

SEG's response to the European Commission's Roadmap on the evaluation of the Eel Regulation

The eel stock all over Europe has declined over many decades, to just a fraction of its former abundance. Since 2007, the EU Eel Regulation has been in force, aiming at the protection, recovery and sustainable use of the stock. While Member States have made efforts to enhance the stock, these have not been sufficient to achieve a sustainable management. Thus, there very much remains an eel crisis - the future of the species is under severe threat.

The Sustainable Eel Group (SEG) therefore welcomes the initiative of the European Commission to initiate the evaluation of the Eel Regulation and related legislation. SEG believes that the Eel Regulation is very much fit for purpose, and that the problem lies in its weak and uncoordinated implementation by Member States and the European Commission rather than in the Regulation itself.

The implementation of the Eel Regulation has suffered significant delays and it has not been properly enforced in Member States. By 2015, information in national progress reports made it clear that the agreed targets were not realised, the required protection had not been achieved and that further reduction in mortality had not been achieved. Already in 2014, in its report to the European Parliament¹, the European Commission outlined the reasons underlying the poor implementation of the Regulation, which included: inconsistencies in the reporting activity of Member States; lack of information on the effectiveness of restriction of fishing and lack of data on the impact of restocking activities throughout Europe.

To illustrate this point, SEG would direct attention to the poor implementation of Article 12 on Control and Enforcement, which has been long overlooked and not appropriately enforced by Member States, for instance by failing to put in place the required traceability systems.

Given the many negative human impacts on the stock (i.e. pollution, fisheries, habitat loss, water management, and physical barriers to migration such as for hydropower generation), a more holistic approach is required, one that actively involves all interested societal parties and governments at all levels – from local through regional to national and international. This is because management measures in a restricted geographical area or focusing on a single threat, in isolation of other identified stress factors, are less likely to have a significant effect on eel numbers.

This holistic approach is especially important in the need to scale up efforts to combat the illegal trade which is now thought to be removing about a quarter of the total natural recruitment to the stock. In this respect, SEG would suggest a number of actions:

- Enforcement of the EU-wide traceability system, as mandated by Article 12 of the Eel Regulation;
- Scale up of European and international cooperation to track and counter illegal trafficking; and
- Introduction of an international traceability system.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014DC0640>

The illegal trade of glass eels from Europe to Asia is seriously undermining the efforts to protect and restore the stock by physically exporting a major share of the overall stock but also by corrupting the governance and control frameworks. Therefore SEG recommends the European Commission to include a fourth pillar for the evaluation, that is data and intelligence are collected and immediately shared by Member States enforcement agencies and Europol on the scale of illegal trade and its impact on the decline of the eel stock. In addition, it is equally important that evaluation data is sought from the Habitats Directive and the Marine Strategy Framework Directive to the Water Framework Directive.

Considering the active involvement of many such parties in the ten past years, since the adoption of the Eel Regulation, SEG notes that successful protection for the eel does not come by itself – a dedicated coordination and orchestration is required for which a management body might be required which would assist the European Commission with scientific, conservation and industry expertise. Similar to the EU Ecolabelling Board, such a body could contribute to the development and implementation of the Eel Regulation and review its implementation. It could also provide the European Commission with advice and assistance in these areas and, in particular, issue recommendations to enhance best practice.

In conclusion, SEG considers that the solution to the current eel crisis does not just come from renewing existing regulatory requirements and making fresh promises for a more complete implementation but will stem from a structural change in leadership, management and governance both at the EU and global levels.