

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS  
BETWEEN NORWAY AND THE EUROPEAN COMMUNITY FOR 2009**

**OSLO, 10 DECEMBER 2008**

1. A Norwegian Delegation headed by Ms Ann Kristin WESTBERG and a Community Delegation headed by Mr John SPENCER met in Oslo from 8 to 10 December 2008 to consult on mutual fisheries relations for 2009. The meeting was a continuation of previous meetings held in Bergen and Brussels.
2. The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2009 as outlined in this Agreed Record including Annexes I to XIV and Tables 1 to 5.
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. The Delegations expressed their satisfaction with the exchanges of views between the Parties, which had taken place throughout 2008 outside the context of the annual fisheries consultations. They agreed that the forum of the policy seminar of September 2007 had been a very useful way of facilitating similar exchanges and had been an important platform for discussing the policy development of both Parties. To this end, they agreed to meet in a similar forum at one or two-year intervals in the future.
- 5. JOINTLY MANAGED STOCKS**
  - 5.1 The Delegations noted with satisfaction that according to the latest advice from ICES, the fishing mortality for North Sea cod in 2008 is expected to decline below the precautionary reference point  $F_{pa}$ . However, they recognized that the fishing mortality on cod is still above the long-term target and that a further reduction is needed to ensure recovery of the stock from the currently low level.
  - 5.2 The Delegations also agreed to continue to improve the exploitation pattern through technical measures such as reduction of discards, improving 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.
  - 5.3 Demersal fisheries in the North Sea include mixed fisheries and 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 bycatch.

#### **5.4. Long-term management plans**

5.4.1. The Delegations agreed that long-term management plans should be the basis for the management of all jointly managed shared stocks. They recognised that there are differences between the existing long-term management plans on core issues, including the use of reference points, time schedules as well as the objectives of the plans. To this end, the Delegations agreed to consult during the second half of 2009 on this subject in order to decide whether or not a more coherent approach could be more useful when establishing long-term management plans, particularly in the light of the standing commitments of both Parties to the Johannesburg Declaration.

5.4.2. 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 IV.

5.4.3. The Delegations agreed on revised long-term management plans for cod, saithe and North Sea herring as set out in Annex I, III and IV.

5.4.4. The Community Delegation noted that a commitment had been made at the fisheries consultations for 2007 to implement a new long-term management plan for plaice from 1 January 2008. They recognised that despite the efforts since then, the Parties had been unable to agree such a long-term management plan at that juncture. They recalled that at the consultations for 2007, the Parties had agreed upon the basic principles for the long-term management of plaice in the North Sea as set out in Annex V.

5.4.5. In that context, the Community drew the attention of Norway to the review of the Community's flatfish management plan, which is due to take place in 2010. In that context, the Delegations agreed to cooperate during the preparatory work for this review, with a view to developing a future joint long-term management plan for plaice in the North Sea.

#### **5.5. Cod**

5.5.1. The Delegations took note of the ICES evaluation of increased recruitment and the forecast of increasing spawning stock size, and stated that this opportunity should be used to rebuild the stock. They acknowledged that there had been good collaboration between the two Parties on the recovery of cod in the North Sea and confirmed their willingness to continue this collaboration.

5.5.2. The Delegations also noted that because of the mixed nature of most cod fisheries in the North Sea, management measures must cover all fisheries catching cod, except fisheries catching insignificant quantities of cod. To rebuild the cod stock, they therefore agreed, when fixing the TACs for the stocks caught in association, to take the situation for the cod stock into account.

5.5.3. The Delegations agreed on a new recovery and long-term plan concerning North Sea cod as set out in Annex I, noting that according to ICES advice the

measures adopted should lead with a high probability to an increase in the size of this stock to above the precautionary level and would improve exploitation towards maximum sustainable yield.

5.5.4. The Community Delegation, recalling its commitment made in 2007 to reduce the discards of cod to 10 %, stated its intention of maintaining and developing incentives in order to change the behaviour of fishermen, such as, through cod avoidance measures to be developed at the industry's initiative and monitored with observer coverage. It would furthermore introduce additional technical measures as appropriate during 2009. It would also be adjusting the fishing effort available to the Community fleets that catch cod to complement adjustments in fishing mortality.

## **5.6. Haddock**

5.6.1 The Delegations agreed that the long-term management plan for haddock should be reviewed no later than 31 December 2010 in order to ensure that its objectives continue to be met. This coincides with the planned ICES bench-marking assessment for haddock in 2010.

5.6.2. The Delegations agreed that a system of inter-annual quota flexibility on this stock may be introduced by either Party on a trial basis, with effect from 1 January 2009. The inter-annual quota flexibility system will be based on the following principles:

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. This 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. If the uptake on an annual quota is exceeded by more than 10 %, there should be a penalty resulting in a reduction of the Party's following year annual quota by more than 10 %.
4. Complete catch statistics and quotas for the previous year should be made available to the other Party no later than 1 March. The Parties will provide information regarding catches and quotas in the format as set out in Annex VII. 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.
5. The inter-annual quota flexibility scheme should be terminated if the stock 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.
6. The system should be evaluated no later than 31 December 2011.

## **5.7. Saithe**

5.7.1. The Delegations agreed to renew the long-term management plan for saithe in accordance with the ICES advice. This plan should be evaluated no later than 31 December 2012 in order to ensure that its objectives continue to be met.

5.7.2. The Community Delegation informed Norway about their intention of ensuring consistency between the quota, which they will set for saithe in ICES Division VIa for 2009 and the TAC fixed for ICES Divisions IV and IIIa. The Community Delegation informed Norway of its intention to fix a quota for saithe for Division VIa of 13,066 tonnes.

5.7.3. The Norwegian Delegation pointed to the fact that Norway has introduced a minimum mesh size of 120mm for trawling for demersal species in the North Sea. The Norwegian Delegation expressed their regret and concern that the Community had not fixed a minimum mesh size of 120mm when fishing for saithe in Community waters.

## **5.8. Whiting**

5.8.1. The Community Delegation explained that during 2008, the Community had undertaken a series of trials to identify measures that could be used to reduce discards of whiting in the North Sea by more than 30 %. The trials have yielded positive results, suggesting that the use of square mesh panels and other gear modifications in certain human consumption fisheries, whiting discards could be reduced by even more than 30 %. The trials also indicate that whiting bycatches in the industrial fisheries can also be significantly reduced by measures such as the use of sorting grids, allowing whiting catches to be more focused for human consumption.

5.8.2. The Community is continuing to examine the reports of these initial trials. Further trials will take place during 2009 with the aim of selecting the most effective measures to reduce discards.

5.8.3. The Delegations noted that ICES has expressed concern that the stock assessment for North Sea whiting contains uncertainties in the data. The Delegations agreed that they should request ICES to provide evidence of the sources of such data uncertainties. The request should be submitted to ICES for a response by 30 June 2009. Furthermore, Delegations agreed to address any uncertainties in the data as advised by ICES with the aim of ensuring improved accuracy and coverage all of all sources of removals from the stock.

## **5.9. Plaice**

5.9.1. The Community Delegation informed the Norwegian Delegation of the continued efforts made by Member States to reduce substantially the fishing effort in flatfish fisheries. Furthermore, the Community Delegation informed the Norwegian

Delegation that effort management is already implemented as part of the Community's management of flatfish fisheries.

## **5.10. Herring**

5.10.1. The Delegations agreed on a revised long-term management plan referred to in Annex IV of this Agreed Record. They noted that the spawning stock biomass according to the latest advice from ICES was below  $B_{pa}$  and expressed their deep concern at the low recruitment to this stock in the last seven years.

5.10.2. The Delegations concluded that the bycatches of herring in other fisheries would be limited to 15,985 tonnes in 2009; this quota will be allocated to the Community.

## **5.11. Mackerel**

5.11.1. The Delegations discussed issues relating to the management of mackerel, referring in particular to the fisheries consultations between the European Community, the Faroe Islands and Norway. They expressed their satisfaction that at the consultations between these Parties in London on 30 and 31 October 2008, they had concluded an *ad hoc* coastal State agreement on the management of mackerel for 2009.

