

**Contribution by the Danish Government 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)**

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Danish contribution to issues highlighted and questions posed by the Commission Green Paper on a Future Maritime Policy for the EU

The Commission Green Paper deals with a broad variety of maritime issues ranging from shipping and the environment to the development of coastal regions and fisheries. In what follows a presentation is given of the Danish view-points on issues and questions which are raised in the Green Paper. The view-points are presented follow the main chapters of the Green Paper. However, first the Danish position on what should be the aim of the future EU maritime policy is presented.

1. The Aim of the Future EU Maritime Policy

Given the great importance of the maritime sector to Danish society, Denmark is positive towards the goal of forming a holistic maritime policy. Denmark is surrounded by the sea and has a 7,300-km coastline. No point in Denmark is further than 50 km from the nearest sea or fiord. Denmark has more than 120 maritime ports, which handle more than 100,000,000 tonnes of cargo and an estimated amount of 58,000,000 passengers in transit per year. Landings by the Danish fishing fleet amounted to 1,054,236 tonnes in 2003 and Denmark is one of the world's largest exporters of fishing gear and other maritime equipment. Offshore energy production such as fossil fuels or renewable energy sources including off shore wind farms are of great importance to Danish energy production and the Danish economy. Denmark is a world leader in shipbuilding and maritime equipment – e.g. large container ships and two-stroke diesel engines. Danish shipping is one of main contributors to the Danish economy – in 2005, 16% of total Danish exports came from shipping. The Danish shipping fleet is the 7th largest in the EU with 8,359 GT registered under Danish flag in October 2006. Danish ship-owners owned 16,839 GT in 2006 irrespective of flag representing 2.5% of world GT. The Danish maritime cluster employs approximately 6% of the entire private work force.

The development of a holistic maritime policy for Europe should aim at growth and more and better jobs, thus helping to stimulate and ensure a strong, growing, competitive and sustainable maritime economy in harmony with the marine environment.

Because of globalisation the international division of work is increasing and the amount of goods being transported by sea will continue to rise. That is why shipping holds an enormous potential for economic growth and employment. The promotion of quality shipping will contribute to continued growth within the maritime clusters both at sea and on land. Such a development will also contribute to avoid Europe becoming dependent primarily on foreign operators providing Europe with energy and other production factors. The promotion of European shipping should therefore for many reasons be one of the top priorities of the maritime policy. Also within Europe maritime transport is important. A sustainable development of ports and port operators as well as equal competition in regard to ports and infrastructure should be in focus in a coherent maritime policy, especially considering the increasing amount of freight, which European ports and port operators will be faced with in future.

EU maritime policy should be based on:

- Effective implementation and enforcement of existing rules
- Clear Preference for global solutions in regard to areas affecting shipping and shipbuilding

- Promotion of the sustainable use of marine resources
- A recognition of the need to ensure global competitiveness of EU maritime industries

Important aspects of implementation for a future maritime policy will be to

- respect the subsidiarity principle and to bring added value
- encourage and promote maritime competencies, which can ensure innovation and growth in the maritime cluster
- encourage research, development and innovation in the whole maritime cluster
- implement the Marine Strategy Directive
- ensure more coherence between legislative initiatives taken in different sectoral areas so that the effects from legislative initiatives in one sector on other sectors are considered,
- ensure that impact assessments or integrated risk assessments accompany new initiatives and that they include a systematic evaluation of the impact on the marine environment and on sea-related activities and policies
- enhance the image of and knowledge about the maritime industries

2. Retaining Europe's Leadership in Sustainable Maritime Development

The Green Paper presents a range of thoughts, ideas and questions as to how Europe can retain its leadership within sustainable maritime development. Several areas are dealt with including the competitiveness of the maritime industry, the sustainable use of marine resources, marine spatial planning, the importance of knowledge, technology and innovation, the development of Europe's maritime skills and employment, clusters, and characteristics of the regulatory framework.

Competitiveness of the Maritime industry

Green Paper Question: How can European maritime sectors remain competitive, including taking into account specific needs of SMEs? What mechanisms should be in place to ensure that new maritime development is sustainable?

Shipping is a crucial contributor to growth and job creation both at sea and on shore. It is an engine for growth in the whole maritime cluster, which facilitates global trade and creates jobs both within the maritime sectors and within other sectors. In order for European shipping to take part in the development and growth associated with globalisation the maritime policy needs to be based on quality operators and to ensure stable and competitive framework conditions.

European shipping is facing strong competition from 3rd countries and an important element in ensuring growth within the sector will be to maintain the EU guidelines on state aid aiming at ensuring the international competitiveness of European Flags and shipping companies and the employment in the maritime sector. If there is no stable regulatory framework – including in regard to the economic conditions – the shipping sector would decline and this would have severe consequences for the entire maritime cluster.

In general, rules affecting shipping and ship-building should be global. Furthermore, such rules should allow for technical competitive advantages, which will facilitate development and innovation. Such an approach will ensure equal and better safety, social, environmental and security standards for ships and thereby strengthen the competitiveness of the European fleets and of the

European maritime manufacturing industries. This should be the case whether the regulation is regional or international in kind. That way, distortions in competition can be avoided, and also non European ships just transiting European waters will need to comply with the rules. Furthermore, regulating at the international level ensures that all ships will be able to meet the legislative requirements irrespective of flag as they will not be met by particular regional rules. If and when circumstances so require, European legislative action can take place as a last resort and should be in line with those of other international trading partners.

