

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND NORWAY FOR 2021**

16 MARCH 2021

1 A European Union Delegation, headed by Mr. Fabrizio DONATELLA, and a Norwegian Delegation, headed by Ms. Ann Kristin WESTBERG met in the period 2 of February to 16 March 2021 by means of videoconferences to consult on mutual fisheries relations for 2021.

2 The Delegations referred to the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union signed 16 March 2021.

3 The scope of this Agreed Record is quota exchange, zonal access and other bilateral issues between the Parties.

4 The Heads of Delegations agreed to recommend to their respective authorities the fishery arrangements for 2021 as outlined in this Agreed Record, including Annex I to III and Tables 1 to 5.

5 EXCHANGE OF FISHING POSSIBILITIES

5.1 The parties agreed to exchange a number of fish quotas. The exchange is reflected in Tables 2, 3 and 4.

5.1.1 *Capelin in ICES Area XIV*

The Delegations agreed that in the event that there is a positive TAC-advice for capelin in for the fishing season 2021/2022, the EU will offer Norway a quota of no more than 10,000 tonnes. The corresponding cod equivalents will be added to the EU balance for 2021. If the level of TAC makes it impossible for EU to offer 10.000 tonnes, the corresponding amount of cod equivalents will be subtracted from the balance of the relevant year (2023).

5.1.2 *Sprat*

5.1.2.1 The Delegations noted that the ICES advice for sprat covers the period 1 July to 30 June rather than a calendar year, and that as a consequence transfers of sprat from the EU to Norway could be fished only during the period 1 July 2021 to 30 June 2022. They further noted that the transfer of 12,000 tonnes shown in Table 2 is conditional on the EU North Sea fishing opportunities in 2021/2022 of no less than 100,000 tonnes.

Should this not be the case, it was agreed that the EU would compensate Norway with the same quantity in cod equivalents in the quota exchanges for 2022.

5.1.3 *Shrimp in Greenlandic waters, ICES areas 14 and 5.a*

5.1.3.1 The Delegations agreed to allocate 1,201 tonnes of shrimp to Norway for 2022. This quota will be available for Norwegian vessels from 1 January 2022. Corresponding quota of Arcto-norwegian cod measured in cod equivalents will be added to the balance for 2021.

5.1.4 *Redfish in the Norwegian Economic Zone*

5.1.4.1 The Delegations referred to the Exchange of Letters signed at Oporto on 2 May 1992, which includes an allocation to the EU of 1,500 tonnes of redfish north of 62°N outside the balance of the bilateral fisheries agreement.

5.1.4.2 The Norwegian Delegation informed the EU Delegation that the allocation of redfish for 2021 entirely relates to *Sebastes mentella*. Moreover, the Norwegian Delegation underlined that this amount refers to total allowable catch and includes both by-catch and catches taken in a directed fishery for redfish.

5.1.4.3 The Norwegian Delegation reminded the European Delegation that Norway and the Russian Federation are the two only coastal States to this redfish stock, and that Norway and the Russian Federation for years have implemented strong conservation measures, including a direct ban on direct fishery until 2014. This precautionary regime resulted in an increase of the stock, allowing a small part of the stock to migrate into international waters for a few months during the year.

5.1.4.4 The Norwegian Delegation regretted that the European Union continues to undermine the conservation efforts of the Coastal States, by ignoring the best available scientific evidence and giving itself unsustainably high unilateral quotas for redfish in international waters in ICES I and II. The size of the unilateral quotas is so exaggerated that they constitute a de facto unlimited fishery, evidenced by the fact that the EU-fleet are only able to catch a small part of their quota.

5.1.4.5 The Norwegian Delegation stated that despite several attempts by Norway to find a common understanding, both within the framework of NEAFC and through bilateral initiatives, the European Union has showed no interest in finding an agreement, and have even expressed preference for the present situation.

5.1.4.6 The Norwegian Delegation also pointed to that the European Union's establishment of inflated quotas in international waters is a violation of the obligation under international law to cooperate and establish compatible measures to those of the Coastal States.

5.1.4.7 The EU Delegation noted that there are markedly divergent views on the management of this stock.

5.1.4.8 The EU Delegation regrets that no management measures have been agreed under the North-East Atlantic Fisheries Commission (NEAFC). Furthermore, the EU regrets that the two NEAFC contracting parties that have signed a bilateral arrangement for the management of this stock outside the scope of the relevant regional fisheries

management organisation, have not agreed to cooperate with the EU, contrary to the requirements of Article 63(2) of UNCLOS and the UN Fish Stocks Agreement.

