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<b>Document title</b>	Country fiches
<b>Code</b>	2-7
<b>Category</b>	DEC
<b>Agenda Item</b>	2 - MSP developments and regional coordination
<b>Submission date</b>	23.1.2015
<b>Submitted by</b>	HELCOM and VASAB Secretariats
<b>Reference</b>	Outcome of HELCOM-VASAB MSP WG 9-2014, paragraph 2.16-2.19

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## Background

An easily accessible and reliable source of information on the MSP status in the Baltic Sea countries is needed and [HELCOM-VASAB MSP WG 9-2014](#) agreed that it should be provided by the HELCOM-VASAB MSP WG and that the information should be available on the HELCOM and VASAB web pages.

HELCOM-VASAB MSP WG 9-2014 welcomed the format of the country fiches on MSP status, developed within the framework of the [PartiSEApate project](#), agreed that the information collected within the project together with the information found in the MSP developments table (document 2-2) could be merged into second generation country fiches of the HELCOM-VASAB MSP WG and decided on a procedure for updating the country fiches.

A request for filling in/review and updating of the country fiches was sent out by the Secretariats on 18 December 2014 to the contacts of HELCOM-VASAB MSP WG. The countries were requested to send the updated fiches to the Secretariats by 22 January 2015.

The attached documents contain updated country fiches on MSP status in Estonia, Germany, Poland and Sweden.

According to the agreed procedure (paragraph 2.18 of the Outcome of HELCOM-VASAB MSOP WG 9-2014), updates to the fiches will be provided by the HELCOM-VASAB MSP WG contacts through the national contact points twice a year prior to the HELCOM-VASAB MSP WG meetings and the updating of the fiches will be facilitated by the Secretariats (Secretariats to send out the requests for updates).

## Action required

The Meeting is invited to

- take note of the filled in/reviewed and updated country fiches,
- approve them for publishing on the HELCOM and VASAB web pages.

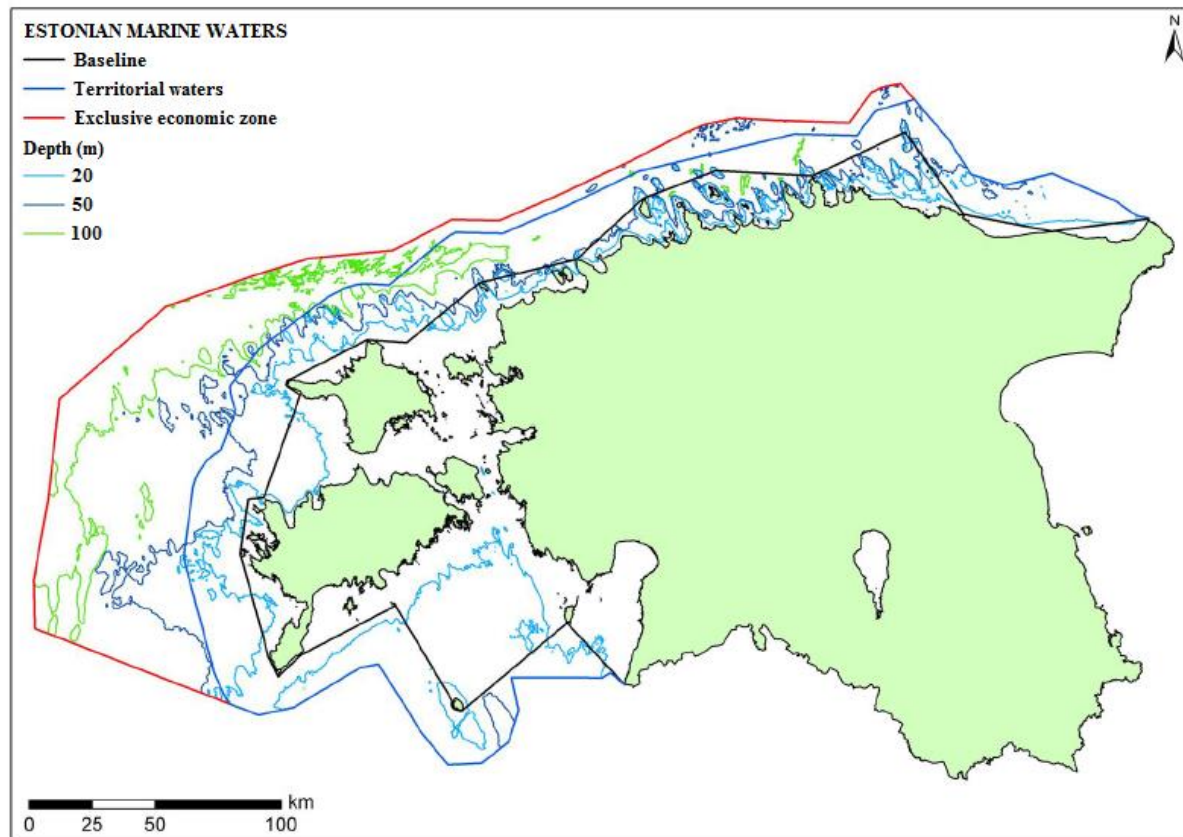
Contracting Parties/Member Countries which have not yet sent their filled in/reviewed and updated country fiche are kindly asked to send them as soon as possible to the Secretariats ([alda.nikodemusa@vasab.org](mailto:alda.nikodemusa@vasab.org) and [laura.meski@helcom.fi](mailto:laura.meski@helcom.fi)).



# Country Fiche

## Estonia

## 1. General information



- Size of internal waters (to the baseline) and territorial sea (12-nm zone from the baseline) approximately 25 200 km<sup>2</sup>.
- Exclusive economic zone about 11 300 km<sup>2</sup>.
- Exclusive economic zone between Estonia and Russia is not agreed.

### 1.1. Governance

Marine areas (internal waters, territorial sea) are public waters under the Water Act of Estonia, which means that marine areas are owned by the state and local authorities do not have rights on sea.

The government has the responsibility to manage the Estonian EEZ.

### 1.2. Contacts

MSP in general: **Ms Anni Konsap**  
Adviser of the Planning Department  
**Estonian Ministry of the Interior**  
Pikk 61, 15165 Tallinn  
Phone: +372 612 5182  
E-mail: [anni.konsap@siseministeerium.ee](mailto:anni.konsap@siseministeerium.ee)

Espoo contact point: **Ms Maris Malva**  
**Estonian Ministry of the Environment**  
Narva mnt 7a, 15172 Tallinn  
Phone +372 6260742  
E-mail: [maris.malva@envir.ee](mailto:maris.malva@envir.ee)  
[www.envir.ee](http://www.envir.ee)

## **2. General information on legislation**

Currently there is no specific legislation for MSP in Estonia. The current legal basis for MSP is terrestrial planning legislation. As such, maritime spatial planning is possible on county level. As the counties do not have actual territory on sea, such maritime spatial plans must be initiated by the government. The government can assign the sea area to be planned and the respective county governor will be responsible for the actual planning process.

In July 2015 a new Planning Act will enter into force, which brings MSP to state level. The new Planning Act regulates that maritime spatial planning will be initiated by the government and carried out by the Estonian Ministry of the Interior. The maritime spatial plan to be worked out will be a long-term national level plan, which will give guidelines to different institutions in charge of allowing the use of marine areas for different purposes, such as offshore energy, shipping etc.

SEA is compulsory for maritime spatial plans – whether they are county level plans in accordance with the current Planning Act or national level plans according to the Planning Act to enter into force in July 2015.

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

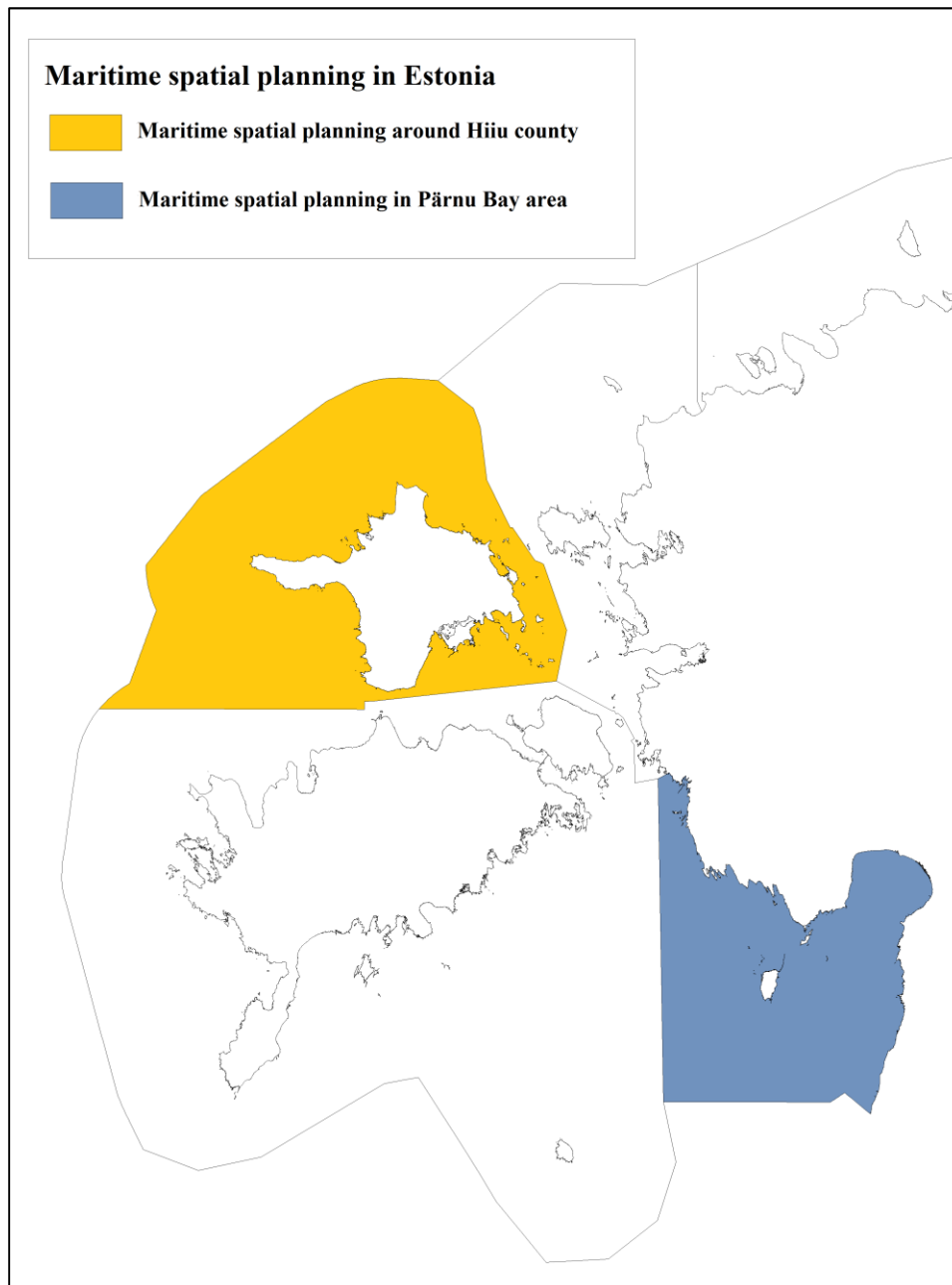
The current Planning Act applies to internal waters and territorial sea as well as to terrestrial areas. This means that the same rules apply to maritime spatial planning as they apply on land.

