



MINISTÈRE DE LA DÉFENSE



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N° 118 SHOM/DSPRE/NP

**SERVICE HYDROGRAPHIQUE ET
Océanographique de la Marine**

Direction de la stratégie, de la planification et
des relations extérieures

Dossier suivi par
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Subject : IHO North Sea Hydrographic Commission - European Union
Maritime and Marine Policy Working Group: status report on
the progress made with the proposal for the development of a
MoU between the IHO and the European Commission.

Enclosures : Annex 1: 8 July 2009 meeting report. (and Appendix 1).

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Dear colleagues,

Please find in enclosure a quick summary report of the meeting I had on the 8th July
2009 at the European Commission (DG Mare) in Brussels.

I look forward to receiving your comments.

Best regards,

Yves GUILLAM
SHOM
Head of Policy, Planning and External Relations
Chair of the NSHC EUM2WG
Signé Yves Guillam

Destinataires : NSHC EUM2PWG Members

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Annex to letter n° 118 SHOM/DSPRE/NP dated 9 July 2009

On the development of the MoU between the IHO and the European Commission

Background summary

1. First meeting held in Brussels on 25 Jan 2008 after the publication of *the Integrated Maritime Policy for the European Union*. Objectives: to raise the awareness of the European Maritime Task Force and DGs (ENV, TRAN, RECH, MARE) on the IHO (EU) MS capabilities to support maritime policies.
2. Call for applications for the selection of experts to assist in the creation of a European Marine Observation and Data Network (EMODNET) on 29 Jan 2008. Applications made by Lars Hansen (DK) and François Le Corre (FR) in March 2009, who became the two “hydrographers” of the EMODNET Expert Group.
3. Draft MoU between the IHO and the EU prepared by our WG, and Circular Letter IHB 14/2008 dated 14 Feb 2008 sent to IHO MS for approval. Positive comments have been received by the directing committee of the IHB.
4. Update made at the NSHC28, 22 April 2008.
5. Information on the call for tender for EMODNET data provided to all IHO EU MS (beyond the NSHC WG) and discussion by correspondence in July-Aug 2008 to agree on the principles and the best way to co-ordinate HOs’ responses.
6. Coastline length study launched at CHRIS in Nov 2008 (CL 90/2008 dated 13 Nov 2008) to support a requirement made in Jan 2008 by the head of the Task Force.
7. Regular contacts with the EC DG Mare designated POC in Sept-Oct-Nov. but no real progress.
8. Meeting held on 12 Dec 2008 in Brussels to get a status report on the MoU. Draft minutes are given in Appendix 1.
9. Following the meeting in December 2008, official letter issued by the IHB to Commissioner Joe Borg, dated 5 Jan 2009 suggesting a MoU between the EC and the IHO.
10. Positive response received from the European Commission dated 5 Feb 2009.
11. Regular and promising contacts with the EC DG Mare designated POC in March-April-May but no real progress.
12. Invitation sent to the WG to participate in the EMODNET consultation on 5 May 2009.
13. Contact emails between Iain Shepherd and myself (25 June 2009), then phone call between Adm Maratos and DG Mare, Mr. Fotiadis (3 July 2009).
14. Meeting scheduled on 8 July 2009.

Meeting report – 8 July 2009

15. Participants: Iain Shepherd DG Mare, Policy Officer, and Yves Guillam (SHOM & NSHC EUM2WG).
16. Presentation of the context by DG Mare

