



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

MEDITERRANEAN AND BLACK SEA
MARITIME POLICY MEDITERRANEAN AND BLACK SEA

Brussels,
D(2009)

MARE MSEG – SURVEILLANCE 2

Subject: Second meeting of the Commission's Member States Experts Sub-Group on the integration of maritime surveillance, held in Albert Borchette on 21 April 2010.

Meeting Report

1. INTRODUCTION

The meeting was chaired by Mrs Fabrizia Benini, HoU MARE/D1 Mediterranean and Black Sea within the European Commission's DG Maritime Affairs and Fisheries (MARE). Despite remaining air traffic disturbances, due to the volcanic ash from Iceland, attendance from Member States was high. Several Member States were represented by their national coordinators (FR, UK, NL, IT, DE, BE, FI, LT, PT) and the remaining by their Permanent Representation (EL, CY, SE, DK, ES, PL, BG). The European Defence Agency, the Wise Pen Team (2 of the 5 Admirals having produced a report on Maritime surveillance in support of CSDP), Europol, ESA, FRONTEX, EMSA, the Secretariat General of the Council and the Commission's services - DGs JLS, MOVE, RELEX and ENT took part in the meeting. For the most part, national delegations were composed of one or two attachés typically from Transport, Defence and/or Interior Ministries.

1.1. Meeting purpose

The meeting's purpose was to present to the Member States and organisations the *discussion paper* outlining a first draft of the Roadmap towards the Common Information Sharing Environment for the EU maritime domain, elaborated by the Commission's Interservice Sub-Group on maritime surveillance, and launch a first discussion and exchange of views. The External Relations Council of the EU at its meeting of 17.11.2010 called the Commission to work together with MS and relevant EU bodies to develop the idea of establishing an integrated approach to maritime surveillance and to present to the Council a Roadmap, including a step by step approach, for the development and implementation of the common information sharing environment (CISE) before the end of 2010. The Roadmap is to be further detailed in 2011, to take into account the results from relevant cross-sectoral and cross-border projects and R&D projects, as well as projects and lessons learnt from CSDP operations. Work should be done within Member States Expert Sub-Group on the integration of Maritime

surveillance, acting as a coordination forum. The financial implications of the CISE would have to be identified by the Commission, at the Council's request, before end of 2013

1.2. Draft Roadmap outline

Mrs Benini presented the basic principles of the draft Roadmap and the different steps outlined therein, stressing that it is designed as a flexible process allowing for adjustments to be made so as to reflect sectoral policy, technical developments and efficiencies whenever possible. As mentioned in the 2009 Communication, while fully taking into account the competences of national authorities as established by national and Community legislation, the CISE architecture should be designed as a cost effective interconnection of different information layers based on interoperability and common standards. For this purpose, interoperable data models and standards on the handling of data have to be agreed upon, and, secure communication lines have to be established between relevant sectoral systems based on pre-defined access rights.

In order to establish inter-linkages between these User Communities, they will have to be fully involved in the elaboration of the following seven proposed steps for the CISE development: A short description of the different steps followed, namely

Step 1: Identifying all User Communities

Member States and the Commission shall *identify the participants* to the information exchange, preferably on the basis of 'User Communities' already established at national and Community level and supported by EU Agencies.

Step 2: Mapping of data sets and gap analysis for data exchange

This step ensures that there is an *added value* to the CISE, in terms of demand for cross-sectoral maritime surveillance data that is not currently matched by supply. The resulting gap indicates the potential for building *added value* in terms of cross-sectoral data exchange.

Step 3: Common data classification levels

Step 3 aims at establishing a common approach with regard to the attribution of data classification levels, thereby facilitating the information exchange between various existing and planned sectoral systems.

Step 4: Technical requirements

Under that step, the *technical requirements* for setting up the interfaces between the existing and planned sectoral systems in view to enable cross-sectoral data exchange should be defined.

Step 5: Establishing access rights

This step envisages establishing the *rights of users* belonging to different sectoral communities to access various data sets.

Step 6: Ensuring respect of legal provisions

Step 6 aims at ensuring that there is a clear *legal framework* for the exchange. Obstacles to the exchange of the data present in EU legislation must be identified and solutions to overcome them should be explored.

Step 7: Impact assessment including financial implications

The last step aims at carrying out an appropriate *Impact Assessment* based on the above design. The Commission shall finally draw its conclusions on the most appropriate way to proceed in view to establish the CISE.

2. MEMBER STATES REACTIONS

The discussion was structured in the following manner: Member States were first invited to provide their overall reaction and comments to the working document and subsequently, during the afternoon session, their specific comments on the seven draft Roadmap individual steps, including national reactions to the questions posed after the description of each one and the prescribed timing.

