The European eel will only recover when protection policies become more effectively implemented!

Sustainable *Eel* Group

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Protection and management of the European eel is evidently stuck: no progress is made any longer - neither in the field, nor in governance, nor in politics, nor in scientific advice. Either we carry on as before and nothing will change, or we address the core problem: the ineffective governance of a portfolio that has become so heavily polarised. While the adopted policy instruments are generally fit for purpose, their implementation falls short, and thus, a structural improvement is needed between the policy and its implementation.

In this discussion-paper, SEG analyses this issue and proposes to:

- *revive political support by adopting a concrete deadline for achieving the protection agreed in the Eel Regulation, by 2030 at the latest;*
- *improve communication between the many societal parties and governments involved, by creating a dedicated Advisory Committee for the Eel (with focus on better implementation); and, in so doing,*
- *call on all parties to contribute to a better protection, each in their own specific role.*

Aim of this paper

This paper discusses the current state of the eel stock in Europe, evaluating the efficacy of the protection policies currently in place. Whilst a range of policies has already been adopted, their overall effect has been insufficient. The aim of this paper is to determine how the implementation of these policies has fallen short, and precisely what can be done to improve the current situation. After high-level analysis of the governance process, a short series of practical recommendations is provided to address the issues.

Stock status

After many decades of decline, the European eel stock is now at a historical minimum: there has been a downward trend in landings since the mid-1960s (Figure 1); in glass eel recruitment between 1980 and 2010 (Figure 2); and historical evidence indicates the stock was probably already in decline before 1900 – attributable to industrialisation, water management, the modernisation of the fishery, and chemical pollution throughout the twentieth century. In 2011, the downward trend in glass eel recruitment came to a halt (Figure 2). Whilst no causal link to the adopted protection policies in 2007 (Eel Regulation and CITES) can be proven, this unexpected breakpoint strongly suggests that these policies likely have had an effect, but also that no true recovery has taken place yet. In the years since 2011, recruitment indices varied around a very low level, but evidently the earlier downward trend has stopped.

Other stock abundance indices (yellow/silver eel) and landings statistics provide a varying picture, as influenced by the past recruitment trend (stock still diminishing), local circumstances (highly variable, local effects) and recent fishing restrictions (stock now recovering from overfishing).

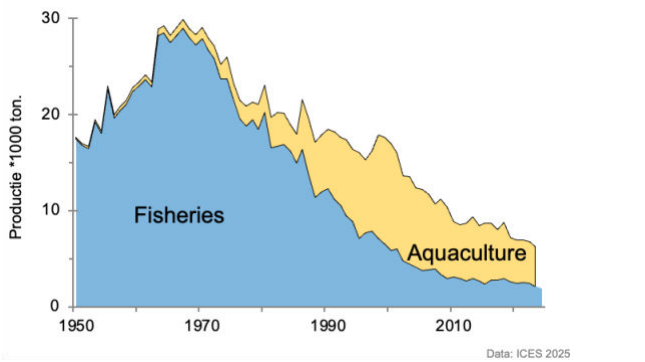

Figure 1 Trend in fishing yield and aquaculture production, over the decades. This graph shows the European totals (reconstructing the non-reporting countries).

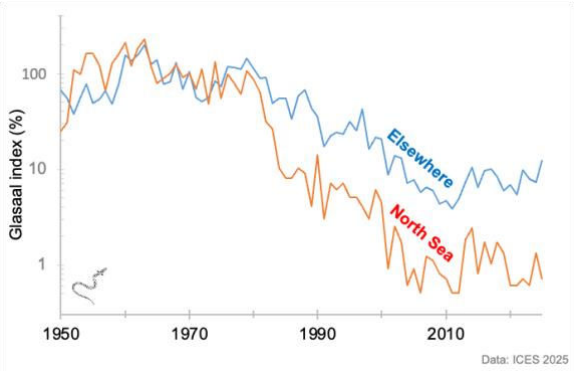

Figure 2 Trends in glass eel recruitment, over the decades. Indices are shown for the North Sea area and Elsewhere separately, though that geographical distinction is questionable. Note that the vertical scale is logarithmic.

