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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Towards an Integrated Maritime Policy for better governance in the Mediterranean

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1. INTRODUCTION

The extensive public consultation that led to the adoption of the EU Integrated Maritime Policy in 2007 largely supported the concept that increased economic maritime activity and environmental protection can go hand in hand and develop a symbiotic relationship as long as proper governance and cross-cutting mechanisms are in place.

The Mediterranean is a prime example of a maritime region where human activity could bring higher economic returns from the sea with a far lesser impact on the ecosystem. Yet, the reality is one of over twenty coastal States with uneven levels of economic development and administrative capacities and important political disagreements, including on the delimitation of territorial and maritime spaces. Unlike other semi-enclosed seas such as the Baltic or the Black Sea, a large part of the Mediterranean Sea remains High Seas waters, thereby raising specific governance issues.

Seven of the coastal States are EU members, two are candidate countries and three are potential candidate countries covered by the EU's Enlargement Policy. The rest have strong and well-established relationships with the EU, mostly through the European Neighbourhood Policy. All but one are members of the Union for the Mediterranean.

This Communication highlights the mechanisms and tools that should be mobilised to achieve an integrated approach to governing maritime activities in the Mediterranean sea-basin. It is meant to complement the various sectoral actions that the EU promotes in the Mediterranean area. While the Integrated Maritime Policy is primarily addressed to Member States, this Communication calls for an overall stronger co-operation with non-EU Mediterranean partners at the appropriate levels.

2. KEY CHALLENGES

The Mediterranean bears 30% of global sea-borne trade in volume from or into its more than 450 ports and terminals, and a quarter of worldwide sea-borne oil traffic. Its coasts are home to more than 150 million inhabitants, a figure which doubles during the tourist season. Half of the EU's fishing fleet is active there, mostly small-sized and artisanal, together with an increasing marine aquaculture production. Pressure on fish stocks is also exerted by vessels from the Southern Mediterranean and non-EU countries.

This very high pressure from economic activities in the Mediterranean ecosystem continues to grow. While the sector is seriously affected by the current economic crisis, it is expected that maritime traffic will eventually continue to expand further

as a result of increased transportation needs for passengers, tourists and goods including energy. Cruise tourism, for example, has been developing rapidly, with major Mediterranean ports welcoming annually more than 1 million cruise tourists each. Infrastructure, tourism and leisure facilities are being developed on already densely populated and built-up coasts (In several coastal regions of Italy, France and Spain, the coverage of built-up areas in the first kilometre coastal strip already exceeds 45%).

This ever-growing human and economic development has resulted in increased environmental degradation. The vulnerable marine environment in the Mediterranean faces a worrying combination of pollution from land sources and ships, litter, impacts on biodiversity, overfishing and coastal degradation. The Mediterranean Sea has been classified, under MARPOL, as 'special areas' for oil since 1983 and for garbage since May 2009[1]. The Union for the Mediterranean has highlighted among its priorities the de-pollution of the Mediterranean[2]. The coastline is under increasing threat, including its unique cultural and natural heritage of over 400 UNESCO sites.

The Mediterranean region is identified by the Intergovernmental Panel on Climate Change as a "hot spot" and is most at risk from flooding, coastal erosion and further land degradation[3], which exacerbates the need for tools that can facilitate adaptation to climate change. Seaborne irregular immigration is a major concern in the region, calling for co-operation with Mediterranean partners to counter the phenomenon and prevent losses of human lives.

3.   **TOWARDS IMPROVED MARITIME GOVERNANCE**

The challenges above require tackling two major governance weaknesses. First: in most Mediterranean States, each sectoral policy is pursued by its own administration, just as each international agreement is performed within its own set of rules, rendering an overview of the cumulative impact of maritime activities, including at basin level, a difficult objective to attain. Second: the large proportion of marine space made up of high seas makes it difficult for coastal States to plan, organise and regulate activities that directly affect their territorial seas and coasts. The combination of these two elements gives rise to a situation where policies and activities tend to develop in isolation from each other and without proper co-ordination among all areas of activity impacting on the sea as well as all local, national, regional and international actors. This comes in addition to other issues essential to good governance - stakeholder participation, transparency of decision-making, and implementation of agreed rules.

