

## Memorandum of Understanding on principles and working methods of the Baltic Sea Fisheries Forum (BALTFISH)

### 1. Introduction

- (1) The EU Member States in the Baltic Sea Region (hereinafter- Member States) and the EU Commission have a long standing tradition of effective cooperation in the fisheries management and science of fisheries. The cooperation has included a thorough consultation of the fishing sector.
- (2) Within the framework of the European Union Strategy for the Baltic Sea Region a fisheries forum, BALTFISH, has been developed (priority area 9 of the strategy). The primary goal of BALTFISH is to improve and strengthen coordination and cooperation of fisheries administrations among Baltic Sea-Member States, but also among the administrations and other key stakeholders relevant for the Baltic Sea fisheries. It is a forum for exchanging ideas, views and information and a forum that can facilitate joint forces in various concrete projects aiming at achieving sustainable fisheries in the Baltic Sea Region.
- (3) The 2012 2013 reform of the Common Fisheries Policy (CFP) of the European Union includes as a central element a regionalisation of the CFP. The activities of BALTFISH are to a large degree based on the element of regionalisation as referred to in the Basic Regulation on the CFP.
- ~~(3)~~(4) The Member States within BALTFISH initiative express their willingness to provide appropriate human capacity and seek for financial sources necessary to implement activities related to cooperation within BALTFISH, inter alia by applying respective measures of the European Maritime and Fisheries Fund.
- ~~(4)~~(5) BALTFISH works on two levels as follows:
  - A high-level group (HLG) composed of Member States fisheries directors and representatives of the EU Commission, and
  - A BALTFISH Forum seminar composed of Member States, and EU Commission and BS RAC officials as well as representatives from organisations such as the BSRAC, ICES and HELCOM and all other relevant stakeholders in Baltic fisheries.
- ~~(5)~~(6) This Memorandum of Understanding (MoU) sets out the principles and working methods that will be applied in the high-level group HLG and Forum seminar of BALTFISH. The MoU expresses the will of the signatories from the Member

States and the EU Commission to work in accordance with the principles and working methods as described under points 2 to 4. The MoU does not form a legally binding instrument or document.

## **2. Principles and working methods of the BALTFISH ~~high-level group~~ HLG and Forum seminar**

### **2.1. BALTFISH HLG**

The following principles and working methods will be applied in preparing common positions and joint recommendations of BALTFISH HLG:

4.1.4.2.1.1. Member States in BALTFISH adhere to the provisions of the Treaty on the Functioning of the European Union (TFEU) and the national requirements relating to Member States decision making procedures.

4.1.4.2.1.2. The presidency of BALTFISH rotates among the Member States for a one year period starting every year on the 1st of July (EE 2012/13, LV 2013/14, LT 2014/15, PL 2015/16, DE 2016/17, DK 2017/18, SWE 2018/19 and FIN 2019/20, repeating the cycle after the first half of 2020).

4.1.4.2.1.3. The presidency proposes dates for meetings of BALTFISH HLG and produces an indicative list of items to be discussed during its period. Also other than initially listed items may be discussed and proposed by Member States. As a default BALTFISH HLG meetings are held in the Member State holding the presidency or in another appropriate place proposed by the presidency and accepted by BALTFISH HLG.

2.1.4. An administrative officer is identified in each Member State as responsible for the administrative work and communication in relation to BALTFISH (BALTFISH coordinator).

4.1.4.2.1.5. Presidency ensures the drafting of conclusions (minutes) of BALTFISH HLG-meetings.

4.1.5.2.1.6. Stakeholders in Baltic fisheries may address their positions and proposals to the BALTFISH presidency. Where appropriate they will be disseminated to the other Member States and put on the agenda for an incoming meeting of HLG or scheduled for the BALTFISH Forum seminar.

4.1.6.2.1.7. BALTFISH HLG can prepare positions and (joint recommendations) as proposals for decisions -making process by the EU institutions or at national level by Member States themselves.

4.1.7.2.1.8. Draft BALTFISH HLG positions or joint recommendations are prepared by the Member State(s) who unanimously have been selected for the task of producing a draft BALTFISH position or joint recommendation. The preparation of drafts shall take account of all the relevant information and views.

4.1.8-2.1.9. BALTFISH HLG forms its opinion by consensus among its Member States. The consensus opinion is called a BALTFISH position or joint recommendation as appropriate.

4.1.9-2.1.10. A Member State(s) can due to a small interest in a fishery or other considerations choose not to join a BALTFISH position or joint recommendation, but simultaneously not to hinder the formation of consensus. Such a BALTFISH position or joint recommendation would include a specification of the view of Member States not joining the consensus.

4.1.10-2.1.11. Member States will in preparing and discussing draft BALTFISH positions or joint recommendations take due account of the views expressed by the EU Commission.

