

**Agenda Item 3      Future work and meetings**

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**JOINT HELCOM-VASAB MARITIME SPATIAL PLANNING WORKING GROUP REPORT 2010-2013**

The Joint HELCOM-VASAB Maritime Spatial Planning Working Group Report 2010-2013 was prepared as a background document for the 2013 HELCOM Ministerial Meeting, which was held on 3 October 2013 in Copenhagen, Denmark, to give an overview of the activities and key outcomes for 2010-2013 of the Working Group. The report was considered by HELCOM-VASAB MSP WG 7/2013 (document 3/6 and document 3/6/Rev).

The report can also be found on the [HELCOM web page](#). Please note that the report is 63 pages long.

The Meeting is invited to take note of the report as a documentation of completed work during the period 2010-2013.

**Joint HELCOM-VASAB  
Maritime Spatial Planning Working Group  
Report 2010-2013**

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**Helsinki Commission**

Katajanokanlaituri 6 B  
FI-00160 Helsinki  
Finland  
Telephone: +358 (0) 207 412649  
Telefax: +358 (0) 207 412645  
[www.helcom.fi](http://www.helcom.fi)



**VASAB - Vision and Strategies around the Baltic Sea**

Elizabetes street 19  
LV- 1010 Riga  
Latvia  
Telephone: + 371 67350630  
Telefax: + 371 67350626  
[www.vasab.org](http://www.vasab.org)  
[info@vasab.org](mailto:info@vasab.org)

# Joint HELCOM-VASAB Maritime Spatial Planning Working Group Report 2010-2013

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## **SUMMARY**

This is a report on the activities and key outcomes for 2010-2013 of the joint HELCOM-VASAB intergovernmental Working Group on Maritime Spatial Planning (MSP) in the Baltic Sea (HELCOM-VASAB MSP WG).

In addition to an introduction to the working group and its background it includes completed work on legislative basis, the Baltic Sea broad-scale MSP principles as well as a compilation table of national legislation and processes on MSP in the region (Annex 1). The mandate, work plan, as well as a list of meetings and participants during 2010-2013 are also provided.

Some products of the group, such as a draft document on the ecosystem approach and MSP and a draft regional Baltic MSP roadmap for the period 2013-2020, submitted to HELCOM and VASAB for adoption, are not covered and will be released separately.

## 1. INTRODUCTION AND BACKGROUND

The joint Baltic Sea MSP Working Group was established by VASAB (VASAB CSPD/BSR in May 2010) and the Helsinki Commission or HELCOM (HELCOM Ministerial Meeting in May 2010) in 2010 to provide a forum for the intergovernmental discussions on Maritime Spatial Planning (MSP) in the Baltic Sea region.

Since 2010 the field of MSP has been in a phase of rapid development which called for enhanced cooperation. A series of global and European events organised within the UN framework (i.a. IOC/UNESCO workshop 8-10 November 2006) and by the European Commission (series of workshops in 2009 and 2012-2013, cross-border MSP projects, Commission's proposal for a directive) had raised the international profile of planning at sea.

Besides national, EU-wide and global dimensions the issue of MSP is in many ways a topic which calls for solutions also in the scale of sea-basins like the Baltic Sea region. Based on earlier work and recommendations within the field of MSP adopted within VASAB and HELCOM the two organisations formed a joint working group to provide a solid cross-sectoral forum for MSP dialogue in the region. Such a joint solution would, besides attracting a wider range of stakeholders, enable the group to draw expertise directly from both marine/maritime management (HELCOM) and spatial planning (VASAB) fields.

The Working Group has been open to nominated representatives from relevant ministries or government agencies in all VASAB and HELCOM Member Countries/Contracting Parties as well as for experts delegated by them. In addition VASAB and HELCOM observers have been able to participate. Other guests, organisations and initiatives from around the Baltic Sea and from other parts of Europe have been invited as observers on a case by case basis.

Since its establishment in autumn 2010 until spring 2013 the Baltic Sea regional Working Group has convened seven times. The meetings have taken place on average twice a year, alternatingly in Riga (VASAB Secretariat) and Helsinki (HELCOM Secretariat). On average the first seven meetings have been attended by 28 (20-31) participants, representing on average more than ten different delegations (country, EU Commission or observer).

During this three-year period the Working Group has been co-chaired by Ms. Anita Mäkinen (Finland/HELCOM) and Mr. Andrzej Cieslak (Poland/VASAB), who have jointly led all meetings assisted by their vice-chairs Mr. Sten Jerdenius (Sweden/HELCOM) and Mr. Nico Nolte (Germany/VASAB, replaced by Mr. Kai Trümpler at the seventh meeting). The HELCOM and VASAB Secretariats have jointly provided Secretariat services to the Working Group.

An important overall function of the Working Group has been general dialogue on recent and upcoming developments in the field of MSP in the Region. National status of MSP developments have been discussed and compiled as included in Annex 1. In addition, the key topics under discussion have been i.a. legislative basis of MSP in the Region, the Ecosystem Approach in MSP, transboundary forms of planning, data for planning as well as to initiate and follow-up pilot initiatives running parallel to the Working Group work (i.a. BaltSeaPlan, PlanBothnia and the still ongoing PartiSEApate). The MSP principles adopted in 2010 based on earlier work within HELCOM, VASAB as well as a Roadmap adopted by the European Commission have provided a starting point for all these discussions.

In parallel to catering for such regional needs the Working Group has also taken up the role as the Steering Committee of the EU Strategy of the Baltic Sea Region (EUSBSR) Horizontal Action "Encouraging the use of Maritime and Land-based Spatial Planning in all Member States around the Baltic Sea and develop a common approach for cross-border cooperation" (HA Spatial Planning) in relation to MSP. In this role the group is responsible for i.a. recommending nominations for "flagship projects" as well as for providing input for this specific field of the EUSBSR.

Further details are available through the meeting records and documents of the working group meetings. Meeting documents are accessible via the HELCOM and VASAB websites.

## **2. BALTIC SEA BROAD-SCALE MSP PRINCIPLES**

The first concrete product of the HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM-VASAB MSP WG), established in May 2010, were the Baltic Sea broad-scale Maritime Spatial Planning (MSP) principles. The principles below were finalised at the first meeting of the group and adopted by HELCOM at the 34th Meeting of HELCOM Heads of Delegation in Helsinki, Finland, on 8-9 December 2010 and by VASAB at the 54th CSPD/BSR Meeting in Stockholm, Sweden, on 13-14 December 2010.

### **Baltic Sea Broad-scale Maritime Spatial Planning (MSP) Principles**

HELCOM and VASAB,

RECALLING the HELCOM Baltic Sea Action Plan commitment to jointly develop by 2010, as well as test, apply and evaluate by 2012, in co-operation with other relevant international bodies, broad-scale, cross-sectoral, marine spatial planning principles based on the Ecosystem Approach: whereby all Contracting Parties and relevant HELCOM bodies shall co-operatively participate; thereby giving guidance for the planning and ensuring the protection of the marine environment and nature, including habitats and seafloor integrity; securing sustainable use of marine resources by reducing user conflicts and adverse impacts of human activities,

RECALLING the “HELCOM Recommendation 28E/9 on development of broad-scale marine spatial planning principles in the Baltic Sea area” adopted to facilitate the protection and sustainable use of the Baltic Sea.

RECALLING that Maritime Spatial Planning is promoted and called for by the VASAB Long Term Perspective, Nordic Council of Ministers, the European Union Strategy for the Baltic Sea Region and its objectives, The European Union Marine Strategy Framework Directive, the Integrated Maritime Policy for the European Union, including its roadmap with Maritime Spatial Planning Principles, and the work of UNESCO.

AWARE that while management and regulation of human activities is divided into sectoral frameworks, the Baltic Sea ecosystem hosting these activities and enabling economic and social prosperity, is a single entity which has limits in terms of ecological integrity and available space, and is inherently connected to activities and processes on land.

AWARE that there is an increasing need and competition for marine space of the Baltic Sea which requires an integrated, cross-sectoral approach of managing human activities.

AWARE that Maritime Spatial Planning is an instrument for analysing, coordinating and allocating the spatial and temporal distribution of human activities in marine areas to achieve a balance between economic, environmental, social and any other interests in line with internationally and nationally agreed objectives.

AWARE that the Baltic Sea is in great need of a developed, well adapted and coherent Maritime Spatial Planning to accomplish long term trade-offs between different and sometimes competing human activities, thereby providing a predictable framework for maritime economic investment and activities, for creating job opportunities and at the same time ensuring compatibility with good environmental status, thus promoting sustainable development of the marine areas and the Baltic Sea Region.

AWARE that according to sustainable development the needs of the present generation should be met without compromising the ability of future generations to meet their own needs.

ACKNOWLEDGE that although substantial work has already been carried out in the Baltic Sea Region as regards Maritime Spatial Planning and Management, still great differences exist between the Baltic Sea Region countries in terms of Maritime Spatial Planning systems.

AGREE that this document, including the following ten principles, will provide valuable guidance for achieving better coherence in the development of Maritime Spatial Planning systems in the Baltic Sea Region:

### **1. Sustainable management**

*Maritime Spatial Planning is a key tool for sustainable management by balancing between economic, environmental, social and other interests in spatial allocations, by managing specific uses and coherently integrating sectoral planning, and by applying the ecosystem approach. When balancing interests and allocating uses in space and time, long-term and sustainable management should have priority.*

### **2. Ecosystem approach**

*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.*

### **3. Long term perspective and objectives**

*Maritime Spatial Planning should have a long term perspective in relation to the goals it seeks to attain and to its environmental, social, economic and territorial effects. It should aim for long-term sustainable uses that are not compromised by short term benefits and be based on long term visions strategies and action plans. Clear and effective objectives of Maritime Spatial Planning should be formulated based on these principles and national commitments. The establishment of a legal basis for Maritime Spatial Planning in the Baltic Sea countries should be investigated including vertically and horizontally well-coordinated decision making processes concerning sea space uses to ensure efficient implementation of maritime spatial plans and to provide for an integrated sea space allocation process when such plans do not yet exist.*

### **4. Precautionary Principle**

*Maritime Spatial Planning should be based on the Precautionary Principle. This implies planning has an obligation to anticipate potential adverse effects to the environment before they occur, taking into account Article 3 of the Helsinki Convention, and take all precautionary measures so that an activity will not result in significant harm.*

*A similar, but distinct, forward looking perspective should be applied with respect to the economic and social dimensions.*



## **5. Participation and Transparency**

*All relevant authorities and stakeholders in the Baltic Sea Region, including coastal municipalities as well as national and regional bodies, should be involved in maritime spatial planning initiatives at the earliest possible stage and public participation should be secured. Planning processes should be open and transparent and in accordance with international legislation.*

## **6. High quality data and information basis**

*Maritime Spatial Planning should be based on best available and up to date comprehensive information of high quality that to the largest extent possible should be shared by all. This calls for close cooperation of relevant GIS and geo-statistical databases, including the HELCOM GIS, monitoring and research in order to facilitate a trans-boundary data exchange process that could lead to a harmonised pan-Baltic data and information base for planning. This base should cover historical baselines, present status as well as future projections of both environmental aspects and human activities. It should be as comprehensive, openly accessible and constantly updated as possible and compatibility with European and Global initiatives should be ensured.*

## **7. Transnational coordination and consultation**

*Maritime spatial planning should be developed in a joint pan-Baltic dialogue with coordination and consultation between the Baltic Sea states, bearing in mind the need to apply international legislation and agreements and, for the HELCOM and VASAB EU member states, the EU *acquis communautaire*. Such dialogue should be conducted in a cross-sectoral context between all coastal countries, interested and competent organizations and stakeholders. Whenever possible maritime spatial plans should be developed and amended with the Baltic Sea Region perspective in mind.*

## **8. Coherent terrestrial and maritime spatial planning**

*Spatial planning for land and for the sea should be tightly interlinked, consistent and supportive to each other. To the extent possible legal systems governing spatial planning on land and sea should be harmonised to achieve governance systems equally open to handle land and sea spatial challenges, problems and opportunities and to create synergies. Synergies with Integrated Coastal Zone Management should be strengthened in all BSR countries and in a cross-border setting.*

## **9. Planning adapted to characteristics and special conditions at different areas**

*Maritime spatial planning should acknowledge the characteristics and special conditions of the different sub-basins of the Baltic Sea and their catchments. Consideration should be taken of the need for separate sub-regional planning adapted to such areas including sub-regional objectives supplementing regional objectives specified in principle 3. In general maritime spatial plans should seek coherence across ecosystems.*

## **10. Continuous planning**

*Maritime spatial planning should reflect the fact that planning is a continuous process that will need to adapt to changing conditions and new knowledge. Monitoring and evaluation of the implementation of maritime plans and its environmental, as well as socio-economic, effects should be carried out with a view to identify unforeseen impacts and to improve planning data and methods. This monitoring and evaluation should, particularly in its trans-boundary dimensions and in addition to national and transboundary monitoring schemes, build on, and if possible be part of, regional monitoring and assessments carried out by regional organisations.*

### 3. OVERVIEW OF LEGISLATIVE BASIS

The HELCOM-VASAB MSP WG has examined the possibility for coastal States to establish a legal framework for Maritime Spatial Planning (MSP) in the territorial seas (TS) and the Exclusive Economic Zones (EEZ) within the Baltic Sea. During its deliberation, it had access to legal studies carried out, *inter alia*, in Germany, Sweden and by the European Commission.

On this basis, the group drew the following conclusions:

#### 3.1 Draft conclusions regarding the International legal basis

Coastal States bordering the Baltic Sea are entitled to establish a legal framework for MSP in their TS and EEZ as long as it does not exceed the framework of rights and duties defined in the United Nations Convention on the Law of the Sea (UNCLOS) and other relevant legal instruments (such as Helsinki Convention or applicable EU-law for Baltic EU Member States).

In this context, it should be noted that MSP is a tool and a process for the internal (national) and external (international, with other States and organisations) co-ordination of activities in marine waters under the coastal State's jurisdiction. It serves the exercise of existing rights, not the creation of new rights. The coastal State may, however, in co-ordinating its activities, take activities outside (both spatially and functionally) its jurisdiction into account. In this regard, MSP is a self-imposed structure for the exercise of rights of the coastal State.

MSP is used to co-ordinate the subset of maritime activities the State might lawfully undertake and which seem practical and efficient, taking into account the rights and activities of other States and international organisations (such as the EU where applicable). This view is confirmed by current State practice in this area, as Baltic Sea States are now giving structure to the activities they have already been engaged in.

It is important to note that the activities which the State can actively co-ordinate by the MSP process are only those for which the State has sovereignty, sovereign rights, jurisdiction and other rights and duties provided for under UNCLOS. Consequently, the scope for undertaking MSP varies within the different maritime zones established under UNCLOS and the exercise of rights by other States in these zones.

In the **territorial sea**, the coastal State enjoys full sovereignty, i.e. it can plan and co-ordinate activities in principle as on land. However, in the TS other States are entitled to right of innocent passage. This right cannot be denied by the coastal State in the planning process and must be taken into consideration. Just like any individual activity of the coastal State in the TS must not impede innocent passage except in accordance with UNCLOS, the co-ordination of several activities must be coherent with exercise of innocent passage.

In the **EEZ** a special legal regime applies. The coastal State does not have sovereignty as such because this area is not a part of national territory. The coastal State has sovereign rights "for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds" (Art. 56 para. 1 lit. a UNCLOS).

Planning activities that the State wants to actively co-ordinate in a maritime spatial plan must be limited to these and other rights enumerated in the UNCLOS. Only with regard to these rights does the coastal State have the authority for active planning and co-ordination. At the same time, the coastal State has to consider the rights of other States enjoying freedom of navigation and overflight, the laying of submarine cables and pipelines and other internationally lawful uses of the sea. However, when other States are exercising their rights in the EEZ, the rights and duties of the coastal State and the laws issued by it must also be given due regard.

To illustrate these principles, offshore wind farms in the EEZ can be considered as an example. There is no doubt that the coastal State alone has the exclusive right to issue permits for offshore wind farms in its EEZ. So just as the coastal State may license individual wind farms, it might develop as a basis for future decisions a spatial plan which co-ordinates uses and functions of the sea over which the state has sovereign rights and which *inter alia* designates areas for wind energy development. During the considerations in the planning process, the coastal State should take into account uses and rights of third States that impact on offshore wind farms, such as the laying of submarine cables and navigation.

Baltic Sea States may establish a framework for exercising in spatial terms their existing sovereign rights, coordinating the uses within their maritime zones, taking into consideration other users as well as rights and activities of other States. It is crucial to note that by establishing MSP the coastal State does not create new rights for itself, it merely decides how to exercise the existing ones.

### **3.2 The UNCLOS regime**

#### **I. Internal waters, territorial waters, EEZ; examples of limited sovereignty due to the international strait regime outlined in UNCLOS<sup>1</sup>**

This section 3.2 (I) includes an overview of basic elements for the legislative basis for MSP in the whole maritime area (internal waters, territorial seas and the exclusive economic zones) as reported by Prof. Dr. Wilfried Erbguth (University of Rostock, Vice-President of the Academy of Spatial Research and Planning, Hannover)<sup>2</sup>

Maritime Spatial Planning (MSP) is an emerging tool for sustainable development and for an Integrated Maritime Policy. Therefore the question arises which legal principles apply and set the framework for MSP. Of special interest is in this regard the international law which must be further assessed concerning the maritime zones at stake.

##### **a) Internal Waters in General**

The United Nations Convention on the Law of the Sea (UNCLOS – a “constitution for the oceans”) – codifying customary international law states in Art. 2 para. 1 that internal waters - the waters on the landward side of the baseline (Art. 8 para.1 UNCLOS) - are subject to coastal State sovereignty. Based on the sovereignty of a coastal State the right of spatial planning exists in full and is not affected by international law.

