



Developing EU Maritime Policy and the Future of the MSUO
Source information for Transnational and Cross-border Programmes and Project Ideas

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Source information for Maritime Policy and Project Ideas

1.0 Introduction

The Maritime Safety Umbrella Operation (MSUO) Co-ordination Unit has produced this document. The document has been designed to aid discussion within the funding programmes of the MSUO and with the Commission and other bodies, involved in programme and project development under the new 2007-2013 European Regional Development Fund.

The Objectives of this paper are threefold:

Firstly, to identify the sources of marine and maritime policy which may inspire projects to be developed under the next Programme.

Secondly, to provide options for the future role of the MSUO linked to assisting projects, programmes and policy-makers.

Thirdly, to provide a series of recommendations to project developers, the funding transnational programmes and the Commission on the implementation of maritime policy through Transnational and Cross-border projects.

It should be noted that this report is a provisional "living document" document, which will be updated in reference to the:

1. MSUOs Project Development report (due October, 2006);
2. EU Maritime Policy Green Paper/ Book (due June 2006).
3. Findings of the MSUO/ Baltic Sea Interreg IIIB Neighbourhood Programme joint conference on Motorways of the Sea (October 2006).

These should be finalised by the autumn of 2006. The findings from these initiatives will then be incorporated as the basis for the MSUO Maritime Safety Projects Manual. The manual will be produced as a reference source for the new Transnational and Cross-border Programmes and their associated projects.

2.0 Scale

For the purpose of this document the following hierarchy has been used when discussing the relationships between International maritime policy, EU funding programmes and project partnerships.

- International/ European: Policy and funding initiatives, international convention, regulation or protocol of relevance to or linked with European Union policy, directive, etc.
- Regional: A coherent geographical area on the scale of a large sea basin, equivalent to a UNEP Regional Sea, e.g. Mediterranean, Baltic, NE Atlantic, Black Sea.

- Sub-Region: A distinct geographical area within a Region, e.g. Gulf of Finland within Baltic, North Sea within NE Atlantic, Aegean within Mediterranean, etc.

Within Sub-regions the Nomenclature of Territorial Units for Statistics (NUTS) geocode standard is used:

- NUTS 1: National level- Member States and Non-member Third Countries within and bordering the EU
- NUTS 2: Sub-national level- Provincial government
- NUTS 3: Local administrations

Figure 1 illustrates the relationship between policy developed at International and European level and the implementation of projects at Programme and NUTS levels. It also provides a route where by the MSUO can provide a link between policy-makers, funding programmes and maritime projects.

3.0 Sources of Maritime Policy

The following section describes key sources of maritime policy. This is not an exhaustive list, but identifies the key policy sources that may influence the development of maritime projects. This document concentrates on the key areas of MSUO expertise maritime safety and the development of strategies for the sustainable use of marine and coastal resources. Figure 1 illustrates the interlinking of policies from the International (blue lines) and European (green lines) level with European Regional Development Fund financing and MSUO assistance (red lines).

At the international/ European level, the sources of policies aims and objectives are the International Conventions developed by the International Maritime Organisation (IMO), work of the United Nations Environment Programme (UNEP) Regional Seas Programme and the European Union (EU). These policies are then cascaded to the regional level by conventions, regulation, guidance and directives.

The principle regional and sub-regional management framework for developing policies and agreeing priorities, aims and objectives are the individual Regional Seas Programmes for the NE Atlantic, Mediterranean, Baltic and Black Sea. EU member states and non EU or third country members of these programmes then cascade the policies aims and objectives of the regional and sub-regional programmes to the national (NUTS 1) level.

To assist this process and determine priorities there are a number of statutory and professional bodies established under international or European agreement. Those, with which the MSUO works closely, include the Maritime Policy Task Force (MPTF), European Maritime Safety Agency (EMSA), World Maritime University (WMU), etc.

Once at national level policy is cascaded to the NUTS 2 and 3 levels and enabled via legislation, regulation and guidance. Implementation is then via such initiatives as spatial development plans, merchant shipping regulations, strategies, emissions restrictions, fisheries regulations, estuary/ coastal zone management plans, conservation site (e.g. Natura 2000, SAC, SPA, Ramsar) management plans, etc. It is at this implementation level that many Cross-border, Transnational and Interregional maritime projects are developed to assist or provided added value to the implementation. Importantly, the

projects provide an important source of information which could be provided to the policy makers at European and International level to illustrate the success of strategies, provide examples of best practice and act as sources of expertise to aid policy implementation in other regions. It is with regard to this issue that the MSUO was created and could play an important role for the future.

Although not illustrated, as they act at all levels, considerable influence is exerted by the shipping industry, ports, trade associations and representative bodies such as the Committee of the Regions, Council for Peripheral Maritime Regions (CPMR). Although it should be noted that some of these organisations speak within defined boundaries or rightly lobby for the interests of their membership rather than express a holistic view. Excellent examples of this work are provided by the CPMR's Europe of the Seas initiative and the Committee of the Regions response to the third Maritime Safety Package.

4.0 International and European Policy

The development of maritime policy within the waters surrounding the EU and partner third countries is a complex interaction between various initiatives. The principle sources of policy are the international conventions and regulations developed by the IMO, the Regional Seas Areas provided by UNEP, and the Maritime Policy under development by the EU (consultation draft due June 2006). Pillars to the EU Maritime Policy include the Marine Strategy, Maritime Safety Packages, Common Fisheries Policy and Ten-T transport network. It should be noted that other areas of EU policy will also have an influence, but these are beyond the extent of this document. Fundamental to the successful implementation of EU policy is the associated funding available from the European Regional Development Fund (ERDF) and other initiatives (e.g. Framework, TEN-T, MAST, etc.).

As well as influencing each other, the policies provide a system of maritime governance within which member states and third countries work to protect and enhance their sea areas. From an administrative standpoint, the Regional Seas Programme is of importance as it provides a framework whereby policy can be implemented at a regional or sub regional level. Both the EU Marine Strategy Directive and the international Oil Spill Preparedness and Response Convention (OPRC) and associated OPRC Hazardous and Noxious Substances (HNS) conventions use this framework to implement regional/ sub-regional marine/ maritime strategies (see Section 7) and contingency plans between partnerships of member states and/ or third countries. These initiatives are spatially based sustainable development and contingency planning initiatives. Projects providing added value to these initiatives are therefore potentially eligible for Transnational or Cross-border funding under the European Regional Development Fund.

5.0 Regional Seas Programme

The UN established the Regional Seas Programme in 1974. The programme aims to address the accelerating degradation of the world's oceans and coastal areas through the sustainable management and use of marine and coastal resources. The programme encourages the neighbouring countries of a given sea area to develop comprehensive and specific actions to jointly protect their common body of water. Eighteen Regional Seas programmes have been developed, either administered directly by the UNEP or via partner programmes. There are four Regional Seas Programmes surrounding the EU and accession countries these are: NE Atlantic, Baltic, Mediterranean and Black Sea. These are administered by: OSPAR (NE Atlantic), Mediterranean Action Plan (MAP) and the Helsinki Commission (HELCOM) for the Baltic.

It should be noted that the EU has Commission representation on the Baltic, NE Atlantic and Mediterranean Regional Seas programmes, and there may be the intention to ensure member state policy 'convergence' on maritime issues via these structures. It is therefore possible that implementation of EU Policy and Legislation may influence the future work of these programmes.

