

Circulated in more than 100 States to personalities in the legal and maritime professions

# IMLI<sup>e</sup>-News

The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 3, Issue No. 23) 20 February 2006

*EU Commissioner for Fisheries and Maritime Affairs:*

*“IMLI is recognized by the EU as a privileged partner...”*

Dr. Joe Borg, EU Commissioner for Fisheries and Maritime Affairs, inaugurated on the 9<sup>th</sup> of February 2006 the 11<sup>th</sup> Annual IMLI EC Maritime Law Course.



*Dr. Joe Borg inaugurating the 11<sup>th</sup> IMLI EC Maritime Law Course.*

The Commissioner's key-note address entitled "An Overview of the Developments Underway Towards a Maritime Policy for the European Union" focused on the forthcoming EU Green Paper on Maritime Affairs. In his address Dr. Borg also emphasized the importance of IMLI for the EU.



*Dr. Joe Borg (EU Commissioner for Fisheries and Maritime Affairs) with Prof. David Attard (Director, IMLI), the Hon. Censu Galea (Minister for Competitiveness and Communications, Malta), Prof. Marko Pavliha (Vice-President, Parliament of the Republic of Slovenia and IMLI Governor) and Dr. Philippe Boisson (Communication Director and Legal Adviser of Bureau Veritas and IMLI Governor) at the inauguration ceremony of the 11<sup>th</sup> IMLI EC Maritime Law Course.*

**This is the text of Commissioner Borg's address in occasion of the Inauguration of the 11<sup>th</sup> Annual EC Maritime Law Course of the IMO International Maritime Law Institute (IMLI).**

Professor Attard

Students

Ladies and Gentlemen

It is a pleasure for me to inaugurate the 11<sup>th</sup> Annual EC Maritime Law Course of the International Maritime Law Institute. Knowledge and skills are one of Europe's major assets in the maritime field and IMLI has been a significant contributor to expanding this pool of resources – a fact which has contributed to its recognition by the European Community as a privileged partner.

When I was here on a similar occasion last year, I outlined the efforts that were then underway to develop, for the first time, an all-embracing and multidisciplinary maritime policy for the European Union. One year on, I am pleased to announce that much has already happened. I will therefore take this opportunity to outline the progress that has been made to date and what the next steps are to be.



*Commissioner Borg greeting the 2005/2006 IMLI lawyers.*

In my current responsibilities as Commissioner for Fisheries and Maritime Affairs, I chair a Steering Group of seven Commissioners whose competencies are related in one way or another to the seas. This group provides guidance to an interdisciplinary Task Force that has been drawn from representatives of the various services of the Commission. For nine months now, the Task Force has been busy collecting ideas, looking at best practice around the world – including in countries like Canada and Australia - and building a basic understanding of the way different facets of maritime policy fit together. The input gathered thus far, shall form the basis of a Green Paper on Maritime Policy to be published in the Spring. This Green Paper will serve as a platform from which to launch a wide consultation process with various stakeholders in the field.

At this juncture, it is useful to emphasize that we are not moving into completely uncharted territory here. The Commission has been dealing with maritime questions for a number of years, however under a range of *separate* policy headings such as industry, transport, fisheries, regional policy or the environment. What we are hoping to do now involves looking at each of these sectors as part of a bigger picture – as part of an integrated approach to maritime affairs in general.

Allow me to illustrate this with a few examples.

In October last year, the Commission adopted a Thematic Strategy for the Protection and the Preservation of the Marine Environment to ensure that all EU marine waters are environmentally healthy by 2021. This strategy establishes marine regions such as the Baltic Sea, the Northeast Atlantic and the Mediterranean, and identifies potential sub-regions as management units for the purposes of implementation. For the marine waters under their jurisdiction, Member States will be required to develop, in close cooperation with one another, Marine Protection Strategies which will include an assessment of the threats to the marine environment. While this constitutes a fully comprehensive, stand-alone strategy in its own right, the work done on this Marine Strategy will be used as the basis for the environmental pillar of the future EU Maritime Policy.