5.11.2. The Delegations also expressed satisfaction about this year's Annual Meeting of the North-East Atlantic Fisheries Commission (NEAFC), which has resulted in the establishment of management measures for mackerel.

5.11.3. The Delegations agreed to the arrangement for mackerel set out in Tables 1 and 2. Furthermore, the Delegations agreed upon an allocation of their joint share of 16,206 tonnes of the NEAFC allowable catch, which results in a share of 4,712 tonnes to Norway and 11,494 tonnes to the Community. The Delegations agreed to inform NEAFC accordingly. They noted that the catch levels set for 2009, in respect of western mackerel, constitute an *ad hoc* arrangement and do not relate to an assessment of the distribution of the stock in the zones of the two Parties, this being without prejudice to future arrangements.

5.11.4. The Delegation of Norway declared that all fisheries of North-East Atlantic mackerel conducted within the zones under the fisheries jurisdictions of the three relevant coastal States in the North-East Atlantic should be jointly managed and consequently be covered within the total catch limitation.

5.11.5. The Community Delegation declared that the coastal State agreement only applied to the Northern area as defined by ICES for the North-East Atlantic mackerel stock.

5.11.6. The Delegations concurred that issues relating to the management of mackerel are complex and, therefore, merit in-depth scrutiny. They acknowledged the mutual sensitivity of these issues and recognised that, under these very circumstances, a constructive and unbiased dialogue must continue with a view to bringing about a further improved, comprehensive and rational management system

for mackerel. This dialogue must continue both bilaterally and, as appropriate, in the context of the coastal States forum with the inclusion of the Faroe Islands. The dialogue will have to address, *inter alia*, topics such as the relevant management areas, outstanding control and enforcement matters, measures to prevent misreporting and other appropriate technical regulations, the sharing of the mackerel stock, access and flexibility arrangements, economic factors and any other issues, which might be of relevance to the management of the mackerel stock.

5.11.7. With a view to achieving a more rational management system based upon improved scientific knowledge, the Delegations agreed to continue to advance activities in this area through the co-ordination of relevant research. Such research should cover genetics, biological markers of stock identity, extended tagging programmes, improved sampling and reporting of catch and discard data, as well as improved and extended surveys. Furthermore, the Delegations agreed to encourage financial means for such investigations to be made available from the relevant resources. The Delegations agreed to ensure adequate biological sampling from all mackerel fisheries by the two Parties. They noted with satisfaction that acoustic and aerial surveys are now co-ordinated through ICES and agreed to encourage all relevant countries to participate in such surveys, in particular in the northern areas.

## **6. BLUE WHITING**

6.1. The Delegations expressed their satisfaction that, at consultations between the Parties in London on 11 November 2008, the coastal States had reached an agreement on the management of the blue whiting stock for 2009, and in particular on the adoption of the long-term management plan for the blue whiting.

6.2. The Community Delegation explained that, in 2008, the Community had introduced measures for the protection of vulnerable habitats containing deep-sea corals from fishing activities in four areas west and southwest of Ireland. They stressed the Community's continued sensitivity to Norwegian concerns at possible restrictions on fishing for blue whiting.

6.3 The conservation measures applied in Community waters were non-discriminatory and the Community Delegation did not consider that the measures should prevent Norway from being able to utilise its agreed fishing possibilities in Community waters. In this context, they recalled that the Parties had met on 6 February 2008 in order to agree upon the procedures for the authorisation of fishing in the areas of vulnerable deep-sea habitats.

6.4. The Norwegian Delegation noted that the control regime in the Special Conservation Areas west and southwest of Ireland has not been changed. The Norwegian Delegation emphasised that such conservation measures should be proportionate to their objectives, as pelagic trawling has no negative impact on marine bottom habitats. Moreover, the Norwegian Delegation fears that this blanket approach to the protection of deep-water corals sets an unfortunate precedent. Such measures will undermine the legitimacy of fishery conservation measures taken in order to protect vulnerable marine bottom habitats.

## **7. OTHER JOINT STOCKS**

7.1. 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 any decisions can be taken on allocation by the Parties. The Delegations agreed that any such work should be carried out in the context of the established *ad hoc* Working Group with the Terms of References as laid down in Annex VIII.

### **7.2. Norway pout**

7.2.1. The Delegations took note of the recent advice from ICES for 2009. Following internal agreement by the Parties on measures for this stock for 2009, the Delegations agreed that they would inform one another immediately of the nature of the measures for their respective fisheries, which would be taken in the light of this advice. Furthermore, in the light of any new scientific advice from ICES, they agreed that the Parties should consult as appropriate in 2009 on the possible revision of those measures.

### **7.3. Sandeel**

7.3.1. In view of the ICES advice, the Delegations agreed to conduct a joint monitoring fishery for sandeel in the North Sea during 2009. Areas that have been identified as depleted of sandeel resources shall be excluded from the monitoring fishery in 2009. It was agreed that the TAC for 2009 would subsequently be fixed according to the harvest control rule outlined in Annex IX. However, the EC Delegation indicated that it might be necessary for the Community to fix a precautionary catch limit from 1 January 2009 in order to allow the agreed transfers of sandeel to Norway.

7.3.2. The Delegations took note of the response from ICES to the joint European Community – Norway request on long-term management strategies for sandeel in the North Sea. In particular it was noted that ICES has requested feedback on the practicality of the approach it suggests, namely to advise on the performance of TACs set before the fishing year, compared to within the fishing year (based on real-time monitoring); the identification of suitable management sub-areas with spatially resolved population analyses; and possible methods of identifying suitable local closures to allow for the recovery of spawning stocks. The Delegations agreed that ICES should be requested to continue with its suggested approach.

### **7.4. Anglerfish**

7.4.1 The Delegations took note of the ICES advice for 2008 stating that the effort in fisheries that catch anglerfish should not be allowed to increase. 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 (see point 14). The Delegations recognised the need for improved scientific knowledge of the stock and enhanced scientific co-operation. The Delegations welcomed recent developments in the scientific knowledge which will lead to ICES bench-marking for the stock in 2010.

7.4.2. 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.

## **8. EXCHANGE OF FISHING POSSIBILITIES**

### **8.1 Redfish in the Norwegian Economic Zone**

8.1.1. The Delegations referred to the enlargement of the Community 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 Community of 1,500 tonnes of redfish north of 62°N outside the balance of the bilateral fisheries agreement.

8.1.2. The Delegations agreed that the ICES advice for 2009 stipulates that there should be no directed fishery upon this stock during 2009 and that only bycatches should be allowed when fishing north of 62°N. The Delegation of Norway informed the Community that no directed fishery would be allowed by its vessels or those of third countries on the basis of this advice. Against this background, the Community accepted that as an *ad hoc* measure for 2009, its fishing possibilities for redfish should be limited only to bycatches.

8.1.3. The Delegations restricted the transfer of redfish from Norway to the Community to the allocation outside the balance of the bilateral fisheries agreement. They acknowledged that this is an *ad hoc* arrangement for 2009 without prejudice to any future arrangement.

### **8.2. Redfish in ICES Areas XIV and Va**

8.2.1. The Community informed Norway that it would confirm the quantity of redfish in ICES Areas XIV and Va available to Norway for 2009, from its own fishing possibilities in Greenland waters, following the adoption of management measures by NEAFC for the redfish in the Irminger Sea and adjacent areas. The Community Delegation also confirmed that Norway would have full flexibility to fish this quota either in Greenland waters or in the NEAFC Regulatory Area.

8.2.2. In the event that the quantity of redfish specified in Table 5 of this Agreed Record could not be made available by the Community, the Delegations agreed to consult no later than 1 April 2009 in order to re-establish the balance of the arrangement to the mutual satisfaction of both Parties. In case there was no agreement between the Parties, the Norwegian Delegation stated that it would notify the European Community of corresponding adjustments to Table 4 of this Agreed Record.

### **8.3. Capelin in ICES Area XIV**

8.3.1. The Delegations agreed that as soon as the capelin in the waters of Greenland becomes available again at the levels of previous years, the Community

will ensure that an additional quantity of 7,965 tonnes of capelin above the normal balance will be made available to Norway.

