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COMMISSION OF THE EUROPEAN COMMUNITIES

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Amended Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL RECOMMENDATION

concerning the implementation of Integrated Coastal Zone Management in Europe

(presented by the Commission pursuant to Article 250(2)
of the EC Treaty)

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On 5 July, 2001, the European Parliament voted in first reading on the amendments tabled on the Commission proposal for a European Parliament and Council Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe (COM/2000/545 of 8 Sept. 2000).

Article 250(2) of the EC Treaty states that as long as the Council has not acted, the Commission may alter its proposal at any time during the procedures leading to the adoption of a Community act.

The Commission hereafter gives its opinion on the amendments adopted by the European Parliament.

1. BACKGROUND

Transmission of the proposal to the Council and to the European Parliament (COM(2000)545 – 2000/0227(COD) in accordance with Article 175(1) of the EC Treaty	8 September, 2000
Opinion of the Committee of the Regions	14 February, 2001
Opinion of the Economic and Social Committee	28 March, 2001

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The purpose of this proposal is to encourage Member States to undertake a national inventory of legislation, institutions and actors involved in the planning and management of the coastal zone, and based on this, to develop a national strategy (or strategies) to promote Integrated Coastal Zone Management (ICZM).

This proposal was made in light of the findings of the Commission's Demonstration Programme on Integrated Coastal Zone Management and its resultant European Strategy for ICZM, presented in COM/2000/547. These indicated that the condition of the coastal zones of Europe is deteriorating and that this trend can only be halted or reversed through concerted action involving all levels of administration from local to European. The Recommendation calls on Member States to undertake the actions necessary at their level, in collaboration with the regional and local administrations.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE EUROPEAN PARLIAMENT

On 5 July, 2001, the European Parliament adopted 41 amendments out of the 47 that were tabled.

Amendments 1, 3, 4, 5, 6, 7, 8, 10, 13, 15, 19, 21, 22, 23, 26, 27, 28, 46, 31, 37, 38, 39, and 40 have been accepted by the Commission in full.

Amendments 2, 14, 17 (title and 1st part), 20 (except for the word "binding), 24, 25 (except for the word "spatial"), 29 (last clause of 1st part, 3rd part), 32 (2nd part), 36 and 42 (2nd part - after comma) were accepted in principle subject to either rewording and/or movement to another Chapter of the proposal.

The Commission accepted partially amendments 11 (2nd part), 17 (3rd part and 4th part, including the reordering proposed), 29 (2nd part), 32 (1st part except word "shall"), 33 (2nd and 3rd parts), 34 (2nd part), 42 (1st part - up to comma), and 43 (1st part - up to and including the word "report") were accepted

Amendments 12, 16, 18, 35 were not accepted by the Commission.

The Commission's position with regard to the amendments of the European Parliament is as follows:

3.1 Amendments accepted fully by the Commission

Amendment 1 (Recital 1) reorders the adjectives listing the characteristics of the coast to stress its environmental importance and inserts a mention of its recreational importance. **Amendment 3 (Recital 2)** itemizes some of the ways in which the coast continues to be degraded. **Amendment 4 (Recital 2a - new)** introduces a mention of the threats posed to the coastal zone as a result of global warming. **Amendment 5 (Recital 2b - new)** notes the significance of the decline of fishing activity and related employment in terms of increased vulnerability of fisheries-dependent areas. **Amendment 6 (Recital 2c - new)** mentions the threat to environmental equilibrium poses by population growth and development of certain economic activities. **Amendment 7 (Recital 2d - new)** stresses the link between climate change and problems in the coastal zone. **Amendment 8 (Recital 2e - new)** mentions the role of spatial planning policy as an aspect of ICZM. **Amendment 10 (Recital 3)** mentions the need for management of the coastal zones to also respect traditional local activities and customs. **Amendment 13 (Recital 4b - new)** stresses the importance of regional disparities in affecting the management and conservation of each coastal zone. **Amendment 15 (Recital 6a - new)** mentions how pressures have increased on the coastal zone since the Council adopted resolution 94/C 135/2 in 1994. **Amendment 19 (Chapter II, point 1)** explains the principle of a broad perspective, stressing the need to take into account the interdependence and disparity of systems impacting on the coastal zones. **Amendment 21 (Chapter II, point 2)** explains the principle of a long term perspective, mentioning the precautionary principle and the need to consider both present and future generations. **Amendment 22 (Chapter II, point 3)** explains the adaptive management principle, stressing the need to facilitate adjustment as problems and knowledge develop. **Amendment 23 (Chapter II, point 4)** explains the local specificity principle, stressing the need for specific solutions and flexible measures to respond to the diversity of coastal zones in Europe. **Amendment 26 (Chapter II, point 7)** explains the principle of support and involvement of all relevant administrative bodies, stressing the need for links between levels and sectors and the need for policy coordination. **Amendment 27 (Chapter II, point 8)** explains the principle of using multiple instruments, stressing the need to ensure coherence between laws and objectives, and between planning and management. **Amendment 28 (Chapter II, point 8a - new)** inserts a new principle related to the need to ensure coherence between sectoral plans that are already in preparation. All of these amendments serve to clarify the need for good coastal zone

