

Public Consultation on the Eel Regulation

A Eurelectric response paper

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

Dépôt légal: D/2019/12.105/6

Public consultation on the Eel Regulation

Fields marked with * are mandatory.

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

Introduction

Background to the public consultation

The European eel stock (*Anguilla Anguilla*) is in critical condition. Recruitment is at an all-time low and exploitation of the stock is currently unsustainable. The decline in 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’).

Purpose of the public consultation

This public consultation is part of the evaluation of the Eel Regulation. The 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. These plans include measures to ensure the long-term escapement of at least 40% of adult eels and include:

- limiting professional and recreational fisheries,
- facilitating fish migration through rivers, and
- restocking inland waters with young fish.

The **answers you provide as part of the consultation will form an important part of the Commission’s evidence basis** for the evaluation. The results of this consultation and the evaluation study may be used to inform decisions on whether the Eel Regulation and/or the implementation measures need to be reviewed.

Scope of the consultation

This Public Consultation aims to gather input from all the stakeholders to evaluate the measures for the recovery of the European eel stock under the Eel Regulation of 2007. It forms part of a wider consultation

strategy for the evaluation that also includes targeted stakeholder consultations and several case studies that will gather more detailed evidence at a national level.

This questionnaire takes about 15 minutes to complete. You will also be able to provide any other relevant information or comments at the end.

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ Gaelic
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union

☐ Other

*First name

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*Surname

Schoenberg

*Email (this won't be published)

mschoenberg@eurelectric.org

*Organisation name

255 character(s) maximum

Eurelectric aisbl

*Organisation size

- ☐ Micro (1 to 9 employees)
☒ Small (10 to 49 employees)
☐ Medium (50 to 249 employees)
☐ Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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*Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Pierre and Miquelon |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Vincent and the Grenadines |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Samoa |
| ☐ Algeria | ☐ Ecuador | ☐ Luxembourg | ☐ San Marino |
| ☐ American Samoa | ☐ Egypt | ☐ Macau | ☐ São Tomé and Príncipe |
| ☐ Andorra | ☐ El Salvador | ☐ Madagascar | ☐ Saudi Arabia |
| ☐ Angola | ☐ Equatorial Guinea | ☐ Malawi | ☐ Senegal |
| ☐ Anguilla | ☐ Eritrea | ☐ Malaysia | ☐ Serbia |
| ☐ Antarctica | ☐ Estonia | ☐ Maldives | ☐ Seychelles |

☐ Antigua and Barbuda	☐ Ethiopia	☐ Mali	☐ Sierra Leone
☐ Argentina	☐ Falkland Islands	☐ Malta	☐ Singapore
☐ Armenia	☐ Faroe Islands	☐ Marshall Islands	☐ Sint Maarten
☐ Aruba	☐ Fiji	☐ Martinique	☐ Slovakia
☐ Australia	☐ Finland	☐ Mauritania	☐ Slovenia
☐ Austria	☐ Former Yugoslav Republic of Macedonia	☐ Mauritius	☐ Solomon Islands
☐ Azerbaijan	☐ France	☐ Mayotte	☐ Somalia
☐ Bahamas	☐ French Guiana	☐ Mexico	☐ South Africa
☐ Bahrain	☐ French Polynesia	☐ Micronesia	☐ South Georgia and the South Sandwich Islands
☐ Bangladesh	☐ French Southern and Antarctic Lands	☐ Moldova	☐ South Korea
☐ Barbados	☐ Gabon	☐ Monaco	☐ South Sudan
☐ Belarus	☐ Georgia	☐ Mongolia	☐ Spain
☒ Belgium	☐ Germany	☐ Montenegro	☐ Sri Lanka
☐ Belize	☐ Ghana	☐ Montserrat	☐ Sudan
☐ Benin	☐ Gibraltar	☐ Morocco	☐ Suriname
☐ Bermuda	☐ Greece	☐ Mozambique	☐ Svalbard and Jan Mayen
☐ Bhutan	☐ Greenland	☐ Myanmar/Burma	☐ Swaziland
☐ Bolivia	☐ Grenada	☐ Namibia	☐ Sweden
☐ Bonaire Saint Eustatius and Saba	☐ Guadeloupe	☐ Nauru	☐ Switzerland
☐ Bosnia and Herzegovina	☐ Guam	☐ Nepal	☐ Syria
☐ Botswana	☐ Guatemala	☐ Netherlands	☐ Taiwan
☐ Bouvet Island	☐ Guernsey	☐ New Caledonia	☐ Tajikistan
☐ Brazil	☐ Guinea	☐ New Zealand	☐ Tanzania
☐ British Indian Ocean Territory	☐ Guinea-Bissau	☐ Nicaragua	☐ Thailand
☐ British Virgin Islands	☐ Guyana	☐ Niger	☐ The Gambia
☐ Brunei	☐ Haiti	☐ Nigeria	☐ Timor-Leste
☐ Bulgaria	☐ Heard Island and McDonald Islands	☐ Niue	☐ Togo
☐ Burkina Faso	☐ Honduras	☐ Norfolk Island	☐ Tokelau
☐ Burundi	☐ Hong Kong	☐ North Korea	☐ Tonga
☐ Cambodia	☐ Hungary	☐ Northern Mariana Islands	☐ Trinidad and Tobago
☐ Cameroon	☐ Iceland	☐ Norway	☐ Tunisia
☐ Canada	☐ India	☐ Oman	☐ Turkey
☐ Cape Verde	☐ Indonesia	☐ Pakistan	☐ Turkmenistan
☐ Cayman Islands	☐ Iran	☐ Palau	☐ Turks and Caicos Islands

