

## Recommendation n° 20

about the amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards **restrictions on access to Union waters**

The Outermost Regions Advisory Council (CCRUP) is concerned about the requirements of Article 5 of Common Fisheries Policy (CFP) Regulation 1380/2013, as its redaction does not allow an effective application of the rule<sup>1</sup>.

Considering the point (21) of Regulation 1380/2013<sup>2</sup>: *«Marine biological resources around the Union outermost regions referred to in the first paragraph of Article 349 of the Treaty should be especially protected since they contribute to the preservation of the local economy of those territories, having regard to their structural, social and economic situation. Certain fishing activities in those waters should therefore be limited to fishing vessels registered in the ports of those territories»*

Considering Article 5, paragraph 2, of Regulation 1380/2013<sup>2</sup>, it is established that, until 31<sup>st</sup> of December of 2022: *«In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorized, 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 neighborhood 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»*

Also considering the paragraph 3 and 4 of the same article 5<sup>2</sup>:

*Paragraph 3. «In the 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, the Member States concerned shall be authorized, until 31 December 2022, to restrict fishing to vessels registered in the ports of those territories. Such restrictions shall not apply to Union vessels that traditionally fish in those waters, in so far as those vessels do not exceed the fishing effort traditionally exerted. Member States shall inform the Commission of the restrictions put in place under this paragraph. »*

*Paragraph 4. «The measures which are to apply after the expiry of the arrangements set out in paragraphs 2 and 3 shall be adopted by 31 December 2022. »*

We verify that, according to the above-mentioned rules, it is left to the Member State to decide it's application.

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<sup>1</sup> Particularly on Canaries Islands

<sup>2</sup> 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/

**Therefore, CCRUP considers that the rules set out in this new proposal for a regulation<sup>3</sup> should be mandatory, so that the Member States should be obliged to adopt these measures, restricting access to waters both within 12 miles and the 100 miles in the outermost regions. These restrictions should be extended until 31<sup>st</sup> of December of 2032.**

Our members from the Canary Islands, further state that Spain, has not taken any restrictive measures regarding access to Canary Islands waters since 2013 (the year of entry into force of the CFP Regulation) and that it has not consulted the fisheries sector or other organizations related to the marine environment, in relation to this possibility, so they consider that the effectiveness of this regulation has been null up to date. They also consider that the Spanish public administration, has not made an effort to study the environmental status of the marine resources of the Canary Islands archipelago, in relation to the fisheries sector and - on the contrary - has continued to authorize fishing by vessels not registered at Canary Islands' ports.

The President of the Executive Committee of the CC RUP,

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(David Pavón González)

Praia da Vitória, 24 of August of 2021

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<sup>3</sup> Commission delegated regulation (UE) amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions on access to Union waters