



Document title	Comments by HELCOM HABITAT on the draft document on the ecosystem-based approach and MSP
Code	5-2
Category	CMNT
Agenda Item	5 - Practical application of the Ecosystem Approach in MSP
Submission date	12.6.2014
Submitted by	HELCOM Secretariat
Reference	

Background

During 16th Meeting of the HELCOM Nature and Biodiversity Group (HABITAT 16-2014) held in Gothenburg, Sweden, 13-16 May 2014, the Meeting was informed on the draft document on ecosystem-based approach and MSP by the lead-country Finland. HABITAT 16-2014 was of the opinion that it was essential for the HABITAT Group to have the possibility to provide comments to the document before its finalisation, so as to ensure that nature conservation aspects will be taken into account in the document. HABITAT 16-2014 agreed that comments by the HABITAT Group could be provided to the HELCOM-VASAB MSP WG 9-2014 as soon as the "Draft document on ecosystem-based approach and MSP" (document 5-1) was submitted to this Meeting by lead country Finland. For this purpose, comments to the document were collected from the HABITAT Group.

The attached document contains (1) a list of general comments on the document and (2) specific comments inserted directly into the draft (document 5-1) by the HABITAT Group and submitted to HELCOM-VASAB MSP WG 9-2014 by the HELCOM Secretariat.

Action required

The Meeting is invited to

- take note of the comments by the HABITAT Group,
- consider them in the discussions on document 5-1 and considerations regarding the further use of the document on ecosystem-based approach and MSP.

Attachment 1

General comments from HELCOM HABITAT

The current draft from 4 June 2014 (HELCOM-VASAB MSP WG 9-2014 Meeting document 5-1) strongly represents the planning viewpoint. Some elements relevant from a nature conservation point of view are represented insufficiently or described incorrectly. The main shortcomings are:

- All in all, the paper is imbalanced towards the planning side of the topic. Application of the ecosystem approach is described primarily for the different steps in the scope of the SEA. Possibilities of applications when drafting the spatial plans (e.g. aspects to be taken account in zoning) or potentially in separate processes to be conducted in parallel (e.g. CFP, economic incentives, technical measures, education and communication) are not or barely considered.
- The chapters „Political context...“ and „Definition...“ contain several elements and principles of an ecosystem approach, but a clarification how these relate to each other and which of them need to be applied in the specific MSP context is lacking.
- Relevant HELCOM basic / overall principles are only partly included in the list of „Key elements“. The following are missing (and not included in the text either): „Best Available Technology (BAT)“, „Polluter-Pays-Principle (PPP)“, „Avoidance principle“. The „Precautionary principle“ is listed in the „Key elements“, but not defined correctly (cf. Helsinki Convention Art. 3(2)). The „Compensation or Substitution principle“ is only partly reflected in the key element „Mitigation“. The principles should be referred to in the table, where relevant.
- A list of specific elements for application of the ecosystem-based approach in MSP, deriving from specific HELCOM requirements relevant in the MSP context, should follow the Key principles. These specific elements should include the BSPA network, protection of red-listed species and habitats / biotopes, research on marine ecosystem interactions, setting of environmental objectives and conducting related monitoring and assessment, combatting pollution and eutrophication from all sources.
- Central elements from the OSPAR / HELCOM 2003 Joint Declaration and annexed Statement on the Ecosystem Approach are missing (in particular paragraph 4 of the Statement, which outlines central elements of the ecosystem approach, namely integrated management and the protection of ecosystem structures and processes). The term “ecosystem approach” used by OSPAR / HELCOM is replaced by “ecosystem-based approach” in accordance with the MSFD and the MSP Directive proposal; however, the ecosystem-based approach in these directives (particularly in the latter) is not equivalent to the ecosystem approach as understood by HELCOM.
- Not all aspects of the BSAP relevant in the context of the ecosystem approach are described (e.g. the hierarchical system “vision – strategic goals – ecological objectives – indicators – targets / limits” is described incompletely).
- Relevant HELCOM Recommendations are not specifically referred to (e.g. Recommendations 28E/9, 24/10, 13/6 and 17/3).
- The explanations on MSFD are lacking relevant aspects. This concerns inter alia the MSFD definition of an ecosystem-based approach.
- The reference to the MSP Directive Proposal is problematic from a nature conservation perspective, since the ecosystem-based approach of the directive proposal is not in line with the HELCOM requirements concerning an ecosystem approach, but rather serves the justification of maritime activities.

Attachment 2

Ecosystem-based approach and MSP

Comment [MK1]: better "in"

Table of Contents

- 1. Introduction 2
- 2. Special features of spatial planning at sea 2
- 3. Definition of the ecosystem-based approach concept 2
- 4. Key elements for applying the ecosystem-based approach in MSP 3
- 5. Policy context of the ecosystem-based approach — relevant aspects for MSP in the Baltic Sea 4
 - 5.1. Helsinki Convention and the HELCOM Baltic Sea Action Plan (applicable to all Baltic Sea countries and the European Commission) 4
 - 5.2. Joint HELCOM–VASAB MSP Principles (applicable to all Baltic Sea countries and the European Commission) 5
 - 5.3. EU Strategy for the Baltic Sea Region (applicable to EU Member States)..... 5
 - 5.4. Marine Strategy Framework Directive (applicable to EU Member States) 5
 - 5.5. [Proposal for an] EU Maritime Spatial Planning Directive (applicable to EU member states) 6
- 6. Available knowledge on ecosystems of the Baltic Sea 6
- 7. Description of the maritime spatial planning process..... 8
 - 7.1. Background 8
 - 7.2. Spatial planning process and the ecosystem-based approach..... 9

1. Introduction

This paper puts forward a proposal for a common understanding of the ecosystem-based approach¹ in the context of maritime spatial planning (MSP). It presents how the ecosystem-based approach is applied in drawing up a spatial plan for a sea area in accordance with spatial planning legislation in force in the Baltic Sea countries.

