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From:	Mr Henri Malosse, President of the European Economic and Social Committee
date of receipt:	18 September 2013
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
Subject:	Opinion of the European Economic and Social Committee on the Proposal 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 final – 2013/0074 (COD)

Delegations will find attached the Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council establishing a framework for a maritime spatial planning and integrated coastal management.

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European Economic and Social Committee

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Maritime spatial planning
and integrated coastal
management

Brussels, 18 September 2013

OPINION

of the
European Economic and Social Committee
on the

**Proposal 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 final – 2013/0074 (COD)

Rapporteur: **Mr Buffetaut**

On 27 March 2013, the Council and, on 15 April 2013, the European Parliament decided to consult the European Economic and Social Committee, under Articles 43(2), 100(2), 192(1), 194(2) and 304 of the Treaty on the Functioning of the European Union, on the

Proposal 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 final – 2013/0074 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 3 September 2013.

At its 492nd plenary session, held on 18 and 19 September 2013 (meeting of 18 September), the European Economic and Social Committee adopted the following opinion by 185 votes to 2, with 5 abstentions.

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1. **Conclusions and recommendations**

- 1.1 The European Economic and Social Committee points out that 50% of the EU's population lives in coastal areas. This means that policies for coastal management and maritime spatial planning are particularly important for the EU. The intention to establish administrative cooperation both within Member States and between them, particularly in cross-border areas, with the full involvement of civil society representatives active in these areas, is therefore all the more welcome.
- 1.2 The EESC stresses the need for a participatory approach bringing together everyone active, working or doing business in coastal and maritime areas so that consultation achieves practical results. Despite general support for the Commission's objectives, it is the method of implementation that will be pivotal in determining whether the directive is implemented successfully. There is a wide range of activities in the maritime areas concerned: commercial fisheries, aquaculture, recreational fishing, maritime transport, tourism, diving, military activities, energy resources, etc. These activities are in competition but can also be complementary.
- 1.3 To be effective, consultation must take place at local level. The implementation of the Habitats (Natura 2000) and marine strategy directives has demonstrated the need for a territorial dynamic. Despite the range of interests at stake, it is crucial that marine area users learn to communicate and agree on clear, achievable goals. The methodology used is therefore key to bringing about a group dynamic, which must necessarily begin with a shared

view of the current situation, based on real-life conditions in the local area and expected developments in local activities.

- 1.4 For rules to be accepted, goals and actions undertaken must be understandable and transparent; rules must be understood if they are to be obeyed. The logic behind them must be clear to all involved, and maritime and coastal organisation must be gradual and integrated.
- 1.5 Besides the principle of systematic consultation, priorities should also be set for activities which can be carried out in maritime and coastal areas. Such priorities cannot be pre-defined as they will inevitably vary from one situation to another, given geographical, environmental, human and economic differences. The subsidiarity principle therefore applies in this field both at Community level and within Member States.
- 1.6 The Committee points out that the Member States are not the only stakeholders concerned by this, and that local and regional authorities as well as economic sectors should also be consulted. The social partners should also be included here, given that certain decisions could impact on jobs and working conditions (for example in the fisheries or tourism sectors). It points out that implementation of Natura 2000 is already based on various forms of local governance.
- 1.7 In practice, implementation difficulties are largely due to the fact that legal systems differ between land and sea, although these areas are interdependent and interlinked. What is more, approaches to problems can easily become corporatist. It is therefore imperative to strike the right balance between legitimate interests and what is necessary for the common good, without any ideological preconceptions.
- 1.8 To avoid losing sight of real-life situations, the EESC agrees with the principle of regularly reviewing planning programmes and management strategies, but underscores the need to avoid being blinkered by a regulatory approach. The aim is to manage human activities in a changing, fragile area – it is therefore important to think dynamically, in terms of flows.
- 1.9 Of course, funding sources for these policies are a very important issue. Funding for fisheries, environmental management (Natura 2000) and regional development policies or even the CAP should be used here alongside integrated maritime policy funding. It is therefore important to ensure that this plethora of funding sources does not get in the way of implementing the relevant policies. Macroregional strategies should help to link up the various cohesion funds.
- 1.10 The EESC emphasises that this funding is a key factor in allowing for dynamic human follow-up of the consultations and actions undertaken in connection with the new directive. Without the input of people who know how to focus attention and support implementation, the efforts could well be fruitless or ephemeral.

