

Government Response to the EU Maritime Green Paper

Contribution from the United Kingdom of Great Britain and Northern Ireland on the European Commission Green Paper:

Towards a future Maritime Policy for the Union: A European vision for the oceans and seas (COM(2006)275 Final)

Introduction

This document outlines the UK Government response to the EU Maritime Green Paper consultation process. This response has been developed following a UK-wide public consultation, discussions between UK Government departments and scrutiny by the UK Parliament. The response is broken down into high level comments on the content of an EU Maritime Policy and specific responses to each question raised in the Green Paper.

Overview

Importance of the Maritime Sector to the UK

The UK is an island State with 10,500 miles of coastline. The UK's history is tightly bound to the sea and today the UK remains a major maritime nation. The significance of the seas around the UK and the expertise in managing marine issues means that the UK is well placed to assist the Commission in developing an EU Maritime Policy.

As a coastal State the UK has one of the world's busiest shipping lanes in close proximity and our maritime space is heavily utilised by a huge variety of sectors - from tourism, leisure sailors to the offshore sector, alternative energy generation, merchant shipping and fishing. The attractiveness of the coastal zone as a place to live in the UK has never been higher and coastal tourism makes a substantial and growing contribution to the UK economy. The waters around the UK are highly diverse and productive, containing over 44,000 species, which is up to half the UK's biodiversity.

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The UK is a major centre for the global shipping industry with the International Maritime Organization based in London. Shipping is an integral part of the UK transport network and an integral part of our economy. The City of London itself is the world's leading maritime centre, controlling about one fifth of the world fleet, and overseas owners with agencies in the UK sustain a significant number of jobs in sectors including shipping law, banking and insurance.

Fishing remains a significant industry in the UK, particularly in Scotland and the south west. The waters around the UK are some of the most productive fishing grounds in the world and the UK is one of the EU's most significant fishing nations. Fishing remains the economic mainstay of many of our remote and fragile coastal communities providing wealth and social cohesion.

The maritime industry is vital to the UK economy and the UK maritime sector directly employs more than a quarter of a million people. Ninety-five per cent of the UK's international trade in goods travels by sea and the combined net overseas earnings of maritime services and shipping is worth about £2.5 billion a year.

The Maritime sector offers opportunities to help address climate change with the development of offshore renewables. The expansion of the offshore renewables sector in the UK has generated significant investment and job opportunities and, if carefully managed offers scope for improving energy security and reducing dependence on more polluting means of energy generation.

Marine biodiversity plays a fundamental role in supporting a wide range of goods and services essential for the maintenance of the social and economic well-being of our society. In the UK alone, the value of marine ecosystem goods and services has been estimated to exceed £52 billion¹.

The effective management, protection and utilisation of the maritime sphere is vital for the UK and the consultation on the Green Paper has reflected this importance with responses received from a diverse range of stakeholders. The responses have been broadly positive and the UK Government looks forward to working with the Commission Maritime Task Force on developing the ideas expressed in the Green Paper.

Key principles for the EU Maritime Policy

We are supportive of the development of an integrated Maritime Policy that provides better coordination of existing Community policies and assists in the development of a healthy, sustainable maritime economy that delivers both socio-economic benefits and environmental protection. There are some key principles that we would expect to see reflected in the EU Maritime Policy and any proposals that result from it:

¹ DEFRA and Plymouth Marine Laboratory, *Marine biodiversity: An Economic Evaluation 2006*

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- The need for EU Maritime Policy to clearly add value to existing national EU and international measures;
- The need for subsidiarity to be respected in all cases and for any proposals to be directed at the appropriate level;
- The importance of the Policy being underpinned by ecosystem-based management. The UK sees this as key to the sustainable use of marine resources, including addressing the particular issue of climate change. This approach needs to be integrated across economic sectors and the Community's institutions;
- The importance of the international dimension in the maritime sector and the need to respect the existing international and EU legal and policy frameworks;
- A recognition of the important role that the maritime sector and particularly offshore renewable energy can play in addressing climate change.
- The recognition that some fragile coastal communities are reliant on the sustainable, economic utilisation of marine resources;
- The need to respect the limits of marine resources and to protect the marine environment for future generations; and
- The need for the proposed Maritime Policy to deliver co-ordination between proposals originating in the EC to ensure that the Lisbon Strategy objectives of sustainable growth can be delivered in a stable regulatory climate.

As part of a holistic review of EU Maritime Policy and noting Europe's dependence on maritime trade, the UK would also wish for the inter-agency and multinational nature of maritime security to be acknowledged as an important tenet of future work. It will be imperative not to break down existing competencies, but rather to ensure the necessary mechanisms are in place to allow improved co-ordination.

Specific response to questions in the Green Paper

1.0 Introduction to the Green Paper

Should the EU have an integrated Maritime Policy?

We are supportive of the development of an integrated Maritime Policy that provides better co-ordination of existing Community policies and assists in the development of a healthy, sustainable maritime economy and protection of the marine environment.

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We believe that such a policy should be developed at a high level setting out principles that should be taken into account when developing any maritime related policy or legislation and would expect that this would contribute to improved internal co-ordination of community policies.

What the UK Government and majority of UK consultees would not wish to see new legislative proposals that further complicate the current situation and result in a substantial increase in legislative burden - the focus should be on consolidation, adding value and improving co-operation between existing policies.

How can the EU add value to the many national, local and private initiatives which already exist in the maritime field?

This question is key to the success of any EU Maritime Policy - Any measures brought forward after the completion of the Green Paper consultation must demonstrate that they add value and are established at the appropriate level in line with the principle of subsidiarity. This is of particular importance as many of the matters discussed in the Green Paper are regulated internationally through the UN or regionally through bodies such as the regional seas conventions.

The UK consultation response made it clear that most UK stakeholders believe that while there is considerable scope for community action to add value there were concerns about inappropriate action taken at the wrong level that would create unnecessary conflicts with existing local, national and international regimes.

