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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft EU 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 ecological diversity.

The major part of the EU's both 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 EU are maritime and hundreds of millions of passengers pass through EU ports each year. Europe's energy security 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 problems 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 off-shore installations, in order to secure sea borne trade, address potential threats from unlawful and illicit activities at sea as well as make optimal use of the sea's potential for growth and jobs, whilst safeguarding the marine environment.

The European Union Maritime Security Strategy (EUMSS) constitutes the link between the Integrated Maritime Policy (IMP) and the European Security Strategy (ESS) as it covers the internal and external aspects of the Union's maritime security.

In 2012, the Limassol Declaration underlined the "importance of improved maritime governance including increased cooperation", as well as the significance of a dynamic marine and maritime agenda for growth and jobs, which can be created through the blue economy. In December 2013, the European Council stressed that safeguarding the EU's strategic maritime security interests against a broad range of risks and threats is of prime importance. In March 2014 the European Commission and the High Representative adopted a Joint Communication "For an open and secure global maritime domain: elements for a European Union maritime security strategy" which initiated the process leading to the adoption of this Strategy by the Council.

II. **PURPOSE AND SCOPE**

A shared unity of purpose and effort by all involved is necessary to achieve coherence between sector-specific and national policies and to enable civil and military authorities to react effectively together. The EU is under pressure to do more, to act quicker and with fewer resources, by strengthening cooperation between different sectors and national authorities.

Based on the EU's founding principles of human rights, freedom and democracy, the purpose of this Strategy is to secure the maritime interests of the EU and its Member States against a plethora of maritime risks and threats in the global domain in a cross-sectoral, 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 maritime domain, in which international law and national law is enforced, freedom of navigation is guaranteed and citizens, infrastructure and resources are protected.

This Strategy provides the political and strategic framework so as to address effectively and comprehensively maritime security challenges through the employment of all relevant instruments at EU and national levels, to intensify cross-border, civil-civil and civil-military cooperation, and to make full use of the growth potential in the maritime domain, in line with the principle of subsidiarity and based on existing legislation. It also aims to foster mutual support between Member States and to allow for joint contingency planning, risk management, conflict prevention and crisis response and management. It will be implemented through the set up and adoption of action plans.

III. OBJECTIVES AND PRINCIPLES

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

- 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;

- promote rules-based good governance at sea, in waters under the sovereignty and jurisdiction of EU Member States and on the high seas;

- build upon existing policies, structures and instruments and make best use of existing capabilities at national and European level;

- not create new structures, legislation or funds nor administrative burden and unnecessary processes;

- promote the international level playing field and competitiveness of EU Member States;

- enhance the growth and jobs potential of the seas as set out in the EU's growth strategy — Europe 2020 and the 2012 Compact for Growth and Jobs;

- ensure the safe use of the sea and secure Europe's maritime borders;

- promote coordination and the development of further synergies with and amongst Member States, and cooperation with regional and international partners;

- enhance solidarity among Member States and foster mutual support when dealing with maritime security challenges;

- promote enhanced sharing of information, operational concepts, modus operandi and experience, based on the need to share rather than the need to know;

- enhance the role of the EU as a global actor and as security provider, taking on its responsibilities in crisis prevention, response and management.

In order to achieve these strategic objectives, the Strategy is based on the following guiding principles:

- Cross-sectoral approach: all partners from civilian and military authorities (law enforcement, border control, customs and fisheries inspection, environmental authorities, shipping supervision, research and innovation, navies) to industry (shipping, private security, communication technology, capability support, social partners) need to cooperate better;

- Functional integrity: there should be no change of mandate, responsibilities or competencies for each actor and action should be driven according to the supported/supporting relationship. The interests and competences of EU Member States need to be fully taken into account;

- Respect for rules and principles: As a community of values, respect for international law, human rights and democracy and full compliance with UNCLOS and the values enshrined therein are the cornerstone of this Strategy as the key principles for rules-based good governance at sea;

- Maritime Multilateralism: when dealing with complex issues requiring international response, EU cooperation with all relevant international partners and coordination with existing international and regional fora in the maritime domain are essential.

