

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY FOR 2013**

CLONAKILTY, 18 JANUARY 2013

1 A European Union Delegation, headed by Mr John SPENCER, and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, met in Clonakilty from 15 to 18 January 2013 to consult on mutual fisheries relations for 2013. The meeting was a continuation of meetings held in Brussels and Bergen.

2 The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2013 as outlined in this Agreed Record including Annexes I to XVIII 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 that 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 V.

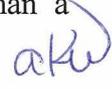


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- 5.3.2 The Delegations noted that ICES provided provisional mixed fisheries advice for 2013 alongside its single stock advice. The Delegations agreed that under certain conditions the development of multi-species long-term management plans for mixed fisheries could lead to more effective management. The Delegations recognised that this approach needs further considerations from both Parties.
- 5.3.3 The Delegations noted that a seminar on long-term management plans was convened in 2012 and agreed that the seminar had given all stakeholders the possibility of influencing the process of developing the long-term management plans for fish stocks in the North Sea, and that the involvement of stakeholders in these discussions contributed to a better mutual understanding of priorities and balancing of risks. Furthermore, the Delegations noted that ICES had provided evaluations on different options to revise the long-term management plans for saithe and herring.
- 5.3.4 The Delegations noted that the long-term management plan for haddock will expire in 2013 and agreed to request ICES, as set out in Annex VIII, to consider if the plan still is considered to be in accordance with a precautionary approach, including advice on inter-annual flexibility.
- 5.3.5 The Delegations agreed to consult in 2013 on the establishment of a new jointly agreed long-term management plan for North Sea plaice.

5.4 Cod

- 5.4.1 The Delegations noted that according to the latest ICES assessment the fishing mortality on cod is slowly decreasing, but at a much slower rate than that intended by the plan. It was also noted that the spawning biomass in 2012 remains below B_{lim} , but that it has been increasing and is predicted to be above B_{lim} in 2013.
- 5.4.2 The Delegations noted that the cod avoidance measures implemented since 2009 have led to reduced discard rates in 2011. However, the Delegations expressed their concern at the high estimates of unaccounted removals and the possible effects these could have on the effectiveness of the management plan in reducing fishing mortality.
- 5.4.3 The Norwegian Delegation considers that the high discard level is the major reason behind the poor performance of the management plan for cod. Therefore effective discard reducing measures are urgently needed.
- 5.4.4 The EU Delegation noted that applying the harvest control rules of the agreed management plan for cod would result in a 20% decrease in the TAC in 2013 compared to 2012. This would represent a 46% reduction in fishing mortality at a time when the cod stock is increasing and the TACs of the species associated with cod, in particular saithe, haddock and whiting, will be substantially increased. It was further noted that the ICES response to the joint EU-Norway request on subject confirmed that the likely result of reducing the cod TAC in these circumstances would be an increase in discards rather than a reduction in total catches.



- 5.4.5 The Norwegian delegation would have preferred to follow the management plan, but in light of the current circumstances as described in the above paragraph, agreed that deviation from the plan was warranted.
- 5.4.6 In view of this, the Delegations agreed that the cod TAC for 2013 should be fixed at the same level as the TAC in 2012. The Delegations agreed to a modification of the plan to allow the setting of TAC levels that deviate from those indicated by the harvest control rules when this is justified by scientific advice. The revised plan is shown in Annex I.
- 5.4.7 The Delegations considered that this adjustment was an interim measure only, and highlighted the necessity to modify the management plan. To this end they agreed upon the joint EU-Norway request to ICES on the performance of alternative harvest control rules, as shown in Annex IX. The aim is to have a new management plan operational from 2014.
- 5.4.8 The EU Delegation considered that the trials on fully documented fisheries represented an important initiative that facilitates the introduction of a discard ban in the EU in the near future. The trials have already demonstrated behavioural changes in fishing practices that contribute to the reduction of discards and a diminution of fishing mortality. The EU Delegation proposed that the trials should be continued in 2013.
- 5.4.9 The Norwegian Delegation noted the preliminary results from the trials. Furthermore, it was noted that not all of the Member States taking part in the trials had required the vessels to retain all catches of cod on board the vessels, as agreed for 2011 and 2012. It is the view of the Norwegian Delegation that the trials do not give sufficient evidence on full documentation of the fishery and should therefore only be considered as a supplement to other control measures. Furthermore, the objective of behavioural changes can be achieved by introducing a discard ban and associated measures, and quota bonuses should be within the TAC. However, in light of the efforts made, notably in the proposal of the reform of the CFP to ban discarding, the Norwegian Delegation could accept a continuation of the EU trials in 2013.
- 5.4.10 On this basis, the Delegations agreed that an additional 12 % would be added to the Norwegian quota for cod in the North Sea and Skagerrak in 2013. Furthermore, the Delegations agreed that an additional 12 % is made available to the EU Member States share of the cod TAC in order to facilitate the continuation of the trials.

