

BS RAC Workshop on Spatial Planning

19th and 20th February 2009 - Tallinn, Estonia

Workshop moderator: Charles Ehler, Consultant to the United Nations Educational, Scientific and Cultural Organization (UNESCO)

Workshop rapporteur: Carolina André

DAY 1

▪ Welcome - Reine J. Johansson, Chairman of the BS RAC

Reine Johansson opened the workshop and welcomed all participants. He was happy to host this meeting as it was the first time for stakeholders to discuss the subject with this kind of approach. He thanked Peter Breckling (Union of German Cutter Fishery) and Otilia Thoreson (WWF) for planning the meeting. He hoped that more conferences on this topic would be arranged, so as to continue the important collaboration on these issues.

▪ Charles Ehler, moderator, Consultant to the UNESCO

Charles Ehler expressed his hopes for the workshop: Maritime Spatial Planning is currently the most important field of work within UNESCO. The hope was to explore the opportunities of MSP in large spaces such as the Baltic Sea. MSP is not only about energy or fishing, but about how we want our marine spaces to look for the next 50-100 years. During this workshop the hope was for a strategic perspective, with an open discussion on each perspective and the chance for the participants to voice their thoughts and concerns.

▪ International examples on good practices of marine spatial planning, Fanny Adolphine Douvère, Consultant to the UNESCO

Fanny Douvère gave an overview of and the background to international good practices of MSP. Many new maritime activities are coming up. The awareness of our resources is rising, and the demands of saving them imply that there is a need for a more integrated view of the management of the seas. Nature conservation has turned into multiple objectives, both economic and conservation. The eco-system approach is important. There is also no model for all, but certain components work well in multiple situations.

Some key points were highlighted:

- It is essential to establish authority for planning development & implementation
- Start with goals & objectives that reflect the broad key principles.
- Provide resources for all stages of the process
- Plan for the future not to maintain current conditions
- Give guidance on planning for decision makers
- Collect good practices
- Clarify concepts on MSP and links to Integrated Coastal Zone Management
- Integrative approach
- MSP does not replace fisheries management
- Important to participate early in the process, so as to help shape it.
- Consider time and space together
- MSP will be done at local or regional level, but fisheries are regulated at EU level.

Remark: MSP isn't new. It was invented to exclude other fishermen. In the North Sea RAC it is difficult or impossible to make a map. It would be fair to say fisheries are something that has to be considered when doing MSP, rather than being able to use MSP for fisheries.

Speaker: Spatial planning is not new, and it is not devised to protect nature from fisherman. It could equally protect fishermen against windmill parks, or protect some fishermen's areas from other fishermen. Spatial planning must include fisheries. It is important to decide what resources and areas are important and why. MSP could be the possibility for fishermen to be involved.

Remark: Examples mentioned have often been on a national level. What is the feeling for transnational MSP – thinking of international laws, the national interests, the political process, what are the opportunities?

Speaker: Boundaries of various kinds exist. Some don't have a lot of meaning, others are needed for implementation –such as at the national level. There is a need to look at who's got the authority, one could make broad boundaries for planning, but the implementation boundaries can be narrower.

▪ **Maritime spatial planning as a key instrument for the Integrated, EU Maritime Policy, Nicole Schaefer, European Commission**

Nicole Schaefer gave an account of the European level where MS are already using MSP or want to develop it, and where MS are obliged to work together according to the Marine Strategy Framework Directive. MSP does not necessarily mean that use has to be limited, but it can coordinate measures for better and more sustainable use. This requires a common understanding of the concepts of MSP is a process that should be open to all stakeholders. It should map the activities and cover all areas of maritime activities.

Planning has to be flexible and adaptive, if the framework changes.

1. What do we want to achieve in this area? Can all sectoral interests be sustained?
2. Assessment, how are the activities working right now
3. Planning
4. Implementation
5. Final assessment & planning

Reasons for using MSP on a European level:

- Tool for rational use of the sea and improved decision making
- Important for mitigation and adaptation to climate change
- Essential for sustainable resource use
- Gives a stable planning framework for maritime investments
- Arbitrating between competing human activities

The ecosystem approach should underpin the process.

