Subject: Report from the Working Group follow-up to the EU ICZM Recommendation
Re: Version 3, final.

1. INTRODUCTION

The evaluation of the EU ICZM Recommendation in 2007\(^1\) concluded that the substance of the Recommendation, its approach and principles, remained valid, although the formal reporting and evaluation timeline of the Recommendation ended in 2006. While the focus for the immediate future should lie on further support to the implementation of ICZM, the evaluation indicated that for the medium- to longer term, the need for a new instrument would be reviewed\(^2\). On the one hand, the national strategies, or other ICZM activity, based on the EU ICZM Recommendation were only just adopted in 2006 with limited implementation experience. On the other hand, since 2002 and the adoption of the EU ICZM Recommendation, the EU policy context has significantly changed, with the adoption of new sectoral instruments as well as horizontal policy initiatives (especially the implementation of the Water Framework Directive, the adoption of the Marine Strategy Framework Directive and the emergence of the overarching Maritime Policy with tools such as maritime spatial planning). Moreover, the Protocol on Integrated Coastal Zone Management (Barcelona Convention) is the first significant step in the development of international legislative instruments for ICZM, although ratifications are awaited and the Protocol has not yet entered into force.

Against this background, the Commission envisages proposing a follow-up to the EU ICZM Recommendation in (late) 2010. The process to define the follow-up to the EU ICZM Recommendation must be accompanied by an impact assessment, in accordance with the Commission procedures\(^3\). The impact assessment process includes use of expertise and consultation.

At the 8\(^{th}\) meeting of the EU ICZM Expert group in Venice, 27 November 2008, DG Environment invited the ICZM expert group to set-up a Working group with the purpose of providing early stage, strategic orientations in the process leading to the follow-up to the EU ICZM Recommendation ("scoping"). The Working group met on 16/17 March 2009 (mandate and participants of the Working group in annex).


This report provides the results of the discussions held by the Working Group and its orientations for the future of the EU ICZM Recommendation.

2. LESSONS FROM THE EU ICZM RECOMMENDATION IMPLEMENTATION EXPERIENCE

Based on the experience with the implementation of the EU ICZM Recommendation a number of key positive aspects can be identified, as well as weaknesses of the instrument that respectively improved or failed to fully support the effective implementation of ICZM. The purpose here is not to duplicate the extensive evaluation of the Recommendation performed in 2006/2007, rather to identify those key elements that should be maintained, strengthened, modified or abandoned with a view to the follow-up to the Recommendation.

- The EU ICZM Recommendation was instrumental in raising awareness to the need for integration and sustainable development in the coastal zones. While not all EU coastal Member States delivered a strategy as requested by the Recommendation, the majority of the coastal Member States reported in 2006 on actions they developed further to the Recommendation and they endeavoured, be it to varying degrees, to take the Recommendation on board in the planning and management of their coastal zones. Although rather general, the set of common principles contained in the ICZM Recommendation constitutes a clear reference to orientate coastal planning and management towards more sustainability.

- The reporting request in the Recommendation facilitated in Member States the bringing together of different departments and stakeholders around coastal zone management issues. The reporting request, even more so than the strategy request contained in the Recommendation, provided a clear calendar and focus to national processes.

- That being said, while the Recommendation aims at integration across sectors, the Recommendation attracted more clearly environmental constituencies as pro-active players in most national processes. The need to progress in the area of environmental sustainability is however a key concern, especially in those coastal zones experiencing continued urbanisation pressures. The Recommendation seems to stimulate insufficiently a sense of "ownership" by a broader range of sectors and hence limited willingness or true engagement into ICZM strategies or joined actions. Also the non-binding nature of the Recommendation implies that in setting political and/or funding priorities, ICZM is not featured very well.

- The difficulty in bringing about durable change reflects the still predominant situation whereby coastal actors react mostly to a specific (local) problem or perceived urgent issues. In absence of urgent problem(s), a sustained engagement in coastal planning and management of a broader range of actors and stakeholders is rarely achieved. Incremental changes (e.g. linked to diffuse urbanisation of coasts, loss of diverse socio-economic fabric) are not captured in-time to be effectively addressed.

While the ICZM Recommendation stimulated awareness, it thus seems insufficient alone to turn the awareness into durable implementation of ICZM strategies.
Compared to the current substance of the Recommendation, more focussed action plans may need to be preferred over general strategies. The substance of the Recommendation needs to be made more specific and concrete.