5.1.4.9 In the absence of such cooperation and of such NEAFC measures, the EU has therefore regulated its fishery in international waters. The EU Delegation confirms that such regulation cannot be considered a unilateral quota and it has been set well below the scientific advice to take into account the activities of all other parties in the international waters.

5.1.4.10 The EU Delegation reiterates its availability to address this issue bilaterally with Norway in the near future.

5.1.4.11 In the meantime, and in the absence of NEAFC measures, the Union has regulated the fisheries in ICES Sub-Areas 1 and 2 by setting an overall catch limit.

5.1.5 Use of collecting bag in the shrimp fishery in international zone of the Barents Sea

5.1.5.1 The Norwegian Delegation referred to the European Union shrimp fishery in the Barents Sea, where collecting bags are used to catch inter alia cod and Greenland halibut, and reminded the European Union that both cod and Greenland halibut are regulated by the Joint Norwegian Russian Fisheries Commission. As coastal States, Norway and Russia have through decades made considerable efforts to rebuild these stocks, including imposing bans on the use of collecting bags for their own vessels also when fishing in international waters.

5.1.5.2 The Norwegian Delegation regretted that the European Union continues to undermine the management effort of the coastal States, by allowing catches which are not counted against the total allowable catches set for these stocks and which has a negative impact on juveniles.

5.1.5.3 The Norwegian Delegation stated that this practice constitutes a breach of the obligation under the UN Fish Stocks Agreement to cooperate and establish compatible measures to those of the Coastal States, and it also undermines the purpose of the NEAFC Recommendation 11:2015 on the use of sorting grids in the trawl fisheries for shrimp.

5.1.5.4 The EU Delegation disagree with the statement made by the Norwegian Delegation. The EU Delegation considers that the use of the collecting bags in international waters should be regulated under the regime of the North-East Atlantic Fisheries Commission (NEAFC), in accordance with the applicable international law. The EU Delegation recalled that ICES has been asked by NEAFC to provide an assessment on this issue which will allow for further debate at the 2021 Annual meeting.

5.1.5.5 Furthermore, the EU Delegation notes that one of the purposes of the NEAFC Recommendation 11:2015 is to avoid catches of juveniles in the shrimp fishery by using a mandatory sorting grid. Collecting bags implement mesh sizes between 130-140 mm, as those in place for targeted demersal fisheries, and therefore fully comply with the said Recommendation. The EU Delegation recalls that catches made with collection bag by the EU fleet are accounted for and, in the case of regulated resources reported to NEAFC.

5.1.5.6 Furthermore, the EU Delegation reiterates its readiness to address these issues with the Norwegian Delegation before the next NEAFC Annual Meeting in order to reach a solution in the shortest possible timeframe.

6 ZONAL ACCESS

6.1 The Parties agreed to establish zonal access for jointly managed stocks in the North Sea: cod, saithe, North Sea herring, haddock, plaice and whiting. The levels and condition of such access are reflected in Table 1.

6.2 The Parties also agreed to grant zonal access in each other's waters for Norwegian Spring spawning herring and blue whiting to the level reflected in Table 5. Norwegian vessels fishing blue whiting in EU waters shall be subjected to control provisions as set out in Annex III.

6.3 The Parties noted that any access granted, comes in addition to the implicit access from quotas that Parties have acquired from the quota exchange arrangement between Norway and the European Union described in Tables 2, 3 and 4 in waters of the other Party or in Greenlandic waters (Table 4).

7 EXPLORATORY FISHERIES

7.1 The EU Delegation expressed the interest of some EU operators in exploring the potential of under-utilised resources evolving in Norwegian waters, such as crab and prawns. The EU Delegation invited the Norwegian authorities to examine duly motivated requests transmitted by EU operators and to issue where justified fishing authorizations for exploratory campaigns subject to the applicable conditions. The provision of existing scientific and other basic information to interested operators would be much appreciated.

7.2 The Norwegian Delegation stated that this subject is outside the scope of this Agreed Record and referred to the website of the Directorate of Fisheries for further information in this respect.

8 CATCH INFORMATION

8.1 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.