2.1. General Comments on the draft Roadmap

France supported the document, referred to the pilot projects¹ on the integration of maritime surveillance as basis of future revision of Roadmap and asked for a third pilot project to cover the Atlantic. FR is in favour of industrial technological input to the integration process and stressed the need for consistency. It also stressed the need to invest political weight to build/reinforce partnerships amongst the different sectoral policies, asking for support from both Member States and the Commission, led by DG MARE.

Finland thanked the Commission for the draft Roadmap, which reflects their thinking and they consider it is a good way forward.

The Netherlands also thanked the Commission for the draft, which is a good way forward, breaking down a complex matter to comprehension. This delegation pinpointed the biggest challenge in ensuring coherence between systems, ambitions and developments, bringing as example the development of the SafeSeaNet system which follows a similar logic and steps to develop for cross-sectoral use. Such sectoral developments should fit into the different steps of the Roadmap.

Greece supported the Commission's initiative and the discussion paper itself. It also provided comments on the introductory part of the document, expressing in particular its clear preference to the 'need to know' principle for information exchange on the one hand and the need to take into account all relevant studies and actions, such as the Commission's Study on Legal aspects of maritime monitoring and surveillance data. According to Greece, it is very crucial to ensure cooperation between the civilian and the military authorities

¹ BlueMassMed (pilot project on the integration of maritime surveillance in the Mediterranean and its Atlantic approaches) – BMM and MARSUNO (pilot project on the integration of maritime surveillance in the Northern European Sea basins).

Portugal congratulated the Commission on the paper, which they fully endorse.

Italy expressed its gratitude for the document, saying that several national Ministries contributed to their national position and that a complete methodology should be developed for reaching the desired aim. This delegation referred to existing ambiguity in the scope of maritime security and safety, underlining the need to avoid overlaps. It also said that the Roadmap lacks a long term vision for promoting cooperation in all aspects of surveillance, including spelling out the operational requirements of integration as well as the need to bring together military and civilian capacities for maritime security and law enforcement at sea. In organisational terms, it expressed the view that a new working group would be needed to integrate different resources and to pool political and decision making capacities, proposing that the Council will need to be further involved, along with the High Level Focal Points and Commission with the Member States Experts group. It further underlined that future developments should take into account ongoing cooperation, referring in particular to the strong desirability to incorporate the work done in the frame of BMM and MARSUNO pilot projects, which might need more time to deliver their full potential. At technological level, it favours the development of a system that will be secure enough for highly sensitive data, adding that we need to build a network of systems with support from the militaries and civilians, which as a process also might in the end be beneficial for internal administrative structures. The regional approach to integration (i.e. by sea basin) is the preferred one for Italy. It also agreed with France on a separate pilot project for the Atlantic. In the Italian view, overall vision work is necessary on top of many positive points of Roadmap and favours the investment of the necessary time to reflect on the development of cooperation between the civilian and the military world, the Commission and the Council.

The United Kingdom generally welcomes the Roadmap, characterising it as pretty constructive. Announced the recent establishment of their National Maritime Information Center which would help bringing forward the work on maritime surveillance, as well as the French proposal for an Atlantic pilot project.

The Commission, responding to Member States general comments, said that coherence would be ensured first by the different DGs working together, as they did in the preparation of the draft Roadmap, by keeping close track to and regularly updating the list of relevant initiatives, by disseminating information between the sectoral groups, by making use/posting and exchanging information on the Maritime Forum from June 2010 and most importantly, by seeking to work closely with (and even taking advantage of) the experience of the User Communities, to be identified under Step 1. On the sectoral initiatives, it stressed that convergence is the aim, without any need to slow down their progress, nor change existing ownership patterns. The idea is anyway that of a decentralised system. Definition work should not be a first priority, as maritime situational awareness is suitable for serving every purpose. The extent to which a regional approach would be followed should be reflected upon especially by Member States at national and of course regional level. At first it would not involve third States nor international organisations, in order to avoid 'overcharging the boat'. It finally presented and briefly explained a number of relevant projects to be launched soon under FP7.

A number of delegations, including France and Italy, agreed with the idea of a decentralised system, against a solar-type one and stressed the importance of the security of information .

2.2. Specific comments on the steps identified in the draft Roadmap and the proposed timeline

- **Step 1: Identifying all User Communities**

Finland supported the functional approach, noting that search and rescue may be seen as an independent layer, while vessel traffic services & ship and port security would be separated. They could in the end list the authorities within the 6-7 months timeline, even if they think it is rather tight.

