

MSP

Country Fiche

Sweden

Updated 2023 / 06

1. General information

- Territorial sea (12-nautical mile zone): approx. 70 000 km²
- Exclusive Economic Zone: 60 000 km²
- Marine spatial plan: 123 000 km²
- 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 border in the Skagerrak and the Finnish border in the Bothnian Bay.
- The Swedish territorial water is divided into two zones, Public Water and Private Water.

1.1. Governance

The Swedish territorial water is divided into two zones, Public Water and Private Water. The Private Water zones, both water and sea floor are parcelled property governed by the Real Property Formation Act and comprises the water area 300 meters from the shore line and further to the contour line of 3-meter depth if it is situated outside the area of 300 meters. 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 (but without any ownership) 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, the Swedish Agency for Marine and Water Management, 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 comprehensive 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).

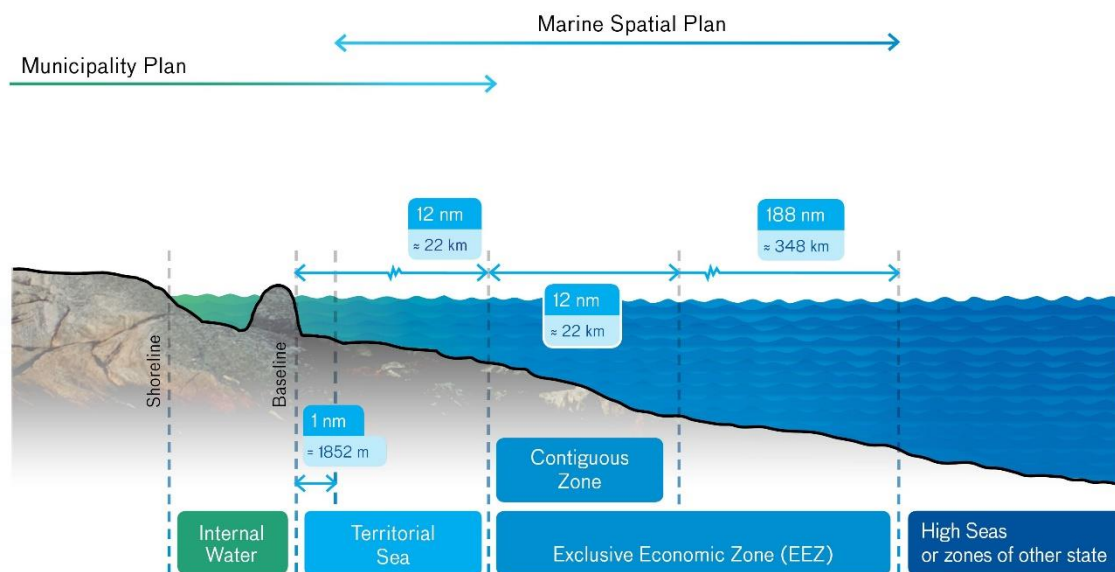
Another part of the Swedish planning system are areas of national interest for a number of sectors identified by appointed national agencies or areas specifically listed in the Environmental code. These areas have to be considered in planning and when authorities are granting permission for activities 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 6 recommendations, EU directives (MSFD, HABITAT, BIRD, SEA, EIA) and many others are transposed to Swedish law

3. General applicability

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).

Overlapping plans:



4. Spatial Plans

4.1. Title of Maritime Spatial Plan:

Marine spatial plans for the Gulf of Bothnia, the Baltic Sea and the Skagerrak/Kattegat

4.1.1. Legal basis

The Environmental Code (1998:808) and the Marine Spatial Planning Ordinance (2015:400)

4.1.2. Legal impact

The marine spatial plans provide guidance to public authorities and municipalities in the planning and review of claims for the use of the areas covered by the plans.

4.1.3. Area covered

The plans are covering the area one nautical mile from the baseline seawards (incl. the exclusive economic zone, EEZ).

4.1.4. Historic development

National legislation was adopted in 2014 and 2015. Sweden's first national marine spatial plans were adopted by the Government on 10 February 2022.

