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OUTCOME OF PROCEEDINGS

from : Working Party on Internal Fisheries Policy

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

I. INTRODUCTION

Following discussions in the Working Party on Internal Fisheries Policy on 15 February 2007, delegations will kindly find attached a "bible" presenting the views of the Member States and the Commission in *footnotes in italics and bold*.

DK, UK: parliamentary scrutiny reservation.

All delegations entered a scrutiny reservation.

IT, ES: Regional authorities and regional organisations need to be consulted.

II. GENERAL COMMENTS

DK: Support proposal in general. What about other forms of water apart from fresh water?

IE: Welcome quite simplified approach. Provision should be opened up.

ES: Difficulties. Horizontal application of reduction to all river systems does not take into account differences on state of play of rivers or measures introduced by MS before the proposal. Don't treat everyone in the same manner.

PL: Different authorities responsible for water management and water quality. The fishing sector alone is maintaining the species.

FR, EL, PT: other factors besides fishing affecting mortality of the eel. EL: Stronger terms to present management plans. PT: Think of alternatives.

COM:

(IE): Took note of reference to catches.

(ES): Management plans have a common objective. Some MS will have to do less if they have taken measures already.

(FR, EL, PT): Act progressively: it is not an alternative measure but a measure to be applicable immediately. Concerns only fishing because not intended to reproduce management plan. Much more difficult to take immediate measures on other activities.

FR, IT, FI, UK: Structure of Regulation: start with management plans then have derogations.

COM: Accept, as this measure would only be applicable as fall back position.

*Article 1¹***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.

¹ ***UK, PL, SE:*** *Might be more appropriate to refer to river systems instead of rivers.*
NL: *Can support Presidency objective. Question on scope: fresh water: only rivers? or any kind of fresh waters such as artificial ways, canals?*
SE: *Supports proposal. Written comments on Article 1.*
EL, FR, IT, LT: *Are lagoons lakes and lakes flowing into the sea included?*
COM: *Scope: Main objective is to reduce activities preventing eels getting to fresh waters and Sargasso Sea => scope should cover all inland waters that can be connected to sea and where eel could develop. Maybe necessary to make clear that commercial activities, where there is no connection with the sea, are not covered.*

FI: *Going in right direction but some fine tuning to be done yet. Regulation should not apply to recreational fishery but to commercial fishing activities only.*
COM: *In contradiction with providing MS with a range of management possibilities depending on situation of fishery in each MS. Every MS to find right blend of management measures. Recreational fishery can represent an important proportion in some MS.*

PL: *Maybe statement on trade measures would be important. Problem with property rights.*
COM: *Property of water systems one of reasons why measures have to be decided by each MS.*

Article 2

Seasonal Closures for Eel Fishing

From 1 January 2008² the fishing season shall be shortened³ so that the fishing effort⁴ by any Member State⁵ that catches eel is reduced by 50 %⁶.

² **FR:** difficulties in implementing this date.

³ **NL:** Flexibility. Several possibilities apart from shortening fishing season.

LT: Problems. Against seasonal closures. Eel fishing is regulated and limits are established. Prefer other ways as UK.

⁴ **IE, SE, UK:** Reduction in effort does not necessarily translate into reduction on exploitation. **UK:** Better to reduce exploitation without making any ref. to length of fishing season because creates problems in Art. 3. Provision should apply to all stages of eel.

FI: MS fish eels in different ways. How is fishing effort going to be measured?

IT: Use fishing mortality instead of fishing effort. Leave to MS as to when it has to achieve the objective.

FR: Better to refer to mortality of eel in general and not only to fishing mortality.

COM: (FR, IT) Use fishing effort because only measure immediately applicable.

(FI) Consistency. There are different ways to calculate the effort on a maritime fishery.

(UK) Agree that there has to be an incentive to present national plans. Art. 2 has to have strong measures. All the eel stages: OK.

