

This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

► **B** 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)

Amended by:

Official Journal			
	No	page	date
► <u>M1</u>	Regulation (EU) 2025/2077 of the European Parliament and of the Council of 8 October 2025	L 2077	1 14.10.2025

▼B**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***Article 1***Subject matter and scope**

1. This Regulation lays down a framework for the adoption of certain measures regarding the fisheries-related activities and policies of third countries in order to ensure the long-term conservation of stocks of common interest to the Union and those third countries.

2. The measures adopted pursuant to this Regulation may apply in all cases where cooperation between third countries and the Union is required for the joint management of the stocks of common interest, including where that cooperation takes place in the context of an RFMO or a similar body.

*Article 2***Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (a) ‘stock of common interest’ means a fish stock the geographical distribution of which makes it available to both the Union and third countries and the management of which requires the cooperation between such countries and the Union, in either bilateral or multilateral settings;

▼M1

- (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

- (c) ‘regional fisheries management organisation’ or ‘RFMO’ means a sub-regional, regional or a similar organisation with competence under international law to establish conservation and management measures for living marine resources placed under its responsibility by virtue of the convention or agreement by which it was established;
- (d) ‘importation’ means the introduction of fish or fishery products into the territory of the Union, including for transshipment purposes at ports in its territory;
- (e) ‘transshipment’ means the unloading of all or any fish or fishery products on board a fishing vessel to another fishing vessel;

▼ M1

- (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 those 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 the UNFSA; the stock levels determining whether the stock is in an unsustainable state are to be determined on the basis of the best available scientific advice;

▼ B

- (g) ‘safe biological limits’ means the boundaries of the size of a stock within which the stock can replenish itself with high probability while allowing high yield fisheries on it;
- (h) ‘country’ means a third country, including territories enjoying self-governing status and endowed with competencies in the area of conservation and management of living marine resources;

▼ M1

- (i) ‘failure to cooperate’ means the failure by countries to engage in good faith and have meaningful consultations, including within the framework of RFMOs, in which substantial effort is made with a view to reaching an agreement on the adoption of necessary fishery management measures, and examples of failure to cooperate include, but are not limited to:
 - (1) refusing to consult or to involve in consultations all the relevant coastal States and fishing States;
 - (2) unjustified unilateral breaking-off of consultations;
 - (3) undue delays, including in replying to requests or engaging in consultations;
 - (4) 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 flexibility 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) while consultations for comprehensive sharing arrangements are on-going, pursuing consultations with a view to concluding partial sharing arrangements, or subsequently concluding such partial sharing arrangements, excluding some relevant coastal States or fishing States for stocks of common interest.

▼B*Article 3***Countries allowing non-sustainable fishing**

A country may be identified as a country allowing non-sustainable fishing where:

- (a) 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 any other international agreement or norm of international law; and
- (b) either:

▼M1

- (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 within the framework of an RFMO or where 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.

▼B*Article 4***Measures in respect of countries allowing non-sustainable fishing**

1. The Commission may adopt, by means of implementing acts, the following measures in respect of a country allowing non-sustainable fishing:

- (a) identifying that country as a country allowing non-sustainable fishing;
- (b) identifying, where necessary, the specific vessels or fleets of that country to which certain measures are to apply;
- (c) imposing quantitative restrictions on importations of fish from the stock of common interest that have been caught under the control of that country and on importations of fishery products made of or containing such fish;
- (d) imposing quantitative restrictions on importations of fish of any associated species, and fishery products made of or containing such fish, when caught while conducting fisheries on the stock of common interest under the control of that country; when adopting the measure, the Commission shall, in accordance with Article 5(4) of this Regulation, in application of the principle of proportionality, determine which species and their catches fall within the scope of the measure;

