

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN  
NORWAY AND THE EUROPEAN UNION FOR 2020**

**BRUSSELS, 13 DECEMBER 2019**

1 A European Delegation, headed by Mr Fabrizio DONATELLA, and a Norwegian Delegation headed by Ms Ann Kristin WESTBERG, met in London, United Kingdom from 18 November to 22 November, in Bergen, Norway from 2 December to 6 December, and Brussels, Belgium on the 13 December 2019 to consult on mutual fisheries relations for 2020.

2 The Heads of Delegations agreed to recommend to their respective authorities the fishery arrangements for 2020 as outlined in this Agreed Record, including Annexes I to XIII 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, as last amended by 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 London on 17 October 29 2019.

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 the unwanted catches and the 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 The Delegations noted that the system of inter-annual quota flexibility, as set out in Annex III, for the quotas of herring, haddock, saithe, whiting and plaice shall apply in 2020.

5.3 The Delegations recalled that they have discussed several measures that can contribute to reduce discards and unwanted catches. Examples of measures include a ban on high grading, technical measures to improve gear selectivity, improved control measures and Real Time Closure (RTC) systems. The Delegations agreed that technical measures can play a crucial role when it comes to reducing discards and unwanted catches, supporting the landing obligation in the EU and the discard ban in Norway.



Due to the particular seriousness of the condition of the cod the Delegations agreed as from end of 2019 to establish a working group on technical measures for the protection of cod in addition to measures already agreed upon. Furthermore, the Delegations stated the importance of continuing to work in order to reduce discards of all commercial species, including juveniles and undersized fish.

5.4 The Delegations noted that, despite of joint effort, according to ICES advice, estimated unwanted catches and discards by weight in 2018 were still at a high level (cod 16%, haddock 13%, saithe 8%, plaice 46% and whiting 35%).

5.5 In the light of the *de minimis* and high survivability exemptions contained in the EU landing obligation, the EU Delegation informed the Norwegian Delegation of its intention in 2020 to continue to adjust from the EU quotas the estimated amounts of the discards.

#### 5.6 Long-term management strategies

5.6.1 The Delegations recalled the Agreed Record of Consultations from 7 June 2018 on long-term management strategies for joint stocks between Norway and the European Union. The Delegations noted that they had submitted a joint request to ICES to evaluate possible elements for long-term management strategies for cod, haddock, saithe, whiting and North Sea autumn spawning herring, and that the response from ICES was issued in April and June 2019.

5.6.2 The Delegations agreed to continue work on the development of long term management strategies for jointly managed stocks in 2020 with the intention for ICES to use them already as the basis for the advice to be issued in 2020 in respect of 2021. The Delegations noted however that for the North Sea cod, the priority has been to develop a rebuilding plan. As far as herring is concerned, and as referred to in paragraph 5.12.4, the Delegations will address this issue after the working group has produced its report.

5.6.3 The Delegations recalled that they had received advice from ICES in May and in October 2018 regarding options for a management strategy for Norway pout.

5.6.4 The EU Delegation suggested that a future strategy for Norway pout should be considered in relation with a sharing arrangement.

5.6.5 The Norwegian Delegation stated that discussion about allocation of Norway pout should be referred to a later stage. In the meantime the management of Norway pout would benefit from a joint management strategy between Norway and European Union.

5.6.6 The Delegations agreed to revisit the issue in 2020.

5.6.7 The EU Delegation recalled to the Norwegian Delegation that its multi-annual plan for demersal stocks in the North Sea has entered in force in 2018. The multi-annual plan opens the possibility for using ranges of fishing mortalities fixed around the  $F_{MSY}$  point value whereby fishing within the upper or lower limits of the ranges are linked to certain criteria. The target fishing mortality would normally be fixed in the lower half of the range, and fixed in the upper part of the range only if necessary to achieve the objectives of the plan in a mixed fisheries context, or to provide for inter-annual TAC stability.

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## 5.7 Cod

- 5.7.1 Based on its MSY approach ICES advises that total and wanted catches in 2020 should not be more than 13,686 and 10,881 tonnes, respectively. The Delegations noted that according to the latest ICES assessment the stock is at a low level. ICES consider the biomass to be below  $B_{lim}$ . The fishing mortality has seen a major decline since 2001, but has been increasing since 2016 and it is since 2018 above  $F_{lim}$ .
- 5.7.2 The Delegations pointed out that ICES in its basis for advice assumes unwanted catches, including discards in 2018 to be 46% of total catch in numbers corresponding to 16% in biomass. In the catch option table for 2019, ICES present levels of unwanted catches to be around 21% of total catch.
- 5.7.3 The Delegations noted that the cod assessment during recent years (since 2017) faces some challenges. These challenges have resulted in a downscaling of spawning stock biomass (SSB) and an upward revision of the fishing pressure (F) in the assessment. The Delegations therefore agreed to underline the relevance of the process that ICES is going to launch in 2020 with the purview of carrying out an assessment benchmark for cod in 2021, and for which the relevant scientific support should be made available.
- 5.7.4 The Delegations agreed to establish a TAC in 2020 of 17,679 tonnes for cod in Subarea 4, Division 7.d, and Subdivision 20 (North Sea, Eastern English Channel, Skagerrak). This constitutes a decrease of 50% compared to the TAC in 2019.
- 5.7.5 The Delegations agreed that the resulting TAC for ICES Subarea 4 (North Sea) is 14,718 tonnes and the TAC in Subdivision 20 (Skagerrak) is 2,103 tonnes.
- 5.7.6 The EU Delegation informed the Norwegian Delegation of its intention to base its TAC in 2020 according to a traditional approach and yearly agreed split, resulting in a TAC for cod in ICES Div. 7.d. (Eastern Channel) of 858 tonnes.
- 5.7.7 The Delegations agreed that in addition to the TAC level as referred to in paragraph 5.7.4, joint additional measures aimed at the protection of juvenile and adult cod should be introduced as from early 2020 in order to restore the North Sea and Skagerrak cod stock by reducing unwanted catches and discard and lower fishing pressure.
- 5.7.8 The Delegations therefore agreed to adopt seasonal closures for the protection of spawning aggregations. The coordinates and timing of such closures are specified in Annex XI. The Delegations agreed to prohibit fishing with all gears in these areas with the exception of pelagic trawls and purse seine.
- 5.7.9 Moreover, the Delegations agreed to establish a Working Group of experts to define technical elements and specificities relating to additional technical measures aimed at the protection of both juvenile and adult cod. The Terms of Reference of this Working Group are set out in Annex I. The Working Group should provide the recommendations to the Delegations by 1 February 2020. The Delegations shall immediately review such recommendations and decide on the appropriate follow-up, if necessary through further consultations. The Working Group should focus on the following and other potential measures:



- i. Real time closures for the protection of cod;
- ii. Seasonal closures for the protection of juveniles;
- iii. Access conditions to “restricted areas” of high abundance of cod of all ages;
- iv. Gear related technical measures to reduce catches of cod.

5.7.10 The Norwegian Delegation announced that, Norway, as a first step, in the beginning of 2020 will publish regulation establishing areas to protect juvenile and small cod in Norwegian waters. The Delegations noted that the Working Group referred to in 5.7.10 will discuss what fleets and fisheries may be permitted to fish in this area.

5.7.11 The EU Delegation welcomes the intent of the Norway to establish areas for the protection of juvenile cod and considers this to a significant first step.

