



## Supporting Implementation of **M**aritime Spatial Planning in the **C**eltic Seas

Component 1: Supporting Implementation of MSP

Component: C1.3: Development of Cooperation on MSP

Guidance on Transboundary Cooperation between Member States for MSP  
(Deliverable 14)

Existing Mechanisms for Cooperation on MSP in the Celtic Seas (Deliverable 14)



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## List of Acronyms

**AAC** – Atlantic Arc Commission  
**ABNJ** – Areas beyond National Jurisdiction  
**BIC** – British - Irish Council [*Ireland and UK*]  
**CBD** – Convention on Biological Diversity  
**CFP** – Common Fisheries Policy  
**COP** – Conference of the Parties  
**CPMR** – Conference of Peripheral Maritime Regions  
**CSP** – Celtic Seas Partnership  
**DG MARE** – Directorate General for Maritime Affairs and Fisheries of the European Commission  
**DAERA** – Department of Agriculture, Environment and Rural Affairs [*Northern Ireland*]  
**DCCAE** – Department of Communications, Climate Action and Environment [*Ireland*]  
**DHPLG** – Department of Housing, Planning and Local Government [*Ireland*]  
**EC** – European Commission  
**EIA** – Environmental Impact Assessment  
**EU** – European Union  
**EEZ** – Exclusive Economic Zone  
**EMFF** – European Maritime and Fisheries Fund  
**ESDP** – European Spatial Development Perspective  
**FCILC** – Foyle, Carlingford and Irish Lights Commission [*all Ireland*]  
**GES** – Good Environmental Status  
**GFA** – Good Friday Agreement [*Ireland and UK*]  
**GLA** – General Lighthouse Authority  
**ICZM** – Integrated Coastal Zone Management  
**ICES** – International Council for the Exploration of the Sea  
**IMP** – Integrated Maritime Policy  
**IOC** – Intergovernmental Oceanographic Commission  
**IRBMD** – International River Basin Management Districts  
**LAWCO** – Local Authority Waters and Communities Office [*Ireland*]  
**MCAA** – Marine and Coastal Access Act [*UK*]  
**MCG** – Inter-Departmental Marine Coordination Group [*Ireland*]  
**MMO** – Marine Management Organisation [*UK*]  
**MOU** – Memorandum of Understanding  
**MS** – Member State  
**MSFD** – Marine Strategy Framework Directive  
**MSP** – Marine/Maritime Spatial Planning  
**MPA** – Marine Protected Area  
**NGO** – Non Governmental Organisation  
**NSMC** – North-South Ministerial Council [*Ireland and UK*]  
**NWWAC** – North Western Waters Advisory Council  
**OECD** – Organisation for Economic Co-operation and Development  
**OSPAR** – Oslo and Paris Convention  
**RBMP** – River Basin Management Plan  
**SAC** – Special Areas of Conservation  
**SEA** – Strategic Environmental Assessment  
**SEP** – Severn Estuary Partnership  
**SFP** – Solway Firth Partnership  
**SPA** – Special Protection Area  
**TBPA** – Transboundary Protected Area  
**UK** – United Kingdom  
**UNCLOS** – United Nations Convention on the Law of the Sea  
**UNECE** – United Nations Economic Commission for Europe  
**UNESCO** – United Nations Educational, Scientific and Culture Organisation  
**WFD** – Water Framework Directive  
**WGMPCZM** – Working Group Marine Planning and Coastal Zone Management (ICES)  
**WNMP** – Welsh National Marine Plan

## The SIMCelt Project

SIMCelt<sup>1</sup> - Supporting Implementation of Maritime Spatial Planning in the Celtic Seas is a two-year €1.8 million project co-financed by the Directorate General for Maritime Affairs and Fisheries (DG MARE) of the European Commission and focussed on promoting the development of transnational cooperation to support the implementation of the MSP [Directive \(2014/89/EU\)](#) in the Celtic Seas. Led by University College Cork, the project consortium comprises both planners and researchers from seven partner institutes representing a mix of governmental authorities and academic institutions from Ireland, France and the UK. This consortium is particularly interested in developing meaningful cooperation between neighbouring Member States to support implementation of spatially coherent plans across transboundary zones of the Celtic Seas, building on previous work such as the Transboundary Planning in the European Atlantic (TPEA) Project<sup>2</sup> and leveraging new opportunities to identify and share best practice on technical, scientific and social aspects of transboundary MSP.

This report is an assessment of existing legal, regulatory and voluntary mechanisms relevant for cooperation on MSP and is achieved by outlining the purpose of these instruments, structures under which they operate and their existing and potential contribution to furthering cooperation on MSP. The extent to which these existing mechanisms cater for the particular aspect of MSP cooperation needs are discussed. This information is supplemented with material garnered from interviews with Member State competent authority representatives from a number of Member States around the Celtic Seas. The assessment allows for the identification of gaps, barriers and challenges to cooperation on MSP in the Celtic Seas. Recommendations to address some of these gaps are outlined as part of this report based on the outcomes of successful approaches, mechanisms and examples to foster transboundary cooperation on MSP for the Celtic Seas.

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<sup>1</sup> See <http://www.simcelt.eu/>

<sup>2</sup> See <http://www.tpeamaritime.eu/wp/>

## 1 Introduction

Article 11 of [Directive 2014/89/EU](#) establishing a framework for Maritime Spatial Planning (MSP) states that Member States (MS), with bordering marine waters should cooperate in the planning and management process especially on issues that are transnational by nature. The aim of this cooperation is to ensure that maritime spatial plans are coherent and coordinated across marine regions and issues of transnational nature are addressed. Cooperation on MSP will contribute to the effectiveness of existing policies on energy, transport, fisheries and the environment through the planning process without posing new obligations.

Cross border cooperation is an integral and essential element of MSP as the ocean itself knows no borders and marine ecosystems that exist at transnational scales require international cooperation to be effectively managed. Regional ecosystems and resources, and the effects of human activities, span beyond borders, which emphasises the need to make the best use of adjoining resources when ordering maritime uses.<sup>3</sup> Cross-border cooperation on MSP provides an opportunity to improve the efficiency of planning and management of coastal and marine resources and activities, thus facilitating decision-making.<sup>4</sup> Effective cross-border MSP has the ability to support the overall improvement of global ocean governance, as EU Member States and third party countries cooperate on issues of global importance such as the protection of the marine environment, management of marine resources, safety at sea, sustainable development and economic growth. The use of existing legislation and institutional structures related to the marine environment are mechanisms for fostering such cooperation in MSP, as are voluntary measures which can support such structures or act in their stead.

The aim of the SIMCelt project is to support the implementation of MSP and facilitate concrete, cross-border MSP cooperation between Member States, relevant authorities and stakeholders by developing, testing and sharing best practice approaches and methodologies in the Celtic Seas. The overarching objective of this deliverable is to explore the existing and potential mechanisms for supporting cooperation between MSP authorities in the Celtic Seas, taking into account the needs of the Member States bordering the Celtic Seas. In achieving this objective, this report examines existing legislation, institutional structures, mechanisms and approaches for transboundary cooperation in the Celtic Seas. Existing horizontal and vertical marine transboundary cooperation at various levels including international, EU and national levels (see Figure 1) are examined in this report to provide a better understanding of the gaps and challenges that exist for Member States to fulfil the requirements of Article 11 of the MSP Directive.

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<sup>3</sup> Jay et al., (2016), Zaucha (2014), Backer (2011)

<sup>4</sup> European Commission (2017)



This report is in two parts: **Part I** of the report includes an assessment of existing legal instruments and their potential contribution to support cooperation on MSP; **Part II** consists of information collated from interviews with some competent authorities for MSP in the Celtic Seas, and, **Part III** of the report outlines other relevant policies and mechanisms that perhaps do not have a formal legal basis but can be instrumental or utilised to assist cooperation on MSP. It discusses the gaps and challenges for cooperation on MSP in the Celtic Seas based on the legal instruments, policies, structures and mechanisms that have been reviewed in Parts I and II. The concluding section outlines recommendations to address some of the gaps and challenges.

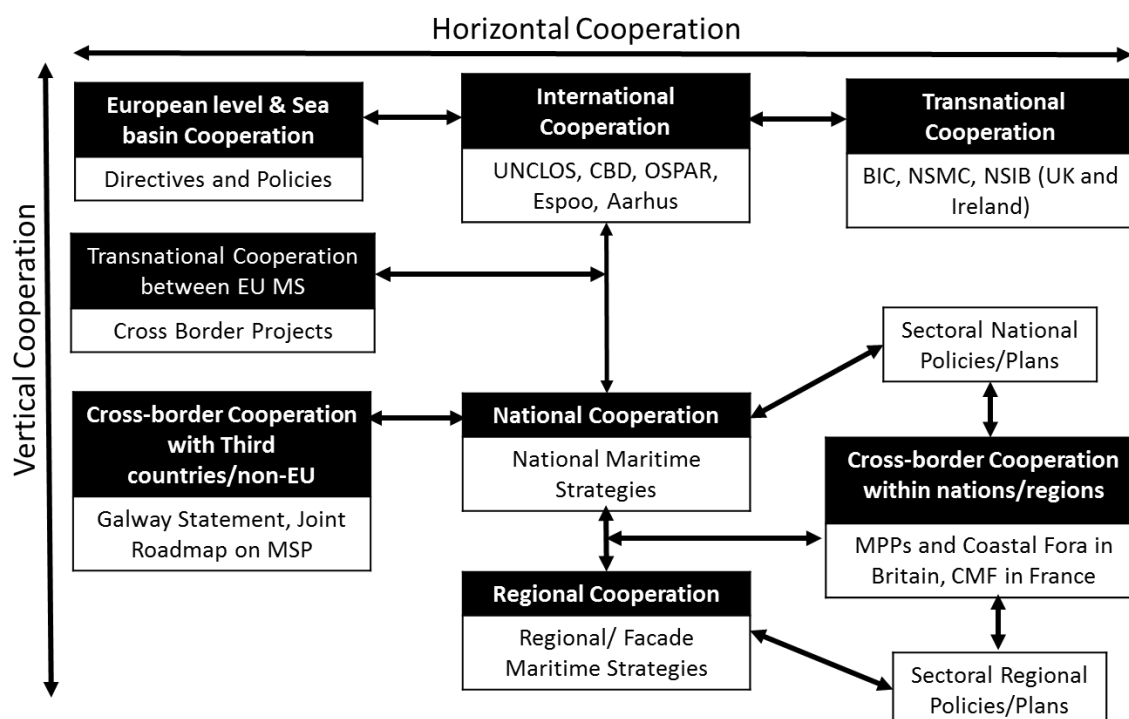


Figure 1: Structures, Mechanisms and Legislation for MSP Cooperation in the Celtic Seas

## PART I: OUTLINE OF RELEVANT LEGAL INSTRUMENTS

### 2 International Legal Instruments

This section gives an overview of international legal instruments in relation to MSP implementation and the existing structures under which they operate and address cooperation. The legal instruments discussed below include the United Nations Law of the Sea Convention (UNCLOS), Convention on Biological Diversity, OSPAR Convention, Espoo Convention and Aarhus Convention.

#### 2.1 United Nations Convention on the Law of the Sea (UNCLOS)

The [United Nations Convention on the Law of the Sea](#) (UNCLOS) was opened for signature in 1982 in Montego Bay and entered into force in 1994. The Convention is currently ratified by 168 States. UNCLOS provides a regulatory framework for the use of the world's seas and oceans and ensures the protection and equitable use of marine resources and the environment. Although UNCLOS does not mention MSP, it grants coastal States the necessary maritime duties, responsibilities and jurisdiction to engage in MSP. UNCLOS is premised on the duty of cooperation.<sup>5</sup> The Convention also sets the legal framework for the delimitation of maritime jurisdictional zones and it creates a framework for State jurisdiction in a range of maritime spaces with rights and duties varying from one zone to the other.

In addition to the delimitation of maritime zones, UNCLOS addresses various issues for transboundary cooperation between States. UNCLOS can be used as a legal basis for MSP initiatives by States bordering enclosed or semi enclosed seas.<sup>6</sup> States that have ratified the Convention *should* cooperate and coordinate the management, conservation, exploration and exploitation of the living resources of the sea; the implementation of their rights and duties with respect to the protection of the marine environment; and their scientific research policies. Article 123 of UNCLOS, on such cooperation, is not a mandatory obligation, rather it is a recommendation to coordinate and cooperate. However, many of the signatories adhere to this as a matter of international best practice.

Concerning the High Seas, States shall cooperate with each other in the conservation and management of living resources (in the areas of the high seas) through taking necessary measures for the conservation of the living resources concerned.<sup>7</sup> This is likely to take on additional focus during the negotiation of a new international treaty to protect the marine environments of the high seas.<sup>8</sup>

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<sup>5</sup> Ardron et al., (2008)

<sup>6</sup> Art. 123, Maes (2008)

<sup>7</sup> Art. 118

<sup>8</sup> UN (2017) GA Resolution A/RES/72/249.

Another area of cooperation between States is in accordance with Article 194 of UNCLOS where States are obliged to (individually or jointly, as appropriate) take measures to prevent, reduce and control pollution. Article 206 explicitly requires that ‘states shall as far as practicable assess the potential effects of activities that can cause substantial pollution of, or significant and harmful changes to, the marine environment’ and publish such results at appropriate intervals to the competent international organisation, making them available to all States.

Although, UNCLOS sets the framework for transboundary cooperation on the protection, preservation and management of the marine environment, other requirements from international environmental law (Espoo Convention, EIA, and SEA) have to be taken into consideration under UNCLOS to operationalise its requirements and further cooperation on MSP.

## 2.2 [Convention on Biological Diversity](#)

The [Convention on Biological Diversity](#) (CBD) was adopted in Rio de Janeiro in June 1992 and entered into force in 1993. The Convention has three main goals that may be instructive in defining high-level goals for MSP and cooperation including: the conservation of biological diversity; the sustainable use of its components; and, the fair and equitable sharing of benefits arising from the use of genetic resources. Most of the legal developments that are relevant to MSP within the framework of the CBD have been adopted in the form of Decisions by the Conference of the Parties (COP) and as such, are considered as soft law instruments.

The CBD is one of the first international instruments to mandate an ecosystem approach to the conservation and sustainable use of marine biodiversity. It therefore stresses the need to promote international, regional and global cooperation among States, intergovernmental organisations and the non-governmental sector.<sup>9</sup> Under the Convention, Parties are to encourage cooperation between their governmental authorities and private sectors in developing methods for sustainable use of biological resources.<sup>10</sup> The Convention also obliges Contracting Parties to cooperate with regard to Areas Beyond National Jurisdiction (ABNJ) and on other matters of mutual interest with other Contracting Parties through competent international organisations.<sup>11</sup>

The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate

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<sup>9</sup> Preamble  
<sup>10</sup> Art. 10 (e)  
<sup>11</sup> Art. 5

international and national institutions.<sup>12</sup> The Convention also encourages, where appropriate, international cooperation between States or regional economic integration organisations concerned in establishing joint contingency plans to minimise any activity or event that poses an imminent danger to biological diversity.<sup>13</sup>

[Decision VII/28](#), on protected areas, stated that protected areas must include a global network of comprehensive, representative and effectively managed national, regional and transboundary protected areas. One of the goals and targets of [Decision VII/28](#) was to establish and strengthen regional networks, transboundary protected areas (TBPAs) and collaboration between neighbouring protected areas across national boundaries and improve international cooperation.

The Conference of the Parties adopted a first Decision on MSP<sup>14</sup> in 2014 aimed at including inter alia: the development of a web-based information-sharing system linking information sources on MSP; compiling information on experiences and use of MSP practices; and, the organisation of expert workshops to provide practical guidance and toolkits on MSP. An expert workshop was held in Montreal in September 2014 to review existing guidance on MSP,<sup>15</sup> identify gaps in existing guidance and develop a proposal for a MSP toolkit and series of practical guidance to facilitate development and implementation of MSP.

### 2.3 OSPAR Convention

The [OSPAR Convention](#) on the protection of the marine environment of the North-East Atlantic entered into force on March 25<sup>th</sup> 1998 and has been signed and ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom and the EU. OSPAR promotes international cooperation on the prevention, protection and elimination of marine pollution between Contracting Parties in the North East Atlantic area. The OSPAR Commission is the forum through which Contracting Parties cooperate and work under the umbrella of UNCLOS, based on Part XII and Article 197. In line with the Convention on Biological Diversity, the OSPAR Commission aims to promote the implementation of the ecosystem approach in the North East Atlantic by establishing a full set of management measures and programmes.

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<sup>12</sup> Art. 18

<sup>13</sup> Art. 14

<sup>14</sup> Decision XII/18 (c)

<sup>15</sup> See further at: <https://www.cbd.int/doc/meetings/mar/mcbem-2014-04/official/mcbem-2014-04-02-en.doc>

At the fifth Ministerial North Sea Conference,<sup>16</sup> Ministers agreed that regional cooperation for MSP in the North Sea was required<sup>17</sup>. The North East Atlantic Environmental Strategy 2010-2020 supports the implementation of the ecosystem approach and seeks to develop and encourage the application of regionally coordinated tools, such as MSP, for the implementation of integrated management of human activities and ecosystems. Proposed actions by OSPAR in relation to MSP and transboundary cooperation include:<sup>18</sup>

- Cooperation on transboundary issues that arise from Maritime Spatial Planning;
- Where necessary, additional mechanisms for transnational consultations on Maritime Spatial Plans and issues arising from them;
- Region-specific, tailor-made approaches to applying MSP to support the ecosystem approach;
- Exchange of best practices and experiences with regard to MSP.

