Commission Delegated Regulation (EU) 2020/3 of 28 August 2019 establishing a discard plan for Venus shells (Venus spp.) in certain Italian territorial waters

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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) No 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 catches of species subject to minimum sizes.

(2) According to Article 15(1)(d) of Regulation (EU) No 1380/2013, the landing obligation applies for demersal fisheries in the Mediterranean Sea 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) Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt discard plans by means of a delegated act, for a period of no more than three years that may be renewed for a further total period of three years, on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils. Discard plans 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.

(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 these Articles, minimum conservation reference sizes may derogate, where appropriate, from the sizes established in Annex III to that Regulation and, following the entry into force of Article 32 of Regulation (EU) 2019/1241 from the sizes established in Annex IX to Regulation (EU) 2019/1241.

(5) Commission Delegated Regulation (EU) 2016/2376 established a discard plan for Venus shells (*Venus* spp.) in the Italian territorial waters from 1 January 2017 to 31 December 2019, following a recommendation submitted by Italy.

(6) Italy, as the single Member State with a direct management interest in the Venus shells (*Venus* spp.) fisheries, in the Italian territorial waters of GFCM Geographical Sub-Areas 9, 10, 17 and 18, submitted to the Commission, in line with the procedure of Article 18 of Regulation (EU) No 1380/2013, a new joint recommendation for a discard plan for the Venus shells (*Venus* spp.) stock, after consultation of the Mediterranean Advisory Council (MEDAC).

(7) The new joint recommendation submitted by Italy was reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) at its plenary session of 1-5 July 2019[(4)].

(8) The new joint recommendation suggests applying a high survivability exemption for Venus shells (*Venus* spp.) in the fishery carried out with hydraulic dredges in Italian territorial waters of GFCM Geographical Sub-Areas 9, 10, 17 and 18. The Member State provided scientific evidence in order to demonstrate high discard survival rates for Venus shells (*Venus* spp.) in that fishery and transmitted a scientific monitoring programme. The evidence was submitted to STECF, which concluded that discard survival is expected to be substantial. The STECF also concluded that the proposed scientific monitoring programme should provide robust data and information to allow evaluating the effects of the discard plan. In light of that assessment, it is appropriate to include that exemption in this Regulation for a period of 3 years.

(9) The new joint recommendation suggests furthermore that the reduced minimum conservation reference size for Venus shells (*Venus* spp.) established in Delegated Regulation (EU) 2016/2376 by way of derogation from Annex III to Council Regulation (EC) No 1967/2006 should continue to apply. The STECF noted that the reduced minimum conservation reference size is still larger than the defined size at first maturity and that there is no evidence to suggest that the reduction in the minimum conservation reference size has had a detrimental impact on the stock. The STECF concluded that the request for a continuation of the reduced minimum conservation reference size seems reasonable. However, the STECF also concluded that the past and the predicted future impacts of the reduced minimum size on exploitation rates and stock biomass cannot be fully assessed. Further studies and data on those impacts would

be therefore needed. Regulation (EU) 2019/1241, which establishes regional technical measures for the Mediterranean Sea in Annex IX, came into force only on 14 August 2019, and does not provide for transitional measures as regards the procedure for the adoption of delegated acts amending such regional technical measures. The joint recommendation was submitted by Italy and assessed by the STECF before the entry into force of Regulation (EU) 2019/1241 and therefore did not refer to Regulation (EU) 2019/1241. Nevertheless, in view of these exceptional circumstances, the Commission considers that on the basis of information available to it at this stage in the joint recommendation and STECF assessment there does not appear any element indicating that the proposed reduced minimum conservation reference size would fail to comply with the requirements established for technical measures in Article 15 of Regulation (EU) 2019/1241. In light of the above conclusions, it is appropriate to grant the requested derogation for one year only.

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

(11) In order to ensure appropriate control over the implementation of the landing obligation, the Member State should establish a list of vessels covered by the present Regulation.

(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.

(13) It should apply from 1 January 2020 for a duration of three years. The application of a reduced minimum conservation reference size for Venus shells (*Venus* spp.) of 22 mm, should be limited to one year.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation specifies the details for implementing the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013 in Venus shells (*Venus* spp.) fisheries carried out in certain Italian territorial waters.

2 This Regulation shall apply to 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[(5)].

Article 2

Survivability exemption for Venus shells (Venus spp.)

1 The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply, in Italian territorial waters of GFCM Geographical Sub-Areas 9, 10, 17 and 18, to catches of Venus shells (*Venus* spp.) below the minimum conservation reference size made with hydraulic dredges.