One area where we feel value could clearly be added would be in improving co-ordination between existing and developing Community legislation and policies to avoid uncertainties and overlaps, in particular we would urge that the Maritime Policy seeks to develop the links between DGs that the Green Paper process has already established in order to improve the quality and content of proposals brought forward.

2.1 Competitiveness of the Maritime industry

How can European maritime sectors remain competitive, including taking into account specific needs of SMEs?

Broadly speaking EU Maritime Policy should be seeking to encourage the conditions for sustainable growth of EU maritime sectors through efficient and effective regulation and guidance on areas of existing community competency. For European business to compete, the regulatory framework must be consistent and make best efforts to eliminate uncertainty.

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In particular the EU Maritime Policy should ensure that globally applicable standards are followed where they exist and are not deviated from unless there is a truly pressing reason for such a change. This will assist the EU maritime sectors in competing globally.

UK Small and Medium Enterprise stakeholders have indicated that the greatest problem they face is complicated and sometimes ill-considered legislation that prevents them from effectively competing in the marketplace. Given the importance of such SMEs to the UK and European maritime economy and their role in maritime clusters this issue needs careful consideration. We would suggest that the Commission consider the current regulatory framework and seek better regulation solutions. In addition we would urge that any proposals resulting from the Maritime Policy focus if at all possible on non-legislative approaches that minimise the additional burden to industry and in particular to SMEs.

What mechanisms should be in place to ensure that new maritime development is sustainable?

Any major new maritime development should demonstrate that it is sustainable and addresses the need for environmental protection as well as providing social and/or economic benefits.

In pursuit of this goal the UK believes that EU Maritime Policy should reflect the objectives and principles set out in the EU Sustainable Development Strategy adopted at the European Council in June 2006.

These include the use of high quality impact assessments to ensure that the social, environmental and economic dimensions of proposed developments are considered in a balanced way, taking account of appropriate public and stakeholder participation. In the development of an EU Maritime Policy consideration should be given to streamlining such assessments to ensure that information and actions are not overlapping in separate assessments and creating an undue burden to industry.

Related to this is the need for EU Maritime Policy to take a wider view on climate change impacts. We would expect for example that in any major development there would be a need to understand what the impacts are in terms of carbon emissions.

2.2 The Importance of the Marine Environment for the Sustainable Use of Marine Resources

How can Maritime Policy contribute to maintaining our ocean resources and environment?

Any Maritime Policy needs to contribute to the maintenance of our ocean resources and environment and in this the approach of the EU Marine Strategy Directive can usefully help build a wider oceans vision among policy makers and other stakeholders. We would expect the proposed Maritime Policy to take account of the aims of the Marine Directive and other relevant marine legislation (such as the Habitats and Birds Directives) to ensure joined-up policy.

The Maritime Policy must be consistent with the existing environmental policy framework and commitments. In particular, it should be consistent with the EU's commitment to halt the loss of biodiversity by 2010, the World Summit on Sustainable Development commitments and the Common Fisheries Policy's commitment to minimise harmful effects of fishing techniques and intensities on fish stocks, seabed habitats and non-target species.

The Maritime Policy should seek to balance the many legitimate uses of the sea with the need to promote healthy marine ecosystems and we remind the Commission of the need to ensure that existing marine environmental protection policies are considered and the desired outcomes placed at the heart of the eventual policy.

How can a Maritime Policy further the aims of the Marine Thematic Strategy?

What is important here is not so much the need for the Maritime Policy to further the Marine Thematic Strategy, but rather that any policies or legislative proposals developed from the Maritime Green Paper should reflect the content of the Marine Thematic Strategy.

In particular it is important that proposals resulting from this process reflect the need for sustainable development and are compatible with existing community and international instruments.

The important message from the UK Government and UK stakeholders here is the need for co-ordination between EU Maritime Policy, any proposals brought forward and existing instruments.

How can risk assessment best be used to further safety at sea?

Risk assessment methodology should be at the heart of any consideration of Maritime Safety and is already used extensively by the maritime industries and regulators when making decisions that could impact on safety at sea.

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We support the use of well developed risk assessment when addressing issues of maritime safety and would highlight the importance of continued support from the Commission, EMSA and the Community on the use of risk assessment tools.

We would however caution that the consideration of international safety issues belongs in the IMO and that we cannot see the development of parallel systems in the EU and international sphere – the results of risk assessments carried out by the Community and individual Member States should be communicated to the appropriate international fora for consideration by the global community.

2.3 Remaining at the cutting edge of knowledge and Technology

How can a European Marine Related Research Strategy be developed to further deepen our knowledge and promote new technologies?

Research is at the core of the Lisbon strategy and it is important that EU Maritime Policy recognises this role in delivering a competitive, world beating knowledge economy. For the EU Member States to remain competitive against lower cost locations we need to maintain and develop our advantages in research and innovation and this is particularly the case in the truly global maritime sector.

A more co-ordinated way of managing EU-wide research offers benefits in delivering the goals of the Lisbon strategy and would also assist other areas of community Maritime Policy in delivering objectives – there is a clear need to ensure that the different areas of community supported and directed research are joined-up and working towards the same high level goals. It would be useful for the EU Maritime Policy to reflect this and provide some direction to this end.

There is the potential for useful research on the precise mechanisms that could be used to reduce carbon emissions from the shipping sector, particularly in terms of the operation of carbon trading schemes.

We support the stated goal of developing a more co-ordinated approach to such research with better sharing of information and the inclusion of a high level 'vision' in the Maritime Policy but we expect that any measures taken forward in this area are balanced and proportional – EU Maritime Policy should not develop research strategies that only serve to further complicate an already complex area.

Should a European Marine Research Network be developed?

