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NOTE

From: Friends of the Presidency Group (IMP/EUMSS)
To: Delegations
Subject: Draft European Union Maritime Security Strategy

Delegations will find attached the draft European Union Maritime Security Strategy.

Draft European Union Maritime Security Strategy

I. CONTEXT

Sea matters.

The Sea is a valuable source of growth and prosperity for the European Union and its citizens. The EU depends on open, protected and secure seas and oceans for economic development, free trade, transport, energy security, tourism and good status of the marine environment.

The major part of both the EU's external and internal trade is transported by sea. The EU is the third largest importer and the fifth global producer of fisheries and aquaculture. More than 70% of the external borders of the Union are maritime and hundreds of millions of passengers pass through its ports each year. Europe's energy security largely depends on maritime transport and infrastructures. The important increase of the EU Member States' fleets and the adequate port infrastructures (e.g. LNG facilities) contributes to a well-functioning energy market and security of supply and hence the well-being of European citizens and the European economy as a whole.

The EU and its Member States have, thus, strategic interests, across the global maritime domain, in identifying and addressing security challenges linked to the sea and sea borders management. European citizens expect effective and cost-efficient responses to the protection of the maritime domain, including borders, ports and offshore installations, in order to secure sea borne trade, address potential threats from unlawful and illicit activities at sea, as well as to make optimal use of the sea's potential for growth and jobs, whilst safeguarding the marine environment.

The European Union Maritime Security Strategy (EUMSS) covers both the internal and external aspects of the Union's maritime security. It serves as comprehensive framework, contributing to a stable and secure global maritime domain, in accordance with the European Security Strategy (ESS), while ensuring coherence with EU policies, in particular the Integrated Maritime Policy (IMP), and the Internal Security Strategy (ISS).

The Strategy has been adopted through a comprehensive and coordinated process whose major milestones are the Council Conclusions of 26 April 2010, the Council Conclusions on integration of Maritime Surveillance of 23 May 2011, the Limassol Declaration of 7 October 2012, the European Council Conclusions of December 2013 and the Joint Communication by the European Commission and the High Representative of 6 March 2014.

II. PURPOSE AND SCOPE

A shared unity of purpose and effort by all involved is necessary to achieve coherence between sector-specific, EU and national policies and to enable all relevant authorities to operate effectively together. By strengthening cooperation between different sectors, Union bodies and national authorities, the EU and its Member States can achieve more, act more quickly and save resources, thus enhancing the EU's response to risks and threats in the maritime domain.

Based on the EU's founding values of human rights, freedom and democracy, the purpose of this Strategy is to secure the maritime security interests of the EU and its Member States against a plethora of risks and threats in the global maritime domain. This is achieved in a cross-sectoral, comprehensive, coherent and cost-efficient way, in conformity with existing treaties, national and EU legislation and international law, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and other relevant conventions and instruments.

Maritime security is understood as a state of affairs of the global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected.

This Strategy provides the political and strategic framework so as to effectively and comprehensively address maritime security challenges through the employment of all relevant instruments at international, EU and national level. It facilitates improved cross-sectoral cooperation within, between and across civilian and military authorities and actors. It contributes to the full use of the growth potential in the maritime domain, in line with existing legislation, the principle of subsidiarity and the supported/supporting relationship. It also aims to foster mutual support between Member States and to allow for joint security contingency planning, risk management, conflict prevention and crisis response and management.

The Strategy covers the global maritime domain. The network of shipping lanes between continents is of particular importance, as well as some maritime areas because of their strategic value or potential risk for crisis or instability. Therefore, the EU should seek to strengthen and support its regional responses to maritime security. The principles enshrined and the objectives identified in this Strategy should be embedded in the implementation of existing and future regional EU strategies, such as those for the Horn of Africa and the Gulf of Guinea.

This Strategy takes particular regard of each of the European sea and subsea basins, namely the Baltic Sea, the Black Sea, the Mediterranean and the North Sea, as well as of the Arctic waters, the Atlantic Ocean and the outermost regions.