⁵ **DK, ES, FR, IT, LT, FI :** What is link with Article 9?

- **ES:** What are maritime waters? Could management plan cover maritime waters so that Art. 9 did not apply?

- **IT:** Need to know what is base line or reference to be used as a basis. Art. 9 has a more objective parameter.

- **FI:** Possibility that fishing management measures decided upon at EC level are applied in inland waters.

- **FR:** In Art. 2, it is not made clear that it applies only to internal waters. It gives impression that there are two different systems. Agree with principle in Art. 9 to provide 5 years to reach the objective.

COM: Management plans will cover river systems that belong to one or several MS. As for maritime waters, it is impossible to identify where the eel comes from. Hence a separate measure not applicable through management plans but at a horizontal level across the EC.

(IT) - Need parameter to compare.

⁶ **CZ:** Could a specific % be envisaged for particular rivers and recreational fishery only?

NL: If you don't have commercial eel fishing, will the reduction be applied to sport fishing?

COM: Open to consider setting % of recreational fishing, but this would go against objective of allowing MS to decide which activities are to be limited to achieve the escapement target.

Exemptions from Seasonal Closures for the increase of escapement levels

- ⁷ **COM:** Derogations to application of Art. 2 are to pursue objectives of restocking and developing aquaculture.
- CZ, EL, ES, FR, IT, NL:** Consistency with Art. 8. **EL, ES, FR:** Reservation. **ES, FR:** Subsidiarity. Why general derogation different from Art. 8? What justifies different treatment compared to management plan?
- ES:** Council conclusions concerned all life stages.
- IE:** Goes in right direction. Need more information.
- UK:** Seasonal closures not right choice of measure => "whole year round" creates a difficulty;
- Only allow glass eel fishery where recruitment level high enough to meet 40% objective;
- PL:** Perhaps have a ban on fishery of glass eel and have exemptions to fishery instead of to seasonal closure. Eels in aquaculture not intended for restocking but for consumption. There should be an improvement in restocking.
- NL:** Seek reference to examining inclusion of eels in Annex II of CITES.
- CZ, SE** - how to ensure compliance?
- SE:** How can fishing of young eel be justified?
- FR, IT:** Exemptions in Arts 3 and 4 overlap each other. Clarify.
- DK:** Aquaculture particularly important in DK. Survival rate for natural migratory eels very low. That for farmed glass eel is higher, despite mortality and risk of disease.
- FR, CZ, PL, FI, UK:** Funding: Art. 38(2) of European Fisheries Fund (EFF) states need for a specific legal basis in a legal instrument. There is only a statement.
- FR:** Restocking: glass eels: modalities: would eel, either fished or farmed (aquaculture), be financed?
- COM:** Gave the following replies:
- (FR)** - Art. 2. is only applicable where no management plan is presented;
- (ES, FR)** - Link Arts. 3 and 8. Percentage in Art. 8 should also apply to Art. 3;
- (UK)** - Art. 2 a penalty for failing to present a management plan. Best would be general application of Art. 2. Exemptions requested by MS. Ready to get rid of them;
- (UK)** - Reflect on whether or not to have restocking from a river basin if river basin cannot sustain such a withdrawal (i.e. not met 40 % objective)
- (NL):** Exports - DG Trade studying this, but only possible if internal EC legislation restricting production at EC level is in place (e.g. this Regulation in force);
- (CZ, SE):** Control MS responsibility so allow MS here to use mechanisms in CFP.
- (SE)** - Fishing young eel - aim to encourage restocking in waters others than where eel occurs naturally. Clarify that must have reached 40% escapement target before taking eels from those waters;
- (FR, CZ, PL, FI, UK)-** EFF to fund restocking: Already have explicit reference in EFF Regulation but no problem in adding a reference if legal colleagues agree;
- (FR):** Important to promote restocking. Harder to finance aquaculture => only finance activities with specific objective of restocking. To finance aquaculture would need a very high percentage in para 1c).

