Report on Implementation, Monitoring and Evaluation Mechanisms for MSPs in the Baltic Sea Region

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1. Introduction

1.1 A Report prepared under 'Capacity4MSP'

The project *"Capacity4MSP: Strengthening the Capacity of MSP Stakeholders and Decision Makers"* aimed to synthesize the results of the projects and processes implemented so far on MSP management issues as to promote the transfer of knowledge and conclusions gained, and to highlight the main priorities of regional cooperation after 2020.

One of the project activities (2.2.1) was dedicated to provide an overview of how countries implement or plan to implement their maritime spatial plans (hereinafter – MSPs); the related processes and the monitoring and evaluation (hereinafter – M&E) of results. This overview is based on past and on-going processes in the BSR as well as some selected advanced MSP processes around the North Sea countries (esp. Belgium and England).

All BSR countries are by now involved in preparation or adoption of MSPs, but still only some have already gained concrete experience with the practical implementation of MSPs.

Hence, the activity aimed to identify the key elements related to implementation and monitoring of existing MSPs, in order to show them in a comparative overview spanning the Baltic Sea Region EU Member States.

The resulting report, presented here, has been prepared on the basis of desk research, interviews, interactive discussions held as part of the Planners Forum and feedback loops from the given BSR EU Member States. It contains research-based analysis, experiences and practical examples of implementation and M&E support mechanisms.

Although the report is descriptive in nature and does not aim to pass any judgement on the respective national processes; it does highlight some good practices, lessons to be learned as well as challenges and obstacles in the practice of MSP implementation.

1.2 Objectives of the Report

The given report aims to inform MSP practitioners, researchers and other stakeholders across all levels (including those outside the EU) how MSPs - adopted as a result of the EU MSP Directive - are practically implemented in the given EU BSR Member States; it also highlights similarities, differences and background for possible future developments to further improve the given MSP processes.

In particular, the report aims to achieve the following:

- To collect and review existing literature on implementation and monitoring of MSPs,

- To identify and characterize the MSPs adopted, in preparation or under revision in BSR countries, in relation to their implementation and M&E;

- To show which and how the various uses and interests are represented within these MSPs;

- To identify and analyse governance mechanisms regarding responsibility for implementing planning provisions and taking decisions based on the plan, including the relationship with other spatially relevant (sectoral) planning;

- To explore to what extent given MSPs can be adapted over the course of their lifetime;

- To identify and analyse M&E approaches used to determine if plans have achieved their intended

effects, including criteria and indicators for process, content and performance of MSPs;

As a final step, the report shall inform discussions regarding cross-border cooperation on MSP implementation and M&E in the BSR, including proposals for how to follow up on the accomplishment of regional MSP commitments.

1.3 A first step to realise the new 'HELCOM-VASAB Regional MSP Roadmap 2021-2030'

The HELCOM-VASAB MSP working group has until now not issued guidelines referring to implementation. Focus was so far mainly on ensuring coherence of plans during their development process. The Regional MSP Roadmap 2021-2020[1], adopted in October 2021, logically aims to address this gap as shown in the following abstracts:

> **EMPHASISING** that the focus of the regional MSP collaboration is now shifting from drawing up of the plans to implementation, monitoring, evaluation and follow-up with subsequent eventual reviewing of the maritime spatial plans (MSPs).
>
> The goal of the roadmap is to strengthen the joint effort and coherence throughout the region **to implement Maritime Spatial Plans,** aiming for sustainable development of the region and building a sound basis for an adaptive Maritime Spatial Planning process applying the ecosystem-based approach.
>
> **Joint actions to support implementation and follow-up of the MSP plans in relation to the regional MSP framework:**

1.1 Develop a guiding framework to support harmonized evaluation of MSPs, including a set of definitions:
- Output: BSR evaluation framework for MSPs; common set of general definitions ("Implementation", "Knowledge Base", "MSP Cycle", "Coherent MSP", "monitoring, assessment, evaluation", etc.), year 2027

1.2 Develop and share a concise and descriptive overview on national plans' implementation (what does implementation mean in different countries; where/when do they impact on decisions on certain projects, spatial and temporal management of activities etc.):
- Output: overview on national MSPs implementation, if possible, inclusion in established country profiles that would have a dedicated section, 2025 and 2028.

1.3 Develop a regional follow up system on MSP, including monitoring of implementation at the Baltic Sea level.
- Output: BSR follow-up system of implementation of MSPs, 2027.

By providing a concise overview of how the MSP adopted throughout the Baltic Sea Region will be implemented and monitored in this report, we hope to substantially contribute to the above mentioned outputs of the first three joint actions defined under objective 1 of the HELCOM-VASAB Regional MSP Roadmap; in particular the Joint Action 1.2.

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[1] Regional Maritime Spatial Planning Roadmap 2021-2030, HELCOM-VASAB (2021)

2 Overall approach of the study

This report was developed in light of the fact that most BSR countries are currently in the process of implementing or starting implementation of the 1st generation of MSPs within their countries. Hence, MSP implementation should be understood as a learning process itself, representing a new tool, which needs to be considered by those responsible for subsequent licensing or development of lower-level plans. These authorities will need to learn how to work with the given MSPs within their existing processes and regulations.

2.1 Implementation and Monitoring in the EU MSP Directive

For EU Member States, Maritime Spatial Planning is since 23 July 2014 embedded in the framework set by the Directive 2014/89/EU (hereinafter – MSP Directive); where Member States shall comply with a set of minimum criteria.

MSP, as defined in this directive, is a process by which the relevant competent authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives.[2] Further,

it should cover the full cycle of problem and opportunity identification, information collection, planning, decision-making, __implementation, revision or updating, and the monitoring of implementation__, and should have due regard to land-sea interactions and best available knowledge. Best use should be made of mechanisms set out in existing or future legislation.

The MSP Directive is binding for EU Member States; its provisions need to be transposed into national legislation of the member states and should be implemented accordingly. However, even though the MSP Directive calls EU Member States to comply with a set of minimum requirements laid out in Article 6 of the MSP Directive; Member States remain responsible and competent for designing and determining - within their marine waters - the format and content of such plans, including institutional arrangements and, where applicable, any segmentation of maritime space to different activities and uses respectively.

There is __not one single requirement within the MSP Directive which refers to implementation__ as such. Almost all articles refer to 'maritime spatial planning', thus focusing on the process of developing the plans, rather than the implementation of the plans themselves.

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[2] Directive 2014/89/EU of the European Parliament and of the Council establishing a framework for maritime spatial planning was adopted on 23 July 2014. Official Journal of the European Union. L 257/135.

Only the third and last minimum requirement in Article 6 calls Member States to review their MSPs at least every ten years. It otherwise only refers to the process of how the MSPs should be developed. According to Article 9, Member States should ensure that the relevant stakeholders, authorities and the public concerned have access to the plans once they are finalised.

2.2 MSP Implementation and Monitoring in other Guidelines

MSP is developed and implemented in pre-determined spatial boundaries, either at marine sub-basin level (regional level) or national administrative boundaries. The MSP process itself is

The Integrated MSP Process

Natural and socio-economic environment

Strategies affecting the marine and coastal environment

Assess to context 1

Draw up a vision, aims and objectives 2

Evaluate the results 8

Stakeholder perspective

Refine the stocktake 3

Implement the plan 7

Analyse the spatial conflicts 4

Draft a spatial plan 6

Develop solutions 5

Availability and quality of data

Institutional and legal framework

1. Identifying Need and Establishing Authority	2. Obtaining Financial Support	4. Organizing Stakeholder Participation	
Forming the Team and developing a Work Plan	Defining Principles, Goals and Objectives	Specifying Boundaries and Time Frames	10. Adapting the Spatial Management Process
Mapping Important Biological Ecological Areas	Identifying Spatial Conflicts Compatibilities	Mapping Existing Areas of Human Activities	9. Monitoring and Evaluating Performance
Mapping Future Demands for Ocean Space	Identifying Alternative Spatial Scenarios	Selecting a Preferred Spatial Scenario	
Identifying Alternative Spatial Management	Developing & Evaluating the Spatial Management Plan	Approving the Spatial Management Plan	8. Implementing & Enforcing the Spatial Management Plan Measures

Figure 1. a) PlanCoast planning cycle
Source Figure 1a) Schultz-Zehden et al; 2008: PlanCoast Handbook on IMSP

b) Step-by-step approach
Source Figure 1b) Ehler, C. and Douvere, F. (2009) Marine spatial planning: a step-by-step approach

organised in **different phases or steps,** which – despite the significant differences among countries – generally follow the same basic logic as outlined in MSP cycles (figures 1a & b).

Each marine country establishes its own spatial planning framework, corresponding procedures and mechanisms for development, implementation and monitoring, including stakeholder engagement – based on the given planning culture and legislative framework.

While there are currently an increasing number of initial guidelines and tools referring to Monitoring and Evaluation of MSPs, there is relatively **little to be found on guidance in view of the actual implementation**.

2.2.1. SEA Directive 2001/42/EC

The Espoo Convention and SEA Directive 2001/42/EC only apply to consultations necessary within the framework of the adoption or changes of plans, but do not extend to the actual implementation.

2.2.2. HELCOM-VASAB MSP Working Group Guidelines

The HELCOM-VASAB MSP working group has until now issued the following guidelines:

- *'Guidelines for the implementation of ecosystem – based approach in Maritime Spatial Planning (MSP) in the Baltic Sea area'* (agreed during its 11th meeting held in autumn 2015)

- *'Guidelines on transboundary consultations, public participation and co-operation'* (approved during its 12th meeting held in Feb 2016)

- '*Guidelines on transboundary MSP output data structure in the Baltic Sea'* (agreed during its 17th meeting held in Nov 2018)

So far it has not issued guidelines referring to implementation. Thus, as shown above, the Regional MSP Roadmap 2021-2027 adopted in October 2021 aims to address this gap by:

- Developing a **guiding framework to support harmonized evaluation of MSPs**, including a set of definitions (2023)

- Developing and sharing a **concise and descriptive overview on national plans' implementation** (what does implementation mean in different countries; where/when do they impact on decisions on certain projects, spatial and temporal management of activities etc.) (2025 / 2028)

- Developing a **regional follow up system on MSP**, including monitoring of implementation at the Baltic Sea level (2027)

2.2.3. IOC-UNESCO MSP Step-by-Step Guide: 'Step 8: Implementation'

The widely publicised IOC-UNESCO 'step-by-step approach to marine planning'[3] published in 2009 puts much more emphasis on planning rather than the MSP management steps

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3   Ehler, C. and Douvere, F. (2009) Marine spatial planning: a step-by-step approach. Paris, France, Unesco,

indicated below. Still, the guide provides the most extensive explanation on MSP implementation to date.

> **Definition: Implementation** *is the process of converting MSP plans into action or operating programs. As part of the implementation process, designated governmental institutions … will begin the new management actions set out in the approved management plan. Implementation is a critically important step of the MSP process. It is the action phase and it continues throughout the existence of MSP programs. Effective implementation is integral to the success of any MSP program.*

According to the guide, implementation should lead to the following outputs:

- Clear identification of the management actions required to implement, ensure compliance with, and enforce the spatial management plan;

- Clear identification of what, when and who will be responsible for implementation of various management actions.

As the guide was written before the EU MSP Directive came into force, and is directed towards MSP processes worldwide, the following guidance steps are fairly general.

According to the guide, Implementation should be divided by the following three sub-tasks:

Sub-Task 1: Implementation of the Spatial Management Plan

Most States have not opted for the creation of a 'super' marine management agency (as the UK has done) and [...] a 'lead' agency will have been designated to coordinate and oversee the MSP implementation process.

In most cases, existing single-sector management institutions will carry out most actions towards implementation of the marine plan. These institutions can use the comprehensive marine spatial management plan and the zoning plan as guides for permitting, as well as other actions for which they are responsible.

Sub-Task 2: Ensuring compliance with the MSP

> **Definition: Compliance** *is the conformance to the requirements of the specific management actions of marine spatial plans by relevant ocean users.*

Compliance occurs when requirements are met and desired changes in behaviour are achieved so that [...] human activities are located appropriately in designated zones, or certain human activities do not occur in protected areas. […] If the management actions are well designed and specified, then compliance will achieve the desired results. However, if the requirements of the management actions are poorly designed, achieving compliance and/or the desired outcomes will be difficult.

General requirements, such as zoning regulations, permits and licenses, will be most effective if they closely reflect the

practical realities of compliance and enforcement.

With this in mind, they should:

- Be clear and understandable;

- Define which human activities are subject to the requirements;

- Define the requirements and any exceptions or variances;

- Clearly address how compliance is to be determined by specifying procedures;

- Be flexible enough to be constructively adapted through individual permits, licences or variances to different regulatory circumstances;

- Compliance will require all responsible single-sector management institutions not only to implement these plans while carrying out their own responsibilities, but also to generate their own plans and programs in accordance with the spatial management plan.

The guide also showcases approaches to promotion of voluntary compliance.

Sub-Task 3: Enforcing the MSP

Definition: Enforcement *is the set of actions that governments take to achieve compliance with regulations of human activities to correct or halt situations that damage the marine environment or the public.*

Enforcement by the government usually includes:

- Inspections to determine the compliance status of the regulated human activities and to detect violations;

- Negotiations with individuals or managers of activities that are out of compliance to develop mutually agreeable schedules and approaches for achieving compliance; and

- Legal action, where necessary, to compel compliance and to impose some consequence for violating the law or posing a threat to public health or environmental quality, including monetary penalties or withdrawal of a permit.

In addition, certain industries (such as the banking and insurance industries) may be indirectly involved in enforcement by requiring the assurance of compliance with MSP requirements before issuing a loan or insurance policy to construct an offshore facility.

MSP will only be as effective as its ability to enforce the approved plans, rules and regulations. This is a fundamental requirement of the process. The goals of integrated marine spatial planning will be difficult to achieve if there is any significant amount of unauthorised development of marine areas.