The Planning Act to be in force in July 2015 also applies to the EEZ (in addition to internal waters and territorial sea). The new Planning Act will make a clear distinction between the terrestrial planning and maritime spatial planning.

## **4. Spatial Plans**

In October 2012 the Government of Estonia initiated two pilot maritime spatial plans – at the area around Hiiumaa island and Pärnu Bay area. In late 2014, both plans are in the middle of the processes. The plans are expected to be adopted by the end of 2015/beginning of 2016.

A methodology for maritime spatial planning and the implementation of maritime spatial plans will be derived from the two pilot MSP projects. The methodology will be ready by March 2015.



Pilot MSP areas initiated by the Government of Estonia in October 2012.

#### **4.1. Hiiu island maritime spatial plan**

##### **4.1.1. Legal basis**

Estonian Planning Act and order of the Estonian Government from October 12<sup>th</sup> 2012.

##### **4.1.2. Legal impact**

The plan was adopted in accordance with the Planning Act and is a legally binding county plan. It will stay in force after the new Planning Act is adopted. It will be included in the national plan for Estonian marine areas to be initiated in 2016.

#### 4.1.3. Area covered

- Internal waters and territorial sea around Hiiu island (marine areas around Hiiu County)
- Size of the area: 3786,3 km<sup>2</sup>.

#### 4.1.4. Historic development

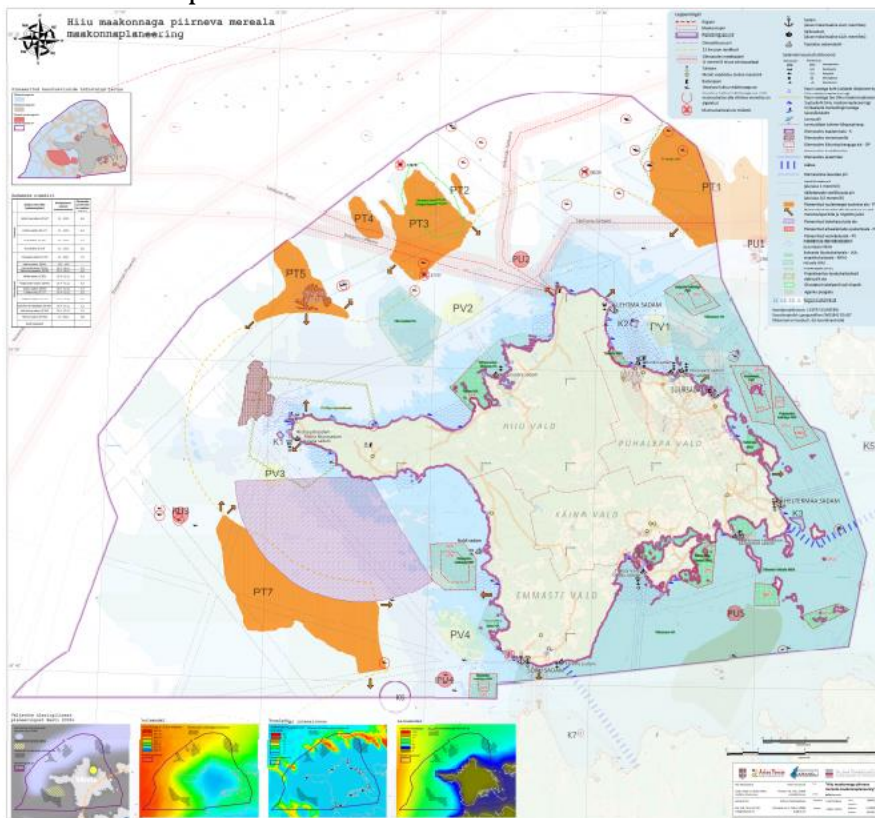
Part of the area of Hiiu island pilot project was initially covered in the BaltSeaPlan project. This meant that by 2012, when the legal process for maritime spatial planning was initiated, the first steps of the planning process, i.e. stocktaking, conflict analysis and identification of future uses, were already done.

In 2012 the actual planning process started. In late 2014 the Hiiu island maritime spatial plan was approved by the county governor and is now on public display. After the display public discussions will take place. The planning proposal has been developed in close cooperation with different national authorities (ministries etc), stakeholders (energy sector, fisheries etc) and local communities (local governments).

#### 4.1.5. Objectives of the plan

The main objective of the plan is to define the long-term uses of the assigned marine area through a public process, taking into account the different economic, social, cultural and environmental interests and needs. To achieve this, more specific aims are set in the plan, such as the development of a port network, development of an electricity grid and the sustainable use of marine resources.

#### 4.1.6. Map



*Draft of the planning proposal, November 2014.*

#### 4.1.7. Designation

There are three different areas determined in the plan: general use areas, priority use areas and restriction areas.

General use areas are open for any use as long as it is in accordance with the law.

Priority use areas means that one use has a priority over other uses. For example, in case of priority use for aquaculture, aquaculture must be favoured against other uses.

Restriction areas means that only one use is allowed in the area and all others are restricted. For example, marine protected areas are restriction areas. The restrictions may be temporary or have certain conditions or limitations (seasonality etc.).

#### 4.1.8. Regulations

The plan spells out general guidelines for the use of marine areas. Permits for specific uses will be issued, taking into account the conditions set in the plan and the prevailing legal restrictions.

#### 4.1.9. Adoption

The plan will be adopted in 2015.

#### 4.1.10. SEA

A SEA has been carried out for the Hiiu island maritime spatial plan. During the process, no possible transboundary effects have been identified, which means that transboundary consultations were not carried out in the planning process.

#### 4.1.11. Public participation

According to the Estonian Planning Act, all plans, including maritime spatial plans, must be made public throughout the process. This means that the wider public as well as any stakeholder has the right to express their opinion about the plan in every phase of the planning process. In addition, compulsory public displays and discussions are held in different stages of the planning process.

In addition to compulsory public discussions, small scale stakeholder meetings were also held throughout the planning process. The planning process was led by a steering board, which included members from different national authorities, different stakeholders (energy, fisheries) and local communities.

#### 4.1.12. Transboundary consultation

As the SEA process did not identify any transboundary effects, no transboundary consultations were carried out.

#### 4.1.13. Harmonisation with other plans

The Hiiu island maritime spatial plan will be taken into account when developing a new terrestrial county plan for Hiiu island (this process started in 2013) and in local level plans, mainly in the comprehensive plans of local governments.

Furthermore, the Hiiu island maritime spatial plan will also be taken into account in the national maritime spatial plan to be started in 2016. The Hiiu island plan will be one part of the national plan.

#### 4.1.14. Monitoring

According to the new Planning Act, county plans (which include the Hiiu island maritime spatial plan) are evaluated every 7 years from their adoption. If changes are necessary, a new plan must be initiated and adopted.

#### 4.1.15. Electronic resources

All documents are available at [hiiumeri.artes.ee](http://hiiumeri.artes.ee).

### **4.2. Pärnu Bay area maritime spatial plan**

#### 4.2.1. Legal basis

Estonian Planning Act and order of the Estonian Government from October 12<sup>th</sup> 2012.

#### 4.2.2. Legal impact

The plan was adopted in accordance with the Planning Act and is a legally binding county plan. It will stay in force after the new Planning Act is adopted. It will be included in the national plan for Estonian marine areas to be initiated in 2016.

#### 4.2.3. Area covered

- Internal waters and territorial sea in Pärnu Bay area (the area mainly consists of internal waters.
- Size of the area: 2594,3 km<sup>2</sup>.

#### 4.2.4. Historic development

Part of the area of Pärnu Bay area pilot project was initially covered in the BaltSeaPlan project. This meant that by 2012, when the legal process for maritime spatial planning was initiated, the first steps of the planning process, i.e. stocktaking, conflict analysis and identification of future uses, were already done.

In 2012 the actual planning process started. In late 2014 a third draft of the plan was delivered which will be sent to different public authorities for approval. When this stage is concluded, the plan will be publicly displayed and public discussions will be organised. The adoption of the plan is expected in early 2016.

