

COMMISSION DELEGATED REGULATION (EU) 2022/2587**of 18 August 2022****amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards 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) 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 ⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/2376 ⁽²⁾ granted a derogation concerning Venus shells from the minimum conservation reference size (MCRS) for a total length of 22 mm in the Italian territorial waters of General Fisheries Commission for the Mediterranean (GFCM) Geographical Sub-Areas 9, 10, 17 and 18, following a joint recommendation submitted by Italy, which is the single Member State with a direct management interest in its territorial waters. It applied from 1 January 2017 to 31 December 2019.
- (2) Commission Delegated Regulation (EU) 2020/3 ⁽³⁾, as amended by Delegated Regulation 2020/2237 ⁽⁴⁾, extended that derogation from 1 January 2020 to 31 December 2022.
- (3) On 18 March 2022, Italy submitted to the Commission, in line with the procedure of Article 15(3) of Regulation (EU) 2019/1241, a new joint recommendation requesting to establish the derogation from Annex IX to Regulation (EU) 2019/1241 as regards the MCRS for Venus shells in the same Italian territorial waters. The Mediterranean Advisory Council (MEDAC) has been duly consulted and supports the joint recommendation.
- (4) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the joint recommendation and the supporting scientific evidence submitted by Italy at its plenary session from 21 to 25 March 2022 (STECF 22-01) ⁽⁵⁾. STECF highlighted that commercial biomass has increased or remained unchanged in 9 out of 13 compartments monitored between 2017 and 2020. STECF concluded that Venus shells catches are made up of adults and that discarded undersized clams are primarily adults which will survive after re-burying in the seabed. STECF concluded that the immature fraction of Venus shells population is globally unaffected by this fishery with the current derogation of the MCRS and that reducing MCRS from 25 mm to 22 mm is still consistent with the objective of ensuring the protection of juveniles, as required by Article 18 of Regulation (EU) 2019/1241. Furthermore, scientific evidence has demonstrated that a size of 22 mm is larger than the size at maturity of Venus shells (between 11 and 12 mm) and is able to produce a large number of oocytes, which would guarantee the sustainable

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽²⁾ Commission Delegated Regulation (EU) 2016/2376 of 13 October 2016 establishing a discard plan for mollusc bivalve *Venus* spp. in the Italian territorial waters (OJ L 352, 23.12.2016, p. 48).

⁽³⁾ Commission Delegated Regulation (EU) 2020/3 of 28 August 2019 establishing a discard plan for Venus shells (*Venus* spp.) in certain Italian territorial waters (OJ L 2, 6.1.2020, p. 1).

⁽⁴⁾ 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 (OJ L 436, 28.12.2020, p. 1).

⁽⁵⁾ Scientific, Technical and Economic Committee for Fisheries – 69th Plenary Report (PLEN 22-01), Ulrich, C. and Doerner, H editor(s), EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2022, available: <https://stecf.jrc.ec.europa.eu/documents/43805/22954277/STECF+PLEN+22-01.pdf/c2566fed-7daf-4e50-bf9f-ad39b966d0c4>

exploitation of the Venus shells, provided that appropriate fisheries management is carried out. In this context, STECF noted that the exploitation pattern of the Venus shells in the Italian territorial waters concerned is able to protect the nursery area, protect and enhance the area of the breeding pools and reactivate the fishing ground affected by coastal defence and beach nourishment work. Therefore, the Commission considers that the MCRS of Venus shells of 22 mm, together with the measures adopted by Italy since the derogation applies, meets the conditions set out in Article 15(4)(d) of Regulation (EU) 2019/1241.

- (5) Nevertheless, STECF concluded that the elements included in the management plan do not allow to assess the future impacts of the change in the MCRS measures and that a population modelling would be needed to evaluate future impacts of the change in the MCRS measures and to disentangle the relative effect of the MCRS from the other effects of the plan and of environmental factors. Italy officially accepted to submit the relevant data for a population modelling.
- (6) The Commission considers that, on the basis of the information gathered at this stage in the joint recommendation, the MEDAC assessment and the STECF assessment (STECF 22-01) and the commitments made by the Italian administration, the derogation to the MCRS comply with the requirements established for technical measures in Articles 15 and 18 of Regulation (EU) 2019/1241.
- (7) Annex IX to Regulation (EU) 2019/1241 should therefore be amended accordingly.
- (8) The Italian management plan specifies that Italy will closely monitor the Venus shells stocks through reports which will be sent to the Commission annually.
- (9) The measures suggested in the joint recommendation are in line with Article 18(3) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁶⁾ and 15(4) of Regulation (EU) 2019/1241.
- (10) 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

Annex IX to Regulation (EU) 2019/1241 is amended in accordance with the Annex to this Regulation.

Article 2

By 15 January 2023, Member State authorities shall submit to the Commission, using the secure Union control website, the list of all vessels authorised to fish Venus shells (*Venus* spp.) using hydraulic dredges in Italian territorial waters of GFCM Geographical Sub-Areas 9, 10, 17 and 18. Member State authorities shall maintain this list updated at all times.

Article 3

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

⁽⁶⁾ 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).

It shall apply from 1 January 2023 until 31 December 2025.

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

Done at Brussels, 18 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The twenty-seventh entry of the table in Part A of Annex IX to Regulation (EU) 2019/1241 is amended as follows:

Venus shells (<i>Venus</i> spp.)	25 mm ⁽¹⁾
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⁽¹⁾ By way of derogation, from 1 January 2023 to 31 December 2025 the minimum conservation reference size of Venus shells (*Venus* spp.) shall be 22 mm in the Italian territorial waters of the General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas 9, 10, 17 and 18 as defined in Annex I to Regulation (EU) No 1343/2011.'