

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY FOR 2023**

17 MARCH 2023

1 A European Union Delegation, headed by Mr. Thomas BRÉGEON, and a Norwegian Delegation, headed by Ms. Ann Kristin WESTBERG met in Brussels, Oslo, and via videoconference during the period from November 2022 to March 2023 to consult on mutual fisheries relations for 2023.

2 The Delegations referred to the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union signed on 9 December 2022.

3 The scope of this Agreed Record is quota exchange, zonal access and other bilateral issues relating to fisheries between the Parties.

4 The Heads of Delegations agreed to recommend to their respective authorities the fishery arrangements for 2023 as outlined in this Agreed Record, including Annex I to III and Tables 1 to 5.

5 EXCHANGE OF FISHING POSSIBILITIES

5.1 The parties agreed to exchange a number of fish quotas. The exchange is reflected in Tables 2, 3 and 4.

5.2 *Capelin in ICES Area XIV*

5.2.1 The Delegations referred to section 4.1.1.2 of the Agreed Record of 10 December 2021 where it was agreed that in the event that there is a positive TAC-advice for capelin for the fishing season 2022/2023 and subject to Norway maintaining access to Icelandic waters for that season, the EU will offer Norway a quota of 10,000 tonnes. The corresponding cod equivalents were added to the EU balance for 2022. Based on the final TAC for the fishing season 2022/2023, the EU has transferred to Norway a quota of 10,000 tonnes.

5.3 *Sprat*

5.3.1 The Delegations referred to the Agreed Records of 10 December 2021, where it was agreed that the EU would transfer 10,000 tonnes of sprat for the period 1 July 2022 to 20 June 2023, provided that the EU North Sea fishing opportunities were no less than 100,000 tonnes. Given that this was not the case, the Delegations agreed that the EU will compensate Norway with the same quantity in cod equivalents. Accordingly, the balance



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for 2023 includes the corresponding compensation from the EU to Norway of 1,250 cod equivalents.

5.3.2 The Delegations noted that the ICES advice for sprat covers the period 1 July to 30 June rather than a calendar year, and that as a consequence transfer of sprat from the EU to Norway could be fished only during the period 1 July 2023 to 30 June 2024. They further noted that the transfer of 10,000 tonnes shown in Table 2 is conditional on the level of the EU North Sea fishing opportunities in 2023/2024: for a range of 60,000 to 100,000 tonnes, the EU will transfer 10% of its quota to Norway. Should the level of the quota not allow the EU to transfer 10,000 tonnes, it was agreed that the EU would compensate Norway with the corresponding amount of cod equivalents in the quota exchanges for 2024.

5.4 Northeast Arctic cod

5.4.1 This Agreed Record does not cover the possible transfer referred to in paragraph 3.b) of the EU-Norway understanding on fisheries in ICES areas 1 and 2 which is being dealt with in another forum.

5.5 *Shrimp in Greenlandic waters, ICES areas 14 and 5.a*

5.5.1 The Delegations referred to the Agreed Records of 10 December 2021, where it was agreed to allocate 950 tonnes of shrimp to Norway for 2023. This quota will be available for Norwegian vessels from 1 January 2023. The corresponding cod equivalents were added to the balance for 2022. This means that the total quantity available to Norway of shrimp for 2023 is 2,123.

5.6 *Redfish in the Norwegian Economic Zone*

5.6.1 The Delegations referred to the 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.

6 ZONAL ACCESS

6.1 The Parties agreed to establish zonal access for jointly managed stocks in the North Sea: cod, saithe, North Sea herring, haddock, plaice and whiting. The levels and condition of such access are reflected in Table 1.

6.2 The Parties also agreed to grant zonal access in each other's waters for Norwegian Spring spawning herring and blue whiting to the level reflected in Table 5. Norwegian vessels fishing blue whiting in EU waters shall be subjected to control provisions as set out in Annex III.

6.3 The Parties noted that any access granted, comes in addition to the implicit access from quotas that Parties have acquired from the quota exchange arrangement between Norway and the European Union described in Tables 2, 3 and 4 in waters of the other Party or in Greenlandic waters (Table 4).

6.4 The Norwegian Delegation regretted that the EU had introduced discriminatory area closures affecting Norwegian but not EU-vessels (the so-called Irish box), and underlined that this approach, if continued, creates an unfortunate precedence. Currently,

the EU-fleets are not met with any discriminatory measures in Norwegian waters, but this action by EU could open up for similar consideration from the Norwegian side.

