

Memorandum of Understanding

Principles and working methods of the Baltic Sea Fisheries Forum (BALTFISH)

1. Introduction

- 1.1 The EU Member States in the Baltic Sea Region (hereinafter - Member States) and the European Commission have a long standing tradition of effective cooperation in fisheries management and fisheries science. This cooperation also has included a thorough consultation of the fishing sector.
- 1.2 BALTFISH, a fisheries forum, has been developed within the framework of the European Union Strategy for the Baltic Sea Region. The primary goal of BALTFISH is to strengthen and improve the Member States coordination and cooperation in fisheries management in the Baltic Sea, as well as develop cooperation with other key stakeholders relevant to the Baltic Sea fisheries. BALTFISH constitutes a forum for exchanging ideas, views and information to facilitate joint actions and various concrete projects aiming at achieving sustainable fisheries in the Baltic Sea Region.
- 1.3 Furthermore, the new Basic Regulation of the European Union Common Fisheries Policy (hereinafter – the Basic Regulation) which comes into force as of 1 January 2014 includes as one of its central elements the regionalisation of fisheries management within the CFP. Therefore the activities of BALTFISH should be based on the principles for regionalization as provided in the Basic Regulation and in particular Article 18.
- 1.4 The Member States within BALTFISH express their willingness to provide appropriate human resources and to seek financial means necessary for implementation of activities related to cooperation within BALTFISH, inter alia by applying respective measures of the European Maritime and Fisheries Fund.
- 1.5 This Memorandum of Understanding (hereinafter - MoU) sets out the principles and working methods to be applied for the BALTFISH regional cooperation.
- 1.6 The MoU expresses the will of the signatories from the Member States to work in accordance with the principles and working methods described below. The MoU does not form a legally binding instrument or document.

2. BALTFISH Working Levels

BALTFISH works on two levels as follows:

- 2.1. BALTFISH High-level group (hereinafter - HLG) composed of the Member States fisheries directors and invited officials from the European Commission which is regarded as an associates in the HLG discussions. BALTFISH HLG in accordance with the Basic Regulation consults and where appropriate invites to its meetings representatives of the Baltic Sea Advisory Council (hereinafter - BS AC). The BALTFISH HLG may also meet at ministerial level if initiated by the Member States.
- 2.2. BALTFISH Forum Seminar composed of representatives from Member States, the European Commission and the BS AC as well as representatives from intergovernmental organisations such as ICES, HELCOM and all other relevant stakeholders in the Baltic Sea fisheries.

3. Principles and working methods of the BALTFISH HLG and the BALTFISH Forum Seminar

3.1. BALTFISH HLG

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

- 3.1.1. The Member States of BALTFISH adhere to the provisions of the Treaty on the Functioning of the European Union (hereinafter - TFEU), the Basic regulation and to respective national requirements relating to the Member States decision making procedures.
- 3.1.2. The Presidency of BALTFISH (hereinafter - Presidency) 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).
- 3.1.3. The Presidency in agreement with the Member States proposes dates for the meetings of BALTFISH HLG and produces an indicative list of items to be discussed during its Presidency. Other items than the initially listed ones may also be discussed and proposed by the Member States.
- 3.1.4. BALTFISH HLG meetings are chaired by the Presidency. As a default BALTFISH HLG meetings are held in the Member State holding the Presidency or in another appropriate location proposed by the Presidency and accepted by BALTFISH HLG.
- 3.1.5. To facilitate cooperation between the Presidency and the Member States, an administrative officer could be appointed in each Member State as responsible for the administrative work and communication in relation to BALTFISH cooperation.

