Transnational Cooperation and Dialogue in the Pomeranian Bight / Arkona Basin

Report submitted to Bundesamt für Seeschifffahrt und Hydrographie (BSH) as part of the PartiSEApate model case Pomeranian Bight / Arkona Basin

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1. Introduction

This report was prepared for the Bundesamt für Seeschiffahrt und Hydrographie (BSH) as part of the INTERREG IV-funded PartiSEApate project (www.partiseapate.eu), specifically to support the delivery of services related to the "Pomeranian Bight case studies" pilot case.

1.1 The PartiSEApate project

PartiSEApate is an Interreg IVB-funded project designed to develop and test instruments for multi-level governance in Maritime Spatial Planning (MSP) in the Baltic Sea Region. One of the main aims of the project was to develop a multi-level MSP governance model in the Baltic, focusing on how to improve MSP processes both across borders and across the Baltic Sea as a whole. A series of cross-sectoral dialogues has been held in the Baltic Sea region to inform the development of this model; additional evidence was gathered in three pilot regions. One of these pilot regions is the Pomeranian Bight/Arkona Basin transboundary area, which brings together BSH, Skane Region (Sweden) and Maritime Office Szczecin (MOS, Poland) as partners.

1.2 The case study area

In order to maximise the outputs of the Pomeranian Bight/Arkona Basin pilot case, BSH, Skane Region and MOS commissioned University of Liverpool to analyse existing transboundary processes in the Pomeranian Bight area in more detail. The aim of this analysis is to contribute to recommendations of good practice for future transboundary processes in the pilot region and in the Baltic as a whole, thus contributing to the implementation of the multi-level governance model developed by PartiSEApate.

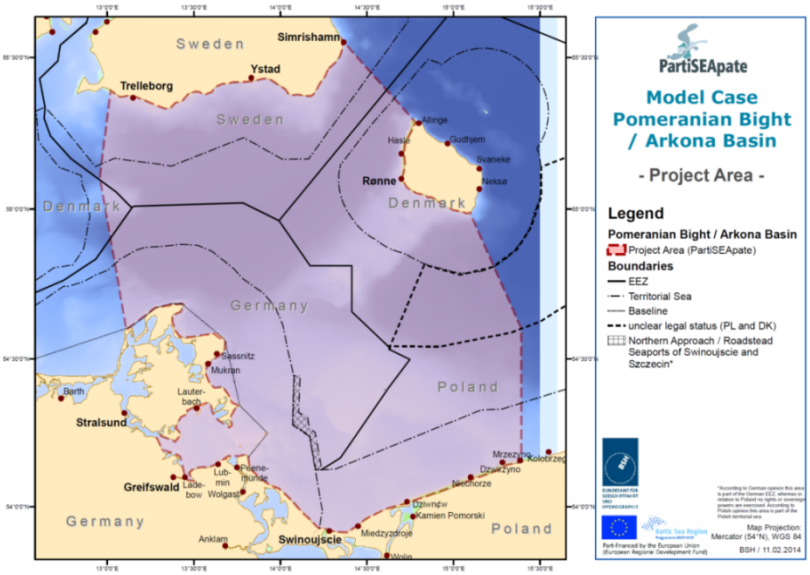

FIGURE 1: PartiSEApate Model Case Pomeranian Bight/Arkona Basin: Project Area

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1.3 Transboundary planning processes in the case study area

Two transboundary processes were selected for analysis. The first, representing an ongoing process, is the planning and implementation of the **Combined Grid Solution (CGS)** for offshore wind farm projects in the Danish and German EEZ and electricity trading between the two nations. This scheme originally included the Swedish Kriegers Flak project, which has since been postponed but was nevertheless included in the analysis. Appendix 3 of this report includes a separate description of the consultation carried out for the Swedish part of the Kriegers Flak. The second, selected to represent a potential transboundary project, is the gas pipeline **Baltic Pipe (BP)** which would run between Poland and Denmark, crossing the German, and possibly the Swedish, EEZ. Other transboundary initiatives (e.g. the NordStream pipeline and other transnational projects in Poland) were also briefly touched upon.

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2. The approach

2.1 External and internal driving forces

Transnational infrastructure projects do not occur in isolation, but are driven by external circumstances such as the wider policy environment or willingness of companies to invest. Consideration was given to the relevant policy environments in Germany, Denmark and Poland (e.g. energy policy, MSP provisions, prior transboundary processes) as part of gathering information on the project backgrounds, including their aims and objectives, institutional involvement, timelines and current state of play.

The main focus of analysis, however, was placed on the internal factors, seeking to understand the what, who, when, how and why of the selected transboundary planning processes. For example, what are the internal factors enabling good transboundary communication, coordination and collaboration in each case, and what are the constraints that have prevented (or might prevent) a transboundary process from being fully effective? Understanding was also sought of potential external obstacles to cooperation, such as regulatory complexities for offshore developments; financial constraints and risks for investors; environmental obstacles to development; uncertain policy environments; fragmented governance; and organisational mis-match across borders.

2.2 Method

Telephone and face to face interviews with stakeholders (understood here as representatives of the organisations involved in the transboundary processes) were used as the main means of gaining information. Interviews were semi-structured, with flexibility to explore issues as they arose, with results recorded in the form of summary notes for each interview. Questionnaire design built on information and guiding questions developed by the PartiSEApate Lead Partner Maritime Institute Gdansk for analysing stakeholder processes, and also drew on information from WMU/Malmö on the outcomes of analysis of the Swedish Kriegers Flak process (see Appendix 3). Interviews mainly focused on the following:

- **The nature of the transboundary process**: What characterises the process in each example case? Are there clear aims and objectives, is there a timetable, and do all stakeholders have a clear understanding of roles and responsibilities?
- **Roles of the various stakeholders**: Who has been involved in the transboundary process so far, and in what way? Who has been in the driving seat? Is there representativeness of the various bodies, and is there a balance between stakeholders in terms of country representation? What is the role of planners and

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other sectors (e.g. environment) in the transboundary process, and has there been sufficient transparency?

- **Methods and patterns of communication**: What communication processes (patterns, channels and methods of communication) have been employed by the stakeholders involved in the CGS and BP processes so far? What have been the advantages and disadvantages of the patterns and methods chosen, and are stakeholders satisfied with the level of communication that has been achieved?
- **Level of institutional engagement**: Are the institutions involved in the transboundary process committed to the process, e.g. in terms of making available time and resources?
- **Timing and regularity of contact**: How often have the stakeholders met during the process, and have these meetings been in person? How satisfied are the stakeholders involved with the regularity of contact?
- **Building of trust and understanding**: Is there a sense of trust among the stakeholders involved, and if not, why not? Are there hidden agendas? What are the factors that have led to trust? How have different interests been expressed and negotiated?
- **Public communication**: Has there been broader public communication during the transnational process, and if so, how successful has this been?

The questionnaire was adapted slightly to account for the different projects, but otherwise followed the same structure (see Appendix 1).

Interview partners were identified in collaboration with BSH and MOS and interviews conducted in the period March - June 2014 (see Appendix 2 for organisations interviewed). The Polish BP interviews were carried out face to face, with translation help provided where necessary by the Maritime Office Szczecin.

This report analyses each case separately before synthesising the findings and drawing out recommendations for wider transboundary processes and transboundary MSP governance in the Baltic.

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3. Combined Grid Solution

3.1 Background and plans

The Combined Grid Solution (CGS) is a joint German-Danish project which will connect offshore wind farms in the southern Baltic Sea to national grids and simultaneously provide a transmission link between the two countries (Figure 2). The transboundary element of the infrastructure is a relatively short section of cable, or interconnector, connecting two wind farms in German and Danish waters and possibly, at some later stage, a Swedish offshore wind farm.

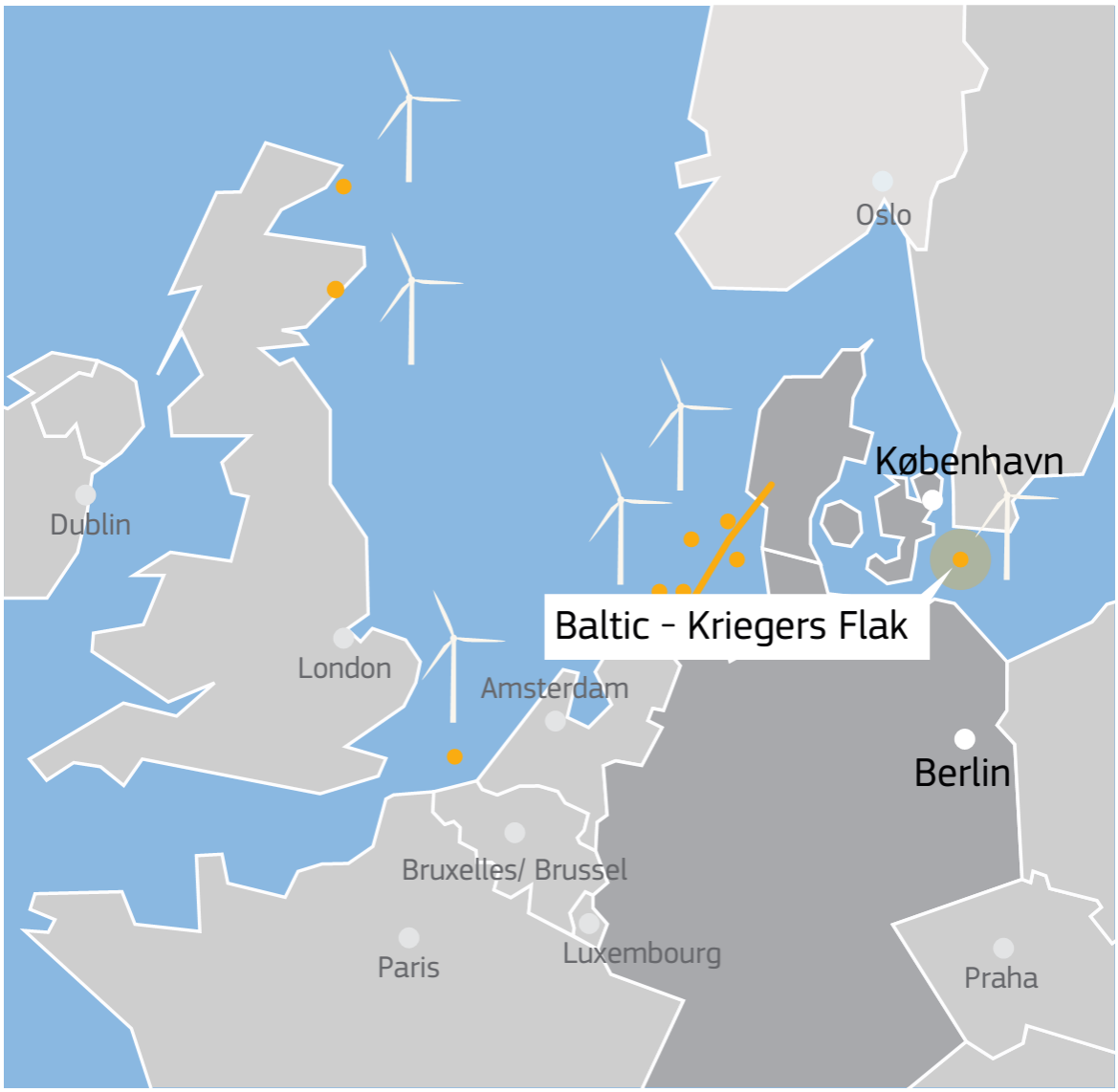

*FIGURE 2: Location of the Combined Grid Solution project (*ec.europa.eu/energy/eepr/projects/files/.../baltic-kriegers-flak_en.pdf)

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As such, it is the first step towards an offshore grid in the Baltic by expanding national grid connections of offshore wind farms in the Kriegers Flak area, and will facilitate wider interchange of electricity between the nations concerned.

The wind farms in question are Baltic 1 and Baltic 2 in German waters and Kriegers Flak (on two close-by sites) in Danish waters. Danish plans for offshore wind farming are ambitious in this area, with plans to install 600 MW at Krieges Flak by 2020. The Baltic 2 and Kriegers Flak wind farms are in close proximity, taking advantage of a natural sand bank with shallow waters. They are located in the exclusive economic zones (EEZ) of the two countries, which meet in this area. Sweden, whose EEZ also meets those of Germany and Denmark in this area, has considered constructing a wind farm on the sand bank; this would also have been connected to the CGS, but these plans have been postponed. The Baltic 1 wind farm is further south, in the territorial waters of Mecklenburg-Vorpommern.

The CGS has two distinct components, being developed separately by German and Danish companies. The German component is a 150kV alternating current (AC) network being developed by 50Hertz, the transmission system operator (TSO) for north eastern Germany. This will begin at a land-based transformer station at Bentwisch, which will connect the CGS to 50Hertz's existing grid. The line from here (consisting of two parallel cables buried in the seabed) will connect to all the wind farms via transformer stations that allow the AC power supplied by the wind farms to be stepped up to that of the 150kV AC line. The line will initially cross the territorial waters of Mecklenburg-Vorpommern, where it will connect to Baltic 1. Then it will enter the relatively narrow stretch of the federal EEZ, where it will connect to Baltic 2, and terminate at Kriegers Flak.