9 TOTAL ALLOWABLE CATCHES AND QUOTAS

9.1 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in the waters of the other Party in the North Sea.

10 LICENSING

10.1 The Delegations agreed to continue the system with licensing as outlined in Annex II.

10.2 The Norwegian Delegation referred to the Agreed Record of Fisheries Consultations between Norway and the European Union on an electronic licensing scheme for fishing vessels signed 15 May 2013, and noted that vessels' characteristics for EU

vessels licensed to fish in Norwegian waters in some cases had not been updated. The Norwegian Delegation highlighted the necessity of continuously revision and sharing of updated information to the other party in real time, as described in that Agreed Record.

- 10.3 The Delegations referred to the ongoing work between the Parties in updating and modernising the existing systems and emphasised the importance of finalising this work as soon as possible.

11 CONTROL AND ENFORCEMENT

- 11.1 Monitoring, Control and Surveillance (MCS) measures for joint stocks.

- 11.1.1 The Delegations referred to Agreed Record of Fisheries Consultations between the European Union, Norway and the United Kingdom for 2021, where it is noted that for a comprehensive management regime, efficient and trustworthy MCS measures are crucial, and that strategic and operative MCS cooperation between the inspections services of the Parties is a prerequisite to improve compliance and to achieve a level playing field. Furthermore it is agreed to establish a basis for working on MCS in fisheries on joint stocks in the North Sea and to establish a Working Group.

- 11.2 Coastal State Monitoring, Control and Surveillance (MCS) Working Group for pelagic fisheries.

- 11.2.1 The Delegations also referred to the ‘Stand Alone Agreement’ from April 2020 (Agreed Record of Conclusions of Fisheries Consultations between Norway, the European Union and the Faroe Islands on Control Measures for Pelagic Stocks in the North East Atlantic for 2020).

- 11.1 Cooperation, exchange of information and inspectors.

- 11.1.1 The Delegations agreed that both strategic and operative MCS cooperation between the inspections services of the Parties is a prerequisite to improve compliance with the regulations and thereby achieve a level playing field. Enhanced cooperation between inspection services in Norway and the EU (including at Member States level) is of mutual interest, e.g. in light of transparency, compliance, securing level playing field, effective use of resources and to increase the general understanding of the Parties’ MCS regimes. Hence, the Norwegian Delegation repeated the desire to improve cooperation with the European Fisheries Control Agency (EFCA), e.g. by improving dialogue, exchange experience both in risk based approaches and operational activities and joint meetings regarding MCS activities on joint stocks.

12 ELECTRONIC REPORTING SYSTEMS (ERS) AND VESSEL MONITORING SYSTEMS (VMS) FOR FISHING VESSELS

- 12.1 Electronic reporting.

- 12.1.1 The Delegations noted that further steps towards introducing ERS and VMS in NEAFC based on the FLUX UN/CEFACT International Standard (Recommendation 19:2019) has been taken at the Annual Meeting of NEAFC in 2020 and reiterated that the NEAFC ERS and VMS should be taken into consideration in the further development of new agreements on position reporting, electronic catch and activity data, and electronic notification and authorisation scheme. The Delegations also reiterated that position reporting should become the first business content using the FLUX Transportation Layer.

The Delegations noted that the Directorate of Fisheries in Norway and the European Commission has undertaken a scoping exercise in 2020 to facilitate the further development by identifying outstanding points and preparing draft documents.

12.1.2 The Delegations agreed to continue the Working Group of Electronic Reporting and Recording Experts in 2021. The Working Group should meet under the Terms of Reference set out in Annex 1.

12.1.3 The Norwegian Delegation informed the EU Delegation that Norwegian authorities will amend the regulations on electronic reporting to further outline the responsibility of the master of the vessel when conducting fishing activities in Norwegian waters. Furthermore, the Norwegian Delegation underlined the requirement of the Flag State FMC to forward information of the RET message from the Norwegian FMC without undue delay to the master of the vessel to enable the master to fulfil the reporting requirements.

13 NOTIFICATION OF NEW LEGISLATION

13.1 The Parties agreed to communicate in a timely manner the introduction of new fisheries legislation.

13.2 The EU Delegation once again reminded the Norwegian Delegation of the need to provide new legislation in a format which is easily understandable, i.e. English, as soon as such legislation is available. The EU Delegation highlights that the lack of understandable rules substantially increases the risk of unintentional non-compliance with Norwegian law and creates a climate of legal uncertainty for the masters of European Union member states vessels. Furthermore, it multiplies the risk of discrepancies between the original Norwegian version and unofficial translation(s) by the EU or its Member States. The implications of this is that reliance on unofficial translations increases the risk of inadvertently contravening Norwegian rules. This means vessel owners may be subject to legal proceedings even if they are operating in good faith as a result of an incorrect interpretation.

