

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.10.2009
COM(2009)536 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Developing the international dimension of the Integrated Maritime Policy of the
European Union**

TABLE OF CONTENTS

Need and purpose	3
1. Key themes for an EU platform in international maritime affairs	3
2. Enhancing the role of the EU in multilateral fora	7
3. Establishing regional cooperation within shared sea-basins	9
4. Developing bilateral relations with key partners	10
EU policy agenda	11

Need and purpose

Sustainable development lies at the heart of the EU policy agenda. The Integrated Maritime Policy (IMP) has a central role to play in achieving this objective. Europe is a maritime continent. Our various oceans and seas and extensive coastline have long been the scene of substantial maritime activities, which continue to make a major contribution – economically, environmentally and socially. The aim of the IMP is to promote the sustainable growth of both the maritime economy in particular, and the coastal regions more generally, by improving coordination between the different sectoral policies and by developing cross-cutting tools. In this way, we will be able to develop integrated responses to maritime challenges.

If the IMP is to succeed, however, it cannot be just a European policy. Marine ecosystems and maritime economies transcend national boundaries. The IMP cannot afford to ignore what is going on beyond Europe's borders. Indeed, many of the most urgent challenges which demand an integrated approach cannot be effectively addressed without robust international cooperation. This is true both of those challenges which are explicitly global, like climate change, biodiversity loss, sustainable use of marine resources, fair competition in shipping and shipbuilding, and promotion of decent working conditions in those sectors, and of those issues which are more closely circumscribed at regional level - think, for instance, of the need to protect the environment against the impacts of certain maritime activities in the Mediterranean or the Baltic Sea. In both cases, it is clear that the EU has to tackle these issues in international partnerships. Indeed, we have a clear-cut responsibility as both a global player and a regional partner to do our part, and even lead the way on maritime challenges.

Where the challenges facing the regional seas adjacent to the EU are concerned, the Commission has already, or will shortly, set out its vision of the steps required in specific Communications. This regional approach follows on directly from the request made by the European Council that the Commission take close account of regional specificities as it continues to develop the IMP agenda.

The present Communication complements this regional approach by exploring how the IMP should be extended into the wider international arena. It envisages the creation of an EU framework for a global integrated approach to maritime affairs. It outlines ways in which the EU's authority, as an international maritime power, should be strengthened at the multilateral level. This would also facilitate regional cooperation with maritime neighbours with whom the EU shares sea-basins, as well as helping develop closer bilateral relations with key partners. Efforts promoted in the framework of the international dimension of the EU IMP will be coherent with the EU's overarching external relations policy and the development policy.

1. KEY THEMES FOR AN EU PLATFORM IN INTERNATIONAL MARITIME AFFAIRS

The 2002 World Summit on Sustainable Development in Johannesburg established ambitious global targets for restoring oceans to ecological health and optimal productivity. These include a programme for integrated, ecosystem-based ocean and coastal management, reducing the loss of marine biodiversity, establishing networks of marine protected areas, and restoring world fish stocks to good biological condition. The latter objective incorporates a focus on the fight against Illegal,

Unreported and Unregulated (IUU) fishing, the reduction of fishing capacity where necessary, and the achievement of maximum sustainable yield by 2015.

The EU has made good progress on many of these goals, and remains committed to achieving all of them. However, not only does much remain to be done in some of these areas, but certain challenges have become more prominent in the intervening years – some long term, such as climate change others more sporadic such as piracy. The EU is determined to help build up the international community's capacity to master both existing and future maritime challenges.

International governance based on the rule of law

The more globalised our world becomes, the greater the demands it makes on our planet's marine ecosystems. If we are to cope with the strains this can create, it is more than ever necessary that the rules of the game be clearly defined, explicitly shared and easily enforceable. The 1982 UN Convention on the Law of the Sea (UNCLOS) remains the key reference in this domain, as supplemented by the UN Fish Stocks Agreement in the field of fisheries. Yet despite repeated calls from the international community, and in particular from the UN General Assembly in both its relevant annual resolutions, a number of countries have still to become a party to these instruments and implement them. The EU should promote real progress in this area, as success can best be achieved globally. It should also provide assistance to developing countries to ensure that they are not left behind for lack of appropriate means.

