

Received!

From: Paula Gormley [<mailto:Paula.Gormley@dcenr.gov.ie>]
Sent: 29 June 2012 15:20
To: Greg Forde; Ciaran Byrne
Cc: Gerry Clerkin; Fintan McPhillips
Subject: Representation from O'Reilly & Co Solrs on behalf of John Rogan

29
Road

Ciaran/Greg,

Please see attached correspondence from O'Reilly & Co Solicitors on behalf of John Rogan, Corry, Rathowen, Co Westmeath. We have some material from a recent PQ but in relation to the issue of EU funding could you please forward material for response as soon as possible.

Kind regards,

Paula

*Paula Gormley
Inland Fisheries Division
Dept Communications Energy and Natural Resources
Elm House
Earls Vale Road
Cavan*

Tel: 01 6782025

Ref 985

O'Reilly & CO
Solicitors

The Old Courthouse,
4 Ludlow Street, Navan, Co. Meath
Tel 046 9022948 Fax 046 9022968 Dx 36 006 Navan
Email info@oreilly-law.ie

The Minister for Communications, Energy and Natural Resources.
Office of the Houses of The Oireachtas,
Leinster House,
Dublin 2.

Date: 25th June 2012

Dear Minister,

We are writing to you on behalf of the Secretary of the Shannon Eel Fishermans Association on behalf of its Members and the wider family of Eel Fishermen in the State seeking your assistance to access funds for them from the European Fisheries Fund as provided for in Paragraph 6 in the preamble of Council Regulation (EC) Number 1100/2007.

Paragraph 6 states inter alia "to achieve the ends envisaged therein i.e. the success of measures for the recovery of European Eels stock. Support may be drawn down from the European Fisheries Fund to contribute to the effective implementation of Eel Management Plans".

This member States Eel Management Plan was approved by the European Commission on the 30th July 2009 in accordance with Article 5 of the Council Regulation 1100/2007. Ireland was the first and only Member State to submit and obtain approval for the Eel Management Plan within the deadline in the EC Regulation.

The measures recommended in this Member States Eel Management Plan obliged your predecessor in office to promulgate Bylaw 858/2009 in tandem with Bylaw 303/2009 under the General Purpose Provisions of Section 9 of the Fisheries (Consolidation) Act 1959 which states inter alia "for the Government Management Protection and Improvement of the Fisheries of the State".

Critically for Eel Fishermen earning their livelihood either wholly or partially from Eel Fishing, the Byelaws introduced prohibited the issue of Licences within the State for the purpose of Eel Fishing for an indefinite period of time subject only to Review on a tri-annual basis by the Commission. Before such Review each State is obliged under Article 9 of Council Regulation 1100/2007 to submit Reports to the Commission as to the effectiveness manner and operation of their respective National EU Management Plans.

The deadline date for submission of this Member State's first Report is the 30th June 2012. Eel Fishing (not subject to Licence) and the sale of Eels are prohibited in the State until 30th June 2012.

In the meantime the indefinite restriction on the issue of Licences to Eel Fishermen and their continued compliance with the Byelaws since June 2009 has formed a vital and

Principal: Patrick O'Reilly BCL Solicitor
Anna McLaughlin, BA, LL.M, Solicitor.
VAT No. IE 3864069K

intrinsic part of the measures taken in pursuit of the objectives of Council Regulation 1100/2007 as set out in its preamble. However this has come at a great cost to our native Eel Fishermen. They have suffered loss of income and loss of material assets such as nets, lines and small boats etc. Also put at risk are the particular skills and traditions of Eel Fishermen handed down through the ages and not to mention their way of life. Further small and indigenous businesses associated with the Eel Fishing Industry such as Processing Plants and Smokeries have had to close.

Accordingly we respectfully request you to make every effort to obtain funds from the European Fisheries Fund to alleviate their loss of income/hardship or to enable diversification to take place. Funds could be applied to set up a Scheme of Compensation or in certain cases provide Grants for diversification. This would be a matter for you, Minister, however, it is respectfully submitted that the Management measures (4.1) taken in the light of the reduction of fisheries (3.3 Action 1C) as our Client in the Report of the implementation of the EU Plan for Ireland 2009/2011 (page 48, page 33) in respect of diversification is inadequate in that it fails to address whatsoever the losses sustained by the many Eel Fisherman and Food Processors who have not benefited in any way whatsoever from these measures.

It may be of assistance to you in accessing the European Fisheries Fund to consider the judgements of Mr. Justice Herbert in the High Court on the 6th March 2012 which was a case taken by one of our Members by way of legislative appeal under the Fishery (Consolidation) Act 1959 (James McArdle -and- Minister for Communications, Energy and Natural Resources). This was a complex judgment and notwithstanding that the Plaintiff failed to have the aforementioned Byelaws annulled the learned Judge came to conclusions in the body of the judgement as to correct interpretation to be attributed to the relevant Irish Legislation vis-a-vie Council Regulation 1100/2007 more particularly in respect of the manner and operation of the Legislation.

In particular he emphasised that any restrictions to be placed on Eel fishing a fortiori affecting Eel Fishermen as intended by Council Regulation 1100/2007 should be imposed in an equitable manner. However, as things stand in this Member State there continues to be a total cessation of Eel Fishing in compliance with both Irish and European Law.

Minister, this Member State's First Report to the Commissioner required and obligated by Article 9 of Council Regulation 1100/2007 is to be submitted by 30th June 2012. This is the appropriate time to include in your First Report to the Commission the plight of the Eel Fishermen and others who have suffered economic loss through the effect of the measures taken to achieve the objectives of Council Regulation 1100/2007 the First Report is required to give an account of monitoring, effectiveness and outcome of the measures imposed to give effect to the National Eel Management Plan

Quote from High Court Judgment 6th March 2012:

“Articles 9 Paragraph 3 of the Regulation leaves the Commission quite unfettered as to what new means (if any) it might propose and the Council quite at large as to what new measures (if any) it might decide to adopt at any review date in order to achieve the target levels of Silver Eel biomass escapement or a reduction in fishing effort” (Page 19, page 20 of Judgment).

Submissions:

1. It is respectfully submitted on behalf of the Eel Fishermen that both the Irish Legislation and European Regulation was designed to establish measures to reduce as much as equitably possible the exploitation and other human activities affecting a particular fishery. In Ireland it is the case that the total ongoing cessation of Eel Fishing was imposed by the prohibition and the issue of Eel Licences in the State.

Quote from High Court Judgment 6th March 2012.

“I adapt this passage from the judgment of Murphy J. as correctly identifying the intention of the legislator in enacting Section 91 of the Fisheries (Consolidation) Act 1959. There is a great difference between legislation designed to protect an endangered species of fish and legislation designed to establish measures to reduce as much as equitably possible exploitation and other human activities affecting a particular fish. In my judgment that latter is the purpose of Section 9 of the 1959 Act and is also the stated object of Council Regulation 1100/2007. Paragraph 4 of the preamble to the Regulation refers to the planning and execution through the drawing up of Eel Management Plans adjusted to Regional and Local Conditions of measures to ensure the protection and sustainable use of the stock of European Eel. This also appears from the information requirement of Article (11) of Regulation 1100/2007 with regard to commercial and recreational fishing for Eel in each Member State” (Page 17 of Judgment 2012).

2. It is respectfully submitted that the continuance of the total prohibition on the issue of Eel Fishing Licences in the light of Article 2.10 of Regulation 1100/2007 which requires Member States in it's Management Plan to implement where necessary appropriate measure as soon as possible to reduce Eel mortality from causes outside the fishery included hydroelectric turbines, pumps or creditors would not be equitable in the absence of or by an omission to access funds from the European Fisheries Fund to compensate the Eel Fishermen for economic loss suffered by them in the circumstances.

The above submissions are not exhausted but it may be helpful to you to in coming to a decision to access funds from The European Fisheries Fund for the Eel Fishermen and other associated business who have suffered severe economic loss in the wake of EC Council Regulation 1100/2007. It is essential that your first Report

to the Commission on the 30th June 2012 should make the appropriate changes to the National EU Management Plan to obtain European funds for the Eel Fishermen and the associated indigenous industry specifically identifying the continued compliance of the EU Fishermen since 2009 with Irish Legislation and European Regulation as an important measure in estuary to the successful attainment of the ends in respect of the objectives of EC Council Regulation Number 1100/2007.

Quote from High Court Judgment 6th March 2012:

“In my judgment the proposed Eel Management Plan would have to be revised or altered to reflect such changes (in accordance with Article 9 Paragraph 3 of the Regulation 1100/2007) this is particularly so as the entire purpose of the Regulation is as stated in the preamble to ensure that Eel recovery measures are not only effective but also equitable. The importance of having regard to the preamble Legislation was emphasised in the Director of Public Prosecutions -v- O'Connor 1998 1EHC 220” (Page 20 High Court Judgment 6th March 2012).

