

IMPLEMENTING EFFECTIVE MARITIME SPATIAL PLANNING REGULATION FRAMEWORK IN THE BALTIC SEA REGION

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NACIONĀLAIS
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PostDoc
Latvia

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Acknowledgement

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Scope of presentation

1. Introduction to the presenter (10 min.)
2. Focus on MSP (50 min.)
 - A. Background of MSP
 - B. Practical user's manual
3. Questions and discussion (30 min.)

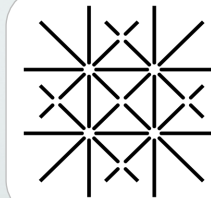


1. Introduction to the presenter

- **Switzerland** (September 2014 – October 2015)



Project «Effectiveness of the environmental impact assessment in the Baltic States and Switzerland», Prof. Christa Tobler



**Universität
Basel**

Swiss Government-funded New Professional Internship and Scientific Exchange Program Sciex-NMSch (Swiss Universities Scientific Exchange Program) in the Institute for European Global Studies of the University of Basel



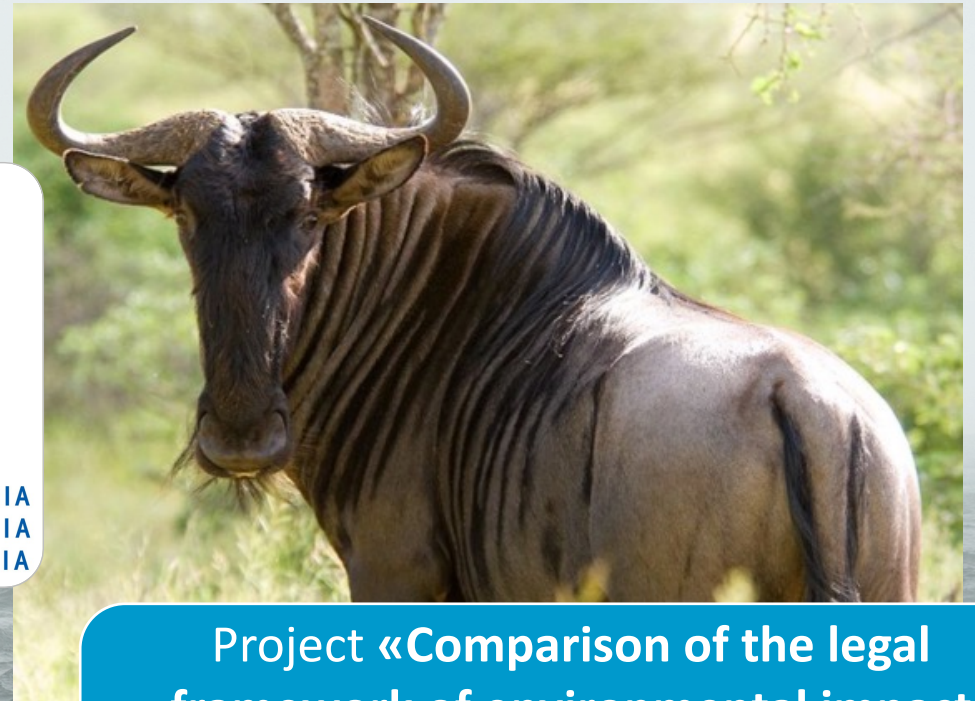
1. Introduction to the presenter

- **South Africa** (December 2015 – June 2017)



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

European Commission cooperation and mobility program in the field of higher education Erasmus Mundus AESOP+ at the Faculty of Law, University of Pretoria



Project «Comparison of the legal framework of environmental impact assessment in the Baltic States and South Africa», Prof. Dire Tladi

1. Introduction to the presenter

- Defence of doctoral dissertation on June 26, 2019



1. Introduction to the presenter

- Postdoctoral research I (2020 – 2023)

**«Effective Maritime Spatial Planning Regulation Framework
and Implementation Challenges and Best Practice
Examples for the Context of the Baltic Sea»,
University of Latvia, Faculty of Law**



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Apsveicu Leilu ar ievēlēšanu Juridiskās zinātnes institūta pētnieces amatā.
☀ Prieks, ka Leila būs jaunā kolēģe un Institutā tiek īstenoti arvien jauni projekti tehnoloģiju un tiesību mijiedarbības, un tagad arī vides aizsardzības jomā. Kamēr Latvijas Universitātes Juridiskā fakultāte ir slēgta studentiem, neviens neliedz pie ieejas taisīt skaistas bildes 📸



2.A. Background of MSP: Aim of research

- Providing transparency in the legal environment and facilitating the implementation and application of effective **maritime spatial planning (MSP) in the Baltic Sea**
- **Target audiences:** implementers of the legal norms, industry representatives and spatial planning specialists in daily practice

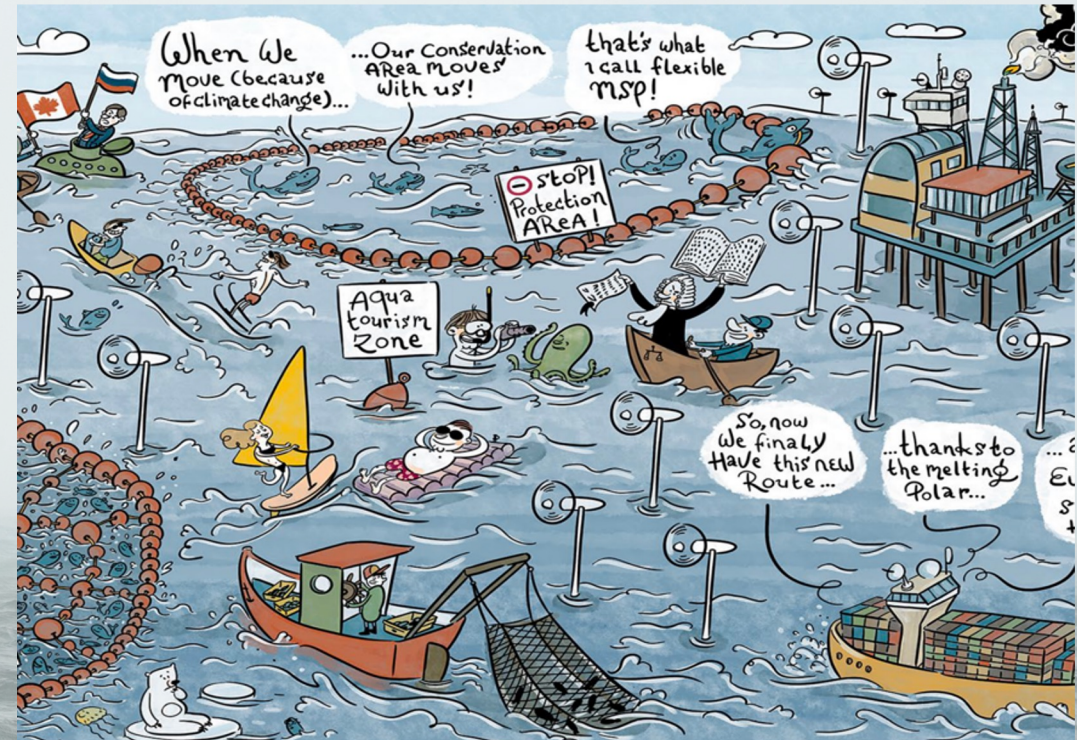


2.A. Background of MSP: What is MSP (1)?

- «a process by which the relevant Member State's authorities **analyse and organise** human activities in marine areas **to achieve ecological, economic and social objectives**»,

Directive 2014/89/EU establishing a framework for maritime spatial planning (MSP Directive), Art. 3(2)

- «a public process of **analyzing and allocating** the spatial and temporal distribution of human activities in marine areas **to achieve ecological, economic, and social objectives** that are usually specified through a political process»,



