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Background

The overall goal of MSP Roadmap 2013-2020 is to "*draw up and apply maritime spatial plans throughout the Baltic Sea Region by 2020 which are coherent across borders and apply the ecosystem approach*". There is also a commitment by the HELCOM-VASAB MSP Working Group to "*Identify minimum requirements for preparing and implementing MSP across the borders and follow up how they are met to ensure coherence of the plans*", which is one the tasks in the Working Group's work plan for 2017-2019.

The logic of the task in the workplan for 2017-2019 is that minimum requirements are needed for following-up progress towards coherence of the plans. However, the coherence of the plans can be understood in different ways ranging from the similarity of the plans (e.g. cartographic presentation) to avoidance of problems caused by a lack of coherence. Before the minimum requirements can be identified, there is a need to create a common understanding on the coherence of the plans and subsequently on common criteria for coherence. This would facilitate a future evaluation of the level of implementation of the agreed MSP goals. The previous HELCOM-VASAB MSP WG meeting (17-2018) recognized the challenge to evaluate the level of accomplishment of the commitment to establish coherent MSP that apply ecosystem-based approach. At the same time the Meeting acknowledged the importance of having a follow-up system in place to track the progress of this commitment.

The matter of minimum requirements was discussed in meetings of HELCOM-VASAB MSP WG in 2011 and 2012 (3-2011 and 4-2012) when a document "Necessary common minimum requirements for Maritime Spatial Planning (MSP) in the Baltic Sea" prepared in PlanBothnia project was discussed and commented. The work done to develop concepts and a framework for the minimum requirements was welcomed, but some reservations were expressed, as well. For instance, the Working Group meeting 3-2011 suggested to reconsider and possibly replace the term minimum requirements with minimum standards or similar. At the time handling of the minimum requirements did not lead to more substantial direct outcomes within the work of HELCOM-VASAB MSP WG, until the topic was included again in the workplan for the years 2017-2019.

Some developments along this line have taken place. Guidelines on transboundary MSP output data structure were presented to the HELCOM-VASAB MSP WG meeting 17-2018 by Latvia. The guidelines, agreed by HELCOM-VASAB MSP WG 17-2018 (and adopted by HELCOM 40-2019) aim to facilitate data availability and coherence of MSP, as well as transboundary cooperation under national/regional MSP consultations. The guidelines can be taken as one aspect of coherence of the plans in its aim to harmonise cartographic presentation of the national MSP.

This document submitted to the meeting 18-2019 describes approaches for understanding coherence of MSP and suggests possible ways of identifying the minimum requirements.

Action requested

The meeting is invited to discuss common understanding of the coherence of the plans. More precisely:
- Which of the approaches presented in the document are relevant for the understanding of the plans coherence in the Baltic Sea Region?
- What are the potential criteria for the coherence of MSPs?
- Is the "minimum requirements" a good term? Should the terminology be shifted towards common criteria, common indicators or similar?
- How to proceed in preparation of the minimum requirements?

The action on "identification of minimum requirements" is included in the Working Group Work Plan. The Meeting is invited <u>to agree</u> on practical steps to implement this action.

Coherence of MSP in the Baltic Sea Region

Background

The overall goal of MSP Roadmap 2013-2020 is to "*draw up and apply Maritime Spatial Plans throughout the Baltic Sea Region by 2020 which are coherent across borders and apply the ecosystem approach*". This goal was reiterated in March 2018 by the HELCOM Ministerial Meeting that further stressed the importance of using the agreed principles, guidelines, concepts and mechanisms for planning purposes and developing them further as needed.

The HELCOM-VASAB MSP Working Group's workplan for 2017-2019 includes as one of the tasks for the Working Group itself the following:

- "*Identify minimum requirements for preparing and implementing MSP across the borders and follow up how they are met to ensure coherence of the plans*".

The minimum requirements are also referred to in a report that was prepared to support the 2018 Ministerial Meeting. It assessed the implementation of Baltic Sea Action Plan. The report states in section 2.9: "*Another task, to identify minimum requirements for preparing and implementing MSP across the borders and to follow up how they are met to ensure coherence of the plans, has not been initiated yet.*"

The matter of minimum requirements has been discussed earlier in meetings of HELCOM-VASAB MSP WG in 2011 and 2012 (meetings 3-2011 and 4-2012) when a document "*Necessary common minimum requirements for Maritime Spatial Planning (MSP) in the Baltic Sea*" prepared in PlanBothnia project was discussed and commented. The work done to develop concepts and a framework for the minimum requirements was welcomed, but some reservations were expressed, as well. For instance, the Working Group meeting 3-2011 suggested to reconsider and possibly replace the term minimum requirements with minimum standards or similar.

