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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

- Presidency compromise

Delegations will find attached herewith a Presidency compromise on the above-mentioned document. The changes compared to the document (ST 10417/21 + COR1, ST 10471/21 ADD1+ COR1) are marked in **bold underline** and ~~**bold strikethrough**~~.

This document will be discussed during the Working Party on Fisheries Policy of 23 March 2022.

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

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.
- (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 , , p. .

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 of the Treaty 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, 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 of this extension may be revised in the framework of any review of the CFP.**
- (8) Annex I 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 of Regulation (EU) No 1380/2013 should also be amended to reflect and following** a joint request by Italy and Greece regarding the access of Italian **fishing** vessels to **Greek territorial waters within the 6-12 n.m. area in the Ionian Sea and the access that Greece grants to Italian fishing vessels in the area 6-12 n.m. of the Greek EEZ. 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:

- (1) In Article 5, paragraphs 2, 3 and 4, the terms ‘31 December 2022’ are replaced by the terms ‘31 December 2032’.
- (2) Annex I is replaced by text set out in the Annex to this Regulation.

Article 2

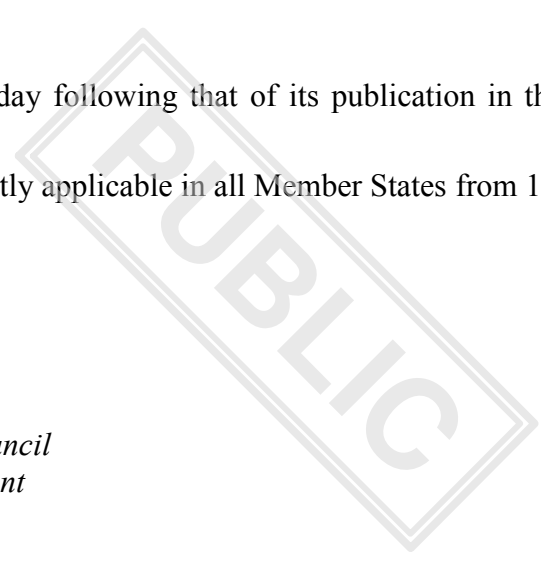
This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

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 | Demersal | Unlimited |
| Sybil Point west | Nephrops | Unlimited |
| 2. Mizen Head south | Demersal | Unlimited |
| Stags south | Nephrops | Unlimited |
| | Mackerel | Unlimited |
| 3. Stags south | Demersal | Unlimited |
| Cork south | 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 | Herring | Unlimited |
| Carnsore Point south | 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 |

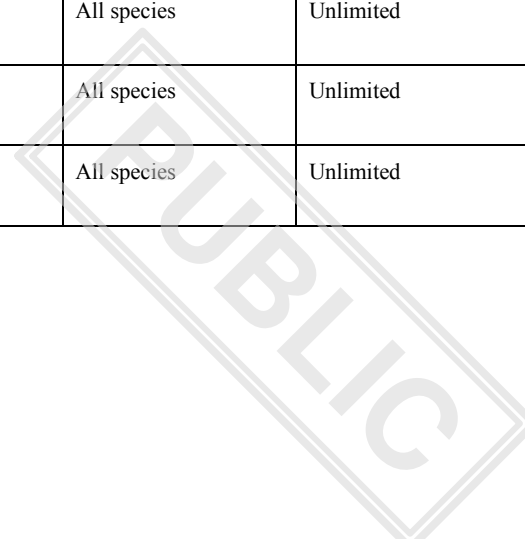
(3) Coastal waters of Denmark

| 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 ³¹) | Sweden | All species | Unlimited |
| Baltic Sea (3 to 12 miles) | Sweden | All species | Unlimited |



¹ Measured from the coastline.

(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 |
| 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) | | | |

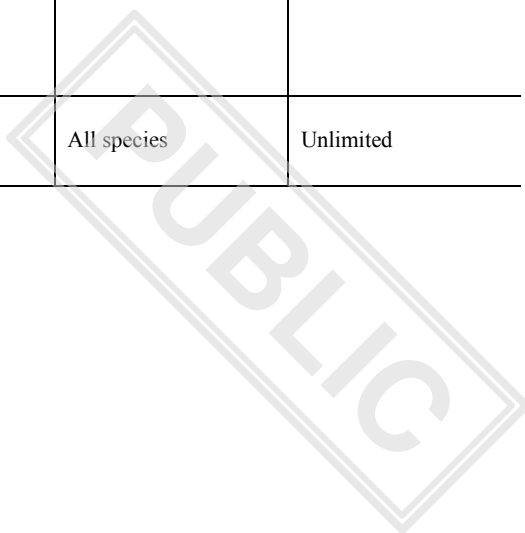
| | | | |
|---|-------------|-------------|--|
| Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE) | Belgium | Demersal | Unlimited |
| | | Scallops | Unlimited |
| | Netherlands | All species | Unlimited |
| Dunkerque (2° 20' E) to Cap 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 |

² 3 to 12 miles around Bogskär Isles.

(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 |

(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. | | | |

cc

³ Measured from the coastline.