Important in relation to enforcement is to ensure that plans, management actions, and regulations are not too prohibitive. Instead, they should be integrated across sectors and communicated in a clear, concise manner to both public and private sectors. Stakeholders will usually support effective enforcement if the rules are consistently applied on the basis of transparent policies and procedures.

2.2.4. IOC-UNESCO Guide on Evaluating MSP

The IOC-UNESCO "Guide to evaluating marine spatial plans"[4] published in 2014 was the first comprehensive guideline developed to assist marine planners and managers in monitoring and evaluating the success of their marine plans. While monitoring and evaluation are often considered only after a plan has been developed, the guide emphasizes the importance of early integration of monitoring and evaluation in the MSP process; of measurable and specific (i.e. SMART) objectives; clear management actions; relevant indicators and targets and involvement of stakeholders throughout the MSP process.

The guide also stresses the importance of **performance over compliance evaluation**.

> *'Performance evaluation is not simply a matter of measuring outcomes. Often a more subtle evaluation is needed … MSP plans should be evaluated, not only by their outcomes, but for how they improve the understanding of decision makers and stakeholders about present and future problems and the opportunities that planning presents to deal with problems in the present to avoid them in the future…'.*

Since the guide is referenced in the Monitoring and Evaluation report of the PanBalticScope project, we will proceed by highlighting important aspects of the latter in the following section.

2.2.5. PanBalticScope Report: Monitoring & Evaluation of MSP[5]

Building on the IOC-UNESCO guide, the PanBalticScope report equally highlights the important distinctions to be made on how success of an MSP can be defined, depending on whether the evaluation focuses on 'conformance' or 'performance'.

1. **Conformance Evaluation:**
   - Spatial Plan as a blueprint for how things will / should evolve in future
   - Compare the actual, observable development of the objectives of the plan.
   - Success = conformity to the plan
   - The possibilities of MSP are limited by liability challenges

2. **Performance Evaluation:**
   - MSP is a decision framework / policy process that gives guidance
   - MSP raises important topics for regional and sectoral development
   - Success = If deviations can be justified in relation to the plan AND the plan is frequently used or consulted in the decision-making process
   - Circumvents challenges of attribution

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4 Ehler, Charles; A Guide to Evaluating Marine Spatial Plans, Paris, UNESCO, 2014. IOC Manuals and Guides, 70; ICAM Dossier
5 Varjopuro,, Riku et al; Monitoring and Evaluation of Maritime Spatial Planning. Cases of Latvia and Poland as examples; PanBalticScope 2019

As will be shown later, the type of plan dictates whether or not 'conformance' is possible within the legal framework, by stipulating full compliance of all stakeholders involved in follow-up actions. In most cases, a 'mix' of both criteria apply.

> MSPs often entail both negative as well as positive regulations; with a zone being allocated to one use – often implying that other activities are excluded or only allowed under certain restrictions. Compliance can therefore either mean, that a certain development has indeed not been allowed in a given zone OR that the plan has actually induced the opposite: a development (e.g. OWF) in a given zone.

The PanBalticScope report concludes with the following recommendations on how the responsible authorities should implement Monitoring and Evaluation in their countries:

1. Defining MSP Objectives and Indicators

- Broad objectives are needed to provide overall direction and purpose.

- To ensure successful monitoring, more detailed / narrow sub-objectives are also needed. These should be realistic, clearly defined and verifiable.

- Qualitative & quantitative indicators should be linked to these sub-objectives.

- Indicators are also needed to assess relevance of the MSP and collect broader contextual information on development of maritime sectors, the marine environment and society.

- Only a limited number of indicators should be selected, which are well targeted and cost-effective. Not all aspects of MSP should be translated into indicators – as these are only one aspect of the whole M&E process.

- Ideally, the environmental monitoring of MSPs should be coordinated with the environmental monitoring done under MFSD.

For MSP Implementation, the following two sets of indicators are important:

Context Indicators:

- Collect information on general developments in maritime sectors and marine environments.

- This information will help in assessing the relevance of the MSP: Is the MSP focusing on the most important issues?

Outcome indicators:

- Collect information on immediate, intermediate and long-terms outcomes such as licence application procedures and projects resulting from the plan; i.e. information on the impacts.

- This information will help in assessing progress in the implementation of the plan (necessary milestones) and the results of the plan (i.e. what has been the influence of the plan?)

2. Processes of Monitoring and Evaluation

- ○ Choose evaluation methods that are designed to enhance understanding and impact mechanisms of MSP rather than only measuring them.

- ○ Organize systematic expert and stakeholder assessment processes that can help reduce uncertainties about the outcomes of MSP and how it influences maritime sectors, the marine environment and society.

- ○ Participatory collection of input from experts and stakeholders – make use of indicators to organize the information collected.

- ○ Form national MSP monitoring and evaluation networks, based on already existing national working groups that supported preparation of MSP plans.

=> This in turn will support the implementation of MSP

3. Transnational Exchange of Experiences on Monitoring & Evaluation

- ○ Organize a workshop(s) within the HELCOM-VASAB MSP WG to discuss first national monitoring outcomes and possibilities of cross-border cooperation in M&E.

The report shows that this kind of systematic follow-up is easier if it is underlined by a concrete action and/or work plan of measures, following the given MSP. In chapter 5.1.3 we will assess whether and how the various MSPs in the BSR countries anticipate concrete 'implementation plans'.

2.3 Methodology of work

The assessment work was performed via preliminary desk research (esp. of the given MSPs) and literature research. In light of the above-mentioned lack of studies undertaken so far on the implementation of MSP, emphasis was subsequently put on the **direct follow-up communication and interviews with representatives from the planning authorities** involved in the national or regional MSP processes in the BSR countries, as well as select cases from the North Sea (Belgian National MSP and England's South Marine Plans).

Joint discussions held during the Planners Forums (within the context of the Capacity4MSP project) were also considered in drafting the report, including identified support mechanisms.

Assessment questions were informed by the following basic set of questions, derived from the conceptional framework provided by earlier studies and guidelines, as described above:

Characteristics of the plan

1) What type of plan is it?

2) What are the provisions set in the plan? What type of zones? What type of other provisions?

3) What are the implementation mechanisms as provided in the plan?

Communication

4) Once the plans were adopted, how did those responsible for implementing the plans policies find out about them? How effective were the various tools & methods applied?

Implementation & Governance

5) How do public authorities responsible for implementing the policies set in the plans coordinate with one another?

6) What processes directly use the provisions set forth in the plan (e.g. licensing & permitting)

7) Who is responsible for making decisions as part of these processes?

8) What is the role of the given MSP Authority in overlooking the implementation of the plan?

○ How powerful is the MSP Authority in relation to the other agencies involved in implement-ing the plans' provisions?

○ If existing, what is the role of the 'coordinat-ing committee' and who is represented in this group?

Monitoring & Evaluation

9) What is the monitoring approach? What kind of check is done?

○ conformance evaluation (e.g. assesses whether a plan's objectives have been met) or

○ performance evaluation (e.g. was the plan used in decision-making or permitting procedures)?

10) Who is responsible for the monitoring & evaluation?

○ Hence deciding also on indicators, information collection and analysis

11) How are stakeholders involved in the plan development also involved in the M&E process?

12) How is information collected for both qualitative and quantitative indicators?

○ Surveys, Interviews, stakeholder events?

Amendment / adaptation of the MSP

13) Does the legislation allow for an amendment of the given plan within the set validity period?

14) If yes, what can trigger an amendment or revision of the plan within its set validity period?

15) How are external factors considered when making decisions about amending or revising the plans within their set validity period?

16) Who is responsible for making plan changes and ultimately deciding upon them?

Cross-Border Aspects

17) How are neighbouring countries informed about plan implementation?

18) How will they be informed about any changes needed to the plans which may impact them?

3. Setting the scene

EU Member States, including most BSR countries, have been working towards meeting the deadline set in the EU MSP Directive to adopt MSPs for their national waters by March 2021. As BSR countries have worked towards meeting this requirement, their attention has increasingly turned from plan development to implementation and M&E. While the MSP Directive sets a common goal across most BSR countries, they are nevertheless still at various stages and levels of experience regarding the development, implementation and M&E of the MSPs.

The Capacity4MSP "Synthesis report with policy messages (activity 2.1)," which provides a compendium of knowledge on MSP in the BSR from past and ongoing projects, comes to the following conclusion: ***"Implementation has to be shown much more clearly and possible consequences for other agencies/ministries should be assessed and monitored."***

With this in mind, this chapter presents the status of the MSPs adopted[6], in preparation or under revision in the BSR countries. The chapter also characterizes the BSR MSPs and the mechanisms defined in the plan, ensuring that it is followed by the stakeholders involved. It also elaborates on the extent to which MSPs can be adapted before a formal revision is undertaken in a follow-up 2nd edition. Hence the overview is presented as it relates to *how* the MSPs are implemented, monitored and evaluated and possibly adapted.

3.1 Maritime Spatial Plans in the BSR

3.1.1 What type of plan?

The way an MSP is used and implemented by the given stakeholders highly depends on how it is embedded into the overall legislative framework of a given country:

- If it is a ***legally binding plan***, as is the case for most BSR countries, then there are specific rules on how it is implemented. As will be shown, these rules can vary substantially across different countries, depending on the level of detail provided by each MSP.

- If it is a ***strategic plan*** (as in Finland and Sweden) the implementation occurs at a different spatial scale, through other planning processes, e.g. regional plans. The MSPs are mainly seen as an overarching framework providing the necessary background information for the lower-level, binding plans.

In reality, however, the progression is a more incremental than the two above categories. In the Swedish case, for instance, implementation also occurs in the licensing processes and in other administration work at a more general level. The Swedish MSP ordinance states that the MSP

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6 as of October 2021

serves as a guide for follow-up planning and licensing. This is obviously more than just contextual background for other plans.

There are also notable differences across Member States as to what extent plans can be adapted before their official revision. Some countries completely forbid adaptations without changes to the overall plan, which then has to go through the same process as the actual plan development.

Generally, the more strategic and less prescriptive the MSP, the easier it is to take on board deviations resulting from external developments. This allows for some flexibility within the usual 6 - 8 year timelines indicated for the validity of a MSP.

Another way of differentiating the given MSPs is through their *connection to corresponding land-use plans*.

- The **Danish, Polish, Estonian and Swedish** plans focus *entirely on marine areas*.

- The **German MSP for Mecklenburg-Vorpommern** and the **Lithuanian plan** are *part of the overarching Spatial Development Plans* of their territorial jurisdiction. They therefore automatically cover both land and sea.

- The **Finnish** and **Latvian MSPs** focus on marine areas only, but their subsequent lower level plans at either regional (Finland) or municipal (Latvia) level *connect to terrestrial plans*.

3.1.2 Terminology used within the MSPs

The plans have sometimes different names for the same meaning or different meanings for the same terms used in implementation mechanisms: i.e. planning provision, guidance, executive order, regulations, etc. 'Guidance' is for instance used both for legally binding rules that sectors need to follow (such as in Estonia) as well as for softer 'recommendations' (such as in Finland/ Sweden).

Polish plans indicate 'bans and restrictions' in using sub-sea areas[7]; binding conditions for using a given sub-sea area as well as stipulations towards terrestrial planning at the municipal and regional level[8]. At the same time there are, however, also so-called 'soft suggestions' within the plan.

Whereas these variations in terms may not be an issue within the given country; it is important to recognize these differences for transnational communication on MSP.

In the context of the new HELCOM-VASAB MSP Roadmap 2021, it has therefore been suggested to agree on a common definition of MSP implementation.

3.1.3 Current Status of MSP Development in the BSR[9]

Almost all Baltic Sea Region EU Member States have by now finalised their Maritime Spatial Planning processes:

Germany has already adopted their second versions of MSPs, as the first ones were adopted either before or right after the introduction of the MSP Directive 2014/89/EU, but

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[7] zakazy i ograniczenia‎
[8] USTALENIA WIĄŻĄCE SAMORZĄDY WOJEWÓDZTW ORAZ GMINY
[9] as of 30th November 2021

before its transposition deadline:

- 2006: The Federal State of Mecklenburg-Vorpommern was the first to adopt an MSP for its territorial waters (12 sm zone) within the Baltic Sea.

- 2009: MSP for EEZ adopted by the National Level (both North and Baltic Sea)

- 2016: A 2nd edition of the MSP for Mecklenburg-Vorpommern was adopted.

- 2021: The revised 2nd editions of the MSPs for the EEZ (both North and Baltic Sea) were adopted on 1st Sept 2021, taking on board more uses and also marine protected areas.

In **Lithuania,** a first MSP was developed and adopted in June 2015 as an extension of the existing national comprehensive plan[10]. The new Comprehensive 'Lithuanian 2030' plan, which establishes a spatial integration policy also including marine areas[11], was adopted on 29th September 2021.

In the meantime, **Latvia**, **Finland and Poland** have adopted their 1st National MSPs developed under the framework of the EU MSP Directive.