Even though the OSPAR Commission has been proactive in encouraging transboundary cooperation between Contracting Parties, the contribution of OSPAR to MSP has been mainly focused on organising a number of workshops aimed at gathering scientific data and information on spatial systems for the North East Atlantic<sup>19</sup>. To date OSPAR has held a number of workshops on MSP and management including Spatial Planning in the North Sea (SPINS I & II)<sup>20</sup> in 2004 and 2005 respectively and three workshops on Marine Spatial Management (MASMA). As OSPAR has a MOU with ICES, a Working Group on Marine Planning and Coastal Zone Management (WGMPCZM) was formed to facilitate exchange of information. Its work plan<sup>21</sup> has mostly centred on approaches and methods to develop and incorporate thresholds of acceptable environmental (social and ecological) change due to regional and transboundary activities in the context of MSP processes. The OSPAR Commission has been actively contributing to the implementation of the [Marine Strategy Framework Directive](#) (MSFD) (2008/56/EC) through developing a regional plan to improve adequacy, coherence and coordination of MSFD implementation.<sup>22</sup> Other work by OSPAR on MSFD include Quality Status Reports assessing the environmental quality of the North East Atlantic, including an overview of human activities and trends in pressures and impacts which could serve as an information basis for MSP in North East Atlantic countries.

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<sup>16</sup> Bergen Declaration in 2002. Conferences have united governments from Belgium, Denmark, France, Germany, The Netherlands, Norway, Sweden, Switzerland and the United Kingdom in an effort to protect the North Sea environment

<sup>17</sup> Ministerial Declaration, section XI, para. 76

<sup>18</sup> The North-East Atlantic Environment Strategy, Strategy of the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic 2010–2020 (OSPAR Agreement 2010-3)

<sup>19</sup> Maes and Cliquet (2015)

<sup>20</sup> See <https://www.ospar.org/meetings/archive/ospar-workshop-on-spatial-planning-in-the-north-sea>

<sup>21</sup> See

<http://www.ices.dk/community/Documents/Science%20EG%20ToRs/HAPISG/2018/WGMPCZM%20MA%20ToRs%202017.pdf>

<sup>22</sup> See [https://www.ospar.org/site/assets/files/33141/ospar\\_regional\\_plan\\_action\\_msfd\\_imp-1.pdf](https://www.ospar.org/site/assets/files/33141/ospar_regional_plan_action_msfd_imp-1.pdf)

The OSPAR Commission, as an international organisation, could be an effective platform to facilitate transboundary cooperation for MSP in the North East Atlantic, including the Celtic Seas (OSPAR Region III) as it offers a platform to engage, share information and network with Member States in the EU and Third party countries that are parties to the Convention.

## 2.4 Espoo Convention

The [Convention on Environmental Impact Assessment in a Transboundary Context](#) (Espoo Convention) entered into force in 1997. The Convention was negotiated under the auspices of the United Nations Economic Commission for Europe. The European Union and all of its Member States are parties to this Convention, together with almost 20 other countries. Parties are obliged to assess the environmental impact of certain activities that are likely to cause a significant adverse transboundary impact. It also requires Parties to notify<sup>23</sup> and consult<sup>24</sup> each other as early as possible on all major projects under consideration that are likely to have significant adverse environmental impacts across borders. The Parties may continue with existing or enter into new, bilateral or multilateral, agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols. The bilateral and multilateral agreements under the Convention include developing joint and harmonised methodologies, policies and measures, monitoring programmes to assess proposed activities and environmental impacts.

The Kiev Protocol on Strategic Environmental Assessment (SEA) extends the obligation of environmental assessment to official plans and programmes developed at strategic level by public authorities. The Espoo Convention and the Kiev (SEA) Protocol are transposed into the European Union legal framework by the [Strategic Environmental Assessment Directive](#) (2001/42/EC) since the ratification of the Kiev Protocol by the EU.

In accordance with the Espoo Convention and the Kiev (SEA) Protocol, maritime spatial plans will be subject, before their adoption, to notification and consultation with neighbouring states. This offers neighbouring states the opportunity to consult and coordinate by addressing any transboundary environmental impact related to the maritime spatial plan. However, there is the opportunity to use the consultation process to voluntarily consider the broader range of MSP issues and in particular socio-economic assessment.

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<sup>23</sup> Art. 3

<sup>24</sup> Art. 5

## 2.5 Aarhus Convention

The United Nations Economic Commission for Europe (UNECE) [Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#) was adopted on June 25<sup>th</sup> 1998 in Aarhus, Denmark. The Convention covers three pillars which provides the public with a right of access to information, to participate in the decision-making process and to have access to justice in environmental matters. Directives [2003/35/EC](#) on public participation and [2003/4/EC](#) on public access to environmental information transpose certain provisions of the Aarhus Convention into EU law. Member States are required to ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes<sup>25</sup> and ensure that public authorities make available environmental information held by or for them to any applicant at his request and without his having to state an interest.<sup>26</sup>

In EU Member States, the Aarhus Convention is implemented through the associated Directives as well as the measures transposing the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Directives and national legislation. Article 9 of the MSP Directive (2014/89/EU) covers public participation and states that all interested parties, stakeholders, authorities and the public are informed and consulted “at an early stage” in plan development and in accordance with existing EU legislation on this matter. The Aarhus Convention offers value for transboundary cooperation on MSP as it grants rights to information, public participation and justice to be exercised by the public in relation to environmental matters. It also exerts a strong pressure on Member State governments to comply with its provisions, through decisions of its Compliance Committee.

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<sup>25</sup> Art. 2(2)) (2003/35/EC)

<sup>26</sup> Art.3(1)) (2003/4/EC)

### 3 European Union Law and Policies

Apart from the MSP Directive, the development of MSP in the Celtic Seas region was encouraged through a number of earlier EU policies and legislation. Important policy drivers that touch on coordinated management of the marine environment and transboundary cooperation are discussed below. These include the Strategic Environmental Assessment Directive (2001/42/EC), Environmental Impact Assessment Directive (85/337/EEC), Birds and Habitats Directives, Water Framework Directive (WFD) (2000/60/EC), Marine Strategy Framework Directive (MSFD) (2008/56/EC), Common Fisheries Policy (Regulation 1380/2013), Integrated Maritime Policy (IMP) and Blue Growth Strategy.

#### 3.1 Strategic Environmental Assessment (SEA) Directive

The [Strategic Environmental Assessment \(SEA\) Directive](#) (2001/42/EC) requires that an environmental assessment shall be carried out for plans and programmes which set a framework for future development consent of projects for fisheries, energy, industry, transport and tourism<sup>27</sup> as well as those which require assessment pursuant to the [Habitats Directive](#) (85/337/EEC).<sup>28</sup>

The SEA Directive, as part of its process, requires the preparation of an environmental report where significant effects on the environment and reasonable alternatives to the proposed plan or programme are identified. The Directive requires that transboundary consultations are carried out if the proposed plan or programme is likely to have significant effects on the environment in another State.<sup>29</sup> Where a Member State is sent a copy of a draft plan or programme and an environmental report, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure.<sup>30</sup> This consultation should occur and results be considered before the adoption of that plan/programmes or its submission to the legislative procedure. Where such consultations take place, the Member States concerned shall agree on detailed arrangements and a reasonable timeframe for the duration of the consultations.

An SEA has to be conducted for maritime spatial plans since they set a framework for future development of sectors such as fisheries, energy industry, transport and tourism. The SEA Directive therefore offers an important platform for bilateral consultation on specific impacts, not MSP more broadly.

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<sup>27</sup> Art. 2 (a)

<sup>28</sup> Art. 2(2) b))

<sup>29</sup> Art. 7

<sup>30</sup> Art. 7 (2)



### 3.2 Environmental Impact Assessment (EIA) Directive

The [Environmental Impact Assessment Directive](#) (Council Directive 85/337/EEC as amended by [Directive 2014/52/EU](#) on the assessment of the effects of certain public and private projects on the environment) requires the competent authorities of the Member States to carry out assessments of the environmental impacts of certain public and private projects by virtue, inter alia, of their nature, size or location before authorisation is granted.

An EIA, according to the Directive, aims ‘to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers’.<sup>31</sup> Socio-economic aspects are not explicitly addressed in the EIA Directive. For some projects<sup>32</sup> an EIA is mandatory, for others that fall under Annex II, Member State authorities must determine through a case-by-case examination or general thresholds/criteria whether the project should be subject to an assessment.<sup>33</sup>

In cases where a project is likely to have significant effects on the environment in another Member State, the Member States concerned shall enter into consultations regarding, inter alia, the potential transboundary effects of the project. Measures envisaged to reduce or eliminate such effects should also be agreed on and a reasonable timeframe for the consultation period must be set to enable the affected public to participate effectively.<sup>34</sup> It is stated that an appropriate joint body should be the mechanism for such consultations and the results of consultations and the information gathered shall be duly taken into account in the development consent procedure.<sup>35</sup> The EIA therefore offers opportunities for bilateral consultations and relations at the project level, which serves as a mechanism for sharing information and consideration of possible transboundary issues.

### 3.3 Birds and Habitats Directives

[The Birds Directive](#) (2009/147/EC) requires Member States to designate Special Protection Areas (SPAs) for listed bird species and other migratory species that are ‘in danger of extinction, vulnerable to changes in their habitat, considered rare because of small populations or restricted local distribution and/or other species requiring particular attention for reasons of the specific nature of their habitat’.<sup>36</sup>

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<sup>31</sup> Art. 2

<sup>32</sup> Under Annex I

<sup>33</sup> Art. 4(2)(1)

<sup>34</sup> Art. 7

<sup>35</sup> Art. 8

<sup>36</sup> Art. 4

Similar spatial areas, Special Areas of Conservation (SACs), have to be designated under the [Habitats Directive](#) (92/43/EC) for habitats and species listed in that Directive. The provisions of the Birds and Habitats Directives apply to all marine areas over which a Member State has jurisdiction and thus, to the limit of the Exclusive Economic Zone (EEZ), i.e. 200 nautical miles. SPAs and SACs are therefore enforceable in the territorial seas and EEZs of Member States. SACs and SPAs together form the Natura 2000 network of protected areas which currently covers ~6 % of European seas with further efforts being made to ensure at least 10% of Europe's seas are protected through a coherent MPA network by 2020.<sup>37</sup> In 2014, 6.65% of the Celtic Seas were incorporated in the OSPAR Network of MPAs.<sup>38</sup> Article 6(3) of the Habitats Directive states that a plan or project that is likely to have a significant effect on an European site, either individually or in combination with other plans or projects, shall be subject to an Appropriate Assessment of its implications in view of the site's conservation objectives. Maritime spatial plans might therefore be subject to such assessments if they are likely to have a significant effect on designated sites. The Habitats Directive supports exploring alternative solutions in case of a negative impact and obliges the Member State to ensure that necessary compensatory measures are taken to ensure that the overall coherence of the Natura 2000 network is protected.

The European Commission, with relevant information from the Member States, takes appropriate steps to facilitate the necessary coordination to ensure that the protected areas form a coherent whole.<sup>39</sup> Cross border cooperation is emphasised by the Habitats Directive as Member States are required to exchange information for the purposes of proper coordination of research carried out at Member State and at Community level.<sup>40</sup>

### 3.4 Water Framework Directive (WFD)

The [Water Framework Directive](#) (WFD) (2000/60/EC) aims to establish an overall framework for the protection of inland surface waters, transitional waters, coastal waters and ground waters.<sup>41</sup> The WFD is relevant to MSP insofar as it is the first Directive that mandates an ecosystem-based approach through a legal requirement to develop management strategies that focus on the hydrological unit and not administrative boundaries.

Under the WFD, Member States are required to develop and implement River Basin Management Plans (RBMP) to ensure the ecological protection of surface waters, ground waters and protected areas.<sup>42</sup>

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<sup>37</sup> European Commission, 2015

<sup>38</sup> OSPAR Commission, 2015

<sup>39</sup> Birds Directive, Art. 4(3),

<sup>40</sup> Habitat Directive, Art. 18

<sup>41</sup> Art. 1

<sup>42</sup> Art. 4

Although, management plans may encompass areas of coastal waters, the contribution of the WFD to MSP is limited insofar as the Directive covers coastal waters up to 1 nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters are measured.<sup>43</sup>

A more direct effect of the WFD in relation to MSP and cooperation is the duty of Member States to ensure that a river basin covering the territory of more than one Member State is assigned to an international river basin district (IRBD).<sup>44</sup> The success of the WFD relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public including users. Recital 16 of the WFD also mentions the necessary integration of the WFD into other Community (EU) policy areas such as energy, transport, agriculture, fisheries, regional policy and tourism. The Directive provides a basis for the integration of the above mentioned policy areas. The Directive can also make an important contribution to other areas of cooperation between Member States, inter alia, the European Spatial Development Perspective (ESDP). Particular examples on data sharing mechanisms and institutional cross border work through national and international river basin districts within the Celtic Seas region such as the Solway Tweed River Basin District<sup>45</sup> (England and Scotland) and the Neagh Bann International River Basin District<sup>46</sup> (Ireland and Northern Ireland), among others, can offer lessons to cross border working on MSP.

### 3.5 Marine Strategy Framework Directive (MSFD)

The [Marine Strategy Framework Directive](#) (MSFD) (2008/56/EC) is the environmental pillar of the Integrated Maritime Policy and, requires Member States to achieve Good Environmental Status (GES) of their marine waters by 2020. The MSFD requires the adoption of an ecosystem approach in order to ensure that pressures from human activities are compatible with the objectives of the Directive (achieving or maintaining GES, continuing the protection and preservation of the marine environment and to prevent subsequent deterioration).<sup>47</sup> In fulfilling this requirement, Member States shall, for each marine region or sub-region, develop and implement a programme of measures to achieve and/or maintain the GES of marine waters.<sup>48</sup> Thus, potential transboundary effects should be considered when adopting national marine strategies which will require cooperation with Member States and third party countries.<sup>49</sup> MSP is a key implementation tool to properly manage and reduce the potential cumulative environmental impacts

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<sup>43</sup> Art. 2 (7)

<sup>44</sup> Art. 3 (3) and Recital 1

<sup>45</sup> See further at: <https://www.gov.uk/government/publications/solway-tweed-river-basin-district-flood-risk-management-plan> and <http://www.gov.scot/Publications/2007/12/05141702/5>

<sup>46</sup> See further at: <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/working-together-managing-our-shared-waters-neagh-bann-2008.PDF>

<sup>47</sup> Art. 2

<sup>48</sup> Art. 13(1)).

<sup>49</sup> Soininen (2015), Markus et al. (2010)

of maritime activities for each marine region or sub marine region to attain the GES stipulated by the MSFD. Another link between MSFD and MSP is that Member States are required to develop national programmes taking into consideration ‘spatial and temporal distribution controls’, which are ‘management measures that influence where and when an activity is allowed to occur’.<sup>50</sup> As indicated through the KNOWSEAS project, MSP acts as an important tool and process that addresses spatial conflicts and ensures links between the spatial measures of the MSFD and the implementation of other Directives, such as the Birds and Habitats Directives.<sup>51</sup>

The MSFD states that Member States shall cooperate where they share a marine region or sub-region and may use existing regional institutional cooperation structures and agreements such as the Regional Sea Conventions, which also allows for coordination of activities with third party countries.<sup>52</sup> MSFD therefore offers a transboundary approach to the governance of a marine area, the implementation of which can be supported by MSP.<sup>53</sup>

### 3.6 Common Fisheries Policy (CFP)

The Common Fisheries Policy (CFP) was first introduced in the 1970s and formally established in 1983. It has been revised three times (1992, 2002 and 2013) to date. The overall objective of the CFP is to ensure the economic, environmental and social sustainability of fisheries resources. Conservation of marine biological resources under the CFP is under the competence of the EU, regulated by [Regulation No. 1380/2013](#). Under the CFP, all fishing vessels flying the flag of an EU Member State have equal access to all EU marine waters and their living resources.<sup>54</sup> The EU is entitled to establish conservation measures governing fishing activities and access to waters. Conservation measures may include spatial restrictions such as limitations or prohibitions on the use of certain fishing gear and fishing activities in certain areas to protect aggregations of endangered species and vulnerable marine resources.<sup>55</sup>

Member States are not allowed to legislate on an exclusive competence conferred upon the EU,<sup>56</sup> but are, however, responsible for the implementation of EU’s fisheries conservation measures and those that may have spatial implications must be taken into account in national MSP processes. The CFP also addresses issues on cooperation as it states that Member States, in adopting conservation measures, are

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<sup>50</sup> Annex VI

<sup>51</sup> Farmer et. al (2012)

<sup>52</sup> Art. 5 & 6

<sup>53</sup> Shafer (2009)

<sup>54</sup> Art. 5 (1)

<sup>55</sup> Art. 7 (2)(c)(d))

<sup>56</sup> TFEU, Art. 2(1)

to act in a manner which is fully consistent with international obligations regarding conservation and cooperation under international instruments such as UNCLOS and the Regional Seas Conventions.<sup>57</sup>

Member States having a direct management interest affected by conservation measures may submit joint recommendations for achieving the objectives of the relevant Union conservation measures, the multiannual plans or the specific discard plans.<sup>58</sup> The consideration of international environmental protection instruments and opportunity to submit joint recommendations especially spatial fisheries conservation measures under the CFP ensures that Member States cooperate on decisions that might have MSP implications.

### 3.7 An Integrated Maritime Policy for the European Union

The [Integrated Maritime Policy](#) (COM/2007/575) sets out a coherent strategy to enhance the sustainable development of maritime sectors and ensure that sea-related policies are developed in a joined-up way. The policy supports the coordination of cross-cutting policies of which MSP is one and others include Blue Growth, Marine data and knowledge, integrated maritime surveillance and Sea basin strategies. MSP is identified by the IMP as a cross-cutting policy tool enabling public authorities and stakeholders to apply a coordinated, integrated and transboundary approach. One of the actions implemented through the IMP was the Roadmap on MSP published in 2008 to facilitate the development of MSP by Member States. The Roadmap on Maritime Spatial Planning also identified cross-border cooperation and consultation as one of the 10 principles for MSP in the EU (see section 3.10).

