

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS  
BETWEEN THE EUROPEAN COMMUNITY AND NORWAY FOR 2004**

**BRUSSELS, 24 JANUARY 2004**

1. A Community Delegation headed by Mr. Ole TOUGAARD and a Norwegian Delegation headed by Mr. Petter MEIER met in Brussels from 22 to 24 January 2004 to consult on mutual fisheries relations for 2004. The meeting was a continuation of previous meetings held in Brussels and Oslo.
2. The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2004 as outlined in Annexes I to IX and Tables 1 to 5.

**CATCH REPORTING DISCREPANCIES**

3. It was noted that there is a recurring problem in relation to discrepancies between reported official catches or landings and catch statistics utilised by ICES. The discrepancies are assumed to be due to misreporting, inadequate accounting of discards, by-catches and other factors contributing to the total out-take of the stocks. In this context, the Delegations noted that a working group on catch reporting and catch statistics has been set up and could be convened if necessary.

**STATE OF THE FISH STOCKS**

- 4.1. In light of the current stock situation for herring and saithe, the Delegations were able to acknowledge the continuing success that had resulted from the efforts taken by the Parties both to rebuild and maintain these stocks. However, the Delegations noted with grave concern that the latest scientific information from ICES about the state of several demersal stocks confirms that they are outside safe biological limits and should be subject to recovery plans.
- 4.2. In view of the current state of certain jointly managed demersal fish stocks, the Delegations agreed to re-examine the current long-term management plans, which are set out in Annexes I to V with a view to their reassessment. They agreed that where appropriate, the long-term management plans should be updated and revised at the time of the annual consultations for 2005.
- 4.3. 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.

4.4. To address the issues referred to in paragraphs 4.2 and 4.3 above and with reference to the working group on the improvement of exploitation pattern in demersal fisheries in the North Sea and Skagerrak held in Bergen, Norway on 30 June and 1 July 2003, the Delegations agreed to meet in early 2004 to discuss, *inter alia*,

- Technical measures, including, *inter alia*, gear conflicts, closed areas and closed seasons;
- Regulation of gill net fisheries;
- Long-term management plans; and
- Scientific cooperation.

This meeting should co-ordinate its work with that being carried out in the framework of ICES.

4.5. The Delegations also agreed to establish a Working Group on the management of a number of joint stocks in the North Sea and the Skagerrak, which are not currently managed on a joint basis. These stocks include horse mackerel, sandeel, Norway pout, Norway lobster and anglerfish. The Terms of Reference for this Working Group are set out in Annex IX. It was agreed that the Working Group would meet for the first time during February 2004 at the invitation of the European Community.

## **COD**

5.1. The Delegations noted with grave concern that the latest scientific information about the stock of North Sea cod indicates that it is still far outside safe biological limits, and remains at immediate risk of collapse. They acknowledged that there had been good collaboration between the two Parties on the recovery of cod in the North Sea but noted that the latest advice from ICES underlines that further action is needed and agreed to work on the development of recovery plans. In this context, the Delegations expressed their deep concern that ICES, in its most recent advice, was unable to assess the state of the stock due to incomplete catch data.

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

## **HADDOCK**

6.1. The Norwegian Delegation pointed to the fact that the Community had initially, and in an inappropriate manner with respect to the obligation to cooperate on the conservation and management of joint stocks, adopted a provisional TAC for 2004 without consultation with Norway.

In light of the circumstances in which this provisional TAC was adopted, the Norwegian Delegation considers it necessary to underline that close, constructive and comprehensive cooperation is crucial to ensuring improvements in the future management of joint stocks in the North Sea.

- 6.2 The Community Delegation took note of the concerns expressed by the Norwegian Delegation on the establishment of the TAC for haddock for 2004. They explained that the circumstances in which this TAC was adopted by the Community were very exceptional. They reflected the special situation in which the Community fishing sector had found itself with regard to the need to bring about the recovery of several highly valuable fish stocks. The Community Delegation therefore emphasised its full commitment to continue close and constructive cooperation with Norway on all joint stocks as well as on all other fishing issues both now and in the future.
- 6.3. In respect of the proposed Community management system for haddock the Norwegian delegation expressed the opinion that it is essential that any closure should not be an incentive to reallocate fishing effort to areas of high cod abundance. Hence a “haddock box” would be preferable to a “cod protection area”.