Hopefully the Commission will make a proposal to Council that in the circumstances outlined above provision should be made from the European Fisheries Fund for Eel Fishermen and/or associated industries with the adoption of the proposed proposal by the European Council in accordance with Paragraph 6 of the preamble of the EC Council Regulation 1100/2007.

Please give this your urgent attention and we await your reply.

Yours faithfully,


O'REILLY & COMPANY

We include:

1. Copy of High Court Judgment of 6th March 2012.
2. Copy Council Regulation EC No. 1100/2007.
3. Copy Bye-laws Number 858/2009 and 303/2009

30

Deed

Tel: ()
Mob: ()
Email: []

Fisheries Ireland.

To Whom It May Concern,

I wish to make this submission regarding commercial eel fishing in the Republic of Ireland.

I believe with an Eel Fishery Management Plan an Eel Conservation Plan and good legislation / regulations and proper enforcement of such regulations, the harvesting of brown eel in fresh water and in estuarine or tidal waters can have a future in this country.

In 2009 when the Irish Authorities closed commercial eel fishing in this state, an injustice was inflicted on traditional estuary fishermen, their families and their surrounding communities. Eel fishing made up a substantial part of income for many small / part time fishermen prior to this. I also believe the ban of traditional eel fishing contributes to the social and economic decline in small rural communities.

Up until the time of closure of eel fishing in the Rep. of Ireland by the Irish authorities, eel fishing had continued in this country for centuries. It is still a commercial fishery in Northern Ireland, Great Britain and the countries of Northern Europe.

Questions I am asking you to consider are:

- 1 • Why was commercial eel fishing closed in the Rep. of Ireland only?
- 2 • Were the eel stocks of the countries that retained a commercial eel fishery in a similar, worse or better state than our own before 2009?
- 3 • How are the eel stocks of the countries that retained a commercial eel fishery fairing now?
- 4 • How do the Irish eel stocks compare to the eel stocks of the countries that retained a commercial eel fishery?

- 5 • Was a study carried out regarding social and economic impact on the communities from where the eel fishermen operated, before closure of the Irish commercial eel fishery?
- 6 • Was a study carried out regarding social and economic impact on the communities from where the eel fishermen operated, after closure of the Irish commercial eel fishery?
- 7 • Was an impact study carried out regarding loss of tradition and heritage because of an eel fishery closing considered?
- 8 • Were the traditional fishing rights of the eel fishermen considered, before closure or after closure?
- 9 • Was the loss of income to commercial eel fishermen considered?
- 10 • Has mortality rates for eels due to pollution in rivers, lakes and estuaries increased or decreased?
- 11 • Has disease in the Irish eel population increased or decreased since the closure and how has this affected Irish eel stocks?
- 12 • In the event the Irish authorities decide to reopen a commercial eel fishery in the Republic of Ireland, Who would regulate the fishery.
- 13 • Was an alternative fishery / employment or financial compensation for eel fishermen considered by the Irish or European authorities?
- 14 • Will the Irish or European authorities consider compensating commercial eel fishermen for the time the fishery has been closed?
- 15 • If the Irish commercial eel fishery does not reopen in the future, will compensation be considered by the Irish or European authorities?

I believe the Irish eel fishery could again be a successful enterprise contributing to the incomes and wellbeing of fishermen, their families and communities, subject to a state implemented Eel Fishery Management Plan

Is mise le meas,

Cllr. Pat Fitzgerald

Reply from Deputy Browne
response from DCENR 2nd July

on v preadirect.

SLANEY

Page 1 of 2

Joan Perry

From: Siobhan Greene
Sent: 12 July 2012 12:38
To: Joan Perry
Subject: FW: Representation for Brendan Long, "Fishing Issue"
Attachments: image-1-1.jpg

31
Read

Hi Joan,

Can your office reply to Deputy Browne, letter also attached.

Thanks
Siobhán

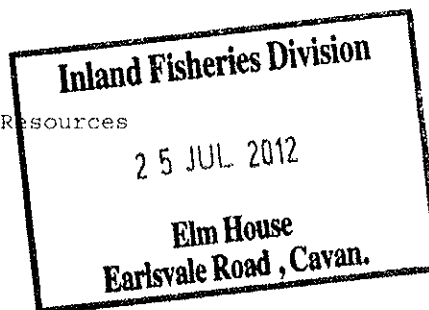
From: Minister Rabbitte
Sent: 12 July 2012 12:37
To: 'Stephanie Byrne'
Cc: Minister O' Dowd
Subject: RE: Representation for Brendan Long, "Fishing Issue"

Dear Deputy Browne,

On behalf of Minister Pat Rabbitte, I wish to thank you for your email 11 July. Your correspondence has been forwarded to the office of Mr. Fergus O'Dowd T.D., Minister of State for Communications, Energy and Natural Resources who has been delegated responsibility in this area.

Please direct any further correspondence on this matter to:

Minister.O'Dowd@dcenr.gov.ie
or
Mr. Fergus O'Dowd T.D.
Minister of State
Department of Communications, Energy and Natural Resources
29-31 Adelaide Road
Dublin 2



Yours sincerely,

Siobhán Greene
Minister Rabbitte's Office

From: Stephanie Byrne [mailto:Stephanie.Byrne@Oireachtas.ie] **On Behalf Of** John Browne
Sent: 11 July 2012 16:23
To: Pat Rabbitte
Subject: Representation for Brendan Long, "Fishing Issue"

Dear Minister

This letter to you is in reference to a representation on behalf of Brendan Long of Tinnakilla, Ballyhogue, Enniscorthy, Co Wexford regarding an eel fishing Issue.

12/07/2012

My Constituent is seeking a review of the eel public consultation and plans for the next three years. Brendan is seeking that a new detailed survey of the River Slaney be carried out to determine the current eel stocks in the river. The Slaney eel fishermen are prepared to carry out the survey by providing boats, equipment etc at no cost to the fisheries board. Perhaps you could let me have your comments on the matter.

Perhaps you could arrange to attend to this matter please and let me have your reply.

Thank you for your attention to this matter and I look forward to hearing from you.

Kindest regards

JOHN BROWNE T.D.

(See attached file: Image-1-1.JPG)

To: 'Tel Submissions'
Inland Fisheries Ireland
Swords Business Campus,
Balheary Road,
Swords,
Co. Dublin

From: River Slaney eel fishermen in ERBD
C/O Brendan Long, Trillickilla, Ballyheigue, Eamonsorthy, Co. Westford
e-mail address: lynogue@eir.com.net

Reference: Eel Public Consultation Eel Reports and Plans for the next three years

We the former licensed eel fishermen on the River Slaney ERBD submit that

- we are not satisfied with the original survey findings because they are based upon "erroneous, inaccurate and out-of-date information which has left Ireland with 2% of the eel fishing of Europe and a proposed total ban on eel fishing for the next 90 odd years
- we suggest that a new, comprehensive, accurate and detailed survey of existing eel stocks be carried out now to determine once and for all the true current situation of eel stocks in the River Slaney
- we the Slaney eel fishermen are prepared to carry out this survey ourselves by providing boats, equipment - fyke nets- and the manpower to do the survey free of charge thereby at no cost to Inland Fisheries Board but, under the direct supervision and direction of the local Fishery Board officers as required
- An up-to-date detailed, comprehensive and accurate report / study is a pre-requisite before any further decisions or recommendations should be made regarding the future of eel fishing and / or eel conservation in the River Slaney

Signed on behalf of the River Slaney eel fishermen

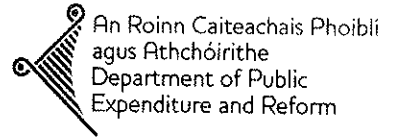
Brendan Long
9th July, 2012

Members:
John Curtis
James Devine
Edward Finlay
John Fiore
Brendan Long
Gerald Power
Daniel Rossiter
Sonny Sheel

Brendan Long



SLANEY



An Roinn Caiteachais Phoibli agus Athchóirithe
Department of Public Expenditure and Reform

32

read

11th July 2012.

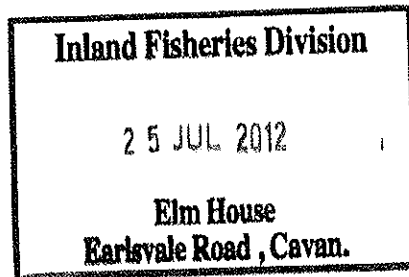
Mr. Simon Coveney, T.D.,
Minister for Agriculture, Marine
and Food,
Kildare Street,
Dublin 2.



Re: **River Slaney Eel fishermen.**

Dear Simon,

I should be much obliged if you could provide a response to the concerns outlined in the attached letter from the above named.



Best wishes,

Yours sincerely,

Brendan Howlin, T.D.
Minister for Public Expenditure & Reform.