5.7.12 To support the implementation of the above measures and existing framework, the Delegations agreed to further cooperate to enhance monitoring, control, and surveillance activities. This will be considered during the next meeting of the NS MCS WG scheduled in February 2020 and focus on monitoring, control and surveillance for the control of the cod and cod-related fisheries in the North Sea to ensure compliance with technical measures and catch registration obligations.

5.7.13 Furthermore, given the level of cod TAC reduction, the EU Delegation notified the Norwegian Delegation about its intention to introduce additional monitoring control and surveillance actions to minimize further the risks of discarding and high grading of cod for vessels operating in areas identified as having a high abundance of juvenile or adult cod. These additional actions are set out in Annex IX.

5.7.14 The Norwegian Delegation welcomed the intention of the EU Delegation to strengthen the monitoring, control and surveillance activity with focus on cod protection, and asked to be kept updated on the progress.

## 5.8 Haddock

5.8.1 The Delegations recalled that the Parties in the 2015 Agreed Record decided that the overall TAC for 2015 onwards should be split between the areas according to the following percentages: 9.5% for haddock in Div. 6.a, 90.5% for haddock Subarea 4 and Div. 3.a.

5.8.2 The Delegations noted that according to the ICES MSY approach, catches in 2020 should be no more than 41,818 tonnes. ICES estimates discards and below minimum size (BMS) landings at 13% of total catch in 2018. The Delegations also noted that ICES estimates the 2019 year class to be the largest since 2000, thus increasing the risk of catching undersized fish.

5.8.3 The Delegations agreed to establish a TAC for 2020 in ICES Subarea 4 (North Sea), Division 3.a. (Skagerrak and Kattegat) and Division 6.a. (West of Scotland) of 41,818 tonnes. This constitutes an increase of 23% compared to 2019, estimated to be caused by an increase of unwanted catch of the 2019 year class.

5.8.4 Applying the split described in paragraph 5.8.1, the TAC for haddock in ICES Subarea 4 (North Sea) and Division 3.a. (Skagerrak and Kattegat) is 37,845 tonnes.



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5.8.5 The Delegations furthermore agreed to apply the traditional split resulting in 35,653 tonnes of this TAC to the North Sea and 2,193 tonnes to Skagerrak.

5.8.6 The EU Delegation informed the Norwegian Delegation of its intention to apply the agreed split for haddock described in paragraph 5.8.1, resulting in a TAC of 3,973 tonnes in ICES Div. 6.a.

## 5.9 Saithe

5.9.1 The Delegations noted that according to the ICES MSY approach, total catches in 2020 should be no more than 88,093 tonnes, corresponding to wanted catches of no more than 80,676 tonnes. Spawning-stock biomass (SSB) has fluctuated without trend and has been above  $MSY B_{Trigger}$  since 1996. Fishing mortality (F) has been decreasing, and it has stabilized at or below  $F_{MSY}$  since 2014. Recruitment (R) has shown an overall decreasing trend over time with lowest levels in the past 10 years. The Delegations also noted that ICES estimates discards and BMS landings in 2018 to be at the level of 8% of the total catch.

5.9.2 The Delegations agreed to establish a TAC for saithe in ICES Subareas 4 (North Sea) and 6 (Rockall and West of Scotland), and in Division 3.a. (Skagerrak and Kattegat) for 2020 of all together 88,093 tonnes. This constitutes a decrease of 14.7% compared to the TAC for 2019.

5.9.3 The Delegations furthermore agreed to establish a TAC for saithe in ICES Subarea 4 and Division 3.a. of 79,813 tonnes, which is in accordance with the traditional split.

5.9.4 The EU Delegation informed Norway of its intention of ensuring consistency between the TACs that are set for saithe in ICES Subarea 6 and saithe in ICES Subarea 4 and Div. 3.a. The EU Delegation informed Norway of its intention to fix a quota for saithe for ICES Subarea 6 of 8,280 tonnes.

## 5.10 Whiting

5.10.1 The Delegations noted that spawning-stock biomass (SSB) has fluctuated around, and is now just below,  $MSY B_{trigger}$ . Fishing mortality (F) has been above  $F_{MSY}$  throughout the time-series, apart from 2005. Recruitment (R) has been fluctuating without trend, but the last two year classes are below average. The Delegations recognized that a large fraction of the catch in 2020 will continue to consist of unwanted catch. ICES estimates discard to be 35% of total catch in 2018.

5.10.2 The Delegations noted that ICES advises that when the MSY approach is applied, catches for 2020 in ICES Subarea 4 (North Sea) and Div. 7.d (Eastern English Channel) should be no more than 22,082 tonnes. The corresponding amount for wanted catches is 12,737 tonnes.

5.10.3 The Delegations agreed to establish a TAC for whiting in 2020 at 22,082 tonnes. This is a reduction of 11.1% compared to 2019.

5.10.4 The Delegations furthermore agreed to apply the traditional split, resulting in 17,158 tonnes to ICES Subarea 4.a. (North Sea) and 4,924 tonnes to ICES Div. 7.d. (Eastern English Channel).



5.10.5 The EU Delegation informed the Norwegian Delegation of its intention to base its TAC in 2020 according to the traditional approach for whiting in ICES Div. 7.d. The whiting in the North Sea, ICES Div. 4, and in the Eastern Channel, ICES Div. 7.d, is assessed as a single stock. The split between the ICES Div. 4 and 7.d has been historically made based on the relative catches from the two areas, landed during the previous year, as provided in the ICES advice.

#### 5.11 Plaice

5.11.1 The Delegations noted that the ICES advice now encompasses both the North Sea and Skagerrak and recalled that they in 2016 had agreed to apply 11.8% as the share for Skagerrak of the overall TAC.

5.11.2 Based on the MSY approach ICES advises that total and wanted catches in 2020 should not be more than 166,499 and 89,216 tonnes, respectively. The Delegations noted that ICES estimated discard to be 46% of total catch in 2018.

5.11.3 The Delegations noted that the stock of plaice in the North Sea and Skagerrak is at a high level. The SSB is well above MSY  $B_{trigger}$  and recruitment in 2019 is estimated to be the second highest in the time-series. Since 2009, fishing mortality has been estimated at around  $F_{MSY}$ .

5.11.4 The Delegations agreed to establish a TAC for plaice in ICES Subarea 4 (North Sea) and Subdivision 20 (Skagerrak) in 2020 at 166,499 tonnes. This is an increase of 17.1% compared to 2019.

5.11.5 The Delegations agreed to split the TAC in 146,852 tonnes to Subarea 4 (North Sea) and 19,647 tonnes to Subarea 20 (Skagerrak), which is in accordance with the scheme described in paragraph 5.11.1.

#### 5.12 Herring

5.12.1 The Delegations noted that ICES advises that when its MSY approach is applied, catches in 2020 should be no more than 431,062 tonnes, including 418,649 tonnes for the A-fleet. The Delegations also noted that the advised catch in 2020 is substantially higher than last year's advice because the updated assessment revised the estimates of the stock size upwards and a higher proportion of the catch consisting of older herring (7+) outside the age range limited by  $F_{msy}$  (age 2-6).

