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REPORT

on the proposal for a Council regulation establishing measures for the recovery
of the stock of European Eel
(COM(2005)0472 – C6-0326/2005 – 2005/0201(CNS))

Committee on Fisheries

Rapporteur: Albert Jan Maat

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation on establishing measures for the recovery of the stock of European Eel
(COM(2005)0472 – C6-0326/2005 – 2005/0201(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0472)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0326/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0140/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 4 a (new)

(4a) On 15 November 2005 the European Parliament adopted a resolution¹ calling on the Commission to immediately submit a proposal for a regulation for the

¹ Not yet published in OJ.

Amendment 2
Recital 8

(8) The success of measures for the recovery of the European eel stock depends on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public sectors involved.

(8) The success of measures for the recovery of the European eel stock depends on close cooperation and coherent action at Community, Member State and local ***and regional*** level as well as on information, consultation and involvement of the public sectors involved.

Justification

The text has been adapted to reflect the legal and administrative situation in some of the Member States, where regulating this fishery falls within the competence of regional governments or is shared with the central government.

Amendment 3
Recital 10

(10) Within a river basin where fisheries and other human activities affecting eels may have transboundary effects, all programmes and measures should be coordinated for the whole of the relevant river basin. For river basins extending beyond the boundaries of the Community, the Community should endeavour to ensure appropriate coordination with the third countries concerned. However, the need for such coordination should not prevent urgent action being taken by Member States.

(10) Within a river basin where fisheries and other human activities affecting eels may have transboundary effects, all programmes and measures should be coordinated for the whole of the relevant river basin. ***However, coordination must not take place at the expense of the rapid introduction of the national parts of Eel Management Plans.*** For river basins extending beyond the boundaries of the Community, the Community should endeavour to ensure appropriate coordination with the third countries concerned. ***In the context of international coordination, both within the Community and outside it, special attention should be devoted to the Baltic Sea and European coastal waters falling outside the***

scope of the Water Framework Directive.

However, the need for such coordination should not prevent urgent action being taken by Member States.

Justification

Measures to restore stocks of the European eel are not confined to Community waters.

Amendment 4

Recital 10 a (new)

(10a) As, naturally, many of the arriving glass eels are lost, the Commission should without delay investigate how Europe's aquaculture could be involved in the recovery of European eel stocks, inter alia by means of continued rearing of glass eels which have been caught, until they develop into yellow eels and are used to restock European inland waters communicating with the sea.

Amendment 5

Recital 10 b (new)

(10b) In the context of the recovery of the European eel stock, it is noted that the glass eel is particularly vulnerable because large quantities of glass eels are exported. Special measures to increase the numbers of glass eels released into European waters should therefore be implemented.

Justification

Since glass eels are a particularly vulnerable part of the eel stock, owing to heavy demand and exports, special measures should be implemented to increase the numbers of glass eels released into European waters.

Amendment 6
Article 2

From the first to the fifteenth day of each month it shall be prohibited to fish for, land or retain eel of the species *Anguilla anguilla*.

The fishing season shall be shortened so that fishing effort is reduced by half.

Justification

Even though it appears necessary to take urgent measures while the plans are drawn up, alternate 15-day closures are far from being the most suitable method. Firstly, since eel fishing depends on the lunar cycle, this measure may cause virtually the total closure of the fishery or, on the other hand, it may have no impact whatever. Secondly, the measure prohibits the landing and retention of eel as well as fishing. This may have a highly damaging effect on marketing firms, which cannot afford to employ staff for 15 days a month, or to set up the necessary infrastructure and then have to leave it idle. If effort is to be reduced by half, it should be done on the basis of a continual period by shortening the fishing season.

Amendment 7
Article 3, introductory wording

By way of derogation from Article 2, until 30 June 2007 it shall be permitted to fish for, to retain and to land eel of the species *Anguilla anguilla* ***from the first to the fifteenth day of each month*** provided that:

By way of derogation from Article 2, until 30 June 2007 it shall be permitted to fish for, to retain and to land eel of the species *Anguilla anguilla* ***outside the fishing season laid down*** provided that:

Justification

Given that the amendment to Article 2 proposes replacing the 15-day closure with a shortened season as an emergency measure, the exemptions should also be defined in line with the fishing season laid down.