5.5 Haddock

- 5.5.1 The Delegations agreed that the TAC for haddock should be fixed in accordance with the agreed long-term management plan. This would result in a TAC increase of 15% in 2013 compared with 2012.
- 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 2013. The system should be evaluated no later than 31 December 2013.

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5.6 Saithe

5.6.1 The Delegations noted that the SSB in 2012 is estimated to be 30% higher than estimated in 2011, with fishing mortality in 2010 estimated to be 25% lower than indicated in the last assessment. Fishing mortality is now estimated to be below F_{msy} and SSB is above B_{pa} .

5.6.2 The Delegation noted that the response from ICES to the joint EU-Norway request on possible changes to the TAC stability mechanism of the agreed management plan does not provide any compelling reason to change the current plan. The Delegations agreed that the TAC for saithe should be fixed in accordance with the agreed long-term management plan. This would result in a TAC increase of 15 % in 2013 compared with 2012.

5.6.3 The EU Delegation informed Norway of its intention of ensuring consistency between the TACs that are set for saithe in ICES Division VIa and saithe in ICES Subarea IV and Division IIIa. The EU Delegation informed Norway of its intention to fix a quota for saithe for Division VIa of 9,464 tonnes.

5.7 Whiting

5.7.1 The Delegations noted that ICES no longer considers that the target fishing mortality of the agreed long-term management plan is appropriate and therefore needs to be revised. In view of this, the Delegations agreed to follow the ICES advice that the TAC should be fixed in accordance with the precautionary approach. This would represent a TAC increase of 11% in 2013 compared to the TAC in 2012.

5.7.2 The Delegations agreed to request ICES, as set out in Annex XI, to provide a revised parameterisation of the plan such that it achieves the objective of sustainable fisheries with high and stable yields in conformity with the precautionary approach.

5.8 Plaice

5.8.1 The Delegations noted that the stock of plaice in the North Sea was now at its highest recorded level and that fishing mortality was well below F_{msy} .

5.8.2 The EU Delegation proposed that a system of inter-annual quota flexibility be agreed for this stock with effect from 1 January 2013. The Norwegian Delegation did not agree with this approach.

5.8.3 The EU Delegation stated its intention of seeking advice from ICES in early 2013 on inter-annual flexibility for the plaice fishery.

5.8.4 The Delegations agreed to establish a TAC of 90,070 tonnes for 2013, which represents a 15% increase compared to 2012.

5.9 Herring

5.9.1 The Delegations noted that ICES in its response to the request on the revision of the long term management plan for the North Sea herring, presented



five operational scenarios, representing the highest average yield under the options specified in the request whilst being precautionary (<5% risk) and with an acceptable inter-annual variation in TAC.

5.9.2 Noting that ICES had not fully evaluated the preferred option of either Party, in order to allow the Parties to adopt a revised plan, the Delegations agreed to a further joint request to ICES to undertake those evaluations with respect to yield, stability and risk, with and without a provision of an inter-annual quota flexibility of +/- 10% (Annex XII).

