

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION THE FAROE ISLANDS FOR 2017**

BRUSSELS, 7 DECEMBER 2016

- 1 A Delegation of the European Union, headed by Mr Jacques VERBORGH, and a Delegation of the Faroe Islands, headed by Mr Andras KRISTIANSEN, met in Brussels on 6 and 7 December 2016 for consultations on mutual fisheries relations in 2017. A list of participants is attached as Annex 3.
- 2 In conformity with the Agreement on fisheries between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, the Delegations agreed to recommend to their respective authorities that the allocations for 2017 set out in Annex 1 should be made to vessels of either Party fishing in the waters of the other Party.

3 Mackerel

- 3.1 The Delegations noted the results of the consultations in Clonakilty, Ireland, on 18 and 19 October 2016, and the conclusion of a Coastal State arrangement for 2017. This arrangement is in line with the mackerel arrangement of 12 March 2014 between the European Union, the Faroe Islands and Norway for the period 2014 to 2018.
- 3.2 The Delegations agreed to grant reciprocal access for 2017 to one another's waters, as follows:
 - The European Union is granted access to fish 38,576 tonnes of its 2017 catch limit in Faroese waters.
 - The Faroe Islands are granted access to fish 38,576 tonnes of their 2017 catch limit in EU waters of ICES Sub-area 6a north of 56°30'N¹.

4 Blue whiting

- 4.1 The Delegations welcomed the agreement reached by Coastal States on a Coastal State Arrangement for 2017. They agreed that in line with this Arrangement, it would be appropriate to base their unilateral quotas on the F_{msy} level of 1,342,330 tonnes, as advised by ICES and agreed by all Coastal States.
- 4.2 On this basis, the EU Delegation informed the Faroese Delegation that the EU would set a definitive quota of 555,973 tonnes of blue whiting for 2017. The Faroe Islands Delegation informed the EU Delegation that they expected to establish a definitive quota for blue whiting in early 2017.

¹ May be fished in ICES Divisions 2a, 4a North of 59° N (EU Zone) from 1 January to 15 February and from 1 October to 31 December

4.3 The Delegations agreed that establishing their respective unilateral quotas for blue whiting for 2017 does not in any way imply the acceptance of the level of these quotas by any Party.

4.4 The Delegations agreed to grant reciprocal access for 2017 to one another's waters, as set out below:

- The European Union is granted access to fish 21,500 tonnes of its catch limit in Faroese waters.
- The Faroe Islands is granted access to fish 21,500 tonnes of its catch limit in EU waters of ICES Sub-areas 2, 5, 6a², 6b and 7³ and ICES Division 4a⁴.

5 Norwegian spring-spawning (Atlanto-Scandian) herring

5.1 The Delegations welcomed the agreement reached by Coastal States on a Coastal State Arrangement for Norwegian spring-spawning (Atlanto-Scandian) herring for 2017. They agreed that in line with this Arrangement, it would be appropriate to base their unilateral quotas on the long-term management plan adopted by the Coastal States in 1999 at a level of 646,075 tonnes, as agreed by all Coastal States.

5.2 On this basis, the EU Delegation informed the Faroese Delegation that the EU would set a definitive quota of 42,059 tonnes of Norwegian spring-spawning (Atlanto-Scandian) herring for 2017. The Faroe Islands Delegation informed the EU Delegation that they expected to establish a definitive quota for Norwegian spring-spawning (Atlanto-Scandian) herring in the first half of 2017.

5.3 The Delegations agreed that establishing their respective unilateral quotas for Norwegian spring-spawning (Atlanto-Scandian) herring for 2017 does not in any way imply the acceptance of the level of these quotas by any Party.

