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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions to the access to Union waters

- Confirmation of the final compromise text with a view to agreement

Delegations will find attached the final compromise text with a view to agreement on the above-mentioned proposal. Changes compared to the original Commission proposal are indicated in **bold underline** or ~~strikethrough~~. The text already reflects technical clean up.

This document will be examined at the Working Party on Fisheries Policy on 6 October 2022.

Please note that the Statements by the Commission and by the European Parliament are as agreed during the Political trilogue. The Statements are still subject to internal procedures for validation and approval within the two institutions, as appropriate.

2021/0176 (COD)

Proposal for a

REGULATION (EU) 2022/... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

amending Regulation (EU) No 1380/2013 ~~of the European Parliament and of the Council of 11 December 2013~~, as regards restrictions to the access to Union waters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) 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 Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Union fishing vessels have equal access to Union waters and resources subject to the rules of the Common Fisheries Policy **(CFP)**.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council² provides for derogations from the equal access rule in the following circumstances.
- (3) Member States are authorised to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast in waters up to 12 nautical miles from their baselines.

¹ **OJ C 517, 22.12.2021, p. 123.**

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).

- (4) Member States are also authorised to restrict access to waters up to 100 nautical miles from the baselines of the Union outermost regions referred to in ~~the first paragraph~~ of Article 349, **first paragraph**, of the Treaty **on the Functioning of the European Union (TFEU)** to vessels registered in the ports of those territories.
- (5) Existing rules restricting access to resources within the 12 nautical mile zones of Member States have benefitted conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent.
- (6) Existing restrictions limiting access to marine biological resources around the Union outermost regions referred to in ~~the first paragraph~~ of Article 349, first paragraph, **TFEU** ~~of the Treaty~~ have contributed to the preservation of the local economy of those territories, having regard to their structural, social and economic situation.
- (7) The existing derogations concerning restrictions to access to Union waters will expire on 31 December 2022. Those derogations should, however, be extended for another period of ten years, in order to ensure continuity of the current protection measures and to avoid disrupting the balance that has developed since the introduction of this special regime. **They are an integral part of the CFP and the duration and scope of this extension may be revised in the framework of any review of the CFP.**
- (7a) In accordance with Article 510 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part³, a review of the implementation of Heading Five of the Agreement, including of the provisions on access to waters, is to be carried out four years after the end of the adjustment period, which ends on 30 June 2026.**
- (7b) The Commission should be required to report on the general rules on access to waters referred to in Article 5 of Regulation (EU) No 1380/2013 before the expiry of the derogations. That report should be submitted by 30 June 2031.**
- (8) Annex I ~~to~~ of Regulation (EU) No 1380/2013 should be amended following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union. **Annex I to Regulation (EU) No 1380/2013 should also be amended** ~~and following~~ a joint request by Italy and Greece regarding the access of Italian **fishing vessels to the 6-12 n.m. area of Greek territorial waters in the Ionian Sea and a proposal by Greece for access of Italian fishing vessels within the 6-12 n.m. area of the Greek EEZ, in line with the Annex to this Regulation.** ~~Aegean and Libyan Seas.~~
- (9) Regulation (EU) No 1380/2013 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

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

³ **OJ L 149, 30.4.2021, p. 10.**

- (1) In Article 5, paragraphs (2), (3) and (4), the terms **date** '31 December 2022' are **is** replaced by the terms **date** '31 December 2032'.
- (2) **In Article 5, the following paragraph is added:**
'4a. The Commission shall report to the European Parliament and to the Council on the application of this Article by 30 June 2031.'
- (3) Annex I is replaced by text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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 from 1 January 2023.

Done at ~~Brussels~~,

For the European Parliament

The President

For the Council

The President

ANNEX

“ANNEX I

ACCESS TO COASTAL WATERS WITHIN THE MEANING OF ARTICLE 5(2)

1. Coastal waters of Ireland

(a) ACCESS FOR FRANCE

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Erris Head north-west Sybil Point west	Demersal	Unlimited
	Nephrops	Unlimited
2. Mizen Head south Stags south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
3. Stags south Cork south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
	Herring	Unlimited
4. Cork south, Carnsore Point south	All species	Unlimited
5. Carnsore Point south, Haulbowline south-east	All species, except shellfish	Unlimited

(b) ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 miles)		
1. Stags south Carnsore Point south	Herring	Unlimited
	Mackerel	Unlimited

(c) ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Old Head of Kinsale south Carnsore Point south	Herring	Unlimited
2. Cork south Carnsore Point south	Mackerel	Unlimited

