



# **ESaTDOR European Seas and Territorial Development, Opportunities and Risks**

ANNEX 10 to the Draft Final Report

## **Governance Case Studies: Baltic Sea**

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## ANNEX 10

### Baltic Sea Governance Case Studies

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The purpose of the maritime governance case studies within the ESaTDOR project is to provide a more in depth assessment of the governance experience of different maritime and coastal regions. More specifically, case studies have been chosen on the basis that they are examples of transnational governance (either bilateral or multilateral arrangements) in order to investigate the following issues:

- Management of conflicts in relation to the uses of maritime space,
- The integration of terrestrial (land-based) and marine or maritime spatial planning, and
- The contribution that existing transnational governance arrangements can make to territorial cohesion.

In addition, the evaluation of governance arrangements in each of the case studies is intended to highlight examples of good practice in maritime governance, and provide evidence for further recommendations as to how governance arrangements in different maritime regions can be strengthened, through, for example, Integrated Maritime Policy or the development of further transnational cooperation initiatives.

The case studies were undertaken using a mixture of documentary reviews and interviews with a limited number of key stakeholders. A synthesis of the case study findings for all the regional seas considered in the ESaTDOR project (the Arctic and Atlantic Oceans, and the Baltic, Black, Mediterranean and North Seas) is contained within the Draft Scientific Report.

## **Baltic Sea Case Study 1:**

### **Vision and Strategies around the Baltic Sea (VASAB) - the Baltic Sea Region co-operation of Ministers for spatial planning and development**

#### **1. Introduction**

The Baltic Sea Region encompasses large parts of Northern Europe extending over an area from 49° N to 71° N and from 5° E to 41° E. This results in a distance from north to south of approx. 2,500 km and of about 1,500 km from west to east. The total land area of the Baltic Sea Region is approx. 2.4 million km<sup>2</sup>, being more than half of the total land area of the European Union (VASAB 2009).

Vision and Strategies around the Baltic Sea (VASAB) is an intergovernmental multilateral co-operation of eleven countries of the Baltic Sea Region in spatial planning and spatial development. The Baltic Sea Region as understood by VASAB<sup>1</sup> includes eleven countries: Belarus, Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Norway, Sweden and parts of Russia (Saint Petersburg City, Republic of Karelia and oblasts of Kaliningrad, Leningrad, Murmansk, Novgorod, and Pskov) as well as parts of Germany (Länder of Bremen, Hamburg, Schleswig-Holstein, Mecklenburg-Vorpommern, Brandenburg and Berlin) (VASAB 2009a). Eight of these eleven countries are member states of the European Union (EU). The total population living in the eleven Baltic Sea Region countries is approx. 105 million.

The sub regions of the Baltic Sea share a long common history, which is often symbolised by the legacy of the “Hanse”. Trade and cultural exchange around and across the Baltic Sea has facilitated integrative processes over more than 1000 years. These processes have been hampered by events like the Cold War (approx. 1945 - 1989) which hindered cooperation to a large extent. In 1992, when VASAB was established, only Denmark and Germany were full members of the EU; Sweden and Finland were in the process of joining the EU; Poland had signed a treaty of association with the EU while other countries in the Baltic Sea Region were still seeking different ways of co-operation with the EU. A need for spatial integration, efficient but balanced spatial structures, and for the definition of spatial development patterns led to the first conference of Baltic Sea Region Ministers for Spatial Planning and Spatial Development, held in August 1992 in Karlskrona. The ministers commissioned the development of a document on the long-term development of the Baltic Sea Region. The following Ministerial Conference (Gdansk 1993) decided on further steps in this direction. The strategy document “Vision and Strategies around the Baltic Sea 2010 (VASAB 2010) - Towards a Framework for Spatial Development in the BSR” was agreed one year later by the Ministerial Conference of 1994 in Tallinn). With this document VASAB established general principles for spatial planning. It was the first time worldwide that an overall concept for spatial development had been agreed for a large transnational co-operation area, comprising countries of very different levels of socio-economic development (BBSR 2012). Further steps towards implementing VASAB 2010 were taken in Stockholm 1996 when the policy document “From Vision to Action” was adopted. The

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<sup>1</sup> The VASAB definition is not fully consistent with definitions of the Baltic Sea Region by the European Commission

process was facilitated by the establishment of the VASAB secretariat in varying places (1992-1994: Karlskrona, Sweden; 1994-2007: Gdansk, Poland; since January 2007: Riga, Latvia) (VASAB 2012).

Today, the Baltic Sea Region is interlaced by numerous formal and informal cross-border organisations and fora signalling the multidimensional scale of interaction (Baltic Development Forum, 2012) with VASAB being the one with a focus on spatial planning and development.