- | | | | |
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| ☐ Central African Republic | ☐ Iraq | ☐ Palestine | ☐ Tuvalu |
| ☐ Chad | ☐ Ireland | ☐ Panama | ☐ Uganda |
| ☐ Chile | ☐ Isle of Man | ☐ Papua New Guinea | ☐ Ukraine |
| ☐ China | ☐ Israel | ☐ Paraguay | ☐ United Arab Emirates |
| ☐ Christmas Island | ☐ Italy | ☐ Peru | ☐ United Kingdom |
| ☐ Clipperton | ☐ Jamaica | ☐ Philippines | ☐ United States |
| ☐ Cocos (Keeling) Islands | ☐ Japan | ☐ Pitcairn Islands | ☐ United States Minor Outlying Islands |
| ☐ Colombia | ☐ Jersey | ☐ Poland | ☐ Uruguay |
| ☐ Comoros | ☐ Jordan | ☐ Portugal | ☐ US Virgin Islands |
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| ☐ Cyprus | ☐ Latvia | ☐ Saint Helena
Ascension and
Tristan da Cunha | ☐ Yemen |
| ☐ Czech Republic | ☐ Lebanon | ☐ Saint Kitts and Nevis | ☐ Zambia |
| ☐ Democratic Republic of the Congo | ☐ Lesotho | ☐ Saint Lucia | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Martin | |

*** Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

☒ **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

☒ *** I agree with the [personal data protection provisions](#)**

*** What is the main field of activity of your company/organisation?**

- ☐ fishery
- ☐ aquaculture
- ☐ environment
- ☒ other

If other:

electricity

* How would you best describe the nature of your understanding and involvement in matters related to the Eel Regulation?

- ☐ I work for a public administration responsible for developing, implementing and/or monitoring the Eel Regulation
- ☐ I am a fisher or farmer involved the production and/or sale of eels
- ☐ I represent an international organisation with an interest in the implementation of the Eel Regulation
- ☐ I work for an environmental body with an interest in the implementation of the Eel Regulation
- ☐ I work for a research body with an interest in the Eel Regulation
- ☐ I have a general interest in matters concerning fisheries in the European Union
- ☒ Other

If other:

I work for the Union of the Electricity Industry – Eurelectric, the sector association which represents the common interests of the electricity industry at pan-European level, plus its affiliates and associates on several other continents. Involvement of the sector in matters related to the Eel regulation: Renewable energy production is negatively affected by the Eel regulation.

* How familiar are you with the Eel Regulation provisions?

- ☒ I have at least a basic knowledge of the Eel Regulation and its implementation
- ☐ I am not familiar with the Eel Regulation

Questions on Eel Regulation

Relevance

1. The Eel Regulation has a number of objectives. To what extent do you consider that each of these remains relevant today?

	Strongly disagree	Rather disagree	Neither agree nor disagree	Rather agree	Strongly agree	Don't know
* There remains a need for a European recovery plan for the European eel.	☐	☐	☐	☒	☐	☐
* There remains a need for Member States to implement Eel Management Plans.	☐	☐	☐	☒	☐	☐
* There remains a need to ensure that anthropogenic mortalities are reduced.	☐	☐	☐	☒	☐	☐
* There remains a need to ensure the escapement to the sea of at least 40% of the adult eel biomass.	☐	☒	☐	☐	☐	☐
* It remains appropriate to regulate the supply of glass eels for restocking operations.	☐	☐	☐	☒	☐	☐
* There remains a need to regulate fishing effort and catches to ensure the recovery of the European eel.	☐	☐	☐	☐	☒	☐
* There remains a need to ensure the origin and traceability of all live eels imported to and exported from MS.	☐	☐	☐	☐	☐	☒
* There remains a need to ensure that control and enforcement activities take place in EU waters and at all stages of the eel supply chain.	☐	☐	☐	☐	☒	☐
* It remains appropriate to seek to reduce catching of eels to at least 50% of 2006 levels.	☐	☐	☐	☐	☒	☐