- 6.5 The EU Delegation noted that the access for Union vessels for blue whiting to Norwegian waters is limited to certain areas of the Norwegian EEZ, and that these limitations do not apply to Norwegian vessels. Prior to 2021, the decades-long access arrangements between the Parties for Norwegian vessels to fish for blue whiting never included Union waters South of 56°30'N and East of 12°W. The ad hoc access granted by the EU to this area for 2021 and 2022 was exceptional and cannot be seen as setting a precedent.
- 6.6 The EU Delegation noted that the reciprocal access for jointly managed stocks in the North Sea is one of the fundamental elements of the bilateral cooperation on fisheries management between the Parties. It is of mutual interest that the access arrangements are set at levels allowing both Parties optimal utilisation of the available quotas and fisheries management. The EU Delegation expressed strong concerns regarding additional reductions on reciprocal access for 2023 requested by Norway which confirms a trend that is not commensurate with such optimal utilization.
- 6.7 The Norwegian Delegation noted that EU vessels currently enjoy a very high level of zonal access in Norwegian waters of the North Sea. EU vessels fish around 500 times more in Norwegian waters than Norwegian vessels fish in EU waters, which suggests there is a certain imbalance in Norway's disfavour.
- 6.8 The EU Delegation noted that, for 2023, Norwegian vessels are provided with approximately 3 times more zonal access than Union vessels in terms of tonnage for all stocks, and that the utilisation of that access in recent years reflects a similar ratio.
- 6.9 The EU Delegation expressed its intention to consult on zonal access arrangements for pelagic stocks ahead of the bilateral fisheries consultations for 2024.
- 6.10 The EU Delegation referred to the decision by Norway to prohibit the use of beam trawls in the Norwegian exclusive economic zone. The EU regretted that such decision was adopted without prior consultation, particularly due to the impact on the relevant EU fleets. The EU Delegation informed the Norwegian Delegation of its readiness to engage in consultations to prevent and remedy these situations, and in technical discussions on the use of fishing gears in waters of the other Party.
- 6.11 The Norwegian Delegation reminded the EU Delegation that beam trawling is a highly invasive fishing method that damages the seabed. Moreover, as long as EU-vessels continue to enjoy access to fish in Norwegian waters, sustainable management of the fisheries in the NEEZ will benefit EU vessels.
- 6.12 The Norwegian Delegation reminded the EU Delegation that the responsibility for technical measures in waters subject to Norwegian jurisdiction rests with Norwegian authorities, and is not subject to prior consultations or consent of the other Party.
- 6.13 The Norwegian Delegation recalled that after exchanges between the EU and Norway, Norway deferred the prohibition on beam trawling in said regulation until October 2022, allowing EU beam trawl vessels to continue their activity one extra fishing season.

7 EXPLORATORY FISHERIES

- 7.1 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.
- 7.2 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.

8 CATCH INFORMATION

- 8.1 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.

9 TOTAL ALLOWABLE CATCHES AND QUOTAS

- 9.1 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in the waters of the other Party in the North Sea.

10 LICENSING

- 10.1 The Delegations agreed to continue the system with licensing as outlined in Annex II.
- 10.2 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.
- 10.3 The Delegations referred to the ongoing work between the Parties in updating and modernising the existing systems for notification and authorisation of fishing vessels and emphasised the importance of finalising this work as soon as possible.

11 CONTROL AND ENFORCEMENT

- 11.1 Monitoring, Control and Surveillance (MCS) measures for joint stocks in the North Sea.
- 11.1.1 The Delegations referred to Agreed Record of Fisheries Consultations between the European Union, Norway and the United Kingdom for 2023, where it is noted that for a comprehensive management regime, efficient and trustworthy MCS measures are crucial, and that strategic and operative MCS cooperation between the inspections services of the Parties is a prerequisite to improve compliance and to achieve a level playing field.
- 11.2 Control Measures for Pelagic Stocks in the Northeast Atlantic



11.2.1 The Delegations also referred to the November 2022 Agreed Record of Conclusions of Fisheries Consultations between Greenland, Iceland, the United Kingdom, Norway, the European Union and the Faroe Islands on Control Measures for Pelagic Stocks in the Northeast Atlantic.

