
64 https://archimer.ifremer.fr/doc/01007/111871/125849.pdf.

authorities are committed to supporting the sustainable structuring of the sector over the medium term.

Article 3 of Council Regulation (EU) No 1385/2013 contains the amendments to Regulation (EU) No 1380/2013 and authorised[65] France to introduce new fishing capacity in Mayotte without the withdrawal of equivalent capacity until 31 December 2025. It also provided for the capacity ceilings for vessels under 10 meters in length targeting demersal and pelagic species to be set only at a later stage, at the latest by 31 December 2025.

These derogations followed Mayotte's change of status to an OR on 1 January 2014 and was intended to support its underdeveloped fishing sector, in particular the segment comprising vessels of less than 10 metres in length targeting demersal and pelagic species. At the end of this transition period, capacity ceilings, expressed in gross tonnage and engine power, must be established for the fleet segment. However, Cyclone Chido struck Mayotte in 2024, destroying a significant part of the fleet, and requiring damaged vessels to be replaced. As a result, the previous assessment of the fleet's capacity needs may need to be modified.

Problem identified

Much of Mayotte's fleet is composed of vessels of less than 10 metres which are dispersed around the island, have no specific landing sites and still need to be identified, measured and equipped with minimum safety equipment in order to be included in the EU fishing fleet register. Efforts to take stock of Mayotte's fleet are ongoing, supported by the introduction of local regulations establishing operating permits. Cyclone Chido set back much of this work, and the fishing sector remains poorly structured, making it difficult to make progress with mapping the fleet. Although some vessels have now been entered in the EU fleet register, a large number of fishers were in the process of completing these procedures when Cyclone Chido struck. The cyclone caused catastrophic damage to Mayotte's infrastructure, including part of the fishing fleet and the offices of the State service responsible for sea fishing, reducing administrative and operational capacity which is vital for completing the fishing fleet census.

The renewal of the fleet is key to making the local fishing sector safer, more attractive and more sustainable. The corresponding capacity must therefore be carefully assessed and accounted for, in particular to replace the vessels destroyed by Chido. The definitive capacity ceilings should be established by 31 December 2030 in accordance with the applicable rules and on the basis of verified and updated fleet.

There are also specific challenges which affect the management and control of the fishing fleet in Mayotte's waters. First, neighbouring territories in close proximity to Mayotte carry out limited vessel registration, monitoring and enforcement, which makes Mayotte's own fleet management and control more complex. In addition, access to digital tools is a challenge complicating fleet registration and administrative compliance. If a strict capacity ceiling is set prematurely, this could also weaken the fishing sector operating legally, thereby indirectly aggravating the issue of illegal fishing, which is already a concern in the region. Failure to adjust the ceiling to the post-Chido reality could prevent the legal fleet from developing in line

[65] Introduced by Regulation (EU) No 1385/2013 of 17 December 2013 amending Regulation (EU) No 1380/2013 on the Common Fisheries Policy following Mayotte's change of status to an Outermost Region on 1 January 2014.

with Mayotte’s needs, while creating more scope for unreported and less controlled fishing activities, and potentially causing greater harm to marine resources. This could seriously undermine progress made under the common fisheries policy (CFP), including work to improve data collection and knowledge of fish stocks.

Justification for the proposed amendment

The proposal to postpone the deadline for establishing the fishing capacity ceiling for Mayotte until 31 December 2030 would provide additional time to complete the identification and registration of Mayotte’s small-scale fishing fleet and to establish ceilings based on more complete and reliable data. It would support the objectives of safety, economic viability, a sustainable structured fishing sector and local food sovereignty.

Setting definitive capacity ceilings too early and allowing the authorisation to introduce new capacity without equivalent withdrawal to expire would risk constraining the development and rebuilding of the sector, including the replacement of vessels destroyed or damaged by Cyclone Chido, and of old and obsolete vessels with safer, better-equipped vessels. Extending both arrangements would provide sufficient time to establish capacity ceilings that accurately represent the fleet in Mayotte, once it has recovered from the damage and setbacks caused by Cyclone Chido.

Expected positive impact

The proposed extensions would facilitate the accurate registration of the fleet while providing the flexibility needed to restructure the sector and renew obsolete or unsafe vessels, in the context of the reconstruction following Cyclone Chido. They would also allow time to consult stakeholders and carry out technical work to define appropriate standard vessel types for assessing capacity needs, so that the fleet can develop under safe and acceptable working conditions. The proposed extensions would give the authorities and the sector the necessary time to complete this work properly.

By facilitating more complete fleet registration and more reliable information on legal fishing activity, the proposed extensions could also contribute indirectly to improved monitoring of Mayotte’s maritime areas and efforts to combat illegal fishing.

5.5. Measure 5 – Customs Duties: applicability of southern red snapper quota in French Guiana under the Autonomous Tariff Quotas Regulation

Context

Council Regulation (EU) 2023/2720 lays down autonomous tariff preferences for certain fishery products not available in the EU market in sufficient quantities. Southern red snapper is one of the species that may benefit from a customs duty exemption when imported into the EU for processing under the end-use procedure.

Southern red snapper is a strategic product for the processing industry in French Guiana. For one operator, it accounts for 60-70% of the raw material volumes it processes, while for another it represents 40-58% of total turnover. However, the local fleet alone cannot provide a sufficient supply of fish, including southern red snapper, to sustain the viability and profitability of the processing industry in French Guiana. This is why access to southern red snapper landed in French Guiana is essential for maintaining local processing activity and preserving the added value it generates for the territory.

French Guiana faces specific import and processing constraints. In the French waters off French Guiana is carried out, southern red snapper stocks are exploited by a fleet of 45 longliners flying the Venezuelan flag, which benefit from fishing authorisations issued annually by the European Union in accordance with Council Decision (EU) 2015/1565. Vessels holding such authorisations are required to land 75% of their catches in French Guiana and must operate under a contract with a processing company established in French Guiana for marketing the sherry products caught in French waters.

Problem identified

Southern red snapper caught by a third-country vessel outside the territorial waters of French Guiana is considered an imported product and is therefore subject to 15% duty under the Common Customs Tariff. Southern red snapper can benefit from a customs duty exemption when it enters the EU for processing in accordance with Regulation (EU) 2023/2720. However, the processing operations actually carried out by factories in French Guiana do not fall within the scope of Article 4(4) of that Regulation (listing the sufficient operations allowing products to benefit from the tariff quotas).

The operations carried out in French Guiana are cleaning, gutting, tailing, heading, cutting into rings and cutting into slices. Such processing is insufficient to allow products to benefit from the autonomous tariff quotas of the Regulation 2023/2720 as laid down in Article 4(4). As a result, southern red snapper imported into French Guiana for local processing cannot benefit from the relevant tariff exemption. The application of the 15% duty makes processing red snapper in French Guiana less competitive than in neighbouring countries.

