



European Economic and Social Committee

REX/482
The future of our oceans

OPINION

European Economic and Social Committee

**Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions –
International ocean governance: an agenda for the future of our oceans**
[JOIN(2016) 49]

Rapporteur: **Jan SIMONS**

Consultation	European Commission
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Section responsible	REX
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Outcome of vote (for/against/abstentions)	201/2/2

1. **Conclusions and recommendations**

- 1.1 The European Economic and Social Committee (EESC) notes that the joint communication actions address the governance of both oceans and seas. The EESC suggests that the title of the joint communication should be changed to "an agenda for the future of our oceans and seas".
- 1.2 The EESC shares the growing concern about the need for better governance and protection of the oceans as the pressure increases. For centuries, our world's oceans have been considered simply too vast to be affected by anything we do, but increased human activity is putting our oceans in danger. Our world's oceans are faced with unsustainable fishing, inadequate protection, tourism, heavy traffic, pollution and climate change effects such as rising sea levels and changing species distribution. The current framework for international ocean governance is unable to ensure the sustainable management of oceans and their resources. Urgent action is imperative.
- 1.3 The EESC welcomes the joint communication by the European Commission (hereafter "the Commission") and the High Representative of the Union for Foreign Affairs and Security Policy (hereafter "the High Representative") on improved ocean governance. The joint communication sets an agenda "for the future of our oceans", a future which is in jeopardy. However, the Commission and the High Representative still need to prioritise the threats currently faced by our oceans in order to adequately reflect the urgent need for action.
- 1.4 One of the causes of ineffective international ocean governance is the existence of gaps in the current international ocean governance framework. The EESC recommends that the Commission and High Representative address these gaps and inconsistencies, but also that they increase compliance with existing rules, for example by improving the implementation of the Marine Strategy Framework Directive. The EU should refrain from proposing any new legislation when better or more coordinated implementation of existing rules and regulations would be more efficient.
- 1.5 The EESC endorses the actions listed in the Joint Communication that are intended to increase our knowledge of European oceans. The EU could play an important role in improving the governance of our oceans, especially in supporting scientific research into the world's oceans. Good and effective use must be made of currently available data. There is plenty of information on our seas which is largely fragmented. The EESC therefore strongly encourages the EU to develop the Marine Observation and Data Network into a worldwide marine data network. The EU could become a centre of coordination for such research.
- 1.6 The EESC urges the EU to work with partner countries to reduce maritime security threats and risks, such as piracy and trafficking in human beings, arms and narcotics, while capitalising on the new European Border and Coastguard Agency, the EU Maritime Safety Agency (EMSA) and the Fisheries Control Agency (EFCA). The use of a workable Common Information Sharing Environment (CISE) will ensure that data are collected once and shared among EU Member States in an effective manner.
- 1.7 The EESC believes that capacity building for better ocean governance is crucial for achieving sustainable development and enabling developing countries to use the oceans and their resources

in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). The EU measures identified in the joint communication are therefore welcome but the specific actions and tools to achieve such capacity building have yet to be specified by the Commission and the High Representative.

- 1.8 The EESC strongly encourages the establishment of an EU Stakeholder forum dedicated to oceans and seas worldwide, especially since ocean governance is a cross-cutting issue involving a number of stakeholders. However, such a forum should avoid duplicating any discussions that are already ongoing at international level. The EESC urges the Commission to involve all stakeholders; civil society as a whole needs to be mobilised if we want to achieve effective governance of our oceans.
- 1.9 The EESC points out that in order to avoid illegal, unreported and unregulated fishing, efficient flag state control and enforcement tools, including monitoring, control and surveillance measures, should be implemented. The fishing data of all EU Member States should be better collected and properly shared. This could potentially be achieved by using funds available under the European Maritime and Fisheries Fund (EMFF).
- 1.10 The EESC believes that ocean governance should balance socio-economic development and marine conservation. Technologies for the exploitation of seabed resources need to be used with care and caution. Their innovative character and importance for economic development should not cause us to overlook possible dangers to the environment in which these activities are conducted. Experience with land-based environmental impact assessments could be used to develop equivalent area-specific assessments for the exploitation of ocean resources.

