

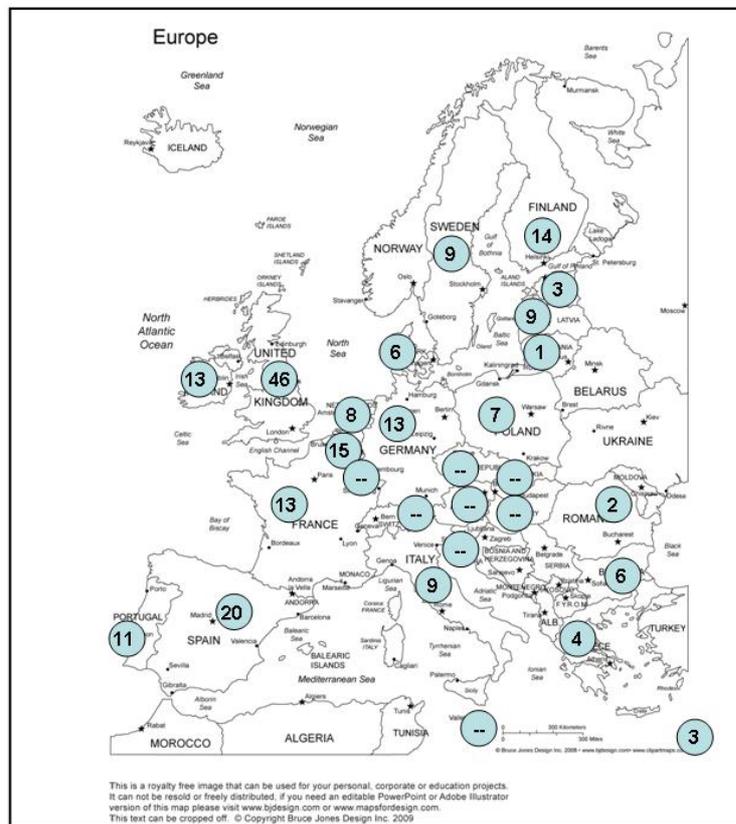
# Stakeholder consultation on MSP and ICZM