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<sup>1</sup>The analysis and formulations presented in this section 3.2 –I are those of Prof. Dr. Wilfried Erbguth and do not necessarily reflect the consensus opinion of the joint HELCOM-VASAB MSP WG or its members. However, the text provided the basis for discussions in the group, resulting in the conclusions presented in section 3.1.

<sup>2</sup> The author would like to thank the Academy for Spatial Research and Planning (Germany) for the translation of his paper.

## **b) Territorial Sea in General**

UNCLOS stipulates as well that the territorial sea is subject to coastal State sovereignty. According to Art. 3 UNCLOS the coastal State is entitled to proclaim its territorial sea, but it may not extend more than 12 nautical miles measured from baselines (normally the low-water line along the coast, Art. 5 UNCLOS). Any territorial sea thus forms part of the coastal State. As such it is the subject matter of jurisdiction of the respective government. Spatial planning in the territorial sea is thus unaffected by international law (the right of innocent passage aside) and determined solely by the relevant domestic allocation of competencies.

## **c) Exclusive Economic Zone in General**

Things look different in the exclusive economic zone (EEZ). For the EEZ a specific legal regime applies. Art. 55 UNCLOS explains that the EEZ is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in part V of UNCLOS, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Rather than forming part of the national territory of the respective coastal State, the EEZ merely represents an area of functional sovereign rights in which (coastal) States are only assigned limited rights of sovereignty<sup>3</sup> and jurisdiction<sup>4</sup>. These positions are of an economic, scientific and environmental nature. There is no express assignment of spatial planning tasks or even tasks related to the coordination of these individual rights. Nevertheless, the overall planning competence of coastal States is recognized for the maritime area with respect to the coordination of sovereign rights and jurisdiction: This is methodologically either derived from the Law of the Sea by way of a general teleological (contract) interpretation or through employing special rules of interpretation with regard to international law. Although spatial planning is affected by the factual limitation of the sovereign powers in the EEZ, its task is still the typical planning objective of supraregional spatial coordination.

## **d) Rights of other States**

Problems in acknowledging “real” spatial planning powers at sea could derive from acknowledging the rights of other States in international law if the restrictive impact of these rights were such that spatial coordination would largely be prevented. This question arises not only in the EEZ, but also in the territorial sea. Internal waters are not affected by this question as UNCLOS does not stipulate rights of other States in this maritime area.

*(1) Territorial Sea:* As far as the 12-nautical mile zone is concerned, the rights of other States, which are to be respected in spatial planning, are rather limited. In the territorial sea other States are only entitled to the right of innocent passage (Art. 17 UNCLOS<sup>5</sup>). Therefore the coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with UNCLOS (Art. 24 UNCLOS). At the same time, clear

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<sup>3</sup> Art. 56 para. 1 lit. a UNCLOS: In the exclusive economic zone, the coastal State has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

<sup>4</sup> Art. 56 para. 1 lit b UNCLOS: jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment.

<sup>5</sup> Art. 17 UNCLOS: Right of innocent passage – Subject to this convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

rights are granted to coastal States, which do not undermine innocent passage as such, but can have spatially considerable influence on how innocent passage is exercised. According to Art. 21 para. 1 UNCLOS, this includes “laws and regulations of the coastal State” for the safety of navigation and the regulation of maritime traffic (lit. a), for the protection of facilities or installations (lit. b), for the protection of cables and pipelines (lit. c), for the conservation of the living resources of the sea (lit. d), the prevention of infringement of the fisheries laws and regulations (lit. e), for the preservation of the environment of the coastal State as well as for the prevention, reduction and control of pollution (lit. f). Such regulations must – then – be observed by foreign ships. This demonstrates that spatial coordination of the routes for innocent passage in cases of contradicting economic and ecological requirements is possible; the spatial planning task of coordination (through “laws and regulations”) is therefore not really limited as a result of the powers of other States. The fact that spatial planning cannot prohibit innocent passage should not change any of the above, in particular since such complete elimination of interests – even without international law - would run counter to the spatial planning principle of considering and balancing all interests.

(2) *Exclusive Economic Zone*: In the EEZ the positions of other States are more strongly pronounced. All States enjoy the freedom of navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of UNCLOS (Art. 58 para. 1 in conjunction with Art. 87 UNCLOS). However, when other States are exercising their rights in the EEZ, the rights and duties of the coastal State and the laws and other regulations issued by it in accordance with international law and UNCLOS must also be given due regard (UNCLOS Art. 58 para. 3<sup>6</sup>). Thus it is not the case, for example, that the freedom of navigation is not subject to any restrictions whatsoever. However, part of the coastal States’ rights are precisely those powers deriving from the above mentioned Art. 56 para. 1 lit a and b, which exercise on their part is subject to the condition that the rights of other States are given due regard (Art. 56 para. 2 UNCLOS<sup>7</sup>). Thus there is a legal constellation of mutual consideration. When it comes to the spatial aspects of the competing claims this mutual duty of consideration precisely characterizes the coordination tasks of spatial planning. Without exception, the sovereign rights and jurisdiction in accordance with Art. 56 para. 1 lit. a and b UNCLOS possess the required spatial relevance. The same spatial relevance applies to shipping and the laying and/or operation of cables and pipelines within the scope of other State powers as set out in Art. 58 para. 1 lit. a and b, (at least) insofar as this impacts on the use of the water surface or on water quality. Things look differently only in the case of overflight as of a certain altitude.

However, Art. 60 para. 7 UNCLOS has a limiting effect on the possibilities for the above mentioned balancing and deliberation, in that artificial islands, installations and structures and their surrounding safety zones (Art. 60 paras 1 and 4 UNCLOS) may not be established by the coastal States in locations where they are capable of interfering the use of recognized sea lanes essential to international navigation. Apart from this, the said principle of mutual consideration remains in place, both with a view to other powers of jurisdiction and the sovereign rights of the coastal State in accordance with Art. 56 para. 1 UNCLOS, and with a view to whether the course of shipping routes and pipelines should not be modified in the

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<sup>6</sup> Art. 58 para. 3 UNCLOS: In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

<sup>7</sup> Art. 56 para. 2 UNCLOS: In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

future for the benefit of establishing installations within the meaning of UNCLOS Art. 60 para. 1.

The assumption which is sometimes made with respect to such possible and necessary deliberations on ocean space, that “in cases of doubt, they would turn out to favour the legal position of the coastal State”, will hardly be able to be justified with the reservation incorporated into paras 1 and 2 of Art. 58 UNCLOS which favours the provisions of Part V of UNCLOS and thus (also) Art. 56 UNCLOS. After all, this could also be understood as purely declaratory because UNCLOS certainly did not want to create contradicting regulations, especially not within the same part. Rather, that view which prefers in cases of doubt the position of the coastal State, is countered by the danger of a creeping expansion of the powers of coastal States. Thus the basic legal principle that informs all deliberations, including those of a spatial nature, remains in place, which is that there must not and cannot be any general priorities. This corresponds to the fact that in the comparable system of the continental shelf with regard to the laying of cables and pipelines (UNCLOS Art. 79), which also applies to the EEZ, Art. 79 para. 2 UNCLOS likewise contains no priority regulation for the benefit of coastal state (sovereign) rights in relation to the powers of other States. In accordance with general principles, what matters is the weight of the respective interests in individual cases, their affectedness and/or significance. In the case of important shipping routes and existing pipelines, these interests naturally weigh strongly.

Other, in particular regional international conventions – for example, for the North and the Baltic Sea – have no bearing on this legal situation, a situation which not only permits maritime spatial planning, but actually justifies its need.

Final remark: The right of a coastal State to carry out spatial planning in internal waters is not affected at all by international law, in the territorial sea it is just limited by the innocent passage of ships. A coastal State shall not hamper the innocent passage of foreign ships through the territorial sea, except in accordance with UNCLOS. At the same time, clear rights are granted to coastal States, which do not undermine innocent passage as such, but can have spatially considerable influence on how innocent passage is exercised. Spatial planning in the EEZ is consistent with the UNCLOS regime as long as only matters of the functional rights are regulated and rights and freedoms of other States are given due regard. With spatial planning, the coastal State gives itself a framework for the exercise of the rights conferred upon him by UNCLOS. It is thus a “voluntary self-restraint” in the meaning that the coastal State establishes a spatial order for exercising its rights and duties. Far from letting its jurisdiction “creep” outside internationally accepted areas (functional as well as spatial) the state is organizing its own options to act.

## **II. International straits; a specific regime according to UNCLOS**

### **Brief on the Strait Regime and Maritime Spatial Planning**

When dealing with the question of what can be planned and what should be planned, it is important to note that planning only serves a purpose if either the decision making body has the authority to make the decisions in question, or if the plans provide a framework for other bodies' decisions, or if the planning authorities can affect the decisions - for example, by political means.

There are also other frameworks that planning must comply with if the planning should be useful, including geography and legal issues. For example, it is not useful to plan movements of deep draft ships in low water areas, and UNCLOS rules must be respected.

The restrictions apply regardless of what should be planned for and the legal regime applicable to the area.

As shown in the memo submitted by Germany (3.2 - I) the aforementioned regimes lead to different options for planning in the various legal regimes. That goes for national zones (internal waters and territorial sea) as well as zones located outside the sovereign areas (contiguous zone, EEZ, etc.).

One particular issue that merits further discussion is the question of the straits. Within the HELCOM area the Sound, Great Belt and Little Belt are covered by a particular historical strait regime in accordance with UNCLOS, art. 35, sub-para. c. For centuries these waters have had a special regime which - like law in general - has evolved over time.

The most important change occurred in 1857 when Denmark and countries with many ships passing the straits, agreed on the abolition of duty on passage. The agreements stand forever, and it is assumed that countries which were not among the original parties to one of the two agreements, has succeeded into the agreements. This is true in terms of the right of passage and obligations hereunder and in terms of Sweden's rights and duties as the coastal State to the Sound. Germany's status as a coastal state to the southern Little Belt is more questionable. It is assumed that changes of the Agreement require the consent of all States.

The special strait regime deals with the right of ships to pass from the North Sea to the Baltic Sea and vice versa. However apart from the special section of the 1857 agreements on pilotage services and aids to navigation which are also applicable for the Kattegat, the agreements have only practical significance for the Sound, Great Belt and Little Belt, and for the passage from the northern boundary of the Little Belt to the waters outside the territorial sea. Please note, that in the three straits the strait regime is in force in the whole area whether it is internal waters or territorial sea. (Before the extension of territorial sea to 12 nautical miles the strait regime was in force in the waters outside the territorial sea also.)

Geographically, the straits are limited by the following lines:

#### Sound

- To the north: a straight line from Gilbjerg Hoved to Kullen
- To the south: a straight line from the lighthouse of Stevns to Falsterbo Pynt

#### Great Belt

- To the north: a straight line from Røsnæs to Fyns Hoved
- To the south: a straight line from Gulstav to church of Kappel

#### Lillebælt Belt

- To the north: a straight line from Æbelø to Bjørnsknude
- To the south: a straight line from Falshöft to Vejsnæs Nakke
- In connection with the delimitation of the Little Belt to the south it should be noted that the territorial sea is pulled back up to a straight line from Pølshuk to Vejsnæs Nakke

Today the main content of the strait regime is that all ships have a right of innocent passage and that this right cannot be suspended in peacetime. There are special rules for warships, aircraft and submarines. Masters of the ships decide whether to use a pilot. The coastal states must have over-sight of the pilots, and pilotage charges shall be fair and equal for the

ves-sels of the coastal state and foreign vessels. The coastal states shall keep lighthouses and other marking in the Straits and in the Kattegat.

Although strong environmental concerns dictate compulsory use of pilots, it is not possible to impose compulsory pilotage on ships without the acceptance of the flag state. This is in accordance with the legal regime in international straits regulated under the UNCLOS, part 3, sec. 2. From the northern border of the Little Belt foreign vessels are allowed to sail the fastest and most natural route through the internal waters to the territorial sea.

The right of passage, therefore, means that coastal states have to keep the natural waterways through the streets free and marked. This also means that safety zones must not reach over the natural waterways. These waterways must not - even temporarily – be closed in peacetime, because the right cannot be suspended. The right of passage is valid regardless of traffic intensity.

As mention, the right of passage cannot be suspended and is applicable regardless of traffic intensity. This is an important difference from the right of innocent passage in territorial sea. The opportunities for planning will thereby be reduced further.

It is worth noting that strait regime only regulates foreign ships right to pass between the North Sea and the Baltic Sea. Other matters are regulated according to the regime of the waters in question, i.e. territorial sea and internal waters, as there are no longer international waters (waters outside territorial waters) in the Straits. For example, activities of a profession, including the exercise of pilot activities, are therefore regulated by the coastal State. Especially with regard to pilotage, there exists a special agreement between Denmark and Sweden on pilotage in those areas of Sound with Danish coast on one side and Swedish coast on the other.

The two main conclusions are that there are

- the circumstances where conflicts between the legal regime and the environment cannot be solved by a balanced approach, i.e. compulsory pilotage cannot be imposed without flag state acceptance, even if there is a pressing environmental need, and
- that the strait regime results in severe restrictions on what the physical plans for the area can hold. That goes not only for the territorial sea where the right of innocent passage in natural waterways must be respected during peacetime, but also for internal waters, where the coastal state must respect the same passage rights in the natural waterways as in the territorial sea.

### **3.3 International and Regional Conventions, Agreements, Policies and Strategies and EU Directives**

#### **I. International, European and regional legislative frameworks on Environmental Impact Assessment and Strategic Environmental Impact Assessment**

The following international regime established for assessment of environmental impacts should be taken into account when establishing a common ground for trans-national co-operation and co-ordination in general:



- UNCLOS, Article 206 requires, in a general manner, to assess the impacts of activities under their jurisdiction (applicable to all Baltic Sea countries): “When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments (in the manner provided in article 205)”
- The 1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its 2003 Protocol, on Strategic Impact Assessment (Protocol ratified by all Baltic Sea countries but Latvia; Russia is not a signatory to either the Espoo Convention or its Protocol)
- EU’s EIA Directive and SEA Directive (applicable to eight EU member states in the Baltic Sea)
- The 1992 Helsinki Convention, Article 7 on Environmental Impact Assessment, refers to situations where environmental impact assessments are required by either international or supra-national law, and in these cases further requires consultations between the states concerned by transboundary adverse impact on the environment (applicable to all Baltic Sea countries)
- 1974 Nordic Environment Protection Convention, includes obligations on notification and consultation (applicable to Denmark, Sweden, Finland and Norway)

## II. International, European and regional legislative frameworks on substantial requirements

The following international requirements to be taken into account when elaborating on rights/requirements regarding specific uses (e.g. laying of cables and pipelines, maritime transportation and fisheries, military exercises), including cases and consideration which legal regimes are applied to these activities and under whose authority (coastal states, IMO, EU for Common Fisheries Policy etc.) they are regulated.

### **International requirements providing framework for the marine environment protection**

- Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention), 1992

Requires its Contracting Parties (nine Baltic Sea countries and the European Union) to 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 and the preservation of its ecological balance.

Furthermore, the Contracting Parties are obliged to take appropriate measures to conserve natural habitats and biological diversity, protect ecological processes, as well as ensure the sustainable use of natural resources. To achieve these, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria.

The Convention also defines the competence of its executive body (international institution), HELCOM, with respect of future cooperation and international norm-making.

HELCOM recommendations aim at implementation of the general provisions of the Convention, by specifying the obligations and developing them further, or providing for uniform standards and joint measures. HELCOM Recommendations constitutes so called “soft” law – in addition to political dimension, they have normative obligations.

HELCOM Baltic Sea Action Plan (BSAP) and Ministerial Declarations, provides for programmes and measures the Contracting Parties commit to implement or cooperate on. More specifically, the BSAP requires a good environmental status (GES) of the Baltic Sea to be achieved by 2021, and “prescribes” measures to reach this objective.

- EU Marine Strategy Framework Directive

A framework directive requires EU member states (apart from land-locked countries) to develop marine strategies for their marine waters, including programme of measures, to achieve GES by 2020. Marine strategies shall apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations. The Directive refers in its annex and in the Commission Decision on methodological standards to reach GES to spatial and temporal distribution control to be included in programmes of measures and MSP being an identified tool that can support an ecosystem-based approach to the management of human activities required to achieve good environmental status. HELCOM has been decided (2010 Moscow Ministerial Meeting) to serve as a regional platform for implementation of the MSFD in the Baltic Sea.

### **Maritime transportation**

IMO Conventions on maritime safety, security, marine pollution, including

- International Convention for the Safety of Life at Sea (SOLAS), 1974 (ratified by all Baltic Sea countries)
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (ratified by all Baltic Sea countries)
- International Convention on Maritime Search and Rescue (SAR)

(go to <http://www.imo.org/About/Conventions/ListOfConventions/Pages/Default.aspx> for full list)

- Also Helsinki Convention and number of HELCOM Recommendations concern shipping in the Baltic Sea.

### **Biodiversity, habitats, species, wildlife**

- Convention on Biological Diversity, and the requirement on the network of marine protected areas
- 1971 Convention on Wetlands of International Importance, Especially as Waterfowl Habitats (Ramsar Convention)

- 1979 Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) (all Baltic Sea countries but Russia are parties), and its Agreement on the Conservation of Small Cetaceans in the Baltic and North Seas
- 1979 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)
- EU Birds and Habitats Directives (applicable to EU members), including NATURA 2000
- Helsinki Convention, requirements on protection of biodiversity and network of Baltic Sea Protected Areas (BSPA)

### **Fisheries**

- EU's Common Fisheries Policy
- EU-Russia Agreement on cooperation in fisheries and marine conservation in the Baltic Sea

### **Other**

- 1972 Convention for the Protection of the World Cultural and Natural Heritage

## **3.4 Overview of national MSP legislation and processes**

An overview of national MSP legislation and process is compiled into a separate document (**Annex 1**).

## ANNEX 1: OVERVIEW ON NATIONAL MSP LEGISLATION AND PROCESSES

The aim of this overview is to share experiences among the countries, especially in relation to how the international legislation is to be dealt with when drawing maritime spatial plans and how international legislation has been used as the basis for MSP, and thus build a common understanding on legal possibilities for MSP. Please note that Part B of the table concerns territorial sea and part C concerns the Exclusive Economic Zone.

### DENMARK

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Denmark
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	No
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	No
<b>If yes:</b>	
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	The different sectors, who are responsible for planning their activities at sea, have been discussing several possible ways to implement MSP, but it has not been possible to reach an agreement. Denmark now awaits EU initiative for MSP.
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	
<b>6. General information on problems encountered and lessons learned:</b>	
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	No
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	No
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	None so far

<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	
<b>6. General information on problems encountered and lessons learned:</b>	

## ESTONIA

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	<b>Estonia.</b> The answer has been given for the territorial sea. Legislation for EEZ is in place, but it does not cover MSP. All the answers about MSP cover only the territorial sea.
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	Yes.
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry), issuing date, web link:	Planning Act of Estonia. Institution in charge for the Planning Act is Estonian Ministry of the Interior. The act was issued on 13.11.2002 and entered into force on 01.01.2003. The amendments concerning the legal base for MSP entered into force on 01.07.2009 and 27.02.2010. Currently, the process of revising the Planning Act and Building Act of Estonia is ongoing and some details concerning MSP will be revised during it.
b) basic content and (long term) objectives of MSP legislation:	There are four planning levels in Estonia: <ol style="list-style-type: none"> <li>1) National plan covers the whole territory of Estonia (including the territorial waters) and sets out very broad principles for MSP. The National plan currently in development – Estonia 2030+ - assigns the next planning level - county plans - to solve the issue of MSP in Estonian territorial waters.</li> <li>2) County plans are the main planning level for MSP. First of all, the Planning Act stipulates that a county plan can be prepared for public bodies of water (which in addition to lakes, rivers etc includes territorial waters as well). In addition, one of the assignments of county plans is to set the basic principles for using public bodies of water (including marine areas) and basic principles of building in them as well. A county plan for the purpose of MSP is initiated by the Estonian Government.</li> <li>3) Local level plans – comprehensive plans and detailed plans – are prepared by local governments and they can plan the territorial sea only in case of planning a building that is permanently attached to the shore (piers and breakwaters for example).</li> </ol>
c) international/ EU legislation considered:	The MSP legislation in Estonia derives from the legislation set out for terrestrial planning, which in turn considers different international agreements and EU legislation.
d) public participation and transparency:	The rules for public participation and transparency for MSP in Estonia are the same as for terrestrial planning – widespread

	involvement of different stakeholders on local and national level.
e) Strategic Environmental Assessment (SEA):	SEA is compulsory for county plans
f) transboundary consultation:	If necessary, the process of a transboundary SEA will be carried out.
g) applicability of existing national legislation for land planning, land-sea integration:	The legislation for MSP is derived from national legislation for land planning.
h) monitoring, review, amendment:	County plans are revised in every four years – the county governments give an overview of the planning situation in their county to the Estonian Ministry of the Interior not later than four months after the election of the Parliament. County plans can be amended with comprehensive plans only in the event of a justified need. But as comprehensive plans can only be prepared for territorial waters in case of planning a building that is permanently attached to the shore, amending a county plan for marine areas through a comprehensive plans is practically impossible. In case of amendments are needed, a new county plan must be prepared for the same territory, or for a part of it.
<b>2. Maritime Spatial Plan existing? (yes/no)</b>	No.
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	<p>The pilot projects were initiated by the Estonian Government in October 2012 for two counties: Pärnu and Hiiumaa.</p> <p>Plan with the Strategic Environment Assessment be ready and presented to the Ministry of Interior for supervision by 31.12.2016.</p> <p>Government of Estonia initiated 2 pilot maritime spatial plans in Estonia. The areas covered by the plans are marine areas around Hiiuma island and marine areas in Pärnu Bay area. The plans are prepared to the territorial sea. The purpose to carry out maritime spatial planning is to determine the usage of marine space through a public process which considers different existing interests and long-term trends and needs for economic, social, cultural and environmental development. The outcome of the county plan and strategic environmental assessment (SEA) are principles of spatial development and conditions for the use of marine areas. Both plans should be implemented by the end of 2015.</p>
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	The process of revising the Planning Act and Building Act of Estonia is currently ongoing and some details concerning MSP will be revised during it. The basic principles will be the same: the main planning level for MSP will be county plans. If necessary, the legislation can be revised and amended during the process of carrying out pilot Maritime Spatial Plans as well.
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	Maritime Spatial Plans will solve the different conflicts arising from different human usages of marine areas: shipping, fishing, recreation etc. An implemented Maritime Spatial Plan will give the legal bases necessary to set some restrictions on some areas of the sea and also allow usage of marine areas where it has not been possible so far.
<b>6. General information on problems encountered and lessons learned:</b>	The main problem encountered so far is that the legal territory of counties does not apply to marine areas. The territorial sea is a public body of water managed by the Estonian Government. This problem, however, can be resolved by initiating the Maritime Spatial Plans by the Estonian Government and the Estonian Government assigning one or more County Governors (as the representatives of states in counties) to carry out the process of MSP.
<b><u>C. Exclusive Economic Zone</u></b>	
<b>1. MSP legislation for EEZ in place? (yes/no)</b>	No.

<b>2. Maritime Spatial Plan existing?</b> (yes/no)	No.
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	
<b>6. General information on problems encountered and lessons learned:</b>	

## FINLAND

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Finland
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	no
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	yes
<b>If yes:</b>	
a) responsible institution (e.g. agency), date of adoption of the Maritime Spatial Plan:	Spatial plans have been drafted for maritime areas according to Land Use and Building act. Regional planning and also national level land use guidelines are the most relevant spatial planning tools on maritime areas in Finland. Municipalities and Regional Councils have the planning mandate in Finland and are responsible for drafting plans. Regional Councils which are made up of representatives from the municipalities are in charge for drafting regional plans. At the moment regional plans are covering all coastal regions and also large areas of the territorial waters of Finland. These plans are ratified by the Ministry of the Environment.
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and review:	<p>Main driving forces are national policies and legislation. Land-sea interaction in plans is strong, because Land Use and Building Act is implemented on territorial waters as well, and plans cover usually both land and sea. Still, there are also some regional plans covering only sea areas. Plans are comprehensive covering several sectors, but they can be drafted for covering one sector only. Even in those cases other sectors and need for nature protection and maintaining valuable cultural heritage sites have been taken into account, and several planning options have been considered during the planning process. Main spatial conflicts on the sea are most often identified between nature protection, wind energy and coastal living. Major problem is also the lack of knowledge of underwater habitats. Plans are monitored and renewed when needed.</p> <p>Each planning level has its own main tasks. When the regional plan is being drawn up, special attention is given to the following:</p>

	<ul style="list-style-type: none"> <li>• appropriate regional and community structure of the region,</li> <li>• ecological sustainability of land/sea use,</li> <li>• environmentally and economically sustainable arrangement of transport and technical services,</li> <li>• sustainable use of water and extractable land resources,</li> <li>• operating conditions for the region's businesses,</li> <li>• protection of landscape, natural values, and cultural heritage,</li> <li>• sufficient availability of areas suitable for recreation.</li> </ul>
c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation, transboundary consultation, main obstacles and problems encountered):	Decision of the start of the planning process is made by politicians. A participation and planning scheme, which is drafted in the very beginning of the process, shows how the process will proceed and how anyone who is interested in can participate in it. Planning is carried out according the Land Use and Building Act. Process includes collecting the information needed and carrying out further clarifications, drafting and assessing various planning options, consultations with public and all other actors like sectoral authorities, drafting the planning proposal and agreeing of the plan. Sectoral interests are taken into account and coordinated in the process, SEA is included as well as transboundary consultation when required.
d) reference documents (text, maps, English summary), web links:	<a href="http://www.ymparisto.fi/download.asp?contentid=118812&amp;lan=fi">http://www.ymparisto.fi/download.asp?contentid=118812&amp;lan=fi</a> on the page is presented a map (in finnish) of regional plans in force 30.5.2012. Coastal regional plans cover the territorial waters as well.
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	
<b>6. General information on problems encountered and lessons learned:</b>	
<b><u>C. Exclusive Economic Zone</u></b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	no
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	no
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	Plan Bohnia pilot plan2011-2012, a joint test plan with Sweden.
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	



5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:	
6. General information on problems encountered and lessons learned:	

## GERMANY

<b>A. General information</b>	
Country (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Germany
<b>B. Territorial sea</b>	
1. MSP legislation for territorial sea in place? (yes/no)	<u>Schleswig-Holstein:</u> Yes  <u>Mecklenburg-Vorpommern:</u> Yes
If yes:	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry), issuing date, web link:	<u>Schleswig-Holstein:</u> Landesplanungsgesetz / State Planning Act Schleswig-Holstein from 10 Febr.1996, responsible institution Chancery of State Schleswig-Holstein, Spatial Planning Dept. (as of 1. Sept, 2012), <a href="http://www.gesetze-rechtsprechung.sh.juris.de/jportal/?quelle=jlink&amp;query=PlanG+SH&amp;psml=bsshoproduct.psml&amp;max=true">http://www.gesetze-rechtsprechung.sh.juris.de/jportal/?quelle=jlink&amp;query=PlanG+SH&amp;psml=bsshoproduct.psml&amp;max=true</a>  <u>Mecklenburg-Vorpommern:</u> Landesplanungsgesetz / Spatial Planning Act Mecklenburg-Vorpommern (§ 6) from 5. May 1998, last amended 20 My 2011, responsible institution is the spatial planning authority, currently the Ministry of Energy, Infrastructure and Spatial Development, <a href="http://www.em.mv-regierung.de">www.em.mv-regierung.de</a> , <a href="http://www.landesrecht-mv.de/jportal/portal/page/bsmvprod.psml;jsessionid=33A053898CBD4C6AE4904F7AF00355E8.jpj5?showdoccase=1&amp;doc.id=jl-LPIGMVrahmen&amp;doc.part=X&amp;doc.origin=bs&amp;st=lr">http://www.landesrecht-mv.de/jportal/portal/page/bsmvprod.psml;jsessionid=33A053898CBD4C6AE4904F7AF00355E8.jpj5?showdoccase=1&amp;doc.id=jl-LPIGMVrahmen&amp;doc.part=X&amp;doc.origin=bs&amp;st=lr</a>
b) basic content and (long term) objectives of MSP legislation:	<u>Mecklenburg-Vorpommern:</u> The applicability of the Spatial Development Programme 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 national defense at an early stage. Spatial planning is based on the vision of sustainable spatial development meaning harmonising social and economic spatial demands with its ecological function
c) international/ EU legislation considered:	<u>Mecklenburg-Vorpommern:</u> Yes
d) public participation and transparency:	<u>Mecklenburg-Vorpommern:</u> Yes With the announcement and public display of the draft public participation starts. The public and all other involved parties are requested to comment on the draft spatial development plan in the frame of a fixed time limit. The same is true for the Strategic Environmental Assessment. In consideration of all received comments after the participation procedure a comprehensive, final

	balancing / final weighting of interests will be carried out.
e) Strategic Environmental Assessment (SEA):	<u>Mecklenburg-Vorpommern:</u> Yes The spatial planning process includes the Strategic Environmental Assessment. The Strategic Environmental Assessment for spatial development plans is regulated in the spatial planning acts in Germany. The reason for this is the huge complexity of both procedures. But only the spatial development plan will be binding in result.
f) transboundary consultation:	<u>Mecklenburg-Vorpommern:</u> Yes
g) applicability of existing national legislation for land planning, land-sea integration:	<u>Schleswig-Holstein:</u> Legislation applies for land as well as sea space (territorial sea, Schleswig-Holstein share in North Sea and Baltic Sea) <u>Mecklenburg-Vorpommern:</u> The Spatial Planning Act Mecklenburg-Vorpommern covers land and sea areas (12sm-zone), thus including land-sea integration. The Spatial Development Programme Mecklenburg-Vorpommern 2005 also covers land and sea space (12sm-zone), thus contributing to an integrated land-sea spatial development integration.
h) monitoring, review, amendment:	<u>Mecklenburg-Vorpommern:</u> Every five years a review has to be conducted and about every ten years an update of the Spatial Development Programme has to be set up.
<b>2. Maritime Spatial Plan existing? (yes/no)</b>	<u>Schleswig-Holstein:</u> Yes. The State Development Plan 2010 <u>Mecklenburg-Vorpommern:</u> Yes. Spatial Development Programme 2005 ( <a href="http://www.regierung-mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/vm/Themen/Landes-_und_Regionalentwicklung/index.jsp">http://www.regierung-mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/vm/Themen/Landes-_und_Regionalentwicklung/index.jsp</a> ; <a href="http://www.mv-regierung.de/vm/raumordnung/aktuell_neuaufstellung_karte_CMS.html">http://www.mv-regierung.de/vm/raumordnung/aktuell_neuaufstellung_karte_CMS.html</a> ; <a href="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</a> )
<b>If yes:</b>	
a) responsible institution (e.g. agency), date of adoption of the Maritime Spatial Plan:	<u>Schleswig-Holstein:</u> Spatial Planning Department, formerly department within the Ministry of the Interior, from September 1 <sup>st</sup> , 2012: department within the Chancery of State of Schleswig-Holstein Adopted: October 2010 <u>Mecklenburg-Vorpommern:</u> Spatial Planning Authority (currently the Ministry of Energy, Infrastructure and Spatial Development) Adopted: 2005
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and review:	<u>Schleswig-Holstein:</u> The state development plan covers onshore-planning and – for the first time – maritime spatial planning. In the maritime part there are spatial principles and objectives, which implicate rules for ICZM, for a better adjustment of the uses in the coastal zone with neighbouring countries and uses in the EEZ, and for coastal protection. The plan particularly covers spatial objectives for nature protection and cable lines in the territorial sea and specifies that due to other conflicting uses there will be no sites for permanent wind energy turbines in the territorial sea of Schleswig-Holstein, apart from some test-plants. <u>Mecklenburg-Vorpommern:</u> With the Spatial Development Programme 2005, for the first time areas for single uses in the coastal sea area were designated. That is true for offshore wind farms and connecting cables, cables in general (electricity, telecom) and pipelines, nature protection, tourism/leisure and sand/gravel extraction. For these topics, objectives for use, development and protection were defined. The State Spatial Program for the 12-nm offshore (sea) area of Mecklenburg-Vorpommern considers three different degrees of use prioritisation for specified areas: 1. Priority areas (“Vorranggebiete”)

	<p>2. Reservation areas ("Vorbehaltsgebiete")  3. Suitable areas ("Eignungsgebiete")</p> <p>These three classes represent a declining degree of use prioritisation.  <b>Priority areas</b> represent the highest priority status. Other uses in conflict with the prioritised one are excluded. The area assignment is legally binding.  In <b>Reservation areas</b> defined spatial use shall be given priority, but a case-by-case decision is required to evaluate competing use demands. Other uses may be permitted if a comparative evaluation shows their relative significance and lack of acceptable alternatives. Legal character of area assignment is not legally binding, but reflects a relevant principle of spatial planning.  The definition of area assignment <b>Suitable areas</b> anticipated no priority decision for cases of conflicting use interests; the specified use would be acceptable in principle. In areas <u>not</u> classified as suitable the use in question is excluded (exceptions may be made for research purposes)</p> <p>In addition, the spatial development programme contains provisions taken from other plans – for example: Natura2000 areas, shipping routes, important anchorage areas and military practice areas</p>
<p>c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation, transboundary consultation, main obstacles and problems encountered):</p>	<p><u>Schleswig-Holstein:</u>  The planning process included – roughly – the following steps:</p> <ol style="list-style-type: none"> <li>Drawing up of a first draft by department including SEA. In this the other ministries in Schleswig-Holstein und the counties were involved.</li> <li>First approval of the draft by the government</li> <li>Broad public participation (all authorities and municipalities involved, NGOs in Schleswig-Holstein, neighbouring federal states, at the national level and Denmark, as well as the general public)</li> <li>Amendments to the plan according to the results of the public participation process and the suggestions from the state parliament</li> <li>Adoption of the plan including SEA by the government</li> </ol> <p><u>Mecklenburg-Vorpommern:</u>  See attached figure. This shows the spatial planning process including the Strategic environmental assessment. The SEA for spatial plans is regulated in the spatial planning acts in Germany. The reason for this is the huge complexity of both procedures. In the picture this is shown by the colours. The more intense the red colour, the more intense are the similarities of the steps of process. Please consider, only the spatial plan will be binding in result.</p> <ul style="list-style-type: none"> <li>The process starts with the decision of the supporting organisation to set up a spatial development plan including execution of an environmental audit.</li> <li>For a first internal consideration for the elaboration of the spatial development plan it is necessary to make an enquiry of recent and planned uses involving all relevant bodies as well as neighbouring regions/states. The same is true for the environmental audit.</li> <li>After this the supporting organisation will consult regional and local planning authorities as well as sectoral planning and all other relevant stakeholders. In parallel an adjustment of framework and profundity of investigation will take place with the essential environmental authorities based on the first internal considerations.</li> <li>Based on this a draft spatial development concept/programme (draft spatial plan) and a draft environmental report will be elaborated.</li> <li>With the announcement and public display of the draft plan public participation starts. The public and all other involved parties are requested to comment on the draft spatial development programme within a fixed time limit. In addition, public authorities, whose environmentally relevant duties are affected by the spatial development programme, are asked to speak out on essential extent and level of detail of the environmental audit.</li> <li>In consideration of all received comments after the participation procedure a comprehensive, final balancing/weighting of interests will be carried out.</li> <li>On this basis the final spatial development plan and the final environmental report will be produced.</li> <li>After this the supporting organisation decides on the spatial development plan and a summary of the environmental</li> </ul>

	<p>statement will be accomplished.</p> <p>With the Statement of Liability and publishing of the spatial development plan and summing up environmental statement the process closes.</p>
d) reference documents (text, maps, English summary), web links:	<p><u>Schleswig-Holstein:</u> Link: <a href="http://www.schleswig-holstein.de/IM/DE/Landesplanung/Raumordnungsplaene/Lep/Lep_node.html">http://www.schleswig-holstein.de/IM/DE/Landesplanung/Raumordnungsplaene/Lep/Lep_node.html</a></p> <p><u>Mecklenburg-Vorpommern:</u> <a href="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</a>; English summary, page 5</p>
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	<p><u>Schleswig-Holstein:</u> The State Ministry of the Interior in Schleswig-Holstein arranged a competition for ICZM-projects in 2010/2011 called "Lust op dat Meer" (desire for the sea). 6 regions were chosen to be supported for one year (financially and by advice). The goal was to support regions to meet new challenges, to tap the full potentials of their location at the coast, and to solve conflicts, and thereby show the benefit of an integrated way of carrying out projects. A number of important findings and recommendations for a sustainable development of the coastal zones arose from these projects, which will be an important input for our future maritime spatial planning in Schleswig-Holstein. A main issue will be the question, how the coastal regions could react to the impacts of the climate change. The competition was supported by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Federal Environment Agency. The competition itself is closed now, but the regions will carry on their projects.</p> <p><u>Mecklenburg-Vorpommern:</u> Within the scope of upgrading the Spatial Development Programme from 2005 one aim is to deepen and complement our spatial development programme for the coastal sea. Topics such as fishing, port development and "building on the water" should be picked up.</p>
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	<p><u>Schleswig-Holstein:</u> None</p> <p><u>Mecklenburg-Vorpommern:</u> Ongoing preparation of revision/(upgrading the Spatial Development Programme).</p>
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	<p><u>Schleswig-Holstein / Mecklenburg-Vorpommern:</u> The state development plan does not affect human activities in the maritime area very much yet with the exception of off-shore wind energy. But it is a very important first step and we are confident that maritime spatial planning will become more important and that we can put in more and more specific spatial principles and objectives in the next state development plan. Particularly with regard to flood risk management plans that have to be prepared in the framework of the EU floods directive.</p>
<b>6. General information on problems encountered and lessons learned:</b>	
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	Yes
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry) and issuing date, web link:	<p>Legal base is the general Spatial Planning Act („Raumordnungsgesetz" / ROG), which was made applicable to the EEZ in 2004. The Federal Ministry of Transport, Building and Urban Development (BMVBS) is responsible for setting up Maritime Spatial Plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS.</p> <p>Relevant national legislation: Federal Maritime Responsibilities Act (SeeAufG), as of 26 July 2002, last amended 20 April 2013, plus related regulations, incl.</p>

	Marine Facilities Ordinance (SeeAnIV), as of 23 January 1997, last amended 15 January 2012 Federal Mining Act (BbergG) of 13 August 1980, last amended 21 February 2013 Federal Energy Management Act (EnWG) of 7 July 2005, last amended 21 February 2013
b) basic content and (long term) objectives of MSP legislation:	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.
c) international/ EU legislation considered:	UNCLOS IMO regulations and resolutions MARPOL SEA Directive 2001/42/EC HELCOM Convention Baltic Sea Action Plan VASAB Long Term Perspective And further relevant. EC Communications
d) public participation and transparency:	
e) Strategic Environmental Assessment (SEA):	Environmental Impact Assessment Act (UVPG) of 25 June 2005, last amended 8 April 2013
f) transnational consultation:	
g) applicability of existing national legislation for land planning, land-sea integration:	
h) monitoring, review, amendment:	
<b>2. Maritime Spatial Plan existing? (yes/no)</b>	Yes
<b>If yes:</b>	
a) responsible institution and date of adoption of the Maritime Spatial Plan:	The Federal Ministry of Transport, Building and Urban Development is responsible for setting up - 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.  The legal ordinance for the maritime spatial plan has been set into force by the Federal Ministry of Transport, Building and Urban Development (BMVBS) for the EEZ in the Baltic Sea on 19th December 2009.
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and evaluation:	<u>Basic Content:</u>  Starting point for Maritime Spatial Planning in Germany is the guiding principle of 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. In order to co-ordinate the growing conflicts of maritime uses, in particular between developing and space intensive offshore wind farms and marine environmental protection goals as well as traditional maritime uses such as shipping and fisheries, an

	<p>integrative and sustainable approach is needed for the development of the German Exclusive Economic Zone (EEZ).</p> <p>5 guidelines:</p> <ol style="list-style-type: none"> <li>1. Safeguarding and strengthening maritime traffic;</li> <li>2. Strengthening economic capacity through orderly spatial development and optimization of spatial use;</li> <li>3. Promotion of offshore wind energy use in accordance with the Federal Government's sustainability strategy;</li> <li>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;</li> <li>5. Safeguarding natural environment by avoiding disruptions to and pollution of the marine environment.</li> </ol> <p>The Maritime Spatial Plans for the EEZ determine co-ordinated regulations for single uses and functions:</p> <ul style="list-style-type: none"> <li>• shipping,</li> <li>• exploitation of raw materials,</li> <li>• pipelines and submarine cables,</li> <li>• marine scientific research,</li> <li>• energy production (especially wind energy),</li> <li>• fisheries and mariculture,</li> <li>• protection of the marine environment</li> </ul> <p>including regulations determining areas for single uses and functions. Further uses in the EEZ such as military uses, for which it is not possible on legal grounds to determine stand-alone regulations in a spatial plan for the EEZ, will find co-ordinated consideration within the regulations mentioned above.</p> <p>Management arrangements are taken on a later stage, for instance at project level dealing with applications for specific activities (e.g. wind farms). For Natura 2000 areas management plans are to be developed by the competent Nature Conservation Agency.</p> <p>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 as 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 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 do not conflict 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.</p>
c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation, transboundary consultation, main obstacles and problems encountered):	<p>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 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 took place; public hearings were held. In 2009 the plans were set into legal force by BMVBS (see above).</p> <p>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 Environmental Assessment (SEA) has been carried out – the first time in a sea area distant from the coast. The SEA showed that the implementation of the plan has no significant effect on the marine environment. Substantial impacts on the protection and conservation goals for the FFH and bird sanctuary areas (Natura 2000 areas) are not expected.</p> <p>Broad public participation with stakeholders (agencies and NGOs): nature conservation, fisheries, energy, sand and gravel, shipping, military, tourism, leisure boating, research. Public hearings took place</p>

d) reference documents (text, maps, English summary), web links:	MSP for the German EEZ in the North Sea, MSP for the German EEZ in the Baltic Sea: <ul style="list-style-type: none"> <li>• Legal Ordinance (English translation),</li> <li>• maritime spatial plan with justification (English translation),</li> <li>• map (English version) and</li> <li>• English summary of environmental report.</li> </ul> All available on the BSH website: <a href="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</a>
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	n/a
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	Review / evaluation in progress, mainly focusing on the progress in developing offshore wind energy activities but also other sectors – aiming at identifying potential needs for amendments ...
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	Regulative impact, particularly with regard to applications for offshore wind farms, routing of cables etc.
<b>6. General information on problems encountered and lessons learned:</b>	

## LATVIA

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	<b>Latvia</b> (Maritime Spatial Plan as a single document for all marine waters of Latvian jurisdiction – Exclusive Economic Zone, territorial sea and inland marine waters (between base line and coastal line))
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	yes Spatial Planning Law National Report on Institutions Responsibilities in Maritime Spatial Planning Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry), issuing date, web link:	Spatial Planning Law (approved by Parliament on 13.10.2011., entered into force on 01.12.2011.). Web link: <a href="http://www.likumi.lv/doc.php?id=238807">http://www.likumi.lv/doc.php?id=238807</a> (only in Latvian)
b) basic content and (long term) objectives of MSP legislation:	Spatial Planning Law defines what maritime spatial plan is and determines that the Ministry of Environmental Protection and Regional Development ensures development of MSP in cooperation with other ministries, planning regions and local authorities bordering the sea. According to the Law, MSP is a national long-term planning document for sea-use, considering a terrestrial part that is functionally interlinked with the sea. The law foresees that elaboration of MSP should be commenced by year 2014. The law also prescribes secondary legislation – Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012.
c) international/ EU legislation considered:	Directly – none;

	Indirectly - European Regional/Spatial Planning Charter Integrated Maritime Policy for the European Union EU Directives related to nature conservation and environment.
d) public participation and transparency:	General frame- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). Public participation will be ensured as prescribed by the Spatial Planning Law and according to the Regulations of the Cabinet of Ministers "Procedure of Public Participation in Development Planning Process" (adopted by government on 25.08.2009.).
e) Strategic Environmental Assessment (SEA):	Necessity to develop SEA for planning documents is set by the Law on Environmental Impact Assessment. The Law is in line with Directive 2001/42/EK of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.
f) transboundary consultation:	"The Regulations for MSP foresee requirement to collaborate with neighboring countries (i.e., countries having common maritime boundaries with Latvia) during the planning process by informing of commencement and development of the Plan and its public hearings. Besides the Regulations prescribes that international policy documents and legal acts must be considered when the Plan is being elaborated.  Additionally, the Regulations define that when elaborating the Plan, Marine strategy deriving from Marine Strategy Framework Directive (and the Marine Environment Protection and Management Law transposing the Directive) must be taken into account. In terms of transboundary impact, SEA process provides necessity for consultation with other countries according to the Law on Environmental Impact Assessment. The Law is in line with Directive 2001/42/EK of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.  The existing practice proves that for the development of national (and also other –regional and local - level) spatial planning documents the Baltic Sea Region perspective, particularly VASAB and HELCOM documents, as well as neighboring countries development policies have been considered to a very large extent. This is going to be continued also for MSP.
g) applicability of existing national legislation for land planning, land-sea integration:	Sustainable Development Strategy of Latvia until 2030 (hereafter - Latvia 2030) being the hierarchically highest long-term development planning document in Latvia (approved by Parliament on 10.06.2010) set the following solutions related to a coherent terrestrial spatial planning and MSP: <ul style="list-style-type: none"> <li>• <i>Guidelines (strategy) for spatial development of the seacoast.</i> Guidelines for spatial development of the seacoast should be developed and introduced into practice</li> <li>• <i>Development of thematic planning.</i> It is necessary to develop thematic plans for risk (flood, seacoast processes etc.) territories, the seacoast tourism infrastructure, landscapes, use of wind energy or other alternative energy resources (waves and thermal resources).</li> <li>• <i>Forecasting of the seacoast processes.</i> To prepare materials (including maps) of forecast of the seacoast processes, practical and usable in the spatial planning of local governments, and guidelines for determination and planning of risk zones.</li> <li>• <i>Spatial planning of the sea.</i> Spatial planning of the sea should be developed for state territorial waters and for the exclusive economic zone in relation to the land part which is functionally connected with the sea.</li> </ul> A mid-term planning document - Strategy for Spatial Development of the Coastal Area 2011- 2020, resulting from Latvia 2030, approved by the Cabinet of Ministers on 20.04.2011, focuses on sustainable development of the coastal area that is defined as the area where the Baltic Sea and terrestrial part exposure. The Strategy regards development of the coastal area as a unified natural un cultural heritage space and driver of economic development having marine and land-based natural resources, ports and harbors and related settlement structure and infrastructure as well as being a significant recreation and tourism resource. The Strategy defines a need to develop a joint and coherent coastal zone infrastructure plan (planned for year 2013) followed by its implementation. The Strategy also foresees that a long term prognosis of the climate change impact has to be considered when developing the infrastructure plan and other activities at the coastal area.  According to the Spatial Development Planning Law, the Plan is a single document for all marine waters of Latvian jurisdiction – Exclusive Economic Zone, territorial sea and inland marine waters (laying between base line and coastal line) considering a



	<p>terrestrial part that is functionally interlinked with the sea.</p> <p>The Regulations for MSP foresee the obligation to take into account also the planning documents of coastal municipalities and regions.</p> <p>Draft Land Management Law defines a coastal zone as a territory that includes a beach and a part of the sea up to 2km from the coastline. Coastal zone is planned to be a state property administrated by coastal municipalities. It is foreseen that coastal municipalities will have extensive opportunities to be involved in MSP (settled by the Regulations) and will have the rights to manage coastal areas and facilitate it's development. Currently the Draft Land Management Law is being discussed by the Government.</p>
h) monitoring, review, amendment:	<p>The Regulations for MSP oblige to ensure continuity of the Plan and at least every six years after adopting the Plan review of the Plan by a national report. This report should assess implementation of the Plan and provide suggestions for amendments of the Plan, if necessary.</p> <p>National report should be prepared in a line with revision of the Action Program deriving from the Marine Environment Protection and Management Law, if possible.</p>
<b>2. Maritime Spatial Plan existing? (yes/no)</b>	No
<b>If yes:</b>	
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	<p>Pilot project 'Introducing Maritime Spatial Planning in the Baltic Sea' (BaltSeaPlan) in western coast of Latvia has been carried out within the Baltic Sea Region Programme 2007-2013. Latvian case has been appreciated as the best case for stakeholders' involvement in MSP process.</p> <p>Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012." Regulations cover the content, elaboration procedure as well as implementation and monitoring procedure of MSP.</p>
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	-
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	-
<b>6. General information on problems encountered and lessons learned:</b>	Huge contribution for more successful inclusion of MSP in Latvian legislation has been provided by the implementation of the pilot project 'BaltSeaPlan'. During the project execution, a coordination group was established and representatives from ministries and other institutions dealing with maritime issues were present. It facilitated to identify possible stakeholders in MSP (stakeholder-mapping) and contributed to development of potential content and procedures of MSP in Latvia.
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place? (yes/no)</b>	<p>yes</p> <p>Spatial Planning Law</p> <p>National Report on Institutions Responsibilities in Maritime Spatial Planning</p> <p>Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012.</p>
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible	Spatial Planning Law (approved by Parliament on 13.10.2011., entered into force on 01.12.2011.).

institution (e.g. ministry) and issuing date, web link:	Web link: <a href="http://www.likumi.lv/doc.php?id=238807">http://www.likumi.lv/doc.php?id=238807</a> (only in Latvian)
b) basic content and (long term) objectives of MSP legislation:	<p>Spatial Planning Law defines what maritime spatial plan is and determines that the Ministry of Environmental Protection and Regional Development ensures development of MSP in cooperation with other ministries, planning regions and local authorities bordering the sea.</p> <p>According to the Law, MSP is a national long-term planning document for sea-use, considering a terrestrial part that is functionally interlinked with the sea. The law foresees that elaboration of MSP should be commenced by year 2014.</p> <p>The law also prescribes secondary legislation - Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012."</p>
c) international/ EU legislation considered:	<p>Directly – none;</p> <p>Indirectly - European Regional/Spatial Planning Charter Integrated Maritime Policy for the European Union EU Directives related to nature conservation and environment.</p>
d) public participation and transparency:	<p>General frame- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).</p> <p>Public participation will be ensured as prescribed by the Spatial Planning Law and according to the Regulations of the Cabinet of Ministers "Procedure of Public Participation in Development Planning Process" (adopted by government on 25.08.2009.).</p>
e) Strategic Environmental Assessment (SEA):	Necessity to develop SEA for planning documents is set by the Law on Environmental Impact Assessment. The Law is in line with Directive 2001/42/EK of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.
f) transnational consultation:	<p>The Regulations for MSP foresee requirement to collaborate with neighboring countries (i.e., countries having common maritime boundaries with Latvia) during the planning process by informing of commencement and development of the Plan and its public hearings. Besides the Regulations prescribes that international policy documents and legal acts must be considered when the Plan is being elaborated.</p> <p>Additionally, the Regulations define that when elaborating the Plan, Marine strategy deriving from Marine Strategy Framework Directive (and the Marine Environment Protection and Management Law transposing the Directive) must be taken into account. In terms of transboundary impact, SEA process provides necessity for consultation with other countries according to the Law on Environmental Impact Assessment. The Law is in line with Directive 2001/42/EK of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.</p> <p>The existing practice proves that for the development of national (and also other –regional and local - level) spatial planning documents the Baltic Sea Region perspective, particularly VASAB and HELCOM documents, as well as neighboring countries development policies have been considered to a very large extent. This is going to be continued also for MSP.</p>
g) applicability of existing national legislation for land planning, land-sea integration:	<p>Sustainable Development Strategy of Latvia until 2030 (hereafter - Latvia 2030) being the hierarchically highest long-term development planning document in Latvia (approved by Parliament on 10.06.2010) set the following solutions related to a coherent terrestrial spatial planning and MSP:</p> <ul style="list-style-type: none"> <li>• <i>Guidelines (strategy) for spatial development of the seacoast.</i> Guidelines for spatial development of the seacoast should be developed and introduced into practice</li> <li>• <i>Development of thematic planning.</i> It is necessary to develop thematic plans for risk (flood, seacoast processes etc.) territories, the seacoast tourism infrastructure, landscapes, use of wind energy or other alternative energy resources (waves and thermal resources).</li> <li>• <i>Forecasting of the seacoast processes.</i> To prepare materials (including maps) of forecast of the seacoast processes, practical and usable in the spatial planning of local governments, and guidelines for determination and planning of risk zones.</li> <li>• <i>Spatial planning of the sea.</i> Spatial planning of the sea should be developed for state territorial waters and for the exclusive economic zone in relation to the land part which is functionally connected with the sea.</li> </ul> <p>A mid-term planning document - Strategy for Spatial Development of the Coastal Area 2011- 2020, resulting from Latvia 2030, approved by the Cabinet of Ministers on 20.04.2011, focuses on sustainable development of the coastal area that is defined as the</p>

	<p>area where the Baltic Sea and terrestrial part exposure The Strategy regards development of the coastal area as a unified natural un cultural heritage space and driver of economic development having marine and land-based natural resources, ports and harbors and related settlement structure and infrastructure as well as being a significant recreation and tourism resource. The Strategy defines a need to develop a joint and coherent coastal zone infrastructure plan (planned for year 2013) followed by its implementation. The Strategy also foresees that a long term prognosis of the climate change impact has to be considered when developing the infrastructure plan and other activities at the coastal area.</p> <p>According to the Spatial Development Planning Law, the Plan is a single document for all marine waters of Latvian jurisdiction – Exclusive Economic Zone, territorial sea and inland marine waters (laying between base line and coastal line) considering a terrestrial part that is functionally interlinked with the sea.</p> <p>The Regulations for MSP foresee the obligation to take into account also the planning documents of coastal municipalities and regions.</p> <p>Draft Land Management Law defines a coastal zone as a territory that includes a beach and a part of the sea up to 2km from the coastline. Coastal zone is planned to be a state property administrated by coastal municipalities. It is foreseen that coastal municipalities will have extensive opportunities to be involved in MSP (settled by the Regulations) and will have the rights to manage coastal areas and facilitate it's development. Currently the Draft Land Management Law is being discussed by the Government.</p>
h) monitoring, review, amendment:	<p>The Regulations for MSP oblige to ensure continuity of the Plan and at least every six years after adopting the Plan review of the Plan by a national report. This report should assess implementation of the Plan and provide suggestions for amendments of the Plan, if necessary.</p> <p>National report should be prepared in a line with revision of the Action Program deriving from the Marine Environment Protection and Management Law, if possible.</p>
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	No
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	<p>Pilot project 'Introducing Maritime Spatial Planning in the Baltic Sea' (BaltSeaPlan) in western coast of Latvia has been carried out within the Baltic Sea Region Programme 2007-2013. Latvian case has been appreciated as the best case for stakeholders' involvement in MSP process.</p> <p>Regulations of Cabinet of Ministers No 740 'Development, Implementation and Monitoring of Maritime Spatial Plan' (hereinafter – Regulations) has been approved on 30.10.2012. Regulations cover the content, elaboration procedure as well as implementation and monitoring procedure of MSP.</p>
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	-
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	-
<b>6. General information on problems encountered and lessons learned:</b>	<p>Huge contribution for more successful inclusion of MSP in Latvian legislation has been provided by the implementation of the pilot project 'BaltSeaPlan'. During the project execution, a coordination group was established and representatives from ministries and other institutions dealing with maritime issues were present. It facilitated to identify possible stakeholders in MSP (stakeholder-mapping) and contributed to development of potential content and procedures of MSP in Latvia.</p>

## LITHUANIA

### A. General information

<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	<b>Lithuania</b>
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	Yes (the existing legal acts concerning territorial planning and construction are applied also for the maritime territories; at the same time some of legal acts are directly issued for the purpose of regulating these activities).
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry), issuing date, web link:	<p>Constitution of the Republic of Lithuania.</p> <p>Article 11.</p> <p>The administrative units of the territory of the State of Lithuania and their boundaries shall be established by law.</p> <p>Article 47.</p> <p>The underground, internal waters, forests, parks, roads, historical, archaeological and cultural objects of State importance shall belong by the right of exclusive ownership to the Republic of Lithuania.</p> <p>The Republic of Lithuania shall have exclusive rights to the airspace over its territory, its continental shelf and the economic zone in the Baltic Sea.</p> <p>In the Republic of Lithuania foreign entities may acquire ownership of land, internal waters and forests according to a constitutional law.</p> <p>Plots of land may belong to a foreign state by right of ownership for the establishment of its diplomatic missions and consular posts according to the procedure and conditions established by law.</p> <p>changes to Article: <i>Nr. I-1390, 1996-06-20; Nr. IX-1305, 2003-01-23.</i></p> <p>Article 54</p> <p>The State shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise a sustainable use of natural resources, their restoration and increase.</p> <p>The destruction of land and the underground, the pollution of water and air, radioactive impact on the environment as well as depletion of wildlife and plants shall be prohibited by law.</p> <p>Law on Territorial planning (approved by Parliament in 1995; 2012)</p> <p>Web link:  <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=426238&amp;p_query=Lietuvos%20teritorijos%20&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=426238&amp;p_query=Lietuvos%20teritorijos%20&amp;p_tr2=2</a></p> <p>The Order of the preparation of the Comprehensive (General) Plan of the Republic of Lithuania (approved by the Government Decree , 2004 -06- 16, No. 753.</p> <p>Web link:  <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=405404&amp;p_query=Lietuvos%20teritorijos%">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=405404&amp;p_query=Lietuvos%20teritorijos%</a></p>

	<p>20bendrojo%20&amp;p_tr2=2</p> <p>The Ministry of the Environment:</p> <p>1) implements, within its competence, the State territorial planning policy;</p> <p>2) coordinates and organizes, within its competence, the preparation of territorial planning documents of the State level, incl. national level spatial planning document – Comprehensive Plan of the Territory of the Republic of Lithuania (as well as modifications to it).</p> <p>Extension of this Plan into the Sea is under preparation.</p> <p>Territorial planning, urban development and architecture department of the Ministry of Environment while performing the territorial planning functions at national level in whole of the territory of Lithuania, takes care of the matters related to the coastal zone, thus influencing the implementation of the EU ICZM Recommendation.</p> <p>The Resolution of the Government of the Republic of Lithuania on the Implementation of Construction Law of 26 February 2002, No. 280, stipulates:</p> <p>3.1. State Territorial Planning and Construction Inspectorate under the Ministry of Environment - to issue permits for construction of new structures and permits the reconstruction of buildings Republic of Lithuania territorial waters and in international waters in the its continental shelf in the Republic of Lithuania has exclusive rights.</p> <p>Amendment to the Regulation of the Government of the Republic of Lithuania on Execution of the Law of the Coastal Strip of the Republic of Lithuania of 18 April, 2012, No.437.</p> <p>It stipulates the preparation of the Special Plan of the Continental Part of the Coastal Strip and detailing it the Recreational Scheme of the Coastal Foreshore (recreational beaches Special Plan) at the regional level.</p> <p>The Minister of Environment has approved the Special Plan of the Continental Part of the Coastal Strip (by the Order of the Minister, 2011-07-28)</p> <p>The Order of the Minister of Environment on the approval of the Special Plan of the Continental Part of the Coastal Strip of 28 July 2011.</p>
<p>b) basic content and (long term) objectives of MSP legislation:</p>	<p>Law on Territorial planning defines general objectives of territorial planning. Maritime Spatial Planning is a part of the comprehensive territorial planning of the territory of Lithuania.</p> <p>Secondary legislation - The Order of the preparation procedures of Comprehensive Plan of the Territory of the Republic of Lithuania preparation describes the procedures for the preparation of this Plan. More detailed objectives are identified during the preparation of the Plan.</p> <p>The Draft of the Territorial Planning Law (new generation document), including spatial planning of the sea space is submitted to the Seimas (the Parliament) of the Republic of Lithuania.</p> <p>It stipulates:</p> <p>The purpose and goal of the Law:</p> <p>The Law shall regulate the territorial planning of the Republic of Lithuania, its territorial sea, continental shelf and exclusive economic zone in the Baltic Sea and sets the rights and duties in the process of the persons involved in the preparation of plans. Aim of the Law - to determine planning process requirements to ensure the planning document solutions systematicity, coherence of different levels of planning and mutual impact of sustainable natural and anthropogenic environment, society, its life and activity conditions development, preserving biodiversity, natural and cultural heritage values, valuable landscape.</p>
<p>c) international/ EU legislation considered:</p>	<p>United Nations Convention on the Law of the Sea (with annexes, final act and procès-verbaux of rectification of the final act dated 3 March 1986 and 26 July 1993). Concluded at Montego Bayon 10 December 1982.;</p> <p>Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive);</p>

	<p>Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment;</p> <p>EU ICZM Recommendation / 30 May 2002, the Recommendation concerning the implementation of an integrated management of coastal zones in Europe (ICZM)</p> <p>Maritime Policy for the European Union, EU Directives related to nature conservation and environment.</p> <p>It is still not ratified the bilateral sea border agreement from the Latvian side. This agreement was signed more than ten years ago. Lithuania has ratified the agreement.</p>
d) public participation and transparency:	<p>Public participation and territorial planning transparency are ensured by the: Law on Territorial planning (approved by Parliament in 1995; 2012), Chapter VII, 30–33 parts. Web link: <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=426238&amp;p_query=Lietuvos%20teritorijos%20&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=426238&amp;p_query=Lietuvos%20teritorijos%20&amp;p_tr2=2</a> The Territorial Planning Law stipulates that territorial planning is a public matter. The legal demands related to the territorial planning procedures in order to ensure the public participation in the decision making, are laid down in the Regulation of the Procedure on Public information and participation in the Territorial Planning Process, adopted by the Resolution No 1079 of the Government of Republic of Lithuania in 1996 (with its later amendments). SEA process is included into the planning procedures and public participation.</p>
e) Strategic Environmental Assessment (SEA):	<p>Necessity to develop SEA for planning documents is set by the Law on Environmental Protection. Necessity to develop SEA for territorial planning documents is set by the Law on Territorial Planning and by the 2004-08-18 Governmental Resolution No. 967 on the Description of the Order of the Strategic Environmental Assessment of Plans and Programmes. The spatial planning process includes the Strategic Environmental Assessment. Procedure on Public information and participation in territorial planning process, adopted by the Decision No 1079 of the Government of Republic of Lithuania in 1996 (with its later amendments) governs public participation in SEA during the territorial planning process.</p>
f) transboundary consultation:	<p>Procedure on strategic environmental impact assessment, adopted by the Resolution No 967 of the Government of the Republic of Lithuania in 2004, 2011</p>
g) applicability of existing national legislation for land planning, land-sea integration:	<p>Comprehensive plan of the territory of the Republic of Lithuanian was adopted by Seimas (the Parliament of the Republic of Lithuania) in 2002. It was prepared for the perspective of 2020. The adopted Comprehensive plan is obligatory for state governmental institutions taking decisions on national level related to the use, management and protection of the territory of the country, forming regional policy. The plan included also the coastal areas, comprising the territory of Lithuania in the Baltic Sea, Curonian Lagoon, and the strip of coastal lowlands, and defined the functional priorities of its future use. Fishery and navigation are marked on the territory of the Baltic Sea as functional priorities. Comprehensive plan of the territory of the Klaipėda County – to be finalized in line with the current legislation.</p> <p>Planning of the territories bordering the Baltic Sea at regional and local level: Comprehensive plan of the territory of Klaipėda district municipality was prepared and adopted by Klaipėda district municipality in 2005 and amended during 2007-2010. In order to optimize the planned growth of existing residential, commercial, industrial, commercial, infrastructure, recreation and other areas and establish the new ones. It also sets the land use and protection regulations of the territory of municipality. The plan is presented for consideration to the responsible authorities. In 2007 the council of the Klaipėda city municipality approved the Comprehensive plan of the territory of Klaipėda city municipality. This plan was developed while harmonising the development interests of the Klaipėda city municipality territory and neighbouring municipality's territories and creating the landscape, heritage, infrastructure, urban network balance, and setting common priorities. Among other issues it is planned to improve the coastal lagoon areas and recreational values, the free access to both the Baltic sea and Couronian lagoon coast and along it. The Comprehensive plan the territory of Palanga municipality was approved in 2008. This plan indicates general resources of the spatial</p>

	<p>urban development – areas for the construction, limited construction areas, presents the priorities of urban development. The Comprehensive plan was prepared to ensure the continuity of the previous Comprehensive plan of the territory of Palanga city (1991) continuity as well as to guarantee investment stability.</p> <p>The Draft amendments to the Territorial planning Law (spatial planning of the sea space included), is submitted to the Seimas (the Parliament). The Comprehensive plan of the territory of the Republic of Lithuania to be extended for the sea area.</p> <p>The legislation related to nature protection in coastal zone of Lithuania is as follows:</p> <ul style="list-style-type: none"> <li>– Law on Nature Protection (1992);</li> <li>– Law on Forests (1994);</li> <li>– Law on Protected Areas (1993);</li> <li>– Law on Sea Environment Protection (1997);</li> <li>– Law on Fishery (2000);</li> <li>– Law on Wild Fauna (1997);</li> <li>– Law on Wild Flora (1999).</li> </ul> <p>Coastal protective measures are defined by the following legal acts and documents:</p> <ul style="list-style-type: none"> <li>- Law on the Coastal Strip (2002);</li> <li>– Resolution of the Government on Coastal Management (2005);</li> <li>– Strategic Guidelines on the Lithuanian Baltic Sea Coast (2001);</li> <li>– Target Programme for the Development of the Curonian Spit Management (1999)</li> <li>– Programme for the Lithuanian Coastal Strip Management (2003);</li> <li>– Modified Programme for the Lithuanian Coastal Strip Management (2005).</li> </ul>
h) monitoring, review, amendment:	<p>Following the approval of the comprehensive/ general plan, the monitoring, supervision and control of the implementation of these solutions of the territorial planning documents shall be carried out. Together with territorial planning databank information shall be continuously gathered and analysed, the need for investment shall be established, programmes for the implementation of solutions of the general plan shall be prepared.</p> <p>The implementation plan of the Comprehensive Plan of the territory of Lithuania approved by the Government of the Republic of Lithuania in 2003. 9 December. Resolution No. 1568. The Ministry of Environment is to carry out the monitoring of the Plan implementation.</p>
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	<p>As a separate document - no. Maritime spatial planning is a part of the comprehensive planning of the territory of Lithuania.</p> <p>The extension of the Comprehensive Plan of the Territory of the Republic of Lithuania into the sea is under preparation. Responsible institution – the planning organizer is the Ministry of the Environment of the Republic of Lithuania.</p> <p>The document will be prepared basing on the Lithuanian Law on Territorial Planning, Lithuanian coastal strip Law, other national and international legal acts concerning maritime areas use and protection.</p>
<b>If yes:</b>	
a) responsible institution (e.g. agency), date of adoption	When prepared - to be adopted by the Seimas (the Parliament) of the Republic of Lithuania.

of the Maritime Spatial Plan:	
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and review:	The existing and emerging needs of the country for the diverse, active, multipurpose use of the marine territories and safeguarding realization of other needs;
c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation, transboundary consultation, main obstacles and problems encountered):	The plan is under preparation yet.
d) reference documents (text, maps, English summary), web links:	-
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	The extension of the Comprehensive Plan of the Territory of the Republic of Lithuania into the sea is under preparation.
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	Currently the Draft of the Territorial Planning Law (new generation document), including stipulations on spatial planning of the sea space, is submitted to the Seimas (the Parliament).
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	The Comprehensive Plan of the Territory of the Republic of Lithuania is obligatory document. Therefore its implementation, including the maritime part (when prepared) will be obligatory too.
<b>6. General information on problems encountered and lessons learned:</b>	
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	Separate MSP legislation for EEZ – No  The Government of Lithuania approved the territorial sea, contiguous zone, exclusive economic zone and continental shelf boundaries.  The Resolution of the Government NO. 280 (2002, 2011) authorizes, that: State Territorial Planning and Construction Inspectorate under the Ministry of Environment - issues permits for construction of new structures and permits the reconstruction of buildings Republic of Lithuania territorial waters and in international waters in the its continental shelf in the Republic of Lithuania.
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	Does not exist. Maritime spatial planning is a part of the comprehensive planning of the territory of Lithuania.



<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	The Draft of the Territorial Planning Law (new generation document), including spatial planning of the sea space is submitted to the Seimas (the Parliament) of the Republic of Lithuania.
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	
<b>6. General information on problems encountered and lessons learned:</b>	

## NORWAY

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Norway
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	No specific legislation in place setting out a coordinated MSP process. However, a number of area-based management tools are in place, with a basis in various legislation (e.g. provisions on MPAs in the Nature Diversity Act, fisheries closures based on fisheries regulations and routing measures/shipping regulations).
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	Area-based management tools are key aspects of the management plans for Norwegian sea areas. Thus, marine spatial planning is not carried out as a separate process, but as a tool with an ecosystem-based, integrated approach to the management of marine areas. A major step is the identification of areas which are particularly valuable and vulnerable. These areas are subject to special considerations, e.g. when it comes to restrictions on petroleum activity, shipping lanes etc.
<b>If yes:</b>	
a) responsible institution (e.g. agency), date of adoption of the Maritime Spatial Plan:	The development of the management plans has been facilitated through a strong cross-sectoral approach. The work has been overseen by an inter-ministerial group under the lead of the Ministry of the Environment and with participation from the Ministry of Labour and Social Inclusion, Ministry of Finance, Ministry of Fisheries and Coastal Affairs, Ministry of Local Government and Regional Development, Ministry of Trade and Industry, Ministry of Petroleum and Energy and Ministry of Foreign Affairs.
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and review:	An integrated eco-system based approach forms the basis for Norway's marine environmental policy. The Norwegian Government has committed itself to the development of integrated management plans for all Norwegian sea areas (Norwegian parts of the Barents Sea, the Norwegian Sea and the North Sea). This commitment is set out in policy documents, such as a series of white papers to the Norwegian Parliament.
c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation,	See above

transboundary consultation, main obstacles and problems encountered):	
d) reference documents (text, maps, English summary), web links:	<p>Links to the updated management plan for the Norwegian part of the Barents Sea–Lofoten area (2006), the management plan for the Norwegian Sea (2009) and the updated management plan for the Barents Sea-Lofoten area (2011):</p> <p><a href="http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/2010-2011/meld-st-10-20102011.html?id=682050">http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/2010-2011/meld-st-10-20102011.html?id=682050</a></p> <p><a href="http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/2008-2009/report-no-37-2008-2009-to-the-storting.html?id=577875">http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/2008-2009/report-no-37-2008-2009-to-the-storting.html?id=577875</a></p> <p><a href="http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/20052006/Report-No-8-to-the-Storting-20052006.html?id=456957">http://www.regjeringen.no/en/dep/md/documents-and-publications/government-propositions-and-reports-/reports-to-the-storting-white-papers-2/20052006/Report-No-8-to-the-Storting-20052006.html?id=456957</a></p>
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	<p>A management plan for the Norwegian part of the North Sea is under development and will be finalised in 2013. A group of experts has prepared the factual basis for this work, through a series of reports launched in May 2012, se link:</p> <p><a href="http://www.klif.no/no/english/english/Whats-new/We-must-take-care-of-the-North-Sea-and-Skagerrak/?cid=29292">http://www.klif.no/no/english/english/Whats-new/We-must-take-care-of-the-North-Sea-and-Skagerrak/?cid=29292</a></p>
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	None
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	See above
<b>6. General information on problems encountered and lessons learned:</b>	The Norwegian experience is that area-based considerations should form part of a holistic and ecosystem-based management framework for the activities in the relevant sea area. All activities in the area should be managed within a single context, ensuring that the total environmental pressure from activities should not threaten the structure, functioning and productivity of the ecosystems.
<b><u>C. Exclusive Economic Zone</u></b>	Same as above – the management plans for Norwegian sea areas covers all areas under Norwegian jurisdiction.