Amendment 8
Article 3, point (b)

(b) all the eel captured are released into European inland waters having access to the sea for the purpose of increasing the escapement levels of adult silver eels

(b) - all the eel captured are released into European inland waters having access to the sea for the purpose of increasing the escapement levels of adult silver eels ***or*** -

are used for aquaculture in the European Union, subject to the condition that a percentage, to be determined by the Commission, of the eel used in aquaculture is used for the breeding of and restocking with yellow eels in European inland waters communicating with the sea, in order to increase the escape rate of mature silver eels, and

Amendment 9
Article 3, point (b a) (new)

(ba) Member States adopt extra measures to obstruct as little as possible the natural migration of glass eels during certain periods.

Justification

In those periods when glass eels migrate inland from coastal areas, the obstacles which exist should be removed in so far as possible.

Amendment 10
Article 4, paragraph 1

1. If existing national measures already ensure, for specified river basins, that the objective referred to in Article 6(4) is met, the Member State concerned may submit a request for exemption until 30 June **2007** from the measures provided for in Article 2 for those basins.

1. If existing national measures already ensure, for specified river basins, that the objective referred to in Article 6(4) is met, the Member State concerned may submit a request for exemption until 30 June **2008** from the measures provided for in Article 2 for those basins.

Amendment 11
Article 4 a (new)

Article 4a
Additional protection for glass eels

Fishing for eels less than 12 cm long is allowed, providing one of the following requirements is fulfilled:

(a) most of the eels caught are used to restock European inland waters communicating with the sea, in order to increase the escape rate of mature silver eels;

(b) eels caught for aquaculture in the European Union are subject to the condition that a percentage, to be determined by the Commission, of the eel used in aquaculture is used for rearing eel fry and restocking European inland waters communicating with the sea, in order to increase the escape rate of mature silver eels.

If a Member State so wishes, the Commission may also institute a quota for exports of glass eels, provided that this does not violate the sustainability criterion or the recovery of the stock of European eel.

If in a Member State or region the catch of glass eel is used for consumption, the Commission may allow this provided that this does not violate the sustainability criterion.

Amendment 12
Article 5

By way of derogation from Article 2, from 1 July **2007** *it shall be permitted to fish for, to retain and to land eel of the species **Anguilla anguilla** from the first to the fifteenth day of each month provided that* **such** fisheries conform to the specifications and restrictions set out in an Eel Management Plan.

By way of derogation from Article 2, from 1 July **2008** fisheries **shall** conform to the specifications and restrictions set out in an Eel Management Plan.

Justification

Consistent with the amendment tabled to Article 2.

Amendment 13
Article 5, paragraph 1 a (new)

For Member States which have submitted an Eel Management Plan to the Commission for approval before 31 December 2006, the effect of Article 2 shall be suspended until the Commission takes a definitive decision.

Amendment 14
Article 6, paragraph 1

1. Member States shall identify and define the individual river basins lying within their national territory that, prior to human intervention, constituted natural habitats for the European eel (“eel river basins”).

1. Member States shall identify and define the individual river basins lying within their national territory that, prior to human intervention, constituted natural habitats for the European eel (“eel river basins”). ***A Member State may opt justifiably to designate the whole of its national territory or an existing regional administrative unit as one river basin.***

Justification

In order to facilitate implementation, it must be possible to operate with a single national management plan.

Amendment 15
Article 6, paragraph 2

2. In defining eel river basins, Member States shall have ***due*** regard to the administrative arrangements referred to in Article 3 of Directive 2000/60/EC.

2. In defining eel river basins, Member States shall have ***the maximum possible*** regard to the administrative arrangements referred to in Article 3 of Directive 2000/60/EC.

Justification

In order to facilitate implementation, it must be possible to operate with a single national management plan.

Amendment 16
Article 6, paragraph 3 a (new)

3a. Member States shall implement in river basins an Eel Management Plan which will ensure the effective recovery of eel stocks. The Member States shall propose the river basins which are to be the subject of those intervention plans.

