

Ms Charlina Vitcheva

Director General
Directorate General Maritime Affairs and Fisheries
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BELGIUM

Date: 24 May 2024

PelAC reference: 2324PAC62

Subject: Concerns over absence of consultation of the PelAC under CFP article 13(2)

Dear Ms. Charlina Vitcheva,

Thank you for your letter dated 21 March, in reply to our letter on the emergency measures taken by France to limit cetacean by-catches in the Bay of Biscay (2324PAC14 of 25 January 2024).

Once more, we would like to draw your attention to article 13(2) of the CFP which states that where a Member State adopts emergency measures affecting the fishing activities of other Member States, *“such measures shall be adopted only after consulting the Commission, the relevant Member States and **the relevant Advisory Councils** on a draft of the measures **accompanied by an explanatory memorandum**. The consulting Member State may set a reasonable time limit for the consultation, **which shall, however, not be shorter than one month**”*.

As we stated in our letter of 25 January, we believe that France's invocation of article 13(2) was not executed in line with the provisions of that article. Concretely, there was no consultation of relevant Advisory Councils on the planned measures. This lack of consultation appears to constitute non-compliance with the CFP.

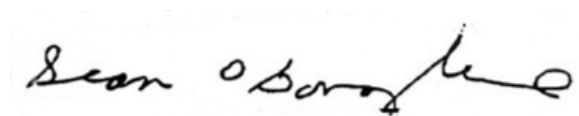
Unfortunately, your letter covers only the involvement of the Member States in the procedure under article 13(2). Since the PelAC has not been formally consulted on these emergency measures and the minimum notice period was not respected given the planned implementation date of 22 January 2024, we would like to know the Commission's position on this aspect of the procedure as executed by France in this specific case. Moreover, we are eager to learn how the Commission intends to prevent similar situations to happen in the future.





We would greatly appreciate further clarification on this important matter of principle, for which we thank you in advance.

Kind regards,



Sean O'Donoghue
Chairman Pelagic Advisory Council

