

EU Policy Update (EU2013.2):

Marine Spatial Planning and Integrated Coastal Management

Introduction

On 13 March 2013 the European Commission published draft proposals for a new Directive aimed at establishing a common EU framework for Maritime Spatial Planning and Integrated Coastal Management.¹ The Directive aims to promote sustainable use of maritime and coastal resources and sustainable growth of maritime and coastal economies.

In broad terms, the Directive would place a legal requirement on Member States to develop and implement Marine Spatial Plans (MSP) and Integrated Coastal Management Strategies (ICMS).

Summary of main points in proposal

Each Member State would be required to develop and implement a MSP and an ICMS which set out operational steps for achieving the objectives of:

- Facilitating co-existence of competing sectors and preventing conflicts;
- Promoting energy efficiency and development of marine energy sources;
- Developing efficient and cost-effective marine transport routes;
- Encouraging sustainable growth of fisheries and aquaculture;

¹ COM (2013)133 available on [Pre Lex website](#)

- Ensuring environmental protection, including maintenance of biodiversity and preservation of ecosystem services;
- Ensuring sustainable use of natural resources;
- Reducing marine pollution risks; and
- Promoting climate resilience.

Marine Spatial Plans are maps of marine areas which identify the actual and potential locations and durations of activities within marine waters. The Directive would require MSP to contribute to achieving the above objectives by considering at least: installations for energy production and extraction; maritime transport routes; submarine cables and pipelines; fishing areas; sea farming sites and conservation sites.

Integrated Coastal Management Strategies would be required to include inventories of the existing measures in coastal zones and an analysis of further measures needed to meet the above objectives. The Directive would require ICMS to consider marine-terrestrial interactions and provide for integrated implementation across all relevant sectors.

Content of plans and strategies: The Directive would require that the MSP and ICMS are in accordance with the ecosystems approach set out in the Marine Strategy Framework Directive and meet the obligations of the SEA Directive. The Directive would allow Member States to tailor their strategies according to their own priorities, governance and traditions.

Public participation: Member States would be required to ensure that the public and interested parties are given opportunities to participate in development of the MSP and ICMS, are consulted with the draft plans and given access to results.

Cross boundary cooperation: Where the coastal or maritime areas of Member States border each other, the Member States would be required to cooperate to ensure their ICMS were coherent and coordinated across the area concerned.

Competent authorities: Each Member State would need to designate an organisation responsible for implementation of the Directive in each marine region and report these to the Commission within 18 months of the Directive being passed.

Reporting measures: Member States would be required to report to the Commission on their implementation of the Directive within 42 months of the Directive coming into force. The strategies would be reviewed and a report sent to the Commission at least once every six years thereafter.

Timeframe: Each Member State would be required to implement the laws, regulations and administrations systems necessary to comply with the Directive within 18 months of the Directive coming into force. Establishment of MSP and ICMS would be required within three years of the Directive coming into force.

Background context to proposal

The European Commission states that demand for marine and coastal space in the EU is rising, resulting in conflict and depletion of resources. Further, marine and coastal areas are under pressure from climate risks and natural hazards.

Integrated Maritime Policy²: In 2008 the EU adopted an Integrated Maritime Policy (IMP). The IMP is an overarching framework for all policy that influences marine and coastal areas within EU waters. The aim of the IMP is to ensure coherency and coordination in maritime policy, both across sectors and between Member States. The IMP focuses on the issues of: economic growth of maritime sectors ('blue growth'), maritime surveillance, marine data and knowledge, and marine spatial planning.

Marine Strategy Framework Directive: The Marine Strategy Framework Directive (2008/56/EC)³ is the Environmental Pillar of the IMP. It requires Member States to adopt an ecosystem based approach to the management of their seas in order to ensure that all EU marine waters achieve 'Good Environmental Status' by 2020. This is transposed into UK law by the *Marine Strategy Regulations, 2010*⁴.

Development of Marine Spatial Planning: In 2002, the European Parliament and Council set out a recommendation on the implementation of Integrated Coastal Zone Management in Europe (2002/413/EC)⁵ which encourages Member States to take a strategic approach to coastal management. The European Commission states that the proposal for the new Directive builds on the contents of this recommendation. In 2008, the Commission published its *Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU*⁶, followed by a 2010 Communication *Maritime Spatial Planning in the EU - Achievements and Future Development*⁷.

² European Commission **Integrated Maritime Policy** (website) [accessed 15 April 2013]

³ **OJL 164, 25.06.2008** [accessed 16 April 2013]

⁴ The **Marine Strategy Regulations** SI 2010/1627 [accessed 15 April 2013]

⁵ **OJ L148 of 6.6.2002** [accessed 16 April 2013]

⁶ European Commission **Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU** COM/2008/0791 [accessed 16 April 2013]

⁷ European Commission, **Maritime Spatial Planning in the EU - achievements and future development** COM/2010/0771 [accessed 16 April 2013]

In March 2011, the European Commission held a public consultation on the proposed Directive. Less than 2 per cent of the 225 responses received did not agree that MSP are a useful tool for European seas. Many respondents called for a common framework and common objectives, with the majority of respondents (68 per cent) against a separation of marine spatial planning and integrated coastal management.

Marine Policy in the UK:

Legislation on marine and coastal areas in the UK falls under the *Marine and Coastal Access Act 2009*⁸ (referred to as the *Marine Act*) and the *Marine (Scotland) Act 2010*^{9,10}. The *Marine Act* was created with the aim of promoting sustainable use of marine systems. The *Marine Act* is implemented through a series of regulations and orders which continue to come into force.

