



Brussels, 11 September 2026
(OR. en)

13018/26

Interinstitutional File:
2026/0261 (CNS)

COH 144
POSEICAN 8
POSEIDOM 7
POSEIMA 8
ENV 1057
CLIMA 450
ASILE 78
MIGR 250
AGRI 659
AGRIORG 98
PECHE 343
UD 241
FORETS 123

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 661 final
Subject:	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

Delegations will find attached document COM(2026) 661 final.

Encl.: COM(2026) 661 final

13018/26

ECOFIN.2.A

EN



EUROPEAN
COMMISSION

Brussels, 10.9.2026
COM(2026) 661 final

2026/0261 (CNS)

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

{SWD(2026) 661 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The European Union's nine outermost regions – Guadeloupe, French Guiana, Martinique, Mayotte, Réunion, and Saint-Martin (France); the Azores and Madeira (Portugal); and the Canary Islands (Spain) – are EU regions located in the Caribbean basin, South America, and in the Atlantic and Indian Oceans, and are home to five million citizens.

These regions face structural challenges to, and permanent constraints on their development. These constraints – recognised in Article 349 of the Treaty on the Functioning of the European Union (TFEU) – include remoteness, insularity, climate vulnerability, and economic dependence on a limited range of sectors. Article 349 TFEU provides for specific measures to support these territories, including the tailored application of EU law in these regions and specific rules on access to EU funds and programmes.

However, despite these provisions and subsequent EU strategies, certain EU regulations – designed primarily for continental Europe – can impose disproportionate burdens on the outermost regions. For example, agriculture, taxation, environment and fisheries rules may not fully take into account the unique conditions of these regions, leading to higher costs, market distortions, and missed economic opportunities.

The regulatory package on the outermost regions focuses on five key areas where targeted adaptations to EU legislation are necessary to address the specificities of the outermost regions, ensure a level playing field with other EU territories, reduce administrative burdens, and unlock their economic potential while fully complying with broader EU policy goals.

This proposal for a Council Regulation focuses on agriculture, environment, fisheries and migration, as detailed below.

Common Fisheries Policy Regulation

Council Regulation (EU) No 1385/2013 of 17 December 2013 amended Regulation (EU) No 1380/2013 on the Common Fisheries Policy¹ following Mayotte's change of status to an Outermost Region on 1 January 2014. Specifically, the amended Article 23(4) of Regulation (EU) No 1380/2013 authorised France, by way of derogation, to introduce new fishing capacity in Mayotte without the withdrawal of equivalent capacity until 31 December 2025. This provision was designed to allow sufficient time for the development of Mayotte's underdeveloped fishing fleet, particularly vessels under 10 metres targeting demersal and pelagic species. At the end of this transitional period, France was required to establish a capacity ceiling in terms of gross tonnage and engine power for this fleet segment.

However, the destruction caused by Cyclone Chido in December 2024 has prevented these objectives from being achieved within the transitional period, making an extension of the derogations necessary. Adhering to the current deadline of the 31 December 2025 risks to

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22), ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>.

unnecessarily constrain Mayotte's fishing capacity before it has been rebuilt to an operational level. Imposing capacity limits in these circumstances could undermine the territory's food security, particularly given the high cost and limited accessibility of food imports, as well as the increasing reliance on fishing due to the decline in local agricultural production.

In response to these concerns, the Commission proposes to amend Regulation (EU) No 1380/2013 on the Common Fisheries Policy to extend the transitional period until 31 December 2030, providing additional time for France to establish an accurate fleet capacity ceiling in Mayotte.

Common Markets Organisation Regulation

Several agricultural products form part of everyday consumption in the outermost regions. They are produced domestically and traded together with fruit and vegetables, even though they do not fall within the fresh or processed fruit and vegetables sectors as defined in points (i) and (j) of Article 1(2) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (the CMO Regulation)². They are instead listed in parts I and XXIV of Annex I to that regulation, which refer to cereals and other products. Therefore, those products are not eligible for support under the operational programmes implemented by producer organisations in the fruits and vegetables sectors under Section 2 of Chapter III of Title III of Regulation (EU) 2021/2115 of the European Parliament and the Council on CAP Strategic Plans³.

