

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION FOR 2011**

BERGEN, 4 DECEMBER 2010

1 A Norwegian Delegation headed by Ms Ann Kristin WESTBERG and a European Union Delegation headed by Mr John SPENCER met in Bergen from 29 November to 4 December 2010 to consult on mutual fisheries relations for 2011. The meeting was a continuation of a meeting held in Brussels.

2 The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2011 as outlined in this Agreed Record including Annexes I to XVI and Tables 1 to 4.

3 The Delegations stated that the implementation of this Agreed Record of Conclusions is contingent on a parallel and simultaneous implementation of the provisions of the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on the Management of Mackerel in the North-East Atlantic signed in Brussels on 26 January 2010.

4 The Delegations reiterated their determination to cooperate, in their mutual interest, in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which they are responsible.

5 JOINTLY MANAGED STOCKS

5.1 The Delegations agreed to continue to work to improve the exploitation pattern and reduce discards through the use of technical measures to improve the selectivity of fishing gear, closed seasons and areas as well as any other appropriate measures. They acknowledged the usefulness of harmonised technical measures, noting that the aim of such measures should be to have compatibility of fishing gear leading to the best possible selectivity achieved by the best possible means.

5.2 Demersal fisheries in the North Sea include mixed fisheries and to a large extent exploit jointly managed stocks. The Delegations agreed that the stocks in the poorest condition, particularly those, which suffer from reduced reproductive capacity, are the overriding concern for the management of mixed fisheries where joint stocks are exploited either as a targeted species or as a by-catch.

5.3 Long-term management plans

5.3.1 The Delegations reaffirmed their commitment to manage the jointly managed stocks in accordance with the long-term management plans as set out in Annexes I to IV.

5.3.2 The Delegations agreed to formulate a request to ICES on issues related to the development of joint long-term management plans in connection with the MSY concept. ICES should be asked to respond during the first half of 2011. The Norwegian Delegation informed the EU Delegation that they would undertake to

draft a request and to propose an appropriate forum for an exchange of views on the issues after receiving the response from ICES.

5.4 Cod

5.4.1 The Delegations noted that according to the latest ICES assessment the fishing mortality on cod increased markedly in 2009 and is estimated to be much higher than the long-term target.

5.4.2 The Delegations took note of the high discard rates and unaccounted removals and the possible effects these could have on the implementation of the management plan. Although cod avoidance measures were implemented in 2009 and 2010, the effectiveness of these measures remains to be confirmed.

5.4.3 Despite these concerns, the Delegations agreed that the TAC should be fixed according to the long-term management plan and that the TAC constraint of 20 % should be applied.

5.4.4 The Delegations agreed to request ICES to evaluate the recovery and long term management plan for cod and provide an answer no later than in September 2011 (see Annex VIII).

5.4.5 The Delegations recalled the Agreed Record for 2010, where the EU was given the possibility of adding 5 % to its quota for 2010 to allocate additional quotas of cod to participating vessels in the trials on fully documented fishery and that Norway added a corresponding quantity to its quota for 2010.

5.4.6 The EU Delegation described the results of the trials on fully documented fisheries undertaken by Member States during 2009 and 2010. This initiative makes use of closed circuit television cameras (CCTV), associated to a system of sensors, that record all fishing and processing activities on board the vessels. The participating fishermen were obliged to count all catches of cod against their quotas, including those fish that were below minimum landing size and which could not therefore be sold. This created an incentive for fishermen to avoid areas of small cod in order to maximise the value of their available quotas. The results of the trials showed that discards and total catches were reduced.

5.4.7 The EU Delegation considered that the Scheme represented an important initiative that could underpin an enforceable discard ban. It should be encouraged, since it would contribute to a behavioural change in fishing practices, which in turn would contribute towards the reduction of discards and a diminution of fishing mortality. The EU Delegation proposed that an expansion of the trials should be undertaken in 2011 under the following conditions:

- From the quantity of fish predicted to be discarded, Member States of the EU participating in the Scheme can draw down an amount up to 12 % of their Member State share of the cod TAC, provided that they meet the conditions outlined below.
- The scheme is significantly expanded by those Member States choosing to participate in the Scheme, with the objective of more than doubling the number of vessels participating in the Scheme in 2011 compared to 2010.

- The amount of the incentive given to an individual vessel that participates in the Scheme shall be at least 25 % less than the predicted discards by that type of vessel and, in any case, shall not represent more than 30 % of the vessel's quota.
- All catches of cod with that vessel are to be retained on board and counted against quota.
- Vessels participating in the Scheme shall make use of closed circuit television cameras (CCTV), associated to a system of sensors, that record all fishing and processing activities on board the vessel.
- Where the monitoring of the Scheme by relevant control authorities demonstrate that individual vessel of vessels do not comply with the requirements of the Scheme, and in particular the requirement to count all catches against the quota, these vessels will forfeit any increase in quota that was granted under the Scheme and shall be immediately barred from participation in the Scheme in the current and the following year.

5.4.8 The Delegations agreed that an additional 12 % would be added to the Norwegian quota for 2011. Furthermore, the Norwegian Delegation considered that as of 2012 any incentive schemes would have to be conducted within the overall TAC, fixed in accordance with the long-term management plan.

5.4.9 The EU Delegation informed the Norwegian Delegation that a study would be undertaken by the EU during 2011 in order to evaluate the results of the expanded trials. The results of this evaluation will be communicated to Norway.

5.5 Haddock

5.5.1 The Delegations noted with satisfaction that the management plan for haddock had been evaluated by ICES and found to be in accordance with the precautionary approach and that it conforms with the goal of achieving long-term maximum sustainable yield. The Delegations agreed that a new evaluation should be made in 2013.

