



Parlamentul României
Senat

Bucharest, 13th May 2013
Courtesy translation

OPINION

**of the ROMANIAN SENATE, on the
Proposal for a Directive of the European Parliament and of the Council establishing a
framework for maritime spatial planning and integrated coastal management**

COM(2013) 133 final

The Senate of Romania has checked the compliance with the subsidiarity and proportionality principles of **the Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management – COM (2013)133 final**, according to the provisions of the Treaty of Lisbon (Protocol no.2).

Taking into account the common report of the Committee for european affairs and the Committee for public administration, organization of the territory and protection of the environment, **the Plenum of the Senate**, during its session of the 13th May 2013, has decided the following:

1. – After assessing the substance of the proposal the Senate adopted the following amendments (amendments which, if adopted, would bring out the text of the proposal from the failure of conformity with the subsidiarity and proportionality principles):

a) Art. 2 paragraph 3 – shall have the following content:

“3. The provisions of this Directive shall be without prejudice to Member States’ competences for country planning **and urbanism**”.

b) Art.8 paragraph 2 – is to be completed with the following subpoints:

g) management of natural (marine erosion – loss of coastal areas and beaches) and industrial (SEVESCO sites) risks

h) economic development, including tourism development

- i) territory structure - transport infrastructure and network of settlements
- j) human resources
- c) Art.13 – is to be completed, as following:

"The European Commission ensures a mechanism for initiating and funding (by DG MARE and EFF or other tools) the coordinating projects of spatial planning plans that provide the integrated management of coastal areas and of national maritime spatial planning between Member States and third countries".
- d) Art. 18 paragraph 1 – shall have the following content:

"1. Each Member State shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within **24 months** after its entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions".

2. In terms of subsidiarity principle, the Senate considers that the proposal, amended, is in conformity with the subsidiarity principle set out in Article 5 of the Treaty on European Union (TEU). Issues such as the actual choice of measures, location of investment, priority setting and determining solutions are matters on which decisions are taken at national or local level. The planning process as such should be carried out by the authorities in the Member States in accordance with their national governance and constitutional structures, as well as with their national sectorial policy priorities; to the greatest possible extent, this process should be build on existing mechanisms and policies.

3. In terms of added value of the EU action, the Senate considers that this is to ensure and rationalize the actions of Member States on maritime spatial planning and integrated coastal management in order to ensure a consistent and coherent implementation across the EU and to provide, in the field of maritime spatial planning and integrated coastal management, a framework for cooperation between Member States which have common marine regions and subregions. The cross-border cooperation regarding the maritime spatial planning and integrated coastal management in EU marine regions and subregions is essential, because the marine ecosystems, fishing grounds, marine protected areas and maritime infrastructure such as cables, pipelines, waterways, oil and gas installations, wind turbines, etc. cross the national borders.

4. In terms of proportionality principle, the Senate considers that the proposal, amended, is in conformity with the proportionality principle set out in Article 5(4) TEU. The proposal is limited to obliging Member States to set up or maintain a process or processes for maritime spatial planning and integrated coastal management. It establishes a set of minimum requirements for these processes, building on existing experience in Member States and enabling their incorporation and continuation under a common EU framework.

5. In conclusion, the Senate considers that the proposal of directive, as amended, is in conformity with the principle of subsidiarity and proportionality as set out in Article 5 of the TEU.


p. PRESIDENT OF THE SENATE
CRISTIAN-SORIN DUMITRESCU