The Community Delegation informed the Norwegian delegation of its intention to adjust the definition of the cod protection area and the percentages of the haddock catch which must be taken outside this area. These adjustments are intended to improve the decoupling of the haddock and cod fisheries, with the aim of enhanced cod stock protection.

The Norwegian delegation is of the opinion that a more restrictive TAC would be more effective in the protection of cod.

- 6.4. The Delegations agreed to establish in 2004 a meeting of control and biological experts to examine the spatial management measures put in place by the Community concerning haddock. The Delegations agreed to consult on appropriate Terms of Reference for this meeting.
- 6.5 The Delegations referred to the Agreed Record of 21 June 2001 on the improvement of exploitation pattern in the North Sea, in the context of recovery measures for cod. They took note that measures introduced by the Parties to protect cod should benefit the haddock fishery by reducing discards. The Delegations agreed to carefully monitor this issue and to return to it again at the meeting referred to in paragraph 4.4 above. The Delegations noted that the TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.

## **SAITHE**

- 7.1. 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 2004 and the TAC fixed for ICES Divisions IV and IIIa. The Community Delegation informed Norway of its intention to fix within this quantity a quota for saithe for Division VIa of 19,713 tonnes.
- 7.2 The Norwegian Delegation pointed to the fact that Norway has introduced a minimum mesh size of 120mm for Norwegian vessels fishing for demersal species in the North Sea, including Community waters. The Norwegian Delegation expressed their regret and concern that the Community had not fixed a minimum mesh size of 120mm for their vessels when fishing for saithe.

- 7.3 The Community Delegation took note of the Norwegian concern on the minimum mesh size when fishing for saithe, a concern which they do not share.

#### **PLAICE**

8. The Delegations noted with concern the poor biological state of the plaice stock and took note of the ICES recommendation to develop a recovery plan. They confirmed their willingness to collaborate on the development of such a plan.

#### **HERRING**

- 9.1. The Delegations acknowledged that they had followed the long-term management plan by applying, *mutatis mutandis*, the provisions of paragraph 3 of the Arrangement referred to in Annex V of this Agreed Record. They noted with satisfaction that the spawning stock biomass is now at a historically high level, which will allow for management measures, which will ensure a stable and rational exploitation pattern. Furthermore, they noted that, under paragraph 6 of the said Arrangement, a review shall take place no later than 31 December 2004.
- 9.2. In this context, the Delegations concluded that the by-catches of herring in other fisheries will be limited to 43,200 tonnes in 2004; this quota will be allocated to the Community.
- 9.3. The Community Delegation held the view that, in principle, there should be a prohibition on directed fishing for herring for purposes other than human consumption. The Norwegian Delegation held the view that it is to be left to each Party to decide on the use of its herring catches.

#### **MACKEREL**

- 10.1. 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 Brussels on 3 and 4 November 2003, they had concluded an ad hoc coastal State agreement on the management of mackerel for 2004. The provisions of this agreement provide for a total catch limitation by the coastal States of 461,000 tonnes (reference TAC) for 2004. Furthermore, they recalled that, at the said consultations, the Delegations had supported the continued implementation of the arrangement on the long-term management of the mackerel stock. The Delegations welcomed this and emphasised the need for a continuing effective and responsible management of the mackerel stock.
- 10.2. The Delegations also expressed satisfaction about this year's Annual Meeting of the North-East Atlantic Fisheries Commission (NEAFC), held from 10 to 14 November, which has resulted in the establishment of management measures for mackerel. These measures are compatible with the aforementioned ad hoc arrangement on the catch limitation and are suitable to control, through co-operation, the unregulated mackerel fishery in international waters.

- 10.3. 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 15,196 tonnes of the NEAFC allowable catch, which results in a share of 4,777 tonnes to Norway and 10,419 tonnes to the Community. They noted that the catch levels set for 2004, 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. The Delegations agreed to inform NEAFC accordingly.
- 10.4. 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 stipulated under point 10.1.
- 10.5. 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.
- 10.6. 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.
- 10.7. With a view to achieving a more rational management system based upon improved scientific knowledge, the Delegations noted that the report of the scientific meeting carried out in Bergen on 2 and 3 October 2001 had called for additional substantial research, *inter alia* concerning the identification of stock components and of migration and distribution. They 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.

