Executive Summary

A Comparison:

EU and US Ocean Policy

Prepared by:

Ecologic Insitute

Andrew Reid, Sandra Cavalieri, Emily McGlynn

CALAMAR

Cooperation Across the Atlantic for Marine Governance Integration

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About CALAMAR

The Cooperation Across the Atlantic for Marine Governance Integration (CALAMAR) project aimed to strengthen networks among key maritime stakeholders in the EU and US, and contribute policy recommendations to improve integration of maritime policies and promote transatlantic cooperation. The project convened a dialogue including more than 40 experts from both sides of the Atlantic. The CALAMAR project began in January 2010 and culminated in a final conference in Lisbon, Portugal on April 11-12, 2011 where the Working Groups' conclusions were presented. Two reports were developed to complement the dialogue by providing background information and assessments. that: 1) compare EU and US maritime policy, and 2) identify opportunities and challenges for integrated maritime governance. A third report lays out policy recommendations for improved transatlantic cooperation in maritime governance based on the recommendations selected by the working groups throughout their discussions over the course of the CALAMAR project. All project reports are available on the project website at the following link: http://www.calamar-dialogue.org/.

The following report is the executive summary of the first of the two reports developed to complement the dialogue, and was produced with the assistance of the European Union within the framework of the Pilot Project on Transatlantic Methods for Handling Global Challenges. The contents of this report are the sole responsibility of Ecologic Institute (Germany) and its partners, Meridian Institute (US), Duke University (US), Institute for Sustainable Development and International Relations - IDDRI (France) and University of Delaware (US) and do not necessarily reflect the views of the European Union.

Acknowledgments

About Ecologic Institute

The Ecologic Institute is a private not-for-profit think tank for applied environmental research, policy analysis and consultancy with offices in Berlin, Brussels, Vienna, and Washington DC. An independent, non-partisan body, the Ecologic Institute is dedicated to bringing fresh ideas to environmental policies and sustainable development. The Ecologic Institute's work programme focuses on obtaining practical results. It covers the entire spectrum of environmental issues, including the integration of environmental concerns into other policy fields. Founded in 1995, the Ecologic Institute is a partner in the network of Institutes for European Environmental Policy. The Ecologic Institute acts in the public interest; donations are tax-deductible.

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1   Introduction

In the face of exacerbated climate change and increased global demand for marine resources, the European Union (EU) and the United States (US) have a common interest in conserving marine resources while sustainably developing the maritime economy.[1] At the same time, the EU and the US face challenges in developing an integrated maritime governance framework, which could help foster these goals. Key obstacles stem from a reliance on sector-based governance approaches, as well as inherent complexity in managing a growing number of interconnected activities across different levels of government. Enhanced cooperation between the EU and US in developing joint approaches, exchanging best practices and identifying opportunities to strengthen collaboration could lead to improvements in ocean governance. Opportunities exist for increased coordination in international venues, notably the UN fora, such as the United Nations Convention on the Law of the Sea (UNCLOS) and its associated processes, to address common concerns, such as preventing illegal, unreported, and unregulated (IUU) fishing and protecting biodiversity in the high seas.

In response to the need to improve transatlantic cooperation in maritime governance, the EU funded the CALAMAR project, an 18-month dialogue that brings together experts from the EU and US to develop a set of recommendations. This summary provides a brief overview of the first of two reports supporting this dialogue, presenting and comparing EU and US approaches to ocean and coastal management. This summary briefly outlines each section of the full report:

- **Chapter 2 – European Union ocean and coastal policy**: This chapter presents the strategic interests of the EU and its future vision for coastal and ocean management, describes the overall governance and legal structures of the EU. It also describes existing EU maritime policies and overviews the role of the EU in international fora.

- **Chapter 3 – United States ocean and coastal policy:** This chapter presents the strategic interests of the US and its future vision for coastal and ocean management, as well as the US's overall governance structure and the key state-federal relationship concerning ocean and coastal policy. It also highlights prospects for US ocean governance and outlines the role of the US in international fora.

- **Chapter 4 – Comparison of EU and US ocean and coastal policies:** This chapter provides background and a comparison of major EU and US marine policies on emerging marine issues, both at the domestic and international levels.

- **Chapter 5 – Potential for EU and US cooperation:** This chapter presents an overview of the various existing and potential mechanisms for collaboration between the US and EU. It also highlights recent discussions in key international fora related to maritime governance.