5.4 The Parties shall grant reciprocal access to each other's waters for 2017, as set out below:

- The European Union is granted access to fish 6,000 tonnes of its own catch limit for 2017 in Faroese waters north of 62°N.
- The Faroe Islands is granted access to fish 6,000 tonnes of its own catch limit for 2017 in EU waters north of 62°N.
- Upon request from the Faroe Islands, the EU will issue a maximum of 20 licences to Faroese vessels for the fishing of Norwegian spring-spawning (Atlanto-Scandian) herring in EU waters north of 62°N.
- Upon request from the European Union, the Faroe Islands will issue a maximum of 20 licences to EU vessels for fishing Norwegian spring-spawning (Atlanto-Scandian) herring in Faroese waters north of 62°N.

² North of 56°30'N

³ West of 12°W

⁴ The catches in ICES Division 4a, in respect of this arrangement, shall be limited to no more than 25% of the total access quantity

- Upon request from either Party, and within the limit of the agreed maximum number of licences, licences in respect of particular vessels may be withdrawn at any time and be replaced by licences for alternative vessels. Such adjustments will be processed expeditiously and issued without unnecessary delay.

6 Sprat

6.1 The Delegations noted that the ICES advice for sprat covers the period 1 July to 30 June rather than the calendar year, and that as a consequence, transfers of sprat from the EU to the Faroe Islands could be fished only during the period 1 July 2017 to 30 June 2018. They further noted that the transfer of 1,000 tonnes shown in Annex 1, Table 1.2 is conditional on an ICES catch advice in 2017 of no less than 100,000 tonnes. Should this not be the case, it was agreed that the EU would compensate the Faroe Islands with the same quantity in cod equivalents in the quota exchanges for 2018.

7 Fishery regulations

7.1 As regards real time closures of areas due to high abundance of juvenile fish, the competent authorities of the Faroe Islands will inform without delay European Union fishing vessels operating in its waters at the time of the closure. European Union fishing vessels concerned have to leave the relevant area(s) within 6 hours from the time and date of the notice sent to the vessel.

7.2 The competent authorities of the Faroe Islands will also inform without delay the European Commission and FMC of the relevant Member State of each closure. In so doing, the authorities of the Faroe Islands will submit a copy of the measure and the elements justifying the adoption of this measure.

7.3 The Delegations noted that the competent authorities of the Faroe Islands shall endeavour to inform any European Union vessel entering Faroese waters of any current closure. However, the Delegations agreed that responsibility for informing vessels of the details of closures rests with the flag State authorities.

7.4 The EU Delegation recalled the need to provide new Faroese legislation applicable to EU vessels in the English language as soon as such legislation becomes available.

8 Licensing and permitted fishing vessels

8.1 The Delegations agreed that the "Agreed Record of Conclusions of Licence Arrangements between the European Community and the Faroe Islands for 2008" signed at Brussels on 5 December 2007, shall remain valid for 2017.

8.2 The Delegations agreed that the Parties would exchange information on the lists of vessels authorised to fish in each other's waters during 2017. Vessels, which were authorised to fish on 31 December 2016, may continue their activities in 2017.

8.3 The Delegations agreed that both Parties would ensure that measures are in place to confirm to vessels, on entering the other Party's waters, whether or not they are included in the list of vessels that are permitted to fish.

9 Catch statistics

9.1 The Delegations agreed that each Party shall supply the other Party with monthly catch statistics of fishing by its vessels in the other Party's zone. These statistics shall be supplied to the respective Parties by the end of the month for the previous month's catches.

9.2 In the case of mackerel, blue whiting and Atlanto-Scandian (Norwegian spring-spawning) herring, the respective Parties shall submit daily catch reports when 80% of the respective quota has been reached.

9.2.1 In the case of the Faroe Islands, the Faroese authorities shall submit this information to the European Commission (fish-north-agreements@ec.europa.eu).

9.2.2 In the case of the European Union, the authorities of the relevant Member State shall submit this information to the Faroese authorities (vakt@vorn.fo).

10 Discards and implementation of landing obligations

10.1 The EU Delegation informed the Faroese Delegation that under the new Common Fisheries Policy a landing obligation has been established and is gradually being implemented for all catches of species, which are subject to catch limits, caught during fishing activities in Union waters. The landing obligation is in the process of being introduced fishery by fishery according to timelines specified in the CFP, between 2015 and 2019.

