

## **Memorandum of Understanding on principles and working methods of the South West Waters Group**

### **1. Introduction**

The fisheries in the South West Waters Region (ICES Areas VIII, IX and X) are predominantly shared by a small number of Member States who have cooperated in supporting the management of the stocks under the former Common Fisheries Policy where the Commission had the lead role.

Within the framework of the reformed CFP Basic Regulation, the South West Waters Member States undertake to work together, in consultation with the relevant Advisory Councils and with the Commission, to manage South western waters fisheries. In particular, the Member States will endeavour to develop “joint recommendations” in line with Article 18 of the CFP Basic Regulation.

This work will be coordinated through the Group of South West Waters Member States representatives, with working collaboration at many levels in practice, including:

- A high-level group composed of Member States’ fisheries **Directors**;
- **Working level** groups of relevant fisheries officials.

This Memorandum of Understanding (MoU) sets out the principles and working methods that will be applied in the South West Waters Member States with effect from the entry into force of the reformed CFP. The MoU expresses the will of the signatories to work in accordance with the principles and working methods as described under sections 2 - 4. The MoU does not form a legal instrument or document.

The geographical area covered by the South West Waters Member States is ICES areas VIII, IX and X; and CECAF area (34) 1.11, with regard to EU waters. In specific cases where there is an overlap of interest with neighbouring areas, for example stocks straddling ICES areas VIII and VII, the Group’s work can encompass these areas too provided all of the Member States having a direct interest in these neighbouring areas are involved. Alternatively, the work may be undertaken by the group representing the neighbourhood area, provided that all of the Member States with a direct interest in the South West Waters Group are involved.

### **2. Principles and working methods of the South West Waters Group**

The following principles and working methods will be applied in coordinating South Western Waters fisheries management through the South West Waters Group:

1. Member States 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.
2. The chairmanship of the Group rotates among the Member States for a one year period starting every year on the 1<sup>st</sup> of January, in the following sequence:

Calendar year	Chair
2014	France
2015	Spain
2016	Portugal
2017	France (and so on)

3. and will be followed by France, the UK, Spain, Belgium and the Netherlands. When all participating Member States have chaired the Group, the arrangement will be reviewed.
4. The chair proposes dates for South West Waters Group meetings (both the High Level Group and working level groups) and seeks consensus on what the priorities are during its term. The chair may delegate tasks to other Member States of the South West Waters Group in agreement with the Member State(s) in question. As a default, South West Waters Group meetings are held in the Member State holding the chairmanship.
5. Each Member State will nominate contact points to engage with or attend Group meetings, and update this list as necessary.
6. Depending on the level/nature of the meeting, the Commission will be invited to participate in discussions. This is particularly important in the case of development of joint recommendations.
7. The chairing Member State will act as the default liaison between relevant Advisory Councils and Member States for practical purposes where necessary, to keep both entities informed of the other's work. However, engagement with Advisory Councils remains a responsibility of all Member States, including any requirements under the basic CFP regulation, such as the deadlines for Member State responses to Advisory Council advice under article 44(4).
8. The South West Waters Group will agree, and where necessary develop, the key elements of management measures it considers necessary for effective management of fisheries in the South Western Waters and, where relevant, neighbouring areas. These might include (but are not limited to) information exchange, general policy positions, draft proposals for Commission consideration on any fisheries issues, formal joint recommendations under the framework of regionalisation in the CFP, or specific technical measures for Member State implementation within the CFP framework.
9. The South West Waters Group bases itself on the best available scientific and other information, including collaborative science programmes to underpin cooperative fisheries management in South Western Waters and, where relevant, neighbouring areas, and thereby relies on good cooperation and information exchange with relevant organisations, in particular relevant Advisory Councils.
10. The deliberations of the South West Waters Group will take into account the roles and responsibilities of Member States and EU institutions with regard to negotiations with third countries, joining up with existing bilateral processes in a constructive and timely manner.
11. A Member State can choose not to join a South West Waters Group position, but simultaneously not to hinder the formation of consensus.
12. Where necessary the South West Waters Group may invite other interested parties to participate in meetings as observers on an ad hoc basis.
13. The South West Waters Group may decide to establish ad hoc working groups on specific issues that need in-depth work of experts, as well as to organise specific seminars and meetings where necessary.
14. Where working level group discussions make progress or fail to reach agreement, the high level group may be informed, and/or be asked to reach consensus on particular issues.

The South West Waters Group will also assess/monitor the implementation of management measures.

15. The South West Waters Group will review this Memorandum of Understanding and its operation at least every four years.

### **3. Procedures for developing “Joint Recommendations”**

1. The Group will seek to develop joint recommendations within the scope of article 18 of the CFP basic regulation.
2. Any such recommendations must adhere to the criteria set out in the CFP basic regulation, including the consultation requirements and need for unanimity among Member States with a direct management interest in the measures concerned (as defined in article 5).
3. The preparation of drafts shall take account of all the relevant information and views, including the advice of Advisory Councils.
4. Member States will in preparing and discussing draft joint recommendations take due account of the views expressed by the EU Commission.
5. The submission of joint recommendations to the Commission will be made by the Chair of the Group, after confirming finalisation of draft text and timing with the Member States with a direct management interest and the agreement of their Ministers.

### **4. Implementation of South West Waters Group initiatives**

Where agreement of specific proposals or actions by the Group requires specific measures, these measures can be put into legal and/or practical effect through various means:

1. The Commission may be asked to consider proposals with a view to bringing forward legislation under delegated or implementing powers (where appropriate), or with a view to bringing forward a proposal for the ordinary legislative procedure;
2. In the case of joint recommendations under article 18 of the CFP basic regulation, the Commission, or Member States, may be empowered in a Union conservation measure to give the measures legal effect in line with the provisions of the regionalisation process.
3. Member States can agree to implement management measures themselves, in line with their domestic management framework and subject to the provisions of the CFP.