



Brussels, 12.3.2013
SWD(2013) 64 final

COMMISSION STAFF WORKING PAPER
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

**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 }
{ SWD(2013) 65 final }

COMMISSION STAFF WORKING PAPER

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework for maritime spatial planning and integrated coastal management

1. INTRODUCTION

This Impact Assessment aims at assessing EU action towards integrated governance of coasts, seas and oceans, moving away from a sectoral approach to an integrated and coherent decision-making process. The proposed action is not sector-specific, but deals with all policy areas of the Treaty affecting human activities in marine regions and coastal zones and the protection of the marine and coastal environment.

Europe is going through a financial crisis which requires focus on resource efficiency and growth-enabling initiatives. Human activities on European coasts and seas are increasing and have significant growth potential. However, they increasingly run into limitations due to competition for space or environmental threats. A policy initiative to ensure coordinated and effective management of human uses in marine regions and coastal zones therefore needs to be implemented as soon as possible.

Maritime Spatial Planning (MSP) was identified as a tool to integrate human activities at sea in the 2007 EU Blue Book "An Integrated Maritime Policy for the European Union". Similarly, Integrated Coastal Zone Management (ICZM) was established as a process to assist in EU policy implementation through Recommendation 2002/413/EC and the ICZM Protocol to the Barcelona Convention.

The Commission is now proposing to develop these two tools together. MSP and ICZM connect in their geographical coverage (transition area from land to sea) and in their overall objective (to manage human uses in their respective areas of application). An Impact Assessment on future action was carried out to ensure maximum efficiency and added value in the selected outcome.

2. PROBLEM DEFINITION AND OBJECTIVES

The identified overarching problem relates to competition for maritime and coastal space and depletion of resources that can be broken down in six key problems:

- **(1) Conflicting claims on space:** Increased demand for limited space in marine regions causes conflicts between sea uses. Traditional activities such as fisheries, shipping, dredging and oil exploitation expand while new uses including tourism, mineral extraction, and more recently wind energy and offshore marine aquaculture claim their own space.
- **(2) Inefficient use of sea space:** The lack of cross-sector co-ordination in granting sea space to uses has led dissipation of activities and occupation of larger areas than necessary. This also leads to higher costs.

(3) Unbalanced use of coastal space: Human impact on coastal areas is growing. Built-up areas in EU coastal regions have increased by more than 20% over the past two decades. Gaps in EU legislation, e.g. on coastal erosion, hamper the sustainable and coherent management of this development.

- **(4) Suboptimal exploitation of economic potentials:** The lack of coherent and transparent processes to manage human uses leads to unnecessary costs. Uncertainty and unpredictability of appropriate access to sea space cause a suboptimal business climate for investors. The consultation process confirmed that industry needs transparency, stability and predictability.
- **(5) Insufficient adaptation to climate risks:** Climate change risks are significant in Europe's coastal areas, but there is no coherent framework for integrating both mitigation and adaptation measures into the overall planning of sea or coastal use. The majority of EU coastal Member States do not have a climate change adaptation plan or strategy dedicated to their coastal zones.
- **(6) Degradation of maritime and coastal environment:** The intense and increased use of coastal and maritime areas and the close interaction between land and sea based activities has led to increased environmental pressures and resources depletion. Legislation to protect the environment is in place, but lacks coordination across sectors and across borders.

The underlying causes for the problems relate to (1) lack of coherent and sustainable planning of maritime uses including lack of data sharing; (2) insufficient coherence or linkage between different EU policies and programmes affecting the sea and coasts; (3) lack of coherent and sustainable transboundary cooperation across marine regions and (4) inadequate involvement of stakeholders.

The **general objective** of EU action is to ensure the sustainable development of the EU's coastal zones and maritime areas in accordance with the ecosystem approach. It also aims at supporting the achievement of various other EU Treaty, legislative and policy objectives including Europe 2020, environment, energy, fisheries, maritime transport and cohesion policy. Any EU action in this context should limit itself to setting out tools for achieving the above-mentioned policy objectives. To this end, the **operational objectives** are of procedural nature: the development and implementation of processes coherently to manage and plan human uses of maritime space (defined as MSP) and to coordinate coastal management policy instruments in all coastal Member States (defined as ICZM), the delivery and further development of common principles and approaches for MSP and ICZM processes and the development and implementation of appropriate cross border co-operation.

3. ANALYSIS OF SUBSIDIARITY AND EU ADDED VALUE

MSP and ICZM are embedded in the Integrated Maritime Policy of the European Union (IMP). The objective of IMP is to ensure better coherence between the sector policies of the TFEU and to achieve multiple concurrent objectives of an economic, social and environmental nature. Initiatives taken so far under the IMP, such as Council Regulation 1255/2011, have accordingly been adopted with multiple legal bases, representing those sector policies which affect seas, coasts and oceans.

The same rationale applies to legislative action on MSP. The sector policies affected encompass fisheries, energy, transport, territorial cohesion and environment.

- The 2002 EU Recommendation on Integrated Coastal Zone Management was based on Article 192 (1) TFEU. However, ICZM (like MSP) is part of a cross-sector policy (IMP) aiming to ensure consistency between the different policy areas of the Treaty.

Therefore, future action on MSP and ICZM should rely on a broader legal basis to ensure its scope covers the full range of EU policies relevant for the management of seas and coasts.

Detailed planning should be undertaken at Member States level in accordance with their respective governance and constitutional structures. It is not intended that the EU tackle practical planning processes. EU action is, however, relevant to the extent that coastal and maritime uses and ecosystems traverse national boundaries and would add value by ensuring coherence of measures addressing this. In particular, it would avoid divergent approaches and different levels of progress. Responses to the public consultation recognised the added-value of EU action.