2. Background to the joint communication

- 2.1 In June 2015, the Member States of the UN General Assembly (UNGA) formally agreed to develop a legally-binding instrument under UNCLOS for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ)¹. As states are increasingly looking to the oceans to develop their economies, most areas in the oceans are negatively affected by unsustainable activities taking place at sea or on land, compounded by the impacts of climate change and the effects of ocean acidification.
- 2.2 The European Union set an agenda for better ocean governance based on a cross-sectoral, rules-based international approach. The communication is also the EU's response to the United Nations' 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 14 "to conserve and sustainably use the oceans, seas and marine resources" as part of a highly interconnected agenda. It is based on the political mandate given to Commissioner Vella by Commission President Juncker "to engage in shaping international ocean governance".
- 2.3 The joint communication of the Commission and High Representative sets out 14 sets of actions in three priority areas: 1) Improving the international ocean governance framework; 2) Reducing

¹ ARES/69/292.

human pressure on the oceans and creating the conditions for a sustainable blue economy; 3) Strengthening international ocean research and data.

2.3.1 *Improving the international ocean governance framework*

2.3.1.1 The Commission and the High Representative have developed actions to address issues such as the conservation and sustainable use of marine biological diversity in BBN, fulfilment of the 10% target for Marine Protected Areas by 2020, and reduction of maritime security threats and risks, such as piracy and trafficking in human beings, arms and narcotics.

2.3.2 *Reducing human pressure on the oceans and creating the conditions for a sustainable blue economy*

2.3.2.1 The Commission and the High Representative have proposed actions to implement the Paris Agreement with a focus on ocean-related actions, in order to combat illegal, unregulated and unreported fishing (IUU) and marine litter and work towards international guidelines on Maritime Spatial Planning.

2.3.3 *Strengthening international ocean research and data*

2.3.3.1 The Commission and the High Representative have developed actions to improve our understanding and sound scientific knowledge with a view to sustainable management of ocean resources and a reduction in human pressure.

3. **General comments**

3.1 The EESC notes that the joint communication actions address the governance of both oceans and seas. Due to the considerable interconnectedness of these waters, the EESC suggests that the joint communication be renamed "an agenda for the future of our oceans and seas" to provide clarity about the scope of this initiative.

3.2 The EESC acknowledges the preeminent contribution of UNCLOS to the strengthening of peace, security and cooperation among all nations and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the principles of the United Nations, as well as to the sustainable development of the oceans and seas.

3.3 The EESC notes that the General Assembly of the United Nations carries out an annual review of developments in ocean affairs and the law of the sea and each year adopts two resolutions setting out global integrated policy guidance; one on oceans and the law of the sea and one on sustainable fisheries. The EU should intensify its work with international partners so as to facilitate the implementation of the measures identified by the UN.

3.4 The EESC believes that ocean governance should balance socio-economic development and marine conservation. Its fundamental aim should be to ensure the sustainable multiple use of marine resources and environments, including for future generations. Resource extraction should not be to the detriment of the ecosystem; on the contrary, it should be compatible with the

ecosystem and should be achieved responsibly by means of the right policies and governance structures.

- 3.4.1 Technologies for the exploitation of seabed resources need to be used with care and caution. Their innovative character and importance for economic development should not cause us to overlook possible dangers to the environment in which these activities are conducted. Experience with land-based environmental impact assessments could be used to develop equivalent area-specific assessments for the exploitation of ocean resources.
- 3.5 The EESC strongly encourages the establishment of an EU stakeholder forum dedicated to oceans and seas, but argues that this should include the participation of civil society. Such a forum could be used as a platform for the exchange of knowledge, experience and best practice on improved ocean governance. It could also be used to fine-tune the distribution of EU funds for better ocean governance and could step up efforts to evaluate the economic effectiveness of public investment in marine research and observation.
- 3.6 The EESC believes that the European Union should consider the global picture when making any new proposals to improve ocean governance, so that areas of ocean governance that are already mature and operating smoothly are not inadvertently affected. The European Union should also avoid duplicating any discussions that are already ongoing at international level.
- 3.7 The EESC acknowledges that regulatory gaps can allow unregulated and unreported activities, overexploitation of marine resources and destruction of the Earth's ecosystems. To address these issues, scientific studies of these ecosystems are essential, along with a better understanding of the current governance structure with a view to plugging these gaps. The EESC is of the opinion that the EU could become the leader in scientific research into the world's oceans and could become the centre of coordination for such research.
- 3.8 Aside from identifying regulatory gaps and inconsistencies, one of the goals of the Commission and the High Representative should be to step up compliance with existing rules. This could be achieved by using the EU's market weight in certain policy areas, such as fisheries, to get important players on board, as highlighted by Commissioner Vella when commenting on EU action against illegal fishing².
- 3.9 The EESC agrees that all sectors need to work continually towards an improved ocean governance model as the pressure on our oceans increases. The EESC notes as an example that organisations such as the Regional Fisheries Management Organisations (RFMOs) and the International Maritime Organisation (IMO) are trying to improve their governance principles in order to enhance the existing strategic framework.
- 3.10 The EESC believes that the Commission and the High Representative should assess any needs in terms of skills, competences and training so as to facilitate the anticipated job development of the ocean industries, an issue which has been overlooked in the Communication.

