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NOTE

from : Permanent Representation of the Netherlands 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 the Netherlands on the subject mentioned above.

Comments from the Netherlands regarding:

Proposal for a Council Regulation establishing measures for the recovery of the stock of the European Eel
Doc. No. 9247/06 (11 May 2006).

General. For the Netherlands the fishery on yellow- and silver eels, and the aquaculture of eels is of considerable socio-economic importance. Given the dramatic decline of the eel stocks throughout Europe, the Netherlands agrees with the Commission that urgent action is needed. We believe that a feasible approach consists of a reduction in the fishing effort and of a reduction of the eel mortality caused by the turbines of hydroelectric power plants. On the long term MS should develop Eel Management Plans that include further measures to improve the eel habitat and eel migration. These plans should be integrated in the River Basin Managements plans that already need to be developed under the Water Framework Directive (WFD). Consequently the Eel Management Plans follow the approach and procedures of the WFD.

During the Working Party we have given our comments. We maintain our reservation regarding Art. 11 till we receive the requested information from the Commission. Below our main comments:

Art. 2. The Netherlands proposes an alternative text as follows:

The following basic measures shall be implemented by 1 July 2008 at the latest:

- (a) a 50% reduction in the fishing effort that catches eel of any life stage as compared to the conditions in 2005;
- (b) measures to reduce hydroelectric turbine mortality in the lower reaches of river systems by 50% compared to conditions in 2005;

The details of these measures shall be communicated to the Commission by 1 June 2007 at the latest.

Explanation:

In this way MS have more flexibility to implement the reduction of the fishing effort other than through a shortening of the fishing season. In case a MS has no information on the fishing effort they can still decide to close the fisheries 15 days per month.

Art. 3. Because of above alternative text (Art. 2), an exemption for the fishing of glass eels for restocking purposes is not necessary. Therefore we propose to delete Art. 3. In this way the overall Regulation becomes simpler, easier to control and to enforce.

Art. 5. To be adapted according proposed changes in Art.6

Art.6. Proposal for alternative text:

Establishment of Eel Management Plans

1. With a view to achieving good status of the stock of European Eel, Member States shall prepare an Eel Management Plan as an integral part of each river basin management plan referred to in Article 13 of Directive 2000/60/EC.
2. The following basic measures shall be implemented by 1 July 2008 at the latest:
 - (a) a 50% reduction in the fishing effort that catches eel of any life stage as compared to the conditions in 2005;
 - (b) measures to reduce hydroelectric turbine mortality in the lower reaches of river systems by 50% compared to conditions in 2005;

The details of these measures shall be communicated to the Commission by 1 June 2007 at the latest.
3. In addition to the basic measures referred to in paragraph 6.2, the river basin management plans referred to in paragraph 1 shall include measures to obtain a good status of the stock of European Eel, as part of the Environmental objectives referred to in Article 4 of Directive 2000/60/EC, such as reducing the mortality of eel caused by fixed installations.
4. These plans shall also include programmes to monitor and verify the attainment of the objectives regarding eel

Explanation:

The objective that is used in the current Article 6.1 is not realistic and feasible for the Netherlands since our country depends on human intervention with respect to waterworks and national safety. Furthermore, the objective doesn't take into account the cost-effectiveness of measures, or the damage to existing functions (safety) like the WFD does. Therefore we propose to integrate the objectives of the council regulation for Eel with the objectives of the Water Frame Directive. The objective should be good status of the stock of European Eel, as part of the good ecological status (GET) or good ecological potential (GEP) according to the Water Frame Directive (EC 2000/60, art 4). Therefore the measures and management plan of the council regulation for Eel should be

integrated with the measures and river basin management plan of the Water Frame Directive. Since the measures for the WFD are not due until 2012, we propose to take basic measures (fishery reduction and hydroelectric turbine mortality) by 1 July 2008.

Art. 7. Because the WFD has its own reporting, approval and evaluation procedures, we propose to adopt this article accordingly

Art. 8. Because the WFD has provisions for transboundary river basin management plans we propose to adopt this article accordingly.

Art. 10. Because the WFD has its own reporting, approval and evaluation procedures, we propose to adopt this article accordingly.

Art. 11. This Article stipulates that Chapter V of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy shall apply *mutatis mutandis* to all measures provided for by this regulation. The Netherlands wonder whether Chapter V (in particular the first paragraph of article 22 that requires that a fishing vessel shall carry on board its licence) can apply to the measures provided for by this regulation. At present a European licence is only required for Community fishing vessels equipped for commercial exploitation of living aquatic resources. However, when establishing the reference levels for the Dutch community fleet the Commission has indicated that vessels fishing on eel in Dutch inland waters do not belong to the community fleet. Consequently, these inland vessels are not registered and cannot get an European fishing licence. Besides, the eel fishery is not always a commercial activity; it is known that recreational fishery subtract significant quantities of eels.

Chapter V of the Council Regulation 2371/2002 restricts in Art. 2 the unregistered marketing of eel to private consumers only and prescribes all other selling of eel to registered buyers and registered auctions. Does this apply to each quantity of eel sold?

Art. 12. Immediate entry into force of the proposed Regulation will have severe socio-economical consequences for the Dutch fishery and aquaculture industry (Art. 2. Seasonal closure of the fishery). In order to give the industry and Member States more time to prepare for the

implementation of this Regulation, we propose to effectuate this Regulation one year after its publication.

Other remarks:

- According to the Explanatory Memorandum (4) supportive research other than monitoring could be financed through the 7th Framework Programme. However, in the current Programme eel is not mentioned and therefore it is not guaranteed that sufficient funds will be available for eel. Research into the artificial propagation of the eel, and the subsequent rearing of the eel larvae to glass eels has to be a top priority for which a European research funds have to be made available.
- Regarding the note 190/06 on the Eel proposal, the following Dutch footnotes can lifted from doc 7120/06 PECHE 68, because they have been incorporated in the new eel proposal doc 9247/06 (11 May 2006):

Art. 1 Footnote on areas including Baltic Sea.

Art. 5 Footnote on time schedule

Art. 9 Footnote on data collection regulation.