



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 February 2007**

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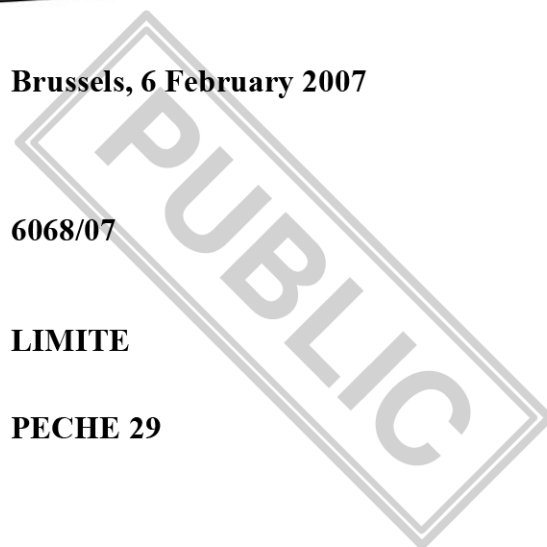
**Interinstitutional File:  
2005/0201 (CNS)**

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**6068/07**

**LIMITE**

**PECHE 29**



**PRESIDENCY NOTE**

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from :            Presidency

to :                Working Party on Internal Fisheries Policy

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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 a working document from the Presidency, in agreement with the Commission, on the abovementioned subject.

*Article 1*

**Subject-matter**

This Regulation establishes a framework for the protection and sustainable use of the stock of European eel of the species *Anguilla anguilla* in Community maritime waters and in the estuaries and rivers of Member States that flow into the seas in ICES areas III, IV, VI, VII, VIII, IX or into the Mediterranean Sea or into the Black Sea.

Measures under this regulation shall be adopted and implemented without prejudice to the relevant provisions of EU Directives 92/43/EC of the Council on the protection of wild fauna and flora and 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

*Article 2*

**Seasonal Closures for Eel Fishing**

From 1 January 2008 the fishing season shall be shortened so that the fishing effort by any Member State that catches eel is reduced by 50 %.

*Article 3*

**Exemptions from Seasonal Closures for the increase of escapement levels  
{and fishery on glass eels}**

1. By way of derogation from Article 2, it shall be permitted to fish for eel of the species *Anguilla anguilla* the whole year round provided that:
  - (a) the eel are less than 12 cm long and
  - (b) all the eel captured are released into European inland waters having access to the sea for the purpose of increasing the escapement levels of adult silver eels

- (c) or that the eel captured are used as stocking material for eel aquaculture in the EU, provided that a certain percentage of the ongrown biomass is released after a fattening phase into European inland waters having access to the sea for the purpose of increasing the escapement levels of adult silver eels.

#### *Article 4*

### **Exemptions from Seasonal Closures for Eel Management Plans**

By way of derogation from Article 2, from 1 July 2008 it shall be permitted to fish for eel of the species *Anguilla anguilla* throughout the year provided that the fisheries conform to the specifications and restrictions set out in an Eel Management Plan in accordance with Article 5.

For Member States which have submitted an Eel Management Plan to the Commission for approval not later than 31 December 2007, Article 2 shall be suspended until final decision of the Eel Management Plan by the Commission in accordance with Article 6(2).

#### *Article 5*

### **Establishment of Eel Management Plans**

1. Member States shall identify and define the individual river basins lying within their national territory that constitute natural habitats for the European eel (“eel river basins”). If appropriate justification is provided, a Member State may designate the whole of its national territory or an existing regional administrative unit as one eel river basin.
2. In defining eel river basins, Member States shall have the maximum possible regard to the administrative arrangements referred to in Article 3 of Directive 2000/60/EC.
3. For each eel river basin defined under paragraph 1, Member States shall prepare an Eel Management Plan.

4. The objective of each Eel Management Plan shall be, 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 escapement. The level of escapement shall be determined in one of the following three ways:

- (a) Use of historical data, provided these are available in sufficient quantity and quality,
- (b) habitat-based assessment of potential eel production, in the absence of anthropogenic influences or,
- (c) with reference to the ecology and hydrography of similar river systems.

Each Eel Management Plan shall contain a description and an analysis of the present situation of the eel population in the river basin and relate it to the escapement target laid down in this paragraph.

