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Overview of the European Union as a Sea Policy Actor

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Abstract: *This article provides a concise overview of the European Union's involvement in sea-related policies, covering maritime and marine policies, EU fisheries policy, environmental initiatives, blue growth strategy, and sea management practices. With Europe's extensive coastline and a coastal population of 214 million within the EU, the significance of these policies is evident. The article traces the historical evolution of these policies, emphasizing the transition from the community method to intergovernmental approaches in recent maritime policy developments. Legal foundations, particularly for the Common Fisheries Policy (CFP) and Marine Strategy Framework Directive (MSFD), highlighting the role of the European Parliament in legislation. The importance of EU-Member State collaboration in safeguarding marine ecosystems has also been tackled in this paper. The article underscores the EU's significant role in sea-related policies, reflecting its commitment to responsible marine activities. It identifies policy challenges and suggests potential solutions, paving the way for a more integrated European approach to seas and oceans.*

Key-words: *European Union; maritime & marine policy; EU fisheries policy; blue growth; sea management.*

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The opinions expressed in this paper are solely the author's and do not engage the institution she belongs to.

1. Introduction: Blue Growth - The EU's Overarching Goal

The overarching objective of Blue Growth within the European Union encapsulates a multifaceted agenda aimed at fostering the sustainable expansion of marine and maritime activities. This entails a holistic approach, incorporating a various range of dimensions. First and foremost, economic prosperity stands as a fundamental principle, underpinned by the development of various marine sectors, such as aquaculture, coastal tourism, marine biotechnology, ocean energy, and seabed mining. These sectors hold the potential to not only generate economic value, but also provide employment opportunities. Simultaneously, the Blue Growth initiative is intrinsically tied to environmental considerations. It seeks to ensure the harmonious coexistence of marine activities with the fragile ecosystems of the seas and oceans. Therefore, environmental sustainability forms an essential pillar of Blue Growth, necessitating the prudent management of marine resources and the mitigation of adverse impacts on the marine environment. Moreover, Blue Growth extends its scope to encompass social and societal dimensions by addressing issues such as the well-being of coastal communities and maritime safety. In essence, the European Union's pursuit of Blue Growth is a complex endeavour aimed at achieving economic progress, ecological harmony, and social well-being within the marine and maritime domain.

The EU's sea-related policies offer a comprehensive framework for balancing economic development and sustainability. The EU can effectively encourage economic growth within the maritime sector while safeguarding marine ecosystems for current and future generations by embracing integrated approaches, circular economy principles, sustainable management strategies, and international cooperation. The success of these policies depends on collaborative efforts, effective implementation, and the ongoing commitment of member states, industries, and civil society to a shared vision of a prosperous and sustainable "Blue Europe".

The existing literature on promoting economic development and sustainability through EU sea-related policies provides valuable insights into the complexities of achieving a balance between economic development and sustainability within the maritime sector. However, transitioning from theory and policy to practical implementation in EU Marine and Maritime Policies requires a comprehensive approach that encompasses policy coherence, stakeholder engagement, capacity building, monitoring, adaptability, funding, international cooperation, communication, legal frameworks, and innovation. By addressing these aspects systematically, the EU can make significant strides toward achieving a "Blue Europe" that is sustainable, prosperous, and environmentally responsible.

2. The Legal Basis Regarding the EU Sea-Related Policies

“We generally associate environmental sustainability with the colour green. Considering that 70 percent of the surface of our planet is made up of oceans and, given their vital role in many natural processes and the rich biodiversity they support, it could just as well be blue.”¹

According to “the SOPHIE project”², nestled between four seas and two ocean basins and boasting a coastline spanning approximately 70,000 km (for EU coastal states exclusively), Europe can truly be regarded as a maritime continent.³

In conclusion, the statistics presented above underscore the profound impact and significance of EU sea-related policies. Europe's extensive coastline and substantial coastal population make these policies crucial for the livelihoods and economies of millions, as evidenced by the substantial employment, turnover, and gross value added within the EU's Blue Economy.

Through both descriptive and analytical elements, this article conducts a review of existing literature to understand the current state of knowledge, key concepts, and areas of interest in the EU sea-related policies. A variety of documents has been analysed, including EU policy documents, academic articles, reports, and relevant research papers. The objectives of this article are to provide an overview of the EU as a sea policy actor, identify challenges within the EU sea-related policies, and suggest some potential solutions.

¹ Daniel Calleja Alleja Crespo, “Blue Growth Strategy”, *The European Files*, Issue no. 47, Director-General of DG Environment, European Commission, June 2017, Brussels, p. 17, <https://www.europeanfiles.eu/wp-content/uploads/2017/06/The-European-Files-Blue-Growth-Strategy-June-2017-Issue-47.pdf>.

² *Seas, Oceans and Public Health in Europe (SOPHIE)* is a pan-European project working towards protecting both human health and the health of the marine environment.

