The Wise Pen Team:
Vice Admirals Fernando del Pozo, Anthony Dymock, Lutz Feldt, Patrick Hebrard, Ferdinando Sanfelice di Monteforte

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# Table of Contents

I. Background ......................................................................................................................... 4
II. Introduction .......................................................................................................................... 4
III. Principles of EU Maritime Information Sharing ................................................................. 5
IV. Key Messages .................................................................................................................... 5
V. Progress ............................................................................................................................... 6
   CSDP ..................................................................................................................................... 6
   Integrated Maritime Policy (IMP) ......................................................................................... 7
   Common Information Sharing Environment ......................................................................... 8
   Maritime Safety and Security Information System (MSSIS) .................................................. 9
   Pilot Projects ...................................................................................................................... 9
   Third Parties ....................................................................................................................... 9
   Chiefs of European Navies (CHENs) ................................................................................. 9
   North Atlantic Coast Guard Forum (NACGF) ..................................................................... 10
   Ship Owners ..................................................................................................................... 11
   MARSUR ........................................................................................................................... 11
   FRONTEX ......................................................................................................................... 11
   Legal Issues ....................................................................................................................... 12

VI. Cooperation between Agencies, Services and Communities ........................................... 12
VII. Definitions ....................................................................................................................... 13
VIII. The Maritime Element in Security Sector Reform ......................................................... 13
IX. Towards a Maritime Security Strategy ............................................................................. 14
X. Conclusions ....................................................................................................................... 15
XI. Recommendations and Way Ahead ................................................................................ 15

Annex A ................................................................................................................................. 17
   Final Report Executive Summary .................................................................................... 17

Annex B ................................................................................................................................. 19
   WPT activities .................................................................................................................. 19

Annex C ................................................................................................................................. 21
   Definitions ......................................................................................................................... 21

Annex D ................................................................................................................................. 23
   Analysis of the options for EMSS .................................................................................... 23
   SWOT analysis ................................................................................................................ 24

Annex E ................................................................................................................................. 26
   European Maritime Security Strategy. A Proposed Template ........................................... 26
I. Background

1. Following the submission to the EDA of the Wise Pen Team’s (WPT) final report *Maritime Surveillance in Support of ESDP* on 31 March 2010\(^1\) (thereafter referred to as the *Think Piece*), it was noted by Ministers in Luxembourg on 26 April 2010\(^2\), and referred to again on 14 June 2010 in the Council conclusions on Integrated Maritime Policy\(^3\). A further contract was agreed with the WPT in order to take forward the report’s recommendations and to facilitate the international integration of various ongoing initiatives in the field of maritime surveillance. This report summarises progress in the period 26 April to 9 Nov 2010.

2. The mandate given by the EDA to the WPT offered a framework in which the *Think Piece* was developed. This work was completed with the Ministers’ notation on 26 April 2010. The new Mandate given to the Team on 12 April 2010 emphasised the further development of European Maritime Surveillance and Maritime Security, still taking a “comprehensive approach” as the guideline.

3. In this report the Agency asked for the following:
   
   • The state of play in the areas of Integrated Maritime Surveillance and EU Maritime Security Strategy and the related conceptual implications for CSDP operations and the necessary future military contributions to work on these topics.
   
   • The degree of acceptance and status of implementation of the *Think Piece* recommendations.

II. Introduction

4. Given the generally favourable reception of the final report and taking into account the pace and direction of developments in maritime surveillance at national and international levels, the WPT team agreed with the EDA a modus operandi of continuing engagement with the EU Council Secretariat (CMPD), the Commission (DG MARE inter alia), Parliament, Member States (MSs) and Third Parties through a mixture of visits, consultations and contributions to relevant conferences\(^4\). The team sought to revalidate the original recommendations from the final report in the light of experience and current developments as well as to monitor the progress and coherence of implementation of agency and national policy initiatives in terms of policies, projects and experiments. Progress has been assessed in accordance with the principles of EU Maritime Information Sharing stated in the *Think Piece* and against the benchmarks of the key messages, listed below, derived from the WPT Final Report.

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\(^1\) See the Executive Summary at Annex A
\(^2\) Council conclusions on CSDP, 3009th Foreign Affairs Council meeting, paras 47 and 58.
\(^3\) Council conclusions on IMP, 3022nd General Affairs Council meeting Luxembourg, 14 June 2010, para 11
\(^4\) See Annex B
III. Principles of EU Maritime Information Sharing

5. The maritime geography of Europe lends itself to a regional approach to situational awareness and even more to effective action. Interconnection between regions is also important, as many vessels transit more than one EU maritime region.

6. The sea is an integrated space, where multiple activities can happen at the same time and in the same places. Anomalous behaviour is usually the first indicator of a potential security threat. It takes time to determine the particular nature of the threat and thus who should be the appropriate responsible authority.

7. The aim of Maritime Domain Awareness (MDA) is to support timely decision making in order to enable effective action, to ensure security around Europe and effectiveness in operations abroad: this aim must be kept in mind, otherwise expenditure and systems procurement will be nugatory or inefficient.

8. Cooperation should progress towards synergy, if not full integration, as mutual help is fundamental, especially at sea: if the other actors can decide to support the agent at the scene of an event, without arguing about the authorities, jurisdiction or competence, then a dynamic of mutual help (the supporting-supported relationship) can be established as best practice.

9. An MDA network cannot be implemented overnight: a careful, step by step approach, aiming at connecting systems in a Federation of Systems, using gateways instead of a superimposed hierarchy, will help spread a culture of collaboration, without raising sovereignty issues.

10. The best role for the EU, in this phase of steady, albeit turbulent, progress in the maritime domain, is to be the facilitator internally, in a context of horizontal exchange between different actors. Globally, it should be a catalyser.

11. Those withholding vital information from other actors are liable to be detected and exposed to public contempt. This leads to the concept of Responsibility to Provide/Share, where an early information exchange could save thousands of lives.

IV. Key Messages

12. The following key messages bear reiteration in respect to maritime surveillance, some will require collective political leadership and direction to be sustained beyond the traditional national political cycle:

• A comprehensive international and interagency approach is essential. All actors involved in maritime surveillance (and thus by implication security also) need to think globally while acting regionally or engaging third parties as appropriate.

• There is no easy fast track to achieving effective global maritime surveillance. A step-by-step approach is needed based on regional co-operation and capacity building. The EU has a clear responsibility for its own neighbourhood but it can also contribute in other regions where surveillance is poor and security is consequently weak or absent.

• Neither military nor a combination of civilian capabilities alone can deliver effective maritime surveillance. A partnership is required in a common or interoperable
architecture, especially among experts in all branches of economic activity at sea, in order to implement a fully comprehensive Common Information Sharing Environment.

