Multiple Agency Cooperation for Implementing the EU Marine Directives

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Introduction

• This presentation relates to two of the current marine related directives:
  • the Maritime Spatial Planning Directive (MSP) of 2014.

• Key components of the larger EU Integrated Maritime Policy (IMP) proposed in 2005 and adopted by EU Parliament in December 2011.

• Both directives contain clauses stating that ‘best data’ should be used and have specific reference to the INSPIRE Directive.

• Both directives also refer to ‘coastal areas’ or ‘land-sea interactions’, as well as ‘marine regions’ and ‘marine waters’ – to include ‘coastal waters as defined in point 7 of Article 2 of Directive 2000/60/EC (WFD) and their seabed and their subsoil’.

• You will see as we proceed why multiple agencies need to cooperate to satisfy the objectives of these two important marine directives.
EU Integrated Maritime Policy

- Integrated Maritime Policy (IMP) is ‘a holistic approach to all sea-related policies’ including:
  - fisheries and aquaculture
  - shipping and seaports
  - marine environment
  - marine research
  - offshore energy,
  - shipbuilding and sea-related industries
  - maritime surveillance
  - maritime and coastal tourism
  - employment
  - development of coastal regions
  - external relations in maritime affairs.

Diversity of rights, restrictions and activities (often conflicting and overlapping) in the marine environment.

...desperately need to be managed by sound spatial planning and guaranteed by legal certainty of property rights and leases!
Marine related themes in INSPIRE


• **34 data themes** across the three Annexes - **12 relate directly to the marine environment, 10 indirectly**, and **10 are especially relevant in the coastal zone** - INSPIRE data availability issues:

  • **Where** data appeared in the three Annexes determined **when** it was to be made available.

  • Detailed **data specifications** delivered in EC Regulations at **different times** and sometimes **delayed** (according to initially announced timetables).

  • Much debate continues on some of the specifications, especially completeness and adequacy of certain thematic **data models**.

  • Many **complexities have been found in meeting the standards for harmonization** of the data, especially where single datasets contain many themes (common in the marine environment).

  • Not all Member States have been able to meet the timelines for ensuring data availability, especially for Annex III data themes.
Maritime Spatial Planning

Benefits of maritime spatial planning?

• **Reduces conflicts** - between sectors.

• **Creates synergies** - between different activities.

• **Encourages investment** – by creating predictability, transparency and clearer rules.

• **Increases cross-border cooperation** – between EU countries to develop energy grids, shipping lanes, pipelines, submarine cables and other activities, but also to develop coherent networks of protected areas.

• **Protects the environment** – through early identification of impacts and opportunities for multiple use of space.
Maritime Spatial Planning Directive & INSPIRE

- **Directive 2014/89/EU** establishes a framework for maritime spatial planning to promote the sustainable growth of maritime economies and the use of marine resources *(Maritime Spatial Planning Directive)*

- **Timeline for the Directive:**
  - 2014: Adoption of the Directive
  - 2016: Deadline for transposition and designation of competent authorities
  - 2021: Deadline for the establishment of maritime spatial plans
MSP Directive - Preamble

• (16) “Marine and coastal activities are often closely interrelated. In order to promote the sustainable use of maritime space, maritime spatial planning should take into account land-sea interactions. ... Maritime spatial planning should aim to integrate the maritime dimension of some coastal uses or activities and their impacts and ultimately allow an integrated and strategic vision.”

• (17) “This framework Directive does not interfere with Member States’ competence for town and country planning, including any terrestrial or land spatial planning system used to plan how land and coastal zone should be used. If Member States apply terrestrial planning to coastal waters or parts thereof, this Directive should not apply to those waters.”

• (24) “With a view to ensuring that maritime spatial plans are based on reliable data and to avoid additional administrative burdens, it is essential that Member States make use of the best available data and information by encouraging the relevant stakeholders to share information and by making use of existing instruments and tools for data collection, such as those developed in the context of the Marine Knowledge 2020 initiative and Directive 2007/2/EC (INSPIRE)”.
MSP Article 5 - Objectives of maritime spatial planning

1. When establishing and implementing maritime spatial planning, Member States shall consider **economic, social and environmental aspects** to support sustainable development and growth in the maritime sector ...

2. Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of **energy sectors** at sea, of **maritime transport**, and of the **fisheries and aquaculture** sectors, and to the preservation, protection and improvement of the **environment**, including resilience to **climate change impacts**. ...
1. When establishing and implementing maritime spatial planning, Member States shall set up maritime spatial plans which **identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters**, in order to contribute to the objectives set out in Article 5.

2. In doing so and in accordance with Article 2(3), Member States shall take into consideration **relevant interactions of activities and uses**.

   • Note there is no mention of specific data to be used in preparing the plans, other than the earlier reference to para 24 in the Preamble - “make use of the best available data and information” and reference to INSPIRE.
MSP Article 8 - Setting-up of maritime spatial plans

Maritime planning activities include:

- aquaculture areas
- fishing areas
- installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources
- maritime transport routes and traffic flows
- military training areas
- nature and species conservation sites and protected areas
- raw material extraction areas
- scientific research
- submarine cable and pipeline routes
- tourism
- underwater cultural heritage.

