

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS  
BETWEEN THE EUROPEAN COMMUNITY AND NORWAY FOR 2005**

**BRUSSELS, 26 NOVEMBER 2004**

1. A Community Delegation headed by Mr. Ole TOUGAARD and a Norwegian Delegation headed by Mr. Petter MEIER met in Brussels from 24 to 26 November 2004 to consult on mutual fisheries relations for 2005. The meeting was a continuation of previous meetings held in Brussels.
2. The Heads of Delegation agreed to recommend to their respective authorities the fishery arrangements for 2005 as outlined in this Agreed Record including 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.

**JOINTLY MANAGED STOCKS**

- 4.1.1. The Delegations noted with satisfaction that fishing mortalities on the joint demersal stocks in the North Sea and Skagerrak, according to the latest advice from ICES, have declined in recent years and that the fishing mortalities on haddock and saithe now are close to the levels recommended as targets by the EU – Norway ad hoc scientific Working Group on multi-annual management plans for stocks shared by EU and Norway. The Delegations, however, recognised that although the fishing mortality on cod has been reduced it is still too high and further reduction is needed to ensure recovery of the stock.
- 4.1.2. 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.

**Long-term management plans**

- 4.2.1. In view of the current state of the jointly managed stocks and taking into account the advice given by the EU - Norway ad hoc scientific Working Group on

multi-annual management plans for stocks shared by EU and Norway the Delegations revised the current long-term management plans for haddock, saithe and herring and agreed to recommend to their respective authorities the revised long-term management plans as set out in Annexes I to IV.

- 4.2.2. The Delegations agreed to continue the work to revise the long-term management plans for cod and plaice. To this end the Delegations agreed to request ICES for advice on target fishing mortality and harvest control rules for cod and plaice.

## **Cod**

- 4.3.1 The Delegations 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. In this context, the Delegations expressed their deep concern that ICES assessment of the state of the cod stock is very uncertain due to incomplete catch data. The Delegations took note that the Community had adopted a recovery plan for this stock and they confirmed their willingness to continue collaborating to achieve the recovery of this stock.

- 4.3.2. 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, when fixing the TACs for the stocks caught in association, to take the situation for the cod stock into account.

- 4.3.3. The Community Delegation informed the Norwegian Delegation of its intention to introduce additional measures to protect the cod in form of areas closed for demersal fisheries.

- 4.3.4. The Norwegian Delegation informed the Community Delegation of measures introduced in the Norwegian cod fishery in the North Sea which include a general prohibition against a directed trawl fishery for cod, a licensing scheme and closure of an area for the protection of juveniles.

## **Haddock**

- 4.4.1. The Delegations agreed that, in view of the observed reduction in fishing mortality, the high stock biomass and the revised long-term management plan, there was no need for special management measures for the haddock fisheries in 2005 except for the need to limit by-catches of cod.

- 4.4.2. The Delegations expressed concern about the quality of the catch forecast provided by ICES and agreed that it could not form the basis for the establishment of the TAC. A scientific ad hoc group was set up to review the catch forecast. Based on the advice from this group and in accordance with the revised management plan the Delegations agreed on a TAC for 2005 as set out in Table 1. The Delegations noted that the TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.

## **Saithe**

- 4.5.1. 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 2005 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 15,044 tonnes.
- 4.5.2. 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.
- 4.5.3. 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**

- 4.6. The Delegations took note of the changes in ICES' assessment of the plaice stock caused by the inclusion of estimates of discards and that ICES no longer classified the stock as a recovery stock. The Delegations, however, confirmed their willingness to collaborate on the development of a new long-term management plan based on the revised ICES assessments.

## **Herring**

- 4.7.1. The Delegations acknowledged that they had followed the long-term management plan referred to in Annex IV of this Agreed Record. They noted with satisfaction that the spawning stock biomass was assessed to be close to historically high levels, which will allow for management measures ensuring a stable and rational exploitation. Furthermore, they agreed to revise the long-term management plan in accordance with the recommendation given by the EU – Norway ad hoc scientific Working Group on multi-annual management plans for stocks shared by EU and Norway.
- 4.7.2. The Delegations concluded that the by-catches of herring in other fisheries will be limited to 50,000 tonnes in 2005; this quota will be allocated to the Community.