5.5.2 The Delegations agreed that the system of inter-annual quota flexibility on this stock, as set out in Annex X, introduced by the Parties on a trial basis with effect from 1 January 2009 should continue in 2011. The system should be evaluated no later than 31 December 2011.

5.6 Saithe

5.6.1 The EU Delegation informed Norway of their intention of ensuring consistency between the TACs that are set for saithe in ICES Division VIa and saithe in ICES Divisions IV and IIIa. The EU Delegation informed Norway of its intention to fix a quota for saithe for Division VIa of 9,682 tonnes.

5.6.2 The EU Delegation suggested that a system of inter-annual quota flexibility be agreed for this stock with effect from 1 January 2011. The Norwegian Delegation did not agree with this approach.

5.7 Whiting

5.7.1 According to the ICES advice for 2011 the fishing mortality should be reduced by 50%, which corresponds to a 26% reduction in the TAC from 2010. The Delegations noted that this advice was largely dependent on the assumption that recruitment would remain at its recent low level in the ICES stock projections. The Delegations considered that because of the mismatch between the spatial distribution of the stock and the distribution of allocated quotas, a further reduction in the TAC was likely to increase the level of discarding rather than reduce the total catch.

5.7.2 The Delegations noted that the ICES response to the request on whiting management left unsolved questions that need further exploration, including estimation of biological reference points. The Delegations agreed to start developing a joint long-term management plan based on a target fishing mortality of 0.3, and agreed to request ICES on this basis to give advice on a precautionary long-term management plan (see Annex XII).

5.7.3 Furthermore, the Delegations agreed to establish the TAC for whiting in 2011 by applying an interim management plan consisting of the elements set out in Annex VI.

5.8 Plaice

5.8.1 The EU Delegation reported on the progress of the review of the EU's flatfish management plan. Thereafter, the Delegations recalled the basic principles for the long-term management of plaice in the North Sea as set out in Annex V and agreed to continue the cooperation on the development of a jointly agreed long-term management plan for plaice in the North Sea during 2011.

5.8.2 The EU Delegation suggested that a system of inter-annual quota flexibility be agreed for this stock with effect from 1 January 2011. The Norwegian Delegation did not agree with this approach.

5.9 Herring

5.9.1 The Delegations agreed to request ICES to evaluate the long-term management plan for herring and provide an answer during the first half of 2011 (see Annex IX).

5.9.2 The Delegations concluded that the by-catches of herring in other fisheries would be limited to 16,539 tonnes in 2011; this quota will be allocated to the EU.

5.9.3 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 in the last decade. Therefore, the Norwegian Delegation urged the EU Delegation to phase out the fishery for juvenile herring.

5.9.4 The EU Delegation expressed their concern that juvenile herring is taken as by-catch in the small meshed fishery in the Norwegian Economic Zone targeting Norway pout and blue-whiting.

5.9.5 The Norwegian Delegation did not share this view.

5.10 Mackerel

5.10.1 The Delegations exchanged views on the management of North-East Atlantic mackerel and, in particular, the fisheries consultations between the European Union, the Faroe Islands, Iceland and Norway held in 2010. The Delegations expressed their disappointment that the Coastal States were unable to conclude these consultations and considered that the lack of a full-fledged Coastal State agreement could undermine the status of the stock.

5.10.2 The Delegations agreed that all fisheries of North-East Atlantic mackerel should be jointly managed and consequently be covered within a total catch limitation covering all fisheries. In this context, the Delegations recalled 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 on 26 January 2010.

5.10.3 The Delegations referred to the next round of the consultations between the European Union, the Faroe Islands and Norway on the management of mackerel for 2011 in Copenhagen. The outcome of the said meeting will be taken into account before concluding a definitive bilateral arrangement between the EU and Norway on the management of North-East Atlantic mackerel for 2011. Such arrangements will also include specific provisions with regard to licensing arrangements for mackerel in 2011.

6 OTHER JOINT STOCKS

6.1 The Delegations noted the previous joint work undertaken on sandeel, Norway pout, anglerfish and horse mackerel in the North Sea and Skagerrak. They acknowledged that additional work is required before the Parties can take any decisions on allocation. The Delegations agreed that any such work should be carried out in the context of the established *ad hoc* Working Group with the Terms of References as laid down in Annex XI.

6.2 The Norwegian Delegation expressed its concern at the level of catches of northern hake by the EU fleet in the Norwegian Economic Zone under the “others” quota.

6.3 Sandeel

6.3.1 The Delegations agreed that the procedure for setting the TAC for sandeel in the North Sea has been unsatisfactory. In recent years, ICES has expressed doubts about the representativeness of the abundance estimates derived from the experimental fisheries, as well as its concerns that the current regime does not protect against the depletion of local populations.

6.3.2 The EU Delegation noted that ICES changed the form of its advice, dividing the North Sea into 7 sub-areas and giving separate assessments of the populations in each of them. These assessments will be updated each year based on the results of dredge surveys carried out in December. The EU Delegation considered that this will allow them to implement a more satisfactory

management regime for sandeel, including the limitation of catches in each of the management areas to prevent local depletion.

6.3.3 The Norwegian Delegation informed the EU Delegation that Norway will introduce a new management regime for sandeel based on spatial management of the stock in order to prevent local depletion in the Norwegian Economic Zone. This implies that fishing grounds will be partially closed for the sandeel fishery one year and open the next year. The basis for this system will be the scientific monitoring of the sandeel grounds. The initial quota in the Norwegian Economic Zone will be set to 60,000 tonnes in 2011. Based on a scientific survey the quota for the Norwegian Economic Zone will be reviewed in the beginning of May 2011.

