



Comments on the proposed Memorandum of Understanding on principles and working methods of BALTFISH

On 19 August, the Latvian BALTFISH Presidency proposed a revised paper on future principles and working methods of BALTFISH – a Memorandum of Understanding (MoU) – outlining how a more regional management of Baltic Sea fisheries could work in practice, under the Lisbon Treaty and in the context of the ongoing reform of the Common Fisheries Policy. The proposal contains some concrete ways forward, but from a stakeholder perspective a number of issues need to be clarified.

1. All agendas, draft texts and positions and meeting notes must be made public, not less than one week in advance of the meeting, and the proceedings of BALTFISH must be open and transparent. The BALTFISH Memorandum of Understanding should be in accordance with the TFEU Article 15. (For example in 2.1.5 recording of minutes to be made public).
2. It should be clear in the memorandum of understanding how proposals and contributions to BALTFISH from stakeholders (not Member States) will be handled. (Could be added as additional text, as section 2.2.5 in the MoU and also in 1 (2) expanding on the concrete projects point).
3. It is proposed that the Presidency of BALTFISH will rotate among the Baltic Member States on an annual basis. Therefore, ways to ensure continuity and information flow over time will need to be found. One possibility would be to create a small secretariat (e.g. one person employed) located within the HELCOM facilities in Helsinki or at the CBSS office in Stockholm, as well as a website, as this will strengthen much needed integration and cooperation.
4. The objective of BALTFISH is focused on sustainable fisheries management, but considering the EU commitment to ecosystem-based management and the need for legal coherence with other EU policies, in this case particularly environmental legislation applicable to the Baltic Sea, the MoU must secure integration with other relevant issues and processes. This may require a continuous presence of environmental interests, including but not exclusive to HELCOM.

5. Explicit reference to the European Parliament should be made as under article 55 of the reformed basic Regulation, delegated acts may be revoked at any time by Parliament or Council and shall only enter into force if no objection has been expressed by either institution within two months of their notification of the act. (Could be added under 3.1)

Additional text

2.2.5 In order to facilitate the development of concrete projects aimed at achieving sustainable fisheries in the Baltic Sea Region, relevant stakeholders within the BALTFISH forum may submit proposals to the Presidency two weeks before a scheduled meeting.

3.1 Original with additions made in track changes

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 [and the European Parliament](#) 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 [and the European Parliament](#) 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.

[Where the European Parliament expresses objections to the proposed delegated acts or revokes an existing act, BALTFISH may produce a modified proposal and enter into discussions with the European Parliament.](#)