The Danish component, by contrast, will be a direct current (DC) link from Kriegers Flak to Ishoj on the Danish coast. As a DC line, it will be a more efficient means of transmitting electricity over this relatively long distance (AC lines lose more power than DC over distance; it also overcomes the difficulty of the non-synchronous nature of the two countries' AC systems.) AC-DC convertors will be needed at each end of this line to connect it to 50Hertz's line at Kriegers Flak and the Danish grid at Ishoj. The DC line will be a single +/- 320kV cable buried in the seabed; the convertors will have a minimum power of 600MW. This system will be developed by Energinet.dk, the TSO for Denmark.

Overall, therefore, 50Hertz's AC line will service both Denmark's and Germany's wind farms, and Energinet.dk's DC line will provide a more efficient transmission link between the wind farms and the two countries, and also between the two countries' grids. The system will thus allow the wind farms to supply both countries and also enable the export of electricity from one country to the other from their wider supply networks, according to demand at any given time. It will be the first offshore grid of its kind in the world.

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Compared to Baltic Pipe, the CGS project is already in an advanced stage of planning, with the initial preparatory stages completed or nearly completed. The first feasibility studies were carried out in 2010, followed by an initial application in Germany to the Bundesnetzagentur (Federal Grid Agency, Germany). A technical solution for the interconnector was decided upon in 2012, and an adapted cooperation agreement between 50Hertz and Energienet.dk was signed in 2013. The first planning application documents were submitted to the Federal Mining Agency and BSH in November 2013, thus beginning the formal plannng approval process which is expected to be completed in 2015. 2016 and 2017 are expected to be dedicated to manufacturing and laying the cable, with commercial operation set to start in 2018. As a new option for connecting the project to Sweden, a Memorandum of Understanding was signed in 2014 to carry out a feasibility study for a connection between Sweden and Mecklenburg-Vorpommern via Kriegers Flak.

3.2 Representation

Various actors have come together in the planning of the CGS project since its inception in 2009. The German, Danish and Swedish TSOs were the initial drivers of the project, pursuing four overall aims:

- to support renewable energies and reach EU climate targets,
- to link energy markets and enhance socio-economic benefits,
- to increase the reliability of energy supply, (e.g. to secure energy supply to Denmark), and
- to ensure sustainable grid expansion.

The Swedish TSO Svenska Kraftnät withdrew from the project in 2010, leaving 50Hertz Transmission and Energienet.dk to continue the process bilaterally.

CGS discussions are taking place at several levels. There is close collaboration between the industrial partners involved in Germany and Denmark, as well as the industrial partners and their respective national regulators. In German waters, consents are required from the Mining Agency, Stralsund, for laying 50Hertz's cables in the seabed (technical consent), and from BSH for use of territorial waters (in line with the 2009 marine spatial plan). To support these applications, 50Hertz has prepared an explanatory report, environmental reports and technical information. In Danish waters, consents are needed for the onshore section of Energinet.dk's line from the Danish Nature Agency. Wider multilateral discussion involving NGOs or other interested sectors has not yet taken place. Due to the nature of the project and its location out at sea, there is some reluctance to involve the public at large, although the energy companies do acknowledge the importance of presenting the project to the public.

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3.3 External support

A supportive external environment has been crucial to the successful initial stages of the CGS. The project is supported by the European Commission's Energy and Transport Directorate, and in 2009 €150m funding was secured from the European Energy Programme for Recovery (Trans European Networks - Energy (TEN-E)). In 2013, the project was also approved as a key infrastructure project ("Project of Community Interest"). There is also high level political support in Germany and Denmark, mostly as a result of climate policy and the drive towards greater national energy security. In Denmark, this has translated into permission for the state-owned company Energinet.dk to invest in the project. Other interests are also complementary, such as the BSH's interest in implementing the "Bundesfachplan Offshore" (offshore technical plan) and Mecklenburg-Vorpommern's desire to develop offshore wind farming as an economic sector, leading the regional government to be highly supportive of the project even though it is not directly involved in the licensing process. Complementary interests create a favourable enabling environment for the project, not least on the part of the regulatory authorities which are interested in an effective licensing process.

The favourable framework conditions are appreciated by the actors involved in the project. There is widespread awareness of the European dimension of the project and its pioneering role in creating transnational energy grids, and the wider aims of the CGS seem clearly established and are shared by all participating stakeholders. However, it seems quite clear that the project would not have come to fruition without the financial support of the EU.

3.3 Roles and responsibilities

In the CGS project, the roles and responsibilities of the various participating actors are clearly demarcated and understood by all. 50Hertz and Energinet.dk are the instigators and drivers of the project; the project is described as a 50Hertz/Energinet.dk joint venture. The idea first formed in 2009, and discussions were instigated between 50Hertz, Energinet.dk and the Swedish operator up until the withdrawal of the Swedish partners in 2010. In 2009 a joint application for funding was put forward to the EU; existing feasibility studies on the German and Danish side were reworked during this process. Joint coordination was set up soon after between 50Hertz and Energinet.dk, and working groups were set up consisting of Danish and German company representatives to deal with specific aspects of the licensing process. 50Hertz is responsible for coordinating the application process for the cable with the German Mining Authority (technical permit) and BSH (EEZ permit). In Denmark, Energinet.dk is responsible for coordinating the application process with the Danish Nature Agency.

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The authorities play a key role as enablers of the licensing process. They depend on the industry partners to drive the process. The Mining Authority, for example, responds to project applications by requesting the necessary technical details and documentation from the applicant; once all the necessary information has been supplied, and if the project is found to meet all technical requirements, the authority recommends approval of the project. The BSH grants permission in a similar way.

The BSH is a special case because it is also responsible for MSP in the EEZ and the German offshore grid plan; it therefore has greater awareness of the wider project context and is therefore able to play a more pro-active role in transboundary communication than for example the Mining Authority.

3.4 Communication

3.4.1 Added dimensions due to the cross-border process

Respondents have noted some differences in the planning process on account of the cross-border dimension. Although the licensing process is essentially similar in Germany and Denmark, differences exist with respect to timing, requiring careful coordination and also acceptance that processes may take longer. The main difference, however, is that the project is voluntarily run according to Espoo principles (UNECE, online). Espoo requires neighbouring countries to be consulted if a project has transboundary environmental impacts; as a consequence, the contents of expert reports, maps and any approval documents need to be made available in English. This is more time consuming, but especially the energy companies consider it a worthwhile investment as they are keen to ensure the environmental impacts of the interconnector are kept to a minimum.

As a regulatory authority, BSH emphasise the importance of a coherent cross-border process and the need to place transboundary projects into a wider context. The authority's responsibility for offshore wind farms, cables, MSP and the offshore grid plan makes it easier to compare different alternatives for the cable route, and the situation in the Baltic has been favourably compared to projects in the North Sea where the BSH is only responsible for a small portion of the overall planning process and the process shifts from one country to another.

Emphasis was also made of the importance of communicating with the licensing authorities on both sides of the border before the process officially begins. In the experience of the BSH, some grid operators still regard the sea as a white canvass and are hard pushed to understand why the shortest route may not be feasible. "Sitting down and talking through the options early is important since these processes are a chain reaction", thus ensuring greater efficiency once the official process begins.

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3.4.2 Understanding each other's licensing regimes

Detailed understanding of each other's licensing processes is not considered necessary as licensing responsibilities are still divided nationally despite the transnational nature of the project. Nevertheless, general understanding of the respective licensing processes is helpful, not least to highlight the fact that real alignment may not be possible. In Germany for example, the work that needs to be done on the offshore part of the project is limited and therefore not as time-consuming; in Denmark, the EIA process is guided by strict deadlines. Regular exchange between the industry partners is therefore doubly important. 50Hertz and Energinet.dk have set up a dedicated "permission" working group consisting of a German and Danish representative to ensure regular information flow on the status of the respective licensing processes.

This example demonstrates that uneven processes can still be dealt with as long as there is understanding of each other's regimes and openness regarding the current state of play.

3.4.3 Structures and processes of communication

At present, there are several levels of dialogue within the project:

- A central, leading dialogue between 50Hertz and Energinet.dk as the main drivers of the project,
- A technical dialogue between the two companies and BSH/Mining Agency with respect to specific licensing requirements,
- A similar technical dialogue between the two companies and the Danish licensing authorities.

Communication is driven by the two energy companies who are responsible for coordinating communication with the respective licensing authorities, raising awareness of the project and ensuring there is contact between relevant parties whenever more specific dialogue is needed. In the view of Energinet.dk, "there is a need to drive the agenda here", as the BSH and Danish authorities will not necessarily communicate with each other otherwise. "Companies need to realise the importance of their role in this respect".

Communication styles have varied within the project depending on the nature of the interchange. Communication between the two energy companies has mostly been informal using emails, phone calls and face to face meetings, which has enabled good rapports to be built between the two sides. Specific structures of communication and management have been implemented, with two heads of project responsible for the overall project coordination and working groups dealing with different issues. The working group "permission" has already been referred to, and similar working groups exist for more technical matters and for environmental issues. The working groups meet when needed and

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do not have a regular schedule. This model of ad hoc working groups is much appreciated by those involved as it makes communication between the two companies easier; a contact person in the other company is only a phone call or e-mail away. Both parties emphasise the importance of regular contact with the same person in establishing a good working relationship. Transparency is ensured by sharing the minutes of working groups meetings with the project coordinator and by organising internal meetings.

Another useful tool for ensuring good communication within the project is the use of an internal sharepoint facility. This ensures that all have access to the most up to date information, working group members can work on the same document, and task lists and minutes of meetings are freely accessible to all team members including the other working groups.

Informal communication between the energy companies and the authorities is also considered important. In November 2013 a meeting took place between 50Hertz, Energinet.dk, BSH, the Mining Authority, the Danish authorities and the Ministry of Energy, Mecklenburg-Vorpommern, at the instigation of the latter. The purpose of the meeting was to clarify the current status of the project; specific plans were presented at this meeting for the first time. All parties gave positive feedback on this meeting, stating that it had been helpful and provided them with a clearer idea of the project and the steps to come.

English is used as a common language, and no problems have been encountered because of language. Formal licensing documents are prepared in German and Danish respectively, with summaries made available in English.

3.4.4 Evaluation of communication

Overall, internal communication between 50Hertz and Energinet.dk is described as working well. The relationship between the two companies is a business relationship, which means there is a strong interest in creating a sustainable partnership but also acknowledgement that communication needs to be carefully planned.

One respondent suggested a regular internal newsletter containing a status report of the project as a means of maximising internal transparency. Some cultural differences between Denmark and Germany were noted with respect to communication styles, and both sides point out that “homework” is needed to truly understand specific cultural differences and ensure a positive working environment, but any difficulties have been overcome by the clear desire to work together. With respect to internal communication, 50Hertz and Energinet.dk note the following success factors:

- getting off to a good start,
- the desire (and ability) to meet each other's interests,
- working towards the same objectives,

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- the stability of the partnership,
- the ability to “think in European dimensions”,
- learning from difficulties and developing strategies for resolving problems.

The working groups are held up as an example of good practice, even though it is acknowledged that a balance needs to be struck with respect to transparency as "too much information can be confusing".

Communication between the companies and public authorities also seems to work well. The relationship between the Danish actors was described as open and transparent with no hidden agendas; the same applies to the German actors even though 50Hertz is not publicly owned. Regular contact was emphasised as crucial to maintaining good relationships, even when there is nothing new to report. It was also acknowledged that the technical solution put forward by the project may change over time, and that this is not necessarily negative as adjusting perspectives can be beneficial. All agree there is a need to align the technical aspects of the project and the permit process. The energy companies emphasise the benefits of overall flexibility and continuous dialogue with the authorities to “keep them in the loop” and avoid surprises.

3.5 Stakeholder and Public Engagement

3.5.1 Consultation processes

Public consultation is required on both sides of the border as part of environmental assessment procedures. In Germany, BSH is responsible for consultation in the EEZ; this however is limited to public authorities and other bodies representing wider public interests and does not extend to the general public. Consultation is carried out in response to receiving an application for a construction license; consultees can submit written statements and are subsequently invited to a hearing. The applicant then answers any concerns raised, possibly leading to a second round of consultation with affected parties. In Germany the CGS project has not yet reached the stage of public consultation, so no specific information has been provided to stakeholders at this point in time.

On the Danish side, an EIA is currently being carried out on the wind farm, transformer platform and subsea cable for the entire Danish area including the border to the German EEZ. A construction license for the interconnector is required from the Environment Authority (grants and permissions for offshore work) and the Nature Agency (onshore work), requiring these authorities to ensure alignment of the timing of their processes and the grounds for granting (or refusing) permission. A combined EIA is usually required for both agencies, requiring public consultation. Permission is further required from the local authorities for onshore work, such as laying cables across nature areas.