#### **8.4. Sandeel in the Norwegian Economic Zone**

8.4.1. The Delegations agreed that in view of the inability of the Community to catch its full entitlement of sandeel in Norwegian waters during 2008 as a result of a fishing restriction imposed by Norway, Norway will ensure that appropriate compensation will be made available to the Community for the quotas which could not be caught.

#### **8.5. Additional exchange of quotas**

8.5.1. The Delegations took note that it was not possible, at this stage, to identify a balance in the exchange of fishing possibilities for 2009, which would permit the Community to benefit in full from the Norwegian offer of Arcto-Norwegian cod and haddock in ICES Areas I and II.

8.5.2. Regretting that it had not been possible to achieve a final solution on the full exchange of quotas, the Community Delegation requested the possibility to have further consultations in the first half of 2009 with the objective of identifying possible additional transfers to Norway in exchange for Arcto-Norwegian cod and haddock to the Community.

8.5.3. The Norwegian Delegation stated that it would accommodate the request from the Community Delegation for consultations on possible additional exchange of quotas for 2009 during first half of 2009. This is an *ad hoc* measure without prejudice for future arrangements.

#### **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 bycatch might prevent the full utilisation of established quotas.

#### **9.2. Working group on quota flexibility**

9.2.1. The Delegations noted that a Working Group on Inter-Annual Quota Flexibility had met in Bergen on 23 and 24 June 2008 in accordance with point 9.2 and under the Terms of Reference set out in Annex XI of the Agreed Record of Conclusions of the Fishery Consultations between the European Community and Norway for 2008. The Working Group presented a report from this meeting to the Delegations.

9.2.2. The Community Delegation reiterated its proposal that similar inter-annual quota flexibility as foreseen for haddock under point 5.6 be applied for other stocks, including saithe, which are within safe biological limits.

## **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, bycatches and other factors contributing to the total out-take of the stocks. In this context, the Delegations noted that a working group on catch reporting and catch statistics has been set up and will be convened if necessary.

## **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 Taking these factors into account, the Community 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 2012. Against this background, the Community Delegation informed Norway, that the Community would ban high grading for its North Sea fisheries from 1 January 2009.

- 12.3 The Delegations agreed that the measures adopted for 2009 would represent a first step in the process to accomplish the overall objective.

- 12.4 For the purpose of this Agreed Record, “high grading” means the discarding of fish which can be landed legally; “slipping” means releasing the net before it is taken on board the fishing vessel, resulting in the loss of dead or dying fish; “discarding” means throwing away fish, marketable or not, including bycatches, broken fish and fish over quota; “real time closures (RTC) shall mean the closure for fishing at very short notice of a given area for a determined period in response to excessive catches of juvenile fish or species for which specific restrictions shall apply.

### **12.5 High-grading, slipping and discards in the pelagic fisheries**

- 12.5.1 The Delegations recognised that slipping, the level of discards and high grading remain issues to be addressed in the pelagic fisheries. To this end, the Delegations agreed that there is an urgent need to address this situation through the introduction of appropriate measures.

- 12.5.2 The Delegations agreed that the Working Group of Control Experts should be mandated to develop recommendations to minimise slipping and high grading in the pelagic fisheries, as well as other measures to eradicate discards. The

Delegations agreed that the Working Group should give priority to developing a proposal for a possible prohibition on the carrying on vessels of equipment, which could permit the discarding of pelagic fish at the time the catch is taken on board. In addition, the Working Group should make recommendations on the specification of water separators, pipes, conveyor belts, pumps and chutes (water drainage system) and other relevant installations, including installations that can be used to empty tanks containing such fish directly into the sea or which could potentially be used to discard fish into the sea after sorting.

12.5.3 The Delegations also agreed that the Working Group of Control Experts should be mandated:

- To review and consider the feasibility of introducing the fish flow meter as a control tool on board vessels fishing for mackerel; and
- To review and consider the use of CCTV / Video on board vessels to control slipping.

12.5.4 The Delegations requested that the Working Group report be presented no later than 31 May 2009. The Delegations agreed to meet shortly after this date with a view to introducing technical measures no later than 1 October 2009.

## **12.6 Norwegian measures**

12.6.1. The Norwegian Delegation informed the Community Delegation about the Norwegian discard regime where the discard ban is an integrated part of a larger, comprehensive package, e.g. technical measures, real time closures, quotas and regulations on bycatch, all with the purpose to assist the fishermen avoiding situations where fish may be discarded.

12.6.2. The Delegations agreed that Community vessels should have adequate quota to be sufficient to cover the expected catch composition in the Norwegian Economic Zone. Community vessels fishing in the Norwegian Economic Zone will be required to document fishing possibilities available to them if requested by the Norwegian Coastguard. Requests will be presented to the vessel in connection with regular inspection activities. If the vessel does not have the information on board, the information may be presented by representatives of the flag State of the vessel, fishing administration, parent company or Producer Organisation. Information may be transmitted to the Norwegian Coastguard by phone, fax or e-mail. It may also be presented on a website that can be accessed by the Norwegian Coastguard. If the vessel's fishing possibilities are insufficient to cover the range of stocks and tonnage the vessel would expect to fish on that trip, it will be required to move on to other fishing grounds.

12.6.3 The Norwegian Delegation informed the Community Delegation that the requirement would be implemented gradually to allow for communication routines to be developed.

12.6.4. In order to strengthen the enforcement of the discard ban the Norwegian Delegation also informed the Community Delegation that Norway from 2009 will

consider to withdraw or not renew the license of vessels that discard fish for which there exists a discard ban caught in the Norwegian Economic Zone.

12.6.5. The Community Delegation, recognising that Norway is entitled to establish its own conditions for fisheries by Community vessels when prosecuting those fisheries in Norwegian waters, underlined that under current Community law, Community vessels are legally authorised to discard fish whilst in Community waters.

## **12.7. Technical Measures**

12.7.1. The Delegations agreed on the importance of technical regulations that take account of the biological realities and at the same time are both practical and effective. This will strengthen the legitimacy and the control and enforcement aspect of the regulations.

12.7.2. The Delegations decided to reinforce the fruitful and important work that has been done regarding cooperation on development and testing of selection devices in fishing gear, and improved ways to use the gear, thus contributing to increased sustainability of the fisheries. The Delegations agreed to convene an expert meeting in Norway on gear technology to review all available information on selection measures in trawl and seine net fishery under the Terms of Reference set out in Annex X. The Expert Meeting shall for each fishery identify and recommend to the Parties the most appropriate selection measures before the end of March 2009.

12.7.3 The Delegations agreed on the usefulness of harmonised technical measures and accordingly decided to meet before the end of June 2009 to study the recommendations from the expert meeting on gear technology in order to agree on the introduction of harmonised technical measures in the North Sea and Skagerrak.

12.7.4 The Norwegian Delegation explained that in the Norwegian Economic Zone of the North Sea, the general minimum mesh size in the large mesh trawl and seine mixed fisheries is 120mm. There are no exemptions from this rule. In addition it has not created significant problems for the fishing operations. Therefore it is the Norwegian position that the minimum mesh size in the large mesh fisheries with trawl and seine in the North Sea should be 120mm, with few and limited exemptions.

12.7.5. The Norwegian Delegation informed the Community Delegation that Norway would review its technical regulations during 2009. Furthermore, the Norwegian delegation informed the Community Delegation about its intention to introduce the following technical measures in the Norwegian Economic Zone of the North Sea in 2009:

- Voluntary use of sorting grid in small mesh trawl fishery when fishing for blue whiting
- Limiting Norway pout fishery to the summer months

12.7.6. The Community Delegation informed the Norwegian Delegation of the Community's forthcoming revision of its technical measures for the Atlantic and the North Sea. The main objectives of that revision will be:

- a) To bring together relevant technological information and, when appropriate, improve the effectiveness of existing technical measures;
- b) To harmonise and simplify these rules which are often too complex and difficult to understand and enforce; and
- c) To adapt the technical measures to the context of the new Common Fisheries Policy in particular regarding the establishment of the Regional Advisory Councils and the environmental aspects, such as, the protection of marine habitats and the reduction of discards.

12.7.7 The Community Delegation informed the Norwegian Delegation that the recommendations presented in the report of the expert meeting on gear technology, which was held in Ålesund in June 2007, have been taken into account when drawing up the new proposed technical measures.