5.12.2 The Norwegian Delegation stated that catches of juvenile herring represents a serious case of growth overfishing. Such catches will reduce future yield from the stock and is of particular concern given the current state of the stock. The Norwegian Delegation noted that ICES still uses  $F(0-1) = 0.05$  in its calculations, even though this  $F$  is taken from the previous Norway-EU management strategy, which is no longer valid. The Norwegian Delegation noted that the overall recruitment has been at a low level since 2002, and stated that it would be appropriate to limit the catches of juvenile herring in order to rebuild the stock.

5.12.3 The Delegations agreed that there are several issues related to the management of herring that needs to be discussed and solved, in order to achieve an optimal utilisation of herring stock. Most importantly, new models for TAC setting should be explored.



- 5.12.4 The Delegations therefore agreed to establish a working group with a mandate to examine the management of herring in the North Sea and Skagerrak/Kattegat. The group's main task is to recommend how to optimally and sustainably utilise the North Sea autumn spawning herring (NSAS) in the North Sea and explore potential models for the setting of TAC. The working group shall also make recommendations for management models for the herring in Skagerrak/Kattegat, where NSAS herring mix with Western Baltic spring spawning (WBSS) herring stocks. Such a group should consider the elements of the current management of NSAS herring. The working group should assess the current practice of setting separate TACs to cover by-catches in other fisheries. Terms of Reference for the Working Group are set out in Annex XII.
- 5.12.5 The Delegation agreed to meet by the end of September 2020 to discuss the report from the Working Group.
- 5.12.6 The Delegations agreed to establish a TAC in 2020 at the same level as in 2019 which is 385,008 tonnes.
- 5.12.7 The Delegations concluded that the by-catches of herring in other fisheries would be limited to 8,954 tonnes in 2020; this quota will be allocated to the EU.
- 5.12.8 The Norwegian Delegation stated that as a principle all catches should be counted against ordinary TACs, instead of having additional by-catch quotas, as is now the case for the North Sea herring. With the EU landing obligation fully implemented, by-catches in general will be landed and counted against national quotas. There should thus be no need for an exemption for North Sea herring.
- 5.12.9 The EU Delegation stated that all EU catches are already counted against TACs. On the one hand, catches of herring taken as by-catch in fisheries using nets with mesh sizes smaller than 32mm are counted against the by-catch quota. On the other hand, catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32mm are counted against the A-fleet herring quotas. If the EU were to follow the Norwegian approach of counting all catches of herring against the A-fleet herring quotas, the EU should be attributed a higher share than the present 71%.

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

- 6.1 The Delegations noted that Norway pout, anglerfish, and horse mackerel are considered shared stocks, but so far not jointly managed.
- 6.2 **Sandeel**
- 6.2.1 The Delegations agreed that latest knowledge on sandeel indicates that this stock consists of several sub-populations. The Delegations noted that ICES had a benchmark meeting on sandeel in October 2016, and decided to change the sandeel areas used for giving advice. The change was based on larval drift, comparisons of demography and stock trends, as well as management considerations. All these areas are now either within the EU or the Norwegian EEZ. This means that for practical purposes sandeel is not a shared stock, and can therefore be managed separately by the Parties. The Delegations recognised avoidance of local depletion as an important management objective.



### 6.3 Hake

6.3.1 The Delegations noted that hake occurs in significant quantities in the North Sea, and therefore the Parties should consider developing joint management measures for this stock.

6.3.2 The Norwegian Delegation noted that the increasing stock of Northern hake has expanded its distribution and that a substantial proportion of hake in the North Sea is distributed in the Norwegian zone and that most of hake spawning in the North Sea is in the Norwegian zone. The Norwegian Delegation informed that Norway will consider setting a TAC for catches of Northern hake in the Norwegian economic zone.

### 6.4 Anglerfish

6.4.1 The Delegations took note of the ICES advice for 2020 stating that when the precautionary approach is applied, catches in 2020 should be no more than 22,056 tonnes. This represents a decrease by 30% compared to the advice for 2018. The stock size indicator increased from 2011 to a high value in 2017, and have been decreasing since. The harvest rate has increased since 2015. The Delegations 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.

### 6.5 Horse Mackerel

6.5.1 The Norwegian Delegation stated that Norway for 2020 will establish a TAC consistent with ICES advice 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 consistent with  $F_{MSY}$  advice.

### 6.6 Norway Pout

6.6.1 According to the latest ICES advice, catches in the period 1 November 2019 – 31 October 2020 should not exceed 167,105 tonnes.

6.6.2 The Delegations informed that they would set a quota for 2020 based on the latest ICES advice.

## 7 EXCHANGE OF FISHING POSSIBILITIES

### 7.1 Capelin in ICES Area XIV

7.1.1 The Delegations noted that the preliminary advice for capelin is zero. However, a new survey is expected to take place early in 2020. The Delegations agreed that in the event that this survey leads to a TAC, the EU will offer Norway a quota of no more than 10,000 tonnes. The corresponding cod equivalents will be added to the EU balance for 2020.

### 7.2 *Pandalus* in Norwegian waters of Area IV

7.2.1 Norway will consider offering the EU an additional quota of *Pandalus* in Norwegian waters of Area IV after the release of the final ICES advice in March 2020.





### 7.3 Redfish in the Norwegian Economic Zone

- 7.3.1 The Delegations referred to the 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.
- 7.3.2 The Norwegian Delegation informed the EU Delegation that the allocation of redfish for 2020 entirely relates to *Sebastes mentella*. Moreover, the Norwegian Delegation underlined that this amount refers to total allowable catch, and includes both by-catch and catches taken in a directed fishery for redfish.
- 7.3.3 The Norwegian Delegation reminded the European Delegation that Norway and the Russian Federation are the two only coastal States to this redfish stock, and that Norway and the Russian Federation for years have implemented strong conservation measures, including a direct ban on direct fishery until 2014. This precautionary regime resulted in an increase of the stock, allowing a small part of the stock to migrate into international waters for a few months during the year.
- 7.3.4 The Norwegian Delegation regretted that the European Union continues to undermine the conservation efforts of the Coastal States, by ignoring the best available scientific evidence and giving itself unsustainably high unilateral quotas for redfish in international waters in ICES I and II. The size of the unilateral quotas are so exaggerated that they constitute a de facto unlimited fishery, evidenced by the fact that the EU-fleet are only able to catch a small part of their quota.
- 7.3.5 The Norwegian Delegation stated that despite several attempts by Norway to find a common understanding, both within the framework of NEAFC and through bilateral initiatives, the European Union has showed no interest in finding an agreement, and have even expressed preference for the present situation.
- 7.3.6 The Norwegian Delegation also pointed to that the European Union's establishment of inflated quotas in international waters is a violation of the obligation under international law to cooperate and establish compatible measures to those of the Coastal States.
- 7.3.7 The EU Delegation noted that there are markedly divergent views on the management of this stock.
- 7.3.8 The EU Delegation regrets that no management measures have been agreed under the North-East Atlantic Fisheries Commission (NEAFC). Furthermore, the EU regrets that the two NEAFC contracting parties that have signed a bilateral arrangement for the management of this stock outside the scope of the relevant regional fisheries management organisation, have not agreed to cooperate with the EU, contrary to the requirements of Article 63(2) of UNCLOS and the UN Fish Stocks Agreement.
- 7.3.9 In the absence of such cooperation and of such NEAFC measures, the EU has therefore regulated its fishery in international waters. The EU Delegation confirms that such regulation cannot be considered a unilateral quota and it has been set well below the scientific advice to take into account the activities of all other parties in the international waters.
- 7.3.10 The EU Delegation reiterates its availability to address this issue bilaterally with Norway in the near future.