Most of the Regional Seas Programmes function through Action Plans. These are adopted by member governments to establish a comprehensive strategy and framework for protecting the environment and promoting sustainable development. The action plan outlines the strategy and substance of a given programme based on the region's environmental challenges as well as the socio economic and political situation. The political will and commitment of the Programmes member countries are usually expressed through legally binding conventions. Some conventions have added protocols and legal agreements to address specific issues such as protected areas or land-based pollution.

It is sensible to assume that these agreements and protocols would be good sources of Transnational and Cross-Border projects. Effectively, the Regional Seas Programmes provide the basic skeleton for a project management partnership and the potential objectives for maritime-based projects (via their policies, aims and objectives). Therefore project developers should work closely with the Regional Seas Programme for their area when producing funding applications. Ideally, they should aim to incorporate the member countries of a Regional Seas Programme, particularly the given national competent authorities (e.g. coastguards, transport ministries, environment departments, statutory agencies, etc.), either as project partners or direct consultees. It is unlikely the outcomes of projects will be enacted without the support of these key organisations. Similarly when projects applications are submitted reference should be made to the Regional Seas Programme by the Transnational and Cross-border Programmes to ensure synergy of action and minimise the potential for conflicting or duplicating actions. The MSUO could be used by the funding Interreg programmes to undertake such a technical appraisal.

The programmes promote the ecosystem approach and sustainable development as methods of achieving their aims. These methods show a commonality of approach and

clear policy linkage with the EU Maritime Policy Green Paper and the Marine Strategy Directive.

The Regional Sea Programme areas and sub regional areas also correspond to the Interreg Transnational (B Strand) and Cross-border (A Strand) areas. These are also the areas identified by the Marine Strategy Directive to encourage regional and sub regional strategies to protect and enhance marine ecosystems. With this in mind, it is possible to suggest that the close correlation between International and European Policy and funding mechanisms could allow the development of projects to actively deliver implementation of maritime policy.

Potential project partnerships wishing to develop marine area management, coastal zone management, sustainable resource, etc. applications should liaise closely with the relevant Regional Seas programmes to ensure viable projects. Maritime project applications should demonstrate how the aims of the Regional Seas programmes should be carried forward.

It should be noted that shipping pollution protocols and agreements have been introduced in cooperation with the Regional Seas Programmes, which encourage the implementation of the OPRC and OPRC HNS on a regional and sub regional basis. Enabling of the OPRC and OPRC (HNS) at NUTS 1 level is the responsibility of the signatory states to the Convention.

6.0 International Maritime Organisation

The International Maritime Organisation (IMO) is a specialist agency of the United Nations with responsibility for developing measures to improve the safety and security of international shipping and prevention of ship derived pollution. The IMO's remit also includes legal matters with respect to: liability and compensation and facilitation of international maritime traffic.

Initially the IMO's chief area of work has been the development of international treaties and other legislation concerning safety and marine pollution prevention. Key conventions and regulations include:

- Safety of Life at Sea (SOLAS) Convention: Ship design and life saving equipment
- Load Line Convention: Maximum loading and hull strength of vessels
- Tonnage Convention
- International Convention on the International Regulations for Preventing Collisions at Sea (COLREG)
- Marine Pollution Convention (1973), as amended 1978, MARPOL 73/78
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)
- International Convention on Maritime Search and Rescue (SAR)
- Global Maritime Distress and Safety System
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea

With the completion of the main international legal framework by the late 1970s, the IMO's principle areas of work concentrate upon keeping legislation up to date and ensuring that it is ratified by as many countries as possible in order to bring legislation into force. These activities include:

- Paris Memorandum of Understanding (Paris MOU): introduces port state control of vessels regarding safety and inspection issues;
- International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code);

Obviously there is a clear interaction between the convention work of the IMO and the development of the EU Maritime Safety Packages. It is not the purpose of this document to review this activity. The key question is: Are there any policy areas within the international scheme of governance which could lead to the development of regionally based spatial development projects eligible for funding as Transnational or Cross-Border projects? The MSUO has identified key policies (conventions and guidance) that could drive project development. Transnational and Cross-border projects could be undertaken on topics associated with these policies, particularly with respect to multinational co-ordination and the need to agree a joint methodology and communication of information to achieve policy aims over a spatial area. These are:

MARPOL 73/78: The most important international convention regulating and preventing marine pollution by ships is the IMO International Convention for the Prevention of Pollution from Ships. This convention covers accidental and operational oil pollution as well as pollution by chemicals, goods in packaged form, sewage, garbage and air pollution. The convention regulates shipping at an international level, whilst being enacted through signatory state legislation. As such, it is difficult to determine policies that apply to specific spatial areas. However, the convention contains provision for establishing "special areas". Designated Special Areas, owing to their sensitive oceanographic and ecological conditions and to their maritime traffic, are provided with a higher level of protection and regulation than other areas of the sea. Designated areas include the North Sea, Baltic and Mediterranean. Given this spatial basis it may be possible to develop transnational and cross border projects which examine operational pollution from ships, although this should be in close co-operation with the relevant competent national authorities.

International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC): The convention provides a global framework for international co-operation in combating major incidents or threats of marine pollution. A protocol to this convention (HNS Protocol) covers marine pollution by hazardous and noxious substances. Parties to the convention are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. The convention gives rise to national level contingency plans together with sub national or local arrangements at provincial and port level.

Articles 8 and 9 of the convention provide a clear policy basis for transnational and cross border projects. Article 8 concerns Research and Development. It promotes research between countries, through the IMO or as part of regional organisations (e.g. UNEP Regional Seas Programme and associated marine pollution protocols and agreements). It emphasises the need to exchange results and concentrate research and development upon:

- Preparedness and response
- Technologies and techniques for surveillance
- Containment of oil pollution
- Recovery of oil
- Dispersion of oil
- Clean-up
- Mitigation of the effects of oil pollution

Article 8 is therefore useful in identifying priority areas for Transnational and Cross border projects. This is assisted by Article 9 concerning Technical Co-operation. This encourages countries to co-operate with the IMO and Regional Organisations in the transfer of technology, particularly with respect to initiated joint research and development programmes. Once again this is similar to the aims of the transnational and cross border ERDF programmes.

OPRC Hazardous and Noxious Substances Protocol: Allied to OPRC'90, the Hazardous and Noxious Substances (OPRC-HNS) protocol extends the actions of OPRC to cover any substance, other than oil which if introduced into the marine environment is likely to create hazards to human health, harm living resources and marine life, damage to amenities or to interfere with other legitimate uses of the sea. HNS substances covered by the protocol include:

- Oil derivatives
- Other liquid substances which are noxious or dangerous
- Liquefied gases
- Liquids with flash points not exceeding 60°C
- Packaged dangerous, harmful and hazardous material
- Solid bulk material with chemical hazards

The protocol therefore extends the coverage of Articles 8 and 9 to hazardous and noxious substances, providing a policy basis for transnational and cross border projects which wish to examine maritime safety and pollution issues arising from HNS.