- The Recommendation requested a seemingly straightforward sequence of a stock-take followed by an ICZM strategy. In practice few Member States have followed this sequence. Firstly the building-up of a sound knowledge base to coastal planning and management is a much more fundamental and recurrent issue than a "stock-take" suggests. The gathering and shared use of information is central to ICZM and is as much part of a strategy itself as a preliminary step towards an informed strategy. The building up of a coherent knowledge-base needs to be more profiled in the follow-up to the Recommendation.

- Secondly, the Recommendation provides only general aims and principles. While the common ICZM principles remain relevant and constitute a major achievement of the Recommendation, for the actual implementation of ICZM, after the first strategies and actions, more specific orientations are now needed. The tools and deliverables can be made more precise (e.g. like in the ICZM Protocol to the Barcelona Convention), providing a clearer sense of objectives and/or preferred development orientation (e.g. containment of urbanisation). The relevant level or scale for the setting of specific objectives needs to be examined (see section 4 below). An option allowing the necessary flexibility would be a general objective to be further specified on the basis of a number of parameters (e.g. annexes to the Marine Strategy Framework Directive). The question also arises to what extent it is feasible to cover, in principle, all sectors and activities in the coastal zones. Providing a reduced set of sectors and/or activities at the outset at EU level could well defy the purpose of "integrated" management. In any case, some form of "vision" needs to be made explicit to provide a common platform among actors and stakeholders, setting out the priorities and development orientations, as well as providing the basis for a coherent framework of actions or measures.

- Thirdly, although the Recommendation provides suggested contents for the national ICZM strategies, most Member States did not start from scratch and ICZM is embedded in longer traditions of coastal management. More than a "new" strategy the emphasis is placed on building onto and improving existing policies and instruments. Moreover, the notion of strategy does not provide a clear counterpart in some Member States' national implementation tools and it may suggest a too open-ended deliverable.

- To combine a more specific substance with the necessary flexibility for implementation in Member States, it may be preferable to define the overall deliverable of ICZM at Member State level in terms of a programme of measures or an action plan, based on a list of parameters and a menu of measures (e.g. annexes to the Marine Strategy Framework Directive).

- To be effective and maintained in the long-term, ICZM should be based on a clearly focussed and visible instrument.

- Compared to the current ICZM Recommendation, the substance should be made more specific.

- Emphasis is to be placed on delivery of a programme of measures, a coherent built-up of the knowledge-base.
Since the adoption of the EU ICZM Recommendation, the policy and legislative context has significantly evolved. In particular the Marine Strategy Framework Directive and the overarching EU Integrated Maritime Policy have strengthened the EU policies in the marine area. This raises the question where ICZM adds most value in the current EU policies' context, and whether there are gaps in policy and/or instruments for sustainable coastal development.

- The ICZM Recommendation at present is the only instrument that clearly promotes integration across the **land-sea boundary** over a range of issues. Using the full scope of the coastal space, as a continuum of land and sea, is important for coherent development as well as for effective protection of the environment. But while the Recommendation includes the integration over the land-sea boundary as a strategic aim, it remains still a weak point when it comes to actual implementation with most attention being paid to terrestrial and shoreline issues. Consequently, the capacity to cover land and sea parts of the coastal zones should be maintained in the follow-up to the Recommendation.

- While the Integrated Maritime Policy identified the need for maritime **spatial planning** to address the significant gap in planning frameworks and practice for off-shore development, there is a longer tradition of spatial and land-use planning in the terrestrial part of the coastal zone. Typically, various types of plans and programmes overlay and interact, ranging from more strategic or structure plans to sectoral management plans. Depending on the set-up of spatial planning systems in Member States, there is more or less scope to deliver ICZM (mostly) in connection with their spatial planning systems.

- A key added-value of ICZM is its focus on early stage integration, pre-empting conflicts linked to formal and specific designations of land- or sea use. However a limitation to only a spatial or land-use plan is insufficient to address the complexity of coastal issues. The coherence and **integration of other instruments** addressing the drivers of coastal change (e.g. economic instruments, land policy) is as critical to achieve. Moreover implementation and **management** needs are not necessarily addressed by spatial planning. Hence, while spatial planning, land and sea, is an essential back-bone to promote the sustainable development of coastal zones, it is not necessarily enough. The often fragmented terrestrial planning context may in itself hinder efficient integration.

