

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2021**

16 MARCH 2021

- 1 A European Union Delegation, headed by Mr. Fabrizio DONATELLA, and a Norwegian Delegation, headed by Ms. Ann Kristin WESTBERG met in the period 2 February to 16 March 2021 by means of videoconferences to consult on mutual fisheries relations for 2021.
- 2 The Delegations recalled the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union signed 16 February 2021.
- 3 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2021, outlined in this Agreed Record, including Annexes I to VI.
- 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 Discard ban and landing obligation in the Skagerrak

- 5.1 The Delegations acknowledged that although all Parties now have introduced legislation that prohibits most forms of discarding of fish, discards still remain a serious problem and might have contributed to the current poor condition of some stocks. The Delegations agreed to work towards improving the exploitation pattern and reduce the unwanted catches and the 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 In the light of the de minimis and high survivability exemptions contained in the EU landing obligation, the EU Delegation informed the Norwegian Delegation of its intention in 2021 to continue to adjust from the EU quotas the estimated amounts of the discards.

6 Management, including Monitoring, Control and Surveillance

- 6.1 The Delegations noted the Working Group on MCS related to demersal species in the North Sea. The Delegations agreed to further cooperate to enhance control, monitoring and surveillance activities through the North Sea MCS Working Group during 2021. The Delegations noted that the Monitoring, Control and Surveillance Working Group for joint stocks in the North Sea is covered by the Agreed Record of

Conclusions of Fisheries Consultations between Norway, the European Union and the United Kingdom for 2021.

- 6.2 The Delegations recognized that there is a need to further strengthen cooperation and contact between the control services, both on strategic and operational level, in order to increase the effectiveness of the control.

7 Licencing

- 7.1 The Norwegian Delegation referred to the *Agreed Record of Fisheries Consultations between Norway and the European Union on an electronic licensing scheme for fishing vessels* signed 15 May 2013, and noted that vessels' characteristics for EU vessels licensed to fish in Norwegian waters in some cases had not been updated. The Norwegian Delegation highlighted the necessity of continuously revision and sharing of updated information to the other party in real time, as described in that Agreed Record.
- 7.2 The Delegations referred to the ongoing work between the Parties in updating and modernising the existing systems, and emphasised the importance of finalising this work as soon as possible.

8 Reciprocal access agreement for Skagerrak

- 8.1 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.
- 8.2 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.

9 Total allowable catches and quotas

- 9.1 The Delegations agreed that the system of inter-annual quota flexibility should cover plaice, haddock, saithe, herring, whiting and Pandalus. The regimes for inter-annual quota flexibility are set out in annexes II and IV
- 9.2 Furthermore, the Delegations agreed that the guidelines need to be reviewed and agreed to do that during 2021. As the regime for inter-annual quota flexibility for Skagerrak and the North Sea so far has been identical, the Delegations agreed to deal with the revision in one single process.
- 9.3 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in Skagerrak.

10 Cod

- 10.1 The Delegations agreed that the TAC for 2020 should be 1,893 tonnes in Skagerrak.
- 10.2 The Delegations agreed that in addition to the TAC level as referred to in paragraph 10.1, joint additional measures aimed at the protection of juvenile and adult cod introduced in 2020 should continue in order to restore the North Sea and Skagerrak cod stock by reducing unwanted catches and discard and lower fishing pressure.

- 10.3 The European Union Delegation informed the Norwegian Delegation of its intention to continue to apply additional management and control measures aimed at the protection of juvenile and adult cod introduced in 2020.
- 10.4 The Delegations therefore agreed to continue the seasonal closures for the protection of spawning aggregations. The coordinates and timing of such closures are specified in Annex V. The Delegations agreed to prohibit fishing with all gears in these areas with the exception of pelagic trawls and purse seine.
- 10.5 Moreover, the Delegations recalled the report of the Working Group on technical measures of January 2020 and agreed that this report remains a useful basis for cooperation with the view to improve the utilisation of the cod stock.