There is thus a need to develop by the HELCOM-VASAB MSP WG a common view on the minimum requirements for coherent MSP in the Baltic Sea. This discussion should start by developing a common understanding of coherence of plans and criteria for coherence and what goals the coherence of plans should aim for. This requires additional agreements that substantiate the goal. Finally, the discussion on minimum requirements may also consider the vocabulary that is used. The thinking could move from minimum requirements towards developing common set of criteria and indicators to follow-up progress towards the agreed goals.

Minimum requirements for ecosystem-based MSP have not been defined either. There exists HELCOM-VASAB guidelines for ecosystem-based approach (EBA) in MSP and the Baltic SCOPE project produced an EBA checklist, while the Pan Baltic Scope project is developing a toolbox for EBA in MSP including cumulative impact assessment tool. There is also on-going related work within the Pan Baltic Scope to develop economic and social assessment as a component of ecosystem-based approach. The HELCOM-VASAB MSP WG may consider to what extent the existing guidelines, checklists and toolboxes already establish the minimum requirements for EBA in MSP. One option could be to include EBA as one, albeit very important, dimension of the minimum requirements for coherent MSP. Cross-border considerations are, after all, in the core of EBA, since ecosystem boundaries seldom coincides with jurisdictional boundaries.

Progress towards coherent MSP in the Baltic Sea region

Several steps towards coherent MSP have already been taken in the Baltic Sea region. We have a functioning international collaboration within the HELCOM-VASAB MSP WG that has produced the joint principles and the MSP roadmap as well as guidelines on transboundary consultations, public participation and co-operation and on the implementation of ecosystem-based approach. These all are adopted by respective bodies of HELCOM and VASAB (the roadmap on the level of Ministerial meetings/conferences and the guidelines by HELCOM HOD and VASAB CSPD/BSR meetings).

The Baltic Sea Region MSP Data Expert Sub-Group has worked under the HELCOM-VASAB MSP WG since 2015. The expert sub-group supports data, information and evidence exchange for MSP processes with regard to cross-border/transboundary planning issues. In autumn 2018 it finalized a guideline on transboundary MSP output data structure. It suggests a coherent cartographic representation of the national MSP area and the planned sea uses. The guideline was approved by HELCOM 40-2019 and forwarded for adoption to VASAB decision-making bodies.

Several projects have supported MSP collaboration within the region. For instance, BaltSeaPlan and PartiSEAPate projects developed general approaches and conducted case studies, while more recent projects such as Baltic SCOPE, Baltic LINes and Pan Baltic Scope have brought several national MSP authorities to concrete collaboration across the borders. The projects have increased understanding of the cross-border issues and problems and evolving planning systems in different countries as well as reached some concrete outcomes. For instance, the need to agree on the unresolved border South-East from the Island of Bornholm between Poland and Denmark was brought out within the Baltic SCOPE project. The governments of Poland and Denmark came to an agreement in autumn of 2018 and the final approval is expected soon.

Baltic SCOPE and its follow-up project Pan Baltic Scope have taken important steps in practical development of the ecosystem-based approach in MSP. Within Pan Baltic Scope this work is linked closely with development of the concept of green infrastructure in the context of marine ecosystem, strategic environmental assessment of MSP and development of [tools for assessing MSP's cumulative impacts and development of economic and social assessment](#).

The EU MSP directive came into force in 2014. It required setting national MSP legislation and planning frameworks and nominating competent authorities. It also defined principles and minimum requirements for MSP and set a binding deadline for the preparation of MSP plans (by March 2021). Even though the directive is a rather general and does not apply to Russia it has helped to enhance coherence in MSP within the Baltic Sea region. As the directive sets only a general framework for EU member states there are considerable differences between the BSR countries in practicing and organizing MSP. The table 1 shows results of a comparison that was conducted in the Baltic LINes projects shows.

