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## Implementation of the Regulation establishing measures for the recovery of the stock of European eel

**European Parliament resolution of 21 November 2023 on the implementation of Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel (2023/2030(INI))**

(C/2024/4214)

*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 <sup>(1)</sup> (the 'Eel Regulation'),
- having regard to the Treaty on the Functioning of the European Union, in particular Articles 3, 4, 11, 38, 39 and 43 thereof,
- having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC <sup>(2)</sup>,
- having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(3)</sup>,
- 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 policy <sup>(4)</sup>,
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) <sup>(5)</sup>,
- 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 <sup>(6)</sup> 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 <sup>(7)</sup>,

<sup>(1)</sup> OJ L 248, 22.9.2007, p. 17.

<sup>(2)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(3)</sup> OJ L 206, 22.7.1992, p. 7.

<sup>(4)</sup> OJ L 327, 22.12.2000, p. 1.

<sup>(5)</sup> OJ L 164, 25.6.2008, p. 19.

<sup>(6)</sup> OJ L 28, 31.1.2023, p. 1.

<sup>(7)</sup> OJ L 28, 31.1.2023, p. 220.

- 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 <sup>(8)</sup>,
  - having regard to the report of 30 May 2022 issued by the International Council for the Exploration of the Sea (ICES) on the workshop for the Technical evaluation of EU Member States' Progress Reports for submission in 2021 (WKEMP3),
  - having regard to the advice of 3 November 2022 issued by the 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 (A9-0353/2023),
- A. whereas the Eel Regulation lays down an obligation for Member States to develop national eel management plans (EMP), with a uniform objective 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 one Member State has so far amended its EMP; whereas, however, Member States are taking action and are implementing their EMPs in different ways based on their national administrative traditions; whereas more action is needed in terms of implementing measures and, where necessary, updating of EMPs;
- 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 so as to allow for the recovery of the stock;
- F. whereas there is no eel-specific platform at EU level for exchanging information, discussions among stakeholders and follow-up of feedback;
- G. whereas reporting by Member States has often been incomplete and non-standardised; whereas, according to the 2019 Poseidon report, 18 out of 19 Member States reported in 2012, 14 out of 19 Member States reported in 2015 and 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;
- 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;

<sup>(8)</sup> OJ C 298 E, 7.12.2006, p. 113.

- J. whereas the eel is at the moment still classified as ‘critically endangered’ under the IUCN red list; whereas the recruitment of glass eel and yellow eel has stabilised over the past decade and is improving; whereas it is widely recognised that the recovery of the European eel will take many decades, given the long life-span of the species;

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

1. Calls on the Commission and the Member States to make full use of the Eel Regulation as the core policy for the management and recovery of the eel stock once again, ensuring a holistic and coherent approach, which also includes fully implementing measures in other relevant areas outside of fisheries; recalls that the Eel Regulation was found to be fit for purpose by the Commission evaluation of 2020; is of the opinion, nevertheless, that better implementation of the Eel Regulation and additional, strengthened actions by Member States are needed in order to ensure that the Regulation is enacted comprehensively;
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 to allow the recovery of the species; 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 that need to be addressed, but that it is the standard for deriving the mortality reduction target;
3. Points out that data show that the decline in stock recruitment for glass and yellow eel has halted since the adoption of the Eel Regulation, indicating that the Eel Regulation is showing some positive preliminary results, but that the stock is still, from a historical perspective, persisting at low levels; notes that this indicates that recovery will be a long-term process over several decades, which means that continued monitoring and action will be necessary;
4. Stresses that managing the eel stock is too complex for a one-sided marine-oriented approach; highlights the fact that basing this management approach solely on control of annual fishing opportunities does not properly 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 greater than fisheries impacts and should be fully taken into account, based on an ecosystem approach; is concerned that far too little attention has been given thus far to non-fishery anthropogenic mortalities;
5. Is of the opinion that measures taken outside of the context of the Eel Regulation may undermine the coherence of adopted policy; has deep concerns, therefore, about the non-holistic approach taken in 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 six-month closing period without considering a full package of measures in other policy areas as well as appropriate compensation;

### ***Governance and feedback***

6. Observes that there is no feedback mechanism ensuring follow-up action and regular policy updates by the Member States in the Eel Regulation; highlights 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;
7. Calls, therefore, for the creation of an eel-specific expert group ensuring full and balanced representation of all relevant stakeholders, with representatives from the Member States and the fishing sector, recreational fishers, water managers, hydro-power companies, civil society organisations and other relevant parties; suggests that the main task of this body should be 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;

8. Notes, in this regard, the Commission's intention to establish a joint special 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 and the Member States to take the above suggestions on board when setting up this expert group, in order to ensure a comprehensive approach covering different policies for eel management and conservation;

9. Highlights the fact that only one Member State has amended its EMP since the adoption of the Eel Regulation; urges the Member States to regularly update their EMPs, based on the best available scientific knowledge and advice; calls on 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;

10. Highlights that there is a delay in the implementation of the Eel Regulation and that the reporting of data is incomplete; 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 the importance of fulfilling their obligations in this regard; highlights the fact that it is vital to gather as much information and data as possible to ensure that the scientific advice is as up-to-date as it can be in order to support decisions on the most appropriate management measures, and to implement and evaluate them; highlights that a lack of data does not prevent Member States from acting;

