

## External Maritime Policy of the EU: A Unilateral Initiative of Greece in the IMO

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**ABSTRACT:** External maritime policy is the common sea transport principles of action which are supported by the EU in the international maritime organizations and especially in the IMO. Sea transport is the backbone of EU's trade and an essential pillar of cross border support of global supply chains. So the external maritime policy is required to comply with a set of international legislation. IMO is the United Nations specialized producer of maritime law and agreements. EU cannot participate in the IMO sessions due to its legal status as a supranational political and economic union. But it maintains an observer position. This situation does not serve its external maritime policy. EU's Member States are also independent Members of the IMO and some of them define its decisions. Recently, EU has been engaged in an effort to jointly represent its Member States in the IMO through the absolute primacy of EU law over national law. This means that EU wishes all its Member States to express the common EU positions in the IMO. It is about an indirect muzzle of Member States by the EU in the IMO's decision making committees. This practice has been well understood by some EU's maritime Member States and creates an ongoing confrontation. Leader of that confrontation is Greece as a traditional maritime state. Greece intends to challenge the EU introducing an initiative of unilateral representation of its positions in the IMO. To this scope, it exchanges views with other EU's Member States in order to form a coalition. This article portrays the institutional controversy in EU's external maritime policy by the unilateral initiative of Greece in the IMO and points out that the EU's decisions on maritime policy are perhaps a stake for its future.

### 1 INTRODUCTION

EU, as an organization, is based on the adoption of a common path by its Member States, which, with a view to common development, defines a general framework for action in the fields of politics, economy and society. However, in this context the Member States have the opportunity to act by promoting their interests and respecting their obligations towards the other Members and the EU itself. Also in the Greek maritime reality there are groups, which move on the International and European stage presenting their positions and supporting their interests, while at the

same time they contribute to the drawing up of the international and common European maritime policy with the means they have at their disposal. At the same time, the EU is able to legislate and enact provisions emphasizing the acceptance and promotion of common goals by its Member States with a view to adapting European to national law. In this direction, it reserves the right to intervene at the national level as soon as a Member State does not follow the EU's directions. Cooperation at all levels contributes to the promotion of the national interests of the Member States.[1] In this context, maritime groups are also active in Greece, which exert an

influence on the formulation of European maritime policy, supporting Greek interests in a network of give and take relationships within the EU.

This paper attempts to approach these interdependence relationships by the unilateral Greek initiative in the IMO and the analysis within the EU institutions. This initiative is based in a group of Member States within the EU and its main objective is the presentation of maritime positions in the IMO without the EU's approval. Thus, the work is divided into two parts, the theoretical part, where the functioning of EU institutions and bodies as well as the action of Greek maritime interest are developed, and the practice part, where the EU's external maritime policy contradicts the Greek interests and leads to the creation of a unilateral initiative of Greece in the IMO for the defense of Greek maritime fleet. By this research useful conclusions are drawn about give and take maritime relationships within the EU that perhaps risk its future.

## 2 EU'S EXTERNAL MARITIME POLICY

The EU's External Maritime Policy is an essential component of its broader Integrated Maritime Policy (IMP) framework. The European Union has recognized the interconnected nature of sea-based activities and the need for a holistic approach to maritime affairs. As part of its efforts, the EU has developed an Integrated Maritime Policy (IMP) that encompasses various sea-related policies and activities. The External Maritime Policy of the EU plays a crucial role within this framework, focusing on the EU's engagement with external partners and the global maritime community. The legal basis for the EU's External Maritime Policy lies in several articles of the Treaty on the Functioning of the European Union (TFEU). These articles provide the foundation for the EU's legislative competence in maritime policy. Additionally, Regulation (EU) No. 508/2014 serves as the legal framework for implementing the IMP and its external dimension. The development of the EU's External Maritime Policy was triggered by the realization that fragmented sectoral policies hindered effective decision-making and coordination. In response, the European Commission launched the Integrated Maritime Policy for the European Union in 2007, which called for a more coherent policy approach. Subsequent progress reports have outlined the achievements of the EU's IMP and maritime sectoral policies, leading to the establishment of an intermediate program to support the further development of the IMP [2].

