



Department  
for Environment  
Food & Rural Affairs

# Maritime Spatial Planning and Integrated Coastal Management Proposed Directive

Steve Collins  
Marine Planning & Coastal Integration Team  
Date: 22 January 2014

# Overview

## To cover

- The proposed Directive
- UK and others views
- EU consideration stages
- Next steps



# Proposal

- Published 13 March 2013.
- Establishes a **framework** for maritime spatial planning and integrated coastal management aiming at promoting the sustainable growth of maritime and coastal economies and the sustainable use of marine and coastal resources.
- The key requirements are:
  - that Member States implement MSPs and ICMs
  - cooperate with neighbouring Member States and third countries, and
  - promote information and data sharing.

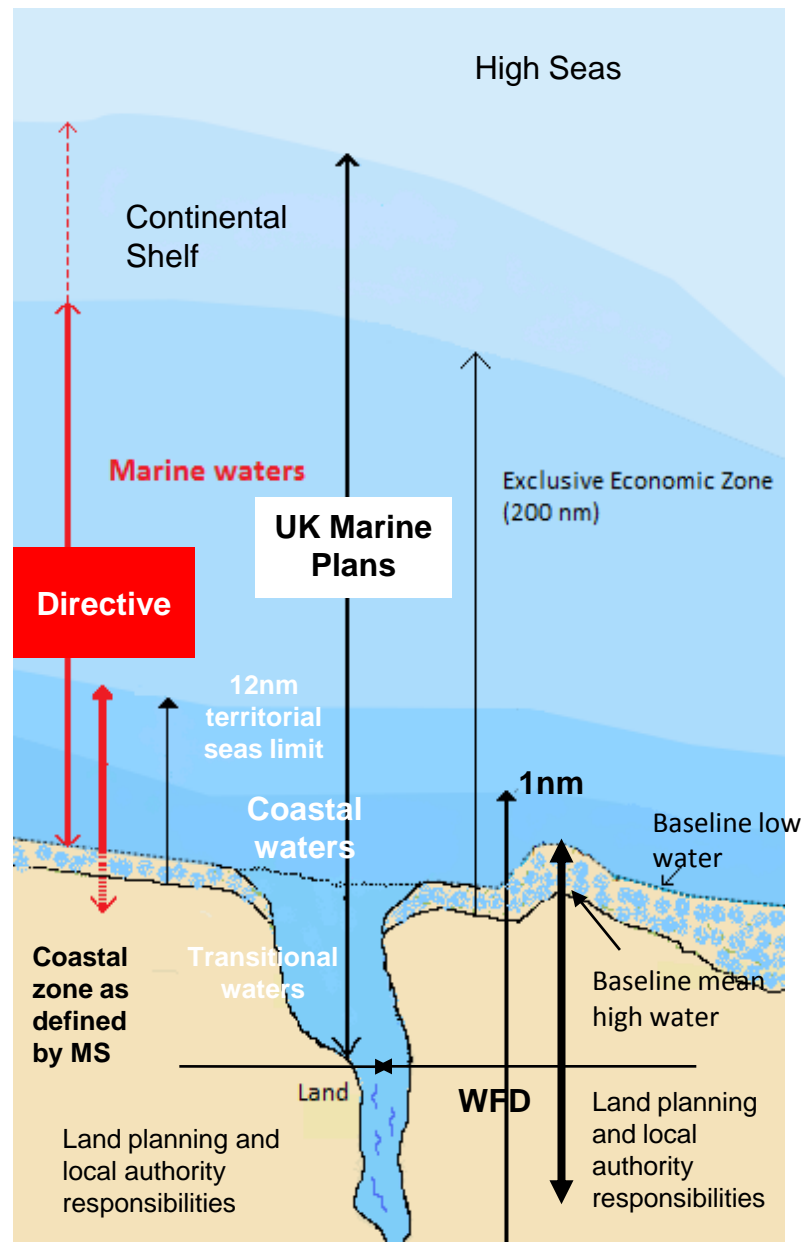


# Scope and Definitions

- **Scope –**
- Art 2 (1) - The provisions ...shall apply to marine waters and coastal zones.
- Art 2 (3) - The provisions ...shall be without prejudice to Member States' competences for town and country planning.
  
- **Definitions**
- Art 3 (1) - '**Coastal zone**' means the geomorphologic area on both sides of the seashore area with as the seaward limit the external limit of the territorial seas of Member States and as the landward limit, the limit as defined by the Member States in their integrated coastal management strategies.
  