It is also worth noting that the application of the ecosystem-based approach is wider than "establishing the plan", as it involves basic horizontal principles to be applied both in sectoral management and in the different steps throughout the spatial planning process.

This document forms a basis for the development of "Guidelines on the Application of an Ecosystem Approach in Transnationally Coherent MSP" which are to be adopted by 2015 and applied by 2018 according to the Regional Baltic Maritime Spatial Planning Roadmap 2013-2020

2. Special features of spatial planning at sea

Sea areas are in many aspects different from land. Territorial waters are often owned and/or managed by the state, while land areas are mainly in private ownership. Within their exclusive economic zone (EEZ), coastal states have the right to do research and exploit the resources in it, but they also have a duty to protect it. The sea is regulated by international agreements and the freedom of the seas has a strong tradition.

The sea is dynamic in nature and does not have boundaries. It functions in different dimensions simultaneously, including depth and time; this creates opportunities for multifunctional uses of certain areas. Further, the sea has no human inhabitants; rather, it has economic users and stakeholders such as maritime industries and environmental non-governmental organizations, who have an interest in its resources.

3. Definition of the ecosystem-based approach concept

The basis for the ecosystem-based approach was laid out in the 12 Malawi Principles presented at CBD COP 4 in 1998. Since then a number of definitions and interpretations have evolved based on *inter alia* the Malawi Principles:

- (1) Management objectives are a matter of societal choice.
- (2) Management should be decentralized to the lowest appropriate level.
- (3) Ecosystem managers should consider the effects of their activities on adjacent and other ecosystems.
- (4) Recognizing potential gains from management there is a need to understand the ecosystem in an economic context, considering e.g. mitigating market distortions, aligning incentives to promote sustainable use, and internalizing costs and benefits.
- (5) A key feature of the ecosystem approach includes conservation of ecosystem structure and functioning.
- (6) Ecosystems must be managed within the limits to their functioning.
- (7) The ecosystem approach should be undertaken at the appropriate scale.
- (8) Recognizing the varying temporal scales and lag effects which characterize ecosystem processes, objectives for ecosystem management should be set for the long term.

¹ The "ecosystem-based approach", , instead of "ecosystem approach", is used throughout this document, which is in line with the EU Marine Strategy Framework Directive and the [Proposal for an] EU MSP Directive.

Comment [MK2]: The Ecosystem Approach under HELCOM and Ecosystem-Based Approach under the MSFD have common elements, but also differences, and are thus not the same. Here, the term "Ecosystem Approach" should be used, which is commonly used in HELCOM documents and in line with the HELCOM-VASAB Joint MSP Principles.

Comment [MK3]: "as an overarching principle" should be inserted

Comment [MK4]: "with special regards to the Baltic Sea" should be inserted

Comment [MK5]: The original definition of an ecosystem by the CBD, and CBD Decision II/10, should be mentioned as well, cf. OSPAR/HELCOM Joint Statement on Ecosystem Approach.

- (9) Management must recognize that change is inevitable.
- (10) The ecosystem approach should seek the appropriate balance between conservation and use of biodiversity.
- (11) The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.
- (12) The ecosystem approach should involve all relevant sectors of society and scientific disciplines.

Convention on Biological Diversity (CBD), COP 5/Decision V/6 (May 2000):

“The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Thus, the application of the ecosystem approach will help to reach a balance of the three objectives of the Convention: conservation; sustainable use and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. An ecosystem approach is based on the application of appropriate scientific methodologies focused on levels of biological organisation, which encompass the essential structure, processes, functions and interactions among organisms and their environment. It recognizes that humans, with their cultural diversity, are an integral component of many ecosystems.”

First Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (June 2003):

“The ecosystem approach can [therefore] be defined as “the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity”. The application of the precautionary principle is equally a central part of the ecosystem approach.”

4. Key elements for applying the ecosystem-based approach in MSP

The following key elements of the ecosystem-based approach have been identified as an operationalization of the ecosystem-based approach in line with the Malawi Principles. They need to be applied in planning in an integrated way by taking into account environmental, social, cultural, economic, legal and technical perspectives.

According to the Baltic Sea Broad-Scale Maritime Spatial Planning Principles of HELCOM and VASAB (2010), the ecosystem approach is an overarching principle for MSP and MSP must seek to protect and enhance the marine environment. Therefore, ecosystem protection has to be considered within all MSP processes.

- **Best Knowledge and Practice:** The allocation and development of human uses shall be based on the latest state of knowledge of the ecosystems as such and the practice of safeguarding the components of the marine ecosystem in the best possible way.
- **Precaution:** A far-sighted, anticipating and preventive planning shall promote sustainable use in marine areas and shall exclude risks and hazards of human activities on the marine ecosystem. Those activities that according to current scientific knowledge may lead to significant or irreversible impacts on the marine ecosystem and whose impacts may not be in total or in parts sufficiently predictable at present require a specific careful survey and weighting of the risks.
- **Alternative development:** Reasonable alternatives shall be developed to find solutions to avoid or reduce negative environmental impacts.
- **Identification of ecosystem services:** In order to ensure a socioeconomic evaluation of effects the ecosystem services provided need to be identified.
- **Mitigation:** The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan

Comment [MK6]: Paragraph 4 of the Joint Statement on the Ecosystem Approach should be cited in addition, since it stated explicitly what the integrated management of human activities should comprise and highlights the protection of ecosystem structures and processes.

Comment [MK7]: Suggestion to change the orders of chapters 4 and 5, since the key elements reflect which aspects are needed for operationalization and therefore this chapter represents a conclusion from the chapters on definition and policy context.