Source: Bas Kohler, www.baskohler.nl

2.A. Background of MSP: Topicality

Transport and port development

Fisheries

Aquaculture

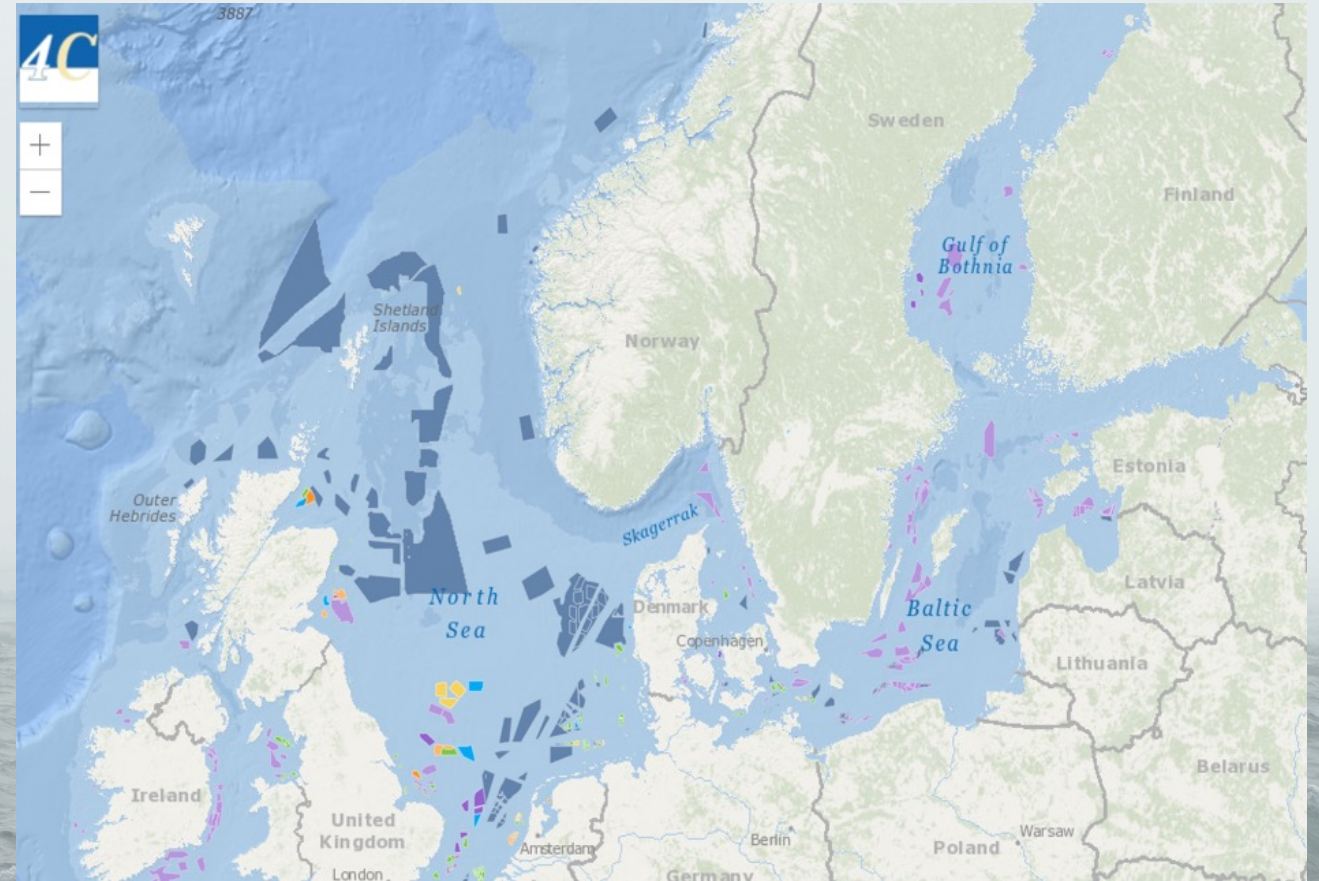
Tourism

Exploration and exploitation of marine energy

Marine biotechnology

New underwater technologies

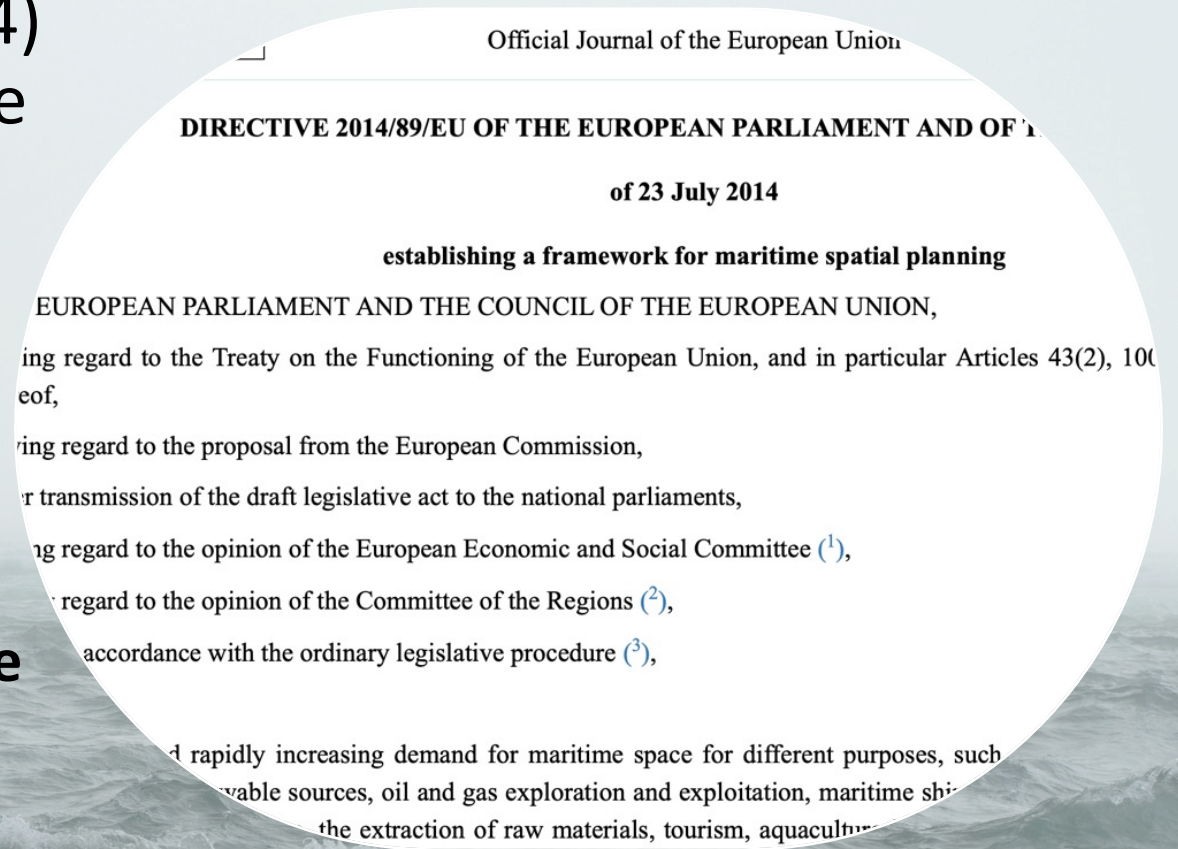
Conservation of ecosystems and biodiversity



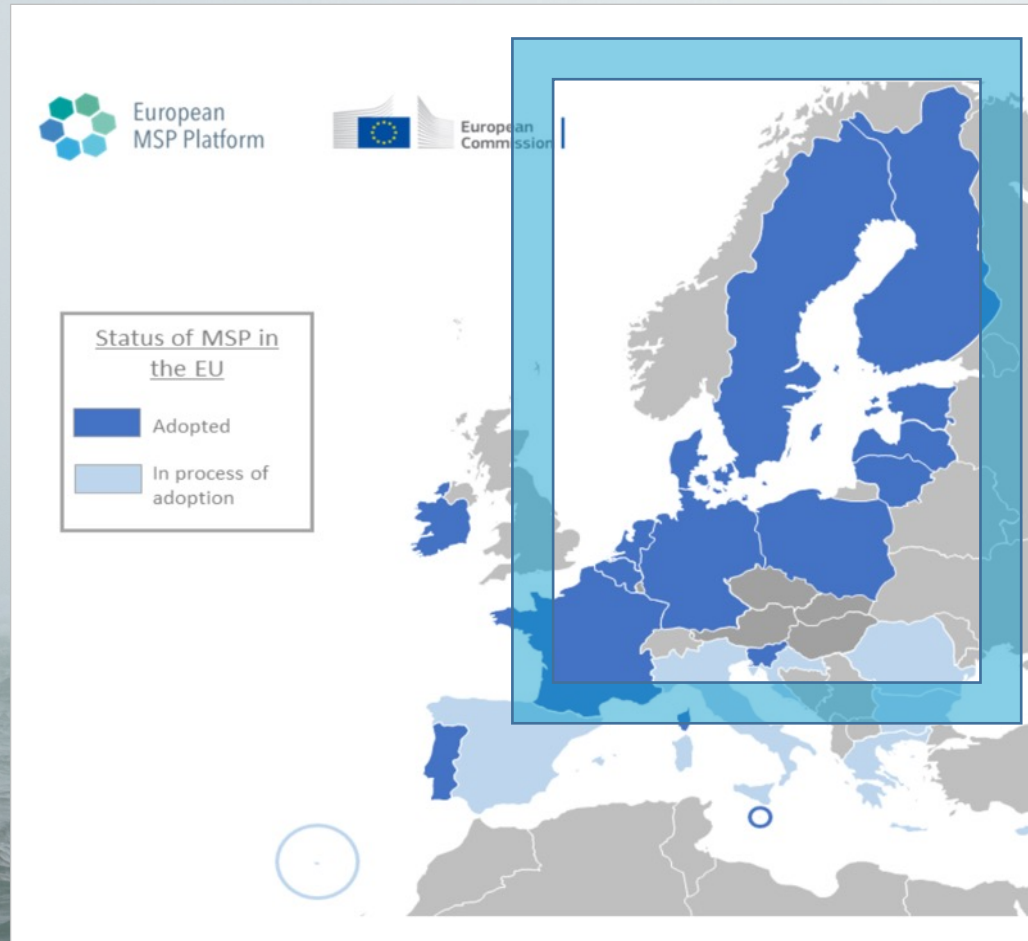
Source: <https://map.4coffshore.com/offshorewind/>

2.A. Background of MSP: What is MSP (2)?