Intervention Convention: The convention affirms the right of a coastal State to take measures on the high seas to prevent, mitigate or eliminate danger to its coastline from a maritime casualty, to incorporate a spatial dimension into this work on a Transnational or Cross border level, a link could be made to the OPRC convention and /or HNS protocol

Particularly Sensitive Sea Areas: The IMO is the only international body responsible for designating areas as Particularly Sensitive Sea Areas (PSSA) and adopting associated protective measures. PSSAs are areas that need special protection through action by IMO because of their significance for recognised ecological, socio-economic or scientific reasons and which may be damaged by maritime activities. To qualify for PSSA status, coastal states must have convinced IMO that suitable protective measures should be established. An area of the NE Atlantic (Western Europe) has been designated as a PSSA and the Waddenzee area of Denmark, Germany and the Netherlands has been designated a PSSA, although main shipping routes to coastal ports within the region and inhabited islands are excluded from the PSSA. There is also debate within the IMO and

HELCOM with regard to declaring the Baltic a PSSA. Designation of a PSSA requires the development of “associated protection” measures. Given the spatial nature of these measures and their linkage to wider sea area/ ocean management, it is possible that transnational and cross-border projects could be established to formulate associated protection measures for an existing PSSA or develop the case for new designations. Indeed, the Baltic Master project has begun to examine this issue. Once again, to be successful, projects will need to incorporate competent national authorities into their management frameworks. It should also be noted that PSSA related projects will be particularly difficult to undertake as the final designation of a PSSA requires the agreement of maritime nations at the IMO, not just EU member-states, or indeed just the surrounding countries to the proposed area.

Places of Refuge: A Place of Refuge is a sheltered area, e.g. port, estuary, embayment, etc. where a vessel in distress can be directed by a coastal state to undergo repair, offloading or salvage work in order to make the vessel seaworthy or safeguard the lives of crew and passengers. The basis for a place of refuge was set down under IMO guidelines. Within the EU, member states will be obliged under the Third Maritime Safety Package, see Section 9, to identify and designate places of refuge. The Safety and Sea (North Sea) Interreg IIB project has had considerable success in identifying possible places of refuge. The work of this project and the database established by the UK Maritime and Coastguard should be taken as examples of best practice and examples of what could be achieved by Transnational and Cross-border projects.

In February 2006, the MSUO held a seminar concerning Places of Refuge. This seminar examined the issue from the perspective of policy-makers, shipping industry, salvors and coastal communities. This successful event was praised for being one of the few to have brought all stakeholders involved in this issue together to contribute to the discussion about establishing a European network of Places of Refuge. Further information about the seminar can be found at: www.maritime-safety.org

The following project themes were identified by the MSUO Co-ordination Unit as part of preparation for the Places of Refuge Seminar, Brussels, 2006

Master & Salvor Required Actions- Help to Master/ Salvor Actions

- **Master & Salvor Training-** Appraisal/ Assessment of Risks
 - course design, course material, distance learning, etc.
- **Provision of information** -Assessment & Available Actions
 - checklists, guides and knowledge sources (websites, leaflets, etc.)
- **Databases of marine/ coastal resources at risk** (environment, socio-economic, cultural) - hard copy maps, GIS, websites, etc.
- **Databases of natural conditions** (wave, tide, wind, etc.)
 - hard copy maps, GIS, websites, etc.

Actions Expected of Coastal State: Help to Coastal State Actions

- **Pre-event Assessment**
 1. Cross border EIA to identify appropriate sites
 2. Databases of resources at risk (e.g. GIS and maps)
 3. Cross-border Contingency Plans (e.g. Manche Plan)

- **Event-specific Assessment**

1. Joint Training and Information for events
2. Cross-border response procedures to activate Contingency Plans
3. Communications/ IT (between CNAs and Vessel/ Salvors)

- **Transfer knowledge** from other areas (e.g. SUMMERI, MARTINS, S@S, Baltic MaSTER, etc.)

In addition, as a result of the Seminar, the International Salvage Union (ISU) identified a joint project with the MSUO to develop a Casualty Management System during 2007.

7.0 Regional and Sub-regional Shipping Pollution Agreements

Four international agreements have been developed with the support of the UNEP Regional Seas Programmes (see Section 4). The Agreements provide a framework for counter-pollution response to shipping accidents.

The coverage of the Agreements is:

- Bonn Agreement: North Sea and Channel
- Emergency Protocol to the Barcelona Convention: Mediterranean
- Copenhagen Declaration to the Helsinki Convention: Baltic
- Lisbon Agreement: Atlantic

Bonn Agreement: The Bonn Agreement is an international agreement that includes Countries surrounding the North Sea, together with the European Union. The Agreement has two principle objectives:

- Offer mutual assistance and co-operation in combating pollution, and;
- Execute surveillance as an aid to detecting and combating pollution and to prevent violations of anti-pollution regulations.

Representatives from the Agreements member countries ensure the execution of these objectives. The members are leaders in the field of surveillance and combating marine pollution. The Bonn Agreement *Counter Pollution Manual* and *Aerial Surveillance Handbook* (among others) are particularly good sources of information for maritime safety projects. Proposed maritime projects within the North Sea and Channel areas (Interreg IIIB North Sea and North West Europe Programme Areas) should use the agreement as a starting point and liaise closely with the competent national authorities from the Bonn Agreement member states when developing applications. The counter pollution and surveillance work undertaken by the Bonn Agreement, can be considered as 'best-practice', and as such may be applied to other regions and sub regions, possibly as transnational or cross-border projects (subject to the concurrence of the relevant Agreements for that region).

Emergency Protocol to the Barcelona Convention: Under the Barcelona Convention, the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) has been tasked with implementing co-operation and co-ordination activities between signatory states with regard to preventing pollution from ships and, in cases of

emergency, combating pollution, including hazardous and noxious substances. The work of REMPEC and the signatory states is agreed under the Emergency Protocol to the convention. REMPEC has been instrumental in encouraging the co-ordination of OPRC contingency planning between countries around the Mediterranean. In developing transnational projects to deal with marine pollution accidents, project partnerships should use the Emergency Protocol as a starting point and liaise closely with REMPEC and the national competent authorities of their partnership countries.

REMPEC has an extensive library of information and is developing on-line databases. The databases have been developed to assist in the prevention of, and preparedness for pollution emergencies. The databases consist of:

- Transport Orientated Database on Chemical Substances (TROCS)
- Mediterranean Integrated Decision Support Information System (MIDSIS-TROCS)

Given the practical implementation of these databases to aid response, they could be considered best practice systems, which could be implemented in other regions or sub-regions possibly as transnational or cross-border projects (subject to the concurrence of the relevant Agreements for that region).

Copenhagen Declaration to the Helsinki Convention: In addition there are a number of bilateral and multilateral agreements developed between member states and third countries. Notably Manche Plan (UK and France) and transnational arrangements within the Mediterranean. Contingency arrangements from the Mediterranean provide a good example of how European funding can be used by existing frameworks to improve management of marine areas in-line with a regionally based policy. Under the Barcelona Convention's Prevention & Emergency Protocol, REMPEC has encouraged Mediterranean Action Plan member states to develop sub-regional (Cross border and Transnational) preparedness and response arrangements in line with OPRC.

The sub regional system for combating major marine pollution incidents likely to affect the territorial sea, coast and related interests of Cyprus, Egypt and Israel, implemented by REMPEC, was financed by the LIFE Third Countries mechanism. This demonstrates not only the interrelationship between the UNEP Regional Seas Programme and the OPRC Convention, but the use of European funding to implement marine policies and best practice. It would seem sensible to promote European funding to existing sub regional systems in the NE Atlantic, Mediterranean and Baltic as a way of achieving or provide added value to policy aims. The proposed third country arrangements under the 2007-2013 Transnational Programme could also extend this to the Black Sea, particularly with impending EU membership of Rumania and Bulgaria.