The Sea-basin strategies under the IMP also provide a framework for cooperation between Member States and their regions and, where appropriate, third party countries by exploring challenges and opportunities of the maritime economy, such as land-sea transport, energy connectivity, marine conservation and sustainable tourism.

The IMP has also contributed to some Member States adopting various approaches to ensure integrated and coordinated maritime governance. France, under the Secretary General of the Sea [*Secrétariat General de la Mer*], has developed a National Strategy for the Sea and Ocean "[Stratégie Nationale pour la mer et les océans](#)." They have also set up an inter-ministerial group<sup>59</sup> and the Brittany region has also developed a regional maritime strategy.<sup>60</sup>

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<sup>57</sup> Art. 6

<sup>58</sup> Art. 18(1)

<sup>59</sup> EC (2012).

<sup>60</sup> See further at : [http://www.bretagne.bzh/upload/docs/application/pdf/2012-07/rapport\\_transversal\\_mer\\_bp\\_2012\\_relecture\\_finale.pdf](http://www.bretagne.bzh/upload/docs/application/pdf/2012-07/rapport_transversal_mer_bp_2012_relecture_finale.pdf)

The UK has adopted legislation, through its [Marine and Coastal Access Act 2009](#), to support coordinated efforts for managing maritime resources. Ireland established an Inter-Departmental Marine Coordination Group (MCG) in 2009 and in 2012 an Integrated Marine Plan “Harnessing Our Ocean Wealth” was published by government.<sup>61</sup> The various national maritime strategies complement the IMP with concrete national programmes<sup>62</sup> and international cooperation is emphasised as an essential element for planning and economic benefits<sup>63</sup>. The national maritime strategies have been supported and instigated various levels of stakeholder consultations<sup>64</sup> which have been conducive to discussions on MSP and coordination of MSP with the cross cutting policies that form part of the IMP. The IMP in general recognises that addressing the challenge of increasing competition for marine space and the cumulative impacts of human activities necessitates cooperation, as well as a more collaborative and integrated approaches to decision-making in maritime affairs between Member States.

### 3.8 Blue Growth Strategy

The [Blue Growth Strategy](#) (COM/2012/494) aims to promote sustainable development in specified maritime sectors through three components: developing sectors for jobs; providing knowledge, legal certainty and security in the blue economy; and, sea basin strategies for cooperation between Member States. The Blue Growth Strategy focuses on five maritime sectors: ocean energy, aquaculture, coastal and maritime tourism, blue biotechnology and sea-bed mining.

Lack of available space for maritime sectors, competition in the global market, and administrative constraints in particular concerning licensing procedures and coordination between other policies are amongst some of the issues to be considered under Blue Growth. This makes MSP important in allocating spaces for sectors and providing developers with the legal certainty it needs to invest to advance the Blue Growth agenda. Sea basin strategies have been used as platforms for Member States to coordinate the identification of common issues and priorities to support Blue Growth. The Blue Growth Strategy therefore encourages consultation and collaborative working between Member States to stimulate long term growth and jobs in the blue economy. The consultation processes used to fulfil this Strategy represent one format that could probably be used to foster collaborative work and discuss spatial requirements for blue growth and to advance sustainable development at sea basin level.

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<sup>61</sup> Government of Ireland (2012) <https://www.ouroceanwealth.ie/about-plan>

<sup>62</sup> See [https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/swd-2017-128\\_en.pdf](https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/swd-2017-128_en.pdf)

<sup>63</sup> MCAA (2009), Government of Ireland (2012)

<sup>64</sup> Fritz and Hanus (2015)

### 3.9 Atlantic Strategy and Action Plan

[Developing a Maritime Strategy for the Atlantic Ocean Area](#) (COM/2011/782) and the subsequent [Action Plan](#) (COM/2013/279) centre on five high-level objectives namely: implementing the ecosystem approach, reducing carbon footprint, ensuring sustainable exploitation of seafloor resources, responding to threats and emergencies, and achieving socially inclusive growth. The Atlantic Action Plan identifies areas where there is scope for additional collective work under priorities including:

- Promote entrepreneurship and innovation,
- Protect, secure and develop the potential of the Atlantic marine and coastal environment,
- Improve accessibility and connectivity,
- Create a socially inclusive and sustainable model of regional development.

Conferences, meetings, workshops, online discussions and information sites have been used as platforms to enhance international cooperation to implement the strategy and action plan. The Atlantic Forum involves government and regional authorities, civil society and representatives of existing and emerging industries amongst other stakeholders to prepare projects that also promote cooperation in observation, data sharing, marine assessments, research, reducing emissions and pollution from ships, safe and secure navigation, port security, the fight against piracy, and countering illegal, unregulated and unreported fishing.<sup>65</sup>

Other initiatives in the Atlantic such as EU Partnership Instrument's twinning programmes<sup>66</sup> are developing transatlantic cooperation with focus on environmental protection, sustainable blue growth and scientific cooperation, which can inform and support EU policy objectives.

### 3.10 Communications on Maritime Spatial Planning

The [Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU](#) (COM/2008/791) sketches the first steps towards a common approach on MSP by identifying 10 common principles of relevance for MSP in the EU. This was one of the actions under the IMP. Of the principles identified, one relates specifically to cross border cooperation and consultation. Cooperation across borders was noted as necessary to ensure coherence of plans across ecosystems and the development of common standards and processes to raise the overall quality of MSP.<sup>67</sup>

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<sup>65</sup> See further at: <http://www.atlanticstrategy.eu/en/news-and-events/our-events>

<sup>66</sup> Twinning is a EU instrument for institutional cooperation between Public Administrations of EU Member States and beneficiary or partner countries. These projects bring together public sector expertise with the aim of achieving concrete mandatory operational results through peer to peer activities

<sup>67</sup> Art. 5 (7)

The Communication on [Maritime Spatial Planning in the EU - Achievements and Future Development](#) (COM/2010/771) reports on the conclusions of four workshops<sup>68</sup> on MSP carried out in 2009 to discuss the principles of the Roadmap with Member States, regions, NGOs and industry. On the issue of cross border cooperation and consultation it was reported that communication, consultation and cooperation with neighbouring States need to take place at an early stage. Relevant contact persons and groups (policy-makers, stakeholders, researchers, etc.) in the countries concerned must be identified. Effective cross-border MSP requires the development of a joint vision based on exploration of common interests (e.g. offshore electricity grid, fisheries, shipping) and strong political will is necessary for cooperation.

The [proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management](#) (COM/2013/133) set out proposed actions for the adoption of a Directive on MSP after the Roadmap for MSP and the recommendations from the Communication on Achievements and Future Development (COM/2010/771) were discussed with input from stakeholders collected through public consultations from March until May 2011. The proposed main objectives of the Directive were for Member States to develop and implement coherent processes to plan human uses of maritime space, to ensure the sustainable management of coastal areas, and to establish appropriate cross border cooperation. A key added value of the proposal was support for land-sea connectivity by requiring coherence between MSP and integrated coastal management. Article 12 of the proposed Directive stated that each Member State bordering a coastal zone or maritime area of another Member State should cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated across the coastal zone or marine region and/or sub-region concerned. Such cooperation was to take particular account of issues of transnational nature, such as cross-border infrastructure. It also proposed that cross border cooperation on MSP should be established through regional institutional cooperation structures and dedicated networks of MS's competent authority.

### 3.11 Maritime Spatial Planning (MSP) Directive

[Directive 2014/85/EU, establishing a framework for Maritime Spatial Planning](#), was adopted in July 2014 and is designed to provide a framework for the implementation of MSP in Europe. The Directive applies to 'marine waters' of Member States and does not apply to coastal waters or parts thereof falling under a Member State's town and country planning legislation, provided that this is stated in its maritime

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<sup>68</sup> Brussels (Belgium) in February 2009, Ispra (Italy) in April 2009, Azores (Portugal) in July 2009 and Stockholm (Sweden) in October 2009.



spatial plan.<sup>69</sup> The objective of the MSP Directive is not to replace previous Directives and policies but rather to promote better coordination between EU sectoral sea-related policies. The main requirement is the obligation on Member States to develop Maritime Spatial Plans which identify the spatial and temporal distribution of relevant existing and future activities.<sup>70</sup> The minimum requirement for doing so, is to take into account land-sea interactions, environmental, economic and social aspects, as well as safety.<sup>71</sup> Article 6 obliges Member States to promote coherence between MSP and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices. MSP can thus be an important tool for Member States to support certain aspects of MSFD and WFD implementation, especially in the context of cross-border coordination of marine spatial strategies.

Article 7 on land-sea interactions is also supported by Recital 16 which states that MSP should aim to integrate the maritime dimension of coastal uses and activities and their impacts and ultimately allow for agreement on a strategic vision. Other minimum requirements include ensuring the involvement of stakeholders, organising the use of best available data, ensuring transboundary cooperation between Member States and promoting cooperation with third party countries.

Various Articles in the MSP Directive address the issue of transboundary cooperation in the implementation of MSP. Article 9 states that interested parties, relevant stakeholders and authorities should be informed and consulted at an early stage in the development of the Maritime Spatial Plans. Member States are also obliged to cooperate as part of the planning and management process with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned.<sup>72</sup> Where possible, they must also cooperate with third party countries on their actions with regard to MSP in the relevant marine regions.<sup>73</sup> The MSP Directive, promotes the use of existing structures for regional institutional cooperation such as those formed as part of the Regional Sea Conventions (also proposed by the MSFD), networks of competent authorities across different Member States or any other method that fulfils this purpose, perhaps those used in the context of sea-basin strategies, developed under the IMP. Section 5 of this report discusses some of the challenges and gaps in relation to MSP and existing structures for cooperation.

Based on Article 8 of the MSP Directive, Maritime Spatial Plans cover sectors and activities that fall within the scope of the SEA Directive. Recital 23 of the MSP Directive states that where maritime spatial plans are likely to have significant effects on the environment, they will be subject to the SEA Directive.

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<sup>69</sup> Art. 2(1)

<sup>70</sup> Art. 8

<sup>71</sup> Art. 6

<sup>72</sup> Art. 11 (1)

<sup>73</sup> Art. 12

Although transnational consultations under the SEA process are related to the environmental effects of certain aspects of the maritime spatial plan, the MSP process creates a unique opportunity for improving the maritime spatial plan by integrating related cross border socio-economic considerations into decision making. This also provides the opportunity to consider cross border development priorities and mechanisms among Member States.

Beyond the development of the maritime spatial plans, Member States are required to communicate and send copies of the maritime spatial plans, (including relevant existing explanatory material on the implementation of this Directive), and all subsequent updates, to the Commission and to any other Member State concerned, within three months of their publication.<sup>74</sup> Although the ex post facto obligation does not affect the planning process itself, it ensures that changes and updates to Member State's Maritime Spatial Plans are communicated after their establishment. At EC level, the Member State Expert Group on Maritime Spatial Planning has been used as a platform to exchange best practices and information between Competent Authorities and practitioners. It also a mechanism that is used to provide advice to the European Commission on the MSP Directive and all aspects of MSP.

A review of the Communications and Directive on MSP (see Annex 1) identifies specific areas where cooperation would be needed. These areas of cooperation are not legally binding but are identified based on the MSP Communications and Directive. They are considered as important areas to foster coherency and coordination in MSP implementation and include:

- Visions, goals and objectives,
- Planning process, data, methodology and procedures,
- Sharing of experiences, knowledge and transboundary stakeholder engagement,
- Cross sectoral cooperation,
- Land-sea Interaction/local cross border cooperation.

### 3.12 Cooperation between EU Member States and third party countries

The [Joint Roadmap to accelerate Maritime/Marine Spatial Planning \(MSP\) processes worldwide](#) was developed by the Directorate General for Maritime Affairs and Fisheries of the European Commission, (DG MARE) and the Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO). It defines priority areas, strategic objectives and key actions for mutual cooperation between the EU, the international community and UN agencies to encourage and strengthen transboundary MSP globally to

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<sup>74</sup> Art. 14

support the implementation of 'Transforming our World: the 2030 Agenda for Sustainable Development', especially SDG 14 relating to the oceans.<sup>75</sup>

Cooperation on MSP is discussed under priority area 1: Transboundary MSP, where IOC-UNESCO and DG MARE will aim to develop, together with Member States and other UN agencies, guidance to facilitate the implementation of transboundary MSP. DG MARE will launch a pilot project in 2018 to test practices of cross-border cooperation with non-EU Member States.<sup>76</sup> DG MARE will further support international conferences to share the final outputs of cross border projects and guidance documents on transboundary MSP foreseen by the end of 2020/early 2021.

The [Galway Statement on Atlantic Ocean Cooperation](#) was signed on 24<sup>th</sup> May 2013, between the European Union, together with high level representatives from United States of America and Canada on Atlantic Ocean Cooperation to launch a Transatlantic Ocean Research Alliance.<sup>77</sup> The Statement aims at increasing knowledge of the Atlantic Ocean by taking stock of and utilising existing bilateral and multilateral science and technology cooperation frameworks, coordinating planning of relevant activities and recommending priorities for future cooperation. Trilateral Working Groups have been established to define cooperation areas and working groups which target mutual research themes including: ocean literacy; aquaculture; seabed mapping; and, ecosystem approach to ocean health and stressors. The aquaculture group is exploring ways to improve the effective and efficient coordination, planning and programming of relevant activities and resources through spatial planning such as seabed mapping.

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<sup>75</sup> Conserve and sustainably use the oceans, seas and marine resources for sustainable development

<sup>76</sup> UNESCO & DG MARE (2017)

<sup>77</sup> See further at: <https://www.atlanticresource.org/aora/>

## PART II: INTERVIEWS WITH COMPETENT AUTHORITIES

### 4 Findings from Interviews conducted with Competent Authorities for MSP

To supplement the review of existing mechanisms outlined in the previous sections of this report, a number of interviews were conducted with representatives from some the competent authorities for MSP in the Celtic Seas Member States, namely Ireland, Scotland and Wales. Due to time constraints it was not possible to get interviews with each surrounding jurisdiction but the information obtained is useful to provide an insight into the current perspectives of competent authorities nonetheless. The competent authorities for MSP interviewed have all identified cross sector platforms for cooperation to interact with sectoral departments and organisations during plan development and before the wider and more formal consultation stages. This has also involved consultation with neighbouring competent authorities during plan development. This section gives an overview of existing links between marine planning authorities and how they interact with sectors and with neighbouring marine planning authorities. Since Member States are at different stages of the MSP process, this section is based on the current stage of implementation at the time of the interviews and discusses some of their experiences to date.

#### 4.1 Welsh Government (Wales)

- **Setting up**

The decision to give marine planning functions to the Welsh Government (WG) was largely based on the existence of policy groups/leads for the different sectors including fisheries, energy, terrestrial planning and environment who operate under the Welsh Government structure. The marine planning team was formed in 2014 and were given training and initial support by the Welsh Government's terrestrial planning team based on their expertise and experiences. The Welsh Government are currently undertaking formal consultations on their draft Welsh National Marine Plan (WNMP).

- **Links and mechanisms for Sectoral Cooperation**

A Marine Planning Stakeholder Reference Group (MPSRG) has been formed and is used as the main platform/mechanism for engaging with stakeholders during plan development and operates under the Chatham House Rules.<sup>78</sup> The MPSRG consists of representatives from industry and commercial associations, coastal forums, researchers, planning authorities (including the MMO), regulatory and sectoral agencies. The group serves as a conduit between the marine planning team and wider stakeholder networks and engagement where appropriate. Other UK-wide stakeholders are also represented on the group including The Crown Estate and the British Marine Aggregate Producers Association. The MPSRG

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<sup>78</sup> Participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

provides early stakeholder input to the content and production of the WNMP and associated processes and are engaged through semi-structured interviews, meetings and email contacts before formal consultations on the draft plan. Apart from the MPSRG, other UK level department and agencies such as Department for Business, Energy and Industrial Strategy (BEIS), Department for Transport and the Maritime & Coastguard Agency (MCA) are also engaged with, to discuss national and cross border aspects. It was stated during the interview that because the Welsh Government are developing a National Marine Plan engagement at the development stage of the plan has mostly been with national and UK level agencies, department and stakeholders with other local stakeholders expected to be engaged during the formal consultations.

