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THE EVOLUTION OF MARITIME POLICY IN THE EUROPEAN UNION AND IN SPAIN: FROM “SAFETY” TO “SECURITY”

Abstract

Both national and EU maritime policy should adapt to the changes in the world caused by globalization and new threats. Besides regulating the different sectorial policies, the necessary evolution requires the elimination of curbs on the political will of the actors involved nationally and in the EU, and the promotion of interest in Maritime Safety and Security.

The evolution of maritime policies in the European Union and in Spain has taken parallel courses, and both find themselves facing the same barriers to be overcome.

Keywords

Policy, strategy, surveillance, reporting, the European Union, Spain.

THE EVOLUTION OF MARITIME POLICY IN THE EUROPEAN UNION AND IN SPAIN: FROM “SAFETY” TO “SECURITY”

INTRODUCTION

In recent years and, in particular since the 9/11, 2001 attacks, the world has undergone a change in the nature of threats and an increase in certain types of illegal and criminal activities, which also take advantage of the immense extension of the sea to their own benefit. Activities such as the proliferation of weapons of mass destruction, international terrorism movements, illegal immigration, illegal drug and human trafficking, among other threats, are dangerous for the safety and the interests of the States and of the international community. This type of illegal and criminal activities are disguised, on some occasions, as legal trafficking, infiltrating the major maritime traffic routes or into waters that separate areas with large socio-economic differences.

In this sense, Fernando del Pozo wrote,

“.... anything that happens at sea automatically adopts an international nature... .”¹ Maritime traffic transports over 80% of the volume of world trade goods, which equals a value of more than 70% of world market², and includes significant amounts of potentially destabilizing goods such as weapons, narcotics, ammunition and dangerous materials.

The speed and volume of international trade of goods by sea has increased since the end of the 20th century, mostly due to the use of containers. This type of intermodal transport reduces costs and delivery time but, at the same time, it has increased the risk related to the transport of destabilizing goods such as narcotics, weapons, forgeries, and hazardous materials. The control of this type of threats demands permanent surveillance of maritime traffic.

Maritime surveillance, control and protection, particularly at a moment when naval forces have been reduced due to the cutbacks imposed by the financial crises in

1 Fernando del Pozo, *The sea is never calm* (II). Analysis of the concept of maritime safety in Spain, Research document 12/2015, Spanish Institute of Strategic. November 2015, p.15.

2 This data is the same as the one that appears in the report, “*An Evaluation of Maritime Policy in Meeting the Commercial and Security Needs of the United States*” carried out in 2009 by “*IHS Global Insight, Inc.*” for the *United States Department of Transportation Maritime Administration*, which reflects the following statistics:

- Distribution of world trade by volume: maritime (89.79%), air (0.25%), ground and others (9.96%).
- Distribution of world trade by value of the goods: maritime (72.71%), air (12.97%), ground and others (14.32%).

every State, becomes complicated because of the transnational nature of world trade, flags of convenience, and the emerging asymmetric threats.

International cooperation and inter-agencies, and the exchange of information, make possible an increase in the control of this traffic and in detentions. However, this is not enough, in view of the permanent demand for this type of illegal trafficking, which responds by making changes in their networks, routes and means to counteract the measures taken against them.

In this respect, José Antonio Ruesta Botella, regarding safety strategy on a global level also urged international cooperation when he declared the following:

“...regarding issues at sea, it is better for all to collaborate”³.

“Contrary to what takes place on land, the sea, like space and cyber space, has no borders; it is barely regulated and is of global nature”⁴.

On the other hand, the existence of different fleets – merchant, fishing, sports, and war – some of them on the rise, as is the number of sports vessels, is causing a greater risk in the area of maritime security regarding incidents related to the safety of human lives at sea, and of marine pollution, since they all contribute to the increase of activities at sea.

In this respect, José Antonio Ruesta Botella also points out the need to look at the whole spectrum of sea issues:

“...safety strategy in the global maritime area will have to cover the broad spectrum ranging from the civil to the military”⁵.

Thus, it seems necessary to analyze the evolution of maritime policies in Europe and in Spain, in order to learn how they have adapted to the new dangers and threats, and identify the need for improvement in their development.

The need to harmonize our national maritime policy and that of the European Union is in accord with Fernando del Pozo’s opinion:

“The international dimension demands that national legislation be in harmony with international legislation”⁶.

3 José Antonio Ruesta Botella, *La Presidencia española de la UE: del concepto de seguridad marítima a la Estrategia de Seguridad en el ámbito marítimo global (The Spanish Presidency of the EU: from the concept of maritime security to the Security Strategy in the global maritime environment)*, ARI 101/2010, Elcano Royal Institute, 17.06.2010, p. 2.

4 *Ibidem*, p. 3.

5 *Ibidem*, p. 4.

6 *The sea is never calm... Op. cit.* p.17.

MARITIME POLICY IN EUROPE

After the terrorist attacks on September 11, 2001, world safety and security became unprecedentedly important and became the utmost priority for all governments.

However, the measures aimed at improving maritime security were not the result of these attacks. Maritime security was already included in many countries' programs because of threats to ports and to ships at sea, such as piracy, for example, existed long before the mega terrorism actions experienced in recent times. On the other hand, at a European level, maritime security started to gain importance beginning with the incident of the *Achille Lauro* in October of 1985. At the time, the International Maritime Organization (IMO) responded immediately with Resolution A.584 (14) passed at the 14th Assembly on November 20, 1985⁷ and, subsequently adopted the "Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation" (SUA Act)⁸.

Thus, the result of current attacks has only been the revision of these programs and the increase of security measures.

Later, in 1993, the European Union, in its common maritime safety policy⁹, recognized the need to intensify action on a European Community or national scale in order to guarantee an adequate response to the demands of maritime safety and the prevention of marine pollution; furthermore, it emphasized that the future action of the Union should be based on strengthening inspection and introducing measures to expel from community waters all ships that do not comply with the regulations established, improving the safety of maritime navigation, detecting sensitive areas within the Union¹⁰ from the environmental point of view, and proposing specific measures for the aforesaid to the International Maritime Organization (IMO). All of these were to be carried out through an action plan of the Union that would take into account the international conventions and the work of the IMO, of the Memorandum of Agreement, and of the International Labor Organization (ILO). All

7 International Maritime Organization, *Resolution A.584 (14) on Measures to prevent illegal actions that threaten the security of the vessel and protect the passengers and its crew*. 20.11.1985.

8 The SUA Act added, on October 14, a protocol that intends to clarify when a crime is committed.

9 Council Resolution of June 8, 1993 regarding a common policy for maritime safety (93/C 271 /01), of 10.7.93.

10 Council Resolution of June 8, 1993 regarding a common policy for maritime safety still refers to the "Community", in spite of the fact that beginning in 1992, with the Maastricht Treaty, the European Union absorbs all the then existing Communities: the European Community (EC), the European Community for Coal and Steel (ECCS), and the European Atomic Energy Community (Euratom).

of these measures fell within the scope of the “safety”¹¹ aspect of maritime activity, and were not aimed at improving the “security”¹² aspect¹³.

In this sense, it must be kept in mind that the Single European Act (SEA), which went into effect in 1987, revised the Rome Treaties to reactivate European integration and carry out the establishment of the domestic market¹⁴. This single market brought along the need to define a common transport policy – a need already reflected in the Treaty of Rome in 1957¹⁵, -- which would logically affect maritime transport. Thus, the common transport policy, which includes maritime transport, is one of the first common policies of the European Union (EU). This policy is ruled by Title IV of the Treaty on the Functioning of the European Union which came into force in 1993.

As such, the community policy for maritime safety is relatively recent, starting with the Communication from the Commission of 1993, “A common policy on safe seas” oriented towards improving the safety of ships, their crews and passengers, and towards more efficiently reducing marine pollution and, therefore, falling within the framework of the “safety” aspect of maritime activity. On reaching this point, and taking into consideration that the distinction between maritime “safety” and “security” is arguable, it is incomprehensible why this common policy of maritime safety does not approach issues related to maritime security, considering that there was already concern regarding this aspect, as reflected in the SEA Convention of 1988.

In November of 2002, in accordance with Council Decision 87/373/CEE of July 13, 1987, the “Committee on Safe Seas and the Prevention of Pollution from Ships” was set up, the Regulations regarding maritime safety and the prevention of pollution from ships¹⁶ were modified, and a directive to improve the application of Community

11 In this article, “Maritime safety” (*seguridad* in Spanish; *sécurité* in French) should be understood as everything related to the safety of human life at sea and the protection of the maritime environment.

12 In this article, “Maritime security” (*protección* in Spanish; *sûreté* en francés) should be understood as everything related to the security and defense of the people and of the State interests at sea.

13 According to Fernando del Pozo, (Working Paper 3/2014, Elcano Royal Institute, March 12, 2014) there is a semantic problem between these two concepts which, sometimes, gives rise to an invasion of competences by the actors involved.

However, this article is not intended to clarify this dichotomy and, in the opinion of the author, the concept should not be confused with the means used to solve the incidence or the competences assigned to each of the actors involved.

14 Specifically, Article 8^a of the SEA defines the objective to progressively establish, until its attainment on December 31, 1992, of the interior market as “a space without internal borders where free circulation of goods, people, services and capital will be guaranteed in accordance with the stipulations of the Treaty herein”.

15 This need for a common policy for transport was already considered in Title IV “Les transports” of the treaty of the constitution of the European Economic Community signed in Rome in 1957.

16 Regulation EC N° 2099/2002 of the European Parliament and of the Council of November 5, 2002, by which the Committee on Safe Seas and the Prevention of Pollution from Ships (COOS) is set up, and amending the Regulations on maritime safety and the prevention of pollution from ships.

legislation in the areas of maritime safety, of the protection of the marine environment and of life and working conditions on board ships¹⁷ was issued. Therefore, these measures are still only oriented towards “safety” in the maritime field.

