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from : Polish delegation

to : Working Party on Internal Fisheries Policy

No. Cion prop. : 13139/05 PECHE 203 - COM(2005) 472 final

Subject : Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel

Delegations will find attached written comments from the Polish delegation on the above.

Warsaw, 31 January 2007

***Poland's written comments on the draft Council Regulation
establishing measures for the recovery of the stock of European eel [COM(2005) 472 final] –
replies to the Commission questions in DS 52/07***

The issue of conserving European eel stocks is a complex one requiring cooperation by all the countries in whose territory the European eel occurs, irrespective of the importance of the eel sector, both marine and inland, and the form it has traditionally taken in those countries. Current scientific studies give a number of reasons which may have a significant influence on the decline in the eel population in Europe (<http://www.fishbiology.net>). It is primarily attributed to a reduction of over 20 % in the area of the natural habitats in which eels used to occur in Western Europe. In addition to loss of habitat, eel migration has become more difficult in inland waters as a result of measures to dam or regulate the course of rivers. Natural recruitment of glass eel to inland waters is also very limited, particularly in the Baltic Sea region. Water pollution and disease have likewise had an adverse effect on the state of the eel population. Some studies also point to the harmful influence of PCBs on the eels' reproductive capacity. The increased interest in European eel in Asia and the associated rise in glass eel prices over nearly 20 years has been a factor in limiting the restocking of this species by the inland fisheries sector because it is no longer profitable to continue this form of fishing. Over-fishing of eel is cited as one of the reasons for the depletion of stocks, but it is not the sole reason, nor the most important one. Under these circumstances, action at European Union level is greatly needed to coordinate conservation efforts within the framework of the various European policies and strategies (water management, conservation of habitats, water power industry, building eel passes, agricultural pollution and fishing).

Ad. 1. Do you support in principle a one-step-approach for measures to protect European eel?

We support the principle of a one-step approach as set out in DS 52/07, on the basis that direct management of fish stocks in inland waters by the Commission (a ban on eel fishing) is not an appropriate way of conserving the European eel population, while the delay in work on the draft Regulation means that it is no longer appropriate to distinguish between short and long-term conservation measures. In point 1.3 of the Explanatory Memorandum of the draft Regulation, the Commission stated that Member States had introduced a wide range of measures to conserve eel through fishing management. The Commission did not think those measures adequate, given that the state of the eel population had deteriorated steadily over the past 20 years. The Commission's proposals confirm the hypothesis that the reasons for the deterioration in the eel population and the potential for improving it do not relate solely to the fisheries sector and fall outside the remit of fisheries authorities.

Ad. 2. Can you agree with the definition of the objective (40 % escapement) and the definition of the reference as outlined?

The Commission has promised to submit the guidelines drawn up by the Scientific, Technical and Economic Committee for Fisheries on how to assess compliance with the target (40 % escapement). Member States had not received the necessary information by 25 January 2007. Nor is there any scientific evidence that the 40 % figure corresponds to the actual proportion of the eel population from the waters of the Baltic Sea basin in the population taking part in spawning. Under these circumstances, it is difficult to ascertain how appropriate the proposed arrangement is. We agree with the Commission's view, as stated on 25 January 2007, that the detailed rules for establishing the above 40 % target should be drawn up separately by each Member State, in order to be able to take into account all the relevant factors determining a country's ability to meet the target (e.g.: size of the glass eel population reaching the coast of the country, the productivity of the waters, the amount of restocking with material from abroad, the impact of parasites and viruses, etc.).

In our view the costs and the burdens involved in achieving the above target should be spread proportionally over all the sectors of the economy whose activities have a negative impact on eel stocks (water power industry, water transport, farming, public utilities, industry and fishing) and all the administrative authorities responsible for the management, oversight and inspection of those sectors in all the countries of the EU. The conservation and reconstruction of the eel population is a complex issue requiring comprehensive action, with no exceptions, in all areas which have an influence on the status of eel stocks. The top priority should be to rebuild habitats and enable juveniles to reach them.