²

European Commission - press release on *EU acts on illegal fishing: Yellow card issued to Thailand while South Korea & Philippines are cleared*, 21 April 2015, http://europa.eu/rapid/press-release_IP-15-4806_en.htm

4. **Specific comments**

4.1 *Improving the international ocean governance framework*

4.1.1 The EESC welcomes the engagement by the Commission and the High Representative to work with Member States and international partners to ensure the adoption, ratification and implementation of key existing global ocean governance instruments such as the International Labour Organization (ILO) Work in Fishing Convention, as well as to develop necessary new instruments such as the planned UNCLOS Implementing Agreement on BBNJ. The EESC also encourages the Commission and the High Representative to cooperate with the IMO in order to facilitate the implementation and proper enforcement of IMO instruments. The Commission needs to identify practical actions and tools for achieving this goal.

4.1.2 The EESC welcomes the commitment of the Commission and the High Representative to improving coordination and cooperation between global and regional organisations and partnerships with key ocean players. This demonstrates EU efforts to implement an integrated and cross-sectoral approach to the management of ocean activities, which remains largely sectoral. The EESC strongly encourages the involvement of the Commission and the High Representative in UN-Oceans, a mechanism that seeks to enhance the coordination, consistency and effectiveness of competent organisations in the United Nations system.

4.1.3 Capacity building is crucial for achieving sustainable development and enabling developing countries to use the oceans and their resources in a sustainable manner and in accordance with the UNCLOS Convention. However, the Commission and the High Representative have yet to identify specific EU capacity-building measures.

4.1.3.1 The EESC notes that the Joint communication refers to capacity building resources aimed at improving the sustainable development and the blue economy in the Mediterranean. However, similar resources need to be mobilised for all European seas, as well as the Arctic region.

4.1.4 The EESC is in favour of better protecting Arctic resources which are the natural capital of future generations, and of viewing current environmental changes in the Arctic as a measure of European and global progress on climate protection. The EESC believes that the Commission could increase awareness among operators in the Arctic about the sensitivity of the area and the ever-increasing need for it to be developed sustainably. The preservation of Arctic regions and the fight against climate change must not be undertaken without consideration for inhabitants or in a way that is detrimental to them. While they wish to preserve their cultures, people living there also want to be able to benefit from the opportunities offered by sustainable economic and social development.

4.1.4.1 The EESC calls for civil society to be able to play an active role in promoting the interests and concerns of people who live there. The EU could also organise public discussions where the main actors could present their contributions to the sustainable development of the area, with the

participation of indigenous people. The establishment of a Brussels-based Arctic information centre could be considered³.

4.1.5 There has been an increase in unsafe migration by sea, underscoring the need for urgent action to prevent loss of life at sea. The EESC therefore welcomes the adoption of the new European Border and Coastguard Regulation 2016/1624, even though the Committee had strongly recommended that it be named the "European Border Guard Agency". The EESC also endorses the amended European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA) regulations.

4.1.5.1 In its opinion on the amendment to the Regulation establishing EMSA⁴, the EESC stated that it welcomed the role played by the agency in improving maritime safety in the Member States. It also stated, even then, that it was very important for EMSA's tasks and competences to be extended in a sensible way.

4.1.6 The EESC notes the EU measures concerning the fight against illegal fishing and strengthening of the sustainable management of ocean food resources. The Common Fisheries Policy was introduced in the 1960s and needs constant revision. The Committee welcomes the process of updating the policy to keep pace with technological changes, with a view to improving conservation and protecting fish stocks.

4.1.6.1 The EESC points out that in order to avoid illegal, unreported and unregulated fishing, efficient control and enforcement tools, including monitoring, control and surveillance measures should be implemented. The Committee brings to the attention of the Commission and the High Representative the fact that the United Nations has noted with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information. All EU Member States should therefore contribute to improving knowledge about and sharing of fishing data in their waters. This could possibly be achieved by using funds available under the EMFF.

4.1.6.2 The EESC encourages the Commission to continue its efforts to improve the working performance of RFMOs. In addition, as part of the integrated approach to maritime affairs, the Commission should look for better coordination between different fora, for instance between Regional Sea conventions and global organisations.

