

SEG's response to the Public Consultation on the Eel Regulation

Based on the arguments worked out below, SEG considers that the following issues are key to the successful protection of the Eel across Europe:

- 1. Keep the Eel Regulation in place, possibly with minor modifications – it is very effective (increasing awareness, management plans, protective action, comprehensive approach).*
- 2. Strengthen the international coordination and evaluation structurally (e.g. NASCO-like or eel-specific RAC).*
- 3. Refocus protective actions, assessments, evaluations and advice on anthropogenic mortality goals and indicators, setting mortality targets in line with the long-term objective of 40% biomass, on a geographically partitioned basis (EMUs). [Dekker 2016]*
- 4. Implement full traceability of eels and eel-products, for all life stages, including international coordination and data-exchange. [SEG_Report-2018-1-V2 and SEG_Report-2018-2-V1]*
- 5. Extend the protection of the eel beyond the borders of the EU, by promoting a framework like that of the Eel Regulation (distributed control, specified targets, international feedback) and CITES, for instance through the CMS.*
- 6. Prioritise the eel, and speed-up/increase its protection in policies such as the Water Framework Directive, Natura 2000, and others, to address the non-fishing impacts. A reduction of fishing impacts only will not achieve a sustainable management, and is unlikely to lead to recovery.*

Background to the public consultation

The European eel stock (*Anguilla anguilla*) is in critical condition. Recruitment is low and management and exploitation of the stock are currently unsustainable. The decline in the eel stock has numerous causes including human activities such as fisheries (commercial and recreational), hydropower turbines and pumps, pollution, habitat modification and the creation of obstacles to eel migration. A further deterioration of the status of the stock should be avoided. In 2007 a framework to ensure the protection and sustainable use of the European eel stock was established at EU level (Regulation (EC) **No 1100/2007** – the so called 'Eel Regulation'). Since the initial implementation of the Eel Regulation, the thirty-year decline (since 1980) in recruitment has halted, though recruitment is still very low.

In winter 2018/2019, the European Commission is evaluating this Eel Regulation. This evaluation aims to assess the measures for the recovery of the stock of the European eel under the Eel Regulation, and in particular, the contribution of the Eel Management Plans established and implemented under this Regulation. Early March 2019, a Public Consultation by the Commission, by means of an internet inquiry, gathered input from all the stakeholders in order to evaluate the measures for the recovery of the European eel stock under the Eel Regulation of 2007. The Sustainable Eel Group has responded to this inquiry, and in this text, we summarise our response.

SEG's response

The Sustainable Eel Group (SEG) is a Belgium-based, international non-profit organisation aiming to accelerate the eel's recovery through conservation of eels and their habitats, through responsible management across Europe and beyond.

The eel stock across Europe has experienced a multi-decadal or even centennial decline. As early as the mid-1800s, loss of habitats were reported, causing diminishing eel catches. Simultaneous modernisation and expansion of the fisheries have masked the ongoing decline, until eventually the recruitment of young eel (glass eel) from the ocean towards continental waters collapsed, after 1980.

In the past 175 years, individual countries have attempted to manage their eel fisheries at the national level, have supported their fisheries, and have addressed other impacts on the stock - but without international coordination. The historically low state of the stock now evidences the lack of success of this uncoordinated approach (see [Dekker 2016](#)).

The Eel Regulation has broken this 175-year deadlock! Therefore, SEG considers that the Eel Regulation as such is very effective: it has led to a major increase in public awareness; has led to the development of national management plans, and protective actions taken all over Europe. Implementation, however, has come to a standstill: the agreed goals have not yet been realised, the required protection has not yet been achieved — while the stock is still at a historical minimum. There is all reason to evaluate the effectiveness of the Eel Regulation critically, and to consider improvements.

Objectives and targets

The objectives and targets of the Eel Regulation have been questioned. The Eel Regulation aims “*to reduce anthropogenic mortalities so as to permit [. . .] the escapement [. . .] of at least 40% of the silver eel biomass [relative to the notional pristine biomass].*” Since the adoption of the Eel Regulation, attention has focused on that “*40% of the silver eel biomass*”, but this target is now widely perceived as unachievable. In SEG's opinion, the 40% biomass is indeed unachievable in our lifetimes, but a corresponding mortality reduction is attainable immediately – and a low mortality, in turn, will achieve a recovery of the biomass, albeit in the longer run. However, the objective of the Eel Regulation (“*to reduce ... mortalities so as to permit [recovery of] eel biomass*”) already focuses primarily on mortality, not on biomass! In scientific advice and implementation, objectives (biomass) and means (mortality and survival) have been mixed up – even though there are standard protocols for setting mortality limits aiming at biomass objectives ($\Sigma A < 0.92$, shrinking for $B_{\text{current}} < 40\%$; see [Dekker 2016](#)). Hence, SEG advocates no change in targets and indicators in the Eel Regulation itself, but a better implementation of the existing ones. Refocus on reducing mortality along the lines of the standard protocols, rather than the far away 40% biomass objective.

