



Council of the
European Union

Brussels, 13 October 2022
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2021/0176(COD)**

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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 • Letter from the Chairman of Coreper to the President of PECH Committee of the European Parliament

Delegations will find attached the letter of 12 October 2022 from the Chairman of the Permanent Representatives Committee (Part 1) addressed to the President of the Committee on Fisheries of the European Parliament regarding the abovementioned proposal.



Council of the European Union

SGS 22 / 04478

Brussels, 12 October 2022

Mr Pierre Karleskind
Chair of the Committee on Fisheries
European Parliament

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 - 2021/0176 (COD)

Dear Mr Karleskind,

Following the inter-institutional meeting on the 29th of September 2022, where agreement was reached by our institutions on a draft compromise text, as set out in the Annex to this letter, I am pleased to inform you that the Permanent Representatives Committee decided today to approve this compromise text.

I am therefore able to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty on the Functioning of the European Union, in the exact same form as set out in the compromise text contained in the Annex to this letter, subject to revision by the lawyer-linguists of both institutions, the Council would, in accordance with Article 294 paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to that position.

On behalf of the Council, I would like to thank you for your cooperation, which should enable us to rapidly reach agreement on this file at first reading.

Yours sincerely,

Jaroslav Zajiček
Chairman of the Permanent
Representatives Committee
(Part 1)

copy to: Mr Virginijus Sinkevičius, Commissioner

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 Zeeland 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) ^{5 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 ^{6 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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