

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY
ON TECHNICAL MEASURES IN SKAGERRAK**

GOTHENBURG, 6 SEPTEMBER 2018

1 A European Union Delegation, headed by Mr Jacques VERBORGH, and a Norwegian Delegation, headed by Ms Ann Kristin WESTBERG, met in Gothenburg, Sweden, on 5 and 6 September 2018 to consult on Technical Measures in Skagerrak and on a Joint Management Strategy for Norway Pout.

2 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for a joint Real Time Closure system for the Pandalus fishery in Skagerrak outlined in this Agreed Record, including Annex I.

3 TECHNICAL MEASURES IN SKAGERRAK

3.1 The Delegations referred to the Agreed Record of Fisheries Consultations between Norway and the European Union on the Regulation of Fisheries in Skagerrak and Kattegat for 2018, signed in Bergen on 1 December 2017, and, in particular, to paragraph 16.1 and Annex II of that Agreed Record.

3.2 The Delegations noted that the Working Group on Technical Measures in Skagerrak has met three times during the first half of 2018 in accordance with its Terms of Reference. The Working Group has examined the following issues: Real Time Closures in the Pandalus fishery, gear selectivity, and the scope for harmonisation of technical regulations. The Delegations noted that the Working Group had two meetings with the representatives of the industry during this process.

3.3 The Delegations welcomed the Report of the Working Group and the Recommendations from the Working Group.

3.4 Joint Real Time Closure (RTC) system for Pandalus in Skagerrak

The Heads of Delegations agreed to establish the joint RTC system for Pandalus in Skagerrak as outlined in Annex I no later than 1 July 2019. The Delegations concurred that the list of size selective gears in Appendix iii of Annex I can be expanded, subject to agreement of the parties, to include other size selective gears upon review of scientific evidence of their equivalence in size selectivity.

3.5 Review of the selectivity characteristics of specific gears used in Skagerrak

3.5.1 The Delegations noted that the Working Group reviewed the selection characteristics of the Danish anchor seine. The gear is currently only used in EU waters. The Norwegian Delegation confirmed that they do not object to a reduction of the mesh size from 120 mm to 105 mm for this fishery in EU waters.

3.5.2 Concerning the selection characteristics of the pelagic gears, the Working Group further acknowledged that by-catch of saithe in the herring fishery in Skagerrak has previously been problematic. The Delegations noted that the use of sorting grids in pelagic trawls significantly reduces the by-catch of saithe. The Norwegian Delegation informed that a

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sorting grid remains mandatory for Norwegian vessels in Skagerrak.

3.6 The possible harmonisation of technical regulation in Skagerrak

The Delegations noted the framework proposed by the Working Group for the comparison of the technical regulation of the respective parties. The Delegations recognised that their respective legal systems are currently under review and that therefore work on harmonisation will need to continue at a later stage.

The EU informed that it has the intention of reviewing gears exemptions for Pandalus and Nephrops fisheries within Real Time Closure areas for white fish in EU waters, as indicated in the report of the Working Group.

4 JOINT MANAGEMENT STRATEGY FOR NORWAY POUT

The Delegations recalled the decision made in April 2017 to submit a joint request to ICES to evaluate options for a management strategy for Norway pout. The ICES advice in response to the joint request was published on 29 May 2018, and presented to the Delegations by a representative of ICES. The Delegations welcomed the ICES advice and discussed a possible outline for a future joint Long-Term Management Strategy (LTMS) for Norway Pout. The Delegations agreed to send a limited follow-up request to ICES in relation to adding an inter-annual flexibility scheme (+/- 10%) and the introduction of an F_{cap} of 0.7.

The EU Delegation suggested that a future strategy should be considered in relation with a sharing arrangement.

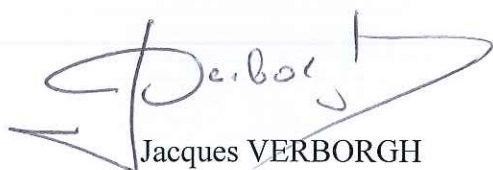
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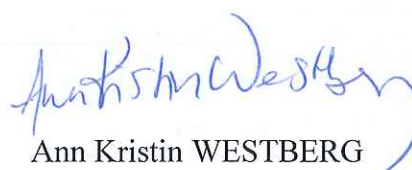
The EU Delegation presented the EU Multiannual Plan for demersal stocks in the North Sea that has entered into force on the 5 August 2018.

Gothenburg, 6 September 2018

For the European Union Delegation

For the Norwegian Delegation


Jacques VERBORGH


Ann Kristin WESTBERG

JOINT REAL TIME CLOSURE SYSTEM FOR PANDALUS IN THE SKAGERRAK

1. Source of information

The basic source of information shall be inspections at sea on commercial fishing vessels conducted by control authorities.