4.1.11-2.1.12. BALTFISH bases itself on the best available scientific and other information and thereby relies on good cooperation and information exchange with the relevant organisations in the Baltic Sea Region. These Rrelevant organisations are defined as in particular –BSRAC, as well as ICES, HELCOM and other relevant stakeholders in Baltic fisheries as agreed on by Member States. The high-level groupHLG may invite stakeholders that are deemed relevant to present positions or take part in discussions in the high-level groupHLG meetings.

~~2. Draft BALTFISH positions may be disseminated to and discussed within the BALTFISH forum seminar with relevant stakeholders before any BALTFISH position is to be formulated by the High-Level Group of BALTFISH.~~

Comment [G1]: Moved to 2.2. para 2.2.2.

2.1.13. A BALTFISH position or joint recommendation if agreed by the Member States in HLG may be presented to the JBSFC under the fisheries agreement between the EU and the Russian Federation.

2.1.14. BALTFISH HLG may decide to establish ad hoc working groups on specific issues that need in-depth work of experts as well as to organise specific BALTFISH Forum seminars and meetings.

## 2.2. BALTFISH Forum seminar

The following principles will be applied in organizing BALTFISH Forum Seminars:

2.2.1. BALTFISH Forum seminars are chaired by the BALTFISH Presidency.

2.2.2. The presidency proposes dates for meetings of BALTFISH Forum Seminars. As a default BALTFISH HLG meetings are held in the Member State holding the presidency.

2.2.3. Draft BALTFISH positions, joint recommendations and other important topics fo Baltic Sea fisheries as agreed by Member States may be disseminated to and discussed within the BALTFISH forum seminar with relevant stakeholders before any BALTFISH position is to be formulated by the HLG of BALTFISH.

2.2.4. Discussions, consultations and presentations in the BALTFISH Forum seminars provide necessary feedback and stakeholders' expertise to assist HLG in preparation of the positions and joint recommendations of the BALTFISH.

### 2.3. Procedures for transposing BALTFISH positions or joint recommendations into legislation

#### **3.1. Baltic regional harmonisation by a Commission delegated or implementing act (EU transposition)**

Where the BALTFISH position or joint recommendation to its nature complies with the provisions of delegated acts (non-essential elements, sunset clause, restricted and well defined scope) it could be forwarded to the EU Commission with the objective of its swift transposition as a delegated act. The BALTFISH position or joint recommendation may also be forwarded to the EU Commission as a basis for an implementing act.

The EU Commission would verify that the BALTFISH position or joint recommendation complies with the Treaty on the Functioning of the European Union (TFEU) and the objectives of the CFP and any multiannual plan or other appropriate legislation. The EU Commission would thereafter make a formal proposal for a delegated or implementing act respecting the BALTFISH position as received.

Where the EU Commission finds that the BALTFISH position or joint recommendation does not comply with EU legislation or CFP objectives than in order to facilitate adjustment of BALTFISH position or joint recommendation to the relevant provisions of Basic Regulation on the CFP or other applicable rules ~~EU Commission~~ informs BALTFISH of its finding and invites BALTFISH to produce a modified proposal.

#### **3.2. Baltic regional harmonisation by national legislation (Member State transposition)**

Where Member States unanimously agree they may decide to implement the BALTFISH position or joint recommendation through national legislation or other measures. They can agree that the national measures come into force on a specific date that allows BALTFISH Member States to be informed of each other's provisions and thereby to ensure a harmonised process of transposition.

The outcome of a BALTFISH ~~HLG-meeting~~ position or joint recommendation could also be reviewed by the national legislator/government and thereafter the outcome could e.g. in a written procedure coordinated by the BALTFISH presidency either be confirmed or rejected.

The Member States national provisions would be formally notified to the EU Commission and other Member States in accordance with the procedures of the Basic Regulation on the CFP.

#### **3.3. Baltic regional harmonisation by the legislative procedure in accordance with Article 43 of TFEU**

The BALTFISH position or joint recommendation may be forwarded to the EU Commission even if it does not fall into either of the above mentioned categories. In this case the BALTFISH position or joint recommendation is made for the EU Commission as a basis for a proposal within the ordinary TFEU legislative procedure (Article 43.2) or as a proposal concerning measures on the fixing and allocation of fishing opportunities (Article 43.3).

#### **4. Other BALTFISH initiatives**

BALTFISH positions or joint recommendation may also be forwarded to the EU Commission, the relevant organisations or other organisations as proposals on any subject that relates to the development of sustainable fisheries in the Baltic Sea region.

This Memorandum of Understanding is prepared in English and in the case of any disputes between signatories this version is considered as original.

Signed on ...../date/, ...../place/.

#### Signatures:

On behalf of Denmark: Name and position of signatory

On behalf of Estonia: Name and position of signatory

On behalf of Finland: Name and position of signatory

On behalf of Germany: Name and position of signatory

On behalf of Latvia: Name and position of signatory

On behalf of Lithuania: Name and position of signatory

On behalf of Poland: Name and position of

On behalf of Sweden:

On behalf of European  
Commission:

signatory

Name and position of  
signatory

Name and position of  
signatory