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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**outlining the progress made in implementing Directive 2014/89/EU establishing a
framework for maritime spatial planning**

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1. INTRODUCTION

There is increasing demand for maritime space for various purposes, such as ecosystem and biodiversity conservation, renewable energy production, maritime transport, fishing, aquaculture and tourism. This requires an integrated approach to planning and management. Maritime spatial planning is commonly understood as a public process for analysing and planning the spatial and temporal distribution of human activities in sea areas to achieve economic, environmental and social objectives.

In 2014, the EU adopted Directive 2014/89/EU on maritime spatial planning (MSP) (hereafter the “Directive” or the “MSP Directive”) to achieve effective management of marine activities and sustainable use of marine and coastal resources, based on an ecosystem approach. The MSP Directive creates a framework for consistent, transparent, sustainable and evidence-based decisions. It lays down certain obligations, including the obligation for Member States to set up a maritime spatial plan or plans by 31 March 2021 at the latest and to review these plans at least every 10 years.

Under Article 14(2) of the MSP Directive, the Commission must submit a report to the European Parliament and the Council outlining progress on the implementation of the Directive by 31 March 2022, and every 4 years after that. This report gives an overview of that progress, as required under the Directive, and assesses transposition and conformity. It also looks at developments that have had a bearing on the implementation of the Directive since its adoption in 2014, notably the European Green Deal.

This report is primarily based on transposition measures, maritime spatial plans and other information submitted by Member States, information on the European MSP Platform, and other publicly available sources. The analysis in this report covers the period from the adoption of the MSP Directive on 23 July 2014 to 15 February 2022. Although the Directive entered into force on 17 September 2014 and the transposition deadline was 18 September 2016, Member States had until 31 March 2021 to set up maritime spatial plans.

2. MSP DIRECTIVE

The MSP Directive provides the legal framework for the development of MSP in the EU. In particular, it requires the 22 coastal Member States¹ to produce maritime spatial plans for the marine waters under their jurisdiction.

The Directive aims for MSP to be a cross-cutting policy tool enabling public authorities and stakeholders to apply a coordinated, integrated and transboundary approach. By applying an ecosystem-based approach, the Directive aims to promote the sustainable development of the maritime and coastal economies and the sustainable use of marine and coastal resources. The Directive is embedded in the EU’s integrated maritime policy (IMP), designed to develop coordinated, coherent and transparent decision-making in relation to the EU’s sectoral policies affecting the oceans, seas, islands, coastal and outermost regions² and maritime sectors.

¹ The MSP Directive does not apply to landlocked Member States.

² The MSP Directive does not apply to ‘waters adjacent to the countries and territories mentioned in Annex II to the Treaty and the French Overseas Departments and Collectivities’ (see Article 3(4), which refers to point (1)(a) of Article 3 of Directive 2008/56/EC (Marine Strategy Framework Directive)).

The Directive lays down the obligation to establish a maritime planning process, which should take into account land-sea interactions and promote cooperation among Member States. The Directive addresses public consultation requirements, the use of best available data and cross-border cooperation with non-EU countries. It focuses on processes while leaving content largely in the hands of the Member States, in line with the subsidiarity principle. Member States still have the responsibility and competence to set up and decide on the format and content of the resulting maritime spatial plans, including any allocation of maritime space to various activities and uses.

3. TRANSPOSITION AND DESIGNATION OF COMPETENT AUTHORITIES

Article 15(1) of the MSP Directive requires Member States to transpose the Directive into national law by 18 September 2016. Article 15(2) requires Member States to designate the authorities competent for the implementation of the Directive by the same date.

3.1. Transposition into national law

All 22 coastal Member States have now transposed the Directive into national law and designated competent authorities. In November 2016, the Commission opened infringement proceedings against eight Member States (Bulgaria, Greece, Spain, France, Croatia, Cyprus, Lithuania and Finland). These proceedings were closed by July 2018 after all Member States involved had notified and communicated full transposition measures to the Commission.

Member States took various approaches to the transposition of the MSP Directive. Some Member States already had MSP legislation or legislation on spatial planning also covering the maritime domain in place (e.g. Belgium, Germany and the Netherlands). Several Member States amended legislation on spatial planning or environmental protection (e.g. France and Croatia). Other Member States adopted new specific MSP legislation (e.g. Denmark, Greece, Ireland, Italy, Portugal, Romania and Spain). Another group of Member States combined amendments to legislation with new specific MSP legislation (e.g. Finland, Malta and Sweden).

The legislation adopted by some Member States (e.g. France, Latvia and Spain) refers to legislation transposing other Directives, and more specifically to Directive 2008/56/EC (the Marine Strategy Framework Directive or “MSFD”).