The Member States should continue to concentrate their efforts on the transposition and effective implementation of *existing* international and EU legislation on safety, social and security standards and protection of the marine environment into national legislation. Possible EU initiatives should be based on a recognised need and should only be taken in areas where they will contribute with a significant and demonstrable added value.

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

Green Paper Questions: How can maritime policy contribute to maintaining our ocean resources and environment? How can a maritime policy further the aims of the Marine Thematic Strategy? How can risk assessment best be used to further safety at sea?

The maritime sectors' contribution to maintaining our ocean resources and environment depend on their ability to demonstrate high levels of environmental performance and integration of environmental concerns in their daily activities and strategies. The environmental performance should comply with the requirements of international, regional, EU and national regulation.

The EU maritime policy should further contribute to the aims of the Marine Thematic Strategy by supporting the achievement of good environmental status as stipulated in the Marine Strategy Directive in order to facilitate an active integration of these measures in the strategic development plans of the marine sectors.

The maritime policy should furthermore enhance the understanding and knowledge of the structure and dynamics of the marine ecosystems, including the impact of human activities. Fisheries' impact on fish is well-known and management of fisheries is based on data collection, scientific research and advice, but little or nothing is known of the impact of other human activities than fishery on fish stocks. In this regard the maritime policy should give priority to cross-sectoral and coordinated data collection as well as assessment and scientific advice to all sectors influencing the marine environment and enable them to integrate a holistic approach in the use or management of the marine environment.

In relation to specific maritime sectors the maritime policy should:

- Support the Common Fisheries Policy efforts to improve and develop where appropriate new fishing methods and more species-selective fishing gears from new and improved materials with low impact on benthic communities and the seabed. To this end the Maritime Policy should encourage the organisation of teams of fishing operators, researchers, engineers and innovators. The maritime policy should play an important role to create economic growth and new jobs, as fish stocks are limited.

- Encourage the oil and gas extraction sector to further develop and implement improved technology, e.g. for drilling and operation of production facilities, waste management, pipeline standards and decommissioning in order to satisfy more stringent environmental requirements.
- Encourage the sand and gravel extraction sector as well as the relevant authorities and national beach nourishment programs to develop management schemes for designation of areas suitable for marine sand and gravel extraction. These schemes could include stricter environmental impact assessment, more comprehensive resource evaluation and dredging management schemes etc.
- Further support the improvement and more systematic implementation of integrated coastal zone management schemes in the EU-Member States.
- Encourage the development of tourism and recreational activities which are not detrimental to the marine environment or coasts.
- Ensure that in order to deal with the global character of pollution emanating from ships the main focus should be on global initiatives, i.e. within the IMO. For instance, air pollution from ships is not only caused by ships calling at European ports but also by ships passing European coastlines. Therefore, IMO initiatives should be supported, also in order to ensure an international level playing field for a global industry. The same goes for the question of efficient energy consumption. EU countries should ensure that air pollution is kept high on the IMO agenda and strive for a speeding up of the process, in particular regarding the reduction of greenhouse gases. Experience shows (i.e. MARPOL Annex VI) that once rules have been agreed in the IMO it may be easier to have these rules strengthened along the way. Progressive initiatives from the industry should also be encouraged and emphasized. The EU Member States should therefore push forward regarding the revision of MARPOL Annex VI. Member States should ratify the AFS and BWM conventions¹ and thereby contribute to their entering into force at an international level.
- Stress the importance of implementing environmental measures, which have been adopted in various other international fora and support the revision of MARPOL Annex V – Garbage, in order to tackle the question of litter in the marine environment.
- Encourage the development of an unambiguous language in EU and in other international regulations – in particular IMO MARPOL Convention - with respect to shipment of waste. This aspect should be taken into consideration in the ongoing review of the Port Facilities Directive. There may be a need to assess the Basel Convention and IMO regulations to prevent illegal shipments of waste. The EU and its Member States should support the elaboration of an international convention on ship-recycling within IMO.
- Support the ongoing work on the creation of an international set of rules regarding lightering of oil. It is untenable that national rules on the lightering of oil can be bypassed simply by moving the operation outside the territorial waters of a Member State.
- Encourage EMSA to make a proper assessment of risks to safety at sea and other risks to the environment building on thorough analyses and data in order to make a proper assessment of risks to safety at sea and other risks to the environment. The analyses should investigate what are the best means to achieve the desired goal of a cleaner marine environment. EMSA should investigate existing models of risk assessment with a view to developing/exchanging best practice between Member States.

¹ The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 and the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

Knowledge, technology and innovation

Green paper question: How can a European Marine Related Research Strategy be developed to further deepen our knowledge and promote new technologies? Should a European Marine Research Network be developed? What mechanisms can best turn knowledge into income and jobs? In what ways should stakeholders be involved? What further steps should the EU take to mitigate and adapt to climate change in the marine environment? How can innovative offshore renewable energy technologies be promoted and implemented? How can energy efficiency improvements and fuel diversification in shipping be achieved? What is needed to realise the potential benefits of blue biotechnology?

Innovation and the promotion of new technologies are important for many European maritime industries and could increase competitiveness and employment as well as the protection of the environment and a sustainable use of the marine resources.

Fishing opportunities are influenced by climate change and natural fluctuations in the marine environment. Climate changes (+2 degrees C) can increase the pressure on endangered species and fish stocks. Climate changes change the conditions to rebuilt fish stocks. New species can be attracted. New types of bacteria and algae diseases can threaten fish and the food security. More freshwater in the marine areas can result in lower salinity which can change the structure og functioning of the ecosystem, including fish species. Studies on genetics show that cod from the North Sea cannot easily be moved to the Baltic Sea. The adaptation of management systems, including surveillance systems should be considered. New fishing gears, new fishing methods and new vessels must be developed to exploit new fish species. And cooperation between neighbouring countries is needed.

