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NOTE

from : French delegation

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

Delegations will find attached written comments from the French delegation on the above subject.

France thanks the Presidency and the Commission for the important work that has been done on this draft in recent months.

It wishes, however, to repeat certain substantive positions, presented in the Permanent Representatives Committee on a number of occasions, which are still a major obstacle to the achievement of a compromise at the Council meeting on 16 and 17 April.

1. Deadline

The deadline proposed in Article 3 for the communication of management plans by the Member States is not reasonable. It is much too close for it to be possible to construct a scientifically and technically solid reconstitution strategy. France therefore requests an **additional period of one year** for the submission of management plans.

2. Restocking

France still considers unacceptable the measure proposed in Article 6, imposing constraints on future catches of glass eels.

France is well aware that restocking is necessary so that countries with excessively low recruitment levels can achieve the restocking objectives. It is therefore prepared to be open on the principle of contributing to restocking, but only within the framework of a programme that is just and fair to French fisheries and provides guarantees regarding the effectiveness of the programme in terms of stock restoration. The present enacting terms, however, are completely unjust because, on the one hand, they restrict part, a (completely arbitrary) part of the commercial outlets of producer countries' glass-eel fisheries without, on the other hand, setting in place a framework that would make it possible to ensure the future of glass eels and thereby guarantee the success of restocking.

First of all, while it has been shown scientifically that the quantity of glass eels required for the restocking of the inland waters of the countries of northern and eastern Europe is potentially very large (about 500 tonnes), it has also been shown that the capacity of the existing aquaculture structures in those countries cannot meet that need. For obvious ecological reasons (water temperature, etc.) the glass eels caught in France and Spain during the winter cannot be released into the rivers of northern Europe immediately. They therefore have to be "stocked" temporarily in aquaculture basins, where they are fattened up before being released (in fact certain French wholesale fish traders have been taking part in such a programme with Germany in 2007).

In addition, the enacting terms give no guarantees regarding the future of the glass eels in the "receiving" basin and do not make it possible to ensure that the restocking will actually contribute to restoration of the stock. No assurance is given regarding the reduction of mortality caused by man in the basins being restocked. The collapse of the recruitment level in the countries of northern Europe is not only the result of a very high death rate caused by fishing but is also closely linked to the prevalence of environmental conditions particularly unfavourable to eels in those basins (water pollution, loss of habitat, shortage of food, work on watercourses, etc.). The same causes produce the same effects; if those conditions are not improved before restocking, there is little chance that the glass eels released will survive, especially after the trauma of transfer.

It must be pointed out that mortality when glass eels are transferred from one basin to another is still very high, even ignoring the health problems (diseases) and the ecological and biological problems (disorientation) caused by transport and change of habitat. The positive impact of restocking in terms of escapement still has to be demonstrated scientifically and the enacting terms proposed do not give sufficient guarantees of its success. They ought to impose a much stricter structure on receiving basins' management plans in order to ensure a major reduction in mortality so that those glass eels can turn silver and escape to the sea.

In addition, the sale of glass eels to non-member countries (China in particular) is at present a major source of income for fishermen. The constraint proposed for the glass-eel market (75 % to be sold in the Union for restocking) will cause a drop in the purchase price of glass eels for restocking. Present catches will therefore no longer guarantee the same rate of return for fishermen who, to make up the difference, will be inclined to increase their catches of glass eels in order to make large profits on traditional outlets and thus maintain their incomes. This measure is therefore likely to have an adverse effect on stocks of glass eels by encouraging undeclared fishing just when it is essential to restore stocks because of a shortfall in recruitment.

In conclusion, the proportion of 75 % has no scientific basis and was not fixed on the basis of glass-eel production, or of real restocking requirements, or of Member States' capacity to receive glass eels in their basins in satisfactory conditions. The Member States must be able to set up a restocking programme that takes account of the restocking objectives of the "donor" and the "receiving" basins, of existing physical conditions (transport, storage, etc.), of the biological context and of the economic data. Only diagnoses and action plans for each basin, carried out by the Member States in the framework of their management plans, will make it possible to determine how to introduce a programme for long-term restocking that takes account of stock restoration objectives. It is therefore entirely inappropriate to try to fix *ab initio* a quantity of glass eels reserved for restocking.

France therefore proposes deleting Article 6 and adding a paragraph on restocking within the framework of the management plans proposed in Article 2.

3. Checks

The traceability of products being imported or exported, proposed in Article 11(1), must apply to all eels and not only to live eels. In order to combat poaching, all channels for marketing the products of illegal fishing must be checked and all products traced. Furthermore, the channels for live and dead eels are closely connected. All eels must therefore be checked at frontiers.

France would reiterate its opposition to the inclusion of eel in CITES Appendix II. It would like to see the introduction of an export document, equivalent in effect to inclusion in CITES Appendix II, on the basis of existing rules, extended to fresh water. It would also repeat its request for amendment of the terms of reference of the North Atlantic Salmon Conservation Organisation (NASCO) so as to include eel among the stocks managed by that organisation. The point here is to call on the services of a multilateral body responsible for management of diadromous species, in order to promote measures for restocking the species and for regulating international trade in the species.

France would lastly ask the Commission to work for the introduction of a customs code by which to identify, within trade flows, the various stages at which eel are marketable; similarly, the FAO species reference should be updated so as to incorporate those distinct biological stages, in order to ensure consistency in the data gathered by different countries.

Failing such action, control measures under the restocking plan will not have the anticipated effect in combating illegal fishing in rivers and estuaries.

4. Other points

France would like the Commission to confirm its views, e.g. by means of statements, concerning:

- Article 12(3): as regards the requirement for Member States to ensure that any imported eel harvested in the waters of a regional fisheries organisation were caught in accordance with the rules established by that fisheries organisation, the French delegation will be suggesting a joint Council and Commission statement calling for work towards the adoption of such rules within a relevant existing organisation (such as the North Atlantic Salmon Conservation Organisation, which seems the most appropriate body);

- Article 4(4) on the penalty imposed for failure to submit, or secure approval of, a management plan, as regards the includability of any reduction in illegal fishing, when calculating the 50 % catch reduction, subject to an assessment of illegal fishing.

France would lastly reiterate its call for explanation of the Commission statement accompanying the draft Regulation: what does the Commission mean by "restrictions on international trade in European eel"? France is opposed to any interference with extra-Community trade that is not warranted by the need to combat illegal fishing.

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