A number of Member States with a federal or devolved structure adopted legislation at national and subnational level to transpose the Directive. In some cases, subnational entities adopted subnational legislation using a separate procedure (e.g. the Åland Islands (Finland)).

Having started in 2016, by the second quarter of 2020, the Commission had concluded its conformity check of transposing measures. The Commission analysed the Member States’ transposition of the Directive into national law and found that it was complete. As for the correctness of transposition, analysis showed that the transposition into national law mostly complies with the requirements of the Directive.

3.2. Competent authorities

Article 13 of the MSP Directive requires Member States to designate competent authorities³. Member States have chosen to designate either ministries or government agencies.

In cases where a ministry was designated, it was responsible for either a mix of policy areas (e.g. environment, planning or regional development) or a sectoral policy (e.g. transport and infrastructure, or maritime economy). In some instances, the ministries covered policy areas such as home affairs or finance, and two Member States designated their Ministry of the Sea as the competent authority.

In cases where a government agency was designated, the remit of these bodies ranged from planning to the regulation of maritime activities, or specialised activities in environmental management (e.g. water and sea).

The main functions of these competent authorities are to implement the Directive and ensure effective cross-border cooperation between Member States and with neighbouring non-EU countries. In the context of cross-border cooperation activities, a number of competent authorities organised cross-border and transnational consultations or participated as coordinating entities in EU-funded projects to foster cross-border cooperation on MSP. Staff from these competent authorities represent Member States in the Member States expert group on maritime spatial planning.

4. IMPLEMENTATION

4.1. Commission implementation support

Since the adoption of the MSP Directive in 2014, the Commission took action and set up a number of initiatives to support MSP in the EU, notably a Member States expert group, technical assistance and cross-border projects. This has enabled Member States to make significant progress in areas such as cross-border consultation and cooperation, information and data sharing for and on maritime spatial plans, or increased coherence at sea basin level. These areas will continue to be supported under the 2021-2027 European Maritime, Fisheries and Aquaculture Fund.

- Member States expert group on maritime spatial planning

To create a key platform for exchanging experience and building the EU's MSP community, the Commission set up a Member States' expert group. It provides a regular forum for the Member States' competent authorities, planners and observers to discuss progress in the Directive's implementation and any challenges that may arise. The expert group has met about twice a year since 2012 and has played an important role in the transfer of knowledge and experience among Member States. The expert group is not intended as a formal forum for decision-making. Nevertheless, it has enabled Member States and observers, including non-governmental organisations (NGOs), industry associations and regional bodies, to be informed on the development of MSP in the EU and to exchange experience on policy and practical issues related to the Directive's implementation.

³ For a list of competent authorities see https://maritime-spatial-planning.ec.europa.eu/sites/default/files/overview_of_msp_authorities_november_2020.pdf

- European MSP Platform

In 2016, the Commission set up the European MSP Platform as an assistance mechanism for MSP. It helps Member States implement the Directive by making available a dedicated online platform and an expert team. It provides targeted advice, guidance and training to facilitate Member States' MSP work. It also provides administrative and technical support to the Commission in activities such as organisation of Member State meetings, conferences or analysis and study work on MSP.

- Project funding

The EU has been supporting MSP projects in all EU sea basins, including outermost regions, even before the Directive was adopted. The nature of these funded projects ranges from research and innovation (e.g. Horizon 2020), higher education (Erasmus+) and regional cooperation (e.g. Interreg) to capacity development and cross-border cooperation (European Maritime and Fisheries Fund (EMFF)).

By the end of 2021, the EMFF had funded 15 projects under direct management, for a total amount of around EUR 25 million. These regional and cross-border projects were coordinated by the Member States' planning authorities and have helped Member States cooperate on issues of common interest (e.g. environmental protection or renewable energy production) when developing their maritime spatial plans. They have also supported capacity building for MSP by transferring experiences and best practice from other Member States, or by developing tools to support MSP activities. Lastly, they have facilitated cross-border exchanges with stakeholders and consultations. These projects have also strengthened MSP's EU dimension, in particular in the context of sea basin cooperation.

4.2. Establishing maritime spatial plans: overview of progress

Article 15(3) of the MSP Directive requires that Member States establish maritime spatial plans as soon as possible, and at the latest by 31 March 2021. Article 14(1) of the Directive also required Member States to inform the Commission and other Member States concerned within three months of the establishment of those plans.

This report covers the period from the adoption of the MSP Directive in 2014 until 15 February 2022.

