

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2019**

- 1 A European Union Delegation, headed by Mr Jacques VERBORGH and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, met in Bergen, Norway from 26 November to 30 November and in London, United Kingdom from 5 December to 7 December 2018 to consult on the regulation of fisheries in the Skagerrak in 2019.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2019, outlined in this Agreed Record, including Annex I to IV.
- 3 The Delegations reiterated their determination to cooperate, in their mutual interest, in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which they are responsible.
- 4 **Discard ban and landing obligation in the Skagerrak**
 - 4.1 The Delegations recalled that in 2012 the EU and Norway worked towards the development of harmonised measures for the implementation of a common discard ban in the Skagerrak, including the harmonisation of certain technical measures. It was noted that although the common discard ban was never implemented, Norway, Denmark and Sweden adopted the harmonised technical measures at national level, and that these measures have been incorporated into EU legislation, with effect from 1 January 2016.
 - 4.2 The Delegations noted that the EU landing obligation will apply in full as of 2019.
 - 4.3 The Norwegian Delegation expressed concern regarding the lack of supporting technical measures and incentives. A Norwegian ban on discarding was introduced decades ago and this experience clearly showed that additional technical measures and control measures in support of a landing obligation are needed. The Norwegian Delegation expressed the view that setting a TAC based on the assumptions of perfect compliance with the landing obligation for fisheries previously associated with high levels of discards, might lead to fishing pressures well above F_{MSY} and no improvement in exploitation pattern. The concern includes loss of future yield as well as underreported catches leading to serious bias in the future stock assessments to be used for management decisions.

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- 4.4 The EU Delegation informed about the extensive work taking place through regionalisation in order to implement the landing obligation and mitigate potential choke situations as the EU landing obligation applies to all catches subject to TACs, including by-catches. This has resulted in a number of discard plans underpinned by the EUs comprehensive data collection on catch composition, gear selectivity and discard survival. Discard survival estimates are essential in decisions to exempt catch of certain species in certain gears and areas.
- 4.5 The EU Delegation informed the Norwegian Delegation that in 2017, the landing obligation was only applicable to some fleet segments, which is in line with the gradual phasing in process. Plaice, cod, saithe and whiting were only applicable to the larger mesh (>100mm) fleets during this time. The EU Delegation notes that for some of the stocks, the levels of unwanted catches fell in 2017 compared to 2016. Given that the landing obligation will be fully implemented as of January 1 2019, it is anticipated that discards will be reduced further in 2019.
- 4.6 In addition, the EU Delegation explained that the EU landing obligation foresees specific exemptions, the so called “*de minimis*” and the *high survivability* exemptions. *De minimis* exemptions allow for discarding small quantities of unavoidable unwanted catch where scientific evidence indicates that increases in selectivity are very difficult to achieve or when handling unwanted catches would have disproportionate costs. Exemptions for high survivability concern catches of species for which scientific evidence demonstrates high survival rates taking into account the characteristics of the gears, of the fishing practices and of the ecosystem. Furthermore, the EU Delegation informed the Norwegian Delegation of its intention in 2019 to deduct from the EU quotas the estimated amounts of the discards in the light of those two exemptions.

5 Management, including Monitoring, Control and Surveillance

- 5.1 The Delegations noted that the cooperation on management has been fruitful in recent years.
- 5.2 The Delegations recognised that there is a need to further strengthen cooperation and contact between the control services, in order to increase the effectiveness of the control.
- 5.3 The Delegations noted that the Monitoring, Control and Surveillance measures for joint stocks and the issue of the weighing of landings of pelagic vessels are covered under the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2019.
- 5.4 The Delegations took note of the 2015 report from the Working Group on management in the Skagerrak as well as the Consultations in September 2016 in Stockholm regarding catch reporting and control in cross border fisheries.

5.5 The Delegations noted that, so far, they had not been able to identify an approach that would allow for cross-border fishing activities, while also securing adequate possibilities for control and enforcement. The Delegations therefore agreed that the Parties would study this issue further.

5.6 The Delegations noted that over the years there have been inaccuracies in catch reporting with respect to the allocation of the catches relative to fishing activity to the different economic zones in Skagerrak. The Delegations therefore agreed to develop a new approach to the allocation of catches. The main feature of this method would be to base the allocation on VMS position reports and allocate the catches in proportion to the time spent in each zone. During the annual consultations for 2018, the Delegations had agreed to further develop the allocation method and to make a report no later than June 2018. The Delegations noted that this report is still outstanding and therefore agreed that a status report should be submitted no later than March 2019. The Delegations would address the issue during the forthcoming consultations concerning Skagerrak.

