

Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council establishing a programme to support the further development of an integrated maritime policy'

COM(2010) 494 final — 2010/0257 (COD)

(2011/C 107/13)

Rapporteur: **Mr SIMONS**

On 20 October 2010, the Council of the European Union decided to consult the European Economic and Social Committee, under Article 114 of the Treaty on the Functioning of the European Union, on the

Proposal for a regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy

COM(2010) 494 final — 2010/0257 (COD).

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 2 February 2011.

At its 469th plenary session, held on 16 and 17 February 2011 (meeting of 16 February 2011), the European Economic and Social Committee adopted the following opinion by 111 votes with two abstentions.

1. Conclusions and recommendations

1.1 The Committee regards the current proposal as a logical follow-up with a view to ultimately achieving an integrated maritime policy and gives the document its overall endorsement.

1.2 As regards division of responsibility, the Committee welcomes the fact that the Commission proposal talks of shared responsibility, with the exception of matters concerning marine biological resources, an area in which the Commission has exclusive competence.

1.3 The Committee would like clarification from the Commission about the legislative basis used. It questions to what extent Articles 74 and 77 TFEU, which do not follow the ordinary legislative procedure, are compatible with the other legislative bases which do.

1.4 In the Committee's view, the cross-sectoral and transnational nature of maritime activities and synergies among sectoral policies sufficiently justify the adoption of measures which contribute to an integrated maritime policy. The Committee thus also believes that it complies with the subsidiarity principle.

1.5 This also applies to the Committee's assessment of whether or not the current proposal is in accordance with the proportionality principle, since there are insufficient financial resources to fund the necessary actions over the remaining 2011-2013 period.

1.6 Given the difficult financial situation in which the EU finds itself, the Committee regards the ex-ante evaluation in the

Commission proposal as rather weak. It would like the Commission to come up with a more solid argument, especially as far as the choice of specific measures and actions is concerned.

1.7 The Committee points out that in the proposal itself it is not clear which operating grants, mentioned in the first sentence of Article 5(2), are intended or envisaged. It would also be appropriate for the recitals to make clear that the aim is not to provide for financing of maritime infrastructure, which includes seaports.

1.8 As is well-known, the Committee supports a cross-sectoral approach to maritime governance. Although the current proposal does not address policy content, the Committee would still like to highlight, as it has in the 'Specific comments' of previous opinions, issues that merit special attention in an integrated maritime policy.

2. Introduction

2.1 On 29 September 2010, the Commission published its proposal for a regulation establishing a Programme to support the further development of an Integrated Maritime Policy (COM(2010) 494 final) and asked the European Economic and Social Committee, in accordance with Article 304 of the TFEU, to draw up an opinion on the matter.

2.2 The Committee welcomes this request because it regards this proposal as a logical step in the development of an integrated maritime policy, stemming from the publication of the so-called 'blue book', a Commission communication from 10 October 2007.

2.3 This Communication called for the development and implementation of integrated, coherent and joint decision-making in relation to the oceans, seas, coastal regions and maritime sectors.

2.4 The inter-sectoral approach to maritime governance is the main idea behind the integrated maritime policy, ensuring synergies between the policy areas of the environment, maritime transport, energy, research, industry, fisheries and regional policy.

2.5 The 'blue book' was accompanied by an action plan, in which the Commission outlined a number of measures to flesh out the integrated maritime policy.

2.6 In its meeting of 14 December 2007, the European Council expressed its support for the idea of an integrated EU maritime policy, with the Commission subsequently adopting a progress report on the matter on 15 October 2009.

2.7 The progress report indicates which steps from the 2007 action plan have been taken and gives a lead on the subsequent implementation phase.

2.8 On 16 November 2009, the General Affairs Council highlighted the importance of funding for the further development and implementation of the integrated maritime policy and invited the Commission to present the necessary proposals for the financing of integrated maritime policy actions within the existing Financial Perspective, with a view to entry into force by 2011.