Not until 2004, through Regulation (EC) n° 725/2004 of the European Parliament and the Council, of March 31, 2004, regarding the improvement of the protection of ships and port facilities, did aspects related to “maritime security” begin to be introduced to guarantee the security of maritime transport, of the citizens who use it, and of an environment directed against international illegal actions such as terrorism. These regulations represented a landmark for maritime security in the EU as, previously, only the SEA Convention of 1988 had responded on a case-by-case basis, but not totally effectively, to a specific part of maritime security, thus being insufficient.

In 2006, in the Green paper on maritime policy in the European Union¹⁸, the Commission explains the need to approach maritime policy in an integral manner and with a holistic approach. This paper stems from existing EU policies and initiatives, is coherent with the Lisbon Agenda, tries to balance the economic, social, and environmental dimensions of sustainable development, and provides adequate responses to incidents related both to “safety” and to “security” aspects.

Subsequently, on December 14, 2007, the European Council received the Communication from the Commission of October 10, 2007, regarding an integrated maritime policy for the European Union (IMP) and its pertinent action plan¹⁹, and encouraged future Presidencies to work towards the establishment of an integrated maritime policy for the EU²⁰. The document containing this communication, also called a “blue paper”, states that an IMP will improve Europe’s ability to face the challenges of globalization and competitiveness, climate change, the degradation of the environment, maritime safety and security, and energy sustainability and safety. This IMP must be based on excellence with respect to marine research, technology, and innovation, and must be closely linked to the Lisbon Strategy regarding issues

17 Directive EC 2002/84 of the European Parliament and the Council of November 5, 2002 by which the Directives regarding maritime safety and the prevention of pollution from ships are amended, Official Journal of the European Communities, L 324, 11.29.2002.

18 Commission of the European Communities, *Green paper: Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*, COM(2006) 275 final, Brussels, 7.6.2006.

19 According to point 58 of the Conclusions of the Presidency of the Brussels Council of the European Union of December 14, 2007, the following is stated: “*The European Council welcomes the Commission communication on an integrated maritime policy for the European Union and the proposed Action Plan which sets out the first concrete steps in developing an integrated approach to maritime affairs*”.

20 According to point 58 of the Conclusions of the Presidency of the Brussels Council of the European Union of December 14, 2007, the following is stated: “*The European Council invites the Commission to come forward with the initiatives and proposals contained in the Action Plan and calls on future Presidencies to work on the establishment of an integrated maritime policy for the Union. The Commission is invited to report on progress achieved to the European Council at the end of 2009*”.

related to employment and economic growth and with the Gothenburg agenda²¹ with respect to sustainable development.

In this way, the IMP attempts to give greater coherence to maritime issues through better inter-sectorial coordination focused on issues not included in sectorial policies, and specifically including the following transversal policies: blue growth²², knowledge and data of the sea, regulation of maritime space, integrated maritime surveillance, and maritime basin strategies²³.

Thus, the IMP focuses on the “safety” aspect of maritime activity, the transversal policy on integrated maritime surveillance being the only approach to the “security” aspect, in spite of the fact that in 1988 and 2004 the EU had already identified more areas of action related to maritime security.

Commission Communications “COM(2009) 538” and “COM(2010) 584” regarding integrated maritime surveillance fall within the framework of this policy and are intended, respectively, to determine the principles needed for the creation of a common environment of information exchange, and to draw up a roadmap²⁴ for its creation.

This exchange of information aims to offer knowledge of the situation of activities carried out at sea and having repercussions on maritime safety and security, border control, maritime pollution and the marine environment, fishing control, the enforcement of the general regulations, the defense and the economic interests of the EU, in order to facilitate adequate decision-making²⁵.

According to data from member States in 2012, only 30% of the information that should be shared actually is. Thus, the present aim is to achieve the sharing of all the information regarding the maritime area that may be of interest to the pertinent

21 Commission of the European Communities (Commission’s proposal to the Gothenburg European Council), *A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development*, COM(2001)264 final, Brussels, 15.5.2001.

22 Blue growth is a long term strategy to support marine and maritime growth in an integrated and sustainable manner.

23 The transversal policies of the IMP may be found in the institutional information of the European Commission at: http://ec.europa.eu/maritimeaffairs/policy_es

24 The roadmap sets forth the steps necessary for the uniting of national authorities in order to make possible the exchange of information available to Coast Guards; to organisms responsible for the surveillance of maritime traffic, environmental control, prevention of pollution, fishing, and border control; to fiscal, judicial, and police authorities; and to the armed forces.

25 Communication of the Commission to the Council and to the European Parliament regarding a roadmap project for the creation of a common environment for the Exchange of information for the purpose of surveillance in the marine environment of the EU, COM(2010) 584 final, Brussels, 10.20.2010, p. 2-3.

authorities²⁶. The problem of the greater or lesser sharing of information depends on the interest and political will of the States. The European Union, which is conscious of this, approached this issue at the “Safe Seas. Can an Integrated Maritime Surveillance be achieved by the EU?” Conference held at the European Union Economic and Social Committee on March 24, 2015, whose program includes the issue “Maritime surveillance: political, cultural, and technical limitations to sharing relevant information across sectors and borders” in order to debate improving maritime surveillance operations when they are supported by a better exchange of information and coordination²⁷. An example of the fact that, overcoming political hindrances, this needed exchange of information is beneficial and possible is the *Maritime Analysis and Operations Centre – Narcotics* (MAOC-N)²⁸ – a forum of multilateral cooperation to fight drug trafficking by sea and air—or the exchange of information that takes place in operation ATALANTA, as José Antonio Ruesta Botella explains it²⁹.

Regarding the European strategy on maritime safety, José Antonio Ruesta Botella pointed out the difficulty of cooperation at national and international levels, and the lack of a united vision regarding safety, when he declared:

“That strategy must put an end to the “silo organizations” that are currently proliferating, and so allow every organism to carry out its legal competences, but effectively coordinating with the rest. Besides the national civil agencies, the strategy must also consider the safety needs stemming from the area of European agencies with responsibility in the marine field: EMSA (European Maritime Safety Agency), Frontex (European Border and Coast Guard Agency), CFCA (Communications Fraud Control Association), ESA (Environmental Science Association), and others that may be created in the future. These agencies’ activities focus on the civil area, but

26 Information extracted from the speech given by Lowri Evans –Director General for Maritime and Fishing Affairs at the GD of the European Commission – during the conference of the Economic and Social Committee of the European Union on March 24, 2015.

27 The program of the conference is available at: <http://www.eu-events.eu/646-safe-seas-can-an-integrated-maritime-surveillance-be-achieved-by-the-eu.html>.

28 The MAOC-N, operating since 2007 and based in Lisbon, includes maritime, military, customs authorities and police from the participating States (Spain, France, Portugal, Ireland, Italy, The Netherlands, and the United Kingdom) and a permanent observer from the *Drug Enforcement Administration* (DEA) of the US. The MAOC-N is a European law enforcement unit with support from military forces combining maritime and air intelligence means.

29 José Antonio Ruesta Botella, *La Presidencia española de la UE: del concepto de seguridad marítima a la Estrategia de Seguridad en el ámbito marítimo global*, (*The Spanish Presidency of the EU: from the concept of maritime strategy to Security Strategy in the global maritime environment*).ARI 101/2010, Elcano Royal Institute, 17.06.2010. p5: “...the exchange of information among all the agencies that work at sea. Only a year and a half ago, pointing out this need was practically speaking about an uncertain future. However, one of the positive contributions that the Atalanta operation gives is allowing all of us to understand that it is not only necessary to share information but that, in doing so, we all win”.

they offer an invaluable contribution and, at the same time, require specific aspects of protection³⁰”.

Thus, integrated maritime surveillance is currently limited to an exchange of information which, for now, has not been optimally achieved although it is considered necessary, and is carried out in certain specific areas.

In 2008, a community action framework in the field of marine environmental policy was established to protect and reestablish the European marine ecosystems, and to guarantee the ecological viability of economic activities related to the marine environment until 2021. With this purpose, the European waters are divided into four regions: the Baltic Sea, the Northeastern Atlantic Ocean, the Mediterranean Sea, and the Black Sea. In each region, and possible sub-regions they belong to, the interested States must coordinate their actions among each other and with interested third States³¹.

Furthermore, in 2008, the group “Friends of the Presidency” of the Council of the European Union brought about the adoption of an integral approach to marine issues keeping in mind regional specificities, and respecting the principle of subsidiarity. It is also a reminder that integrated marine policy is linked to the Lisbon Strategy³² to achieve sustainable development based on the knowledge of the means, it supports cooperation in the area of research³³, and supports the integrated management of the European marine space and a pilot project regarding surveillance in the Mediterranean, reflected in the action plan of the Commission³⁴.

In 2009, the Council of the EU admitted the need to act in favor of an integrated marine governance in the member States, that meets the main challenges in the medium and long terms regarding environmental security, marine security and safety, economic growth, quality employment and well-being, and sustainability for oceans, seas, and coastal areas in Europe; furthermore, it addresses the continuous application of the marine and maritime research strategy of the EU leading to the provision of basic

30 José Antonio Ruesta Botella, *The Spanish Presidency of the EU: from the concept of maritime protection to the Safety Strategy in the global marine environment*, ARI 101/2010, Elcano Royal Institute, 06.17.2010. p. 4.

31 Directive 2008/56/EC of the European Parliament and the Council, of June 17, 2008, by which a community action framework is established in the field of marine environmental policy (Marine Strategy Framework Directive).

32 The Lisbon Strategy, derived from the European Council held on March 23 and 24, aimed in 2010 to make Europe the most prosperous, dynamic and competitive economy in the world, with the capacity to grow in a sustainable manner.

33 Commission of the European Communities, *A European Strategy for Marine and Maritime Research. A coherent European Research Area framework in support of a sustainable use of oceans and seas*, COM(2008) 534 final, Brussels, 3.9.2008.

