



**COUNCIL OF
THE EUROPEAN UNION**

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**9247/06
ADD 6**

LIMITE

PECHE 152

NOTE

from : Permanent Representation of Sweden to the European Union

to : General Secretariat of the 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 Sweden on the above subject.

Written comments from Sweden on the proposal for a Council Regulation on a recovery plan for European eel.

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1. BACKGROUND

The revised proposal from the Commission contains a number of amendments which essentially meet the requests made by Sweden in its comments on the earlier version of the proposal and the views expressed by the Ministry and the National Board of Fisheries during their contacts with the Commission. Sweden very much appreciates that accommodation.

2. COMMENTS ON INDIVIDUAL ARTICLES

Article 1

Sweden approves of the inclusion in Article 1 of eel fisheries in maritime waters.

It supports the proposal, but it should be made clear that lakes are included.

.....rivers that flow into the seas and lakes.....

Article 3

Releases of eel into coastal waters should also be permitted, given that the marine environment is included in Article 1.

Article 6

It should also be made clear in Article 6 that management plans cover all types of waters.

The implications of the proposal for the achievement of objectives set in various directives should be assessed, for example the relationship to Directive 2001/77/EC of the European Parliament and of the Council on the promotion of electricity produced from renewable energy sources in the internal electricity market.

Sweden welcomes the wording of Article 6(1), which will enable it to find a cost-effective solution as regards Sweden's measures since the variation in costs, and also in impact, of measures in different parts of Sweden is considerable.

Sweden wishes to enter a reservation on Article 6(6): fisheries management cannot entirely cover the question of turbine mortality reduction. To a large extent this is a question which must be settled through the courts and by cost compensation. The resources available through the courts for environmental improvement measures are, however, limited and also have to be used for other objectives, e.g. those established by the Water Framework Directive. Since the extent of the costs implied by the proposal and how such costs are to be funded are both far from clear, Sweden is unable to take up a position at this stage. The issue is a technically and economically complex one which requires further discussion.

Sweden would also point out that compliance with Article 6(3) presupposes that glass eel have returned in "sufficient" numbers, and that is a matter over which individual nations have no control. Article 6(6) also presupposes that there are eel present to migrate upstream or be released.

Sweden can accept the other parts of Article 6 for the time being.

Article 8

The addition in Article 8(1) is important in that it enables Sweden to avoid regulation under Article 2, since water area 5 is shared with Norway.

