



MULTI-LEVEL GOVERNANCE  
IN MARITIME SPATIAL PLANNING  
THROUGHOUT THE BALTIC SEA REGION

# PartiSEApate

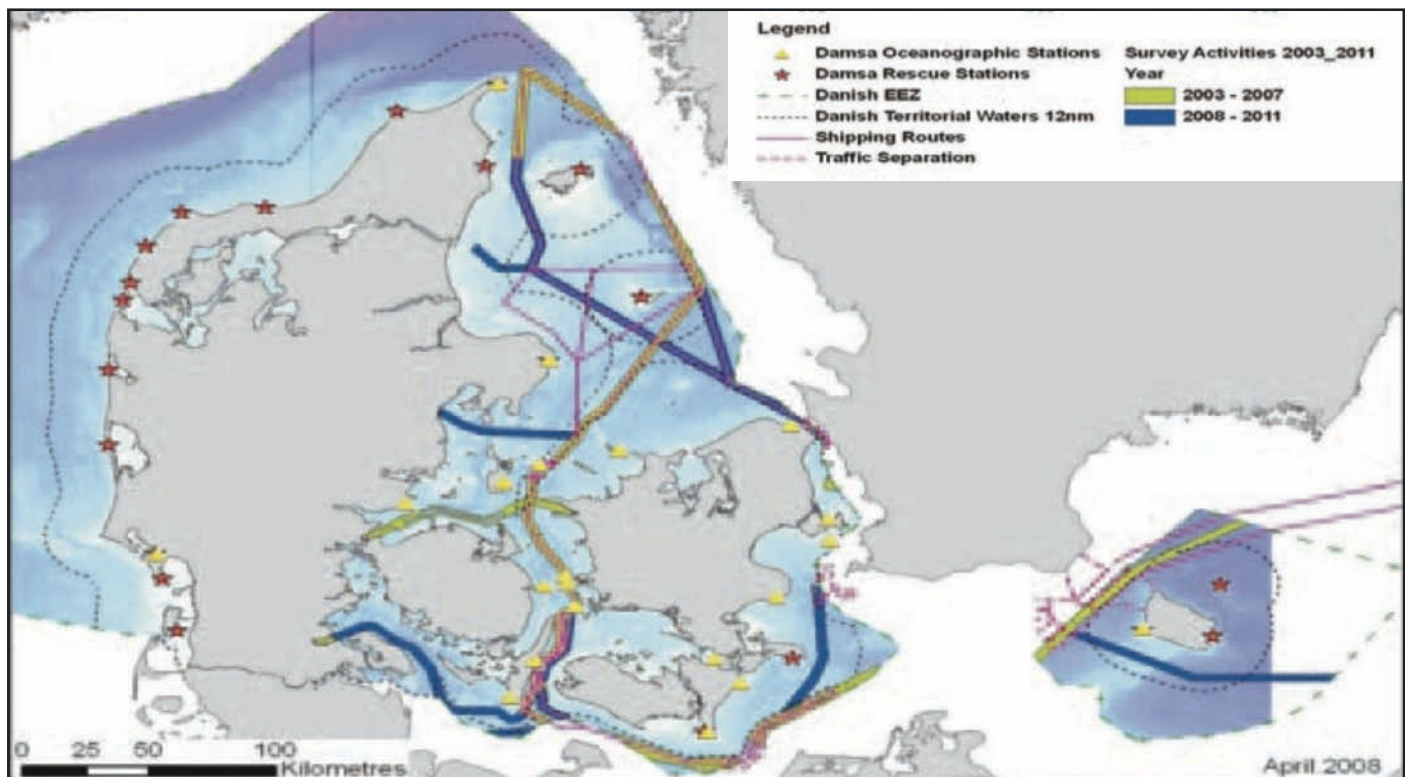
## Overview of the Maritime Spatial Planning Situation in the Countries of the Baltic Sea Region

2013



# Maritime Spatial Planning in Denmark

## Danish Marine Waters

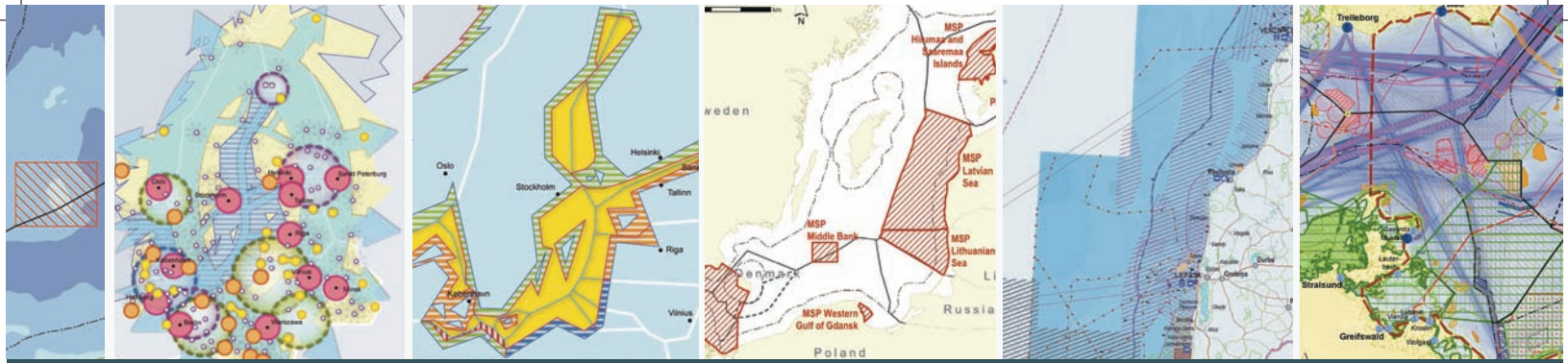


Danish marine waters

- Total Danish sea area: 105 000 km<sup>2</sup>
- Marine internal waters: 3 500 km<sup>2</sup>
- Territorial sea (12 nm zone): 40 000 km<sup>2</sup>
- Exclusive Economic Zone: 61 500 km<sup>2</sup>

## Governance of the Sea Space

- The Danish State is the only owner of the sea territory.
- Control of the Danish sea territory, fishing territory and continental shelf is regulated by State sovereignty over the sea.
- In Denmark, the Ministry of Transport is the responsible authority for the state's sovereignty over the sea territory if the authority to grant permission is not delegated by law to a sector ministry. This task, however, is delegated to the Danish Coastal Authority. In addition, a number of ministries are responsible for different sectors such as fishery, exploitation of raw materials, energy production, coastal protection, navigational safety, etc.



## Use of the Sea Space

- The intensity of sea space use is highest of all the Baltic Sea Region countries.
- Current main uses: shipping, fishing and energy industry. The first offshore windmill farms in the Baltic Sea Region were constructed in Denmark.

## Maritime Spatial Planning Legislation

- Denmark does not have a specific Planning Act for its sea space.
- In 2010 a Marine Policy Strategy was approved by the government. The strategy stresses the need for Maritime Spatial Planning.
- Denmark is preparing for Maritime Spatial Planning. In autumn 2013 all national stakeholders will discuss scenarios for MSP in Denmark.
- Sea-based activities are regulated by a large number of sectoral laws, e.g., the Marine Environment Protection Act, the Raw Materials Act, the Subsoil Act, the Continental Shelf Act, the Electricity Supply Act, the Harbour Act and the Fishery Acts.
- Consequently, authority over the coastal zone is dispersed among different sectors and different administrative levels of decision-making. The Planning Act only regulates the terrestrial part of the Danish territory. In regards to the coastal zone, activities are regulated by specific paragraphs of the Planning Act.
- The Danish Agency for Spatial and Environmental Planning (as part of the Ministry of the Environment) has overall responsibility for the Planning Act. The Agency is responsible for upholding national interests through national planning.

## Maritime Spatial Plans

- Maritime spatial plans do not exist in Denmark.
- Only a non-binding transnational maritime spatial plan of strategic nature exists, prepared by research circles. The plan covers the Pomeranian Bight (<http://www.baltseaplan.eu/index.php/Pomeranian-Bight;832/1>).

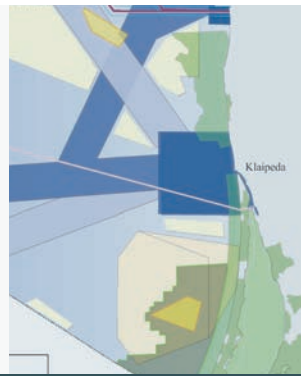
## Maritime Spatial Planning and Environmental Protection

- Environment Impact Assessment is compulsory for all major offshore investments.
- By law, maritime spatial plans will be subject to Strategic Environmental Assessments.

## Contact Points

- The responsible authority for the transnational consultation process is the Ministry of Environment.
- The responsible authority for the ESPOO Convention is the Ministry of Environment.





# Maritime Spatial Planning in Estonia

## Estonian Marine Waters

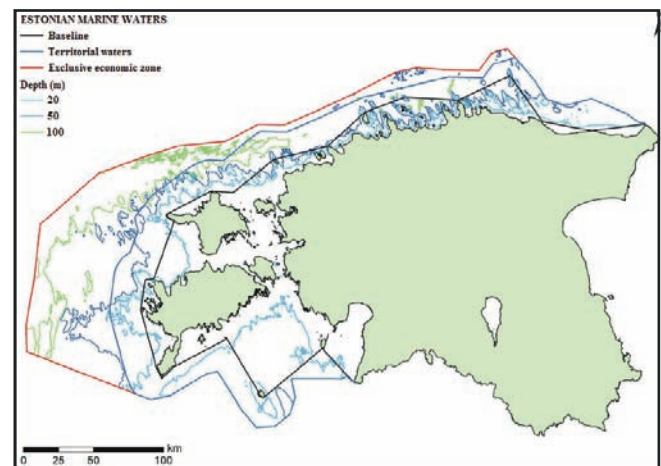
- Territorial sea (12-nm zone) and marine internal waters: approximately 25 200 km<sup>2</sup>
- Exclusive Economic Zone: about 11 300 km<sup>2</sup>
- Disputed area: EEZ between Estonia and Russia

## Governance of the Sea Space

According to the Water Act of Estonia, public bodies of water, including the territorial sea and internal waters, belong to the state. Currently, there is not only one ministry responsible for managing the sea space, but several:

- The Ministry of Economic Affairs and Communication gives out permits for building in public bodies of water (e.g. permits for offshore wind parks) and manages transportation (e.g. shipping lanes, ports).
- The Ministry of Environment manages protected areas, including Natura 2000 sites.
- The Ministry of Agriculture manages and organises fishing.
- The Ministry of Defence organises defence activities and uses sea space for military purposes.
- The Ministry of Culture manages cultural heritage.
- The Ministry of the Interior is in charge of coordinating spatial planning, including maritime spatial planning.
- Local governments can plan maritime areas bordering with their territory, in case of planning a development that is permanently connected to the shore.

On August 2<sup>nd</sup> 2012, the Estonian Government adopted the "Estonian Marine Policy 2011-2020". One of its objectives is to plan Estonian marine areas and solve existing conflicts by 2020.