34 Council of the European Union, Group “Friends of the Presidency”, *Project of Conclusions of the Council in the field of Integrated marine policy*, 16503/108 REV 1, Brussels, December 2, 2008.

knowledge for the application of the IMP presented for the Mediterranean³⁵, supports the presentation of the Communication of the Commission on the development of the “International Dimension of the European Union’s Integrated Maritime Policy”³⁶, and recognizes the importance of dialogue at the international level about an integrated maritime policy and other maritime issues, at the competent meetings³⁷.

The regional strategies³⁸ launched by the EU, with the exception of the strategy for the Mediterranean Sea in 2009, deal with the issue of the “blue economy”, and those related to the “safety” aspect of maritime activity. In contrast with the former, the document for the strategy for the Mediterranean Sea entitled “Towards an Integrated Maritime Policy for better governance in the Mediterranean” includes the issues of “safety” and “security”, and considers maritime surveillance as an activity necessary for the management of a safer maritime space. These strategies do not follow the same pattern and, that for the Mediterranean Sea being one of the first ones, the part of regarding “security” is not repeated in the rest of them, which continues to indicate a lack of vision of what the maritime environment is.

In 2010, during the Spanish Presidency of the European Union Council, within the framework of the Common Security and Defense Policy (CSDP), embraced by the European Strategy for Security, and related to the IMP, an initiative for the elaboration of a Maritime Security Strategy was launched. Furthermore, a commitment was made to deepen an integrated approach with non-EU coastal Mediterranean States, there was agreement on the need to strengthen the role of the European Union in international organizations related to maritime issues, and the maritime surveillance projects BLUEMASSMED (the Mediterranean) and MARSUNO (the Baltic Sea and the North Sea)³⁹ were supported. The Spanish Presidency considered that maritime safety is a world concept that affects all routes of communication, and must have access to all the resources of the States and European institutions to ensure the good management of maritime areas. Thus, Spain promoted within the EU the need to understand maritime issues from a global perspective⁴⁰.

35 Commission of the European Communities, *Towards an Integrated Maritime Policy for better governance in the Mediterranean*, COM(2009) 466 final, Brussels, 9.II.2009.

36 Commission of the European Communities, *Developing the international dimension of the Integrated Maritime Policy of the European Union*, COM(2009)536 final, Brussels, 10.IV.2009.

37 Council of the European Union, Group “Friends of the Presidency”, *Project of Conclusions of the Council in the field of Integrated marine policy*, 15175/1/09 REV 1, Brussels, November 11, 2009.

38 The EU has elaborated strategies for the following regions: the Ionian and Adriatic Seas (2014), the Atlantic Ocean (2011), Antarctic Ocean (in progress), the Baltic Sea (2009), the Black Sea (2011), the Mediterranean Sea (2009), the North Sea (in progress), ultra-peripheral areas (2007).

39 Ministry of Foreign Affairs and Cooperation. State Secretariat for the European Union. *Balance of the IV Spanish Presidency of the Council of the European Union. First semester of 2010*, Madrid, 2010.

40 The author of this article participated, from his post at the Joint Staff, in different working groups during the Spanish Presidency of the European Union, and in the coordination group between the Defense Staff and the General Direction of Defense Policy.

The impetus given by Spain to the EU Maritime Safety Strategy is also expressed by Fernando del Pozo:

“Spain was the main driving force behind this second and final effort, and it was during its rotating Presidency of the Commission (January – June 2010) when the Informal Defense Council, held in Mallorca, considered the urgent need of an EU Maritime Safety Strategy...”⁴¹.

At the end of Spain’s Presidency of the EU, José Antonio Ruesta Botella also expressed the role of Spain in the EU Maritime Safety Strategy when he declared:

“Let us hope that a beneficial result for all is achieved, and if it is, it may then be said that this stems from Spain’s proposal during its Presidency period in the first semester of 2010”⁴².

Later on, in 2011, the EU established a program of support for the consolidation of integrated maritime policy whose aim is to boost its consolidation and application to obtain the maximum sustainable development of seas and oceans, the enhancement of scientific knowledge, and the economic growth and social cohesion of the member States⁴³.

The Directorate General for Maritime Affairs and Fisheries is the department in the Commission in charge of the implementation of the Community Fisheries Policy and the Integrated Maritime Policy, which include measures related to protection, control, market measures, structural actions, and international fishing relations⁴⁴. However, in general terms, the DG MARE allocates most of its budget – approximately 95% – to the Community Fisheries Policy, leaving only 5% to the IMP⁴⁵. More specifically, the instrument that finances the implementation of the Community Fisheries Policy during the period 2014-2020 is the European Maritime and Fisheries Fund (EMFF) which distributes the budget into those percentages which, although seemingly giving less importance to the IMP, in fact quadruple its budget, thus showing the interest

41 *The Sea is never calm ... Op. Cit.* p.20.

42 José Antonio Ruesta Botella, *The Spanish Presidency of the EU: from the concept of maritime safety to the Security Strategy in the global maritime environment*, ARI 101/2010, Elcano Royal Institute, 06.17.2010. p7.

43 Regulation (EU) N° **1255/2011 of the European Parliament and of the Council of November 30, 2011 establishing a Program to support the further development of an Integrated Maritime Policy** L321, 12.5.2011.

44 The institutional information is available at: http://ec.europa.eu/dgs/maritimeaffairs_fisheries/index_en.htm.

45 According to the information presented at the lecture on “The Integrated Maritime Policy of the European Union: Blue Growth” given on May 7 at “Casa África” in Gran Canaria, within Project MACSA, “Program to Promote Sustainable Development in the fields of trade and maritime transport in West Africa”.

of the EU in its development⁴⁶. This fund has a total of 6,400 billion Euros that are distributed as follows: 718 million – representing 11.2% – are allocated to the Integrated Maritime Policy, and 5,682 billion – the remaining 88.85% – are allocated to the Community Fisheries Policy⁴⁷. The inclusion of the IMP in the EMFF contributes to the main aims established in the “Europe 2020” strategy, and responds to the general objectives of increasing the economic, social, and territorial cohesion established in the Treaty on European Union, and in the Treaty on the Functioning of the European Union⁴⁸.

Therefore, although there had already been a common maritime security policy since 1993, the weight that the DG MARE assigns to it does not seem to agree with its needs since it does not have a budget allocated for its implementation. This is not the case of the Common Fisheries Policy, to which the DG MARE allocated about 90% of the EMFF. This lack of financing and, thus, of vision or interest regarding the “security” aspect of the marine environment, could make sense if one considers that safety does not give a tangible benefit, particularly if there are no incidents. Furthermore, at sea, both the “safety” and the “security” aspects have been reactive: the SOLAS (Safety of Life at Sea) Convention of 1914 was the response to the catastrophe of the *Titanic* in April of 1912, the SUA (Suppression of Unlawful Acts against the safety of maritime navigation) Convention in 1988 derives from the incident with the ship *Achille Lauro* in October of 1985, and ISPS Code (International Ship and Port Facility Security Code) of 2004 is a consequence of the 9/11, 2001 attacks.

In June of 2014, the European Council adopted the European Union Maritime Safety Strategy⁴⁹ (EUMSS) whose main objective is to set the bases to, coherently, develop specific policies, and be able to respond to maritime threats and crises, keeping in mind national and European competences⁵⁰. Another one of its objectives

46 According to Jakub Semrau, member of the European Parliament Think Tank: “On April 16, 2014, in a vote taken at its Plenary on the European Maritime and Fisheries Fund, the Parliament supported designating a budgetary allotment of 5% of the total volume of the EMFF to the Integrated Maritime Policy for the period 2014-2020, which represents a quadruplication of the budget of the said Policy.

47 Information available at the website of the Ministry of Foreign Affairs and Cooperation: <http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/UnionEuropea/Paginas/Pol%3%adticas-comunes-de-la-Uni%3%b3n-Europea.aspx>.

48 Regulation (EU) N° 508/2014 of the European Parliament and of the Council of May 15, 2014 regarding the European Maritime and Fisheries Fund, and which repeals Regulations (EU) N° 2328/2003, (EU) N° 861/2006, (EU) N° 1198/2006 and (EU) N° 791/2007 of the Council, and Regulation (EU) N° 1255/2011 of the European Parliament and of the Council. Official Journal of the European Union, L149, May 20, 2014.

49 Council of the European Union, *European Union Maritime Security Strategy*, 11205/14, Brussels, 24 June 2014.

50 The main objectives of the European Union Maritime Security Strategy are:

- 1. Define and articulate the strategic maritime interests of the EU.

is to protect the strategic maritime interests of the EU. Through this action framework – the EUMSS – which is voluntary, it is also intended to bring into closer unity the EU's maritime policy on internal and external security, and civil and military cooperation. This Strategy is completed with an Action Plan⁵¹ that came into being on December 16, 2014, and puts the EU Maritime Security Strategy into practice.

The Action Plan of the EUMSS establishes five working lines⁵² aiming to overcome the existing political barriers in order to promote the collaboration needed to develop such a strategy. This plan puts particular emphasis on the need to exchange information in order to have a good working knowledge of the marine environment that will allow generating alerts as need arises.

In the European Union, the Commission, through the General Directorate of Maritime Affairs and Fisheries, is in charge of creating an integrated approach that combines several areas: the Council, through the Council of General Affairs and Foreign Affairs, is in charge of the integrated maritime policy. The IMP has also raised the parliamentary debate in such a way that there are already several parliamentary commissions that handle issues related to maritime policy.

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- 2. Define and articulate the threats, challenges and risks for the strategic maritime interests of the EU.
 - 3. Organize the response: establish the political objectives, the principles and the areas of common support which constitute the backbone of the joint strategic framework, with the aim of assuring coherence among the different and numerous specific maritime policies and strategies.