III. PRINCIPLES AND OBJECTIVES

The Strategy is based on the following guiding principles:

- a) ***Cross-sectoral approach:*** all partners from civilian and military authorities and actors (law enforcement, border control, customs and fisheries inspection, environmental authorities, maritime administration, research and innovation, navies or other maritime forces, coast guards, intelligence agencies), as well as EU agencies, to industry (shipping, security, communication, capability support) need to cooperate better, respecting each other's internal organisation;
- b) ***Functional integrity:*** the Strategy does not affect the respective competences of the Union and its Member States in the areas covered. It is also without prejudice to the competences, sovereign rights and jurisdiction of Member States over maritime zones in accordance with relevant international law, including UNCLOS. The mandates, responsibilities and interests of Member States need to be fully taken into account, building upon existing policies and instruments and making best use of existing capabilities at national and European level, while avoiding to create new structures, legislation, additional administrative burden, as well as the requirement for additional funding;

- c) ***Respect for rules and principles:*** respect for international law, human rights and democracy and full compliance with UNCLOS, the applicable bilateral treaties and the values enshrined therein are the cornerstones of this Strategy and key principles for rules-based good governance at sea. The EU and its Member States support the settlement of maritime disputes arising from the interpretation and application of UNCLOS through competent international courts and tribunals provided therein, which play an important role in implementing the rule of law at sea;
- d) ***Maritime multilateralism:*** while respecting the institutional framework and the decision-making autonomy of the EU, cooperation with all relevant international partners and organisations, in particular the United Nations and NATO, and coordination with existing international and regional fora in the maritime domain are essential.

With a view to ensuring a comprehensive, cross-sectoral, cross-border, coherent and cost-efficient approach to maritime security, this Strategy aims to:

- a) Bring together both internal and external aspects of the Union's maritime security and promote a broad approach in dealing with maritime security challenges and maritime interests;
- b) Promote rules-based good governance at sea, in waters under the sovereignty, sovereign rights and jurisdiction of Member States and on the high seas;
- c) Establish a better and lasting coordination of projects and activities of all relevant actors on European, regional and national level and make best use of relevant EU macro-regional strategies, when applicable;
- d) Promote the international level playing field and competitiveness of Member States;
- e) Enhance the growth and jobs potential of the seas as set out in the EU's growth strategy - Europe 2020;
- f) Contribute to security at sea and help secure the Union's maritime external borders;
- g) Promote regional security in each maritime basin at the external borders of the EU, in a manner consistent with each region's particularities;
- h) Promote coordination and the development of further synergies with and amongst Member States, including at regional level, and cooperation with regional and international partners and organisations;
- i) Enhance solidarity among Member States and foster mutual support when dealing with maritime security challenges;
- j) Promote enhanced common situational awareness and better sharing of information, operational concepts, *modi operandi* and experience, taking into account not only the need to know but also the need to share, thus anticipating threats, following a comprehensive approach;
- k) Enhance the role of the EU as a global actor and security provider, taking on its responsibilities in conflict prevention and crisis response and management in the areas of interest, at sea and from the sea, and achieving stability and peace through comprehensive and long-term EU action.

IV. MARITIME SECURITY INTERESTS

The strategic maritime security interests of the EU and its Member States are:

- a) The security of the EU, its Member States and their citizens;
- b) The preservation of peace in line with the Charter of the United Nations, the peaceful settlement of maritime disputes in accordance with international law, the prevention of conflicts and the strengthening of international security, including through EU engagement with international partners, without prejudice to national competences. This promotes international maritime cooperation and the rule of law and facilitates maritime trade and sustainable growth and development;
- c) The protection against maritime security risks and threats, including the protection of critical maritime infrastructure, such as specific areas in ports and port facilities, off-shore installations, energy supply by the sea, underwater pipelines, seabed cables, as well as the promotion of scientific research and innovation projects;
- d) The preservation of freedom of navigation, the protection of the global EU supply chain and of maritime trade, the right of innocent and transit passage of ships and the security of their crew and passengers;
- e) The protection of economic interests, including the safeguarding of maritime energy resources, the sustainable exploitation of natural and marine resources in the different maritime zones and the high seas, the control of illegal, unregulated and unreported (IUU) fishing, the security of Member States' fishing fleets and the delimitation of maritime zones, such as the exclusive economic zone, which presents a potential for growth and jobs;
- f) The promotion and development of common and validated maritime situational awareness;
- g) The effective management of the Union's maritime external borders and maritime areas of EU interest in order to prevent and counter cross-border illegal activities;
- h) The protection of the environment and the management of the impact of climate change in maritime areas and coastal regions, as well as the conservation and sustainable use of biodiversity to avoid future security risks.