There is a structural competitive imbalance and by the dependence of the local processing sector on southern red snapper prices. The CARIFORUM preferential free trade agreement allows products from Suriname where production costs, including labour, energy, packaging and transport, are significantly lower than in French Guiana. Experience – to benefit from a 0% duty. In addition, experience shows that when prices exceed a certain threshold, consumers turn away from local southern red snapper, resulting in reduced sales and weakening the sector.

Illegal, unreported and unregulated (IUU) fishing in the waters of French Guiana is an additional aggravating factor, alongside the lower cost in neighbouring countries, of landing, processing and marketing fish caught from the same stocks. As a result, this means that French Guiana is penalised twice, first through illegal fishing in its waters and, second through competition from products processed in neighbouring countries obtained from the same stocks.

Justification for the proposed amendment

In response to these concerns, it is proposed to amend Council Regulation (EU) 2023/2720 by introducing a derogation from the minimum processing requirements for fresh and chilled southern red snapper caught in France's EEZ by third-country vessels and imported into French Guiana for processing and consumption locally. The derogation would allow 1 500 tonnes per year of southern red snapper to benefit from the tariff exemptions laid down in this Regulation under quota number 09.2746.

Expected positive impact

The autonomous tariff quota for southern red snapper provided for in Regulation (EU) 2023/2720 is set at 1 500 tonnes per year. Fish landing data shows that operators in French Guiana are able to use almost two-thirds of this quota. For example, in 2025, two of the three operators together imported 958 tonnes of southern red snapper, while the forecast for 2026 for all three operators is around 945 tonnes. If activity returns to the high levels seen before the COVID-19 crisis, southern red snapper volumes could match or even exceed the 1500-tonne quota.

According to the French authorities, in May 2026, import costs since 2023 were estimated at EUR 13 million for the processing industry in French Guiana, of which customs duties account for EUR 1.95 million. The proposed exemption would therefore be expected to have a positive impact on the competitiveness and profitability of French Guiana's processors, in particular processors of southern red snapper, as well as on sectoral added -value, and on the maintenance and creation of jobs in the sector and related activities.

In terms of impact on employment, the proposed exemption would directly support the three operators directly that process southern red snapper and which employ around 100 permanent staff. It would also indirectly support more than 800 fishers active in French Guiana's fishing industry, as well as related sectors such as handling, transport, logistics, maintenance, refrigeration, and marketing.

The exemption will level the playing field for French Guiana and help to ensure a fair competition while building up the resilience of this strategic sector. It would help to keep the market price of southern red snapper at a level compatible with international competition.

The exemption would also help rebalance marketing conditions for southern red snapper, bearing in mind that fish obtained from illegal, unreported, and unregulated fishing in the waters of French Guiana is regularly landed, processed and marketed in neighbouring countries at a lower cost.

Overall, the exemption will help to maintain the southern red snapper processing industry in French Guiana, thereby preserving direct and indirect employment, strengthening competitiveness in the face of international competition, safeguarding local food sovereignty and ensuring the sustainability of a sector which is strategically important to the economy of French Guiana, that relies on fish harvested in France's EEZ.

4.6. Measure 6 – Migration: Asylum procedure in French outermost regions

Context

The Pact on Migration and Asylum is a comprehensive set of rules for managing migration and establishing a common asylum system at EU level.

They build on and amend previous reform proposals in the area of migration, offering a comprehensive approach that aims at strengthening and integrating key EU policies on migration, asylum, border management and integration. With firm but fair rules, they are designed to manage and normalise migration for the long term, providing EU countries with the flexibility to address the specific challenges they face, and necessary safeguards to protect people in need.

Following their entry into application in June 2026, the new rules on migration and asylum ensure that the Union has strong and secure external borders, that people's rights are guaranteed, and that no EU country is left alone under pressure.

Problem identified

The migratory context and socio-economic conditions are specific in the French overseas territories and regions. Moreover, while the French outermost regions (Guadeloupe, French Guiana, Martinique, Mayotte, La Réunion, et Saint-Martin) are an integral part of the Union and are subject to the EU asylum acquis, they do not form part of the Schengen area pursuant to article 138 of the Schengen Convention.

Regulation (EU) 2024/1348 (the 'APR') lays down a common procedure for granting and withdrawing international protection in the Union, including rules governing the examination and processing of applications at the external border. While the APR applies to the French outermost regions, certain conditions for applying the asylum border procedure are linked to the Schengen external border framework. In particular, Article 43(1) APR links the application of the asylum border procedure to the entry conditions laid down in Article 6 of the Schengen Borders Code. As the French outermost regions do not form part of the Schengen area, those entry conditions do not apply at their borders. A specific adaptation is therefore necessary to enable the asylum procedure at the border to operate in those regions.

Moreover, prior to the application of the APR, France applied a specific procedure for admission to the territory on asylum grounds at the border. Article 4(2), point (b), of Directive 2013/32/EU ('APD') allowed an authority other than the determining authority to grant or refuse permission to enter in the framework of a border procedure, on the basis of a reasoned opinion of the determining authority. Under the current French procedure, the Office français de protection des réfugiés et apatrides (OFPRA) assesses the relevant elements of the application and issues a reasoned opinion, while the Minister responsible for immigration decided whether to authorise or refuse entry.

The APR no longer provides for this possibility. Article 4(1) APR requires Member States to designate a single determining authority to be responsible for the examination of applications for international protection and does not retain the derogation in favour of another authority ruling on entry previously provided for under the APD. France can therefore no longer maintain the previous mechanism whereby an authority other than OFPRA decided on admission to the territory on asylum grounds. France has therefore requested a specific adaptation to enable the current system to remain applicable.

A related issue arises under Directive (EU) 2024/1346 laying down standards for the reception of applicants for international protection (hereafter the RCD), which regulates the detention of applicants for international protection, including those who are subject to a border procedure. It is also applicable in the overseas territories.

Under the RCD, detention may be ordered as a last resort measure, only where necessary and proportional, based on an individual assessment of each case, only for one or more of the exhaustive grounds provided for (which have to be laid down in national law) and only if less coercive alternative measures cannot be applied effectively. The detention should not be punitive in nature. Detention is applied on the basis of decisions issued by judicial or administrative authorities, which are always individual decisions.

The RCD establishes an exhaustive list of seven grounds for detention of applicants. Each of the grounds meets a specific need and is self-standing. One of this ground is 'to decide, in the context of a border procedure in accordance with Article 43 of Regulation (EU) 2024/1348, on the applicant's right to enter the territory'. As the proposed procedure in the French outermost regions would constitute a specifically adapted procedure for admission to the territory, an adaptation is also necessary to allow this detention ground to apply in the context of that procedure.

Any adaptation must nevertheless preserve the relevant procedural and fundamental-rights safeguards established by the APR and the RCD, including the right to an effective remedy against a refusal of admission. Detention must remain a measure of last resort, based on an individual assessment and subject to the requirements of necessity and proportionality, and may only be used where less coercive alternative measures cannot be applied effectively.

