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NOTE

From:	General Secretariat of the Council
To:	Delegations
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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 <ul style="list-style-type: none">• Comments from Ireland

Delegations will find in the Annex written comments from Ireland on the above-mentioned document.

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

Written Comments from Ireland

24 February 2022

This proposal is subject to a parliamentary and general scrutiny reservation and we reserve the right to add to or amend our comments below.

Four Member States (FR/DE/NL/BE) have access to Ireland's 6-12nm zone as set out in Annex I of the CFP Regulation. Prior to the UK's withdrawal from the EU, the UK also had access to the 6-12nm zone along Ireland's east and southeast coasts.

The only access that Ireland had to any other Member States 6-12 nautical mile zone was parts of UK waters.

Following the EU-UK Trade and Cooperation Agreement (TCA), the only access Irish vessels now have to the UK 6-12nm zone is potentially around the Isle of Man subject to a relevant track record of fishing in the area.

Ireland does **not** have access to any other Member States' 6-12nm zones. In these new circumstances, we consider that there is no longer any equitable rationale for the continuation of access to the Irish 6-12 nm zone for other Member States.

In that context, Ireland requests that the current 6 nautical miles exclusive zone in the waters around Ireland be extended to 12 nautical miles. A new restricted access zone should be established for other Member States in the 12 - 20 nautical mile zone around Ireland only.

Access to the 12 to 20 mile zone would be based on recent track record (e.g. last 5 or 10 years) for the species to which Member States currently have access permissions.

In addition to the question of equity, these changes would help to give some assurance to our industry, and in particular to our small scale fishing fleet, that there would be a measure of protection for the fisheries on which they heavily rely in the face of possible displacement.

From a conservation perspective, Ireland's coastal waters are sensitive habitats for juvenile fish and, in line with Recital 19 of the current CFP, we propose further conservation benefits by restricting fishing effort in a wider area.

The aim of this request is to ensure sustainable livelihoods for our coastal, inshore and recreational fishermen.

Extending the current zone would also facilitate the introduction of management measures including restrictions on the type and intensity of fishing activity within the zone in order to protect local communities dependent on inshore coastal fisheries.

We appreciate that some Member States may have concerns regarding this request but we would emphasise that the proposal would have no horizontal implications, is confined to Irish waters only and would have little or no material impact on the fleets of the Member States concerned.

Background

Union fishing vessels have equal access to Union waters and resources subject to the rules of the Common Fisheries Policy (CFP). Article 5(2) of the CFP Regulation (Regulation (EU) No 1380/2013) provides for derogations from the equal access rule whereby Member States may restrict access for fishing in their 12 nautical mile zones to certain vessels that have traditionally fished in those waters and set out in Annex I of the CFP Regulation.

The access for other Member States' to Ireland's 6-12nm zone (as set out in Annex I of the CFP Regulation) is as follows:-

•West Coast

Erris Head-Sybil Point (Mayo, Galway, Clare, Limerick and part of Kerry): access for France for demersal (whitefish) species and *Nephrops* (prawns).

•South Coast

Mizen Head-Carnsore Point (From Mizen Head, Cork to Waterford and Wexford): various access arrangements for France, the Netherlands, Germany and Belgium for *Nephrops*, demersal and pelagic species.

•East Coast

Carnsore Point-Wicklow Head (East Coast of Wexford and part of Wicklow): access for France for all species except shellfish.

Wicklow Head-Carlingford Lough (Part of Wicklow, Dublin, Meath and Louth): access for France (for all species except shellfish) and Belgium (for demersal species).

Commission Proposal to rollover Access Restrictions

The derogation restricting access to Member States' 6-12nm zones will expire on 31 December 2022. If this derogation is not renewed or improved, all EU fishing vessels potentially would have access up to the baselines from 1 January 2023.

In July 2021, the Commission published a proposal to roll over the derogation for another ten years in order to allow for continuity of the current regime. The proposal also removes the provisions relating to access for the UK, which are now covered in the TCA.

Proposed text changes to the current CFP below

Recital 19

Existing rules restricting access to resources within the 12 nautical mile zones of Member States have operated broadly satisfactorily, benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved the traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply with the exception of the waters around Ireland where a 20 nautical mile zone will be established. Member States should endeavour to give preferential access for small-scale, artisanal or coastal fishermen.

Recital 41

In their 12 or 20 nautical mile zones, Member States should be empowered to adopt conservation and management measures applicable to all Union fishing vessels, provided that, where such measures apply to Union fishing vessels from other Member States, they are non-discriminatory, prior consultation of other Member States concerned has taken place and the Union has not adopted measures specifically addressing conservation and management within the 12 or 20 nautical mile zones concerned

Article 5(2)

In the waters up to 12 nautical miles (20 nautical miles in the case of Ireland) from baselines under their sovereignty or jurisdiction, Member States shall be authorised, until 31 December 2032, to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall inform the Commission of the restrictions put in place under this paragraph

Article 20(1)

A Member State may take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within 12 nautical miles (20 nautical miles in the case of Ireland) of its baselines provided that the Union has not adopted measures addressing conservation and management specifically for that area or specifically addressing the problem identified by the Member State concerned. The Member State measures shall be compatible with the objectives set out in Article 2 and shall be at least as stringent as measures under Union law

Annex I

2. Coastal waters of ireland

(Subject to agreed track record parameters to be determined in the 12-20 nautical mile zone)