4.1.5. Objectives of the plan

Planning goals:

Overall goal:

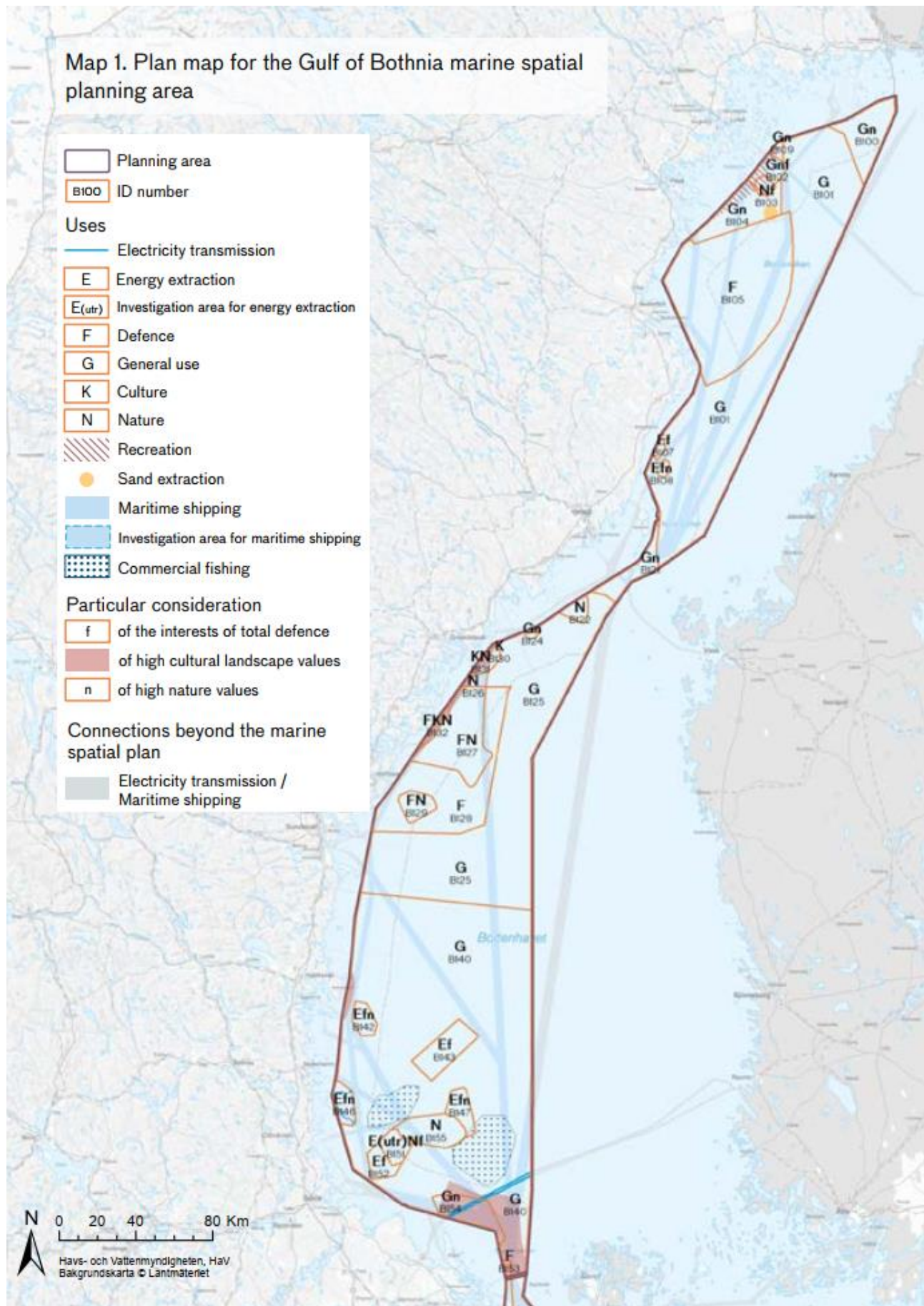
- Good marine environment and sustainable growth.

Create conditions for:

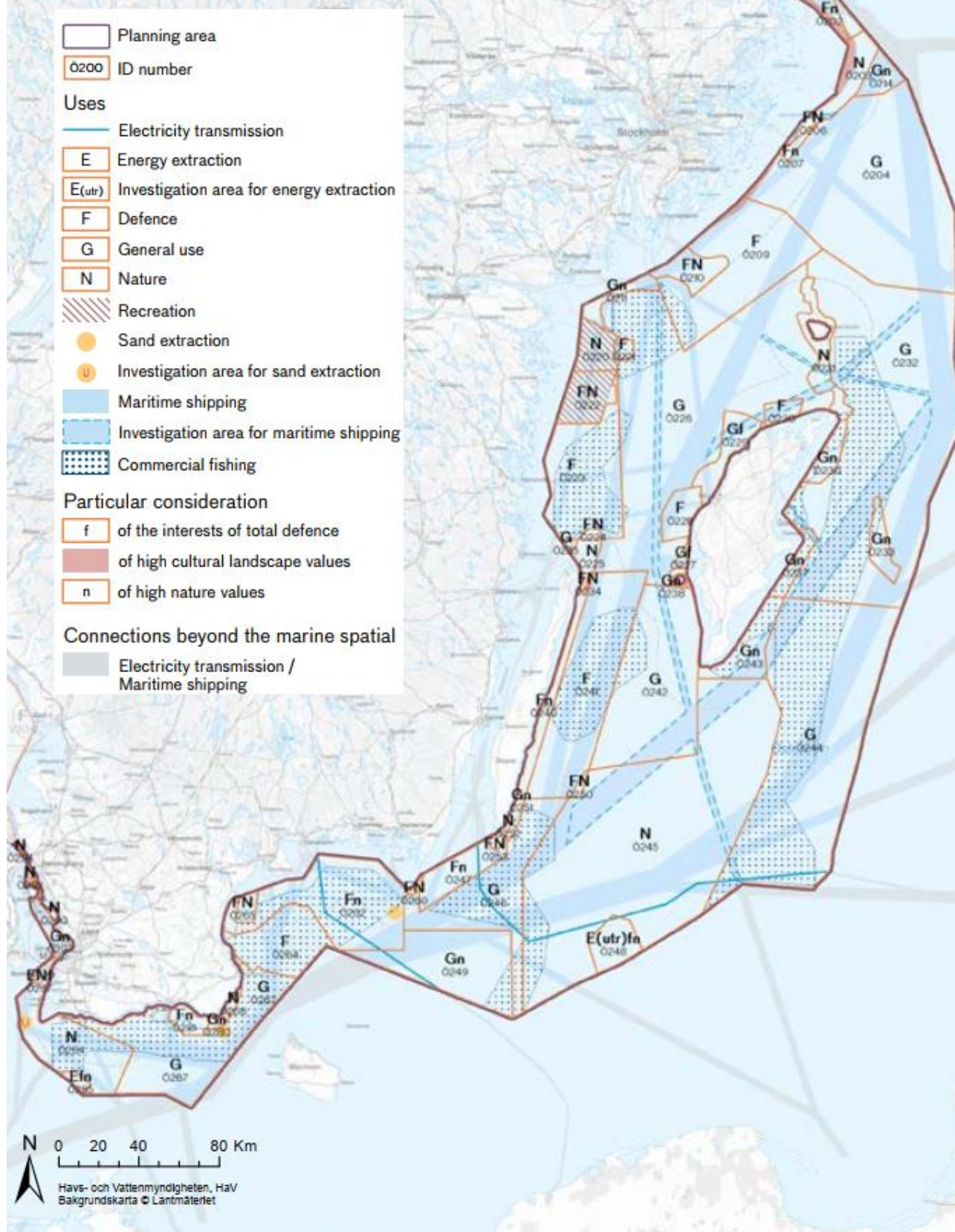
- Regional development, recreation and preservation of culture values

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- Marine green infrastructure and promotion of ecosystem services
 - Sustainable maritime shipping
 - Good accessibility
 - Further development of energy transmission and renewable electricity
 - production in the sea
 - Sustainable commercial fishing
 - Defence and security