2. Targeted inspection resources

A risk-based strategy should be applied to identify areas where there is a risk of catching numbers of Pandalus below trigger length which exceed the threshold level. Inspections shall be carried out in particular in these areas to measure whether the percentage of small Pandalus exceeds the threshold level, including through Joint Deployment Plans.

3. Trigger length

The trigger length shall be 6.5 cm Norwegian total length – 14.8 mm carapace length, as defined in Appendix iv.

4. Threshold level

The threshold to define samples with excess prawn under the trigger length shall be 20%.

5. Inspection and reporting

- 5.1 Control authorities will inspect Pandalus trawl catches using the sample procedure outlined in Appendix i.
- 5.2 If the quantity of Pandalus in a haul is less than 100 kg, that haul shall not be taken as a basis for recommending a closure.
- 5.3 Inspection details and the number of prawn in the sample under the trigger level shall be recorded in the report set out in Appendix ii.
- 5.4 If the sampling results from at least 2 hauls taken within a time span of 96 hrs show that Pandalus below the trigger size is exceeding the threshold level, the body responsible for the sampling shall either, where appropriate, recommend an RTC, or forward the relevant sampling report(s), to the competent authority of the Coastal State which should consider whether a RTC should be established. The decision on the shape of the area should take into account physical factors, *inter alia* depth contours, and other factors such as catch composition, fishing activity etc. However, if the

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proportion of Pandalus under the RTC trigger size is more than 40%, a closure can be established on basis of one sample.

5.5 When the sample results show that the threshold has been exceeded, or in case the Inspection body decides to recommend a closure, the report(s) shall be completed immediately and sent to the competent authority of the Coastal State.

6. Decision to close

6.1 The Coastal State shall immediately publish the decision regarding an RTC.

6.2 Neighbouring Coastal States may seek cooperation to initiate an RTC closure using sample results on both sides of the border.

6.3 If the area to be closed straddles jurisdictions the Coastal State shall without delay inform the neighbouring Coastal State of the findings and the decision to close. The neighbouring Coastal State shall then consider a closure in its waters.

6.4 A Coastal State could invite neighbouring Coastal State(s) to take samples on its behalf.

7. Size and shape of the closed area

7.1 The geographical boundaries of a closed area shall be based on the following criteria:

- a) The area definition should take into account the haul trajectories that led to the decision for closure, depth curves and other relevant information.
- b) Shall have an upper area limit of 50 square nautical miles.

8. Notification of entry into force of the closure

8.1 The Coastal State shall without delay:

- a) Post a notification of the closure on its website including a map, coordinates and the underlying sampling report(s), and
- b) Inform vessels in the vicinity of the area to the extent possible, and
- c) Inform the Directorate of Fisheries in Norway or the European Commission (DG-Mare) and FMCs in relevant countries by email. The Notification shall contain information on the date and time when the closure is in force, the coordinates delimiting the closures and web address to find more information.

8.2 The relevant FMCs shall inform vessels that are affected by the closure to the extent possible.



9. Entry into force

The closure shall enter into force at midnight UTC on the day of decision. There should be sufficient time between the decision and the entry into force for vessels to be informed.

10. Duration and scope

10.1 The area shall be closed for 14 days and automatically reopened.

10.2 The closure is limited to the Pandalus trawl fishery and does not affect fishing activities targeting other species.

10.3 The closure shall apply to Pandalus trawl vessels flying any flag.

10.4 Notwithstanding 10.3, vessels fishing for Pandalus using a size selective gear according to the specifications outlined in Appendix iii are to be allowed in the RTC closed area. Vessels wishing to use this exemption are to notify their intention and gear use to the respective coastal state FMC before entry in a closed area.

10.5 If a control of a vessel with an exempted gear according art 10.4 within an RTC area still shows a catch with excess Pandalus below the trigger size this vessel is obliged to move out of the RTC area for the remainder of the closure period. However after having adjusted the gear, the vessel can return to the RTC area with the permission of the control body, and then remain in the area provided that the next haul is controlled by the control body and the catch composition is in line with the criteria.

11. Review

The joint Real Time Closure system for Pandalus in Skagerrak shall be evaluated and if necessary reviewed no later than three years after the date of the implementation.



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Sampling Methodology

Samples shall be taken and measured in accordance with following provisions.

