



Paddle Recife Workshop 2019
MSP in tropical Atlantic : governance dynamics

Maritime Spatial Planning within EU Integrated Maritime Policy

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What is Integrated Maritime Policy ?

IMP an European project for the sea

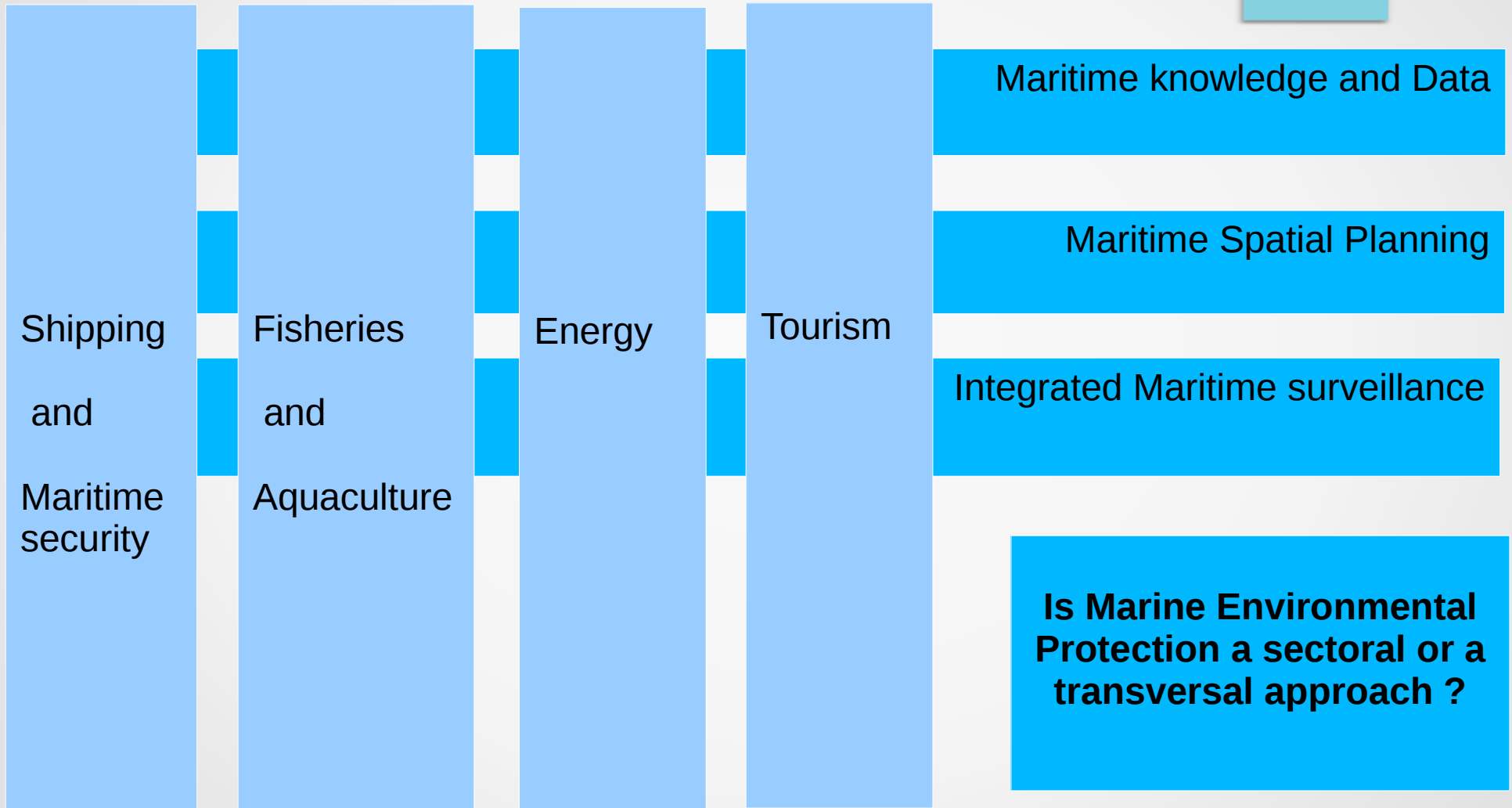
- IMP Objectives :

« The objective of the IMP is **to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making** in relation to the Union's **sectoral policies** affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies, **whilst achieving good environmental status** as set out in Directive 2008/56/EC » (Directive 2014/89 MSP Preamble §2)

- IMP Definition

IMP « means **a Union policy** whose aim is **to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion** of Member States, and notably the coastal, insular and outermost regions in the Union, as well as maritime sectors, through **coherent maritime-related policies** and relevant **international cooperation**; » (Art. 3 Directive 2014/89 MSP)

