

**AGREED RECORD OF FISHERIES CONSULTATIONS BETWEEN
THE EUROPEAN UNION AND THE FAROE ISLANDS FOR 2010**

BRUSSELS, 15 JANUARY 2010

1. A Delegation of the European Union, headed by Mr John SPENCER, and a Delegation representing the Home Government of the Faroe Islands, headed by Mr Andras KRISTIANSEN, met in Brussels on 14 and 15 January 2010 for consultations on mutual fisheries relations in 2010. A list of participants is attached as Annex 6.
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 2010 set out in Annex 1 should be made to vessels of either Party fishing in the waters of the other Party.

Mackerel

- 3.1 The EU Delegation expressed its regret at the inconclusive results of the Coastal State consultations for 2010 held at the end of 2009, and at the position adopted by the Faroe Islands. The lack of a Coastal State agreement risks undermining the status of the stock, which is already impacted negatively by other factors. The EU expects a more realistic and constructive approach between the four Parties concerned in the March consultations. Any claims to an increased share of the stock need to be based upon both credible and verifiable scientific and historical catch data.
- 3.2 The Faroese Delegation expressed its view on the need for a comprehensive reassessment of the coastal states mackerel arrangement, which has since its inception been an *ad hoc* approach.
- 3.3 Against this background, and in the context of the lack of a Coastal State arrangement, the EU stated that it is not in a position to grant the Faroe Islands any additional access to its waters to fish mackerel other than for the reciprocal exchange of quotas.
- 3.4 The Delegations agreed to fix the mackerel quotas agreed upon for 2010 as set out in Annex 1 to this Agreed Record.
- 3.5 The Faroese Delegation expressed the view that the provisions of Article 9 (1) of Council Regulation (EC) No. 894/97 would impair the fishing rights granted to the Faroe Islands for mackerel and horse mackerel in ICES fishing areas VIIe, f and h. Further the Faroese Delegation expressed its wish for extension of the areas for fishing horse mackerel to areas VIIb, VIIc, VIId, VIIj and VIIIa and for extension of the areas for fishing the access quota on mackerel to areas IVa.
- 3.6 Against the current background and in the absence of fruitful cooperation on mackerel management, the EU Delegation explained that it is not in a position to foresee any modification in relation to the extension of areas at this juncture.



Horse mackerel

- 4 The EU Delegation informed the Faroe Islands that from 2010, the EU management areas for horse mackerel in the North-East Atlantic have been rearranged in accordance with scientific advice. As a result of this rearrangement, the area previously available to Faroese fishermen in EU waters in area IV is now restricted to area IVa.

Quotas in Greenland waters

- 5.1 Quota allocations to the Faroe Islands, from the European Union fishing possibilities in Greenland waters for 2010, were agreed upon.
- 5.2 The EU Delegation informed the Faroe Islands that the quantity of redfish in ICES area XIV and Va available to the Faroe Islands for 2010, from its own fishing possibilities in Greenland waters, would be made available to the Faroe Islands in the context of the management measures adopted by NEAFC for the redfish in Irminger Sea and adjacent areas.
- 5.3 It was noted that, as soon as the capelin in the waters of Greenland becomes available again at the levels of previous years and taking account of the EU's other commitments in its bilateral agreements with Iceland and Norway, as well as the traditional fisheries of the Faroe Islands on this stock, the EU will endeavour to make quantities available to the Faroe Islands for the fishing year in question in exchange for fishing opportunities for the EU on quotas under Faroe Islands jurisdiction.
- 5.4 The Faroe Islands Delegation regretted that it had not been possible to maintain the traditional allocation of Greenland halibut in the waters of East Greenland (ICES XIV/V).
- 5.5 The EU Delegation reiterated its view that an agreement, on the allocation of Greenland halibut between the relevant Coastal States, was vital for the sustainable management of the stock.