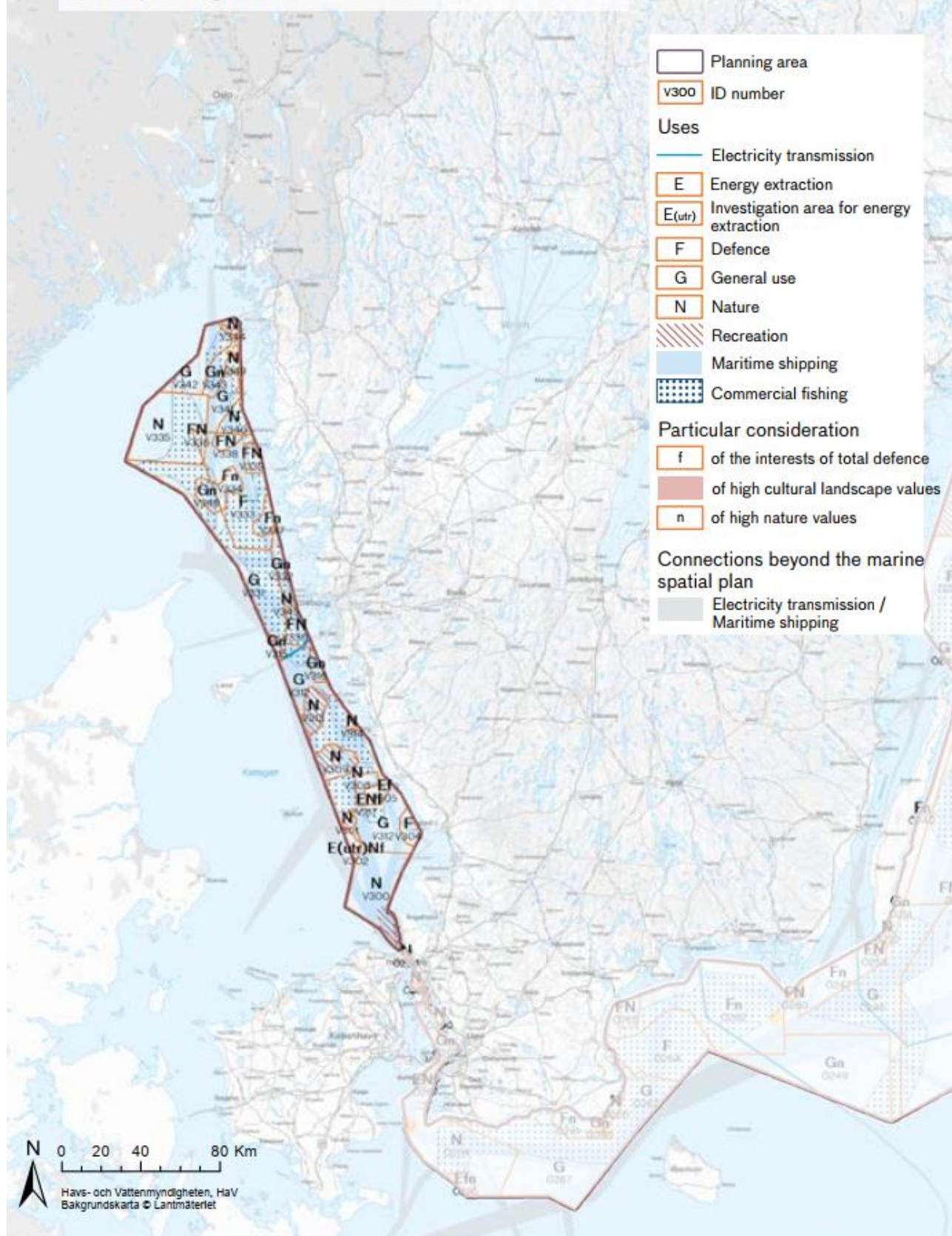
4.1.6. Map (extract form plan document)



Map 5. Plan map for the Baltic Sea marine spatial planning area



Map 11. Plan map for the Skagerrak/Kattegat marine spatial planning area



4.1.7. Designation

Most appropriate use:

The marine spatial plans contain guidance on most appropriate use. The use or uses specified for one area take precedence over other uses. In large parts of the sea, different uses can coexist if they adapt to each other. The spatial plans provide guidance on which use or uses take precedence and what adaptation is necessary.

The maritime spatial plans specify thirteen uses:

- electricity transmission
- energy extraction
- investigation area for energy extraction
- defence
- general use
- culture
- nature
- recreation
- sand extraction
- investigation area for sand extraction
- shipping
- possible shipping
- commercial fishing

Particular considerations

The maritime spatial plans specify areas where particular consideration has to be paid to certain aspects:

- Particular consideration of the interests of the total defence
- Particular considerations of high cultural landscape values
- Particular considerations of high nature values

4.1.8. Regulations

The government may issue regulations (ordinance) on bans or restrictions on activities and measures in an area subject to marine spatial planning, if they are needed to achieve the plan's aim.

No such regulations have been adopted.

4.1.9. Adoption

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

4.1.10. Strategic Environment Assessment

The Marine Spatial Planning Ordinance (2015:400) stipulates that a strategic environment assessment needs to be carried out.

4.1.11. Public participation

The Marine Spatial Planning Ordinance (2015:400) stipulates that the proposals shall be out for consultation and review. The review proposals are formally announced in printed media.

4.1.12. Transboundary consultation

Espoo-consultation on transboundary environmental impact is carried out. Participating countries are encouraged to comment on not only environmental impact, but also other issues related to the plan proposals.

4.1.13. Harmonisation with other plans

The Marine Spatial Planning Ordinance (2015:400) stipulates that municipalities and the regions 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. Municipality comprehensive plans and the regional plans also constitute planning evidence in the national marine spatial planning.

The Marine Spatial Planning Ordinance (2015:400) stipulates that SwAM shall act for cooperation on marine spatial planning with other EU Member States and work for coordination of the marine spatial planning in adjacent areas that is carried out by Member States. When appropriate SwAM shall act for cooperation with non-EU countries.

