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From: General Secretariat of the Council
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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
– Letter to the Chair of the European Parliament Committee on Fisheries

Following the Permanent Representatives Committee meeting of 11 June 2025 which endorsed the final compromise text with a view to agreement as regards the abovementioned proposal, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Fisheries.



Council of the European Union

SGS 25/02258

Brussels, 11 June 2025

Ms Carmen Crespo Díaz
Chair of the Committee on Fisheries
European Parliament
Rue Wiertz 60
B-1047 Brussels

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

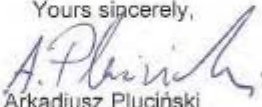
Dear Ms Crespo Díaz,

Following the interinstitutional meeting on 3 June 2025, where agreement was reached by our institutions on a draft compromise text, as set out in the Annex to this letter, I am pleased to inform you that the Permanent Representatives Committee decided today to approve this compromise text.

I am therefore able to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) of the Treaty on the Functioning of the European Union, in the exact same form as set out in the compromise text contained in the Annex to this letter, subject to revision by the lawyer-linguists of both institutions, the Council would, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to that position.

On behalf of the Council, I would like to thank you for your cooperation, which should enable us to rapidly reach agreement on this file at first reading.

Yours sincerely,


Arkadiusz Pluciński
Chairman of the Permanent
Representatives Committee
(Part 1)

Copy to: Mr Thomas Bajada, Rapporteur
Mr Costas Kadis, Commissioner

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PE-CONS No/YY - 2024/0224(COD)

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 Committee¹,

Acting in accordance with the ordinary legislative procedure²,

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

² Position of the European Parliament of ... (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 1982³ ('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 1995⁴ ('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 may be established in 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 1026/2012⁵ 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 *non-sustainable* fishing of a stock of common interest for the Union.

³ 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>).

⁴ 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_international/1998/414/oj).

⁵ 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 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 *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.
- (4a) *‘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 either been issued or reviewed by an independent scientific body that is recognised at Union or international level.*

- (5) It is also necessary to clarify that a country may be considered as allowing non-sustainable fishing if it does not implement *or enforce* the necessary fishery management measures, and that those measures include control measures, *including in the framework of RFMOs*.
- (6) It is also appropriate to reinforce the procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing, *including for countries within the framework of RFMOs*.
- (6a) *In order to assess the appropriate measures with regard to a country allowing non-sustainable fishing, it is necessary to provide for an accurate understanding of the trade relations with the third country under evaluation, including by assessing historical data for imported products that reflect the real import patterns in relation to that country.*
- (7) 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 these 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 third countries* to engage in good faith and have meaningful consultations, *including within RFMOs*, 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;*

■

(3) unjustified unilateral breaking off of consultations;

(4) undue delays, *including in replying to requests or engaging in consultations;*

(4a) 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 flexibilities 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 States for stocks of common interest, while consultations for comprehensive sharing arrangements are **■** on-going.”;

(2) in Article 3(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 in the framework of an RFMO or 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 to countries allowing non-sustainable fishing”;

(aa) *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 the developments and actions taken."

(ab) *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 third country allowing non-sustainable fishing practices at the compliance body of that RFMO prior to the notification under paragraph 1, as applicable, with a view to remedying the situation.";

(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 *are added*:

- “4. The Commission shall give to the country concerned *a maximum of 90 days* 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 *and maintain an open dialogue and shall promote cooperation bilaterally and multilaterally, with a view to* the country concerned **■** 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*.”.

(3a) *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 either autonomously, or 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