The EU has achieved, mainly in the last years, a high level of integration between the Member States while their external relations are still largely a state matter, with the 27 countries wishing to maintain their own national policies. However, with the EU to hold more weight as, *sui generis*, the strongest economic union of states to date, there are occasional attempts at international representation of all the M-S, especially in terms of trade, with the simultaneous expansion of the competences of the EU in this area and through amendments to the founding Treaties.

As is known, 75% of the EU's foreign trade and 31% of its internal trade is served by sea [3] and therefore maritime transport largely supports the economic development of the EU Member States and especially the maritime ones. The liberalization of maritime transport services at national level (cabotage), the promotion of competitiveness and the strengthening of employment are some of the areas that laid the main foundations of a common maritime transport policy, which was developed centrally by the European Commission [4] over of the years and especially during the 80s. The "White Paper Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system" moves along the same wavelength [5]. Recently, there has been an increased tendency within the Union for a joint and coordinated representation of the Member States in international organizations and in particular on maritime issues in the International Maritime Organization (IMO), in which the EU participates as an observer.

This practice has, as its ultimate goal, the full membership of the EU in the IMO and therefore the legal substitution of its Member States, for which, however, an amendment of the founding Treaty of the IMO will be required. According to article 34§1 of the Treaty for the European Union (TEU), Member States shall coordinate their action in international organizations. They shall uphold the Union's positions in such forums. In this direction, the positions of Greece and the other Member States of the EU will not be independently supported in the IMO but will be expressed centrally by the EU in the logic of unified representation, on maritime issues. It should be noted that, at the EU level and specifically at the meeting of the Maritime Transport Group (12/2004), it was decided that a committee of Member States experts would be set up only for the long-term planning of maritime issues within the IMO framework, while international maritime issues would be discussed in the Council of Ministers where the relevant decisions will be taken.

As it indirectly follows from the aforementioned, in the field of the EU's maritime policy, the views of the Member States on shipping issues often do not coincide with that of the EU. The issue is extremely serious for Greek Shipping, which is firmly maintained in the first positions of the international maritime forces (Figure 1), a phenomenon due, among other things, to the successful international representation of the Greek maritime sector in the IMO and other fora, resulting in the excellent adaptability of Greek shipping to international developments. The issue is seriously monitored by the Greece with the aim of taking an important initiative in the field of maritime policy planning. This initiative includes the cooperation of Cyprus and Malta. In particular, in view of the policies launched by the EU institutions that are likely to oppose the interests of Greece regarding the regulation on the recycling of ships and the legislation on the monitoring and reporting of greenhouse gas emissions from ships within the borders of the EU. [6]

Country or territory of ownership	Number of vessels			Deadweight tonnage				
	National flag	Foreign flag	Total	National flag	Foreign flag	Total	Foreign flag as a % of total	Total as a % of world
1 Greece	620	4 246	4 870	55 715 512	328 703 344	384 430 215	85.51	17.63
2 China	5 357	2 599	8 007	113 035 546	163 977 083	277 843 335	59.19	12.74
3 Japan	933	3 070	4 007	35 970 817	200 656 470	236 638 365	84.8	10.85
4 Singapore	1 371	1 400	2 799	67 869 137	68 312 248	136 243 709	50.16	6.25
5 Hong Kong, China	861	948	1 822	72 061 117	39 473 538	111 587 729	35.39	5.12
6 Republic of Korea	804	867	1 680	14 767 539	77 501 218	92 302 014	84	4.23
7 Germany	185	2 036	2 221	6 976 526	72 616 389	79 592 915	91.23	3.65
8 Bermuda	2	505	507	26 137	63 381 136	63 407 273	99.96	2.91
9 Norway including Svalbard and Jan Mayen Islands excluding Bouvet Island	982	1 002	1 987	18 980 244	40 945 002	59 931 039	68.33	2.75
10 United Kingdom of Great Britain and Northern Ireland including Channel Islands and Isle of Man	363	1 014	1 380	9 376 891	49 222 876	58 746 865	84	2.69

Figure 1. Greece is the first among 10 countries with the largest fleets > 1000 GT. Source: RMT, 2022. [7]

Therefore, Greece initiates cooperation with Cyprus and Malta in order to lay the foundations for the further expansion of discussion and coordination in general between the three countries in the maritime sector within the EU. The main issues that affect shipping policy and need to be closely monitored are:

- EU's Integrated Maritime Policy (IMP).
- The presidency of Member States in the Council of the EU and the priorities in matters of maritime policy.
- EU Maritime Legislation.
- The procedural framework for formulating positions of the EU within the committees of the International Maritime Organization.
- Further examination of subjects related to maritime policy and with other EU Member States who have similar views and positions.