A second example can be found in the recently-adopted, new maritime safety package. This package contains a number of proposals aimed at improving accident- and pollution-prevention on the one hand, while seeking to implement better intervention mechanisms in the event of an accident, on the other. This again, is a set of mechanisms that will be instrumental in our own work on a Maritime Policy for the Union vis a vis maritime safety.

A third example concerns removing obstacles to Short Sea Shipping. This is an area that the Commission has been working on since the year 2000. At a time when land transport is plagued by huge congestion, significant environmental concerns and other constraints, the Commission has been trying to reduce obstacles, particularly those of an

administrative nature, to short sea shipping. A *customs package* presented by the Commission last November, which aims to centralise customs controls, is yet another theme that will feed into our integrated maritime policy.

These examples serve to illustrate the complementarity that exists between different areas that can form part of a holistic maritime policy. They will also form the basis upon which the consultation phase will take place following the publication of the Green Paper. Apart from ensuring the broadest participation possible of stakeholders, it is my firmest hope that this consultation will serve to remind Europeans of just how closely entwined our well-being is with the health of the oceans.

Ladies and Gentlemen,

I think it will come as no surprise to you, if I state that economic growth in Europe has been slowing down in recent years. Indeed, it is vital for us to re-invigorate Europe's economy if we are to face up to the dual challenges of growing global competition on the one hand, and the demographic pressures that an ageing population implies, on the other.

The maritime sector has been identified as a key area in which Europeans do well and within which we should be suitably placed to pursue the Lisbon goals of stimulating economic growth while creating more and better jobs.

The questions we are asking ourselves are therefore: how can this growth be facilitated in different areas such as shipbuilding, transport, tourism, fisheries, oil and gas exploitation, renewable energy and biotechnology? And how can this be done in harmony with nature?

While it is no easy task to provide answers to these questions, three fundamental ideas as to action that must be taken sooner rather than later, are clear to me:

Firstly, we need to develop our scientific knowledge of the state of the oceans. This must be supported by increased marine research and technological developments, as well as by sharing scientific knowledge among stakeholders.

Secondly, we must address the question of governance for a policy that involves so many different interests and such a wide range of stakeholders. In so doing, we should also pursue leadership on this front within international fora, with global institutions and third countries.

And finally, we need to recognise the importance of the international dimension of ocean management while simultaneously respecting the very specific characteristics of different seas.

I will elaborate on each of these issues in turn, starting with science and technology. In our market-driven economies, it is often industry that is the prime driving force. Yet, we are also aware of the role governments should play in ensuring an enabling regulatory environment and in supporting infrastructural developments, education, research and innovation.

Marine science and research have been identified by the Commission as a key component of a future Maritime Policy. In my capacity as Commissioner for Fisheries and Maritime Affairs I am already aware of the benefits such a close association to science can bring. As I have said on other occasions, in the EU Common Fisheries Policy, there is a legal obligation for our decision-making process to be “based on sound scientific advice”. Thus, every year, we turn to scientists, in particular those based at the International Council for the Exploration of the Sea, for scientific advice on the state of the stocks and their advice on what the total annual catch in the different fisheries should be. Without scientific advice our common policy would not work.

Indeed I believe that in the other maritime industries and services, the necessity for this is at least just as pressing. We need to improve our knowledge and technical know-how. We

need to re-examine our scientific research programmes to make sure that they address key priorities and the necessary procedures are in place to maximise the benefits of both the results of the research, and the associated spin-offs, to industry and governments as fast as possible. We also need to examine what gaps there are in the data collected, whether data collection can be better managed, what analytical capabilities we should be developing, and what data is required under which timeframes and for whom.

Enhancing the number and skills of Europeans working in the sea-faring sector is also a priority that must receive our attention. The steady decline of Europeans opting for work in the maritime sector means that renewed efforts are required on our part to stimulate the interest of individuals in maritime careers. EU maritime sectors also need to adapt quickly to changing market conditions and policy-makers need to be reminded to maintain flexibility to facilitate this.

