

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

2011/0434(COD) - 25/10/2012 - Final act

PURPOSE: to establish a framework for the adoption of certain measures on the activities and policies related to the fishing carried out by third countries allowing non-sustainable fishing.

LEGISLATIVE ACT: Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing.

CONTENT: the Regulation concerns **certain measures applicable to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks.**

Under the terms of the Regulation, **a country may be identified as a country allowing non-sustainable fishing where:**

(1) it fails to cooperate in the management of a stock of common interest in full compliance with the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (“UNCLOS”) and in the United Nations 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 (“UNFSA”) or any other international agreement or norm of international law; and

(2) either:

- it fails to adopt necessary fishery management measures; or
- it adopts fishery management 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.

Mechanism foreseen: the Regulation provides a framework for the EU to take measures to protect fish stocks from third countries with unsustainable practices in the management of stocks which they share with the EU. The mechanism foreseen by the Regulation will have the effect of: (i) empowering the Commission to adopt these measures; (ii) ensuring that the proposed measures will be proportionate; (iii) ensuring the respect of international law; (iv) allowing the third countries concerned to comment and to amend the measures taken; (v) allowing for the speedy withdrawal of the measures when appropriate corrective actions have been taken.

Trade measures: by virtue of this Regulation, a range of trade measures may be taken such as:

- imposing quantitative restrictions on importations of fish from the stock of common interest and all associated species;
- imposing restrictions on the use of Union ports by vessels flying the flag of that country that fish the stock of common interest and/or associated species;
- imposing restrictions on the use of Union ports by vessels transporting fish and fishery products stemming from the stock of common interest and/or associated species that have been caught either by vessels flying the flag of that country or vessels authorised by that country to exploit the fishery;
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other restrictions aimed at preventing the use of EU fishing vessels to carry out fishing activity in the stock of common interest under the control of a country allowing non-sustainable fishing.

Whilst the Commission considers it necessary to adopt some restrictive measures, it must inform the country concerned of its intention to identify it as a country allowing non-sustainable fishing. In this case, **the European Parliament and the Council must be informed immediately.**

ENTRY INTO FORCE: 17/11/2012.