- 1.11 Given that many marine environmental problems are caused by land-based pollution, it would make sense for maritime planning to go hand-in-hand with coordinated or even integrated terrestrial planning of coastal areas.
- 1.12 The EESC also emphasises that some Member States are in a special situation. For example, practically the entire Polish coastline is classified as Natura 2000, which makes it complicated to combine new economic activity and environmental protection in these areas. (In fact, as on land, current or ongoing economic activities are included in target documents.)
- 1.13 In terms of evaluation, data collection and information exchange, criteria can vary from one Member State to the other. It would therefore be useful for the Commission to establish a kind of common approach to ensure that assessments and the data collected are coherent and comparable.
- 1.14 The European Economic and Social Committee emphasises the need to carefully ensure that new legislation, rather than contradicting or obstructing the implementation of legislation already in force, such as the Habitats (Natura 2000) and marine strategy directives, supports them in the early stages of their implementation. This new directive should therefore be seen as a new pillar in the structure of the EU's integrated maritime policy.
- 1.15 Finally, the Committee urges provisions for public involvement in Article 9 of the proposal to be applied as closely as possible to reality at local level, given that each area concerned has its own specific characteristics in environmental, geographical and economic terms.

2. **Introduction**

- 2.1 This proposal is part of a policy aimed at giving the EU a strong maritime dimension. This is an obvious aim given the length of the European coastline and the extent of its exclusive economic zones, including those of the outermost regions, which are of great importance for Member States such as Spain, France, the United Kingdom, Ireland and Portugal.
- 2.2 For the Commission, the aim is to reconcile economic, social and environmental concerns - all of which seems quite self-evident. This approach is both about maritime spatial planning and integrated management of coastal areas, with their complex land-sea interactions.
- 2.3 The main purpose of the proposal is expressed in the usual jargon - promoting the sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources.
- 2.4 The European Commission wants planned and coordinated management of these areas in order to avoid conflicting activities and to ensure harmonious usage. As a result, the proposed initiative is not sectoral but cross-cutting in nature. The scope of the text is therefore very broad, which raises the question of how it should be implemented in practice.

2.5 The proposal envisages cooperation between Member States, which will be responsible for implementing such integrated planning and management. The aim is to coordinate national or regional sectoral policies to achieve a coherent overall approach, including in relation to the cross-border dimension. However, it should be noted that the proposed directive does not apply to activities whose "sole purpose ... is defence or national security".

3. **Objectives of the proposal**

3.1 The Commission wants Member States to define and implement maritime spatial plans and one or more coastal management strategies. Of course, these instruments will need to take account both of the specific situation at regional or sub-regional level, and of sectoral activities.

3.2 Given these general principles, the specific aims are:

- helping to secure the EU's energy supply by tapping into marine energy sources (ocean current, tidal, wave, wind energy, etc.);
- effectively developing maritime transport;
- fostering the sustainable development of the fisheries and aquaculture sector;
- ensuring the preservation and improvement of the environment;
- enabling coastal areas to adapt to and resist the effects of climate change.

4. **The Commission's demands**

4.1 Following its usual practice, the Commission lists a series of rather bureaucratic requirements which it thinks would help to achieve these objectives. These requirements include the following:

- mutual coordination between Member States;
- cross-border collaboration;
- awareness of cross-border impacts of policies.

4.2 Spatial plans must take account of activity relating to renewable energy, exploitation of oil and gas reserves, maritime transport, undersea cables and pipelines, fisheries, aquaculture and nature conservation sites.

4.3 Coastal management strategies must take account of natural resource use (particularly in the field of energy), infrastructure development (energy, ports, maritime works, etc.), agriculture and industry, fisheries and aquaculture, ecosystem management and protection, coastal sites and landscapes, and the effects of climate change.

4.4 The text requires Member States to put in place arrangements involving the public in defining maritime spatial plans and coastal management strategies, something which is obviously of great interest to the EESC.

