

# Conservation of fish stocks: measures in relation to countries allowing non-sustainable fishing

2011/0434(COD) - 14/12/2011 - Legislative proposal

**PURPOSE:** to lay down the framework for the adoption of certain measures regarding fisheries-related activities and policies by third countries allowing non-sustainable fishing.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** as provided in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and in the UN agreement relating to fish stocks of 4 August 1995, the management of certain straddling and highly migratory fish stocks requires the cooperation of all the countries whose fleets exploit that stock in order to ensure their long-term sustainability, either by direct consultation amongst each other or via the appropriate Regional Fisheries Management Organisations (RFMOs).

However, the adoption of unilateral measures by certain States lacking good will to work towards agreed measures may lead to considerable depletion of the fish stock in question even if other States engage in moderating their fishing effort.

The EU being a lucrative market of destination for fisheries products, it has a particular responsibility in ensuring that the above-mentioned obligation of cooperation is respected.

Therefore, it is necessary to **provide the EU with the means to take effective measures against States not cooperating in good faith** in the adoption of agreed management measures or responsible for measures and practices that lead to over-exploitation of stocks, in order to create a disincentive for the continuation of this unsustainable fishing.

**IMPACT ASSESSMENT:** the impact assessment analysed the environmental, economic and social impacts of measures ranging from a "zero option" to a total ban on importations of the fish and fishery products in question, and including both measures that might extend beyond the trade context and non-legislative approaches. The conclusion of the impact assessment was that it would be pertinent to provide the EU with an instrument allowing the swift adoption of mostly trade-related measures. The measures would be introduced against countries which allow fishing that is conducted in a non-sustainable way that threatens the conservation of fish stocks. Indications of the possible form and content of the instrument were also suggested in the impact assessment.

**LEGAL BASIS:** Article 43(2) and 207 of the Treaty on the Functioning of the EU (TFUE).

**CONTENT:** the proposal aims to **lay down the framework for the adoption of certain measures regarding fisheries-related activities and policies by third countries** with the aim of ensuring long-term sustainability of fish stocks of common interest between the European Union and those third countries. Accordingly, the proposal:

- sets out a procedure so that equitable cost-effective measures can be taken in order to promote fisheries sustainability;
- describe which countries are to be targeted by the measures (countries allowing non-sustainable fishing), the different types of measures that may be adopted and the conditions determining where and when they may be adopted;

- stipulates that the measures are to be adopted as Commission implementing acts (in general the examination procedure would be applicable). Where a requirement for measures to be consistent with the EU international commitments is mentioned, it means that measures must be compatible with the obligations of the EU under the WTO Agreement, in particular as far as trade restrictions are concerned;
- defines certain due process steps than shall be undertaken prior to the adoption of the measures vis-à-vis the countries allowing non-sustainable fishing. These demarches should allow the countries concerned to be heard and provide them an opportunity to rectify their actions;
- determines the period of application of the measures, subject to the adoption of corrective measures by the countries concerned;

defines the Committee that will assist the Commission in implementing the Regulation.

**BUDGETARY IMPLICATIONS:** there are no budgetary implications for the EU.