

BSAC replies
to the Commission's letter and questions on measures to take in 2018 in order to
promote the recovery of eel

The Working Group on ecosystem based management met on 4th September 2018 in Copenhagen. With respect to the agenda item on eels, the Working Group discussed the questions put forward in the letter from DG Mare Director General Aguiar Machado to the BSAC (Acting Chair Steve Karnicki) and to BALTFISH (Director Ole Toft), sent on 5th June 2018, asking them to provide input on measures to take in 2018 in order to promote the recovery of eels.¹

The Chair thanked the participants for the written contributions received from the Association of Fisheries Protection, Coalition Clean Baltic, The Fisheries Secretariat, The Federation of Finnish Fishermen's Associations, German Fishing Association (DAFV), Danish Recreational Fishermen, DFPO, Low Impact Fishers of Europe and from HELCOM. The Working Group took note of the contributions.²

It was agreed that the draft replies from the Working Group will be sent to the ExCom for comment and adoption and sent to the European Commission by the deadline of 28th September 2018.

Please find below the replies drafted by the Working Group to the questions referred to in the original request from the Commission. The replies were sent to the Executive Committee for comment and were adopted by means of written procedure on 21st September 2018.

In the reply to the Commission it will be explained that given the factors affecting eel, the replies are not limited to the scope of the regulation fixing fishing opportunities in the Baltic, but extend to other regulations related to the CFP, as well as a broader context.

The Commission has launched a consultation to evaluate the eel management regulation 1100/2007 of 18th September 2007.³ The BSAC strongly supports this initiative.

¹ Find the letter here:

<http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/BSAC-Ecosystem-Based-Management-Working-Group/Steve-Karnicki-and-Tof.pdf.aspx?lang=en-GB>

² These are listed at the end

³ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1986447_en

1. How to best take the recovery of this important stock forward for commercial activities for 2019, notably in the context of the Council Regulation on 2019 Fishing Opportunities to be adopted this year?

The entire BSAC recognises that the eel stock is in a serious condition. The BSAC also recognises that different human activities have different impacts on the eel and that any measures to be taken must be proportional, effective and EU wide and must take the full life cycle of the eel into account. The BSAC also fully acknowledges the importance of the eel for some coastal fishermen.

Some OIG representatives support further measures directed towards limiting or closing the commercial fishery and highlight that the closed periods adopted by Member States seem to miss the objective of increasing the number of out-migrating eels. They support the ICES advice, which is to keep all human induced mortality to as close to zero as possible⁴. If the 3 month closures are to be continued, the closures should be mandated to occur at the times when the data shows they will have the maximum beneficial effect on the eel stock. Moreover, although several OIG representatives do see the relevance of regional measures based on the specifics of regional fisheries, they prefer not only EU wide measures, but call for actions across the full life cycle of the eel stock.

The fisheries representatives and some OIG representatives are very reluctant to accept further measures directed towards the commercial fishery, especially on the silver eel fisheries. In their opinion, they have already reduced fishing effort considerably, whereas efforts are not evenly distributed across sectors and Member States, and some are doing more than others. The objective must be to put pressure upon those who have not delivered, before applying further pressure on those who already have. They also stress that the current eel management plan has not been fully implemented by all Member States and the effects of it have not yet been fully evaluated. This would provide a more factual and documented basis for consideration of possible further measures.

A representative of small scale fisheries, a representative of recreational fishermen and several other fisheries representatives are of the opinion that a total ban on eel fishery should only be introduced in those Member States that have not or only partially implemented the eel management regulation.

The BSAC recognizes that there are other factors than direct human activities that have an impact on the eel stock, and these are elaborated on in relation to question number four below.

⁴ http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/Special_requests/eu.2017.08.pdf

2. How to best take the recovery of this important stock forward for recreational activities for 2019, notably in the context of the Council Regulation on 2019 Fishing Opportunities to be adopted this year?

The BSAC agrees that in the Baltic region evidence suggests that recreational fishing on silver eel and yellow eel inland or in coastal waters is substantial. However, the data deficiency problem is highlighted and the BSAC encourages further work to document this more accurately. The BSAC agrees that any measures that may be taken towards the commercial fishery must be aimed proportionately towards the recreational fishery.

