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*Plenary sitting*

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**A9-0206/2022**

14.7.2022

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## **REPORT**

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))

Committee on Fisheries

Rapporteur: Pierre Karleskind

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in bold italics. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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 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;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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<sup>1a</sup>, 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.*

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<sup>1a</sup> *OJ L 149, 30.4.2021, p. 10.*

## **Amendment 2**

### **Proposal for a regulation Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**(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 at least one year before the expiry of the derogations.*

## **Amendment 3**

### **Proposal for a regulation Recital 7 c (new)**

*Text proposed by the Commission*

*Amendment*

**(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.*

## **Amendment 4**

### **Proposal for a regulation Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8 a) 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.**

## **Amendment 5**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EU) No 1380/2013

Article 1 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) In Article 5, the following paragraph is added:**

**‘4a. The Commission shall report to the European Parliament and to the Council on the assessment of the application of this article by 31 December 2029.’.**

## **Amendment 6**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 b (new)**

Regulation (EU) No 1380/2013

Article 49 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(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.’.**

## Amendment 7

### Proposal for a regulation

#### Annex

Regulation (EU) No 1380/2013

Annex 1 – point 5 – row 3

*Text proposed by the Commission*

Belgian/French frontier to east of Departement Manche (Vire- Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Belgium	Demersal	Unlimited
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*Amendment*

Belgian/French frontier to east of Departement Manche (Vire- Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Belgium	Demersal	Unlimited ( <i>with the exception of vessels using Danish seine or Scottish seine</i> )
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## Amendment 8

### Proposal for a regulation

#### Annex

Regulation (EU) No 1380/2013

Annex 1 – point 5 – row 5

*Text proposed by the Commission*

Belgian/French frontier to east of Departement Manche (Vire- Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Netherlands	All species	Unlimited
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*Amendment*

Belgian/French frontier to east of Departement Manche (Vire- Grandcamp les Bains estuary 49° 23' 30" N-1° 2' WNNE)	Netherlands	All species	Unlimited ( <i>with the exception of vessels using Danish seine or Scottish seine</i> )
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## EXPLANATORY STATEMENT

### Background of the Commission proposal

Article 5(2) of Regulation (EU) No 1380/2013 on the Common Fisheries Policy establishes a derogation for the 12 nautical mile zone of Member States (territorial waters) from the general equal access rule for Union fishing vessels to Union waters and resources set out in Article 5(1) of that regulation. The derogation authorises Member States to restrict fishing in the 12 nautical mile zone to certain vessels. The restrictions put in place by Member States on the basis of the derogation have reduced fishing pressure in the most biologically sensitive areas and have contributed to economic stability for small-scale coastal activities.

Article 5(3) of Regulation (EU) No 1380/2013 establishes a similar derogation for waters up to 100 nautical miles from the baselines of the Union's outermost regions referred to in the first paragraph of Article 349 of the Treaty. The derogation allows the Member States concerned to restrict fishing to vessels registered in the ports of those territories.

The derogations are in place until 31 December 2022, and the Commission proposal aims to avoid a discontinuation of the specific access regime set out in Articles 5(2) and 5(3) of the Regulation. It proposes an amendment to the relevant provisions of the Regulation to extend the period during which Member States can restrict access to their waters under these provisions for a further period of 10 years.

Furthermore, an amendment is proposed to Annex I of Regulation (EU) No 1380/2013. Annex I fixes, for each Member State, the geographical zones within the coastal bands of other Member States where it may pursue fishing activities and which species it may fish. This amendment reflects the United Kingdom's exit from the European Union, as well as a joint communication from Italy and Greece to the Commission of 9 June 2020 regarding the access of Italian fishing vessels to Greek territorial waters as reflected in the bilateral agreement between the Member States concerned. Finally, following the judgment in Case C-457/18, the footnotes referring to the Arbitration Agreement between Slovenia and Croatia, signed in Stockholm on 4 November 2009, should be removed from Annex I for lack of EU competence in border matters.

### Position of the Rapporteur

Paragraphs 2 and 3 of Article 5 of Regulation (EU) No 1380/2013 specify the authorised derogations allowed from the principle of equal access to waters and resources in all Union waters. These derogations apply until 31 December 2022.

The EU-UK Trade and Cooperation Agreement will be reviewed in 2030, four years after the end of the adjustment period ending on 30 June 2026. The rapporteur believes that 31 December 2032 is an appropriate deadline for that review to be completed.

Furthermore, the rapporteur believes that the Commission should assess the impact of these rules on access to waters at least one year before the derogations expire, before the co-legislators can take a position on a potential renewal after 2032. The consequences and impacts of these

derogations should be quantified, qualified and measured in order to be able to make an informed decision going forward.

Under Article 49 of Regulation (EU) No 1380/2013, the Commission will carry out an assessment of the functioning of the Common Fisheries Policy by 31 December 2022. In order to ensure continuous assessment of the CFP, the rapporteur believes that this obligation should be renewed every five years.

