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Background

The HELCOM-VASAB WG Meeting 18-2019 agreed that there is a need to create a common understanding on the coherence of the plans and subsequently on common criteria for following that the goal set in the Baltic Sea MSP Roadmap is achieved. The established task force will develop further a joint understanding of coherence of MSP and report the progress to the HELCOM-VASAB MSP Working group.

Germany, Latvia, Sweden and Finland agreed to take part in the task force that is led by the HELCOM Secretariat. VASAB Secretariat would be kept informed to follow the progress up.

The task force had its first meeting (on-line) in May 21st, 2019 and the second meeting (face-to-face/ on-line) in September 6th, 2019. Discussions during the meetings and intersessional work has brought some clarity to the topic as described in this document, but the work is still in progress. In practice the definition of coherence needs to describe also criteria that apply to border areas in the Baltic Sea. The task force's work has not yet proceeded so far that such criteria could be suggested. The results of the Task Force will be reported to the 20th meeting of the HELCOM-VASAB MSP working group.

This document presents the progress achieved by the task force in so far including description of identified gaps in common understanding of the MSP coherence, guiding principles for further development and study cases to be utilized to illustrate the proposed approach. The key principles to guide the task forces' work for consideration are:

- focusing on the “functional coherence”
- focusing on official MSP plans
- developing a set of different criteria for coherence
- using border by border approach in the follow up of progress

There is a common workspace for the task force in the HELCOM meeting portal. The workspace is called “HELCOM-VASAB MSP WG Task Force on coherence of planning”. Here is a [link to the workspace](#). Please note that you need to be a registered user with relevant rights to access these documents. You can contact the HELCOM Secretariat (florent.nicolas@helcom.fi) for more information.

Action requested

The Meeting is invited to:

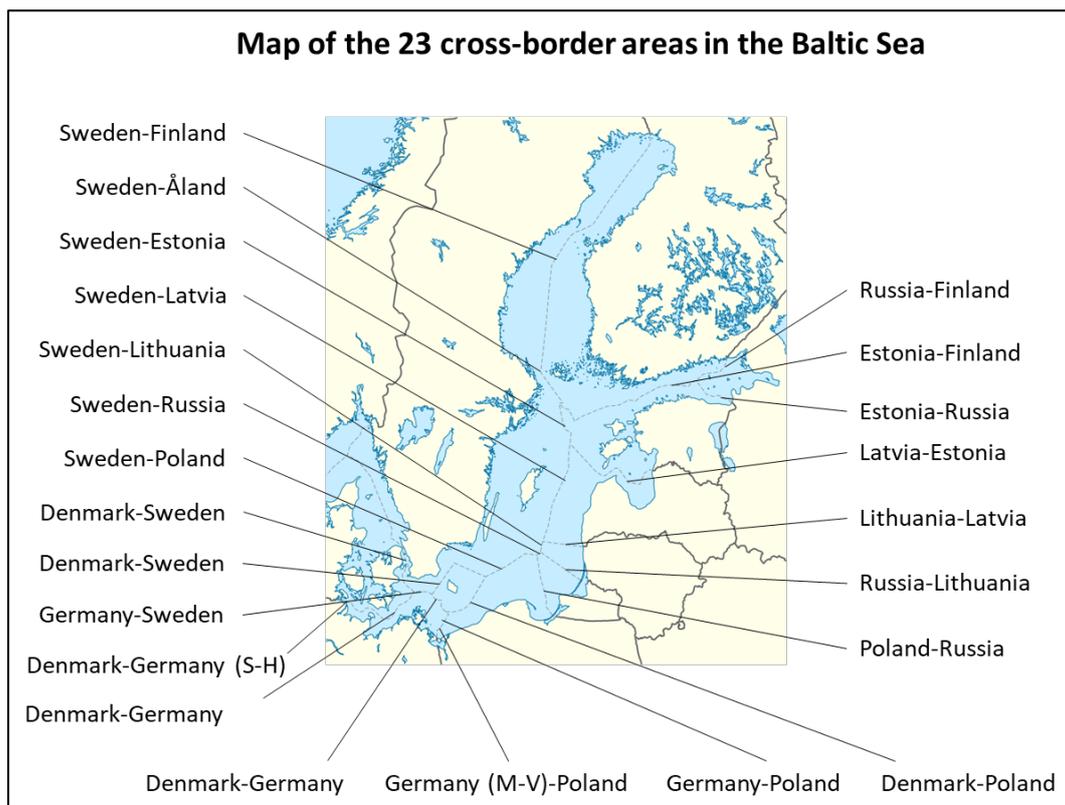
- take note on the progress of the tasks force's work as described in this document,
- consider the proposed approach and reflect on the key guiding principles to develop common definition and criteria for MSP coherence in the BS region,
- comment on the proposed case studies and their sufficiency to illustrate the proposed approach.