11.3 Cooperation, exchange of information and inspectors.

11.3.1 The Delegations agreed that both strategic and operative MCS cooperation between the inspections services of the Parties is a prerequisite to improve compliance with the regulations and thereby achieve a level playing field. Enhanced cooperation between inspection services in Norway and the EU (including at Member States level) is of mutual interest, e.g. in light of transparency, compliance, securing level playing field, effective use of resources and to increase the general understanding of the Parties' MCS regimes.

11.3.2 Hence, the Norwegian Delegation repeated the desire to improve cooperation with the European Fisheries Control Agency (EFCA), e.g. by improving dialogue, exchange experience both in risk based approaches, operational activities and joint meetings regarding MCS activities on joint stocks. In the addition, the Norwegian Delegation sees the fruitfulness of closer cooperation between the responsible inspection services regarding development of monitoring, control and surveillance as a profession.

12 ELECTRONIC REPORTING SYSTEMS (ERS) AND VESSEL MONITORING SYSTEMS (VMS) FOR FISHING VESSELS

12.1 Electronic reporting.

12.1.1 The Delegations noted that the European Union and Norway signed on 29 June 2022 Agreed Records on the FLUX Transportation Layer and on issues related to position reporting of fishing vessels to enter into force 1 January 2023.

12.1.2 Furthermore, the Delegations reiterated the decision to introduce ERS and VMS in NEAFC based on the FLUX UN/CEFACT International Standard (Recommendation 19:2019) and that the NEAFC ERS should be taken into consideration in the further development of new agreements on electronic catch and activity data, and electronic notification and authorisation scheme.

12.1.3 The Delegations noted the ongoing trilateral consultations on a revised agreement on electronic notification and authorisation scheme.

12.1.4 The Delegations agreed to continue the Working Group of Electronic Reporting and Recording Experts in 2023. The Working Group should meet under the Terms of Reference set out in Annex 1.

12.1.5 The Delegations highlighted that well-functioning and reliable systems are of exceptional importance for science, management, control and enforcement of the regulations. Furthermore, the Delegations underlined the requirement of the flag State FMC to forward information of the RET message from the coastal State FMC without undue delay to the master of the vessel to enable the master to fulfil the reporting requirements in Norwegian waters, as well as the importance of the agreed fallback procedures in case of technical issues.



13 NOTIFICATION OF NEW LEGISLATION

- 13.1 The Parties agreed to communicate in a timely manner the introduction of new fisheries legislation that are of relevance for the other Party's fishing vessels.
- 13.2 The EU Delegation once again reminded the Norwegian Delegation of the need to provide new legislation in a format which is easily understandable, i.e. English, as soon as such legislation is available. The EU Delegation highlights that the lack of understandable rules substantially increases the risk of unintentional non-compliance with Norwegian law and creates a climate of legal uncertainty for the masters of European Union member states vessels. Furthermore, it multiplies the risk of discrepancies between the original Norwegian version and unofficial translation(s) by the EU or its Member States. The implications of this is that reliance on unofficial translations increases the risk of inadvertently contravening Norwegian rules. This means vessel owners may be subject to legal proceedings even if they are operating in good faith as a result of an incorrect interpretation.
- 13.3 The Norwegian Delegation reiterated that no additional translations will be provided and stressed that the current notification practice is in line with the requirements under the United Nations Convention on the Law of the Sea.
- 13.4 The Norwegian Delegation reminded the EU that every fishing vessel that intend to fish in areas under Norwegian jurisdiction has the duty to seek information on the relevant laws and regulations. Norway expects the EU vessels to comply with the regulations adopted by Norway when fishing in Norwegian waters.

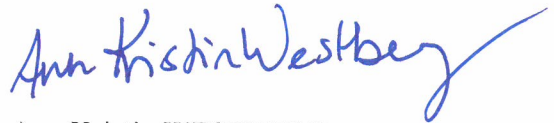
17 March 2023

For the European Union Delegation



Thomas BRÉGEON

For the Norwegian Delegation



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TABLE 1

ZONAL ACCESS FOR JOINTLY MANAGED STOCKS IN THE NORTH SEA FOR 2023

Species	ICES Areas	TAC		Norwegian Quota		EU Quota		Norwegian access in EU waters		EU access in Norwegian waters	
		Tonnes		Tonnes		Tonnes		Tonnes		Tonnes	
Cod	4	21,652		3,681		8,089		3,064		5,853	
Haddock	4	58,402		13,432		7,709		11,182		4,774	
Saithe	4, 3a	53,374		27,755		19,433		23,106		16,178	
Whiting	4	34,294		3,429		9,455		2,855		5,333	
Plaice	4	132,922		9,305		88,433		7,746		30,209	
North Sea herring	4, 7d	396,556		115,001		203,830		2,700		2,700	