Lisbon Agreement: to be completed

8.0 European Union Maritime Policy

On 2nd March 2005, the European Commission decided to start work on a Green Paper for an all-embracing Maritime Policy. The Green Paper shall be adopted in the first half of 2006. It will form the basis for a broad consultation.

The background to the decision of the Commission of 2nd March and guidance for its further work towards the adoption of the Green Paper are contained in the Communication "Towards a future Maritime Policy for the Union - A European vision for oceans and seas". For an overview of the process, refer to: http://europa.eu.int/comm/fisheries/maritime/index_en.htm

The Commission identified the strategic objective of developing a European Maritime Policy. The responsibility for developing this policy was placed with DG Fisheries and Maritime Affairs. It should be emphasised that development of the policy is being undertaken jointly with seven DGs within the Commission, including DG Regio that is responsible for the implementation of Interreg and the future Transnational Funding Programme for 2007-2013.

In order to develop the policy and associated Green Paper, the DG set up a structure consisting of:

1. Steering Group of seven Commissioners, chaired by Commissioner Joe Borg, to oversee the development of the policy and set the objectives for the Task Force;
2. Maritime Policy Task Force, to co-ordinate the development of the Policy Green Paper;
3. Member State expert group to advise the Task Force;
4. Interservice Group to co-ordinate between the functional structures of the Commission.

Underlying this mechanism is consultation with maritime stakeholders: member states; regions; industry; NGOs, etc. The Green Paper is timetabled for adoption by the commission on 31st May 2006, with a subsequent consultation period commencing in June 2006.

The development of the Green Paper has recognised that maritime activity is not just limited to marine transport. The proposed Green Paper will emphasise the need for a cross-sectoral approach. The basis for this is the realisation of the huge influence that marine activities have on the social and economic fabric of the EU. It is estimated that almost half of the EU population lives within 50km of the sea, and approximately 60% of EU holidaymakers choose the coast as a holiday destination. From an economic perspective, 90% of external trade with the EU and 40% of EU internal trade passes through European ports. Annually this represents 3.5 billion tonnes of cargo and 350 million passengers using European seaports.

In developing the Green Paper, the Maritime Policy Task Force has undertaken an integrated analysis of European maritime activity. This has identified the following sectoral interests:

- maritime economy
- employment
- human welfare
- maritime heritage
- climate change
- marine environment
- safety and security

- science, research and skills (linked to the Lisbon Agenda)

As a starting point, the following objectives have been established for the European Union Maritime Policy:

- Preserving the sea as a future source of wealth;
- Encouraging the European maritime economy;
- Advancing our knowledge about the sea;
- Creating synergy between sectoral policies, and;
- Improving maritime governance.

These objectives are complimentary to those of transnational and cross-border programmes, such as Interreg and the work of the MSUO.

The Task Force has examined the development of Oceans Policy within Australia and Canada, whilst recognising that these differ from the situation in Europe in two important respects. Firstly there is less density in activity in these areas than Europe, and secondly there is less complexity in territorial jurisdiction than the relationship between the European Member States.

In drawing up the policy, the Maritime Policy Task Force has recognised a need for co-ordination and the role to be played by NUTS 2 level authorities in implementing any maritime policy. There is a real necessity to ensure that NUTS 2 level authorities within the European Union are not suddenly confronted with a mass of unresolved issues at the end of the regulatory process initiated by the Green Paper. The Task Force has indicated that existing frameworks and funding mechanisms could be used to co-ordinate the implementation of Maritime Policy at a regional level.

The policy will be structured around the following themes:

- Retaining European maritime economic strength whilst ensuring sustainability;
- Maximising quality of life in coastal regions;
- Providing the tools to manage our relations with the sea;
- Reclaiming Europe's maritime heritage, and;
- Listening to our stakeholders

The Maritime Policy Task Force has indicated that spatial planning of the enclosing ocean and seas areas to Europe will be promoted within the Green Paper. This spatial dimension is a fundamental link between the Green Paper and the development of the 2007 to 2013 Transnational Programme, and is likely to be a source of maritime projects.

Therefore, the existing Interreg structure and the work of the MSUO could be used to both fund and in part co-ordinate the delivery of a European Maritime Policy at NUTS 2 and 3 levels. This does raise an interesting question for the future of the MSUO. It is likely that the EU Maritime Policy will lead to an interlinked and co-ordinated approach to projects covering all maritime sectoral interests and not just transportation safety. Given this, should the MSUO adapt and develop to co-ordinate the activity of all maritime projects within the funding programmes, and not just focus primarily on safety?

9.0 Third Maritime Safety Package (and previous Erika I and II packages):

Following the loss of the tanker Erika in 1999, the EU developed two successive legislative packages, the so-called Erika I and II maritime safety packages. During 2006, a third package has been developed. The Third Maritime Safety Package consists of the following proposed Regulations and Directives:

- COM (2005) 586 final: Directive on compliance with flag State requirements
- COM (2005) 587 final: Directive on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations
- COM (2005) 588 final
- COM (2005) 589 final: Directive amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system
- COM (2005) 590 final: Directive establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC
- COM (2005) 592 final: Regulation on the liability of carriers of passengers by sea and inland waterways in the event of accidents
- COM (2005) 593 final: Directive on the civil liability and financial guarantees of shipowners

Given the spatial dimension of the Transnational Programme, three possible subject areas for potential projects have been identified by the MSUO from these proposed Directives. These are:

- Places of Refuge (see COM (2005) 589 final)
- Vessel Traffic Monitoring (see COM (2005) 589 final)
- Integration

In addition, there are two areas where projects could be developed to enhance and provide added value to the Third Maritime Safety Package, or form the basis of a fourth package. These are:

- Response
- Investigation of Accidents (see COM (2005) 590 final)

A policy basis for response projects is already provided by the OPRC and OPRC HNS.

In the case of Investigation of Accidents the spatial policy dimension will have to be established. However, a case could be made with regard to investigating the success of response to marine accidents over a spatial area such as a coastal/ maritime region(s). Therefore, a transnational project could provide added value to the proposed Directive (COM (2005) 590 final) by investigating the impact of a marine accident, particularly associated with pollution or civil protection/ public safety issues which impact upon the natural, economic and social resources of a coastal/ maritime region. The project could be based around identifying response lessons and best practice from previous incidents (notably Prestige, Erika, Sea Empress, Aegean Sea, Haven, Braer, etc.)

Alternatively, the Directive could be modified at the draft stage to ensure lessons are also learnt from the response in order to mitigate the effects of future incidents. Annex 1

could be modified to use casualty information (i.e. external environment & consequences) to provide “Response Recommendations” (i.e. clean-up, civil protection, etc.). This would entail the expansion of the EMCIP to cover response (Art 17) and then link to Annex 1 (Sections 2, 4 and 5) and provide a new section on “Response Recommendations”

Following a review of the proposed Third Maritime Safety Package by the MSUO Co-ordination Unit for the Commission for Territorial Cohesion Policy (COTER), Committee of the Regions, the following topics for projects under the next Transnational Programme (2007-2013) were identified. The review was undertaken for a participation in a COTER round-table on maritime safety (5th April 2006)

Places of Refuge

- International co-ordination and decision-making mechanisms (Art 20a, 2, f)
- Communication of information to neighbouring Member States (Art 20a, 3)
- Systems to communicate information on plans and places of refuge to stakeholders (Art 20a, 3)- national & local systems linked to SafeSeaNet (Art 22a) and Equasis (Art 23a)

Vessel Traffic Monitoring

- AIS Infrastructure Projects
- Information exchange projects linked to SafeSeaNet
- Application of AIS to Fishing fleets
- Development of VTMS

Investigation of Accidents

- Investigation of Response: Lessons learned from previous incidents
- “Horizon scanning”: Proactive review of low impact incidents and accidents to make improvements before a high impact accident

Integration

- Sharing and access to data sources
- Joint resource management and contingency projects (Link ICZM, Places of Refuge, Contingency Planning, Marine Area management, etc. data sources)
- Conversion and data storage: e.g. convert habitat mapping to sensitivity mapping

Response

- Joint contingency planning e.g. Manche Plan
- Harmonising and disseminating best practice
- Meeting new threats (e.g. heavy oils, hazardous and noxious substances, etc.)