4.1.14. Implementation, Monitoring, evaluation, follow-up MSP

The current planning process (see section 6 below) include short term follow-up and monitoring since the first proposals were submitted to the Government in December 2019. Follow-up of long-term effects will take place later within the follow-up framework to be adopted when the second round of proposals have been submitted to the Government in December 2024.

4.1.15. Electronic resources

Adopted plans including geographical information (GIS-files) are available on www.havochvatten.se. On the website there is also an on-line map tool for browsing the plan maps including plan guidance.

5. What countries want to share:

The marine spatial plans including geographic information are available in English on the website of SwAM: <https://www.havochvatten.se/en/eu-and-international/marine-spatial-planning/marine-spatial-plans.html>

6. New developments / current status

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. SwAM shall submit revised planning proposals to the Government no later than 31 December 2024.

As a first step the Swedish Energy Agency was tasked to coordinate the development of planning evidence together with several other national agencies responsible for marine and maritime related issues. The planning evidence was submitted to the Government 31 March 2022.

In parallel SwAM has started the planning process with the aim to publish plan proposals for national public consultation in the autumn 2023. After revision the plan proposals will be out for public review in May-August 2024. Final proposals will be submitted to the Government in December 2024.

ESBO-consultation is preliminary scheduled for the autumn/winter 2023/24. A notification was sent out to neighbouring countries in the autumn 2022.

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. The assignment was reported on 28 February 2023.

On 4 May 2023 the Government decided to assign a person to investigate and analyse how the legislation on the establishment of offshore-wind can be improved. The investigator shall analyse how exclusivity can be granted and how a system with pre-destined areas for offshore wind can be designed in the territorial water (common waters) and in the exclusive economic zone. The investigator shall also analyse how fees for using the sea can be applied and how the legislation on different types of licences for the establishment of offshore wind can be included in a specific law on offshore wind. The assignment shall be reported to the Government on 28 June 2024 at the latest.

7. MSP role in protection of marine environment

The Marine spatial plans provide guidance on areas with nature use, bringing together existing and planned area protections, national interest claims for nature conservation, and national interest claims for commercial fishing (with respect to spawning and nursery areas).

The plans' guidance also includes a new way of promoting the development of valuable ecosystem services, as a supplement to established forms of nature protection, for the benefit of many interests. 38 areas are included in the plans. Seven of these areas are also identified as so-called climate refugia. A climate refuge is an area that may need special protection in order to preserve important plants and animals as the climate changes and their distribution grows smaller or changes in the future. The areas have been identified as being the more robust parts of a species distribution area in relation to changed environmental conditions due to climate change, and hence of high nature value.

By means of guidance on particular consideration of high nature values, the plans highlight those nature values that all marine management and activities need to consider, not least in view of the need for resilience in ongoing climate change. Guidance on particular consideration concerns planning and licensing examinations, but is also directed towards the development of marine management. The specified areas are intended as a basis for management, so that affected agencies together with affected sectors can work further on the indicated areas to see whether specific measures need to be taken in order for particular consideration to be made of the high nature values. The intention is also to guide stakeholders in planning operations and activities in time and space, and with the possibility of adapting to changed circumstances, so that they will be able to contribute to the sea's ecosystem services within their own remit.

8. MSP role in Climate change mitigation, adaptation and resilience

The marine spatial plans address climate change by i/ supporting the strengthening of ecosystems existing and future resilience, ii/providing good conditions for mitigation measures and iii/ supporting adaptation.

Strengthening ecosystem resilience

See section 7 on marine protection and information and guidance on areas with nature values, including climate refugia. The strategy was also to work continuously with systematic integrated impact assessment of different plan alternatives in order to reach better planning solutions. The SYMPHONY tool was essential for the environmental part of the impact assessments. The impact assessments included impacts related to the climate.

Supporting climate mitigation

To support mitigation the strategy was to identify areas suitable for offshore wind energy compatible with other interests. The areas correspond to an estimated maximum annual production of 60 TWh. It is estimated that the plans in the end will contribute to 23 TWh to 31 TWh in annual production, depending

on the proportion of the areas that will be able to be used due to other interests. The focus of the new planning round is to increase substantially the areas for offshore wind to support the Swedish renewable energy target.

In future areas/places/well for carbon capture storage may be included in the plans. The Government has assigned the Swedish Geological Survey to do further investigations.

Supporting climate adaption

As for adaption, the marine spatial plans include designated areas for sand extraction. The sand may be used for beach replenishment, in the production of concrete or for other purposes.