FIFTY-FIRST SESSION
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Surveillance of the maritime and coastal areas of European states

REPORT

submitted on behalf on behalf of the Defence Committee
by Andrea Rigoni, Rapporteur (Italy, Federated Group)

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[1] Adopted unanimously by the Committee on 9 November 2005.

RECOMMENDATION 771[1]

on surveillance of the maritime and coastal areas of European states

The Assembly,

(i) Noting that illicit and violent activity in the maritime environment, including drug trafficking, transportation of illegal immigrants, terrorism at sea and the like, is on the increase;

(ii) Highlighting the significant increase in economic activity in European coastal waters;

(iii) Noting the demand in modern Western societies for risk control and particularly control over risks to the environment;

(iv) Pointing to the global nature of the threat and the absence of physical borders at sea;

(v) Stressing the need in each member state to coordinate action by the various departments with maritime responsibilities;

(vi) Noting that a number of agencies have been set up in the European Union, among them:

– the European Maritime Safety Agency;

– the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union;

– the Eastern and Western Sea Borders Centres (in Piraeus and Madrid);

– the European Fisheries Control Agency;

(vii) Recalling the fact that a shipping control system in European waters (SafeSeaNet) is in the process of being set up;

(viii) Welcoming the various operations organised at European Union level for monitoring illegal immigration by sea;

(ix) Regretting the lack of coordination among those involved in such maritime activities, both among the agencies themselves and between them and the different departments, civilian and military, in the member states;

(x) Stressing the importance of the sea border centres whose responsibility it is to bring together the range of maritime control activities at EU level,

RECOMMENDS THAT THE COUNCIL INVITE THE WEU MEMBER STATES AS MEMBERS OF THE EUROPEAN UNION TO:

1. Put proposals to the Political and Security Committee (PSC) for the use of naval defence forces in maritime security missions that are not strictly military in character and ensure that the EU Military Staff is also involved in such proposals;

2. Develop national organisational models for the coordination of maritime action across departments, which should facilitate coordination between EU member states;

3. Bring EU member states' structures and regulations into line and possibly propose legal changes to harmonise legislation;

4. Promote a revision of international legislation on maritime traffic to make for greater effectiveness in confronting new threats such as terrorism or illegal immigration;

5. Coordinate the relevant structures within the EU: the Agencies, the PSC, the EU Military Staff and the Commission;

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[1] Adopted by the Assembly on 6 December 2005 at the 8th sitting.

6.   Urge member states and agencies to make use of Commission funding procedures to finance maritime security activities and efforts to combat pollution, illegal immigration and drug trafficking;

7.   Involve naval defence staff in the work of the sea border centres in Piraeus and Madrid;

8.   Develop and implement systems for surveillance of maritime borders that employ the latest technology;

9.   Develop maritime situation monitoring capabilities using European space-based means, by involving the EU Satellite Centre at Torrejón, Spain;

10.   Cooperate with the countries of the eastern and southern Mediterranean rim in setting up coordinated arrangements for controlling Europe's maritime borders to protect against illegal immigration and trafficking of all kinds;

11.   Develop procedures for the exchange of intelligence among national agencies and the EU agencies involved in surveillance of the various forms of illegal trafficking by sea.

EXPLANATORY MEMORANDUM

submitted by Andrea Rigoni, Rapporteur (Italy, Federated Group)

I. Introduction

1.   Recent events and more specifically difficulties with illegal immigration from Africa and with serious hydrocarbon pollution have highlighted the importance of surveillance of Europe's maritime borders. The European Security and Defence Policy (ESDP) must take account of these new types of threat and countries' naval defence forces are involved alongside other government departments in this surveillance task. Hence it is important to consider how to coordinate the work of these numerous agencies at the European level.

II. The new maritime environment

2.   The evolving strategic context over the last 10 years or so has engendered international instability, primarily affecting failing states, encouraging the growth of illicit and violent activities and presenting risks of all kinds to western society. Security threats stemming from various forms of trafficking (in narcotics, psychotropic substances, armaments etc.), transportation of illegal immigrants, terrorism at sea and piracy have greatly increased in recent years.

3.   At the same time, economic activity dependent on sea routes has undergone very significant expansion, proportionately far greater than world wide economic activity generally, in areas such as maritime transport, sailing, or exploitation of the resources of the continental shelf. These changes require the heightened presence of coastal states to guarantee and strengthen safety at sea.