51 Council of the European Union, EU Maritime Security Strategy Action Plan, 17002/14, Brussels, 16 December 2014.

52 The working lines established in the Action Plan of the EUMSS as to where to look for greater collaboration are the following:

1. *External action;*
 2. *Maritime awareness, surveillance and information sharing;*
 3. *Capability development and capacity building;*
 4. *Risk management, protection of critical maritime infrastructure and crisis response;*
 5. *Maritime security research and innovation, education and training.*

Main initiatives and regulations related to the evolution of maritime safety and security in the European Union			
YEAR	INITIATIVE	SAFETY	SECURITY
1914 1948 1960 1974	SOLAS Convention	X	
1985	Resolution of the Assembly of the IMO (International Maritime Organization)		X
1988	SUA Convention		X
1993	Common Policy for Maritime Security	X	
2002	Committee for Maritime Security	X	
2004	PBIP Code	X	X
2005	SUA Convention-Protocole 2005		X
2006	Green paper on maritime policy	X	
2007	IMP (Blue paper).	X	X
2007	Regional strategy: RUP		
2009	Regional strategy: Baltic Sea	X	
2009	Regional strategy: Mediterranean Sea	X	X
2010	Initiative to elaborate EUMSS during Spanish Presidency of the EU		
2011	Regional strategy: Atlantic Ocean	X	
2011	Regional strategy: Black Sea	X	
2014	Regional strategy: Ionian and Adriatic Seas	X	
2014	EUMSS	X	X

Source: Elaborated by the author of the article

In summary, the Integrated Maritime Policy of the European Union, whose objective is to coordinate the different policies of the different maritime sectors, tries to provide greater coherence and coordination in maritime issues, but only focusing on issues that are not in the sectorial policies, and on those affairs that need the coordination of different actors related to the maritime area.

Thus, the IMP is a complement to the sectorial policies, and it focuses on the “safety” aspect of maritime protection, the transversal policy on integrated maritime surveillance based on the exchange of information being the only approximation to the “security” aspect. This is why, because it is a complement to the sectorial policies, the IMP cannot give an integral response to the needs of the EU in matters of the sea. Furthermore, this policy does not seem to have the wholehearted support of the EU, considering that the DG MARE allocates to it only 10% of the EMFF, allotting the rest to the Common Fisheries Policy which logically provides tangible benefits.

On the contrary, the EUMSS had greater ambitions at its birth, intending to have that integral vision of the maritime environment available in order to develop specific policies, give responses to maritime threats and crises, and defend the strategic maritime interests of the EU by bringing the aspects of internal and external security closer to civil-military cooperation.

However, the evolution of the maritime policy of the EU has paid more attention to the “safety” aspect than to the “security” aspect, despite the fact that concern for the latter has been taken into account at specific moments and has originated the appearance of new regulations, although mainly devoted to maritime surveillance based on the exchange of information which is not reached at the necessary level.

Therefore, the measures taken by the European Union to face the risks and threats related to maritime security are still insufficient since, for now, they seem to be more a declaration of intentions, because an optimum exchange of information has still not been reached to support the decision-making.

This conclusion is in accordance with Fernando del Pozo’s statement:

“...the resistance to sharing information outside the one’s own community of interests is universal, for reasons never well explained due to often not being very rational⁵³”.

Initiatives related to the exchange of information in the maritime field in the European Union

Although in 2007, the IMP considered the exchange of information as a need for integrated maritime surveillance, the concern for establishing those exchanges began in 2002. Since then, various initiatives have been developed leading to an improvement in the exchange of information that is not interconnected and that handles redundant information with the resulting loss of efficiency of these systems within the EU. The initiatives are the following:

- SafeSeaNet⁵⁴. Underway since 2002, it is a system created by the Commission in agreement with the member States. It includes a network of exchange of data and a normalized version of the main data available regarding ships and their cargo, which allows locating without delay and communicating to the maritime Administrations precise and updated information regarding the ships that sail in community waters.

53 Fernando del Pozo, *Maritime security today: the sea is never calm*, Working paper 3/2014, Real Instituto Elcano, March 12, 2014, p.15.

54 The *SafeSeaNet* system was created by Directive 2009/17/CE of the European Parliament and of the Council of 23 April 2009, by which Directive 2002/59/CE is modified, regarding *the establishment of a maritime traffic follow-up and information system*, L131, 05.28.2009.

- Satellite-based Vessel Monitoring System⁵⁵. This system, created in 2003, provides information regarding the position of ships at regular intervals. The ships have electronic devices or “blue boxes” on board. These transmit the data to a station on the ground, which in turn sends it to the Fisheries Monitoring Center (FMS). This system is administered by the member States and managed by the Directorate General for Maritime Affairs and Fisheries of the Commission, which gives support to the common fisheries policy.
- The European Border and Coast Guard Agency (EBCG), (FRONTEX⁵⁶ - from French: *Frontières extérieures* for “external borders”): In 2004, the Council created this agency in order to improve the integrated management of external borders⁵⁷ of the European Union, including maritime borders. This agency focuses on ensuring the coordination of the actions needed for the management of borders, thus contributing to achieving the control of people, and an efficient, intense and uniform surveillance of external borders.
- Maritime Surveillance Network (MARSUR network)⁵⁸: This initiative was launched in 2006 by the European Defense Agency, attached to the European Council, with the aim of creating a network using the maritime and naval information exchange systems which already existed in different member States. In October of 2012, 17 member States and Norway set up the MARSUR community, and 13 of them signed an agreement to improve the functions and the level of confidentiality in the network in support of the operations within the framework of European Security and Defense Policy. This technological development was in full accordance with the future European maritime network that would be connected through the common information-sharing environment (CISE).

55 The satellite-based Vessel Monitoring System was created in 2003 through the following regulation: “Commission Regulation (EC) No 2244/2003 of 18 December 2003 *laying down detailed provisions regarding satellite-based Vessel Monitoring Systems*, L333, 12.20.2003”

56 The agency FRONTEX was created based on the following regulation: “Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*”. This regulation considers the possibility of creating specialized groups to manage maritime borders.

57 “External borders” of the member States are understood as the ground and maritime borders of the States, as well as the airports and sea ports to which the stipulations of EU Law regarding the crossing of people through external borders are applied.

58 The *Maritime Surveillance network – MARSUR network* was developed by the European Defense Agency in 2006, from a decision taken by the Ministers of Defense of the EU at the end of 2005 based on the need to have effective knowledge available of maritime spaces with respect to security, protection, and the marine environment. The aim of this network is to avoid duplication of effort and to use the technology available so as to manage data and information in order to improve cooperation between the civil and military competences, and to give support to maritime security in both its aspects, “safety” and “security”, in a simple, effective, and low-cost way.

- CESIS⁵⁹. The Common Emergency Communication and Information System (CESIS) started working in 2007 and it was enlarged in 2009 to include personnel expert in civil protection. The system, among other duties, facilitates communication during maritime incidents and disasters managed by the Directorate General for Humanitarian Aid Operations of the Commission (ECHO)⁶⁰.
- The European Border Surveillance System (EUROSUR)⁶¹: In 2008, the European Commission set up this system, with applications to the maritime environment, to give support to member States in their effort to reduce the entrance of illegal immigration into Europe by improving early alerts on their external borders and increasing the capability of reaction from the authorities responsible for border control and for this type of information.
- Secure Information Exchange Network Application (SIENA)⁶²: In 2009, the EUROPOL started to use this network which was designed to allow the exchange of information, and strategic and operational intelligence related to crime, and to make communications faster, easier and more secure between EUROPOL, the member States, and third parties which may have cooperation agreements with EUROPOL. This network is applied in the maritime field and has been used by EUROPOL, in close collaboration with INTERPOL and supported by 10 member States of the EU and EUROJUST, to exchange information regarding criminal activities related to maritime piracy. Furthermore, since 2010, EUROPOL integrated matters related to maritime piracy into the field of counterterrorism⁶³.

59 The *Common Emergency Communication and Information System* – CECIS was created in accordance with Article 7 of Chapter IV of the following: “Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom *establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions*, L87, 25.03.2004”.

60 The *European Commission’s Humanitarian aid and Civil Protection department* – ECHO is in charge of the aid received for the victims of crises or natural or human catastrophes, including those which may happen outside the European Union.

61 The European external border surveillance system – EUROSUR-- was created in 2008 through the Communication, of February 13, 2008, from the Commission to the European Parliament, the Council, the Economic Social Committee and to the Committee of the Regions: *Examining the creation of a European border surveillance system (EUROSUR) (COM(2008) 68 final)*. The launching of this system was done in three phases, the third one being the creation of a common environment for the Exchange of information and monitoring of the European marine environment.

62 The *Secure Information Exchange Network Application* – SIENA puts particular emphasis on the protection of data and confidentiality to ensure the compliance of all legal requirements. Furthermore, it maximizes security measures to permit the exchange of restricted information.

63 European Police Office, *EUROPOL review: General Report on Europol Activities*, Publications Office of the European Union, Luxembourg, 2011.

- *The Blue Hub* Platform of the Joint Research Center⁶⁴: This platform operates in the field of maritime surveillance and information about the marine environment (MSA) integrating data from vessels, contextual information, and satellite images to track 160,000 vessels in real time. This integration of data⁶⁵ is applied to maritime activities related to piracy, illegal immigration, fishing surveillance, etc. The activities in this platform are focused both on R+D activities for tools for the support of decisions of operational design related to the knowledge of the maritime field, maritime surveillance, and for new and unexploited data sources. This platform was also created within the context of two counter-piracy pilot projects in Eastern Africa (in the Horn of Africa in 2010-2012), and in Western Africa (in the Gulf of Guinea in 2011-2013) (*Piracy, Maritime Awareness and Risks – Maritime Security*, PMAR-MASE).
- BLUMASSMED⁶⁶. This is a pilot project developed between 2009 and 2012 respecting the integration of maritime surveillance in the Mediterranean and the area adjacent to the Atlantic Ocean with the general aim of improving the exchange of inter-sectorial and cross-border information in the field of maritime surveillance, and of exploring the interest of the States and their political will for this type of cooperation. The results from this pilot project have served to develop the project Common Information Sharing Environment (CISE).
- MARSUNO⁶⁷. This is a pilot project for the exchange of information in the field of Maritime Surveillance in the Northern European Sea Basins developed between 2011 and 2012, and from which recommendations were obtained to aid

64 The *Joint Research Centre – JRC* is the only service of the European Commission directly in charge of research. This center plays a key role in research and innovation matters in the EU, and collaborates with its support, both scientific and economic, to secure the priorities of Europe 2020 related to competitiveness, sustainability, and the great social challenges.

65 The data used are from different sources, the main ones being the data sources of the position of vessels such as AIS (*Automatic Identification System*), LRIT (*Long Range Identification and Tracking*), VMS (*Vessel Monitoring System*) and satellites data VDS (*Vessel Detection System*). Description data of vessels are also included.

66 *Blue Maritime Surveillance System Med* (BLUEMASSMED) is a pilot project financed by both the European Commission and the participating countries, and developed within the framework of the integrated maritime policy of the European Union. This project incorporates 37 agencies responsible for the maritime surveillance of six member States with maritime borders on the Mediterranean Sea and its Atlantic proximities (Portugal, Spain, France, Italy, Greece, and Malta). The project was started in December of 2009, launched in January of 2010, and ended in the summer of 2012. The final report was submitted to the European Commission in October of 2012.

67 *Maritime Surveillance in the Northern European Sea Basins* (MARSUNO) is a 24-month long pilot project co-financed by the European Commission (DG MARE) and the participating countries, and undertaken within the framework of the integrated maritime policy of the European Union. 24 public authorities from the 9 member States (Sweden, Belgium, Estonia, Finland, France, Germany, Latvia, Lithuania, and Poland), and Norway, participated in the project, under the leadership of Sweden, and Russia as observer.

in overcoming legal, technical, and administrative difficulties found among the different authorities to undertake the necessary inter-sectorial and cross-border exchange of information. This knowledge was of use in the development of the CISE project.

- CoopP⁶⁸: This “cooperation project”, undertaken between December of 2012 and March of 2014, aimed to prepare the ground for a smooth inter-sectorial and cross-border transmission of data among public authorities, including European agencies, to carry out specific maritime surveillance functions.
- Common Information Sharing Environment (CISE)⁶⁹: This environment, which has been under development since 2009 by the European Commission and the member countries of the European Union and of the European Economic Area, including military and civil authorities, intends to integrate the existing surveillance systems and networks, and provide the necessary information to all interested authorities to manage their activities in the maritime field. The principles on which the CISE are based are the “need to know” and the “responsibility to share” in such a way that the intention is not to create a “big brother” type of system but rather the creation of a common environment for the exchange of information whenever it is needed.

Nevertheless, the problem of civil-military coordination is still present in the EU since, more often than is desirable, the parties “do not speak to each other enough” as can be inferred, for example, from the low-level presence of the Commission at the European Defense Agency, or from the development of systems with similar aims independently, such as MARSUR and EUCISE.

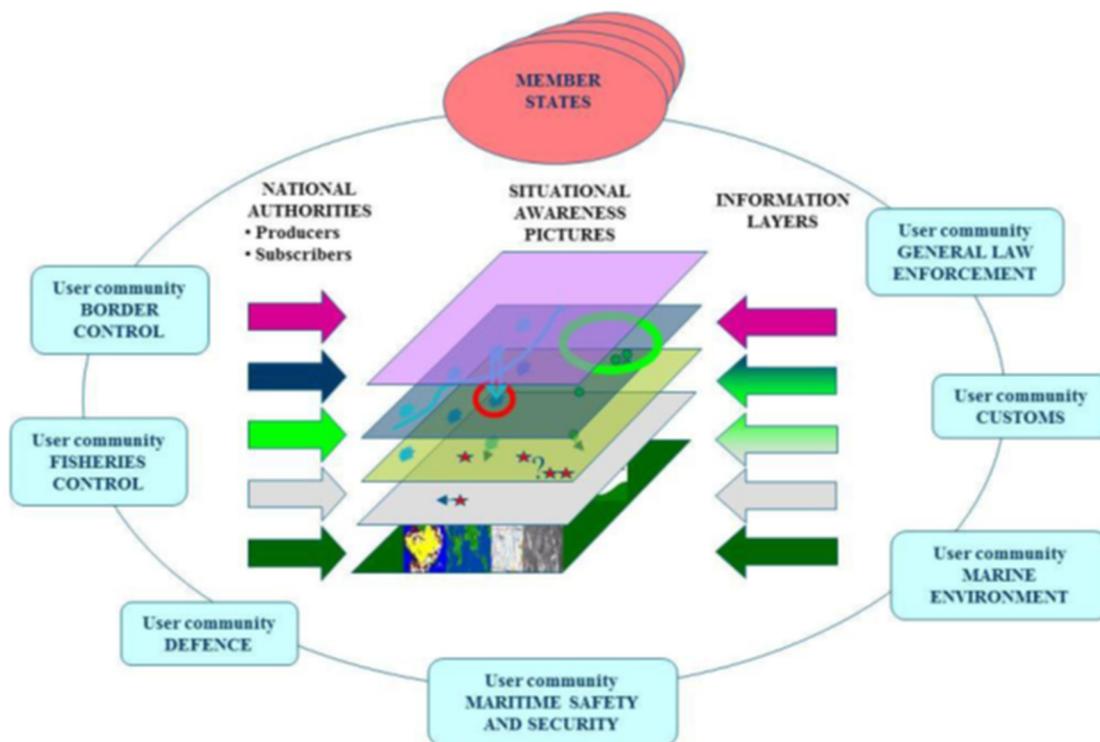
This opinion is also shared by Fernando del Pozo:

68 Cooperation Project (CoopP) is a project of cooperation co-financed by the European Commission (DG MARE) and eleven member countries (Finland, Sweden, Portugal, France, Germany, Ireland, Spain, Estonia, Romania, Bulgaria, Italy) and Norway. The CoopP consortium encompasses five maritime areas (the Black Sea, the Mediterranean Sea, the Atlantic Ocean, the North Sea, and the Baltic Sea). The following agencies and organisms participated on the part of the European Union: *European Union Satellite Centre*, *FRONTEX*, *European Space Agency (ESA)*, *European Fisheries Control Agency (EFCA)*, *European Maritime Safety Agency (EMSA)*, and *EUROPOL*.

69 The *Common Information Sharing Environment* – CISE is a project undertaken by the Commission since October 2009. Through Communication COM(2009) 538 “Towards the integration of maritime surveillance in the EU: A common information sharing environment for the EU maritime domain (CISE)”, the Commission set forth the principles that should guide the establishment of this environment. Subsequently, on November 17, 2009, the Council of Foreign Affairs endorsed the mentioned communication and requested the Commission to elaborate, for the end of 2010, a roadmap for the establishment of the CISE. This roadmap would later, in 2011, be detailed, upon seeing the results of the pilot projects. Furthermore, the Commission should also carry out, in 2013, the assessment of the implementation of the CISE. The Council of Foreign Affairs, in its conclusions of June 14, 2010 about the integrated maritime policy, reiterated the need for this economic assessment of the project for the forthcoming entering into force in 2011.



Graphic 1 - Pilot projects for the development of the CISE. Source: European Commission.



Graphic 2 - Structure of the Common Information Sharing Environment (CISE). Source: European Commission.

“The evidence that any Maritime Security Regime needs to go beyond the local or regional to meet its objectives, and reach the area of global knowledge has not escaped the EU, and the European Defense Agency (EDA) recently commissioned a study, now completed, on how to link up MARSUR with other MSRs throughout the world”⁷⁰.

Beginning in 2009, projects BLUEMASSMED, MARSUNO, and CoopP have served to develop the maritime CISE, which is a major element for the Maritime Security Strategy of the EU, and necessary to give support to maritime surveillance activities.

Systems related to the Exchange of Information in the EU		
YEAR	SYSTEM	Aim of the Exchange of Information
2002	SafeSeaNet	Data about vessels and cargo
2003	Satellite-based Vessel Monitoring System	Positions
2004	FRONTEX	Control of borders
2006	MARSUR Network	Maritime Surveillance
2007	CECIS	Maritime incidents and disasters
2008	EUROSUR	Immigration control
2009	SIENA	Criminal activities
2009	BLUMASSMED	Maritime surveillance in the Mediterranean Sea
2009	CISE	Integration of maritime surveillance systems and networks
2010	Blue Hub	Data about vessels
2011	MARSUNO	Maritime Surveillance in the Northern European Sea Basins
2012	CoopP	Coordination among authorities for maritime surveillance

Source: The author's creation.

Thus, since 2002, the European Union has developed different systems for the exchange of information in the maritime field. Some of these systems manage a series of data that are the same and, in this sense, the systems are redundant. On the other hand, they also work with different data depending on the aim for which they were designed, thus being complementary. In any case, these systems are not interconnected and generate, in some instances, redundant information which may lead to inefficient financial investment and exploitation of the systems. Furthermore,

70 *The Sea is never Calm... Op. cit.* p.17.

the proliferation of systems may be understood as the lack of political will to share information, particularly when dealing with sensitive information.

MARITIME POLICY IN SPAIN

Spain is, or should be, an essentially maritime nation due to its geographic configuration and its history and, therefore, “maritime security”, in both of its aspects “safety” and “security” should be one of its main goals.

The fact is that, as in many other countries, “maritime safety” did not become significantly important until after the 9/11 attacks.

