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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 August 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the derogation from the minimum conservation reference size of Venus shells (Venus spp.) in certain Italian territorial waters

Delegations will find attached document C(2025) 4933 final.

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COMMISSION DELEGATED REGULATION (EU) .../...

of 24.7.2025

amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the derogation from the minimum conservation reference size of Venus shells (*Venus spp.*) in certain Italian territorial waters

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

A key objective of the common fisheries policy (CFP) is the progressive elimination of discards in all EU fisheries, which is being conducted to a large extent through the landing obligation mechanism.

The Technical Measures Regulation (EU) 2019/1241¹ (TMR) establishes technical measures, including minimum conservation reference size (MCRS), to ensure the protection of juveniles. The fisheries in Italian waters targeting the mollusc bivalve Venus clams are also subject to minimum sizes as defined in Annex IX to Regulation (EU) 2019/1241¹ (Technical Measures Regulation). However, the CFP² and the Technical Measures Regulations provide for a series of flexibility mechanisms in order to allow to take into account regional specificities.

Commission Delegated Regulation (EU) 2016/2376³ established a discard plan for Venus shells (Venus spp.) in Italian territorial waters, applicable from 1 January 2017 to 31 December 2019. This plan provided for a 3-year minimum conservation reference size (MCRS) derogation for Venus shells.

Commission Delegated Regulation (EU) 2020/3⁴, as amended by Delegated Regulation (EU) 2020/2237,⁵ established a discard plan for Venus shells in Italian territorial waters (GFCM Geographical Sub-Areas 9, 10, 17, 18) applicable from 1 January 2020 to 31 December 2022. This plan provided for a 3-year minimum conservation reference size (MCRS) derogation for Venus shells.

Commission Delegated Regulation (EU) 2022/2587⁶ established a derogation for Venus shells from the MCRS in the Italian territorial waters of General Fisheries Commission for the

¹ 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 (OJ L 198, 25.07.2019, p. 105), ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>.

² 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. 22–61, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>.

³ 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. 48–49, ELI: http://data.europa.eu/eli/reg_del/2016/2376/oj.

⁴ 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, ELI: http://data.europa.eu/eli/reg_del/2020/3/oj.

⁵ 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. 1–3, ELI: http://data.europa.eu/eli/reg_del/2020/2237/oj.

⁶ 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, OJ L 338, 30.12.2022, p. 40–43, ELI: http://data.europa.eu/eli/reg_del/2022/2587/oj.

Mediterranean (GFCM) Geographical Sub-Areas 9, 10, 17 and 18 applicable from 1 January 2023 until 31 December 2025.

New joint recommendation

On 10 March 2025, 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 extend the derogation to the MCRS set out by Annex IX to Regulation (EU) No 2019/1241 until 31 December 2030.

The new joint recommendation contains the following elements:

- (1) A request for a derogation from the MCRS for the mollusc bivalve Venus shells (Venus spp.) in certain Italian territorial waters until 31 December 2030.
- (2) Annex A: Bio-ecological and technical basis for the request of derogation of the Minimum Conservation Reference Size of the Venus shells (Venus spp.) (Reg. (EU) n. 1241/2019 Annex 9 B REG (EU)n. 1380/2013 ART. 15).
- (3) Annex Abis - Bibliography_References_for_Clams_Magement_Plan_2025
- (4) Annex B: National Discard Management Plan for the Venus shells (Venus spp.) (ART. 15 EU REG. (UE)n.1380/2013) 2025, including the following elements:
 - (a) The current minimum conservation reference size (22 mm) is maintained, as established by Delegated Regulation (EU) 2022/2587.
 - (b) The 5% weight tolerance on the minimum conservation reference size is eliminated.
 - (c) The maximum number of harvesting days per week is equal to 4.
 - (d) The maximum daily catch per vessel is confirmed at 400 kg per vessel, with no tolerance.
 - (e) Clams caught by each fishing vessel must be landed exclusively at designated landing points communicated by the Mollusc Management Consortia.
 - (f) The Mollusc Management Consortia must install a screening system at these landing points, compliant with the regulatory requirements (DM 22/12/2000), ensuring that only commercially sized clams (≥ 22 mm) are selected.
 - (g) Fishing activities will be stopped for three (non-consecutive) months between February and November instead of two as in the current plan.
 - (h) Designated restocking areas for clams below the minimum conservation reference size.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

For the new joint recommendation, Member States, in line with Article 15(3) of Regulation (EU) No 2019/1241 read in conjunction with Article 18 of Regulation (EU) No 1380/2013, shall seek the opinion of the Advisory Councils. Therefore, Italy consulted the Mediterranean Advisory Council (MEDAC) who delivered its opinion on 19 March 2025, which has an interest in the area covered by the joint recommendation.

The STECF evaluated the initial joint recommendation between 24-28 March 2025.

The main elements of the new joint recommendation with respect to the application of the MCRS derogation to Venus shells (*Venus* spp.) fisheries were evaluated in view of the objectives and the targets of Articles 3 and 4 of Regulation (EU) No 2019/1241, by the STECF plenary (March 2025)⁷.

