



PartiSEApate

Lessons learnt from Bilateral consultations on MSP

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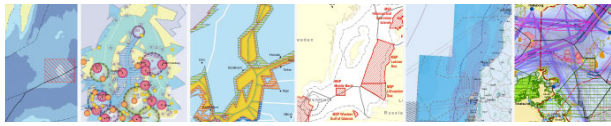
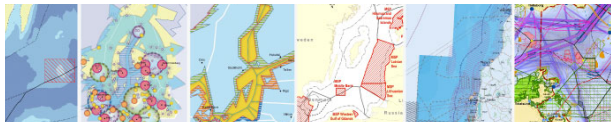


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1. Background

The PartiSEApate project aimed at identifying good practice and enhancing multi governance in a transboundary context of Marine Spatial Planning.

Project activities have included the organisation of a number of stakeholder workshops discussing MSP. The workshops have been thematic as well as cross-sectorial, they have been organised on national level as well as on transnational level.

Over the project time and as a result of the workshops and meetings there has been a growing feeling that there is a need for planners with responsibility for developing marine spatial plans in the different countries to meet and have professional discussions in planners meetings. Meeting and sharing of information and building common understanding about the MSP process in various countries is necessary to be able to harmonise national MSPs across borders. To understand the MSP system and how MSP is to be implemented, how to draw the maps, which data should be used and exchanged, how to handle the common ecosystem, who is a relevant stakeholder in a bilateral transboundary context, how is Blue Growth understood and affecting MSP are examples of issues necessary to be discussed among those with responsibility for MSP in the respective countries and not only as part of broader stakeholder meetings.

A number of bilateral meetings between the responsible planners have taken place within the project, partly as part of the case studies, but there have also been additional meetings based on needs identified through project activities.

The conclusions and recommendations presented in this report are based on experiences from bilateral meetings organised by the Swedish Agency for Marine and Water Management (SwAM), the Federal Maritime and Hydrographic Agency (BSH, drawing on experience from the national MSP process) and the Maritime Office Szczecin (MOS).



2. Bilateral Meetings

2.1 SwAM background and activities

Since 2012, the Swedish Agency for Marine and Water Management (SwAM) has been assigned by the Swedish government to prepare for introducing Marine Spatial Planning in Swedish waters. In the Government assignment, one instruction has been to establish good relations and networks with institutions and organisations in the neighbouring countries. Sweden shares borders with nine Baltic Sea States, including Norway, and therefore transnational and Baltic Sea coordination is a prioritised question in developing MSP, also in EEZ waters.

One action to fulfil this assignment has been to participate in the PartiSEApate project as a partner, another way has been and still to be part of the HELCOM/VASAB Working Group on MSP. Based on our experiences from participating in those activities, SwAM invited all Baltic Sea states to a stakeholder meeting in Visby in September 2013 (this meeting was financed outside the PartiSEApate project). The purpose of the meeting was to present the Swedish work of introducing MSP and to discuss how and with whom to consult and work together when developing MSP with a transboundary perspective.

One main outcome from the Visby meeting was an agreement that there is a great need for consultations and discussion about the MSP processes between the countries in an early phase of the MSP process. Another outcome was the identification of the need for increased understanding and more in-depth pragmatic discussions between actual planners on a professional level. Most multilateral meetings were considered to be much too formal, where national interests were in focus more than discussions about actual planning issues.

The Visby meeting resulted in a SwAM decision to embark on a Baltic Sea tour to discuss the MSP situation in the respective countries. Some of these meetings have been done as part of the PartiSEApate project and some have been additional activities but follow the same procedures. The conclusions presented below are based on meetings in Warszawa, Hamburg, Riga, Tallinn, Vilnius, Copenhagen, Oslo and Helsinki. SwAM has also met with representatives from NIIP Gradostroitelstva Institute in St. Petersburg. The meetings were based on the good network and relation created through the cooperation in the PartiSEApate project.

The content of the meetings have varied slightly from meeting to meeting depending on what issues have been of most interest in the various countries, but the overall purpose has been to:

- Inform about the Swedish Status report on MSP, published in spring 2014, and the forthcoming planning activities in Sweden
- Learn more about the MSP process in the respective country
- Discuss common perspectives, interests and future uses of the sea
- Discuss the issue of the ecosystem approach and Blue Growth in relation to MSP
- Have a look at actual data in planning information and discuss data sharing
- Discuss common issues related to the PartiSEApate project and what we learnt from the project and how we can take it further when the project is over
- Deepen the common understanding for the coming planning processes around the Baltic Sea

Participants in the meeting have varied from country to country and have been reflecting who is responsible for developing MSP in the respective country, at what stage of MSP development the countries are, and to some extent what issues are on the respective national agenda. The meetings have been full day meetings with around 6-12 participants each.