TABLE 2

EXCHANGE OF QUOTAS FROM NORTH SEA AND OTHER AREAS FOR 2023

SPECIES	ICES AREA	QUOTA TO NORWAY IN THE EU ZONE (TONNES)	QUOTA TO THE EU IN THE NORWEGIAN ZONE (TONNES)
Saithe	4, 3a	500	
Pandalus	4		200
Anglerfish	4		900
Norway lobster	4		200
Sole	4	5	
Hake	4		1,870
Sprat ¹	4	10,000	
Tusk	4		50
Blue whiting	2a, 4, 6a ² , 6b, 7 ³	74,000	
Ling	4		500
Others ⁴	4	500	1,650

¹ To be fished from 1 July 2023 to 30 June 2024

² North of 56°30'N

³ West of 12°W

⁴ Defined as species not specifically mentioned in Tables 1 to 5

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TABLE 3

QUOTAS TO THE EU OF NORWEGIAN EXCLUSIVE STOCKS FOR 2023

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	1; 2	9,150
Arcto-Norwegian haddock	1; 2	400
Saithe	1; 2	550
Greenland halibut (by-catches)	1; 2	125
Others (by-catches)	1; 2	125

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TABLE 4

QUOTAS TO NORWAY FROM THE EU QUOTAS IN GREENLANDIC WATERS FOR 2023

SPECIES	ICES AREA	QUANTITY (TONNES)
Shrimp	14; 5.a	2,123 ⁵
Greenland halibut	NAFO 1 ICES 14; 5.a	325 850
Grenadier (by-catches)	NAFO 1	55
Grenadier (by-catches)	ICES 14; 5.a	40
Redfish (demersal)	NAFO 1; ICES 14; 5.a	556

⁵ Including 950 tonnes from the Agreed Record on fisheries consultations for 2022, as explained in point 5.5 of this Agreed Record

TABLE 5

ZONAL ACCESS FOR BLUE WHITING AND NORWEGIAN SPRING SPAWNING HERRING FOR 2023

Species	ICES Area	Access for EU vessels in Norwegian EEZ	Access for Norwegian vessels in EU Zone
		Tonnes	Tonnes
Blue whiting	2a, 4, 6a ⁶ , 6b, 7 ⁷	10,000	150,000
Norwegian Spring spawning herring	Norwegian fisheries jurisdiction North of 62°N	19,780	-

⁶ North of 56°30'N
⁷ West of 12°W

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**TERMS OF REFERENCE FOR A WORKING GROUP ON
ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2023**

The Delegations agreed that the Working Group on Electronic Reporting and Recording Experts should meet before 31 May 2023 under the Terms of Reference described below. After that the Working Group should meet as appropriate.

The Working Group shall:

1. Revise the arrangements set down in the *Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on Electronic exchange of catch and activity data of 14 November 2011*, with a view to:
 - 1.1. Establish technical procedures and specifications taking into account the use of the UN/FLUX standards, based on the arrangements of the new NEAFC ERS.
 - 1.2. Identify additional reporting needs, outstanding issues and elements that can improve performance of the current system for electronic exchange of catch and activity data (ERS) between the European Union and Norway to be implemented in the new ERS system based on UN/FLUX standards.
 - 1.3. Establish technical procedures and specifications to implement the possibility to pull data covering fishing activities before entering and after exiting the economic zone of the other Party, to be implemented in the new ERS system based on UN/FLUX standards.
2. Revise the arrangements set down in the *Agreed Record of Conclusions between Norway and the European Union on Issues Related to Satellite Tracking of Fishing Vessels signed by Norway 15 February 2013 and by the European Union 31 January 2013*.
3. Revise the arrangements set down in the *Agreed Record of Fisheries Consultations between Norway and the European Union on an electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)* and in the *Agreed Record of Fisheries Consultations between Norway and the European Union on the future development of the electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)*, with a view to implement the electronic data exchanges for notification and authorisations for fishing vessels between the European Union and Norway based on UN/FLUX FLAP standards.
4. Follow up the implementation of the agreed electronic reporting system between Norway and the European Union, including RET messages, to secure satisfactory exchange and increased quality of catch and activity data.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2024.