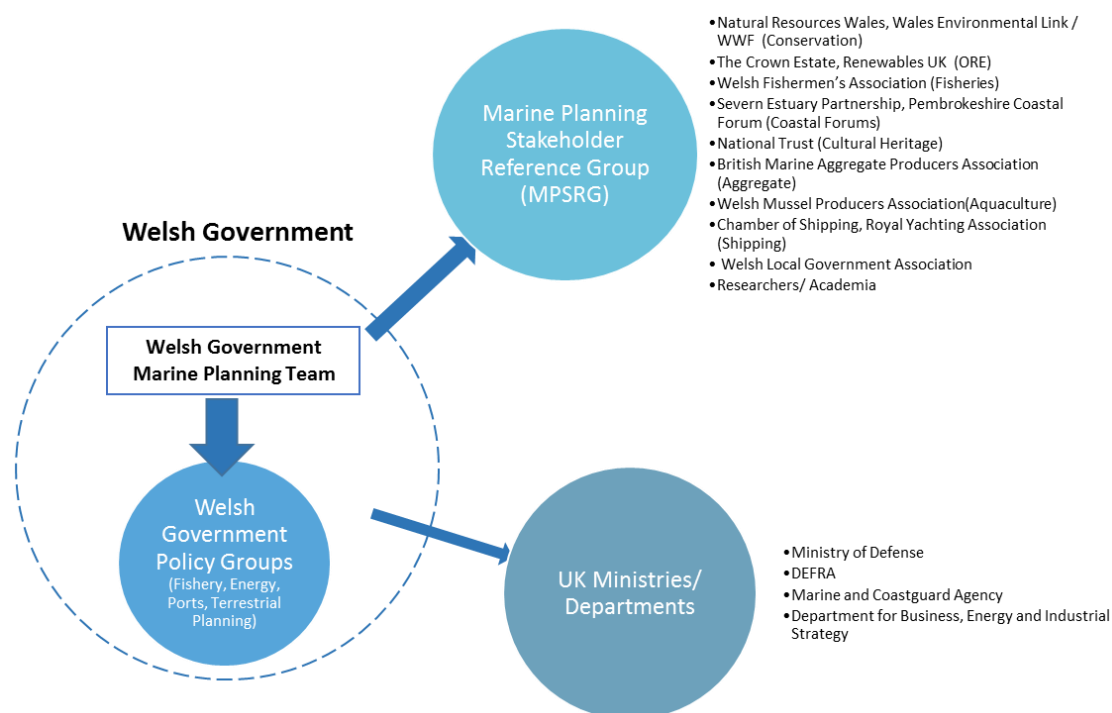


Figure 2: Welsh Government mechanisms for cooperation

Engagement and cooperation with these sectoral agencies and organisations are normally at a strategic and national level with pilot projects and case studies which will consider more operational issues anticipated to occur in the future. Currently, the policy groups on fisheries, ports, energy and environment considerations and are used as conduit to gather more local knowledge, information and advice during plan development before formal consultation.

Sectoral engagement is more frequent after the iteration of the plan or when comments are received from a specific sectoral department/agency and much less during the development (analysis/writing) stage of the plan. Frequency of engagement is also dependent on the issues and activities happening in a particular sector. For example, sector specific bilateral meetings have been set up with the ORE sector because of forthcoming leasing to be conducted by The Crown Estate, new technologies in the area of tidal lagoons

and the sector in general are keen to engage. It is also expected that there might be more interaction with a particular sector depending on the issues or challenges that come up after the adoption and during implementation of the plan. Interaction is also frequent between the marine planning team and the Welsh Government policy leads for energy, environment, fisheries and ports especially when comments are received from stakeholders. Although some engagement has occurred with local authorities on terrestrial aspects, there is the need to invest in more engagement and discussion on land sea interactions in the future.

Sectoral agencies and stakeholders are normally contacted to give comments and advise, review and verify data/sectoral policies via email and the website. Four main planning related issues are discussed during interactions with sectors:

- Sectoral Policies: existing/new policies and plans, changes to policies that are needed and guidance on how these policies can be implemented, the level of detail of sectoral information in the plan and information on sectoral policy events and meetings.
- Sectoral Footprint/Data: Reviewing and verifying data that was gathered during the Marine Evidence Base process.
- Sectoral Growth Targets/Areas: Does the Government have any specific growth target for that particular sector? Are there particular areas for growth and strategic resource areas?<sup>79</sup> How will the sector use the marine plan in the future?
- Plan Policy Development: Reviewing policy measures that have been developed for the marine plan. What are the legal obligations that the plan needs to include?

Experience of Welsh Government has shown that generally it is mostly challenging to engage with the fisheries sector/stakeholders based on the following reasons:

- It is challenging to classify fisheries as a sector as it involves many individuals and small companies that are not managed under one umbrella. For example, although the Welsh Fishermen Association is normally consulted on MSP, it does not represent all fishermen operating in Welsh waters.
- Scale of sectoral activity: Everywhere on the seas is a potential fishery area and intervention anywhere affects them more than other sectors which makes fishers feel displaced and it can become difficult to develop appropriate policies for such a wide area.
- It is difficult for fishers to take time off work to engage during normal working hours as there is a personal cost (potential loss of earnings). There are efforts by the Welsh Government to gather

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<sup>79</sup> These are areas that are most appropriate to develop some sectors however these areas are not zone and not are not definite development areas

information through local knowledge, checking weather for a stormy days perhaps more suited to organise events and engage with them, emailing them, putting notices in fisheries media, etc.

- Historical concern by fishers that government policies have damaged fisheries in the past. It is perceived that scientists and government are always trying to show fisheries as a damaging activity and that engagement could lead to restriction of their activities.

The **Offshore Renewable Energy** sector has fewer ORE organisations so it is relatively easier to identify and engage with them. The ORE companies and stakeholders are also used to more diplomatic processes of engagement and meetings. They also have a general understanding and more experience of planning and licensing processes.

**Military and Defence** are not bound by the plan policies as their policies remain the same and are not negotiable so engagement with those interests may not be frequent. What the Welsh Government does is to change some of the wording in their sectoral policies in the marine plan in order to be more easily understood and to develop policies that do not damage the sector.

**Tourism and Recreation** is so varied and widespread as an activity and sector. There are different organisations and users involved such as diving, jet skis etc. It is less obvious to know who to speak to in this sector. Another challenge is that tourism and recreation activities/policies have terrestrial links and components that have to be considered.

Effective engagement/interaction with a particular sector on MSP might also depend on the following factors:

- If the plan supports a particular sector, then that sector might be more willing to engage. The Welsh Marine Plan, for example, might support aquaculture thereby making stakeholders in that sector more willing to engage and support the plan.
- The sensitivity of the sector/use e.g. the marine aggregate industry depends on particular resources such as granite that are area specific and this makes them sensitive to changes and organisations representing these interests might therefore be more willing to engage to ensure certainty and avoid any future changes.
- The individual policy/sector lead's interest, understanding of MSP and academic background. If the person has a general background in planning/strategic policy/understanding of the general MSP process, then engagement with the person might be more effective.

- [Transboundary Links](#)

Cross border cooperation on MSP issues has been mostly with the MMO (England) through meetings and workshops on plan development to share experience and also discuss the draft Welsh and English regional plans. UK level organisations such as Defra, the Planning Inspectorate and BEIS are also normally engaged with on cross border aspects. Transboundary cooperation on MSP by the Welsh Government has mainly been on informal and bilateral basis especially with the MMO (England) and by contacting other neighbouring marine planning authorities in Ireland, Northern Ireland and the Isle of Man. The EU Member State Expert Group on MSP has also been used as a platform for engagement with other marine planning authorities.

The Welsh Government is currently contacting neighbouring marine planning authorities including the Department of Housing, Planning and Local Government (Ireland) Marine and Fisheries Division, DAERA (Northern Ireland), the MMO and Department of Infrastructure (Isle of Man) on their Draft Marine Plan to see if they are interested in discussing the draft plan and if they need any information and support in drafting a consultation response by offering face to face meetings and telephone calls. In relation to data alignment, the Welsh Government has looked at shared plans from other administrations (England) and tried to understand their time scales and policies in place. It has also engaged with stakeholders through the Irish Sea Maritime Forum in the past.

- [Challenges of Transboundary consultation/cooperation](#)

A number of potential challenges were suggested:

- Resources to do the consultation. Welsh Government do not have many dedicated staff and tasks have to be completed within a certain time scale. This is also challenging as neighbouring marine planning authorities are working to different time scales.
- Some countries are nervous about sharing their plans and information.
- Different governments, planning processes, regulations and cultures all have the potential to impact upon transboundary cooperation. Even if the MSP processes and approaches are shared, it does not necessary mean it will be the same approach.

- [Recommendations for Transboundary Cooperation](#)

Possible recommendations for transboundary cooperation include:

- Some system for making online interactive MSP maps from neighbouring countries work together.
- A system for sharing details of upcoming Nationally Significant Projects. Having an international database where these projects, their possible impacts, mitigation approaches etc. can be shared would be a useful source of information.
- Sea basin visions will be necessary if they are specific.



- Platform for marine planning authorities to engage. There is already talk of such a meeting between the UK and Ireland.
- The Welsh Government also stated that after Brexit existing structures such as the ICES Working Group for Marine Planning and Coastal Zone Management and OSPAR could be used as a platform for cooperation on MSP. It was also stated that it would be helpful if the EU Member State Expert Group on MSP could include non-EU Member States as Observers.

## 4.2 Department of Housing, Planning and Local Government (Ireland)

- **Setting up**

At the time of designation of MSP functions, the Department of Housing, Planning and Local Government (DHPLG) had both environmental and planning remits but it lost some of its environmental functions subsequently. According to the Department representative, the main reason for giving MSP functions to this Department was based on being an outward looking department, having expertise in long term strategic policy/terrestrial planning to inform MSP, with a long standing relationship with environmental NGOs and the renewables sector and was now forming new relationships with fisheries organisations. Other departments related to marine at the time tended to be fisheries specific. The DHPLG is currently preparing an Issues Paper which will necessitate collection, mapping and analysis of data on current conditions after which consultation will be undertaken.

- **Links and mechanisms for Sectoral Cooperation**

Two consultative forums are envisaged by the DHPLG to engage with stakeholders during plan development. A Cross Departmental/Agency Steering Group has been established to oversee the development of MSP. The Group has high level representatives from government departments and agencies/authorities including from local government sector. An advisory group is also expected to be set up to engage with non-governmental organisations, professional bodies, researchers, academia and technical experts.

As a best practice, the DHPLG has started engagement with various agencies/organisation/communities at the normative stage. Engagement with sectoral departments and agencies have so far been via initial contact and informal engagement to discuss what MSP is and how to approach MSP implementation in Ireland. Statutory consultees for formal consultations are laid out in the Regulations transposing the MSP Directive (Statutory Instrument [S.I] No. 352/2016<sup>80</sup>), which provide a legal mandate. The SI does not mention the need to engage with coastal communities, however, the DHPLG plan to engage with the

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<sup>80</sup> <http://www.irishstatutebook.ie/eli/2016/si/352/made/en/print>

coastal communities and the public through the Local Authority Waters and Communities Offices (LAWCO), which were used for consultations during the river basin management planning process. The first stage of stakeholder engagement will take place after the publication of the Issues Paper. After each stage of plan making, the draft plan documents will be made available on the Department's website and stakeholders will be invited to comment. Most stakeholders have expressed a preference for email and web-based consultation rather than paper consultation documents.

DHPLG envisage engagement to be more strategic, based on the hierarchy of both terrestrial and marine planning and also experience from terrestrial planning shows that such a national plan will have to be strategic. So far there has been frequent interaction with the Department of Communications, Climate Action and Environment (DCCA) as it deals with a range of sectors/activities that relate to MSP e.g. environmental issues, ORE (wind), cables and pipelines, mineral exploration among others.

Each sector has their own interests and will want to get the best return from MSP. The experience of the DHPLG so far shows that some sectors such as ORE have more experience in dealing with planning/licensing processes. The ORE sector has big players and few representative organisations with a high level of entry and investment hence it is easier to make contact with them. However, it is challenging to engage with fisheries as there are a large number of fisheries organisations and fishermen. ORE developers are already contacting the DHPLG but those from coastal areas with interests relating to fisheries and local tourism do not yet know much about MSP and have limited experience with its processes. The Department plan on effective engagement through contact with fisheries organisations, introductory emails to explain MSP and an open invitation to meetings scheduled from March this year (2018). It also plans on going to their local areas to engage with them. The DHPLG respondent also noted that MSP and consultations have to be flexible and organic in using existing mechanisms. The mechanism that was used by under the Water Framework Directive and River Basin Management Plans, LAWCO, will be used by the DHPLG. Experience from river basin management planning and IBEC's experience in engaging with the aquaculture sector present experiences that will inform consultation and cooperation for the MSP process.

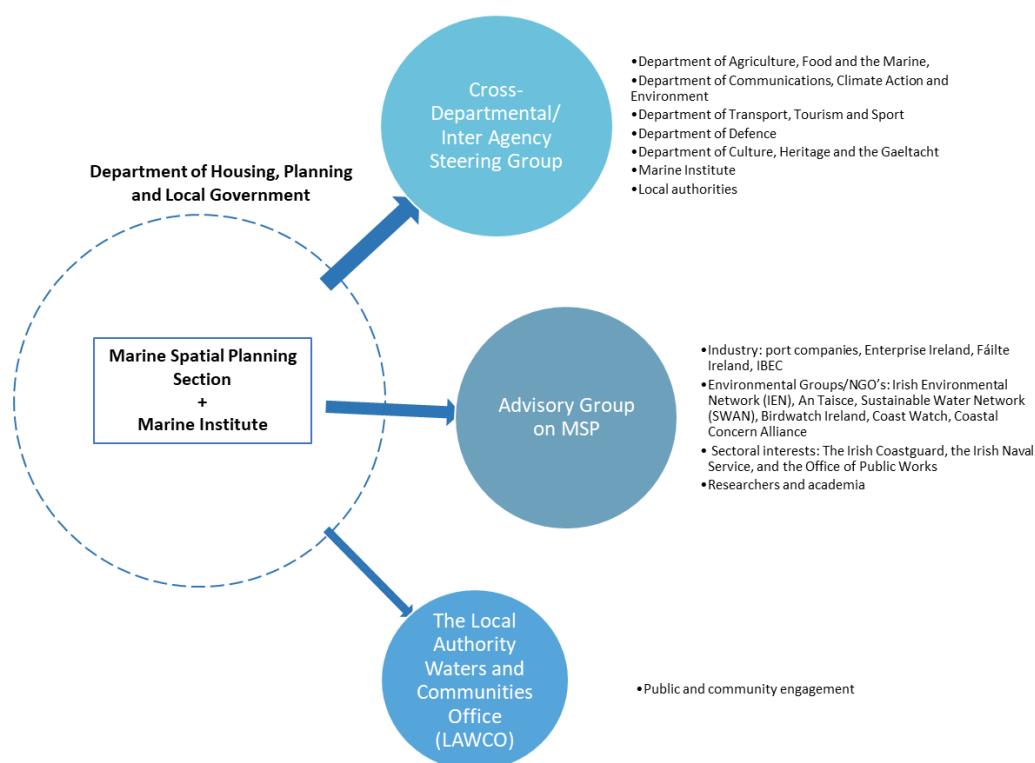


Figure 3: DHPLG (Ireland) mechanisms for cooperation

- **Transboundary Links**

The DHPLG noted that consultation should start as early as possible and should be frequent. The Department has already made contact and had discussions with colleagues from Northern Ireland and Wales. It was also stated that transboundary cooperation should be at a strategic and national level through the lead department for MSP. The mechanisms used so far to engage at the transboundary level include writing letters to government departments, site visits to Scotland and Wales and regular in-person meetings with colleagues from Northern Ireland.

- **Challenges of Transboundary Cooperation**

A number of potential challenges were put forward:

- Political instability: Lack of a government in Northern Ireland has restricted consultations on the draft Northern Ireland plan and their engagement with DAERA.
- Recommendations for transboundary cooperation.

Meetings between the marine planning authorities in the Celtic Seas is important and there have been discussions between colleagues in Wales and Northern Ireland for such meetings. These will be needed for marine planning authorities for the devolved administrations in the UK and with Ireland. There are also discussions to involve the French authorities. The terrestrial planning authorities have an informal

arrangement between UK and Ireland where the chief planner and head of planning policy and administration (two representatives) meet every six months, funded by the department responsible for terrestrial planning.

### 4.3 Marine Management Organisation (England)

- **Setting up**

The MMO was setup as a new organisation for MSP with most of their functions coming from previous agencies together with marine planning functions as prescribed by the Marine and Coastal Access Act. Experts and practitioners from the various sectoral departments and agencies were brought together into one organisation. The MMO noted that this approach and set up was useful in not bring biases from previous departments. The team of marine spatial planners are different from other departments as they are more multidisciplinary, necessary to address cross sectoral and MSP needs.

- **Links and mechanisms for Sectoral Cooperation**

Apart from formal consultation as part of the iterative MSP process, the MMO present plans and projects and engage with stakeholders after each iteration before formal consultation. A Stakeholder Focus Group brings together key social, economic and environmental bodies. The group meets approximately four times a year and provides a unique opportunity to sense check policies and thinking with key stakeholders. Members of the group include representatives of many sectors - other government bodies/organisations, the fishing industry, aggregates, ports, renewables, energy, shipping, yachting, conservation and wildlife groups.

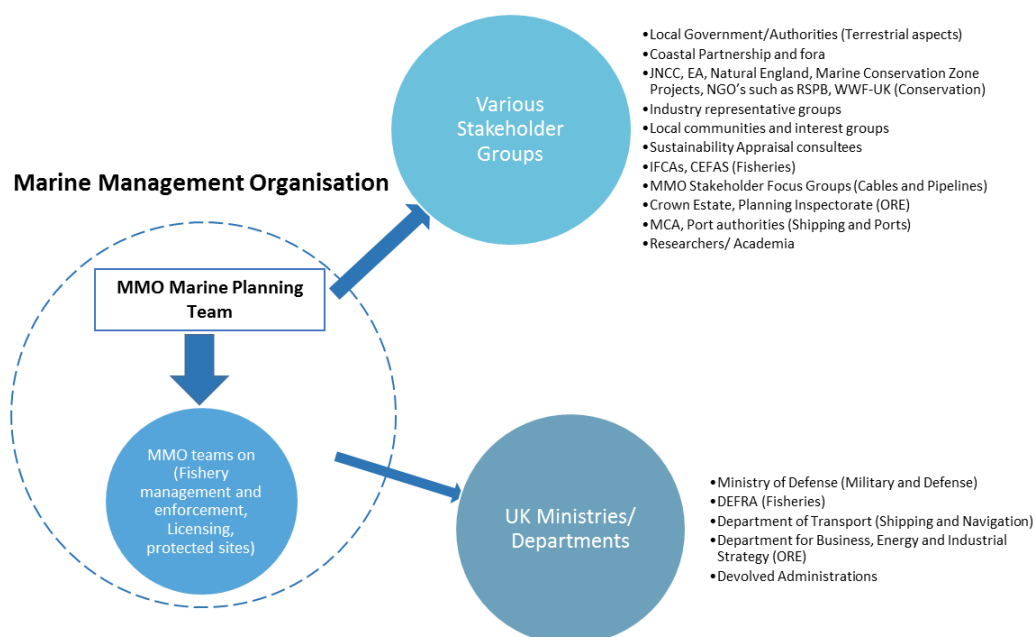


Figure 4: MMO (England/UK) mechanisms for cooperation

How often they interact with sectors depends on the need to engage with the particular agency or department, however, engagement is more frequent with Natural England (nature and conservation), the MCA (Shipping), local authorities and The Crown Estate (ORE). Engagement is less frequent with the Ministry of Defence (Military and Defence) unless something relevant comes up and also less effective with the Department for Digital, Culture, Media & Sport (Tourism and Recreation). MMO does not engage directly with tourism stakeholders but with tourism organisations and local authorities.