6 Reciprocal access agreement for Skagerrak

6.1 The Delegations referred to the *Agreement of 15 January 2015 between the Kingdom of Norway and the European Union on Reciprocal Access to Fishing in the Skagerrak for Vessels Flying the Flag of Denmark, Norway and Sweden*.

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

7 Total allowable catches and quotas

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

8 Cod

8.1 The Delegations agreed that the TAC for 2019 should be 4,205 tonnes in Skagerrak.

9 Haddock

9.1 The Delegations agreed to base the TAC for 2019 on the ICES F_{msy} advice, resulting in a TAC of 1,780 tonnes.

9.2 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2019 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2 of that Agreed Record, are equally applicable to the Skagerrak.

10 *Pandalus*

- 10.1 The Delegations noted that ICES advises that total allowable catches for the first half of 2019 should be no more than 4,608 tonnes. The Delegations also noted that this advice will be revised early 2019.
- 10.2 The Delegations agreed to establish a preliminary TAC for 2019 of 4,608 tonnes, and agreed to apply this on a pro rata basis to cover the first four months of the year in the case of Norway, and the first six months of the year in the case of EU.
- 10.3 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 10.2 a quota for *Pandalus* for Division 4.a. East of 1,382 tonnes.
- 10.4 The Delegations agreed to consult on establishing a final TAC for 2019 as soon as the final ICES advice for *Pandalus* is available.
- 10.5 The Delegations recalled that they on 25th April 2018 had agreed to a Long-Term Management Strategy (LTMS) for *Pandalus* in Skagerrak and in the Norwegian Deep that will be applicable from 1 January 2019 onwards. The joint LTMS is set out in Annex II.

11 Herring

- 11.1 The Delegations agreed in 2014 on a TAC-setting method based on the report of the Working Group on management measures for herring in the Skagerrak and Kattegat.
- 11.2 The Delegations noted that there are serious concerns about the status of the western Baltic spring spawning herring (WBSS) stock. ICES therefore advises a zero catch for the WBSS, which implies that if the TAC for Division 3.a is set to zero in 2019, the catches of NSAS by the C- and D-fleets would also be zero.
- 11.3 The Delegations noted that the European Union had established a TAC for herring in Subdivisions 22-24 (Western Baltic) corresponding to a TAC of 18,002 tonnes for the WBSS stock.
- 11.4 The EU Delegation informed the Norwegian Delegation that this TAC was established with reference to the EU multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea.
- 11.5 The Delegations decided to apply this TAC when calculating the WBSS proportion of the TAC for herring in Skagerrak and Kattegat.
- 11.6 Based on this TAC-setting method, the Delegations agreed to establish a TAC of 29,326 tonnes in the Skagerrak and Kattegat for 2019.



- 11.7 The Delegations agreed that for the quotas established for herring in the Skagerrak and Kattegat areas, Norway would be able to fish 50% of its quota in the North Sea in the Norwegian Economic Zone and the European Union would be able to fish 50% of its quota in European Union waters of ICES Area 4.
- 11.8 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2019.
- 11.9 The Norwegian Delegation reiterated their concern that juvenile herring is taken as by-catch in the small-meshed fishery. This is yet more serious in light of the poor recruitment to this stock the last decade. Therefore, the Norwegian Delegation urged the EU Delegation to phase out the fishery for juvenile herring.
- 11.10 The EU Delegation considered that the fishing mortality on juveniles represents a very small proportion of the natural mortality rate, and was therefore of negligible significance.
- 11.11 The Delegations agreed to meet early in 2019 to consult on the management for herring in the North Sea and Skagerrak, including TAC-setting methods.

12 Plaice

- 12.1 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 share for Skagerrak of the overall TAC.
- 12.2 Based on its MSY approach ICES advises that total catches in 2019 should be no more than 142,217 tonnes.
- 12.3 The Delegations agreed to establish a TAC for plaice in ICES Subarea 4 (North Sea) and Subdivision 20 (Skagerrak) in 2019 at 142,217 tonnes. This is an increase of 11% compared to 2018.
- 12.4 The Delegations agreed to apply the scheme described in paragraph 12.1 and establish a TAC of 16,782 tonnes in Skagerrak (Subdivision 20).

13 Sprat

- 13.1 The Delegations noted that for a number of years the TAC for sprat in Skagerrak has been much higher than the actual catches. Since sprat is a data limited stock, for which ICES gives advice based on recent landings, this has led to a TAC, which is apparently much higher than that advised. However, the Delegations also noted that the sprat fishery is limited by the herring by-catch ceiling in the fishery rather than by the sprat TAC itself. In view of this, the Delegations agreed to establish a TAC of 26,624 tonnes in 2019.