In general, four groups of Member States can be distinguished:

First, several Member States could build on an MSP tradition that either predates the Directive or started very soon after it had entered into force. Hence, Belgium, the Netherlands and Germany⁴ were easily able to meet the deadline of 31 March 2021. Germany and the Netherlands are currently already developing or implementing the second revision of their maritime spatial plans.

Malta had established a comprehensive 'Strategic Plan for Environment and Development' in 2015 covering terrestrial planning and maritime issues, which it also considers to be its

⁴ In Germany, subnational entities also adopted subnational maritime spatial plans using a separate procedure (Lower Saxony, Mecklenburg-Western Pomerania and Schleswig-Holstein).

maritime spatial plan. Lithuania has also had a comprehensive plan in place since 2015 and revised it in 2021, strengthening its maritime aspects in line with the Directive.

Second, a large group of Member States succeeded in either complying with the deadline fixed by the Directive, or establishing and adopting their maritime spatial plans within 1 year after the deadline. These Member States now have comprehensive maritime spatial plans in place, usually for the first time, and are moving on to the challenge of implementing them in practice. The Directive has proven to be vital in providing the framework for Finland, Latvia, Poland, Denmark, France, Ireland, Slovenia and Sweden to set up their MSP processes. Portugal has also established its plans for most of its marine waters, with the exception of the Azores.

Third, the Commission preliminarily concluded in late 2021 that five Member States did not make sufficient progress towards establishing and/or notifying maritime spatial plans as required by the Directive. Therefore, on 2 December 2021, the Commission sent letters of formal notice to Croatia, Cyprus, Greece, Italy and Romania for failure to comply with Article 8(1), Article 15(3) and Article 14(1) of the MSP Directive. These Member States are at various stages of drafting their maritime spatial plans. The Commission urges them to dedicate the necessary resources to the development, finalisation and notification of maritime spatial plans that comply with the Directive and that cover all of their marine waters. By 15 February 2022, most of these Member States had replied to the Commission's letters of formal notice⁵. The Commission will continue to work closely with these Member States to help them remedy the infringement in the shortest possible time.

Finally, some Member States were not able to comply with the Directive's requirement to establish maritime spatial plans by 31 March 2021, but they are at an advanced stage in producing draft plans and proceeding to final adoption. Hence, the Commission expects Estonia, Spain and Bulgaria to establish their final plans soon. The Commission is monitoring progress closely and will take action as appropriate. This also applies to Portugal with respect to the Azores.

4.3. Implementation of the Directive's requirements for maritime spatial plans

4.3.1. Ecosystem-based approach

Article 5(1) of the MSP Directive states: 'Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses'. The Directive also highlights the MSFD and its goal of ensuring a good environmental status of EU seas. Given the MSFD's central role in improving the environmental status of marine ecosystems, Member States have opportunities to integrate the MSFD's implementation with MSP Directive.

⁵ The replies from the Member States are under assessment. Croatia also notified to the Commission its maritime and territorial plans, which are now also under assessment. Romania requested and was granted an extension of the deadline for reply.

All Member States that had established a maritime spatial plan at the time of this report have referred to an ecosystem-based approach. However, the analysis of this approach and its impact on the maritime spatial plan varied across Member States. The reference to an ecosystem-based approach was found in the maritime spatial plan itself and/or in the strategic environmental assessment⁶ of the maritime spatial plan.

Nevertheless, some Member States' plans went further than analysing the ecosystem's characteristics and the impacts of sectoral developments. They looked explicitly at the relation between an ecosystem-based approach and the resulting maritime spatial plan. A practical example from Finland is given in the box below.

Example of good practice: Finnish plan uses scenario planning

To support MSP, the Finnish authorities used scenarios for the future of the maritime area and assessed their impact. The scenarios consider the changes in the maritime area's operating environment until 2050 and the needs and views of interest groups regarding the future development of the Finnish maritime area. The scenarios also consider potential risks and opportunities. This work supports the MSP process using an ecosystem-based approach.

A specific project on the ecosystem-based approach to MSP, supported by the EMFF, was carried out during the preparation of the Finnish plan. The results of this project can be found here: <https://www.merialuesuunnittelu.fi/wp-content/uploads/2020/10/Ecosystem-based-approach-in-Finnish-MSP.pdf>.

4.3.2. Consideration of environmental, economic, social and safety aspects

Article 6(2)(b) of the MSP Directive requires Member States to take into account environmental, economic, social and safety aspects.

All Member States with adopted maritime spatial plans have taken into account environmental, economic, social and safety aspects in their plans. In most cases, these aspects have been analysed in detail. Some plans even contain a dedicated chapter, section or report on these aspects.