5.9.3 In the meantime, the Delegations agreed to an ad-hoc increase in the TAC of 18% for 2013. This is well within the range of TAC values that would result from the application of the options that ICES considered precautionary.

5.9.4 The Delegations concluded that the by-catches of herring in other fisheries would be limited to 14,400 tonnes in 2013; this quota will be allocated to the EU.

5.9.5 The Norwegian Delegation stated that this type of arrangement is an anomaly and should be revised with a view to being phased out.

5.9.6 The Delegations agreed to adopt a revised long-term management plan from 2014 onwards.

6 OTHER JOINT STOCKS (NOT JOINTLY MANAGED)

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.

6.2 The Norwegian Delegation suggested that the Parties should meet to discuss the sharing and management of the other joint stocks and regretted the lack of interest of the EU.

6.3 Sandeel

6.3.1 The Norwegian Delegation informed the EU Delegation that Norway will continue the existing management regime for sandeel. This approach is based on spatial management of the stock in order to prevent local depletion in the Norwegian Economic Zone.

6.3.2 In view of the difficulties created by the drastic reduction in the TAC in mid-2012 from the provisional level fixed from 1 January, the EU Delegation informed the Norwegian Delegation that the EU would not fix a provisional catch limit from 1 January 2013. Instead, the TAC for 2013 will be fixed on the basis of the results of the dredge surveys carried out during the first quarter of 2013. The EU Delegation stated its intention of complementing the overall TAC limitation with catch limitations in each of the seven management areas in line with ICES scientific advice.



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6.4 Anglerfish

6.4.1 The Delegations took note of the ICES advice for 2013 stating that catches of anglerfish should be reduced by 20% in relation to the average over the last three years. 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. 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 2013 establish regulatory measures for this stock in the Norwegian Economic Zone.

6.5.2 The EU Delegation stated that it would continue to manage the horse mackerel stock in accordance with scientific advice.

6.6 Norway pout

6.6.1 The Delegations welcomed the ICES response to the joint request on the evaluation of management models with the objective of achieving stable TACs keeping the stock within safe biological limits. They noted that any of the options proposed could be considered precautionary, provided that the conditions and TAC limitations described by ICES were respected.

6.6.2 Given the large changes in the advice from June to October, the EU Delegation outlined its wish to explore the possibility of changing the TAC year for Norway pout to 1 November – 31 October. This would allow the TAC to be set on the best available, and obviate the need for a mid-year review. The EU will request ICES to evaluate whether a management strategy based on a TAC fixed on 1 November and applicable until 31 October without revision could be precautionary.

6.6.3 The EU Delegation informed the Norwegian Delegation that, in the light of the ICES advice, catches of up to 393,000 tonnes in 2013 would be consistent with the precautionary approach and consequently, the Union had fixed its fishing possibilities consistent with a TAC level of 250,000 tonnes resulting in an EU quota of 187,500 tonnes for 2013.

6.6.4 The Norwegian Delegation informed the EU Delegation that Norway intends to establish a quota of 137,000 tonnes for 2013.

6.6.5 The Norwegian Delegation stated that they would have preferred a joint



management plan between the Parties based on the recommendation from ICES, with the TAC being set within a range of minimum 27,000 tonnes and maximum 100,000 tonnes, as this would achieve stable TACs and at the same time keep the stock within safe biological limits. The Norwegian Delegation regretted that EU did not show interest in discussing a joint management approach at this junction.

7 EXCHANGE OF FISHING POSSIBILITIES

7.1 Outstanding Debts

7.1.1 The Delegations agreed that by virtue of these fishing arrangements for 2013, all outstanding debts between the Parties are cancelled.

7.2 Redfish in the Norwegian Economic Zone

7.2.1 The Delegations noted that ICES for 2013 advises on the basis of the MSY approach that a commercial fishery can operate on *Sebastes mentella* in ICES Subareas I and II, given that the total catch level, including by-catches and discards, does not exceed 47,000 tonnes.

