Developing EU Policy
Arctic Region

“The Arctic is a region of growing strategic importance and the Council agrees that the EU should now further enhance its contribution to Arctic cooperation.

Rapid climate change, a major concern and cause of fundamental changes in the Arctic, combined with increased prospects for economic development in the Arctic region call for the EU to engage actively with Arctic partners to assist in addressing the challenge of sustainable development in a prudent and responsible manner.”

Overview

1. Background
2. Rationale
3. Law & Policy Considerations
4. Future Trends

EU Nordic Relationships

1. Nordic Accession to EU:
   A. Denmark (1973)
      i. Greenland (in 1973, out 1985)
      ii. Faroe Islands (EU Treaties not apply)
   B. Sweden and Finland (1995)
   C. Norway (rejected 1972 & 1994)
   D. Iceland (candidate but application on hold May 2013)

2. Nordic Relations
   - European Economic Area
   - European Free Trade Association
   - Schengen Area
   - Horizon 2020 research programme
   - EU’s Northern Dimension policy

EU Arctic Policy

<table>
<thead>
<tr>
<th>Year</th>
<th>European Institution</th>
<th>Environment</th>
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<tbody>
<tr>
<td>2009</td>
<td>Council</td>
<td>Council’s Orange Roughy expedition to the Arctic Region.</td>
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<td>2011</td>
<td>European Parliament</td>
<td>Resolutions on sustainable EU policy</td>
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<td>2012</td>
<td>European Parliament</td>
<td>Resolution on the development of the EU Arctic Policy</td>
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<td>2013</td>
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<td>Resolution on the new strategy for the Arctic</td>
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<td>2014</td>
<td>European Parliament</td>
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Rationale (1)

1. Political, Legal & Social
   - EU Arctic Member States & others MS (UK)
   - Multilateral & regional agreements (LOSC)
   - Sami People

2. Environmental
   - Climate change (EU major contributor to emissions)
   - Nuclear legacy of the Soviet Northern Fleet & the Kola Peninsula (decommissioning of submarines)
   - 25% of all shipping fly flags of EU MS
   - Arctic ecosystems & marine mammals

Photo source: EEAS.europa.eu

Photo: www.maritimedenmark.dk
Rationale (2)

   €1.14 billion aid to the Arctic regions

4. Natural Resources
   - 30% fish caught in the Arctic – EU markets
   - 24% total output Arctic’s hydrocarbon industry

   €200 million to international research activities

Arctic Governance Weaknesses

- "Fragmentation of the legal framework, the lack of effective instruments, the absence of an overall policy-setting process and gaps in participation, implementation and geographic scope"

Policy Objectives

1. Environmental protection, particularly in the context of climate change
2. Sustainable use of natural resources
3. EU’s contribution to multilateral governance

Legal Considerations (1)

1. EU competencies
   - Fisheries & marine environment
2. EU secondary instruments
3. International instruments
   - LOSC & UNFSA
   - Arctic specific instruments / OSPAR Convention

Legal Considerations (2)

4. Exploration and exploitation of natural resources

   I. Primarily a matter for the coastal States within the region.
   II. EU work with Arctic States (sustainable exploitation)
   III. EU Directive on safety of offshore oil and gas operations
      - Commission promote highest safety standards in Arctic

EU Seal Regime

- Prohibition on import and marketing seal products
- Basic Regulation (2009) & Technical Measures (3 exceptions)
- Court of Justice - EU competent to adopt trade measures
   - Case C-583/11, 3 Oct 2013
- WTO Appellate Body (May 2014)
   - EU measures were "necessary to protect public morals" regarding seal welfare
Governance Considerations

- Existing structures
  - Arctic Council (permanent observer status)
  - Barents Euro-Arctic Council, the Barents Regional Council, the EU’s Northern Dimension Policy

- Strategic partnerships on discrete topics of common interest with Canada, the United States and the Russian Federation

Future Trends (1)

- EU seeking greater “knowledge, responsibility and engagement” on Arctic issues

- Emphasis on “cooperation”

- LOSC remains the principal framework
  - Navigation rights / freedoms

- Fiscal support EU research programme (mapping)

Future Trends (2)

- Management of fish stocks in ABNJ
  - precautionary approach

- WTO Appellate Body & European Court – seal products

- Greater NGO dialogue on Arctic environmental issues

- EU Arctic Policy “integrated and coherent” by 2015