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The offshore EIA is currently underway and is expected to be completed by the end of 2014. Espoo hearings are coordinated by the Danish Nature Agency, and an abstract will be sent to German stakeholders in line with Espoo requirements offering them an opportunity to respond to the Danish part of the project. Similarly, BSH will supply all relevant information arising from the EIA to the neighbouring states via designated contact points. Espoo rules state that it is up to the respective neighbouring country to decide on the relevance of this information and to instigate national stakeholder processes. Stakeholder processes in Denmark and Germany would therefore run in parallel and not as a combined exercise. It has been pointed out that 5 km of subsea cable may not warrant a large cross-border process (unlike, for example, the NordStream pipeline where a combined Espoo hearing took place); however, since it is a transboundary project, a common meeting will be organised between the Danish and German authorities to discuss the cross-border dimensions.

See Appendix 3 for an account of stakeholder consultation carried out for the Swedish part of the Kriegers Flak wind arrays.

3.6.2 Conflicts with other sea users

Impacts are generally considered to be minimal because the cable in question is short, will be constructed within a month and will be buried at a depth where it will not interfere with other activities. Once constructed, it will not require any maintenance. The BSH does not expect difficulties with the shipping sector because of the location of the interconnector within the wind farm safety zones. Some conservation concerns are expected to arise, and nearby protected areas may lead to requests to alter the cable route. Planning consent stipulates that the cable needs to be at sufficient depth as to not interfere with fishery, so no conflict is expected with fisheries.

The Danish partner Energinet.dk is taking a slightly different approach in that they are pro-actively approaching other marine stakeholders. For example, the relationship between Energienet.dk and the fishing community is positive due to a long tradition of "open and fair communication", which means fishermen are regularly invited to head office and informed of upcoming projects. Local meetings are also held. The positive relationship is also facilitated by the legal requirement to financially compensate fishermen for any losses that might arise from new projects. In the opinion of the Danish project partners, this open dialogue is very helpful and contributes to avoiding disputes later on.

Public consultation was held in Denmark as part of the onshore EIA required for the project, and opinions on the CGS have proven negative so far, mostly becase of a large new transformer station that will be built. For the energy company this implies extra PR work and possibly compensation payments. No offshore consultation has yet taken place. Some opposition is possible from fishermen but less in relation to the interconnector than the

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siting of the planned offshore wind farm at Kriegers Flak. A map has been received from the fishermen indicating the main trawling areas, so efforts will be made to avoid these.

3.7 Other transnational project experience

The NordStream pipeline is an example of a controversial transboundary infrastructure project. NordStream as a company was responsible for the complex licensing process, which was the first transboundary process in the Baltic on such a large scale. All participating actors now regard it as a learning process which eventually set an example for other similar transboundary processes.

One of the key elements of the NordStream licensing process was the informal agreement to use Espoo principles. Although Espoo is geared towards environmental impacts, NordStream applied it to other issues, including offshore wind farms, ammunition, safety risks etc. Because of the contentious nature of the project, participation was taken extremely seriously during the process. Normally, each country with a section of pipeline would need to notify all neighbouring countries of potential transboundary impacts, which would have been very time-consuming and potentially confusing. An agreement was therefore reached that Germany would notify all other countries at the same time using the same documents. Countries then organised public hearings, as well as special hearings for those who had given written statements. Results were collected by NordStream who eventually produced detailed transboundary planning documents and EIAs. Regular meetings also took place between the affected countries (ministries of the environment, licensing authorities) throughout the process.

The NordStream experience shows that Espoo represents a useful framework for organising transboundary consultation, as long as all participating countries agree to abide by the same rules (see also Appendix 3). It is also helpful to agree to work together and to consider the project as a whole from a process point of view, understanding all countries to be affected by the entire project rather than each country considering only the part directly affecting it. Regular meetings of the respective licensing authorities are essential. It is also essential to ensure the same steps of the process (such as public hearings) can be carried out in parallel. This in turn requires good understanding of each other's processes (e.g. deadlines, or time periods in which certain activities need to take place, such as the publication of documents). Coordination of PR is also important.

Another lesson is that complex transboundary processes such as NordStream demand much extra work on the part of the company driving the project, but also the licensing authorities responsible. This may imply a learning process on both sides. In the case of NordStream, the controversial nature of the project led some countries to put forward more and more conditions for approval, which NordStream initially resisted. Later, undertanding grew that

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information had to be supplied in order to allow the process to go forward. NordStream appointed a dedicated officer for each country to engage in direct dialogue with the licensing authorities, and engaged a company to deal with PR and marketing. These changes brought the company closer to the licensing authorities and ensured a smoother, more factual process overall.

3.8 Overall assessment

3.8.1 Restrictions experienced

Germany and Denmark have different traditions of access to data. In Denmark, companies are obliged to make public any data gathered as part of EIA processes, which is not the case in Germany. All data relevant to Baltic 2 for example is owned by the private energy company RWE, and even BSH has no means of compelling the company to publish their data.

Lack of data or access to data implies loss of existing information, resulting in delay and costly duplication of the same environmental assessments. Denmark and Germany entered a political agreement six years ago to share environmental data, but this does not extend to data owned by private companies. Also within each country, a central hub for information or data would greatly facilitate the licensing process as it would streamline data gathering from local sources. In particular Danish actors stated that greater data transparency would have been useful from the beginning and helped coordinate the project with stakeholders. For example, information concerning an extraction site in the vicinity of the interconnector came up very late in the process. Better and, above all, continuous coordination between the responsible departments would be helpful.

3.8.2 The role of MSP

MSP is considered a cumbersome instrument by some, as it is static and not able to quickly respond to changing needs. The current plan for the German EEZ dates back to 2009 but will shortly be revised.

In Denmark, various departments are working on MSP but they have not yet been grouped in one unit. Energinet.dk's view is that MSP might complicate processes such as the CGS, but could also help the application process as GIS systems would be more up to date and online information would be available to all. At present, collecting information is time-consuming. MSP might also imply that stakeholders want to ensure exclusive use of "their" respective areas, carrying the risk that optimum solutions can no longer be obtained and that the system would become too rigid. MSP is seen as a useful structuring tool and system of automatically updating data. The military would need to be included in this.

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4. Baltic Pipe and other Polish Initiatives

4.1 Background and plans for the Baltic Pipe

Baltic Pipe (BP) is a proposed gas pipeline project between Denmark and Poland. The line would be between 250 and 300km long (depending on its route), crossing the southern Baltic Sea (Figures 3, 4, 5). The preferred route has not yet been finalised, though it would cross the German EEZ as well as Danish and Polish waters; one possible route would also enter the Swedish EEZ. Its Danish landfall is likely to be in Redvig; three possible landfalls are being considered for Poland, including Niechorze (Figure 3).

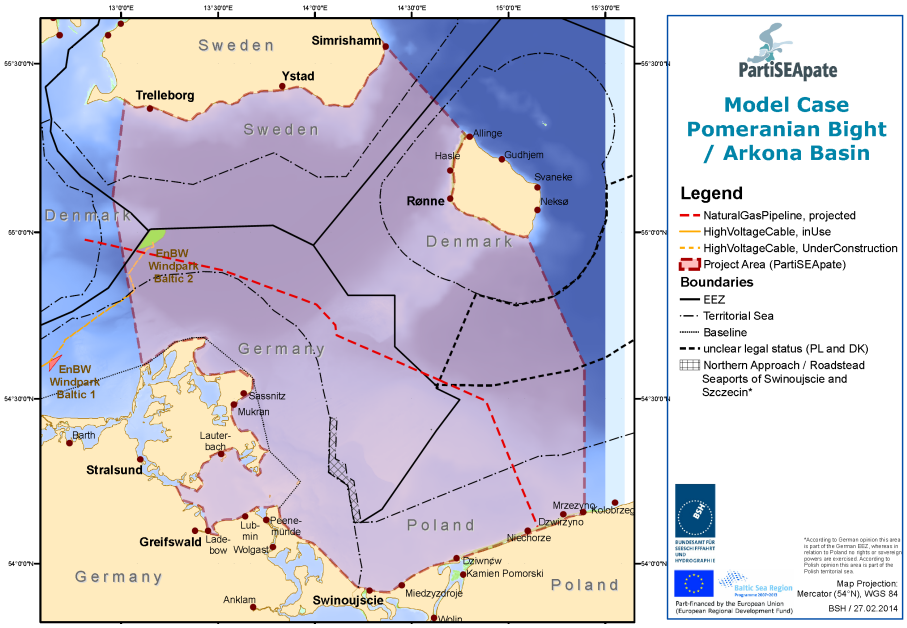

FIGURE 3: Possible route of Baltic Pipe through Polish and German waters (PartiSEApate)

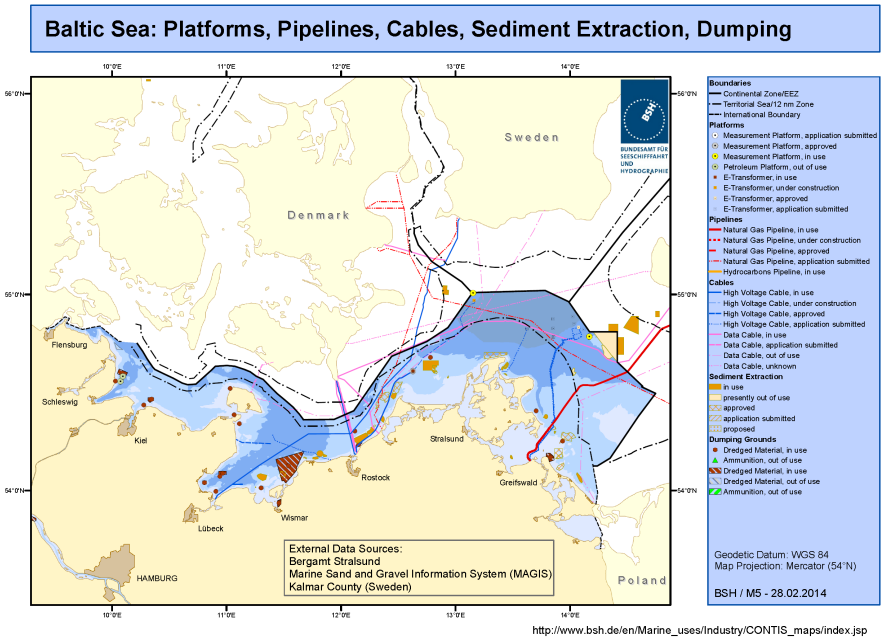

FIGURE 4: Possible route of Baltic Pipe through German and Danish waters (BSH)

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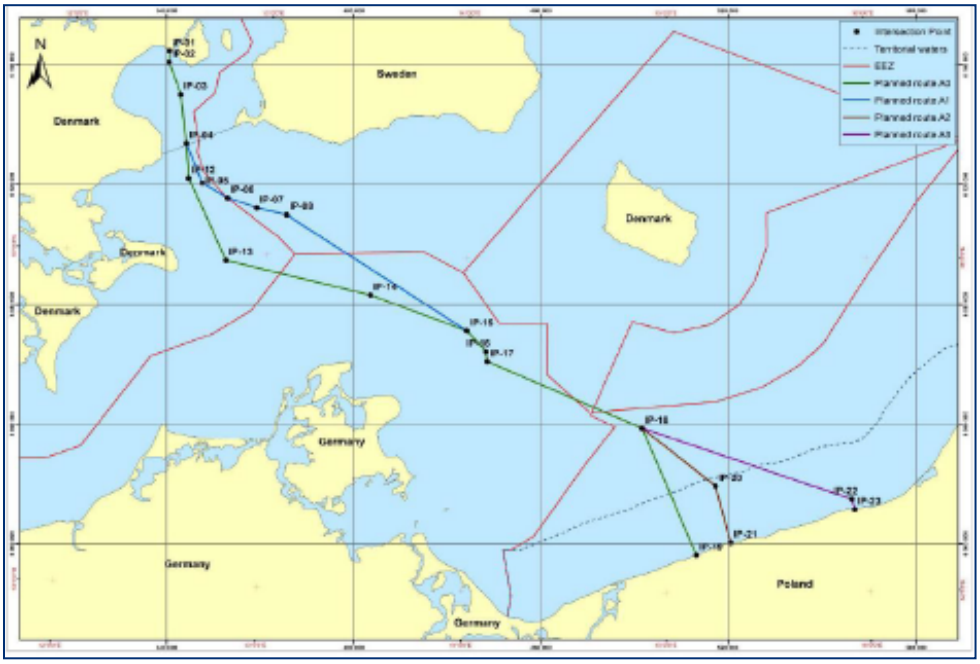

FIGURE 5: Possible Routes of Baltic Pipe (Gaz-System)

Originally, the project was intended to increase natural gas supply to Poland. This would have been sourced from Denmark's North Sea reserves via the Danish gas transmission network, supplemented by Norwegian gas via another planned link, the Skanled pipeline, between Norway and Denmark (Figure 6). With this in mind, BP was agreed in 2001 by the