The limited resources of fossil fuel and the need to protect the environment will necessitate new initiatives to ensure more efficient energy consumption both on land and at sea. Research programmes should be established at an EU level in order to underpin innovation in the field of energy efficient engines on ships. The EU and the Member States should continue to focus on a modal shift from land transport to shipping, including examination of the possibilities of improving efficiency in ports and improving the related infrastructure and administrative procedures. The IMO should continue to devote attention to enhancing the protection of the environment and developing the efficiency of energy consumption within shipping, including the promotion of new hull designs and optimisation of shipping routes.

Furthermore, research should be initiated on an EU level into whether the use of residual products from the oil industry as fuel in shipping is the best way of eliminating such products or whether alternative ways of disposing of the products could be envisaged. Research would also be an important tool in the further development of the “clean ship” concept. Research into more environmentally friendly types of fuel should be encouraged.

Moreover, there is great political and public pressure to reduce emissions of CO₂ and reduce the dependence on fossil fuels. Promoting offshore wind energy could be part of the solution. Large scale offshore installations, however, may have other environmental effects across borders. A hearing process regarding environmental impact assessments (EIAs) for projects and strategic environmental assessments (SEAs) for plans and programmes are governed by the EU directives on EIAs [85/337/EEC of 27 June 1985] and SEAs [2001/42/EF; 27 June 2001]. These directives

provide a consultation process between neighbouring countries in the planning of programmes and projects. The Maritime Policy could further facilitate the coordination of these processes, e.g. by offering guidance for exchange of best practices between Member States sharing the same Maritime Region or Sub-region as how to carry out marine spatial planning.

In a process of developing a set of recommendations, it should be considered to recommend countries to set up a one-stop-shop regime of dealing with project applications and the overall planning for new projects. For offshore wind projects, Denmark has a procedure in which the Ministry of Transport and Energy is in charge of coordinating all interests in the relevant area. This means that a project developer will get the relevant permissions from only one place, which creates significant reductions in the administrative burden for a developer. The advantage for the public administration system is that all parties are informed in the same process and diverging interests considered and weighed against each other.

Maritime Skills and Employment

Green Paper questions: How can the decline in the number of Europeans entering certain maritime professions be reversed and the safety and attractiveness of jobs ensured? How can better working conditions, wages and safety be combined with sectoral competitiveness? How can the quality of education, training and certification be assured?

The Green Paper's focus on maritime skills and competencies is to be welcomed. Both factors are essential in creating growth and employment in European maritime sectors. Ships under the flags of Member States should have competent and highly qualified seafarers, who are provided with good working and living conditions and who also respect the marine environment.

Member States need to ensure a high quality and positive image of the maritime educations and a high degree of employability and mobility of the maritime graduates. Member States should be encouraged to exchange information and learn from each others best practices to improve the competencies and skills of European seafarers and other employees within the maritime sectors. It has to be recalled that the maritime cluster *as a whole* – both at sea and on land – employs maritime graduates. A very large proportion of these will start out as seafarers but will later want to move into employment on land. Their knowledge and know-how will thereby contribute to continued growth and employment within the whole maritime cluster. Their skills should therefore ensure a maximum degree of mobility between jobs at sea and on land. The maritime skills in the technical and commercial departments are essential for the development of the shipping sector as well as nautical competencies. If European seafarers are well qualified, experience shows that they will have good employment opportunities and remuneration at sea and in land based maritime industries and their competitiveness in comparison with seafarers from 3rd countries will increase. Seafarers with relevant educational qualifications will find it easier to secure subsequent employment, especially if they have qualifications additional to the STCW requirements.

The Member States should continue to promote international education and training standards and ensure that IMO's white list becomes an efficient control method. Appropriate education and training is the foundation for a maritime career, both at sea and on the shore side. An important part of the career opportunities is the actual possibilities of subsequent employment. Hence, when considering career opportunities it is important to ensure that maritime graduates are an attractive work force for the industry. In order to become this, graduates from European countries should not

only comply with international regulation but should be able to constantly add value through optimisation and innovation of ship operations. The EU and its Member States should ensure that the international legal framework permits development of safe and efficient ship operations through innovation. Therefore, the EU and its Member States should promote more flexibility in the ways seafarers are trained and certified and in regard to how ships are operated.

The need to ensure qualified seafarers is paramount and an important element in avoiding accidents at sea which could lead to pollution of the environment. Not only European seafarers should be well qualified, but the Commission and EMSA should develop and use transparent and efficient methods to assess the competencies of 3rd country seafarers. This would entail that as far as some third countries are concerned, officers would be recognised only after having passed an operational test. That way a rigid system of denying recognition of all seafarers from a particular country, when some of its training institutions and/or seafarers do not fulfil all of the necessary requirements in the STCW Convention, can be avoided.

Not only the educational systems and the conditions on board ship may influence the career choice of young people. In this regard it is essential that the EU and its Member States ensure that seafarers' rights are respected in regard to the criminalisation of environmental damages.

The fishing industry also faces the challenge of attracting well qualified young people into the fishing profession. It is therefore important to have a regulatory framework on the standards of proficiency required for the fishing industry establishing high standards for training. Member States should therefore ratify the STCW-F convention as soon as possible. Furthermore, the Member States should be encouraged to establish programmes whereby well qualified officers on fishing vessels will be encouraged to supplement their qualifications in order to qualify for positions within the merchant fleet.