4.2 *Reducing human pressure on the oceans and creating the conditions for a sustainable blue economy*

4.2.1 The EESC strongly endorses EU measures, including the communication on the implementation of the COP21 Agreement and the mitigation of the harmful impact of ocean warming, sea level rises and acidification. The EESC also encourages the Commission and the High Representative

³ For more information on the EESC opinion on the Arctic, please refer to the REX/470 opinion on Arctic policy.

⁴ [OJ C 107, 6.4.2011, p. 68](#)

to be proactive and assess the impact of such effects on the blue economy, not only for well-established industries but also for emerging industries.

- 4.2.2 The EESC encourages the action by the Commission to promote the implementation of the Port State Measures Agreement (PSMA) that entered into force in June 2016 as a binding, international treaty designed to combat illegal, unreported and unregulated (IUU) fishing. Proper implementation of the PSMA is expected to drive the industry towards greater sustainability and to have significant ripple effects throughout the entire fisheries supply chain.
- 4.2.3 The EESC believes that strict penalties should apply for violations of fishing laws. The implementation of the ILO Work in Fishing Convention is important in order to avoid labour abuses on fishing boats and unfair competition resulting from violations of fundamental principles and rights at work. Living and working conditions at sea have to adhere to the highest international and EU standards.
- 4.2.4 The EESC notes that harmful fisheries subsidies, either to increase capacity of fleets or granted to fishermen that engage in IUU fishing, are one of the main causes of overfishing, and therefore welcomes the EU commitment to accelerate work to complete the ongoing negotiations on this issue in the World Trade Organization.
- 4.2.5 Regarding marine litter, the EESC notes with alarm the growing evidence of its harmful effects on wildlife and habitats and on marine biodiversity and environment. The EESC underlines with particular concern the problem of micro-plastics which, whether introduced directly or due to degradation of macro-litter items, reach even the most remote areas, in this case including the deepest areas, and release harmful chemical substances which may contaminate the food chain.
- 4.2.5.1 The EESC welcomes efforts made under each of the Regional Seas Conventions to prevent and reduce marine litter, such as developing dedicated Regional Action Plans. The EESC encourages the EU Member States to improve the implementation of the Marine Strategy Framework Directive in order to achieve and maintain a good marine environmental status. The Commission should also encourage regions outside the EU to develop similar actions plans.
- 4.2.5.2 The EESC supports the importance of international mechanisms, such as the MARPOL Convention, to combat ship-based sources of marine litter, and urges the Commission to propose a revised Port Reception Facilities Directive in 2017 so as to seek even further alignment with the scope and definitions of MARPOL.
- 4.2.5.3 The EESC points out that the EU should gain a better understanding of regional characteristics as well as the sources, amounts, pathways, distribution trends, nature and impacts of marine litter, including micro-plastics, and urges the Commission and the High Representative to address sea-based and land-based sources of maritime litter.

4.2.6 The EESC endorses action by the Commission and the High Representative to achieve and accelerate successful Maritime Spatial Planning at global level by engaging all key stakeholders⁵.

4.2.7 The EESC encourages the Commission and the High Representative to stimulate regional and international cooperation to develop long-term, sustainable financing mechanisms for Marine Protected Areas, ensuring that they are well managed and form an ecologically coherent network.

4.3 *Strengthening international ocean research and data*

4.3.1 The EESC endorses the actions listed in the joint communication that are intended to increase knowledge of European oceans. The EESC therefore strongly encourages the EU to develop the Marine Observation and Data Network into a worldwide marine data network. The EU could become a centre of coordination for such research. However, before collecting and analysing further information, good and effective use must be made of currently available data. There is plenty of information on our seas which is largely fragmented.

4.3.2 The EESC encourages the Commission to foster greater international cooperation in maritime science and technology, as suggested by the Organisation for Economic Co-operation and Development (OECD), as a means to stimulate innovation and strengthen the sustainable development of the blue economy.

4.3.3 Lastly, the EESC suggests that the Commission and Member States work to improve the statistical and methodological base at European and national level for measuring the scale and performance of established and emerging ocean-based industries and their contribution to the overall economy.

Brussels, 29 March 2017

Georges DASSIS

The president of the European Economic and Social Committee

⁵ Reference to the 2nd International Conference on MSP, jointly organised by the European Commission's DG MARE and UNESCO's Intergovernmental Oceanographic Commission. It will take place on 15-17 March 2017 at the UNESCO headquarters in Paris, France.