7.2.2 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.

7.2.3 The Norwegian Delegation informed the EU Delegation that the Joint Norwegian Russian Fisheries Commission has agreed that in waters under these Parties fisheries jurisdiction, no directed fishery would be allowed.

7.2.4 Against this background, the EU accepted that as an *ad hoc* measure for 2013, its fishing possibilities for redfish should be limited only to by-catches.

7.3 Sandeel in the Norwegian Economic Zone and EU waters

7.3.1 Should the TAC established by the EU be 200,000 tonnes or above, consideration shall be given to granting Norway 10% of this TAC. In the event of such a transfer, Norway shall make available an equivalent quantity of Arcto-Norwegian cod and Arcto-Norwegian haddock in ICES Areas I and II of the Norwegian Zone in the same proportions as in the exchange of fishing possibilities for 2013 contained in this Agreed Record. The Delegations agreed that this exchange should be completed before 15 May 2013.

7.4 Cod in Greenland waters

7.4.1 The Delegations noted that Greenlandic regulations previously 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 therefore 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.

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7.4.2 The Norwegian Delegation noted that the Greenlandic regulations have been amended and that it would be possible to utilise the quota of 500 tonnes of cod in Greenlandic waters in 2013 and informed the EU Delegation that Norwegian vessels would utilise it in 2013.

7.4.3 The EU Delegation agreed that a quantity of 500 tonnes of cod above the normal balance will be made available to Norway in Greenlandic waters in 2013.

7.5 Others quota

7.5.1 The Norwegian Delegation informed the EU Delegation that Norway will consider the management of hake in Norwegian waters, which might require the extraction of hake from the Others quota for 2014.

8 EXPLORATORY FISHERIES

8.1 The EU Delegation expressed the interest of some EU operators in exploring the potential of under-utilised resources evolving in Norwegian waters, such as crab and prawns. The EU Delegation invited the Norwegian authorities to examine duly motivated requests transmitted by EU operators and to issue where justified fishing authorizations for exploratory campaigns subject to the applicable conditions. The provision of existing scientific and other basic information to interested operators would be much appreciated.

8.2 The Norwegian Delegation stated that this subject is outside the scope of this Agreed Record and referred to the website of the Directorate of Fisheries for further information in this respect.

9 FULL UTILISATION OF QUOTAS

9.1 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.

10 CATCH INFORMATION

10.1 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.

11 CATCH REPORTING DISCREPANCIES

11.1 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.

11.2 The Delegations noted that the Working Group on catch reporting and catch statistics had met twice in 2012. The Delegations recognised that the Working Group were not in the position to disclose discrepancies, on a vessel by vessel level, between the parties official catch statistics and thereafter identify the

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reasons for such discrepancies, as detailed catch and activity data on vessel level for all EU vessels were not available.

11.3 The Delegations agreed that the quality of catch and activity data is decisive for efficient management measures and high quality stock assessments, and noted that the introduction of ERS should have given the Parties the opportunity to compare catch and activity data on vessel level in a more efficient manner than previously.

11.4 In this context, the Delegations agreed that a working group on catch reporting and catch statistics shall be set up during the first half of 2013. The Terms of Reference are set out in Annex XIII.

12 DISCARDS AND ASSOCIATED ACTIVITIES

12.1 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.

12.2 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.

12.3 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 2013.

12.4 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.

12.5 Technical Measures

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



12.5.2 The Delegations agreed to establish a Working Group on gear technology to review all available information on selection measures in fishing gears under the Terms of Reference set out in Annex XIV. The Working Group shall, with a view to harmonise technical regulations in North Sea as much as possible for each fishery identify and recommend to the Parties the most appropriate selection measures before the end of June 2013. The Working Group shall include both gear experts and industry representatives.

12.5.3 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 120 mm. 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 120 mm, with few and limited exemptions.