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A new network is not necessarily needed but, rather, EU Maritime Policy should strengthen existing bodies, such as ICES, and promote better co-operation between them. Similar networks already exist and it would better to focus resources on achieving better co-ordination and raising awareness than developing a parallel system that complicates research efforts.

UK stakeholders felt that while you can always have more and better coordination a new network would run the risk of confusing matters and further complicating the sharing and comparison of research carried out in Member States. It was generally felt that better use of the current mechanisms and a high level community vision would offer better value.

What mechanisms can best turn knowledge into income and jobs?

The important issue here is creating the conditions for a successful maritime sector and allowing it to flourish rather than attempting to engineer the growth of specific areas through research.

Europe already has considerable expertise and success in this area and the UK for example is a world leader in many maritime fields such as marine insurance, financial services, ship repair and conversion and the design of marine equipment.

EU Maritime Policy should focus on improving the availability and dissemination of information and research developed with EU assistance to ensure that maritime industries and policy makers make best use of it and that there is a level playing field for information access across the EU.

UK consultees indicated that technological innovation and research was a key factor in maintaining European competitiveness and in particular that it was important for Small and Medium Enterprises who otherwise would not be able to compete effectively with larger companies with existing market share – this difference should be reflected in any research/knowledge economy proposals emerging as part of future EU Maritime Policy.

In what ways should stakeholders be involved?

It is our considered opinion after the UK consultation that in the main stakeholders are already adequately engaged and we are not aware of any significant problems with engagement.

There is always room for improved and strengthened co-operation and co-ordination but we do not see any scope for community action in this area beyond work to improve dissemination of information and the encouragement of networks of stakeholders.

The development of a high level statement on the importance of maritime-sector research and improved co-ordination discussed above would be helpful in ensuring stakeholders are informed and able to participate.

2.4 Innovation under changing circumstances

What further steps should the EU take to mitigate and adapt to climate change in the marine environment?

The EU Maritime Strategy can add value by sending a high level cross-sector message about the need to bring together climate change and energy policies and impacts and in so doing change presumptions in favour of measures and policy approaches which support CO₂ reductions.

In particular, it needs to develop and promote key strategic themes:-:

- The need to strengthen understanding of the role of the oceans in regulating climate change and the impacts of climate change on the marine environment so as to ensure high quality evidence is transferred to policy makers - the UK's Marine Climate Change Impacts Partnership (MCCIP) is an example, reflecting the need for a multi-disciplinary approach.
- The need to see the maritime area as a possible source of solutions to climate change. There are climate change mitigation measures to be taken in the maritime area – particularly carbon storage in the sub seabed and offshore renewables (wave, wind and tidal developments) and modern efficient shipping tonnage itself offers some persuasive environmental benefits when compared to other transport methods.

How can innovative offshore renewable energy technologies be promoted and implemented?

This issue is of significant importance to the UK particularly as we are moving towards a greater proportion of our energy needs being met by renewables including offshore renewables. If we are to address the threat of climate change to our environment and economy we will need to generate a significantly increased percentage of our energy from such renewables.

The UK is particularly concerned about potential conflicts between the expansion of offshore renewable energy to tackle climate change and existing EU and international legislation affecting the marine environment, which might have been designed before the full

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implications of climate change were recognised and may prevent us from taking action needed to address the threats posed by climate change.

These conflicts need to be resolved as a matter of priority if offshore renewables are to help tackle climate change. The need to balance the development of offshore renewables with the existing, legitimate uses of the sea such as ensuring safe navigation for vessels and protection of the marine environment as a whole is also vital. The Maritime Policy can assist by promoting strategic messages across Community policies and institutions, as well as supporting and promoting policy frameworks which consider and address these conflicts.

How can energy efficiency improvements and fuel diversification in shipping be achieved?

Increasing energy efficiency in shipping is largely a technical matter relating to hull form, engine operation and vessel design. We can foster such improvements through work to strengthen European and national Research and Development networks and encourage investment in green technologies by shipping companies through awareness raising such as the SeaTrade Green Shipping award sponsored by the UK which rewards environmental best practice.

Fuel diversification is an area of considerable interest and we would support efforts to promote the development of new and innovative systems such as Biofuels, gas powered ships and fuel cell technology. Again this should be addressed in the first instance through 'soft' mechanisms such as the direction of research funding and support rather than legislative approaches.

Consideration should also be given to emissions trading mechanisms that should be sought in the first instance internationally through the IMO.

What is needed to realise the potential benefits of blue biotechnology?

As part of a co-ordinated approach to energy and climate change, Maritime Policy could usefully point to the potential of marine biomass – growing and harvesting algae etc – by encouraging scoping studies on issues including carbon saving through the recommendations on research.

On the issue of fully realising the potential of bio-technology in areas beyond national jurisdiction, we agree that effective steps should be taken to help conserve the resource base from which genetic resources are derived, but we would re-iterate that we do not believe that reopening the main text of UNCLOS would be the best mechanism to do this. Member States have already put on record their support for an implementing agreement on marine biodiversity and will need to assess their position on the issues raised by the use of

marine genetic resources in the light of the discussions in the United Nations in summer 2007.

2.5 Developing Europe's Maritime Skills and expanding sustainable maritime employment.

How can the decline in the number of Europeans entering certain maritime professions be reversed and the safety and attractiveness of jobs ensured?

Threats to the number of UK citizens working in the maritime sector is of great concern to the Government and we support the Commissions efforts to improve the attractiveness of jobs in this sector and the value added of employing EU citizens.

Currently the Government is working with social partners to consider a number of initiatives to address this issue, including looking at how to maximise the employment benefits from the tonnage tax training link and the UK's Support for Maritime Training (SMarT) scheme within the framework of the EU Maritime State Aid Guidelines. The Commission should consider examining these approaches and considering their value in a wider European context. The introduction within the UK of a Foundation Degree in marine operations or marine engineering is also helping to make a maritime career more attractive. It is important to market maritime careers in the context of the wider opportunities available across the maritime sector as a whole.

