



EUROPEAN COMMISSION

BALTIC SEA, NORTH SEA AND LANDLOCKED MEMBER STATES

Brussels,

DRAFT MEETING MINUTES
3RD MEETING OF THE MEMBER STATE EXPERTS SUB-GROUP ON MARITIME SPATIAL
PLANNING
28 NOVEMBER 2012, BRUSSELS

I. Opening and welcome by DG Mare

The Member State Expert Sub-Group on MSP held its fourth meeting in Brussels on 28 November 2012. A list of participants I is attached (Annex 1). Mr Staffan Ekwall (Commission, DG MARE) chaired the meeting and welcomed the considerable number of experts present as that was again proof of the great interest in the topic.

II. Update on developments at Member State level

Some experts provided an insight into their national MSP processes or regional projects in which they participated. For additional information given during the meeting see the following remarks.

Latvia

- The Spatial Development Planning Law (approved by Parliament on 13.10.2011, entered into force on 01.12.2011.), Institute of Aquatic ecology is nominated to be responsible institution for elaboration of MSP. Relevant secondary legislation for Maritime Spatial Planning (hereinafter – MSP) – Regulations of Cabinet of Ministers No 740 ‘Development, Implementation and Monitoring of Maritime Spatial Plan’ (hereinafter – Regulations) was approved on 30.10.2012. In March 2013 Latvia will start a Project for drafting MSP.

Croatia

- In Croatia there is a long tradition of spatial planning including also spatial planning of the coastal zone (Marine Spatial Planning). The awareness of the importance of protecting the sea and coast from building pressures exists since 1973. Today, the Physical Planning and Building Act stipulates - through a number of development and building requirements and requirements for protecting the coastal zone – the manner in which such areas shall be planned in spatial planning documents. Croatia has recently ratified the protocol on ICZM under the Barcelona Convention. Further details will be presented at the next meeting.

Germany

- There are two on-going developments that have been undertaken :
- An Offshore Grid Plan for the exclusive zone of Germany has been developed. Public hearing was held in the end of October. There is a process of identifying clusters for offshore wind farms. Negotiations with the coastal states in Germany have been undertaken. The Offshore Grid Plan has to fit into MSP. A presentation on this plan will be made during the next MSEG-MSP meeting.
- 10 North Sea countries in cooperation with DG Energy have undertaken an Offshore Grid Initiative dealing with trans-boundary issues.

Sweden

- Work towards national legislation on MSP is progressing. A proposal will probably soon be put forward. The Swedish agency for marine and water management has now a section for MSP fully staffed that is preparing its work on a national maritime plan.

The Netherlands

- The Delta programme has been introduced- this programme is driven by safety concerns and aims; it covers particularly the coast of the Netherlands identifying safety locations. A presentation on the Delta programme will be made during the next MSEG-MSP meeting.

- **Finland**

- The Regional Council of Kymenlaakso on the south coast near Russian border has started a planning process to draw up a maritime plan which will cover its territorial waters. A regional council is a coalition of local municipalities and in charge for drafting regional land use plans. A presentation will be held by the Finnish expert during the next MSEG-MSP meeting.

- **Portugal**

- They are currently developing at national level Maritime Law for the Sea which will deal with maritime issues. It will also cover the exclusive economic zone.
- Portugal is one of the 4 countries together with Spain, UK, Ireland and participating in the new MSP pilot project in the Atlantic under the IMP programme. There will be a kick-off meeting on 3.12.2012.

- **Norway**

- Norwegian waters are normally to be managed with integrated management plans. All maritime areas (800 000 km³) are covered by such integrated management plans, which also include MSP. They are currently working on such plans for North Sea and Barents Sea. A White Paper will be presented to the Parliament in spring. They need to find a way to fit issues such as oil, gas, sailing corridors and fishing in these management plans.

Table concerning State of Play of MSP in MS

III. Update on developments and projects at regional level

Update on MSP related work in Regional Sea Conventions (HELCOM, OSPAR WG:s)

Several MS reported on recent developments on MSP related work.

- It was noted that the Member States in Council, within context of the Baltic Sea strategy, had made the commitment to implement MSP not later than 2020.

- The Commission briefed the group on the latest deliberations in the HELCOM/VASAB WG on MSP and highlighted that work is progressing towards the HELCOM and VASAB ministerial meetings in 2013 and 2014 and that at least the HELCOM ministerial is expected to adopt a declaration which inter alia will cover MSP.

- The Netherlands reflected on the outcome of the OSPAR meeting on MSP held in The Hague in October 2012. During this meeting it was made clear that MS have different needs in respect of MSP. Some MS which have less space (like NL) have more practical needs while other countries (like France for example) require more strategic future sessions. During this meeting it was decided that team sessions in correspondence with countries needs will be organised.

- Sweden reported on the meeting of the Nordic Council of Ministers held in Copenhagen. During this meeting the national needs on MSP were discussed and a questionnaire was circulated.

New pilot projects under the IMP programme. Other projects?

Koen van den Bossche (DG Mare) presented two new pilot projects under the IMP programme. The first one is a pilot project in the Atlantic in cooperation between Ireland, Portugal, UK and Spain. It will formally start on 01.12.2012. There is a kick-off meeting in this respect on 03.12.2012 in Lisbon. The second pilot project is in the Mediterranean and the call for proposals on this is to be made public in December. MS are encouraged to submit proposals.

Update on the development of a policy initiative by the Commission

COM indicated that the Commission's proposal is planned for adoption in early 2013. Some MS expressed concerns regarding the adoption of this initiative. According to the UK ICZM is informal, local process which does not have to be regulated on European level. The Netherlands due to their changing coast need flexible management and approach on MSP. They also see risks in integrating ICZM in the policy initiative on the same base as UK. According to Sweden the only way to create a coherent approach on MSP is ensure that coastal and maritime policies are linked. Germany noted that they would like to see how discussions in the group are reflected in the work of the COM.