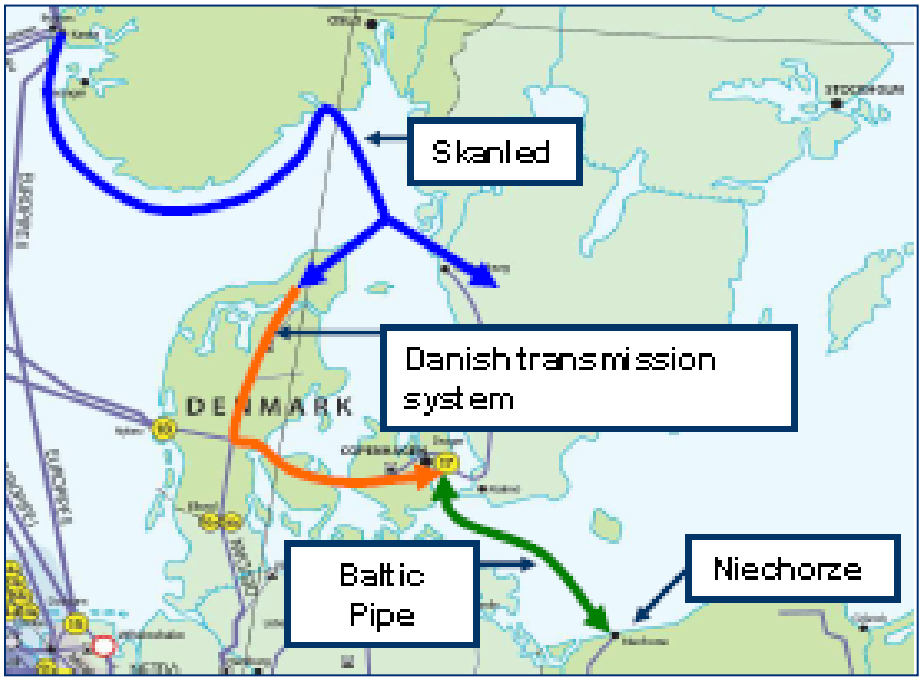

FIGURE 6: Skanled and Baltic Pipe (Ministry of Economy, 2008)

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Danish energy company DONG and the Polish oil and gas company PGNiG, and early steps were taken in gaining consents (including from BSH). However, the project was soon suspended on economic grounds.

In 2007, the plans were revived, after Energinet.dk took over the Danish gas transmission network from DONG and made an agreement with PGNiG. The Polish gas transmission network was soon after transferred to Gaz-System, who then continued to take forward the project with Eneginet.dk. This led to further survey work; in German waters, some nature conservation concerns were raised as a result.

However, in 2009, the Skanled project was suspended. This caused Gaz-System to reconsider the BP plans. Other factors contributed to this review: uncertain Polish demand for this supply of gas, and plans for a new liquefied natural gas (LNG) terminal at Świnoujście on the Polish coast, also being developed by Gaz-System.

This review led to a change of purpose for BP: it would be used instead for the export of gas from Poland to Denmark, supplied from the LNG terminal and from Russia via the Polish transmission network. However, the pipeline will still allow gas flow in either direction. It could thus facilitate diversification of gas supply across the region, according to different future configurations of supply and demand, including the possible future construction of the Skanled pipeline (Figure 6).

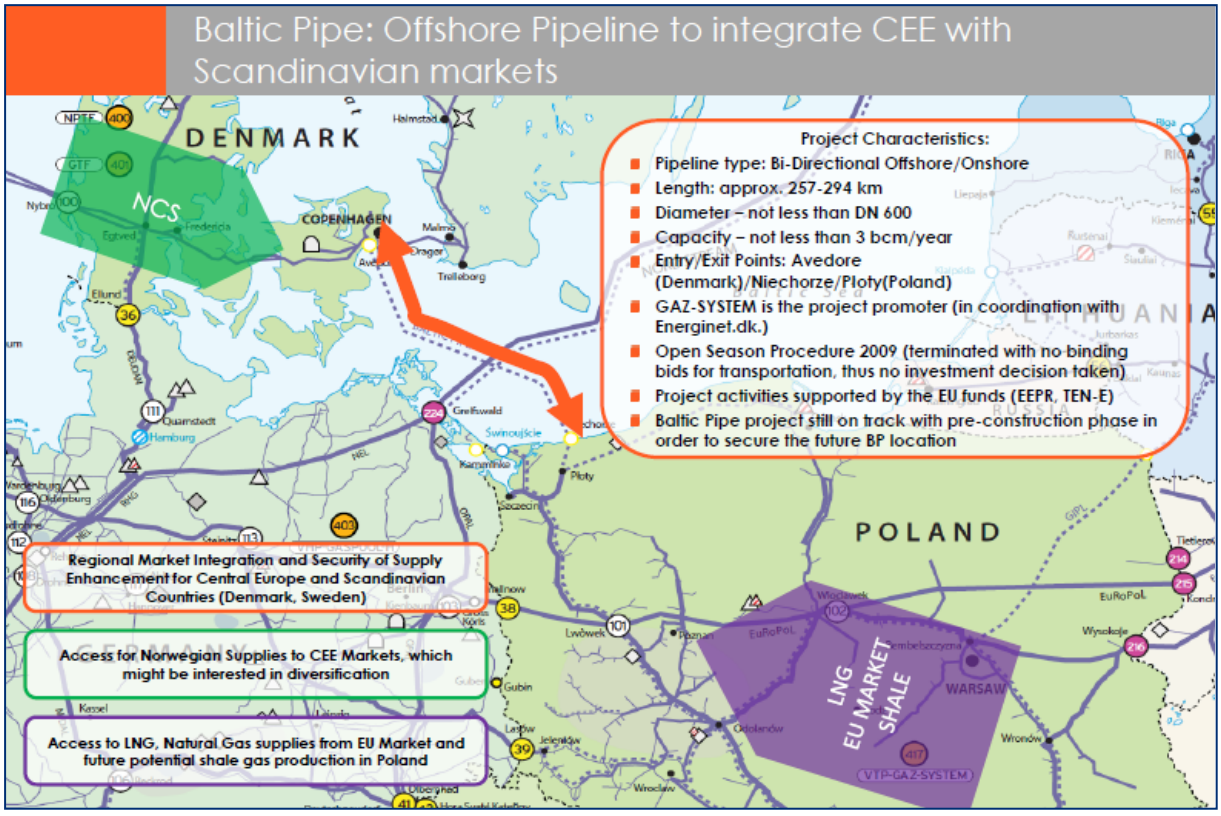

FIGURE 7: Integration of Scandinavian and Central European gas markets (Gaz-System)

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The pipeline would also form part of a wider opening up of the regional gas network. Poland is currently developing interconnections with the Czech Republic, as part of a North-South gas corridor, and with Lithuania, connecting with the Baltic States as a whole. The North-South route is of particular strategic importance, potentially connecting to systems as far afield as Greece and Ukraine, and as such is designated as an EU priority corridor (Figure 7). European funding has been secured for BP, as a project of common interest adopted in 2013, and will be part-financed from the European Energy Programme for Recovery (Trans European Networks - Energy (TEN-E)). Gaz-System is working to a plan that it has drawn up for development until 2023 that responds to this strategy.

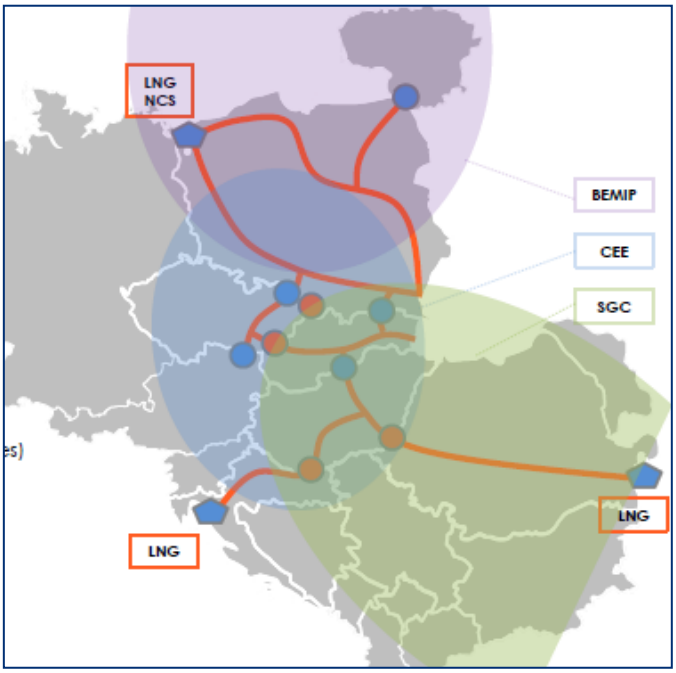

FIGURE 8: Central European North-South gas corridor (Gaz-System)

BP would be developed and owned by Gaz-System, including the sections in non-Polish waters. Energinet.dk would be primarily involved in developing the connection to the Danish grid. Gaz-System is therefore taking the lead in the project. The company has not yet taken a decision to invest, pending greater certainty regarding the business case for the project. However, Gaz-System now wishes to finalise the preferred route for the pipeline, taking into account environmental constraints and other infrastructure, especially offshore wind farms, cables and other pipelines. This is with a view to speedy implementation once an investment decision is taken.

An initial geophysical survey has been carried out, providing information on bathymetry, surface features, seabed characteristics, cables and pipelines, wrecks, ammunition, etc., along the pipeline corridors. This assisted in identifying the broad options shown in Figure 8, and highlighted the physical challenges along the route (Figure 9). Some consultation took place with national authorities during this survey. There has also been discussion with BSH

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regarding recognising the possible route of the pipeline through the German EEZ; this is shown simply by way of information on the spatial plan for the Baltic Sea (Figure 4). From a German perspective, there has been concern that potential routes do not conform to the plan for the Baltic EEZ, as they do not cross shipping routes by the shortest route possible (if parallel routing is not possible).

A more detailed technical survey is now needed for the preferred route to be determined. Gaz-System is at the point of considering this and of entering into more detailed discussions with the relevant authorities.

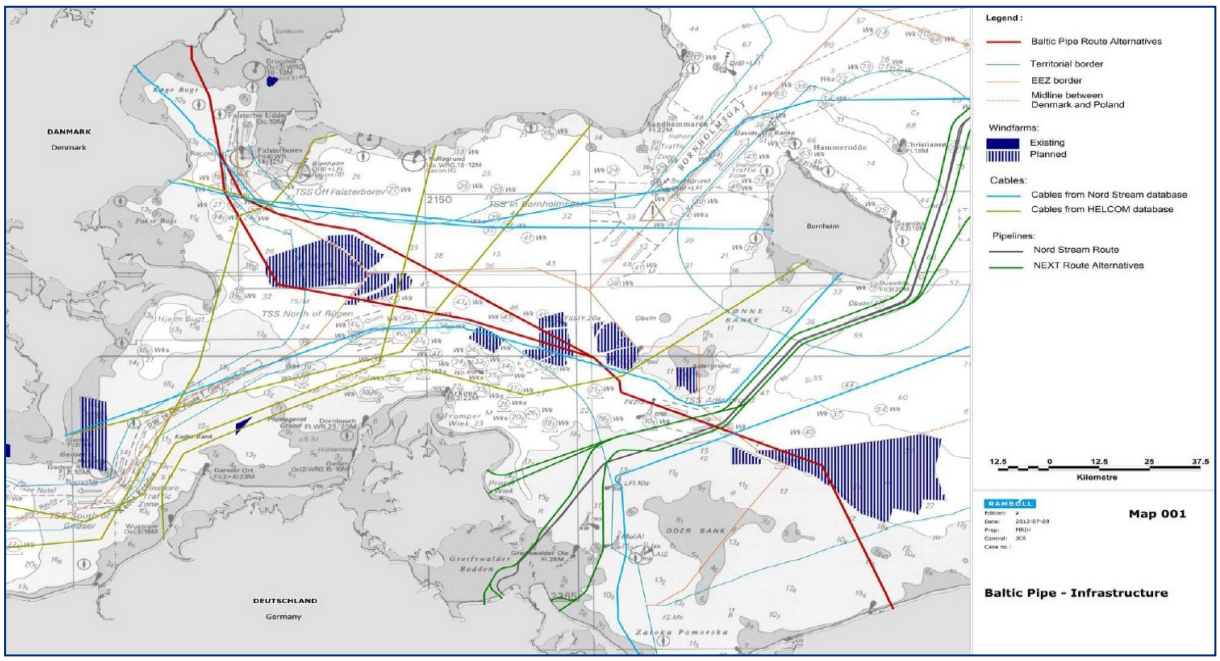

FIGURE 9: Challenges in routing Baltic Pipe (Gaz-System)

4.2 Initiating discussion

Throughout the history of BP, the lead on transnational discussions has been taken by the Polish company leading the project, with the main point of contact being with the Danish company responsible for the landward connection in Denmark. During the early phases, there were extended discussions between PGNiG and DONG, especially regarding potential routes and technical issues. More limited discussion took place at that stage with German and Swedish authorities, as well as those in Poland and Denmark.

More recently (since 2009), the companies' successors, Gaz-System and Energinet.dk, have been in discussion about the revised plans, with Gaz-System, as the project proposer, taking the initiative. However, company-level discussions are not very active at present, given the continuing uncertainty about the viability of the project. Also, from Energinet.dk's point of

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view, their interest is primarily limited to the point of connection and distribution to Denmark rather than the routing of the pipeline.