7.3.11 In the meantime and in the absence of NEAFC measures, the Union has regulated the fisheries in ICES Sub-Areas 1 and 2 by setting an overall catch limit.

#### 7.4 Use of collecting bag in the shrimp fishery in the Barents Sea

7.4.1 The Norwegian Delegation referred to the European Union shrimp fishery in the Barents Sea, where collecting bags are used to catch inter alia cod and Greenland halibut, and reminded the European Union that both cod and Greenland halibut are regulated by the Joint Norwegian Russian Fisheries Commission. As coastal States, Norway and Russia have through decades made considerable efforts to rebuild these stocks, including imposing bans on the use of collecting bags for their own vessels also when fishing in international waters.

7.4.2 The Norwegian Delegation regretted that the European Union continues to undermine the management effort of the coastal States, by allowing catches which are not counted against the total allowable catches set for these stocks and which has a negative impact on juveniles.

7.4.3 The Norwegian Delegation stated that this practice constitutes a breach of the obligation under the UN Fish Stocks Agreement to cooperate and establish compatible measures to those of the Coastal States, and it also undermines the purpose of the NEAFC Recommendation 11:2015 on the use of sorting grids in the trawl fisheries for shrimp.

7.4.4 The EU Delegation disagree with the statement made by the Norwegian Delegation. The EU Delegation considers that the use of the collecting bags in international waters should be regulated under the regime of the North-East Atlantic Fisheries Commission (NEAFC), in accordance with the applicable international law.

7.4.5 Furthermore, the EU Delegation notes that one of the purposes of the NEAFC Recommendation 11:2015 is to avoid catches of juveniles in the shrimp fishery by using a mandatory sorting grid. Collecting bags implement mesh sizes between 130-140 mm, as those in place for targeted demersal fisheries, and therefore fully comply with the said Recommendation. The EU Delegation recalls that catches made with collection bag by the EU fleet are accounted for and, in the case of regulated resources reported to NEAFC.

7.4.6 Furthermore, the EU Delegation reiterates its readiness to address these issues with the Norwegian Delegation early 2020 in order to reach a solution in the shortest possible timeframe.

#### 7.5 Sprat

7.5.1 The Delegations noted that the ICES advice for sprat covers the period 1 July to 30 June rather than a calendar year, and that as a consequence transfers of sprat from the EU to Norway could be fished only during the period 1 July 2020 to 30 June 2021. They further noted that the transfer of 10,000 tonnes shown in Table 4 is conditional on a North Sea TAC in 2020/2021 of no less than 100,000 tonnes. Should this not be the case, it was agreed that the EU would compensate Norway with the same quantity in cod equivalents in the quota exchanges for 2021.



## 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.
- 10.2 The Delegations agreed that the catch information, including inter-annual quota flexibility, should be attached to future Agreed Records.
- 10.3 The Norwegian Delegation informed the EU Delegation that information from ERS reporting from the EU fleet in some cases differs from the information EU provides on landing statistics. The Directorate of Fisheries, monitoring the catch figures, has in the past tried to correct such mismatch as far as possible, in order to avoid stopping the EU fisheries in NEZ on wrong basis. This has however been a cumbersome and time consuming process. The Norwegian Delegation informed the EU Delegation that from 2020 on the EU fisheries will be monitored on basis of ERS reports only. However, in case the EU finds and documents that there are errors in the ERS messages the Directorate of Fisheries will consider correcting the relevant messages.
- 10.4 The EU Delegation informed the Norwegian Delegation that quota uptake in the EU is based on several catch registration documents in addition to the estimates by masters reported in the fishing logbook, including landing declaration and sales notes. In cases of fishing stops, the EU Delegation agrees on the need for the Parties to exchange catch data in order to obtain the most accurate quota uptake of the stocks based on the information of available catch registration documents.
- 10.5 The Delegations agreed to arrange meetings between the relevant services to set up procedures on exchanging catch information, how they should be followed up and if necessary be corrected.



## 11 TECHNICAL MEASURES

- 11.1.1 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. Furthermore, sensible technical regulations will improve exploitation pattern and contribute in reducing discard.
- 11.1.2 The Delegations recalled that they have received reports and recommendations from several Working Groups during the last decade on harmonising technical measures in the North Sea and Skagerrak. These reports have served as important input for the development of regulations on technical measures.
- 11.1.3 The EU Delegation informed the Norwegian Delegation that the EU has adopted a new technical measures regulation (EU) 2019/1241 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures and this entered into force on 14 August 2019. The new regulatory framework includes quantitative metrics and targets, including the obligation to optimise exploitation patterns to provide protection for juveniles and spawning aggregations of marine biological resource and a requirement to report on progress in achieving this and other objectives. If there is evidence that there is lack of progress, then the regulation requires corrective measures to be taken. The regulation provides flexibilities for certain technical measures to be changed or amended through joint recommendations provided that the alternatives are scientifically assessed as being at least as equivalent to those that are being replaced. This flexibility provides a quicker mechanism to introduce or change new measures and will facilitate the possibility to have technical measures that can be aligned between the EU and Norway and the EU Delegation looks forward to cooperation in this regard.

## 12 CONTROL AND ENFORCEMENT

### 12.1 Monitoring, control and surveillance (MCS) measures for joint stocks

- 12.1.1 The Delegations recalled the agreed work plan for 2019-2022 (Annex VIII) and the 2018 decision to establish a Working Group on MCS of Fisheries on Joint Stocks in the North Sea (NS MCS WG). The Working Group should submit an annual report to the Parties well in advance of the annual consultations.
- 12.1.2 The Delegations noted that the first meeting of the Working Group was hosted by the EU on 25-26 June 2019 and took note of the report of the activity in 2019. The Delegations noted that the next meeting is scheduled in February 2020 and will be hosted by Norway.
- 12.1.3 The Delegations agreed that the Working Group should also focus on the cod and cod-related fisheries in the North Sea to ensure compliance with technical measures, including catch registration obligations. The Delegations noted that the Terms of Reference (Annex VII) were updated accordingly to include this specific objective.
- 12.1.4 The Delegations agreed that monitoring, control and surveillance of the joint stock of North Sea herring has to be subject to the relevant measures concluded for the four species covered by the coastal State agreements.

### 12.2 Coastal State Monitoring, Control and Surveillance (MCS) Working Group for





## **pelagic fisheries**

12.2.1 The Delegations noted that the Coastal State MCS Working Group (CS MCS WG) has concluded its work and its report was presented at the Coastal State meeting in October. The report reflected multiple recommendations on amendments to the existing MCS annexes in line with the Terms of Reference. Furthermore, the Delegations noted that the Coastal States did not come to a conclusion on the recommendations by the Working Group at the Coastal State consultations on the management of mackerel in the North-East Atlantic for 2020.

12.2.2 The Delegations agreed to meet early in 2020 to explore commitment by Parties on further cooperation on control, and if relevant develop an implementation process of proposed recommendations, and agree to a new mandate for the Working Group to replace Annex VI which is expired. The Delegations also agreed to invite the other coastal States.

### **12.3 Cooperation, exchange of information and inspectors**

12.3.1 The Delegations agreed that both strategic and operative MCS cooperation between the inspections services of the Parties is a prerequisite to improve compliance with the regulations and thereby achieve a level playing field.