The SMarT scheme is seen as key to attracting both officers and ratings and the Government hopes to continue to maximise its effect. However, owing to the nature of seafaring careers, funding cannot be provided under the current Commission State Aid Guidelines (2004) except when a trainee is supernumerary. This greatly restricts the training support that we can offer our seafarers. We would appeal to the Commission for some flexibility here, so that we can attract more people to the sea and on to wider maritime careers.

From a fisheries perspective, key to maintaining the attractiveness of the industry, competitiveness and safety is ensuring sustainable fisheries across the Community, ensuring that there is a level playing field and that capacity and, therefore, catch levels do not over-exploit fish stocks, but optimise long term benefits.

High level support through the Maritime Policy would assist the successful implementation of processes.

How can better working conditions, wages and safety be combined with sectoral competitiveness?

This is an important issue for improving the attractiveness of the sector and ensuring that seafarers experience an acceptable standard of employment.

Key to this is the implementation of the existing maritime conventions addressing seafarers and in particular the recently adopted Maritime Labour Convention which was agreed with unanimity at ILO in 2006.

This convention lays down detailed standards for seafarers and shipping on a diverse range of labour issues and its rapid implementation will ensure a global minimum standard providing decent conditions for seafarers and maintaining a global level playing field for ship owners. In that respect, it is important that issues of safe manning and fatigue are also addressed on a global scale.

We would remind the Commission of the importance of this and other ILO conventions and suggest that value could be added by the Commission seeking early amendment of those aspects of community legislation that are touched on by the ILO MLC in order to facilitate early adoption by Member States.

How can the quality of education, training and certification be assured?

The UK Government is of the view that this area falls outside the scope for the Green Paper and proposed Maritime Policy as to an extent it addresses matters relating to national education and training policy and areas falling within the remit of the International Maritime Organization and other UN bodies such as ILO.

Checks on UK seafarers are already rigorous and the level of quality assurance substantial. We would suggest that for now the Commission restricts itself to reviewing the practices of member states and establishing best practice guidance.

Consideration of investment in improving maritime training would be another area we would suggest the Commission could usefully explore.

This does not however preclude continued Community/EMSA work in quality assuring third country certificates and we would propose further EU work in the Maritime Policy to both strengthen these checks and improve the transparency of the process.

2.6 Clustering

What role can maritime clusters play in increasing competitiveness, in particular for SMEs, in improving the attractiveness of maritime jobs, and promoting a sense of maritime identity?

The UK Government sees a role for clusters in promoting the maritime sectors and believes that they can assist in fostering both a sense of identity and a cohesiveness of action amongst the various maritime interests.

Clusters can assist in the improving the shoreside communities' understanding of the maritime sphere and can advertise the presence of the maritime industries to potential recruits. The improvement in co-ordination that a cluster can provide can additionally boost the effectiveness of a region in accessing external investment and funding and can create a virtuous circle of improving profile and inward investment.

We would encourage the Commission to explore the ways in which to foster both clusters and informal co-ordination between clusters as a way to improve the competitiveness of the EU industry through the sharing of best practice and increased attractiveness of the sector to high quality staff.

How can the EU promote synergies between interrelated sectors?

This is not considered to be a role of the EU as of itself but should form an element of all other aspects of the Maritime Policy. The encouragement of informal networks and the sharing of best practice will have the result of encouraging such synergies.

2.7 The regulatory framework

Green Paper questions: How could the regulatory framework for the maritime economy be improved to avoid unintended and contradictory impacts on maritime goals?

A key message which the proposed Maritime Policy can send is that there needs to be a focus on the outcome that is sought and that such objectives must be shared across Directorates. The eventual goal should determine the mechanisms to be used, including existing ones and non-legislative approaches.

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The Maritime Policy should promote better regulation, with proposals based on robust impact assessments. Excessive regulation should be avoided, especially where existing legislation will suffice. A clear focus on outcomes and the need for less formal regulation can be achieved by appropriate integrated frameworks and approaches when considering legislative action.

It may be appropriate to revisit some existing Commission guidelines, to ensure that they do not unwittingly cut across higher level policy objectives. For example, studies in the UK have shown that the critical period of training for merchant navy officer cadets, during which they make the transition between being “employable” (ie technically able to be legally employed) and “marketable” (ie highly sought after in the global labour market), is the period during which they are training to achieve their Second Certificate. Yet, during this same period, it is difficult to provide support for their training, because, while gaining sea time, the cadets are not supernumerary, as required by the Maritime State Aid Guidelines.

Which exclusions of the maritime sector from some EU social legislation are still justified?

This issue is of considerable interest to the UK Government and we have received representations from all major UK stakeholders on the matter.

We support the Commission’s efforts to catalogue the existing exemptions and consider the reasons for their continued existence.

At this time the UK Government supports the Commission’s intention to consider the range of exemptions but we would need to review carefully any proposals to alter the current exemptions as this could negatively impact on the employment of UK seafarers. It is important that any changes proposed in the Maritime Policy consider the implications for the employment of EU nationals, the impact on EU Member State flagged shipping and the economies of EU Member States as a whole.

Should further specific legal instruments on employment conditions in the maritime sector be encouraged?

The UK Government believes that for the vast majority of employment issues international regulation is best and that, for the moment, it would be most useful if the Commission was to focus upon encouraging Member States to implement existing ILO instruments.

In addition it would be useful if the Commission reviewed the current Directives and regulations in this area to ensure they are in compliance with the international regime and thus facilitate Member State ratification and implementation of ILO instruments.

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It is important to maintain the current levels of protection offered within Europe on employment conditions but in the main any new proposals should be dealt with internationally in order to ensure a level playing field for European seafarers and ship owners.

How can EU safety regulation be simplified while maintaining high level standards?

