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NOTE

from : Austrian Permanent Representation to the European Union

to : General Secretariat of the Council

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 Austria on the abovementioned subject.

Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel
Examination by the Council Working Party on Internal and External Fisheries Policy
Austria's comments

Please find below the comments of the Federal Ministry of Agriculture, Forestry, the Environment and Water Management on the proposal for a Council Regulation establishing measures for the recovery of the stock of European eel, which is currently under discussion in the Council Working Party on Internal and External Fisheries Policy.

Austria agrees in principle with the aim of the European Commission's proposal for a Regulation and recognises the need to introduce common management measures in order to rebuild the European eel stock. This is not to belittle the results already achieved by a number of Member States.

In particular, we fully endorse the Commission's statement in its explanatory memorandum that in achieving this objective the principle of proportionality must be observed.

On that basis, a thorough investigation and assessment of the situation in Austria was carried out. The natural area of distribution of the European eel in Austria is limited to marginal colonisation of

the uppermost reaches of the Rhine and Elbe river basins. This final stretch of the eel migration path is minute, describable as a "very small river basin" of no significance. Eel migration is, moreover, severely hampered by numerous obstacles in the water system lower down.

The Regulation could usefully focus on eel river basins of significant size, and very small river basins should be exempted. Austria has accordingly entered a reservation on Article 6 and proposes the following wording in order to accommodate specific regional and local characteristics:

Article 6(1) should read:

Member States shall identify and define *significant* individual river basins lying within their national territory that constituted natural habitats for the European eel ("eel river basins").

The words "prior to human intervention" should be deleted (problem of legal definition; matter of appreciation).

In addition, Article 6(3) should read:

For each eel river basin defined under paragraph 1, Member States shall prepare an Eel Management Plan. *No such plans shall be required for very small river basins in the uppermost reaches of water systems.*

The proposed wording aims at a workable solution while continuing to promote the achievement of the Community's aim.

We would accordingly ask the Commission to incorporate the proposed wording into the draft Regulation. Austria would like to be able to withdraw its reservation on this Article as soon as possible.