Products such as fresh and frozen manioc (cassava), yams, taro and yautia (malanga), intended for human consumption, as well as desiccated coconut, turmeric and ginger, may play an important role in local agricultural systems and food security in the outermost regions. In order to enable Member States to grant support for those products through operational programmes implemented by the existing producer organisations in the fruit and vegetables sector, it is appropriate to include them within the scope of the fresh and processed fruit and vegetables sectors referred to in Article 1(2)(i) and (j) of Regulation (EU) No 1308/2013.

Including those products in the relevant abovementioned fresh and processed fruit and vegetables sectors would also allow them, at the fresh stage, to be covered by the general marketing standards for fruit and vegetables. This would facilitate marketing them and giving consumers information on their origin. It is therefore appropriate to include those products in Annex I to Regulation (EU) No 1308/2013, under parts IX and X.

EU Deforestation Regulation

Regulation (EU) 2023/1115 of 31 May 2023 on deforestation-free products (the 'EU Deforestation Regulation' or 'EUDR')⁴ prohibits placing products linked to post-2020

² Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671) ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

³ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1) ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>.

⁴ Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and

deforestation on the EU market. The provisions of the EUDR have a significant impact on domestic production and consumption in French Guiana. In this region, where 95% of the land is forest, food sovereignty strategies rely on limited, targeted and planned agricultural clearing to meet the needs of a rapidly growing population. With French Guiana's population projected to grow from 285 000 in 2020 to 339 000 by 2030, and 540 000 by 2040 according to INSEE⁵, food autonomy faces the most urgent challenges. Stakeholders have warned that the application of the due diligence obligations under EUDR to domestically consumed products could hinder food self-sufficiency initiatives, thereby increasing reliance on imports and therefore increasing the carbon footprint due to transport emissions and vulnerability to supply disruptions.

In response to these concerns, the Commission proposes a targeted amendment that excludes French Guiana from the territorial scope of the EUDR, including from the customs territory as defined in Article 2(34) of that Regulation. This approach exempts from the EUDR relevant products produced and consumed within French Guiana, as well as goods traded between French Guiana and non-EU countries, reflecting practical enforcement constraints, including the region's porous borders with Suriname and Brazil. The proposal includes strict safeguards: imports (i.e., releases for free circulation) into the Union market from French Guiana will be subject to EUDR obligations and among others require a special customs declaration with a Due Diligence Statement (DDS) reference number or a declaration identifier of the Simplified Declaration. Likewise, exports from the Union to French Guiana will be subject to the EUDR, including compliance with the due diligence obligations and the relevant DDS or Simplified declaration requirements in line with Chapter 4 of the EUDR.

Asylum Procedure Regulation

Regulation (EU) 2024/1348 (the "Asylum Procedure Regulation")⁶ establishes a common procedure for the granting of international protection in the EU. The French outermost regions (Guadeloupe, French Guiana, Martinique, Mayotte, La Réunion, and Saint-Martin), which are not part of the Schengen space pursuant to Article 138 of the Schengen Convention⁷, have a specific geographic position and are also impacted by sizeable migration flows. Asylum requests have been increasing in those territories over the past year: +26% in French Guiana over one year, and seven times more than in 2025 in Mayotte. In this context, a derogation to Article 4(1) of the Asylum Procedure Regulation is needed in order to guarantee an effective protection of the borders, while safeguarding the right to international protection in line with the Pact on Migration and Asylum⁸. This will allow an authority other than the determining authority to take the decision to accept or refuse entry for the purpose of seeking international protection into the French outermost regions based on a binding opinion of the determining authority.

Autonomous Tariff Quotas Regulation

products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (Text with EEA relevance) (OJ L 150 9.6.2023, p. 206), ELI: <http://data.europa.eu/eli/reg/2023/1115/2025-12-26>.

⁵ 'Institut national de la statistique et des études économiques' (France's National Institute of Statistics and Economic Studies).

⁶ Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024), ELI: <http://data.europa.eu/eli/reg/2024/1348/oj>.