- 3.1.6. The Presidency ensures drafting of the minutes and possible conclusions of the BALTFISH HLG meetings. Before minutes or conclusions are released to relevant stakeholders, they are circulated amongst Member States for their comments and consent.
- 3.1.7. The Presidency may delegate specific tasks of the BALTFISH initiatives to other Member States in agreement with the Member States in question.
- 3.1.8. BALTFISH HLG relies on good cooperation, transparency and information exchange with BS AC, as well as with ICES, HELCOM and other relevant stakeholders in the Baltic Sea fisheries. Where appropriate BALTFISH HLG will invite relevant stakeholders, in particular BS AC, to participate on an ad hoc basis.
- 3.1.9. Stakeholders in the Baltic Sea fisheries may address their positions and proposals to the Presidency. Where appropriate, proposals will be disseminated by the Presidency to other Member States and if relevant, put on the agenda for the future meetings of BALTFISH HLG or BALTFISH Forum Seminar.
- 3.1.10. BALTFISH HLG forms its opinion by consensus among its Member States. The consensus opinion is called the BALTFISH common position or joint recommendation as appropriate.
- 3.1.11. A Member State may choose not to join a BALTFISH common position or joint recommendation by abstaining, but simultaneously not to hinder the formation of consensus.
- 3.1.12. BALTFISH HLG prepares common positions and joint recommendations for legislative and other proposals to be drafted by the European Commission or for their transposition at national level by Member States themselves. BALTFISH HLG may also prepare positions or joint recommendations not directly linked to the Basic Regulation if it concerns the development of sustainable fisheries in the Baltic Sea region and may subsequently submit these positions or recommendations to any relevant organisation or body as decided by BALTFISH HLG.
- 3.1.13. BALTFISH HLG drafts on common positions or joint recommendations are prepared by the Member States who unanimously are selected by BALTFISH HLG and have expressed their agreement to draft the BALTFISH common position or joint recommendation. In preparation of such drafts the best available scientific and other relevant information as well as stakeholder views should be taken into account, in particular with regard to the Basic Regulation and its Article 44 Paragraph 3.
- 3.1.14. The Member States when preparing and discussing draft BALTFISH common positions or joint recommendations will take due account of the views expressed by the European Commission.
- 3.1.15. BALTFISH HLG may decide to establish ad hoc working groups chaired by the Presidency or any other Member State on specific issues that need in-depth work of experts as well as to organise specific BALTFISH Forum Seminars and meetings.
- 3.1.16. The submission of BALTFISH common position or joint recommendations to the European Commission and to other relevant organisations or bodies is made by the Presidency, after confirming finalisation of the draft text with BALTFISH HLG.

3.1.17. BALTFISH common position or joint recommendation if agreed by the Member States in BALTFISH HLG may be presented through the Commission to the Joint Baltic Sea Fisheries Committee under the fisheries agreement between the European Union and the Russian Federation.

3.2. BALTFISH Forum Seminar

The following principles are applied in organizing BALTFISH Forum Seminars:

- 3.2.1. The Presidency in agreement with the Member States proposes dates for the meetings of BALTFISH Forum Seminars.
- 3.2.2. BALTFISH Forum Seminars are chaired by the BALTFISH Presidency. As a default the BALTFISH Forum Seminar meetings are held in the Member State holding the Presidency.
- 3.2.3. The draft BALTFISH positions, joint recommendations and other important documents for Baltic Sea fisheries as agreed by the Member States may be disseminated to and discussed within the BALTFISH Forum Seminar with relevant stakeholders before any BALTFISH position is adopted by BALTFISH HLG.
- 3.2.4. Discussions, consultations and presentations in the BALTFISH Forum Seminars provide feedback and stakeholders' expertise to assist BALTFISH HLG in preparation of common positions and joint recommendations of BALTFISH.

4. Application of BALTFISH positions and joint recommendations

4.1. Baltic regional harmonisation within EU legislation

- 4.1.1. Where the BALTFISH common position or joint recommendation is prepared in accordance with Article 18(1) or Article 18(7) of the Basic Regulation it should, when agreed in BALTFISH HLG, be forwarded by the Presidency to the European Commission and, if relevant, to the Presidency of the Council of the European Union with the overall objective of its swift transposition into the EU legislation
- 4.1.2. BALTFISH closely cooperates with the European Commission to ensure that the BALTFISH common position or joint recommendation are fully compatible with the TFEU and the objectives of the Basic Regulation and where appropriate with any multiannual plan or other relevant legislation. If necessary, BALTFISH initiates preparation of a modified common position or joint recommendation to achieve the necessary compliance.


4.2. Baltic regional harmonisation within national legislation

- 4.2.1. Where Member States unanimously agree they may decide to implement the BALTFISH common position or joint recommendation through national legislation or other measures in accordance with Article 18(8) of the Basic Regulation. They can

4.2.2. National provisions adopted by the Member States on the basis of BALTFISH common position or joint recommendation shall be formally notified to the Presidency and other Member States as well as the European Commission in line with the procedures of the Basic Regulation.

Open for signatures on December 13, 2013, in Brussels.

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Ministry of
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Ministry of
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For the Ministry of
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For the Federal Ministry of
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For the Ministry of
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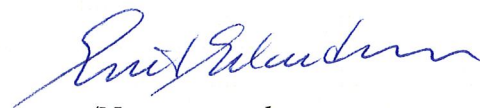
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