## **BLUE WHITING**

- 11.1. The Delegations expressed their deep concern about the continued high level of the exploitation on the blue whiting stock. They were seriously disappointed at the lack of progress made by the coastal States on coming to an agreement on either the

establishment of a TAC, its subsequent allocation to the Parties or any joint arrangement on the fisheries. Furthermore, they took note of their disagreements on the approaches to the management and fishing possibilities. They confirmed their willingness to work together constructively at both a bilateral level and with all other Parties in the North-East Atlantic to resolve this issue in a responsible manner.

- 11.2. The Delegations agreed that further efforts should be made by all Parties concerned in the North-East Atlantic to enhance research on the blue whiting stock with the aim of improving the scientific basis for future management decisions.

## **OTHERS**

12. The Delegations agreed to examine the fisheries under the “others” quota with a view to ensuring conformity with responsible management. The Delegations agreed to address this issue at the meeting referred to in paragraph 4.4 above.

## **REDFISH IN THE NORWEGIAN ECONOMIC ZONE**

- 13.1. 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.
- 13.2. The Delegations agreed that the ICES advice for 2004 stipulates that there should be no directed fishery upon this stock during 2004 and that only by-catches 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 2004, its fishing possibilities for redfish should be limited only to by-catches. They agreed that Community fishing rights outside the balance of the fisheries agreement will be limited to 500 tonnes in 2004 and that the fishing possibilities agreed in the context of the bilateral agreement will be those set out in Table 4 to this Agreed Record.

## **REDFISH IN ICES AREAS XIV AND VA**

14. The Community Delegation informed Norway that for 2004, the arrangement for transfers of redfish to Norway is an ad hoc one and without prejudice to any future arrangement.

## **GREENLAND HALIBUT**

15. The Community informed Norway that as in the arrangement for 2003, it could not continue to transfer the quantities of Greenland halibut of the level of recent years. However, it would make an additional quantity available to Norway as an ad hoc arrangement for 2004, without prejudice to any future arrangement, from its own fishing possibilities in Greenland waters following the adoption of the Protocol modifying the 4<sup>th</sup> Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland.

## **SHRIMP**

16. The Community Delegation informed Norway that for 2004, the arrangement for the additional transfers of shrimp to Norway is an ad hoc one and without prejudice to any future arrangement.

## **GREENLAND - REVISION OF THE 4<sup>TH</sup> FISHERIES PROTOCOL**

17. Following the adoption of the Protocol modifying the 4<sup>th</sup> Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland, the Delegations agreed that they should consult each other with a view to establishing whether there is a mutual interest in establishing a further exchange of quotas.

## **FULL UTILISATION OF QUOTAS**

18. The Delegations agreed that the Parties should consult in the event that the exhaustion of any quotas taken in a directed fishery or as a by-catch might prevent the full utilisation of established quotas.

## **CATCH INFORMATION**

19. 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.

## **OVER-FISHING OF QUOTAS**

20. The Delegations acknowledged that issues relating to compensation for over-fishing of quotas are complex and therefore merit an in-depth scrutiny. They agreed to establish a Working Group which will jointly examine the relevant issues with a view to developing, well in advance of the annual consultations on fisheries for 2005, possible definitions, criteria and conditions for such compensation.

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

21. 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:
  - a. 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.
  - b. 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.

- c. Catches taken in the Special Area shall be registered in the logbook.
- d. 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.

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.

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.

## **CONTROL AND ENFORCEMENT**

22. The Delegations agreed that the Parties should continue to exchange officials as observers in relation to control. To this end, they agreed to establish a plan for the exchange of officials as soon as possible. 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.