Further restrictions in regard to the manning of ships is not the way forward to ensure the competitiveness of European ships or the employability of the European seafarers. Without the possibility of hiring seafarers – including European ones – on “home/residence conditions” European ship-owners would not be competitive and they would register under non-European flags or use non-EU seafarers.

In order to further decent working and living conditions, Member States should ratify the Consolidated Maritime Labour Convention - if possible - by the year 2010 as specified by Council. The convention will also work to improve the image of the shipping industry and provide a level playing field for quality operators.

In order to promote safety at sea and to prevent maritime accidents and loss of life or serious injury it is essential that Member States not only investigate more traditional incidents, such as collisions or loss of ship. Efforts should also be put into investigating occupational accidents involving the loss of lives of seafarers or which have lead to personal injury. Therefore, these types of incidents should form part of the EU rules on accident investigation. This goes for fishing vessels as well as merchant vessels. The efforts in this respect will not only enhance safety and environmental protection but also work to make it more attractive for skilled young people to seek careers in the maritime profession at sea.

The existing EU rules on the improvement of maritime working environment on board ships should be internationalised. Focus should be on introducing mandatory international rules on areas such as noise and vibrations and exposure to chemicals within an IMO/ILO framework.

The Member States, the Commission and the social partners of the shipping industry should take the necessary steps to effectuate the initiatives mentioned in the Transport Council conclusions from December 2005 on maritime employment.

The synergy between EU regulation in regard to fishing quota and days at sea and the promotion of health and safety for fishermen should be explored and taken into account when the Commission puts forward legislative initiatives in this area.

The question of wages should be left to the social partners.

On the matter of the image of the seafaring profession hearsay and unfounded statements – not unlike some of those to be found in the green paper - about the poor working conditions and quality of life as a European seafarer has to be dealt with so that a fair portrayal of shipping as a modern attractive industry can be given. In this regard, there is a need for analyses of the actual working conditions within shipping so that unfounded myths can be dealt with. EMSA should carry out comparative analyses – which should include ships that are not flying EU flags – on the working and living conditions for seafarers.

Clusters

Green Paper questions: 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? How can the EU promote synergies between interrelated sectors?

The Maritime industries can cooperate and exchange information within maritime clusters and thereby together further develop the maritime industries. Valuable synergies between the maritime industries can be achieved. In particular, the industries can benefit mutually from the know-how, skills and maritime competencies which are generated from the shipping industry. For instance, competencies gained at sea is a valuable resource to be used by businesses on land and thereby generate more growth and jobs. The development of maritime cluster network organizations in several countries have proven to be successful. Although the primary responsibility for a profitable growth is placed on the industries themselves, the European Commission could support the maritime clusters by exchanging best practices and coordinating maritime issues within the different branches of the European Commission.

The Commission has published a call for tender on a study, partly on the development of a maritime policy for the European Union. One of the aims must be to compile statistical data on the size and composition of the different maritime clusters. The study should be the basis for monitoring the development within the maritime industries and its clusters.

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? Which exclusions of the maritime sector from some EU social legislation are still justified? Should further specific legal instruments on employment conditions in the maritime sector be encouraged? How can EU safety regulation be simplified while maintaining high level standards? To what extent can economic incentives, self-regulation and corporate social responsibility complement government regulation? What further EU action is needed to reply to the inadequacies of sub-standard flags and to provide incentives to register under European flags? Should an optional EU register be made available? What conditions and incentives could be contemplated for such a register?

The global regulatory regime is the basis of the EU regulatory framework, which affects shipping. The regulatory framework in which maritime businesses operate is a key factor for their global competitiveness, growth and employment performance. Therefore, the EU Member States should support that the international as well as the Community regulatory environment is simple and of high quality.

There is in general no foreseeable need for additional regulatory measures at an EU level in addition to those already planned.

However, as a natural part of an EU maritime sector characterized by good governance, a recognized need for the introduction of new pieces of legislation should be accompanied by an impact assessment and a substantial and representative summary of the input received by the Commission from stakeholders through the process of public consultation. All EU legislation needs to be based on solid facts and a clear link between the chosen means and the desired ends. When introducing new regulation, the administrative burdens for businesses, national administrations and end users should not be increased. If such an increase is unavoidable it must be kept at an absolute minimum and must be proportionate with the legislative aim. In general, new legislation for shipping should be of an international nature and its necessity should be based on a formal safety assessment so as to ensure the above aims. Regulatory work in parallel to the international initiatives has to be avoided in order for European maritime industries to be competitive. Regulatory measures, whether they are international or regional, should facilitate new and innovative solutions and the use of new technologies.

The existing regulatory framework within maritime policy making should be simplified and adjusted where appropriate in order to enhance competitiveness and to avoid bureaucracy. The Commission's initiative to go through its maritime legislation in order to identify possible policy contradictions or potential synergies, is welcomed. In addition, obsolete, unnecessary growth-hampering regulation should be removed. The Commission also needs to actively proceed proposals for further simplifications annually submitted by member States.

A basic condition of obtaining a reduction of the administrative burdens put on the maritime sector is to measure the administrative burdens related to existing and new legislation by a common standard cost model and to fix a reduction target specifying a reduction of the administrative burdens. The Commission's proposal to reduce the administrative burdens by 25% before 2012 is an efficient way forward.

In order to enhance progress and openness, the Commission should annually report to Member States on the results of their action taken in order to promote specific proposals and to fulfil the overall aim of better regulation.