2 European Union ocean and coastal policy

2.1 EU strategic interests and vision for ocean management

The marine environment has historically been crucial to Europe's cultural and economic development. This is no less true today, as the intensity and scope of Europe's maritime activities are expanding due to advances in technology and increased demand. The EU has stated that it is "at a crossroads in our relationship with the ocean".[2] Simultaneously, recent decades have witnessed a growing recognition of the limitations of sector-based maritime policies, owing to the strong interlinkages of matters related to the marine environment. To this end, the EU is implementing a new system of holistic maritime policies, most notably through the Integrated Maritime Policy (IMP), and its environmental pillar, the Marine Strategy Framework Directive (MSFD), which are discussed further below.

EU Maritime Facts and Figures

- The EU's coastline is 3 times longer than that of the US and 2 times that of Russia;
- Almost half the EU's population lives within 50km of the coast
- The EU's marine surface area is larger than its terrestrial area
- Maritime regions account for over 40% of Europe's GDP
- 90% of EU's external trade and 40% of internal trade are transported by sea.
- 40% of the world's merchant fleet is owned by European companies
- 4 EU Member States have overseas territories providing access to fishing areas and other marine resources

2.2 Governance framework in the EU

The EU lacks the sovereignty of a single state but is more powerful than a loose grouping of countries. Through a political and economic partnership, the 27 Member States voluntarily entrust some of their sovereignty to a set of common institutions that govern their shared interests.[3] To this end, the EU and Member States have both shared and exclusive competences, operating under the following three principles:

- The EU will only act where Member States lack the capacity to act alone or where EU level action is deemed more effective.

- The EU must always take the route of least intervention, e.g., the action should be the minimum needed to achieve the objectives of a treaty.

- The EU is a voluntary union and as such, is only able to take action in policy areas that have been explicitly mentioned in treaties agreed on by all Member States.

The EU has three legislative institutions.[4] The European Commission is the EU's administrative wing, proposing and implementing legislation in the interest of the entire EU. It is divided into Directorate Generals that act much like civil service departments. Legislative proposals from the Commission are debated and adopted by the European Parliament (elected representatives from Member States)[5] and the Council of the European Union (ministerial representatives from Member States chosen for the topic being discussed).[6]

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Other important EU governance bodies and institutions include: the European Court of Justice (an independent judicial body), advisory bodies (to facilitate stakeholder consultation), as well as

specialized and decentralized agencies, such as the Communities Fisheries Control Agency and the European Maritime Safety Agency (EMSA).

The two most powerful EU legislative mechanisms are regulations and directives, being legal instruments that most closely resemble national laws. Where the EU has exclusive competence, the use of regulations is most likely. Regulations are immediately binding and applicable in all Member States, with primacy over national law.[7] In areas of shared competence, such as the environment, legislation is more likely to be a directive, such as the MSFD.[8] A directive is binding in terms of its goal, but leaves the manner of implementation to the national authorities. A directive requires at least one national act of implementation to be created within two years.[9]

The implementation of EU legislation on ocean and coastal policy has been complicated by the fact that EU must base legislative acts upon *one* specific competence, which forces it to use a sector-based approach.

2.3 Integrated approaches in the EU and its Member States

The EU recognizes the need to overcome sectoral fragmentation and has launched a series of initiatives to examine how policies like fisheries, transport, environment, energy, industry or research policy could be combined to ensure the viability of ocean and coastal sectors and coastal regions. Actually achieving this goal, however, remains a challenge. The initiatives must consider conflicting stakeholder interests, divergent actions in different policy areas, and the structural challenges common to multi-level governance systems. The following summarizes the two most significant maritime policy integration initiatives undertaken by the EU: the IMP and MSFD. For information on other key EU initiatives please see the full report.

