

HELCOM-VASAB Maritime Spatial Planning Working Group
Online intersessional meeting on EBA & MPA document 4 July 2014



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Background

The application of the ecosystem-based approach in MSP has been discussed during several meetings of the HELCOM-VASAB MSP WG during the last four year period (spring 2011-spring 2014). HELCOM-VASAB MSP WG 8-2014 appreciated the renewed offer by Finland to have the lead for finalizing the draft document on Ecosystem-based approach and MSP, and the offer by the European Commission, Germany and Sweden to provide further input. The result of this work led by Finland was considered by HELCOM-VASAB MSP WG 9-2014 as follows:

" (...) 5.4 The Meeting noted that the majority of participants were ready to approve the document and move on to the development of "Guidelines on the Application of an Ecosystem Approach in Transnationally Coherent MSP" which are to be adopted by 2015 and applied by 2018 according to the Regional Baltic Maritime Spatial Planning Roadmap 2013-2020.

The Meeting took note that Poland and Germany still have some editorial comments to the document (§5.5).

5.6 The Meeting noted however that the European Commission cannot endorse the document as it reads now.

5.7 The Meeting agreed to the following process to accept the document as a support paper for the development of the Guidelines taking into account that comments from HELCOM HABITAT (document 5-2) will have a similar value as a starting point:

- The Working Group will do the acceptance as a support paper for the development of the Guidelines in an online meeting to be held on 4 July 2014 in the afternoon,
- The European Commission is requested to provide proposals by 23 June 2014 to the HELCOM Secretariat (laura.meski@helcom.fi),
- Poland and Germany will provide editorial comments by 23 June 2014 to the HELCOM Secretariat (laura.meski@helcom.fi),
- The HELCOM Secretariat will provide a compilation of comments for the online meeting by Wednesday 25 June 2014.

5.8 The Meeting agreed to organize a workshop on the ecosystem-based approach in MSP to start up the work on drafting the Guidelines on the application of Ecosystem Approach in transnationally coherent MSP during week 51 (15-16 or 18-19 December 2014) in Helsinki, Finland. (...)"

This document includes the document on Ecosystem-based approach and MSP (HELCOM-VASAB MSP WG 9-2014 5-1) incorporating comments from EU, DE and PL for the on-line intersessional meeting to be held 4 July 2014 as indicated by §5.7 above.

Action required

The Meeting is invited to

- consider the suggestions by EU, Germany and Poland (track changes)
- amend and accept the document as a support paper for the development of the Guidelines taking into account that comments from HELCOM HABITAT (document 5-2 of HELCOM-VASAB MSP WG 9-2014) will have a similar value as a starting point

Ecosystem-based approach and MSP

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1. Introduction

This paper puts forward a proposal for a common understanding of the ecosystem-based approach¹ in the context of maritime spatial planning (MSP). It presents how the ecosystem-based approach is applied in drawing up a spatial plan for a sea area in accordance with spatial planning legislation in force in the Baltic Sea countries.

It is also worth noting that the application of the ecosystem-based approach is wider than "establishing the plan", as it involves basic horizontal principles to be applied both in sectoral management and in the different steps throughout the spatial planning process.

This document forms a basis for the development of "Guidelines on the Application of an Ecosystem Approach in Transnationally Coherent MSP" which are to be adopted by 2015 and applied by 2018 according to the Regional Baltic Maritime Spatial Planning Roadmap 2013-2020

2. Special features of spatial planning at sea

Sea areas are in many aspects different from land. Territorial waters are often owned and/or managed by the state, while land areas are mainly in private ownership. Within their exclusive economic zone (EEZ), coastal states have the right to do research and exploit the resources in it, but they also have a duty to protect it. The sea is regulated by international agreements and the freedom of the seas has a strong tradition.

The sea is dynamic in nature and does not have boundaries. It functions in different dimensions simultaneously, including depth and time; this creates opportunities for multifunctional uses of certain areas. Further, the sea has no human inhabitants; rather, it has economic users and stakeholders such as maritime industries and environmental non-governmental organizations, who have an interest in its resources.

3. Definition of the ecosystem-based approach concept

The basis for the ecosystem based approach was laid out in the 12 Malawi Principles presented at CBD COP 4 in 1998. Since then a number of definitions and interpretations have evolved based on *inter alia* the Malawi Principles:

- (1) Management objectives are a matter of societal choice.
- (2) Management should be decentralized to the lowest appropriate level.
- (3) The ecosystem approach recognises the interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation. Ecosystem managers should consider the effects and their interactions of their activities on adjacent and other ecosystems.
- (4) Recognizing potential gains from management there is a need to understand the ecosystem in an economic context, considering e.g. mitigating market distortions, aligning incentives to promote sustainable use, and internalizing costs and benefits.
- (5) A key feature of the ecosystem approach includes conservation of ecosystem structure and functioning to achieve or maintain healthy ecosystems and their services and to enable the sustainable use of marine goods and services by present and future generations.
- (6) Ecosystems must be managed within the limits to their functioning.
- (7) The ecosystem approach should be undertaken at the appropriate temporal and spatial scales.
- (8) Recognizing the varying temporal scales and lag effects which characterize ecosystem processes, objectives for ecosystem management should be set for the long term.

¹ The "ecosystem-based approach", , instead of "ecosystem approach", is used throughout this document, which is in line with the EU Marine Strategy Framework Directive and the [Proposal for an] EU MSP Directive.

