



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on Arctic issues

*2985th FOREIGN AFFAIRS Council meeting
Brussels, 8 December 2009*

The Council adopted the following conclusions:

“The Council recalls its conclusions of 8 December, 2008, that welcomed the Commission Communication of 20 November, 2008, on the European Union and the Arctic region.

The Council welcomes the gradual formulation of a policy on Arctic issues to address EU interests and responsibilities, while recognising Member States’ legitimate interests and rights in the Arctic.

The Council considers that an EU policy on Arctic issues should be based on:

- Effective implementation by the international community of adequate measures to mitigate climate change that are required to preserve the unique characteristics of the Arctic region;
- Reinforced multilateral governance through strengthening and consistent implementation of relevant international, regional and bilateral agreements, frameworks and arrangements;
- The United Nations Convention on the Law of the Sea (UNCLOS) and other relevant international instruments;
- Formulating and implementing EU actions and policies that impact on the Arctic with respect for its unique characteristics, in particular the sensitivities of ecosystems and their biodiversity as well as the needs and rights of Arctic residents, including the indigenous peoples;
- Maintaining the Arctic as an area of peace and stability and highlighting the need for responsible, sustainable and cautious action in view of new possibilities for transport, natural resource extraction and other entrepreneurial activities linked to melting sea ice and other climate change effects.

P R E S S

Conscious of the need for further work, the Council approves the three main policy objectives proposed by the Commission:

- Protecting and preserving the Arctic in unison with its population;
- Promoting sustainable use of natural resources;
- Contributing to enhanced governance in the Arctic through implementation of relevant agreements, frameworks and arrangements, and their further development.

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In order to take a next step towards the formulation of an overarching approach to EU policy on Arctic issues:

1. The Council recognises the particular vulnerability of the Arctic region and its crucial importance to the world climate system. The Council sees a need to give increased attention to the impact of climate change in the Arctic within the framework of the United Nations Framework Convention on Climate Change (UNFCCC) negotiations. It also supports action by appropriate international bodies, such as the Arctic Council, World Meteorological Organization (WMO), and the United Nations Environment Programme (UNEP), to enhance observation, monitoring and research, as well as to reduce the effects of emissions of greenhouse gases, black carbon and other short lived climate forcers in the Arctic.
2. The Council recognises that EU policies on natural resource management that impact on the Arctic should be formulated in close dialogue with Arctic states and local communities and take into account the importance of sustainable management of all natural resources in that region.
3. The Council underlines the importance of supporting sustainable development for indigenous peoples, including on the basis of their traditional means of livelihood, and welcomes the Commission proposal to engage in a broad dialogue with Arctic indigenous peoples on the basis of respect for the rights of the indigenous peoples.
4. The Council supports expanded use of strategic environmental impact assessments, as well as improved monitoring and planning of proposed activities in order to protect sensitive Arctic areas. The Council welcomes commitments and efforts of the Arctic states to develop joint approaches and best practices for minimising negative environmental impacts of exploitation and use of natural resources in the Arctic as well as promotion of energy efficiency and renewable energy. The Council invites the Commission and Member States to examine the possibilities to endorse the revised Arctic Council Offshore Oil and Gas Guidelines of 2009.
5. In connection with the International Year of Biodiversity 2010, the Council invites Member States and the Commission to support efforts to protect Arctic ecosystems and their biodiversity, particularly by considering measures for protection of biodiversity in the high seas and by encouraging Arctic states to develop marine protected areas (MPAs) on an individual or a cooperative basis. The Council encourages Member States and the Commission together with the European Environment Agency (EEA) to contribute to the Arctic Council work on conducting an Arctic Biodiversity Assessment.

6. The Council calls for increased support for research on Arctic related issues, in particular to secure the legacy of the International Polar Year 2007-2008, and agrees that this should be adequately reflected in the work programmes of the Seventh Community Framework Programme for Scientific Research and in other community research and innovation activities. A systemic approach to Arctic research should cover aspects ranging from protecting the environment, including the role of the Arctic region as an important part of the Earth ecosystem, to the effects of climate change and natural resource exploitation on biodiversity, long range transport of hazardous chemicals, local communities and the sustained livelihood of indigenous peoples.
7. The Council realises that enhanced monitoring and surveillance capabilities together with the appropriate research infrastructure could contribute significantly to Arctic research. The EU should make best use of its existing research infrastructure and be open to the need to enhance and support these capabilities, which may include multifunctional research platforms including satellite based ones. Member States and the Commission are invited to provide appropriate resources, including research infrastructure, in a more coordinated way by jointly supporting monitoring of the effects of Arctic climate change and development of technologies that meet Arctic requirements. Access to research sites in the Arctic, as well as open access to reliable and coherent data and research results, should also be facilitated and further promoted, e.g. according to the guiding principles of the Shared Information and Observation System for Europe (SEIS) and the European Environment Information and Observation Network (EIONET).
8. The Council invites the Commission together with the EEA and with Member States to contribute towards assessing the state and outlook for the Arctic environment and to put forward possible initiatives to contribute to the “Sustaining Arctic Observing Networks” (SAON) process with a view to expand the scope and improve the coordination of observation and monitoring throughout the circumpolar Arctic.
9. The Council notes that the EU can play an important role in contributing to the reduction of hazardous pollution in the Arctic and invites the Commission to present a work plan for continued monitoring, research, restriction of use and destruction of hazardous chemicals released into and inside the Arctic or through long range transport. Member States and the Commission can reduce the EU share of persistent chemicals in the Arctic by making the use of such substances subject to restriction or authorisation pursuant to the EU chemicals legislation. According to the Registration, Evaluation, Authorization of Chemicals (REACH) regulatory regime, priority of the authorization procedure should be given to substances with persistent, bioaccumulative and toxic properties.
10. The Council notes that in the implementation of the Integrated Maritime Policy special attention will be paid to the Arctic and underlines that harvesting of Arctic marine living resources should be managed on the basis of scientific advice as part of an ecosystem perspective. It stresses the need to promote a precautionary approach to new fishing activity in Arctic high seas, as well as measures for protecting marine biodiversity in areas beyond national jurisdiction. The Council expresses its readiness to consider a proposal to put in place a regulatory framework for the part of the seas not yet covered by an international conservation system by extending the mandate of relevant Regional Fisheries Management Organisations or any other proposal to that effect agreed by the relevant parties. Until such a framework is in place, the Council favours a temporary ban on new fisheries in those waters.