Integrated Maritime Policy (IMP)[10]

The IMP is a broad political initiative for achieving a more integrated and holistic approach to governing EU marine waters, so as to "enhance Europe's capacity to face the challenges of globalization and competitiveness, climate change, degradation of the marine environment, maritime safety and security, and energy security and sustainability".[11] The IMP has a twin focus on economic development and environmental sustainability, and aims to contribute to the targets set out in the 2010 EU economic reform package, "Europe 2020".[12]

In 2007, based on a yearlong stakeholder consultation process, the EU adopted a Blue Book and Action Plan for the IMP. Broad goals in the Blue Book range from maximizing the sustainable use of the oceans to raising the visibility of maritime Europe. The Action Plan contains 65 proposals for specific actions to further the integration of

> **IMP Blue Book Recommendations**
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> The 2007 IMP Blue Book highlighted the following potential programme of work:
> - A European Maritime Transport Space without barriers
> - An EU Marine Research Strategy
> - The development of national IMP policies
> - An EU maritime surveillance network
> - A Roadmap towards maritime spatial planning by Member States
> - A Strategy to mitigate the effects of Climate Change on coastal regions
> - Reduction of CO_2 emissions and pollution by shipping
> - Elimination of pirate fishing and destructive high seas bottom trawling
> - An EU network of maritime clusters
> - A review of EU labour law exemptions for the shipping and fishing sectors

European maritime policies, with initiatives on issue areas including: surveillance activities, ports policy and maritime transport; maritime spatial planning and integrated coastal zone

management; sustainable maritime tourism; and implementation of an ecosystem-based approach to European fisheries.

A 2009 review by the European Commission concluded with confidence that the IMP had established itself as a new approach to enhance the optimal development of all sea-related activities in a sustainable manner.[13]

Marine Strategy Framework Directive (MSFD)[14]

Adopted in 2008, the MSFD requires Member States to develop a strategy to achieve good environmental status in their marine waters by 2020. The ultimate aim of the MSFD's good environmental status objective is maintaining biodiversity and providing diverse and dynamic oceans and seas that are clean, healthy, and productive. It does not seek the unrealistic goal of a non-impacted, pristine state of the environment but rather seeks to find a balance between environmental protection and the use of marine resources and adverse effects of human activities.

As it is a Directive, the targets are binding, even as the method of implementation is left to the determination of the individual Member States. The MSFD dictates that Member States' strategies should be developed in close collaboration with

> **Relationship between IMP and MSFD**
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> The MSFD is a legally binding instrument, while the IMP is a broad political initiative. The envisioned role of the MSFD, and its relationship to the IMP, has changed notably since adoption. During its creation, the MSFD was considered to be the environmental pillar of the IMP, but this has subsequently been expanded upon. Reference to the MSFD as the environmental pillar of the IMP has been constant, but there has also been an increasing implication that the MSFD should be integrated into all policy sectors as a cross-cutting concern. To this end, the MSFD is being increasingly referred to as the platform through which IMP activities will be developed.

maritime stakeholders, to take into account the European vision for the oceans and seas, and are to be guided by the principles of subsidiarity, competitiveness and economic development, the ecosystem approach and the principle of stakeholder participation.[15] Furthermore, the text of the MSFD includes a list of descriptors for measuring good environmental status, as well as an indicative list of marine pressures, characteristics and impacts, and an indicative list of characteristics to be taken into account for setting environmental targets.

2.4 EU international cooperation

The EU and its Member States are parties to more than 100 multilateral agreements related to maritime affairs and thereby often cooperate with the US and other nations. One element

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influencing an effective EU policy on international maritime issues is the status of the EU within international maritime organizations, which varies as different international maritime organizations do not always follow the internal distribution of competences between the EU and its Member States. Depending upon the forum, EU representatives may participate as full members, observers, or may not even be accepted as a participating party.

A second challenge for the EU in international negotiations is the coordination of the positions of its Member States. Coordination is mandatory on topics of exclusive competence of the EU, which are presented by the European Commission,[16] and sensible on topics of shared competences, which is most often presented by the Presidency of the Council.[17]

With the Treaty of Lisbon entering into force in December 2009, the foundation was laid for a more efficient, democratic, and coherent representation of the EU on the international stage. The Treaty of Lisbon provides the EU with several provisions that reinforce the coherence and the transparency of EU external relations, notably in maritime affairs.

3   United States ocean and coastal policy

3.1 US strategic interests and vision for ocean management

The oceans and coasts play a critical role in the US economy and quality of life of American citizens (see box on right[18]). The vision for the future of ocean and coastal activity in the US and for the governance of those activities is one of significantly increased human activity and a resulting need for improved policy and management of ocean and coastal resources at all levels of government. In particular, growing attention is being paid by stakeholders and decision makers to the need for management to:

- Be integrated across all major sectors and agencies
- Be based on quality, peer-reviewed science
- Utilize an ecosystem-based approach
- Involve stakeholders at all stages of the policy development and implementation
- Be increasingly attentive to the ocean-related responsibilities of the US in the global context

US Maritime Facts and Figures

- Ocean-dependent industries generate approximately $138 billion for the United States every year, 2.5 times more than the agriculture industry.
- In 2007, the coastal leisure and hospitality sector contributed more than $505 billion and over 13 million jobs to the US economy.
- The coastal trade, transportation, and utilities sectors generated an additional $2.4 trillion.
- Counties within coastal watersheds contribute approximately 69 percent of the nation's GDP or $7.9 trillion.
- 30 US coastal states accounted for 80 percent of jobs in 2007.