12.3.2 Hence, the Norwegian Delegation repeated the desire to improve cooperation with the European Fisheries Control Agency (EFCA), e.g. by improving dialogue, exchange experience and attend meetings in EFCA regarding MCS activities on joint stocks. Improved cooperation between inspection services would be of mutual interest, e.g. in light of transparency, improved compliance, securing level playing field, improved use of resources and to increase the general understanding of the Parties' MCS regimes.

12.3.3 As a part of future operational cooperation between Norway and the EU, the Norwegian Coast Guard is prepared to attend as cooperating party in operations coordinated by EFCA on joint stocks in the North Sea and Skagerrak.

12.3.4 The EU Delegation noted its willingness to further increase cooperation on control with Norway, in particular in the context of the North Sea MCS WG.

12.3.5 The Delegations noted that exchanges of inspectors during seagoing campaigns in the North Sea Area took place in 2019 in the framework of the NS MCS WG and the parties have a clear intention of further exchanges in 2020, including port inspections.

12.3.6 The Delegations took note of the Report of the Biannual Joint Operational Seminar hosted by Norway Ålesund on 11-14 June 2019. The theme of the Seminar was the control of the landing obligation/discard ban. MCS experts from the Parties, the Faroe Islands, Greenland and Iceland participated in the Seminar. Experts expressed satisfaction with the Seminar, both with the organization and outcome.

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

12.4.1 The Delegations noted that further steps towards introducing ERS and VMS in NEAFC based on the FLUX UN/CEFACT International Standard (Recommendation 19:2019) has been taken at the Annual Meeting of NEAFC in 2019.



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12.4.2 The Delegations reiterated that the new NEAFC ERS and VMS should be taken into consideration in the further development and revisions of the existing bilateral agreements on VMS, ERS and licensing. The Delegations reiterated that VMS should become the first business content using the transportation layer. Consequently, the *Agreed Record of Conclusions between Norway and the European Union on Issues Related to Satellite Tracking of Fishing Vessels signed by Norway 15 February 2013 and by the European Union 31 January 2013*, is being revised.

12.4.3 The Delegations agreed to continue the Working Group of Electronic Reporting and Recording Experts in 2020. The Working Group should meet under the Terms of Reference set out in Annex X.

### 13 NOTIFICATION OF NEW LEGISLATION

13.1 In view of the importance of each Party communicating in a timely manner the introduction of new fisheries legislation and, in particular, of the need to provide such information in an expeditious manner to fishermen from both Parties, the Delegations agreed to devote renewed attention to the respect of this principle.

13.2 The EU Delegation once again reminded the Norwegian Delegation of the need to provide new legislation in a format which is easily understandable, i.e. English, as soon as such legislation is available. The EU Delegation highlights that the lack of understandable rules substantially increases the risk of unintentional non-compliance with Norwegian law and creates a climate of legal uncertainty for the masters of European Union member states vessels. Furthermore, it multiplies the risk of discrepancies between the original Norwegian version and unofficial translation(s) by the EU or its Member States. The implications of this is that reliance on unofficial translations increases the risk of inadvertently contravening Norwegian rules. This means vessel owners may be subject to legal proceedings even if they are operating in good faith as a result of an incorrect interpretation.

### 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:

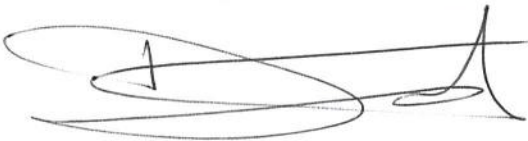
- (1) Vessels fishing in the Special Area shall comply with all relevant fishery rules established by the Party issuing a fishing licence for that vessel.
- (2) If a vessel has obtained a fishing licence from both Parties, the vessel shall report its total catches in the Special Area to both Parties. 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.

For the European Union Delegation

A handwritten signature in black ink, consisting of several loops and a final vertical stroke.

Fabrizio DONATELLA

For the Norwegian Delegation

A handwritten signature in blue ink, written in a cursive style.

Ann Kristin WESTBERG

## TERMS OF REFERENCE FOR A WORKING GROUP ON TECHNICAL MEASURES FOR 2020

The Working Group on Technical Measures (WG TM) should meet and start working as from December 2019.

The WG TM should provide the necessary recommendations to the Delegations by 1 February 2020.

The objective of the WG TM is to define technical elements and the specificities relating to additional technical measures aimed at the protection of juvenile and adult cod. The aim should be to restore the North Sea and Skagerrak cod stock by reducing unwanted catches and discard and lower fishing pressure. These additional measures should not impact negatively on fleets that have low levels of cod bycatches. The group should focus on the following and other potential measures:

- a. Real time closures (RTCs) for the protection of cod;
- b. Seasonal closures for the protection of juvenile and small cod;
- c. Access conditions to “restricted areas” of high abundance of cod of all ages;
- d. Gear related technical measures to reduce catches of cod.

The WG TM should recommend on the following technical elements and the specificities:

1) Elements and parameters for RTCs:

- a. Review and recommend on the parameters used to trigger real time closures, in particular:
  - i. the trigger length,
  - ii. proportion of cod below trigger size relative to the overall catch or sample;
  - iii. whether the trigger should be based on number or weight of fish;
  - iv. size and duration of RTC closure;
- b. Further aspects to be considered and concluded, e.g.:
  - i. access conditions for size selective and other gears with proven naturally absent or low levels of cod catches

2) Seasonal closure for juveniles. Elements and conditions for areas for the protection of juveniles:

- a. Consider appropriate density levels of size groups that would constitute a juvenile area;
- b. Identify the spatial scale, timing and duration of the closures as well as the fleets and fisheries to which they may apply, and those with low levels of cod by-catches that may be exempted.

3) Elements and conditions for restricted areas for the protection of adults.

- a. Define the appropriate areas using all relevant data (fishery dependent and independent data);
- b. Decide on a threshold level based on either abundance, biomass or CPUE, or a combination of these, that can be used to designate such an area;
- c. Define the access criteria for:
  - i. gears that are highly selective;



- ii. fleets with low levels of cod catches;
- iii. where vessels have adequate quota to undertake directed fishing for cod, the conditions under which this can be undertaken.
- iv. fleets opting to use technologies to document catches.

4) Review option for gear related technical measures to reduce catches of cod.

All these elements should be closely linked to the work of the bilateral MCS Working Group.

If there are any other relevant issues which the WG TM believes would result in a more adequate definition of additional technical measures, the Working Group could explore these as appropriate.



## CONDITIONS FOR FISHERIES BY THE PARTIES IN 2020

### I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2020 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 2020 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 2020, 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 2019, may continue their activities in 2020.
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.



## INTER-ANNUAL QUOTA FLEXIBILITY

1. The Inter-annual quota flexibility scheme as described in this Annex is applicable for the quotas of herring, haddock, saithe, plaice and whiting 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. 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.

