

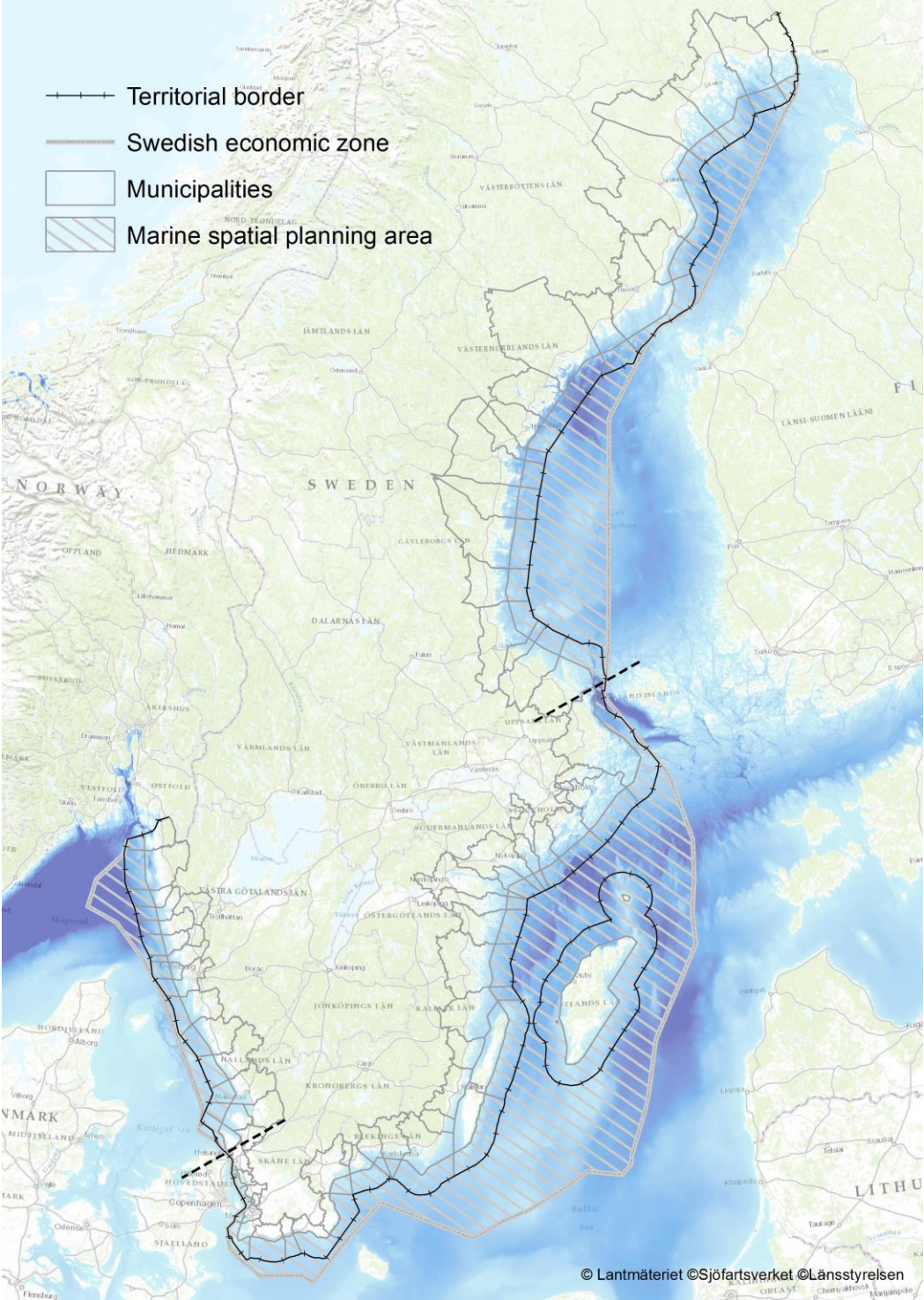


# Country Fiche

# Sweden

Updated September 2022

# 1. General information



- the territorial sea (12-nm zone) – 70,000 km<sup>2</sup>
- the Exclusive Economic Zone – 60,000 km<sup>2</sup>
- the EEZ is limited to the central line between adjacent states because the width of the sea is shorter than 400 nautical miles.
- in Öresund and the Åland Sea, the territorial seas meet at the central line by a special agreement with Denmark and Finland respectively, and at the Norwegian boarder in the Skagerrak and the Finnish border in the Bothnian Bay.
- the Swedish territorial water is divided in to two zones, Public Waters and Private Water.

### 1.1. Governance

The Swedish territorial water is divided into two zones, Public Waters and Private Water. The Private Water zones, both water and sea floor is parcelled property governed by the Real Property Formation Act and comprises the water area 300 m from the shore line and further to the contour line of 3 m depth if it is situated outside the area of 300 m. In sounds, bays, fjords and areas with islands and archipelagos special rules regulate the boundary between Private and Public water.

The Public Water belongs to the public and is represented by the Legal, financial and Administrative Service Agency. Private water can be owned by a person, a juridical person, a municipality and the state. Several properties in the Private Water are jointly owned.

### 1.2. Contacts

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## 2. General information on legislation

The Swedish Environmental Code (1998:808) and the Plan and Building Act (2010:900) constitute the legal base for marine spatial planning in Sweden.

According to chapter 4 of the Environmental Code there shall be three marine spatial plans: Gulf of Bothnia, Baltic Sea, Western Waters (Skagerrak/Kattegat) covering the area one nautical mile from the baseline seawards (incl. the exclusive economic zone, EEZ). The plans, which shall be adopted by the Government, shall be guiding and contribute to sustainable development. The Government may according to the legislation adopt regulations prohibiting or limiting activities in destined geographical areas.

The Marine Spatial Planning Ordinance (2015:400) regulates the process of the marine spatial planning. It contains provisions on geographical boundaries, the content of the marine spatial plans, the responsibility for preparation, consultation and cooperation in the proposal process, and monitoring and review. According to the Ordinance, SwAM is to develop proposals for marine spatial plans with the help of relevant county administrative boards and with support from national authorities, which will assist with supporting data for the planning. The municipalities, regional planning bodies, regional coordination bodies and county councils that may be affected shall be given the opportunity to participate in the proposal process so that consideration can be given to local and regional conditions and needs. The Agency shall promote cooperation with other countries and the coordination of the Swedish marine spatial plans with those of other countries.

The marine spatial plans shall provide guidance to public authorities and municipalities in the planning and review of claims for the use of the areas covered by the plans. The marine spatial plan shall reflect the state's overall view of how the marine areas are to be managed, and the plans involve taking a position on how different public interests should be taken into account. The marine spatial plan shall specify areas of national interest in accordance with Chapter 3 of the Environmental Code, i.e., prioritized interests and other public interests of material significance. SwAM shall apply an ecosystem approach in its work. Also according to the Ordinance, industrial policy, social and environmental goals are to be integrated in the marine spatial plans. The main focus of the planning is that marine resources should be used in a way that allows maritime industries to develop and grow while preserving and restoring ecosystems. The marine spatial plans shall contribute to achieving and maintaining a good environmental status (GES) according to the EU Marine Strategy Framework Directive.

In parallel, the Plan and Building Act (2010:900) regulates the responsibilities and mandate for the municipalities to plan land and water including the territorial sea, which means that there is a geographical overlap between the national marine spatial plans (the Environmental Code) and the municipal comprehensive plans (Plan and Building Act)..

Chapter 1 and 2 of the Plan and Building Act includes basic principles and objectives guiding the spatial municipality planning of the territorial sea and coastal areas. These principles also refer to the application of the Environmental Code (chapters 3 and 4 referring to basic and spatial provisions concerning land and water management and chapter 5 concerning environmental quality standards and environmental quality administration).

The Plan and Building Act stipulates that the municipalities shall have a comprehensive plan, adopted by the municipality assembly. The plan should be revisited at least once during the terms of office (related to the election period, normally every four years). The plan is guiding, but not legally binding. It should indicate the municipalities' intentions about the future development. It should also consider issues of national interests. The Plan and Building Act is a framework law emphasizing the need for stakeholder involvement but is not stipulating what the plan should contain or how it should be developed.

The Plan and Building Act is closely linked to the Environmental Code, which regulates among other things the relation between planning and environment and the need for environment impact assessment (EIA) and strategic environment assessment (SEA).

Another part of the Swedish planning system are areas of national interest for a number of sectors identified by appointed national agencies or areas specifically listed in the Environmental code. These areas have to be considered in planning and when authorities are granting permission for activities within different sectors. Cultural heritage and values, nature protection, outdoor recreation, shipping, energy production, commercial fisheries are examples of such areas of national interests. Areas of national interest can be pointed out on land as well as in the territorial waters and the exclusive economic zone (EEZ).