6.3.4 The EU Delegation informed the Norwegian Delegation that the EU will fix a provisional catch limit from 1 January 2011. This limit will be revised in the light of the results of the dredge surveys during the first quarter of 2011, before the start of the fishery. The EU Delegation stated its intention to complement the overall TAC limitation with catch limitations in each of the sub-areas in line with scientific advice.

6.4 Anglerfish

6.4.1 The Delegations took note of the ICES advice for 2011 stating that the effort in fisheries that catch anglerfish should not be allowed to increase but that the stock is considered to be relatively stable. They agreed that management should ensure the improvement of the exploitation pattern, through, *inter alia*, increased minimum mesh sizes, reduced discards, protection of juveniles and appropriate measures to counter ghost fishing (see point 11.9). The Delegations recognised the need for improved scientific knowledge of the stock and enhanced scientific co-operation.

6.4.2 The Norwegian Delegation expressed its concern about the substantial and unsustainable trawl fishery on small anglerfish and declared the intention of Norway to continue to reduce this fishery.

6.5 Horse Mackerel

6.5.1 The Norwegian Delegation noted that the EU is in the process of establishing a long-term management plan for the joint stock of horse mackerel. The Norwegian Delegation stated that ideally the Parties should try to develop joint long-term management plans for joint stocks. In the absence of a joint long-term management plan Norway would also for 2011 establish regulatory measures for this stock in the Norwegian Economic Zone.

6.5.2 The EU Delegation noted that horse mackerel is not a jointly managed stock, and therefore considers the adoption of an EU long term management plan to ensure its sustainability is justified. The EU Delegation also expressed its concern at the sudden increase in Norwegian catches of horse mackerel in 2009 to around 70,000 tonnes, which is by far the highest level in the last 10 years.

7 EXCHANGE OF FISHING POSSIBILITIES

7.1 Redfish in the Norwegian Economic Zone

7.1.1 The Delegations referred to the enlargement of the European Union in 1986 and to the commitment made by Norway to facilitate this enlargement under the terms of the Agreement in the form of an Exchange of Letters signed at Oporto on 2 May 1992, which includes an allocation to the EU of 1,500 tonnes of redfish north of 62°N outside the balance of the bilateral fisheries agreement.

7.1.2 The Delegations agreed that the ICES advice for 2011 stipulates that there should be no directed fishery upon this stock during 2011 and that only by-catches should be allowed when fishing north of 62°N. The Delegation of Norway informed the EU that no directed fishery would be allowed by its vessels or those of third countries on the basis of this advice. Against this background, the EU accepted that as an *ad hoc* measure for 2011, its fishing possibilities for redfish should be limited only to by-catches.

7.1.3 The Delegations restricted the transfer of redfish from Norway to the EU to the allocation outside the balance of the bilateral fisheries agreement. They acknowledged that this is an *ad hoc* arrangement for 2011 without prejudice to any future arrangement.

7.2 Capelin in ICES Area XIV

7.2.1 The Delegations agreed that as soon as the capelin in the waters of Greenland becomes available again at the levels of previous years, the EU will ensure that an additional quantity of 7,965 tonnes of capelin above the normal balance will be made available to Norway.

7.3 Sandeel in the Norwegian Economic Zone

7.3.1 The Delegations noted that there is outstanding exchange of fishing possibilities arising from previous arrangements in relation to sandeel for the EU. The Norwegian Delegation will make appropriate compensation available to the EU. However, the Delegations have not agreed on the compensation level.

7.3.2 The EU Delegation considers the debt amounts to 15,542 tonnes. The Norwegian Delegation considers 1,558 tonnes to be an appropriate level for this compensation.

7.4 Cod in Greenland waters

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

7.5 Additional exchange of quotas

7.5.1 The Delegations took note that it was not possible, at this stage, to identify a balance in the exchange of fishing possibilities for 2011, which would permit

the EU to benefit in full from the Norwegian offer of Arcto-Norwegian cod and haddock in ICES Areas I and II.

7.5.2 Regretting that it had not been possible to achieve an improved balance on the full exchange of quotas, the EU Delegation requested the possibility of having further consultations in the first quarter of 2011 with the objective of identifying possible additional transfers to Norway in exchange for stocks of interest to the EU, including Arcto-Norwegian cod and haddock.

7.5.3 The Norwegian Delegation stated that it would accommodate the request from the EU Delegation for consultations on possible limited additional exchange of quotas for 2011 before 31 March 2011. This is an *ad hoc* measure without prejudice to future arrangements.

8 FULL UTILISATION OF QUOTAS

8.1 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.

9 CATCH INFORMATION

9.1 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 CATCH REPORTING DISCREPANCIES

10.1 It was noted that there is a recurring problem in relation to discrepancies between reported official catches or landings and catch statistics utilised by ICES. The discrepancies are assumed to be due to misreporting, inadequate accounting of discards, by-catches and other factors contributing to the total out-take of the stocks. In this context, the Delegations noted that a working group on catch reporting and catch statistics has been set up and will be convened if necessary.

11 DISCARDS AND ASSOCIATED ACTIVITIES

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

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

Record of conclusions of Fisheries Consultation between Norway and the European Community for 2009 is continued.

11.3 Taking these factors into account, the EU Delegation stated that the objective should be to minimise and, through effective regulation, eradicate discards, including the consideration of a discard ban in the context of the review of the Common Fisheries Policy to be finalised in 2012.