OIFIG DÁILCHEANTAIR AN AIRE CONSTITUENCY OFFICE OF THE MINISTER

Iúce an Rialtas,
Sráid Mhuirfeán Uacht,
Baile Átha Cliath 2,
Éire

Government Buildings,
Upper Merrion Street,
Dublin 2,
Ireland

T: +353 1 604 5603
F: +353 1 631 8021
E: brendan.howlin@oire.ie

To: "Eel Submissions"
Inland Fisheries Ireland.
Swords Business Campus,
Balheary Road,
Swords,
Co. Dublin.

From: River Slaney eel fishermen in ERBD.
C/O Brendan Long, Tinnakilla, Ballyhogue, Enniscorthy, Co. Wexford.
e-mail address: lynogue@eircom.net

Reference: Eel Public Consultation Eel Reports and Plans for the next three years.

We, the former licensed eel fishermen on the River Slaney ERBD submit that:

- we are not satisfied with the original survey findings because they are based upon "erroneous, inaccurate and out -of-date information which has left Ireland with 2% of the eel fishing of Europe and a proposed total ban on eel fishing for the next 90 odd years.
- we suggest that a new, comprehensive, accurate and detailed survey of existing eel stocks be carried out **now** to determine once and for all the true current situation of eel stocks in the River Slaney.
- we the Slaney eel fishermen are prepared to carry out this survey ourselves by providing boats, equipment - fyke nets- and the manpower to do the survey free of charge thereby at no cost to Inland Fisheries Board but, under the direct supervision and direction of the local Fishery Board officers as required.
- An up to date detailed, comprehensive and accurate report / study is a pre-requisite before any further decisions or recommendations should be made regarding the future of eel-fishing and / or eel conservation in the River Slaney.

Signed on behalf of the River Slaney eel fishermen.

Brendan Long.
9th July, 2012.

Members:

John Curtis
James Devine.
Edward Dobbs.
John Hore.
Brendan Long.
Gerald Power.
Daniel Rossiter.
Sonny Sheil.

nick white

Mr Brendan Howlin T.D.
Minister for Public Expenditure and Reform
Government Buildings
Upper Merrion St
Dublin 2

25 July 2012

Dear Brendan,

I refer to your recent representations on behalf of the River Slaney Eel Fishermen which included a submission from the group in relation to the Eel Management Plan currently underway.

As you may be aware, Inland Fisheries Ireland (IFI) the state body under the aegis of my Department charged with managing the inland fisheries resource, are overseeing an extensive public consultation process on the review following a range of meetings with eel fishermen and interested parties. As part of the process, each of the parties was provided with the latest scientific analysis of the eel stocks in order to underpin and inform any submission they wish to make.

I have forwarded the submission from the River Slaney Eel Fishermen to IFI to ensure that their views are fully considered as part of the consultation process. The outcome of the consultation process will be advised to all parties.

If you have any further enquiries please contact me again.

Yours sincerely

Fergus O'Dowd T.D.
Minister of State
Department of Communications, Energy and Natural Resources

SLANEY

On 07/07/2012

MINISTER OF STATE
ROINN AN TAOISIGH
GOVERNMENT BUILDINGS
DUBLIN 2.

GOVERNMENT CHIEF WHIP
PRÍOMH-AOIRE AN RIALTAIS

Tel: +353 53 924 3558, +353 1 619 4585
Fax: +353 1 676 3533
Constituency Office: 7 Weafer Street,
Enniscorthy, Co. Wexford.
E-mail: paul.kehoe@taoiseach.gov.ie

11 July 2012

Fergus O'Dowd T.D.
Minister of State at the Dept. of Communications,
Energy & Natural Resources,
29-31 Adelaide Road,
Dublin 2.

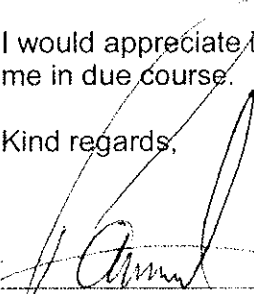
33
Recd

Dear Fergus,

I write to you on behalf of Brendan Long, Tinnakilla, Ballyhogue, Enniscorthy, Co. Wexford regarding Eel Public Consultation Reports and Plans for the next three years. I am enclosing a copy of his letter for your information.

I would appreciate if you could investigate the points raised in this letter and get back to me in due course.

Kind regards,


Paul Kehoe T.D.
Minister of State &
Government Chief Whip

Inland Fisheries Division

25 JUL 2012

**Elm House
Earlsvale Road, Cavan.**

RECEIVED IN MINISTRY
OF STATE'S OFFICE

DEPARTMENT OF
COMMUNICATIONS, ENERGY
AND NATURAL RESOURCES

To: "Eel Submissions"
Inland Fisheries Ireland.
Swords Business Campus,
Balheary Road,
Swords,
Co. Dublin.

From: River Slaney eel fishermen in ERBD.
C/O Brendan Long, Tinnakilla, Ballyhogue, Enniscorthy, Co. Wexford.
e-mail address: lynogue@eircom.net

Reference: Eel Public Consultation Eel Reports and Plans for the next three years.

We, the former licensed eel fishermen on the River Slaney ERBD submit that:

- we are not satisfied with the original survey findings because they are based upon "erroneous, inaccurate and out-of-date information which has left Ireland with 2% of the eel fishing of Europe and a proposed total ban on eel fishing for the next 90 odd years.
- we suggest that a new, comprehensive, accurate and detailed survey of existing eel stocks be carried out now to determine once and for all the true current situation of eel stocks in the River Slaney.
- we the Slaney eel fishermen are prepared to carry out this survey ourselves by providing boats, equipment - fyke nets- and the manpower to do the survey free of charge thereby at no cost to Inland Fisheries Board but, under the direct supervision and direction of the local Fishery Board officers as required.
- An up to date detailed, comprehensive and accurate report / study is a pre-requisite before any further decisions or recommendations should be made regarding the future of eel-fishing and / or eel conservation in the River Slaney.

Signed on behalf of the River Slaney eel fishermen.

Brendan Long.
9th July, 2012.

Members:

John Curtis.
James Devine.
Edward Dobbs.
John Horc.
Brendan Long.
Gerald Power.
Daniel Rossiter.
Sonny Sheil.

Mick White

Mr Paul Kehoe T.D.
Minister of State and Government Chief Whip
Department of An Taoiseach
Government Buildings
Dublin 2

25 July 2012

Dear Paul,

I refer to your recent representations on behalf of the River Slaney Eel Fishermen which included a submission from the group in relation to the Eel Management Plan currently underway.

As you may be aware, Inland Fisheries Ireland (IFI) the state body under the aegis of my Department charged with managing the inland fisheries resource, are overseeing an extensive public consultation process on the review following a range of meetings with eel fishermen and interested parties. As part of the process, each of the parties was provided with the latest scientific analysis of the eel stocks in order to underpin and inform any submission they wish to make.

I have forwarded the submission from the River Slaney Eel Fishermen to IFI to ensure that their views are fully considered as part of the consultation process. The outcome of the consultation process will be advised to all parties.

If you have any further enquiries please contact me again.

Yours sincerely

Fergus O'Dowd T.D.
Minister of State
Department of Communications, Energy and Natural Resources

SLANEY

On Spreadsheet

Ref 319

MINISTER OF STATE
ROINN AN TAOISIGH
GOVERNMENT BUILDINGS
DUBLIN 2.



GOVERNMENT CHIEF WHIP
PRÍOMH-AOIRE AN RIALTAIS

Tel: +353 53 924 3558. +353 1 619 4585
Fax: +353 1 676 3533
Constituency Office: 7 Weafer Street,
Enniscorthy, Co. Wexford.
E-mail: paul.kehoe@taoiseach.gov.ie

21 June 2012

Minister Fergus O'Dowd
Department of Communications Energy & Natural Resources
29 - 31 Adelaide Road
Dublin 2

34 Read

Dear Fergus,

I make further representations on behalf of Thomas Byrne, 38 Parkfield, New Ross, Co. Wexford regarding eel fishing. I am enclosing a copy of a letter he sent to me for your information.

I would appreciate if you could examine the content of this letter and revert to me in due course.

Kind regards,

Paul Kehoe T.D.
Minister of State &
Government Chief Whip

RECEIVED IN MINISTER
OF STATE'S OFFICE

DEPARTMENT OF
COMMUNICATIONS ENERGY
AND NATURAL RESOURCES

Thomas Byrne
38 Parkfield
New Ross
Co. Wexford
Mobile Number: 0858144487

20th June 2012

Paul Kehoe T.D.
Minister of State at the Department of the Taoiseach
Government Buildings
Dublin 2

Dear Paul,

I am coming back to you in regards to our previous correspondence on the matter of eel fishing.

