

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN  
THE EUROPEAN UNION AND NORWAY FOR 2013**

**CLONAKILTY, 18 JANUARY 2013**

- 1 A European Union Delegation, headed by Mr John SPENCER, and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, met in Clonakilty from 15 to 18 January 2013 to consult on mutual fisheries relations for 2013. The meeting was a continuation of meetings held in Brussels and Bergen.
- 2 The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2013 as outlined in this Agreed Record including Annexes I to XVIII and Tables 1 to 4.
- 3 The Delegations stated that the implementation of this Agreed Record of Conclusions is contingent on a parallel and simultaneous implementation of the provisions of the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on the Management of Mackerel in the North-East Atlantic signed in Brussels on 26 January 2010.
- 4 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.
- 5 **JOINTLY MANAGED STOCKS**
  - 5.1 The Delegations agreed to continue to work to improve the exploitation pattern and reduce discards through the use of technical measures to improve the selectivity of fishing gear, closed seasons and areas as well as any other appropriate measures. They acknowledged the usefulness of harmonised technical measures, noting that the aim of such measures should be to have compatibility of fishing gear leading to the best possible selectivity achieved by the best possible means.
  - 5.2 Demersal fisheries in the North Sea include mixed fisheries that to a large extent exploit jointly managed stocks. The Delegations agreed that the stocks in the poorest condition, particularly those, which suffer from reduced reproductive capacity, are the overriding concern for the management of mixed fisheries where joint stocks are exploited either as a targeted species or as a by-catch.
  - 5.3 **Long-term management plans**
    - 5.3.1 The Delegations reaffirmed their commitment to manage the jointly managed stocks in accordance with the long-term management plans as set out in Annexes I to V.



5.3.2 The Delegations noted that ICES provided provisional mixed fisheries advice for 2013 alongside its single stock advice. The Delegations agreed that under certain conditions the development of multi-species long-term management plans for mixed fisheries could lead to more effective management. The Delegations recognised that this approach needs further considerations from both Parties.

5.3.3 The Delegations noted that a seminar on long-term management plans was convened in 2012 and agreed that the seminar had given all stakeholders the possibility of influencing the process of developing the long-term management plans for fish stocks in the North Sea, and that the involvement of stakeholders in these discussions contributed to a better mutual understanding of priorities and balancing of risks. Furthermore, the Delegations noted that ICES had provided evaluations on different options to revise the long-term management plans for saithe and herring.

5.3.4 The Delegations noted that the long-term management plan for haddock will expire in 2013 and agreed to request ICES, as set out in Annex VIII, to consider if the plan still is considered to be in accordance with a precautionary approach, including advice on inter-annual flexibility.

5.3.5 The Delegations agreed to consult in 2013 on the establishment of a new jointly agreed long-term management plan for North Sea plaice.

#### 5.4 Cod

5.4.1 The Delegations noted that according to the latest ICES assessment the fishing mortality on cod is slowly decreasing, but at a much slower rate than that intended by the plan. It was also noted that the spawning biomass in 2012 remains below  $B_{lim}$ , but that it has been increasing and is predicted to be above  $B_{lim}$  in 2013.

5.4.2 The Delegations noted that the cod avoidance measures implemented since 2009 have led to reduced discard rates in 2011. However, the Delegations expressed their concern at the high estimates of unaccounted removals and the possible effects these could have on the effectiveness of the management plan in reducing fishing mortality.

5.4.3 The Norwegian Delegation considers that the high discard level is the major reason behind the poor performance of the management plan for cod. Therefore effective discard reducing measures are urgently needed.

5.4.4 The EU Delegation noted that applying the harvest control rules of the agreed management plan for cod would result in a 20% decrease in the TAC in 2013 compared to 2012. This would represent a 46% reduction in fishing mortality at a time when the cod stock is increasing and the TACs of the species associated with cod, in particular saithe, haddock and whiting, will be substantially increased. It was further noted that the ICES response to the joint EU-Norway request on subject confirmed that the likely result of reducing the cod TAC in these circumstances would be an increase in discards rather than a reduction in total catches.

- 5.4.5 The Norwegian delegation would have preferred to follow the management plan, but in light of the current circumstances as described in the above paragraph, agreed that deviation from the plan was warranted.
- 5.4.6 In view of this, the Delegations agreed that the cod TAC for 2013 should be fixed at the same level as the TAC in 2012. The Delegations agreed to a modification of the plan to allow the setting of TAC levels that deviate from those indicated by the harvest control rules when this is justified by scientific advice. The revised plan is shown in Annex I.
- 5.4.7 The Delegations considered that this adjustment was an interim measure only, and highlighted the necessity to modify the management plan. To this end they agreed upon the joint EU-Norway request to ICES on the performance of alternative harvest control rules, as shown in Annex IX. The aim is to have a new management plan operational from 2014.
- 5.4.8 The EU Delegation considered that the trials on fully documented fisheries represented an important initiative that facilitates the introduction of a discard ban in the EU in the near future. The trials have already demonstrated behavioural changes in fishing practices that contribute to the reduction of discards and a diminution of fishing mortality. The EU Delegation proposed that the trials should be continued in 2013.
- 5.4.9 The Norwegian Delegation noted the preliminary results from the trials. Furthermore, it was noted that not all of the Member States taking part in the trials had required the vessels to retain all catches of cod on board the vessels, as agreed for 2011 and 2012. It is the view of the Norwegian Delegation that the trials do not give sufficient evidence on full documentation of the fishery and should therefore only be considered as a supplement to other control measures. Furthermore, the objective of behavioural changes can be achieved by introducing a discard ban and associated measures, and quota bonuses should be within the TAC. However, in light of the efforts made, notably in the proposal of the reform of the CFP to ban discarding, the Norwegian Delegation could accept a continuation of the EU trials in 2013.
- 5.4.10 On this basis, the Delegations agreed that an additional 12 % would be added to the Norwegian quota for cod in the North Sea and Skagerrak in 2013. Furthermore, the Delegations agreed that an additional 12 % is made available to the EU Member States share of the cod TAC in order to facilitate the continuation of the trials.

## 5.5 Haddock

- 5.5.1 The Delegations agreed that the TAC for haddock should be fixed in accordance with the agreed long-term management plan. This would result in a TAC increase of 15% in 2013 compared with 2012.
- 5.5.2 The Delegations agreed that the system of inter-annual quota flexibility on this stock, as set out in Annex X, introduced by the Parties on a trial basis with effect from 1 January 2009, should continue in 2013. The system should be evaluated no later than 31 December 2013.

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## 5.6 Saithe

- 5.6.1 The Delegations noted that the SSB in 2012 is estimated to be 30% higher than estimated in 2011, with fishing mortality in 2010 estimated to be 25% lower than indicated in the last assessment. Fishing mortality is now estimated to be below  $F_{msy}$  and SSB is above  $B_{pa}$ .
- 5.6.2 The Delegation noted that the response from ICES to the joint EU-Norway request on possible changes to the TAC stability mechanism of the agreed management plan does not provide any compelling reason to change the current plan. The Delegations agreed that the TAC for saithe should be fixed in accordance with the agreed long-term management plan. This would result in a TAC increase of 15 % in 2013 compared with 2012.
- 5.6.3 The EU Delegation informed Norway of its intention of ensuring consistency between the TACs that are set for saithe in ICES Division VIa and saithe in ICES Subarea IV and Division IIIa. The EU Delegation informed Norway of its intention to fix a quota for saithe for Division VIa of 9,464 tonnes.

## 5.7 Whiting

- 5.7.1 The Delegations noted that ICES no longer considers that the target fishing mortality of the agreed long-term management plan is appropriate and therefore needs to be revised. In view of this, the Delegations agreed to follow the ICES advice that the TAC should be fixed in accordance with the precautionary approach. This would represent a TAC increase of 11% in 2013 compared to the TAC in 2012.
- 5.7.2 The Delegations agreed to request ICES, as set out in Annex XI, to provide a revised parameterisation of the plan such that it achieves the objective of sustainable fisheries with high and stable yields in conformity with the precautionary approach.