4.   Finally, the environmental and security implications of recent pollution disasters and the post-11 September 2001 terrorist attacks have had a strong impact on the general public, giving rise to much more exacting demands for more stringent control over risks than was previously the case.

5.   Control over risks involved in activity undertaken in the maritime environment has therefore become a strategic consideration both for individual nations and for Europe.

6.   States are answerable for the exercise of their sovereignty in the maritime areas over which international law recognises they have jurisdiction. In addition, they have responsibility for sea rescue and recovery, the fight against pollution and the safety of shipping in specific zones. Given the global nature of the threats and the absence of physical borders at sea, this necessarily demands a high degree of coordination at European level.

III. A global concept: the French example

7.   Given the widely differing fields of maritime action that states may be involved in, extensive coordination between them is required at national level to prevent unnecessary duplication. In point of fact, government ships should have the power to police the seas in a number of different areas, for example: pollution, immigration, trafficking in drugs or merchandise, fisheries etc. Also account must be taken of the existing sea platforms. A nation's navy will generally have the greatest number of sea-based assets deployed in coastal and international waters and permanent command structures in maritime operations centres to update identified positions of ships at sea.

8.   Although France's naval organisation is specific to that country and therefore cannot be generalised to other EU member states, it is an interesting example to look at as it shows how maritime action by the different services can be rationalised and coordinated.

9.   For defence missions, the French Navy divides maritime waters into "regions", each with a permanent full-time centre of operations. The regions are under the authority of an admiral. Government action at sea is based on coordination of the various services under the local command of the admiral, who, in the discharge of the civilian aspect of his duties, is known as the *préfet maritime*. The French Navy is therefore the centre-piece of any government policy for sea action, straddling both the civilian and military dimensions.

10.   In the face of emergent threats (such as terrorism, drug trafficking, piracy, illegal transport of immigrants, arms trafficking, etc.) there is a need for a strategy based primarily on in-depth surveillance and responsiveness. The aim, whenever possible, is to take action as close as possible to the source of the threat or danger, to identify early warning signs.

11.   The Navy works closely with the various ministries and other armed services and through international cooperation. It seeks to enter into agreements promoting information exchange, coordinated intervention and complementary forms of action.

12.   Protection of shipping therefore consists of providing government authorities with the machinery for surveillance and intervention, heavily concentrated in coastal areas and more widely and randomly distributed on the high seas, capable of warning of danger and preventing or dealing with the wide range of threats which exist or originate at sea that could damage national territory, the nation's interests or internal or international public order.

13.   Action taken by the various maritime services: customs, police, fisheries protection authorities, the Navy, the Ministry of Transport (Maritime Affairs) and border police (coastguard services) is coordinated by the *préfet maritime* who has under his direct command French Navy ships and aircraft, almost a quarter of whose potential annual workload is assigned to the protection of shipping. The work takes three basic forms:

– maritime intelligence of interest either from a police or defence point of view;

– organising the means available, on the basis of a policy for surveillance of the maritime approaches, in coordination with the various services involved, using stations on shore and light shipping. On the high seas, better control of the risks constituted by shipping involved in transporting dangerous or pollutant substances or the illegal traffic in migrants, drugs trafficking by sea or terrorism can in principle be achieved by regular deployment of military units in coordination with other EU member states and closely targeted through efficient processing of maritime intelligence;

– preparation of the conduct of operations: forms of protective action are undertaken through inter-ministerial and/or international cooperation, with the chain of preparation and operational command based within Navy structures. For missions of an inter-ministerial nature, the chain is under the direct authority of the Prime Minister, with the *préfet maritime* conducting operations in home waters. This form of organisation provides continuity of command and ensures synergy between the contributions from the various ministerial authorities concerned.

IV. Should there be a European Coastguard and if so what kind?

14.   As a result of severe pollution incidents at sea, particularly the shipwreck of the *Erika*, certain European members of parliament have asked that consideration be given to setting up a European Coastguard Service, with the necessary powers and instruments to undertake surveillance, bringing prosecutions in the event of illegal spillages (pollution), and coordinate implementation of the necessary measures.

15.   Additionally, in 2005, the European Union set up a border control agency, in response *inter alia* to the June 2002 Seville European Council's determination to introduce "coordinated, integrated management of external borders".

16.   It should be noted that the concept of "coastguard" is to be examined. This implies the necessary technical resources, missions and the required development of the laws and regulations of the member states. The aim is not to set up a coastguard system along the same lines as the United States Coastguard with European ships and crews. For that a federated Europe would be necessary.