Table 1. Country information table showing differences and similarities in MSP processes[1]**. Link to the** Baltic LINes report

	Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland	Sweden
Competent Ministry	Ministry of Industry, Business and Financial Affairs	Ministry of Finance	Ministry of Environment	Ministry of Transport and Digital Infrastructure	Ministry of Environmental Protection and Regional Development	Ministry of Environment	Ministry of Maritime Economy and Inland Navigation	Ministry of Environment and Energy
Competent planning authority	Danish Maritime Authority	Spatial Planning Department	Department of Built Environment & Regional Councils	Federal Maritime and Hydrographic Agency & Coastal Federal States	Department of Spatial Planning	MSP tendered to consortium led by Klaipeda University	Department of Maritime Economy & Maritime Offices of Szczecin, Słupsk and Gdynia	Swedish Agency for Marine and Water Management
Number of planning areas	1 National MSP	1 (+2) 2 earlier regional plans incorporated into the national MSP	3 +1 3 Regional MSPs 1 Åland	1+3 1 EEZ 3 Territorial Waters	1 National MSP	1 National MSP	1 Coordinated between three regions	3 3 Regional MSPs (from 1nm zone)
Expected progress in MSP (national plans)	1st edition 1st draft: ~ 04/2019, MSP: ~12/2020	1st edition 1st draft: ~07/2018, MSP: ~09/2019	1st edition 1st draft: ~04/2020; MSP: ~03/2021	2nd edition 1st draft:01/2019 MSP: ~01/2020	1st edition 1st draft: ~12/2016 MSP: ~12/2018	2nd edition 1st draft: ~06/2019 MSP: ~06/2020	1st edition 1st draft: ~04/2018 MSP: ~07/2019	1st edition 1st draft: ~04/2017 MSP: ~12/2019
Scale of MSP	Not decided yet	1:200.000	Not decided yet	1:400.000	1:200.000	1:200.000	1:200.000	1:700.000 – 1:1.000.000
Planning horizon	~2050	~2030	Not decided yet	Not decided yet	~2030	~2050	~2030	~2050
Binding/non-binding MSP	Binding	Binding for all structures, incl. OWE installations	Strategic, non-binding	Binding	Non-binding	Binding	Binding	Non-binding

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[1] The table covers only EU countries that are proceeding with implementation of MSP as required by the EU directive. The directive does not apply to the Russian Federation, but it encourages EU member states to collaborate with neighbouring countries outside of the EU. MSP in Russia has progressed somewhat slower than within EU. As reported in working group meetings 16-2018 and 17-2018 by the representative of RF the Ministry of Economy was nominated to be responsible for the development of the law on MSP. Officially, maritime spatial planning has not started yet, though an extensive national project initiated and financed by the Ministry of Natural Resources and Environment has been launched to develop methodologies for MSP. The project takes into account HELCOM requirements and also the results of bilateral cooperation with Finland, Sweden and Norway. The project is expected to be accomplished in the beginning of 2019.The Ministry of Ecology and Natural resources developed the methodology for transboundary MSP of Russian areas in Baltic and Barents Seas with Sweden, Norway and Finland. The documents are in the final stages of review and will be delivered to the countries for reviewing.

Cross-border coherence of MSP

The importance of ensuring the coherence of planning across borders is emphasized in the main MSP related policy documents from the EU directive (Article 11) to the Baltic Sea MSP Roadmap 2013-2020. However, overall definitions of what is meant by cross-border coherence in any concrete terms are lacking.

Some partial definitions for cross-border coherence are presented in recent work that is related to HELCOM-VASAB MSP WG activities. For instance, the new guidelines on MSP output data approaches the issue from the perspective of comparable cartographic presentation of MSP, which is an important aspect of coherence. The topic of coherent maritime spatial plans is also addressed in the Pan Baltic Scope assessment of regional MSP framework: the survey that was distributed earlier asked which planning issues are/were addressed in transboundary context to avoid misalignments. Then improved alignment would contribute to coherence.

There are different, complementary ways to approach cross-border coherence:

1. Similarity of MSP plans and planning systems in the Baltic Sea countries
    - Comparisons of countries' approaches
        o Legal and administrative
        o National contexts (policies)
        o Topics and areas addressed in MSP
        o Data and knowledge (including output data)
        o Spatial and temporal scales
        o Implementation of MSP
        o Follow up and review of national MSP
    - Relevant starting points for further development of minimum requirements (or criteria and indicators) could be the existing literature on transboundary MSP (example in Annex 1), including the "minimum requirements report" by Plan Bothnia project (see below).
2. Acknowledgement of the problems that lack of coherence causes and respective solutions
    - The main focus on avoiding problems and conflicts and solving them through collaboration (cf. "avoidance of misalignments")
3. Emphasising the outcomes and goals
    - Look from the perspective of transboundary/cross-border topics that MSP is addressing
        o Handling of cross-border economic activities
        o Addressing ecosystem elements across the borders and regionally?
        o Are cross-border impacts and synergies identified?
        o etc.

