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from : United Kingdom 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 United Kingdom delegation on the subject mentioned above.

UK ANSWERS TO THE QUESTIONS PUT TO DELEGATIONS ON EUROPEAN EEL

Q1. Do you support in principle a one-step-approach for measures to protect European eel?

A1. Yes. The thinks this makes sense because, although the time scale for implementing management actions is relatively short, it will take much longer to assess whether those actions have been fruitful. The approach taken must, however, depend on whether or not a management plan demonstrating compliance with a target is in place (see next question).

Q2. Can you agree with the definition of the objective (40% escapement) and the definition of the reference as outlined?

A2. The UK accepts the objective of a 40% silver eel escapement target, although this is an arbitrary target, stemming from ICES advice. However, the UK thinks that the definition of the reference requires greater clarity, especially in relation to data availability and the ability to set a management target for each RBD and assess compliance against it. UK authorities have been working on the basis that the escapement of silver eel should be calculated from actual historical data, where this exists. However, in most cases it will rely on a habitat-based assessment of potential eel production from currently available habitat, assuming that there is good access from and to the sea, that water quality is not limiting and there are no other anthropogenic sources of mortality (e.g. fishing, turbines). The only reference period is for the recruitment level, and ICES has suggested that this should be the 1970s. *For further detail, please see Annex A.*

The UK does not agree that, “In any case, upon presentation of the eel management plans to the Commission, immediate action will have to be taken to substantially increase escapement of silver eels”. This is only required where the 40% criterion is not satisfied. If a RBD can be shown to be complying with the management target (40% silver eel escapement), there should be no presumption that additional management actions are required, other than to maintain that compliance with a high degree of certainty.

Q3. Do you feel that the focus on management plans on MS level linked to the envisaged sanction system is the appropriate management tool?

A3. The UK welcomes the increased recognition that Member States can and should be given freedom to achieve the 40% target by means which best suit their individual circumstances. As DS52/07 points out, this issue was very much at the heart of Member States' questions about choice of instrument.

The UK also agrees that there will need to be a sanction for default, although immediate reversion to a 50% effort control requirement is a somewhat blunt and quite possibly ineffective tool for achieving compliance. However, it will be important to ensure that RBDs with management plans in place aimed at achieving 40% escapement over a number of years are not hit with an immediate 50% effort control requirement. Because of the long life-cycle of the eel, the benefits of the management plans are not likely to be seen immediately, therefore there needs to be time to scientifically assess the efficacy of plans before a sanction is brought in.

It is plain that as moves are made towards a further draft of the text, the position on achieving compliance, the means of assessing compliance and sanctions for breach, will develop and clarify, and ongoing discussions will reflect this development. The UK looks forward to seeing a further draft in due course and giving fuller comments on these issues at that time.

Q4. Do you share the point of view that the export of glass eel needs to be addressed in a Regulation? If so, do you support the approach as described in the paper?

A4. The export of glass eels from Europe is now biologically unsustainable, but whilst the UK broadly agrees that measures to restrict trade of glass eels are desirable, it also believes that any measures must be compatible with WTO rules.

Ideally, glass eels should only be caught from systems that have more than adequate natural recruitment, and that the surplus beyond that needed for natural recruitment to these systems should all be used for restocking. However, it should be recognised that European aquaculture interests are unlikely to agree with this, and farmed eels do reduce pressure on wild stocks.

The UK suggests, therefore, that a maximum quantity of glass eels is agreed that can be used in aquaculture and trade. The determination of this quantity might be made by reference to the delivery of aquaculture and trade from that RBD over, say, the past five years, consequently reduced by a significant fixed percentage.

The Commission may like to consider the use of the EFF as a market incentive for glass eel fishers to sell on their wares for restocking, rather than to farms.

Finally, the UK puts a lot of importance in the development of river basin district specific eel management plans as it is felt this is most effective method of seeing a recovery of the European eel stock. As such the UK authorities would be pleased to discuss the management plans on a bilateral basis in the near future.

Eel management targets

Conventionally, management targets for fish stocks are set with the aim of keeping or returning the adult spawning stock above a level that ensures that its reproductive capacity is not diminished to the point that it is incapable of sustaining itself. This level is compromised if the stock in question is fished too hard, if it becomes less productive due to degradation of the quality of its habitat or access to it is impaired, or due to some other factor which reduces the stocks' reproductive ability to, such as disease, parasites or chemical contamination.