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14 Whiting

14.1 The Delegations agreed to establish a TAC of 1,660 tonnes in 2019.

15 «Others» quota

15.1 The Norwegian Delegation informed the EU Delegation that Norway would set an “others” quota of 2,000 tonnes for the EU vessels fishing in the Norwegian zone. Norway also informed EU that Norwegian vessels catch of “others” species in the EU zone, will be restricted to 2,000 tonnes. Jointly managed stocks (cod, haddock, whiting, saithe, plaice, mackerel, *Pandalus*, herring and sprat) as well as blue whiting, Norway pout, sandeel and horse mackerel are not to be counted against the “others” quotas.

15.2 The EU Delegation was not yet in a position to set an “others” quota for Norwegian vessels in the EU zone, and therefore only require that all vessels continue to report the catches taken in each Party’s waters.

16 Technical measures

16.1 The Delegations referred to the *Agreed Record of Fisheries Consultations between the European Union and Norway on Technical Measures in Skagerrak*, signed in Gothenburg 6 September 2018, and in particular to Annex I in that Agreed Record. The Delegations recalled that a joint Real Time Closure (RTC) system for *Pandalus* in Skagerrak should be established no later than 1 July 2019.

16.2 The Delegations agreed to continue the Working Group on Technical Regulations in Skagerrak. The Working Group will undertake a comparison between EU and Norwegian technical regulations for all fisheries, identify specific elements where there are differences and propose possible approaches to harmonization where relevant, also including joint RTC in other fisheries than *Pandalus*. In light of the findings, the Working Group can also review other issues *inter alia* regarding the improvement of gear selectivity. Terms of Reference for this Working Group are set out in Annex IV.

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

16.4 The Delegations noted that authorities, industry and scientists have been working together on solving issues related to management of *Pandalus*, in particular regarding reduction of discard. This cooperation has been fruitful and the Delegations are convinced that the technical solutions being developed and implemented, will contribute to reduced discard of *Pandalus*. The Delegations endorsed this form of cooperation in order to handle specific issues.

17 Catch statistics

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

17.2 The Delegations agreed that catch statistics, including inter-annual quota flexibility, should be attached to future Agreed Records.

18 Quota arrangements

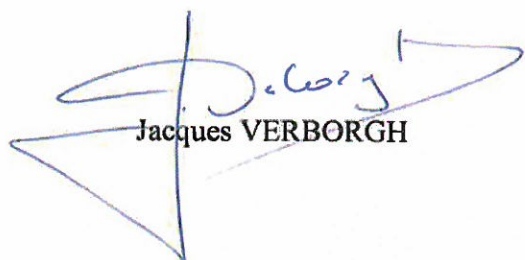
18.1 The Delegations agreed that the negotiated quota arrangements constitute an *ad hoc* solution and shall be without prejudice to future fishery arrangements between the Parties.

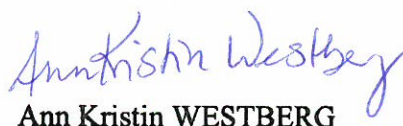
Brussels, 12 December 2018

Oslo, 12 December 2018

For the European Union Delegation

For the Norwegian Delegation


Jacques VERBORGH


Ann Kristin WESTBERG

TACs AND ALLOCATIONS IN 2019

Catches taken, during the period 1 January to 31 December 2019 in the Skagerrak and the Kattegat of the species mentioned below, shall be limited as follows (metric tonnes, fresh round weight):

SPECIES	AREA ⁽¹⁾	TAC 2019	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	4,205	136 ⁽²⁾	4,069
HADDOCK ⁽³⁾	S + K	1,780	75	1,706
WHITING	S + K	1,660	30	1,630
PLAICE	S	16,782	336	16,446
MACKEREL	S + K	pm	pm ⁽⁴⁾	Pm
PANDALUS	S	3,226	1,503	1,723
HERRING	S + K	29,326	3,911	25,415
SPRAT	S + K	26,624	1,997	24,627

⁽¹⁾ Skagerrak (S): the area bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tislarna lighthouse. Skagerrak and Kattegat (S + K): the area defined as Skagerrak, extended to the southern boundary of Kattegat, and defined as a straight line from Hasenøre to Gnibens spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen.

⁽²⁾ This quantity does not include catches to be taken with passive gear inside the Norwegian baselines.

⁽³⁾ The TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.

⁽⁴⁾ A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet.