Justification of the proposed amendment

The proposed amendments would address the specific legal, geographical and migratory circumstances of the French outermost regions. While the APR applies in these regions, they do not form part of the Schengen area. France has therefore requested a specific framework allowing a procedure for admission to the territory on asylum grounds to operate at the borders of its outermost regions, adapted to their particular situation.

These regions are particularly exposed to migratory flows due, inter alia, to their geographical location, insularity and regional attractiveness. They have also pointed to the more limited infrastructure available to manage significant numbers of asylum applicants and to the difficult socioeconomic situation of these territories, including pressures on public services. These pressures are reflected in recent asylum figures. French Guiana registered almost 8 700 asylum applications in 2024, an increase of 26% compared with the previous year, while Mayotte registered 1 825 applications during the first seven months of 2026, compared with 260 in 2025.

These circumstances require an effective procedure allowing the authorities to assess, before authorising entry, whether an application is inadmissible or manifestly unfounded, in particular in light of the limited infrastructure available for keeping applicants at the disposal of the authorities during the procedure. The admission procedure allows OFPRA to issue its opinion within two working days, since the examination at this stage is limited to whether the application is inadmissible or manifestly unfounded. It therefore provides for a rapid initial assessment at the border while ensuring that applications which require further examination are subsequently examined on the territory under the ordinary asylum procedure.

The amendment would also allow France to maintain the division of responsibilities that existed under the APD. OFPRA would retain responsibility for the assessment of the asylum-related elements of the case and issue a reasoned opinion, while another authority designated by France could grant or refuse authorisation to enter on the basis of that opinion. The adaptation would therefore preserve the role of the determining authority in assessing whether an application is inadmissible or manifestly unfounded, while allowing the decision on admission to be taken by another designated authority.

The amendment would also allow the detention ground provided for in the RCD to apply in the context of the specific procedure. This would not create a new ground for detention. Any detention would remain subject to the conditions and safeguards laid down in the RCD, including individual assessment, necessity and proportionality, and the requirement to consider less coercive alternatives.

The proposed procedure would remain subject to the relevant guarantees established by the APR and the RCD.

Expected positive impact

The proposed targeted amendments would provide legal certainty concerning the procedure applicable to applications for international protection made at the borders of the French outermost regions following the entry into application of the Pact.

It would allow France to operate an asylum procedure at the border adapted to the non-Schengen status and specific geographical and migratory circumstances of its outermost regions. The measure would strengthen France's capacity to manage applications for international protection at the borders of these regions effectively, while safeguarding access to international protection and the procedural and fundamental-rights guarantees established by the Pact.

In its overseas territories, France would have the possibility to detain applicants for international protection in order to decide on the applicant’s right to enter the territory, hence for the same purpose as in mainland France at its external borders, under the same conditions and with the same guarantees for applicants. It would therefore help France in securing its external borders in the overseas territories.

5. CONCLUSION AND NEXT STEPS

The Commission's proposal for a regulatory package under Article 349 TFEU for adoption in September 2026, comprises two legal acts, in line with the different types of legislation concerned: a Commission proposal for a Council Decision on dock dues in the French OR; and a Commission proposal for a Council Regulation, which covers amending the following pieces of legislation: (i) the Common Market Organisation Regulation, (ii) the EU Deforestation Regulation, (iii) the Common Fisheries Policy Regulation, (iv) the Autonomous Tariff Quotas for certain fishery products Regulation and (v) migration.

Through this regulatory package, the Commission is proposing a set of targeted measures to unlock the OR' competitive potential, remove bottlenecks in some targeted areas, promote growth in the OR and improve their access to the single market.

The amendments are very limited in scope and have a clearly defined target. In terms of geographical coverage, measure 2 applies to the nine OR, measure 1 applies to five French OR, measures 3, 4 and 5 target apply each to a single OR and measure 6 applies to the French OR. The scope of the amendments is also very limited, both in terms of sectors covered and timeframes. The amendments do not imply any substantive policy changes and will have a minimal impact on the Member States' achievement of the objectives of the underlying EU sectoral legislation and on the EU overall.

By contrast, the amendments proposed in the regulatory package to be adopted in September 2026 will have a direct positive impact specifically on the fishing sector in Mayotte and French Guiana, on producers of tropical crops and producers organisations in all OR, on farmers, food production and food security in French Guiana in the context of a growing population, on local producers and regional administrations in five of the French OR (Guadeloupe, French Guiana, Martinique, Réunion and Mayotte) and on migration management in the French OR.

The follow-up actions identified in the new EU strategy for the OR to be adopted in September 2026, which include carrying out further legislative revisions, strengthening cooperation between the Commission and the OR, and providing EU funding under the next MFF, will continue to bring further concrete benefits for the inhabitants of the OR, SMEs and local and regional administrations.

Next steps

The regulatory package adopted in September 2026 is intended to be part of a continuous process and does not preclude either the Commission or the EU co-legislators from taking further measures at sectoral level to address the specific constraints of the OR. Examples of this can already be cited, such as the Commission's recently adopted proposal to review the EU Emissions Trading System[66], which extended until 31 December 2035 the existing aviation and maritime derogations and took account of the specific waste-management constraints in the OR.

Other EU sectoral legislation relevant for the OR is currently undergoing sectoral legislative revision, allowing potential impacts in the OR can be assessed and, where necessary, addressed. Specific examples that can be cited include the ongoing revision of the General Block

66 COM(2026) 616 final, 17 July 2026.

Exemption Regulation[67] and the 2014 guidelines on State aid for airports and airlines, the 2029 revision of the guidelines for State aid in the fishery and aquaculture sector[68], and the traceability rules in the area of fisheries control.

In line with Article 349 TFEU, the Commission will continue to ensure that the specific characteristics of the OR are also given appropriate consideration in any relevant future EU legislation and initiatives that impact the OR.

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67 Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text with EEA relevance.

68 C/2023/1598 - Guidelines for State aid in the fishery and aquaculture sector | EUR-Lex.

ANNEX I – SYNOPSIS REPORT OF THE CONSULTATIONS

Introduction

In the context of a new strategy for the outermost regions (OR), announced in the Communication of the mid-term review of cohesion policy in April 2025, and its inclusion in the 2026 Commission Work Program (CWP), the Commission carried out a number of consultation activities on a new strategy for these EU regions, accompanied by a regulatory package for the EU outermost regions (OR).

The feedback has been gathered through open and targeted consultations with relevant national and regional authorities and a broad range of stakeholders:

- **targeted consultations** with the presidents of the outermost regions, the responsible ministers of their Member States and the respective public administrations, including **consultation letters sent by Executive Vice-President for cohesion and reforms** to the OR Presidents and ministers of their Member States in May 2025.
- a **High-Level Forum for the outermost regions** held on 18 November 2025 in Brussels, under the chairmanship of Executive Vice-President for cohesion and reforms and with the presence of the Commissioners responsible for transport and tourism, fisheries, and agriculture.
- a **call for evidence** collecting stakeholders' views on and suggestions for the strategy and the regulatory package for the outermost regions, open from 17 November 2025 to 12 January 2026.
- **an Implementation Dialogue** with business representatives, sectoral organisations and the European Economic and Social Committee (EESC) held on 21 April 2026.

