

EUROPEAN PARLIAMENT

COMMITTEE ON FISHERIES

VOTING LIST - Vote on 9 April 2025

Report by Thomas BAJADA

on the proposal for a regulation of the European Parliament and the Council amending regulation (EU) No 1026/2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

(COM(2024)0407 – C10-0098/2024 – 2024/0224(COD))

Text	AM	Tabled by	Comments	Rapp	Vote
ARTICLES					
Recital 4, Recital 4a (new), Article 1 – Paragraph 1 – point 1 – introductory part, Regulation (EU) No 1026/2012 – Article 2	CA 2	EPP, S&D, PflE, ECR, RE, Greens, The Left, ESN	If adopted, AM 7, 29, 30, 8, 9, 32, 10, 11, 33, 34, 35, 36, 37, 12, 38, 13, 31, 26 and 4 fall		
Article 1 – paragraph 1 – point -1(new) Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point b	7	Thomas Bajada	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point -1 (new) Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point f	29	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 – introductory part	30	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Fall if CA 2 adopted Identical		
	8	Thomas Bajada			
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – introductory part	9	Thomas Bajada	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 4	32	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 4	10	Thomas Bajada	Falls if CA 2 or AM 32 adopted		

Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 5	11	Thomas Bajada	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 8	33	Sander Smit	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 8	34	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	No vote Linguistic Falls if CA 2 or AM 33 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 9	35	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 10 b (new)	36	Sander Smit	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 10 c (new)	37	Bert-Jan Ruissen	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 10 a (new)	12	Thomas Bajada	Falls if CA 2 or AM 37 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i – point 10 d (new)	38	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point i a (new)	13	Thomas Bajada	Falls if CA 2 adopted		
Article 1 – paragraph 1 – point 1 Regulation (EU) No 1026/2012 – Article 2 – paragraph 1 – point h a (new)	31	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Recital 1, Recital 3, Recital 5, Regulation (EU) No 1026/2012 – Article 3	CA 1	EPP, S&D, P/E, ECR, RE, Greens, The Left, ESN	If adopted, AM 14, 15, 39, 40, 41, 42, 1, 22, 3, 25, 27, 28 and 5 fall		
Article 1 – paragraph 1 – point 2 Regulation (EU) No 1026/2012 – Article 3 – paragraph 1 – point b – point i	14	Thomas Bajada	Fall if CA 1 adopted Otherwise, vote together		
Article 1 – paragraph 1 – point 2 a (new) Regulation (EU) No 1026/2012 – Article 3	15	Thomas Bajada			
Article 1 – paragraph 1 – point 1 a (new) Regulation (EU) No 1026/2012 – Article 3 – paragraph 1 – point a	39	Eric Sargiacomo	Falls if CA 1 adopted If AM 15 is adopted, can be voted as an addition		

Article 1 – paragraph 1 – point 2 Regulation (EU) No 1026/2012 – Article 3 – paragraph 1 – point b – point i	40	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 1 adopted <i>If AM 15 is adopted, can be voted as an addition</i>		
Article 1 – paragraph 1 – point 2 Regulation (EU) No 1026/2012 – Article 3 – paragraph 1 – point b – point i	41	Sander Smit	Falls if CA 1 adopted <i>If AM 15 and/or 40 adopted, can be voted as an addition</i>		
Article 1 – paragraph 1 – point 2 a (new) Regulation (EU) No 1026/2012 – Article 3 – paragraph 1 – point b – point ii a (new)	42	Bert-Jan Ruissen	Falls if CA 1 adopted <i>If AM 15 is adopted, can be voted as an addition</i>		
Recital 6, Article 1 – paragraph 1 – point 2 – point c – introductory part, Regulation (EU) No 1026/2012 – Article 6	CA 3	EPP, S&D, P/E, ECR, RE, Greens, The Left, ESN	If adopted, AM 43, 44, 45, 16, 17, 18, 19, 20, 46, 47 and 6 fall		
Article 1 – paragraph 1 – point 3 – point a a (new) Regulation (EU) No 1026/2012 – Article 6 – paragraph -1 (new)	43	Emma Wiesner, Stéphanie Yon-Courtin	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point a a (new) Regulation (EU) No 1026/2012 – Article 6 – paragraph 1	44	Sander Smit	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point a a (new) Regulation (EU) No 1026/2012 – Article 6 – paragraph 2 a (new)	45	Bert-Jan Ruissen	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point a a (new) Regulation (EU) No 1026/2012 – Article 6 – paragraph 2 a (new)	16	Thomas Bajada	Falls if CA 3 adopted <i>If AM 45 adopted, can be voted as an addition</i>		
Article 1 – paragraph 1 – point 3 – point b Regulation (EU) No 1026/2012 – Article 6 – paragraph 3	17	Thomas Bajada	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point c – introductory part	18	Thomas Bajada	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point c Regulation (EU) No 1026/2012 – Article 6 – paragraph 4	19	Thomas Bajada	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point c Regulation (EU) No 1026/2012 – Article 6 – paragraph 5	20	Thomas Bajada	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 – point c Regulation (EU) No 1026/2012 – Article 6 – paragraph 5	46	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 3 or AM 20 adopted		