12.7.8 The Community Delegation informed the Norwegian Delegation that the new proposal is due to be discussed in the Community during 2009.

## **12.8 Minimum size**

12.8.1 The Norwegian Delegation informed the Community Delegation about its intention of increasing minimum size for cod to 40cm, haddock to 31cm, saithe to 40cm and whiting to 32cm in the Norwegian Economic Zone south of 62°N. The Norwegian Delegation explained the difference between the Norwegian minimum size and the European Community minimum landing size. The purpose of these measures is to lower the threshold for the Norwegian Coastguard when establishing precautionary areas in the North Sea.

## **12.9. Real time and seasonal closures**

12.9.1. The Delegations agreed that Real Time Closures (RTC) is an important tool for protection of fish under minimum size. Therefore, they decided to establish a mandatory RTC system that will be operational in the North Sea and Skagerrak not later than 1 September 2009. The Delegations decided that the RTC should focus initially on protection of juveniles and undersized fish of cod, saithe, haddock and whiting. They also agreed that the closed area should open automatically after a certain time has elapsed.

12.9.2 Furthermore, the Delegations agreed to introduce a system of seasonal area closures for protection of spawning cod.

12.9.3. The Delegations endorse the positive initiative from the fishing industry to contribute to the voluntary development of RTC and agreed that voluntary measures currently in place should continue to be applied.

12.9.4. The Delegations decided to establish a Working Group with the aim to develop and implement a RTC system and a system of seasonal area closures in the North Sea and Skagerrak. The Terms of Reference for the Working Group are set out in Annex XI.

12.9.5. Norway undertook to host the first meeting of this Working Group. The Working Group shall submit its recommendations for an RTC system by 31 May 2009. Furthermore, the Delegations agreed that the Parties should meet by 30 June

2009 with the objective of adopting the RTC system, which will become operational from 1 September 2009.

- 12.9.6. The Delegations agreed that they should request ICES to evaluate the effects of the RTC system during 2012. This evaluation will be based on a joint request from the Parties.

#### **12.10. Cod selectivity**

- 12.10.1. The Community Delegation explained that in order to ensure that the quotas of cod are respected and discarding is minimised, the following measures would apply to Community vessels when fishing in the North Sea from 2009.

1. The fishing gears of vessels using Danish seines, otter trawls or similar gears (not including beam trawlers), shall be adapted as necessary during the course of the year such that the rate of utilisation of cod quotas is balanced over time and discards are minimised.
2. To this end, targets shall be set for the utilisation of cod quotas by the end of each quarter of the year. If, at the end of any of the first three quarters, the quantity of cod that has been caught is more than 10 % above the target quantity, technical changes shall be introduced to the fishing gears so that it can be demonstrated that there is a sufficiently large reduction in the catch rates of cod to meet the target for the utilisation of the quota at the end of the following quarter.
3. If the utilisation of the cod quota by the vessel, the producer organisation, the company or, as appropriate, the State whose flag the vessel is flying reaches 90 % at any time before 15 November, it shall be obligatory for the vessels mentioned in paragraph 1, with exception of Danish seiners, with a mesh size 80mm or greater, to use fishing gear that is proven to reduce cod catches to very low levels, or a sorting grid or gear of equivalent selectivity in the case of fisheries targeting Norway lobster. The gear should have sufficient escapement capacity for cod that the remaining 10 % of the quota is unlikely to be exceeded before the end of the year.

- 12.10.2 The Norwegian Delegation welcomed this initiative from the Community Delegation because of the potential positive effect it will have on reduced discards of cod. Moreover, the Norwegian Delegation urged the Community Delegation to introduce additional technical measures to reduce bycatches of juveniles and unwanted bycatches of other species.

### **13. CONTROL AND ENFORCEMENT**

#### **13.1. IUU fishing**

- 13.1.1 The Delegations agreed that there is a strong need for effective control and enforcement in order to combat IUU fishing. In this respect the Delegations noted that significant progress has been achieved within the framework of NEAFC and underlined the importance of close co-operation in order to achieve additional progress in eliminating IUU activities. The Delegations agreed that the Parties

should continue to work closely together to improve control and enforcement on this issue.

### **13.2. Port State control**

13.2.1 The Delegations agreed that measures on Port State Control play an important role in combating IUU activities. In this regard the Delegations noted that significant progress has been achieved due to the successful implementation of the NEAFC Port State Control scheme. The Delegations agreed that it would be necessary to continue to monitor closely the implementation of such measures by the Parties.

13.2.2 The Delegations agreed that in addition to an exchange of inspectors between the Parties the exchange of inspectors with other NEAFC Contracting Parties should be encouraged.

### **13.3. Weighing and inspection of pelagic landings**

13.3.1 The Delegations noted that the measures adopted in 2004 are being 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. The measures agreed for the weighing and inspection of landings of mackerel, herring and horse mackerel are set down in Annex XII.

13.3.2 The Delegations agreed that it was necessary to continue to monitor closely the implementation of the measures agreed and to address outstanding control issues. The Delegations agreed that any situation that might undermine fair competition between the Parties must be avoided. In this regard it was agreed that information on the follow up of infringements should also continue to be exchanged in accordance with procedures developed by the Working Group. It was also agreed that the Working Group should keep technical issues under review.

13.3.3 The Delegations agreed to study the inspection benchmark in 2009 with a view to evaluate the effect and assess the implications of introducing an agreed system for risk analysis.

### **13.4. Landings of white fish**

13.4.1 The Delegations noted the conclusions reached in the Working Group and agreed that cooperation should be continued between the inspection services of both Parties, in particular through involvement in the Joint Deployment Plan drawn up by the Community Fisheries Control Agency (CFCA) following the establishment by the Community of a specific monitoring programme for cod. 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.

### **13.5. Exchange of information and inspectors**

13.5.1 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 a monthly basis and at more frequent intervals upon request, on landings by vessels of either Party and landings by third country vessels in the respective ports of the Parties.

13.5.2 The Delegations agreed to invite Iceland as observers in the Working Group with a view to monitor, review and consider the control measures in place in Iceland with respect to pelagic landings.

### **13.6. Working Group of Control Experts**

13.6.1 The Delegations agreed that a Working Group of Control Experts should be established and that the Working Group shall meet before the end of January 2009 to address the control issues outlined in points 12 and 13. The Terms of Reference of the Working Group for 2009 are set down in Annex XIII.

### **13.7. Satellite-based vessel monitoring systems for fishing vessels (VMS)**

13.7.1 The Delegations noted that on 18 and 19 June 2008 the Parties consulted on VMS with the view to develop the system further to form an even more effective tool in the overall Monitoring, Control and Surveillance (MCS) of fisheries, and in particular to curb IUU fishing activities.

13.7.2 Norway and Denmark have implemented an agreement to extend the access of VMS data in Skagerrak. Sweden will adhere to that agreement and will to that effect from 1 January 2009 exchange VMS data for all fishing vessels equipped with VMS in Skagerrak with Norway and Denmark.

13.7.3 The Delegations agreed that point 9 of the Agreed Record of Conclusions between the European Community and Norway on issues related to satellite tracking of fishing vessels of 19 May 2004 should be amended so that the position messages from the vessel shall be communicated from the flag State FMC to the other Party without delay on an hourly basis. This amendment should enter into force as from 1 January 2009.

13.7.4 The Delegations noted that the Parties have finalised the work of improving the electronic communication between Fisheries Monitoring Centres, *inter alia* by replacing X.25 with HTTPS.

13.7.5 The Norwegian Delegation informed the Community Delegation that Norway has extended VMS obligations to all Norwegian vessels greater than 21 metres overall length as from 1 October 2008. Furthermore the Norwegian Delegation informed the Community Delegation about its intention to extend VMS obligation during 2009 for Norwegian vessels larger than 15 metres overall length.