- Leadership is required – if everyone is responsible no-one is responsible. It is not critical which agency or element of government leads or exercises co-ordinating authority but there needs to be one responsible and empowered authority able to exercise co-ordinating authority so as to be able to harmonise policy, agree protocols, federate systems and capture potential operational efficiencies and cost savings.

- A change of mindset is still required in many quarters – from secrecy to transparency of baseline data, to understanding the responsibility to share as far as possible, accepting that restricting sensitive information and intelligence sharing may occasionally be justified.

- Implement and empower roundtable/stakeholder policy and user groups, sharing lessons learned within and across sectors. The EU should exploit the experience and expertise of existing non-EU organisations e.g. IALA, CHENs, NACGF, VRMTC, and existing systems e.g. MSSID, IALANET.

- Exploit and expand existing agreements (EMSA/FRONTEX/CFCA MOU) and put in practice the findings of pilot projects/experiments (BlueMassMed, MARSUNO); complement them with an Atlantic Pilot Project.

- In organising and using maritime surveillance avoid role and responsibility battles by focusing on the coastguard function rather than the coastguard service.

- Imbue all the relevant agencies and actors with the supporting/supported concept.

- Define the essentials of CSDP Maritime Operations (areas, missions, respective roles, interfaces and support which can be provided to other EU actors and vice versa).

- Keep in mind that Maritime Surveillance is only the first step towards developing a capability to influence events at sea around and beyond Europe. The aim should be to create a capability that enables MSs to intervene promptly and to provide mutual support in a sea basin or region (see Art 222 of the Lisbon Treaty, the “Solidarity Clause”).

V. Progress

CSDP

13. During this period the EU anti-piracy Atalanta operation has continued with overall positive results\(^5\). While piracy has not been eradicated (not Atalanta’s mission\(^6\) and impossible without addressing the fundamental problems of a failed state ashore\(^7\), the

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\(^5\) Operation Atalanta has been recently extended until the end of December 2012

\(^6\) The mission statement is: “EU NAVFOR is to protect WFP, AMISOM and other vulnerable shipping, deter and disrupt piracy and armed robbery in the AOO and, where possible arrest, detain and transfer persons who are suspected of having committed acts of piracy or armed robbery in the AOO and contribute to the monitoring of fishing activities off the coast of Somalia until the end of the mission.”

\(^7\) This highlights the importance of addressing the problems posed by failed states, and of undertaking security sector reform as soon as possible once some degree of authority has been established (see below in the Maritime Security Sector Reform section)
trends at sea seem to be positive, with fewer successful attacks. Increased situational awareness through enhanced information exchange, wider adherence to the published best practice rules, and the accumulated effect of the naval presence, even if intermittent, are some of the factors that are changing the situation for the better. Of the three factors, enhanced information exchange is the most pertinent, especially since it concerns forces from international organisations that, had the environment been other than maritime traffic protection, would have felt little pressure to participate in information exchange. In the event, TF 465 (EU NAVFOR Atalanta), TF 508 (NATO’s Ocean Shield) and TF 151 (US led) are actively networking their information by means of the MSCHOA at Northwood.

14. It would be misleading, however, to focus exclusively on piracy off Somalia. Piracy continues elsewhere in the world with different degrees of international visibility and impact: piracy and maritime criminality are becoming more widespread and more endemic especially in the Gulf of Guinea; narcotics trafficking and oil theft have potential links to terrorism. Encouragingly, the EU is initiating more counter piracy engagement ashore indicating progress towards a more comprehensive approach. As a consequence of this new kind of threat, MSs’ thinking is moving towards employing fewer frigates and more OPVs. There are also potential benefits to be captured from emerging technology for detecting non-cooperative targets, and exploiting both research and industry’s growing interest in “smart agents” (software algorithms for identifying anomalous and suspect targets) together with non-satellite based persistent surveillance using aerostats, HF radar and acoustics. It would seem that both the US’ AFRICOM and European CHENs are “smelling the smoke” but without more effective co-ordinated action there is a danger of too little prevention too late and inadequate resources to confront the opposition when the fire breaks out.

Integrated Maritime Policy (IMP)

15. On 30 September 2010 the Commission put forward its proposal for continued financial support to the EU’s IMP for the period 2011 - 2013. The proposed funding is €50M to continue the work begun in 2007. The programme identifies six main areas of work:

a. Promoting integrated maritime governance at European, national and regional level.

b. Pinpointing the specific challenges and needs of European sea basins.

c. Developing maritime spatial planning and integrated coastal zone management.

d. Developing a proper marine knowledge infrastructure.

e. Developing a Common Information Sharing Environment (CISE).

f. Promoting sustainable economic growth, innovation and employment.

The Regulation is now being discussed at the Council and European Parliament level as a co-decision procedure established by the Lisbon Treaty.

16. This progress report supports both IMP and CSDP in the maritime domain because it has been evident to the WPT from the very beginning that the two are closely interlinked. The IMP is developing a holistic vision of the future of the seas which needs to be shared by other partners in the world for at least three obvious reasons:

• The EU has interests in all the oceans through her MSs’ flagged vessels and their departments and dependent territories overseas,
• The maritime domain is inherently global
• Non-EU third party states are involved in all the European basins.

**Common Information Sharing Environment**

17. Since the WPT *Think Piece* was published, it has been discussed in a number of different circles inside and outside Europe, particularly during the development of the CISE.

18. The current approach follows two principles supported by the Team:

• The first, incremental approach, includes the following steps:
  
  i. Identifying all user communities
  
  ii. Mapping of data sets and gap analysis of the data
  
  iii. Common data classification levels
  
  iv. Developing the supporting framework for CISE
  
  v. Establishing access rights
  
  vi. Ensuring legal rights are respected

• And the second principle, supporting a comprehensive approach, has four elements providing the contextual framework for the step-by-step approach:
  
  i. Interlinking all user communities including the defence community.
  
  ii. Building a technical framework for interoperability – making best use of existing systems but maintaining dedicated (point to point connections) for certain types of data.
  
  iii. Civilian/military cooperation.
  
  iv. Specific legal provisions.

19. On 20 October 2010, the Commission adopted its Communication on a draft Roadmap towards establishing the CISE for surveillance of the EU maritime domain.

20. This Roadmap refers to the creation of a Technical Advisory Group (TAG) to which all seven maritime surveillance user communities, the relevant Agencies and both pilot projects on integrating maritime surveillance are currently nominating official members. These members are mainly experts drawn from MSs public authorities.  