3.2 The ocean policy framework in the US

The US operates at the federal level with three separate branches of government: the executive, legislative and judicial. The executive branch is headed by the President of the United States, who has the ability to attract attention to issues, veto legislation and create presidential proclamations. It is the President's authority over federal agencies, however, that creates the greatest impact on management of day-to-day issues of government. Eleven cabinet-level departments and four independent agencies manage some aspect of ocean and coastal resources[19], such as the National Oceanic and Atmospheric Administration, Environmental Protection Agency and US Coast Guard.

The US Congress is the legislative branch and includes two chambers, the House of Representatives (435 members) and the Senate (100 members). For legislation to be signed into law by the President, it must be approved by both chambers. Every two years all representatives and approximately one-third of the senators face re-election. This creates a potential shift in which political party occupies the majority in each chamber, which has

significant repercussions for the passage of legislation given that bipartisan action is becoming increasingly rare. Furthermore, the large number of concurrent national priorities means that floor time in either chamber is very limited. Ocean and coastal issues, which may be important to individual members of some coastal states but rarely enjoy broad-based attention and momentum, often fail to make it to the floor of a chamber as stand-alone pieces of legislation.

The Supreme Court makes up the judicial branch and judges appropriate issues by the standard of the US Constitution. An important role of the judiciary in development of public policy is to adjudicate charges that the legislative and executive branches have exceeded their authorities under the US Constitution or that the executive branch is not carrying out its responsibilities as required under the law.

3.3 Major federal ocean and coastal laws

Many serious challenges the US faces in maintaining the health of ocean and coastal ecosystems and economies stem from a fundamental mismatch between the way natural systems work and the way the activities that affect them are managed. This mismatch means that management is often fragmented by an outdated and disjointed collection of laws, institutions, and jurisdictions. At the federal level alone, oceans and coasts are managed under more than 140 different federal laws implemented by a wide range of federal agencies.

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Federal law generally applies to areas of the ocean beyond the 3 nautical mile jurisdiction from shore that most states and territories possess to the 200 mile US EEZ (Texas, the west coast of Florida, and Puerto Rico are exceptions with 9 nautical miles of jurisdiction). Coastal lands generally fall under the jurisdiction of states. An important foundation for federal management of oceans and coasts in the US is the public trust doctrine under which the bottom and water column resources seaward of the land are held in trust by the government which has a duty to ensure that the public's interest in those lands is protected. Public interests have traditionally been considered to include navigation, fishing, and commerce, but have also been interpreted to include additional interests such as environmental protection.

The full report provides an extensive list of key federal ocean and coastal laws, including those addressing the following issue areas: coastal management; living marine resources; ocean and coastal-pollution from land-based sources; fuels, minerals, and energy production from the oceans; submerged cultural resources in the oceans; and national marine sanctuaries and other marine protected areas.

3.4 Prospects for US ocean governance

Several attempts to improve the US ocean governance coordinating structure have been made over the past 50 years, with varying success. Both President George W. Bush and President Barack Obama have made concerted efforts to address the need for an overarching national ocean policy. Those efforts recently culminated on July 19, 2010, when the Interagency Ocean Policy Task Force released its final recommendations on a new national ocean policy, *Final Recommendations of the Interagency Ocean Policy Task Force*.[20] On the same day, President Obama signed Executive Order 13547 establishing a National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes.