Protection framework

Over the course of the twentieth century, the increasingly worrying state of the eel stock led to a very slowly increasing awareness, prompting calls for urgent intervention (a.o. in 1910, 1933, and 1967). It was only in 1998, that EU-Com (DG Fisheries) successfully initiated the development of protection policies (Eel Regulation, complemented by CITES, both in 2007).[1] Since then, existing regional and sectorial policies have evaluated the eel stock status, and have formulated status reports and action plans:

Regional policies

- Helcom 2013
- Ospar 2014
- National management plans of non-EU countries, often paralleling EU-Eel Regulation
- General Fisheries Commission for the Mediterranean 2018, addressing fishing only
- (EU Eel Regulation covers EU, not whole area – but aims to integrate neighbours)

Sectorial policies

- Exploitation and trade: CITES 2007, control and enforcement, combating trafficking, Control Regulation (marine waters)
- Exploitation: fishing closures in coastal waters, CFP-Council 2017 and later
- Hydro: included in WFD 2000. Dedicated action plans for eel did not last long, so far.
- Water management: WFD (inland) and MSFD (marine), covering eel, but not dedicated to eel
- Habitat: Habitats Directive 1992, WFD, Natura 2000, Nature Restoration Regulation. Idem.
- More?

Comprehensive policies

- EU Eel Regulation 2007
- Convention on Migratory Species CMS 2014, action plan only in draft.

[1] In 1986, DG-Fisheries asked scientific advice on their 'increasing concern' about the eel. ICES 1987 reported that there was no scientific basis for international management, and therefore advised to address the eel issue on a national basis (which had been clearly ineffective before). In the 1990s, more pragmatic and more ambitious eel-scientists (in ICES and EIFAC) developed effective concepts for international, regional management on the basis of regional data without full coverage, while emphasising that the stock status was slowly deteriorating further and further. A period of alternating initiatives by DG-Fisheries and those awareness-raising scientists followed, culminating in the EU Eel Regulation and the CITES listing in 2007.

Assessment

The depleted condition of the stock and the downward trend in recruitment were widely noted by the late-1990s – by scientists, by policy makers and by some stakeholders – and the first protection policies were adopted in 2007. Since then, protection levels have nevertheless remained below par: the stock is still not sufficiently protected, and hence the intended recovery is not taking place. In public debates and policy discussion, much attention is given to the latest abundance indices, and the absolute low level of the stock (exaggerating that extinction is nearing). However, the main issue clearly is not so much in the biological state of the stock (not fundamentally changed since the late-1990s, except for the breakpoint in recruitment since 2011), as in the governance of protection policies. As long as policies remain insufficiently implemented, and survival is not raised above the minimal sustainable level, the eel stock is simply not going to recover. **The existing eel protection policies are insufficiently effective implemented.** At the CFP-Council 2017, the short-falling results for the eel were noted, and an *ad hoc* decision was reached to close the fisheries in marine waters for three months (subsequently extended to six months). This measure has not been evaluated – but recent trends in the stock indicate no significant change. Meanwhile, there is a persistent plea from some conservationists to close all fishing. However, it is very unlikely that this blindfolded, unilateral action (ending fishing only) will alone achieve the desired result.