⁷ The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, pp. 19–62, ELI: <http://data.europa.eu/eli/convention/2000/922/oj>.

⁸ COM(2020) 609 final.

Council Regulation (EU) 2023/2720⁹ (the ‘Autonomous Tariff Quotas Regulation’) lays down autonomous tariff preferences for certain fisheries products not available in the EU market in sufficient quantities. Southern red snapper can benefit from a customs duty exemption when imported into the EU territory for processing under the end-use regime.

However, the processing operations carried out by Guianese factories do not fall within the scope of Article 4, paragraph 4 of the Regulation, which lists the specific operations allowing products to benefit from the tariff quotas. The application of the 15% tariff deprives French Guiana of the opportunities and benefits of adding value to products derived from snapper processing.

A specific derogation in Article 4, paragraph 4 is therefore necessary in order to allow the southern red snapper to benefit from the autonomous quotas, provided that other conditions laid down in that Regulation are complied with.

- **Consistency with existing policy provisions in the policy area**

The adoption of successive Commission strategies (in 2004, 2007, 2008, 2012, 2017, and 2022) to address the specific needs of the outermost regions has had a positive impact on their development and territorial cohesion. The latest 2022 strategy ‘Putting people first, securing sustainable and inclusive growth, unlocking the potential of the EU’s outermost regions’¹⁰ has been fully implemented and has yielded positive results.

Nonetheless, the outermost regions still lag well behind the rest of the EU in terms of development, living standards and access to basic needs and services. The Commission announced a strategy for these regions in its Communication on the mid-term review of cohesion policy (adopted on 1 April 2025¹¹). The outermost regions strategy is one of the key priorities in the 2025 State of the Union Letter of Intent (10 September 2025) and is included in the Commission Work Programme 2026¹².

In line with the 2024-2029 political guidelines¹³ and the Council Conclusions of 10 March 2025 (6787/25) on cohesion and Cohesion Policy post-2027¹⁴, an ambitious and place-based approach must be taken to improve the living conditions of the five million EU citizens living in the outermost regions.

- **Consistency with other Union policies**

The strategy and the proposal for a regulation aim to promote territorial cohesion, thus contributing to the political objectives of social fairness, competitiveness and prosperity.

The proposal is consistent with the overall existing legal frameworks of the following regulations and is limited to a targeted amendment in each case:

- Regulation (EU) No 1380/2013 on the common fisheries policy;

⁹ Council Regulation (EU) 2023/2720 of 27 November 2023 opening and providing for the management of the Union autonomous tariff quotas for certain fishery products for the 2024-2026 period (OJ L, 2023/2720, 6.12.2023), ELI: <http://data.europa.eu/eli/reg/2023/2720/oj>.

¹⁰ COM(2022) 198 final.

¹¹ COM(2025) 163 final.

¹² COM(2025) 870 final.

¹³ “Europe’s choice” Political Guidelines for the next European Commission 2024-2029, Strasbourg 18 July 2024.

¹⁴ These conclusions underline the need to unlock the outermost regions’ full potential within the EU and call on the Commission to make full use of the possibilities offered by Article 349 TFEU, fostering these regions’ regional integration, for tailored rules in the Cohesion Policy post 2027, and in any other legislative proposals.

- Regulation (EU) No 1308/2013 on the common organisation of agricultural markets;
- Regulation (EU) 2023/1115 on deforestation-free products;
- Regulation (EU) 2024/1348 establishing a common procedure for international protection in the Union;
- Council Regulation (EU) 2023/2720 opening and providing for the management of the Union autonomous tariff quotas for certain fishery products for the 2024-2026 period.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 349 TFEU is the sole legal basis for the proposal. 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 outermost regions, including common policies, in particular in areas such as customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions of supply of raw materials and essential consumer goods, State aid and conditions for access to structural funds and horizontal EU programmes.

• Subsidiarity (for non-exclusive competence)

The specific constraints on the socio-economic development of the outermost regions cannot be adequately addressed by the Member States and outermost regions alone. This is because the outermost regions need cross-cutting measures at EU level, in particular when their specific challenges have a transregional and/or transnational dimension, or require existing EU sectoral legislation to be adapted and streamlined.