³ Directorate- General for Maritime Affairs and Fisheries, Joint Research Center (European Commission), *The EU Blue Economy Report 2019*, Publications Office of the European Union, Luxembourg, 2019, <https://op.europa.eu/en/publication-detail/-/publication/676bbd4a-7dd9-11e9-9f05-01aa75ed71a1/language-en/>, last visited 10 November 2023.

2.1. Evolution of the legal basis in the European Community/European Union treaties

The establishment of the European Union as a significant actor in maritime policy has evolved progressively from a legal perspective, beginning with the original Treaty of Rome (1958), which incorporated provisions concerning fisheries and maritime transport policy. Subsequent reform treaties have introduced additional treaty foundations, thereby enabling the establishment of what today can be referred to as a "Blue Europe." The chronological development of these policies starts with the formulation of the Common Fisheries Policy during the 1970s and 1980s, followed by the establishment of the Common Maritime Transport Policy and policies centred around marine environmental protection and maritime safety, predominantly developed during the 1980s and 1990s. In its early stages, these policies operated within the framework of the community method, wherein the European Commission proposed legislation, the Council of Ministers adopted it (today together with the EP) - sometimes through qualified majority voting—and the European Court of Justice resolved disputes through binding judgments and interpreted the EU law provisions.⁴

Common Fisheries Policy (CFP)

The CFP emerged as the inaugural marine policy and it arguably stands as the policy most closely linked to the EU's sea-oriented endeavours, the "Blue Europe".⁵

As such, the inception of a common fisheries policy (CFP) finds its roots in the Treaty of Rome⁶, where it was initially interconnected with the common agricultural policy. However it progressively gained autonomy over the course of time. Its principal objective now is to secure sustainable fisheries while ensuring steady incomes and stable employment for fishermen. Today, the legal foundation for the Common Fisheries Policy (CFP) can be found in

⁴ Finn Laursen, *The Development of the EU as Sea – Policy actor – Fish, Ships, Navies*, Edward Elgar Publishing, 2020, pp. 1 - 2. For this issue, see also Ștefan Bogrea, *The European Union's Role as an Actor in International Law of the Sea Issues: History and Adjudication*, Romanian Journal of International Law No. 20/2018, p. 141 *et. seq.* .

⁵ *Ibidem*, p. 68.

⁶ Signed – 1957, entered into force - 1958.

Articles 38-43 of the Treaty on the Functioning of the European Union (TFEU).⁷

The TFEU brought several innovations concerning the role of the Parliament in developing legislation related to the CFP. An important alteration lies in the fact that legislation deemed essential for the advancement of CFP objectives is now established through the ordinary legislative procedure (formerly termed the co-decision procedure), thereby granting Parliament a co-legislative role. In terms of the endorsement of international fisheries agreements, the Lisbon Treaty outlines that these agreements must be signed by the Council once the Parliament has given its consent.⁸

According to the authors Luc van Hoof and J. van Tatenhove, “the CFP encompasses different policy domains reflected in the four main policy pillars: conservation policy, structural policy, market policy and international policy”. The authors add that “the fisheries discourse has remained one of seeking a compromise between long and short-term economic and ecological objectives. The discourse could be labelled as being in search for long-term sustainability, in which environmental sustainability is perceived as instrumental for economic sustainability”.⁹

The Integrated Maritime Policy (IMP)

As regards the Integrated Maritime Policy (IMP) (the *economic* pillar of *Blue Growth*) of the European Union, it represents a comprehensive strategy encompassing all EU policies linked to maritime affairs. The fundamental premise underlying this policy is that the EU can optimize the use of its maritime areas while minimizing environmental repercussions through the

⁷ After the entering into force of the last amending treaty – the Treaty of Lisbon (signed – 2007, entered into force – 2009).

⁸ Irina Popescu, “The Common Fisheries Policy: Origins and Development” [Fact Sheet], <https://www.europarl.europa.eu/factsheets/en/sheet/114/the-common-fisheries-policy-origins-and-development>, last visited on 21.08.2023.

⁹ Luc van Hoof, J. van Tatenhove, *EU Marine Policy on the Move: the Tension between Fisheries and Maritime Policy*, Elsevier Ltd., 2009, pp. 726 – 732, <https://www.sciencedirect.com/science/article/abs/pii/S0308597X09000256>, last visited on 21.08.2023, p.728.

synchronization of its diverse interconnected undertakings involving oceans, seas, and coastlines.¹⁰

The foundation for the integrated maritime policy is established through Articles 42 (agriculture and fisheries), 43(2) (agriculture and fisheries), 91(1) (transports), 100(2) (transports), 173(3) (industry), 175 (economic, social, territorial cohesion and structural funds), 188 (research and technological development), 192(1) (environment), 194(2) (energy), and 195(2) (tourism) of the Treaty on the Functioning of the European Union (TFEU).¹¹

The EU Treaty (TEU) does not explicitly define a specialized, dedicated legal basis regarding maritime policy *per se*. Nevertheless, Regulation (EU) No 508/2014, adopted by the European Parliament and the Council on 15 May 2014, concerning the European Maritime and Fisheries Fund, serves as the legal framework for its enactment. This regulation is rooted in the aforementioned articles of the TFEU.¹²