13.3 Norway reiterated that no additional translations will be provided and stressed that the current notification practice is in line with the requirements under the United Nations Convention on the Law of the Sea.

13.4 Norway reminded the EU that every fishing vessel that intend to fish in areas under Norwegian jurisdiction has the duty to seek information on the relevant laws and regulations. Norway expects the EU vessels to comply with the regulations adopted by Norway when fishing in Norwegian waters.

16 March 2021

For the European Union Delegation

For the Norwegian Delegation

Fabrizio DONATELLA

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TABLE 1**ZONAL ACCESS FOR JOINTLY MANAGED STOCKS IN THE NORTH SEA**

Species	ICES Areas	TAC	Norwegian Quota	EU Quota	Norwegian access in EU waters	EU access in Norwegian waters
		Tonnes	Tonnes	Tonnes	Tonnes	Tonnes
Cod	4	13,246	2,252	5,170	2,252	4,494
Haddock	4	42,785	9,841	6,080	9,841	4,523
Saithe	4, 3a	59,512	30,946	22,198	30,946	22,198
Whiting	4	21,306	2,131	6,669	2,131	4,518
Plaice	4	143,419	10,039	95,417	10,039	39,153
North Sea herring	4, 7d	356,357	103,344	187,301	3,000	3,000

TABLE 2**EXCHANGE OF QUOTAS FROM NORTH SEA AND OTHER AREAS**

SPECIES	ICES AREA	QUOTA TO NORWAY IN THE EU ZONE (TONNES)	QUOTA TO THE EU IN THE NORWEGIAN ZONE (TONNES)
Saithe	4, 3a	150	
Pandalus	4		200
Anglerfish	4		1,000
Norway lobster	4		200
Sole	4	10	
Hake	4		2,000
Sprat ¹	4	12,000	
Tusk	4		75
Blue whiting	2a, 4, 6a, 6b, 7	37,500	
Ling	4		900
Others ²	4	1,000	2,600

¹ To be fished from 1 July 2021 to 30 June 2022

² Defined as species not specifically mentioned in Tables 1 to 5.

TABLE 3**QUOTAS TO THE EU OF NORWEGIAN EXCLUSIVE STOCKS**

SPECIES	ICES AREA	QUANTITY (TONNES)
Arcto-Norwegian cod	1; 2	10,274
Arcto-Norwegian haddock	1; 2	500
Saithe	1; 2	770
Greenland halibut (by-catches)	1; 2	50
Others (by-catches)	1; 2	100

TABLE 4**QUOTAS TO NORWAY FROM THE EU QUOTAS IN GREENLANDIC WATERS³**

SPECIES	ICES AREA	QUANTITY (TONNES)
Shrimp	14; 5.a	1,000
Greenland halibut	NAFO 1	550
	ICES 14; 5.a	650
Grenadier (by-catches)	NAFO 1	40
Grenadier (by-catches)	ICES 14; 5.a	25
Capelin	14; 5.a	10,000

³ As of the adoption of the EU-GRL SFPA Protocol foreseen by the end of March 2021

TABLE 5**ZONAL ACCESS FOR BLUE WHITING AND NORWEGIAN SPRING SPAWNING HERRING**

Species	ICES Area	Access for EU vessels in Norwegian EEZ	Access for Norwegian vessels in EU Zone
		Tonnes	Tonnes
Blue whiting	2a, 4, 6a, 6b, 7	141,648	141,648
Norwegian Spring spawning herring	Norwegian fisheries jurisdiction North of 62°N	29,667	-

**TERMS OF REFERENCE FOR A WORKING GROUP ON
ELECTRONIC REPORTING AND RECORDING EXPERTS FOR 2021**

The Delegations agreed that the Working Group on Electronic Reporting and Recording Experts should meet before 31 May 2021 under the Terms of Reference described below. After that the Working Group should meet as appropriate.