Also the **Danish MSP** is already in force, but since the full consultation round is not yet concluded, the final adoption is currently still pending. In **Sweden** and **Estonia** the planning processes have also been concluded, with the national MSPs currently awaiting their adoption by their respective governments.
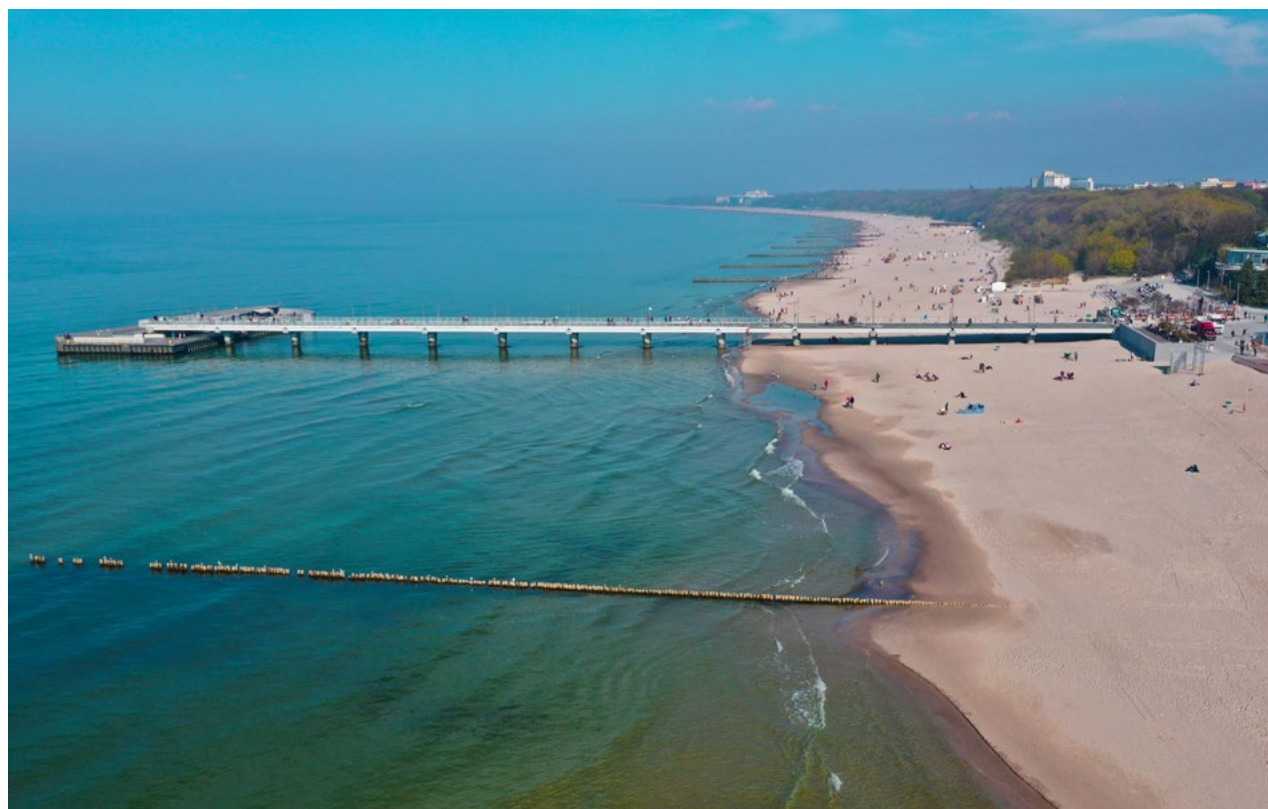
Russia – as the only non-EU country not bound by the EU MSP Directive - has not yet adopted legislation that would require the MSP. However, experience is accumulated in research institutions via participation in transboundary projects[12]. These institutions are currently developing the Russian MSP Roadmap, supported by the Ministry of Natural Resources and Environment of the Russian Federation.

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[10] https://www.e-tar.lt/portal/en/legalAct/acabfe0014e411e58569be21ff080a8c
[11] http://www.bendrasisplanas.lt/2019/12/13/en/
[12] https://www.ermaknw.ru/

Table 1: MSP Status within the BSR countries (Nov 2021)

Country	Type	Planning level	Area covered	Competent authority	Status
Denmark	Binding	National	All marine waters	Danish Maritime Authority	In force (March, 2021), adoption pending as consultation ongoing
Estonia	Binding; incl. OWF installations	National	All marine waters	Ministry of Finance	2nd Draft available, but not adopted
		Regional: Hiiu	county's territorial waters	Hiiu County Board	In force (September, 2016)
		Regional: Parnu	county's territorial waters	Parnu County Board	In force (April,2017)
Finland	Strategic; non-binding	Regional: Northern Bothnian Sea, Quark, Bothnian Bay	All marine waters	Coastal Regional councils	In force (Dec, 2020)
		Regional: Archipelago Sea; Southern Bothnian Sea			
		Regional: Gulf of Finland			
	Binding	Regional	Territorial waters	8 Coastal Regional Councils	Regional land use plans in force, some under development
	Binding	Local	Territorial waters	60 coastal municipalities	Local general and detailed plans in force, some under development
	Non-Binding	Autonomous territory of Aland Islands	Public Territorial waters	Government of Åland	In force (March, 2021)
Germany	Binding	Federal	EEZ	Responsible: Federal Ministry of the Interior, Building and Community (BMI) Preparatory steps of plan preparation Federal Maritime and Hydrographic Agency	In force, 1st MSP (2009) revised 2nd MSP (Sept 2021)
	Binding	State, Mecklenburg-Vorpommern	Territorial and internal waters; Part of Regional Plan	Ministry of Energy, Infrastructure, Digitalisation MV	In force (1st: 2006 / 2nd: June 2016)
	Binding	State, Schleswig-Holstein	Territorial and internal waters	Ministry of Interior, Rural Areas and Integration SH	In force (Oct 2010), revision of plan under elaboration

Table 1: MSP Status within the BSR countries (Nov 2021)

Country	Type	Planning level	Area covered	Competent authority	Status
Latvia	Binding	National	All marine waters (incl. 2 km coastline zone see below)	Ministry of Environmental protection and Regional Development	In force (May 2019)
	Non-Binding	Local	2 km wide coastline zone, coastal waters- but more for adjacent beach / shore territories	11 Coastal municipalities (after administrative reform, July 21)	Different, some pilot plans developed
Lithuania	Binding	National	All marine waters and terrestrial areas of Lithuania	Ministry of Environment	In force: 1st LSP 2015); 2nd LSP 2030 (Sept 2021)
Poland	Binding	National	All marine waters	Preparation of plan: Director of Maritime Offices in Gdynia; Szczecin Responsible: Ministry of Infrastructure	Adopted
	Binding	Local	Szczeciński Lagoon	Maritime Office Szczecin	In preparation
	Binding	Local	Kamieński Lagoon	Maritime Office Szczecin	In preparation
	Binding	Local	Gdansk Bay	Maritime Office Gdynia	In preparation
	Binding	Local	Vistula Lagoon	Maritime Office Gdynia	In preparation
	Binding	Local	For several port area waters	Maritime Offices	Some elaborated / some in elaboration
Sweden	Guiding	National, Gulf of Bothnia	From 1 nautical mile from the baseline till border of EEZ	Swedish Agency for Marine and Water Management	In adoption
		National, Baltic Sea			
		National, Western Waters and Skagerrak / Kattegat			
	Guiding	Municipal comprehensive plans and regional plans	Internal and territorial waters	65 Coastal municipalities 2 out of 21 regions have planning responsibilities	In force; however, marine issues not always fully covered
Russia	n/a	Not defined	Internal waters, territorial sea, EEZ	Not assigned	In preparation

3.1.4 What are the sectors/functions shown in BSR MSPs?

As provided under Article 5.2 of the EU MSP Directive, Member States shall contribute through their maritime spatial plans to the sustainable development of

- **energy** sectors at sea,

- of maritime **transport**, and

- of the **fisheries** and **aquaculture** sectors, and

- to the preservation, protection and improvement of the **environment**, including resilience to climate change impacts.

In addition, Member States may pursue other objectives such as the promotion of sustainable **tourism** and the sustainable **extraction of raw materials**.

Article 8.2 provides a long list of possible activities, uses and interests that may be included in MSPs.

It would be expected, that EU BSR member states have similar approaches to the aforementioned sectors. But, in actual fact, Table 2 shows that the coverage of sectors/uses differs substantially between the various MSPs adopted.

Also the designations for the given sectors differ substantially. While some countries explicitly differentiate between zones for existing uses and zones for possible future uses (i.e. Denmark refers to 'development areas'; Sweden to 'investigation areas'), others show such differentiation only at 'sub-level' (i.e.

Article 8.2 EU MSP Directive

1. aquaculture areas,

2. fishing areas,

3. installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources,

4. maritime transport routes and traffic flows,

5. military training areas,

6. nature and species conservation sites and protected areas,

7. raw material extraction areas,

8. scientific research,

9. submarine cable and pipeline routes,

10. tourism,

11. underwater cultural heritage.

in the explanatory text). Poland is the only country to show areas for 'future uses'. These uses are not further defined, since any kind of permanent developments / constructions are not allowed within these areas. At same time, the Latvian 'general use' zone refers to many possible new uses, but without having allocated specific areas for them – as these were not known at the time of development of the MSP.

Some countries mention uses, but have only 'taken them into consideration' in view of restrictions to other uses. They do not, however, explicitly dedicate special 'positive' zones for such uses. This is for instance the case in the MSP for the German EEZ. In Tables 2 and 3 these uses / sectors are therefore only earmarked with a lower capital 'x'.

Zones for 'general use' are only shown by Denmark, Latvia and Sweden; it is assumed that in all other countries, all zones with no designations are regarded as general use zones (see also the following chapter on zoning).

Table 2: Sectors / uses mentioned in Article 8.2 of the EU MSP Directive

Countries:	DK	DE		PL	LT	LV	EE	FI	SE
		EEZ	MV						
Sectors / Uses:									
General Use	X				X	X			X
Shipping Routes	X	X	X	X	X	X	X	X	X
Energy: OWF	X	X	X	X	X	X	X	X	x
Energy: Oil & Gas	x[13]			X		x[14]	X		X
Energy: Wave						x[14]			
Cables	X	X	X	x[15]	X	X	X	X	X
Pipelines	X	X	X	x[15]	X		X	X	
MPAs	X	X	X	X	X	X	X	X	X
Fishing		x[16]	X	X	X		X	X	X
Aquaculture	X	x		X		x[13]	X	X	
Fish	X					x[13]	X	X	
Shellfish	X					x[13]	X		
Algae						x[13]	X		
Defense / Military Training	X	X			X	X	X		X
Raw Material Extraction	X	X	X	X	X	x[13]			X
Marine Culture							X	X	X
Underwater Cultural Heritage		x		X	X	x[13]	X	x	
Tourism and Recreation		x	X	X	X		x	X	X
Scientific Research		X		X					

[13] Wave as part of technological neutral zones for renewable energy
[14] Considered as possible use under 'general use areas'
[15] Mentioned under 'Technical Infrastructure'
[16] Especially also 'divers' (birds) in the North Sea (not in Baltic Sea)

Table 3: Sectors shown in BSR EU Member State MSPs, not mentioned in Article 8.2 of the EU MSP Directive

Countries:	DK	DE		PL	LT	LV	EE	FI	SE
		EEZ	MV						
Other Sectors / Uses:									
Diving						x[14]			
Sea Rescue, Pollution, Boarder Guard							X		
Dumping					X	x[14]	X		
Natural resources							X		
CO2 storage	X								
Compensation Excavation	X								
Land Reclamation	X								
Protective Measures for Aviation	X	x							
Multi-Functional Use		x		X	X				
Energy / Artificial Islands	X			X					
Specific Coordination Areas								X	
TEN-T Ports and Ports			X		X			X	
Special Areas					X			X	
Maritime Industry								X	
Archipelago								X	
Coastal protection			X	X	X				
Space Reserved for Future Use				X					
Environmental Conditioned Local Development				X					
Investigation areas: Energy Extraction									X
Investigation areas: Sand Extraction									X
Investigation areas: Maritime Shipping									X
Connections					X			X	

As can be seen from the two tables, only nature conservation areas (shipping routes, cables & pipelines and offshore wind farms; hereafter OWF) are shown with designated areas by all EU BSR countries.

Whereas shipping routes and nature conservation areas refer to current uses/interests; areas for OWF are mostly indicated by possible future development areas. There are large differentiations as to whether MSPs show areas with existing OWFs; licensed OWFs; suitable areas for OWFs or 'investigation areas' for OWFs. The same applies to cables and pipelines, where in some case reference is made to existing connections, but in other cases only to planned infrastructure development.

For all other sectors there are major differences between countries:

- **Energy sectors other than OWF** are presented in Denmark, Poland, Estonia, Sweden and Latvia, which can be explained by natural conditions. Interestingly, apart from oil and gas, Poland, Latvia and Denmark also explicitly mention the potential for wave energy.

- **Raw Material Extraction** is missing from Finnish and Estonian plans; probably again simply due to the fact that such uses are not foreseen in these marine areas.

- **Fisheries / fishing** is not part of any MSP. Denmark and Latvia do not show such areas and the German MSP for the Baltic EEZ only considers 'fisheries' under conditions set for other uses. It should, however, be noted that the German MSP for the North Sea MSP

developed by the same agency does explicitly consider areas for fisheries of North Sea Lobster.

- **Marine Aquaculture** is not shown at all by the MSP for the German 12 sm zone (MV), nor by the Swedish MSPs. The Swedish MSP include, however, the objective to create preparedness for the future establishment of sustainable aquaculture. To that end the national strategy for aquaculture foresees that the majority of Sweden's municipalities identify and include suitable sites for aquaculture in their comprehensive plans. Such planning evidence together with developed cultivation technology is seen to contribute to better planning conditions for aquaculture in the national MSP in the long run.

- **Defence** as a sector is not mentioned by Mecklenburg-Vorpommern (DE), Poland and Finland, despite the fact that all MSP processes have shown military concerns to be a major factor alongside economic or environmental. It therefore remains out of the scope of this study to judge whether defence concerns have played a role in the explicit designation of other uses.

- **Cultural Aspects** are taken into account by many countries, albeit in substantial variations. Finland and Estonia do not only show Underwater Cultural Heritage, but also other important marine or socio-cultural objects, areas and landscapes. Sweden generally refers to culturally valuable sites, with underwater heritage sites not being specifically earmarked (but being part of these sites). Within the German MSP for the EEZ, as well as the Latvian MSP, underwater

cultural heritage has been taken into account, but is not part of specific zones. Denmark and the German MSP for MV do not earmark any cultural sites.