## 2. Context and Conditions

The Baltic Sea Region is characterised by a number of gradients. Land use varies from tundra and boreal forests in the northern part of the region, changing to agricultural land and urban and built-up areas in the south (VASAB 2009, HELCOM 2010). Only about eight million inhabitants live in the northern half of the Baltic Sea Region while population densities in the southern part are comparable to the European average. While some of these gradients are caused by natural conditions (soil, climate) others relate to the fragmentation of the Baltic Sea Region into separate blocks during the cold war. However, after the fall of the Berlin Wall in 1989 new strong ties emerged causing a number of emerging markets. Nowadays the eight EU member states produce 29.3% of the EU gross domestic product (GDP), indicating their economic importance to Europe (Stiller & Wedemeier 2011). In contrast the economy in eastern non-EU threshold countries is mainly dependent on natural resources. Economic integration between old and new member states of the EU as well as between EU and non-EU countries is on-going. The development of internal economic relations of the Baltic Sea Region is currently stronger than its economic relations to external regions (VASAB 2009).

Contrasts have been even stronger in the early 1990s when VASAB and other institutions started to aim for more integration in the Baltic Sea Region. With the “Vision and Strategies around the Baltic Sea 2010 (VASAB 2010) - Towards a Framework for Spatial Development in the BSR” report (Tallinn Report) VASAB set itself a number of goals (VASAB 1994):

- To support the development of networks for co-operation in the Baltic Sea Region.
- To provide a practical forum for the transfer of competence to the countries in transition into democratic market economies.
- To improve the level of information in Baltic Sea Region countries on trends in other countries of the region.
- To assess infrastructure projects of international relevance in the region.
- To promote spatial planning.
- To facilitate learning processes and knowledge exchange on spatial planning approaches.
- To move the Baltic Sea Region towards an environmentally sound, effective and balanced spatial structure and development patterns.
- To integrate spatial aspects of numerous initiatives in the region, and to harmonize spatial aspects of different national policies.

These goals have been accompanied by a vision and strategies developed within the Tallinn Report focusing on four pillars (VASAB 1994):

- Pearls: An urban network of international importance
- Strings: Effective and sustainable links between cities
- Patches: Areas supporting dynamism and quality of life
- System: Comprehensive spatial planning in function

In October 1996 the spatial ministers held a conference in Stockholm. The strategic focus went further into implementation of the earlier agreed strategies and the ministers passed the Stockholm Declaration on Sustainable Spatial Development Policy in the Baltic Sea Region "From Vision to Action" (VASAB 1996 a). This is one of the first official documents where VASAB recognises the sea as a space for spatial planning approaches. At this stage consideration is, however, limited to maritime transport, marinas and coastal zones. But the ministers adopted also "Common Recommendations for Spatial Planning of the Coastal Zone in the Baltic Sea Region" (VASAB 1996 b) and advocated the use of spatial planning in coastal and marine areas for Integrated Coastal Zone Management (ICZM). Since then coastal areas and islands are one pillar of VASAB's spatial concepts. This became apparent again in 2001 when the VASAB ministers passed the "VASAB 2010 PLUS Spatial Development Action Programme" (VASAB 2001) where the sustainable development of coastal zones and islands is one of six key themes for transnational spatial planning co-operation. For the implementation of this topic VASAB sought co-operation with other Baltic Sea organisations like the Baltic Marine Environment Commission (HELCOM) and the Council of the Baltic Sea States (CBSS). The first ideas for Baltic sea use planning developed in the environment of the 2001 Ministerial Conference in Wismar.

The Baltic Sea contributes to regional development of the Baltic Sea Region in manifold ways. Maritime transport plays a major role for integration processes within the region but also for its connectivity with global trade patterns. Maritime industries have a tradition in all countries of the Baltic Sea Region. While in most areas traditional activities like fisheries or ship building are in decline, ports, port-related services and supply chains are still particularly important for sustainable economic growth. Furthermore marine areas and marine landscapes contribute to recreation and coastal tourism, which is the most important economic factor in south-western parts of the Baltic Sea Region. And the Baltic Sea serves as space for the production of fossil and renewable energies. VASAB has been aware of this situation relatively early and promotes the extension of spatial planning regimes towards marine areas since nearly sixteen years in different ways.

### **3. Actors and Agencies**

Today VASAB acts as a regular intergovernmental and multilateral co-operation of eleven Baltic Sea Region countries in spatial planning and spatial development. In early VASAB days yearly ministerial conferences played an important role (1992-1994, 1996). Nowadays ministerial conferences are still the highest level in the organisational structure of VASAB. The frequency of meetings, however, has decreased to four-yearly meetings (2001, 2005, 2009, planned: 2013). In return the role of the VASAB Committee on Spatial Planning and Development of the Baltic Sea Region (CSPD/BSR) has increased.

