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Creating more favourable conditions for ship-based research in the EU:

Time to tango with EU regulatory measures

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Overview

1. EU Law & Policy
2. Vessel Based MSR
3. Harmonising Member State Procedures
4. Conclusions





EU Treaties and MSR

1. **Objectives...support research and technological advancement**
2. **Scientific research must be free of constraint... Charter of Fundamental Rights**
3. **Research & Technological Development**
 - ...European Research Area in which researchers, scientific knowledge and technology circulate freely





EU Treaties and MSR

4. **Free movement of goods, services and people.... including scientists**
5. **Industrial competitiveness...exploit policies of innovation, research and technological development**
6. **Protect and preserve the environment**





EU Legislation

- **Data Discovery and Sharing**
 - **INSPIRE Directive**
 - **Environmental Information Directive**
 - **Public Sector Information Directive**
- **Fisheries Data Collection Regulation**
- **MSFD & Maritime Spatial Planning Directive**





“Soft Law” Initiatives

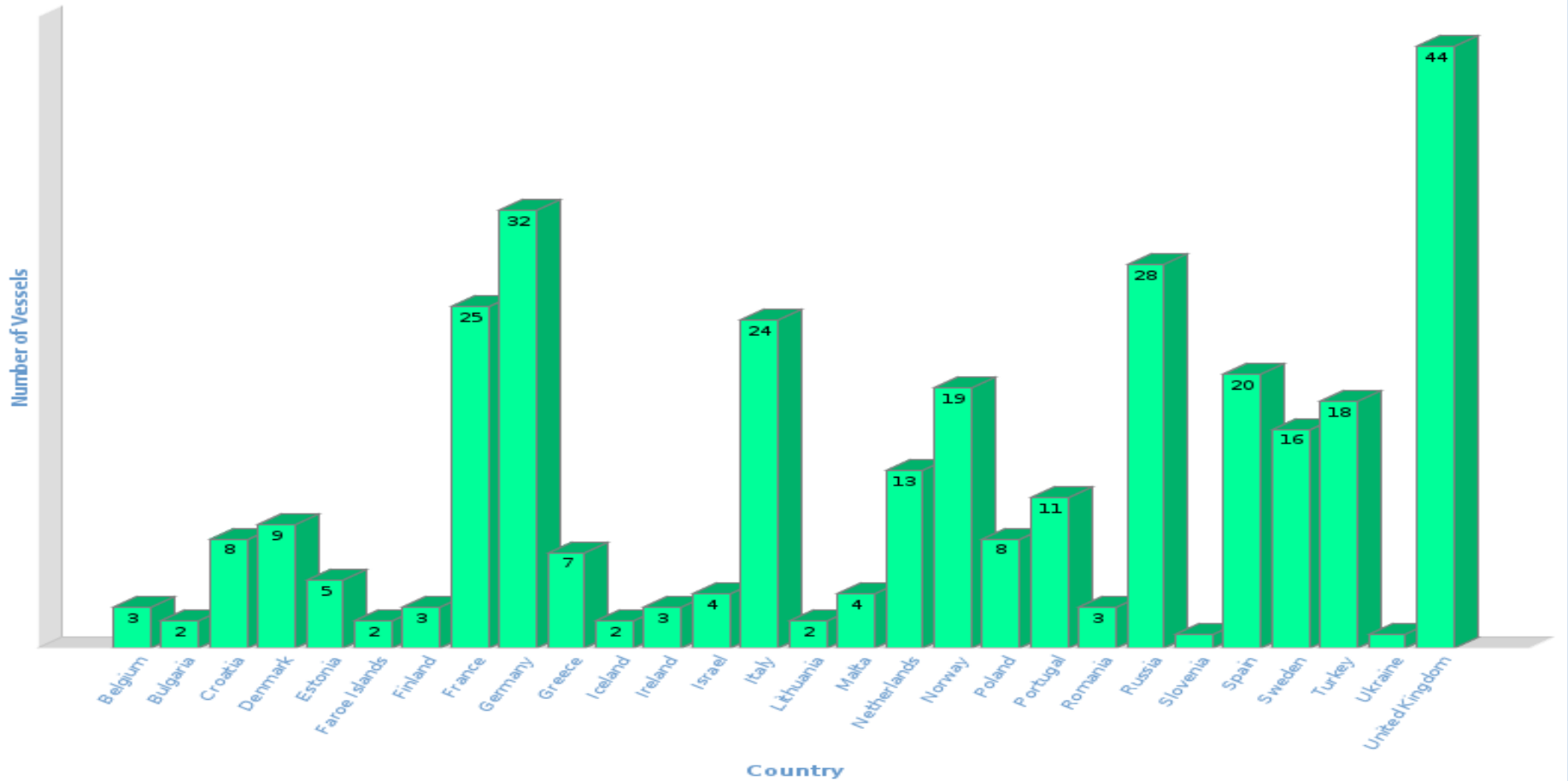
1. Integrated Maritime Policy
 2. Marine and Maritime Research Strategy
 3. Marine Knowledge 2020
- **European Marine Observation and Data Network**... access to marine data...bathymetric, geological, physical, biological and habitat data for selected basins
 - Blue Growth & Sea Basin Strategies