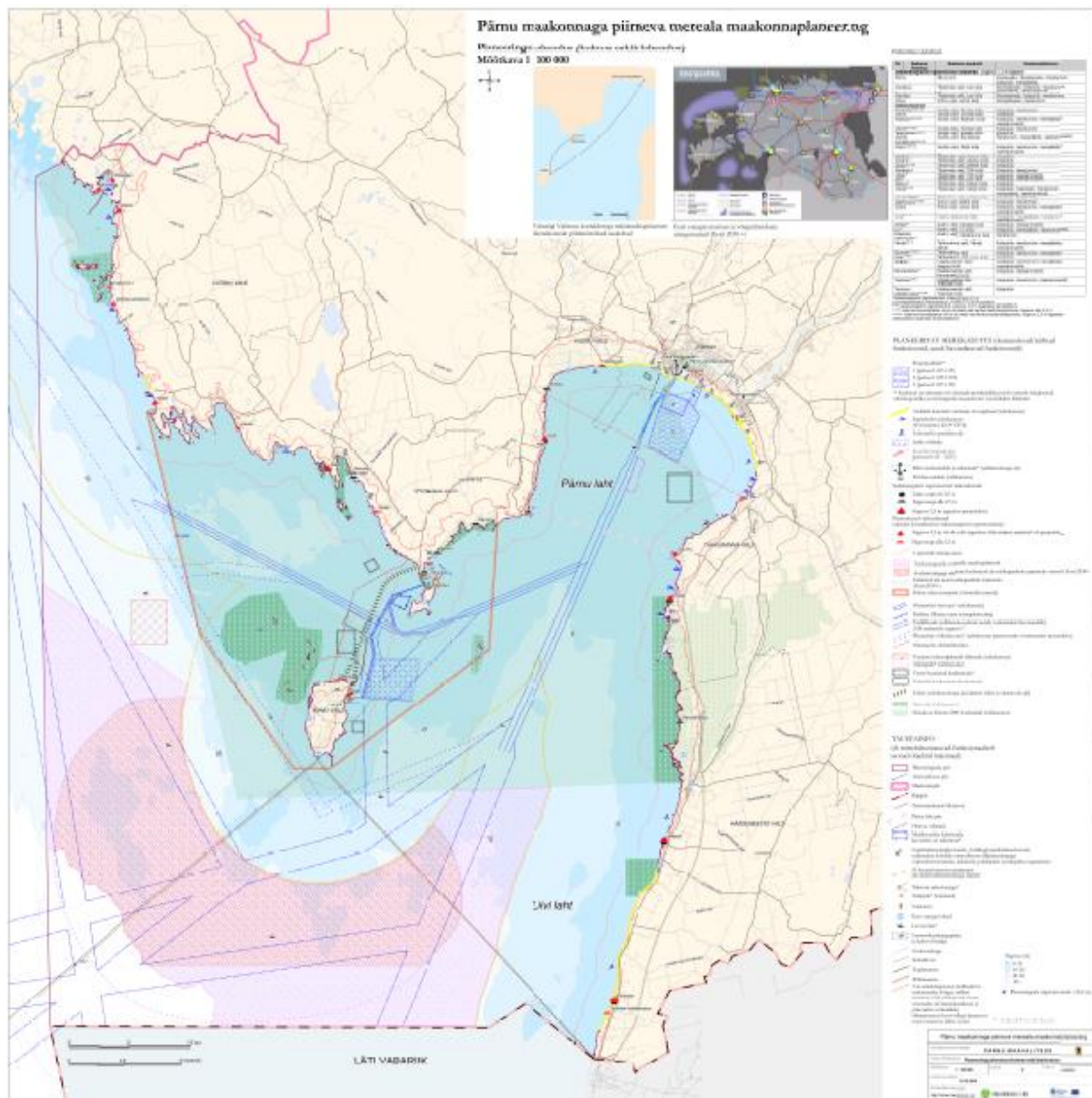
The Pärnu Bay area maritime spatial plan, in comparison to the Hiiu island plan was developed in a very close cooperation with different stakeholders. Numerous meetings have been held in a time span of 2 years with representatives from fisheries, the energy sector, maritime transport and ports, environmental organizations and local communities. In addition to stakeholder meetings, the stakeholder involvement process was discussed in a steering group, which gave input to the country governor on planning solutions.



#### 4.2.5. Objectives of the plan

The main objective of the plan is to define the long-term uses of the assigned marine area through a public process, taking into account the different economic, social, cultural and environmental interests and needs. To achieve this, scenarios on the long-term development of the area have been developed. Eventually, a balanced use scenario was chosen featuring a sustainable use of the Pärnu Bay area through sustainable fishing, protection of culturally and naturally important areas, safe shipping routes and diverse recreation possibilities.

#### 4.2.6. Map



*Draft planning proposal, November 2015*

#### 4.2.7. Designation

There are two different areas determined in the plan: general use areas and priority use areas.

General use areas are open for any use as long as it is in accordance with the law.

Priority use areas means that one use has a priority over other uses. Other uses are allowed as long as they do not interfere with the priority use. For example, in case of priority use for aquaculture, aquaculture must be favoured against other uses.

#### 4.2.8. Regulations

The plan spells out general guidelines for the use of marine areas. Permits for specific uses will be issued taking into account the conditions set in the plan and the prevailing legal restrictions.

#### 4.2.9. Adoption

The plan will be adopted in the beginning of 2016.

#### 4.2.10. SEA

SEA has been carried out for the Pärnu Bay area maritime spatial plan.

#### 4.2.11. Public participation

According to the Estonian Planning Act, all plans, including maritime spatial plans, must be made public throughout the process. This means that the wider public as well as any stakeholder has the right to express their opinion about the plan in every phase of the planning process. In addition, compulsory public displays and discussions are held in different stages of the planning process.

In addition to compulsory public discussions, a great number of stakeholder meetings were also held throughout the planning process. The planning process was led by a steering board, which included members from different national authorities, different stakeholders (energy, fisheries) and local communities.

#### 4.2.12. Transboundary consultation

The SEA process was carried out as a transboundary process with Latvia. At the very beginning of the process, Latvia was informed of the planning process and the SEA. The SEA results and the plan were presented to Latvia after the planning proposal was drafted.

#### 4.2.13. Harmonisation with other plans

The Pärnu Bay area maritime spatial plan is taken into account when putting together a new terrestrial county plan for Pärnu county (started in 2013) and in local level plans, mainly comprehensive plans.

Furthermore, the Pärnu Bay area maritime spatial plan will also be taken into account in the national maritime spatial plan to be started in 2016. The Pärnu Bay area plan will be one part of the national plan.

#### 4.2.14. Monitoring

According to the new Planning Act, county plans (which include the Hiiu island maritime spatial plan) are evaluated every 7 years from their adoption. If changes are necessary, a new plan must be initiated and adopted.

#### 4.2.15. Electronic resources

All documents are available at [parnumeri.hendrikson.ee](http://parnumeri.hendrikson.ee).

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

The two pilot projects for maritime spatial planning (duration 2012-2016) turned out to be very different in terms of processes and outcomes of the planning proposals. Still, the different processes of pilot plans provide a solid ground for further elaborating maritime spatial planning methodology in the future. The two different processes gave an impression of what an ideal maritime spatial planning process could look like in Estonia.

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

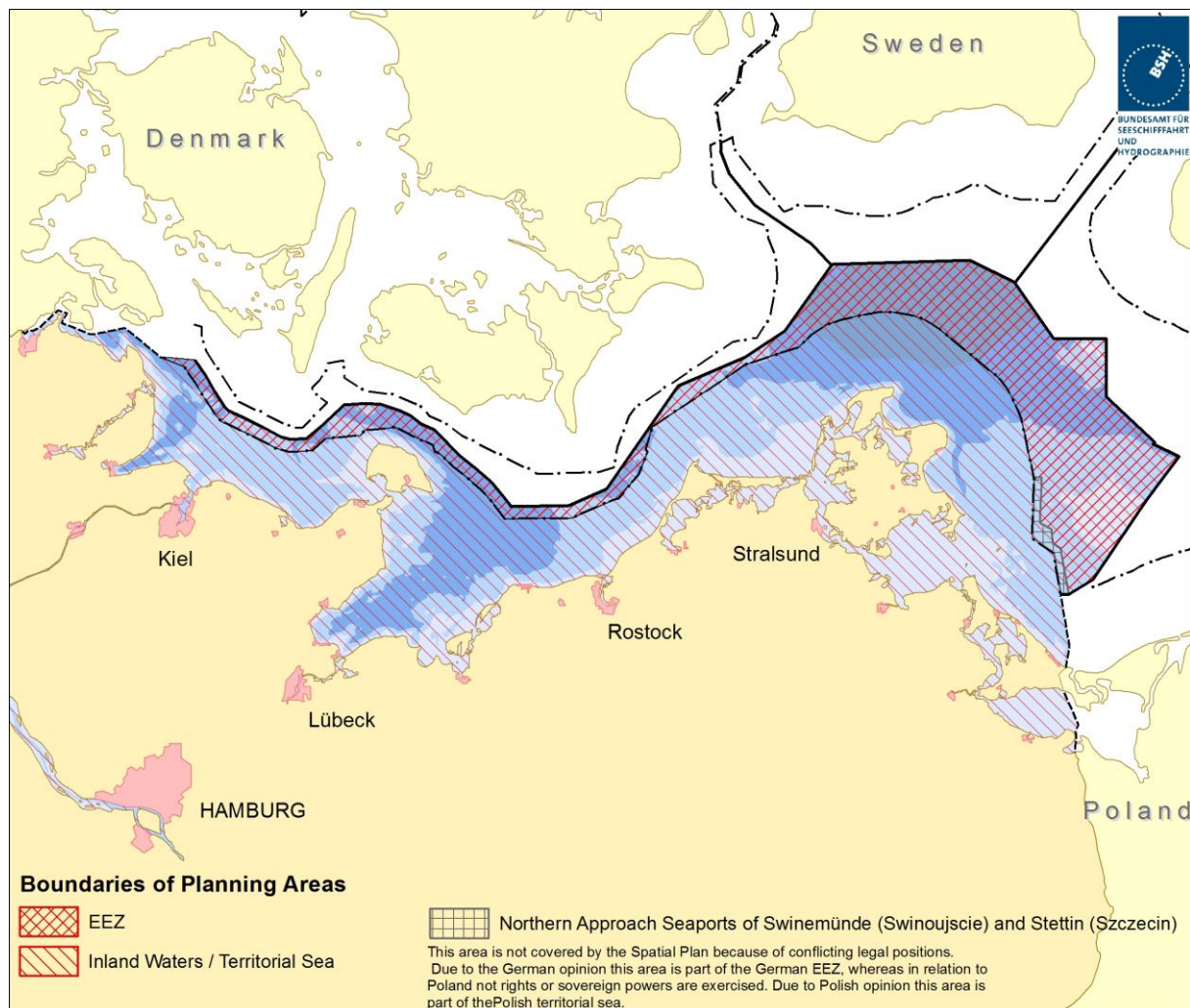
The new Planning Act will enter into force in July 2015. Based on this national maritime spatial planning for Estonian marine areas (internal waters, territorial waters and EEZ) will be initiated in 2016.



# Country Fiche

## Germany

## 1. General information



Map: German Baltic Sea EEZ and Territorial Sea / Inland Waters

Source: Federal Maritime and Hydrographic Agency (BSH)

Exclusive Economic Zone in the Baltic Sea: 4.500 km<sup>2</sup>

Inland Waters and Territorial Sea in the Baltic Sea: 10.900 km<sup>2</sup>

### 1.1. Governance

The Federal Ministry of Transport and Digital Infrastructure is responsible for setting up maritime spatial plans - in the framework of UNCLOS-targets (legally binding) and principles (guidelines that need to be particularly considered in the decision process) of spatial planning in the German Exclusive Economic Zone (EEZ) with regard to economic and scientific use, with regard to ensuring safety and efficiency of maritime traffic and as well with regard to the protection of the marine environment. Federal Coastal States are responsible for setting up spatial targets and principles for their respective share of internal waters and territorial sea in the North and Baltic Sea.

The planning of the territorial seas lies in the responsibility of the federal coastal states.