IV. **MARITIME SECURITY INTERESTS**

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

- The preservation of peace in line with the Charter of the United Nations, the peaceful settlement of maritime disputes on the basis of international law, the prevention of conflicts and the strengthening of international security, including through EU engagement with international partners. This promotes international maritime cooperation and the rule of law and facilitates maritime trade and sustainable growth and development;

- The protection of the EU against maritime security threats, including the protection of critical maritime infrastructure, such as ports and terminals, off-shore installations, underwater pipelines, telecommunications cables, as well as the promotion of scientific research and innovation projects;

- The preservation of freedom of navigation, the protection of the global EU supply chain and of maritime trade, the right of innocent passage of ships and the safety and security of their crew and passengers;

- The protection of the EU and its Member States' 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 and the delimitation of maritime zones, such as the exclusive economic zone, which presents a potential for growth and jobs;

- The promotion and development of common understanding among EU Member States of the maritime situational awareness;

- The effective management of the Union's maritime external borders to prevent and counter cross-border illegal activities;

- 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.

V. **MARITIME SECURITY RISKS AND THREATS**

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

- Threat or use of force to Member States' rights and jurisdiction over maritime zones;

- Cross-border and organized crime, including maritime piracy and armed robbery at sea, human trafficking and smuggling of persons, organised illegal migration, trafficking of arms and narcotics, smuggling of goods, contraband and IUU fishing;

- Terrorism at sea and ports and other intentional unlawful acts against ships, cargo, crew and passengers, ports and port facilities and critical maritime and energy infrastructure, including cyber-attacks on information systems;

- The proliferation of weapons of mass destruction, including CBRN threats;

- Threats to the freedom of navigation, such as the obstruction of sea lines of communication used for all transport that might disrupt the flow of traffic through them;

- Environmental risks including unsustainable and unauthorized exploitation of natural and marine resources, threats to biodiversity, environmental degradation due to illegal discharges or accidental maritime pollution, chemical, biological and nuclear pollution;

- Potential impact of natural disasters, extreme events and climate change on the maritime transport system and in particular on the maritime infrastructure;

- Illegal and unregulated archaeological research and pillage of archaeological objects.

VI. STRENGTHENING THE EU RESPONSE

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

a. **External action**

The Union's ability to actively contribute to strengthening security of the maritime domain, by preventing and responding to maritime risks and threats and by stabilisation should be emphasized, using all EU instruments, including CSDP. The Strategy stresses the importance of enabling the EU to assume 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 Strategy capitalizes 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, support for regional maritime capacity building and civilian and military CSDP actions. The Union's capacity to cooperate with international partners has a direct impact on its ability to safeguard its interests.

Several factors such as illegal activities of non-state actors, transnational crime, international terrorism or piracy, exploit the weaknesses of a fragmented local, regional and global maritime governance system. Using the EU instruments within the comprehensive approach during the different phases of the conflict cycle enables the EU to effectively address maritime security threats. In this respect, lessons learned from the success of the EU NAVFOR operation ATALANTA in deterring piracy off the coast of Somalia and addressing its root causes, can prove particularly valuable, including the coordinating role of the EU Operations Centre.

Member States are organised differently in safeguarding national and the EU's strategic maritime security interests and the protection against maritime risks and threats. Some of these tasks fall under civilian surveillance and law enforcement Authorities such as the Coast Guards, whereas in others the Navies perform this role. EU Member States' Maritime Forces 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 supports 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 is, in this regard, 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. Successful naval/coastguard cooperation at sea often has a positive spill-over in other policy areas.

The EU shall act autonomously and with international partners. While respecting the institutional framework and the decision-making autonomy of the EU, special attention shall be given to the development of partnerships with international organizations. The Union's capacity to cooperate with the UN (in particular IMO), NATO, as well as regional partners like the African Union or ASEAN has a direct impact on its ability to safeguard its interests. In this context, EU and NATO engagement in the maritime domain shall remain complementary

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

- Working towards a coordinated approach on maritime security issues in international fora;

- Enhancing the visibility of the EU in the global maritime domain;

- Strengthening and asserting civil-civil and civil-military cooperation while respecting Member States' internal organisation and national policies;

- Reinforcing the preparation for future maritime 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;

- The conduct of maritime security capacity building activities with third countries, in order to enable and 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) to combat IUU fishing. Thereby existing export control regulations shall be dully respected.