Nonetheless, in this latest round, Gaz-System has continued to liaise with regulatory authorities in Poland. This has led to preliminary permissions being granted to allow initial planning, by the Maritime Office Szczecin in relation to territorial waters, and by the minister for maritime affairs in relation to the EEZ.

There has been appreciation of the initiative taken as part of the PartiSEApate project in getting parties together. For example, Gaz-System accepted willingly the invitation to engage with the PartiSEApate team and would be open to further invitations to discussions from other parties.

There is, however, some uncertainty on the way to widen discussions to a multilateral level, potentially involving parties from the three or four nations that might be involved in implementing BP, and whether this should be initiated at a commercial or political level. For example, Gaz-System would be reluctant to take a lead in organising this, seeing this as more of a role for the authorities, suggesting, for example, that one of the Polish Maritime Offices might be able to coordinate discussions at a transnational level.

4.3 Means of communication

The early discussions between PGNiG and DONG took the form of regular, organised face-to-face meetings, as much as once a fortnight. More recent discussions between Gaz-System and Energinet.dk, have also been face-to-face, but much less frequently, only about once a year. Other formal means of exchange have taken place, especially with Polish regulators, such as through formal applications in writing.

Face-to-face meetings are generally seen as preferable for projects like BP, so that matters can be explained or clarified more easily. But time and resource constraints are also recognised, and teleconferencing is also regarded as an acceptable solution.

Informal means of communication have also been important. For example, informal contacts, such as requests for information, via email and telephone have frequently been made. The importance of building relations through all means of communication has also been recognised. Gaz-System's experience is that there is a "natural process of building links". Energinet.dk suggest that face-to-face meetings can be valuable in overcoming cultural and language difficulties; they also point to experience of the Nord-Stream project, where "we met regularly, came to know each other and were able to contact each other".

Despite this, there may be some reluctance to rely too much on informal discussions. In some contexts, these may be regarded as insufficiently authoritative and not lead to clear decisions. Energinet.dk suggested that "In Poland, you need a formal structure first, before

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informal discussions can take place, whereas Danes are generally more informal." This was echoed, for example, by Regional Directorate for Environmental Protection Szczecin, who suggested that formal procedures for consultation should be followed for processes of this kind, at least as a starting point, to be supplemented by other meetings as necessary. It may be helpful, therefore to set up formal processes first, and then to strike a balance between formal and informal means of communication.

Transnational communication has generally been in English. However, Polish has also been used, especially in Gaz-System's communication with Polish regulators. Also, there has been mixed use of English and Polish, with translation between the two, when non-Polish participants have been involved, such as in PartiSEApate meetings focusing on BP.

4.4 Representation

As described above, the BP discussions have so far mainly been two-pronged. Firstly, there has been close collaboration between the industrial partners involved in Poland and Denmark, most recently Gaz-System and Energinet.dk. Secondly, there has been contact between the industrial partners and their national regulators. Energinet.dk has liaised with the Danish Energy Agency, and Gaz-System with the Polish regulators, especially the Maritime Offices in Szczecin and Gdansk, with respect to gaining permissions at this preliminary stage.

However, not all of their authorities have yet been involved in discussions. In Poland, for example, Regional Directorate for Environmental Protection Szczecin has not been approached directly about the project, though they will have a potentially important role with regard to environmental assessment of the proposals. In this regard, the Maritime Office Szczecin highlight the continuing uncertainty about the viability and timeline of the project, which is slowing down the consenting process, as they must wait for documentation from Gaz-System before proceeding. This underlines their understanding of BP as essentially a commercial project, and the Maritime Office's role is essentially to help things progress as efficiently as possible by issuing permissions for the construction and siting of the pipeline in Polish waters.

Also, discussions with German (and potentially Swedish) authorities with regard to routing the pipeline through their waters are at a very early stage; contact with BSH, for example, has so far been informal, largely in the context of the PartiSEApate project.

There has not yet been wider multilateral discussion involving parties from all sides. There is a general recognition that wider and fuller discussion is now needed, in order to agree on the best possible route, understand the different regulatory requirements in each jurisdiction concerned, etc (see below).

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Energinet.dk also indicate the wider implications of the proposals for strengthening energy integration and security, and suggest that there is the possibility of discussion at a political level if the project gains momentum.

There would be some reluctance, however, to widen out discussion too much; Gaz-System point out "the practical difficulties of having an unworkable number of organisations involved". Similarly, they are content with having a small, focused team of representatives from their organisation who are best equipped to carry discussions forward and convey decisions to other parties.

4.5 Stakeholder and public engagement

There has not yet been any active engagement with stakeholder groups or the wider public in relation to the BP proposals, except for information that is publicly available on Gaz-System's website.

It is generally considered that the proposals are not yet sufficiently advanced to involve stakeholder groups in discussion or provide fuller public information; there needs to be greater certainty about investment first. Also, at a regulatory level, applications have not yet been submitted that would trigger wider consultation. In Poland, for example, consultation was not required for the preliminary permissions that have been granted.

If plans progress, however, construction licenses will be needed, and these will require public consultation, especially as part of the environmental assessment procedures (EIA and SEA as relevant) which Gaz-System will need to conduct. In Poland, this process will be coordinated by the Regional Directorate for Environmental Protection in consultation with the Maritime Office Szczecin. In this context, consultation will also take place with neighbouring nations as appropriate; in particular, the bilateral agreement with Germany (shortly to be revised) under the Espoo Convention will ensure transboundary consultation on environmental assessment of the project.

4.6 Ways forward

There is a consensus amongst the current participants in the BP proposals that fuller discussions would be useful at this stage, involving the industrial partners and the main Polish, German, Danish and, possibly, Swedish authorities.

Gaz-System's main concern at this point is to carry out transnational consultation on the preferred route of the pipeline, to come to a mutually acceptable solution. They are supported in this view by the Maritime Office Szczecin.

It has also been suggested, by the Regional Directorate for Environmental Protection Szczecin, that wider discussions might be helpful in facilitating the exchange of information

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and the choice of the least damaging route. More specifically, Maritime Office Szczecin highlighted the need to understand the consenting process required in the other nations concerned; "We have no knowledge of the institutions we must contact with the relevant documentations, what form, what deadlines, does it affect the spatial plan, does it need the plan to be updated?" It was suggested that a compendium of requirements in each country would be helpful, and may enable greater consistency between nations and simplification of procedures.

There is also some feeling that discussion on BP should not be divorced from other transnational issues, such as the designation of Natura 2000 areas which may affect neighbours' use of their waters. This needs greater cooperation in planning, so that marine plans mesh with each other.

Gaz-System would prefer to see the initiative for transnational discussion come from the government authorities, rather than take the lead on this. Energinet.dk also referred to experience gained in the Nord-Stream project, where each country is obliged to appoint a representative, suggesting that a similar approach may be helpful.

Overall, it has been suggested that a roadmap for BP consultations for responsible authorities in the concerned countries should be developed.

4.7 Other Polish experience of cross-border discussions

It is important to note that Polish authorities in the Pomeranian region have been actively involved in other transnational initiatives. These have not all included a maritime element, but they have involved discussions of a similar nature to those described above, and provide some valuable insights to cross-border approaches related to MSP.

For example, the Regional Directorate for Environmental Protection Szczecin has had other experience of cross-border discussions, which could pave the way for future discussions about BP. This includes discussions about Nord Stream, including stakeholder debates, and an INTERREG nature conservation project; the latter proved particularly useful in generating information which was then used partly in promoting conservation in child education.

Similarly, the Marshall's Office of Westpomeranian Region has worked to advance the Central European Transport Corridor (CETC). This is a north-south multimodal TEN-T project, consisting of a motorway of the sea between ports in Sweden and Poland, followed by road and rail links to the Adriatic, thus recognising the importance of land-sea links. This began as a Swedish initiative in 2001 and was initially a bottom-up initiative, gradually gaining political support and becoming increasingly organised. It was eventually recognised as an official European grouping of territorial cooperation. A formal agreement to work towards the CETC was first signed between six regions from Sweden, Poland, the Czech Republic and the Slovak Republic in 2004.

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Steering committee and working groups were formed, with regular meetings, conferences and consultations, developing a series of action plans. A rotating presidency helps to ensure equitable leadership, and a dedicated secretariat in Szczecin provides continuity. EU support was also solicited, by holding events in Brussels. Persistence was needed, as new governments came into place following elections and had to be persuaded of the strength of the case. “You waste a lot of time talking! Need to talk face-to-face. We held international conferences, but the crucial thing was individual meetings”.

During this initiative, language proved to be the greatest barrier, and different languages have had to be used as appropriate; English can be used at a technical level, but national languages at a political level. “It is important at the beginning not just to have official meetings, but also unofficial ones, over meal or coffee, with materials in national languages. You have to keep in contact all the time; you shouldn’t give partners two to three months to respond”. Lack of government financial support has also proven to be a barrier, as has the lack of support from some transport operators and frequent political changes which have slowed down the cooperation process in the earlier stages of the project.

Bilateral conversations between certain parties have been important, to deal with issues specific to them, rather than raising them at wider meetings. Wider consultation with stakeholders has also taken place on a regular basis. Importantly, there has had to be a lot of accommodation of cultural differences regarding decision-making: “Slavic countries make decisions very quickly; Swedes think a lot more, and think they have the best participation in the world... We lost a year waiting for their decision”.

Participants in this process recommend a series of measures for improving transboundary discussions of this kind, including: frequent presentation of objectives to different parties; working towards binding frameworks; strong contacts and relations between participants; and multi-level meetings and working sessions. Providing information and developing a strategy and action plan are also important.

Also, the Regional Office for Spatial Planning of Westpomeranian Voivodeship have liaised closely with eastern Germany on territorial issues, not least a cross-border region initiative / Szczecin transborder area and the River Oder partnership. This builds on historic links across the border, though historic tensions also live on. It is reported that relations tend to be best at a municipal level. Nonetheless, communication at a higher level of governance has been effective through a formal working group (spatial planning group) with bilateral representation. It is suggested that arguments need to be presented clearly for progress to be made, for example, in relation to improving flood protection along the River Oder.

The Szczecin and Swinoujscie Seaports Authority has also engaged in a number of projects. They emphasise the wider benefits of cross-border exchange, such as the potential for

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"learning from other partners' experience, establishing personal contacts with representatives of project partners which may prove useful in future business undertakings".

4.8 Recommendations for Baltic Pipe

These recommendations relate especially to the further development of the BP proposals, though also draw on the wider experience described above.

1. Encourage the continuation of bilateral discussions between commercial organisations (Gaz-System and Energinet.dk) regarding technical options, and between commercial organisations and national regulators regarding individual permissions.

2. Set up multilateral discussions between the commercial organisations and national regulators from all three/four nations concerned. It is suggested that Maritime Office Szczecin would be well-placed to initiate a formal meeting with the purpose of assessing the current state-of-play of the BP proposals and setting out priorities for the coming 12 months. This meeting could be seen as the formation of a 'BP Coordination Group' with named representation from each organisation.

3. Regular formal meetings should be face-to-face where possible, supplemented by teleconferences in the interests of resource efficiency.

4. Informal contacts should take place regularly between members of the group, by telephone, email, etc, and should be encouraged as a means of facilitating progress between formal meetings.

5. English, as the most generally accepted international language, should be used in transnational discussions where possible. However, there should also be respect for national languages, and interpretation should be made available when called for.

6. Discussion should initially be limited to the two commercial organisations and the main authorities for each nation concerned. However, in due course, consideration should be given to drawing in other interested parties, such as key stakeholder groups.

7. The group should give particular attention to the regulatory requirements for the project in each nation, possibly producing a summary document. Careful consideration should also be given to maritime spatial plans for the waters concerned, either already in place or due to be drawn up, having regard to related maritime and coastal developments and issues.

8. Core principles of equity, mutual respect and understanding, and sensitivity to administrative and cultural differences between the nations concerned should guide all discussions.

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5. Applying lessons learned to transboundary MSP

The overall aim of this study has been to contribute to recommendations of good practice for future transboundary processes in the pilot region and in the Baltic as a whole. A specific question is whether lessons learned from the transboundary initiatives could also be applied to transboundary MSP processes.

One of the main challenges of transboundary MSP is the alignment of MSP processes across borders. Presently, Baltic Sea countries are at different stages of MSP implementation, so situations may arise where one country has already established and implemented a maritime spatial plan whilst neighbouring countries have not even begun their MSP process. The lack of MSP legislation and associated administrative structures in some countries makes cross-border consultation difficult, and can lead to advanced countries creating planning facts which might reduce planning options in other countries (e.g. with respect to large infrastructure, or connection points for cables or wind farms). Although transboundary MSP is often discussed in the context of strategic visions for the Baltic, or alignment of strategic objectives, it also has a more pragmatic, immediate element in that it needs to facilitate communication and dialogue between those responsible for drafting and implementing maritime spatial plans in order to avoid such misalignments.

In applying the lessons from transboundary projects to transboundary MSP, differences must first be noted between the two in terms of the aims and outputs of the associated processes. Transboundary projects, such as those investigated here, are mostly concerned with specific infrastructure. They are therefore concerned with licensing processes in each partner country, which are usually well defined and have a clear procedure associated with them. Transboundary MSP, on the other hand, is a strategic exercise designed to achieve coherence between maritime spatial plans. Although transboundary MSP may lead to the formulation of joint strategic objectives, or a common vision for a larger sea area, the outputs of a transboundary planning exercise must be captured in national or subnational plans as the legal responsibility for maritime spatial plans is with national governments.

Nevertheless, the challenge posed by the transboundary context is similar in both cases and mainly procedural in nature. Ways have to be found to communicate with relevant counterparts in the other countries, to facilitate the exchange of information and to align national processes in a manner that is transparent and still respects national needs and specificities. Ways also have to be found to establish confidence and trust in each other, and to manage transnational exchanges efficiently.

The following sections bring together lessons from the study in two ways. The first section considers the relationship between transboundary projects and MSP, asking how MSP might impact on future transboundary projects in the Baltic Sea Region. The second section lists

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general recommendations that can be drawn from the transboundary projects analysed. These apply to future transboundary projects, but suggestions are included on their applicability to the specific case of transboundary MSP in the BSR.

5.1 The potential role of MSP in transboundary projects

Under the new EU MSP Directive, all Member States are required to prepare maritime spatial plans, so EU countries in the BSR which have not yet engaged in MSP will soon begin to do so. Under the Directive, Member States must ensure the involvement of stakeholders, organise the use of the best available data, and ensure transboundary cooperation between Member States, with the aim of maximising the coherence of maritime spatial plans.

MSP can offer a number of advantages to transboundary initiatives. Firstly, MSP provides a wider context for a transboundary action, taking it beyond the issues immediately at hand and enabling authorities and other parties to take a more holistic perspective. The advantages of this have already been noted by BSH, whose responsibility is partly for licensing but also for MSP in the German EEZ, and which has therefore been able to place the CGS project into a wider context of offshore grid development. The authority is therefore in a position to assess better the wider impacts and significance of the CGS and its contribution to wider planning objectives. Similarly, Polish authorities involved in the BP project have expressed the desire to take the project beyond the immediate issue of routing and to include environmental aspects in the discussions at an early stage. MSP can provide a framework for such wider discussions, opening up greater scope for considering a range of issues at the outset rather than waiting for the formal licensing process. MSP can thus increase appreciation of the scale and intensity of pressures that are being placed upon the seas, that it is not 'a blank canvas' and that any one project must be coordinated with other projects, demands and constraints. National maritime spatial plans can thus help all those concerned with transboundary initiatives to appreciate the wider implications within national waters.

Secondly, maritime spatial plans may make specific provision for national elements of transboundary initiatives and make clear which areas are excluded from such use. For example, they may set out potentially suitable routes for infrastructure, or even set out precise coordinates for infrastructure. This would help the licensing process considerably. However, for a project to be provided for in a plan will depend on project proposals being sufficiently well-advanced while the plan is being drafted. One challenge in this respect, as noted by some commercial organisations, is that MSP carries the danger of being too rigid, in that plans may only be updated every 10 years. For example, an ideal cable route may turn out to be outside designated corridors due to new maritime priorities, a change in conditions or new knowledge about environmental conditions. Or new transboundary projects might be proposed which have not been foreseen in the plan. It is important that sufficient

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flexibility is built into plan-making processes, to accommodate ongoing developments of this kind. For instance, a draft or even a finalised plan may be revised to accommodate a more recent proposal. Close collaboration will be needed between the MSP authority and project proponents for proposals to be integrated into a plan in this way.

Thirdly, MSP, especially under the Directive, can provide an additional framework for transnational coordination between the nations involved in a transborder initiative, and may thus contribute directly to the development of the initiative itself. It remains to be seen how cooperation will take place under the terms of the Directive, but it is likely that transborder initiatives will be one focus of attention. For example, efforts could be made to ensure that different national plans are synchronised in the spatial allocations that they make for transborder projects.

Finally, MSP can have beneficial 'side-effects', particularly in that it can provide an additional platform for communication between organisations involved in transnational initiatives. For example, commercial organisations may be involved in plan-making through consultation or through providing information, and may strengthen their links with the MSP authority as a result. MSP can thus contribute to wider capacity-building in maritime governance and decision-making. MSP may also serve to establish Espoo principles for cross-border communication, as suggested in the PartiSEApate report on multilevel governance. Similarly, MSP can also contribute to better data exchange and common standards with respect to information and data, which may help to make licensing processes more efficient and transparent, avoiding the unnecessary duplication of effort.

5.2 Recommendations for transboundary processes and their application to MSP

Experiences from the CGS and BP projects, as well as other initiatives in the region, lead to the following general recommendations for making progress with transnational initiatives, particularly with the Baltic Sea Region in mind. They are general process recommendations which could apply to commercial or industrial projects, but which are equally transferable to transnational MSP processes.

Establishing overall roles

1. Ensure that roles are clearly understood

The transboundary projects investigated highlight that roles and responsibilities within the project need to be clearly understood by all participating actors. Key roles may include:

- *An overall lead*
- *National leads*

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– *Enabling organisations*

These roles will ideally complement one another, leading to a smooth overall process including national and transnational communication, dialogue between (industry) partners and planning authorities, and any necessary stakeholder consultation.

Role of the overall lead

A lead organisation is important as an instigator and driver of the overall initiative. In some cases, such as the transnational projects investigated here, the lead organisation has been a commercial partner or consortium of commercial partners working across borders. In other cases, and in the case of a transnational MSP process, it may be an authority with the capability of taking on wider responsibilities, e.g. a maritime authority with the ability to bring together other authorities and stakeholders across borders. The lead organisation should take overall responsibility for the project or transboundary MSP process and should be aware of its status at all times. The lead organisation could also be responsible for an overall communication strategy, including internal communication with direct partners in the case of a consortium (as is the case with the CGS project) and external communication with partner authorities and other stakeholders (e.g. national planning authorities).

In large transnational processes such as the CETC, a secretariat might be needed to take responsibility for project management; this could also apply to large transboundary MSP processes.

Role of national leads

There will also be an organiation leading the process at each national level. In the case of transboundary MSP, these will most likely be the designated MSP authorities, but it could also be another authority where MSP authorities have not yet been established, or other institutions working to implement national MSP on behalf of authorities. In the transnational projects analysed, the role of national lead organisation is taken on by the main commercial organisation for the nation concerned, but it could also be a national authority working on behalf of a commercial project. The main responsibility of national leads is to bring together relevant partners and stakeholders at the national level, ensuring that the nature of the process, its expected impacts and timetable for completion are sufficiently communicated to all (e.g. ensuring all other relevant authorities are aware of the status of the process and the expected timeline for completion). In the case of transboundary MSP, this means ensuring the purpose of the transboundary exercise is clearly understood by all relevant national actors (e.g. stakeholders, other ministries), and that there are no false expectations with respect to the process itself (e.g. explain the voluntary nature) or its outcome (e.g. the exercise will not result in a transboundary plan). It may be helpful for the national lead to organise meetings between relevant national actors and stakeholders at key stages of the process to discuss progress and specific requirements.

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50Hertz and Energienet.dk have been the lead organisations in the CGS project from the beginning. 50Hertz understood it needed to manage the German part of the process and has made efforts to bring together all relevant organisations at an informal information meeting. 50Hertz also recognise the importance of setting the agenda, ensuring relevant information is made available to the right partners (and authorities) at the right time. Both companies have worked hard to ensure smooth internal and external communication, and regard it as their responsibility to liaise with the appropriate planning authorities in their countries.

The BP project has reached a stage where fuller discussions involving the planning authorities in other countries would be useful. The commercial partner would welcome support by the relevant planning authority in Poland as they do not consider themselves in a position to organise this process as effectively.

Role of enabling organisations

This is a role which specifically applies to transboundary commercial projects and not necessarily to transboundary MSP processes. In commercial projects, we note planning authorities as key enablers of transboundary processes. Firstly, they play an important role in enabling efficient processes at the national level. For instance, they might take a lead in communicating with other regional authorities, or ensure the commercial partners understand the details of the licensing process. They are also responsible for organising stakeholder consultation processes at the national level should these become necessary. Secondly, at the cross-border level, they can assist in the alignment of planning processes and help to ensure awareness of deadlines across borders. Previous experience in cross-border cooperation is helpful here, especially with the Espoo principles which provide a basic structure for organising transboundary communication. Good relationships with colleagues in other countries also play a significant part.

For commercial lead organisations, it is important to understand how best to utilise the capacity of planning authorities to act as enablers. Informal contact between the two partners at the beginning of the planning process can help clarify the respective roles.

Ensuring balanced representation

2. Gain appropriate national representation

Each nation concerned should decide on how it should be represented in transnational MSP. This will include the respective planning authorities or other institutions responsible for implementing MSP. Care should be taken that each authority is represented. The aim should be to ensure that there is an equivalent level of representation from each nation. For

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example, although structures will vary across borders, representatives of public authorities should be able to meet at similar levels of administration and seniority.

3. Share roles and responsibilities equitably across borders

The equitable share of roles and responsibilities across borders has emerged as an important issue in the commercial projects investigated. The CETC project for example has emphasised the importance of initiating and organising multilateral meetings of various scope, including high-level groups, coordination and technical working sessions. These have involved representatives of all the nations involved in the initiative at various stages of its development. The CGS project has ensured the involvement of all relevant authorities on both sides of the German-Danish border from the early stages, and the BP project has actively engaged Danish and Polish participants, with technical expertise being provided by commercial organisations and regulatory advice being supplied by government, and is now expanding its focus to Germany. Balanced representation is therefore likely to include the main commercial organisation and/or public authority involved from each nation, as well as the regional or departmental authority most centrally concerned with the intiative as representatives of government in each nation.

This principle also applies to transboundary MSP processes. It is important that all parties have the opportunity to contribute meaningfully to the transnational discussion, in terms of content, organisation and decision-making, and that each nation represented has a significant role in the overall process. For example, certain technical expertise might be provided by partners with particular experience and knowledge, whilst certain governance aspects, such as departmental and stakeholder consultation, might be led by others.

Creating a strong vision

4. Ensure clarity of purpose

The transboundary projects analysed here show that initiatives should have a clear purpose from the beginning which is shared by all participants. This may be defined by commercial or governmental interests, and may be expressed through a vision statement, a strategy, or specific goals and action plans. A shared sense of purpose ensures a common driving force behind the initiative, and helps both internal and external communication including communication with the public. In the case of transboundary MSP, the common purpose may vary in ambition, and could be to achieve coherence between national maritime spatial plans, to ensure the alignment of transboundary infrastructure, to ensure data exchange, or to ensure ongoing dialogue between the responsible planning authorities on cross-border issues. It may be helpful to set down this common purpose in writing.

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At the same time, it should be recognised that the purpose may evolve or change during the course of discussions and in response to internal or external drivers.

The CGS is an example of an initiative with a vision shared by all participants, which is:

- to support renewable energies and reach EU climate targets,
- to link energy markets and enhance socio-economic benefits,
- to increase the reliability of energy supply, (e.g. to secure energy supply to Denmark), and
- to ensure sustainable grid expansion.

This vision represents a common purpose that all participating actors (commercial partners and authorities) can subscribe to, and lends context to the technical part of the project which is the construction of a short subsea cable between Germany and Denmark.

In the CETC project, it has been pointed out that "discussion could be improved by common understanding of the objectives and shared priorities between the stakeholders", which can be achieved by using different transnational coordination mechanisms (see below).

The BP project has undergone several transitions in terms of scope, partnership, and overall purpose, including the possibility that the project may not go ahead at all. As a result of ongoing uncertainties, relationships with planning authorities have been tentative for a large part of the process and did not develop beyond initial enquiries. This is beginning to change as the project is developing a clearer outline and the commercial organisations are taking a stronger lead.

5. Build on wider supportive strategies

The importance of a favourable external environment to successful transnational initiatives should not be underestimated. This may be more readily apparent in the case of commercial initiatives, but it can equally apply to transboundary MSP where a favourable external environment may include the support of national ministries as well as transnational maritime organisations and sectors.

In part, a favourable external environment will be a given, but there may also be scope to generate this pro-actively. For commercial transboundary projects, one way is to garner political support by emphasising links to existing policy frameworks and explaining the contribution of the project to broader aims and objectives. This is closely linked to “clarity of purpose”, as political support depends on "*consistent presentation of strategic goals across political powers and national prioritisation programmes of different states*" (CETC project). In some commercial cases, it may also be possible for initiatives to lead the policy agenda rather than wait for favourable circumstances. Making a good case for the initiative based on a consistent message becomes even more important here. Consideration should also be

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given to any bi/multilateral, Baltic, EU, or other international policy mechanisms that may be relevant, which in the case of the transboundary projects investigated here has included European Projects of Common Interest.