- **Tourism and recreation** are not shown explicitly by the Danish and Latvian MSP. However, Denmark has for this reason tried to leave as much of the coastal waters as possible as a general use zone (without fixed installations), in order to respect tourism and recreational uses. In the German EEZ MSP and the Estonian MSP tourism is taken into account, but with no specific zoning applied. On the other hand, Finland, Sweden, Poland and the German MSP for MV explicitly show tourism and/or recreation areas.

- **Scientific Research** areas have only been earmarked by the German MSP for the EEZ as well as in the Polish MSP. In Germany, however, these refer to priority areas for existing platforms used for research purposes only; in Poland these areas fall into the category of 'allowed and not priority uses' (see chapter below). Also, the 'special areas' within the Finnish plans are for specific research applications (i.e. autonomous shipping routes). These areas should not be confused with 'investigation areas', which are shown in the Swedish and Latvian plans; these refer to possible future uses to be allowed in a given area.

It goes beyond the scope of this study to compare how much space is provided for each sector in each country. In any case, considering the enormous differences in size and natural characteristics of the respective marine waters, such a comparison would not lead to substantial conclusions.

Table 4: Distribution of Main Functions across the Polish MSP

Main function	Basins	Total area (%)	Total area (km²)
Nature conservation	6	3,50	1.146,95 km²
Environmentally conditioned local development	1	0,66	217,14 km²
Transportation	20	20,65	6.761,10 km²
Technical Infrastructure	1 (+1)	0,19	61,38 km²
Port Infrastructure	12	1,69	554,79 km²
Exploration, and extraction of mineral resources	7	0,82	269,66 km²
National security and defence	5	5,46	1.788,29 km²
Producing and storing renewable energy	7	7,16	2.342,95 km²
Coastal protection	11	1,92	627,72 km²
Space reserved for future use	6	3,18	1.041,99 km²
Space reserved for future use with extraction allowed	18	**52,58**	17.215,70 km²
Multi-functional economic growth	1	2,17	711,38 km²
TOTAL	95		

Thus Table 4 only shows the given calculation as provided by Poland during their international consultation[17].

In addition to the sectors listed in the EU MSP Directive, every BSR EU Member State has earmarked additional sectors, uses and interests within their MSPs. As can be seen in Table 3, many of them are unique to the given country, with no equivalent in other MSPs throughout the Baltic Sea Region. In some cases, different terms are used, which refer to similar types of uses.

Special zones for Multi-Use are for instance not only shown in Poland, but are also part of Danish, Finnish and German EEZ plans. Denmark refers to energy islands and Finland to 'specific coordination areas'. Germany only mentions the possibility for multi-use in conjunction with fishery research around OWFs as well as possible aquaculture facilities. Even though not called 'multi-use zone', Swedish plans often des-

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[17] Zaucha, J and Matczak, M; Maritime Spatial Plan of the PolishSea Areas draft v.0 to draft 3; Maritime Institute Gdansk; PPT at 3rd International Consultation MSP Meeting, Warzaw, 4/5 June 2019

ignate two or more uses for the same area; thus promoting co-existence or multi-use.

Sectors/uses not mentioned in Article 8.2 of the EU MSP Directive, but considered by some countries include *diving; *dumping, *CO2 storage, *land reclamation, *compensation excavation, *maritime industry and *ports. In addition, some MSPs show areas important for other functions, i.e. *coastal protection; *sea rescue and even *aviation (thus uses above the water column).

Finland not only shows the usual 'shipping routes' and 'cable/pipeline' connections as linear infrastructures within their MSP, but also points to other **connections**[18]; i.e. for tourism and recreations; ecological and functional connections.

■ Ecological connection
■ Tourism and recreational connection
■ Pipelines cables and pipes
■ TeN-T- functional connection
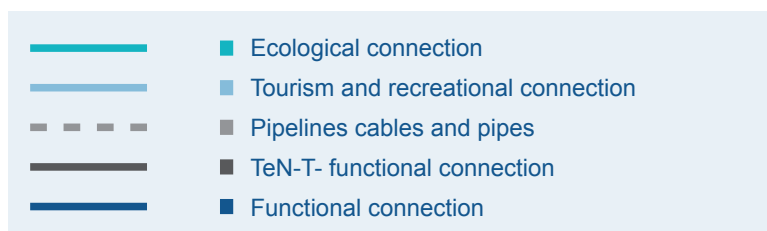■ Functional connection

Figure 2. Finland: Connections shown in MSP

3.1.5 Zoning options applied

Generally, all MSPs are characterized by showing:

- zones, in which given or additional uses are explicitly allowed;
- zones, where given or additional uses are allowed under certain conditions;
- zones, in which given or additional uses are not allowed;
- 'white' zones, where none of the above regulations apply

All MSPs explicitly show the 'positive' areas in their plans, i.e. where a use is allowed. Restrictions are mainly shown in the accompanying explanations and conditions. Thus, plans have to be screened in detail as to understand what is allowed or not allowed.

Despite these general applicable rules, there are differentiations in the zoning systems applied within the various MSPs, as shown in the following section.

Poland, **Germany** and **Latvia** work with so-called '**priority areas**', where no use is allowed that would significantly constrain the use that is given priority in this area. All three countries designate such priority areas to *shipping routes, *offshore wind development and *nature protection. Poland and Latvia also earmark priority areas for defence; while Poland also has *coastal protection, *extraction of mineral resources as well as *space for future uses as priority areas.

Poland has assigned one priority use (alternatively described as basic or main function) to each of the 95 sub-areas of its MSP. This function dictates the general use in a given basin, which cannot be disturbed by other forms of use.

This priority use is then complemented with other **permitted functions**, which do not constitute an obstacle to the main function or cause conflicts in this field. In exceptional cases, certain limitations to the acceptable functions may occur (e.g. only certain forms of fishing may be allowed in the areas intended for renewable energy production and storage). Allowed functions may conflict with each other, hence certain regulations need to be included in the Plan

to ensure that allowing for such functions does not have a negative impact on sustainable development of a given basin or sea area.

Table 5: Designations for Sectors covered by the Polish MSP

Sectors for which Poland has assigned priority areas are:	Sectors, which are subsequently allowed in some areas include:
- Ports and haven functioning; - Environment and nature conservation - National security and defense; - Coastal protection; - Acquiring renewable energy; - Exploration, prospecting and extraction of mineral resources; - Space reserved for future use; - Space reserved for future use with extraction allowed.	- Fisheries; - Transportation; - Aquaculture; - Scientific research; - Cultural heritage; - Technical infrastructure; - Artificial islands and structures; - Tourism, sport and recreation; - Environmentally conditioned local development; - Multi-functional economic growth.

Transportation and **fishing** are specific as they are actually **permitted in the entire area covered by the Plan**, with the exception of designated areas closed to shipping or fishing, with restrictions shown in the various sub-zones.

Latvia also shows priority use areas for shipping, defence, nature conservation, offshore wind development and electricity cable corridors. However, as shown in the Table 6[19], other uses are also allowed in these areas under certain conditions

Table 6: Conditions of use in Latvian MSP priority areas

Type of marine space use	Conditions of use
Area reserved for shipping (T1, T2, T3)	Stationary structures or constructions that are not related to the ensuring of safe navigation, or not involved in the provision of shipping services are not allowed (incl. WPPs, wave power plants, hydrocarbon exploration and experimental extraction platforms, aquaculture fields). If the optimal position for construction identified during the exploration of wind parks overlaps the areas reserved for shipping, by agreeing on the spatialsolutions for ensuring shipping safety, a displacement of the areas reserved for shipping is possible.
Area of interest for national defence (M1, M2, M3)	Stationary structures or constructions that are not related to ensuring safe navigation (incl. WPPs, wave energy stations, hydrocarbon extraction platforms, aquaculture fields) are not allowed, without the consent of the Ministry of Defence.
Investigation area of nature values (B1, B2, B3, B4, B5)	Until the exploration of respective zones, the issuance of licenses for new uses of the sea that could potentially endanger protected underwater biotopes and species, (incl. WPPs, wave power plants, hydrocarbon extraction platforms, aquaculture areas) is not allowed. If the survey does not identify conservation nature values, the areas explored or parts thereof may be anticipated for issuing licenses for new uses of the sea.
Research area for wind park development (E1, E2, E3, E4, E5)	New licenses for the installation of a WPP and research required for it shall only be issued in these zones by the Ministry of Economics. Prior to the construction of a WPP all procedures specified in regulatory enactments shall be performed, incl. an Environmental Impact Assessment.
Potential electricity cable coridor (K1, K2, K3, K4, K5)	When planning the transnational interconnections and/ or WPP connection tothe onshore grid, planned directions should be investigated first.

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[19] Taken from Latvian MSP, document in English can be found at: https://www.varam.gov.lv/en/maritime-spatial-planning

However, the other categories differ substantially – as the Latvian MSP furthermore defines:

○ **Existing uses and objects**, which are connected to the use of marine space and whose location and management is determined by regulatory enactments.

○ **General use areas,** where all sea uses are allowed (incl. fishery, shipping, tourism and leisure, scientific research etc.)which do not contravene the restrictions defined in regulatory enactments and do not cause significant negative impact to the marine environment. In order to initiate new uses of the sea, it is necessary to apply and obtain an initial license, carry out an EIA procedure and subsequently obtain a license for the construction works and/or exploitation of resources.

Germany works – according to its spatial planning law – mainly with *priority* and *reservation areas.* In priority areas no use is allowed that would significantly constrain the use that is given priority in this area. In reservation areas a certain use is given special weight in the balancing of competing interests in the areas. Unlike priority areas, it is not certain that the activity receiving specific attention has absolute priority. In Germany, *priority areas have the legal character* of spatial planning objectives; whereas reservation areas are based on spatial planning principles.

Sectors, for which Germany has allocated priority areas include:

○ Shipping Routes (but not all routes)

○ Offshore Wind Energy (but not all areas)

○ Nature Conservation (and specifically for Divers)

Characteristics specific to the German plan are a number of 'temporal' restrictions which either apply to a specific season of the year or are only valid until a given year in the future.

The **Danish MSP** does not explicitly differentiate between priority or other zones. The zones indicated in the digital plan can only be searched through the sectors, which are differentiated between 'development zones' for a set of given new purposes and a number of zones for existing uses (cables, pipelines, compensation excavation, protective measures for aviation, land reclamation projects, nature and environmental protection areas and shipping corridors). Generally, areas which are earmarked under these later higher level sector designations can also be interpreted as

Development zones
Ah Marine aquaculture
Ak Cultivation and transplantation banks for the production of shellfish
Ao Farming of shellfish in the water column
Ec CO_2 storage
Ei Renewable energy and energy islands
Eo Oil and gas exploration and extraction
Ev Renewable energy
Ib Specific transport infrastructure projects
R Natural resource extraction

Figure 3. Denmark: Development zones

'priority zones' or as in the Polish case 'main / basic uses'. In the sub-level explanation it becomes obvious that these uses are always seen as priority uses, which shall not be impeded by other obstacles.

As mentioned before, Denmark also foresees a number of 'General Use' areas. In a marked difference to the 'general use' areas designated by Latvia, Denmark does not allow for new uses in these zones, for which development zones have already been established under the given MSP. Thus, the definition of 'general use' areas in Denmark is different to those zones used in Latvia and/or Poland designated to 'future uses'.

The national **Estonian MSP** does not differentiate explicitly between priority or other uses. However, the smaller scale specific plans already adopted for the Pärnu Bay and Hiiu Island actually do differentiate between priority areas and general use areas. Priority is given in certain areas to *shipping lanes, *aquaculture, *cultural heritage, *recreation areas. Restriction areas (similar to priority areas) are granted to *marine protected and *national defense areas. In addition, the plan for Pärnu Bay also foresees specific areas for *OWFs.

The **Finnish MSPs** – as strategic guiding documents – do not 'intend to reserve areas for a particular purpose'. Even though they indicate areas of significance and with potential, operations may also take place in areas other than those identified in the plan. The plan or any of the zones indicated can therefore not be differentiated from any of the above possible legally binding zones.

The **Swedish MSPs** are strategic and non-binding. Thus, similar to the Finnish MSPs, it is not possible to apply the same zoning categories as in legally binding plans. Nevertheless, both type of plans provide guidance on which use or uses should take precedence in a given area as well as on necessary adaptations.

In that the Swedish plans have the following two main zoning categories:
Most suitable use. Designated uses have priority over other uses. Other uses within the area must be adapted to the conditions and needs of the specified uses in management, planning and licensing processes.
Particular considerations. Within the area particular consideration must be made of the interests in management, planning and licensing examinations. Particular consideration exist for total defense, high cultural landscape values and high nature values.

Remarkably, the *Swedish MSP is the only plan which calls certain existing shipping lanes (around Gotland) into question* due to possible negative environmental impacts. It is the only country around the Baltic Sea Region which pro-actively questions the currently spatial allocation for an existing long-term use.
At the same time – similar to many other MSPs – Sweden also clarifies that even if the MSPs show important fishing grounds or shipping lanes, in actual fact both uses can still take place in all other areas; unless explicitly forbidden.

4. Governance of MSP Implementation

4.1 How do others find out about how to implement the plan?

In all countries, communication with relevant stakeholders has been established as part of the MSP development process. Thus, the adoption of the plan itself often does not come as a surprise.

4.1.1 Communication plans

While many countries develop and implement communication strategies or stakeholder interaction plans to support the development of their MSPs, such strategies/plans often do not address the communication needs of the subsequent implementation and monitoring & evaluation phases.

In all countries, the adoption of an MSP plan is formally announced by the responsible ministry in *a press release and within *law and ordinance journals. In view of the limited effect and outreach of such journals, separate messages are often sent to those who were involved in the planning process at national level. *In Finland, for instance, everyone could register for an MSP cooperation network to receive regular updates on the work of the MSP development; and was therefore also informed about its adoption.*

International stakeholders and especially neighbouring countries are also often informed both via the MSP platform and the HELCOM-VASAB MSP working group, and via sep-

arate letters including information on how specific requests from them have been dealt with in the adopted plan.