Number of Research Vessels

2. Operating European Research Vessels By Country

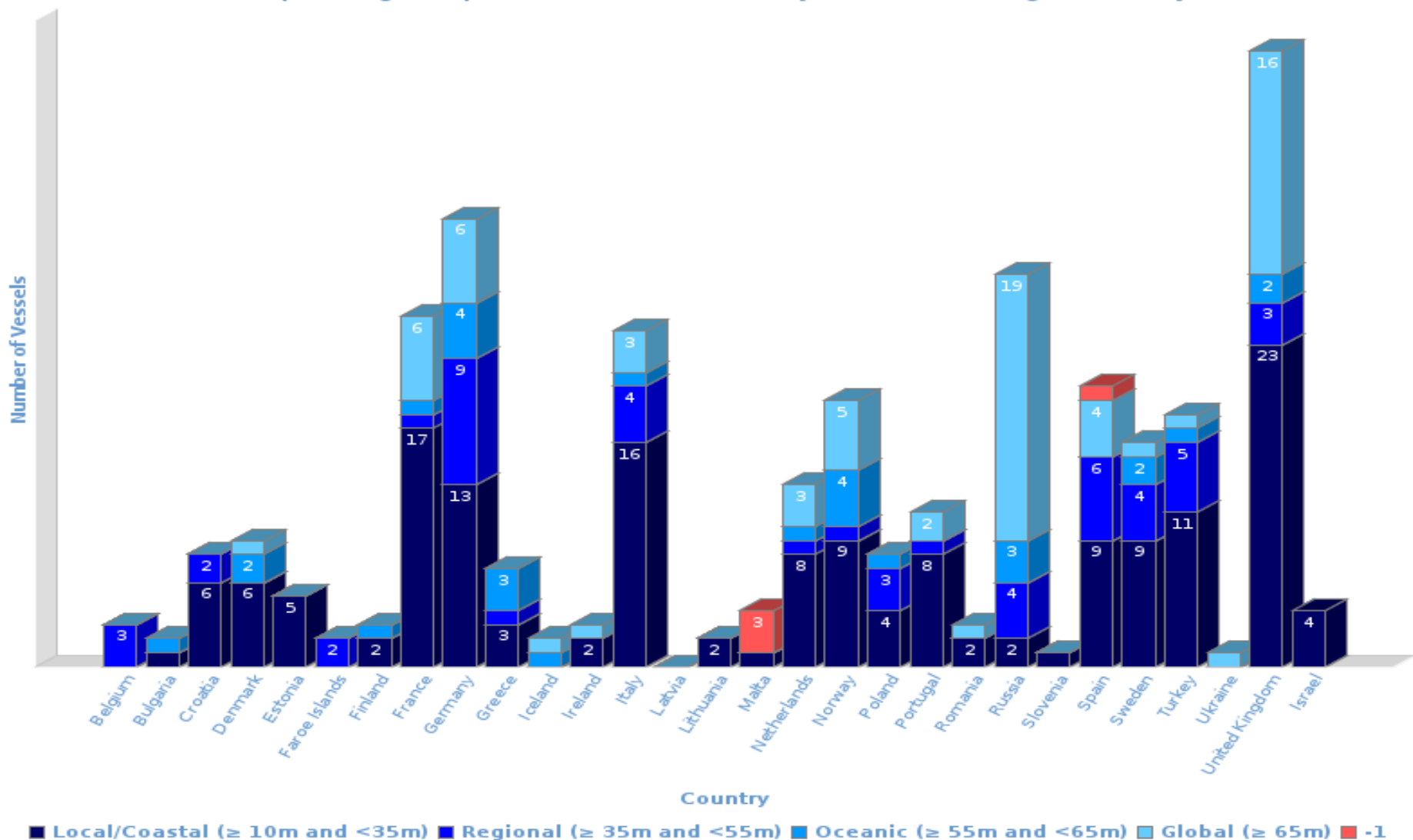


Source: Euro Research Vessel Info Base Oct 2014



Research Vessels by Country/Class

4. Operating European Research Vessels By Class, according to Country





Member State Practice Foreign Vessel MSR

- **Absence of standardisation**
 - National legislation diffusefew have specific measures reflecting Part XIII
 - (6) Member States use ICES FormUN Standard Form A
 - All require consentofficial channels...4 weeks...16 weeks
 - 98 % approval rating
 - 10 Member States require copies data / samples
 - 3 Member States suspension or cessation of research for non-compliance with Articles 248 and 249

Source: IOC/ABE-LOS Survey 2003-2010



Harmonising Member State Practice

1. Why?

- Integrated Maritime Policy
- Maritime Spatial Planning
- EU Treaties
- Marine Strategy Framework Directive
- Part XIII of the 1982 LOSC





What should be harmonised ?

- Regulatory / Administrative Requirements.....” One stop shop”.....
- Apply to all maritime zones
- Standard Form...and electronic portal





What should be harmonised ?