Some benefits: fishermen could have a more efficient fishery by using mapping and windmills would be put up with consideration for oxygen levels, it would avoid disturbing the remaining high-oxygen areas.

Next steps: There is the Commission's roadmap to facilitate MSP, to encourage implementation and to stimulate a debate on developing a common approach to MSP in Europe.

The Commission is planning a series of workshops in 2009 with MS and stakeholders. The Commission is also preparing pilot projects (one concerning the Baltic). There will be a progress report on MSP by the end of 2009, and a study of the economic benefits from MSP that can be gained by the sectors, and what organization would be needed.

Remark: You said you need detailed information, whereas the other speaker thought that we do not need more detailed information.

Speaker: Well I think we have the same approach; you can start planning even if you are lacking some information, but of course you can make better decisions as your knowledge progresses and improves.

▪ **HELCOM, Hermanni Backer, Project Researcher, HELCOM: Presentation of results, from HELCOM workshop on broad-scale marine spatial planning**

Hermanni Backer pointed out that in order to achieve sustainable use of the Baltic Sea on a regional scale; the entire Baltic must be taken into account. It is different to plan for a transnational region, than the national. But on land this approach already exists, thus we should be able to coordinate this also for maritime areas. We may have an advantage with MSP in the Baltic because we already have an international cooperation.

Hermanni gave a background to the work on MSP by HELCOM that started around 2007. HELCOM made a recommendation (28E/9) that HELCOM should develop this process. On 27th -29th January 2009 an Experts' Workshop took place to develop a set of principles for MSP. A proposal was made to hold a joint regional meeting on MSP during 2009 in order to elevate the regional trans-sectoral approach. The WWF has also developed principles (2008) that are quite close to the HELCOM principles. However, what are lacking are the Baltic specificity and the joint approach. Hermanni Backer concluded that a joint effort is essential for the regional success. He referred to the forthcoming EU meetings, mentioned by NS, but underlined the importance of a regional platform, as well as the European one and expressed his hopes that the BSRAC would like to bring its expertise to a joint process.

Remark: How is HELCOM related to the EU? How do we coordinate so as to avoid duplication of work? The countries make the decisions, and the countries vote as well as the Commission. For fisheries it's somewhat different.

Speaker: We are serving the HELCOM member countries. Cooperation should come from the EU. But the same countries are sitting around the same table, and HELCOM is one platform for cooperation.

Remark: From the EU we can provide the general principles ("The roadmap"). But one size cannot fit all. We have to look at the regional specificities - and this is where HELCOM comes in. HELCOM, together with VASAB and BSRAC can look at these general principles and come out with the specificities of the Baltic. We have to take a regional approach.

Remark: Reference was made to the Baltic Sea Action Plan (2007), where HELCOM was a little bit earlier than the EU Commission with its "Roadmap". We support the idea of HELCOM inviting other Baltic Sea initiatives such as VASAB and continuing this open attitude.

Remark: With reference to the Marine Strategy Framework Directive requiring MS to work together on MSP: where will HELCOM be on that?

Speaker: There is a clear link is between HELCOM's Baltic Sea Action Plan and the MSFD, as well as a wish to cooperate, but it is not really known how this is to be done formally.

Remark: Several speakers have stressed the balance of sustainability and human activity, how do you achieve that?

Speaker: A problem is the information we base it on. Our society is built in such a way that information is separated between disciplines and stakeholders. We have overarching principles, but data is not often compatible or shared. If we coordinate this, it will help the balance.

Remark: we have learned from FN that it's up to the national level to make the decisions, and from Nicole Schaefer that it's up to member states (MS) to cooperate, and from Hermanni Backer that HELCOM is a body for discussing MSP. HELCOM also has the environmental representation.

Speaker: I agree, we need the cooperation, and someone has to take the initiative. We need a platform for cooperation, and HELCOM could be just that.

Remark: MSP as a concept can be discussed on a regional or a global scale. But when we move into actual planning, which is the competence of member states, we need to act on a local scale, and we need to be specific. The BS RAC is interested in having a dialogue – but we need to involve the stakeholders in the actual planning. We're not saying that we don't need MSP, but we often see restricted fishing zones as the only outcomes in MSP.