Under these conditions, an attempt is being made to lay the creation of a unilateral maritime cooperation within the EU, since Greece, Cyprus and Malta have as a starting point several common positions regarding their maritime policy and their representation in international organizations. The managed maritime interests and challenges of these maritime States inside and outside the EU have a common component and therefore there is room for cordial cooperation between them since they represent the three largest fleets of the EU. Obviously, the enlargement of that cooperation is desirable with the permanent or occasional presence of other EU's Member States. The juncture of said cooperation is considered favourable, since the EU is said to seek the formulation of common positions on behalf of all Member States, at the level of IMO committees, which, however, may not adequately serve the interests of each individual Member State in the International Maritime Organization.

### 3 COUNCIL OF THE BALTIC SEA STATES AND THEIR REPRESENTATION IN INTERNATIONAL MARITIME ORGANIZATIONS

The Council of the Baltic Sea States (CBSS) was established in 1992 as an intergovernmental forum for regional cooperation in the Baltic Sea region [1]. Comprising ten Member States and the European Union, the CBSS focuses on fostering regional identity, enhancing security, and developing sustainability. The CBSS's maritime policy is defined by the Expert Group on Sustainable Maritime Economy (EGSME) in which a representative of the

EU Commission participates. It focuses on regions growth of maritime economy and marine environmental protection. In its decisions dominates the balance of socioeconomic and environmental aspects. In that way, its Member States can avoid conflict of interests and obstacles of cooperation. National experts are responsible for maritime policy of the CBSS. [8] So they promote their common maritime interests in the EU and the IMO.

The CBSS actively engages with various international maritime organizations to address common challenges and promote cooperation. The CBSS maintains close ties with the IMO in the fields of maritime safety, security, and environmental protection. Through its engagement with the IMO, the CBSS contributes to the development of international maritime regulations and initiatives that impact the Baltic Sea region. Also, CBSS participates in HELCOM. The Helsinki Commission is an intergovernmental organization focused on protecting the marine environment of the Baltic Sea. The CBSS collaborates with HELCOM to address environmental challenges, develop sustainable practices, and promote cooperation among Baltic Sea countries. The CBSS interacts with EMSA (European Maritime Safety Agency), an EU agency that works to ensure a high level of maritime safety, security, and environmental protection. Through this collaboration, the CBSS contributes to efforts aimed at enhancing maritime safety and security in the Baltic Sea region.

The CBSS's engagement in international maritime organizations has resulted in significant contributions in various areas, including: 1. Maritime Safety and Security: The CBSS actively participates in initiatives related to maritime safety, such as promoting effective search and rescue cooperation, enhancing maritime situational awareness, and addressing maritime accidents and incidents. 2. Environmental Protection: The CBSS plays a crucial role in addressing environmental challenges in the Baltic Sea region. Through collaboration with organizations like HELCOM, the CBSS works to reduce pollution, protect biodiversity, and promote sustainable maritime practices. 3. Maritime Spatial Planning: The CBSS contributes to the development of maritime spatial planning frameworks and strategies. By promoting coordinated and sustainable use of marine resources, the CBSS supports the preservation of the Baltic Sea's ecological balance and facilitates responsible maritime activities.

While the CBSS's engagement in international maritime organizations has yielded positive outcomes, several challenges persist. These include ensuring effective coordination among Member States, addressing divergent national interests, and securing adequate resources for implementing maritime initiatives. To overcome these challenges, the CBSS should continue to strengthen partnerships, enhance information exchange, and prioritize capacity-building efforts. Looking ahead, the CBSS has the potential to further promote cooperation, contribute to regional stability, and address emerging maritime issues in the Baltic Sea region.

The Council of the Baltic Sea States plays a significant role in representing the interests of Member States in international maritime

organizations. Through its engagement with organizations such as the IMO, HELCOM, and EMSA, the CBSS actively contributes to promoting maritime safety, environmental protection, and sustainable development in the Baltic Sea region. By addressing challenges, enhancing cooperation, and leveraging its regional expertise, the CBSS can continue to make valuable contributions to international maritime affairs and ensure a secure and prosperous future for the Baltic Sea region.

