

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

Article 7

Measures concerning restocking

1 If a Member State permits fishing for eels less than 12 cm in length, either as part of an Eel Management Plan established in accordance with Article 2, or as part of a reduction in fishing effort in accordance with Article 4(2) or Article 5(4), it shall reserve at least 60 % of the eels less than 12 cm in length caught by the fisheries in that Member State during each year to be marketed for use in restocking in eel river basins as defined by Member States according to Article 2(1) for the purpose of increasing the escapement levels of silver eels.

2 The 60 % for restocking is to be set out in an Eel Management Plan established in accordance with Article 2. It shall start at least at 35 % in the first year of application of an Eel Management Plan and it shall increase by steps of at least 5 % per year. The level of 60 % shall be achieved by 31 July 2013.

3 In order to ensure that the respective percentages set out in paragraph 2, of eels less than 12 cm in length caught are used in a restocking programme, Member States must establish an appropriate reporting system.

4 The transfer of eels for restocking shall be part of an Eel Management Plan as defined in Article 2. Eel Management Plans shall specify the quantity of eels of less than 20 cm in length needed for restocking for the purpose of increasing escapement levels of silver eels.

5 The Commission shall annually report to the Council on the evolution of market prices for eels of less than 12 cm in length. For this purpose the Member States concerned shall establish an appropriate system to monitor prices and shall report annually to the Commission on these prices.

6 In the event of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission, in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002, shall take appropriate measures to address the situation, which may include a temporary reduction of the percentages referred to in paragraph 2.

7 The Commission shall, not later than 1 July 2011, report to the Council and evaluate the measures concerning restocking including the evolution of market prices. In the light of this evaluation, the Council shall decide by qualified majority, on a proposal from the Commission, on appropriate measures to balance the measures concerning restocking while achieving the percentages referred to in paragraph 2.

8 Restocking shall be deemed to be a conservation measure for the purposes of Article 38(2) of Regulation (EC) No 1198/2006, provided that:

- it is part of an Eel Management Plan established in accordance with Article 2,
- it concerns eels less than 20 cm in length, and
- it contributes to the achievement of the 40 % target level of escapement as referred to in Article 2(4).

Status:

Point in time view as at 18/09/2007.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 1100/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.