(d) ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Cork south Carnsore Point south	Demersal	Unlimited
2. Wicklow Head east Carlingford Lough south-east	Demersal	Unlimited

(2) Coastal waters of Belgium

Geographical area	Member State	Species	Importance or particular characteristics
3 to 12 nautical miles	Netherlands	All species	Unlimited
	France	Herring	Unlimited

(3) Coastal waters of Denmark

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm) (6 to 12 nautical miles)			
Danish/German frontier to Blåvands Huk	Germany	Flatfish	Unlimited
		Shrimps and prawns	Unlimited
	Netherlands	Flatfish	Unlimited
		Roundfish	Unlimited
Blåvands Huk to Bovbjerg	Belgium	Cod	Unlimited only from 1 June to 31 July
		Haddock	Unlimited only from 1 June to 31 July
	Germany	Flatfish	Unlimited
	Netherlands	Plaice	Unlimited
		Sole	Unlimited
Thyborøn to Hanstholm	Belgium	Whiting	Unlimited only from 1 June to 31 July
		Plaice	Unlimited only from 1 June to 31 July

	Germany	Flatfish	Unlimited	
		Sprat	Unlimited	
		Cod	Unlimited	
		Saithe	Unlimited	
		Haddock	Unlimited	
		Mackerel	Unlimited	
		Herring	Unlimited	
		Whiting	Unlimited	
	Netherlands	Cod	Unlimited	
		Plaice	Unlimited	
		Sole	Unlimited	
	Skagerrak (Hanstholm to Skagen) (4 to 12 nautical miles)	Belgium	Plaice	Unlimited only from 1 June to 31 July
		Germany	Flatfish	Unlimited
Sprat			Unlimited	
Cod			Unlimited	
Saithe			Unlimited	
Haddock			Unlimited	
Mackerel			Unlimited	
Herring			Unlimited	
Whiting			Unlimited	
Netherlands		Cod	Unlimited	
		Plaice	Unlimited	
		Sole	Unlimited	

Kattegat (3 to 12 miles)	Germany	Cod	Unlimited
		Flatfish	Unlimited
		Nephrops	Unlimited
		Herring	Unlimited
North of Zealand to the parallel of the latitude passing through Forsnæs lighthouse	Germany	Sprat	Unlimited
Baltic Sea (including Belts, Sound, Bornholm) (3 to 12 nautical miles)	Germany	Flatfish	Unlimited
		Cod	Unlimited
		Herring	Unlimited
		Sprat	Unlimited
		Eel	Unlimited
		Salmon	Unlimited
		Whiting	Unlimited
Mackerel	Unlimited		
Skagerrak (4 to 12 miles)	Sweden	All species	Unlimited
Kattegat (3 to 12 miles ^{4 1})	Sweden	All species	Unlimited
Baltic Sea (3 to 12 miles)	Sweden	All species	Unlimited

(4) Coastal waters of Germany

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (3 to 12 nautical miles) all coasts	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sandeel	Unlimited
	Netherlands	Demersal	Unlimited
		Shrimps and prawns	Unlimited

¹ Measured from the coastline.

Danish/German frontier to the northern tip of Amrum at 54° 43' N	Denmark	Shrimps and prawns	Unlimited
Baltic coast (3 to 12 miles)	Denmark	Cod	Unlimited
		Plaice	Unlimited
		Herring	Unlimited
		Sprat	Unlimited
		Eel	Unlimited
		Whiting	Unlimited
		Mackerel	Unlimited

(5) Coastal waters of France and the overseas departments

Geographical area	Member State	Species	Importance or particular characteristics
North-east Atlantic coast (6 to 12 nautical miles)			
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Belgium	Demersal	Unlimited
		Scallops	Unlimited
	Netherlands	All species	Unlimited
Dunkerque (2° 20' E) to Cap d'Antifer (0° 10' E)	Germany	Herring	Unlimited only from 1 October to 31 December
Geographical area	Member State	Species	Importance or particular characteristics

Atlantic coast (6 to 12 nautical miles)			
Spanish/French frontier to 46° 08' N	Spain	Anchovies	Directed fishing, unlimited only from 1 March to 30 June
			Fishing for live bait from 1 July to 31 October only
		Sardines	Unlimited only from 1 January to 28 February and from 1 July to 31 December
			In addition, activities relating to the above-mentioned species must be pursued in accordance with, and within the limits of, the activities pursued during 1984
Mediterranean coast (6 to 12 nautical miles)			
Spanish frontier Cap Leucate	Spain	All species	Unlimited