The *Marine Act* places a duty on the UK Government and the Devolved Administrations to develop marine plans in accordance with a joint Marine Policy Statement. A joint Statement was adopted in 2011 that sets out the high level policy objectives for UK waters. The UK Government and the Devolved Administrations are at different stages in the development of their marine plans. For further information see the Research Service 2012 Research Note on **Marine Spatial Planning**.

⁸ *Marine and Coastal Access Act 2009* [accessed 16 April 2013]

⁹ *Marine (Scotland) Act 2010* [accessed 16 April 2013]

¹⁰ Northern Ireland is currently in the process of developing a Marine Bill which will provide the Northern Ireland Executive with the power to adopt Marine Plans in their inshore region.

Relevance to Wales

The area covered by Welsh inshore waters is almost double the land area of Wales and around 60 per cent of the Welsh population lives on the coast. The Welsh marine and coastal areas provide numerous ecosystem goods and services, including renewable energy, fisheries, biodiversity and cultural value, which contribute £ 2.5 billion per year to the Welsh economy.¹¹

The Welsh Government is legally responsible for implementation of European Directives within Welsh waters and for developing marine plans in both the Welsh inshore (0-12 nautical miles) and the offshore (12 nautical miles to its territorial boundary) regions.

In February 2011 the Welsh Government launched a consultation, ***Sustainable Development for Welsh Seas***¹², on its proposed approach to marine planning in Wales. The consultation document stated that the Welsh Government hoped to adopt marine plans by the end of 2013 but they are now expected to be published by 2015. Initial work on marine planning has begun.

Following the 2002 EU recommendation on ICMS, the Welsh Government published '***Making the most of Wales' Coast- the Integrated Coastal Zone Management Strategy for Wales***¹³, which outlines the value of ICMS and the principles of ICMS set out by the EU. The strategy details how these principles will be applied in Wales. A report on the progress on these objectives is published annually.

¹¹ Welsh Government, ***Protecting Welsh Seas - A draft strategy for marine protected areas in Wales***, 2009 [accessed 9 April 2013]

¹² Welsh Government, ***Sustainable Development for Welsh seas: Our approach to marine planning in Wales*** (website) [accessed 16 April 2013]

¹³ Welsh Government, ***Making the most of Wales' Coast – the Integrated Coastal Zone Management Strategy for Wales***, March 2007 [accessed 16 April 2013]

UK Government Position

The UK Government outlined its view of the proposals in an Explanatory Memorandum published in March 2013.¹⁴

The UK Government strongly supports implementation of a framework directive on MSP. However, the Explanatory Memorandum states that the proposed Directive contains elements that the UK Government do not wholly support. Particular concern is expressed that the Directive may undermine or confuse actions already being taken in the UK and that some of the proposals put forward by the European Commission should be left to the discretion of Member States.

The Explanatory Memorandum outlines the specific areas where the UK Government does not agree with the proposed Directive. The UK Government would seek to:

- Amend the Directive in order to minimise the alterations that would need to be made to the UK's existing arrangements to meet the requirements of the Directive;
- Extend the 36 month time limit for MSP and ICMS to be in place, to bring the schedule in line with the UK's own target of having MSP in place by 2022;
- Ensure the objectives (Article 5) and the minimum requirements (Articles 6-8) for MSP and ICMS in the proposal are illustrative rather than mandatory, because it is up to the Member State to decide priorities and how to deliver them;

¹⁴ Department for Environment, Food and Rural Affairs, Explanatory Memorandum on European Union Document: *Draft Instrument of 14 March 2013 concerning a Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management*, 26 March 2013

- Amend Article 12 so that Member States must only cooperate to help ensure cross-border coherence and coordination rather than having to ensure this; and
- Delete or amend Article 16(1)(b) which allows the Commission to adopt provisions on the operational steps for monitoring, public consultation, reporting and cross-border cooperation of MSP and ICMS.

The Explanatory Memorandum states that the Welsh Government was consulted in its development.

Welsh Government position

The Welsh Government is yet to outline its views on the proposal. This section will be updated once the Welsh Government's views are set out.

No objections on the grounds of subsidiarity were made by the Constitutional and Legislative Affairs Committee of the National Assembly for Wales.¹⁵

Position of EU Institutions

This section will be updated as the negotiations take place in Brussels and the official positions of the EU Institutions become clear.

The Commission's proposals will be adopted through the 'ordinary legislative procedure' (Co-decision), which requires an agreement between the Council of Ministers and the European Parliament before the proposals can become EU law.

¹⁵ Constitutional and Legislative Affairs Committee briefing, *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)*, 15 April 2013

The proposal is currently in the preparatory phase in the European Parliament. The lead Committee for the MSP Directive will be the Transport and Tourism Committee, which is chaired by British MEP Brian Simpson (Socialists and Democrats). The lead Rapporteur will be French MEP Isabelle Thomas (Socialists and Democrats).

The proposals will be discussed in the European Council; debates are yet to take place.

Stakeholder responses

The following organisations have published responses to the proposed Directive:

- **Seas at Risk, WWF, Birdlife International and the North Sea Foundation** published a joint press release
- **European Wind Energy Association**

Further information

For further information on the Marine Spatial Planning and Integrated Coastal Management Directive, please contact Nia Seaton (Nia.Seaton@wales.gov.uk), Ext.8987

See also:

Welsh Government website on **Marine Planning**

European Commission website on **Maritime Spatial Planning**

European Parliament Legislative Observatory, **Maritime Spatial Planning and Integrated Coastal Management**

UK Department for Environment, Food and Rural Affairs website on the **Marine Planning System**

European Commission, Directorate-General on **Maritime Affairs and Fisheries**