### **13.8 Electronic logbook and reporting systems for fishing vessels**

- 13.8.1 The Delegations noted that at the meeting on 18 and 19 June 2008 there had also been consultations on electronic logbooks and Electronic reporting systems (ERS).
- 13.8.2. The Norwegian Delegation informed the Community Delegation about its intention to introduce the electronic logbook during 2009 for Norwegian vessels larger than 15 metres overall length.
- 13.8.3. Furthermore, the Norwegian Delegation referred to the joint ERS Project whereby vessels from both Parties are given the opportunity to report electronically. However, only Norwegian vessels are participating in the project. Norway and Denmark have on a bilateral basis agreed on an ERS project, which is found very useful.
- 13.8.4. The Community Delegation informed the Norwegian Delegation on the introduction of electronic sales notes as from 1 January 2009, and the Delegations agreed to cooperate on, *inter alia*, formats for exchanging sales notes data for Norwegian vessels landing in the European Union and Community vessels landing in Norway.
- 13.8.5 The Community Delegation informed the Norwegian Delegation that the Regulation on Electronic recording and reporting of fishing activities was adopted on 3 November 2008 and will enter into force on 1 January 2009.

### **13.9 Working Group of Electronic Reporting and Recording Experts**

- 13.9.1. The Delegations noted the need to continue close cooperation to develop electronic logbook systems and other electronic reporting systems that will be compatible between the Parties.
- 13.9.2. In light of this cooperation the Delegations agreed to establish a Working Group for the purpose of cooperating on technical matters on an expert level to ensure that electronic logbook systems to be introduced and other electronic reporting systems already introduced are compatible and develop methods for exchange of electronic logbook data between the Parties.
- 13.9.3. The Delegations agreed that the Working Group should meet by during the first quarter of 2009 and deliver its report well in advance of the annual consultations for 2010. The Terms of Reference of the Working Group for 2009 are set down in Annex XIV.

### **13.10 Vessel detection system (VDS)**

- 13.10.1. The Community Delegation gave an update on the recent VDS developments. Three VDS campaigns were carried out in 2008. Further progress had been made with integration of VDS data with AIS and VMS data and with use of integration results to support surveillance activities.

### **13.11. Licensing**

13.11.1. The Delegations noted that the synchronisation process for electronic licensing to complete the electronic register for all vessels started 1 September 2008. The Delegations agreed to finalise the live parallel run on 31 December 2008. After this date exchange on electronic licensing will be mandatory between Norway and the Commission and paper format no longer valid.

13.11.2. In this light, the Delegations agreed to review the Licensing Arrangement of 13 May 1995.

### **13.12. Control of blue whiting fisheries in Community waters**

13.12.1. The Norwegian Delegation requested an amendment of current control regime relating to the Norwegian blue whiting fishery in Community waters by way of establishing an additional control area to the west of Ireland. The rationale behind the request was to facilitate a traditional fishing pattern and to reduce steaming distance and costs for the vessels.

13.12.2. The Norwegian Delegation also raised the issue of the reporting scheme used in certain areas west of Ireland in 2008 (Porcupine bank). The reporting requirements are cumbersome and are not adding to an effective monitoring in the area. As the areas in question are set up to protect the sea bottom from being damaged by bottom gear, it should be sufficient to apply a one net rule i.e. a banning bottom gear onboard the vessels in these areas.

13.12.3. The Community Delegation informed the Norwegian Delegation that in order to maintain an effective control of the blue whiting fishery the current provisions on control would continue to be applied. With regard to the reporting scheme used for certain areas west of Ireland the Community Delegation informed the Norwegian Delegation that the measures are non-discriminatory and apply equally to Community vessels.

### **13.13. Conversion factors**

13.12.1. The Delegations reiterated their shared view that it would be beneficial if the Parties through consultations could be able to harmonise conversion factors for products of joint stocks in the North Sea and Skagerrak. The Community Delegation informed the Norwegian delegation of the intention to establish harmonised Community conversion factors for fresh fish from 2010.

## **14. GHOST FISHING AND GEAR CONFLICTS**

14.1. The Delegations shared the view that Annex III of the current Community regulation (Council Regulation (EC) No. 40/2008), which includes a geographical extension of the ban on deep gillnets in ICES Areas IIIa and IVa, constitutes an important step forward in the fight against ghost fishing and thereby in promoting environmentally friendly fishing practices.

14.2. The Delegations noted that both Parties would, in line with previous agreements, conduct gear retrieval surveys in 2009.

## **15. UNITED KINGDOM – FAROE ISLANDS SPECIAL AREA**

15.1. With regard to Norwegian vessels fishing in the Special Area between the Community fishing zone (United Kingdom waters) and the Faroe Islands fishing zone, the following rules shall apply:

- (1) A vessel 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.

15.2 The Community Delegation, furthermore, informed Norway that a specific hail-in and hail-out system for the Special Area will be introduced as soon as possible.

15.3 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.

Oslo, 10 December 2008

For the Norwegian Delegation

For the Community Delegation

Ann Kristin WESTBERG

John SPENCER

## ANNEX I

### RECOVERY AND LONG TERM MANAGEMENT PLAN FOR COD

The Plan covers an initial recovery phase as well as a long-term management phase and shall consist of the following elements.

#### *Objective*

1. The Parties agree to restrict their fishing on the basis of TACs consistent with a fishing mortality rate that maximises long-term yield and maintains spawning stock biomass above  $B_{pa}$ .

#### *Transitional arrangement*

2. The fishing mortality will be reduced by setting a TAC at a level not exceeding that corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75 % for the TACs in 2009, 65 % for the TACs in 2010, and applying successive decrements of 10 % for the following years.

The transitional phase ends (and will not apply) as from the first year in which the long-term management arrangement (paragraphs 3 – 5) leads to a higher TAC than the transitional arrangement.

#### *Long-term management*

3. If the size of the stock on 1 January of the year prior to the year of application of the TACs is:
  - a. Above the precautionary spawning biomass level, the TACs shall correspond to a fishing mortality rate of 0.4 on appropriate age groups;
  - b. Between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs shall not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula:
$$0.4 - (0.2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$$
  - c. At or below the limit spawning biomass level, the TAC shall not exceed a level corresponding to a fishing mortality rate of 0.2 on appropriate age groups.
4. Notwithstanding paragraphs 2 and 3, the TAC for 2010 and subsequent years shall not be set at a level that is more than 20 % below or above the TACs established in the previous year.

5. Where the stock has been exploited at a fishing mortality rate close to 0.4 during three successive years, the parameters of this plan shall be reviewed on the basis of advice from ICES in order to ensure exploitation at maximum sustainable yield.
6. The TAC shall be calculated by deducting the following quantities from the total removals of cod that are advised by ICES as corresponding to the fishing mortality rates consistent with the management plan:
  - a. A quantity of fish equivalent to the expected discards of cod from the stock concerned;
  - b. A quantity corresponding to other relevant sources of cod mortality.
7. The Parties agree to adopt values for the minimum spawning biomass level (70,000 tonnes), the precautionary biomass level (150,000 tonnes) and to review these quantities as appropriate in the light of ICES advice.

***Procedure for setting TACs in data-poor circumstances***

8. If, due to a lack of sufficiently precise and representative information, it is not possible to implement the provisions in paragraphs 3 to 6, the TAC will be set according to the following procedure.
  - a. If the scientific advice recommends that the catches of cod should be reduced to the lowest possible level the TAC shall be reduced by 25 % with respect to the TAC for the preceding year.
  - b. In all other cases the TAC shall be reduced by 15 % with respect to the TAC for the previous year, unless the scientific advice recommends otherwise.

This plan shall be subject to triennial review, the first of which will take place before 31 December 2011. It enters into force on 1 January 2009.

## ANNEX II

### LONG-TERM MANAGEMENT PLAN FOR HADDOCK

The Parties agreed to implement a long-term management plan for the haddock stock in the North Sea and Skagerrak. The objective of the plan is to provide for sustainable fisheries with high and stable yields in conformity with the precautionary approach.