## Summary results

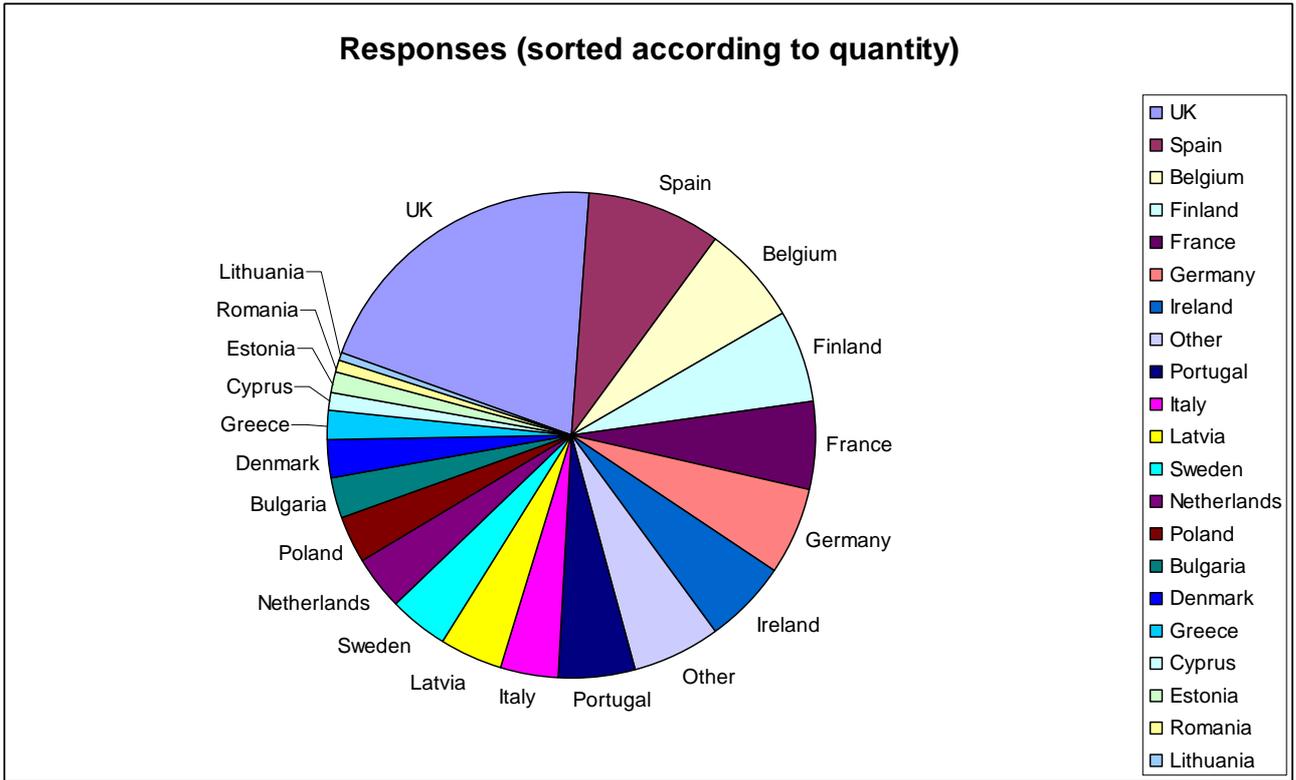
### Participation

A total of 225 responses had been registered when the consultation closed on 20 May 2011. This should be regarded as a good return, since the topic requires expertise on the subjects MSP and ICZM, or at least a basic knowledge on these issues. Roughly half of the participants (109) responded on behalf of an organisation, which shows that a good number of the responses are the result of a collective reflection.

Most of the responses come from the public sector such as research institutions, national and local authorities (20%), universities but also from NGOs. Very few of the respondents come from the private sector.



An overwhelming majority of the respondents are based in EU Member States. Relatively limited participation (13 responses) came from third countries. These 13 responses include USA, Canada, Brazil, Turkey, Georgia, Norway, Mauritius, and New Zealand. Participation is relatively evenly spread out among the coastal Member States with reasonably good balance between north-south and east-west responses, respectively, despite the high number of contributions from one MS (UK, 46 responses, 20% of the total). No contribution at all was received from: two coastal MS (Slovenia and Malta), and from the five land-locked Member States (Austria, Check republic, Slovakia, Luxembourg and Hungary).



A clear majority of respondents' main interest is either environment and nature conservation (68 respondents, 30%) or marine planning and regional development (54 respondents, 24%) and marine research (32 respondents, 14%). It is noticeable that relatively limited participation was registered from other marine MSP sectors than those referred to above. Participants are in general well informed of what MSP is about and have often participated in such a process already.

**Conflict in the use of sea space**

A clear majority of the participants have encountered either many (97 responses, 43%) or some (86 responses, 38%) conflicts of space between or within sectors and an equally clear majority also foresees that spatial claims will either increase significantly (124 responses, 55%) or moderately (64 responses 28%) in the future.

This confirms our perception that many sectors at present experience conflicts between sectors regarding the use of sea-space and that the competition for maritime space will further increase in the future. Among the examples provided we find in particular conflicts between traditional users (such as shipping, oil exploration and fishing) and emerging activities (such as tourism/recreational uses, aquaculture and, in particular, offshore renewable energy sector) as well as marine environment protection (including marine protected areas, in addition to the already existing marine and coastal Natura2000 sites).

**General applicability and benefits of MSP**

Only 4 respondents (<2%) either somewhat disagree or disagree with the statement that MSP is a useful process/set of tools for European sea basins.

A majority of participants feel that MSP would be an important contributor on a wide range of issues, including the following.

- *economic growth,*
- *environmental protection,*
- *maintenance and restoration of ecosystems/ecosystem services<sup>1</sup>*
- *climate change adaption,*
- *sustainable use of resources*
- *regional and social development,*
- *improved governance,*
- *the creation of a level playing field,*
- *transparency,*
- *competitiveness,*
- *innovation,*
- *preservation of cultural heritage*
- *improved stakeholder involvement and*
- *improved maritime safety.*