After a meeting with the IFI in the Clonmel Park Hotel on the 19th of June, we feel unhappy that the IFI will not allow us to go back to fish. When asked about compensation, we were advised that we should talk to our TD's and that it was a case that our TD's now have to make on our behalf. We are losing a traditional way of life with this decision, and to add insult to injury we are left with thousands of Euros worth of eel fishing equipment we can no longer use and have not used since the Eel Management Plans were introduced on the 31st of December 2008.

We were advised at that the meeting on the 19th with the IFI that the Minister of State Fergus O' Dowd T.D. will be meeting the scientists involved in the Eel Management Plans in Dáil Eireann in the next few days and we would be anxious that you relay our plight to the Minister of State Fergus O' Dowd T.D. and discuss the matter of compensation for our loss.

Kind Regards,

Thomas Byrne

Sandra Doyle

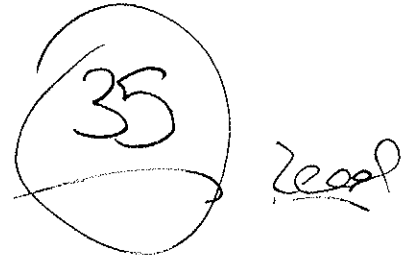
SHANNON

From: Greg Forde
Sent: 23 July 2012 10:19
To: Sandra Doyle
Subject: FW: Representative from TD James Bannon
Attachments: James Bannon Eel fishing submission0001.pdf

Please find attached an eel submission that must have gone directly to the Minister – please include it in the list of submissions.

Greg

Greg Forde
Ceann na n-Oibríochtaí
Head of Operations



Iascach Intíre Éireann
Inland Fisheries Ireland

Tel +353 (0) 91 563 118
Fax +353 (0) 91 566 335
Email greg.forde@fisheriesireland.ie
Web www.fisheriesireland.ie
Teach Breac, Oileán an Iarla, Gaillimh, ÉIREANN.
Teach Breac, Earl's Island, Galway, IRELAND.

Help Protect Ireland's Inland Fisheries

Call 1890 34 74 24 to report illegal fishing, water pollution or invasive species.

From: Inland Fisheries [<mailto:Inland.Fisheries@dcenr.gov.ie>]

Sent: 23 July 2012 10:16

To: Greg Forde

Cc: Paula Gormley; Gerry Clerkin

Subject: Representative from TD James Bannon *on behalf of Shannon Eel Fishermen*

Hi Greg

Please see attached copy representation from TD James Bannon concerning eel fishing. Please provide material for response at your earliest convenience.

<<James Bannon Eel fishing submission0001.pdf>>

Kind regards

Gemma Lynch

Inland Fisheries Division

Elm House

Earlsvale Road

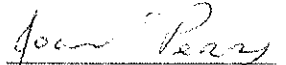
Cavan

To: Denis Maher
PO,

Please see attached correspondence from James Bannon TD concerning Eel Fishing.

Please prepare a draft reply for the Minister of State's signature.

Please forward completed drafts to minister.o'dowd@dcenr.gov.ie


Minister of State's Office
17th July 2012

Representation Summary

Reference No. 965

File no: MOS/30/11/1

Date of Letter: 3rd July 2012

Date Received: 6th July 2012

Representor Details:

Name:

Title:

Representee Details:

Mr James Bannon TD
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

*Final
Need to check
ITP and
get it
out
to the
Draft copy
to TD
revising
the process
to ITP*



(RJ 965)
JAMES BANNON TD
Longford/Westmeath Constituency

*Member and Convenor of Joint Committee
on Environment, Community & Local
Government, Transport, Tourism & Sport,
Arts, Heritage & the Gaeltacht*

Newtown, Legan, Co. Longford.
Tel: 04493 57575

Longford Office:
Richmond Street Longford.
Tel: 04333 36185

E Mail: james.bannon@oir.ie
Mobile: 087 2031816

Mr Fergus O'Dowd TD
Minister of State for the NewEra Project
Department of Communications, Energy &
Natural Resources
29-31 Adelaide Road
Dublin 2

Re: Eel Fishing Submission

Dear Minister

I would be much obliged if you would forward my enclosed submission on Eel Fishing to the relevant department.

Yours sincerely

JAMES BANNON TD

July 3, 2012

RECEIVED IN MINIST. E
OF STATE'S OFFICE

6 JUL 2012

DEPARTMENT OF
COMMUNICATIONS, ENERGY
AND NATURAL RESOURCES


FINE GAEL

Dáil Éireann, Leinster House,
Kildare Street, Dublin 2.
Tel: 01 6184226 Fax: 01 6184398
Lo Call: 1890 337 889



JAMES BANNON TD

Longford/Westmeath Constituency

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Newtown, Legan, Co. Longford.

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Mobile: 087 2031816

Submission on Eel Fishing

To Whom it Concerns

I wish to make a submission in relation to the Public Consultation on EEL Reports and Plans for the next three years, as outlined in the following points which must be taken into consideration in the formulation of future policy:

- 1 • The very apparent contradiction between national and international scientific advice in relation to eels and the discrepancies between Ireland and the EU in this regard
- 2 • The fact that the closure of the eel fishery in 2009 was a flawed policy by the previous administration
- 3 • The lack of knowledge and expertise which allowed the eel mortality rate due to the impact of hydro power, to continue un-checked, until action was forced by EU Regulation
- 4 • A policy of Elvers purchase for re-stocking must be initiated and lakes monitored to access growth rates and migratory patterns
- 5 • Over the next three years, alternate lakes should be fished to access stocks and repeated by long line and fyke-net. A long line survey is the only way to ensure on accurate reading of lake stocks
- 6 • The inequitable situation that sees those engaged in the traditional occupation of eel fishing, being forced to bear the brunt of what was blatant mismanagement of the eel supplies and paying the price of such in terms of withdrawal of eel fishing licences and other prohibitions
- 7 • The need to set up a compensation fund for those who have been denied the right to engage in eel fishing over the last two years
- 8 • A detailed assessment of compensation packages which have been put in place for eel fishermen in Finland and other EU countries must be undertaken

- 9 • Consideration of the current proposal to amend derogation for eel fishing on the Inny River or the Shannon Waterway, with regard to the EU position
- 10 • Fisherman must be permitted to fish lakes for the months of May, June and July and not forced to accede to a complete ban in line with EU prohibition.
- 11 • In the event of jobs becoming available in fisheries or in the Shannon catchment area, that those positions be prioritised for those who were engaged in the eel fishing industry, particularly those with rights acknowledged on their deeds.

James Bannon TD
03 July 2012

ROGAN

on 2/11/2011

Eel Submission

36

Rogan's Smokehouse,
Corry Lane,
Rathowen,
Co. Westmeath

reed

Eel fishing legislation, Rogan's Smokehouse and the destruction of a local artisan business

Dear Sir/Madam,

In the year 2000, supported and encouraged by the local Westmeath Enterprise Board, I built a smokehouse for smoking eels; I was an eel fisherman and wanted to add value to my catch. Fresh eel was sold for circa six euro per kilo at the time. Smoked eel achieved a premium price, €30/40 per kg, so it was and is not, hard to see the importance and the potential of an eel smokehouse.

I was in the unique position of catching and smoking my own eels, one of a very small number in Europe to do this. I was using what I had caught in the local rivers and lakes in Westmeath (part of the Shannon Catchment Area). When the ban was first introduced in 2009, I appealed to the then Minister and the Department for a dispensation to keep the business going. This was refused for various reasons including monitoring etc.

What impact did it have on the business?

Eel fishing and smoking was the cornerstone of our business. Rogan's Smoked Eel was being sold in more than 100 outlets across Ireland. We also had an export business with clients in England, France, Germany, Italy, Netherlands and other European countries. Our smokehouse was renowned for excellent smoked eel with this acknowledged by the awarding of numerous Great Taste Awards over the years.

The economic impact the ban has had on the business is going to be difficult to quantify. Firstly, the capital outlay on the 2,000 square feet facility, including the smokehouse and all ancillary equipment, would have been in the region of €200,000. This investment has been rendered useless by the legislation. At the time, there were four family members employed in the business. Since the ban, there is no one employed.

It was my aim to catch and smoke fifty to one hundred kilogram's of eel per week. This would have been worth €3,000/€4,000 per week to the business, a hugely significant sum to a small enterprise. This legislation literally stopped this over-night. I was gradually building a successful local enterprise with an international reputation for a high quality artisan product. This legislation destroyed any further business progression as well as negating the years of hard work and time that I had invested. It is not hard to see that this legislation cost me my livelihood and significantly affected our way of life.

The Human Impact

The significant human impact of this legislation has never been addressed. Are the authorities in Europe who requested this legislation aware of the negative affect the ban has had on people such as me? My livelihood is gone; no longer can I fish for eels, produce smoked eel and continue to grow the business I worked so hard to establish.