The plan shall consist of the following elements:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass greater than 100,000 tonnes ( $B_{lim}$ ).
2. For 2009 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.3 for appropriate age-groups, when the SSB in the end of the year in which the TAC is applied is estimated above 140,000 tonnes ( $B_{pa}$ ).
3. Where the rule in paragraph 2 would lead to a TAC, which deviates by more than 15 % from the TAC of the preceding year, the Parties shall establish a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
4. Where the SSB referred to in paragraph 2 is estimated to be below  $B_{pa}$  but above  $B_{lim}$  the TAC shall not exceed a level which will result in a fishing mortality rate equal to  $0.3 - 0.2 * (B_{pa} - SSB) / (B_{pa} - B_{lim})$ . This consideration overrides paragraph 3.
5. Where the SSB referred to in paragraph 2 is estimated to be below  $B_{lim}$  the TAC shall be set at a level corresponding to a total fishing mortality rate of no more than 0.1. This consideration overrides paragraph 3.
6. In the event that ICES advises that changes are required to the precautionary reference points  $B_{pa}$  (140,000t) or  $B_{lim}$ , (100,000t) the Parties shall meet to review paragraphs 1-5.
7. In order to reduce discarding and to increase the spawning stock biomass and the yield of haddock, the Parties agreed that the exploitation pattern shall, while recalling that other demersal species are harvested in these fisheries, be improved in the light of new scientific advice from *inter alia* ICES.
8. No later than 31 December 2010, the parties shall review the arrangements in paragraphs 1 to 7 in order to ensure that they are consistent with the objective of the plan. This review shall be conducted after obtaining *inter alia* advice from ICES concerning the performance of the plan in relation to its objective.
9. This arrangement enters into force on 1 January 2009.

## ANNEX III

### LONG-TERM MANAGEMENT PLAN FOR SAITHE

The Parties agreed to implement a long-term management plan for the saithe stock in the Skagerrak, the North Sea and west of Scotland, which is consistent with a precautionary approach and designed to provide for sustainable fisheries and high yields.

The plan shall consist of the following elements:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 106,000 tonnes ( $B_{lim}$ ).
2. Where the SSB is estimated to be above 200,000 tonnes the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of no more than 0.30 for appropriate age groups.
3. Where the SSB is estimated to be below 200,000 tonnes but above 106,000 tonnes, the TAC shall not exceed a level which, on the basis of a scientific evaluation by ICES, will result in a fishing mortality rate equal to  $0.30 - 0.20 * (200,000 - SSB) / 94,000$ .
4. Where the SSB is estimated by the ICES to be below the minimum level of SSB of 106,000 tonnes the TAC shall be set at a level corresponding to a fishing mortality rate of no more than 0.1.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the Parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may where considered appropriate reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. A review of this arrangement shall take place no later than 31 December 2012.
8. This arrangement enters into force on 1 January 2009.

## ANNEX IV

### LONG-TERM MANAGEMENT PLAN FOR HERRING OF NORTH SEA ORIGIN AND ALLOCATION OF CATCHES

The Parties agreed to continue to implement the management system for North Sea herring, which entered into force on 1 January 1998 and which is consistent with a precautionary approach and designed to ensure a rational exploitation pattern and provide for stable and high yields. This system consists of the following:

1. Every effort shall be made to maintain a minimum level of Spawning Stock Biomass (SSB) greater than 800,000 tonnes ( $B_{lim}$ ).
2. Where the SSB is estimated to be above 1.5 million tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of no more than 0.25 for 2 ringers and older and no more than 0.05 for 0 - 1 ringers.
3. Where the SSB is estimated to be below 1.5 million tonnes but above 800,000 tonnes, the Parties agree to set quotas for the direct fishery and for bycatches in other fisheries, reflecting a fishing mortality rate on 2 ringers and older equal to:  
$$0.25 - (0.15 * (1,500,000 - SSB) / 700,000)$$
 for 2 ringers and older, and  
no more than 0.05 for 0 - 1 ringers
4. Where the SSB is estimated to be below 800,000 tonnes the Parties agree to set quotas for the directed fishery and for bycatches in other fisheries, reflecting a fishing mortality rate of less than 0.1 for 2 ringers and older and of less than 0.04 for 0-1 ringers.
5. Where the rules in paragraphs 2 and 3 would lead to a TAC which deviates by more than 15 % from the TAC of the preceding year the parties shall fix a TAC that is no more than 15 % greater or 15 % less than the TAC of the preceding year.
6. Notwithstanding paragraph 5 the Parties may, where considered appropriate, reduce the TAC by more than 15 % compared to the TAC of the preceding year.
7. Bycatches of herring may only be landed in ports where adequate sampling schemes to effectively monitor the landings have been set up. All catches landed shall be deducted from the respective quotas set, and the fisheries shall be stopped immediately in the event that the quotas are exhausted.
8. The allocation of the TAC for the directed fishery for herring shall be 29 % to Norway and 71 % to the Community. The bycatch quota for herring shall be allocated to the Community.
9. A review of this arrangement shall take place no later than 31 December 2011.
10. This arrangement enters into force on 1 January 2009.

## ANNEX V

### BASIC PRINCIPLES FOR A LONG-TERM MANAGEMENT PLAN FOR PLAICE

- The initial aim of this long-term management plan will be to bring the spawning stock biomass (SSB) up to an agreed minimum target level ( $B_{pa}$ ) and fishing mortality below an agreed maximum level ( $F_{pa}$ ).
- After having reached this level, the plan should provide for an agreed target mortality rate for sustainable fisheries and high yield in the longer term.
- Where either or both the SSB is estimated to be below the precautionary biomass level ( $B_{pa}$ ) and the fishing mortality is above the precautionary level ( $F_{pa}$ ), the Parties will restrict their fishing on the basis of a TAC consistent with a gradual reduction in the fishing mortality rate.
- Where this leads to a TAC which deviates by more than 15 % from the TAC for the preceding year, the Parties shall fix a TAC that is neither more than 15 % greater nor 15 % less than the TAC of the preceding year.
- Should the SSB of plaice fall below the minimum level ( $B_{lim}$ ), the Parties shall decide on a TAC that is lower than that corresponding to the application of the applicable deviation rules.
- This plan shall be subject to regular review after consulting the relevant scientific bodies. It shall include if necessary adaptations to the appropriate target mortality rate as decided by the Parties. In particular, a decision shall be taken on the long-term target fishing mortality rates once the fishery exploiting the stock of plaice is operating within safe biological limits.
- Further measures to reduce discards of plaice should be considered. Other measures should also be considered.

## ANNEX VI

### CONDITIONS FOR FISHERIES BY THE PARTIES IN 2009

#### I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2009 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 Party of allocations granted to third countries 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 3 to 5 within the quotas set out in these tables.

#### III. LICENSING

1. Licensing by either Party of the other Party's vessels in 2009 shall be limited to the following fisheries.
  - A. EC 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 EC zone and in Greenland waters:
    - all fishing in NAFO Sub-area 1 and ICES Sub-area XIV and Division Va;
    - all fishing in the Community's fishing zone with vessels over 200 GRT.

For 2009, 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 2008, may continue their activities in 2009.
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.

#### **IV. FISHERY REGULATIONS**

1. The Parties will consult on fishery regulations in the North Sea, with a view to achieving, as far as possible, the harmonisation 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 inform the latter of such intentions with a notice of at least two weeks. Exceptionally, the introduction or amendment of fishery regulations, due to concentrations of young fish in limited areas, may be implemented with advance notice of one week. Consultations shall be held if so requested by either Party.

#### **V. CONSULTATIONS**

The two Parties will consult on the implementation of the arrangements set out herein.

#### **VI. IMPLEMENTATION**

In the event that the implementation of the fishery arrangements is delayed, the Parties agreed that the arrangements shall be subject to re-negotiation upon the request of either Party.

## ANNEX VII

### REPORTING OF QUOTAS AND CATCHES OF HADDOCK IN THE NORTH SEA

	<b>Quotas for 2009</b>	<b>Catches in 2009</b>	<b>Transfers to 2010</b>	<b>Quotas in 2010</b>	<b>Quotas after transfers in 2010</b>
<b>Norway</b>					
<b>EU</b>					
<b>Total</b>					

## **ANNEX VIII**

### **TERMS OF REFERENCE OF THE WORKING GROUP ON THE MANAGEMENT MEASURES FOR ANGLERFISH, HORSE MACKEREL, NORWAY POUT AND SANDEEL**

The Working Group shall:

1. Further develop the work of the Working Group between the European Community and Norway on the management of the fisheries on the stocks of horse mackerel, sandeel, Norway pout, Norway lobster and anglerfish on the collation of historical data on the geographical and seasonal distribution of catches by Party of the stocks of Western horse mackerel, anglerfish, Norway pout and sandeel in the Skagerrak, North Sea and West of Scotland;
2. Compile and review relevant biological information on the stocks concerned including information on geographical and seasonal distribution of adults and juveniles;
3. Recommend management systems including management strategies and objectives, ecosystem considerations and allocations between the Parties for the stocks concerned. In this respect the Working Group shall consider relevant advice on long-term management from ICES.