{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 aquaculture⁸ in the EU, provided that a certain percentage⁹ of the on-grown biomass is released after a fattening phase into European inland waters having access to the sea for the purpose of increasing the escapement levels¹⁰ of adult silver eels.

⁸ ***PL:*** balance improvement in restocking eel while avoiding reduction in quality of eel on market.

⁹ ***UK, IE, CZ:*** What should be the %? ***UK, IE:*** It should be a high figure, maybe 75%.
IE, NL: How is % to be calculated?

UK: Maintenance in aquaculture a loss for re-growing the population => % released should be rather high and early enough to avoid hampering the eel adapting to living in the wild.

IE: Correlation with alien species. Restocking has risks.

EL: Major reservations. Doubts about the % given the mortality rate in aquaculture. Potential threats to economic viability.

COM: Standard practice in aquaculture sector to free some eels. It would be better to have a clear percentage so currently collecting data so can calculate a fixed percentage.

¹⁰ ***UK, PL, SE:*** Refer to fishing methods for restocking as its effectiveness depends on conditions of eel. Some fishing methods are not very good for releasing eels again (e.g. trawling leads to high mortality). Only allow hand-held dip-nets.

COM: Since exemption concerns fishery for restocking, there should be low mortality. Open to clarification on fishing methods.

Article 4¹¹

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 2007¹², Article 2 shall be suspended until final decision¹³ of the Eel Management Plan by the Commission in accordance with Article 6(2).

¹¹ ***PL, LT:*** Link Arts. 2 & 4. Other factors besides fishing impact on state of eel stock.
FR: Agree with logic of applying sanctions where a management plan is lacking.
EL: Link with Art. 1.

CZ: Who is responsible for preparing the management plan? There might be problems discussing at regional level and with ecological organisations.

EE: Unable to quantify escapement because the Russian Federation not interested in constructing eel passage. They cannot guarantee the 40% escapement. ***COM:*** Bilateral agreement with Russia foresees the possibility of cooperating with RUS on this issue.

¹² ***CZ, ES, FR, PT, EL, NL, IT, LT, BE, IE, FI:*** Time frame is too tight. ***ES, BE:*** At least 18 months. ***PT:*** Regional authorities are concerned. ***IT:*** Need time to collect data.
UK, SE, COM: Important that timetable be respected. Need for urgent action. Matter of credibility. Art. 2 can be used.

¹³ ***COM:*** after decision on management plan see if Art 2 shall apply.

Establishment of Eel Management Plans

1. Member States shall identify and define the individual river basins lying within their national territory that constitute natural habitats¹⁵ 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.¹⁶
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.

¹⁴ ***COM:*** Article provides escapement target, criteria from ICES and possible management instruments for MS. No fixed deadline: to provide flexibility. Plans can be adapted.

DK, ES: Right direction; ***ES:*** providing flexibility to MS.

¹⁵ ***AT:*** Problem: eel stocks only occurred in some areas (doc 5988/06 ADD 15). AT has no natural habitat at the moment => no action required by AT as regards this Regulation.
COM: Maybe if eel is historically marginal (e.g. AT, MT), it would be out of proportion to prepare a management plan. However, the opposite is also true. It could be possible to develop criteria to exclude some MS from these obligations where there has never been naturally large amounts of eel.

¹⁶ ***FI:*** Para needs further clarification. Have long water courses in FI and estuaries with dam power systems that cannot be removed => starting point should take into account current situation. MS should be free to choose water courses to be used for recovery of eels. Take into account experience of salmon action plan.

COM: objective is recovery of the eel where it has naturally occurred but not to finance plans to introduce the eel where it has never occurred.

IE: River basin definition. MS could use different definitions which would make achievement of the target more difficult.

COM: Could accept to use Framework directive on water policy to define the management areas if MS agree. It was not included to provide greater flexibility to MS.