21. The Commission’s intention is to present the Roadmap to the *Third Working Group Meeting on IMP in the Mediterranean* in Brussels on the 24 November 2010, to which the non EU Mediterranean States are also invited.

22. The CISE has another important function in that the standards being jointly developed by the Commission and MSs can potentially lead the development of global standards, but the window of opportunity to exert that influence will not be open for long.

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8 The TAG is expected to start work on 19 November 2010 and continue to December 2012.
Maritime Safety and Security Information System (MSSIS)

23. It is the WPT’s strong recommendation to use MSSIS as the baseline system to achieve synergies by including EMSA, as well as more intensive participation by all European navies. Recommendations 113 and 114 in the Think Piece are still valid. It is worth reiterating that MSSIS is not a military system and is open to all users, based on voluntary participation. Further development of MSSIS is being pursued by the Volpe Centre in Boston under the guidance of the US Department of Transport in close cooperation with the ship owners.

Pilot Projects

24. Both Commission Pilot projects, BlueMassMed and MARSUNO, will be of great importance in gaining shared experience and proving some of the Key Messages.

25. Both are progressing, BlueMassMed has shortlisted three consortia for the demonstrator and will select the winner at the end of November. Relations with EDA (MARSUR) have been established to ensure coherence and interoperability. The experiment will start in summer 2011. Most EU Mediterranean navies plus Portugal are participating.

26. In the northern region of Europe maritime surveillance is already operating along the comprehensive approach lines. Norway and Iceland are vital third parties for the MARSUNO Pilot Project. These two projects are expected to be joined soon by a third one covering the Atlantic.

27. Some MSs are concerned that eventual systems stemming from the pilot projects should avoid duplicating new systems and should, where possible, integrate those systems currently operating in both regions. Permanent data and information sharing must also be established with the European navies.

Third Parties

28. Maritime Surveillance in the EU cannot operate in isolation. Third Parties therefore have to be engaged, especially in those areas where the EU lacks adequate coverage. Their participation should be governed by strictly defined security protocols and information sharing regulations, to avoid imposing restrictions on any particular EU Member State.

29. Agreements between the EU and some Third Parties are already possible in those geographical areas where collaboration is already occurring with all the necessary safeguards and requirements in place. In the Northern European area, for instance, those Third Parties which are already members of the Schengen Treaty would provide added value. Attention should also be paid to the Black Sea where there is competition between the surrounding countries for leadership and in promotion of national interests. SUCBAS may be a better model for cooperation on maritime surveillance and environmental protection. The Black Sea may be a suitable area for a pilot project in the future.

Chiefs of European Navies (CHENs).

30. In August 2010 the WPT presented their findings at the annual meeting of the Chiefs of the European Navies. This meeting has a deliberately informal status that enables the CHENS to develop their own agenda which can be pursued as appropriate within the official framework of their respective nations without being part of the political process.
31. The CHENs are considering an initiative called CHENs Maritime Security Best Practice Guidelines. This initiative is based upon the assessment that there is a lack of maritime conceptual documents for achieving better coordination and co-operation. In it, the CHENs have identified a need to deal with new concepts such as Maritime Security Operations, Maritime Domain/Situational Awareness and to revise some traditional concepts such as Recognized Maritime Picture, Maritime Interdiction Operations and Surveillance.

32. In the absence of a European Maritime Security Strategy and recognizing the growing confusion at all levels in dealing with Maritime Safety, Security and Defence, the CHENs are considering taking a lead in the development of views and ideas within this emerging conceptual area by developing Maritime Security Guidelines.

33. Another initiative which deserves the attention of the European Commission and the Council is the CHENs’ work on Africa, which has resulted in three different strands:

- **Maritime Capacity Building (MCB) in Africa** emphasises three Key Messages from the Think Piece: Maritime Domain Awareness, Trust and Confidence Building and Good Governance at Sea.

- African Partnership Stations participating in the US-led programme and developing European programme. The navies of Portugal and the Netherlands have started deployments in the same spirit to enhance Maritime Domain Awareness.

- Establishing communications with the United Nations Office of Military Affairs and Peace Keeping.

34. CMPD, the EU Military Staff and the Commission are strongly encouraged to take note of the CHENs’ proceedings as they reflect their collective expertise.

**North Atlantic Coast Guard Forum (NACGF)**

35. The annual discussions in the NACGF took place in September 2010 with the participation of the WPT. The proceedings were focused on Maritime Surveillance and on how to engage all governmental and non-governmental organisations in a comprehensive approach.

36. The focus on the Arctic, as a sub-region which is set to become of greater importance from economic and environmental points of view, due to the opening of both Northern Passages and other developing economic activities at sea, was well highlighted. The importance of Maritime Domain Awareness was underlined by the Norwegian Polar Institute and the Norwegian National Headquarters, who are responsible for Maritime Surveillance and control all the assets devoted to this task, particularly the Navy and Coast Guard.

37. The forum has agreed to organize exchanges on maritime safety and security and of personnel.

38. Looking at future trends, Argentina proposed the establishment of a World Coast Guard Forum.

39. As in the case of the CHENs, we recommend that CMPD, the EU Military Staff and the Commission take note of the NACGF’s proceedings.
Ship Owners

40. Ship owners have developed and published Best Management Practices for better protection against piracy off Somalia9, which have shown a degree of success, even though not all of the measures proposed have gained general acceptance. Some merchant ships have also agreed to participate in the Deep Water Horizon system, by installing AIS transceivers that relay the local situation to the MSSIS control centres. It was one of the WPT’s recommendations to extend a similar measure not only to merchant vessels but also to warships as standard practice. Both the navies and the EU Commission are strongly encouraged to consider this initiative.

41. The relationships between ship owners and their governments can be difficult, as there is a tension between security and commercial interests. While these tensions have not surfaced yet in the EU, they have done in other parts of the world, whenever decisions have been taken without dialogue between all the parties concerned. The main issue worrying the European ship owners is that they suffer from an excessive regulation and from repeated duplicative controls when entering EU ports even when coming directly from another EU port, wasting time and increasing costs. Existing well-proven technology offers solutions for improving safety and security while reducing red tape.

MARSUR

42. The MARSUR working group has continued its detailed technical work to promote naval maritime interoperability by developing agreed standards and protocols using gateways and existing systems rather than a dedicated new system. Having achieved a Common Staff Target and a Common Staff Requirement the project is about to move to a demonstration phase which will deliver an embryo of the operational system to be eventually developed.

FRONTEX

43. FRONTEX is showing deeper interest in the maritime portion of its responsibilities. The number of operations has increased, and its budget is being modified accordingly.