To analyse these aspects, several Member States chose to use the instruments that are already available, for example the strategic environmental assessment (SEA). Other Member States carried out additional assessments of socio-economic and environmental impacts.

One interesting and innovative example of taking into account of environmental aspect is demonstrated in the Belgian Maritime Spatial Plan, where in order to test options for future seawalls to contain rising sea levels, the construction of a testing island is considered and

⁶ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

the environmental aspect plays a central role in the approval and evaluation of the testing site⁷.

4.3.3. Promote coherence

Article 6(2) (c) of the MSP Directive requires Member States “to aim to promote coherence between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices”.

All Member States that submitted their plans have sought to promote coherence between other rules, policies and plans relevant to MSP. In addition, the maritime spatial plans of several Member States give an extensive overview of relevant rules, policies and plans that were taken into account in preparing the maritime spatial plan. These include regulations, policies and plans prepared at various levels by the EU, regional sea conventions, and national and local authorities.

Some examples of administrative simplification and ensuring coherence include the choice of some Member States (Lithuania and Malta) to combine maritime and territorial plans in one single plan. This choice might nevertheless not be applicable to all Member States. Another example of ensuring coherence is Ireland, where each chapter of the maritime spatial plan shows an extensive list of references to other EU or Irish research and policies with which it is coherent with. Some Member States also align MSP with the cycles of other highly relevant policies to facilitate implementation and cross-fertilisation (e.g. France aligns MSP and MSFD cycles).

4.3.4. Land-sea interactions

Article 4(2), Article 6(2)(a) and Article 7 of the MSP Directive require Member States to take land-sea interactions into account in their plans. In this context, the process of (formal or informal) integrated coastal management can support the drafting of the plans.

Most Member States with plans did mention land-sea interactions. Most Member States dedicated a chapter or report to land-sea interactions, providing a detailed analysis of interactions, not limited to coastal defence.

Policy coherence with MSFD, WFD, Nitrates and other relevant legislation were also considered by some Member States in the context of land-sea interaction.

Example of good practice: Lithuania takes maritime, land and air maps into account

One example of innovative practices by Member States in considering land-sea interaction is demonstrated by Lithuania. Its plan takes account of maps of maritime, land and air transportation interdependencies with neighbouring countries that can influence MSP (and ongoing cross-border infrastructure projects). This practice shows a traditional way of working (dependency analysis) applied in an innovative manner by extending the analysis of sea, land and air interdependencies to all countries that can influence the use of the Member State’s maritime space.

⁷ Annex 2 to the Royal Decree establishing the marine spatial planning for the period 2020 to 2026 in the Belgian sea-areas.

4.3.5. *Identification of the spatial and temporal distribution of activities and uses*

Article 8 of the Directive introduces the fourth dimension – time – by requiring that maritime spatial plans ‘identify the spatial and temporal distribution of relevant existing and future activities and uses in ... marine waters’.

At the time of assessment, all Member States with maritime spatial plans had identified and zoned existing and future activities and users, including temporally. Most of the plans considered the interactions among these activities.

As Member States identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters, a multi-sectoral approach should be stimulated. The maritime spatial plans generally elaborate more on the interactions between activities, users, shared use and location. Improving these links and the coherence operationally and objective-wise between them remain an important task.

The maritime spatial plans are characterised by convergence: most of them are highly comparable in that they take a prescriptive zoning approach. This means that EU maritime spatial plans tend to prescribe where activities are allowed and where they are not allowed.

Example of good practice: Belgium – potential for multi-use enabling offshore renewable energy production

The coordination of activities in the maritime area is a key aspect of the maritime spatial plan. In Belgium, the competent authorities had to deal with a limited area with high pressure for shared use of spatial resources. Rising demand for offshore renewable energy is also a significant factor. In addition, Belgium’s 2050 vision for the North Sea includes multi-use of maritime space as one of its key pillars.

Belgium has developed an in-depth analysis of potential multi-use of its maritime space, implementing a legally binding governance framework. This includes the identification of both the spatial and the temporal distribution of activities in the North Sea and the evaluation of the compatibility of multiple activities in the same area. This approach provides extensive support for incorporating offshore renewable energy areas in Belgium’s limited maritime space.

4.3.6. *Stakeholder involvement and public participation*

Article 9 of the MSP Directive requires that Member States secure the participation by all relevant stakeholders and authorities, and the general public, in MSP initiatives at the earliest possible stage. Member States must also ensure public access to the plans once they are finalised.