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

- 23.1. The Delegations took note of the conclusions outlined in the report of the Working Group on Control on the weighing and inspection of landings of pelagic fish - including the pilot project, and reiterated their commitment to fulfil the aim of establishing a level playing field for pelagic fisheries in the North East Atlantic. In this regard it was agreed that certain measures should be introduced with effect from 1 February 2004. In particular these concern the prior notice of landing, the obligation to weigh fish on landing and the control of the weighing as well as the reduction in the margin of tolerance for estimates of catches in the logbook.
- 23.2. The Delegations also took note of goals that had been previously identified, such as the need for appropriate sanctions in case of violations, and agreed that the Working Group should continue its work in order to make further progress on other issues identified in their report as well as to monitor the implementation of the obligatory weighing and control thereof. The Delegations also agreed to a frequent exchange of inspectors for prolonged periods, in order that visiting inspectors are able to follow the routine inspection activity of the visited Party on a day-to-day basis.
- 23.3. The details of measures to be implemented in 2004 as well as the Terms of Reference of the Working Group are set down in the Annex VII.
- 23.4. The Community Delegation took the view that fishing vessels should be given authorisation to discharge, which shall not be permitted before their estimated time of arrival or the end of a period to be fixed by the inspector. The Community Delegation also stated that where no inspection takes place on landing, there shall be a systematic cross-check of log books, landing declarations and sales notes.
- 23.5. The Delegations agreed that the Parties will meet early in 2004 to address these issues.

## **Satellite-based vessel monitoring systems for fishing vessels**

- 24.1. The Delegations shared the view that the established Vessel Monitoring System (VMS) should be further developed in order to form an effective tool in the overall monitoring, control and surveillance of fisheries.
- 24.2. The Delegations agreed about the importance of effective enforcement of VMS requirements and in particular of the effective combating of any form of tampering with VMS equipment onboard fishing vessels. The VMS hardware and software components onboard shall be tamper proof, i.e. shall not permit the input or output of false positions and must not be capable of being manually over-ridden. The system shall be fully automatic and operational at all times regardless of environmental conditions.
- 24.3. The Community Delegation pointed to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy and in particular to Article 22 thereof, extending the scope of VMS to vessels over 18 metres in length overall from 1 January 2004 and to vessels over 15 metres in length overall from 1 January 2005. The Community Delegation subsequently pointed to Commission Regulation (EC) No. 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems tightening the rules in force and introducing rules for third-country vessels operating in Community waters as from 1 January 2004.
- 24.4. Consequently, the Norwegian Delegation informed the Community Delegation of Norway's intention to extend the scope of VMS to Community vessels over 18 metres in waters under Norwegian fisheries jurisdiction in 2004.
- 24.5. The Delegations noted that the Agreed Record of Conclusions between the European Community and Norway on Issues related to Satellite Based Vessel Monitoring Systems, of 28 January 2000, needs to be amended, in particular to reflect the extension of the scope of VMS. The Delegations therefore agreed that the Parties should consult at their earliest convenience and in any case no later than March 2004. The enforcement date of the extended scope of the VMS will be determined during these consultations.

## **Electronic reporting systems for fishing vessels**

- 25.1. The Delegations took note of the Agreed Minutes of the two meetings of the Steering Group for the Pilot Project on Electronic Reporting Systems (ERS), submitted in accordance with paragraph 21.8 of the Agreed Record of Conclusions of Fisheries Consultations for 2003.
- 25.2. The Delegations agreed that the Parties should continue to test ERS under real conditions during 2004. The set of reports transmitted during the ERS trials shall provide the Parties with information that is equivalent to the data required by the reporting rules in force.

- 25.3. The trials shall involve an adequate number of fishing vessels from each of the two Parties. Each Party shall notify the other Party a list of the participating vessels.
- 25.4. During the trial period, participating fishing vessels shall exclusively use ERS to fulfil their reporting duties.
- 25.5. The Delegations agreed that the transmissions shall be routed through the flag State FMC. The Delegations noted that for the purpose of ERS, the FMC of the Community is the European Commission. However, reports sent from Community fishing vessels may be sent via the FMCs of the Member States directly to the Norwegian FMC, whereas reports from Norwegian vessels sent via the Norwegian FMC shall be sent to the Commission.
- 25.6. The Delegations also agreed that in the event that an FMC discovers that information is not being communicated by participating vessels, the other Party shall be notified without delay.
- 25.7. The Delegations agreed to renew the mandate of the Steering Group for ERS, the updated Terms of Reference of which are set out in Annex VIII of this Agreed Record. The Steering Group shall report back to the managers of the two Parties on the outcome of the ERS trials, with recommendations, as appropriate, well in advance of the annual bilateral fisheries consultations for 2005.

