



11.2.2011

NOTICE TO MEMBERS

Subject: Petition 0909/2009 by Jean-Paul Doron (French), on behalf of the French National Fisheries Federation, bearing 13 000 signatures, on the French management plan for the conservation of eel stocks

1. Summary of petition

The French government, in application of Regulation No 1100/2007 (EC), has elaborated a management plan for the conservation of eel stocks. The National Fisheries Federation has consistently denounced the government strategy as inadequate, particularly regarding control of levels of PCB contamination and construction barriers to migration flows. The federation calls on the Members of the European Parliament to follow in detail the implementation by France of legislation the Parliament was instrumental in initiating with a resolution adopted on 15 November 2005.

2. Admissibility

Declared admissible on 22 October 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 22 January 2010.

According to the International Council for the Exploration of the Sea (ICES), scientific information clearly indicates that the European eel stock is so depleted that it is outside safe biological limits. ICES advised that a recovery plan should be developed for the whole stock of European eel and that exploitation and other human activities affecting the stocks (such as PCB contamination and construction barriers to migration flows) be reduced as much as possible.

On 15 November 2005, the European Parliament adopted a resolution calling on the

Commission to immediately submit a proposal for a regulation for the recovery of European eel stocks.

On 18 September 2007, Council Regulation (EC) No 1100/2007 (hereafter "eel regulation") establishing measures for the recovery of the stock of European eel was adopted. In the framework of the said regulation Eel Management Plans (EMP) must be prepared by all Member States.

On 31 December 2008, in accordance with Article 4(1) of the eel regulation, France submitted to the Commission a national EMP, completed for information by 10 local chapters and two annexes (one of these specifically addressing the PCB issue as a national action plan against PCBs). The analysis of the French EMP started with the check of its conformity with all regulatory obligations, a step called "admissibility check". This first step is a condition *sine qua non* before sending the EMPs to ICES, which is the scientific body chosen by the Commission to undertake the scientific and technical analysis of the EMPs.

On 20 March 2009, the Commission informed by letter the French authorities that the proposed EMP was not admissible in its current state, because it did not include all the elements requested by Articles 2 and 7 of the eel regulation.

On 26 May 2009, in accordance with Article 4(1) of the eel regulation and in reply to the letter of 20 March 2009, the French authorities submitted to the Commission a revised version of the French EMP.

On 29 May 2009, the Commission informed by letter the French authorities that the revised EMP was admissible. This document, together with the 10 local chapters and the two annexes, were then sent to ICES for a scientific and technical assessment, as foreseen by Article 5(1) of the eel regulation.

On 24 June 2009, the Commission received the referred petition by the French National Fisheries Federation and replied to it on 14 July 2009, providing the state of play of the analysis of the French EMP.

Since 1 July 2009, the French authorities started to implement the measures described in the French EMP. These include the identification of the construction barriers to migration flows which have to be adapted in priority.

On 26 August 2009, the first scientific and technical evaluation on the French EMP was sent by ICES to the Commission, which started an analysis of ICES comments taking into account any available information from France, including the information presented in the referred petition. It has to be underlined that ICES comments did not include remarks on the proposed measures to control and fight against PCB contamination.

On 28 September 2009, the Commission informed by letter the French authorities that the revised version of the French EMP could not be accepted in its current state and requested additional information and amendments to the documents in order to answer ICES comments. The main issues raised by ICES were the low improvement of the level of survival of eel in the short and medium term, the lack of data and the operation of the glass eel restocking

market, as France is one of the main suppliers in the Union.

On 12 November 2009, the French authorities submitted to the Commission a second revised version of the French EMP, taking into account the comments by ICES on the first revised version.

On 16 November 2009, ICES has received the revised documents and started the second scientific and technical evaluation.

On the basis of that evaluation, the Commission will decide if further information and/or amendments to the French EMP are necessary before proceeding with the approval of the French EMP by common decision.

Conclusion

The Commission agrees with the petitioner that PCB contamination and construction barriers to migration flows are important threats to the survival of the European eel. The Commission has to point out, however, that the EU Recovery Plan for eels does not include any obligation for Member States to decrease PCB levels in order to help further the recovery of eels. The Commission welcomes the information and comments provided in the petition and took them into account for the analysis of the French EMP.

Currently, the Commission is waiting for the second scientific and technical evaluation of the French EMP by ICES so as to be able to decide if the French eel management measures meet the requirements of the eel regulation and can be proposed for common approval.

4. Commission reply, received on 11 February 2011.

On 26 January 2010, the second scientific and technical evaluation on the French EMP (Eel Management Plan) was sent by ICES (International Council for the Exploration of the Sea) to the Commission. On the basis of that evaluation, the Commission started a round of negotiations with the French authorities, which led to new commitments by the latter translated in the national eel management plan.

The main new commitments were:

- 3 triennial plans (2009/2012, 2012/2015, 2015/2018) aiming at gradual reductions of eel mortalities (caused by legal fishing activities - both professional and recreational, or by all other human causes - including illegal fishing), accompanied by complementary measures.
- Reduction of 40% of the mortality of glass eels (less than 12 cms) caused by legal professional fishing activities within three years (2012). By 2015, the mortality should be reduced by 60% for all stages (yellow, silver and glass eels). This will be done by reduction of fishing effort (for example by reducing duration of fishing seasons).
- Concerning recreational fisheries, prohibition to catch glass and silver eels, and reduction of fishing mortality of yellow eels by 30% by 2012 followed by a reduction of extra 10% each year leading to 60% by 2015. Following scientific evaluation in

2015, complementary measures, if not prohibition of catching yellow eels as well as glass and silver eels, will be envisaged.

- Reduction of mortality by other human causes (including illegal fishing) by 30% within 3 years (2009/2012), then by 50% by 2015 (2012/2015), then by 75% by 2018 (2015/2018), by implementing the identification and adaptation of priority obstacles (including turbines) to ensure ecological continuity (1555 obstacles by 2015), and complementary measures to adapt turbines (specific fish by-passes, new models of turbines with low or no impact, and to stop them in periods of high downward migrations).

With the new amendments added by the French authorities to the French eel management plan the Commission considered that the last version of the plan, received officially on 3 February 2010, met the requirements of the regulation (EC) n°1100/2007, reason why the plan was adopted by Commission decision on 15 February 2010. The Commission is closely monitoring the implementation of the plan and will fully examine any information that the petitioner might want to send on this issue.