Each eel Management Plan shall include the means to reach the objective set out in this paragraph. The Member States may define the means depending on local and regional conditions.

A management plan may contain, but is not limited to, the following measures:

- reducing commercial fishing activity,
- restricting recreational fishing,
- restocking measures,
- structural measures to make rivers passable and improve river habitats, together with other environmental measures,
- transportation of adult eel from inland to waters from which they can escape freely to the Sargasso Sea,
- combating predators,
- temporary switching-off of hydro-electric power turbines, etc.

The plan shall also contain a time schedule for the attainment of the escapement target, depending on an expected recruitment level.

5. In the Eel Management Plan, each Member State shall implement immediate measures to reduce the mortality caused on eel by factors outside the fishery, including hydroelectric turbines, pumps or predators.
6. Each Management Plan shall include the means to monitor and verify the attainment of the escapement target.

#### *Article 6*

### **Approval of Eel Management Plans**

1. Member States shall communicate not later than 31 December 2007, to the Commission, all individual Eel Management Plans prepared in accordance with Article 5.
2. On the basis of a technical and scientific evaluation from the Scientific, Technical and Economic Committee for Fisheries, the Eel Management Plans shall, where appropriate, be approved by the Commission in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.
3. Member States shall implement the Eel Management Plans referred to under paragraph 1 from 1 July 2008, or from the earliest possible time before that date.

#### *Article 7*

### **Transboundary Eel Management Plans**

1. For eel river basins extending to the territory of more than one Member State, the Member States involved shall jointly prepare an Eel Management Plan. If coordination is in danger of resulting in such a delay that it will become impossible to submit the management plan on time, Member States may submit Management Plans for their national part of the river basin.
2. Where an eel river basin extends beyond the territory of the Community, the Member States involved shall endeavour to develop an Eel Management Plan in coordination with the relevant third countries.

3. Where an eel river basin extends beyond the territory of the Community, the competence of any relevant regional fisheries organisation shall be respected.
4. Articles 5 and 6 shall apply *mutatis mutandis* to the transboundary plans referred to in paragraphs 1 and 2.

*Article 8*

**Glass eel fishery**

If a Member State operates a fishery on glass eels, it has to guarantee that **75%** of all glass eels caught during the whole year are utilized as part of a restocking program in European inland waters having access to the sea, for the purpose of increasing the escapement levels of adult silver eels. In order to ensure that 75% of glass eels caught are used in a restocking programme, Members States must establish an appropriate reporting system.

*Article 9*

**Measures concerning maritime waters**

Where a Member State operates a fishery in maritime waters that catches eel, the annual effort deployed in that fishery shall be reduced by 50% relative to that of 2006. This reduction is to be effected over a period of five years, starting from the date of entry into force of this Regulation.

*Article 10*

**Reporting and Evaluation**

1. Each Member State shall report to the Commission, initially, every third year, with the first report to be presented by 30 June 2011. The frequency of reporting shall decrease to once every sixth year, after the first three tri-annual reports have been submitted. Reports shall outline the monitoring, effectiveness and outcome, and in particular shall provide the best available estimates of:

- (a) for each Member State, the proportion of the biomass of the eel that escape to the sea to spawn relative to the escapement target
  - (b) the level of fishing effort that catches eel each year, and the reduction effected in accordance with Article 2
  - (c) the level of mortality factors outside the fishery, and the reduction effected in accordance with Article 5(7).
  - (d) the amount of glass eel caught and the proportions of this utilized for different purposes.
2. The Commission shall, by 31 December 2012, present a report to the European Parliament and the Council with a statistical and scientific evaluation of the outcome of the implementation of the Eel Management Plans accompanied by the opinion of the Scientific, Technical and Economic Committee for Fisheries.
  3. The Commission shall, considering the report described in paragraph 2, propose any appropriate measures to achieve with high probability the recovery of the stock of European eel.

#### *Article 11*

#### **Control and Enforcement**

1. 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<sup>1</sup> shall apply mutatis mutandis to all measures provided for by this regulation.
2. Article 22 (1)(b) of Regulation (EC) No 2371/2002 shall not apply.

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<sup>1</sup> OJ L 358, 31.12.2002, p. 59.

*Article 12*

**Entry into force**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*, but not before 01 July 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]