*Estonian marine waters*

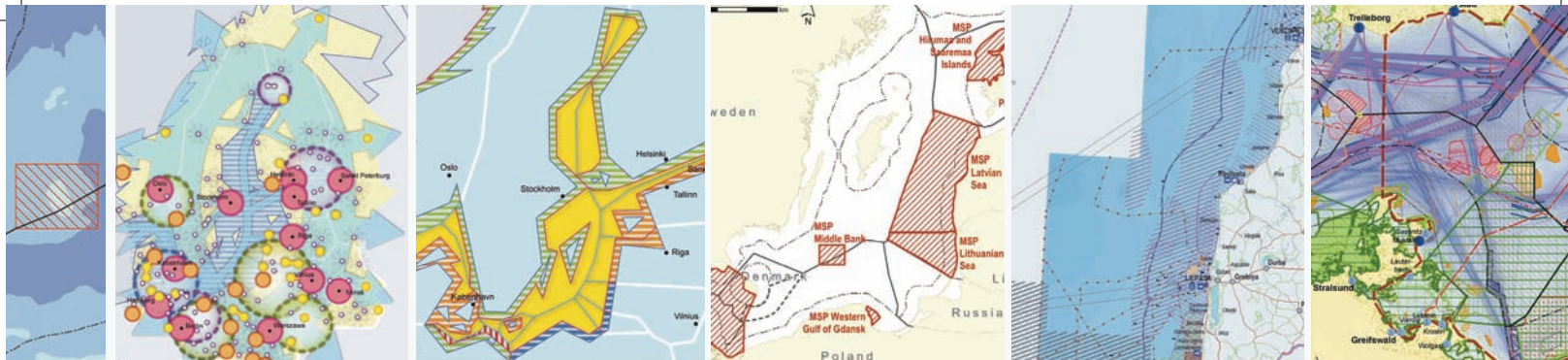
## Use of the Sea Space

- Current uses: shipping, fishing, ports, cables, gravel and sand extraction, national defence, recreation.
- The density of sea use on Estonian marine areas is relatively high, but varies depending on the region. Not all marine areas are equally used. Growing interest for building offshore wind farms has emerged in the past few years. Offshore energy has also been the main driving force behind maritime spatial planning in Estonia.
- The main conflicts have emerged between new sea uses like offshore wind energy and more traditional sea uses like fishing or shipping.

## Maritime Spatial Planning Legislation

The main legal act regulating maritime spatial planning is the Estonian Planning Act. The Planning Act regulates spatial planning of the sea and other water areas on different planning levels:

- National spatial plan: Defines principles that apply for the entire territory of Estonia and creates spatial connections with the rest of Europe.



- County plan: Main level for dealing with marine areas, sets general principles for sea use.
- Local level planning: Local governments can plan maritime areas bordering with their territory, in case of planning a development that is permanently connected to the shore.
- Other relevant legal acts concerned with maritime spatial planning are the Water Act and the Environmental Impact Assessment and Environmental Management Act.
- Since February 2010 the Water Act regulates building in public water bodies through a building permit. The process of giving out a building permit cannot be initiated if a county plan has been initiated on the specific sea uses.
- The Environmental Impact Assessment and Environmental Management Act regulates impact assessments necessary for spatial plans, including cross-border environmental impact assessments.
- The main drawback of the current law is the fact that there is not one competent authority for managing the use of marine areas. Every ministry manages a small proportion, one topic of sea use management.
- Maritime spatial planning is not thoroughly regulated either. Currently, maritime spatial planning in Estonia is derived from land-based spatial planning, not keeping in mind that land and sea have different legal backgrounds.

## Maritime Spatial Plans

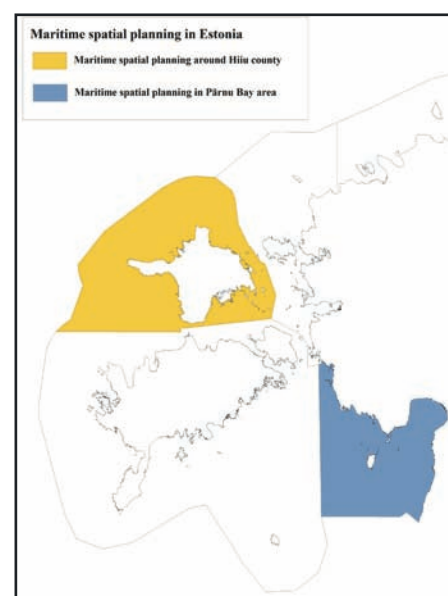
- On October 11<sup>th</sup> 2012, the Government of Estonia initiated maritime spatial plans on two marine areas in Estonia: the marine areas around Hiiumäe island and those around Pärnu Bay, both territorial waters.
- Two maritime plans initiated in 2012 are county level plans, administered by county governors. The main purpose of both plans is to plan the long-term use of the sea through a public process, taking into account the different economic, social, cultural and environmental interests and needs. The plans are prepared in accordance with the Estonian Planning Act. The plans should be adopted in 2016. Both planning areas are partly covered by the BaltSeaPlan Project (2009-2011) which covered stock-taking, conflict analysis and identification of future uses, but did not have any legal consequences.

## Maritime Spatial Planning and Environmental Protection

- Establishment of marine protected areas is regulated through the Estonian Nature Conservation Act and is not done through the process of spatial planning.
- Marine protected areas are taken into account as restrictions on certain marine areas.
- A compulsory SEA is conducted for maritime spatial plans as regulated by the Estonian Environmental Impact Assessment and Environmental Management System Act.

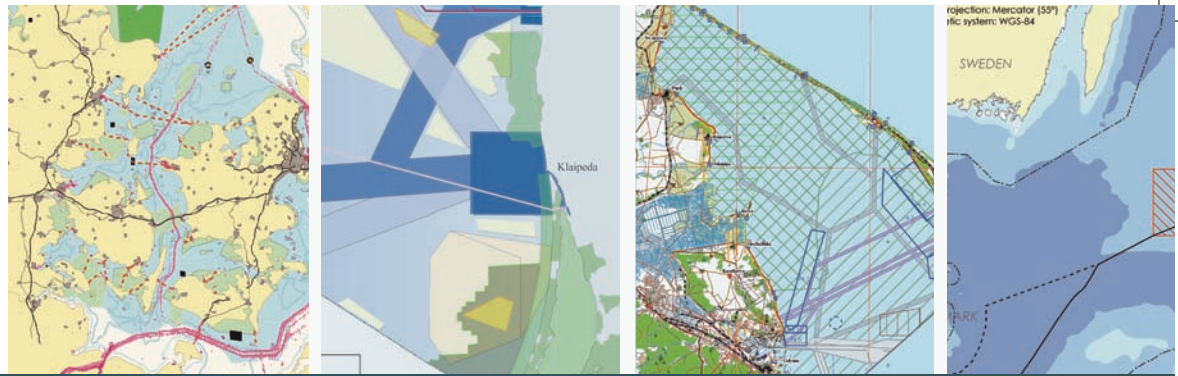
## Contact Point

Spatial Planning Department of the Estonian Ministry of the Interior  
Pikk 61, 15065 Tallinn, Estonia - Tel. +372 612 5175 - [info@siseministeerium.ee](mailto:info@siseministeerium.ee)



*Maritime spatial planning in Estonian territorial waters*





## Maritime Spatial Planning in Finland

### Finnish Marine Waters

- Territorial sea (12 nm zone): 54 130 km<sup>2</sup> (and 4 330 km<sup>2</sup> islands, not included in water areas)
- Exclusive Economic Zone: 29 080 km<sup>2</sup>

### Governance of the Sea Space

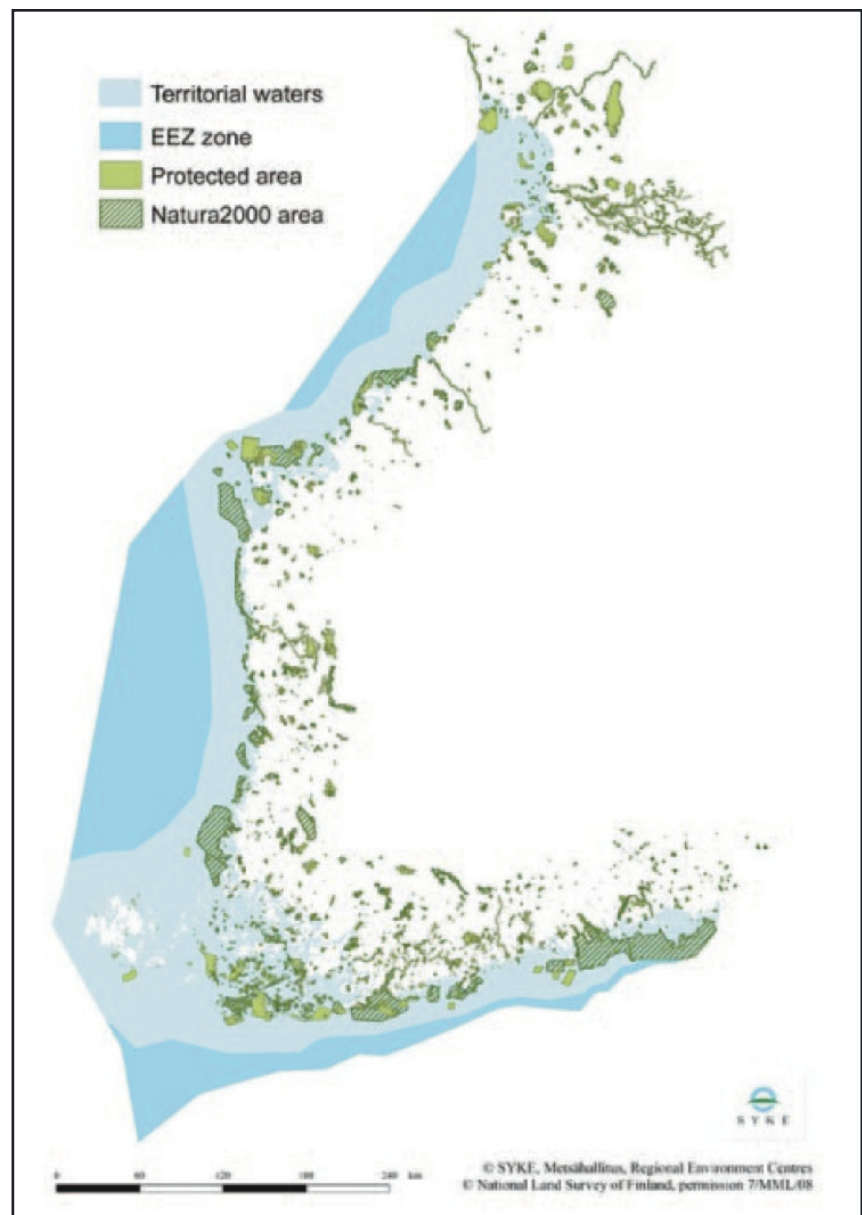
All territorial waters are a part of coastal municipalities. Accordingly, municipalities are in charge of their administration. The Finnish government is responsible for the administration of the economic zone, where the Finnish Law on the Economic Zone is applied.