These three perspectives could be taken as starting points for preparation of a common understanding on the coherence.

Approaches towards identification of the minimum requirements (or joint criteria)

The above mentioned steps towards more coherent MSP in the Baltic Sea demonstrate that some of the requirements to achieve coherence have already been met, e.g.:

- Agreement on the border between Denmark and Poland can be taken as one of the elemental minimum requirements for cross-border coherence
- HELCOM-VASAB WG shares and collects information on national MSP progress and coordinates joint action in the region, which contributes to coherence
- Joint principles, a road map and guidelines exist. Several projects have also developed approaches and tools with special focus on transboundary aspects.

- MSP legislation and MSP frameworks are in place and competent authorities nominated in the Baltic Sea EU countries
- Countries in southern Baltic Sea have flagged possible cross-border inconsistencies in neighbouring countries' draft MSP plans (or other area designations) and have work bi- and trilaterally to find coherent solutions.

The minimum requirements were, in fact, suggested already in 2012 in the report "Necessary common minimum requirements for Maritime Spatial Planning (MSP) in the Baltic Sea" by the PlanBothnia project (link to pdf). The report deals with the following topic areas for transboundary co-operation:

- Common minimum requirements for the institutional framework (e.g. legal provisions to facilitate MSP at the national level, the interplay of planning and management systems, the institutional set-up required for MSP both nationally and internationally),
- Common minimum requirements for the content and scope of MSP (focusing on the designation of areas that need transnational co-operation)
- Common minimum requirements for the necessary preparation tools (e.g. data harmonization and maps for stocktaking and the identification of key transnational topics),
- Common minimum requirements for the necessary supporting measures (e.g. training).

The report states that those minimum requirements are "*the elements of MSP that require transnational binding agreement to ensure effective transnational co-operation on MSP in the Baltic Sea Region*." The report suggests thus a very far-reaching coherent MSP system for the Baltic Sea Region countries. The PlanBothnia work was submitted for comments to the HELCOM-VASAB MSP WG meetings 3-2100 and 4-2012. The meeting 3-2011 welcomed the work, but some reservations were expressed, as well. For instance, the Working Group meeting suggested to reconsider and possibly replace the term minimum requirements with minimum standards or similar.

Coming to a joint understanding of minimum requirements or criteria for coherent planning facilitates a future evaluation or follow up of the level of implementation of the agreed MSP goals. Such follow up will become topical after 2021 when at least EU member states in the Baltic Sea have finalised their MSPs. This is also in line with the current BSAP follow-up system and the plans for its development in the future. Baltic Sea region collaboration in the follow up activities and their joint planning will also facilitate implementation and follow up of national MSP plans. The joint follow-up system could be based on different level criteria and indicators: a commonly agreed BSR level set of criteria and indicators and a larger, lower level set that consists of criteria and indicators that countries have identified as relevant for their own use. The latter could be a "pool" of criteria and indicators from which countries can choose the most relevant ones for their national purposes.

In order to start defining minimum requirements or joint criteria for coherence of MSP in a systematic way the Working Group could discuss:

- Which dimensions of coherence are relevant, e.g. legal and institutional aspects, presentation of MSP plans, identification of cross-border topics, boundaries and cross-border continuities, etc.
- How to understand possible ranges within the relevant dimensions, e.g. how much legal coherence is the minimum, how similar the plans should be, etc.
- In terms of vocabulary, should the term minimum requirement be, in fact, replaced by some more appropriate terms? An alternative way to approach cross-border coherence and its goals would be to start thinking in terms of joint criteria against which to assess progress.

Annex 1. Possible use of transboundary MSP evaluation framework as a starting point to develop the minimum requirements or sets of criteria

The following tables are taken from Baltic SCOPE report on monitoring and evaluation of transboundary MSP (Varjopuro 2017 link to pdf). The Baltic SCOPE report summarized and further elaborated the previous work on MSP evaluation by Gonçalo Carneiro and reports of UNESCO-IOC, MASPNOSE and TPEA projects. Development of the minimum requirements for coherent planning or joint criteria for coherence are not exactly the same as evaluation, but it has many similarities and can be taken as a starting point for further development. They should be, obviously, elaborated. They should also be ranked – or at least grouped – by the H-V MSP WG according to how demanding they are to meet. The ranking would facilitate the H-V MSP WG discussion on where it would be reasonable to set the minimum level (at this planning cycle).