STECF commended the comprehensive information presented in support of the new joint recommendation which updates the information submitted to the STECF Plenary of January 2022.

STECF noted that the surveys that were conducted in the different districts over a six, seven- or eight-year period, depending on the district, show stable length frequency distributions (LFDs), with good annual recruitments, and that the commercial clams (≥ 22 mm) represent a small fraction of the total in all cases.

STECF observed that selectivity has improved since the MCRS of 22 mm was implemented for the first time in 2017, in such a way that there are now not enough clams retained on board to support meaningful seeding operations for restocking purposes and restocking areas have been used only marginally.

STECF noted that after the first derogation of the MCRS via Commission Delegated Regulation (EU) 2016/2376 and the implementation of the management measures in that regulation, Venus shells (*Venus* spp.) landings appear to have stabilised around 20,000 tonnes while biomass has increased in several districts. According to the assessment results, catches have generally remained around MSY, which would suggest, overall, that current management practices have helped prevent overexploitation of Venus clams.

STECF further concluded that:

- despite the reduction of MCRS to 22 mm in 2017, the spawning stock biomass (SSB) level appears to be healthy as good recruitment was observed in most of the maritime districts and within the commercial catch.
- provided that the management measures continue being implemented as in previous years and that there are no major environmental disturbances, it is reasonable to assume that in the next five years the impacts on the Venus shells (*Venus* spp.) stock in the Adriatic on exploitation rates and stock biomass will follow trends similar to those observed since the implementation of the 22 mm MCRS.
- an assessment of the results of the implementation of the 22 mm MCRS in 2030 is necessary to allow for any potential modification of the Management Plan and to track the evolution of the stock in the different maritime districts.

STECF also concluded that the studies reported in the joint recommendation seem to show that the impacts on the habitats are not major or irreversible. STECF reiterated that Italy's 2019 management plan⁸ includes measures which are likely to be more effective than the previous conditions prevailing before 2017.

⁷ STECF 25-01: https://stecf.ec.europa.eu/document/download/53d22b03-45d7-4692-a05f-2fbefe64e34f_en

⁸ Adozione del Piano di gestione nazionale per le attività di pesca con il sistema draghe idrauliche e rastrelli da natante così come identificati nella denominazione degli attrezzi di pesca in draghe meccaniche comprese le turbosoffianti (HMD) e draga meccanizzata (DRB). (19A04117) (GU Serie Generale n.156 del 05-07-2019 - Suppl. Ordinario n. 27).

The Commission considers that, based on information available to it at this stage in the joint recommendation, the MEDAC opinion, the STECF assessment, and the Italian administration commitments contained in Annex B to the new joint recommendation, the derogation to the MCRS is in line with the objectives of the sustainable exploitation of the Venus shells stock in certain Italian territorial waters. STECF recognised that the derogation to the MCRS has not had a negative impact on the state of the resource and that the status of the stocks seems to have been stable or even improving in those waters. STECF also noted that the lower fishing effort, due to a lower MCRS, has contributed to reduce the impact on the fishing activity on the marine ecosystem by allowing a significant decrease in the area being dredged. STECF concluded that the immature fraction of the Venus clam population is globally unaffected by this fishery with the current derogation to the MCRS and remains consistent with the objective of ensuring the protection of juveniles, as required by Article 18 of Regulation (EU) No 2019/1241. In light of the above conclusions, it is proposed to extend the duration of the derogation from Annex IX to Regulation (EU) 2019/1241 as regards the minimum conservation reference size for Venus shells until 31 December 2030.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The main legal action is to adopt measures that would facilitate the implementation of the landing obligation.

The Regulation specifies the species and fisheries to which specific measures would apply.

This delegated act establishes the derogation from the technical measures set out in the Annexes of Regulation (EU) 2019/1241 for MCRS until 31 December 2030.

Legal basis

Article 15(2) of Regulation (EU) No 2019/1241.

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amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards the derogation from 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 2187/2005¹, and in particular Article 15(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/2376² granted a derogation from the minimum conservation reference size (MCRS) concerning Venus shells for a total length of 22 mm, in the Italian territorial waters of General Fisheries Commission for the Mediterranean Geographical Sub-Areas 9, 10, 17 and 18. That derogation followed a joint recommendation submitted by Italy, which is the single Member State with a direct management interest in its territorial waters.
- (2) The derogation was granted several times by Commission Delegated Regulations (EU) 2020/3³, (EU) 2020/2237⁴ and (EU) 2022/2587⁵, last until 31 December 2025.

¹ 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 (OJ L 198, 25.07.2019, p. 105), ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>.

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, ELI: http://data.europa.eu/eli/reg_del/2016/2376/oj.

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, ELI: http://data.europa.eu/eli/reg_del/2020/3/oj.

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. 1–3, ELI: http://data.europa.eu/eli/reg_del/2020/2237/oj.