## **Mackerel**

- 4.8.1. 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 Bergen on 3 and 4 November 2004, they had concluded an ad hoc coastal State agreement on the management of mackerel for 2005.

- 4.8.2. 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.
- 4.8.3. 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 12,905 tonnes of the NEAFC allowable catch, which results in a share of 3,755 tonnes to Norway and 9,150 tonnes to the Community. They noted that the catch levels set for 2005, 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.
- 4.8.4. 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.
- 4.8.5. 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.
- 4.8.6. 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.
- 4.8.7. 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.

## **OTHER JOINT STOCKS**

5.1.1. The Delegations took note of the report of the Working Group between EU and Norway on the Management of Fisheries on the Stocks of Horse Mackerel, Sandeel, Norway Pout, Norway Lobster and Anglerfish. Based on the report the Delegations agreed that none of the Norway lobster stocks in the North Sea are to be considered as shared stocks. The Delegations further agreed that more work is required before decisions on possible joint management measures can be taken. To this end the Delegations agreed to establish two ad hoc Working Groups with the terms of references as laid down in Annexes VIII and IX.

5.1.2. The Community Delegation expressed the view that prior to the implementation of any possible new technical measures, the Parties should consult one another in the appropriate Working Groups.

5.1.3. The Norwegian Delegation took note of this statement.

### **Small-meshed fisheries in the Norwegian Economic Zone**

5.2. The Norwegian Delegation informed the Community Delegation of Norway's intention to close an area in the Norwegian Economic Zone (Egersund Bank) for the fishery on sandeel, Norway pout and blue whiting, in the period 1 December to 1 June.

### **Blue whiting**

5.3. 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.

### **Norway pout**

5.4. In view of the recent advice from ICES on the Norway pout stock in the North Sea the Delegations recognised the need to introduce measures to protect the stock and agreed that no directed fisheries for Norway pout should take place in 2005.

### **Sandeel**

5.5.1. The Delegations took note of the recent recommendation from ICES that the fisheries on the sandeel stock in the North Sea should be managed through effort control based on a real-time monitoring of the sandeel stock in the beginning of the fishing season. The Community Delegation informed of its intention to implement a real-time monitoring system and effort limitations in accordance with ICES advice.

5.5.2. The Norwegian Delegation informed the Community Delegation of the intention to shorten the fishing season for sandeel in the Norwegian economic zone.

Norway will inform the Community further when the regulations for 2005 have been adopted.

### **Anglerfish**

- 5.6. The Norwegian Delegation expressed concern about the substantial and unsustainable fishery on small anglerfish, and underlined the need for improving the exploitation pattern in this fishery.

## **EXCHANGE OF FISHING POSSIBILITIES**

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

- 6.1.1. 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.
- 6.1.2. The Delegations agreed that the ICES advice for 2005 stipulates that there should be no directed fishery upon this stock during 2005 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 2005, its fishing possibilities for redfish should be limited only to by-catches.
- 6.1.3. 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 2005 without prejudice to any future arrangement.

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

- 6.2. The Community Delegation informed the Norwegian Delegation that for 2005, the arrangement for transfers of redfish to Norway is an ad hoc one and without prejudice to any future arrangement.

### **Shrimp**

- 6.3. The Community Delegation informed the Norwegian Delegation that for 2005, the arrangement for the additional transfers of shrimp to Norway is an ad hoc one and without prejudice to any future arrangement.

### **Sandeel**

- 6.4. Taking note of the state of the North Sea sandeel stock the Delegations agreed to reduce their mutual transfers of fishing possibilities until improvement in the stock size has been observed. With reference to the Community's intention to establish a real-time monitoring system the Delegations agreed to consult on

possible increases in the transfers of sandeel in an expeditious manner, as soon as the results of the monitoring system become available.

### **Anglerfish**

- 6.5. The Norwegian Delegation informed the Community Delegation that for 2005, the arrangement for transfers of anglerfish to the Community is an ad hoc one and without prejudice to any future arrangement.