CONDITIONS FOR FISHERIES BY THE PARTIES IN 2023

I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2023 shall be as indicated in that table. If ICES make new scientific recommendations, the Parties will review these TACs.
2. The TACs referred to in paragraph 1 shall be divided between the Parties as indicated in Table 1.
3. Each Party shall inform the other Parties of allocations granted for fishing on the stocks referred to in Table 1.
4. The Parties shall supply each other with monthly catch statistics for fishing on the stocks referred to in Table 1 by their own vessels. Communication of these statistics for the preceding month shall take place at the latest on the last day of each month.

II. OTHER STOCKS

Each Party shall authorise fishing by vessels of the other Party for the stocks mentioned in Tables 1 to 5 within the quotas set out in these tables.

III. FISHERY REGULATIONS

1. The Parties will consult on fishery regulations in the North Sea, with a view to achieving, as far as possible, the harmonization of regulatory measures in the zones of the two Parties.
2. A Party intending to introduce or amend fishery regulations, applicable to vessels of the other Party shall duly inform the Parties of such intentions without delay.

IV. LICENSING

1. Licensing by either Party of the other Party's vessels in 2023 shall be limited to the following fisheries.
 - A. EU fishing in the Norwegian Economic Zone:
 - all fishing north of 62° N;
 - all industrial fishing and fishing for mackerel in the North Sea;
 - all other fishing with vessels over 200 GRT in the North Sea.
 - B. Norwegian fishing in the EU zone and in Greenland waters:
 - all fishing in NAFO Sub-area 1 and ICES Sub-area XIV and Division Va;
 - all fishing in the EU's fishing zone with vessels over 200 GRT.

For 2023, the number of licences and the conditions of those licences shall be in accordance with the Agreed Record of Conclusions on Licence Arrangements for 1995 between the European Community and Norway signed at Bergen on 13 May 1995.




2. The Parties shall notify each other, according to the types of fishing indicated above, the name and characteristics of the vessels for which licences may be issued.

It is agreed that the requirement for each Party's vessels to keep on-board a licence whilst fishing in the other Party's zone shall no longer apply.

3. Vessels, which were authorised to fish on 31 December 2022, may continue their activities in 2023.
4. Each Party shall submit to the other Party the names and characteristics of the other Party's vessels which will not be authorised to fish in its fishing zone the next month(s) as a consequence of an infringement of its rules.



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**CONDITIONS FOR NORWEGIAN VESSELS INTENDING TO FISH
FOR BLUE WHITING IN EUROPEAN UNION WATERS**

The following provisions shall apply to Norwegian vessels intending to fish for blue whiting in European Union waters in 2023:

1. Vessels that already have catch on board.
 - 1.1. Vessels that already have catch on board may only commence their fishing trip after having received authorisation from the competent authority of the coastal Member State concerned.
 - 1.2. Upon entering European Union waters, the master of the vessel shall contact the Fisheries Monitoring Centre of the coastal Member State concerned, as follows:
Ireland (Haulbowline) by e-mail at the following address: fmcireland@defenceforces.ie or by telephone (+353 21 4378752) at least 12 hours prior to entering one of the control areas referred to in point 1.1.
 - 1.3. The notification shall specify the name, international radio call sign and port letters and number (PLN) of the vessel, the total quantity by species on board and the position (longitude/latitude) where the master estimates that the vessel will enter European Union waters as well as the area where he intends to commence fishing. The vessel shall not commence fishing until it has received acknowledgement of the notification and instructions on whether or not the master is required to present the vessel for inspection. Each acknowledgement shall have a unique authorisation number which the master shall retain until the fishing trip is terminated.
 - 1.4. Notwithstanding any inspections that may be carried out at sea the competent authorities may in duly justified circumstances require a master to present his vessel for inspection in waters of Blacksod Bay or in the port of Killybegs.
2. Vessels that enter European Union waters with no catch on board shall be exempt from the requirements laid down in point 1.
3. Vessels that transit through European Union waters must stow their nets so that they may not readily be used in accordance with the following conditions:
 - a. Nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes; and
 - b. Nets, which are on or above deck, shall be securely lashed to same part of the superstructure.