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

11.5 The Norwegian Delegation recalled the agreement that EU vessels should have adequate quota to cover expected catches in the Norwegian Economic Zone. The experience, so far, indicates that most EU vessels are able to produce relevant documents. This measure will be evaluated in 2011, and possible amendments will be announced before the negotiations for 2012 for the purpose of increasing transparency and efficiency of the control.

11.6 The EU Delegation stated the intention of the EU to require adequate quota to cover expected catches for Norwegian vessels fishing in EU waters. The same provisions as outlined in points 12.6.2 and 12.6.3 of the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway for 2009 signed in Oslo on 10 December 2008 will be applied.

11.7 Technical Measures

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

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

11.7.3 The EU Delegation informed Norway that mesh size of 120mm is in widespread use across many, if not all, whitefish fisheries in the North Sea, including all those targeting cod and haddock as well as those targeting whiting above 56°00' north. Furthermore, the Delegation informed Norway that selective devices designed to reduce discards are in widespread use and that scientific trials to discard levels had continued in 2009 and would continue during 2010.

11.7.4 The Norwegian Delegation noted that the Parties have already arranged two successful expert meetings on gear selection that have delivered clear

recommendations. Therefore, the toolbox is known and appropriate measures could be implemented.

11.7.5 The EU Delegation explained that following the entry into force of the Lisbon Treaty, many of the technical measures that were previously found in the fishing opportunities regulation had been transferred to a separate transitional technical measures regulation. This would remain in force until a new technical measures regulation was adopted by co-decision by the Council and the Parliament. The Commission's proposal for the new technical measures regulation would be tabled in the context of the reform of the Common Fisheries Policy.

11.7.6 The Norwegian Delegation informed the EU Delegation that Norway has in 2010 introduced a mandatory use of sorting grids in the small mesh trawl fishery for Norway pout and blue whiting in the Norwegian Economic Zone.

11.8 Real Time Closures

11.8.1 The Delegations referred to the Agreed Record of Conclusions between the European Community and Norway to establish a System of Real Time Closures in the North Sea and Skagerrak of 3 July 2009. The introduction of Real Time Closures (RTC) in the demersal fisheries in the North Sea and Skagerrak was an effort to establish a joint system that would contribute to a reduction in the discard of juvenile fish and small fish. The Delegations regretted that it seemed impossible to agree on joint criteria's for an revised RTC system.

11.8.2 The EU Delegation considers that more experience with the RTC system agreed between Parties in 2009 is required over a longer period. Therefore the EU will continue the operation of the system put in place. In order to deepen the experience during 2011, the EU will endeavor to vary the main parameters of the RTC system, in particular by reducing the trigger level expressed as percentage of weight from 15% to 10% and by reducing the estimated minimum presence in the haul from 300 kg to 200 kg. The EU Delegation considers that it is of great importance to follow up the implementation of the RTC system and will share information on the operation of its system in 2011 with Norway. ICES will be requested to evaluate the effects of the RTC system during 2012.

11.8.3 When the Norwegian Delegation agreed to establish a RTC system in 2009, it was done in spite of doubts on many factors and in the spirit of compromise. Evidences in the evaluation report of 25 June 2010 shows that the existing RTC system is not contributing to conservation of juveniles and small fish, or reduction of discards. To achieve these objectives several aspects of the system must be changed significantly.

11.8.4 The Norwegian Delegation has, on several occasions, proposed changes that would constitute considerable improvements of the RTC system. Unfortunately, the EU Delegation has not been able to accommodate the proposals put forward by Norway.

11.8.5 Regrettably, Norway therefore had to conclude that at this junction it was not possible to agree upon a joint RTC system for 2011. Norway cannot

participate in a system that seems to be inefficient and is not fulfilling the political objectives already set by the Parties.

11.8.6 The Delegations agreed to continue to consult on developing a joint Real Time Closure Scheme in the course of 2011.

11.9 Ghost fishing

11.9.1 The EU Delegation informed the Norwegian delegation about a recent EU study on the recuperation of fishing nets lost or abandoned at sea. The study surveyed deep water fishery areas in EU waters and concluded that the extent of lost nets is not wide and, for the gillnets that were retrieved, catches of marine organisms were low and comprised mainly decapod crabs.

11.9.2 The Delegations shared the view that retrieval of lost gears constitutes an important step forward in the fight against ghost fishing and thereby in promoting environmentally friendly fishing practices and noted that both Parties would, in line with previous agreements, endeavour to continue to cooperate on gear retrieval surveys in 2011.

11.9.3 The Norwegian Delegation commended the regulations on gill net fishing that the EU has implemented in the North Atlantic. Such regulations contribute to reduction in lost nets. It is however possible to improve these measures by reducing the amount of gill nets used, and reducing the soaking time.

12 CONTROL AND ENFORCEMENT

12.1 IUU fishing

12.1.1 The Delegations agreed that there is a strong need for effective control and enforcement in order to combat IUU fishing. In this respect the Delegations noted that significant progress has been achieved within the framework of NEAFC and underlined the importance of close co-operation in order to achieve additional progress in eliminating IUU activities. The Delegations agreed that the Parties should continue to work closely together to improve control and enforcement on this issue.

12.2 Port State control

12.2.1 The Delegations agreed that measures on Port State Control play an important role in combating IUU activities. In this regard the Delegations noted that significant progress has been achieved due to the successful implementation of the NEAFC Port State Control scheme. The Delegations agreed that it would be necessary to continue to monitor closely the implementation of such measures by the Parties.

12.2.2 It was also agreed that it would be necessary to review the NEAFC Port State Control Scheme and where appropriate, draw up proposals in order to ensure consistency with measures adopted in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

12.2.3 The Delegations agreed that in addition to an exchange of inspectors between the Parties the exchange of inspectors with other NEAFC Contracting Parties should be encouraged.