11 Haddock

- 11.1 The Delegations agreed on a the TAC Haddock for 2021 should be no more than 2,630 tonnes

12 Pandalus

- 12.1 The Delegations noted that ICES advises that total allowable catches for the first half of 2021 should be no more than 4,552 tonnes. The Delegations also noted that this advice will be revised early 2021, in accordance with the management strategy for Pandalus.
- 12.2 The Delegations agreed to establish a preliminary TAC in Skagerrak for 2021 of 4,552 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.
- 12.3 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 12.1 a quota for Pandalus for Division 4.a. East of 1,366 tonnes.
- 12.4 The Delegations agreed to consult on establishing a final TAC for 2021 as soon as the final ICES advice for Pandalus is available.
- 12.5 The Delegations recalled that they on 25th April 2018 had agreed to a Long-Term Management Strategy (LTMS) for Pandalus in Skagerrak and in the Norwegian Deep that is applicable as from 1 January 2019 onwards. The joint LTMS is set out in Annex III.

13 Herring

- 13.1 The Delegations 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.
- 13.2 The Delegations noted that there are serious concerns about the status of the western Baltic spring spawning herring (WBSS) stock. ICES therefore advises a zero catch for the WBSS, which implies that if the TAC for Division 3.a is set to zero in 2021,

the catches of NSAS by the C- and D-fleets would also be zero.

- 13.3 The Delegations noted that the European Union had established a TAC for herring in Subdivisions 22-24 (Western Baltic) corresponding to a final TAC of 3,150 tonnes for the WBSS stock.
- 13.4 The EU Delegation informed the Norwegian Delegation that this TAC was established with reference to the EU multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea.
- 13.5 The Delegations decided to apply this TAC when calculating the WBSS proportion of the TAC for herring in Skagerrak and Kattegat.
- 13.6 Based on this TAC-setting method, the Delegations agreed to establish a TAC of 21,604 tonnes in the Skagerrak and Kattegat for 2021. This is a reduction of 11,9% compared to 2020.
- 13.7 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2021. This represents a roll over of the 2020 level.
- 13.8 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.
- 13.9 The Norwegian Delegation stated that as a principle all catches should be counted against ordinary TACs, instead of having additional by-catch quotas. With the EU landing obligation fully implemented, by-catches in general will be landed and counted against national quotas. There should thus be no need for an exemption for North Sea herring. .
- 13.10 The EU Delegation stated that all EU catches are already counted against ordinary but separated TACs. On the one hand, catches of herring taken as by-catch in fisheries using nets with mesh sizes smaller than 32mm are counted against the by-catch quota. On the other hand, catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32mm are counted against the A- and C-fleet herring quotas. If the EU were to follow the Norwegian approach of counting all catches of herring against the A- and C-fleet herring quotas, the EU should be attributed a higher share in both TACs. .
- 13.11 The Delegations agreed that there are several issues related to the management of herring that needs to be discussed and solved, in order to achieve an optimal utilisation of herring stock. Most importantly, new models for TAC setting should be explored.
- 13.12 The Delegations recalled that they had agreed to establish a working group with a mandate to examine the management of herring in the North Sea and Skagerrak/Kattegat. Because of the impediments caused by the covid-19 pandemic, this working group had not been able to meet in 2020. The Delegations furthermore recalled the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union, and noted that it was agreed that this working

group should start their work in 2021, and make recommendations for management models for the management of herring in both the North Sea and Skagerrak/Kattegat, where NSAS herring mix with WBSS herring stocks. The working group should assess the current practice of setting separate TACs to cover by-catches in other fisheries. Terms of Reference for the Working Group are set out in (the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union.

14 Plaice

- 14.1 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.
- 14.2 Based on its MSY approach ICES advises that total catches in 2021 should be no more than 162,607 tonnes.
- 14.3 The Delegations agreed to establish a TAC for plaice in ICES Subarea 4 (North Sea) and Subdivision 20 (Skagerrak) in 2021 at 162,607 tonnes. This is a reduction of 2,3% compared to 2020.
- 14.4 The Delegations agreed to apply the scheme described in paragraph 14.1 and establish a TAC of 19,188 tonnes in Skagerrak (Subdivision 20).