- Art 3 (4) - '**Marine waters**' means the waters, the seabed and subsoil as defined in Article 3(1) of Directive 2008/56/EC. [MFSD]

# Boundaries

- With other well known boundaries
- Note that scope of Directive (red lines) does not include estuaries



## Art 4 - Establishment and implementation of maritime spatial plans and integrated coastal management strategies

- Art 4 (1) - Each Member State **shall establish and implement a maritime spatial plan or plans and an integrated coastal management strategy or strategies.**
- Art 4 (2) - Maritime spatial plans and integrated coastal management strategies **shall pursue the objectives listed in Article 5 and fulfil the minimum requirements referred to in Articles 6, 7 and 8.**
- Art 4 (4) - Maritime spatial plans and integrated coastal management strategies may include or build on mechanisms that have been or are being established before the entry into force of this Directive, provided their content is in conformity with the minimum requirements specified in Articles 6, 7 and 8.

## Art 5 - Objectives of maritime spatial plans and integrated coastal management strategies

- Maritime spatial plans and integrated coastal management strategies **shall apply an ecosystem-based approach** to facilitate the co-existence and **prevent conflicts** between competing sector activities in marine waters and coastal zones, and **shall aim to contribute to:**
  - a. securing the **energy** supply of the Union by promoting the development of marine energy sources, the development of new and renewable forms of energy, the interconnection of energy networks, and energy efficiency;
  - b. promoting the development of maritime transport and providing efficient and cost-effective **shipping** routes across Europe, including port accessibility and transport safety;
  - c. fostering the sustainable development and growth of the **fisheries** and aquaculture sector, including employment in fisheries and connected sectors;
  - d. ensuring the preservation, protection and improvement of the **environment** as well as the prudent and rational use of natural resources, notably in order to achieve good environmental status, halt the loss of biodiversity and degradation of ecosystem services and reduce marine pollution risks;
  - e. ensuring climate resilient coastal and marine areas.

## Art 6 - Common minimum requirements for maritime spatial plans and integrated coastal management strategies.

Art 6 (1) - Maritime spatial plans and integrated coastal management strategies **shall establish operational steps to achieve the objectives as set out in Article 5...**

Art 6 (2) - In doing so, maritime spatial plans and integrated coastal management strategies shall, at least:

- be mutually coordinated, provided they are not integrated;
- ensure effective trans-boundary cooperation between Member States, and between national authorities and stakeholders of the relevant sector policies;
- identify the trans-boundary effects of maritime spatial plans and integrated coastal management strategies on the marine waters and coastal zones under the sovereignty or jurisdiction of third countries in the same marine region or sub-region and related coastal zones and deal with them in cooperation with the competent authorities of these countries in accordance with Articles 12 and 13;



## Art 7 - Specific minimum requirements for maritime spatial plans

- Art 7 (1) - Maritime spatial plans shall contain at least a mapping of marine waters which identifies the actual and potential spatial and temporal distribution of all relevant maritime activities in **order to achieve the objectives as set out in Article 5.**
- Art 7 (2) - When establishing maritime spatial plans Member States **shall take into consideration, at least**, the following activities:
  - **installations for the extraction of energy and the production of renewable energy;**
  - **oil and gas extraction sites and infrastructures;**
  - **maritime transport routes;**
  - **submarine cable and pipeline routes;**
  - **fishing areas;**
  - **sea farming sites;**
  - **nature conservation sites.**

## Art 8 - Specific minimum requirements for integrated coastal management strategies

- Art 8 (1) - Integrated coastal management strategies shall contain at least, an inventory of existing measures applied in coastal zones and an analysis of the need for additional actions **in order to achieve the objectives set out in Article 5.**
- Art 8 (2) - When establishing integrated coastal management strategies, Member States **shall take into consideration, at least**, the following activities:
  - **utilisation of specific natural resources including installations for the extraction of energy and the production of renewable energy;**
  - **development of infrastructure, energy facilities, transport, ports, maritime works and other structures including green infrastructure;**
  - **agriculture and industry;**
  - **fishing and aquaculture;**
  - **conservation, restoration and management of coastal ecosystems, ecosystem services and nature, coastal landscapes and islands;**
  - **mitigation and adaptation to climate change.**

