



Marine Spatial Planning Directive

Policy Review



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Acknowledgments & Disclaimer

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Marine Spatial Planning Directive

Policy Review
Name/Type of the Legal Act or Policy
<p>Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning</p> <p><i>Commission Communication</i>; <i>Proposal for the directive</i>; <i>Impact assessment</i>; <i>Stakeholder consultation</i>; and <i>Roadmap</i>.</p>
Entry into force
<p>23-07-2014</p>
Departments/Units in charge
<p>DG MARE presumably Dir A — Policy development and coordination</p>
Common Implementation strategy (CIS processes)
<p>There is no CIS or a similar Strategy or working groups established for MSP yet</p>
Administrative body handling implementation in MS
<p>Note that transposition of the directive will not yet have taken place in all EU countries (deadline for transposition is September 2016). The designation of a competent authority is what the directive obliges MS to do. However, maritime spatial planning is already practiced since longer in several EU countries:</p> <ul style="list-style-type: none"> ▶ In Germany, the responsible organization for MSP in the Exclusive Economic Zone is the Bundesamt für Seeschifffahrt und Hydrographie (BSH), which is subordinate to the Federal Ministry for Traffic and Digital Infrastructure (Bundesministerium für Verkehr und digitale Infrastruktur) ▶ In The Netherlands, the responsible agency for MSP, which is part of the National Waterplan, is Rijkswaterstaat (Sea and Delta), an agency of the Ministry of Infrastructure and Environment. <p>In Spain, the Ministry of Economy and Competitiveness (Ministerio de Economía y Competitividad) is responsible for MSP (not sure whether a plan has already been issued)</p>
Main Objective
<p>To establish a common framework for MSP, “aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources”</p>
Principles included in the legal text

(Taken from provision (14))

- ▶ Sustainable use of marine goods and services by present and future generations,
- ▶ Ecosystem-based approach,
- ▶ The Precautionary Principle, and
- ▶ The principle that “preventive action should be taken, as laid down in Art. 191(2) of the Treaty on the Functioning of the European Union”.
- ▶ Proportionality (provision 12)

Subsidiarity (provision 12)

Other objectives/Key concepts/key elements of the legislation

Art 5 of the Directive states: 1 When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses. 2 Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.³ This Directive is without prejudice to the competence of Member States to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans. According to DG Mare’s website: to establish a set of minimum common requirements for planning, while each EU country will be free to plan its own maritime activities, reduce conflicts, encourage investment, increase coordination, increase cross-border cooperation, protect the environment

Terminology

‘maritime spatial planning’ means a process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives (MSP)

Further definitions provided: Marine region, Marine waters, Integrated Maritime Policy

An important term used, but not clearly defined in the directive, which is also important in relation to the work of Aquacross, is the term ‘Land-sea interactions’ (LSI). There is, however, a separate article on LSI (Art. 7), which specifies that “*In order to take into account LSI, MS can make use of integrated coastal zone mgt*”, and that MS should strive to promote “*coherence of the resulting maritime spatial plan or plans with other relevant processes*”

Blue Growth: This means opportunities for marine and maritime sustainable growth’,

No Key documents or guidance documents have been published by the commission since mid 2014 (when the directive was called into life). However the commission is currently in the process of initiating a number of projects which should produce guidance documents. A list of MSP-related calls for tenders which have been issued since the directive was approved

include the following (at the time of writing (1st of October 2015), neither of these contracts had been issued) :

- ▶ Call for tenders MARE/2014/45 – Study on the establishment of a framework for processing maritime economic data in Europe
- ▶ Call for proposals: MARE/2014/46 Action on Maritime Spatial Planning in the Northern European Atlantic
- ▶ Call for tenders MARE/2014/23 – Assistance mechanism for the implementation of maritime spatial planning
- ▶ Call for proposals MARE/2014/22 – Projects on Maritime Spatial Planning

Apart from this list, the commission has organized a series of MSP conferences throughout 2014 and 2015.

Derogations

According to provision (27), landlocked MS are exempted from the obligation to transpose the MSP directive. No further derogations specified. Art. 2 specifies that the “Directive shall not apply to activities the sole purpose of which is defence or national security (1), and that the directive “shall not interfere with Member States’ competence to design and determine, within their marine waters, the extent and coverage of their maritime spatial plans. It shall not apply to town and country planning” If Member States apply terrestrial planning to coastal waters or parts thereof, this Directive should not apply to those waters.