- **Directive 2014/89/EU** (23 July 2014) establishing a framework for marine spatial planning (**MSP Directive**)
 - Covers 22 coastal EU Member States
 - Plans are due by March 31, 2021
- The MSP is also associated with:
 - **Integrated Maritime Policy** (2007)
 - **Marine Strategy Framework Directive** (2008/56/EC)



2.A. Background of MSP: Adopted plans



Source: <https://maritime-spatial-planning.ec.europa.eu/msp-practice/countries/>

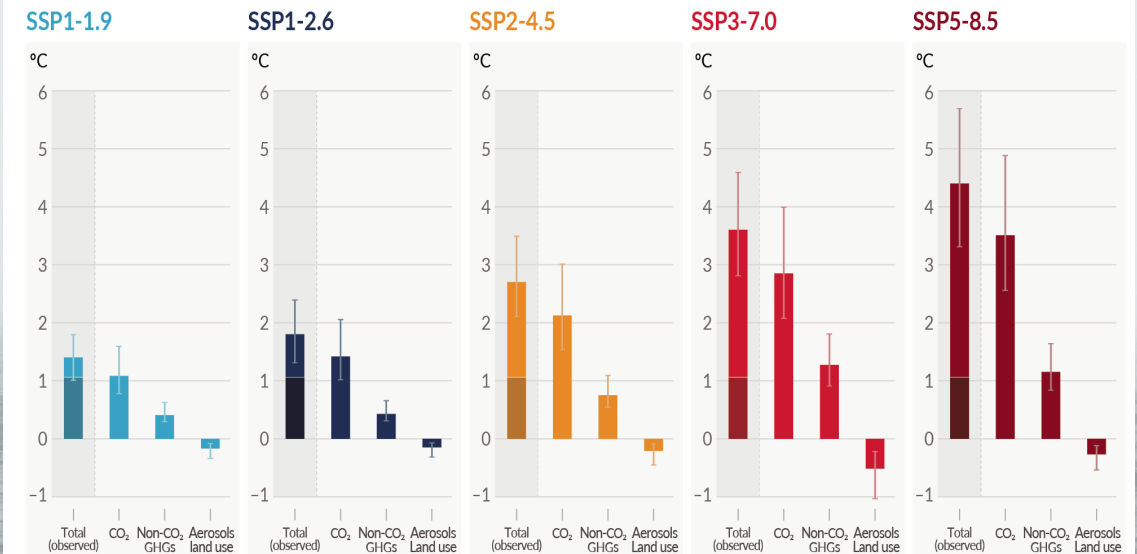
2.A. Background of MSP: Climate change

- According to all Intergovernmental Panel on Climate Change (IPCC) emissions scenarios, **global warming is inevitable**
- However, if (effective) additional climate policies are implemented, **this can be limited to 1.5-2 degrees** in accordance with the Paris Agreement¹

Total warming (observed warming so far), warming from CO₂, warming from non-CO₂ GHGs and cooling from changes in aerosols and land use

(b) Contribution to global surface temperature increase from different emissions, with a dominant role of CO₂ emissions

Change in global surface temperature in 2081–2100 relative to 1850–1900 (°C)



Total warming (observed warming to date in darker shade), warming from CO₂, warming from non-CO₂ GHGs and cooling from changes in aerosols and land use

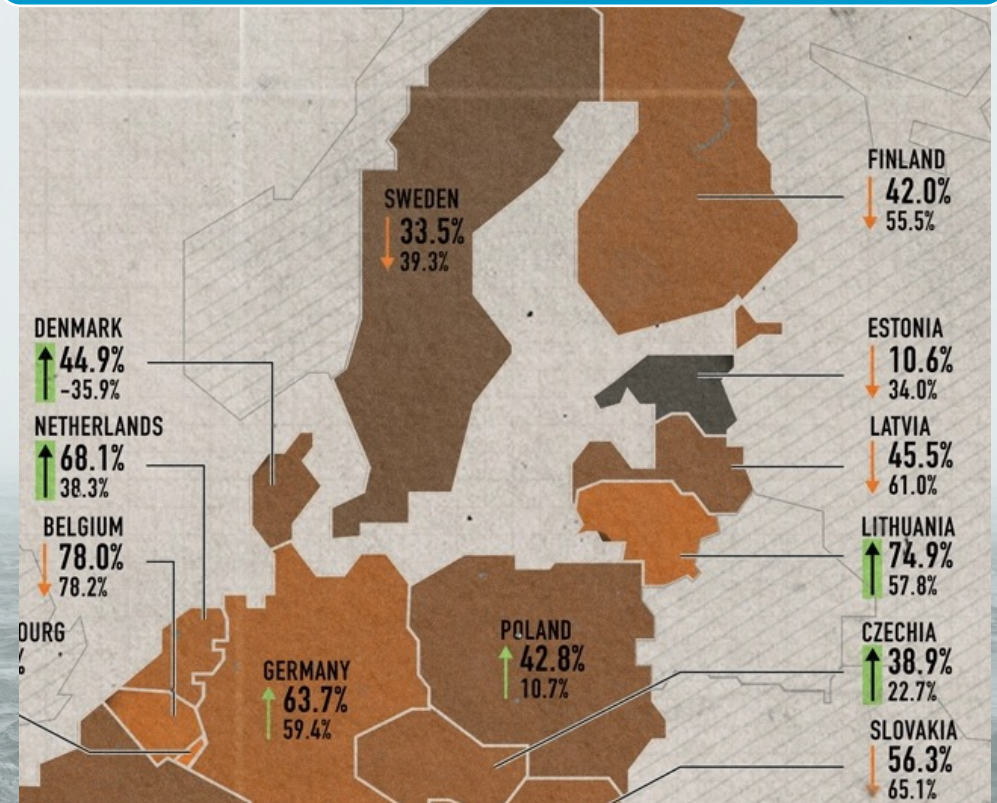
¹VASAB, 2021b (Meyer)

2.A. Background of MSP: Economics and politics

- Energy price increases (e.g. 170% for gas globally in 2021)¹
- Unstable geopolitical conditions
- Energy (in)dependence of the Baltic Sea Region and the EU
- For example, the reduction of Latvia's energy dependence (45.5% in 2020 compared to 61% in 2000)
- The EU average 57.5% in 2020 vs 56.3% in 2000