### Use of the Sea Space

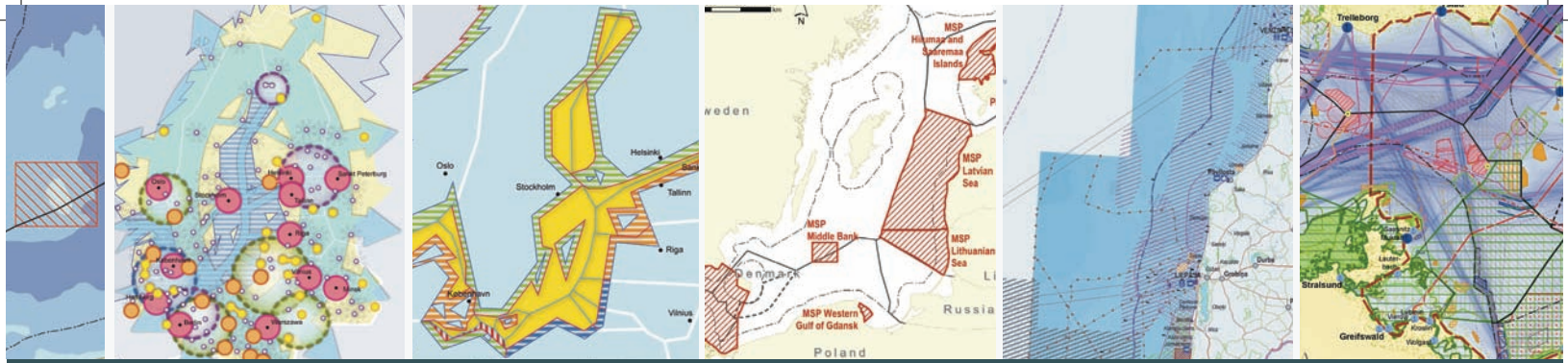
- Compared to other Baltic Sea Region countries, the intensity of sea space use in Finland is low - in the northern part - and moderate - in the southern part. Shipping is very active between Helsinki and Tallinn as well as to the Russian harbours along the Gulf of Finland.
- Current main uses: shipping, fishing, nature protection and recreation.
- Future uses: shipping, fishing, nature protection, recreation and energy.

### Maritime Spatial Planning Legislation

- There is no specific, single legislative act for maritime spatial planning in Finland.
- Planning on land and on waters is based on the Land Use and Building Act.
- Municipalities and regional councils have the planning mandate for their adjacent marine waters up to the border of the territorial Sea.
- There is no planning mandate for EEZ and UNCLOS is implemented through national legislation.



*Finnish marine waters*



## Maritime Spatial Plans

- Regional land use plans are the most relevant planning means for the sea area. They are drafted by regional councils, whose members are the representatives of municipalities. Individual citizens and non-governmental organisations are fully entitled to participate in the planning process. Regional councils also approve regional land use plans. These plans are then submitted to the Ministry of the Environment, where the legality of the plans is assessed before final ratification.
- A regional land use plan sets out a general framework for the more detailed local plans, which are prepared by the municipalities. Regional land use plans are legally binding, but nevertheless they leave plenty of scope for the municipalities to resolve local land use and development issues. The regional council must also ensure that the plan promotes the implementation of the national land use guidelines. Regional Land Use Planning: <http://www.ymparisto.fi/default.asp?contentid=305141&lan=fi&clan=en>
- At the moment nine coastal regional plans are under preparation, 15 coastal regional plans have already been ratified and three are awaiting ratification.
- Municipal authorities draft detailed plans. No municipal plans have been drafted exclusively for marine areas but some plans have encompassed sea areas.

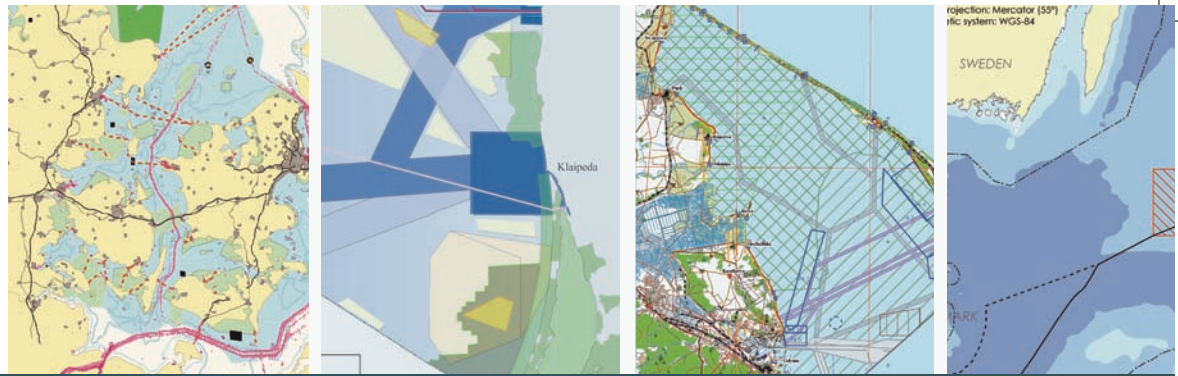
## Maritime Spatial Planning and Environmental Protection

- Maritime Spatial Planning in Finland is based on the ecosystem paradigm developed and operationalised by the Joint HELCOM-VASAB Maritime Spatial Planning Working Group based on the Malawi Principles.
- Environment Impact Assessment is compulsory for all major offshore investments.
- By law, maritime spatial plans will be subject to Strategic Environmental Assessments.

## Contact Points

- The responsible authority for the transnational consultation process is the Ministry of Environment.
- The responsible authority for the ESPOO Convention is the Ministry of Environment.

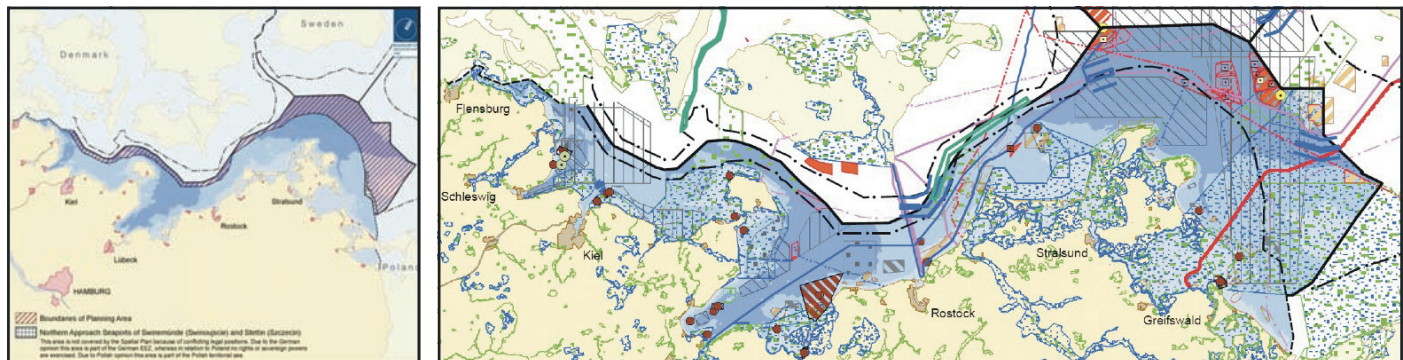




# Maritime Spatial Planning in the Baltic German EEZ

## German Marine Waters

Exclusive Economic Zone in the Baltic Sea: 4 500 km<sup>2</sup>



German marine waters

## Governance of the Sea Space

- Ministry of Transport, Building & Urban Development: responsible for setting up Maritime Spatial Plans in the German EEZ in the framework of UNCLOS ([http://www.bmvbs.de/EN/Home/home\\_node.html](http://www.bmvbs.de/EN/Home/home_node.html))
- Federal Maritime & Hydrographic Agency (BSH): in charge of planning and licensing procedures ([www.bsh.de](http://www.bsh.de))
- General goals for the sea space are outlined in the "Maritime Development Plan – Strategy for an Integrated German Maritime Policy" (2011) (<http://www.bmvbs.de/SharedDocs/EN/Artikel/WS/maritime-policy-maritime-development-plan.html?linkToOverview=js>)

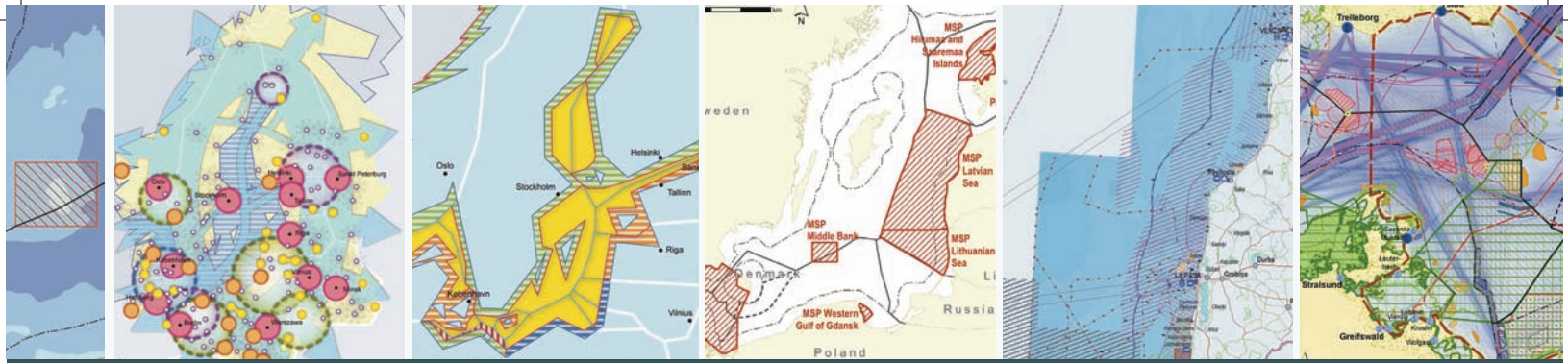
## Use of the Sea Space

- Very intensely used sea space, but also high share of protected and nature conservation areas (ca. 43 %).
- Current main uses: commercial shipping, leisure boating, fishery, offshore wind energy, other technical infrastructure such as energy platforms and cables, data cables, gas pipelines, sand and gravel extraction, scientific research (platform, monitoring stations) and military exercise areas.
- (Expected) future uses: increasing maritime traffic, new gas pipelines, further offshore wind farms including major number of cable connections or even energy grid (regulations of upcoming 2013 Offshore Grid Plan for the Baltic Sea EEZ to be integrated into maritime spatial planning).

## Maritime Spatial Planning Legislation

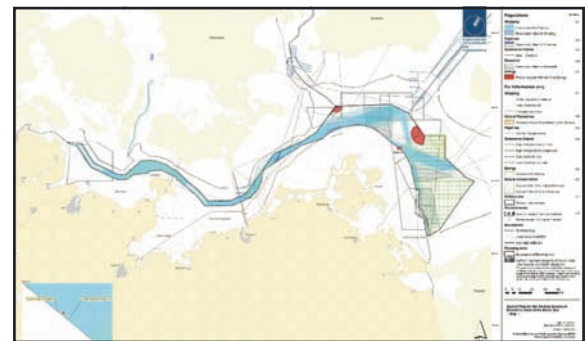
- The Spatial Plan is set up as a statutory ordinance in the context of Federal Spatial Planning Act, § 18a, which was introduced by the Act of June 24, 2004, setting up legally binding targets and principles (guidelines that need to be particularly considered in the decision process) of spatial planning in the EEZ regarding economic and scientific uses, ensuring the safety and efficiency of navigation, as well as protection of the marine environment.
- Further relevant legislation: Federal Maritime Responsibilities Act (SeeAufG) of July 26, 2002 plus related regulations, including Marine Facilities Ordinance (SeeAnIV); Federal Mining Act (BbergG) of August 13, 1980; Federal Energy Management Act (EnWG) of July 7, 2005





## Maritime Spatial Plans

- The MSP for the Baltic Sea EEZ came into effect on December 10, 2009 as a legally binding statutory ordinance ([http://www.bsh.de/en/Marine\\_uses/Spatial\\_Planning\\_in\\_the\\_German\\_EEZ/index.jsp](http://www.bsh.de/en/Marine_uses/Spatial_Planning_in_the_German_EEZ/index.jsp)).
- The guiding principle is sustainable spatial development, which brings the social and economic demands regarding space in line with its ecological functions and leads to a permanent, large-scale balanced order.
- Five guidelines:
  1. Safeguarding and strengthening maritime traffic
  2. Strengthening economic capacity through orderly spatial development and optimisation of spatial use
  3. Promotion of offshore wind energy use in accordance with the federal government's sustainability strategy
  4. Long-term sustainable use of the features and potentials of the EEZ through reversible uses, efficient use of space and priority of marine-specific uses
  5. Safeguarding the natural environment by avoiding disruptions and pollution of the marine environment
- The EEZ MSP determines coordinated regulations for single uses and functions: shipping, exploitation of raw materials, pipelines and submarine cables, marine scientific research, energy production (especially wind energy), fisheries and mariculture, protection of the marine environment. Further uses in the EEZ such as military use find coordinated considerations within the regulations mentioned above.
- Structure and main regulations:
  1. Following analysis of ship traffic based on AIS information provided by the Water & Shipping Administration, main shipping routes are designated as priority areas that must be kept free from obstacles (e.g. wind farms).
  2. Designation of priority areas for offshore wind energy which do not conflict with other uses and the marine environment.
  3. Protection of the marine environment (no wind turbines are allowed in Natura 2000 areas).



