



European
MSP Platform

The European MSP Platform

Cross Border Consultation Study
Presentation of Interim Results

HELCOM-VASAB MSP WG, 14 November 2018

Angela Schultz-Zehden

Funded by:



Lead Partner:



Subcontractors:





Study objective

- Inform the **design and execution** of cross-border **consultation** exercises:
 - Practical **“Give and take”** of information
 - Contribute to development of **coherent and coordinated maritime spatial plans** as called for in EU MSP Directive (Art. 11)
 - Engaging **third countries** (Art. 12)



Target audience

- Member States who will need to consult neighbours on “**first generation**” maritime spatial plans
- Also those developing “**next generation**” plans which can be more detailed



Conceptual Framework

- WHY is consultation necessary?
- WHICH countries should be consulted, and WHO should be consulted from within them?
- WHAT are the issues to be addressed in consultation?
- WHEN do neighbouring countries need to be engaged?
- HOW can consultation be effectively carried out?



Methodology

- Establish a **baseline of existing cross-border consultation practice** among EU Member States:
 - **Desk research** – handbooks, guidelines, frameworks, studies
 - ❖ HELCOM-VASAB MSP WG Guidelines on transboundary consultations, public participation and co-operation
 - **Interviews** with MSP authorities, sea-basin cooperation mechanisms, and cross-border cooperation projects
 - Consultation **meetings**
 - ❖ Swedish Marine Spatial Planning consultation meeting, 19 June 2018





Analysis

- Use conceptual framework to **identify key principles and suggested steps** of a consultation exercise
 - Both from perspective of country asking neighbours for feedback and opinions – **requesting country**
 - Additional focus on country responding to such a request – **responding country**



Output

- Main text with **findings, key principles and examples**
- **Points to consider** - recommended steps or tasks
 - Organised by **framework element**
 - Guide readers to practical information and **examples**
 - Intended to provide **points for consideration** – not prescriptive





Interim Results - WHY is consultation necessary?

- **Legal reasons** – Espoo Convention (SEA), MSP Directive, national laws
- **Practical reasons** – avoid conflicts now and in the future, prevent unnecessary impacts (socio-economic as well as environmental) – what 'country' wants to know
- **Informal agreements** – developed as part of cross-border projects on '**hot spot**' areas

EXAMPLES: Baltic Scope Focus Areas from SW Baltic Case

Interim Results – WHICH countries should be consulted, and WHO should be consulted from them?

- Who might be **impacted**, who should provide **feedback**, who should be kept **informed**?
- Members States:
 - **Primary contacts** - MSP authorities and Espoo contact points
 - **Secondary contacts** – sub-national authorities, other relevant ministries, personal contacts
- Other **stakeholders**
 - From another country – process defined with national MSP authority, cross-border cooperation mechanisms?
 - From own country – direct vs. indirect involvement
- **Non-EU country** - Statutory process vs. Non-statutory / pilot process
- **Output of screening process = contact list**

Interim Results - WHAT are the issues to be addressed in consultation?

- **Planning framework** issues
 - Strategies & policies
 - Planning approaches – understand each other's plans

EXAMPLE: TPEA quality checklist for evaluating transboundary MSP

- **Plan content** issues
 - Joint information sharing on transnational topics
 - Joint planning issues
 - Topics identified in national consultation
 - Joint planning areas – 'hotspot area'

EXAMPLES: MARSPLAN Cross-border Mangalia-Shabla MSP, Latvia scenario exercise – shipping and energy

- Impacts on **ecosystem functions - SEA**



Interim Results - WHEN do neighbouring countries need to be engaged?

- **Early exchange** on what “kind” of MSP and process to be followed
- Timing with national consultation plus other countries timelines -> **timeline analysis**
EXAMPLE: North SEE timeline exercise
- Existing practice: continuous “informal” consultation (information exchange) in projects, but formal consultation done once plan is drafted with planning solutions
- **multiple consultations** on more detailed plan drafts + SEA
-> **avoid “gaps” in information sharing**



Interim Results - HOW can consultation be effectively carried out?

Give and take of information – how to get targeted feedback

- Nature of consultation – **formal**, official requests vs. **informal** exchange
- **Language, terminology & communication** - Glossaries, visual materials, comparative tables
- **Information sharing formats** – draft plans, scenarios, geospatial information
- **Interaction formats** – meetings, drawing on maps, online participation tools
- **Collect and process feedback** – what can be accommodated / used; what needs to be further investigated; what can be addressed in the future

EXAMPLE:

North SEE / Baltic LINES comparative tables of planning process & criteria



Interim results – Main takeaways

- Legal requirements set “minimum standard” -> but **benefits of going beyond to ensure plans are not in conflict** now or in the future
- **Cooperation can set the stage for consultation** – also with third countries -> information sharing, joint solution development and relationship building
- Including **secondary contacts and other stakeholders’ perspectives** requires careful consideration by reacting country
- **Formal documented opinions** necessary for creating agreements and commitments



Discussion Questions

- 1) How do you bring in **secondary contacts and stakeholders** when developing a response to a consultation request?
- 2) Experiences **engaging with Russia (or other third countries)** as part of MSP consultation
- 3) Scope of consultation issues – how are **cumulative impacts considered across boundaries?**
- 4) Practical issues / enablers on how to **respond** to consultations