In transboundary MSP, generating a supportive overall environment is likely to involve dialogue with key sectors that might be affected by maritime spatial plans, in particular transboundary sectors such as shipping, fishery, nature conservation, cables and pipelines etc.

In the transboundary projects investigated here, political support has been used to leverage additional financial support, such as EU funding. Generally, project partners need to be responsive to other national and international funding opportunities in order to ensure the project can reach the implementation stage. This may also apply to transboundary MSP initiatives where project funding has proven important in the past to facilitate initial contacts and "transboundary thinking" in MSP.

The CGS project has enjoyed widespread support at national and regional authority levels, largely on account of its alignment with the wider policy aim of creating a transnational renewable energy infrastructure and associated planning objectives (e.g. the German offshore grid plan). Other actors support the project due to different reasons. A coalition of interest has therefore emerged among the relevant authorities which is favourably disposed towards the project. This has been helpful to the commercial partners in putting forward their licensing application and establishing a good rapport with the authorities.

At the same time, government support in one country alone may not be enough to secure the success of a transnational project. This is exemplified in the CETC project: *"The Polish government supports the initiative; however this is not always sufficient to achieve the objectives. Cooperation between the governments of CETC countries and adopting a coherent strategy would be the best support for the project (Central Europe Macro-regional Strategy)".* The wider political environment can therefore also slow down an initiative's progress. Scale and timing emerge as important additional success factors.

European projects of common interest can offer a useful framework for infrastructure projects. The timing of the CGS project was fortunate in that it benefitted from the enhanced interest in energy infrastructure at a European level and the availability of essential project funding, which has been instrumental for implementing the project.

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Understanding and utilising national decision-making contexts

6. Develop an understanding of the policy, planning and licensing framework for each nation

The transboundary projects investigated here have benefitted from an understanding of the relevant 'regulatory landscape'. Commercial projects should have regard of relevant national or subnational policy priorities, such as for the sectors concerned, planning statements, maritime spatial plans, and licensing requirements for the intended activities. These may vary significantly between the nations for example, different types of information may be required for issuing licenses for a particular activity, and may be administered by different arms of government. It may be helpful, for example, to carry out an analysis of the priorities and requirements for each nation concerned, with a view to aligning proposals and applications as much as possible.

7. Use commercial projects to initiate a broader discussion on transboundary MSP

Commercial transboundary projects can represent a useful route towards greater harmonisation of different nations' maritime spatial plans and creating interfaces between them as far as possible. Transboundary projects can highlight the lack of connectivity between existing plans, differences in zoning and licensing regimes, different priorities for maritime space, or emerging new pressures on the marine environment. As such, they may act as important triggers of broader dialogue between neighbouring planning authorities. The scope for immediate alignment may vary depending on the nature of the maritime spatial plans and the regularity of their revision, with strategic plans offering greater flexibility for example than legal zoning documents (see also chapter 5), but a process of dialogue on transboundary MSP may still be built around the real experiences of a commercial transboundary project and the associated licensing requirements.

8. Be sensitive to other cultures of communication and decision-making

In addition to the technical formal requirements of the respective planning processes, it is also important to be aware of the specific cultures of communication and decision-making that accompany these processes in the different countries. Despite the close proximity of neighbouring countries, planning traditions may differ considerably. Different requirements at the national level, for instance with respect to stakeholder involvement, may translate into longer planning processes and lengthier decision-making processes, which requires patience on the part of other partners. Sensitivity to these other cultures of communication and decision-making therefore needs to be built alongside awareness of each other's regulatory landscape.

It may be useful to draw up a compendium of requirements to cover all national planning and licensing processes (who needs to do what, when, how). Such a compendium could also

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include information on each country's planning culture and unwritten rules of communication, designed to raise awareness of specific traditions and cultural "dos and don'ts".

Different cultures of communication were noted in the CGS project, and German and Danish partners were aware of the need to be sensitive towards each other with respect to communication styles. Differences were also noted between Poland and Scandinavian countries, where traditions of stakeholder involvement differ considerably.

Establishing structures of communication

9. Ensure early notification of the initiative

Whether it is a commercial transboundary project or transboundary MSP, the national leads should inform their own authorities and other relevant bodies about the initiative. Notification should be extended to all relevant authorities as early as possible, before formal consultations take place. An informal meeting of the parties involved may prove useful at this stage as an opportunity to establish first contacts and relationships between the organisations that will be working together. This will also provide opportunity to discuss initial viewpoints and find common interests.

In the case of a commercial project, it was shown that early notice to licensing authorities best takes place even if the information is not all complete, as this can be a means of setting up constructive discussions and point to potential difficulties that might arise. It will usually be for the proponents of projects to take the lead in informing relevant parties, both within and beyond their own jurisdiction. This may be a commercial organisation or a public authority, depending on the nature of the project.

10. Set up formal structures of exchange

Following initial informal contacts, it is likely that more formal strucutres of exchange will be needed. It is advisable to establish a management or coordinating group for the initiative as a whole, consisting of the overall and national leads and other organisations as appropriate. This group can take on responsibility for steering the process. In larger initiatives, it may be useful to create a secretariat to support the initiative if resources allow, with agreed leadership and possibly a rotating chair.

Different formats of communication will be required at different times throughout the initiative and to meet different purposes. Face-to-face meetings are important at regular intervals, but these can be complemented by other forms of communication as agreed. Whichever format is chosen, it is important to allow for the presentation of different viewpoints during these exchanges, and to build consensus by jointly developing best

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practice solutions. Irrespective of the level of communication, it is helpful to maintain continuity of representation from each organisation as much as possible.

In order to structure these discussions, it may be helpful to draw up terms of reference and to agree on a timeline and procedures for continuing discussion, such as timing and location of meetings. It is also important to clarify the representation of the bodies concerned. It may be possible to work towards a bi/multilateral Memorandum of Understanding regarding the initiative.

The group may initiate other discussions, including supplementary, formally organised exchanges at different levels, and between different parties as appropriate, such as:

- *high level, transnational communication between policy-makers,*
- *transnational communication between public authorities,*
- *communication between national leads and other national bodies,*
- *technical exchanges,*
- *stakeholder communication and communication with the public.*

These different levels of communication should complement each other. For example, it may be necessary for national-level discussions regarding policy frameworks, strategic planning, licensing requirements, etc, to take place, in parallel to transnational discussions in order to agree on which party / parties in each nation should represent wider national interests in the transnational discussions and how the progress of transnational discussions can be relayed back to other national bodies. Smaller sub-groups may be an appropriate format for technical discussions, which should also have agreed terms of reference and a regular schedule of meetings, and feed back results to the larger group.

In all formal discussions, there should be clear agendas and appropriate follow-up (e.g. drawing up a timetable, roadmap or next steps, minuting what information needs to be gathered next and by whom, or what documentation needs to submitted to planning authorities and when).

The CETC project recommends that multilateral discussions should be initiated or accelerated in order to develop a binding framework for the project, such as intergovernmental agreements with clearly specified commitments. The degree and nature of such formal agreements will obviously depend on the project, and they may not be needed for smaller projects or transboundary MSP; however action plans with clearly specified responsibilities, a timeframe and financial plan are recommended by all projects.

Within the CGS project, 50Hertz and Energienet.dk have set up dedicated technical sub-groups bringing together German and Danish technical expertise on a variety of issues that need resolving before progress can be made with the licensing application. The results of

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these technical discussions are made available to the wider project team and management on a regular basis.

The CGS project emphasises the importance of regular communication, for example between the lead organisation and national partners. Regular contact has been found to contribute to building trust, and it is suggested that partners should keep each other informed even if there is nothing new to report.

11. Follow the principles of the Espoo Convention

The Espoo Convention on Environmental Impact Assessment in a Transboundary Context sets out principles for transboundary consultation regarding the environmental impacts of initiatives. These principles can be extended to encompass wider issues, and offer a framework for countries to facilitate the exchange of key information. Espoo is also a useful process for aligning public consultation processes (see Appendix 3). Even if transboundary initiatives do not fall under the terms of the Convention, these principles can be voluntarily adopted and extended to incorporate non-environmental considerations (see, for example, *Guidance on the Practical Application of the Espoo Convention* (UNECE, online)). Transboundary MSP can learn from the transnational projects investigated here in terms of using these principles from the very beginning.

The PartiSEApate governance framework (Schultz-Zehden & Gee 2014) points out that the cross-border element of Baltic MSP governance can be strengthened by extending the practical application of the Espoo convention to non-environmental aspects, encompassing synergies and general approaches to planning. Rather than changing the essence of the convention, BSR States could voluntarily agree to extend the practical application of the convention.

Planning authorities in the BSR have informally agreed to use Espoo principles in various transboundary projects (e.g. the NordStream project). Experiences with this informal agreement have generally been good as the Espoo principles offer a structured framework to guide the transboundary process. Nevertheless, the Espoo principles alone may not be sufficient. Formal contracts may also be needed as a supplementary level, for example to provide official translations of all relevant documents.

Ensuring effective forms of communication

12. Make best use of informal means of communication

Within the framework of formal structures of communication in transboundary MSP, good use should be made of more informal and ad hoc forms of communication. This can ensure that progress is made between meetings and that agreed actions are carried out, and can

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also contribute to the continued building of relationships and trust between participants. This may consist of email and telephone contact between individuals or sub-groups, covering such things as requests for further information and discussing details of project implementation. Establishing individual contacts can be important in this regard, which is assisted by ensuring continuity of representation from organisations as much as possible. Working group meetings, such as by teleconference, may also be called as necessary. However, it is important that other parties are kept informed of such discussions, and that matters of substance which are discussed and agreed in informal settings are reported back to the formally constituted meetings.

The establishment of solid and credible personal contacts and relations is important at all levels, including top-level decision-makers, planners and technical experts. In the CGS project, colleagues from 50Hertz and Energienet.dk working on similar issues in each country are regularly engaged in telephone exchanges, which has enabled them to build a good level of trust over the course of the project. "Help is only a telephone call away" is a common motto in the projects analysed, and it pays to invest time and resources in identifying the right contacts and maintaining them in the best possible way. Formal processes benefit from good informal preparation, and formal transboundary discussions can become much more efficient if there is solid informal groundwork to build on.

13. Use language(s) which ensure that all parties are properly included

It is important that languages are used which allow all parties full access to the transboundary discussions. Except in relatively localised settings, it is unlikely in the Baltic Sea Region that any one national language will be a satisfactory means of communication. It is becoming increasingly common in the BSR for English to be used across borders; this is a generally accepted international language, which has the further advantage of 'neutrality' in that nowhere in the BSR is it a national language. Its use is therefore generally recommended in transnational discussions, not least to follow Espoo requirements which are to make available all relevant planning information to neighbouring countries.

However, it is important to recognise that the uptake of English is not even across the region, and alternative or supplementary arrangements should be made available where necessary. For example, it may be possible to use national languages with interpretation between them, or to use interpretation between English and national languages. Resources may need to be made available for professional interpretation, especially for drawing up agreed written documents. However, more informal translation may be acceptable for many activities, drawing on the langauge skills of participants and support staff.

The CGS project uses English as a language of transnational project communication and reports no difficulties on account of this. The CETC project, on the other hand, uses English,

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Polish, Croatian and Hungarian as languages in the discussions, and notes that "the most frequently encountered problem in communication is still the language barrier."

Providing full information

14. Ensure the best possible access to information and data

During transboundary MSP initiatives, information should be shared efficiently amongst the parties. This may include, for example, objectives and spatial data for the area affected. The main proponents are likely to hold most information, and should make this freely available to other parties. It may be appropriate for more detailed technical information to be exchanged on a needs basis. Information may not always align well across borders, and efforts may need to be made to harmonise spatial data across borders as much as possible.

In the CGS project, delays were incurred because existing environmental data (originally drawn together by a commercial wind farm operator) was not made available to the main proponent of the project and had to be gathered again at extra expense. Although the Espoo convention sets out a framework for exchanging informing, planning authorities would benefit from the availability of a regional spatial data infrastructure which brings together all relevant information on the marine environment and human activities.

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Appendix 1: Questionnaire

A. The Project

Purpose

1. What would you say the project is aiming to achieve?

Organisation's interest

2. Please describe briefly your organisation's interest and role in the project.
3. What is your position in your organisation and your role in relation to this project?

National support

4. Thinking of Germany's / Denmark's / Poland's national position, how much government support would you say the project is receiving within your country?
5. Which regulatory processes does the project have to pass through within your country?
6. What kind of government financial support, if any, is available for the project?

Sectoral and stakeholder attitudes

7. What would you say are the attitudes towards the project from different sectors and stakeholders within your country?

Cross-border dimension

8. How is the cross-border dimension of this process affecting the outcomes?

B. Transnational Discussions

Initiation

9. Thinking of the transnational discussions and planning that is taking place regarding the project, how did these discussions begin?
10. What role have you and your organisation taken in these discussions?

Organisation

11. What form have these discussions taken? Formal meetings, teleconferences, informal exchanges...?
12. Do you have any suggestions for improving the organisation of discussions of this kind?

Representation

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13. Would you say that all interests relevant to the project are being included in the discussions?
14. Is wider consultation about the project taking place?
15. Do you think that representation in discussions of this kind could be improved, and if so, how?