44. FRONTEX’s outreach is continuing, establishing cooperation with neighbouring countries, third countries bordering the Mediterranean and countries of origin. Arrangements have been signed with 18 countries for better control of immigration. The more recent are with Libya, Egypt, Morocco, Tunisia, Senegal, Canada and Mauritania. Negotiations are still ongoing with Cape Verde, Brazil, and Nigeria. EU liaison teams have been set up in some capitals. An operational office was opened in Piraeus, on 1 October. Detections of illegal border crossing are reported to be down by 39% in the first three months of 2010 in comparison with the same period last year. Detections at the Spanish and Italian sea borders became negligible and fell by more than 60% in the eastern Mediterranean in the same period. This is mainly due to bilateral agreements signed with third countries.

45. As EUROSUR has acknowledged, there is the danger of relying exclusively on systems which depend on cooperative (i.e. transmitting) targets. There is a need for a much more persistent surveillance capability against non-cooperative and smaller targets.

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9 BMP3 Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area
Legal Issues

46. Having talked with a great number of stakeholders and experts responsible for maritime safety, security and defence, the WPT is aware that the existing legal frameworks remain both a sheet anchor at a time of constant change and a haven for those who are afraid of losing influence and power. Legal inertia continues to be an excuse for not revising existing directives and regulations which have ceased to be appropriate, efficient or effective.

47. The WPT continues to recommend a clear separation between those legal issues pertaining to the Member States and those to the Commission: it should be the MS`s responsibility to amend/adapt or change their legal system in order to be able to act locally, regionally and globally. The WPT recommendation is to seek legal compatibility. Many Member States have already achieved this with great success.

48. Within the Commission some services continue to take a sector-based approach and to look for sectoral solutions. There is little appetite for the hard slog necessary to achieve a comprehensive approach. This reluctance comes at the expense of efficiency and effectiveness. The legal system is an on-going source of duplication and sub-optimal sectoral solutions, based on legal provisions which were once soundly based, at a time when the threats, risks and vulnerabilities were of a different nature and extent. An audit today would demonstrate that a great number of directives, issued years and, in some cases, decades ago, no longer measure up against the increasingly accepted principle in government that security lies more in transparency and collective awareness than in secrecy and independent narrow sectoral responses.

49. Historic directives which have been overtaken by events and are retained only to safeguard existing influence and budgets, which do not increase safety, security and defence, are a potential vulnerability for Europe. If Europe fails to update the framework, other actors are likely to lead in setting relevant global standards which Europe will then simply be obliged to implement.

VI. Cooperation between Agencies, Services and Communities

50. In the EU the key difficulty remains that of turning the widely repeated mantra of improving civil/military co-operation into the practical, operational reality of agreed authorities, policies and processes – not least in terms of funding. Many stakeholders - services, agencies and communities - are involved, making cooperation a multi-lateral rather than purely bi-lateral affair.

51. Although formally removed by the Lisbon Treaty, the actual dismantling of the three pillar structure is still a work in progress. Collaboration in policy development between the previous entities is developing, but the funding authorities, structures and mechanisms have yet to reflect the changes.

52. CSDP continues to be conceptualised and funded on an ad hoc, short term crisis basis so a more comprehensive or preventative approach to crises with more than a simple military or constabulary dimension is still no more than an aspiration.

53. Longer term aspects of stabilisation such as civil and military training and capacity building, and strategic diplomatic and development initiatives are funded on an ad hoc basis as well. Events repeatedly show that it is time for the CSDP to develop domain awareness tools in order to move beyond merely reactive crisis management.
crisis prevention, especially at sea, with the EU’s much vaunted range of capabilities properly co-ordinated in a holistic, strategic approach that would save money and reduce the prospect of conflict.

54. This implies establishing a hierarchy of priorities, authorities and a jointly agreed set of principles from which both military and civilian communities can distil their separate but compatible concepts of operations.

55. One proposal is that EU should conduct at regional level, and organize at EU level, a series of exercises with events including the multiple problems faced in the seas surrounding the EU: namely immigration, narcotics trafficking, illegal fishing, pollution, terrorism, hijacking… with the participation of all the appropriate agencies and third parties. This will not only improve mutual understanding and trust, but also efficiency through the lessons learned in a bottom-up approach which may also provide lessons for crisis prevention.

56. The absence of such a comprehensive approach is not a specifically maritime problem, but the current lack of coherence shows most starkly in the continuous daily business of maritime security or, in the case of the Gulf of Guinea, rapidly declining maritime security as a result of failing states, organised crime and lack of maritime enforcement. Somalia is not a unique case. As an example, a difficult to quantify but increasing proportion of European cocaine imports now flow through the Gulf of Guinea.

VII. Definitions

57. Stakeholders in the maritime community remain hampered by a lack of agreed definitions of key terms and thus mutual understanding. The WPT Final Report definitions have been well received and are gaining currency in various communities\(^\text{10}\). Informal organisations such as the NACGF are also proposing sets of definitions not very different from those proposed in the Think Piece. More formally endorsed definitions would therefore be a simple but highly effective accelerator/catalyst for further progress, especially since some narrow, established definitions are used by specific communities as a means of resisting perceived encroachment of their turf.

58. Given the EU’s powerful maritime constituencies, a lead in this area could prove influential more widely – not least with the IMO.

VIII. The Maritime Element in Security Sector Reform

59. As any MDA system exists to enable coordinated and effective action, in overseas operations the most important aspect is the durability of control once European forces have left the crisis area. This lesson applies for Operation Atalanta, and training programmes are being planned for the neighbouring Nations’ Coast Guards. Ambition in the maritime domain should be similar to that being implemented by EU bodies engaged in Security Sector Reform ashore.

60. One of the Policy Implications for Europe (European Security Strategy, Chapter III) following the Security Environment and Strategic Objectives described earlier, is the need

\(^{10}\) See Annex C
to be ready to undertake missions in the Security Sector Reform (SSR) field\textsuperscript{11}. This is as much a consequence of the third strategic objective An International Order Based on Effective Multilateralism, in relation to which the task of improvement of democratic governance of the security sector is heavily quoted, as of the second, Building Security in our Neighbourhood. In this context “neighbourhood” also includes the intervening waters accessed by all and sundry, and bordering foreign shores. Generic security sector reform missions require the appropriate documents to be developed, and standards set, in the near future.

61. The maritime element of the security sector, however, ranges from defence to law enforcement including fisheries control, drug and weapons traffic interdiction, and a long list of security related activities that are either exclusive to the maritime environment or that have an aspect distinct from their land counterpart. This warrants a differentiated methodology, from diagnosis to therapy, to achieve democratic reform in those countries where the normal work and organisation of maritime agencies have been disrupted by civil war or other adversity.

