



**COUNCIL OF
THE EUROPEAN UNION**

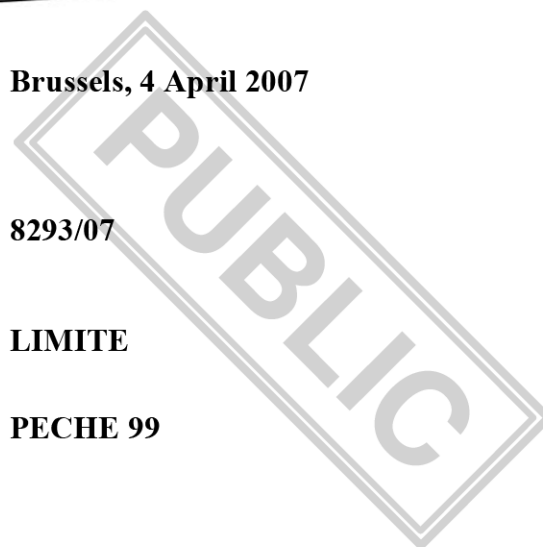
Brussels, 4 April 2007

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

8293/07

LIMITE

PECHE 99



REPORT

from : Permanent Representatives Committee

to : 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
- political agreement

I. INTRODUCTION

1. The Permanent Representatives Committee met on 28 March 2007 to examine the report from the Working Party and related documents on this file (doc. 7572/07 PECHE 71 + ADD 1 and DS 279/07). Several delegations had submitted written comments which are set out in docs. 7870/07 + ADD 1 to 4.
2. On 4 April 2007, COREPER met again where a new working document¹ prepared by the Presidency in agreement with the Commission was presented. The document presents the draft legal text of the proposal for a Regulation, taking into account, where relevant, the outcome of the previous discussion in COREPER, as well as a statement by the Commission concerning future restrictions on international trade in European eel. DK submitted written comments which are set out in ADD 1 to doc. 8118/07.

¹ Doc. 8118/07 PECHE 91

3. At close of business, a number of reserves set out in ADD 1 to doc. 7572/07 were withdrawn. A number of issues remain to be resolved. The main outstanding issues are briefly summarised in section II below.

II. MAIN OUTSTANDING ISSUES

A) Scope (Art. 1)

Several delegations (HG, RO, AT, SK) entered reservations concerning the inclusion of the rivers flowing into the Black Sea in the scope of the proposal, while CZ and BG welcomed their inclusion.

B) Objective: 40% escapement to the sea (Art. 2(4))

ES, EL, PT expressed reservations regarding the objective of 40 % escapement of silver eel to the sea.

C) Communication and approval of eel management plans and reference period to calculate the reduction on effort (Arts. 3, 4 and 7)

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.

Some delegations requested 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) 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"*.

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

On the other hand, several delegations, notably UK, IE, SE, PL, DK, DE, FI, EE 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. See ADD 1 to doc. 8118/07. And, on a much broader perspective, NL insisted that the measures in the eel management plan have the maximum possible regard to aquaculture of eel.

E) European Fisheries Fund (Art. 2(12))

Several delegations still seek clarification on financing by the European Fisheries Fund.

F) Control (Arts. 9 to 11)

Some delegations recalled the importance of fighting against illegal fishing and insisted that there should be controls on any activities that could have an impact on the state of the eel. ES proposed a sampling system for recreational fishermen. Others, especially UK, PL and FI, opposed sampling as disproportionate.

With regard to the controls on imports and exports of eel, some delegations supported a proposal by FR to introduce a documentation scheme in order to improve the traceability of the trade on eel. Furthermore, FR and IT considered that the draft statement by the Commission on restrictions on international trade on eel was inconsistent with Article 11 since the Convention on International Trade of Endangered Species would cover all eels, whether live or not.

III. CONCLUSION

4. Coreper invites the Council to examine the outstanding issues with a view to reaching a political agreement on this file.
