#### **EUROPEAN COMMISSION**

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

BALTIC SEA, NORTH SEA AND LANDLOCKED MEMBER STATES MARITIME POLICY BALTIC AND NORTH SEA

Brussels.

### NOTE TO THE FILE

**Subject:** Meeting Minutes - First Meeting of Member State Expert Sub-

**Group on Maritime Spatial Planning** 

# I. Organizational Items

# 1. Work of the Expert Group

The group will continue to discuss the topics from the paper "MSP in the EU – Elements for Discussion". The essence of those discussions will go into the proposal COM is currently working on. Once the proposal is out – which will presumably be in the 4<sup>th</sup> quarter of 2012 – there will be discussion on it. Furthermore, the proposal will set cornerstones, but will leave room for specifications. This expert group should then work on specifics concerning the implementation of the proposed instrument.

# 2. Participation of the European Parliament

COM informed experts about the European Parliament's request to join the expert group meetings. COM has to inform Parliament about expert groups and Parliament in turn can request to take part in these groups. This time, COM rejected participation on formal grounds. However, future request by Parliament have to be considered. The options are that either there is direct participation in the whole or part of the meeting or Parliament can be debriefed. COM asked experts to reflect on what the best option for them would be and decide until the next meeting in September.

#### 3. Maritime Forum

COM will see to it that the Maritime Forum is functioning so that it can be used as a forum to ask questions, have discussions and share lessons learned.

# 4. Table concerning State of Play of MSP in MS

There was no discussion on the document reflecting the state of play of MSP in MS. Nevertheless, it will be made accessible on the Maritime Forum and experts should check its content and update it to the latest developments in their countries.

## 5. Next Meeting

The next meeting of the MS Expert Group on MSP will be held in Copenhagen on 11 – 12 September 2012. The meeting will be held jointly with the MS Expert Group on ICZM. The format is not quite clear yet, but COM will send information soon.

Tentative points for discussion are the link between MSP and ICZM, once more data (the latter will not be interesting for ICZM) as well as international cooperation and other points left open from the paper "MSP in the EU – Elements for Discussion".

Moreover, there was an interest to have presentations on the following topics:

- ecosystem-approach: presentation on its position in the EU legal framework (NL L. Abspoel)
- stakeholder participation (NL L. Abspoel)
- MESMA
- Presentation by the ICES MSP group (IRL E. Nixon to facilitate contact)

## II. Developments at Member State Level and Projects at Regional Level

Some experts provided an insight into their national MSP processes or regional projects in which they participated. Presentations are available on the Maritime Forum. For additional information given during Q&A see the following remarks.

# 1. Germany

- MSP legislation and Maritime Spatial Plans are in place in the coastal sea and in the EEZ. The responsibility for MSP in the sea area is divided between the Federal government (EEZ) and the coastal Länder Niedersachsen, Mecklenburg-Vorpommern and Schleswig-Holstein (territorial sea). The spatial plans of the Länder cover at the same time the land and the territorial sea in one plan. ICZM is seen as an informal instrument in contrast to the legally binding MSP.
- Given the density of activities in the North Sea and Baltic Sea EEZ, there was a need to designate areas for specific uses. But there are still areas which are not designated. There are for example areas where no wind farms can be built due to the nature of the sea bed (muddyareas).
- Experts inquired about the concept of multiple uses. In wind farm areas all activities that do not disturb energy production can be done. Multiple use of areas is encouraged, but is not a condition for a license.
- Experts also wanted to know about the compatibility of wind farms and Natura 2000 areas. In the spatial plan for the EEZ wind farms are not allowed in Natura 2000 areas. Furthermore, companies would not get feed-in-tariffs for electricity from wind turbines in Natura 2000 areas. Therefore companies are not interested in building wind farms in those areas.
  - Concerning offshore windenergy new problems will arise due to additional traffic caused by shipping for construction and maintenance or helicopter routes to fly workers in and out.

## 2. Belgium

- On procedures for information exchange with neighbouring countries: informal contacts are a first step and the input provided by neighbouring countries is taken into account. The next step is Strategic Environment Assessment and socio economic assessment. Comments not taken into account, need to be explained.
- On procedures for information exchange with neighbouring countries: informal contacts will be set up during the whole process, while a formal cross-border consultation procedure (SEA, enlarged to socio-economic issues) will be organized at a specific stage. This two-track approach should allow us to anticipate problems and to identify opportunities in good time. Of paramount importance will be a clear communication about what is expected and how the input of other countries will be taken into account.
- The authority drawing up the plan is different from the one that grants licenses. The plan is binding on all authorities. A company just has to obtain an environmental permit/license from one authority, not from numerous. However, a concession is granted by another authority.