CSPD/BSR is one of the VASAB working platforms, meetings are held three to four times per year. CSPD/BSR serves as a forum for knowledge exchange, supports ministers in creating common spatial policy perspectives, promotes applied projects, and cooperates with other pan-Baltic organisations (VASAB 2012). The 24 members of VASAB CSPD/BSR belong mainly to ministerial and sub-ministerial levels. In case of Germany and Russia, where not the whole country but selected regions belong to the VASAB cooperation area, committee members do not only represent the federal level but also regional ministries or agencies. While the formal affiliation of participants to their respective ministries or authorities has basically not changed, the type of participants has altered slightly. In the beginnings of VASAB, where participants had a large degree of developing new ideas for spatial planning in the Baltic Sea Region, most participants have been experienced spatial planners. Together with the increasing integration of VASAB activities into larger political structures (e.g. CBSS) the type of participants changed into civil servants with a more general background. The VASAB structure is completed by the VASAB secretariat in Riga. The secretariat supports ministerial meetings, CSPD/BSR and the joint HELCOM-VASAB MSP Working Group with permanent staff of three employees.

VASAB invites guests and external experts to participate in its processes. VASAB acts in an open and transparent manner. But VASAB has so far not sought publicity in the same manner as other pan-Baltic organisations. VASAB does not seek to influence a wider audience. It addresses mainly ministerial and administrative levels especially within the planning community. Selected documents, for instance minutes of ministerial or CSPB/BSR meetings, are not publicly available or are available only upon request. However, the network within parts of the Baltic planning community is well established. And in fact numerous external experts have been involved in VASAB events and activities.

#### **4. Activities**

VASAB's activities evolved together with the growing together of the Baltic Sea Region states after 1990. Initially VASAB's work has been characterised by fundamental learning processes and the development of joint and partly broad visions. This was a consequence of the European enlargement leading to new spatial structures in the Baltic Sea Region (BSR). In this time the BSR was characterised by large regional differences between e.g. the peripheral arctic zone of the BSR and some well developed areas in southern parts as well as between areas with different stages of economic transformation (e.g. Germany, Poland vs. Russia). Administrative reforms, privatisation of land ownership and economy as well as decentralisation have been dominant processes in the early 1990s, whereas different attempts with different speeds developed in the respective countries. In this situation VASAB's first milestone was the development of the Tallinn Report in 1994. Aiming for improved regional networks, deepened international relation between urban centres, more powerful transport networks, intensified cooperation in education, culture, research and development and more economic integration the Tallinn Report formulated a vision and goals for the Baltic Sea Region of the year 2010. The overall vision focused on the four pillars development, environmental sustainability, freedom, and solidarity (VASAB 1994):

“Development: The notion of development goes beyond economic prosperity or growth. Development includes social, cultural and other aspects. But economic prosperity is a pre-condition for many other elements of quality of life, and therefore plays a predominant role.

Environmental sustainability: Development must not deprive future generations of their chances. Sustainability in this sense has not been achieved anywhere. But policy shall make it possible to come even closer to this objective.

Freedom: Freedom implies the possibility to choose in accordance with individual/regional preferences - within the limitations defined by the respect for other people wishing the same. There is no freedom without participation. Subsidiarity is an important tool to allow participation. It also helps to improve the quality of decisions.

Solidarity: Solidarity is the characteristic of a caring society, sharing benefits from development. Linked to the principle of solidarity is that of self-reliance: before higher level spatial units get involved, lower level representatives are called to mobilise their own resources and capabilities.”

To achieve these overall aims by 2010 the Tallinn Report formulated 14 detailed goals divided into four sections (cf. above): 1. Pearls: An urban network of international importance, 2. Strings: Effective and sustainable links between cities, 3. Patches: Areas supporting dynamism and quality of life, 4. System: Comprehensive spatial planning in function. The last pillar, spatial planning, received special importance as a toolbox serving the implementation of the other goals. The goals for this toolbox pillar have been (VASAB 1994):

- There shall be institutionalised systems to harmonise national spatial concepts among neighbouring countries. National plans shall pay specific attention to the international perspective. They shall seek harmony with concepts mutually agreed for the wider Baltic Sea Region and for Europe as a whole.
- Urban, regional, and national planning decisions shall be taken at the lowest possible level (subsidiarity). Private and public investors shall be able to base their decisions on highly transparent regional and urban development policies. Plans and implementation programmes shall be the result of participative procedures where potentially affected groups, individuals or companies are actively involved in the planning process.
- BSR countries shall dispose indicative (framework) national spatial concepts which are periodically updated. Spatial development in the BSR shall be monitored jointly at regular intervals to enable decisions on required new actions.
- National spatial planning systems shall include at least three different planning levels: national, regional and local (municipal). There shall be systems to evaluate and to control local development plans for their consistency with regional concepts (particularly in the fields of transport and energy infrastructure, nature protection, recreation and tourism).

