

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2016**

BERGEN, 4 DECEMBER 2015

- 1 A Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, and a European Union Delegation, headed by Mr Jacques VERBORGH met in Bergen, Norway from 30 November to 4 December 2015 to consult on the regulation of fisheries in the Skagerrak in 2016. The meeting was a continuation of a previous meeting held in Copenhagen.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2016, outlined in this Agreed Record, including its Annex.
- 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 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.
 - 4.2 The Delegations noted that the EU landing obligation for demersal fisheries will be implemented progressively between 2016 and 2019.
 - 4.3 The EU Delegation informed the Norwegian Delegation that in the Skagerrak the landing obligation would apply as from 1 January 2016 to catches of haddock by all trawlers, catches of plaice by trawlers and beam trawlers that use gears with mesh size equal to or greater than 100mm, catches of saithe by trawlers targeting saithe that use gears of mesh size equal to or greater than 100mm, and to all catches of Pandalus. The EU Delegation further informed the Norwegian Delegation that the harmonised technical measures that were agreed in 2012 and already adopted nationally by Denmark and Sweden would also be incorporated into EU legislation on 1 January 2016.
 - 4.4 The Delegations noted that the landing quotas advised by ICES are calculated by deducting existing levels of discards from the catch advice. Given that the introduction of the landing obligation would lower the discard rates of the stocks concerned, the Delegations agreed that it is appropriate to adjust the landing quotas accordingly. The level of adjustment is calculated by estimating the contribution of the fleet segments concerned to the current level

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of discards for each of the stocks, and by assuming that the discard rates of those fleets in 2016 would be zero.

4.5 The Delegations noted that these calculations result in increases in the landings quotas advised by ICES by the following amounts in the Skagerrak: haddock 20.9%; saithe in the North Sea and Skagerrak 5.7 %; plaice in the Skagerrak 17%, and Pandalus in the North Sea and Skagerrak 15.6%. In the case of Pandalus.

4.6 The Norwegian Delegation informed the EU Delegation that new technical regulations in the Pandalus fishery in the North Sea and Skagerrak will be introduced 1 January 2016 (i.e. establishment of a Real Time Closure system).

5 Management, including Monitoring, Control and Surveillance

5.1 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.

5.2 The Delegations noted that the issue of the weighing of landings of pelagic vessels is covered under the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway for 2016.

5.3 The Delegations took note of the report from the Working Group on management in the Skagerrak.

5.4 The Norwegian delegation pointed out that there are discrepancies in catch reporting with respect to allocation of the catches relative to fishing activity to the different economic zones in Skagerrak. They presented some preliminary ideas on how this problem could be addressed when allowing for cross-border fisheries and applying some of the proposals from the working group.

5.5 The EU Delegation noted the concern of the Norwegian Delegation about the accuracy of the proportion of the catches originating in each EEZ, but stated that from its own point of view the precise origin of the catches in cross border fisheries was less relevant.

5.6 The Norwegian Delegation noted that there are unresolved issues with respect to control and cross-border fisheries that need to be addressed.

5.7 The Delegations agreed that possible introduction of quota flexibility between North Sea and Skagerrak requires further considerations.

5.8 The Delegations agreed to meet again for consultations before 20 June 2016 in order to address the above mentioned issues.

6 Access agreement for Skagerrak

6.1 The Delegations referred to the expiry in August 2012 of the Framework

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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 the 1966 Agreement will be replaced by a new Agreement which will enter into force as soon as the Parties legislative procedures have been finalised.

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

8 Haddock

8.1 The Delegations agreed to base the TAC for 2016 on the ICES Fmsy advice, adjusted to take into account the inclusion of haddock in the EU landing obligation in 2016. This would result in an increase of 20.9% compared to the figure based on ICES landings advice, resulting in a TAC for 2016 of 3,926 tonnes.

8.2 The Delegations noted that haddock is taken in directed human consumption fisheries and as by-catches in the industrial fisheries. The Parties shall, during the annual consultations, communicate catch statistics (covering 2015 and preliminary statistics for 2016) on catches taken in the directed fisheries and estimates for by-catches in the industrial fisheries

8.3 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2016 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2., are equally applicable to the Skagerrak.