FR: Scope: River basin: fresh waters. What happens with estuaries? Need flexibility here to extend to "pêche estuaire".

COM: Estuaries - Geographical scope of management plans has to be delimited in relation to Article 9.

4. The objective of each Eel Management Plan shall be, to permit with high probability the escapement to the sea of at least 40%¹⁷ 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 ways¹⁸:

- (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.

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- ¹⁷ ***NL: 40% cannot be achieved in short term: at least 20 years. So link this objective with reducing mortality. Target date for 40% (link to water framework directive).***
FR: Objective: Long term one. This should be made clear.
EL: Serious problems in attaining the 40% target arising from measurement: heavy costs. Need to have financial compensation.
ES: Doubts on 40% target as regards measurement and assessment.
IT: 40% objective is difficult to achieve and measure.
PT: objective is essential. Flexibility correct but need more clarity on different river basins. How is 40% going to be calculated: overall target or on a river basin by river basin basis?
COM: (NL) - OK to clarify how to calculate the objectives. Agree to make it clear that objective is to reduce eel mortality;
(NL) - Date: It makes sense to have a more precise reference;
- 40% target important as clear objective. Ensures equity between MS who have to meet same objective;
(PT) - MS can decide on basis of data available. If have disaggregated data by river basin then objective can be river basin by river basin. If do not, then have an overall objective of 40%.
- ¹⁸ ***UK, CZ: conditions in a, b and c need to be better defined. Historical reference to 1970s should be included.***
IE: Need for historical reference period. Similar view to UK.
PT: Historical data and timetable very difficult.
NL, CZ: No historical data available.
LT: What historical data?
COM:
- Scientific data is limited but the same happens with other stocks (e.g. deep sea species). Apply measures on the basis of the data available.
- Agree on need for a specific reference period.

Each eel Management Plan shall include the means to reach the objective¹⁹ 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 measures²⁰:

- 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 predators²¹,
- temporary switching-off of hydro-electric power turbines²², etc.

The plan shall also contain a time schedule²³ for the attainment of the escapement target, depending on an expected recruitment level.

¹⁹ ***SE:*** Make it clearer that measures can reduce mortality from fishing and non-fishing activities.

²⁰ ***CZ:*** Indicative measures are difficult to put in practice. They should be optional.

COM: Use of instruments: "May" indicates that they are possibilities. Nobody is obliged to apply them all and the list is not exhaustive.

CZ: Financing is necessary for data collection.

COM: Data collection Regulation should provide financing.

²¹ ***CZ,UK:*** Difficulties in reducing predation because predators often protected species.

²² ***UK:*** Scope for measures on turbines rather limited (e.g. switching off turbines for short periods when eels likely to migrate).

²³ ***FR:*** Need to be realistic as regards time frame.

IT: timetable: need more flexible wording.

5. In the Eel Management Plan, each Member State shall implement immediate²⁴ measures to reduce the mortality caused on eel by factors outside the fishery²⁵, including hydroelectric turbines, pumps or predators.
6. Each Management Plan shall include the means to monitor²⁶ and verify the attainment of the escapement target.

²⁴ **SE**: "immediate": How fast? Need to take account of SE court decisions on power stations but courts can act slowly.
UK: There could be circumstances where the 40% objective is already being met and therefore there is no need to take any immediate measures.
ES: reservation, linked to need for more time to present the management plan.
IT: difficulties with the word "immediate".
COM: "immediate": plan must include measures both in long and short term, with effects in the first year of application of the plan.