## 5.8 Plaice

- 5.8.1 The Delegations noted that the stock of plaice in the North Sea was now at its highest recorded level and that fishing mortality was well below  $F_{msy}$ .
- 5.8.2 The EU Delegation proposed that a system of inter-annual quota flexibility be agreed for this stock with effect from 1 January 2013. The Norwegian Delegation did not agree with this approach.
- 5.8.3 The EU Delegation stated its intention of seeking advice from ICES in early 2013 on inter-annual flexibility for the plaice fishery.
- 5.8.4 The Delegations agreed to establish a TAC of 90,070 tonnes for 2013, which represents a 15% increase compared to 2012.

## 5.9 Herring

- 5.9.1 The Delegations noted that ICES in its response to the request on the revision of the long term management plan for the North Sea herring, presented

five operational scenarios, representing the highest average yield under the options specified in the request whilst being precautionary (<5% risk) and with an acceptable inter-annual variation in TAC.

5.9.2 Noting that ICES had not fully evaluated the preferred option of either Party, in order to allow the Parties to adopt a revised plan, the Delegations agreed to a further joint request to ICES to undertake those evaluations with respect to yield, stability and risk, with and without a provision of an inter-annual quota flexibility of +/- 10% (Annex XII).

5.9.3 In the meantime, the Delegations agreed to an ad-hoc increase in the TAC of 18% for 2013. This is well within the range of TAC values that would result from the application of the options that ICES considered precautionary.

5.9.4 The Delegations concluded that the by-catches of herring in other fisheries would be limited to 14,400 tonnes in 2013; this quota will be allocated to the EU.

5.9.5 The Norwegian Delegation stated that this type of arrangement is an anomaly and should be revised with a view to being phased out.

5.9.6 The Delegations agreed to adopt a revised long-term management plan from 2014 onwards.

## **6 OTHER JOINT STOCKS (NOT JOINTLY MANAGED)**

6.1 The Delegations noted the previous joint work undertaken on sandeel, Norway pout, anglerfish and horse mackerel in the North Sea and Skagerrak. They acknowledged that additional work is required before the Parties can take any decisions on allocation.

6.2 The Norwegian Delegation suggested that the Parties should meet to discuss the sharing and management of the other joint stocks and regretted the lack of interest of the EU.

### **6.3 Sandeel**

6.3.1 The Norwegian Delegation informed the EU Delegation that Norway will continue the existing management regime for sandeel. This approach is based on spatial management of the stock in order to prevent local depletion in the Norwegian Economic Zone.

6.3.2 In view of the difficulties created by the drastic reduction in the TAC in mid-2012 from the provisional level fixed from 1 January, the EU Delegation informed the Norwegian Delegation that the EU would not fix a provisional catch limit from 1 January 2013. Instead, the TAC for 2013 will be fixed on the basis of the results of the dredge surveys carried out during the first quarter of 2013. The EU Delegation stated its intention of complementing the overall TAC limitation with catch limitations in each of the seven management areas in line with ICES scientific advice.

#### 6.4 Anglerfish

- 6.4.1 The Delegations took note of the ICES advice for 2013 stating that catches of anglerfish should be reduced by 20% in relation to the average over the last three years. They agreed that management should ensure the improvement of the exploitation pattern, through, *inter alia*, increased minimum mesh sizes, reduced discards, protection of juveniles and appropriate measures to counter ghost fishing. The Delegations recognised the need for improved scientific knowledge of the stock and enhanced scientific co-operation.
- 6.4.2 The Norwegian Delegation expressed its concern about the substantial and unsustainable trawl fishery on small anglerfish and declared the intention of Norway to continue to reduce this fishery.

#### 6.5 Horse Mackerel

- 6.5.1 The Norwegian Delegation noted that the EU is in the process of establishing a long-term management plan for the joint stock of horse mackerel. The Norwegian Delegation stated that ideally the Parties should try to develop joint long-term management plans for joint stocks. In the absence of a joint long-term management plan Norway would also for 2013 establish regulatory measures for this stock in the Norwegian Economic Zone.
- 6.5.2 The EU Delegation stated that it would continue to manage the horse mackerel stock in accordance with scientific advice.

#### 6.6 Norway pout

- 6.6.1 The Delegations welcomed the ICES response to the joint request on the evaluation of management models with the objective of achieving stable TACs keeping the stock within safe biological limits. They noted that any of the options proposed could be considered precautionary, provided that the conditions and TAC limitations described by ICES were respected.
- 6.6.2 Given the large changes in the advice from June to October, the EU Delegation outlined its wish to explore the possibility of changing the TAC year for Norway pout to 1 November – 31 October. This would allow the TAC to be set on the best available, and obviate the need for a mid-year review. The EU will request ICES to evaluate whether a management strategy based on a TAC fixed on 1 November and applicable until 31 October without revision could be precautionary.
- 6.6.3 The EU Delegation informed the Norwegian Delegation that, in the light of the ICES advice, catches of up to 393,000 tonnes in 2013 would be consistent with the precautionary approach and consequently, the Union had fixed its fishing possibilities consistent with a TAC level of 250,000 tonnes resulting in an EU quota of 187,500 tonnes for 2013.
- 6.6.4 The Norwegian Delegation informed the EU Delegation that Norway intends to establish a quota of 137,000 tonnes for 2013.
- 6.6.5 The Norwegian Delegation stated that they would have preferred a joint

management plan between the Parties based on the recommendation from ICES, with the TAC being set within a range of minimum 27,000 tonnes and maximum 100,000 tonnes, as this would achieve stable TACs and at the same time keep the stock within safe biological limits. The Norwegian Delegation regretted that EU did not show interest in discussing a joint management approach at this junction.

## **7 EXCHANGE OF FISHING POSSIBILITIES**

### **7.1 Outstanding Debts**

- 7.1.1 The Delegations agreed that by virtue of these fishing arrangements for 2013, all outstanding debts between the Parties are cancelled.

### **7.2 Redfish in the Norwegian Economic Zone**

- 7.2.1 The Delegations noted that ICES for 2013 advises on the basis of the MSY approach that a commercial fishery can operate on *Sebastes mentella* in ICES Subareas I and II, given that the total catch level, including by-catches and discards, does not exceed 47,000 tonnes.
- 7.2.2 The Delegations referred to the enlargement of the European Union in 1986 and to the commitment made by Norway to facilitate this enlargement under the terms of the Agreement in the form of an Exchange of Letters signed at Oporto on 2 May 1992, which includes an allocation to the EU of 1,500 tonnes of redfish north of 62°N outside the balance of the bilateral fisheries agreement.
- 7.2.3 The Norwegian Delegation informed the EU Delegation that the Joint Norwegian Russian Fisheries Commission has agreed that in waters under these Parties fisheries jurisdiction, no directed fishery would be allowed.
- 7.2.4 Against this background, the EU accepted that as an *ad hoc* measure for 2013, its fishing possibilities for redfish should be limited only to by-catches.

### **7.3 Sandeel in the Norwegian Economic Zone and EU waters**

- 7.3.1 Should the TAC established by the EU be 200,000 tonnes or above, consideration shall be given to granting Norway 10% of this TAC. In the event of such a transfer, Norway shall make available an equivalent quantity of Arcto-Norwegian cod and Arcto-Norwegian haddock in ICES Areas I and II of the Norwegian Zone in the same proportions as in the exchange of fishing possibilities for 2013 contained in this Agreed Record. The Delegations agreed that this exchange should be completed before 15 May 2013.

### **7.4 Cod in Greenland waters**

- 7.4.1 The Delegations noted that Greenlandic regulations previously made it impossible for Norwegian fishermen to utilise the quota of 500 tonnes of cod in Greenlandic waters that were to be transferred to Norway from the EU in 2010. The Delegations therefore agreed that an additional quantity of 500 tonnes of cod above the normal balance will be made available to Norway when it again is possible and feasible for Norwegian vessels to fish this quota under Greenlandic regulations.

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7.4.2 The Norwegian Delegation noted that the Greenlandic regulations have been amended and that it would be possible to utilise the quota of 500 tonnes of cod in Greenlandic waters in 2013 and informed the EU Delegation that Norwegian vessels would utilise it in 2013.

7.4.3 The EU Delegation agreed that a quantity of 500 tonnes of cod above the normal balance will be made available to Norway in Greenlandic waters in 2013.