While the Commission's consideration of better regulation approaches is laudable here we would remind the Commission that the key safety legislation in play in much of the maritime sector is international in nature and cannot be amended or simplified in any substantive way on a regional basis.

Any process of altering such rules must be carefully risk assessed and considered before being taken to the correct international forum for discussion and negotiation.

In areas of Community competence where international rules do not exist we can see some scope for review and simplification but these must be carefully balanced against safety concerns and the need to protect the marine environment.

To what extent can economic incentives, self-regulation and corporate social responsibility complement government regulation?

The UK Government is fully committed to the concept of better regulation and we support the Commission fully in seeking to use such non-regulatory approaches whenever possible.

In the UK consultation we have found little support for significant, additional legislation with the majority of UK stakeholders seeking a better co-ordinated approach with existing measures.

To this end we would encourage the Commission to explore wherever possible the options for such measures although we would caution that any such approach would need to be carefully reviewed in order to assure ourselves that it was achieving the original policy objectives.

What further EU action is needed to reply to the inadequacies of sub-standard flags and to provide incentives to register under European flags?

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The Government does not believe that it is appropriate to take further EU action on the issue of flag State performance, excepting the need for targeted measures aimed at tackling IUU fishing.

The correct fora to address this matter are the IMO and the Port State Control MOUs such as the Paris MOU and the Tokyo MOU.

The Commission should focus here on establishing the case for additional international action rather than considering EU measures, this action could include tougher port state control for poor quality flags and a reduction in the inspection burden for good quality flags.

On the second point we do not believe that the Commission should be considering incentivising EU flags – the Commission should instead seek to ensure that all Member States are operating to the same international standards and are fulfilling their existing commitments on matters such as Port State control - this will promote quality across the EU and support the efforts of flag States to attract quality tonnage to the EU.

Should an optional EU register be made available?

The UK Government is strongly opposed to the development of such a register and we have detected little enthusiasm for this proposal among UK stakeholders. The UK believes that there are three natural roles for the Commission, supported by the European Maritime Safety Agency (EMSA) within the maritime sector governance structure:

- To quality assure service provision to EU maritime states, where this will add value by improving consistency, effectiveness and efficiency;
- To promote high and uniform standards of service delivery by EU maritime states (by auditing and identifying and promulgating best practice); and
- To initiate or co-ordinate policy development where the need for EU level intervention is supported by evidence, is proportionate, and will clearly add value to the actions of Member States.

Effective delivery of key governance roles would be weakened by the Community taking on other incompatible roles. The idea of establishing an EU Register of Shipping would put the Community in the position of a flag State. International maritime law confers privileges and responsibilities on sovereign flag States. As the EU is not a State, ships sailing under a true EU flag would have no standing in international law. This would obscure the governance structure and potentially close off opportunities to add value to the regulatory process.

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At best an EU shipping register can amount to a list of ships flagged to EU Member States and registered in the ports of the Member States. Not only would it be of no practical benefit, it would risk confusing and blurring the standing and responsibilities of individual EU flag States for the conduct and condition of their ships.

What conditions and incentives could be contemplated for such a register?

As we do not support the establishment of such a register we have no substantive comments on this question. If such a register is developed it should not benefit from incentives or conditions that undermine the attractiveness of existing EU Member State flags.

How should the Common Fisheries Policy be further developed to achieve its aim of sustainable fisheries?

The Maritime Policy should underline the need for co-operation between the various Directorates of the Commission so that fisheries and other sectors are effectively integrated with a view to developing genuinely sustainable fishing. This will help marry ecosystem based approaches of the Marine Directive and climate change considerations together with sustainable fisheries. Additionally it could usefully seek to clarify the application of Member States legislation to all EU vessels.

The regulatory approach of the CFP can be made more effective in a number of key ways:-

- The provision of more extensive and accurate data on fishing activities, to improve the quality of stock assessments, and address the true nature of the scale of discarding;
- By adopting a more outcome focused approach; and
- More widespread and better application of controls on fishing effort and use of fishing gear, working in parallel with catch limits and other management measures designed to restrain fishing activity.

The Maritime Policy should also promote coherence across the Community so that fisheries policy is consistent with the EU's broader international sustainable development policies and other Community legislation, for example in relation to third country fisheries agreements and subsidies

3.1 Coastal areas as a place to live and work

How can the quality of life in coastal regions of Europe be maintained, while continuing to develop sustainable income and jobs?

The key to maintaining and improving the quality of life in the EU's coastal regions while fostering economic development is to approach developments in an integrated and holistic manner.

In order to balance the need for regeneration and sustainable industry with the protection of valuable natural and cultural resources on which many coastal communities depend, the Maritime Policy should adopt an integrated approach to the management of coastal zones, to help reduce overlap and conflict between different management processes. It should encourage the use of planning tools such as marine planning to help manage the impacts of individual projects with due reference to other legitimate uses and interests.

What data need to be made available for planning in coastal regions?

The majority of the data or planning is available at the appropriate level of Government – the major challenge is ensuring it is integrated in such a way that it is accessible to local, regional and national interests.

Drawing on the work of the INSPIRE Directive there could be a useful role for the Commission in investigating the Maritime Policy information that would be needed to draw up a basic understanding of the marine environment. This could then be layered with sectoral data to produce a functional map of the EU marine environment.

3.2 Adapting to Coastal Risks

What must be done to reduce the vulnerability of coastal regions to risks from floods and erosion?

An EU framework for the management of risks from sea flooding is provided by the Directive on the Assessment and Management of Floods, currently undergoing its second reading.

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It would not be sensible to contemplate further action, when the need for Community Action in this area has so recently been considered and the new legislation arising has still to be finalised and implemented.

As a result this matter should not be included in the proposed Maritime Policy.

What further cooperation is needed in the EU to respond adequately to natural disasters?

The proposed Maritime Policy could helpfully include some high level statements to ensure cooperation in the event of a natural disaster and, in particular, to focus on the existing community cooperation mechanisms.

