

## **EXPLANATORY MEMORANDUM TO**

### **Eel Fishing (Amendment) Regulations (NI) 2011**

**SR 2011 No. 325**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 15(1) and 19(1) of the Fisheries Act (NI) 1966 and is subject to the negative resolution procedure.

#### **2. Purpose**

The purpose of these Regulations is:

- 2.1 To amend the description of undersized eels in the Eel Fishing Regulations (NI) 2010. The minimum size of brown eels which can be caught is increased from 30cm to 40cm.

#### **3. Background**

- 3.1 The minimum size of brown eels which can be caught is increased to 40cm. This is proposed as a conservation measure to protect the sustainability of eel stocks. This measure will help to increase escapement numbers of mature silver eels from Lough Neagh to their natural spawning grounds in the Sargasso sea.

#### **4. Consultation**

- 4.1 The Lough Neagh Fishermen's Co-operative Society has been consulted on this issue. As Lough Neagh is the only remaining eel fishery in Northern Ireland, the Neagh eel fishing industry will be the only sector affected by this change. However in the interests of wider stakeholder engagement, DCAL also sought the views of the Department's Salmon and Inland Fishery Advisory Forum. Forum members were content with the proposal.

#### **5. Equality Impact**

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The screening exercise did not identify any equality issues.

## **6. Regulatory Impact**

- 6.1 While an increased minimum size for brown eel may impact on catch volume, this proposal is a positive conservation measure which will contribute to the continued sustainability of the Lough Neagh eel fishery.
- 6.2 No compliance costs have been identified for business, charities or voluntary organisations.

## **7. Financial Implications**

- 7.1 The Department is satisfied that the balance between cost and benefit in introducing these amendment regulations is justified.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 It is not expected that any of the amendments set out in the draft Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law. The EQIA screening did not raise any discrimination issues.

## **9. EU Implications**

- 9.1 The European eel stock has been in rapid decline since around 1980. The European Commission, following a number of years of consultation, adopted European Eel Regulation (EC) No 1100/2007 on 18 September 2007 which aims to establish measures for the recovery of the European eel stock.
- 9.2 The EU Regulation requires the establishment of Eel Management Plans (EMP) for each eel river basin, of which there are three covering NI (North West, Neagh Bann and North East), which will demonstrate that at least 40% of the biomass of adult eels from each river basin relative to the best estimate of the potential escapement in the absence of human activities affecting the fishing area or stock are escaping to spawn.
- 9.3 The Plan for the Lough Neagh – Bann catchment, which is Europe's largest wild eel fishery, concludes that the fishery is sustainable and can continue at current levels of effort albeit under close regulation and subject to ongoing monitoring. Any increase in minimum size of take-able eels can only be good for stock levels.

## **10. Parity or Replicatory Measure**

- 10.1 The Loughs Agency of the Foyle, Carlingford and Irish Lights Commission has prohibited the capture and killing of eels in the Londonderry and Newry areas. The Irish Republic has implemented legislation banning the capture or sale of live eels anywhere in their jurisdiction. Fishing for eels has been banned in England and Wales where the Environment Agency is the fishery owner. Eel fishing has been prohibited in Scotland since January 2009.

## **11. Additional Information**

- 11.1 Not applicable