• Proportionality

The proposed measures concern only the nine outermost regions of the EU, which benefit from a specific status under the Treaty with regard to the European Union. Article 349 TFEU allows the Council to adopt special measures and specific conditions for applying EU law to outermost regions, taking into account their structural, social, and economic constraints – such as remoteness, insularity, small size, difficult topography, climate, and economic dependence on a few products.

As per the 2015 ruling of the European Court of Justice¹⁵, the specific measures envisaged should be connected to the special characteristics and constraints of the outermost region at issue. Differential treatment in favour of an outermost region can be justified by the existence in that region of one or more of the factors listed in Article 349 TFEU.

The regulatory proposal adapts EU law provisions to the unique characteristics of the outermost regions, as recognised in Article 349 TFEU, to the extent strictly necessary to address the identified regulatory issues without undermining the integrity and coherence of the Union’s legal order.

¹⁵ The 2015 judgment of the European Court of Justice (Parliament and Commission v Council, Joined Cases C-132/14 to C-136/14) “Mayotte”, clarified 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”.

As the proposal only concerns the nine regions that are the most remote parts of the European Union, it does not impact the EU internal market as a whole, nor the application of EU law in the rest of the Union.

Moreover, the proposal does not introduce new policy but rather simplifies existing sectoral legislation to make it more workable in the context of the outermost regions. It will not have a major impact either on achieving the objectives of the underlying legislation to be simplified or on the Union's overall ambition. Therefore, the initial impact assessment of each of the concerned regulatory instruments would remain valid.

Finally, there are no meaningful alternative policy options, and the only viable approach is to simplify and tailor EU law to the context of the outermost regions.

The overall impact on achieving the objectives of the underlying EU sectoral legislation to be adapted or on the EU as a whole is therefore minimal.

- **Choice of the instrument**

This proposal is composed of a Council Regulation that amends Regulation (EU) No 1380/2013, Regulation (EU) No 1308/2013, Regulation (EU) 2023/1115, Regulation (EU) 2024/1348, and Council Regulation (EU) 2023/2720.

In the interest of simplicity, it has been considered expedient not to resort to individual proposals for each of the Regulations concerned but to group the amendments to several acts in a single proposal.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Non-applicable.

- **Stakeholder consultations**

The Commission has engaged in a broad consultation with stakeholders, public authorities and businesses, Member States, and the public.

The following consultation activities were carried out to prepare this proposal:

- a targeted consultation of the public authorities of the nine outermost regions and the governments of the relevant Member States (France, Spain and Portugal);
- a high-level forum with the outermost regions' presidents and representatives from the relevant Member States at ministerial level;
- a call for evidence to gather feedback;
- an implementation dialogue (on 21 April 2026 in Brussels and online) involving stakeholders from the nine outermost regions.

The Commission published the call for evidence on the regulatory package on the 'Have your say' website: [Regulatory simplification package for the EU's outermost regions](#). The feedback period was from 17 November 2025 until 12 January 2026. All the feedback received is published on the 'Have your say' website.

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.

- **Collection and use of expertise**

Evidence of the potential of more effective and consistent application of Article 349 TFEU for adapting EU laws, policies and programmes to the constraints of the outermost regions and increasing their access to the internal market through a simplified, more flexible and tailor-made approach, can be also found in recent research and reports containing analytical data and recommendations, including:

- the Commission’s report on the implementation of the 2022 communication on a Strategy for the Outermost Regions¹⁶ and the related staff working document¹⁷.
- the study on living conditions and access to selected basic needs in outermost regions¹⁸.
- the study on the impact of COVID-19 in the outermost regions¹⁹.
- the study on data collection on fisheries in outermost regions²⁰.
- the support study on the ‘programme of options specifically relating to remoteness and insularity’ (POSEI) in relation to the outermost regions²¹.
- relevant OECD studies on the outermost regions²².
- studies from other EU institutions, academia, relevant stakeholders and NGOs.