According to the authors Luc van Hoof and J. van Tatenhove, “The Maritime Policy is an inclusive approach, embracing and incorporating CFP and MSFD. This integration raises the question of inclusion of increasingly heterogeneous stakes and stakeholders (shipping, oil and gas extraction, fisheries conservation) and also raises the issue of balancing ecological and economic objectives.”¹³

The Integrated Maritime Policy encompasses the following intersecting policy domains¹⁴ and aims at “integration beyond the sum of the individual parts”¹⁵, which are the following: Advancing Blue Growth, Enhancing Marine Data and Knowledge, Promoting Integrated Maritime Surveillance, Crafting Sea Basin Strategies & Facilitating Maritime/Marine Spatial Planning (MSP).¹⁶

¹⁰ Marcus Ernst Gerhard Breuer, *Integrated Maritime Policy of the European Union* [Fact Sheet], <https://www.europarl.europa.eu/factsheets/en/sheet/121/integrated-maritime-policy-of-the-european-union>, last visited on 21.08.2023.

¹¹ *ibidem*

¹² *ibidem*

¹³ Luc van Hoof, J. van Tatenhove, *op.cit.* p.730.

¹⁴ Marcus Ernst Gerhard Breuer, *op. cit.*

¹⁵ Luc van Hoof, J. van Tatenhove, *op.cit.*

¹⁶ Directive 2014/89/EU of the European Parliament and of the Council establishing a framework for maritime spatial planning.

“*The Maritime Spatial Planning* process (as part of the IMP) has the ability to gather people around a table, mapping where different activities may take place or not and eventually agreeing (or agreeing to disagree) on a plan for future development. (...) With a transparent physical mapping process, the impact of different activities will be made more visible.”¹⁷

Marine and Coastal Environment

It is obvious that through treaty reforms (Single European Act – 1987 – first legal basis for the environmental policy¹⁸, then the Maastricht Treaty – 1993 – introducing the qualified majority voting for most environmental policy and co-decision) the EU has taken on a role as a participant in marine environmental policy.

The primary instrument employed by the EU to safeguard and preserve the well-being of our coastlines, seas, and oceans is the *Marine Strategy Framework Directive (MSFD)*, which is the *environmental* pillar of the *Blue Growth*. By means of this Directive, the ecosystem-centred approach has been consolidated as a legally binding and enforceable principle guiding the management of the entirety of the EU's marine environment.¹⁹

The legal foundation for the MSFD is rooted in Article 192(1) (environment) of the TFEU. The MSFD will enhance the effectiveness of safeguarding the marine environment, directly fostering the implementation of the right to environmental protection enshrined in Article 37 of the EU Charter of Fundamental Rights. Upholding a robust standard of protection and enhancing environmental quality, both these goals align with the objectives stipulated in the Treaty on the European Union (Article 3(3) TEU).

¹⁷ Jessica Hjerpe Olausson, , “Blue Growth Strategy”, *The European Files*, Issue no. 47, Director-General of DG Environment, European Commission, June 2017, Brussels, p. 19, <https://www.europeanfiles.eu/wp-content/uploads/2017/06/The-European-Files-Blue-Growth-Strategy-June-2017-Issue-47.pdf>.

¹⁸ And also for the subsidiarity principle.

¹⁹ European Commission, Marine Environment, https://environment.ec.europa.eu/topics/marine-environment_en, last visited on 10 November 2023.

2.2. Short considerations regarding the relevant aspects of the latest amending treaty signed by the member states in Lisbon²⁰

Additional considerations will be made concerning the latest amending Treaty, specifically the one signed in Lisbon in 2007 and subsequently entered into force in 2009. The Treaty of Lisbon, a significant treaty reform, introduced several key changes in EU sea-related policies and also confirmed already established aspects. In the following paragraphs, we will make a concise inventory of the most important points to be considered.

Regarding the relevant aspects of the latest amending treaty signed by the member states in Lisbon, here are the most important:

Expanded Application of the Ordinary Legislative Procedure: The Treaty extended the use of the ordinary legislative procedure, previously known as co-decision, to multiple policy areas, including fisheries, sea transport, and the marine environment within the EU.

Enhanced Role of the European Parliament: This shift empowered the European Parliament, strengthening its influence in these policy areas.

Distinct Title for Fisheries Policy: While agriculture and fisheries were initially grouped together, the Lisbon Treaty recognized the unique attributes of fisheries, leading to the establishment of a dedicated title solely for fisheries policy.

Inclusion of Environmental Policy: The Treaty also brought environmental policy into the ordinary legislative procedure, requiring consultation with the Economic and Social Committee and the Committee of the Regions.

Exclusive Competence for Marine Biological Resources: Article 3 TFEU designated the conservation of marine biological resources under the common fisheries policy as an exclusive competence of the EU.

Shared Competencies: While the Treaty granted exclusive competence in certain areas, most competencies were categorized as shared, covering aspects beyond the conservation of marine biological resources within fisheries policy.