The need for further communication during the MSP implementation phase depends on who is ultimately responsible for the implementation of decisions. In the case of licenses and/or permits being issued at central level, communication mainly follows the usual governmental routines (e.g. Mecklenburg-Vorpommern). If implementation is in the hands of numerous lower level actors, i.e. coastal communities, more communication efforts have to be undertaken, which may also have to be guided by a distinct communication plan.

Hence within the BSR, currently only SwAM in Sweden aims to develop a communication strategy to define the communication process with the country administrative boards and municipal level respectively as well as the other sectoral planning agencies, responsible for the implementation of operational measures.

The intensity of communication largely depends on the resources and capacity of the MSP competent authority; keeping in mind that hardly any country within the BSR has such a large and well funded MSP institution as the MMO in England / UK.

4.1.2 Web-based communication

Previously plans were mainly published in 'static (pdf)' versions on given websites of the MSP authorities. However, countries are moving more and more towards dynamic GIS platforms or web maps for publication of MSPs. As shown below, these are currently of varying quality. The Danish and Finnish MSP are especially 'easy to access' and 'click through'; being available in national as well as English versions and showing not only the underlying regulations/conditions but further complementary information. In Denmark, the digital version is legally

binding since March 2021. Also in Estonia it is expected that the digital version will become legally binding.

In **Finland,** the recently adopted MSP is shown on an interactive web-portal with map markings displayed in more detail by clicking on them. This provides information about the location, a detailed clarification and a description of the marking. When viewing the map, background data can be accessed providing additional information , e.g. on conservation areas. The marking card library is an integral part of the mapped plan. The library provides a general label for the map markings; a description of each marking; planning principles; characteristics of the planning areas; interactions between land and sea as well as the corresponding principles, surveys and studies.

The **Danish MSP** is only presented in a digital version, the so-called 'digital executive order' (havplan.dk) available in Danish and English. The digital maritime spatial plan map, showing all area use designations as well as associated regulations, is part of the executive order. The executive order on Denmark's maritime spatial plan is accompanied by explanatory notes describing the background to the maritime spatial plan. These explanatory notes are, however, not part of the executive order. In addition, it is also possible to view a number of service details, which are not part of the executive order, displayed on the maritime spatial plan map. These include information on tourism, outdoor life and cultural heritage.

Equally, **Estonia** aims to further develop the given MSP portal developed by a consultant during the development phase into a separate open-access portal; so that everyone can see both the plan and the underlying material.

In **Germany,** the 2nd MSP for the EEZ is already shown on the 'GeoSeaPortal' (German language only) along with other relevant spatial information maps (i.e. geomorphology, bathymetry, benthos, etc.). Even though designations of the various layers are shown, the portal does not show the more detailed regulations behind the various zones / uses.

The overarching **Polish** plan is shown on a web-portal (Polish language only) which is, however, not as easily accessible as the MSPs / portals mentioned before.

Sweden wants to develop digital plans in the long-term. Important MSP content is already presented in easily ac-

cessible ways on webpages. The existing map tools will be updated with content from the adopted plan so that it can be used for decision-making purposes. Currently, however, all legal documents are reports in PDF format.

Table 7. Links to GIS versions of MSP

Country	Link
Estonia	https://www.fin.ee/en/state-local-governments-spacial-planning/spatial-planning/maritime-spatial-planning
Denmark	https.//havplan.dk
Latvia	https://geolatvija.lv/geo/p/290 - 292
Finland	https://meriskenaariot.info/merialuesuunnitelma/en/suunnitelma-johdanto-eng/
Poland	https://mapy.umgdy.gov.pl/pzp/apps/webappviewer/index.html?id=0540604136b54738b1e0494c40f297ab
Sweden	https://www.havochvatten.se/planering-forvaltning-och-samverkan/havsplanering/havsplaner/forslag-till-havsplaner/karta-att-utforska.html#
Germany	https://www.geoseaportal.de
Baltic Sea Wide	https://basemaps.helcom.fi/

On a pan-Baltic level, the Baltic Sea MSP GIS platform, provided by HELCOM also shows so-called MSP output data; i.e. the various designations provided by the BSR member states in their MSPs.

Benchmark / Good practice outside BSR (UK):

In England, UK the MSPs are shown in a particularly user-friendly way. The so-called 'explore marine plans' (https://explore-marine-plans.marineservices.org.uk) have been in place for about 1 year. By removing some information, the web-service has become more functional and focused, whilst complying with government standards for usability. By dropping a polygon to a given area, users can see which policies are relevant to that space. Within the 1st year of operation, the service has been visited by 35.000 unique users.

The map service also serves as a very effective tool for monitoring, since the MSP authority – alongside surveys - can follow exactly how often people look at a particular policy via the map service. The service is used extensively when promoting the plans.

Furthermore, the service is not only used for communication, but also adaptation as it allows the plans to react to contextual change. The policies in the plan relate to spatial data sets and therefore changes can be made within 'explore marine plans' without going through statutory processes for updating the plan.

4.1.3 Implementation / Action / Work Plans

Some countries include an implementation or work plan as an integral part into the MSP; some develop such 'check lists' later on and others do not attempt to formalize such procedures.

Benchmark / Good practice outside BSR (Belgium):

In Belgium, the annual meetings of the official advisory committee overseeing the implementation of the MSP is guided by a checklist document, which shows:

Distinctive tasks - Responsible authority – Objective - Completion year - Relevant indicator for each task (e.g. study conducted)

The joint advisory committee assesses progress on a very simple 3-level-scale (no progress, some progress, completed). The document is, however, not part of the formal MSP and is therefore also not available to the public.

Latvia has taken this a step further. An *Implementation Plan is part of the MSP itself* and is publicly shown in the Annex.

In Latvia, a set of 16 measures has been agreed in negotiations with the various ministries and authorities to be undertaken in order to achieve the three strategic objectives of the MSP (see Table 8). These measures are additional to the conditions set in the MSP itself, describing the various permitted priority uses for the given marine space; the conditions set for each type of marine use and recommendations for granting permits to new activities in areas of general use.

Table 8: 16 measures to be undertaken to achieve strategic objectives of the Latvian MSP (excerpt from the Latvian MSP)[19]

SO1: Balanced use of the marine space, preventing inter-sectoral conflicts and preserving free space for future needs and opportunities			
Measure	**Result indicator**	**Who?**	**When?**
1.1. Update data on fishing intensity in the Baltic Sea	updated information	BIOR	Regularly
1.2. Carry out research regarding the suitability of environmental conditions for the cultivation of different aquaculture species in the sea, assessing potential environmental risks and developing environmentally friendly technology suitable for Latvia's conditions.	N° of scientific studies	MoA with BIOR, MoEPRD with LIAE	Regularly
1.3. Perform studies on the accessibility of marine subterranean depths resources in the sea waters of Latvia ……..	N° of research studies	MoEPRD	Regularly
1.4. Support public infrastructure development for growth of marine tourism in significant places in Latvias' territorial sea and coast,	Investment program for coast prepared.	MoEPRD, MoE, KPR	2024
1.5. Identify the underwater and marine cultural heritageassets of Latvia and develop guidelines for the management thereof.	Research carried out, guidelines developed	NCHB	2030
1.6. Support renewable energy demonstration projects in the sea by raising eligible funds (foreign financial aid or State)	N° of energy facilities installed	MoE, MoF	2030
SO2: The marine ecosystem and its ability to regenerate is preserved, ensuring protection of biological diversity and averting excessive pressure from economic activities			
2.1. Update information regarding ecologically significant areas and distribution and condition of biotopes/species	Report; potential MPAs identified.	MoEPRD, LHEI, DAP	2030
2.2. Assess the distribution and supply of marine ecosystem services according to internationally approved methods.	Assessment prepared	LHEI	2024
2.3. Analyse and assess spatial distribution of significantfish spawning grounds and nursery grounds.	Report	BIOR	2024
2.4. Regularly observe and assess status and important areas for seal s to prepare a species protection and management plan.	Plan developed	NCA with BIOR	2020
2.5. Create a maritime information system to ensureefficient and timely exchange of data on the marine ecosystem.	System developed and updated	MoEPRD	2020
2.6. Develop methodology for evaluation of spatial cumulative impacts of sea uses incl. good environmental status indicators and ensure application of methodology within EIA processes.	Methodology developed	MoEPRD	2020

Table 8: 16 measures to be undertaken to achieve strategic objectives of the Latvian MSP

SO3: Integrated use of marine and terrestrial areas by promoting development of maritime related businesses and the development of the required infrastructure			
3.3. Develop a network of marinas and jetties …	Increased N° of yachts served in ports	MoEPRD, MoT, KPR	2030
3.2. Plan investments in port development programmes, considering climate change risks, assess options for improving energy efficiency, build infrastructure and innovative solutions that reduce GHG emissions.	Risks in port development evaluated; adaptation measures included; GHG emission reduction opportunities evaluated	MoT, port´	2024
3.3. Create model to determine impact of economic activities on sediment flow, assess process of coastal erosion and accumulation.	Study performed and model created	MoEPRD	2030
3.4. Develop spatial measures to minimize erosion effects, incl. sites suitable for sand extraction for beach nourishment, places that require beach nourishment …	Spatial measures developed in places with the highest risk	MoEPRD	2030

Moreover, Estonia plans to develop an action plan for implementation of the MSP; to be included as a separate annex before the planning approval round. However, this action is currently still under preparation. Hence it cannot be shown here.

As will also be shown in the following M&E section, the above-mentioned action plans do not only facilitate implementation, but also the continuous follow-up and cross-checking as to what extent actions have been carried out.

4.2 Implementation Mechanisms provided by legislation

4.2.1 Legally binding MSPs

In **Germany, Lithuania, Latvia, Poland** and **Estonia** implementation of the conditions set in the given MSP is enforced by legislation.

This means, that the MSP has to be taken into account in (wording taken from Estonia):

- the preparation of subsequent plans,
- in the admission of permits for different uses and
- in composing of national and local government's strategic development documents, including comprehensive plans.

However, even if legally binding, **MSPs differ as to how far they extend to each sector**.

In the case of the 1st MSP for the **German EEZ** (not prepared under the EU MSP Directive) for instance, the plan almost exclusively dealt with shipping vs offshore wind. Nature conservation designations were shown, mining, defence and fisheries considerations were considered, but BSH as the MSP authority had neither the competence for the allocation of sites nor the relevant licensing procedures in place. For shipping, the aim of the designated priority areas was to keep the shipping routes free of obstacles, but in view of the freedom of navigation rule, ships can of course still also go through other areas. Similarly, in view of OWF priority areas, it was still possible to apply for a licence for an area outside these priority areas. Hence, requests for OWF licenses were also submitted for areas outside those designated by the MSP, and licences were subsequently provided for those areas (only North Sea, not applicable to the Baltic Sea, where the German EEZ is very small).

Within the 2nd MSP, the legal provisions have been extended so as to better reflect these aspects: there is now an MSP clause in the mining law and the Nature Protection Agency (BfN) has to give consent to the plan and its designations.

In Latvia, not all sectors / uses are covered by the adopted MSP in view of subsequent licensing decisions. Some parts of Latvia's marine area have been designated as 'special areas', where licenses for any marine activities are <u>not</u> allowed without further investigation on whether and how they could potentially endanger protected marine habitats and species. Furthermore, with sufficient justification, uses not yet specifically designated in the MSP (because they depend on the development of new / specific technology, e.g. aquaculture, wave energy) may still receive a licence within the lifetime of the current MSP.

4.2.2 Strategic / non-binding MSPs

Both the **Swedish** and the **Finnish MSP** – developed for the entire sea areas of both countries (i.e. territorial sea as well as EEZ) – serve as strategic information and guidance documents for the plans developed at regional and/or municipal level.

4.3 Who is responsible for implementing the plan

As shown in the overview list provided in the chapter 4.1.3, the competent MSP authorities, which are responsible for the elaboration, publication and follow-up of the MSPs, are placed in various different ministries across the Baltic Sea

Region, with highly different other responsibilities. In some cases, the same agency / ministry is also responsible for some licensing / permission procedures anyhow as shown in the Table 9.

Table 9: Competent MSP authorities in the BSR countries.

Country	MSP Authority	Related Responsibilities
Germany EEZ	Federal Agency for Hydrography and Shipping (BSH)	Permissions and licences for Offshore Wind Farms; Cables and Pipelines (together with mining agency)
Germany MV	Ministry of Energy, Infrastructure, Digitalisation MV	Licenses, etc. under responsibility of the Regional State Agencies for Agriculture and Environment. The Ministry does not give out permits/licenses for Offshore Wind Farms etc
Poland	Ministry of Infrastructure with Maritime Offices in Gdynia and Szczecin	Permissions and licences for Offshore Wind Farms; Cables; Pipelines, Piers and other artificial islands (however the actual building permit is given by the governor) / Shipping Separation Schemes
Lithuania	Ministry of the Environment	Marine Strategy Framework Directive (MSFD)
Latvia	Ministry of Environmental protection and Regional Development	(directly) MSFD; (partially) possibilities to participate in other licensing processes as part of the inter-governmental institutional process
Estonia	Ministry of Finance	
Finland / national	Ministry of Environment	MSFD
Finland / regional	Regional Councils	
Sweden	Swedish Agency for Marine and Water Management	MSFD; regulations and control of commercial fishing
Denmark	Danish Maritime Authority	All services related to shipping / navigation

4.3.1 Involvement of MSP Authority in subsequent decisions

In all BSR countries, where MSPs are legally binding, the MSP authority is also involved in the development of subsidiary plans and/or actual licence or permission processes:

In the **German State Mecklenburg-Vorpommern** the MSP authority is involved in all licensing processes done by the authorities or agencies responsible for nature conservation, water management, mining, shipping or port authorities.