management, and the principles needed to ensure that it occurs. They were all accepted by the Commission.

Concerning the stocktaking, the Commission accepted **amendment 46 (Chapter III, paragraph 2)** - which mentions that the stocktaking should also cover the role of elected local officials and interregional organizations; as well as **amendment 31 (Chapter III, paragraph 3)** - which adds specific mention of several additional sectors to be considered in the stocktaking, such as aquaculture and maritime safety.

Concerning the national strategies, the Commission accepted **amendment 37 (Chapter IV, paragraph 3, point ha - new)** which suggests that national strategies should also establish procedures for public participation in the development of coastal zone strategies; **amendment 38 (Chapter IV, paragraph 3a - new)** that itemizes some of the specific actors that should be involved in this concerted action.

Concerning cooperation, the Commission accepted **amendment 39 (Chapter V, paragraph 1)** that mentions the need to enforce existing conventions between neighbouring countries.

The Commission also accepted **amendment 40 (Chapter VI, title)** modifying the last chapter to read "Reporting and Review" instead of just "Reporting".

3.2 Amendments accepted in part or principle by the Commission

Amendment 2 (Recital 1a - new) introduces a recital explaining that coastal zone biodiversity is unique and notes that it is protected by directives 92/43/CEE and 79/409/CEE. The Commission can accept this in principle, but notes that the directives referred refer to only certain parts of the coastal zone which does not cover all of the interesting biodiversity. The Community is also acting through its biodiversity action plan to safeguard biodiversity in other areas too. The Commission therefore proposes the following wording for this recital:

Coastal zones possess a unique biodiversity in terms of flora and fauna, which is recognized in various Community policies and actions.

Amendment 14 (Recital 5) mentions the need to cooperate and consult with the International Maritime Organization. While the Commission can accept this in principle, the IMO is not the only relevant international organization, so the Commission proposes the following wording for this recital:

There is a need to ensure coherent action at the European level, including cooperative action, particularly at the scale of the regional seas, to address cross-border coastal zone problems. This should include consultation with all of the relevant international organizations.

Amendment 24 (proposed as Chapter II, point 5a - new; accepted as Chapter I, new bullet point) introduces a principle concerning the protection of coastal settlements from erosion and flooding. The Commission acknowledges that coastal erosion and flooding are a problem in the coastal zone, and should be address through ICZM. However, it is important to ensure that management of these problems is environmentally sustainable. The Commission also believes that this would be better addressed in Chapter I, as the principles listed in Chapter II refer to guiding axes for the process of ICZM, not to individual problems which ICZM is intended to address. Thus, while accepting in principle the amendment, the Commission suggests that the idea should be incorporated into the Recommendation through a new bullet point under chapter I stating:

– *the recognition of the threat to coastal zones posed by global warming and of the dangers entailed by the rising level of the sea, and a need for environmentally sustainable measures to protect coastal communities and cultural heritage from these forces where possible*

