

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2018**

BERGEN, 1 DECEMBER 2017

- 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 27 November to 1 December 2017 to consult on the regulation of fisheries in the Skagerrak in 2018.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2018, outlined in this Agreed Record, including Annex I.
- 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 landing obligation 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 is being implemented progressively between 2016 and 2019.
 - 4.3 The EU Delegation informed the Norwegian Delegation that the landing obligation in 2018 would apply to the following jointly-managed stocks:
 - cod, haddock, saithe, whiting and plaice caught by fishing vessels equipped with trawls of mesh size equal to or greater than 100mm
 - cod, haddock, saithe and whiting caught by fishing vessels equipped with trawls of mesh size equal to or greater than 70mm and less than 100mm
 - cod, haddock, saithe, whiting and plaice caught by fishing vessels equipped with trawls of mesh size equal to or greater than 32mm and less than 70mm
 - cod, haddock, saithe, whiting and plaice caught by fishing vessels equipped with beam trawls of mesh size equal or greater than to 120mm

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- cod, haddock, saithe and whiting caught by fishing vessels equipped with beam trawls of mesh size equal or greater than to 80mm and less than 120mm
- cod, haddock, saithe and whiting caught by fishing vessels equipped with gillnets, trammel nets and entangling nets
- cod, haddock, saithe, whiting and plaice caught by fishing vessels equipped with hooks and lines
- cod, haddock, saithe, whiting and plaice caught by fishing vessels equipped with traps
- Northern prawn (*Pandalus*) taken by any gear.

4.4 The EU Delegation reminded that the gradual introduction of the landing obligation, which aims at immediately reducing discards for EU fleet segments concerned, and at improving progressively their selectivity patterns, implies adjustments on landing quotas until 2019 when a full landing obligation, applicable to all EU fisheries, will be in place.

4.5 The level of adjustment is calculated for each stock and for each fisheries management zone by estimating the contribution of each EU fleet segment concerned by the expansion of the EU landing obligation in 2018 to levels of unwanted catches arising from forecast in the latest ICES advice. These contributions computed by EU fleet segment were derived from the last available landings and discards data, covering the years 2015 and 2016, as compiled by the STECF for each of the stocks, and by assuming that the discard rates of those EU fleet segments in 2018 would be nil.

4.6 The EU Delegation pointed out that the TAC adjustments for plaice and cod, which have separate TACs for the North Sea and Skagerrak, were based on the discard rates in each of those fisheries management zones rather than the overall discard rates estimated over the entire area where biological stock is distributed. The EU Delegation explained that this was to ensure that the TAC adjustments are focused on the fleets segments that are most affected by the landing obligation.

4.7 The Delegations noted furthermore that the stock of haddock in ICES Div. 6.a, Subdivision 20 (Skagerrak) and Subarea 4 would be fully covered by the EU landing obligation in 2018. Therefore, the Delegations agreed to fix TACs for the year 2018 and for each fisheries management zone corresponding to these biological stocks by referring to the full catch options computed by ICES in its latest advice.

4.8 In addition, the EU Delegation explained that the EU landing obligation fixed specific rules, the so called '*de minimis*', which have for main purpose to incentivize the use of selective devices and of more selective gears and which allow discarding very small quantities of unavoidable unwanted catches

4.9 The Norwegian Delegation took note of the explanation from the EU Delegation and agreed that this approach was acceptable for 2018. However, the Norwegian Delegation also expressed concern regarding the lack of supporting technical measures and incentives. A Norwegian ban on discarding was introduced decades ago and this experience clearly showed that

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additional technical measures and control measures in support of a landing obligation are needed. The Norwegian Delegation expressed the view that setting a TAC based on the assumptions of perfect compliance with the landing obligation for fisheries previously associated with high levels of discards, might lead to fishing pressures well above F_{MSY} and no improvement in exploitation pattern. The concern includes loss of future yield as well as underreported catches leading to serious bias in the future stock assessments to be used for management decisions

- 4.10 The Delegations agreed that amounts of remaining discards relating to these '*de minimis*' shall not be included in the adjustment calculations.