The structure and operation of the CBSS should be an example for the Greek initiative to support common maritime interests with other EU's Member States in international organizations. In this regard, the creation of such an organization with the participation of the powerful maritime states of the EU could influence or even overturn all EU decisions that would be contrary to the representative interests. The equal participation of the EU in the proposed organization would give the impetus for the truly joint representation of Greek maritime interests in the IMO.

#### 4 LEGAL BASE FOR THE UNILATERAL GREEK INITIATIVE IN THE IMO

The unilateral initiative of Greece with the participation Cyprus and Malta highlight the formal and essential issue of the impossibility of formulating a commonly accepted external maritime policy on behalf of the EU and the further problematic support in the IMO. This issue touches on serious economic aspects for Greek shipping. However, in order to be a responsible treatment and a beneficial solution to the specific problems, it is further required: a) the EU to assess whether the existing EU institutional framework and the objective conditions are ripe to form a commonly accepted composition of the maritime interests of the Member States so as to enforce a joint representation in the IMO, b) Regarding any political aspirations of the EU in the IMO, the given legal status of the maritime organization must be taken into account, which obviously cannot be modified and thus the EU must respect it and show cooperation.

Having said that, the participation of the EU, as a party to the IMO, is currently impossible because according to the IMO's Founding Treaty, (Article 4), only states can become parties [9]. Also, the case of future amendment of the disputed article 4 is considered a difficult and long-term process. According to the current regime, the EU maintains observer status and participates in IMO meetings under the Agreement of Mutual Cooperation between the Commission and the Secretary-General of the IMO, signed in 1974. Nevertheless, all 27 EU's Member States are also members of the IMO [10]. Thus, the EU as a whole has significant power to play a serious role in the international maritime decision-making process through Member States with coordinated joint action, as a whole (27) or even by groups.

It is noted that the observer status within the IMO does not allow the Commission to: (a) speak on behalf

of the 27 Member States, (b) use the coordination mechanism effectively in the areas for which the EU has the competence, (c) to contribute specifically to EU policy on maritime safety and (d) to participate in the negotiation of international conventions [11]. So, since the EU has no negotiating right within the IMO on behalf of the Member States, it assumes, through the European Commission, the role of coordinator of their positions, in order to intervene indirectly, through the M-S, in the IMO's decision-making process. In this direction, the Council plays a particularly important role in the EU's relations with the IMO. In more detail, after the signing (13-12-2007) of the Reform Treaty or "Treaty of Lisbon", as it is more widely known (entry into force 01-12-2009), mainly the Council, but at the same time in cooperation with the European Parliament and the Commission, can negotiate and conclude agreements with third countries and international organizations, as follows from article 218 of the Treaty on the Functioning of the EU (TFEU).

In the context mentioned above, the EU today it is a party to a number of IMO maritime conventions, developing an important activity in this field both in the IMO and within the framework of the EU institutions and bilateral relations with its Member States. Likewise, the European Court of Justice (CJEU) also plays an important role in the development of EU law and can, through its case law, shape the field of common competence between the EU and Member States by issuing relevant decisions regarding the representation and formulation of the positions of Member States within the IMO, as it did in case C-45/07 (Commission v. Greece), which is analyzed below. Specifically for the issue of coordination and harmonization of the positions of the EU's M-S in the IMO, in 2005, the Council established the "Procedural framework for the adoption of Community or common positions for IMO related issues and rules governing their expression in the IMO" SEC (2005) 449.

According to the Framework of Procedures, EU positions at the IMO are divided into three categories: (a) EU positions (exclusive EU issues), (b) Coordinated Positions (exclusive Member States issues), (c) Common positions (issues of EU and Member States competence). To prepare EU positions, technical discussions can be held in relevant technical committees, such as the Committee on Safety in Shipping and Prevention of Pollution from Ships (COSS) or the Maritime Safety Committee (MARSEC), or, as appropriate, in technical meetings of Member States experts with the Commission. A working document should be submitted to the Council by the Commission, including the proposed position of the EU as well as the M-S. If this position is approved by the Council, then it binds the Member States to the IMO. However, it is not always easy for Member States to follow the decisions from the coordination process, especially when national maritime issues are at stake, let alone those Member States with special maritime interests, such as Greece, Cyprus and Malta. It is emphasized that there are no drastic measures that can be taken by the EU to address this issue as the coordination process is not legally binding [12].