¹VASAB, 2021b (Meyer); ²Lu and Athul, 2022 after Eurostat, eia, Statista

Energy (in)dependence in the Baltic Sea Region in 2020 compared to 2000

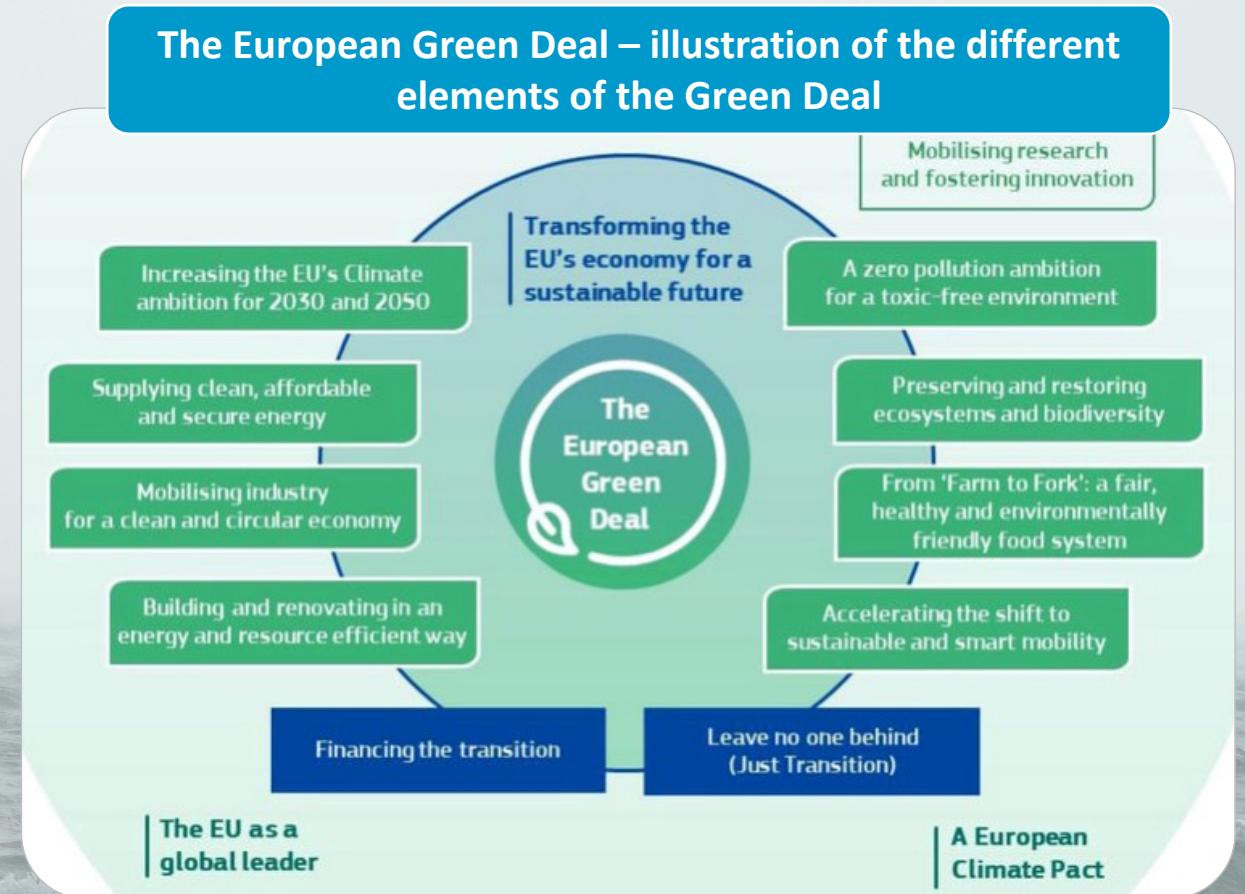


Source: Lu and Athul, 2022 after Eurostat, eia, Statista

2.A. Background of MSP: The EU Green Deal

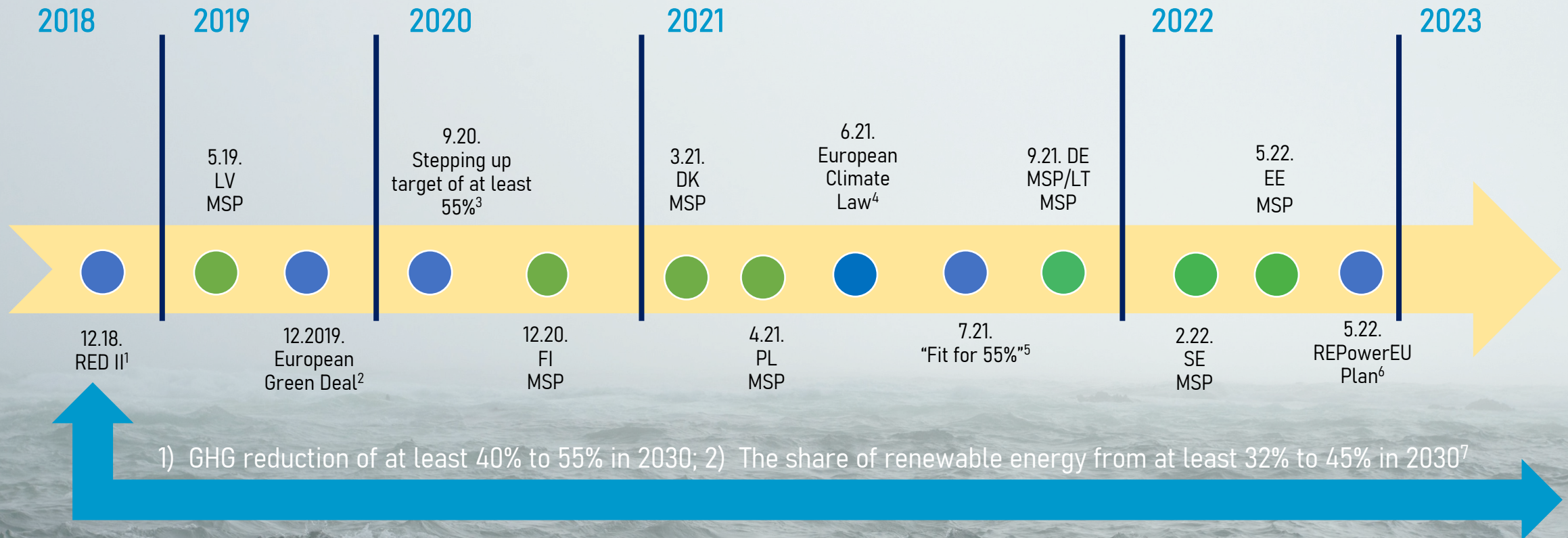
- Published in December 2019
- Reducing net greenhouse gas (GHG) emissions to zero by 2050 and decoupling economic growth from consumption
- Development of a complete set of transformative policies and measures
- Areas affected: climate, energy, environment, agriculture and food, transport, industry and finance

¹EC, COM(2019) 640 final



Source: EC, COM(2019) 640 final

2.A. Background of MSP: Timeline



¹ Renewable Energy Directive 2018/2011; ² EC, COM(2019) 640 final; ³ EC, COM(2020) 562 final; ⁴ Regulation 2021/1119;

⁵ EC, COM(2021) 550 final; ⁶ EC, COM(2022) 230 final; ⁷ European Parliament, 2023.

2.A. Background of MSP: Wind energy potential

Offshore wind energy capacities

1991*

2010**

Today

2030

2050

Average power capacity of offshore wind turbine

0,45 MW

3MW

7,8MW



EU offshore wind energy capacity

5MW

3GW

12GW

≥60GW

300GW

Ocean energy capacity (e.g. wave, tidal)

3,8MW

13MW

≥1GW

40GW

Source: EC, 2020a; EK, COM(2020) 741 final

Country	Number of 500 MW wind farm blocks	Identified potential capacity [GW]	Potential Net Energy Production [TWh]	A
Denmark	39	19.5	70.7	
Estonia	14	7.0	24.0	
Finland	16	8.0	26.0	
Germany	16	8.0	29.1	
Latvia	29	14.5	49.2	
Lithuania	9	4.5	15.5	
Poland	24	12.0	43.2	
Sweden	40	20.0	68.2	
Total	187	93.5	325.9	

2.A. Background of MSP: Biodiversity importance

The EU Biodiversity Strategy 2030

The new EU-wide Biodiversity Strategy will:



Establish protected areas for at least:



30%
of land in
Europe



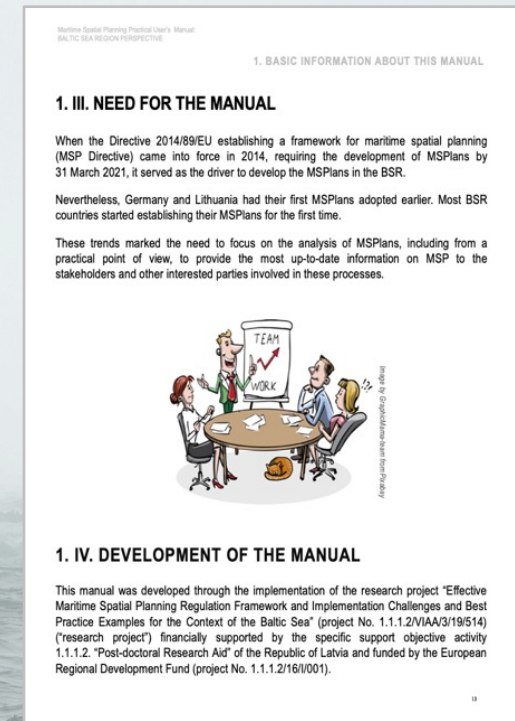
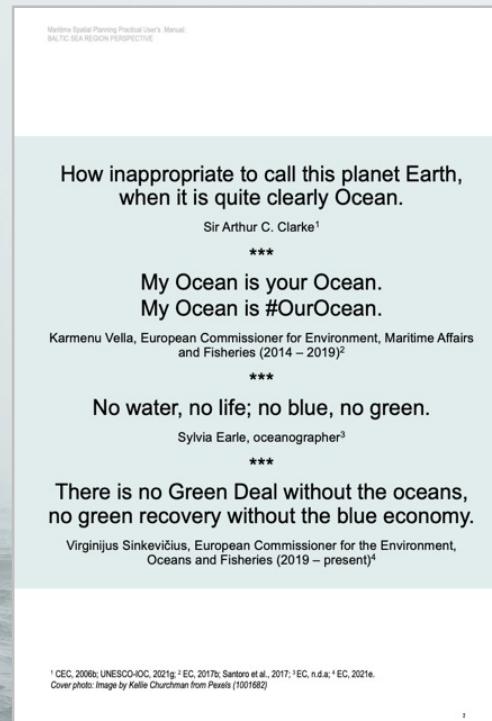
30%
of sea in
Europe

With stricter protection of remaining EU primary and old-growth forests legally binding nature restoration targets in 2021.

Source: EC, 2020b; EC, COM(2020) 380 final

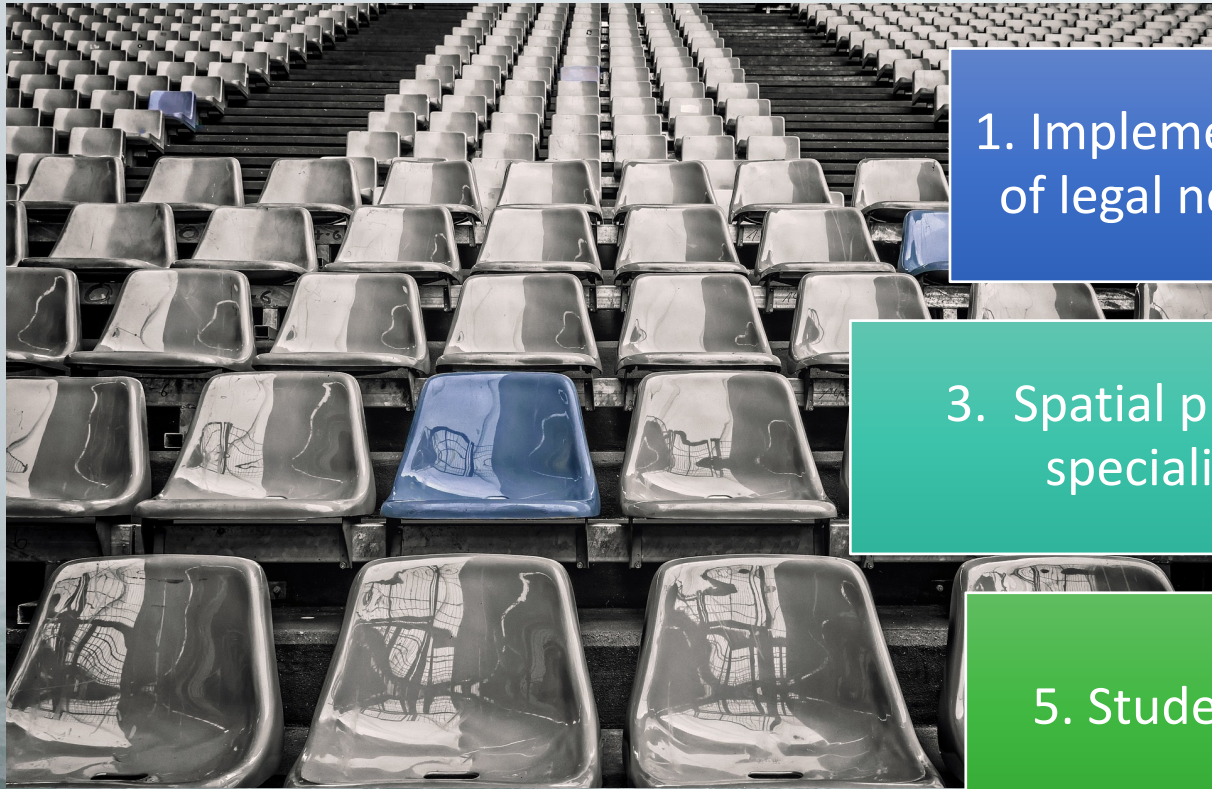
2.B. Practical user's manual

- Elaboration of the practical user's manual



- The manual is available here:
https://www.jf.lu.lv/fileadmin/user_upload/LU.LV/Apaksvietnes/Fakultates/www.jf.lu.lv/zinas/Manual_09062023.pdf