In addition to these meetings SwAM has had three bilateral meetings with the project partners within the Middle Bank case in the PartiSEApate project. In meetings methods on stakeholder dialogues have been discussed (see separate reports from case studies).

All meetings have been conducted in a very good and open atmosphere. The overall feeling is that the meetings have been very valuable for both partners.

Understanding the governance system in the respective countries takes time. Thus to be able to achieve a good understanding, meetings need to be allocated enough time. Language is also an issue to consider.

The meetings offered the opportunity to learn more about the planning system, how MSP is taken care of and under what circumstances the colleagues in respective neighbouring countries work. The meetings allowed for a broader group of colleagues to be part of the bilateral work which is important for the understanding and continuity.

The meetings have allowed SwAM to present the Swedish views and intentions of MSP to all our neighbours at an early state of the planning process as well as having an in-depth discussion about which issues are important for the respective country and how we can cooperate in the upcoming implementation phase of MSP around the Baltic.

It is obvious that there is a need for more internal coordination within countries and that the dialogue perhaps has to be broadened, including other ministries, institutions and organisations. Discussions about MFSD and Blue growth perspectives are not always coordinated within countries (including Sweden).

SwAM has deepened the good network and working relations and all meetings have resulted in agreements that we need to meet regularly throughout the MSP process within the Baltic Sea. A conclusion is that there is need for more exchange of information and planning data throughout the entire planning process. To achieve this in the process of development of plans, personal contacts and understanding of the various planning processes are important. These meetings have contributed to creating such an enabling environment.

SwAM has found these meetings very valuable and well used time and money, even though bilateral meetings are time consuming and costly.

2.2 BSH

Germany has consulted neighbouring countries during the preparation of the first maritime spatial plans for the German EEZ in 2008/2009, and also for the more recent Offshore Grid Plans for the German EEZ of the North and the Baltic Sea, based on ESPOO conventions.

Consultation was conducted after finalising first drafts of the Maritime Spatial Plans and SEA reports: These drafts were submitted to the neighbouring states. Only Poland asked for further formal consultations according to Art.7 of the SEA Directive. Germany then started an intense cross-border dialogue on the first and later on the revised drafts of the plans, with one multilateral – as well as several bilateral meetings with Poland (three face-to-face meetings, several written interventions by Poland). Participants from the neighbours' side were representatives of responsible ministries and other agencies, the German participants represented the Ministry of Transport, the Ministry of Environment and BSH.



In the first bilateral meeting with PL in Berlin in September 2008, a large Polish delegation not only represented ministries (incl. Foreign Affairs!), but also the Polish embassy, maritime offices, gas companies and a consulting company contracted by the gas industry.

Meetings and written interventions were not only used to raise or deny concerns with regard to negative environmental impact of the MSP's designations on the adjacent marine areas, but also to address further issues and ask for consideration e.g. of other interests, mainly with regard to shipping routes, access to ports etc. In the case of Poland also a sensitive border issue was raised, where different opinions prevail on the status of an area, which Germany claims as part of its EEZ while Poland regards it as a part of its territorial sea.

Thus correspondence and meetings as part of SEA consultation were also used for discussion of planning issues and the impact of designations and regulations on marine areas of neighbours in general, including the way these areas may be used, with shipping being the issue discussed most frequently. On the other hand, it was stated in the face-to-face meetings that no formal cross-border consultation was required according to the SEA-Directive, since no serious negative impact on the environment was to be expected.

Cross-border consultation took place in a late stage of the planning process: in mid-2008 - when the first drafts of the MSP and SEA documents had been prepared, whereas the MSP process in Germany had started early in 2005. Thus consultation did not start with a "white sheet" to be filled by parties creating a map of respective interests or visions, but MSP was well advanced on the German side, while neighbours, particularly in the Baltic Sea, had not yet started any activities with regard to MSP. This situation seems to have hindered a more in-depth analysis of needs and interests on the neighbours' side to be considered by Germany, and to be used for assessing the German provisions made in the consulted draft plan, though in the end some Polish interventions e.g. with regard to shipping interests and the area disputed among Germany and Poland led to respective amendments in a revised draft MSP for the German EEZ.

A similar situation evolved when Germany prepared the first Offshore Grid Plan (BFO) for the Baltic Sea. Again neighbours saw - apart from minor interventions - no need for a more extensive discussion of interests with regard to cable laying and potential designated areas for border-crossings (which had been named "gates" in the BFO).

Thus it seems that there might be a problem with one or the other state advancing with their national spatial planning, based on national political priorities, legal obligations etc., while others have not yet developed comprehensive priorities, visions or perspectives.

