

CFP Developments

ANALYSIS OF EU FISHERIES POLICY PROPOSALS AND COMMUNICATIONS



IEEP LONDON

Briefing No. 15
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Anticipated Community Action Plan to Protect European Eels (COM (2003) 573)

Introduction

At the beginning of October, the Commission adopted a Communication outlining intentions for the development of a Community Action Plan for the management of the European eel stock (COM(2003)573). This follows, and is closely based on, recommendations from the International Council for the Exploration of the Seas (ICES) to urgently develop a recovery plan for the European eel, which is considered to be outside safe biological limits.

The Commission proposes to develop an action plan that builds upon and coordinates current Member State initiatives. Measures include fisheries restrictions and habitat restoration. Developing such a plan will take time however due to the paucity of data on current management systems and a lack of suitable indicators. It is therefore proposed that short-term precautionary measures will be taken in the interim period.

Eels and their management to date

Eel ecology

The European eel (*Anguilla anguilla*) is catadromous, living in fresh water but returning to the sea to reproduce. The eel occurs in fresh and brackish waters in most of Europe and in the marine waters of the North Atlantic. The life cycle of the eel is only generally understood. It is believed that eels spawn in the Sargasso Sea in the Eastern Atlantic, south of Bermuda. The larvae passively disperse across the Atlantic. Here they develop into small 'glass eels' and migrate upstream of European estuaries and rivers to a range of lake and wetland habitats, where they settle to become 'yellow eels'. Eels spend most of their life in this stage, often for 10 to 20 years. Before returning to sea, where it is believed they migrate back to their spawning grounds, the eels enter the 'silver eel' stage, turning black and silver and their eyes enlarging.

Eel fisheries

Eels are fished for direct consumption, for restocking of rivers and for seed for the aquaculture industry. Once in their continental stages, they are targeted throughout their life cycle, although there are no targeted fisheries offshore, other than areas of

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the Baltic Sea. Although data is inaccurate, total European catch is estimated to have been around 30,000 tonnes per annum in the 1990s, with a first hand sale value of €200 million. In addition to the 20,000 to 25,000 people estimated to be involved in commercial eel fishing, there are many amateur and recreational fishermen.

Stock Status

ICES considers the eel stock to be outside safe biological limits, and the fishery to be unsustainable. Total yield has declined to around a third of that during the 1960's, with high fishing mortality currently at both glass, yellow and silver eel stages. Stock levels are not anticipated to recover in the near future, with the number of new glass eels entering rivers now at 1 per cent of pre-1980 levels. This decline has been Europe wide. The cause of the decline in eel stocks is believed to be a combination of fishing pressure together with habitat loss, pollution, disease and climate change.

Management Status and Advice

The management of eels has traditionally been undertaken locally by individual Member States. ICES has had an Eel Working Group since the mid 1970's however, and has often worked together with the European Inland Fisheries Advisory Commission (EIFAC) of the UN Food and Agriculture Organisation (FAO), also a scientific and advisory body. The Group has worked to collate data and subsequently filled data gaps. Clear management recommendations have only come from this joint group relatively recently however due to differences in objectives, irregular meetings and, in particular, the fact that advice was never requested. Management concepts for eel stocks have now been developed and strong recommendations have been made to the Commission for European level eel management.

ICES recommends, in particular, coordinated eel management at the catchment level and higher. Due to uncertainties in eel ecology and any stock recruitment relationship, a stricter than normal precautionary target stock level of 50 per cent, as opposed to the usual 30 per cent, is recommended. Because of the life cycle length, however, it is warned that positive effects arising from management may not be realised for 5 to 20 years.

Commission Response

The European Commission has responded to the state of the eel stock by proposing management measures along the lines of those recommended by ICES. While some management measures are currently in place at the national level, the Commission considers these to be inadequate given the trans-boundary migration pattern of the eel. Without wishing to restrict Member State management measures and targets, the Commission therefore intends to propose long and short-term measures, particularly to plug gaps in management and ensure coordination.