Blue ling and ling

- 6.1 The EU Delegation requested the continued possibility of taking by-catches within the blue ling and ling quota of roundnose grenadier and black scabbard fish at a level of no more than 952 tonnes, which would be counted against that quota.
- 6.2 With reference to the by-catch provisions under the conditions hitherto specified in Executive Order No. 9 of 26 January 1995, the Faroese Delegation agreed for 2010 to allow a maximum by-catch of 952 tonnes of roundnose grenadier and black scabbard within the quota for the blue ling and ling quota on an experimental basis. The Faroese Delegation stressed its intentions to gradually diminish this deviation from the 15% by-catch rule in the forthcoming years.



Saithe

7. The EU Delegation explored the possibility of amending the rules for the saithe fishery in such a way that a certain amount of unavoidable by-catch of cod and haddock shall be counted against the saithe quota in order to allow the saithe fishery to continue when the cod and haddock quota has been exhausted. The Faroese Delegation referred to the very strict management regime in force for cod and haddock in Faroese waters and could not, therefore, at this stage agree to such an amendment.

Blue whiting

- 8.1 The Delegations took note of the Coastal State agreement, which was reached in London on 22 October 2009 and emphasised its importance for an effective and responsible management of the blue whiting.

The Delegations also agreed on the importance of ensuring an optimal biological, sustainable and economic utilisation of available fishing opportunities by Community and Faroese fisheries with due regard to the spatial limitation of relevant fishing grounds. In this context, they agreed on the access arrangements outlined in the separate Agreed Record signed at Brussels on 15 January 2010.

- 8.2 The Faroese Delegation raised their concern about the current limitation of the possibility to catch blue whiting in ICES fishing areas IVa, VIa (south of 56°30'N) and VII (East of 12°W).
- 8.3 The Delegations discussed the blue whiting fishery pursued by the Faroe Islands in the EU zone and, in particular, the by-catch rule for argentine as at present. In order to make this fishery viable, it was agreed that the by-catch rule should only be enforced 24 hours after fishing has commenced. In the case of a fishery campaign shorter than 24 hours, the by-catch rule shall apply before the vessel leaves the fishing grounds.

Deep-sea species

- 9.1 The Delegations discussed the management of certain deep-sea species. They expressed concern about the state of these stocks in the light of the latest scientific advice. As a continuation of the commitment to take due account of scientific advice in their future management decisions regarding these stocks, the Delegations noted the continuing reductions in the mutual quota exchanges for these species in recent years.
- 9.2 The EU Delegation referred to the 2009 Annual Meeting of NEAFC in November 2009 where it had proposed the adoption of a NEAFC Regulatory Measure preventing any directed fishery on orange roughy in 2010, in view of the severely depleted status of this stock. It recalled that the Delegation of Denmark, in respect of the Faroe Islands and Greenland, had proposed an alternative measure, which was adopted by the other NEAFC Parties. This measure allows for a directed fishery of 150 tonnes by each NEAFC Contracting Party, which, in the EU view, is not in accordance with the scientific advice. The EU considers that this measure is contrary to the conservation imperatives of the stock and to NEAFC Parties' international obligations.

- 9.3 The Faroese Delegation noted that the EU had repeatedly tabled proposals for blanket bans on all orange roughy fishery in the entire NEAFC Regulatory Area, knowing that such a measure could not be supported by the Faroe Islands (DFG). The Faroe Islands regretted that the EU was not willing to seek a compromise on precautionary measures for a very limited fishery by specialised operators in areas not previously fished intensively. Such a limited fishery also provides valuable data on the resources in remote areas of the high seas not subject to extensive fisheries or research activities. Proposals tabled by Denmark in respect of the Faroe Islands and Greenland took into account the scientific advice from ICES and recognised the difference in stock status in the area where fishing is conducted compared to other areas.