- **Impact assessment**

An impact assessment was not prepared for this proposal due to the targeted and limited scope of the proposed amendments, which apply exclusively to the nine EU outermost regions across only three Member States. The proposed amendments are based on:

- the unique geographical, climatic situation that justifies tailored adaptations of EU legislation;
- existing impact assessments for the underlying legislation;
- Commission studies and reports providing evidence on the regions’ needs for support;

¹⁶ COM(2024) 435 final.

¹⁷ SWD(2024) 227 final.

¹⁸ European Commission, Directorate-General for Regional and Urban Policy, and ECORYS *Study on living conditions and access to selected basic needs: Final report*, Luxembourg, Publications Office of the European Union, 2024.

¹⁹ European Commission, Directorate-General for Regional and Urban Policy and ECORYS, *Study on the impact of the COVID-19 pandemic on the outermost regions (OR) – Final report*. Luxembourg, Publications Office of the European Union, 2022.

²⁰ European Commission, European Climate, Infrastructure and Environment Executive Agency, *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*. Luxembourg, Publications Office of the European Union, 2022.

²¹ European Commission, Directorate-General for Agriculture and Rural Development, *Evaluation support study of the EU support schemes for agriculture in the outermost regions (POSEI) and smaller Aegean islands (SAI)*. Luxembourg, Publications Office of the European Union, 2024.

²² For instance: OECD (2023), “Innovative agro-food industries in the EU Outermost Regions”, OECD Development Policy Papers, No. 49, OECD Publishing, Paris.

- the limited policy alternatives, as maintaining the status quo would have a negative impact on the development of these regions.

The proposal does not introduce substantive policy changes, but adapts existing legislation on specific, targeted issues. The adapted legislation does not affect the Union's broader objectives. A staff working document accompanies the proposal, providing justification for its changes and data on expected impacts where available. The contributions received under the Call for Evidence have made it possible to substantiate the changes proposed with relevant background data and information.

- **Regulatory fitness and simplification**

This proposal is designed to address bottlenecks in EU legislation with regard to the specific constraints of the outermost regions.

- **Fundamental rights**

This Regulation will be implemented in accordance with the Charter of Fundamental Rights.

4. BUDGETARY IMPLICATIONS

The proposal has no impact on the budget of the European Union.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Explanatory documents (for directives)**

No explanatory documents are considered necessary.

- **Detailed explanation of the specific provisions of the proposal**

Regulation (EU) No 1380/2013

Article 1 amends the Regulation (EU) No 1380/2013 on the Common Fisheries Policy to extend the transitional period until 31 December 2030 for establishing a fleet capacity ceiling in Mayotte, providing additional time for France to set an appropriate ceiling.

Regulation (EU) No 1308/2013

Article 2 amends Annex I to Regulation (EU) No 1308/2013 on the Common market organisation in agricultural products by including certain tropical products in Parts IX and X, as appropriate, in order to 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 standard for fruit and vegetables.

Regulation (EU) 2023/1115

Article 3 amends Regulation (EU) 2023/1115 on deforestation-free products by adding a paragraph to its Article 1 providing that French Guiana shall be excluded from the territorial scope of that Regulation, including from the customs territory as defined in Article 2(34) of this Regulation.

Regulation (EU) 2024/1348

Article 4 amends Article 4 of Regulation (EU) 2024/1348 by introducing a specific procedure for admission to the territory for the purposes of seeking international protection at the border or in transit zones in the French outermost regions. An applicant who does not fulfil the conditions for admission to the territory laid down in national law may be subject to that procedure in the cases referred to in Article 43(1), points (a), (b) and (c) of that Regulation. It allows, within the framework of this procedure, by way of derogation from Article 4(1) of Regulation (EU) 2024/1348, an authority designated by France, other than the one referred to in Article 4(1) of that Regulation, to grant or refuse authorisation to enter the territory, on the basis of a reasoned opinion of the authority responsible for determining the admissibility of an application, in accordance with Article 38, or on the basis of the manifestly unfounded nature of the application, in accordance with Article 39(4) and Article 42(1) and (3) of that Regulation. It further provides that Article 10(4)(d) of Directive (EU) 2024/1346 shall apply *mutatis mutandis* to the procedure for admission to the territory referred to above. It also makes the safeguards provided for under Article 43(4) of Regulation (EU) 2024/1348 applicable to this procedure.

