

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed 2011/0434(COD)
Conservation of fish stocks: measures in relation to countries allowing non-sustainable fishing See also 2013/2575(RSP)	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.15 Fisheries agreements and cooperation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		06/01/2012
		ALDE GALLAGHER Pat the Cope Shadow rapporteur PPE FRAGA ESTÉVEZ Carmen S&D CHRISTENSEN Ole	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		10/02/2012
		PPE PONGA Maurice	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3186	25/09/2012
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	DAMANAKI Maria	
European Economic and Social Committee			

Key events			
14/12/2011	Legislative proposal published	COM(2011)0888	Summary
17/01/2012	Committee referral announced in Parliament, 1st reading		
24/04/2012	Vote in committee, 1st reading		
25/04/2012	Committee report tabled for plenary, 1st	A7-0146/2012	Summary

	reading		
11/09/2012	Debate in Parliament		
12/09/2012	Results of vote in Parliament		
12/09/2012	Decision by Parliament, 1st reading	T7-0332/2012	Summary
25/09/2012	Act adopted by Council after Parliament's 1st reading		
25/10/2012	Final act signed		
25/10/2012	End of procedure in Parliament		
14/11/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0434(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	See also 2013/2575(RSP)
Legal basis	Treaty on the Functioning of the EU TFEU 207; Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/08238

Documentation gateway

Legislative proposal		COM(2011)0888	14/12/2011	EC	Summary
Document attached to the procedure		SEC(2011)1575	14/12/2011	EC	
Document attached to the procedure		SEC(2011)1576	14/12/2011	EC	
Committee draft report		PE480.752	08/02/2012	EP	
Amendments tabled in committee		PE483.785	05/03/2012	EP	
Committee opinion	DEVE	PE483.471	28/03/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0146/2012	25/04/2012	EP	Summary
Economic and Social Committee: opinion, report		CES1306/2012	23/05/2012	ESC	
Text adopted by Parliament, 1st reading/single reading		T7-0332/2012	12/09/2012	EP	Summary
Commission response to text adopted in plenary		SP(2012)665	11/10/2012	EC	
Draft final act		00039/2012/LEX	25/10/2012	CSL	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex
Final act	
Regulation 2012/1026 OJ L 316 14.11.2012, p. 0034 Summary	

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

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 that 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.

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

The Committee on Fisheries adopted the report by Pat the Cope GALLAGHER (ADLE, IE) on the proposal for a regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks.

The committee recommends that the European Parliaments position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

-The measures taken should aim to restrict imports of all fish and fishery products originating from a country allowing non-sustainable fishing, and not limited to the "stocks of common interest" or "associated species".

-The Commission proposal states that in adopting measures in accordance to the Regulation, the Commission shall evaluate the environmental, trade, economic and social effects of those measures in the short and long terms and the administrative burden associated to their implementation. Members consider that the Commission should ensure that the envisaged measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade.

-The evaluation report shall be made available to the European Parliament and the Council in accordance with the procedure provided for in Regulation No 182/2011 in addition to other documents provided for therein.

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

The European Parliament adopted by 659 votes to 11 with 7 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks

Parliament adopted its position on first reading following the ordinary legislative procedure. The amendments are the result of a compromise negotiated between Parliament and Council. The main amendments are as follows:

Unsustainable fish stocks: fish stocks should be considered to be in an unsustainable state when they are not continuously maintained at or above the levels that can produce maximum sustainable yield or, if these levels cannot be estimated, when the stocks are not continuously maintained within safe biological limits.

Country allowing non-sustainable fishing: the amended text clarifies that 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 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) it either

- fails to adopt necessary fishery management measures, or
- 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. 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.

Measures in respect of countries allowing non-sustainable fishing: where the Commission considers that it is necessary to adopt measures, 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.

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

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;
- 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.