



**COUNCIL OF
THE EUROPEAN UNION**

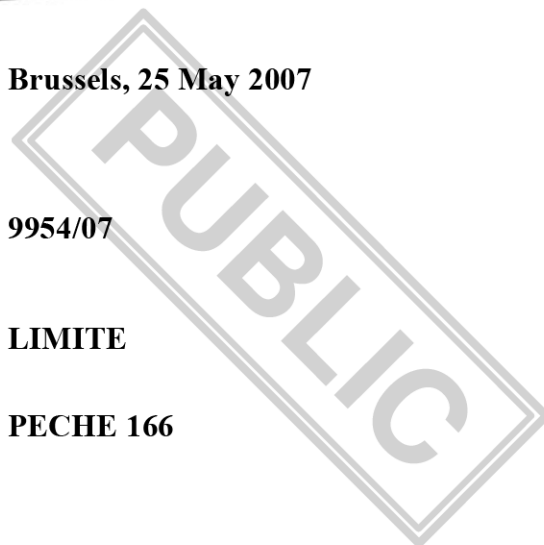
Brussels, 25 May 2007

**Interinstitutional File:
2005/0201 (CNS)**

9954/07

LIMITE

PECHE 166



NOTE

from : Commission Services

to : Permanent Representatives Committee

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 a non-paper from the Commission Services on Article 6 of the above-mentioned proposal for a Regulation.

Article 6

Measures concerning restocking

1. If a Member State permits the operation of fisheries on eels less than 20 cm in length, either as part of an Eel Management Plan established in accordance with Article 2, or as part of a reduction of the fishing effort in accordance with Articles 3(2) or 4(4), it shall reserve at least 60% of the eels less than 20 cm in length caught by the fisheries in that Member State during each year to be marketed for use in restocking in eel river basins as defined by Member States according to Article 2(1) for the purpose of increasing the escapement levels of silver eels.
2. The 60% for restocking is to be set out in an Eel Management Plan established in accordance with Article 2. It shall start at least at 35% in the first year of application of an Eel Management Plan and it shall increase by steps of at least 5% per year. The level of 60% shall be achieved by 31 July 2013.
3. In order to ensure that the respective percentages set out in paragraph 2, of eels less than 20 cm in length caught are used in a restocking programme, Members States must establish an appropriate reporting system.
4. The transfer of eels for restocking must be part of an Eel Management Plan as defined in Article 2. Eel Management Plans shall specify the quantity of eels of less than 20 cm in length needed for restocking for the purpose of increasing escapement levels of silver eels.
5. The Commission shall annually report to the Council on the evolution of market prices for eels of less than 20 cm in length. For this purpose the Member States concerned shall establish an appropriate system to monitor prices and shall report annually to the Commission on these prices.

6. In case of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission shall propose to the Council appropriate measures to address this situation, which may include a temporary reduction of the percentages referred to in paragraph 2. The Council shall decide upon such a proposal by qualified majority.
7. The Commission shall, not later than 1 July 2011, report to the Council and evaluate the measures concerning restocking including the evolution of market prices. Considering this evaluation, the Council shall decide by qualified majority upon a proposal of the Commission on appropriate measures to balance the measures concerning restocking while achieving the percentages referred to in paragraph 2.
8. Restocking shall be deemed to be a conservation measure for the purposes of Article 38(2), of Regulation (EC) No 1198/2006, provided that:
 - § it is part of an Eel Management Plan established in accordance with Article 2;
 - § it concerns eels less than 20 cm in length; and
 - § it contributes to the achievement of the 40% target level of escapement as referred to in Article 2(4).