For the **German EEZ**, the responsible MSP authority (BSH) acts as the responsible implementation agency for OWFs and shipping licences anyway. Licences and permits issued by other agencies, e.g. for pipelines or mining projects need to consider the given designations in the MSP.

In **Estonia**, the MSP authority has to give its consent to any permits issued by other authorities. The legislation does not allow for any kind of permit to be issued which is not in line with the MSP. However, this only applies to uses in the sea, but does not extend to planning decisions (on land) with possible impact on the sea. In such cases, compliance cannot be enforced, but only achieved through close cooperation.

Also in **Denmark**, the plan will be a fully legal plan, where the MSP authority will for instance be consulted regarding any kind of OWF to be planned in the future.

In **Latvia** and **Poland,** the adopted MSP has to be considered by all other ministries: in Latvia the MSP planners are involved in any upcoming subsequent licensing process/decisions. This is the result of an inter-ministerial agreement between the Ministry of Environmental Protection and Regional Development (responsible for MSP) and the Ministry of and Economics (responsible for the offshore wind energy) established during the national MSP development process. In Poland, the most important (infrastructure) licensing decisions are taken by the Ministry of Infrastructure or by the Maritime Administration (the Maritime Offices), however some licensing is still done outside the Maritime Administration.

In the two BSR countries, where the national MSPs are strategic non-binding documents, the role of the central national MSP authority differs:

In **Finland**, the actual implementation is undertaken mainly within the land-use plans prepared by the Regional Councils, which in turn are legally binding for more detailed plan-

ning. Decisions on OWF licences will therefore have to be taken in accordance to these lower level land-use plans. For the EEZ, land-use plans do not exist, and development is based on sectoral legislations. At the same time, the MSP Coordination Group of Regional Councils and the Ministry of the Environment – established as part of the MSP development process – will be maintained so as to follow the development on the marine area (see below). Thus, the original MSP planners are still involved.

Also in **Sweden**, the MSPs serve as guiding plans. Further decisions should consider the MSPs, but can also take other information into consideration. The licensing per se is done by Land and Environmental Court; especially the county boards for the territorial sea and the national government for the EEZ. SwAM, as the responsible MSP authority, is only part of the process and does not have a veto right.

4.3.2 Coordination / Working Groups

BSR countries differ substantially on whether a regular inter-sectoral and/or inter-ministerial regular coordination group is (or continues to be) in place for the implementation of the MSP or not; who is represented in this group (e.g. only governmental bodies or also stakeholders) and what role such a group may have.

Countries with no formal inter-sectoral Coordination Group

No formal coordination group is in place in **Poland** and **Lithuania,** just as no such group was established during or after the development of the MSP.

In **Germany,** there is a permanent working group between the responsible MSP authorities. This is, however, not an inter-sectoral coordination group; nor is it related to specific planning procedures. Neither for the development of the MSP in the EEZ nor for the MSPs in the territorial sea was such a group deemed necessary, as regular communication flows (especially across government) are already regarded as sufficient to requirements.

Countries with Coordination Groups

In **Denmark**, the **inter-ministerial working group** (including up to 16 different sectoral authorities, i.e. energy & climate, fisheries), set up for the development of the MSP, will also be retained during the implementation phase of the MSP.

In **Sweden**, there is no formal coordination group, but the MSP ordinance includes provisions for cooperation with county administrative boards and a number of national agencies during the planning process. SwAM and the county administrative boards have a continuing cooperation, meeting regularly on a monthly basis. The national agencies will be invited to take part in the monitoring and evaluation phase.

In **Finland**, the **Coordination group of all Regional Councils and the Ministry of Environment** is expected to continue, albeit with no formal role, structure or decision-making power foreseen by law.

In **Latvia**, the so-called '**MSP Working Group'** established during the development phase of the MSP will continue to meet, to supervise the ongoing implementation as well as monitoring of the MSP. So far, it has met several times to receive information about MSP related activities/processes; results of transnational cooperation projects (Pan Baltic Scope, Bonus Basmati and others) and the cross-border consultations for Lithuanian and Estonian MSP drafts. The Working Group comprises representatives from ministries, sectoral agencies, associations of local governments, trade organizations as well as various NGOs. There is a preliminary idea to update the existing group and continue working with it for the upcoming monitoring and evaluation needs.

In **Estonia**, the Ministry of Finance as the responsible MSP authority, also aims to establish a so-called **MSP Executive Board** made up of different ministries and authorities to monitor MSP implementation and actions. By the time of writing (Feb 2021), no such group has yet been established.

Benchmark / Good Practice outside BSR: Belgium

The Royal Decree of 20 Nov 2012 dictates the establishment of an MSP advisory committee consisting of the Belgian and Flemish ministries responsible for maritime activities.

Federal State:
- Environmental Protection,
- Nature Conservation,
- (Wind) energy development;
- Disposal of dredged material,
- Shipping,

- Aggregate extraction,
- Military activities

Flemish Region:
- Fisheries,
- Aquaculture,
- Nature conservation on land,
- Dredging,
- Ship pilotage and traffic guidance

The advisory committee, meeting once every year, has the role of supervising the implementation of the MSP based on a simple work plan (see chapter 5). Moreover, within the 2nd MSP Plan, adopted in May 2019, the advisory committee has received the additional role of acting as advisor to the current development of the five so-called commercial and industrial development zones, described as 'spaces for commercial innovation' (i.e. combining seaweed, oyster and mussel farms or offshore energy islands). Bringing together expertise from across different perspectives, the advisory committee evaluates the proposed ideas on the basis of eight given criteria.

4.4. Adaptability of given MSPs

BSR countries differ in view of the adaptability of their given MSPs before the official revision leading to the next MSP edition, which is often foreseen earlier than the maximum timeframe of 10 years indicated in the EU MSP Directive.

In **Estonia, Sweden, Poland** and **Lithuania**, the legislation does not allow for an adaptation of the given plan. **Germany, Latvia, Denmark, Poland** and **Finland** allow for adaptations under certain circumstances. The plan in Finland, being strategic in nature, is unlikely to necessitate such an adaptation.

4.4.1 Overview on expected validity period of current MSPs

Table 10 provides an overview of when the current MSPs have or will be adopted and when it is foreseen to replace them with a new MSP edition:

Table 10: Overview on expected validity period of current MSPs

Country	MSP adopted	MSP revision	Remarks
Germany MV	2016	2026	No specific timeline; but generally 10 years horizon for cross-check
German EEZ	2021		Revision of plans at least every 10 years; "medium-term" perspective with approx. 10 – 15 years
Poland	2021		Assessment MSP after 10 years of whether still valid or not. Can potentially be replaced in some areas by smaller scale plans.
Lithuania	2021	no info	
Latvia	2019	2026 – 2029 evaluation	In line with timeline of Sustainable Development Strategy of Latvia 2030; however, review planned together with MSFD reporting.
Estonia	2021	2026	Check for possible renewal starts after 5 years
Finland	2020	At the latest 2030	Revision planned at time of MSFD update, that is by 2027
Sweden	2022	At the latest 2030	New plans, when needed; at least every 8 years
Denmark	2021	2031	10 year horizon

4.4.2 Adaptation processes in countries, where this is possible

German EEZ

> *"In the event of a deviation from a planning objective, a so-called deviation procedure … can be carried out, so that this objective of spatial planning does not represent an obstacle to the approval procedure."*

This procedure is also applied in terrestrial planning, being not so much about adapting the plan, rather allowing for deviations of its objectives, i.e. exemptions from the legally binding obligations when issuing licences.

So far, this procedure has been applied once, when a wind developer was allowed to install wind turbines with a hub height above 125 meters, despite being close to and potentially visible from shore. The reason for granting this deviation was the fact, that the developer could prove that the wind turbine could not be clearly seen from shore despite it being higher.

The MSP does not specify or outline in further detail, however, when such deviations may apply.

German Baltic 12 sm zone - MV

The MSP in Mecklenburg-Vorpommern does not have a fixed timescale, but should remain valid for a decade, after which the Ministry will check its validity and relevance to societal demand.

Within that given period, the MSP authority may allow for 'justified non-compliance' (i.e. activities forbidden in the plan or new activities not foreseen). If in relation to multiple licence issues, it is also possible to change the plan either in a single chapter (in case of specific issues) or even in full, which provides the MSP authority with some flexibility.

Triggers for these deviations are mainly caused by developments that are moving faster than anticipated at the time of writing, i.e. increased urgency for renewable energies; new technological developments of ships requiring greater space requirements and/or space demands of underwater research. Such new space demands are often accompanied by political pressure, sometimes also expressed in new legislation.

As a general rule, the MSP authority will always try to apply the rule of exception as this is faster, less resource-intensive and more in line with the timescales of underlying political and/or funding programmes. An amendment or revision of the plan is a longer process, as the procedures are almost the same as for a full plan development: asking for an initial pre-draft; then a 2nd round of comments and on that basis a real draft, which is then disseminated for public participation.

> *"In general, flexibility mechanisms allow the MSP to react to changes, which could not be foreseen at the time, when the plan was developed. Especially legally binding plans need to be carefully designed as to what is regulated by them. In order to build in flexibility, focus should be on those things which really need to be regulated.*
>
> *The leaner the given MSP, the easier to make amendments or include solutions, for issues coming up during implementation, which were not foreseen at*

time of writing. The same applies for any stipulations provided as part of the MSP; the more complicated these are, the more problems usually arise during implementation." (Holger Janssen, Ministry MV)

Latvia

The Latvian MSP is valid until 2030; following the time-line of the Sustainable Development Strategy of Latvia 2030.

In the meantime, the plan can be adapted in two ways at any time:

1) In case of new factual information, which has no influence on the overall strategic direction of the plan, the MSP authority can adapt the maps of marine activities once every year according to this new data, or upon request from the responsible ministry.
2) Changes to the strategic direction or zones of the MSP, however, have to go to through a more complex process. In the case that the M&E report (see next chapter) indicates what type of changes are needed in the plan, and this report is then adopted by the government, the MSP authority needs to develop changes together with the MSP working group for both the plan as well as the M&E system and submit these changes to the government for approval.

Changes may be caused by new sectoral goals or political priorities. These are, however, not issued *ad hoc*, but are clarified on a yearly basis as part of the preparation of the regular yearly M&E report.

Denmark

Once an MSP has been adopted in Denmark, it can be adapted to incorporate new sectoral demands. The process for adaptation has not been clarified yet, but will most likely be triggered by the MSP authority in collaboration with the inter-ministerial MSP working group. Proposed changes will, however, also always require a change of law, in view of the legally-binding nature of the MSP.

Finland

The Finnish MSPs are unlikely to require any change before their official revision, given the fact that they are very general as well as non-binding. In general, the land-use and building act provides a lot of flexibility in implementation of the MSPs as needed.

Currently, a formal adaptation of the plan within the time-line of its validity would require a lot of effort with regional councils, with whom regular meetings are only held twice a year. A new development, which would justify such a complex process, would have to be so dramatic that interview partners could not provide any concrete examples.

4.4.3 Countries where no formal changes are possible

Sweden

"Under the Marine Spatial Planning Ordinance, SwAM has to … draw up new proposals for marine spatial plans when the agency identifies the need for it, or at least every eight years…

New claims and needs are expected to arise all the time in the marine planning areas. Such claims are dealt in … new proposals for marine spatial plans. Until new marine spatial plans have been adopted, guidance must be sought in existing marine spatial plans to the extent that this is relevant. If there is no immediate guidance in the marine spatial plans, planning and decision making must be done on the basis of the plans' intentions or of the best available knowledge. [20]*"*

Similar to Latvia, Sweden also foresees a continuous update of the underlying data to be gathered in annual follow ups. New planning evidence will then be shown in the interactive maps of the MSPs. These could potentially be expanded to show the planning evidence relevant for decisions taken at the time the plan was adopted as well as the new planning evidence.

If such changes may, however, lead to a situation where the plans are no longer easy to read or implement, they may catalyse the need to develop a new plan all together.

Besides factual updates, the Swedish legal framework does not allow for postponing parts of the plans, updating specific geographic areas or changing an objective.

In such a case, a new plan would need to be developed, implying all development and participation steps. Unlike the 1st MSP cycle, it would, however, be possible to single out one of the three MSP areas in Sweden to develop a new plan.

Triggers which may require such new plan, are the same as those mentioned by other countries.

While fisheries and/or MPAs are not so depended on the MSP, changing political targets in view of security considerations and/or increasing calls for offshore wind energy are most likely to affect MSPs. Also, technical developments which may imply that the given areas designated in the original plan are no longer optimal may also require such changes.

Estonia

In Estonia, conditions or allocations provided in the given MSP for the various uses can only be adapted or changed within a new plan, undergoing the full MSP development process. The plan is foreseen to be valid at least for 5 years, after which it will be decided whether the plan needs updating.

The only document which can be changed during the time of its validity is the 'MSP action plan' – accompanying the MSP implementation process (similar to Latvia's Action Plan). During its annual review, it will be checked whether actions have been implemented and reasons considered why they have not. The government can in such cases decide to amend the Action Plan according to new or changed requirements.

At the same time, the guidelines are soft, being designed to ensure that the aims are achieved. They have been formulated in very general terms, which are open to interpretation – so as to not lead to a mismatch with the plan.

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[20] https://www.havochvatten.se/download/18.56d79bf516b232e9db573cab/1560164109554/proposal-marine-spatial-plans-sweden-revieiw.pdf

Poland

The Polish MSP law does not cover adaptation of the given MSP. Generally, the plan is not as adaptable as plans in other countries. According to common interpretation the existing plan may either be replaced in some geographical areas by so-called 'smaller scale plans' or the entire existing plan may be revised if deemed necessary. In the case of the latter, however, all normal planning procedures applicable to the development of the current plan have to be followed. Such decisions can only be made by the responsible Minister based on the reports provided by the Maritime Offices (which are, however, only necessary to be produced every 10 years).

