

Current governance mechanisms in the European Atlantic – achieving cooperation and coherence

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MSP Directive

Article 6(2)(f): Member States **shall ensure** transboundary cooperation between Member States in accordance with Article 11

Article 11: aim of cooperation is to ensure that maritime spatial plans are “**coherent and coordinated** across the marine region concerned.”

Cooperation shall be pursued through

- (a) existing regional institutional cooperation structures such as Regional Sea Conventions; and/or
- (b) networks or structures of Member States’ competent authorities; and/or
- (c) any other method that meets the cooperation requirements, for example those that operate in the context of sea-basin strategies.

Governance cross-cutting theme

Objectives

- How do other legal requirements interact with MSP?
 - EU Marine Strategy Framework Directive
 - EU Water Framework Directive
 - EU Birds & Habitats Directives / Natura 2000
 - Terrestrial planning system (national)

Methodology

- Partners in the SIMAtlantic project were asked to provide information on:
 - status, responsibility and legal basis for MSP,
 - how other legal requirements **interact** with their national MSP,
 - the **structures** that exist for implementation of MSP particularly those for cross-border/transboundary cooperation on MSP, and
 - how **stakeholder and sectoral interests** are/were included in the Maritime Spatial Planning process.



Governance: policy interactions

- Some Atlantic countries have opted to **closely link** MSP and MSFD in particular
- Degree of interaction can be influenced by **implementation cycle**
- **Language** in Maritime Spatial Plans could be stronger, e.g., ‘should take into account the environmental objectives’
- Generally **same** implementation authorities for MSP and MSFD – mix of national only and national & sub-national
- More difficult to determine the extent to which **other policies** reflect or deliver the objectives of MSP
 - Timing / status of implementation
- Particularly important to consider how policy objectives that are **not complementary** are dealt with for future implementation cycles



Governance: policy into practice

- MSPs can be subject to Strategic Environmental **Assessment**, Natura Impact Statement / Appropriate Assessment
- Certain Atlantic countries have used MSP to begin **zoning and allocation** processes
 - France: vocation map makes it possible to decide what activities and projects are suited to a particular spatial area
 - Portugal: situation plan (PSOEM) used as a basis for granting Titles for Private Use of the National Maritime Area (TUPEM)
- Other countries take a more **policy-based approach**
 - Ireland: presumption in favour of development combined with risk mitigation hierarchy now with a view to implementing spatial designations in future (Designated Marine Area Plans)
- MSP objectives tend to be translated into practice through **other regulatory processes** such as marine licensing, consenting and monitoring



Governance: transboundary implementation

- Most transboundary consultation occurs through **diplomatic / formal** channels
- Requirements for **consultation** under SEA (and EIA) Directives
- **All** Atlantic countries have participated in EC Expert Group on MSP, (research) projects that take a sea basin perspective, Regional Seas working groups and various environmental monitoring programmes
- **Brexit** has and will continue to create challenges and opportunities for cooperation and coherence
 - UK Marine Policy Statement confirmed that UK Administrations are committed to the **coordination** of marine planning across administrative boundaries and made it a requirement of their respective legislation
 - France: East Channel - North Sea DSF acknowledges that the implications of Brexit will “require the integration of a new vision in the **coordination** of cross-border policies”
 - Ireland: proposals with transboundary impacts ... “must show evidence of **consultation** with the relevant public authorities, including terrestrial planning authorities and other country authorities”