12.6 Real Time Closures

12.6.1 The Norwegian Delegation informed the EU Delegation that a regime for Real Time Closures (RTC) in the North Sea and Skagerrak was adopted on 9 February 2012. After the adoption and notification of the amended regulation, the Norwegian Coast Guard has conducted more than 40 RTC samplings resulting in one closed area in the North Sea. The arrangement for precautionary areas remains in place.

12.6.2 The EU Delegation recalled its commitment to inform Norway on the operation of the RTC system. In 2011, the EU had varied 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. There were 17 closures in 2012, compared to 39 closures in 2011 and to 10 closures in 2010.

12.6.3 The Delegations consider that it is of great importance to continue the RTC systems to protect small fish and juveniles, and furthermore that they will continue to share information on the operation of the RTC systems.

13 CONTROL AND ENFORCEMENT

13.1 Port State control

13.1.1 The Delegations took note of the state of play within NEAFC in respect of aligning the NEAFC Scheme of Control and Enforcement with the *FAO Agreement on Port State measures to prevent, deter and eliminate IUU fishing* (FAO PSMA). During 2013 the NEAFC Ad hoc Working Group on Port State Control (AHWGPSC) will further examine the implications that the FAO Agreement may have on the Port State measures in the NEAFC Scheme and prepare the necessary amendments to the NEAFC Scheme for the Annual Meeting in November 2013.

13.2 Control measures for pelagic fisheries

13.2.1 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 XV.

13.2.2 The Delegations noted that the measures agreed for the weighing and inspection of landings of mackerel, herring and horse mackerel adopted in 2004 (Annex XVI) have been 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.

13.2.3 The EU Delegation informed the Norwegian Delegation that during 2011-2012 the European Union has carried out a specific control and inspection programme for pelagic fisheries in western waters. A new programme for the period 2013-2015 that will rely on risk-management strategies is under preparation.

13.3 Landings of white fish

13.3.1 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.

13.3.2 The EU Delegation informed the Norwegian Delegation that a specific control and inspection program for cod in the North Sea and adjacent waters is in place in the EU.

13.4 Exchange of information and inspectors

13.4.1 The Delegations agreed that cooperation should be continued between the inspections services of both Parties, in particular through involvement of Norwegian inspection services in the operation of specific control and inspection programmes through bilateral contact between competent control authorities.

13.4.2 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 landings by vessels of either Party and landings by third country vessels in the respective ports of the Parties.

13.4.3 The Delegations recalled that Joint Operational Seminars were held by Norway and the EU in 2010 and 2011. The Delegations agreed that these seminars had contributed to improve the cooperation on an operative level regarding monitoring, control and surveillance at sea. The Delegations also found the seminars to be beneficial when it comes to establishing best practice by exchanging experience on these issues. Therefore, the Delegations agreed to convene a follow-up seminar on operational level in 2013. Faroe Islands, Iceland and the Russian Federation should be invited to take part in such a seminar.

13.4.4 Furthermore, the Delegations agreed that the Parties should exchange

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information and views regarding monitoring, control and surveillance issues of bilateral interest and agreed to facilitate meetings when appropriate.

13.5 Monitoring, Control and Surveillance (MCS) fact finding Working Group

13.5.1 The Delegations recalled that a need to redefine the cooperation between the Parties regarding control issues had led to the establishment of a new Monitoring, Control and Surveillance fact finding Working Group in 2012.

13.5.2 The EU organised a meeting of the Working Group in May 2012. Experts from the Faroe Islands and Iceland were invited as well to discuss issues of common interest for these Parties. The Norwegian experts were, at short notice, unable to take part in the meeting. The experts from EU, Iceland and the Faroe Islands nevertheless decided to discuss the issues that were on the agenda, on the understanding that any conclusions from the meeting could not be binding upon Norway. The Norwegian Delegation regretted that the Norwegian experts had been unable to take part. The EU Delegation concurred.