The input of these consultation activities has been taken into account when drawing up both the OR strategy and the regulatory package. Whenever needed, additional targeted consultations were carried out to gather additional data and information to support the design of the strategy and the regulatory package.

1. Targeted consultation letters sent by Executive Vice-President of cohesion and reforms to the OR Presidents and the responsible ministers of their Member States

The design of the new Strategy for the outermost regions started with targeted letters in May 2025 from the EVP of cohesion and reforms to the Presidents of the outermost Regions and the respective national Ministers. This allowed for better matching with regional priorities.

All **nine EU outermost regions (OR) and their Member States (France, Portugal, and Spain)** provided contributions to the targeted consultation by third quarter 2025. France and Spain submitted additional contributions in the following months as support to their original responses with statistical and factual evidence.

There is consensus for a stronger **application of Article 349 TFEU** and systematically adapt EU policies and legislation to their specific geographic and structural constraints, specifically calling for:

- **Simplified funding and tailored support:** easier access to EU funding through simplified procedures, dedicated calls, adapted eligibility criteria, and continued technical assistance initiatives to support project design and implementation.
- **Competitiveness, connectivity and social cohesion:** stronger integration into the Single Market through improved air, maritime and digital connectivity, dedicated transport support mechanisms, and measures to ensure that EU climate policies do not increase isolation or costs. Particular attention to tackle poverty, inequality and high living costs, while improving access to housing, healthcare, education, training and quality jobs.
- **Sustainable agriculture, fisheries and food security:** reinforced support for local food production, agricultural diversification, agroecological transition, resilient supply chains, sustainable fisheries and aquaculture. This includes preserving and strengthening Programme of Options Specifically relating to Remoteness and Insularity (POSEI), the Common Agricultural Policy (CAP) and European Maritime, Fisheries and Aquaculture Fund (EMFAF), establishing a dedicated POSEI-Fisheries programme, supporting fleet modernisation, combating Illegal Unregulated and Unreported fishing (IUU), and promoting food sovereignty and rural employment.
- **Flexible regulatory and fiscal frameworks:** maintaining tailored State aid, taxation and regulatory measures, including existing tax regimes, to compensate for the permanent structural disadvantages faced by OR.
- **Energy transition, digital resilience and innovation:** accelerating renewable energy deployment and energy self-sufficiency, developing local value chains and skills, improving broadband, submarine cable and satellite infrastructure, strengthening cybersecurity, and positioning OR as innovation hubs through dedicated research opportunities and more flexible State aid rules.
- **Strategic role, migration and regional cooperation:** recognising OR' geopolitical importance in EU defence, security and space policies, strengthening support for migration management and regional authorities, and fostering cooperation, trade and connectivity with neighbouring countries.

2. High-Level Forum for the outermost regions

The High-Level Forum for the outermost regions took place on 18 November 2025 in Brussels, under the chairmanship of **Executive Vice-President for cohesion and reforms**. It marked a key milestone in the definition of the priorities of the new strategy and the regulatory package.

2.1 Opening Session

The EVP reaffirmed his commitment towards the outermost regions, highlighting the importance of tailoring EU policies and legislation to their specificities, in line with the Treaty. Calling the forthcoming strategy a *"true turning point in the partnership between the European*

Union and its outermost regions", the EVP also stressed the key role of these regions in the current geopolitical context as the EU's ambassadors in the world.

The **Commissioners responsible for Agriculture and Food, Fisheries and Oceans, and Sustainable Transport and Tourism** addressed the challenges facing the outermost regions in their respective fields. **European Parliament Vice-President** called for a renewed focus on Article 349 of the Treaty on the Functioning of the European Union and highlighted the uniqueness of the forum – an unprecedented occasion bringing together the EVP and three Commissioners in support of the outermost regions, alongside the European Parliament and the Committee of the Regions. The **French Minister delegate for EU affairs and the Spanish and Portuguese secretaries of state for European Affairs** expressed their high expectations as regards the strategy and the regulatory package and underlined their willingness to support the Commission during the drafting process. The event was brought to a close by the **President of Guadeloupe**, who currently holds the presidency of the Conference of Presidents of the Outermost Regions (CPRUP).

2.2 Plenary Working Session

During the Plenary Working Session, the **Presidents of the nine outermost regions** expressed concerns regarding the next Multiannual Financial Framework (MFF). They stressed the need for tailored investment and support, highlighted the diminishing role of regional authorities in the proposed framework, and called for the systematic application of Article 349 TFEU. They also underscored the strategic role of the outermost regions in safeguarding the EU's presence in key global regions and drew attention to the growing influence of major global powers.

Their calls were echoed by **Members of the European Parliament and the European Committee of the Regions**. The **Vice-President of the European Parliament** called for an "OR check" to be systematically included in impact assessments of new EU policies, as well as for the creation of a POSEI programme for fisheries and transport. The **President of the European Committee of the Regions** endorsed this initiative and called for a more structured framework that places the outermost regions at the center of the decision-making process.

2.2.1 Outermost regions strategy

Presidents from the outermost regions emphasized that the strategy's success depends on close alignment with the next Multiannual Financial Framework (MFF), warning that the current MFF proposal risks centralisation, renationalisation and the loss of earmarked funding for the OR, thereby weakening cohesion policy.

The regional Presidents of **the Azores, Saint-Martin, Madeira, and the Canary Islands** defended maintaining earmarked funding, OR-specific instruments such as POSEI and the creation of specific transport and renewable energy support programs. On this line, **Réunion, Guadeloupe, Mayotte, French Guiana and Martinique** advocated for maintaining the full application of Article 349 TFEU defending OR-specific treatment.

Guadeloupe, Mayotte, Saint-Martin, and French Guiana called for increased investment in essential infrastructure and services, including water, electricity, transport, and digital connectivity, while highlighting the potential of renewable energy to strengthen energy autonomy. **Réunion and the Azores** further stressed the importance of food security, resilient transport systems, short supply chains, and deeper regional integration to enhance the long-term resilience and sustainability of the OR.

There was broad support for stronger regional cooperation and for reinforcing the geostrategic role of the OR. **Mayotte and Réunion** called for closer ties with Eastern Africa, while **Martinique and Guadeloupe** stressed the need to strengthen the EU's presence in the Caribbean in response to growing external influence. **Madeira, the Canary Islands, and Saint-Martin** likewise highlighted the strategic importance of the OR, emphasizing their contribution to the EU's geopolitical reach, resilience, and influence in their neighboring regions.

Martinique, the Azores, and Réunion called for stronger economic development, greater attractiveness, and demographic renewal in the OR, emphasizing the need for sustained investment in growth, competitiveness, and local opportunities. They linked this objective to improving infrastructure, skills and training, and access to quality jobs and services, thereby supporting the "right to stay" and encouraging people to build their future in these territories.