3.1.   **The role of Mediterranean coastal States**

The development of a strategic and integrated approach at national level is at the roots of integrated maritime policy-making[4]. Mediterranean Member States are encouraged to pursue their efforts in drawing up their own integrated maritime

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[1]   MARPOL Annexes I (Oil) and V (Garbage).
[2]   Paris Declaration of 13.07.2008 and related reference to the Horizon 2020 initiative.
[3]   SEC (2008) 2868.
[4]   COM (2008) 395.

policies. To facilitate exchanges of best practices, the Commission has set up a system to share information and document progress[5].

Some Member States have already taken concrete steps towards an improved governance of maritime affairs. Additional efforts are however required, particularly in setting up dedicated decision-making structures empowered to coordinate different policies.

> The Commission will:
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> – Propose that High Level Focal Points of Member States regularly address the Mediterranean Sea in order to discuss progress made in integrated maritime-policy making.
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> – Encourage Member States to exchange best practices in integrated maritime governance, in particular through the European Territorial Co-operation Objective programmes for the Mediterranean.

The semi-enclosed nature of the Mediterranean Sea and the trans-boundary impacts of maritime activities call for increased co-operation with non-EU Mediterranean partners. The above-mentioned information-exchange exercise shall be extended to non-EU partners interested in an integrated approach. To this end, non-EU partners could be invited to appoint contact points who could participate, when appropriate, in a basin-wide high-level dialogue. Co-operation on integrated maritime-policy making and better governance thereof, will also build on the current multilateral framework, the Union for the Mediterranean, existing bilateral agreements and regional cooperation under the European Neighbourhood Policy, and relations with candidate and potential candidate countries.

> The Commission has decided to:
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> – Set up a working group dedicated to Integrated Maritime Policy, with a view to initiate dialogue and exchange best practices with non-EU Mediterranean coastal States.
>
> – Provide technical assistance, under the European Neighbourhood Policy and Partnership Instrument[6], for Mediterranean partners that express an interest in an integrated approach to maritime affairs, thereby raising awareness and assisting in setting objectives and implementation mechanisms.

3.2. Governance of the marine space

The 1982 United Nations Convention on Law of the Sea (UNCLOS) provides the main framework for most maritime activities and reflects for many issues customary international law. All Mediterranean coastal States, with the exception of Turkey, Syria, Israel, and Libya, have ratified it.

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[5] Links: http://ec.europa.eu/maritimeaffairs/governance_memberstates_en.html
http://ec.europa.eu/maritimeaffairs/memberstates_en.html

[6] ENPI regional strategy paper (2007-2013) for the Euro-Mediterranean Partnership.

At present, a large part of the Mediterranean marine space is made up of High Seas. Approximately 16% of the marine space is made up of Territorial Sea and 31% is made up of diverse maritime zones, often contested by other coastal States due either to the extent of the claim or its validity[7].

This set up means that a large part of the waters of the Mediterranean Sea is outside the areas under the jurisdiction or sovereign rights of coastal States. Consequently these States do not have prescriptive and enforcement powers to regulate comprehensively human activities beyond such areas, including for the protection of the marine environment and how fishing and the development of energy sources is carried out. Beyond these areas, States can only adopt measures with regard to their own nationals and vessels. Certain actions can be jointly undertaken within the limited framework of regional conventions, for the protection of the marine environment and the conservation and management of living resources, although there remains the problem of enforcement of decisions adopted, including against third States non-party.

This situation is due to the fact that in the Mediterranean problems of delimitation of the boundaries between adjacent States are linked to complex and politically sensitive disputes in an area not wider than 400 nautical miles. This situation is in contrast to that in other semi-enclosed seas around the EU, such as for instance the Baltic Sea, where most countries have resolved delimitation issues on the basis of UNCLOS and agreed on their maritime zones.

With regard to multilateral cooperation, with few exceptions, the international and regional agreements that regulate maritime activities target only one sector. The Commission has launched a study aimed at identifying the main bottlenecks hampering ratification, implementation and compliance with decisions by existing agreements and organisations dealing with maritime affairs in the basin, and possibilities for improved multilateral co-operation and assistance in this respect.