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 2018.
- 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 further develop the allocation method and to make a report no later than June 2018.

6 Reciprocal access agreement for Skagerrak

- 6.1 The Delegations referred to the *Agreement of 15 January 2015 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*.
- 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.

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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 for 2018 should be 4,249 tonnes in Skagerrak. Applying the TAC adjustment of 88.17% results in TAC for 2018 of 7,995 tonnes.

9 Haddock

9.1 The Delegations agreed to base the TAC for 2018 on the ICES Fmsy advice, resulting in a TAC of 2,569 tonnes.

9.2 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2018 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 noted that according to the ICES MSY approach, catches in 2018 should be no more than 10,475 tonnes. The Delegations also noted that this advice will be revised early 2018.

10.2 The Delegations agreed to establish a preliminary TAC for 2018 of 10,475 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 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 4a East of 3,143 tonnes.

10.4 The Delegations agreed to consult on establishing a final TAC for 2018 as soon as the final ICES advice for Pandalus is available.

10.5 The Delegations recalled that they on 26th April 2017 had agreed to submit a joint request to ICES to evaluate possible elements for a new joint management strategy for Pandalus, and noted the response from ICES is likely to be available by end of December 2017. The Delegations agreed to meet and establish a new management strategy for Pandalus early 2018.

10.6 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2018 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.

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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 48,427 tonnes for 2018. 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 2018, shall 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 2018.
- 11.5 The Norwegian Delegation reiterated 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 and recalled that they in 2016 had agreed to apply 11.8% as share for Skagerrak of the overall TAC.
- 12.2 The Delegations agreed that TACs for 2018 will be calculated taking into account ICES catch options corresponding to a reduction of 15 % over the TAC fixed in 2017 for ICES Subdivision 20 (Skagerrak) and Subarea 4 and more particularly the ICES catch option of 125,423 tonnes for ICES Subdivision 20 (Skagerrak) and Subarea 4 and corresponding to wanted catches.
- 12.3 Taking into account EU plaice fisheries both in ICES Subdivision 20 (Skagerrak) and Subarea 4 which will be under landing obligation in 2018 and considering landings and discards records of these fleets as reported over the years 2015 and 2016, the Delegations agreed to adjust catch limits deriving

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from the agreed ICES catch options for wanted catches by increasing them applying a rate of 3.67 % in ICES Subdivision 20 (Skagerrak) and applying a rate of 1.83 % in ICES Subarea 4.

12.4 The Delegations noted that the resulting TACs for ICES Subdivision 20 (Skagerrak) and Subarea 4 would be 14,800 tonnes and 110,623 tonnes, respectively, and that applying the TAC adjustments mentioned above would result in a TAC of 15,343 tonnes in ICES Subdivision 20 (Skagerrak) and of 112,643 tonnes in ICES Subarea 4. This gives a 13% decrease as compared to the 2017 TAC in both fisheries management areas.

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 reduce in 2018 by 20% the TAC established in 2017 reaching the level of 26,624 tonnes in 2018.

14 Whiting

14.1 ICES advises that when the precautionary approach is applied, catches should be no more than 400 tonnes in each of the years 2018 and 2019. For stocks without information on abundance or exploitation, ICES considers that a precautionary reduction of catches should be implemented unless there is supporting information clearly indicating that the current level of exploitation is appropriate for the stock. Catches have been relatively low in recent years after a substantial industrial fishery ceased in the mid-1990s. The state of the stock is not known. The Parties agreed on a TAC for 2018 of 1,050 tonnes.

14.2 The Delegations agreed to consider a possible request regarding a management option on whiting in the Skagerrak. The Delegations agreed to discuss this during the forthcoming Consultations on Pandalus referred in paragraph 10.5 above.

15 «Others» quota

15.1 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.

15.2 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.