2.B. Practical user's manual: Target audience



1. Implementers
of legal norms

2. Industry
representatives

3. Spatial planning
specialists

4. Scientists,
researchers

5. Students

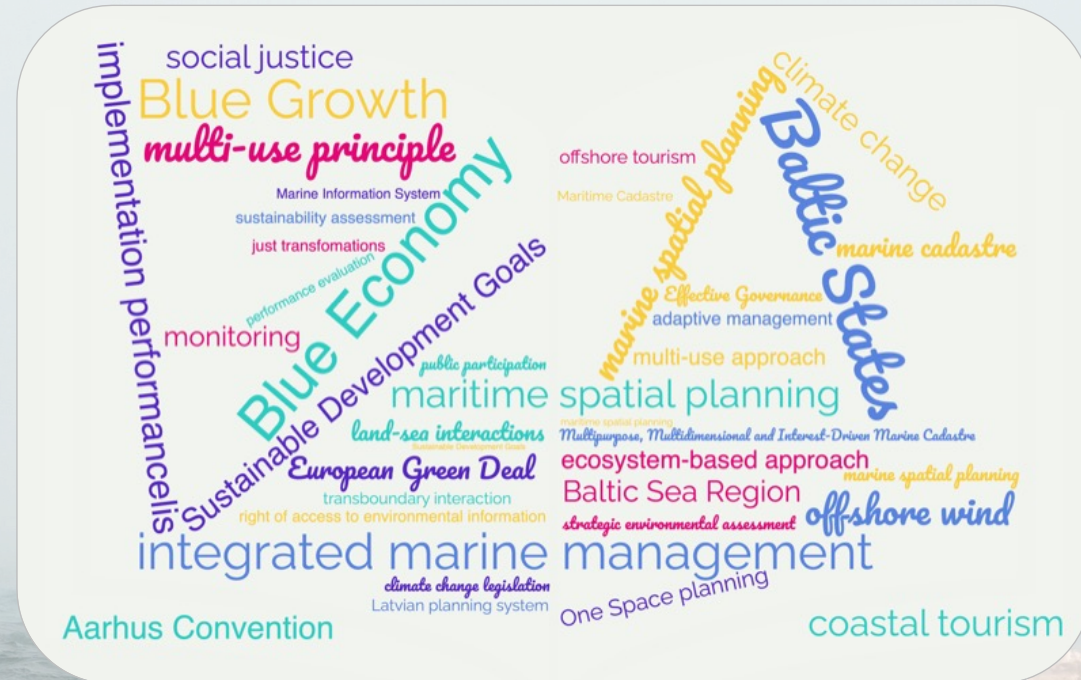
6. NGOs, society

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2.B. Practical user's manual: Methodology

- Research results of the project
- Qualitative research methods
- The EU and national policy and planning documents, regulatory framework, MSP online information, interview material
- Synergy with other manuals and cross-border cooperation and transboundary projects' materials



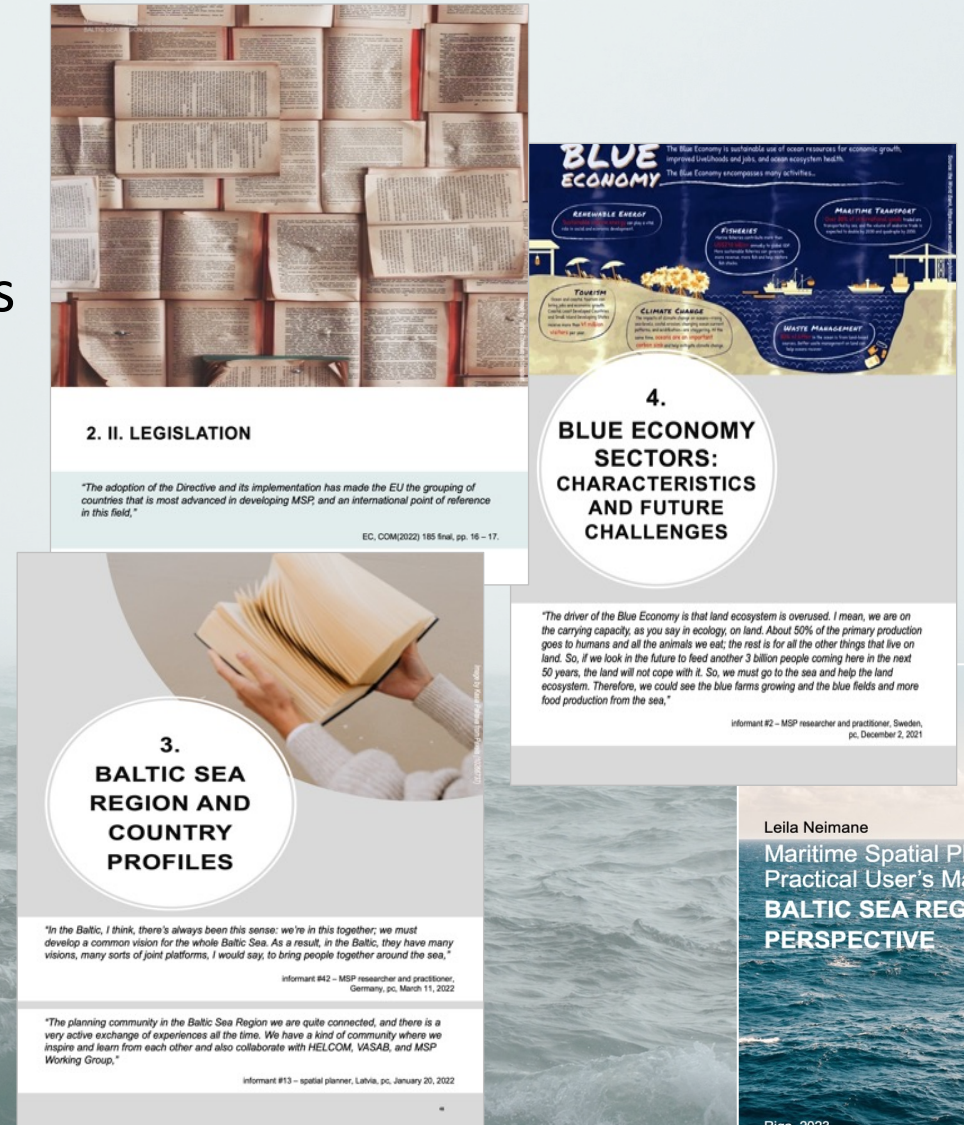
2.B. Practical user's manual: Interviews

- **Interviews with experts** – representatives from:
 - National competent authorities,
 - Other states, regional and municipal institutions,
 - Companies, business associations,
 - Non-governmental organisations,
 - Research institutions – universities and institutes
- **65 respondents in 8 countries**, a total of 60 interviews

Country	Number of respondents
Denmark	6
Estonia	9
Latvia	9
Lithuania	6
Poland	7
Finland	6
Germany	8
Sweden	13
Total number of respondents	65

2.B. Practical user's manual: Contents

- 1) Basic information about the manual
- 2) Background of MSP: history, legislation, purpose and nature and stages of the process
- 3) Baltic Sea Region and profiles of coastal EU Member States
- 4) Blue economy sectors
- 5) The best MSP regional practices (examples)
- 6) MSP challenges
- 7) Effectiveness of MSP
- 8) Future vision



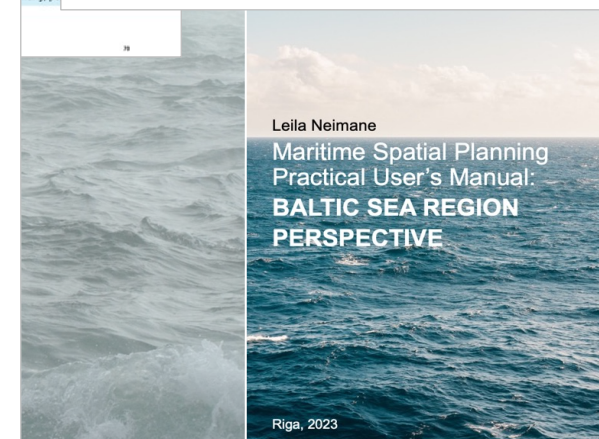
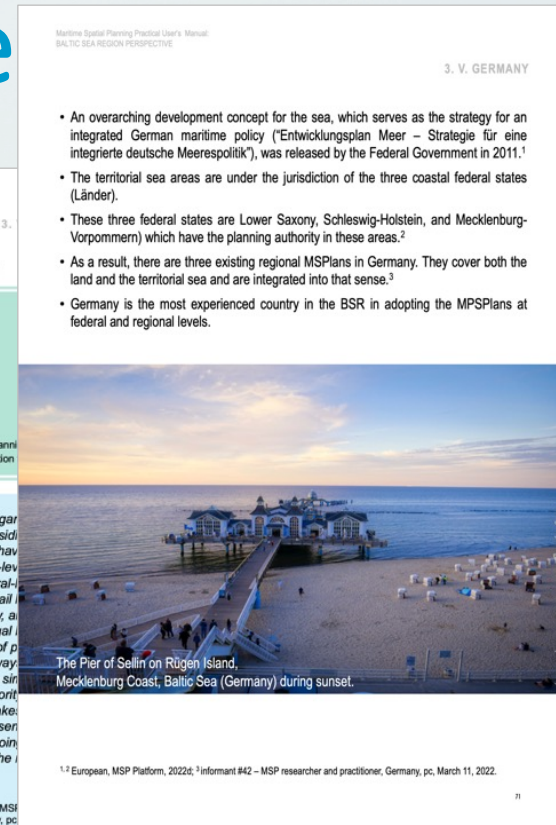
2.B. Practical user's manual: Example