- (9) Management must recognize that change is inevitable.
- (10) The ecosystem approach should seek the appropriate balance between conservation and use of biodiversity.
- (11) The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.
- (12) The ecosystem approach should involve all relevant sectors of society and scientific disciplines.

Convention on Biological Diversity (CBD), UNEP/CBD/ COP/4/Inf.9 (May 1998):

In a Workshop on the Ecosystem Approach (Lilongwe, Malawi, 26-28 January 1998), whose report was presented at the Fourth Meeting of the Conference of the Parties to the Convention on Biological Diversity (Bratislava, Slovakia, 4-15 May 1998, UNEP/CBD/ COP/4/Inf.9), twelve principles of an ecosystem approach were identified:

- (1) Management objectives are a matter of societal choice.
- (2) Management should be decentralized to the lowest appropriate level.
- (3) Ecosystem managers should consider the effects (actual or potential) of their activities on adjacent and other ecosystems.
- (4) Recognizing potential gains from management there is a need to understand the ecosystem in an economic context. Any ecosystem management program should a) reduce those market distortions that adversely affect biological diversity; b) align incentives to promote sustainable use; c) internalize costs and benefits in the given ecosystem to the extent feasible.
- (5) A key feature of the ecosystem approach includes conservation of ecosystem structure and functioning.
- (6) Ecosystems must be managed within the limits to their functioning.
- (7) The ecosystem approach should be undertaken at the appropriate scale.
- (8) Recognizing the varying temporal scales and lag effects which characterize ecosystem processes, objectives for ecosystem management should be set for the long term.
- (9) Management must recognize that change is inevitable.
- (10) The ecosystem approach should seek the appropriate balance between conservation and use of biological diversity.
- (11) The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.
- (12) The ecosystem approach should involve all relevant sectors of society and scientific disciplines.

Convention on Biological Diversity (CBD), COP 5/Decision V/6 (May 2000):

"The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Thus, the application of the ecosystem approach will help to reach a balance of the three objectives of the Convention: conservation; sustainable use and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. An ecosystem approach is based on the application of appropriate scientific methodologies focused on levels of biological organisation, which encompass the essential structure, processes, functions and interactions among organisms and their environment. It recognizes that humans, with their cultural diversity, are an integral component of many ecosystems."

First Joint Ministerial Meeting of the Helsinki and OSPAR Commissions (June 2003):

"The ecosystem approach can [therefore] be defined as "the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby

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SECRETARIAT: In order to avoid confusion the text has been replaced with the exact wording of the Malawi principles in UNEP/CBD/ COP/4/Inf.9

achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity". The application of the precautionary principle is equally a central part of the ecosystem approach."

4. Key elements for applying the ecosystem-based approach in MSP

The following key elements of the ecosystem-based approach have been identified as an operationalization of the ecosystem-based approach in line with the Malawi Principles. They need to be applied in planning in an integrated way by taking into account environmental, social, cultural, economic, legal and technical perspectives.

~~According to the Baltic Sea Broad Scale Maritime Spatial Planning Principles of HELCOM and VASAB (2010), the ecosystem approach is an overarching principle for MSP and MSP must seek to manage the use of natural resources, while protecting and enhancing the marine environment. Therefore, ecosystem value and its interaction with human activities, has to be considered within all MSP processes.~~

~~protect and enhance the marine environment. Therefore, ecosystem protection has to be considered within all MSP processes.~~

The joint Baltic Sea broad-scale MSP principles adopted by coastal countries of the Baltic Sea and VASAB and HELCOM in 2010 define the ecosystem approach in principle 2 (see 5.2 [4.2]).

- **Best Knowledge and Practice:** The allocation and development of human uses shall be based on the latest state of knowledge of the ecosystems as such and the practice of safeguarding the components of the marine ecosystem in the best possible way.
- **Precaution:** A far-sighted, anticipatory and preventive planning shall promote sustainable use in marine areas and shall exclude risks and hazards of human activities on the marine ecosystem. Those activities that according to current scientific knowledge may lead to significant or irreversible impacts on the marine ecosystem and whose impacts may not be in total or in parts sufficiently predictable at present require a specific careful survey and weighting of the risks.
- **Alternative development:** Reasonable alternatives shall be developed to find solutions to avoid or reduce negative environmental and other impacts as well as on the resources supporting human activities.
- **Identification of ecosystem services:** Required in order to ensure a socioeconomic evaluation of effects and opportunities the ecosystem services provided need to be identified.
- **Mitigation:** The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan.
- **Relational Understanding:** It is necessary to consider various effects and their interactions between on the ecosystem caused by and human activities. This includes direct/indirect, cumulative, short/long-term, permanent/temporary and positive/negative effects, as well as interrelations including sea-land interaction.
- **Participation and Communication:** All relevant authorities and stakeholders as well as a wider public shall be involved in the process at an early stage. The results shall be communicated. ~~The Integrated Coastal Management (also known as ICZM),~~ as an informal and flexible instrument, can support the process of participation and communication.
- ~~Subsidiary, Subsidiarity and Coherence:~~ Maritime spatial planning with an ecosystem-based approach as an overarching principle shall be carried out at the most appropriate level and shall seek coherence between the different levels.
- **Adaptation:** The sustainable use of the ecosystem should apply an iterative process including monitoring and reviewing.