*Spatial Plan for the German EEZ of the Baltic Sea*

## Maritime Spatial Planning and Environmental Protection

- NATURA 2000 areas and the provisions for their management plans are taken as granted and are taken into account by restrictions to certain activities (OWP not eligible within protected areas).
- SEAs are conducted according to the Environmental Impact Assessment Act (UVPG) of June 25, 2005, resulting in comprehensive environmental reports.

## Contact Point

MSP: Kai Trümppler, German Federal Maritime and Hydrographic Agency - Bernhard-Nocht-Str. 78, 20359 Hamburg, Germany - Tel. +49 (0) 40 3190 -3520/-7410  
[kai.truempler@bsh.de](mailto:kai.truempler@bsh.de)

ESPOO: Christof Sangenstedt, German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety - Stresemannstraße 128 - 130, 10117 Berlin, Germany - Tel. +49 (0) 30 18 305-4352  
[Christof.Sangenstedt@bmu.bund.de](mailto:Christof.Sangenstedt@bmu.bund.de)



## Maritime Spatial Planning in Latvia

### Latvian Marine Waters

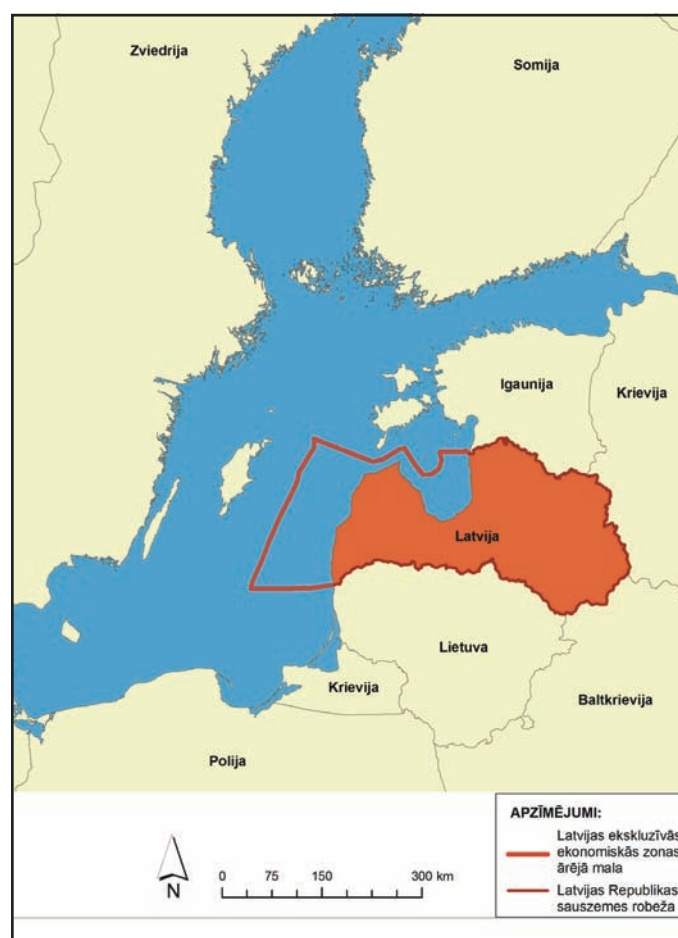
- The marine waters under Latvian jurisdiction include inland waters, territorial sea (12 nautical miles from the baseline) and exclusive economic zone (EEZ) waters.
- The total area of Baltic Sea waters (including the Gulf of Riga) Latvia's jurisdiction is 28 000 km<sup>2</sup>.
- The Baltic Sea waters under Latvia's jurisdiction border with Lithuania, Estonia and Sweden.

### Governance of the Sea Space

- Marine waters are owned by the state.
- The responsible authorities for the marine waters are the respective sectorial ministries.
- The Ministry of Finance on its part possesses seashore (up to a depth of 20 m) owned by the state.
- Current discussion: competencies of the municipalities in relation to seashore management and planning.

### Use of the Sea Space

- Currently, use of the marine waters of Latvia is low.
- Current main uses: seafaring, ports, environmental protection, fishing, seashore tourism, sand sites, military territories and scientific activities in the sea (monitoring).
- Future uses: as in other seas, in the Baltic Sea there is increasing interest in development of wind parks in the open sea area (shore of Kurland). Oil extraction might be an option but it is hindered by the lack of a ratified border with Lithuania.

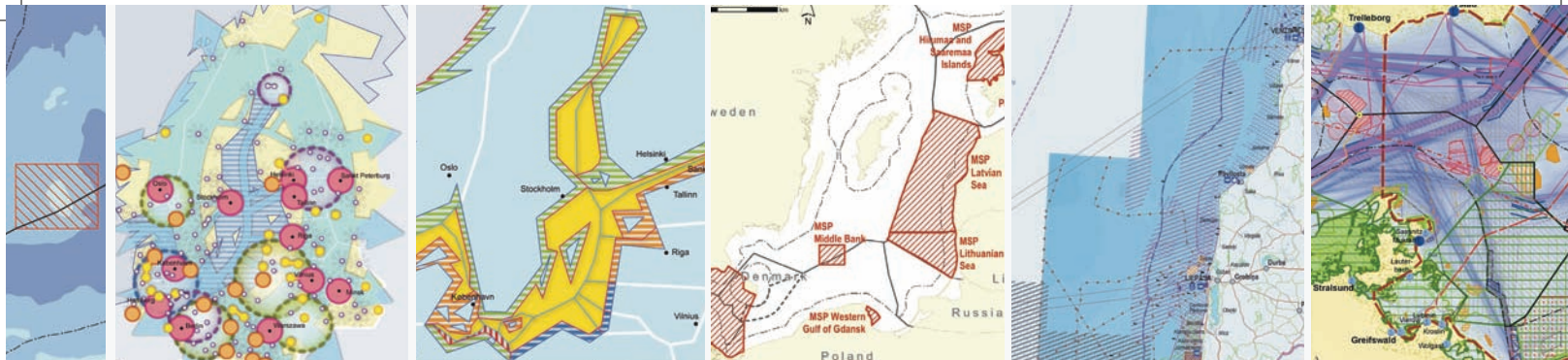


The waters under the jurisdiction of Latvia – inland waters, territorial sea and EEZ (source: LIAE)

### Maritime Spatial Planning Legislation

- The Spatial Planning System Development Concept (accepted by decree No. 474 of 15 July, 2009) states that marine planning shall be defined by laws and regulations.
- The Marine Environment Protection and Management Law (effective since 18 November, 2010) states the need for maritime spatial planning.
- The Law on Territorial Development Planning (effective since 1 December, 2011) also states the need for maritime spatial planning.





- The informative report “On distribution of competencies among the authorities for maritime spatial planning” (12.04.2012. Section 40 of the Minutes of the Cabinet of Ministers No. 19), which defines responsibilities of the authorities in the development of the plan, also states that Maritime Spatial Planning shall be developed for land/shore territory that is functionally related with the sea.
- The regulations of the Cabinet of Ministers No. 740 (2012) define the maritime planning development, implementation and supervision procedure.
- Law on Territorial Development Planning: future development will drive Maritime Spatial Planning as a national long-term territory development and planning instrument, which will define the use of the sea. Regulation: The Maritime Spatial Plan will be accepted by the Cabinet of Ministers and it will be binding for natural persons and entities.

## Maritime Spatial Plans

- No effective maritime spatial planning in place.
- The Ministry of Environmental Protection and Regional Development has gained experience in maritime spatial planning through participation in different pilot projects such as BaltSeaPlan (<http://www.baltseaplan.eu/index.php/Latvian;839/1>), Plan Bothnia, GORWIND (<http://gorwind.msi.ttu.ee/home/info>) and PartiSeaPate.
- According to the Law on Territorial Development Planning, maritime spatial planning shall commence by 1 January, 2014. According to the Regulations of the Cabinet of Ministers No. 740 “Marine planning development, implementation and supervision procedure” accepted on 30 October, 2012 the maritime spatial plan shall be developed by the Latvian Institute of Aquatic Ecology in cooperation with the Maritime Administration of Latvia.
- Maritime Spatial Planning will be developed taking into consideration the international liabilities of the Republic of Latvia and in cooperation with countries with which Latvia has a common sea border.

## Maritime Spatial Planning and Environmental Protection

- Maritime planning development based on the ecosystem approach will commenced by 2014.
- According to the Law on Environmental Impact Assessment, there will be strategic environmental impact assessments for maritime planning.
- “Marine Protected Areas in the Eastern Baltic Sea” (2005-2009): proposition for development of seven marine protected areas in the territorial sea in the framework of a LIFE project, which in 2011 were included in the network of Natura 2000 that currently ensures protection of sea biotopes with significant importance.

## Contact Point

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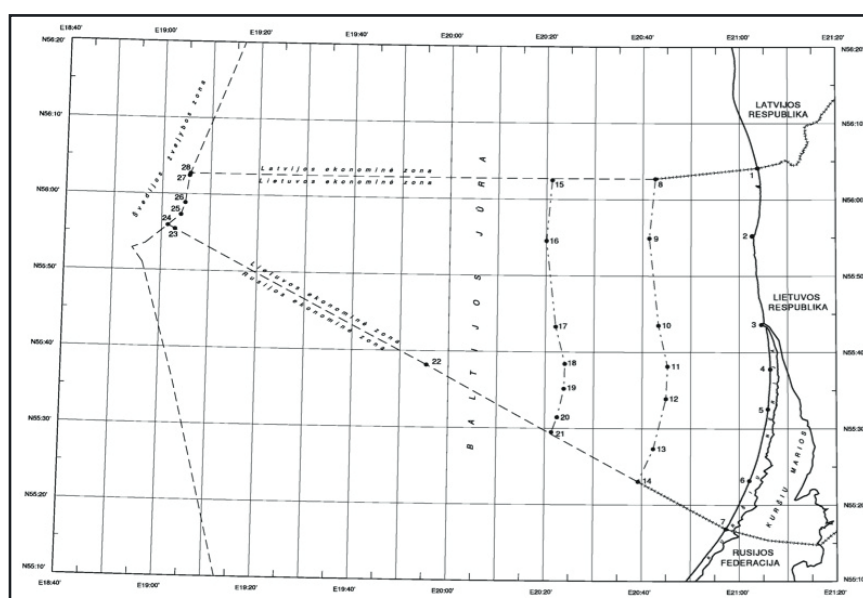
# Maritime Spatial Planning in Lithuania

## Lithuanian Marine Waters

The Lithuanian maritime space is delimited by the Decree of the Government of the Republic of Lithuania of 6 December, 2004, No. 1597 and includes internal waters, territorial waters, the exclusive economic zone, the sea bottom and the soil underneath, as follows:

- Internal waters (lagoons not included): 35 km<sup>2</sup>
- Territorial waters (12-nm zone): 1 816 km<sup>2</sup>
- Exclusive economic zone including adjoining zone: 4 586 km<sup>2</sup>

Marine areas border Latvia to the north, the Russian Federation to the south (Kaliningrad oblast) and Sweden in the western part. The area within a 20 m water depth is part of the "Coastal Strip".