10.0 European Maritime Safety Agency

Linked to the development and implementation of the Maritime Safety Packages is the work of the European Maritime Safety Agency (EMSA). EMSA’s activities are based around three objectives or ‘pillars’:

1. Supporting the Commission by monitoring the implementation of maritime safety legislation;
2. Facilitating technical cooperation between member states and the Commission;
3. Providing technical and scientific assistance to member states and the Commission in the field of accidental and deliberate marine pollution by ships.

The key areas of the Agency's work in 2006 include pollution response (standby ship network); maritime safety, data collection and sharing, port state control visits, assessment of classification societies, marine education/ training of 3rd Country mariners, etc.

Links are also made between EMSA and the OPRC'90 and Regional Seas Programmes and associated marine pollution Agreements. This is primarily through diplomatic agreement whereby the EU is now a signatory to the marine pollution agreements. In providing operational assistance to member states for pollution response, the Agency will undertake its functions in line with the OPRC '90. The Agency has a duty to assist in the convergence of different regional standards across Europe. As the European Community is a contracting party to the Regional Agreements (see Section 7), EMSA provides policy recommendations to the Commission, giving EMSA to influence the Regional Seas Programmes shipping pollution protocols and agreements.

11.0 Thematic Strategy on the Protection and Conservation of the Marine Environment and the Marine Strategy Directive

Under the Sixth Environment Action Programme, seven thematic strategies have been developed to provide the next generation of European environment policy. Adopted on 24th October 2005 by the Commission, the Protection and Conservation of the Marine Environment thematic strategy. The strategy aims to achieve "good environmental status of the EU's marine waters by 2021". The Marine strategy is an environmental pillar to the EU Maritime Policy (see Section 8).

The Strategy identifies a number of institutional barriers to improved protection of Europe's marine environment:

- Existing sectoral measures that were not designed specifically for the protection of the marine environment;
- Few enforcement powers contained within existing international conventions which cover many of Europe's regional seas;
- Little 'articulation' between large number of strategies and agreements at global level

The Strategy identifies that existing marine protection efforts are undertaken on a regional seas basis, e.g Helsinki Commission (HELCOM) for the Baltic, Oslo and Paris Commission (OSPAR) for the Northeast Atlantic. Article 3 of the Directive identifies Marine Regions and Subregions for the implementation of Marine Strategies.

The Marine Regions and Subregions identified by the Marine Strategy Directive provide delimited areas for implementing environmental protection measures. The Marine Regions are covered by the Trans-national and Cross-Border Co-operation project funding mechanisms for the European Regional Development Fund, thereby providing a

funding mechanism to implement Regional and Sub-regional Marine Strategies in line with the Marine Strategy Directive. Projects developed under these funding regimes would meet the objective of the Marine Strategy Directive and to work within regional seas conventions. However, the overlapping of some areas does underline the need for project co-ordination to reduce any potential for duplication of effort. The expansion and continued use of the MSUO initiative, particularly linked to the management framework of the regional seas conventions could be used to fulfil the objective of the Directive to “identify and fill knowledge gaps, reduce duplication data collection and research, promote the harmonisation, broad dissemination and use of marine science data . This should result in substantial efficiency gains across sectors and institutions.” COM (2005)504 final, pp4. In short, expanding the work of the MSUO in the North Sea, Baltic, Northern Periphery and North West Europe into all marine regions would provide the vital link between regionally based funding mechanisms and the framework of the regional seas conventions.

The Thematic Strategy on the Protection and Conservation of the Marine Environment will be implemented via the Directive establishing a Framework for Community Action in the Field of Marine Environmental Policy (Marine Strategy Directive, SEC(2005) 1290). The directive establishes:

- European Marine Regions on the basis of geographical and environmental criteria;
- Marine Strategies to be developed within each Region by each Member States, in cooperation with other Member states and third countries;
- Requirement for a detailed assessment, definition of good environmental status at regional level, together with clear environmental targets and associated monitoring programmes within each marine strategy to be produced by member states.
- A programme of cost effective measures based on impact assessment and detailed cost benefit analysis to be produced by member states

The need for regionally based partnerships between member states and third countries under the Strategy, demonstrates a clear link to the Transnational funding programmes. The Strategy requires member states and third countries to work jointly to provide marine strategies for each European Marine Region. Given the joint work to achieve this, it is possible that supporting projects (e.g. the NWE MESH Project) could be developed under a transnational framework. Projects could be linked to the detailed assessment, definition of regional level “good environmental status”, environmental targets, monitoring programmes, impact assessment and cost benefit analysis required within each strategy.

12.0 European transport policy for 2010: Time to decide

On the 21st September 2001, the European Commission adopted the Transport White Paper: European transport policy for 2010: Time to decide. The background for creating this policy was that there so far had been no harmonious development of the common transport policy, which created several problems:

- Unequal growth in the different modes of transport (in 2001, road transport made up 44% of the goods transport market, compared with 41% for short sea shipping, 8 % for rail and 4 % for inland waterways);

- Congestion on the main road and rail routes, in towns, and at airports;
- Harmful effects on the environment and public health, and the heavy toll of roads accidents

The congestion problem poses a risk to European economic competitiveness and also a risk of regional imbalance. The white paper suggests that community financing should be redirected to give priority to rail, sea and inland waterway transport as a way of shifting the balance between the modes of transport. Priority should be given to clearing bottlenecks, and users should be placed at the heart of transport policy. There is also a need to manage the effects of transport globalisation, particularly after the enlargement of the Union.

The White Paper suggests several measures to deal with the problems, and also acknowledges that achieving the objective of shifting the mode of transport have to include measures at national and local level in addition to the Community measures identified in the White Paper.

The measures proposed are based on a list of guidelines, among which the following concerns maritime issues:

- Promoting transport by sea and inland waterway
 - Revival of short-sea shipping by the creation of sea motorways. The idea was that certain shipping links – particularly those providing a way round bottlenecks – would become part of the trans-European network, just like roads and railways.
 - Tougher rules on maritime safety. Minimum social rules is suggested as a means of combating ports and flags of convenience
 - The development of a genuine European maritime traffic management system
- Turning intermodality into reality
 - Priority to be given to technical harmonization and interoperability between systems
 - The Marco Polo Programme has been created to support innovative initiatives, and particularly to promote sea motorways
- Adapting a policy on effective charging for transport
 - This would require equal treatment for operators and between modes of transport
- Putting research and technology at the service of clean, efficient transport
 - Specific action is suggested to be taken on cleaner, safer road and maritime transport and on integrating intelligent systems in all modes
- Managing the effects of globalization
- Building the trans-European transport network

In addition, there are several concerning the other modes of transport and more general guidelines, for example:

- Revitalising the railways;
- Improving quality in the road transport sector;
- Recognising the rights and obligations of users;
- Striking a balance between growth in air transport and the environment

Shifting the balance between modes of transport: Two priority objectives are suggested to achieve the shift of modes:

- Regulated competition between modes;
- A link-up of modes for successful intermodality.