From today's point of view these claims may sound rather general and one may take them for granted. But in fact they illustrate the administrative situation of large parts of the BSR in the early

1990s. Some of VASAB's actions to implement effective spatial planning have been the organisation of discussion forums on spatial development and planning policies, reviews on spatial planning concepts, help in demonstration projects, the support of training measures, and assistance in implementing planning concepts. Already within these steps the Baltic coastal zones have already been of particular importance.

The Ministerial Conference of 1996 in Stockholm agreed on further steps towards implementation of the Tallinn Report visions and goals. Especially a linkage with the Agenda 21 process, further strengthening of regional cohesion policies and intensified cooperation of VASAB with the Interreg programme have been postulated by the ministers (VASAB 1996a). And again marine and coastal issues received special attention as the ministers stated that spatial conflicts in the BSR are mainly concentrated in coastal zones, passed "Common Recommendations for Spatial Planning of the Coastal Zone in the BSR" (VASAB 1996b) and furthermore decided to

- intensify efforts for an extended network of marinas,
- use spatial planning to support the development of efficient maritime transport connections.

The Stockholm Ministerial Conference also passed an action plan recommending 15 actions which may be summarised as follows:

- Facilitate project development
- Improve funding
- Promote spatial planning projects
- Enhanced cooperation with other transnational bodies
- Intensified training and knowledge transfer

Five years later VASAB reviewed its own status and processes. Being developed on the basis of several assessments<sup>2</sup> and a broad stakeholder involvement the VASAB 2010 Plus concept was passed by the 2001 Ministerial Conference in Wismar. The visions and goals from the Tallinn Report remained valid. But VASAB became more focused by a clear definition of its own role and a re-design of its implementation concept. Links and cooperation between VASAB and other spatial development institutions and programmes (e.g. Interreg for implementation, ESPON for research) were defined. And VASAB limited its tasks to spatial planning on a transnational level in the BSR. Further activities were focused on six key themes (VASAB 2001):

1. Cooperation of urban regions on key issues of sustainable development
2. Strategic development zones with importance for transnational integration within the BSR
3. Transnational transport links with importance for integration (within BSR, BSR with Europe)
4. Diversification and strengthening of rural areas
5. Development of transnational green networks, incl. cultural landscapes
6. Integrated development of coastal zones and islands

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<sup>2</sup> Assessment of spatial development trends, Review on challenges for spatial development policies, Assessment of the effectiveness of past VASAB actions



To work on these themes VASAB gave itself five lines of actions:

- Transnational policy measures
- Methodology development
- Cooperation projects
- Cooperation with other pan-BSR initiatives
- Dialogue with sector institutions

The VASAB 2010 Plus report gave also the background for the upcoming Interreg III programme in the BSR. Based on the six key themes, VASAB put additional emphasis on the development of transnational cooperation projects to (VASAB 2001):

- foster cross-sectoral cooperation and pilot actions for all strategic development zones and axes which significantly support integration in the Baltic Sea Region, for example cooperation in the South Baltic Arc, incorporating also the Kaliningrad region, cooperation in the South-western, South-eastern and Central BSR.
- evaluate and complement activities on pan-Baltic intermodal transport systems and pan-European Transport Networks from spatial planning and development points of view, taking into account balanced regional structures and environmental impacts, for example railway connections between the Baltic States and Central Europe.
- promote transnational thematic cultural routes, for example Route of Brick Gothic, as well as green networks and corridors, ensuring cross-border continuation and better binding together of national green networks.
- Enhanced integrated development of coastal zones and islands, extending spatial planning also to marine areas.

With the last topic, VASAB laid the foundation for Interreg projects on Maritime Spatial Planning in the BSR (e.g. BaltCoast, PlanCoast, BaltSeaPlan). VASAB used the possibilities of Interreg funding also to intensify the integration of North-West Russia and the Kaliningrad enclave into the BSR. Furthermore, the “East West Window” project (2007-2008), where not VASAB itself but VASAB members were partners, was used to elaborate on transnational planning instruments, tools and methodologies. This again gave conceptual support for another VASAB step towards the development and implementation of transnational long-term spatial development strategies in the BSR: The VASAB Long-Term Perspective for the Territorial Development of the Baltic Sea Region (LTP).