Global membership of UNCLOS should be an EU priority. This position should be promoted through dialogue with those countries that are not yet signatories to the Convention. The EU will continue to support the UN efforts to ensure that UNCLOS and other international key agreements in the maritime field are ratified by partner countries and that appropriate international monitoring and law enforcement instruments are duly strengthened. To this end, the EU will recommend and promote the ratification and implementation of these key instruments in the context of relevant bilateral negotiations and agreements. Policy projects such as the renewal of the Generalised System of Preferences foreseen for 2015 should envisage giving greater prominence to international maritime governance.

The EU should also promote a better use of the institutions set up under UNCLOS and ensure an appropriate representation of the EU in all of these.

Protection of marine biodiversity, including in the high seas

The EU strongly supports a range of commitments and initiatives relating to the protection of the marine environment in a number of maritime areas governed by global and/or regional conventions. The EU should reaffirm its support for the work on marine biodiversity that has been carried out in the context of the Convention on Biological Diversity, including the decision to establish a set of criteria for the identification of areas in need of protection in areas beyond national jurisdiction, and the creation of a list of marine areas that meet these criteria, as well as the development of guidance for the assessment of environmental impacts of activities undertaken in the high seas.

While UNCLOS contains general obligations for the protection of the marine environment and for cooperation, there are no mechanisms for taking effective action in the high seas from a cross-cutting approach. The EU is also advocating an integrated approach to the protecting and sustainable use of marine biodiversity in areas beyond national jurisdiction. It has proposed an Implementation Agreement under UNCLOS for this purpose, which could play a key role in filling gaps in the current legal framework, in particular for the establishment of marine protected areas in the high seas.

Fishing activities have a major impact on biodiversity. The EU is continuously working to curb fleet overcapacity, eradicate IUU fishing and outlaw fishing practices which cause serious damage to marine ecosystems. The EU is also supporting developing countries highly dependent on sea resources to use them sustainably, while at the same time promoting economic and social development.

In 2008 the Council adopted Regulation (EC) N° 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears, thus transposing UNGA Resolution 61/105 into EU law. The EU is now looking for effective global implementation of this resolution.

Climate change

Current projections indicate that climate changes are expected to have a broad range of significant ecological, social and economic consequences, in particular for islands and coastal communities.

Oceans, seas and coasts are not only the areas that will be impacted. They also have the potential to contribute significantly to effective mitigation strategies, including the development of new sources of energy (e.g. alternative renewables), and techniques for the storage of CO₂ emissions. Additional efforts to reduce man-made climate change are still required from several maritime sectors, including a global sectoral measure to reduce emissions from ships. The International Maritime Organisation has a responsibility to facilitate the development and adoption of such global reduction measures and the EU looks forward to seeing the conclusion of this work in the near future. The EU has established a strategic approach to reduce greenhouse gas emissions and minimise its vulnerability to the likely impacts of climate change through adaptation strategies. The EU must now step up its efforts to put in place a post-2012 climate change agreement, in collaboration with its partners in the United Nations Framework Convention on Climate Change. It should also continue to provide technical and financial assistance for adaptation to climate change impacts¹ to developing coastal and island states, through initiatives like the Global Climate Change Alliance² and in order to help partner countries establish longer term national adaptation plans.

¹ COM(2009)475/3 Communication on Stepping up international climate finance: A European Blueprint for the Copenhagen deal

² COM(2007)540) Communication on Building a Global Climate Change Alliance between the European Union and poor developing countries most vulnerable to climate change

Ensuring maritime safety, maritime security and freedom of navigation

The growth of shipping operations has made maritime safety a matter of utmost importance for the EU. With the adoption of the 3rd Maritime Safety Package on 11 March 2009, the EU now has one of the most comprehensive and advanced regulatory frameworks to guarantee the safety of shipping, essentially through a convergent application of internationally agreed rules.

Ensuring freedom and security of navigation, as well as continuity of supply and passenger transport, is of paramount importance for the EU. That is why the EU is committed to continue implementing and enforcing all relevant international instruments in this area in a timely manner. It expects its partners to do likewise, and to provide reciprocal and equivalent levels of protection for EU maritime activities outside EU waters.

Piracy and armed robbery at sea represent a serious threat not only to specific maritime activities *per se*, but also to a wide range of international economic and security interests. The EU has been active in the development of international efforts against this scourge, in particular in the UN context. It considers that enhanced cooperation among partners to combat piracy and its root causes through both naval and civilian actions is necessary. However, it also recognises that it is only by re-establishing order on land that it will be possible to effectively tackle piracy in those regions most affected.