Engagement with the sectors is conducted at a strategic/policy level since MSP is a policy (and rarely operational) and the legal framework ensures that it is at this level where sectors engage. Other MMO teams (fisheries and enforcement) and mechanisms of other sectoral agencies undertake engagement relating to operational level activities. The information garnered from engagement with the sectors (national and local) might be operational but it is used for strategic policies to inform spatial management of uses. The MMO noted that it is important to get operational views and advice through other sectoral approaches but MSP focuses on strategic policies. MMO also engage with any other national policies that are relevant to MSP and all issues that are relevant to a sector's interest. The means of cooperation with these sectors include exchange of data for the plan itself, the GIS platform, and the evidence base. They also exchange experience and expertise with stakeholders and sectors during discussions.

Local level engagement normally happens through local level institutions for specific sectors such as fisheries (through the IFCA's and MMO fisheries and enforcement office) as they already have the local relationships and are better suited to this scale. The MMO has also commissioned research into what makes their stakeholders 'tick' and how to engage better with them.

Best practices used by the MMO to date include undertaking the engagement at different times to suit most sectors and messaging to involve fishers and individuals whilst improving their existing mechanisms for engagement. Working in partnership with coastal community partnerships in the North West, North East and South Marine Plans in raising awareness about marine planning and engagement activities has also been effective. These partnerships are non-partisan and they also cover most sectors which makes them play an important role in engagement. Cooperation at the regional and local levels is with different stakeholders and interest groups including agencies, fishing organisations, local authorities, tourism activities, and various energy technologies including tidal.

- [Transboundary Links](#)

So far the East plans are the only plans to be adopted in England. The MMO consulted the neighbouring countries through international workshops after the draft plan was published at a time when the other neighbouring countries were not advanced in their MSP. There was no particular consultation response

from EU Member States for the draft East plans and discussions did not go into detail. There have already been two meetings with the French authorities and responses were received in relation to the South East plans. The MMO has also had meetings and teleconference calls with the Republic of Ireland on their MSP process and roadmap. It also engages with the devolved administrations, including Marine Scotland and the Welsh Government, concerning the North West plans. Engagement with the devolved administrations are normally through workshops and bilateral meetings. MMO's interaction with the Isle of Man has been based on enforcement activities and fisheries management but they are invited and contribute to the MMO marine planning workshops/consultations.

- **Challenges**

Challenges include:

- Every administration/country is at a different stage in the MSP process, which makes it difficult to link up the stages and have some form of joined plans.
- The main issue with stakeholder engagement and consultation is the question of how far do you go to engage? Legally the requirement is to draw the Plans to the attention of people and it is still not clear to what extent they are supposed to engage. However, resources are limited (funding, time and staff) to engage everyone. MMO try to they talk to anyone who has interest in the marine area.
- It is challenging to address cross border issues/synergies (especially the socio-economic aspects) when the plan is already drafted since the SEA/Sustainability appraisal does not give much consideration to these cross border issues.

- **Recommendations**

- Early engagement is key and it is important to build on established relationships. Use of coastal partnerships to engage acts as a link between the local and national levels.
- The interests of ICZM and administrative boundaries are not respected in the policies of national authorities. Planning is based on marine areas. They are reactive instead of proactive, which may not be what is best.
- There is a need to consult on potential transboundary impacts and for further engagement with Scotland and Wales.
- Aspects that need to be addressed during cross border MSP are the sectors that operate at international level, how specific administrations/countries approach cumulative impacts and transboundary impacts of sectoral activities.
- It is important that during the assessment of a neighbouring country's maritime spatial plan (transboundary consultation) you break down the plan and understand the potential impact and synergies.

- **Challenges of Transboundary Cooperation**
  - Challenges relate to different timings and different administrations involved, as well as different languages. There is a need to ensure that technical language is the same across the board when engaging with sectors and at transboundary levels.
  - Currently there is no consideration of socio economic transboundary issues during the Sustainability Appraisal of the marine plan. This is only considered when commenting on draft plans of other administrations and States when it is late in the process to address any issues raised. There is no unified process for doing this and it is not planned in the process. There might be potential for some form of compatibility in the future when every State has their first generation of plans in place.
  
- **Recommendations**
  - Transboundary Cooperation is needed at various levels. The high/official level of governance has to buy-in to MSP to drive forward cooperation and ensure this happens at a practical level. Marine planning must promote that or it will happen in an *ad hoc* way which will not be effective. Having some kind of mechanism to promote that in the UK and beyond is necessary. There is an appetite to have meetings to engage marine planning authorities and planners from the UK and Ireland. This is being discussed and might start with those two countries initially and then try to bring in France.
  - International fora are important for cooperation – the ability to engage with the MSP community and in groups. Projects such as the Celtic Seas Partnership<sup>81</sup> and SIMCelt must be continued and are useful for networking and sharing information.
  - In terms of sea basin visions for MSP, it might be necessary to look at how the UK Marine Policy Statement correlates with Ireland’s MSP roadmap and Our Ocean Wealth policy to ascertain if the visions agree with each other. There is already a starting place to do that because these already exist. A question arising here is whether there is a need for joint visions since these already exist in a way.
  - There is a need to engage after Brexit and when all maritime plans will be implemented by 2021.

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<sup>81</sup> <http://www.celticseaspartnership.eu/>

#### 4.4 Marine Scotland (Scotland)

- **Setting Up**

Marine Scotland was set up as a new directorate under the Scottish Government (SG) responsible for marine and fisheries issues in Scotland and brought a lot of marine functions of government together such as fisheries protection and research services, marine policy, marine licensing and marine planning development. It had a lot of experience from previous organisations in undertaking their functions.

- **Links and mechanisms for Sectoral Cooperation**

The Marine Strategy Forum (MSF) has been used as a cross-sectoral cooperation mechanism with representatives of industry, environmental NGOs, coastal forums, commercial enterprises and associations, sectoral agencies and regulators from mostly the marine leisure, conservation, aquaculture, fishing, shipping and marine renewables sectors. The group is consulted and provide advice on marine planning issues including other marine issues and priorities at a strategic level such as MPAs, fisheries and marine renewables. Meetings are held every quarter or at least bi annually. Apart from this forum there are also other specific stakeholder groups for sectors including aquaculture, marine environment, fisheries, renewables groups and the Scottish coastal forum, that are interacted with on specific issues during plan development. Engagement on MSP is normally at a strategic level whilst issues relating to licensing happens at a more operational level. Issues where sectoral engagement in relation to MSP occurs are mostly related to:

- Outputs from any analysis of data/information and making sure that this information is verified and how the sector is going to apply the results,
- Areas of interest and upcoming development areas,
- Planning policy for comment, which is backed by data and information,
- Other sectoral activities which affects their interests,
- Research and data consultation.



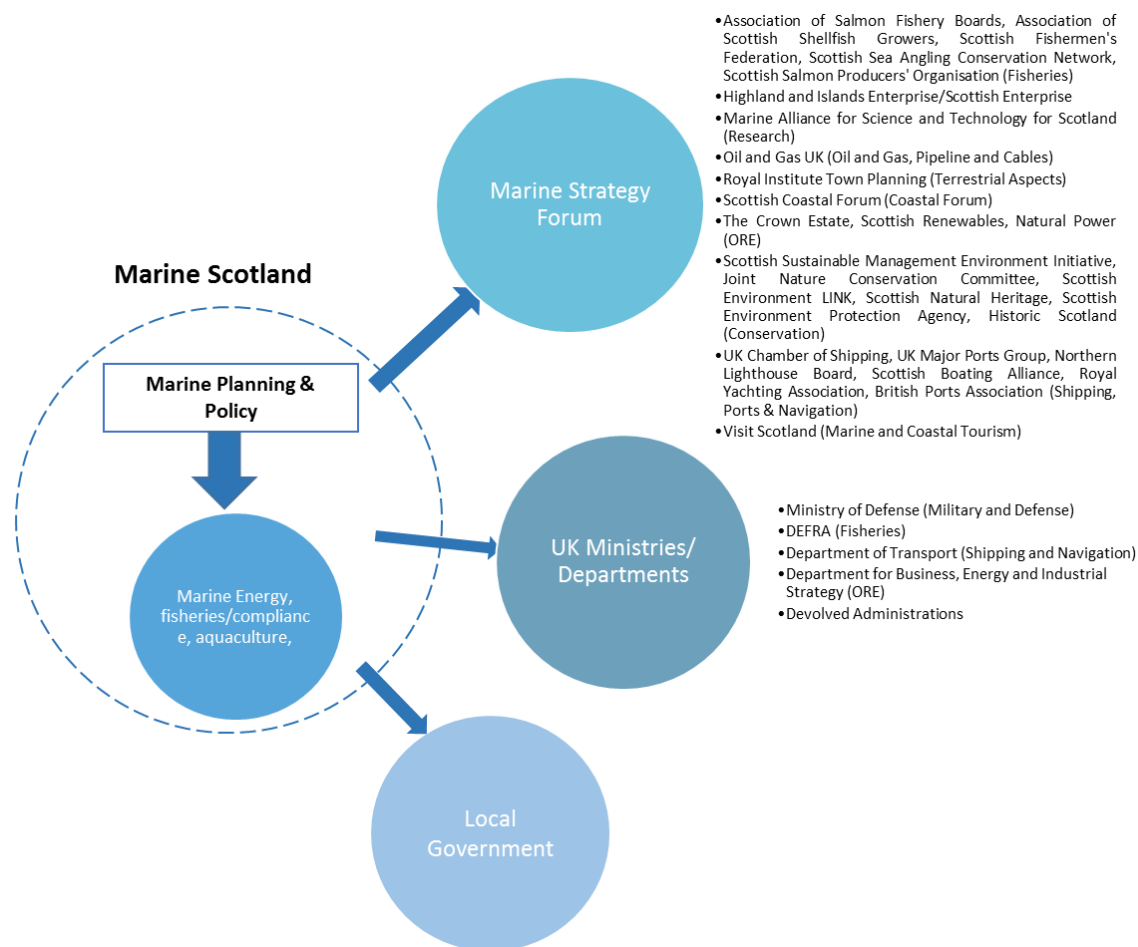


Figure 5: Marine Scotland (Scotland) mechanisms for cooperation

Marine Scotland stated that there has been limited interaction/engagement with the tourism sector and the various actors within it as they tend to have their own tourism strategies where they focus on coastal and economic development issues while Marine Scotland focuses more on the environmental aspects. Marine Scotland stated that marine tourism is an area where there could be more engagement. More data on marine and coastal tourism will be needed and can help in MSP especially in relation to the environmental aspects and impacts of these tourism activities.

**Fishing sectors** do not have a lot of resources and it is difficult to engage with an individual person but this is partly achieved through engagement with the representative associations. Marine Scotland stated that with the **aquaculture sector**, there is aquaculture policy under Scottish government and there are quite established channels and effective engagement with them. It also engages with the **Ministry of Defence** on their areas of interest. Engagement with that sector is also limited as most information relating to their activities cannot be disclosed and data cannot be shared due to national security.

Marine Scotland stated that there is a need to engage more with sectors on **terrestrial aspects** of MSP although MSP is in its early days. The more activities that develop in the sea, the more land sea interactions will increase. Marine Scotland are building understanding of the MSP process among terrestrial planners as well as their understanding of the effects that on shore activities have offshore. One important area of connection between the two systems is in relation to grid infrastructure planning and developments that require integrated land and sea processes or that can be done in parallel. There is no formal way currently, other than through consultation. There could be a need to join the formal processes in future.

- **Challenges of Transboundary cooperation**
- Difficulties in aligning the individual administration/country processes and policies at a sea basin level with no discrepancies.

#### 4.5 Key Issues and Conclusions on Marine Planning Authorities and Cooperation mechanisms

Findings from the interviews conducted highlight that MSP, and especially the first generation of marine plans, may not initially capture and effectively engage with and address sectoral issues with specific local connections (tourism, fisheries, and terrestrial aspects) as the Marine Plans tend to be high level and strategic. This would suggest that sectoral plans and perhaps more detailed regional plans need to be nested within national plans, an approach that has already been taken in Scotland. Other processes and mechanisms will be needed to address operational issues and gather more local views.

Cooperation and coordination might be more easily facilitated after the first generation of plans have been produced by Member States. This will allow for more parallel activities such as cross border stakeholder engagement and consideration of synergies. Currently as MSP is so new and as Member States are at different stages of implementation the focus tends to be national and ensuring the plans fit with those already in place in that country. There has been less attention given to transboundary and transnational considerations though it is clear from the interview responses that informal discussions already take place between the competent authorities.

Two approaches to organising marine planning functions is evident: one where a new authority was created to address the multiple objectives and multi-sectoral requirements of MSP, and an alternative whereby a Member State has opted to give marine planning functions to an existing government department. There have been concerns raised about the effectiveness of an existing department leading MSP as functions and roles can be dispersed across different sections and units internally and there may be a possibility for conflict of interests/biases and stretched resources which may influence future sectoral interactions resulting in a less effective process. It is, however, important to note that whatever approach is applied

there need to be mechanisms for stakeholder and transboundary cooperation and interactions so as to facilitate the consideration and inclusion of sectoral experiences, operational issues and local views.

The marine planning authorities recognise the need for more operational and local level cooperation and better consideration of land-sea interactions, as required by the Directive. The respondents all stated that they expect this will happen in the future after the first plans have been produced and during subsequent review of those plans. There is widespread enthusiasm from the Competent Authorities interviewed to have bi-annual meetings. This will have to be supported by the government departments responsible for MSP and will therefore need to be appropriately resourced going forward. Each Member State will need to have cross-sectoral platforms to engage both sectors and other stakeholders. To enhance transboundary engagement, it might be useful to harness any existing transboundary mechanisms in order to engage with more sectoral stakeholders operating at more local levels.

The frequency of interaction with sectoral agencies and representatives is also dependent on the stage of the plan as well as current issues and activities occurring within that particular sector. Marine and coastal tourism and terrestrial stakeholders both at the national and local level are interacted with less frequently. Engagement with stakeholder from coastal communities such as fishers, those involved in tourism and recreation seem to be challenging in terms of the numbers of people involved in these activities and perhaps their lack of an organised representative body. More thought is needed on how to engage with these local, but perhaps locally and regionally economically important stakeholders. Data for such sectors will also be needed to inform the plans developed. It may be useful to utilise the various sectoral policy leads/heads of the sectoral agencies/departments and their individual mechanisms of engagement to gather more local information and advice especially for sectors such as fisheries and tourism.

The novelty of MSP as a new approach to marine management still requires awareness-raising and education on its purposes and processes as well as clarity on what it offers and its benefits. Initial engagement with sectors as well as in a transboundary context might have to focus on this aspect initially, given the different status of implementation in Celtic Seas Member States. Information and knowledge sharing will be central to building trust in the process and ownership of the maritime spatial plans produced. This will necessitate ongoing investment in the collection of data and information, which clearly needs to be available and interoperable to inform transboundary engagement and discussion.

## 5 PART III: OTHER MECHANISMS AND POLICIES

This section reviews the various mechanisms that may be utilised to assist in cross-border cooperation on MSP, but that may not have a formal legal basis. Part II of this document is presented under three sections covering transnational government structures, stakeholder partnerships and fora, and cross border research projects that focus on cooperation for MSP.