1. Missions

(a) Traditional missions

    – *Rescue of persons and salvage at sea*

17.   These areas are covered by International Maritime Organization (IMO) conventions. European nations have areas of responsibility. More often than not intervention takes place in coastal waters. The system draws on the resources of coastal states and works well, often under emergency conditions.

    – *Surveillance and policing sea fishery catches*

18.   This function is currently well coordinated at European Union level through the European Fisheries Control Agency in Spain and is covered by Community regulations. The EU provides 50% of the funding for technical control measures and checks are carried out by EU coastal or flag states, which may be "audited" by Community inspectors. An automatic positioning system has been introduced covering all fishing vessels of more than 12 metres in length, etc.

19.   This is an area in which there is already a good deal of organised activity and a European Coastguard Service would not add much. Large numbers of sea patrols are necessary for effective surveillance and hence there is also a need for ships. These are long likely to remain those of the coastal states.

(b) Tasks of the European Maritime Safety Agency

    – *surveillance of maritime traffic* on the high seas is currently carried out by certain coastal states exposed to pollution from shipwreck: they include France, Ireland, Portugal, Spain and the United Kingdom. The need to exchange information means all centres for the surveillance of shipping and ports of destination have to be networked;

    – *surveillance of pollution as a result of deballasting operations* is nowadays conducted primarily in port and is therefore the responsibility of the port state. Off-shore, pollution incidents of this nature can only be detected by aircraft overflying the maritime area. Such means are very costly, both in investment and operational terms. Currently the only aircraft capable of flying far enough out to sea to carry out training missions in conjunction with the maritime patrols tasked with this form of surveillance belong to the various navies. Aircraft belonging to the Customs service could also be involved;

    – *combating accidental pollution* is the responsibility of coastal states which afford one another mutual assistance in the framework of existing agreements by making available special equipment and ships. Those functions could not be undertaken as a "coastguard" mission.

(c) "Police/customs" missions

20.   This type of mission falls broadly speaking within the sphere of public order and security:

    – *combating narcotics trafficking* is the responsibility of the customs and special police services. At sea, particularly on the high seas, navy ships tend mainly to be used. The major difficulty is lack of harmonisation between national legislations;

    – *combating illegal immigration*: a response that is the corollary at sea to freedom of movement within the Schengen area and the length of the EU's maritime borders (40 000 km). A European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) has recently been established in Poland (in May 2005). Combating illegal immigration is an area of responsibility shared between the EU and front-line states like Greece, Italy and Spain, and any other countries which, at the end of the day, are likely to be on the receiving end of such immigration;

    – *fighting terrorism:* in regard to this area, the IMO's International Ship and Port Facility Security Code (ISPS Code) is in the process of being incorporated into national legislation.

Preventive measures, patrols and inspections at sea require extensive resources. In particular, a surveillance capability is needed for the coasts of countries which might harbour terrorist organisations. These operations have to date been conducted within a military framework and are way beyond the means of any conceivable "European Coastguard".

2. Conclusion

21.   The responsibility for some forms of maritime action taken by states can remain with EU member states themselves, if the applicable laws can be harmonised within the EU framework or between member states. This holds good for traditional tasks already coordinated within that framework: sea rescue and salvage and fisheries control.

22.   Onshore, shipping surveillance centres and the newly established European Agency for External Borders should coordinate their efforts in the area of maritime surveillance. Shipping surveillance centres, ports, semaphores should have modern equipment (radar, video surveillance systems and systems for identifying and plotting the position of shipping) and data transmission systems so that they can be networked. However, in Europe, their territorial location and institutional or organisational peculiarities do not make it easy to integrate them into any European Coastguard Service that might be envisaged, since there is no EU state authority. They could, however, be coordinated within a Coastguard Agency. This would not alter how they worked in any way but would mean costs could be shared. Control over pollution arising from deballasting operations at sea requires airborne resources, but procurement of aircraft for this task alone cannot be contemplated. Existing assets belonging to customs and naval forces must be used.

23.   Police/customs missions concerned with public order often involve several member states and here there could be some pooling of resources for action on the high seas, while coastal resources which belong to a number of different administrative departments can, since they operate only within their own locality, continue to be coordinated nationally according to the very sensible principle of subsidiarity. Action by the various EU agencies to harmonise regulations and possibly share the financial burden is highly desirable.