For the latter, the biggest missing link is the lack of a close connection between sea, inland waterways and rail. Short-sea shipping cannot offer a real alternative solution unless the goods can then be carried by waterway and rail instead of by road. Intermodality must be given a firm, practical shape. The way to revive intra-Community maritime transport and inland waterway transport is to build motorways of the sea and offer efficient, simplified services. To help to establish this trans-European shipping network, priority should be given at national level to ports which have good connections to inland network and which could form of an authentic logistics chain. Shipping routes between European ports should be chosen to create networks. It is stressed that inland waterway transport is energy-efficient and quiet, and that it is a very safe mode of transport particularly suited for transporting dangerous goods such as chemicals. This would make it a very competitive alternative to road and rail transport.

Further development of inland waterway services and short-sea shipping also depends on an efficient port service based on the principles of regulated competition. It is suggested that thought should be given to bringing together all the links in the logistics chain in a one-stop shop to make intermodal transport by sea and inland waterways as reliable, flexible and easy to use as road transport. The development of advanced telematic services in ports could also improve operational reliability and safety. Active cooperation between the various partners would enhance both the quality and the efficiency of the intermodal transport chain.

It is suggested that this mode of transport needs to be made more reliable, efficient and accessible by:

- Eliminating bottlenecks, establishing links to rivers and installing transshipment equipment;
- Installing highly efficient navigational aid and communication systems on the inland waterway network;
- Continuing to standardise technical specifications;
- Further harmonisation of pilot certificates
- Harmonising the rules on rest times, crew members, composition of crews and sailing times of inland waterway vessels.

Professional training of sailors is stressed as a means of ensuring the safety of shipping, efficient operation of vessels, proper maintenance, and reductions in the number of accidents and victims, and in sea pollution.

Managing the Globalisation of Transport: The white paper states that Europe needs to rethink its international role if it is to succeed in developing a sustainable transport system and tackling the problems of congestion and pollution, particularly after the enlargement.

For maritime issues, this is suggested tackled through a package of measure designed to reinforce port state controls, tighten up the legislation of classification societies, phase out single-hull tankers, introduce a compensation system for victims of marine pollution,

and to create European Maritime Safety Agency. These measures have later been put into action through the Erika Packages.

In addition to these measures, it is also suggested to introduce more stringent controls in ports in order to make ports of convenience to disappear, and to look more closely on the social standards through examining the issue of training and shipboard living and working conditions. Lastly, it is proposed to promote the reflagging of as many ships as possible to Community Registers, and to establish a management system for shipping off Community coast.

In order to achieve these goals and to promote a single voice for the European Union, it is suggested to give the IMO the power to audit flag states, and to reinforce the position of the Community in international organizations. This goes in particular for the International Civil Aviation Organisation and the International Maritime Organisation, where the European Union will open negotiations with these organisations in order to discuss the possibilities of becoming a full member.

13.0 Motorways of the Sea

Motorways of the Sea are an important initiative to promote sustainable transport of goods to and through the European economic area as a “*real competitive alternative to land transport*”, as part of the Trans-European network (TEN-T). In addition, the initiative will aid port development by introducing new intermodal maritime-based logistics chains in Europe.

Four principle Motorways of the Sea Routes have been identified. In addition, the Interreg IIIB Northern Maritime Corridor I and II projects have identified a further route connecting North Sea Ports to Norway, Barents Sea and the North Atlantic. Initiatives are now being developed to map possible routes to provide geographical areas where actual Motorways of the Sea and associated port infrastructure can be developed (e.g. the InterBaltic Project in the Interreg IIIB Baltic Sea Region Neighbourhood Programme).

The MSUO and Interreg IIIB Baltic Sea Neighbourhood Programme will hold a joint conference on Motorways of the Sea during 2006. It is likely that this event will identify potential project topics for the next Transnational Programme.

14.0 European Regional Development Fund

The European Regional Development Fund (ERDF) provides financial assistance with regard to furthering Convergence, Regional competitiveness & employment and European territorial co-operation. In addressing these issues, the fund supports cross-border (previous INTERREG Strand-A), transnational (previous INTERREG Strand-B) and inter-regional co-operation (previous INTERREG Strand-C). In doing so the ERDF “shall give effect to the priorities of the Community, and in particular the need to strengthen competitiveness and innovation, to create and safeguard sustainable jobs and to ensure sustainable development.” Therefore there is significant linkage between the aims of the EU Maritime Policy (see Section 8) and the funding to assist and provide added value to the implementation of this policy by the ERDF. The references to safeguarding jobs and ensuring sustainable development allow linkages to be made with member state involvement in the implementation of the UNEP Regional Seas Programme and

regionally based maritime safety / pollution prevention conventions and guidance developed by the International Maritime Organisation (IMO).

The ERDF provides financial assistance based upon thematic priorities. Delivery of assistance is provided through Operational Programmes for given geographical regions of the EU, neighbouring third country partners and overseas dependants of EU Member States. The A and B Strand Programme areas correspond closely with the Regional and Sub-regional areas identified within the UNEP Regional Seas Programme and the EU Marine Strategy Directive. As such they allow the funding to assist the implementation of marine strategies to be closely link to Transnational and Cross border Programmes. For the purposes of this paper, discussion will concentrate upon the use of ERDF for European territorial co-operation, as the MSUO was developed as a cross programme enhancement to assist transnational projects. In addition a number cross-border projects and programmes have also worked with the MSUO as the initiative has developed.

The ERDF shall assist the following European territorial cooperation priorities:

1. Development of cross-border economic, social and environmental activities through joint strategies for sustainable territorial development (A-Strand)
2. The establishment and development of transnational co-operation, including bilateral co-operation between maritime regions...through the financing of networks and actions conducive to integrated territorial development (B-Strand)
3. Reinforcement of the effectiveness of regional policy, (C-Strand, INTERACT, ESPON)

The reference to joint strategies, networks and actions for integrated and sustainable territorial development enables a clear link to be made between ERDF financial assistance and the funding of projects derived from the EU Marine Strategy and the Regional Seas Programmes, which are based upon similar principles. Within the text of the Draft Regulations, the priorities also identify the need to encourage entrepreneurship (SMEs, tourism, culture and cross border trade) and trans-European networks, this provides a link to the EU Maritime Policy (see Section 8), the shipping industry and initiatives such as Motorways of the Sea and Short Sea Shipping.

The priorities encourage the joint protection and management of natural and cultural resources as well as the prevention of natural and technological risks. The draft regulation text includes reference to environmental protection and the management of river basins, coastal zones, marine resources, and water services. It is therefore possible to link ERDF financial assistance to projects derived from the OPRC Convention and HNS protocol, particularly with respect to contingency planning and initiatives to protect resources from pollution from shipping and the provision of places of refuge for vessels in distress. Projects could also be developed to address the Regional Seas Programmes and EU Maritime Policy aims and objectives concerning sustainable development, management of marine ecosystems and resource protection.

The transnational and cross-border provision allows regional and sub regional projects to assist arrangements between member states, and possibly third countries, under the Regional Seas shipping pollution agreements (see Section 7). Thus assisting joint contingency planning between countries at different NUTS levels (see Section 2)

Flood protection and maritime security are also included. Focus on flood protection could encourage the development of projects to address coastal flooding and erosion issues (if linked to the natural risks). The term “maritime security” is confusing, as on an international level, particularly with respect to Conventions, the term is usually linked to counter terrorism rather than spatial development.