Engaging key stakeholders in MSP development is essential, as MSP aims to achieve multiple objectives (social, economic and ecological). Therefore, MSP development should reflect as many expectations, opportunities or relevant disagreements as possible. Stakeholder consultation in MSP processes is especially important in accommodating the

various interests of established sectors (like fisheries or shipping) and addressing the increasing need for space for nature protection areas and new developing sectors (like offshore renewable energy).

At the time of assessment, all Member States with maritime spatial plans met the requirements of Article 9 of the Directive. The scope and extent of stakeholder engagement varied across Member States. The level of stakeholder engagement often reflected the political or legal requirements for participation that already existed in a particular Member State.

The implementation of Article 9 was well documented. The process for public participation is clearly described, stakeholders using various methods were included in the entire process and their feedback was to a varied extent integrated in the maritime spatial plans.

Example of good Practice: Ireland – local public consultation

Ireland held a three-month public consultation on its MSP baseline report. This was part of the broader consultation process which resulted in Ireland's first MSP. The MSP team hosted public engagement events in almost all coastal counties across Ireland. These events were aimed at raising awareness of:

- the concept of MSP;
- the Irish government's plans to develop a marine plan for Ireland;
- how people could engage with the plan-making process;
- the timeframe for the various phases of this process.

During the consultation period, five regional public engagement events were held across coastal communities. In total, over 170 responses on the baseline report were received, and these had a significant impact on the content of the draft MSP. This consultation process was also expanded and repeated for Ireland's draft plan.

This practice focuses on a participatory and transparent process, enabling the public to engage in the MSP process and to provide their views on the report and the MSP draft.

4.3.7. Use of best available data and data sharing

Article 10 of the MSP Directive requires Member States to organise the use of the best available data, and decide how to organise information sharing necessary for development of maritime spatial plans. Member States must also use relevant instruments and tools,

including those already available under the integrated maritime policy and other relevant EU policies, such as those mentioned in the INSPIRE Directive (Directive 2007/2/EC)⁸.

In implementing these provisions of the MSP Directive, most Member States were transparent and explicit on the data sources used, providing varying degrees of detail on these data sources. The INSPIRE Directive was used by most Member States.

Some Member States decided to centralise the task of combining existing data sources by creating central data points – for example the Netherlands (Marine Information Centre), France (SIMM) and Slovenia (TOOLS4MSP) – and other data sharing systems or tools.

Another good example of the use of best available data is the use of the public participation geographic information system (PPGIS). Under PPGIS, methods have been developed to collect place- and time-dependent information from stakeholders to compile local, experience-based data. This data can be used to identify connections between activities and areas and to verify and supplement expert information. Such an approach was used in the survey undertaken by Finland in the context of the Pan Baltic Scope project, to identify sites that are significant in terms of nature and cultural values in the Åland Islands and the Satakunta region.

Example of good practice: interoperable data model makes it possible to show national maritime spatial plans in EMODnet Human Activities portal

Preparing maritime spatial plans requires data that is diverse in terms of domain, geographical area, spatial and temporal scale, quality, availability and re-use potential. The MSP Directive has no explicit or prescriptive requirements for harmonisation, reporting or data sharing. Nevertheless, various regional geospatial data models were developed over time to enable cross-border availability (and visualisation) of data. This important work was taken forward by data experts in national administrations or agencies, often in the context of EU-funded cross-border cooperation projects.

In 2021, a technical expert group supported by the Commission developed a common data model for the “Harmonisation of nomenclature and standardization of Output Data”. It offers the MSP EMODnet model as a ready-to-use solution together with BASEMAPS and the MSP INSPIRE data models⁹. This enables these three data models to be integrated in the Human Activities data portal of the European Marine Observation and Data Network (EMODnet)¹⁰.

So far, four Member States (Belgium, Denmark, Finland and Latvia) have uploaded their maritime spatial plans to the geoportal, where the integrated data product is generalised (i.e. to display MSP plans at EU level).

⁸ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁹ *Proposal for making harmonized MSP plan data available across Europe*, September 2021, <https://op.europa.eu/en/publication-detail/-/publication/f4d14782-19ba-11ec-b4fe-01aa75ed71a1>.

¹⁰ <https://www.emodnet-humanactivities.eu/>

4.3.8. Cooperation among Member States and at sea basin level

Article 6(2)(f) and Article 11 of the MSP Directive require Member States bordering marine waters to cooperate in a planning and management process to ensure that maritime spatial plans are coherent and coordinated. The Directive explicitly mentions cooperation in existing regional institutional cooperation structures, networks or structures of Member States' competent authorities, or any other appropriate method.