Council Regulation (EU) 2023/2720

Article 5 amends Article 4, paragraph 4 of Council Regulation (EU) 2023/2720 on autonomous EU tariff quotas for 2024-2026 in order to introduce a derogation from the insufficient processing requirements as regards fresh and chilled southern red snapper caught in the Exclusive Economic Zone by third country vessels and imported to French Guiana for local processing and consumption. The derogation will allow 1 500 tonnes per year of red snapper to benefit from tariff exemptions laid down in this Regulation under the quota number 09.2746.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament¹,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Considering the permanent constraints affecting the outermost regions, as referred to in Article 349 of the Treaty on the Functioning of the European Union, including remoteness, insularity, small size, difficult topography and climate, and economic dependence on a few products, and the significant difficulties they are currently experiencing, such as loss of competitiveness and impact of natural disasters, specific measures are necessary to support the development of their local economies.
- (2) The persistent structural challenges faced by Mayotte's fishing sector, which have been severely impacted by natural disasters, including Cyclone Chido in December 2024, have hindered efforts to identify and register the fishing vessels in the Union's fishing fleet register. Given the potential risks to the territory's food security and economic development, it would be necessary to extend the deadline for establishing fleet capacity ceilings under Regulation (EU) No 1380/2013 of the European Parliament and of the Council² from 31 December 2025 to 31 December 2030. That extension would allow for the establishment of an appropriate fleet capacity ceiling in Mayotte without undermining the territory's specific challenges and needs.
- (3) Considering the economic dependence of the outermost regions on a limited number of locally produced agricultural products, specific measures are needed to support local agricultural production. Several agricultural products forming part of the daily diet in the outermost regions are locally produced and traded alongside fruit and vegetables, but do not fall within the fruit and vegetables sector or the processed fruit

¹ OJ C , , p. .

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>).

and vegetables sector as referred to in Article 1(2), points (i) and (j), of Regulation (EU) No 1308/2013 of the European Parliament and of the Council³. Consequently, those products are not eligible for support under the operational programmes implemented by producer organisations in the fruit and vegetables sector pursuant to Title III, Chapter III, Section 2 of Regulation (EU) 2021/2115 of the European Parliament and of the Council⁴ since they do not fall within the fruit and vegetables sector or the processed fruit and vegetables sector.

- (4) Products such as fresh and frozen manioc (cassava), yams, taro and yautia (malanga), intended for human consumption, as well as desiccated coconut, turmeric and ginger, may play an important role in local agricultural systems and food security in the outermost regions. In order to enable Member States to provide support for those products through operational programmes implemented by the existing producer organisations in the fruit and vegetables sector, it is appropriate to include them within the scope of the fruit and vegetables sector and the processed fruit and vegetables sector. In addition, including those products, at the fresh stage, within the scope of the general marketing standards for fruit and vegetables referred to in Article 76 of Regulation (EU) No 1308/2013 would facilitate trade in those products and ensure that consumers are provided with information on their origin. It is, therefore, appropriate to include those products in Annex I to that Regulation, under Parts IX and X as appropriate, and to remove them from Parts I and XXIV of that Annex where they were previously included.
- (5) French Guiana's unique geographical situation in South America, given its extensive land borders with third countries and significant volume of small-scale cross-border trade, creates structural constraints that risk jeopardising the effective enforcement of Regulation (EU) 2023/1115 of the European Parliament and of the Council⁵ in this region. To address this, French Guiana should be excluded from the territorial scope of that Regulation, including the customs territory as defined in Article 2(34). Regulation (EU) 2023/1115 should therefore not apply to relevant products produced, in the sense of Article 2(14) of that Regulation, in French Guiana and subsequently placed on the market in French Guiana or exported to third countries. Regulation (EU) 2023/1115 should also not apply to relevant products produced, in the sense of Article 2(14) of that Regulation, in third countries and subsequently placed on the market in French Guiana. On the contrary, relevant products moved from French Guiana to be placed on the market in other parts of the Union should be considered as 'relevant products entering the Union market' and treated as such, in accordance with Chapter 4 of Regulation (EU) 2023/1115, including through the submission of a Due Diligence Statement or Simplified Declaration. Likewise, relevant products moved from other

³ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

⁴ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>).