Immediate Action

The Commission considers the eel stock to be in an 'extremely high-risk situation', with a need for short-term precautionary emergency management measures. Such measures will therefore be proposed to reduce exploitation of eels to the lowest possible levels while a long-term recovery plan is developed.

Emergency measures are suggested as including habitat restoration and fisheries regulations, such as licensing schemes and TACs. The highest priority is placed on maximising the survival of the silver eel, as this is considered to be the most effective means of enhancing the spawning stock and hence eel recruitment in the short-term. Fisheries targeting silver eels will therefore be addressed initially, together with measures ensuring downstream migrations are not inhibited. Measures will subsequently be taken to improve the survival of yellow eels and the settlement of glass eels to yellow eel habitats. The Commission invites Member States to participate in examining effective Community level emergency measures.

Long-term Action

The Commission plans to formulate a long-term plan based on management measures identified by local stakeholders to ensure coordinated Community-wide management. Because the Commission does not consider it appropriate for it to be involved in the detail of implementation, Member States will be responsible for selecting management instruments and meeting management targets. Without wishing to restrict Member States in these areas, the Commission nevertheless intends to be responsible for a number of aspects of such a plan:

1. *establishment of standard targets* – on the basis of scientific advice from ICES and EIFAC, targets are to be set for glass eel settlement, yellow eel stock levels and silver eel escapement;
2. *development of standard data collection systems* – in order to monitor and evaluate progress against targets, a Community level data collection system is to be proposed. This would cover catch, recruitment, habitat mapping and predation;
3. *proposing Community level measures to reinforce local measures* – the Commission considers it necessary to develop Community-wide management measures in order to provide continuity and to back-up local measures. EU measures could include minimum landing sizes for marketing purposes, and licensing to tackle illegal fishing. The Commission is to consider financial support for fishermen affected by control measures;
4. *improving coordination, information and research* – the various Member State management measures in place are to be documented and published, to facilitate the sharing of experiences; and
5. *international collaboration* – because of the trans-boundary nature of eels, the Commission intends to work through existing Regional Fisheries Organisations (RFOs) and bilaterally where necessary. Relevant countries include Norway, Iceland and the United States of America. The possibility of developing a management body within the FAO is to be considered.



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Institutional Context

Amendment to the Common Fisheries Policy

At present, the CFP states that management of catadromous (and anadromous) species is limited to their 'marine life'. The Commission intends to 'bring more clarity to the relevant legal texts' by proposing an amendment to the definition of 'living aquatic resources' in Article 3(b) of the basic CFP Regulation (2371/2002), removing the words 'during their marine life' in respect of catadromous species.

Water Framework Directive

Although eel measures are to be developed under the CFP, the Commission foresees that some issues will be taken forward in the context of the Water Framework Directive (WFD) (Directive 2000/60). The WFD came into force in December 2000 and Member States are obliged to incorporate it into national law by the end of 2003. It is a framework to protect and improve the quality of all water resources such as rivers, lakes and groundwater, transitional and coastal water with the EU.

Under the WFD, European-wide River Basin Management is introduced together with international coordination. The WFD can be used to promote the objectives of eel management, such as using eels as an indicator of 'good ecological status' of river. River basin authorities could also be used for setting targets and implementing eel actions programmes.

International Context

The United Nations Convention on the Law of the Sea (UNCLOS) specifically refers to the management of catadromous species (Article 67)¹. Specific provisions for these species include the need for international cooperation in eel management, together with a prohibition on high sea fisheries.

Future Actions

The communication closes by detailing the following timetable for actions:

Commission Action	Anticipated Timing
Seek advice from ICES and STECF on targets, data collection and technical measures.	Advice requested in late 2003. Provision of advice in mid 2004.
Seek advice through a call for tender compilations of legal and technical measures existing in all Member States concerning eel.	Tender published in early 2004. Provision of advice in third quarter of 2004.
Discussion with Member States on emergency measures.	Third quarter of 2003.