Haitze Siemers (DG MARE) explained that the legislative proposal's main objective is to set out a framework in full respect of subsidiarity.

International (results of COP 11 of CBD) other?

The Commission indicated that an MSP working group had been created under the CBD Convention and encouraged MS to participate in this work. Poland was interested in the objectives of this MSP working group. However, it pointed out that distance should be kept from such initiatives.

IV. Sum up and continued discussion on some key MSP related topics, such as commonalities MSP/ICZM

The purpose of this agenda item was to sum up discussions during the first four meetings on some key MSP related topics, which would help MS and the COM to have a common understanding these elements.

The main conclusions from these discussions are as follows (most of these elements follows from minutes of earlier meetings of the MSP expert group):

Utility of MSP – there is a general understanding that MSP is a useful tool which facilitates the management of the sea space and can avoid conflicts between users. An MSP system should therefore be implemented at national level in EU Member States.

MS have reported on progress in implementing MSP and almost all Member States have either implemented some form of MSP or ICZM in their national legal system or are in the process of preparing such action.

Objectives of MSP process – its commonly understood that MSP is mainly a process oriented tool which ideally should be sector neutral, thereby taking into account, economic, social and environmental objectives, i.e. providing for a process where the interest of all relevant sectors can be taken into account.

The objective of the process is broader than for the Marine Strategy Framework Directive, which has the aim to obtain Good Environmental Status in marine waters.

It is also commonly understood that the MSP process should be applied in accordance with the ecosystem approach, which is a horizontal policy objective under EU law.

The sector neutral character of the MSP process does not per se mean that the setting of priorities between various sector activities has to be neutral. The priorities for the planning process can very well vary from one Member State to the next. That depends entirely on national priorities. It is however encouraged those coastal states consult with each other in order to ensure as coherent planning as possible across borders.

Legal basis for MSP – it is understood that there are no impediments under international law for Coastal States to establish a national process for MSP in the waters under their sovereignty and jurisdiction. The MSP process can be seen as a means of the Member States for exercising their rights established under international law in waters under their sovereignty and jurisdiction.

This does not however mean that the Coastal MS can establish binding spatial allocation decisions for all activities in their waters. Limitations of the coastal states in this respect follow from international law and refers to activities such as maritime transport, cables etc.

A common approach is that maritime spatial plans include not only those activities for which the Coastal state can adopt licensing decisions, but also, for information purposes, those activities which fall outside its competence (such as transport routes) in order to have as complete picture of the spatial activities as possible.

National MSP authorities – it is understood that a competent authority has to be identified in each national administration to co-ordinate and supervise the planning activities between ministries and at local, regional and national level. That authority

should also serve as a contact point in cross border consultations with neighbouring coastal states.

Stakeholder involvement – it is understood that relevant stakeholders should be involved early in the planning process to ensure that their input is fed into the process as soon as possible. The group has also discussed potential difficulties of consulting stakeholders from other coastal states which are affected by planning decisions, and solutions to improve that situation.

Cross border co-operation – the need for cross border co-operation with neighbouring states around a given sea basin is as such undisputed. It is understood that co-operation and consultation with neighbouring states should take place early on in the process with the objective of ensuring as coherent planning across borders as possible.

There are no firm recommendations as to the specific structures for that cross border co-operation; such structures can vary considerably from one region to the next. One option for formalised co-operation is the establishment of MOUs between the competent authorities in each Coastal State.

Role of regional sea conventions, Ices etc – it has been noted that MSP discussions are not only taking place at EU level, but also in Regional Sea Conventions, ICES and other international fora. It is understood that these discussions and efforts should complement each other and not lead to double work.

Data sharing issues – it is understood that planners need spatial data for all different activities. This requires the development of data sharing tools of existing data, which include cross border sharing of data which are relevant in cross border areas. The working group has discussed these issues in length and recommended that a dedicated workshop should take place during the course of 2013 which could bring together the constructors of data sharing tools and planners.

Coherence with ICZM and land planning– it commonly understood that MSP activities to the greatest extent possible should be coherent with land planning activities and measures under the ICZM, to ensure appropriate land/sea interaction. The working group has noted that the application and understanding of the concept of ICZM varies considerably from one MS to the next. For that reason, further work to elaborate these relationships will take place. The next meeting of the group will be a joint meeting of the MSP and the ICZM expert groups.

Strategic Environment Assessments – it is understood that maritime spatial plans fall under the application of the SEA Directive. An assessment of the impact of the plans will therefore have to be made under that directive. In addition, specific impact assessment for individual development projects (such as a wind-park) will have to be done under the Environmental Impact Assessment Directive.

Concerning the next steps, COM indicated that it intends to brief the Member States Expert Group on Integrated Maritime Policy (for which this Expert group is a subgroup) on progress so far, with a view also to reflect also the future work of this Group. The next meeting of the IMP expert Group is taking place on 11 December 2012. Member States were requested to reflect on further work. Some Member States suggested that work for the next meetings should focus on the legislative proposal of the Commission, order to facilitate and avoid too technical discussions in Council. The Irish Presidency for 2013 will reflect upon this.

V. Stakeholder workshops on MSP in 2013

It was agreed that MS will send to the COM their ideas and possible topics for discussions regarding the stakeholder workshops on MSP. COM is responsible for setting dates in 2013 for all workshops. The proposal for these stakeholder workshops will be main issues to discussion in next MSEG-MSP meetings.

VI. Next Meeting

The next meeting will take place at the premises of DG ENV in Brussels, Beaulieu, BU 5 on 19 February 2013. This will be a joint meeting between the MSP and ICZM expert groups.