

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2013**

CLONAKILTY, 18 JANUARY 2013

- 1 A European Union Delegation, headed by Mr John SPENCER, and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, met in Clonakilty from 15 to 18 January 2013 to consult on the regulation of fisheries in Skagerrak in 2013. This meeting was a continuation of meetings held in Brussels and Bergen.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2013, outlined in this Agreed Record including its Annexes.
- 3 The Delegations reiterated their determination to cooperate, in their mutual interest, in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which they are responsible.
- 4 **Discard ban and related technical measures in the Skagerrak**
 - 4.1 The Delegations recalled that the Parties had agreed to introduce new technical measures including a discard ban in the Skagerrak as of 1 January 2013, and underlined that this was an important step towards more sustainable fisheries in this area, cf. the Agreed Record on the Regulation of Fisheries in Skagerrak and Kattegat for 2012 Annex III and the Agreed Record on Measures for the Implementation of a Discard Ban and Control Measures in the Skagerrak area signed 4 July 2012.
 - 4.2 The EU Delegation informed the Norwegian Delegation that the legislative proposals to implement the discard ban in the Skagerrak are currently before the Council of Ministers and the European Parliament and that this process should be finalised during the course of 2013. Consequently, it would be realistic to foresee that the discard ban would be implemented in EU waters of the Skagerrak from 1 January 2014.
 - 4.3 The EU Delegation clarified that the agreed technical measures are currently before the Council of Ministers and the European Parliament and that this process should be finalised during the course of 2013. They noted that these technical measures would subsequently be introduced at EU level as soon as possible.
 - 4.4 However, the new technical measures will first be introduced for the Skagerrak by Denmark and Sweden, through national regulation, for their own vessels and would come into effect no later than 1 February 2013.
 - 4.5 The Norwegian Delegation regretted that the discard ban could not be introduced in EU waters as originally agreed between the Parties, but noted with satisfaction that Denmark and Sweden, through national legislation, will introduce the planned technical regulations from February 2013. Moreover, they informed the EU



Delegation that the agreed measures had already been adopted in Norwegian regulations, and that the measures, including the discard ban, entered into force in Norwegian waters of Skagerrak as of 1 January 2013 for all vessels fishing in this area.

- 4.6 The Delegations noted that the Parties had agreed to introduce an inter-annual quota flexibility scheme for jointly managed stocks in Skagerrak as this scheme would facilitate the operation of a discard ban. The Delegations noted that the discard ban would not be implemented in EU waters as of 1 January 2013 and agreed that the inter-annual quota flexibility scheme as outlined in Annex IV would not be introduced in Skagerrak before the year the agreed discard ban is implemented in the whole of Skagerrak, and not reviewed until 2017.
- 4.7 The implementation of the second step of the Discard Ban is deferred until 1 January 2016.
- 4.8 The Delegations noted that, prior to the consultations for 2014, advice will be received from ICES on the level of increase in the TACs of all species covered by the proposed discard ban, in order to take account of the previous levels of estimated discards. At the same time, ICES will also provide advice on minimum size for Norway lobster.

5 Monitoring, Control and Surveillance

- 5.1 The Delegations noted that because of significant differences in their respective control systems, a wide-ranging harmonising between the regimes would not be feasible. Nevertheless, the Delegations recognised that there is a need to reinforce cooperation and contact between the control services, in order to increase the effectiveness of the control. The Delegations recalled that they therefore had agreed to establish a Working Group on Monitoring, Control and Surveillance, as referred to in the Agreed Record on Measures for the Implementation of a Discard Ban and Control Measures in the Skagerrak area, signed 4 July 2012. The Terms of Reference of this Working Group are set out in Annex III.
- 5.2 The Delegations recalled that the revised Agreed Record on Electronic Exchange of catch and activity data signed 14 November 2011 would allow for continued trans-boundary fisheries in Skagerrak. Furthermore, the Delegations recalled the Agreed Record on Measures for the Implementation of a Discard Ban and Control Measures in the Skagerrak area in regard to the scope of Vessel Monitoring Systems (VMS) and Electronic Reporting System for catch and activity data in this area.
- 5.3 The Delegations agreed that the reporting requirement in regard to enforcement would be implemented gradually for vessels not covered by this requirement previously.
- 5.4 The Delegations noted that the issue of the weighing of landings of pelagic vessels has been covered under the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway for 2013.