- In Schleswig-Holstein the corresponding authority is the State Chancellery of the state Schleswig-Holstein, department for spatial planning, human resources and budget.
- In Mecklenburg-Vorpommern the responsibility lies with the Spatial Planning Authority in the Ministry for Energy, Infrastructure and State Development.

## 1.2. Contacts

### 1.2.1 EEZ

MSP in general:	<b>Federal Ministry of Transport and Digital Infrastructure</b> <a href="http://www.bmvi.de">www.bmvi.de</a>
	<b>Federal Maritime and Hydrographic Agency (BSH)</b> <a href="http://www.bsh.de">www.bsh.de</a>
Environmental concerns:	<b>Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</b> (Espoo contact point) <a href="http://www.bmub.bund.de">www.bmub.bund.de</a>
	<b>Federal Environment Agency (UBA)</b> <a href="http://www.umweltbundesamt.de">www.umweltbundesamt.de</a>
	<b>German Federal Agency for Nature Conservation (BfN)</b> <a href="http://www.bfn.de">www.bfn.de</a>

### 1.2.2 Internal Waters and Territorial Sea

Schleswig-Holstein	<b>State Chancellery of the State Schleswig-Holstein</b> <a href="http://www.stk.landsh.de">www.stk.landsh.de</a>
Mecklenburg-Vorpommern	<b>Ministry of Energy, Infrastructure and State Development</b> <b>Mecklenburg-Vorpommern</b> <a href="http://www.em.mv-regierung.de">www.em.mv-regierung.de</a>

## 2. General information on legislation

International / EU legislation and frameworks have to be considered in MSP, e.g.

- UNCLOS
- IMO regulations and resolutions
- MARPOL
- MSP Directive 2014/89/EU (adopted in July 2014)
- SEA Directive 2001/42/EC
- Habitats Directive 92/43/EEC
- MSFD 2008/56/EC

- Baltic Sea Action Plan
- HELCOM Convention
- VASAB Long Term Perspective
- all relevant EU communications.

National legal base is the general Spatial Planning Act („Raumordnungsgesetz“ / ROG), which was made applicable to the EEZ in 2004.

The public as well as public authorities, which are touched in their interests, must be informed and have the opportunity to comment on the draft before setting the maritime spatial plan into force. When setting up a maritime spatial plan an SEA must be carried out. The likely significant effects on the environment have to be described and evaluated in an environmental report; the results of the SEA and the comments of the participation process have to be taken into account when balancing the different interests (see Spatial Planning Act (ROG) and Environmental Impact Assessment Act (UVPG).

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

According to the German Spatial Planning Act the Federal Government is responsible for maritime spatial planning in the German EEZ. The territorial sea is an integrated part of the (terrestrial) spatial plans of the coastal federal states. Legal bases are the German Spatial Planning Act and the respective spatial planning law of the federal state.

## **4. Spatial Plans**

### **4.1. Maritime Spatial Plan for the EEZ of the Baltic Sea**

#### **4.1.1. Legal basis**

Legal base is the general Spatial Planning Act („Raumordnungsgesetz“ / ROG) which was made applicable to the EEZ in 2004. The Federal Ministry of Transport and Digital Infrastructure (BMVI) is responsible for setting up Maritime Spatial Plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS.

#### Relevant national legislation:

- Federal Maritime Responsibilities Act (SeeAufG), as of 26 July 2002 plus related regulations, incl. Marine Facilities Ordinance (SeeAnIV)
- Federal Mining Act (BBergG) of 13 August 1980
- Renewable Energie Sources Act (EEG)
- Energy Industry Act (EnWG) of 7 July 2005 (and Grid Expansion Acceleration Act (NABEG) of 28 July 2011
- Federal Nature Conservation Act (BNatSchG)
- Federal Water Act (WHG)
- Act on the Assessment of Environmental Impacts (UVPG)



Spatial Planning Legislation in general names requirements, tasks and guidelines of spatial planning, aiming at achieving a balanced structure of settlements and open landscapes as well as the ecosystem, avoiding uncontrolled development and maintaining efficient infrastructures. For the EEZ the maritime spatial plan shall include targets (legally binding) and principles (guidelines that need to be particularly considered in the decision process) of spatial planning with regard to economic and scientific use, with regard to ensuring safety and efficiency of maritime traffic and as well with regard to protection of the marine environment. Respective areas for these uses and functions may be stipulated.

#### 4.1.2. Legal impact

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

#### 4.1.3. Area covered

The plan area covers the German EEZ in the Baltic Sea, though does not cover the charted area showing the northern approaches to the harbours of Świnoujście and Szczecin and anchorage no. 3 because of contradictory legal opinions. According to German opinion this area is part of the German EEZ, whereas in relation to Poland no rights or sovereign powers are exercised. According to Polish opinion this area is part of the Polish territorial sea.

#### 4.1.4. Historic development

The planning process started in 2005 with a questionnaire to agencies and NGOs concerning activities, licences and interests in the EEZ to obtain an overview. A “scoping meeting” took place in 2005 with agencies and NGOs to discuss the scope of the necessary Strategic Environmental Impact Assessment. BMVBS (since December 2013: BMVI) and BSH drafted maritime spatial plans which in conjunction with the SEA report have been published in the framework of public participation in 2008; transboundary consultation was conducted and public hearings were held. In December 2009 the Maritime Spatial Plan for the German EEZ in the Baltic Sea was enacted by the ministry of transport. The MSP for the North Sea EEZ was set into force in September 2009.

#### 4.1.5. Objectives of the plan

Starting point for Maritime Spatial Planning in Germany is the guiding principle of sustainable spatial development, which brings social and economic demands regarding space in line with the sea’s ecological functions and leads to a permanent, large scale balanced order. In order to co-ordinate the growing conflicts of maritime uses, in particular between developing space intensive offshore wind farms and marine environmental protection goals as well as traditional maritime uses such as shipping and fisheries, an integrative and sustainable approach is needed for the development of the German Exclusive Economic Zone (EEZ).

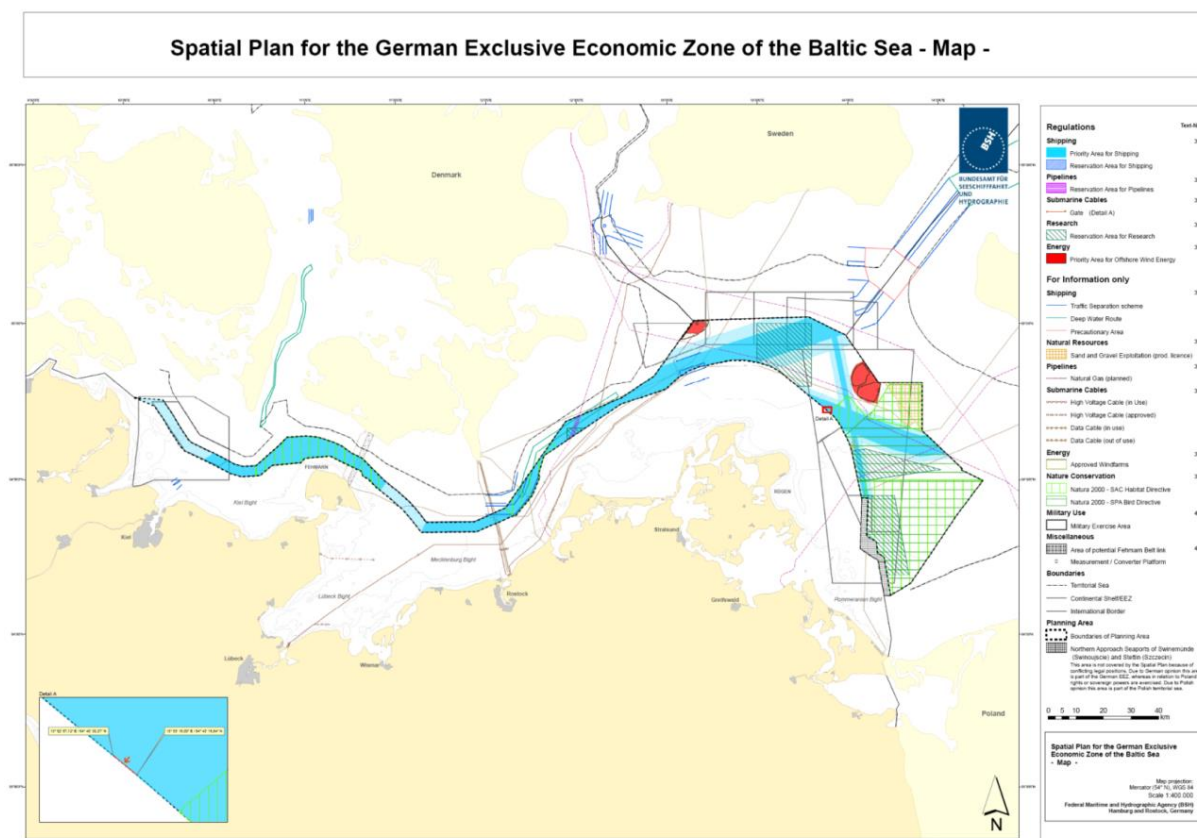
### 5 guidelines:

1. Safeguarding and strengthening maritime traffic;
2. Strengthening economic capacity through orderly spatial development and optimization of spatial use;



3. Promotion of offshore wind energy use in accordance with the Federal Government's sustainability strategy;
4. Long-term sustainable use of the features and potentials of the EEZ through reversible uses, efficient use of space, and priority of marine-specific uses;
5. Safeguarding natural environment by avoiding disruptions to and pollution of the marine environment.

#### 4.1.6. Map



#### 4.1.7. Designation

The basic structure of the spatial plan follows the analysis of the ship traffic based on AIS-information provided by the Water- and Shipping Administration. Because shipping has special weight according to UNCLOS the main shipping routes are designated priority areas, which must be kept free from obstacles (e.g. wind farms). This designation is the result of Art. 60 para. 7 UNCLOS which rules that installations may not be established by the coastal State where they are capable of interfering with the use of recognized sea lanes essential to international navigation. The second important regulation is the designation of priority areas for offshore wind energy, which avoids and reduces significant conflicts with other uses and the marine environment. The third important regulation is the protection of the marine environment; one result is therefore that according to the spatial plan no wind turbines are allowed in Natura 2000 areas.

Spatial designations have been made by determining priority areas (planning targets, legally binding) and reservation areas (planning principles) – further regulations have been made in

the text, setting binding planning priorities, planning principles, rules and objectives to be followed.

#### Shipping:

In the priority areas for shipping this activity is granted priority over other spatially significant uses and no permission is given to planning, measures and projects not compatible with the shipping priority. In reservation areas for shipping special consideration is given to shipping interests – a comparative evaluation with other spatially significant planning tasks, measures and projects has to be conducted.



Priority and Reservation Routes for Shipping

Source: Federal Maritime and Hydrographic Agency (BSH)

#### Pipelines:

Special consideration is given to the laying, operation and maintenance of pipelines in the reservation areas for pipelines in the Baltic Sea.

#### Marine scientific research:

Special consideration is given to the conduct of scientific research activities in the reservation areas for research.

#### Energy production, wind energy in particular:

The production of wind energy is granted priority over other spatially significant uses in the priority areas for wind energy. Offshore wind turbines outside the designated priority areas are not allowed in Natura 2000 areas.

#### 4.1.8. Regulations

The Maritime Spatial Plans for the EEZ determine co-ordinated regulations for single uses and functions:

- shipping,
- pipelines and submarine cables,
- marine scientific research,
- energy production (especially wind energy),

including regulations determining areas for single uses and functions. Further uses in the EEZ such as military uses, will find co-ordinated consideration within the regulations mentioned above. Management arrangements are taken on a later stage, for instance at project level dealing with applications for specific activities (e.g. wind farms). For Natura2000 areas management plans are to be developed by the competent Nature Conservation Agency.

#### 4.1.9. Adoption

Germany, resp. the Federal Ministry of Transport, Building and Urban Affairs (new name since December 2013: Federal Ministry of Transport and Digital Infrastructure) adopted and enacted the maritime spatial plan for the EEZ of the Baltic Sea as “Ordinance on Spatial Planning in the German Exclusive Economic Zone in the Baltic Sea (AWZ Baltic Sea-ROV)” on 10<sup>th</sup> December 2009, the plan entering into force on Dec. 19<sup>th</sup> 2009.

#### 4.1.10. SEA

As a basis for description and assessment of any substantial impacts on the marine environment that are likely to be caused by the implementation of the plan, a large scale Strategic Environment Assessment (SEA) has been carried out – the first time in a sea area distant from the coast. The SEA predicted no significant effect on the marine environment evoked from the implementation of the plan.

#### 4.1.11. Public participation

Broad public participation was secured through consultations with stakeholders (agencies and NGOs): marine environment and nature conservation, fisheries, energy, sand and gravel, shipping, military, tourism, leisure boating, research.

A public hearing on the draft plan with ca. 80 stakeholders attending -mainly from other planning authorities, industry and NGOs – was held in Rostock end of 2008

#### 4.1.12. Transboundary consultation

Consultations with neighbouring countries were conducted by

- notifying about the intention to set up a maritime spatial plan in the initial phase of the planning process and asking about their interest in being further informed and consulted
- consultation on the draft maritime spatial plan by written information
- several face-to-face meetings with neighbouring countries’ representatives
- ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impact of the plan on neighbouring countries’ marine environment, the protected areas in particular.

#### 4.1.13. Harmonisation with other plans

The area which adjoins the German Baltic Sea EEZ, which already featured spatial planning provisions for marine space, was the German territorial sea administered by the federal state of Mecklenburg-Vorpommern. The Spatial Development Program had been enacted in 2005. This plan followed different planning objectives which were distinctly driven by the coastal development - with spatial designations e.g. for nature protection, sand and gravel extraction and tourism, and suitable areas for offshore wind energy which do not allow for any further offshore wind energy development outside of these areas. Shipping was not regulated, the map only depicting some major shipping routes. Thus MSP for the EEZ did not take this plan as a model, and chose another approach, with starting out to secure safe and easy shipping and regulating infrastructure development.

#### 4.1.14. Monitoring

In 2012 an evaluation report was produced by BSH and the Ministry of Transport, which assessed if and how the implementation of the plan had been successful in reaching the target set, focusing mainly on the development of offshore wind energy and the target set by the Federal government for offshore wind energy production. Steering effects were obvious, offshore windfarm applications now being limited to the priority areas for offshore wind energy and areas with no general limitation to offshore wind farm development. Thus adequate space has been secured for medium to long-term development of the sector, as a prerequisite for implementation of the government's renewable energy strategy.

#### 4.1.15. Electronic resources

MSP for the German EEZ in the North Sea, MSP for the German EEZ in the Baltic Sea:

- Legal Ordinance (English translation),
- Maritime spatial plan with justification (English translation),
- map (English version) and
- English summary of environmental report.

[http://www.bsh.de/en/Marine\\_uses/Spatial\\_Planning\\_in\\_the\\_German\\_EEZ/index.jsp](http://www.bsh.de/en/Marine_uses/Spatial_Planning_in_the_German_EEZ/index.jsp)

## **4.2. Maritime Spatial Plan for the Territorial Sea of the Baltic Sea – Schleswig-Holstein**

### 4.2.1. Legal basis

The State Development Plan for Schleswig-Holstein and the three Regional Plans are set up as a statutory ordinance in the context of the State Spatial Planning Act, §§ 5 - 9, from January, 24th, 2014. This is based on the Federal Spatial Planning Act, §§ 7 – 11.

### 4.2.2. Legal impact

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

### 4.2.3. Area covered

The plan covers the land as well as the marine areas of Schleswig-Holstein as far as the territorial sea border.



#### 4.2.4. Historic development

The actual State Development Plan came into effect in October 2010 as a legally binding plan. A revised plan is currently under preparation and will cover the marine area, too.

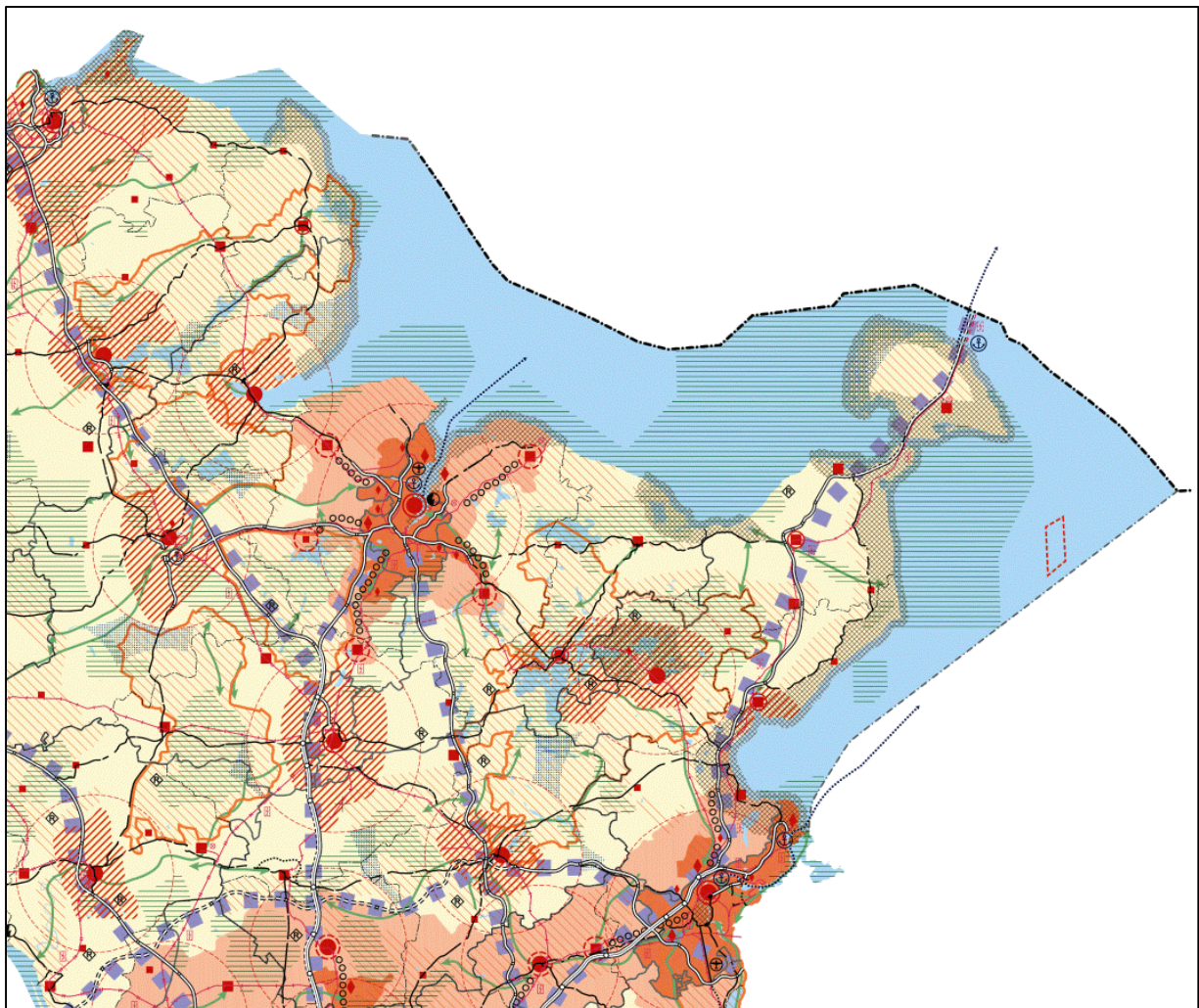
#### 4.2.5. Objectives of the plan

The State Development Plan for Schleswig-Holstein regulates conclusively the spatial objectives and principles for terrestrial as well as the marine areas.

The guiding principle is sustainable spatial development, which brings the social and economic demands regarding space in line with its ecological functions and leads to a permanent, large-scale balanced order.

The different uses in the coastal zone should be balanced and adjusted to each other. Integrated coastal zone management should play an important role in this.

#### 4.2.6. Map



*Extract from Spatial Development Plan Schleswig-Holstein 2010*

Source: Ministry of the Interior of the State of Schleswig-Holstein 2010

#### 4.2.7. Designation

The state development plan of Schleswig-Holstein includes for the territorial areas of the Baltic Sea several areas of reservation for nature and landscape, a test field for wind energy turbines and at the coasts core areas for tourism.

#### 4.2.8. Regulations

The state development plan of Schleswig-Holstein includes for the territorial areas of the Baltic Sea several areas of reservation for nature and landscape, a test field for wind energy turbines and at the coasts core areas for tourism.

#### 4.2.9. Adoption

The actual State Development Plan came into effect in October 2010 as a legally binding plan.

#### 4.2.10. SEA

By law, maritime spatial plans are subject to Strategic Environmental Impact Assessments. SEAs have been conducted according to the Environmental Impact Assessment Act (UVP) of June 25, 2005, resulting in comprehensive environmental reports.

#### 4.2.11. Public participation

Broad public participation was secured through an online-based consultation and participation procedure, as well as several public stakeholder meetings in different parts of Schleswig-Holstein.

#### 4.2.12. Transboundary consultation

Denmark as neighbouring state was also included in the participation and consultation process.

#### 4.2.13. Harmonisation with other plans

N/A

#### 4.2.14. Monitoring

N/A

#### 4.2.15. Electronic resources

Spatial Development Plan (LEP) 2010 for Schleswig-Holstein:

[http://www.schleswig-holstein.de/STK/DE/Schwerpunkte/Landesplanung/Raumordnungsplaene/Lep/Lep\\_node.html](http://www.schleswig-holstein.de/STK/DE/Schwerpunkte/Landesplanung/Raumordnungsplaene/Lep/Lep_node.html)

[http://www.schleswig-holstein.de/STK/DE/Service/Broschueren/BroschuerenLaPla/Plaene/Brosch\\_LEP.html](http://www.schleswig-holstein.de/STK/DE/Service/Broschueren/BroschuerenLaPla/Plaene/Brosch_LEP.html)  
[Revision of LEP 2010 \(LEP 2017\)](#)

[http://www.schleswig-holstein.de/STK/DE/Schwerpunkte/Landesplanung/AktuelleProjekte/Neuer\\_Landesentwicklungsplan/neuer\\_landesentwicklungsplan\\_node.html](http://www.schleswig-holstein.de/STK/DE/Schwerpunkte/Landesplanung/AktuelleProjekte/Neuer_Landesentwicklungsplan/neuer_landesentwicklungsplan_node.html)

### **4.3. Maritime Spatial Plan for the Territorial Sea of the Baltic Sea – Mecklenburg-Vorpommern**

#### **4.3.1. Legal basis**

In addition to ROG (4.1.1) the legal base for spatial planning in Mecklenburg-Vorpommern is the Law on Spatial Planning (“Landesplanungsgesetz, LPlG). Article 6 (1) states, the area the law is covering, is the entire “Land”, including the territorial sea.

#### **4.3.2. Legal impact**

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

#### **4.3.3. Area covered**

The programme covers both sea and land, i.e. the whole territory of Mecklenburg-Vorpommern, including shares of inland waters and territorial sea in the Baltic Sea.

#### **4.3.4. Historic development**

The Spatial Development Programme (SDP) of Mecklenburg-Vorpommern was extended to the 12-nm zone during the realignment in 2003-2005. Mecklenburg-Vorpommern is the first German coastal state that has integrated designations for single uses in the 12-nm zone into its regional development program. The extended programme was adopted in 2005 and became a legally binding act. The plan was adopted by ordinance of the Ministry of Transport, Building and Regional Development of Mecklenburg-Vorpommern of 2005.

Currently the SDP is being amended. By updating its SDP, Mecklenburg-Vorpommern intends to intensify its comprehensive and multidisciplinary spatial planning. This shall support sustainable future development of the federal state and benefit its inhabitants. The updated Programme reflects current challenges, development trends and framework conditions.

Sustainable development as guiding principle of spatial development will persist. The Programme aims at building harmonious relations between economy, employment, environmental conservation and development focused on equivalent living conditions. Considering economic, social and environmental status of the federal state, its priorities include securing high quality jobs and meeting needs for qualified staff while utilising possibilities created by administrative procedures and interpretation of laws.

#### **4.3.5. Objectives of the plan**

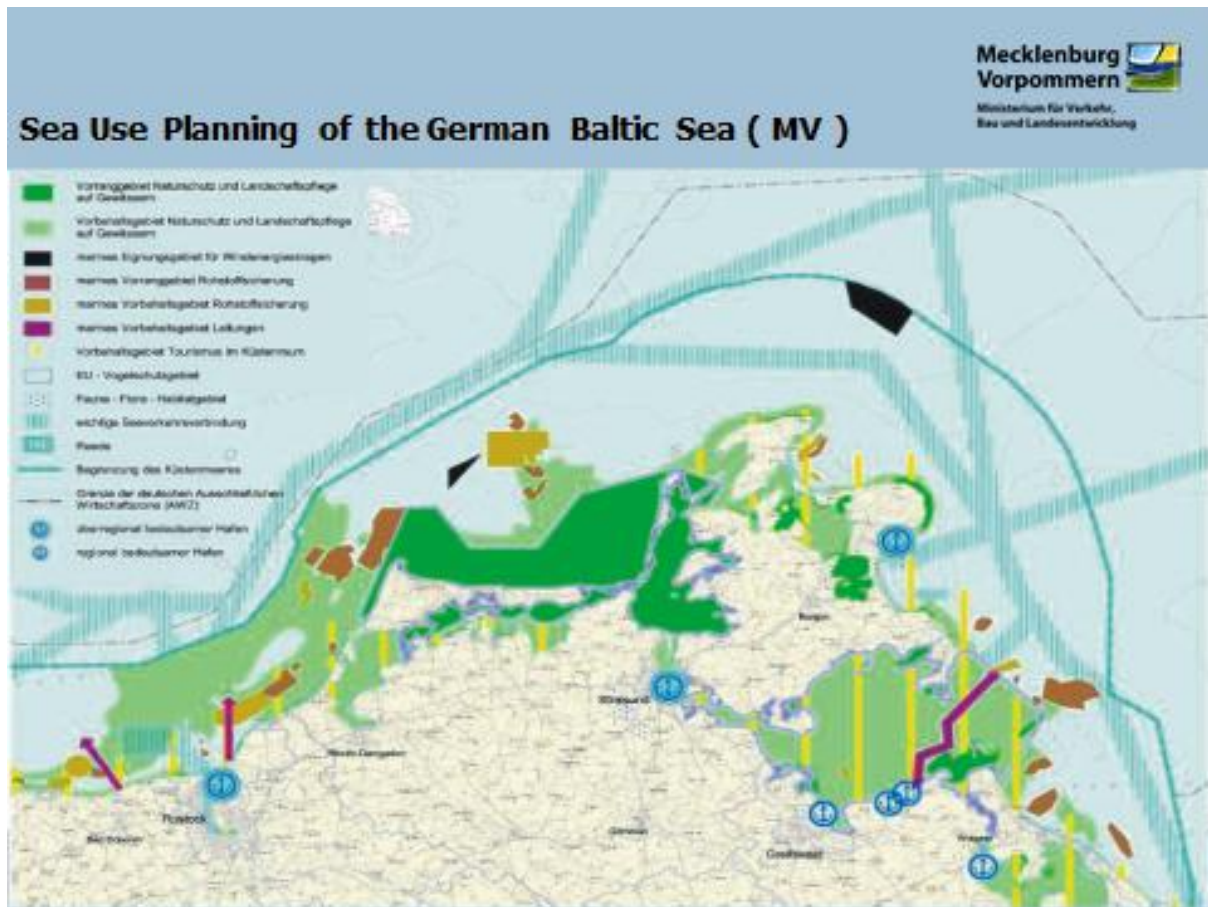
The Spatial Development Programme Mecklenburg-Vorpommern aims to implement the principles of sustainable spatial development which may bring social and economic requirements to be met by the territory into harmony with its ecological functions, and which leads to a long-term, large-scale and balanced spatial development.

The applicability of the SDP has been extended into coastal waters (12sm-zone) to ensure a conflict management between the demands of new technologies (offshore wind energy sites), tourism and nature protection, and traditional sectors like shipping, fishing and defence at an early stage.

The binding objectives, principles and other requirements of spatial planning are the framework for further development. This framework may guide those involved in public planning and those representing private interests at an early stage of preparing and implementing measures with spatial impacts.

The Spatial Development Programme M-V has strategic character and outlines the priorities concerning the spatial uses in the coastal waters of Mecklenburg-Vorpommern. The 12th guideline is of special importance regarding MSP, it is targeted towards assurance and use of the potentials of the coastal waters.

#### 4.3.6. Map



*Extract from Spatial Development Programme Mecklenburg-Vorpommern 2005*

Source: Ministry of Energy, Infrastructure and State Development

#### 4.3.7. Designation

Spatial designations have been made by determining priority areas and suitability areas (planning targets, legally binding) and reservation areas (planning principles)– further regulations have been made in the text, setting binding planning priorities, planning principles, rules and objectives to be followed.

#### 4.3.8. Regulations

Driven mainly by coastal development main areas of intervention in the coastal waters with respective spatial designations are protection of the marine environment, sand and gravel



extraction, tourism, suitability areas for offshore wind energy, which do not allow for any further offshore wind energy development outside of these areas, and corridors for linear infrastructure (cables, pipelines). Shipping is not regulated. The map only depicts some major shipping routes on a general level.

#### 4.3.9. Adoption

The programme was adopted by ordinance of the Ministry of Transport, Building and Regional Development of Mecklenburg-Vorpommern in 2005 and became a legally binding act.

#### 4.3.10. SEA

The SDP has been subjected to a strategic environmental assessment as required by European and national legislation.

#### 4.3.11. Public participation

The SDP has been developed in a multi-step process which included public participation. This wide and transparent involvement should help to gain wide acceptance for the implementation of the programme's requirements.

#### 4.3.12. Transboundary consultation

N/A

#### 4.3.13. Harmonisation with other plans

N/A

#### 4.3.14. Monitoring

N/A

#### 4.3.15. Electronic resources

All documents of the Spatial Plan for Mecklenburg-Vorpommern including inland waters and territorial sea available here (only in German):

[http://www.regierung-mv.de/cms2/Regierungsportal\\_prod/Regierungsportal/de/vm/Themen/Landes-und\\_Regionalentwicklung/Landesraumentwicklungsprogramm/index.jsp](http://www.regierung-mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/vm/Themen/Landes-und_Regionalentwicklung/Landesraumentwicklungsprogramm/index.jsp)

Map:

[http://www.mv-regierung.de/vm/raumordnung/aktuell\\_neuaufstellung\\_karte\\_CMS.html](http://www.mv-regierung.de/vm/raumordnung/aktuell_neuaufstellung_karte_CMS.html)

## 5. What countries want to share

N/A

## 6. New developments / current status

Revision of the MSPs for the EEZ of the Baltic and the North Sea is currently being considered, following Interreg projects BaltSeaPlan and PartiSEApate, which BSH had been very actively involved in, new developments with neighbouring countries starting national MSP processes, and requirements on EU level (adopted MSP Directive) etc. BSH/Germany is

going to take part in several potential upcoming DG Mare and Interreg projects on MSP not only in the Baltic but also in the North Sea. There are also MSP projects and initiatives on national and international level with a special environmental focus, which UBA and BfN support.

Both Schleswig-Holstein and Mecklenburg-Vorpommern are currently reviewing and updating their respective spatial plans / programs, taking on new developments and challenges.

Further developments, initiatives and projects related to MSP:

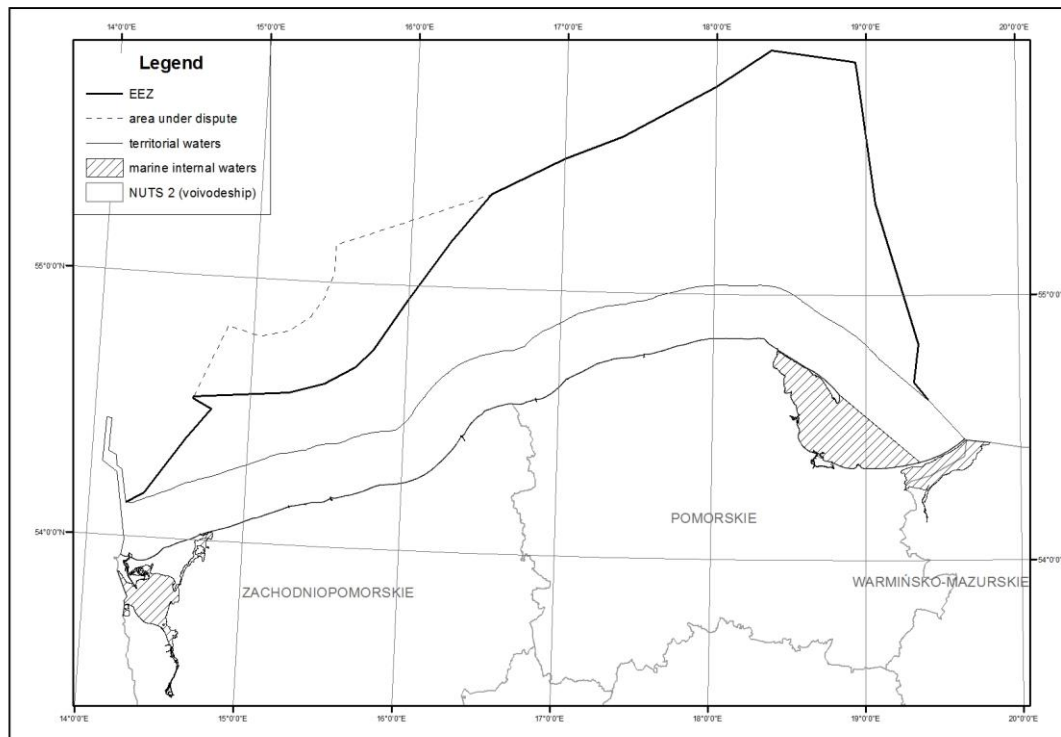
- The Federal Government has published in 2011 an overall development concept for the sea, which constitutes the strategy for an integrated German maritime policy (“Entwicklungsplan Meer – Strategie für eine integrierte deutsche Meerespolitik”).
- An offshore grid plan for the EEZ of the Baltic Sea has been elaborated by BSH in 2013 (to be regularly revised and updated), identifying the electricity connections needed for the offshore wind farms, and the possibilities of having joint converter platforms for several wind farms (clusters), and the cables to be bundled in corridors towards land, including also a strategic forward looking approach.
- In 2011 the Federal Agency for Nature Conservation (BfN) started a project with the aim to develop, in close coordination with the Federal Environment Ministry, management plans for the Natura 2000 sites in the German EEZ under the EU BIRDS and HABITATS Directives. The management plans will include monitoring and surveillance. The work is done on the basis of existing data and in close cooperation with other research projects in the German EEZ, e.g. projects on monitoring and on the implementation of the MSFD.
- In 2013 the Federal Environment Agency (UBA) started a project with the aim to advance environmental approaches for a further development of maritime spatial planning in the German EEZ. One part of the project is to specify the ecosystem approach for an application in the context of MSP. The project will finish early 2015. The contractors are the Institute of Ecological Urban and Regional Development (Dresden) and the Institute for Baltic Sea Research (Rostock). In 2014 UBA together with BfN also initiated an advisory assistance project on Maritime Spatial Planning: “Environmentally sound concepts for spatial use in the Baltic Sea coastal area of the Russian Federation in the ”, with representatives from several relevant authorities and organisations in Germany and Russia involved. Phase I included an information exchange on the Russian draft Law and an agreement on a project design for a pilot project (phase II).
- A project has been initiated in 2014 by the Federal Agency for Nature Conservation with the aim to improve appropriate guidance, information and scientific measurement bases and solutions that can be implemented to support nature conservation issues according to the development of MSP at the international level (EU, HELCOM, OSPAR).



# Country Fiche

## Poland

## 1. General information



- Internal sea waters: about 1 998 km<sup>2</sup>
- Territorial sea (12-nm zone): 8 813 km<sup>2</sup>
- Exclusive Economic Zone: 22 573 km<sup>2</sup>

Disputed area: south of Bornholm with unresolved claims from Denmark and Poland

### 1.1. Governance

Polish sea space is managed by the Minister responsible for matters of maritime economy, who, in the name of the State, acts as owner of all Polish sea areas. The sea space is administered by his regional maritime administration, i.e. the Directors of Maritime Offices (Szczecin, Słupsk and Gdynia).

Construction, operation and use of artificial islands, installations or structures, as well as laying of cables and pipelines, in Polish sea areas requires obtaining a permission. This permission is given, by means of an administrative decision. The organ issuing the decision is either the Minister responsible for maritime economy or the territorially competent Director of Maritime Office, depending on type of sea area (EEZ, territorial sea, internal sea waters) and status of spatial planning. Directors of Maritime Offices are responsible for preparation of maritime spatial plans (see section on plans). Other types of permits and licences for the use of the sea space (e.g. construction permits, mining licences, water law permits) are issued by other public authorities, but always after obtaining agreement of the appropriate organ of maritime administration (Minister responsible for maritime economy or Director of Maritime Office).

## 1.2. Contacts

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Officer for Maritime Spatial Planning

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Officer for Maritime Spatial Planning

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**Mr Piotr Otawski**

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## 2. General information on legislation

The legal base for MSP was established in Poland in 2003 and seems sufficient for conducting MSP.

2.1 The main legal act is “The Act on Sea Areas of Poland and Maritime Administration of March 21st 1991” (Ustawa z dnia 21 marca 1991 r. o obszarach morskich Rzeczypospolitej Polskiej i administracji morskiej) available in Polish at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19910320131>.

Regulations concerning maritime spatial planning are placed in Chapter 9 (articles 37a and 37b) and in Chapter 8 (article 37, para. 4) (added in 2003 and slightly amended in 2005). They regulate planning of the sea space and of a neighbouring terrestrial strip called the “coastal belt” (*pas nadbrzeżny*).

A maritime spatial plan is adopted by ministerial order by the minister responsible for maritime economy who should act in co-operation with the minister responsible for regional development, and in consultation with the ministers in charge of agriculture, culture and national heritage, the environment, fisheries, internal affairs, transport, water management, and the Minister of National Defence. The drafts of the plans are prepared by the territorially competent Directors of Maritime Offices.

### Maritime spatial plans determine:

- The destined use of the sea areas
- Prohibitions and limitations in use of sea areas, taking into account the requirements of nature protection
- Distribution of public investment
- Directions for development of transport and technical infrastructure
- Areas and conditions for protection of environment and cultural heritage

2.2 The supporting law is “Ministerial ordinance on required scope of MSPs in their textual and graphic parts” (Rozporządzenie Ministra Transportu, Budownictwa i Gospodarki Morskiej i Ministra Rozwoju Regionalnego z dnia 5 sierpnia 2013 r. w sprawie planów zagospodarowania przestrzennego polskich obszarów morskich) available in Polish at <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20130001051&min=>.

### The ordinance specifies:

- MSP terminology
- scope of the plans and necessary links between different planning regimes (NATURA 2000, terrestrial plans)
- objects to be planned
- textual and graphics requirements

2.3 An important role for MSP is also played by the “Act on access to information on environment and its protection, public participation in environmental protection and on environmental impact assessment” (ustawa z dnia 3 października 2008 r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko).

It stipulates that all spatial plans (in that maritime plans) are subject to SEA procedure.

2.4 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 Polish national law.

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

MSP regulations apply to the whole Polish sea area, i.e. the internal sea waters, territorial sea and EEZ.

### **4. Spatial Plans**

No maritime spatial plan has yet been officially adopted in Poland.

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

#### **5.1. Pilot plans**

Three pilot (non binding) plans exist in Poland. They are used by the Polish Maritime Administration in its daily decision making as a source of best available knowledge.

##### **5.1.1. Pilot maritime spatial plan for the Western part of the Gulf of Gdańsk**

The Pilot maritime spatial plan for the Western part of the Gulf of Gdańsk in its character is a detailed plan with elements of a structural plan. It prioritizes certain uses and formulates general requirements and detailed use restrictions. It covers 40,550 ha of sea area between Gdynia and the Hel Peninsula. The graphic part is in scale of 1:25 000, under the "92" state coordinate system. The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, reeds, ichthyofauna, sand extraction, dumping. It is based on a grid of sea subareas with defined functions and detailed determinants. English version is available: J. Zaucha (ed.) (2009) Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk, 80 p., ISBN 978-83-62438-05-1, available at: <http://www.im.gda.pl/wydawnictwa>.

##### **5.1.2. Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin**

Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin is a strategic plan prioritizing certain sea uses. It stipulates priority to certain uses and formulates general recommendations, but it also excludes certain users from certain areas. It covers 14,100 km<sup>2</sup> of marine waters of Poland, Denmark, Germany and Sweden. The graphic part is in scale 1:2,000,000 in Mercator (54oN) projection (WGS84). The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial

islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, reeds, ichthyofauna, sand extraction, dumping.

English version is available: K. Gee, B. Käppeler, S. Toben, G. Chmura, S. Walkowicz, N. Nolte, P. Schmidt, J. Lamp, C. Göke, C. Mohn, (2012) Developing a Pilot Maritime Spatial Plan for the Pomeranian Bight and Arkona Basin, BaltSeaPlan Report 9 available at: <http://www.baltseaplan.eu/index.php/Pomeranian-Bight;832/1>.

### 5.1.3. Pilot maritime spatial plan for the Southern Middle Bank

Pilot maritime spatial plan for the Southern Middle Bank is a strategic plan prioritizing certain sea uses. It stipulates priority to certain uses and formulates general recommendations, requirements and prohibitions, (limitations/prohibitions introduced only in four cases). It covers 1751.5 km<sup>2</sup> of EEZ of Poland and Sweden. The map of the plan is in scale 1: 200 000, in azimuthally equal-surface Lambert projection (ETRS 1989 LAEA). The plan covers following sea uses: water transport, fishing, mariculture, maritime structures including artificial islands, technical linear infrastructure, nature conservation, ichthyofauna, cultural heritage, sand extraction, research, defence. English version is available: J. Zaucha, M. Matczak, (2012) Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank, BaltSeaPlan Report 10 available at: <http://www.baltseaplan.eu/index.php/Middle-Bank;833/1>.