The issue of Member States commitment to support a common position with the EU in the IMO has been brought by the Commission before the Court of Justice of the European Communities (ECJ) in two cases, with Greece and Sweden as litigant parties respectively. Specifically, in the case: *Commission v. Greece* (C-45/07), it was ruled that the Hellenic Republic, submitting to the International Maritime Organization (IMO) a proposal, (MSC 80/5/11), for the control of the compliance of ships and port facilities to the references of chapter XI-2 of the International Convention for the Safety of Life at Sea, (SOLAS), and the International Code for the Security of Ships and Port Facilities (ISPS), breached its obligations and in particular on the basis of Articles 4§3 TEU (former Article 10 TEU). It was deemed to have breached the duty of good faith or loyalty, (Article 91 TFEU former 71 TEU and Article 101 TFEU, former Article 80 TEU).

Also, in the second case of *Commission v. Sweden* (C-246/07), the unilateral Member States proposal to list a substance in Annex A of the Stockholm Convention on Persistent Organic Pollutants, Sweden was considered to deviate from the coordinated common strategy within the Council of the EU. At the same time, taking into account the institutional and procedural framework of the Convention, such a proposal was deemed to have consequences for the European Union. On this the Commission claimed that, since the Convention in question is a multilateral agreement, Sweden is not allowed to act individually, but only in coordination with the Community. The above argument should apply to all multilateral agreements. The ECJ (Court of the European Communities, now CJEU - Court of the European Union) ruled that the need for a single international representation of the Community and its Member States does not allow the Member States to act individually, while this competence remains share [13].

Under these circumstances, it was decided that this act of Sweden constitutes a breach of the duty of good faith or loyalty, based on Articles 4§3 TEU, formerly Article 10 TEU and 218 TFEU, formerly Article 300 TEU. The single international representation of the EU and its M-S, according to the above philosophy is not an end in itself, it is mainly an expression of the duty of good faith or loyalty which in particular and as will be analyzed below is provided by article 4§3 of the TEU [14]. But, before it was decided that Member States would be represented by the EU on this basis, the obligations that will be assumed by the conclusion of the specific agreement, the effects of the act of exercising the share competence by a Member States and whether this act can lead to undermining the exercise of the EU's competence should perhaps be further studied. It is pointed out that the duty of loyalty also applies to the acts of the EU's institutions towards the Member States [15].

The above-mentioned cases are based mainly on a provision of primary EU law that is quite general and partly unclear (Article 4§3 of the TEU, former Article 10 of the TEU, Duty of loyalty) so related rulings have many ambiguities in terms of strictness, bindingness and sanctions. It is interesting to note that the same decisions indirectly give to the Member States, that "violates" the unified stance, the argument of defense,

legitimization and differentiated tendency, since the duty of sincere cooperation (or duty of loyalty) acts both ways and with regard to the EU and its institutions (Commission etc.). Therefore, if, for example, it is considered that the institutions of the EU delayed, did not adequately respond to the duty of timely and correct formulation of the EU's common maritime position, then based on the above principle the obligation of harmonized behaviour of the Member States is lifted, in accordance with the primary EU law.

## 5 THE UNILATERAL REPRESENTATION OF GREEK MARITIME INTERESTS IN THE IMO

There has been a trend within the EU of a centrally controlled and shaped maritime policy which will then be supported in the IMO by the EU's Member States as, on a case-by-case basis, policy. Member States with a special economic and political presence play a significant role in this development but not the maritime ones. This trend even promotes the official participation of the EU as a contracting party of the IMO, so now the presence and representation of the Member States is likely to be completely replaced by the participation of the EU in the IMO [16]. In both cases for the IMO and in particular for its structure and role as an organization of global scope on international shipping, the autonomous presence and activity of the 27 EU's Member States is much more preferable than their homogenized substitution by the EU.