- Art 9 (1) Member States shall establish means for the public participation of all interested parties at an early stage in the development of maritime spatial plans and integrated coastal management strategies.
- Art 10 (1) - Member States shall organise the collection of the best available data and the exchange of information necessary for maritime spatial plans and integrated coastal management strategies.
- Art 11 - Maritime spatial plans and integrated coastal management strategies are subject to the provisions of Directive 2001/42/EC. [**SEA Directive**]
- Art 12 (1) -Each Member State bordering a coastal zone or maritime area of another Member State **shall cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated** across the coastal zone or marine region and/or sub-region concerned.
- Art 13 - **Member States bordering a coastal zone or maritime area of a third country shall make every effort to coordinate** their maritime spatial plans and integrated coastal management strategies

- Art 14 – **Competent authorities**
- Art 14 (1) Each Member State shall designate for each coastal zone and marine region or sub-region concerned, the authority or authorities competent for the implementation of this Directive, including to **ensure cooperation** with other Member States.
  
- Art 16 - **Implementing acts**
- Art 16 (1) - The Commission may, by means of implementing acts, adopt provisions on – (b) the operational steps for the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:
  - coherence of reporting obligations under this Directive with other relevant Union legislation;
  - monitoring and revision cycles;
  - cross-border co-operation modalities;
  - public consultation.

# Art 18 - Transposition

- Art 18 (1) - Each Member State shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within **18 months** after its entry into force at the latest.
- Art 18 (2) - [Competent authorities] shall be designated within **18 months...**
- Art 18 (4) - The maritime spatial plans and integrated coastal management strategies referred to in Article 4(1) shall be established within a period of **36 months...**



- Legal basis – transport, fisheries, environment, energy
- Legal argument – 192 (1) / 192 (2) of The Treaty on a Functioning European Union (TFEU) – Unanimity or Qualified Majority
- Barcelona convention - ICZM protocol
- Contracting parties -
  - European Community, Albania, Algeria, Croatia, France, Greece, Israel, Italy, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia,
  - only ratified by 6 (which was enough) – Spain, Slovenia, France, Albania, Morocco and Croatia.

# UK Government views

- UK fully recognises the benefits of MSP and ICM
- The European Commission recognises that the UK is at the forefront of the implementation of IC(Z)M and marine planning.
- Although opposed to binding legislation as we don't believe EU legislative action is required we understand why the Commission are proposing the Directive and are working constructively to ensure that the Directive does not undermine implementation across the UK.
- Pleased that the Commission had taken on board many of the UK concerns before publication. However we and several other Member States consider the draft is **too detailed and prescriptive** and goes far beyond what is expected of a Framework Directive.
- In particular, substantive changes are required to articles 5 (objectives), 6 (operational steps or targets) 16 (implementing powers) and 18 (timing), and we are working with other Member States and the Commission to revise these.

# Member State views - changeable

- UK views shared largely by Sweden, Poland, Italy, Netherlands and Malta and we have jointly set out ongoing concerns. The preference is to have nothing binding on ICM or for Member States to be able to choose how it is implemented.
- Lithuania and Latvia also prefer to have nothing binding on ICM or for Member States to be able to choose how it is implemented.
- Denmark, Greece, Cyprus, Portugal and others continue to press for a legally binding requirement on both MSP and ICM.
- France and Spain prefer more prescriptive ICM or not at all.
- Germany and others less clear.