¹ Anadromous species (fish that spend their adult life in the sea and swim upriver to freshwater spawning grounds in order to reproduce eg salmon) are covered separately under Article 66 of UNCLOS. Note that the term diadromous (fish that undertake spawning migration from ocean to river or vice versa) covers both anadromous and catadromous fish species.



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Commission Action	Anticipated Timing
Propose measures to protect silver eel.	First quarter of 2004.
Propose local management targets for each life-stage of eel in the principal Community river basins, and corresponding data collection responsibilities.	Fourth quarter of 2004.
Engage Regional Fisheries Organisations (RFOs) in parallel discussions concerning eel	From fourth quarter of 2003.

Discussion

Extending the limits of the CFP

The move from the Commission (DG Fish) into the management of eels is the first known case of the CFP being applied to fisheries in freshwater, in this case to a catadromous species. This is ultimately a welcome move, as the eel is a stock under threat, requiring an international approach to management.

While the Commission has not stated such intentions, further proposals for European management measures for other catadromous or anadromous species could be forthcoming. Such species may include lampreys, shad and even traditionally freshwater species such as pike and pike-perch that migrate between the rivers of Baltic countries and the Baltic Sea.

Some such species, eg salmon and lampreys, are already afforded protection under the habitats Directive (92/43). This essentially sets a conservation target (favourable conservation status) for species and habitats of species, as well as requiring measures to be taken to secure protection. A regional approach to salmon management at sea is also taken through RFOs such as the North Atlantic Salmon Conservation Organization.

Questionable effectiveness, or a long-term approach?

Using the WFD for the protection of eels and their habitats is a welcome approach. In particular, using eels as a biological indicator for river basin management will provide both additional protection and stronger data on eel status. Perhaps the biggest draw back however is the fact that the WFD will only afford protection in the long-term. Although the Directive comes into force at the end of December 2003, River Basin Management Plans are not required until the end of 2009, and environmental objectives do not have to be *met* until December 2015. Given the precarious state of the European eel, this timeframe is clearly unsuitable. The use of the wider tools and legislation available is a welcome approach however, even if it does not bring immediate benefits, as the Commission itself acknowledges with the suggested use of short-term measures.

In addition to using the WFD, it would seem appropriate to add eels to Annex II or IV of the habitats Directive, concerning species. This would provide eels with immediate protection, and the fact that salmon is already a listed species demonstrates that the Directive is applicable to fish. An argument against this however is that many Member States are not currently meeting all their obligations under the habitats Directive, and adding additional species would dilute the focus of their work. By making proposals to the Council, the Commission could even open wider debates on which species should be removed from the Directive. Either way, amending the Annexes of the Directive to include eels would itself take time since it would require a Commission proposal and subsequent agreement from the Council.

Emergency Measures

While many of the proposed management measures under the long-term plan are relatively detailed, there are ambiguities over the nature, form and timing of the emergency measures. In particular, it is not clear whether the emergency measures will be adopted by the Commission on a short-term basis, or whether they will be proposed to the Council for adoption.

Under the new CFP, the Commission may adopt short-term emergency measures if there is 'serious threat to the conservation of living aquatic resources' (Regulation 2371/2002, Article 7). One of the first examples of the use of these new powers was when the Commission prohibited trawling in an area of deep cold-water coral reefs in part of the North Atlantic, west of Scotland. In the case of the eel Communication, suggested emergency actions include habitat restoration and restocking. As these are not 'traditional' emergency measures like the trawling ban, it is questionable whether these will be adopted by the Commission. But re-stocking has a century of tradition.

Furthermore, if they are 'emergency measures' under Regulation 2371/2002, they can last no more than six months, although they can subsequently be extended for a further six months. If this is the case, then the Commission will probably have just one year during which time a proposal will need to go to the Council for adoption of long-term measures.

Finally, the timing for proposing an amendment to the basic CFP Regulation is not detailed. As the Commission is making this amendment simply in order to 'bring more clarity' it could argue that the amendment is not required before any measures are adopted; the legal framework is already in place. If the Commission would rather adopt or propose measures *after* the amendment has been made, this would suggest a potentially significant delay in the delivery of silver eel protection.

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