

**AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN
NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN
SKAGERRAK AND KATTEGAT FOR 2012**

BERGEN, 2 DECEMBER 2011

- 1 A Norwegian Delegation headed by Ms Ann Kristin WESTBERG and a European Union Delegation headed by Mr John SPENCER met in Bergen from 28 November to 2 December 2011 to consult on the regulation of fisheries in Skagerrak and Kattegat in 2012. This meeting was a continuation of a meeting held in Brussels.
- 2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak and Kattegat in 2012, outlined in this Agreed Record including the Annexes.
- 3 The Delegations reiterated their determination to cooperate, in their mutual interest, in securing continued responsible fisheries and ensuring the long-term conservation and sustainable exploitation of the marine living resources for which they are responsible.
- 4 The Norwegian Delegations recalled the joint ministerial declaration of 23 November 2011 by the Ministers responsible for fisheries in Denmark, Norway and Sweden - Mette Gjerskov, Lisbeth Berg-Hansen and Eskil Erlandsson - regarding the introduction of a ban on discards of fish in the Skagerrak, with effect from at the latest 1 January 2013, and underlined that this was a important step towards more sustainable fisheries in this area.
- 5 The EU Delegation concurred on the objective of introducing a ban on discards of fish in the Skagerrak with effect, preferably, from 1 January 2013.
- 6 The Delegations noted that the Report of the Working Group on Technical Measures and Control in Skagerrak had made precise recommendations on new technical measures to be introduced in Skagerrak, in order to harmonise technical regulations in the area and to reduce discarding. They endorsed these recommendations and agreed that the technical measures in question should be implemented in their respective legislative processes, as soon as possible. The agreed technical measures are set out in Annex III.
- 7 The Delegations endorsed the continuation of the Working Group on Technical Measures and Control. They agreed to further broaden the mandate of the Group in order to incorporate tasks in relation to the implementation of a discard ban and to continue its work on the formulation of more precise recommendations on control in the new context. The Working Group should report to the Parties by 31 March 2012. Revised Terms of Reference for the Working Group are set out in Annex II.

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8 To that effect, the Delegations agreed to recommend that their respective legislative processes be initiated during 2012, when the Working Group on technical measures and control has made its recommendations to the Parties, notably, in relation to the implementation of a discard ban.

9 The Delegations also agreed to establish an “others” TAC in the Skagerrak that will not limit fisheries by the Parties on traditional levels and that the Working Group referred to above should recommend an appropriate level for such a quota by 1 June 2012. The establishment of the “others” TAC will be without prejudice to any unallocated species.

10 In light of the expiry in August 2012 of the framework agreement between Norway, Denmark and Sweden on mutual access to fish in Skagerrak and Kattegat of 19 December 1966, the Delegations agreed to open negotiations on a new agreement in early 2012.

11 COD

11.1 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2012 and agreed that the relevant provisions of section 5.4.6 are equally applicable to the Skagerrak.

12 HADDOCK

12.1 The Delegations noted that the TAC for haddock includes both a directed fishery for haddock and by-catches in the industrial fisheries.

12.2 The Parties shall, during the annual consultations, communicate catch statistics (covering 2011 and preliminary statistics for 2012) specified as catches taken in the directed fishery for haddock and estimates for by-catches in the industrial fisheries.

13 SHRIMP

13.1 In respect of the shrimp stock, the Delegations took note of the ICES advice for 2012 regarding Divisions IIIa and IVa East, and agreed on a total allowable catch level of 10,115 tonnes in this area.

13.2 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 13.1 a quota for shrimp for Division IVa East of 3,035 tonnes.

14 HERRING

14.1 The Delegations noted that the herring fisheries in the Skagerrak and Kattegat areas exploited several stocks, including both the North Sea herring and the Baltic spring-spawning herring.

