

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN  
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN  
SKAGERRAK AND KATTEGAT FOR 2017**

**BERGEN, 2 DECEMBER 2016**

- 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 28 November to 2 December 2016 to consult on the regulation of fisheries in the Skagerrak in 2017. 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 2017, 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, and that these measures have been incorporated into EU legislation, with effect from 1 January 2016.
  - 4.2 The Delegations noted that the EU landing obligation for demersal fisheries will be implemented progressively between 2016 and 2019.
  - 4.3 The EU Delegation informed the Norwegian Delegation that the landing obligation in 2017 would apply to the following jointly-managed stocks:
    - plaice, whiting and cod by trawls with mesh size greater than or equal to 100mm
    - whiting by trawls with mesh size less than 70mm
    - plaice, cod and whiting taken by beam trawls with mesh size greater than or equal to 120mm
    - whiting and cod taken by gillnets, trammel nets and entangling nets
    - whiting and cod taken by hooks and lines
    - whiting taken by traps
    - haddock and Northern prawn (*Pandalus*) taken by any gear.
  - 4.4 The EU Delegation explained that the introduction of the landing obligation would lower the discard rates of the stocks concerned, and that it is

akw

1

therefore 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 of discards for each of the stocks, and by assuming that the discard rates of those fleets in 2017 would be zero.

4.5 The EU Delegation pointed out that in accordance with the Joint Recommendation of the Scheveningen Group the TAC adjustments for cod and plaice, which have separate TACs for the North Sea and Skagerrak, are based on the discard rates in each of those areas rather than the overall discard rates for the stocks. The EU Delegation explained that this was to ensure that the TAC adjustments are focused on the segments of the fleet that are most affected by the landing obligation.

4.6 The Delegations noted that these calculations result in increases in the landings quotas advised by ICES by the following amounts in Skagerrak: saithe 4.1%, plaice 2.7% and cod 13.8%. The Delegations noted that whiting in Skagerrak is a data limited stock, so there is insufficient information for the short term forecast needed to calculate the TAC adjustment. The Delegations agreed that in this case a pragmatic solution would be to roll over the TAC from 2016. In the case of Pandalus and haddock, which is fully under the landing obligation, no further adjustments are necessary.

## **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 Norway and the European Union for 2017.

5.3 The Delegations took note of the 2015 report from the Working Group on management in the Skagerrak as well as the Consultations in September 2016 in Stockholm regarding catch reporting and control in cross border fisheries.

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

5.5 The Delegations noted that over the years there have been inaccuracies in catch reporting with respect to the allocation of the catches relative to fishing activity to the different economic zones in Skagerrak. The Delegations therefore agreed to develop a new approach to the allocation of catches. The main feature of this method would be to base the allocation on VMS position reports and allocate the catches in proportion to the time spent in each zone. The Delegations agreed to meet during 2017 to further develop the allocation method.

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

## **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, and noted that the new *Agreement between the Kingdom of Norway and the European Union on Reciprocal Access to Fishing in the Skagerrak for Vessels Flying the Flag of Denmark, Norway and Sweden*, is in the process of being ratified.

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

## **7 Total allowable catches and quotas**

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

## **8 Cod**

8.1 The Delegations agreed that the TAC should be 5,047 tonnes in Skagerrak. Applying the TAC adjustment of 13.8% (see section 4.6) in Div. 3.a results in TAC for 2017 of 5,744 tonnes.

8.2 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2017 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2 of that Agreed Record, are equally applicable to the Skagerrak.

## **9 Haddock**

9.1 The Delegations agreed to base the TAC for 2017 on the ICES Fmsy advice, resulting in a TAC of 2,069 tonnes.

9.2 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 2016 and preliminary statistics for 2017) on catches taken in the directed fisheries and estimates for by-catches in the industrial fisheries.

9.3 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2017 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2 of that Agreed Record, are equally applicable to the Skagerrak.

## **10 Pandalus**

10.1 The Delegations recalled the decision made in December 2015

akd

5

establishing the TAC at 60% of the advice given by ICES, and that ICES in March 2016 updated its advice recommending a 36% TAC reduction from the initial advice. Furthermore, taken into account that the initial TAC was established at 60% of the original advice and that the updated advice was submitted late during the fishing year, they decided to reduce the TAC by 10%.

- 10.2 The Delegations agreed to establish a preliminary TAC for 2017 of 10,000 tonnes, and agreed to apply this on a pro rata basis to cover the first four months of the year in the case of Norway and the first six months of the year in the case of EU.
- 10.3 The Delegations agreed to consult on establishing a final TAC for 2017 as soon as the ICES advice for Pandalus is available. The Delegations also agreed to consult on developing a joint management strategy for Pandalus.
- 10.4 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 10.2 a quota for Pandalus for Division IVa East of 3,000 tonnes.
- 10.5 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2017 and agreed that the system of inter-annual quota flexibility, as set out in paragraph 5.2 of that Agreed Record, shall also apply for the quotas of Pandalus in the North Sea and Skagerrak.