Some OIG representatives consider that recreational fishing on a critically endangered species is unacceptable and cannot be justified. All recreational fishing on eel should be closed, regardless of area. In the context of the fishing opportunities regulation, limitations on the recreational fishery for Western Baltic cod have been decided upon in accordance with the rules under the CFP relating to stocks under serious threat. In their opinion, the same principle is applicable to eel, and since eel is a highly migratory species and part of the same and only stock, upstream efforts should also be included and should be a natural interpretation of the EU rules on such stocks. They recommend the application of the same actions across the full geographical range of the eel.

The fisheries representatives consider the split between commercial and recreational artificial. In their opinion, the biggest problem is illegal fishery and black market sales. Measures applied should thus be proportionate to the impact on the stock. Efforts to limit illegal fishing in marine and fresh waters should be enhanced and strengthened.

The representatives of the recreational sector also point out that restocking is sometimes financed by recreational fishermen in many Member States. The success of the eel management plans depends in most cases on restocking. A ban on recreational fishing will diminish the interest in restocking activities, which in many cases will undermine stock recovery, since it is highlighted as a fast working tool to help the recovery of eel.

3. How the measures decided in 2017 could affect the fishermen and the recreational anglers engaged in the eel fishery⁵?

In 2017, for the first time, the Council agreed on a three-month closure of eel fisheries to protect spawners. The Commission and Member States also made a political commitment to reinforce the implementation of the eel regulation and to evaluate its effectiveness. The BSAC awaits the outcome of the Commission's evaluation of the reports from the Member States from 2018.

The opinions on the impact of the measures decided in 2017 differ among the fisheries representatives and some OIG representatives, but the BSAC agrees that any additional management measures need to be applied EU wide, cover both commercial and recreational fisheries in all regions and be established with respect to the eel management plans.

⁵ Council agreement on 2018 fishing quotas in the Atlantic and North Sea

From Council Press release 13/12/2017 09.15

In view of the critical state of **eel fisheries**, it will be prohibited to fish for European eel of an overall length of **12 cm or more** in Union waters of ICES areas, including the Baltic Sea, for a **consecutive three-month period**, to be determined by each member state, **between 1 September 2018 and 31 January 2019**. That is the time when eels are migrating and therefore are most vulnerable. Member states will have to inform the Commission of the chosen period by 1 June 2018.

The decision is complemented by a **joint declaration** by the European Commission and member states which aims to further protect the stock of European eel, for instance in inland waters, by strengthening eel management plans during all stages of the eel lifecycle.

COUNCIL REGULATION (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127

Article 10 Measures on European eel fisheries

It shall be prohibited for Union fishing vessels and third country vessels, as well as for any commercial fisheries from shore, to fish for European eel of an overall length of 12 cm or longer in Union waters of ICES area, including in the Baltic Sea, for a consecutive three-month period to

be determined by each Member State between 1 September 2018 and 31 January 2019. Member States shall communicate the determined period to the Commission not later than 1 June 2018.

The Regulation is here:

<http://www.sfpa.ie/Portals/0/legislation/fisheries%20conservation/eu%20regulations/2018/EU%202018-120%20TAC%20Reg%20EU%20&%20Non%20EU%20Waters.pdf>

Some OIG representatives are of the opinion that activities of both the commercial and the recreational fishery at the time of the proposed closure, during the late autumn and winter are low, or very low. Thus, the impact that the closed periods will have on the eel stock is limited and far from optimal. Moreover, the exact effect of the closed period on the fishery cannot be fully estimated yet, since there is a good chance that the effort in the period before the closure may increase.

The fisheries representatives explain that the management plans – where introduced – limit the number of fishing gears that can be used and that an effort increase prior to the closed period is consequently not a realistic scenario. The fisheries representatives have also documented that the closure of the fishery during November to January will be devastating for some fishermen targeting eel during that period. Some fishermen have their largest catches during that period and it does not show in the overall numbers. For example, in Denmark, the catch of eel during these months can account for up to 60 percent of the annual income to the enterprise. Unless the regulation is altered to ensure that more proportionate measures are in place, or a satisfying compensatory scheme is established, there is no other alternative for the fishermen than to close down their businesses. They inform that commercial fishing is aligned with the lunar cycle. Catches peak around the time of the new moon and drop to zero when the moon is full. The beginning of the closure this year covers the best period for the eel fishery.