⁵ Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 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 (OJ L 150, 9.6.2023, p. 206, ELI: <http://data.europa.eu/eli/reg/2023/1115/oj>).

parts of the Union to be placed on the market in French Guiana should be considered as ‘relevant products leaving the Union market’ and treated as such, in accordance with Chapter 4 of that Regulation. As a consequence, relevant products would be subject to the applicable requirements of Regulation (EU) 2023/1115 in these circumstances.

- (6) In view of the specific characteristics and constraints of the outermost regions of the French Republic, as referred to in Article 349 TFEU, and taking into account their particular geographical situation, the fact that they do not form part of the Schengen area pursuant to Article 138 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders⁶, specific measures are appropriate to ensure the effective application of the rules governing admission to the territory for the purposes of seeking access to the procedure for international protection in those regions. A specific procedure for admission to the territory for that purpose, adapted to their particular circumstances, should therefore be provided for.
- (7) The specific procedure should ensure the effective application of Regulation (EU) 2024/1348 of the European Parliament and of the Council⁷ and Directive (EU) 2024/1346 of the European Parliament and of the Council⁸, while taking account of the specific situation of the outermost regions concerned. In the framework of that specific procedure, an authority designated by France, other than the one referred to in Article 4(1) of Regulation (EU) 2024/1348, should be able to grant or refuse authorisation to enter the territory for the purposes of seeking international protection. The decision, taken on the basis of a reasoned opinion of the determining authority, that the application is inadmissible or manifestly unfounded should be subject to the effective remedies provided for in Regulation (EU) 2024/1348, and notably time limits and suspensive effect referred to in Article 68(5) and (6) of that Regulation.
- (8) In order to enable the specific procedure for admission to the territory for the purposes of seeking international protection to operate effectively in the French outermost regions, the fundamental rights monitoring mechanism provided for in Article 43(4) of Regulation (EU) 2024/1348 should apply to that procedure and the ground for detention provided for in Article 10(4), point (d) of Directive (EU) 2024/1346 should also apply in the context of that procedure without prejudice to the other conditions provided for in the same article.
- (9) Except for the specific adaptations provided for in this Regulation, the relevant provisions of Regulation (EU) 2024/1348 and Directive (EU) 2024/1346 should continue to apply.
- (10) The minimal processing requirements under Council Regulation (EU) 2023/2720⁹ should be relaxed to allow southern red snapper caught in the Exclusive Economic

⁶ OJ L 239, 22.9.2000, p. 19, ELI: <http://data.europa.eu/eli/convention/2000/922/oj>.

⁷ Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1348/oj>).

⁸ Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1346/oj>).

⁹ Council Regulation (EU) 2023/2720 of 27 November 2023 opening and providing for the management of the Union autonomous tariff quotas for certain fishery products for the 2024–2026 period (OJ L, 2023/2720, 6.12.2023, ELI: <http://data.europa.eu/eli/reg/2023/2720/oj>).

Zone of French Guiana by third-country vessels and imported into French Guiana for processing and local consumption to benefit from autonomous tariff preferences for fisheries products, thereby helping to maintain the economic viability of the fisheries sector in the region.

- (11) Regulations (EU) No 1380/2013, (EU) No 1308/2013, (EU) 2023/1115, (EU) 2024/1348 and (EU) 2023/2720 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1380/2013

Regulation (EU) No 1380/2013 is amended as follows:

- (1) in Article 23, paragraph 4 is replaced by the following:
- ‘4. By way of derogation from paragraph 1, until 31 December 2030 France shall be authorised to introduce new capacity without the withdrawal of an equivalent capacity for the various segments in Mayotte, as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (‘Mayotte’), referred to in Annex II.’;
- (2) in Annex II, the table ‘Capacity Ceilings’, footnote **2 is replaced by the following:
- ‘*2. Ceilings shall be indicated in this table once the final capacity has been established and communicated to the Commission and at the latest by 31 December 2030.’.