Noteworthy State efforts on coastal and marine spatial planning:

- *California*: Marine Life Protection Act
- *Oregon*: Territorial Sea Plan
- *Washington*: Puget Sound Partnership and Marine Waters Planning and Management Act
- *New York*: Ocean and Great Lakes Ecosystem Conservation Act
- *Massachusetts*: Massachusetts Ocean Act
- *Rhode Island*: Rhode Island Ocean Special Area Management Plan

The Executive Order adopts most of the final recommendations in the Interagency Task Force report and directs executive agencies to implement those recommendations under the guidance of a National Ocean Council. The order establishes a national policy to ensure the protection, management and conservation of the US ocean and coastal, ecosystems and resources, respond to climate change and ocean acidification through adaptive management, and coordinate with national security and foreign policy interests. The order also provides for the development of coastal and marine spatial plans that build upon existing Federal, State, tribal, local, and regional decision making and planning processes, which will pave the way for a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple use of the oceans and coasts.[21]

3.5 Progress at the state level

Compared to other countries, state governments play prominent roles in the US. This stems from a history rooted in the principle of federalism, where the central government has only those powers assigned to it by the Constitution. At the same time, state and region-based governance are critical elements in managing sectors like marine fisheries and areas such as coastal zones. Recently, localized efforts to improve ocean and coastal management and coordination have started developing in several coastal states as well as multi-state initiatives in regions that share important ocean and coastal ecosystems.

Under the new national ocean policy, many coastal states are already making progress on integrated ocean and coastal management reforms and spatial planning efforts. Some have taken meaningful action on ocean and coastal issues, creating initiatives that could potentially serve as guides for other states and regions (see box above). States are also working to better coordinate across state lines on a regional basis. Additionally, the Interagency Ocean Policy Task Force Final Recommendations propose nine regional planning areas composed of coastal and Great Lakes states. Relevant Federal, State, and tribal authorities from each region will partner to form regional planning bodies. The regional planning bodies will develop coastal and marine spatial plans for their specific regions and interact with the National Ocean Council to ensure consistency in the implementation of the national ocean policy.

3.6 US international cooperation

The Secretary of State, on behalf of the President, is ultimately responsible for negotiating all international agreements and policy between the US and other countries. The State Department maintains official control of international negotiations, though it may defer to other government agencies when the issue concerned is under that agency's jurisdiction, particularly if the other agency has more specialized experience.

The US plays a large role in influencing international environmental policy in a number of fora. However, the US is limited to an "observer" role in of some of the most important marine and environmental agreements because they have not been ratified.

With regard to international treaties, the US faces some procedural obstacles. In order to ratify an international treaty, the US Senate must vote two-thirds in favor of ratification, a significant obstacle for any international agreement to be legally binding in the US. In the case of the 1982 United Nations Convention on the Law of the Sea (UNCLOS),[22] the global legal framework designed to promote peaceful, rational use of the world's oceans, political obstacles have prevented US accession despite significant bipartisan domestic support for the treaty.

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4   Comparison of EU and US ocean and coastal policies

The EU and the US have very different decision-making structures for creating and implementing ocean policy. Nevertheless, as two highly developed regions, their interests and policy objectives tend to align, although not always in perfect synchronicity in terms of priority or strategy. The EU and US have similar priorities for improving domestic and international ocean governance. While the EU has been focusing on integrating many aspects of maritime governance through the IMP, the US has set up integrative structures and national priority objectives, such as ecosystem-based management, CMSP, and improved coordination, through the national ocean policy. Both regions have similar goals moving forward: both seek strong leadership from Member States/states on rallying support for effective ocean policies, improving the knowledge and innovation base on marine science and increasing the sustainability and economic vitality of coastal communities. Both the EU and US are concerned about emerging threats to oceans and coasts around the world, largely due to climate change and increased use of natural resources.

It appears that in both the US and the EU, ocean governance strategies are developing at the regional level, particularly with regard to marine spatial planning. In general, the EU has demonstrated more commitment to a binding international framework for ocean governance, and is more concerned with integrating the variety of regulatory issues for oceans, at least within the EU.

For a more in-depth breakdown of similarities and differences in positions between the EU and US, including in a number of key international fora (e.g. OECD, WTO, UN, UNFCCC, and regional fisheries management organizations) please see the full report. The CALAMAR Project and its expert participants have identified a number of areas with potential for further EU-US cooperation. These opportunities are spelled out in the CALAMAR working group papers and the second and third reports of the project. In particular, a few issues appear to have strong potential for increased transatlantic cooperation. Table 1 below summarizes a selection of these issues.