From 2005 on VASAB prepared the LTP recognising that the implementation of the EU enlargement led to new challenges with an increasing demand for better coordination through spatial planning and integrated territorial development. The idea behind the LTP was to identify the most important assets, trends and challenges affecting the long-term development of the BSR and to propose actions to stimulate development potentials and to overcome existing gaps (Szydarowski 2009). The LTP clearly recognised the efforts of other international organisation to contribute to the regional development of the BSR and tried to be complementary to their activities. Following the approach of

the VASAB 2010 Plus strategy, the LTP limits VASAB's activities to only those policy sectors and themes where transnational cooperation in spatial planning provides added value (VASAB 2009):

- Intensified pan-Baltic co-operation to achieve territorial integration
- Urban networking and urban-rural relations
- Accessibility
- Sea space planning and management

The LTP is planned for a horizon up to the year 2030 and replaces former VASAB visions and strategies. It particularly addresses territorial disparities in socio-economic development of the BSR and postulates 15 new detailed actions to be implemented over next couple of years. For every action a time perspective and possible implementing bodies have been identified. These majority of these actions relate either to the themes "urban networking and urban-rural relations" (ten actions) or "accessibility" (ten actions). For the theme "sea space planning and management" three actions have been identified as follows (VASAB 2009):

- Arrangement of a BSR conference together with relevant stakeholders in order to develop a common approach for the Baltic Sea Maritime Spatial Planning.
- Preparation and implementation of demonstration projects for some Baltic Sea areas of severe use conflicts (e.g. the Gulf of Finland, the Gulf of Riga, Norra Kvarken, southern part of the Gulf of Bothnia, including the archipelagos, the Danish straits, and offshore areas south and east of Öland and Gotland, as well as other appropriate Baltic Sea locations).
- Joint capacity building actions in maritime spatial planning to ensure exchange of experience, promote education availability and to increase competence in that field at the BSR level.

The first two actions may be considered as being done by the establishment of the joint HELCOM-VASAB working group on maritime spatial planning on the one hand and the participation in the PlanBothnia project (DG Mare: Preparatory Action on Maritime Spatial Planning in the Baltic Sea) on the other. The monitoring of the implementation of LTP actions will be a major issue for the next Ministerial Conference in 2013 which shall focus on the progress in implementing the LTP with particular emphasis on Maritime Spatial Planning in the Baltic Sea Region.

## 5. Evaluation

VASAB is a cooperation of eleven Baltic Sea Region countries on spatial planning and spatial development. Its tasks have evolved over the last two decades. Initially VASAB was initiated to foster exchange between countries in upheaval with a focus on spatial planning as a fundamental administrative tool. Broad common visions for a Baltic Sea Region which was setting out new directions have been the first milestone of VASAB's achievements. Nowadays VASAB is much more focused on transnational planning as well as on projects and concrete implementation activities rather than broader visions and strategies. This change has developed not only within VASAB. Over the years, VASAB became more integrated into other pan-Baltic and European processes and movements which partly created pressure for more concrete actions.

At the same time, VASAB has been very successful in influencing other parties. Being one of the first examples worldwide for the development of a spatial vision for a large transnational area, it has delivered a background for Europe's current macro-regional policies. Furthermore VASAB gave substantial contributions to the cooperation between EU and non-EU countries. VASAB has been very successful in preparing the ground for Maritime Spatial Planning (MSP) in the Baltic Sea Region, where the first MSP plan in Europe was passed in 2005 (territorial waters of Mecklenburg-Vorpommern). And last but not least VASAB gained success in setting one of the backgrounds for the regional Interreg initiative. VASAB's activities gave rise to a number of Interreg projects. This again helped to strengthen the link between the transnational VASAB level and stakeholders on local and regional levels.

VASAB and individual VASAB members have been quite innovative in developing not only visions for regional development in the BSR, but also in fostering the cooperation between countries with a broad variety of administrative systems and procedures, in transnational knowledge transfer, and in developing tools and mechanisms for spatial planning. However, VASAB is not very visible. VASAB is well known by thematic experts. But VASAB does not actively seek for public awareness. In general VASAB acts transparently and is open to guests, observers and external experts. But for interested laymen or also for a wider political audience it may be difficult to understand VASAB and its aims and activities from the fragmented information which is publicly available. VASAB knows that its public perception is not always sufficient to gain success in achieving its strategic aims and to disseminate its strategies. VASAB therefore seeks cooperation with other more visible pan-Baltic institutions. VASAB itself could be a little more active in promoting its own activities and results. This, however, should not hamper the cooperation with other pan-Baltic, European or national bodies, as the cooperation with them is one fundamental pillar in VASAB's success of implementing its spatial development goals and visions.

The matter of public perception is partly linked to VASAB's self-restraint, limiting its activities mainly to transnational spatial planning activities in the BSR. VASAB has a small secretariat of three permanent employees and is successful in supporting projects which have a relation to VASAB's aims. But VASAB usually is not itself a partner in those projects and therefore misses the possibility to enhance its organisational structures via project funding. Instead VASAB tries to act in a complementary way to existing structures and bodies. This, however, leads to insufficient resources and limits the capacity of VASAB to steer its own projects and to implement its recommendations in the individual countries.

VASAB's tasks have significantly changed since VASAB was established in 1992. And VASAB will develop further within the next years and decades. VASAB's work is today much more applied and more stakeholder orientated than it was in the beginning. But in a similar way to the Baltic Sea Region Strategy (EC 2012), VASAB's current long-term perspective for the territorial development is fragmented into separate sectors. Especially the growing demand for sea space due to increasing maritime activities (e.g. transport, energy production and energy transfer) causes a need for stronger cross-sectoral cooperation and established transnational planning systems. VASAB would be a capable body to expand (maritime) spatial planning in the BSR in this direction.