Justification

In some Member States such as Portugal, all river basins are considered natural habitats for eel. In practice it would be difficult to draw up, monitor and control management plans for all of them, since this would involve an excessive amount of human and financial resources. It should be for the Member States to set priorities for intervention, taking account of their particular circumstances.

Amendment 17
Article 6, paragraph 3 b (new)

3b. Management plans for river basins shared between one or more Member States shall be drawn up jointly and submitted to the Commission.

Amendment 18
Article 6, paragraph 4

4. The objective of each Eel Management Plan shall be, for each eel river basin, to permit with high probability the escapement to the sea of ***at least 40%*** of the biomass of

4. The objective of each Eel Management Plan shall be, for each eel river basin, to permit with high probability the escapement to the sea of ***a high percentage*** of the

adult eel relative to the best estimate of the potential escapement from the river basin ***in the absence of*** human activities affecting the fishing area or the stock.

biomass of adult eel relative to the best estimate of the potential escapement from the river basin, ***taking into account all the*** human activities affecting the fishing area or the stock.

Justification

It is far from clear how it will be possible to calculate this 40% escape rate. The plans should guarantee a significantly higher percentage in each river basin, whilst taking account of the conditions in each of them, such as greater or lesser abundance and/or barriers. Moreover, the meaning of the final sentence of the paragraph is unclear.

Amendment 19
Article 6, paragraph 5 a (new)

5a. The European Union shall support measures allowing the restocking of river basins in the various Member States.

Amendment 20
Article 6, paragraph 5 b (new)

5b. The European Union shall support measures to aid the construction and/or adaptation of barrier-crossing mechanisms to prevent migration along rivers from being compromised.

Justification

The upstream migration of eels for spawning and hence the possibility for them to swim upriver is essential for the life cycle of individuals of this species. Crossing physical barriers along freshwater courses should therefore be a priority.

Amendment 21
Article 7, paragraph 1

1. Member States shall communicate by **31 December 2006** to the Commission all individual Eel Management Plans prepared in accordance with Article 6.

1. Member States shall communicate by **30 June 2007** to the Commission all individual Eel Management Plans prepared in accordance with Article 6.

Justification

Various factors make the present calendar unfeasible, and it is therefore suggested that implementation be postponed by one year. Firstly, in many cases the plans require coordination between various regions and indeed states. This coordination will take a great deal of time and effort. Secondly, current knowledge is not sufficient to calculate escapement, and it does not appear likely that the working groups proposed by the ICES and the result of the models currently being researched as part of the SLIME project will bear fruit in time to be used to carry out the plans according to the calendar currently being proposed.

Amendment 22 Article 7, paragraph 3

3. Member States shall implement the Eel Management Plans approved under paragraph 2 from 1 July **2007**.

3. Member States shall implement the Eel Management Plans approved under paragraph 2 from 1 July **2008, or from the earliest feasible time before that date.**

Amendment 23 Article 8, paragraph 1

1. For eel river basins extending to the territory of more than one Member State, the Member States involved shall jointly prepare an Eel Management Plan.

1. For eel river basins extending to the territory of more than one Member State, the Member States involved shall jointly prepare an Eel Management Plan. ***If coordination is in danger of resulting in such a delay that it will become impossible to submit the Management Plan on time, Member States may submit Management Plans for their national part of the river basin.***

Amendment 24 Article 8, paragraph 2

2. Where an eel river basin extends beyond the territory of the Community, the

2. Where an eel river basin extends beyond the territory of the Community, the

Member States involved shall endeavour to develop an Eel Management Plan in coordination with the relevant third countries.

Member States involved shall endeavour to develop an Eel Management Plan in coordination with the relevant third countries. ***In this connection, special attention shall be devoted to the Baltic Sea and European coastal waters falling outside the scope of Directive 2000/60/EC.***

Amendment 25
Article 8 a (new)

Article 8a

Special measures in respect of glass eels

As part of the plan for recovery of the European eel stock, the Commission shall draw up special measures to ensure an increase in the number of glass eels released, focusing on the problems caused by large-scale exports of glass eels.

Justification

As glass eels are a particularly vulnerable part of the eel stock, owing in part to the scale of exports, special measures should be launched to increase the numbers of glass eels released.