15 Sprat

- 15.1 The Delegations noted that the ICES advice for Sprat now encompasses both the North Sea and Skagerrak, and recalled that they at 12 June 2020 had agreed to apply 18.3% as share for Skagerrak and Kattegat of the overall TAC (Agreed Record of Fisheries Consultations between the European Union and Norway for sprat for the period from 1 July 2020 to 30 June 2021).
- 15.2 The Delegations recalled that ICES, based on its MSY approach, advised that total catches in July 2020 – June 2021 should be no more than 207,807 tonnes. The Delegations also recalled that, based on this advice, on 12 June 2020 they had agreed to establish a TAC of 207,807 tonnes. Applying the agreed ratio, the TAC for Skagerrak and Kattegat for the period 1 July 2020 to 30 June 2021 was set to 38,029 tonnes.
- 15.3 The Delegations agreed to meet in April 2021 to consider the TAC for 1 July 2021 to 30 June 2022.

16 Whiting

- 16.1 The Delegations agreed to establish a TAC of 929 tonnes in 2021 for the Skagerrak and Kattegat, in accordance of the ICES advice.



17 "Others" quota

- 17.1 The Norwegian Delegation informed the EU Delegation that Norway would set an

“others” quota of 2,000 tonnes for the EU vessels fishing in the Norwegian zone. Norway also informed the EU Delegation 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.

- 17.2 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.

18 Technical measures

- 18.1 The Delegations referred to the Agreed Record of Fisheries Consultations between the European Union and Norway on Technical Measures in Skagerrak, signed in Gothenburg 6 September 2018, and in particular to Annex I in that Agreed Record. The Delegations recalled that a joint Real Time Closure (RTC) system for Pandalus in Skagerrak should have been ideally established no later than 1 July 2019.
- 18.2 The European Union Delegation informed the Norwegian Delegation that the measures have been implemented by the EU through the Commission Delegated Regulation (EU) 2019/2201 of 1 October 2019 on detailed rules for the implementation of real-time closures for Northern prawn (*Pandalus borealis*) fisheries in the Skagerrak. Furthermore, the European Union Delegation noted that there is an ongoing revision of the annex of this Regulation.
- 18.3 The Norwegian Delegation informed the European Union Delegation that the Norwegian regulation will be amended when and if the European Union change its current regulation to reflect the Agreed Record for 6 September 2018.
- 18.4 The Delegations noted that since 2004, fishing with beam-trawls in an area inside 12 nautical miles from the coast between Hirtshals Lighthouse to Hanstholm has been prohibited for fishing vessels whose engine power exceeds 221 kW. The European Union delegation informed the Norwegian Delegation that this measure is currently established in Regulation (EU) 2019/1241 on Technical Measures.
- 18.5 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 and implemented, will contribute to reduced discard of Pandalus. The Delegations endorsed this form of cooperation in order to handle specific issues.

19 Catch statistics

- 19.1 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.
- 19.2 The Delegations agreed that catch statistics, including inter-annual quota flexibility,

should be attached to future Agreed Records.

20 Quota arrangements

- 20.1 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.
- 20.2 The Norwegian Delegation stated that the ad hoc sharing arrangement for 2021 is greatly imbalanced in Norway's disfavour. Norway will therefore invite the European Union for consultations during 2021 with the purpose of establishing a sharing arrangement closer to zonal attachment of the main species.

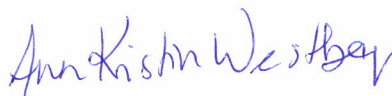
16 March 2021

For the European Union Delegation



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For the Norwegian Delegation



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TACs AND ALLOCATIONS IN 2021

Catches taken, during the period 1 January to 31 December 2021 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 2021 | ALLOCATION TO NORWAY | ALLOCATION TO EUROPEAN UNION |
|-------------------------|---------------------|----------|----------------------|------------------------------|
| COD | S | 1 893 | 61 ⁽²⁾ | 1 832 |
| HADDOCK ⁽³⁾ | S + K | 2 630 | 111 | 2 519 |
| WHITING | S + K | 929 | 17 | 912 |
| PLAICE | S | 19 188 | 384 | 18 804 |
| MACKEREL | S + K | pm | pm ⁽⁴⁾ | pm |
| PANDALUS ⁽⁵⁾ | S | 3 186 | 1 485 | 1 702 |
| HERRING | S + K | 21 604 | 2 881 | 18 723 |
| SPRAT ⁽⁶⁾ | S + K | 38 029 | 2 852 | 35 177 |

- (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.
- (5) The Delegations agreed to consult on establishing a final TAC for 2021 as soon as the final ICES advice for Pandalus is available.
- (6) Catches in the period from 1 July 2020 to 30 June 2021.