The key elements of the ecosystem-based approach are integrated into the planning process in a general way and some of them are integrated more specifically into strategic environmental assessment (SEA) as part of the planning process. Some of the key elements such as public participation and communication, subsidiarity and coherence, identification of ecosystem services, adaptation and the precautionary principle are applicable to the general planning process. The identification of ecosystem services can provide a new approach to the management of the sea and should contribute to the planning of sea areas as well.

Commented [A2]: Germany and EU suggest to move chapter 4 after Chapter 5.

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SECRETARIAT: EU and Germany included edits to this part of the text. However, the paragraph and sentence refers directly to the MSP Principles adopted by Baltic Sea coastal states and the EU Commission in 2010, within HELCOM and VASAB. In order to avoid confusion replaced the existing and suggested (EU COM) interpretative text with a reference to the chapter with the exact content of the joint HELCOM-VASAB MSP principle 2.

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5. Policy context of the ecosystem-based approach — relevant aspects for MSP in the Baltic Sea

5.1. Helsinki Convention and the HELCOM Baltic Sea Action Plan

(applicable to all Baltic Sea countries and the [European Commission](#) [Union](#))

The 1992 Helsinki Convention is an international treaty ratified by the coastal countries of the Baltic Sea and the European Commission, i.e. the Contracting Parties (CPs). Article 3 lists the fundamental principles and obligations of the CPs of relevance to [an](#) ecosystem-based approach. Paragraph 1 states that “The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.” The same article of the Convention states that the CPs shall apply the precautionary principle, best environmental practice, best available technology and the polluter-pays principle.

The Helsinki Commission (HELCOM) is the intergovernmental organisation established to oversee the implementation of this Convention. During the joint HELCOM and OSPAR Ministerial Meeting in 2003 the CP Ministers and high officials agreed to apply and further develop the measures necessary to implement an ecosystem approach by 2010, in order to give concrete effect to our commitments and to help maintain and, when practicable, restore ecosystem health, integrity and services. They also adopted the statement “Towards an ecosystem approach to the management of human activities”, setting out their intentions in more detail.”

As follow-up to this 2003 commitment to implement an ecosystem approach, the CPs agreed on the HELCOM Baltic Sea Action Plan (BSAP) at the 2007 HELCOM Ministerial Meeting. The BSAP includes definitions and actions for achieving a good environmental status of the Baltic Sea by 2021. A series of indicators with explicit quantitative target levels to define a good environmental status have been developed and were agreed by 2013.

The BSAP included a specific action in relation to MSP: the commitment to jointly develop broad-scale, cross-sectoral, [marine spatial planning](#) principles based on the ecosystem approach by 2010. In addition, these principles were to be tested, applied and evaluated by 2012 in cooperation with other relevant international bodies, the intention being that all Contracting Parties and relevant HELCOM bodies had to cooperatively participate. The aim of the cooperation is to give guidance for planning processes, ensure the protection of the marine environment and nature, including habitats and seafloor integrity, and secure the sustainable use of marine resources by reducing user conflicts and adverse impacts of human activities.

5.2. Joint HELCOM–VASAB MSP Principles

(applicable to all Baltic Sea countries [and the European Commission](#) [Union Member States](#))

According to the joint Baltic Sea broad-scale MSP principles adopted by VASAB and HELCOM in 2010, the ecosystem-[based](#) approach, calling for a cross-sectoral and sustainable management of human activities, is an overarching principle for maritime spatial planning which aims at achieving a Baltic Sea ecosystem in good status — a healthy, productive and resilient condition so that it can provide the services humans want and need. The entire regional Baltic Sea ecosystem as well as sub-regional systems and all human activities taking place within it should be considered in this context. Maritime spatial planning must seek to protect and enhance the marine environment and thus should contribute to achieving good environmental status according to the EU Marine Strategy Framework Directive and HELCOM Baltic Sea Action Plan (Principle 2).

5.3. EU Strategy for the Baltic Sea Region

(applicable to EU Member States)

The European Union Strategy for the Baltic Sea Region aims to save the sea, connect the region and increase prosperity. Achieving the ‘Save the Sea’ objective will require direct environmental measures, along with

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consideration of the functions and structure of ecosystems and the limiting carrying capacity of ecosystems when developing the potential for sustainable growth in the maritime sectors.

One of the horizontal actions in the Action Plan for the EU Strategy for the Baltic Sea Region (version February 2013) is to encourage the use of maritime spatial planning in all Member States around the Baltic Sea and develop a common approach for cross-border cooperation. Implementation of this action will contribute to achieving all three objectives of the Strategy – Save the sea, Increase prosperity and connectivity.

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Maritime spatial planning and integrated coastal zone management (ICZM) are described, respectively, as an important supporting tool and process for improved decision making. They help users to balance sectoral interests that compete for maritime space and resources, and contribute to achieving sustainable use of marine areas to the benefit of economic and social development as well as the marine and coastal environment.

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5.4. Marine Strategy Framework Directive (applicable to EU Member States)

The Marine Strategy Framework Directive (MSFD) aims at achieving or maintaining a good environmental status in the marine environment by 2020 at the latest. It is the first legislative instrument in relation to the marine biodiversity policy in the European Union and contains the explicit regulatory objective that "biodiversity is maintained by 2020" as one cornerstone for achieving good environmental status.

It enshrines in a legislative framework the ecosystem-based approach to the management of human activities, integrating the concepts of environmental protection and sustainable use. The MSFD also calls for cooperation within marine regions such as the Baltic Sea, in order to reach the objective of Good Environmental Status of the marine environment by 2020.