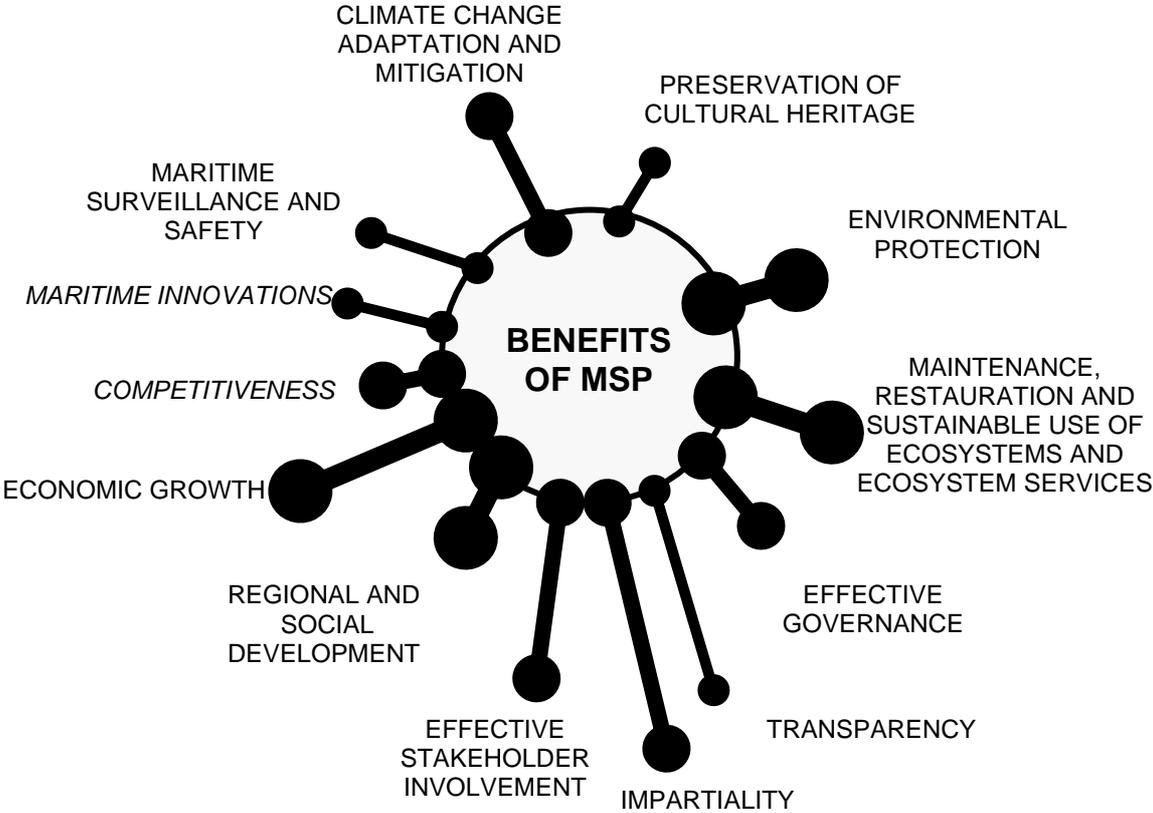


FIG ABOVE: The figure above show the relative importance of the specific benefits. The thicker the connector the more important the relationship between the MSP and the benefit is. The benefits specifically related to the MSFD goals are marked with bold.

Respondents are also very supportive of the main concepts of MSP developed in the EU and elsewhere. This includes the definition of MSP as a process and tool (or set of tools), as well as the 10 key principles identified in the 2008 Communication on MSP (the need for transparency, predictability, stability, stakeholder participation, proper data collection, cross border co-operation, legally binding plans etc).

Several responses indicate the further need to further develop MSP within the EU. They particularly emphasise improvements that can be made in relation to cross border co-operation and they also stress the need to apply a regional sea-basin approach to MSP. The need of a common framework for MSP was referred to by many respondents and the present lack of coordination and harmonisation was seen as a problem.

**On stakeholder involvement**, there is general agreement that MSP should be based on a coordinated, transparent and pragmatic stakeholder consultation; involvement of regional and local level is necessary. However, the degree to which respondents wish to see stakeholders involved at different stages in the process varies.

### **Monitoring and Data issues – relation with MSFD**

**Monitoring and evaluation of the effectiveness of the plan** makes it possible to check whether the goals and objectives of the plan can be/are achieved, or not. This makes it possible to change the plan if necessary. This is often referred to as adaptive planning and management and it is fundamental for successful MSP. Cross-border areas and cross-border activities deserve a special focus since there is an apparent risk of failure of adaptive planning and management in these types of areas if the data-sets from MS are too different. Many stakeholders have emphasised the importance of being able to compile and compare information and having a common system for evaluation across EU or at least at sea-basin level. Indicators and objectives that are clearly defined across sectors and countries are important.

The relevance of MSP in the context of the implementation of the MSFD is commonly accepted among the respondents. 146 respondents (65%) agree and only 16 disagree (7%) with the statement that the implementation of the MSFD should provide data and information that are useful for MSP. Many respondents (147 respondents, 65%) also believe that MSP would provide added value specifically to the implementation of the MSFD by complementing its overarching goal to achieve good environmental status (GES).

Several participants have highlighted the need for co-operation at European level towards common standards for data collection and made references to other data sources which could be used for MSP implementation (in particular collected by Regional sea conventions).

### **Cross border co-operation**

Cross border co-operation is considered a very important issue for an overwhelming majority of the participants. It is also considered either moderately difficult (72 participants) or difficult (82 participants) and an area where considerable improvements can be made. Many suggest a focus on a transnational approach and a common framework and point out that the planning at regional level is not satisfactory at present even if individual states are carrying out MSP. This is very important as the number of broad scale infrastructure projects is increasing, e.g. the North Sea Offshore Energy Grid along with the wind energy plans that are necessary to achieve the EU's goal to produce 20% of its energy by renewable sources by 2020. There are also other reasons for cross-border planning such as maritime traffic, IT cables, pipelines, fishing and conservation of fish stocks, mineral extraction and non-economic uses such as nature conservation networks.