If progress towards a cross-sectoral approach to maritime affairs is to be achieved, a more transparent overview of the work done by these organisations is required, including whether provisions adopted or promoted by these bodies are systematically monitored and fully implemented. Similarly greater clarity is required as to the roles and responsibilities of coastal States, especially with regard to the management of maritime zones in a sustainable development perspective.

Given disparities in the political and economic situation, improvement of the governance of the marine space at sub-regional level could be encouraged. Progress in this respect is achieved in particular when adjacent States agree to delimit a common marine border or effectively jointly manage their living or non-living resources. Stakeholders have already drawn the attention of Governments and international institutions to the urgency of making progress on these issues.

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[7]   As regards the water column, five coastal States have enacted legislation proclaiming a 12nm contiguous zone, adjacent to their territorial sea, for the enforcement of customs, fiscal, immigration or sanitary laws and regulations. Five coastal States have declared an archaeological zone, adjacent to the territorial sea for the protection of underwater cultural heritage. Four coastal States have declared fishing protection zones and three States have established zones of ecological protection. Five coastal States have declared Exclusive Economic Zones (EEZs), where the coastal State enjoys sovereign rights concerning living and non-living marine resources.

The Commission will:

–   Support structured and informal dialogue amongst Mediterranean coastal States through high-level meetings, academic and other international organisations, with a view to improving governance of the marine space, including at sub-regional level.

–   Provide an overview of existing agreements and organisations relating to maritime affairs in the Mediterranean.

–   Make recommendations for the improvement of cross-sectoral cooperation between existing agreements and organisations.

–   Continue to encourage the ratification and concerted implementation of UNCLOS in its bilateral relations.

–   Launch a study on the costs and benefits of establishing maritime zones.

3.3. Improved stakeholder involvement

A prominent feature of Integrated Maritime Policy since the outset has been the strong involvement of stakeholders. Civil society is advocating improved dialogue at regional level as a means to improve governance in the Mediterranean. A Regional Advisory Council (RAC) has also been recently set-up in the Mediterranean, bringing together stakeholders from the fisheries sector.

Stakeholder involvement will remain a key priority in Integrated Maritime Policy implementation in the Mediterranean.

The Commission will:

–   Encourage stakeholder platforms to address regularly Mediterranean Sea issues, with the aim of suggesting priorities on integrated maritime policy-making at basin level.

–   Explore options for better associating stakeholders from all coastal States.

4. CROSS-CUTTING TOOLS FOR INTEGRATED MARITIME GOVERNANCE

Improved maritime governance needs to be matched by cross-cutting tools, geared at generating additional potential for sea-borne economic growth and securing environmental protection and a better future for coastal populations.

4.1. Maritime Spatial Planning and Marine Strategies

Albeit currently affected by the economic crisis, it is anticipated that maritime activity in the Mediterranean is set to grow, from maritime traffic to renewable energy developments and tourism flows. Enhanced use of the basin's growth potential, in conditions compatible with the achievement of good environmental

status, and consequent optimisation of outputs, can be better achieved through Maritime Spatial Planning (MSP).

The latter is set to provide an effective governance tool for applying ecosystem-based management, addressing inter-related impacts of maritime activities, conflicts between uses of space and the preservation of marine habitats. The Commission's roadmap Communication of 2008[8] provides a set of principles for the development of MSP approaches by EU Member States, and can similarly be useful in the wider context of the Mediterranean.

Nevertheless, in comparison to other sea-basins, MSP practices in the Mediterranean remain weak, possibly as a result of ongoing sensitivity around maritime zone establishment and border delimitation. These challenges need to be addressed, allowing for spatial planning to be developed at the appropriate levels.

EU Member States have agreed on achieving good environmental status in marine waters by 2020[9], through the development of integrative "Marine Strategies" applying an ecosystem-based approach to human activities impacting on the sea, and which are closely related to MSP. Fulfilment of such obligations, where appropriate in co-operation within regional seas Conventions (notably the Barcelona Convention and the General Fisheries Commission for the Mediterranean (GFCM)), or at sub-regional level, is key to Integrated Maritime Policy implementation in the Mediterranean. In addition, the 'Mediterranean Regulation'[10] already aims at an integrated ecosystem approach to fisheries management. This will be further enhanced through the forthcoming reform of the EU's Common Fisheries Policy[11].