Background

The overall goal of MSP Roadmap 2013-2020 is that the countries “Will make every effort to draw up and apply maritime spatial plans throughout the Baltic Sea Region by 2020 which are coherent across borders and apply the ecosystem approach.”. This goal was reiterated in March 2018 by the HELCOM Ministerial Meeting that further stressed the importance of using the agreed principles, guidelines, concepts and mechanisms for planning purposes and developing them further as needed.

There is not any workable definition of coherence that could be used to check how well the Baltic Sea countries are reaching the goal. One general definition for coherence is for instance the one given in Cambridge University dictionary: “If an argument, set of ideas, or a plan is coherent, it is clear and carefully considered, and each part of it connects or follows in a natural or reasonable way”, but a more workable definition is needed for the purpose of checking coherence of the MSP plans. On a general level, based on the task force discussions so far, the definition would focus on consistent handling of cross-border activities and avoidance of misalignments at borders. The task force suggests calling this ‘functional coherence’. In practice the definition of coherence needs to describe criteria that apply to border areas in the Baltic Sea. Agreement on such a criterion has not yet been achieved by the task force.

The task of verifying the cross-border coherence is further complicated due to diversity of border areas in the Baltic Sea (see the picture below). The high number of borders is likely to increase diversity as the border areas can be quite different from each other, for instance due to different types of MSP plans (detailed and binding vs. broad and guiding). There is also possibly more cross-border topics across some borders than other.



There are 23 borders between MSP planning areas in the Baltic Sea area, when all the official MSP planning areas are counted, including sub-national areas of Åland, Schleswig-Holstein Mecklenburg-Vorpommern. The three sub-national level planning areas are counted as separate plans, because these areas have independent planning mandates. Sweden has two planning areas in the Baltic Sea, while Finland and Poland have three,

but these are not counted separately. The borders between planning areas (proceeding counter clockwise from upper left corner):

- | | |
|--|---|
| 1. Sweden-Finland | 13. Denmark-Germany (Bornholm) |
| 2. Sweden-Åland | 14. Germany-Poland (Mecklenburg-Vorpommern) |
| 3. Sweden-Estonia | 15. Germany-Poland |
| 4. Sweden-Latvia | 16. Denmark-Poland (Bornholm) |
| 5. Sweden-Lithuania | 17. Poland-Russia (Kaliningrad) |
| 6. Sweden-Russia (Kaliningrad) | 18. Russia-Lithuania (Kaliningrad) |
| 7. Sweden-Poland | 19. Lithuania-Latvia |
| 8. Denmark-Sweden | 20. Latvia-Estonia |
| 9. Denmark-Sweden (Bornholm) | 21. Estonia-Russia |
| 10. Germany-Sweden | 22. Estonia-Finland |
| 11. Denmark-Germany (Schleswig-Holstein) | 23. Russia-Finland |
| 12. Denmark-Germany | |

Principles and practical solutions to continue the work

Even though the task force hasn't yet reached any suggestions for the definition of cross-border coherence, it has discussed about key principles to guide the work. In practical terms it had been agreed to use a few practical examples of cross-border coherence. These are cases of cross-border topics and how they have been or could be handled between countries. The purpose of the cases is to identify possible criteria for cross-border coherence. Another practical suggestion is to produce brief descriptions of each of the 23 border areas based on existing information from the HELCOM map and data service.

The key principles to guide the task forces' work for consideration are:

- focusing on the "functional coherence" (described below)
- focusing on official MSP plans (described above)
- developing a set of different criteria for coherence (described below)
- using border by border approach in the follow up of progress (described below)

Functional coherence

The goal stated in the MSP roadmap sets cross-border coherence as a clear target. A suggestion from the task force is that the coherence should be understood from a pragmatic, functional coherence perspective. Then the target is not to prepare plans that are similar, but to produce plans in ways that ensure the functional coherence (lack of mismatches, supporting achievement of common environmental goals, enhancing synergies). Functional coherence consists of planning decisions about different uses of the sea area (the plan text) and how they are presented on planning maps (illustrational coherence).

The task force has also identified some more general aspects influence achievement of coherence, but these will not be included in the definition of coherence. The general aspects include, for example, jointly agreed environmental objectives and the existing HELCOM-VASAB guidelines. For instance, the Guidelines on transboundary consultations, public participation and co-operation provide for procedural advice to enhance cross-border coherence.

Also, sectoral policies influence contents of the MSP plans, which may either support or hamper reaching of the cross-border coherence in MSP. It should be noted though, that many of the sectoral and environmental policies are already internationally coordinated, at least within the EU, thus enhancing coherence.

