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from : Swedish 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 Sweden on the above-mentioned subject.

**Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel Document 13139/05 PECHE 203**

**Provisional comments by SWEDEN**

Sweden welcomes the proposal and generally shares the Commission's analyses and measures. The likely biological effects of the proposal on the European eel stock is difficult to fully evaluate as this will be the result of the effects of the national management plans within the short time frame and in view of the critical situation of the eel stock. But it seems possible to improve the provisions of the proposed regulation in order to ensure a greater likelihood of successful effects on the eel stock.

In particular, the regulations of the national management plans could be improved to avoid unnecessary time delays, include all waters, i.e. sea, coastal areas, estuaries, rivers and lakes, and to allow flexibility regarding the use of primarily financial resources to maximize the effects on the stocks.

In addition, it is imperative that all three types of measures envisage are taken parallelly, i.e. short term measures regarding restricted fisheries and eventual eel restocking in line with scientific advice, and long term measures regarding restoration of habitats. All three measures should be central elements in the national management plans.

Efficient measures to influence the price of glass eel should be urgently addressed.

The comments below were formulated without regard to previous to the result of the EIFAC/ICES meeting at the end of January 2006. Serious consideration should be given to the results of this meeting in deliberations of the draft Council Regulation.

## **Article 1**

All relevant waters should be included in the proposal, i.e. sea, coastal areas up to 4 miles from the baseline, estuaries, rivers and lakes.

## **Article 2**

The proposed 15 days closures per month will cause practical difficulties to eel fisheries and in some cases a total stop. Furthermore, there will be difficulties regarding control and marketing as eel is easy to keep alive, in waiting for sale. An alternative proposal without these unintended side effects is preferred.

## **Article 3**

Restocking in coastal areas as well as in inland waters should be allowed, in line with scientific advice. Furthermore, fish for restocking purpose may only be caught in waters with surplus numbers of eel and released to areas with 40 % level of escape of adult silver eel. When restocking, areas with conditions favouring maximum yearly fecundity should be chosen.

## **Article 6**

In addition to achieving the objective of 40 % escape of adult silver eel from each river basin (measured with respect to undisturbed conditions), also eel survival in previous stages must be ensured.

To facilitate coordination and administration of management measures, the term "Eel river basins" should be rephrased to "Water areas with natural abundance of eel".

As eel are found in most waters, classification could be simplified if only areas where eel is missing is reported (Article 6.1). Accordingly a management plan is needed in all areas except those where eel is missing.

As a first and primary objective all hydro power installations and dams downstream natural eel water areas should be equipped with functioning eel passages for upstream and downstream movements without possibilities of passing through turbines.

The objective of 40 % level of escape of adult silver eel must be with regard to time frames for "undisturbed conditions". Such conditions may have been present only a very long time ago and data from such times may be scarce. Calculations should in those cases be based upon scientific data from other comparable water areas. Initially an operational provisional objective should be to refer to the eel stock existing about 1980 as a point of reference. In fact, such a provisional objective could be a central element.

Furthermore it has to be taken into account that the costs to achieve 40 % level of escape may vary considerably between water areas. To achieve the greatest possible eel escapement per country the objective of 40 % escape should initially be related to the country as a whole – not to individual water areas.

The term "Adult silver eel" should be defined further as the term adult is confusing and it may include different stages in the eel life cycle.

## **Article 7**

The short time frame proposed is acceptable due to the serious state of the stock and the threat of extinction .

To simplify the evaluation of the national management plans in STEFC, and to ensure comparability of the evaluations, criteria for evaluation and procedures (including time frames) should be developed as soon as possible. A condition to achieve this effect should be included in the text of the proposal.

## **Article 8**

Cooperation with third countries should be initiated as soon as possible. The Baltic Sea RAC - which will be established in March 2006 - may be an appropriate venue. Other RACs should be encouraged to comment on the national plans and the STECF evaluations.

## **Article 9**

*(see art 8)*

## **Article 10**

Traceability is important in the control of trade of living eel as well as in eel fisheries. The development of a credible "certificate of origin" of eel is encouraged by Sweden.

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