As regards the question of justified exclusions of the maritime sector from EU social legislation, which is also dealt with in the Green Paper, land based solutions are often not useful when it comes to shipping. The directive on posting of workers and the directive on the transfer of undertakings are clear examples which spring to mind. Instead, ratification by the EU Member States of the ILO Maritime Labour Conventions should take place.

On the question of action needed in order to deal with sub-standard flags, the EU Member States should work in favour of increased openness and transparency in relation to IMO audits and in favour of mandatory IMO audit. Member States will take whatever action they themselves deem necessary in order to create incentives to register under their individual flags.

The EU Member States and the Community should support the work on Goal Based Standards within the IMO and initiatives, which encourage the industry to self regulate, should be supported.

Furthermore, the work in regard to making the Port State control on sub-standard ships more effective should continue. The new directive on Port State Control should contribute to the enhancement of safety and the promotion of quality shipping.

As for an optional EU register mentioned by the Commission, this would not contribute any added value. Whatever incentives in favour of quality shipping which we wish to create within the EU should be general covering all European ship-owners – not just those who might have chosen to register under the EU register. Rather than introducing an EU register existing tools to promote quality shipping should be supported – such as the revised targeting system of substandard ships in PSC, by which quality ships get a positive incentive. Other incentives in favour of attracting quality shipping should be consistent with the community guidelines on state aid. Furthermore, an EU register would not respect the principle of subsidiarity and the division of roles between the Community and the Member States.

3. Maximising Quality of Life in Coastal Regions

The Green Paper asks how quality of life in coastal regions can be maintained.

Coastal areas as a place to live and work,

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

Large parts of Denmark are coastal areas. Therefore development of coastal areas is an integrated part of the efforts to create economic growth, employment and innovation in all parts of the country.

The Danish programmes under the European Structural Funds are aimed at creating growth and jobs in all parts of the country. The programmes are implemented by six regional growth foras to support each forum's business development strategy. The regional strategies focus on regional development of good framework conditions for enterprises using new technologies, innovation, entrepreneurship and development of the human resources.

Furthermore, the European Rural Development Programme (RDP) and the European Fisheries Fund programme (EFF) can assist toward promoting new jobs and the quality of life in rural and fisheries areas. Different kind of measures can be provided in coastal regions according to a local development plan in the Leader-system as part of RDP and EFF. The measures which can be included in the local development plan are mainly diversification into non-agricultural or non-fisheries activities, establishment/development of micro-enterprises, tourism and establishment of service facilities, renewal in villages and preservation of the natural and cultural heritage.

Sea-related risks and threats

Green Paper question: What must be done to reduce the vulnerability of coastal regions to risks from floods and erosion? What further cooperation is needed in the EU to respond adequately to natural disasters? How can our shores and coastal waters be better policed to prevent human threats?

Marine resources and coastal regions will be affected by climate changes.

No doubt shipping is a highly environmentally friendly form of transport. In spite of the fact that the maritime sector is not the first/main polluter of the sea, strong efforts have been made to further improve the safety standards of ships to prevent pollution from ships in order to protect the marine environment. Recent years have seen some large-scale pollution accidents, which highlight the fact that the transport of oil and other noxious substances by sea can pose a risk to coastal regions and the marine environment. Furthermore, the world is facing climate change and although the transport of goods by sea involves a very limited amount of CO₂-emissions when compared to the amount of tonnage, which is being transported, shipping should also contribute to the reduction of emissions.

In order to address these risks posed to the environment it is of vital importance that the EU Member States as well as the Commission not only focus on the implementation of the Marine Strategy at national level, but also are committed to supporting initiatives which are taking place within the IMO and which will help to alleviate risks. Furthermore, the IMO voluntary audit scheme should be supported and whenever possible strengthened and made mandatory in order to ensure that shortcomings in flag states' fulfilment of requirements are addressed. In addition, input should be made into the ongoing deliberations on a revision of MARPOL Annex VI regarding air emissions, and further input is necessary in order to stimulate the debate on CO₂ emissions. Even though the flag state has the primary responsibility, priority should be given to strengthening Port State Control - where Member States are working both regionally and internationally to enhance control - and a continued focus should be kept on making sure that IMO Member States fulfil their obligations.

Recognition of and efficient implementation of flag state responsibilities supplemented by effective Port State Control measures are means of ensuring safety, the environment and security.

The question of the supply chain complex of problems should be dealt with in a way that takes into consideration both the domestic EU focus and the international character of EU shipping. If security measures in the supply chain are to be discussed, maritime transport must be considered as part of the supply chain. The existing relevant security measures have to be taken into account, for example the ISPS code.

Bearing in mind the threat of terrorism, it is essential to focus on security as well. The implementation of the ISPS code is an important step toward increasing security. The code has

already been implemented for shipping but it might be necessary to take measures within other modes of transport. Exchange of best practice might be a good idea. There is no need for the creation of new monitoring systems for ships. Member States should furthermore be encouraged to ratify the new SUA instruments.

The Member States should work together to ensure well functioning places of refuge and practical outcomes on Particularly Sensitive Sea Areas (PSSA), taking full account of international guidance and law of the sea considerations.

Coastal tourism

How can innovation in services and products related to coastal tourism be effectively supported? What specific measures promoting the sustainable tourism development of coastal regions and islands should be taken at EU level?

The development and growth in the tourism industry is highly dependant on maintaining an effective port sector as well as secure, safe and environmentally friendly shipping and an attractive marine environment. Furthermore, coastal tourism initiatives depend heavily on local geographical capacities, local knowledge and the ability to offer attractive and differentiated tourism products. EU action in regard to coastal tourism should therefore make use of the Open Method of Coordination whereby Member States can benefit from the exchange of best practice.