1. Whenever possible, samples shall be taken and measured in close cooperation with the master of fishing vessel and his crew. The master of fishing vessel and his crew shall be encouraged to participate in the process. They shall also be encouraged to share any information that could be relevant with respect to the delimitation of a closed area.
2. The total catch in the haul shall be estimated.
3. A sample shall be taken in accordance with following procedure:
 - a) The sample must be taken in such a way that it reflects the catch composition of Pandalus in the haul. To achieve that, the skipper, or a person he designates, shall assist when sample is taken.
 - b) The minimum size of the sample shall be 2 litres or 1 kg of Pandalus.
4. The quantity of Pandalus under trigger size shall be calculated as a percentage of the total number of Pandalus.
5. The sampling report form, presented in Annex I- Appendix ii shall be duly completed immediately after the sample has been measured.

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REAL-TIME CLOSURES - SAMPLING REPORT TO THE COASTAL STATE						
PANDALUS in relation to Minimum reference size.						
Inspection/ observation details	Inspection platform	Inspector/obs erver name	Inspector/obs erver name	Date and time (¹) of inspection/ observation	Position (²) of inspection/ob servation	
Fishing vessel details	Name	Call sign	Registratio n number	Flag state	Type of gear Single/Doubl e	Mesh size mm
Selection measures	Grid (for sorting out Pandalus)	Grid, mm	Other		Collection bag	Mesh size in collection bag
Fishing operation details	Start	Date and time (¹)	Position (²)			
	Stop	Date and time (¹)	Position (²)	Duration of fishing operation (³)		
Catch details	Estimated total catch in the haul (kg)					
	Estimated Pandalus catch in the haul (kg)					
	Size of Pandalus sample (kg/litre)					
	Total number of Pandalus in sample					
	Number of Pandalus below trigger size in sample					
	% of Pandalus below the trigger size (number below the trigger size/total number)					

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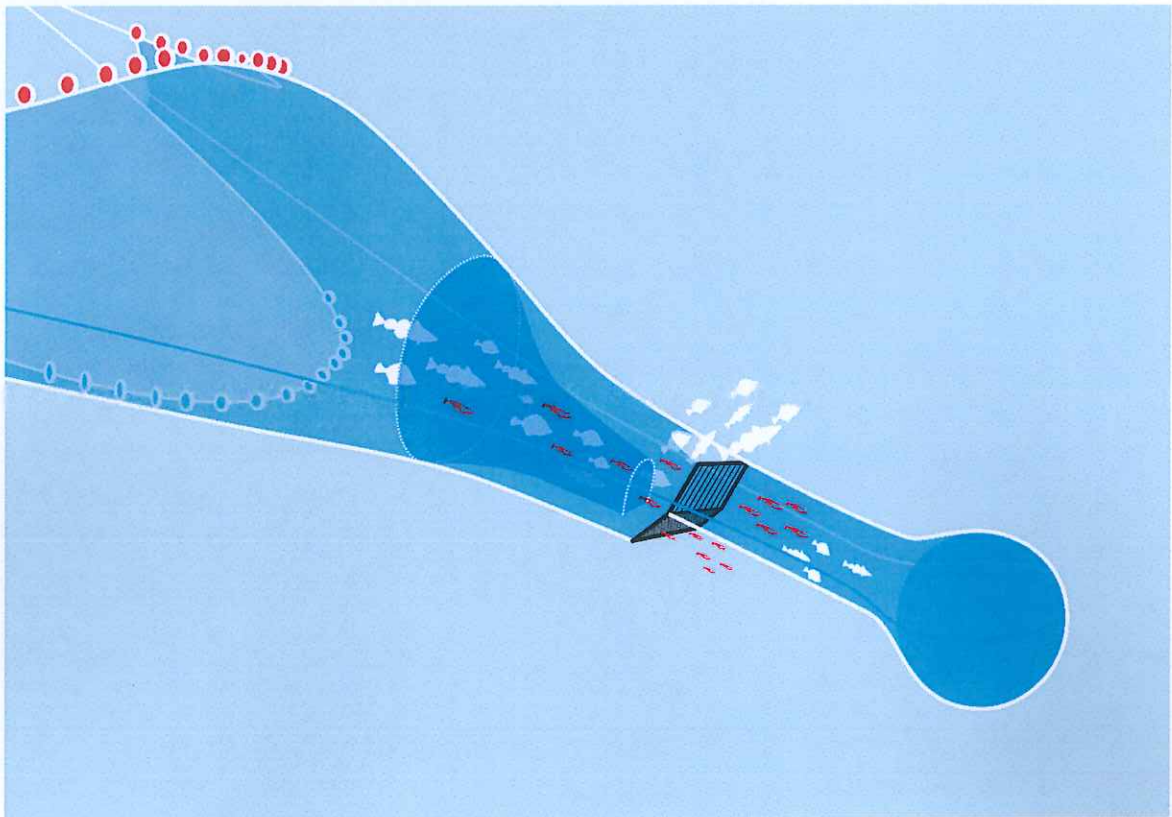
Observations and additional information	Additional information from other sources, e.g. received from master.
Inspector Signature	Not required if completed electronically and transmitted to coastal state by e-mail
<p>(¹) dd/mm/yy hh mm (local time 24 hours). (²) e.g. 56°24' N 01° 30' E. (³) hh mm.</p>	