Ad. 3. Do you feel that the focus on management plans on MS level linked to the envisaged sanction system is the appropriate management tool?

The state of the European eel population shows the need to coordinate action at EU level in all the countries where eel occurs or used to occur. Drawing up a management plan for the whole country is an appropriate course of action, provided that the Commission checks that the proposed measures are suited to tackle the real reasons for the fall in eel numbers in that country. If the eel population is to recover, wide-ranging action will need to be taken in a number of sectors by various administrative authorities. Improving the position will not depend purely on the fishing sector and the powers of the fishing authorities. The plan should lay down measures and set targets for all sectors whose activities have a negative impact on eel stocks (water power industry, farming, public utilities, industry and fishing).

We are definitely against introducing the system of sanctions proposed in DS 52/07. It is proposed that a Member State would have to shorten the fishing season by 50 % if its plan was not drawn up on time, if its plan failed to satisfy scientific requirements or if the target set in the plan was not met. Shortening the fishing season is illogical, since the punishment would fall on the fishing sector, which is not responsible for any failure to adopt the plan on time, and has no influence over the factual value of the document. High eel mortality can result from, for example, the action of the turbines of hydraulic power stations. It is difficult to agree to a plan which assumes in advance that the fishing sector must be held to account for any failure of implementation.

We are likewise critical of the proposal that Chapter V of Council Regulation (EC) No 2371/2002 should apply to checking implementation of the measures laid down in the eel recovery plans. We wish to underline that measures should be taken to tackle all the reasons for the decline in the eel population. The control mechanisms laid down in Council Regulation No 2371/2002 cover only the fishing sector and cannot be applied to the water power industry, public utilities or industry. In addition, the proposal requires Member States to impose on inland fisheries, from one day to the next, the system of licences, controls and sales documentation so far applied only to sea fishing, under the CFP. Adopting the system described in Chapter V of the above Regulation would require substantial amendments to national legislation and substantial and costly institutional changes (involving various administrative bodies and thus different fields of responsibility). In the light of experience with the on-going process of setting up a monitoring system for sea fisheries, it may be assumed that setting up a similar system for inland fisheries would take several years at least and require major financial and technical support from the Commission, on the same scale as for sea fishing.

Bearing in mind that the Framework Directive on water policy, 2000/60/EC, assumes that substantial improvement in water quality will not be achieved until 2015, it would be a good idea to authorise Member States to correlate their planned conservation measures with the deadlines laid down in the Directives on water and habitats. 2015 seems a realistic deadline. A more realistic deadline also needs to be set for drawing up draft conservation plans for eel stocks. The 6-month deadline is not feasible in practice, bearing in mind the range of measures which have to be taken and the number of administrative authorities which need to cooperate to draw up the document and also the fact that we have no information on the STECF guidelines for calculating the 40 % indicator.

Ad. 4. Do you share the point of view that the export of glass eel needs to be addressed in a Regulation?

Not all countries in the European Union have access to free stocks of glass eel.

Since there is very little natural migration of glass eel to inland waters, most of the countries around the Baltic Sea basin are obliged to buy in glass eels for restocking purposes. For nearly 20 years, the level of restocking has been constrained by the high cost of glass eel. The price of buying in material for restocking on the eastern Atlantic coast is similar to the prices charged for glass eels exported to Asia. To date, responsibility for European eel stocks and the cost of maintaining the eel population have not been spread evenly among all the Member States. The measures taken should include a mechanism whereby conservation costs are fairly distributed and responsibility is placed on all those involved, including fishermen, eel keepers, the water power industry and other institutions responsible for the state of the eel population. From the Polish perspective, restricting glass eel exports will not in itself do much to make restocking more profitable. It is much more important that the fisheries sector should be able to buy restocking material at prices, in quantities and at times that will make this long-term investment profitable and effective.

