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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Council conclusions on maritime security
- Approval

1. At the informal videoconferences of 23 April, 4 May and 1 June 2021, the members of the Friends of the Presidency Group - European Union Maritime Security Strategy (FoP EUMSS) examined the draft Council conclusions on maritime security. The final text resulting from these discussions, and endorsed by FoP EUMSS by written consultation on 2 June, is set out in the Annex to this note.
2. The Permanent Representatives Committee is invited to confirm the agreement reached on the draft Council conclusions on maritime security, as set out in the Annex, and to invite the Council to adopt these draft Council conclusions as an “A” item at a forthcoming meeting.

Draft Council Conclusions On Maritime Security

The Council of the European Union,

RECALLING:

- the Council conclusions on the Integrated Maritime Policy of December 2008, 16 November 2009, 14 June 2010, 19 December 2011, 11 December 2012, 25 June 2013 and 24 June 2014¹;
- the European Union Maritime Security Strategy of 24 June 2014² and the first Action Plan of 17 December 2014³;
- the Council conclusions on “International ocean governance: an agenda for the future of our oceans’ of 3 April 2017”⁴;
- the Council conclusions on Global Maritime Security of 19 June 2017⁵;
- the Council conclusions on “A sustainable European future: The EU response to the 2030 Agenda for Sustainable Development” of 20 June 2017⁶;
- the Council conclusions on the Implementation of the Joint Declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization of 5 December 2017⁷;

1 16503/1/08 REV 1, 15175/1/09 REV 1, 10300/10, 18279/11, 16553/12 + COR 1, 10790/13 and 11204/14
2 11205/14
3 17002/14
4 8029/17
5 10238/17
6 10370/17
7 14802/17

- Council conclusions on the revision of the European Union Maritime Security Strategy (EUMSS) Action Plan of 26 June 2018⁸;
- the Council conclusions on EU-ASEAN relations of 21 January 2019⁹;
- the Council conclusions on Oceans and Seas of 19 November 2019¹⁰;
- the Council conclusions on the EU Arctic policy of 9 December 2019¹¹;
- the Council conclusions on strengthening resilience and countering hybrid threats, including disinformation in the context of the COVID-19 pandemic of 15 December 2020¹²;
- the Council conclusions launching the pilot case of the Coordinated Maritime Presences concept in the Gulf of Guinea of 25 January 2021¹³;
- the Council conclusions on Climate and Energy Diplomacy - Delivering on the external dimension of the European Green Deal of 25 January 2021¹⁴;
- the Statement of the members of the European Council of 26 February 2021¹⁵;
- the Council conclusions on the EU’s Cybersecurity Strategy for the Digital Decade of 22 March 2021¹⁶;

8 10494/18
9 5257/19
10 14249/19
11 14952/19
12 14064/20 + COR1
13 5387/21
14 5263/21
15 2/21
16 7290/21

- the Council conclusions on an EU Strategy for cooperation in the Indo-Pacific of 16 April 2021¹⁷;
 - the Council conclusions on a renewed Partnership with the Southern Neighbourhood - A new agenda for the Mediterranean of 16 April 2021¹⁸;
 - the Council conclusions on security and defence of 10 May 2021¹⁹;
 - the Council conclusions on a sustainable blue economy of 26 May 2021²⁰;
1. RECALLS that maritime security aims to ensure a free and peaceful use of the seas and is a prerequisite for safe, clean and secure oceans and seas for all types of activities, and a clear priority for the European Union (EU) and its Member States for the protection of their strategic interests; RECALLS that maritime security is a pre-condition for a prosperous blue economy in the EU; REAFFIRMS that the EU is committed to implementing the Strategic Agenda 2019-2024 by pursuing a more strategic course of action and increasing the EU's capacity to act autonomously; HIGHLIGHTS that, facing new and increasing threats and security challenges which affect global stability and increase competition for resources, the EU needs to strengthen its role as a global maritime security provider; RECOGNISES that the COVID-19 pandemic has affected all areas of life including maritime security;
 2. REAFFIRMS that climate change and environmental degradation are an existential threat to humanity and biodiversity, as well as to healthy oceans and seas, have increasing implications for global peace and security and international stability, including maritime security, and require an urgent collective response;