Promoting decent work in the maritime sectors

Maritime transport, shipping, shipbuilding and fisheries are highly globalised sectors of the economy, promoting working conditions in these sectors in accordance with internationally recognised standards is of crucial importance for competition and social justice. Based on the ILO instruments as well as on the European Council conclusions on decent work for all, the EU should increase efforts, in cooperation with its partners to further promote decent work in the maritime sectors.

Understanding the sea better

Science and technology will be key to achieving truly sustainable economic growth in sea-based activities. Continuing research efforts will be necessary to explore and understand the potential and problems of the sea and to increase the eco-efficiency of existing maritime processes and find solutions to the unsustainable over-exploitation of resources, applying an ecosystem approach. The EU and third country partners should enhance participation in large-scale international research programmes going beyond national jurisdictions and deep-sea research, as recommended in the EU strategy for Marine and Marine Research³. This would allow them better to identify common interests and mutual benefits and elaborate a collective response to vital international commitments, while making the best use of results already achieved in on-going projects with third countries funded under the 6th and 7th Research Framework programmes.

³ COM(2008) 534 final European Strategy for Marine and Maritime Research - A coherent European Research Area framework in support of a sustainable use of oceans and seas

2. ENHANCING THE ROLE OF THE EU IN MULTILATERAL FORA

One of the pillars of the EU's external relations is the "effective of multilateralism"⁴ as the most participatory, non-discriminatory and inclusive way to build international governance. Yet, the EU's performance as a player within the existing multilateral system should be strengthened in dealing with maritime issues. The EU should consistently seek membership in international organisations that are relevant for maritime affairs, notwithstanding , the complex distribution of competence between the EU and its Member States. The difficulty which traditional intergovernmental organisations face in trying to accommodate the specificity of the EU needs to be overcome.

The Commission firmly believes that all activities of EU institutions and Member States should be coherent with the principle of unity of the EU external representation. Full EU membership and maximum participation need to be pursued in all relevant agreements and organisations. Common or coordinated positions should be adopted in line with the duty of loyal cooperation. It is crucial that the EU speaks with a single voice or at least delivers a consistent message, if it is to enhance its influence in key multilateral fora.

United Nations fora

Through its annual resolutions on oceans and the law of the sea, and on sustainable fisheries, the UN General Assembly has a central role in advancing the maritime agenda at global level. In the future, EU participation in the UN should be enhanced so as to be more influential. The EU should also try to ensure that the texts adopted for both annual resolutions are streamlined and focused on its commonly agreed policy priorities.

The annual meetings of the UN Informal Consultative Processes on the Law of the Sea have become influential in shaping the agenda for maritime affairs. The importance of these processes should be reaffirmed and their functioning actively maintained.

While the most recent binding instrument adopted under its auspices dates back to 1993 (the FAO Compliance Agreement), the Food and Agriculture Organisation (FAO) remains an important forum for the examination of international fisheries issues, especially to ensure a broad participation of developing countries. The EU should continue to play an active role in this forum.

Since 2005, the Commission and Member States apply a coordination process prior to meetings of the International Maritime Organisation (IMO) which allows for the preparation of either common or coordinated positions, and the presentation of common submissions on matters of EU competence or interest. The Commission is working to enhance the role of the EU within the IMO by formalising the EU coordination mechanism and obtaining the grant of formal observer status, if not full

⁴ Report on the Implementation of the European Security Strategy – Providing Security in a changing World approved by the European Council held in Brussels on 11 and 12 December 2008 and drafted under the responsibilities of the EU High Representative Javier SOLANA

membership, to the EU⁵. This will not affect the rights and obligations of the EU Member States in their capacity as IMO contracting parties.

The International Labour Organisation (ILO) is a key partner for the EU in the area of maritime labour standards and cooperation and has a crucial role to play in achieving decent working conditions. In line with the 2005 World Summit Outcome and the Ministerial Declaration of the UN ECOSOC 2006 High Level Segment, the Commission will continue to promote decent work for all in all its internal and external policies as one of the key ways of fostering competitiveness, sustainable development and fair globalisation.

Other intergovernmental fora

The number and the role of Regional Fisheries Management Organisations (RFMOs) as the primary fora for the conservation and management of international fish stocks have greatly expanded over recent years⁶. Despite this, RFMOs have still not managed to prevent the overexploitation of many fish stocks and the accompanying degradation of the marine ecosystems under their remit. The EU should step up its work to strengthen the work of RFMOs so as to improve their performance and the global coherence of their measures.