V. MARITIME SECURITY RISKS AND THREATS

Maritime security threats are multifaceted, pose a potential risk to European citizens and can be detrimental to the EU's and its Member States' strategic interests. The following risks and threats have been identified:

- a) Threats or use of force against Member States' rights and jurisdiction over their maritime zones;
- b) Threats to the security of European citizens and to economic interests at sea following acts of external aggression including those related to maritime disputes, threats to Member States' sovereign rights or armed conflicts;
- c) Cross-border and organized crime, including maritime piracy and armed robbery at sea, trafficking of human beings and smuggling of migrants, organised criminal networks facilitating illegal migration, trafficking of arms and narcotics, smuggling of goods and contraband;
- d) Terrorism and other intentional unlawful acts at sea and in ports against ships, cargo, crew and passengers, ports and port facilities and critical maritime and energy infrastructure, including cyber-attacks;
- e) The proliferation of weapons of mass destruction, including chemical, biological, radiological and nuclear (CBRN) threats;
- f) Threats to freedom of navigation, such as the denial of access to the sea and straits and the obstruction of sea lanes;
- g) Environmental risks, including unsustainable and unauthorized exploitation of natural and marine resources, threats to biodiversity, IUU fishing, environmental degradation due to illegal or accidental discharge, chemical, biological and nuclear pollution, in particular sea-dumped chemical munitions and unexploded ordnance;
- h) Potential security impact of natural or man-made disasters, extreme events and climate change on the maritime transport system and in particular on maritime infrastructure;
- i) Illegal and unregulated archaeological research and pillage of archaeological objects.

VI. STRENGTHENING THE EU RESPONSE

Building on the aforementioned objectives and principles and taking into account existing achievements, the following five main areas of implementation to strengthen the EU response have been identified.

1. External action

The Union actively contributes to strengthening security of the maritime domain by preventing and responding to maritime risks and threats and by stabilisation through its unique ability to combine, in a coherent and consistent manner, a wide array of policies and tools, including the Common Security and Defence Policy (CSDP). The Union stresses the importance of its assuming increased responsibilities as a global security provider, at the international level and in particular in its neighbourhood, thereby also enhancing its own security and its role as a strategic global actor. The Union can thereby capitalise on the best practices of internal and external policies related to maritime security aspects in order to promote better maritime governance.

The strength of the EU lies in the range of instruments at its disposal, including political dialogue with international, regional and bilateral partners, engagement in multilateral fora, development cooperation, human rights and justice, support for regional maritime capacity building and civilian and military CSDP actions. The EU Maritime Security Operations (MSO) Concept already provides options on how maritime forces can contribute to deterring, preventing and countering unlawful activities. The Union's engagement with international partners contributes to the promotion of rules-based governance at sea.

Several factors, such as illegal activities of non-state actors, cross-border crime, international terrorism or piracy, exploit the weaknesses of fragmented local, regional and global maritime governance systems. Using all EU instruments within the comprehensive approach enables the EU to effectively address maritime security threats at and from the sea, tackle the root causes and restore good governance. A tailored EU response could draw, inter alia, on political and economic EU activities, as well as development cooperation, together with Security Sector Reform, regional maritime capacity building and maritime EU missions and operations.

Maritime aspects of the Union's security should be taken into account when assessing changes in the global security environment and should be reflected in the future report on the challenges and opportunities for the Union as tasked by the European Council in December 2013.

Member States are organised differently in safeguarding national and the EU's strategic maritime security interests and protecting against maritime security risks and threats. Some Member States use civilian authorities for surveillance and law enforcement, such as Coast Guards; others use Navies or other maritime forces; others share responsibility between civilian and military administrations. Cooperation at sea between all actors involved has a positive spill-over in other policy areas.