Remark: On International rights - HELCOM is a way to discuss how to implement MSP and to say that the environment and fisheries is not only fishing, but also an economic activity.

Remark: A limitation of the work of HELCOM is that only the environment ministers are involved. For MSP to be successful, all the sectors must be involved in the process.

▪ **Legal aspects of maritime spatial planning - Dr. Mathias Schubert, University of Rostock**

Mathias Schubert covered a selection of international and European legal constraints on MSP divided in three sections

1. General international framework: Competences for MSP pursuant to the Law of the Sea Convention (UNCLOS)
2. Maritime spatial planning and European Community law: Regulatory competences
3. Examples of legal constraints on MSP imposed by international law and European Community law
 - a. Regulations with significance for specific uses
 - b. Horizontal and cross-sectoral instruments

He started by pointing out the difference between Sectoral Spatial Planning, which focuses on particular uses, such as traffic routes, pipelines, fisheries etc, and Comprehensive Spatial Planning, which has a more integrated approach with co-ordination of all utilizations.

He continued to explain some of the differences in the jurisdiction in various areas as well as legal constraints on each of the specific uses: shipping, fisheries, laying of pipelines/cables, exploitation of non living resources, carbon capture and storage.

Conclusions:

- General legal frame of differing competences for MSP set by the Law of the Sea.
- Within this frame there's a network of international and European regulations focusing on particular forms of use and/or conflicts + cross-sectoral/ integrative regulations
- Status quo: patchwork instead of systematic legal regime
- Required: urgently need a coherent and integrated legal concept for comprehensive and future-oriented management at sea

Remark: How do we do that?

Speaker: It is up to the member states, as there is a lack of competence at the EU-level. We need consultations among the member states, to make a base. It is a difficult task to achieve. There are many regulations, and to find a system that meets all constraints is complicated.

Remark: The competence for MSP resides at national level. But the competence for fisheries is EU competence (almost exclusively). What legal procedure should national states go through to make spatial plans?

Speaker: There is Natura 2000. But there is also a legal dispute over that.

Remark: MS can take MSP measures with respect to environmental factors. But it isn't legally possible for them to do so for economic reasons. This is because the EU has competence over fisheries. When trying to balance economic aspects +nature, then there is a mismatch in the legal framework.

Remark: This is a very important point because fisheries are one of the major economic factors and one of the most disturbing factors in the sea. So it is very important to find a solution to this.

Remark: It is possible for MS to take more restrictive measures, but only for their own vessels. For example the local government chose to close part of the cod fisheries in the Kattegat, based on the provisions of the council legislation.

Remark: In competition for rights in areas, the fisheries often lose out because other rights are more important. How to reach a level playing field on the power of the rights?

Remark: This is difficult. The system is not flexible enough to deal with this. The sovereign right exists, but has been transferred to the EU. I'm not sure how to raise fisheries to another level.

Remark: This point is exactly the most crucial, it's very important to do a proper MSP, to have fisheries onboard, and not to transfer too many rights to the EU.

▪ **Examples of challenges of spatial planning in the Baltic**

Windmill parks - Nico Nolte, German Federal Maritime and Hydrographic Agency

Nico Nolte gave an account of existing and prospective uses of the sea, where offshore wind farms are one of the major new uses. Wind farms are popular due to being part of the energy targets, having strong public support, reducing emissions, improving EU competitiveness, and securing energy supplies.

By 2020, 30% of the electricity supply should be renewable in Germany. A strategy paper was produced in 2002, but there are still no wind-mills. As a general rule, when drafting a MSP, you need authority and political targets – sector specific or general. You can not make the process independent from political targets.

Strategy of the German government

Offshore wind-mills are a trigger for MSP. There is a pressing need to control wind-parks and evaluate conflicts with other uses: shipping, fisheries, gravel extraction, environmental issues, and tourism. Furthermore, are they suitable with respect to stability, sedimentation etc?