Shared Competencies in Other Areas: Competencies related to the environment, transport, and the area of freedom, security, and justice were also classified as shared competencies under Article 4 TFEU.

These provisions reflect the Treaty of Lisbon's profound impact on the structure and operation of EU sea-related policies, reinforcing parliamentary

²⁰ Finn Laursen, *op.cit.*, pp. 37-40.

involvement and addressing the unique characteristics of fisheries, while extending the scope of environmental considerations, reflecting evolving priorities and the need for more inclusive decision-making processes.

If we are to conclude as regards the progression of refining the treaty basis for a "Blue Europe", we can notice that it has followed an incremental trajectory, marked by numerous small, but deliberate steps, with member states recognizing the necessity to advance at each juncture. Often, this course has been propelled by shifts in global political dynamics and the economic landscape. Nonetheless, domestic dynamics have equally played a role, spurred by mounting demands from stakeholders such as fishermen, the shipping industry, and environmental advocacy groups. Undoubtedly, environmental concerns have gained momentum over the years, compelling policymakers to delve more deeply into the vitality of our oceans. Moreover, the empowerment of the European Parliament through the Lisbon Treaty appears to have catalysed the nascent movement toward infusing ecological considerations into the concept of a "Blue Europe".

2.3. Implementation and enforcement – responsible EU institutions and types of EU law acts used, all in the spirit of sincere cooperation

Designing policies is a distinct process, yet the effective implementation and enforcement of these policies constitute another critical aspect. This responsibility significantly rests with member states, operating in collaboration with the Commission and various other institutions.

EU acts

Finn Laursen, in his book, *The Development of the EU as Sea – Policy actor – Fish, Ships, Navies*²¹ notes that, as regards the types of acts used by the EU, and hence the level of governance responsible for their enforcement, the *common fisheries policy* is primarily established through regulations that hold *direct* applicability within member states. Conversely, when the policy hinges on directives outlining diverse objectives, as is notably the case with much of the *marine environmental policy*, these directives need transposition into national law. The Commission takes an active role in overseeing implementation and has the authority to initiate legal proceedings against member states that fail to execute new legislation.

EU institutional framework

²¹ Finn Laursen, *op. cit.*, p. 186 *et seq.*

It is important to note, according to the above-mentioned author, that the Commission lacks an independent enforcement body to oversee policies. Consequently, the enforcement of fish quotas and vessel standards rest primarily with member states. However, these efforts are conducted under the Commission's supervision and increasingly involve various specialized agencies established for this very purpose.²²

The primary *responsibility for implementing* common EU policies lies with member states, according to Finn Laursen, aligning with the Treaty's principle of *sincere cooperation*. In essence, regarding implementation and enforcement, the EU predominantly operates in a relatively intergovernmental manner, although with a touch of supra-nationalism, as Finn Laursen puts it.²³

Initially, the member states held predominant authority over the treaties; however, as time progressed, other important actors assumed prominence. The Commission, endowed with the right of initiative, emerged as a central participant, alongside the Council that assumed the role of legislator. The European Court of Justice assumed the crucial tasks of interpreting EU provisions and adjudicating disputes. Subsequently, the European Parliament, following the entry into force of the Lisbon Treaty, was integrated even more into the ordinary legislative procedure, marking a notable augmentation of its influence within this context.²⁴

As regards the larger context of the evolution of these policies, we consider the Commission's White Paper on the Future of Europe is particularly pertinent to the notion that **crises** frequently propel policy advancements, as it articulates:²⁵ "Europe's challenges show no sign of abating. (...) The Union has often been built on the back of crises and false starts. From the European Defense Community that never got off the ground in the 1950s, to the exchange rate shocks of the 1970s, through to aborted accessions and rejections in referenda in recent decades, Europe has always been at a crossroads and has always adapted and evolved."

²² For more details on the concept of ecological risk, see Sorin Alexandru Vernea, *Particularitățile răspunderii penale în cazul infracțiunilor îndreptate împotriva mediului*, Ed. Hamangiu, 2020, p. 22.

²³ Finn Laursen, *op.cit.*, pp. 196-197.

²⁴ *Ibidem*, p. 208.

²⁵ European Commission, "White Paper on the Future of Europe - Reflections and Scenarios for the EU27 by 2025", pp. 2-3, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52017DC2025>, last visited on 21.08.2023,

Catalyzed by crises such as the depletion of fish stocks or significant environmental catastrophes, the impetus for reform within policy-making in the *lato sensu* maritime domain structures has become evident. These reforms operated at a systemic level, where *inter-institutional negotiations* assumed significance.²⁶

3. Loyal Cooperation, Multilevel Governance, and Cross-Cutting Policy Tools - The Path to Achieving a Blue Europe

The achievement of a "Blue Europe," characterized by sustainable marine and maritime policies, hinges on a combination of factors that facilitate cooperation, governance, and policy alignment within the European Union (EU) and its member states. This section explores, in a concise manner, the concepts of loyal cooperation,²⁷ multilevel governance, cross-cutting policy tools, interdependence, and the tension between holistic and sectoral approaches. These elements collectively contribute to the realization of a comprehensive and cohesive strategy for the sustainable management of Europe's marine resources and activities.

