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PRESS RELEASE

[Legal decision]

Protection of dolphins and porpoises: the Conseil d'État confirms the need for a fishing ban in the Bay of Biscay for four weeks in winter

In response to an appeal from environmental organisations, the Conseil d'État has confirmed the need for a fishing ban in the Bay of Biscay for four weeks during the winter to ensure favourable conservation status for common dolphins, bottlenose dolphins and harbour porpoises. It did not require an extension of the ban or its extension to vessels of under eight metres, but ordered that purse seines be added to the list of nets covered by the ban.

In March 2023, the Conseil d'État had [ordered](#) the Government to take steps to limit bycatch of small cetaceans during fishing operations in the Bay of Biscay, to ensure favourable conservation status for common dolphins, bottlenose dolphins and harbour porpoises, in accordance with EU fisheries law and the European [Habitats](#) directive. These measures were to include a fishing ban in the Bay of Biscay.

In executing that decision, the Minister for the Sea issued an [order](#) on 24 October 2023, banning fishing in the Bay of Biscay by vessels of eight metres and above, using certain types of net (pelagic trawls, bottom pair trawls, trammel nets and gillnets), for four weeks during the winter of 2024, then in 2025 and 2026. However, the order provided for broad exemptions in 2024.

The matter was brought before the urgent applications judge of the Conseil d'État once again by environmental protection organisations, and in December 2023, the Conseil d'État [suspended](#) the exemptions provided for 2024, resulting in an effective ban on fishing in the Bay of Biscay between 22 January and 20 February 2024 for a large number of French vessels. Following that emergency ruling, the Conseil d'État has now handed down a ruling on the merits of the lawfulness of the order of October 2023.

Scientific observations made in the 2024 winter season showed a significant drop in the mortality of young cetaceans due to bycatch. To ensure favourable conservation status for common dolphins, bottlenose dolphins and harbour porpoises, the Conseil d'État confirmed the need for a fishing ban in the Bay of Biscay for a sufficiently long period. And it found that a four-week ban is appropriate, as is the ban on vessels above eight metres only.

However, as already ruled in an emergency decision, the Conseil d'État found that nets known as 'purse seines' must also be banned during the period. It further confirmed that the exemptions initially provided for in 2024 were unlawful. These exemptions were far too broad, undermining the ban and removing much of its intended impact.

In addition, for 2025, the Conseil d'État indicated that the European Commission had applied a [ban](#) on fishing in the Bay of Biscay between 22 January and 20 February 2025 for all vessels, French and foreign, over eight metres long that use pelagic trawls, bottom pair trawls, purse seines, set gillnets, trammel nets, and combined trammel and gillnets.

Decision Nos. 489906, 489928 and 489948, 30 December 2024

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