#### **GEAR CONFLICT**

26. The Delegations acknowledged the recurring problems of gear conflicts and “ghost fishing” caused by the accumulation of lost fishing gears at the fishing grounds. The Delegations recognised that these serious problems should be addressed at the meeting referred to in paragraph 4.4 above. In this context, the Delegations noted with satisfaction the signing of a code of good practice between fishermen from the United Kingdom and Norway.

## **ENLARGEMENT OF THE EUROPEAN UNION IN 2004**

27. The Community Delegation informed Norway that following the accession of the new Member States to the European Union, the European Community would manage any fisheries agreements that those new Member States have with third countries, including those with Norway. Furthermore, the European Community would also represent those new Member States in the context of regional fisheries organisations.

Brussels, 24 January 2004

For the Community Delegation

For the Norwegian Delegation

Ole TOUGAARD

Petter MEIER

## ANNEX I

### ARRANGEMENT ON THE MANAGEMENT OF COD

The Parties agreed to implement a long-term management plan for the cod stock, which is consistent with a precautionary approach and is intended to constrain harvesting within safe biological limits and designed to provide for sustainable fisheries and greater potential yield.

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 70,000 tonnes ( $B_{lim}$ ).
2. For 2000 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of 0.65 for appropriate age groups as defined by ICES.
3. Should the SSB fall below a reference point of 150,000 tonnes ( $B_{pa}$ ), the fishing mortality rate referred to under paragraph 2, shall be adapted in the light of scientific estimates of the conditions then prevailing. Such adaptation shall ensure a safe and rapid recovery of SSB to a level in excess of 150,000 tonnes.
4. In order to reduce discarding and to enhance the spawning biomass of cod, 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.
5. The Parties shall, as appropriate, review and revise these management measures and strategies on the basis of any new advice provided by ICES.

## ANNEX II

### ARRANGEMENT ON THE MANAGEMENT OF HADDOCK

The Parties agreed to implement a long-term management plan for the haddock stock, which is consistent with a precautionary approach and is intended to constrain harvesting within safe biological limits and designed to provide for sustainable fisheries and greater potential yield.

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 100,000 tonnes ( $B_{lim}$ ).
2. For 2000 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of 0.70 for appropriate age groups as defined by ICES.
3. Should the SSB fall below a reference point of 140,000 tonnes ( $B_{pa}$ ), the fishing mortality rate referred to under paragraph 2, shall be adapted in the light of scientific estimates of the conditions then prevailing. Such adaptation shall ensure a safe and rapid recovery of SSB to a level in excess of 140,000 tonnes.
4. In order to reduce discarding and to enhance the spawning biomass 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.
5. The Parties shall, as appropriate, review and revise these management measures and strategies on the basis of any new advice provided by ICES.

## ANNEX III

### ARRANGEMENT ON THE MANAGEMENT OF SAITHE

The Parties agreed to implement a long-term management plan for the saithe stock, which is consistent with a precautionary approach and is intended to constrain harvesting within safe biological limits and designed to provide for sustainable fisheries and greater potential yield.

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. For 2000 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of 0.40 for appropriate age groups as defined by ICES.
3. Should the SSB fall below a reference point of 200,000 tonnes ( $B_{pa}$ ), the fishing mortality rate referred to under paragraph 2, shall be adapted in the light of scientific estimates of the conditions then prevailing. Such adaptation shall ensure a safe and rapid recovery of SSB to a level in excess of 200,000 tonnes.
4. The Parties shall, as appropriate, review and revise these management measures and strategies on the basis of any new advice provided by ICES.

## ANNEX IV

### ARRANGEMENT ON THE MANAGEMENT OF PLAICE

The Parties agreed to implement a long-term management plan for the plaice stock, which is consistent with a precautionary approach and is intended to constrain harvesting within safe biological limits and designed to provide for sustainable fisheries and greater potential yield.

