

Opinion of the European Committee of the Regions — International ocean governance: an agenda for the future of our oceans

(2017/C 342/05)

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Reference document: Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the European Committee of the Regions — **International ocean governance: an agenda for the future of our oceans**

JOIN(2016) 49 final

POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR)

1. welcomes the Joint Communication on Ocean Governance, adopted on 10 November 2016 by the European Commission and the High Representative for Foreign Affairs and Security Policy;
2. supports the proposed actions to ensure safe, secure, clean and sustainably managed oceans;
3. agrees with the aim of ensuring that the EU is a strong global player that is able to set out an agenda for better ocean governance based on a cross-sectoral, rules-based international approach; the ultimate aim of this EU initiative will be to establish an international standard on the social, economic and environmental conditions applicable to activities linked to the sea, a level playing field that allows for the adequate sustainability of our oceans, and stronger competitiveness of the European players that operate in them;
4. fully supports the recent Council Conclusions ⁽¹⁾ that call for a more coherent approach between internal and external aspects of ocean governance, including synergies between EU, Member States and regional strategies;
5. recalls, inter alia, its earlier opinions on the Commission communication ‘Towards an Integrated Maritime Policy’ ⁽²⁾, on maritime spatial planning and integrated coastal management ⁽³⁾, on developing the potential of Ocean Energy ⁽⁴⁾ and on better protecting the marine environment ⁽⁵⁾;
6. stresses the leading role of the European Union in maritime governance that aims to provide Europe’s coasts and seas with the most comprehensive policy and regulatory system in the world — one which recognises the role of local and regional authorities, of coastal communities and of economic and social actors in ensuring that the economic, environmental, climatic and social factors are properly addressed in a comprehensive and multilevel governance fashion;
7. considers, however, that ocean governance is affected by what is known as the ‘tragedy of the commons’. While there are a range of general worldwide or sea-based agreements, such as UNCLOS and specialised agreements particularly under the IMO, there is a considerable degree of fragmentation. In that context, the role of the EU is both to lead by example and to offer incentives so that non-EU partners replicate the high standards that exist within EU marine policy. Such incentives, including capacity building, could potentially be included in international agreements on trade and development programmes that the EU negotiates with third countries;

⁽¹⁾ Council Conclusions of 3 April 2017.

⁽²⁾ Rapporteur: Michael Cohen, CdR 126/2010.

⁽³⁾ Rapporteur: Paul O'Donoghue, CdR 3766/2013.

⁽⁴⁾ Rapporteur: Rhodri Glyn Thomas, CdR 01693/2015.

⁽⁵⁾ Rapporteur: Hermann Kuhn, CdR 07256/2014.

8. notes that the EU and Member States have concurrent powers on international relations, inclusive of marine-related issues. This requires robust coordination between levels of government, and ensuring that EU and national positions in international forums have undergone territorial impact assessment so that the interests of the competent local and regional authorities are fully embedded in them;

9. stresses that many issues related to ocean governance are inevitably local, due to resource extraction, economic benefit for coastal areas, fishing communities and ports, or their environmental impact on Europe's coasts and seas. Environmental and climate policy and economic decisions concerning oceans elsewhere in the world affect EU local and regional authorities. This requires significant investment in maritime spatial planning and supporting governance at the local/regional level;

10. stresses that marine policy is directly linked with inshore economic, environmental or spatial planning policy. How local and regional authorities manage inshore policies will have a direct offshore effect. Often, on issues such as windfarms, offshore activity has been perceived as the easy solution for activities being resisted inshore;

11. highlights that local and regional authorities have competences and positive experiences in managing a range of areas such as fisheries, shellfishing and aquaculture; subsidies (e.g. for inefficient fleets), economic and environmental policies (e.g. marine litter) and inspections (e.g. vehicle inspection) that have a positive or negative impact in other territories outside the EU. They are also often part of port authorities;

12. recalls the recent research work undertaken by the CoR ⁽⁶⁾ and OECD ⁽⁷⁾ on the ocean and blue economy. Insists, in line with the 'Better Regulation' agenda, that it is necessary to conduct prior impact assessments, including territorial impacts, to define the possible threats from all sectors, possible mitigation measures and expected socio-economic consequences before introducing new legislation, authorising new extractive technologies or defining new Marine Protection Areas;

13. recalls the new UN Sustainable Development Goals signed by all EU and UN Member States. Ocean governance concerns Sustainable Goal 14 on Life Below Water and Goal 13 on Climate Action, and also Goal 11 on Sustainable Cities and Communities. The Committee welcomes the Commission's plan to translate these goals into various EU policies ⁽⁸⁾, as it could be a good basis for building a common understanding at international level that goes beyond sectoral solutions for sustainable ocean governance;