4.5 None of this can be implemented effectively in the absence of genuine cooperation between the Member States and with third countries, given that maritime areas are, by their very nature, open and constantly interacting.

5. **Practical implementation**

5.1 It is up to each Member State to appoint an authority with responsibility for implementing the directive and to provide the Commission with a list of such authorities. Member States are also required to send the Commission reports on implementation of the directive. Decisions must be taken as close as possible to the people concerned (sea users) and to the local level.

5.2 The text gives the Commission the option of using implementing acts to specify certain data or administrative requirements, which is a perfectly acceptable approach provided that it is not used to create new obligations not envisaged by the reference text.

6. **General comments**

6.1 The scope of this proposal, which adds to existing texts (the Habitats Directive - better known as Natura 2000 - and the Marine Strategy Framework Directive covering all coastal areas) is extremely broad. Everything is to be managed by new government bodies at local, regional or national level.

6.2 The key question is how the planned legislation should be coordinated and synchronised with existing directives?

6.3 The broad scope of the new proposal could imply a risk of its impact being watered down into the production of very bureaucratic reports. It is vital not to lose track of real-life situations.

6.4 The declared aim is to achieve closer coordination between policies affecting maritime areas. Nobody could object to such an objective, but we may well ask if it would not have made more sense to wait for existing legislation to achieve its full impact before adding a new regulatory layer. Legislation takes time before it starts achieving the desired result and it is important to have a clear understanding of what has to be implemented. Cardinal Richelieu said that a good law was a law that people understood.

6.5 This improved coordination is also necessary for the allocation of European funds intended to support the implementation of the new directive. Macroregional strategies must be seen as a framework linking up the various cohesion funds which can be tapped.

- 6.6 There are numerous economic, scientific, political and administrative stakeholders in the various activities taking place in maritime and coastal areas. Furthermore, there are competing uses in different economic sectors: fisheries, transport, energy resources, tourism, etc. In addition, in coastal areas the influence of land-based activities is complex and of great importance, and this interaction means that land and maritime areas cannot be considered independently.
- 6.7 It is therefore important to avoid an excessively bureaucratic approach, which could only make things more complex, as well as slowing down and obstructing initiatives. At the same time, it is vital to ensure genuine involvement of stakeholders in dealing with and operating in such maritime and coastal areas: economic operators, social partners, scientists, NGOs, etc. The purpose of this is not to obstruct processes but to prevent subsequent objections (possibly in court) and ensure that decision-making is not too out of touch with the reality on the ground.

7. **Specific comments**

- 7.1 It should be pointed out that maritime spatial planning and integrated coastal zone management need to tie in with directives that have already been adopted, for example the Marine Strategy Framework Directive (2008) and the Habitats Directive (Natura 2000, 1992, applied subsequently to coastal habitats). Together, these documents comprise the EU's current integrated maritime policy (IMP).
- 7.2 At the same time, this new directive should be implemented in compliance with the principle of subsidiarity between the European Union, the Member States and also subnational levels. The priorities set out in the directive should be ranked in line with certain priorities which vary from one area concerned to another. The Baltic and the Mediterranean cannot be dealt with in the same way, due to geographical and environmental characteristics. There are similar differences between one region or coastal area and another.
- 7.3 One of the most useful areas covered by the proposal is the organisation of mutual cooperation between managing authorities, flanked by information and monitoring measures. For all of this to genuinely work, it would make sense to define common general criteria enabling information and data to be easily exchanged and communicated, not just between authorities but also between all stakeholders in coastal and maritime activities. However, for this to be effective a suitable method must be selected which will mobilise local public and private stakeholders around common goals, with a shared view of the current situation as the starting point. The key to the whole process is ensuring that people carrying out a wide range of activities in the same coastal and maritime area communicate with each other.

- 7.4 Given that land-based pollution (urban and industrial sewage, macro-waste carried along by water courses during flooding, etc.) and structures built out into the sea (ports, embankments, seawalls, etc.) are very harmful to marine areas, terrestrial planning of areas close to the coast should be coordinated with or even integrated into policies for coastal management and maritime spatial planning.

Brussels, 18 September 2013.

The President
of the
European Economic and Social Committee

Henri Malosse