5. 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 PROVISIONAL CATCHES

2018		Party	Quota	Transfers	Quota	Quota after transfers	Catch	Transfers
Species	Area		for 2018	from 2017	exchange	and flexibility	in 2018	to 2019
Haddock	4	EU	32 161		300	32 461	27 725	3 246
		Norway	9 606	-	-300	9 306	1 419	-
		Total	41 767			41 767	29 144	
Saithe	4, 3a	EU	50 781		-250	50 531	41 759	5 053
		Norway	55 012	3 491	-630	57 873	39 168	5 501
		Total	105 793			108 404	80 927	10 554
Whiting	4	EU	19 851		800	20 651	12 625	2 065
		Norway	2 206	-	-800	1 406	1 027	-
		Total	22 057	-	-	22 057	13 652	2 065
Plaice	4	EU	104 758			104 758	49 507	10 476
		Norway	7 885			7 885	69	-
		Total	112 643	0	0	112 643	49 576	10 476
Herring	4, 7d	EU	426 417		-400	426 017	406 017	19 468
		Norway	174 171	3 214	-1 239	176 146	164 924	9 247
		Total	600 588			602 163	571 473	



**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, blue whiting and horse mackerel:

1. All quantities of fresh herring, mackerel, blue whiting and horse mackerel landed must be weighed before sorting and processing. When determining the weight, any deduction for water shall not exceed 2% for landings for human consumption and 0% for landings for industrial purposes.
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. Masters of fishing vessels shall submit prior notice of landing including notification of catch on board and submit the estimated catch information to the competent authorities before commencing the discharge of catch.
4. The processor or buyer of the fish shall submit sales information for the payment of the quantities landed to the competent authorities. In cases where fish is placed in storage for a period of time after landings before being sold, information on the catch (weighing note/landing declaration, etc.) should be submitted to the competent authorities.
5. A minimum of 5% of landings and 7.5% of the quantities landed for each species should be subject to a full inspection. This should be based on a risk assessment. A full inspection shall also include cross checks of prior notifications and information submitted to competent authorities of estimated catch, weighing and sales information.

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.



**TERMS OF REFERENCE FOR A  
MONITORING, CONTROL AND SURVEILLANCE (MCS)  
WORKING GROUP FOR 2018 AND 2019**

The Monitoring, Control and Surveillance (MCS) Working Group should meet before 1 April 2018 under the Terms of Reference described below:

The Working Group should submit its reports to the Parties 15 working days in advance of the Coastal State consultations in 2018 and 2019.

Representatives of the Parties should meet no later than 31 January 2018 to plan the activity of the Working Group during 2018.

The objective of the Working Group should be to establish best practice in monitoring, control and surveillance both at sea and on land, to increase compliance and secure a level playing field for fisheries on the following pelagic stocks; mackerel, Norwegian spring-spawning (Atlanto-Scandian) herring, blue whiting and horse mackerel.

The Working Group should be composed of operative MCS experts.

The MCS Working Group should:

- 1) Conduct fact finding missions as appropriate concerning;
  - a. Sea-going missions focusing on slipping, discards and high grading, by-catch issues and other relevant issues in the context of MCS;
  - b. Missions on land focusing on weighing and inspections, by-catch issues and other relevant issues in the context of MCS; and
  - c. Consider findings in fact-finding missions with a view to recommend harmonised practises and regulations;
- 2) Review and identify possible differences in current practises by individual Parties when conducting full inspections, and as appropriate make recommendations to harmonise practices;
- 3) Follow up interagency cooperation between fisheries authorities and metrology services.
- 4) Recommend harmonised requirements for the use of weighing systems that reflect the need for additional national requirements established by individual Parties today, and new requirements on storing data, to reduce the possibility of manipulating weighing systems and landing figures;
- 5) Recommend harmonised requirements for the use of water draining installations used on landings for industrial purposes and consider the effect of such installations with the regard to loss of biological material;
- 6) Follow up on EU's evaluation regarding the tare deduction for landings of pelagic species;
- 7) Identify possible new elements for risk assessment methods and exchange experience in risk assessment. Consider the possibility to share relevant data related to risk assessment and possible share point solutions.
- 8) Consider measures to reduce slipping, discarding and high-grading in pelagic fisheries, e.g. catch and size distribution analysis, share point solutions, measuring systems on

board vessels and other relevant measures, and as appropriate make proposals on this topic.

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 these as appropriate.





**TERMS OF REFERENCE FOR A  
WORKING GROUP ON MONITORING, CONTROL AND SURVEILLANCE OF FISHERIES ON JOINT  
STOCKS FROM 2019 TO 2022**

The objective of the Working Group is to cooperate, exchange information and best practices related to control of joint stocks, in mutual interest in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which the Parties are responsible.

The scope of the Working Group are mainly fisheries for cod, haddock, saithe, whiting, plaice and herring in the North Sea.

The MCS Working Group should:

- a) Compare existing inspection practices and guidelines with the view to recommend best practices for:
  - Sea inspections (e.g. gear, catch composition, discard ban/landing obligation).
  - Landing inspections.
- b) Compare relevant topics with the view to, as appropriate, recommend best practices such as:
  - Weighing requirements, including sampling plans etc.,
  - Logbook, landings, sales documentation and traceability requirements.
- c) Conduct missions (exchange of inspectors) to identify inspection best practices, weighing and documentation practices as appropriate.
- d) Consider the need and topics for training or workshops for inspectors taking advantage of other fora or meetings.
- e) Exchange experience on other relevant issues such as discard ban/landing obligation, post landing inspections, procedures and practices, including as regards enforcement measures further to the identification of violations.
- f) Exchange experience on existing risk assessment methods and consider the possibility to share relevant output data related to risk assessment (identified risks and risk handling) (see also Annex X point 7 of the 2018 bilateral agreement).

In addition, the NS MCS WG should also focus on monitoring, inspection and surveillance for the control of the cod and cod-related fisheries in the North Sea to ensure compliance with technical measures and catch registration obligations.

If there are any other relevant issues, which the Working Group believes would result in a more efficient Monitoring, Control and Surveillance of fisheries in the North Sea, the Working Group could explore these as appropriate.



## TENTATIVE WORK PLAN FOR THE MCSWG NORTH SEA

Task	2019	2020	2021	2022
a) Sea Inspections	Compare	Rec best practice	-	-
b) Landing inspections	Compare	Rec best practice	-	-
c) Weighing requirements	-	-	Compare	Rec
d) Logbook, landing, sales data and traceability requirements	-	-	Compare	Rec
e) Training/Workshop as appropriate	Training TBD	Training TBD	Training TBD	Training TBD
f) Exchange inspectors/missions (as appropriate)	Missions TBD	Missions TBD	Missions TBD	Missions TBD
g) Post Landing Inspections	-	Compare	Rec best practice	-
h) Risk assessment	Exchange experience and exchange relevant output data (strategic level)	Exchange experience and exchange relevant output data (strategic level)	Exchange experience and exchange relevant output data (strategic and tactical level)	Exchange experience and exchange relevant output data (strategic and tactical level)

**EU MEASURES FOR MONITORING, CONTROL, AND SURVEILLANCE ACTIONS AND ADDITIONAL MEASURES FOR FISHING OPERATIONS CONDUCTED IN AREAS DESIGNATED AS HAVING HIGH ABUNDANCE OF JUVENILE OR ADULT COD.**

**1. Dedicated control actions to verify compliance with closed and restricted areas:**

- a) Automatic alarms at the FMC level to cross-check VMS, AIS and ERS data and vessels' authorisations to guarantee the absence of fishing activity in closed areas and the access to restricted access. In particular, this will include:
  - Defining the areas in the FMC system (coordinates, period, restrictions etc)
  - Setting automatic alerts for the presence of vessels based on the cross-checking of VMS (and AIS) and ERS information
  - Automatic classification of results based on the authorised and/or reported fishing gear, database of authorisations and other parameters such as speed, depth or fishing depth.
- b) Introduction of haul by haul recording to verify catch composition and percentage of cod by fishing operations providing for the possibility to restrict access to certain areas if cod catches exceed a certain threshold; to be accompanied by seagoing inspections and surveillance.
- c) Verification of compliance with access conditions to restricted areas by cross-checks of catch composition percentages reported on board, to be accompanied by seagoing inspections and surveillance.
- d) Dedicated seagoing inspections with last haul evaluations aiming at verifying percentage of below minimum size catches and if appropriate, triggering Real Time Closures.
- e) Enhanced exchange of risk assessment information to verify compliance with landing obligation, including exchange of last haul evaluation by the seagoing inspecting Party to verify that below minimum size catches are reported and later landed in compliance with applicable provisions, including in the case of the EU, marketing for non-human consumption purposes.