Objectives for future action on MSP and ICZM are broadly similar. Both foresee the adoption of an integrated approach to oceans management through enhanced maritime and coastal governance. They also have other commonalities, such as data needs. Therefore, considerable synergies can be achieved through a joint legislative initiative. Separate initiatives would increase the risk of inconsistencies, confusion and ultimately higher implementation costs.

4. OPTIONS

The Impact Assessment identifies and discusses several (sub-)options and possible combinations, as well as the baseline scenario. The three options discussed are (1) guidance and elaboration of best practices, (2) non-binding measures and (3) legally binding measures including "framework-type" Directive, Directive and Regulation. For a more detailed explanation of the options see *Impact Assessment, paragraph 5 "Policy Options"*.

5. ANALYSIS OF IMPACTS

The studies supporting the Impact Assessment showed that all identified policy options will lead to similar impacts while their effectiveness varies in timeliness, magnitude or scale. Limitations to the quantitative analysis of impacts apply due to the nature of the subject (governance) and lack of available data for some aspects.

5.1. Effectiveness

The effectiveness of achieving the operational objectives generally increases from options 1 to 3, in particular:

- Providing guidance and elaboration of best practices (Option 1) is not expected to be very effective since it would mainly support action by those already committed to it. It would not, however, compensate the lack of legal or institutional mechanisms.
- Stimulating implementation of MSP/ICZM through non-binding measures (Option 2) is expected to provide a stronger status to MSP at EU level, but is unlikely to ensure a sufficient level of priority for its implementation. It may also lead to a "pick-and-choose" approach among Member States. For ICZM, the non-binding nature of a Recommendation would not lead to increasing the level and quality of implementation. This was confirmed by the public consultation.
- Setting out a binding framework to implement MSP/ICZM (Option 3) would be the most effective way of achieving the operational objectives. However, there is some

difference in the nature and level of detail of a binding instrument and this has been assessed in three sub-options, a Framework Directive, a Directive and a Regulation.

A detailed Directive or Regulation would be more prescriptive than a "framework-type" Directive, decrease the flexibility for Member States and reduce possibilities of using already existing processes, leading to higher administrative costs. In contrast, a "framework-type" Directive setting general obligations and providing guidance for specific implementation by Member States would guarantee predictability, stability, transparency. Furthermore, it would be timely in view of the current trend of development of new activities. It would allow Member States to take into account this initiative while developing their national policies. Finally, it safeguards proportionality and subsidiarity by not interfering with Member States' planning processes and procedures *per se*.

In addition, a cross-cutting option of improving data and information availability would improve the effectiveness of all options analysed above. Complementary action which builds on existing information systems (in particular Marine Knowledge 2020) would address the needs at this stage, at least at EU level.

5.2. Impacts

The Impact Assessment identified a number of **economic impacts** as a consequence of MSP and ICZM implementation, in particular:

- Reduced transaction costs for maritime businesses, through faster, streamlined decision-making and increased transparency.
- Increased certainty and predictability for private investments, including improved certainty to obtain financing for offshore investments.
- Improved use of the sea space and the best possible coexistence of uses in coastal zones and marine waters.
- Improved attractiveness of coastal regions through preservation of natural and amenity values.
- Reduced coordination costs for public authorities, through enhanced efficiency and transparency.
- Innovation and Research: MSP and ICZM data needs can contribute to improved data collection, management analysis, as well as the knowledge base on interaction and complementarity between uses and marine environment.
- Enhanced and integrated data and information.

Environmental impacts:

- Reduction of pressure on environment in particular through an improved use of coastal and maritime space and better management of human activities.
- Improved biodiversity conservation and environmental quality through reduced fragmentation of natural areas, and use of renewable and non-renewable resources in phase with the ecosystem.
- Improved resilience to risks and/or mitigation of climate change.

Social impacts:

- Improved engagement of population and stakeholders and improved political cooperation climate.

- Improved amenity and cultural heritage through inclusion of coastal landscape and urban environment of ports in MSP/ICZM processes.
- Increased growth and jobs through enabling growth of (in particular emerging) maritime sectors and contributing to employment in the maritime economy.
- Improvement in maritime safety.
- Improved political cooperation climate.
- **Implementation costs** for full ICZM delivery in the EU are estimated at 200 M€ start-up costs and 20 M€ annual operational costs. Start-up costs are uncertain as they depend on the national and regional contexts in Member States. Quantifying the costs of implementing MSP is difficult due to a lack of EU-wide data. Irrespective of variations in total costs, the overall cost-benefit ratio is positive. A compulsory approach is likely to lead to higher implementation costs in the short term. However, at the same time, it is the only one which guarantees implementation and thus the realisation of the economic benefits described above.

6. COMPARISON OF THE OPTIONS AND CONCLUSION

An overview table that links the effectiveness of possible solutions to resolve the problem drivers and the extent to which they are covered by the different policy options is added to the *Impact Assessment as Annex 1*.

The comparison of the identified options demonstrated that the optimal action to fulfil the objectives would be option 3, sub-option 1, i.e. a EU Framework Directive on MSP and ICZM with a limited set of obligations, including a process for the development of best practices.

Voluntary approaches, including guidance and/or recommendations would not yield the desired results. A more prescriptive (harmonisation) option through a detailed Directive or a Regulation would be disproportionate, not in line with subsidiarity and lead to higher costs.

Finally, decisive but proportionate action at EU level in times of a financial crisis can significantly contribute to tapping the economic potential of the offshore maritime economy.