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

Ref.:103/2022 Rome, 21 April 2022

Object: MEDAC advice on Member State Italy Derogation to Minimum Conservation Reference Size for the mollusc bivalve Venus spp. (*Chamelea gallina*) in the Italian territorial waters for 2023-2025.

Given that:

- in its note dated 8th April 2022 (Ref. N.0162029 of 08 April 2022), the Italian Ministry of Agriculture, Food and Forestry Policies has formally requested the MEDAC to comment once more on the matter of the request to derogate from the established minimum conservation reference size, applying the minimum size of 22mm for the species Venus spp. in Italian territorial waters;

- the Italian national administration recently presented a Joint Recommendation to the STECF to support the request to extend the derogation from the minimum conservation reference size until the natural expiry of the discard management plan (31st December 2022). This recommendation was drawn up on the basis of the provisions of the Reg. (EU) 2019/1241;

- with reference to the abovementioned Joint Recommendation, taking into account the STECF conclusions (PLEN 22-01);[1]

the majority of the MEDAC ExCom members approve, with 4 votes against[2] :

[1] Scientific, Technical and Economic Committee for Fisheries (STECF) – 69th Plenary Report (PLEN-22-01). EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2022

[2] **WWF** would like to raise the question whether such a derogation of a species listed in Annex IX, Part A of the EU Reg. 1241/2019, can be submitted by a single Member State. As it is defined in point 24 of the preamble of the same Regulation, derogations should be based on Regionalization and in the form of joint recommendations (at least two Member States) as it is set out in Art. 18 of Reg. EU 1380/2013.
Taking note of the STECF's conclusions, in particular regarding the stock trends and harvest ratesw, WWF is not in a position to express a positive opinion on the renewal of the derogation of the MCRS for Venus spp, until the future impacts of the proposed derogation to the minimum size on the stock and ecosystem can be fully assessed.
FNCP, FACOPE and CEPESCA cast its vote against Opinion n.71/2019 of the month of March and on this same issue, considering that there has not been enough time to analyze the report in the working group, with which there are discrepancies. It is a management plan that is limited to the fleet operating in Italian waters, but which nevertheless has other repercussions for another fleet. In addition, the commercialization of catches of *chamelea gallina* below the size established by Regulation 1967/2006 has very negative repercussions on other fleets such as the Spanish one. […] It is necessary to highlight the great problem that can exist at the level of control and inspection as there are two different sizes in the same market, one regulated by Regulation (EC) 1967/2006 for the entire Mediterranean and another that is about to be approved, although limited to Italian waters, in the end they will compete and share a common market, with the problems that this entails even for control purposes at the points of destination and for the consumer himself. […]
The three Spanish Sector organizations, in defense of the fishing sector they represent cast its NEGATIVE vote on the

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- confirms the views expressed in its Opinion n.117/2020, 12th May 2020

and therefore

- supports the Joint Recommendation - Member State Italy Derogation to Minimum Conservation Reference Size for the mollusc bivalve Venus spp. (*Chamelea gallina*) in the Italian territorial waters for 2023-2025.

request for a report made by the Government of Italy to this Mediterranean Advisory Council and, likewise, show their firm will against maintaining the exception.