Evaluation

The Precautionary Approach clearly demands the identification of objectives (Eel Regulation: protection, recovery, sustainable use); the derivation of quantitative reference points (Eel Regulation: mortality reduced to a level that permits recovery to 40% of pristine stock biomass[2]); and an explicit time frame for reaching those reference points (Eel Regulation: unspecified, just noting "achieving objectives in the long term"). Post-evaluation of national Eel Management Plans under the Eel Regulation has shown that those adopted targets have not been achieved by most MSs, and the situation is not improving. Even with explicitly quantified objectives and targets, the Eel Regulation remains ineffectively implemented. Of the other policies, none has specified quantitative objectives and targets, making post-evaluation impossible (contrasting objectives/targets to achievements). Note that the one-but-last draft plan discussed in CMS did include some reference points (though quantification was postponed and delegated to a yet-non-existing internal scientific working group), but those reference points have been dropped completely in the latest draft.

The gradually deteriorating status of the eel stock has been known throughout the twentieth century without being effectively addressed; now - for almost two decades – it is addressed by a range of policies, but jointly, those are not effective enough.

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[2] According to the Precautionary Approach, quantified limits, targets and actions must be set (reference points). ICES 2002 proposed, and the EU Eel Regulation adopted such (mortality reduced to a level, that will permit the stock to recover to 30-50% of its pristine biomass) – but ICES later denies ever having advised specific reference points for eel, and thereby distances itself afterwards from the Eel Regulation and ongoing protection policies. Discussions might clear up, when ICES is requested to reconsider this and explicitly advise on reference points (minimal protection limit, expected recovery periods under minimal, more ambitious, and maximal protection), including a comparison to the 2002 advice on which the Eel Regulation was built.

A comparable situation exists for the recent trend in recruitment: ICES earlier documented and discussed the 2011-breakpoint, but more recent advice no longer discusses that anymore, emphasising the absolutely low level of recruitment only (the breakpoint still shows up in the tabulated indices). Not discussing the recent trends in recruitment, ICES hampers the discussion about the effectiveness of current protection policies – recent advice in effect just duplicates the 1999 advice, nothing more. For this issue too, discussions might clear up if EU sharpened its request for advice, specifically asking for the breakpoint and current policies.

Scientific advice influencing societal debates directly, while not addressing the needs of policy makers – a question of role separation and of who presides.

[3] All of these policy-specific (and other area-specific) advisory committees have some relevance for the protection of the eel, but none of them is concerned with the overall effectiveness of eel protection. The comprehensiveness of the Eel Regulation needs to be reflected in a comprehensive advisory body specifically for the eel, to achieve an effective protection – as was already noted in the build-up of the Eel Regulation, in 2003 (European Commission 2003).

Governance

No policy is perfect by design – not even the eel policies. Post-evaluation and effective feedback are essential to get things right – and the above evaluation unfortunately shows this learning-process failed so far for the Eel Regulation.

For the last two decades, the European eel has been protected by a conglomerate of different policies, each addressing a different aspect or region. The presence of such a broad conglomerate indicates that *awareness* of the problem is now widespread, and many parties are willing to contribute to the solution. If the eel is not managed more effectively, however, that *willingness* is likely to erode over time, the current stand-still in protection being the first sign of that. The CFP-closures in marine waters, as well as several recent national fishing closures (directly referring to the raw scientific advice, outside the context of the Eel Regulation, outside coordination) have effectively undermined the EU policy, replacing the comprehensive *negotiated agreement* of the Eel Regulation with uncoordinated, blindfolded unilateral action, often based on highly politicised decisions with doubtful societal support.

The EU policies on eel adopted in 2007 have created broad attention and awareness, and stimulated concrete action (in research, in fisheries management, less so for non-fishing impacts) in all Member States and surrounding countries (most notably: in the Mediterranean). Significantly, actions have been *implemented, monitored, post-evaluated*, and reported to the EU-Com – but the subsequent feedback from the EU-Commission to Member States (in bilateral contacts) was insufficiently picked up, *no learning* has taken place, and implementation thus remained insufficiently effective. While the tri-annual self-assessments by member States already clearly indicated areas where protection fell short (that is: in most areas), Member States did not self-correct their efforts either. Subsequent evaluation of the EU policies on eel protection (by EU-Com, by the EU-Parliament, in an informal discussion between Fisheries-DGs of Member States, and in Declarations (p. 5) and Statements (p. 10) in the Council) consistently concluded that the Eel Regulation is adequate and fit for purpose, even though these evaluations noted well that implementation did not achieve the desired outcome yet. Apparently, the problem is in the implementation, not in the Regulation itself.