Table 1: Summary of potential areas for transatlantic cooperation

Areas where cooperation is possible	Comments
Domestic marine spatial planning	Both the US and EU may be open to input in several steps of its coastal marine spatial planning development procedure.
Improving marine research	Both the EU and the US prioritize this issue area in their marine policy planning.
Marine security and safety	Both the EU and US prioritize this issue area in their marine policy planning. Opportunities may exist for the exchange of best practices as the EU implements new Port State Control measures.
Blue carbon	This is a relatively new issue, on which the US and EU could coordinate their position under the UNFCCC.
Shipping emissions	The EU and US both agree that the IMO is the appropriate international body for regulating emissions from shipping, and that any mechanism for doing so should have broad international coverage. Their recommendations on mechanisms currently differ and they may also differ on the appropriate role of the UNFCCC in this issue,
Fisheries governance	The EU and US tend to agree on many fisheries issues (science-based management, reducing and ending fishery subsidies, etc.). The two regions have different policy strategies on fisheries issues, particularly bluefin tuna; however, the underlying goals for restoring and protecting fisheries are the same.
Ocean policy integration	This is a priority for both the US and EU.
Governance of areas beyond national jurisdiction (ABNJ)	The US and EU hold different views on whether a new international regime is needed on this issue.
The future of UNCLOS	Many US officials and political leaders support the ratification of UNCLOS, however political factors have impeded the US from joining the Convention to date.
Ocean renewable energy	The US is further behind in the development of ocean renewable energy, however it has indicated a commitment to increasing renewable energy projects. The EU prioritizes ocean renewable energy. Cooperation on research is possible and the US could be open to increasing its commitment.

5   Potential for EU and US cooperation

The EU and US are leaders in international policy development and also have a long history of bilateral cooperation that is represented in a number of agreements, joint statements and councils, as well as formal dialogues on a wide variety of topics. Additionally, informal mechanisms of cooperation range from regular contact between heads of delegations, to international collaboration and capacity-building through NGOs and university partnerships. However, strengthened transatlantic collaboration is needed to ensure transfer of best

practices in maritime governance, especially related to the implementation of future climate change adaptation and mitigation measures and pollution prevention.

5.1 Bilateral cooperation

There are a number of bilateral agreements between the EU and the US concerning a variety of subjects. One such agreement is the EU-US Science and Technology Agreement (2004), which offers a broad framework for collaboration across multiple fields. The EU and US have also collaborated on energy policy and security as outlined in the Joint Statement on Energy Security and Climate Change.

With respect to fisheries, in 1997 the US and EU began the United States-European Union High Level Fisheries Consultation to promote transatlantic cooperation in the field of fisheries and fisheries research. While there is no formal instrument or legislation behind the US-EU High Level Fisheries Consultation, US and EU representatives have been meeting on a near annual basis since 1997 to facilitate cooperation on fisheries issues. There was no meeting in 2008 and 2009, and the next meeting has not yet been scheduled as of this writing. To maintain relevance and efficacy, the Consultation could likely benefit from a broader involvement of stakeholders and representatives within the US and EU governments. Given the US and EU's history of disagreement over fisheries management strategies, such bilateral discussions would appear to be useful in continuing to build common positions as opposed to establishing opposing views on the international stage.

Additional discussions through the consultation could include developing fisheries management to reduce climate impacts, comprised of rehabilitating fish stocks and coastal areas to serve as fish nurseries and carbon sinks (e.g. mangroves, sea grass, etc.). The EU and US could also discuss how to maximize the effectiveness of the UN Fish Stocks Agreement, which continually identifies shortcomings of fully exploited and overexploited fish stocks in spite of the international agreement.

Additionally, a some formal dialogues have effectively built relationships in many sectors. As part of the New Transatlantic Agenda,[24] launched in 1995, the US and the EU have participated in multiple dialogues on subjects ranging from business to the environment, including: The Transatlantic Legislators Dialogue (TLD)[25]; The Transatlantic Business Dialogue (TABD)[26]; The Transatlantic Consumer Dialogue (TACD)[27]; The Transatlantic Environmental Dialogue (TAED)[28]; and Pilot Projects – Transatlantic Methods for Handling Global Challenges[29].

5.2 Key opportunities and challenges for cooperation

The advent of new leadership and recent ocean policy initiatives on both sides of the Atlantic have brought opportunities to enhance cooperation and increase integrated ocean governance through mutual exchange and fostering of stakeholder networks. The benefits of such cooperation are clear, given the shared interests of the EU and US regarding integrated ocean governance. The challenge before the EU and the US is to conserve marine resources while further developing the maritime economy in an environmentally sustainable manner that safeguards not only their own marine heritage, but that of the entire world. Implementing the necessary changes will require significant commitment and political will.