(6) Coastal waters of Spain

Geographical area	Member State	Species	Importance or particular characteristics
Atlantic coast (6 to 12 nautical miles)			
French/Spanish frontier to Cap Mayor lighthouse (3° 47' W)	France	Pelagic	Unlimited in accordance with, and within the limits of, the activities pursued during 1984

Mediterranean coast (6 to 12 nautical miles)			
French frontier/Cap Creus	France	All species	Unlimited

(7) Coastal waters of Croatia ⁽¹⁾

Geographical area	Member State	Species	Importance or particular characteristics
12 miles limited to the sea area under the sovereignty of Croatia situated to the north of the 45 degrees and 10 minutes parallel north latitude along the west Istrian coast, from the outer limit of the territorial sea of Croatia, where this parallel touches the land of the west Istrian coast (the cape Grgatov rt Funtana)	Slovenia	Demersal and small pelagic species including sardine and anchovy	100 tonnes for a maximum number of 25 fishing vessels which includes 5 fishing vessels equipped with trawl nets

(1) The above mentioned regime shall apply from the full implementation of the arbitration award resulting from the Arbitration Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia, signed in Stockholm on 4 November 2009.

(8) Coastal waters of the Netherlands

Geographical area	Member State	Species	Importance or particular characteristics
(3 to 12 nautical miles) whole coast	Belgium	All species	Unlimited
	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sandeel	Unlimited
		Horse-mackerel	Unlimited
	Germany	Cod	Unlimited
Shrimps and prawns		Unlimited	
(6 to 12 nautical miles) whole coast	France	All species	Unlimited

(9) Coastal waters of Slovenia ⁽¹⁾

Geographical area	Member State	Species	Importance or particular characteristics
12 miles limited to the sea area under the sovereignty of Slovenia situated to the north of the 45 degrees and 10 minutes parallel north latitude along the west Istrian coast, from the outer limit of the territorial sea of Croatia, where this parallel touches the land of the west Istrian coast (the cape Grgatov rt Funtana)	Croatia	Demersal and small pelagic species including sardine and anchovy	100 tonnes for a maximum number of 25 fishing vessels which includes 5 fishing vessels equipped with trawl nets

(1) The above mentioned regime shall apply from the full implementation of the arbitration award resulting from the Arbitration Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia, signed in Stockholm on 4 November 2009.

(10) Coastal waters of Finland

Geographical area	Member State	Species	Importance or particular characteristics
Baltic Sea (4 to 12 miles) ²	Sweden	All species	Unlimited

(11) Coastal waters of Sweden

Geographical area	Member State	Species	Importance or particular characteristics
Skagerrak (4 to 12 nautical miles)	Denmark	All species	Unlimited
Kattegat (3 to 12 miles ³)	Denmark	All species	Unlimited
Baltic Sea (4 to 12 miles)	Denmark	All species	Unlimited
	Finland	All species	Unlimited

² 3 to 12 miles around Bogskär Isles.

³ Measured from the coastline.

(12) Coastal waters of Greece

Geographical area	Member State	Species	Importance or particular characteristics
Ionian Sea 6 to 12 nautical miles in Greek territorial waters	Italy	Cephalopods Crustaceans Demersal Large pelagic species	A maximum number of 68 vessels
South-Southeast of the island of Crete (East of 26°00'00" E) 6 to 12 nautical miles in Greek EEZ			
South-Southeast of the island of Koufonisi 6 to 12 nautical miles in Greek EEZ			
South-Southwest of the island of Kasos 6 to 12 nautical miles in Greek EEZ			
South-Southeast of the island of Karpathos 6 to 12 nautical miles in Greek EEZ			
South-Southwest (West of 27°59'02.00" E) of the island of Rhodes 6 to 12 nautical miles in Greek EEZ.			

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Statement by the Commission

In case it considers a review of the CFP Regulation, the Commission will conduct an impact assessment, along the lines of the Better Regulation principles. The Commission will make available to the co-legislators the impact assessment at the moment it publishes such proposal.

Alternatively, it will consider reporting on the implementation of the Common Fisheries Policy at the latest by 2032.

Statement by the Commission and the European Parliament

The Commission and the Parliament take note of the situation of fisheries in the Channel and the concerns raised by local and regional fisheries stakeholders, including fishers, regarding the use of demersal seines by numerous vessels.

The Commission and the Parliament encourage close cooperation between the said stakeholders and initiatives from them and invite Member States to follow-up, where relevant, with the submission of joint recommendations. The Commission will follow-up with measures, where appropriate, including technical measures, based on consultations of stakeholders and an assessment by the relevant scientific bodies including an assessment of socioeconomic impacts. In this regard, the Commission will ensure that funding is available for scientific research and advice.