DRAFT REPORT

on the implementation of Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel (2023/2030(INI))

Committee on Fisheries

Rapporteur: Bert-Jan Ruissen
## CONTENTS

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS .........................3</td>
</tr>
<tr>
<td>MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION........................................4</td>
</tr>
</tbody>
</table>
EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Background

In 2007, Council Regulation (EC) No 1100/2007 was adopted, establishing measures for the recovery of the stock of European eel. It has a broad, holistic approach to the management of the eel stock, covering different life stages and migration routes of the eel. Its scope covers Union waters, coastal lagoons, estuaries, and rivers and communicating inland waters of Member States that flow into the seas. The Eel Regulation lays down an obligation for Member States, as of 2009, to define their natural habitats for the European eel (eel river basins) and to have in place Eel Management Plans (EMP) for these habitats. This allows Member States to take into account specific local and national circumstances. The objective of each Eel Management Plan shall be to reduce anthropogenic mortalities so as to permit with high probability the escapement to the sea of at least 40% of the silver eel biomass relative to the best estimate of escapement that would have existed if no anthropogenic influences had impacted the stock. The Eel Management Plan shall be prepared with the purpose of achieving this objective in the long term. The measures that Member States take may include reducing commercial fishing activity, restricting recreational fishing, restocking measures, structural measures to make rivers passable and improve river habitats, transportation of silver eel from inland waters to waters from which they can escape freely to the Sargasso Sea, combating predators, temporary switching-off of hydro-electric power turbines, and measures related to aquaculture. Member States are due to report to the European Commission initially every third year, with the first report presented by 30 June 2012. The frequency of reporting shall decrease to once every sixth year, after the first three tri-annual reports have been submitted. Reports shall outline monitoring, effectiveness and outcome of the management plans.

Position of the rapporteur

The rapporteur is of the opinion that the Eel Regulation is a good, holistic instrument, but that its implementation can be improved. In particular, the problem of migration barriers has not been tackled sufficiently, while fishing activity has been significantly restricted. This has also been concluded by evaluations of the European Commission. In recent times, the focus of policy makers has been on further reduction of the eel fisheries. This is showcased by the Council decision on fishing opportunities of December 2022, restricting the marine and coastal fishing of eel with a six-month closing period. The rapporteur is of the view that this is not the right way forward for the recovery of the eel. The Eel Regulation needs to be recognized as the core policy and most suitable instrument for eel management. The rapporteur makes several recommendations for better implementation of the Eel Regulation, such as improving the governance model in order to allow for feedback and updates of the EMPs, recognising the essential role of the fishers, continuing the policy of restocking, tackling migration barriers, stepping up the fight against IUU, promoting scientific research, and harmonising data collection.
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel (2023/2030(INI))

The European Parliament,

– having regard to Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (the Eel Regulation)¹,

– having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 3, 4, 11, 38, 39 and 43 thereof,


– having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁴,


– having regard to Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora,

– having regard to the Convention on the Conservation of Migratory Species of Wild Animals,

– having regard to the Commission evaluations of the Eel Regulation in 2014 (COM(2014)0640) and in 2020 (SWD(2020)0035),

– having regard to the evaluation report of 2019 contracted to Poseidon by the Commission,

having regard to the recommendations of 4 May 2022 of the Baltic Sea Advisory Council on management measures for eels,

having regard to Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks and Council Regulation (EU) 2023/195 of 30 January 2023 fixing for 2023 the fishing opportunities for certain stocks and groups of fish stocks applicable in the Mediterranean and Black Seas and amending Regulation (EU) 2022/110 as regards the fishing opportunities for 2022 applicable in the Mediterranean and the Black Seas,

having regard to the statement by Denmark, France, Italy, Greece, the Netherlands, Poland, Spain and Sweden on eel in respect of Council Regulation (EU) 2023/194,

having regard to its position of 16 May 2006 on the proposal for a Council regulation establishing measures for the recovery of the stock of European Eel,

having regard to the advice of 3 November 2022 issued by the International Council for the Exploration of the Sea (ICES) on the European eel (Anguilla anguilla) throughout its natural range,

having regard to the Commission communication of 21 February 2023 entitled ‘EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries’ (COM(2023)0102),

having regard to Rule 54 of its Rules of Procedure, as well as to Article 1(1)(e) of, and Annex 3 to, the Decision of the Conference of Presidents of 12 December 2002 on the procedure for the granting of authorisation to draw up non-legislative reports,

having regard to the report of the Committee on Fisheries (A9-0000/2023),

A. whereas the Eel Regulation lays down an obligation for Member States to develop national Eel Management Plans (EMP), with a uniform action target and an internationally coordinated, triannual monitoring and evaluation process;

B. whereas 19 Member States have adopted EMPS for almost 90 Eel Management Units, covering around 1 880 actions; whereas six Member States (Cyprus, Malta, Austria, Romania, Slovakia and Hungary) are exempted from preparing an EMP; whereas Slovenia and Bulgaria (for its river systems outside the Black Sea) have not prepared their EMPS; whereas Croatia is currently developing its EMP;