Amendment 26
Article 9, paragraph 1

1. For each Eel Management Plan, each Member State shall report to the Commission by 31 December 2009 on the monitoring, effectiveness and outcome of the plan, ***and in particular shall estimate for each river basin that proportion of the biomass of the eel that escape to the sea to spawn relative to the escapement achieved in the absence of fishing or other human activities affecting the fishery or the stock.***

1. For each Eel Management Plan, each Member State shall report to the Commission by 31 December 2009 on the monitoring, effectiveness and outcome of the plan.

Justification

As already noted, it is not clear how it will be possible to calculate eel escape rates. Following the Commission's strategy aimed at greater legislative simplification and a smaller administrative burden on the Member States, it is advisable to cut back on requests for reports which will be of little or no use.

Amendment 27 Article 9, paragraph 2

2. The Commission shall, by **1 July 2010**, present a report to the European Parliament and the Council with a statistical and scientific evaluation of the outcome of the implementation of the Eel Management Plans accompanied by the opinion of the Scientific, Technical and Economic Committee for Fisheries.

2. The Commission shall, by **1 July 2011**, present a report to the European Parliament and the Council with a statistical and scientific evaluation of the outcome of the implementation of the Eel Management Plans accompanied by the opinion of the Scientific, Technical and Economic Committee for Fisheries.

Justification

Various factors make the present calendar unfeasible, and it is therefore suggested that implementation be postponed by one year. Firstly, in many cases the plans require coordination between various regions and indeed states. This coordination will take a great deal of time and effort. Secondly, current knowledge is not sufficient to calculate escapement, and it does not appear likely that the working groups proposed by the ICES and the result of the models currently being researched as part of the SLIME project will bear fruit in time to be used to carry out the plans according to the calendar currently being proposed.

Amendment 28 Article 9, paragraph 3 a (new)

3a. The Commission shall before 1 January 2007 determine, in consultation with the ICES, the EIFAC, the Member States and the fishing industry, whether the norm laid down in Article 6(4) is sufficiently measurable and applicable in practice, after which the Commission shall, if necessary, submit a modified or adjusted proposal.

Amendment 29
Article 11, paragraph 1

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union, *but not before 1 January 2007*.

EXPLANATORY STATEMENT

In recent years, eel stocks in the European Union have declined dramatically. There are grounds for fearing that, unless an Action Plan enters into force quickly in the European Union, the species could become extinct.

Throughout the distribution area of the European eel (the whole of Europe, and North Africa), eels are fished. Fishing of glass eels is concentrated in South-Western Europe: catches (c. 100 t) are used for direct consumption, allowed to mature into yellow eels (to some extent in Europe but especially in the Far East) or used for restocking of waters in the rest of Europe. Yellow eels and silver eels are fished everywhere in European waters; the catches (estimated at 8000 t), together with eels from aquaculture (c. 10 800 t), are used for consumption (smoked, steamed, in jelly, etc.).

Table 1 *Overview of the principal countries where European eel is fished or farmed. The figures indicate official production in 2000. (Source: ICES/EIFAC Working Group on Eels). The official figures for fisheries substantially underestimate actual catches, which are thought to be around twice the amount shown.*

Fishing in EU		Fishing outside EU		Eel farming	
Country	Production (t)	Country	Production (t)	Country	Production (t)
United Kingdom	796	Egypt	2 064	Netherlands	3 800
Germany	686	Norway	281	Denmark	2 674
Denmark	620	Turkey	176	Italy	2 750
Sweden	560	Tunisia	108	Elsewhere in Europe	1 639
Italy	549	Morocco	100	Asia	10 000
Poland	429	Elsewhere	238		
France	399				
Netherlands	351				
Ireland	250				
Elsewhere in EU	280				

In the past 20 years, stocks of eels above the minimum permitted size for fishing have declined by 50% (and over the past 40 years they have fallen by as much as 75%), while glass eel stocks have declined by 95% during the same period.

Since earliest times, there has been a strong demand for eel in Europe. In some areas it is a major feature of the culinary tradition and an essential element in the natural habitat.

Although inland fishing does not officially fall under the European common fisheries policy, the common problem which exists in numerous Member States necessitates a common approach. Without one, it is very likely that it will prove impossible to conserve or restore eel stocks.