Of course, from the EU's point of view, it is understandable and legitimate to seek a common and coordinated presence in the IMO. Obviously, such presence strengthens the international prestige and entity of the EU. However, the key question arises as to whether the necessary objective conditions and the corresponding institutional background for shaping and supporting a single EU maritime policy exist at this stage. It is suggested a policy which will adequately cover the legitimate maritime interests of all Member States. The basic and general answer is that these conditions do not seem to be mature, as in other EU's policy areas where there are experienced institutions and tools for their planning and implementation. To be completely clear, without the creation of the EU Register of Shipping or even a generally accepted convergence on the issue of ship registration between the EU Member States, there is no case of forming a common maritime policy of the EU and its uniform expression in international bodies and fora. After all, the adoption of the Community Registry (Euros) was a resounding failure in the past; while on the contrary, a multitude of *sui generis* registries was created within the EU such as international - parallel - offshore etc. for which the EU institutions themselves have raised doubts as to their legitimacy.

Furthermore, there are huge variations in the capacity of the EU merchant fleets, (Figure 2), with major economic powers having small fleets and possibly serious and conflicting interests in the maritime space as coastal states. This conclusion is confirmed by the typical treatment of the situation

created in the EU after the accident of the Greek-owned tanker Prestige (registered in the Bahamas) in November 2002, which highlighted the need to take a series of additional measures to avoid the pollution of the seas by the European Union's Member States [17]. This situation led the then French president to declare, immediately after the sinking of the Prestige (built in the 70s in Japan, single hull) that there must finally be draconian security measures in the EU, as the Prestige was one of the four tankers of similar construction, which have been sunk in recent years. At the same time, he criticized the inability of those in charge, and especially the Europeans, to take the necessary measures to prevent the laxity that allows the construction of such junk ships [18].

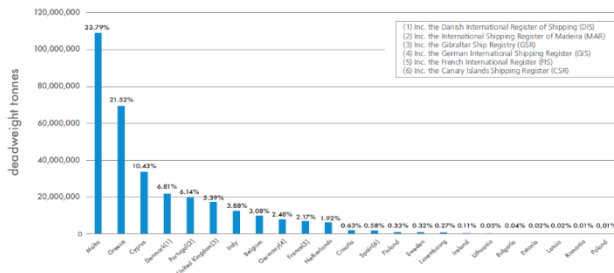


Figure 2. EU Merchant Fleet by Flag > 100 GT. Source: IHS Markit, (2019). [19]

Also, from the official government lips of two powerful EU member states, the initiative for the unilateral adoption of legislation to control and possibly ban navigation at a distance of 200 nm from the shore was announced. This proposal is considered legally unacceptable, ahistorical and unrealistic. In the end, as it turned out, the above-mentioned maritime and environmental tragedy was mainly caused by the political audacity and irresponsibility of the authorities in France, Spain and Portugal (unjustified refusal to provide a port of refuge, etc.), and was followed by the demonstration of extreme hostility towards Greek shipping and the Greek seamen, since in particular the political leadership of France characterized the Greek seamen as "vagabonds of the seas", while the Greek master of the Tanker Prestige was imprisoned by the Spanish authorities as an atoning victim [20]. Indicative is also the case of EU's Member States, which, not having a serious shipping industry, consider shipping as a field for raising money through stock market games, supporting as a solution to the issue of "reducing greenhouse gas emissions from shipping" the implementation of the "gas emissions exchange", i.e., a highly controversial and essentially dead-end measure with an expiration date, especially after the long-term Conferences on climate change. [21]

Especially for Greece, in the present difficult economic situation, is in absolute need of a thriving shipping industry, which brings a steady inflow of maritime foreign exchange (Figure 3). It is considered that the case of Greece is not treated with the required respect and recognition (See cases Prestige etc.), as befits to the largest shipping power of the EU (See especially figure 4). Thus, it is clear that in the EU the conditions for the formation of the common maritime policy do not generally advocate the adoption of positions that ensure, in any case, the interests of

Greek shipping. Of course, the same applies to the positions supported in the IMO. Also, the existing legal framework from the primary Community law (founding treaties) does not contain a clear and specialized regulation for a mandatory single position of Member States in the IMO. Therefore, based on these conditions, Greece, as a sovereign and independent member of the IMO, can support and express its own views, in the event that it considers that the EU's positions on maritime issues are not in harmony with its legitimate and vital interests.



Figure 3. Sea Transport contribution to Services of Payments (Euro Bn, 2011-2018). Source: Bank of Greece, (2020).