This chapter should state more clearly which elements / principles of an ecosystem approach relevant to MSP can be derived from the definitions and context described in Chapters 3 and (currently) 5. These elements / principles should include – besides global Key Elements - also Specific Elements deriving from HELCOM

Comment [MK8]: Key elements (and specific elements) of an Ecosystem Approach in MSP to be applied in the Baltic Sea should, in t

Comment [MK9]: “and aiming at an appropriate balance between as well as integration of conservation and

Comment [MK10]: should be “Best Environmental Knowledge and Practice” (HELCOM wording, cf. Art. 3(3) of the Helsinki Convention)

Comment [MK11]: HELCOM Recommendation 13/6 should be referred to here

Comment [MK12]: This should, due to its fundamental importance, be the first of the principles.

Comment [MK13]: should be replaced by “enable” – promotion of use is not part of the precautionary principle as defined by HELCOM

Comment [MK14]: should be deleted

Comment [MK15]: insert “should be avoided if compatible with the principle of proportionality, and otherwise”

Comment [MK16]: should be “ecosystem goods and services”

Comment [MK17]: It should become clear that mitigation is obligatory, and aimed to balance

- **Relational Understanding:** It is necessary to consider various effects on the ecosystem caused by human activities. This includes direct/indirect, cumulative, short/long-term, permanent/temporary and positive/negative effects, as well as interrelations including sea-land interaction.
- **Participation and Communication:** All relevant authorities and stakeholders as well as a wider public shall be involved in the process at an early stage. The results shall be communicated. The ICZM as an informal and flexible instrument can support the process of participation and communication.
- **SubsidiaritySubsidiarity and Coherence:** Maritime spatial planning with an ecosystem approach as an overarching principle shall be carried out at the most appropriate level and shall seek coherence between the different levels.
- **Adaptation:** The sustainable use of the ecosystem should apply an iterative process including monitoring and reviewing.

Comment [MK18]: The following sentence should be inserted: “This requires mapping interacting and/or conflicting interests, obligations and uses of the sea to assess human activities in the light of their extent, intensity, duration, actual and potential adverse effects on species communities, habitats and ecological processes.”

Comment [MK19]: The following Key elements deriving from general HELCOM requirements are missing and should be added:

- Best available technology and Polluter-pays principle** (both part of the HELCOM Fundamental principles according to Art. 3(3,4) of the Helsinki Convention)
- Compensation or Substitution Principle:** human activities that lead to negative impacts on or destruction of parts of the ecosystem have to be balanced by compensatory measures or by substitution measures (e.g., money)
- Avoidance Principle:** all human activities that lead to negative impacts on the marine ecosystem, that are unnecessary, unsustainable or cannot be compensated, shall not be carried out.

The key elements of the ecosystem-based approach are integrated into the planning process in a general way and some of them are integrated more specifically into strategic environmental assessment (SEA) as part of the planning process. Some of the key elements such as participation and communication, subsidiarity and coherence, identification of ecosystem services, adaptation and the precautionary principle are applicable to the general planning process. The identification of ecosystem services can provide a new approach to the management of the sea and should contribute to the planning of sea areas as well.

5. Policy context of the ecosystem-based approach – relevant aspects for MSP in the Baltic Sea

5.1. Helsinki Convention and the HELCOM Baltic Sea Action Plan (applicable to all Baltic Sea countries and the European Commission)

The 1992 Helsinki Convention is an international treaty ratified by the coastal countries of the Baltic Sea and the European Commission, i.e. the Contracting Parties (CPs). Article 3 lists the fundamental principles and obligations of the CPs of relevance to ecosystem-based approach. Paragraph 1 states that “The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.” The same article of the Convention states that the CPs shall apply the precautionary principle, best environmental practice, best available technology and the polluter-pays principle.

Comment [MK20]: “in the Baltic Sea” should be inserted

Comment [MK21]: It should be added which elements / principles of an ecosystem approach this includes, in particular integrated management and the protection of ecosystem structures and processes (cf. paragraph 4 of the statement).

The Helsinki Commission (HELCOM) is the intergovernmental organisation established to oversee the implementation of this Convention. During the joint HELCOM and OSPAR Ministerial Meeting in 2003 the CP Ministers and high officials agreed to apply and further develop the measures necessary to implement an ecosystem approach by 2010, in order to give concrete effect to our commitments and to help maintain and, when practicable, restore ecosystem health, integrity and services. They also adopted the statement “Towards an ecosystem approach to the management of human activities”, setting out their intentions in more detail.

Comment [MK22]: The link of the BSAP to the ecosystem approach should be established more clearly. In particular, the hierarchical system “vision – strategic goals – ecological objectives – indicators – targets / limits” should be mentioned here, since it is HELCOM’s way of implementing the ecosystem approach, see document “HELCOM

As follow-up to this 2003 commitment to implement an ecosystem approach, the CPs agreed on the HELCOM Baltic Sea Action Plan (BSAP) at the 2007 HELCOM Ministerial Meeting. The BSAP includes definitions and actions for achieving a good environmental status of the Baltic Sea by 2021. A series of indicators with explicit quantitative target levels to define a good environmental status have been developed and were agreed by 2013.

Comment [MK23]: A sentence clarifying the role of the indicators for biodiversity and nature protection should be inserted: “The indicators should also help recognizing and following up detrimental changes, such as habitat fragmentation, degradation and destruction, overexploitation of biological

The BSAP included a specific action in relation to MSP: the commitment to jointly develop broad-scale, cross-sectoral, marine spatial planning principles based on the ecosystem approach by 2010. In addition, these principles were to be tested, applied and evaluated by 2012 in cooperation with other relevant international bodies, the intention being that all Contracting Parties and relevant HELCOM bodies had to

cooperatively participate. The aim of the cooperation is to give guidance for planning processes, ensure the protection of the marine environment and nature, including habitats and seafloor integrity, and secure the sustainable use of marine resources by reducing user conflicts and adverse impacts of human activities.

5.2. Joint HELCOM–VASAB MSP Principles (applicable to all Baltic Sea countries and the European Commission)

According to the joint Baltic Sea broad-scale MSP principles adopted by VASAB and HELCOM in 2010, the ecosystem approach, calling for a cross-sectoral and sustainable management of human activities, is an overarching principle for maritime spatial planning which aims at achieving a Baltic Sea ecosystem in good status — a healthy, productive and resilient condition so that it can provide the services humans want and need. The entire regional Baltic Sea ecosystem as well as sub-regional systems and all human activities taking place within it should be considered in this context. Maritime spatial planning must seek to protect and enhance the marine environment and thus should contribute to achieving good environmental status according to the EU Marine Strategy Framework Directive and HELCOM Baltic Sea Action Plan (Principle 2).

5.3. EU Strategy for the Baltic Sea Region (applicable to EU Member States)

The European Union Strategy for the Baltic Sea Region aims to save the sea, connect the region and increase prosperity. Achieving the 'Save the Sea' objective will require direct environmental measures, along with consideration of the functions and structure of ecosystems and the limiting carrying capacity of ecosystems when developing the potential for sustainable growth in the maritime sectors.

One of the horizontal actions in the Action Plan for the EU Strategy for the Baltic Sea Region (version February 2013) is to encourage the use of maritime spatial planning in all Member States around the Baltic Sea and develop a common approach for cross-border cooperation.

Maritime spatial planning and integrated coastal zone management (ICZM) are described, respectively, as an important supporting tool and process for improved decision making. They help users to balance sectoral interests that compete for maritime space and resources, and contribute to achieving sustainable use of marine areas to the benefit of economic and social development as well as the marine and coastal environment.

5.4. Marine Strategy Framework Directive (applicable to EU Member States)

The Marine Strategy Framework Directive (MSFD) aims at achieving or maintaining a good environmental status in the marine environment by 2020 at the latest. It is the first legislative instrument in relation to the marine biodiversity policy in the European Union and contains the explicit regulatory objective that "biodiversity is maintained by 2020" as one cornerstone for achieving good environmental status.

It enshrines in a legislative framework the ecosystem-based approach to the management of human activities, integrating the concepts of environmental protection and sustainable use. The MSFD also calls for cooperation within marine regions such as the Baltic Sea, in order to reach the objective of good environmental status of the marine environment by 2020.

The Directive states in particular that marine strategies shall apply an ecosystem-based approach ensuring that the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Both programmes of measures and individual measures shall be based on such an ecosystem-based approach.

As a first step to achieving good environmental status, all Member States have produced an initial assessment of the environmental status. The next step is for Member States to develop monitoring programmes and programmes of measures, including spatial protection measures, to achieve a good environmental status.

Comment [MK24]: reference to GES and environmental targets missing

Comment [MK25]: indicator development should also be mentioned in this context

Spatial and temporal distribution controls, in terms of management measures that influence where and when an activity is allowed to occur, are identified among the types of measures that should be considered when devising the measures which can support an ecosystem-based approach and which can help to identify sources of pressures and impacts, including cumulative and synergetic effects, and may include, as one example, also MSP².

When MSP is included in the marine strategies and programmes of measures, it needs to be based on an ecosystem-based approach under consideration of all relevant MSFD requirements, so as to allow planning of human activities and uses that respects the carrying capacity of ecosystems along with maintenance and, when necessary, restoration of ecosystems.

5.5. [Proposal for an] EU Maritime Spatial Planning Directive (applicable to EU member states)

The Directive on Maritime Spatial Planning (2014) aims to set the framework for maritime spatial planning with the objective of promoting sustainable growth of maritime economies, sustainable development of marine areas and the sustainable use of marine resources. In this sense, the ecosystem-based approach must seek to contribute to the sustainability of development of marine areas, of activities at sea and of uses of marine and coastal resources. Greater activities in the Baltic Sea have led to competition for limited marine space between sectoral interests, such as shipping and maritime transport, extraction of gravel and minerals, offshore energy, ports development, tourism, fisheries and aquaculture in addition to environmental concerns. These activities, along with climate change effects, natural hazards and shoreline dynamics such as erosion and accretion, create significant pressures on coastal and marine ecosystems.

6. Available knowledge on ecosystems of the Baltic Sea

It is crucial to identify existing marine ecosystems and their functions to be able to protect them and to benefit from the ecosystem services they provide.

A major challenge to implementing the ecosystem-based approach is to gather system-based knowledge on the structures and functions of ecosystems, and on the impacts on these structures and functions from various direct and indirect human uses. Since 1974 HELCOM has collected regional Baltic Sea monitoring data and, based on these, published reports on a wide range of issues. A series of reports has been published regularly, including assessments of environmental status (e.g. eutrophication, hazardous substances, radioactivity, climate change, status of biodiversity, including fish) and of human activities (e.g. ship traffic, ship accidents, pollution from ships, pollution load from land). More condensed products such as shorter indicator reports have been published as well. A set of databases contains the underlying raw data and GIS information, and these databases are available via the regional HELCOM GIS. In an attempt to integrate such information into a single product, in 2010 HELCOM published an Initial Holistic Assessment of "ecosystem health of the Baltic Sea", including a compilation of human pressures (Box 1).