- Advance notification and tactic consent unless Art 246(5) applies
- Timeframe....1 month
- Standard Report on completion of cruise & standard approach to samples / data





How?

- **Soft Law / Hard Law?**
- EU Regulation....
- Third Countries....International Agreement or Protocol - Regional Environmental Agreements





Conclusions

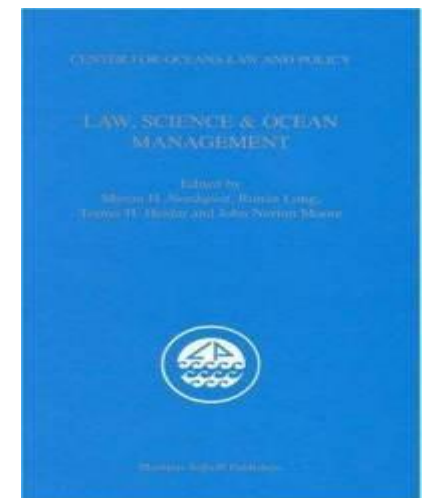
- **EU Law and policy evolving ✓**
- **Considerable MSR vessel capacity in EU ✓**
- **Absence of uniformity in MS practice ✓**
- **Harmonisation will facilitate implementation:**
 - **ecosystems approach under the MSFD ✓**
 - **Sea Basin Strategies ✓**
 - **Horizon 2020 ✓**
- **True to the letter and spirit of Part XIII ✓**





Publications

- R. Long “Regulating Marine Scientific Research in the European Union: Takes More Than Two to Tango” in M. Nordquist, J. Norton Moore, F. Soons (ed.) **GLOBALISATION AND THE LAW OF THE SEA**, (Leiden/Boston, Brill Academic Publishers, 2011) pp. 75.
- R. Long, “Regulatory Harmonisation of Vessel Based Marine Scientific Research in the EU” (2014) **OCEAN DEVELOPMENT AND INTERNATIONAL LAW**





Thank You

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