Commission Delegated Regulation (EU) 2020/2237 of 13 August 2020 amending Delegated Regulation (EU) 2020/3 as regards the derogation for the minimum conservation reference size of Venus shells (Venus spp.) in certain Italian territorial waters

COMMISSION DELEGATED REGULATION (EU) 2020/2237

of 13 August 2020

amending Delegated Regulation (EU) 2020/3 as regards the derogation for the minimum conservation reference size of Venus shells (*Venus* spp.) in certain Italian territorial waters

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC[(1)], and in particular Article 15(6) thereof,

Having regard to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005[(2)], and in particular Article 15(2) thereof.

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94[(3)], and in particular Article 15a thereof,

Whereas:

(1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits and, in the Mediterranean, also for catches of species subject to minimum sizes.

(2) Pursuant to Article 15(1)(d) of Regulation (EU) No 1380/2013, the landing obligation for demersal fisheries in the Mediterranean Sea applies at the latest from 1 January 2017 to species that define the fisheries and at the latest from 1 January 2019 to all other species.

(3) Discard plans adopted by the Commission pursuant to Regulation (EU) No 1380/2013 may contain the specifications referred to in Article 15(5)(a) to (e) of Regulation

(EU) No 1380/2013, including the fixing of minimum conservation reference sizes ('MCRS').

(4) Article 15a of Regulation (EC) No 1967/2006 and Article 15(2) of Regulation (EU) 2019/1241 empower the Commission to establish, for the purpose of adopting discard plans and for the species subject to the landing obligation, a minimum conservation reference size with the aim of ensuring the protection of juveniles of marine organisms. According to those Articles, minimum conservation reference sizes may derogate, where appropriate, from the sizes established in Annex IX to Regulation (EU) 2019/1241.

(5) Commission Delegated Regulation (EU) 2020/3[(4)] established a discard plan for Venus shells (*Venus* spp.) in the Italian territorial waters from 1 January 2020 to 31 December 2022, following a recommendation submitted by Italy, after consulting the Mediterranean Advisory Council, taking into account the STECF advice and the entry into force of Regulation (EU) 2019/1241. However, the application of a reduced minimum conservation reference size for Venus shells of 22 mm was limited to one year, until 31 December 2020. At the same time, the high survivability exemption for catches of Venus shells below the MCRS was granted until 31 December 2022.

(6) Italy is the single Member State with a direct management interest in the Venus shells fisheries, in the Italian territorial waters of GFCM Geographical Sub-Areas 9, 10, 17 and 18. On 2 March 2020, Italy submitted a Joint Recommendation requesting to extend the MCRS derogation set out in Delegated Regulation (EU) 2020/3 for the Venus shells stock until 31 December 2022.

(7) The Joint Recommendation submitted by Italy was reviewed in view of the objectives and targets of Articles 3 and 4 of Regulation (EU) 2019/1241, by the STECF (STECF 20-01)[(5)].

(8) STECF noted that the length frequencies distributions (2017-2019) presented in the new Joint Recommendation suggest that since the first implementation in 2017, under Commission Delegated Regulation (EU) 2016/2376[(6)], of the smaller MCRS (from 25 mm to 22 mm), an increase of abundance of > 22 mm individuals has been observed in the stock in certain areas of the Marche Region. STECF concluded furthermore that the status of the stocks seems to have been stable or improving in those areas for which sufficient information is available. STECF concludes that the management plan includes provisions which are likely to be more effective for the management of the exploitation rates on Venus shell populations than the conditions prevailing before 2017. Furthermore, STECF concluded that, since the reduced MCRS for Venus shells is still larger than the size at first maturity (reported between 15-17 mm), it will probably not be detrimental to the reproductive capacity of the stock and is likely to have little effect on the exploitation rate on juveniles.

(9) The Commission considers that, based on information available to it at this stage in the joint recommendation and STECF assessments (STECF19-02 and 20-01), the derogation to the MCRS is in line with the objectives of the sustainable exploitation of the Venus shells stock in the Italian territorial waters. Although STECF notes that the information as regards the Marche region and the Puglia region was less complete,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/2237. (See end of Document for details)*

the Commission considers that the structure of the population of Venus shells in these regions has improved in the last two years and there is evidence of good recruitment. The Commission considers that since the proposed reduced MCRS for Venus shells is still larger than the size at first maturity (reported between 15-17 mm), it is likely to have little effect on the exploitation rate on juveniles, which is in compliance with Article 18 of Regulation (EU) 2019/1241. The lower MCRS also contributed to reduce the impact on the fishing activity on the marine ecosystem by allowing a significant decrease in the area being dredged. On this basis, it appears that the proposed reduced MCRS would comply with the requirements established for technical measures in Article 15 and Article 18 of Regulation (EU) 2019/1241. In light of the above conclusions, it is appropriate to grant the requested derogation until 31 December 2022. Furthermore, the Commission notes that in compliance with its national management plan, Italy will closely monitor the Venus shells stocks through annual reports to be sent to the Commission.

(10) The measures suggested in the joint recommendation are in line with Article 18(3) of Regulation (EU) No 1380/2013.

(11) Delegated Regulation (EU) 2020/3 should therefore be amended accordingly.

(12) As the measures provided for in this Regulation have a direct impact on the economic activities linked to fisheries and the planning of the fishing season for Union vessels, it should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Delegated Regulation (EU) 2020/3

In Article 5 of Delegated Regulation (EU) 2020/3, the third paragraph is deleted.

Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2020.

For the Commission

The President

Ursula VON DER LEYEN