



Brussels, 5 December 2024  
(OR. en)

16132/24

LIMITE

PECHE 489  
CODEC 2209

---

---

Interinstitutional File:  
2024/0224(COD)

---

---

### 'I' ITEM NOTE

---

From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)  
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  
- Mandate for negotiations with the European Parliament

---

1. On 13 September 2024, the European Commission adopted the above-mentioned proposal and submitted it to the European Parliament and to the Council<sup>1</sup>. The proposal clarifies certain elements of Regulation (EU) No 1026/2012 on measures against countries allowing non-sustainable fishing. It aims to increase legal certainty and to reinforce the process of cooperation with third countries before and after the EU takes measures.
2. The Working Party on Fisheries Policy examined the proposal on 3 October 2024. On 25 November and 2 December, the Working Party examined a Presidency compromise and a revised version thereof<sup>2</sup>, based on written and oral comments of delegations<sup>3</sup>. On 5 December, the Working Party examined a second revised Presidency compromise<sup>4</sup> and agreed with that text. Denmark informed the Working Party that it would abstain in any vote on the proposal.
3. The Permanent Representatives Committee is invited to confirm the agreement reached at the level of the Working Party, set out in the annex to this note, and to endorse a mandate with a

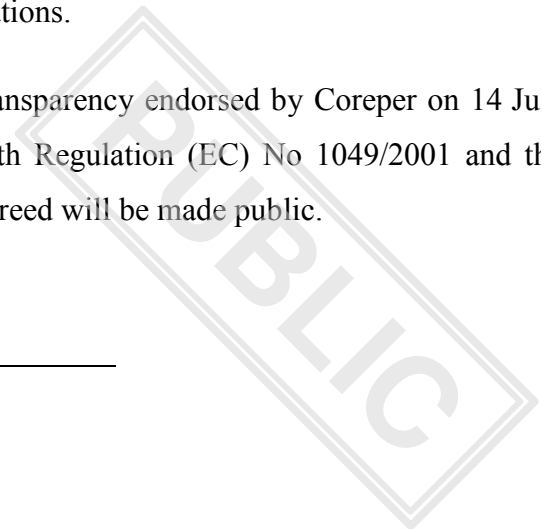
---

<sup>1</sup> doc. 13384/24 + COR 1  
<sup>2</sup> doc. 15339/24 and 15339/24 REV1  
<sup>3</sup> doc. 14509/24 + ADD1  
<sup>4</sup> doc. 15339/24 REV2

view to starting negotiations with the European Parliament on the above-mentioned proposal as soon as the Parliament is ready for such negotiations.

4. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020 (doc. 9493/20), and in full consistency with Regulation (EC) No 1049/2001 and the Council's Rules of Procedure, the mandate thus agreed will be made public.

---



Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU)**

**.../...**

**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,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In line with the United Nations Convention on the Law of the Sea of 10 December 1982<sup>5</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>6</sup> ('UNFSA'), the management of certain straddling and highly

---

<sup>5</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>6</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).

migratory fish stocks requires the cooperation of all the countries whose fleets exploit that stock.

- (21) Regulation (EU) No 1026/2012<sup>7</sup> of the European Parliament and of the Council establishes a framework to allow for the identification and the adoption of measures with regard to third countries which fail to cooperate and allow ~~un~~non-sustainable fishing of a stock of common interest for the Union.
- (32) In accordance with Regulation (EU) No 1026/2012 a country may be identified as allowing non-sustainable fishing if, among others, 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 with any other international agreement or ~~non~~rule of international law, and if it fails to adopt necessary fishery management measures.
- (43) 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.
- (54) It is also necessary to clarify that a country may be considered as allowing non-sustainable fishing if it does not implement the necessary fishery management measures, and that those measures include control measures.
- (65) It is also appropriate to reinforce the procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing.
- (76) 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) in Article 2, the following point-(1) is added:

“

---

<sup>7</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>).

- (i) 'failure to cooperate' means the failure to engage in good faith and have meaningful consultations, in which substantial effort is made, with a view to reaching an agreement on the adoption of necessary fishery management measures; examples of failure to cooperate include, but are not limited to:
- (1) ~~refusing~~ to consult or to involve in the consultations all the relevant coastal States and/or fishing States;
  - ~~(2) refusal to involve in the consultations all the relevant coastal States and/or fishing parties;~~
  - ~~(3) unjustified unilateral breaking off of consultations;~~
  - ~~(4) undue delays~~ in replying to information requests;
  - ~~(5) making~~ unreasonable information requests;
  - ~~(6) disregarding~~ of 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 flexibilities and accommodations 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) pursuing consultations with a view to concluding partial sharing arrangements and/or, subsequently, concluding partial sharing arrangements~~ excluding some relevant coastal States and/or fishing parties States,—for stocks of common interest, while consultations for comprehensive sharing arrangements are still-on-going.”;

(2) in Article 3(b), point (i) is replaced by the following:

“(i) it fails to adopt or implement necessary fishery management measures, including control measures, in order to ensure the effective conservation and management of stocks of common interest; or”;

**(3)** Article 6 is amended as follows:

(a) the heading title is replaced by **the following:**

\_\_\_\_\_ “Procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing”;

(b) paragraph (3) is replaced by the following:

“3. Prior to adopting measures referred to in Article 4, the Commission shall provide the country concerned with a reasonable opportunity to respond to the notification in writing and to provide any relevant information.”;

(c) the following paragraphs ~~(4), (5) and (6)~~ are ~~inserted~~ **added**:

“

4. The Commission shall give to the country concerned adequate time to reply to the notification and a reasonable time to remedy the situation.

5. Following the adoption of measures pursuant to Article 4, the Commission shall continue to engage with the country concerned, 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** ~~expeditiously~~.”.

## *Article 2*

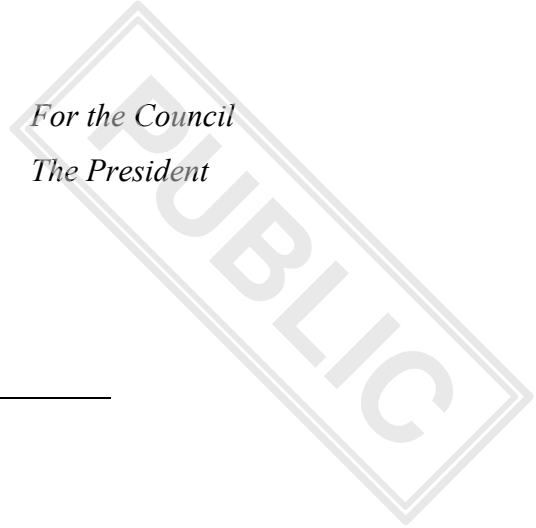
This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ~~Brussels~~,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



---