The coordination and orchestration by the EU in 2007 have been instrumental in pushing parties into action. Without continued effective EU-orchestration, a gradual erosion of those efforts is highly likely. This is not helped by the fact that the only other potential orchestrator – CMS, which has more complete geographical coverage than EU – has walked back on its former policy proposals, now favouring a toothless 'action plan' instead. The EU's central role (as example and trigger for others, as orchestrator, and standard setter) has been and thus remains essential for the protection and recovery of the species. Note that this crucial role extends across several policy areas, several DGs. The question then is, whether the EU-Commission is aware of this role and is willing to act, and whether the EU-Commission has the tools and mechanisms to make things happen.

Options and proposed solutions

Based on the above evaluation of the governance processes, SEG considers that all elements for a successful protection and recovery policy are there (awareness, well-defined reference points, a comprehensive international agreement, national action, monitoring and post-evaluation), resulting in wide-spread action – but this action actually does not achieve the intended result. Noting that the tri-annual post-evaluations provided adequate feedback (clearly flagging where actions fell short), the main issue appears to be a communication problem between the (international) evaluator sending out feedback information, and the (national) implementers subsequently insufficiently adjusting their actions. It is therefore that SEG suggests a structural improvement of that communication, proposing that the European Commission initiates the following concrete actions:

1. To present a declaration of intent (in the form of a Communication from the Commission?) to the CFP-Council (already in 2026?), in which the aim is formulated to achieve the minimal protection (as in Eel Regulation 2007) by 2030 the latest. Such a declaration of intent will also counter the ongoing erosion of willingness to act.
2. In that same Communication, to adopt a standing Advisory Committee for the Eel (paralleling the policy-specific advisory committees, such as CFP-RACs, and expert groups under WFD, NRR, and more[3]), focused entirely on the comprehensive implementation of the Eel Regulation, the CITES listing within the EU and other relevant EU policies on eel (jointly involving several DGs), including feedback on achievements (but not policy making and prioritisation). Such an Advisory Committee for Eel might include, but is not limited to, representation for fishers, for non-fishing impacts (water management, hydropower), for Member States, for various EU-Com DGs, and for NGOs.

Current societal debates (as well as scientific discussions) are very much politicised, focused on alternative, piecemeal approaches (in contrast to the holistic view of the Eel Regulation). SEG considers that new brooms will not solve the implementation problems. However, a success for the above two proposals (aimed at improving the implementation of the existing policies) is likely to reduce the ongoing polarisation and politicalisation considerably, and thereby expedite the recovery of the European eel.

Uitgeest, 2026-Mar-06, Willem Dekker, scientific advisor of the Sustainable Eel Group SEG. WillemXDekker@me.com

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This text contains a minimum of references (links) and justifications, but those can be provided.
In an earlier document of October 2024, SEG provided recommendations for improving the protection and accelerating the recovery of the stock of European eel. That document focused – above all – on the content of the different protection policies, discussing aims, actions, realistic expectations and more for each. It was concluded that current issues around eel protection centre mostly on governance, not on the stock status or eel biology. At the end, it was stated that SEG would further elaborate on these governance issues, soon – this current discussion paper fulfils that promise. The 2024 Recommendations can be found here.

[3] All of these policy-specific (and other area-specific) advisory committees have some relevance for the protection of the eel, but none of them is concerned with the overall effectiveness of eel protection. The comprehensiveness of the Eel Regulation needs to be reflected in a comprehensive advisory body specifically for the eel, to achieve an effective protection – as was already noted in the build-up of the Eel Regulation, in 2003 (European Commission 2003).