

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN COMMUNITY AND NORWAY ON THE REGULATION OF
FISHERIES IN SKAGERRAK AND KATTEGAT 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 the regulation of fisheries in Skagerrak and Kattegat in 2004. The meeting in Brussels was a continuation of previous meeting held in Brussels and Oslo.
2. The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak and Kattegat in 2004, outlined in the attached Annex.

HADDOCK

- 3.1 The Delegations noted that the TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.
- 3.2. The Parties shall, during the annual consultations, communicate catch statistics (covering 2003 and preliminary statistics for 2004) specified as catches taken in the directed fishery for haddock and estimates for by-catches in the industrial fisheries.

SHRIMP

- 4.1. In respect of the shrimp stock, the Delegations took note of the ACFM advice for 2004 regarding Divisions IIIa and IVa East, and they took as a point of departure a total allowable catch level of 15,300 tonnes.
- 4.2. Norway informed the Community of its intention to fix within this quantity a quota for shrimp for Division IVa East of 4,590 tonnes.

HERRING

- 5.1. The Delegations noted that the herring fisheries in the Skagerrak and Kattegat areas exploited both the North Sea herring and the Baltic spring-spawning herring. They further noted that the ICES advice for 2004 was that the fisheries on herring in Division IIIa should be managed in accordance with the management advice given on the spring-spawning herring. The Delegations therefore agreed that the TAC should be established in accordance with this advice. However, the Delegations noted that the information from ICES on the total fishing possibilities for herring in

ICES division IIIa for 2004 consistent with this advice is unclear and difficult to interpret.

- 5.2. In view of the ICES advice to reduce the fishing mortality on the stock of Baltic spring spawning herring and acknowledging that the agreed TAC for North Sea Herring in the North Sea is set at a level well within the scientific advice, the Norwegian Delegation expressed the view that it would be biologically sound to provide for a flexibility arrangement by which the North Sea herring quota fixed for the Skagerrak area could be fished in the North Sea.
- 5.3. To this end, the Delegations agreed that as an ad hoc measure for 2004, for the quotas established in the Skagerrak and Kattegat areas, Norway can fish 50% of its quota in the North Sea in the Norwegian economic zone and the Community can fish 50% of its quota in its own zone in an area south of 60°N and east of 4°E. The Delegations agreed to request ICES to evaluate any possible impact of this measure on the stocks and the fisheries.
- 5.4. In the light of any new scientific data or advice from ICES and in accordance with the precautionary approach, the Delegations agreed to re-examine the level of the TAC and the quotas established for herring in the Skagerrak and Kattegat.
- 5.5. The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries will be limited to 21,000 tonnes in 2004.
- 5.6. The Delegations also agreed on the continuing need for closer co-operation between their respective scientists in order to promote transparency and mutual understanding of the sampling schemes for catches in industrial fisheries.
- 5.7. 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.

OVER-FISHING OF QUOTAS

6. 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.

TECHNICAL MEASURES

- 7.1. The Delegations referred to point 2.1 in the Agreed Record of 21 June 2001 on the improvement of exploitation pattern in the North Sea, which contains the general conditions on the structure of towed demersal nets in the North Sea, implemented by both parties in 2001. They agreed to consider enhanced technical measures in the Skagerrak and further agreed to meet for consultations on this topic at the earliest achievable date in 2004 and agree upon an implementation date.

The minimum mesh-size of the codend and extension piece of towed demersal nets used to fish for demersal species in Skagerrak should be at least 90mm. No species composition limitations should be applied to catches taken with towed demersal nets of this mesh size.

The codend of any towed demersal net should be constructed with only one type of netting material and should be constructed with either exclusively single-twine or exclusively double-twine netting material, of which no twine is thicker than 8mm if single-twine netting material is used, or 5mm if double-twine netting material is used.

When fishing for Norway lobster, a minimum of at least 70mm square mesh or 90mm diamond mesh may be used.

- 7.2. Fishing with beam-trawls for vessels with engines above 221kw is prohibited in an area inside 12 nautical miles from Hirtshals lighthouse to Hanstholm.

WEIGHING OF PELAGIC FISHERIES

8. The Delegations noted that the issue of the weighing of landings of pelagic vessels has been covered under the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway for 2004.

SATELLITE-BASED VESSEL MONITORING AND ELECTRONIC REPORTING SYSTEMS

9. The Delegations agreed that the issue of satellite-based vessel monitoring and electronic reporting systems will be dealt with in the framework of the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway for 2004.

QUOTA ARRANGEMENTS

10. The Delegations agreed that the negotiated quota arrangements constitute an ad hoc solution and shall be without prejudice to future fishery arrangements between the Parties.

Brussels, 24 January 2004

For the Community Delegation

For the Norwegian Delegation

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Petter MEIER

ANNEX

I. TACs AND ALLOCATIONS

Catches taken, during the period 1 January to 31 December 2004 in the Skagerrak and the Kattegat of the species mentioned below, shall be limited as follows (metric tonnes, fresh round weight):

SPECIES	AREA ⁽¹⁾	TAC 2004	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN COMMUNITY
COD	S	3,900	127 ⁽²⁾	3,773
HADDOCK ⁽³⁾	S + K	4,755	200	4,555
WHITING	S + K	1,500	27	1,473
PLAICE	S	9,500	190	9,310
MACKEREL	S + K		⁽⁴⁾	
SHRIMPS	S	10,710	4,991	5,719
HERRING	S + K	70,000	9,336	60,664
SPRAT	S + K	50,000	3,750	46,250

⁽¹⁾ Skagerrak (S): the area defined in Article 1 of the Agreement of 19.12.1966. Skagerrak and Kattegat (S + K): the area defined in Article 1 of the Agreement of 10.12.1966, extended to the southern boundary of Kattegat, and defined as a straight line from Hasenøre to Gnibens spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen.

⁽²⁾ This quantity does not include catches to be taken with passive gear inside the Norwegian baselines.

⁽³⁾ The TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.

⁽⁴⁾ A part of Norway's quota in the North Sea may be fished in the Skagerrak by vessels not exceeding 90 feet.

II. GEAR

The use of trawl and purse-seine for the capture of pelagic species in the Skagerrak shall be prohibited from Saturday midnight to Sunday midnight.

III. SPRAT

Based on scientific information regarding the prevailing abundance of Herring in relation to Sprat in the Skagerrak and Kattegat, the Delegations agreed that it would be impractical to apply in 2004 the provisions in the Agreement of 4 May 1982 relating to by-catch and minimum size of herring in a fishery for sprat.

IV. CATCH STATISTICS

The Parties shall communicate to each other, on a monthly basis, catch statistics for fishing by their own vessels for the species referred to in paragraph I.

This monthly information shall be communicated not later than the end of the following month.