In addition to the existing bilateral and international fora, there are a number of additional opportunities for new or stronger participation from either the US or EU. These include: the OSPAR Commission; the Arctic Council; the UN High-Level Conference on Sustainable Development; and a number of specialized and decentralized agencies, such as the European Maritime Safety Agency, FRONTEX, the Fisheries Control Agency and the European Environmental Agency.

In general, there are surprisingly few formal venues for bilateral discussions on maritime policy between the US and EU, with collaboration focusing largely on the fisheries sector. Targeted cooperation between the two could enhance both national policies as well as further protection efforts in the high seas. At the most fundamental level, the two could adopt each other's definitions of basic concepts, such as ecosystem-based management and marine spatial planning, and utilize to a greater degree work already completed by the other party (e.g. EU IUU regulations).

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[1]   Use of the term *maritime* as applied by the EU, e.g. in the Integrated Maritime Policy, carries a different meaning than in US policy documents. In the US, the term maritime is usually reserved for economic activities like shipping, navigation, or the use of marine resources. In the European Integrated Maritime Policy the term *maritime* refers to a holistic ocean management policy that takes into account all human activities as well as the status of the marine environment. The term *marine,* therefore, only refers to the natural marine environment, as well as the coastal zone that interfaces with the marine environment. In this summary, the term "maritime" is used referring to the holistic approach and marine is used referring to the natural marine environment.

[2]   COM (2007) 575 final.

[3]   The EU consists of 27 Member States: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

[4]   Read more about EU legislative procedures at:
http://www.europarl.europa.eu/parliament/expert/staticDisplay.do?language=EN&id=55 and
http://europa.eu/institutions/decision making/index_en.htm. [Accessed September 24, 2010]

[5]   There are currently 736 MEPs, to be increased to 751 at the next European elections in 2014.

[6]   The websites of the current and former presidencies is available at:
http://www.consilium.europa.eu/showPage.aspx?id=695&lang=en. [Accessed September 24, 2010]

[7]   Primacy over national law means that all opposing prior and future national legislative acts are no longer applicable. The primacy also applies for rulings of the Court of Justice of the EU over the Member States' supreme courts, but only regarding the interpretation of EU law.

[8]   The Water Framework Directive was adopted in 2000. It expands the scope of water protection to all European waters (inland as well up to 1nm at the coastline) and sets clear objectives that a "good status" must be achieved for all European waters by 2015 and water use has to be sustainable throughout Europe. See: Water Framework Directive 2000/60/EC.

[9]   If the provisions of a directive are precise, clear and unconditional, and do not call for additional measures, they can be directly transferred to the Member States. However, these must still be adopted into national law.

[10]   COM (2007) 575 final.

[11]   COM (2007) 575 final.

[12]   COM (2010) 2020 final.

[13]   COM (2010) 494 final.

[14]   Marine Strategy Framework Directive, Official Journal of the European Union, 2008/56/EC

[15]   Important stepping stones in this direction are the Dutch 'National Water plan', the French 'Grenelle de la Mer', the German 'Entwicklungsplan Meer', the Swedish bill on a coherent maritime policy, the Polish interdepartmental maritime policy plan and the UK Marine Bill.

[16]   TFEU Art.17 par.1.

[17] Rotating every 6 months before the Treaty of Lisbon, now designed as a 'triple-shared presidency' for the duration of 18 months, although each of the three members shall in turn chair for a six-month period, see Art. 1 of the Declaration on Article 16(9) of the Treaty on European Union concerning the European Council decision on the exercise of the Presidency of the Council. The concept is that old member states will pass their experience to the co-presidency new members.

[18] 'Coastal Economy Sector Data.'. Available at: http://www.oceaneconomics.org/Market/coastal/coastalEcon.asp [Accessed May 24, 2010].

[19] US Commission on Ocean Policy. 2004.

[20] The White House Council on Environmental Quality. 2010.

[21] The White House Office of the Press Secretary. 2010.

[22] The UNCLOS Convention was opened for signature on 10 December 1982 in Montego Bay, Jamaica and entered into force in accordance with its article 308 on 16 November 1994, 12 months after the date of deposit of the sixtieth instrument of ratification or accession. United Nations Convention on the Law of the Sea. Available at: http://www.un.org/Depts/los/convention_agreements/convention_overview_convention. htm [Accessed May 24,2010]

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