#### **7.5 Others quota**

7.5.1 The Norwegian Delegation informed the EU Delegation that Norway will consider the management of hake in Norwegian waters, which might require the extraction of hake from the Others quota for 2014.

### **8 EXPLORATORY FISHERIES**

8.1 The EU Delegation expressed the interest of some EU operators in exploring the potential of under-utilised resources evolving in Norwegian waters, such as crab and prawns. The EU Delegation invited the Norwegian authorities to examine duly motivated requests transmitted by EU operators and to issue where justified fishing authorizations for exploratory campaigns subject to the applicable conditions. The provision of existing scientific and other basic information to interested operators would be much appreciated.

8.2 The Norwegian Delegation stated that this subject is outside the scope of this Agreed Record and referred to the website of the Directorate of Fisheries for further information in this respect.

### **9 FULL UTILISATION OF QUOTAS**

9.1 The Delegations agreed that the Parties should consult in the event that the exhaustion of any quotas taken in a directed fishery or as a by-catch might prevent the full utilisation of established quotas.

### **10 CATCH INFORMATION**

10.1 Each Party shall, when appropriate and on request, inform the other Party of catches, by stock, made in its fishing zone by the vessels of the other Party, the information provided by Norway being broken down by flag.

### **11 CATCH REPORTING DISCREPANCIES**

11.1 It was noted that there is a recurring problem in relation to discrepancies between reported official catches or landings and catch statistics utilised by ICES. The discrepancies are assumed to be due to misreporting, inadequate accounting of discards, by-catches and other factors contributing to the total out-take of the stocks.

11.2 The Delegations noted that the Working Group on catch reporting and catch statistics had met twice in 2012. The Delegations recognised that the Working Group were not in the position to disclose discrepancies, on a vessel by vessel level, between the parties official catch statistics and thereafter identify the



reasons for such discrepancies, as detailed catch and activity data on vessel level for all EU vessels were not available.

11.3 The Delegations agreed that the quality of catch and activity data is decisive for efficient management measures and high quality stock assessments, and noted that the introduction of ERS should have given the Parties the opportunity to compare catch and activity data on vessel level in a more efficient manner than previously.

11.4 In this context, the Delegations agreed that a working group on catch reporting and catch statistics shall be set up during the first half of 2013. The Terms of Reference are set out in Annex XIII.

## **12 DISCARDS AND ASSOCIATED ACTIVITIES**

12.1 The Delegations recognised that discarding of fish represents a major waste of resources as well as a loss of potential income and is detrimental towards the rebuilding of fish stocks. Furthermore, they recognised that discarding implies that some catches are not recorded with the result that the scientific basis for the management decisions is weakened.

12.2 The Delegations recalled that in the Agreed Record of conclusion of Fisheries Consultation between Norway and the European Community for 2009, it was agreed to implement several measures that would contribute to a significant reduction in levels of discard. Examples of measures are a ban on high grading, technical measures to improve gear selectivity, improved control measures and the introduction of RTC systems. The Delegations stated the importance of continuing to work in order to reduce discards of all commercial species, including juveniles and undersized fish. Therefore it is important that the implementation and further development of measures agreed upon in the Agreed Record of conclusions of Fisheries Consultation between Norway and the European Community for 2009 is continued.

12.3 Taking these factors into account, the EU Delegation stated that the objective should be to minimise and, through effective regulation, eradicate discards, including the consideration of a discard ban in the context of the review of the Common Fisheries Policy to be finalised in 2013.

12.4 The Norwegian Delegation noted that the objective of substantially reducing discards in the North Sea has not been reached and urged the EU Delegation to introduce more efficient measures. Furthermore, the Norwegian Delegations stated that it is decisive for sustainable management of stocks in the North Sea, that all catches are landed and counted against the total allowable catch (TAC) adopted by the Parties.

### **12.5 Technical Measures**

12.5.1 The Delegations agreed on the importance of technical regulations that are both practical and effective. This will strengthen the legitimacy as well as the control and enforcement aspect of the regulations.



12.5.2 The Delegations agreed to establish a Working Group on gear technology to review all available information on selection measures in fishing gears under the Terms of Reference set out in Annex XIV. The Working Group shall, with a view to harmonise technical regulations in North Sea as much as possible for each fishery identify and recommend to the Parties the most appropriate selection measures before the end of June 2013. The Working Group shall include both gear experts and industry representatives.

12.5.3 The Norwegian Delegation explained that in the Norwegian Economic Zone of the North Sea, the general minimum mesh size in the mixed fisheries with large mesh trawl and seine is 120 mm. There are no exemptions from this rule. This has not created significant problems for the fishing operations. Therefore, it is the Norwegian position that the minimum mesh size in the mixed fisheries with large mesh trawl and seine in the North Sea should be 120 mm, with few and limited exemptions.

## 12.6 Real Time Closures

12.6.1 The Norwegian Delegation informed the EU Delegation that a regime for Real Time Closures (RTC) in the North Sea and Skagerrak was adopted on 9 February 2012. After the adoption and notification of the amended regulation, the Norwegian Coast Guard has conducted more than 40 RTC samplings resulting in one closed area in the North Sea. The arrangement for precautionary areas remains in place.

12.6.2 The EU Delegation recalled its commitment to inform Norway on the operation of the RTC system. In 2011, the EU had varied the main parameters of the RTC system, in particular by reducing the trigger level expressed as percentage of weight from 15 % to 10 % and by reducing the estimated minimum presence in the haul from 300 kg to 200 kg. There were 17 closures in 2012, compared to 39 closures in 2011 and to 10 closures in 2010.

12.6.3 The Delegations consider that it is of great importance to continue the RTC systems to protect small fish and juveniles, and furthermore that they will continue to share information on the operation of the RTC systems.

## 13 CONTROL AND ENFORCEMENT

### 13.1 Port State control

13.1.1 The Delegations took note of the state of play within NEAFC in respect of aligning the NEAFC Scheme of Control and Enforcement with the *FAO Agreement on Port State measures to prevent, deter and eliminate IUU fishing* (FAO PSMA). During 2013 the NEAFC Ad hoc Working Group on Port State Control (AHWGpsc) will further examine the implications that the FAO Agreement may have on the Port State measures in the NEAFC Scheme and prepare the necessary amendments to the NEAFC Scheme for the Annual Meeting in November 2013.

### 13.2 Control measures for pelagic fisheries

13.2.1 The Delegations agreed that it was of great importance to follow up the



implementation of the measures agreed between the European Community, the Faroe Islands and Norway on 1 July 2009 regarding control measures in the fisheries for pelagic species (mackerel, herring and horse mackerel), which came into force from 1 January 2010. The measures agreed are set down in Annex XV.

13.2.2 The Delegations noted that the measures agreed for the weighing and inspection of landings of mackerel, herring and horse mackerel adopted in 2004 (Annex XVI) have been implemented along with the harmonised methodology for conducting full inspections. The introduction of these measures has improved control and the Delegations believe that the level of underreporting due to undeclared landings has been significantly reduced.

13.2.3 The EU Delegation informed the Norwegian Delegation that during 2011-2012 the European Union has carried out a specific control and inspection programme for pelagic fisheries in western waters. A new programme for the period 2013-2015 that will rely on risk-management strategies is under preparation.

### **13.3 Landings of white fish**

13.3.1 Given the state of certain stocks in the North Sea, the Delegations agreed that there is a need to keep the situation with regard to control measures and cooperation under review.

13.3.2 The EU Delegation informed the Norwegian Delegation that a specific control and inspection program for cod in the North Sea and adjacent waters is in place in the EU.

### **13.4 Exchange of information and inspectors**

13.4.1 The Delegations agreed that cooperation should be continued between the inspections services of both Parties, in particular through involvement of Norwegian inspection services in the operation of specific control and inspection programmes through bilateral contact between competent control authorities.

13.4.2 The Delegations agreed that the Parties should continue to exchange officials as observers in relation to control and enforcement. They agreed that officials may accompany inspectors from the other Party on missions related to the implementation of measures agreed in this Agreement. The Delegations also agreed to continue the exchange of information on landings by vessels of either Party and landings by third country vessels in the respective ports of the Parties.

