



## EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

Brussels, 10 September 2025  
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2024/0224(COD)

PE-CONS 19/25

PECHE 142

### LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1026/2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

**REGULATION (EU) 2025/...**  
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of ...

**amending Regulation (EU) No 1026/2012**  
**on certain measures for the purpose of the conservation of fish stocks**  
**in relation to countries allowing non-sustainable fishing**

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) and Article 207 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 Committee<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

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<sup>1</sup> OJ C, C/2025/1191, 21.3.2025, ELI: <http://data.europa.eu/eli/C/2025/1191/oj>.

<sup>2</sup> Position of the European Parliament of 9 July 2025 (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

- (1) In line with the United Nations Convention on the Law of the Sea of 10 December 1982<sup>3</sup> ('UNCLOS') and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995<sup>4</sup> ('UNFSA'), the management of certain straddling and highly migratory fish stocks requires the cooperation of all the countries whose fleets exploit that stock. Such cooperation could be established within the framework of regional fisheries management organisations (RFMOs) or by means of ad hoc arrangements among the countries having an interest in the fishery concerned.

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<sup>3</sup> United Nations Convention on the Law of the Sea (OJ L 179, 23.6.1998, p. 3, ELI: <http://data.europa.eu/eli/convention/1998/392/oj>).

<sup>4</sup> Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 17, ELI: [http://data.europa.eu/eli/agree\\_internation/1998/414/oj](http://data.europa.eu/eli/agree_internation/1998/414/oj)).

- (2) Regulation (EU) No 1026/2012 of the European Parliament and of the Council<sup>5</sup> establishes a framework to allow for the identification and the adoption of measures with regard to third countries which fail to cooperate and allow non-sustainable fishing of a stock of common interest for the Union.
- (3) In accordance with Regulation (EU) No 1026/2012, it is possible for a country to be identified as allowing non-sustainable fishing if, inter alia, it fails to cooperate in the management of a stock of common interest in full compliance with the provisions of the UNCLOS and the UNFSA, or any other international agreement or rule of international law, and if it fails to adopt necessary fishery management measures.
- (4) A definition of ‘failure to cooperate’ should be introduced in order to better define, for the purposes of Regulation (EU) No 1026/2012, the scope and meaning of the requirement to cooperate pursuant to UNCLOS and UNFSA.
- (5) The ‘best available scientific advice’ should be understood to refer to publicly available scientific advice that is supported by the most up-to-date scientific data and methods and that has been either issued or reviewed by an independent scientific body that is recognised at Union or international level.

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<sup>5</sup> Regulation (EU) No 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing (OJ L 316, 14.11.2012, p. 34, ELI: <http://data.europa.eu/eli/reg/2012/1026/oj>).

- (6) It is also necessary to clarify that it should be possible for a country to be considered as allowing non-sustainable fishing if it does not implement or enforce the necessary fishery management measures, and that such measures include control measures, including within the framework of RFMOs.
- (7) It is also appropriate to reinforce the procedures prior and subsequent to the adoption of measures in respect of countries allowing non-sustainable fishing, including within the framework of RFMOs.
- (8) In order to assess the appropriate measures to be taken with regard to a country allowing non-sustainable fishing, it is necessary to provide for an accurate understanding of the trade relations of the Union with the country under evaluation, including by assessing historical data for imported products that reflect the real import patterns in relation to that country.
- (9) Regulation (EU) No 1026/2012 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

## *Article 1*

Regulation (EU) No 1026/2012 is amended as follows:

(1) Article 2 is amended as follows:

(a) point (b) is replaced by the following:

‘(b) “associated species” means any fish that belongs to the same ecosystem as the stock of common interest and that preys upon that stock, is preyed on by it, competes with it for food and living space or co-occurs with it in the same fishing area, and that is exploited or accidentally taken, including as by-catch, in the same fishery or fisheries;’;

(b) point (f) is replaced by the following:

‘(f) “unsustainable state” means the condition where the stock is not continuously maintained at or above the levels that can produce maximum sustainable yield or, if those levels cannot be estimated, where the stock is not continuously maintained within safe biological limits in line with the precautionary approach to fisheries management as referred to in Article 6 of UNFSA; the stock levels determining whether the stock is in an unsustainable state are to be determined on the basis of best available scientific advice;’;