Loyal Cooperation within the EU and Member States

Loyal cooperation,²⁸ a fundamental principle of EU law, underscores the necessity for member states (and also the EU) to collaborate in their common interest. In the context of marine and maritime policies, this principle mandates that member states work collectively to address challenges that transcend national borders. Achieving a Blue Europe requires member states to set aside individual interests in favour of collaborative efforts that promote sustainable resource management, environmental protection, and economic growth. The principle of loyal cooperation drives the development of cohesive policies, encouraging the alignment of national strategies with broader EU objectives.

The Treaty on the European Union (TEU) contains several provisions regarding the principle of "loyal cooperation" within the EU. Article 4(3) TEU states that the EU and its member states shall "facilitate the achievement

²⁶ Finn Laursen, *op.cit.*, p. 208.

²⁷ On the role of principles as sources of the EU law, see Takis Tridimas, *The General Principles of EU Law*, 2nd edition, Oxford EC Law Library, 2006, pp. 1-59.

²⁸ For more details about loyal cooperation, see Mihaela-Augustina Dumitrașcu, Oana-Mihaela Salomia, *Principiul cooperării loiale – principiu constituțional în dreptul Uniunii Europene*, In Honorem Ioan Muraru, Ștefan Deaconu, Elena Simina Tănăsescu (coord.), *Despre Constituție în mileniul III*, Ed. Hamangiu, 2019, pp. 158-173.

of the Union's tasks and refrain from any measure which could jeopardize the attainment of the Union's objectives." This principle underscores the idea that member states should work together in a spirit of solidarity to achieve common objectives and uphold the values of the EU.

Multilevel Governance within the EU

Multilevel governance recognizes that effective policy implementation requires coordination and cooperation across various levels of governance – from local and regional to national and supranational. In the context of marine and maritime policies, multilevel governance acknowledges the diverse stakeholders involved, including coastal communities, industries, environmental organizations, and governmental bodies. This approach fosters open dialogue, information sharing, and joint decision-making, enabling policies to reflect the interests and concerns of all stakeholders.

Cross-Cutting Policy Tools and Interdependence

Blue Europe also needs policies that transcend traditional sectoral boundaries. Crosscutting policy tools, such as integrated maritime strategies, provide a means to bridge sectors like fisheries, shipping, tourism, and environmental protection. These tools promote an inclusive approach that considers the interconnection of various marine activities.

Holistic versus Sectoral Approach

Finally, a central debate in marine and maritime policy formulation is whether to adopt a holistic or sectoral approach. While a holistic approach considers the entire marine ecosystem and its functions, sectoral approaches focus on individual sectors like fisheries or shipping. Balancing these approaches is crucial. A holistic approach acknowledges the cumulative impacts of multiple sectors on the marine environment, encouraging integrated solutions. On the other hand, sectoral approaches recognize the diverse needs of each industry and enable targeted policies. Striking the right balance is essential for effective policy-making that addresses complex challenges while ensuring sector-specific requirements are met, as a one-size-fits-all all solution is not an appropriate approach.

The transition from policy to practical implementation is a key element in achieving a "Blue Europe" through the EU's Marine and Maritime Policies. Ultimately, transitioning from policy to practical implementation is the bridge that connects these elements. It involves turning policy aspirations into concrete actions on the ground, whether it is sustainable fisheries management, marine spatial planning or environmental protection.

4. Challenges and Solutions

In the vast and ever-evolving seascape of EU sea-related policies, we inevitably encounter challenges that demand our attention and innovative solutions. As we navigate the intricate waters of maritime governance, it is essential to shine a light on the key issues that these policies confront. While these challenges are formidable, they are not insurmountable. Indeed, they serve as the vessel within which the future of EU sea-related policies is forged, while seeking pathways to a more sustainable, prosperous, and environmentally responsible "Blue Europe".

4.1. Key issues

Obviously, the primary aim of fishermen is to *maximize their catch*, a pursuit that inherently carries the potential for overexploitation of fish stocks. This worrying risk required the implementation of conservation and management strategies, including measures, such as Total Allowable Catches (TACs), quotas, and regulations governing mesh sizes²⁹, fishing seasons, and related considerations. However, the possibility for non-compliance with these regulations is significant, underscoring the imperative for robust enforcement mechanisms. The daily obligation of executing and overseeing implementation largely rests within the purview of member states, which might be inclined to exhibit leniency in enforcement. This tolerance could potentially stem from pressures exerted by fishing and shipping entities through lobbying efforts.³⁰

Additional challenges and issues which may affect the achievement of the "Blue Europe" include the following:

Climate Change: Rising sea levels, ocean acidification, and extreme weather events pose significant challenges to the sustainability of marine ecosystems and industries. Adapting to these changes is a key concern.