France felt the seven User Communities listed in the document consistent and sufficient, stressing that work clearly needs to be done amongst them. They spoke in favour of a need to share approach, stressing that SafeSeaNet should be considered as the contribution of the maritime traffic monitoring User Community to the CISE.

Italy reiterated the need for clarification on the notions of maritime safety and security. Security involves also aspects pertaining to national competence and require a higher political level of decision. The aim here is to design an inter-sectoral system going far beyond traffic monitoring. The above being said and taking into account that all their national authorities participate, they agreed with the proposed approach and timing.

Greece asked for more flexibility on timing and requested a definition of what the function of 'defence' would consist of.

The Netherlands said that they would prefer a purely functional wording, rather than an "authorities' oriented" list. Timing would be no problem, since they could build on work already done in the context of the 2007-8 Working Documents of DG MARE. The Commission asked for a NL suggestion on the list of functions.

Germany expressed the view that surveillance is 'means to an end' for Maritime Security and that the subsequent use and control of the data would be determinant for the stance of User Communities towards cross-sectoral exchange. This delegation also agreed to the list and will provide the relevant information. The Commission clarified that under this step it is only an indicative list of authorities and sectoral working groups that will be created for the purpose of participation to the initiative.

Ireland stated that internally the User Communities have already been identified under the coordinating umbrella of the coastguard, said that timing is fine and asked for flexibility as further communities may emerge over time.

Sweden expressed its support for this first step's approach, commenting that functions 1 and 3 both include maritime services and that some improvement might be needed there. The timeframe of 2010 is agreed by this delegation as well.

Cyprus agreed with the seven functions indicated, noting that SAR might need to be separated. It wondered whether defence would be a 'leader' or 'follower', as the relevant decision has not yet been taken internally.

The United Kingdom endorsed the Step 1's approach, saying that for present purposes the seven functions are fine but may change in future, so some flexibility is required. A principle should be introduced to the effect "unless you contribute you will not be able receive".

Italy expressed the view that the text can be improved, by referencing maritime safety against SOLAS Convention and Directive 2002/59/EC, security against SOLAS Chapter XI, but also by introducing the relation of User Communities 6 (Law enforcement) and 7 (Defence) to that of 1 (Maritime Safety and Security). A clear relationship between authorities/functions/ministries must find its place.

- **Step 2: Mapping of data sets and gap analysis for data exchange**

The Netherlands questioned the advisability of those two actions (mapping and gap analysis) being under the same step, because the latter goes beyond existing possibilities. They proposed a gap analysis at functional, rather than at 'data sets' level, implying that starting point should be an analysis of what we want to achieve, i.e. requirement for data exchange. Data mapping should include not only EU, but also national and regional levels.

The Commission commented that under this step the focus is on cross-sectoral exchange, rather than cross-border, which is mostly a work for the sectoral WGs and stressed the connection of this step with Step 5. Data is a relatively common element in MSs, whilst a functional approach might touch upon the heart of national competencies.

France agreed that data mapping should be carried out also at the national level. It referred to the work done within the Users Working Group of the BMM pilot project in relation to this step and stressed the role of the EU Agencies, which should be represented in the Multidisciplinary Working Group.

Sweden also favoured mapping at both national and EU levels. It pointed to the potential benefits in identifying ongoing duplications.

The United Kingdom would like to see the European Port Security Information Exchange Network (EPSIEN) within the data mapping exercise.

Cyprus enquired whether there be a model for the mapping, receiving the reply from the Commission that it is the Multidisciplinary group that will provide a model.

- **Step 3: Common data classification levels**

Italy warned that this step could be tricky and therefore much caution is required, the basic requirement being the definition of a proper legal framework. Information management is a precondition to decide upon classification levels.

Cyprus expressed its agreement with the content of this Step, particularly with the point that protected data will be dealt with according to EU or national law. It further enquired whether accession (third) countries will have access, the Commission responding that at first stage the common information sharing environment is only for EU Member States.

Portugal suggested a common approach to classification, starting by checking what classification levels exist.

France agreed to the content of this Step, pointing also to the work in the BMM pilot project as well as to the classification levels brought forward by the WisePen (data/information/knowledge), as useful for consideration.

- **Step 4: Technical requirements**

The Commission pointed out that the technical requirements would refer to a decentralised system making use of a common tool of informatics language as a bridge between sectoral systems, although some centralised elements might be necessary as in SSN. However, highly sensitive data may not pass through the internet.

Cyprus agreed to this approach, bringing MARNISS as a possible example.

Italy pointed that account should be taken of military systems that have already been developed, adding that the WisePen report should be read by all.

