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The European Union and Maritime Issues in the Black Sea Area

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Some facts

- As of 1 January 2007, the EU will border on two oceans (Atlantic and Arctic) and four seas (Mediterranean, Baltic, North Sea, Black Sea).
- Almost 90% of EU external trade and more than 40% of its internal trade is transported by sea.
- Maritime regions account for over 40% of EU's GDP.
- 40% of the world fleet is controlled by EU-owned companies.
- 3.5 billion tonnes of cargo and 350 million passengers pass annually through EU seaports.¹

EU policy framework

Over the years, the EU has developed a comprehensive maritime policy framework covering a variety of sectors and areas of operation. Some are self-standing directives, others are incorporated in sector-specific regulations.

In an effort to streamline all existing legal and regulatory dispositions, the European Commission produced, in June 2006, a Green Paper² intended to trigger off a broad-ranging debate on a future single EU maritime policy which should answer the basic requirements of being integrated, intersectoral and multidisciplinary, while also being consistent with the aims of the 2002 World Summit on Sustainable Development and with the provisions of the UN Convention on the Law of the Sea, the standards of the International Maritime Organisation and the relevant EU acquis.

The *Green Paper* is built around a detailed *Questionnaire*, to which the EU member states and other interested parties are supposed to provide meaningful inputs by 30 June 2007. Based on that accumulated material, the Commission will submit a Communication to the EU Council and European Parliament by the end of 2007.

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Without prejudice to the substance of the contributions expected from stakeholders, the Green Paper spells out the guiding principles of the future consolidated EU maritime policy document, which will have:

- To be based on the best scientific advice available;
- To involve the participation of all relevant stakeholders;
- To rely on improved coordination across sectors and to enhance institutional competences;
- To ensure the coherence of policy objectives;
- To set agreed targets and to provide for the monitoring and assessment of implementation performance.

Relevance to the Black Sea region

The process leading to the elaboration of an all-inclusive EU maritime policy is highly relevant for the Black Sea region for at least three main reasons:

- The impending accession of Bulgaria and Romania, plus the ongoing negotiations with Turkey on EU membership will make the European Union a Black Sea power, with an external border covering about half of the Black Sea coastline;
- All the other littoral states of the Black Sea and those situated in its immediate vicinity have special bilateral arrangements for advanced partnership with the European Union either under the European Neighbourhood Policy (ENP) with Ukraine, Moldova and the three countries of the South Caucasus or under the Partnership and Cooperation Agreement (PCA) and its 'four spaces' with the Russian Federation;
- The current discussions inside the EU institutions are likely to lead to the development of a Black Sea dimension of the EU regional policies and the establishment of some kind of formal relationship with the Organisation of the Black Sea Economic Cooperation (BSEC).³

The BSEC was inaugurated in 1992 as a regional economic cooperation initiative and developed, following the ratification of its Charter (1999), into a full-fledged regional organisation under the terms of the UN Charter Chapter VIII.⁴ As a representative, treaty-based regional organisation, the BSEC has a well-developed institutional framework⁵ and effective working procedures, which makes it a natural interlocutor for the EU on a variety of issues of common interest, including the maritime domain.⁶ Seven EU member states have acquired formal observer status with the BSEC,⁷ while representatives of the EU institutions have frequently attended the meetings of BSEC decision-making, subsidiary and related bodies as official guests.

It is to be noted that the two legally binding intergovernmental agreements and their respective additional protocols signed by the BSEC member states have a direct bearing on maritime policies: on combating crime, in particular in its organised forms (Corfu, 1998) and on collaboration in emergency assistance and emergency response to natural and manmade disasters (Sochi, 1998). Equally relevant is the Convention on the protection of the Black Sea against pollution and its four additional protocols signed by the six littoral states (Bucharest, 1992).



In the maritime security field, also operating outside the BSEC framework and involving the coastal states, the Black Sea Naval Cooperation Task Force (BlackSeaFor) was established in 2001.