*Lithuanian marine waters*

## Governance of the Sea

- According to Art. 47 of the Constitution of the Republic of Lithuania, the exclusive right for the Lithuanian maritime space belongs to the Republic of Lithuania (i.e. owned by the state).
- Current governance of the sea space is defined by legal acts relating to the use of the sea space and responsibilities of the Republic of Lithuania as stipulated in international legal acts in which it participates.
- The Comprehensive Plan of the Territory of the Republic of Lithuania is complemented by marine spatial solutions prepared in 2011-2013 and expected to be adopted in 2014.

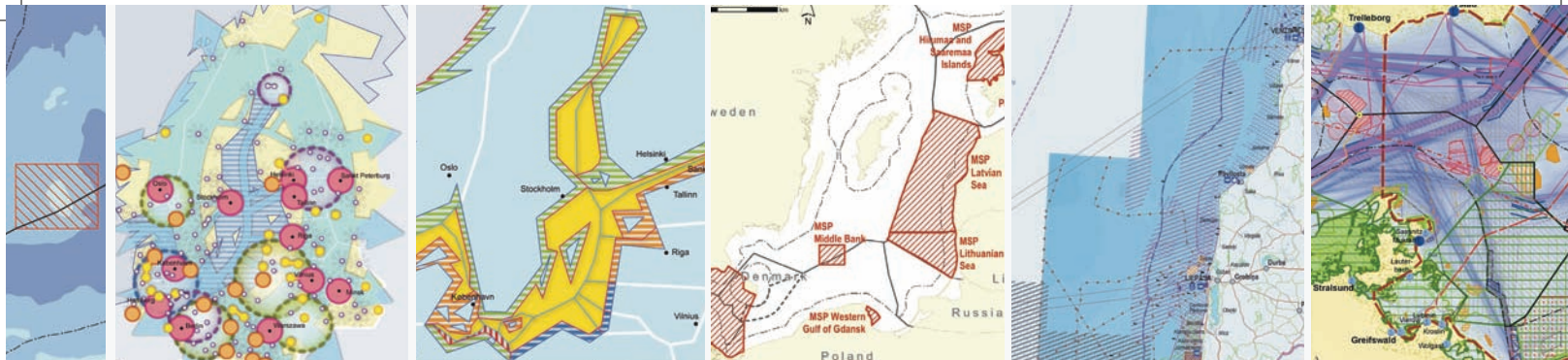
## Use of the Sea Space

- Current uses: a relatively small area accommodates four main navigation routes, the multi-purpose deep-water port of Klaipėda, the port of Šventoji, a UNESCO World Heritage site, Natura 2000 sites, the oil terminals in Būtingė and Klaipėda, offshore military polygons, near shore fishery bars and offshore fishing areas.
- Future uses: planned underwater high voltage electricity link to Sweden. Recently, certain areas have been investigated for offshore wind energy developments and reserved for sand extraction purposes.

## Maritime Spatial Planning Legislation

- In Lithuania there is no specific legal act dealing with maritime spatial planning.
- The MSP was implemented based on the existing Law on Territorial Planning by supplementing the existing





Comprehensive Plan of the Territory of the Republic of Lithuania with marine spatial solutions (both for territorial waters and the EEZ). The revised Law on Territorial Planning adopted on 27 June 2013, which came into force on 1 January 2014, includes stipulations on planning for the sea space. The same stands at different levels of planning are included in the Rules of Complex Territorial Documents Preparation adopted by the Minister of Environment Order No. D1-8 on 2 January, 2014 as an executive legal act, following the revised Law on Territorial Planning. Part of the marine space (up to 20 m isobath) falls under the regulation of the Law of the Coastal Strip.

- In addition, the Republic of Lithuania is a signatory state of the United Nations Convention on the Law of the Sea.
- There are more than 20 legal acts (Laws and Governmental Decrees guiding the use of the sea space.

## Maritime Spatial Planning

- The Seimas (Parliament of the Republic of Lithuania), through Decree No. XI-1571 (State Gazette, 2011, Nr. 80-3902), requested complementing the existing Comprehensive Plan of the Territory of the Republic of Lithuania with the marine part. The Ministry of Environment, as organizer of the national level spatial planning document, launched the preparation of this complementary plan to cover both territorial waters and the EEZ. The MSP was completed in December 2013. After international consultations and approval by the Lithuanian Parliament the Plan will become an obligatory spatial planning document. The key planning objectives were to:
  1. Foster investments for economic development
  2. Maintain balance between good ecological status and sustainable economic development in marine areas
  3. Protect, rationally use and restore natural resources and cherish natural and cultural heritage and recreational assets
  4. Harmonize the interests of private and legal bodies, the general public, as well as municipal and national levels regarding the use of marine areas and conditions for development of different maritime activities.
- Solutions for the extension of the Comprehensive Plan were based on stipulations, demands of the legal acts of the Republic of Lithuania, MSP principles developed by the Cross-border Oceanographic Commission of UNESCO, adopted by VASAB – HELCOM BSR broad scale MSP principles and followed by the actions defined in the EU Baltic Sea Region Strategy Action Plan. Further official information on the current state and the progress can be found at the Ministry of Environment of the Republic of Lithuania (<http://www.am.lt/VI/index.php#r/1558>).

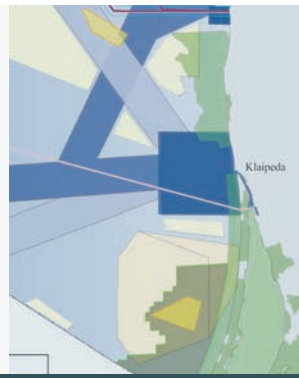
## Maritime Spatial Planning and Environmental Protection

- Current activities related to planning for Lithuanian marine waters is in line with research concerning establishment of new and revision of existing Natura 2000 sites.
- Proposed solutions for spatial allocation of marine uses have followed a strategic environmental assessment (SEA)
- The established nature protection sites network was used as a background dataset for future planning;
- New areas for possible development of an offshore Natura 2000 network have been proposed

## Contact Point

Planning organizer: Ministry of Environment of the Republic of Lithuania, A. Jakšto 4/9, Vilnius LT-01105, Lithuania, [www.am.lt](http://www.am.lt)

MSP project preparation: Coastal Research and Planning Institute, H. Manto 84, Klaipėda LT-92294, Lithuania, [www.corpi.lt](http://www.corpi.lt)



# Maritime Spatial Planning in Norway

## Norwegian Marine Waters



- Total (Norwegian continental shelf): 2 039 951 km<sup>2</sup>
- Marine internal waters: 89 091 km<sup>2</sup>
- Territorial sea (12-nm zone): 145 458 km<sup>2</sup>
- Exclusive Economic Zone: 787 640 km<sup>2</sup>

Norwegian marine waters

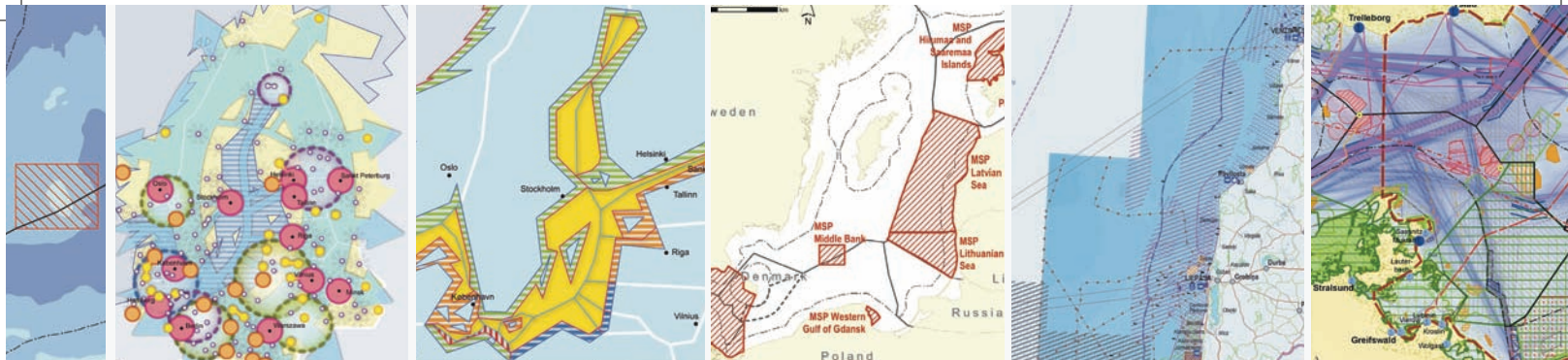
## Governance of the Sea Space

- Each sector (shipping, fisheries, petroleum and energy) is managed separately through specific legislations and dedicated ministries.
- The Ministry of Environment has overarching responsibility for environmental conditions in the sea areas.
- Coordination across sectors is sought through the establishment of regional integrated management plans, one for the Barents Sea, one for the Norwegian Sea and one for the North Sea (under development).

## Use of the Sea Space

- High use, as it is at sea that the main industries driving the national economy are located (fishing, aquaculture and petroleum).





- Main current uses: petroleum production, fishing, shipping and nature conservation.
- Future uses: more energy development (petroleum and wind), off-shore aquaculture.

The main driving force behind maritime spatial planning in Norway is a wish to coordinate the human uses to ensure ecosystem-based management of the marine environment (adherence to the Johannesburg 2002 declaration), to allow for both extraction of petroleum, fishing and shipping as well as ensure the environmental health (conservation).

## Maritime Spatial Planning Legislation

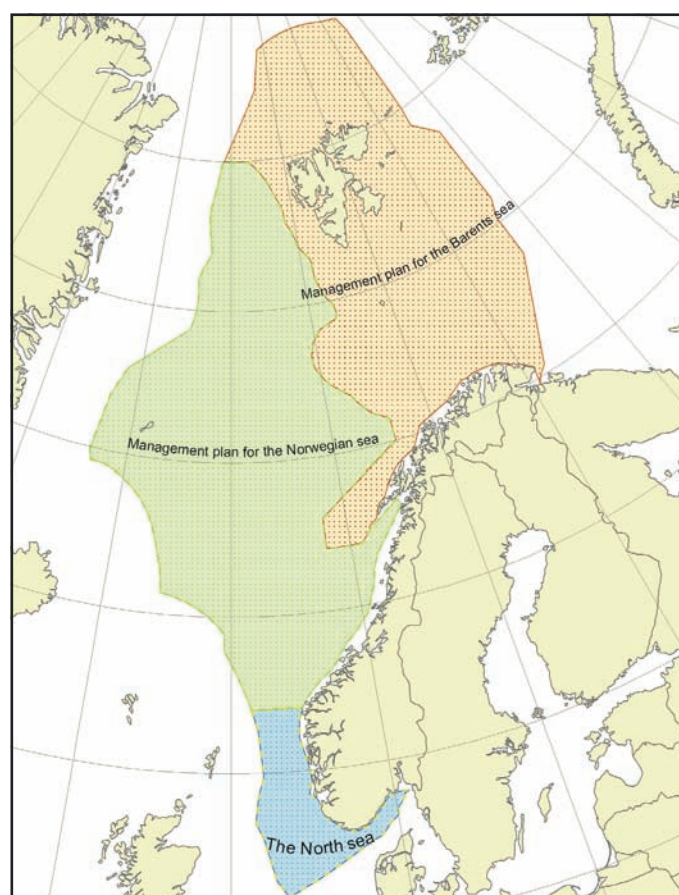
No specific legislation exists. Anchored in government reports to the parliament and in government declarations.