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16 Technical measures

- 16.1 The Delegations recalled the Consultations about further improvement and harmonisation of technical regulations in Skagerrak that took place in Gothenburg 5-6 September 2017. The Delegations agreed to establish a Working Group on Technical Regulations in Skagerrak. Terms of Reference for this Working Group are set out in Annex II.
- 16.2 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.
- 16.3 The Delegations noted that authorities, industry and scientists 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.

17 Catch statistics

- 17.1 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.
- 17.2 The Delegations agreed that catch statistics, including inter-annual quota flexibility, should be attached to future Agreed Records.

18 Quota arrangements

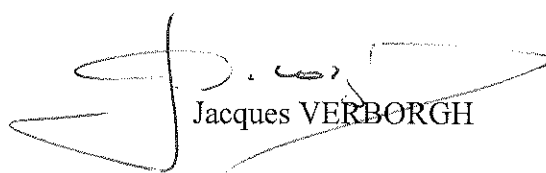
- 18.1 The Delegations agreed that the negotiated quota arrangements constitute an *ad hoc* solution and shall be without prejudice to future fishery arrangements between the Parties.


Bergen, 1 December 2017

For the Norwegian Delegation


Ann Kristin WESTBERG

For the European Union Delegation


Jacques VERBORGH



TACS AND ALLOCATIONS IN 2018

Catches taken, during the period 1 January to 31 December 2018 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 2018	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	7,995	259 ⁽²⁾	7,736
HADDOCK ⁽³⁾	S + K	2,569	108	2,461
WHITING	S + K	1,050	19	1,031
PLAICE	S	15,343	307	15,036
MACKEREL	S + K	pm	pm ⁽⁴⁾	Pm
PANDALUS	S	7,333	3,417	3,916
HERRING	S + K	48,427	6,459	41,968
SPRAT	S + K	26,624	1,997	24,627

(1) Skagerrak (S): the area bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tislarna lighthouse. Skagerrak and Kattegat (S + K): the area defined as Skagerrak, extended to the southern boundary of Kattegat, and defined as a straight line from Hasenøre to 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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**TERMS OF REFERENCE
FOR THE WORKING GROUP ON TECHNICAL MEASURES IN SKAGERRAK**

1. The Working Group shall develop and prepare a system for the introduction of a comprehensive and harmonised Real Time Closure (RTC) as a tool to enhance exploitation pattern in the *Pandalus* fishery in the Skagerrak.

The Working Group shall make recommendations, *inter alia*, for:

Biological and technical parameters

- The minimal set of data needed to close an area (size, and number of samples);
- Identify the length that could be used to trigger the RTC;
- The percentage of *Pandalus* below trigger length (in number and/or weight) that will lead to closure of an area, and explore mechanisms for equivalence between weight and number;
- Guidelines for delimiting the geographical boundaries of a closed area;
- Guidelines for which gear may be used inside a closed area;
- The period for which the area should be closed;

Procedural issues

- Procedures for notifying relevant parties of a closure;
- The mechanism by which a closure would be initiated and lifted;

Control issues

- The monitoring of closed areas;
- The exchange of information between control bodies;
- Requirements for monitoring;

2. The Working Group shall review the selectivity characteristics of the following gears:
 - Danish anchor seines, in particular consider whether the cod-end selectivity across a range of species for Danish seines is different to that of otter trawls and Scottish seines (fly shooting). The Working Group should also present data on the species composition, including seasonal and temporal trends for both Danish seines and otter trawlers operating in similar fisheries in the Skagerrak.
 - Analyze and evaluate the efficacy of species selective grids in pelagic trawl, considering the technical design features and level of use in the fishery.
 - Analyze and evaluate the efficacy of size selective grids in the *Pandalus* fishery, considering the technical design features and level of use in the fishery.
3. The Working Group will undertake a comparison between EU and Norwegian technical regulations for all fisheries, identify specific elements where there are differences and propose possible approaches to harmonization where relevant, also including joint RTC in other fisheries than *Pandalus*.

The Working Group shall make recommendations by 01/07/2018.

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