Redfish

- 10.1 The Delegations discussed the management of redfish stocks in Faroese waters, the Irminger Sea and adjacent areas. They expressed concern about the state of the stocks in the light of recent scientific advice. The Delegations held the view that their future management decisions regarding these stocks should be taken with due regard to the scientific advice.
- 10.2 The EU Delegation recalled that NEAFC had adopted a management measure for 2010 for redfish in the Irminger Sea and adjacent areas at the Annual Meeting in November 2009. The EU has objected to that measure insofar as the additional conditions introduced in 2010, compared to 2009, were concerned. The EU has adopted autonomous measures for this stock, which have maintained the same level of catch restrictions and conditions in 2010 as were applied by NEAFC in 2009.

Sandeel, Norway pout and sprat

- 11.1 The Delegations agreed that Faroese authorities would be informed in a timely manner of the opening of the monitored experimental fishery for sandeel in the North Sea in the 2010 season. Two Faroese vessels would be admitted to participate in such fishery on the same terms as for European Union vessels, taking account of the quota allocated under point 1.2 of Annex 1.

In the light of the results of the monitored experimental fishery for sandeel, the Faroese authorities may apply for an additional quota for sandeel. The EU will consider such a request on the understanding that fishing possibilities of interest to the EU are identified in Faroese waters and the balance in the fisheries arrangement is satisfactory.

- 11.2 The Delegations noted that the directed fishery for Norway pout in EU waters would be allowed in 2010 with an in-year review clause based on the scientific advice to be released in June 2010. In the event that a further quota would be established by the EU for the remaining part of 2010, and taking account of the traditional Faroese participation in this fishery, the Delegations agreed to consult on the possible re-establishment of an allocation of Norway pout to the Faroe Islands. The EU will consider such a request on the understanding that fishing possibilities of interest to the EU are identified for Faroese waters and the balance in the fisheries arrangement is satisfactory.



- 11.3 The Faroese Delegation requested access to fish a part of the sprat quota in ICES area III d with reference to a previous arrangement with the Baltic States. The EU took note of the request.
- 11.4 The Faroese Delegation expressed its interest in conducting an experimental fishery in Community waters on the "boar" species. The EU took note of the request.

Atlanto-Scandian herring

12. The Delegations discussed issues relating to the management of Atlanto-Scandian herring. They referred to the fisheries consultations the relevant coastal States held in October 2009 and took note of the arrangement, which was reached in London on 22 October 2009 and emphasised its importance for an effective and responsible management of the Atlanto-Scandian herring.

The Delegations also agreed on the importance of ensuring an optimal biological, sustainable and economic utilisation of available fishing opportunities by European Union and Faroese fisheries with due regard to the spatial limitation of relevant fishing grounds.

Full utilisation of quotas

13. The Delegations agreed to work together to ensure the optimum utilisation of fishing opportunities in each other's waters. To this end, they took note of the possibilities of swaps during the year in order to further optimise quotas and to the mutual benefit of both Parties.

Landings for industrial purposes

14. As regards landings for industrial purposes, it was agreed by the Delegations that such landings can only take place where adequate sampling systems are available to effectively monitor the landings of by-catches.

Fishery regulations

- 15.1 The Delegations agreed that a Party intending to introduce or to amend fishery regulations applicable to vessels of the other Party shall inform the latter of such intentions at least two weeks in advance. Consultations shall be held, if so requested, by either Party.
- 15.2 The Delegations agreed to inform each other on legislative issues through correspondence with their respective Heads of Delegations.
- 15.3 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. European Union fishing vessels concerned have to leave the relevant area(s) within 6 hours as from the time and date indicated in the notice sent to the vessel.

The competent authorities of the Faroe Islands will also inform without delay the European Commission and the relevant Member States of each closure. Upon request of the European Commission, the authorities of the Faroe Islands will submit a copy of the measure and the element justifying the adoption of this measure.



Licensing

16. 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 2010.

Permitted fishing vessels

17. 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.