- The main added-value of ICZM continues to be the focus on **integration** and the provision of a visible **sustainability instrument for coastal zones**, where other available policies and instruments have a much broader spatial scope in which the needs of coastal zones cannot sufficiently be reflected (e.g. national sustainable development strategies) or address only a subset of predominantly environmental issues.

- Criteria for setting objectives and/or constraints on development are often based on or developed within sectoral frameworks. In order to facilitate integration in a given area, a coherent, **joined-up development of objectives** is fundamental and requires attention as from the design of policies and EU/national level legislation.
While the Recommendation, primarily addresses implementation in and by Member States, the continuous development of policy initiatives at EU and international levels impacting the coastal zones remains a concern. The long-time span for implementation of integrated approaches should be better recognised. Alongside a follow-up to the Recommendation, policy coordination and dissemination should be a priority. The OURCOAST initiative should assist in disseminating best practice of coordinated implementation of EU policies and legislation. Moreover, a more proactive and early identification of relevant policy initiatives, and provision of a platform for discussion should be pursued (e.g. as part of Integrated Maritime Policy structures, covering internal Commission coordination, exchanges between Commission-Member States and stakeholders, as well as international fora where Commission and Member States are represented). Furthermore the capacities in integrated spatial analysis and spatial impact assessment should be strengthened (EEA/ESPON, and relevant 7th Framework projects such as PEGASO).

- ICZM should address the continued need for integration in planning and management across the land-sea boundary.
- The main added-value of ICZM lies in integration and the provision of a sustainability instrument for coastal zones.
- Coherence as from the design of policies should be a priority, including the development of initiatives at the EU and international level.

4. Objectives and Target Setting at Different Levels of Governance

- The EU ICZM Recommendation currently provides general aims, encouraging Member States to take a strategic approach to coastal zone management based on aims covering the three pillars of sustainable development (e.g. protection of the coastal environment, sustainable economic and employment opportunities, functioning social and cultural systems; Chapter I of the EU ICZM Recommendation).

- The principles contained in the EU ICZM Recommendation relate more clearly to process and improving governance. A few principles provide also in a general manner orientations for substantial choices of coastal development ("precautionary principle", respect of "carrying capacity"). Implementation of ICZM is characterised by stakeholder involvement, cross-sector and institutional coordination, reflecting the basic governance principles. The process is also critical to “translate” sectoral policies into coherent place-based strategies or plans under an overall objective of integration and an eco-system based approach to coastal planning and management, the parameters for setting objectives, scales and systems to be taken into account, and the characteristics of the process. Owing to subsidiarity the identification of issues and the setting of priorities need to be dealt with at the lowest possible level, to correspond at best to the needs of coastal communities. In this sense ICZM appears more focussed on process and improving governance is an objective in its own right. The process however is not neutral and must be orientated to deliver more sustainable coastal development.

- While the general aims as expressed in the current ICZM Recommendation are still relevant, the question arises to what extent more specific objectives can be set, and particularly what the appropriate level would be to define such objectives and targets. While the development of sustainability indicators (e.g. DEDUCE) allows comparing
and benchmarking across different coastal zones in Europe, the definition of common specific quantified objectives and targets is hampered by the diversity of coastal situations. Moreover, the scientific evidence and knowledge to support the establishment of (absolute) sustainability thresholds is not generally available. Instead, the direction of change (trends) towards more sustainability may be more realistic to focus on.

- Objectives and targets linked to governance and the process are mostly expressed in terms of deliverables (e.g. national strategies; items of ICZM progress indicator). With a view to a follow-up of the Recommendation, a more precise set of deliverables and tools needs to be specified, as well as some form of quality parameters for these deliverables and purpose for tools within ICZM. Enough flexibility must be built in though to allow Member States to choose the most relevant and effective “mix” of instruments to fit the national context (e.g. though the use of a list type of menu or parameters in an annex). Moreover, to avoid undue administrative burden, the aim should not be to merely create additional obligations for plans or other tools, rather to seek a better coherence and nesting of plans and programmes.

- In this context the question of the geographical scope of the coastal zone arises and to what extent the coastal zone should be more clearly defined. The EU ICZM Recommendation is based on the understanding that the issue(s) determine(s) the necessary scope of action (geographical extent, relevant actors and authorities). Administrative boundaries however do hardly correspond to issues. Planning and management across the land-sea boundary is often compounded by the existence of separate administrative and regulatory regimes at either side of the boundary. The boundaries of other relevant systems and the interactions between systems are not yet always sufficiently understood or documented in such a way to facilitate integration (e.g. ecosystems boundaries, sediment-water systems, urban hinterland dynamics, employment basins, economic networks, etc.). Moreover, administrative boundaries vary significantly as well across the EU (e.g. “national level” covers in EU Member States shoreline lengths from below 100 km to over 15,000 km).