In addition a stocktake of these mechanisms could usefully be undertaken to consider the suitability of current arrangements.

We cannot see at this time a need for any other significant Community action on this issue and UK consultees have not shown any substantial degree of concern that this area needs action at this time.

How can our shores and coastal waters be better policed to prevent human threats?

Co-operation between Member States is the key element here and is best facilitated using existing fora wherever possible.

In addition, the Commission could usefully consider reminding Member States, through its Maritime Policy, of the importance of applying existing community and international law and ensuring that it is being applied effectively across Europe.

Encouraging and facilitating data exchange is another area where the EU can and is making a useful contribution and deepening the role of SafeSeaNet net could be considered to assist in this in the longer term.

What we do not support is the development of new EU bodies or mechanisms at this time. In particular we do not believe that an EU coastguard would add value.

3.3 Coastal tourism

How can innovation in services and products related to coastal tourism be effectively supported?

Innovation is not simply about developing new technologies and products - it is about making new and novel uses of existing resources.

In particular we feel the Commission should carry out an information gathering exercise to review best practice throughout the EU and make available its findings to the tourism sector throughout the EU - this may not however be best addressed in a Maritime Policy.

One area that is worth consideration by the Commission in developing the Maritime Policy is tourism that makes protection of the resource in question the focus of the activity - a good example of this is whale watching.

What specific measures promoting the sustainable tourism development of coastal regions and islands should be taken at EU level?

National policies and local initiatives should encourage innovative approaches to tourism that enable the long term protection of valuable local resources, and where possible make that protection the focus of tourism activity as outlined above.

The EU can assist in this through the promotion of best practice and by including investment in such sustainable tourism in the various sources of community funding such as the social cohesion fund.

3.4 Managing the Land/Sea Interface

How can ICZM be successfully implemented?

It is important that an integrated approach and attitude to coastal management becomes embedded into planning and decision-making structures at national, regional and local levels in coastal areas. This will ensure that ICZM is a way of thinking that is intrinsic to all coastal management activity and is not promoted solely through a small number of specific initiatives.

At EU level the Recommendation of 2002 on ICZM has provided a useful focus on the principles of the approach. Further practical work to share examples of good practice across Europe would be useful.

It would not however be appropriate to create strict or legislative measures for ICZM across Europe as a whole; this would be too generic and would not apply effectively to the varying decision making structures and domestic responsibilities within each Member State, each of which have developed to suit local traditions, industries and geography of coastal areas.

How can the EU best ensure the continued sustainable development of ports?

UK experience, from the recent 5 years, suggests that sustainable marine development is possible, taking account of the benefits of development and the environmental impacts. It is proposed to build on this experience through the introduction of marine spatial planning, together with a streamlining of the application process.

The UK's current approach to ports on environmental matters is twofold: to seek to ensure they are aware of the environmental duties placed upon them, and to seek to ensure those duties are proportionate. We suggest the EU's approach should be the same, with the added duty of ensuring that all EU ports are operating not only within the same environmental frameworks but within similar regimes of interpretation and enforcement.

The UK Government would also underline the importance of consistent policy outputs in this field and the need to factor in other relevant and parallel work being taken forward by the Commission, namely the emerging new European ports policy and the Communication on freight transport logistics.

What role can be played by regional centres of maritime excellence?

The Government is in favour of the recognition of regional maritime sectors of excellence and we urge the Commission to consider assisting in the development of linkages between such centres and maritime clusters in order to share best practice. These centres can function as exemplars of such practice and be used as focal points for the development of maritime clusters.

Additionally it would be helpful if the Maritime Policy could review the current sources of funding available to such centres and produce guidance to facilitate application for such financial support.

4.1 Data at the service of multiple activities

On what lines should a European Atlas of the Seas be developed?

On the question of an Atlas, the key is that Member States supply their own 'layers' of quality assured data to be overlaid or accessed, i.e. competence for and production of each layer should rest with Member States. A common format for transfer of data layers should be agreed.

Issues of Intellectual Property rights should be agreed at the outset so the system for sharing the layers of data (and the underlying data sets) is transparent and fair.

How can a European Marine Observation and Data Network be set up, maintained and financed on a sustainable basis?

We are not persuaded that a new European Marine Observation and Data network is needed. There are existing fora, such as ICES, which could be strengthened and funded to provide such a service.

For example, at present survey work relies heavily on short term funding through research monies. This does not ensure that long time series data is available and therefore the significance of changes observed in the marine environment are very difficult to determine. It would be better to fund these networks effectively and collect this data on a longer term basis than establish another network.

Should a comprehensive network of existing and future vessel tracking systems be developed for the coastal waters of the EU?

At this time we believe that work should focus on assessing the existing data collected and analysing any gaps or overlaps in the data that is needed to achieve effective and sustainable management of our coastal waters.

A wide range of reporting systems now exist and the 'ownership' of these vary between UN bodies, regional measures and national initiatives. It is important that the interplay between these systems and those under development are considered before any network could be considered.

What data sources should it use, how would these be integrated, and to whom would it deliver services?

Until the stocktake and other considerations outlined above are dealt with we do not believe there are adequate grounds for the development of such a network. Therefore, we cannot comment on the content of such a network at this time.

4.2 Spatial planning

What are the principles and mechanisms that should underpin maritime spatial planning systems?

Marine spatial planning systems must be driven strongly by integrated, carefully thought out national policies, which balance the need to protect natural and cultural resources, whilst supporting national and local industries.

They should not therefore focus solely on maritime activities but on the consideration of marine ecosystems as a whole. They must involve transparent consultation and involvement of a range of stakeholders and communities, throughout the planning process.

For marine planning systems to achieve tangible benefits, they must enable policies and objectives to be achieved through specific decisions that are made about marine activities. They must therefore work effectively with the diverse range of national decision making competences that exist within each Member State and which reflect national needs and the use of national resources.