¹⁷ 7914/21
¹⁸ 7931/21
¹⁹ 8396/21
²⁰ 9153/21

3. REAFFIRMS that, as expressed in UN Resolution A/75/239 of 31 December 2020, the United Nations Convention on the Law of the Sea (UNCLOS) “sets out the legal framework within which all activities in the oceans and seas must be carried out”; UNDERLINES the role of the EU in globally promoting an effective maritime multilateralism and a rules-based order in accordance with the UNCLOS; IS COMMITTED to strengthening partnerships with international organisations, in particular the United Nations (UN) system, including the International Maritime Organization (IMO), the North Atlantic Treaty Organization (NATO) and regional partners, such as the African Union and the Association of Southeast Asian Nations, with a view to securing a free and peaceful use of the global maritime domain; REITERATES in particular its readiness to continue to cooperate closely with NATO on maritime issues in the context of the implementation of the Warsaw and Brussels Joint Declarations and the common sets of proposals, in full respect of the principles of transparency, reciprocity and inclusiveness, as well as the decision-making autonomy and procedures of both organisations;
4. HIGHLIGHTS that the EU Maritime Security Strategy (EUMSS) and its revised action plan, while primarily addressing maritime security, also directly contribute to achieving the goals of the UN 2030 Agenda for Sustainable Development in particular SDG14 (Life Below Water), to the implementation of the EU Global Strategy, the EU's International Ocean Governance Agenda, the EU Strategic Agenda 2019-2024 leading to digital and green transitions, the European Green Deal, the EU's Integrated Maritime Policy, the EU's biodiversity strategy for 2030 and the work on regional seas cooperation;
5. INVITES the Commission and the High Representative to continue to actively implement the policy and to initiate an assessment of the need for an update of the EUMSS and its action plan, and provide its outcomes as soon as possible at the latest by the end of 2021; STRESSES that the European access to global commons, including to the high seas, the promotion of the EU interests and values and a rules-based global order are urgently required; UNDERLINES that maritime security should be addressed under the Strategic Compass given its importance; CONSIDERS that this work contributes to further developing the common European security and defence culture;

6. WELCOMES the 2020 joint report by the Commission and the European External Action Service on the implementation of the EUMSS action plan and CALLS on the implementing actors, particularly Member States, the Commission, the High Representative and other EU institutions, bodies and agencies, to work closely together to further implement the action plan, notably by strengthening coordination and cooperation at all levels and across sectors (civil-civil, civil-military, military-military), *inter alia* to prevent, deter and eliminate transnational organised crime at sea, including piracy;
7. WELCOMES the progress made in developing the Common Information Sharing Environment (CISE) for the maritime domain and CALLS on the Commission to continue its efforts to set up a fully operational CISE in cooperation with Member States and the relevant EU agencies; it also CALLS for a widespread implementation of the CISE interoperability solutions, as well as for synergy and complementarity with existing platforms and IT systems facilitating exchange of information at EU level in the maritime domain, taking into account the legal framework in place; HIGHLIGHTS in particular the importance of the current “Transitional Phase to Operations” managed by the European Maritime Safety Agency (EMSA), and its deliverables, including the Cooperation Agreement between participating authorities for the exchange of information and the setting up of CISE added-value services; INVITES Member States to actively participate in the transitional phase, including with active connections through existing and new nodes and to employ all necessary means for the full implementation of CISE at national level, while recognising that participation is voluntary for Member States;
8. ENCOURAGES further interagency cooperation between the European Border and Coast Guard Agency (Frontex), the European Fisheries Control Agency (EFCA) and EMSA on coast guard functions within the new working arrangement, more integrated operations as well as the implementation of a coordinated civil-military maritime security research agenda, and LOOKS FORWARD to the adoption of the Commission Recommendation on a Practical Handbook for Coast Guard Cooperation; ENCOURAGES the cooperation between institutions for coast guard functions within the European Coast Guard Functions Forum and regional coast guard functions for a, such as the North Atlantic Coast Guard Functions Forum and the Mediterranean Coast Guard Functions Forum;