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INTER-ANNUAL QUOTA FLEXIBILITY

- The Inter-annual quota flexibility scheme as described in this Annex is applicable for the quotas of herring, haddock, saithe, plaice and whiting established in this Agreed Record.
- Each Party may transfer to the following year unutilised quantities of up to 10% of the quota allocated to it. The quantity transferred shall be in addition to the quota allocated to the Party concerned in the following year. This quantity cannot be transferred further to the quotas for subsequent years.
- Each Party may authorise fishing by its vessels of up to 10% beyond the quota allocated. All quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year.
- Complete catch statistics and quotas for the previous year should be made available to the other Party no later than 1 April in the format as set out below. The Delegations agreed that in order to ensure transparency in the operation of inter-annual quota flexibility, more detailed information on catch utilisation shall be exchanged.
- The inter-annual quota flexibility scheme should be terminated if the SSB is estimated to be under the precautionary biomass level (B_{pa}) and the fishing mortality is estimated to be above the precautionary mortality level (F_{pa}) the following year, or if the SSB is estimated to be below B_{pa} in two consecutive years.



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LONG TERM MANAGEMENT STRATEGY FOR NORTHERN SHRIMP (PANDALUS BOREALIS) IN DIVISIONS 3.A. AND 4.A.EAST (SKAGERRAK AND KATTEGAT AND NORTHERN NORTH SEA IN THE NORWEGIAN DEEP)

The Parties agree to implement a Long Term Management Strategy (LTMS) for the Northern shrimp in the Northern North Sea (Norwegian Deep) and in the Skagerrak and Kattegat. The objective of this LTMS is to provide for sustainable fisheries with high and sustainable yields in conformity with the precautionary approach.

For the purpose of this LTSM, the following definitions shall apply:

- “SSB” means the estimate according to ICES of the Spawning Stock Biomass at the beginning of the TAC year.
- $B_{TRIGGER}$ is the value of spawning stock biomass (SSB) that triggers a specific management action.
- F_{TARGET} is the fishing mortality to be included in the algorithm for pre-agreed management actions as a function of variables related to the status of the stock.

Values for $B_{TRIGGER}$ and F_{TARGET} are fixed in the light of the latest available ICES advice, at levels of 9 900 t and 0.59 respectively. The TAC will be established for each calendar year (from January 1st to December 31st).

- By end of the year N-1, a preliminary TAC will be adopted by the Parties based on ICES catch forecast for the six first months of the year N, released in March of year N-1.
- The Parties will establish the final TAC for the entire year N in light of the ICES stock advice released in March of year N.

When establishing the preliminary and the final TACs the following rules shall apply:

- a. When the SSB at the start of the year is estimated at or above $B_{TRIGGER}$ the Parties will fix a TAC consistent with a fishing mortality rate of F_{TARGET} .
- b. When the SSB at the start of the year is estimated below $B_{TRIGGER}$, the Parties will fix a TAC consistent with a fishing mortality rate of $F_{TARGET} \times (SSB/B_{TRIGGER})$.

The TAC will include all removals made from the stock.

When SSB is estimated to be at or above $B_{TRIGGER}$, the TAC derived from paragraph (a) can be deviated with up to 10 % according to the “banking and borrowing” scheme described in Annex III to this Agreed Record.

This LTMS will be applicable from 1st January 2019 onwards.

It shall be revised by the end of 2021 or following the next ICES benchmark of the stock.




INTER-ANNUAL QUOTA FLEXIBILITY FOR PANDALUS BOREALIS

1. Each Party may transfer to the following year unutilised quantities of up to 10% of the quota allocated to it. The quantity transferred shall be in addition to the quota allocated to the Party concerned in the following year. The quantity cannot be transferred further to the quotas for subsequent years.
2. Each Party may authorise fishing by its vessels of up to 10% beyond the quota allocated. All quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year.
3. Complete catch statistics, quotas and inter-annual quota transfers for the previous year should be made available to the other Party no later than 1 May.
4. The inter-annual quota flexibility scheme shall not apply when the SSB is estimated at the beginning of the year to be below B_{TRIGGER} .