**2. Inspection and surveillance benchmarks:**

- a) The minimum inspection presence and activity at sea during the year 2020 shall be:
  - Number of patrol vessel days: 500
  - Number of flights: 100
- b) A minimum of 20 % of all landed catches of cod are subject to inspection.
- c) At least 5 % of the quantities of cod marketed or offered for sale at auction are inspected.




**3. The inspection activity shall be based on risk management**

- a) The risk assessment methodology shall establish the level of risk by stocks, gear, area covered and time of the year, based on likelihood and potential impact. The estimated risk level shall be expressed as 'very high', 'high', 'medium', 'low'.
- b) On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) and 60 % of the total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories.

**4. Consequences for failure to comply with the conditions specified above**

- a) Real Time Exclusions (RTEs) from a restricted area triggered by inspections at sea where the last haul evaluation by inspectors shows a percentage of cod by-catches exceeding the threshold authorised in restricted areas.
- b) The conditions of the authorisation may also include its permanent withdrawal following the excess of a defined threshold in one or more hauls as evaluated by the inspectors.
- c) Inspections at sea showing misreported quantities of cod on board or mismatches in catch composition may base the withdrawal of the authorisation to fish in restricted areas.
- d) Misreporting of catches can require the fishing vessel to proceed immediately to a port for a full investigation.
- e) When an infringement related to access conditions is detected, the relevant authorities will pay particular attention to the level of sanctions to be imposed. Such sanctions may include the attribution of points for serious infringements to licence holders and masters, in accordance with the relevant legal instruments.





**TERMS OF REFERENCE FOR A WORKING GROUP ON  
ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2020**

The Delegations agreed that the Working Group on Electronic Reporting and Recording Experts should meet before 31 May 2020 under the Terms of Reference described below. After that the Working Group should meet as appropriate.

The Working Group shall:

- 1) Revise 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:
  - a) Establish technical procedures and specifications taking into account the use of the UN/FLUX standards, based on the arrangements of the new NEAFC ERS.
  - b) Identify additional reporting needs, outstanding issues and elements that can improve performance of the current system for electronic exchange of catch and activity data (ERS) between the European Union and Norway to be implemented in the new ERS system based on UN/FLUX standards.
  - c) Establish technical procedures and specifications to implement the possibility to pull data covering fishing activities before entering and after exiting the economic zone of the other Party, to be implemented in the new ERS system based on UN/FLUX standards.
- 2) Revise the arrangements set down in the *Agreed Record of Conclusions between Norway and the European Union on Issues Related to Satellite Tracking of Fishing Vessels signed by Norway 15 February 2013 and by the European Union 31 January 2013*.
- 3) Revise the arrangements set down in the *Agreed Record of Fisheries Consultations between Norway and the European Union on an electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)* and in the *Agreed Record of Fisheries Consultations between Norway and the European Union on the future development of the electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)*, with a view to implement the electronic data exchanges for fishing authorisations between the European Union and Norway based on UN/FLUX FLAP standards.
- 4) 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.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2021.



## SEASONAL AREA TO PROTECT SPAWNING COD

The following areas in the table below will be closed for all gears excluding pelagic gears (purse seine and trawl), for the identified time period:

Time Limited Closures				
No	Area Name	Coordinates	Time period	Additional Comment
1	Stanhope ground	60° 10N - 01° 45E 60° 10N - 02° 00E 60° 25N - 01° 45E 60° 25N - 02° 00E	01 January to 30 <sup>th</sup> April	
2	Long Hole	59° 07.35N - 0° 31.04W  59° 03.60N - 0° 22.25W  58° 59.35N - 0° 17.85W  58° 56.00N - 0° 11.01W  58° 56.60N - 0° 08.85W  58° 59.86N - 0° 15.65W  59° 03.50N - 0° 20.00W  59° 08.15N - 0° 29.07W	01 January to 31 March	




Time Limited Closures				
No	Area Name	Coordinates	Time period	Additional Comment
3	Coral edge	58° 51.70N - 03° 26.70E 58° 40.66N - 03° 34.60E 58° 24 00N - 03° 12.40E 58° 24 00N - 02° 55.00E 58° 35 65N - 02° 56.30E	01 January to 28 February	
4	Papa Bank	59° 56N - 03° 08W 59° 56N - 02° 45W 59° 35N - 03° 15W 59° 35N - 03° 35W	01 January to 15 March	
5	Foula Deeps	60° 17.5N - 01° 45W 60° 11.0N - 01° 45W 60° 11.0N - 02° 10W 60° 20.0N - 02° 00W 60° 20.0N - 01° 50W	01 November to 31 <sup>st</sup> December	
6	Egersund Bank	58° 07.40N - 04° 33.0E 57° 53.00N - 05° 12.0.E 57° 40.00N - 05° 10.9E 57° 57.90N - 04° 31.9E	01 January to 31 <sup>st</sup> March	(10 x 25 nm.)
7	East of Fair Isle	59° 40N - 01° 23W 59° 40N - 01° 13W 59° 30N - 01° 20W 59° 10N - 01° 20W 59° 30N - 01° 28W 59° 10N - 01° 28W	01 January to 15 <sup>th</sup> March	

b

Time Limited Closures				
No	Area Name	Coordinates	Time period	Additional Comment
8	West Bank	57° 15N - 05° 01E 56° 56N - 05° 00E 56° 56N - 06° 20E 57° 15N - 06° 20E	01 February-15 March	(18 x 4 nm)
9	Revet	57° 28.43N - 08° 05.66E 57° 27.44N - 08° 07.20E 57° 51.77N - 09° 26.33E 57° 52.88N - 09° 25.00E	01 February-15. March	(1.5 x 49 nm.)
10	Rabarberen	57° 47.00N - 11° 04.00E 57° 43.00N - 11° 04.00E 57° 43.00N - 11° 09.00E 57° 47.00N - 11° 09.00E	01 February-15. March	East of Skagen (2.7x4 nm)

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**TERMS OF REFERENCE FOR A WORKING GROUP ON HERRING**

The group's main task is to recommend how to optimally and sustainably utilise the North Sea autumn spawning herring (NSAS) in the North Sea and explore methods for the setting of TAC.

The working group shall also make recommendations for management models, including TAC setting for the herring in Skagerrak and Kattegat, where NSAS herring mix with western Baltic spring spawning (WBSS) herring stocks.

