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**NOTE**

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from : Permanent Representation of Finland to the European Union

to : General Secretariat of the Council

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No. Cion prop. : 13139/05 PECHE 203 – COM(2005) 472 final

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Subject : Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel

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Delegations will find attached written comments from Finland on the subject mentioned above.

Ref.: Establishing measures for the recovery of the European eel,  
Working document 9247/06 PECHE 152, 11 May 2006

Subject: WRITTEN COMMENTS FROM FINLAND ON THE DRAFT REGULATION

The European Commission has drawn up a draft Regulation on measures for the recovery of the stock of European eel. From this document a new working document (9247/06) has now been produced. It proposes that the fishing season for eel be shortened to reduce the fishing effort by 50% and lays down provisions on exemptions from this. The document also contains detailed provisions on Member States' obligations to draw up eel management plans, which must set out means of allowing the escapement to the sea from each river basin of at least 40% of the eel biomass relative to the estimated size of the eel population when unaffected by human activity. In particular the proposal lays down that the management plan must contain methods of reducing the eel mortality rate from turbines by 50% as compared to 2006.

Eels are at present found naturally to some degree in the southern coastal regions of Finland. Because of obstacles to migration, young eels are hardly found upstream in river areas any more. The most recent observations are from 2001. However, there is a long tradition of restocking with eels in our country. In Finland this mainly involves the stocking of imported glass eels in inland or brackish waters on the coast. Eels fished in Finland are all nowadays the result of restocking.

Since the 1980s eel fishing has had no commercial significance. In recreational fishing long lines, small fykes, angling and torch fishing are used. Fishing concentrates on yellow and silver eel. Eel restocking is based on imports of glass eels; there is no commercial eel farming in Finland.

The draft Regulation is discussed in detail below.

1. The scope of the draft Regulation (Article 1) is stated to be Community maritime waters and the estuaries and rivers flowing into the sea. The scope does not however state which type of fishing it concerns. It is unclear whether what is meant in the Regulation is fishing vessel activity, all commercial fishing activity or all fishing including recreational fishing.

Recovery action should concern only commercial fishing. The regulation of recreational fishing with catch reporting requirements and surveillance activity is not to be expected at Community level.

2. The draft Regulation (Article 2) on recovery of eel stocks is based in the first place on shortening the eel fishing season, reducing the fishing effort by 50%. This cannot be considered justifiable. There are sufficient glass eels entering the Community's inland waters only in the River Severn in the United Kingdom and in the major rivers that flow into the Bay of Biscay. However, owing to intensive sea fishing outside the Baltic there are not enough glass eels reaching the Baltic region. The Commission has not given enough attention to the management of glass eel fishing.

In regenerating eel stocks it is necessary to concentrate first and foremost on restricting fishing for glass eels. Recovery measures should concentrate on protecting young individuals, which may be considered a general principle in restocking programmes. At present in the Community only 5% of the total glass eel catch is destined for restocking activities. Most of it (95%) goes into on-growing in aquaculture or directly for use as food. Nowadays, sufficiently large-scale preventive restocking activity is not even possible, because there are not enough glass eels available. As a result of strong demand the price is too high. To make restocking possible, restrictions will need to be placed on catching glass eels for food.

Private water owners in Finland have stocked our waters extensively with eels. The aim of such stocking is to have something to catch from these waters. There is access from some of these inland waters to the sea, and a certain number of eels does end up migrating from them. If the fishing season is shortened by half as proposed, this would probably put an end to restocking by private water proprietors. This in turn would have a negative impact on the eel population.

3. Article 3 of the draft proposes derogations from the shortening of the fishing season whereby fishing for glass eels is permitted where they are stocked in inland waters flowing into the sea in order to increase the numbers of silver eels migrating. On-growing in aquaculture is not made possible by the regulation.

Young eels arriving on the Baltic coast, in adapting to the brackish water, have already grown into adult or yellow eels. For this reason an exemption needs to be allowed in the Regulation for unrestricted catching of glass eels for aquaculture, where they are reared to become yellow eels and are used 100% for stock management.

4. Article 6 of the Regulation requires Member States to chart individual eel river basins which were suitable habitats for eels before there was human activity. Furthermore, in their management plans for river basins the Member States must put forward measures offering a high probability of ensuring escapement to the sea for 40% of the numbers of silver eels estimated to migrate from those river basins prior to human intervention. In particular the management plans must contain measures to achieve a 50% reduction in eel turbine mortality.

It may be argued that prior to human intervention nearly all of Finland's coastline and the rivers flowing into it were suitable habitats for eels. By this reasoning it would be necessary to put an end e.g. to the wide spread use of hydro-electric power as an energy source in Finland in order to achieve the prescribed 40% of silver eel numbers and the 50% turbine mortality reduction. Such river basins, of course, totally prevent the migration of eels. The rules are simply impossible to implement.

5. Article 9 of the draft proposes a 50% reduction in the fishing effort for eels in sea fisheries compared to 2006. The proposal does not explain the relationship of this provision to Article 2. Nor does the proposal explain how the scope (Article 1) relates to Article 2.

The scope needs to be clarified with regard to the whole draft proposal. Articles 2 and 9 need to be combined and should deal with regulatory measures for glass eel fishing for food purposes on the sea-coast, in estuaries and in river basins, including exports from the European Community for food purposes.

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