We have no data that allow us to estimate this level for eels (particularly as we do not know the proportional contribution of silver eel populations in the various parts of its range to reproduction of the European stock as a whole), but we do know that the stock is greatly diminished. Thus, one option could be to minimise any anthropogenic impact on eel production, and maximise escapement of silver eels to the sea, irrespective of the theoretical target to be achieved.

However, this would be strongly opposed by commercial interests, be they fisheries for glass eels, yellow eels or silver eels, or aquaculture using wild eels, and there would be no measure against which to judge whether local, national or European-wide eel populations were satisfying the "safe biological limits" criterion. This is why we need a management target.

The Commission's proposal follows the line of argument, and biological logic, that fish stocks naturally overproduce eggs and fry, and that this surplus is trimmed by competition and predation to fit the carrying capacity of the stock's environment. The carrying capacity is moderated by the availability of life-stage-specific habitat, temperature tolerance, food productivity etc. It appears that a reduction in spawning capacity of between 30 and 50% will still enable most species to produce to full capacity. Hence the 40% criterion. The problem is, 40% of what?

ICES and the Commission have taken a pragmatic view that eel production, and eel recruitment (i.e. spawning success) was fairly stable at historically high levels during the 1950s to 1970s, and that the potential production of silver eels (the spawners) at that time would be useful basis for a biological reference point.

There are insufficient data to make an analytical stock assessment for that period (or since), so we have to rely on mathematical models using what we know about eel population biology to estimate the potential production of silver eels under the conditions of recruitment and habitat availability that obtained in the 1950- 1970s, and thus the 40% management target. Several models are under development that will allow this approach. However, our limited understanding of eel biology and the relationships between habitat and production at present will inevitably include a significant degree of uncertainty in any estimates (eels are not alone in this).

The value of a 40% silver eel escapement target, even if it is difficult to demonstrate its efficacy in the short-term, is that it can be applied at any scale, provided that the eel population in question has recruits (glass eels, elvers or small yellow eels) and produces silver eels that escape to the sea. Any catchment or RBD can be assessed against the 40% target and, if it does not comply, it is clear that there is a bottleneck in some part of the eel's freshwater life cycle. This is easily identified if it is a lack of recruitment (but only solved by stocking, at least in the medium term), and the models we are developing will help to identify, and quantify, other constraints on production (fishing, dams, pollution etc). These are at the core of the Eel Management Plans being put together by the Agency and others.

Definitions

The Objective referred to in the text of the Regulation did not change between the original (6 Oct 2005) and most recent (11 May 2006) communications, viz,

“The objective of each Eel Management Plan shall be, for each eel river basin, to permit with high probability the escapement to the sea of at least 40% of the biomass of adult eel relative to the best estimate of the potential escapement from the river basin in the absence of human activities affecting the fishing area or the stock”.

The latest communication proposes that, “the target of a 40 % escapement of adult silver eel be linked to a certain reference period from the period prior to the present decline in the eel stock. From that period, each Member State should specify, on the basis of the data available to it, a period of several years (preferably decades); the 40% criterion will then be bound to the average eel escapement rate during that period”. For the reasons given above, we assume that this reference period is the 1950s to 1970s.

However, review of the available eel data for England and Wales reveals that, apart from a single year's yellow eel population data (1977) for a chalk stream, which is not representative of eel production across the E&W, there is no eel data from this reference period from which to estimate eel escapement. Furthermore, quantitative data are only available from another four rivers during the period 1985 to 1995, and we have no data on silver eel escapement. Setting a target in England and Wales based on actual data for the suggested reference period, therefore, is much more difficult than setting one against potential production from a "pristine" habitat. This might not be the case in Ireland, where data are available from surveys for all the major catchments from the 1960s and 1970s and for long-term silver eel catches from the Shannon, Galway and L. Neagh.

Furthermore, the proposal requires that this objective should apply to any river basin that, "prior to human intervention, constituted natural habitats for the European eel", but we are unable to describe any river basin "prior to human intervention" (at least in the UK and Ireland). We suggest that it is unrealistic to set a target based on an ideal state that may be wholly unachievable in many river basins, and also that is not necessary for the conservation of the eel stock.

To date, Cefas and the Agency have been working on the basis that targets for escapement of silver eel should be estimated from the potential production from currently available habitat, assuming that there is good access from and to the sea, water quality is not limiting and there are no other anthropogenic sources of mortality.

As stated above, compliance with this target will depend on the extent that recruitment has diminished into a particular river basin, obstructions to migrations, impaired water and habitat quality and mortalities due to fishing, turbines etc. Quantification of these impacts will be the basis for an action plan to achieve compliance.