## **OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT**

for the Committee on Fisheries

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))

Rapporteur for the opinion: Mathilde Androuët (Simplified procedure – Rule 52(1) and (3) of the Rules of Procedure)

### **SHORT JUSTIFICATION**

#### **A. Objectives and content of the present proposal**

The proposal aims to extend the existing derogations concerning restrictions on access to EU waters for a further 10 years in order to ensure the continuity of the protective measures in force and to avoid disturbing the balance that has gradually developed following the introduction of this special regime.

Under Regulation (EU) No 1380/2013 on the CFP, 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;
- Restrict access to waters up to 100 nautical miles from the baselines of the EU outermost regions referred to in the first paragraph of Article 349 of the Treaty to vessels registered in the ports of those territories.

As these derogations are in place until 31 December 2022, the proposal has been designed to avoid a discontinuation of the specific access regime whose objective remains as valid today as it was in previous decades. This is due to the current conservation state of many stocks, the continued sensitivity of coastal waters for conservation and ongoing difficulties in coastal areas that are highly dependent on fisheries and unlikely to benefit from other economic development.

The proposal also amends Annex I to Regulation (EU) No 1380/2013 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 concerning access for Italian vessels to the Ionian Sea, the Aegean Sea and the Libyan Sea. Annex I fixes, for each Member State, the geographical zones within the coastal bands of other Member States where it may pursue fishing activities and which species it may fish.

#### **B. Assessment of the rapporteur**

Your rapporteur is aware of the critical conservation state of many stocks, the continued sensitivity of coastal waters for conservation and ongoing difficulties in coastal areas that are highly dependent on fisheries and unlikely to benefit from other economic development.

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.

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.

The objectives for the specific regime remain as valid as they were in previous decades.

For these reasons, the Rapporteur considers that this proposal is justified and agrees with the Commission proposal. She therefore suggests to the lead committee that the proposed decision be approved by Parliament without amendment, under the simplified procedure set out in Rule 52(1) of the Rules of Procedure.

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The Committee on Regional Development calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament adopts its position at first reading taking over the Commission proposal.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	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
<b>References</b>	COM(2021)0356 – C9-0254/2021 – 2021/0176(COD)
<b>Committee responsible</b> Date announced in plenary	PECH 8.7.2021
<b>Opinion by</b> Date announced in plenary	REGI 8.7.2021
<b>Rapporteur</b> Date appointed	Mathilde Androuët 13.7.2021
<b>Simplified procedure – date of decision</b>	21.4.2022
<b>Date adopted</b>	21.4.2022

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	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		
<b>References</b>	COM(2021)0356 – C9-0254/2021 – 2021/0176(COD)		
<b>Date submitted to Parliament</b>	5.7.2021		
<b>Committee responsible</b> Date announced in plenary	PECH 8.7.2021		
<b>Committees asked for opinions</b> Date announced in plenary	DEVE 8.7.2021	ENVI 8.7.2021	REGI 8.7.2021
<b>Not delivering opinions</b> Date of decision	DEVE 9.11.2021	ENVI 29.9.2021	
<b>Rapporteurs</b> Date appointed	Pierre Karleskind 15.9.2021		
<b>Discussed in committee</b>	25.4.2022		
<b>Date adopted</b>	12.7.2022		
<b>Result of final vote</b>	+: 16 -: 10 0: 0		
<b>Members present for the final vote</b>	Clara Aguilera, Pietro Bartolo, Izaskun Bilbao Barandica, Isabel Carvalhais, Rosanna Conte, Rosa D’Amato, Søren Gade, Anja Hazekamp, Niclas Herbst, Jan Huitema, Ladislav Ilčíč, France Jamet, Pierre Karleskind, Predrag Fred Matić, Francisco José Millán Mon, João Pimenta Lopes, Manuel Pizarro, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Peter van Dalen, Theodoros Zagorakis		
<b>Substitutes present for the final vote</b>	Benoît Biteau, Cláudia Monteiro de Aguiar		
<b>Substitutes under Rule 209(7) present for the final vote</b>	Agnès Evren, Claude Gruffat		
<b>Date tabled</b>	14.7.2022		

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

16	+
ECR	Ladislav Ilčić
ID	Rosanna Conte, France Jamet
PPE	Agnès Evren
RENEW	Pierre Karleskind
S&D	Clara Aguilera, Pietro Bartolo, Isabel Carvalhais, Predrag Fred Matić, Manuel Pizarro
THE LEFT	Anja Hazekamp, João Pimenta Lopes
VERTS/ALE	Benoît Biteau, Rosa D'Amato, Claude Gruffat, Caroline Roose

10	-
ECR	Bert-Jan Ruissen
PPE	Peter van Dalen, Niclas Herbst, Francisco José Millán Mon, Cláudia Monteiro de Aguiar, Annie Schreijer-Pierik, Theodoros Zagorakis
RENEW	Izaskun Bilbao Barandica, Søren Gade, Jan Huitema

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention