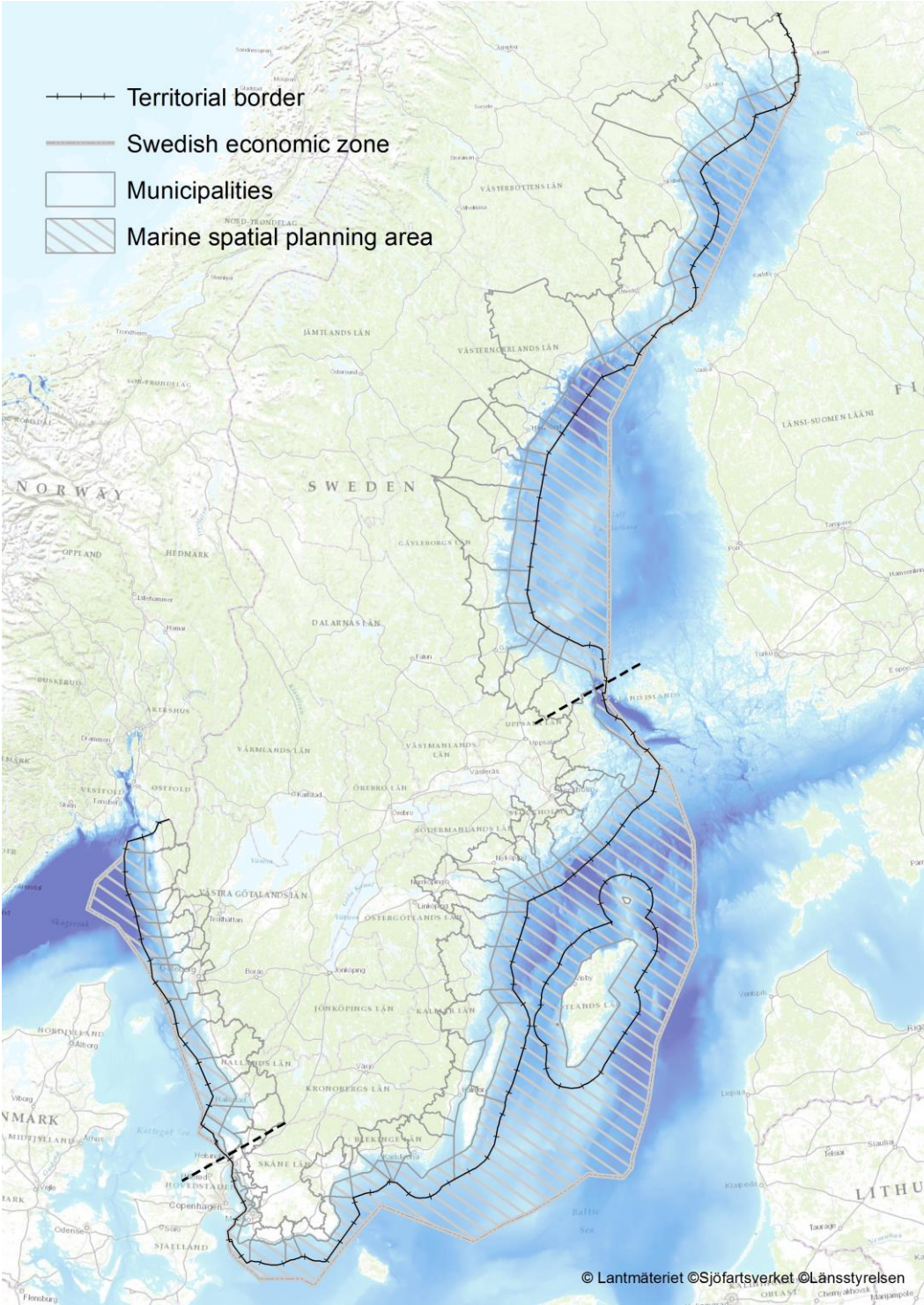




# Country Fiche

# Sweden

# 1. General information



- the territorial sea (12-nm zone) – 70,000 km<sup>2</sup>
- the Exclusive Economic Zone – 60,000 km<sup>2</sup>
- the EEZ is limited to the central line between adjacent states because the width of the sea is shorter than 400 nautical miles.
- in Öresund and the Åland Sea, the territorial seas meet at the central line by a special agreement with Denmark and Finland respectively, and at the Norwegian border in the Skagerrak and the Finnish border in the Bothnian Bay.
- the Swedish territorial water is divided into two zones, Public Waters and Private Water.

### 1.1. Governance

The Swedish territorial water is divided into two zones, Public Waters and Private Water. The Private Water zones, both water and sea floor is parcelled property governed by the Real Property Formation Act and comprises the water area 300 m from the shore line and further to the contour line of 3 m depth if it is situated outside the area of 300 m. In sounds, bays, fjords and areas with islands and archipelagos special rules regulate the boundary between Private and Public water.