62. We therefore propose the development of a systematic approach to Maritime Security Sector Reform (MSSR), which should include inter alia a diagnostic tool, relevant benchmarks, basic rules for the management of legacies, identification of past and present sources of conflict, enhancement of coordination and cooperation among security-related and other non-security civil institutions and a compilation of criteria for analysis, applicable to all security related maritime activities.

\section*{IX. Towards a Maritime Security Strategy}

63. Some of the questions posed to the Team during the many meetings and events during the past few months demonstrate the pressing need for an overarching conceptual document to support and direct the multifarious developments in this field – viz. a European Maritime Security Strategy. Without one, many otherwise laudable efforts will continue to lack focus and threaten to diverge rather than being consistent with one another.

64. The Luxembourg Ministerial on 26\textsuperscript{th} April 2010 invited the High Representative, Commission and MSs to undertake preparatory work for the drafting of a Maritime Security Strategy\textsuperscript{12}. The WPT contributed an outline options paper to the first CMPD/DG MARE kick-off meeting on 4\textsuperscript{th} October and proposed a template for an EU Maritime Security Strategy\textsuperscript{13}. It is to be hoped that a decision will be taken soon on the modality chosen to comply with the Luxembourg mandate, and that it will be as comprehensive and cross-sectoral as possible. The WPT stands ready to provide a substantive contribution to the production of a first draft EMSS.

\textsuperscript{11} As we increase capabilities in the different areas, a wider spectrum of missions should be considered. This might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these would be part of broader institution building.

\textsuperscript{12} In this context the Council invites the High Representative, together with the Commission and the Member States, to undertake work with a view to preparing options for the possible elaboration of a Security Strategy for the global maritime domain, including the possible establishment of a Task Force. Work will take place in the context of CFSP/CSDP, within the framework of the European Security Strategy.

\textsuperscript{13} See Annexes D and E.
X. Conclusions

65. **Sea blindness.** Although not necessarily affected in the same way, most maritime stakeholders, be they MSs or EU bodies, suffer the effects of *sea blindness* in the general population. To be convinced of the need for robust maritime security, and therefore of improved maritime surveillance, it is necessary first to be persuaded of the importance of the sea for the welfare and prosperity of the EU - as a means of commerce, as a source of energy and food and, conversely, as a conduit for many kinds of damaging, illegal, dangerous and criminal activities. Without this recognition policy change, resourcing and implementation are all difficult.

66. **The Regional Approach** was originally proposed for several reasons, among them taking the line of least resistance to the integration of surveillance. The Lisbon Treaty has since added another in the form of the “Solidarity Clause” (Art 222). This works best in a neighbourhood context and even better if this neighbourhood is already primed for cooperation through the establishment of a regional system or pilot project, such as BlueMassMed, MARSUNO or the eventual Atlantic project. European geography is well suited to such regional or sub-regional approach.

67. **Mindset change lags technology.** Shifting the information exchange from secrecy to transparency is proving to be very slow. If the exchange of non-sensitive data or information is too little, too late, EU countries will continue to be at risk of a possible shock event which would expose and highlight the current European inability to “join the dots” and provide warning intelligence by synthesising the available information held by different actors.

68. **Maritime Security Strategy.** On 26 April Ministers in Luxembourg proposed that the drafting a European Maritime Security Strategy be investigated. Recognising the number of potentially interested parties this would probably require a Task Force approach. The options for this are still being examined.

XI. Recommendations and Way Ahead

69. Use the opportunity offered by the Lisbon Treaty for a more integrated European approach by creating a Task Force to:

- Start with “non-sensitive” data/information exchange and convene informal Round Tables/stakeholder groupings amongst regional actors.

- Institute regular tabletop and other exercises to change mindsets, enhance cooperation and identify synergies.

- Produce an EMSS.

- Derive from it a Joint CION-CMPD action plan/roadmap to enable coherent concept development including military and civilian Maritime Security Operations (MSO) concepts.

- Produce guides for diagnosis, benchmarks and other analysis tools for Maritime Security Sector Reform.
• Push for an agreed EU set of definitions – advisory best practice rather than legally binding.

• Engage and support the IMO in moving from regional to global networks and solutions (as IALA has started to implement).

• Make a statement of intent with respect to the Black Sea.

If there is an agreement on these WPT or other similar recommendations, nominate a figure to be responsible for taking them forward to improve EU maritime surveillance and assure its continued development.
Annex A

Final Report Executive Summary.

More information is being generated and exchanged more quickly and more official information is becoming more accessible to the public than ever before, but the traditional nature of navies and the shipping industry has caused them to lag behind these developments in respect of surveillance information. Increasing maritime insecurity, not least terrorism, piracy and illegal immigration, has highlighted the need to improve European security by integrating maritime policy making, sharing information more effectively and transparently and coordinating a collective response to security challenges. Many useful initiatives are already underway, but there is the need to make graduated improvements in co-ordination and integration, which are affordable and not technologically difficult. Information sharing is the key and the obstacles to it are essentially cultural and organisational. If the evident political will at the top and developing enthusiasm at the coalface can be complemented by more cooperative action by middle management there is great potential for some early wins.

Definitions. Confusion and competition continue because of a lack of agreed definitions of even basic terms like safety and security. People are talking past each other. Annex A offers clarity but an EU champion is required to get some vital working definitions accepted. We suggest DG MARE.

Cooperation. “Round Table” groups of stakeholders are required at various levels to raise awareness, create understanding, develop trust, build linkages and improve effectiveness. Existing informal forums like CHENs and the North Atlantic Coastguard Forum can be expanded.

Navies. Suspicion remains, but the MSSIS system has been transformed from its initial American military roots to a genuinely open global system (currently over 60 subscribers) to which agencies like EMSA could usefully subscribe. Navies need to change secretive habits and join in too, not just as consumers, but as providers, for which they are well equipped.

Schengen. By comparison with trucks and aircraft, ships get a bad deal from Schengen, due to the conflicting requirements of the Maritime Law Enforcement Agencies. The ongoing work in the Commission might provide a solution to this difficulty.

Active Surveillance. Over 90% of current ship data relies on the ships co-operating and transmitting. Small and illegal vessels currently escape detection. More terrestrial and satellite-based radar, electro-optic, and infrared monitoring are required at key nodes such as straits, ports and nuclear installations. Naval units can provide deployable capabilities.

Stakeholders’ involvement. A greater involvement of all stakeholders, navies very much included, in collection, collation and distribution of maritime surveillance elements, is required for a real improvement of EU Maritime Domain Awareness (MDA).