## POLAND

<b><u>A. General information</u></b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	POLAND – territorial sea and EEZ.
<b><u>B. Territorial sea</u></b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	YES
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible	Act on Sea Areas of the Republic of Poland and Maritime Administration of 21 <sup>st</sup> March 1991 (with later amendments) articles 37a

institution (e.g. ministry), issuing date, web link:	and 37b and article 37 p4. Institution responsible for the Act: Minister of Transport, Construction and Maritime Economy. Amendment providing for MSP added in 2003. Link to fully updated Act (in Polish): <a href="http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031531502">http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031531502</a> and click on D20031502Lj.pdf
b) basic content and (long term) objectives of MSP legislation:	<p>Draft spatial plans for sea areas of Poland, and SEAs for the plans, are to be developed by the territorially competent Director of Maritime Office. There are three Maritime Offices – in Gdynia, Slupsk and Szczecin, and summarily they cover the whole of Polish sea areas, i.e. the internal sea waters, territorial sea and EEZ. The plan is accepted by Ministerial Ordinance by the Minister responsible for matters of building and spatial management, in agreement with the Ministers responsible for matters of maritime economy, fishing, environment, internal affairs and the Minister of Defence. For the part covering territorial, and/or internal sea waters, MSPs must be agreed with adjoining coastal municipalities.</p> <p>The plans shall decide on the designation of sea areas, prohibitions and/or limitations imposed on the use of sea areas, distribution of public investment, directions of development of transport and technical infrastructure, areas and conditions of environmental protection and protection of historical heritage.</p> <p>No time limit on validity of the plans is given.</p> <p>SEA content and procedures are regulated by the act on access to information on environment and its protection, public participation in environmental protection and Environmental Impact Assessments of October 3<sup>rd</sup> 2008, which implements the SEA Directive into Polish law.</p>
c) international/ EU legislation considered:	<p>All relevant legislation to which Poland is a party, especially:</p> <p><b>UN</b> and its bodies: The United Nations Convention on the Law of the Sea – UNCLOS, Convention on Biological Diversity – CBD, The Espoo Convention and its Protocol, Aarhus Convention, The UNESCO Convention on the Protection of the Underwater Cultural Heritage,</p> <p><b>IMO</b>: Resolution A.720(17) by which the Assembly adopted the Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas, Resolution A. 672 (16) on Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the Exclusive Economic Zone, MARPOL Convention, The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter – commonly called the London Convention, International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 – INTERVENTION 1969, The International Regulations for Preventing Collisions at Sea 1972 – COLREGS,</p> <p><b>EU</b>: Bird Directive, Habitat Directive, SEA Directive, EIA Directive, Marine Framework Directive and various regulations mainly referring to fishery,</p> <p><b>Council of Europe</b>: The Convention on the Protection of the Archaeological Heritage of Europe (Valletta Treaty or Malta Convention),</p> <p><b>Helsinki Convention</b>: in particular its recommendations 15/5, 17/3, 19/1, 19/17, 21/4, 24/10, 25/4, 28E/9,</p> <p><b>Other conventions</b>: Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS or Bonn Convention) including several additional Agreements such as EUROBAT to conserve populations of European bats and ASCOBANS related to small cetaceans of the Baltic, North East Atlantic, Irish and North Seas.</p>
d) public participation and transparency:	<p>Regulations of the Act on sea areas of the Republic of Poland limit the consultation/co-agreement processes for MSPs only to the listed ministries and the neighbouring coastal municipalities. However, the adoption of an MSP is realised by a Ministerial Ordinance and process of adoption of minister's ordinance requires extensive public consultation at least of the proposed draft plan and observance of transparency. Additionally, extensive public participation is ensured within the SEA process.</p> <p>Though it is not required by law on maritime spatial planning, procedures for terrestrial planning such as announcing the starting of</p>

	the plan development process, collecting postulates for the plan, intermediate consultation etc. shall be used.
e) Strategic Environmental Assessment (SEA):	The SEA process is regulated by the Act of October 3 <sup>rd</sup> on access to information on environment and its protection, public participation in protection of environment and environmental impact assessments. This act implements the SEA Directive into Polish law.
f) transboundary consultation:	Except the regulations of the “Act on access to information on environment...” there are no direct regulations in Polish law concerning MSP, which require transborder consultation. However, some ratified by Poland international agreements/conventions require such consultation of maritime spatial plans or of issues decided by the plans. Especially the Espoo Convention and its protocol – matters related to environment and nature protection, and IMO regulations – matters related to navigation. Transborder consultation between Germany and Poland is required by the bilateral Treaty between Poland and Federal Republic on good neighbourhood and friendly cooperation. However, it is pointed out that these agreements are sectoral. There is no instrument to ensure and support comprehensive transborder consultation on all issues covered by an MSP.
g) applicability of existing national legislation for land planning, land-sea integration:	<p>Terrestrial spatial plans, for the part which covers the so-called “coastal belt” must obtain agreement of the territorially competent Director of Maritime Office (i.e. the authority which is responsible for drafting MSPs and for managing sea areas. MSPs for internal sea waters and territorial sea must obtain agreement of neighbouring coastal municipality (i.e. the authority responsible for terrestrial planning and for management of land areas within the municipality).</p> <p>The following policies and strategies must be considered while preparing the spatial plans of sea areas :</p> <p>National Spatial Development Concept 2030  Maritime Policy of Poland until 2020.  National Water Policy 2030,  Energy Policy of Poland 2030  Transport Policy  National Strategy of Adaptation to Climate Change  Water management plans for watersheds, national water environment programme, flood risk management plans, , , National Programme of Implementation of the Baltic Sea Action Plan and others.</p> <p>The following acts also apply :</p> <p>The Act on nature conservation of April 16<sup>th</sup> 2004 (ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody)  The Act on the protection of monuments and care of monuments of July 23<sup>rd</sup> 2003 (ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami),  The Act on Planning and Spatial Development of March 27<sup>th</sup> (ustawa z dnia 27 marca 2003r. o planowaniu i zagospodarowaniu przestrzennym)  The Act on the principles of development policy of December 6<sup>th</sup> 2006 (ustawa z dnia 6 grudnia 2006r. o zasadach prowadzenia polityki rozwoju),  The Environment Protection Law of April 27<sup>th</sup> 2001 (ustawa z dnia 27 kwietnia 2001 r. - Prawo ochrony środowiska)  The Act on access to information on the environment and its protection, public participation in environmental protection and on environmental impact assessments of October 3<sup>rd</sup> 2008 (ustawa z dnia 3 października 2008r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko)  The Ordinance of the Prime Minister on the technical requirements for electronic documents containing normative acts and other legal acts, official journals published in electronic format and means of electronic communication and information storage media of December 27<sup>th</sup> 2011 (rozporządzenie Prezesa Rady Ministrów z dnia 27 grudnia 2011r w sprawie wymagań technicznych dla dokumentów elektronicznych zawierających akty normatywne i inne akty prawne, dzienników urzędowych wydawanych w postaci</p>

	elektronicznej oraz środków komunikacji elektronicznej i informatycznych nośników danych (Dz.U. Nr 289, poz. 1699)
h) monitoring, review, amendment:	Existing legislation contains no statements on monitoring, review or amendment of maritime spatial plans.
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	NO, however pilot MSPs for the Western Part of the Gulf of Gdansk for the Middle Bank and for Pomeranian Bight are used, as Best Available Knowledge, as the basis for daily decision making as if they were formal plans.
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	<p>A draft of an Ordinance of the Minister of Transport, Constructions and Maritime Economy on the required content of spatial development plans of Polish marine areas has been prepared and is currently passing through the process of intergovernmental and public consultation.</p> <p>In the framework of two EU funded projects (PlanCoast and BaltSeaPlan) three pilot maritime spatial plans were developed:</p> <ul style="list-style-type: none"> <li>- Western Part of the Gulf of Gdansk, in scale 1:25,000 (internal sea waters). It was intended as a test MSP corresponding to statutory terrestrial planning of municipalities, produced for an area with a complex set of uses/functions. The plan attempts, among others, to solve issues of land-sea spatial interaction.</li> <li>- Middle Bank, in scale 1:200,000 covering both the Swedish and Polish part of the Bank. (EEZ) Intended as a test of transborder strategic MSP, including the planning process, of an offshore area for which level of spatially relevant information is rather low.</li> <li>- Pomeranian Bight and Arkona Basin, in scale 1:400,000 covering German, Danish, Swedish and Polish Territorial sea and EEZ areas. Intended as a test of a strategic transborder MSP, including elements of the planning process.</li> <li>- SEA for the Western Part of Gulf of Gdansk MSP. Intended as a test of SEA development and process for a maritime spatial plan.</li> </ul> <p>Especially the Western Part of Gdansk MSP and the pilot SEA contained an extensive public participation element.</p> <p>At the same time the maritime offices, experienced in development of the three pilot maritime spatial plans : Pomeranian Bight, Middle Bank, Western Gulf of Gdańsk work together on the content of Polish maritime spatial plans. Stage 1 – the stocktaking of marine resources should start this year 2012</p>
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	Work on an extensive amendment of the Act on Sea Areas of the Republic of Poland and Maritime Administration is starting, and the amendment will also contain improvements of legislation on MSP using experience gained in the pilot projects. The main MSP-related amendments include: the process of plan starting and acceptance, an extended scope of decisions by the plan, public participation and transparency put directly into regulations on procedures for maritime spatial planning, requirement of agreement of regional level (parliaments of neighbouring with the plan area coastal voivodships) also when the plan concerns the EEZ, allowing the maritime spatial plans to contain, as an information layer, relevant spatial solutions of adjoining terrestrial spatial plans and, reciprocally, allowing terrestrial spatial plans to contain similar information concerning the adjoining sea area, solutions concerning monitoring MSP effect and implementation and MSP updating .
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	Even with the existing legislation, an accepted maritime spatial plan decides about matters listed under point 1b. Therefore solutions of the plan are binding and shall direct the decisions of authorities on sea space use.
<b>6. General information on problems encountered and lessons learned:</b>	<p>The main problems encountered include:</p> <ul style="list-style-type: none"> <li>- Lack of comprehensive (not sectoral) instruments for transborder consultation and coordination of plans and planning procedures;</li> <li>- Lack of legally competent partners for discussion on sea space management issues in some countries (however this is quickly changing in the BSR);</li> <li>- Lack of agreed spatial vision for the Baltic;</li> <li>- Lack of management plans for NATURA 2000 areas (ongoing preparation in Poland)</li> <li>- Insufficient, patchy base of spatially relevant information;</li> </ul>

	<ul style="list-style-type: none"> <li>- Some elements of legislation on SEA do not fit SEAs for maritime spatial plans;</li> <li>- Lack of pro-active participation of stakeholders in the planning process probably resulting from insufficient or no knowledge about sea and land-sea spatial issues and potentials.</li> </ul> <p>Lessons learned</p> <ul style="list-style-type: none"> <li>- Much attention, including proper funding and timeframe, should be given to the improvement of public awareness and gaining truly involved public participation in the planning process;</li> <li>- Involvement of all stakeholders from the start of the planning process, and maintaining their interest and involvement throughout the process is of extreme importance for the quality of the plan and for the efficiency of the plan agreement/approval stage.</li> </ul>
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	YES, the legislation is the same for the territorial sea and the EEZ. All the comments given for the territorial sea are also valid for the EEZ.

## RUSSIAN FEDERATION

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Russia
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	no
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	no
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	In the process of preparing the draft law (legislation) on MSP. Envisaged completion is December 2012. Afterwards the draft would be reviewed by f the Ministry of Economic Development. Involvement of stakeholders is suggested in October 2012, after completing the draft. Test projects will start in the last quarter of 2012, covering the Russian marine areas of the Baltic Sea.
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	no existing
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	no
<b>6. General information on problems encountered and lessons learned:</b>	no
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place?</b> (yes/no)	no
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	no

<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	In the process of preparing the draft law (legislation) on MSP. Envisaged completion is December 2012. Afterwards the draft would be reviewed by f the Ministry of Economic Development. Involvement of stakeholders is suggested in October 2012, after completing the draft. Test projects will start in the last quarter of 2012, covering the Russian marine areas of the Baltic Sea.
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	no
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	no
<b>6. General information on problems encountered and lessons learned:</b>	no

## SWEDEN

<b>A. General information</b>	
<b>Country</b> (please indicate when the answer has been given for the territorial sea and the Exclusive Economic Zone)	Sweden
<b>B. Territorial sea</b>	
<b>1. MSP legislation for territorial sea in place?</b> (yes/no)	Yes
<b>If yes:</b>	
a) legal base (e.g. act or ordinance), title, responsible institution (e.g. ministry), issuing date, web link:	<p>The Planning and Building Act (SFS 1987:10) originally came into force 1987-07-01 but a total overview resulted in the new Planning and Building Act (SFS 2010:900), Ministry of Health and Social Affairs, issued 2010-07-01, in force 2011-05-02, webpage: <a href="http://62.95.69.15/">http://62.95.69.15/</a> (In Swedish only)</p> <p>The Environmental Code (SFS 1998:808), Ministry of the Environment, issued 1999-01-01, in force 1999-01-01, webpage: <a href="http://62.95.69.15/">http://62.95.69.15/</a> (in Swedish)</p> <p><a href="http://www.sweden.gov.se/sb/d/2023/a/22847">http://www.sweden.gov.se/sb/d/2023/a/22847</a> (in English but not up to date) See also: <a href="http://www.boverket.se/Global/Webbokhandel/Dokument/2005/Legislation.pdf">http://www.boverket.se/Global/Webbokhandel/Dokument/2005/Legislation.pdf</a></p> <p>See also:</p>
b) basic content and (long term) objectives of MSP legislation:	The Planning and Building Act (1987) decentralized planning responsibility to the municipalities and regulates municipal planning (and the very limited regional planning by regional councils). Areas of the coastal municipalities cover the territorial sea and legislation makes no difference between those marine areas and land areas. Municipalities must have an obligatory comprehensive plan which covers the whole municipal area, including its part in the territorial sea. The plan is not binding but should give guidance on the use of land and water areas. Legally binding detailed development plans can be required for new buildings and constructions also in the territorial water. Both plans are adopted by the municipality. The objective of the Planning and Building Act is to promote a development of society with equal and good social living conditions and a good and long term sustainable environment for the people in today's and society and for future generations.

	The Environmental Code is an amalgamation of 15 former environmental laws and is the basic environmental legal framework in Sweden. It contains in its Chapter 3 and 4 national guidelines for the management of land and water areas and has provisions on managing areas of public and national interest which have to be taken account of in planning and building decisions. The Code is applicable in territorial waters. Its aim is to promote a sustainable development securing a healthy and good environment for present and future generations.
c) international/ EU legislation considered:	All relevant legislation has been considered and implemented in both acts.
d) public participation and transparency:	When the municipality is drafting a comprehensive plan or a detailed development plan it must consult with the public and relevant authorities. A final draft must be publicly available for at least two months for comments. Transparency is also guaranteed by fundamental legislation on the principle of public access to official records.
e) Strategic Environmental Assessment (SEA):	The SEA Directive has been implemented in the Planning and Building Act. Thus an environmental assessment should be performed for a comprehensive plan or a detailed development plan if they have significant environmental effects.
f) transboundary consultation:	Yes, when required. Normal procedure in the Öresund straight and along the Norwegian and Finnish borders.
g) applicability of existing national legislation for land planning, land-sea integration:	Since the Planning and Building Act makes no distinction between land and the territorial water, it gives the municipality all the tools for an effective land-sea integration.
h) monitoring, review, amendment:	Amendments of the plans (if not minor) require the same procedure as adoption of a new plan. Monitoring is done in the basic local and regional environmental monitoring schemes. A local council should at least once during its term of office (normally four years) assess if the comprehensive plan is up to date with respect to given requirements. A detailed development plan has an implementation period of a minimum five years and a maximum fifteen years.
<b>2. Maritime Spatial Plan existing?</b> (yes/no)	Of the 80 coastal municipalities (out of a total 290) only a few have in a comprehensive manner treated the entire marine area to the territorial border in their comprehensive plans. About thirty have specified opinions on the future use of marine areas. All coastal municipalities have designated areas of national interest in marine areas. Thus the Swedish territorial waters is covered by plans in its entirety but it is mostly in coastal waters that active planning initiatives have been taken.
<b>If yes:</b>	
a) responsible institution (e.g. agency), date of adoption of the Maritime Spatial Plan:	The coastal municipalities (80). Most have adopted a second comprehensive plan since 1987, some of them a third.
b) background (driver), international/EU legislation considered, national and supranational policies considered, basic content, objectives, main spatial conflicts identified, land-sea integration, regulations, monitoring and review:	Areas of national interest, navigation routes, areas for wind power, areas for nature conservation,
c) planning process carried out (e.g. procedure, cross-sectoral coordination, SEA, public participation, transboundary consultation, main obstacles and problems encountered):	Entire planning process carried out, probably no transboundary consultation.
d) reference documents (text, maps, English summary), web links:	Will be concluded
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot Maritime Spatial Plan elaborated by projects):	A Commission on Marine Spatial Planning, appointed by the Government, proposed a new system for national planning of Sweden's sea areas (both territorial waters and EEZ) and a MSP act in its report Planning at depth (SOU 2010:91) available at <a href="http://www.regeringen.se/content/1/c6/15/68/47/aef10360.pdf">http://www.regeringen.se/content/1/c6/15/68/47/aef10360.pdf</a> and annexes at <a href="http://www.regeringen.se/content/1/c6/15/68/47/6e7a1822.pdf">http://www.regeringen.se/content/1/c6/15/68/47/6e7a1822.pdf</a>



	The Government is currently working on a bill and regulation (planned autumn 2012) based on this proposal. National planning in this form will be a totally new concept for Sweden.
<b>4. Current activities to amend the existing MSP legislation or the Maritime Spatial Plan:</b>	See above.
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	Will be clarified in bill and regulations
<b>6. General information on problems encountered and lessons learned:</b>	New MSP legislation needs to be adjusted to the governance structure. A vital question is how far a maritime plan can forestall or influence decisions by authorities or environmental courts.
<b>C. Exclusive Economic Zone</b>	
<b>1. MSP legislation for EEZ in place? (yes/no)</b>	No
<b>2. Maritime Spatial Plan existing? (yes/no)</b>	No
<b>3. Current activities to put MSP in place</b> (e.g. preparation of bill, envisaged completion, involvement of stakeholders, test run by projects, pilot MSP elaborated by projects):	See above
<b>4. Current activities to amend the existing Maritime Spatial Plan or MSP legislation:</b>	See above
<b>5. Implementation of MSP; role/effect of the Maritime Spatial Plan for the management of human activities:</b>	See above
<b>6. General information on problems encountered and lessons learned:</b>	Since all decisions on new uses of the EEZ are taken by the Government, a MSP for the EEZ will be a document (probably adopted by the Government) guiding such decision making. The conditions for the MSP will thus be less complicated than in the territorial waters.

**ANNEX 2: MANDATE 2010-2013****Mandate for the joint, co-chaired Working Group on Maritime Spatial Planning between HELCOM and VASAB***1. The Rationale*

The Baltic Sea is an important common resource for the Baltic Sea Region countries and further neighbouring countries. It represents an important economic potential and at the same time a vulnerable ecosystem. The current environmental status requires intensive efforts towards stabilisation and improvement. Many sea use conflicts call for a wise management and coordinated introduction of continuous Maritime Spatial Planning (MSP). Development potential for future uses needs to be preserved.

*2. Political Context*

The HELCOM Baltic Sea Action Plan (2007) commits the HELCOM Contracting Parties to jointly develop by 2010, as well as test, apply and evaluate by 2012, in cooperation with other relevant international bodies, broad-scale, cross-sectoral, MSP principles based on the Ecosystem Approach that reflect the specific conditions and needs in the Baltic Sea Region.

The VASAB Long Term Perspective for the Territorial Development of the Baltic Sea Region (2009) has specified concrete activities towards developing the Baltic Sea Region into a European Model Region for MSP.

In its Green Paper on the future Maritime Policy (2006) and its Blue Book/Action Plan "An integrated Maritime Policy for the European Union" (2007), the European Commission has emphasised the need for MSP. In the Communication on a "Roadmap for Maritime Spatial Planning: Achieving common principles in the EU" (2008), the European Commission has outlined relevant issues, steps and principles.

The European Union Marine Strategy Framework Directive (EU MSFD, 2008) promotes spatial measures as one of the means to reach Good Environmental Status of European Seas. The EU Strategy for the Baltic Sea Region (2009) has attributed HELCOM and VASAB a prominent role in promoting maritime spatial planning in the region together with other stakeholders.

The "Maritime Doctrine of the Russian Federation to the year 2020" supports cooperation similar to MSP in fields like integrated management of sea resources, conflict resolution, future-oriented use of sea space, research, information, legislation and education.

*3. The Joint Working Group and its overall aims*

In order to address these challenges the VASAB Committee on Spatial Planning and Development of the Baltic Sea Region (CSPD/BSR) and Helsinki Commission (HELCOM) sets up a joint co-chaired Working Group on Maritime Spatial Planning to ensure cooperation among the Baltic Sea Region countries for coherent regional Maritime Spatial Planning processes. It will:

- Provide a forum for regional, trans-boundary and cross-sectoral dialogue on Integrated Coastal Zone Management and Maritime Spatial Planning -enabling a common approach

- Assist the CSPD/BSR and its member states in implementing the actions decided 2009 in VASAB Long Term Perspective for the Territorial Development of the Baltic Sea Region towards the next Ministerial Conference
- Assist HELCOM and its member states to implement the Maritime Spatial Planning relevant actions decided in HELCOM Baltic Sea Action Plan 2007 and its follow-up
- Provide Baltic Sea Region countries a platform to discuss the links between relevant International Agreements, EU legal instruments and policies, Baltic Sea Region and national policies,
- Assist the Baltic region in profiling itself as a global and European forerunner in maritime spatial planning

#### *4. Anticipated Tasks*

In order to achieve these goals the Group will:

- Promote the development of maritime spatial planning in the region and follow up its implementation as outlined in VASAB Long Term Perspective as well as HELCOM Baltic Sea Action Plan and relevant HELCOM Recommendations, including supporting the setting-up of governing structures, legislative basis, transboundary consultations as well as developing concepts for common Maritime Spatial Planning Principles.
- Propose to organize workshops and events as well and information material on maritime spatial planning.
- Follow and examine as well as make use of the outcomes and findings of regional project activities relevant to MSP, such as BaltCoast, East-West Window, PlanCoast, BaltSeaPlan, PlanBothnia
- Promote the development of compatible datasets and information relevant to BSR maritime spatial planning and thus ensure keeping HELCOM GIS and other regional GIS data portals up to date with best available information.
- Prepare decision proposals on Maritime Spatial Planning in the BSR for the forthcoming VASAB Ministerial Conferences and HELCOM Ministerial meetings.

The Group will develop a Working Programme, for adoption by VASAB CSPD and HELCOM HOD.

#### *5. Membership*

Participation is open to representatives from relevant ministries or government agencies in all VASAB and HELCOM Member Countries/Contracting Parties as well as for experts delegated by them. The members should be nominated by the Member Countries/Contracting Parties. A representation of all VASAB and HELCOM countries with sea coast is envisaged.

VASAB and HELCOM observers can participate. Other guests, organisations and initiatives from around the Baltic Sea and from other parts of Europe with a substantial maritime spatial planning interest can be invited as observers.

#### *6. Organisation*

The Working Group will be jointly co-chaired by a VASAB CSD/BSR chair (nominated by group and adopted by VASAB CSD/BSR) and HELCOM chair (nominated by group and adopted by HELCOM HOD). The two chairs will, with the assistance of both HELCOM and VASAB secretariats, jointly prepare meetings and Agendas for the Working Group.

The Working Group will document its meetings. A concise outcome will be adopted before the end of each meeting. The outcome is agreed by consensus. All meeting documents and the outcome will be made freely available to the public shortly after the meeting through the HELCOM and VASAB websites.

Meetings will take place up to three times a year. The Group may change the frequency of meetings according to need. In addition to meetings, exchange of e-mails will be used for intersessional work. The Group will send its outcomes and progress reports for approval both to the CSPD-BSR and HELCOM, including proposals for creation of sub-groups. The working language is English.

#### *7. Timeframe*

The mandate of the Group is valid for three years, starting from its first meeting. The Group may request a prolongation jointly from the CSPD/BSR and HELCOM.

#### *8. Resources*

Costs for the participants including travel costs to meetings will be covered by the delegating institutions. Direct costs for meetings will be borne by the host country if not arranged within HELCOM or VASAB Secretariat premises. Staff support from the VASAB and HELCOM Secretariats will be provided for technical support (e.g. preparation of meeting documents including minutes, registration of participants, etc.) and Secretariat attendance at meetings.

**ANNEX 3: WORK PLAN 2010-2013****Work Plan for 2010 – 2013 for the Joint HELCOM-VASAB Maritime Spatial Planning Working Group**

- 1. To apply the adopted Joint Maritime Spatial Planning principles**
- 2. To support the setting-up of frameworks for Maritime Spatial Planning in the countries of the Baltic Sea Region, to ensure more corresponding processes, and for transboundary consultation beneficial for this purpose**
  - inform on experiences and best practices to follow up the situation in the BSR countries with regard to implementation of MSP, discuss and propose initiatives to be taken concerning relevant framework elements (development of legal basis, responsibilities for MSP, procedures);
  - investigate and seek common understanding for necessary minimum requirements for BSR MSP systems;
  - promote and support achievements of economic, social and ecological benefits from MSP;
  - cooperation with the Baltic University Programme and other institutions in order to discuss common measures for enhancing education in the field of MSP.
- 3. To investigate the legislative basis for Maritime Spatial Planning, and to find a common understanding for planning**
  - problem-oriented presentation, during one of the first meetings, as an input to find a common understanding;
  - overview of global (UNCLOS, IMO conventions, Convention on Biological Diversity etc), EU (Water Framework Directive, Marine Strategy Framework Directive, Integrated Maritime Policy, Fisheries and Agricultural Policies etc), and regional (1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area, HELCOM and VASAB Action Plans, Ministerial Declarations, Visions and Strategies, Recommendations etc. as well as other regional organizations and entities, such as ICES and BONUS) legislation, policies and strategies;
  - using and possibly updating the VASAB Compendium on national MSP legislation for the Baltic Sea Region countries, including responsible authorities.
- 4. To promote the use of the Ecosystem Based Approach as an overarching principle for Maritime Spatial Planning and to find a common understanding for planning**
  - problem-oriented presentation, during one of the first meetings, as an input to find a common understanding;

- develop clear examples of the need for and the use of the Ecosystem Based Approach in MSP;
  - discuss and if possible develop the necessary elements of a MSP relevant application of the ecosystem based approach.
- 5. To explore the possibilities of Maritime Spatial Planning to contribute to the implementation of the Marine Strategy Framework Directive and the BSAP**
- 6. To define linkages and correlation between Integrated Coastal Zone Management and Maritime Spatial Planning**
- review national approaches to ICZM and its implementation including national systems for decision making in the sea and coast areas;
  - discuss the relationship between ICZM and MSP, including cross-border co-ordination and coordination with MSP activities.
- 7. To explore the possibilities for a Spatial Vision for the Baltic Sea**
- discuss examples of components of a vision using experience from ongoing work and projects such as BaltSeaPlan;
  - seek a common understanding for a Spatial Vision for the Baltic Sea.
- 8. To identify data gathering and mapping processes needed for Maritime Spatial Planning**
- investigate and analyse available data and information for MSP including Geographic Information Systems and other structures, identify gaps and propose necessary improvements
  - investigate the need for common sets of data and information for the Baltic Sea and propose necessary minimum common requirements for harmonization and consistency of maps and data.
- 9. To initiate, establish and follow, projects and seek to improve the conditions for the creation of new Baltic Sea Maritime Spatial Planning projects**
- find areas that would benefit from jointly coordinated actions and seek to initiate new projects relevant for MSP on the basis of common experiences;
  - investigate possibilities for funding of projects and seek to promote conditions for creation of Baltic Sea MSP;
  - follow and seek to evaluate and make use of projects on MSP in a cooperative manner.
- 10. To create better understanding for the specific conditions and needs for Maritime Spatial Planning in the Baltic Sea Region in the EU and seek to find a common approach to EU initiatives in the region**

- discuss upcoming EU meetings and events in order to find out the need to put forward a Baltic Sea perspective;
- discuss EU initiatives as well as the need for Baltic Sea Region initiatives in the EU, especially within the context of the EU Strategy for the Baltic Sea Region and the horizontal action on MSP;
- identify fields of cooperation with BONUS and other projects and programmes.

**11. To propose to CSPD/BSR and HELCOM HoD and to organize together with VASAB/ HELCOM Secretariats necessary public events on Maritime Spatial Planning**

- discuss the objectives, venue, cooperation and participation for a Pan-Baltic Conference and prepare a concept for it;
- send representatives of the joint working group to relevant meetings organized by global, EU and BSR organizations and authorities developing maritime spatial planning.

**12. To propose further activities towards next Ministerial Conferences**

- propose a vision and decision proposals on further development of MSP (e.g. on minimum requirements, development of legal basis, revision of principles) based on progress reached so far.

EU directives, policies and strategies are applicable to HELCOM member states being also EU member states.

**Annex to Work Plan 2010-2013 for the Joint HELCOM-VASAB Maritime Spatial Planning Working Group**

Tasks and proposed actions	Responsibility	Timing
<b>1. To apply the adopted Joint MSP principles</b>		
a) According to the Baltic Sea Action Plan the joint MSP Principles should be applied, tested and evaluate by 2012 Contracting States/Member Countries to inform how the principles have been applied	Contracting States/ Member Countries MSP WG, in co-operation with PLAN BOTHNIA	2011-2012
<b>2. To support the setting-up of frameworks for maritime spatial planning in the countries of the Baltic Sea Region, to ensure more corresponding processes, and for transboundary consultation beneficial for this purpose</b>		
a) Inform on experiences and best practices to follow up the situation in the BSR countries with regard to implementation of MSP, discuss and propose initiatives to be taken concerning relevant framework elements (development of legal basis, responsibilities for MSP, procedures, transboundary consultation)	Contracting Parties/Member Countries PLAN BOTHNIA, (HELCOM and VASAB Secretariats to coordinate a Chapter on best practices) BaltSeaPlan	Recurring activity at the meetings of the MSP WG  2011-2012
b) Investigate and seek common understanding for necessary minimum requirements for BSR maritime spatial planning systems (see also 3 b)	PLAN BOTHNIA, (HELCOM and VASAB Secretariat to coordinate a Chapter on minimum requirements, including data and mapping)	2011- 2012
c) Promote and support achievements of economic, social and ecological benefits from MSP (analytical paper prepared as extract information from existing experiences)	MSP WG	2011-2013 Discussion during third meeting of the MSP WG in Riga, Latvia, 28-29 September 2011 on who will prepare the paper and the purpose of it, also acknowledging the difficulty in identifying such benefits in a measurable way.
d) Cooperation with the Baltic University Programme and other institutions in order to discuss common measures for enhancing education in the field of MSP	Contracting States/Member Countries MSP WG VASAB Secretariat	2011-2013



<b>3. To investigate the legislative basis for Maritime Spatial Planning, and to find a common understanding for planning</b>		
a) Problem-oriented presentation, during one of the first meetings, as an input to find a common understanding	Contracting Parties/Member Countries MSP WG	Presentations and discussions during second meeting of the MSP WG, in Riga, Latvia on 20-21 January 2011
b) Overview of basic elements for the legislative basis for MSP, in the whole maritime area (internal waters, territorial seas and the exclusive economic zones)	Germany and Denmark, in cooperation with Sweden and the HELCOM and VASAB Secretariats	Third meeting of the MSP WG meeting in Helsinki, Finland, on 28-29 September 2011
c) Using and possibly updating the VASAB Compendium on national MSP legislation for the Baltic Sea Region countries, including responsible authorities (depending on the process on the national level)	Contracting States/Member Countries MSP WG	2011-2013
<b>4. To promote the use of the Ecosystem Based Approach as an overarching principle for Maritime Spatial Planning and to find a common understanding for planning</b>		
<b>5. To explore the possibilities of MSP to contribute to the implementation of the Marine Strategy Framework Directive and the BSAP</b>		
a) Problem-oriented presentation, during one of the first meetings, as an input to find a common understanding	Contracting Parties/Member Countries MSP WG	Presentations and discussions during second meeting of the MSP WG, in Riga, Latvia on 20-21 January 2011
b) Develop clear examples of the need for and the use of the Ecosystem Based Approach in Maritime Spatial Planning	Contracting Parties/Member Countries MSP WG Finland, assisted by the HELCOM and VASAB Secretariats and supported by Sweden PLAN BOTHNIA	Presented at third meeting of the MSP WG meeting in Helsinki, Finland, on 28-29 September 2011 and at further meetings in Work Plan period
c) Present proposals for necessary elements of a MSP relevant application of the ecosystem based approach	Finland, assisted by the HELCOM and VASAB Secretariats and supported by Sweden PLAN BOTHNIA	Presented at third meeting of the MSP WG meeting in Helsinki, Finland, on 28-29 September 2011 and to be developed and discussed at further meetings in Work Plan

		period
<b>6. To define linkages and correlation between Integrated Coastal Zone Management and Maritime Spatial Planning</b>		
a) Review national approaches to ICZM and its implementation including national systems for decision making in the sea and coast areas	Contracting States/Member Countries MSP WG	2011-2013
b) Discuss the relationship between ICZM and MSP, including cross-border co-ordination and coordination with MSP activities taking into account the outcome of the impact assessment by EC and the proposed action by EC	Contracting States/Member Countries MSP WG	2011-13; timing dependent on and following the presentation by the European Commission of the outcome of the Impact Assessment and the proposed actions  Fourth meeting of the MSP WG including presentations by the Contracting States/ Member Countries
<b>7. To explore the possibilities for a Spatial Vision for the Baltic Sea</b>		
a) Present examples of components of a vision using experience from ongoing work and projects such as BaltSeaPlan	MSP WG	BaltSeaPlan draft vision presented during second meeting of the MSP WG, in Riga, Latvia on 20-21 January 2011 2011-2012
b) Discuss components of a Spatial vision for the Baltic Sea and seek a common understanding for such a Vision	MSP WG, in co-operation with PLAN BOTHNIA and BaltSeaPlan	2012-2013
<b>8. To identify data gathering and mapping processes needed for MSP</b>		
a) Investigate and analyze available data and information for maritime spatial planning including Geographic Information Systems and other structures, identify gaps and propose necessary improvements	Contracting Parties/Member Countries MSP WG	2010-2013
b) Investigate the need for common sets of data and	Contracting States/Member Countries	2011-2013