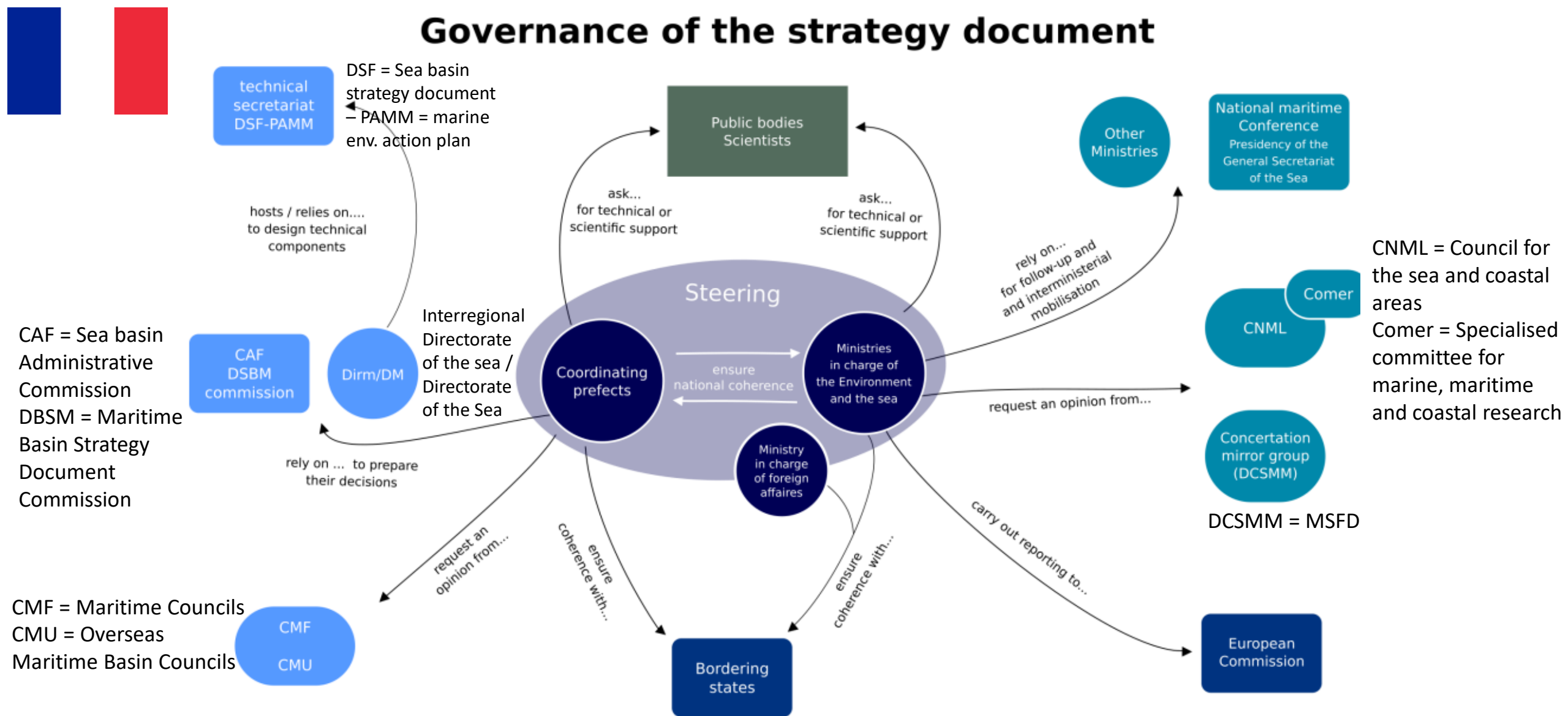


Governance: other implementation structures

- MSFD, WFD, Common Fisheries Policy and many other EU policies each have expert groups, advisory groups and working groups with Member State representation created to progress work and collaboration on specific aspects
- MSFD:
 - **Common Implementation Strategy** with a political group, a coordination group, working groups and technical groups
 - Annual **trilateral meetings** between UK, Ireland and France to agree useful areas to cooperate together (e.g. noise and litter).
- **OSPAR** is one of the only regional structures for cooperation
 - No work stream on MSP *per se* but various work areas relevant to MSP
- Aside from legislative requirements **no mechanism** for sea-basin level cooperation on MSP



Governance of the strategy document



Legend

<p>Design code</p> <p>○ Societal body</p> <p>○ State department</p>	<p>□ Government body or group</p> <p>□ Public body / scientists</p>	<p>Colour code</p> <p>■ Supraregional scale (sea basin and marin subregion)</p> <p>■ National scale</p> <p>■ International or community scale</p> <p>■ Multiple geographical scale</p>
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CNML = Council for the sea and coastal areas
 Comer = Specialised committee for marine, maritime and coastal research

Governance conclusions

- Significant efforts to achieve **coherence** between national policies
- Difficult to determine coherency at a **transboundary / sea basin level**
- Problems of meeting multiple policy objectives widely acknowledged – but **no solutions** posed
- Literature seems more focused on **effectiveness** of policy rather than implementation or its mechanisms
- Participation with other countries appears to be largely limited to government officials – less ability for sectoral interests or the public to get involved – *could this have negative consequences?*
- *Who oversees cooperation and coherence elements? How?*
- *What types of issues could arise from a lack of transboundary cooperation or lack of coherence?*



Source: OECD, 2016

Thank you

References

- Ministère de l'environnement, de l'énergie et de la mer (MEEM). 2017. Sea and maritime basin - strategy document: Strategic phase. Development Guide Volume 1: Principles and background. <http://www.geolittoral.developpement-durable.gouv.fr/documents-english-version-r549.html>
- OECD. 2016. Policy Coherence for Sustainable Development. <https://www.oecd.org/gov/pcsd/pcsd-country-profiles.htm>