INSPIRE 2017 Conference
MSP Article 10 - Data use and sharing

1. Member States shall organise the use of the best available data, and decide how to organise the sharing of information, necessary for maritime spatial plans. [Note – does not say ‘how’ to do this – descriptive not prescriptive.]

2. The data referred to in paragraph 1 may include, inter alia:
   (a) environmental, social and economic data collected in accordance with Union legislation pertaining to the activities referred to in Article 8;
   (b) marine physical data about marine waters.

3. When implementing paragraph 1, Member States shall make use of relevant instruments and tools, including those already available under the IMP (Integrated Maritime Policy), and under other relevant Union policies, such as those mentioned in Directive 2007/2/EC (INSPIRE).

• “... adopt Programmes of Measures (Article 13) to achieve good environmental status in their marine waters by 2020 (Article 3(1)) ... (including) spatial protection measures contributing to coherent and representative networks of marine protected areas (MPAs) (Article 13(4))”.

• The Marine Directive aims to achieve Good Environmental Status (GES) of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend ... (a) regulatory objective that "biodiversity is maintained by 2020“.

• MSFD establishes European marine regions and sub-regions based on geographical and environmental criteria - Baltic Sea, North-east Atlantic Ocean, Mediterranean Sea and Black Sea - located within boundaries of the existing Regional Sea Conventions (RSC).

• Member States are required to develop a strategy for their marine waters, to be kept up-to-date and reviewed every 6 years – next review report is due 2018.
What does a Marine Strategy include?

- An initial assessment of the current environmental status of national marine waters and the environmental impact and socio-economic analysis of human activities in these waters.

- Determining what ‘GES’ means for national marine waters.

- Establishing environmental targets and associated indicators to achieve GES by 2020.

- Establishing a monitoring programme for the ongoing assessment and regular update of targets.

- Developing a programme of measures to achieve or maintain GES by 2020.

- The process is cyclical (began in 2012) and second cycle starts in 2018.
INSPIRE and the MSFD

• Preamble to the Directive – “(38) Provision should be made for the adoption of methodological standards for the assessment of the status of the marine environment, monitoring, environmental targets and the adoption of technical formats for the purposes of transmission and processing of data in line with Directive 2007/2/EC ... of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community”. (INSPIRE)

• "Article 19 - In accordance with Directive 2007/2/EC, Member States shall provide the Commission, for the performance of its tasks in relation to this Directive, in particular the review of the status of the marine environment in the Community under Article 20(3)(b), with access and use rights in respect of data and information resulting from the initial assessments...”

• Annex III of the MSFD = indicative lists of characteristics, pressures and impacts - amended in 2017 to better link ecosystem components, anthropogenic pressures and impacts on the marine environment with the MSFD's 11 descriptors and with the new Decision on Good Environmental Status.
‘Marine’ Monitoring and Reporting Challenges

Monitoring and reporting of the marine environment is not implemented in a policy or information systems vacuum:

- Natura 2000
- SEIS – Shared Environmental Information System (a system of systems?)
- WISE – Water Information System for Europe & WISE Marine (for MSFD)
- Reportnet 2.0 – Management system for environmental reporting for the EEA and DG Environment (see https://www.eionet.europa.eu/reportnet)
- Eionet – EEA’s European Environment Information and Observation Network
- EMODNET - European Marine Observation and Data Network
- Copernicus Marine
Challenges for MSFD & MSP Implementation (1)

- **Different Directive objectives** = different implementation requirements & strategies and monitoring challenges.
- **Different focuses** – Good Environmental Status, environmental sustainability, economic growth, land-sea interactions = complex data collection and management requirements.
- **Timelines vary** for adoption, implementation and reporting for different Directives = difficulties where Directives are interconnected, especially data requirements.
- **Directives are amended over time**, based on implementation experiences = uncertainty and impact on resource requirements.
  - Great variability across Member States on ability and resources to meet often ambitious implementation plans – and associate EC Regulations.
  - Has a potentially negative impact not only on the 'European' dimension, but also on interoperability across departments/agencies within a single government or country – and thus usefulness.
Challenges for MSFD & MSP Implementation (2)

• Different levels of legislation apply to many different ‘policy objectives’
  • Directives, Decisions, Regulations, Recommendations (e.g. ICZM 1999).
• The policies impact on, and require input from, a wide and diverse range of stakeholders and agencies – both government and non-governmental organisations - including the private sector (when carrying out a government duty).
• The many different objectives, activities and associated data requirements require a new (unprecedented?) level of multiple agency cooperation while trying to manage the data collection and reporting challenges.
• The big question: Is INSPIRE helping with implementation of those maritime legislative instruments, and their related reporting requirements, or not – yet? And if not, why not?
Thank you for your attention!

Now let’s find some solutions to those challenges!

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(UN GGIM Working Group on Marine Geospatial Information as of 2017)
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