Any action taken within EU Maritime Policy needs to reflect the diverse decision making structures and jurisdictions within Member States, without which sensible benefits to the way the seas are managed could not be delivered. The UK does not wish to see any form of international marine spatial planning, which would seek to control the sovereign activities on Member States.

Integration between marine and land planning systems is critical. UK experience has shown that a marine planning framework must be developed carefully in a way that supports diverse local needs and arrangements around coastal areas. If done in this way marine and land planning systems can together reinforce national and local objectives for land and sea, and contribute to the effective and sustainable management of coastal areas. A national overview of marine planning, in addition to land planning, is critical to this integration.

The connection between existing Community instruments such as the Water Framework Directive and the draft Marine Strategy Directive will be key to this process. In particular we urge the Commission to recognise that while it is sensible for a basic understanding of marine spatial planning to exist across the EU this should be flexible enough to allow individual Member States to manage their own maritime space and resources.

How can systems for planning on land and sea be made compatible?

The land/sea interface is a complex mix of jurisdictions and this can make it difficult for users to fully assess the impacts of their activities and the opportunities that exist.

We therefore support the need to consider this area and would suggest that the Maritime Policy encourages Member States to examine their current planning regimes and consider the opportunities that marine spatial planning and particularly Integrated Coastal Zone Management offer for bridging between the two regimes.

We would caution however that the land and sea are subject to very different legal regimes and that the Commission will need to consider the existing rights of users and in particular those established under UNCLOS.

4.3 Making the most of financial support for coastal regions

How can EU financial instruments best contribute to the achievement of Maritime Policy goals?

It is essential that EU instruments when taken together operate coherently in supporting overall policy goals to deliver both environmental and economic objectives, looking beyond the short term and are applied consistently across the Community

By way of example, instruments should be designed and deployed to ensure that EU funding is not used in ways that increase the capacity of the fishing fleet – increases in this capacity are neither economically nor environmentally sustainable

Is there a need for better data on coastal regions and on maritime activities?

Yes, although the UK would note that data can always be “better”. Data for maritime activities are not easy to access in many cases. We do need more information about which industries are working in each area but we also need their future projections i.e. which areas of the sea/ coast will be under pressure in the future. We need this information to ensure and assess if the seas are ‘productive’ as well as clean, safe, healthy and biologically diverse.

Government Response to the EU Maritime Green Paper

The coastal regions have not been well mapped due to the difficult nature of the data capture. New technologies are emerging which allow mapping in shallow waters and therefore these should be encouraged in the Maritime Policy in order to fill this knowledge gap.

How should Maritime Policy be reflected in the discussion relating to the next EU Financial Framework?

It would be useful for the Policy to have some input during the discussions on the next Financial Framework given that the maritime sector is a cross cutting activity. In particular it would be helpful for these discussions to explore the current availability of financial support for the maritime sector and to what extent funding could be directed to areas of interest such as research networks and maritime clusters.

Any proposals relating to the Financial Framework would need to demonstrate that they add value and in particular that they will result in a better economic outcome than the existing measures that they will replace.

Finally any proposals to assist financially would need to be assessed to ensure that they will contribute effectively the Lisbon strategy and deliver sustainable growth with environmental protection.

5.1 Policy Making within the EU

How can an integrated approach to maritime affairs be implemented in the EU?

The Maritime Policy approach should be to focus on delivering a high level set of broad principles to act as an overall guide for the development and implementation of policy in the EU that affects the maritime sector.

This approach should focus on the improvement of coordination within the Commission, seek to provide a more holistic approach when implementing existing EU legislation and seek to encourage light touch non-legislative approaches whenever possible.

At a more detailed level the Commission should recognise the differences between Member States and the diverse nature of the waters surrounding the EU – the Maritime Policy should not seek to deal in such specificities but establish a set of higher level objectives and guiding concepts that allow the EU's maritime sector to flourish and deliver economic, social and environmental benefits.

What principles should underlie it?

The key principles that the UK believes should underlie policy making within the EU were set out in the introduction this document. Namely, the need for EU action to add value; the need to respect subsidiarity; the importance of ecosystem based management; the importance of the international dimension and existing international and EU legal and policy frameworks; recognition of the circumstances of coastal communities; protection of the marine environment, combined with a respect for the limits of marine resources; and co-ordination of EU proposals to ensure delivery of the Lisbon strategy.

Should an annual conference on best practice in maritime governance be held?

This proposal is supported by the UK Government as it offers an opportunity for the Maritime Policy to add value without generating an increased burden of regulation or requiring a long gestation period. An annual conference would allow practitioners to meet to discuss high profile issues related to community maritime sectors and ensure that there is a mechanism for spreading best practice in the field.

Such a conference should be focused upon open discussion and should not of itself be decision making - its outcomes should be recommendatory in nature.

5.2 The Offshore Activities of Governments

How can the EU help to stimulate greater coherence, cost efficiency and coordination between the activities of government on EU coastal waters?

The UK view is that the EU should work to promote better co-ordination and co-operation through the encouragement of informal networks and support for the dissemination of best practice.

The Maritime Policy could also usefully provide a high level statement on the need for better co-ordination and co-operation between and within EU Member States and the need to engage more fully at Member State level in developing national maritime policies.

Should an EU coastguard service be set up? What might be its aim and functions?

Government Response to the EU Maritime Green Paper

The UK Government is opposed to the development of an EU coastguard service. From our perspective an EU Coastguard would not only add no value it could potentially undermine the existing responsibilities of coastal States. It would be best for the proposals emerging in the Maritime Policy to provide value added rather than repeating debates that have already been extensively rehearsed throughout Europe.

The UK Government and consultees were strongly in favour of neighbouring EU coastal States co-operating on a regional basis to add value in terms of the capacity to respond to incidents including major pollution incidents and/or SAR operations. A number of such regional co-operation agreements exist already such as the Bonn Agreement covering North Sea States, to which the UK is party.

