



**COUNCIL OF
THE EUROPEAN UNION**

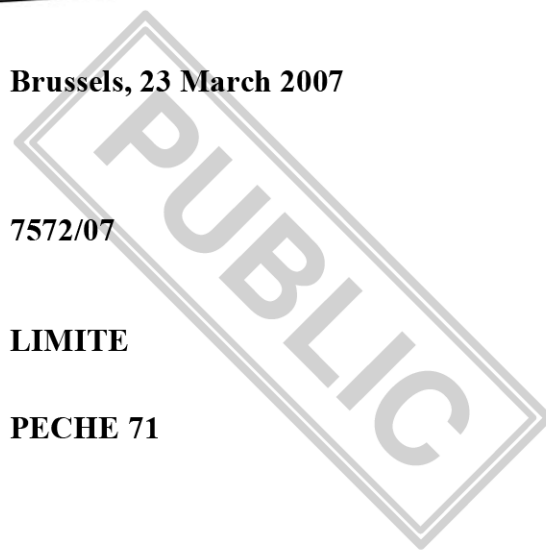
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REPORT

from : Working Party on Internal and External Fisheries Policy
to : Permanent Representatives Committee

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

1. On 3 October 2003 the Commission presented to the Council and the European Parliament a Communication on the development of a Community action plan for the management of European eel (doc. 13219/03 PECHE 229). In July 2004 the Council adopted Council conclusions on the above mentioned Communication inviting the Commission to present a proposal to improve the conservation of the eel.
2. On 10 October 2005, the Commission submitted to Council a proposal for a Council Regulation establishing measures for the recovery of the stock of European eel.
3. The proposal was discussed by the Working Party on Internal Fisheries Policy on a number of occasions. Delegations' positions were very divergent.

4. The European Parliament delivered its opinion on 15 May 2006.
5. On 26 October 2006, the Presidency organised a discussion at the Working Party on the basis of a Presidency note (doc. 14320/06 PECHE 322) intended to reflect on a possible way forward to enable the adoption of measures for the protection of the stock of European eel as soon as possible.
6. On 15 November 2006, the Permanent Representatives Committee provided the necessary political guidance as to how to make further progress on this file.
7. On 24 January 2007, the Presidency presented its views on a possible way forward (DS 52/07). Intensive discussions have taken place subsequently in the Working Party on the basis of working documents prepared by the Presidency in agreement with the Commission.
8. At close of business on 22 March 2007, and after an attachés meeting on 23 March to discuss the control provisions, there were a number of issues still to be resolved. For ease of reference, these issues are set out in footnotes to the latest Presidency/Commission working document in the addendum to this report.
9. The main outstanding issues are briefly summarised in section II below.

II. MAIN OUTSTANDING ISSUES

A) **Objective: 40% escapement to the sea** (Art. 2(3))

a) Objective and Time-scale to achieve it

Some delegations expressed objections or doubts regarding the objective.

Furthermore, a number of delegations requested to express the long term objective in accordance with the Scientific Technical and Economic Committee for Fisheries (STECF), so that it would take three eel generations to be achieved.

b) Anthropogenic impact

DK, IT, UK have requested either to delete any reference to the situation "*that would have existed if no anthropogenic mortalities would have impacted the stock*" or not to focus on anthropogenic factors since this objective would be unrealistic.

Other delegations requested to replace the term "mortalities" by "influences".

c) Reference period for the calculation of the objective: (Art. 2(4))

DE, PT, PL, UK expressed doubts about the reference prior to 1980. DE proposed to use a period between 1900 and 1950. PL requested a more concrete period and the UK proposed to exclude habitat that was cut off by man-made constructions prior to 1960 since there was no appreciable effect on recruitment level for eels.

B) Dates for the communication and approval of eel management plans (Arts. 3 and 4)

Most delegations entered reservations concerning the dates for the presentation and for the approval of the management plan. The majority have requested at least one more year: 31 December 2008 and 1 July 2009 respectively.

C) Reference period to calculate the reduction on effort(Arts. 3, 4 and 7)

Several delegations requested to have a longer reference period for the calculation of the reduction on effort, from 2000 to 2006, in order to avoid that Member States who have already taken measures be discriminated against.

D) Exemption to presenting a management plan

Some delegations (AT, SK, MT and CY) have requested an exemption from the obligation of presenting a management plan, or alternatively having to reduce the fishing effort, given that either there are no river basins in their territory or there are no eels in their river basins.

E) Restocking (Art. 6)

ES and FR, supported by IT, entered reservations. Among other reasons, they considered that this provision was not in line with the Council Conclusions of 2004 since it was targeting only one life stage of the eel. Furthermore, the percentage foreseen has not been justified technically and scientifically, nor as regards the possible economic impact. In addition, they recalled that ICES has indicated that *"it is an essential precondition that demonstrable surplus exists in the local glass-eel stock exploited for the restocking and that there is no actual evidence that restocking is functional in improving the Spawning Stock Biomass or recruitment"*.

On the other hand, several delegations, notably UK, IE, SE, PL, DK, DE considered that this provision was essential in order to secure sufficient material for restocking in European waters and to have a balanced overall approach. Furthermore, they requested information on the implications of this provision as regards trade. Most of them considered that the fundamental issue would be the price to be paid for restocking.

DK and PL have requested adding a reference to aquaculture.

FR requested information on the amount of glass eel currently being used by other Member States as well as on the price currently paid.

F) European fisheries fund (Arts. 2(11) and 6(2))

Several delegations (BE, FI, NL, PL, LT, CZ, UK) sought to clarify what measures other than restocking can be eligible for financing by the European Fisheries Fund (EFF).

In particular, PL proposed adding a new paragraph under Article 6 to include the possibility to grant aids to private inland fishing operators and covering aquaculture. This delegation also asked whether the eel maritime fishery could be considered under the EFF Regulation.

Furthermore, CZ requested to make sure that the exclusion of the Black Sea from the scope of the Regulation did not prevent the EFF from financing the restocking in the rivers flowing to that Sea.

G) Control (Arts. 9 to 12)

A number of delegations considered that the control provisions should apply to commercial fisheries only for reasons of proportionality and because of the cost/effect of these measures as regards the administrative burden. They noted that a list of all sport fishermen which could possibly catch eels was impractical.

However, other delegations, recalling the importance of fighting against illegal fishing, insisted that there should be controls on any activities that could have an impact on the state of the eel and therefore that the recreational fishing could not be excluded from the Regulation.

The COM stated that depending on the specific circumstances of each Member State there could be tailored measures for this kind of fishery in the management plan.

Finally, with regard to the controls on imports and exports of eel, several delegations agreed with a proposal by FR to introduce a documentation scheme in order to improve the traceability of the trade on eel.

III. CONCLUSION

10. Coreper is invited to examine the issues set out in Section II above with a view to find a solution before the Council meeting. Nevertheless, the Presidency considers that Coreper may focus its work on the issues listed above under the headings: Ab, C, D, F and G.
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