12.3 Control measures for pelagic fisheries

12.3.1 The Delegations agreed that it was of great importance to follow up the implementation of the measures agreed between the European Community, the Faroe Islands and Norway on 1 July 2009 regarding control measures in the fisheries for pelagic species (mackerel, herring and horse mackerel), which came into force from 1 January 2010. The measures agreed are set down in Annex XIII.

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

12.4 Landings of white fish

12.4.1 The Delegations agreed that cooperation should be continued between the inspection services of both Parties, in particular through involvement in the operation of the Joint Deployment Plan drawn up by the EU Fisheries Control Agency following the establishment by the European Union of a specific control and inspection programme for cod.

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

12.5 Exchange of information and inspectors

12.5.1 The Delegations agreed that the Parties should continue to exchange officials as observers in relation to control and enforcement. They agreed that officials may accompany inspectors from the other Party on missions related to the implementation of measures agreed in this Agreement. The Delegations also agreed to continue the exchange of information, on a monthly basis and at more frequent intervals upon request, on landings by vessels of either Party and landings by third country vessels in the respective ports of the Parties.

12.5.2 The Delegations noted the positive outcome of the joint Operational Seminar on control from 28 June to 1 July 2010 in Bergen. The Delegations agreed that it would be beneficial to continue the exchange of experience regarding control at sea, especially in the light of the measures regarding discards, high-grading and slipping. Therefore, the Delegations intend to arrange a follow up seminar on the operational level in 2011.

12.5.3 The Delegations noted that Iceland has welcomed observers from the EU, the Faroe Islands and Norway during 2010 to witness the Icelandic control system of landings in the pelagic fisheries.

12.5.4 The Norwegian Delegation proposed that a similar fact-finding mission to Spain should be set up in the beginning of 2011.

12.6 Working Group of Control Experts

12.6.1 The Delegations took note of the Report of the Working Group on Control. The Delegations agreed that a Working Group of Control Experts should continue its valuable work and that the Working Group shall meet before 1 April 2011, to address the control issues outlined in points 12.1 to 12.5. The Delegations agreed that it was necessary to monitor closely the implementation of the relevant measures set down in Annexes XIII and XIV and to address outstanding control issues.

12.6.2 The Delegations agreed that any situation that might undermine fair competition between the Parties must be avoided. In this regard it was agreed that information on the follow up of infringements should also continue to be exchanged in accordance with procedures developed by the Working Group. It was also agreed that the Working Group should keep technical issues under review. The Terms of Reference of the Working Group for 2011 are set down in Annex XV.

12.6.3 The Delegations noted that Iceland would become a member of the Working Group in 2011 following the 2010 Coastal state consultations on the management of mackerel in the North-East Atlantic, and that Iceland should be invited to adhere the measures laid down in Annexes XIII and XIV.

12.7 Electronic reporting systems (ERS) for fishing vessels

12.7.1 The Delegations noted that the Parties signed a multiannual ERS agreement in Bergen 23 February 2010.¹ This Agreed Record was amended by the Parties on 26 November 2010 to facilitate in particular the changed routing of ERS reports from EU vessels. It was also agreed that EU vessels larger than 24 meters shall report electronic when fishing in Norwegian waters from 1 February 2011 and that vessels larger than 15 meters shall report electronic when fishing in each other's waters from 1 July 2011.

12.7.2 The Norwegian Delegation informed the EU Delegation that Norwegian vessels larger than 21 meters fishing in EU waters have been reporting in accordance with the ERS agreement from 12 July 2010. The Norwegian vessels continued to use the paper logbook until 12 September 2010 to allow for satisfactory testing of the electronic reporting system.

12.7.3 The Norwegian Delegation informed the EU Delegation that Norway has adopted a new regulation relating to electronic reporting by vessels flying the flag of a Member State of the European Union in the Economic Zone and territorial waters of Norway and in the fisheries zone around Jan Mayen. This regulation

¹ Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union on electronic exchange of catch and activity data, signed in Bergen 23 February 2010.

enters into force from 1 January 2011. However, it will be enforced from the dates given in point 12.7.1.

12.7.4 The Delegations also agreed that the Parties should cooperate to ensure that ERS schemes are established in the North Atlantic regional organisations (NEAFC and NAFO).

12.7.5 The Delegations agreed that the Working Group of electronic reporting and recording experts should meet before 30 April 2011 to review the implementation of the agreement on exchange of electronic catch and activity data and to propose relevant changes to the arrangement if necessary. Thereafter, the Working Group should meet at regular intervals as appropriate to follow up the implementation. The Terms of Reference of the Working Group for 2011 are set down in Annex XVI.

12.8 Licensing

12.8.1 The Delegations agreed to review the Licensing Agreement of 13 May 1995 during 2011.

12.8.2 The Norwegian Delegation informed the EU Delegation about their intention to invite the European Union to an expert meeting to evaluate and as appropriate agree on changes to the electronic licensing scheme in the first half of 2011.

13 UNITED KINGDOM – FAROE ISLANDS SPECIAL AREA

13.1 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.

- 13.2 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.
- 13.3 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.

Bergen, 4 December 2010

For the Norwegian Delegation

For the European Union Delegation

Ann Kristin WESTBERG

John SPENCER

RECOVERY AND LONG TERM MANAGEMENT PLAN FOR COD

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

Objective

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

Transitional arrangement

2. The fishing mortality will be reduced by setting a TAC at a level not exceeding that corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75 % for the TACs in 2009, 65 % for the TACs in 2010, and applying successive decrements of 10 % for the following years.