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The Directive states in particular that marine strategies shall apply an ecosystem-based approach ensuring that the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Both programmes of measures and individual measures shall be based on such an ecosystem-based approach.

As a first step to achieving good environmental status, all Member States have produced an initial assessment of the environmental status. The next step is for Member States to develop monitoring programmes and programmes of measures, including spatial protection measures, to achieve a good environmental status.

Spatial and temporal distribution controls, in terms of management measures that influence where and when an activity is allowed to occur, are identified among the types of measures that should be considered when devising the measures which can support an ecosystem-based approach and which can help to identify sources of pressures and impacts, including cumulative and synergetic effects, and may include, as one example, also MSP².

When MSP is included in the marine strategies and programmes of measures, it needs to be based on an ecosystem-based approach under consideration of all relevant MSFD requirements, so as to allow planning of human activities and uses that respects the carrying capacity of ecosystems along with maintenance and, when necessary, restoration of ecosystems.

² Annex VI of Directive 2008/56/EC in connection with Annex part A.6 of Commission Decision 2010/477/EU.
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5.5. [Proposal for an] EU Maritime Spatial Planning Directive (applicable to EU member states)

The Directive on Maritime Spatial Planning (2014) aims to set the framework for maritime spatial planning with the objective of promoting sustainable growth of maritime economies, sustainable development of marine areas and the sustainable use of marine resources, applying an ecosystem-based approach, and promoting the coexistence of relevant uses and activities and taking into account land-sea interactions. In this sense, the ecosystem-based approach must seek to contribute to the sustainability of development of marine areas, of activities at sea and of uses of marine and coastal resources. Greater activities in the Baltic Sea have led to competition for limited marine space between sectoral interests, such as shipping and maritime transport, extraction of gravel and minerals, offshore energy, ports development, tourism, fisheries and aquaculture in addition to environmental concerns. These activities, along with climate change effects, natural hazards and shoreline dynamics such as erosion and accretion, create significant pressures on coastal and marine ecosystems.

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Once entered into force, the Directive will require EU Member States to establish maritime plans before 2021 and apply the ecosystem-based approach to enable the sustainable development of maritime activities and the preservation, protection and improvement of the environment. The ecosystem-based approach should be applied in a way that is adapted to the specific ecosystem of the Baltic Sea, building on existing knowledge and experiences. The Directive recognises that applying the ecosystem-based approach requires adaptive management. It should ensure refinement and further development as experiences and knowledge increases, and take into account the availability of data and information available at sea basin level.

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6. Available knowledge on ecosystems of the Baltic Sea

It is crucial to identify existing marine ecosystems and their structures and functions to be able to protect them and to benefit from the ecosystem services they provide.

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A major challenge to implementing the ecosystem-based approach is to gather system-based knowledge on the structures and functions of ecosystems, and as well as on the direct and indirect impacts and their interactions between on these structures and functions and the from various direct and indirect human uses. Since 1974, HELCOM has collected regional Baltic Sea monitoring data and, based on these, published reports on a wide range of issues. A series of reports has been published regularly, including assessments of environmental status (e.g. eutrophication, hazardous substances, radioactivity, climate change, status of biodiversity, including fish) and of human activities (e.g. ship traffic, ship accidents, pollution from ships, and pollution load from land). More condensed products, such as shorter indicator reports, have been published as well. A set of databases contains the underlying raw data and GIS information, and these databases are available via the regional HELCOM GIS. In an attempt to integrate such information into a single product, in 2010 HELCOM published an Initial Holistic Assessment of "ecosystem health of the Baltic Sea", including a compilation of human pressures (Box 1).

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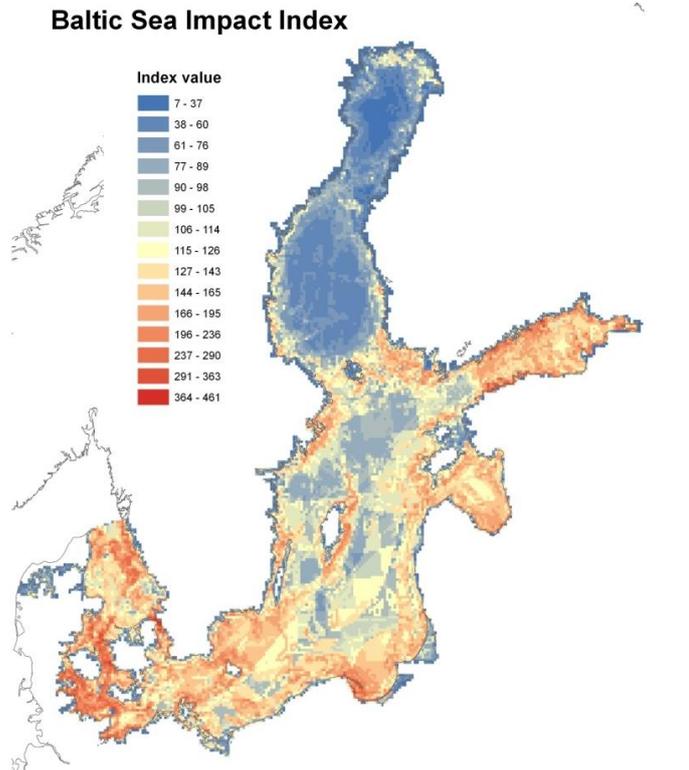
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In addition to HELCOM's work, all the EU Member States have made initial assessments of the overall environmental status in their sea areas, including Economic and Social Assessments, as part of the implementation of the Marine Strategy Framework Directive (MSFD). Additionally, the International Council for the Exploration of the Seas (ICES), some United Nations agencies and European services have various databases with relevance to implementing the ecosystem-based approach.