## 5.2. Good practices

Name of good practice	Where tested	Authors	Source (where can be found)
Know how on maritime spatial planning in Natura 2000 areas	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) <i>Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk</i> <a href="http://www.im.gda.pl/wydawnictwa">http://www.im.gda.pl/wydawnictwa</a>
Methodology for SEA for maritime plans	Gulf of Gdańsk	Maritime Institute in Gdansk	L. Kruk-Dowgiałło, R. Opióła & M. Michałek - Pogorzelska (2011) <i>Prognoza oddziaływania na środowisko Pilotażowego projektu planu zagospodarowania przestrzennego zachodniej części Zatoki Gdańskiej</i> . BaltSeaPlan Report 18 available at: <a href="http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEAGdasnsk">http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEAGdasnsk</a> N. Nolte, M. Michałek L. J. Zaucha, J. Przedzrymirska, Kruk-Dowgiałło & R. Opióła (2012) <i>Strategic Environmental Assessment in MSP. Recommendations from the German and Polish experience</i> . BaltSeaPlan Report 25 available at <a href="http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEA">http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEA</a>
Planning under high level of uncertainty with regard to ecological value of the planned area (application of	Southern Middle Bank	Maritime Institute in Gdansk	J. Zaucha, M. Matczak, (2012) <i>Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank</i> , BaltSeaPlan Report 10 available at: <a href="http://www.baltseaplan.eu/index.php/Middle-Bank;833/1">http://www.baltseaplan.eu/index.php/Middle-Bank;833/1</a> , p.69



precautionary principle)			
Identification and classification of information gaps	Southern Middle Bank	Maritime Institute in Gdansk	J.Zaucha, (2012) <i>Offshore Spatial Information - Maritime Spatial Planning in Poland</i> "Regional Studies" vol. 46, No 4, 1 April 2012, pp. 459-473
Comprehensive list of international legislation relevant for MSP in the EEZ.	Southern Middle Bank,	Maritime Institute in Gdansk	J.Zaucha, M.Matczak, (2012) <i>Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank</i> , BaltSeaPlan Report 10 available at: <a href="http://www.baltseaplan.eu/index.php/Middle-Bank;833/1">http://www.baltseaplan.eu/index.php/Middle-Bank;833/1</a> pp.12,57-562
Stock taking on land necessary for elaboration of a maritime spatial plan	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) <i>Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk</i> , <a href="http://www.im.gda.pl/wydawnictwa">http://www.im.gda.pl/wydawnictwa</a> pp. 30-40
Delimitation of 'sea subareas (designated areas) based on functional characteristics in particular ecological features	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) <i>Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk</i> , <a href="http://www.im.gda.pl/wydawnictwa">http://www.im.gda.pl/wydawnictwa</a> , pp. 47-48
Analysing national policies affecting use of sea space	Southern Middle Bank	Maritime Institute in Gdansk	J.Zaucha, M.Matczak, (2011) <i>National and regional strategies with relevance for Polish maritime space</i> BaltSeaPlan Report 5 available at: <a href="http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#imapctassessment">http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#imapctassessment</a>

## 6. New developments / current status

6.1 Preparation of a legally binding (regulatory) maritime plan in scale 1:200,000 for all Polish sea areas except areas of ports, the Szczecin Lagoon and the Vistula Lagoon officially started on 15th November 2013. Currently a study on the conditions of spatial development of the area of the plan is in final stages of preparation and should be completed by February 2015.

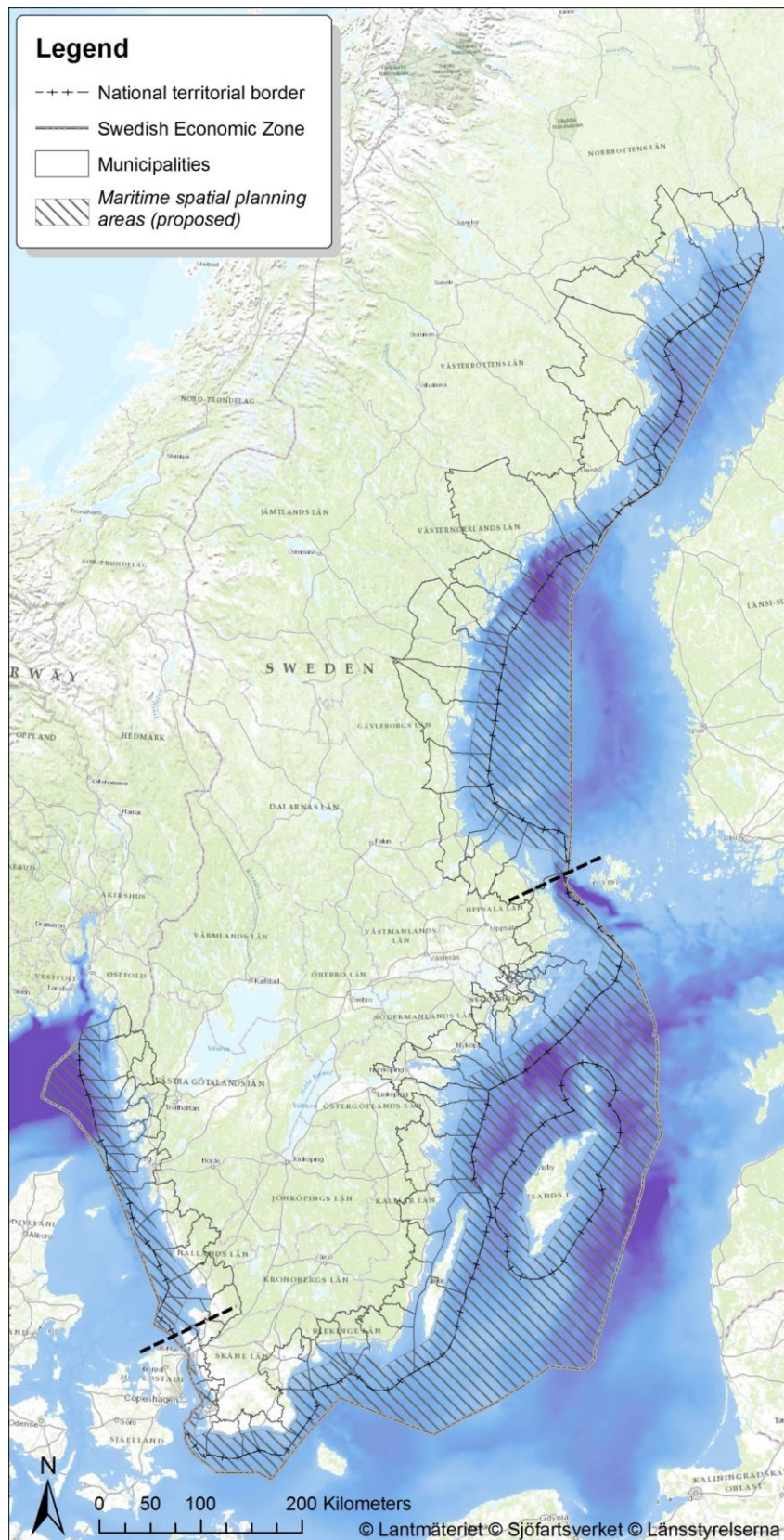
6.2 Several management plans for all Polish marine NATURA 2000 areas are currently under preparation by the maritime administration. The first drafts have been already elaborated with intensive collaboration with stakeholders from early stage of preparation, and the drafts are expected to be submitted during 2015 for approval of the Minister of Environment.



# 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**

#### **MARITIME SPATIAL PLANNING PUBLIC ADMINISTRATION**

Regarding MSP:

#### **Ministry of Environment**

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Ministry of Environment  
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E-mail: [ida.reutersward@regeringen.se](mailto:ida.reutersward@regeringen.se)  
Web: [www.regeringen.se](http://www.regeringen.se)

#### **Swedish Agency for Marine and Water Management**

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Web: [www.havochvatten.se](http://www.havochvatten.se)

Comprehensive planning: **Swedish National Board of Housing, Building and Planning**

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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. Detailed rules related to the implementation are to be regulated in a separate MSP Government Ordinance.

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 Build-



ing 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 environment 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 legal acts listed above cover in the same way territorial sea internal sea and land (with exception of some EU Regulations on Fisheries not applicable to internal waters). The PBL Act and EU also regulate planning of the coastal belt and the terrestrial spatial planning.

### **4. Spatial Plans**

Up-to now, there has been no national maritime 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 not 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 New MSP-legislation entered into force on September 1 2014. According to a new paragraph in 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 EEZ). The plans, which shall be adopted by the Government, shall contribute to sustainable development. The Government may according to the legislation adopt regulations prohibiting or limiting activities in destined geographical areas.

Detailed rules related to the implementation are to be regulated in a separate MSP Government Ordinance. It is proposed that the Swedish Agency for Marine and Water Management (SwAM) shall be responsible body for developing plan proposal. SwAM shall in its work be assisted by County Administrative Boards (regional government authority). The planning process is foreseen to be broad including the municipalities and a wide range of stakeholders.

6.2 To prepare for the introduction national marine spatial planning, the Government assigned the Swedish Agency for Marine and Water Management (SwAM) in 2014 (as in 2012 and 2013) to develop necessary competence in MSP and to collect information that may constitute planning evidence for MSP from the County Administrative Boards (CABs), national agencies and other bodies. As part of the assignment, SwAM also developed cooperation with authorities in neighboring countries responsible for MSP or marine management. The CABs have a similar assignment to assist SwAM with regional evidence and coordinate the municipality planning work. A preliminary version of an evidence and assessment report was published in March 2014 and a broad dialogue process was undertaken. The final report will be published in early 2015.

A guidance document for the coming MSP-process is under preparation. The document which is being prepared by the Swedish Agency for Marine and Water Management will include proposals on, *inter alia*, planning objectives and strategies

6.3 In June 2014 Government Bill on Biodiversity and Ecosystem Services was adopted by the Parliament. The Bill includes measures to promote the integration of ecosystem services in planning by ecosystem services assessment. Also the Bill confirms the Government decision that another 5700 km<sup>2</sup> of coastal and marine areas need to be protected in order to reach the 10 per cent protection target by 2020 according to the Convention on Biological Diversity.