When looking at the table from the minimum requirements perspective we could actually conclude that many of the criteria is already met!

Conditions for transboundary collaboration[2]	
Criterion	**Indicators**
Legal and administrative conditions for transboundary collaboration	Legal instruments are in place for transboundary collaboration in MSP
	Participating countries have given a mandate to a specific authority to cooperate in transboundary MSP
	Financial and human resources are allocated for transboundary collaboration
	Priorities and objective for the cross-border collaboration have been defined and agreed
	It is decided how the results of cross-border collaboration will be utilised within in the development of national MSPs

Preparation of jointly identified planning options	
Criterion	**Indicators**
National and international context of transboundary collaboration	Different national MSP regulatory and administrative systems have been scrutinised and described for the transboundary collaboration process
	Participating countries have informed their neighbours about any ongoing or coming national MSP process
	Cross border tasks and responsibilities agreed to collaboration are shared between participating countries
	International MSP regulations and policies have been reviewed
	Existing international and sectoral networks have been identified and involved in the process
Definition of objectives for collaboration (content and quality)	Specific objectives for the quality of the transboundary collaboration process and expected results are defined clearly (SMART: specific, measurable (or verifiable), achievable, relevant and time-bound)
	The jointly defined objectives for the cross-border collaboration take into account the national policy objectives
	The jointly defined objectives for the cross-border collaboration take into account international policy objectives
Identification of the transboundary issues and areas	Common criteria on how to identify transboundary issues, impacts and areas has been agreed
	Transboundary conflicts and potential areas of synergy have been identified
	Specific geographical areas that require transboundary collaboration have been identified
	Collaborating planners have jointly identified and agreed on which topic areas they can find an agreement on and those that they cannot agree on (including issues that are beyond mandates of the planners)
	National contextual specificities have been identified and discussed
	Transboundary environmental challenges and opportunities have been identified and recognized
Planning alternatives	A number of potential planning alternatives and their respective strengths and weaknesses have been identified and discussed
	The environmental, social and economic impacts of proposed planning alternatives has been assessed
Data and knowledge	Collaborating planners have jointly defined the objectives and rules regarding the sharing of data and knowledge
	New knowledge and data on transboundary issues has been created and shared
	Data and knowledge are analysed jointly
	Countries have identified existing transnational data-bases
	Countries have harmonised knowledge practices and the presentation of data regarding transboundary topics

Implementation of transboundary agreements (in national plans)	
Criterion	Indicators
Acknowledgement and implementation of transboundary agreements	National maritime plans address the transboundary issues and places identified in cross-border collaboration
	Jointly developed cross-border solutions are included in national maritime plans
Structures and conditions for cross-border implementation	All participating countries nominate an authority responsible for the implementation of jointly agreed transboundary solutions
	The roles of national, regional and local authorities in the implementation of transboundary solutions have been clearly defined
	A schedule for implementing jointly agreed cross-border solutions has been developed and is acknowledged in a national maritime plan
	Specific indicators for assessing the success of implementation are defined
	Financial and human resources are allocated for implementing the transboundary solutions

Follow up and review	
Criterion	Indicators
Follow-up of the implementation	Follow-up actions have been decided
	A transboundary platform for continued cross-border collaboration and monitoring is established
	Monitoring and evaluation processes address the environmental, social and economic impacts of the actions implemented
	Any difficulties in implementation and achieving the objectives of proposed solutions have been identified
Review of the plans	Counties have agreed on a process to review the transboundary aspects of MSP
	A transboundary event or process is organised to review transboundary aspects of MSP

Crosscutting themes: stakeholder participation and communication	
Criterion	Indicators
Stakeholder participation	A stakeholder involvement plan has been developed
	Stakeholder analysis has identified the relevant stakeholders from different sectors and levels (statutory and non-statutory)
	Stakeholders have been consulted and had equal opportunity to participate actively in the process
	Stakeholder participation has been representative
	Stakeholder input has been gathered, analysed and taken into account as appropriate
	Cross border and cross-sectoral stakeholder events have been organized
	Stakeholders are satisfied with the extent of their participation and their impact on the process
Communication across borders and levels	A communication strategy for the transboundary collaboration has been agreed amongst participants
	There has been regular communication with relevant/interested stakeholders and the general public regarding transboundary collaboration via a range of different available communication channels
	Communication has targeted other relevant processes and organisations and stakeholders involved in cross-border activities (e.g. HELCOM-VASAB MSP WG, sector-specific cross-border collaboration)