- (3) On 10 March 2025⁶, Italy submitted to the Commission, in accordance with the procedure of Article 15(3) of Regulation (EU) 2019/1241, a new joint recommendation requesting to extend that derogation as regards the MCRS for Venus shells in the same Italian territorial waters. The Mediterranean Advisory Council (MEDAC)⁷ has been duly consulted and supports the joint recommendation. In the Joint Recommendation, the Italian authorities committed to take a series of measures to help the sustainable exploitation of the Venus shells stock, including a maximum 4 days harvesting per week, a maximum 400 kg daily catch per vessel with no tolerance, exclusively designated landing points, a screening system at these landing points, compliant with the regulatory requirements (DM 22/12/2000), ensuring that only commercially sized clams (equal to or above 22 mm) are selected, fishing activities stopped for three (non-consecutive) months between February and November instead of two as in the current plan and designated restocking areas for clams below the minimum conservation reference size.
- (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 24 to 28 March 2025 (STECF 25-01)⁸. STECF commended the comprehensive information presented in support of the joint recommendation for derogation to the MCRS of Venus shells, which updated the information submitted to STECF for the 2022 March plenary. The information submitted addressed the key elements necessary to assess the Joint Recommendation. STECF noted that the surveys that were conducted in the different districts over a six, seven- or eight-year period, depending on the district, show stable length frequency distributions (LFDs), with good annual recruitments, and that the commercial clams (equal to or above 22 mm) represent a small fraction of the total in all cases. Moreover, STECF observed that selectivity has improved since the MCRS of 22 mm was implemented for the first time in 2017, in such a way that there are now not enough clams retained on board to support meaningful seeding operations for restocking purposes and restocking areas have been used only marginally. Also, STECF noted that after the first derogation of the MCRS via Commission Delegated Regulation (EU) 2016/2376 and the implementation of the management measures in that regulation, Venus shells (*Venus* spp.) landings appear to have stabilised around 20,000 tonnes while biomass has increased in several districts. According to the assessment results, catches have generally remained around maximum sustainable yield, which would suggest, overall, that current management practices have helped prevent overexploitation of Venus clams. Also, STECF further concluded that despite the reduction of MCRS to 22 mm in 2017, the spawning stock biomass level appears to be healthy as good recruitment was observed in most of the maritime districts and within the commercial catch, provided that the management measures continue being implemented as in previous years and that there are no major environmental disturbances, it is reasonable to assume that in the next five years the impacts on the Venus shells (*Venus* spp.) stock

⁵ 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, OJ L 338, 30.12.2022, p. 40, ELI: http://data.europa.eu/eli/reg_del/2022/2587/oj.

⁶ Ares(2025)2275519

⁷ MEDAC 94/19.03.2025

⁸ STECF 25-01: https://stecf.ec.europa.eu/document/download/53d22b03-45d7-4692-a05f-2fbefe64e34f_en

in the Adriatic on exploitation rates and stock biomass will follow trends similar to those observed since the implementation of the 22 mm MCRS. STECF also recommended an assessment of the results of the implementation of the 22 mm MCRS in 2030 to allow for any potential modification of the Management Plan and to track the evolution of the stock in the different maritime districts.

- (5) STECF also concluded that the studies reported in the joint recommendation seem to show that the impacts on the habitats are not major or irreversible. STECF reiterated that Italy's 2019 management plan⁹ includes measures which are likely to be more effective than the previous conditions prevailing before 2017.
- (6) The Commission considers that, on the basis of the information gathered at this stage in the joint recommendation, the MEDAC opinion, the STECF 25-01 assessment and the Italian administration commitments contained in Annex B to the Joint Recommendation, the derogation to the MCRS comply with the requirements established for technical measures in Articles 15 and 18 of Regulation (EU) 2019/1241.
- (7) Regulation (EU) 2019/1241 should therefore be amended accordingly.
- (8) The Italian management plan specifies that Italy will closely monitor the Venus shell 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 1380/2013¹⁰ of the European Parliament and of the Council and with Article 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

Amendments to Regulation (EU) 2019/1241

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

Article 2

List of vessels

By 15 January 2026, 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*

⁹ Adozione del Piano di gestione nazionale per le attività di pesca con il sistema draghe idrauliche e rastrelli da natante così come identificati nella denominazione degli attrezzi di pesca in draghe meccaniche comprese le turbosoffianti (HMD) e draga meccanizzata (DRB). (19A04117) (GU Serie Generale n.156 del 05-07-2019 - Suppl. Ordinario n. 27).

¹⁰ 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, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>.

spp.) using hydraulic dredges in Italian territorial waters of General Fisheries Commission for the Mediterranean Geographical Sub-Areas 9, 10, 17 and 18.

Member State authorities shall keep that list updated at all times and inform the Commission about the updating, in accordance with the first subparagraph.

Article 3

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*.

It shall apply from 1 January 2026 until 31 December 2030.

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

Done at Brussels, 24.7.2025

For the Commission
The President
Ursula VON DER LEYEN