Catch statistics

- 18.1 The Delegations agreed that each Party shall supply the other with monthly and, where deemed necessary by either Party, weekly catch statistics of fishing by its vessels in the other Party's zone. The Delegations also agreed to improve the existing procedures in order that the information so provided can be in the hands of the appropriate authorities with a minimum of delay. The Delegations agreed to inform each other of the contact details for correspondence on catch statistics.

The Faroese Delegation reiterated that the European Union contrary to these commitments had not supplied the Faroese authorities with the catch statistics as had been agreed.

The European Union agreed to improve the existing procedures.

- 18.2 It was also agreed to communicate to either Party, on an experimental basis, the composition of catches under the "Others" quotas based on the information contained in landing declarations in accordance with their respective legislation.

Control and monitoring of fisheries

19. The Delegations recognised the need for careful monitoring of fisheries covered by this arrangement to ensure the effective conservation of stocks. The Delegations agreed that the Parties should exchange officials as observers in relation to control and enforcement. The Delegations also agreed to continue the exchange of information, on a monthly basis and at more frequent intervals upon request, on landings by vessels of either Party and landings by third country vessels in the respective ports of the Parties.

Vessel Monitoring System

20. The Delegations expressed their satisfaction with the continuing co-operation on issues related to the Satellite Based Vessel Monitoring System (VMS) in accordance with the agreement concluded between the Parties on 21 April 2005.

Electronic reporting system

21. The EU Delegation informed the Faroese Delegation that following the adoption of Commission Regulation (EC) No. 1077/2008 it is foreseen that European Union fishing vessels greater than 24 metres in length are obliged to electronically record and transmit catch and landing data from 1 January 2010 and that vessels greater than 15 metres will be obliged to do so from 1 July 2011.

The Delegations reiterated the necessity of developing electronic logbook systems that will be compatible between the Parties and agreed that technical consultations should take place during the first quarter of 2010 with the aim of developing an agreement on the exchange of electronic reports and logbooks.

IUU Fishing

22. The Delegations agreed that there is a strong need for improved and effective control and enforcement in order to combat IUU fishing. In this respect the Delegations noted that significant progress has been achieved due to the successful implementation of the NEAFC Port State Control Scheme and underlined the importance of a close co-operation to achieve additional progress to eliminate IUU fishing. The Delegations agreed that it would be necessary to continue to monitor closely the implementation of such measures by the Parties.

Weighing and inspection of pelagic landings

- 23.1 The Delegations agreed that a great deal of progress had been achieved in implementing the measures adopted in 2004. It was noted that all Parties had introduced the standardised percentage for the deduction of water and that the primary objective of introducing the obligation to weigh all fish landed had been achieved.
- 23.2 The Delegations noted that agreement had also been reached on methods and procedures for weighing pelagic fish and on a harmonised methodology for conducting inspections of landings. The measures agreed for the weighing and inspection of landings of mackerel, herring and horse mackerel are set down in Annex 2.
- 23.3 The Delegations agreed that it was necessary to continue to monitor closely the implementation of the measures agreed and to address outstanding control issues. The Delegations agreed that any situation that might undermine fair competition between the Parties must be avoided. In this regard, it was agreed that information on the follow up of infringements should also continue to be exchanged in accordance with procedures developed by the Working Group. It was also agreed that the Working Group should keep technical issues under review.

High-grading, slipping and discards in the pelagic fisheries

- 24.1 The Delegations agreed that it was of great importance to follow up the implementation of the new measures agreed between the European Community, the Faroe Islands and Norway on 1 July 2009 regarding control measures in the fisheries for pelagic species (mackerel, herring and horse mackerel), which came in to force on 1 January 2010. The measures agreed are set down in Annex 3.
- 24.2 The EU Delegation recalled that the three Parties had recommended proposing these measures for adoption by NEAFC at the 2009 Annual Meeting. The EU regretted that the other Parties involved did not support the EU proposal putting the agreed measures into effect. Furthermore, the EU noted that the Faroe Islands had supported a Norwegian proposal for a ban on discards in the NEAFC Regulatory Area, knowing that the EU would not support such a measure. The EU has objected to this measure and is therefore not bound by it. It considers that the approach taken by the other Parties is in contradiction to their earlier commitment.