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Selective grid in the fishery for Northern prawn to be allowed in the RTC

Bottom trawl with a mesh size in the extension piece and cod end of at least 35 mm, equipped with a sorting grid with a maximum bar spacing of 19 mm in the upper part of the grid and a minimum bar spacing of 9,5 mm in the lower part of the grid. Behind the lower part of the grid is an unblocked outlet to the seafloor. Mesh size of at least 35 mm applies posterior to the sorting grid.



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Figure 1. Norwegian total length (mm) (from the front of the eye to the back of the tale) given as function of carapax length (mm).

The size of a Northern prawn shall be measured as shown in Figure 1:

(a) Carapax length: the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace. (conform EU Reg 850/98, annex XIII, for Norway lobster)

(b) Norwegian total length: Measured from the front edge of the eye to the rear edge of the tail. (Forskrift om utøvelse av fisket i sjøen, Kapittel IX, § 44)

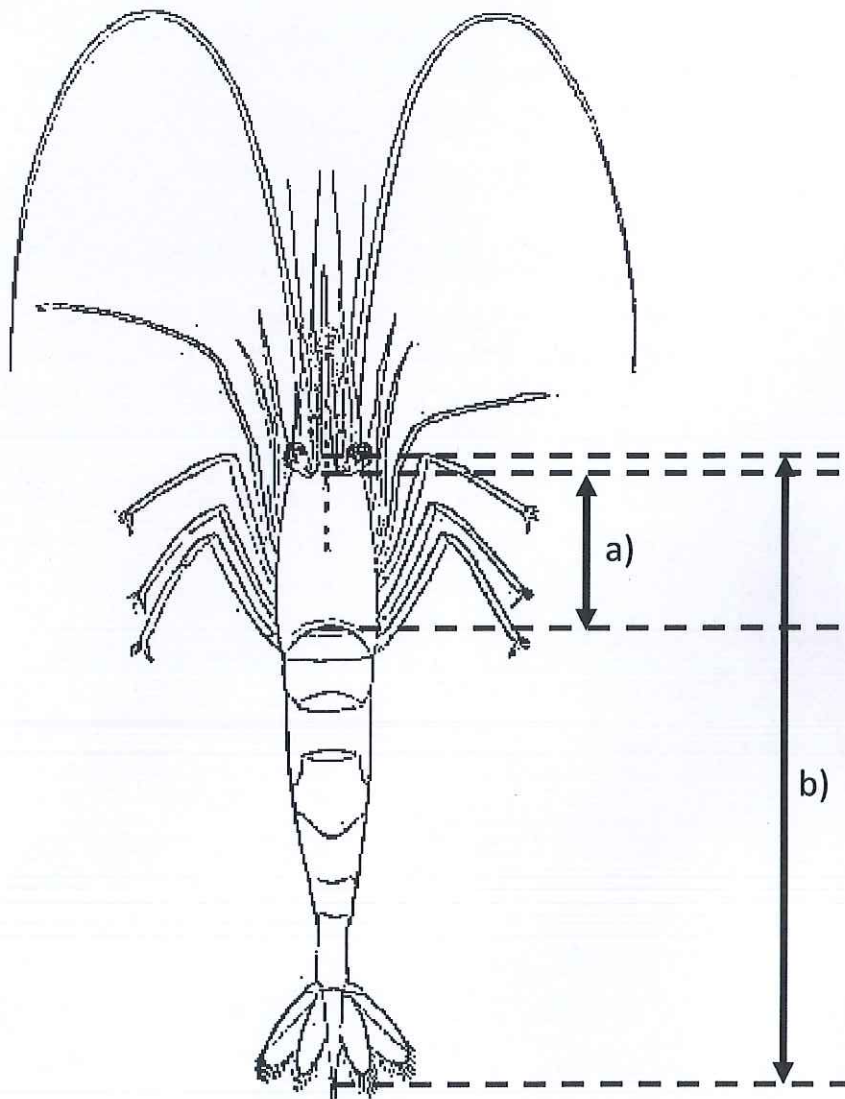


Image: Freshwater and Marine Image Bank

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