The fisheries representatives find the measures adopted disproportionate, because they affect the commercial fishermen who fish for eel larger than 12 cm. Both the commercial and the recreational fisheries in some Member States are the only sectors which have delivered as promised according to the national eel management plans. In October 2017, the Council decided that future management measures for eel should take into account what has already been achieved. In their opinion, this has not been observed and the fishermen have not been duly rewarded for the draconian reductions they have already carried out.

The fisheries representatives express the hope that more proportionate management measures could be introduced. They inform that the knowledge on possible other measures is expanding. The eel fishers of the Swedish Fishermen PO and the Danish Fishermen PO have established a cooperation in order to alleviate the disastrous prospects for the fishery and are investigating a management scenario which both allows for the continuation of the traditional sustainable pound net fishery and contributes to the recovery of the eel stock. The eel caught is sold for release and not for consumption.

4. Your assessment on other measures that could affect the fishermen and recreational fishermen engaged in eel fishery

The BSAC agrees that all other possible measures which have a beneficial impact on eel survival should be envisaged in the eel fishery and must be part of the political ministerial discussions in December. Furthermore, the BSAC recommends consideration of measures against all other kinds of IUU fishing (such as a catch documentation scheme), eel passage mitigation measures in hydropower and pumping stations, measures mitigating predation, habitat degradation, drainage and restocking measures. The BSAC is not in consensus on all the measures proposed.

The entire BSAC agrees that measures against IUU fishing must be prioritised. Illegal fishery is widespread and is totally unacceptable. It is a serious problem and serious effort should be made to make sure the law is complied with and sufficient resources allocated. Controls must increase with targeted and joint measures engaging the European Fisheries Control Agency EFCA in all Member States and elsewhere. The use of drones for inspections is recommended. The BSAC underlines that measures against IUU also demand more focus on the illegal catch and trade of glass eel.

The BSAC agrees that a catch documentation scheme, or tagging should be considered as a measure mitigating illegal eel fishing and sales. A single document and system to record all eel catches in a uniform way across the EU, in marine and inland waters alike, for all eel life stages would be helpful. This will achieve two important aims: it will give scientists a solid basis to determine the real stock status and trends, and at the same time equip the control authorities with an important instrument to combat illegal fishing. There are of course serious challenges along the way, legal ones and others, such as the limitations of the Common Fisheries Policy. The EU Legal Services could help to solve these problems.

Tracing the legal fish, regardless of life stage should be a priority. The BSAC refers to the example of the catch documentation scheme used for Patagonian toothfish.⁶ The BSAC encourages the Commission to look into these possibilities and to comment on the feasibility of such a scheme.

Fisheries representatives are of the opinion that it makes no sense to protect only the spawners and catch the juveniles if they reach the European coast. A project to investigate the origin of juvenile eel using DNA methodology must be urgently supported in order to establish whether there are illegal exports. That would make it possible to establish the origin of the eel and better control the black eel market.

⁶ <https://www.ccamlr.org/en/compliance/catch-documentation-scheme-cds>

The BSAC also agrees that the scope of the SCIPs (Specific Control and Inspection Programmes) and the JDPs (Joint Deployment Programmes) should include the eel. As mentioned in the BSAC reply to the consultation on SCIPs⁷, eel has so far not even been risk assessed and considering the evidence from controls that have taken place, the illegal gears found along the coast lines in at least Sweden and Denmark clearly indicate that there is a major problem with IUU fishing, there is clearly a black market that must be addressed (traceability demands, catch documentation schemes, tags) and it is likely that IUU fishing has an effect on the stock level, and is actually decreasing the chance of recovery of the stock.

Despite measures taken (CITES listing of eel and prohibition of exports of glass eel to Asia), illegal exports still continue. The export of glass eel to non-EU countries should be closely monitored and controlled with the use of chemical markers to trace the origin of fish. In this context, some representatives of the OIG welcome a joint statement for the Convention on the Conservation of Migratory Species of Wild Animals (CMS) to include non-EU countries and further focus on receiving countries, for example in Asia.

