

Brussels, 20 September 2022

Interinstitutional files:
2021/0176 (COD)

WK 12133/2022 INIT

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Fisheries Policy
N° Cion doc.:	ST 10417/21 + ADD 1 + COR1 + COR1 ADD1
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 – Revised mandate in view of a trilogue

Delegations will find hereafter a four-column table in view of preparing the Political trilogue on 29 September on the above-mentioned file.

The fourth column contains and explains the Presidency's suggested changes to the Council mandate in order to reach compromises in the inter-institutional negotiations.

Please note that only rows with amendments to the original Commission proposal have been included in the table (rows 16, 16a, 16b, 16c, 17, 17a, 22a, 22b, 307, 309, 416, 452). Rows 307 and 309 refer to a table in the Annex of the Commission proposal, which is attached at the end of the document for clarity and ease of reference.


Delegations are kindly requested to provide input on individual rows with comments/suggestions.

This document will be discussed in the Working Party on Fisheries Policy on 22 September 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
2021/0176(COD)**

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
Recital 7				
16	(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.		(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. <i>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.</i>	<p>[Package deal with rows 16c and 22b]</p> <p>In view of a compromise, flexibility to accept additional wording along the following lines:</p> <p>(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, taking into account a prior assessment on the functioning of the CFP.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
Recital 7a				
16a		<p><u>(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 part^{1a}, a review 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.^{1a}</u></p> <p><u>1a. 1a OJ L 149, 30.4.2021, p. 10.</u></p>		<p>[Package deal with rows 16b and 22a]</p> <p>In view of a compromise, flexibility to accept EP amendment along the following lines:</p> <p>(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 part^{1a}, 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.^{1a}</p> <p>1a. 1a OJ L 149, 30.4.2021, p. 10.</p>
Recital 7b				
16b		<p><u>(7b) The Commission should be required to assess the general rules on access to waters referred to in Article 5 of Regulation (EU) No 1380/2013 before the expiry of the</u></p>		<p>[Package deal with rows 16a and 22a]</p> <p>Delegations are asked if they can support proposal 1 and/or proposal 2</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
		<p><u>derogations. That assessment should be carried out at least one year before the expiry of the derogations.</u></p>		<p>Proposal 1: compromise proposal of the EP, which merges parts of EP amendments in rows 16b and 17a.</p> <p>Flexibility on this proposal would facilitate reaching an agreement, including flexibility around a date for the assessment between 31 December 2030 and 31 December 2031.</p> <p>(7b) The Commission should be required to assess 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 assessment should be carried out by 30 June 2031 and, among others, take into account the social, economic and environmental aspects, the evolution of the Union fleet in recent years, as well as external dimensions, such as consequences of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union.</p> <p>Proposal 2 : Flexibility to agree along the following lines would facilitate reaching an agreement, including flexibility around a date for the assessment between 31 December 2030 and 31 December 2031:</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
			PUBLIC	(7b) The Commission should be required to assess 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 assessment should be carried out by 30 June 2031 and shall take into account all relevant internal and external dimensions, including consequences of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union and evolution of the Union fleet in recent years.
Recital 7c				
16c		<u>(7c) In order to ensure continuous assessment of the Common Fisheries Policy, the Commission's obligation to assess its functioning should be renewed every five years.</u>		[Package deal with rows 16 and 22b] (7c) Reject the EP amendment. The Commission may make a statement on an assessment of the CFP.
Recital 8				
17	(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 and following a joint request by Italy and Greece		(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. <i>Annex I of Regulation (EU) No 1380/2013</i>	Defend the Council mandate. (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

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
	regarding the access of Italian vessels to the Ionian, Aegean and Libyan Seas.		<i>should also be amended-and</i> following a joint request by Italy and Greece regarding the access of Italian <i>fishing</i> 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 the present Regulation, Aegean and Libyan Seas.	European Union. Annex I of 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 the present Regulation, Aegean and Libyan Seas.
Recital 8a				
17a		<u>(8a) Annex I to Regulation (EU) No 1380/2013 should be amended to take into account the social, economic and environmental consequences of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union on Union fisheries, as well as the evolutions of the Union fleet in recent years.</u>		(8a) Reject EP amendment.
Article 1, first paragraph, point (1a)				
22a		<u>(1a) In Article 5, the following paragraph is added:</u> <u>'4a. The Commission shall report to the European Parliament and to the Council on the assessment of</u>		[Package deal with rows 16a and 16b] Flexibility to accept the EP amendment, redrafted along the following lines, including

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
		<u><i>the application of this article by 31 December 2029.</i></u>		flexibility to accept a date for the assessment between 31 December 2030 and December 2031: (1a) In Article 5, the following paragraph is added: '4a. The Commission shall carry out an assessment of the application of this Article and report to the European Parliament and to the Council on the assessment by 30 June 2031'.
Article 1, first paragraph, point (1b)				
22b		<u><i>(1b) In Article 49, the following paragraph is added: 'After that date, the Commission shall report to the European Parliament and to the Council every five years.'</i></u>		[Package deal with rows 16 and 16c] (1b) Reject EP amendment. The Commission may make a statement on an assessment of the CFP.
Annex, amending provision, numbered paragraph (5), Table 8, Column 4, Row 3				
307	Unlimited	“ Unlimited <u><i>(with the exception of vessels using Danish seine or Scottish seine)</i></u>		Reject EP amendment. For clarity, the relevant table from the Annex of the Commission proposal is attached at the end of this document, with the amendment, as proposed by the EP. “ Unlimited

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
Annex, amending provision, numbered paragraph (5), Table 8, Column 4, Row 5				
309	Unlimited	Unlimited <u>(with the exception of vessels using Danish seine or Scottish seine)</u>	“	<p>Reject EP amendment.</p> <p>For clarity, the relevant table from the Annex of the Commission proposal is attached at the end of this document, with the amendment, as proposed by the EP.</p> <p>Unlimited</p> <p>“</p>
Annex, amending provision, numbered paragraph (7), introductory part				
416	(7) Coastal waters of Croatia		<p>“</p> <p>(7) Coastal waters of Croatia ⁽¹⁾</p> <p><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.</i></p>	<p>Defend Council mandate.</p> <p>“</p> <p>(7) Coastal waters of Croatia ⁽¹⁾</p> <p><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.</i></p>
Annex, amending provision, numbered paragraph (9), introductory part				
452	(9) Coastal waters of Slovenia		<p>(9) Coastal waters of Slovenia ⁽¹⁾</p> <p><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</i></p>	<p>Defend Council mandate.</p> <p>(9) Coastal waters of Slovenia ⁽¹⁾</p> <p><i>(1) The above mentioned regime shall apply from the full implementation of the arbitration award</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency mandate
			<i>Government of the Republic of Croatia, signed in Stockholm on 4 November 2009.</i>	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.

EP amendments in rows 307 and 309:

(5) Coastal waters of France and the overseas departments

Geographical area	Member State	Species	Importance or particular characteristics
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Belgium	Demersal	Unlimited <u>(with the exception of vessels using Danish seine or Scottish seine)</u>
		Scallops	Unlimited
	Netherlands	All species	Unlimited <u>(with the exception of vessels using Danish seine or Scottish seine)</u>