Impact on eel population

Why our business was closed down is questionable as the impact we would have had on the eel population would be small relative to the three to four hundred tonnes of silver eels that migrate from Ireland (Eel Report, 2011/2012). Furthermore, there are significantly more eels killed and damaged in hydroelectric turbines across Ireland than we would ever have needed to keep our business going.

It cannot be sufficiently emphasised the negative impact the ban has had on the business, my life and the life of my family. I would appreciate you addressing the different issues I have raised and bringing them to the attention of those people at the highest level in the Irish government and in the EU Commission.

Yours sincerely,

John Rogan

ROGAN

un spreaded



Ref: 920
JAMES BANNON TD
 Longford/Westmeath Constituency
 Member and Convenor of Joint Committee
 on Environment, Community & Local
 Government, Transport, Tourism & Sport,
 Arts, Heritage & the Gaeltacht
 Newtown, Legan, Co. Longford.
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 Mobile: 087 2031816

Mr Fergus O'Dowd T.D.
Minister for Communications, Energy & Natural Resources
 Dail Eireann,
 Dublin 2.

18th June, 2012.

**RE:- REPRESENTATIONS ON BEHALF OF JOHN ROGAN, ROGAN'S
 SMOKEHOUSE, CORRY LANE, RATHOWEN, CO WESTMEATH.**

Dear Minister,

I wish to make representations on behalf of the above mentioned and enclose his submission re; the cessation of eel fishing in Ireland. As outlined in his letter my client had a small artisan indigenous business which was closed overnight when eel fishing was prohibited. He accepts that this may have been necessary to protect the eel stocks nationally but he has lost his business and he has not been compensated for the loss of his local industry. John tells me that in Holland a compensation package has been put in place for eel fishermen and feels that the Irish eel fishermen have an equal right to be compensated for the loss of their business.

In the past salmon fishermen in Ireland have received compensation and there is no reason why eel fishermen should be excluded from compensation. John intends to diversify his business and any compensation package would be a great stimulus to him to invest in his new business.

I would ask that the department would look at the introduction of a compensation package for eel fishermen with immediate effect as their livelihood has been taken from them literally overnight. I would further welcome an acknowledgement at your earliest convenience.

Many thanks.

Yours faithfully,


 DEPUTY JAMES BANNON.

RECEIVED IN MINISTER
 OF STATE'S OFFICE

25 JUN 2012

DEPARTMENT OF
 COMMUNICATIONS ENERGY
 AND NATURAL RESOURCES



Dáil Éireann, Leinster House,
 Kildare Street, Dublin 2.
 Tel: 01 6184226 Fax: 01 6184398
 Lo Call: 1890 337 889



Rogan's Smokehouse
<corrylanesmoked@eirco
m.net>

19/06/2012 20:57

To gerry.adams@oireachtas.ie, james.bannon@oireachtas.ie,
sean.barrett@oireachtas.ie, tom.barry@oireachtas.ie,
richard.boydbarrett@oireachtas.ie,

cc

bcc

Subject Loss of Indigenous Irish Industry: What happens now?

Rogan's Smokehouse,
Corry Lane,
Rathowen,
Co. Westmeath
Tel: 087 6965 403

Dear Sir or Madam,

We are seeking your help. Our business has been closed due to legislation introduced to protect eel stocks in Ireland and Europe. Whereas we accept that this may be a necessary action to save the European eel as it is becoming an endangered species, unfortunately this legislation has meant the closure of our eel fishing and smoking business and the loss of 4/5 jobs.

At this stage the Eel Management Plan for Ireland is being reviewed, providing an opportunity to address the grievances of people that have been put out of business by this legislation, both fishermen and industries like ours. Ireland may have accessed EU funding for research and data collection but no money has been allocated to those who depended on eel fishing for a living.

It took many years to build up this indigenous business, working on the artisan techniques, marketing the smoked eel and gaining a good international reputation. With the ban on eel fishing, the fundamental basis of my business has been wiped out- I could no longer continue my trade as an eel fisherman thus ensuring I had nothing to produce for my smokery business. I was neither consulted during the process nor compensated for the loss of my livelihood. There was no financial support for sustainable development for the future of my business and I have been left struggling for survival ever since.

I have been attempting to diversify by smoking bacon, ham and other meats but to develop this business I need new equipment, funding and support to adapt to this massive change.

For the future viability of my business, a compensation package for the loss of my livelihood is essential and in the interest of fairness and equity, there should be some package put in place for the eel fishing industry. Compensation has been paid to eel fishermen throughout Europe and I believe there is EU funding available if it was accessed by Ireland. It is paramount that this matter is addressed now before this review is complete. EU legislation says it must be complete by the 30th June.

I look forward to your response on this matter.

Yours sincerely,

John Rogan

on Treasurers

ROGAN

Oifig an Aire Stráit,
An Roinn Ialmhuíochta, Bia agus Mara,
Sráid Chill Dara,
Baile Átha Cliath 2
Tel: (01) 607 2977



Office of the Minister of State,
Department of Agriculture, Food and the Marine,
Kildare Street,
Dublin 2
Fax: (01) 662 2170

38
reed

Mr. Pat Rabbitte, TD
Minister for Communications, Energy and Natural Resources
Department of Communications, Energy and Natural Resources
29 Adelaide Road
Dublin 2

PLEASE QUOTE REF NUMBER ON ALL CORRESPONDENCE.
Our Ref: 2012/00367N /EG

29 June, 2012

Dear Pat,

I have been approached by Mr. John Rogan of Rogan's Smokehouse, Corry Lane, Rathowen, Co. Meath in relation to this concerns for the loss of indigenous Irish industry.

Please find enclosed a copy of correspondence I have received from Mr. Rogan.

I would be grateful if you could examine this case and let me know the up to date position.

Yours sincerely,

Shane McEntee, T.D.,
Minister of State.

Inland Fisheries Division
25 JUL 2012
Elm House
Earlsvale Road, Cavan.

Office of the Minister
Dept. of Communications, Energy And
Natural Resources

06 JUL 2012

Oifig an Aire
Roinn Cumarsáide,
Fuinnebhonn, Áras na n-Éireann

Rogan's Smokehouse,
Corry Lane,
Rathowen,
Co. Westmeath
Tel: 087 6965 403

Dear Sir or Madam,

We are seeking your help. Our business has been closed due to legislation introduced to protect eel stocks in Ireland and Europe. Whereas we accept that this may be a necessary action to save the European eel as it is becoming an endangered species, unfortunately this legislation has meant the closure of our eel fishing and smoking business and the loss of 4/5 jobs.

At this stage the Eel Management Plan for Ireland is being reviewed, providing an opportunity to address the grievances of people that have been put out of business by this legislation, both fishermen and industries like ours. Ireland may have accessed EU funding for research and data collection but no money has been allocated to those who depended on eel fishing for a living.

It took many years to build up this indigenous business, working on the artisan techniques, marketing the smoked eel and gaining a good international reputation. With the ban on eel fishing, the fundamental basis of my business has been wiped out- I could no longer continue my trade as an eel fisherman thus ensuring I had nothing to produce for my smokery business. I was neither consulted during the process nor compensated for the loss of my livelihood. There was no financial support for sustainable development for the future of my business and I have been left struggling for survival ever since.

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I look forward to your response on this matter.

Yours sincerely,

John Rogan

Emma Fortune

From: Ciaran Byrne
Sent: 25 July 2012 14:19
To: Emma Fortune
Subject: FW: Eel Management Plan
Attachments: Draft template re Eel Representations 17.07.12.doc; Sample EMP Rep.pdf

Emma

More reps to include in the file

Ciaran

3a
read

Dr Ciaran Byrne
Chief Executive Officer

Iascach Intíre Éireann
Inland Fisheries Ireland

Tel +353 (0) 1 8842 602
Fax +353 (0) 1 8360 060
Email ciaran.byrne@fisheriesireland.ie

Web www.fisheriesireland.ie

Swords Business Campus, Swords, Co. Dublin, Ireland.

Help Protect Ireland's Inland Fisheries
Call 1890 34 74 24 to report illegal fishing, water pollution or invasive species.

From: Fintan McPhillips [<mailto:Fintan.McPhillips@dcenr.gov.ie>]
Sent: 18 July 2012 10:35
To: Denis Maher
Cc: Ciaran Byrne; Gerry Clerkin
Subject: FW: Eel Management Plan

Denis,

Please see attached. It appears that there may be a number of pieces of correspondence in the office of the MoS that might be considered as appropriate to the consultation process on the EMP. While the MoS office seems to be categorising them as reps if the others there are similar to the attached, they probably should be considered as submissions under the EMP consultation process. Note the dates on the attached, 3rd July sent to Min O'Sullivan and her letter to MoS O'Dowd is dated 4th July.