2. To what extent do you agree or disagree with the following statement?

	Strongly disagree	Rather disagree	Neither agree nor disagree	Rather agree	Strongly agree	Don't know
* The target of 40% eel escapement is achievable.	☒	☐	☐	☐	☐	☐

3. Please provide a reason for your answer as to why you think the 40% escapement goal is achievable or not (optional).

The objective has been set with reference to a theoretical scenario of no anthropogenic impacts. As a result, it is not measurable and is incompatible with sustainable development. Indeed, this objective is not compatible with reaching of EU priorities on renewables, climate and flood protection.

* 4. Do you think that alternative targets are needed to ensure that the Eel Regulation delivers on its objective of securing the recovery of the European eel?

- ☒ Yes
☐ No
☐ Don't know

5. Which indicators or targets do you think would be more suitable? (optional).

Given the long term nature of any potential recovery of eel populations measured by the 40% escapement target, more consideration is needed on the use of interim (alternative?) targets, milestones or indicators applying at appropriately defined time-scales. These are needed so resources and time are not wasted on measures that are ineffective. They could include assessing changes achieved in the various factors potentially influencing recruitment and escapement (such as mortality) as well as in the escapement achieved. Care needs to be taken to ensure that any interim activities used are themselves worthwhile (in terms of contribution to improvement in escapement for the resources deployed).

A more relevant indicator could be how much the eel stock needs to increase in order a sustainable amount of individuals can reach the Sargasso Sea. There is a need for better monitoring.

It is also necessary to set a more realistic target compatible with European priorities on (renewable) energy, flood protection and climate change mitigation and adaptation.

6. To what extent do you agree or disagree with the following statement?

	Strongly disagree	Rather disagree	Neither agree nor disagree	Rather agree	Strongly agree	Don't know
* The Eel Regulation requires amendment or simplification.	☐	☐	☐	☐	☒	☐

7. Please provide a reason for your answer, and, if appropriate, identify which aspects of the Eel Regulation you think need to be amended or simplified (optional).

Target:

Article 2 needs to be amended to set a more realistic target of eel escapement.

Effectiveness

8. To what extent have the current measures for the recovery of European eel stock under the Eel Regulation achieved the following objectives?

	Strongly disagree	Rather disagree	Neither disagree nor agree	Rather agree	Strongly agree	Don't know
* Implementing Eel Management Plans	☐	☐	☐	☐	☒	☐
* Achieving the targets set out in Eel Management Plans	☒	☐	☐	☐	☐	☐
* Ensuring a reduction in anthropogenic eel mortalities	☐	☐	☐	☐	☒	☐
* Increasing the escapement to the sea of adult eels towards the 40% target	☐	☐	☐	☐	☒	☐
* Ensuring that there is enough supply of glass eels for restocking operations	☐	☐	☐	☐	☐	☒
* Ensuring reduction of fishing effort and catches towards the 50% targets	☐	☐	☐	☐	☐	☒
* Ensuring the origin and traceability of all live eels imported to and exported from MS	☐	☐	☐	☐	☐	☒
* Ensuring control and enforcement activities at all stages of the eel supply chain	☐	☐	☐	☐	☐	☒

*9. Reflecting your answers above, what do you consider to be the barriers to achieving the objectives of the Eel Regulation?

The objectives are too complex to evaluate (it is too hard to evaluate parameters that determine the objectives)
The unachievable escapement target is inconsistent with EU policies such as renewable development, climate policy and flood protection.

*10. What do you consider to have been the successes of the Eel Regulation and its implementation to date?

The general awareness for the European eel and related issues has increased.
Increase of eel population biomass.

11. Do you support the following measures to recover the population of eel in Europe?

	Strongly disagree	Rather disagree	Neither disagree nor agree	Rather agree	Strongly agree	Don't know
* Limiting professional eel fisheries in the sea	☐	☐	☐	☐	☒	☐
* Limiting professional eel fisheries in freshwater	☐	☐	☐	☐	☒	☐
* Limiting recreational eel fishing in the sea	☐	☐	☐	☐	☒	☐
* Limiting recreational eel fishing in freshwater	☐	☐	☐	☐	☒	☐
* Facilitating fish migration through rivers	☐	☐	☐	☒	☐	☐
* Restocking waters with young fish	☐	☐	☐	☐	☒	☐

*12. Do you support the implementation of total or partial bans on eel fishing to aid recovery of the European eel stock?