Managing the Land/Sea Interface

Green Paper question: How can ICZM be successfully implemented? How can the EU best ensure the continued sustainable development of ports? What role can be played by regional centres of maritime excellence?

The Commission's continued focus on a modal shift from land transport to shipping is supported. The Commission is to present an action plan on freight transport logistics in 2007. Any initiatives within this area should contribute to increased transport efficiency and not work counter to international efforts in regard to rules on contractual liability within UNCITRAL.

Increased growth and employment – as sought by the Lisbon strategy – should be ensured in the development of ports through equal competition within the European ports combined with further harmonisation of the basis for providing state aid to the European ports. Highly efficient ports will also contribute to further growth.

In conjunction with the question of development of ports the Green Paper mentions Short Sea Shipping and Motorways of the Sea as areas, which should be further promoted within an integrated EU transport system. This should be supported but at the same time it has to be stressed that the promotion of Short Sea Shipping and Motorways of the Sea needs to be done in such a way that rules and legislation are in compliance with international regulation (IMO / ILO / ISO). EU funds should be limited to investments in infrastructure, studies and facilities. Equal access for all shipping operators needs to be ensured. Distortion of competition must be avoided. Reference is made to the council conclusions on short sea shipping of the 2772nd Council meeting (Transport Telecommunications and Energy Council meeting of 11 December 2006).

Successful implementation of ICZM principles should be addressed by the Member States as part of implementation of the maritime policy.

4. Providing the Tools to Manage our Relations with the Oceans

The Commission believes that better tools for managing the sea should be made available. In particular it points to a need for better data, it sees a need for the creation of a system of spatial planning, and it asks according to which principles financial support for coastal regions should be distributed.

European Marine Data and Observation Network

Green Paper questions: How can a European Marine Observation and Data Network be set up, maintained and financed on a sustainable basis? Should a comprehensive network of existing and future vessel tracking systems be developed for the coastal waters of the EU? What data sources should it use, how would these be integrated, and to whom would it deliver services?

European data sharing and exchange of information in regard to marine data should be encouraged. At the same time it has to be recalled that important international cooperation takes place on a global scale, harmonizing methods and standards for all nations, not just for EU member states. Coordination within the EU should follow already existing agreements and international standards. As a first step, it is necessary to identify and to catalogue EU's needs and requirements for marine data and products. It is also important to identify all relevant national and international agencies and institutes which are a part of the marine data infrastructure which would benefit from an increased data exchange. This is to avoid duplication of effort and unnecessary competition between relevant agencies and authorities.

From a shipping point of view there is at present no need for a comprehensive network in addition to SafeSeaNet. SafeSeaNet in its modular construction is a useful tool to exchange information between Member States.

Spatial planning

Green Paper questions: What are the principles and mechanisms that should underpin maritime spatial planning systems? How can systems for planning on land and sea be made compatible?

The EU should facilitate discussion and coordination between Member States sharing the same Maritime Region or Sub-region on maritime spatial planning, notwithstanding the principle of subsidiarity. This will result in offering guidance including principles as to how Member States carry out their maritime spatial planning. A way forward could be for the EU to facilitate the exchange of best practice between Member States and/or the development of best practice at national/regional/subregional level. A best practice should include guidance for coordination of data collection to improve planning and mapping of the marine environment. Another best practise would be the one-stop shop for the preparation of permission for large scale projects at sea. This includes a consultative procedure among the national authorities, which weighs up and counterbalances possible conflicting interests at sea. Denmark would be interested in participating in the formulation of such practices.

Maritime spatial planning activities must respect the international legislation – particularly UNCLOS, the SOLAS and COLREG Conventions, and the general principles in IMO’s General Provisions on Ships’Routeing (Res. A.572(14), as amended).

The Green Paper elsewhere points to the sea transport of energy by tankers as an area which raises concerns from the perspective of safety and potential environmental impacts of accidents. This is no doubt true, but when it comes to the proposed creation of guidelines for a dedicated Trans-European Network (TEN) for hydrocarbons there is reason for concern. Ships routings are to be based on UNCLOS with the IMO as the competent organisation. If sea transport of energy is to be regulated it has to be done by the use of international rules. In addition: any action related to the establishment of (a network of) dedicated and/or mandatory traffic routes should be preceded by (1) a thorough analysis of the safety-effects of such a measure and (2) a comprehensive cost/benefit analysis.

Efforts should be made to secure a balance between free passage and management of navigation in areas where there is an increased risk of accidents. EU Member States should support the work in the IOPC on promotion of quality shipping.

Financial instruments and Coastal regions

Green Paper questions: How can EU financial instruments best contribute to the achievement of maritime policy goals? How should maritime policy be reflected in the discussion relating to the next EU Financial Framework?

Any expenses in regard to the allocation of funds to coastal regions obviously need to be kept within the framework of the financial perspectives 2007-2013. Funds should primarily be allocated to projects which will enhance economic growth, employment and innovation. Denmark supports the thematic - and non-geographical - approach from the Lisbon-Strategy. From a Danish point of view focus should be on the development of good framework conditions for the enterprises in all parts of the country using new technologies, innovation, entrepreneurship and the development of human resources. Because the microzoning approach was abandoned for the programming period 2007-2013 Denmark does not support specific treatment or financial allocations to coastal areas. Enterprises in the coastal areas will have the same opportunities as enterprises in other geographical regions

Denmark is of the opinion that funding through the EIB in the coastal areas is already a possibility. If projects fall under the EIB’s present priorities, such as for example economic and social cohesion, implementation of the i2i, development of Trans-European and Access Networks, support for SMEs and environmental sustainability, projects can be considered for funding. Denmark is not of the opinion that the coastal areas should be a specific priority for the EIB, but will welcome projects within the coastal areas.