2.9 The Commission now concludes that both the development and implementation of the Integrated Maritime Policy are at risk because there are insufficient financial means to fund the necessary actions over the remaining 2011–2013 period. The Commission believes this is necessary in order to meet the targets set in the 'blue book', which were endorsed by the conclusions of the General Affairs Council of 16 November 2009.

2.10 Since it is not possible to accommodate all priorities and targets of the integrated maritime policy under other EU funds, a programme must be set up to support the further development of the integrated maritime policy.

2.11 The Commission believes that implementation of the programme in third countries should contribute to the development objectives of the country concerned and should be consistent with other cooperation instruments of the EU, as well as the objectives and priorities of the relevant EU policies.

2.12 According to the Commission, the objectives of the proposed regulation cannot be adequately achieved by individual Member States, given the scope and consequences of the measures to be funded in the programme. At EU level,

this can be achieved more effectively by adopting measures that are in line with the subsidiarity principle, as mentioned in Article 5 of the Treaty on European Union and the Treaty on the functioning of the European Union.

2.13 In respect of the proportionality principle, the Commission believes that proposed regulation does not go further than what is necessary in order to achieve these targets.

2.14 The objective of the proposed regulation is the establishment of a programme to support the further development of the integrated maritime policy.

3. General comments

3.1 The Committee has in earlier opinions ⁽¹⁾ welcomed the Commission's approach to establishing an integrated maritime policy. The present proposal represents a logical progression in this process.

3.2 The proposed regulation sets out, amongst other things, the general and specific aims of the programme, measures eligible for funding and possible financing methods. The proposal also provides for an evaluation to take place by the end of 2014 at the latest and calls for an advisory committee to be established to assist the Commission in drawing up its annual work programmes. The Commission estimates that implementation of the 2011–2013 programme will cost EUR 50 million. The Committee also deems all of these measures to be necessary.

3.3 The Commission proposal is intended to be a framework, providing for a number of technical instruments and is certainly not meant to be a proposal containing policy instruments. Nor does it aim to facilitate the financing of maritime infrastructure, including ports. In the Committee's view, this should also be made clear in the proposal itself, for example in the recitals.

3.3.1 The first sentence of Article 5(2) of the proposal provides that both grants for actions and operating grants may be awarded under the programme. The EESC wishes to emphasise that, although the summary of financial resources appended to the proposal gives some indication of the programme's framework, the proposal itself does not make it clear what operating grants are being considered.

3.3.2 The Committee also recommends that this be included in the proposal itself, in order to avoid the Commission itself breaching the spirit of the competition rules contained in the treaty, cross-border competition now being more or less universal in maritime affairs. In this regard, it is worth emphasising that the EU Member States should retain the right to support their own shipping sectors.

⁽¹⁾ OJ C 44, 11.2.2011, p. 173.
OJ C 255, 22.9.2010, p. 103.
OJ C 306, 16.12.2009, p. 46.
OJ C 277, 17.11.2009, p. 20.
OJ C 211, 19.8.2008, p. 31.
OJ C 168, 20.7.2007, p. 50.

3.4 The Committee is pleased to note that this proposal is based on the principle of shared competence, except in matters relating to conservation of the biological resources of the sea, for which the Commission would have sole competence.

3.5 The EESC would like the Commission to clarify its choice of legal bases. Articles 74 and 77 TFEU, do not follow the ordinary legislative procedure. The Committee wonders to what extent the legal bases adopted by the Commission are compatible with the other legal bases that do follow the ordinary legislative procedure. In this regard, it should also be noted that the procedures set out in Articles 74 and 77 are not legislative procedures within the meaning of Article 289 TFEU.

3.6 In the Committee's view, the cross-border nature of maritime activities and the synergies between sectoral policies justify adopting measures to ensure an integrated maritime policy, such as research, contributions to pilot projects and EU-level promotion and boosting of the integrated maritime policy in the Member States.

