

Linking trade and sustainability:

Regulation (EU) 1026/2012 on unsustainable fishing

Background:

- Regulation (EU) 1026/2012 allows the Commission to adopt **restrictive measures** (import bans and limitations on the use of EU ports inter alia) against **uncooperative third countries which allow unsustainable fishing on stocks of common interest**.
- Adopted in 2012 in the context of the failed discussions on the sharing of the mackerel stock in the Northeast Atlantic and contributing to reaching an agreement in mackerel in 2014.
- Important tool, the Regulation and its proposed amendment are WTO compatible.
- **Implementation needs to be WTO compliant too** (proportionality, non-discrimination principles, “even handedness”).
- Used only once (2013, against Faroes Islands. WTO case, never adjudicated because measures were then lifted in 2014).

Amendment proposal:

- 13 September 2024 - Commission adopted a proposal to amend this Regulation, with two main objectives:
 1. **Clarify the conditions** to trigger the Regulation;
 2. **Reinforce the due process and dialogue** (before and after adopting measures).
- **Technical amendment** (also due to constraints under the COM Better Regulation Framework – evaluation and impact assessment), but **political message**: we take sustainability and cooperation very seriously and we are reinforcing the tools at our disposal.

Content of COM proposal

- To reach **objective 1** (clarification of the conditions) :
 - Introduction of a **definition of “failure to cooperate”**.
 - Clarification that **failure to adopt the “necessary fishery management measures” includes implementation and control**, to ensure the effective conservation of the stocks of common interest.
- To reach **objective 2** (reinforcement of due process and dialogue):
 - The procedures prior to the adoption of measures are revised to be **more flexible** in terms of deadlines and opportunities for third countries to remedy the situation.
 - New provision is inserted to ensure that even **after the adoption of measures the Commission remains engaged** in consultations with third countries, **to find solutions to cease the overfishing**.

4 ➤ ***Ultimate objective of the Regulation is to restore sustainability***

State of play :

- 30/09/2024: EP- PECH Committee: presentation COM proposal.
 - Rapporteur: Thomas BAJADA [S&D-MT].
 - Shadow rapporteur(s): Bert-Jan RUISSSEN [ECR-NL], Sander SMIT [PPE-NL], Emma WIESNER [Renew-SE], Luke Ming FLANAGAN [The Left-IE], Isabella LÖVIN [Verts/ALE-SE].
- 03/10/2024: Council - WP FISH: presentation COM proposal.
- 11/12/2024: Council - adoption of the Council negotiating mandate by COREPER.
- 22/01/2025: EESC - adoption of the EESC Opinion.
- 19/02/2025: EP- PECH Committee - presentation of draft Bajada Report (04/03: ddl for AM).
- 9-10/04/2025: EP- PECH Committee – adoption of Bajada Report.
- Tentative timeline: trilogue(s) in Q2 2025?
- Tentative timeline: adoption in Q3 2025?