The transitional phase ends (and will not apply) as from the first year in which the long-term management arrangement (paragraphs 3 – 5) leads to a higher TAC than the transitional arrangement.

Long-term management

3. If the size of the stock on 1 January of the year prior to the year of application of the TACs is:
 - a. Above the precautionary spawning biomass level, the TACs shall correspond to a fishing mortality rate of 0.4 on appropriate age groups;
 - b. Between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs shall not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula:

$$0.4 - (0.2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$$
 - c. At or below the limit spawning biomass level, the TAC shall not exceed a level corresponding to a fishing mortality rate of 0.2 on appropriate age groups.
4. Notwithstanding paragraphs 2 and 3, the TAC for 2010 and subsequent years shall not be set at a level that is more than 20 % below or above the TACs established in the previous year.

5. Where the stock has been exploited at a fishing mortality rate close to 0.4 during three successive years, the parameters of this plan shall be reviewed on the basis of advice from ICES in order to ensure exploitation at maximum sustainable yield.
6. The TAC shall be calculated by deducting the following quantities from the total removals of cod that are advised by ICES as corresponding to the fishing mortality rates consistent with the management plan:
 - a. A quantity of fish equivalent to the expected discards of cod from the stock concerned;
 - b. A quantity corresponding to other relevant sources of cod mortality.
7. The Parties agree to adopt values for the minimum spawning biomass level (70,000 tonnes), the precautionary biomass level (150,000 tonnes) and to review these quantities as appropriate in the light of ICES advice.

Procedure for setting TACs in data-poor circumstances

8. If, due to a lack of sufficiently precise and representative information, it is not possible to implement the provisions in paragraphs 3 to 6, the TAC will be set according to the following procedure.
 - a. If the scientific advice recommends that the catches of cod should be reduced to the lowest possible level the TAC shall be reduced by 25 % with respect to the TAC for the preceding year.
 - b. In all other cases the TAC shall be reduced by 15 % with respect to the TAC for the previous year, unless the scientific advice recommends otherwise.

This plan shall be subject to triennial review, the first of which will take place before 31 December 2011. It entered into force on 1 January 2009.

LONG-TERM MANAGEMENT PLAN FOR HADDOCK

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

The plan shall consist of the following elements:

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

LONG-TERM MANAGEMENT PLAN FOR SAITHE

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

The plan shall consist of the following elements:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 106,000 tonnes (B_{lim}).
2. Where the SSB is estimated to be above 200,000 tonnes the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.30 for appropriate age groups.
3. Where the SSB is estimated to be below 200,000 tonnes but above 106,000 tonnes, the TAC shall not exceed a level which, on the basis of a scientific evaluation by ICES, will result in a fishing mortality rate equal to $0.30 - 0.20 * (200,000 - SSB) / 94,000$.
4. Where the SSB is estimated by the ICES to be below the minimum level of SSB of 106,000 tonnes the TAC shall be set at a level corresponding to a fishing mortality rate of no more than 0.1.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the Parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may where considered appropriate reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. A review of this arrangement shall take place no later than 31 December 2012.
8. This arrangement entered into force on 1 January 2009.

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

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

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

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

no more than 0.05 for 0 - 1 ringers
4. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may, where considered appropriate, reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. Bycatches of herring may only be landed in ports where adequate sampling schemes to effectively monitor the landings have been set up. All catches landed shall be deducted from the respective quotas set, and the fisheries shall be stopped immediately in the event that the quotas are exhausted.
8. The allocation of the TAC for the directed fishery for herring shall be 29 % to Norway and 71 % to the EU. The by-catch quota for herring shall be allocated to the EU.
9. A review of this arrangement shall take place no later than 31 December 2011.
10. This arrangement entered into force on 1 January 2009.

BASIC PRINCIPLES FOR A LONG-TERM MANAGEMENT PLAN FOR PLAICE

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

INTERIM MANAGEMENT PLAN FOR WHITING

The TAC for whiting for 2011 will be fixed by applying an interim management plan consisting of the following elements:

1. For 2011 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.3 for appropriate age-groups.
2. Where the rule in paragraph 1 would lead to a TAC, which deviates by more than 15 % from the TAC of the preceding year, the Parties shall establish a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
3. During 2011, after obtaining advice from ICES, the Parties will refine the management plan, in particular to allow for a reduction in the target fishing mortality when recruitment to the stock has been low for a period of years.

CONDITIONS FOR FISHERIES BY THE PARTIES IN 2011**I. JOINT STOCKS**

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2011 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 2011 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 2011, 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 2010, may continue their activities in 2011 from the date of notification of the Parties.
4. Each Party shall submit to the other Party the names and characteristics of the other Party's vessels which will not be authorised to fish in its fishing zone the next month(s) as a consequence of an infringement of its rules.

IV. FISHERY REGULATIONS

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

V. CONSULTATIONS

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

VI. IMPLEMENTATION

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

**JOINT EU-NORWAY REQUEST ON THE EVALUATION OF THE LONG-TERM
MANAGEMENT PLAN FOR COD**

The objectives of the long-term management plan for cod of North Sea origin and allocation of catches agreed between Norway and the European Union is to provide for sustainable fisheries with high and stable yields in conformity with the precautionary approach.

ICES is requested by 30 June 2011:

1. To evaluate the performance of the plan in meeting its objectives, identifying any weaknesses in design or implementation that undermine its effectiveness, including the problem of discards and unaccounted mortality.
2. To evaluate whether the values assigned to the precautionary reference points remain appropriate;
3. To indicate whether the target fishing mortalities rate of 0.4 is consistent with MSY for the stock; and
4. To indicate any adjustments that should be made to harvest control rules to take into account recent low levels of recruitment.