For what other activities should a "Common European Maritime Space" be developed?

The UK is in principle in favour of mechanisms that lower barriers to trade and movement throughout the EU and believes this would be a useful area for the Commission to consider the role of a Common European Space. However, we would caution the Commission that such measures should not create external barriers or create the perception in the wider world that we are moving towards a form of EU-wide cabotage that results in negative implications for trade and external relations with the wider world.

We can see little scope for moving beyond consideration of internal trade barriers and we would remind the Commission of the importance of security concerns when reviewing such barriers. We do not see a case for extending the concept of a common maritime space to wider activities as that could infringe the rights of coastal states and/or vessels under UNCLOS.

5.3 International Rules for Global Activities

How can the EU best bring its weight to bear in international maritime fora?

The UK is concerned that the Maritime Policy may seek a greater role in UN Organisations without considering to what extent there is a need for this role and whether it will add value.

We do not see the need for a general review of the roles of the Community and Member States as we consider that existing competences are working well in the vast majority of cases and do not need to change.

Government Response to the EU Maritime Green Paper

We recognise that on occasion practical problems can arise but generally Member States and the European Commission work effectively together, including in fora where competencies are mixed.

Each UN body is different and a single approach is likely to create new tensions in some fora while resolving issues in others. We would recommend the Maritime Policy seeks to function within the current arrangements unless there is a clear and pressing case for changes to be made.

Should the European Community become a member of more multilateral maritime organisations?

There is no single answer to this question – each convention/organization needs to be considered individually and the case for community membership made clearly and persuasively. We believe that the starting point for such considerations should be the assumption that unless a pressing case can be made and value clearly added the Community should not seek membership. A blanket decision to seek Community membership of multilateral instruments is not supported by the UK Government.

On the specific issue of IMO membership the UK believes that the current arrangements for co-ordination and Community involvement are working and that an attempt to seek a wider Community role is likely to be counterproductive as it carries the risk that non-EU IMO actors will perceive the EU bloc as a threat to IMO's tradition of honest, open technical debate.

What action should the EU undertake to strengthen international efforts to eliminate IUU fisheries?

We agree that we need to make faster progress in relation to fisheries on questions of flag State control, and welcome the acknowledgement in the Green Paper of the work of the High Seas Task Force, which also underlines the importance of more effective Port State controls and co-operation with developing countries.

EU Maritime Policy could usefully send a strong message about practical improvements, such as support for the FAO Global Record and the International MCS. Continued support to Member States is also needed to ensure they play their role in denying access to IUU products and trade in EU ports.

This progress could be assisted via Fisheries Partnership Agreements, bilateral aid programmes as well as Economic Partnership Agreements; the Maritime Policy should consider supporting developing states so they are able to properly govern their fisheries resources. This will enable them to better manage their own fisheries fleets as well as broker equitable bilateral agreements with other countries, where these are still relevant.

Government Response to the EU Maritime Green Paper

We also fully support the extension, both geographically and by species, of Regional Fisheries Management Organisations to eliminate unregulated fisheries

How can EU external policy be used to promote a level playing field for the global maritime economy and the adoption of sustainable maritime policies and practices by third countries?

The UK Government believes that the key element of EU external policy in this area needs to be the recognition of the global nature of the maritime sector and therefore the need for globally agreed policies.

We believe in the first instance that the importance of the existing international instruments and mechanisms should be recognised and supported by any EU Maritime Policy.

EU external policy should focus upon encouraging non-member states to sign up to implement internationally agreed rules and ensure that they engage fully at the UN level in matters relating to the maritime sector. EU external policy should not operate in parallel to these processes but should seek to support them.

5.4 Taking Account of Geographical Realities

What regional specificities need to be taken into account in EU maritime policies?

Europe and the seas that border it cannot be viewed as a single unit. There are significant physical differences between Europe's seas and significant socio-political differences in the pressures upon them. However, EU Maritime Policy should ensure that high level policy objectives are applicable throughout Europe in order to ensure that the overall approach taken is holistic.

In relation to the Marine Directive, we support the use of the Regional Seas processes and recognise the need for regional co-operation (such as OSPAR), whilst underlining the importance of countries producing their own strategies. This will allow for Member States to reflect particular circumstances, including their planning regimes and third country engagement.

Regional characteristics may also shift in the light of climate change and policy frameworks developed will need to be sufficiently flexible to allow for this.

How should maritime affairs be further integrated into the EU's neighbourhood and development policies?

The maritime sector is arguably the most global of all industries and any policy relating to the seas and oceans must take into account that which occurs outside of EU Member State jurisdictions.

The best mechanism for such work is the continued, strong involvement of Member States in the relevant International bodies and Regional seas conventions.

The Maritime Policy can however add value by ensuring that work undertaken with EU neighbours and further afield reflects the high level objectives of the EU Maritime Policy and the global nature of the seas. This would include for example urging non-EU states to engage more closely with the UN process and ensuring that they are well informed about areas like marine spatial planning which will require cross border support to function

6 Reclaiming Europe's Maritime Heritage and Reaffirming Europe's Maritime Identity

What action should the EU take to support maritime education and heritage and to foster a stronger sense of maritime identity?

The UK agrees with the Commission that a greater emphasis on maritime heritage may have both economic and social benefits for coastal communities. In particular we would urge the Commission to consider in the Maritime Policy opportunities to link maritime heritage with the protection and enhancement of such historical assets to ensure they are not degraded through greater utilisation.

Maritime education is important both to understand our past but also to re-establish the link between modern maritime industry and wider society which, at times seems to have disappeared. This can be delivered by establishing links between existing maritime businesses and clusters and the wider community.

On the international level, the United Kingdom was disappointed with the results of the discussions in UNESCO on maritime cultural heritage and does not believe that the UNESCO Convention represents the way forward on this issue.