Since many areas already are approved for other uses, you must take them into account in your maps. Shipping and wind-mills can often agree on the placement, but also changes in wintertime, habitats etc must be taken into account.

You need public meetings with stakeholders to explain how you want to use the area. Certain areas are kept free from windmills, while certain areas are ok. Then government thinks windmills need more space, but they should not be placed in the Natura 2000 areas. About 40% of the German EEZ is protected from wind mills.

Remark: Is it correct (legally binding) to prohibit wind-parks? Are countries allowed to set legally binding targets concerning this?

Speaker: It is not national territory, but there are limited rights on economic use, and the states with designated EEZ can organize economic activity such as wind-parks, artificial islands. (OK with UNCLOS). If there is a

transit route, pipeline in the EEZ – then we would not have the competence, we could not force them to a certain corridor. But also depends if it is only transit, or coming from the German continental shelf.

If you designate an area and say: fisheries is allowed/not allowed, that's not foreseeable in UNCLOS.

Remark: We don't see any areas that are ok for fishing; can windmills not co-exist with the fisheries? We do not want to block anybody, but we do not want to be blocked by them either. Co-existence is the basic word. *Speaker:* The interest of fisheries was considered in Germany, and must be – even though in the end for legal reasons, it was taken out referring to the competency of EU/EEZ.

Remark: Windmills are sometimes placed on spawning areas for fish. If the areas are closed, what will happen with the spawning – is there any research on this? *Speaker:* There must be a safety zone of 500 m around the installation, in case of accidents etc. Spawning grounds data are not always sufficient, and in Germany it was difficult to obtain.

Marine protected areas (the BALANCE project) Åsa Andersson, WWF Sweden/Thomas Kirk Sørensen, DTU Aqua, Denmark

Åsa Andersson started by explaining that the aim of the project was to develop tools for informed marine planning/management using an eco-system based approach. The main activities have been:

- Collation of marine data
- Baltic seafloor mapping
- Biodiversity assessment
- Marine spatial planning

Partners from many countries and fields were involved. Data collected was complex with 9 languages and 9 information systems. It was used to create landscapes, with hotspots for protection, but also to plan for pipelines and other constructions. In case of a shipping accident, action will be easier.

A regional systematic approach to site selection for protection has been developed based on ecological relevant information. Socio-economic interests are also taken into account: certain areas needed protection, some were optional, and some should be avoided for protection due to competing interests. The process aims to ensure representation in all sub-regions and an even distribution between countries.

Thomas Kirk Sørensen continued with the fisheries aspects of the project covering three main areas:

-What is the role of the fisheries sector in marine spatial planning?

-What are the potential benefits for the fisheries sector?

-How to apply our knowledge of the ecosystem in spatial management of Baltic Sea fish and fisheries?

Fisheries are often seen as being in the way of other uses. This can be circumvented by the fishing industry providing information on spawning areas, nursing areas etc. Integrated and proactive MSP and management can shift conflict mitigation to conflict avoidance or even synergy. We need planning on a finer spatial scale, and mapping of fish habitats and fisheries can facilitate this process greatly.

Natura 2000 doesn't include fish but only 4% of the areas important to perch are included.

Cod spawning closures in the Bornholm basin: The fish change their patterns whereas the protected areas remain the same. There is a need for more adaptive management to adapt to these changing conditions.

Conclusions:

-MSP can minimize conflicts before they arise, it can find a balance between maritime interests.

- Fishery has to move from "all over the sea" to something more spatially defined.
- A representative network of conservation areas is an important part of MSP. Systematic site selection can minimise the impact on other interests or even create synergistic benefits.
- MSP requires data/mapping of ecosystems and their exploitation. Do not plan on a blank background!
- Spatial management must be adaptive
- MSP must be ecosystem-based and ecosystems are non-negotiable.
- Joint principles needed, and a systematic regional approach (to mapping, planning and management)
- There is never enough data – just do it!

Remark: You collected and presented a lot of data, is it being used now, or what has happened with the data from the project?

Speaker: It is being used; HELCOM will use some of the data. It is also being included in EU projects. The concept of the project will also be used in the Mediterranean. Furthermore, the information has been used by management in Sweden and Finland.