Member States' Armed Forces should play a strategic role at sea and from the sea and provide global reach, flexibility and access that enable the EU and its Member States to contribute to the full spectrum of maritime responsibilities. Their sustained presence needs to support freedom of navigation and contributes to good governance by deterring, preventing and countering unlawful and illicit activities within the global maritime domain. A key factor, in this regard, is the respect of the relevant international law, including the principle of exclusive jurisdiction of the flag state on the high seas, as well as the functional immunity of the personnel performing official duties at sea.

Different civil cooperation fora on law enforcement, border security, customs, fisheries and environmental issues are concrete examples of the interface between internal and external maritime security and have an important role in tackling maritime security threats, both at global and regional levels.

The EU should act autonomously and with international partners. Special attention should be given to the development of partnerships with international organisations. The Union's capacity to cooperate with the UN, NATO, regional partners like the African Union or ASEAN, as well as multilateral civil cooperation platforms, has a direct impact on its ability to safeguard its interests and to strengthen regional and international maritime security. In the context of crisis management, EU and NATO engagement in the maritime domain should remain complementary and coordinated, in accordance with the agreed framework of the partnership between the two organisations.

The objective is to promote better rules-based maritime governance and make effective use of the EU instruments at hand. In order to achieve that, actions need to focus on:

- a) Working towards a coordinated approach on maritime security issues in international fora, regional bodies and third countries;
- b) Enhancing the visibility of the EU in the global maritime domain;
- c) Strengthening the coherence between all EU civilian and military instruments and policies, the coordination between EU Services, including its agencies, and Member States involved, both at sea and on land, applying a pooling and sharing approach for the available resources, where appropriate, while respecting Member States' internal organisation and EU and national policies and legislation;
- d) Reinforcing the preparation for future maritime security contingencies and mainstreaming maritime security into the Common Foreign and Security Policy (CFSP) agenda, in close cooperation with all relevant EU actors, in line with the EU's comprehensive approach;
- e) The conduct of maritime security capacity building activities with third countries and regional organisations, in order to enhance their capacities in the fields of 1) maritime governance and rule of law, including criminal justice and maritime law enforcement; 2) port and maritime transport security to international agreed standards; 3) capabilities to manage their own borders; and 4) combatting IUU fishing. Thereby existing international, EU and national export control regulations should be fully respected;
- f) Promoting the dispute settlement mechanisms according to the UNCLOS, including the International Tribunal for the Law of the Sea, in the political dialogues of the EU with third countries and regional organisations.

2. Maritime awareness, surveillance and information sharing

Access to timely and accurate information and intelligence is crucial for the establishment of a common maritime awareness picture which in turn leads to better operations and a more efficient use of scarce resources. Integration of different data sources in the maritime domain on the basis of existing national and international law is a key task, resulting in a better understanding of what is happening at sea. The more information is aggregated and integrated, the more complete is the maritime picture created and more value is delivered to the operational end-users, in a cost efficient way.

The objective is to ensure that maritime surveillance information collected by one maritime civilian or military authority and considered necessary for the operational activities of other authorities can be shared and subject to multiuse rather than collected and produced several times. The ultimate aim is to arrive at a common validated maritime awareness picture and to contribute to a more coordinated use of available space systems and remote sensing technologies and their derived applications and services. In order to achieve this objective, actions need to focus on:

- a) Further improving cross-sectoral cooperation and interoperability at national and EU level as regards integrated maritime surveillance within the framework of the respective Member State and EU authorities and responsibilities;
- b) Strengthening cross-border cooperation and information exchange to optimize the surveillance of the EU maritime area and its maritime borders;
- c) A consistent approach in supporting maritime surveillance in the EU and the global maritime domain and the planning and conduct of CSDP missions and operations;
- d) The development of the Common Information Sharing Environment (CISE).

3. Capability development

In the field of capabilities, increased support to the development of dual-use technologies and cooperation in standardisation and certification are key enablers for European maritime capabilities, enhancing civil-military interoperability and industrial competitiveness, bearing in mind that military capabilities are owned and operated by Member States.

