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.:117/2020 Rome, 12 May 2020

MEDAC OPINION PURSUANT TO ART. 18 OF REGULATION (EU) 1380/2013 AND ART. 15 OF REGULATION (EU) 2019/1241

Given that[1]:

- with the opinion issued on 19th March (ref. 71/2019), the MEDAC has already commented on the discard management plan for the species *Venus spp.* (*Chamelea gallina*) pursuant to the provisions of art. 18(2) of Reg. (EU) 1380/2013 and of the EU directives in force at the time;

- in the meantime there has been a change to the legislation, as in August 2019 Reg. (EU) 2019/1241 came into force, which introduced the possibility for amendments (art.15) to various technical measures at regional level, including the minimum conservation reference sizes, which are identified in annex IX part A of the same document where the Mediterranean is concerned;

- Commission Delegated Regulation (EU) 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

[1] FACOPE, CEPESCA, FNCP, WWF, MEDREACT, EAA and IFSUA do not agree on this opinion considering the reasons listed below. FACOPE, CEPESCA and FNCP reiterate their vote against the MEDAC opinion ref. 17/2019 considering that there has not been enough time to analyze the report in the WG, with which there are biological discrepancies. The Italian management plan related to venus clams is limited to vessels operating in Italian waters, nevertheless it has negative repercussions on other fleets, such as the Spanish one. FACOPE, CEPESCA, FNCP, WWF, MEDREACT, EAA and IFSUA highlight the great problem related to the continuation of the current situation because the two different sizes of the same species in the same market can cause difficulties at the control and inspection level, besides the competition. In fact, the Spanish sector supports the size of 25 mm, since in Spain there are no scientific basis that guarantees that a decrease in size does not affect the future of the fishery and the species. FACOPE, CEPESCA, FNCP,WWF, MEDREACT, EAA and IFSUA highlight that the STECF Plenary (PLEN 20-01) also emphasizes the uncertainties and acknowledges that it cannot evaluate the new information sent by the Italian Fisheries Administration:"… *Given the paucity of such information, STECF is therefore unable to fully assess the potential past and future impacts of the proposed change in the MCRS for Venus clams from 25 mm to 22 mm on exploitation rates and stock biomass*. " WWF, MEDREACT, EAA and IFSUA stress the lack of data provided by the Italian administration to STECF and the shortcoming of the scientific evidence supporting the request of extension of the derogation on MCRS until 2022 in Italian national waters.

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

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recommendation was drawn up on the basis of the provisions of the recently adopted Reg. (EU) 2019/1241;

- with reference to the abovementioned Joint Recommendation, the STECF stated that (PLEN 20-01 - written procedure) "*……given that the size at first maturity of Venus clams is below 22 mm, a reduction in MCRS to 22 mm is likely to have little effect on the exploitation rate on juveniles"*;

- on the basis of the scientific evidence already produced in the aforementioned MEDAC opinion of 19th March 2019, which has recently been updated and confirmed, the further period of derogation from the minimum conservation reference size, 22 mm in Italian territorial waters, would not appear to impact juveniles nor the state of the resource at local level;

- in its note dated 27th April 2020, 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;

- as already reported in the Italian Dredge Management Plan (DM 17/06/2019) approved by EC, the lack of the derogation to the MCRS (from 25 mm to 22 mm) would significantly increase the fishing effort;

the MEDAC:

- confirms the views expressed in its Opinion n.71/2019, as indicated in the preamble,

and therefore

- considers that in Annex IX, part A of Reg. (EU) 2019/1241 the following amendment should be introduced:

as a note to the entries: "Carpet clams (*Venerupis* spp) and Venus shells (*Venus* spp)" in the table, Part A – Minimum conservation reference sizes, the following sentence should be inserted:

"Until 31st December 2022 in the Italian territorial waters of the General Fisheries Commission for the Mediterranean (GFCM) geographical subareas 9, 10, 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council, the minimum conservation reference size of 22mm is applicable."