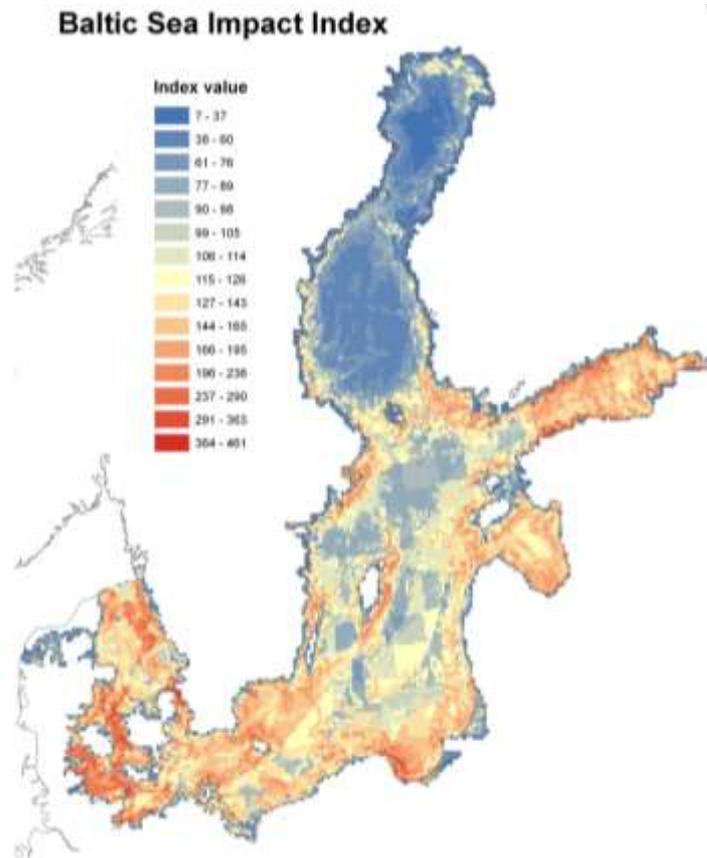
Comment [MK26]: The following data / information needs should be listed explicitly: "extensive, spatially explicit, quality-controlled and verified data on human activities as well as equivalent data on biological, chemical and physical parameters. This includes data on ecologically and biologically significant areas, species and the distribution of their habitats, such as spawning and nursery areas for species, threatened and/or declining biotopes, reproduction and migration stopover areas of birds and marine mammals"

In addition to HELCOM's work, all the EU member states have made initial assessments of the overall environmental status in their sea areas, as part of the implementation of the Marine Strategy Framework Directive (MSFD). Additionally, the International Council for the Exploration of the Seas (ICES), some United Nations agencies and European services have various databases with relevance to implementing the ecosystem-based approach.

Comment [MK27]: A reference to the Precautionary Principle should be inserted: "In any case, following the precautionary principle, an incomplete state of knowledge must not serve as an excuse for conducting an activity."

² Annex VI of Directive 2008/56/EC in connection with Annex part A.6 of Commission Decision 2010/477/EU.

Box 1: Information on ecosystem-based MSP — an example based on results of the 2010 HELCOM Initial Holistic Assessment (summary of data on human activities and ecosystem features in the Baltic Sea region).



1. A map of Ecosystem Impacts in the Baltic Sea

Blue = Low level of impact on the ecosystem from human activities; Red = High level of impact on the ecosystem from human activities. Based on information from a large number of human activities and on ecosystem components.

2. A summary of the main results of the HELCOM Assessment of Ecosystem Health 2010

The assessment of the ecosystem health of most of the areas indicates that the status is impaired.

Bothnian Bay: Regarding biodiversity, it seems that the status is good in Swedish coastal waters and only the open parts of the Bothnian Bay and Finnish coastal waters are likely to have an unfavourable status.

Bothnian Sea: One assessed area in the Swedish coastal waters is classified as good. The biodiversity of the Bothnian Sea in general is good, for both the open parts and most of the coastal waters.

Gulf of Finland: Eutrophication and hazardous substances are the major and most widespread problems. Biodiversity generally has an unfavourable status in both open and coastal waters. However, results indicate that isolated coastal waters along the Estonian coast might have a favourable conservation status.

Gulf of Riga: The Gulf is affected by eutrophication, especially in the northern and central parts. Regarding the status of hazardous substances, the Gulf is impaired and the same is true for the conservation status of biodiversity.

Baltic Proper: The assessment and classification of the ecosystem health of open parts of the Northern, Western and Eastern Baltic Proper indicate that these areas have the lowest status in the Baltic Sea. Eutrophication is a significant problem, as are also hazardous substances and a decline in biodiversity. No positive signals were encountered.

Gulf of Gdansk: Eutrophication is a major problem, biodiversity is under significant pressure and the status of hazardous substances is disturbed; all of this is a consequence of discharges from the large, highly populated catchment area.

Bornholm and Arkona Basins: Eutrophication and contamination by hazardous substances are significant issues and in combination with the pressures from fishing, biodiversity status has become significantly impaired. The Arkona Basin is in a slightly better condition than the Bornholm Basin.

Kattegat and Belt Sea: Hazardous substances and biodiversity have an impaired status, while eutrophication is a problem mainly in the southern Kattegat and the Belt Sea.

Kiel Bight and Mecklenburg Bight: Eutrophication, biodiversity and contamination with hazardous substances are all significant issues.

7. Description of the maritime spatial planning process

7.1. Background

In order to ensure the sustainability of the various uses and the environmental health of marine areas, maritime spatial planning and integrated coastal management will have to employ an ecosystem-based approach that ensures the sustainable use and protection of the natural resources that provide the basis for carrying out the various activities.

This means that the collective pressure of all human activities is kept within levels compatible with good environmental status and that it does not compromise the capacity of the ecosystem to respond to human-induced changes, while enabling the use of marine goods and services by present and future generations.

Taking into account the interrelationship between land and sea, there is a need to reconcile terrestrial spatial planning processes with maritime spatial planning processes. In some of the Baltic Sea countries, spatial planning legislation is already implemented in the sea areas.

Therefore, it is reasonable to examine how the ecosystem-based approach can be implemented in the existing spatial planning processes. The inclusion of the ecosystem-based approach in the main phases of the planning process is outlined in a summary table at the end of this section.

An important point is that the formulation of plans is the outcome of a wider planning process following different operational steps, including a needs assessment, the setting of objectives, public and stakeholder consultations, the underpinning of the knowledge base, and so on.

A formal planning process is usually started only when there is a need for a legally binding agreement. However, many aspects of planning processes are done in other — partly informal — ways; for example, surveys, strategies or agreements, with the aim of arranging uses and functions of areas.

