



Council of the  
European Union

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**NOTE**

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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

- Additional comments from Ireland

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Delegations will find in the Annex additional 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

7 April 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.*

Ireland no longer has 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.

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.

We appreciate that some Member States and the Commission had concerns regarding our suggestions for the 12-20 nm zone. We have considered those concerns carefully and, in the spirit of compromise, we are prepared to withdraw that specific proposal.

We appeal to all Member States, in the interests of fairness and a level playing field, to support the removal of access rights to the IE 12 mile zone, in light of the fact that IE vessels no longer have access to any other MS 12 nm zone.

### **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**

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. Mizén 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

~~(e) 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