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From: General Secretariat of the Council

To: Delegations

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Subject: Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters

- Comments from Estonia

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Delegations will find in annex written comments from Estonia on the above-mentioned document.

Comments from Estonia**Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters, Commission non-paper on eel – Estonian comments**

Estonia would like to thank the Commission and Presidency on the work on the main TAC regulation for 2022 and wishes fruitful and smooth discussions for the upcoming December council. Estonia welcomes the efforts to restore European eel population and is looking forward to discussions on the way forward next year. Regarding that, we would like to know how the Commission envisages homogenising eel measures between different regions and basins of European marine waters. European eel is considered to be a single stock and thus it would be necessary to have a holistic approach with wide scope over the whole distribution area of the species.

At the moment, Article 10a on eel in Commission non-paper from 6 December 2021 (doc 14730/21) for the Main TAC regulation states that *„Any targeted, incidental and recreational European eel fishing activity, as defined in Article 4(1)(28) of Regulation (EU) No 1380/2013, shall be prohibited in Union waters of the ICES area and brackish waters such as estuaries, coastal lagoons and transitional waters for a consecutive three-month period. Each Member State concerned shall determine that period between **1 August 2022 and 28 February 2023** to ensure that the prohibition covers the periods of the highest migration of European eel. Member States shall no later than 1 June 2022 communicate the determined period to the Commission together with the supporting information justifying the chosen prohibition period.”*

Somewhat similarly, in Article 5 p 2 on eel in Commission proposal from 17 September 2021 (doc 11955/21) states that *„It shall be prohibited for Union fishing vessels to fish for European eel in Union and international waters of the Mediterranean Sea for a consecutive three-month period to be determined by each Member State. The fishing closure period shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel in the Member States concerned. Member States shall communicate the period determined to the Commission no later than one month prior to the entry into force of the closure and in any case no later than 31 January 2022.“*

One could argue that the levels of flexibilities are different, since in the former the requirements for a closure period are defined more precisely (text in bold) than in the latter. In addition, the article in the non-paper on Main TACs requires concerned Member States to send to the Commission supporting information justifying the chosen prohibition period (text in bold). Of course, there is a principal difference between the basis of the two texts which is that the Mediterranean Sea is not one of ICES advisory areas. Then again, considering the general goal of recovering the European eel population a unified approach where measures have comparable effect should be sought.