Coordination and feed-back

While major fisheries reductions have been achieved in many countries (and additional reductions might be required in other areas), many Eel Management Plans have fallen short in reducing non-fishing impacts. In SEG's view, coordination and evaluation of national achievements, to provide feedback on national efforts, has remained weak – the pudding has not truly been proofed. Effectiveness would greatly increase, if a structural solution were found for strengthening the coordinating/evaluating international role. This could take the form of an inter-governmental body (e.g. NASCO, ICATT), or an advisory committee (e.g. the EU

Regional Advisory Committees RAC's, etc) or otherwise – it is the absence of any such coordinating structure, rather than the exact form, that matters here.

The recent progress on countering illegal trafficking of glass eel from Europe to eastern Asia provides a great example of the potential of improving coordination and feedback. Confronted by a staggering increase in illegal trafficking after the export ban in 2010, control agencies have recently stepped up their international coordination and thereby made their controls effective. This clearly shows the potential of international orchestration of national actions.

SEG believes that a structural improvement is now recommended, for the trafficking problem too: full traceability of eels and eel-products of all life stages, combined with international coordination and data-exchange (see [SEG_Report-2018-1-V2](#) and [SEG_Report-2018-2-V1](#)).

A fishing ban effective?

Some parties plead for a complete ban on all eel fishing, considering this an effective measure to protect and recover the eel stock. While SEG considers that a further reduction in impacts is required in many places, we do not support putting the cart before the horse. Implementation of a blanket ban would push current (legal) practices into an illegal continuation (a similar effect as the CITES export ban has had on glass eel trafficking) and not lead to a broadly supported, effective implementation. Moreover, even a full ban on fishing is not likely to lead to the desired recovery, because of the many other human impacts. We note that the implementation of national Eel Management Plans so far has led to major reductions in fishing pressure in many areas, while reductions in non-fishing impacts have generally been much smaller or absent. SEG believes that a major reduction of the non-fishing impacts has to become the next success of the Eel Regulation!

Non-fishing impacts

Before the adoption of the Eel Regulation, discussions focused on uniform measures, to be implemented across the whole EU. Noting that circumstances and conditions vary from area to area, however, there is no general solution, no one-size-fits-all. Because of that, the Eel Regulation placed responsibility with the local/national government (subsidiarity principle, distributed control). It is this distribution of control that was the key to the success of the Eel Regulation so far. For shared issues, however, a coordinated or common approach might be required. This concerns parallel problems (e.g. migration barriers) and cross-border issues (e.g. tracking and tracing of catches). Amongst others, while the Eel Regulation refers to and subscribes to the Water Framework Directive WFD, Natura 2000 and others, those other regulations have taken the eel into consideration only marginally. Prioritising eel migration issues in the Water Framework Directive is recommended, especially since so far, eel fisheries reductions have greatly outpaced the effect of reductions in non-fisheries impacts in almost all areas.

Other policies

While the Eel Regulation is complementary to the Water Framework Directive WFD, the Habitats Directive, the Convention on International Trade in Endangered Species of Wild Fauna and Flora CITES and more (and actually refers to these), the Convention on the Conservation of Migratory Species of Wild Animals CMS provides an alternative basis for protecting the eel. SEG notes that CMS is much weaker defined than the Eel Regulation (no targets, no established evaluation and feedback processes). SEG notes that CITES



and the Habitats Directive are complementary, not alternatives to the Eel Regulation. For the Common Fishery Policy CFP, the general objective is to maximize long-term yield from sustainable fisheries. The Eel Regulation has the objective to make the eel fisheries sustainable, but no objective to maximize the yield. Non-fishing impacts (such as habitat loss, water management, hydropower, and pollution) do not relate to the maximization objective and actually disrupt any policy to do so (the fishery is heavily influenced by non-fishing impacts). Hence, the CFP-framework of objectives and targets has no relevance for the eel – more focus on the CFP runs the fatal risk of leaving non-fishing impact reductions on the back-burner only (water management, hydropower generation, pollution, etcetera). Moreover, SEG notes that the Eel Regulation has achieved a comprehensive approach to the management of eel fisheries, the impacts of water management and hydropower generation and much more; in coastal, estuarine and fresh water habitats; complemented by the CITES listing for the export ban. Though the integration between policies might be strengthened, SEG considers this comprehensiveness a major credit to the Eel Regulation!

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