### 5.1 Transnational/ Bilateral Government Structures

The transnational/bilateral government structures that exist between Ireland and the UK are mainly those that resulted after signing of the Good Friday Agreement (GFA) in 1998. These structures include:

Table 1: Transnational and Bilateral Government Structures

Institution/ Forum	Countries	Basis/Remit	Participants	MSP related work	Funding Sources
British - Irish Council (BIC)	Northern Ireland, UK, Scotland, Ireland, Wales, Isle of Man, Guernsey & Jersey	Statutory intergovernmental body for co-operation on matters of mutual interest within the competence of the relevant administrations BIC was established to: further promote, practical relationships among people of the islands; and to provide a	Sovereign governments, devolved institutions and Crown dependencies.	Major discussion on transboundary cooperation has been on how the Council can help deliver the objectives set out in the OSPAR Convention and the MSFD. <sup>83</sup> The BIC has also been consulted on draft plans such as Scotland's National Marine Plan.	Cost of Summits borne by the host Country

<sup>83</sup> Flannery et al. (2015)

		forum for consultation and cooperation <sup>82</sup>		The lead Country for the Environment work sector of BIC is the UK.	
North-South Ministerial Council (NSMC)	Northern Ireland (UK) & Ireland	Statutory body which develops consultation, cooperation and actions within the island of Ireland. <sup>84</sup> Six areas of cooperation have been identified, one of which is the Environment.	Ministers and Senior government officials. Competent authorities for MSP will be represented through their Secretary of State, Minister or department head	North South Ministerial Council holds Environment meetings where issues related to environmental protection, environmental research and water quality are discussed. These meetings also explore avenues for cooperation and funding <sup>85</sup>	Costs of meetings are borne by the host Country, with travel and subsistence costs for Ministers and officials being borne by their Countries. Staff costs are met separately by the two Countries. All other costs associated with the Council are divided equally between the two Administrations. <sup>86</sup>

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<sup>82</sup> BIC (2017)

<sup>84</sup> NSMC (2017)

<sup>85</sup> See further at: <https://www.northsouthministerialcouncil.org/publications/type/sectoraljointcommuniques/sectors/environment-12>

<sup>86</sup> See further at: <https://www.northsouthministerialcouncil.org/content/north-south-implementation-bodies>

The Good Friday Agreement led to the creation of six North South Implementation Bodies that operate on an all-island basis and under the policy direction of the North-South Ministerial Council (NSMC) with clear operational remits. The Foyle, Carlingford and Irish Lights Commission (FCILC), one of the bodies with cross border marine functions, is discussed below:

Table 2: North South Implementation Bodies

Institution/ Forum	Countries	Basis/Remit	Participants	MSP related work	Funding Sources
North South Implementation Bodies (Foyle, Carlingford and Irish Lights Commission) (FCILC)	Northern Ireland (UK) & Ireland	Statutory remit for: the promotion and development of Lough Foyle and Carlingford Lough for recreational purposes, development and licensing of aquaculture in Lough Foyle and Carlingford Lough (following the enactment of relevant legislation), development of marine tourism and the conservation, management, development and protection of Lough Foyle and Carlingford Lough.	Government Officials (DAERA and DCCA), 12 board members, Loughs Agency and Commissioners of Irish Lights (Irish Lights).	Transboundary forum for stakeholders mainly from NGOs, environmental support groups, commercial fisheries, angling and tourism groups as well as the scientific community. Will have licensing authority for aquaculture in the Foyle and Carlingford Areas once relevant legislation has been enacted.	Funded by the North and South governments. The Irish Lights is also funded by light dues collected from the General Lighthouse Fund (GLF), the Irish Government and commercial activities <sup>87</sup>

<sup>87</sup> Irish Lights (2017)

## 5.2 Sub regional level cooperation through cross border Stakeholder partnerships and fora

This section outlines stakeholder partnerships and fora at regional, sub-regional and local level that are relevant for MSP Cooperation in the Celtic Seas.

Table 3: Sub Regional Cooperation through cross border partnerships and fora

Institution/ Forum	Countries /Regions	Basis/Remit	Participants	MSP related work	Funding Sources
Atlantic Arc Commission (AAC)	Welsh Government (UK), Northern and Western Regional Assembly (Ireland), Argyll and Bute Council (UK), Region Bretagne (France), Region Normandie (France). Other Members include Spain and Portugal. Only particular regions within the countries are represented e.g. for Ireland only the Northern, Western and border parts of the country are represented.	The Atlantic Arc Commission (AAC) is one of the six Geographical Commissions of the Conference of Peripheral Maritime Regions (CPMR). ACC acts as an advocate to ensure that the needs and interests of its Member Regions are taken into account in the development of policies for the Atlantic Territory. Secondly, its working groups offer a platform to exchange best practice, define joint positions and develop cooperation projects in association with cities, socio-professional actors, universities and other private stakeholders from within the Atlantic area, on issues such as transport, maritime policy, fisheries and innovation.	Regional Government Officials and stakeholders.	The AAC identified MSP as part of proposed actions within its policy areas and the framework of the “Atlantic Strategy”. This was in response to a “Call for suggestions for key investment and research priorities”, launched on 21 November 2012. The proposed actions included: <sup>88</sup> <ul style="list-style-type: none"> <li>- Taking into account ecosystem analysis in MSP and environmental monitoring (testing the ecosystem approach at pilot sites in the Bay of Biscay and Gulf of Cadiz)</li> <li>- Conservation of natural and cultural heritage, creation of areas reserved for surfing in the framework of MSP.</li> </ul> <p>The AAC through CPMR are involved as partners in MSP</p>	Funding is based on contribution from the regions which is a single once-off payment. Other sources include grants from the Conference of Peripheral Maritime Regions (CPMR) and EU programmes. <sup>90</sup>

<sup>88</sup> See further at: [https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/docs/body/cpmr\\_en.pdf](https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/docs/body/cpmr_en.pdf)

<sup>90</sup> See further at: <http://cpmr.org/cpmr-atlantic/wp-content/uploads/sites/6/2017/02/Internal-Rules-AAC-February-2013.pdf> p.3

				projects across the Atlantic including SIMNORAT, SIMWESTMED <sup>89</sup>	
Irish Sea Maritime Forum	England, Scotland, Wales, Isle of Man, Northern Ireland, Republic of Ireland	A non-statutory broad based forum for all Irish Sea users and stakeholders	Maritime sector groups and stakeholders, academia, planning authorities from the devolved UK administrations, Crown dependency and Ireland.	Informal stakeholder discussion and sharing of practical experiences on MSP. Hosted discussions on MSP collaboration in the Irish Sea with examples from the Celtic Seas Partnership (project) and SIMCelt (project). The forum also seeks to facilitate transboundary cooperation, data exchange, capacity building and discussion of issues concerning maritime spatial planning.	Start-up financial support was received from the [then] Department of Environment Northern Ireland, the Isle of Man Government and the Marine Management Organisation. <sup>91</sup> To date funding is mainly through event sponsorship from organisations such as the MMO, Marine Scotland and the universities' of Liverpool, Ulster, Cardiff, Central Lancashire and Queens University Belfast. European funding sources are also being explored.
North Western Waters Advisory Council (NWWAC) <sup>92</sup>	Ireland, parts of the United Kingdom and France (ICES areas Vb, VIa and VII)	NWWAC is an EU fisheries stakeholder body and representative which produces regular advice to Member States and the EC on all relevant matters related to fisheries and aquaculture management in offshore	Representatives of the fisheries sector and other interest groups. No representation from competent authorities for MSP. There is, however, representation from the	Identification of fishing activity, the development of management plans for different types of protected areas in western waters. <sup>94</sup>	Co-funded by the European Union

<sup>89</sup> SIMNORAT- Supporting the Implementation of Maritime Spatial Planning in the North Atlantic Region, SIMWESTMED- Supporting Implementation of Maritime Spatial Planning in the Western Mediterranean Region

<sup>91</sup> See further at: <http://www.irishseamaritimeforum.org/wp-content/uploads/2013/05/Issues-and-Options-Report-ISMF-May2013.pdf> p.2

<sup>92</sup> After (EU) Regulation No 1380/2013 on the CFP, the 'regional advisory councils' changed their names to 'advisory councils' in order to encompass all topics such as aquaculture

<sup>94</sup> See [http://www.nwwac.org/fileupload/Image/Work\\_Programme\\_NWWAC\\_%20Y6\\_FINAL.pdf](http://www.nwwac.org/fileupload/Image/Work_Programme_NWWAC_%20Y6_FINAL.pdf) p.6



		waters within the EEZ of Ireland, parts of United Kingdom and France. <sup>93</sup>	competent authorities for marine sectors fisheries and/or aquaculture.	The Horizontal Working Group on Marine Spatial Planning in 2010 discussed and reported on the interface between MSP and Common Fisheries Policy <sup>95</sup>	
The Channel Arc Manche Assembly & Cross Channel Forum	England and France	Strengthening partnerships in the English Channels area and setting-up of joint projects of varying sizes and with different types of stakeholders between England and France.  The Cross-Channel Forum, was set up as part of the CAMIS and PEGASEAS projects, which enabled French and British 'sea and coastal' stakeholders to share views and exchange ideas about the future of the Channel area.	Regions, local authorities and stakeholders bordering the Channel	Used as a platform to discuss and share marine governance lessons, sharing of best practices and involving stakeholders in the management of MPAs in the Channel through the PANACHE project.	European structural funds such as INTERREG are often targeted to finance co-operation projects within the Channel area. <sup>96</sup>
Solway Firth Partnership (SFP)	Scotland & England	An independent charitable body that works to support a sustainable and vibrant local economy through respecting, protecting and celebrating the distinctive character, heritage and natural features of the Solway Firth.	Local stakeholders, local and national authorities. Competent authorities for MSP from England and Scotland are engaged.	Engaging stakeholders on marine planning and coastal issues e.g. environmental protection and coastal heritage. Solway Firth Partnership acts as a neutral facilitator and mediator between interests on cross border marine planning issues for the region.	Core funding from Dumfries & Galloway, Cumbria County, Allerdale Borough, Carlisle City Councils, Marine Scotland, EON Climate & Renewables. <sup>97</sup>
Severn Estuary Partnership (SEP)	Wales & England	An independent estuary-wide partnership that works with both local and national stakeholders in promoting a sustainable approach to	Local and national stakeholders, local and national governments. Competent authorities for	Plays a facilitator role in engaging stakeholders, the Welsh Government and MMO in the development of national and	Core funding from local councils, Environment Agency (England), Natural England and Natural Resources Wales, New Port

<sup>93</sup> NWWAC (2017)

<sup>95</sup> See further at: [http://www.nwwac.org/fileupload/Image/REPORT\\_HWGMSP\\_Madrid\\_040310\\_EN.pdf](http://www.nwwac.org/fileupload/Image/REPORT_HWGMSP_Madrid_040310_EN.pdf)

<sup>96</sup> See further at: <https://camis.arcmanche.eu/inshort/introduction.html>

<sup>97</sup> See further at: [http://www.solwayfirthpartnership.co.uk/uploads/downloads/SFP\\_Business\\_Plan\\_2015-2018.pdf](http://www.solwayfirthpartnership.co.uk/uploads/downloads/SFP_Business_Plan_2015-2018.pdf) p.19

		the planning, management, and development of the estuary. <sup>98</sup>	MSP from Wales and England are involved.	regional marine plans that cover the estuary.	City Council, Gloucestershire County Council, Cardiff University, Bristol City Council, Forest of Dean District Council, Somerset County Council, South Gloucestershire Council, Cardiff City Council, Monmouthshire County Council. <sup>99</sup>
North West Coastal Forum	North West England & North Wales	A multi-sector partnership of coastal stakeholders working to promote and deliver integrated coastal zone management and support economic, environmental and social benefits for coastal communities along the North West coasts of England and Wales <sup>100</sup>	Local stakeholders, local and national Government officials.	Collaboration with Defra and other bodies to influence the development of the Marine and Coastal Access Act 2009. They have worked on a range of projects including ICZM on local, regional, national and international levels. They also commission research, hold dissemination events and work with partners both within the region and across Europe to explore and promote sustainable coastal management practices for the long term economic, environmental and social benefits of the North West's coastal communities.	EU funding through programmes such as LIFE+ and INTERREG. Other sources of funding include; North West Regional Leaders Board, DEFRA, Sefton Council among others <sup>101</sup>

<sup>98</sup> SEP (2017)

<sup>99</sup> See further at: <http://www.severnestuarypartnership.org.uk/files/2016/01/Severn-Estuary-Strategy-2017-2027.pdf>

<sup>100</sup> See further at: <http://www.nwcoastalforum.org.uk/about/>

<sup>101</sup> See further at: <http://www.nwcoastalforum.org.uk/projects/historical-projects/>

## 5.3 Sub regional level cooperation through project consortia

Table 4: Sub regional cooperation through Project Consortia

Project	Countries	Duration of Project	Participants	MSP related work	Funding Sources
Espace Manche Development Initiative (EMDI)	England and France	4 years 2004- 2008	Local government officials, academics, researchers, stakeholders	<p>The EMDI (Espace Manche Development Initiative) project, enabled the Channel area to be acknowledged as a relevant area for co-operation at European level by setting strategic vision and enhancing cooperation between France and England in the Channel.</p> <p>The project developed the Cross Channel Atlas and topic based reports covering tourism, fishing, ICZM, maritime safety and transport.<sup>102</sup></p>	North-West European INTERREG III B programme
Channel Arc Manche Integrated Strategy (CAMIS)	England and France	4 years 2009 - 2013	Local government officials, academics, researchers, stakeholders	<p>The CAMIS project followed on from the EMDI project by developing an integrated maritime strategy for the Channel area (a plan for action) and also developed a range of tools and reports to promote Franco-British cooperation on governance, the maritime economy, transport, maritime safety and knowledge of the Channel area.<sup>103</sup></p> <p>The project started the Cross-Channel Forum which enabled French and British marine and coastal stakeholders to discuss cross-border issues.</p>	INTERREG IV A France (Channel) – England European programme

<sup>102</sup> See further at: <https://camis.arcmanche.eu/inshort/context/emdi.html>

<sup>103</sup> See further at: <https://camis.arcmanche.eu/inshort/>

Partnerships Involving Stakeholders in the Celtic Sea Ecosystem (PISCES)	France, Ireland, England, Wales and Spain	2009 -2012	NGOs, academics, government officials, stakeholder and users	<p>The project brought together stakeholders from the participating countries to develop a common understanding and co-operation on the implementation of the MSFD across the Celtic Sea and Western Channel.</p> <p>The project produced a practical guide for implementing the ecosystem approach through the MSFD.</p>	EC LIFE+
Transboundary Planning in the European Atlantic (TPEA)	Northern Ireland, Ireland, UK, Spain, Portugal	18-month project (2012 – 2014)	Government officials, academics, researchers, one competent authority for MSP involved	<p>Build upon the experience gained through existing work by giving more explicit attention to the constraints and opportunities presented by a governance-centred approach to transboundary MSP.</p> <p>The following outputs from the project have MSP relevance in the Celtic Seas:  a) Template checklist for assessing transboundary MSP processes  b) Good Practice Guide for Transboundary MSP, summarising the lessons learned from TPEA;  c) Conceptual Framework Report, which provides an overview of the legal frameworks that apply in the project region, the technical needs for data collection and management, and possible approaches to stakeholder engagement; and  d) Pressures and opportunities in the pilot area was discussed sector by sector but only to the extent of coordinating stakeholder participation.</p>	EC, DG MARE
Irish-Scottish Links on Energy Study (ISLES I&II) (Planning and	Northern Ireland, Ireland and Scotland	5-year project ISLES I (2010-2012) ISLES II (2013-2015)	Government and department officials, industry, consultants	<p>ISLES I was a study focused on an interconnected offshore electricity grid and economic benefits.</p> <p>ISLES II focused on a cross jurisdictional Spatial Plan providing locational marine guidance for potential developers.</p>	EU INTERREG funding

Environment Processes)				Formal consultation process was undertaken in relation to the Spatial Plan as well as Habitat Regulation Appraisal, SEA and Sustainability Appraisal. <sup>104</sup> Transboundary engagement was discussed.	
Valuing Ecosystem Services in the Western Channel (VALMER)	England and France	3-year project (2012 – 2015)	Academics, researchers, government officials. The MMO (the competent authority for MSP in England)	The following outputs from the project have value for MSP: a) Assessing and Valuing Marine Ecosystems b) Building Scenarios and Ecosystem Service Assessment and Valuation c) Applying Ecosystem Service Valuations to Improve Marine Planning and Governance. <sup>105</sup>	Co-funded by the INTERREG IV A Channel programme through the European Regional Development Fund, South West Water, Marine Management Organisation
Celtic Seas Partnership (CSP)	Ireland, England, Wales, Scotland, Northern Ireland, France and Isle of Man	4-year project (2013 – 2017)	NGOs, academics, government officials, stakeholder and users	CSP was a follow up project to PISCES project. It was a stakeholder-led project to explore collaborative and innovative approaches to managing the marine environment.  MSP and transboundary governance work included: Baseline and future scenarios assessment of maritime sectors in the Celtic Seas, Best practice guidelines for transboundary marine governance.	LIFE+ financial instrument of the European Commission, Postcode Animal Trust, The Peter Dixon Charitable Trust <sup>106</sup>

<sup>104</sup> See further at: <http://www.islesproject.eu/isles-spatial-plan-consultation-goes-live/>

<sup>105</sup> See further at: <http://www.valmer.eu/results/>

<sup>106</sup> See further at: <http://www.celticseaspartnership.eu/about-us/>

## 5.4 EU Funding Mechanisms for Cooperation and MSP

### Funding for Cooperation Projects

European Territorial Cooperation (ETC) also known as INTERREG, is one of the two goals of the EU's Cohesion policy<sup>107</sup> and provides a framework for the implementation of joint actions and policy exchanges between national, regional and local actors from different Member States. The overarching objective of INTERREG is to stimulate cooperation between Member States of the European Union at different levels by diminishing the influence of national borders in favour of equal economic, social and cultural development of the whole territory of the European Union.

INTERREG is built around three strands of cooperation: cross-border (INTERREG A), transnational (INTERREG B) and interregional (INTERREG C). Five programming periods of INTERREG have succeeded each other including INTERREG I (1990-1993), INTERREG II (1994-1999), INTERREG III (2000-2006), INTERREG IV (2007-2013) and the current programme INTERREG V (2014-2020). INTERREG projects require co-funding to be provided by Member States, regional authorities or the project leaders, and partners coming from non-EU countries can contribute their share directly into INTERREG and participate in the various programmes.<sup>108</sup>

Cross border marine projects in the Celtic Seas that have been co funded in the past by the INTERREG A programme include the ISLES project, Channel Arc Manche Integrated Strategy (CAMIS), Valuing Ecosystem Services in the Western Channel (VALMER) whilst the Espace Manche Development Initiative (EMDI) was funded by INTERREG B (see Section 4.3). This funding mechanism provides the mean to fund projects that foster cooperation between regions, Member States and non-EU countries on issues important for MSP cooperation and its use could be further explored, depending on the work programme and associated calls.