13.4.3 The Delegations recalled that Joint Operational Seminars were held by Norway and the EU in 2010 and 2011. The Delegations agreed that these seminars had contributed to improve the cooperation on an operative level regarding monitoring, control and surveillance at sea. The Delegations also found the seminars to be beneficial when it comes to establishing best practice by exchanging experience on these issues. Therefore, the Delegations agreed to convene a follow-up seminar on operational level in 2013. Faroe Islands, Iceland and the Russian Federation should be invited to take part in such a seminar.

13.4.4 Furthermore, the Delegations agreed that the Parties should exchange

information and views regarding monitoring, control and surveillance issues of bilateral interest and agreed to facilitate meetings when appropriate.

### **13.5 Monitoring, Control and Surveillance (MCS) fact finding Working Group**

13.5.1 The Delegations recalled that a need to redefine the cooperation between the Parties regarding control issues had led to the establishment of a new Monitoring, Control and Surveillance fact finding Working Group in 2012.

13.5.2 The EU organised a meeting of the Working Group in May 2012. Experts from the Faroe Islands and Iceland were invited as well to discuss issues of common interest for these Parties. The Norwegian experts were, at short notice, unable to take part in the meeting. The experts from EU, Iceland and the Faroe Islands nevertheless decided to discuss the issues that were on the agenda, on the understanding that any conclusions from the meeting could not be binding upon Norway. The Norwegian Delegation regretted that the Norwegian experts had been unable to take part. The EU Delegation concurred.

13.5.3 The Delegations noted that during the Coastal state consultations on Mackerel in the North-East Atlantic the European Union, the Faroe Islands, Iceland, Norway and the Russian Federation agreed that a Monitoring, Control and Surveillance (MCS) fact-finding Working Group should meet before 1 April 2013 under the Terms of Reference described in Annex XVII.

### **13.6 Electronic reporting systems (ERS) and Vessel Monitoring Systems (VMS) for fishing vessels**

13.6.1 The Delegations noted that the Parties revised the Agreed Record on electronic exchange of catch and activity data 14 November 2011 and that the revisions were, with a substantial delay because of technical difficulties, implemented during 2012. Furthermore, the Delegations noted that the quality of the data was improving and that ERS has given an improved basis for management, monitoring, control and surveillance, and for statistical and scientific purposes. However, the Delegations recognized that there are still room for improving and developing ERS.

13.6.2 The Delegations agreed to inform each other about development of new business modules for the exchange of electronic data with the view to meet new reporting requirements, and to discuss whether these modules are of common interest and should be developed on a joint basis.

13.6.3 Therefore, the Delegations agreed to continue the Working Group of electronic reporting and recording experts in 2013. The Delegations agreed that the Working Group should focus on issues as set down in the Terms of Reference of the Working Group for 2013 (Annex XVIII). The Working Group should meet before 31 May 2013.

13.6.4 The Norwegian Delegation informed the EU Delegation that bilateral arrangement on exchange of electronic catch and activity data have been entered with Iceland and Russia. These agreements are in line with the electronic reporting system that Norway and EU has committed to in the Agreed Record

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between Norway and EU on electronic exchange of catch and activity data.

- 13.6.5 The EU Delegation informed the Norwegian Delegation that it would prefer to take into account international standards for ERS, in particular UN / CEFACT, when developing ERS systems.
- 13.6.6 The Delegations noted the NEAFC decision to establish an ad hoc Working Group on ERS in its Regulatory Area.
- 13.6.7 The EU Delegation informed the Norwegian Delegation that in accordance with Council Regulation 1006/2008 and 1224/2009 vessels larger than 12 meters are required to send position reports when in EU waters. The Delegations agreed to amend the Agreed Record of Conclusions between the European Community and Norway on issues related to satellite tracking of fishing vessels signed 18 December 2008, to facilitate exchange of position reports for vessels exceeding 12 metres overall length when operating in the waters under the jurisdiction of the other Party, as of 1 June 2013.

### 13.7 Licensing

- 13.7.1 The Delegations agreed to review the Licensing Agreement of 13 May 1995 during 2013.
- 13.7.2 The Delegations agreed to evaluate and as appropriate agree on changes to the electronic licensing scheme in the first half of 2013. The Delegations noted that the Directorate of Fisheries in Norway would convene an expert meeting with this objective.
- 13.7.3 The EU Delegation referred to the notification made on 4 July 2012 of a decision of the Norwegian authorities not to grant a licence for the Portuguese fishing vessel "Praia de Santa Cruz" as of 1 January 2013. The EU Delegation noted that this administrative sanction taken by the Directorate of Fisheries was in addition to financial penalties imposed by the Police in Tromsø. The Delegation sought clarification regarding the procedure for appealing against the decision of the Directorate of Fisheries not to grant a licence to fish in the Economic Zone of Norway to the Portuguese fishing vessel "Praia de Santa Cruz".
- 13.7.4 The Norwegian Delegation stated that the Norwegian authorities have the sole authority to grant licences to fish in Norwegian waters. The Delegation further noted that the Portuguese vessel "Praia de Santa Cruz" has violated regulations on fishing and hunting operations in waters under Norwegian fisheries jurisdiction repeatedly. Based on this, the Norwegian authorities have decided not to grant "Praia de Santa Cruz" licence to fish in Norwegian waters in 2013.

## 14 UNITED KINGDOM – FAROE ISLANDS SPECIAL AREA

- 14.1 With regard to Norwegian vessels fishing in the Special Area between the EU fishing zone (United Kingdom waters) and the Faroe Islands fishing zone, the following rules shall apply:

- (1) Vessels fishing in the Special Area shall comply with all relevant fishery rules established by the Party issuing a fishing licence for that vessel.



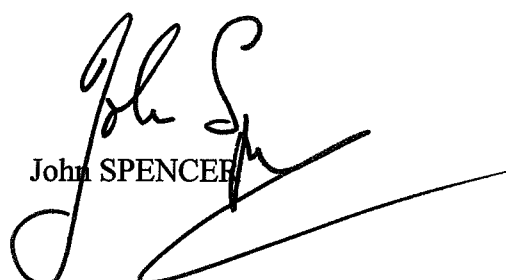
- (2) If a vessel has obtained a fishing licence from both Parties, the vessel shall report its total catches in the Special Area to both Parties. The catches shall be deducted from the quotas allocated by each Party, divided equally between them. If the quota allocated by one Party is exhausted, the catches shall be deducted from the quota allocated by the other Party.
- (3) Catches taken in the Special Area shall be registered in the logbook.
- (4) Vessels fishing in the Special Area shall be equipped with VMS and be subject to control by the Party or Parties issuing the fishing licence.

14.2 The EU Delegation, furthermore, informed Norway that a specific hail-in and hail-out system for the Special Area will be introduced as soon as possible.

14.3 The Delegations agreed to continue to examine practical solutions in regard to technical regulations in the Special Area, which are applicable to any vessel, which has obtained a fishing licence from either Party.

Clonakilty, 18 January 2013

For the European Union Delegation

  
John SPENCER

For the Norwegian Delegation

  
Ann Kristin WESTBERG

## RECOVERY AND LONG TERM MANAGEMENT PLAN FOR COD

The Plan covers an initial recovery phase as well as a long-term management phase and shall consist of the following elements.

### *Objective*

1. The Parties agree to restrict their fishing on the basis of TACs consistent with a fishing mortality rate that maximises long-term yield and maintains spawning stock biomass above  $B_{pa}$ .

### *Transitional arrangement*

2. The fishing mortality will be reduced by setting a TAC at a level not exceeding that corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75% for the TACs in 2009, 65% for the TACs in 2011, and applying successive decrements of 10% for the following years.

The transitional phase ends (and will not apply) as from the first year in which the long-term management arrangement (paragraphs 3, 4 and 6) leads to a higher TAC than the transitional arrangement.

### *Long-term management*

3. If the size of the stock on 1 January of the year prior to the year of application of the TACs is:
  - a. Above the precautionary spawning biomass level, the TACs shall correspond to a fishing mortality rate of 0.4 on appropriate age groups;
  - b. Between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs shall not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula:
 
$$0.4 - (0.2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$$
  - c. At or below the limit spawning biomass level, the TAC shall not exceed a level corresponding to a fishing mortality rate of 0.2 on appropriate age groups.
4. Notwithstanding paragraphs 2 and 3, the TAC for 2011 and subsequent years shall not be set at a level that is more than 20% below or above the TACs established in the previous year.