V. Action by the European Union in the maritime area

1. Sphere of action

24.   The EU's field of action in the maritime area is quite extensive and its competence covers the best part of member states' responsibilities. The possibilities for coordinating the naval resources of the various member states are therefore quite wide. A list of the missions in which the EU becomes involved serves as an indication of the extent to which EU structures as a whole are concerned. Such missions include:

- maritime safety[2] (1st Pillar – Transport Policy);

- fighting pollution at sea[3] (1st Pillar – Environment Policy);

- fisheries control (1st Pillar – Common Agricultural and Fisheries Policy);

- intelligence of maritime origin (2nd Pillar – ESDP);

- exercise of sovereignty at sea (2nd Pillar – ESDP);

- military action at sea (2nd Pillar – ESDP);

- combating terrorism[4] (all Pillars);

- control of external borders (3rd Pillar);

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[2] In implementation of the IMO Directives and the SOLAS (Safety of Life at Sea) Convention.
[3] The Erika I and II Packages (Regulations phasing out single hulls in European ports, introduction of penal sanctions for degassing, setting up a system for monitoring sea traffic, etc.)
[4] For example: setting up checks on the use of ships' cargoes (particularly containers) as a precaution against terrorism and continuous monitoring of ships, especially passenger ships.

– combating drug trafficking (3rd Pillar);

– combating clandestine immigration and people trafficking (3rd Pillar).

Scant progress has as yet been made on second pillar issues, while first and third pillar matters have been the subject of numerous directives, the application of which is again essentially dependent on the structures within the member states. However, major institutional advances have been set in motion and will be operational this year. Defence circles and the ESDP authorities are poorly represented in those structures which will nevertheless draw on naval force assets.

2. Implementing policies of coordination

25.   The Union has built up various forms of organisation of its own for implementing policies to coordinate maritime action by member states. Under the Transport Policy being carried out by the Commission and due to the implementation of the Schengen agreements within the third pillar, it was decided to create tools for the practical implementation of the policies agreed. Therefore, the following agencies were established:

– A European Maritime Safety Agency (EMSA) set up in 2002, operational since early 2003;

– A European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), operational since 1 May 2005;

– Two centres for the control of maritime borders: the first, located in Madrid, has responsibility for the Baltic and the Western Mediterranean (WSBC – Western Sea Borders Centre). The second (the Eastern Sea Borders Centre, ESBC, situated in Piraeus, Greece) is responsible for the Eastern Mediterranean;

– A Fisheries Control Agency set up in 2005.

3. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)

26.   At the Seville European Council on 21 and 22 June 2002, the Heads of State and of Government agreed on the gradual introduction of coordinated, integrated management of external borders. The regulation creating the Agency was adopted by the Council on 26 October 2004[5] and provided for the Agency to take up its responsibilities on 1 May 2005.

27.   The Justice and Home Affairs Council of 14 April 2005 agreed unanimously that the headquarters of the Agency would be located in Warsaw. The Management Board consists of representatives of the EU member states (and of Norway and Iceland) and of the Commission. It met for the first time in Poland on 25 May 2005. The Agency became fully operational on 1 July 2005. However, there is no clash between its responsibilities and those of the member states in regard to border controls since Community responsibility extends only to operational coordination between member states.

28.   The FRONTEX Agency will coordinate/assist the competent services of the member states responsible for implementing the Schengen *acquis* on control of persons at the external borders. In so doing, it is envisaged it will cooperate with Europol, international organisations or third countries. Its tasks are to:

– coordinate operational cooperation between member states in the field of management of external borders (land and sea);

– assist member states train national border guards (including helping establish common training standards);

– carry out risk analyses;

– keep abreast with developments in research relevant to the control and surveillance of external borders;

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[5] Council Regulation (EC) No 2007/2004, published in the Official Journal of the European Union on 25 November 2004.

– assist member states in circumstances that require enhanced technical and operational assistance at external borders;

– provide member states with such support as is necessary in organising joint return operations.

29. The action taken by the FRONTEX Agency in the maritime area relies on two specialist border control agencies resulting from an initiative taken by Greece and Spain[6]:

– the WSBC (Western Sea Borders Centre) has been given responsibility for surveillance of the Baltic and Western Mediterranean. The programme of measures adopted at the first meeting of experts was essentially concerned with combating clandestine immigration. The Centre management consists of members drawn from the management bodies of the police service and the *Guardia Civil*;

– the ESBC (Eastern Sea Borders Centre) in Piraeus in Greece is responsible for the Eastern Mediterranean.