13.5.3 The Delegations noted that during the Coastal state consultations on Mackerel in the North-East Atlantic the European Union, the Faroe Islands, Iceland, Norway and the Russian Federation agreed that a Monitoring, Control and Surveillance (MCS) fact-finding Working Group should meet before 1 April 2013 under the Terms of Reference described in Annex XVII.

13.6 Electronic reporting systems (ERS) and Vessel Monitoring Systems (VMS) for fishing vessels

13.6.1 The Delegations noted that the Parties revised the Agreed Record on electronic exchange of catch and activity data 14 November 2011 and that the revisions were, with a substantial delay because of technical difficulties, implemented during 2012. Furthermore, the Delegations noted that the quality of the data was improving and that ERS has given an improved basis for management, monitoring, control and surveillance, and for statistical and scientific purposes. However, the Delegations recognized that there are still room for improving and developing ERS.

13.6.2 The Delegations agreed to inform each other about development of new business modules for the exchange of electronic data with the view to meet new reporting requirements, and to discuss whether these modules are of common interest and should be developed on a joint basis.

13.6.3 Therefore, the Delegations agreed to continue the Working Group of electronic reporting and recording experts in 2013. The Delegations agreed that the Working Group should focus on issues as set down in the Terms of Reference of the Working Group for 2013 (Annex XVIII). The Working Group should meet before 31 May 2013.

13.6.4 The Norwegian Delegation informed the EU Delegation that bilateral arrangement on exchange of electronic catch and activity data have been entered with Iceland and Russia. These agreements are in line with the electronic reporting system that Norway and EU has committed to in the Agreed Record

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between Norway and EU on electronic exchange of catch and activity data.

13.6.5 The EU Delegation informed the Norwegian Delegation that it would prefer to take into account international standards for ERS, in particular UN / CEFACT, when developing ERS systems.

13.6.6 The Delegations noted the NEAFC decision to establish an ad hoc Working Group on ERS in its Regulatory Area.

13.6.7 The EU Delegation informed the Norwegian Delegation that in accordance with Council Regulation 1006/2008 and 1224/2009 vessels larger than 12 meters are required to send position reports when in EU waters. The Delegations agreed to amend the Agreed Record of Conclusions between the European Community and Norway on issues related to satellite tracking of fishing vessels signed 18 December 2008, to facilitate exchange of position reports for vessels exceeding 12 metres overall length when operating in the waters under the jurisdiction of the other Party, as of 1 June 2013.

13.7 Licensing

13.7.1 The Delegations agreed to review the Licensing Agreement of 13 May 1995 during 2013.

13.7.2 The Delegations agreed to evaluate and as appropriate agree on changes to the electronic licensing scheme in the first half of 2013. The Delegations noted that the Directorate of Fisheries in Norway would convene an expert meeting with this objective.

13.7.3 The EU Delegation referred to the notification made on 4 July 2012 of a decision of the Norwegian authorities not to grant a licence for the Portuguese fishing vessel "Praia de Santa Cruz" as of 1 January 2013. The EU Delegation noted that this administrative sanction taken by the Directorate of Fisheries was in addition to financial penalties imposed by the Police in Tromsø. The Delegation sought clarification regarding the procedure for appealing against the decision of the Directorate of Fisheries not to grant a licence to fish in the Economic Zone of Norway to the Portuguese fishing vessel "Praia de Santa Cruz".

13.7.4 The Norwegian Delegation stated that the Norwegian authorities have the sole authority to grant licences to fish in Norwegian waters. The Delegation further noted that the Portuguese vessel "Praia de Santa Cruz" has violated regulations on fishing and hunting operations in waters under Norwegian fisheries jurisdiction repeatedly. Based on this, the Norwegian authorities have decided not to grant "Praia de Santa Cruz" licence to fish in Norwegian waters in 2013.

14 UNITED KINGDOM – FAROE ISLANDS SPECIAL AREA

14.1 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.

14.2 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.

14.3 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.

Clonakilty, 18 January 2013

For the European Union Delegation


John SPENCER

For the Norwegian Delegation


Ann Kristin WESTBERG