(c) the following point is added:

‘(i) “failure to cooperate” means the failure by countries to engage in good faith and have meaningful consultations, including within the framework of RFMOs, in which substantial effort is made with a view to reaching an agreement on the adoption of necessary fishery management measures, and examples of failure to cooperate include, but are not limited to:

- (1) refusing to consult or to involve in consultations all the relevant coastal States and fishing States;
- (2) unjustified unilateral breaking-off of consultations;
- (3) undue delays, including in replying to requests or engaging in consultations;
- (4) withholding information relevant for consultations;
- (5) making unreasonable information requests;
- (6) disregarding agreed procedures;
- (7) systematically refusing to take into consideration counter-proposals or other parties’ interests;
- (8) systematically insisting upon own positions for an extended period, irrespective of flexibility offered by other parties in the consultations;

- (9) refusing to take into account the best available scientific advice or historic fishing activities regarding the relevant stock or stocks;
- (10) while consultations for comprehensive sharing arrangements are on-going, pursuing consultations with a view to concluding partial sharing arrangements, or subsequently concluding such partial sharing arrangements, excluding some relevant coastal States or fishing States for stocks of common interest.’;

(2) in Article 3, point (b), points (i) and (ii) are replaced by the following:

- ‘(i) it fails to adopt, implement or enforce necessary fishery management measures, including control measures, ensuring the effective conservation and management of stocks of common interest, including within the framework of an RFMO or where agreed bilaterally or multilaterally; or
- (ii) it adopts fishery management measures, such as quotas or discriminatory measures, without due regard to the rights, interests and duties of other countries and the Union, and those fishery management measures, when considered in conjunction with measures taken by other countries and the Union, lead to fishing activities which could result in the stock being in an unsustainable state; this condition is considered to be complied with also where the fishery management measures adopted by that country did not lead to the stock being in an unsustainable state solely due to measures adopted by others.’;



(3) Article 6 is amended as follows:

(a) the title is replaced by the following:

*‘Procedures prior and subsequent to the adoption of measures in respect of countries allowing non-sustainable fishing’;*

(b) paragraph 1 is replaced by the following:

‘1. Where the Commission considers that it is necessary to adopt measures referred to in Article 4, it shall notify the country concerned of the intention to identify it as a country allowing non-sustainable fishing. In such cases, the European Parliament and the Council shall be immediately informed and regularly updated on developments and the actions taken.’;

(c) the following paragraph is inserted:

‘2a. Where the stock of common interest falls under the scope of an RFMO, the Commission shall raise the matter of a country allowing non-sustainable fishing with the compliance body of that RFMO prior to the notification under paragraph 1, as applicable, with a view to remedying the situation.’;

(d) paragraph 3 is replaced by the following:

- ‘3. Prior to the adoption of measures pursuant to Article 4, the Commission shall provide the country concerned with a reasonable opportunity to respond to the notification referred to in paragraph 1 of this Article in writing and to provide any relevant information.’;

(e) the following paragraphs are added:

- ‘4. The Commission shall give the country concerned a maximum of 90 days to reply to the notification referred to in paragraph 1 and a reasonable time to remedy the situation.
5. Following the adoption of measures pursuant to Article 4, the Commission shall continue to engage and maintain an open dialogue with the country concerned and shall promote cooperation bilaterally and multilaterally, with a view to that country ceasing to allow non-sustainable fishing.
6. Where the country concerned enters into consultations with the Union in good faith, the Commission shall engage in such consultations without delay.’;

(4) in Article 7, paragraph 1 is replaced by the following:

- ‘1. The measures referred to in Article 4 shall cease to apply when the country allowing non-sustainable fishing adopts appropriate corrective measures necessary for the conservation and management of the stock of common interest and those corrective measures:
- (a) have either been adopted autonomously or have been agreed in the context of consultations with the Union and, where applicable, other countries concerned or within the framework of RFMOs; and
  - (b) do not undermine the effect of measures taken by the Union, whether autonomously, in cooperation with other countries or within the framework of RFMOs, for the purpose of the conservation of the fish stocks concerned.’.

*Article 2*

This Regulation shall enter into force on the twentieth 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.

Done at ..., ...

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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