- The coastal zone should therefore not be narrowly defined upfront at the level of an EU instrument. It will be necessary to detail more the different boundaries and scales that should be taken into account.

- The overall objective could be formulated in terms of delivery of and ensuring an integrated and eco-system based approach to planning and management of coastal zones;
- Specific objectives and targets can be formulated through a governance process, defined by (revised) ICZM principles and criteria;
- The main deliverable could be a programme of measures or an action plan, based on a list of parameters and a menu of measures;
- The scales for analysis, setting of objectives and actions should be specified, leaving flexibility to adapt existing initiatives and structures to need.

5. REGIONAL SEA LEVEL SPECIFICITIES

- The EU ICZM Recommendation indicated the need for cooperation with neighbouring states and in regional seas context. The national strategies and reports are
up to now predominantly concerned with implementation of ICZM within Member States, which is not surprising in a first phase of implementation.

- With a view to designing a follow-up to the EU ICZM Recommendation, and in particular to make it more operational and with a more specific contents, the question arises to what extent a distinction should be made between “common” elements and “specificities” of regional sea basins that may require an adapted approach.

- The regional seas, and sub-divisions, provide the opportunity for synergetic development and joined protection strategies. This is more obvious in enclosed or semi-enclosed sea areas, and in adjacent coastal zones (distance).

- Although there is a clear commonality of issues in European coastal zones, the precise nature, mix and intensity of problems vary, as well as the possible responses. Although the regional seas form the obvious geographic areas for stepping up cooperation, the European regional seas are characterised by significant diversity along their shores. This concerns physical features, landscape and environment (e.g. morphology, elevation, urbanisation, etc.), as well as the socio-economic context (e.g. population, GDP). The governance ‘culture’, the administrative and regulatory context is mostly determined by the Member States level. The establishment of common specific objectives, targets and responses to problems will therefore not always be easier at regional sea level compared to the EU.

- Cooperation in the regional seas context is particularly relevant to ensure a coherent development and use across the land-sea boundary and shared sea space;
- In-depth cooperation is necessary in neighbouring coastal zones across administrative borders, within and between countries.

6. POLICY OPTIONS TO BE EXPLORED FOR A FOLLOW-UP INSTRUMENT TO THE EU ICZM RECOMMENDATION

- In accordance with the Commission impact assessment guidelines, this section deals with the selection of possible policy options for a follow-up instrument(s) to the EU ICZM Recommendation, which subsequently will be included in a more detailed impact assessment study.

- The no change / no new EU action option is mandatory, and should provide a baseline to compare the impacts and cost-benefit ratio of the selected alternative policy options. An unchanged Recommendation (and ensuing Member State strategies), and other relevant initiatives (legislative, Commission Communications, programmes) are part of the existing basis for action and impacts achieved, and hence are included in the base-line assessment.

- Given that ICZM is currently based on a Recommendation and that this Recommendation was able to support some positive progress in ICZM in most coastal Member States, the option of a revised Recommendation is considered. The Recommendation is likely to allow a more comprehensive and ambitious setting of the scope and objectives, compared to options based on a legally-binding instrument. The lacking binding character may be a weakness though to support effective implementation over a longer time-span.
The Directive is binding upon each Member State as to the result to be achieved, but leaves to the national authorities the choice of form and methods. Given the broad nature of ICZM and the need to leave room for adaptations by and within Member States, a Framework Directive would be the most appropriate legally binding option.

Both the option of a Recommendation and a Directive are addressed at the Member States. Cooperation within regional seas context and with third countries can be addressed in both type of instruments, but it is more difficult to address at the same time issues concerning the EU institutions. For ICZM, the coordination of policies/legislation is an important factor at EU level.

An option to consider may therefore be a form of programme at EU level, which could take the form of a Decision (e.g. 6th Environmental Action Programme). Emphasis in this option would be on collective actions and commitments to support ICZM, rather than a more detailed framework for implementation of ICZM in and by Member States. An EU ICZM strategy or programme, in the form of a Commission Communication, supported by conclusions from Council and opinion from Parliament, is unlikely to make much difference compared to the current status or no-new action option and is hence not assessed separately.

