



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 June 2013**

**10653/13**

**JUR 290  
PECHE 248**

**INFORMATION NOTE**

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from : Legal Service

to : Permanent Representatives Committee (part 1)

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Subject : **Case before the Court of Justice**

- **Case T-180/13** (Pesquerias Riveirenses, SL, e.a. v Council of the European Union)

= Action for annulment of Council Regulation (EU) No 40/2013 fixing for 2013 fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements

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1. By application of 22 March 2013, which was served on the Council on 4 April 2013, Pesquerias Riveirenses, SL, as well as 20 other applicants filed an action for annulment of the above Regulation<sup>1</sup> (hereinafter "the contested Regulation") in so far as the northern and southern components of the stock of blue whiting in the North-East Atlantic have been assessed as a single unit stock for the purpose of fixing the TAC (total allowable catch) set out in Annexes IA and IB (pages 84 and 103, respectively, OJ L 23, 25. 1. 2013, p. 54).
2. The applicants consider that the contested Regulation is a regulatory act within the meaning of fourth subparagraph of Article 263 TFEU. They further claim to be directly concerned by the contested Regulation in their capacity of companies owning trawlers that are engaged in fishing for blue whiting in the coastal waters of the fishing area of north and north-west Spain. Finally, they claim that the contested Regulation does not entail implementing measures.

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<sup>1</sup> OJ L 352, 21.12.2012, p. 10.

3. On substance, the applicants rely on three pleas in law to argue that the contested Regulation should be annulled, more particularly, on the alleged infringement of Article 39 TFEU, the alleged infringement of Article 2(1) of Regulation (EC) No. 2371/2002 and of Article 6 of the UN Fish Stock Agreement and, finally, on the alleged infringement of the principle of proportionality.
  4. The Council may, according to Article 46(1) of the Rules of Procedure of the General Court, lodge a statement of defence within two months after service of the application.
  5. The Director-General of the Legal Service of the Council has appointed Ms. Andrea WESTERHOF LÖFFLEROVÁ and Mr. Alberto DE GREGORIO MERINO, legal advisers in the said service, as the Council's agents in this case.
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