IMP : Combining sectoral and transversal approaches

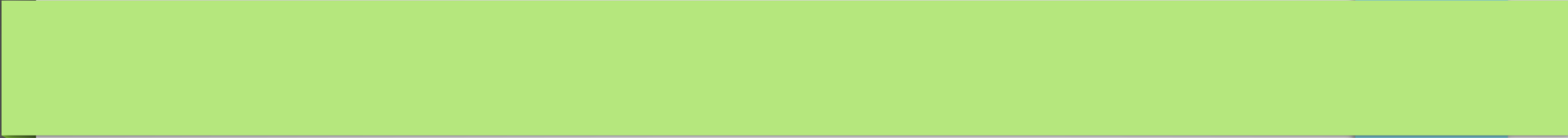
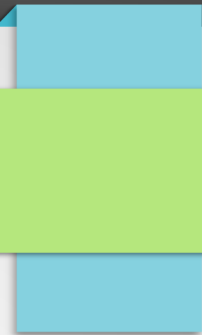


Combining sectoral and transversal approaches

Is Marine Environmental Protection a **sectoral** or a **transversal** approach ?

Both of it !

- Principle of integration of environmental considerations into all relevant policy areas
- Environment is one of the pillar of the Integrated Maritime Policy (Marine Strategy Framework Directive (2008))

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- Is MSP fully integrated to IMP ?
 - MSP is a full part of the IMP building
 - MSP is not always integrated to the various component of IMP



IMP and MSP building process, a common path

2006 – The Green Paper

- Green Paper - Towards a future Maritime Policy for the Union : a European vision for the oceans and seas COM(2006)275
- Marine Spatial planning appears as one of the « tools to manage our relations with the oceans »
 - « Spatial Planning for a Growing Maritime Economy »
 - « Without **some form of indicative planning, investment decisions will be hampered by uncertainty with respect to whether the activity in question will be licensed for a particular site.** The Commission believes that a system of spatial planning for maritime activities on the waters under the jurisdiction of or controlled by the Member States should be created. **It should build on the ecosystem-based approach** laid down in the Thematic Strategy for the Marine Environment, **but should also deal with licensing, promoting or placing restrictions on maritime activities.** »
- European consultation about maritime policy of the EU

MSP in the Green Paper Consultation

- « **Stakeholders emphasise the need for coordinated management and planning for competing uses of the seas.** Increasing and increasingly interacting economic activity, and the growing number of instruments used to ensure sustainability mean that without integrated planning and management tools, the sustainable development of our relationship with the oceans and seas will be much harder to achieve. **A majority of stakeholders agree that maritime spatial planning would be a good tool to apply across the EU, but should remain a Member State competence.**
- **Views vary greatly on the concept,** its scope, and links to existing instruments (e.g. Integrated Coastal Zone Management and the proposed Marine Strategy Directive). **A majority of stakeholders agree that the eco-system approach should underpin the planning and management of our seas.** »

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Conclusions from the Consultation on a European Maritime Policy COM/2007/0574»

2007 - Blue book and MSP

- « An **Integrated Maritime Policy requires** a governance framework that applies the integrated approach at every level, as well as horizontal and **cross-cutting policy tools**. It will also require a sound financial basis, taking into account the results of preparatory actions. »
- Maritime spatial planning and integrated coastal zone management are part of these cross-cutting tools.
 - « Decision-making competence in this area lies with the Member States. **What is needed at European level is a commitment to common principles and guidelines to facilitate the process in a flexible manner and to ensure that regional marine ecosystems that transcend national maritime boundaries are respected** ».
 - **Commission is in charge of** developing a « **roadmap** in 2008 to facilitate the development of maritime spatial planning by Member States » (COM(2007)575)

2008 MSP Roadmap

- « Maritime Spatial Planning (MSP) is a key instrument for the IMP »
- « This Communication aims to facilitate the development of MSP by Member States and encourage its implementation at national and EU level ».
 - The Roadmap promotes the MSP concept
 - It sets out 10 principles to help Member States to develop MSP with a common approach
 - COM(2008)791

MSP Directive 2014/89

- Member States obligations :
 - Art. 1 « 1. This Directive establishes a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources. »
 - Art. 4 « Each Member State shall establish and implement maritime spatial planning [by 2021]. »
 - Art. 8 « When establishing and implementing maritime spatial planning, Member States shall set up maritime spatial plans which identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters, in order to contribute to the objectives set out in Article 5.