Regional aspects

Some maritime zones or areas within the global maritime domain are, because of their strategic value or potential for crisis or instability, of particular importance to the EU and its Member States.

This Strategy takes a particular regard of each of the European sea basins namely the Mediterranean, the Baltic Sea, the Black Sea, the North Sea, as well as the Arctic waters, the Atlantic ocean and the outermost regions. The global network of shipping lanes to and from Asia, Africa and the Americas as well as the Arctic is of critical importance.

The Union should seek to strengthen and support EU regional responses to maritime security. The principles enshrined and the objectives identified in this Strategy should be embedded in the implementation of both existing and future regional Strategies, such as the ones on the Horn of Africa and the Gulf of Guinea, adopted by the EU.

b. **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 turns leads to better operations and a more efficient use of scarce resources. Integration of different data sources in the maritime domain is a key task, resulting in a better understanding of what is happening at sea. The more information aggregated and integrated, the more complete is the maritime picture created and more value delivered to the operational end-users, in a cost efficient way.

The objective is to ensure that maritime surveillance information collected by one maritime 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 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:

- improving civil-civil and civil-military cooperation and the interoperability at national and EU level as regards maritime surveillance within the framework of existing powers;

- strengthening the cross-border cooperation and the information exchange could optimize the surveillance of the common maritime border of the EU;

- a consistent approach in supporting maritime surveillance in the EU and the global maritime domain and the conduct of CSDP missions.

c. **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.

The objective is to develop necessary 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:

- Promoting pooling and sharing initiatives, pursued by Member States through EDA ;

- Identifying capability areas and technologies that could benefit from continued investment, improving harmonisation for better interoperability, standardisation and certification;

- The development of dual-use capabilities in critical areas and the exploration of options for better use of EU-managed capabilities in this respect;

- Enhancing further efforts to make best use of and create synergies between information, capabilities and systems managed by civilian and military authorities up to multipurpose and multinational missions;

- Promoting greater sharing of best practices, risk analysis and threat information amongst all relevant fora from the European Coast Guard Functions Forum to the Chiefs of European Navies.

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

Whilst the main aims remain risk mitigation and the prevention of incidents, the protection of the EU´s marine environmental status, its critical maritime infrastructure and its capacity for crisis response depend on a high degree of preparation, anticipation and responsiveness. A set of interlocking actions is already in place but the EU can improve its responsiveness.

The above objective is to be achieved through minimum common standards, advance cargo information and Authorised Economic Operators. Actions need to focus on:

- Achieving a common risk analysis in order to develop a shared maritime security risk management;

- Enhancing civil-civil and civil-military as well as cross border cooperation for maritime crisis response and contingency planning in relation to defined security threats, also taking into account the principle of solidarity;

- Assessing the resilience of maritime transport to natural disasters and climate change and take appropriate actions and share best practices in order to mitigate related risks.

e. **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 could 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 programs of Member States and 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, through coordinated and enhanced research and knowledge development. In order to achieve this objective, actions need to focus on:

- Bringing together available maritime security-related training courses in a common Maritime Training Calendar;

- Establishing a joint Civil-Military Agenda for Maritime Security Research including the development of dual use capabilities;

- Establishing networks for knowledge and competence development which include Research Institutes, Centres for Postgraduate Studies, Maritime, Naval and Coast Guard Functions Academies;

- Creating a network of global research and development partners. EU research and innovation related activities, in particular Horizon 2020, should be mobilised;

- Promoting the conduct of inter-agency, joined-up exercises.

VII. COMMUNICATING THE STRATEGY TO THE PUBLIC

In order to explain the purpose of and thinking behind the EU Maritime Security Strategy to interested parties and the public in general, a communication plan will be established at EU level and by Member States.

VIII. CONCLUSIONS AND FOLLOW-UP

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