Pollution: Marine pollution from plastics, chemicals, and waste continues to harm ocean health. Effective waste management and reduction of single-use plastics are pressing issues.

²⁹ Case-law C-304/02, Commission des Communautés européennes / République française, Arrêt de la Cour dans l'affaire C-304/02, "Pour la première fois la cour condamne un état membre à la fois à une astreinte et à une amende forfaitaire en raison de son manquement grave et persistant au droit communautaire", *Communiqué de Presse n. 68/05*, 12 July 2005, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2009-02/cp050068fr.pdf>.

³⁰ Finn Laursen, *op.cit.*, p. 211.

Resource Conflicts: Competing interests, such as offshore energy production, shipping routes, and fisheries, can lead to conflicts over resource allocation and usage.

Illegal, Unreported, and Unregulated (IUU) Fishing: IUU fishing undermines sustainable fisheries management and conservation efforts. Strengthening enforcement and cooperation is essential.

Biodiversity Loss: Loss of marine biodiversity due to habitat destruction and invasive species impacts the resilience and functionality of marine ecosystems.

Technological Challenges: Effective implementation of marine policies often requires advanced technology for monitoring and enforcement, which can be expensive and technically challenging.

Data Gaps: Limited data on marine ecosystems and activities can hinder evidence-based policymaking and sustainable management.

Global Cooperation: Given the transboundary nature of oceans, international cooperation and agreements are crucial, but achieving consensus among nations can be complex.

Public Awareness: Increasing public awareness and engagement in marine conservation and sustainable practices is an ongoing challenge.

All these issues highlight the multifaceted nature of achieving a sustainable and integrated Blue Europe. Addressing them requires comprehensive policies, collaboration, and innovative solutions.

4.2. Possible approaches to achieve a sustainable Blue Economy

In the pursuit of a harmonious blend between economic prosperity and environmental sustainability within the EU marine and maritime policies, several proposals for potential remedies come to the forefront. These “remedies” aim to strike a balance between economic development and sustainability and they advocate for a holistic approach that considers the long-term health of the oceans and coastal regions while fostering economic growth and job creation. These possible approaches are the following:

Eco-Friendly Technology Adoption: One approach is to encourage the adoption of environmentally friendly technologies within the maritime sector. This includes promoting the use of cleaner propulsion systems, renewable energy sources for vessels and sustainable fishing practices. Incentives and subsidies can be provided to industries transitioning to eco-conscious technologies, thus aligning economic growth with ecological responsibility.

Regulatory Framework Enhancement: Strengthening and refining existing regulations is crucial. Proposals may involve setting more stringent limits on resource exploitation, such as fishing quotas and stricter emissions standards for maritime transportation. These regulations need to be transparent, enforced effectively, and regularly updated to reflect evolving sustainability goals.

Research and Innovation: Investing in research and innovation is fundamental to finding sustainable solutions. This not only boosts economic growth, but also empowers industries with the tools to reduce their environmental footprint.

Public and Private Sector Collaboration: Fostering collaboration between public institutions, private enterprises and civil society organizations is key: creating platforms for dialogue, joint ventures and partnerships that facilitate knowledge sharing and joint efforts towards sustainable practices.

Education and Awareness: The importance of education and awareness campaigns is also high. These initiatives can inform both policymakers and the public about the significance of a Blue Economy. When individuals and organizations understand the benefits of sustainable practices, they are more likely to support and engage in initiatives that promote economic growth without compromising the marine environment.

Incentive-Based Approaches: These incentives encourage businesses to incorporate eco-friendly practices into their operations, thereby achieving both economic and environmental goals.

Long-Term Planning: The comprehensive maritime strategies should include clear targets and milestones for sustainable growth, with regular evaluations to measure progress. Long-term planning provides stability and direction, making it easier for industries to invest in sustainable practices.

Global Cooperation: Recognizing that the challenges facing the marine and maritime sectors are global in nature could enhance international cooperation. Collaboration with neighboring countries and international organizations is essential to harmonize policies, share best practices, and address common challenges effectively.

Circular Economy: circular economy practices within the maritime sector could successfully reduce waste and improve resource efficiency.

An Integrated Maritime Policy: Last, but not least, an integrated maritime policy is essential. As indicated by Fatima Castro Moreira and Barbara Magalhaes Bravo in their paper, “*Marine and coastal environments are under pressure from several pollution sources. Most of the environmental law has*

been developed on a sectoral basis and does not reflect the interdependence of the various issues and their solutions. Oceans and seas are influenced by many activities, interests and policies and are interlinked. A holistic, integrated approach (emphasis ours) is the best way to handle maritime affairs, with States cooperation not only on an EU States basis, but also with third States and International Organizations.”³¹ The concluding remarks of the above-mentioned authors underscore the significance of the Integrated Maritime Policy (IMP) as a groundbreaking approach to enhancing the sustainable development of sea-related activities. This innovative policy framework represents a departure from traditional sectoral approaches, recognizing that by integrating various sea and ocean policies, Europe can attain superior economic outcomes while simultaneously minimizing environmental impact.