- **Country profile: Germany**

1) Basic information, including geographic data and key planning information

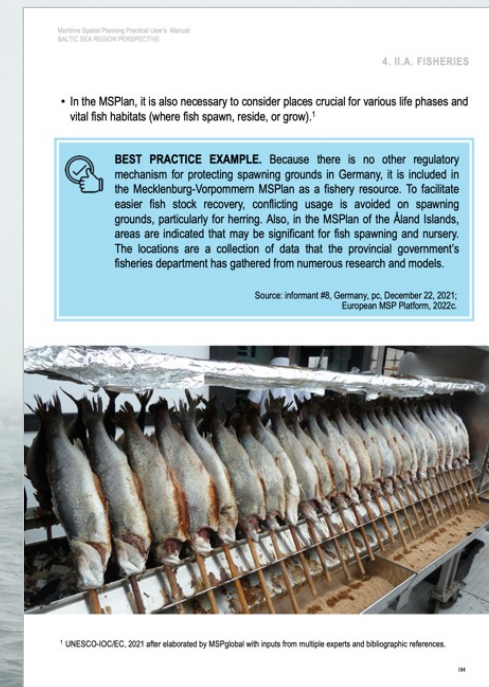
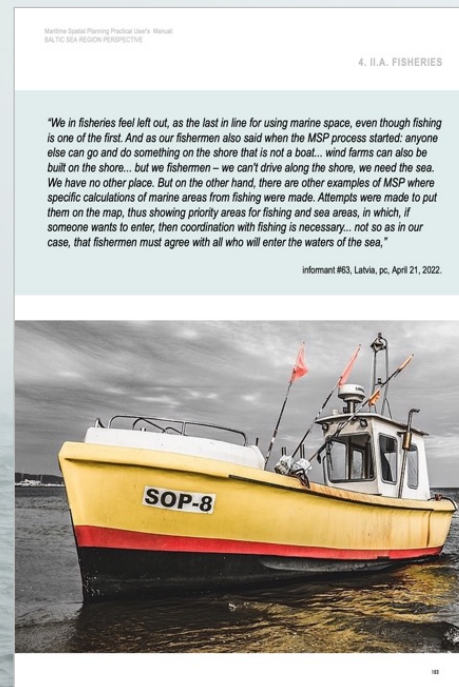
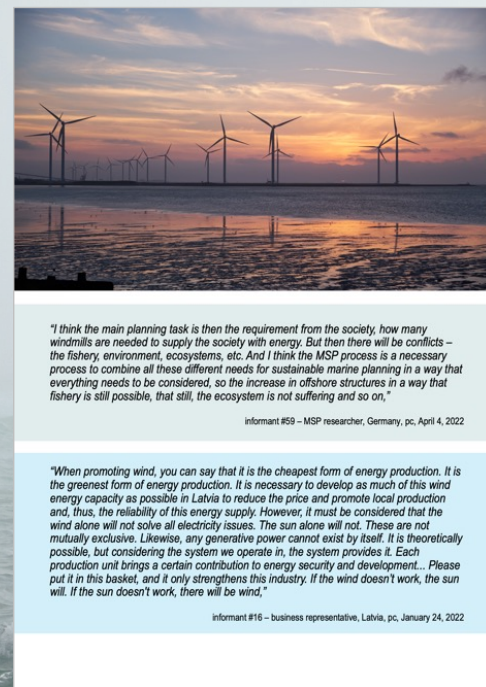
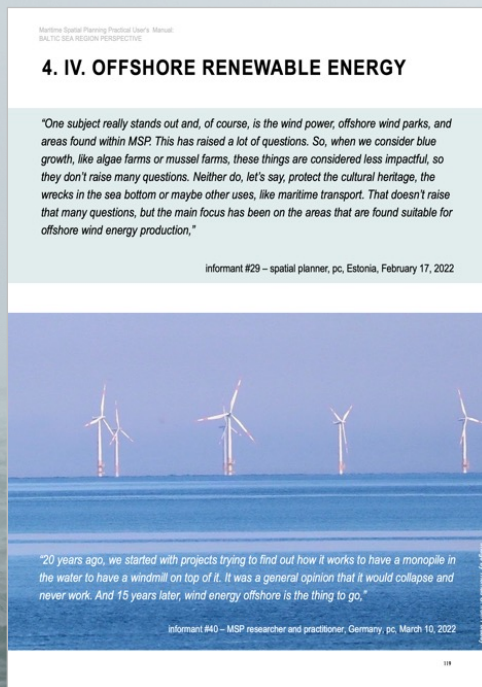
2) In aggregated form:

- The MSP regulatory framework is provided
- Outline about the preparation of the plan, its place in the planning system
- Illustrations with expert commentary
- Examples of good practice



2.B. Practical user's manual: Examples

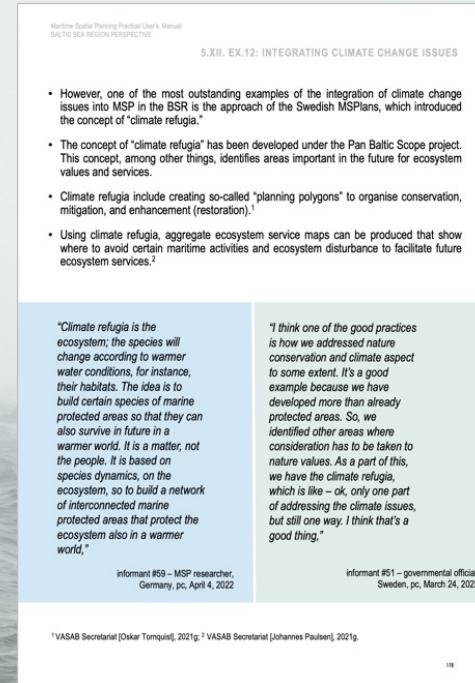
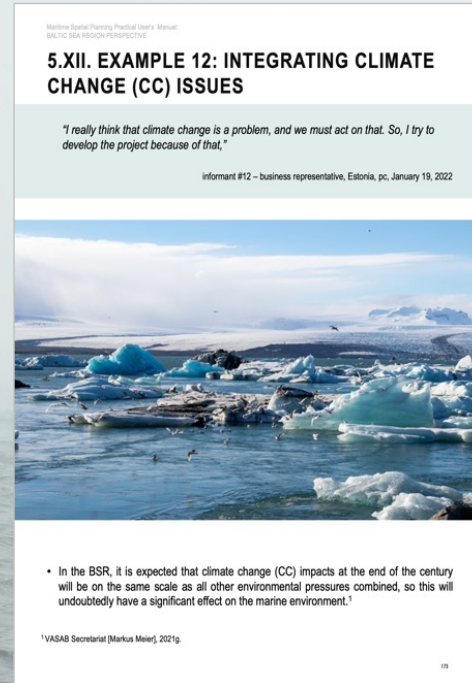
• Blue economy sectors: Offshore wind energy and fisheries



2.B. Practical user's manual: Examples

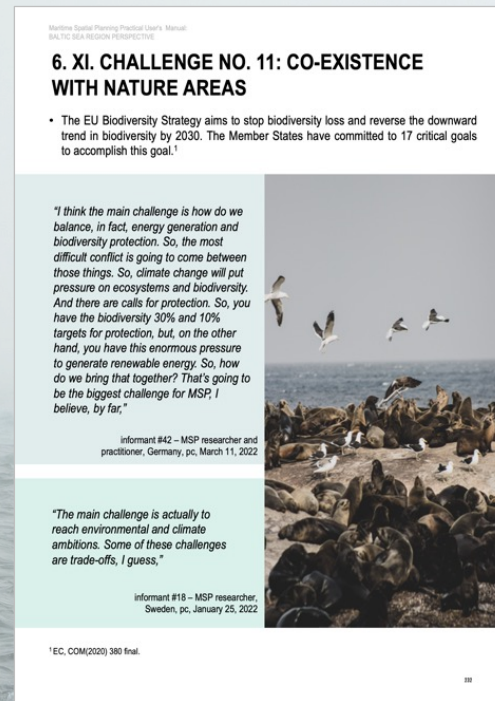
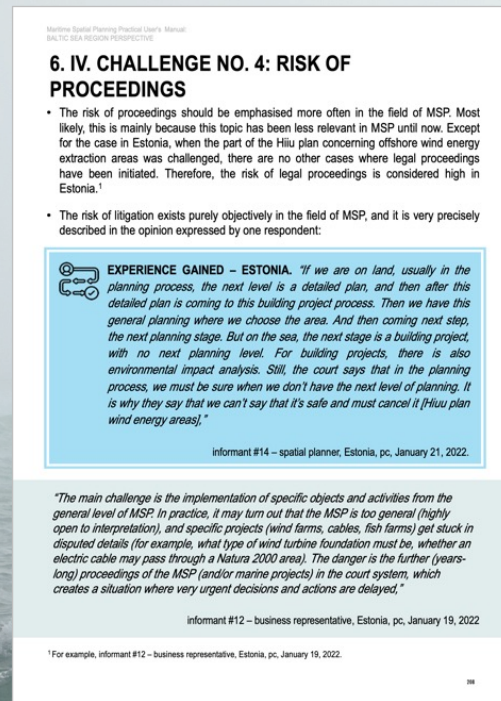
- **The best MSP regional practices:** Stakeholder engagement and integrating climate change issues

5. THE BEST MSP REGIONAL PRACTICES



2.B. Practical user's manual: Examples

- **Challenges of MSP:** risk of proceedings, co-existence with nature areas and transborder collaboration



2.B. Practical user's manual: The best practices

- **The best regional practices and challenges of MSP:**

- 20 best practice examples
- 20 challenges
- Cross-correlation
- Use – in an intuitive way

