

**Priority question for written answer P-003731/2023  
to the Commission**

Rule 138

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**Subject:** France and Spain's struggle to comply with Habitats Directive and the common fisheries policy to avoid by-catches of protected species by fishing vessels

In June 2022, in its package of infringement decisions, the Commission pursued legal action against France and Spain because they had failed to implement the measures required by the Habitats Directive (92/43/EEC) and the common fisheries policy to avoid by-catches of protected species by fishing vessels. The Commission stated that 'urgent action is needed to comply with the legislation and to ensure consistency with the commitments taken under the European Green Deal and the Biodiversity Strategy for 2030'.

Since then, both cases have been labelled active but without updates. In case of inaction, the Commission could decide to refer the matter to the Court of Justice of the European Union. In the meantime, in March 2023, the Conseil d'État ordered the French Government to close fishing areas in the Bay of Biscay within 6 months for appropriate periods. However, the new measures introduced by France on 26 October 2023 do not fully follow scientific advice and the Conseil d'État decision.

1. Does the Commission believe that the French ministerial decree in reaction to the Conseil d'État ruling addresses its concerns that led to the infringement decision (INFR(2020)4036)?
2. What is the current stage of the infringement procedure against France and what next steps are planned?
3. What is the current stage of the infringement procedure against Spain (INFR(2020)4039)?

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