In concluding this section on the principle of sustainability, it is worth referencing the insights of author Finn Laursen³². He emphasizes that within the realm of EU sea policies, sustainability should take precedence as the guiding principle. This perspective entails a shift in focus, de-emphasizing the supply and geopolitical considerations associated with the external dimension of the Common Fisheries Policy (CFP).

This reevaluation aligns with broader global efforts to ensure the long-term health and viability of our oceans and fisheries. By prioritizing sustainability, the EU can play a more proactive role in preserving marine ecosystems and supporting the livelihoods of those dependent on these resources, ultimately contributing to the well-being of current and future generations.

4.3. Connecting the Blue Economy with Health & Well-being

In the realm of sea policy, the next significant step, both from a practical and research standpoint, lies in the concept of “closing the loop”³³.

While we have taken substantial decisive steps in shaping policies concerning our oceans and maritime activities, there is an intriguing connection that

³¹ Fatima Castro Moreira, Barbara Magalhaes Bravo, *EU Integrated Maritime Policy and Multilevel Governance*, Juridical Tribune, 2022, pp. 535 – 548, at p. 535, available online at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4132643, last visited on 21.08.2023.

³² Finn Laursen, *op.cit.*, p. 176.

³³ For details about this concept, see Oonagh McMeel, Nathalie Tonné, Jan-Bart Calewaert, “Human Health and EU Maritime Policy: Closing the Loop”, *SOPHIE Project Policy Brief Report*, Brussels, 2019, https://sophie2020.eu/wp/wp-content/uploads/2020/03/SOPHIE_Policy_Maritime_Report_2020_Final.pdf, last visited on 21.08.2023.

demands our attention: the intricate interplay between sea policies and human health and well-being. The seas, with their vast resources and diverse ecosystems, are inextricably linked to our own prosperity and sustenance.

On the other hand, as authors Easkey Britton, Christine Domegan, and Patricia McHugh put it, actually, “from coastal waters to open seas, there is no part of the ocean that remains unaffected by the growing and interconnected pressures from climate change, biodiversity loss, and further degradation caused by human activities”.³⁴

In the following paragraphs, we find it useful to highlight the key findings of the "*Human health and EU maritime policy: Closing the Loop*" study, which strongly resonate with our perspective:³⁵

- The study mentions that, through the inception of the *EU Integrated Maritime Policy* in 2007, Europe marked a substantial step toward putting together its perspective on maritime policy. Departing from the previously fragmented and sector-focused policy framework, the Integrated Maritime Policy acknowledged the interconnected nature of coastal seas and oceans as a unified system.³⁶

- Significant advancements have been achieved by the EU through the establishment of dedicated tools. These include *the Marine Strategy Framework Directive* (addressing the marine environment), *Marine Knowledge 2020* (focusing on marine data), the *Maritime Spatial Planning Directive* (centered on spatial planning), and the *Blue Growth Strategy* (concentrating on the economy). A number of these strategies and legislative tools also incorporate considerations related to human health.³⁷

- Regarding the evolution of the health-related provisions through the amending treaties, according to the above-mentioned study, the *Maastricht Treaty* of 1992 (Treaty on European Union – TEU) outlines the “attainment of a high level of health protection” as one of the collective policies or efforts that the Community should execute to fulfil its objectives. Article 129 (Public Health) develops this by emphasizing that the Community should contribute

³⁴ Easkey Britton, Christine Domegan, Patricia McHugh, “Accelerating Sustainable Ocean Policy: The Dynamics of Multiple Stakeholder Priorities and Actions for Oceans and Human Health”, *Marine Policy*, Elsevier, vol. 124, no. 2/21, p. 1. <https://www.sciencedirect.com/science/article/pii/S0308597X20309829?via%3Dihub>, last visited 10 November 2023.

³⁵ Oonagh McMeel et al., *op.cit.*

³⁶ *Ibidem*, p. 2.

³⁷ *Ibidem*, p. 3.

to this elevated public health standard through collaborative efforts among Member States and by offering support to Member State initiatives when needed. The article also underscores that health protection requisites are an integral component of the Community's other policies and emphasizes the necessity for cooperation with third countries and relevant international organizations in the realm of public health. Later, the Treaty of *Amsterdam* in 1997 takes this commitment even further, mandating that 'a high level of human health protection' must be assured in both defining and carrying out all of the Union's policies and activities (Article 152, Public Health).³⁸ We can add the fact that provisions regarding health are also to be found in the consolidated versions of the treaties, after the last of the amending treaties (signed in Lisbon, 2009): art. 4-2-k TFEU (about shared competence domains: “common safety concerns in public health matters, for the aspects defined in this Treaty”), art. 6 TFEU (about complementary EU competence: “The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be: (a) protection and improvement of human health”), art. 9 TFEU (“In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.”), Title XIV Public Health - Article 168, etc. .