Cross-border and transnational cooperation is essential in identifying potential issues at an early stage, and in identifying opportunities for cooperation and long-term sustainable management of the maritime space. In this context, all Member States with adopted maritime spatial plans and those that are in the process of adoption coordinated their plans with other Member States, and involved regional governance bodies. Most plans take into account – to a varying degree – transboundary impacts and developments. Some plans describe the relevant processes in more detail.

Cooperation among Member States (and with non-EU countries) in the same sea basin is fostered by:

- EU-funded projects e.g. NorthSEE, SEANSE, Baltic Lines, PanBalticScope , MSP-MED, SIMWESTMED, MUSES, MARSPLAN, SIMNORAT, SIMATLANTIC, MARSP, MSP-OR, eMSP, and others¹¹;
- bilateral or multilateral contacts and informal meetings among Member States' competent authorities; nationally-funded projects, e.g. Ritmare;
- regional sea conventions: HELCOM-VASAB (MSP working group) for the Baltic Sea basin, the Barcelona Convention for the Mediterranean Sea, OSPAR for the north-eastern Atlantic region;
- participation in the MSP Experts Group , the MSP Global Initiative¹², the MSP platform and the EU Maritime Forum;
- formal consultations in the context of the implementation of the SEA Directive¹³.

Cross-border consultation is required for the establishment of maritime spatial plans that identify appropriate locations for specific activities or projects. However, consultation in the context of the MSP Directive cannot replace cross-border consultation on the impacts of specific projects. At the same time, cross-border cooperation on MSP offers an early opportunity to identify necessary changes, e.g. areas or zones where maritime traffic¹⁴ is dense and may need to be rerouted.

¹¹ <https://maritime-spatial-planning.ec.europa.eu/msp-practice/msp-projects>

¹² Joint initiative by the European Commission and the Intergovernmental Oceanographic Commission of UNESCO, <https://www.msfglobal2030.org/>.

¹³ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) (OJ L 197, 21.7.2001, p. 30).

¹⁴ E.g. the European Maritime Safety Agency provides maritime traffic density maps via EMODnet, which can support MSP.

Example of good Practice: HELCOM-VASAB – an intergovernmental MSP working group

Cross-border cooperation is essential for long-term sustainable management of the maritime space. In this context, the Member States and non-EU countries of the Baltic Sea basin are represented in the Baltic Marine Environment Protection Commission (HELCOM), a platform for environmental policy set up in 1974. The members of HELCOM are Denmark, Estonia, the EU, Finland, Germany, Latvia, Lithuania, Poland, Russia, Sweden and observer organisations (including Belarus, Ukraine and NGOs).

To support the development of maritime spatial plans, the HELCOM-VASAB working group has been set up. This joint MSP working group developed recommendations and principles that its members can use when they are drafting maritime spatial plans. In doing this, HELCOM specifically focused on supporting an ecosystem-based approach. This is also supported by EU-funded projects, such as the Capacity4MSP platform. More recently, in October 2021, HELCOM adopted a regional Baltic MSP Roadmap 2021-2030.

Overall, this practice supports both cooperation among Member States and cooperation with non-EU countries. It also supports the consistency of the various maritime spatial plans of the Baltic Sea basin and the adoption of an ecosystem-based approach.

4.3.9. Cooperation with non-EU countries

Articles 6(2)(g) and 12 of the Directive invite Member States to promote cooperation with third countries on their actions with regard to maritime spatial planning in the relevant marine regions.

Most of the Member States with non-EU neighbours in relevant marine regions endeavour to cooperate with them. These endeavours, including details of specific interactions have been included in some maritime spatial plans.

Cooperation with non-EU countries mostly concerned informal bilateral cooperation, cooperation in the context of regional sea conventions, EU Macro-Regional Strategies (EUSBSR and EUSAIR) and cooperation via EU-funded projects. Other channels of cooperation were also used, to a lesser extent, such as cooperation in the context of the SEA Directive, the Espoo Convention and the European MSP Platform.

Examples of cooperation with non-EU countries

- Spain developed a cross-border portal with Morocco and Algeria to increase transparency and improve governance on MSP in the Alboran Sea region.

- The PORTODIMARE¹⁵ Interreg project supported multilevel and cross-border cooperation, addressing the common challenges of integrated coastal zone management (ICZM) and MSP in the Adriatic-Ionian region. The main output is the Geo data portal of the Adriatic Ionian Region, an open-source interoperable platform developed on the basis of transnational cooperation between Italy, Slovenia, Croatia, Greece, Montenegro, and Bosnia and Herzegovina.
- The WestMED initiative gathers 10 countries in the western Mediterranean region involved in the 5+5 Dialogue: five EU Member States (France, Italy, Portugal, Spain and Malta), and five southern partner countries (Algeria, Libya, Mauritania, Morocco and Tunisia). MSP and ICZM are among the areas of common interest. The western Mediterranean pilot project carried out under the MSPglobal project¹⁶ made it possible to increase cooperation, draft regional recommendations in line with the WestMED initiative and strengthen institutional capacities on MSP in Algeria, France, Italy, Malta, Morocco, Spain and Tunisia. Other member countries of the Union for the Mediterranean in the western Mediterranean could also participate in training activities.