## 3. United Kingdom

Reference was made to information policy which includes a newsletter on MSP.

#### 4. The Netherlands

- There was a question on the allocation of competences between the ministry and the government. The ministry coordinates everything while the government as a whole adopts the plan.
- Another question concerned cooperation with the UK. It was said that the
  transparency of the UK helped and cooperation was very informal, although there
  were also official meetings. The MMO quickly realized that there were many
  trans-boundary issues (as sectoral activities cross national boundaries) and started
  cooperation even before they started drawing up plans. There were contacts on
  various levels between the Netherlands and the UK.

### 5. France

- After the election of a new president in May, there has been a reorganisation of ministries. Moreover, this meeting is occurring between the two rounds of French General Elections. The new government will announce soon its policy for the sea.
- MSP has to be applied in France as well as in the French RUP<sup>1</sup> territories, according to the ENE law dated July 12<sup>th</sup>, 2010, through strategic documents adressing "maritime façades" (mainland) and "maritime basin" (overseas).
- There are numerous layers of decision-making concerning the sea in France. As there is already a very complex structure that includes stakeholders participation; additional planning and coordination should only be required where necessary in order not to burden French administrative structure.
- There was a question concerning cross-border cooperation with Spain and Italy. Cross-border issues are limited.
- Another question concerned pre-planning cooperation with the UK in the Channel. The Channel Islands are to be taken into consideration here. Furthermore, there are shipping safety issues. Concerning MSP, the pivotal point is French priorities. As an example, the current French objective for offshore

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RUP = Régions Ultra Périphériques

wind farms in 2020 (6GW) can be obtained without excessive stress. The same applies for the MPA (20% of French waters). But should these objectives considerably increased, cross border issues might increase.

# 6. Sweden

• In Sweden the municipalities have a monopoly on planning and their comprehensive plans must include their part of the territorial waters. However very few off-shore planning initiatives have been made so far. There is no EEZ planning. A new legislation on a new state MSP covering all Swedish waters, both territorial waters and EEZ, is currently under preparation. The new Swedish Agency for Marine and Water Management will be responsible for the new national MSP.

### 7. Plan Bothnia

Plan Bothnia was a project executed between Sweden and Finland and coordinated by HELCOM. The aim was to make the project as close to reality as possible. Because of the shape of the Bothnian Sea it lends itself to such an exercise. Furthermore, Sweden and Finland have a similar administrative structure and are both at similar levels concerning the implementation of MSP with an existing planning regime for the territorial waters. The planning area consisted of the off shore areas of the Bothnian Sea but the land-sea interaction was an important issue. One major issue was wind power, another fisheries and nature conservation. The regulations in the plan were based on existing planning techniques in both countries and were aimed to be directly clear and operational in the legal frameworks. The project exercise proved to be a fruitful cooperation and it showed that transboundary MSP is both possible and necessary.

See www.planbothnia.org for further information.

### 8. BaltSea Plan

BaltSeaPlan is a Baltic Sea Region programme funded project (2009 – 2012) dealing with the Introduction of Maritime Spatial Planning in the Baltic Sea. The project with 14 partners from 7 countries was coordinated by BSH. This project has produced more than 30 reports, inter alia an analysis of national maritime strategies, draft plans in a national as well as transboundary context (Pomeranian Bight and Middle Bank) and the Vision for MSP in the Baltic Sea 2030 highlighting four key issues that must be dealt with in transnational cooperation: healthy marine environment, coherent pan-Baltic energy policy, safe and efficient maritime transport as well as sustainable fisheries,

See www.baltseaplan.eu for further information.

- Cooperation with the fisheries sector was complicated notably on data. In theory data could be gathered from the systems fishermen have to use. Cooperation with fishermen improved, when it was explained to them what their interests and gains are.
- Lessons learned from Plan Bothnia and BaltSea Plan include early stakeholder participation already while drawing up the plan, a clear structure and honesty about stakeholder involvement as well as terminological clarifications in the beginning of the projects.

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• There was another question on neutrality and the ecological component. MSP is clearly identified as a tool supporting sustainable development and therefore it is neutral. Policy only influences the outcome of the process. It is beneficial to have a national strategy for every sector.