- a. Comments and analysis of the statistics made from the on-line questionnaire on Marine Knowledge Infrastructure (http://ec.europa.eu/maritimeaffairs/emodnet/consultation/IPM%202_3.htm): no significance difference between responses provided by official bodies and non-official, most of people are “unhappy” with the current situation, the EU support is “supported” to improve information sharing on marine data.
 - b. A comprehensive and summary analysis of the responses is in progress. It will be followed by an impact assessment made against the following criteria: economy, environmental protection, admin burden, people. This impact assessment will be submitted to the EC DGs.
 - c. Three objectives may raise:
 - i. To reduce operational costs in using the data across public authorities, research bodies, and the private sector. It is understood that the market and stakeholders segments are today very fragmented. This 1st objective is wider than GMES which is limited to public authorities only.
 - ii. To increase competition (stimulation?) for downstream services. It is assumed that data collation is mainly funded by governments but those who collect the data could/should not be the same who provide the user services. We obviously raised a number of concerns on the different business models in use which may be not compliant and should be reviewed at the global level (across EU MS) in accordance with such policies.
 - iii. To reduce uncertainty: for the development of harbour and coastal infrastructures against sea level raise, climate change, risk management, etc.
 - d. The next step is that the EC will probably be invited to allocate funds to improve the current situation as there is no reason to fund satellite data when there is no € or very few for marine data.
 - e. For the way ahead, the option 1 is to set up an organisation framework – consortium?- (here DG Mare think that with regard to data distribution that the geologist community is very well organised in comparison with the research and the hydrographic communities ; I argued that IHO was initially designed for supporting safety a sea by standardized nautical charts and publications. For this only purpose, it is very efficient). 15-16 M€/year might be allocated to implement it.
 - f. Option 2 embraces option 1 plus funding support to data collation at sea for multipurpose. The fund might be up to 200M€/year.
17. A communication will be made at the end of the year or early 2010 (without any financial proposal at this stage) on the practical ways to develop the “maritime policy”. The development of a special mechanism to grant these funds is under discussion at the moment (what is the legal basis to spend the money in the most efficient way without using the classical calls for tender?).
18. On the MoU: it seems that there are still a number of people at the EC (lawyers in particular), even my POC to some extent, who think that there is no real need for a MoU with IHO. They consider that it is our responsibility to organize ourselves to support the EU and this should be achieved without any formal MoU. IHO should demonstrate its ability to do it. Then, they consider IHO as a

stakeholder group not different from any other. I replied that it is not the case with IMO where the EU acts as an observer, and gives directions and guidelines to EU members prior to NAV meetings for instance. Iain Shepherd gave me a printed copy of a “*study for the assessment of the EU’s role in International Maritime Organisations*”¹ which was considered in Dec. 2008 as a necessary input for considering the IHO request. I had a quick look on this 100 pages report: there is no word on IHO (although you may find case studies on IMO, FAO, IWC, ICCAT). In addition, EU lawyers apparently don’t want to create a specific case with IHO when they don’t have such MoUs with other international bodies.

19. I was informed that a new call for tender is going to be issued for getting hydrographic data in the Eastern Med Basin, and also to have an overview of multibeam surveyed area. I don’t know if the two subjects are related.

Decisions

20. Iain Shepherd will report by 1 Sep 2009 on the possibilities for the development of the MoU. He has been kindly invited to report even if it is finally a dead-end.
21. It was agreed however that there is some value to meet at least once every six months at the technical level (NSHC volunteer EUM2WG members for instance) to get an overview of EU marine activities projects and concerns (relevant to us) so we can anticipate and adapt our respective programmes of works, and vice-versa to inform them on IHO relevant activities (such as MSDI, coastline length study, prioritized survey plans). In addition, the option for a more formal high level policy meeting once every two years was discussed, provided the signature of a MoU.

Proposals/recommendations for your consideration

22. IHB to issue a CL to inform the IHO MS since CL14/2008 (as they have not been informed of the responses made by MS yet).
23. NSHC EUM2PWG members to provide their own and practical views on how improving the relationship with the European commission (keep-watching measures, organisational framework beyond NSHC, close lobbying in Brussels on a regular basis, designation of a focal point, permanent or on a rotational basis, etc.) **by 30 September 2009**.
24. EUM2WG Chair to investigate the possibility of setting up a Task Group of active members across [MBSHC, NSHC, BSHC, NHC] IHO EU MS to deal, by correspondence mainly, with EU matters. This proposal consists, actually, of enlarging the people involved in these questions, and not to limit the group to NSHC members only. **By December 2009**.

¹ *Study for the assessment of the EU’s role in International Maritime Organisations* – April 2009 – Leuven Centre for Global Governance Studies.

Appendix 1 to Annex 1

Draft minutes of the meeting held on 12 Dec 2008

On 12 December 2008, Matteo Carnevale (MARE D1), Luis Cuervo (MARE C1), Pascal Le Grand (RTD), Michel Morin (MARE), Iain Shepherd (MARE C1), Haitze Siemers (MARE E1) and Mikko Strahlendorff (ENTR) met with Yves Guillam.

Guillam is head of strategy, planning and external relationships of the French service *hydrographique et océanographique de la marine* (SHOM) who play a leading role in the regional hydrographic commissions for the Mediterranean, Black Sea and East Atlantic. They also participate in the North Sea Commission and represent the International Hydrographic Organisation in efforts to improve cooperation between the hydrographic community and the EU.

Relationship EU-IHO

The meeting was a follow-up to a meeting last January when several hydrographic commissions had visited the maritime task force. These national commissions had identified many areas where the national hydrographic community could help the EU achieve the ambitions set out in the Blue Book and considered that this could best be done through some institutional relationship between the EU and the community rather than through open calls for tender. The regional hydrographic organisations are centered on sea basins: there is no specifically-European grouping. It was therefore felt that the most appropriate first step would be a memorandum of understanding between the Commission and IHO.

Despite the misgivings of some offices who wondered why the IHO needed a relationship with the EU, a mandate to negotiate such an agreement had been formally agreed by the 160 national hydrographic offices and sent to DG-MARE who should organize the next step. This was in April 2008. He thought that the Commission might lack credibility if no agreement is forthcoming.

MARE explained that they were waiting for the outcome of a study on the relationship between the EU and international organizations before moving ahead. The final report will be available at the end of January 2009.

Previous advice from MARE's legal unit was that, since the agreement did not imply any binding instrument, a Commission Decision could empower Commissioner Borg to sign.

There was some discussion as to whether "the international bodies" study would help us much. The IHO, and its Members are purely technical bodies and, unlike IMO, are not responsible for framing or implementing conventions.

In the meantime ENTR thought that the hydrographic community should begin to organize itself in its proposed evolution from bodies providing data for safe navigation to ones with a remit to collect and process data for a wider range of applications. Guillam said that is indeed an objective of the SHOM but getting the community to self-organise is easier said than done.

Boundaries

SHOM are preparing a case for claiming continental shelf in the Bay of Biscay (together with Spain, Ireland and the UK), Guyana, New Caledonia and Kerguelen. Polynesia was not felt to be worth the trouble. The deadline for the French submission is 13 May 2009. If successful, this will add about 10% to France's continental shelf.

Guillam said that although SHOM is a purely technical body and has no opinion on the matter, he believes that most Mediterranean countries do not see the need for an exclusive economic zone. The continental shelf is narrow so the need to claim sea-bed resources does not arise. Most countries have environmental protection zones (EPZ) which provide a legal framework for protecting the environment against some forms of pollution. It was thought that the Marine Strategy Framework Directive applied to this EPZ.

Polar Regions

There is a special hydrographic commission for the Antarctic but the Arctic is covered by the northern limits of several regional commissions. Gebco have developed Arctic Ocean bathymetry maps from civilian and Russian surveys and navigational warning areas have been defined but more charting is needed. However it is not top of SHOM's priorities. There is more emphasis on the Gulf of Guineau which is now regarded as one of the world's top oil and gas exploration hotspots.

European Marine Observation and Data Network.

MARE have clarified their plans for a European Marine Observation and Data Network since the last meeting and the Roadmap is going through an inter-service consultation prior to being released in January 2009. Eight principles have been defined (1) collect data once and use it many times (2) develop standards across disciplines as well as within them (3) process and validate data at a sea-basin level (4) provide sustainable financing at an EU level so as to extract maximum value from the efforts of individual Member States (5) build on existing efforts where data communities have already organised themselves (6) develop a decision-making process for priorities that is user-driven (7) accompany data with statements on ownership, accuracy and precision and (8) recognise that marine data is a public good and discourage cost-recovery pricing from public bodies.

Guillam said that SHOM broadly agreed with these principles. In particular they are endeavouring to turn the organisation into a body serving navigational needs into one with a broader customer base. He had managed to organise a reply to MARE's call for tender for preparatory actions but it might have been easier if a memorandum of understanding had been in place.

MARE said that the decision to use a procurement rather than a grant procedure was mainly to ensure that a consortium did not use the intellectual property rights generated in the work to restrict public access to data.

Research

RTD explained that the EU's efforts to set up a network of cabled seafloor observatories through the European Seas Observatory Network of Excellence and the European Multidisciplinary Seafloor Observatory infrastructure project. The option to use

structures set up for petroleum extraction is being considered – some of these already have the cabling in place.

Next Step

Up to now there has been no official request from IHO to the Commission. It was felt that the most appropriate and fastest way to move forward on deepening collaboration would be a letter from IHO to the Commission.