Types of management measures

MS are obliged to establish procedural steps for drafting plans, and in these procedural steps, they are obliged to follow the principles outlined, including stakeholder participation, Land–Sea Interaction, ensure transboundary cooperation and cooperation with third states. In the impact assessment which can be found [here](#).

Spatial coverage

In principle the entire marine waters of Member States, excluding those coastal areas which are already subject to town and country planning. However, MS can decide themselves the “extent and coverage of their maritime spatial plans”

Reporting units – what are the specific transposition requirements

The reporting is carried out on Member State level (in principle for all marine waters). MS are free to choose reporting unit.(They may also produce two or more MSPs).

The Netherlands has produced one MSP for the period 2015–2025, which is also incorporated as an appendix in the National water plan (2016–2021).

Germany has produced a joint document which basically incorporates two MSPs (based on two separate processes) one for the Baltic, one for the North Sea.

EC has to report to parliament and council from 31st March 2022 on every four years.

Management unit
National waters, except those (coastal) waters which are under the jurisdiction and planned for by local municipal authorities.
Key planning steps
No planning steps or policy cycles are prescribed, but the MS is obliged to establish a procedure for MSP and to coordinate with neighbouring EU MS and third parties. Furthermore, MS are obliged to designate the competent authorities for implementation.
Timelines
Transposition of Directive until September 2016. The maritime spatial plans referred to in Art. 4 shall be established as soon as possible, and at the latest by 31 March 2021 (see Art. 15– Transposition). MS shall submit plans to the EC three months after their approval. “Maritime spatial plans shall be reviewed by Member States as decided by them but at least every ten years”. (Art. 6.3)
Integration/coordination issues with other related pieces of legislation
<p>Provision 15 of the MSP directive states that it should contribute to:</p> <ul style="list-style-type: none"> ▶ The renewable Energy Directive (Directive 2009/28/EC) ▶ The Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59). ▶ The Birds and Habitats directive (Directive 2009/147/EC and Directive 92/43/EEC) ▶ Decision No 884/2004/EC of the European Parliament and of the Council of 29 April 2004 amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network ▶ The Water Framework Directive (Directive 2000/60/EC), ▶ The Marine Strategy Framework Directive (Directive 2008/56/EC) <p>And recalls the following EC communications:</p> <ul style="list-style-type: none"> ▶ EU biodiversity strategy to 2020 ▶ Roadmap to a Resource Efficient Europe ▶ The EU Strategy on Adaptation to Climate Change ▶ Strategic goals and recommendations for the EU’s maritime transport policy until 2018 ▶ Regional Policies including sea-basin and macro-regional strategies <p>Other pieces of legislation mentioned in the Directive include:</p> <p>Provision 2 – Integrated Maritime Policy</p> <p>Provision 4 – Europe 2020 Strategy</p> <p>Provision 5 – Blue Growth Strategy</p>

<p>Provision 6 – REGULATION (EU) No 1255/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2011 establishing a Programme to support the further development of an Integrated Maritime Policy</p> <p>Provision 12 –RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe (2002/413/EC)</p> <p>Provision 18 – On criteria and methodological standards on good environmental status of marine waters (2010/477/EU)</p> <p>Provision 23 – Strategic Environmental Assessment (SEA) Directive (Directive 2001/42/EC of the European Parliament and of the Council)</p> <p>Provision 24 – Marine Knowledge 2020 and DIRECTIVE 2007/2/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)</p>
<p>Coordination issues with the EU Biodiversity Strategy</p>
<p>The way how marine protected areas are dealt with, which activities are allowed in them, the location of windparks and transport routes have a direct impact on biodiversity</p>
<p>Relevance to ecosystems/habitats?</p>
<p>Marine ecosystems (benthic and pelagic), Coastal ecosystems. Biodiversity is mentioned in provision 1 : The high and rapidly increasing demand for maritime space for different purposes, such as installations for the production of energy from renewable sources, oil and gas exploration and exploitation, maritime shipping and fishing activities, ecosystem and biodiversity conservation, the extraction of raw materials, tourism, aquaculture installations and underwater cultural heritage, as well as the multiple pressures on coastal resources, require an integrated planning and management approach. Ecosystem services are mentioned in provision 13: In marine waters, ecosystems and marine resources are subject to significant pressures. Human activities, but also climate change effects, natural hazards and shoreline dynamics such as erosion and accretion, can have severe impacts on coastal economic development and growth, as well as on marine ecosystems, leading to deterioration of environmental status, loss of biodiversity and degradation of ecosystem services. Due regard should be had to these various pressures in the establishment of maritime spatial plans. Moreover, healthy marine ecosystems and their multiple services, if integrated in planning decisions, can deliver substantial benefits in terms of food production, recreation and tourism, climate change mitigation and adaptation, shoreline dynamics control and disaster prevention.</p>
<p>Drivers</p>
<p>In the directive, the word ‘drivers’ is not used. Human activities at sea which should be coordinated by MSP could be considered as drivers, see below.</p>