## Maritime Spatial Plans

- Two plans are in place:
  - The Lofoten-Barents Sea plan which was and revised in 2011
  - The Norwegian Sea plan which was established in 2009
- One plan for the North Sea is under development and is expected to be implemented in 2013.

## Maritime Spatial Planning and Environmental Protection

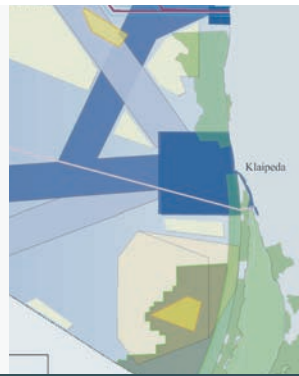
- The main goal of the plan is to allow for sustainable use while ensuring the health of the ecosystem. The latter part of the goal is the basis for environmental protection.
- The plans consist of a comprehensive list of management goals for all sectors and all ecosystem components.
- Special attention is afforded to protected (Red List) species and areas that have been designated as Valuable and Vulnerable based on their biodiversity or biological production (e.g. spawning areas or breeding sites).



*Norwegian integrated management plan areas*

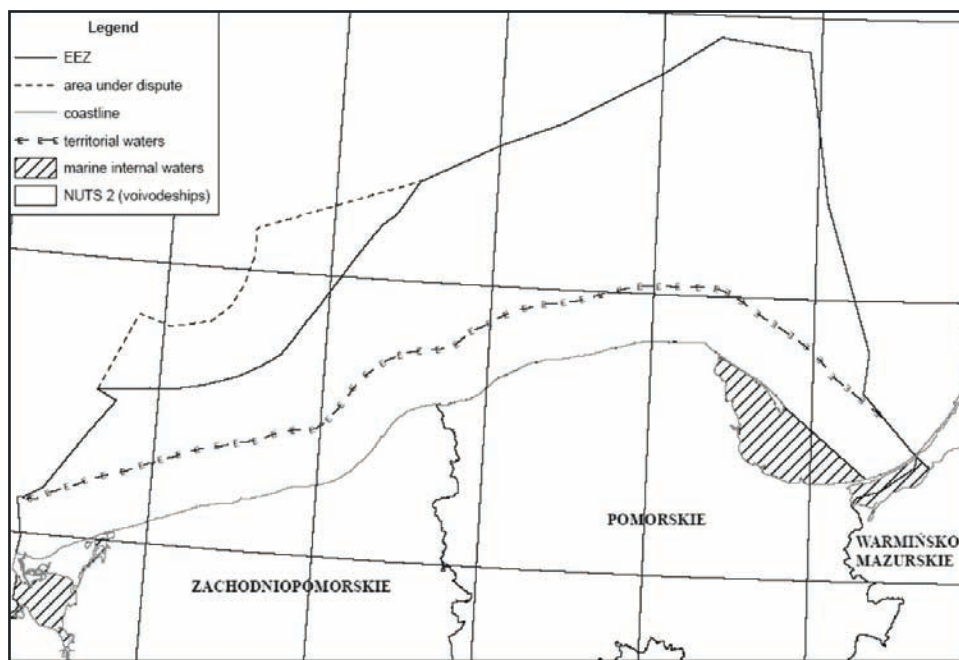
## Contact Point

Ministry of Environment  
P.O. Box 8013 Dep, N-0030 Oslo, Norway - Tel. +47 22 24 90 90 - [www.md.dep.no](http://www.md.dep.no)



# Maritime Spatial Planning in Poland

## Polish Marine Waters



Polish marine waters

- Marine internal waters: about 1 991 km<sup>2</sup>
- Territorial sea (12-nm zone): 8 682 km<sup>2</sup>
- Exclusive Economic Zone: 22 634 km<sup>2</sup>

Disputed area: south of Bornholm with unresolved claims from Denmark and Poland

## Governance of the Sea Space

- Managed by the Minister responsible for matters of maritime economy in the name of the State
- Administered by his regional maritime administration, i.e. the Directors of Maritime Offices (Szczecin, Słupsk and Gdynia)
- The Maritime Policy of Poland was recently developed (<http://www.transport.gov.pl/files/0/1795575/MTBiGM-2012STRATEGIAZacznikNr1bdoSIWZzzaz11092012.pdf>)

## Use of the Sea Space

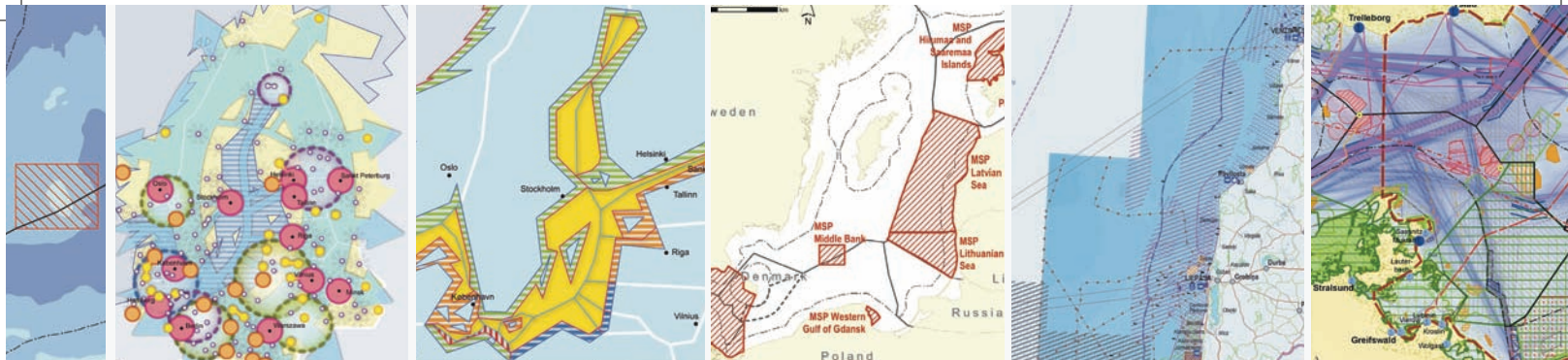
- Relatively low intensity of sea space use at the moment
- Current main uses: shipping, fishing, nature conservation, coastal tourism, coastal protection, technical infrastructure, national defence, gravel and mineral extraction
- Future uses: energy industry (wind, wave and shale gas), mariculture, underwater heritage protection

The main driving force behind MSP in Poland is fear of spatial conflicts, firstly related to already allocated industrial use of the sea space as well as imminent conflicts with traditional sea uses and growing requirements of nature conservation.

## Maritime Spatial Planning Legislation

- Main legal act: the Act on Sea Areas of Poland and Maritime Administration of March 21st 1991





- Regulations concerning maritime spatial planning placed in Chapter 9 (articles 37a and 37b) and in Chapter 8 (article 37, para. 4) (added in 2003 and slightly amended in 2005). They regulate planning of the sea space and of a neighbouring terrestrial strip called the “coastal belt” (*pas nadbrzeżny*).
- The maritime spatial plans determine:
  - The destined use of the sea areas
  - Prohibitions and limitations in use of sea areas, taking into account the requirements of nature protection
  - Distribution of public investment
  - Directions for development of transport and technical infrastructure
  - Areas and conditions for protection of environment and cultural heritage
- Legal drawbacks: unsatisfactory description of the main planning objectives and principles, stakeholder involvement and consultation process, no MSP hierarchy, ministerial ordinance on required scope of MSPs in their textual and graphic parts still lacking.

## Maritime Spatial Plans

- Only non-binding maritime spatial plans exist. Pilots:
  - Gulf of Gdańsk (40 550 ha of internal waters), corresponding to local comprehensive plans on land and containing detailed regulations ([http://www.im.gda.pl/images/ksiazki/2010\\_pilot-draft-plan\\_zauchka.pdf](http://www.im.gda.pl/images/ksiazki/2010_pilot-draft-plan_zauchka.pdf))
  - Middle Bank (1 751.5 km<sup>2</sup> of EEZ), transnational plan of strategic nature (<http://www.baltseaplan.eu/index.php/Middle-Bank;833/1>)
  - Pomeranian Bight (14 100 km<sup>2</sup> of territorial waters and EEZ), transnational plan of strategic nature (<http://www.baltseaplan.eu/index.php/Pomeranian-Bight;832/1>)
- The plans are used by the Maritime Administration in decision making as a source of best available knowledge.

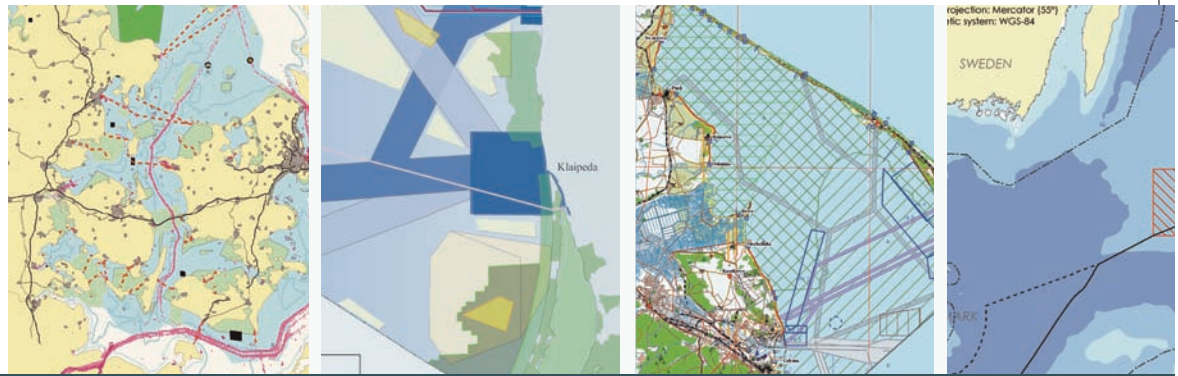
## Maritime Spatial Planning and Environmental Protection

- Inventory work focused on defining ecological values, protected species and ecosystem services of planned areas.
- NATURA 2000 areas and the provisions for their management plans taken as granted.
- The Gulf of Gdańsk plan has tested the concept of ecological connectivity as a key criterion for delimitation of sub-basins assigned with concrete use regulations (i.e. restrictions and stipulations).
- The Middle Bank plan has tested the application and use of the VASAB-HELCOM principles.
- Maritime spatial plans in Poland have to include a forecast of environmental impact (SEA). A pilot SEA has already been prepared and publicly consulted for the pilot plan for the Gulf of Gdańsk.