14. believes, conversely, that the entry of ocean-sourced goods and commodities from third countries into the EU Single Market should be conditional to the fact that these countries progressively converge towards higher EU standards, such as for instance on banning of discards at sea;

15. believes that the three priority areas, broken down into 14 actions, set out in the joint communication form a relevant basis on which to undertake further action at EU and international level on ocean governance. While the communication primarily relates to the international component of maritime policy, there is a local and regional angle, in terms both of competence and of direct territorial impact and the degree of specialisation and dependence on the ocean;

Priority area 1: Improving the international ocean governance framework

16. notes, concerning **Action 1** on filling the gaps in the international ocean governance framework in order to improve the legal framework and provide a level playing field, that there is already an extensive legal framework at international level covering marine limits, navigation, archipelagic status and transit regimes, exclusive economic zones, continental shelf

⁽⁶⁾ Alexander Charalambous et al., *Developing Blue economy through better methodology for assessment on local and regional level*, Committee of the Regions, 2016. http://cor.europa.eu/en/documentation/studies/Documents/order%206203_Blue%20Economy_form_WEB.pdf

⁽⁷⁾ OECD, 'The Ocean Economy in 2030', 2016. <http://www.oecd.org/futures/oceaneconomy.htm>

⁽⁸⁾ COM(2016) 740 final.

jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes; recalls in that respect that existing administrative boundaries and the cultural and traditional specificities of European local and regional communities should be taken into account for the purposes of shaping ocean governance policy;

17. believes that EU policies are already robust on issues concerning fishing regulation, maritime spatial planning and macro-regional strategies. In some countries strategic land-use planning is an important policy tool for local land and water spatial planning. Local authorities are already responsible for planning in relation to coastal areas and territorial waters. Strategic land-use planning should not be compromised by the governance or legal framework proposed by the European Commission. The main challenge both at EU level and, particularly, worldwide is lack of control and robust implementation. Leading by example, the EU is therefore in a position to introduce reciprocity requirements and offer incentives when negotiating new international rules with third parties and organisations. This global initiative for enforcement of those rules is needed in order to ensure a level playing field for all countries, regions and economic operators;

18. agrees, with regard to **Action 2**, that promoting regional fisheries management and cooperation in key ocean areas to fill regional governance gaps will improve the position of EU fisheries and help others to reach the high standards that are in force within the EU;

19. is concerned that the Commission guidance on seabed mining would act as a deterrent to focus on the EU resource efficiency plans, the more so as the technology for exploitation of natural resources is untested and has the potential to damage the natural environment. Calls for coordination with Member States' negotiations at the International Seabed Authority;

20. recommends in that respect that the EU should campaign and provide incentives for other countries and organisations to introduce the European system of yellow and red cards as a model for tackling illegal, unreported and unregulated fishing on a global scale, including blacklisting and export bans resulting from non-compliance. The Committee calls for current plans for an electronic tool for managing catch certificates to be speeded up. Such measures would boost the industry in those regions that apply the provisions strictly;

21. believes that **Action 3** on improving coordination and cooperation between international organisations and launching Ocean Partnerships for ocean management will benefit regional maritime hubs through better international exposure;

22. considers that local and regional centres of competitiveness and excellence, particularly in areas with a strong maritime dimension, including the outermost regions, can play a crucial role and need to be financially supported in developing international research teams and technology transfer platforms in support of the EU's work in Ocean Governance;

23. is opposed to the idea of creating new international rules and organisations from scratch. The Committee agrees with the Commission that it is more sensible to improve the current governance and enforcement system by focusing on inefficiencies and enhancing international coordination. In that respect, it is important to ensure, before launching new measures within a specific framework (e.g. oil exploration), that the knock-on effect in other policy areas and sectors (e.g. fishing) is properly understood;

24. recommends, with regard to the management of biological biodiversity in areas beyond national jurisdiction, that the EU improve coordination with EMSA⁽⁹⁾ and the EFCA as well as closely involving European regions in coordination actions and consultation with adjacent European regions;

25. believes that ocean governance is part of the EU's multilevel governance and thus requires the pooling of national and EU resources for capacity building, inspection, enforcement, deterrence and prosecution of all entities violating the

⁽⁹⁾ EMSA: European Maritime Safety Agency (<http://www.emsa.europa.eu/>).

existing legal frameworks. This requires the involvement of the competent local and regional authorities with respect to **Action 4** on capacity building, as this will directly benefit coastal and maritime regions in many technical and administrative aspects;