### ***Eel fisheries measures***

11. Highlights the important role that eel fisheries play in society, especially within their local communities, with eel fishing being both a socio-economic activity and a cultural, centuries-old tradition; notes that eel fishing has reduced significantly in the past decade; calls on the Commission and the Member States to monitor existing restrictions on fisheries and, where necessary, propose actions to improve the sustainability of eel fisheries; underlines that commercial and recreational fishers have an important role to play in gathering data and being the guardians and 'eyes and ears' of our seas and rivers, which is an asset in the fight against illegal, unreported and unregulated (IUU) fishing; points out that eel fisheries carry out a small-scale, artisanal activity and are often located in rural and remote areas, where commercial and recreational fishers play an important economic, environmental and social role;

12. Expresses its hope that where further restrictions on fisheries might be deemed necessary, this is done in a holistic way in the context of the national EMPs and not in the form of ad hoc Council decisions, based on the best available scientific advice and on prior socio-economic impact assessments, and accompanied by appropriate compensation and support for fishers, in line with relevant provisions of the European Maritime, Fisheries and Aquaculture Fund (EMFAF); urges the Member States, therefore, to more actively use and update their EMPs in order to avoid ad hoc Council decisions;

13. 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 in the short to medium term until the problem of migration barriers is solved adequately; calls on the Member States, in this regard, to continue the practice of restocking, including with EMFAF support; 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 and regional level, mainly on fish biodiversity; recalls 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 legal glass eel catches are crucial for the European aquaculture sector and recognises the important role of aquaculture in restocking;

14. Calls on the Member States, considering the need to keep fishing at responsible levels, to determine, to the extent possible and in line with the best available scientific advice, the most suitable periods to fish, which can differ by country and by region, taking into account fishing periods in neighbouring Member States;

***Non-fisheries/migration measures***

15. 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;

16. Calls on the Member States to remove obsolete dams and other barriers or to create solutions that allow species migration as a matter of urgency, so as to secure migration routes, as already addressed in the relevant parts of the biodiversity strategy and the European Green Deal;

17. 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 and welfare a mandatory requirement for new installations and for old ones when they are replaced; calls for consideration to be given to making this requirement mandatory at EU level; points out that a common methodology might be needed in order to determine and certify when pumps can be considered fish friendly and that such a methodology could facilitate the deployment of this infrastructure; highlights that national standards in several Member States could serve as an example;

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

19. Highlights the fact that migration measures should be implemented in a coordinated and transnational way, with a view to other barriers upstream or downstream along the same migration route, also taking into account the timing of peak migration periods;

20. Encourages the Member States to study thoroughly and to take measures against other anthropogenic mortality factors, such as pollution and parasites, as well as predators; urges Member States to address gaps and delays in environmental legislation and to have in place proper management plans for other species affecting the eel population, such as cormorants in some areas; emphasises the importance of having high-standard quarantine rules for glass eels to prevent the spread of parasites during restocking;

21. Recognises the importance of civil society organisations and individuals engaging in recreational fisheries activities, including conservation projects; notes that these activities play an important part in the social cohesion of local and rural communities;

***Measures against illegal trade and poaching***

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

23. Calls for better coordination of customs, police, fisheries control, environmental authorities and scientific bodies in and between the Member States and with non-EU countries, as well as exchange of data; calls on the Member States to continue to invest in the expertise and capacity of law enforcement;

24. Highlights the fact that improved transparency and traceability for caught glass eels is an important way of combating IUU practices and that certification schemes, based on independent verifications and internationally agreed standards, are an important tool to ensure the legality of catches; adds in this regard that the contribution of schemes such as the Sustainable Eel Group looks promising; 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;

25. Calls on the Member States to impose truly dissuasive sanctions; calls for the harmonisation of financial fines between Member States; calls on the Member States, therefore, to swiftly implement the Fisheries Control Regulation, recently adopted by Parliament at first reading <sup>(9)</sup>, and to ensure full implementation of the obligations stemming from the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

#### ***Scientific research and harmonising data collection***

26. Recalls that much is unknown about the eel life cycle, 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 pollutants as well as the effects of climate change, for example in the Gulf Stream to and from the Sargasso Sea;

27. 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 and yellow eel recruitment trend and not on the escapement of silver eel (40 % target); calls for this to be harmonised; highlights the need to improve recruitment, escapement and mortality data including at international level;

28. Encourages the ICES, in its evaluation of the EMPs, to also assess their contribution to the overarching objectives of the common fisheries policy;

29. Commends the ICES for working on the development of a whole stock model in order to analyse and predict trends;

30. 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, where appropriate, in the collection and analysis of data;

#### ***Transboundary dimension***

31. Encourages the Member States to put in place more transboundary EMPs, where appropriate; highlights that it is important for the Commission to support and facilitate such work by the Member States;

32. Notes the measures taken at the General Fisheries Commission for the Mediterranean (GFCM) to improve eel management and research in the Mediterranean; calls on the Commission, the relevant Member States and other contracting parties to work for an ambitious, realistic and science-based GFCM management plan for eel; highlights that this multiannual management plan should be compatible with the Eel Regulation;

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

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<sup>(9)</sup> European Parliament legislative resolution of 17 October 2023 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (Texts adopted, P9\_TA(2023)0365).