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JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

For an open and secure global maritime domain:
elements for a European Union maritime security strategy

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**For an open and secure global maritime domain:
elements for a European Union maritime security strategy**

I   Introduction

Europe's maritime interests are fundamentally linked to the well-being, prosperity and security of its citizens and communities. Some 90 % of the EU's external trade and 40 % of its internal trade is transported by sea. The EU is the third largest importer and the fifth global producer of fisheries and aquaculture. More than 400 million passengers pass through EU ports each year. It depends on open, safe seas and oceans for free trade, transport, tourism, ecological diversity, and for economic development. Failing to protect against a wide array of maritime threats and risks may result in the seas and oceans becoming arenas for international conflicts, terrorism or organised crime.

It is against this backdrop that the European Union is under pressure to do more, to act quicker and with fewer resources, by strengthening cooperation between different sectors and national authorities. As the internal and external dimensions of maritime security are increasingly interlinked, a shared unity of purpose and effort by all involved is necessary to achieve coherence between sector-specific and national policies and to enable civil and military authorities to react effectively together. The European Union Naval Force Somalia (EUNAVFOR) — Operation Atalanta combined with the EU's substantial cooperation assistance has shown the effectiveness of a joined-up approach.

In December 2013, the European Council stressed the importance of safeguarding the EU's strategic maritime security interests against a broad range of risks and threats. In terms of specific goals, the EU's Limassol Declaration of 2012 stressed the 'importance of improved maritime governance including increased cooperation'.[1] An EU maritime security strategy could lay the groundwork for the EU to contribute to rules-based good governance at sea, be it in territorial waters or on the high seas.

An EU maritime security strategy would facilitate a strategic, cross-sectoral approach to maritime security[2]. EU coordination and the development of further synergies with and amongst Member States, and cooperation with international partners should be the starting point in line with existing treaties and legislation, as well as the United Nations Convention on the Law of the Sea (UNCLOS) as the cornerstone of that approach.

Such a strategy would not seek to create new structures, programmes or legislation, but would strive to build upon and strengthen existing achievements. Consistency with existing EU policies should be ensured.[3]

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[1]   By European ministers responsible for the Integrated Maritime Policy.

[2]   'Cross-sectoral' refers to actions or cooperation between different marine or maritime functions (e.g. maritime safety, marine environment protection, fisheries control, customs, border control, law enforcement and defence).

[3]   For example: Regulation (EC) No 725/2004 on enhancing ship and port facility security; Directive 2005/65/EC on enhancing port security and Regulation (EC) No 324/2008 on procedures for conducting Commission inspections in the field of maritime transport security.

Cooperation with existing intergovernmental and international initiatives should be strengthened.[4] Finally, the development of a coordinated approach to maritime security would also enhance the growth and jobs potential of our seas as set out in the EU's growth strategy — Europe 2020.[5]

II   Maritime security interests

The key strategic maritime security interests of the EU are:

- The prevention of conflicts, the preservation of peace and the strengthening of international security through engagement with international partners. This promotes international maritime cooperation and the rule of law, facilitates maritime trade and contributes to sustainable development.

- The protection of the EU against maritime security threats including the protection of critical maritime infrastructure such as ports and terminals, off-shore installations, underwater pipelines, telecommunications cables, scientific research and innovation projects and other economic activities at sea.

- Effective control of the Union's maritime external borders to prevent illegal activities.

- The protection of the global EU supply chain, the freedom of navigation, right of innocent passage of ships flying the flags of EU Member States and the safety and security of their seafarers and passengers.

- The prevention of illegal, unregulated and unreported (IUU) fishing.

III   Maritime security threats

Maritime security threats are multifaceted, pose a risk to European citizens and are detrimental to the EU's strategic interests. These maritime security threats have a range of impacts across several policy sectors. Social, economic and environmental phenomena such as climate change and the degradation of marine ecosystems and depletion of natural resources impacting on EU Member States' and other countries' coastal areas, seas and on the oceans have direct and indirect consequences for maritime security. The following maritime security threats have been identified:

- Territorial maritime disputes, acts of aggression and armed conflict between States.

- The proliferation of weapons of mass destruction, including chemical, biological, radiological and nuclear threats.

- Maritime piracy and armed robbery at sea.

- Terrorism and other intentional unlawful acts against ships, cargo and passengers, ports and port facilities and critical maritime infrastructure, including cyber-attacks on information systems.

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[4]   Such as the European Union Coast Guard Functions Forum, the International Maritime Organisation or the Chiefs of European Navies (CHENs) Forum.
[5]   COM(2010) 2020 final.

- Cross-border and organised crime including seaborne trafficking of arms, narcotics and human beings, as well as IUU fishing.

- Potential consequences to the environment of illegal discharges or accidental marine pollution.

- Potential impacts of natural disasters, extreme events and climate change on the maritime transport system and in particular on the maritime infrastructure.

- Conditions at sea and in the coastal zone that weaken the potential for growth and jobs in the marine and maritime sectors.

IV   Purpose of this strategy

Given the complexity of existing political instruments and the myriad of actors and legislation involved at national and EU levels, this strategy should be inclusive, comprehensive and build upon existing achievements.

A good example is the EU's comprehensive approach to counter piracy off the coast of Somalia. This requires multilateral action integrating civil and defence cooperation; capacity building and the development of partnerships; financial and judicial investigation; and local, regional and international diplomatic efforts and political commitments as well as research and innovation and cooperation with industry.

The purpose of this strategy is to facilitate a cross-sectoral approach to maritime security. This would be achieved by pursuing the following four strategic objectives:

a. Make best use of existing capabilities at national and European level

Each Member State has, over time, developed its own systems, structures and approach to its maritime security, with no single method for success. These efforts are supported by EU agencies such as the European Defence Agency (EDA) and the European Union Satellite Centre (EUSC) as well as the European Maritime Safety Agency (EMSA), the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) and the European Fisheries Control Agency (EFCA), which have developed sector-specific systems and capabilities for maritime surveillance. To ensure an optimal response to threats, this strategy should support the relevant authorities and agencies at all levels in their efforts to enhance the efficiency of maritime security and to facilitate cross-sectoral and cross-border cooperation among maritime security stakeholders.

b. Promote effective and credible partnerships in the global maritime domain

Given the genuinely international nature of sea links, global supply chains and shipping, the EU's strategic maritime interests are best safeguarded by partnerships with other stakeholders or international organisations. The Union's capacity to cooperate with international partners has a direct impact on its ability to safeguard its interests. The strategy should position the EU as a credible, reliable and effective partner in the global maritime domain, ready and able to take on its international responsibilities.

c. Promote cost efficiency

At a time when public spending is under pressure and resources are limited, this strategy should result in a cost-efficient approach to maritime security. The EU's maritime security is largely organised around national systems and sector-specific approaches that potentially render operations more expensive and less efficient. Maritime operations should be made more efficient by improving cross-sectoral cooperation, enabling better communication

between national and EU-systems, creating effective civil-military interfaces and by translating results from research and technological development into policy.

d. Enhance solidarity among Member States

A single seaborne terrorist attack or the disruption of one or more of the major shipping lanes could have a catastrophic impact on several Member States, the EU as a whole or third countries. Preventing, detecting and responding to incidents require the cooperation of all maritime security stakeholders.

A lack of agreement on maritime zones, such as the delimitation of exclusive economic zones, could present an additional threat in certain areas, such as the Mediterranean Sea.

This strategy should aim to foster mutual support between Member States and to allow for joint contingency planning, risk management, conflict prevention and crisis response and crisis management.

V   Organising the EU response: building and improving on existing achievements

A strategy seeking to achieve better maritime governance should have four cornerstone principles:

- *A cross-sectoral approach*: all partners from civilian and military authorities (law enforcement, border control, customs and fisheries inspection, environmental authorities, shipping supervision, research and innovation, navies) to industry (shipping, private security, communication technology, capability support, social partners) need to cooperate better.

- *Functional integrity*: there should be no change of mandate, responsibilities or competences for each stakeholder. The focus should instead be on which specific functions or tasks can better be achieved by working together with other stakeholders.

- *Maritime multilateralism*: a key principle when dealing with complex issues requiring an international response and cooperation in the maritime domain is multilateralism. The EU is stronger, and its interests are best protected, when speaking with one voice to international partners.

- *Respect for rules and principles*: the EU promotes respect for international law, human rights and democracy, and full compliance with UNCLOS and the goals enshrined therein as the key elements for rules-based good governance at sea.

These four principles are applied in five areas of better cooperation.

a.   External action

The EU external action in support of maritime security and governance ranges from political dialogues with international partners to supporting maritime capacity building and military operations to deter piracy and armed robbery at sea. The EU could improve the way and the degree in which it capitalises on the best practices of internal policies related to maritime security aspects in order to promote better ocean governance. This could be used for example when supporting partner countries to raise the standards of their ports and port facilities and ship security to meet the requirements laid down in the International Ship and Port Facility Security Code (ISPS) of the International Maritime Organisation (IMO) and the requirements

of the Maritime Labour Convention and the Seafarers' Identity Documents Convention of the International Labour Organisation to ensure the safety and security of seafarers.

The success of EUNAVFOR Operation Atalanta in deterring piracy off the coast of Somalia combined with the substantial cooperation assistance provided by the EU, both on land and at sea, has contributed to the reduction of the underlying causes of maritime insecurity. This should be analysed to identify the lessons that can be applied elsewhere. Another model which has produced positive results in the fight against piracy in South East Asia — and that has seen the involvement of individual EU Member States — is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). These examples demonstrate the value of cooperate action in the field of maritime security.

Regional aspects

Some maritime zones or areas within the global maritime domain are, because of their strategic value or potential for crisis or instability, of particular importance to the EU and its Member States.

The Mediterranean, the Atlantic and the global network of shipping lanes to and from Asia, Africa and the Americas are of critical importance.

The waters surrounding the African continent, including the Gulf of Guinea, must receive increased attention and an internationally coordinated approach.[6] Increasing levels of piracy and armed robbery at sea in the Gulf of Guinea underline the need for coordinated EU action, including the linking of existing and future EU capacity building assistance to the actions taken by the states in the region.

The Gulf of Aden has become an important area for cooperation, due to the presence of international partners protecting vulnerable shipping and fighting piracy. The EU's presence in the Gulf of Aden through EUNAVFOR Operation Atalanta, combined with the extensive support provided by other EU cooperation instruments, has a positive effect on other policy areas and fosters better civil-military cooperation. The success of Operation Atalanta combined with the longer-term cooperation actions should be preserved to ensure that any future resurgence of piracy is avoided.

The EU supports the development of the 2050 Africa's Integrated Maritime Strategy and stands ready to cooperate with the African Union and its Member States on maritime matters.

East and Southeast Asia's maritime areas contain a multitude of challenges. Strong but unevenly distributed economic development, a growing population and competing claims on territory and maritime resources create a potent mix of disputes, instability and crises.

The opening of possible transport routes through the Arctic and the exploitation of its natural and mineral resources will pose particular environmental challenges which must be managed with the utmost care, and cooperation with partners will be paramount.[7]

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[6]   Cf. the 'Elements for the EU's Strategic Response to the Challenges in the Gulf of Guinea', JOIN (2013)31 final, 18.12.2013.

[7]   Maintaining good international cooperation in the Arctic region and supporting the region stability has been identified as a strategic interest of the European Union. Cf. the Joint Communication on developing an EU policy towards the Arctic region, JOIN(2012) 19 final dated 26.6.2012.

Areas of better cooperation

The Union

- should ensure a coordinated approach on maritime security issues in international fora such as the G8, the UN, IMO, ILO, NATO, the African Union and its sub-regional organizations, the Union for the Mediterranean, the Association of South East Asian Nations (ASEAN), INTERPOL and with third countries.

- should plan, on a regular basis, 'EU-flagged' maritime exercises with third countries in the context of a Common Security and Defence Policy (CSDP) operation or EU exercise, in order to improve the visibility of the EU in the global maritime domain.

- should seek to strengthen and support EU regional responses in other maritime piracy affected areas around the world, notably by making best possible use of initiatives under Common Foreign and Security Policy (CFSP), as well as reinforcing the preparation for future maritime contingencies through wider external action.

- should, building on existing EU cooperation, conduct maritime security capacity building activities with third countries and regional organisations in order to continue improving 1) maritime governance and rule of law, including criminal justice and maritime law enforcement; 2) port and maritime transport security to international agreed standards; 3) capabilities to manage their own borders; and 4) to combat IUU fishing.

- should support third countries in establishing and upgrading their capabilities for Search and Rescue in line with international obligations.

- should endeavour to improve information-sharing arrangements with international partners, including neighbouring countries as promoted by the EU in the wider Indian Ocean region.

b.   Maritime awareness, surveillance and information sharing

Access to timely and accurate information and intelligence is crucial for the establishment of a common maritime awareness 'picture' which in turns leads to better operations and a more efficient use of scarce resources. Progress has already been made through a number of EU systems serving different policy areas and in some cases going beyond one sector.

These systems include: SafeSeaNet, a Union maritime traffic monitoring and information system for EU-waters, managed by EMSA, to ensure the implementation of EU legislation; the Common Emergency and Information System (CECIS) facilitating communication during maritime incidents and disasters managed by the Commission's Directorate-General for Humanitarian Aid (ECHO); the Vessel Monitoring System, managed by EFCA and Member States, supporting the Common Fisheries Policy; the Maritime Surveillance network (MARSUR) managed by EDA supporting the Common Foreign and Security Policy; the European Border Surveillance System (EUROSUR)[8] improving the situational awareness and reaction capability of Member States and of the EU Border Agency Frontex at the external borders; additionally the Common Information Sharing Environment (CISE) for the EU maritime domain currently being jointly developed by the EU and EU/EEA Member States

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[8]   Regulation (EU) No 1052/2013 of 22 October 2013 establishing EUROSUR, OJ L295/11 of 6.11.2013.

will further enhance and create an interoperability framework between national and EU systems using in particular a common data model.

Maritime surveillance is still largely organised along sectoral and national lines. This may result in a suboptimal use of available surveillance capabilities. EU Member States' authorities are supported by EU-sectoral systems and approaches. Exemplary solutions for improving civil-military cooperation at national and European level have been developed in the framework of EUROSUR. Civilian and military authorities are required to share information on incidents and patrols via the national coordination centres for border surveillance as well as intelligence via national situational pictures and to coordinate their activities when responding to threats at the external borders.

In line with the objectives of the EU maritime security strategy , the European Earth Observation programme Copernicus is already developing a comprehensive approach for a more coordinated use of space systems and remote sensing technologies and their derived applications for cross-sectoral maritime surveillance services.

Space and air-based surveillance technologies enable observation of areas difficult to access as well as contribute to improved detection and tracking of small vessels used for drug smuggling, piracy and migration. Since 2013 Frontex, EMSA and the EU Satellite Centre (EUSC) are establishing a service for the combined application of surveillance tools, including ship reporting systems, satellite imagery and manned surveillance planes. Earth Observation components of this service will be supported under Copernicus as of 2014.

Maritime awareness, surveillance and information sharing should be supported by research and innovation activities in order to improve and enhance its effectiveness.

Areas of better cooperation

- The Member States should be invited to ensure that by the end of 2014 all civilian and military authorities with responsibility for maritime border surveillance share information via the EUROSUR national situational pictures and cooperate via the EUROSUR national coordination centres on a regular basis.

- The Commission and the High Representative, in coordination with the Member States, should continue to improve civil-military and cross-border cooperation and the interoperability of systems for maritime surveillance and maritime security, with a view to establishing comprehensive 'maritime awareness' to improve early warning and facilitate a timely response.

- The Commission and the High Representative should ensure a consistent approach within the ongoing work by EDA, EFCA, EMSA, ESA, EUSC, Frontex, as well as the Earth Observation programme (Copernicus) and GALILEO/EGNOS (European Geostationary Navigation Overlay Service), with a view to supporting maritime surveillance in the EU and the global maritime domain and the conduct of CSDP missions.

c.   **Capability development and capacity building**

A consistent approach is required to develop necessary and cost effective capacities. This should include the further engagement of public and private actors including social partners, and build on existing achievements. The European border management agency Frontex coordinates the use of resources and personnel provided by border authorities of different Member States in joint operations. The improved capacity to respond to terrorist attacks on vessels in EU waters and the sharing of best practices as developed by the ATLAS Network

of special police intervention units from Member States, demonstrate other examples of capacity building.

The 'Pooling and Sharing' initiative advocated by the EDA is aiming to pool and share a greater level of military capabilities among EU Member States and contributes to the better use of scarce (military) capabilities. This improves the effectiveness, sustainability, interoperability and cost efficiency of these capabilities.

Areas of better cooperation

- The Commission and the High Representative should identify capability areas and technologies that could benefit from harmonisation for improved interoperability and develop technical roadmaps, mapping the process and milestones to achieve this.

- The Commission, in coordination with the High Representative should explore the added value of EU-owned, managed or leased dual-use capabilities in an area of critical capability such as maritime surveillance for the benefit of Member States.[9]

- The Commission should explore how closer cooperation between and with national authorities carrying out maritime surveillance activities can contribute to strengthening border control, maritime law enforcement and Search and Rescue within the existing concept of Integrated Border Management.

- Existing legislation on the security of ports, port facilities and ships within the EU/under EU flag should be fully applied and, where appropriate, be upgraded or further developed. The Commission and Member States shall promote greater sharing of best practices, risk analysis and threat information, in cooperation with social partners acting in the ports and maritime transport sectors where necessary.

- The Commission, in coordination with Member States should coordinate their research efforts to develop their knowledge base, technologies and other means to increase their capacities for prediction, surveillance and risk mitigation.

d.   Risk management, protection of critical maritime infrastructure and crisis response

Whilst the main aims remain risk mitigation and the prevention of incidents, the protection of the EU´s marine environmental status, its critical maritime infrastructure and its capacity for crisis response depend on a high degree of preparation, anticipation and responsiveness. A set of interlocking actions is already in place but the EU can improve its responsiveness. This can be achieved by building on existing capabilities and arrangements such as the Ship and Port Facility Security legislation which lays down the minimum security requirements for ships, ports and government agencies. Private sector engagement is also a key success factor in this regard.

EU customs authorities conduct security risk assessment of incoming cargo before the cargo is loaded on a vessel in a foreign state. The Commission Communication on risk management and the security of the supply chain stresses the importance of further cross-sectoral

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[9]   In close conformity with the approach set out in the Commission Communication on Defence, COM(2013) 542final.

cooperation.[10] It calls for increased risk management capacity to monitor the risks associated with cargo movements by strengthening the EU risk management framework including the comprehensive advance cargo information systems and the reliance on Authorised Economic Operators to ensure uninterrupted trade.

Another example is the Common Integrated Risk Analysis Model developed by Frontex, which allows for faster identification and response to challenges faced at the external sea borders.

As part of the protection of vessels at sea, the use of privately contracted armed security personnel (PCASPs) has increased. Several nations have set national rules governing the use and conduct of PCASPs. It is desirable to aim for a common, binding standard for the PCASPs on board EU-flagged vessels.

Areas of better cooperation

- The Commission and the High Representative, in a coordinated approach with Member States should pursue a shared and comprehensive approach to maritime security risk management to achieve a common risk analysis. This would help to identify areas of maritime security interest in the global maritime domain and facilitate the change from a patrol-driven to an intelligence-driven approach.

- The Commission and the High Representative should take initiatives on enhanced civil-military and cross-border cooperation for maritime crisis response and contingency planning in relation to defined security threats.

- Member States and relevant stakeholders should assess the resilience of maritime transport to natural disasters and climate change, and take appropriate actions, and share best practices in order to mitigate the related risks.

- The Commission should consider proposing EU requirements governing the use of PCASPs to ensure a common standard for security companies from Member States and on board EU-flagged vessels. The EU should seek mandatory standards for PCASPs at the international level via the IMO.

- The Commission undertakes to ensure complementarity and coherence of legislation and measures to improve maritime security and the security of the supply chain.

e.   **Maritime security research and innovation, education and training**

Innovative technologies and processes are contributing to the improved efficiency, sustainability and effectiveness of operations. Socio-economic research and innovation can help reduce situations leading to social conflicts or maritime crime. Maritime security research could benefit from a clear vision of cross-sectoral needs and dual use capabilities.

Research and knowledge development innovation, as well as education and training can contribute to achieving the goals set in the Blue Growth agenda.[11] The EU's Seventh Framework Programme for Research and Development (FP7), and in particular, its security research theme, already yielded extensive results. These results should be better used in policy

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[10]   The Commission has been requested by the Council to elaborate the communication on risk management, COM(2012) 793 final, into a Strategy and Action Plan in 2014.

[11]   COM(2012) 494 final.

development and to achieve market uptake, exploiting also synergies with the programmes of Member States and the European Structural and Investment Funds. The Commission will continue to support the research and development (R&D) activities related to maritime security.

A maritime security strategy needs global research and development partners. Horizon 2020 is open for international partners. The Joint Research Centre (JRC) of the Commission has established cooperative relations with international R&D partners for specific maritime surveillance related research activities.

Areas of better cooperation

- The Commission, the High Representative and Member States should seek to bring together available maritime security-related training courses in a common Maritime Training Calendar and consider opening up these courses to third countries in order to agree minimum common training standards.

- The Commission and the High Representative should establish a joint civil-military agenda for maritime security research (incl. dual use capabilities) to avoid duplication and improve effectiveness of the research efforts, in coordination with Member States.

- The Commission and the High Representative should establish, in close cooperation with industry stakeholders, including social partners, a network for knowledge and competence development in the field of maritime security which includes research institutes and centres for postgraduate studies and provide support to the Maritime Labour Academy of the International Labour Organisation.

- The Commission, in close coordination with Member States and other relevant actors, should continue its efforts to improve the operational and technical ability of the Union and the national authorities to better detect and track small vessels.

VI   Conclusions and follow-up

Improving EU maritime security cooperation is an enormous, yet vitally important undertaking. The EU needs cross-sectoral cooperation to strengthen the response to maritime security threats. This involves many and diverse partners at national, EU and international level. This is a long-term process, building on existing working methods and achievements, which will be more of an evolution rather than a revolution.

The EU's maritime security will be fundamentally strengthened if the duty of sincere cooperation is taken as a guiding principle. It will be further strengthened by partnerships between all maritime security stakeholders, at EU level and between and within Member States. This should also include industry, social partners and civil society.

The increasing security role of the EU should be in line with worldwide developments. Strong support and commitment are also needed from the private sector and research establishments which are key players in enhancing maritime security and safeguarding the EU's strategic maritime interests. Specific action plans for better cooperation should be drawn up for each area identified.

The Commission and the High Representative will work together with the Council on the areas identified to draw up a more detailed roadmap. Mainstreaming maritime security into EU policies is in this regard crucial for turning policy objectives into achievements.

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