The EU has already undertaken multinational maritime border control operations in the Mediterranean through these centres, including inspections of European ports.

30. The following are examples of operations carried out under the aegis of the WSBC:

– Operation Guanarteme: the aim of this operation, which took place from 10-27 January 2005, was to counter clandestine immigration around the Canary Islands. Six countries[7] took part, along with Europol. A total of 320 people were seconded to it (85 of them navy personnel) and 100 or so immigrants were arrested;

– Operation Magallanes I, for checking the identity of the crews of ships in certain European ports, was undertaken by seven countries, from 15-24 February 2005. Over 10 days, 1 301 ships and the identity of 21 795 seafarers were checked. There were 80 arrests leading to 44 deportations;

– Operation Alhambra began in June 2005. As its aim was to prevent clandestine immigration to Spain from North Africa it involved particularly close surveillance of Spanish territorial waters between Algesiras and Almeria.

– Operation Dolphin for the inspection of European ports took place in September 2005 and was directed mainly at fishing vessels, yachts and other pleasure craft.

31. The ESBC, responsible for the eastern Mediterranean, has also undertaken a number of projects, such as:

– Operation Triton in March 2003, coordinated by Greece, involved inspection of 200 ships and the questioning of 226 clandestine immigrants and six people smugglers. The success of the operation has led to its being repeated and Operation Triton II took place from 13-17 December 2004. Significant resources[8] were made available to it. 841 clandestine immigrants were arrested as a result. A further Triton-type operation was carried out in the first week of August 2005;

– Operation Fer.I.A.S. was undertaken in the Adriatic from 25 October to 3 November 2004 and consisted of inspecting merchant ships and their crews. Countries involved were Germany, Greece and Italy. Ships were inspected in the ports of Ancona, Brindisi, Igoumenitsa and Patras. The situation of 414 people was found to not be in order and three quarters of them had been aided and abetted by third parties.

These operations are normally directed from the local centre and a coordinating committee regularly assesses the activities of both centres. Each operation helps the various departments involved improve

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[6] Project approved by the Strategic Committee on 29 October 2003.
[7] Cyprus, Germany, Greece, Italy, Portugal and Spain,
[8] 14 ocean-going vessels, 3 aircraft, a helicopter and 12 coastal patrol boats were lent out to operation Triton II.

their working methods. Nevertheless the difficulties arising from the extent of the task remain: since enlargement, the two control centres have been entrusted with the surveillance of over 40 000 kilometres of maritime borders.

32.   It should furthermore be noted that the application of the Schengen rules at the border with Gibraltar remains suspended until such time as an agreement can be reached.

4. European Maritime Safety Agency[9]

33.   The Agency, located in Brussels, has been operational since the beginning of 2003. It is currently in the process of transferring to Lisbon, with a planned staff establishment of 125 officials. Its main task is to improve shipping safety in order to bring down the number of accidents, prevent pollution and reduce loss of life at sea.

(a) The Agency's tasks

34.   In general terms it will assist the European Commission in implementing the relevant legislation and regulatory provisions throughout the Community. It is central to the process of developing the legislation on maritime safety and pollution prevention so as to harmonise it.

35.   Its fields of action include:

– training seafarers;

– together with member states, putting technical solutions in place;

– setting up a system for monitoring maritime traffic;

– providing reliable comparable data on maritime safety and pollution prevention.

36.   The Agency is run by a Management Board consisting of one representative from each member state and four members of the Commission. The Board's functions are:

– to draw up the budget and verify its implementation;

– adopt rules of operation and working procedures;

– undertake visits in member states to check the action taken by them in the Agency's field of responsibility.

37.   The regulation establishing the Agency was amended in March 2004. The amendment was especially significant in that it led the Council to decide to set up a Commission monitoring and information centre to be deployed in all cases of emergency intervention falling within the domain of civil protection, to expand the task of the Agency to include combating pollution and also, and most importantly, the threat of deliberate illicit action, and therefore to extend the Agency's powers to cover the safety of shipping. This is a major development as it will require further coordination of services and of the national centres responsible for implementing the measures.

38.   Of particular interest are EMSA's ship reporting activities. The real-time monitoring of ships at sea is in effect closely bound up with the work of the other agencies responsible for this type of police/customs mission.

