



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

From:	Lithuanian Parliament
date of receipt:	13 May 2013
To:	President of the Council of the European Union

Subject:	Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management [doc. 7510/13 POLGEN 39 POLMAR 1 PESC 296 COSDP 237 AGRI 179 TRANS 116 JAI 208 ENV 216 PECHE 102 CODEC 589 - COM(2013) 133 final] - Opinion on the application of the Principles of Subsidiarity and Proportionality ¹
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Delegations will find attached the abovementioned opinion .

¹ Translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange site IPEX at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>.



SEIMAS OF THE REPUBLIC OF LITHUANIA

RESOLUTION

REGARDING A REASONED OPINION ON COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY OF THE PROPOSAL OF THE EUROPEAN COMMISSION FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A FRAMEWORK FOR MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL MANAGEMENT COM(2013) 133

7 May 2013
Vilnius

S'ECRETARIAT DU CONSEIL DE L'UNION EUROPEENNE	
SGE13/04906	
REÇU LE	13 MAI 2013
DEST. PRINC.	M. CLOOS
DEST. COP.	M. BOIXAREU

The Seimas of the Republic of Lithuania,

pursuant to Article 180⁶ of the Statute of the Seimas of the Republic of Lithuania,

having debated the conclusion of the Seimas Committee on European Affairs on possible non-compliance with the principle of subsidiarity of the proposal of the European Commission for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management COM(2013) 133,

approves the conclusion of the Seimas Committee on European Affairs on possible non-compliance with the principle of subsidiarity of the proposal of the European Commission for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management COM(2013) 133.

SPEAKER OF THE SEIMAS



VYDAS GEDVILAS



**LIETUVOS RESPUBLIKOS SEIMO PIRMININKAS
SPEAKER OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA**

Gedimino pr. 53, LT-01109 Vilnius, LITHUANIA Tel. +370 5 239 6001 Fax +370 5 239 6400
E-mail Vydas.Gedvilas@lrs.lt

P. Herman Van Rompuy
Prezidentas
Europos Vadovų Taryba

2013 05 08 Nr. 5-2013-4361

**DĖL EUROPOS SĄJUNGOS TEISĖS AKTO PROJEKTO PRIEŠTARAVIMO
SUBSIDIARUMO PRINCIPUI**

Gerbiamas Prezidente,

Šių metų gegužės 7 d. Lietuvos Respublikos Seimo plenariniame posėdyje buvo svarstytas klausimas „Dėl Europos Komisijos pasiūlymo Dėl Europos Parlamento ir Tarybos direktyvos, kuria nustatoma jūrų erdvės planavimo ir integruoto pakrančių zonų valdymo sistema, KOM(2013) 133 galimo prieštaravimo subsidiarumo principui“.

Norėčiau Jus informuoti, kad Lietuvos Respublikos Seimas šiuo klausimu priėmė Seimo rezoliuciją (pagristąją nuomonę), kurioje konstatuojama, kad pasiūlymas galimai prieštarauja subsidiarumo principui.

PRIDEDAMA:

1. Lietuvos Respublikos Seimo Europos reikalų komiteto 2013 m. balandžio 26 d. išvados ištrauka (anglų k.), 2 lapai.

2. Lietuvos Respublikos Seimo rezoliucija „Dėl pagrįstosios nuomonės dėl Europos Komisijos pasiūlymo dėl Europos Parlamento ir Tarybos direktyvos, kuria nustatoma jūrų erdvės planavimo ir integruoto pakrančių zonų valdymo sistema, KOM(2013) 133 prieštaravimo subsidiarumo principui“, (anglų k.), 1 lapas.

Pagarbiai

Seimo pirmininkas

Vydas Gedvilas

SECRETARIAT DU CONSEIL DE L'UNION EUROPÉENNE	
SGE13/04906	
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Kontaktams:

J. Šedauskienė, tel. (8-5) 239 68 60, faks. (8 5) 239 6409, el. p. jolita.sedauskiene@lrs.lt



SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS

CONCLUSION

ON POSSIBLE NON-COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY OF THE PROPOSAL OF THE EUROPEAN COMMISSION FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A FRAMEWORK FOR MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL MANAGEMENT NO EU-13-44

Document No COM (2013) 133

26 April 2013, No 100-P-48
Vilnius

Relevance of the Proposal to Lithuania: **moderately relevant**

<...>

8. Committee's decision:

On possible non-compliance of the legislative proposal of the EU with the principle of subsidiarity:

The Committee on European Affairs,

Having regard to the position of the Ministry of Environment on the Proposal of the European Commission for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management COM(2013) 133 (hereinafter referred to as the Proposal),

Having analysed the conclusions of the Seimas Legal Department, the Seimas Committee on Environment Protection and the Seimas Committee on Economics on the Proposal,

Having assessed the conclusions of the European Law Department under the Ministry of Justice on the Proposal, Taking into account the provisions of Article 5(3) as well as Article 5(1) and 5(2) of the Treaty on European Union on subsidiarity,

Has concluded as follows:

The Proposal of the European Commission for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management COM(2013) 133 **does not comply with the principle of subsidiarity** on the following grounds:

1. The principle of subsidiarity is understood as a derivative principle with respect to the principle of conferral, i.e. it can be applied only in so far as the European Union in general has the right (competence, powers) to act in the area in question in accordance with the provisions of the Treaties;
2. Various responsibilities of the Member States laid down in the Proposal relate in essence to the preparation and implementation of spatial planning documents such as maritime spatial plans and integrated coastal management strategies. Meanwhile, the Proposal is based on the articles of the Treaty on the Functioning of the European Union (hereinafter referred to as the TFEU) governing relevant sectoral policies of the European Union such as fisheries (Article 43(2)); sea transport (Article 100(2)); the environment (Article 192(1)); energy (Article 194(2)). Without questioning the fact that the provisions of the Proposal would contribute in some way to the development of the sectors in question, it should be assumed, however, that the TFEU articles referred to in the Proposal may not be considered an appropriate legal basis for the Proposal;
3. According to the international law (in particular the Convention on the Law of the Sea), the Member States – States Parties to this Convention – have exclusive sovereign rights (in inland waters and territorial sea) and certain sovereign rights (in an exclusive economic zone) within the geographical scope of the Proposal (marine waters and coastal zones). This essentially means that the Member States have exclusive or certain sovereign rights to establish maritime spatial plans and integrated coastal management strategies. Therefore, the Proposal may infringe the competence of the Member States in the area where they have not conferred their competences upon the European Union in the Treaties.

Chair of the Committee

Gediminas Kirkilas