Remark: We have MPAs from HELCOM and Natura 2000, what about your MPA network/proposal, what does that add?

Speaker (Åsa): We tried to find a coherent network of the existing protected areas, and only to suggest what is missing. Several of the sites are overlapping – and as one is legally binding and one is not – that implies what we are concentrating on.

Shipping (safety at sea, aspects of spatial planning of ships at sea, risk mitigation etc.) Bertil Arvidsson, Technical Director, Senior advisor Swedish Ship-owners association

Bertil Arvidsson gave an overview of aspects of spatial planning in relation to ships at sea. Shipping has strong rights of innocent passage. This doesn't mean they can not avoid sensitive areas etc. Traveling a bit longer, to a somewhat higher cost, is generally OK as long as ALL ships have the same rules, even the flags of convenience. There must be a level playing field: all ships controlled and misbehavers punished.

Ports of refuge are necessary. The Prestige was denied this and broke in a storm. Internationally there is a discussion when the situation appears. In EU we have a directive saying that we should designate a port. There is wording on it in HELCOM, but there is still no port of refuge in the Baltic. We need to help boats in distress to avoid oil spills.

Reception facilities in port is another issue: ship generated waste and cargo residues could be brought into port, but facilities are insufficient– so we have to get rid of it... this situation needs to improve.

We have a good geographic system Sea Web run by the member states, which is very good for MSP!

Bertil Arvidsson encouraged the use of AIS. All ships (except fishing vessels) have this automatic identification system with on-line information. All ships can see the other ships location, identity, size, if its insured, if the ship is blacklisted, commercial history, number of hours running, last entry to port, owner etc.

You can set up new traffic lanes without physical investments. The risk of accidents has been reduced by 80% in some areas when oil tankers were asked to slow down to avoid meeting in a sharp curve.

Fishing boats are not included in the system, which is a safety problem – we can not see them. AIS could help with identification, simplified reporting, catch reports sent online. It is a cheap system, and AIS and radar overlay. I really urge you to use this – for planning, for traffic control, public information, traffic services (search and rescue, ice conditions) – it is also interesting for the public to know about the ships in the Baltic which are blacklisted.

Remark: But we fishermen can also plot you on the system (for safety).

Remark: There are fishermen who use AIS as well, even though it's not mandatory. But it is still nice that not everything is mandatory, that sometimes you can choose.

Remark: What's the difference between WMS and AIS – and why are there two systems?

Speaker: WMS is compulsory for fishing vessels over 15 m. It is mostly for the need of the authorities, and the information is only sent to them. With AIS you can see the same information as all the other people. Then you also have an electronic log book.

ICES: Fisheries management under Natura 2000 - Adi Kellermann, Head of Science Programme

Adi Kellerman gave a short explanation of the work done by ICES work, and gave a presentation on the theme "Environmentally Sound Fishery Management in Protected Areas [EMPAS]". He explained that Germany was quick in designating areas, based on the Birds Directive and FFH directive. But there was still the need for a comprehensive management plan.

The EMPAS Project targets

In each designated Natura 2000 site in the German EEZ (North Sea and Baltic Sea) they aimed for:

1. Analysis of fishing activities and effort
2. Analysis of the impact of fishing activities on habitats and species
3. Identification of conflicts between fishing activities and nature conservation objectives/targets.
4. Development of management options

The project was coordinated by ICES in collaboration with the German Federal Agency for Nature Conservation (BfN). There were three ICES workshops, two BfN workshops and research projects – These included external experts, NGOs, fishermen's associations etc. Additional science-based information from ICES expert working groups was used

Conservation objectives need to be designed from the start. A compromise between fisheries & protection is also needed. The data had to be transformed to a finer scale, including the trawling patterns. The main conflict area identified was the use of set gill nets and the by catch of harbor porpoise and diving seabirds. Identified management options were exclusion of static gear, acoustic deterring devices, closures in special seasons and the development of alternative gear.