2.2.2 Regulatory package

There was an overall call for a more systematic inclusion of OR-specific considerations in EU legislation. **Martinique, Guadeloupe, French Guiana, the Azores and Madeira** called for amendments to EU legislation to be grounded in the full, systematic and cross-cutting application of Article 349 TFEU across all EU policies, arguing that it provides a sufficient legal basis for tailored measures, derogations and positive discrimination. **Mayotte** called for a dedicated OR chapter in the forthcoming Multiannual Financial Framework (MFF), while **Réunion, the Committee of the Regions and the European Parliament** advocated the introduction of an "OR check" in all impact assessments for new EU legislation.

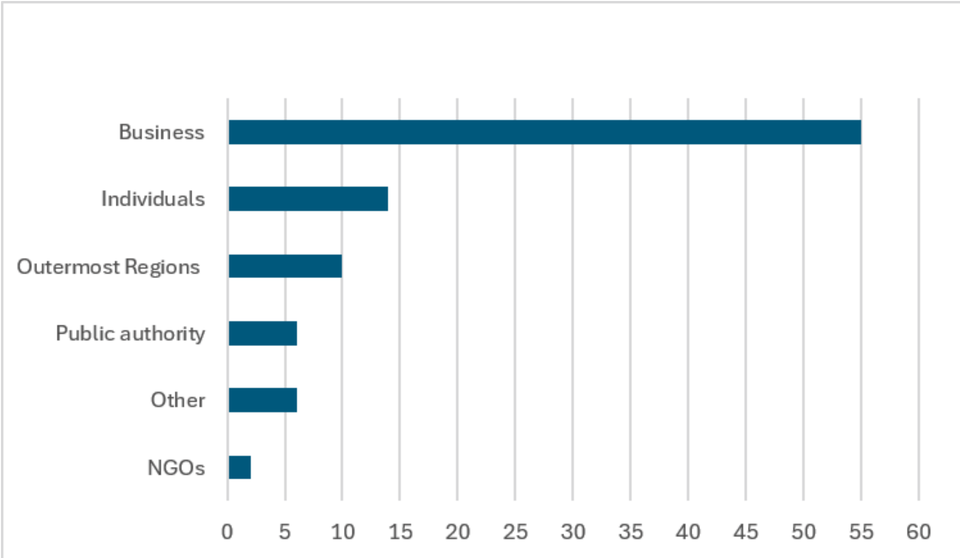
Overall, outermost regions stressed that the forthcoming Multiannual Financial Framework (MFF) must not result in renationalisation or the loss of OR-specific instruments and dedicated funding. **Réunion, the Azores, and the Canary Islands** called for a tailor-made regulatory approach, noting that many existing and upcoming rules—including those related to the Carbon Border Adjustment Mechanism (CBAM), the Emissions Trading System (ETS), fisheries, construction products, and transport—do not sufficiently reflect OR realities. They emphasised the need to safeguard air and maritime connectivity, ensure coherence across related EU policies, enable pragmatic derogations to unlock renewable energy potential, and ensure that measures are co-designed with OR authorities within a strong multi-level governance framework.

The Azores and Saint-Martin also called for the continuation of the POSEI and for ring-fenced funding for OR under cohesion policy. **Mayotte, Saint-Martin, the Azores, and Guadeloupe** further supported the creation of transport-specific programmes and targeted policy adjustments to better address the geographical specificities of the OR.

3. Call for Evidence inputs – "Have your Say"

The Call for Evidence[69] on both the strategy and the regulatory package was published on the "Have Your Say" portal between **17 November 2025** and **12 January 2026**. The call received 137 contributions from a total of **91 participants** representing a wide range of stakeholder groups. After the deadline, **four additional** contributions were submitted by email and were also taken into consideration. This amounts to a total of **95 contributors**. Some contributions focused only on the strategy or in the regulatory package, while several contributions addressed both.

Figure 1. *Sector's contributing to the Call for Evidence*



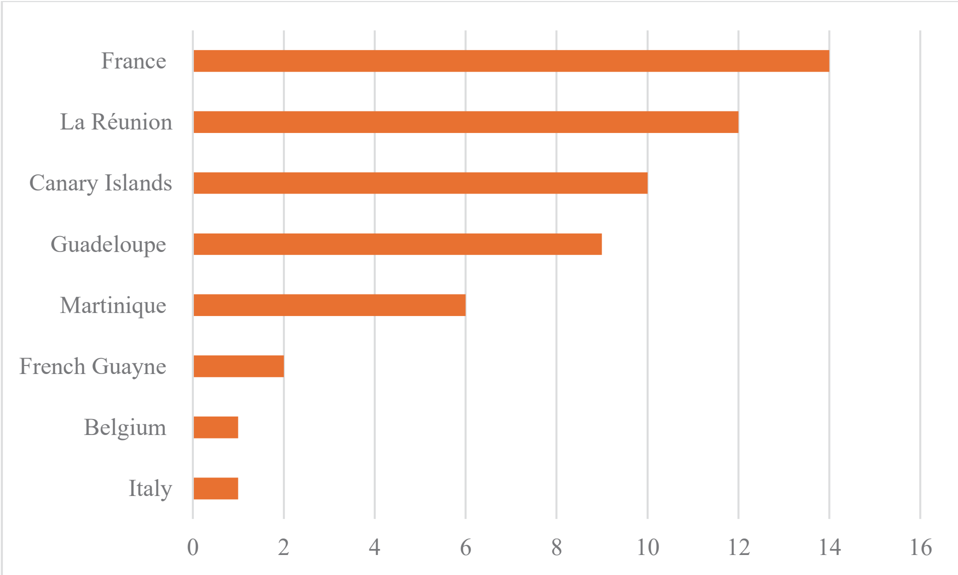
Thirteen contributions were submitted by OR and the national governments of France, Spain and Portugal, the Conference of Presidents (CPRUP) is also included in this group as it represents the general interests of these regions.

In terms of participating organizations, approximately 57.9% (55 out of 95) of contributions came from business associations and trade unions. Almost all of these are composed of SMEs, highlighting their role in the economic structure of the outermost regions.

Organisations from mainland France provided the largest share of contributions in this group, representing **25.5% (14 of 55)** of all respondents. Among the OR, **Réunion** was the most represented, accounting for **21.8% (12 of 55)** of contributions, followed by the **Canary Island**s with **18.2% (10 of 55)** and **Guadeloupe** with **16.4% (9 of 55)**. Contributions from **Martinique** represented **10.9% (6 of 55)**, while **French Guiana** accounted for **3.6% (2 of 55)**. There were no business associations or trade unions contributing from the Azores, Mayotte or Saint-Martin in this category. One contribution was submitted by a Belgian company and one by an Italian company.