MSP Directive 2014/89

Art. 8 (2). « In doing so and in accordance with Article 2(3), Member States shall take into consideration relevant interactions of activities and uses. Without prejudice to Member States' competences, possible activities and uses and interests **may** include:

- aquaculture areas,
- fishing areas,
- installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources,
- maritime transport routes and traffic flows,
- military training areas,
- nature and species conservation sites and protected areas,
- raw material extraction areas,
- scientific research,
- submarine cable and pipeline routes,
- tourism,
- underwater cultural heritage ».

Minimum requirements for maritime spatial planning (Art. 6)

1. Member States shall establish procedural steps to contribute to the objectives listed in Article 5, taking into account relevant activities and uses in marine waters.
2. In doing so, Member States shall:
 - (a) take into account land-sea interactions;
 - (b) take into account environmental, economic and social aspects, as well as safety aspects;
 - (c) aim to promote coherence between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices;
 - (d) ensure the involvement of stakeholders in accordance with Article 9;
 - (e) organise the use of the best available data in accordance with Article 10;
 - (f) ensure trans-boundary cooperation between Member States in accordance with Article 11;
 - (g) promote cooperation with third countries in accordance with Article 12.

Our ocean 2017 engagements

- 6 millions € to support projects in EU countries to set up cross-border cooperation on MSP
- EU / Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO) cooperation, « to work on accelerating Maritime/Marine Spatial Planning processes worldwide »
- « Building on the Joint Roadmap, the EU will provide a grant of EUR 1.4 million to IOC-UNESCO to develop international guidelines for MSP. As part of this venture, two MSP pilot projects will be launched in early 2018: one in the Mediterranean and another in the South Pacific. Furthermore, an International Forum for MSP will be created to facilitate discussions on how MSP, including cross-sectoral actions, should be applied globally. The first workshop is to take place in spring 2018 »
- IOC / DG MARE « Joint Roadmap to accelerate Maritime/Marine Spatial Planning processes worldwide »



MSP in others components of IMP, a various integration

Marine Strategy Framework Directive (2008)

Purpose of the MSFD :

« This Directive establishes a **framework** within which Member States shall take the necessary **measures** to achieve or maintain **good environmental status [GES]** in the marine environment by the year **2020** at the latest. » Art. 1.1 MSFD

Member states shall apply an ecosystem approach :

« **Marine strategies** shall apply an **ecosystem-based approach** to the management of human activities, ensuring that the **collective pressure of such activities** is **kept within levels compatible** with the achievement of **good environmental status** and that the **capacity of marine ecosystems to respond** to human-induced changes is **not compromised**, while enabling the **sustainable use** of marine goods and services by **present and future generations** » Art. 1.3 MSFD

MSP within Marine Strategy Framework Directive ?

- Reference to MSP in the Directive? No
- Reference to MSP in the Proposal of the Directive: No
 - COM(2005)504 and COM(2005)505, 24 October 2005, deliver the proposal of MSFD
 - No mention of MSP as such but:
 - « Given the inextricable links between the coastal zone and the marine environment, the implementation of the Strategy will provide a supportive framework for the national strategies foreseen by the Recommendation on Integrated Coastal Zone Management and for spatial planning in general »
 - Reference to the future maritime policy of which MSFD will be the environmental pillar.

Why can't we find MSP in MSFD ?

- **Environmental protection is an established concern** in EU policy.
- MSFD is not the first environmental EU legislation.
- To develop MSFD, the justification consists in focussing on marine environment which need a framework Directive (like water previously)
- **But MSP as such has to legitimate itself** since it is a new instrument.
- This can be observed through preamble of both Directives

Maritime Spatial Planning Directive - Preamble

« (1) (...) require an integrated planning and management approach.

(2) Such an approach to ocean management and maritime governance has been **developed in the Integrated Maritime Policy** for the European Union ('IMP'), including, as its environmental pillar, Directive 2008/56/EC of the European Parliament and of the Council. (...).

(3) The **IMP identifies maritime spatial planning as a cross-cutting policy tool** enabling public authorities and stakeholders to apply a coordinated, integrated and trans-boundary approach. The application of an ecosystem-based approach will contribute to promoting the sustainable development and growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

(4) **Maritime spatial planning supports and facilitates the implementation of the Europe 2020 Strategy for smart, sustainable and inclusive growth ('the Europe 2020 Strategy')**, endorsed by the European Council in its conclusions of 17 June 2010, which aims to deliver high levels of employment, productivity and social cohesion, including promotion of a more competitive, resource-efficient and green economy. The coastal and maritime sectors have significant potential for sustainable growth and are keys to the implementation of the Europe 2020 Strategy.

