Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0201(COD) - 11/09/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 427 votes to 249, with 25 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel.

The European Parliament's position at first reading, following the ordinary legislative procedure, amends the Commission's proposal as follows:

Eel management plan: in the Eel Management Plan, each Member State shall implement as soon as possible appropriate measures to **reduce the mortality of eel** caused by factors outside the fishery, including hydroelectric turbines and pumps. Further measures shall be taken where necessary to reduce mortality caused by other factors in order to meet the targets of the Plan.

Starting on 1 January 2014, all Eel Management Plans shall be revised and updated every two years, taking into consideration the latest scientific advice.

Restocking: the Commission shall, **not later than 31 October 2013**, report to the European Parliament and the Council and evaluate the measures concerning restocking, taking into account the latest scientific advice on the conditions in which restocking is likely to contribute to an increase of the spawning stock biomass. In such report, the Commission shall review the evolution of market prices.

Amendments stipulate that restocking shall be deemed to be a **conservation measure** provided that:

- it concerns eels caught and managed using methods and equipment that guarantee the lowest possible mortality during catch, storage, transport and breeding;
- it takes place in areas affording a high probability of survival and migration;
- the eels are quarantined in order to prevent the spread of any diseases or parasites.

Reporting and evaluation: Member States shall collect research data in order to quantify the impact of measures taken on the eel stock, find mitigation measures and recommend management targets. They shall report to the Commission initially every third year and shall make the information available to designated scientific bodies. Thereafter, **the frequency of reporting shall increase to once every two years**, after the first tri-annual report has been submitted.

The Commission shall present:

- to the Parliament and the Council, by **31 October 2013**, a report consisting of a **statistical and scientific evaluation** of the results of the implementation of the eel management plans, along with an opinion from the STECF. Based on the findings of that report, the Commission may submit proposals to broaden the scope of the Regulation to include eel mortality factors other than fishery;
- no later than **31 December 2013**, an evaluation of Union and international trade in European eels and an estimation of illegal trade in European eels in Member States. Such report shall identify

inconsistencies in the different data sets available and suggest measures to improve monitoring of trade, including a modification of the existing custom codes to allow for more effective monitoring.

Follow-up measures: taking into consideration the findings in the reports and as well as any new and more comprehensive advice provided by ICES on the status of the European eel stock in 2013, the Commission shall, **no later than 31 March 2014, present a new legislative proposal** to the Parliament and to the Council aimed at achieving, with high probability, the recovery of the stock of European eel.

Penalties: Parliament considers it important that the Commission penalise Member States which have not forwarded or analysed all the data available to them in order to enable an exhaustive and scientifically sound inventory of the situation regarding European eel to be drawn up.

Delegated acts: Parliament proposes limiting the delegation of powers conferred on the Commission to **three years** (renewable) from the date of the entry into force of the Regulation and obliges the Commission to report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

Moreover, the Commission should carry out appropriate consultations during its preparatory work, especially at expert level, in order to obtain objective, rigorous, complete and up-to-date information.