BRP	Example of the best MSP regional practice (BRP)	Challenge
1.	Ecosystem services (LV)	Implementation
2.	Cultural (value) mapping (EE)	General and abstract nature of MSP
3.	Stakeholder involvement (almost all countries)	Efficiency of the process
4.	Contributions to local community (SE)	Risk of proceedings
5.	Algae harvesting and processing (SE, EE)	Gaps in the involvement of certain groups of stakeholders
6.	Mussel farming (SE)	Consideration of social aspects
7.	Conditional reservation areas (DE, PL)	Power relationships and dynamics
8.	Approaches to multi-use (DE, SE)	Management of conflicts
9.	Social impact assessment (EE)	Cumulative impact at sea level
10.	Assessment of visual impacts (EE)	Space and multi-use (MU)

2.B. Practical user's manual: The best practices

- **The best MSP regional practices and challenges of MSP**

BRP	Example of the best MSP regional practice (BRP)	Challenge
11.	Cumulative impacts at the national level (DE, EE, SE)	Co-existence with nature areas
12.	Integrating climate change (CC) issues (SE)	Climate change (CC) considerations
13.	MSP as the knowledge base (LT)	Land-sea interactions or interface (LSI)
14.	Transboundary projects (all countries)	Data and knowledge availability
15.	Regional level perspective (FI)	Uncertainty
16.	Land-sea interactions or interface (LSI) (LT)	MSP budget
17.	Scenario work (FI)	Adaptiveness of plan
18.	Digitisation (DE, DK, FI)	Connection with other political documents and legislation
19.	Approaches to conflict management (LT)	Transborder collaboration (DE, PL)
20.	Detailed planning (PL)	Cross-basin comparisons



2.B. Practical user's manual: Networks

HELCOM and VASAB



DEFINITION. The **Baltic Marine Environment Protection Commission (Helsinki Commission)** administers the Convention on the Protection of the Marine Environment of the BSR and, at the same time, acts as an environmental policy platform at the regional level since 1974 to protect the Baltic Sea environment **HELCOM includes Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Germany and Sweden, the EU and Russia**, <https://helcom.fi>.

DEFINITION. **Vision and Strategies around the Baltic Sea (VASAB)** is an intergovernmental network founded in 1992 and includes the cooperation of ministers responsible for spatial planning and development in the countries of the Baltic Sea region. Its main strategic document is VASAB's Long-Term Perspective for Territorial Development in the Baltic Sea Region, <https://vasab.org>.



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2.B. Practical user's manual: Collaboration

Transborder collaboration

«We discussed the common plan for the whole sea ten years ago. There was talk about whether that might be possible, and the consensus has always been. That's also the directive which is saying that MSP is a national competency, and it has to be up to the nations, to the countries, to anchor a plan legally. So, I think the next step might be to strengthen the common vision that we say: for the Baltic as a whole, where would be good sites for offshore wind to work from the perspective of suitability for particular activities and conservation? Habitats and changes are different, and climate change impacts different parts of the Baltic. So yes, of course, it would make perfect sense to take the whole Baltic and say: we'd like to do planning without any borders and decide where we would put things because it makes the best economic and the most ecological sense. But, of course, in practice, it isn't like that cause there are still national policies, national priorities, national governments... And that isn't likely to change. So, I think the best possible solution we can hope for is a stronger common vision; we have common targets or goals or a shared idea of where we want it all to head, right? That needs to be much more rigorously, I think, translated into our national plans so that there is that common vision than just translated for technical reasons into national documents. And when you put them together, these national documents still speak to one goal, one vision. That, I believe, is the best we can hope for now,»

informant #42 – MSP researcher and practitioner, Germany, pc, March 11, 2022

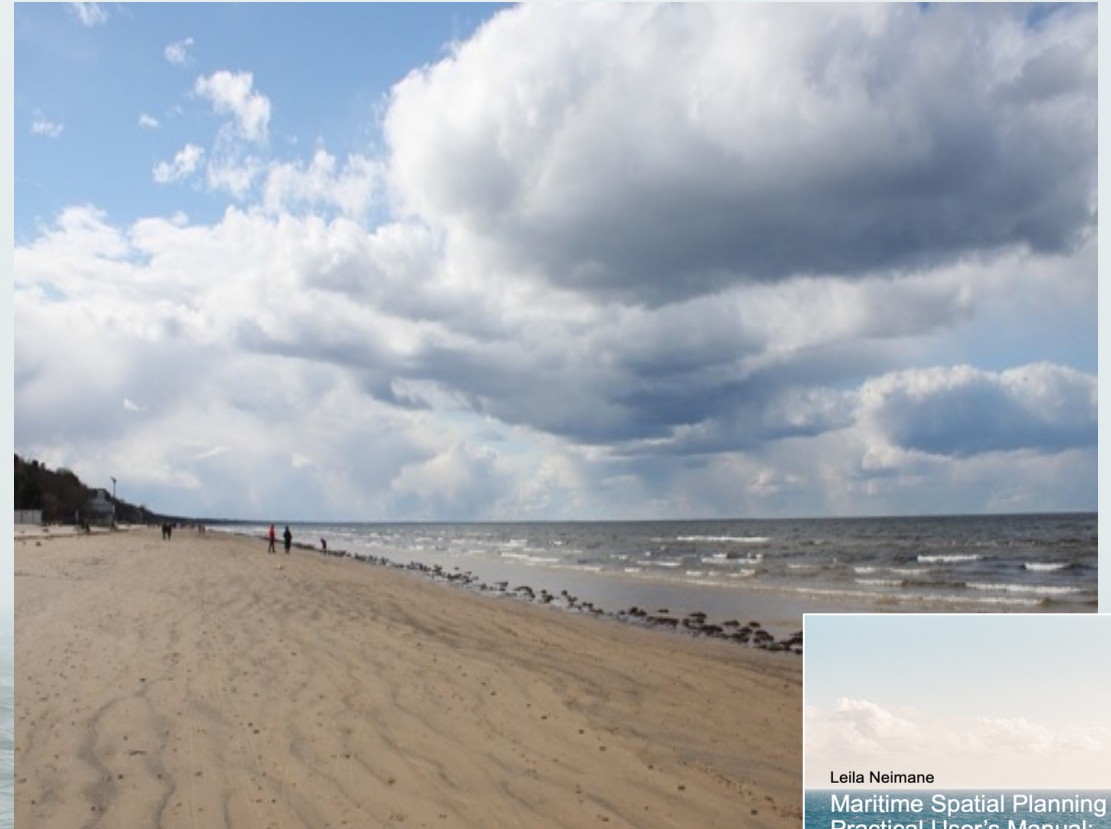


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2.B. Practical user's manual: Summary

- The summary overview of MSP current affairs in the Baltic Sea region
- For the use in future planning cycles and awareness building
- The basis for evaluating the effectiveness of MSP processes, as well as ensuring effectiveness in terms of goals



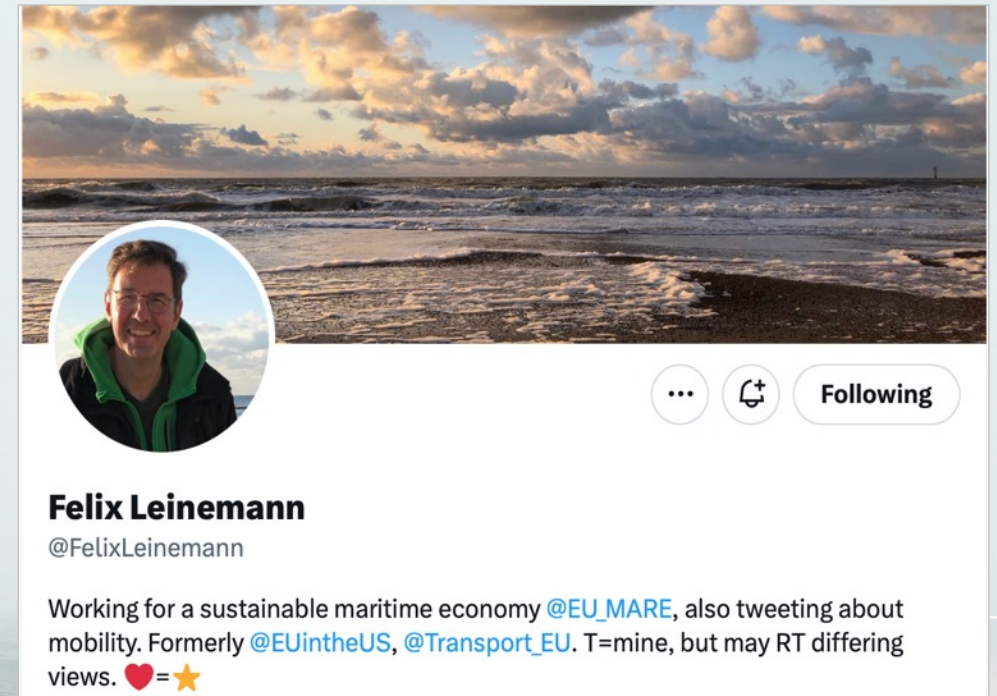
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2.B. Practical user's manual: Opinions

«What I would like to see over the next decade? I would like to see [MSP] evolve from a novelty concept to a standard approach to any activity at sea, be it traditional or emerging. By then... I think that currently emerging activities or activities that are only at the exploration stage like farming molluscs or seaweed between offshore wind farms should have become standard approaches. I would also like to see any economic activities at sea combined with the objective of nature restoration: artificial reefs, nursery or spawning grounds for fish, seafloor restoration, so, that we'll be able to reach the double objective of climate action and biodiversity conservation or even restoration. So, by 2030 we will see, or we will have seen the second generation of [MSPlans] by all coastal states in the [EU] and beyond probably in the UK as well. Ideally, I think that those will be plans with a purpose and a vision and not only drawing boards that are sketching up how to distribute current uses. And as that purpose MSP would have delivered the objective to have at least 60 [GWs] of offshore wind in EU waters and to protect 30% of maritime space as protected areas by 2030,»