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## Baltic Sea Case Study 2:

### The Baltic Marine Environment Protection Commission (HELCOM)

#### 1. Introduction

The Baltic Sea is a semi-enclosed brackish sea located in Northern Europe with a surface area of 413,000 km<sup>2</sup> and a drainage area of 1,700,000 km<sup>2</sup>. It is a shallow sea with an average depth of 55 m and a maximum depth of 459 m. Nine countries, eight member states of the European Union plus Russia, surround this sea. Those bordering countries are Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden. The relatively large catchment area of the Baltic Sea (shown in Map 2.1) includes additionally the states of Belarus, Czech Republic, Norway, Slovakia and Ukraine. About 85 million people live in the Baltic Sea catchment area with a varying density of 10-500 inhabitants per square kilometre (HELCOM, 2011).

Map 2.1: the Baltic Sea Region and Catchment



Source: [www.helcom.fi](http://www.helcom.fi)

The large catchment area with diverse pollution sources together with the limited water exchange rates of a semi-enclosed sea makes the Baltic Sea highly vulnerable to pollution and its impacts. Furthermore the Baltic Sea forms a unique brackish ecosystem where many species live on the brink

of their possibilities. Against this background in 1974 the then seven Baltic coastal states signed the Helsinki Convention (Convention on the Protection of the Marine Environment of the Baltic Sea Area) (HELCOM, 1993). The convention, which entered into force on 3 May 1980, obliged the contracting parties to protect the marine environment of the Baltic Sea from most sources of pollution, and to restore and safeguard its ecological balance.

Considering the political changes of the years 1989/1990 and developments in international environmental and maritime law, a new convention was signed in 1992 by the now nine states bordering on the Baltic Sea plus the European Community. This convention entered into force on 17 January 2000 and is more comprehensive. Over time HELCOM has evolved into a regional seas convention with a broad and holistic marine management approach.

## **2. Context and Conditions**

The Baltic Sea is a relatively small sea but at the same time it is one of the world's largest bodies of brackish water, therefore it is ecologically unique. Characteristics of this shallow marginal sea are the slow rate of water exchange (approx. 30 years turnover) with a slow vertical and horizontal mixing and in large areas low concentrations of salinity and oxygen. The limited water exchange makes the Baltic Sea highly vulnerable to pollution. Furthermore stratification limits the exchange between upper and bottom water layers which increases oxygen deficiency and partly causes anoxic conditions. This situation is temporarily alleviated by strong salt water inflows from the North Sea with higher oxygen concentrations. However, these inflows occur only about every two to ten years mainly during strong westerly winds. Surface salinity values in the north-western Baltic Sea reach average values up to 20 psu indicating marine conditions while values decrease below 3 psu in eastern and north-eastern parts of the Baltic Sea showing brackish or locally even freshwater conditions. These special and variable conditions limit the biodiversity of the Baltic Sea (HELCOM, 2011).

Another characteristic of the Baltic Sea is the high intensity of anthropogenic activities. Intense marine and maritime activities plus land-based activities within the Baltic Sea catchment cause a number of environmental problems. With about 200 bigger harbours and about 2000 ships steadily navigating its waters, the Baltic Sea is one of the busiest shipping routes of the world. The traffic volume is likely to increase about 2-7 % each year. Further anthropogenic activities at sea with impacts on the marine environment are fishing, constructions of large infrastructure installations, sediment extraction, production of renewable energies, and oil and gas exploitation. The main threats to the ecosystem of the Baltic Sea are eutrophication, contamination by hazardous substances and loss of biodiversity (HELCOM, 2011). The marine environment is under pressure mainly by loads of nitrogen, phosphorous, organic matter and hazardous substances. While most of those loads originate from the Baltic Sea catchment area, increasing maritime activities further increases the pressure on the Baltic Sea ecosystem. According to an overall assessment of threat to the marine and coastal biotope complexes and biotopes of the Baltic Sea, the Belt Sea and the Kattegat more than 80 % of all biotopes of the survey area are rated as endangered, 15 % being classified as heavily endangered (HELCOM, 1998).

The general pressures on the Baltic Sea and their threats to the marine environment were first recognised more than 40 years ago. In the late 1960s grave environmental problems were found in the Baltic Sea region which had direct or indirect influence on the population living in the bordering states, being dependent on the resources of the Baltic Sea. Environmental problems were toxic organochloride pollutants (e. g. DDT and PCB) and heavy metals which accumulated in fish and mammals as well as increasing deep water oxygen deficiency and increasing levels of nutrients (nitrogen quadrupled and phosphorus octupled) (Elmgren, 2001). These environmental problems led to the signing of the first multilateral convention during Cold War times in 1974 (Räsänen & Laakkonen, 2007). The seven signing coastal states, namely Denmark, Finland, the German Democratic Republic, the Federal Republic of Germany, Sweden and the Union of Soviet Socialist Republics, were members of two mutually competing military alliances during the Cold War with only Finland and Sweden being neutral.