- ☒ Yes
☐ No
☐ Don't know

12a. Please provide a reason for your answer to explain why you support or do not support bans on eel fishing in the EU:

Partial fishing bans will be necessary to ensure the sustainability of the eel stock.

*13. What other actions should the European Union or Member States undertake to recover the eel population in Europe? Who should undertake these actions (EU or MSs)?

Continue to investigate the decline in the eel stock, for instance via the provision of effective funding for research as well as for monitoring efforts.

Improve scientific knowledge on eel's life cycle especially in the marine environment. Address poaching / illegal fishing practices, and closely monitor legal fishing limits.

Coherence

14. To what extent do you agree or disagree with the following statements?

	Strongly disagree	Rather disagree	Neither agree or disagree	Rather agree	Strongly agree	Don't know
* The Eel Regulation is coherent with other EU instruments to regulate fisheries (such as the Common Fisheries Policy, Fisheries Control Regulation, the Water Framework Directive and the Marine Strategy Framework Directive)	☐	☐	☐	☒	☐	☐
* The Eel Regulation is coherent with international instruments to regulate fisheries (such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora - CITES, and the Convention on the Migratory Species - CMS)	☐	☐	☐	☐	☐	☒

* 14a. Please provide a reason for your answer to explain what factors lead to coherence or to identify those aspects that are inconsistent or a duplication of efforts under other measures:

The Eel regulation is tightly linked with the Water Framework Directive, as in particular, Eel Management Plans should cover river basins defined in accordance with Directive 2000/60/EC. The purpose of the eel regulation should be the same as for the WFD, i.e. to strike a balance between environmental, climate and socio-economic goals. This means that it should not unduly hamper the operation of existing hydropower plants, or create obstacles to upgrading or developing of new hydropower. In this context, it should be kept in mind that an eel-friendly operation of hydropower plants / turbine stops during eel migration can lead to significant losses of renewable generation and valuable flexibility within the power system.

EU added value

15. To what extent do you agree or disagree with the following statement?

			Neither			
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	Strongly disagree	Rather disagree	agree nor disagree	Rather agree	Strongly agree	Don't know
* The Eel Regulation provided additional value compared to what could be achieved by Member States at national or regional level.	☐	☐	☐	☐	☐	☒

15a. Please provide any comments below to explain your answer (optional):

The regulation has given the framework for the recovery of eel stock in Europe. The instruments are now in place. It is now time to implement a case-by-case approach at national level with consideration of relevant policies such as on renewable energy and climate change mitigation and adaptation.

* 16. What would be the most likely consequences of stopping the application of the measures contained within the Eel Regulation (both positive and negative)?

Stopping the application of measures would be an imminent risk of a decline in the eel stock. However, a more pragmatic and cost-efficiency conscious approach towards the measures and objectives would enable MS to adopt a case-by-case approach. Targeted actions on efficient measures in the right place would be more effective for eel stock recovery. There still is a need to improve knowledge of eel life cycle, migration, and the effectiveness and efficiency of measures.

Efficiency

17. To what extent do you agree or disagree with the following statements?

	Strongly disagree	Rather disagree	Neither agree nor disagree	Rather agree	Strongly agree	Don't know
* Administering and implementing the Eel Regulation has been carried out at the lowest possible cost.	☐	☐	☒	☐	☐	☐
* The costs of administering and implementing the Eel Regulation are proportionate to the environmental and socio-economic benefits achieved.	☐	☒	☐	☐	☐	☐
* It is possible to simplify the Eel Regulation and still achieve the same results.	☐	☒	☐	☐	☐	☐
* The same or better results in terms of eel stock recovery could have been achieved at lower cost.	☐	☐	☐	☐	☐	☒

* 18. Do you think that other policy instruments or mechanisms have provided better cost-effectiveness than has been achieved under the current Eel Regulation and associated Eel Management Plans?

- ☐ Yes
☒ No
☐ Don't know

Sustainability

* 20. Are the effects likely to last after the intervention ends?

- ☐ Yes
☒ No
☐ Don't know

Document upload and final comments

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your document here. In preparing your response if you have specific recommendations we would ask that you make it clear who you believe should action these.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

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Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

8e1ce696-62b8-473e-a798-6f1c74bc39bc/Eurelectric_response_Eel_Regulation_final.pdf

Contact

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Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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