- Within the EU framework, Member States bear the primary responsibility for health matters, including the formulation of their health policies, and the organization and delivery of health services and medical care. The role of the EU is to complement national health policies in the pursuit of safeguarding and enhancing human health (as outlined in the Treaty on the Functioning of the EU) by ensuring that all policies actively safeguard and promote human health. The EU possesses the authority to enact health-related legislation and it has exercised this authority in specific domains, such as introducing directives and regulations pertaining to pharmaceuticals and tobacco, among other areas. Additionally, the EU can put forth recommendations concerning public health for EU member states, as exemplified by the Council's Recommendation on smoke-free environments. Although the EU's influence in health affairs is circumscribed, it does wield

³⁸ Ibidem, p. 7.

a significant role in fostering collaboration and encouraging the efficiency of member-state health systems.³⁹

- The study's conclusive remarks note that over the past 12 years, the EU has meticulously crafted a robust and cohesive framework for marine and maritime policies. Nonetheless, the integration of human health and well-being within maritime policy remains an area that warrants further attention.⁴⁰

- According to the study's authors, Oonagh McMeel, Nathalie Tonné and Jan-Bart Calewaer, "*Oceans and Human Health (OHH)* is a metadiscipline with applications across several EU policy areas, the most obvious being environment, maritime affairs, public health, and research and innovation. Given that the European Union started out as an economic community, it is not surprising that the development of a sustainable maritime economy is clearly a priority for the EU Integrated Maritime Policy. However, the scope of European cooperation has broadened since the early days of the European Economic Community (EEC). This is even in the text of the 1992 Maastricht Treaty, Article 3 of which states that among the goals of the new European Union is 'peace, its values and "*the wellbeing of its people.*"'⁴¹

Developing on this point, it is noteworthy that the core objective of promoting peace, values, and the *well-being* of its people remains unchanged over time within the EU Treaties, even in the aftermath of the Lisbon Treaty (2009). As outlined in article 3 para. 1 of TEU: 'The Union's aim is to promote peace, its values and the *well-being* of its peoples.' This enduring objective signifies the EU's unwavering commitment to fostering and dedication to well-being, encompassing not only economic prosperity, but also the broader welfare and quality of life of its citizens.

5. Final Remarks

Over time, the scope of Blue Europe's functions has progressively widened, as also stressed by author Finn Laursen stressed. It all began with the incorporation of provisions for fisheries and transport policy within the EEC Treaty of 1958. Following this initial step, the development of these policies saw a gradual unfolding, with more notable progress starting around 1970. The expansion of maritime transport policy has been intertwined with

³⁹ Ibidem, p. 8.

⁴⁰ Ibidem, p. 9.

⁴¹ Ibidem, p. 25.

the internal market's evolution and gained momentum as the 1992 deadline approached. Simultaneously, the initiation of environmental policy took root in the early 1970s, even though it lacked a well-defined treaty basis. However, its growth accelerated following the establishment of a foundational framework through the Single European Act in 1987.⁴²

In conclusion, the journey of Blue Europe's development has been marked by a gradual expansion in scope, beginning with modest provisions in the EEC Treaty of 1958 and steadily evolving into a comprehensive framework for marine and maritime policies. However, the true test lies in the present moment. While policy discussions now emphasize sustainability and safety, these ideals must be translated into concrete actions to truly make a difference. Encouragingly, there is a discernible shift away from the previous dominance of economic interests, giving rise to a heightened focus on social responsibility and environmental sustainability within Blue Europe. This transformation is a positive step, yet it should not remain at the level of mere rhetoric. It is imperative that these values become tangible and deeply integrated into policy frameworks.

In this evolving landscape, the European Union has embarked on a path that seeks to harmonize economic prosperity with ethical and ecological considerations. However, the journey is far from complete. There is still work to be done to consolidate this shift and ensure that these principles are not just ideals, but integral components of Blue Europe's "DNA", as Finn Laursen is concluding in his book.⁴³

We will end this paper with the words of the President of the European Commission, who stated: *'The European Green Deal provides the necessary frame, incentives, and investment – but it is the people, the inventors, the engineers who develop the solutions.'*⁴⁴ These words from President Ursula von der Leyen show a fundamental truth about the European Union's approach to tackling the challenges posed by its sea-related policies. While policies and frameworks like the European Green Deal provide the essential structure and incentives for sustainable development, it is ultimately the individuals, the innovators and the problem solvers who/that hold the key to transforming these policies into practical, effective solutions. As we navigate the complex seas of marine and maritime policies, let President von der

⁴² Finn Laursen, *op.cit.*, p. 213.

⁴³ *Ibidem*, p. 214.

⁴⁴ Ursula von der Leyen, "State of the Union 2023", 2023 State of the Union Address by President von der Leyen, , September 2023, Strasbourg. https://state-of-the-union.ec.europa.eu/index_en

Leyen's words serve as a reminder that it is not just about policy documents; it is about the commitment and determination of individuals to turn those policies into a sustainable reality. It is about harnessing the collective power of human creativity and innovation to ensure that Blue Europe thrives for generations to come.

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