The objective is to develop necessary sustainable, interoperable and cost-effective capabilities through further engagement of public and private actors, including social partners, and building on existing achievements. In this respect, actions need to focus on:

- a) Promoting pooling and sharing initiatives and projects, as well as training and education, pursued by Member States including through EDA and other relevant civilian and military actors; good coordination and mutual reinforcement with NATO in order to ensure complementarity and increase coherence should continue;
- b) Identifying capability areas and technologies that could benefit from additional investment, improving harmonisation for better interoperability, standardisation and certification;
- c) The development of dual-use and multipurpose capabilities and the exploration of options for their better use;
- d) Making best use of and creating synergies between information, capabilities and systems managed by civilian and military authorities up to multipurpose and multinational missions;
- e) Promoting greater sharing of best practices, risk analysis and threat information, as well as training and education, amongst all relevant civilian and military fora such as the European Coast Guard Functions Forum and the Chiefs of European Navies, taking into account the maritime operational plans in force between Member States and the regional agreements in the EU.

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

The main objective remains to enhance capacity for conflict prevention and crisis response, prevention of conflicts and incidents, risk mitigation and the protection of the EU's marine environmental status, the security of the Union's external borders, as well as its critical maritime infrastructure. This objective depends on a high degree of preparation, anticipation and responsiveness. A set of interlocking actions is already in place, but the EU and its Member States can improve their responsiveness and resilience.

The EU and its Member States have significant capabilities in disaster relief and crisis response. In situations of maritime crises, such as natural and man-made disasters, the EU and its Member States will use all related instruments and capabilities on a global scale.

Unsustainable exploitation of marine and/or undersea resources is increasing the pressure on marine ecosystems and can lead to security risks. Maritime risk management and blue growth, based on environmentally sound management of marine ecosystems, should take this aspect into account.

Actions to achieve the above objectives need to focus on:

- a) Achieving a common risk analysis in order to develop a shared maritime security risk management and, where applicable, complement established international and EU maritime security risk analysis requirements;
- b) Enhancing cross-sectoral as well as cross border cooperation for maritime crisis response and planning on maritime security contingencies in relation to defined security threats, [also taking into account the Council Decision on the arrangements for the implementation of the Solidarity Clause];
- c) Assessing the resilience of maritime transport infrastructure to natural and man-made disasters, including climate change, and take appropriate adaptive actions and share best practices in order to mitigate related risks;
- d) Promoting a mutual understanding to increase interoperability amongst maritime security actors.

5. Maritime security research and innovation, education and training

Innovative technologies and processes are contributing to the improved efficiency, sustainability and effectiveness of operations. Maritime security research would benefit from a clear vision of cross-sectoral needs and dual-use capabilities.

Research and knowledge development innovation, as well as education and training contribute to achieving the goals of this Strategy. The results of the EU Research Programmes should be better used in policy development and to achieve market uptake, exploiting also synergies with the programmes of Member States and the EU funding instruments, such as the European Structural and Investment Funds, and supporting the Blue Growth agenda.

The objective is to promote research and the development of innovative technologies that contribute to the improved efficiency and effectiveness of operations and information sharing, through coordinated and enhanced research and knowledge development. In order to achieve this objective, actions need to focus on:

- a) Bringing together available maritime security-related training opportunities in common Maritime Training Modules;
- b) Establishing a civil-military agenda for maritime security research including the development of dual-use and multipurpose capabilities;
- c) Establishing new and further developing existing networks for knowledge and competence development for civilian and military educational institutes, centres and academies;
- d) Creating a network of global research and development partners;
- e) Whereas research and innovation activities, such as under Horizon 2020, focus on civil applications, interaction with activities of EDA will be actively pursued in the field of maritime security;
- f) Promoting public-private partnerships;
- g) Promoting the conduct of inter-agency, joined-up exercises.

VII. FOLLOW-UP

The Council, Member States, Commission and High Representative have developed this Strategy in a joined-up manner. This has been an efficient way of working that should continue, including all relevant stakeholders and actors both at EU and national level.

This Strategy should be regularly reviewed in the Friends of the Presidency Group, which may request input, where appropriate, from other relevant Council working bodies, in order to assess progress and allow for revision thereof.

The Strategy should be complemented, by the end of 2014, by a rolling Action Plan with various work strands that delivers cross-sectoral actions in a comprehensive and coordinated manner, mainstreaming maritime security into EU policies. A progress assessment should also be included in the Action Plan. Regular reporting should be provided by the High Representative and the Commission on the basis of contributions of Member States.

The purpose of the Strategy and the Action Plan will be actively communicated to the public, both at the EU and national levels.