Of particular interest for the future EU outreach to the Black Sea region is the fact that several non-governmental business associations have been granted sectoral dialogue partnership with the BSEC: Black Sea International Shipowners Association (Odessa); Union of International Road Transport Association in the BSEC Region (Istanbul); Black and Azov Seas Ports Association (Poti); Black Sea Region Association of Shipbuilders and Shiprepairers (Varna).

Specific environmental concerns in the Black Sea

The Black Sea is Europe's youngest sea, some 7 or 8 thousand years old. Despite the fact that it is the world's largest body of anoxic water (deprived of oxygen), it had a remarkably stable ecosystem until the second half of the 26th century. Between the 1960s and early 90s, because of massive and irresponsible human intervention, it saw an accelerated degradation leading to a genuine ecological catastrophe. Once home to abundant and varied fisheries, the Black Sea was drastically depleted of its native stock of sea plants and animals. Suffice it to mention that the anchovy harvest fell from 450,000 tonnes in 1985 to a mere 60,000 in 1990.

Learned studies⁸ identified several main causes for this distressing state of affairs:

- Decline in Black Sea fisheries due to deficient management of living natural resources (overfishing, poor regulation of fisheries practices, ill-defined resource allocation);
- Loss of habitats, notably wetlands and shelf areas, supporting important biotic resources due to eutrophication and chemical and microbiological pollution of coastal and marine areas (discharges of industrial wastes, domestic sewage, nutrients and pesticide residues from agriculture, operational oil and ballast discharges, solid waste dumping);
- Inadequate planning at all levels (poorly designed urban, industrial, recreational and agricultural development; poor inter-sectoral coordination; coastal erosion and inappropriate erosion control);
- Limited protection of endangered species and replacement of indigenous species with exotic ones due to inadequate implementation of available regulatory instruments, lack of international coordination and inadequate legal framework at regional and national level;
- Poor protection of the Black Sea landscape and water quality leading to reduced value of coastal tourism;
- Inadequate protection of coastal resources from maritime accidents.

Environmental aspects have been singled out because of the unique characteristics of the Black Sea and the urgency of the specific problems involved. Although some improvements in the ecological situation have been noted, particularly since 1996, the risk of a reversal is still present and therefore requires special cooperative efforts at a regional level.



Priorities and issues

The Green Paper prepared by the European Commission and the Questionnaire that is incorporated in it listed a number of priority areas of concern, provided some basic background information and invited further contributions from stakeholders to be considered for inclusion in the final draft of the EU maritime policy document. The following points represent a selection of items of particular interest for the Black Sea region, where multilateral cooperation and EU involvement can really make a difference.

a) Climate change

All BSEC member states, the Black Sea littoral states included, have signed and ratified the Framework Convention on Climate Change and the Kyoto Protocol. So far, actual implementation has been sporadic, with little regional coordination. It makes sense to consider the possibility of a Black Sea regional emissions trading scheme which could be eventually linked to the EU system.

b) Energy

The Black Sea is a major transit route for hydrocarbon resources from Russia and the Caspian basin countries (in future also from the northern part of the Middle East) to the European Union. The region is also a significant energy market in its own right. The emergence of the EU as a Black Sea maritime power poses specific problems that call for coordinated action.

One such requirement is the use of double-hulled tankers that enter or leave EU ports. This is particularly relevant for the supply of the planned Burgas-to-Alexandroupolis oil pipeline bypassing the Black Sea Straits.