The first part of **amendment 36 (Chapter IV, paragraph 3, point g)** mentions the need for partnership with the European Environment Agency and this is acceptable. The second part of amendment 6 says that data should be available without cost. The Commission does not think this is always feasible, so while supporting the idea would propose the wording *without charge or at reasonable cost* for the second part of this amendment. The point would now read:

establish adequate, continuous systems for monitoring and diffusing information about their coastal zone, in partnership with the European Environment Agency and regional authorities. These systems should collect and provide information in appropriate and compatible formats to decision makers at national, regional and local levels to facilitate integrated management. This data should be publicly available *without charge or at reasonable cost*

Amendment 11 (Recital 4) adds a further description of the type of action needed at local and regional level. The reference to "*strategic, coordinated and concerted action*" is accepted, however the addition of the word "first" is not acceptable for two reasons: 1) it is unclear whether "first" means a priority emphasis, or a time sequence, and 2) insertion of "first" does not reflect what was said in COM/1997/744 and COM/2000/547, whereas this article starts with the phrase "The Commission communications COM/1997/744 and COM/2000/547 note...". The recital would now read:

The Commission communications COM(1997) 744 and COM(2000) 547 note that integrated management of the coastal zone requires *strategic, coordinated and concerted action* at the local and regional level, guided and supported by an appropriate framework at the national level.

Amendment 17 (Chapter I) proposes several changes to the chapter originally entitled "A Common Vision", most of which are acceptable in principle. The amendment proposes now to entitle the chapter "A Common Strategy". In order to avoid confusion with the national strategies discussed in the chapter IV, the Commission would propose the title "*A Strategic Approach*". Similarly for the first change in the text, the Commission would propose "*themselves to a common strategic approach*", rather than "themselves to a binding common strategy". The use of the word binding is anyway not acceptable as it is contrary to the spirit of the Recommendation. The Commission does not accept the addition of the phrase "the following principles" as what following describes an overall approach; the list of principles being addressed in Chapter II. The Commission can accept the reordering of the bullet points, the modifications to the 2nd part of the text identifying ecosystem protection as a first priority, and the addition of a bullet point referring to the threat of global warming. The chapter would now read as following, including the bullet point introduced as a result of agreement in principle with amendment 24:

A Strategic Approach

The Member States should commit *themselves to a common strategic approach* for the future of their coastal zones, based on:

- *the protection of the ecosystem as a first priority, and sustainable management of the living and non-living resources of both the marine and terrestrial components of the coastal zone*
- *recognition of the threat to coastal zones posed by continued global warming,*
- *durable economic opportunities and employment options,*
- *a functioning social and cultural system in local communities,*
- *adequate open land for future enjoyment and aesthetics,*
- *the recognition of the threat to coastal zones posed by global warming and of the dangers entailed by the rising level of the sea, and a need for environmentally sustainable measures to protect coastal communities and cultural heritage from these forces where possible*
- **in the case of remote coastal areas, their full incorporation into the European mainstream.**

Amendment 20 (Chapter II, point 1a - new) introduces a binding commitment to application of the precautionary principle. Use of the term "binding" is out of place in the Recommendation and therefore not acceptable. Otherwise the amendment is acceptable in principle, however, the Commission notes that the idea is already incorporated into Chapter II, point 2 as a result of amendment 21 and therefore is superfluous here. There is therefore no need to add an additional principle in the text in this chapter.

Amendment 25 (Chapter II, point 6) further describes the participatory principle. While broad participation is acceptable in principle the Commission proposes the phrase "*in the planning and management process*" rather than "in the spatial planning process" as this better describes the full range of actors who should be involved, and covers the full range of sectoral planning activities. The amendment is otherwise accepted as proposed. The point now reads:

Participatory planning which will involve all the parties concerned (maritime interests, local residents and businesses, users of recreational facilities, holidaymakers, fishing communities and environmental NGOs) in the planning and management process, by means of agreement and shared responsibility

Amendment 29 (Chapter III, paragraph 1) concerns the need for national stocktaking. The first phrase mentioning a future Community legal framework is unacceptable for the same reasons that amendments 12, 16 and 18 are unacceptable (described below). The phrase "before 31 December 2002" would be better phrased "*within one year of the adoption of this Recommendation*". The mention of partnership with regional authorities is acceptable. The change from "should" to "shall" is not acceptable. In view of the fact that such a stocktaking cannot by itself ensure a convergence of policies, the last part of the amendment would be better phrased "*as a step towards convergence of public policies and local initiatives*". The text for this article would therefore now read:

Within one year of the adoption of this Recommendation, Member States, in partnership with the regional authorities, should conduct a national stocktaking to analyse which actors, laws and institutions influence the planning and management of their coastal zone as a step towards convergence of public policies and local initiatives.

