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NOTE

from :	Portuguese Permanent Representation to the European Union
to :	General Secretariat of the Council
No. Cion prop. :	13139/05 PECHE 203 - COM(2005) 472 final
Subject :	Proposal for a Council Regulation establishing measures for the recovery of the stock of European eel

Delegations will find attached written comments from Portugal on the abovementioned subject.

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Comments by Portugal on the proposal for a Regulation establishing measures for the recovery of the stock of European eel

Portugal thanks the Commission for its initiative in putting forward measures for improving the management of this stock to enable it to be fished sustainably as it is showing signs of depletion.

As we have already had occasion to inform the Commission, Portugal already has measures in force to protect the European eel.

Fishing for glass eel has always been prohibited in fresh water, while in brackish water this fishery has been banned since 2001 with the sole exception of the River Minho, where fishing is authorised as a traditional activity and is managed jointly with Spain.

In addition, a minimum length of 20 cm applies to eel caught in fresh water, and 22 cm in brackish water.

Many of the problems relating to the sustainability of this resource are attributable to the keen appetite for glass eel on external markets, giving it such a high commercial value that the management measures in place are flouted.

Hence, in Portugal's view one of the main measures to be adopted at Community level would be a ban on trade in glass eel outside the area of distribution of this species.

We also consider it important to provide incentives for the restocking of river basins, particularly in areas where migration is still possible.

We thus advocate the possibility of financial support for the restocking of river basins and the construction or adaptation of eel runs, enabling migrating eels to negotiate the physical barriers in rivers.

In the proposal submitted we are especially concerned about Art. 6 - establishment of eel management plans - and particularly the following aspects:

-   a plan for each river basin (par. 3). In the case of Portugal, where all the river basins (15) are considered to be natural eel habitats, it would be difficult to monitor any management plan covering them. We therefore feel it should be up to the Member State to carry out an overall assessment of the areas where action is called for, so that stock recovery can be efficiently achieved;

-   the intended objective, that each plan should permit a level of escapement of 40% of adult eel biomass relative to the best estimate for the river basin in the absence of human activities (par. 4), is in our view a difficult parameter to achieve. The methodology used to arrive at the 40% estimate of adult eel biomass in the absence of human activities should be clarified;

-   it would not be easy to monitor and verify the achievement of that objective, even with the extensive human and financial resources that would be needed.

In conclusion, this article should leave each Member State free to adopt measures for the recovery of the eel stock in the river basins it considers important, with the aim of maximising the degree of escapement to the sea.

The plans would of course be agreed between Member States that share the same river basins, and submitted to the Commission.

We would further stress that, given the need for information to be collected and for the pooling of efforts by the various entities involved, which extend beyond the ambit of fisheries, the time limits laid down in the document will need adjustment.

Until the plans are submitted, each Member State will have to implement temporary management measures, to be communicated to the Commission, including closures appropriate to the situation and the dynamic of the species, and not the first 15 days of each month as stated in Art. 2.

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