39.   In implementing Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, the Commission initiated development of a Europe-wide communication system able to track and follow ships and obtain information on their cargoes (particularly where hazardous substances are being transported). This system, SafeSeaNet (SSN), will facilitate identification of vessels and the measures to be taken by the authorities after an incident or accident. Operational responsibility for SafeSeaNet was transferred from the Commission to EMSA at the end of 2004.

40.   It is expected that the majority of countries taking part in the SSN system (20 EU coastal states, plus Norway and Iceland) will have successfully completed the required tests by the end of 2005. EMSA will organise regular technical meetings with participant countries in order to review and take forward development of the system. Special assistance will be provided by EMSA, to new EU

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[9] Abbreviated to EMSA.

member states to ensure that they fully understand and comply with SafeSeaNet requirements. EMSA may also schedule visits to member states in order to verify proper use of SafeSeaNet in accordance with Directive 2002/59/EC. EMSA will additionally examine the possibility of integrating other applications and functionalities into SafeSeaNet (e.g. waste notification messages).

41.   In support of the development of a comprehensive EU vessel traffic monitoring and information system, EMSA will cooperate closely with national administrations on several issues, such as the implementation of plans for places of refuge and the development of means for long range identification and tracking of ships. It will monitor the set-up of shore-based traffic monitoring and information infrastructure by member states and will facilitate cooperation relating to interconnectivity until the end of 2008.

42.   Furthermore, EMSA will provide technical input to discussions within the International Maritime Organisation (IMO), and to the development of Galileo (the European satellite navigation system) and its application to maritime navigation.

5. The Community Fisheries Control Agency

43.   The decision to set up a Community Fisheries Control Agency was taken by the European Council in December 2003. The Agency (in Vigo, Spain) became operational in May 2005. It is to have a budget of €5 million and a staff of 50 (in 2006).

44.   At the current stage of the project:

– coherent control and inspection programmes (MCS – monitoring inspection and surveillance programmes) are to be adopted by the Commission under the Common Fisheries Policy (CFP);

– national means of control and inspection are to be pooled by EU member states for joint deployment;

– the Agency will organise joint mobilisation of national means as part of an appropriate Community plan.

(a) The Agency's tasks

45.   These are: to coordinate member states' control and inspection activities and deployment of the national means of control and inspection pooled by the member states; to assist member states in reporting on inspection, control and fishing activities to the Commission and third parties, and in correctly applying the common fisheries policy.

46.   The Agency will therefore help member states to:

– discharge their responsibilities in Community waters;

– comply with obligations imposed on the Community by regional fisheries organisations and under bilateral fishing agreements;

– train their fisheries inspectors;

– undertake joint procurement of goods and services relating to control and inspection activities;

– coordinate the implementation by member states of joint pilot projects for testing new control and inspection technology;

– elaborate joint operational procedures and criteria for the exchange of means of control and inspection;

– establish a Community fisheries surveillance centre drawing on relevant data and the information necessary for joint control and implementation activities with member states.

In addition, the Agency may provide contractual services to member states, at their request, including the chartering, operating and staffing of control and inspection vessels. Member states are charged for these services.

(b) Operational coordination

47.   The Agency will coordinate control and inspection activities by the member states on the basis of international control and inspection programmes by establishing joint deployment plans after consultation with the member state concerned. Such plans will be drawn up so as to give effect to joint criteria, benchmarks, priorities and common inspection procedures

48.   The Agency will manage the deployment of the national means of control and inspection in cooperation with the competent national authorities. Information on control and inspection will be exchanged between the Commission, the Agency and the competent national authorities of the member states.

VI. Overview of the current situation

49.   Surveillance of maritime areas is an operational activity within the EU which involves numerous national authorities.

50.   The FRONTEX Agency has not yet taken a firm grip on activities in the maritime area. These are still being organised from within the Sea Borders Centres (ESBC and WSBC). There is also no ESDP representation, even though navy assets are used and combating clandestine immigration and terrorism fall at least partly within the ESDP sphere of responsibility.

51.   On the initiative of the Sea Borders Centres in Madrid and Piraeus, the EU is already carrying out many multinational maritime operations for purposes of control over the EU's borders in the Mediterranean and around the Canary Islands (operation Triton, Neptune, Guanarteme and Magallanes). Cyprus, France, Greece, Italy, Portugal, Malta, Spain and the UK and the countries of the southern Mediterranean rim, are all variously involved, depending on the area of intervention. These operations are directed from local centres of operation to which participant member states send representatives to supervise their units.