In conclusion: ICES has advised on management options for fisheries in order to minimize conflicts and to meet conservation requirements in marine Natura 2000 sites in the German EEZ. To decide on what management options to chose they set up a review group, picked out the scientific data and put in the advice, but also provided the report from the workshops.

Remark: you said you want to fulfill the requirements of the Natura 2000. One option is missing: to continue fisheries on the present level, with the present gear.

Speaker: Natura 2000 should find out whether the conditions are favorable or not. ICES is to forward recommendations to the government, they make the decisions for policy development and implementation. ICES was not asked to make an assessment of the area. We made conclusions for some of the areas but the Commission must now come up with the guidelines.

Remark: We can blame ICES for not having the socio-economic possibilities for assessment, but it is not sure they would have succeeded. The Commission would ask for the assessment through its advisory body.

Remark: There are six years to come up with management measures and targets for the national status. It's all in the beginning, and it is important that it is part of Natura 2000, not of the MSP.

Remark: What's the exact number of bycatch/deaths of porpoises? We have seen the picture you're showing before.

Speaker: Those figures will have to come from the expert in the field.

Nord Stream - Dirk von Ameln, Permitting Manager, Nord Stream, "Challenges in construction of offshore pipeline – An overlook of the Nord Stream project today and cooperation with the stakeholders i.e. fishermen".

Dirk von Ameln described the Nord Stream project as the biggest infrastructure investment in Europe. It has its background in the growing consumption of gas, and as an alternative to oil. Gas deliveries by offshore pipelines cover 45% of EU gas imports, and are expected to grow to 60% by 2020. The project contributes to the security of energy supply and helps the European economy as many European suppliers are used. The offshore gas pipelines are built with proven technology that has been in use for about 30 years.

Main challenge: manage the expectations of nine countries, with various backgrounds and experience. As usual we need to make a compromise, but it must be accepted by all. We are continuously involved in the national permitting processes and international consultations, as of the Espoo convention.

He gave the main results of the studies:

-Environmental impact is of short term duration.

-Minor or moderate impact from planned activities; construction and seabed intervention.

-Low-to-moderate impacts from unplanned events (oil spills in case of collision, pipeline rupture)

-Fishing can be impacted due to the physical pipeline, but stocks will not be affected by the operation. There may even be a positive reef effect. Still, there is significant trans-boundary impact on fisheries during operation. In the Gulf of Finland it may have an impact on fisheries due to free spans.

We want to co-exist with the fishermen. Cooperation, studies and assessments have been made with: authorities, fishermen organizations, FOGA, RAMBØLL, DNV, SINTEF experts and the BS RAC

The findings of the fishery studies are that the Pipeline is over-trawlable in general and pelagic gears have 100% over-trawl-ability. Exceptions: In bottom trawling doors may get stuck in case of free spans, especially with an approaching angle less than 15 degrees. Low engine power may also cause problems in pull over.

There is a risk assessment for the fishermen in preparation. In Sweden/Denmark/Germany there is a new practice with a new angle, also training courses if gets stuck how to get them free, or use new flying doors.

Other ongoing issues: The Espoo process in the final stage, we have chosen the eco-region approach, by going through region per region. It is difficult to address all issues, so we are starting with issues like fisheries, marine safety, sedimentation, Natura 2000, cultural heritage. By March-June 2009 the public consultations will be synchronized in all the 9 countries.

Remark: You guaranteed cooperation but we have not seen it. And you promised that there would be NO PROBLEM for the small and medium sized trawlers, but we are not convinced of your findings. We invite you to the Ex Com meeting in May, to discuss this further. A problem is the different bottom conditions, it's unlikely that we can trawl over it - the boards will not go over the pipeline. So there is a problem - we can not accept a fishing ban over the pipeline. We hope for your cooperation even though we are a smaller player.

Speaker: We have different opinions on some things, but I welcome the opportunity for further dialogue and cooperation. The Danish fishermen's organization say size 42 inches, this one is 48 inches. When laying down the pipeline, we need bigger engines to climb over it.

In the North Sea, if larger than 16 inches it should be over-trawlable. And you should always be able to drag it over, even if it gets slightly stuck. However there are differences between the North Sea and Baltic.

