

Response to the European Commission's Public Consultation on the Eel Regulation

8 March 2019

About Energy UK

Energy UK is the trade association for the GB energy industry with a membership of over 100 suppliers, generators, and stakeholders with a business interest in the production and supply of electricity and gas for domestic and business consumers. Our membership covers over 90% of both UK power generation and the energy supply market for UK homes. We represent the diverse nature of the UK's energy industry – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

Our members turn renewable energy sources as well as nuclear, gas and coal into electricity for over 27 million homes and every business in Britain. Over 680,000 people in every corner of the country rely on the sector for their jobs, with many of our members providing long-term employment as well as quality apprenticeships and training for those starting their careers. The energy industry invests over £12.5bn annually, delivers around £84bn in economic activity through its supply chain and interaction with other sectors, and pays £6bn in tax to HM Treasury.

General comments

Implementation of Appropriate Measures

The main effect on thermal power plant is through measures established in Eel Management Plans (EMPs) aimed at reducing or eliminating the potential influence of our operation on eel movement or contribution to anthropogenic sources of mortality. The energy sector in England and Wales is affected by the Eel Regulation mainly due to the provisions in Article 2, where it is stated that:

Within an Eel Management Plan, each Member State shall implement appropriate measures as soon as possible to reduce the eel mortality caused by factors outside the fishery, including hydroelectric turbines, pumps or predators, unless this is not necessary to attain the objective of the plan (Article 2, para 10)

We feel Article 2 (10) could be reviewed to usefully expand on the meaning of 'appropriate' and 'reduce' when considered in the context of multiple sources of influence on eel movement and mortality. In particular, this should assist in avoiding circumstances in which Member States may feel required to use excessively costly measures in a particular EMP area when, since European eel stocks are undifferentiated (i.e. not associated with specific geographic locations through their life cycle), a similar effect on the European eel population could be obtained much more efficiently elsewhere, or through other means. Specifically, a regulatory starting point is often exclusion from passage through an intake of all eel life stages potentially present. Whilst this may be appropriate for some intakes, for some thermal power plant (well-designed once through cooled) there is good evidence of high survivability in passage through the plant. We anticipate that consideration of 'appropriate' and the level of reduction should include the cost, benefit and uncertainty associated with measures and combinations of measures.

Eel Management Plan Areas

The long-term objective of EMPs is to permit, with high probability, the escapement of silver eel biomass to the sea of at least 40% relative to the best estimate of escapement that would have existed if no anthropogenic influences had impacted the stock. In England and Wales, EMPs were closely aligned with Water Framework Directive (WFD) River Basin Management Plan areas. This has led to difficulties associated with meeting the 40% target across all EMPs with sufficient certainty.

Further consideration is also needed regarding how the modelling of estimate escapement is applied (if it is at all). From previous work in 2013, the level of uncertainty of these escapement models was significant, particularly at smaller EMP scales. This is particularly important in the UK because of multiple small and very different EMP areas. It may promote more effective achievement of the overall objective on European Eel if some existing Eel River Basins were to be combined. It may be helpful to elaborate the process by which Member States could combine existing EMP areas if they so wished.

Effectiveness of Measures

There should be confidence that a given measure would be effective in closing the gap to the escapement target within an EMP. More dialogue between MS with regards to the implementation of Eel Regulations and the effectiveness of measures should be promoted through the regulatory framework to facilitate identification of most effective measures. The cost-efficiency and benefits of implementation measures under the Eel Regulation should be evaluated and also take into account the estimated overall costs in the Programme of Measures (PoM) under the WFD. This shall also include the ongoing generation losses and maintenance costs of measures set, including the value of lost generation during unavoidable plant closure for installation of measures.

Targets

Given the long-term nature of any potential recovery of eel populations measured by the 40% escapement target, more consideration is needed on the use of interim targets, milestones or indicators applying at appropriately defined time-scales. These are needed so that resources and time are not wasted on measures that are ineffective. They could include assessing changes achieved in the various factors potentially influencing recruitment and escapement (such as mortality) as well as in the escapement achieved. Care needs to be taken to ensure that any interim activities used are themselves worthwhile (in terms of contribution to improvement in escapement for the resources deployed).

Research and Expert Knowledge

Since Eel Regulations were established in 2007, research in this area has progressed. However, there still remain key questions regarding the lifecycle of eel. As part of the evaluation there should be a drive to close the knowledge gap by increasing integrated expertise on all scientific questions arising from the Eel Regulation, concerning eel migration, monitoring as well as appropriate indicators and ensuring that as a part of the review process a revised Eel Regulation reflects best available science.

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