Article 1 – paragraph 1 – point 3 – point c Regulation (EU) No 1026/2012 – Article 6 – paragraph 6	47	Sander Smit	Falls if CA 3 adopted		
Article 1 – paragraph 1 – point 3 a (new) Regulation (EU) No 1026/2012 – Article 7 – paragraph 1	21	Thomas Bajada			
RECITALS					
Recital 1	1	Thomas Bajada	Falls if CA 1 adopted		
Recital 1	22	Eric Sargiacomo	Falls if CA 1 adopted <i>If AM 1 is adopted, can be voted as an addition</i>		
Recital 2	23	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	No vote Linguistic Identical		
	2	Thomas Bajada			
Recital 2 a (new)	24	Marco Falcone			
Recital 3	3	Thomas Bajada	Falls if CA 1 adopted		
Recital 3	25	Eric Sargiacomo	Falls if CA 1 adopted <i>If AM 3 is adopted, can be voted as an addition</i>		
Recital 4	26	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 2 adopted		
Recital 4	4	Thomas Bajada	Falls if CA 2 adopted <i>If AM 26 is adopted, can be voted as an addition</i>		
Recital 5	27	Luke Ming Flanagan, Emma Fourreau, Sebastian Everding	Falls if CA 1 adopted		
Recital 5	28	Eric Sargiacomo	Falls if CA 1 adopted <i>If AM 27 is adopted, can be voted as an addition</i>		
Recital 5	5	Thomas Bajada	Falls if CA 1, AM 27 or 28 adopted		
Recital 6	6	Thomas Bajada	Falls if CA 3 adopted		
Final vote – Draft text as amended (Roll-call vote)					
Vote on mandate – Interinstitutional negotiations (Roll-call vote; Required majority: 14)					

Compromise Amendments

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1026/2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

Rapporteur: Thomas BAJADA

Final version

Compromise AM 1

Recitals 1, 3, 5 (COM proposal) and Article 3 (present text)

AMs falling: 1 (S&D), 3 (S&D), 5 (S&D), 14 (S&D), 15 (S&D), 22 (S&D), 25 (S&D), 27 (Left), 28 (S&D), 39 (S&D), 40 (Left), 41 (EPP), 42 (ECR)

Groups supporting: EPP, S&D, P/E, ECR, RE, Greens, Left, ESN

Recital 1

Text proposed by the Commission

(1) In line with the United Nations Convention on the Law of the Sea of 10 December 1982¹ ('UNCLOS') and the 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 1995² ('UNFSA'), the management of certain straddling and highly migratory fish stocks requires the cooperation of all the countries whose fleets exploit that stock.

Compromise Text

(1) In line with the United Nations Convention on the Law of the Sea of 10 December 1982¹ ('UNCLOS') and the 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 1995² ('UNFSA'), the management of certain straddling and highly migratory fish stocks requires the cooperation of all the countries whose fleets exploit that stock. ***Such cooperation may be established in the framework of regional fisheries management organisations ('RFMOs') or by means of ad hoc arrangements among the countries having an interest in the fishery concerned.***

Recital 3

Text proposed by the Commission

(3) In accordance with Regulation (EU) No 1026/2012 a country may be identified as allowing non-sustainable fishing if, among others, 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** if it fails to adopt **necessary** fishery management measures.

Compromise Text

(3) In accordance with Regulation (EU) No 1026/2012 a country may be identified as allowing non-sustainable fishing if, among others, it fails to cooperate in the management of a stock of common interest in full compliance with the provisions of the UNCLOS, the UNFSA, or any other international agreement or norm of international law **and** if it fails to adopt **relevant** fishery management measures.

