

# COMMISSION SERVICES NON-PAPER

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*This document serves as a basis for discussion at the Working Party on Fisheries Policy.  
It cannot in any circumstances be regarded as the official position of the Commission.  
It is intended solely for those to whom it is addressed.*

**Updates to Commission proposal for a Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 as regards deep-sea stocks [COM(2023) 587]**

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## 1. AMENDMENTS IN RELATION TO EUROPEAN EEL IN THE NORTH-EAST ATLANTIC

### EXPLANATORY NOTE

Regarding European eel (*Anguilla anguilla*) in Union waters of International Council for the Exploration of the Sea (ICES) subareas 3, 4, 6, 7, 8 and 9 ('the north-east Atlantic') it is necessary to clarify that:

- those measures should not apply to fishing operations conducted for the exclusive purpose of scientific investigation, provided that certain conditions are met to ensure that such investigations are scientifically justified;
- when accidentally caught, specimens of eel must not be harmed and be promptly released;
- closure periods for commercial fishing activities for eel should be determined by Member States either individually or, if Member States decide so, jointly;
- closure periods may differ between Member States or within one Member State from one fishing area to another, in order to take account of the geographical and temporal migration patterns of eel at its different life stages; and
- in ICES subarea 3 (Baltic Sea and Skagerrak-Kattegat) and for silver eel, closure periods should be agreed by all the Member States concerned (i.e. Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden), so as to ensure an effective protection of silver eel on its migration from the Baltic Sea into the North Sea.

### AMENDMENTS TO THE RECITALS

Article 12 is replaced by the following:

“(20) In Union marine and brackish waters of the north-east Atlantic, the closure period or periods should cover the main migration period or periods of glass eel and silver eel, respectively. Considering the potentially severe socio-economic implications of a full closure of fisheries targeting glass eel and silver eel during the main migration period or periods of these, the Member States may allow eel fishing for one month during these main migration periods. To ensure the effective protection of silver eel migrating from the Baltic Sea into the North Sea, the coastal Member States of ICES subarea 3 (i.e. Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden) should agree on ~~consistent~~ **effective** closure periods for silver eel. In case the Member States concerned cannot agree **by 1 March 2024**, the closure period for silver eel in the Baltic Sea and Skagerrak-Kattegat should be 1 August **2024** to 31 January **2025**.”

### AMENDMENTS TO THE ARTICLES

Article 12 is replaced by the following:

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## Article 12

### *Measures on European eel fisheries in Union waters of ICES subareas 3, 4, 6, 7, 8 and 9*

1. This Article applies to Union marine and brackish waters of ICES subareas 3, 4, 6, 7, 8 and 9, and to adjacent Union brackish waters. Brackish waters include estuaries, coastal lagoons and transitional waters.

**It does not apply to commercial fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 and that the STECF has confirmed to the Commission and the Member States concerned that such scientific investigations are justified on scientific grounds. The same conditions shall apply by analogy to commercial fishing operations conducted without a fishing vessel.**

2. It shall be prohibited to engage in commercial fishing activities for European eel (*Anguilla anguilla*), ~~either as a targeted species or as incidental by-catch~~, at all life stages for a period of at least six months between 1 April 2024 and 31 March 2025. **In addition, Member States and fishers shall undertake all reasonable efforts to minimise and where possible eliminate incidental by-catch of European eel. When accidentally caught, specimens of eel shall not be harmed and shall be promptly released.**

To that effect, ~~the each~~ Member States concerned, **either individually or jointly**, shall determine one or more closure periods subject to the following:

- (a) where appropriate, the closure period or periods may differ **between Member States or** within one Member State from one fishing area to another, in order to take account of the geographical and temporal migration patterns of eel at its different life stages;
  - (b) the closure period or periods shall last for a consecutive or non-consecutive time span of at least six months;
  - (c) the closure period or periods shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, **and** with national management plans **established pursuant to Article 2 of that Regulation; and**
  - (d) **shall** cover the main migration period or periods, including the respective peak, of European eel at the respective life stage in the Member States concerned.
3. By way of derogation from paragraph 2, point (d), for European eel of an overall length of 12 cm or more, ~~the each~~ Member States concerned may allow fishing **activities** for up to a total of 30 **consecutive or non-consecutive** days, **which shall apply to all fishers concerned in the relevant fishing area**, during the main migration period. In that case, the Member States concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof. **In case a Member State allows fishing for non-consecutive days, the fishing gear shall be taken out of the water between any period of non-consecutive days.**

4. For European eel **of an overall length of 12 cm or more** in ICES subarea 3, **the closure period or periods referred to in paragraphs 2 and 3** the derogation set out in paragraph 3 shall be agreed by **all** the Member States concerned so as to ensure **an consistent and effective protection of eel on its migration from the Baltic Sea into the North Sea.** In the absence of such an agreement by 1 March 2024, the closure period shall be 1 August 2024 to 31 January 2025 in Denmark, Germany, Estonia, Finland, Latvia, Lithuania, Poland and Sweden.
5. By way of further derogation from paragraph 2, point (**de**), for European eel of an overall length of less than 12 cm, **the each Member States** concerned may allow fishing **activities** for up to a total of 30 **consecutive or non-consecutive** days, **which shall apply to all fishers concerned in the relevant fishing area,** during the main migration period. In addition, **the each Member States** concerned may allow fishing exclusively for restocking for up to an additional 30 days during the main migration period. In both cases, the Member States concerned shall determine an additional closure of an equivalent period of time during the main migration period or, subsidiarily, just before or after thereof. **In case a Member State allows fishing for non-consecutive days, the fishing gear shall be taken out of the water between any period of non-consecutive days.**
6. Recreational fisheries of European eel at all life stages shall be prohibited.
7. **The each Member States** concerned, **either individually or jointly,** shall inform the Commission:
  - (a) by 1 March 2024, about the closure period or periods determined in accordance with paragraphs 2 to 5 together with the supporting information justifying the chosen period or periods; and
  - (b) within 2 weeks after their adoption, about national measures relating to the closure period or periods that it has determined in accordance with paragraph 2 to 5.

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