



Workshop on “Resolving of sea use conflicts in the Baltic Sea and opportunities provided by transnational MSP perspective”

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Hotel East in St. Pauli, Simon-von-Utrecht-Strasse 31, 20359 Hamburg, Germany

Report

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Goals of the workshop:

- To introduce recent MSP related cases of transnational/cross-border consultation and the cross-border issues addressed during these consultations
- To organise horizontal interaction between sea use sectors (nature protection/environment, fisheries, offshore wind, shipping/ports) about synergies & conflicts within the framework of MSP development
- To discuss the opportunities and related governance processes in transnational Maritime Spatial Planning

Participants:

In total 16 persons participated in the workshop, representing following institutions and companies:

Germany	Federal Maritime and Hydrographic Agency (BSH); WindEnergy Network e.V. Deutscher Fischerei-Verband e. V. sustainable projects GmbH;
Latvia	Ministry of Environmental Protection and Regional Development; Baltic Environmental Forum Latvia (BEF)
Estonia	Ministry of Agriculture, Fisheries department
Lithuania	Klaipeda Shipping Research Centre
Poland	Baltic Ports Organization National Marine Fisheries Research Institute Maritime Institute Gdansk
Sweden	Swedish Energy Agency

Brief information on what was presented at the workshop

1. **Kristina Veidemane**, BEF-LV gave an overview on sea use conflicts and synergies and issues of pan-Baltic relevance defined at the PartiSEApate single-sector workshops and interviews
2. **Anda Ruskule**, BEF-LV described the cross-border consultations process carried out during the Lithuanian MSP case
3. **Miriam Müller**, BSH, Germany presented the cross-border consultation process for infrastructure development of the German Offshore Grid Plan
4. **Angela Schultz-Zehden**, s.Pro / project management PartiSEApate, informed about the first findings and proposals on PartiSEApate transnational MSP Governance Model



Discussion

Session 1: Cases of cross-border and cross-sector consultations – identified conflicts and possible solutions

Participants discussed within three parallel groups the existing experiences in cross-border consultations based on the two presented cases – Lithuanian MSP and German Offshore Grid Plan, identifying the main constraints and opportunities of a transnational perspective in MSP.

Guiding question for discussion:

- How to achieve coordinated spatial development solutions between neighbouring countries?

Participants of the meeting have noted that the way of cross-border consultation process, its intensity and effectiveness is driven by various factors, e.g. political will, desired outcome (aim) of the country leading the consultations, real interests of particular stakeholder groups, needs for information/data from neighbouring countries, technological conditions, etc. There might also be differences between the countries in consultation culture – either it is based on a political way for solving conflicts or open co-operation platforms.

Suggestions how to foster the transnational perspective in MSP and encourage more effective consultation process:

- Marine spatial planners should have good knowledge on pan-Baltic, regional and sub-regional trends for developing appropriate cross-border solutions.
- Unofficial co-operation platforms of the sectors could be formed and maintained by regular conferences, transferring the information on new development potentials and intentions to the neighbouring countries.
- Round-table discussions could be organized for solving particular issues (e.g. in the field of offshore wind energy or fishery).
- Cross-border consultations on MSP shall have a pro-active approach (by visiting stakeholders in neighboring countries and obtaining comments on planning solutions) as well as a realistic time line. Governments should take the role of neutral moderator of the consultation.
- The consultations shall be focusing only on issues essential in the cross-border context. Some issues might be solved through other co-operation platforms (e.g. traffic separation zones are established through IMO) and therefore might not be a subject for cross-border MSP consultation.
- Common guidelines for or regulations of organising cross-border consultation would be very helpful. A formalised consultation procedure should go beyond the Espoo Convention, which applies only to cross-border environmental impacts.
- A common set of criteria would help to identify the best sites for particular uses within the cross-border context.
- *Not-ratified border areas shall be left for future uses.*

Participants have noted the following sector related co-ordination practices and issues to be taken into account in the cross-border consultation:

- Shipping / navigation is regulated by IMO having set principle that shipping is allowed everywhere unless it is forbidden. For example, if an offshore wind park is built, then shipping is not allowed in



those areas – such an area is designated as priority for offshore wind energy production. Therefore, there are different views on if and how shipping routes might be lineated. Up till now MSP in the Baltic Sea aims at securing the existing navigation routes which are frequently used, and which are to be kept free from permanent structures and non-compatible use.

- As nature conservation issues are regulated within EU then the information on marine protected areas in all countries are available. However, the protection regimes between the countries differ, therefore it is important to clarify what are the reasons for establishment of MPA and what impacts should be avoided.
- The information about fishery activities is rather well known as the fishing activities are agreed and regulated at Baltic Sea level.
- Currently the energy sector is driven by national policies and not by free market. As the generation of offshore wind energy is more expensive compared to conventional technology, subsidies for the sector play an important role. The national requirement to transmit the produced energy to the country grid system also limits the cooperation on the development of a joint grid system, as the electricity will be primarily supplied to the national market. Thus, the key for cooperation between the countries is rather to agree on joint energy policy and then the coordinated spatial planning can be arranged.

The following limitations/obstacles for cross-border consultation were mentioned:

- Consultations usually take place at the very late stage of the planning or when decisions (e.g. about the placement of windfarms) have already been taken.
 - Consultation is difficult if both parties are not in the same MSP development stage. The timeframe for planning, planning procedures and implementation of MSP usually differs between the countries and this will not change despite the new MSP directive. Furthermore the development stage of marine sectors and their importance between countries differs.
 - Language can be another barrier in cross-border consultation. The translation is either not provided or the translated documents are of very bad quality which hinders the consultation process.
 - The legal status and implications of MSP vary between countries – for example Lithuanian MSP is a kind of strategic document not fixing activities. Real activities will be evaluated within the EIA process.
- Specific comments to the case of cross-border consultation for German Offshore Grid Plan:
- The consultation process was organised in a written way and all BS countries were invited. Comments were submitted by Poland and Sweden. Although the documents were translated into English and Polish, the quality of the Polish translation was bad.
 - Sweden has set up the criteria for sites for offshore wind park, e.g., minimum wind speed, optimum depth, size of area per offshore wind park (www.vindov.se).
 - It seems that planning of the grid/connectivity to the land varies between the countries. In Germany the overall planning to be followed by transmission system operators is made by authorities, while in Sweden the developer shall also plan the connection to the grid system.
 - The key criteria for planning of infrastructure are defined by the available technologies. For example, the offshore wind park development is prescribed by the space demand per turbine; cable producers are defining the safety requirements for the setting up the grid system. These



requirements are international as there are not so many producers. Planning of new cable lines can be impacted by existing cables or pipelines as well as cultural heritage sites (wrecks). Actual construction of the cable network may take about 3-4 months.

Session 2: Opportunities provided by pan-Baltic dialogue and transnational MSP perspective

Following the presentation on proposals for Transnational MSP Governance Model by A. Schulz-Zehden, s.Pro, participants supported the need for organising pan-Baltic expert groups on issues of transnational relevance (e.g. nature, fisheries, offshore energy etc.) and discussed their role in forming of the transnational approach to MSP. It was agreed that expert groups would not have decision making character, but national MSPs would be developed, taking into account recommendations from the expert groups.

Guiding question for brainstorm discussion:

- What are essential MSP related issues of transnational character, which could be discussed in specific expert groups?
- Maritime industry development (ports, shipping, offshore energy and oil) in relation to fishery:
 - Impacts on fishery and possible compensation mechanisms for lost fishing grounds (criteria, conditions)
- Fishery :
 - development of joint indicators for economic importance in relation to space;
 - updating information of important spawning and nursery grounds in the BS. Reliable information is not always available for planners.
- Shipping:
 - how the EU TEN programme on road network development will impact the shipping developments of larger ports.
- Underwater cultural heritage:
 - how to make a claim towards MSP;
 - how cultural heritage may be systematically represented in MSP;
- Data:
 - Harmonization of zoning approaches for key sea uses to be jointly presented in MSP..
- Environment/nature:
 - how the limitation for economic development (e.g. for aquaculture), set by environmental requirements , are interpreted by countries
 - Importance of the Baltic wide mammal and bird species and the implication on MSP. For example, identification of important areas for marine birds and guidelines for considering potential negative impact of activities within MSP and licensing procedures.
- General issues:
 - Setting the rules for EIA procedure and cross-border consultation
 - Development of common “rules of the game” for transnational co-ordination and consultation on MSP.



Overall Conclusions / Key findings:

- Cross-border consultation on MSP should go beyond requirements the Espoo Convention, which applies only to environmental impacts. Common guidelines or regulations would be needed for organising cross-border consultation on MSP, including requirements on consultation time-frame, procedure and mechanisms for conflict resolution.
- Besides an official consultation process, transnational co-ordination of MSP can be supported by unofficial co-operation platforms, regular stakeholder/specific sector conferences, round-table discussions and forming of expert groups, which provide advice on particular issues.
- The main constraints for co-ordinated MSPs in the Baltic Region are differences between the countries with regard to development stage and legal basis of MSP, political will and consultation culture as well as language barriers. These constraints will not be eliminated by adoption of the MSP directive.
- Better knowledge on development trends in neighbouring countries, co-ordination on cross-border and pan-Baltic level as well as proactive consultation procedures are essential for achieving optimal sea-use solutions and avoiding cross-border conflicts.