Since then, Spain, like the rest of the countries in the European Union has been reinforcing its maritime security through increasing human and material resources, and an increasing coordination among the departments and organisms in charge of it.

However, in the case of Spain, the Navy has always undertaken surveillance and safety missions in maritime areas of sovereignty and national interest to avoid conflicts, defend our interests and protect the safety of our citizens. Furthermore, the Navy has also contributed to the State’s action at sea by collaborating with the rest of the State organizations with competences in the maritime field.

Organic Law 6/1980 of July 1, which regulates the basic criteria of national defense and military organization, started the process of adaptation of the Armed Forces to the political system established by the Constitution of 1978. This law assigned the Navy the responsibility of meeting the maritime objectives for national defense⁷¹ which defense policy⁷² determines, and established that the Armed Forces and State Security Forces, and the Police Forces of the Autonomous Communities and any others in local areas would have to contribute to national defense⁷³. This Organic Law did not yet specify the missions of maritime surveillance and security, and the contribution to State actions at sea through the collaboration with the rest of the State organizations.

In 2002, with the disappearance of the territorial commands and the elimination of the Maritime Areas, Naval Sectors, Maritime Provinces, and Maritime Districts which were the root of the territorial structure of the Navy⁷⁴, and taking into account

⁷¹ As stipulated in Article 30 of Organic Law 6/1980, of July 1, which regulates the basic criteria for national defense and military organization.

⁷² As stipulated in Article 4 of Organic Law 6/1980, of July 1, which regulates the basic criteria for national defense and military organization.

⁷³ As stipulated in Article 20 of Organic Law 6/1980, of July 1, which regulates the basic criteria for national defense and military organization.

⁷⁴ Royal Decree 912/2002, of September 6, by which the Basic Structure of the Armies is developed, and Order DEF/3537/2003, of December 10, which develops it, and establishes the elimination of the Maritime Areas, Naval Sectors, Maritime Provinces, and Maritime Districts which were the basis for

technological progress, particularly regarding command and control, the Spanish maritime area started to be seen from a global point of view.

In 2003, considering that the “problems of the marine areas are closely related to one another and must be considered as a whole”⁷⁵, the “Inter-ministerial Commission on International Maritime Policy” was created as a collegiate organization of the General State Administration attached to the Ministry of Foreign Affairs, to advise the General State Administration on maritime policy matters⁷⁶.

This new conception of maritime areas as a single geostrategic entity has, as a result, brought about the creation of the Maritime Action Force (FAM – in its Spanish acronym – *Fuerza de Acción Marítima*) of the Navy⁷⁷. The main mission of this Maritime Action Force is the preparation for the protection of national maritime interests and the control of maritime areas of sovereignty and national interest; it also contributes to all the activities that the public administrations with responsibilities in the maritime field carry out. Within this contribution to the public administration, the FAM has at its disposition a Center for Maritime Action Operations and Surveillance (COVAM in its Spanish acronym – *Centro de Operaciones y Vigilancia de Acción Marítima*) whose mission is to concentrate and distribute information related to the maritime environment, working in close coordination with the rest of the State organisms.

Also in 2004, in response to Regulation (CE) n° 725/2004 of the European Parliament and of the Council, of March 31, 2004, regarding the improvement of the security of ships and port facilities, Spain, as well as the rest of the member States of the EU, had an obligation to introduce new security measures no later than July 1st, in order to guarantee the security of maritime transport, of the citizens who use it, and of the environment against international illegal actions such as terrorism. In this way, the “security” aspect of maritime activity would spread into other organisms of the maritime administration. However, the ports security plans were not prepared in time in accordance with European directives, to the point that some ports still do not have a security plan in accordance with European regulations⁷⁸.

the territorial structure of the Navy, although keeping the territorial structures of the Archipelagos of the Balearic and Canary Islands, and in the cities of Ceuta and Melilla.

75 This indication appears in the preamble of the Convention of the United Nation on the Law of the Sea of 1982, which Spain is a part of.

76 Royal Decree 115/2003, of January 31, which establishes the aims, functions, composition and functioning of the Inter-ministerial Commission on International Maritime Policy (BOE - *Official Spanish Gazette* 44).

77 The Maritime Action Force was inaugurated when Instruction n°81/2004, of April 12, by the Admiral Chief of Staff of the Navy, took effect, by which the organization of the Maritime Action Force is established.

78 The author of this article belongs to the Committee for the Security of the Ports of general interest to the State and to the Community of the Canary Islands, and has participated in the elaboration of the plans for several ports during 2015.

Furthermore, during that same year, the National Defense Directive of December 30, 2004 established the need to carry out a transformation process of the Armed Forces so that they could efficiently undertake the missions that the Government assigned to them; cooperate with other State institutions, in particular with the Security Forces and Corps; and contribute to maintaining the safety and well being of citizens

The transformation process of the Armed Forces begins with National Defense Law 5/2005, of November 17. This law already makes reference, within the missions of the Armed Forces, to the operations of surveillance of maritime areas and collaboration with the rest of the State organisms.

In the National Defense Directive of 2008, among the guidelines established are the following: to increase the participation of the Armed Forces in giving support to other State institutions in the fight against new risks and threats; and to continue with the transformation of the Armed Forces to adapt them to the challenges from the strategic situation, through defining and securing the necessary military capabilities. Subsequently, the National Defense Directive of 2012 has maintained these guidelines down to the present.

In 2010, during the Spanish Presidency of the European Union Council, Spain promoted the need to approach maritime matters from a global perspective, including the two aspects of maritime activity, “safety” and “security”, which affect all the institutions of each State and of the European Union, and it supported the maritime surveillance projects under way.

In 2013, The National Maritime Security Strategy was born. This strategy states that maritime security is an essential element of Spain’s National Security, which must be approached from an integral point of view and that needs the concerted action of all resources from the State and the private sector. It also specifies that it will thus be necessary to increase cooperation and improve coordination among all organisms and agencies with competences in the action of the State at sea, which must materialize in the signing of new interdepartmental agreements, and the revision of the existing ones to improve both the protocols of exchange of maritime information and, therefore, the shared knowledge of the maritime environment.

The Naval Operations Concept 2015, by the Admiral Chief of Staff of the Navy, based on the National Maritime Security Strategy, establishes the assignment of maritime surveillance and security duties as one of the basic elements for maritime security operations consisting basically of the “integral maritime surveillance” and the “maritime interdiction operations”. It also considers necessary the possession of adequate “Knowledge of the Maritime Environment” (CEM – in its Spanish acronym – *Conocimiento del Entorno Marítimo*) so that Maritime Security is effective. For this, information sharing must take place among all the existing information systems and services in the maritime field, whether they are civilian, military, national or international. In way analogous to what happens in the different States of the European Union, the exchange of information is made difficult due to the lack of political will among the different departments to carry out an efficient exchange of information.

Although Spain already has a National Maritime Security Strategy, in 2015 there is still a long way to go, as the Chief of Defense (CHOD) pointed out:

“Maritime Security is an ongoing process which needs the collaboration of all the actors involved”⁷⁹.

Spanish maritime administration is distributed among the different ministerial departments. Nine out of the thirteen ministries are directly related to matters at sea, and seven of them have maritime or naval resources. This dispersion of competences forces greater coordination and cooperation but, at the same time, holds back the development of a National Maritime Security Strategy which, for now, seems more a declaration of intentions. Evidence of this are the different compartmentalized information systems at the different organisms and institutions, as will be explained below.

Fernando del Pozo also coincides with this institutional secretiveness when he declares the following referring to public organisms:

“It is pointless to indicate that such a system is far from being ideal because each one of them only tries to solve the difficulties that the two signing organisms cause each other, based on limited casuistry, and particularly, ignoring the other actors”⁸⁰.

From this point on, the situation begins to lack coherence. If we keep in mind the almost insular character of Spain, the impulse she gave to the European Union during her Presidency to initiate the creation of the EU Maritime Security Strategy and the creation, a year before the EU, of our National Strategy for Maritime Security, it does not seem logical not to advance in the development of this strategy, and to continue with struggles in the field of competences and the secretiveness between the organisms and institutions of the State with responsibilities related to the sea.

The words of Fernando del Pozo coincide in this regard:

“Spain cannot lag behind in a field into which the EU, our primary international environment, is attempting to bring order”⁸¹.

Initiatives related to the exchange of information within the maritime field in Spain.

The principal centers and systems of information related to knowledge of the maritime environment are:

79 Extracted from the speech by the CHOD during the first “Breakfast with the Spanish Maritime Cluster” regarding the National Maritime Security Strategy.

80 *Maritime Security today... Op. cit.* p.30.

81 *Maritime Security Today... Op. cit.* P. 15

- Center for the Tracking of Fisheries (CSP in its Spanish acronym)⁸²: This center, located within the facilities of the General Inspection and Control Sub-directorate of the General Secretariat for Fishing (Madrid), is where all information and messages related to fishing vessels are processed.
- Center for Operations and Surveillance of Maritime Actions (COVAM in its Spanish acronym)⁸³: This center, located at the General Headquarters of the Navy's Maritime Action Force (Cartagena), contributes to the shared CEM (knowledge of the maritime environment, in its Spanish acronym) centralizing the entrance of information proceeding from its own sensors and data bases and from other organisms based on agreements or contracts of subscription, and from civil and military networks, both national and international, which it forms part of. COVAM may distribute information through the Navy's Collaborative Maritime Environment (ENCOMAR, in its Spanish acronym).
- Canary Islands Center for Regional Coordination (CCRC)⁸⁴: This center, located in the city of Las Palmas de Gran Canaria, is constituted as the Situation and Tracking Center in the management of the maritime borders in the Canary Islands and in the control of illegal immigration into the islands; it centralizes the reception of information on illegal immigration in the countries of origin provided by the network of contact officers and coordinates the actions of the means of other State organisms and institutions related to the surveillance and control of irregular immigration when such is determined.