The working group should look at the current practice of setting separate TACs to cover bycatches in other fisheries. Important elements to consider is fishing areas and seasons, exploitation pattern as well as bycatches in other fisheries.

In particular, the Working Group shall:

- For an appropriate range of reference years defined by the group
  - o Describe the development of the herring fisheries in the North Sea and in the Skagerrak/Kattegat
  - o Describe the catch composition in the herring fisheries (by type of fleet, age, stock, quarter and ICES subdivision)
  - o Describe the development of relevant herring stocks and species caught together with NSAS
  - o Describe the development and impact of management measures
- Elaborate on any specificities that may explain certain important development traits
- Suggest a management model that secures that the exploitation of NSAS herring stock is as sustainable, and at the same time practical and controllable.
- Suggest potential TAC setting models for Skagerrak and Kattegat, that also take into consideration the intermixture of WBSS.

Explore/consider different models in which all landings (also bycatches) within a management area are counted and how they are set against stock specific TACs.

The working group shall submit its recommendations before 1 September 2020.



## PROVISIONAL CATCH STATISTICS FOR 2018

Table 1. Joint Stock Quotas in the North Sea		Catch in 2018	
Species	ICES area	Norway	EU
Cod	4	5,577	30,054
Haddock	4	1,419	27,725
Saithe	4, 3a	39,163	41,759
Whiting	4	1,027	12,625
Plaice	4	69	49,507
Herring	4, 7d	164,924	388,762

Table 2. Joint Stock Quotas (not Jointly Managed)		Catch in 2018	
Species	ICES area	Norway	EU
Norway Pout	4	12,666	-
Blue ling	4, 5b, 6, 7, 2a	134	-
Ling	4, 5b, 6, 7, 2a	6,578	-
Tusk	4, 5b, 6, 7, 2a	1,426	-
Combined quota	5b, 6, 7	230	-
Shrimps	4		81
Horse mackerel	4bc	72	-
Others	4, 2a (EU-zone)	2,604	8,583
Sole	4	1	-
Anglerfish	4		1,497
Norway lobster	4		43
Ling	4		1,000
Tusk	4		38
Saithe	6a	949	-
Blue Whiting *	2, 4a, 6a, 6b, 7	110,000	-

Table 3. Quotas to the EU of Norwegian Exclusive Stocks		Catch in 2018
Species	ICES area	EU
Arcto-Norwegian cod	1, 2	22,631
Arcto-Norwegian haddock	1, 2	1,004
Saithe	1, 2	2,525
Greenland halibut (by-catches)	1, 2	94
Others (by-catches)	1, 2	221

Table 4. Quotas to Norway from EU Exclusive Stocks, and from EU Quota in Greenland Waters		Catch in 2018
Species	ICES Area	Norway
Sprat	4	9,776
Greenland halibut	2a, 6	916
Shrimp	14, 5a	0
Greenland halibut	NAFO 1	575
Greenland halibut	14, 5a	525
Grenadier (by-catches)	NAFO 1	3
Grenadier (by-catches)	14, 5a	4
Redfish	14, 5a	628
Capelin	14, 5a	0



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Table 1

## 2020 JOINT STOCK QUOTAS IN THE NORTH SEA

Species and ICES Area	TAC	Zonal Attachment <sup>(7)</sup>				Transfer from Norway to European Union <sup>(5)</sup>	Transfer from EU to Norway <sup>(5)</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						
<b>Cod</b>	<b>4</b>	17	2,502	83	12,216			2,502	2,502	12,216	10,618
<b>Haddock</b>	<b>4</b>	23	8,200	77	27,452	300		7,900	7,900	27,752	20,644
<b>Saithe</b>	<b>4, 3.a</b>	52	41,503	48	38,310		200	41,703	41,703	38,110	38,110
<b>Whiting</b>	<b>4</b>	10	1,716	90	15,442	500		1,216	1,216	15,942	10,801
<b>Plaice</b>	<b>4</b>	7	10,280 <sup>(6)</sup>	93	136,572			10,280	10,280	136,572	56,041
<b>Herring</b>	<b>4, 7.d</b>	29	111,652	71	273,356			111,652	50,000 <sup>(3)(4)</sup>	273,356	50,000 <sup>(4)</sup>

<sup>(1)</sup> Any part of this allocation not taken may be added to the allocation in the Party's own zone.

<sup>(2)</sup> TAC to include industrial by-catches.

<sup>(3)</sup> Limited to ICES Divisions 4.a and 4.b.

<sup>(4)</sup> An additional quantity of maximum 10,000 tonnes will be granted if such an increase is called for.

<sup>(5)</sup> The Delegations may consider in 2020 possible further transfers.

<sup>(6)</sup> Of which 300 tonnes may be fished in the Skagerrak.

<sup>(7)</sup> Based on the Nantes Report.



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TABLE 2

## 2020 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	4	14,500 <sup>(10)</sup>
Blue ling	4; 5.b; 6; 7; 2.a	250
Ling	4; 5.b; 6; 7; 2.a	8,000 <sup>(1)(2)</sup>
Tusk	4; 5.b; 6; 7; 2.a	2,923 <sup>(1)(2)</sup>
Combined quota	5.b; 6; 7	280 <sup>(3)</sup>
Shrimps	4	200
Horse mackerel	4; b, c	2,550 <sup>(4)</sup>
Others	4; 2.a (EU Zone)	6,750 <sup>(5)</sup>
Sole	4	10
Anglerfish	4	1,700
Norway lobster	4	600
Ling	4	1,350
Tusk	4	170
Saithe	6.a	940 <sup>(6)</sup>
Blue Whiting	2; 4.a; 6.a <sup>(6)</sup> ; 6.b; 7 <sup>(9)</sup>	99,900 <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 5.b and Subareas 6 and 7.
- (2) Of which an incidental catch of other species of 25 % per vessel at any moment is permitted in ICES Subareas 5.b, 6 and 7. 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 5.b, 6 and 7 may not exceed 3,000 tonnes. By-catch of cod under this provision in area 6.a. may not be more than 5%.
- (3) Fishing with long-lines for grenadiers, rat tails, mora mora and greater forkbeard.
- (4) This quota may be fished in ICES Division 4.a.
- (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 40,000 tonnes may be fished in ICES Division 4.a.
- (9) West of 12°W.
- (10) Use of a sorting grid is obligatory

TABLE 3

## 2020 QUOTAS TO THE EU OF NORWEGIAN EXCLUSIVE STOCKS

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	1; 2	21,518
Arcto-Norwegian haddock	1; 2	1,100
Saithe	1; 2	2,550
Greenland halibut (by-catches)	1; 2	50
Others (by-catches)	1; 2	350




TABLE 4

**2020 QUOTAS TO NORWAY FROM EU EXCLUSIVE STOCKS  
AND FROM EU QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	4	10,000 <sup>(3)</sup>
Greenland halibut	2.a; 6 <sup>(1)</sup>	1,250
Shrimp	14; 5.a	1,200
Greenland halibut	NAFO 1 ICES 14; 5.a	575 575
Grenadier (by-catches)	NAFO 1	40
Grenadier (by-catches)	ICES 14; 5.a	25
Redfish	14; 5.a	561 <sup>(2)</sup>
Capelin	14; 5.a	10,000

<sup>(1)</sup> In ICES Division 6 with long-lines only.

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

<sup>(3)</sup> To be fished after 1 July 2020 to 30 June 2021