C. whereas only the Netherlands has submitted updated EMPS for approval, namely in 2011 and again in 2018;

D. whereas, at present, there is only one transboundary plan recognised by the EU, which is in the Minho River basin (Spain and Portugal); whereas, according to the ICES (2022), while it is recognised that cooperation between Member States and non-EU
countries through other mechanisms exists, there are still waterbodies that would benefit from improved coordination of management measure implementation;

E. whereas distributed control under central coordination is a feature of the Eel Regulation; whereas eel stock management is too complex for a one-size-fits-all approach; whereas the Eel Regulation gives flexibility to Member States to adjust their national EMPs to local circumstances and national priorities;

F. whereas there is no eel-specific platform at EU level for exchanging information, discussions among stakeholders and follow-up of feedback;

G. whereas, according to the 2019 Poseidon report, 18 out of 19 Member States reported in 2012; whereas, according to the 2019 Poseidon report, 14 out of 19 Member States reported in 2015; whereas, according to the 2019 Poseidon report, 15 out of 19 Member States reported in 2018; whereas, according to the ICES (2022), only 13 out of 19 Member States reported in 2021; whereas reporting by Member States has often been incomplete and non-standardised;

H. whereas the Commission evaluated the overall implementation of the Eel Regulation and the national EMPs in 2014, concluding that the implementation of EMPs had resulted in restrictions on fisheries, while more attention should be given to management measures related to non-fishing anthropogenic mortality factors, the majority of which had only partially been implemented by Member States;

I. whereas the Commission evaluated whether the Eel Regulation was fit for purpose in 2020, concluding that it was relevant and fit for purpose, while adding that further ambition was needed to implement the Regulation with a greater focus on non-fisheries related measures;

**The Eel Regulation as the most appropriate, holistic instrument**

1. Calls on the Commission and the Member States to make the Eel Regulation the core policy for eel protection once again, ensuring a holistic and coherent approach; reiterates that the Eel Regulation was found to be fit for purpose by the Commission evaluation of 2020; is of the opinion that better implementation of the Eel Regulation and additional actions by Member States are needed;

2. Reaffirms the Eel Regulation’s objective of the recovery of the eel stock to 40% compared to pristine conditions and its main aim of reducing mortality so as to allow for this recovery; advises that it is essential to focus on the short-term achievable mortality target in order to reach the long-term biomass objective; highlights the fact that ‘pristine conditions’ can be hard to define; points out that the 40% target is likely to be unachievable because of habitat losses, but that it is the standard for deriving the mortality reduction target;

3. Points out that the decline in stock has halted since the adoption of the Eel Regulation, indicating that the Eel Regulation is showing positive preliminary results, but that recovery will be a long-term process over several decades;

4. Stresses that managing the eel stock is too complex for a one-sided marine-oriented approach; highlights the fact that focusing on annual fishing opportunities does not take
into account important factors such as migration barriers, habitat quality and illegal catches and trade; underlines that the Eel Regulation is holistic and comprehensive, captures both the marine and freshwater life stages of the eel and addresses both fisheries and non-fisheries impacts; points out, in addition, that non-fisheries impacts may be bigger than the fisheries impacts and that far too little attention has been given thus far to non-fishery anthropogenic mortalities; is of the opinion that measures taken outside of the context of the Eel Regulation undermine the coherence of adopted policy; deplores, therefore, Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks, restricting eel fisheries with a 6-month closing period;

**Governance and feedback**

5. Observes that there is no feedback mechanism ensuring follow-up action and regular policy updates by the Member States in the Eel Regulation; deplores the fact that the ICES advice of 2012, 2018 and 2021, post-evaluating the national implementation of the Eel Regulation, has not been put into practice sufficiently;

6. Calls, therefore, for the creation of an eel-specific advisory council with representatives from the Member States and the fishing sector, recreational fishers, water managers, hydro-power companies, conservationists and other relevant parties; suggests that this advisory council should be tasked with advising the Commission on the implementation of the Eel Regulation, providing feedback to Member States on their EMPs, exchanging information between the different parties and evaluating the progress on implementation at national and European level;

7. Notes, in this regard, the Commission’s intention to establish an expert group, as announced in its action plan on marine ecosystems, with the aim of bringing together fisheries and infrastructure experts from the national ministries; asks the Commission to take the above suggestions on board when setting up this expert group;

8. Regrets the fact that only one Member State has submitted an updated EMP for approval since the adoption of the Eel Regulation; urges the Member States to regularly update their EMPs, based on the best available knowledge and advice; encourages the Member States to put concrete targets and intermediate deadlines in their updated EMPs; stresses that the recovery of the eel is a long-term process that requires continuous effort and that a one-time management plan will not be sufficient;

9. Regrets the fact that the number of Member States adhering to the reporting requirement under Article 9(1) of the Eel Regulation has declined over the years; reminds the Member States of their obligations under Article 9(1); highlights the fact that it is vital to gather as much information and data as possible in order to be able to take appropriate measures;

