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2021/0176(COD)**

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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Strasbourg, 21 to 24 November 2022)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the rapporteur, Pierre KARLESKIND (RE, FR), presented on behalf of the Committee on Fisheries (PECH) a compromise amendment (amendment number 9) to the abovementioned proposal for a Regulation and two amendments (amendments number 10 and 11) to the legislative resolution containing statements. These amendments had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 22 November 2022, the plenary adopted the compromise amendment (amendment number 9) to the abovementioned proposal for a Regulation, as well as amendments 10 and 11 to the legislative resolution. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2022)0395**Common fisheries policy (CFP): restrictions to the access to Union waters**

European Parliament legislative resolution of 22 November 2022 on the 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 (COM(2021)0356 – C9-0254/2021 – 2021/0176(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0356),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0254/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 September 2021¹
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 12 October 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Regional Development,
 - having regard to the report of the Committee on Fisheries (A9-0206/2022),
1. Adopts its position at first reading hereinafter set out;

¹ OJ C 517, 22.12.2021, p. 123.

2. Approves the joint statement by Parliament and the Commission annexed to this resolution, which will be published in the C series of the *Official Journal of the European Union*;
3. Takes note of the statement by the Commission annexed to this resolution, which will be published in the C series of the *Official Journal of the European Union*;
4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 22 November 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council amending Regulation (EU) No 1380/2013 ■ 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 Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 517, 22.12.2021, p. 123.

⁵ Position of the European Parliament of 22 November 2022.

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 Council⁶ provides for derogations from the equal access rule.
- (3) In accordance with that Regulation, 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.
- (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 **Article 349**, first paragraph ■, of the Treaty *on the Functioning of the European Union (TFEU)* to vessels registered in the ports of those regions.
- (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 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).

- (6) Existing rules restricting access to marine biological resources around the Union outermost regions referred to in Article 349, first paragraph, *TFEU* have contributed to the preservation of the local economy of those regions, 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 a period of ten years beyond that date, in order to ensure continuity of the current protection measures and to avoid disrupting the balance that has been achieved since the introduction of this special regime. *Those derogations are an integral part of the CFP and the duration and scope of that extension may be revised in the framework of any review of the CFP.*
- (8) *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 part⁷, a review of the implementation of Heading Five of that Agreement, including of the provisions in relation to access to waters, is to be carried out four years after the end of the adjustment period, which ends on 30 June 2026.*

⁷ *OJ L 149, 30.4.2021, p. 10.*

- (9) *The Commission should report to the European Parliament and to the Council on the application of 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.*
- (10) Annex I *to* 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. *That Annex should also be amended* 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 to the 6-12 n.m. area of the Greek exclusive economic zone (EEZ), in line with the Annex to this Regulation.*
- (11) 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:

(1) *Article 5 is amended as follows:*

(a) *in paragraphs (2), (3) and (4), the **date** ‘31 December 2022’ is replaced by the **date** ‘31 December 2032’;*

(b) *the following paragraph is added:*

‘5. The Commission shall report to the European Parliament and to the Council on the application of this Article by 30 June 2031.’.

(2) Annex I is replaced by the 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 █ ,

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

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

(b) ACCESS FOR THE NETHERLANDS

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

(c) ACCESS FOR GERMANY

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

(d) ACCESS FOR BELGIUM

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

2. Coastal waters of Belgium

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

3. *Coastal waters of Denmark*

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

	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

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

¹ *Measured from the coastline.*

4. *Coastal waters of Germany*

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>North Sea coast (3 to 12 nautical miles) all coasts</i>	<i>Denmark</i>	<i>Demersal</i>	<i>Unlimited</i>
		<i>Sprat</i>	<i>Unlimited</i>
		<i>Sandeel</i>	<i>Unlimited</i>
	<i>Netherlands</i>	<i>Demersal</i>	<i>Unlimited</i>
		<i>Shrimps and prawns</i>	<i>Unlimited</i>
<i>Danish/German frontier to the northern tip of Amrum at 54° 43' N</i>	<i>Denmark</i>	<i>Shrimps and prawns</i>	<i>Unlimited</i>
<i>Baltic coast (3 to 12 miles)</i>	<i>Denmark</i>	<i>Cod</i>	<i>Unlimited</i>
		<i>Plaice</i>	<i>Unlimited</i>
		<i>Herring</i>	<i>Unlimited</i>
		<i>Sprat</i>	<i>Unlimited</i>
		<i>Eel</i>	<i>Unlimited</i>
		<i>Whiting</i>	<i>Unlimited</i>
		<i>Mackerel</i>	<i>Unlimited</i>

5. *Coastal waters of France and the overseas departments*

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

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>Atlantic coast (6 to 12 nautical miles)</i>			
<i>Spanish/French frontier to 46° 08' N</i>	<i>Spain</i>	<i>Anchovies</i>	<i>Directed fishing, unlimited only from 1 March to 30 June</i>
			<i>Fishing for live bait from 1 July to 31 October only</i>
		<i>Sardines</i>	<i>Unlimited only from 1 January to 28 February and from 1 July to 31 December</i>

			<i>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</i>
<i>Mediterranean coast (6 to 12 nautical miles)</i>			
<i>Spanish frontier Cap Leucate</i>	<i>Spain</i>	<i>All species</i>	<i>Unlimited</i>

6. *Coastal waters of Spain*

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

7. *Coastal waters of Croatia¹*

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>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)</i>	<i>Slovenia</i>	<i>Demersal and small pelagic species including sardine and anchovy</i>	<i>100 tonnes for a maximum number of 25 fishing vessels which includes 5 fishing vessels equipped with trawl nets</i>

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*

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

9. *Coastal waters of Slovenia¹*

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>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)</i>	<i>Croatia</i>	<i>Demersal and small pelagic species including sardine and anchovy</i>	<i>100 tonnes for a maximum number of 25 fishing vessels which includes 5 fishing vessels equipped with trawl nets</i>

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 009.*

10. *Coastal waters of Finland*

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>Baltic Sea (4 to 12 miles)¹</i>	<i>Sweden</i>	<i>All species</i>	<i>Unlimited</i>

¹ *3 to 12 miles around Bogskär Isles.*

11. Coastal waters of Sweden

<i>Geographical area</i>	<i>Member State</i>	<i>Species</i>	<i>Importance or particular characteristics</i>
<i>Skagerrak (4 to 12 nautical miles)</i>	<i>Denmark</i>	<i>All species</i>	<i>Unlimited</i>
<i>Kattegat (3 to 12 miles)¹</i>	<i>Denmark</i>	<i>All species</i>	<i>Unlimited</i>
<i>Baltic Sea (4 to 12 miles)</i>	<i>Denmark</i>	<i>All species</i>	<i>Unlimited</i>
	<i>Finland</i>	<i>All species</i>	<i>Unlimited</i>

¹ *Measured from the coastline.*

12. *Coastal waters of Greece*

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

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Statement by the European Parliament and the Commission on fisheries in the Channel

The European Parliament and the Commission 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 European Parliament and the Commission encourage close cooperation between those 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 socio-economic impacts. In that regard, the Commission will ensure that funding is available for scientific research and advice.

Statement by the Commission on review of the CFP Regulation

In the event that 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.
