



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/C.1/UK/ms

Dear Mr. O'Donoghue,

Thank you for your letter of 25 January 2024 with regard to the French measures in the Bay of Biscay under Article 13 of the Common Fisheries Policy (CFP).

It is indeed of utmost importance to have good consultations among and with all stakeholders. We understand that France has consulted all Member States with fisheries management interests in the area concerned by the closure and that they have asked these Member States if they can agree to the proposed measure and to reply swiftly in order to enable the implementation of measures with the start date of 22 January 2024.

Article 13 CFP allows Member States to take emergency measures through national law. France used Article 13 and referred to the urgency to act based on scientific advice (ICES, 2023) and the decision of the French High Court of 22 December 2023. Mitigation measures to reduce incidental by-catches of common dolphins and the need to act are being discussed since 2020 when the first ICES advice was published, and in particular since October 2023 when the South Western Waters Member State group submitted a joint recommendation to the Commission. This joint recommendation included the very same closure proposed in the new French Order of 17.1.2024. However, since the joint recommendation left a choice for the fishermen to either stop their fishing activity or equip their vessels with cameras or acoustic deterrent devices, the Scientific Technical and Economic Committee for Fisheries (STECF) evaluated the joint recommendation negatively in December 2023 as not providing the desired reduction of by-catches of dolphins in the Bay of Biscay.

The French High Court had already decided on 20 March 2023 that France needed to act within 6 months. France then tried to do so through a national law in October. However, since the national law left the same choice for fishermen as the joint recommendation did, the French High Court ruled on 22 December 2023 that France needed to adopt unconditional closures from 22 January 2024 to 20 February 2024. France needed to act swiftly and announced the measure on 3 January 2024.

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All Member States concerned may of course request public aid to compensate for the losses. France has already done so and Spain has as well announced that they will use the EMFAF for the affected vessels.

On the content of the measure, I would like to revert you to the ICES advice, which mentions various ways forward to reduce by-catches of dolphins in the Bay of Biscay.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Ursula Krampe via Ursula.Krampe@ec.europa.eu or Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

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