5. Maritime Governance

The Green Paper puts forward ideas on governance of maritime affairs.

Policy Making within the EU

Green Paper question: How can an integrated approach to maritime affairs be implemented in the EU? What principles should underlie it? Should an annual conference on best practice in maritime governance be held?

Any EU action in the field of maritime policy should add value. If it does not, action should be left to Member States and/or international organisations. Responsibility should rest and action be taken at EU level in cases where:

- there is a clear, evidence-based case for action, *and*
- impact assessment demonstrates a favourable cost-benefit ratio, such that the principle of proportionality is satisfied, *and*
- action by Member States, individually or severally, would clearly be less effective, less efficient or both, *and*
- action at global level would clearly be less effective, less efficient or both.

The Commission sets out five general guiding principles for maritime policy making (green paper p. 37). These principles are supported but should be supplemented with a principle which says that policy making affecting shipping, shipbuilding and navigation should take place primarily via international rule making. Maritime policy making should furthermore promote competitiveness, economic growth, environmental sustainability, employment, and safety and security.

The Commission proposes the creation of a horizontal Council working group alongside COMAR. There is no need for the creation of such a working group. However, in order to find a common position a streamlined procedure should be set up to be followed in good time before meetings in international fora, when fish or fisheries matters are on their agenda.

The EU and the Member States need to have a common vision of what goals to pursue. When new regulation is introduced it needs to be considered whether it pursues the right goals and what its consequences will be for all sectors – including for businesses and the environment.

DG TREN's work on the transformation of the new ILO convention shows that a natural next step would be for there to be a transfer of competence within the Commission in the field of occupational health for seafarers to DG TREN.

EMSA

In connection with the question of policy-making within the EU it seems logical to ask if any changes to EMSA's tasks ought to be made.

There seems to be some new areas where EMSA could perform additional roles in a technical and advisory capacity. New tasks should be designed by an amendment to the existing EMSA Regulation with

- a clear description of the task, and
- proof that an overall reduction of administrative burdens in Member States is achievable.

Tasks for EMSA could be to

- further promote cooperation between maritime administrations, in addition to the mentoring and partnership arrangements with the new Member States
- arrangement of work shops on matters of a more technical kind and thereby train Member State experts
- provision of expert advice on matters of a more technical kind - Often Member States will lack expert knowledge or resources within certain areas. It could save Member States time and effort if they could draw upon EMSA expert advice
- provision of expertise to the Member States upon request in regard to the implementation of the HNS Convention
- cooperation and dialogue within the area of marine research and the sustained collection of marine datasets – as mentioned in the Green Paper – seem to involve tasks, which EMSA could undertake.

The provision of assistance to the Member States in areas where these lack expert knowledge seems to be a sensible way of complementing or even replacing national obligations and tasks. EMSA should thus work as a “consultant” to the Member States’ administrations providing analysis upon request.

EMSA performs a range of duties which have been delegated to it from the Commission and/or the Member States. An example of this is auditing of Class Societies. It might be considered to give EMSA an increased role in such areas so that the Member States can withdraw from the quality assurance role, where these are duplicated today, achieving economies of scale both for the public sector (by reducing duplication and cost) and for the private sector.

EMSA’s work must **always** be accompanied by openness and transparency in its relations with the Member States – including when EMSA carries out work for the Commission. EMSA must carry out its activities in a way that can inspire modern maritime administrations.

The Offshore Activities of Governments

Green Paper questions: How can the EU help to stimulate greater coherence, cost efficiency and coordination between the activities of government on EU coastal waters? Should an EU coast guard service be set up? What might be its aim and functions? For what other activities should a Common European Maritime Space” be developed?

It is essential that whatever needs for coordination, which Member States might identify, take place in such a way that it respects international conventions such as UNCLOS.

Traditionally, coast guard services consist of a number of different tasks ranging from search and rescue to border control. It is yet unclear what is meant by an “EU coast guard service”. The

outcome of the discussion on the study undertaken by the European Commission is therefore important. Added value should be found in cooperation on a regional level between national coast guards in stead of establishing parallel coast guard capabilities in addition to those functions, which the Member States already perform. Moreover, possible initiatives in this field should be coherent with and coordinated with activities within the EU Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Frontex. The exchange of relevant information between regions may be further enhanced by the future development of the SafeSeaNet system.

Although the apparent intentions of the Green Paper to promote and facilitate Short Sea Shipping are welcomed, Denmark is highly sceptical towards the concept of a “Common European Maritime Space” as it is outlined by the Commission. The development and implementation of such a concept would be disproportional and even counter-productive to its potential benefits. Its implementation will hardly be possible within the context of UNCLOS and will most likely lead to a need for WTO restrictions on trade in maritime transport services. Shipping is global in nature and the creation of European regional rules in regard to safety, security and environmental protection will not only be detrimental to the competitiveness of European shipping. It will also discourage ship-owners from flying European flags and undermine the global character of existing international regulation and conventions.

The elimination of administrative burdens on shipping can take place without the creation of a Common European Maritime Space. It is very important that a simplification and streamlining of the existing regulatory framework and current procedures takes place in order to enhance overall efficiency taking into account the principle of the Lisbon Strategy and better regulation.