The Public Water belongs to the public and is represented by the Legal, financial and Administrative Service Agency. Private water can be owned by a person, a juridical person, a municipality and the state. Several properties in the Private Water are jointly owned.

### 1.2. Contacts

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## 2. General information on legislation

The Swedish Environmental Code (1998:808) and the Plan and Building Act (2010:900) constitute the legal base for marine spatial planning in Sweden.

According to an additional section (from the 1 September 2014) in chapter 4 of the Environmental Code there shall be three marine spatial plans: Bothnian Bay, Baltic Sea, Western Waters (Skagerrak/Kattegatt) covering the area one nautical mile from the baseline seawards (incl. the exclusive economic zone, EEZ). The plans, which shall be adopted by the Government, shall be guiding and contribute to sustainable development. The Government may according to the legislation adopt regulations prohibiting or limiting activities in destined geographical areas.

The Marine Spatial Planning Ordinance (2015:400) regulates the process of the marine spatial planning. It contains provisions on geographical boundaries, the content of the marine spatial plans, the responsibility for preparation, consultation and cooperation in the proposal process, and monitoring and review. According to the Ordinance, SwAM is to develop proposals for marine spatial plans with the help of relevant county administrative boards and with support from national authorities, which will assist with supporting data for the planning. The municipalities, regional planning bodies, regional coordination bodies and county councils that may be affected shall be given the opportunity to participate in the proposal process so that consideration can be given to local and regional conditions and needs. The Agency shall promote cooperation with other countries and the coordination of the Swedish marine spatial plans with those of other countries.

The marine spatial plans shall provide guidance to public authorities and municipalities in the planning and review of claims for the use of the areas covered by the plans. The marine spatial plan shall reflect the state's overall view of how the marine areas are to be managed, and the plans involve taking a position on how different public interests should be taken into account. The marine spatial plan shall specify areas of national interest in accordance with Chapter 3 of the Environmental Code, i.e., prioritized interests and other public interests of material significance. SwAM shall apply an ecosystem approach in its work. Also according to the Ordinance, industrial policy, social and environmental goals are to be integrated in the

marine spatial plans. The main focus of the planning is that marine resources should be used in a way that allows maritime industries to develop and grow while preserving and restoring ecosystems. The marine spatial plans shall contribute to achieving and maintaining a good marine status according to the EU Marine Strategy Framework Directive.

In parallel, the Plan and Building Act (2010:900) regulates the responsibilities and mandate for the municipalities to plan land and water including the territorial sea, which means that there is a geographical overlap between the national marine spatial plans (the Environmental Code) and the municipal comprehensive plans (Plan and Building Act)..

Chapter 1 and 2 of the Plan and Building Act includes basic principles and objectives guiding the spatial municipality planning of the territorial sea and coastal areas. These principles also refer to the application of the Environmental Code (chapters 3 and 4 referring to basic and spatial provisions concerning land and water management and chapter 5 concerning environmental quality standards and environmental quality administration).

The Plan and Building Act stipulates that the municipalities shall have a valid comprehensive plan, adopted by the municipality assembly. The plan should be revisited at least once during the terms of office (related to the election period, normally every four years). The plan is guiding, but not legally binding. It should indicate the municipalities' intentions about the future development. It should also consider issues of national interests. The Plan and Building Act is a framework law emphasizing the need for stakeholder involvement, but is not stipulating what the plan should contain or how it should be developed.

The Plan and Building Act is closely linked to the Environmental Code, which regulates among other things the relation between planning and environment and the need for environment impact assessment (EIA) and strategic environment assessment (SEA).

Another part of the Swedish planning system are areas of national interest for a number of sectors identified by appointed national agencies or areas specifically listed in the Environmental code. These areas have to be considered in planning and when authorities are granting permission for activities within different sectors. Cultural heritage and values, nature protection, outdoor recreation, shipping, energy production, commercial fisheries are examples of such areas of national interests. Areas of national interest can be pointed out on land as well as in the territorial waters and the exclusive economic zone (EEZ).

Several international conventions and binding legal acts such as UNCLOS, Espoo Convention + Kiev Protocol, Bonn Convention (including EUROBAT, ASCOBANS), CBD, La Valetta Convention, IMO Resolutions and conventions (E.G. MARPOL, COLREGS, INTERVENTION), HELCOM recommendations, EU directives (MSFD, HABITAT, BIRD, SEA, EIA) and many others are transposed to Swedish internal law.

### **3. General applicability (e.g. Territorial Sea, EEZ, other distinctions)**

The Plan and Building Act (2010:900) covers the obligation for municipalities to plan the entire Swedish territory, i.e including the territorial sea and the internal water. The Environmental Code covers the national planning in terms of specific marine spatial plans. The ma-

rine spatial plans encompass the area one nautical mile from the baseline seawards (incl. the exclusive economic zone, EEZ). The marine spatial plans do not cover privately owned sea areas (Private Water).