Cross border activities are common in a number of sectors, including shipping, fishing, cabling, wind parks, data gathering, climate change adaptation and coastal defence, and for environmental purposes, such as designation and management of MPAs and prevention of pollution. Challenges highlighted by participants to improve cross border co-operation include: that no cross border planning is done in the first place, incompatibility of data sets in different countries, or no agreed framework and procedures for cross border MSP. Other cross-border challenges include differences between national legal systems, difference in understanding of MSP concept, difference in timing (different stages of development of MSP), etc. The main identified challenge is differences in political priorities.

Respondents mention a large number of planning issues that MS can't deal with in isolation. According to many participants this means that even if some co-operation taking place, it is often difficult and in many cases takes place on an *Ad Hoc* basis only and/or at technical level. Such approach is slow and makes it difficult for all involved to obtain an overall understanding for how to plan across borders. At present, difficulties in co-operation seem to relate mostly to co-operation between Member States, or within a single sector. Only few participants signal problems in cross border co-operation with third countries.

Despite these indications of a relatively poor cross border co-operation on MSP issues between EU Member States, many respondents are in favour of MSP being carried out in cooperation with neighbouring states (77 respondents, 34%) and that cross border co-operation should take place with neighbours from the beginning for cross border areas (106 respondents, 47%). Only 7 respondents (3%) considered that MS should carry out MSP independently from each other. A relatively high number of respondents (107 respondents, 48%) supported the installation of a MSP platform for MSP co-operation in each sea basin.

The conclusion is that cross-border aspects are a central element in the future MSP work done within the EU.

### **What should the EU do?**

The responses on what role the EU should play are diverse and range from suggesting new EU legislation to firm opinions that no new legislation is needed. However, among the responses one of the most repeated suggestion is that a common framework is needed, that the EU must have a coherent direction and common goals and objectives for MSP. It difficult to draw any firm conclusions to how many respondents are in support of a binding legislative instrument since relatively few of the participants express a firm opinion on that issue.

Suggestions for EU action often repeated in the written comments by respondents include:

- To ensure that EU give a coherent direction and clear goals for the Member States to implement MSP
- Offer a common binding legal framework and methodology for MSP within the EU
- Focus on cross border co-operation issues between MS by providing a framework for such co-operation.
- The existing directives, recommendations and policies such as the MSFD, CFP, Habitats- and Bird Directives, WFD, and agriculture (CAP) must be acknowledged when developing MSP further to ensure that the provided coordination and guidance is in good agreement with these.

- Apply the Ecosystem Based Approach to MSP
- Support best practice measures,
- The need to further develop the common principles of MSP in order to provide further guidance to MS on how to implement MSP.

Some of the moderate/"do-nothing" comments provided by the respondents include:

- Additional regulation is not necessary. MS have already a lot on their hands with the implementation of the existing EU legislation.
- MSP should be mainly left to Member States (safeguarding the subsidiarity principle) and the EU should not get involved in detailed planning
- Apply "soft law" such as guidelines, recommendation, communications
- Integrate MSP with existing policies

Participants have also proposed number of ideas on how the EU should deal with various challenges and problems in order to develop MSP. In general, respondents representing a single sector or interest group tend to emphasise the interests they represent. For example, a number of respondents state that the main aim of the MSP process should be to protect the environment, putting other interests, such as economic prosperity, innovations, creating new jobs, or renewable energy goals, in second place.

### **International co-operation on the high seas (Areas beyond national jurisdiction)**

Participants generally consider international co-operation to be a rather difficult issue, but also tend to point out that it needs to be reflected upon since MSP could also be relevant for high seas areas. The need for collaboration is therefore highlighted by many participants (in particular from the marine research sector). Several participants highlight the need for a more structured dialogue on MSP in existing international fora such as the UN and its various organisations e.g. FAO, CBD, Regional Sea Conventions (OSPAR, HELCOM, Barcelona Convention, Bucharest Convention), RFMO:s, ISA, IMO, for addressing MSP in high seas areas.

Respondents, in their written comments, regard enforceability as a problem for high seas measures. In conclusion, a more active debate in international fora should be promoted by the EU.

### **Link MSP - ICZM**

Respondents recognise the need for a close link between MSP and ICZM initiatives. A majority of the respondents (98 respondents, 43%) say that they would like to see coordination of MSP and ICZM but that the processes themselves should be kept separate.

52 respondents (23%) are in favour of a full linkage between ICZM and MSP. The separate question whether MSP and ICZM should be addressed through separate (legal) instruments yields 68% (115 respondents) against a separation of the two, with 38% (70 respondents) are in favour of separating the two tools .

36% of the respondents (82 out of 225) have experience in applying a combination of MSP and ICZM.