Article 2

Amendment to Regulation (EU) No 1308/2013

Annex I to Regulation (EU) No 1308/2013 is amended as follows:

- (1) in Part I, table, point (d), row ex 0714 is replaced by the following:

‘ex 0714	Manioc, arrowroot, salep and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, and sago pith, excluding the following: - fresh, chilled and frozen manioc (cassava) for human consumption of subheading ex-0714 10 00, - sweet potatoes of subheading 0714 20 10, - fresh, chilled and frozen yams for human consumption of subheading ex-0714 30 00, - fresh, chilled and frozen taro for human consumption of subheading ex-0714 40 00, - fresh, chilled and frozen yautia for human consumption of subheading ex-0714 50 00, - Jerusalem artichokes of subheading ex 0714 90 90’
----------	---

- (2) in Part IX, the table is amended as follows:

(a) the following row is inserted after row ex 0709:

‘ex-0714 10 00	Fresh or chilled manioc (cassava) for human consumption’
----------------	--

(b) the following rows are inserted after row 0714 20:

‘ex-0714 30 00	Fresh or chilled yams for human consumption
ex-0714 40 00	Fresh or chilled taro for human consumption
ex-0714 50 00	Fresh or chilled yautia for human consumption’

(c) the following row is inserted after row ex 0714 90 90:

‘0801 11	Coconuts, desiccated’
----------	-----------------------

(d) the following rows are inserted after row 0813 50 39:

‘0910 11	Ginger, neither crushed nor ground
0910 12	Ginger, crushed or ground’

(e) the following row is inserted after row 0910 20:

‘0910 30	Turmeric (curcuma)’
----------	---------------------

(3) in Part X, table, the following rows are inserted after row ex 0712:

‘ex-0714 10 00	Frozen manioc (cassava) for human consumption
ex-0714 30 00	Frozen yams for human consumption
ex-0714 40 00	Frozen taro for human consumption
ex-0714 50 00	Frozen yautia for human consumption’

(4) in Part XXIV, Section 1, the table is amended as follows:

(a) row 0801 is replaced by the following:

‘ex 0801	Coconuts, Brazil nuts and cashew nuts, fresh or dried, whether or not shelled or peeled, excluding desiccated coconuts of subheading 0801 11’
----------	---

(b) row ex 0910 is replaced by the following:

‘ex 0910	Bay leaves, curry and other spices excluding ginger, turmeric (curcuma), thyme and saffron’
----------	---

Article 3

Amendment to Regulation (EU) 2023/1115

In Article 1 of Regulation (EU) 2023/1115, the following paragraph 3 is added:

‘3. French Guiana shall be excluded from the territorial scope of this Regulation, including the customs territory as defined in Article 2(34).’.

Article 4

Amendment to Regulation (EU) 2024/1348

In Article 4 of Regulation (EU) 2024/1348, the following paragraph 9 is added:

‘9. By way of derogation from paragraph 1, in the outermost regions of France, an applicant who does not fulfil the conditions for admission to the territory laid down in national law may be subject to a procedure for admission to the territory for the purposes of seeking international protection in the cases referred to in Article 43(1), points (a), (b) and (c).

Within the framework of that procedure, an authority designated by France, other than the determining authority referred to in paragraph 1, may grant or refuse authorisation to enter the territory. The decision shall be based on a reasoned opinion issued by the determining authority concerning the inadmissibility of the application in accordance with Article 38 or on its manifestly unfounded character in accordance with Article 39(4) and Article 42(1) and (3).

For the purposes of Article 10(4), point (d), of Directive (EU) 2024/1346, the procedure referred to in the first subparagraph of this Article shall be treated as equivalent to the border procedure referred to in Article 43 of this Regulation.

The fundamental rights monitoring mechanism referred to in Article 43(4) shall apply to the procedure referred to in the first subparagraph of this Article.’.

Article 5

Amendment to Regulation (EU) 2023/2720

In Article 4(4) of Regulation (EU) 2023/2720, the following point (m) is added:

‘(m) cleaning, gutting, tailing, heading, cutting into rings and cutting into slices for materials under CN code 0302 89 90.’.

Article 6

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President