> The Commission will:
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> – Launch a study on MSP in the Mediterranean basin, with the aim of identifying potential areas for its application, analysing obstacles and highlighting potential responses for its application in specific sub-regions or sea areas.
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> – Thereafter, launch a project to test the application of MSP at sub-regional level and encourage concrete cross-border practices.
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> – Assist Member States, through a Common Implementation Strategy, to deliver on their obligations under the Marine Strategy Framework Directive in relation to their marine strategies, including a comprehensive assessment by 2010 of marine waters and related uses.

4.2. Integrated management in coastal areas and islands

Climate change, port development, coastal tourism and associated investments, concerns for the protection of maritime heritage and the marine environment, including NATURA 2000 sites, all call for an integrated approach to the

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[8]   COM (2008) 791.
[9]   Directive 2008/56/EC of 25.06.2008.
[10]   Council Regulation (EC) No. 1967/2006 of 21.12.2006.
[11]   COM (2009) 163.

management of Mediterranean coastal areas. The Commission is committed to ensuring that adaptation to climate change is given the necessary priority in coastal and marine areas, as indicated in the White Paper[12].

The safeguarding and inter-linking of maritime heritage, in tandem with economic and environmental interests, will also be pursued through existing instruments, such as the European Destinations of Excellence (EDEN) initiative and the EU Prize for Cultural Heritage / Europa Nostra Awards. In this respect, there exists a vast potential for further development in the whole of the Mediterranean basin, which is inherently rich in culture.

Cross-cutting governance tools can help Mediterranean coastal regions to better address social, environmental and economic sustainability in an integrated manner. Integrated Coastal Zone Management (ICZM) national strategies are being developed by Member States in the Mediterranean and the EC has recently signed a first basin-wide legal instrument on ICZM, adopted within the framework of the Barcelona Convention[13].

Further efforts are nevertheless necessitated, such as enhancing co-ordination between the management of offshore maritime development and its associated development on-shore (land-sea boundary). This is particularly relevant for islands, where connectivity is of particular importance. In this context, Member States are encouraged to develop integrated strategies to tackle the challenges of island regions and establish a system of exchange of best practices. The knowledge-base on ICZM practices in the Mediterranean also needs to be strengthened.

In consistently promoting a coherent approach across the land-sea boundary, following an ecosystem-based approach, the development of an Integrated Maritime Policy in the Mediterranean basin should provide new impetus to exploiting the potential of ICZM.

The Commission will:

– Provide a web-based inventory of ICZM tools, best practices and case studies, with a view to enhance its implementation.

– Support under the EU's 7th Framework Programme (FP7) the development of the knowledge-base on ICZM in the Mediterranean, with particular focus on international co-operation.

– Test possibilities for strengthening the land-sea interface, in particular linking up terrestrial and maritime planning, through the MSP actions proposed under section 4.1.

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[12]   COM (2009) 147.
[13]   Protocol on Integrated Coastal Zone Management in the Mediterranean, signed in Madrid, Spain, on 21 January 2008.

4.3. **Facilitating knowledge-based action**

The development of sustainable maritime economies and effective coastal management requires policies built on foundations of best available scientific knowledge.

The periodical collection of basic data is needed to assess the environmental status of our seas and possible yields of natural resources. The Commission will continue to promote the importance of scientific advice and data collection in applying the Common Fisheries Policy and environmental legislation in the Mediterranean. Further cooperation for the collection of basic data with Mediterranean non-EU countries, through joint programmes and capacity-building, will also be explored.

The recent EU Strategy for Marine and Maritime Research[14] seeks to improve efficiency and excellence by stimulating integrated research efforts. It equally recognizes the importance of strengthening international scientific co-operation as an important vehicle for integrated management of maritime activities in shared seas. Its implementation in the Mediterranean will be pursued as a basis for enhancing integrated governance. Strengthened marine research infrastructure, integrated Research and Technology Development (RTD) efforts through maritime clusters and Technology Platforms, and synergies between Member States and regions, are necessary to find coherent solutions for realising the full economic potential of our seas within an ecosystem-based approach. In particular, the development of multidisciplinary seabed observations that can help understand and monitor tsunami risks should be pursued.

In addition, the Commission is in the process of developing a European Marine Observation and Data Network (EMODNET) to improve knowledge infrastructure and overcome barriers to discovery, access and use of data. A European Atlas of the Seas is being developed so as to raise awareness and develop a shared maritime identity in sea-basins. These tools will have a basin-wide coverage.

