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**NOTE**

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from : German Permanent Representation to the European Union

to : General Secretariat of the Council

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

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

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Delegations will find attached written comments from Germany on the abovementioned subject.

**Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel - COM(2005) 472 final; Council doc. 13139/05**

Ladies and gentlemen,

My position on the above document is as follows:

1. We fully support the aim of the Commission proposal, which is to protect the stock of European eel.
2. However, Germany feels that it is unacceptable for protective measures to focus solely on the fishery, rather than on the damming of rivers or on fish-eating animals (cormorant feed).
3. Inland fishing takes only a small percentage of adult eels. Scientific findings put the recapture rate of the stock at **below 10%**. Catch data for the Netherlands' Ijssel-Meer cannot be extrapolated for catches in European rivers.
4. It is thanks to the inland fishery's stocking measures that
  - despite the damaging influences of hydroelectric power stations and fish-eating animals (cormorants) there are eel populations at all in many of our waters, as in recent years glass eel migration has been practically at a standstill;
  - our eels grow to spawning age and are thus able to contribute to the growth of the spawning stock.
  - If, however, the fishermen's livelihood is taken away from them through draconian catch prohibitions **there will no longer be a stock. Unlike in sea fishing, such prohibitions would not lead to the recovery of the stock but, on the contrary, would shrink it further.**

5. In Germany's view, the proposal to prohibit eel fishing for 15 days per month is therefore **not** acceptable. It would mean a dramatic drop in firms' income and thus lead to the disappearance of jobs in the inland fishery without doing anything positive for the eel spawning stock.
6. Moreover, as a result of the exemption being considered, glass eel fishing – as opposed to inland fishing – would remain largely untouched. This represents unequal treatment which is totally unacceptable.
7. For Germany's widespread stationary fisheries (e.g. creels) a 15-day catch prohibition would be tantamount to a work ban and thus to a loss of livelihood. It would
  - in view of the design of the creels, lead to several days' erecting and dismantling work twice a month. In practice this means that the prohibition is increased to around 20 days per month.
  - The dismantling of the fishermen's creels during the ban on eel fishing would effectively lead to a ban on other types of fishing.
8. Instead of the 15-day prohibition, Germany therefore advocates the following measures:
  - restriction of exports of glass eels; absolute priority must be given to the use of glass eels for stocking purposes;
  - the most important measure to support the stock is the stepping-up of stocking measures for open watercourse systems under scientific supervision. Preconditions: funds to promote the buying-in of glass eels for the purposes of stocking to support the spawning stock, and also including the inland fishery;
  - general ban on the catching or acquisition of eels weighing less than 150g or more than 1 200g each (the heavier eels are usually gravid females, which must be allowed to escape);
  - mesh sizes for nets and creels to be determined accordingly;
  - general ban on catches in fish channels or passes;
  - stationary installations must be so proportioned that more than 50% of the flowing water is still clearly passable;
  - possible additions: prohibition for several days per month for fishing gear used in active fishing (seine net, trawl net, electrofishing).

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