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5. When scientific advice indicates that the application of the rules set out in paragraphs 2 to 4 is not appropriate to meet the objectives of the plan, the Parties may, notwithstanding the above mentioned provisions, decide on an alternative TAC level.
6. Where the stock has been exploited at a fishing mortality rate close to 0.4 during three successive years, the parameters of this plan shall be reviewed on the basis of advice from ICES in order to ensure exploitation at maximum sustainable yield.
7. The TAC shall be calculated by deducting the following quantities from the total removals of cod that are advised by ICES as corresponding to the fishing mortality rates consistent with the management plan:
  - a. A quantity of fish equivalent to the expected discards of cod from the stock concerned;
  - b. A quantity corresponding to other relevant sources of cod mortality.
8. The Parties agree to adopt values for the minimum spawning biomass level (70,000 tonnes), the precautionary biomass level (150,000 tonnes) and to review these quantities as appropriate in the light of ICES advice.

***Procedure for setting TACs in data-poor circumstances***

9. If, due to a lack of sufficiently precise and representative information, it is not possible to implement the provisions in paragraphs 3 to 7, the TAC will be set according to the following procedure.
  - a. If the scientific advice recommends that the catches of cod should be reduced to the lowest possible level the TAC shall be reduced by 25% with respect to the TAC for the preceding year.
  - b. In all other cases the TAC shall be reduced by 15% with respect to the TAC for the previous year, unless the scientific advice recommends otherwise.

This plan entered into force on 1 January 2013.





## LONG-TERM MANAGEMENT PLAN FOR HADDOCK

The Parties agreed to implement a long-term management plan for the haddock stock in the North Sea and Skagerrak. The objective of the plan is to provide for sustainable fisheries with high and stable yields in conformity with the precautionary approach.

The plan shall consist of the following elements:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass greater than 100,000 tonnes ( $B_{lim}$ ).
2. For 2009 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.3 for appropriate age-groups, when the SSB in the end of the year in which the TAC is applied is estimated above 140,000 tonnes ( $B_{pa}$ ).
3. Where the rule in paragraph 2 would lead to a TAC, which deviates by more than 15 % from the TAC of the preceding year, the Parties shall establish a TAC that is no more than 15% greater or 15% less than the TAC of the preceding year.
4. Where the SSB referred to in paragraph 2 is estimated to be below  $B_{pa}$  but above  $B_{lim}$  the TAC shall not exceed a level which will result in a fishing mortality rate equal to  $0.3 - 0.2 * (B_{pa} - SSB) / (B_{pa} - B_{lim})$ . This consideration overrides paragraph 3.
5. Where the SSB referred to in paragraph 2 is estimated to be below  $B_{lim}$  the TAC shall be set at a level corresponding to a total fishing mortality rate of no more than 0.1. This consideration overrides paragraph 3.
6. In the event that ICES advises that changes are required to the precautionary reference points  $B_{pa}$  (140,000t) or  $B_{lim}$ , (100,000t) the Parties shall meet to review paragraphs 1-5.
7. In order to reduce discarding and to increase the spawning stock biomass and the yield of haddock, the Parties agreed that the exploitation pattern shall, while recalling that other demersal species are harvested in these fisheries, be improved in the light of new scientific advice from *inter alia* ICES.
8. No later than 31 December 2013, the parties shall review the arrangements in paragraphs 1 to 7 in order to ensure that they are consistent with the objective of the plan. This review shall be conducted after obtaining *inter alia* advice from ICES concerning the performance of the plan in relation to its objective.
9. This arrangement entered into force on 1 January 2009.




**LONG-TERM MANAGEMENT PLAN FOR SAITHE**

The Parties agreed to implement a long-term management plan for the saithe stock in the Skagerrak, the North Sea and west of Scotland, which is consistent with a precautionary approach and designed to provide for sustainable fisheries and high yields.

The plan shall consist of the following elements:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 106,000 tonnes ( $B_{lim}$ ).
2. Where the SSB is estimated to be above 200,000 tonnes the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.30 for appropriate age groups.
3. Where the SSB is estimated to be below 200,000 tonnes but above 106,000 tonnes, the TAC shall not exceed a level which, on the basis of a scientific evaluation by ICES, will result in a fishing mortality rate equal to  $0.30 - 0.20 \cdot (200,000 - SSB) / 94,000$ .
4. Where the SSB is estimated by the ICES to be below the minimum level of SSB of 106,000 tonnes the TAC shall be set at a level corresponding to a fishing mortality rate of no more than 0.1.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the Parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may where considered appropriate reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. A review of this arrangement shall take place no later than 31 December 2015.
8. This arrangement entered into force on 1 January 2009.



**LONG-TERM MANAGEMENT PLAN FOR HERRING  
OF NORTH SEA ORIGIN AND ALLOCATION OF CATCHES**

The Parties agreed to continue to implement the management system for North Sea herring, which entered into force on 1 January 1998 and which is consistent with a precautionary approach and designed to ensure a rational exploitation pattern and provide for stable and high yields. This system consists of the following:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 800,000 tonnes ( $B_{lim}$ ).
2. Where the SSB is estimated to be above 1.5 million tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of no more than 0.25 for 2 ringers and older and no more than 0.05 for 0 - 1 ringers.
3. Where the SSB is estimated to be below 1.5 million tonnes but above 800,000 tonnes, the Parties agree to set quotas for the direct fishery and for by-catches in other fisheries, reflecting a fishing mortality rate on 2 ringers and older equal to:

$0.25 - (0.15 * (1,500,000 - SSB) / 700,000)$  for 2 ringers and older, and

no more than 0.05 for 0 - 1 ringers

4. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may, where considered appropriate, reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. Bycatches of herring may only be landed in ports where adequate sampling schemes to effectively monitor the landings have been set up. All catches landed shall be deducted from the respective quotas set, and the fisheries shall be stopped immediately in the event that the quotas are exhausted.
8. The allocation of the TAC for the directed fishery for herring shall be 29% to Norway and 71% to the EU. The by-catch quota for herring shall be allocated to the EU.
9. A review of this arrangement shall take place no later than 31 December 2012.
10. This arrangement entered into force on 1 January 2009.

**LONG-TERM MANAGEMENT PLAN FOR WHITING IN THE NORTH SEA**

The Parties agreed to implement a long-term management plan for the whiting stock in the North Sea, which is consistent with a precautionary approach and designed to provide for sustainable fisheries and high yields.

The plan shall consist of the following elements:

1. The Parties shall establish a TAC that is consistent with a fishing mortality rate of no more than 0.3 for appropriate age-groups.
2. Where the rule in paragraph 1 would lead to a TAC, which deviates by more than 15% from the TAC of the preceding year, the Parties shall establish a TAC that is no more than 15% greater or 15% less than the TAC of the preceding year.
3. A review of this arrangement shall take place no later than 31 December 2014.
4. This arrangement entered into force on 1 January 2012.



**BASIC PRINCIPLES FOR A LONG-TERM MANAGEMENT PLAN FOR PLAICE**

1. The initial aim of this long-term management plan will be to bring the spawning stock biomass (SSB) up to an agreed minimum target level ( $B_{pa}$ ) and fishing mortality below an agreed maximum level ( $F_{pa}$ ).
2. After having reached this level, the plan should provide for an agreed target mortality rate for sustainable fisheries and high yield in the longer term.
3. Where either or both the SSB is estimated to be below the precautionary biomass level ( $B_{pa}$ ) and the fishing mortality is above the precautionary level ( $F_{pa}$ ), the Parties will restrict their fishing on the basis of a TAC consistent with a gradual reduction in the fishing mortality rate.
4. Where this leads to a TAC which deviates by more than 15% from the TAC for the preceding year, the Parties shall fix a TAC that is neither more than 15 % greater nor 15% less than the TAC of the preceding year.
5. Should the SSB of plaice fall below the minimum level ( $B_{lim}$ ), the Parties shall decide on a TAC that is lower than that corresponding to the application of the applicable deviation rules.
6. This plan shall be subject to regular review after consulting the relevant scientific bodies. It shall include if necessary adaptations to the appropriate target mortality rate as decided by the Parties. In particular, a decision shall be taken on the long-term target fishing mortality rates once the fishery exploiting the stock of plaice is operating within safe biological limits.
7. Further measures to reduce discards of plaice should be considered. Other measures should also be considered.