**JOINT EU-NORWAY REQUEST ON THE EVALUATION OF THE LONG-TERM
MANAGEMENT PLAN FOR HERRING**

The objectives of the long-term management plan for herring of North Sea origin and allocation of catches agreed between Norway and the European Union is to provide for sustainable fisheries with high and stable yields in conformity with the precautionary approach.

ICES is requested by 30 June 2011:

1. To evaluate the performance of the plan in meeting its objectives, identifying any weaknesses in design or implementation that undermine its effectiveness;
2. To evaluate whether the values assigned to the precautionary reference points remain appropriate;
3. To indicate whether the target fishing mortalities rate of 0.25 for the 2-ringers and older and no more than 0.05 for 0-1-ringers, are consistent with MSY for the stock; and
4. To indicate any adjustments that should be made to harvest control rules to take into account recent low levels of recruitment.
5. In view of exceptional increase in the estimated SSB in 2010, to comment on whether an in-year revision of the TAC in similar circumstances is consistent with the objectives of the LTMP.

INTER-ANNUAL QUOTA FLEXIBILITY ON HADDOCK

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. This 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. 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 %.
4. Complete catch statistics and quotas for the previous year should be made available to the other Party no later than 1 March. 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.
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.

**TERMS OF REFERENCE OF THE WORKING GROUP ON THE MANAGEMENT MEASURES
FOR ANGLERFISH, HORSE MACKEREL, NORWAY POUT AND SANDEEL**

The Working Group shall:

1. Further develop the work of the Working Group between the European Union and Norway on the management of the fisheries on the stocks of horse mackerel, sandeel, Norway pout, Norway lobster and anglerfish on the collation of historical data on the geographical and seasonal distribution of catches by Party of the stocks of Western horse mackerel, anglerfish, Norway pout and sandeel in the Skagerrak, North Sea and West of Scotland;
2. Compile and review relevant biological information on the stocks concerned including information on geographical and seasonal distribution of adults and juveniles;
3. Recommend management systems including management strategies and objectives, ecosystem considerations and allocations between the Parties for the stocks concerned. In this respect the Working Group shall consider relevant advice on long-term management from ICES.

**JOINT EU-NORWAY REQUEST ON A
FUTURE LONG-TERM MANAGEMENT PLAN FOR WHITING**

The response to the Joint EU-Norway request on the management of whiting in Subarea IV (North Sea) and Division VIIId (Eastern Channel) from ICES in September 2010 stated that “maintaining fishing mortality at its current level of 0.3 would be consistent with long-term stability if recruitment is not poor”.

Consequently the EU and Norway have agreed to interim management of whiting at this level of total fishing mortality, conditional on a 15% TAC constraint.

On the basis that the whiting stock exhibits no relationship between spawning biomass and recruitment, ICES is requested to conduct an evaluation of:

- 1) the level and number of years for which recruitment is considered poor;
- 2) the lower level to which fishing mortality should be reduced;
- 3) the rate of reduction to the lower level in the event of poor recruitment.

**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 10 mm. 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 10 mm. Holes in the chutes before the water separator must not exceed 15 mm in diameter.
5. The possibility to discharge fish under the water line of the vessel from buffer tanks or RSW tanks, shall be prohibited.
6. Drawings related to catch handling and to discharge capabilities of the vessels, which are certified by the competent authorities of the flag State, as well as any modifications thereto shall be sent to the competent fisheries authorities of the flag State. The competent authorities of the flag State of the vessel shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board at all times.
7. Unless fish is frozen on board the vessel, the carrying or use on board a fishing vessel of equipment, which is capable of automatically grading by size herring, mackerel or horse mackerel, is prohibited. In the case of fish being frozen on board, the fish shall be frozen immediately after grading.

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

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

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

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

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

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

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

TERMS OF REFERENCE OF THE WORKING GROUP OF CONTROL EXPERTS FOR 2011

The Delegations agreed that the Working Group of Control Experts should meet before the end of March 2011 under the Terms of Reference described below. The Working Group should submit its report to the Parties well in advance of the annual consultations for 2012, and where appropriate make proposals for relevant measures to be adopted.

Slipping, discards and high-grading:

- Monitor the implementation of the measures set down in Annex XIII;
- Define the scope of a possible pilot project for using the fish flow meter as a control tool on board vessels fishing for mackerel and for the use of CCTV / Video on board vessels to control slipping, discards and high-grading.
- Review how the master might be able to assess the size and composition of the target shoal before commencing the commercial fishing operation.
- Follow up if the industry should be requested to examine how the installation and location of the equipment on the vessel could be configured in such a way as to prevent the return of the relevant species to the sea after grading.
- Follow up the issue of the retention of by-products and fish waste of the relevant species on board.

Weighing and inspection of pelagic landings

- Monitor the implementation of the measures set down in Annex XIV;
- Examine the feasibility of implementing equivalent control measures for fisheries on blue whiting;
- Co-ordinate the exchange of inspectors;
- Consider the information exchanged between Parties on the follow-up to infringements concerning discrepancies between logbooks, quantities landed, landing declarations and sales notes and evaluate the application of the harmonised methodology for full inspections;
- Review of relevant technical issues;
- Review the inspection benchmark with the view to propose changes in the inspection frequency that will cater for more efficient use of control resources based on effective risk analysis programmes.

Port State Control

- Monitor the implementation of measures introduced in the framework of NEAFC, in particular as regards landings of Arcto-Norwegian cod;
- Co-ordinate the exchange of inspectors to observe inspections of third country fishing vessels and reefers;
- Review and consider existing control measures and regulations implemented by the Parties.

