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**NOTE THE MEMBERS OF THE MANAGEMENT COMMITTEE  
ON THE PROTECTION OF SPECIES OF WILD FAUNA AND FLORA**

**Subject: Treatment of export and import applications for European eels**

After discussions at the SRG and Management Committee meetings of 14 and 15 September 2010 on an EU regime for imports and exports of European eels applying from 1<sup>st</sup> November 2010, it was agreed that the Commission would submit a proposal to Member States on the issue.

This was done via a note sent by the Commission (DG ENV E2) to the CITES Management Authorities on 28 September 2010, requesting them to provide observations by 11 October 2010.

The Commission proposal did not gain sufficient support. Among the Member States that responded, a number stated that they supported an export/import ban, with some indicating that they could only agree to the Commission if it was amended to result in deeper cuts in export and/or fishing levels. Some Member States agreed with the Commission's proposal. One Member State opposed the proposal on the basis that it would result in cuts in catch levels inconsistent with its domestic eel management plan.

The Commission's aim still is that an EU-wide approach be agreed on exports and imports of European eels.

Pending agreement on a possible EU-wide solution, we would like to clarify how export and import applications should be dealt with by Member States from 1<sup>st</sup> November 2010.

As indicated in the note by the Commission of 28 September 2010, in the absence of agreement on an EU-wide approach on the *exports of eels*, the issuance of export permits will have to be decided on a case-by-case basis by Member States individually, in accordance with Article 5 of Council Regulation 338/97. Pursuant to Article 5(4) of this Regulation, an export permit for specimens from species in Annex B may be issued by a Member State only when, inter alia, *"the competent scientific authority has advised in writing that the capture or collection of the specimens in the wild or their export will not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species"*.

As European eels form a single stock, it is expected that national scientific authorities, when assessing possible export applications, take duly into account the opinion of a wide majority of the SRG Members according to which, in the current circumstances, a non-

detriment finding for the export of eels cannot be made. Should the scientific authority of any Member State consider that a positive opinion for exporting eels can nonetheless be issued, it should send the SRG the elements justifying that a non-detriment finding can be performed before any export can take place.

With regard to *imports of eels* into the EU, applications have to be handled in accordance with Article 4 of Council Regulation 338/97. Since the listing of eels entered into force, the SRG has assessed import applications from a number of third countries (Norway, Algeria, Tunisia and Morocco) and formed opinions based on the evaluation of the situation in those countries. At its meeting of 14 September, the SRG indicated that no imports should be taking place from any range State. At the Management Committee meeting of 15 September, the need for consistency between the approach applied to imports and exports was highlighted. However, in the absence of an agreement on exports, it was considered that the regime for imports would warrant further discussion. Pending agreement on a possible EU-wide solution on exports and imports of eels, we would invite Member States receiving import applications to refer those applications to the SRG, which would deal with them in written procedure.

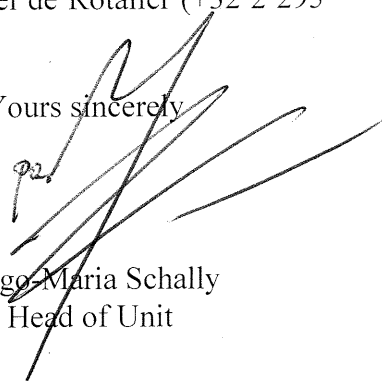
On the specific case of Tunisia, the Commission considers that import applications should be accepted until the end of 2010 under the conditions laid down by the SRG at its meeting on 16 February 2010.

We would like to underline that the above guidance should serve to assist Member States in deciding upon import and export applications in the period starting from 1<sup>st</sup> November 2010 *until* a possible EU-wide regime is agreed.

The issue will be on the agenda of the next SRG and Management Committee meetings on 3 and 6 December 2010 respectively. In addition to the question of an EU approach for exports and imports of eels, we consider that these meetings should also discuss possible additional measures to reduce eel fishing mortality, including the prospect of including European eels in Annex A of Council Regulation 338/97.

For any questions of clarification do not hesitate to contact Gaël de Rotalier (+32 2 295 75 73) or Julius Langendorff (+32 2 29 98 829).

Yours sincerely



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Cc: Scientific Authorities of the EU Member States