**CONDITIONS FOR FISHERIES BY THE PARTIES IN 2013****I. JOINT STOCKS**

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2013 shall be as indicated in that table. If ICES make new scientific recommendations, the Parties will review these TACs.
2. The TACs referred to in paragraph 1 shall be divided between the Parties as indicated in Table 1.
3. Each Party shall inform the other Party of allocations granted to third countries for fishing on the stocks referred to in Table 1.
4. The Parties shall supply each other with monthly catch statistics for fishing on the stocks referred to in Table 1 by their own vessels. Communication of these statistics for the preceding month shall take place at the latest on the last day of each month.

**II. OTHER STOCKS**

Each Party shall authorise fishing by vessels of the other Party for the stocks mentioned in Tables 2 to 4 within the quotas set out in these tables.

**III. LICENSING**

1. Licensing by either Party of the other Party's vessels in 2013 shall be limited to the following fisheries.
  - A. EU fishing in the Norwegian Economic Zone:
    - all fishing north of 62° N;
    - all industrial fishing and fishing for mackerel in the North Sea;
    - all other fishing with vessels over 200 GRT in the North Sea.
  - B. Norwegian fishing in the EC zone and in Greenland waters:
    - all fishing in NAFO Sub-area 1 and ICES Sub-area XIV and Division Va;
    - all fishing in the EU's fishing zone with vessels over 200 GRT.

For 2013, the number of licences and the conditions of those licences shall be in accordance with the Agreed Record of Conclusions on Licence Arrangements for 1995 between the European Community and Norway signed at Bergen on 13 May 1995.



2. The Parties shall notify each other, according to the types of fishing indicated above, the name and characteristics of the vessels for which licences may be issued.

It is agreed that the requirement for each Party's vessels to keep on-board a licence whilst fishing in the other Party's zone shall no longer apply.

3. Vessels, which were authorised to fish on 31 December 2012, may continue their activities in 2013.
4. Each Party shall submit to the other Party the names and characteristics of the other Party's vessels which will not be authorised to fish in its fishing zone the next month(s) as a consequence of an infringement of its rules.

#### **IV. FISHERY REGULATIONS**

1. The Parties will consult on fishery regulations in the North Sea, with a view to achieving, as far as possible, the harmonisation of regulatory measures in the zones of the two Parties.
2. A Party intending to introduce or amend fishery regulations, applicable to vessels of the other Party, shall inform the latter of such intentions with a notice of at least two weeks. Exceptionally, the introduction or amendment of fishery regulations, due to concentrations of young fish in limited areas, may be implemented with advance notice of one week. Consultations shall be held if so requested by either Party.

#### **V. CONSULTATIONS**

The two Parties will consult on the implementation of the arrangements set out herein.

#### **VI. IMPLEMENTATION**

In the event that the implementation of the fishery arrangements is delayed, the Parties agreed that the arrangements shall be subject to re-negotiation upon the request of either Party.



**JOINT EU-NORWAY REQUEST TO ICES TO  
EVALUATE THE PERFORMANCE OF THE  
LONG-TERM MANAGEMENT PLAN FOR NORTH SEA Haddock**

The EU-Norway long-term management plan for North Sea haddock has been in force since 1 January 2009 and should be reviewed before 31 December 2013 to ensure that its provisions continue to be consistent with its objective.

To this end ICES is requested to:

1. Evaluate the performance of the plan in achieving its stated objective of providing for sustainable fisheries with high and stable yields in conformity with the precautionary approach, with and without inter-annual quota flexibility of 10%.
2. Indicate whether or not the long-term target fishing mortality of 0.3 remains consistent with maximizing sustainable yield, and whether or not the estimates of  $B_{lim}$  and  $B_{pa}$  remain appropriate.
3. Advise on any other adjustments to the plan that could improve its performance.

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**JOINT EU-NORWAY REQUEST TO ICES ON  
TAC SETTING OPTIONS FOR COD IN THE NORTH SEA AND SKAGERRAK**

The long-term management plan for cod has failed to achieve the successive reductions in fishing mortality required by the recovery phase of the plan. This has resulted in a growing discrepancy between the target fishing mortality of the plan and the real level of fishing mortality that is observed.

The plan requires that the TAC for 2013 be reduced by 20% compared to that for 2012. This corresponds to a 46% reduction in fishing mortality at a time when the cod stock is increasing and the TACs of the species associated with cod, such as saithe, haddock and whiting, have been substantially increased. Recognising that such a reduction in the cod TAC is likely to increase discard rates rather than decrease total catches, the EU and Norway have stated their intention to revise the cod plan to allow more flexibility in setting the TAC under such circumstances. In order to facilitate the selection of more appropriate TAC levels during the recovery phase of the cod plan, ICES is asked to evaluate the following options for the recovery of the cod stock:

1. Maintaining a target fishing mortality of 0.4 when the SSB is between  $B_{lim}$  and  $B_{pa}$  for as long as the resulting stock forecast indicates an increase in SSB, with no inter-annual TAC constraint. Where the stock is forecasted to decrease at a fishing mortality of 0.4, the fishing mortality should be fixed at a level that will maintain the current SSB.
2. Maintaining a constant TAC when the SSB is between  $B_{lim}$  and  $B_{pa}$ , provided that the resulting fishing mortality does not exceed 0.4, with the level of the TAC being that corresponding to a fishing mortality of 0.4 in 2014.

For the intermediate year, ICES is asked to assume a fishing mortality consistent with the linear trend of recent years.

ICES is asked to evaluate the consequences of each of the above options for the cod stock in terms of risk, spawning biomass, TAC levels and estimated discards.



### INTER-ANNUAL QUOTA FLEXIBILITY

1. The Inter-annual quota flexibility scheme as described in this Annex is applicable for the quotas of haddock established in this Agreed Record.
2. Each Party may transfer to the following year unutilised quantities of up to 10% of the quota allocated to it. The quantity transferred shall be in addition to the quota allocated to the Party concerned in the following year. This quantity cannot be transferred further to the quotas for subsequent years.
3. Each Party may authorise fishing by its vessels of up to 10% beyond the quota allocated. All quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year.
4. If the uptake on an annual quota is exceeded by more than 10%, there should be a penalty resulting in a reduction of the Party's following year annual quota by more than 10%.
5. Complete catch statistics and quotas for the previous year should be made available to the other Party no later than 1 April in the format as set out below. The Delegations agreed that in order to ensure transparency in the operation of inter-annual quota flexibility, more detailed information on catch utilisation shall be exchanged.
6. The inter-annual quota flexibility scheme should be terminated if the stock is estimated to be under the precautionary biomass level ( $B_{pa}$ ) and the fishing mortality is estimated to be above the precautionary mortality level ( $F_{pa}$ ) the following year, or if the SSB is estimated to be below  $B_{pa}$  in two consecutive years.

### Reporting of quotas and catches

	Quotas for 2012	Catches in 2012	Transfers to 2013	Quotas in 2013	Quotas after transfers in 2013
Norway					
European Union					
Total					




**JOINT EU-NORWAY REQUEST TO ICES TO EVALUATE THE  
LONG-TERM MANAGEMENT PLAN FOR WHITING IN THE NORTH SEA**

In 2012, the ICES revision of the North Sea whiting natural mortality rate resulted in a rescaling of the assessment estimates of spawning biomass and exploitation rate and resulted in the current joint EU-Norway long-term management plan thresholds and target fishing mortality being unsuitable.

In 2013 ICES is also conducting a benchmark analysis of the stock data and assessment methodology.

Consequently, based on the results of 2013 North Sea whiting benchmark, assessment and subsequent scientific advice, ICES is requested to recommend the necessary changes to the joint EU-Norway long-term management plan required to achieve its stated objective of providing sustainable fisheries with high and stable yields in conformity with the precautionary approach.