#### **4. Spatial Plans**

Up-to now, there have been no national marine spatial plans covering the territorial sea and the EEZ developed in Sweden. Only a few non-binding comprehensive municipality plans has in one way or the other included the 12 nm in their comprehensive plans. However, they will not be addressed below since they are no devolved on the basis of marine spatial planning perspective, but are rather focused on urban planning and land use. On the web site of Swedish National Board of Housing, Building and Planning <http://www.boverket.se/Vagledning/PBL-kunskapsbanken/Oversiktsplanering/Arkiv-for-oversiktsplaner/> it's possible to find links to all Municipalities Comprehensive plans. Only some plans are available in English.

#### **5. What countries want to share**

N/A

#### **6. New developments / current status**

6.1 In order to better protect the harbour porpoise, the Government decided on 16 December 2016 to propose four new marine Natura 2000-areas in the Baltic Sea and the geographical extension of another two existing Natura 2000 areas in the Kattegat. In the Baltic Sea the new areas covers 13 000 km<sup>2</sup>.

6.2 On 1 December 2016 SwAM published early draft MSP-proposals for all three national MSP areas (Gulf of Bothnia, Baltic Sea and Skagerrak/Kattegat). In January/February 2017 environmental impact assessments (within the SEA-processes) were published. The drafts and the EIA are the basis for a broad dialogue with trade organisations NGO:s, central government agencies, regional government bodies (County Administrative Boards), regions, municipalities, academia and neighbouring countries.

In parallel a Sustainability Appraisal is carried out for one the Baltic Sea draft (testing methodology).

The dialogue is continuous throughout the entire planning process, but this early draft phase lasts until May 2017.

Next steps:

- Publication of first round proposals for plan proposals with environmental impact assessments (prel. Feb 2018). Broad public 6-months consultation.
- Publication of second round proposals for plan proposals with environmental impact assessments (Dec 2018). Broad public 3 –months (prel) consultation.
- Final plan proposals submitted to the Government (prel. Dec 2019)

6.3 On 4 October 2016 SwAM adopted an MSP roadmap. The roadmap shall support and guide the process leading to plan proposals to be submitted to the government. The objective is to submit plan proposals by the end of 2019. The roadmap includes planning goals and strategies as well as a description of the different steps to be taken in the process. It also contains the scoping report of the strategic environmental assessment. The roadmap is directed at those who are involved in the MSP-process as well as anyone who is interested in the planning of the Swedish territorial sea or maritime zones.

The MSP roadmap is largely based on a proposal for a guiding document that was out for a broad consultation from September 2015 to March 2016. The proposal was part of the background information in the Espoo-consultation that was initiated in the autumn 2015.

6.4 In June 2016 SwAM submitted an Action Plan for Marine Protected Areas to the Government. The Action Plan includes proposals on how to reach the 10 per cent marine protection target by 2020 according to the Convention on Biological Diversity.

The Action Plan was developed following an assignment from the Government and is part the implementation of a Government Bill on Biodiversity and Ecosystem Services that was adopted by the Parliament in 2014.

6.5 In August 2015, the Government adopted a Swedish national maritime strategy. The strategy contains the Government's vision for the development of the maritime sector: *Competitive, innovative and sustainable maritime industries that can contribute to increased employment, reduced environmental load and an attractive living environment*. The vision is based on three equal perspectives: *A balanced marine environment, Competitive maritime industries and Attractive coastal areas*. The forthcoming marine spatial plans are highlighted as an important instrument in guiding the development of the Swedish marine areas. The strategy encompasses and integrates many policy areas; such as industrial policies, policies for regional growth, sectoral policies relating to the sea and its use, and environmental policies. The strategy constitutes an instrument for implementing a Swedish integrated maritime policy.

6.6 In March 2015 the report Marine Spatial Planning - Current Status 2014 was published by SwAM. The report describes Sweden's marine resources and the demands on them, both now and in the future. An English version is available on-line, [www.havochvatten.se](http://www.havochvatten.se)

## **7. How coastal and marine Baltic Sea protected areas (HELCOM MPAs) are taken into account in MSP**

The marine spatial plans shall contribute to sustainable development. Sustainable development refers to reaching economic, social and environmental policy objects in a sustainable way. The Swedish the marine spatial plans shall, among other things, contribute to good environmental status. From this follows that HELCOM MPA:s and other types of protected areas representing areas with high ecological values shall be taken into account in the development of the Swedish marine spatial plans.

The MPA:s are also part of the marine green infrastructure. Green infrastructure is natural areas, biotopes, structures and other features in the landscape (also in marine areas) that support biological diversity, and hence the delivery of ecosystem services. Using the concept of green infrastructure helps the inclusion of ecological aspects in a broader sense in planning. As part of the planning process, SwAM is exploring possible ways and methods of using the concept of green infrastructure the Swedish marine spatial planning.