Several international conventions and binding legal acts such as UNCLOS, Espoo Convention + Kiev Protocol, Bonn Convention (including EUROBAT, ASCOBANS), CBD, La Valetta Convention, IMO Resolutions and conventions (E.G. MARPOL, COLREGS, INTERVENTION), HELCOM

recommendations, EU directives (MSFD, HABITAT, BIRD, SEA, EIA) and many others are transposed to Swedish law.

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

The Plan and Building Act (2010:900) covers the obligation for municipalities to plan the entire Swedish territory, i.e. including the territorial sea and the internal water. The Environmental Code covers the national planning in terms of specific marine spatial plans. The marine spatial plans encompass the area one nautical mile from the baseline seawards (incl. the exclusive economic zone, EEZ). Hence, the marine spatial plans overlap with the municipality comprehensive planning, but functions as guidance for the latter.

The marine spatial plans do not cover privately owned sea areas (Private Water).

### **4. Spatial Plans**

The Swedish Government adopted the first marine spatial plans for the Gulf of Bothnia, the Baltic Sea and the Skagerrak/Kattegat on 10 February 2022.

As part of the adoption decision, the Government also assigned the Swedish Agency for Marine and Water Management to start a new planning round aiming for the inclusion for new areas for offshore wind energy. The aim is to enable additionally 90 TWh annual production of electricity from offshore wind in revised marine spatial plans. The Swedish Energy Agency was assigned to coordinate the development of planning evidence together with several other national agencies responsible for marine and maritime related issues. The planning evidence shall be submitted to the Government no later than 31 March 2022. SwAM shall submit revised planning proposals to the Government no later than 31 December 2024.

On 24 February 2022 the Government also assigned SwAM and the Swedish Energy Agency to jointly make a knowledge compilation on co-existence between offshore wind and commercial fisheries, aquaculture and nature conservation to be reported no later than 28 February 2022.

The Swedish MSPs include designations related to the following interests: Commercial fisheries, Culture, Defence, Electrical transfer, Energy, Nature, Recreation, Sand extraction and Shipping.

Aquaculture, Infrastructure, Carbon Capture Storage are in addition included as topics but there are currently no designations in the plans.

National MSP data can be accessed on the webpage of the Swedish Agency for Marine and Water Management: [www.havochvatten.se](http://www.havochvatten.se) Contact Marie Eriksson, [marie.eriksson@havochvatten.se](mailto:marie.eriksson@havochvatten.se) for more information on data availability.

The majority of the coastal municipalities have actively planned the territorial sea being part of the comprehensive planning.



## 5. What countries want to share

### *Web*

- Information on marine spatial planning in Sweden:

<https://www.havochvatten.se/en/eu-and-international/marine-spatial-planning.html>

### *Reports/documentation*

- Marine spatial plans for the Gulf of Bothnia, the Baltic Sea and the Skagerrak/Kattegat are available as PDF (fully) and in a map tool (partly):

<https://www.havochvatten.se/vagledning-foreskrifter-och-lagar/vagledning/havsplaner.html>

An English version of the document will be published later.

## 6. New developments / current status

See section 4.

## 7. How coastal and marine Baltic Sea protected areas (HELCOM MPAs) are taken into account in MSP

The marine spatial plans shall contribute to sustainable development. Sustainable development refers to reaching economic, social and environmental policy objects in a sustainable way. The Swedish the marine spatial plans shall, among other things, contribute to good environmental status. From this follows that HELCOM MPA:s and other types of protected areas representing areas with high ecological values are taken into account in the development of the Swedish marine spatial plans.

The MPA:s are also part of the marine green infrastructure. Green infrastructure is natural areas, biotopes, structures and other features in the landscape (also in marine areas) that support biological diversity, and hence the delivery of ecosystem services. Using the concept of green infrastructure helps the inclusion of ecological aspects in a broader sense in planning. As part of the planning process, SwAM has explored possible ways and methods of using the concept of green infrastructure the Swedish marine spatial planning.

HELCOM MPA also being Natura 2000-areas have been included in the MSPs as priority areas for Nature, so called "N-areas". Other HELCOM MPA:s have been included in the designation process for areas where special consideration of ecological values are required, so called "n-areas".