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SEASONAL AREA TO PROTECT SPAWNING COD

The following areas in the table below will be closed for all gears excluding pelagic gears (purse seine and trawl), for the identified time period:

| Time Limited Closures | | | | |
|-----------------------|-----------------|--|---------------------------|--------------------|
| No | Area Name | Coordinates | Time period | Additional Comment |
| 1 | Stanhope ground | 60° 10N - 02° 00E 60° 10N - 02° 45E 60° 25N - 01° 45E 60° 25N - 02° 00E | 01 January to 30 April | |
| 2 | Long Hole | 59° 07.35N - 0° 31.04W 59° 03.60N - 0° 22.25W 58° 59.35N - 0° 17.85W 58° 56.00N - 0° 11.01W 58° 56.60N - 0° 08.85W 58° 59.86N - 0° 15.65W 59° 03.50N - 0° 20.00W 59° 08.15N - 0° 29.07W | 01 January to 31 March | |
| 3 | Coral edge | 58° 51.70N - 03° 26.70E 58° 40.66N - 03° 34.60E 58° 24 00N - 03° 12.40E 58° 24 00N - 02° 55.00E 58° 35 65N - 02° 56.30E | 01 January to 28 February | |
| 4 | Papa Bank | 59° 56N - 03° 08W 59° 56N - 02° 45W 59° 35N - 03° 15W 59° 35N - 03° 35W | 01 January to 15 March | |

| Time Limited Closures | | | | |
|-----------------------|-------------------|--|-------------------------------|------------------------------|
| No | Area Name | Coordinates | Time period | Additional Comment |
| 5 | Foula Deeps | 60° 17.5N - 01° 45W 60° 11.0N - 01° 45W 60° 11.0N - 02° 10W 60° 20.0N - 02° 00W 60° 20.0N - 01° 50W | 01 November to 31 December | |
| 6 | Egersund Bank | 58° 07.40N - 04° 33.0E 57° 53.00N - 05° 12.0.E 57° 40.00N - 05° 10.9E 57° 57.90N - 04° 31.9E | 01 January to 31 March | (10 x 25 nm) |
| 7 | East of Fair Isle | 59° 40N - 01° 23W 59° 40N - 01° 13W 59° 30N - 01° 20W 59° 10N - 01° 20W 59° 10N - 01° 28W 59° 30N - 01° 28W | 01 January to 15 March | |
| 8 | West Bank | 57° 15N - 05° 01E 56° 56N - 05° 00E 56° 56N - 06° 20E 57° 15N - 06° 20E | 01 February to 15 March | (18 x 4 nm) |
| 9 | Revet | 57° 28.43N - 08° 05.66E 57° 27.44N - 08° 07.20E 57° 51.77N - 09° 26.33E 57° 52.88N - 09° 25.00E | 01 February to 15 March | (1.5 x 49 nm) |
| 10 | Rabarberen | 57° 47.00N - 11° 04.00E 57° 43.00N - 11° 04.00E 57° 43.00N - 11° 09.00E 57° 47.00N - 11° 09.00E | 01 February to 15 March | East of Skagen (2.7x4 nm) |

PRELIMINARY CATCH STATISTICS

| Skagerrak agreement | | Catch in 2019 | | Provisional catch statistics 2020 | |
|---------------------|------|---------------|--------|-----------------------------------|--------|
| Species | Area | Norway | EU | Norway | EU |
| Cod | S | 38 | 3,184 | 32 | 1,486 |
| Haddock | S+K | 27 | 590 | 15 | 264 |
| Whiting | S+K | 3 | 103 | 4 | 60 |
| Plaice | S | 8 | 7,491 | 7 | 6,586 |
| Mackerel | S+K | - | 0 | | 0 |
| Pandalus (*) | S | 4,117 | 2,646 | 5,096 | 2,499 |
| Herring | S+K | 2,472 | 25,948 | 2,119 | 22,633 |
| Sprat | S+K | 252 | 5,616 | 437 | 546 |

*Of Norwegian quota in North Sea and Skagerrak combined