

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2014**

LONDON, 12 MARCH 2014

- 1 A European Union Delegation, headed by Mr John SPENCER, and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG met in London on 12 March 2014 to consult on the regulation of fisheries in the Skagerrak in 2014. This was a continuation of previous meetings held in Bergen and Edinburgh.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2014, outlined in this Agreed Record including its Annexes.
- 3 The Delegations reiterated their determination to cooperate, in their mutual interest, in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which they are responsible.

4 Discard ban and related technical measures in the Skagerrak

- 4.1 The Delegations recalled that the Parties had agreed to introduce new technical measures including a discard ban in the Skagerrak as of 1 January 2013, and underlined that this was an important step towards more sustainable fisheries in this area, cf. the Agreed Record on the Regulation of Fisheries in Skagerrak and Kattegat for 2012 Annex III and the Agreed Record on Measures for the Implementation of a Discard Ban and Control Measures in the Skagerrak area signed 4 July 2012.
- 4.2 The EU Delegation informed the Norwegian Delegation that the legislative proposals to implement the discard ban in the Skagerrak had been discussed in the Council of Ministers and the European Parliament in parallel to the discussions on the CFP Reform. The Council of Ministers considers that the flexibility provisions agreed for the Reform should equally apply in the Skagerrak; consequently it would not be possible to implement the discard ban in exactly the form foreseen in the Agreed Record of 4 July 2012, although the objective is identical.
- 4.3 The EU Delegation clarified that the agreed technical and control measures would remain in its proposal, which should be adopted by the Council of Ministers and the European Parliament during the course of 2014.
- 4.4 The Norwegian Delegation regretted that the discard ban could not be introduced in EU waters as originally agreed between the Parties. Moreover, they informed the EU Delegation that the agreed measures had already been adopted in Norwegian regulations, and that the measures, including the discard ban, entered into force in Norwegian waters of Skagerrak as of 1 January 2013 for all vessels fishing in this area.

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4.5 The Delegations agreed that the Working Group on Management in the Skagerrak should be convened early in 2014 in order to advise the Parties on the implications of operating different discard regimes in the Skagerrak and to recommend practical solutions that would allow the continuation of cross-border fisheries. The terms of reference for the Working Group are given in Annex II.

4.6 Until a joint system has been developed, Norway will consider introducing further reporting requirements for EU vessels fishing in Norwegian waters.

4.7 The Norwegian Delegation noted that the agreement of 4 July 2012 has not been implemented by the European Union. Moreover, EU vessels did not fulfil the required exchange of ERS reporting in the Skagerrak in 2013. The Norwegian Delegation underlined that all vessels fishing in the Norwegian EEZ must report according to Norwegian regulations.

5 Monitoring, Control and Surveillance

5.1 The Delegations noted that because of significant differences in their respective control systems, a wide-ranging harmonisation between the regimes would not be feasible. Nevertheless, the Delegations recognised that there is a need to reinforce cooperation and contact between the control services, in order to increase the effectiveness of the control.

5.2 The Delegations noted that the issue of the weighing of landings of pelagic vessels is covered under the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway for 2014.

6 Access agreement for Skagerrak

6.1 The Delegations referred to the expiry in August 2012 of the Framework Agreement of 19 December 1966 between Norway, Denmark and Sweden on mutual access to fish in Skagerrak and Kattegat.

6.2 The Delegations noted that negotiations on a new agreement to replace the 1966 Agreement have been completed. However, it would be necessary for the Parties to conclude their legislative procedures, and in this context, they referred to the transitional arrangements on access between the Parties.

6.3 The Delegations agreed to continue the practice of establishing a separate Agreed Record, on an annual basis, for the regulation of fisheries in the Skagerrak.

7 Total allowable catches and quotas

7.1 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in Skagerrak.

8 Cod

8.1 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2014 and agreed that the relevant provisions of section 5.4 are equally applicable to the Skagerrak.



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9 Haddock

- 9.1 The Delegations noted that haddock is taken as both in directed human consumption fisheries and as by-catches in the industrial fisheries. The Parties shall, during the annual consultations, communicate catch statistics (covering 2013 and preliminary statistics for 2014) on catches taken in the directed fisheries and estimates for by-catches in the industrial fisheries.
- 9.2 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2014 and agreed that the relevant provisions of section 5.5 of that Agreed Record are equally applicable to the Skagerrak.