82 The system receives signals, satellite and terrestrial, from those fishing vessels having a total length equal to or greater than 12 meters, to which end these vessels carry, installed on board, a satellite tracking device called a "blue box".

This system is regulated by "Order APA 3660/2003" of 22 December and its modification by "Order ARM 3238/2008 of November 5 and is in accord with "Regulation (CE) n° 11224/2009 of the Council" of 20 November 2009 and with the "Regulation on execution (EU) n° 404/2011 of the Commission" of 8 April 2011, within the Community sphere.

83 The Center for Operations and Surveillance of Maritime Action (COVAM) is the center for fusion and analysis of data related to the maritime environment whose processing is fundamental for the generation of the adequate CEM (knowledge of the maritime environment) for the Naval Force operations. This data base is distributed to Naval authorities, who may complete it with additional information at operational and strategic levels. This information may also be integrated into command and control systems and into intelligence systems. Additionally, COVAM is integrated within the information exchange networks of national and international, civil and military maritime surveillance.

84 In accordance with the published contents of the "Order PRE/3108/2006", of 10th October, the Council of Ministers, at its meeting on October 6 of 2006, agreed to the creation of the Authority for coordination of actions to cope with illegal immigration into the Canary Islands and the constitution of the Canary Islands Center for Regional Coordination (CCRC), as a means to "centralize the efforts of all activity developed by the General Administration of the State related to immigration into the Canary Islands, and the close coordination of all related organisms and available means, whether maritime, aerial, or terrestrial, employed to cope with it."

- Center for the Coordination of Maritime Coastal and Border Surveillance (CCVM in its Spanish acronym)⁸⁵: This center, located within the Operations Room of the Adjunct Operations Directorate of the Civil Guard (Madrid), integrates information from the Integral External Surveillance System (SIVE in its Spanish acronym), and is inter-connected with the Regional Centers for Maritime Surveillance (CRVMs in their Spanish acronym) of the coasts and borders of the Mediterranean, Straits of Gibraltar, the Atlantic Ocean, and the Cantabrian Sea, which are located at the facilities of the Operative Service Centers (COS in their Spanish acronyms) in Valencia, Algeciras, Las Palmas and La Coruña, respectively.
- Center for Rescue Coordination (CCS in its Spanish acronym)⁸⁶: Maritime Rescue is equipped with one National Center for Rescue Coordination (CNCS in its Spanish acronym) in Madrid and 19 Rescue Coordination Centers (CCS in their Spanish acronym), distributed along the coast, to coordinate search-and-rescue and lifesaving operations, as well as the fight against contamination, in the geographic area assigned to each of them.

These national information centers do not have access to the capability of integration of signals among their systems—information external to the working system—which has a negative bearing on their efficiency. In addition, not all information is shared. Part of the problem of this compartmentalization of information may be due to the dispersion of means and competences within the Administration of questions related to the sea. In this respect, it should be kept in mind that nine of the thirteen ministerial departments are found to have a direct relation with maritime affairs and to hold competences related to the sea⁸⁷.

This situation is contrary to the need to deal with the maritime environment from a global viewpoint and to increase cooperation and improve coordination among all organisms and agencies with competences in the actions of the State relative to the sea, and as appears in the National Maritime Security Strategy;

85 In 2008, in accord with the dispositions of “Order PRE/2523/2008” of September 4, Civil Guard Centers were created for the maritime surveillance of coasts and borders, as organisms of assessment and coordination of the Adjunct Operative Directorate of the Civil Guard and a basic tool of the Interior Ministry for border surveillance in the maritime environment within the sphere of its competences, and for crisis situations.

86 The rescue coordination centers were created on the basis of Law 27/92 on Ports of State and the Merchant Marine maritime rescue. This law states that the creation of these centers is one of the basic objectives of the National Special Services Plan for the saving of human life at sea and the fight against pollution of the marine environment.

87 The Ministerial Departments with competences in marine affairs are: The Ministry of Foreign Affairs and Cooperation; Ministry of Defense; Ministry of Taxation and Public Administration ; Ministry of the Interior; Ministry of Public Works; Ministry of Education, Culture and Sports; Ministry of Employment and Social Security; Ministry of Agriculture, Nutrition and Environment; and the Ministry of the Economy and Competitiveness.

it reflects the lack of “institutional political” will to share information, and the need for a system or national network of systems with the capacity to share the necessary information.

This need is in accord with what Fernando del Pozo expresses when he speaks of “How to alleviate dysfunctions”, pointing out the following:

“But independently from the indispensable task of resolving the legislative tangle, in the practical sphere there appear for analysis two mutually dependent but separable fields: the exchange of information, and the management and operation of human and material means”⁸⁸.

The National Council on Maritime Security, aware that currently there does not exist in Spain any system for the exchange of information in the field of National Security which would connect the different Ministries and organisms, proposes the development of the National Security information exchange platform of the Department of National Security (COLABORA) and, specific to the maritime environment, of the maritime safety and security tool SEGMAR to improve shared knowledge, a more integral knowledge of the area of Maritime Security, and in particular of the risks and threats it must cope with. This would, as well, encourage improvement of communication among the relevant actors and help them to know and trust each other more in order to establish patterns of reinforced cooperation⁸⁹. These systems are being tested as of this spring within the framework of exercises carried out by the Navy⁹⁰. However, the achievement of shared information would be no more than one small step which would not solve the dispersion of means and competences existing in the Administration, which, in addition to this National Council on Maritime Safety and Security, perhaps needs an organism which would give coherence to maritime policy, having access to an integral capacity and vision of the sea and of maritime and naval resources.

In this respect, Fernando del Pozo makes his recommendation, proposing the

“Establishment of a simple structure, attached to the Presidency of the Government, bringing together the maritime competences today dispersed among—at least—the Ministries of ...”⁹¹.

88 *La mar nunca está en calma (The Sea is Never Calm)*... *Op. cit.*, p. 48.

89 Department of National Security, National Council on Maritime Security and Safety, Proposal for plan of action of the National Maritime Security Strategy, p. 15.

90 Information available at: [HTTP://www.emad.mde.es/EMAD/novemad/noticias/2015/03/Listado/150303-conferencia-cluster-seguridad-maritima-nacional-html](http://www.emad.mde.es/EMAD/novemad/noticias/2015/03/Listado/150303-conferencia-cluster-seguridad-maritima-nacional-html).

91 *La seguridad marítima hoy (Maritime Security Today)*... *Op. cit.* p. 22.

CONCLUSIONS

Questions associated with marine safety and security are not new, but rather have been present as long as activity on the sea has existed. What has appeared in our time is the need to regulate seafaring activity and to protect it, due to the great influence of world trade, of the global nature of the modern-day world and to the new threats.

In the European Union, Community maritime policy appeared in 1993, dealing only with those subjects which related to safety, and in 2004, questions related to security began to arise, although the problem of security had already been noted in 1985.

In Spain the concept of a “global maritime space” appeared in 2002, while in the EU this happened in 2006, 13 years after the appearance of a Community policy on safety at sea—in the Green Paper on the European Union’s maritime policy—where there appeared the need to treat maritime policy in integral fashion and with a holistic approach.

In 2010, given impetus by the Spanish Presidency, the need appeared within the EU to work out a Maritime Safety and Security Strategy which came into being in 2014, seven years after the IMP—presented in 2007—and a year later than our National Maritime Security Strategy. In the meantime, regional strategies were created with a strong focus on “blue growth”.

As a consequence, one of the European Union’s strategic objectives is the achievement of cleaner and safer seas. To this end, the need is seen for joint and more effective action among all nations, including legislative action, to guarantee adequate responses which must be given to the illicit activities being developed on the sea.

The European Union’s Maritime Safety and Security Strategy, while voluntary, serves as a complement to European legislation within the maritime field. Its general objective is to achieve a closer inter-sectorial and trans-border collaboration at both European and national levels, involving civil as well as military authorities.

Integrated maritime surveillance, which appeared in the IMP, is at the mercy of the political will in the member States to share information necessary to the objective of making available adequate knowledge of the maritime environment. This barrier will only be overcome through a change in mentality which must take place at both a national level and within the European Union institutions. The numerous initiatives which have been developed point to the possibility, from a technical point of view, of achieving an efficient sharing of information.

The experience gained from projects carried out and initiatives launched must be used to advantage in order to develop efficient and productive solutions which do not duplicate efforts and which serve to continue encouraging closer cooperation among sectors and cross-border cooperation, as well as the production of an analysis to

explore the need for a possible inter-sectorial legislative initiative to facilitate needed cooperation within the Integrated Maritime Policy.

Implementation of the maritime CISE—project EUCISE2020 launched in 2014 and which has not yet come into being—would require involvement both at the EU and the national level to improve the exchange of inter-sectorial and cross-border information in the field of maritime surveillance. For this to happen, there must exist a greater political will on the part of States to participate in this environment of information exchange. This collaboration must begin with actions at a national level to eliminate existing barriers related to the exchange of information among the different authorities—civil and military—which have competence in the maritime environment.

In Spain, the global concept of maritime space appeared in 2002. Three years later, in 2005, the Armed Forces were assigned the operations of surveillance of maritime spaces and of collaboration with other State organisms, and in 2013, the National Maritime Security Strategy was born.

Regarding integrated maritime surveillance, no advance has yet been possible given that there does not exist a system or network of systems which would permit this capability and because each organism continues to distribute information selectively. In consequence, the National Council on Maritime Safety and Security, created at the end of 2013, has established as one of its priorities the development of systems which, interconnecting different Ministries and organisms, respond to this need.

As may be seen, the evolution of maritime policies in the European Union and in Spain follow parallel, though unsynchronized, routes. Thus, the conceptualization of maritime spaces in global form and the creation of a Maritime Security Strategy occurred earlier in Spain than in the European Union. In relation to this, emphasis should be placed on the impulse given by Spain to the EU relative to the creation of the Maritime Security Strategy which has represented an advance in time⁹² and in communal response.