4.4. Implementation challenges

When drawing up their maritime spatial plans, Member States faced a number of challenges. For most of them, it was the first time they engaged in such far-reaching, multi-sector and multi-objective strategic planning of their maritime space. This is a complex and adaptive process requiring broad and intense cooperation and coordination among national ministries, agencies, coastal regions, with stakeholders and with neighbouring countries.

Other challenges that could be observed in terms of process included data collection and compilation (e.g. lack of comprehensive data on marine areas, cross-sectoral dimension of data or difficulty to collect data from national authorities), and, in particular, coherence of plans across neighbouring countries (i.e. the transboundary challenge of the plans). In several Member States the cross-cutting character of MSP and a lack of clear targets for various maritime sectors made it difficult to prioritise measures and sectors (e.g. national security versus other economic activities).

Transboundary challenges were more significant in cases where there was no established sea basin cooperation on maritime space, or where the maritime zones had not been clearly established or delimited between neighbouring Member States or non-EU countries.

The COVID-19 pandemic and related health measures coincided with the final implementation phase of many national maritime spatial plans. This not only slowed

¹⁵ <https://portodimare.adrioninterreg.eu/>

¹⁶ Co-funded by the EMFF under direct management, <https://www.mspglobal2030.org/msp-global/pilot-project-west-mediterranean/>.

down the work of national administrations and cooperation between Member States, but also affected stakeholder participation and consultation.

In terms of content, the most significant challenges were implementing the ecosystem-based approach, prioritising maritime space uses and providing space at sea to enable various economic activities and achieve various policy objectives, while at the same time protecting the environment or leaving space for future uses.

5. CONCLUSIONS

5.1. MSP as an enabler of the European Green Deal

As a result of the MSP framework set up by the MSP Directive, for the first time, all coastal EU Member States simultaneously drew up national maritime spatial plans and ensured cross-border cooperation.

The implementation of maritime spatial planning in the EU will not end after the adoption of the first wave of plans. On the contrary, the coming years will see a step change in the role of MSP for the sustainable development of seas, likely accelerated by the implementation of the European Green Deal and related legislation and strategies.

Thanks to its adaptive and strategic dimension, MSP as conceived by the Directive can act as a powerful enabler for the European Green Deal. The crucial role of MSP in this regard was also highlighted in the Commission's Communication on a new approach for a sustainable blue economy in the EU¹⁷.

The EU strategy on offshore renewable energy¹⁸ explicitly identified MSP as an essential and well-established tool for facilitating the development of offshore renewable energy in the EU in a sustainable way. Several Member States have anticipated these changes in their plans by defining areas for future deployment of offshore wind parks, identifying potential for multi-use of the maritime space to support various objectives, such as low-carbon food production via aquaculture and fisheries.

North Sea and Baltic Sea countries are the most experienced in MSP and in cooperating at sea basin level. Coastal Member States set up the North Seas Energy Cooperation to enable political and technical cooperation, including on MSP. In the Atlantic and the Mediterranean Sea, several national plans include zoning for possible deployment of offshore renewables, paving the way for scaling up of renewables.

Cross-border and regional cooperation will play a central role in supporting the alignment of maritime spatial plans with national energy and climate plans, which are due to be revised in 2023, with increased targets expected for offshore renewable energy.

¹⁷ Commission Communication *A new approach for a sustainable blue economy in the EU – Transforming the EU's Blue Economy for a Sustainable Future* (COM(2021) 240 final of 17.5.2021).

¹⁸ Commission Communication *An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future* (COM(2020) 741 final of 19.11.2020).

MSP will also need to reflect potentially increased use of maritime transport, in particular short sea shipping, as envisaged by the Commission's sustainable and smart mobility strategy¹⁹.

MSP is a key tool to achieve the MSFD's good environmental status objectives for EU waters and to help preserve biodiversity²⁰. To support Member States in this endeavour, in 2021, the Commission issued guidelines for implementing an ecosystem-based approach in MSP²¹, which pay a lot of attention to the integration of MSFD objectives in MSP. Discussions on the definition of ecosystem-based approaches are still ongoing as part of international fora on MSP, but it is clear that the link between concerned legislative acts is crucial at EU level. European Maritime, Fisheries and Aquaculture Fund (EMFAF) shared management programmes also offer the opportunity for Member States to use their allocation to support the implementation of the MSP Directive, notably integrating MSFD objectives in MSP.

