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NOTE

from : The Netherlands 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 the Netherlands on the above-mentioned subject.

Comments from the Netherlands regarding:

Proposal for a Council Regulation establishing measures for the recovery of the stock of the European Eel - COM (2005) 472 final

For the Netherlands the fishery on yellow- and silver eels, and the aquaculture of eels is of considerable socio-economic importance. Given the dramatic decline of the eel stocks throughout Europe, the Netherlands has supported the initiatives from the Commission to achieve a recovery of the stocks, and we welcome the present proposal.

In their conclusions on the Action Plan for the management of the European eel (COM (2003) 573 final), the Council has given great importance to an integrated and balanced approach, and a balanced contribution of all stakeholders with respect to the implementation of measures. The Netherlands considers this as the main criterion for their position regarding the present proposal.

Art.1. We believe that the Regulation should cover all areas where eels live. The present proposal covers only the estuaries and rivers of Member States (MS) that flow into ICES areas III, IV, VI, VII, VIII, IX or into the Mediterranean Sea. However, in the considerations of the proposal under (7) it is mentioned that eel management plans should cover basins defined in accordance with Directive 2000/60/EC. In the Netherlands the latter definition covers a wider (coastal) area than presently indicated under Article 1. Furthermore, considerable eel fishing takes place in the Baltic Sea whereas it is not clear if this fishery falls under the measures being proposed. We kindly request the Commission to clarify these points.

Art.2. We agree with the Commission that short-term measures are required while the Eel Management Plans are being prepared. However, the currently proposed closure from the first to the fifteenth day of each month is not acceptable for the Netherlands. In stead we propose a 50% reduction of the fishing effort on all live stages of the eel. The measures to be chosen by the Member States and to be approved by the Commission. This will offer greater flexibility for MS so that measures can be tailor made according to the specific situation of the fisheries concerned, are controllable and cost-efficient. Furthermore, given the dimension of fyke nets used in certain areas in the Netherlands, and the large number of nets operated by a single fisherman, the proposed measure cannot be implemented in practice.

Art. 3. In general, the proposed derogation for the fishing of glass eel increases the risk of illegal fishery (how to control the destination of the glass eel?). Therefore, we request the Commission to elaborate the proposal with an adequate and effective system to prevent that glass eels are used for other purposes than restocking.

By way of derogation also the aquaculture industry should be permitted to purchase glass eels for on-growing from the first to the fifteenth day of each month, provided that a part of the on-grown eels are released into European inland waters having access to the sea. Since the mortality rate of stocked glass eels that grow under natural conditions to the silver stage is much higher as compared to the mortality of stocked yellow eel, this measure will be more efficient. Also the release of yellow eel will have a more rapid effect on the spawning biomass of the eel population.

Art. 5. According to the definitions set out in the Water Framework Directive (2000/60/EC) there are over 100 River Basin Districts in Europe, and 4 in the Netherlands. Each of these four concern international river systems. Since each Eel Management Plan (EMP) has to be coordinated with all the countries concerned, this will require considerable time and effort, thus risking a longer seasonal closure of the eel fishery. The Netherlands requests the Commission to revise the time schedule in such a way that the EMP's are more in line with requirements following the timing of the Water Framework Directive. We consider that a minimum period of 2 years is required.

Art 6. (4). Clear guidelines for the establishment of the “potential escapement from the river basin in the absence of human activities affecting the fishing area or the stock” are not available. Data with regard to this reference are lacking in most River Basin Districts. We cannot oversee the national consequences of this escapement target. The definition is unspecific and this objective is hardly measurable. It will give rise to different interpretations and therefore unbalanced contributions of MS. Therefore, we cannot agree to the current formulation of this article. Specific information regarding the establishment of the reference as well as a uniform EMP format is required.

Furthermore we do not understand why the Commission has opted for a single parameter (escapement of silver eel), while in the Action Plan for the management of the European eel (COM (2003) 573 final), three parameters are proposed for the long term management: settlement target for glass eel, stocking target for yellow eel, and escapement target for silver eel. At present reliable data for the settlement of glass eels are available from most Member States, whereas for the other two parameters considerable extra research efforts are required and historical data are lacking.

Art. 9. (1). As well as a uniform EMP format, uniform standards for monitoring have to be established. For this purpose the Data Collection Regulation (1543/2000) has to be adapted. However, STECF-SGRN (28 Nov.-2 Dec. 2005) has advised to carry out first a 2-year pilot monitoring programme. The monitoring of the EMP's should not result in extra obligations for Member States, other than being agreed through the Data Collection Regulation.

Art. 10. This Article stipulates that Chapter V of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy shall apply *mutatis mutandis* to all measures provided for by this regulation. The Netherlands wonder whether Chapter V (in particular the first paragraph of article 22 that requires that a fishing vessel shall carry on board its licence) can apply to the measures provided for by this regulation. At present a European licence is only required for Community fishing vessels equipped for commercial exploitation of living aquatic resources. However, the fishery on eels in the Dutch inland waters takes place with small boats that are not registered under the CFP. Besides, the fishery is not always a commercial activity.

Chapter V of the Council Regulation 2371/2002 restricts in Art. 2 the unregistered marketing of eel to private consumers only and prescribes all other selling of eel to registered buyers and registered auctions. Does this apply to each quantity of eel sold?

Art. 11. Immediate entry into force of the proposed Regulation will have severe socio-economical consequences for the Dutch fishery and aquaculture industry (Art. 2. Seasonal closure of the fishery). In order to give the industry and Member States more time to prepare for the implementation of this Regulation, we propose to effectuate this Regulation one year after its publication.

Other remarks:

- The present proposal contains a number of issues that are not clear (formats for EMP, standards for monitoring etc.). These items could be further worked out through a management committee procedure.
 - Reconstruction of the eel fishery through the buy-out of vessels, fishing gear, or fishing rights is one of the possible measures Member States could use in order to achieve the targets set in the EMP. However, the new European Fisheries Fund has no provisions for such a financial reconstruction scheme.
 - According to the Explanatory Memorandum (4) supportive research other than monitoring could be financed through the 7th Framework Programme. However, in the current Programme eel is not mentioned and therefore it is not guaranteed that sufficient funds will be available for eel. Research into the artificial propagation of the eel, and the subsequent rearing of the eel larvae to glass eels has to be a top priority for which a European research funds have to be made available.
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