information for the Baltic Sea and propose necessary minimum common requirements for harmonization and consistency of maps and data	MSP WG PLAN BOTHNIA, (HELCOM and VASAB Secretariats to coordinate a Chapter on minimum requirements, including data and mapping) BaltSeaPlan	
<b>9. To initiate, establish and follow, projects and seek to improve the conditions for the creation of new Baltic Sea MSP projects</b>		
a) Find areas that would benefit from jointly coordinated actions and seek to initiate new projects relevant for MSP on the basis of common experiences	Contracting Parties/Member Countries MSP WG	2011-2013
b) Investigate possibilities for funding of projects and seek to promote conditions for creation of Baltic Sea MSP	Contracting States/Member Countries MSP WG	2011-2013 Joint input of HELCOM and VASAB to the future research areas within the BONUS programme submitted to the BONUS Secretariat on 16 December 2010
c) Follow and seek to evaluate and make use of projects on MSP in a cooperative manner	Contracting States/Member Countries MSP WG	2011-2013
<b>10. To create better understanding for the specific conditions and needs for MSP in the Baltic Sea Region in the EU and seek to find a common approach to EU initiatives in the region</b>		
a) Discuss upcoming EU meetings and events in order to find out the need to put forward a Baltic Sea perspective	Contracting States/Member Countries MSP WG	Events and meetings such as the European Maritime Day, EU DG MARE meetings, ICZM expert meetings etc. 2011-2013
b) Discuss EU initiatives as well as the need for Baltic Sea Region initiatives in the EU, especially within the context of the EU Strategy for the Baltic Sea Region and the	Contracting States/Member Countries MSP WG	2010-2013

horizontal action on MSP		
c) Identify fields of cooperation with BONUS and other projects and programmes	Contracting States/Member Countries MSP WG	2010-2013 Joint input of HELCOM and VASAB to the future research areas within the BONUS programme submitted to the BONUS Secretariat on the 16 December 2010
<b>11. To propose to CSPD/BSR and HELCOM HoD and to organize together with VASAB/ HELCOM Secretariats necessary public events on maritime spatial planning</b>		
a) Discuss the objectives, venues, cooperations and participations for Pan-Baltic Conferences and prepare a concept for them	MSP WG	2010-2013 PLAN BOTHNIA Stakeholder Conference 27 September 2011 and Final Conference May 2012 BaltSeaPlan Final Conference 12 January 2012
b) Send representatives of the joint working group to relevant meetings organized by global, EU, BSR or other organizations and authorities of importance for development of maritime spatial planning  MSP WG members to report to the working group on participation in and outcome of such meetings at the HELCOM-VASAB WG meeting	MSP WG	2010-2013
<b>12. To propose further activities towards next Ministerial Conferences</b>		
a) Propose a vision and decision proposals on further development of MSP (e.g. on minimum requirements, development of legal basis, revision of principles) based on progress reached so far	MSP WG	2010-2013

EU directives, policies and strategies are applicable to HELCOM and VASAB member states being also EU member states.

## ANNEX 4: MEETINGS 2010-2013

Since its establishment in autumn 2010 until spring 2013 the Baltic Sea regional Working Group has convened seven times. The meetings have taken place on average twice a year, alternatingly in Riga (VASAB Secretariat) and Helsinki (HELCOM Secretariat). On average the first seven meetings have been attended by 28 (20-31) participants, representing on average more than ten different delegations (country, EU Commission or observer). Besides varying key topics all meetings have included a discussion on recent MSP developments relevant for the region.

During this three-year period the group has been co-chaired by Ms. Anita Mäkinen (Finland/HELCOM) and Mr. Andrzej Cieslak (Poland/VASAB), who have jointly led all meetings assisted by their vice-chairs Mr. Sten Jerdenius (Sweden/HELCOM) and Mr. Nico Nolte (Germany/VASAB, replaced by Mr. Kai Trümpler at the seventh meeting). The HELCOM and VASAB Secretariats have jointly provided Secretariat services to the Working Group.

### List of Working Group meetings and short description of central topics

The first meeting of the joint HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM-VASAB MSP WG 1/2010) was held in Helsinki, Finland, at the HELCOM Secretariat on 20-21 October 2010. The meeting discussed i.a. the joint Baltic Sea Broad Scale MSP principles as well as the Mandate and Work Plan of the Group.

The second meeting (HELCOM-VASAB MSP WG 2/2011) was held in Riga, Latvia, hosted by the VASAB Secretariat on 20-21 January 2011. The meeting discussed i.a. the Work Programme of the Group, International legislative basis and ecosystem approach.

The third meeting (HELCOM-VASAB MSP WG 3/2011) was held in Helsinki, Finland, at the HELCOM Secretariat on 28-29 September 2011. The third meeting of the group focused on the following issues: Minimum Requirements for MSP, Best Practices on MSP, International legislative basis for MSP and Practical application of the ecosystem approach in MSP.

The fourth meeting (HELCOM-VASAB MSP WG 4/2012) was held in Riga, Latvia, hosted by the VASAB Secretariat on 7-8 February 2012. The fourth meeting of the group had a wide agenda and discussed issues like Minimum Requirements for MSP, Best Practices on MSP, International legislative basis for MSP and Practical application of the ecosystem approach in MSP as well as Vision of the Baltic Sea MSP, Integrated Coastal Zone Management (ICZM) as well as data for MSP. In addition the meeting discussed the outcome of the BaltSeaPlan ([www.baltseaplan.eu](http://www.baltseaplan.eu)) project and progress of the Plan Bothnia ([www.planbothnia.org](http://www.planbothnia.org)) projects and initiated the drafting for a new project in the Baltic Sea - PartiSEApate ([www.partiseapate.eu](http://www.partiseapate.eu)).

The fifth meeting (HELCOM-VASAB MSP WG 5/2012) was held in Helsinki, Finland, at the HELCOM Secretariat on 13-14 September 2012. The Meeting focused on the deliverables for the HELCOM and VASAB Ministerial Meetings (3 October 2013 and autumn 2014, respectively). The main documents were a document on application of ecosystem approach in MSP as well as an overview of the legislative basis for MSP. In addition the group considered data gathering and mapping processes needed for MSP in the Baltic Sea, the Plan Bothnia project final outcome and discussed the Gulf of Finland year in 2014 and possibilities for MSP related activities. The meeting initiated work for a regional Baltic Sea roadmap for MSP.

The sixth meeting (HELCOM-VASAB MSP WG 6/2013) was held in Riga, Latvia, hosted by the VASAB Secretariat on 29-30 January 2013. The Meeting focused on the deliverables for the HELCOM Ministerial Meeting and the VASAB Ministerial Conference. Besides the regional Baltic Sea roadmap for MSP, the ecosystem approach and legislative basis documents, this meeting included a proposal for a new HELCOM Recommendation on safeguarding important seabird habitats and migration routes in the Baltic Sea from negative effects of energy production, developed in co-operation with HELCOM HABITAT as well as data gathering and sharing for MSP. The Working Group agreed also on a procedure on how to handle requests for letters of support for MSP-related projects applying to the Seed Money Facility under the EU strategy for the Baltic Sea Region.

The seventh meeting (HELCOM-VASAB MSP WG 7/2013) was held in Helsinki, Finland, at the HELCOM Secretariat on 6-7 May 2013. The Meeting focused on the deliverables for the Ministerial Meetings, particularly the HELCOM Ministerial Meeting in October 2013. This included the HELCOM Ministerial Declaration 2013, the Regional Baltic MSP Roadmap, this joint report 2010-2013, the ecosystem approach and legislative basis documents as well as the mandate and work plan for a continuation of the work in the period 2014-2016, beyond the initial three year period (2010-2013). The meeting initiated also discussions on transboundary planning and consultations as well as on the legislative proposal on MSP and Integrated Coastal Management (ICM) released by the European Commission in March 2013.

### List of participants in the Working Group meetings 2010-2013

<b>PARTICIPANTS</b>		
<b>CO-CHAIRS</b>		
Mr. Andrzej Cieslak	Maritime Office in Gdynia	Email: cieslak@umgdy.gov.pl
Ms. Anita Mäkinen	Finnish Transport Safety Agency (TraFi)	Email: anita.makinen@trafi.fi
<b>DENMARK</b>		
Ms. Helle Fischer	Ministry of the Environment	Email: hfi@nst.dk
Mr. Jakob Harrekilde Jensen	Ministry of Environment	Email: har@nst.dk
Mr. Kasper Jespersen	Danish Maritime Safety Administration (DaMSA)	Email: kjn@frv.dk
Ms. Annette Klynsner	Ministry of Environment	Email: ankly@nst.dk
Ms. Lene Westergaard	Ministry of Environment	Email: lwe@nst.dk
<b>ESTONIA</b>		
Mr. Tavo Kikas	Estonian Ministry of the Interior	Email: tavo.kikas@siseministeerium.ee
Ms. Maila Kuusik		
Ms. Agnes Pilv	Ministry of the Environment	Email: agnes.pilv@envir.ee
<b>EUROPEAN UNION</b>		
Ms. Izolda Bulvinaite	European Commission (DG Mare)	Email: izolda.bulvinaite@ec.europa.eu

Mr. Jeroen Casaer	European Commission (DG Environment)	Email: Jeroen.CASAER@ec.europa.eu
Mr. Jan Ekebom	European Commission (DG MARE)	
Mr. Leo de Vrees	European Commission (DG Environment)	Email: leo.de-vrees@ec.europa.eu
Mr. Staffan Ekwall	European Commission (DG MARE)	
Mr. Axel Rod	European Commission (DG Regio)	Email: axel.rod@ec.europa.eu
<b>FINLAND</b>		
Ms. Penina Blankett	Ministry of the Environment	Email: penina.blankett@ymparisto.fi
Ms. Maaret Stenström	Ministry of the Environment	Email: maaret.stenstrom@ymparisto.fi
Ms. Tiina Tihlman	Ministry of the Environment	Email: tiina.tihlman@ymparisto.fi
<b>GERMANY</b>		
Mr. Nico Nolte	Federal Maritime and Hydrographic Agency (BSH)	Email: nico.nolte@bsh.de
Mr. Kai Trümpler	Federal Maritime and Hydrographic Agency (BSH)	Email: kai.truempler@bsh.de
Ms. Heike Holzfuss	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety	Email: heike.holzfuss@bmu.bund.de
Mr. Wulf Hülsmann	Federal Environment Agency	Email: wulf.huelsmann@uba.de
Mr. Dieter Boedeker	German Federal Nature Conservation Agency	Email: dieter.boedeker@bfn-vilm.de
Mr. Wilfried Görmar	Federal Office for Building and Regional Planning	Email: wilfried.goermar@bbr.bund.de
Ms. Bettina Käppeler	Federal Maritime and Hydrographic Agency (BSH)	Email: bettina.kaeppler@bsh.de
Ms. Maike Kramer	German Federal Nature Conservation Agency	Email: maike.kramer@bfn-vilm.de
Ms. Angela Schultz-Zehden	S. Pro-Sustainable Projects GmbH	Email: asz@sustainable-projects.eu
<b>LATVIA</b>		
Ms. Kristine Rasina	Ministry of Environmental Protection and Regional Development	Email: kristine.rasina@varam.gov.lv
Ms. Inguna Urtane	Ministry of Environmental Protection and Regional Development	Email: inguna.urtane@varam.gov.lv
Ms. Elina Veidemane		
Ms. Baiba Zasa	Ministry of Environmental Protection and Regional Development	Email: baiba.zasa@varam.gov.lv
<b>LITHUANIA</b>		
Mr. Aleksandras Gordevičius	Ministry of Environment	Email: a.gordevicius@am.lt
<b>NORWAY</b>		
Mr. Odd Godal	Ministry of Local Government and Regional Development	Email: odd.godal@krd.dep.no
<b>POLAND</b>		
Mr. Andrzej Ginalski	General Directorate of Environmental	Email: andrzej.ginalski@gdos.gov.pl

	Protection	
Ms. Katarzyna Krzywda	Ministry Transport, Construction and Maritime Economy	Email: kkrzywda@transport.gov.pl
Mr. Jacek Zaucha	Maritime Institute in Gdansk	Email: jacek.zaucha@im.gda.pl
<b>RUSSIA</b>		
Mr. Dmitry Domnin	Atlantic Branch of Shirshov Institute of Oceanology	Email: dimanisha@rambler.ru
Mr. Andrey D. Lappo	Research and Design Institute of Urban development (NIIPGradostroitelstva)	Email: a.lappo@mail.ru
Ms. Elena Tselykovskaya	Research and design institute of urban development (JSC)	Email: elena.tselykovskaya@yandex.ru
<b>SWEDEN</b>		
Mr. Tomas Andersson	Swedish Agency for Marine and Water Management	Email: tomas.andersson@havochvatten.se
Mr. Roy Jaan	Swedish Maritime Administration	Email: Roy.Jaan@sjofartsverket.se
Mr. Sten Jerdenius	Ministry of the Environment	Email: sten.jerdenius@gov.se
Mr. Joacim Johannesson	Swedish Agency for Marine and Water Management	Email: joacim.johannesson@havochvatten.se
Ms. Berit Pettersson	Swedish Agency for Water and Marine Management	Email: berit.pettersson@havochvatten.se
<b>OBSERVERS</b>		
Ms. Kirsti Tarnanen-Sariola	European Sea Ports Organisation (ESPO)	Email: kirsti.tarnanen-sariola@satamaliitto.fi
Mr. Holger Janßen	The Coastal and Marine Union (EUCC)	Email: holger.janssen@eucc-d.de
Mr. Jochen Lamp	WWF	Email: jochen.lamp@wwf.de
Ms. Vanessa Ryan	WWF	Email: vanessa.ryan@wwf.fi
Ms. Otilia Thoreson	WWF	Email: otilia.thoreson@wwf.se
<b>INVITED GUESTS</b>		
Mr. Andris Andrusaitis	BONUS Baltic Organisations Network for Funding Science EEIG	Email: andris.andrusaitis@bonuseeig.fi
Ms. Anne-Benedicte Genachte	European Wind Energy Association (EWEA)	Email: abg@eweaa.org
Mr. Lachlan Cameron	Energy Research Center of the Netherlands (ECN)	Email: cameron@ecn.nl
Mr. Lars Emmelin	Baltic University Programme	Email: lars.emmelin@bth.se
Mr. Bernhard Heinrichs	Academy for Spatial Research and Planning (ARL)	Email: bheinrichs2006@web.de
Mr. Michiel Hekkenberg	Energy Research Center of the Netherlands (ECN)	Email: hekkenberg@ecn.nl
Ms. Titia Kalker	Rijkswaterstaat	Email: titia.kalker@rws.nl
Ms. Kirsi Kostamo	Finnish Environment Institute	Email: kirsi.kostamo@ymparisto.fi
Mr. Tuomas Kuokkanen	University of Eastern Finland	Email: tuomas.kuokkanen@uef.fi
Ms. Paula Lindroos	Baltic University Programme	Email: paula.lindroos@cstdupsala.uu.se



Mr. Yuriy Mikhaylichenko	Ministry of Economic Development	Email: mikhaylichenko@economy.gov.ru
Mr. Kai Myrberg	Finnish Environment Institute	Email: kai.myrberg@ymparisto.fi
Mr. Erik Olsen	Institute of Marine Research	Email: eriko@imr.no
Mr. Jens Perus	Centres for Economic Development, Transport and the Environment in Southern Ostrobothnia	Email: jens.perus@ely-keskus.fi
Mr. Niko Soininen	University of Eastern Finland	Email: Niko.Soininen@uef.fi
Ms. Karina Veum	Energy Research Center of the Netherlands	Email: veum@ecn.nl
<b>VASAB SECRETARIAT</b>		
Mr. Talis Linkaits Head of Secretariat	VASAB Secretariat	Email: talis.linkaits@vasab.org
Ms. Alda Nikodemusa Deputy Head of Secretariat	VASAB Secretariat	Email: alda.nikodemusa@vasab.org
Ms. Dzintra Upmace Deputy Head of Secretariat (until 2012)	VASAB Secretariat	(passed away 2012)
Ms. Baiba Redere Office Manager	VASAB Secretariat	Email: baiba.redere@vasab.org
Ms. Zane Seipule Project Coordinator	VASAB Secretariat	Email: zane.seipule@vasab.org
<b>HELCOM SECRETARIAT</b>		
Ms. Monika Stankiewicz Executive Secretary	Helsinki Commission	Email: monika.stankiewicz@helcom.fi
Ms. Anne Christine Brusendorff Executive Secretary (until 2012)	Helsinki Commission	(currently Secretary General of ICES)
Mr. Hermann Backer Professional Secretary	Helsinki Commission	Email: hermanni.backer@helcom.fi
Ms. Laura Meski Assisting Professional Secretary	Helsinki Commission	Email: laura.meski@helcom.fi
Mr. Manuel Frias Vega Project Coordinator	Helsinki Commission	Email: manuel.frias_vega@helcom.fi
Mr. Joni Kaitaranta Data Administrator	Helsinki Commission	Email: joni.kaitaranta@helcom.fi
Ms. Marta Plichta Project Researcher	Helsinki Commission	Email: marta.plichta@helcom.fi