International Rules for Global Activities

Green Paper questions: How can the EU best bring its weight to bear in international maritime fora? Should the European Community become a member of more multilateral maritime organisations? What action should the EU undertake to strengthen international efforts to eliminate IUU 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?

Ratification of international conventions

The question of ratification of international conventions needs to be decided upon on a case by case basis. A strategy involving the automatic Community ratification of adopted conventions is not desirable.

In those instances where the EU sets in motion the implementation of an international convention through EU law, the implementing directive should stipulate that ratification and implementation of the international convention itself will be considered as fulfilment of the directive. That way Member States will be given the possibility of implementing the directive by ratifying and implementing the international convention. This will work to improve the rate of ratification of international conventions among EU countries (cf. the slow pace of ratification of the AFS and BWM treaties).

The ratification of the AFS and the BWM conventions should be promoted to ensure that they will enter into force at an international level.

Membership of the IMO

There has not been support among EU Member States for the Commission's proposal regarding Membership of the Community in IMO and it is difficult to see any reasons for introducing such a change. Arrangements for so-called workload sharing should be maintained and developed. When the EU acts in an IMO context it should be on the basis of a documented need for such action and proven added value.

When negotiating in the IMO there should be such flexibility in approach that it allows for "real negotiations" sur place while respecting Council procedures. The present so-called "handling paper" of October 2005 ensures that this is the case.

EU external policy

Where possible the EU could link sustainable maritime policies and ratification of international maritime conventions to the question of access to the EU market in negotiations concerning general trade agreements. EU external support measures (developing aid) could also give increased priority to these issues.

Denmark welcomes the consultation paper on the initiatives envisaged by the Commission to improve the fight of the European Community against Illegal, Unreported and Unregulated (IUU) fishing (ND 6/07, 11 January 2007). Every aspect to combat IUU fishing should be thoroughly examined before decisions are taken.

The European countries share a common interest in an enhanced European effort against incidents of piracy and armed robbery thus securing safe conditions for European ships and seafarers in the global shipping trade. The momentum created by the November 2005 IMO Assembly resolution and the March 2006 statement from the UN Security Council offers a natural starting point for further increased efforts on this important issue.

The EU countries can co-operate actively at a global level including within the IMO to further enhance the international commitment to the fight against piracy and to explore new modes of assisting the administrations of relevant third countries to the mutual benefit of both littoral and user states.

The countries can e.g. support the IMO's initiatives against piracy and provide technical assistance through the IMO by participating in regional seminars on e.g. anti-piracy procedures and capacity building in high-risk areas.

Priority should be given to co-operation and dialogue with the relevant third countries in order to create the necessary understanding of the seriousness of the problem at hand and the need to act. However, in addition to this EU external policy measures, e.g. in the form of economic influence with third countries, can be used to require action to be taken by them to improve security in relation to piracy and armed robbery, and the prosecution of perpetrators.

International initiatives on ship recycling

Any EU initiatives on the issue of ship recycling must be beneficial to an international solution.

The work in the MEPC regarding ship recycling should be supported strongly. It should aim to create one single international ship recycling instrument in the framework of IMO. Experience from ILO and the Basel Convention should be incorporated. The new instrument should cover ships generally and will clarify the terms when ships for recycling are transferred between jurisdictions.

In the period until the new instruments have been put into place ship-owners should be encouraged to continue their work on best practice and guidelines in order to implement the new instruments as far as possible ensuring an environmentally sound management of the recycling process.

Bilateral boarding agreements

Member States are free to conclude bilateral agreements on boarding and consequently free to decide whether or not to hand over jurisdiction to other states. There is no need for Community action in this field.

Trade

No doubt international maritime transport is indispensable as the necessary mode of quick and cost-efficient transport for the increasingly globalised world trade.

Proactive attempts should be made by the EU – preferably in co-operation with the shipping industry – to continue to investigate ways in which maritime transport can benefit from globalisation.

Countries or areas where extended market access is of specific importance from an actual or potential economic view should continue to be targeted by the Community and the Member States.

Support should be given to continued and active efforts in the field of international shipping policy to further European interests in global shipping, by e.g. achieving the best possible trade agreements with third countries representing the most important growth markets.

The interconnection between growth in trade and international maritime transport should be clearly reflected in EU bilateral trade agreements with third countries. Specific maritime clauses should form part of the general trade agreements securing open and unrestricted market access including possibility to establish and cover provision of international maritime transport services, auxiliary services as well as access to and use of port facilities.

In order to achieve most influence, Member States should be encouraged to involve their shipping experts in all the relevant negotiation fora within the EU.

The continuous process of cooperation with China is supported. Work on a shipping agreement with India should continue.

The slow process of the WTO negotiations underlines the need for progress through bilateral agreements.

UNCLOS and the EEZ

A revision of UNCLOS in order to make it possible for the EU to put further restrictions on free passage in the EEZ and in international waters cannot be supported.

International regulation already provides many possibilities to regulate free passage. Therefore, an EU initiative is neither necessary nor desirable. When and if environmental risks are identified the Member States should contribute actively to the establishment of international rules, which will secure an appropriate and adequate balance between today's concerns of flag states and coastal states within the context of the IMO.

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

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

A new horizontal maritime policy is a way forward to reclaim Europe's maritime heritage. Such a heritage calls also for the protection of the environment and the sea based resources. The implementation of the marine strategy is of paramount importance.

Also, at European level there should be an increased awareness of the importance of shipping, not only for growth and employment but also for the everyday lives and economic situation of Europeans. Shipping is what keeps the globalised economy together and thereby promotes European job creation – both within maritime sectors and other sectors.