### III. Substantive discussion on MSP

Substantive debate was based on the paper "MSP in the EU – Elements for Discussion". Topics discussed were objectives for MSP, shortcomings as well as lessons learned from national MSP processes while cross-border issues and data were touched upon as well.

### 1. Objectives for and Character of MSP

- There was discussion on the objectives for and the general character of MSP. There was general agreement that MSP as a tool for decision making is a neutral, cross-sectoral, inclusive (covering all potential uses) process aiming at sustainable development. Practical priorities will have to be set by MS in a political process. That does not, however, change the character of MSP.
- As for the added value of MSP, it is a framework to solve and anticipate spatial problems. Applied, it gives investment security through clear allocation of uses to certain sea areas. Furthermore, it furthers nature conservation and creates coherent networks (e.g. Natura 2000, shipping lanes).
- Furthermore, experts made the point that MSP does not exist in a vacuum, but will be conducted within a framework of national, international and EU legislation, although the legal situation on sea is not as clear as on land. By the same token, MSP can help to further objectives of said legislation, e.g. of the MSFD, the Renewable Energy Directive and others.
- There was a suggestion to define MSP within the MSEG. Most experts though advocated for it to be left to MS how exactly the process of MSP as a management process of sea space is developed and how precise it is. There was also a point made for anticipatory planning that will also allow the integration of uses that do not yet exist.
- MSP needs to be able to take local circumstances into account, such as knowledge on certain areas or the mix of activities there.
- Moreover, the question arose how MSP can be perceived as a neutral tool when the ecosystem approach has to be taken into account. Experts agreed that the ecosystem approach is an underlying concept that does not impose priority of environmental issues. The ecosystem approach needs to be applied because the sea is an ecosystem and links are not as clear as on land. All human uses and their multiplication need (cumulative impacts?) to be taken into account to understand the area and then planning can start. The ecosystem approach lends itself to ask and answer many important questions in this process.
- COM stressed that MSP at EU level will bring no additional objectives and that the goal was to "keep it simple".
- Another point raised was transparency. The general public has to be informed about what areas of the sea are dedicated to what activity as opposed to land planning on sea there are no visible borders. In this regard, maps were identified as useful tools to communicate information, although it was made clear that MSP processes do not necessarily include drawing up of systematic maps, but plans can have different formats.

### 2. Data, Knowledge and cross-border Cooperation on Information Sharing

- Experts agreed that MSP needs to be based on knowledge. A point was made that there should be no useless compiling of any data, but only of data needed.
- Opinions varied though concerning kind and quantity of knowledge. Some argued that MSP needs to be based on scientific knowledge and that neither INSPIRE nor EMODNet were sufficient. Others stressed that although a solid knowledge base was necessary to be able to take informed decisions, there was no time and money for scientific research<sup>2</sup>. Rather already existing information should be used but needs to be better connected and usable across borders. To make it possible, existing fora should be used and other tools for cooperation need to be further researched.
- It was stressed that the MSFD provides for environmental as well as socioeconomic information that can be used for MSP purposes and vice versa. Furthermore, the private sector over the last years has gathered a huge amount of information through environmental impact assessments. Moreover, national authorities have also gathered a lot of information over the last years.
- It was suggested that COM takes a role in gathering information and future strategies of the industry from the private sector. COM suggested a stakeholder conference for the purpose of information sharing. International cooperation is needed on this area as private companies are often internationally active. Crossborder information sharing may happen informally by contacting the respective national MSP expert or in a formal manner as established by the SEA Directive, although the credo was that this process is insufficient.

#### 3. MPAs in a cross-border Context

COM inquired if it was more useful to have networks of MPAs in national frameworks or on international level. Common understanding was that information needs to be exchanged between planners in order to not destroy each other's efforts, but that they do not have enough knowledge to really plan coherent MPAs.

# 4. Lessons learned / Shortcomings identified

- It needs to be accepted that every MS has a different idea on how MSP is to be executed. The aim is to find a common notion ("chapeau") that allows for cooperation.
- Informal networks need to be strengthened ("know your counterpart", common language) as well as better used.
- There have to be early informal talks to coordinate planning between MS. The SEA procedure is not sufficient here as it is a process that comes too late in the planning process and just asks the bare minimum of cooperation. It is better to use early informal processes that are an expression of "good governance and neighbourhood".
- Cooperation between MS is difficult because of the different timing of planning phases between countries.

There is also a need for planning in this domain, in order to avoid "up" and "down" in scientific activities. It is a concern of the best use of time and money.