Working through instruments of Regional seas conventions, may be an option to address in particular the different regional contexts. The ICZM Protocol to the Barcelona Convention has already been signed by the EC. Although ICZM is part of working groups etc. in other regional seas conventions, the scope of these conventions are not as clearly encompassing the terrestrial part of the coastal zone as is the case in the Barcelona Convention. In some regional sea conventions there is only marginal experience with ICZM and they may be more environmentally focussed than on the three pillars of sustainable development. The type of instruments available also varies among conventions (protocol, recommendation, action plan). This option should therefore best be considered as a complement to the other options above.

The Regulation is binding in its entirety and directly applicable in all Member States (e.g. regulations Cohesion policy, EMAS-regulation). Given the need to allow flexibility and adaptation between Member States as well as at national and sub-national levels, this option seems not very realistic for an ICZM instrument.

Besides the assessment of the “no new action” option, the impact assessment should include the following options:

- revised Recommendation,
- Framework Directive,
- Decision, setting out a programme for ICZM at EU level.
Annex: Working Group Participants

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1. Background

The evaluation of the EU ICZM Recommendation in 2007\(^4\) concluded that the substance of the Recommendation, its approach and principles, remained valid, although the formal reporting and evaluation timeline of the Recommendation ended in 2006. The focus for the immediate future should lie on further support to the implementation of ICZM.

The evaluation indicated that for the medium- to longer term, however, the need for a new instrument would be reviewed. In 2006 the national strategies for ICZM were just at adopted in most cases; this implies that the real progress in ICZM implementation and the effectiveness of the Recommendation need to be revisited and re-orientation established if necessary. From the adoption of the Recommendation in 2002 to the evaluation of the Recommendation in 2007, a number of sectoral policies as well as horizontal initiatives have evolved, and hence the context in which the ICZM Recommendation operates has changed. This calls for a re-assessment of the needs and most effective means to support ICZM in the longer term.

The Commission envisages proposing a follow-up to the EU ICZM Recommendation in (late) 2010. The process to define the follow-up to the EU ICZM Recommendation must be accompanied by an impact assessment, in accordance with the Commission procedures\(^5\). The impact assessment process includes use of expertise and consultation.

2. Purpose and output

The purpose of the Working Group is to provide strategic orientations in the early stage of the process leading to the follow-up to the EU ICZM Recommendation ("scoping"). These orientations will be set out in a report from the Working Group.

The Working Group shall focus on the following aspects: Problem definition, Objectives and Options, in line with the Impact Assessment guidelines\(^2\) and include the following (draft) key issues to be defined and completed at the first meeting of the Working Group:


• Identification of the main positive aspects and the main obstacles encountered in the implementation of the ICZM Recommendation. Appreciation of the substance of the current Recommendation compared to the implementation needs.

• Identification of added-value of ICZM in context of existing policies and instruments, including identification of possible gaps in policy and/or instruments for sustainable coastal development.

• Identification of main objectives to be pursued by EU ICZM policy, in particular the balance of sustainable development and process or governance objectives. Exploration on what type of targets (time/substance) could be set to attain the objectives.

• Characterisation of possible differentiation between essential common ICZM policy elements versus regional seas level adaptations.

• Characterisation of the possible policy options for a follow-up instrument(s) to the EU ICZM Recommendation. This will lead to the identification of circa 4 options for inclusion in a detailed impact assessment study. The Working Group shall not attach priorities or preference to the options identified.

3. Participation

The Working Group is open to all members of the EU ICZM Expert Group or their alternates. The experts act solely in their capacity as ICZM experts.

DGEnvironment will chair the meetings and act as its secretariat.

Depending on budget availability DGEnvironment will offer travel cost reimbursement for the meetings.

4. Timing

The Working Group established its working methods (meetings, e-mail exchanges) and calendar according to need. Indicatively 1 to maximum 2 meetings are foreseen, with inter-sessional e-mail exchanges. A final report from the Working Group should be available by early September 2009.

The Working Group reports to the EU ICZM Expert Group, for discussion in a plenary meeting. In addition to the final report of the Working Group, it may chose to discuss interim results in a plenary meeting.

DGEnvironment will use, but shall not be limited to the Working Group's report and the discussion in the plenary EU ICZM Expert Group, to inform the Impact Assessment process and its proposal for a follow-up to the EU ICZM Recommendation.