The Commission clarified that non confidential and highly confidential data require different means and that military systems shall be taken into account. **EDA** commented that cooperation in military field is well advanced and that management of classified data is not different from non classified ones.

The Netherlands expressed their preference to the term ‘Technical requirements’ of p.6 rather than ‘technical framework’ of this step in p.11 and agreed with CY that account should be taken of solutions that already exist. They expressed their general agreement to decentralised approach.

Ireland suggested that in view of the different and desperate systems, we would need a network enabled approach pointing to further consideration of last year's EDA's paper since the Council has developed such system.

Sweden said that the proposal in right direction and could even be labelled ‘Technical Decentralised Network’, further clarifying that their focus is on decentralisation. This delegation also stressed the need to focus on existing systems.

The Commission commented that the term 'network' might be problematic, opening from the very beginning a discussion on who should run, manage and maintain it, under which pillar etc. For that reason, the overall initiative is labelled as an ‘environment’.

Finland commented that the question of management will inevitably arise as a crucial one and might have to be introduced in the Roadmap. **The Commission** stressed however its perception at this stage, we should remain focused on the procedural steps of the Roadmap to create the interconnections between existing and developing systems.

- **Step 5: Establishing access rights**

Cyprus stressed the importance of dynamic management of access rights, including the possibility to block access ad hoc.

France pointed to the need of linking Steps 5 and 3 in order to promote confidence across the User Communities and make them work together.

The United Kingdom raised concerns with respect to the VTM Directive as it has passed into UK legislation (criminal sanctions have been introduced for inappropriate sharing of data) and therefore will have to be extremely cautious in sharing information that could subsequently be found to be inappropriate. It felt this may also apply to other Member States. It further commented that this step might have to be reversed to Step 6, dealing with legal provisions. **The Commission** commented that the logic is first to identify the objective of the exchange, its added value and finally the legal provisions underpinning it. **The Netherlands** agreed with the Commission's approach, we should not block the procedure by an overestimation of legal obstacles.

- **Step 6: Ensuring respect of legal provisions**

The Netherlands supported the view that the new legal framework will require much more than provisions on data exchange, as the Commission's study on identification of legal obstacles of 2008 has revealed. For this reason, this step must be divided into two substeps, being: Substep 1 'fundamentals' Substep 2 'legal framework'. This delegation suggested starting addressing fundamental legal questions in parallel to the elaboration of the steps

- **Step 7: Impact assessment including financial implications**

Sweden commented that IA work would have to start as soon as possible and suggested a further step 8, on the future perspectives of the network. The Commission said that the Roadmap needs to be endorsed by the Council before the IA starts.

Italy backed by France disagreed with the wording in page 7, that "Depending on the IA's outcome, the Commission will identify the best option for the implementation of the CISE...", on the grounds that the MS need to decide on this.

The Commission recognised that the wording needed to be improved. The reference to the Commission's decision on the best option only concerned the Impact Assessment which is a technical step required by better policy making. It was agreed to change the wording.

3. CONCLUDING REMARKS AND FURTHER STEPS

The Commission outlined the major steps for the current year, being the adoption of a Communication on the Roadmap, depending on the discussions in the Member States Experts Sub-Group, which will then need to be endorsed by the Friends of Presidency

group and the General Affairs Council, due to the cross-sectoral character of the issue. This Council instance should ensure coordination between Member States, whilst inside the Commission coordination is done by DG MARE.

Greece favoured the leading role of the Member States Experts Subgroup in all discussions and decisions on integrated maritime surveillance and Italy referred to the difficulty to develop a strategy on surveillance, since many areas fall outside the remit of Commission competence. On the latter point, the Commission noted that the subsidiarity principle will be fully respected and that its role is that of a facilitator, the final decisions to be taken by the Member States and the Council, as with the Council decision to ask for the Roadmap last year, having assessed the added value of the initiative.

The Commission closed the meeting, noting:

(a) the general support to the *Discussion paper on a draft Roadmap towards establishing the Common Information Sharing Environment for the EU maritime domain (CISE)* including on the timing of the proposed steps

(b) that certain delegations will be providing additional suggestions in writing (deadline 21 May)

(c) that the draft roadmap will be revised to take delegations comments into account

(d) that the next meetings of the Subgroup will be on 16 June and 12 July 2010. Invitations will be sent three weeks prior to those dates and enhanced military participation is desired, in view of the fact that

(e) at the next meeting, a dedicated section will deal with civil/military cooperation featuring the presentation by the WisePen of their report "Maritime Surveillance in support of CSDP" and from EDA on PT MARSUR project (defence and security).

Christos Kontorouchas

Visa

Fabrizia Benini

Head of Unit

Enclosure: List of participants (those who signed the list)