

Terms of reference
MTCP
“Coast-Guard” Study

The monitoring and management of the maritime approach and of the coasts within the European Union are fractioned both at the level of the distribution of tasks and coordination of the services within most of the Member States, and at the level of the various community instruments intervening in this field.

The repetition of ecological catastrophes linked to maritime transport, the necessary common safeguard of fish stocks, the safety of civil maritime traffic, and prevention of any intentional illicit act (whether terrorism or any form of illicit traffic) plead in favour of a coordinated approach to the monitoring and management of the maritime approaches and the coasts within the European Union, but also in favour of the response to major events, in particular when more than one Member State is concerned, or when they exceed the capacity of treatment of a sole concerned Member State.

The devolution to a supranational level of all or part of the tasks under jurisdiction of the departments currently carrying out the coast guard missions within the Member States, should consider both the institutional constraints (these tasks and services are often under the exclusive responsibility of the Member States, and their cooperation thus operates essentially within the intergovernmental framework of the TUE) and the various competencies and Community initiatives (i.e.: the common policy for fisheries, role of the European Maritime Safety Agency and role of the European Agency for the management of the operational cooperation at the external borders). Such an action should also be articulated with those lead in the field of customs regarding the management of the external borders of the European Union.

The Community must guarantee to the maritime and coastal zones the highest possible level of safety, security and sanitation, and the implementation of the accurate legislation. The defence of the environment, the management of the halieutics potential, the safety of navigation and the security in the commercial exchanges via seaway participate to the accomplishment of this objective.

To this effect, it has been considered to create a European Coast Guard coordination service. In a first stage, its scope could be limited to issues relevant to maritime safety and pollution linked to maritime traffic. In a second stage, its scope could be widened to the other fields mentioned here-above. This service would be in charge of collecting, centralising and diffusing the operational information regarding the monitoring and management of the maritime approaches and the coasts within the European Union, but also the coordination in responding to major events, such as those concerning more than one Member State, or when they exceed the capacity of treatment of a sole concerned Member State.

The rise of a European service of coast guards will rest on the joint development of two existing instruments: the European Maritime Safety Agency and the directive on the monitoring of ships and information. Increased information exchange on maritime traffic shall enable on one hand to reinforce the protection of the Union's interests regarding various policies, and on the other hand to better identify the ships presenting a risk as far as their intrinsic qualities, cargo, crew or even passengers are concerned. The users of this information are potentially diverse; however one should extend the competencies of EMSA regarding the maritime asset as a whole, and the capacity to respond to sea events: direct control of ships, ports and maritime companies, fight against pollution or even assistance to

the Member States for the establishment of proof of illicit behaviour. Finally, the development of this European Coast Guard service requires the setting up of infrastructures capable of transmitting the required information, in the accurate format. This aspect is to be considered in the field of trans-European transport networks.

This initiative should enable to rationalise the means held at disposal by the Member States and how they should be employed for information and permanent coordination as early as possible. This initiative also makes it possible to avoid interfering with the structures of the Member State services, and thereby with the relevant statute matters. It should allow to significantly improve the preservation of the marine environment.

So as to understand the outlines of this initiative, and the dimensioning to provide on one hand an efficient information system, and on the other hand the allocation of the human resources necessary in order to accomplish the management tasks and the spread of information and operational coordination, the Commission needs to have at its disposal a state of play of what exists within the Member States, and then an estimation in terms of feasibility and budget.

The contractor is required to:

- Proceed to a systematic inventory of the various Member State services exerting coast guard missions (the organisation is different from one member State to another, and can be of great complexity), and of their modes of operation and coordination. One must understand by “Member State” any of the EU 25, plus the candidate countries (Bulgaria and Rumania), and also Turkey.

The matrix provided in the annex should serve as a guideline for this inventory, and be completed as a summary, however the supply of a detailed description remains necessary. An abstract analysis will gather the common points of the inventories and underline the differences. It shall also detail what is currently covered by community legislation, and what isn't.

