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Delegations will find attached document SWD(2020) 36 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION

**of Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures
for the recovery of the stock of European eel**

{SWD(2020) 35 final}

EXECUTIVE SUMMARY

The European eel (*Anguilla anguilla*) stock is in a critical state, with recruitment at an all-time low and exploitation of the stock currently unsustainable. Considering this, the Commission was requested in the context of the 2017 December Council to assess the current measures under the Regulation No 1100/2007¹ (hereinafter ‘Eel Regulation’) and its contribution to the recovery of the stock.

The Commission first attempted to assess the implementation of the Eel Management Plans (EMPs) under the Eel Regulation in 2014² but the results were largely inconclusive due to the delays in the preparation and approval of the national EMPs and the delays in the implementation of non-fisheries related measures.

Based on an evaluation external study and other relevant sources, this staff working document looks at the implementation of the Eel Regulation by examining its effectiveness, efficiency, relevance, coherence, EU added value and sustainability. The results of this evaluation help to determine whether the Eel Regulation needs to be reviewed and/or whether its implementation needs to be improved and/or other actions are needed.

State of play of the implementation of the Eel Management Plans

The Eel Regulation required Member States (MS) to establish EMPs for their river basins that constitute significant eel habitats for implementation from 2009 onwards. Nineteen MSs have developed EMPs³, covering almost 90 Eel Management Units and around 1,880 actions. Some MS were exempted from preparing the EMP⁴. SI, HR and BU (for its river systems outside the Black Sea) have not prepared their EMP. One transboundary EMP has been established⁵.

The reporting by MS on the EMP implementation in 2012, 2015 and 2018 was incomplete with some countries not submitting the reports or providing incomplete information. There are inconsistencies in reporting and calculation of reported stock indicators among MS.

Despite disparities among MS regarding the implementation of EMPs, it can be observed that overall:

- The silver eel escapement is still well below the target of 40% biomass that would have existed if no anthropogenic influence had impacted the stock.
- Some progress has been made in reducing fishing effort, but it has also risen in some MS. Although catches of yellow and silver eels have declined, glass eel catches are steadily increasing. There is also likely to be considerable un-observed and un-estimated glass eel mortality through illegal, unreported and unregulated (IUU) fishing in EU waters.

¹ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel, OJ L 248, 22.9.2007, p. 17–23

² Report from the Commission to the Council and the European Parliament on the outcome of the implementation of the Eel Management Plans, including an evaluation of the measures concerning restocking and of the evolution of market prices for eels less than 12 cm in length, COM(2014)0640 final

³ BE, CZ, DK, EE, FI, FR, DE, EL, IE, IT, LV, LT, LU, NL, PL, PT, ES, SE, UK

⁴ MS exempted from preparing the EMP: CY, MT, AT, RO, SK and HU. The Black Sea and the river systems connected do not constitute a natural eel habitat for the purposes of the Eel Regulation.

⁵ ES / PT Transboundary Plan for Minho River, approved by the Commission

- Whilst restocking works in some MS, not all have achieved their 60% restocking targets.
- Non-fisheries related anthropogenic mortality has not declined significantly over the last decade. This has received insufficient focus in the EMPs and related actions.

Evolution of market prices for glass eels

MS are required to report glass eel prices annually, but these are incomplete. Prices crashed in 2014 (due to over-supply) but have recovered since. Many MS fund glass eel stocking through the European Maritime and Fisheries Fund (EMFF).

Main findings of the evaluation

Relevance

The Eel Regulation is still relevant and basically fit for purpose as an instrument to help the European eel stock to recover. It ensures that management can be applied at all eel life stages and allows to address both fisheries and non-fisheries related anthropogenic impacts.

Effectiveness

The Eel Regulation has been effective in that the key EU MS have developed comprehensive EMPs. However, the escapement levels are still well below at least 40% of silver eel biomass target. In terms of ensuring the recovery of the European eel, the Regulation's effectiveness is still far from certain. However, it is widely recognised that the recovery of the European eel will take many decades, given the long life-span of the species.

The long-term use of restocking as a key conservation measure is questioned, other than as a short term emergency measure until greater natural migration in freshwater is possible, given its uncertain contribution to spawner escapement and subsequent recruitment, as well as the risks involved (e.g. disease introduction, as well as mortality from poor handling).

The control of eels fisheries is hindered by some shortcoming of the EU control system in relation to monitoring and control tools for fishing vessels of less than 10 m. The intra-EU trade, including that of glass eels for restocking in another MS, is not fully monitored and the full traceability of eel traded between MS is yet to be established. Also, the monitoring and control of recreational eel fisheries appear to be incomplete.

Efficiency

A monetarised analysis of the cost-benefits of the Eel Regulation is impossible to provide at this stage, since MS do not quantify the direct costs of implementing the Regulation. There is scope for improving the efficiency of the reporting by MS.

Coherence

Although the Eel Regulation is coherent with a number of EU legislation and international agreements⁶, there is scope to improve connectivity between the River Basin Management Plans under the Water Framework Directive and the Eel Management Plans.

⁶ Highly relevant are: Common Fisheries Policy (policy framework), Water Framework Directive and Marine Strategy Framework Directive (for eel-related habitat and environmental protection), Habitats Directive (for the conservation of eel-related habitats), CITES (trade related issues) and CMS (international cooperation).

EU added-value

The Eel Regulation has provided a strong catalyst for MS actions to address the issues affecting the recovery of the European eel. It has also stimulated other EU-funded actions to support the recovery of the stock and has helped to raise awareness of the need for conserving and managing European eels throughout its range.

Sustainability

The evaluation does not conclude comprehensively on whether the effects of the Eel Regulation are likely to endure since the recovery of the eel is a long process.

Overall conclusion

The adoption of the Eel Regulation has been an important milestone in the long process towards the recovery of the European eel. It remains as relevant now as it was in 2009. Nevertheless, despite notable progress in reducing fishing effort and a concerted attempt to develop a pan-EU management framework, the status of eel remains critical. The Regulation's success in ensuring the recovery of the European eel is still far from certain, as it is widely recognised that the recovery of the European eel will take many decades. In this respect, further ambition is needed to implement the Regulation with a greater focus on non-fisheries related measures.