10 Quota flexibility provisions for cod and haddock

- 10.1 The EU Delegation, given that the stocks of haddock and cod were the same biological stocks in both the Skagerrak and the North Sea, proposed that quota flexibility provisions be introduced for 2014 whereby up to 10% of the Skagerrak quotas for cod and haddock may be fished in the North Sea, and that an equivalent tonnage of the respective North Sea quotas may be fished in the Skagerrak.
- 10.2 The Norwegian Delegation responded that more time was needed to study this proposal.

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- 10.3 The Delegations agreed that the matter be referred to Working Group on Management in the Skagerrak for evaluation.

11 Shrimp

- 11.1 In respect of the shrimp stock, the Delegations took note of the ICES advice for 2014 regarding Divisions IIIa and IVa East, and agreed on a total allowable catch level of 9,500 tonnes in this area.
- 11.2 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 10.1 a quota for shrimp for Division IVa East of 2,850 tonnes.
- 11.3 The Delegations agreed to start developing a management plan for shrimp. The Norwegian Delegation will host a meeting on this topic in 2014.

12 Herring

- 12.1 The Delegations noted that the Working Group on management measures for herring in the Skagerrak and Kattegat met in Bergen on 19 and 20 June 2013. This Working Group provided a number of options for a methodology to set a TAC for herring in this area that is consistent with maximum sustainable yield.
- 12.2 The Delegations agreed to a management strategy corresponding to option B as defined in the report of the Working Group, with a human consumption TAC for herring in the Skagerrak and Kattegat based on 41% of the ICES MSY advice for Western Baltic Spring Spawners plus 3.5% of the TAC for North Sea Autumn Spawners that results from the application of the management plan. The

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Parties will meet in 2014 in order to review the parameters in the management strategy.

However, in the interests of stability, the Delegations agreed that the application of this management strategy should be associated with a TAC constraint of +/- 15%.

This results in a TAC in the Skagerrak and Kattegat of 46,750 tonnes for 2014. The Delegations agreed that for the quotas established for herring in the Skagerrak and Kattegat areas, Norway would be able to fish 50% of its quota in the North Sea in the Norwegian Economic Zone and the European Union would be able to fish 50% of its quota in European Union waters of ICES Area IV.

12.3 The Delegations agreed to submit a request to evaluate a proposed management strategy on this TAC setting procedure for herring in IIIa (Annex III).

12.4 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2014.

12.5 The Norwegian Delegation expressed their concern that juvenile herring is taken as by-catch in the small-meshed fishery. This is yet more serious in light of the poor recruitment to this stock the last decade. Therefore, the Norwegian Delegation urged the EU Delegation to phase out the fishery for juvenile herring.

12.6 The EU Delegation considered that the fishing mortality on juveniles represents a very small proportion of the natural mortality rate, and was therefore of no significance.

13 Plaice

13.1 The Delegations noted the options for an interim management strategy for plaice, which were considered by ICES as potentially forming the basis of a harvest control rule.

The Delegations agreed to set the TAC for plaice in the Skagerrak based on this strategy, which consists of comparing the difference in the SSB by using a combined North Sea and Skagerrak assessment, and that using an assessment for the North Sea only. This results in a TAC for 2014 of 10,056 tonnes.

13.2 The Delegations agreed to review this strategy in the light of the next benchmark assessment of the stock.

14 Sprat

14.1 The Delegations agreed to reduce the TAC for 2014 by 20%, resulting in a TAC of 33,280 tonnes.

14.2 Based on scientific information regarding the prevailing abundance of herring in relation to sprat in the Skagerrak and Kattegat, the Delegations agreed that it would be impractical to apply in 2014 the provisions in the Agreement of 4 May 1982 relating to by-catch and minimum size of herring in the sprat fishery.

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15 Technical measures

15.1 The Delegations agreed that it would be appropriate to consider alternatives to the technical measures given in Annex III of the Agreed Record on the Regulation of Fisheries in Skagerrak and Kattegat for 2012, if any new information demonstrates that these alternatives are as effective in terms of selectivity.