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**JOINT EU-NORWAY REQUEST TO ICES TO EVALUATE THE  
LONG-TERM MANAGEMENT PLAN FOR HERRING IN THE NORTH SEA**

With the objective of revising the long-term management plan for herring in the North Sea ICES is requested to evaluate if the long-term management plans for North Sea herring as set out below can be considered as precautionary.

Both long term management plans shall be evaluated with and without inter annual quota flexibility of +/- 10% when the SSB is above  $B_{\text{trigger}}$  scheme as described in Annex VIII of this Agreed Record.

ICES is requested to evaluate the following alternatives reflecting fishing mortality for 2 ringers and older in the range between F 0.26-0.30 in steps of 0.01.

**Alternative 1:**

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 800,000 tonnes ( $B_{\text{lim}}$ ) and a fishing mortality corresponding to high long-term yields.
2. The plan is based on estimates provided by ICES. The reference SSB is the one at spawning time (autumn) of the TAC year in the catch projection. The reference F is the arithmetic average over 2-6-ringers.
3. Where the SSB is estimated to be above 1.3 million tonnes, the Parties agree to set quotas for the directed fishery and for by-catches in other fisheries, reflecting a fishing mortality rate of no more than F for 2 ringers and older and no more than 0.04 for 0 - 1 ringers.
4. Where the SSB is estimated to be below 1.3 million tonnes but above 800,000 tonnes, the Parties agree to set quotas for the direct fishery and for by-catches in other fisheries, reflecting a fishing mortality rate on 2 ringers and older equal to:
 
$$F - ((F - 0.1) * (1,300,000 - \text{SSB}) / 500,000)$$
 for 2 ringers and older, and no more than 0.04 for 0 - 1 ringers
5. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to set quotas for the directed fishery and for by-catches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
6. Where the rules in paragraphs 3 and 4 would lead to a TAC, which deviates by more than 15% from the TAC of the preceding year, the Parties shall fix a TAC that is no more than 15% greater or 15% less than the TAC of the preceding year.
7. Where the rule in paragraph 6 would lead to a reference F which deviates by more than 15% from the reference F resulting from paragraphs 3 and 4, the parties shall fix a reference F that is no more than 15% greater or 15% less than the reference F resulting from paragraphs 3 and 4.

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**Alternative 2:**

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 800,000 tonnes ( $B_{lim}$ ) and a Fishing Mortality corresponding to high long-term yields.
2. The plan is based on estimates provided by ICES. The reference SSB is the one at spawning time (autumn) of the TAC year in the catch projection. The reference F is the arithmetic average over 2-6-ringers.
3. Where the SSB is estimated to be above 1.5 million tonnes, the Parties agree to base quotas for the directed fishery and for by-catches in other fisheries, reflecting a fishing mortality rate of no more than F for 2 ringers and older and no more than 0.05 for 0 - 1 ringers.
4. Where the SSB is estimated to be below 1.5 million tonnes but above 800,000 tonnes, the Parties agree to base quotas for the direct fishery and for by-catches in other fisheries, reflecting a fishing mortality rate on 2 ringers and older equal to:  
$$F - ((F - 0.1) * (1,500,000 - SSB) / 700,000)$$
 for 2 ringers and older, and no more than 0.05 for 0 - 1 ringers
5. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to base quotas for the directed fishery and for by-catches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
6. The TAC shall be set as the arithmetic mean of the quotas resulting from the application of the rules set out in paragraphs 3 and 4 and the TAC of the preceding year.



**TERMS OF REFERENCE OF THE WORKING GROUP ON  
CATCH REPORTING AND CATCH STATISTICS FOR 2013**

The Delegations agreed that the Working Group on catch reporting and catch statistics should meet during the first half of 2013 under the Terms of Reference described below.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2014.

The Working Group shall establish and implement routines for quality insurance of electronically exchanged catch and activity data on a vessel by vessel level, with a view to render the possibility to disclose any discrepancies between these data and official catch statistics registered by the Flag state of the vessel for fisheries in each other's waters.

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**TERMS OF REFERENCE FOR A WORKING GROUP ON THE  
HARMONISATION OF TECHNICAL MEASURES**

The Working Group shall consist of gear experts, administrators and representatives from the industry.

The Working Group shall consider technical conservation measures relating to fishing gear design as they affect the exploitation patterns of in the North Sea and Skagerrak. However, the Working Group should have the main focus on the North Sea

The Working Group shall:

- Review the conclusions and update the recommendations of the 2<sup>nd</sup> Report of the Joint Gear Expert Meeting held in Ålesund from 16 to 19 March 2009, taking into account the latest developments in selectivity measures such as mesh size, sorting grids, square mesh panels etc.
- Indicate the specifications of fishing gears that would improve the selectivity of the gear, with the objective to protect juvenile and small fish under legal minimum size and to reduce discards.
- Recommend, as far as possible, harmonised technical measures in the North Sea taking into account the technical measures in force in adjacent waters to improve fishing patterns and selectivity, and reduce discarding. The Working Group is asked to indicate where it would be beneficial to ask ICES for an assessment of the impact of its recommendations.
- Recommend cod avoidance measures that could be implemented to reduce unwanted cod catches.

The Working Group shall base its discussion on a draft report prepared by a sub-group of technical experts and gear scientists.

The Working Group shall provide the report to the Parties before the end of June 2013.



**MEASURES TO BE MONITORED CONCERNING SLIPPING, DISCARDS  
AND HIGH-GRADING OF PELAGIC SPECIES**

The Delegations agreed that the following control measures shall be applied in fisheries for mackerel, herring and horse mackerel:

1. High grading (*discarding of fish which can be landed legally*) of these species is banned throughout the entire migratory range of the stocks in the North-East Atlantic.
2. Slipping (*releasing the fish before the net is fully taken on board the fishing vessel, resulting in the loss of dead or dying fish*) of these species is banned throughout the entire migratory range of the stocks in the North-East Atlantic.
3. Fishing vessels shall move their fishing grounds when the haul contains more than 10% of undersized fish (*below the minimum landing sizes or the minimum catching sizes*) of these species.
4. The maximum space between bars in the water separator on board fishing vessels shall be 10mm. The bars must be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes must not exceed 10mm. Holes in the chutes before the water separator must not exceed 15mm in diameter.
5. The possibility to discharge fish under the water line of the vessel from buffer tanks or RSW tanks, shall be prohibited.
6. Drawings related to catch handling and to discharge capabilities of the vessels, which are certified by the competent authorities of the flag State, as well as any modifications thereto shall be sent to the competent fisheries authorities of the flag State. The competent authorities of the flag State of the vessel shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board at all times.
7. Unless fish is frozen on board the vessel, the carrying or use on board a fishing vessel of equipment, which is capable of automatically grading by size herring, mackerel or horse mackerel, is prohibited. In the case of fish being frozen on board, the fish shall be frozen immediately after grading.





**MEASURES TO BE APPLIED CONCERNING THE  
WEIGHING AND INSPECTION OF PELAGIC LANDINGS**

The Delegations agreed that the following measures shall be applied to the weighing and inspection of landings exceeding 10 tonnes of mackerel, herring and horse mackerel:

1. All quantities of fresh herring, mackerel and horse mackerel landed must be weighed before sorting and processing. When determining the weight, any deduction for water shall not exceed 2%.
2. For fish landed frozen the weight shall be determined by weighing all the boxes minus the tare weight (cardboard and plastic) or by multiplying the total number of boxes landed by the average weight of the boxes minus tare weight landed in the same shipment calculated in accordance with an agreed sampling methodology.
3. Landings shall take place in designated ports. Skippers of fishing vessels shall give prior notice of landing including notification of catch on board and give the logbook sheet to the competent authorities before commencing the discharge of catch.
4. The processor or buyer of the fish shall submit a copy of the sales note for the payment of the quantities landed to the competent authorities.
5. A minimum of 10% of landings and 15% of the quantities landed should be subject to a full inspection. A full inspection shall include:
  - a) Cross-checks of the quantities by species indicated in the prior notice of landing and the quantities recorded in the vessel's logbook;
  - b) Cross-checks of the quantities by species recorded in the vessel's logbook and the landing declaration;
  - c) Cross-checks of the quantities by species recorded on the landing declaration and the sales note issued by the buyer.