Naturally, the differences between Member States and climate zones are great. In Scandinavia the situation is not like that in France, for instance. However, a substantial decline in eel stocks is observable throughout the European Union.

All waters in Europe where eel occurs may be contributing to the production of silver eels (fertile eels); closer to the sea more than further inland - in some countries more than in others. It is not clear whether silver eels from all countries actually participate in reproduction, or whether the spawning population comes from a small part of Europe, while silver eels from other countries die without reproducing.

It has been suggested that most female silver eels come from Scandinavia, but it also seems likely that the Gulf of Biscay, which is the initial arrival area for more than 95% of glass eels, is really the key area. If one were to protect one area and not another, it is quite possible that the protected area might turn out to be the wrong one. As a precaution, it must be assumed that all silver eels which migrate from Europe contribute to reproduction. Therefore no country can deny its shared responsibility for preserving breeding stocks.

Over the years, the proportion of eel consumed which is caught in the wild has declined substantially. The bulk of consumption is accounted for by aquaculture. Consequently, more and more of the glass eels which are caught are sold for use in aquaculture.

This trend has accelerated due to the enormous demand from South-East Asia for glass eels. As a result, glass eel prices have risen so high that it has become completely unviable, economically, to restock Europe's inland waters with glass eels.

As eel stocks have declined all over Europe, it currently seems most likely that all eels in Europe form part of a single stock and come from a single breeding area. Thus restoring eel stocks is primarily an international problem. At the same time, the eel is a species which typically occurs in small waters scattered all over Europe, in which small-scale fishing is practised and a huge number of local factors have an impact. It will only be possible to implement a recovery plan if it is carried out in all these small waters, with the cooperation of local interested parties and managers. The international recovery plan will have to be based on the information collected in all those small waters.

This twofold character of eel recovery (a large-scale problem occurring in small-scale waters) makes it necessary to divide roles between different tiers of government and between authorities and interested parties. On the one hand the central authority (EU) will have to set the conditions for sustainable management, and then impose them on lower tiers of government (the national level), which in turn can pass them on in the form of conditions for the fishing plans of regional fisheries managers. On the other hand, local management must be based on information concerning the local situation, and this information will have to be used by the (higher) authorities to monitor and evaluate the management measures implemented. Satisfactory cooperation between the fishing industry, other interested parties and the authorities is crucial here.

On 15 November 2005 the European Parliament adopted a resolution (2005/2032(INI)) calling on the Commission to submit without delay a proposal for a regulation to bring about the recovery of eel stocks. The present Commission has worked energetically to do so, with the result that, partly on the basis of the resolution, a proposal for a regulation (2005/0201) has now been submitted.

PROCEDURE

Title	Proposal for a Council regulation establishing measures for the recovery of the stock of European Eel
References	COM(2005)0472 – C6-0326/2005 – 2005/0201(CNS)
Date of consulting Parliament	20.10.2005
Committee responsible Date announced in plenary	PECH 27.10.2005
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 27.10.2005
Not delivering opinion(s) Date of decision	ENVI 29.11.2005
Rapporteur(s) Date appointed	Albert Jan Maat 25.10.2005
Previous rapporteur(s)	
Simplified procedure – date of decision Date of decision	
Legal basis disputed Date of JURI opinion	
Financial endowment amended Date of BUDG opinion	
Parliament to consult European Economic and Social Committee – date decided in plenary	0.0.0000
Parliament to consult Committee of the Regions – date decided in plenary	
Discussed in committee	29.11.2005 30.1.2006 22.2.2006 19.4.2006
Date adopted	19.4.2006
Result of final vote	Unanimously
Members present for the final vote	James Hugh Allister, Stavros Arnaoutakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Luis Manuel Capoulas Santos, David Casa, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Willy Meyer Pleite, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Bernard Poignant, Struan Stevenson, Margie Sudre
Substitute(s) present for the final vote	Chris Davies, Duarte Freitas
Substitute(s) under Rule 178(2) present for the final vote	Carlos Carnero González, Salvador Garriga Polledo, Eugenijus Gentvilas, Antonio Masip Hidalgo
Date tabled	26.4.2006
Comments (available in one language only)	...