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PECHE 113

NOTE

from : Polish delegation

to : 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

Delegations will find attached additional written comments from the Polish delegation on the above.

*Additional Polish comments on the draft Council Regulation establishing measures for the recovery of the stock of European eel
[8427/07 of 16 April 2007]*

Poland takes the view that a number of issues have been satisfactorily resolved during discussion of the draft Regulation; introduction of the arrangements agreed should help to improve the status of eel stocks in Europe. Nevertheless, there are still some issues outstanding. In Poland, this state of affairs may prove counter-productive in terms of achieving the intended aims of the Regulation. We should therefore like to submit proposals for consideration in two areas which are of crucial importance for Poland:

I. Active commitment to eel conservation by the inland fisheries sector

A. Restocking prior to entry into force of the Regulation

In Poland, sea fisheries and inland fisheries come under two completely different systems of law. Commercial fishing in inland waters is regulated by rules on the ownership of waters, including private waters, and by civil law. Entities authorised to engage in fish farming are selected by public tender. Under the current system, every entity licensed to engage in fish farming is required by a multi-annual contract (min. 10 years), and by legislation, to draw up an individual stock management plan for designated inland waters in cooperation with a scientific institute, to maintain balanced fish stocks, to restock at its own expense and to report the amount of fish caught. The above system has been in operation since 1932; restocking is regarded as a long-term investment by entities which have concluded contracts with administrative bodies under civil law.

For many years, the European eel was a privileged species for inland fish farming, given its economic importance and the tradition of eel-catching in the country. Over the years, inland waters were re-stocked with eel by fish farms. The re-stocking operations had many features in common with the activity known as "capture-based aquaculture". Restocking has declined in recent years because of the high price of glass eel in France, Spain and other countries. Since 1985 the cost of 1 kilogram of glass eel has varied from EUR 1 000 to 1 500. This is ten times more than in the years before the collapse of the eel population. Entry into force of the Regulation will have the unintended result of "transferring" ownership of 40 % of eel stocks previously maintained from private sources. This being the case, it is essential to set up a system of compensation which will allow fish farms to recoup at least part of the private investment (restocking costs) made before the Regulation entered into force. The European Commission (EC) has repeatedly expressed the hope that Member States will show solidarity in matters relating to rebuilding European eel stocks, thus fully justifying our request for a system of compensation to be set up with support from the European Fisheries Fund (EFF). Article 33(4) of the EFF Regulation does not solve the whole of the problem, since it is aimed solely at vessel owners and fishermen working on board those vessels. In Poland, it is not always necessary to have a fishing vessel in order to fish for eel commercially. If fish farms cannot be paid compensation, there will be no incentive for them to engage fully in eel conservation in accordance with the aims of the management plan. Illegal, unreported commercial catches in inland waters have not so far been a major problem for inland fisheries. If there is no compensation for previous restocking, that situation could change. There is no ruling out the possibility that some farms will decide to recover the money they have invested in maintaining stocks by continuing to fish for eel. Other fishermen may follow suit and extend the practice to other species of fish. From the Polish point of view, this potential change in fishing methods would be undesirable and very difficult to control. We accordingly propose a Commission statement on the Regulation which might form a compromise solution on the Polish proposal in footnote 22 to Article 6 of the draft Regulation in 7572/07 ADD 1 of 23 March 2007.

"The Commission encourages Member States to adopt in their Eel Management Plans adequate measures of common interest with a broader scope than normally undertaken by private enterprises and appropriate measures to promote traditional methods comprising protection and enhancement of the environment and natural resources, as referred to in Article 30(2)(a) and Article 37(a) and (l) of Council Regulation No 1198/2006 on the European Fisheries Fund, for the purpose of enhancing the commitment of the fisheries sector to implementation of the Eel Management Plan and of achieving its objectives".

B. Restocking after entry into force of the Regulation

The aims of the eel management plan can only be achieved if the fishing industry is fully committed to the guidelines which have been adopted. There are various ways in which fish farmers can replenish eel stocks. The Commission focuses on the need to cut fishing effort in order to reduce the amount of eel caught for the market. If reducing fishing effort becomes the basic means of replenishing stocks, this will have significant adverse economic effects on the fishing industry. Adverse economic effects could make it difficult for the fishing sector to commit to conserving eel stocks in line with the aims of the management plan. Illegal, un-reported commercial catches could reduce the effectiveness of conservation measures. Undesirable poaching practices may be perpetuated, upsetting the hitherto balanced nature of fish farming in inland waters. These changes are undesirable and every effort should be made to prevent them. From the biological and technical point of view the translocation (*przeniesienie*) of silver eel from inland waters to marine waters constitutes a restocking operation in which the restocking material takes the form of spawn. Article 2(8) of the draft Regulation (8118/07) implies that the translocation of silver eel is not a restocking measure, which would make it impossible to cover the cost of restocking marine waters with eel spawn with EFF support and would reduce the fishing sector's commitment to conservation of the species. Accordingly, bearing in mind that the translocation (*przeniesienie*) of silver eel from inland waters to marine waters is a form of restocking which serves to replenish eel stocks, it would be advisable to make a simple change to the wording of Article 2(8) to replace the word "transportation" by "translocation" and merge the two indents as follows:

"Article 2(8). An Eel Management Plan may contain, but is not limited to, the following measures:

- (...),
- restocking measures, including **translocation** of silver eel from inland to waters from which they can escape freely to the Sargasso Sea,
- (...)"

II. Control measures

Poland shares the Commission's view that appropriate control measures are needed if eel management plans are to achieve their aims. Bearing in mind the differences in methods and rules between inland fishing and sea fishing, it does not seem very useful to refer to Council Regulation No 2847/93, as proposed in Article 9. VHS satellite systems, logbooks and sales notes are hardly suitable for monitoring inland fisheries. It should be pointed out that the Commission has so far assured Member States that the rules of the Common Fisheries Policy (CFP) do not apply to inland fishing. Requiring Member States to model their arrangements on Regulation No 2847/93 will not be conducive to a workable control system for inland fishing, since the arrangements in that Regulation are not geared to the specific characteristics of inland fishing and clash with the long-established national system for monitoring inland fishing, which works well. Attempts to adapt the Polish system for monitoring inland fishing to the guidelines of Regulation No 2847/93 would be extremely expensive and time-consuming and not justified by CFP guidelines. Poland's reservations on Article 9 of the draft Regulation are set out in footnote 35 in 7572/07 ADD 1 of 23 March 2007.

We therefore propose deleting the reference to Regulation No 2847/93 from Article 9, or adding a statement worded as follows:

"The consistency of a control and catch monitoring system with the relevant provisions of Council Regulation No 2847/93 shall be evaluated in terms of the efficiency of control and catch monitoring measures adapted to the circumstances and legal framework already applicable to inland fisheries".