**Eel fisheries measures**

10. Highlights the important role that eel fisheries play in society, with eel fishing being both a socio-economic activity and a cultural, centuries-old tradition; considers that eel fishing has reduced significantly in the past decade; calls on the Commission and the
Member States to refrain as much as possible from placing further restrictions on fisheries; underlines that fishers have an important role to play as guardians and ‘eyes and ears’, while a full closure of fisheries could lead to more illegal, unreported and unregulated (IUU) fishing; points out that eel fisheries carry out a small-scale, artisanal activity and are often located in remote areas, where fishers play an important environmental and social role;

11. Expresses its hope that where further restrictions on fisheries might be necessary, this is done in the context of the national EMPs and not in the form of ad hoc Council decisions, and based on prior socio-economic impact assessments;

12. Reaffirms that restocking is one of the recovery measures listed under Article 2(8) of the Eel Regulation; is of the view that restocking is a necessary measure until the problem of migration barriers is solved adequately; calls on the Member States to continue the practice of restocking; highlights the fact that, although the contribution of restocking to stock recovery at an international level cannot be ascertained, it can have positive effects at local level; is of the opinion that restocking is a way of spreading and limiting risks for the recovery of the stock, considering the increasing drought that is causing problems in rivers throughout Europe; points out, furthermore, that catches for restocking are relatively low (2-3 % of all glass eels); stresses that glass eel catches are crucial for the European aquaculture sector and recognises the important role of aquaculture in restocking;

13. Calls on the Member States to give flexibility to fishers in determining the most suitable periods to fish, which can differ per country; encourages the Member States, in this regard, to consider, in consultation with fishers, the use of quota systems, in order to keep fishing at responsible levels; highlights that one of the advantages of a quota system would be that it enables fishers to choose to fish at times when it is commercially interesting to do so, while limiting catches to a responsible level; adds that this could contribute to preventing overfishing;

Non-fisheries/migration measures

14. Stresses that more work needs to be done on non-fisheries factors that have an impact on eel mortality; highlights the fact that infrastructural obstacles are one of the most detrimental factors causing eel mortality; observes that this problem has not been tackled sufficiently by Member States, as evidenced by Commission evaluations in 2014 and again in 2020;

15. Calls on the Member States to remove obsolete dams and other barriers as a matter of urgency;

16. Underlines that there are fish-friendly alternatives on the market to make water pumps and hydro-power stations passable for fish; calls on the Member States to make fish safety a mandatory requirement for new installations and for old ones when they are replaced; points out that a common methodology might be needed in order to determine and certify when pumps can be considered fish friendly; highlights that the existing Royal Netherlands Standardisation Institute (NEN) standard 87759 in the Netherlands

9 NEN 8775:2020+C1:2022.nl
could serve as an example;

17. Encourages the Member States to continue with trap and transfer projects as a temporary solution for silver eel escapement, in case structural solutions are not possible in the short term;

18. Highlights the fact that migration measures should be implemented in a coordinated way, with a view to other barriers upstream or downstream along the same migration route;

19. Encourages the Member States also to take measures against other anthropogenic mortality factors, such as pollution and parasites;

**Measures against illegal trade and poaching**

20. Underlines that IUU fishing and illegal trade continue to present a significant problem; commends the current successes of law enforcement and stresses the importance of preventing further trafficking; stresses that more checks on and monitoring of the Eel Regulation are needed;

21. Calls for better coordination of customs, police and environmental authorities in and between the Member States, as well as exchange of data; calls on the Member States to continue to invest in the expertise and capacity of law enforcement;

22. Highlights the fact that improved transparency and traceability for caught glass eels is an important way of combating IUU practices and that certification schemes are an important tool to ensure the legality of catches; calls on the Member States to make public their restocking plans so that illegal trade flows of glass eels can be better identified and targeted;

23. Calls on the Member States to impose truly dissuasive sanctions; calls for the harmonisation of financial fines between Member States;

**Scientific research and harmonising data collection**

24. Recalls that much is unknown about the eel, including its spawning process and the exact reasons for the stock decline; calls, therefore, for more scientific research, with sufficient funding and human resources, into the status of the stock and the reasons for its decline; suggests that research should also look into the effects of climate change, for example in the Gulf Stream to and from the Sargasso Sea;

25. Points out that there is a disconnect between the implementation of the Eel Regulation and the ICES annual advice on fishing opportunities, since the latter is based on the glass eel trend and not on the escapement of silver eel (40 % target); calls for this to be harmonised;

26. Commends the ICES for working on the development of a whole stock model in order toanalyse and predict trends;

27. Stresses that data collection, monitoring and reporting should be harmonised and standardised so that data can be compared; recommends that commercial and
recreational fishers should be involved in the collection and analysis of data;

**Transboundary dimension**

28. Encourages the Member States to put in place more transboundary EMPs, where appropriate;

29. Calls on the Commission and the relevant Member States to have an ambitious and realistic General Fisheries Commission for the Mediterranean management plan for eel; believes that it is highly desirable for this plan to be aligned with the Eel Regulation;

30. Instructs its President to forward this resolution to the Council and the Commission.