Reference is made in the text of the draft regulations to joint and collaborative projects with regard to education, training, transport, telecommunications, information and communications technologies. This could enable projects concerned with the training of mariners and shore staff, implementation of AIS and VTMS (linked to the Third Maritime Safety Package and SAFESEANET), see Section 9.

15.0 Role of the Transnational and Cross-border Programmes

Developing maritime policy within the waters surrounding the EU indicates that increasingly, the focus is upon a regional approach based around sea basin areas. The Marine Strategies Directive makes a strong link to the UNEP Regional Seas Programme with regard to the development of sustainable management strategies. Similarly, EMSA have proposed that the Commission representation within the Programmes (particularly the Regional Agreements) may be a method by which to bring member state convergence on maritime safety policy. Actions to implement maritime safety improvements would therefore be within a regional context, in partnership with non-EU third countries. It is important to note that EMSA is charged with monitoring and advising the commission on the implementation of EU maritime safety policy. The Agency is also charged with undertaking research and development work, possibly in association with the regional agreements, a potential source of maritime safety, pollution preparedness and response projects seeking funding.

The international framework for pollution prevention and response (Special Areas, PSSA's, OPRC 1990, OPRC HNS Protocol and Regional Agreements) also promotes joint transnational and cross-border prevention, preparedness and response with shipping pollution.

EU maritime policy is under development, but indications are that sustainable development, leading to the protection of the EU marine resources base may form the scope of this initiative. Similarly it may have regard for encouraging a holistic approach, through international co-operation, which provides an ecosystem based management approach.

Proposals for the future ERDF Programme (2007-2013) suggest that Priorities should focus upon, in part, sustainable management of coastal and sea areas, risk prevention, maritime safety and pollution. It is interesting to note that the proposed Transnational and Cross Border areas lie within the Regional Seas Programme and Agreement Areas (i.e. Mediterranean, Baltic and NE Atlantic). The accession of Bulgaria and Romania may necessitate expansion of the Programme to the Black Sea (which in turn is also covered by a Regional Seas Programme). The ERDF Programme also echoes the work of the Maritime Policy Task Force and EMSA.

It is within this context that ERDF Transnational and Cross border Programmes could play an important role in furthering the implementation of policies to sustainably manage and protect sea areas by promoting priorities which reflect the policies sources reflected

within the sources of maritime policy reviewed in this document. An example of this is provided in the North Sea Interreg IIIB Programme development for 2007–2013:

Anticipating and reducing risks and pollution in the North Sea

Many economic sectors, e.g. tourism and offshore energy, depend on the North Sea as a resource for vitality and growth. In turn, the quality of this resource is often threatened by the developments of these same industries, namely oil and chemical production, processing, storage and transportation and land source pollution. The pressures posed to coastal communities and economies by a changed climate are further expected to increase in the years to come. There are a number of opportunities for the Objective 3 programme to ensure that we act in a sustainable manner to allow for future generations the possibility of gaining the same value from the sea as us.

Anticipating and reducing risks posed to property, landscapes, nature, industries by a changed climate

In the North Sea Region main threats related to a change in the climate conditions refer to an increased occurrence and severity of winter storm, storm surge and flood hazards. In this process, marine and coastal eco systems (e.g. fish populations and forests), societal lifestyles and economic functions and infrastructure will be also adversely affected. The challenges posed by a changed climate could also hamper economic growth. A resilient region thrives on a safe environment.

The North Sea Region presents some good examples in alleviating the impacts from a changed climate. Practical research and implementation of the “living with water” concept, investigations into storm resistant coastal landscape and setting up common flood contingency frameworks are among some of the examples. It is important that such forward – looking risk management practices are sustained, but further thought can be also given to the set up and implementation of regional adaptation plans bringing together multiple institutions and stakeholders and many fields of action such as nature protection, civil protection and security policy. In order to develop and promote the North Sea Region as a model of excellence in this field, it is important that good risk management practices, especially in areas where the North Sea region has a proven record, be transferred to other regions of Europe and beyond.

There is a great opportunity for sustaining economic and social functions through the implementation of adaptation measures. Such adaptation measures on a regional scale cannot be properly implemented if responsible public authorities, organisations and the public are not committed to the process.

Developing preventative and response measures to address marine acute and chronic pollution

Activities at or related to the sea are often related to pollution of the resource on which healthy economies thrive. Under these circumstances the efforts of a single county are usually not sufficient to offset adverse impacts. It is important that the North Sea Region has preparedness for action through securing proper institutional setting, development of frameworks for co-operation and response and facilitating conditions for exchange of best practice. One area, which will benefit from such co-operation, regards the establishment of joint, cross-border contingency planning for marine pollution at sea and in coastal regions.

Furthermore, in response to maritime accidents, the European Union has set up a set of measures to protect Europeans coasts and waters against the dangers of accidents and pollution (the third maritime safety package). When an accident occurs, common understanding, agreements and procedures among neighbouring countries will limit the threat of damage and pollution to marine and coastal environments and the marine resources, which the communities depend upon.

The analysis of major accidents indicates that an incident can be exacerbated by insufficient planning or lack of logistics to enable a timely response. It is therefore necessary to establish basic and accepted principles for management systems, to encourage the prevention and control of major-accident hazards, and limit the consequences, should accidents unavoidably occur.

In the process of adopting responsible measures to mitigating and preventing technological hazards, it is paramount that identification of training needs of land personnel (e.g. operators), ship crews and responders and the subsequent provision of appropriate training and skills improvement schemes are secured.

Furthermore, it is important that transnational co-operation addresses some issues, which underline chronic source pollution of the North Sea. Exchange of experience, stakeholder involvement, studies, demonstration

pilots and awareness raising activities can be linked to the issues associated with ballast water from ships or the introduction of non-indigenous species in the North Sea. It is necessary to establish adequate mitigation and control measures and exchange practices (including the “Clean Ship Approach”) and ongoing pollution related to regular shipping from vessels of all kinds.

The above activities will assist and provide added value for the North Sea countries undertaking work to fulfil their obligations under international conventions and the EU Maritime Safety Package.

Managing and protecting the marine environment from cumulative and potentially conflicting uses of the sea

The North Sea is a common natural resource that provides the basis for economic development and supports important social and economic functions in the region. Cross-sectoral marine management is needed in order to sustain the economic viability and address spatial and environmental concerns arising from cumulative and potentially conflicting uses of the sea. As current actions have been traditionally focused towards landside activities and their impacts on the environment, a need has been identified to focus transnational co-operation on the coastal and marine areas of the North Sea. This calls for a strategic, ecosystem approach to manage the marine environment and help avoid or reduce conflict, to identify and permit appropriate, compatible and sustainable development and to protect and enhance important environmental and social and economic assets from inappropriate development. Development of a common marine spatial planning concept for the North Sea encompassing coordination of multinational/ regional plans across borders would provide sustainable management of coastal zones and marine resources, including risk prevention and environmental protection activities, management of wetlands and protection against natural and technological hazards. It is important that such joint action is driven towards quality of the North Sea coastal and marine environment to support social and economic activities, which depend on healthy and viable North Sea resources. Such initiative will also have a significant impact in promoting management practices in the region in areas with fragmented and sectoral policies. The aim is also to improve and formalise Integrated Coastal Zone Management by capitalising on experiences developed. An account should be also taken to the need for developing methods for pro-active community involvement in coastal management.