### **Others**

- 6.6. The Delegations agreed to single out as specific quotas the transfers of fishing possibilities on ling, tusk, anglerfish, Norway lobster and sole currently included in the so-called others quotas in the North Sea.

### **Additional transfers**

- 6.7. The Delegations regretted that it had not been possible to achieve a final solution on transfers of Arcto-Norwegian cod and Greenland halibut. They agreed to have further consultations as soon as possible with the aim of having additional transfers of 400 tonnes of Greenland halibut to Norway in ICES area XIV and Va and 320 tonnes of Arcto-Norwegian cod to the Community in ICES area I and II.

### **FULL UTILISATION OF QUOTAS**

7. 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**

8. 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.

### **GHOST FISHING AND GEAR CONFLICTS**

- 9.1. The Delegations acknowledged the recurring problem of ghost fishing and gear conflicts caused by the accumulation of lost and abandoned gears at the fishing grounds.
- 9.2. In the Norwegian economic zone the problems over the last couple of decades have been addressed by retrieval surveys carried out on a yearly basis. Norway has also introduced management measures on soak time and gill net length.
- 9.3. The problems in Community waters have, during 2004, been addressed in meetings between the Parties, at the Conference on "Fast-tracking the development

of environmentally friendly fishing methods” in Dundalk, Ireland in March, and through cooperating in the “Deepnet project”.

- 9.4. The Delegations have agreed to enhance cooperation in this field.
- 9.5. The Community Delegation informed the Norwegian Delegation of the Community’s intention to develop in 2005 a project to address the problem of ghost fishing in Community waters which will include a retrieval system to remove lost gears, gear adjustments that lessen the impact of lost gears and methods to reduce the losses of gears.

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

10. 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**

- 11.1. 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**

- 11.2.1. 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 and reiterated their commitment to fulfil the objective of establishing a level playing field for pelagic fisheries in the North East Atlantic. In particular the Delegations took note of the aim to achieve a level of full monitoring inspections which would cover a minimum of 15 % of the quantity of fish landed and at least 10 % of the landings.

11.2.2. The Delegations took note of the progress made in implementing the measures adopted in 2004 but agreed that it was necessary to further monitor this process closely during 2005. In this regard the Delegations 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.

11.2.3. 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. The Terms of Reference of the Working Group are set down in the Annex VI.

11.2.4. The Delegations agreed that the Parties will meet early in 2005 to monitor progress and address the issues outline above.

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

11.3.1. The Delegations noted that the 19 May 2004 Agreed Record of Conclusions between the European Community and Norway on issues related to satellite tracking of fishing vessels will form the basis for future cooperation. The delegations agreed to meet in Brussels in the first half of 2005 to review the implementation of the agreement on VMS with a view to enhancing the utilisation of satellite tracking for control purposes. The Delegations agreed to invite the Faroe Islands to the meeting.

11.3.2. The Delegations noted the state of play regarding developments in vessel detection systems (VDS) and agreed to inform each other of future developments.

11.3.3. 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.

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

11.4.1. The Delegations took note of the Agreed Minutes of the meeting of the Steering Group for the Project on Electronic Reporting Systems (ERS) in March 2004.

11.4.2. The Delegations agreed that the Parties should continue the ERS Project and evaluate it in January 2005 under the Terms of Reference as laid down in Annex VII.

11.4.3. The Delegations noted the progress of the Community electronic logbook research project in which both parties are participating and agreed to enhance cooperation in this field.

#### **Control areas for herring and mackerel fisheries in the Norwegian Economic Zone**

11.5.1. The Norwegian delegation informed the Community Delegation of Norway's intention to strengthen the control of fisheries for mackerel in the Norwegian economic zone by extending the scope of the current requirement to report at control areas to include Community vessels fishing for herring. Such an extension would imply the issuance of a specific licence for herring fishery.

11.5.2. The Delegations agreed to meet before July 2005 to review and amend, as appropriate, the Agreed Record of Conclusions on Licence Arrangement for 1995 signed in Bergen 13 May 1995.