If there are any other relevant issues, which the Working Group believes would result in a more efficient control of pelagic fisheries the Working Group could propose new measures as appropriate.

TERMS OF REFERENCE OF THE WORKING GROUP ON ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2011

The Delegations agreed that the Working Group on Electronic Reporting and Recording Experts should meet before the end of April 2011 under the Terms of Reference described below. After that the Working Group should meet as appropriate to closely follow and evaluate the development, tests performed and solve practical problems the Parties may encounter.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2012, and where appropriate make proposals for measures to be adopted.

The Working Group shall:

- Follow up the implementation of the exchange of electronic reporting and logbook data between Norway and the European Union to secure satisfactory exchange of data.
- Review the arrangements set down in the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on Electronic exchange of catch and activity data of 26 November 2010.
- Discuss how prior authorisations could be handled within the electronic reporting system.
- Consider the pull principle for exchange of electronic catch and activity data.
- Consider fall-back procedures and procedures for changing the formats given in Annex I of the Agreed Record.
- Consider electronic reporting within the above mentioned agreed record in Skagerrak.
- Review the development of the VMS in regard to electronic reporting.
- Consider exchange of electronic catch and activity data for vessels above 12 meters in overall length.
- Discuss exchange of electronic sales notes.

TABLE 1

2011 JOINT STOCK QUOTAS IN THE NORTH SEA

Species and ICES Area	TAC	Zonal Attachment				Transfer from Norway to European Union ⁽⁶⁾	Transfer from EU to Norway ⁽⁶⁾	Quota to Norway		Quota to European Union	
		Norway		European Union				Total	EU Zone ⁽¹⁾	Total	Norwegian Zone ⁽¹⁾
		%	Tonnes	%	Tonnes						
Cod IV	26,842 ⁽²⁾	17	4,563	83	22,278	-----	-----	4,563	4,563	22,278	19,363
Haddock IV	34,057 ⁽³⁾	23	7,833	77	26,224	208	-----	7,625	7,625	26,432	19,662
Saithe IV, IIIa	93,318	52	48,526	48	44,793	-----	950	49,476	49,476	43,843	43,843
Whiting IV	14,832 ⁽³⁾	10	1,483	90	13,349	-----	-----	1,483	1,483	13,349	9,044
Plaice IV	73,400	7	5,138	93	68,262	600	-----	4,538	4,538	68,862	28,257
Herring IV, VIIId	200,000	29	58,000	71	142,000	-----	-----	58,000	50,000 ⁽⁴⁾⁽⁵⁾	142,000	50,000 ⁽⁵⁾
Mackerel IV, IIIa	pm		pm		pm	-----	-----	pm	pm	pm	pm

- (1) Any part of this allocation not taken may be added to the allocation in the Party's own zone.
- (2) An additional amount of 3,221 tonnes is available to the Parties (Norway: 548 tonnes, EU 2,673 tonnes) under point 5.4.8 of this Agreed Record
- (3) TAC to include industrial by-catches.
- (4) Limited to ICES Divisions IVa and IVb.
- (5) An additional quantity of maximum 10,000 tonnes will be granted if such an increase is called for.
- (6) The Delegations agreed to consider in 2011 possible further transfers.

TABLE 2**2011 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)
Sandeel	IV	20,000	
Blue ling	IV, Vb, VI, VII, IIa	150	
Ling	IV, Vb, VI, VII, IIa	6,140 ^{(1) (2)}	
Tusk	IV, Vb, VI, VII, IIa	2,923 ^{(1) (2)}	
Combined quota	Vb, VI, VII	140 ⁽³⁾	
Shrimps	IV		357
Horse mackerel	IVb, c	3,550 ⁽⁴⁾	
Others	IV, IIa (EU Zone)	2,720 ⁽⁵⁾	5,000 ⁽⁵⁾
Sole	IV	50	
Anglerfish	IV		1,500
Norway lobster	IV		1,200
Ling	IV		850
Tusk	IV		170

- (1) The quotas for ling and tusk are interchangeable of up to 2,000 tonnes and may only be fished with long-lines in ICES Division Vb and Sub-areas VI and VII.
- (2) Of which an incidental catch of other species of 25 % per vessel at any moment is permitted in ICES Sub-areas Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific fishing ground. This total incidental catch of other species in Vb, VI and VII may not exceed 3,000 tonnes.
- (3) Fishing with long-lines for grenadiers, rat tails, mora mora and greater fork beard.
- (4) This quota may be fished in ICES Division IVa.
- (5) Including fisheries not specifically mentioned, exceptions may be introduced after consultations as appropriate.

TABLE 3**2011 QUOTAS TO THE EU OF NORWEGIAN EXCLUSIVE STOCKS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	I, II	12,127
Arcto-Norwegian haddock	I, II	1,350
Saithe	I, II	2,550
Greenland halibut (by-catches)	I, II	50
Others (by-catches)	I, II	350

TABLE 4**2011 QUOTAS TO NORWAY FROM EU EXCLUSIVE STOCKS
AND FROM EU QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	IV	10,000
Greenland halibut	IIa, VI ⁽¹⁾	350
Shrimp	XIV, Va	3,100
Greenland halibut	NAFO 1 XIV, Va	800 824
Halibut	NAFO 1 XIV, Va	75 ⁽³⁾ 75 ⁽³⁾
Grenadier (by-catches)	NAFO 1, XIV, Va	120

⁽¹⁾ In ICES Division VI with long-lines only.

⁽²⁾ May be fished with pelagic trawls.

⁽³⁾ May only be fished with long-lines.