
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations implement Council Regulation (EC) No 1100/2007 (OJ No L 248, 22.9.2007, p17) establishing measures for the recovery of the stock of European eel.

Part 2 of the Regulations requires holders of licences to fish for eels other than by rod and line to submit eel catch returns to record information relating to eels caught of 12 centimetres or less in length (regulation 3). Aquaculture production business operators are also required to keep records of eels of less than 12 centimetres received (regulation 4) and to offer such eels for sale for use in restocking eel river basins (regulation 8). Consignments of live eels imported into, or exported from, England or Wales must be accompanied by a certificate identifying the origin of the eels and (where relevant) that eels for export were caught in a manner consistent with the relevant eel management plan (regulations 5 to 7).

Part 3 imposes close seasons on fishing for eels other than by rod and line during 2010 and 2011 (regulation 10). After that close seasons will be imposed by byelaws made under the Water Resources Act 1991. Part 3 also allows the Environment Agency to revoke a licence to fish for eels other than by rod and line if it is necessary to do so in order to reduce fishing effort to meet levels specified in Council Regulation (EC) No 1100/2007 (regulation 11).

Part 4 makes provision for the passage of eels through dams and other obstructions (regulations 12 to 16). It also requires the placement of screens that will protect eels over some intakes and outlets (regulations 17 to 19).

Part 5 makes provision for notices and appeals. Part 6 gives enforcement powers to inspectors. An impact assessment has been prepared and placed in the libraries of both Houses of Parliament. It is available on the Defra website at www.defra.gov.uk. A copy can also be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Eels (England and Wales) Regulations 2009.