Recital 5

Text proposed by the Commission

(5) It is also necessary to clarify that a country may be considered as allowing non-sustainable fishing if it does not implement the necessary fishery management **measures, and that those measures include** control measures.

Compromise Text

(5) It is also necessary to clarify that a country may be considered as allowing non-sustainable fishing if it does not implement, **comply with or enforce** the **relevant** fishery management, **conservation or** control measures, **including those agreed in the framework of a RFMO**.

Article 3

Present text

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**

Amendment

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, the UNFSA, or any other international agreement or norm of international law; **and**

(b) *either:*

(i) it fails to adopt necessary fishery management measures; or

(ii) 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. 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) *either:*

(i) it fails to adopt, ***implement, comply with or enforce relevant*** fishery management measures, ***or those agreed bilaterally or multilaterally, including control measures ensuring the effective conservation and management of stocks of common interest or associated species, including measures adopted in the framework of an RFMO;*** or

(ia) ***it systematically fails to comply with bilateral or multilateral agreements, by failing to take effective or timely action against its nationals or flagged vessels, which were deemed to have carried out illegal, unreported and unregulated fishing or acted contrary to the fishery management measures established by such agreements, leading to stocks being in an unsustainable state; or***

(ii) 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. 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.

Compromise AM 2

Recitals 4 and 4a (new) (COM proposal) and Article 2 (present text)

AMs falling: 4 (S&D) 7 (S&D), 8 (S&D), 9 (S&D), 10 (S&D), 11 (S&D), 12 (S&D), 13 (S&D), 26 (Left), 29 (Left), 30 (Left), 31 (Left), 32 (Left), 33 (EPP), 34 (Left), 35 (Left), 36 (EPP), 37 (ECR), 38 (Left)

Groups supporting: EPP, S&D, P/E, ECR, RE, Greens, Left, ESN

Recital 4

Text proposed by the Commission

(4) **A definition** of “failure to cooperate” should be introduced, to better define, for the purposes of Regulation (EU) No 1026/2012, the scope and meaning of the requirement to cooperate pursuant to UNCLOS and UNFSA.

Compromise Text

(4) **A definition** of “failure to cooperate” should be introduced, to better define, for the purposes of Regulation (EU) No 1026/2012, the scope and meaning of the requirement to cooperate pursuant to UNCLOS and UNFSA.

Recital 4a (new)

Text proposed by the Commission

Compromise Text

(4a new) **‘Best available scientific advice’ should be understood to refer to publicly available scientific advice that is supported by the most up-to-date scientific data and methods and that has either been issued or reviewed by an independent scientific body that is recognised at Union or international level.**

Article 2

Present text

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

Compromise Text

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;

(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 in the same fishery or fisheries;

(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;

(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 these levels cannot be estimated, where the stock is not continuously maintained within safe biological limits; the stock levels determining whether the stock is in an unsustainable state are to be determined on the basis of best available scientific advice;

(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

such countries and the Union, in either bilateral or multilateral settings;

(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, **bycatch** or accidentally taken in the same fishery or fisheries;

(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;

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

(g) ‘safe biological limits’ means the boundaries of the size of a stock within which the stock can replenish itself with

competencies in the area of conservation and management of living marine resources.

- (i) ‘failure to cooperate’ means the failure to engage in good faith and have meaningful consultations, in which substantial effort is made, with a view to reaching an agreement on the adoption of necessary fishery management measures; examples of failure to cooperate include, but are not limited to:
- (1) refusal to consult;
 - (2) refusal to involve in the consultations all the relevant coastal States and/or fishing parties;
 - (3) unjustified unilateral breaking off of consultations;
 - (4) undue delays;
 - (5) unreasonable information requests;
 - (6) disregard of agreed procedures;
 - (7) systematic refusal to take into consideration counter proposals or other parties’ interests;
 - (8) systemically insisting upon own positions;
 - (9) refusal to take into account the best available scientific advice regarding the relevant stock or stocks.
 - (10) pursuing consultations with a view to concluding partial sharing arrangements excluding some relevant coastal States and/or fishing parties, for stocks of common interest, while consultations for comprehensive sharing arrangements are still on-going.”.

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.