Felix Leinemann, Head of Unit – Blue Economy Sectors, Aquaculture and Maritime Spatial Planning, European Commission (VASAB, 2021b)



Source: VASAB Secretariat. 2021. How can MSP address many ambitions, challenges? Setting the scene. Policy Debate. 4th Baltic MSP Forum. [Video] YouTube. Available at: <https://www.youtube.com/watch?v=VjUBUOhKCWg>

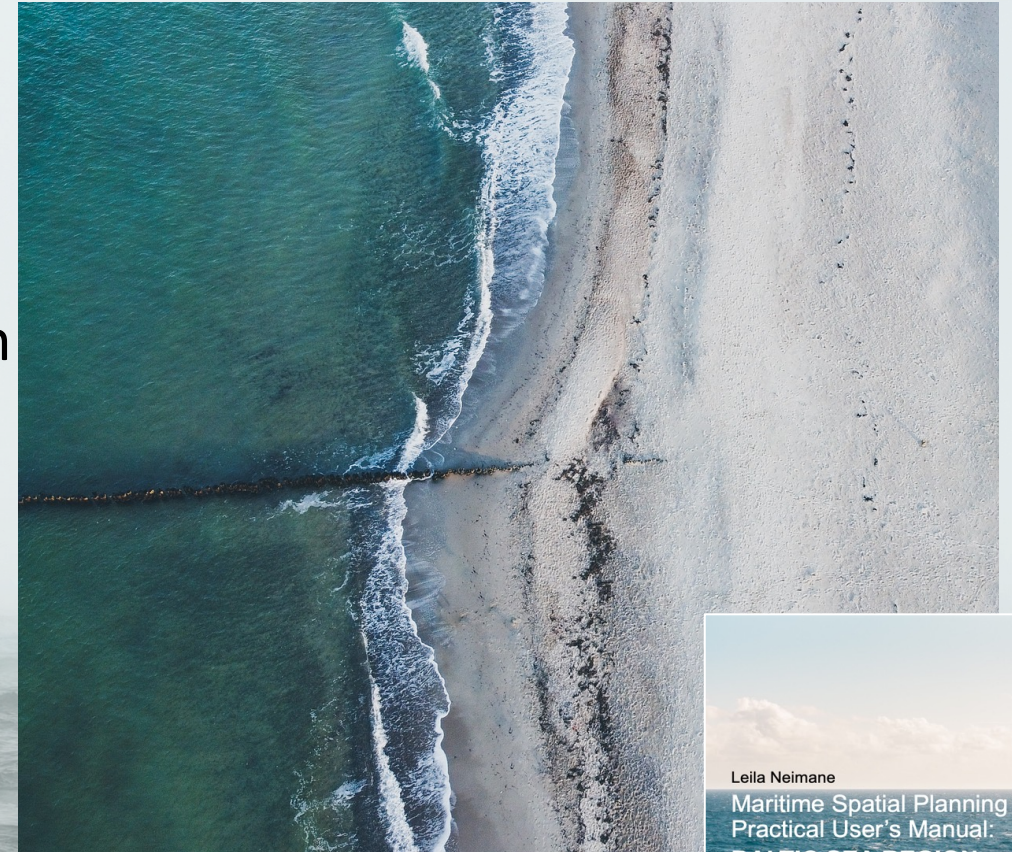
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2.B. Practical user's manual: Conclusions (1)

- **The main results and conclusions:**

- Transversal nature of MSP
- Logical, systematic and consistent development of MSP in the Baltic Sea Region
- Legally binding/guiding nature of MSP
- Ecosystem approach and related challenges
- Interaction between land and sea
- Public participation (broader public involvement)
- Data availability and sharing



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2.B. Practical user's manual: Conclusions (2)

- **The main results and conclusions:**
 - General and abstract nature of MSP
 - Chronological shift
 - Monitoring and evaluation of MSP implementation
 - Balancing environmental, social and economic interests
 - Cumulative impact at sea level
 - Cross-border and transborder collaboration



- Full list of information sources is included in Annex 1 (10 pages)

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Ansong, J., Gissi, E., Calvo, H.M. 2017. An approach to ecosystem-based management in maritime spatial planning process. *Ocean & Coastal Management*, Vol. 141, pp. 65–81. <https://doi.org/10.1016/j.oceaman.2017.03.005>

• Backer, H. 2015. Chapter 7. Maritime Spatial Planning in the Baltic Sea. In: Kuokkanen H., Soinen N. (eds.). *Transboundary Marine Spatial Planning and International Law*. New York: Earthscan Routledge, 132–153.

• Bārda, I., Kokaine, L., Ozoliņa, Z. 2021. Makroālges Baltijas jūras reģionā: GRASS projektā iegūtais un analizētais informācijas apojums. GRASS projekts.

• Bennett, N. J. 2018. Navigating a just and inclusive path towards sustainable oceans. *Marine Policy*, 97, 139–146. <https://doi.org/10.1016/j.marpol.2018.06.001>

• Carneiro, G. 2013. Evaluation of marine spatial planning. *Marine Policy*, 37, 214–229. <https://doi.org/10.1016/j.marpol.2012.05.003>

• CEC. Thematic Strategy on the Protection and Conservation of the Marine Environment. Brussels, COM(2005) 504 final.

• CEC: Towards a future Maritime Policy for the Union: A European vision for the oceans and seas ("Green Paper"), Brussels, COM(2006) 275 final. Volume I, II.

• CEC. An Integrated Maritime Policy for the European Union ("Blue Book"). Brussels, COM(2007) 575 final.

• CEC. Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU. Brussels, COM(2008) 791 final.

• CEC. The European Union Strategy for the Baltic Sea Region. Brussels, COM(2009) 248 final.

• Cieslak, A. 2009. Maritime spatial planning in the Baltic Sea Region. *Informationen zur Raumentwicklung*, 8/9, 607–612.

• Collie, J.S., Vc Adamowicz, W.L., Beck, M.W., Craig, B., Essington, T.E., Fluharty, D., Rice, J., Sanichiro, J.N. 2013. Marine spatial planning in practice. *Estuarine, Coastal and Shelf Science*, 117, 1–11. <https://doi.org/10.1016/j.ecss.2012.11.019>

• Convention on Biological Diversity. 2000. Ecosystem approach. Nairobi, Convention on Biological Diversity. (COP 5 Decision VI/6). Available at: <https://www.cbd.int/decisions/cop7d/7148> [accessed 21.01.2023].

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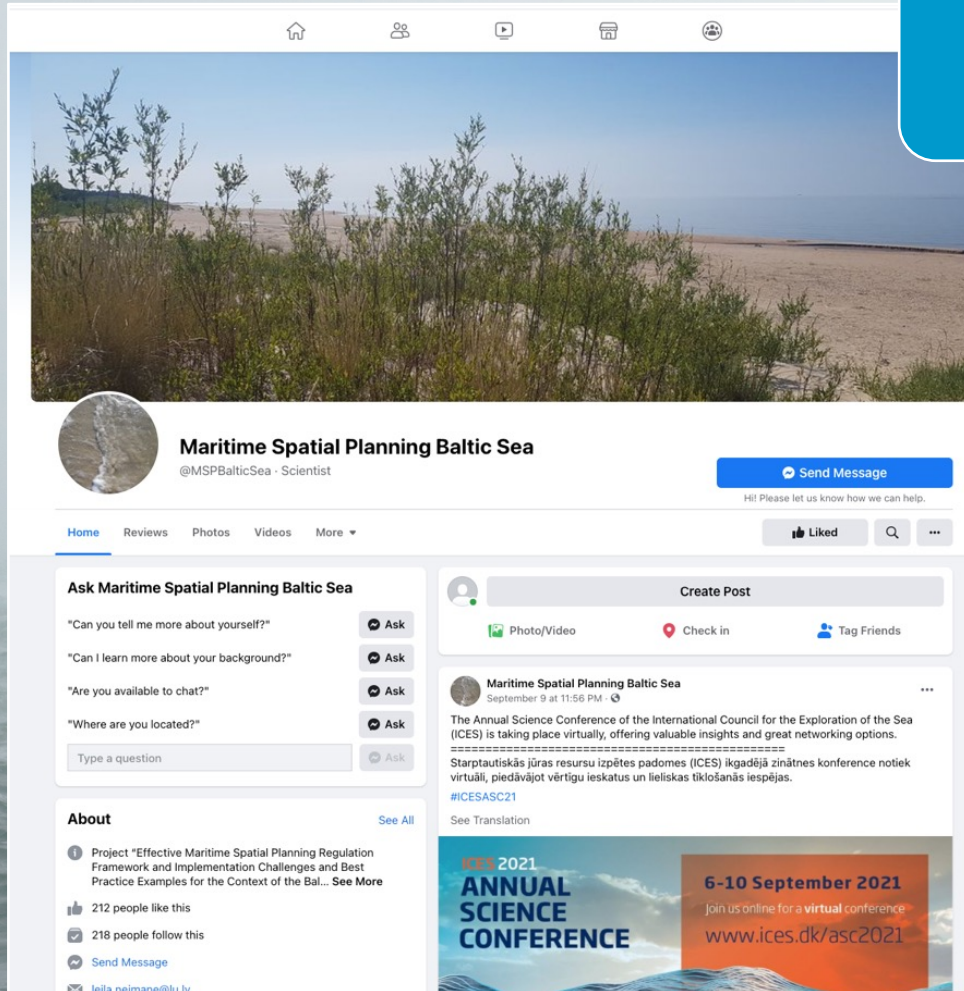
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QUESTIONS and DISCUSSION

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