A cross-sectoral MSP applying the ecosystem-based approach has to integrate, organize, allocate and create opportunities for human activities in marine areas in such a way that the different social and economic demands on maritime areas are recognized and the ecosystem, including all its components, dynamics, limits and ecological functions, is safeguarded.

MSP protects these ecosystem functions, while enabling sustainable use through an integrated approach, where all activities must be carried out in an environmentally sound way. This may include the designation of zones with priority for marine nature and/or zones with restricted or no uses. In particular, the ecosystem-based approach requires that the collective effects of pressures from human activities are considered. This includes pressures and discharges from land and air emissions that affect the maritime

Comment [MK28]: A reference to the BSAP should be inserted here: "Developing a Maritime Spatial Plan based on the Ecosystem Approach requires a vision on the use of the maritime area in question. This vision must incorporate both environmental factors and human uses and it needs to be in line with the regional marine strategy, in case of the Baltic Sea, the BSAP."

The following paragraph could also be inserted: "So far management decisions are rarely coordinated among the different sectors involved in planning processes and neither between states. Hence, conflicts between human activities and environmental protection and/or nature conservation needs are often not mitigated, and consequently impacts to the marine and coastal environment and nature (incl. ecosystem services) have been observed."

Comment [MK29]: This should be put in different order: "the ecosystem including all its components, dynamics, limits and ecological functions is safeguarded and the different social and economic demands on maritime areas are recognized"

zone. These collective impacts must be kept within such limits that the capacity of marine ecosystems to recover and good environmental status are not compromised.

Thus, the ecosystem-based approach provides the ecological facts, guiding principles, targets and limits to be considered in the MSP process, according to their special relevance, and to be transformed into spatial planning options (regulations and designations). In addition, MSP must comply with mandatory regulations of sectoral environmental law (e.g. prohibitions according to the species conservation regulations; no negative effects on the goals of the ecological NATURA 2000 network of protected areas).

Strategic environmental assessment (SEA) is an important tool for implementing the ecosystem-based approach in maritime spatial planning as it identifies, describes and assesses the likely significant planning effects on the ecosystem. According to EU law (Directive 2001/742/EC), an SEA has to be carried out before a maritime spatial plan can be approved by the responsible authority. This includes the preparation of an environmental report, the carrying out of public consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision. In addition, for EU member states, impact assessments of habitats and species (Art. 6 of the Habitats Directive 92/43/EEC) and of bird sanctuaries (Birds Directive 2009/147/EC) are obligatory.

7.2. Spatial planning process and the ecosystem-based approach

Spatial planning (town and country planning/zoning) has long traditions. Each country has developed its own planning procedures and planning systems according to its own needs. The planning levels, goals, content and legal effects may vary from country to country and case by case. Different planning levels usually have different tasks. More general plans can guide more detailed planning on a lower level. Spatial planning has been implemented mostly on land, but, in many cases, has also been extended into sea areas. In the material below, it is assumed that the spatial planning system is simply extended as such to the sea area. The ecosystem-based approach has a broader perspective in the management of sea areas, but spatial planning can provide a good tool for arranging and integrating different uses of the sea area. The planning procedure is a negotiation process and the plan is the final agreement and outcome of it. It is also worth noting that the planning procedure is an iterative procedure. It starts with general-level discussions of, for example, goals, costs and impacts, and moves into deeper-level discussions as the knowledge increases. Impact assessments might demand more investigations during the planning process and these are done throughout the planning procedure to be able to make sustainable decisions.

Spatial planning also has its own goals, and each planning level has its own goals as well. One of the main goals of spatial planning is the requirement to safeguard a good living environment and biodiversity. During the planning process, several planning options are considered and official consultations are held with the general public and stakeholders, but also unofficial consultations are carried out during the whole planning procedure. The assessment of the environmental impacts of each planning option provides information to the public, stakeholders and decision-makers on how to choose the best option with the least environmental impacts. Assessing the impacts of the plan is a key element of the planning procedure and a prerequisite for sustainable solutions.

In some planning systems, SEA is fully integrated into the planning process, and participation and environmental impact assessment are key elements of it. Participation and impact assessment procedures are also reported in the planning documents. In some planning systems, SEA seems to be a separate procedure and the SEA report is produced separately. However, the planning procedure has some common features in all countries and can be applied in maritime spatial planning as well. In maritime spatial planning, SEA should be fully integrated into the planning procedure.

In Table 1 an overview of implementing the ecosystem-based approach in maritime spatial planning is presented. The left column shows the main phases of the maritime spatial planning process and the right

Comment [MK30]: Insertion of the following sentences would be crucial: "Applying the ecosystem approach in MSP also includes reporting of management and protection needs to international or Community Competent Authorities, if coastal states have no sovereign rights to fully regulate certain activities like fishing and shipping. Furthermore, an obligation of MSP is to consider and contribute to the mitigation of spatial cumulative negative effects from human activities as well as far reaching effects especially outside protected areas."

Comment [MK31]: It should become clear that SEA is not automatically sufficient for implementation of the ecosystem approach: to assist the ecosystem approach, it needs to be carried out in a specific way with regards to all of the Key and Specific elements, and in addition to SEA, the ecosystem approach also needs to be accounted for when setting up the plan.

column shows how the corresponding integration of the ecosystems and their functioning is taken into account in the different phases of the planning process (ecosystem-based approach in the planning process). The right column can also be seen as an SEA procedure in planning cases where SEA is not fully integrated into the planning system.

Table 1: Implementation of the ecosystem-based approach in the maritime spatial planning process. The left column details the steps of the planning procedure. The right column highlights those aspects of the planning procedure which require specific attention when applying an ecosystem-based approach, gives additional advice on how to implement those aspects, and lists additional aspects to be taken into account during the planning procedure in order to optimally apply the ecosystem-based approach as required by HELCOM–VASAB.

Spatial planning procedure / MSP PLANNING PROCEDURE— general steps	ECOSYSTEM-BASED APPROACH (EBA) as part of the planning procedure
1. STARTING	
1.1 Decisions taken when starting the preparatory process for a maritime spatial plan	
<ul style="list-style-type: none"> • Politicians make the decision on the start of the planning process based on an identification of the problem (problem definition) • Politicians approve the necessary resources for supporting the planning process • Planning authorities are in charge of drafting plans in accordance with the national legislation; they will lead the planning process • For a cross-border planning process, a public authority or authorities have to be determined for drafting the plan and a public authority for accepting or ratifying it • The planning authority drafts and approves the work plan, and establishes the participation procedure and the environmental impact assessment procedure • Inform the public of the start of the planning process 	<p>Identification of all relevant environmental authorities and stakeholders that should be involved in applying the EBA</p> <ul style="list-style-type: none"> • Identification of the different steps to be carried out for the strategic environment assessment (SEA) to implement the ecosystem-based approach in MSP;
1.2 Starting points	
<ul style="list-style-type: none"> • Define the planning area • Identify the starting point and goals on a general level • Identify and analyse the (potential) activities and uses, in the planning area • Identify sustainability criteria 	<ul style="list-style-type: none"> • Identify the ecological conditions (temporal and spatial) in the planning area and as a part of a larger entity <ul style="list-style-type: none"> • Identify ecologically important areas including those with high biodiversity, valuable habitats, Natura 2000 sites other Marine Protected Areas, HELCOM MPAs • Identify the functions of the marine ecosystems and ecosystem goods and services in the planning area and surroundings • Identify strategic goals and ecological objectives (according to the BSAP)
1.3 Content of the plan	
<ul style="list-style-type: none"> • Define preliminary planning options concerning the content of the plan 	<p>Develop preliminary planning options/ strategies based on the ecological status,</p>

Comment [MK32]: relevant HELCOM recommendations should be considered in this context and referred to here, in particular:
 - HELCOM Recommendation 28E/9
 - HELCOM Recommendation 24/10
 - HELCOM Recommendation 13/6
 - HELCOM Recommendation 17/3

Comment [MK33]: as first bullet the following should be inserted:
 “Defining the role of the Ecosystem Approach in the planning procedure:
 - overarching principle
 - ecosystems at the centre of the approach
 - consideration of all Key and Specific elements of the Ecosystem Approach in MSP”

Comment [MK34]: sites important for species, habitats, biotopes and biotope complexes from HELCOM Red Lists or for key species should be referred to here (cf. Copenhagen Declaration)

	important areas, strategic goals and ecological objectives. MPAs as priority areas
1.4 Identification of issues and impact assessment	
<ul style="list-style-type: none"> • Identify the existing knowledge base and also gaps in knowledge • Identify the impact area and potential impacts • Establish the impact assessment procedure 	<ul style="list-style-type: none"> • Scoping of the environmental assessment, i.e. identify potential significant environmental parameters, determining the SEA process <ul style="list-style-type: none"> • Identify knowledge and knowledge gaps related to the marine ecosystem and natural values, based on available sources such as HELCOM assessments and other sources • Identify actual and potential threats and impacts on the marine ecosystems in the planning area and in the impact area including cumulative effects • Identify the most probable future changes in the ecosystems • Identify, describe and assess the significant environmental effects of the maritime spatial plan. [EU MS base their SEA on DIRECTIVE 2001/42/EC, (according to Article 4 (1), the environmental assessment referred to Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure
1.5 Participation and interaction	
<ul style="list-style-type: none"> • Identify authorities and NGOs who the plan may concern • Establish the participation and interaction procedures • Discuss with other authorities, NGOs and other actors who are interested in being involved • Inform the public of the start of the planning process and of the participation and interaction procedures 	Facilitate the participation of authorities responsible for nature protection and ecosystems and NGOs and other stakeholders that should be involved in applying the EBA in the planning process
2. SETTING GOALS	
2.1 Defining goals	
<ul style="list-style-type: none"> • Take into account existing legislation, general and sectoral strategies, 	<ul style="list-style-type: none"> • Take into account relevant legislation and strategies, strategies concerning ecosystems,

Comment [MK35]: The indicators defined preliminary in the BSAP and developed further under CORESET II / in the frame of BSAP and MSFD implementation should be referred to here.

<p>programmes and plans</p> <ul style="list-style-type: none"> • Identify sectoral goals for the planned area, (in addition to the overall goals) at different geographical levels: EU, Baltic Sea, national, regional and local • Identify and decide on short- and long-term goals 	<p>programmes, plans, agreements, CBD, EU, HELCOM and national targets</p> <ul style="list-style-type: none"> • For the identification of environmental goals, follow the definition of good environmental status under the MSFD and BSAP and good ecological status under the WFD ensuring that implementation of the maritime spatial plan will be compatible with the achievement of good status under these directives and under the BSAP • Identify and decide on short- and long-term strategic goals and ecological objectives (according to the BSAP), particularly also for areas worth protecting with regard to the capability and capacity of their ecosystems to recover from human-induced changes and deviations from GES
<p>2.2 Content of the plan</p>	
<ul style="list-style-type: none"> • Clarify the feasibility of the preliminary planning options; clarify how to integrate various goals • Prepare future scenarios 	<ul style="list-style-type: none"> • Clarify the feasibility of preliminary planning options for nature protection and an ecosystem-based approach to ensure that consideration of ecosystem-based goals is taken in all preliminary planning options
<p>2.3 Identification of issues, investigations and impact assessment</p>	
<ul style="list-style-type: none"> • Consider interactions between interests • Identify existing problems • Identify existing and potential threats • Add to the existing knowledge and update databases • Take into account the precautionary principle 	<ul style="list-style-type: none"> • Identify and define existing problems in the marine ecosystems, threats to the ecosystems and potential uses of ecosystems and their services • Add to the existing knowledge of the marine ecosystems and natural values and update related databases
<p>2.4 Participation and interaction</p>	
<ul style="list-style-type: none"> • Clarify the goals of other authorities and NGOs 	<ul style="list-style-type: none"> • Communicate and promote goals concerning the marine ecosystems: biodiversity, natural values and the sustainable use of ecosystem goods and services