[69] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15713-Strategy-for-the-EUs-outermost-regions_en
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15714-Regulatory-simplification-package-for-the-EUs-outermost-regions_en

Figure 2*. Number of respondents from business associations by origin*



Besides OR national and regional governments, and business-related associations, there were contributions from public organisations, NGOs and individual citizens.

There was a total of 14 individual contributions, 13 from EU citizens and one from a non-EU country, Albania. These accounted for 14.7% of all contributions and were related to company directives, professors, scholars, and, more broadly, representatives from cultural associations.

Only two NGOs contributed: Croix Rouge France and Group SOS, a non-profit organisation focused on improving social cohesion.

After the Call for Evidence had closed, further contacts were pursued with MS and OR to gather additional information, evidence and data. This follow-up proved essential in substantiating those contributions and providing a robust basis for their assessment, refinement and eventual integration into the broader analytical and decision-making process.

3.1. Outermost regions Strategy

This section follows the final structure of the strategy. To facilitate the reader's understanding, all collected input has been grouped and organised according to the thematic structure of the strategy, rather than by its original source. This approach provides a clearer overview of the findings and makes it easier to trace how the gathered evidence informed each component of the strategy.

3.1.2. Geostrategic potential and regional integration into their neighbourhood

The contributions highlight the growing recognition of the outermost regions as EU external borders and as gateways to key neighbourhoods in the Atlantic, Caribbean and Indian Ocean basins. The outermost regions represent a geo-strategic asset for the entire Union.

The **CPRUP** and the **Canary Islands**, together with the **French OR and business stakeholders**, called for stronger regional integration of the outermost regions with neighboring third countries through concrete EU action under the "Greater Neighborhood", to boost competitiveness, support economic diversification and enhance regional integration.

Key proposals include reinforced territorial cooperation through INTERREG programmes, alignment of production standards, improved waste management, tailored trade policies and migration partnerships, alongside flexible OR-specific funding and regulatory frameworks. The blue economy is identified as a strategic driver in this context, particularly for maritime security and combating illegal fishing.

3.1.4. Competitiveness and enhanced access to the Single Market

Improving competitiveness and ensuring effective access to the Single Market for the OR is an urgent priority, given the persistent structural constraints and limited diversification that systematically disadvantage their businesses compared to mainland counterparts.

The **CPRUP, Spain, Madeira, the Canary Islands, and several OR business associations** have jointly called for targeted tax and customs adaptations—including VAT exemptions, duty-free access to industrial inputs, and simplified customs procedures—alongside SME-friendly regulatory frameworks, such as higher *de minimis* aid ceilings, adapted competition rules, and streamlined access to EU funding. In parallel, they advocate for smart specialisation strategies designed to capitalise on OR-specific assets, particularly in sectors such as renewable energy, agri-food innovation, and the blue economy.

Building on those demands, **Réunion, Guadeloupe and French Guiana**, have placed particular emphasis on the need for stable and ring-fenced EU funding, especially through an expanded and more flexible POSEI programme, complemented by new compensatory mechanisms for fisheries and transport.

3.1.5. Resilience and preparedness

Resilience and preparedness feature prominently across the consultation, reflecting the outermost regions' high vulnerability to climate change, natural hazards and external shocks. The **CPRUP, Martinique, Mayotte,** the **Canary Islands, and several individuals and business stakeholders** stressed the need to strengthen the regions' capacity to anticipate, absorb and recover from disruptions, such as cyclones, sargassum proliferation, supply chain shocks, energy price volatility or water resilience.

Contributors identified energy transition and security as key priorities, calling for tailored solutions for non-interconnected systems to support renewable energy, security of supply and affordability. They also stressed the need to strengthen regional value chains, transport connectivity and food systems to enhance resilience, competitiveness and market integration, while supporting broader EU strategic objectives such as crisis preparedness, secure transport routes and combating illegal trafficking.

3.1.6. Social fairness and supporting people

Contributions strongly highlighted the need to prioritise social fairness through inclusive support that addresses deep-rooted inequalities in access to essential services, including housing, healthcare, education, transport and employment. Systematic policy adaptation, including under Article 349 TFEU, remains essential to strengthening social cohesion and territorial sustainability, while ensuring that no community is left behind.

There was a broad and recurring demand for a more adapted cohesion policy. **Spain, Portugal, the Azores, Madeira, the Canary Islands, Martinique and Saint-Martin** called for maintaining higher co-financing rates, introducing more flexible eligibility criteria, and securing dedicated regional funding. These measures are seen as necessary to enable tailored social investment and to address persistent structural challenges.

In this context, the **CPRUP, Mayotte**, and a wide range of cultural and youth associations across the OR also strongly emphasised the importance of youth inclusion, skills development and social convergence. They called for increased support for education, youth initiatives, employment and housing programmes in the OR. They also underlined the need for capacity-building, simplified access to EU funding, and greater investment in training, entrepreneurship and measures targeting young people not in education, employment or training (NEETs).

3.1.7. Maximising the impact of EU policies, funds and programmes in the outermost regions

a.) administrative and technical capacity

The need to strengthen administrative and technical capacity emerged as a cross-cutting issue in the contributions received. The **CPRUP, the Azores and Madeira** emphasized that financial instruments should be simplified and that access to programmes should better reflect the specific circumstances of the OR. The **Azores and Madeira** together with business associations, also called for more direct communication with the Commission through regular bilateral exchanges with the relevant Commission services.

In addition, different OR business associations proposed the establishment of a temporary working group bringing together various European Commission services to help adapt EU policies and legislation and to ensure that the OR are adequately taken into account in the next Multiannual Financial Framework.

b.) maximising the impact of EU Funds

In the context of the forthcoming 2028–2034 Multiannual Financial Framework (MFF), the **CPRUP**, representing the governments of all OR, has called for their concerns to be more systematically integrated into the design of EU legislation through tailored adaptations.

Building on this position, the CPRUP advocates a cohesion policy framework that guarantees OR automatic access to all relevant funding instruments, irrespective of income levels, while safeguarding regional governance through a multilevel partnership approach.

The Canary Islands and Madeira also stressed the importance of maintaining the N+3 rule, higher co-financing rates, and dedicated OR allocations under the European Regional Development Fund (ERDF) and the European Social Fund Plus (ESF+). In parallel, business and institutional stakeholders, together with NGOs, called for the creation of a dedicated crisis-response fund for the OR. Such a mechanism would enable a rapid response to shocks and provide the financial flexibility needed to strengthen resilience in the face of their structural vulnerabilities.

3.2. Regulatory package

Overall, the contributions to the Call for Evidence highlighted the relevance of having tailored regulations for the outermost regions and included specific proposals for the regulatory package. The summary of these requests presented below is organized by relevant EU policy and regulatory topics and has been assessed for feasibility.

3.2.1. Better Regulation

The **regional governments of the OR and their Member States** called for strengthening the "OR reflex" in EU law-making by systematically assessing and adapting EU legislation to the specificities of the OR, thereby ensuring a more robust application of Article 349 TFEU. This position was widely supported by all stakeholders, including business confederations and individual contributors.