52.   The other Agencies, EMSA and CFCA, are due to become operational in the course of 2005 and are not yet involved in operational activity at sea.

53.   Control of maritime borders could lead to various types of operations going ahead: sea or port inspections, monitoring of passengers and crews of merchant ships that are properly registered and control, by interception, of clandestine shipping with nothing on board but illegal immigrants. The main areas of operation are those where the flows of illegal immigrants are heaviest: Crete, Cyprus, Gibraltar, the Sicilian Channel, the Canary Islands and the Adriatic.

54.   The initial results of these joint operations show how very effective the systems set up are:

– of the 2 200 people checked during the Magallanes I port inspection operation 80 were found to be "not in order";

– 100 or so illegal immigrants were intercepted during operation Guanarteme off the coast of the Canary Islands between 18-27 January 2005;

– operation Fer.I.A.S involving inspection of merchant ships in the Adriatic found irregularities in the case of 3.67% of those inspected;

– operation Triton II in the eastern Mediterranean led to the arrest of 841 illegal immigrants, etc.

55.   However, these multinational operations confirmed the existence of serious shortcomings, considerably hampering coordination between participants, essentially in the fields of communications, computer systems for integrating and presenting data from maritime surveillance systems, sensors (radar, satellites, etc.) and from data bases on both ships and illegal immigrants.

56.   There is evidence to suggest that member states are developing their own inspection tools and that this is an area in which NATO wants to become involved.

57.   To take on board the entire range of these tasks, many national projects are currently being brought forward for improving monitoring of maritime traffic for economic purposes and on grounds of security in the broadest sense (surveillance, safety, security and pollution). These tools cover harbour and coastal traffic within radar limits. There is a need therefore also to develop maritime situation monitoring capabilities using European space-based means, by involving the EU Satellite Centre at Torrejón, Spain. All the various navies are also developing their sea intervention capabilities aboard merchant ships of all types. Member states are required to take such initiatives under a Directive on establishing a Community vessel traffic monitoring and information system, due to come into force some time between end 2007 and end 2008[10].

58.   In 2002, during the discussions leading up to the establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States regarding the *Erika* and *Prestige* oil spillages, the setting up of a European Coastguard was even envisaged, but deferred until a later date. This very radical proposal was ahead of its time and probably can only be contemplated once national means are properly coordinated.

59.   In view of the number of agencies that have sprung up and the EU's lack of visibility in the military sphere, notwithstanding reports by both the Council[11] and the Commission, NATO is taking the initiative under pressure from the Americans, as the setting up of the Joint Information Analysis Centre (JIAC) serves to illustrate. This centre, intended bring maritime intelligence from all national and multinational sources together in a vast inter-agency network, has run up against what are essentially legal hurdles.

60.   It seems quite clear that such maritime campaigns are to be brought together under the umbrella of the EU border control centres currently being set up and that there is little point in duplicating either instruments of intelligence and command or resources for intervention at sea. In the face of multiform and often interconnected threats (trafficking, terrorism, piracy, etc.) Europe's means of control and action are limited and efficiency enters into the calculation, particularly for bringing together intelligence on land and sea segments. This aspect is especially crucial in the Mediterranean and the Black Sea. The EU provides a political framework ideally suited to dealing with such threats as the international and cross-departmental nature of the operations the EU has already conducted serves to illustrate.

61.   In conclusion, groups of experts are at work within the Sea Border Centres (the ESBC and the WSBC) and have already released the results of some studies. These will all eventually be compiled in a final report suggesting improvements to surveillance in all areas: communications, surveillance systems, data bases, use of traditional assets (ships, aircraft, helicopters) future requirements, etc.

VII.   European naval forces and maritime security

62.   Given the absence of ESDP structures, particularly Europe's fighting navies, from the debate on European maritime policy, it would seem urgent for proposals for the use of naval assets in those types of maritime security missions which are not strictly of a military nature to be included on the agenda of the EU's Military Committee and Political and Security Committee.

63.   Among Europe's navies some initiatives have recently been unveiled which need to be coordinated and developed at EU level. First of all, in spring 2005, Spain put forward a paper on maritime aspects of the 2010 Headline Goal which proposed examining the following questions:

– rationalisation of European maritime forces;

– setting up a maritime rapid response capability (building on a proposal from France known as EUMARC: European Union Maritime Reaction Concept);

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[10] Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002. This led to the IDA (Interchange of Data between Administrations) programme which, in relation to the maritime sector, became the SafeSeaNet Programme.
[11] "Feasibility study on the control of the European Union's maritime borders" ("CIVIPOL") [11490/1/03 REV I] 19 September 2003.