The Working Group shall:

1. Revise the arrangements set down in the *Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on Electronic exchange of catch and activity data of 14 November 2011*, with a view to:
 - 1.1. Establish technical procedures and specifications taking into account the use of the UN/FLUX standards, based on the arrangements of the new NEAFC ERS.
 - 1.2. Identify additional reporting needs, outstanding issues and elements that can improve performance of the current system for electronic exchange of catch and activity data (ERS) between the European Union and Norway to be implemented in the new ERS system based on UN/FLUX standards.
 - 1.3. Establish technical procedures and specifications to implement the possibility to pull data covering fishing activities before entering and after exiting the economic zone of the other Party, to be implemented in the new ERS system based on UN/FLUX standards.
2. Revise the arrangements set down in the *Agreed Record of Conclusions between Norway and the European Union on Issues Related to Satellite Tracking of Fishing Vessels signed by Norway 15 February 2013 and by the European Union 31 January 2013*.
3. Revise the arrangements set down in the *Agreed Record of Fisheries Consultations between Norway and the European Union on an electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)* and in the *Agreed Record of Fisheries Consultations between Norway and the European Union on the future development of the electronic licensing scheme for fishing vessels (Bergen, 15 May 2013)*, with a view to implement the electronic data exchanges for notification and authorisations for fishing vessels between the European Union and Norway based on UN/FLUX FLAP standards.
4. Follow up the implementation of the agreed electronic reporting system between Norway and the European Union, including RET messages, to secure satisfactory exchange and increased quality of catch and activity data.

The Working Group should submit its report to the Parties well in advance of the annual consultations for 2022.

CONDITIONS FOR FISHERIES BY THE PARTIES IN 2021

I. JOINT STOCKS

1. The Total Allowable Catches (TACs) for the stocks mentioned in Table 1 for 2021 shall be as indicated in that table. If ICES make new scientific recommendations, 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 Parties of allocations granted 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 1 to 5 within the quotas set out in these tables.

III. FISHERY REGULATIONS

1. The Parties will consult on fishery regulations in the North Sea, with a view to achieving, as far as possible, the harmonization of regulatory measures in the zones of the two Parties.
2. A Party intending to introduce or amend fishery regulations, applicable to vessels of the other Party shall duly inform the Parties of such intentions without delay.

IV. LICENSING

1. Licensing by either Party of the other Party's vessels in 2021 shall be limited to the following fisheries.
 - A. EU 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 EU zone and in Greenland waters:
 - all fishing in NAFO Sub-area 1 and ICES Sub-area XIV and Division Va;
 - all fishing in the EU's fishing zone with vessels over 200 GRT.

For 2021, 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 2020, may continue their activities in 2021.
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.

**CONDITIONS FOR NORWEGIAN VESSELS INTENDING TO FISH
FOR BLUE WHITING IN EUROPEAN UNION WATERS**

The following provisions shall apply to Norwegian vessels intending to fish for blue whiting in European Union waters in 2021:

1. Vessels that already have catch on board.
 - 1.1. Vessels that already have catch on board may only commence their fishing trip after having received authorisation from the competent authority of the coastal Member State concerned.
 - 1.2. Upon entering European Union waters, the master of the vessel shall contact the Fisheries Monitoring Centre of the coastal Member State concerned, as follows:
Ireland (Haulbowline) by e-mail at the following address: fmcireland@defenceforces.ie or by telephone (+353 21 4378752) at least 12 hours prior to entering one of the control areas referred to in point 1.1.
 - 1.3. The notification shall specify the name, international radio call sign and port letters and number (PLN) of the vessel, the total quantity by species on board and the position (longitude/latitude) where the master estimates that the vessel will enter European Union waters as well as the area where he intends to commence fishing. The vessel shall not commence fishing until it has received acknowledgement of the notification and instructions on whether or not the master is required to present the vessel for inspection. Each acknowledgement shall have a unique authorisation number which the master shall retain until the fishing trip is terminated.
 - 1.4. Notwithstanding any inspections that may be carried out at sea the competent authorities may in duly justified circumstances require a master to present his vessel for inspection in waters of Blacksod Bay or in the port of Killybegs.
2. Vessels that enter European Union waters with no catch on board shall be exempt from the requirements laid down in point 1.
3. Vessels that transit through European Union waters must stow their nets so that they may not readily be used in accordance with the following conditions:
 - a. Nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes; and
 - b. Nets, which are on or above deck, shall be securely lashed to same part of the superstructure.