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Box 1: Information on ecosystem-based MSP — an example based on results of the 2010 HELCOM Initial Holistic Assessment (summary of data on human activities and ecosystem features in the Baltic Sea region)³.

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1. A map of Ecosystem Impacts in the Baltic Sea

Blue = Low level of impact on the ecosystem from human activities; Red = High level of impact on the ecosystem from human activities. Based on information from a large number of human activities and on ecosystem components.

2. A summary of the main results of the HELCOM Assessment of Ecosystem Health 2010

The assessment of the ecosystem health of most of the areas indicates that the status is impaired.

Bothnian Bay: Regarding biodiversity, it seems that the status is good in Swedish coastal waters and only the open parts of the Bothnian Bay and Finnish coastal waters are likely to have an unfavourable status.

Bothnian Sea: One assessed area in the Swedish coastal waters is classified as good. The biodiversity of the Bothnian Sea in general is good, for both the open parts and most of the coastal waters.

³ GERMANY footnote addition: The HELCOM Initial Holistic Assessment is a new and innovative approach, using existing and new tools of HELCOM. The results produced with the new tool HOLAS and the Baltic Sea Pressure/Impact Indices (BSPI/BSII) should be considered as preliminary results which in the future need further elaboration and improvement. The same is valid for the status classifications (especially as far as they concern the indicators used in HEAT, BEAT and CHASE). Discrepancies between national WFD assessments and HOLAS results arise due to differences in spatial and temporal scaling as well as due to the use of different parameters.

Gulf of Finland: Eutrophication and hazardous substances are the major and most widespread problems. Biodiversity generally has an unfavourable status in both open and coastal waters. However, results indicate that isolated coastal waters along the Estonian coast might have a favourable conservation status.

Gulf of Riga: The Gulf is affected by eutrophication, especially in the northern and central parts. Regarding the status of hazardous substances, the Gulf is impaired and the same is true for the conservation status of biodiversity.

Baltic Proper: The assessment and classification of the ecosystem health of open parts of the Northern, Western and Eastern Baltic Proper indicate that these areas have the lowest status in the Baltic Sea. Eutrophication is a significant problem, as are also hazardous substances and a decline in biodiversity. No positive signals were encountered.

Gulf of Gdansk: Eutrophication is a major problem, biodiversity is under significant pressure and the status of hazardous substances is disturbed; all of this is a consequence of discharges from the large, highly populated catchment area.

Bornholm and Arkona Basins: Eutrophication and contamination by hazardous substances are significant issues and in combination with the pressures from fishing, biodiversity status has become significantly impaired. The Arkona Basin is in a slightly better condition than the Bornholm Basin.

Kattegat and Belt Sea: Hazardous substances and biodiversity have an impaired status, while eutrophication is a problem mainly in the southern Kattegat and the Belt Sea.

Kiel Bight and Mecklenburg Bight: Eutrophication, biodiversity and contamination with hazardous substances are all significant issues.

7. Description of the maritime spatial planning process

7.1. Background

In order to ensure the sustainability of the various uses and the environmental health of marine areas, maritime spatial planning and integrated coastal management will have to employ an ecosystem-based approach that ensures the sustainable use and protection of the natural resources that provide the basis for carrying out the various activities.

This means that the collective pressure of all human activities is kept within levels compatible with good environmental status and that it does not compromise the capacity of the ecosystem to respond to human-induced changes, while enabling the use of marine goods and services by present and future generations.

Taking into account the interrelationship between land and sea, there is a need to reconcile terrestrial spatial planning processes with maritime spatial planning processes. In some of the Baltic Sea countries, spatial planning legislation is already implemented in the sea areas, via an extension of terrestrial planning regimes.

Therefore, it is reasonable to examine how the ecosystem-based approach can be implemented in the existing spatial planning processes. The inclusion of the ecosystem-based approach in the main phases of the planning process is outlined in a summary table at the end of this section.

An important point is that the formulation of plans is the outcome of a wider planning process following different operational steps, including a needs assessment, the setting of objectives, public and stakeholder consultations, the underpinning of the knowledge base, and so on.

A formal planning process is usually started only when there is a need for a legally binding agreement. However, many aspects of planning processes are done in other — partly informal — ways; for example, surveys, strategies or agreements, with the aim of arranging uses and functions of areas.

Developing a Maritime Spatial Plan based on the Ecosystem Approach requires a vision on the use of the maritime area in question. This vision must incorporate both environmental factors and human uses and it needs to be in line with the regional marine strategy, in case of the Baltic Sea, the BSAP.

So far management decisions are rarely coordinated among the different sectors involved in planning processes and neither between states. Hence, conflicts between human activities and environmental

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protection and/or nature conservation needs are often not mitigated, and consequently impacts to the marine and coastal environment and nature (incl. ecosystem services) have been observed

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A cross-sectoral MSP applying the ecosystem-based approach has to integrate, organize, allocate and create opportunities for human activities in marine areas in such a way that the ecosystem, including all its components, dynamics, limits and ecological functions, are safeguarded while the different social and economic demands on maritime areas-resources are recognized, and the ecosystem, including all its components, dynamics, limits and ecological functions, is safeguarded.

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MSP protects these ecosystem functions, while enabling sustainable use through an integrated approach, where all activities must be carried out in a way that enables the sustainable use of marine goods and services by present and future generations in an environmentally sound way. This may include the designation of zones with priority for marine nature and/or zones with restricted or no uses. In particular, the ecosystem-based approach requires that the collective effects of pressures from human activities are considered. This includes pressures and discharges from land and air emissions that affect the maritime zone. These collective impacts must be kept within such limits that the capacity of marine ecosystems to recover and good environmental status are not compromised.

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Thus, the ecosystem-based approach provides the ecological, social and economic facts, guiding principles, targets and limits to be considered in the MSP process, according to their special relevance, and to be transformed into spatial planning options (regulations and designations). In addition, MSP must comply with mandatory regulations of sectoral environmental law (e.g. prohibitions according to the species conservation regulations; no negative effects on the goals of the ecological NATURA 2000 network of marine protected areas (NATURA 200 and HELCOM MPAs), implementation of the Common Fisheries Policy).

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Strategic environmental assessment (SEA) is an important tool for implementing the ecosystem-based approach in maritime spatial planning as it identifies, describes and assesses the likely significant planning effects on the ecosystem. According to EU law (Directive 2001/742/EC), an SEA has to be carried out before a maritime spatial plan can be approved by the responsible authority in accordance with the criteria set out in this Directive (e.g. only when the plan is likely to have significant effects on the environment). This includes the preparation of an environmental report, the carrying out of public consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision. In addition, for EU member states, impact assessments of habitats and species (Art. 6 of the Habitats Directive 92/43/EEC) and of bird sanctuaries (Birds Directive 2009/147/EC) are obligatory.

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7.2. Maritime Spatial planning process and the ecosystem-based approach

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Spatial planning (town and country planning/zoning) has long traditions. Each country has developed its own planning procedures and planning systems according to its own needs. The planning levels, goals, content and legal effects may vary from country to country and case by case. Different planning levels usually have different tasks. More general plans can guide more detailed planning on a lower level. Spatial planning has been implemented mostly on land, but, in many cases, has also been extended into sea areas. In the material below, it is assumed that the spatial planning system is simply extended as such to the sea area. The ecosystem-based approach has a broader perspective in the management of sea areas, but spatial planning can provide a good tool for arranging and integrating different uses of the sea area. The planning procedure is a negotiation process and the plan is the final agreement and outcome of it. It is also worth noting that the planning procedure is an iterative procedure. It starts with general-level discussions of, for example, goals, costs and impacts, and moves into deeper-level discussions as the knowledge increases. Impact assessments might demand more investigations during the planning process and these are done throughout the planning procedure to be able to make sustainable decisions.

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Spatial planning also has its own goals, and each planning level has its own goals as well. One of the main goals of spatial planning is the requirement to safeguard a good status of living environment and biodiversity.

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During the planning process, several planning options are considered and official consultations are held with the general public and stakeholders, but ~~also in~~ unofficial consultations are also carried out during the whole planning procedure. The assessment of the environmental impacts of each planning option provides information to the public, stakeholders and decision-makers on how to choose the best option with the least environmental impacts. Assessing the full array of interactions between ecosystems and human activities impacts of the plan is a key element of the planning procedure and a prerequisite for sustainable solutions.

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In some planning systems, SEA is fully integrated into the planning process, and participation and environmental impact assessment are key elements of it. Participation and impact assessment procedures are also reported in the planning documents. In ~~some other~~ planning systems, SEA seems to be a separate procedure and the SEA report is produced separately. However, the planning procedure has some common features in all countries and can be applied in maritime spatial planning as well. In maritime spatial planning, SEA should be fully integrated into the planning procedure (provided that an SEA is required because the MSP is likely to have significant effects on the environment, see above).

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In Table 1 an overview of implementing the ecosystem-based approach in maritime spatial planning is presented. The left column shows the main phases of the maritime spatial planning process and the right column shows how the corresponding integration of the ecosystems and their functioning and other relevant aspects of the ecosystem-based approach are is-taken into account in the different phases of the planning process ~~(ecosystem based approach in the planning process)~~. The right column can also be seen as an SEA procedure in planning cases where SEA is not fully integrated into the planning system.

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Table 1: Implementation of the ecosystem-based approach in the maritime spatial planning process. The left column details the steps of the planning procedure. The right column highlights those aspects of the planning procedure which require specific attention when applying an ecosystem-based approach, gives additional advice on how to implement those aspects, and lists additional aspects to be taken into account during the planning procedure in order to optimally apply the ecosystem-based approach as required by HELCOM-VASAB.