9 Pandalus

9.1 In respect of the Pandalus stock, the Delegations took note of the ICES advice for 2016 regarding Divisions IIIa and IVa East, and agreed on a total allowable catch level of 17,440 tonnes for these areas.

9.2 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 9.1 a quota for Pandalus for Division IVa East of 5,232 tonnes.

9.3 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2016 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2., shall also apply for the quotas of Pandalus in the North Sea and Skagerrak.

9.4 The Delegations agreed that this inter-annual quota flexibility would be addressed in conjunction with the work on developing a management strategy for Pandalus

9.5 The Delegations noted that a draft management strategy was submitted by Norway to ICES in mid 2015. ICES has however not been able to finalise its evaluation of the proposal. The Delegations assumed that such evaluation will be finalised early in 2016.

10 Herring

10.1 The Delegations already 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. ICES considers the method precautionary, provided that at least 10 % of the TAC from Division IIIa is fished in the North Sea. Given the flexibility described in 10.2 below, the Delegations considered that it is likely that this requirement will be met.

10.2 According to this method the TAC in the Skagerrak and Kattegat will be 51,084 tonnes for 2016. 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 IV.

10.3 The Delegations agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2 of the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2016, shall also apply for the quotas of herring in the Skagerrak.

10.4 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2016.

10.5 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.

10.6 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 Plaice

11.1 The Delegations noted that ICES advice is now both for the North Sea and Skagerrak combined.

11.2 It was agreed that at this time it was not appropriate to set a TAC that covered both areas, as the effect on the fishing pattern managing the two areas as one has not been studied. Furthermore, the Parties took note of the agreement 24 October 2013 on reciprocal access to fishing in the Skagerrak for

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vessels flying the flag of Norway, Denmark and Sweden, where the Parties agreed that it would be appropriate continuing the practise of establishing a separate Agreed Record on an annual basis for the regulations of fisheries in Skagerrak.

- 11.3 The Delegations agreed that a technical working group, the Terms of Reference of which are set out in Annex VI in the Agreed Record of Fisheries Consultations between Norway and the European Union for 2016, should be convened to examine the most appropriate way of splitting the overall TAC advice between the North Sea and Skagerrak. In the meantime it was agreed that the TAC in the Skagerrak would be based on the 2015 level, but increased by 17% in order to take into account the inclusion of plaice in the EU landing obligation in 2016, resulting in a TAC for 2016 of 11,766 tonnes.

12 Sprat

- 12.1 The Delegations agreed to maintain the TAC for 2016 at 33,280 tonnes.

13 "Others quota"

- 13.1 The Norwegian Delegation informed the EU Delegation that Norway would set an "others" quota of 2,000 tonnes for the EU vessels in the Norwegian zone. Norway informed EU also 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.
- 13.2 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.

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.
- 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.
- 14.3 The Delegations noted that authorities, industry and scientists from Norway and some Member States 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, will contribute to reduced discard of Pandalus. The Delegations endorsed this form of cooperation in order to handle specific issues.

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15 Catch statistics

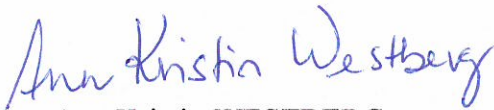
15.1 The Delegations agreed to communicate to each other, on a monthly basis, catch statistics for fishing by their own vessels for all species. This monthly information shall be communicated not later than the end of the following month.

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.

Bergen, 4 December 2015

For the Norwegian Delegation


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For the European Union Delegation


Jacques VERBORGH



TACS AND ALLOCATIONS IN 2016

Catches taken, during the period 1 January to 31 December 2016 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 2016	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	4,807	156 ⁽²⁾	4,651
HADDOCK ⁽³⁾	S + K	3,926	165	3,761
WHITING	S + K	1,050	19	1,031
PLAICE	S	11,766	235	11,531
MACKEREL	S + K	pm	pm ⁽⁴⁾	pm
PANDALUS	S	12,208	5,689	6,519
HERRING	S + K	51,084	6,813	44,271
SPRAT	S + K	33,280	2,496	30,784

- (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 Tistlarna 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.

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