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.:54/2023

Rome, 4 April 2023

ADRIATICA High level Group
Ana Le Marechal-Kolar
Director general
Food and Fisheries Directorate
THE MINISTRY OF AGRICULTURE, FORESTRY AND FOOD OF THE REPUBLIC OF SLOVENIA

Subject: Preparation of discard plans for the Adriatic after 2023 (Your letter ref. Number: 342-43/2013/44, 31 March 2023)

Dear Ms. Ana Le Marechal-Kolar,

Thank you for sending to MEDAC this letter on behalf of the ADRIATICA High Level Group.

Referring to the legislative basis for the preparation of discard plans, we would like to stress that the reference on the CFP Regulation n.1380/2013 is the article 15 paragraph 7[1] and not article 18. Only the procedure referred to in Article 15.6 of Reg. 1380/2013[2] provides the option to regionalization and the consequent necessary advice (art. 18.2) of the relevant Advisory Council. The procedure to apply (both for demersal and small pelagic fisheries), in fact, is the same that most recently led to the adoption of the EC Delegated Regulation 2022/2564, which extended the *de minimis* exemption for by-catches of small pelagic in demersal fisheries activities.

Then, following the procedure of art 15.7, Adriatica HLG has to submit to the Commission up-to-date scientific evidence on the disproportionate costs associated with the management of unwanted catches to support the request of extension of the *de minimis* exemption.

Based on this procedure, the MEDAC, even if not required by law, will try to provide its contribution once you will send us the draft discard plan, hopefully giving us enough time to forward it to all the MEDAC members and receive their opinions on it.

[1] "*7. Where no measures have been adopted for the purpose of specifying the de minimis exemption either in a multiannual plan in accordance with paragraph 5 or in a specific discard plan in accordance with paragraph 6, the Commission shall adopt delegated acts, in accordance with Article 46, setting the de minimis exemption referred to in point (c) of paragraph 4 which shall, subject to the conditions set out in point (c)(i) or (ii) of paragraph 5, amount to no more than 5 % of total annual catches of all species to which the landing obligation applies under paragraph 1. That de minimis exemption shall be adopted so as to apply from the date of application of the relevant landing obligation.*"
2 Allowed only for an initial period of no more than three years and renewable for a further total period of three years.

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We kindly remind you that the MEDAC is not a scientific body, so we are not able to submit elements to the relevant MS to finalize the draft discard plan.

Antonio Marzoa Notlevsen
Chair

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