24.3 The Delegations agreed that the Working Group of Control Experts should be mandated:

- To review and consider the feasibility of introducing the fish flow meter as a control tool on board vessels fishing for mackerel; and
- To review and consider the use of CCTV / Video on board vessels to control slipping.

Working Group of Control Experts

25 The Delegations agreed that a Working Group of Control Experts should be established together with Norway in order to address the issues concerning landings of pelagic fish outlined above and to discuss other control problems of a mutual interest. It was agreed that the Working Group shall meet during the first quarter of 2010 to address the control issues under the Terms of Reference set down in Annex 4.

Control of blue whiting and mackerel fisheries in European Union waters

26. The European Union 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 5 would be applied in 2010.

Special Area between the United Kingdom and the Faroe Islands

27. 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.

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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.

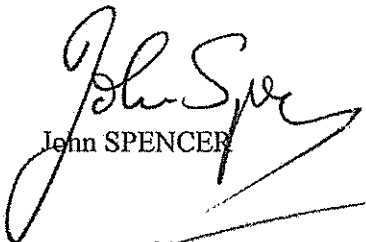
Understanding on International Fisheries Relations

28. The Delegations confirmed their commitment to their Understanding on International Fisheries Relations, signed in Brussels on 4 December 1986.

Brussels, 15 January 2010

For the Delegation of the European Union

For the Delegation of the Faroe Islands



John SPENCER



Andras KRISTIANSSEN

ANNEX 1

QUOTAS FOR 2010

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

1.1. Quotas for European Union vessels fishing in the Faroese zone in 2010

SPECIES	ICES-DIVISION	QUANTITY (TONNES)
Cod and Haddock	Vb	500
Saithe	Vb	2 425
Redfish	Vb	1 600
Blue Ling and Ling	Vb	2 700 ⁽¹⁾
Flatfish	Vb	300
Blue Whiting	Faroese waters	2 700
Mackerel	Vb	3 765 ⁽²⁾
Other Species	Vb	760 ⁽³⁾

- (1) By-catch of maximum of 952 tonnes of roundnose grenadier and black scabbard to be counted against this quota.
- (2) May also be fished in ICES Division IVa (EC Zone)
- (3) Excluding fish species of no commercial value

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1.2. Quotas for Faroese vessels fishing in the European Union zone in 2010

SPECIES	FISHING AREAS (ICES OR NAFO)	QUANTITY (TONNES)
Ling and Tusk	VIa ⁽¹⁾ , VIb	200 ⁽²⁾
Blue Ling	VIa ⁽¹⁾ , VIb	150 ⁽³⁾
Mackerel	VIa ⁽¹⁾ , VIIe, f, h	4 536 ⁽⁴⁾
Herring	VIa ⁽¹⁾	660
Horse Mackerel	IVa, VIa ⁽¹⁾ , VIIe, f, h	2 000
Sprat	IV, VIa ⁽¹⁾	9 160 ⁽⁵⁾⁽⁶⁾
Sandeel	IV	2 500
Blue Whiting	II, V, VIa ⁽¹⁾ , VIb and VII ⁽⁷⁾ and IVa ⁽¹⁰⁾	9 000 ⁽⁸⁾
Other White Fish (by-catches only)	IV, VIa ⁽¹⁾	150
Herring	IIIa N (Skagerrak) ⁽⁹⁾	450