In this context, contributors advocated for the introduction of a dedicated OR check across EU policymaking, alongside a climate-risk test for environmental, territorial, and infrastructure-related initiatives. These proposals aim to ensure that the specific vulnerabilities and needs of the OR are adequately considered throughout the legislative process.

3.2.2. Transport, climate legislation and

There were several regulatory requests to make adaptations for the OR under the **"Fit for 55" package.**

The **CPRUP, France,** the **Canary Islands, Madeira,** the **Azores and several industrial stakeholders** highlighted the outermost regions' dependence on air and sea transports and requested exemptions for the ports and airports in these regions under the maritime and aviation EU ETS Directive in order to avoid "carbon leakage" to neighboring third countries with less stringent standards. The **CPRUP,** the **Azores and transport-related associations** also targeted the **Alternative Fuels Infrastructure Regulation,** calling for exemptions for the OR in light of their structural constraints, particularly for ports that are not connected to the continental electricity grid and do not have sufficient local production of non-fossil electricity.

The **CBAM** Regulation was also addressed by **CPRUP, French OR,** the **Canary Islands and several industrial associations** due to these regions' heavy reliance on imported construction materials and the consequent higher housing costs, as well as additional costs and difficulties of building infrastructure and carrying out public works.

3.2.3. Energy

Several administrations including the **CPRUP**, **France, and Madeira** called for **the adaptation of energy legislation** to reflect the specific conditions and limitations of the OR. Key demands included making OR projects explicitly eligible under the **Connecting Europe Facility (CEF) for energy** and the **Trans-European Network for energy (TEN-E) framework**, creating adapted geographical corridors, introducing OR subcategories in relevant programs adjusting size thresholds, and increasing co-financing rates.

France, Madeira, French Guiana and several energy companies located in the OR have called for exemptions or adaptations under the latest revision of the Renewable Energy Directive (RED III), particularly for biomass power plants, in order to allow electricity production in the OR to benefit from a zero-emission factor under the EU ETS framework. Current rules create a mismatch between biomass sustainability rules and the EU ETS framework, which does not recognise OR-specific flexibilities. As a result, adapted criteria cannot be applied under ETS monitoring and reporting rules.

The revised RED further tightens sustainability requirements for biomass, increasing ETS-related costs and potentially undermining the viability of key projects for energy security and energy transition in the OR.

3.2.4. Environment

Contributions targeted several areas: forestry, waste, water and environmental evaluation. **France, French Guiana, and OR-based** companies have called for an exemption for French Guiana from the **EU Deforestation Regulation** for locally produced and consumed goods to ensure the food autonomy of the region.

The **CPRUP, France, and most OR** requested adaptations on waste related directives, such as the EU Waste Shipment Regulation, Landfill of Waste Directive and export of certain waste Regulation. They called for flexibility and adaptation on landfill and recycling targets by creating emergency disposal measures, regional or shared waste management mechanisms, proximity-based exports to neighbouring third countries in order to avoid penalisation and improve efficiency of these processes.

Regarding water use, the **CPRUP, French OR the Canary Islands and the Azores** called for different adaptations in water use and wastewater treatment regulations to the specific realities of the OR. They requested more flexibility and a reduced administrative burden to accelerate the reuse and desalination processes to alleviate water stress. Different approaches are needed to cover the entire water cycle and supported by dedicated financial, technical, and regulatory measures, with greater flexibility in the implementation of EU water and environmental policies to address the structural constraints of these regions.

3.2.5. Fisheries

Contributions called for a targeted adaptation of the EU fisheries and maritime framework to the specific realities of the outermost regions. In particular, the **CPRUP, France, Spain, the French OR, Madeira, the Azores, and several stakeholders** advocated adjustments to Common Fisheries Policy (CFP) rules on fleet capacity and sustainable renewal indicators, with some requests specifically requesting to expand the scope of *de minimis* aid and extend eligibility to additional safety, working conditions, and efficiency improvements on existing vessels under 12 meters. The **CPRUP, French regional administrations and stakeholders** specifically requested the postponement of the deadline for establishing a fishing capacity ceiling in Mayotte to allow for a smoother transition and better alignment with local socio-economic conditions.

There was a wide call from the **CPRUP, and several OR business** stakeholders for the use of EMFAF funding for fleet renewal, fishing devices and cooperation with neighboring third countries, while strengthening action against illegal, unreported and unregulated fishing. Market-related measures included granting autonomous tariff preferences for red snapper caught by third-country vessels in **French Guiana**'s Exclusive Economic Zone (EZZ), provided it is imported into French Guiana for processing and local consumption, as well as introducing tailored customs and EU standards to support regional fisheries value chains.

3.2.6. Agriculture and food safety

Contributions called for targeted adaptations of EU agricultural, product, and food safety rules to reflect the specific conditions of the ORs. **France and several OR** highlighted the need to strengthen CAP flexibility, including through broader derogations under both pillars, improved risk management tools, and more adapted support for agro-ecological transition, diversification, and local production. The **CPRUP and industry stakeholders** emphasised the need to revise the POSEI Regulation to enhance food sovereignty, support agricultural diversification, and strengthen local and export-oriented value chains, including through improved marketing standards and the promotion of the OR logo. Outermost Regions governments also called for increased flexibility in CAP Strategic Plans and European Agricultural Fund for Rural Development (EAFRD) management, including greater regional autonomy and more adapted funding tools for small producers and distinct agricultural models. **France, Spain, and OR agricultural stakeholders** further stressed the need to modernise the sector through technological innovation, generational renewal, and support for competitiveness, while promoting agro-ecological systems adapted to local climatic conditions. Additional proposals included simplified trade and import procedures with neighbouring countries, adapted plant health and food safety rules, and better access to plant protection products for tropical and minor crops, alongside safeguards in trade agreements to ensure fair competition and health protection.

3.2.7. State aid

The **CPRUP, France, Madeira, and Guadeloupe** advocated for enshrining the notion in legislation of "aid with a purely local impact" for activities that do not affect competition within the internal market. In parallel, Guadeloupe and OR business associations called for a more proportionate treatment of SMEs, proposing that assessments take into account the actual size of the undertaking in order to better reflect their specific circumstances.

The **CPRUP, France, Spain, Portugal, Madeira, and several stakeholders** called for the preservation and strengthening of OR-specific derogations under State aid rules and the General Block Exemption Regulation (GBER). They advocated for more favourable conditions for projects in key sectors such as transport, housing, energy, tourism, and digital infrastructure. In particular, several contributors highlighted the need to maintain and expand State aid provisions for airports and airlines in order to safeguard air connectivity between the OR and the rest of the Union.

3.2.8. Single Market

Contributions highlighted the need for targeted regulatory adaptations to better reflect the operating conditions of the outermost regions. The **CPRUP** called for more flexible administrative and public procurement rules, including higher thresholds and simplified procedures, in order to facilitate investment, reduce administrative burdens, and improve the implementation of EU-funded projects.