²⁵ **NL**: Support idea to take action on turbines but legal question - is Art. 37 enough to take action outside the fisheries sector?
COM: Should be enough as no compulsory environmental measures. Each MS can decide whether it can achieve the objective exclusively through fishing management measures.
PL: Going in right direction in par. 5. Take into account other factors than fishing such as reproductive capacity of eels. Eels need to be >7cm and without parasites or viral diseases in order to reproduce. Therefore need to define health status of eel in defining river basins. Decreases costs but allows control to be retained.
FI: Reservation on par. 5. Delete it or at least not have immediate obligations regardless of the conditions.
LT: Par. 5. Very difficult to implement.
IE: Difficulties. Overambitious to have turbines as immediate measures.
FR: Subsidiarity: Other factors should be left to MS to decide upon.

²⁶ **BE**: Need to provide scientific guidelines. In par. 6 as well in order to measure the real escapement in an efficient way. Provide financing for data collection.
COM: STECF could be used to provide guidelines for monitoring.

Article 6

Approval of Eel Management Plans

1. Member States shall communicate not later than 31 December 2007²⁷, 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 2371/2002²⁸.
3. Member States shall implement the Eel Management Plans referred to under paragraph 1 from 1 July 2008²⁹, or from the earliest possible time before that date.

²⁷ **CZ, EL, ES, FR, IT, NL, PL, PT**: Timetable: Reservation. **COM**: same position as Art. 4.
²⁸ **COM**: Legal basis for approval of the management plans. Burden of the proof: Interactive dialogue to approve the plans on the basis of common criteria.
CZ, ES, FR, PL, PT:
- STECF not most appropriate forum to appreciate plans covering factors other than fisheries.
- "Where appropriate": What does it mean?
- Procedure: make clear that there will be dialogue, as for EFF: "partnership". Use same as for management plans in Mediterranean Sea based on Art. 8 of Framework Regulation.
COM: Who else instead of STECF?
CZ: Draw up guidelines for the establishment of management plans. **COM**: Open to do it but only concerning the way to apply the criteria in Art. 5. in order to achieve the objective.
²⁹ **IT**: 6 months seems a bit short for all plans to be approved. MS have penalties if dates not adhered to, so need to be sure dates can be met.

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.³⁰
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.³¹
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.

³⁰ ***NL: Difficult to coordinate by 31 December 2007. It can take longer.***

COM: clear that cooperation is necessary.

³¹ ***PL: If each basin has to be in a different plan, there should be joint plans on cross border basins to be developed in cooperation with the COM acting as a mediator.***

Possibility of cooperation with third countries: COM should take over.

COM: problem can really be with third countries. If it is not possible to cooperate, at least take measures within the territory of the MS. COM will lead the cooperation with third countries. This issue will be raised with Russia. Same can be done elsewhere (e.g. in Black Sea).

Article 8³²

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.

³² ***COM:*** Restocking is fundamental for the eel population to recover in most of the MS. Therefore a large part of glass eels should be used for restocking.
ES, FR, EL, IT: Reservation. Arbitrary measure. Balance in the Council conclusions to take into account all the stages of the eel is broken. ***FR:*** doubts about restocking, the results and the modalities. Undesirable effects: there will be great economic pressure to fish more in order to make a living. Obligation imposed on certain fishermen and not on others is a difference in treatment that needs to be justified.
UK: All comments in Art. 3 apply here as well. Should have a historical reference period to avoid undesirable consequences pointed out by FR. Total glass eel catch should not exceed whatever reference is fixed. Parameters should be considered as a minimum.
PL, CZ: How will restocking work? ***CZ:*** How to make it economically viable?
DK: Agree in principle but open on percentage figure.
SE: Fundamental provision: solidarity between MS.
FI: Right direction but understands concern of others. 75% high but need to restock.
COM: - Restocking is already taking place all over Europe. Catches are sold; not released. Very lucrative economic activity. European eel a single stock so increase in stock will boost stock in all MS and not just one.
- There is no scientific basis in this particular case for fig of 75%.
- Historical level: COM is open.
- How to guarantee the price? COM cannot do that but there could be two ways to facilitate it: economic assistance through EFF and restrictions on international trade.