### Funding for MSP projects

The European Union through three generations of funding have supported MSP implementation and cooperation through projects. The first generation (2008 to 2010) of MSP projects were funded by DG MARE to build the knowledge based for cross border planning and by INTERREG to create and exchange experience in implementing MSP. The second generation (2011 to 2014) was funded by DG MARE to build concrete expertise on cross-border planning through pilot projects and by INTERREG to facilitate implementation of MSP at Member State level and strengthen

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<sup>107</sup> See further at: [http://ec.europa.eu/regional\\_policy/sources/docgener/informat/basic/basic\\_2014\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/informat/basic/basic_2014_en.pdf)

<sup>108</sup> See further at: <https://www.interregeurope.eu/help/faqs/5/>

the knowledge base on specific issues relating to its implementation. The TPEA project was co funded by DG MARE under this generation of funding and the Department of Agriculture, Environment and Rural Affairs (DAERA), the marine planning authority in Northern Ireland, was one of the partners of the project.

The third generation of funding (2015 to 2020), from the European Maritime and Fisheries Fund (EMFF) via DG MARE, supports the implementation of the MSP Directive, ensures coordination and supports the sharing of information through projects such as the EU MSP Platform. The SIMCelt project was co funded under this generation of funding with marine planning authorities including Marine Scotland, DAERA and the Marine Institute involved as partners. INTERREG funding over the same timeframe was focused on strengthening maritime sectoral integration, creating visions and scenarios on various transnational MSP aspects. In future, calls for proposals under this funding mechanism could be targeted to specific cross border aspects of MSP.

## 6 Gaps and Barriers for MSP Cooperation in the Celtic Seas

It is important to point out that competence for MSP (according to the MSP Directive) lies with individual countries and Member States remain responsible for designing and determining, within their marine waters, the format and content of maritime spatial plans, including institutional arrangements and, where applicable, any apportionment of maritime space to different activities and uses respectively.

The MSP Directive only recommends that Member States cooperate during the planning and management process to ensure that plans are coordinated and coherent by using existing international institutions and structures. The approaches and mechanisms taken to develop cooperation are, therefore, left to the Member States to decide and the Directive refrains from prescribing the form in which these cooperation mechanisms should take due to differences in sub-regions and legal competences. The existing structures, networks and institutions relevant for marine transboundary cooperation at sub-regional level taken on additional importance in this regard so as to ensure that cooperation on MSP develops and progresses. The following section highlights the issues, gaps and challenges that have been identified from the preceding review and which warrant further consideration in the context of cooperation on MSP.

### 6.1 Cooperation on MSP and existing formal mechanisms

It is clear from the review above that there are various mechanisms and levels of cooperation that are relevant for MSP. Formal international cooperation and bilateral consultations on marine management and governance have largely been on environmental protection and sharing of data. Even so, international legal instruments such as UNCLOS and CBD explicitly endorse cooperation, between Contracting Parties, as a means to achieve overarching objectives.

The Espoo Convention, which has been transposed into EU legislation through the SEA Directive, provides one avenue for formal transboundary consultation on plans and programmes. However, legal instruments such as this, place less emphasis on social and economic aspects specified as minimum requirements for MSP in Article 6 of the MSP Directive. Therefore, consultation and cooperation through the SEA process, for example, will only consider a particular environmental issue/impact without the broader economic and social aspects intrinsic in the MSP process. This can be contrasted with the more expansive definition of Impact Assessment (SEA and EIA) in the CBD, which includes not only the environmental impacts of a proposed project, plan and programme but also takes into account the full range of inter-related socio-economic and cultural implications. Although the CBD is considered 'soft law', it has emphasised the role of area-based planning and management processes for many decades and, as such, recognises the potential of MSP in improving collaboration amongst multiple users of the marine environment leading to a shared vision and outcomes. Obviously the key focus of the CBD is protecting



biodiversity and all its structures and mechanisms for cooperation will have that as a central focus, however, protected areas will be implemented in spaces where there are other marine users and MSP could provide an organising framework for governance in that regard, taking social and economic aspects into account.

Other legal instrument such as the Aarhus Convention offers value for transboundary cooperation on MSP as it ensures that rights to information, public participation and justice can be exercised by the public in relation to environmental matters. Public participation is part of sustainable development whether its aim is improved decisions or increased legitimacy, but how the public participates can take radically different forms. However, there are no clear guidelines on stakeholder involvement in formal transboundary consultations and especially how this can be introduced in MSP.

Sea-basin strategies and the Blue Growth agenda under the IMP provide a framework for cooperation on economic development issues between Member States, their regions and, where appropriate, third party countries. These encourage Member States to work together in areas where they previously worked individually or sectorally. Common challenges and opportunities for the maritime economy, such as land-sea transport, energy connectivity, marine conservation and sustainable tourism, can be discussed at stakeholder events and the sea basin strategies are supported by dedicated Support Teams who can provide guidance on how to engage proactively with implementation of those strategies. In relation to the Atlantic area, for example, Priority 2 contributes to Member States MSP processes by providing a mechanism to share best practice and facilitate cross-border coordination.

## 6.2 MSP and coordination between cross cutting legislation, policies and structures

As already stated the IMP provides a framework for coordination and cooperation on cross cutting policies which can be useful for MSP. According to the MSP Directive, the IMP and its framework provides for the establishment and implementation of MSP, with the aim of contributing to those objectives specified in the MSP Directive, taking into account land-sea interactions and enhanced cross-border cooperation, in accordance with relevant UNCLOS provisions.<sup>109</sup> The MSFD, which is the environmental pillar of the IMP, makes specific reference to utilising existing regional institutional cooperation structures (e.g. those under the Regional Sea Conventions) in order to deliver the objectives of the MSFD and in implementing the marine strategies required thereunder. Elements of the MSFD can contribute to the implementation of MSP and vice versa, however, the various objectives, activities, data requirements and timeframes, necessitates a new and perhaps unprecedented level of multi-sectoral and transboundary cooperation.

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<sup>109</sup> Article 1(2), MSP Directive

Generally, better coordination between cross-cutting EU policies has yet to be achieved<sup>110</sup> especially between MSP, MSFD, Blue Growth and the Sea basin strategies. Cooperation mechanisms at EU and international levels occurs at very strategic and high government levels hence their impacts may not be fully practical at an implementation level. As most established cooperation mechanisms are linked to a specific legal instrument, then it is the objectives of that instrument that will be the key focus, not the broader policy agenda which would encompass MSP. This means it might be necessary to look at how work occurring under various policies is communicated to other policy domains and whether there are opportunities to make it more MSP-relevant. It will also be important to ensure that the existing mechanisms under UNCLOS, CBD, MSFD, IMP and Blue Growth are coordinated and utilised to enhance the overall effectiveness of MSP cooperation. Applying MSP requires reinforced cooperation and effective coordination of all sea-related policies at the different decision-making levels. The optimal approach would seem to be a nested approach, whereby international and regional policies are embedded within national institutions who can then ensure local institutions take actions that are in agreement not only with national priorities, but wider international agenda.

### 6.3 MSP and timing/stages for consultation

Under the Espoo Convention and the Kiev (SEA) Protocol, maritime spatial plans will be subject, before their adoption, to notification and consultation with neighbouring states. At EU level, the SEA Directive (Article 7) stipulates that transboundary consultations should take place before the adoption or submission of the plan or programme (maritime spatial plans). Depending on the context for, and objectives of, Maritime Spatial Planning, a case could be made for having the transboundary notification and consultation earlier in the planning process as this would give neighbouring Member States more opportunity to engage in plan development as well as more time to respond to what is proposed. SEA requirements ensure transboundary consultations occur on a bilateral basis between Member States when the proposed plan or programme is likely to have significant effects on the environment in another State. However, other mechanisms for transboundary cooperation might be necessary at a regional, sea basin level or international level as transboundary consultation solely through SEA for maritime spatial plans might not represent an integrated approach for transboundary cooperation on MSP at a larger scale such as the Celtic Seas.

With respect to EIA, again transboundary EIA works in much the same way. For most projects involving transboundary effects, the Environmental Impact Statement, prepared as part of the national

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<sup>110</sup> Fritz and Hanus (2015)

planning application process, is considered sufficient to meet the requirements of the Espoo Convention. This is the case so long as the cumulative effects are fully assessed and all parties are properly informed of the applications in the respective countries. One important aspect to note in the context of transboundary impact assessments relates to the institutions involved in terms of whether notification and associated documentation will be between those ministries responsible for foreign affairs (or equivalent) or those responsible for planning. The transboundary EIA process enables neighbouring States to comment on potential environmental impacts from a specific proposed development. In terms of MSP, the SEA process is more relevant as it will focus on the potential environmental impacts of the plan for a wider spatial area.

#### 6.4 MSP and levels of maritime governance

Although there are various bodies with marine governance functions in the Celtic Seas, the geographical coverage, level and basis of existing formal transboundary marine governance bodies in the Celtic Seas vary greatly. Many of the arrangements have arisen directly as a result of the historical relationship between the UK and Ireland. The British - Irish Council, for example, has its origins in the Good Friday Agreement and subsequent legal arrangements. Its purpose is to promote positive, practical relationships among the people of England, Scotland, Wales, Northern Ireland, the Channel Islands, Isle of Man and Ireland (Republic) and to provide a forum for consultation and co-operation. Given its origins and purpose, France is not included. The North-South Implementation Body responsible for the border bays, namely the Loughs Agency has focused legal, management, promotional and enforcement remits for the cross-border sea loughs between Northern Ireland and the Republic of Ireland.<sup>111</sup> Both entities have, in the past, worked on MSP and will be involved in its future implementation in accordance with the over-arching governance structure.

At a wider Celtic Seas level, other transboundary bodies such as the Atlantic Arc Commission have a paid membership and not all regions and authorities in the Celtic Seas are included in it currently. The OSPAR Convention and its Commission represent a formal transboundary marine governance body where all the Member States bordering the Celtic Seas are Contracting Parties. This may take on additional relevance post-Brexit when the UK is no longer an EU Member State and, possibly as such, would not have the same access and involvement with existing EU cooperation mechanisms. Previously, OSPAR has worked on coherency and coordination for MSFD implementation across OSPAR Contracting Parties and EU Member States.<sup>112</sup> As part of its work ethos, OSPAR is committed to applying an ecosystem approach. The OSPAR thematic strategy on Biological Diversity and Ecosystems focuses on the development and

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<sup>111</sup> Nuttall (2016)

<sup>112</sup> See <https://www.ospar.org/work-areas/cross-cutting-issues/msfd>

implementation of tools such as MSP, impact assessment including cumulative effects, and socio-economic assessment leading to all of which are valid considerations within transboundary MSP. In light of the OSPAR Intermediate Assessment in 2017 and MSFD requirements falling in 2018, the Parties felt that additional work on economic and social analysis was necessary. The Economic and Social Analysis Group recognise the need to improve the regional consistency and comparability of social and economic data used for the economic analysis of the use of the marine environment.<sup>113</sup> Though it is stated that this should focus on the needs of the MSFD, it could also be useful for addressing such gaps within MSP.

A number of thematic areas in OSPAR have the potential to support cooperation on MSP in the EU and in a transboundary context. Both the Marine Strategy Framework Directive and the MSP Directive advocate management on a regional basis and the use of existing institutional mechanisms such as those created under the Regional Seas Conventions. As such, OSPAR is the obvious candidate in a Celtic Seas context. A high proportion of OSPAR's current work, conducted through dedicated Committees and Working Groups, is directly related to different stages in the MSP process and could inform both plan development and implementation in Member States. The Committees and Working Groups are comprised of representatives from the governments of the Contracting Parties. There may be opportunities here to strengthen links between those involved in OSPAR and those responsible for MSP within each particular country, particularly at more local or regional levels within countries.

At national level, those bodies that focus on MSP specifically such as work done by the Solway Firth Partnership and Severn Estuary Partnership, are limited to particular geographical location. Other MSP focused projects (e.g. TPEA) and stakeholder forums (e.g. Irish Sea Maritime Forum) have provided a platform to share best practice and engage a wide range of stakeholders on MSP. This is important and there is a definite and continued need for mechanisms such as these but they are limited in two main respects. Firstly, sustained and sustaining funding can be a restraining factor and secondly it is unclear the extent to which mechanisms such as these contribute to actual MSP – do they inform plan development or are they more a communication and discussion channel? Perhaps as the structures for MSP become more embedded in governance systems this will become clearer. Either way, it is imperative that any forum can link with what is going on nationally and in a transboundary context.

In terms of the strategic level, there are limited existing structured/formal processes specifically for knowledge and information exchange between planning authorities in different regions on MSP though there are many other groups and initiatives who conduct work and have relevant outputs for implementation on MSP. OSPAR, the Atlantic Arc Commission (AAC) and the Atlantic strategy, for example,

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<sup>113</sup> See Terms of Reference at <https://www.ospar.org/work-areas/cross-cutting-issues/economic-social-analysis>

all have dedicated areas of policy work including “maritime”, “environment” and “cross cutting issues” which could be exploited more for the requirements of MSP and cooperation in the future. Arguably what is needed is some form of Clearinghouse<sup>114</sup> mechanism for each of these channels so as to ensure the work conducted can be made relevant to MSP and facilitate cooperation on its implementation. As MSP is still in the early stages of implementation in many countries it is difficult to state with any certainty how central level authorities and site level planners interest and the extent to which these processes are nested. At the local level, coastal fora and partnerships models in Britain have had significant impacts in their respective areas.

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<sup>114</sup> A Clearinghouse collects and distributes something, especially information between parties and is usually created to facilitate access to data, to create transparency, and to highlight factors relevant to the implementation of a specified policy or law. Examples from the environmental domain include the clearing house mechanism under the Convention on Biodiversity (<https://www.cbd.int/chm/>); the Sustainable Consumption and Production Clearinghouse (<http://www.scpclearinghouse.org/>) and Adaptation Clearinghouse (<http://www.adaptationclearinghouse.org/>).

## 7 Recommendations

To advance transboundary cooperation on MSP in the Celtic Seas certain areas should be considered and gaps at the various governance levels addressed by international institutions, Member States and their Competent Authorities. The following are some of the recommendations identified based on the assessment above:

### International, EU and Sea Basin Level

1. Legislation, policies and their associated cooperation mechanisms at all levels need to be coordinated and some form of Clearinghouse mechanism for international structures such as OSPAR, ICES, the British-Irish Council, Atlantic Arc Commission (AAC) and the Atlantic Strategy/Stakeholder Platform channels will be needed to ensure that their work is coordinated and made relevant to MSP. This would also facilitate cooperation on MSP implementation between EU Member States and Third Countries (non-EU).
  - OSPAR represents a formal transboundary marine governance body where all the countries bordering the Celtic Seas are Contracting Parties. Work by OSPAR in the past has considered how to ensure coherency and coordination for MSFD implementation. This work could be further extended in the future to consider coordination and coherency of MSP implementation between EU MS's and with third party countries.
  - Many existing mechanisms have general work areas that could be useful for cooperation on MSP. The British-Irish Council, Atlantic Arc Commission (AAC) and the Atlantic Strategy/Stakeholder Platform could be used as mechanisms to extend MSP cooperation (although their current geographic focus may not be sufficient to cover the Celtic Seas region).
  - OSPAR and the ICES Working Group for Marine Planning and Coastal Zone Management should foster cooperation on MSP especially on addressing transboundary maritime data harmonisation and common approaches and methodologies for assessment and planning evidence.
  - The MSFD encourages the use of existing regional and structures. MSP should utilise those structures as far as possible so as not to duplicate effort. A gap analysis of both would highlight where additional / new efforts are required.
2. Outcomes of international cooperation mechanisms that have relevance for MSP implementation need to be communicated to all governance levels and stakeholders e.g. results

from formal consultation processes arising from transboundary SEA and EIS processes with relevance for MSP.

3. The development of a joint vision (sea-basin wide) based on exploration of common and specific interests (e.g. offshore electricity grid, pipelines and cables, fisheries, shipping routes) and on the particularities of the Celtic Seas is needed with associated support mechanisms and sustainable funding.

#### Transnational/Bilateral and National Level

4. Bilateral mechanisms for cooperation may have to take a more prominent role if/when the realities of Brexit come into play. The EU MSP Expert Group could also consider non-EU Member States as observers to foster wider cooperation on MSP but this could only be done on an informal basis.
5. National, sectoral and operational planning objectives and data need to take into consideration the entire regional sea/sea basin, and target different spatial scales.
6. Identifying, sharing and updating relevant contact persons and groups is important as Member States are at different levels of MSP implementation and cross-border contact between Department's and sectoral agencies change over time.
7. Having a national MSP contact point or person would also facilitate communication and consultations between authorities and sectoral institutions in each Member State.
8. There is enthusiasm from the Competent Authorities in the Celtic Seas to have bi-annual meetings to share experience on plan making, forthcoming projects of relevance and transboundary issues. This should be supported by the various government departments with responsibility for MSP.
9. Creation of cross-sectoral working groups for MSP at national and regional levels should be encouraged to foster sectoral interest, cooperation and integration.

10. Early notification, continuous communication and detailed information on the nature of their MSP process, planned activities and possible infrastructure development by neighbouring Competent Authorities is important throughout the MSP process.
11. As the MSP process in the various Member States advances and goes through various iterations, early notification and alignment of MSP stakeholder processes will be important (especially in cross border regional areas). This will allow neighbouring Member States/Administrations the option of instituting a parallel stakeholder process to reduce stakeholder fatigue and resources.
12. Results from stakeholder consultation and processes during the drafting of maritime spatial plans should also be communicated to neighbouring Member States. The engagement of civil societies, industry and sectoral stakeholders in transboundary MSP should be encouraged through using existing mechanisms of Member States.
13. Consideration of socio-economic and cultural issues, synergies and opportunities during transnational consultation on MSP may have to be established through voluntary compliance by Member States and the processes of their Competent Authorities such as through Sustainability Appraisals in the UK.