The maritime interest's representation of the EU Member States in the IMO is therefore a field of substantial controversy since there is a conflict and ambiguity in the legislative framework. Shipping is an international activity with a complex structure that should be governed by international rules and for this reason it should not be approached regionally (within the EU) but primarily globally within the IMO which is the official governmental depository of the International Maritime Institutions. Greece has always identified the importance of shipping and tries to defend its shipping policy within the EU and international organizations, taking measures in favor of competitiveness, safety of ships, etc. The obligation of the M-S and the EU for "honest cooperation" (Duty of loyalty) as well as compliance with Article 218 (9) of the TFEU should not be a field for changing the Greek maritime policy but the springboard for coordination, in the context the initiative to create a maritime "front" of the south, the efforts to defend maritime interests and the creation of a fair reference point of the common European maritime policy.

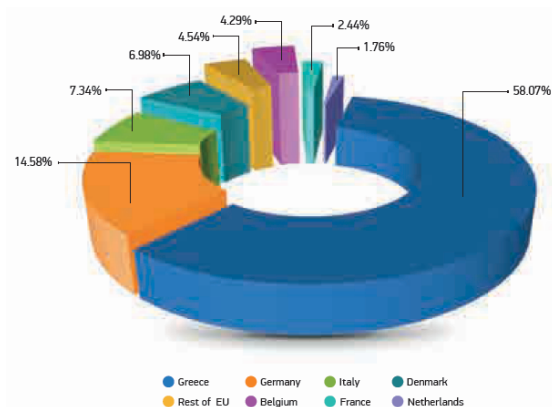


Figure 4. Ownership of the EU Merchant Fleet (dwt, ships > 1000 GT). Source: EU Statistical pocketbook, (2022). [22]

## 6 CONCLUSIONS

Greece represents maritime interests which operating in international cross trade. They are affecting by international competition and needs to have a word in the creation of a steady maritime policy. In this respect, the major objective of Greece is the unilateral promotion of its maritime policy in the IMO. This policy contains the implementation of IMO's standards to all sea going ships and the generally accepted international rules. In this effort, Greece asked for the help of Cyprus and Malta, with which shares common maritime interests. Nevertheless, the establishment of an organization likes CBSS will ensure the Greek maritime interests and promote them in the international organisations and EU's institutions.

The EU, as a regional organization, actively participates in the IMO to ensure that the interests of its Member States are represented and safeguarded in matters related to maritime safety, security, and environmental protection. EU is not a member of the IMO. But it is not prevented from participating in the IMO's work. The EU engages with the IMO through a coordinated approach to ensure the harmonization of policies and regulations across its Member States. This cooperation allows the EU to present a unified position in international maritime discussions and decision-making processes. The EU actively engages with other IMO Member States and regional organizations to foster international cooperation. It advocates for the development of agreements and frameworks that facilitate cooperation in maritime policy areas. The EU's participation strengthens the global maritime governance framework but not the single maritime interests. Moreover, the EU's candidacy as a member of the IMO is unlikely to be supported by the majority of Member States.

To this end, if the EU insists in the common representation of all its Member States in the IMO by introducing the relevant legislation there will be a confrontation with Greece and other traditional maritime States. Greece has vested interests in the representation of its maritime concerns in international organizations such as the IMO. EU, as a supranational organization, aims to present a unified voice on maritime matters in international fora. Greece seeks to secure an influential position that adequately represents its specific concerns and promotes its maritime industry, economic development, and regional stability. The confrontation between the EU and Greece on representation in the IMO requires diplomatic negotiations and compromise. Both entities should engage in constructive dialogue to find common ground that ensures effective representation of their maritime interests while respecting the principles of cooperation, transparency, and international law. Mediation by other Member States, such as Cyprus or Malta, could facilitate the resolution process.

Otherwise, a unilateral approach of Greek maritime policy with the help of Cyprus and Malta in the IMO or within the establishment of an intergovernmental organisation will be a disaster for the EU external maritime policy. Finding a mutually acceptable solution that balances the EU's collective

interests with Greece's specific concerns is crucial for effective representation and collaboration within the IMO. Ultimately, resolving this confrontation will contribute to the advancement of global maritime governance and the sustainable development of the maritime sector. In a different case this confrontation, with the participation of all EU's traditional maritime states, perhaps, endangers the future of the EU.

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