

ANNEX 38

PROTOCOL
ON ACCESS TO WATERS

The United Kingdom and the Union

AFFIRMING the sovereign rights and obligations of independent coastal States exercised by the Parties;

EMPHASISING that the right of each Party to grant vessels of the other Party access to fish in its waters is ordinarily to be exercised in annual consultations following the determination of TACs for a given year in annual consultations;

NOTING the social and economic benefits of a further period of stability, during which fishers would be permitted until 30 June 2026 to continue to access the waters of the other Party as before the entry into force of this Agreement;

HAVE AGREED as follows:

ARTICLE 1

An adjustment period is hereby established. The adjustment period shall last from 1 January 2021 until 30 June 2026.

ARTICLE 2

1. By way of derogation from Article 500(1), (3), (4), (5), (6) and (7) of this Agreement, during the adjustment period each Party shall grant to vessels of the other Party full access to its waters to fish:
 - (a) stocks listed in Annex 35 and in tables A, B and F of Annex 36 at a level that is reasonably commensurate with the Parties' respective shares of the fishing opportunities;
 - (b) non quota stocks at a level that equates to the average tonnage fished by that Party in the waters of the other Party during the period 2012-2016;
 - (c) for qualifying vessels to the zone in the waters of the Parties between six and twelve nautical miles from the baselines in ICES divisions 4c and 7d-g to the extent that each Party's qualifying vessels had access to that zone on 31 December 2020.

For the purposes point (c), "qualifying vessel" means a vessel of a Party, which fished in the zone mentioned in the previous sentence in at least four years between 2012 and 2016, or its direct replacement.
 2. The Parties shall notify the other Party of any change in the level and conditions of access to waters that will apply from 1 July 2026.
 3. Article 501 of this Agreement shall apply *mutatis mutandis* in relation to any change under paragraph 2 of this Article in respect of the period from 1 July 2026 to 31 December 2026.
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