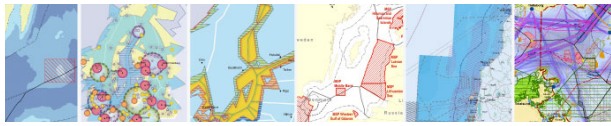
2.3 MOS

Meeting Model Case Pomeranian Bight/Arkona Basin

(8-9.04.2014, Maritime Office, Szczecin/Poland)

The meeting was held at the premises of the Maritime Office in Szczecin (MOS), from 8 to 9 April 2014, and was attended by representatives from Germany (BSH), United Kingdom (University of Liverpool) and Poland (MOS, GAZ-SYSTEM).

Key purpose of the meeting was to arrange an informal discussion between the German partners and the Baltic Pipe (BP) project investor (GAZ-SYSTEM), since the major part of the pipeline may possibly be located in German EEZ. According to Gaz-System plans, BP will cross the Danish and Polish territorial waters, however most of it will be situated in the exclusive economic zones of Denmark,



Poland, and either Germany or Sweden. All surveyed route alternatives are feasible. The decision on the final route selection has not been made yet.

During the meeting, as the introduction, basic legal acts in Poland with relevance to MSP and transnational consultations were presented. Additional requirements and implications that may occur as a result of the ongoing formal MSP preparation procedure in Poland were also discussed.

The following issues were included in the meeting agenda:

- Baltic Pipe Project presentation (Gaz-System): Key facts about GAZ-SYSTEM S.A., project characteristics and current status of BP preparatory actions;
- Preparation of MSP in Poland (MOS), information update;
- Several bilateral agreements signed as a reference to the Espoo Convention and SEA and EIA requirements (MOS);
- Kriegers Flak case (BSH, Gaz-System): Project characteristics, potential interference between the planned offshore wind farm at Kriegers Flak and the Baltic Pipe project, etc.
- A possible roadmap for Baltic Pipe consultations dedicated to responsible authorities in the concerned countries still needs to be discussed and thoroughly elaborated.

In case of BP the investor identifies as a key problem the lack of reliable information on the institutional structure, proceedings scheme and timetable, application/documentation list and content relevant for investment process in other countries.



3. Conclusions and Recommendations

Bilateral meetings, conducted by SwAM during the preparation phase for MSP, have given the possibility for concrete discussions about planning processes, maps, time tables for implementing MSP etc., and have contributed to creating a good platform for implementation of MSP around the Baltic Sea which in the future can be aligned to each other.

There is need for more exchange of information and planning data throughout the entire planning process. To achieve this in the process of development of MSP personal contacts and understanding of the various planning processes are important.

Based on our experiences we recommend the responsible governments, ministries and planning institutions make it possible to continue meetings and keep up the contacts through regular meetings between countries. Depending on where in the MSP process a country is there is a need to meet at least once a year.

If there is the intention and the political to coordinate and harmonise MSPs in the Baltic and have plans which are aligned and together give a comprehensive picture of the development around the Baltic Sea, there is no way around physical meetings among those who are given the task to develop the plans. Bilateral meetings are one way, but not the only one, of meeting those needs. Bilateral or cross-border talks, informal or formal meetings should be used to discuss specific approaches, interests, etc. which may have an impact on the adjacent marine areas of neighbouring states and try to find solutions.

The exchange should also address the question which issues might be dealt with / solved within MSP and which not. For example, it is not the right instrument to solve sensible political issues between countries, e.g. disputed marine borders. But MSP could support pragmatic solutions for planning where no final agreement is in place and may not be reached among states in the foreseeable future (e.g. PL-DE: no inclusion of disputed area and no designations in German MSP).

With regard to single projects, there is also a need to keep regular contact, either informal or formal, between neighbouring countries' authorities and exchange updated information on the potential or ongoing investments as well as preparation or amendment of MSP. The same solutions/principle should be applied to relations between investor and foreign country administration responsible for the territory where the investment is to be located. It is essential to build up mutual trust and a regular co-operation network which will contribute to ensure an efficient, reliable information flow and facilitate the process of planning and realisation of different types of maritime activities as well as preparation or amendment of MSP.

Beyond bilateral contacts regional institutionalised fora, such as the HELCOM-VASAB MSP WG and further regional expert groups, function as regional MSP hubs, which shall enable exchange among planners, inform about ongoing activities, interests, new developments and make respective data available. Such a "hub" should be used to build a network of planners, to become aware of each others' priorities, interests, political environment, legal framework etc. Thus in the case of planning activities on either side of a border, it could build on this knowledge and would not start from the scratch with regard to considering neighbouring states interests. (see also PartiSEApate governance model). All projects in the Baltic Sea addressing MSP have been, are currently and will be working on further developing this regional network, which is also being supported by DG Mare and their activities in facilitating implementation of the EU MSP Directive.

With the EU MSP Directive now in place, setting concrete dates to meet for creating a legal basis by 2016 and having national Maritime Spatial Plans, that are coherent across borders, ready and



enforced by 2021, all coastal member states are now in the situation to think about the state of and their objectives for their marine areas. Regional and bilateral communication and exchange should thus be stimulated and become a more balanced and more comprehensive process.