- Lead a legal, technical and organisational feasibility study (including the financial aspects) for the launching of a coordination service such as that described previously, and according to the planned phasing.

The consultant will have access to the feasibility study regarding the control of the external borders of the European Union carried out throughout the first semester 2003 by CIVIPOL Council on behalf of the Commission. It shall have access to the relevant documents regarding the current developments of SafeSeaNet.

The results of this study should be provided to the Commission according to the following conditions:

- For the 15th June 2004: the systematic inventory (not including the details of staff, principal materials and annual budget), and feasibility propositions as regards to a coordination service whose scope could be limited to matters concerning maritime safety and pollution linked to maritime traffic. Particular attention should be given to the estimation of costs inferred at this stage.
- For the 1st December 2004: the final study including the completely detailed systematic inventory and the analysis of all the tasks and their consequences notably in organizational and financial terms.

**GARDES-COTES
EVALUATION PRELIMINAIRE DE LA SITUATION AU SEIN DES ETATS MEMBRES**

ETAT MEMBRE :

Autorité centrale responsable des missions de gardes-côtes et/ou Autorité régionale de coordination (exemple : Préfet Maritime)		
<i>Existe-t-il :</i> - un/des centre(s) de coordination opérationnelle - un réseau de collecte, centralisation et diffusion des informations opérationnelles		
Ministères impliqués dans l'exécution des missions de gardes-côtes <i>Indiquer pour chaque Ministère le nom de la Force ou du Service et son statut (civil ou militaire)</i>	<i>Indiquer ici comment la coordination entre ces différents ministères est assurée</i>	<i>Indiquer ici pour chaque service impliqué dans l'exécution des missions de gardes-côtes :</i> - ses effectifs - ses équipements principaux (nautiques, aériens, stations fixes/mobiles de surveillance, etc) - ses budgets annuels : <ul style="list-style-type: none">• De fonctionnement• D'investissement.
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<i>Mission-type</i>	<i>Instrument Communautaire Pertinent (si applicable)</i>	<i>Service(s) et/ou force(s) y contribuant</i>	<i>Indiquer ici pour chaque service/force les limites de compétences géographiques (haute mer, ZEE, eaux territoriales) ou des compétences juridiques (limites avec les compétences douanières ou policières, ou encore avec les autres services impliqués dans l'exécution de la même mission)</i>	<i>Indiquer pour chaque service/force impliqué dans une mission-type, le pourcentage de son activité missionnelle totale qu'il/elle y consacre</i>
Élaboration de la législation nationale				
Représentation dans les instances internationales				
Surveillance des côtes, des approches maritimes, et des voies navigables. Surveillance du trafic maritime Respect de règles de navigation				
Aide à la navigation				

<p>Respect des règles de sécurité maritime, dont :</p> <ul style="list-style-type: none"> • Contrôle de l'Etat du Port • Contrôle de l'Etat du Pavillon • Contrôle des sociétés de classifications et RSO 				
<p>Respect des règles liées aux aspects sociaux</p>				
<p>Protection de l'environnement, Prévention et lutte contre les pollutions maritimes</p>				
<p>Répression des pollutions maritimes intentionnelles</p>				
<p>SAR (Search and Rescue)</p>				
<p>Police de la navigation de plaisance et des activités nautiques de loisirs.</p>				

?Services de brise-glaces ? (<i>CF missions des US Coast Guards</i>)				
Supervision des administrations des ports				
Protection des ressources maritimes naturelles, y compris : Police des pêches				
Sûreté maritime				
Sûreté portuaire				
Sûreté des voies navigables				
Lutte contre l'immigration illégale par voie maritime				
Lutte contre le trafic de stupéfiants par voie				

maritime				
Lutte contre les autres trafics illicites par voie maritime				
Police générale en mer				
Police générale dans les ports				
Autres missions assurées par les services ou forces de gardes côtes dans les Etats membres (ex : Douanes, Défense, etc..)				