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6 Access agreement for Skagerrak

- 6.1 The Delegations referred to the expiry in August 2012 of the Framework Agreement of 19 December 1966 between Norway, Denmark and Sweden on mutual access to fish in Skagerrak and Kattegat.
- 6.2 The Delegations noted that negotiations on a new agreement to replace the 1966 Agreement are still ongoing. In this context, they referred to the transitional arrangements between the Parties in order to prevent any interruption of fishing activities in the Skagerrak.
- 6.3 The Delegations agreed to continue the practice of establishing a separate Agreed Record, on an annual basis, for the regulation of fisheries in the Skagerrak.

7 Total allowable catches and quotas

- 7.1 The Delegations agreed to set a common quota of 10,000 tonnes for "other species" in the Skagerrak, which could be drawn on by vessels from either Party.
- 7.2 The Delegations further agreed to submit monthly reports of the quantities of the individual species that are counted against this quota.
- 7.3 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in Skagerrak.

8 Cod

- 8.1 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2013 and agreed that the relevant provisions of section 5.4.10 are equally applicable to the Skagerrak.

9 Haddock

- 9.1 The Delegations noted that the TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries. The Parties shall, during the annual consultations, communicate catch statistics (covering 2012 and preliminary statistics for 2013) specified as catches taken in the directed fishery for haddock and estimates for by-catches in the industrial fisheries.

10 Shrimp

- 10.1 In respect of the shrimp stock, the Delegations took note of the ICES advice for 2013 regarding Divisions IIIa and IVa East, and agreed on a total allowable catch level of 9,500 tonnes in this area.
- 10.2 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 10.1 a quota for shrimp for Division IVa East of 2,850 tonnes.

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11 Herring

- 11.1 The Delegations noted that catches of herring in ICES Division IIIa consist of herring from several stocks and that the absence of a method for establishing a TAC for herring in this area is not satisfactory. The Delegations therefore agreed to establish a Working Group on management measures for herring in ICES Division IIIa (Skagerrak). This Working Group, the Terms of Reference for which are set out in Annex V, shall develop and recommend alternative methods to set a TAC for herring in this area that is consistent with maximum sustainable yield.
- 11.2 The Delegations agreed to establish a TAC for herring in the Skagerrak and Kattegat at 55,000 tonnes for 2013. Furthermore, the Delegations agreed that 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 can fish 50% of its quota in European Union waters of ICES Area IV.
- 11.3 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2013.
- 11.4 The Norwegian Delegation expressed their concern that juvenile herring is taken as by-catch in the small-meshed fishery. This is yet more serious in light of the poor recruitment to this stock the last decade. Therefore, the Norwegian Delegation urged the EU Delegation to phase out the fishery for juvenile herring.
- 11.5 The EU Delegation considered that the fishing mortality on juveniles represents a very small proportion of the natural mortality rate, and was therefore of no significance.

12 Plaice

- 12.1 The Delegations recalled that following a joint request to ICES with the objective of establishing a long-term management plan for plaice in Skagerrak, further work will be required during 2013, in particular to consider the stock identities of plaice in the Skagerrak and adjacent waters, as well as to evaluate possible approaches to developing a long-term management plan for plaice in the Skagerrak.
- 12.2 In the meantime, the Delegations agreed to increase the TAC for 2013 by 15%.

13 Sprat

- 13.1 The Delegations agreed to reduce the TAC for 2013 by 20%, resulting in a TAC of 41,600 tonnes.
- 13.2 Based on scientific information regarding the prevailing abundance of herring in relation to sprat in the Skagerrak and Kattegat, the Delegations agreed that it would be impractical to apply in 2012 the provisions in the Agreement of 4 May 1982 relating to by-catch and minimum size of herring in a fishery for sprat.

14 Technical measures

- 14.1 The Delegations agreed that it would be appropriate to consider alternatives to the technical measures given in Annex III of the Agreed Record on the Regulation of Fisheries in Skagerrak and Kattegat for 2012, if any new information demonstrates that these alternatives are as effective in terms of selectivity. Furthermore, the Delegations agreed that the Working Group on the implementation of a discard ban in the Skagerrak should be mandated (Annex II) to consider if there are additional technical regulations that could be introduced.
- 14.2 Fishing with beam-trawls for vessels with engines above 221kw is prohibited in an area inside 12 nautical miles from the coast between Hirtshals lighthouse to Hanstholm.

15 Catch statistics

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

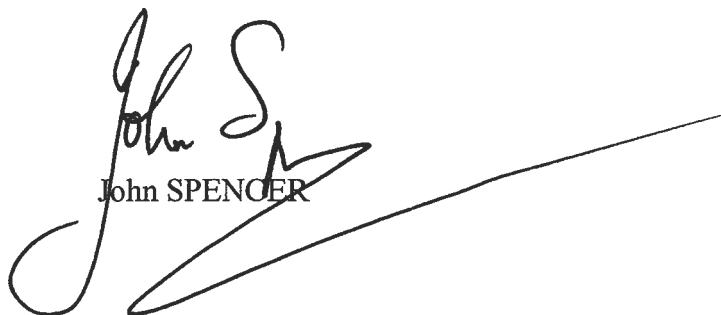
16 Quota arrangements

- 16.1 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.