Fintan

Fintan McPhillips
Inland Fisheries Division
Ph: 01 678 3052



Jan O'Sullivan TD
Minister of State
for Housing & Planning

Constituency Office: Mechanics Institute,
Hartstonge Street, Limerick
Phone: 061 312 316 Fax: 061 313 707
Email: jan.osullivan@oir.ie

*✓ Recd TAD
25/7*

Wednesday, 04 July 2012

Fergus O'Dowd T.D.
Minister of State at the Department of Communications, Energy
and Natural Resources,
Government Buildings,
Dublin 2.

*for constituent person
Sheet reply*

Dear Fergus,

I am writing concerning the Eel Fishing Review which is currently underway and I am enclosing a handwritten note from a constituent of mine who came to speak to me on the subject.

The main point he makes is that he feels that Ireland should take the same line as other E.U. countries to allow 40% escapement in conjunction with conservation and stocking measures.

I would be grateful if these points could be taken on board and if fishermen could be given a stronger role in conversation.

With best wishes,

Yours sincerely,

Jan O'Sullivan

Jan O'Sullivan T.D.
Minister of State for Housing and Planning

Inland Fisheries Division

25 JUL 2012

Elm House
Earlsvale Road, Cavan.

of pristin stock?

EEL REVIEW ^{MINISTER} COMM. ENERGY AND NATURAL RESOUR.

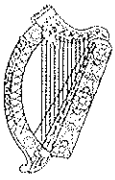
FOR SAKE OF FAIRNESS
TO GO ALONG WITH (EMP)
EU DIRECTIVE, AT PRESENT,
40% FISCALMENT OF SILVER
EELS, IRELAND IMPOSED A
TOTAL BAN IN 2009.

RE-OPEN FOR CONSERVATION
TO CONTINUE FISHING IN
A CONSERVATION ROLL
TO MONITOR + RE-STOCK.

IF CLOSED ^{SAY}
IF FISHING IS TOT CLOSED
TO DIVERSIFY TO OTHER
SPECIES LIKE SHRIMP, CRASS
ETC. TO ADDRESS ANOMOLY OF
11.11.11 T. D.

PRACTICE PLUS PURCHASE
OF TONNAGE, TO COST
AT LEAST €4,000, A
EEL NET LICENCE COSTS
€92,

IF A FISHERMAN WANTED
TO DIVERSIFY FROM EEL
FISHING TO ANY OTHER TYPE
HE WILL NEED TO SUPPLY
CODE OF PRACTICE + TONNAGE
COULD THIS BE PROVIDED
TO EEL FISHERMEN TO ALLOW
THEM TO CONTINUE FISHING.



Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha
Department of Communications, Energy and Natural Resources

29-31 Bóthar Adelaide
Baile Átha Cliath 2

Aire Stáit um an Tionscnamh NuaRé
Minister of State with responsibility for the NewERA Project

29-31 Adelaide Road
Dublin 2

Dr Ciarán Byrne
Inland Fisheries Ireland
Swords Business Campus
Co Dublin

40

Reed

14th August 2012

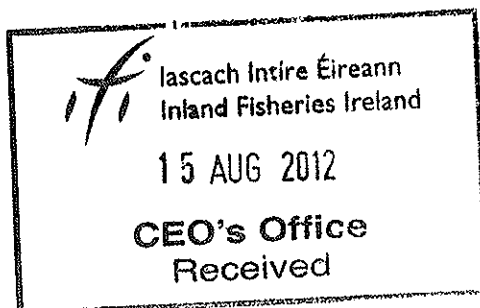
Dear Dr Byrne

Please find enclosed for your information a copy of correspondence sent to Minister Fergus O'Dowd from Pat the Cope Gallagher MEP

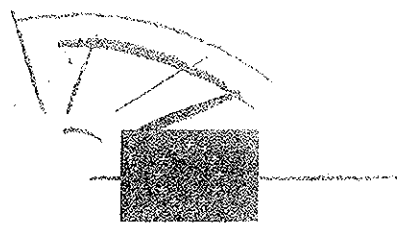
Yours sincerely

Niamh Redmond.

Niamh Redmond
Private Secretary
Minister of State



(Ref 1033)



EUROPEAN PARLIAMENT
Parlaimint na hEorpa

MEMBER OF THE EUROPEAN PARLIAMENT

PCG/NMG 1339
9th August 2012

Mr Fergus O Dowd TD
Minister of State
Department of Communication, Energy & Natural Resources.
31 Adelaide Road
Dublin 2

Dear Fergus

I attach letter and copy of submission which I have received from Damien Murray, Shannon Eel Fisherman's Association. I am aware of the submission to the Petitions Committee in the European Parliament and I would greatly appreciate if you could keep me informed of developments on your side.

I look forward to hearing from you.

Yours sincerely,

Pat the Cope Gallagher MEP

RECEIVED IN MINISTER
OF STATE'S OFFICE

13 AUG 2012

DEPARTMENT OF
COMMUNICATIONS ENERGY
AND NATURAL RESOURCES

021 200 0000
20/7/2012

FOR YOUR INFORMATION
PAT THE COPE GALLAGHER

Dear Pat.

I refer to your recent e-mail to me.

I enclose copy of submissions which

were sent to "INLAND FISHERIES IRELAND

by my solicitor: PAT O'RISLEY
4 LUDLOW ST.
NAAMAN
CO. WEXF.

I am very thankful for your
assistance in forwarding our case

in Europe.

Yours truly

Ramie Murray
DAMIEN MCCARTHY

RECEIVED IN MINISTER
OF STATE'S OFFICE

15 AUG 2012

DEPARTMENT OF
COMMUNICATIONS ENERGY
AND NATURAL RESOURCES

Section: SHANNON EPC/ENR and Discretion

SUBMISSIONS made on behalf of
THE SHANNON EEL -- FISHERMEN'S ASSOCIATION

The following Submissions are made on behalf of the Shannon Eel Fishermen's Association to Inland Fisheries Ireland in respect of the Draft Eel Management Plan for the next three years (2012 – 2015) on consideration of the Report on the implementation of Eel Management Plans for Ireland (2009 – 2011), the Report on the Status of Eel Stock in Ireland (2009 – 2011) when read in conjunction with the National Report for Ireland on the Eel Stock Recovery Plan (2008), ("NRESRP").

1. Findings of Report on status of Eel Stock ('SES') and Report on the Implementation of Eel Plans for Ireland (IEMPI), (2009 – 2011) at pages (9) and (12) respectively therein are accepted, more particularly "that the overall European eel stock is outside safe biological limits, recruitment has declined to an all time low and stock continues to decline to a critical rate..... stocks. Continuation of the management actions implemented under Eel Management Plans will ensure Ireland continued compliance with the Regulation (1100/2007) and the national contribution to the recovery of the stock".

2. Management Actions / Reduction of Fishery.

status of
EEL stock

The National Report on Eel Stock Recovery (NRESRP) 2008 recommended at Page (88) therein the cessation of the eel fishery and the closure of the eel market of the State. In these circumstances it expressed concerns as did the GES Report (Page 182) that there would be an increase in illegal fishing as legal fisheries decline and based on that presumption recommended an increase in targeted eel protection and patrols for eel. Action 1 (c) made a general recommendation that the Central Fisheries Board and the eel fishermen should engage in investigating possible diversification for the former 'commercial' eel fishermen. The "IEMPI" Report discloses a very limited diversification action in the light of the closure of the fishery. At Page

(33), Action I (c), it states "Some commercial fishermen were employed on a contract basis by the ESB (now Electric Ireland) for conservation of silver eel trap and transport. Former eel fishermen were also employed on some surveys'..... However, commenting on the implementation of EMP measures at Page (48) Action I (c) it states that management measures as envisaged in 'NRESRP' have been implemented.

3. Significance and intrinsic value of closure of eel fishery and eel market of the State to the achievement of recovery of European eel stock.

Both the 'SES' and the "IEMP" Reports (2009 – 2011) refer at Pages (4) and (6) respectively to a cessation of the commercial eel fishery and closure of the market as expressed also in the 'NRESRP' (2008) as "one of the main management actions plans for the recovery of European eel stock". The Reports conclusions expressly state that "the continuation of the management actions implemented under the Eel Management Plans will ensure Ireland's continued compliance with the Regulation (1100/2007) and a national contribution toward the recovery of the stock".

4. Implementation of EMP measures and need for amendment of the regulation ¹⁰² (and consequentially the eel plans) as necessary to achieve the objectives set out in Article 2 (4) of the Regulations and to ensure the recovery of the species.