In particular the neutral states of Finland and Sweden promoted the Helsinki Convention and maintained international cooperation until the convention came into force in May 1980 (Räsänen & Laakkonen, 2007; VanDeveer, 2011). A weakness of the 1974 convention was the exclusion of inland surface waters by request of the Soviet Union. Many of the most heavily polluted areas were therefore not covered by this convention (Räsänen & Laakkonen, 2007). One of the first actions of HELCOM was the ban of DDT and PCB in the Baltic Sea region. Next steps during the 1980s were the development of recommendations mainly for point sources and shipping as well as the development of a monitoring and assessment system. A major step was taken in 1988 with the adoption of a 50 % reduction goal for emissions of nutrients and hazardous substances (HELCOM, 1988 and VanDeveer, 2011).

With the fall of the Soviet Union and the re-independence of the Baltic States Estonia, Latvia and Lithuania, the Helsinki Convention was revised and adopted in 1992. The Helsinki Convention of 1992 entered into force in 2000, after all contracting parties has ratified it nationally, and now covers also inland surface waters as well as the sea bed. This enhances HELCOM's possibilities to deal with land-based pollution as an important management subject. The new convention also seeks to include the other states within the catchment area, namely Belarus, Czech Republic, Norway, Slovakia and Ukraine. Considering the strong role of the European Union in developing and implementing environmental policies the signing of a renewed Helsinki Convention was not inevitable. Though the official enlargement negotiations of the European Union started in the late 1990s, it seemed already in 1992 possible that EU environmental legislation might cover eight of nine bordering Baltic Sea states sooner or later. Nevertheless, the renewed convention was a statement also for the need for a regional seas convention covering more than EU territory and EU policy, taking into account also the special needs of the Baltic Sea.

Before the new convention entered into force further actions were set up by HELCOM. The main activity in the 1990s still lay at the reduction of pollution from point sources. But further issues like adaptations in policies, laws and regulations as well as institutional strengthening and the development of human resources and public awareness gained more attention. Other new fields were management programmes for coastal lagoons and wetlands as well as applied research and

environmental education. According to VanDeveer (2011), most HELCOM activities since 1998 and many of the subsequent recommendations aspired towards agreements on high profile ministerial meetings.

### **3. Actors and Agencies**

HELCOM, the Baltic Marine Environment Protection Commission, has the role of a policy maker in the Baltic Sea region, developing common environmental objectives and actions which are unanimously agreed upon by the contracting parties. The contracting parties to HELCOM are the states bordering the Baltic Sea plus the European Union. HELCOM players are mainly from ministerial or sub-ministerial organisations, especially from ministries or agencies dealing with environment, agriculture and maritime transport. HELCOM does not enforce its resolutions directly; instead recommendations adopted by HELCOM must be implemented by the governments of the contracting parties by transferring them to national programs and legislation.

At the same time HELCOM is also a regional and European player in foreign affairs. The common HELCOM initiatives and positions contribute to decision-making in other regional or international forums. Furthermore, HELCOM, through its recommendations, supports the regional implementation of measures agreed on in other international organisations and frameworks. In the case of a major maritime incident HELCOM is able to respond through multinational cooperation.

The working structure of HELCOM consists of meetings of the commission, the heads of delegation and five main HELCOM subsidiary groups and two forums (on fisheries and agriculture) as well as a joint group with VASAB. Within the subsidiary groups HELCOM seeks close cooperation between thematic experts in the HELCOM member countries, and also with experts from outside the Baltic Sea region. These may be experts from responsible agencies, scientists from research institutes and universities or from international organisations such as the International Atomic Energy Agency (IAEA).

According to the Helsinki Convention, HELCOM's budget is to be funded by the contracting parties in equal parts, with the European Union contributing no more than 2.5 % of the administrative costs (Article 22, Helsinki Convention, 1992).

HELCOM allows intergovernmental and international non-governmental organisations to apply for observer status within the Commission. In order to qualify as an observer to HELCOM, an organisation must demonstrate that it can contribute to the matters dealt with by HELCOM and that it has membership in several of the Baltic Sea states (HELCOM, 2011). Observers to HELCOM may participate in HELCOM meetings, projects and other activities. From the early 1990s until today the position of the observers has improved. First only commission meetings were open to observers. In the mid-1990s the committees and working groups and in 2002 also the Heads of Delegation (HOD) opened for observers. Today all official meeting are open to observers.