26. stresses that **Action 5** on ensuring the safety and security of seas and oceans is crucial for seafarers, businesses and port operators, and a key element in the fight against forced labour and trafficking in human beings. The EU should continue to be the lead jurisdiction in this area, with the most comprehensive legal framework for safety and security at sea and in ports, and to use its considerable international leverage to encourage reciprocal arrangements in other parts of the world;

27. believes that the cooperation between national authorities and Frontex, EMSA and EFCA must result in joint maritime surveillance capability with the EU providing, where applicable, state of the art vessels and technology to effectively enforce surveillance;

Priority area 2: reducing pressure on oceans and seas and creating the conditions for a sustainable blue economy

28. believes, with regard to **Action 6**, that it is imperative to implement the COP21 Paris UN Climate Agreement in order to mitigate the harmful impact of climate change on oceans, coastlines and ecosystems, and to address future costs of global warming and rising oceans. Global climate goals require local adaptation measures, as most climate impacts are local impacts. Therefore, as recently stated by the CoR⁽¹⁰⁾, local and regional authorities have a crucial role to play in the preparation and implementation of national, EU and international adaptation frameworks dealing with the consequences of climate change in the world's oceans. Specific capacity and financial support needs to be provided to that end to all regions, including the outermost regions given their strategic locations in the Atlantic and Indian Oceans and in the Caribbean Sea. Moreover, in order to comply with the Paris Agreement, it is essential not only to incorporate climate change adaptation measures into maritime management, but also to leave a substantial amount of the existing fossil fuels underground. To this end, considers that in the interests of consistency, Action 6 should be strengthened through the inclusion of measures to prevent new oil exploration in sensitive areas in European seas;

29. stresses that **Action 7** on fighting illegal fishing and strengthening the sustainable management of ocean food resources globally directly benefits the EU's fishing industry. This entails strengthening the existing regional fisheries management organisations (RFMOs) and ensuring their full operability, and requires the European Commission to have a better mandate to negotiate and support RFMOs;

30. agrees, in line with **Action 8**, that fishing subsidies that harm the environment both in the EU and in third countries should be phased out. Appropriate incentives and palliative measures need to be defined to ensure the viability of communities that are heavily dependent on fisheries both in the EU and elsewhere;

31. believes that **Action 9** on fighting marine litter and the 'sea of plastic' is one of the most relevant initiatives in this proposal. This directly benefits tourism and fisheries. If people continue to dump plastic in the natural environment at the current pace, the sea will contain more plastic than fish by 2050. The existing powers of local and regional authorities with regard to waste management and prevention can make a crucial contribution. Local authorities play an important role in terms of their capacity to recover energy from the incineration of recovered plastic. Some 28 % of waste in the EU currently goes into landfill. A robust EU environmental framework for prevention, including a possible EU ban on microplastics, needs proper enforcement at local and regional level, and continuing investment in cleaner technologies including the development of tailor-made local and regional marine litter prevention policies. This should include further progress towards a common regime not only for port reception facilities but also for fees for ship-generated waste and cargo residues, so as to discourage ships from discharge them before docking at ports. While Europe's regions and local authorities are among the largest emitters of marine litter and plastic they are also affected by litter coming from outside the EU, meaning that international cooperation is essential;

32. welcomes the European Commission's initiative to fight ocean pollution and marine litter in particular, but notes that this is a first step in achieving cleaner oceans and that the EU and Member States can lead the way by introducing a joint plan for the eventual removal of harmful substances at sea such as munitions, chemicals and nuclear materials. The

⁽¹⁰⁾ Rapporteur: Sirpa Hertell, CDR 2430/2016.

Committee therefore underlines in this regard the importance of pilot projects which can develop and showcase European capabilities, technology and commitment to peace. Such projects can be a source both of technology exports and of know-how that can be leveraged with third countries and organisations as an incentive for the introduction of similar policies elsewhere;

33. believes that such a joint plan on ocean pollution can also bring tangible benefits for maritime regions and communities, not only directly in terms of know-how, expertise and increased civil protection capabilities in search, rescue and recovery but also more widely in the form of a resulting increase in income from tourism and fisheries, wider economic development, and a cleaner environment and health benefits, not only for Europe's coastal areas but also for adjacent regions and the entire ocean ecosystem;

34. notes that **Action 10** on promoting maritime spatial planning (MSP) at global level, including possible IOC-UNESCO international guidelines on MSP, is consistent with earlier CoR opinions highlighting the EU's advanced policies on MSP and the contribution of local and regional authorities. This is also an opportunity for EU companies to provide related services and products worldwide;