3.7 The EESC's considers that the grounds for the Commission's ex-ante evaluation are not the proposal's strongest point. Given the other options available, the Committee deems the choice of option 2, which is a modest financial contribution from the EU for further exploring options and steadily implementing the integrated maritime policy as it develops, to be a poor one. The EESC recommends that the Commission attempt to find a more solid base, especially as regards selecting practical themes and areas of action.

3.8 In the Committee's view, the actions put forward in Article 4 of the Commission proposal are too loose in terms of meeting the objectives set in the preceding articles. It suggests that where greater coordination and clarity concerning responsibilities and powers are needed, the Commission should propose clearer guidelines, taking due account of the subsidiarity principle.

3.9 The Commission proposes that an ex-post evaluation report be submitted to the European Parliament and the Council by 31 December 2014 at the latest. The Committee endorses this proposal, but wishes to highlight the need for a more thorough ex-ante evaluation so that it can be observed ex-post whether the set objectives have been met.

4. Specific comments

4.1 As is well known, the Committee supports a cross-sectoral approach to maritime management. This being the case, it emphasises the importance of collaboration between all of the parties concerned. The EESC considers that the active participation of the parties concerned in the actions

referred to above is key to their success. It is crucial to achieving the stated objectives that this participation be mobilised and that information on the results of an integrated maritime policy be provided in the Member States and exchanged between them.

4.2 Although the present proposal does not address policy content, the Committee nevertheless wishes to reiterate the position it has adopted in earlier opinions, which is that the following aspects warrant specific attention in the context of an integrated maritime policy:

4.2.1 There is a need to adopt sustainable solutions reconciling the environmental concerns of the EU's coastal regions with the requirements of international trade, which are reflected in higher volumes of maritime transport.

4.2.2 The EESC wishes to recall two major shipping disasters - the Erika in 1999 and the Prestige in 2002, which both received considerable media coverage, and recommends that a 'worst case scenario' be drawn up. It considers, however, that despite an extensive body of legislation, containing some 15 new regulations and directives, Member States should make greater efforts in two important areas:

- creating adequately equipped reception facilities in ports for oil residues from ships, the absence of which results in such residues continuing to be discharged at sea;
- establishing a sufficient number of 'ports of refuge' for ships in difficulty, and further clarifying responsibilities and powers in the event of disaster.

Measures to remedy these shortcomings should be included on the list of objectives eligible for support.

4.2.3 Now that the United Nations Convention on the Law of the Sea (UNCLOS) has been ratified and that all EU Member States are signatories to it, its implementation must be monitored. In the Committee's view, third countries that have not yet ratified and implemented the convention, especially in the seas between EU and non-EU Member States, should be asked to do so, and this includes third countries that have signed association agreements with the EU or have opened accession negotiations with the EU, because the convention now forms an integral part of the Community acquis.

4.2.4 To ensure that this process runs smoothly, the Committee proposes that ministers from the Union for the Mediterranean hold a meeting on the integrated maritime policy at least once a year. The Committee hopes that in the near future the same process can also be extended to other sea basins, such as the Baltic Sea, the North Atlantic and the Black Sea.

4.2.5 The EESC considers that, in order to consolidate the international dimension of the integrated maritime policy, the Commission should attach greater priority to improving working conditions at sea, to safety and to the environmental performance of ships.

4.2.6 The Committee wishes to point out that to ensure the smooth operation of an effective integrated maritime market, Member States' inspection services, coastguards and navies should be better coordinated, preferably by the European Maritime Safety Agency.

4.2.7 This smooth operation would also require a common maritime information exchange body and a system of integrated maritime monitoring. In its opinion on the matter ⁽²⁾, the EESC

highlighted the need to establish a system designed to provide, in the long term, accurate, up-to-date, high-quality and cost-effective data.

4.2.8 The EESC wishes to recall that it referred in an earlier opinion ⁽³⁾ to the role it could play in the implementation of maritime policy, especially as regards maritime spatial planning. The Committee wishes to take this opportunity to reiterate this commitment.

Brussels, 16 February 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽²⁾ OJ C 44, 11.2.2011, p. 173.

⁽³⁾ OJ C 211, 19.8.2008, p. 31.