In recent years, the EU has started for the first time to develop common positions in the International Whaling Commission. However, the limited observer status remains a limitation on its means of action.

Regional sea conventions address the protection of the marine environment from an integrated perspective, having regard to the cumulative pressures. They should have a key role in the coming years in pursuing at regional level the implementation of the Marine Strategy Framework Directive. As part of the integrated approach to maritime affairs, the EU should ensure coherence and look for synergies between different fora, for instance between such environmental conventions (such as Regional Seas Conventions and the Convention on International Trade in Endangered Species) and RFMOs or IMO instruments⁷.

The OECD has developed expertise and hosted policy discussions on a number of maritime sectors. It could therefore be an important forum for the exchange and further development of best practices in integrated policies for the seas.

Informal processes

The EU should be more active in international "second track" informal processes, as it was in the Task Force on Illegal, Unreported and Undeclared Fishing on the High

⁵ Communication from the Commission "Strategic goals and recommendations for the EU's maritime transport policy until 2018", COM(2009) 8.

⁶ Particularly important are the following ones: the International Commission for the Conservation of Atlantic Tunas, the North East Atlantic Fisheries Organisation, the Northwest Atlantic Fisheries Organisation, the Indian Ocean Tuna Organisation, the Western and Central Pacific Commission and the General Fisheries Commission for the Mediterranean.

⁷ Of particular importance are the OSPAR Convention for the North-East Atlantic, the Barcelona Convention for the Mediterranean, the Helsinki Convention for the Baltic Sea, and the Bucharest Convention for the Black Sea.

Seas (2003-2006). A stronger EU presence is desirable in particular in the International Union for the Conservation of Nature and in the Global Forum on Oceans, Coasts, and Islands, an international forum for multi-stakeholder dialogue on marine issues with the aim of informing and supporting formal processes within the UN.

3. ESTABLISHING REGIONAL COOPERATION WITHIN SHARED SEA-BASINS

General framework

The IMP is not a one-size-fits-all policy. Instead, it seeks to promote measures that are adapted to the individual needs of Europe's various coastal regions, and the different oceans and seas that surround the European continent. In order to ensure that implementation of the IMP fully responds to the concerns of coastal communities, and to facilitate improved maritime governance, the Commission is developing individual approaches tailored to fit each sea basin. Because the maritime challenges are inherently shared with all the riparian states, sea-basin strategies need to be developed in close cooperation with neighbouring partners.

Regional approaches have already been launched for the Arctic⁸, the Baltic⁹ and the Mediterranean¹⁰. Their endorsement and implementation are now of paramount importance. The Commission also intends to develop similar approaches for other sea-basins.

Indeed, there are a number of issues which provide cause for common concern in the EU Atlantic basin, such as overfishing, pollution from ships, eutrophication and marine litter. Efforts are ongoing in the context of the OSPAR Convention to align strategic objectives with those of the Marine Strategy Framework Directive. The spectacular growth of the tourism sector of the Atlantic economies and the reinforced protection of these natural areas, are major issues that need to be addressed. The Atlantic sea basin also has great potential for maritime renewable energies: wind turbines, tidal energy, marine currents and wave energy all have important potential for development.

The Black Sea is also faced with major challenges like eutrophication, chemical pollution, threats to biodiversity and a serious decline in living marine resources, due to mainly the inadequate fisheries conservation measures at sea-basin level. The Bucharest Convention on the protection of the Black Sea against pollution remains the only major regional sea convention around Europe¹¹ to which the EU is not a party, and this clearly hinders greater EU involvement in actions specifically addressing environmental protection. In the framework of the EU Black Sea Synergy initiative, sectoral partnerships on environment, transport and energy are being

⁸ Communication from the Commission "The European Union and the Arctic region", COM(2008) 763

⁹ Communication from the Commission "The European Union Strategy for the Baltic Sea Region", COM(2009) 248

¹⁰ Communication from the Commission "Towards an Integrated Maritime Policy for better governance in the Mediterranean", COM(2009) 0466 final

¹¹ Communication from the Commission "Black Sea Synergy - A New Regional Cooperation Initiative" COM(2007) 160 final

developed for implementing projects of regional significance by pooling together resources from the EU budget and from other sources, including international financial institutions.

