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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a 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 - Outcome of the European Parliament's first reading (Strasbourg, 7 to 10 July 2025)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this proposal at first reading.

In this context, the rapporteur Thomas BAJADA (S&D, MT), presented a compromise amendment (amendment number 26) to the abovementioned proposal for a Regulation on behalf of the Committee on Fisheries (PECH). This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 9 July 2025, the plenary adopted the compromise amendment (amendment number 26) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

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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

European Parliament legislative resolution of 9 July 2025 on the proposal for a 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 (COM(2024)0407 – C10-0098/2024 – 2024/0224(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2024)0407),
 - having regard to Article 294(2) and Articles 43(2) and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0098/2024),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 January 2025³,
 - having regard to the provisional agreement approved by the committee responsible under Rule 75(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 11 June 2025 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 60 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A10-0070/2025),
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.

³ OJ C, C/2025/1191, 21.3.2025, ELI: <http://data.europa.eu/eli/C/2025/1191/oj>.

Position of the European Parliament adopted at first reading on 9 July 2025 with a view to the adoption of Regulation (EU) 2025/... 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

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 Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C, C/2025/1191, 21.3.2025, ELI: <http://data.europa.eu/eli/C/2025/1191/oj>.

⁵ Position of the European Parliament of 9 July 2025.

Whereas:

- (1) In line with the United Nations Convention on the Law of the Sea of 10 December 1982⁶ ('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 1995⁷ ('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.*
- (2) Regulation (EU) No 1026/2012 of the European Parliament and of the Council⁸ 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.

⁶ 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>).

⁷ 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).

⁸ 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>).

- (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.***

- (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

For the Council

The President

The President