Spatial planning procedure / MSP PLANNING PROCEDURE— general steps	ECOSYSTEM-BASED APPROACH (EBA) as part of the planning procedure
1. STARTING	
1.1 Decisions taken when starting the preparatory process for a maritime spatial plan	
<ul style="list-style-type: none"> • Politicians make the decision on the start of the planning process based on an identification of the problem (problem definition) • Politicians approve the necessary resources for supporting the planning process • Planning authorities are in charge of drafting plans in accordance with the national legislation; they will lead the planning process • For a cross-border planning process, a public authority or authorities have to be determined for drafting the plan and a public authority for accepting or ratifying it • The planning authority drafts and approves the work plan, and establishes the participation procedure and the environmental impact assessment procedure • Inform the public of the start of the planning process <u>and what it is for</u> 	<p><u>Identification</u> <u>Identify of</u> all relevant <u>environmental</u> authorities and stakeholders that should be involved in applying the EBA</p> <ul style="list-style-type: none"> • Identification of the different steps to be carried out for the <u>Strategic Environment Assessment (SEA) to implement the ecosystem-based approach</u> in MSP.
1.2 Starting points	
<ul style="list-style-type: none"> • Define the planning area • Identify the starting point and goals on a general level • Identify and analyse the <u>current and (potential resources)</u> activities and uses, in the planning area • Identify sustainability criteria 	<ul style="list-style-type: none"> • Identify the ecological conditions (temporal and spatial) in the planning area and as a part of a larger entity • Identify ecologically important areas including those with high biodiversity, valuable habitats, Natura 2000 sites, <u>HELCOM MSPAs and other Marine Protected Areas, HELCOM MPAs, etc.</u> • Identify the functions of the marine ecosystems and ecosystem goods and services in the planning area and surroundings <u>and their links to ongoing and future maritime activities.</u> • Identify strategic goals and <u>economic, social and ecological objectives</u> (according to the BSAP)
1.3 Content of the plan	
<ul style="list-style-type: none"> • Define preliminary planning options concerning the content of the plan 	<ul style="list-style-type: none"> • Develop preliminary planning options/ strategies based on the ecological status, important areas,

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	<p>strategic goals and <u>economic, social and ecological objectives</u>. <u>Q. Ecosystem services?</u></p> <p>MPAs as priority areas</p>
1.4 Identification of issues and impact assessment	
<ul style="list-style-type: none"> Identify the existing knowledge base and also gaps in knowledge Identify the impact area and potential impacts, <u>both positive and negative</u> Establish the impact assessment procedure 	<ul style="list-style-type: none"> Scoping of the environmental assessment, i.e. identify potential significant environmental parameters, determining the SEA process⁴ <u>Q. Consideration of human activities?</u> Identify knowledge and knowledge gaps related to the marine ecosystem, <u>and natural values and their relation to human activities</u>, based on available sources such as HELCOM assessments and other sources Identify actual and potential threats and impacts on the marine ecosystems in the planning area and in the impact area including cumulative effects Identify the most probable future changes in <u>the ecosystems and human activities</u>. Identify, describe and assess the significant environmental effects of the maritime spatial plan. <u>{EU MS base their SEA on DIRECTIVE 2001/42/EC}</u>; (according to Article 4 (1), the environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.)
1.5 Participation and interaction	
<ul style="list-style-type: none"> Identify authorities, <u>and NGOs and other interested parties</u> whom the plan may concern Establish the participation and interaction procedures Discuss with other authorities, NGOs and other actors who are interested in being involved Inform the public of the start of the planning process and of the participation and interaction procedures 	<p>Facilitate the participation of <u>all authorities responsible for nature protection and ecosystems</u> and NGOs and other stakeholders that should be involved in applying the <u>EBA ecosystem-based approach</u> in the planning process</p>
2. SETTING GOALS	
2.1 Defining goals	

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⁴ POLAND footnote addition: "In Russia the SEA -type of approach is under discussion now. Thus at this stage the actions described in this paragraph in relation to Russia should be interpreted as aiming at the similar objective and purpose as SEA in EU but run according to legal base of Russian Federation (including also possibility of strengthening legal base in Russia in order to take into consideration the need of determining consequences of maritime spatial plans in Russia on marine environment)"

<ul style="list-style-type: none"> • Take into account existing legislation, general and sectoral strategies, programmes and plans • Identify sectoral goals for the planned area, (in addition to the overall goals) at different geographical levels: EU, Baltic Sea, national, regional and local • Identify and decide on short- and -long-term goals 	<ul style="list-style-type: none"> • Take into account relevant legislation and strategies, strategies concerning ecosystems, programmes, plans, agreements, CBD, EU, HELCOM and national targets <ul style="list-style-type: none"> • For the identification of environmental goals, follow the definition of good environmental status under the MSFD and BSAP and good ecological status under the WFD ensuring that implementation of the maritime spatial plan will be compatible with the achievement of good status under these directives and under the BSAP • Identify and take into consideration decide on short- and long-term strategic goals and ecological objectives (according to the BSAP), particularly also for areas worth protecting with regard to the capability and capacity of their ecosystems to recover from human-induced changes and deviations from GES
<p>2.2 Content of the plan</p>	
<ul style="list-style-type: none"> • Clarify the feasibility of the preliminary planning options; clarify how to integrate various goals • Prepare future scenarios 	<ul style="list-style-type: none"> • Clarify the feasibility of preliminary planning options for nature protection and an ecosystem-based approach to ensure that consideration of ecosystem-based goals is taken in all preliminary planning options
<p>2.3 Identification of issues, investigations and impact assessment</p>	
<ul style="list-style-type: none"> • Consider interactions between interests • Identify existing problems • Identify existing and potential threats • Add to the existing knowledge and update databases • Take into account the precautionary principle 	<ul style="list-style-type: none"> • Identify and define existing problems in the marine ecosystems, threats to the ecosystems and potential uses of ecosystems and their services • <u>Ensure the identity and valuation of ecosystem services supporting human activities in the area</u> • Add to the existing knowledge of the marine ecosystems and natural values and update related databases
<p>2.4 Participation and interaction</p>	
<ul style="list-style-type: none"> • Clarify the goals of other authorities and NGOs 	<ul style="list-style-type: none"> • Communicate and promote goals concerning the marine ecosystems: biodiversity, natural values and the sustainable use <u>and/or preservation</u> of ecosystem goods and services
<p>3. PREPARATION</p>	
<p>3.1 Revision of the goals</p>	

