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.:108/2022 Rome, 29 April 2022

Object: MEDAC ADVICE on the renewal of the discard plan for clam (*Venus spp.)* in certain Italian territorial waters as requested by the Italian National Administration (letter received on 24th February 2022 - your Ref.n.0089621)

Given that:
- the Commission delegated Reg (EU) n. 2020/3 approved a discard plan for the species Venus spp. (*Chamelea gallina*) establishing that this plan would remain valid until 31st December 2022, this period of validity, however, only applies to the survivability exemption for the species and not to the derogation from the minimum conservation reference size, the exemption of 22 mm in Italian territorial waters is limited to 31st December 2020;

- the Italian national administration recently presented a Joint Recommendation to the STECF with an attachment 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 recently adopted Reg. (EU) 2019/1241;

- in its note dated 24th February 2022, the Italian Ministry of Agriculture, Food and Forestry Policies has formally requested the MEDAC to provide its advice on the matter of the renewal of discard plan for clams (Venus spp.) in certain Italian territorial waters;

the majority of the MEDAC ExCom members approve, with 3 votes against[1]:

[1] FACOPE, CEPESCA and WWF raises up the e question whether a single Member State is entitled to submit a Joint Recommendation under the Art. 15 of the Regulation (EU) n. 1380/2013. As defined in point 24 of the preamble of the same Regulation, the exceptions must be based on regionalization and in the form of joint recommendations (at least two Member States) as established in art. 18 of EU Reg. 1380/2013. FACOPE and CEPESCA are against the MEDAC advice: they highlight the economic impact of the renewal of the discard plan on the Spanish fishery sector and recall the consideranda 28 of Reg.(EU)2019/1241 where it is stated that "*When developing joint recommendations in relation to minimum conservation reference sizes, regional groups of Member States should ensure that the objective of the CFP of ensuring the protection of juveniles of marine species is respected, while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created*." Finally, CEPESCA and FACOPE recall the Reg.1380/2013 art.35 where equitable conditions are purposed for all products in the Union by promoting the sustainable exploitation of fishery resources. WWF is not in a position to express a positive opinion on the renewal of the discard plan for *Venus spp*, which also includes the derogation from the MCRS from 25 to 22 mm, considering the STECF conclusions of the 69th Plenary Session report, in particular regarding the stock trends and harvest rates

Disclaimer - This opinion reflects only the MEDAC's view and the Commission is not responsible for any use that may be made of the information that it contains

info@med-ac.eu
+39 06.46.65.21.12 T
+39 06.60.51.32.59 F

med-ac.eu
Via XX Settembre, 20
00187 Roma (Italy)

Co-funded by the European Union

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

and therefore

- supports the Joint Recommendation - Discard Plan for the mollusc bivalve Venus spp. (*Chamelea gallina*) in the Italian territorial waters for 2023-2025.

info@med-ac.eu
+39 06.46.65.21.12 T
+39 06.60.51.32.59 F

med-ac.eu
Via XX Settembre, 20
00187 Roma (Italy)

Co-funded by the European Union