The commercial fishery for silver eel only accounts for an extremely small part of the total mortality of the species. Calculations done by DTU Aqua⁸ indicate that of the total mortality on eel, only approximately 3% comes from the commercial fishery in marine areas, 23% stems from the glass eel fishery 18% comes from the commercial fishery in fresh water and 7% from the recreational fishery. The remaining 49% is caused by other anthropogenic pressures and natural predation.

The BSAC agrees that hydropower and pumping stations, as well as dams are a major problem in the eel migration and one of the main causes of eel mortality. The “polluter pays principle” should be applied with regard to the owners of these facilities. Further emphasis should be placed on river connectivity to minimise the mortality of eel during the downstream and upstream migration. Fish passages, fine grids, “catch and carry” schemes and temporary closures of hydropower stations during the peak of eel migration are put forward as concrete proposals to secure the safe passage of eel in the short term perspective and full removal of smaller dams in the medium and long term perspective.

The BSAC agrees that if restocking is to be used and supported by public money, the restocking efforts must only be allowed in eel safe places, meaning only in open river systems, or below the dams and hydropower stations, or at the coast.

⁷ <http://www.bsac.dk/getattachment/BSAC-Resources/BSAC-Statements-and-recommendations/BSAC-replies-to-the-Commission-s-letter-and-questi/BSACreplyto-SCIPs28062018FINALREV1.pdf.aspx?lang=en-GB>

⁸ DTU Aqua memo to the Fisheries Agency on the Effect of eel regulation for 2018 2nd May 2018 (made available by the representative from the Danish Recreational Fishermen)

Some OIG representatives see restocking only as an emergency measure to allow the recovery of the stock and not a measure to enhance the fishery. In their view, restocking should only be allowed in open river systems or in marine waters and not in systems with dams and hydropower, or any kind of fishing.

Some OIG representatives question the use of any public money for restocking, if it is used to enhance the fishery and not stock recovery.

The fisheries representatives draw attention to the fact that restocking is also a way of keeping the fishermen in business, whilst also having the potential for enhancing stock recovery. It is often financed by commercial and recreational fishermen. Arguments to increase the current restocking are presented and supported by the small scale fisheries representatives.

The fisheries representatives point to the fact that the number of cormorants has increased considerably in the Baltic over the last decades and that increased predation has a significant impact on the eel stock. A European management plan for cormorants should be implemented.

Some OIG representatives are of the opinion that natural predation from cormorants could only have an impact at local level, whereas other factors have bigger impact on the eel stock. In their opinion, culling of cormorants is not the realistic answer and it is difficult to put this forward as a solution. Species interactions are complex and call for further discussion and application of ecosystem based management.

The BSAC agrees that seals are not seen as major predators of eels.

The BSAC agrees that due to the present state of the eel stock, actions should be taken now, even though, given the long life cycle of eel, it will mean a prolonged response on the stock. The recreational fishermen recommend that any new actions should await the evaluation of the 2007 management plan, even though, given the long life cycle of eel, it will mean a prolonged response on the stock.

5. Any information you could share on the number of recreational anglers and the level of their catches

The BSAC notes that the data situation with respect to eel leaves much room for improvement in various ways in different Member States. Harmonisation of data collection across the region and the EU is lacking and urgently needed. Recreational catches are poorly reported. However, the data available shows that the estimated catch level in recreational fisheries is substantial, both upstream and on the coast. The total number of recreational fishermen in the Baltic is estimated at 8.5 - 10 million. However, the number of recreational fishermen actively fishing specifically for eel is not known⁹.

In order to carry out the work of preparing draft answers, a brief with the questions asked by DG Mare was sent to the BSAC members. Contributions were received from the following BSAC members:

The Association of Fisheries Protection,
Coalition Clean Baltic,
The Fisheries Secretariat,
The Federation of Finnish Fishermen's Associations,
German Angling Association (DAFV),
Danish Recreational Fishermen,
Danish Fishermen Producer Organisation,

Other contributions were also received from:
Low Impact Fishers of Europe
HELCOM

They can be supplied on request to the BSAC Secretariat

⁹ <http://www.ccb.se/publications/recreational-fishing-in-the-baltic-region/>