The above-mentioned processes are to prepare for (starting debate), complement, inform and anticipate process towards a future Maritime Policy and the Marine Strategy Directive.

In devising the context of this priority an important aspect for further investigation will be the possible complementarity with other financing models and the opportunities arising from public-private partnerships and drawing inward investment.

Example of activities:

- Eco-system based approach – improving the knowledge about eco-systems in the sea in order to plan activities and uses.
- Marine spatial planning for the entire North Sea
- Modelling the changes of marine environment to inform marine spatial planning
- Investigate how can the public sector harnesses technologies, and create conditions for their implementation, by addressing spatial conditions and limitations for development, e.g. estuary development in light of flooding threats
- Initiate transnational standardised mapping and mutual information for coordination of offshore use interests as well as for benthic ecosystems
- Information and awareness raising of the reality of the climate change phenomenon, the effects on populations, territories and economic sectors; development of partnerships between actors in maritime regions; and the set up of concrete cooperation actions, exchanges of experience and best practices, and projects on the ground.
- Joint contingency planning to respond to pollution from shipping and the establishment of a network of places of refuge.

Such Programme development for 2007-2013 demonstrates that the Regional Seas approach can be promoted through the ERDF funding Programmes. However, there will be a need to ensure co-ordination of action between the Programmes, the projects they fund and the existing framework of International and European governance. This is particularly in respect to ensuring transnational and cross-border projects do not duplicate or conflict with the actions being undertaken by the Regional Seas Programmes, the competent national authorities of their signatory countries, the Regional Pollution Agreements, the work of the Commission, the Maritime Policy Task Force and EMSA. There may also be a requirement for a feedback mechanism to demonstrate how ERDF funding is being used to implement maritime policy. These issues could form the basis for the future role of the MSUO.

16 Future Role of the MSUO

In undertaking project development activities for the next ERDF Programme, the MSUO has devised the following criteria on which maritime project applications and the maritime elements of transnational and cross-border ERDF programmes should be based. This is to ensure projects and programmes comply with, and provide added value to, the existing policy and regulatory framework for maritime safety and the sustainable management of sea and ocean areas. The criteria is of four elements:

1. **“Strategic”**: Programmes and projects should be structured to deliver real maritime safety improvements across regional (transnational) and sub-regional (cross-border) areas, linking ERDF Programme areas to the areas defined by the UNEP and Marine Strategy Directive;
2. **“Eligible”**: Proposed projects should meet eligibility criteria of programmes (development and operational phases), and Programmes should meet the maritime content of the ERDF Regulations;
3. **“Compatible”**: Programmes and projects, with maritime content, should be developed in agreement with existing framework of maritime governance at international, European and member state level, and;
4. **“Responsible”**: Regional Organisations, Competent National Authorities and relevant European Authorities and Agencies should be involved and / or kept informed during programme and project development.

The MSUO is not a statutory body; it has no function or authority in imposing the four criteria. It works in an advisory and assistance role to help programmes and projects; therefore the MSUO will suggest that the criteria are adopted by Programmes and projects with maritime content to ensure harmonisation between ERDF funding and regional maritime policies. Project development and implementation should compliment existing systems of governance.

Advice and Assistance to Projects

Under the new programme, subject to funding, the MSUO will continue to advise and assist projects. It should be noted that in order to assist programmes, the MSUO would stop advice and assistance to projects at the point of application submission and resume following approval by the Programme Monitoring Committee.

The MSUO will provide advice and assistance to projects on:

- Providing potential project topics
- Project options for fulfilling maritime related programme priorities
- Technical content of projects (specifically pollution response, ship safety, coastal zone management, sea area/ocean spatial management and use of related information technology)
- Partnership search and structure to ensure appropriate organisations are included and/or consulted as part of project development and implementation
- Inclusion of International and European policy framework in relation to project development
- Co-ordinate the communication of information between projects within and across different Programmes
- Identify gaps in knowledge or content of projects and then design and commission Project to Project Co-operation contracts
- Disseminate information on behalf of projects

Advice and Assistance to Programmes and European Commission

The MSUO will continue to directly assist and advise Programmes and the Commission with regard to maritime issues. The MSUO will provide advice and assistance on:

- Structure and design of Programmes to include maritime topics within priorities;
- Support in developing Programme guidance and priority texts;
- Technical assessment of applications to assist Programme funding decisions;
- Disseminate information on behalf of programmes

It should be noted that to ensure co-ordinated action on maritime issues within the regional and sub-regional framework of maritime governance, particularly with projects related to sustainable management of marine areas and preparedness for pollution, the MSUO should be expanded to include both the A and B Strand (cross-border and transnational) Programmes.

In addition, emerging EU maritime policy suggests the need for member state convergence on the sustainable management of marine areas and maritime safety. This is reflected in the draft ERDF Regulations. To be truly effective in achieving maritime policy convergence, the MSUO should recommend to the Commission (DG Regio) that they formally request programmes to join the MSUO.

Feedback Mechanism

The Interreg III Programme projects have demonstrated that Regional and NUTS1 level maritime policies can be implemented via transnational and cross-border projects. Particularly with respect to Motorways of the Sea, ship safety, crisis management, coastal zone management, etc. Although projects must disseminate their findings, there is no comprehensive structure to ensure the outcomes of projects are used to inform policy-makers at a regional or European level. Importantly there is no evaluation of project success in relation to cascading policy to implementation at NUTS 2 and 3 levels.

In addition, EU involvement with the policy –makers, particularly the UNEP Regional Seas Programme and associated Regional Agreements for shipping pollution is via formal diplomatic links with the Commission.

Therefore, to aid policy making, it is proposed the MSUO develops a technical project assessment procedure that evaluates project outcomes and disseminates information to policy-makers through EU diplomatic channels. The primary links to this process will be between the MSUO, EMSA, Maritime Policy Task Force and the relevant Commission delegations to the Regional Seas Programmes (HELCOM, OSPAR and MAP), together with the associated Agreements (Bonn, Lisbon, Copenhagen and REMPEC). Agreement on such a procedure must be made with the Commission and EMSA.

Future Umbrella Options

Although originally conceived as a maritime safety co-ordination initiative between projects in Interreg IIIB Programmes, the MSUO now includes a wide spectrum of maritime projects. These can be classified as maritime safety, transportation, port and logistics infrastructure, coastal and flood protection, training and education projects. In addition, the MSUO has made links with projects under different funding mechanisms, e.g. Interreg IIIA and Framework.

The evolving EU Maritime Policy and the draft ERDF Regulations point to the development of a holistic approach to the sustainable management of sea areas, which should involve all relevant stakeholders and decision-makers. This document identifies the potential for the use of ERDF to ensure member state convergence on maritime policy implementation.

With this in mind, it is appropriate that the future role of the MSUO under the next Transnational and Cross-border Programme is considered. The MSUO has identified two possible options for the MSUO.

Option 1: Focused upon Maritime Safety: The MSUO continues the operations current activities of providing technical advice and assistance, together with closing gaps in knowledge, maritime safety projects within the Transnational (B-strand) and expands to incorporate Cross-border Projects (A-strand).

Option 2: Maritime Spatial Planning and Development: The Operation is renamed the Maritime Umbrella Operation and widens its activity to include all Transnational and Cross-border projects working on maritime topics identified within the EU Maritime Policy Green Paper.

DRY