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PECHE 202

PUBLIC

OUTCOME OF PROCEEDINGS

from : Working Party on Internal Fisheries Policy
on : 6 October 2005
Subject : Proposal for a Council Regulation establishing measures for the recovery of the
stock of European eel

**Proposal for a Council Regulation establishing measures for the recovery of the stock of
European eel
- Presentation by the Commission**

The Commission representative recalled that the justification for this proposal was the depleted situation of the stock. The proposal follows the Council Conclusions of July 2004¹ and has been established after wide consultation with Member States and the industry .

The proposal tries to conciliate the need for global action at Community level with the necessary decentralization due to the diversity of the eel fisheries. Hence, the proposal sets a global target of 40% escapement of adult silver eel from river basins to the sea, in the assumption that there would be no disturbances unrelated to fisheries. In turn Member States will be able to choose the means to achieve this objective through their National Management Plans.

¹ See doc. 11481/04 PECHE 253

Given the critical situation of the stock, emergency short term measures are also necessary. In this respect the Commission proposes to close the fishery during the first 15 days of each month unless Member States can prove that their National Plans already achieve the 40% escapement target, or when the eels caught are less than 12 cm long and used for restocking.

All delegations entered scrutiny reservations. DK and UK entered Parliamentary scrutiny reservations.

The following are comments and questions made by delegations and the replies given by the Commission.

<ul style="list-style-type: none"> • Doubts on art. 37 as legal basis (issue of EC competence on river basins) 	<p><i>COM (and Council Legal Service): Art. 37 is the right legal basis since CFP is just a part of CAP.</i></p>
<ul style="list-style-type: none"> • Need to restrict exports of glass eel 	<p><i>COM: Considering it in connection with Trade Directorate. Two conditions required: 1) biological need; 2) restrictions must also apply to EC internal production and sales.</i></p>
<ul style="list-style-type: none"> • Difficulty to calculate 40% on the basis of a theoretical threshold 	<p><i>COM: Aware of this problem - STECF will provide technical assistance.</i></p>
<ul style="list-style-type: none"> • Adequacy of 15 days closure as emergency measure, and whether this also applies to aquaculture. 	<p><i>COM: Acknowledges it is arbitrary but a clear, equitable and enforceable rule is needed. Open to discuss other measures with similar requirements and equivalent effect - The measure will not apply to farmed eel.</i></p>
<ul style="list-style-type: none"> • Unfair to close fishery while IUU activities continue 	<p><i>COM: Control and Enforcement mechanisms of the CFP are to be used here - recalls MS are responsible for control.</i></p>
<ul style="list-style-type: none"> • Need for financial accompanying measures 	<p><i>COM: The European Fisheries Fund is the right place to include them.</i></p>
<ul style="list-style-type: none"> • Need for research to enhance knowledge on the stock 	<p><i>COM: Research on Eel will be included in VII Research Framework Programme.</i></p>

The Presidency invited delegations to send written comments and indicated that the issue would be probably back on the agenda in November 2005.