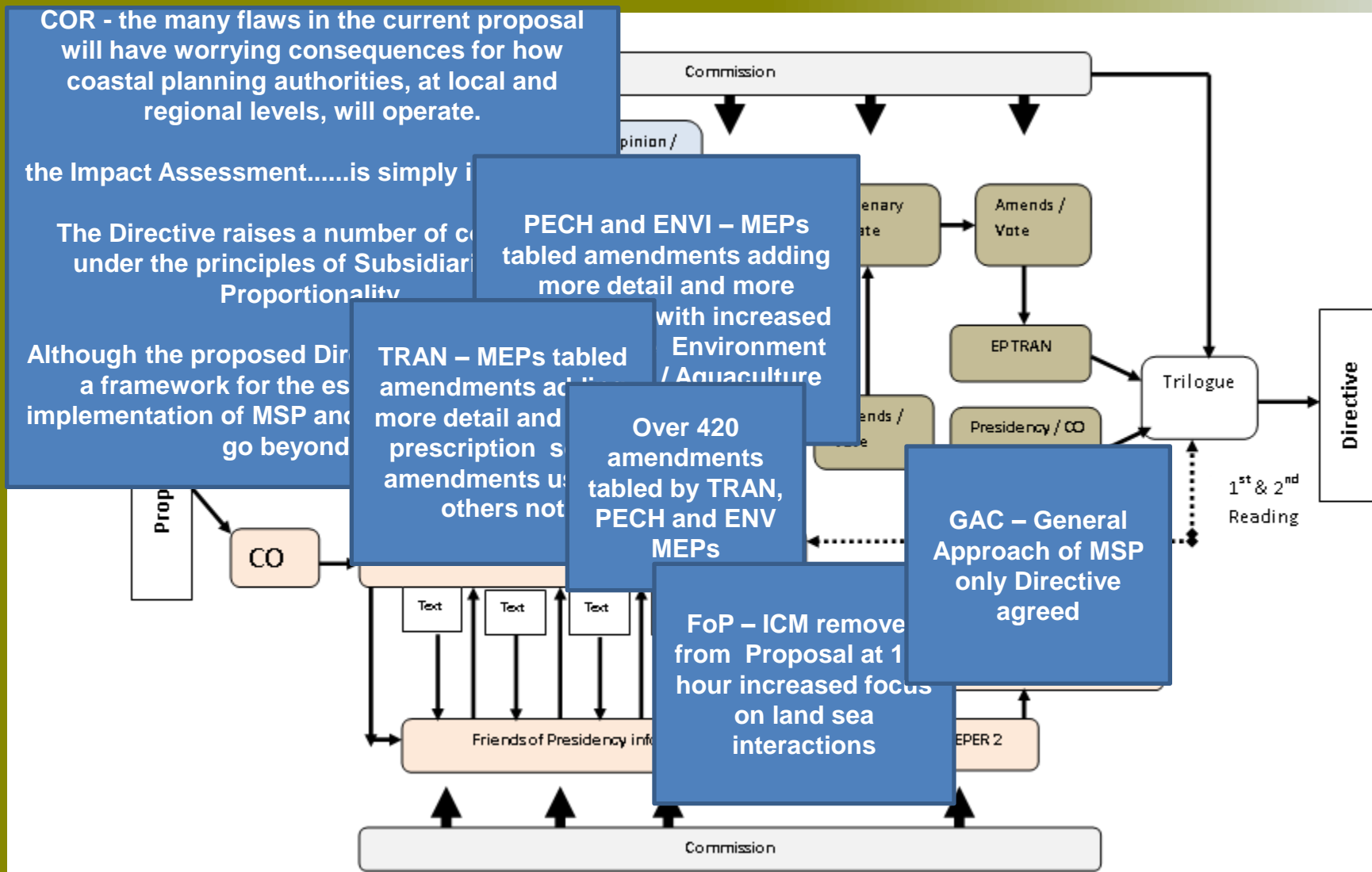


# Friends of the Presidency

- Informal working group set up by the Irish Presidency to consider the proposal, continued by Lithuanian and now Greek Presidencies
- 16 meetings so far – and more planned
- Many Member States including the UK have identified significant concerns especially about proportionality and / or subsidiarity.
- Many Member States considered the proposal to be too prescriptive for a framework Directive and that it dictates content of plans and strategies rather than focussing on process.
- As a result of discussions within the FoP, the Lithuanian Presidency prepared a text for what is, in effect, an MSP-only Directive and this general approach was approved at the General Affairs Council on 17 December.
- However, even though ICM has been removed, important to note that revised text fully recognises the importance of considering the relationship between land and sea.



# EU Legislative process



# UK Government Engagement

- Meeting key MEPs and advisers, other Member States and Commission.
- Provided briefing/information notes, comments on tabled amendments and compromise amendments.
- Informal cross Whitehall and Devolved Administration meetings.
- Regular briefings and meetings across Defra, and with Defra ALBs.
- Provided regular updates to MMO marine planning SFG, LGA and CPN.

# Next steps

- In parallel to discussions in the FoP, meetings on this dossier took place in the European Parliament . The lead Committee (TRAN - transport) voted in favour of its Rapporteur's Report on the dossier in November and subsequently the European Parliament formally adopted this position in Plenary on 12 December.
- EP endorsed MSP and ICM Directive. (There were 81 EP adopted amendments to original Commission proposal)
- General approach of MSP only agreed by General Affairs Council
- Agreement on the general approach by General Affairs Council and endorsement of TRAN report by EP has opened the way for trilogue meetings to be held (between Presidency, EP and Commission) with a view to reaching agreement.
- Series of such meetings scheduled between late January and end March.
- Timing likely to be affected by EP elections in May.

THANK YOU

Stephen.t.collins@defra.gsi.gov.uk

