EXECUTIVE NOTE

THE FRESHWATER FISH CONSERVATION (PROHIBITION ON FISHING FOR EELS) (SCOTLAND) REGULATIONS 2008 (SSI 2008/419)

The above instrument was made in exercise of the powers conferred by section 51A of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. The instrument is subject to negative resolution procedure.

Policy Objectives

This conservation regulation forms part of a package of measures within the Eel Management Plan for Scotland. The Scottish Government with scientific advice from the FRS Freshwater Laboratory has developed an Eel Management Plan for Scotland which must be submitted to the European Commission by 31 December 2008.

New measures for the recovery of the European eel stock were established at EU level in September 2007 through Council Regulation (EC) No 1100/2007. The objective of the regulation is the protection and sustainable use of the European eel. In order to support the achievement of this objective, Member States are required to develop an Eel Management Plan for their river basin districts designed to reduce eel mortality as a result of human impacts. Scotland will be treated as one river basin district as defined under the Water Framework Directive. The Council Regulation requires that Eel Management Plans shall allow, with high probability, an escapement to sea of at least 40% of the biomass of silver eel, relative to the best estimate of escapement that would have existed if no human influences had impacted the stock. All European eels belong to a single population, with those living in Scottish freshwaters having arrived here from their oceanic spawning areas by chance.

This instrument will make fishing for eels by any method illegal without a licence granted by Scottish Ministers. The introduction of this conservation regulation provides measures not currently available to Scottish Ministers to protect and manage Scotland's eel stocks. Scotland has no known commercial eel fishery and the last recorded catch information some years ago was for 10 kg of eels. However there may be some low-level recreational fisheries for eels and it is these the regulation will control, although such fisheries may still be permitted on application for a licence. There is concern throughout Europe at eel mortality, and anecdotal evidence from Scotland that numbers of juvenile eels entering Scottish rivers is at an all-time low. The introduction of licensing controls on fishing for eels will help Scotland meet the conservation objectives set for the European Union.

Consultation

As is provided for by Schedule 1 paragraph 9A to the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 the proposals contained within this instrument were subject to a 3 month public consultation. An advertisement was placed in The Scotsman and Scotland on Sunday, The Herald and Sunday Herald, Aberdeen Press and Journal and Dundee Courier on 22 and 24 August. Responses were received from The Association of District Salmon Fishery Boards (ASFB), Rivers and Fisheries Trusts of Scotland (RAFTS) and the Tweed Foundation and supported the making of the conservation regulation.

Financial Effects

The instrument has no financial effects on The Scottish Government or the public purse.

A Regulatory Impact Assessment has not been carried out as the instrument is not expected to have any direct financial impact upon existing businesses.

The Scottish Government
Marine Directorate
Aquaculture and Freshwater Fisheries
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