9. HIGHLIGHTS the need to ensure enhanced levels of cybersecurity across all maritime sectors, in particular in the context of emerging and disruptive technologies, and to step up efforts to increase resilience to cyber attacks at the EU and Member State levels, as well as including maritime cybersecurity into cyber dialogues, initiatives and capacity building activities with EU partners;
10. UNDERSCORES the need to further strengthen resilience including the protection of critical maritime infrastructure, as well as the ability to counter hybrid threats, ensuring the coordinated and integrated use of existing and possible new tools for countering hybrid threats; it further UNDERLINES the need to improve the EU's preparedness, situational awareness and autonomous analysis capacity and help increase partners' resilience;
11. RECALLS the importance of ensuring and enforcing at all times adequate and sufficient maritime security within the EU, with the EU maritime transport security legislation in place and its inspections system, enhancing the security of ships used in international trade and domestic shipping, and the associated EU ports and port facilities, in the face of threats of intentional unlawful acts;
12. ENCOURAGES Member States to make use of all available funding opportunities including through the European Maritime Fisheries and Aquaculture Fund (EMFAF) in order to finance actions related to maritime security and surveillance, in particular those actions listed in the EUMSS action plan;

13. UNDERLINES that sea-dumped chemical and conventional munitions and unexploded ordnance pose a high risk for the environment, human health and economic activities at sea and ENCOURAGES the Commission and Member States to strengthen their efforts and cooperation, including through partnerships with the Organisation for the Prohibition of Chemical Weapons (OPCW) and NATO, in full respect of the principles of transparency, reciprocity and inclusiveness, in raising awareness of those risks, mapping the affected areas, monitoring the state of corrosion of the munitions and developing emergency response measures; also ENCOURAGES them to share best practices, including within regional sea conventions, explore possible sources of EU funding to tackle this issue, consider addressing munition-related issues in the existing EU research framework and develop a manual of procedures for recovery or elimination of munitions in a manner which is safe for humans and the environment and a common approach to dealing with these, in accordance with the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, where applicable;
14. ENCOURAGES Member States to give further consideration to the volunteer maritime champions initiative set out in the EUMSS action plan and to become champions on specific actions, in line with their national priorities and interests;
15. HIGHLIGHTS the significant and long-standing contribution to maritime security made by the EU's Common Security and Defence Policy maritime operations, including EUNAVFOR ATALANTA, in order to confront and ultimately eliminate piracy in the Indian Ocean; WELCOMES the new extended mandate of EUNAVFOR ATALANTA; ACKNOWLEDGES the importance of a meaningful European naval presence in the Indo-Pacific;

16. WELCOMES the renewal of Operation EUNAVFOR MED IRINI's mandate for two years, until 31 March 2023, calls on all flag States to act in good faith and cooperate with inspections by the Operation's assets and calls on all states to step up their efforts to effectively prevent violations of the UN arms embargo on Libya; REITERATES the need for an effective operational cooperation between NATO Maritime Command (MARCOM) and EUNAVFOR MED IRINI and CALLS for the conclusion of an administrative arrangement, building on the framework achieved for EUNAVFOR MED Operation SOPHIA;
17. SUPPORTS the swift and full implementation of the pilot case of the Coordinated Maritime Presences (CMP) concept in the Gulf of Guinea; in this regard, ENCOURAGES commitment to maritime security through a regional approach; REITERATES that, based on the lessons learned, it will examine the possibility of applying this concept in other potential future Maritime Areas of Interest also in line with the Council Conclusions on Security and Defence of 10 May 2021;
18. WELCOMES the use of the Maritime Surveillance (MARSUR) network to support the CMP pilot case in the Gulf of Guinea, upon which further contributions towards a maritime surveillance network, including on maritime situational awareness capabilities and means, could be developed, thus benefiting future initiatives and Common Security and Defence Policy missions and operations; INVITES the Member States and the European Defence Agency to strengthen their efforts to set up a fully operational MARSUR and continue developing its sound governance in cooperation with participating countries and the EU Satellite Centre in order to unfold MARSUR's full potential, including through information exchange with CISE;
19. CALLS on Member States to further increase their capability development efforts in the maritime domain by taking forward the agreed EU Capability Development Priorities, including the collaborative opportunities identified in the Coordinated Annual Review on Defence (CARD) in the framework of Permanent Structured Cooperation (PESCO), the European Defence Fund (EDF) or nationally, as well as the Civilian Capability Development Plan;

20. INVITES Member States and the Commission to pursue research and innovation and to promote ocean literacy in order to improve the development of maritime capability and to support further research on the impact of climate change on maritime security; in this regard, UNDERLINES the pivotal role of the Horizon Europe programme for research and innovation in synergy with the European Defence Fund; ENCOURAGES Member States to examine new opportunities stemming from the Action Plan on synergies between civil, defence and space industries, which enhance complementarity between relevant EU programmes and instruments, while respecting the legal bases and different natures of respective EU programmes and initiatives, including the civil nature of the EU Space Programme.