Nonetheless, at the present time, both in Spain and in the European Union, action should be taken regarding the curbs existing—mainly political—beyond those of a technical and financial nature, to achieve an integrated maritime surveillance permitting a continuous advance in maritime safety and security.

In addition, in the case of Spain, there should be a study of the need for the unification of criteria in maritime affairs, perhaps through the National Council on Maritime Safety and Security, in order to optimize the use of the means and tools of the State, improve its disposition in favor of maritime policy, and act with an integral

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92 From the global conception of maritime spaces and up to the creation of the Maritime Safety and Security Strategy, the European Union took eight years (2006-2014) and Spain took eleven (2002-2013).

vision, improving the coordination and cooperation of all the Ministerial departments involved, beyond the sharing of information.

In summary, both the European Union and Spain have recently set out on their route into affairs related to an integrated maritime policy and must face similar challenges in order to complete its development, keeping in mind that:

- The need persists to regulate maritime activity and to protect it.
- There is a continuing need to address questions related to Maritime Affairs regarding both their aspects, safety and security.
- It is necessary to deal with maritime policy in integral fashion and with a holistic focus.
- Closer inter-sectorial and cross-border collaboration should be sought, at European Union as well as at national levels, involving both civil and military authorities.
- Existing curbs on the political will of States should be overcome, by seeking a change in mentality which must be effected at both national levels and at those of the institutions of the European Union.
- It is necessary to unify criteria relative to maritime affairs through a possible single organism to deal with the problem with an integral vision beyond the simple exchange of information.

BIBLIOGRAPHY

Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, *Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions*, L87, 25.03.2004.

Commission of the European Communities (Commission's proposal to the Gothenburg European Council), *A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development*, COM(2001)264 final, Brussels, 15.5.2001.

Commission of the European Communities, *A European Strategy for Marine and Maritime Research. A coherent European Research Area framework in support of a sustainable use of oceans and seas*, COM(2008) 534 final, Brussels, 3.9.2008.

Commission of the European Communities, *Developing the international dimension of the Integrated Maritime Policy of the European Union*, COM(2009)536 final, Brussels, 15.10.2009.

Commission of the European Communities, *Green paper: Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*, COM(2006) 275 final, Brussels, 7.6.2006.

Commission of the European Communities, *Towards an Integrated Maritime Policy for better governance in the Mediterranean*, COM(2009) 466 final, Brussels, 11.9.2009.

- Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *Towards the integration of maritime surveillance: A common information sharing environment for the EU maritime domain*, COM(2009) 538, Brussels, 15.10.2009.
- Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *An Integrated Maritime Policy for the European Union*, COM(2007) 575 final, Brussels, 10.10.2007.
- Communication from the Commission to the Council and to the European Parliament regarding a project of a roadmap for the creation of a common environment of exchange of information for surveillance in the maritime field of the EU, COM(2010) 584 final, Brussels, 20.10.2010.
- Communication, of February 13, 2008, from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Examining the creation of a European border surveillance system (EUROSUR) (COM(2008) 68 final)*.
- Council of the European Union, Group of "Friends of the Presidency", *Project of conclusions by the Council on the integrated maritime policy*. 16503/1/08 REV 1, Brussels, 2.12.2008.
- Council of the European Union, Group of "Friends of the Presidency", *Project of conclusions by the Council on the integrated maritime policy*. 15175/1/09 REV 1, Brussels, 11.11.2009.
- Convention of the United Nations on the Law of the Sea. Montego Bay (Jamaica), 1982.
- Council of the European Union, *European Union Maritime Security Strategy*, 11205/14, Brussels, 24 June 2014.
- Council of the European Union, *Presidency conclusions*, 16616/07, Brussels, 14 December 2007.
- Department of National Security, National Council for Maritime Security. Proposal for an action plan for the National Maritime Security Strategy.
- Directive 2002/84/EC from the European Parliament and the Council of 5.11.2002 modifying the Directives related to maritime security and the protection from pollution from ships. Official Journal of the European Communities, L 324, 29.11.2002.
- Directive 2008/56/EC from the European Parliament and the Council of 17.6.2008 establishing the community action framework for the marine environment policy (Directive framework on marine strategy).
- Presidency of the [Spanish] Government, *National Defense Directive 1/2004*, of 30.12.2004.

- National Defense Council, National Defense Directive 01/2008, of 30.9.2008.
- Presidency of the [Spanish] Government, National Defense Directive 2012. *For a necessary Defense, for a responsible Defense*, 7.2012.
- European Police Office, *EUROPOL review: General Report on Europol Activities*, Publications Office of the European Union, Luxembourg, 2011.
- Law 27/1992, of 24.II, for State and Merchant Marine Ports.
- Organic Law 5/2005, of 17.II, of the National Defense (Official Spanish Gazette - *BOE* 276).
- Organic Law 6/1980, of 1.7, regulating the basic criteria for national defense and military organization (Official Spanish Gazette – *BOE* 165).
- Order APA/3660/, of 22 December, regulating in Spain the satellite-based fishing vessels monitoring systems, and establishing the regulating bases for aid for the acquisition and installation of fishing vessels monitoring systems (Official Spanish Gazette – *BOE* 313).
- Order ARM/3238/2008, of 5 November, modifying Order APA/3660/2003, of 22 December, regulating the satellite-based fishing vessels monitoring system, y establishing the bases that regulate the aids for the acquisition and installation of the fishing vessels monitoring systems. (Official Spanish Gazette - *BOE* 274).
- Order DEF/3537/2003, of 10 December, developing the basic organic structure for the Armies (Official Spanish Gazette - *BOE* 303).
- Order PRE/2523/2008, of 4 September, creating the *Guardia Civil* Centers for maritime surveillance of coasts and borders (Official Spanish Gazette - *BOE* 215).
- Order PRE/3108/2006, of 10 October, giving publicity to the Agreement of the Ministers' Cabinet Meeting, establishing the creation of an authority to coordinate the actions to take against illegal immigration in the Canary Islands, and establishing the regulations for such a purpose. (Official Spanish Gazette - *BOE* 243).
- Royal Decree 115/2003, of 31 January, establishing the aims, functions, composition and functioning of the Interministerial Commission for International Maritime Policy. (Official Spanish Gazette - *BOE* 44).
- Royal Decree 912/2002, of 6 September, developing the Basic Structure of the Armies, por el que se desarrolla la Estructura Básica de los Ejércitos (Official Spanish Gazette - *BOE* 215).
- Regulation (EC) n° 1224/2009 of the Council, of 20 November 2009, establishing a community control regime to guarantee the compliance of the regulations of common fisheries policy, modifying Regulations (EC) n° 847/96, (EC) n° 2371/2002, (EC) n° 811/2004, (EC) n° 768/2005, (EC) n° 2115/2005, (EC) n° 2166/2005, (EC) n° 388/2006, (EC) n° 509/2007, (EC) n° 676/2007, (EC) n° 1098/2007, (EC) n°1300/2008 and (EC) n° 1342/2008 and cancelling Regulations (EEC) n° 2847/93, (EC) n° 1627/94 and (EC) n° 1966/2006, Official Journal of the European Union, L343, 22.12.2009.

- Regulation (EC) n° 2099/2002 from the European Parliament and the Council, of 5 November 2002, setting up the Committee for Maritime Safety and Prevention of Pollution by Ships (COSS) and modifying the Regulations regarding maritime safety and the prevention of pollution by ships.
- Regulation (EU) N° 508/2014 from the European Council and the Council, of 15 May 2014, regarding the European Maritime and Fisheries Fund, and cancelling Regulations (EC) n° 2328/2003, (EC) n° 861/2006, (EC) n° 1198/2006 and (EC) n° 791/2007 from the Council, and Regulation (EU) n° 1255/2011 from the European Parliament and the Council. Official Journal of the European Union, L149, 20 May 2014.
- Regulation (EU) N° 508/2014 from the European Parliament and from the Council, of 15 May 2014, regarding the European Maritime and Fisheries Fund, and cancelling Regulations (EC) n° 2328/2003, (EC) n° 861/2006, (EC) n° 1198/2006 and (EC) n° 791/2007 from the Council, and Regulation (EU) n° 1255/2011 from the European Parliament and from the Council, Official Journal of the European Union, L149, 20 May 2014.
- Regulation (EU) N° 1255/2011 from the European Parliament and from the Council, of 30 November 2011 establishing a program to give support to consolidate the integrated maritime policy, L321, 5.12.2011.
- Execution Regulation (EU) n° 404/2011 from the Commission, of 8 April 2011, establishing the norms for the development of Regulation (EC) n° 1224/2009 from the Council establishing a community control regime to guarantee the compliance of the common fisheries policy regulations, Official Journal of the European Union, L112, 30.4.2011.
- Resolution from the Council of 8 June 1993 regarding a common policy for maritime security (93/C 271 /01), of 7.10.93.
- Resolution A.584(14), Measures to prevent illegal actions that threaten the security of the ship and the safety of its passengers and crew, 20.11.1985.
- José Antonio Ruesta Botella, *Presidencia española de la UE: del concepto de seguridad marítima a la Estrategia de Seguridad en el ámbito marítimo global*, (*The Spanish Presidency of the EU: from the concept of maritime safety to the Security Strategy in the global maritime environment*). ARI 101/2010, Elcano Royal Institute, 17.06.2010.
- Fernando del Pozo, *La seguridad marítima hoy: la mar nunca está en calma*, (*Maritime Security Today: the Sea is never Calm*) Working document 3/2014, Elcano Royal Institute, 12.03.2014.
- Fernando del Pozo, *La mar nunca está en calma (II) Análisis del concepto de seguridad marítima en España*, (*The Sea is never Calm – (II) Analysis of the concept of maritime security in Spain*). Research document 12/2015, Spanish Institute of Strategic Studies. November 2015.

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