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

11.6. The Community delegation informed the Norwegian Delegation of its intention to enhance the control of fisheries for blue whiting in Community waters by introducing a specific licence arrangement for blue whiting fishery, including *inter alia* a requirement to report in specified control areas for Norwegian vessels.

#### **Conversion factors**

11.7. The Delegations discussed the conversion factors to be used by vessels fishing in the Norwegian economic zone. In order to provide in-depth information on the establishment and the use of such factors, the Norwegian Delegation undertook to invite representatives from the Community's fisheries administrations and fishing industry to a seminar to be held in Norway in 2005.

Brussels, 26 November 2004

For the Community Delegation

For the Norwegian Delegation

Ole TOUGAARD

Petter MEIER

## ANNEX I

### LONG-TERM MANAGEMENT PLAN FOR 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

### 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, 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 100,000 tonnes ( $B_{lim}$ ).
2. For 2005 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 0.30 for appropriate age groups.
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. A review of this arrangement shall take place no later than 31 December 2006
6. This arrangement enters into force on 1 January 2005.

## 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 2007.
8. This arrangement enters into force on 1 January 2005.

## 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 1.3 million tonnes the Parties agree to set quotas for the directed fishery and for by-catches in other fisheries, reflecting a fishing mortality rate of no more than 0.25 for 2 ringers and older and no more than 0.12 for 0-1 ringers.
3. Where the SSB is estimated to be below 1.3 million tonnes but above 800,000 tonnes, the Parties agree to set quotas for the direct fishery and for by-catches in other fisheries, reflecting a fishing mortality rate equal to:  
 $0.25 - (0.15 * (1,300,000 - SSB) / 500,000)$  for 2 ringers and older, and  
 $0.12 - (0.08 * (1,300,000 - SSB) / 500,000)$  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 by-catches 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. 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.
8. 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.
9. A review of this arrangement shall take place no later than 31 December 2007.
10. This arrangement enters into force on 1 January 2005.

## ANNEX V

### CONDITIONS FOR FISHERIES BY THE PARTIES IN 2005

#### I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 shall for 2005 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 2005 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 2005, 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 2004 may continue their activities in 2005 on the basis of this authorisation until the new lists of vessels for 2005 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.
5. The Delegations agreed to meet to consult on the current licence arrangements as noted in paragraph 11.5.2.

#### **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 VI

### TERMS OF REFERENCE OF THE WORKING GROUP ON CONTROL FOR 2005

The Delegations agreed that the Working Group of control experts shall meet before the end of April 2005 under the following terms of reference:

- Monitor the implementation of the measures adopted in 2004 concerning the deduction of water, weighing of landings and inspections;
- 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 further 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 and plants to be inspected. Benchmarks should guarantee a high probability for fishing vessels and plants to be inspected. In developing the procedures and methodology the inspection and audit of processing plants, freezing plants 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 2006, and where appropriate make proposals for measures to be adopted.

## **ANNEX VII**

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

The Steering Group shall meet in January 2005 in Brussels under the following Terms of Reference

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.
- Assess if further ERS trials are necessary.

## **ANNEX VIII**

### **TERMS OF REFERENCE OF THE AD HOC WORKING GROUP ON THE MANAGEMENT MEASURES FOR ANGLERFISH AND HORSE MACKEREL**

The Working Group shall:

1. Further develop the work of the Working Group between EU 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 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;
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;
4. The ad hoc Working Group shall meet in the first quarter of 2005 in a venue to be decided; and
5. The Working Group shall report to the Parties not later than 30 June 2005.

## **ANNEX IX**

### **TERMS OF REFERENCE OF THE AD HOC WORKING GROUP ON THE MANAGEMENT MEASURES FOR SANDEEL AND NORWAY POUT**

The Working Group shall:

1. Further develop the work of the Working Group between EU 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 sandeel and Norway pout 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; and
4. The Working Group shall report to the Parties not later than 30 June 2005.