Governance. SOLAS, IALA, & IMO show that governance models exist for international maritime cooperation without succumbing to deadlock over legal or sovereignty issues.
Governance in maritime surveillance can be similarly achieved by agreeing delegated authorities and responsibilities.

**Coastguard.** The time is not yet ripe for an EU Coastguard, but elements of the same functionality can be delivered by virtual means. Further advances in realising virtual coastguard functions will emerge naturally as projects already in train, such as e-borders, e-maritime, e-customs, etc., become operational. DG MARE would appear to be best placed to identify and promote the potential synergies.

**Architecture.** Thanks to the internet and related developments, distributing and protecting data has made the goal of an affordable, COTS based, service-oriented, loosely coupled federation of systems readily achievable. Indeed it is already evolving through AIS-LRIT-STIRES; SafeSeaNet-IALANET; EU NAVFOR *Atalanta’s Mercury* and unifying tools like the EDA’s Common Standard User Interface (CSUI), which are ideally suited to handling the complexities of information sharing and synthesising by different authorities for different purposes at different levels.

**Protection of Information.** Although it is widely understood that the *need to know* principle needs to be replaced by *the need to share*, in practice risk aversion still prevents this happening and a *responsibility to provide* obligation is needed to redress the balance. A Commission directive is required to clarify real and perceived data protection constraints and to remove those that are legally perverse or counterproductive to European security.

**Data, Information, Knowledge.** A three layer construct facilitates clarity of ownership, protection and distribution providing that the key principle is observed that the *need to share* must replace the *need to know* in a service oriented *federation of systems* approach.

**Preferred Approach.** The preferred approach is regional. Maritime surveillance is a continuous worldwide process whereas action in response to it tends to be local or regional. The global *white picture* network must therefore be capable of more detailed enlargement for regional level mission purposes. Progressive implementation should permit information and intelligence exchange by first connecting National Maritime Coordination Centres (NMCCs) through MARSUR on a by request basis, second, developing these exchanges at regional level, and, in the final phase, the Regional Coordination Centres (RCC) would assume the predominant coordinating role.

Any meaningful improvement in maritime surveillance will depend upon a step change in attitudes towards information sharing. Such a change may be driven in part by legislative amendment led by the Commission but chiefly by cultural change at the individual and collective level in Member States and EU agencies. Such cultural change requires leadership, examples of best practice, confidence building initiatives and, ultimately, sanction in the case of conspicuous failure in the responsibility to provide information of a critical or life-threatening kind. This cannot be allowed to wait for a disaster to precipitate changes for which the need is already evident.
Annex B.

WPT activities.

- 16 March  Brussels. CISE maritime experts group
- 13-14 Apr  Athens. Meeting with Greek authorities. Transport, Navy, CG, Interior, FA
- 21 April  Brussels. CISE maritime experts group
- 26-27 April  Luxembourg GAERC
- 3-4 May  Lisbon. 2nd Fleet/NATO/CJOS/COE Conference
- 10 May  Athens. WEU Parliament symposium
- 18 May  Gijón. European maritime days, Maritime surveillance policy
- 8-9 June  Brussels. Meeting DGEUMS, DG Mare, CEIS
- 10 June  Brussels. EU Parliament piracy symposium
- 14-15 June  Lisbon. Maritime domain awareness conference, SMi
- 16-17 June  Brussels. CISE maritime experts group, EUMS
- 1 July  Brussels. SIPRI
- 1 July  Brussels. Meeting with Belgium Presidency
- 1 July  Cannes. SPACEMAR Forum
- 5 July  Rome. Italian Space Agency
- 7-8 July  London. RUSI, Future maritime operations
- 12 July  Brussels. CISE maritime experts group
- 13 Aug  Copenhagen. CHENs meeting
- 1 Sept  Brussels. Meeting with Romanian military representative
- 3 Sept  Brussels. Meeting with Cyprus and Greek MilReps
- 14-16 Sept  Baltimore. GMISS
- 23 Sept  Brussels. Meeting EUMS on MSO
- 28 Sept  Cádiz. Offshore Patrol Vessels Conference
- 29 Sept  Tromsø. NACG Forum
• 4 Oct  Brussels. Meeting CMPD – EMSS
• 14 Oct  Brussels. Meeting DG Mare
• 14 Oct  Brussels. Meeting with DG EUMS
• 15 Oct  Brussels. Meeting with Irish MilRep
• 20 Oct  Paris. Maritime community and new threats IHEDN Conference
• 27-28 Oct Warsaw. European Security round table
• 28 Oct  Paris. Euronaval conference
• 3 Nov  Brussels. Meeting with Maltese MilRep
• 4 Nov  Brussels. Meeting with Norwegian MilRep
• 9-10 Nov Berlin, 9th Congress of European Security and Defence
• 30 Nov  Brussels. Security and Safety day
• 2-3 Dec  Brussels. Instrument for Stability, Seminar for mid- and longterm activities to achieve maritime security.
Annex C

Definitions.

**Maritime Security**: The combination of preventive and responsive measures to protect the maritime domain against threats and intentional unlawful acts.

**Maritime Safety**: The combination of preventive and responsive measures intended to protect the maritime domain against, and limit the effect of, accidental or natural danger, harm, damage to environment, risk or loss.

**Maritime Domain**: All areas and things of, under, relating to, adjacent to, or bordering on a sea, or ocean including all maritime-related activities, infrastructure, people, cargo and vessels and other conveyances.

**EU Maritime Domain**: That part of the maritime domain encompassed by the EU Member States’ Territorial Waters, Exclusive Economic Zone, Continental Platform, and Search and Rescue Areas, as defined by UNCLOS/SOLAS, together with all cargo and vessels flagged, beneficially owned by, or bound to the EU, as well as any Area of Operations outside the above that has been declared for an EU Maritime Operation.

**Maritime Surveillance**: The systematic and continuous observation of the maritime domain to achieve effective situational awareness.

**Integrated Maritime Surveillance**: Maritime Surveillance to which different agencies contribute in a cooperative manner, in order to achieve synergistic exploitation of enhanced understanding for the benefit of the decision making processes in each contributing agency.

**Maritime Domain Awareness**: The understanding of activities carried out in the maritime domain, and surrounding environmental circumstances, to support timely decision making in the fields of Maritime Security and Maritime Safety.

**Maritime Security Operations**: Operations carried out by a Security or Defence agency with the aim of achieving or restoring freedom from threat or intentional unlawful acts in the maritime domain.

**Maritime Safety Operations**: Operations carried out by an agency with responsibility in the realm of safety, with or without the support of Security or Defence agencies, in order to police the maritime domain against risks to safety or the environment, due to the failure to observe internationally accepted safety rules.