Lithuania

The 'New Comprehensive plan of the Territory of the Republic of Lithuania' foresees that detailed solutions of the plan will be planned until 2030 (within the next 10 years), but that the concept of the plan was prepared until 2050. From a legal perspective the plan is valid unlimitedly. Changing or ignoring the solutions of the plan is possible only for projects of national importance. There are strict procedures for a project to be recognized as "national importance". Such status has for instance to be approved by the Lithuanian Parliament.
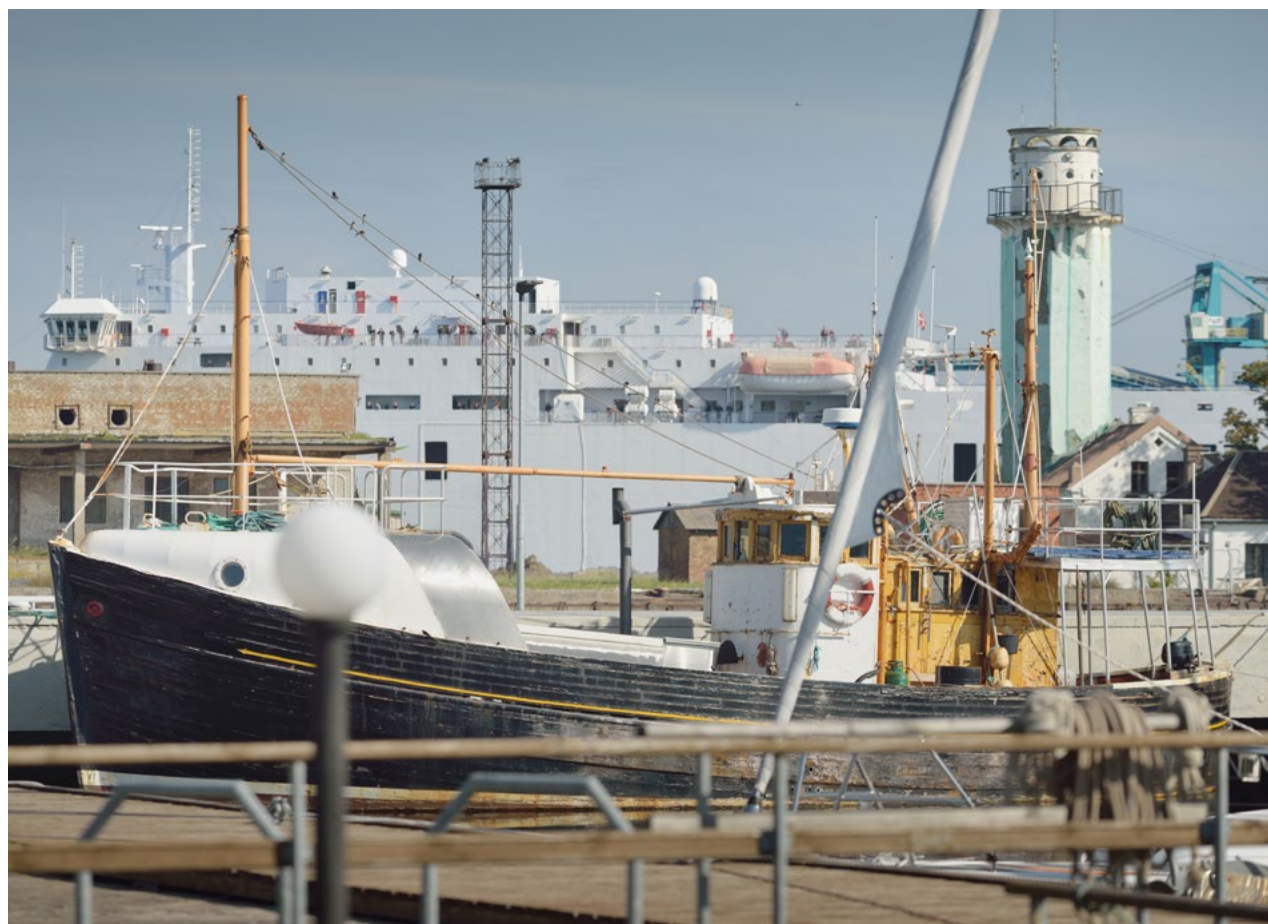
5. Monitoring & Evaluation Provisions

A number of transnational projects have been implemented in the last decade in the BSR aiming at supporting MSP processes by developing and testing approaches, methods and tools to help improve MSP or accommodate particular maritime sectors. Baltic Scope and Pan Baltic Scope in particular included aspects on monitoring & evaluation:

- Baltic SCOPE delivered a methodological guidance[21] for monitoring and evaluation with regard to transboundary aspects.

Pan Baltic Scope focused more on monitoring and evaluation for national processes; taking the Polish and Latvian MSP as case studies

This chapter draws on those projects, selected documentation available for M&E within the given MSPs, or country profiles themselves and thus especially from interviews held between Dec 2020 - Feb 2021 with most of the MSP authorities across the BSR.

5.1 What kind of 'check' is done? Conformance vs Performance

As shown in the following Table 11, most countries apply a mixed approach and perspective when it comes to monitoring and evaluating their MSPs. In almost all countries, conformance is required in view of the overarching strategic objectives and goals of the plan, albeit with various degrees of freedom as to whether these can also be achieved if designations differ from the original plan (see previous chapter).

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21 Varjopuro. 2017. Evaluation and Monitoring of transboundary aspects of Maritime Spatial Planning. A Methodological Guidance. Baltic Scope Project re-port.http://www.balticscope.eu/content/uploads/2015/07/BalticScope_EvaluationMonitoring_WWW.pdf

Table 11: Approach and perspective of the MSP monitoring and evaluation.

Country	Conformance	Performance	Remarks
Germany MV	Past M&E	Future M&E	Complicated evaluation framework for 1st MSP did not lead to useful information
German EEZ	For MSP goals & objectives	Decision-making, permissions by other sectors	Predominantly qualitative assessment of achievement of planning goals and impacts as part of background report for revision process. For the MSP 2021 a comprehensive framework will be developed; but is not ready yet.
Poland	YES	YES	No formal M&E Framework; legally reports required only every 10 years by Maritime Offices to Ministry
Lithuania	YES	YES	The Ministry of Environment checks whether municipal plans, special plans for infrastructure development and development programs of Lithuanian ministries are aligned with the national comprehensive plan. Monitoring indicators are set out in the implementation program.
Latvia	MSP goals & objectives MSP Action Plan Developments in designated zone	Designation of uses (licenses & permissions)	Action Plan can be cross-checked as well as further investigations in specific designated zone; developments at sea also possible in other than designated areas; if in accordance to strategic objectives
Estonia	Plan	Action Plan	With Action Plan try to check whether conditions will be developed to achieve MSP goals & objectives
Finland	YES	YES	Cross check influence of MSP on land-use planning, licenses, permissions; and resulting from this, whether MSP objectives met
Sweden	National MSP goals & objectives	YES	County Administrative Boards to 'check' whether municipal plans aligned with national MSP
Denmark		Indicators	No framework yet; but M&E will also include performance check of MSP process

5.2. Who is responsible and involved in M&E?

From PanBalticScope M&E Report:

It is recommended to organise systematic expert and stakeholder assessment processes that can help reduce uncertainties about the outcomes of MSP and how it influences maritime sectors, the marine environment and society. A practical solution for this would be to form national MSP monitoring and evaluation networks based on the existing national working groups that support the preparation of MSP plans.

In almost all BSR countries; the MSP authority itself is responsible for coordinating the M&E process. In countries where an MSP working group is maintained (see previous chapters); these are involved in the process *per se*.

Variations apply, however, as to the extent to which these M&E processes are accompanied by larger stakeholder events or surveys.

Table 12: Involved groups in the MSP M&E.

Country	M&E Group	Stakeholder Involvement	Timing	Remarks
Germany MV	No group: government process	Not planned	Not defined	Possibly involve external experts to do stocktake for collecting data for M&E as well as future MSP preparation
German EEZ	Scientific Advisory Council			Framework not yet developed / the Scientific Advisory Council will be consulted in developing the M&E framework
Poland	No	Not formally planned*	10 years	No formal M&E Framework; Maritime Offices only formally to report every 10 years* to Ministry *scientific community suggests to issue such reports every two years , linked to a stakeholder conference
Lithuania	Coordination Commission and Working Group of the New Comprehensive plan	By sharing information in a publicly available monitoring system	5 years	At the time of writing of this report the implementation program with indicators for the implementation of the solutions is being prepared. A monitoring report on the implementation of the solutions of the state-level integrated spatial planning documents shall be prepared at least every 5 years.
Latvia	MSP Working Group	At least one bigger event planned per year	Upon need	Action Plan to be cross-checked once a year; surveys planned; align MSP M&E with MSFD report (2022-2023)
Estonia	Option A: Executive Board Option B: Ask different ministries directly	Not planned	Not defined	M&E Framework not yet decided; but plan to engage different ministries to ask for input and review
Finland	MSP Coordination Group of Regional Councils and MoE	Planned to involve Open MSP Network	Yearly	M&E framework has been developed. More detailed M&E will be done via the MSP Coordination Group facilitated by a consultant
Sweden	M&E Coordination Group with 3 county admin. boards, national agencies and others (proposal)	Planned – but not defined	Yearly follow up	SwAM currently develops M&E framework. The current proposal foresees, that stakeholders will be invited to participate in a reference group.
Denmark	Inter-Ministerial working Group	Stakeholder Meetings		No framework yet; but key focus on involving stakeholders, municipalities, NGOs and relevant business

5.3. M&E Timelines

As shown in the previous tables, countries have different timelines for their M&E system depending on one hand on the validity time frame of their plans, as well as their ambitions to monitor developments on a yearly basis.

Latvia and Finland in particular attempt not only to align their MSP M&E processes with the MSFD reporting periods (and related data collection), but may also align the timing for the next round of MSP updates / development with the overall MSFD timeline.

Latvia has structured its 'list of measures' within its action plan in such way, that they can easily be followed up by the MSP Coordinating Group mentioned above. In that, Latvia follows the sample provided by Belgium.

Table 13: Structure of description of measures to implement Latvia's MSP[22]

Columns	Explanation
Measure	Description of the task
Result indicator	Description of the indicator which will show that the sub-objective is achieved
Assessment of measure implementation (Qualitatively/ quantitatively), including a base value, if relevant	Is the indicator qualitative or quantitative? For quantitative indicators the present situation (typically year 2018) is taken as the base value
Responsible authorities	Authorities that are responsible for each task. For some tasks several authorities on different levels are identified
Deadline	The year when the task should be fullfilled. The years of completion are 2020, 2024 or 2030. Some tasks should be conducted regularly.
Source of financing	Indication of expected or possible funding sources

In Belgium an official advisory committee oversees the implementation of the MSP on an annual basis.

The checklist document consists of:

- Distinctive tasks

- Responsible authority

- Objective

- Completion year

- Relevant indicator for each tasks (e.g. study conducted)

3-level-scale: no progress, some progress, completed

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[22] M & E of MSP, PanBalticScope 2019, pg. 23

5.4 Use of Indicators

A lot of the M&E literature has so far focused on the development of appropriate indicators (i.e. MSP Indicator Handbook – MSP for Blue Growth, DG MARE, 2018; PanBalticScope M&E report). At the same time, it is by now continuously emphasised that - while indicators and their measurement should be harmonised – but not the sole element of MSP monitoring.

Lesson learned Germany MV

One of the lessons learned from the initial monitoring exercise run by an external consultant on behalf of the Ministry of Mecklenburg-Vorpommern in the review of their 1st MSP (2012) was that it did not provide useful information to drive the 2nd MSP. The original framework at that time tried to measure direct effects of spatial planning on indicators like e.g. population density or employment rate which are, however, only – if at all – very indirectly influenced by MSPs. In the meantime, (as shown in the quoted publications) much better indicator systems have been developed though in need of adaptation to the situation within the given planning region.

At the time of writing, none of the BSR countries seems to have elaborated their concrete set of indicators yet. Thus, only some indications can be provided in this section:

Sweden is currently developing their M&E Framework. Focus will be less on monitoring and more on continuous collection of new input for the possible renewal of the MSP. The framework is therefore unlikely to include many detailed indicators but will focus more on impact.

Latvia intends to have an interim evaluation of the implementation of the plan based on indicators and inviting stakeholders to provide comments on the mid-term reports.

Finland has developed a monitoring and evaluation model for MSP[23] that also foresees engagement of stakeholders in collection, analysis, reporting of relevant data as well as in using the indicators. The developed model is, however, rather conceptual and serves more as an inspiration for the currently ongoing separate project to build the M&E for the Finnish MSP system.

Practice (Finland)

A separate excel table has been created to link the MSP goals, targets and indicators of monitoring. In this preliminary research, some 330 indicators were identified as matching around 440 objectives. These indicators will be shared with the stakeholder community to get their opinion on which indicators may be most relevant for their plan and who may have the information to measure them. In a further step, these indicators shall also be used to gather feedback and collect information from stakeholders within the MSP Digital Platform.

Denmark intends to apply systematic data collection from selected indicators to provide information to stakeholders on the extent to which progress has been made towards attaining the targets.

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[23] https://www.merialuesuunnittelu.fi/wp-content/uploads/2020/10/ME_report_2020.pdf

In **Poland,** the scientific community has made some suggestions for suitable indicators, which may be followed by the Maritime Offices. These are, however, not adopted on a formal level.

5.5 How is information collected?

The intensity of the foreseen data collection to monitor MSP implementation varies greatly among the BSR countries. As shown in chapter 5.3.1, especially in countries where the MSP has a direct effect on subsequent licensing and permissions[24], the MSP authorities are also involved in such decisions. Hence, these MSP authorities have a direct overview of decisions evolving form the MSP.