Cooperation on EU IMP tools at regional level

The Commission also intends to promote regional cooperation on the development of cross-cutting tools for integrated policy-making. This concerns in particular the integrated surveillance of maritime activities, the improvement of marine knowledge, maritime spatial planning and integrated coastal management zones with third countries sharing with the EU the same sea-basins.

Besides, in the context of the Marine Strategy Framework Directive, the EU should pursue its efforts to enhance dialogue for the enhanced protection of the marine environment with neighbouring partners, at both bilateral and regional level, including through the regional sea conventions.

4. DEVELOPING BILATERAL RELATIONS WITH KEY PARTNERS

Dialogue is the cornerstone of the EU's strategy for engaging with international partners. It provides a platform for alliance-building, promotes mutual understanding and enables the exchange of best practice.

A number of sectoral dialogues are currently underway with key partners on matters relevant to the Integrated Maritime Policy such as maritime transport, shipbuilding, environmental issues, employment and social affairs and the management of fisheries resources. These dialogues are usually based on either agreements or memoranda of understanding.

Many common features can be identified in the principles, objectives, and modalities of the maritime policies currently in development by some of the EU's key international partners (e.g. Canada, Norway, Japan, USA, Brazil, India, Russia, and China). In particular, they all recognise the need for an integrated approach to promote the protection and sustainable use of oceans and seas and sustainable growth in coastal regions.

The Commission intends to gradually expand the scope of such sectoral dialogues into a more overarching cooperation on global maritime affairs. In doing so, it should strive to increase transparency and consistency across the different sectors concerned, with a view to better identifying synergies. The main items to be discussed will focus on the cross-cutting tools such as maritime surveillance, marine knowledge, integrated coastal zones management and marine technology development. These should also focus on those themes which are on the agenda of coming multilateral meetings, in order to promote mutual support and where possible develop joint initiatives.

The EU should focus on developing its relations with those of our international partners which already have an integrated maritime policy, or which are making concrete steps in this direction, and with which we already have a history of close collaboration in multilateral fora.

EU policy agenda

An integrated approach to maritime affairs is beginning to establish itself as the gold-standard for maritime governance around the world. The EU's Integrated Maritime Policy positions it as a forerunner in this field. However, to capitalise on this momentum, and to ensure it reaps the full benefits of integrated policy making at home, it needs to ensure that its influence in the international debate is maintained and enhanced. The EU should therefore support and encourage the widespread adoption of IMP-type principles, tools and processes based on the ecosystem approach, as both a necessary precondition for effective integrated management in the EU's own waters, and as a good in itself, in line with its belief in cooperative multilateral decision-making.

In particular, the EU should:

- (1) Strengthen its role as a global player through greater and more unified participation in multilateral fora, in coherence with the principle of the unity of the EU external representation.
- (2) Promote global membership of UNCLOS.
- (3) Establish by mutual consent high-level dialogues on maritime affairs with key partners, ensuring synergies with existing sectoral dialogues in other policy areas
- (4) Pursue dialogue on IMP bilaterally through both the ENP instruments and multilateral dialogue at sea-basin-level within existing frameworks (e.g. Union for the Mediterranean, Northern Dimension, Black Sea Synergy), sharing best practice in implementing the IMP tools with its neighbours and encouraging them to implement such tools.
- (5) Continue to work on moving oceans and coasts higher up the climate change agenda and provide assistance to developing coastal and island states in this field, in line with the EU development cooperation strategies and initiatives.
- (6) Continue to support an integrated approach to the conservation and sustainable use of marine biodiversity, particularly in areas beyond national jurisdiction, including for the establishment of marine protected areas.
- (7) Pursue its cooperation with the ILO to encourage decent working conditions in the maritime sector.
- (8) Pursue its actions to ensure freedom, safety and security of navigation, including actions against piracy.
- (9) Continue and strengthen cooperation research activities with third countries in order to enhance participation in large-scale international research programmes and with countries neighbouring the EU in order to define common regional marine research strategies.
- (10) Ensure coherence between the activities of various organisations, notably in the fisheries, environment and transport fields.

- (11) Encourage the OECD to develop a structure for exchange of best practices on integrated approaches to maritime affairs.
- (12) Develop strategies for all relevant shared sea basins.

The Commission invites the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions to endorse the Commission's objectives and proposed actions as set out in this Communication and to support and promote the approach outlined therein.