10.2 The EU Delegation informed the Faroese Delegation that there is now a landing obligation in the EU for all species caught in pelagic fisheries and for identified demersal fisheries, and that this will apply to Faroese vessels fishing in EU waters in 2017.

10.3 The EU Delegation informed the Faroese Delegation that the relevant rules and provisions regarding the landing obligation are being laid down in specific EU regulations.

11 Control and monitoring of fisheries

11.1 Vessel monitoring system

11.1.1 The Delegations noted that an Agreed Record between the Parties had been concluded on 21 April 2005 on a Satellite Based Vessel Monitoring System (VMS). Following further consultations between the Parties on 6 and 7 November 2014, the Delegations noted that this Agreed Record has been modified and that this modification makes mandatory the use of VMS when fishing in each other's waters from 1 January 2015.

11.2 Electronic reporting system

- 11.2.1 The Delegations noted that a follow-up bilateral meeting to discuss the Electronic Reporting System in November 2014, scheduled to take place before 30 June 2016, did not take place. Instead discussions were held in the framework of the NEAFC *ad hoc* working group on ERS. The Delegations agreed to align the ERS developments with the developments in NEAFC.
- 11.2.2 The Delegations noted that the new ERS in NEAFC would not be operational before the end of 2018. In the meantime, an interim solution needs to be found to transmit fishing activity data to the respective Parties. The Delegations agreed that this interim solution needed to be discussed in a technical meeting before 31 March 2017, and should be in place before 31 May 2017.
- 11.2.3 The EU Delegation informed the Faroese Delegation that the EU will use the UN/CEFACT FLUX ERS from 1 November 2017 and offered the Faroese Delegation tools to receive and visualise this data. The Delegations agreed to discuss this further at the technical meeting.
- 11.2.4 The EU Delegation also informed the Faroese Delegation that VMS data from EU vessels could be transmitted via the FLUX Transportation Layer from 1 February 2017. The Delegations agreed to start the tests with the FLUX Transportation Layer and to discuss further steps in the technical meeting.

12 Control of blue whiting and mackerel fisheries in European Union waters

- 12.1 The EU Delegation informed the Faroese Delegation that in order to maintain an effective control of the blue whiting and mackerel fisheries in European Union waters, the provisions on control as set out in Annex 2 would be applied in 2017.

13 Special Area between the United Kingdom and the Faroe Islands

- 13.1 The Delegations took note of the relevant provisions of the Agreement signed 18 May 1999 between the Government of Denmark together with the Home Government of the Faroe Islands, on the one hand, and the Government of the United Kingdom of Great Britain and Northern Ireland, on the other hand, relating to the Maritime Delimitation in the area between the Faroe Islands and the United Kingdom.

Regarding third-party vessels licensed by both Parties to operate in the Special Area defined in the Agreement the Delegations agreed to implement the following system regarding reporting in the Special Area:

The Parties shall exchange information on licences given to third country vessels that will operate in the Special Area.

If both Parties have issued licences to a third country vessel, all relevant vessel information (registration number etc.) shall be submitted to the control authorities of both Parties.



If a third country vessel has obtained a licence from both Parties, the vessel shall report its total catches in the Special Area to both Parties. The catches shall be deducted from the quotas allocated by each Party, divided equally between them. If the quota allocated by one Party is exhausted, the catches shall be deducted from the quota allocated by the other Party.

A specific hail in and hail out system for the Special Area shall be introduced.

Catches taken in the Special Area shall be specified in the logbook.

Third country vessels shall be subject to VMS control by the Party issuing the licence(s). This VMS information shall be exchanged between the Parties.

The Parties agree to establish close collaboration between their relevant control and inspection authorities with a view to an efficient monitoring of the fishing activities in the Special Area.

