



Appeal brought on 21 August 2025 by the Kingdom of Spain against the judgment of the General Court (Seventh Chamber, Extended Composition) delivered on 11 June 2025 in Case T-681/22, Spain v Commission

(Case C-562/25 P)

(C/2025/5210)

Language of the case: Spanish

Parties

Appellant: Kingdom of Spain (represented by: M.J. Ruiz Sánchez, acting as Agent)

Other parties to the proceedings: European Commission, European Parliament, Council of the European Union

Form of order sought

The Kingdom of Spain claims that the Court of Justice should:

- uphold the appeal against the judgment of the General Court of 11 June 2025 in Case T-681/22, *Spain v Commission*;
- annul Commission Implementing Regulation (EU) 2022/1614 ⁽¹⁾ of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur, with regard to the establishment of the list of areas where vulnerable marine ecosystems are known to occur or are likely to occur, as set out in Article 2 and Annex II thereof, and, incidentally and in the alternative, declare Article 9(6) and (9) of Regulation 2016/2336 ⁽²⁾ invalid, pursuant to Article 277 TFEU;
- in the alternative, refer the case back to the General Court for further judgment.

Grounds of appeal and main arguments

The first ground of appeal, alleging an error of law in the interpretation of Regulation 2016/2336 ('the basic regulation') and of the principle of proportionality in relation to the impact of passive gears:

1. Error of law in the interpretation of the basic regulation and the principle of proportionality in relation to the concept of vulnerable marine ecosystem and the criterion of significant adverse impact.
2. Error of law in the interpretation of the basic regulation and the principle of proportionality in relation to the discretion granted to the European Commission and as regards the review of the exercise of that discretion, and distortion of the evidence.

The second ground of appeal, alleging an error of law in the interpretation of the basic regulation and the principle of proportionality in relation to the method for determining areas.

The third ground of appeal, alleging an error of law in the application of the rules of the Common Fisheries Policy.

⁽¹⁾ Commission Implementing Regulation (EU) 2022/1614 of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur (OJ 2022 L 242, p. 1).

⁽²⁾ Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ 2016 L 354, p. 1).