Another subject worth taking up in the EU-BSEC dialogue is the regional Black Sea component of the envisaged Trans-European Network (TEN) for Hydrocarbons, as proposed in the Green Paper, covering all elements of infrastructure (pipelines, terminals, oil, LNG and LPG tankers, etc.) as an expanded successor to the now dormant EU INOGATE programme.

c) Marine sciences and technologies, including 'blue technology

The area of scientific research and technological development appears to be among the most promising for enhanced BSEC-EU interaction. The BSEC Action Plan in this field that was adopted at ministerial level (Athens, 2005) contains also specific provisions concerning marine research. Since all BSEC countries have access to the current 6th and forthcoming 7th EU Framework Programmes on Science and Technology, there is broad scope for involving the considerable research potential of the region in concrete joint projects on maritime and related subjects. It is also advisable to consider the participation of EU institutions and member states having observer status with the BSEC in the operation of the BSEC Project Development Fund.



d) Human resources

The subject is of special importance to the coastal states to ensure a relative uniformity of standards, skills and competences in maritime and related professions. The course of action suggested in the EC Green Paper concerning maritime education and training with an aim to providing multiple employment opportunities, including the 'maritime clusters' concept, are highly relevant for most BSEC member states.

e) Regulatory framework

The impending EU enlargement into the Black Sea basin calls for scrupulous implementation of agreed IMO rules and gradual harmonisation of national legal and regulatory dispositions with the EU standards. Further approximation of legal regimes and closer cooperation among implementing agencies thus acquire increasing importance. In practical terms, future concerted action should lead to an enhanced, and verifiable, responsibility of flag and port states for the seaworthiness of maritime shipping, safety at sea and enforcing environmental rules. Supplementary efforts will have to be made, with EU support, to ensure compliance with the UNESCO Convention on underwater cultural heritage (1992).

The Black Sea is eminently qualified for the development of river/sea shipping, which requires a more refined regional and inter-regional regulatory mechanism. The fact that convoys of barges can physically pass all the way from Constantza to Rotterdam via the Danube and the Rhine or from the Black Sea, through the Volga-Don system, all the way to the Caspian opens very attractive opportunities in the years to come.

f) Security and safety

With the accession of Bulgaria and Romania, the maritime dimension of the European Security and Defence Policy becomes operational also for parts of the Black Sea. Because of the political sensitivities related to the regime of the Straits according to the Montreux Convention, some of the responsibilities for enforcing maritime security and safety can be shared with the existing regional arrangements: BlackSeaFor and expanded Operation Harmony, a Turkish initiative designed to operate according to the standards of NATO's Operation Active Endeavour for the Mediterranean. Special consideration will also have to be given to the political implications of the Black Sea component of the envisaged European Coastguard Service.

Future EU action in the region may also envisage joint action for the protection of critical infrastructure. The planned European Marine Observation and Data Network can prove instrumental in this regard.

g) Management of land/sea interface and spatial planning

The concept of integrated coastal zone management (ICZM), first recommended by the European Commission



in 2002 and likely to be incorporated in a future EU maritime policy document, is certainly applicable to the Black Sea region.

The BSEC and its institutions are particularly well placed to undertake the necessary cross-sectoral coordination in a regional format. The added value of such a comprehensive approach is enhanced predictability as a necessary ingredient for sound investment decisions.

h) Rational use of EU financial instruments

Due to the variegated status of individual Black Sea countries in their formal relationships with the European Union (EU members, countries engaged in accession negotiations, aspiring candidates, and non-aspirant partners), the use of available EU instruments, both political and financial, has to be creative and imaginative. In order to be cost-effective and economically efficient, it will have to combine the resources allocated under structural and cohesion funds, the ENPI and the strategic partnership with Russia. It is encouraging to note that European Investment Bank (EIB) funding is now available for major regional projects in the Black Sea space, including the maritime domain.

A significant step forward for enhanced maritime cooperation in the Black Sea and the development of coastal areas was made through the recent initiative of the European Commission to allocate Euro 17 million over 2007-2013 under a ENPI/CBC cooperation programme for the Black Sea basin. The area of operation covers the littoral provinces of Bulgaria, Greece, Romania, Russia, Turkey and Ukraine, and the entire territories of Armenia, Azerbaijan, Georgia and Moldova.

