MEDAC - Registered Office Via XX Settembre, 20 - c/o MASAF - 00187 Rome (Italy) - Tax identification number 97534810581 - Association registered with the Prefecture of Rome as a legal entity n.1224/2017

Ref.:256/2024

Rome, 28 October 2024

Charlina Vitcheva
Director General
DG MARE (Maritime Affairs and Fisheries)

Dear Ms. Vitcheva,

About the Inter-AC meeting held on 4 October, we will give you some reasons for causing our deep discomfort, bearing in mind our respect for the opportunity done during the meeting. However, in the format of the Inter-AC meetings, there is no right of reply yet.

As you know, in our intervention we listed 5 topics that, in MEDAC's opinion, are the most relevant at this time: the Multiannual Plan for the Western Mediterranean, Maritime Spatial Planning (MSP), the Energy Transition Partnership (ETP), Fishers of the Future, and European Maritime Day (EMD).

When speaking about the West Med MAP, we simple recalled the content of our letter and advice, respectively Ref.: 182/2024 and Ref.: 108/2024, in which we requested the freezing of the level of the fishing effort in 2024, postponing the deadline to reach the MSY until January 1st 2030, and applying greater flexibility that allows the transfer of effort quotas that cannot be used for reasons of force majeure during the year, to the following year.

Moreover, we report four objective facts that are part of the context where we are and that, for this reason, should be considered:

The proposal of the European Parliament and the Council (**COM (2023) 771 final**) to modify 3 Multiannual Plans, considering that the 5% Rule constitutes an "*inconsistency in the legal framework*", which may have negative consequences in the establishment of fishing opportunities.

In your opinion this is an issue that does not affect the Mediterranean. But this is a provision that is also included in the West Med MAP, in article 2, sections 4) and 11). And while it is true that Regulation (EU) 2019/1022 does not speak about fishing opportunities, it does speak about maximum allowable fishing effort. And fishing opportunities are applied to us every year, in the EU Ministers Council held in December.

The next issue we discussed was the ruling of the CJEU Case 330/22. At this point, we must remember that we are merely quoting *verbatim* what the European Commission wrote in (**COM(2024) 235 final**) in point 6.1. Key steps for establishing the next fishing opportunities: "***When preparing its proposals for fishing opportunities for 2025, the Commission will take into account the conclusions of the judgment issued by the Court of Justice on 11 January 2024 in case 330/22***". We then recall that a Court judgment is not a recommendation, but rather a mandate.

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Nothing more was said from our side about this question. But in your response, you made several statements that we considered unfounded and not appropriate for a forum such as the Inter-AC, going so far as to say that you are concerned about the "very liberal" interpretation of the Court (just remember that the Courts do not make interpretations when issuing judgements) and that, in this regard, you suggested a meeting with legal experts to interpret the judgment in case of the need of further clarifications, and stating that we should stop speculating about interpretations.

The truth is that this Judgment has no "folds" or intricacies that require in-depth studies to understand its content. It seems that there is no interpretation to be made as, considering that the conclusions of the Judgment are quoted in preparing the proposal for fishing opportunities.

The attention to the socioeconomic indicators (especially when the CJEU has required the Commission to do so) is required with the respect of these two pillars of the CFP. The same goes for describing our words as a "*creative interpretation of the judgment*". As has been said, there was no such interpretation, just a literal quote from what was written by the Commission itself.

The other two related issues that MEDAC considers worthy of attention were the ICATMAR Report on the state of stocks in the GSA6 in Catalonia waters, and the Draghi Report commissioned by the Commission.

This is a summary of what happened at the aforementioned meeting which, as you will understand, does not respond to what would be desirable in this type of meetings.

We are forwarding all this to you with the greatest constructive spirit.

Sincerely,

Antonio Marzoa Notlevsen
Chair of MEDAC

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