- the spectrum of missions by naval forces (military missions and also inter-pillar security missions – police, customs, surveillance, etc.).

This initiative is being studied. An existing document envisages defining the mandate, and methodology for looking into these issues with a view to submission of a report to the Council in May 2006. This is part of the UK Presidency's programme. A member state (either France or Spain) is to chair a working group and the intention is for the EUMS (EU Military Staff) to be closely involved.

64.   In order to make real progress in the area of EU maritime policy, the group must do work both on naval responses when managing crises and on the standing tasks of navies in the face of the new threats (trafficking, terrorism, immigration, etc.) and miscellaneous other risks (environment, security, rescue and salvage, etc.). The whole issue is to be looked at from an inter-pillar perspective in the framework of the European Security Strategy.

65.   In order to improve inter-pillar coordination, models of national organisations able to coordinate the activities of different government departments need to be developed in the member states. There is a need especially to carry out a study of the various existing organisations to find ways of harmonising them, and possibly to propose legal and institutional changes in the member states. The applicable legislation must be harmonised if close coordination between EU members is seriously to be contemplated. Furthermore, coordination needs to be established between the relevant EU structures: the EUMS/PSC for the various national navies, the three agencies involved (fisheries, borders and maritime safety) and the Commission. Only when the EU member states have reached agreement on a global coordination structure of this kind, can one begin to talk about an EU "Coastguard Agency".

66.   In addition, there is room within the framework of the current organisations for practical improvement in coordination and in existing capabilities, by:

- urging the agencies to study and explain Commission funding procedures to the member states. The Commission has a sizeable funds available to support work on technical studies, for the procurement of border surveillance systems, for anti-immigration operations and for maritime safety in general:

- establishing data transmission networks between maritime traffic control centres and ships at sea for automatic positioning of ships: use of satellites and communications networks, both inter-port and between operational shipping;

- organising surveillance operations drawing on the maritime assets of various member states;

- organising inter-agency meetings and involving the present ESDP organisation (the EUMS and national navy representatives.

- involving national navies in the work of the Sea Borders Centres in Madrid and Piraeus on a permanent basis and using existing European structures for coordinating naval operations (such as EUROMARFOR).

- working with the countries of the southern Mediterranean rim to set up permanent cooperation and coordination structures for keeping coastal areas under surveillance to ward off various forms of trafficking and illegal immigration.

67.   The Italian Navy is resolutely playing an active part in the process of equipping the European Union with naval capabilities so that it can carry out maritime security missions. Its commitment in this field is well known and has now been consolidated. Indeed, other than the French Navy, the Italian Navy is the only European naval force which in institutional terms and on the basis of the rules in force can undertake non-military constabulary tasks for the purpose of fighting threats to the security of maritime traffic such as illegal immigration, terrorism at sea and illegal activities of various sorts such as piracy. Since 1990 (when Albanians first began to take to the seas in order to flee their country) the Italian Navy has maintained a strong presence, controlling international waters and establishing an effective surveillance system extending as far as Italy's territorial waters. In so doing the Navy has in fact set the stage for controlling the EU's maritime borders, a task which in future will be carried out by the FRONTEX Agency with the assistance of the naval forces of the countries concerned. It is interesting to note that under legislation in force (more particularly the 2002 Fini-

Bossi law and the associated implementing instruction) the Italian Navy carries out its activities on the high seas in close cooperation with the coast guard and police forces (*Guarda di Finanza, Carabinieri* and the state police). However, the operations of these forces are confined to Italy's territorial waters or to adjacent sea zones. The Italian model for the control of maritime borders, which is based on synergy among all the forces deployed at sea, certainly serves as a good example which should be taken into consideration. The Navy, Coastguard (*Guardia Costiera*) and *Guarda di Finanza* have already taken part in multinational naval manoeuvres carried out under the "Ulysses Project". This project, which was devised by the SCIFA (Strategic Committee on Immigration, Frontiers and Asylum) for the purpose of joint patrols of sea routes used by migrants, involves naval, police and coast guard forces from France, Italy, Portugal, Spain and the United Kingdom.