The next steps

a. On the EU side

- To acquire better knowledge of the problems that are peculiar to the Black Sea, considering that, as of 1 January 2007, it legally becomes part of the maritime border and maritime space of the European Union, and to develop region-specific policies and policy instruments;
- To establish a permanent consultative mechanism on maritime issues with the relevant regional organisations and initiatives, the Organisation of the BSEC in particular;
- To resort more extensively to the existing policy-making, administrative and scientific capabilities of the regional actors and to assist the development of new ones according to the requirements of enhanced cooperation in the maritime domain.

b. On the BSEC side

- To establish a functional mechanism (possibly an ad-hoc group of experts) charged with the preparation of the BSEC agreed response to the EC Green



Paper and Questionnaire on maritime policy so as to be in a position to have it endorsed at decision-making level and to forward it before 30 June 2007; dissenting views, if any, should also be noted;

- To consider the creation of a permanent unit with overall responsibility for maritime matters (either as part of the BSEC Permanent International Secretariat or as a separate working group);
- To assist the EU institutions in establishing meaningful contacts and tapping locally available expertise on maritime subjects.

NOTES

1. Maritime Safety, EurActiv Survey, 1 September 2006, www.euractiv.com
2. Commission of the European Communities, Green Paper. *Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*, COM (2006) 275 final, Brussels, 7.6.2006.
3. For a detailed presentation of the state of play on that subject, see Marius Vahl & Sergiu Celac, "Ready for a Breakthrough: Elements for a European Union Strategy Towards the Black Sea Region", *Journal of Southeast European and Black Sea Studies*, vol. 6, no. 2, Taylor & Francis, London, June 2006, pp. 169-191.
4. The current membership includes Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia, Turkey, and Ukraine.
5. Decision making bodies: Council of Ministers of Foreign Affairs meeting twice a year, Committee of Senior Officials and 'Troika' system, assisted by a Permanent International Secretariat based in Istanbul; subsidiary bodies: 19 permanent and ad-hoc Working Groups and the Project Development Fund; related bodies: Parliamentary Assembly, Business Council, Black Sea Trade and Development Bank (Thessaloniki), International Centre for Black Sea Studies (Athens). See www.bsec-organization.org.
6. For descriptions of BSEC structures and activities, see Mustafa Aydin, "Europe's next shore: The Black Sea region after EU enlargement", *Occasional Paper No. 53*, EU Institute for Security Studies, Paris, June 2004; Panagiota Manoli, "Limiting Integration: Transnational Exchanges and Demand in the BSEC Area", *Agora Without Frontiers* (special Black Sea issue), vol. 10, no.4, Athens, 2005, pp. 268-291; S.Celac & P.Manoli, "Towards a new model of constructive regionalism in the wider Black Sea area", *Journal of Southeast European and Black Sea Studies*, vol. 6, no. 2, Taylor & Francis, June 2006; M.Vahl & S.Celac, op. cit.
7. Those are Austria, the Czech Republic, France, Germany, Italy, Poland and Slovakia (the United Kingdom and Cyprus have also recently applied), plus Belarus, Croatia, Israel, Tunisia and the United States of America (recent application also from Montenegro).
8. Laurence David Mee, "Protecting the Black Sea Environment: A Challenge for Cooperation and Sustainable Development in Europe", T.Adams, M.Emerson et al., *Europe's Black Sea Dimension*, CEPS/ICBSS, Brussels, 2002, pp. 81-135.

Note: The present monograph is based on a paper presented by Ambassador Sergiu Celac at the International Conference "The European Union and the Black Sea Region" held in Varna, Bulgaria, 6-7 October, 2006, and organised by the University of South West Bulgaria, the Free University of Varna and the Center for European Law from Paris 2 University



WHO WE ARE

The [International Centre for Black Sea Studies \(ICBSS\)](#) was founded in 1998 as a non-profit organisation. It has since fulfilled a dual function: on the one hand, it is an independent research and training institution focusing on the wider Black Sea region. On the other hand, it is a related body of the Organisation of the Black Sea Economic Cooperation (BSEC) and serves as its acknowledged think-tank*. Thus the ICBSS is a [uniquely positioned expert on the Black Sea area and its regional cooperation dynamics](#).