<p>In the following the possible activities to include in MSPs mentioned in the Directive are listed: aquaculture areas; fishing areas; installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy; resources, of minerals and aggregates, and for the production of energy from renewable sources; maritime transport routes and traffic flows; military training areas; nature and species conservation sites and protected areas; raw material extraction areas; scientific research; submarine cable and pipeline routes; recreation and tourism; underwater cultural heritage</p>
<p>Pressures</p>
<p>The word pressures is not used in this context in the directive.</p>
<p>Assessment of Environmental State</p>
<p>The environmental status is not described nor assessed in behalf of this directive.</p>
<p>Assessment of Status</p>
<p>The environmental status is not described nor assessed in behalf of this directive.</p>
<p>Data</p>
<p>MS shall submit plans, including relevant existing explanatory material on the implementation of this Directive, and all subsequent updates, to the EC three months after their approval. MS should inform EC about competent authorities. EC will submit to the European Parliament and to the Council, at the latest one year after the deadline for establishment of the maritime spatial plans (i.e. 2021), and every four years thereafter, a report outlining the progress made in implementing this Directive. (Art. 14)</p>
<p>Funding</p>
<p>European Maritime and Fisheries Fund (EMFF), which can be generally used for the implementation of the IMP.</p>
<p>EU funds from a number of financial programmes (LIFE, cohesion) could be envisaged for support of some measures in strategies or programmes, as well as co-funding projects.</p>
<p>Other issues to be aware of relevant to AQUACROSS?</p>
<p>Note that this directive has only just entered into force, many things such as a CIS, etc will, if at all, only be called into existence at a later stage</p>

About AQUACROSS

Knowledge, Assessment, and Management for AQUATIC Biodiversity and Ecosystem Services across EU policies (AQUACROSS) aims to support EU efforts to protect aquatic biodiversity and ensure the provision of aquatic ecosystem services. Funded by Europe's Horizon 2020 research programme, AQUACROSS seeks to advance knowledge and application of ecosystem-based management (EBM) for aquatic ecosystems to support the timely achievement of the EU 2020 Biodiversity Strategy targets.

Aquatic ecosystems are rich in biodiversity and home to a diverse array of species and habitats, providing numerous economic and societal benefits to Europe. Many of these valuable ecosystems are at risk of being irreversibly damaged by human activities and pressures, including pollution, contamination, invasive species, overfishing and climate change. These pressures threaten the sustainability of these ecosystems, their provision of ecosystem services and ultimately human well-being.

AQUACROSS responds to pressing societal and economic needs, tackling policy challenges from an integrated perspective and adding value to the use of available knowledge. Through advancing science and knowledge; connecting science, policy and business; and supporting the achievement of EU and international biodiversity targets, AQUACROSS aims to improve ecosystem-based management of aquatic ecosystems across Europe.

The project consortium is made up of sixteen partners from across Europe and led by Ecologic Institute in Berlin, Germany.

AQUACROSS PARTNERS

Ecologic Institute (ECOLOGIC) | Germany

Leibniz Institute of Freshwater Ecology and Inland Fisheries (FVB-IGB) | Germany

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO) | France

Wageningen Marine Research (WMR) | Netherlands

University of Natural Resources & Life Sciences, Institute of Hydrobiology and Aquatic Ecosystem Management Austria

Fundación IMDEA Agua (IMDEA) | Spain

Universidade de Aveiro (UAVER) | Portugal

ACTeon – Innovation, Policy, Environment (ACTeon) | France

University of Liverpool (ULIV) | United Kingdom

University College Cork, National University of Ireland (UCC) | Ireland

Royal Belgian Institute of Natural Sciences (RBINS) | Belgium

Stockholm University, Stockholm Resilience Centre (SU-SRC) | Sweden

Danube Delta National Institute for Research & Development (INCDDD) | Romania

Eawag – Swiss Federal Institute of Aquatic Science and Technology (EAWAG) | Switzerland

International Union for Conservation of Nature (IUCN) | Belgium

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1 June 2015 to 30 November 2018

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