(i) ‘failure to cooperate’ means the failure *by third countries* to engage in good faith and have meaningful consultations *with all the relevant coastal States and/or fishing parties, including within RFMOs*, with a view to reaching an agreement on the adoption of necessary fishery management measures; examples of failure to cooperate include, but are not limited to:

- (1) refusal to consult;
- (2) refusal to involve in the consultations all the relevant coastal States and/or fishing parties;
- (3) unjustified unilateral breaking off of consultations;
- (4) undue delays *in replying to requests or engaging in consultations*;
- (5) unreasonable *requests for information or actions to be taken, including unreasonable deadlines to reply or act*;
- (6) disregard of agreed procedures;
- (7) systematic refusal to take into consideration counter proposals or other parties’ interests;
- (8) *consistently maintaining its own positions over an extended period, regardless of the flexibilities and concessions offered by other parties during the consultations*;
- (9) refusal to take into account the best available scientific advice regarding the relevant stock or stocks.
- (10) pursuing consultations with a view to concluding partial sharing arrangements excluding some relevant coastal States

and/or fishing parties, for stocks of common interest, while consultations for comprehensive sharing arrangements are still on-going.

(10a) adopting unreasonable and unjustified unilateral measures or quotas which are not in line with the measures or quotas agreed bilaterally or multilaterally.

(10b) implementing discriminatory measures that impact the fleets of third countries while granting a partial or full exemption from these measures for its own fleet leading to stocks being in an unsustainable state;

(10c) lack of transparency in the consultations with all the relevant coastal States or fishing parties, including within RFMOs.

Compromise AM 3

Recital 6 (COM proposal) and Article 6 (present text)

AMs falling: 6 (S&D), 16 (S&D), 17 (S&D), 18 (S&D), 19 (S&D), 20 (S&D), 43 (RE), 44 (EPP), 45 (ECR), 46 (Left), 47 (EPP)

Groups supporting: EPP, S&D, P/E, ECR, RE, Greens, Left, ESN

Recital 6

Text proposed by the Commission

(6) It is also appropriate to reinforce the procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing.

Amendment

(6) It is also appropriate to reinforce the procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing, ***including for countries within the framework of RFMOs.***

Article 6

Present text

Article 6

Procedures prior and subsequent to the adoption of measures in respect to 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.
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.
3. Prior to adopting measures referred to in Article 4, the Commission shall provide the country concerned with a reasonable opportunity to respond to the notification

Compromise Text

Article 6

Procedures prior and subsequent to the adoption of measures in respect to countries allowing non-sustainable fishing

- 1. The Commission shall respond within 90 days of receiving a request for identifying a country as a country allowing non-sustainable fishing, from a Member State or the European Parliament, and shall outline what actions it intends to take if any.***
 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. ***Prior to this notification, the Commission shall also register, as set out in Regulation (EU) 2016/1036 and Regulation (EU) 2016/1037, all imports of products of the country under investigation that may be targeted pursuant to Article 4.*** In such

in writing and to provide any relevant information.

4. The Commission shall give to the country concerned adequate time to reply to the notification and a reasonable time to remedy the situation.

5. Following the adoption of measures pursuant to Article 4, the Commission shall continue to engage with the country concerned, 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 expeditiously.

cases, the European Parliament and the Council shall be immediately informed.

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.

2a. When the stock of common interest falls under the scope of an RFMO and the non-compliance by a third country results in the country being identified as a country allowing non-sustainable fishing in accordance with Article 3, prior to adopting measures referred to in Article 4, the Commission shall raise the matter of a third country allowing non-compliance within the relevant body, to seek timely rectification of the non-compliance.

2b. In the event that despite the actions taken under paragraph 2a, the country is still identified as a country allowing non-sustainable fishing in accordance with Article 3, the Commission shall take action on the basis of the measures referred to in Article 4.

3. Prior to adopting measures referred to in Article 4, the Commission shall provide the country concerned with *the* opportunity to respond to the notification in writing and to provide any relevant information.

4. The Commission shall give to the country concerned **a maximum of 90 days** to reply to the notification and a **further maximum of 90 days from the date of that reply** to remedy the situation.

5. Following the adoption of measures pursuant to Article 4, the Commission shall continue to engage **and maintain an open dialogue and shall promote cooperation bilaterally, multilaterally, or with the compliance body of the relevant RFMO, with a view to** the country concerned 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 *promptly*.