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 210,000 tonnes ( $B_{lim}$ ).
2. For 2000 and subsequent years the Parties agreed to restrict their fishing on the basis of a TAC consistent with a fishing mortality rate of 0.3 for appropriate age groups as defined by ICES.
3. Should the SSB fall below a reference point of 300,000 tonnes ( $B_{pa}$ ), the fishing mortality rate referred to under paragraph 2, shall be adapted in the light of scientific estimates of the conditions then prevailing. Such adaptation shall ensure a safe and rapid recovery of SSB to a level in excess of 300,000 tonnes.
4. In order to reduce discarding and to enhance the spawning biomass of plaice, 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.
5. The Parties shall, as appropriate, review and revise these management measures and strategies on the basis of any new advice provided by ICES.

## ANNEX V

### ARRANGEMENT ON THE MANAGEMENT AND ALLOCATION OF HERRING OF NORTH SEA ORIGIN

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 level of Spawning Stock Biomass (SSB) greater than the Minimum Biological Acceptable level (MBAL) of 800,000 tonnes.
2. A medium-term management strategy, by which annual quotas shall be set for the directed fishery and for by-catches in other fisheries as defined by ICES, reflecting a fishing mortality rate of 0.25 for 2 ringers and older and 0.12 for 0-1 ringers, shall be implemented.
3. Should the SSB fall below a reference point of 1.3 million tonnes, the fishing mortality rates referred under paragraph 2, will be adapted in the light of scientific estimates of the precise conditions then prevailing, to ensure rapid recovery of SSB to levels in excess of 1.3 million tonnes.

The recovery plan referred to above may, *inter alia*, include additional limitations on effort in the form of special licensing of vessels, restrictions on fishing days, closing of areas and/or seasons, special reporting requirements or other appropriate control measures.

4. By-catches 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.
5. The allocation of the TAC for the directed fishery for herring shall be 29% to Norway and 71% to the Community. The by-catch quota for herring shall be allocated to the Community.
6. The Parties shall, if appropriate, consult and adjust management measures and strategies on the basis of any new advice provided by ICES including that from the assessment of the abundance of the most recent year-class.

A review of this arrangement shall take place no later than 31 December 2004.

7. This arrangement entered into force on 1 January 2002.

## ANNEX VI

### CONDITIONS FOR FISHERIES BY THE PARTIES IN 2004

#### I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 shall for 2004 be as indicated in that table. If new scientific recommendations are made by ICES, 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 2004 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 2004, 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 2003 may continue their activities in 2004 on the basis of this authorisation until the new lists of vessels for 2004 have been approved.
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. Norway pointed to the problems related to an orderly conduct of the sandeel fishing in the Norwegian Economic Zone and the Parties agreed to consult on this matter and other matters if so required.
3. 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

### **A. MEASURES TO BE IMPLEMENTED ON 1 FEBRUARY 2004 CONCERNING THE WEIGHING AND INSPECTION OF PELAGIC LANDINGS**

The Delegations agreed that all quantities of fresh herring, mackerel and horse mackerel landed must be weighed before sorting and processing. It was agreed that when determining the weight, any deduction for water shall not exceed 2 %.

The Delegations agreed that 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.

The Delegations agreed that on inspection the quantities declared in the logbook shall be checked against the quantities landed. In each case where the checks reveal a significant discrepancy it shall be followed up as an infringement. The Delegations agreed to exchange information on the follow-up of infringements.

The Delegations agreed that landings exceeding 10 tonnes shall take place in designated ports and agreed that 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. It was also agreed that the processor or buyer of the fish shall submit a copy of the invoice for the payment of the quantities landed to the competent authorities. The Delegations further agreed that the weighing of the fish shall be monitored by controllers.

## **B. TERMS OF REFERENCE OF THE WORKING GROUP ON CONTROL FOR 2004**

The Parties agreed that the Working Group of control experts shall meet before 1 April 2004, under the following terms of reference:

- Monitor the progress of the Parties with regard to the effective implementation of the measures adopted for 2004, as described above;
- 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;
- Develop harmonised procedures and methodology for inspections, including the setting of priorities and benchmarks for landing controls which should include criteria with regard to the content and frequency of inspections, involving a complete monitoring of landings, as well as the methodology for the selection of vessels to be inspected. Benchmarks should provide for a high probability for fishing vessels to be inspected. In developing the procedures and methodology the inspection of processing plants, freezing plants, cold stores and companies' administrations should be included as well as fishing vessels and weighing installations;
- Assess the introduction of a prohibition of discards of legal sized mackerel including high grading and slipping. This should involve the examination of how such a ban could be controlled as well as the cost-effectiveness implications. Develop parameters for carrying out pilot projects by the Parties for placing observers on board large vessels to monitor discards and size distribution of quantities of mackerel landed.