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	<ul style="list-style-type: none"> • Revise the goals of the plan in with regard to the assessed impacts on marine ecosystems and the sustainable use of the ecosystem services
3.2 Content of the plan	
<ul style="list-style-type: none"> • Draw up planning options <u>in line with previously considered scenarios and the precautionary principle</u> • Outline the plan (regulations, spatial designation of uses) 	<ul style="list-style-type: none"> • When preparing the plan, the functioning and limited identified carrying capacity of the marine ecosystems will be taken into account and secured (according to the HELCOM–OSPAR 2003 Statement on the Ecosystem Approach)
3.3 Evaluation and impact assessment	
<ul style="list-style-type: none"> • More precise investigations if needed • Identify and assess impacts of the planning options and compare the planning alternatives 	<ul style="list-style-type: none"> • More precise investigations and assessments of marine ecosystems, including planned/<u>proposed</u> uses and activities as well as relations to terrestrial ecosystems, when needed
3.4 Participation and interaction	
<ul style="list-style-type: none"> • Cooperation with authorities and stakeholders 	<ul style="list-style-type: none"> • Authorities responsible for ecosystems and nature protection <u>applying the EBA in the planning process</u> take part
<ul style="list-style-type: none"> • Present planning options and their impacts and submission of opinions 	
4. PROPOSAL	
4.1 Revision of the goals or the planning options	
4.2 Content of the plan	
<ul style="list-style-type: none"> • Prepare the planning proposal, which is selected as a result of the evaluation process of the planning options • Assess the feasibility of the plan and take the precautionary principle into account 	<p>Consider the potential impacts of all proposals on ecosystem goods and services</p>
4.3 Investigations and impact assessment	
<ul style="list-style-type: none"> • Assess the impacts of the planning proposal • Assess how the goals are likely to be achieved • Resolve how to reduce the negative impacts • Elaborate a monitoring programme according to the expected impacts • Negotiate content proposals with sectoral interests if necessary 	<ul style="list-style-type: none"> • Assess how the ecosystem preservation goals set in the plan will be achieved in relation to the planned development activities • In the achievement of the strategic goals and environmental objectives (according to the BSAP), look for solutions to avoid, mitigate or compensate for negative impacts on the marine ecosystems, and to ensure sustainability in uses of natural resources, respecting the capacity of ecosystems to respond to human-induced changes, in the planning area • Set up a system for monitoring the <u>interactions between human activities and impacts on the marine ecosystems</u> in order to ensure an adaptive

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	<p>management approach (under consideration of the existing HELCOM monitoring)</p> <p>Prepare the Environmental Report, according to Article 5 of the SEA Directive, <u>when applicable</u>, including in particular the following aspects:</p> <ul style="list-style-type: none"> • Potential impacts of the plan, including cumulative impacts under due consideration of the precautionary approach • Options and alternatives (including clarification of their compatibility with the ecosystem <u>-based</u> approach) • Achievement of strategic goals and environmental objectives • Mitigation measures • Monitoring • Information on gaps in data and proposal for closing knowledge gaps • Draft Environmental Report • Draft of the assessments regarding Natura 2000 sites
4.4 Participation and interaction	
<ul style="list-style-type: none"> • Present the submitted opinions on the planning options • Public display of the planning proposal • Discussion with authorities 	<ul style="list-style-type: none"> • Authorities responsible for ecosystems and nature protection take part in the formal consultation process
5. APPROVAL	
5.1 Decision on how to take into account the statements received and the results of the discussions and approval of the plan	
5.2 Content of the plan	
<ul style="list-style-type: none"> • Plan is finalised 	
<ul style="list-style-type: none"> • Evaluation and impact assessment is finalised 	
5.3 Participation and interaction	

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<ul style="list-style-type: none"> • Opinions and statements are integrated into the proposal • Discussions with other authorities • Inform the public of the plan approval 	<ul style="list-style-type: none"> • Authorities responsible for <u>applying the EBA in the planning process</u>ecosystems and nature protection take part • In accordance with Article 9 of the SEA Directive, <u>when applicable</u>, make available: <ul style="list-style-type: none"> – the plan or programme as adopted. – a statement on how environmental considerations have been integrated into the plan and the reasons for choosing the plan in the light of the other reasonable alternatives – the measures decided concerning monitoring
6. MONITORING	
6.1 Achievement of the goals	
6.2 Content of the plan	
<ul style="list-style-type: none"> • Evaluate the time period of the plan • Plan is taken into account in other plans and projects 	
6.3 Evaluation and impact assessment	
<ul style="list-style-type: none"> • Implement and apply the plan; monitor the impacts 	<ul style="list-style-type: none"> • Monitor and audit the impacts on the marine ecosystems according to the monitoring programme, in order to ensure an adaptive management <p><u>Evaluate the appropriate balance between conservation and use of biodiversity</u></p>
7. REVISION OF THE PLAN	
	<p>For the ecosystem-based approach, revision of the plan is <u>needed</u> in case of negative impacts on ecosystems, particularly their</p> <ul style="list-style-type: none"> • structure, processes, functions, interactions • interconnectivity • productivity, biodiversity • health, integrity

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