**TABLE 1**

**2005 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		European Community				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	66,000 <sup>(2)</sup>	23	15,180	77	50,820	501 <sup>(8)</sup>	-----	14,679	14,679	51,321	38,175
Saithe IV, IIIa	145,000	52	75,400	48	69,600	-----	-----	75,400	75,400	69,600	69,600
Whiting IV	28,000 <sup>(2)</sup>	10	2,800	90	25,200	-----	-----	2,800	2,800	25,200	17,073
Plaice IV	59,000	7	4,130	93	54,870	2,500 <sup>(8)</sup>	-----	1,630	1,630	57,370	30,000
Mackerel IV, IIIa	44,879 <sup>(3)</sup>		28,676		16,203	-----	-----	28,676 <sup>(4)</sup>	28,676 <sup>(4)</sup>	16,203 <sup>(5)</sup>	14,338 <sup>(5)</sup>
Herring IV, VIIId	535,000	29	155,150	71	379,850	-----	-----	155,150	50,000 <sup>(6)(7)</sup>	379,850	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 2005 possible further transfers of plaice and haddock.

**TABLE 2****2005 TAC AND SHARING OF MACKEREL STOCK**

AREA	TAC (TONNES)	NORWEGIAN TRANSFER TO EUROPEAN COMMUNITY (TONNES)	EC TRANSFER TO NORWAY (TONNES)	FLEXIBILITY LIMITS (TONNES)
IV, IIIa	44,879 <sup>(1)</sup>	-----	-----	-----
IIa <sup>(2)</sup>	79,045	8,500 <sup>(3)</sup>	-----	100,000 <sup>(4)</sup>
Vb (European Community zone), VI, VII, VIIIa, b, d, e, XII, XIV	220,638	-----	8,500 <sup>(5)</sup>	105,000 <sup>(6)</sup>
<b>TOTAL</b>	<b>344,562</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**

**2005 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	1,000 <sup>(4)</sup>	5,000 <sup>(1)</sup>
Blue whiting	IV		19,000
Sandeel	IV	5,000 <sup>(13)</sup>	10,000 <sup>(13)</sup>
Blue whiting	II, IVa, VIa <sup>(2)</sup> , VIb, VII <sup>(3)</sup>	120,000 <sup>(5)(6)</sup>	1,000 <sup>(12)</sup>
Blue ling	IV, Vb, VI, VII, IIa	200	
Ling	IV, Vb, VI, VII, IIa	6,800 <sup>(7)(8)</sup>	
Tusk	IV, Vb, VI, VII, IIa	4,000 <sup>(7)(8)</sup>	
Combined quota	Vb, VI, VII	600 <sup>(9)</sup>	
Dogfish	IV, VI, VII	100 <sup>(10)</sup>	
Shrimps	IV		900
Horse mackerel	IV	1,600	
Others	IV, IIa (EC Zone)	4,720 <sup>(11)</sup>	7,000 <sup>(11)</sup>
Sole	IV	280	
Anglerfish	IV		1,800
Norway lobster	IV		1,000
Ling	IV		1,000
Tusk	IV		200

(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 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*).
- (11) Including fisheries not specifically mentioned, exceptions may be introduced after consultations as appropriate.
- (12) May only be fished in ICES Sub-area II.
- (13) The Delegations agreed to consider in 2005 possible further transfers of sandeel.

**TABLE 4****2005 QUOTAS TO THE EC OF NORWEGIAN EXCLUSIVE STOCKS**

<b>SPECIES</b>	<b>ICES AREA</b>	<b>QUANTITY (TONNES)</b>
Arcto-Norwegian cod	I, II	19,179
Arcto-Norwegian haddock	I, II	2,260
Saithe	I, II	3,600
Greenland halibut	I, II	100
Others (by-catches)	I, II	450

**TABLE 5**

**2005 QUOTAS TO NORWAY FROM EC EXCLUSIVE STOCKS  
AND FROM EC QUOTAS IN GREENLAND WATERS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Sprat	IV	1,000
Greenland halibut	IIa, VI <sup>(1)</sup>	145
Shrimp	XIV, Va	2,750
Greenland halibut	NAFO 1	800
	XIV, Va	400
Redfish	XIV, Va	3,500 <sup>(2)</sup>
Halibut	NAFO 1	200 <sup>(3)</sup>
	XIV, Va	200 <sup>(3)</sup>
Grenadier	NAFO 1	315
	XIV, Va	285

<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.