(a) It is submitted that in view of the findings referred to herein at paragraph (1), (2) and (3) and the continued compliance by former commercial eel fishermen with EU Regulation 110/2007 and Bye Laws made thereunder 858/2009, 303 of 2009 (in pursuit of Art 2 (4) objective), with the consequential loss of livelihood, income and way of life and being an integral part of the EMP measures, it is incumbent on the State and / or Inland Fisheries Ireland and/or ESB (now Electric Ireland) to ensure as

3

stated in Paragraph (8) of the Preamble of EU Regulation 1100/2007 that the eel recovery measures are not only effective but are equitable. In this regard it is further submitted in the absence of a lifting of the prohibition on the authorisation of issue of eel fishing licences, as seems unlikely at this juncture, funds should be drawn down from the European Fisheries Fund as provided for in Paragraph (6) of the Preamble and Article 2 (12) of EU Council Regulation 1100/2007 to compensate the commercial eel fisherman for their loss. Alternatively and without prejudice to the foregoing Ireland, as a Member State should make a recommendation / application to the European Commission to have amended Regulation EU 1100/2007 so that it can draw down funds from the European Fisheries Fund perhaps through Structural Funds for the former commercial eel fishermen who have suffered financial loss through compliance with EU Regulation 1100/2007. Evidence to date is that the former commercial eel fishermen are in compliance. (See *McArdle v Minister for Communicators, Energy and Natural Resources* Unreported Judgement of Herbert J. High Court 6th March 2012 at Page (19) and (20).

(b) It is submitted in view of the findings referred to herein at Paragraphs (1), (2) and (3), the total cessation of eel fishing, the closure of the market in the State, its direct impact on the livelihood, income and way of life of the eel fishermen for upwards of 90 years (SSCE Report) and in circumstances where the ICES is unable to evaluate whether the overall performance of national management plans are in accordance with EU Regulations (ICES Advice on Eel – 2010, Page 171 at para 10.3) the State, on behalf of the former commercial eel fishermen should seek an amendment to the EU Regulation 1100/2007 in its First Report to the Commission under Article (9) so that provision is made to compensate Irish commercial eel fishermen to ensure their continued compliance with the EU Regulation in the circumstances more particularly where the fishery has been closed for an indefinite period of time.

In this regard it is repeated as heretofore that not only should eel recovery measures be effective but they must also be equitable.

(c) It is submitted that the measure taken to effect a total cessation of eel fishing for a projected 90 years is proportionally of greater effect in the achievement of the purpose of Regulation 1100/2007 (Act 2 (4)) than any one or all three of the main measures taken under EMP i.e.

- Mitigation of impact of hydropower, including a comprehensive trap and transport plan to be funded by the ESB;
- Ensure upstream migration of juvenile eel at barriers;
- Improvement of water quality.

In this regard, it is repeated as heretofore that not only should eel recovery measures be effective but they must also be equitable.

(d) It is submitted that no inclusive And / or complete measures in respect of Diversity of the Fishery programmes as asserted at Page (48) para 4 (1) of "IEMPI" Report has taken place. It is submitted that the vast majority of former commercial eel fishermen have been excluded from the limited diversification programmes. It is further submitted that a more inclusive and larger diversification programme should be included in the States First Report to the European Commission after engagement with former commercial eel fishermen. In this regard it is repeated as hereinbefore that not only should eel recovery measures be effective but they must also be equitable.

- 6
- (e) It is submitted, that all of the Reports to date have referred correctly to the former eel fishermen as "commercial" eel fishermen who worked "commercial" fishery. Having due regard to Paragraphs (1), (2) and (3) herein it is submitted that the former commercial eel fishermen have a legitimate expectation to be compensated for their loss and if needs be the State in its First Report under Article (9) of the EU Regulation should seek an amendment to have provisions made for adequate compensation from EU Fisheries Fund.
- (f) It is submitted that the fact that no provision was made by the State to provide a Scheme of Compensation to recompense former Irish Commercial eel fishermen for their loss of livelihood on the introduction of Bye laws 858/2009 and CS 303 of 2009 in compliance with EU Council Regulation 1100/2007 in furtherance of the States National Eel Management Plan (2008) as contrary to the policies and aims of EU Council Regulation 1100/2007 and as amended the aforesaid EU Regulation establishes machinery for the carrying out of these policies and aims.
- (g) It is submitted that it was not the aim or policy of the Community Rules to deprive former commercial eel fishermen of compensation where their fundamental rights have been severely impacted upon. The actions / omissions of the Irish / Member State in not compensating the eel fishermen in the circumstances are, it is submitted, incompatible with the Convention of Human Rights and Fundamental Freedom 2002. In these circumstances it is incumbent on the State to provide a Scheme of Compensation and to seek an amendment to Regulation 1100/2007 in its First Report to the Commission to have provision made for adequate compensation from the European Fisheries Fund.

O'Reilly & Co
Solicitors

The Old Courthouse,
4 Ludlow Street, Navan, Co. Meath
Tel 046 9022948 Fax 046 9022968 Dlx 36 006 Navan
Email info@oreilly-law.ie

Ciaran Byrne
Chief Executive Officer
EEL Submissions,
Inland Fisheries Ireland,
Swords Business Campus,
Balheary Road, Swords
County Dublin.

Monday, 09 July 2012

Re: Draft EEL management plan
Our Client- Shannon EEL Fisherman's Association.

Dear Sirs,

We act for the above named, and we enclose submissions from our client for your attention.

Please acknowledge receipt.

Yours faithfully,

O'Reilly & Co.

40 some

Submission

as sent

to

W. J. Fran

pat the

lope gaulthe

SUBMISSIONS made on behalf of
THE SHANNON EEL – FISHERMEN’S ASSOCIATION

The following Submissions are made on behalf of the Shannon Eel Fishermen’s Association to Inland Fisheries Ireland in respect of the Draft Eel Management Plan for the next three years (2012 – 2015) on consideration of the Report on the implementation of Eel Management Plans for Ireland (2009 – 2011), the Report on the Status of Eel Stock in Ireland (2009 – 2011) when read in conjunction with the National Report for Ireland on the Eel Stock Recovery Plan (2008), (“NRESRP”).

1. Findings of Report on status of Eel Stock (‘SES’) and Report on the Implementation of Eel Plans for Ireland (IEMPI), (2009 – 2011) at pages (9) and (12) respectively therein are accepted, more particularly “that the overall European eel stock is outside safe biological limits, recruitment has declined to an all time low and stock continues to decline to a critical rate..... stocks. Continuation of the management actions implemented under Eel Management Plans will ensure Ireland continued compliance with the Regulation (1100/2007) and the national contribution to the recovery of the stock”.

2. Management Actions / Reduction of Fishery.

The National Report on Eel Stock Recovery (NRESRP) 2008 recommended at Page (88) therein the cessation of the eel fishery and the closure of the eel market of the State. In these circumstances it expressed concerns as did the GES Report (Page 182) that there would be an increase in illegal fishing as legal fisheries decline and based on that presumption recommended an increase in targeted eel protection and patrols for eel. Action 1 (c) made a general recommendation that the Central Fisheries Board and the eel fishermen should engage in investigating possible diversification for the former ‘commercial’ eel fishermen. The “IEMPI” Report discloses a very limited diversification action in the light of the closure of the fishery. At Page

(33), Action 1 (c), it states “Some commercial fishermen were employed on a contract basis by the ESB (now Electric Ireland) for conservation of silver eel trap and transport. Former eel fishermen were also employed on some surveys”..... However, commenting on the implementation of EMP measures at Page (48) Action 1 (c) it states that management measures as envisaged in ‘NRESRP’ have been implemented.

3. Significance and intrinsic value of closure of eel fishery and eel market of the State to the achievement of recovery of European eel stock.

Both the ‘SES’ and the “IEMP” Reports (2009 – 2011) refer at Pages (4) and (6) respectively to a cessation of the commercial eel fishery and closure of the market as expressed also in the ‘NRESRP’ (2008) as “one of the main management actions plans for the recovery of European eel stock”. The Reports conclusions expressly state that “the continuation of the management actions implemented under the Eel Management Plans will ensure Ireland’s continued compliance with the Regulation (1100/2007) and a national contribution toward the recovery of the stock”.

4. Implementation of EMP measures and need for amendment of the regulation^{ion} (and consequentially the eel plans) as necessary to achieve the objectives set out in Article 2 (4) of the Regulations and to ensure the recovery of the species.

(a) It is submitted that in view of the findings referred to herein at paragraph (1) , (2) and (3) and the continued compliance by former commercial eel fishermen with EU Regulation 110/2007 and Bye Laws made thereunder 858/2009, 303 of 2009 (in pursuit of Art 2 (4) objective), with the consequential loss of livelihood, income and way of life and being an integral part of the EMP measures, it is incumbent on the State and / or Inland Fisheries Ireland and/or ESB (now Electric Ireland) to ensure as

stated in Paragraph (8) of the Preamble of EU Regulation 1100/2007 that the eel recovery measures are not only effective but are equitable. In this regard it is further submitted in the absence of a lifting of the prohibition on the authorisation of issue of eel fishing licences, as seems unlikely at this juncture, funds should be drawn down from the European Fisheries Fund as provided for in Paragraph (6) of the Preamble and Article 2 (12) of EU Council Regulation 1100/2007 to compensate the commercial eel fisherman for their loss. Alternatively and without prejudice to the foregoing Ireland, as a Member State should make a recommendation / application to the European Commission to have amended Regulation EU 1100/2007 so that it can draw down funds from the European Fisheries Fund perhaps through Structural Funds for the former commercial eel fishermen who have suffered financial loss through compliance with EU Regulation 1100/2007. Evidence to date is that the former commercial eel fishermen are in compliance. (See *McArdle v Minister for Communicators, Energy and Natural Resources* Unreported Judgement of Herbert J. High Court 6th March 2012 at Page (19) and (20).