> The Commission will:
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> – Pay particular attention to the Mediterranean in setting-up an integrated marine ERA-NET (European Research Area Network) aimed at strengthening coordination in marine research between Member States.
>
> – Define a long-term strategic framework for basin-wide scientific co-operation in the Mediterranean, enabling marine research co-operation to develop within a structured agenda, responding to agreed common challenges.
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> – Develop a major cross-thematic research effort under the EU's FP7, targeted at integrating knowledge on the Mediterranean Sea across all relevant disciplines.

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[14] COM (2008) 534.

4.4. Integrated surveillance for a safer and secure maritime space

Surveillance of maritime activities and operations is required in order to successfully manage sea-borne activities and counter key safety and security concerns in the Mediterranean.

Strict implementation of EU legislation on maritime safety by EU Member States and capacity-building in Mediterranean partner countries' maritime administrations and port authorities, are essential in preventing accidents and pollution by ships, including illegal oil discharges. The EU-funded regional SAFEMED project in the area of maritime safety, security and the protection of the marine environment, contributes to closing the regulatory and structural gaps between Mediterranean Member States and partner countries. The Commission will in addition propose that the European Maritime Safety Agency (EMSA) starts technical co-operation with Mediterranean partners, including in case of pollution accidents, by providing anti-pollution vessels[15]. As regards surveillance of ship movements, a possible extension of the Automatic Identification System (AIS) regional Mediterranean server will be considered.

Frontex has in the last years intensified the support that it provides to Mediterranean Member States which are subject to an overwhelming irregular migratory pressure[16]. The Commission will promote, through dialogue and financial assistance to Mediterranean partner countries, the involvement of the latter in the activities coordinated by Frontex in the Mediterranean. As for maritime drug enforcement, reinforced co-operation is taking place in the context of the Maritime Analysis and Operations Centre – Narcotics (MAOC-N) and the *Centre de Coordination pour la Lutte Anti-Drogue en Méditerranée* (CeCLAD-M).

Yet so far, maritime surveillance has often been carried out in a sectoral manner, characterised by multiplied surveillance data gathering at national level and amongst different authorities. In this context, one of the key aims of the Integrated Maritime Policy is that of integrating maritime surveillance by promoting information exchanges and enhancing cooperation between national authorities responsible for monitoring and surveillance at sea[17], without affecting their missions and competencies as established by EU and national legislation. This may improve not only the overall surveillance level in terms of information gathering and processing, thus allowing for better coordinated responses at sea or in ports, but may also reduce surveillance costs by taking advantage of unexploited economies of scale. Inclusion of Mediterranean partner countries in the integration of maritime surveillance deserves further consideration.

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[15]   COM (2009) 301.

[16]   The European Council of 19 June 2009 reiterated its concern about illegal immigration, stating that *"Recent events in Cyprus, Greece, Italy and Malta underline the urgency of strengthening efforts to prevent and combat illegal immigration in an efficient manner at the EU's Southern maritime borders..."*.

[17]   SEC (2008) 2737 and COM (2008) 68.

> The Commission is:
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> – Launching a pilot project to improve co-operation amongst national authorities of Mediterranean Member States responsible for maritime monitoring, surveillance operations and exchange of information between port authorities.
>
> – Presenting a set of principles guiding integrated maritime surveillance in the EU in a forthcoming Communication, so as to move progressively from a sectoral to an integrated approach to maritime surveillance at EU and national level.

5. CONCLUSION

The challenges affecting the Mediterranean Sea call for shared and, above all, integrated responses, rooted in improved maritime governance. This is particularly relevant when considering the ever-increasing demands for natural resources and pressures on the marine environment, as well as the continued need for growth and jobs in maritime sectors and regions.

An integrated approach to maritime affairs should clearly not undermine the tools and objectives that have been set for moving forward in specific areas of maritime relevance. On the contrary, it seeks to provide the necessary cross-cutting governance perspective and tools so as to be able to minimise impacts and optimise efficiency and outputs.

The Commission therefore invites the Council and the European Parliament to:

- Endorse the objectives and actions presented in this Communication;

- Sustain the proposed approach within their respective areas of responsibility.