



Brussels, 27.3.2023
C(2023) 1811 final

COMMISSION DECISION

of 27.3.2023

**on the balance between fishing capacity and fishing opportunities for Martinique,
Guiana, Mayotte, Réunion and Guadeloupe**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy¹, and in particular Article 22 thereof,

Whereas:

- (1) In order to take account of the permanent and structural constraints of the outermost regions as defined in Article 349 of the Treaty on the Functioning of the European Union, the Commission amended its guidelines for the examination of State aid in the fisheries and aquaculture sector on 22 November 2018 with a view to authorising State aid for the renewal of fishing vessels exclusively in those regions, under strictly defined conditions.
- (2) In accordance with Article 22(2) of Regulation (EU) No 1380/2013 on the Common Fisheries Policy, the Member States must send to the Commission, by 31 May each year, a report on the balance between the fishing capacity of their fleets and their fishing opportunities. To facilitate a common approach across the Union, that report must be prepared in accordance with common guidelines for the analysis of the balance between fishing capacity and fishing opportunities in line with Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy².
- (3) Paragraphs 2 and 3 of Article 22 of Regulation (EU) No 1380/2013 lay down the first stage of a procedure involving a number of steps to determine the existence of a balance between fishing capacity and the fishing opportunities of the fleet concerned and which ends, in accordance with the second subparagraph of paragraph 4, with a report drawn up by the Commission for the European Parliament and for the Council. To this effect, on the basis of Article 22(4) of Regulation (EU) No 1380/2013, and taking into account the conditions laid down by the guidelines for the examination of State aid in the fisheries and aquaculture sector as amended on 22 November 2018³

¹ OJ L 354, 28.12.2013, p. 60-61.

² COM(2014)545 final, Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy.

³ In accordance with point 114(c) of the guidelines for the examination of State aid in the fisheries and aquaculture sector, aid for the acquisition of a new fishing vessel may be granted only if, on the date on which the aid is granted, the most recent report prepared by France in accordance with Article 22(2) and (3) of Regulation (EU) No 1380/2013 before the date indicated establishes that there is a balance between the fishing capacity and the fishing opportunities of the fleet segment of the outermost region to which the fishing vessel will belong. No support will be granted if the assessment of the balance in that report for the fleet segment to which the vessel concerned will belong has not been prepared on the

and by the decisions on the State aid schemes for Martinique (SA.58191 (2020/N)), Guiana (SA.59051 (2020/N)), Mayotte (SA.57994 (2020/N)), Réunion (SA.57275 (2020/N)) and Guadeloupe (SA.58611 (2020/N))⁴ for the renewal of the fleet, it is appropriate to anticipate as a preliminary point the Commission's observations on the conclusion of the French annual national report for 2021, as regards the fleet segments of the French outermost regions covered by the above-mentioned decisions.

- (4) In the framework of the application of these rules, in particular, Article 26 of Regulation (EU) No 1380/2013, the Commission consulted the Scientific, Technical and Economic Committee for Fisheries (STECF) on the annual national reports prepared by the Member States under Article 22 of that Regulation, in particular, the annual national report prepared by France.
- (5) In respect of Martinique, Mayotte, Réunion, Guiana and Guadeloupe, the STECF⁵ concludes in its 2022 capacity report that in the absence of complete data and given the failure to take account of all balance indicators contained in the guidelines (biological, economic and technical), the French annual national report for 2021, as submitted to the Commission on 31 May 2022, was not prepared in accordance with the guidelines on analysing the balance between fishing capacity and fishing opportunities in accordance with Article 22 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy.
- (6) The STECF also points out that due to the lack of information on the composition of the fleet⁶ and the use of an alternative fleet segmentation without value indicators, the French annual national report of 2021 submitted to the Commission on 31 May 2022 does not contain all the information needed in order for it to be assessed. Indeed, France does not indicate the value of the indicators used. In addition, its report is based on a segmentation which differs from that recommended in the guidelines for the analysis of the balance between fishing capacity and fishing opportunities. It is therefore not possible to conclude that the Member State's assessment in the annual report of the balance between fishing capacity and fishing opportunities in the fleet segments of the outermost regions is sound and complete⁷.

basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in Article 22(2) of that Regulation.

⁴ State aid schemes for Martinique (C(2022)1132, SA.58191(2020/N), published on 01.04.2022, OJEC C/146/2022), for Guiana (C(2021)1133 final, SA.59051(2020/N), published on 06.05.2022 OJEC C/186/2022), de Mayotte (C(2022) 1127, SA.57994(2020/N), published on 01.04.2022 OJEC C/146/2022), for Réunion (C(2022) 1131, SA.57275(2020/N), published on 01.04.2022 OJEC C/146/2022) and for Guadeloupe (C(2022) 1125 final SA.58611(2020/N), published on 08.04.2022 OJEC C/155/2022)

⁵ STECF EWG 22-15.

⁶ In terms of the number of vessels per fleet segment and the landing value of fleet segments by stock.

⁷ STECF EWG 22-15, Section 3.4.8 France (FRA), subsection 'assessment of the fleet report' and specifically 'The EWG 22-15 notes that the MS' 2022 fleet report does not contain the analysis based on all balance indicators proposed by the Guidelines: biological, economic, and technical' p.85, 'The EWG 22-15 notes that the MS' fleet report does not provide complete information on the fleet composition in terms of number of vessels per fleet segment and the landing value of fleet segments by stock. Together with the lack of information on the indicator values, the EWG 22-15 does not have all information available to evaluate the MS' assessment of balance and whether it can be considered sound and comprehensive' p.85 and 'With regards to previous STECF findings on discrepancies between the Member State's assessment and the Expert group's assessment, the MS still used a different fleet segmentation and did not provide indicator values in the fleet report. This means a direct comparison with the indicators as calculated by STECF is not possible.' p.85.

- (7) Based on the STECF's analysis of the French 2021 report submitted to the Commission on 31 May 2022, and in accordance with Article 22(4) of Regulation (EU) No 1380/2013, the Commission considers that that report has not been prepared in accordance with Article 22 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy.

HAS DECIDED AS FOLLOWS:

Sole Article

In accordance with the above, the European Commission has decided to call into question the assessment of the balance in the 2021 national report sent to the Commission on 31 May 2022, as presented and submitted by the French authorities for the above-mentioned outermost regions, and to authorise the Director-General for Maritime Affairs and Fisheries, Ms Charlina Vitcheva, to notify the said authorities of this matter by means of the attached letter.

Done at Brussels, 27.3.2023

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission