AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN SKAGERRAK AND KATTEGAT FOR 2022

10 DECEMBER 2021

- 1 A European Union Delegation, headed by Mr. Janusz ZIELINSKI, and a Norwegian Delegation, headed by Ms. Ann Kristin WESTBERG met in Oslo 9-11 November 2021 and by means of videoconferences in December to consult on mutual fisheries relations for 2022.
- 2 The Delegations recalled the Agreed Record of Fisheries Consultations between United Kingdom, Norway and the European Union signed 10 December 2021.
- 3 The Heads of Delegations agreed to recommend to their respective authorities the arrangements for the regulation of fisheries in Skagerrak in 2022, outlined in this Agreed Record, including Annexes I to VI.
- 4 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.

5 Discard ban and landing obligation in the Skagerrak

- 5.1 The Delegations acknowledged that although all Parties now have introduced legislation that prohibits most forms of discarding of fish, discards still remain a serious problem and might have contributed to the current poor condition of some stocks. The Delegations agreed to work towards improving the exploitation pattern and reduce the unwanted catches and the discards through the use of technical measures to improve the 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.
- 5.2 In the light of the de minimis and high survivability exemptions contained in the EU landing obligation, the EU Delegation informed the Norwegian Delegation of its intention in 2022 to continue to adjust from the EU quotas the estimated amounts of the discards.

6 Management, including Monitoring, Control and Surveillance

6.1 The Delegations noted that the Monitoring, Control and Surveillance Working Group for joint stocks in the North Sea is covered by the Agreed Record of Conclusions of Fisheries Consultations between Norway, the European Union and the United Kingdom for 2022. The Delegations agreed to further cooperate to

- enhance control, monitoring and surveillance activities in Skagerrak through this working group during 2022.
- 6.2 The Delegations recognized that there is a need to further strengthen cooperation and contact between the control services, both on strategic and operational level, in order to increase the effectiveness of the control.

7 Licencing

- 7.1 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.
- 7.2 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.

8 Reciprocal access agreement for Skagerrak

- 8.1 The Delegations referred to the Agreement of 15 January 2015 between the Kingdom of Norway and the European Union on Reciprocal Access to Fishing in the Skagerrak for Vessels Flying the Flag of Denmark, Norway and Sweden.
- 8.2 The Delegations agreed to continue the practice of establishing a separate Agreed Record, on an annual basis, for the regulation of fisheries in the Skagerrak.

9 Total allowable catches and quotas

- 9.1 The Delegations agreed that the system of inter-annual quota flexibility should cover plaice, haddock, saithe, herring, whiting and Pandalus for 2022. The Delegations noted that the regimes for inter-annual quota flexibility as revised in 2021, are set out in annex II.
- 9.2 The Delegations agreed that vessels should have adequate quota or fishing possibilities to cover expected catch composition when fishing in Skagerrak.

10 Cod

- 10.1 The Delegations agreed that the TAC for 2022 should be 1 893 tonnes in Skagerrak.
- 10.2 The Delegations agreed that in addition to the TAC level as referred to in paragraph 10.1, joint additional measures aimed at the protection of juvenile and adult cod introduced in 2020 should continue in order to restore the North Sea and Skagerrak cod stock by reducing unwanted catches and discard and lower fishing pressure.
- 10.3 The European Union Delegation informed the Norwegian Delegation of its intention to continue to apply additional management and control measures aimed at the protection of juvenile and adult cod introduced in 2020.

- 10.4 The Delegations therefore agreed to continue the seasonal closures for the protection of spawning aggregations. The coordinates and timing of such closures are specified in Annex V. The Delegations agreed to prohibit fishing with all gears in these areas with the exception of pelagic trawls and purse seine.
- 10.5 Moreover, the Delegations recalled the report of the Working Group on technical measures of January 2020 and agreed that this report remains a useful basis for cooperation with the view to improve the utilisation of the cod stock.

11 Haddock

11.1 The Delegations agreed that the TAC for Haddock for 2022 should be no more than 2 761tonnes.

12 Pandalus

- 12.1 The Delegations noted that ICES advices that total allowable catches for the first half of 2022 should be no more than 5 554 tonnes. The Delegations also noted that this advice will be updated early 2022, in accordance with the management strategy for Pandalus.
- 12.2 The Delegations agreed to establish a preliminary TAC in Skagerrak for 2022 of 5 554 tonnes, and agreed to apply this on a pro rata basis to cover the first four months of the year in the case of Norway, and the first six months of the year in the case of EU.
- 12.3 The Norwegian Delegation informed the EU Delegation of its intention to fix within the quantity given in point 12.1 a quota for Pandalus for Division 4.a. East of 1 666 tonnes.
- 12.4 The Delegations agreed to consult on establishing a final TAC for 2022 as soon as the final ICES advice for Pandalus is available.
- 12.5 The Delegations recalled that they on 25th April 2018 had agreed to a Long-Term Management Strategy (LTMS) for Pandalus in Skagerrak and in the Norwegian Deep that is applicable as from 1 January 2019 onwards. The joint LTMS is set out in Annex III
- 12.6 The Delegations further noted that they agreed in 2018 that this LTMS shall be revised by the end of 2021 or following the next ICES benchmark of the stock. The next benchmark for Pandalus will take place early 2022. The Delegations therefore agreed to meet after the finalization of the benchmark of the stock to consider possible revisions to the LTMP and request to ICES.
- 12.7 The Delegations noted that authorities, industry and scientists have been working together on solving issues related to management of Pandalus, in particular regarding reduction of discard. This cooperation has been fruitful, and the Delegations are convinced that the technical solutions being developed and implemented, will contribute to reduced discard of Pandalus. The Delegations endorsed this form of cooperation in order to handle specific issues.

13 Herring

- 13.1 The Delegations recalled that EU and Norway in 2014 had agreed on a TAC-setting method for North Sea herring C fleet catches in Skagerrak. The method is as follows: 5.7% of the A fleet TAC plus 41% of the Western Baltic Spring Spawning (WBSS) herring advice. When the ICES advice for WBSS herring from 2019 onwards was zero, the parties used the non-zero TAC established by EU, to calculate the TAC for herring in Skagerrak.
- 13.2 The Norwegian Delegation noted that this method has been regarded by ICES as unsustainable since 2019.
- 13.3 The EU Delegation noted that the concerns expressed by ICES on the C fleet relate to the zero-catch advice for WBSS herring. ICES noted in 2019 that the herring catches for Division 3.a should be as close to zero as possible given that without additional area and/or time restriction on the herring fishery, a catch of WBSS herring would be inevitable.
- 13.4 The Delegations noted that ICES has advised a zero catch of WBSS herring since 2019. They also noted the decision by the European Union to establish a TAC for 2022 of 788 tonnes for WBSS herring in Subareas 22-24 exclusively used for bycatch in the Baltic Sea.
- 13.5 The Delegations decided to apply this TAC when calculating the WBSS herring proportion of the TAC for herring in Skagerrak and Kattegat.
- 13.6 Based on this TAC-setting method, the Delegations agreed to establish a TAC of 25 021 tonnes in the Skagerrak and Kattegat for 2022. This is an increase of 15,8 % compared to 2021.
- 13.7 The Delegations concluded that the by-catches of herring taken in industrial and sprat fisheries would be limited to 6,659 tonnes in 2022. This represents a rollover of the 2021 level.
- 13.8 Norway referred to their comments in paragraph 15.8 in the Agreed Record between Agreed Record of Fisheries Consultations between the European Union, Norway and the United Kingdom for 2022, and stated that by-catch quotas as this should not be a part of modern fisheries management, and that the quota in any circumstances is too high.
- 13.9 The EU Delegation referred to its statement in paragraph 15.9 of the Agreed Record between Agreed Record of Fisheries Consultations between the European Union, Norway and the United Kingdom for 2022 and noted that fixed quotas for herring bycatches in industrial fisheries as an effective and therefore key management measure to limit juvenile herring mortality.
- 13.10 The delegations noted that the presentation of the Working Group on herring given in Round 1 of the consultations, when taken together with information in the ICES stock annex for North Sea herring, indicate the importance of the Skagerrak and the Southern North Sea as nursery areas for juveniles and young herring. Delegations also noted that the presentation of the Working Group indicated the intermixing of with Western Baltic Spring Spawning (WBSS) herring in the Skagerrak and North

- Sea, where the majority of WBSS catches now occur in the Skagerrak and to a lesser extent in the Eastern North Sea.
- 13.11 In order to protect juveniles and small herring, as well as Western Baltic Spring Spawners, the Delegations agreed that for the quotas established for Skagerrak and Kattegat, Norway and the European Union would be able to fish up to 100 % of their quotas in the North Sea, subject to any access restrictions.
- 13.12 The EU Delegation noted its intention to set a level of actual catches of herring in the Skagerrak and Kattegat of no more than 969 tonnes and to apply, as an ad-hoc arrangement for 2022, an inter-area flexibility for its quotas in the Skagerrak and Kattegat equal to 5,7 % of its A fleet TAC in waters of 4a and 4b.
- 13.13 Norway stated that at least 95 % of their herring quota for Skagerrak would be transferred to the North Sea.
- 13.14 The Norwegian delegation noted that EU for a number of years, and without the knowledge and consent from Norway has operated with a unilateral "banking and borrowing" scheme for the juvenile by-catch quotas. These quotas are meant to cover unavoidable by-catch in the sprat fishery, and banking and borrowing on such quotas are not meaningful in a fisheries management context. Norway was also of the understanding that only the quotas of table 1 was subject to flexibility from Skagerrak to the North Sea. They further noted that these kinds of intransparent, unilateral actions do not contribute to a good collaborative climate.
- 13.15 The EU Delegation noted that the inter-annual flexibility scheme (so called 'banking and borrowing') agreed by the EU and Norway applies to all stocks that fulfil the conditions specified in Annex II without excluding any TAC of a given Party. Furthermore, the EU Delegation noted that the same inter-annual and inter-area flexibilities for herring bycatches in industrial fisheries is applied by Norway when counting those bycatches against a general quota.

14 Plaice

- 14.1 The Delegations noted that the ICES advice now encompasses both the North Sea and Skagerrak and recalled that they in 2016 had agreed to apply 11.8% as share for Skagerrak of the overall TAC.
- 14.2 Based on its MSY approach ICES advices that total catches in 2022 should be no more than 142 508tonnes.
- 14.3 The Delegations agreed to establish a TAC for plaice in ICES Subarea 4 (North Sea) and Subdivision 20 (Skagerrak) in 2022 at142 508 tonnes. This is a reduction of 12,36 % compared to 2021.
- 14.4 The Delegations agreed to apply the scheme described in paragraph 14.1 and for 2022 establish a TAC of 16 816 tonnes in Skagerrak (Subdivision 20).

15 Sprat

15.1 The Delegations noted that the ICES advice for Sprat now encompasses both the North Sea and Skagerrak, and recalled that they at 12 June 2020 had agreed to apply 18.3% as share for Skagerrak and Kattegat of the overall TAC (Agreed Record of

- Fisheries Consultations between the European Union and Norway for sprat for the period from 1 July 2020 to 30 June 2021).
- 15.2 The Delegations recalled that ICES, based on its MSY approach, advised that total catches in July 2021 June 2022 should be no more than 106 715 tonnes. The Delegations also recalled that, based on this advice, on 18 June 2021 Norway, EU and UK had agreed to establish a TAC of 106 715 tonnes. Applying the agreed ratio, the TAC for Skagerrak and Kattegat for the period 1 July 2021 to 30 June 2022 was set to 19 529 tonnes.
- 15.3 The Delegations agreed to meet in April 2022 to consider the TAC for 1 July 2022 to 30 June 2023.

16 Whiting

16.1 The Delegations agreed to establish a TAC of 929 tonnes in 2022 for the Skagerrak and Kattegat, in accordance with the ICES advice.

17 "Others" quota

- 17.1 The Norwegian Delegation informed the EU Delegation that Norway would set an "others" quota of 2,000 tonnes for the EU vessels fishing in the Norwegian zone. Norway also informed the EU Delegation that Norwegian vessels catch of "others" species in the EU zone, will be restricted to 2,000 tonnes. Jointly managed stocks (cod, haddock, whiting, saithe, plaice, mackerel, Pandalus, herring and sprat) as well as blue whiting, Norway pout, sandeel and horse mackerel are not to be counted against the "others" quotas.
- 17.2 The EU Delegation was not yet in a position to set an "others" quota for Norwegian vessels in the EU zone, and therefore only require that all vessels continue to report the catches taken in each Party's waters.

18 Technical measures

- 18.1 The Delegations referred to the Agreed Record of Fisheries Consultations between the European Union and Norway on Technical Measures in Skagerrak, signed in Gothenburg 6 September 2018, and in particular to Annex I in that Agreed Record. The Delegations recalled that a joint Real Time Closure (RTC) system for Pandalus in Skagerrak should have been ideally established no later than 1 July 2019.
- 18.2 The European Union Delegation informed the Norwegian Delegation that the Regulation (EU) 2019/2201 on certain rules for the implementation of real-time closures for Northern prawn fisheries in the Skagerrak has been amended on 15 September 2021 through Regulation (EU) 2021/1473. For the sake of legal certainty, 'juveniles of Northern Prawn' is now used throughout the text for the same concept instead of any synonym thereof. Other amendments include a catch trigger level based on number compared to the overall number in a sample and a minimum sample size of 1 kilogram by weight or 2 litres by volume, in line with the Agreed Record

- of the Consultations between the European Union and Norway of 6 September 2018 on technical measures in the Skagerrak.
- 18.3 The Delegations noted that since 2004, fishing with beam-trawls in an area inside 12 nautical miles from the coast between Hirtshals Lighthouse to Hanstholm has been prohibited for fishing vessels whose engine power exceeds 221 kW. The European Union delegation informed the Norwegian Delegation that this measure is currently established in Regulation (EU) 2019/1241 on Technical Measures.

19 Catch statistics

- 19.1 The Delegations agreed to communicate to each other, on a monthly basis, catch statistics for fishing by their own vessels for all species. This monthly information shall be communicated not later than the end of the following month.
- 19.2 The Delegations agreed that catch statistics, including inter-annual quota flexibility, should be attached to future Agreed Records.

20 Quota arrangements

- 20.1 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.
- 20.2 The Norwegian Delegation stated that the ad hoc sharing arrangement for 2022 is greatly imbalanced in Norway's disfavour. Norway will therefore invite the European Union for consultations during 2022 with the purpose of establishing a sharing arrangement closer to zonal attachment of the main species.

10 December 2021

For the European Union Delegation

For the Norwegian Delegation

Mr. Janusz ZIELINSKI

Ann Kristin WESTBERG

TACS AND ALLOCATIONS IN 2022

Catches taken, during the period 1 January to 31 December 2022 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 2022	ALLOCATION TO NORWAY	ALLOCATION TO EUROPEAN UNION
СОД	S	1 893	61 ⁽²⁾	1 832
HADDOCK (3)	S + K	2 761	116	2 645
WHITING	S + K	929	17	912
PLAICE	S	16 816	336	16 480
MACKEREL	S + K	pm	pm ⁽⁴⁾	pm
PANDALUS ⁽⁵⁾	S	3 888	1 812	2 076
HERRING	S + K	25 021	3 337	21 684
SPRAT (6)	S + K	19 529	1 465	18 064

- (1) Skagerrak (S): the area bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse. Skagerrak and Kattegat (S + K): the area defined as Skagerrak, 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 Delegations agreed to consult on establishing a final TAC for 2022 as soon as the final ICES advice for Pandalus is available.
- (6) Catches in the period from 1 July 2021 to 30 June 2022.

INTER-ANNUAL QUOTA FLEXIBILITY

The inter-annual quota flexibility scheme applicable to the jointly managed stocks discussed during these consultations shall be terminated if:

- The spawning stock biomass is estimated to be below the precautionary reference point Bpa in the TAC year and the fishing mortality is estimated to be above the precautionary reference point Fpa in the intermediate year; or
- the SSB is estimated to be below Bpa in both the TAC year and the year thereafter.

Each Party may transfer unutilised quota from the TAC year to be caught in the following year. Each Party may transfer up to 10% of its total quota allocation. This quantity cannot be transferred further in subsequent years.

Each Party may authorise fishing by its vessels beyond its total quota allocation for the TAC year by up to 10%. The quantity fished beyond the allocated quota shall be deducted from the Party's allocation for the year after the TAC year.

The Delegations agreed that in order to ensure transparency in the operation of interannual quota flexibility, more detailed information on catch utilisation shall be exchanged.

The TAC year is the year for which the agreed TAC applies, and the intermediate year is the year prior to the TAC year.

LONG TERM MANAGEMENT STRATEGY FOR NORTHERN SHRIMP (PANDALUS BOREALIS) IN DIVISIONS 3.A. AND 4.A.EAST (SKAGERRAK AND KATTEGAT AND NORTHERN NORTH SEA IN THE NORWEGIAN DEEP)

The Parties agree to implement a Long Term Management Strategy (LTMS) for the Northern shrimp in the Northern North Sea (Norwegian Deep) and in the Skagerrak and Kattegat. The objective of this LTMS is to provide for sustainable fisheries with high and sustainable yields in conformity with the precautionary approach.

For the purpose of this LTSM, the following definitions shall apply:

- "SSB" means the estimate according to ICES of the Spawning Stock Biomass at the beginning of the TAC year.
- B_{TRIGGER is} the value of spawning stock biomass (SSB) that triggers a specific management action.
- F_{TARGET} is the fishing mortality to be included in the algorithm for pre-agreed management actions as a function of variables related to the status of the stock.

Values for $B_{TRIGGER}$ and F_{TARGET} are fixed in the light of the latest available ICES advice, at levels of 9 900 t and 0.59 respectively. The TAC will be established for each calendar year (from January 1st to December 31st).

- By end of the year N-1, a preliminary TAC will be adopted by the Parties based on ICES catch forecast for the six first months of the year N, released in March of year N-1.
- The Parties will establish the final TAC for the entire year N in light of the ICES stock advice released in March of year N.

When establishing the preliminary and the final TACs the following rules shall apply:

- a. When the SSB at the start of the year is estimated at or above $B_{TRIGGER}$ the Parties will fix a TAC consistent with a fishing mortality rate of F_{TARGET} .
- b. When the SSB at the start of the year is estimated below $B_{TRIGGER}$, the Parties will fix a TAC consistent with a fishing mortality rate of F_{TARGET} **x** (SSB/B_{TRIGGER}).

The TAC will include all removals made from the stock.

When SSB is estimated to be at or above $B_{TRIGGER}$, the TAC derived from paragraph (a) can be deviated with up to 10 % according to the "banking and borrowing" scheme described in Annex III to this Agreed Record.

This LTMS will be applicable from 1st January 2019 onwards.

It shall be revised by the end of 2021 or following the next ICES benchmark of the stock.

INTER-ANNUAL QUOTA FLEXIBILITY FOR PANDALUS BOREALIS

- 1. Each Party may transfer to the following year unutilised quantities of up to 10% of the quota allocated to it. The quantity transferred shall be in addition to the quota allocated to the Party concerned in the following year. The quantity cannot be transferred further to the quotas for subsequent years.
- 2. Each Party may authorise fishing by its vessels of up to 10% beyond the quota allocated. All quantities fished beyond the allocated quota for one year shall be deducted from the Party's quota allocated for the following year.
- 3. Complete catch statistics, quotas and inter-annual quota transfers for the previous year should be made available to the other Party no later than 1 May.
- 4. The inter-annual quota flexibility scheme shall not apply when the SSB is estimated at the beginning of the year to be below B_{TRIGGER}.

SEASONAL AREA TO PROTECT SPAWNING COD

The following areas in the table below will be closed for all gears excluding pelagic gears (purse seine and trawl), for the identified time period:

Time Limited Closures					
No	Area Name	Coordinates	Time period	Additional Comment	
1	Stanhope ground	60° 10N - 02° 00E 60° 10N - 02° 45E 60° 25N - 01° 45E 60° 25N - 02° 00E	01 January to 30 April		
2	Long Hole	59° 07.35N - 0° 31.04W 59° 03.60N - 0° 22.25W 58° 59.35N - 0° 17.85W 58° 56.00N - 0° 11.01W 58° 56.60N - 0° 08.85W 58° 59.86N - 0° 15.65W 59° 03.50N - 0° 20.00W 59° 08.15N - 0° 29.07W	01 January to 31 March		
3	Coral edge	58° 51.70N - 03° 26.70E 58° 40.66N - 03° 34.60E 58° 24 00N - 03° 12.40E 58° 24 00N - 02° 55.00E 58° 35 65N - 02° 56.30E	01 January to 28 February		
4	Papa Bank	59° 56N - 03° 08W 59° 56N - 02° 45W 59° 35N - 03° 15W 59° 35N - 03° 35W	01 January to 15 March		

Time Limited Closures				
No	Area Name	Coordinates	Time period	Additional Comment
5	Foula Deeps	60° 17.5N - 01° 45W 60° 11.0N - 01° 45W 60° 11.0N - 02° 10W 60° 20.0N - 02° 00W 60° 20.0N - 01° 50W	01 November to 31 December	
6	Egersund Bank	58° 07.40N - 04° 33.0E 57° 53.00N - 05° 12.0.E 57° 40.00N - 05° 10.9E 57° 57.90N - 04° 31.9E	01 January to 31 March	(10 x 25 nm)
7	East of Fair Isle	59° 40N - 01° 23W 59° 40N - 01° 13W 59° 30N - 01° 20W 59° 10N - 01° 20W 59° 10N - 01° 28W 59° 30N - 01° 28W	01 January to 15 March	
8	West Bank	57° 15N - 05° 01E 56° 56N - 05° 00E 56° 56N - 06° 20E 57° 15N - 06° 20E	01 February to 15 March	(18 x 4 nm)
9	Revet	57° 28.43N - 08° 05.66E 57° 27.44N - 08° 07.20E 57° 51.77N - 09° 26.33E 57° 52.88N - 09° 25.00E	01 February to 15 March	(1.5 x 49 nm)
10	Rabarberen	57° 47.00N - 11° 04.00E 57° 43.00N - 11° 04.00E 57° 43.00N - 11° 09.00E 57° 47.00N - 11° 09.00E	01 February to 15 March	East of Skagen (2.7x4 nm)

PRELIMINARY CATCH STATISTICS

Skagerrak agreement	Area	Provisional catch statistics 2021		
Species		Norway ¹	EU ²	
Cod	S	20	1,455	
Haddock	S+K	7	1,520	
Whiting	S+K	2	82	
Plaice	S	2	5,617	
Mackerel	S+K		0	
Pandalus (*)	S	4 040	1,647	
Herring	S+K	1 113	15,247	
Sprat	S+K	420	581	

^{*}Of Norwegian quota in North Sea and Skagerrak combined

¹ From 1 January – 8 December ² January - October