## ANNEX IX

### HARVEST CONTROL RULE FOR SANDEEL IN THE NORTH SEA IN 2009

The Parties agreed to establish the TAC for 2009 based on the advice from ICES on the size of the 2008 year class of North Sea sandeel and taking into account the following principle as well as other elements contained in the scientific advice:

- (1) The aim of the management in 2009 shall be to rebuild SSB to above  $B_{pa}$  in 2010;
- (2) An exploratory fishery shall start no earlier than 1 April 2009 and end no later 6 May 2009;
- (3) The TAC shall be established according to the following function:

$$TAC_{2009} = -287 + 3.98 \times N1 \times Wobs / Wm$$

$N1$  is the real-time estimate of age group 1 in billions derived from the exploratory fishery in 2009; the TAC is expressed in 1,000 tonnes;  $Wobs$  is the observed mean weight of age group 1 during the exploratory fishery; and  $Wm$  (4.75 g) is the long-term mean weight of age group 1;

- (4) If the TAC calculated in point (3) exceeds 400,000 tonnes, the TAC shall be set at 400,000 tonnes;
- (5) With the aim of avoiding unnecessary interruptions of the sandeel fishery, the Parties will consult on the level of a preliminary TAC for 2009 and take the necessary measures based on preliminary scientific advice from ICES no later than 6 May 2009;
- (6) The Parties agreed to request ICES to provide a preliminary scientific advice concerning a preliminary TAC level, as early as possible but no later than 5 May 2009;
- (7) The final TAC will be based on the final advice from ICES and established no later than 15 May 2009;
- (8) The fishery shall be closed no later than 1 August 2009.

The Parties will agree on the details of the data collection procedure and the planning of the monitoring fishery before 15 February 2009.

## ANNEX X

### TERMS OF REFERENCE FOR AN EXPERT MEETING ON GEAR TECHNOLOGY

The Expert Meeting shall consider technical conservation measures relating to fishing gear design as they affect the exploitation patterns of demersal trawl and seine net fisheries in the North Sea and Skagerrak.

The Expert Meeting shall;

- Review the conclusions and update the recommendations of the Ålesund report, taking into account the latest developments in selectivity devices such as sorting grids, square mesh panels etc.
- Indicate the specifications of trawls that would largely eliminate catches of cod whilst maintaining commercially viable catch rates of other whitefish species.
- Based on the available information, assess the likely effect on cod-end selectivity of mesh size, twine material and circumference of the cod-end in relation to the volume of the catches.
- Evaluate the influence of cod-end attachments, especially lifting bags, on the cod-end selectivity.

In the light of this information, the Expert meeting will recommend appropriate technical measures to improve selectivity and reduce discarding and provide the first report to the Parties before the end of March 2009.

## ANNEX XI

### TERMS OF REFERENCE FOR THE WORKING GROUP ON REAL TIME CLOSURES

The Working Group shall develop and prepare a system for the introduction of a comprehensive and harmonised Real Time Closure (RTC) scheme in the North Sea and Skagerrak.

Furthermore, the Working Group should focus initially on the protection of fish under minimum size, of cod, saithe, haddock and whiting and in addition on spawning cod.

The Working Group shall make recommendations by 31 May 2009, *inter alia*, for:

- The minimal set of data needed to close an area;
- The percentage of undersized fish (in number) that will lead to closure of an area;
- The mechanism by which a closure would be initiated;
- 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;
- Procedures for notifying relevant parties of a closure;
- A joint website for publishing information regarding closures;
- The monitoring of closed areas;
- The exchange of information between control bodies;
- Requirements for monitoring and review of the system;
- Any other issue, which the Working Group believes would result in an effective RTC system.

## ANNEX XII

### MEASURES TO BE APPLIED CONCERNING THE WEIGHING AND INSPECTION OF PELAGIC LANDINGS

The Delegations agreed that the following measures shall be applied to the weighing and inspection of landings exceeding 10 tonnes of mackerel, herring and horse mackerel:

1. All quantities of fresh herring, mackerel and horse mackerel landed must be weighed before sorting and processing. When determining the weight, any deduction for water shall not exceed 2 %.
2. For fish landed frozen the weight shall be determined by weighing all the boxes minus the tare weight (cardboard and plastic) or by multiplying the total number of boxes landed by the average weight of the boxes minus tare weight landed in the same shipment calculated in accordance with an agreed sampling methodology.
3. Landings shall take place in designated ports. Skippers of fishing vessels shall give prior notice of landing including notification of catch on board and give the logbook sheet to the competent authorities before commencing the discharge of catch.
4. The processor or buyer of the fish shall submit a copy of the sales note for the payment of the quantities landed to the competent authorities.
5. A minimum of 10 % of landings and 15 % of the quantities landed should be subject to a full inspection. A full inspection shall include:
  - a) Cross-checks of the quantities by species indicated in the prior notice of landing and the quantities recorded in the vessel's logbook;
  - b) Cross-checks of the quantities by species recorded in the vessel's logbook and the landing declaration;
  - c) Cross-checks of the quantities by species recorded on the landing declaration and the sales note issued by the buyer.

In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored and a cross-check undertaken between the quantities by species recorded in the landing declaration or sales note and the record of weighing held by the buyer or processor of the fish.

In the case of freezer trawlers, the counting of boxes shall be monitored. The sample weighing of boxes/pallets carried out in order to determine the tare weight shall also be monitored.

It shall be verified that the vessel is empty, once the discharge has been completed.

6. In each case where the checks reveal a significant discrepancy it shall be followed up as an infringement.

## ANNEX XIII

### TERMS OF REFERENCE OF THE WORKING GROUP ON CONTROL FOR 2009

The Delegations agreed that the Working Group of Control Experts shall meet before the end of January 2009 under the Terms of Reference described below. The Working Group shall submit its report to the Parties well in advance of the annual consultations for 2010, and where appropriate make proposals for measures to be adopted. The report with regard to slipping, discards and high-grading shall be submitted no later than 31 May 2009.

#### **Slipping, discards and high-grading:**

- Develop recommendations to minimise slipping and high grading in the pelagic fisheries, as well as technical measures to eradicate discards.
- Develop a proposal for a possible prohibition on the carrying on vessels of equipment, which could permit the discarding of pelagic fish at the time the catch is taken on board.
- Make recommendations on the specification of water separators, pipes, conveyor belts, pumps and chutes (water drainage system) and other relevant installations, including installations that can be used to empty tanks containing such fish directly into the sea or which could potentially be used to discard fish into the sea after sorting.
- To review and consider the feasibility of introducing the fish flow meter as a control tool on board vessels fishing for mackerel and the use of CCTV / Video on board vessels to control slipping.

#### **Port State Control**

- Monitor the implementation of measures introduced in the framework of NEAFC, in particular as regards landings of Arcto-Norwegian cod;
- Co-ordinate the exchange of inspectors to observe inspections by third country fishing vessels and reefers;
- Review and consider existing control measures and regulations implemented by the Parties.

#### **Weighing and inspection of pelagic landings**

- Monitor the implementation of the measures set down in Annex XII;
- Examine the feasibility of implementing equivalent measures for fisheries on blue whiting and the southern component of mackerel;
- Co-ordinate the exchange of inspectors;
- Consider the information exchanged between Parties on the follow-up to infringements concerning discrepancies between logbooks, quantities landed, landing declarations and sales notes and evaluate the application of the harmonised methodology for full inspections;
- Review of relevant technical issues;

- Invite Iceland as observers in the Working Group with a view to monitor, review and consider the control measures in place in Iceland with respect to pelagic landings.

### **Landings of white fish from the North Sea**

Keep the situation under review as regards control measures and cooperation between the inspection services of both Parties.

## **ANNEX XIV**

### **TERMS OF REFERENCE OF THE WORKING GROUP ON ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2009**

The Delegations agreed that the Working Group of Electronic Reporting and Recording Experts shall meet during the first quarter of 2009 under the Terms of Reference described below. The Working Group shall submit its report to the Parties well in advance of the annual consultations for 2010, and where appropriate make proposals for measures to be adopted.