- (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 VIa and b. 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 VIa and b may not exceed 75 tonnes.
- (3) By-catches of roundnose grenadier and black scabbard to be counted against this quota.
- (4) May be fished in ICES Division IVa North of 59° N (EC Zone) from 1 January to 15 February and from 1 October to 31 December.
- (5) Any by-catch of blue whiting shall be counted against the blue whiting quota established for fishing areas VIa, VIb and VII.
- (6) 1 832 tonnes can be caught as herring in fisheries using nets with mesh sizes less than 32mm. If the quota of 1 832 tonnes of herring is exhausted then all fisheries using nets with mesh sizes less than 32 mm is prohibited.
- (7) West of 12°00'W.
- (8) Catches of blue whiting may include unavoidable by-catches of argentine.
- (9) 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.
- (10) The catches in ICES Division IVa shall be limited to no more than 25% of the quota

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1.3. Quotas for Faroese vessels fishing in Greenland waters in 2010

SPECIES	FISHING AREAS (ICES OR NAFO)	QUANTITY (TONNES)
Northern deep-water Prawns (<i>Pandalus borealis</i>)	ICES XIV/V	1 335
Greenland Halibut	NAFO 0/1 ICES XIV/V	150 75
Redfish	ICES XIV/V	385

ANNEX 2

MEASURES TO BE APPLIED CONCERNING THE WEIGHING AND INSPECTION OF PELAGIC LANDINGS

The Delegations agreed that the following measures shall be applied to the weighing and inspection of landings exceeding 10 tonnes of mackerel, herring and horse mackerel:

1. All quantities of fresh herring, mackerel and horse mackerel landed must be weighed before sorting and processing. When determining the weight, any deduction for water shall not exceed 2 %.
2. For fish landed frozen the weight shall be determined by weighing all the boxes minus the tare weight (cardboard and plastic) or by multiplying the total number of boxes landed by the average weight of the boxes minus tare weight landed in the same shipment calculated in accordance with an agreed sampling methodology.
3. Landings shall take place in designated ports. Skippers of fishing vessels shall give prior notice of landing including notification of catch on board and give the logbook sheet to the competent authorities before commencing the discharge of catch.
4. The processor or buyer of the fish shall submit a copy of the sales note for the payment of the quantities landed to the competent authorities.
5. A minimum of 10% of landings and 15% of the quantities landed should be subject to a full inspection. A full inspection shall include:
 - a) Cross-checks of the quantities by species indicated in the prior notice of landing and the quantities recorded in the vessel's logbook;
 - b) Cross-checks of the quantities by species recorded in the vessel's logbook and the landing declaration;
 - c) Cross-checks of the quantities by species recorded on the landing declaration and the sales note issued by the buyer.

In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored and a cross-check undertaken between the quantities by species recorded in the landing declaration or sales note and the record of weighing held by the buyer or processor of the fish.

In the case of freezer trawlers, the counting of boxes shall be monitored. The sample weighing of boxes/pallets carried out in order to determine the tare weight shall also be monitored.

It shall be verified that the vessel is empty, once the discharge has been completed.

6. In each case where the checks reveal a significant discrepancy it shall be followed up as an infringement.

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ANNEX 3

MEASURES TO BE MONITORED CONCERNING SLIPPING, DISCARDS AND HIGH-GRADING OF PELAGIC SPECIES

The Delegations agreed that the following control measures shall be applied in fisheries for mackerel, herring and horse mackerel:

1. High grading (*discarding of fish which can be landed legally*) of these species is banned throughout the entire migratory range of the stocks in the North-East Atlantic.
2. Slipping (*releasing the fish before the net is fully taken on board the fishing vessel, resulting in the loss of dead or dying fish*) of these species is banned throughout the entire migratory range of the stocks in the North-East Atlantic.
3. Fishing vessels shall move their fishing grounds when the haul contains more than 10% of undersized fish (*below the minimum landing sizes or the minimum catching sizes*) of these species.
4. The maximum space between bars in the water separator on board fishing vessels shall be 10 mm. The bars must be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes must not exceed 10 mm. Holes in the chutes before the water separator must not exceed 15 mm in diameter.
5. The possibility to discharge fish under the water line of the vessel from buffer tanks or RSW tanks shall be prohibited.
6. Drawings related to catch handling and to discharge capabilities of the vessels, which are certified by the competent authorities of the flag State, as well as any modifications thereto shall be sent to the competent fisheries authorities of the flag State. The competent authorities of the flag State of the vessel shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board at all times.
7. Unless fish is frozen on board the vessel, the carrying or use on board a fishing vessel of equipment, which is capable of automatically grading by size herring, mackerel or horse mackerel, is prohibited. In the case of fish being frozen on board, the fish shall be frozen immediately after grading.