The Parties agreed that it would be desirable that inspection vessels be present in the Special Area during certain periods of intensive fishing activities (e.g. during blue whiting migration through the area).

If a vessel is licensed by both Parties, each Party shall enforce its own technical measures.

14 The Delegations agreed to consult further in the first half of 2017 on conservation measures, technical conditions and licensing issues.

15 Future consultations on arrangements for 2017

15.1 The Delegations agreed that following the establishment by the Faroe Islands of its definitive quotas for blue whiting and Norwegian spring-spawning (Atlanto-Scandian) herring for 2017, the Parties will consider further consultations on access provisions and quota exchanges.

16 Fishing activities in 2017

16.1 The Delegations agreed that fishing activities under this Agreed Record could start on 1 January 2017.

Brussels, 7 December 2016

For the Delegation of the
European Union



Jacques VERBORGH

For the Delegation of the
Faroe Islands



Andras KRISTIANSEN

ANNEX 1

QUOTAS FOR 2017

1. Each Party shall open the catch quotas indicated hereunder for the other Party in its fishery zone:

1.1. Quotas for European Union vessels fishing in the Faroese zone in 2017

SPECIES	ICES-DIVISION	QUANTITY (TONNES)
Cod and Haddock	5b	950
Saithe	5b	2,800
Redfish	5b	400
Blue Ling and Ling	5b	2,000 ⁽¹⁾
Flatfish	5b	100
Blue Whiting	Faroese waters	2,500 ⁽²⁾
Other Species	5b	800

- (1) By-catch of maximum of 665 tonnes of roundnose grenadier and black scabbard to be counted against this quota
- (2) Catches of blue whiting may include unavoidable by-catches of argentine to be counted against this quota

1.2. Quotas for Faroese vessels fishing in the European Union zone or Greenland waters in 2017

SPECIES	FISHING AREAS (ICES)	QUANTITY (TONNES)
Ling and Tusk	6a ⁽¹⁾ , 6b	200 ⁽²⁾
Blue Ling	6a ⁽¹⁾ , 6b	150 ⁽³⁾
Horse Mackerel	4a, 6a ⁽¹⁾ , 7e, f, h	1,600
Norway pout	4	9,300 ⁽⁸⁾⁽⁹⁾
Blue Whiting	2, 5, 6a ⁽¹⁾ , 6b and 7 ⁽⁴⁾ and 4a ⁽⁷⁾	9,000 ⁽⁵⁾
Sprat	4, 6a ⁽¹⁾	1,000 ⁽¹¹⁾⁽¹²⁾⁽¹³⁾
Other White Fish (by-catches only)	4, 6a ⁽¹⁾	150
Herring	3a N (Skagerrak) ⁽⁶⁾	400
Herring	4a	200
Northern deep-water Prawns (<i>Pandalus borealis</i>)	14/5	1,250
Greenland Halibut	14/5	110
Redfish ⁽¹⁰⁾	14/5	50

- (1) North of 56°30'N.
- (2) Of which an incidental catch of other species of 20% per ship, at any given time, is authorised in ICES Divisions 6a and 6b. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in Divisions 6a and 6b may not exceed 75 tonnes
- (3) By-catches of roundnose grenadier and black scabbard to be counted against this quota
- (4) West of 12°00'W
- (5) Catches of blue whiting may include unavoidable by-catches of argentine to be counted against this quota
- (6) Limited in the West by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes and in the South by a line drawn from the lighthouse of Skagen to the lighthouse of Tistlarna and from there to the nearest coast of Sweden
- (7) The catches in ICES Division 4a shall be limited to no more than 25% of the quota
- (8) Includes 15% unavoidable by-catches to be counted against this quota
- (9) Use of a sorting grid is obligatory
- (10) To be taken only with pelagic trawl
- (11) Any by-catch of blue whiting shall be counted against the blue whiting quota established for fishing areas 6a, 6b and 7
- (12) May contain up to 4% of by-catch of herring
- (13) To be fished from 1 July 2017 to 30 June 2018

Part I**Conditions for Faroese vessels intending to fish for blue whiting in European Union waters:**

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

- a) 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. Such vessels shall only enter European Union waters after passing through one of the following control areas:
- A. ICES rectangle 48 E2 in Division 6a;
 - B. ICES rectangle 50 F1 in Division 4a;
 - C. ICES rectangle 46 F1 in Division 4a;
 - D. ICES rectangle 36 D4 in 7c;
 - E. ICES rectangle 37 D4 in 7c.