The Working Group will submit its report to the Parties well in advance of the annual consultations for 2005, and where appropriate make proposals for measures to be adopted.

## ANNEX VIII

### TERMS OF REFERENCE OF THE STEERING GROUP FOR ELECTRONIC REPORTING SYSTEMS FOR FISHING VESSELS (ERS)

**The Steering Group shall meet under the following Terms of Reference:**

1. Plan the practical activities and arrangements of the ERS trials. The Steering Group shall meet in Bergen for this purpose before the end of March 2004 and as appropriate thereafter.
2. On the basis of the experience gained from the ERS trials the Steering Group shall:
  - Undertake technical and financial evaluation;
  - Undertake a review of the legal implications of ERS taking into account in particular the authenticity and confidentiality needs of an operational system;
  - Assess the report definitions necessary for a fully operational ERS, in the light of VMS requirements in force.

## **ANNEX IX**

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

The Working Group is requested to:

1. Collate available historical data on the geographical and seasonal distribution of catches by Party of the stocks of North Sea horse mackerel, Western horse mackerel, sandeel in the North Sea and the Skagerrak, Norway pout in the North Sea and the Skagerrak, Norway lobster in the North Sea and the Skagerrak and anglerfish 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; and
3. Advise on appropriate management systems including management strategies and objectives, ecosystem considerations and allocations between the Parties for the stocks concerned.

**TABLE 1**

**2004 JOINT STOCK QUOTAS IN THE NORTH SEA**

Species and ICES Area	TAC	Zonal Attachment				Transfer from Norway to European Community	Transfer from EC to Norway	Quota to Norway		Quota to European Community	
		Norway		EC				Total	EC Zone <sup>(1)</sup>	Total	Norwegian Zone <sup>(1)</sup>
		%	Tonnes	%	Tonnes						
Cod IV	27,300	17	4,641	83	22,659	-----	-----	4,641	4,641	22,659	19,694
Haddock IV	77,000 <sup>(2)</sup>	23	17,710	77	59,290	2,319 <sup>(8)</sup>	-----	15,391	15,391	61,609	45,828
Saithe IV, IIIa	190,000	52	98,800	48	91,200	-----	-----	98,800	98,800	91,200	91,200
Whiting IV	16,000 <sup>(2)</sup>	10	1,600	90	14,400	-----	-----	1,600	1,600	14,400	9,756
Plaice IV	61,000	7	4,270	93	56,730	2,159 <sup>(8)</sup>	-----	2,111	2,111	58,889	30,000
Mackerel IV, IIIa	57,731 <sup>(3)</sup>		37,246		20,485	-----	-----	37,246 <sup>(4)</sup>	37,246 <sup>(4)</sup>	20,485 <sup>(5)</sup>	18,620 <sup>(5)</sup>
Herring IV, VIId	460,000	29	133,400	71	326,600	-----	-----	133,400	50,000 <sup>(6)(7)</sup>	326,600	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 by-catches.
- (3) Includes a fishery by a Community Member State of 1,865 tonnes of mackerel in ICES Division IIIa and in the Community zone of ICES Divisions IVa and b.
- (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 early 2004 possible further transfers of plaice and haddock to the Community and sandeel to Norway.

**TABLE 2****2004 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	57,731 <sup>(1)</sup>	-----	-----	-----
IIa <sup>(2)</sup>	102,664	11,100 <sup>(3)</sup>	-----	100,000 <sup>(4)</sup>
Vb (European Community zone), VI, VII, VIIIa, b, d, e, XII, XIV	286,566	-----	11,100 <sup>(5)</sup>	105,000 <sup>(6)</sup>
<b>TOTAL</b>	<b>446,961</b>			

<sup>(1)</sup> See Table 1.

<sup>(2)</sup> Norwegian economic zone and international waters.