This brings me to the issue of governance. President Barroso recently said: “We often speak of the importance of innovation in the private sector, but I believe that innovation in government has become equally important if we are to deliver on our goals”.

At an international level, given the interconnectivity of the oceans and the number of players that are involved, this will hold especially true. The EU will certainly seek to play a leading role in international *fora* such as the United Nations, the International Maritime Organisation (IMO) and the International Labour Organisation (ILO).

At a Community level, this will also be the case. In fact, as I mentioned earlier, part of the team working on the elaboration of a Maritime Policy for the Union is made up of an inter-sectoral Task Force which draws on different expertise. This is a relatively novel approach – one that I am hopeful the other European institutions, namely the Council and Parliament, will also consider.

EU Member States, together with regional authorities, also have room to improve the co-ordination of their activities in coastal waters in innovative ways. Such activities include



tourism, search and rescue, fisheries inspections, border controls to prevent illegal immigration and smuggling, pollution control and controls such as the design of obligatory shipping routes that will have to fit into a broader eco-system based approach to spatial planning. In all these areas, there is scope to bring new and fresh ideas.

This cross-border interplay, brings me to my third point. We are conscious of the fact that Europe's relation with the oceans and seas has a number of very particular characteristics. One example is the major variation of hydrological, biological, geological, political and legal realities in the different marine regions surrounding Europe.

For example, the Baltic Sea is now almost entirely an EEZ of EU Member States, with the exception of the areas falling under the jurisdiction of Russia. As a result of this, the Council of Ministers has decided that the EU should withdraw from the International Baltic Sea Fisheries Commission and turn to regulating fisheries in the area either autonomously or in bilateral agreement with Russia. In the Mediterranean, on the other hand, most EU Member States have not declared EEZs and the EU works with a large number of third countries. Given the different realities of the littorals of these two seas, it is only natural that the approach in these two situations must be different.

If we look more generally at the regulatory background of our maritime policy, it is of course UNCLOS and its development that we talk about. The European Union has, overall, been a supporter of UNCLOS. The European Community deposited its instrument of ratification of UNCLOS in April 1998, and since its entry into force one month later, has been an active party to the Convention. Over and above the EC as a whole, all 25 EU Member States are also contracting parties to UNCLOS. The EC has issued a declaration clarifying the division of competences between the European Community and its Member States.

Major maritime activities of fisheries and sea transport are global industries and can only be regulated successfully on a multilateral basis. We have a collective interest in ensuring

that global rules are adopted as quickly as possible. And we have a collective interest in ensuring that these rules are implemented and monitored by everybody.

We are devoting particular attention to the implementation of international rules for maritime activities, in particular fishing and transport, by all nations equally, in order to ensure a level playing field for our industries. We will thus examine how we could better use our external policy instruments such as trade and development policies to promote this. But in doing so, we should be aware that the credibility of our actions in pushing for international action will depend crucially on our own behaviour in our own waters and further afield.

Ladies and Gentlemen,

As you can see, the work ahead is both challenging and multifaceted. It will call on the reserves of the many and varied stakeholders with an interest in seeing a strong European maritime sector. And it will call on us, policy-makers, to truly look at new and innovative ways of governance.

I have stressed the need to mobilise research and to establish ongoing dialogue between policy-makers, scientific communities, industry and civil society. I have also said that I believe our proposed Maritime Policy offers a unique opportunity to attain the objectives proposed under the Lisbon Strategy to make Europe into a more competitive and dynamic economy.

The order is tall, yet the enthusiasm which we bring to it, is equal to the task.

I would invite you therefore to observe and where possible, to participate in this process. And I would also like to wish you well as you embark on this 11<sup>th</sup> EC Maritime Law Course.

Thank you.

---

***\* For further information please contact Mr. Mitja Grbec (Editor, IMLI e-News) at publications@imli.org***

***\*\* If you do not want to receive IMLI e-News in future, please return this message to the above address with request to DELETE in the subject field.***