Remark: The size of the pipe is questionable, as well as the size of the gear relative to the size of the pipeline. But the bottom line is: we do not want compensation, we want to fish!

Remark: Do you in the fisheries sector feel you have been consulted and is there a solution?

Answer/remark: There's been a dialogue with Nord Stream. Denmark has the highest experience with trawling over the pipeline. The results of the SINTEF trials, is that there is a wide array of problems, wider than we originally thought. We want the pipeline to be half way or fully buried into the ground to reduce the problems. And we really want to see the people with inside information from the fishing industry to be involved.

Remark: There has also been dialogue with the German fishermen.

Remark: Can you promise that one day if you don't use the pipeline any more you will take it up?

Speaker: I'm not sure that is the right solution. At that time it will be embedded in the environment, then it could be better to leave it. What would be the bigger impact is the question.

▪ **Presentation by Member States (level of governance, procedure of decisions etc.)**

Sweden: Better management of the marine environment - Thomas Nilsson, Swedish Environmental Protection Agency, former Principal Secretary of the Swedish Marine Inquiry

Thomas Nilsson discussed general aspects of the management of the Baltic, and MSP.

He described the background to the Swedish Marine Environment Enquiry. An enquiry or report is made to form the basis for most proposals by the Swedish government. The report contains a series of recommendations on how to manage the marine environment. The marine/maritime bill is expected in March, and the proposal will be taken up in the Swedish Parliament later this year.

He highlighted the key findings:

- The Baltic should be designated a pilot project, using the framework of the EU Marine Strategy Directive
- HELCOM BSAP should be the basis for implementation of the MSD.
- Marine environmental issues have to be much better integrated in EU agricultural, fisheries, and regional policies than is the case today.
- Strengthen HELCOM, arrange a committee to control compliance with the convention
- Annual meetings, but to include all other areas, and the heads of state
- Set up an independent scientific panel for the Baltic Sea (related to HELCOM)
- Intergovernmental fund to finance initiatives and measures aimed at improving the BS environment (part of the structural funds, could be used for this).

Planning today in Sweden: The Planning and Building Act regulates the activities, also within the territorial zone. Municipalities have main authority. A planning system for Swedish Sea Areas should be established based on marine plans, similar to the comprehensive plans for land, with fixed zones for use and protection. Responsibility for drafting marine plans in Sweden should be at regional level (or transferred to central government)

Central government's responsibility: overall authority for planning Sweden's Sea areas, specific responsibility for planning the EEZ (perhaps territorial sea). Eco-system approach, all sectors involved.

Knowledge to support spatial planning and eco-system based management:

- free access to data, new survey vessels, strategic, national programme

Remark: What about your suggestion to set up an inter-governmental fund to support initiatives and research?
Existing initiatives could be used.

Speaker: The fund should be for both research and carrying out measures.

Remark: Do the German municipalities have competence to do planning?

Speaker: They have the competence up to 12 nm.

Poland: Agnieszka Zaplatka, Acting Head of Division, Marine Environment and Sea Shore Protection Division, Safety of Navigation Department, Ministry of Infrastructure

Agnieszka Zaplatka gave an overview of marine planning and legal aspects in Poland. The Maritime Administration is responsible for spatial planning. Poland regulates spatial planning in marine areas through the "Marine Areas of the Republic of Poland and Maritime Administration Act", the "Act On Spatial Planning and Management" and an Ordinance by the Council of Ministers.

Poland intends to change the national planning law to give maritime spatial plans legal status and develop spatial plans for all its marine areas. Other decisions made are: Mining licenses (Minister of Environment), Other uses (artificial constructions) Sea bottom use, contracts between the maritime administration and investors.

Work is going on on some improvements; a new Act on spatial management to include land/sea interaction, a new Polish National Spatial Development Concept, to include marine areas. Pilot sea-use plan for the west part of the Gulf of Gdansk is being developed, with an attempt at an ecosystem approach. Some preparatory projects: Optimum location of wind farms, habitat protection.

A matrix for identifying conflicts was developed.