This chapter therefore concentrates more on, how and whether countries have foreseen any other action to continuously screen additional data and information sourcing on the impacts of the MSPs (on the environment, economic or social development or conflict reduction) as well as other external developments which may influence the relevance and suitability of the current MSP (see above: new political priorities; new sectoral or societal needs; new technological developments).

Benchmark / Good Practice from outside BSR: MMO England/UK

Surveys are run once every year to collect feedback from stakeholders involved in the given MSP. These surveys, which take up to an hour to be completed

by each stakeholder, are the primary mechanisms for maintaining feedback mechanism from external stakeholders into M&E. Additional information is also collected from sources, which are not involved in the planning process e.g. national statistics office. As a follow-up to the surveys, MMO carries out verification interviews with selected stakeholders. This allows MMO to develop a consistent group of respondents as well as avoiding general stakeholder fatigue.

Outside of stakeholders involved with plan development, MMO staff maintains logs regarding consultation with other decision makers and local plan strategies; which aids their understanding of how MSP is used in other local plans.

In addition, members of the planning team responsible for a given sector and/or policy, have the most in-depth knowledge on relevant indicator to flag, whether the plans' strategic direction is fulfilled or not.

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[24] All BSR EU member states except Sweden and Finland, where legally binding plans are developed at regional levels

Among all BSR countries, Latvia currently has the most concrete plan on how to work directly with stakeholders for implementation and monitoring of the MSP. Even though concrete dates and activities will only be decided as and when required, the following is at least foreseen by the MSP Authority:

1. surveys among its main stakeholders, which will be based on indicators selected.
2. participatory events, similar to those conducted during the MSP development phase as to get more informed discussions on specific topics.
3. establish a scientific consultation committee, especially regarding environmental data and impacts of activities in the sea including socio-economic evaluations.

While not being elaborated in detail yet; many countries (esp. Finland, Latvia and Sweden) also seek to align MSP related data sourcing with the reports to be produced to guide the MFSD.

Further, as indicated under chapter 4.1.2, countries are also increasingly counting on web tools to collect data and information from stakeholders.

6. Cross-Border Communication and Cooperation on MSP Implementation

As indicated in chapter 1.3, the BSR MSP governance framework has until now mainly focussed on creating good cooperation and communication so as to ensure that the 1st cycle of MSPs developed in all BSR countries do not produce incongruences between them.

However, little focus was so far placed on how to cooperate and communicate with each other once these MSPs are adopted, or how to take related developments into account at transboundary or transnational level as part of the implementation of the MSPs.

Such steps are subject to the recently adopted new MSP Roadmap 2021-2027.

In addition, numerous interview partners have already focused on improvements in providing suitable background information to planners to make better informed decisions within the next generation of MSPs expected to be developed in five to ten years' time.

> In the meantime, most interview partners expressed willingness to keep each other informed informally through the **Planners Forum**.
>
> Given the fact that in most cases, MSP authorities are also continuously informed within their own countries
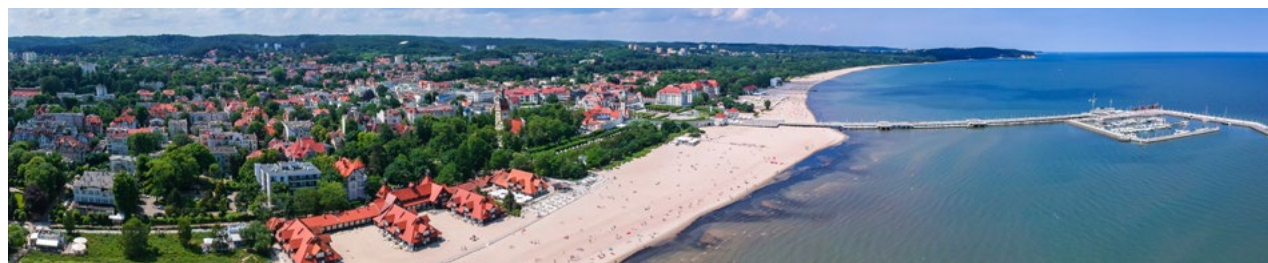
> on possible sector developments – the Planners Forum also seems to be the best group for an initial continuous cross-sectoral exchange among countries, as once a plan is adopted, there is often no formal requirement anymore to inform neighbouring countries i.e. when granting licenses to an OWF within their sea.
>
> It has been emphasised by all interview partners that cross-border cooperation and relations, especially with neighbouring countries, can benefit substantially by maintaining these informal communication links.
>
> Decision-making, however, obviously needs to be transferred to other levels.

As the Terms of Reference for the future Planners Forum are subject to another task under Capacity4MSP, this report will not further elaborate on this topic.

7. Final Remarks

This report has shown that despite long-term ongoing communication and cooperation among the Baltic Sea Region countries on MSP, the currently adopted plans show remarkable variations in the mechanisms to support their implementation.

This in itself does, however, not come as a surprise, as the MSPs are part of different planning cultures and regimes in each country.

Rather than explaining the MSPs separately, a *comparative overview as provided in this report is a good tool to highlight differences between the various MSPs*.

It also shows areas where all countries may still develop as part of the reiterative process of MSP cycles.

Figure 4. The continuing MSP planning cycle[25]

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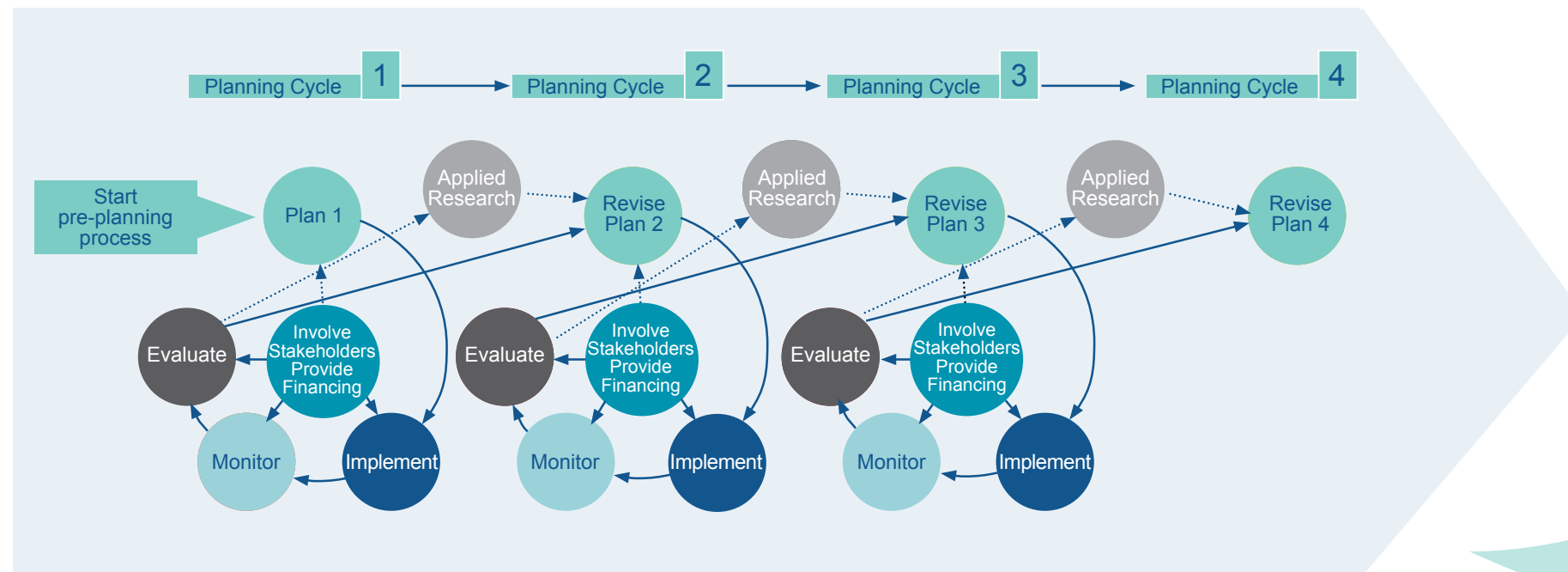
25 Taken from Ehler, C: Step-by-Step Approach

7.1 MSP Implementation at national level

In most countries – with the exception of Finland – there are *no explicit mechanisms foreseen to foster MSP implementation*, as all MSPs are *per se* legally binding, meaning that other government agencies have to follow the provisions and regulations provided under the MSP as part of their decision-making processes.

As shown, there are, however, substantial differences as to whether the MSP authorities and their planning departments are subsequently actively consulted and/or included in decision-making processes.

Moreover, *not all countries provide a permanent coordination body* which continuously follows the MSP implementation process, and if so, only a few cases are of a truly cross-sectoral nature.

Only Latvia and potentially Estonia have provided an 'Action Plan' to accompany the MSP implementation process and to improve processes to support future MSPs (i.e. by continuously improving the knowledge base).

7.2 Areas for future developments

The recently adopted HELCOM-VASAB MSP Roadmap 2021-2027 shows the next overarching five objectives for MSP development and cooperation with the Baltic Sea Region, along with a set of joint actions necessary to reach them.

Many of the following suggestions are therefore already at least partially covered by that strategic document, which was developed in parallel to this report.

The **web-based platforms** as presented in chapter 4 make the given MSPs more easily accessible to a wider audience. But *their current design still has room for improvements*. Many are only available in the given national language and in almost all cases it is not easy to differentiate between already existing uses and those which are 'provided' under the MSP, but are not yet finalised. Even though they provide information on what is not allowed in some zones; it is not possible to see 'negative provisions' for a given sector at a larger, combined scale.

Finland and Estonia intend advance their web-based platforms by offering possibilities to insert new data as well as feedback and/or input from stakeholders. However, *so far none of the given countries have systems in place with inter-active functions*.

There is room for improvement on how to provide *better transparency on updates to the underlying planning evidence, the actual developments in the marine areas and possible exceptions or deviations to the planning provisions*. At the current stage, it would not be possible for a 'normal' citizen to follow the actual developments taking place in the given marine areas.

These gaps in web-portal functionalities are partially reflected by the '*Joint Action 1.6 Improve MSP related data retention and flows'*. It provides for instance 'shortlisting of new MSP input data themes to be regularly updated' as well as an overview of the given web-portals. It does, however, not anticipate the development of possible additional functionalities as indicated in the paragraph above.

In general, the **Monitoring and Evaluation frameworks** for the given MSPs are still rather unclear in most BSR countries. So far only Latvia has developed some indicators and Finland is in the process of doing so. The majority of BSR countries do not foresee a yearly or biannual 'cross-check' – as implemented by Belgium / UK as benchmark cases. Only Finalnd, Sweden and Latvia explicitly foresee stakeholder feedback processes during the course of the MSP implementation, but their actual formats have currently not yet been developed.

It is recommended that some format of yearly or biannual feedback gathered from relevant national MSP coordination groups as well as relevant stakeholders be developed, with a small set of 'questions' asked in a similar format by all BSR countries. The respective feedback could then be gathered in annual / biannual national MSP progress reports to be merged partially into an overarching pan-Baltic report (similar to the one herewith provided). Such reports could therefore also reflect on where there are developments in marine spatial use and which of them are of transboundary relevance.

For countries with subsequent and/or parallel **lower level plans** (Finland, and partially Sweden, Poland, Latvia) it would be useful to clarify whether and from where these lower level MSPs should be taken on board for such reports, whether / who may represent these plans within Baltic Sea Region cooperation, or whether representation via national MSP authorities (as practiced so far) will be sufficient for future purposes. As practiced in some regions (Bothnian Sea; Polish-German cooperation), for such lower-level planning regions it may be more appropriate to meet at cross-border rather transnational level.

Next to cross-checks of the given MSPs, a clearer (joint) framework for following on the relevance and impacts of changes in the external environment would be advantageous, which could also filter into the aforementioned national /pan-Baltic MSP progress reports.

The current gaps in monitoring and evaluation frameworks are reflected in the '*Joint Action 1.1 Develop a guiding framework to support harmonized evaluation of MSPs'* as well as '*Joint Action 1.3 Develop a regional follow-up system on MSP, including monitoring of implementation at the Baltic Sea Level'*.

Moreover, the various formats for continuous transnational collaboration are part of the Joint Actions related to the '*Objective 2 – MSP proves regional policy coherence'* of the HELCOM-VASAB MSP Roadmap.

As some countries (Germany) work with **scientific advisory councils,** it may be advisable to install a similar body at pan-Baltic level. At least from a regulatory point of view this should be feasible as such a body would merely have an advisory, but not a decision-making role.

Though not as far reaching as a joint scientific advisory board; the '*Joint Action 1.7 Establishing links with relevant scientific frameworks and maritime knowledge'* draws the same conclusion.

The current report has focused on providing a comparative overview on the implementation of adopted MSPs. It has **not extended towards** providing an overview on how the given MSPs are linked with the national requirements under the **MSFD**.

It should, however, be noted that numerous countries (i.e. Finland, Latvia, Sweden) have expressed the ambition to better align MSP and MSFD cycles and reporting requirements, at least as part of the possible future 2nd generation of MSPs. As discussed, some would also consider reviewing MSPs in unison when the MSFD reviews are due.

This ambition is reflected in many of the Joint Actions provided to reach '*Objective 3 – MSP contributes to achieving progress towards good environmental status of the Baltic Sea set in the Baltic Sea Action Plan'* of the HEL-COM-VASAB MSP Roadmap.

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www.capacity4msp.eu

The Interreg BSR programme's co-financed project platform Capacity4MSP aims to strengthen the capacity of maritime spatial planning stakeholders, policy- and decision-makers through intensified dialogue activities and amplifying gained knowledge in maritime spatial planning. Capacity4MSP builds on the results of the current and recently completed MSP projects and ongoing MSP processes in the Baltic Sea Region.

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