## Contact Point

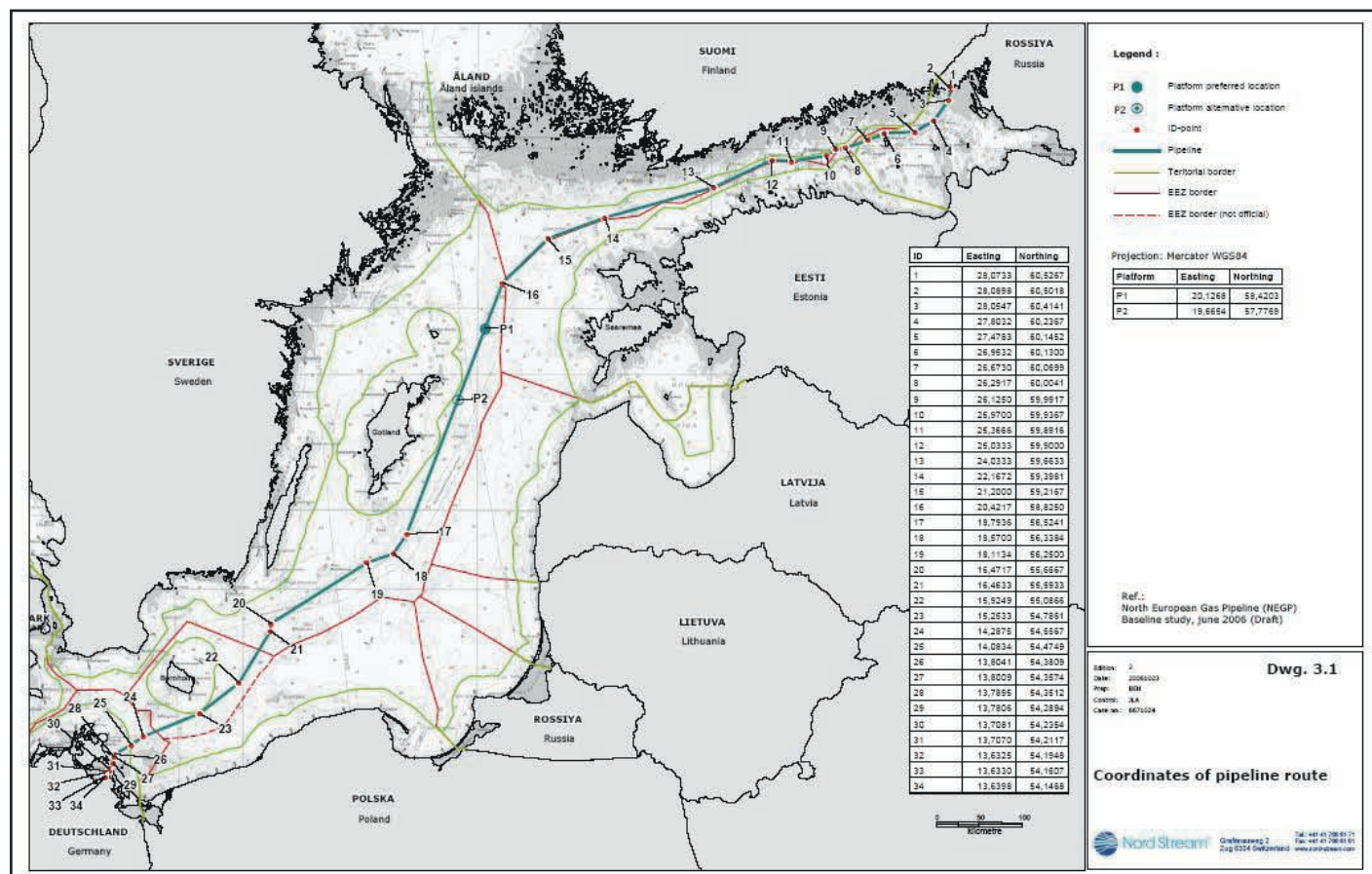
MSP: Katarzyna Krzywda, Chief Specialist, Department of Maritime Transport and Navigation Safety, Ministry of Transport, Construction and Maritime Economy - ul. Chałubińskiego 4/6, 00-928 Warszawa, Poland - Tel. +48 22 6301984 - [kkrywda@transport.gov.pl](mailto:kkrywda@transport.gov.pl)

ESPOO: Piotr Otawski, General Directorate for Environmental Protection  
Wawelska 52/54, 00-922 Warszawa, Poland  
[piotr.otawski@gdos.gov.pl](mailto:piotr.otawski@gdos.gov.pl)



# Maritime Spatial Planning in Russia

## Russian Marine Waters



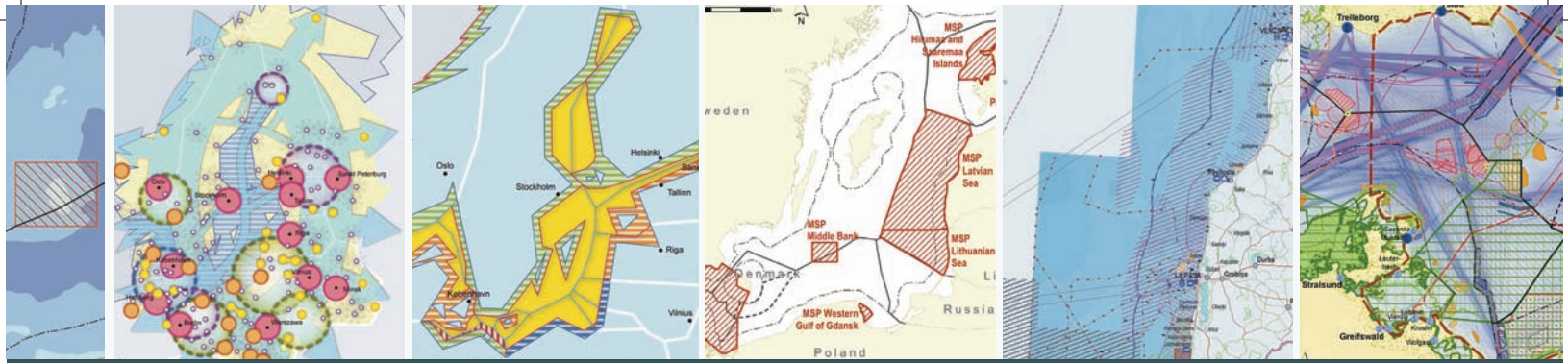
### Russian marine waters

- Russian part of the EU in the Baltic sea: the sector adjacent to the Kaliningrad Oblast includes the Exclusive Economical Zone (EEZ) of the Russian Federation of 6 787 km<sup>2</sup>, a territorial sea of 3 132 km<sup>2</sup> and the internal waters of the Russia Federation (parts of the Curonian Lagoon - 1 177 km<sup>2</sup> - and Vistula Lagoon - 491 km<sup>2</sup>).
- Russian part of the Gulf of Finland: the sector adjacent to the Leningrad Oblast and Sankt-Petersburg includes the Exclusive Economical Zone (EEZ) of the Russian Federation of 628,2 km<sup>2</sup>, a territorial sea and internal waters of 11 062 km<sup>2</sup>.

## Governance of the Sea Space

The Federation Council Commission on National Marine Policy and the Maritime Board under the Government of the Russian Federation have governance over the development of the oceans on both the functional and regional fronts.





## Use of the Sea Space

- Current main uses: the shipping zone, areas of maritime ports, zone and polygons of the Navy Department, zones of underwater cables and pipelines, fishing zones, production areas and exploration of minerals, tourism recreation zones, specially protected natural areas in the Russian part of the Gulf of Finland.
- Future uses: development of tourism recreation areas, protected natural areas, development of engineering and transport according to spatial planning documents of the Russian Federation.

## Maritime Spatial Planning Legislation

The term “marine spatial planning” is not used in the legislation of the Russian Federation. Ocean waters are under the exclusive oversight of the federal authorities. Their management falls under a number of different ministries, for whom maritime activities are not the principal focus. In the area of maritime activities, sectorial (departmental) laws operate, some of them federal laws pertaining to the Russian Federation’s continental shelf and exclusive economic zone as well as to internal waters, the territorial sea and the contiguous zone of the Russian Federation. There are also a number of provisions regarding the shipping code, the water code and the inland water transport code of the Russian Federation.

## Maritime Spatial Plans

Maritime Spatial Plans as documents are not available since there is no normative legislative base. However, there are scientific research works focused on the development of a toolbox for Maritime Spatial Planning and proposals for its implementation.

## Maritime Spatial Planning and Environmental Protection

- There are certain restrictions and prohibitions on the use of some sea zones: areas of spawning, feeding fish, migratory birds, nesting waterfowl and near-water types of birds.
- There are also zones for the protection of objects of natural and cultural heritage.



# Maritime Spatial Planning in Sweden

## Swedish Marine Waters

- Territorial sea (12-nm zone): 70 000 km<sup>2</sup>
- Exclusive Economic Zone: 60 000 km<sup>2</sup>, 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 a central line agreed on with Denmark and Finland respectively, at the Norwegian border in the Skagerrak and at the Finnish border in the Bothnian Bay.

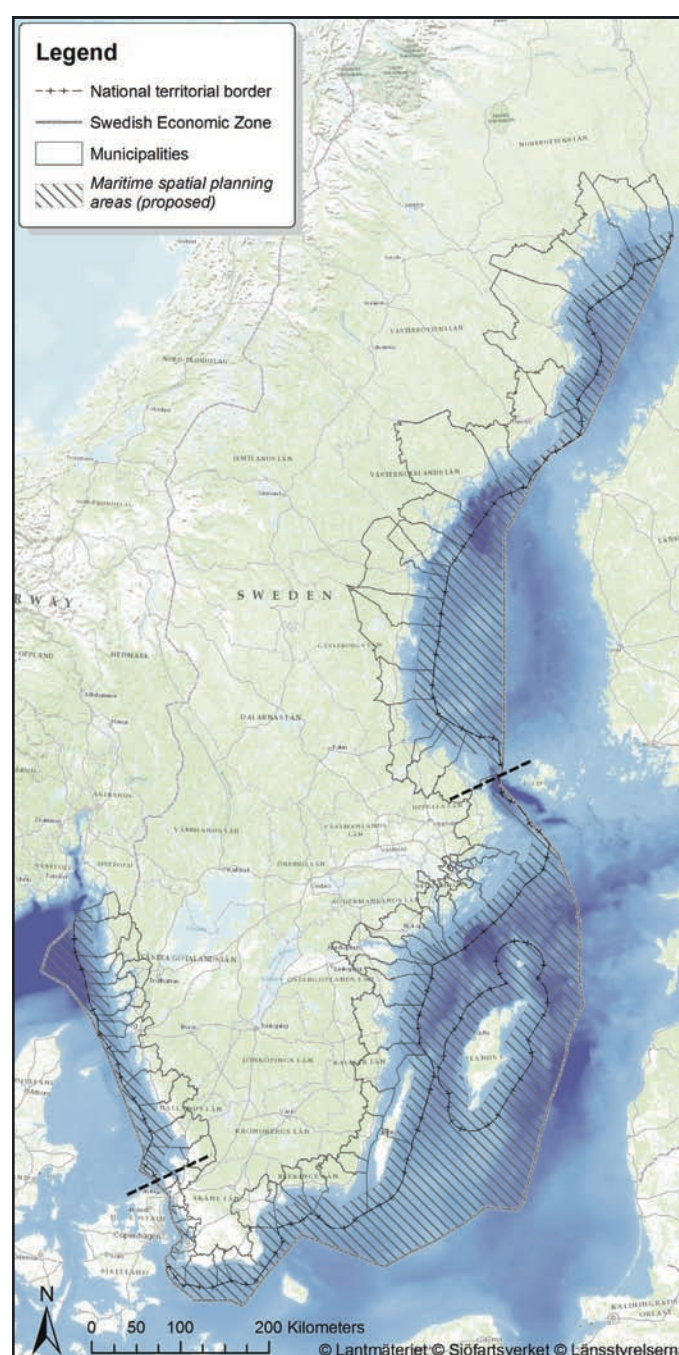
## Governance of the Sea Space

- Swedish territorial sea is divided into two zones, Public Waters and Private Waters. In Private Waters, both water and sea bottom are parcelled property governed by the Real Property Formation Act and comprise the water area 300 m from the shoreline 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 Waters.
- Public Waters belongs to the public and are 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.
- Municipalities have obligations concerning spatial planning for 12 nautical miles from the base line.
- The government has the responsibility for management of the Swedish EEZ.