**Challenges**: Tasks or situations that test someone’s abilities. Hence, within the security context, challenges should be related to internal or structural factors that must be overcome by taking the right approach or changing the mindset. However, current political and journalistic language tends to use this term as a synonym of risks or threats, in order to cast it in a positive light, to emphasise the ability to overcome them.

**Risks**: Situations likely to result in danger or unwelcome outcome if certain events turn out in undesired ways.

**Threats**: Actors intent on coercing or directly causing danger or damage. They are always, therefore, man-made and deliberate.
Vulnerabilities. Susceptibilities to harm, either from natural causes, accidental, or man-made. While they pose no harm in the normal course of events, they have to be minimised in order to prevent the opponents to exploit them.

Capabilities. The potential to provide hardware, software and human abilities for coordinated activity by governmental and non-governmental actors.
Annex D

Analysis of the options for EMSS

The European Security Strategy of 2003 does not explicitly address the maritime domain, where the complex span of threats, risks, vulnerabilities and challenges requires a fundamentally different approach to strategic monitoring and governance from that which applies ashore. As an integrated space it is conducive to a comprehensive approach and must be addressed holistically if the EU is to contain the inherent vulnerability to opportunistic exploitation or asymmetric attack on its territory, interests or citizenry. In the maritime space it is impractical to tackle problems singly and in isolation as all occur in the same space.

Although the European Security Strategy’s 2003 objectives remain valid, there have been significant changes in the security environment. Violence is less frequently used as an acknowledged tool of the state, but more frequently outsourced to proxies that can be supported or disavowed by the state. The Lisbon Treaty’s Solidarity Clause (Art.222) has brought new obligations to the Member States. Perceptions of security itself have also changed since 2003. The traditional division of responsibility between defence by military forces and security by law enforcement institutions now appears too restrictive and inflexible to cope, either at state level with the globalisation of terrorist and criminal networks and the growth of ungoverned space in weak and failing states or, at the individual level, with the additional threats that EU citizens now perceive to their environment and personal security with respect to safety, freedom and prosperity through assured access to resources including energy, food and cyberspace.

While land borders separate countries, the sea connects them in a globalised market place of investment, trade and supply chains. The security and governance of these interconnected activities have to be addressed holistically, otherwise any vulnerability is liable to be exploited. Providing appropriate security is a political challenge involving the management of real and popularly perceived risk and a balance of investment in appropriate capabilities. The lack of visibility and understanding of maritime affairs and dependency, often referred to as sea blindness, has allowed a mismatch to develop for decades in the balance of security investment between the land, air and sea domains, which requires redress, as well as a better coordination of maritime force planning between military and Law Enforcement Agencies.

Until the emergence of maritime terrorism and the resurgence of high profile piracy, many states and the shipping community were relatively content with the sea remaining an essentially ungoverned space. Now, several initiatives are being launched, so that EU is in danger of being left behind. Although technology is now enabling surveillance and monitoring of that space, effective governance depends on cooperative information sharing and coordinated prevention, containment, interdiction and enforcement (preferably far from EU shores) by different assets and capabilities, which has yet to develop in the EU and more widely.

Enabling that development requires a strategy, which, to take into account all the aspects and consequences, needs to be comprehensive and to include all the partners from scientists to ship owners, from fishermen to defence in order to analyze the maritime environment, to identify common strategic objectives and how they might be achieved.

Such a document could be achieved in two ways:
• CMPD lead with the support of the EUMS, EDA, CPCC and also Commission Directorates and agencies,

• Establish a working group co-chaired by CMPD and an appropriate Commission directorate.

Both options accord with the Council Resolution on Maritime Security Strategy of 26 Apr 2010\(^{14}\), since, although it was addressed to the High Representative, which seems to indicate a wish for the EMSS to be developed within the ESDP context, it also clearly states that the work is to be undertaken together with the Commission and the Member States. The Commission should therefore be fully involved during the drafting period, otherwise the result would not take into account all stakeholders’ perspectives.

**SWOT analysis.**

**CMPD as the leading pen**

Strengths:
- Easier to initiate, as it follows established EU practice
- In line with the mandate’s second sentence (...in the context of CFSP/CSDP, within the framework of the European Security Strategy)

Weaknesses:
- It would recreate the split between the first and second pillars, the Lisbon Treaty notwithstanding
- It is ill-suited to the maritime problem, which intrinsically requires a comprehensive approach.
- It risks taking too narrow a view, mirroring limitations of the IMP.
- It would not promote cooperation in information exchange between different agencies, a clearly identified current shortfall.
- Even if it attempts to cross boundaries with the Commission, it risks encountering the same difficulty as in the US with the Executive Order, namely being thwarted by a reluctant bureaucracy (because they were not involved in its creation).

Opportunities:
- The current work on Maritime Security Operations being carried out by the EUMS could capitalize on an early approval of the EMSS

Threats:
- A MS might offer a ready-made and more comprehensive EMSS, thereby undercutting a narrower one developed under the Luxembourg mandate.

**Co-chair by CMPD and the Commission**

Strengths:
- Able to tackle all the problems in a comprehensive and shared way from scientific, transport, immigration, fisheries to non-defence security and strict defence perspectives.
- Maintains a comprehensive link with other working groups like CISE (DG Mare), MARSUR (EDA).

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\(^{14}\) In this context the Council invites the High Representative, together with the Commission and the Member States, to undertake work with a view to preparing options for the possible elaboration of a Security Strategy for the global maritime domain, including the possible establishment of a Task Force. Work will take place in the context of CFSP/CSDP, within the framework of the European Security Strategy.
• Avoids the risk of a too restricted approach

Weaknesses:
• Strong political support required, probably at Council level - and not only in Foreign Affairs session.
• Lengthier and more difficult to achieve.

Opportunities:
• As probably the first of its kind it could become a model for other similar national or collective organization documents. CSDP would thus be seen as promoting cooperation at international level.

Threats:
• The persistent resistance of different communities (police, safety, customs, etc) towards pooling resources and cooperating adversely affect drafting and impede its eventual approval

In view of this analysis, we strongly recommend the second option.
European Maritime Security Strategy. A Proposed Template

The European Security Strategy of 2003 does not explicitly address the maritime domain, where the complex span of threats, risks, vulnerabilities and challenges requires a fundamentally different approach to strategic monitoring and governance from that which applies ashore. As an integrated space it is conducive to a comprehensive approach and must be addressed holistically if the EU is to contain the inherent vulnerability to opportunistic exploitation or asymmetric attack on its territory, interests or citizenry.