Martinique proposed the introduction of a specific certification scheme for industrial machinery designed for tropical environments, including simplified maintenance requirements to reduce disruptions caused by climatic conditions. The **CPRUP, the Azores and Saint-Martin** underscored the need to extend support measures for SMEs and small mid-caps in the OR, given their smaller average size and more limited administrative capacity, particularly in relation to public procurement rules and administrative procedures.

Additional contributions called for regulatory adaptations in technical standards and statistical frameworks to better reflect the geographical and climatic realities of the OR and support evidence-based policymaking.

3.2.9. Taxation

Contributions advocated for EU taxation and customs reforms to address the OR structural challenges. The **CPRUP, France and French Guiana** called for an update of the EU Council Decision on dock dues ("octroi de mer"), notably to allow for annual adjustments to tariff headings and to remove the current 5% minimum market share threshold, in order to improve flexibility and responsiveness to evolutions in local market conditions.

The CPRUP also seeks a minimum taxation derogation to protect **Madeira and the Canary Islands**' special tax regimes, while **Martinique** asked for simplified or extended customs exemptions to lower costs, bolster local supply chains and be able to compete with neighbouring non-EU countries.

3.2.10. Cohesion policy

Many contributions call for increased flexibility under cohesion policy to better reflect the specific constraints of the outermost regions. The **CPRUP** and **France** proposed relaxing eligibility criteria, extending expenditure periods, increasing pre-financing rates, and adapting thematic concentration objectives. The **CPRUP** also supported mandatory simplified cost options for small local authorities. To address recurrent disasters, the **CPRUP** and **France** called for greater flexibility under RESTORE and the EU Solidarity Fund, including extended deadlines and higher co-financing rates for the OR.

The **Canary Islands** proposed the creation of a dedicated outermost regions climate adaptation package within the Common Provisions Regulation (CPR), aimed at accelerating the delivery of resilience and disaster-prevention investments.

3.2.11. Education & Culture & Research

Under Erasmus+ and Creative Europe, the **CPRUP, Madeira, La Réunion, French Guiana, and different stakeholders** from the cultural and education sectors called for the adaptation of evaluation criteria for beneficiary requirements through greater use of lump sums and flat-rate financing, the extension of mobility actions to neighbouring third countries, and increased financial support to beneficiaries. Contributors also proposed recognising the OR as "low audiovisual capacity areas" under the MEDIA strand of Creative Europe.

Regarding the Widening component of Horizon Europe, the **CPRUP, France, and Madeira** called for its continuation and proposed allowing research entities operating in the OR, but headquartered in mainland territories, to act as eligible project coordinators.

3.2.12. Migration

On migration, **CPRUP** called for a more tailored EU framework for outermost regions facing sustained migratory pressure. It asked for developing specific indicators for the OR, greater consideration of OR circumstances in annual solidarity reserves, more flexible screening rules for reallocation where no suitable local facilities exist and raising the relevant age threshold from six to fourteen.

France's contribution referred to adaptations to the EU asylum and migration regulatory framework to avoid incentivising irregular migration, on entry decisions and asylum procedures, to prevent further pressure on reception systems.

Spain called for easing the transfer or redistribution of migrants, including minors, from the OR to mainland territories to avoid disproportionate concentration in these regions and to ensure an appropriate legal framework.

On operational support, **Mayotte** further proposed making its external border a permanent structural priority for Frontex intervention and using Frontex cooperation and technical assistance to co-finance the testing of a dedicated national or local coast guard structure in Mayotte.

4. Implementation Dialogue

On 21 April 2026, the **Executive Vice-President for cohesion and reforms** held an Implementation Dialogue with **business representatives, sectoral organisations, and the European Economic and Social Committee** (EESC) to examine the challenges in EU legislation that the micro, small, and medium-sized enterprises (MSMEs) in the outermost regions are facing. The dialogue provided businesses with an opportunity to highlight the obstacles arising from EU legislation, supply chain vulnerabilities, and the high costs associated with remoteness and insularity.

A clear message emerged throughout the discussions: legislation designed for continental markets often generates disproportionate administrative and financial burdens when applied to remote and economically fragile territories. Participants called for a more differentiated application of EU rules through targeted derogations, regulatory adaptations, and tailored funding opportunities for the outermost regions.

One of the main issues raised by construction, industrial, and agricultural associations concerned CBAM. The **Industrial Development Association of La Réunion (ADIR), French Guiana Livestock Industry Association (INTERVIG), Confederation of Small and Medium-Sized Enterprises (CPME), Martinique Association for the Promotion of Industry (AMPI),** and the **Chambers of Agriculture of Martinique and Guadeloupe,** called for exemptions for imports intended exclusively for local consumption, particularly essential products such as fertilisers, cement, and steel, arguing that CBAM would increase costs in regions already facing significant logistical disadvantages. Along the same lines, stakeholders also called for adapted arrangements for trade with neighbouring third-world countries to preserve regional economic integration.

Energy policy also featured prominently. **ADIR, AMPI,** and **INTERVIG** proposed adjustments to the RED III Directive, particularly regarding biomass emissions thresholds for non-interconnected energy systems, arguing that current standards do not reflect the realities of isolated island grids. The **Industrial Association of** the **Canary Islands (ASINCA),** the **Canary Islands Business Confederations (CEOE)** and **Grupo Sousa** also called for permanent exemptions from the ETS for maritime routes serving the OR, given their structural dependence on maritime transport.

Administrative burden was another recurring theme with business organisations, including the **CEOE** and the **ASINCA**, urging the Commission to accelerate customs digitalisation, simplify inspections, and streamline regulatory controls. **ASINCA** and **CPME** called for revisions to State aid rules by increasing GBER aid intensity thresholds and introducing an "outermost regions test" to better reflect the additional costs faced by local businesses.

Agriculture, food security, and fisheries were identified as sectors requiring particular attention. Agriculture stakeholders such as **ASPROCAN, INTERVIG, AMPI** and **ADIR** requested faster authorization of plant protection products and improved access to fertilisers. On this line, the **Chamber of Agriculture of Guadeloupe** and **ASINCA** also stressed the importance of maintaining and strengthening the POSEI Regulation. Regarding fisheries, **CRPMEM** and the **Chamber of Agriculture of Guadeloupe** advocated for stronger market stabilization mechanisms for fisheries and to retain a special fund for this sector in the outermost regions.

Support for Micro, Small and Medium Enterprises (MSMEs) was another priority from business confederations, such as the **CPME**, **FTPE** and **CEOE,** highlighting the crucial role that micro-enterprises play for the economic structure of the OR. They called for dedicated guarantee funds for micro-enterprises, faster disbursement of ERDF resources, and wider use of simplified funding mechanisms.

Overall, the dialogue demonstrated broad consensus that EU policymaking should move beyond temporary derogations towards a more structural and consistent application of Article 349 TFEU, balancing Union-wide objectives with the specific geographic, economic, and social realities of the outermost regions.