## Use of the Sea Space

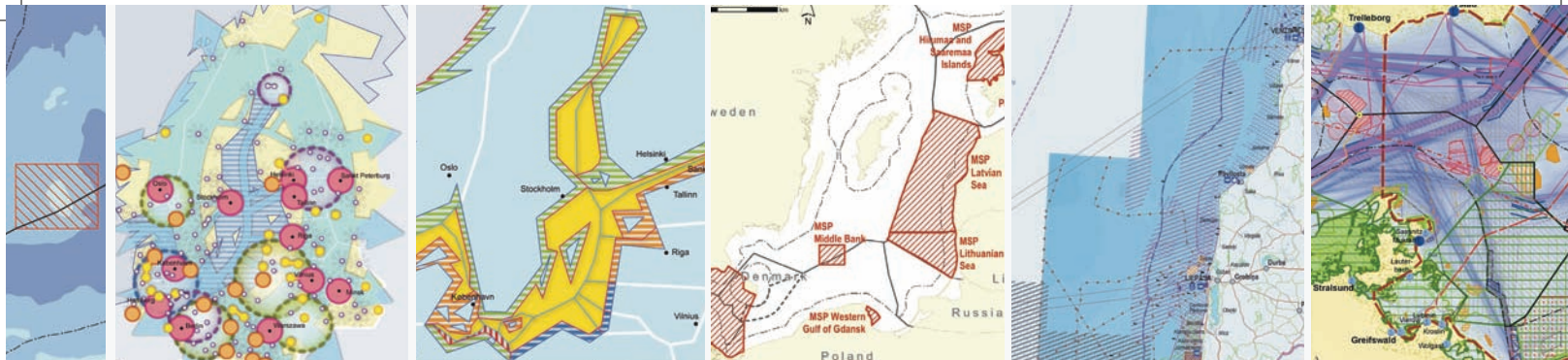
- Use of the coastal sea areas is very intense, especially in areas with big cities and high population, archipelagos and narrow areas such as Öresund and Åland Sea.
- In the sea space outside coastal waters, use is dominated by increasing international commercial shipping, fishing, tourism, national defence and other uses.
- Future uses: energy industry (wind, wave, shale gas), mariculture and protection.

The main driving force behind MSP in Sweden is the risk for future spatial conflicts due to increased use of the sea.



Swedish marine waters





## Maritime Spatial Planning Legislation

- The Swedish Plan and Building Act (PBL), issued on July 1, 2010 and in force since May 2, 2011 regulates the responsibilities and mandates for the municipalities to plan the territorial water.
- Basic principles and objectives guiding the spatial planning of the territorial sea and coastal areas can be found in PBL chapters 1 and 2, which also refer to the application of the Environmental Code (EC), chapters 3 and 4, referring to basic and spatial provisions concerning land and water management, and chapter 5 concerning the Environmental Quality Standard and Environmental Quality Administration. The Environmental Code is applicable in the territorial waters.
- New legislation regulating national marine spatial planning including the EEZ is under preparation.
- Identification of areas of national interest for a number of sectors is part of the Swedish planning system. These identified areas have to be considered in all planning and when authorities are granting permission for activities within different sectors. Areas of national interest can be e.g. cultural heritage management, nature protection, outdoor recreation, shipping, energy production, mineral extraction or commercial fisheries.

## Maritime Spatial Plans

- Only a few non-binding comprehensive municipality plans actually cover the 12 nautical miles.
- No maritime special plans cover the EEZ.
- Areas of national interest have been identified and are protected through environmental code regulations.

## Maritime Spatial Planning and Environmental Protection

- Inventory work focused on defining the ecological values, protected species and ecosystem services of the planned areas has taken place through various projects.
- NATURA 2000 areas and the provisions for their management plans are considered.
- The concept of ecological connectivity, methods for using the ecosystem and the connectivity approach are key criteria for delimitation of sub-basins assigned with concrete use regulations (i.e. restrictions and stipulations).
- Comprehensive municipality planning in Sweden, programmes, plans and projects of all kinds with potential to have an impact on the environment have to include a forecast of environmental impact (SEA).
- Sweden has identified 16 environmental objectives and two of those are directly related to the sea: "A Balanced Marine Environment and Flourishing Coastal Area" and "Archipelago and Zero Eutrophication".

## Contact Points

MSP:  
 Swedish Agency for Marine and  
 Water Management  
 Box 11 930, SE-404 39 Göteborg,  
 Sweden  
 Tel: +46 (0)10 698 60 00  
[www.havochvatten.se](http://www.havochvatten.se)

Comprehensive planning:  
 Swedish National Board of  
 Housing, Building and Planning  
 Box 534, SE-371 23 Karlskrona,  
 Sweden  
 Tel +46 (0) 455-35 30 00  
[www.boverket.se](http://www.boverket.se)

ESPOO:  
 Swedish Environmental Protection  
 Agency (Naturvårdsverket)  
 SE-106 48 Stockholm, Sweden  
 Tel +46 10 698 10 00  
[www.naturvardsverket.se/](http://www.naturvardsverket.se/)



## PartiSEApate Background

The growth of the maritime economy throughout Europe results in increasing demands for maritime space coupled with the need to ensure a viable marine environment. This phenomenon has led to the integrated maritime policy (IMP) approach throughout Europe with Maritime Spatial Planning (MSP) being by now the widely acknowledged tool for coordinating spatial use and balancing of interests in the sea.

At the national level, many BSR countries have passed the necessary legislation and are about to start MSP processes. In March 2013 these developments received an extra push with the EU proposal for a directive to create a common framework for MSP.

Transnationally, MSP in Baltic Sea Region is highly promoted by VASAB and HELCOM, which have created a joint working group. The "Regional Baltic Maritime Spatial Planning Roadmap 2013-2020" adopted by the 2013 HELCOM Ministerial Meeting as well as the VASAB CSPD stipulates that Maritime Spatial Plans should be drawn up by 2020 throughout the Baltic Sea.

By its very nature MSP requires thorough consideration of the interests of the sectors concerned, which are in turn - expressed at all governance levels reaching from individual up to international scale. Furthermore, maritime and terrestrial spatial planning should also be tightly interlinked, consistent and mutually supportive. Planners need to consider the whole Baltic Sea ecosystem when planning transnational structures (i.e. nature protection areas, grid connections, shipping lanes).

Little if no practical experience exists on how to satisfy the necessary requirements of land-sea integration, transnational consultation, ecosystem based approach and stakeholder participation for a sustainable MSP.

### The PartiSEApate Project

It is the aim of PartiSEApate to test and develop instruments for how such multi-level governance mechanisms can be realized within the BSR. In order

to gain input for the governance model PartiSEApate pursues a series of pan-Baltic dialogues with stakeholders and is active in three transboundary MSP case studies.

PartiSEApate is the first initiative engaging in a systematic stocktaking of sector positions on MSP in the BSR. Through a series of single-topic workshops (i.e. shipping, offshore wind, aquaculture, fisheries, underwater cultural heritage, nature protection, climate change, data and research) stakeholders were given a chance to voice priorities, aims and expectations for MSP. The workshops were followed up by a series of in-depth interviews held individually with numerous MSP stakeholders and cross-sectoral workshops, where synergies and conflicts were identified.

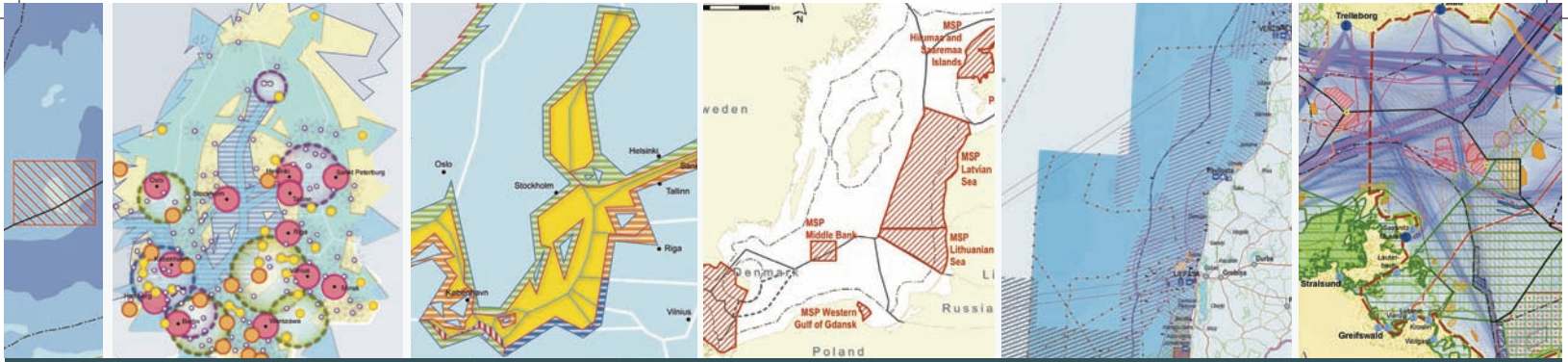
Furthermore, PartiSEApate is dedicated to the testing and developing of methodologies for multi-level and transboundary MSP and related consultations in concrete pilot cases:

- Pomeranian Bight (SE, DE, PL) – transnational cooperation case
- Lithuanian Sea (LT, LV, SE, RU) – national case with transboundary consultation process
- Middle Bank (SE, PL) – development of a transnational stakeholder consultation process

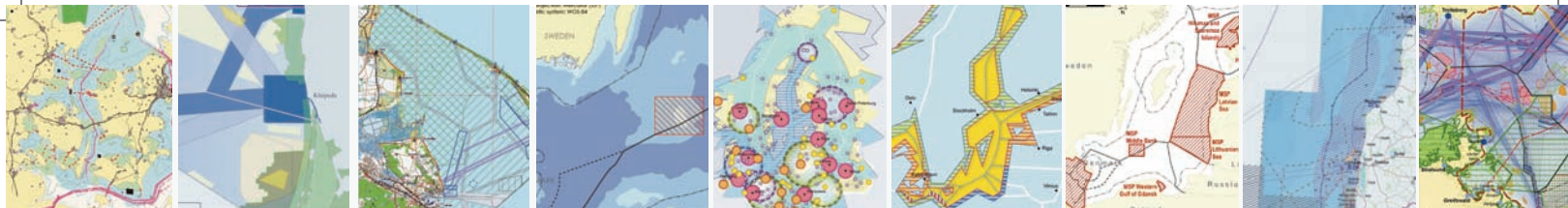
PartiSEApate works on updating and extending the information base on MSP systems in the BSR. The information will be made accessible in an online format and shall be reviewed beyond the project's lifespan. The country fiches found in this publication give a first brief overview of the status of MSP in the Baltic Sea states.

All project activities feed into the proposal for the future MSP governance process at pan-Baltic as well as cross-border level. The proposed model will serve as recommendation for the "Guidelines on transboundary consultation and cooperation in the field of MSP" and "Guidelines on public participation for MSP with transboundary dimensions", which are one step envisioned in the "Regional Baltic Maritime Spatial Planning Roadmap 2013-2020". They will be developed by the HELCOM-VASAB working group on MSP by 2015.





# Notes



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