Although the European Security Strategy’s 2003 objectives remain valid, there have been significant changes in the security environment. Violence is less frequently used as an acknowledged tool of the state, but more frequently outsourced to proxies that can be supported or denied by the state.

The Lisbon Treaty’s Clause 222 has brought new solidarity obligations. Perceptions of security itself have also changed since 2003. The traditional division of responsibility between defence by military forces and security by law enforcement institutions now appears too restrictive and inflexible to cope, either at state level with the globalisation of terrorist and criminal networks and the growth of ungoverned space in weak and failing states or, at the personal level, with the additional threats that EU citizens now perceive to their environment and personal security with respect to safety, freedom and prosperity through assured access to resources including energy, food and cyberspace.

While land borders separate countries, the sea connects them in a globalised market place of investment, trade and supply chains. The security and governance of these interconnected activities have to be addressed holistically, otherwise any vulnerability is liable to be exploited. Providing appropriate security is a political challenge involving the management of real and popularly perceived risk and a balance of investment in appropriate capabilities.

The lack of visibility and understanding of maritime affairs and dependency, often referred to as sea blindness, has allowed a mismatch to develop in the balance of security investment between the land, air and sea domains which requires redress.

Until the emergence of maritime terrorism and the resurgence of high profile piracy, many states and the shipping community were relatively content with the sea remaining an essentially ungoverned space. Although technology is now enabling surveillance and monitoring of that space, effective governance depends on cooperative information sharing and coordinated enforcement (preferably far from EU shores) by different assets and capabilities, which has yet to develop in the EU and more widely.

Enabling that development requires a strategy, which this first attempt at a European Maritime Security Strategy seeks to propose by analysing the maritime environment, identifying the strategic objectives and how they might be achieved. The European Maritime Security Strategy key objectives are:

- Ensuring stability and security
- Addressing the threats
• Protecting the environment
• Contributing to a better world.

By matching the tasks derived from the European Security Strategy with the required capabilities, some suitable approaches to the challenges, risks and threats are offered while avoiding, as a strategic level document, impinging on operational concepts and tactical protocols and procedures. In finding the most effective approach, one of the most contentious areas has been that of roles and responsibilities. The twin realities of existing traditional authorities and future resource constraints mandate an evolutionary rather than a radical, big bang approach.

Evolutionary in this context means interfacing and federating information systems to support, using pilot projects to create trust and identify real and perceived impediments, building on regional collaborative initiatives, and accepting a concept of distributed authorities that can operate in supporting or supported relationships where command and responsibility shifts to the most appropriate authority at the most appropriate time based on capabilities and capacity.

This evolutionary process towards an effective strategy demands a comprehensive (ideally integrated) outlook at the policy level, sensitivity and tolerance at the operational level, but above all explicit and sustained leadership and commitment at the political level.

Common to all three levels is the need for effective and on-going dialogue which in turn depends on a thorough understanding of the issues captured in commonly agreed terms and definitions without which attempts to harmonise legislation and enforcement will struggle.

To conclude, the key principles in taking this strategy forward are therefore:

• Collective and sustained political will, leadership and commitment.
  Risk: Continuing selective and uncoordinated security initiatives while waiting for a 9/11 scale event to precipitate overdue institutional change.
• Credibility of capability (whatever the civilian/military force mix).
  Risks: Too few forces, too thinly spread and uncoordinated. Failing to balance complementary assets, misplaced faith in “silver bullet” solutions.
• Embracing a holistic, comprehensive approach to security issues.
  Risks: Unjustified reluctance to share data, information and knowledge, failure to accept “unknown unknowns” by maintaining a “I have what I need” mentality, lack of understanding benefits of governmental transparency.
• Understanding and responding to the current and future worldwide context.
  Risks: Continuing to view XXI century threats through nation-state, Cold War lenses; looking at Europe in isolation from dynamic global developments in climate, economics and the redistribution of political power.
• Taking a regional approach (e.g. to surveillance, force planning).
  Risk: A centralised, EU level approach could raise sovereignty issues, alienate existing authorities and create potentially duplicative structures with expensive overheads.
• Encouraging an evolutionary, step-by-step approach to cooperation rather than radical changes in roles and responsibilities.

• Risk: Perpetuating institutional seams/stovepipes for historical and budgetary reasons.
Annex F.

Glossary of Acronyms.

AIS Automated Identification System
BlueMassMed EU pilot project for Mediterranean Maritime Surveillance
CEIS Compagnie Europeéne d’Intelligence Stratégique
CFCA Community Fisheries Control Agency
CHENs Chiefs of European Navies
CISE Common Information Sharing Environment
CJOS COE Combined Joint Operations from the Sea Centre of Excellence
CleanSeaNet Satellite-based oil spill detection
CMPD Crisis Management Planning Directorate
CSDP Common Security and Defence Policy
CSUI Common Standard User Interface
DG MARE EU Directorate General for Maritime Affairs & Fisheries
EC European Commission
EEZ Exclusive Economic Zone
EDA European Defence Agency
EMSA European Maritime Safety Agency
EMSS European Maritime Security Strategy
EU European Union
EUMS EU Military Staff
EUROSUR European Border Surveillance System
FRONTEX European Agency for the Management of Operational Co-operation at the External Borders of the MSs of the EU
GMISS Global Maritime Information Sharing Symposium
HF High Frequency
IALA International Association of Marine Aids to Navigation and Lighthouse Authorities
IMO International Maritime Organisation
IMP Integrated Maritime Policy
LRIT Long Range Identification and Tracking
MARSUNO Maritime Surveillance North
MARSUR Maritime Surveillance
MCB Maritime Capacity Building
MDA Maritime Domain Awareness
MOU Memorandum of Understanding
MPA Maritime Patrol Aircraft
MS Member State of the European Union
MSCHOA Maritime Security Centre Horn-of-Africa
MSO Maritime Security Operations
MSSIS Maritime Safety & Security Information System
MSSR Maritime Security Sector Reform
NACCF North Atlantic Coast Guard Forum
NAVFOR Naval Force
NMCC National Maritime Coordination Centres
OPV  Offshore Patrol Vessels
RCC  Regional Coordination Centres
SafeSeaNet  EMSA´s Merchant Shipping Information Network
SIPRI  Stockholm International Peace Research Institute
SOLAS  UN Convention on Safety of Life at Sea
SSR  Security Sector Reform
STIRES  SafeSeaNet Traffic Information Relay & Exchange System
SUCBAS  Sea Surveillance Baltic Sea
SWOT  Strengths, Weaknesses, Opportunities & Threats Analysis
TAG  Technical Advisory Group
VRMTC  Virtual Regional Maritime Traffic Centre
WPT  Wise Pen Team