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- 14.2 The EU considers that the TAC for herring in the Skagerrak should be fixed at a level that takes into account the mixing of the North Sea autumn spawning stock and the Western Baltic spring spawning stock in the area. In particular, the EU considers that the TAC should not be higher than that consistent with the sustainable exploitation of either stock.
- 14.3 The Norwegian Delegation could not accept that the quota for herring in the Skagerrak is established on the basis of the TAC for Baltic spring-spawning herring, as Norway is not a part of this process. It is the view of the Norwegian Delegation that the quota for herring in the Skagerrak and Kattegat should be linked directly as proportion to the quota for herring in the North Sea only. The Norwegian Delegation stated that from 2013 the Parties should establish a management plan for herring in Skagerrak based on this principle.
- 14.4 The Delegations agreed to establish a quota for herring in the Skagerrak and Kattegat at 45,000 tonnes for 2012 on an ad hoc basis. Furthermore, the Delegations agreed that the quotas established for herring in the Skagerrak and Kattegat areas, Norway would be able to fish 50 % of its quota in the North Sea in the Norwegian Economic Zone and the European Union can fish 50 % of its quota in European Union waters of ICES Area IV.
- 14.5 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2012.
- 14.6 The Norwegian Delegation expressed their concern that juvenile herring is taken as by-catch in the small meshed fishery. This is yet more serious in light of the poor recruitment to this stock the last decade. Therefore, the Norwegian Delegation urged the EU Delegation to phase out the fishery for juvenile herring.
- 14.7 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.

15 PLAICE

- 15.1 The Delegations agreed to submit a joint request to ICES with the objective of establishing a long-term management plan for plaice in Skagerrak. The request to ICES is set out in Annex IV.

16 DISCARDS AND ASSOCIATED ACTIVITIES

- 16.1 The Delegations referred to the Agreed Record of Conclusions of Fisheries Consultations between Norway and the European Union for 2010 and agreed that the relevant provisions of chapter 11, notably section 11.2, 11.3 and 11.4, are equally applicable to the Skagerrak.

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17 TECHNICAL MEASURES

- 17.1 The Delegations agreed that, notwithstanding the decision to implement the technical measures mentioned in point 6 above, it would be appropriate to consider alternatives to the technical measures given in Annex III, if any new information demonstrates that these alternatives are as effective in terms of selectivity.
- 17.2 Fishing with beam-trawls for vessels with engines above 221kw is prohibited in an area inside 12 nautical miles from the coast between Hirtshals lighthouse to Hanstholm.
- 17.3 The Delegations noted that the revised Agreed Record between Norway and the European Union on Electronic Exchange of catch and activity data signed 14 November 2011, and recognised that this will facilitate electronic reporting of catches and activity in Skagerrak in a manner that will allow for continued transboundary fisheries in this area.

18 WEIGHING OF PELAGIC LANDINGS

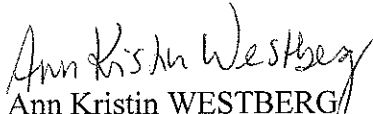
- 18.1 The Delegations noted that the issue of the weighing of landings of pelagic vessels has been covered under the Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway for 2012.

19 QUOTA ARRANGEMENTS

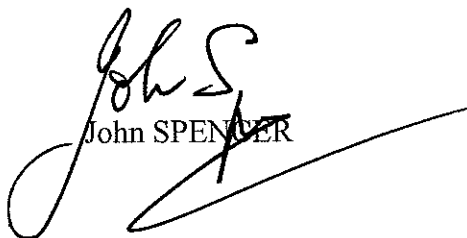
- 19.1 The Delegations agreed that the negotiated quota arrangements constitute an ad hoc solution and shall be without prejudice to future fishery arrangements between the Parties.