## 11 Herring

- 11.1 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 Div. 3.a is fished in the North Sea. Given the flexibility described in 11.2 below, the Delegations considered that it is likely that this requirement will be met.
- 11.2 According to this method the TAC in the Skagerrak and Kattegat will be 50,740 tonnes for 2017. The Delegations agreed that for the quotas established for herring in the Skagerrak and Kattegat areas, Norway would be able to fish 50% of its quota in the North Sea in the Norwegian Economic Zone and the European Union would be able to fish 50% of its quota in European Union waters of ICES Area 4.
- 11.3 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 2017, shall also apply for the quotas of herring in the Skagerrak.
- 11.4 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2017.
- 11.5 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.

- 11.6 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.

## 12 Plaice

- 12.1 The Delegations noted that the ICES advice now encompasses both the North Sea and Skagerrak.

- 12.2 The Delegations took note of the report from the Working Group on the management of plaice in the North Sea and Skagerrak. The Group had been asked to examine the most appropriate way of splitting the overall TAC between the North Sea and the Skagerrak. The Working Group recommended dividing the overall TAC into separate TACs for the North Sea and Skagerrak using a reference period from 2000 to 2012 (both years included) to establish an appropriate percentage to be allocated to the Skagerrak. The Delegations noted that using the reference period would establish the Skagerrak TAC at 11.8% of the TAC for the stock. The Delegations agreed to apply 11.8% as share for Skagerrak of the overall TAC.

- 12.3 The Delegations agreed that in view of the rapid increase in the stock it would be appropriate to establish TACs 2017 that would result in a rollover of the North Sea TAC in 2016 (excluding TAC adjustments). This results in a TAC in the Skagerrak of 17,175 tonnes, which would ensure an allocation in the Skagerrak of the 11.8% of the total catch as described in paragraph 12.2. After adjusting by 2.7% to take into account the inclusion of plaice in the EU landing obligation (see section 4.6), the resulting TAC for 2017 is 17,639 tonnes.

## 13 Sprat

- 13.1 The Delegations noted that the TAC for sprat in Skagerrak has been much higher than the catches for a number of years. Since sprat is a data limited stock, for which ICES gives advice based on recent landings, this has led to a TAC, which is apparently much higher than that advised. However, the Delegations also noted that the sprat fishery is limited by the herring by-catch ceiling in the fishery rather than by the sprat TAC itself. In view of this the Delegations agreed to maintain the TAC at its current level of 33,280 tonnes in 2017.

## 14 «Others» quota

- 14.1 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.

- 14.2 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.

## 15 Technical measures

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 The Delegations took note of the successful cooperation regarding harmonisation of technical regulations in the Pandalus fishery and mixed fishery with trawl. They also recalled the outcome of the Consultations in Stockholm in September 2016 where the Parties agreed to consider the possibilities of further harmonisation of technical regulations, in particular minimum catch/reference size, gear, intermixture of unwanted fish. The Delegations agreed to consult on these issues prior to the annual Consultations for 2018.

## 16 Catch statistics

- 16.1 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.
- 16.2 The Delegations agreed that catch statistics, including inter-annual quota flexibility, should be attached to future Agreed Records.

akw

\$

## 17 Quota arrangements

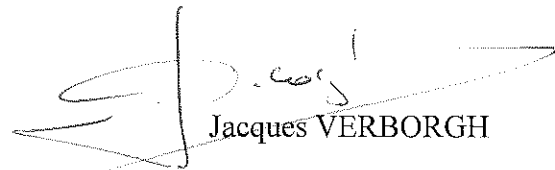
- 17.1 The Delegations agreed that the negotiated quota arrangements constitute an *ad hoc* solution and shall be without prejudice to future fishery arrangements between the Parties.

Bergen, 2 December 2016

For the Norwegian Delegation

  
Ann Kristin WESTBERG

For the European Union Delegation

  
Jacques VERBORGH

## TACS AND ALLOCATIONS IN 2017

Catches taken, during the period 1 January to 31 December 2017 in the Skagerrak and the Kattegat of the species mentioned below, shall be limited as follows (metric tonnes, fresh round weight):

SPECIES	AREA <sup>(1)</sup>	TAC 2017	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	5,744	186 <sup>(2)</sup>	5,558
HADDOCK <sup>(3)</sup>	S + K	2,069	87	1,982
WHITING	S + K	1,050	19	1,031
PLAICE	S	17,639	353	17,286
MACKEREL	S + K	pm	pm <sup>(4)</sup>	Pm
PANDALUS	S	7,000	3,262	3,738
HERRING	S + K	50,740	6,767	43,973
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.

atw

\$