

COMMISSION DELEGATED REGULATION (EU) 2022/2288**of 16 August 2022****amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) in the western Mediterranean Sea**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1022 of the European Parliament and the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2021/2066 ⁽²⁾ provides the implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea applicable from 1 January 2022 until 31 December 2024.
- (2) On 9 May 2022, Spain, France and Italy ('Pescamed High-Level Group') submitted to the Commission a joint recommendation proposing the extension of certain exemptions of the landing obligation for demersal fisheries in the western Mediterranean Sea, taking into account the views of the Mediterranean Advisory Council.
- (3) The Scientific, Technical and Economic Committee ('STECF') assessed the joint recommendation between 16 and 20 May 2022 ⁽³⁾.
- (4) On 8 July 2022, the Pescamed High-Level Group submitted an updated joint recommendation, which STECF also assessed.
- (5) Under Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁴⁾, the Commission has considered the updated joint recommendation of 8 July 2022 in light of the STECF's assessment to ensure that it is compatible with the relevant conservation measures, including the landing obligation.
- (6) The updated joint recommendation of 8 July 2022 proposes to extend the high survivability exemptions, as provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013, established for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) caught with mechanised dredges.
- (7) Regarding Venus shells (*Venus* spp), the STECF concluded that the supporting information for provides robust high survivability estimates. The Commission therefore considers that the exemption should be extended.

⁽¹⁾ OJ L 172, 26.6.2019, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024 (OJ L 421, 26.11.2021, p. 17).

⁽³⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-22-05).

⁽⁴⁾ 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 (OJ L 354, 28.12.2013, p. 22).

- (8) Regarding Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.), the STECF highlighted, that additional evidence has been submitted as regards Scallops (*Pecten jacobaeus*). The Commission acknowledges the existence of scientific studies and publications in relation to these two species and other similar bivalve species caught by mechanised dredges in other sea basins and that have been assessed in the past by the STECF. Regarding the similarities with the Western Mediterranean Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.), the likely high survivability of those species is to be considered in relation to these two species while requesting Member States to develop studies in the Western Mediterranean.
- (9) As the evidence on the survival rates of Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) is inconclusive and STECF concluded that further scientific evidence on the survivability need to be provided for those bivalve species in the western Mediterranean Sea, the Commission considers that the exemption should be extended only for a short period. The Member States concerned should therefore submit the relevant scientific evidence for STECF to evaluate.
- (10) The Member States concerned renewed their commitment in the updated joint recommendation of 8 July 2022 to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.
- (11) Furthermore, the Member States concerned also committed in the updated joint recommendation of 8 July 2022 to identify further closure areas in order to reduce juvenile mortality, where there is evidence of a high concentration of juvenile fish.
- (12) The measures proposed by the updated joint recommendation of 8 July 2022 are in line with Article 15(4), Article 15(5), points (b), and Article 18(3) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2021/2066 should therefore be amended accordingly.
- (13) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. It should however apply from a later date,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Delegated Regulation (EU) 2021/2066 is amended as follows:

(a) in paragraph 1, points (a), (b) and (c) are replaced by the following:

- (a) scallop (*Pecten jacobaeus*) caught with mechanised dredges (HMD) until 31 December 2023;
- (b) Carpet clams (*Venerupis* spp.) caught with mechanised dredges (HMD) until 31 December 2023;
- (c) Venus shells (*Venus* spp.) caught with mechanised dredges (HMD) until 31 December 2024;

(b) paragraph 3 is replaced by the following:

‘3. By 1 May 2022 and 2023, the Member States having a direct management interest in the fisheries in the Mediterranean Sea shall submit to the Commission additional discard data and any other relevant scientific evidence supporting the exemption laid down in points (a) and (b) of paragraph 1. The STECF shall assess the data and information submitted by 31 July at the latest.’

Article 2

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

It shall apply from 1 January 2023 until 31 December 2024.

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

Done at Brussels, 16 August 2022.

For the Commission
The President
Ursula VON DER LEYEN