Set of different criteria for coherence or lowest common denominator?

The definition of the functional coherence should describe common criteria or denominators that apply to border areas in the Baltic Sea. Even though the common denominators are not easy to define, it would be

preferable not to aim for only the lowest common denominator that we can agree at this stage. The lowest common denominator could be, for instance, “lack of apparent mismatches at the border”. A preferred definition could present different levels of coherence starting from a necessary, minimum level and include also descriptions of sufficient or satisfactory levels. The set of criteria to be developed should, furthermore, include criteria that would be relevant for different types of borders. The cases can give ideas for the possible criteria for coherence.

Border by border approach

In the roadmap, which is agreed between HELCOM and VASAB, the goal is formulated in a way that it sets the requirement for achieving coherence in the Baltic Sea region as a whole. In contrast, the HELCOM Baltic Sea Action Plan (BSAP) includes an action “*Apply maritime spatial plans, which are coherent across the borders and apply the ecosystem approach*” that is among the national actions, which means that its achievement is followed country by country.

Regarding the goal of the MSP roadmap it should be acknowledged that the method for follow up of the achievement of the goal has not been defined. One possibility would be to agree on a principle that the follow up would focus also on the progress towards the goal, not simply whether we have achieved the goal in the BSR or not.

In the case that we will find out that the MSP plans that are now in force and the ones that will be finalised in the coming few years are not coherent, the coherence will be reached only after the plans are reviewed the next time. Due to different timing and duration of planning cycles this can take several years. Some minor modifications to the plans can possibly be done quicker, but this depends on planning regulations of the countries. The fact that reviewing the plans takes a long time is a further justification for following up the gradual progress towards the Baltic Sea level goal.

Applying the country by country approach as in the BSAP would make sense for the follow up of the progress towards the Baltic Sea level goal. However, when it comes to cross-border coherence, it would be even better to take a **border by border** approach as the country by country approach is not practical. Impracticality stems, on the one hand, from the large number of borders and, on the other hand, an agreement within the task force that the coherence – irrespective of its definition – must be evident on both sides of the border. Country by country approach would then be impractical especially for the countries that have borders with several countries. For instance, in the case of Sweden the coherence should be achieved along all its 10 borders with the neighbouring planning areas before Sweden’s MSP plan would be “coherent”. Taking a border by border approach would give credit to countries when coherence is reached already across one border, which could be the basis for a follow up for the progress towards the Baltic Sea level goal.

Finally, a suggested additional principle would be that if a neighbouring country does not have a MSP plan in force, this cannot be taken as a case of incoherence. This would be important for the follow up of progress towards the goal. The agreement between the Baltic Sea countries is to develop MSP plans by 2020 and the EU member states have an obligation to implement the MSP directive by March 2021, but still it might take some time until, for instance, Russia has finalised its official MSP plans.

A limitation of the border by border case is that it does not follow the approach taken in the HELCOM BSAP. If the HELCOM-VASAB MSP working group would agree on taking border by border approach, this should be communicated to the BSSAP update process and included in the forthcoming new BSAP.

Cases

Analysis of cases will be the starting point towards further development of definitions of coherence. Concrete examples can illustrate different aspects of coherence. The following cases will be developed by the task force.

Cases	Comments
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<p>Baltic LINes example of Latvia – Sweden misalignment/alignment of shipping lanes</p>	<p>To be developed by Sweden and Latvia</p> <p>Illustration of negotiation and the results between countries within MSP processes.</p>
<p>SE/PL (Nynäshamn-Gdansk)</p>	<p>To be developed by Sweden</p> <p>Too similar to above? Does it add perspectives? E.g. other aspects of coherence?</p> <p>Poland has very detailed and binding MSP, while Sweden has less detailed and guiding plan. That is different from the above case. Does it have implications on coherence?</p>
<p>Offshore wind/ shipping lanes SE/DE</p>	<p>To be developed by Sweden and Germany</p> <p>Discussion on the different perspectives. The Swedish includes general provisions but no detailed geographic provisions.</p>
<p>DE-SE cable alignment case</p>	<p>To be developed by Sweden and Germany</p> <p>Discussion on the different perspectives. The Swedish includes general provisions but no detailed geographic provisions.</p> <p>Is it MSP or sectoral decision-making?</p>
<p>Latvia communicated with Poland on the Latvian fisheries interests in the Polish waters</p>	<p>To be developed by Latvia</p>
<p>Coherence between Finland's and Sweden's MSP plans</p>	<p>To be developed by Finland and Sweden</p> <p>Finland is producing very broad-scale, non-binding and strategic MSP plans. Also Sweden has guiding, non-binding plan. Many concrete decisions that affect functional coherence are not handled in MSP. How to deal with cross-border coherence in such a context?</p>