- (b) It is submitted in view of the findings referred to herein at Paragraphs (1), (2) and (3), the total cessation of eel fishing, the closure of the market in the State, its direct impact on the livelihood, income and way of life of the eel fishermen for upwards of 90 years (SSCE Report) and in circumstances where the ICES is unable to evaluate whether the overall performance of national management plans are in accordance with EU Regulations (ICES Advice on Eel – 2010, Page 171 at para 10.3) the State, on behalf of the former commercial eel fishermen should seek an amendment to the EU Regulation 1100/2007 in its First Report to the Commission under Article (9) so that provision is made to compensate Irish commercial eel fishermen to ensure their continued compliance with the EU Regulation in the circumstances more particularly where the fishery has been closed for an indefinite period of time.

In this regard it is repeated as heretofore that not only should eel recovery measures be effective but they must also be equitable.

(c) It is submitted that the measure taken to effect a total cessation of eel fishing for a projected 90 years is proportionally of greater effect in the achievement of the purpose of Regulation 1100/2007 (Act 2 (4)) than any one or all three of the main measures taken under EMP i.e.

- Mitigation of impact of hydropower, including a comprehensive trap and transport plan to be funded by the ESB;
- Ensure upstream migration of juvenile eel at barriers;
- Improvement of water quality.

In this regard, it is repeated as heretofore that not only should eel recovery measures be effective but they must also be equitable.

(d) It is submitted that no inclusive And / or complete measures in respect of Diversity of the Fishery programmes as asserted at Page (48) para 4 (1) of "IEMPI" Report has taken place. It is submitted that the vast majority of former commercial eel fishermen have been excluded from the limited diversification programmes. It is further submitted that a more inclusive and larger diversification programme should be included in the States First Report to the European Commission after engagement with former commercial eel fishermen. In this regard it is repeated as hereinbefore that not only should eel recovery measures be effective but they must also be equitable.

- (e) It is submitted, that all of the Reports to date have referred correctly to the former eel fishermen as “commercial” eel fishermen who worked “commercial” fishery. Having due regard to Paragraphs (1), (2) and (3) herein it is submitted that the former commercial eel fishermen have a legitimate expectation to be compensated for their loss and if needs be the State in its First Report under Article (9) of the RU Regulation should seek an amendment to have provisions made for adequate compensation from EU Fisheries Fund.
- (f) It is submitted that the fact that no provision was made by the State to provide a Scheme of Compensation to recompense former Irish Commercial eel fishermen for their loss of livelihood on the introduction of Bye laws 858/2009 and CS 303 of 2009 in compliance with EU Council Regulation 1100/2007 in furtherance of the States National Eel Management Plan (2008) as contrary to the policies and aims of EU Council Regulation 1100/2007 and as amended the aforesaid EU Regulation establishes machinery for the carrying out of these policies and aims.
- (g) It is submitted that it was not the aim or policy of the Community Rules to deprive former commercial eel fishermen of compensation where their fundamental rights have been severely impacted upon. The actions / omissions of the Irish / Member State in not compensating the eel fishermen in the circumstances are, it is submitted, incompatible with the Convention of Human Rights and Fundamental Freedom 2002. In these circumstances it is incumbent on the State to provide a Scheme of Compensation and to seek an amendment to Regulation 1100/2007 in its First Report to the Commission to have provision made for adequate compensation from the European Fisheries Fund.

(4)

Reed

25/6/2012

INLAND FISHERIES IRL,
EEL SUBMISSIONS BOARD,
DEAR MEMBERS,

I WISH TO PUT SOME PROPOSALS TO YOUR BOARD FOR CONSIDERATION. I HAVE READ THROUGH YOUR 3 REPORTS AND ATTENDED THE CONSULTATION MEETING IN CHONMEL. I WOULD HAVE TO AGREE A LOT OF DILIGENT WORK WENT INTO THE REPORTS OUTLINING THE DECLINE IN THE EEL STOCK. THERE WAS NO CONCERN SHOWN IN THE REPORTS OF THE FISHERMEN WHOM WERE AFFECTED BY THE ~~CLOS~~ WITHDRAWAL OF THE FISHERY, ESPECIALLY, WHEN THE EEL FISHING CONTINUED IN OTHER EUROPEAN COUNTRIES. MY SUBMISSIONS ARE AS FOLLOWS.

1. IN THE INTEREST OF FAIRNESS TO IRISH EEL FISHERMEN, IRELAND SHOULD APPLY THE SAME RESTRICTION AS PER EU DIRECTIVE, IE 40% ESCAPEMENT.

(*)
HERE

2. IF THE EEL FISHERY IS NOT TO RE-OPEN ON A COMMERCIAL BASIS, THEN AN INTENSIVE RE-STOCKING PROGRAMME SHOULD BE ORGANISED, USING THE EXPERTISE OF THE EEL FISHERMEN WHO.

→

HAVE THE EQUIPMENT AND THE KNOWLEDGE OF THEIR FISHERY, TO TAKE SMALL EEL FROM ESTUARIES TO UPPER RIVERS & LAKES.

(SHANNON ESTUARY)

3. I WAS A PARTICIPANT IN THE CLASS EEL RE-STOCKING SCHEME WHICH ALSO CLOSED IN 2009. THIS SHOULD RE-OPEN AND THE CLASS EEL'S BE TRANSFERRED TO SMALL LAKES WHICH ARE IDENTIFIED AS DISEASE FREE.

4. I ALSO FISHED FOR YELLOW EELS IN THE SHANNON ESTUARY, AT THE TIME OF THE BAN THE EEL'S STOCK THERE WERE IN HEALTHY STATE, IT IS A DIFFICULT PLACE TO FISH FOR WITH FYKE NETS, BUT GOOD CATCHES WERE TO ^{BE} HAD IF YOU PUT IN THE EFFORT. THE EEL STOCK ARE THERE, BECAUSE THERE NO COMMERCIAL FISHERY, AND FROM MY EXPERIENCE FROM CLASS EEL FISHING THERE, IS THAT CLASS EEL'S WILL ONLY MOVE UP THE RIVERS WHEN THE WEATHER + WATER TEMPERATURE (ABOVE 10°C) IS RIGHT. OTHERWISE THEY REMAIN IN THE ESTUARY, AND THEY ONLY RUN FROM FEBRUARY TO MID-APRIL. I PROPOSE THAT SOME OF THIS STOCK OF EELS BE TRAPPED AND TRANSPORTED FROM THE ESTUARY TO THE SAFETY OF THE LAKES OF

THE UPPER SHANNON, THERE THEY WOULD BE FEWER PREDATORS, PLUS WHILE IN THE ESTUARY, THERE IS THE RISK OF AN INDUSTRIAL OR SHIPPING ACCIDENT RESULTING IN A TOXIC DISCHARGE INTO THE ESTUARY. THIS COULD BE INCLUDED IN THE ESB RESTOCKING COMMITMENT

5. IF THE EEL FISHERY IS TO REMAIN CLOSED, THE FISHERMEN WHO SOME HAVE ALLREADY LOST THE SALMON AND BASS FISHERY, SHOULD BE GIVEN THE CHANCE TO DIVERSIFY TO OTHER SPECIES LIKE GREEN CRAB SHRIMP, ETC. THE PROBLEM HERE IS, WHEN THE CLOSURE OCCURED I SAID TO THIS FORM OF DIVERSIFICATION, HOWEVER TO FISH IN THE SAME AREA OF THE SHANNON ESTUARY, I WOULD NEED TO ~~EAT~~ ^{NEED} A CODE OF PRACTICE ITEMS, ALSO I WOULD ^{NEED} BUY TONNAGE AN OUTLAY OF £4-5000 I AND A LOT OF OTHER FISHERMEN COULD NOT AFFORD THAT EXPENCE. A FYKE NET LICENCE COST £99. THE AUTHORITIES SHOULD ALLOW ANY ONE WHO WISHES TO DIVERSIFY TO PAY THE SAME PRICE (£99) OR THEY SHOULD PAY FOR THE CODE OF PRACTICE AND TONNAGE AS A FORM OF COMPENSATION FOR THE DISINFRANCHISED FISHERMEN.

REGARDS,

HERBIE POWER.