Our aims

Through all its activities, [the ICBSS aims to foster multilateral cooperation among the BSEC member states as well as with their international partners](#).

As an independent research and training centre the ICBSS strives:

- To pursue applied, policy-oriented research, build capacity and promote knowledge on the Black Sea region both within and outside its boundaries.

As a related body of the BSEC its goal is:

- To fulfill in the best possible way its institutional role and the assignments received by carrying out studies, offering policy advice and coordinating activities.

The ICBSS regularly reviews its practices and procedures with a view to enhancing the impact of its activities and achieving greater efficiency.

WHAT WE DO

The ICBSS is a [proactive member of the BSEC institutional family](#) and participates in the deliberations of the BSEC decision-making, related, and subsidiary bodies, mainly in a consultative role. Upon specific mandates the ICBSS drafts policy documents (ministerial declarations, action plans, background papers), coordinates the work of ad hoc Groups of Experts and is actively involved in permanent BSEC Working Groups. The ICBSS regularly reports on these activities to the BSEC Council of Ministers of Foreign Affairs.

As an [independent research and training institution](#), the ICBSS exploits synergies with its institutional role and develops complementary activities, including the elaboration and publication of research papers and studies, the organisation of a variety of scientific events, the management of research projects on a contract basis, as well as networking activities. The ICBSS currently concentrates on [BSEC-EU interaction, good governance and institutional renewal, energy, and science and technology](#) in the wider Black Sea region.

Recently launched programmes include:

- The [ICBSS Annual Conference](#): an international forum for focused debate between policy makers and researchers
- The [ICBSS Annual Lecture](#): an open event with expert guest speakers
- The [Black Sea Research Network](#): a multidisciplinary system of research institutes in the wider region

* The member states of the BSEC are: Republic of Albania, Republic of Armenia, Republic of Azerbaijan, Republic of Bulgaria, Georgia, Hellenic Republic, Republic of Moldova, Romania, Russian Federation, Republic of Serbia, Republic of Turkey, and Ukraine.



- The [ICBSS Outreach Programme](#): engaging leading experts and local stakeholders in debates on regional affairs
- [Project management](#); specifically with regard to EU co-funded regional projects on science and technology

ICBSS publications:

- The [Xenophon Papers](#): a series of comprehensive, policy-oriented studies
- [Policy Briefs](#): commentaries on topical issues
- The [Black Sea Monitor](#): a quarterly electronic review of regional affairs
- Contribution to the [Journal of Southeast European and Black Sea Studies](#), published by Taylor & Francis Group (Routledge, London)

The ICBSS collaborates internationally with a wide [network of organisations](#). Members of its staff frequently contribute to events and publications on Black Sea related topics. The Centre also keeps a [specialised library](#) of books and periodicals on regional cooperation as well as country-specific and thematic files. The ICBSS reports to its Board of Directors on all the above-mentioned activities.

STRUCTURE

The ICBSS is governed by an [international Board of Directors](#), formed by senior representatives from the diplomatic and academic communities of all BSEC member states. The Board also includes the Secretary General of the BSEC Permanent International Secretariat and three professionals of international standing from outside the Black Sea region.

The ICBSS' [Director General](#), assisted by the [Alternate Director General](#), who are both members of the Board of Directors, is responsible for the Centre's day to day operations and the [ICBSS team](#).

The ICBSS is supported by an [Advisory Panel](#), composed of personalities of international repute from the academic, political and business spheres.

RESOURCES

The Greek Government provides material support for the ICBSS' functioning and development. The Centre obtains additional funding from research contracts and voluntary contributions from the BSEC member states and other donors.

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