Similarly, in **amendment 32 (Chapter IV, paragraphs 1 and 2)**, while the reference to regional authorities and interregional organisations is acceptable, the change from "should" to "shall" is not acceptable. The timeframe would be better phrased *"within three years of the adoption of this Recommendation"*. This first sentence therefore now reads *Based on the results of the stocktaking, Member States, in partnership with the regional authorities and interregional organisations, should develop within three years of the adoption of this Recommendation, a National Strategy to implement the principles for integrated management of the coastal zone.*, The proposed addition of the last sentence concerning a Community legal framework is not accepted. This paragraph would therefore now read:

Based on the results of the stocktaking, Member States, in partnership with the regional authorities and interregional organisations, should develop, within three years of the adoption of this Recommendation, a National Strategy to implement the principles for integrated management of the coastal zone. This strategy might be specific to the coastal zone, or might be in the context of a broader national strategy for promoting integrated planning and management.

The first part of **amendment 33 (Chapter IV, paragraph 3, point a)** recommends that the national strategies should lead to binding national instruments. As the binding approach might not be the best in all countries, this part of the amendment is not acceptable. The other parts of the amendment (dropping the word "relative" as a description of roles, and inserting "and if necessary set up" concerning coordination mechanisms) are accepted by the Commission. This paragraph therefore now would read:

This national strategy should:

- (a) define the roles of the different administrative actors within the country whose competence includes activities or resources of the coastal zone;***
- (b) identify and, if necessary, set up mechanisms for their coordination. This definition of roles should ensure both adequate local control, and also sufficient regional vision and consistency (especially in ensuring that local administrations are not overly influenced by the short-term economic concerns of their constituents and neighbours);***

The first part of **amendment 34 (Chapter IV, paragraph 3, point b)** changing "might" to "shall" is not acceptable by the Commission because this is a Recommendation. The second part of the amendment, mentioning the possibility of several plans within a country is accepted by the Commission. This point would therefore now read:

define the appropriate mix of instruments for implementation of the principles, within the national legal and administrative context. In developing this strategy, the Member States might consider the appropriateness of: developing *one or more national strategic plans* for the coast, using spatial or land use planning instruments to promote integrated planning and management (including instruments that give priority to coastal dependent uses in the foreshore area), land purchase mechanisms and declarations of

public domain, developing contractual or voluntary agreements with coastal zone users¹, harnessing economic and fiscal incentives (compatible with Community legislation), and working through regional development planning mechanisms;

Amendment 42 (Chapter VI, paragraph 2, point da - new) introduces the idea of an evaluation of compliance with Community law. This is acceptable in principle however the phrase "particularly with regard to protected zones and species" should be changed to "*including legislation concerning protected zones and species*" in order not to unduly restrict the scope of the evaluation. This point would therefore read:

an evaluation of compliance with Community law in coastal zones, including legislation concerning protected zones and species.

Amendment 43 (Chapter VI, paragraph 2a - new) proposes a Commission review of the Recommendation and submission of an evaluation report - this part is acceptable to the Commission. However, the last phrase stating that the Commission will at the same time submit a proposal for a Community legal framework is not acceptable, as it is not appropriate here to pre-judge whether or not such a proposal would be necessary or proposed by the Commission. The paragraph would now read:

The Commission should review this Recommendation within three years following the date of its adoption and submit to the European Parliament and Council an evaluation report.

3.3. Amended proposal

Having regard to Article 250(2) of the EC Treaty, the Commission modifies its proposal as indicated above.

¹ Including environmental agreements with industry - see COM(1996) 561 of 27.11.1996