15.2 Fishing with beam-trawls for vessels with engines above 221kw is prohibited in an area inside 12 nautical miles from the coast between Hirtshals lighthouse to Hanstholm.

16 Catch statistics


16.1 The Delegations agreed to communicate to each other, on a monthly basis, catch statistics for fishing by their own vessels for the species referred to in Annex I. This monthly information shall be communicated not later than the end of the following month.

17 Quota arrangements

17.1 The Delegations agreed that the negotiated quota arrangements constitute an ad hoc solution and shall be without prejudice to future fishery arrangements between the Parties.

London, 12 March 2014

For the European Union Delegation


John SPENCER

For the Norwegian Delegation


Ann Kristin WESTBERG

TACS AND ALLOCATIONS IN 2014

Catches taken, during the period 1 January to 31 December 2014 in the Skagerrak and the Kattegat of the species mentioned below, shall be limited as follows (metric tonnes, fresh round weight):

SPECIES	AREA ⁽¹⁾	TAC 2014	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	3,972 ⁽⁵⁾	129 ⁽²⁾	3,843
HADDOCK ⁽³⁾	S + K	2,355	99	2,256
WHITING	S + K	1,050	19	1,031
PLAICE	S	10,056	201	9,855
MACKEREL	S + K	pm	pm ⁽⁴⁾	pm
SHRIMPS	S	6,650	3,099	3,551
HERRING	S + K	46,750	6,235	40,515
SPRAT	S + K	33,280	2,496	30,784
OTHERS	S + K	10,000		

- (1) Skagerrak (S): the area bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse. Skagerrak and Kattegat (S + K): the area defined as Skagerrak, extended to the southern boundary of Kattegat, and defined as a straight line from Hasenøre to Gnibens spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen.
- (2) This quantity does not include catches to be taken with passive gear inside the Norwegian baselines.
- (3) The TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.
- (4) A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet.
- (5) An additional amount of 477 tonnes is available to the Parties (Norway: 15 tonnes, EU: 462 tonnes) under point 8 of this Agreed Record.

**TERMS OF REFERENCE FOR THE
WORKING GROUP ON MANAGEMENT IN THE SKAGERRAK**

The Working Group shall:

- Assess the implications of differing management regimes between the EU and Norway and recommend practical arrangements that would allow the continuation of cross border fisheries under the different regimes;
- Provide options on how to address “other species” quotas in the Skagerrak taking into account, *inter alia*, the requirement for adequate quota coverage for all species; the differences in the lists of species that are under specific quota management in EU waters and Norwegian waters; the need for efficient and controllable catch reporting and quota management; and any other relevant issues;
- Assess the practical implications of provisions that would allow up to 10% of the Skagerrak quotas for cod and haddock to be fished in the North Sea, and equivalent tonnages of the North Sea quotas for those species to be fished in the Skagerrak. This assessment should give particular consideration to any potential distortions of traditional fishing patterns between fleet segments, and should assume that in the case of haddock an inter-annual quota flexibility of +/- 10% would be applied concurrently; and
- Review and if necessary update the figures in the report of the EU-Norway technical working group on management measures for herring in IIIa from September 2013, and in particular evaluate how the catches taken in the North Sea under the provision for flexibility can be accounted for.

The Working Group shall meet, if necessary on separate occasions, to address different items in these Terms of Reference, before the end of September 2014. It is requested to give its recommendations to the Parties before November 2014.



REQUEST TO ICES ON HERRING IN AREA IIIA

ICES is requested to evaluate a proposed management strategy for the TAC setting procedure for herring in IIIa that is part of the Agreed Records of the EU-NOR bilateral consultations in 2014.

The management strategy aims at ensuring a long-term sustainable exploitation of this resource. It covers all catches of herring in the directed fishery in the area (C-fleet).

The European Union and Norway request ICES to evaluate the outcome of implementing the strategy on the stock of Western Baltic Spring Spawning herring, with particular reference to:

- the probability of the fishing mortality being at or below F_{msy} year-on-year
- ~~future yields on a 5, 10 and 20 year basis~~
- the probability of the spawning biomass falling below B_{lim} and $B_{trigger}$ in the medium term.