Bergen, 2 December 2011

For the Norwegian Delegation


Ann Kristin WESTBERG

For the European Union Delegation


John SPENSER

ANNEX I

I TACs AND ALLOCATIONS

Catches taken, during the period 1 January to 31 December 2012 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 2012	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
COD	S	3,783 ⁽⁶⁾	123 ⁽²⁾	3,660
HADDOCK ⁽³⁾	S + K	2,409	101	2,308
WHITING	S + K	1,050	19	1,031
PLAICE	S	7,950	159	7,791
MACKEREL	S + K		(4)	
SHRIMPS	S	7,080	3,300	3,780
HERRING	S + K	45,000	6,002	38,998
SPRAT	S + K	52,000	3,900	48,100
OTHERS	S + K		(5)	(5)

- (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.
- (5) The TAC for the "others" quota will be established on the basis of the recommendation of the Working Group referred to in point 7.
- (6) An additional amount of 454 tonnes is available to the Parties (Norway: 15 tonnes, EU 439 tonnes) under point 6.1 of this Agreed Record

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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 2012 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.

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ANNEX II

TERMS OF REFERENCE FOR THE WORKING GROUP ON CONTROL AND ON IMPLEMENTATION OF A DISCARD BAN IN THE SKAGERRAK

The Working Group shall:

- Recommend appropriate control and enforcement measures in Skagerrak taking account of i.e. the Report of the Working Group on Technical measures and Control in Skagerrak finalised at a meeting Bergen, 26-28 October 2011.
- Develop a procedure for implementing a discard ban in the Skagerrak. In particular the Working Group shall propose:
 - A list of species to be included in the ban
 - A schedule of when each species shall be included in the ban
 - Necessary supporting measures
- Recommend an appropriate level and the species for an “others” quota to be covered for each Party in the Skagerrak.

The Working Group shall give their recommendations before 31 March 2012, except for the “others” quota that shall be given before 1 June 2012.

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ANNEX III

TECHNICAL MEASURES TO BE APPLIED IN THE SKAGERRAK

The Delegations agreed to introduce the following technical measures to be applied in the waters of the Parties outside 4 nautical miles of the baseline in the Skagerrak:

a) *Pandalus Fisheries*

1. No change to the current cod end minimum mesh size of 35 mm.
2. Mandatory use of a sorting grid with a maximum bar spacing of 19 mm.
3. Allowing use of a fish retention device provided that there is adequate fishing opportunities to cover bycatch and that the retention device is:
 - a. Constructed with a top panel of a minimum mesh size of 120 mm square mesh;
 - b. A minimum of 3 metres in length.
 - c. At least as wide as the width of the sorting grid

b) *Directed Nephrops Fisheries*

1. Mandatory use of sorting grid (35 mm bar spacing) together with a square mesh cod end with a minimum mesh size of 70 mm

c) *Mixed demersal trawl and seine and Mixed Nephrops/demersal Fisheries*

1. The basic cod end minimum mesh size for these fisheries should be 120 mm diamond mesh.
2. Allowing a derogation with the use of a 90 mm cod end together with a square mesh panel of 140 mm or a diamond mesh panel of 270 mm where in both cases the panel is
 - a. A minimum of 3 metres in length.
 - b. The panel should be positioned no more than 4 metres from the cod line.
 - c. Be the full width of the top sheet of the trawl (i.e. from selvedge to selvedge); and

In the case of the diamond mesh, the panel be placed in a four panel section and mounted with a joining ratio of 3 meshes of 90 mm to 1 mesh of 270 mm.

d) *Other technical measures*

1. The weekend ban in the pelagic fishery should be discontinued.

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ANNEX IV

JOINT EU-NORWAY REQUEST ON MANAGEMENT MEASURES FOR PLAICE IN THE SKAGERRAK

With the objective of establishing a long-term management plan for plaice in Skagerrak to provide for sustainable fisheries with high and stable yield in conformity with the MSY approach, ICES is requested by 30 June 2012:

1. To consider the stock identities of plaice in the Skagerrak and adjacent waters.
2. To evaluate possible approaches to develop a long-term management plan for plaice in Skagerrak, including a possible link with trends in the status of the plaice stock in the North Sea.

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