Lessons learned - reasons for success

- Multidisciplinary team, engaged in parallel and at various levels of planning
- Wide range of stakeholders was involved before the start
- Relative richness of information
- A vision of the planned area
- planning documents existed for all coastal communities

Lessons learned – things to consider

- more time needed for planning process
- coastal communities need to understand their stake in sea use planning
- iteration and data collection took a long time
- spatial thinking among many researchers, difficulties transferring knowledge into spatial terms and difficult to operationalise the 3-dimensional sea space
- pre-planning preparation needed (collection/production of environmental, economical, social data etc.)

Remark: Why did you put the military areas together with fishing?

Usually there is not a conflict, since the military areas are only used from time to time.

▪ **Plenary discussion based on questions prepared by the Commission and the Planning Group.**

Due to time constraints, the discussion was postponed to the second day of the Workshop.

DAY 2

▪ Summary of day one, by Charles Ehler, UNESCO

We have had numerous interesting lectures and several have pointed out that MSP is not a new idea; it has existed for single sectors before, and cross sectors on land. Cross-sectoral or multipurpose planning is, however, new for maritime purposes.

In Western Europe much activity is going on with new legislation being developed and adopted. UNESCO is developing guidelines synthesized from global experiences to be ready by May 2009. The Great Barrier Reef is one good example of successful MSP.

Within the EU a road-map and pilot projects are underway. The EU is behind what MS are doing. A Baltic Sea pilot project could be an option to test out ideas trans-nationally. HELCOM is developing principles for MSP, as well as other organizations such as WWF, EU, VASAB.

We have had a thorough review of the legal aspects: at national level there are few constraints to MSP; while there are more problems when dealing across boundaries.

We heard about Balance and Natura 2000. We heard about the status of the Nord Stream project.

A final conclusion is that MSP is coming to the Baltic Sea and will affect the Baltic and the sectors. The question is more how and when: How do you take the larger eco-system approach? What boundaries are involved? You need the right level of authority for implementation. MSP also concerns the distribution of costs and benefits between the stakeholders and can be a way to reach mutual understanding.

▪ Experiences of MSP from the North Sea - first impressions, by Peter Breckling, German Cutter & Coastal Fishermen's Association

The NSRAC established a working group for MSP in 2004, the NGOs being a driving force. There were many discussions on the issues, and terms of reference for the WG were created. It is a basis that SP means managed areas, not only conservation areas. The work focused on MPAs, fishing data, conservation issues, distribution of effort in the North Sea and aspects of impact assessment. There were good workshops on mapping of key fishing grounds and off-shore wind parks. Three papers were prepared; these are state of the art documents, with facts, opinions etc but no status or advice on how to manage the area.

Concerning future work, the most important point is Natura 2000 and fishing data in such areas. The Dogger Bank is most important. There has to be scientific justification of the sites. There is a need for harmonising management concepts and underlying data. More fisheries data is required especially by environmental NGOs. The EU prepared guidelines on how MS should prepare fisheries management plans for Natura 2000 sites. The RAC must prepare comments on these guidelines.

The NS RAC WG did not yet focus on the clear process of spatial planning which is running on national level in some MS. So there's a lot of work done by the NS RAC, but we did not yet collect all the national levels information.

Remark: how long did this process take?

Speaker: You can compare it with the work activities and time spent by the Pelagic WG of the BS RAC, with meetings once or twice a year, and most of the work done by the chairman/secretary. There have been spatial planning working groups in the NS RAC, but also focus groups focus groups on certain subjects such as mapping of fisheries. Several of the topics were also covered on day one.

Remark: The chair of the MSP WG (Euan Dunn) spent a lot of time on this.

Remark: When the BSRAC started, about 25-30% time was spent on organizing meetings, inviting speakers etc.

Remark: We need more data... different data has different value. But we also need to provide different values to the data. What about the process of giving value to the data – and how we do it.

In the bigger meetings we should perhaps have other stakeholders to give value to the issues, such as bringing in the public to give value to gravel extraction. *Speaker*: The RAC gives value to the data in the meetings, but does not collect data. It is up to the members to bring in information to give value to the issues.