#### Sub regional and Local Level

14. Cross border projects with relatively longer duration will be more impactful to support cooperation between Member States Competent Authorities and sectoral agencies and align approaches for MSP implementation.
15. Planning policies must support the alignment of MSP with local development plans on land with associated capacity and coastal community based approaches and partnerships.
16. Local cross border cooperation and partnerships should be encouraged, especially at interregional and national borders, to consider land-sea interactions aspects and in making twin planning systems (terrestrial and maritime spatial planning) work together.



## 8 Conclusions

The preceding assessment shows that there are barriers and gaps at multiple scales that may hinder cooperation on MSP currently. Most international legislation and their associated cooperation mechanisms were not designed with MSP in mind, as MSP only came into being almost a decade ago. Arguably, there is limited clarity on the processes and procedures for maritime cooperation and limited guidance on how to involve stakeholders in transboundary consultation at this time. Perhaps this is because of the early status of implementation. Alternatively, it could be attributed to the level of governance that such cooperation occurs at i.e. national level.

Cooperation mechanisms associated with EU policies and Directives on the other hand have been designed for specific purposes and to achieve certain environmental or sectoral objectives while MSP needs a more integrated and cross-sectoral mechanism for cooperation. There is limited information on actual implementation (and successes) of MSP, and actual consultation as MSP is still a relatively new concept with England (East Plans) currently being the only country with adopted regional maritime spatial plans in place. Consultation and cooperation on maritime spatial plans at this time might therefore focus on the plan making process rather than the actual content or geographically explicit issues e.g. co-use of shared spaces, conflicts between sectors etc.

At sea basin and regional level in the Celtic Seas there are disconnects between remits and geographical coverage of maritime governance bodies. Cooperation mechanisms through cross border projects have not been sustainable as funding for these mechanisms are usually limited and time bound which can affect their impact. With respect to existing mechanisms for cooperation, to be functional for MSP there is the need for more vertical coordination between those mechanisms at the various levels of governance. It is important that cooperation and engagement is enhanced at every governance level, supported by political will, to ensure that MSP becomes a process that ensures coordination between the upstream and downstream structures and mechanisms.

## 9 References

Ardron, J., Gjerde, K., Pullen, S. and Tilot, V. (2008). Marine spatial planning in the high seas. *Marine Policy*, 32(5), pp.832-839.

Backer H. (2011) Transboundary maritime spatial planning: A Baltic Sea perspective. *Journal of Coastal Conservation* 15, pp.279-89.

British-Irish Council. (2017). British-Irish Council. [online] Available at: <https://www.britishirishcouncil.org/> [Accessed 15 June 2017].

Convention on Environmental Impact Assessment in a Transboundary Context (adopted 25 February 1991, entered into force) 989 UNTS 310 (Espoo Convention).

Hassan D. and Soininen N., (2015). 'Maritime spatial planning in the European Union'. In: *Transboundary Maritime Spatial Planning and International Law* (Hassan, D., Kuokkanen, T., Soininen N. (eds.)), Earthscan Routledge, New York.

European Commission. (2012). Progress of the EU's Integrated Maritime Policy. Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM/2012/491.

European Commission. (2017). Cross-border cooperation in Maritime Spatial Planning. Study on International Best Practices for Cross-border MSP. [online] Luxembourg, Office of the European Union.

Farmer, A., Mee. L., Langmead, O., Cooper, P., Kannen, A., Kershaw, P. and Cherrier, V. (2012). *The Ecosystem Approach in Marine Management*. EU FP7 KNOWSEAS Project. ISBN 0952908956.

Fritz, J.S. and Hanus J. (2015). The European Integrated Maritime Policy: the next five years. *Marine Policy*, 53, pp. 1-4.

Flannery W., O'Hagan A.M., O'Mahony C., Ritchie H., Twomey S. (2015). Evaluating conditions for transboundary marine spatial planning: challenges and opportunities on the island of Ireland. *Marine Policy*, 51, pp. 86-95.

HELCOM-VASAB MSP WG. (2016). Guidelines on transboundary consultations, public participation and co-operation. Baltic Marine Environment Protection Commission Heads of Delegation Laulasmaa, Estonia, 15-16 June 2016.

Government of Ireland. (2012). *Harnessing Our Ocean Wealth: An Integrated Marine Plan for Ireland*. Inter-Departmental Marine Coordination Group. Available at: <https://www.ouroceanwealth.ie/sites/default/files/sites/default/files/Harnessing%20Our%20Ocean%20Wealth%20Report.pdf>

Jay, S., Alves, F.L., O'Mahony, C., Gomez, M., Rooney, A., Almodovar, M., and Campos, A. (2016). Transboundary dimensions of marine spatial planning: Fostering inter-jurisdictional relations and governance. *Marine Policy*, 65, 85–96. doi: 10.1016/j.marpol.2015.12.025

Maes, F. (2008). The international legal framework for marine spatial planning. *Marine Policy*, 32(5), pp.797-810.

Maes, F. and Cliquet, A. (2015). *Marine Spatial Planning: global and regional conventions and organisations*. In *Transboundary Maritime Spatial Planning and International Law* (Hassan, D., Kuokkanen, T., Soininen N. (eds.), Earthscan Routledge, New York.

Marine and Coastal Access Act (2009). HM Government. Available at: [http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga\\_20090023\\_en.pdf](http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf)

North South Ministerial Council. (2017). Home. [online] Available at: <https://www.northsouthministerialcouncil.org/> [Accessed 15 Jun. 2017].

North South Ministerial Council. (2017). Foyle, Carlingford and Irish Lights Commission. [online] Available at: <https://www.northsouthministerialcouncil.org/foyle-carlingford-and-irish-lights-commission> [Accessed 15 Jun. 2017].

North West Coastal Forum. (2017). [online] Available at: <http://www.nwcoastalforum.org.uk/> [Accessed 15 Jun. 2017].

North Western Waters Advisory Council. (2017). [online] Available at: <http://www.nwwac.org/english> [Accessed 15 Jun. 2017].

Nuttall, G. (2016). Encouraging effective marine management and decision-making across borders – Lessons and recommendations from the Celtic Seas. Celtic Seas Partnership.

OECD. (2006). DAC Guidelines and Reference Series. Applying Strategic Environmental Assessment. Good Practice Guidance for Development Co-operation. ISBN 92-64-02657-6

OSPAR Commission. (2015). 2014 Status Report on the OSPAR Network of Marine Protected Areas. Available at: <http://www.ospar.org/documents?v=33572>

Payne, I., Tindall, C., Hodgson, S., Harris, C. (2011). Comparison of national Maritime Spatial Planning (MSP) regimes across EU. *Seanergy 2020*, European Wind Energy Association. IEE/09/898/SI2.558294

Regulation (EU) No 1380/2013. European Union. (2013). On the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC)

Severn Estuary (2017). [online] Available at: <http://www.severnestuary.net/> [Accessed 15 Jun. 2017].

Schafer N. (2009) "Maritime Spatial Planning: The Roadmap" Presentation in the HELCOM MSP Workshop in Helsinki 27-29 January 2009.

UNESCO & DG MARE (2017). *Conference Conclusions: adoption of a joint roadmap: Joint Roadmap to accelerate Maritime/Marine Spatial Planning processes worldwide (MSP)*. Available online at: [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/Joint\\_Roadmap\\_MSP\\_v5.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/Joint_Roadmap_MSP_v5.pdf) [accessed on 05.02.2018]

United Nations. (2017). General Assembly Resolution A/RES/72/249 - International legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. [http://www.un.org/depts/los/general\\_assembly/general\\_assembly\\_resolutions.htm](http://www.un.org/depts/los/general_assembly/general_assembly_resolutions.htm) [accessed 20 February 2018].

Zaucha, J. (2014). Sea basin maritime spatial planning: a case study of the Baltic Sea region and Poland. *Marine Policy*, 50, pp. 34-45.

## Annex 1: MSP Cooperation areas based on the MSP Directive and associated Communications

Cooperation areas/needs for MSP	<u>Directive 2014/89/EU</u>	<u>COM (2013) 133</u>	<u>COM (2010) 771</u>	<u>COM (2008) 791</u>
<b>Vision, goals, principles</b>	MSP should aim to integrate the maritime dimension of some coastal uses or activities and their impacts and ultimately allow an <b>integrated and strategic vision</b> <sup>115</sup>	The results from public consultation from March until May 2011 confirmed that conflicts in the use of sea space are becoming more frequent, and supported a <b>common approach</b> for implementing maritime spatial planning in <b>EU waters, bearing in mind the particularities of each region.</b>	Starting with <b>broad visions</b> and general objectives allows more space for negotiation, be <b>future-oriented</b> . Planning objectives should take into consideration <b>entire regional seas or sea basins</b> , keeping the global dimension in mind. <b>Strategic or operational objectives on different spatial scales</b> (global, European, regional, national, local). <sup>116</sup>  Effective cross-border MSP requires the development of a <b>joint vision based on exploration of common interests</b> (e.g. offshore electricity grid, fisheries, shipping). <sup>117</sup>	The MSP Roadmap comes up with <b>key principles</b> both from ongoing practice and existing regulations.  MSP should guide <b>future development</b> in a sea area. A <b>strategic plan</b> for the overall management of a given sea area should include detailed objectives. <sup>118</sup>
<b>Planning process, data, methodology and procedures</b>	As part of the <b>planning and management process</b> , Member States bordering marine waters shall cooperate with the aim of	<b>coordination between cross cutting policies and plans</b>	The fact that natural marine environmental processes and different uses of marine space have <b>different spatial/temporal scales</b> should be fully	The development of <b>common standards and processes</b> and

<sup>115</sup> Recital 16<sup>116</sup> Art. 3(3)<sup>117</sup> Art. 3 (8)<sup>118</sup> Art. 5(2)

	ensuring that maritime spatial plans are <b>coherent and coordinated</b> across the marine region concerned. <sup>119</sup>	<p>The assessment of environmental effects of maritime spatial plans and integrated coastal management strategies must be carried out in accordance with the provisions of Directive 2001/42/EC.9</p> <p>Subsequently environment impact assessments become necessary for individual projects, the specific assessment will be able to draw on the analyses already carried out under the strategic environmental planning and therefore <b>avoiding duplication of assessments and related administrative burden.</b><sup>120</sup></p>	<p>built into the monitoring and evaluation systems.<sup>121</sup></p> <p><b>Data should be managed at the appropriate level (global, European, regional, national, local).</b> For example, more detailed data are needed in areas near the coast and <b>different scales of data</b> must be part of the process. Different types of knowledge (environmental, socio-economic, etc.) are needed.<sup>122</sup></p> <p>Action from EU to ensure <b>common approach</b> is supporting non-binding options, such as <b>exchange of best practices, cross-border projects, studies and research, guidelines and/or recommendations.</b></p>	<p>raise the overall quality of MSP.<sup>123</sup></p> <p><b>Coordinated and crosscutting plans need a single or streamlined application process and cumulative effects</b> should be taken into account.<sup>124</sup></p>
<b>Sharing of experiences, knowledge and transboundary stakeholder engagement</b>	Member States shall establish means of public participation by informing <b>all interested parties and by consulting the relevant stakeholders and authorities, and the public concerned</b> , at an early stage in the development	MSP and ICM strategies shall ensure <b>effective trans-boundary cooperation</b> between Member States, and between <b>national authorities and stakeholders of the relevant sector policies.</b> <sup>127</sup>	<b>All stakeholders</b> should be involved early in the MSP process. Essential when looking for synergies and innovation and for making the goals and benefits of the process clear. An open debate must take place between the <b>different sectors in</b>	MSP should be based on the specificities of individual <b>marine regions or sub-regions</b> and consists of data collection, <b>stakeholder consultation</b> and the participatory development

<sup>119</sup> Art. 11<sup>120</sup> Art. 1(3)<sup>121</sup> Art. 3(9)<sup>122</sup> Art. 3(11)<sup>123</sup> Art. 5(7)<sup>124</sup> Art. 5(5)<sup>127</sup> Art. 6(2)

	<p>of maritime spatial plans, in accordance with relevant provisions established in Union legislation.<sup>125</sup></p> <p><b>Relevant stakeholders and authorities, and the public concerned</b>, have access to the plans once they are finalised.<sup>126</sup></p>	<p>Public participation shall ensure that the <b>relevant stakeholders and authorities and the public concerned</b> are <b>consulted</b> on the draft plans and strategies and have access to the results once available.<sup>128</sup></p>	<p><b>order to identify conflicts and a means of coexistence</b> between them.</p> <p>It is important to demarcate roles and responsibilities and <b>encourage interaction between stakeholder groups</b> and not just between policy-makers and stakeholders.</p> <p>Communication, consultation and cooperation with neighbouring States (policy-makers, stakeholders, researchers, etc.) need to take place at an early stage.</p>	<p>of a plan, the subsequent stages of implementation, enforcement, evaluation and revision.<sup>129</sup></p> <p>The respective MSP and terrestrial planning services should <b>cooperate and involve stakeholders</b> so as to ensure <b>coherence</b>.<sup>130</sup></p>
<p><b>Cross sectoral cooperation/Cooperation at operational level</b></p>	<p>This Directive should not impose any other new obligations, notably in relation to the <b>concrete choices</b> of the Member States about <b>how to pursue the sectoral policies</b> in those areas, but should rather aim to contribute to those policies through the planning process.<sup>131</sup></p> <p>Directive aims to <b>promote coherence</b> between maritime spatial planning and the</p>	<p>MSP have the purpose to reflect, <b>integrate and link the objectives defined by national or regional sectorial policies</b>, to identify steps to <b>prevent or alleviate conflicts between different sectors</b> and to contribute to the achievement of the Union's objectives in marine and coastal related sectorial policies.<sup>133</sup></p> <p>Member States should consider all relevant coastal activities and</p>	<p><b>Integrated tool</b> crucial for all <b>economic sectors</b> such as maritime transport, oil and gas, sand and gravel, renewable energy, fisheries, aquaculture, tourism and for the protection of the environment.<sup>136</sup></p> <p>Ensuring that MSP is used in all Member States would <b>enhance sustainable growth in the maritime sectors</b>. MSP is crucial for legal certainty, predictability and transparency, thus reducing costs for <b>investors and operators</b>, in</p>	<p>Its objective is to <b>balance sectoral interests</b> and achieve sustainable use of marine resources in line with the EU Sustainable Development Strategy.</p> <p>The term maritime spatial planning is favoured over marine spatial planning to underline the <b>holistic cross-sectoral approach</b> of the process.</p>

<sup>125</sup> Art. 9(1)

<sup>126</sup> Art. 9(2)

<sup>128</sup> Art. 9(2)

<sup>129</sup> Art. 2(1)

<sup>130</sup> Art. 5(9)

<sup>131</sup> Recital 9

<sup>133</sup> Art. 3(1)

<sup>136</sup> Art. 3

	resulting plan or plans and other processes equivalent formal or informal practices. <sup>132</sup>	pay <b>particular attention to cross-sectoral</b> and land-sea interactions between these activities. <sup>134</sup>  Such cooperation shall in particular take into account <b>issues of a transnational nature</b> , such as <b>cross-border infrastructure</b> . <sup>135</sup>	particular those operating in more than one Member State. <sup>137</sup>	<b>Joint work</b> on MSP provides a <b>framework for coordinating sectoral approaches</b> . It increases the effectiveness and <b>coherence of EU and national policies</b> , reducing economic costs of non-coordination. <sup>138</sup>
<b>Land-sea interactions/ local cross border cooperation</b>	Planning process should take into account <b>land-sea interactions</b> . Contribute to the effective management of marine activities and the sustainable use of marine and coastal resources. <sup>139</sup>  aim to promote <b>coherence</b> between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal	Ensure <b>coordination and integration</b> between maritime spatial planning and integrated coastal management processes. <sup>143</sup>  maritime spatial plans and integrated coastal management strategies are <b>coherent and coordinated across the coastal zone or marine region and/or sub-region concerned</b> . <sup>144</sup>	Specific attention must be devoted to a <b>spatial strategy for the transitional space from land to sea</b> , which is part of the Integrated Coastal Zone Management (ICZM) process. Hence the <b>close links between MSP in coastal waters and ICZM</b> . <sup>146</sup>	Terrestrial spatial planning (including coastal zones) should be <b>coordinated</b> with MSP. The respective services should cooperate and <b>involve stakeholders so as to ensure coherence</b> . <sup>147</sup>

<sup>132</sup> Art. 6c<sup>134</sup> Recital 21<sup>135</sup> Art. 12<sup>137</sup> Art. 2<sup>138</sup> Art. 2(2)<sup>139</sup> Recital 9 and 16<sup>143</sup> Art. 1(5)<sup>144</sup> Art. 12<sup>146</sup> Art. 3(10)<sup>147</sup> Art. 5(9)



	<p>management or equivalent formal or informal practices.<sup>140</sup></p> <p>In implementing MSP, Member States shall take into account <b>land-sea interactions</b>.<sup>141</sup></p> <p>In order to take into account <b>land-sea interactions</b> in accordance with Article 4(2), should this not form part of the MSP process as such, Member States may use other formal or informal processes, such as integrated coastal management. The outcome shall be reflected by Member States in their maritime spatial plans.<sup>142</sup></p>	<p>Member States should consider all relevant coastal activities and pay particular attention to cross-sectoral and <b>land-sea interactions between these activities</b>.<sup>145</sup></p>		
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<sup>140</sup> Art. 6(c)

<sup>141</sup> Art. 4(2)

<sup>142</sup> Art. 7

<sup>145</sup> Recital 21