Information

16. What kind of information is being provided about the project throughout the discussions (policy, vision, images, maps...)?
17. Do you think that additional information would be helpful, and if so, what kind of information?

Communication

18. Which language(s) are being used in the discussions?
19. Do you think that discussions are open and transparent?
20. Is there wider stakeholder and public communication about the project?
21. Are there ways in which you think communication could be improved in relation to the discussions and this project?

Relationships

22. How would you describe the relationships between the organisations involved in the discussions?
23. Do you have any suggestions for creating good relationships between participants in transnational discussions of this kind?

C. Outcomes and overall assessment

24. Overall, how successful do you think that the discussions relating to this project are proving?
25. Looking ahead, how do you think that these discussions might develop?
26. Overall, what lessons could be learned from this process, and do you have any additional suggestions for improving transnational discussions of this kind?

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Appendix 2: List of organisations interviewed

Organisation	No. of interviews
BALTIC PIPE	
Maritime Office in Szczecin (PL)	3
Regional Directorate of Environmental Protection in Szczecin (PL)	1
Gaz-System (PL)	2
Energienet.dk (DK)	1
Federal Maritime and Hydrographic Agency/BSH (DE)	1
OTHER TRANSBORDER INITIATIVES	
Marshal's Office of the Westpomeranian Region, Department of Terriorital Cooperation (PL)	2
Regional Office for Spatial Planning of Westpomeranian Voivodeship (PL)	2
Szczecin and Swinoujscie Seaports Authority (PL)	1
Ministry of Energy, Mecklenburg-Western Pomerania (DE)	1
Federal Maritime and Hydrographic Agency/BSH (DE)	1
COMBINED GRID SOLUTION	
Energinet.dk (DK)	1
Danish Energy Agency (DK)	1
Danish Nature Agency (DK)	1
Federal Maritime and Hydrographic Agency/BSH (DE)	1
Ministry for Energy/Energieministerium Mecklenburg-Vorpommern (DE)	1
Mining Agency/Bergamt Stralsund (DE)	1
50Hertz (DE)	2
WWF Germany/Baltic Sea Office (DE)	1
TOTAL:	**24**

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Appendix 3: Case Study: The Stakeholder Process in Sweden for Kriegers Flak (author: Henrik Nilsson)

Krieger's Flak is located in the southwestern part of the Swedish Exclusive Economic Zone around 30 km from Trelleborg. It borders Denmark and Germany and is around 17-42 meters deep. The planned wind farm will consist of 128 wind turbines reaching 170 m above the sea. The total effect of the wind farm will be 640 MW and an annual production 2.6 TWh which is enough to supply around 500,000 households with electricity. The company Eurowind initiated the prospects of an offshore wind farm at Kriegers flak but the rights were later sold to the Swedish state owned company Vattenfall.

Legal basis

Sweden is currently in the development of a legal framework for marine spatial planning. As of September 2014 the new legislation will be implemented and spatial plans, under the responsibility of the Swedish Agency for Marine and Water Management, will be developed. Thus there is no legally prescribed consultation process regarding involvement of stakeholders that currently can be referred to in MSP legislation. For major construction processes, however, there is a requirement for a consultation process. This is defined in the Swedish Planning and Building Act (2010:900).

According to Kammarkollegiet, the Swedish agency that among several tasks administers the state's internal insurance system and assists authorities with their risk management, there is no requirement (or possibility) for ownership of Krieger's Flak. Usually, ownership or right of use is required for any activity at sea. Since Krieger's flak is located in the EEZ of Sweden and not within territorial borders, it is not possible to own this area. The Swedish state instead has the ownership as outlined under the UNCLOS Part V regarding EEZ.

Consultation Procedure (who, whom, when, etc.)

Invitations to public consultations are done in two ways. The passive method involves putting up advertisement in the local newspapers and inviting the public to open meetings. The active method involves calling critical stakeholders that needs to be invited and then sending them material and invitations. The consultation process is open for the possibility to change details in the final application in contrast to other countries e.g. the UK where a completely new application may be needed if there are any changes that need to be made.

To initiate a process in the EEZ, like the off-shore wind farm at Krieger's Flak, the prospecting company contacts the regional County Administrative Board. They provide a list of which

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organisations that needs to be invited to the consultation meetings. The company then organises and invites everyone to the consultation meeting, which will be held in Swedish. The meeting is about collecting views and comments and it is not a discussion forum meant to negotiate details of the proposal. After the meeting or meetings, the company summarises all views and opinions, conflicting or not, in a consultation report. The consultation report is then submitted to the Swedish Government. It is the responsibility of the prospecting company to take note and make adjustments to the application based on the external opinions or justify if they do not. The approval is decided by the Swedish Government and takes note of the consultation report. This means that certain parts of the application can be required to change. In addition, an Environmental Impact Assessment must be submitted to the County Administrative Board, who will take a separate decision on the environmental impact.

If the application for a new construction is intended for the territorial sea the prospecting company instead applies to the municipality who has the planning monopoly of the area covering 12 nautical miles form the baseline. According to a set of criteria the municipality then decided if the suggested new construction is regarded as an activity that needs a special permit or not. If so, the case is passed on to the County Administrative Board who then follows the procedure described above.

International consultation is regulated through Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo 1991), also known as the Espoo Convention, and also through EU Directive 85/337/EEC on the Assessment of Effects of Certain Public and Private Projects. This is completely handled by the international contact points, which means the parties of the convention. In the case of Sweden, this responsibility rests with the Swedish Environmental Protection Agency (EPA). The EPA then sends the application for an international consultations process for the Espoo convention. In the case of Krieger's Flak, the notification was made to the international contact point in Germany, Bundesamt für Seeschifffart und Hydrographie (BSH) and the Ministry of the Environment in Denmark.

Key drawbacks, limitations

The legally prescribed consultation process seems to be sufficient. In the case of Krieger's Flak, Vattenfall held several consultations with different stakeholders during several years. The limitations are that they have not themselves reached out to stakeholders in the neighboring countries. This has instead been done through the national contact points, which means that it can be questionable how much information has actually reached local stakeholders in these countries.

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Another wind farm application process at Lillgrund started already in 1997, so Vattenfall has a long history of working with consultation issues. Since then this the Swedish law was significantly changed with the addition of the Swedish Environmental Code in 1999, which collected all of the environmental legislation into one code. This fundamentally changed the application process for constructions and added the very important Environmental Impact Assessment to the requirements. Thus, research on application processes are often historical research and not necessarily helpful for the future.

The stakeholder process in practices (tools, stakeholders involved, intensity of involvement, problems solved)

Stakeholders involved, and their role

Vattenfall is responsible for the groundwork to the application and hosting the consultations. The County Administrative Board decides on the environmental impact assessment and which other stakeholders that needs to be consulted. These usually include all relevant environmental agencies, some NGOs and other organisations and are decided by the County Administrative Board. The approval is then made by the Swedish Government's Ministry for the Environment.

Several stakeholders were consulted during the consultation process of Krieger's flak. Some of the most important ones include the Swedish Maritime Administration, the Swedish Environmental Protection Agency, Municipality of Trelleborg, Municipality of Svedala, Fisheries Association and the public. A more detailed description of their involvement is provided below.

The usual procedure regarding the Swedish Maritime Administration (SMA) is that they will get a request to comment the installation from the County Administrative Board or the Ministry of the Environment and will make an analysis on the basis of existing traffic patterns in the area. This consists of a simulation of the ship traffic change and analysis of the effects. They will then submit their comments to the relevant authority. The Maritime Administration takes no decision in the matter and has no right to veto, but they have the right to appeal the decision to the Environmental Court of Sweden, if they deem that the decision is wrong. They have no communication with other maritime administrations or similar directly. For wind farms, the Maritime Administration usually sees them as an advantage, if the wind farms are not placed in the traffic lanes. Since the wind parks are usually placed in shallow waters, it is a natural and very visible marker to deter ships from grounding. However, they can recommend minor shifts in some of the distribution of the individual turbines. For Krieger's Flak, Vattenfall felt that the discussions with the SMA had been very constructive throughout the process. The shipping companies operating in the area, i.e. the ferry liners, were invited to the consultations, but no one showed up. It was

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speculated that they thought that it was enough that the Swedish Maritime Administration attended.

Municipality of Svedala was approached as one of the consultative bodies in the consultation process as it was suggested by Vattenfall that the electric grid should be connected to a transformation station in Svedala. Concern was however expressed by the municipality on the fear of increased noise from transformation station and the subsequently it also appealed the decision to the Swedish Government. So far this issue has not been solved.

Commercial fishermen were involved in the consultation process at an early stage. They were informed by the media about the plans to put up an off shore wind farm at Kriegers flak and then approached the, at that time, prospecting company Eurowind. Discussions with Eurowind went according to the fishermen's representative not well but improved significantly when the project was taken over by Vattenfall. An agreement was made between Vattenfall and the fishermen, including a 10 million SEK settlement, to compensate for the loss of fisheries caused by the off shore wind farm. Fishermen from the south coast and parts of the east and west coast of Skåne who traditionally used Kriegers flak for fishing was compensated but also fishermen fishing in coastal waters of the south coast. It was argued that the wind farm would force fishermen who usually fish in the area of Kriegers flak to now fish in coastal waters instead and thereby increase the competition with coastal fisheries.

No settlement was given to Danish or German fishermen who may or may not be fishing in the area.

The Swedish National Defense Radio Establishment requested that surveillance equipment must be installed on the wind farm, in order to monitor communications in the shipping lanes close by. Vattenfall answered the comments two months after. The process is currently on hold since the last three years because of a law issue that needs to be settled.

The Swedish Environmental Protection Agency was consulted mainly as it is the national contact point for the Espoo convention who handled the international consultations with Germany and Denmark.

The power cable concession must be settled before Vattenfall can continue with applying for the cable right of way and all environmental permits. The cable right of way needs individual negotiations with the landowners. The landowners will be compensated since they cannot build on their land anymore. Once these are done, a permit for water use must be obtained. A suggestion for the power cables was to rout them through Barsebäck, the closest Swedish nuclear power plant. The power plant is being decommissioned, but a suitable infrastructure for high voltage exists there. Unfortunately, the distance to Barsebäck was too great and the local municipality was also against the cabling.

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Also the local ports on the Swedish side were invited to the consultations and were part of the discussions.

At which stage the consultations took place and the aim of consultations

For Krieger's Flak, area studies started in 2002 and was followed by wind farm consultations between 2002 and 2004. In 2004, an application for building a wind farm park was submitted by Vattenfall to the Swedish Government. A second consultation about cable laying in the sea and on land was held between 2005-2006. The Government approved Vattenfall's application to build a wind farm at Krieger's Flak in 2006. Geotechnical and geophysical surveys were conducted during 2006 and 2007 and an application for building a connection to the main power grid was submitted.

As described above the commercial fisheries were involved at an early stage of the consultation process as they approached Eurowind, the predecessor to Vattenfall, themselves.

Svedala municipality got, in their opnion, involved at a very late state of the consultation process. The municipality is not a coastal municipality and was involved due to the cable connection that was suggested to be done at a transformation station in the municipality.

Type of consultations/Character of consultations

The public consultations are workshop type events, where the project is presented and the people can then express their opinions. Another type of consultation is the traditional way of approaching relevant agencies as consultative bodies where a written proposal is sent out to the pre-defined agencies who leaves their comments in written.

Consultations with the fishermen were done on a regular basis through meetings with an appointed representative of the fishermen and some of the fishermen.

According to studies made in connection with the establishment of the wind farm at Krieger's Flak as well as other previously conducted studies the Krieger's flak area is not an important area for wintering seabirds, so no conflict exists with environmental issues in this regard.

Consultations timeframes

The timeframe of the consultations depends on the size and range from years to a few months.

Tools and methods

No specific tools or methods are used.

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Evaluation

The consultations are summarised in a consultation report.

Lessons learned and way forward

Key barriers

Reaching out to the public is usually not deemed to be effective enough.

Suggestions to improve the process

Having the company do consultation meeting in the affected countries and regions as well, and reporting to the international contact points may improve this process. Communication between authorities and local stakeholders is probably not the best.

No management rules have been discussed with the neighboring wind parks. Potentially, Krieger's Flak could be home to three different parks, each of them with unique rules reflected in the national regulations in Sweden, Denmark and Germany. This may even result in conflicts, since one wind park may steal the wind from another to a certain degree. On the German side, the foundations for the wind turbines are already being installed.

Sweden is in a good position for carbon credit trade, since more than half of the energy in Sweden is supplied by renewable energy sources. This gives Sweden the opportunity to sell carbon credits to other countries. Thus it may become beneficial for Vattenfall to export the wind power to Germany. However, there is no cable connecting Krieger's Flak to Germany at the moment. Since both Denmark and Germany have plans for setting up their own wind farms on Krieger's Flak, a joint power station connecting all countries may become a reality. But so far, no discussions regarding this have taken place. There is a planned power cable connecting Sweden and Germany via Krieger's Flak, with money from the EU, but the status of this cable is uncertain.

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