Measures concerning maritime waters

Where a Member State operates a fishery in maritime waters³⁴ that catches eel, the annual effort deployed in that fishery shall be reduced by 50% relative to that of 2006³⁵. This reduction is to be effected over a period of five years, starting from the date of entry into force of this Regulation.

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- ³³ **PL**: Any financing? **COM**: reflecting. Can this be considered a recovery plan?
FR: Main concern: fight against IUU. Need article on this whether have management plan or not. Could cover issues such as traceability, registration, legitimacy of operators. Text proposal to follow. **COM**: Open to a provision on IUU, providing acceptable to all MS.
UK, CZ: Make it clear that it is a directed fishery and not by-catch. Why fewer constraints on coastal fisheries than on inland waters? Why do maritime fisheries have to be reduced over a 5 year period? Imbalance. **COM**: Approach balanced.
CZ: Ban all catches of adult eels in maritime waters. **COM**: Need balance between different parts of life cycle so cannot focus only on adults.
- ³⁴ **ES, FR, IT**: Reservation. What is definition of maritime waters and what is cut-off point between maritime waters and national plan? **IT**: Matter of internal competence.
COM: Maritime waters clearly defined within Framework Regulation. However, is that distinction the correct one in this particular case from biological point of view? Estuary clearly linked to watercourse of a MS. 3, 6, 12 mile zones more ambiguous. Will reflect. Difficult to set the limit but open to considering criteria.
- ³⁵ **NL**: Art. 2 why not reference to 2006? **COM**: OK.
PL: why five years? **COM**: originally sought 50% reduction immediately so five years a compromise following consultation of stakeholders.
LT: This applies in addition to Art. 2 and to the management plan. SR. Why 2006 as reference? **COM**: Because latest year with data available on existing situation.
DK: Methods must be flexible. There are several alternatives. Use a longer fishing reference period. **COM**: can be < or > 5 years. Key = gradual and flexible.
SE: - Use fishing mortality as a parameter. How is 50% reduction in effort supposed to work and to be achieved in practice? **COM**: "effort" most operative word legally.
- Can it be < 5 years? **COM**: Yes.
IT: Fishing effort: MS to decide on how to calculate it.
COM: Different measures in maritime waters from those foreseen in management plans. Only measure in maritime fishery is to reduce fishing mortality (FM). Give flexibility as for management plans. Agree to make clearer that what is important is to reduce FM.

Article 10³⁶

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(5).
 - (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.

³⁶ ***PL:*** - *Is the COM going to provide assistance for data collection?*
- *What type of proposals under Article 10(3)?*
COM:- *Inclusion under data collection Regulation under discussion.*
- *Council decides on the basis of a proposal from the Commission.*

*Article 11*³⁷

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 Policy³⁸ 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.

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 1 July 2007.

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

Done at Brussels, [...]

³⁷ ***DK:*** Not important activity in DK. Eel fishery has particular characteristics that will require a great deal of staff. Control should not require too many human resources.
UK, PL, ES, LT: For the most part, the measures should be enforced by authorities that normally enforce the Common Fisheries Policy. However, the nature is different. The only circumstance where the CFP is applicable is in maritime waters. Prefer to delete this provision and leave the competence for control to MS.
ES: Reservation.
FR: Reservation. Use most relevant provisions from Chapter V in Framework Regulation.
FI: Problems. Refer only to commercial fishery. Do not cover recreational fisheries.
NL: Problems, especially to have fishing licences on board. Is it correct that it should be up to MS to decide what measures can be used? ***COM:*** Yes, in light of MS national plan.
CZ: Simplify procedures. Not applicable here.
COM: Takes note. Some of the provisions of the CFP could be applicable regarding Art. 9. Open to mandatory licences for commercialisation of eel so long as does not create new obstacle to adopting this Regulation.
PR: Next Working Party on 1 March on the basis of a new legal text. 15 March to complete discussion at technical level.

³⁸ *OJ L 358, 31.12.2002, p. 59.*