35. agrees in that respect with **Action 11**, which aims to achieve the global target of conserving 10 % of marine and coastal areas and promote the effective management and enforcement of marine protected areas (MPAs) to effectively create 'ocean parks'. Current studies of similar projects in Australia show benefits for tourism and fisheries in neighbouring regions that can be replicated elsewhere, including parts of European shores. In this connection, the Committee highlights the importance of involving and empowering local stakeholders when identifying and managing MPAs. Indeed, under-resourced MPAs or limited availability of scientific data can be a significant barrier to sustainable economic development, e. g. marine energy, ports and harbours;

Priority area 3: Strengthening international ocean research and data

36. believes, concerning **Action 12**, that a coherent EU strategy on ocean observation, national fisheries data and marine accounting will boost data services and observation. In that respect existing EU and international platforms for ocean and seabed mapping such as EMODnet or the 'Copernicus' programme of ocean observation need to be integrated and made interoperable. Initiatives such as IPBES (a global platform and intergovernmental body open to all UN Member States that aims to strengthen the link between science, politics and local knowledge in decision-making related to biodiversity and ecosystem services) should be encouraged, including the development of new tools such as a Nordic IPBES, the EU's MAES (Mapping and Assessment of Ecosystems and their Services) and ESMERALDA (Enhancing Ecosystem Services Mapping for Policy and Decision Making);

37. considers that the combination of different existing and future databases builds an interdisciplinary body of marine knowledge and data that cuts across multiple fields, such as environmental protection, fisheries and aquaculture, disaster relief, first response and rescue services, border control and migration monitoring, and transport. The Committee sees no need to add more databases; rather existing databases can be coordinated so as to be useful for the Member States;

38. stresses that having compatible, redundant and overlapping databases and collection of marine knowledge and ocean mapping requires more synergies not only between the various EU and competent national institutions but also with other Member States and international organisations, as common data must be the starting points for developing common, trans-oceanic responses;

39. insists that marine knowledge must not be just an endeavour for the public sector; the private sector, fishing and sea cargo companies, marine engineering, telecommunications, biotechnology and marine oil and gas exploration companies can play a crucial role in collecting and sharing the environmental data that they gather during their own activities at sea. The EU and other international bodies must provide incentives and facilitate this so that it does not add an unnecessary burden;

40. reiterates its call on the European Commission to promote best practices for the use of public-private partnerships in the blue economy⁽¹¹⁾. Such promotion should take into account the potential offered by small and medium-sized businesses and limited administrative capacity of some of the relevant national authorities;

41. highlights the asymmetric territorial impacts of many of the challenges facing our oceans, which mean that multipolicy marine data needs to be made available for local and regional authorities in a way that is easy to access and use;

42. calls, in line with earlier CoR opinions on Blue Growth⁽¹²⁾, for more investment in 'blue' science and innovation (**Action 13**) and underlines in this regard the importance of professional education and skills for seafarers, developed in close cooperation with marine industries;

43. supports the development of international ocean research, innovation and science partnerships, which should be designed to boost regions that are investing in marine research and innovation (**Action 14**). In this connection European policies and programmes such as Horizon 2020, as well as the EMFF, LIFE, the CEF and the ERDF, can be put to good use to develop ocean research and innovation partnerships, including with third countries;

44. recognises the important role the Blue Growth strategy can play in this area, and calls for strategic initiatives to be promoted at local and regional level, and for best practices and successful projects to be disseminated and implemented in other regions, with special focus on applied research and innovation in the area of maritime and coastal activities;

Final recommendations

45. believes that ocean governance affects local and regional authorities in a very asymmetric way, presenting challenges that very often they are not equipped to meet. At the same time changes in regulatory frameworks, fishing or natural resources exploitation in other parts of the world can have a direct economic or social effect in European coastal communities and those areas that are significantly dependent on ocean-related activities;

46. considers, however, that Europe's local and regional authorities have a proactive role to play in introducing sustainable policies to prevent overfishing and marine pollution, contributing to EU multilevel governance and campaigning for the EU and Member States, which have jurisdiction over 10 % of the world's oceans, to lead by example in international ocean-related negotiations;

47. requests, in line with the existing Inter-Institutional Agreement and the 'Better Regulation' package, that a Structured Dialogue on Ocean Governance be regularly co-organised by the Commission, Council, Parliament and CoR to jointly develop new marine-related policy initiatives with active input from representatives from the affected coastal and marine regions and communities of the EU, in particular island, isolated and outermost regions, or their directly mandated representatives, potentially encompassing the existing Stakeholder Forums of the various sea-related EU macro-regional strategies and representatives from the RFMOs.

Brussels, 12 July 2017.

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⁽¹¹⁾ Rapporteur: Adam Banaszak, CdR 4835/2014.

⁽¹²⁾ Rapporteurs: Adam Banaszak, CdR 2203/2012, CdR 4835/2014 and Christophe Clergeau, CdR 6622/2016.