Comment [MK36]: Relevant HELCOM Recommendations and Statements should be referred to, in particular Recs 28E/9, 24/10, 13/6 and 17/3 as well as BSAP, the Joint OSPAR/HELCOM Statement on the Ecosystem Approach and the “HELCOM Ecological Objectives for an Ecosystem Approach“

Comment [MK37]: reference to the Key (and Specific) Elements of an Ecosystem Approach in MSP (currently Chapter 4) should be included here

Comment [MK38]: This should be replaced by “preservation” (cf. BSAP, HELCOM Ecological Objectives for an Ecosystem Approach and HELCOM/OSPAR Statement on Ecosystem Approach).

3. PREPARATION	
3.1 Revision of the goals	
	<ul style="list-style-type: none"> • Revise the goals of the plan in regard to the assessed impacts on marine ecosystems and the sustainable use of the ecosystem services
3.2 Content of the plan	
<ul style="list-style-type: none"> • Draw up planning options • Outline the plan (regulations, spatial designation of uses) 	<ul style="list-style-type: none"> • When preparing the plan, the functioning and limited carrying capacity of the marine ecosystems will be taken into account and secured (according to the HELCOM–OSPAR 2003 Statement on the Ecosystem Approach)
3.3 Evaluation and impact assessment	
<ul style="list-style-type: none"> • More precise investigations if needed • Identify and assess impacts of the planning options and compare the planning alternatives 	<ul style="list-style-type: none"> • More precise investigations and assessments of marine ecosystems, including planned uses and activities as well as relations to terrestrial ecosystems, when needed
3.4 Participation and interaction	
<ul style="list-style-type: none"> • Cooperation with authorities and stakeholders 	<ul style="list-style-type: none"> • Authorities responsible for ecosystems and nature protection take part
<ul style="list-style-type: none"> • Present planning options and their impacts and submission of opinions 	
4. PROPOSAL	
4.1 Revision of the goals or the planning options	
4.2 Content of the plan	
<ul style="list-style-type: none"> • Prepare the planning proposal, which is selected as a result of the evaluation process of the planning options • Assess the feasibility of the plan and take the precautionary principle into account 	<ul style="list-style-type: none"> • Consider the potential impacts of all proposals on ecosystem goods and services
4.3 Investigations and impact assessment	

Comment [MK39]: should be replaced by "preservation" (see above)

<ul style="list-style-type: none"> • Assess the impacts of the planning proposal • Assess how the goals are likely to be achieved • Resolve how to reduce the negative impacts • Elaborate a monitoring programme according to the expected impacts • Negotiate content proposals with sectoral interests if necessary 	<ul style="list-style-type: none"> • Assess how the ecosystem preservation goals set in the plan will be achieved in relation to the planned development activities • In the achievement of the strategic goals and environmental objectives (according to the BSAP), look for solutions to avoid, mitigate or compensate for negative impacts on the marine ecosystems, and to ensure sustainability in uses of natural resources, respecting the capacity of ecosystems to respond to human-induced changes, in the planning area • Set up a system for monitoring the impacts on the marine ecosystems in order to ensure an adaptive management approach (under consideration of the existing HELCOM monitoring) <p>Prepare the Environmental Report, according to Article 5 of the SEA Directive, including in particular the following aspects:</p> <ul style="list-style-type: none"> • Potential impacts of the plan, including cumulative impacts under due consideration of the precautionary approach • Options and alternatives (including clarification of their compatibility with the ecosystem approach) • Achievement of strategic goals and environmental objectives • Mitigation measures • Monitoring • Information on gaps in data and proposal for closing knowledge gaps • Draft Environmental Report • Draft of the assessments regarding Natura 2000 sites
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Comment [MK40]: relevant HELCOM documents / products should be referred to here

4.4 Participation and interaction	
<ul style="list-style-type: none"> • Present the submitted opinions on the planning options • Public display of the planning proposal • Discussion with authorities 	<ul style="list-style-type: none"> • Authorities responsible for ecosystems and nature protection take part in the formal consultation process
5. APPROVAL	
5.1 Decision on how to take into account the statements received and the results of the discussions and approval of the plan	
5.2 Content of the plan	
<ul style="list-style-type: none"> • Plan is finalised 	
<ul style="list-style-type: none"> • Evaluation and impact assessment is finalised 	
5.3 Participation and interaction	
<ul style="list-style-type: none"> • Opinions and statements are integrated into the proposal • Discussions with other authorities • Inform the public of the plan approval 	<ul style="list-style-type: none"> • Authorities responsible for ecosystems and nature protection take part • In accordance with Article 9 of the SEA Directive make available: <ul style="list-style-type: none"> • the plan or programme as adopted. • a statement on how environmental considerations have been integrated into the plan and the reasons for choosing the plan in the light of the other reasonable alternatives • the measures decided concerning monitoring-
6. MONITORING	
6.1 Achievement of the goals	
6.2 Content of the plan	
<ul style="list-style-type: none"> • Evaluate the time period of the plan • Plan is taken into account in other plans and projects 	

6.3 Evaluation and impact assessment	
<ul style="list-style-type: none"> • Implement and apply the plan; monitor the impacts 	<ul style="list-style-type: none"> • Monitor and audit the impacts on the marine ecosystems according to the monitoring programme, in order to ensure an adaptive management
7. REVISION OF THE PLAN	
	<p>For the ecosystem-based approach, revision of the plan is need in case of negative impacts on ecosystems, particularly their</p> <ul style="list-style-type: none"> • structure, processes, functions, interactions • interconnectivity • productivity, biodiversity • health, integrity