11. Recalling the fundamental principle of the Integrated Maritime Policy that each sea region is unique and needs individual attention in balancing its uses in a sustainable manner, Member States are encouraged to contribute to strengthening the protection of the Arctic marine environment through their support for initiatives in the International Maritime Organisation (IMO) and in other relevant organisations having an influence in the Arctic area, including those related to the management of fisheries as well as to the conservation and sustainable use of other marine living resources.
12. The Council welcomes and encourages the progress being made within IMO, in particular the amendment of the existing guidelines for ships operating in polar waters and the agreement to develop a new mandatory instrument for ships operating in polar waters. The Council recognises the important work on Arctic marine issues carried out by the Arctic Council, including the recent Arctic Marine Shipping Assessment (AMSA), and its recommendations on enhancing marine safety.
13. The Council stresses the importance that Member States in their capacity as flag, port and coastal states should continuously promote and monitor the full implementation and further improvement of existing rules on navigation, maritime safety and security, vessel routing systems and environmental standards derived from the applicable international conventions in the Arctic, in particular within the IMO framework. On matters of vessel traffic monitoring, the Council notes the usefulness of including the Arctic as far as possible in relevant international monitoring systems and in present and future navigation and communication satellite systems.
14. The Council underlines the need to further explore the options and consequences of exchanging Automatic Identification System (AIS) information with non-EU/Europeans Economic Area Arctic states and to assess to what extent operational assistance in the field of pollution prevention and response can be extended to the Arctic area. To this end, the Council invites the Commission to examine, with the full support of the SafeSeaNet High Level Steering Group, the possible development of a policy of access rights to define the relations of SafeSeaNet with other information systems used by third countries.
15. The Council also invites Member States and the Commission to offer to work closely together with the Arctic states in order to reinforce the assistance that may be provided for search and rescue purposes and other emergencies and needs in the Arctic.
16. With respect to the gradual opening, in the years to come, of trans-oceanic Arctic routes for shipping and navigation, the Council reiterates the rights and obligations for flag, port and coastal states provided for in international law, including UNCLOS, in relation to freedom of navigation, the right of innocent passage and transit passage, and will monitor their observance.
17. The Council recognises the Arctic Council as the primary competent body for circumpolar regional cooperation and expresses its continued support for the applications by Italy and the Commission to become permanent observers in that body. The Council encourages Member States, and the Commission together with the EEA to continue to contribute to the work of relevant Arctic Council working groups.

18. The Council believes that the EU should actively seek consensus approaches to relevant Arctic issues through cooperation also with Arctic states and/or territories outside the EU, Canada, Greenland, Iceland, Norway, the Russian Federation and the United States, as well as with other relevant actors with Arctic interests.
19. The Council attaches great importance to the strong links between the EU and Greenland as well as the Arctic European Economic Area/EFTA countries, Iceland and Norway. Greenland has close historical and constitutional ties to Denmark and is part of the Overseas Countries and Territories (OCT) association. The Council welcomes that a broader and more structured relationship with Greenland is being developed within the bilateral EU-Greenland Partnership, to further mutual interest and concrete areas of cooperation.
20. The Council notes that the Arctic is also one of the priority areas of the revised Northern Dimension policy, a common policy between the EU, Iceland, Norway and the Russian Federation. It encourages development of the ND Arctic Window without duplicating work within the mandates of the Arctic Council or the Barents Euro-Arctic Council. In particular, the Council notes that further consideration would be needed on how indigenous peoples could be included in the deliberations on the ND Arctic Window.
21. The Council supports the Barents cooperation as the suitable framework for cross-border cooperation in the High North of the European continent, and values the work of the Barents Euro-Arctic Council (BEAC), in which Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the Commission are members. It also welcomes follow-up on the conference “Common Concern for the Arctic” by the Nordic Council of Ministers.
22. The Council invites the Commission together with Member States to examine the merits of establishing an information centre on Arctic issues in the EU. The Council also agrees that the Commission should promote a permanent dialogue with NGOs on the state of the environment in the Arctic.
23. The Council requests the Commission to present a report on progress made in these areas by the end of June 2011.”