ANNEX 4

TERMS OF REFERENCE OF THE WORKING GROUP ON CONTROL FOR 2010

The Delegations agreed that the Working Group of Control Experts shall meet before the end of March 2010 under the Terms of Reference described below. The Working Group shall submit its report to the Parties well in advance of the annual consultations for 2011, and where appropriate make proposals for measures to be adopted.

Weighing and inspection of pelagic landings

- Monitor the implementation of the measures set down in Annex 2;
- Examine the implementation of the measures for fisheries on the southern component of mackerel;
- Examine the feasibility of implementing equivalent measures for fisheries on blue whiting;
- Co-ordinate the exchange of inspectors;
- Consider the information exchanged between Parties on the follow-up to infringements concerning discrepancies between logbooks, quantities landed, landing declarations and sales notes and evaluate the application of the harmonized methodology for full inspections;
- Review of relevant technical issues;
- Review the inspection benchmark in 2010 with a view to evaluate the effect and assess the implications of introducing an agreed system for risk analysis;
- Invite Iceland to continue as observers in the Working Group and follow up the invitation from Iceland to observe control measures during the mackerel season 2010.

Slipping, discards and high-grading:

- Monitor the implementation of the measures set down in Annex 3;
- Examine the feasibility of implementing equivalent measures for fisheries on blue whiting;
- Review and consider the feasibility of introducing the fish flow meter as a control tool on board vessels fishing for mackerel and the use of CCTV / Video on board vessels to control slipping, discards and high-grading.
- Review the possibility how the master could assess the size and composition of the target shoal before commencing the commercial fishing operation.
- Follow up if the industry should be requested to examine how the installation and location of the equipment on the vessel could be configured in such a way as to prevent the return of those species to the sea after grading.



- Follow up to study the issue of the retention of by-products and fish waste of those species on board.

Port State Control

- Monitor the implementation of measures introduced in the framework of NEAFC;
- Co-ordinate the exchange of inspectors to observe inspections by third country fishing vessels and reefers;
- Review and consider existing control measures and regulations implemented by the Parties.

If there are any other relevant issues, which the Working Group believes would result in a more efficient control of pelagic fisheries the Working Group could propose new measures as appropriate.



ANNEX 5

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 VIa;
 - B. ICES rectangle 50 F1 in Division IVa;
 - C. ICES rectangle 46 F1 in Division IVa;
 - D. ICES rectangle 36 D4 in VIIc;
 - E. ICES rectangle 37 D4 in VIIc.

Upon 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: ukfcc@scotland.gsi.gov.uk 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: nscstaff@eircom.net 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).



- 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 VIa;
- B. ICES rectangle 46 E6 in zone IVa;
- C. ICES rectangles 48 E8, 49 E8 or 50 E8 in zone IVa.

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.

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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 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 VIa;

ICES rectangle 50 F1 in Division IVa;

ICES rectangle 46 F1 in Division IVa.

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: ukfcc@scotland.gsi.gov.uk 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.

- b) Vessels that enter European Union waters with no catch on board shall be exempt from the requirements laid down in paragraph a).
- 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 the European Union waters after passing through one of the control areas.

Upon leaving European Union 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 paragraph 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.

ANNEX 6

LIST OF PARTICIPANTS

EUROPEAN UNION:

John Spencer (Head of Delegation)
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Hans Skrey
Jeremy Rand (Council Secretariat)
Gloria de la Corte (Council Secretariat)
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