<sup>(3)</sup> May be fished in the Norwegian zone in ICES Division IVa.

<sup>(4)</sup> May be fished in ICES Division IVa.

<sup>(5)</sup> 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.

<sup>(6)</sup> May be fished in the Community zone in ICES Division IVa.

**TABLE 3**

**2004 JOINT STOCK QUOTAS**

SPECIES AND ICES AREA		QUOTA TO NORWAY IN THE EC ZONE (TONNES)	QUOTA TO EC IN THE NORWEGIAN ZONE (TONNES)
Norway pout	IV	5,000 <sup>(4) (5)</sup>	50,000 <sup>(1) (4)</sup>
Blue whiting	IV		19,000
Sandeel	IV	45,000 <sup>(14)</sup>	131,000
Blue whiting	II, IVa, VIa <sup>(2)</sup> , VIb, VII <sup>(3)</sup>	120,000 <sup>(6) (7)</sup>	1,000 <sup>(13)</sup>
Blue ling	IV, Vb, VI, VII, IIa	300	
Ling	IV, Vb, VI, VII, IIa	9,500 <sup>(8) (9)</sup>	
Tusk	IV, Vb, VI, VII, IIa	5,000 <sup>(8) (9)</sup>	
Combined quota	Vb, VI, VII	600 <sup>(10)</sup>	
Dogfish	IV, VI, VII	200 <sup>(11)</sup>	
Porbeagle	IV, VI, VII	100	
Shrimps	IV	100	900
Horse mackerel	IV	1,600	
Others	IV, IIa	5,000 <sup>(12)</sup>	11,000 <sup>(12)</sup>

(1) Including inextricably mixed horse mackerel.

(2) North of 56°30'N.

(3) West of 12°W.

(4) Norway may take up to 5,000 tonnes of its quota as sandeel; EU may take up to 40,000 tonnes of its quota as sandeel.

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

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

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

(8) 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.

(9) Of which an incidental catch of other species of 25% per vessel at any moment is permitted in ICES Sub-areas 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 VI and VII may not exceed 3,000 tonnes.

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

(11) Including catches taken with long-lines of Tope 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*).

(12) Including fisheries not specifically mentioned, exceptions may be introduced after consultations as appropriate; of which up to 350 tonnes of sole may be fished.

(13) May only be fished in ICES Sub-area II.

(14) The Delegations agreed to consider in early 2004 possible further transfers of plaice and haddock to the Community and sandeel to Norway.

**TABLE 4****2004 QUOTAS TO THE EC OF NORWEGIAN EXCLUSIVE STOCKS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	I, II	20.120 <sup>(1)</sup>
Arcto-Norwegian haddock	I, II	2,000
Saithe	I, II	3,600
Redfish	I, II	500 <sup>(2)</sup>
Greenland halibut	I, II	100
Others (by-catches)	I, II	450

<sup>(1)</sup> Includes 320 tonnes of Arcto-Norwegian cod to be transferred to the Community on the adoption of the Protocol modifying the 4<sup>th</sup> Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland. This is an ad hoc arrangement for 2004 and is without prejudice to any future arrangement.

<sup>(2)</sup> This quota should only be caught as a by-catch in areas north of 62°N. The same conditions will also apply to the redfish quota specified under point 13 of the Agreed Record.

**TABLE 5**

**2004 QUOTAS TO NORWAY FROM EC EXCLUSIVE STOCKS  
AND FROM EC QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	IV	15,000
Greenland halibut	IIa, VI <sup>(1)</sup>	950
Shrimp	XIV, Va	2,830
Greenland halibut	NAFO 1	800
	XIV, Va	800 <sup>(2)</sup>
Redfish	XIV, Va	5,230 <sup>(3)</sup>
Halibut	NAFO 1	200 <sup>(4)</sup>
	XIV, Va	200 <sup>(4)</sup>
Grenadier	NAFO 1	315
	XIV, Va	285
Capelin	XIV, Va	15,000

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

<sup>(2)</sup> Includes 400 tonnes of Greenland halibut to be transferred to Norway on the adoption of the Protocol modifying the 4<sup>th</sup> Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland.

<sup>(3)</sup> May be fished with pelagic trawls.

<sup>(4)</sup> May only be fished with long-lines.