(5) In its communication entitled '**Blue Growth: opportunities for marine and maritime sustainable growth**', the Commission has identified a number of ongoing Union initiatives which are intended to implement the Europe 2020 Strategy, as well as a number of activities on which blue growth initiatives could focus in the future and which **could be adequately supported by greater confidence and certainty for investors provided through maritime spatial planning.** (...) »

Marine Strategy Framework Directive - Preamble

« (2) **It is evident that pressure on natural marine resources and the demand for marine ecological services are often too high** and that the Community needs to reduce its impact on marine waters regardless of where their effects occur.

(3) The marine environment is a **precious heritage that must be protected**, preserved and, where practicable, restored with the ultimate aim of maintaining biodiversity and providing diverse and dynamic oceans and seas which are clean, healthy and productive. In that respect, this Directive should, inter alia, promote the integration of environmental considerations into all relevant policy areas and deliver the environmental pillar of the future maritime policy for the European Union (...) »

And when finally it refers to EU policies and legislation, it's about environmental law

- Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme
- Birds and Habitats Directive (...)

Fisheries and CFP

- Within sectoral activities fisheries has a special place in EU and within IMP since it is a EU common policy : the **common fisheries policy**
- As a result, it is mostly ruled through EU legislation
- The main frameworking regulation is the R.1380/2013 about CFP
- Is CFP integrate transversal approches, especially :
 - Environment
 - MSP ?

Environment in CFP : an explicit integration

- 4th CFP 2013 Regulation

«1. The CFP shall ensure that fishing and aquaculture activities are **environmentally sustainable in the long-term** and are managed **in a way that is consistent with the objectives** of achieving **economic, social** and employment benefits, and of contributing to the availability of **food supplies**.

2. The CFP **shall apply the precautionary approach** to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the **maximum sustainable yield**.

In order to reach the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.

3. The CFP **shall implement the ecosystem-based approach** to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment. (...) »

MSP in CFP : yes but only about aquaculture

- MSP in CFP Framework Regulation :
 - Preamble : no. Only references to :
 - biodiversity objectives, MSFD, Birds and Habitat Directives
 - Europe 2020 strategy
 - Explicit reference to MSP concerning aquaculture :
 - Art. 34 promoting sustainable aquaculture « With a view to promoting sustainability and contributing to food security and supplies, growth and employment, the Commission shall establish non-binding Union strategic guidelines on common priorities and targets for the development of sustainable aquaculture activities. Such strategic guidelines shall take account of the relative starting positions and different circumstances throughout the Union and shall form the basis for multiannual national strategic plans, and shall aim at : (...)
 - **(e) integrating aquaculture activities into maritime, coastal and inland spatial planning. »**

MSP in aquaculture strategy

- COM(2013)229 **Strategic Guidelines for the sustainable development of EU aquaculture**
 - « This Communication is based on the outcome of consultations with stakeholders, and takes into account the analysis performed by the Joint Research Centre. **Four priority areas** will be addressed in order to unlock the potential of EU aquaculture: administrative procedures, **coordinated spatial planning**, competitiveness and a level playing field. »
- This activity need permanent space at sea, so MSP can be useful to develop it.

Fisheries and spatial planning

- It is not true to say that spatial planning is out of fisheries mindset.
 - A lot of Fisheries regulations are based on spatial areas :
 - Areas where some gears are forbidden
 - Some areas where fishing boat can or cannot fish depending on their flag...
- But it is true that fisheries are not comfortable with planning involving exclusive activities.

Ocean Energy and MSP

- Communication of the Commission « **Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond** » COM(2014)08
 - « the Commission has identified the following **issues that require attention** over the short to medium term to help the sector to scale up and become cost-competitive with other forms of electricity generation : (...)»
 - **Complex licensing and consenting procedures can delay projects and raise costs.** Uncertainty about the correct application of environmental legislation may further prolong consenting processes. Integrating ocean energy into national maritime spatial plans is therefore important. (...)
 - The integration of ocean energy into national maritime spatial plans is also important for addressing maritime safety concerns. »
 - The impact assessment attached mention options. The 3rd option targeted structural actions considers to « **explor[e] the possibility of developing sector-specific guidelines for maritime spatial planning** »

Blue Growth and MSP

- COM(2009)494 « Blue Growth - opportunities for marine and maritime sustainable growth »
 - About EU ongoing initiatives : « EU policies are designed to reinforce the efforts of Member States and regions and provide common building blocks for a successful blue economy. These include the following:
 - (1) A Commission initiative on maritime spatial planning and integrated coastal zone management which **should provide business with the legal certainty it needs to invest (...)** »
- Conference : MSP for Blue Growth - How to plan for a sustainable Blue Economy (Brussels, 11-12 October 2017)

Conclusion

- IMP and MSP have been built in a same movement toward developing blue growth
- MSP has been integrated to sectors of IMP which need it to develop themselves such as aquaculture and energy