Clonakilty, 18 January 2013

For the European Union Delegation

For the Norwegian Delegation


John SPENCER


Ann Kristin WESTBERG

TACS AND ALLOCATIONS IN 2013

Catches taken, during the period 1 January to 31 December 2013 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 2013	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	3,783 ⁽⁵⁾	123 ⁽²⁾	3,660
HADDOCK ⁽³⁾	S + K	2,770	117	2,653
WHITING	S + K	1,050	19	1,031
PLAICE	S	9,142	183	8,959
MACKEREL	S + K		(4)	
SHRIMPS	S	6,650	3,099	3,551
HERRING	S + K	55,000	7,335	47,665
SPRAT	S + K	41,600	3,120	38,480
OTHERS	S + K	10,000		

- (1) Skagerrak (S): the area bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the 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 Gribens spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen.
- (2) This quantity does not include catches to be taken with passive gear inside the Norwegian baselines.
- (3) The TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.
- (4) A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet.
- (5) An additional amount of 454 tonnes is available to the Parties (Norway: 15 tonnes, EU: 439 tonnes) under point 8.1 of this Agreed Record.

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**TERMS OF REFERENCE FOR THE WORKING GROUP ON THE IMPLEMENTATION OF A
DISCARD BAN IN THE SKAGERRAK**

The Working Group shall:

- Monitor and follow up the implementation of the discard ban in the Skagerrak.
- If necessary recommend appropriate adjustments to the discard ban and related supporting measures, including the functioning of the inter-annual quota flexibility scheme.
- Review existing technical regulations with the view to see if there are additional technical measures that may be harmonised.
- Recommend an appropriate level and the species for an “others” quota in the Skagerrak.

The Working Group shall give their recommendations before the annual consultations between the Parties.

The Working Group shall meet annually in 2013 and 2014, and thereafter if required by one of the parties.



**SKAGERRAK WORKING GROUP ON
MONITORING, CONTROL AND SURVEILLANCE (MCS)**

The Delegations agreed to set up a Skagerrak Working Group on Monitoring, Control and Surveillance (MCS). The Skagerrak Working Group should be represented by MCS practitioners.

The Terms of Reference of the Skagerrak Working Group would be as follows:

- Develop and follow up mechanisms for the inspection services to cooperate, to exchange inspectors, establish joint operations and participate in training and workshops.
- Consider risk-based inspection planning and procedures for assessing such inspections.
- Establish procedures for mutual assistance for control purposes.
- Monitor the development of FMCs with the view to establish FMCs operational 24/7 and that these FMCs are manned with MCS practitioners.
- Extending the scope of the existing electronic licensing systems used between Norway and the EU for other areas than Skagerrak to cover Norwegian and EU vessels fishing in each other waters in the Skagerrak, both in regard to notification and licensing.
- Establish procedures for communication and exchange of information in regard to monitoring, control and surveillance between the FMCs of the Countries.

The Working Group should make proposals regarding the two last points no later than 28 February 2013.



**INTER-ANNUAL QUOTA FLEXIBILITY SCHEME FOR JOINTLY MANAGED SPECIES
UNDER THE DISCARD BAN IN THE SKAGERRAK**

- 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.
- 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.
- If the uptake on an annual quota is exceeded by more than 10%, there should be a penalty resulting in a reduction of the Party's following year annual quota by more than 10%.
- Complete catch statistics for those species subject to a discard ban and quotas for the previous year should be made available to the other Party no later than 1 April. The Parties will provide information regarding catches and quotas 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.
- This scheme should be reviewed no later than 2017.
- By way of derogation, the percentage limit mentioned in point 1 to 3 above shall be fixed at 20% for the first year of operation of the discard ban and at 15% for the second year.



**TERMS OF REFERENCE OF THE
WORKING GROUP ON MANAGEMENT MEASURES FOR HERRING IN
ICES DIVISION IIIa (SKAGERRAK)**

The Working Group on Management Measures for Herring in ICES Division IIIa (Skagerrak) should meet before 1 June 2013. The Working Group shall consist of managers and scientists.

Taking into account the advice given by ICES for herring stocks distributed in ICES Division IIIa, the Working Group shall develop and recommend alternative methods to set a TAC for herring in this area.

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