In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored and a cross-check undertaken between the quantities by species recorded in the landing declaration or sales note and the record of weighing held by the buyer or processor of the fish.

In the case of freezer trawlers, the counting of boxes shall be monitored. The sample weighing of boxes/pallets carried out in order to determine the tare weight shall also be monitored.

It shall be verified that the vessel is empty, once the discharge has been completed.

6. In each case where the checks reveal a significant discrepancy it shall be followed up as an infringement.

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**TERMS OF REFERENCE FOR A  
MONITORING, CONTROL AND SURVEILLANCE (MCS) FACT-FINDING WORKING GROUP  
FOR 2013**

Delegations from the European Union, the Faroe Islands, Iceland, Norway and the Russian Federation agreed that a Monitoring, Control and Surveillance (MCS) fact-finding Working Group should meet before 1 April 2013 under the Terms of Reference described below.

The Working Group should submit its report to the Parties well in advance of the Coastal State consultations for 2014. Representatives of the Parties should meet no later than 31 January 2013 to plan the activity for the Working Group in 2013.

The Working Group, composed of operative MCS experts, should focus on fact-finding to establish best practice in monitoring, control and surveillance both at sea and on land, with the goal of securing the best possible level playing field for fisheries on certain jointly- managed pelagic stocks including mackerel, Norwegian spring-spawning (Atlanto-Scandian) herring, blue whiting and horse mackerel.

The MCS fact-finding Working Group should:

1. Follow up and monitor the already agreed measures, by comparing monitoring, control and surveillance measures:
  - a) At sea, including discards, high-grading and slipping
  - b) On landing, including weighing and inspection
2. Conduct fact-finding missions, e.g. to explore implemented measures concerning slipping, discards and high-grading, by-catch issues in the fisheries and on landing, and measures regarding weighing and inspection.
3. Exchange inspectors and co-ordinate such activity.
4. Compare data available to the Parties and study how this data could be shared e.g. by Fishery Monitoring Centers (FMC) and/or used for risk based monitoring, control and surveillance, to propose harmonised and improved measures.
5. To study the possibility to set up an observer scheme.
6. Exchange information on infringements.
7. If there are any other relevant issues, which the Working Group believes would result in a more efficient Monitoring, Control and Surveillance of pelagic fisheries the Working Group could explore as appropriate.



**TERMS OF REFERENCE OF THE WORKING GROUP ON  
ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2013**

The Delegations agreed that the Working Group on Electronic Reporting and Recording Experts should meet before 31 May 2013 under the Terms of Reference described below. After that the Working Group should meet as appropriate to closely follow and evaluate the development, tests performed and solve practical questions the Parties may encounter.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2013, and where appropriate make proposals for measures to be adopted in accordance with the agreed ERS format life cycle.

The Working Group shall:

- Follow up the implementation of the agreed electronic reporting system between Norway and the European Union, to secure satisfactory exchange and increased quality of catch and activity data.
- Review the arrangements set down in the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on Electronic exchange of catch and activity data of 14 November 2011, with a view to establish procedures and specifications for:
  - Complement the existing push approach for exchanging catch and activity data of the current fishing trip with a pull approach for complete logbooks of vessels.
  - Separating the transportation layer and the business layer.
- Review the return error codes with a view to increase the quality of the data.
- Consider international standards for ERS
- Consider exchange of electronic catch and activity data for vessels above 12 metres in overall length.



TABLE 1

## 2013 JOINT STOCK QUOTAS IN THE NORTH SEA

Species and ICES Area	TAC	Zonal Attachment				Transfer from Norway to European Union <sup>(6)</sup>	Transfer from EU to Norway <sup>(6)</sup>	Quota to Norway		Quota to European Union	
		Norway		European Union				Total	EU Zone <sup>(1)</sup>	Total	Norwegian Zone <sup>(1)</sup>
				%	Tonnes			%	Tonnes		
Cod IV	26,475 <sup>(2)</sup>	17	4,501	83	21,974	-----	-----	4,501	4,501	21,974	19,099
Haddock IV	45,041 <sup>(3)</sup>	23	10,359	77	34,681	-----	-----	10,359	10,359	34,681	25,798
Saithe IV, IIIa	91,220	52	47,434	48	43,786	-----	300	47,734	47,734	43,486	43,486
Whiting IV	18,932 <sup>(3)</sup>	10	1,893	90	17,039	-----	-----	1,893	1,893	17,039	11,544
Plaice IV	97,070	7	6,795 <sup>(7)</sup>	93	90,275	700	-----	6,095	6,095	90,975	37,331
Herring IV, VIIId	478,000	29	138,620	71	339,380	-----	-----	138,620	50,000 <sup>(4)(5)</sup>	339,380	50,000 <sup>(5)</sup>
Mackerel IV, IIIa	pm		pm		pm	-----	-----	pm	pm	pm	pm

(1)

(2) Any part of this allocation not taken may be added to the allocation in the Party's own zone.

(3) An additional amount of 3,177 tonnes is available to the Parties (Norway: 540 tonnes, EU 2,637 tonnes) under point 5.4.10 of this Agreed Record TAC to include industrial by-catches.

(4) Limited to ICES Divisions IVa and IVb.

(5) An additional quantity of maximum 10,000 tonnes will be granted if such an increase is called for.

(6) The Delegations may consider in 2013 possible further transfers.

(7) Of which 300 tonnes may be fished in the Skagerrak

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TABLE 2

## 2013 JOINT STOCK QUOTAS (NOT JOINTLY MANAGED)

SPECIES AND ICES AREA	QUOTA TO NORWAY IN THE EU ZONE (TONNES)	QUOTA TO EU IN THE NORWEGIAN ZONE (TONNES)
Norway pout	20,000	
Blue ling	150	
Ling	6,140 <sup>(1)(2)</sup>	
Tusk	2,923 <sup>(1)(2)</sup>	
Combined quota	140 <sup>(3)</sup>	
Shrimps		357
Horse mackerel	3,550 <sup>(4)</sup>	
Others	3,250 <sup>(5)</sup>	6,500 <sup>(5)</sup>
Sole	30	
Anglerfish		1,500
Norway lobster		1,000
Ling		850
Tusk		170
Saithe	500 <sup>(6)</sup>	
Blue Whiting	45,000 <sup>(7)(8)</sup>	

(1) The quotas for ling and tusk are interchangeable of up to 2,000 tonnes and may only be fished with long-lines in ICES Division Vb and Sub-areas VI and VII.

(2) Of which an incidental catch of other species of 25 % per vessel at any moment is permitted in ICES Sub-areas Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific fishing ground. This total incidental catch of other species in Vb, VI and VII may not exceed 3,000 tonnes.

(3) Fishing with long-lines for grenadiers, rat tails, mora mora and greater forkbeard.

(4) This quota may be fished in ICES Division IVa.

(5) Including fisheries not specifically mentioned, exceptions may be introduced after consultations as appropriate.

(6) North of 56°30'N.

(7) Of which up to 500 tonnes of Argentine (*Argentina spp.*) may be fished.

(8) Of which up to 30,000 tonnes may be fished in ICES Division IVa.

(9) West of 12°W.

**TABLE 3**

**2013 QUOTAS TO THE EU OF NORWEGIAN EXCLUSIVE STOCKS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	I, II	18,202
Arcto-Norwegian haddock	I, II	1,350
Saithe	I, II	2,550
Greenland halibut (by-catches)	I, II	50
Others (by-catches)	I, II	350

25

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TABLE 4

**2013 QUOTAS TO NORWAY FROM EU EXCLUSIVE STOCKS  
AND FROM EU QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	IV	10,000
Greenland halibut	IIa, VI <sup>(1)</sup>	824
Shrimp	XIV, Va	2,700
Greenland halibut	NAFO 1 XIV, Va	575 575
Halibut	NAFO 1 XIV, Va	75 <sup>(3)</sup> 75 <sup>(3)</sup>
Grenadier (by-catches)	NAFO 1, XIV, Va	120
Redfish	XIV, Va	800 <sup>(2)</sup>
Cod	NAFO 1, XIV, Va	500

<sup>(1)</sup> In ICES Division VI with long-lines only.

<sup>(2)</sup> May be fished with pelagic trawls.

<sup>(3)</sup> May only be fished with long-lines.