LONG TERM MANAGEMENT STRATEGY FOR NORTHERN SHRIMP (*PANDALUS BOREALIS*) IN DIVISIONS 3.A. AND 4.A.EAST (SKAGERRAK AND KATTEGAT AND NORTHERN NORTH SEA IN THE NORWEGIAN DEEP)

The Parties agree to implement a Long Term Management Strategy (LTMS) for the Northern shrimp in the Northern North Sea (Norwegian Deep) and in the Skagerrak and Kattegat. The objective of this LTMS is to provide for sustainable fisheries with high and sustainable yields in conformity with the precautionary approach.

For the purpose of this LTSM, the following definitions shall apply:

- “SSB” means the estimate according to ICES of the Spawning Stock Biomass at the beginning of the TAC year.
- $B_{TRIGGER}$ is the value of spawning stock biomass (SSB) that triggers a specific management action.
- F_{TARGET} is the fishing mortality to be included in the algorithm for pre-agreed management actions as a function of variables related to the status of the stock.

Values for $B_{TRIGGER}$ and F_{TARGET} are fixed in the light of the latest available ICES advice, at levels of 9 900 t and 0.59 respectively. The TAC will be established for each calendar year (from January 1st to December 31st).

- By end of the year N-1, a preliminary TAC will be adopted by the Parties based on ICES catch forecast for the six first months of the year N, released in March of year N-1.
- The Parties will establish the final TAC for the entire year N in light of the ICES stock advice released in March of year N.

When establishing the preliminary and the final TACs the following rules shall apply:

- a. When the SSB at the start of the year is estimated at or above $B_{TRIGGER}$ the Parties will fix a TAC consistent with a fishing mortality rate of F_{TARGET} .
- b. When the SSB at the start of the year is estimated below $B_{TRIGGER}$, the Parties will fix a TAC consistent with a fishing mortality rate of $F_{TARGET} \times (SSB/B_{TRIGGER})$.

The TAC will include all removals made from the stock.

When SSB is estimated to be at or above $B_{TRIGGER}$, the TAC derived from paragraph (a) can be deviated with up to 10 % according to the “banking and borrowing” scheme described in Annex III to this Agreed Record.

This LTMS will be applicable from 1st January 2019 onwards.

It shall be revised by the end of 2021 or following the next ICES benchmark of the stock.

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INTER-ANNUAL QUOTA FLEXIBILITY FOR PANDALUS BOREALIS

1. 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. The quantity cannot be transferred further to the quotas for subsequent years.
2. 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.
3. Complete catch statistics, quotas and inter-annual quota transfers for the previous year should be made available to the other Party no later than 1 May.
4. The inter-annual quota flexibility scheme shall not apply when the SSB is estimated at the beginning of the year to be below $B_{TRIGGER}$.

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**TERMS OF REFERENCE
FOR THE WORKING GROUP ON TECHNICAL MEASURES IN SKAGERRAK**

1. The Working Group shall develop and prepare a system for the introduction of a comprehensive and harmonised Real Time Closure (RTC) as a tool to enhance exploitation pattern in the *Pandalus* fishery in the Skagerrak.

The Working Group shall make recommendations, *inter alia*, for:

Biological and technical parameters

- The minimal set of data needed to close an area (size, and number of samples);
- Identify the length that could be used to trigger the RTC;
- The percentage of *Pandalus* below trigger length (in number and/or weight) that will lead to closure of an area, and explore mechanisms for equivalence between weight and number;
- Guidelines for delimiting the geographical boundaries of a closed area;
- Guidelines for which gear may be used inside a closed area;
- The period for which the area should be closed;

Procedural issues

- Procedures for notifying relevant parties of a closure;
- The mechanism by which a closure would be initiated and lifted;

Control issues

- The monitoring of closed areas;
 - The exchange of information between control bodies;
 - Requirements for monitoring;
2. The Working Group shall review the selectivity characteristics of the following gears:
 - Danish anchor seines, in particular consider whether the cod-end selectivity across a range of species for Danish seines is different to that of otter trawls and Scottish seines (fly shooting). The Working Group should also present data on the species composition, including seasonal and temporal trends for both Danish seines and otter trawlers operating in similar fisheries in the Skagerrak.
 - Analyze and evaluate the efficacy of species selective grids in pelagic trawl, considering the technical design features and level of use in the fishery.
 - Analyze and evaluate the efficacy of size selective grids in the *Pandalus* fishery, considering the technical design features and level of use in the fishery.
 3. The Working Group will undertake a comparison between EU and Norwegian technical regulations for all fisheries, identify specific elements where there are differences and propose possible approaches to harmonization where relevant, also including joint RTC in other fisheries than *Pandalus*.

The Working Group shall make recommendations by 01/07/2019.