The working group shall:

- Compare each of the Parties existing and new electronic reporting and logbook systems to ensure compatibility between the systems.
- Discuss ERS and electronic logbook data format, coding and reporting principles
- Evaluate potential benefits of utilising VMS information in electronic reporting systems.
- Review the development of the VMS with regard to increasing transparency between the Parties.

**TABLE 1**

**2009 JOINT STOCK QUOTAS IN THE NORTH SEA**

Species and ICES Area	TAC	Zonal Attachment				Transfer from Norway to European Community (8)	Transfer from EC to Norway (8)	Quota to Norway		Quota to European Community	
		Norway		European Community				Total	EC Zone <sup>(1)</sup>	Total	Norwegian Zone <sup>(1)</sup>
		%	Tonnes	%	Tonnes						
Cod IV	28,798	17	4,896	83	23,902	-----	-----	4,896	4,896	23,902	20,775
Haddock IV	42,110 <sup>(2)</sup>	23	9,685	77	32,425	1,000	-----	8,685	8,685	33,425	24,863
Saithe IV, IIIa	125,934	52	65,486	48	60,448	-----	-----	65,486	65,486	60,448	60,448
Whiting IV	15,173 <sup>(2)</sup>	10	1,517	90	13,656	-----	-----	1,517	1,517	13,656	9,252
Plaice IV	55,500	7	3,885	93	51,615	1,000	-----	2,885	2,885	52,615	21,590
Mackerel IV, IIIa	63,826 <sup>(3)</sup>		41,307		22,518 <sup>(3)</sup>	-----	-----	41,307 <sup>(4)</sup>	41,307 <sup>(4)</sup>	22,518 <sup>(5)</sup>	22,518 <sup>(5)</sup>
Herring IV, VIId	171,000	29	49,590	71	121,410	-----	-----	49,590	49,590 <sup>(6)(9)</sup>	121,410	50,000 <sup>(7)</sup>

- (1) Any part of this allocation not taken may be added to the allocation in the Party's own zone.
- (2) TAC to include industrial bycatches.
- (3) Includes a fixed component of 1,865 tonnes
- (4) May be fished in ICES Division IVa only, except for 3,000 tonnes which may be fished in ICES Division IIIa.
- (5) Of which no more than 6,000 tonnes may be fished in ICES Divisions IVb, IVc and IIIa.
- (6) Limited to ICES Divisions IVa and IVb.
- (7) An additional 10,000 tonnes will be granted if such an increase is called for.
- (8) The Delegations agreed to consider in 2009 possible further transfers.

<sup>(9)</sup> This level will be adjusted to 50,000 tonnes when the Norwegian quota exceeds that level. In this case footnote 7 also will be applicable for Norway.

**TABLE 2****2009 TAC AND SHARING OF MACKEREL STOCK**

<b>AREA</b>	<b>TAC (TONNES)</b>	<b>NORWEGIAN TRANSFER TO EUROPEAN COMMUNITY (TONNES)</b>	<b>EC TRANSFER TO NORWAY (TONNES)</b>	<b>FLEXIBILITY LIMITS (TONNES)</b>
IV, IIIa	63,826 <sup>(1)</sup>	-----	-----	-----
IIa <sup>(2)</sup>	113,863	12,300 <sup>(3)</sup>	-----	100,000 <sup>(4)</sup>
Vb (European Community zone), VI, VII, VIIIa, b, d, e, XII, XIV	317,825	-----	12,300 <sup>(5)</sup>	105,000 <sup>(6)</sup>
<b>TOTAL</b>	495,514			

(1) See Table 1.

(2) Norwegian economic zone and international waters.

(3) May be fished in the Norwegian zone in ICES Division IVa.

(4) May be fished in ICES Division IVa.

(5) To be fished in ICES Divisions IIa, VIa, (north of 56°30'N), VIIId, e, f and h; may also be fished in ICES Division IVa.

(6) May be fished in the Community zone in ICES Division IVa.

**TABLE 3**

**2009 JOINT STOCK QUOTAS (NOT JOINTLY MANAGED)**

SPECIES AND ICES AREA		QUOTA TO NORWAY IN THE EC ZONE (TONNES)	QUOTA TO EC IN THE NORWEGIAN ZONE (TONNES)
Norway pout	IV	1,000 <sup>(4)</sup>	1,000 <sup>(1)</sup>
Sandeel	IV	20,000	-
Blue whiting	II, IV		4,000
Blue whiting	II, IVa, VIa <sup>(2)</sup> , VIb, VII <sup>(3)</sup>	63,200 <sup>(5)(6)</sup>	
Blue ling	IV, Vb, VI, VII, IIa	150	
Ling	IV, Vb, VI, VII, IIa	5,638 <sup>(7)(8)</sup>	
Tusk	IV, Vb, VI, VII, IIa	3,350 <sup>(7)(8)</sup>	
Combined quota	Vb, VI, VII	140 <sup>(9)</sup>	
Dogfish	IV, VI, VII	50 <sup>(10)</sup>	
Shrimps	IV		500
Horse mackerel	IV	3,600	
Others	IV, IIa (EC Zone)	2,720 <sup>(11)</sup>	5,000 <sup>(11)</sup>
Sole	IV	90	
Anglerfish	IV		1,550
Norway lobster	IV		1,210
Ling	IV		850
Tusk	IV		170

(1) Including inextricably mixed horse mackerel.

(2) North of 56°30'N.

(3) West of 12°W.

(4) This quota may be fished in ICES Division VIa, north of 56°30'N.

(5) Of which up to 500 tonnes of argentine (*Argentina spp.*) may be fished.

(6) Of which up to 40,000 tonnes may be fished in ICES Division IVa.

(7) The quotas for ling and tusk are interchangeable of up to 2,000 tonnes and may only be fished with long-lines in ICES Division Vb and Sub-areas VI and VII.

(8) Of which an incidental catch of other species of 25 % per vessel at any moment is permitted in ICES Sub-areas Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific fishing ground. This total incidental catch of other species in Vb, VI and VII may not exceed 3,000 tonnes.

(9) Fishing with long-lines for grenadiers, rat tails, mora mora and greater fork beard.

- (10) Including catches taken with long-lines of Toper shark (*Galeorhinus galeus*), kitefin shark (*Dalatias licha*), bird beak dogfish (*Deania calceus*), leafscale gulper shark (*Centrophorus squamosus*), greater lantern shark (*Etmopterus princeps*), smooth lantern shark (*Etmopterus spinax*), and Portuguese dogfish (*Centroscymnus coelolepis*).
- (11) Including fisheries not specifically mentioned, exceptions may be introduced after consultations as appropriate.

**TABLE 4****2009 QUOTAS TO THE EC OF NORWEGIAN EXCLUSIVE STOCKS**

<b>SPECIES</b>	<b>ICES AREA</b>	<b>QUANTITY (TONNES)</b>
Arcto-Norwegian cod	I, II	19,324
Arcto-Norwegian haddock	I, II	2,500
Saithe	I, II	3,000
Greenland halibut (bycatches)	I, II	50
Others (bycatches)	I, II	350

**TABLE 5**

**2009 QUOTAS TO NORWAY FROM EC EXCLUSIVE STOCKS  
AND FROM EC QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	IV	10,000
Greenland halibut	IIa, VI <sup>(1)</sup>	350
Shrimp	XIV, Va	3,500
Greenland halibut	NAFO 1 XIV, Va	800 824
Redfish	XIV, Va	3,000 <sup>(2)</sup>
Halibut	NAFO 1 XIV, Va	75 <sup>(3)</sup> 75 <sup>(3)</sup>
Cod	NAFO 1, XIV, Va	500 <sup>(4)</sup>
Grenadier (bycatches)	NAFO 1, XIV, Va	120

<sup>(1)</sup> In Sub-area VI with long-lines only.

<sup>(2)</sup> May be fished with pelagic trawls.

<sup>(3)</sup> May only be fished with long-lines.

<sup>(4)</sup> May only be fished south of 62°N in XIV and Va and south of 61°N in NAFO 1.