Strategic planning, including spatial planning, is essential to scale up marine protected areas from the current 12% area coverage to 30% by 2030, with at least one third of protected areas under strict protection as envisaged in the EU Biodiversity Strategy for 2030²². All maritime spatial plans submitted to the Commission underwent an environmental assessment, which consider the envisaged measures' effect on environmental protection and how they prevent, reduce and offset any significant adverse effects on the environment of implementing the plans. However, the integration of the biodiversity strategy objectives might only become fully apparent during the review of the national plans, as the necessary guidance and framework were delivered when the environmental assessment of most plans had already been completed.

The Commission will aim to strengthen further synergies between fisheries and environmental policies with the action plan to conserve fisheries resources and protect marine ecosystems, to be adopted later this year. The Commission will also report on the functioning of the common fisheries policy by the end of 2022.

5.2. The way forward

Both Member States' work to transpose and implement the MSP Directive and Commission support for cross-border projects and policy dialogue have helped develop a large and diverse MSP community across the EU. This is a strong asset for future development. Cooperation, in particular at sea basin level, is set to intensify with the transformation of the EU blue economy. The Commission will expand the necessary dialogue between the various users of the sea by setting up a Blue Forum for sea users in 2022 and providing continuous support for MSP.

Coastal EU Member States have made progress in transposing and implementing the MSP Directive. The adoption of the Directive and its implementation has made the EU

¹⁹ Commission Communication *Sustainable and Smart Mobility Strategy – putting European transport on track for the future* (COM(2020) 789 final of 9.12.2020).

²⁰ In 2021, the Commission launched the review of the MSFD, in which consistency with other policies is a central aspect

²¹ *Guidelines for implementing an ecosystem-based approach in maritime spatial planning*, <https://op.europa.eu/en/publication-detail/-/publication/a8ee2988-4693-11ec-89db-01aa75ed71a1>.

²² COM(2020) 380 final.

the grouping of countries that is most advanced in developing MSP, and an international point of reference in this field.

However, some Member States are lagging behind. The Commission has initiated infringement procedures against five Member States for failure to establish maritime spatial plans and/or to communicate them to the Commission. The Commission is also closely monitoring the progress of Member States that are in the process of drafting plans, but which are not formally adopted.

Furthermore, Member States will need to continue to reflect the ambitions of the European Green Deal in their maritime spatial plans, and to align their plans with these ambitions. This also applies to related initiatives in areas such as climate change mitigation and/or adaptation, biodiversity, pollution, food, mobility, energy transition, alongside established activities and interests, such as aquaculture, fisheries, shipping and defence.

MSP will continue to help coexistence at sea in the context of new objectives and developing new practices. It will have an increasing role in anticipating changes and possible conflicts at an early stage, and in ensuring synergies. The ‘Restore our Oceans and Waters’²³ mission under Horizon Europe and the related ‘lighthouses’ with a sea-basin dimension will help deliver on these challenges.

Future maritime spatial plans will have to cater for cumulative impacts of anthropogenic pressures by applying an ecosystem-based approach, and complying with all relevant environmental legislation²⁴.

Member States can programme MSP action using EMFAF funds under shared management to support the future development of their maritime spatial plans. Additionally, Member states can also request the support through the *Technical Support Instrument* which provides technical support to design and implement reforms in EU Member States.

The Commission will continue its support of making MSP digital and pan-European, including via the EMFAF in direct management. The European MSP Platform will work with Member States and with EMODnet to further harmonise data and to disseminate the contents of the plans via a common or shared digital platform. The Commission recommends that Member States build on one of the three ready-to-use data models²⁵, depending on which one fits their MSP plan and/or is already implemented by national authorities in a regional cooperation or joint project. Although these data models do not

²³ https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe/eu-missions-horizon-europe/healthy-oceans-seas-coastal-and-inland-waters_en

²⁴ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19](#)); Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7](#)); Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([OJ L 206, 22.7.1992, p. 7](#)); Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment ([OJ L 197, 21.7.2001, p. 30](#)) and other relevant legislation.

²⁵ See box in Section 4.3.7.

provide the level of detail given by Member States in their maritime spatial plans, using them will enable analysis of maritime spatial plans at sea basin and EU level.

The Commission also encourages Member States to continue their extensive stakeholder involvement, and to implement and monitor their maritime spatial plans effectively. It will continue to support these processes and will inform the European Parliament and the Council about this in its next progress report, due in 2026.