Before entering European Union waters, the master of the vessel shall contact the Fisheries Monitoring Centre of the coastal Member State concerned, as follows:

- (i) UK (Edinburgh) by e-mail at the following address: ukfmc@gov.scot or by telephone (+44 131 271 9700) at least four hours prior to entering one of the control areas A, B or C, or
- (ii) 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 D or E.

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.

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 ports of Killybegs, Lerwick or Scrabster.

- b) Vessels that enter European Union waters with no catch on board shall be exempt from the requirements laid down in point (a). However, the vessels shall notify four hours in advance the competent authorities mentioned in point (a) above of their intention to enter EU waters.
- c) The fishing trip shall be considered as being terminated when the vessel leaves EC waters or enters a European Union port where its catch is fully discharged.

Vessels shall only leave European Union waters after passing through one of the following control routes:

- A. ICES rectangle 48 E2 in zone 6a;
- B. ICES rectangle 46 E6 in zone 4a;
- C. ICES rectangles 48 E8, 49 E8 or 50 E8 in zone 4a.

The master of the vessel shall give at least four hours' prior notification of entering one of the afore mentioned control routes to the Fisheries Monitoring Centre in Edinburgh by e-mail or telephone as provided for in point (a). 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 control route through which the vessel intends to pass.

The vessel shall not leave the area within the control route 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 vessel leaves European Union waters.

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 the ports of Lerwick or Scrabster.

- d) 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:
 - (i) Nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes; and
 - (ii) Nets, which are on or above deck, shall be securely lashed to some part of the superstructure.



Part II

Conditions for Faroese vessels intending to fish mackerel in European Union waters

The following provisions shall apply to Faroese vessels intending to fish for mackerel in EC waters:

- a) Vessels intending to fish mackerel must enter EU waters with no catch on board.
- b) Vessels may only commence their fishing trip after having received authorisation from the competent authority of the coastal Member State concerned. Such vessels shall only enter European Union waters after passing through one of the following control areas:

ICES rectangle 48 E2 in Division 6a;

ICES rectangle 48 E6 in Division 4a;

ICES rectangle 50 F1 in Division 4a;

ICES rectangle 46 F1 in Division 4a;

At least four hours prior to entering one of the control areas, upon entering European Union waters, the master of the vessel shall contact the UK Fisheries Monitoring Centre (Edinburgh) by e-mail at the following address: ukfmc@gov.scot or by telephone (+44 131 271 9700).

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 control area through which the vessel will enter EC waters. 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.

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 the ports of Killybegs, Lerwick or Scrabster.

- c) The fishing trip shall be considered as being terminated when the vessel leaves EC waters or enters a European Union port where its catch is fully discharged.

Vessels shall only leave EU waters after passing through one of the control areas.

Before leaving EU waters, the master of the vessel shall give at least two hours prior notification of entering one of the control areas, to the Fisheries

Monitoring Centre in Edinburgh by e-mail or telephone as provided for in point (a).

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 control area through which the vessel intends to pass. The vessel shall not leave the control area 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 vessel leaves the European Union waters.

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 the ports of Killybegs, Lerwick or Scrabster.

- d) Vessels that transit through EU waters must stow their nets so that they may not readily be used in accordance with the following conditions:
- (i) Nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes; and
 - (ii) Nets, which are on or above deck, shall be securely lashed to some part of the superstructure.



LIST OF PARTICIPANTS

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