▼B

- (e) 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 and 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 by vessels authorised by it while flying another flag; such restrictions shall not apply in cases of *force majeure* or distress within the meaning of Article 18 of the UNCLOS for services strictly necessary to remedy those situations;
- (f) prohibiting the purchase by Union economic operators of a fishing vessel flying the flag of that country;
- (g) prohibiting the reflagging of fishing vessels flying the flag of a Member State to the flag of that country;
- (h) prohibiting Member States from authorising the conclusion of chartering agreements whereby Union economic operators charter their vessels to economic operators of that country;
- (i) prohibiting the exportation to that country of fishing vessels flying the flag of a Member State or of fishing equipment and supplies needed to fish on the stock of common interest;
- (j) prohibiting the conclusion of private trade arrangements between Union economic operators and that country that enable a fishing vessel flying the flag of a Member State to use fishing opportunities of that country;
- (k) prohibiting joint fishing operations involving fishing vessels flying the flag of a Member State and fishing vessels flying the flag of that country.

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2).

Article 5

General requirements concerning the measures adopted pursuant to this Regulation

1. The measures referred to in Article 4 shall be:

- (a) related to the conservation of the stock of common interest;
- (b) made effective in conjunction with restrictions on fishing by Union vessels, or on production or consumption within the Union, applicable to fish and fishery products made of or containing such fish of the species for which the measures have been adopted;
- (c) proportionate to the objectives pursued and compatible with the obligations imposed by international agreements to which the Union is a party and any other relevant norms of international law.

▼B

2. The measures referred to in Article 4 shall take into account measures already taken pursuant to Regulation (EC) No 1005/2008.
3. The measures referred to in Article 4 shall not be 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.
4. When adopting the measures referred to in Article 4, the Commission shall, in order to ensure that those measures are environmentally sound, effective, proportionate and compatible with international rules, evaluate the environmental, trade, economic and social effects of those measures in the short and long terms and the administrative burden associated with their implementation.
5. The measures referred to in Article 4 shall provide for an appropriate system for their enforcement by competent authorities.

*Article 6***▼M1****Procedures prior and subsequent to the adoption of measures in respect of countries allowing non-sustainable fishing**

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 developments and the actions taken.

▼B

2. That notification shall include information on the reasons for the identification of that country as a country allowing non-sustainable fishing and shall describe the possible measures that may be taken in relation to it pursuant to this Regulation.

▼M1

- 2a. Where the stock of common interest falls under the scope of an RFMO, the Commission shall raise the matter of a country allowing non-sustainable fishing with the compliance body of that RFMO prior to the notification under paragraph 1, as applicable, with a view to remedying the situation.
3. Prior to the adoption of measures pursuant to Article 4, the Commission shall provide the country concerned with a reasonable opportunity to respond to the notification referred to in paragraph 1 of this Article in writing and to provide any relevant information.
4. The Commission shall give the country concerned a maximum of 90 days to reply to the notification referred to in paragraph 1 and a reasonable time to remedy the situation.

▼M1

5. Following the adoption of measures pursuant to Article 4, the Commission shall continue to engage and maintain an open dialogue with the country concerned and shall promote cooperation bilaterally and multilaterally, with a view to that country 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.

▼B*Article 7***Period of application of the measures in respect to countries allowing non-sustainable fishing****▼M1**

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, whether autonomously, in cooperation with other countries or within the framework of RFMOs, for the purpose of the conservation of the fish stocks concerned.

▼B

2. The Commission shall adopt implementing acts determining whether the conditions laid down in paragraph 1 have been complied with and, where necessary, providing that the measures adopted in respect of the country concerned pursuant to Article 4 cease to apply. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2).

On duly justified imperative grounds of urgency relating to unforeseen economic or social disruption, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 8(3) to decide that the measures adopted pursuant to Article 4 are to cease to apply.

*Article 8***Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

▼B

4. The results of the evaluation referred to in Article 5(4), shall be made available to the European Parliament and the Council, in accordance with the procedure provided for in Article 10(4) of Regulation (EU) No 182/2011, together with the documents referred to therein.

*Article 9***Entry into force**

This Regulation shall enter into force on the third 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.