



Deutsche Umwelthilfe

Coalition Clean Baltic



Suomen Luonnonsuojeluliitto



SUOMEN VAPAA-AJAN-KALASTAJIEN KESKUSJÄRJESTÖ



Our Fish



ClientEarth

BalticSea2020

OCEANA

To: Finnish Presidency of Baltfish

By email: [Finbaltfish@mmm.fi](mailto:Finbaltfish@mmm.fi)

FAO: Mr Risto Lampinen and Mr Orian Bondestam

Date: August 30th 2019 - Updated with wider sign-on: September 24th 2019

Dear Finnish Presidency of Baltfish  
Dear Mr Lampinen and Mr Bondestam

### **Transparency: A question to the incoming Finnish presidency of Baltfish**

#### **Baltfish forum 4th September 2019 Helsinki**

We thank the out-going Swedish presidency for its work and note efforts to have increased transparency at Baltfish. However, we must also acknowledge that the improvement has come from a low bar and that Baltfish has a long way to go to be fully transparent.

As NGOs have continually highlighted since the inception of Baltfish it is necessary to make publically available not only draft agendas but also the draft texts being proposed, the positions being taken by the national members and the meeting notes. *All relevant documents should be publically available online.*

Transparency has been part of the work programme and agenda during the previous Swedish, Danish, German and Polish Presidencies and a successful outcome has yet

to be reached. We call on the Finnish Presidency to end this long running saga and fulfil the transparency requirements of the European Union.

Our transparency request to Baltfish is for timely access to:

- Draft texts being proposed;
- Positions taken by national members;
- Meeting notes or minutes;
- ***And for all documents to be publicly available online.***

This transparency request is in line with the Baltfish Memorandum of Understanding, signed on December 13 2003, stating under 3.1.8 “*BALTFISH HLG relies on good cooperation, transparency and information exchange with....relevant stakeholders in the Baltic Sea fisheries.*”

This request is also in line with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters to which the EU and its Member States are contracting parties, as well as with the subsequent legislation adopted both at EU and at national levels to implement the Aarhus Convention.

We note that the European Ombudsman recently launched a new inquiry, [case 640/2019/FP](#), and will investigate the lack of transparency of the December Council meetings during which fishing opportunities are set for the North-East Atlantic. In her announcement that she will investigate that issue, the Ombudsman noted that: “*The famous all night meetings of ministers in Brussels are completely behind closed doors and yet make important decisions for the sustainability of fishing stocks and of jobs in fishing communities around Europe.*”

This follows on from [case OI/2/2017/TE](#) in which the EU Ombudsman found that there was maladministration with regard to “*access to documents relating to Council preparatory bodies when discussing draft EU legislative acts*”. In her recommendations, she insisted on the need to “*systematically record the identities of Member States expressing positions in preparatory bodies.*”

While Baltfish is neither listed as an official Council preparatory body nor a registered working party of national civil servants, in practice it prepares joint recommendations for legislation and conducts preparatory work for EU legislation, such as the annual TAC legislative file. This is confirmed by the [Baltfish final report](#) to the EU Strategy for the Baltic Sea region which states that “*the main topics for discussion during 2016 was Technical Conservation Measures (including measures to improve the situation for the Baltic Cod stocks) and the establishment of TAC and quotas in the Baltic Sea for 2017.*”

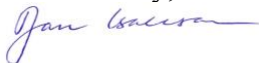
Moreover, meetings take place in conjunction with Council meetings, for example in Luxembourg on 14 October 2018, at which a [joint recommendation on technical measures in the Baltic Sea](#) was approved by the Baltfish high level group. This joint

recommendation includes details regarding the selectivity properties of demersal trawl gears which therefore may affect the calculations with regard to so-called quota top-ups that are calculated for TACs in relation to compliance with the landing obligation.

Currently Finland is of course president of both the EU Council and of Baltfish and we hope and trust that Finland in those roles will take the action required to ensure full transparency of both bodies.

Specifically with regard to Baltfish: will the new Finnish presidency make clear what action it plans to take to increase the level of transparency during its presidency?

Yours sincerely,



Jan Isakson, Director, The Fisheries Secretariat

Jan Kappel, Secretary General, European Anglers Alliance

Brian O’Riordan, Executive Secretary, Low Impact Fishers of Europe

Sascha Müller-Kraenner, Executive Director, Environmental Action Germany (Deutsche Umwelthilfe)

Nils Höglund, Fisheries Policy Officer, Coalition Clean Baltic

David Powell, Head of Environment & Green Transition, New Economics Foundation

Wolfgang Albrecht, Chairman, Fischereischutzverband Schleswig-Holstein e.V.

Dr. Stefan Spahn, Head of Department for European Activities, Deutscher Angelfischerverband e.V.

Tapani Veistola, Senior Advisor, Finnish Association for Nature Conservation

Markku Marttinen, Executive Director, Finnish Federation for Recreational Fishing

Rebecca Hubbard, Program Director, Our Fish

Elisabeth Druel, Lawyer – Fisheries and Biodiversity, ClientEarth

Ottilia Thoreson, Director, WWF Baltic Ecoregion Programme

Conrad Stralka, Director, Baltic Sea 2020

Pascale Moehrle, Executive Director of Oceana in Europe