Observer status gives the right to access restricted material (such as meeting documents prior to a meeting) and to give written or oral statements during meetings. Practically all documents and presentations considered at HELCOM meetings are open to the public after meetings. Additionally



the observers may participate in stakeholder meetings and discussions about goal setting and implementation (VanDeveer, 2011).

HELCOM may also invite any state which is not a contracting party of the convention to participate and contribute to the work of HELCOM meetings. Belarus and Ukraine are examples of countries within the catchment area of the Baltic Sea which have observer status within HELCOM.

Examples of intergovernmental organisations with observer status include multilateral agreements<sup>3</sup> as well as intergovernmental organisations<sup>4</sup>. There are observers with purposes similar to HELCOM's in other regions of the world<sup>5</sup> and scientific organisations like the World Meteorological Organization as well as the IAEA and the Council of Europe Development Bank (CEB) (HELCOM, 2011).

A number of observers belong to sector-specific industrial associations (e.g. shipping, chemistry, and oil industry)<sup>6</sup>, while others are from international organisations promoting nature conservation or sustainable development<sup>7</sup>. Also lower administrative levels of different countries or regions represent their interests<sup>8</sup> via the observer status in HELCOM (HELCOM, 2011).

#### 4. Activities

HELCOM is active in various fields to achieve its aims. Understanding the status of the Baltic Sea ecosystem and the main pressures on it are the basis for making informed policy recommendations. The elaboration of environmental assessments and the development and regular updating of indicators are the main responsibility of the HELCOM Monitoring and Assessment Group (MONAS) which has been coordinating joint Baltic Sea monitoring in the region since 1979. The results of MONAS work make it possible to follow the progress towards reaching HELCOM objectives and to identify the need for further actions and emerging environmental problems.

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<sup>3</sup> ASCOBANS, the Baltic 21 ([agenda for the Baltic Sea region](#)), the Bonn agreement (agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances) and the UNEP/AWA agreement (African-Eurasian waterbird agreement)

<sup>4</sup> Intergovernmental Oceanographic Commission (IOC) of UNESCO, the International Maritime Organization (IMO) of the UN, the UN Environment Programme (UNEP), the UN Economic Commission for Europe (UN/ECE) as well as the World Health Organization (WHO) regional office for Europe

<sup>5</sup> The Great Lakes Commission for the Great Lakes in Canada and the US and OSPAR (Oslo and Paris commission) and ICES (international council for the exploration of the sea) for the North East Atlantic

<sup>6</sup> International Chamber of Shipping (ICS), International Association of Oil and Gas Producers (OGP), European Federation of National Associations of Water and Wastewater Services (EUREAU), European Sea Ports Organisation (ESPO), European Fertilizer Manufacturers Association (EFMA), European Community Shipowners' Association (ECSA), European Chlor-Alkali Industry (EURO CHLOR), European Chemical Industry Council (CEFIC), BONUS Baltic Organisations' Network for Funding Science (BONUS EEIG), Baltic and International Maritime Council (BIMCO), Baltic Ports Organisation (BPO)

<sup>7</sup> World Wide Fund for Nature (WWF), Sea Alarm Foundation, International Council for Local Environmental Initiatives (ICLEI), European Union for Coastal Conservation (EUCC), Coalition Clean Baltic (CBB), BirdLife International, Baltic Farmers' Forum on Environment (BFFE)

<sup>8</sup> Union of the Baltic Cities, Conference of Peripheral Maritime Regions of Europe – Baltic Sea Commission (CPMR), Alliance for Maritime Regional Interests in Europe (AMRIE), Local Authorities International Environmental Organisation (KIMO International)

The HELCOM Land-based Pollution Group (LAND) has the main task to address point and diffuse sources of nutrient and hazardous substances pollution from the Baltic Sea catchment area, and to propose suitable actions in order to reduce emissions and discharges from the main pollution sources. The HELCOM Nature Protection and Biodiversity Group (HABITAT) works to assess the status of habitats, biotopes and species and to propose measures for the conservation of biodiversity for example through the elaboration of guidelines for marine protected areas. The HELCOM Maritime Group (MARITIME) works to enhance the safety of navigation and to prevent any pollution from ships, including deliberate operational discharges. The HELCOM Response Group (RESPONSE) has the task to ensure trans-national co-operation in case of maritime pollution incidents in the Baltic Sea area and adequate response to such events (HELCOM, 2011).

In addition to the above mentioned five subsidiary bodies, there are numerous expert working groups that support the work of HELCOM. One example is a joint working group on Maritime Spatial Planning, which was founded in 2010 together with VASAB (Intergovernmental co-operation of 11 Baltic Sea Region countries on spatial planning and spatial development). Their task is the further development of co-operation among the Baltic Sea Region countries in coherent regional Maritime Spatial Planning (MSP) processes.

Participants of the HELCOM subsidiary bodies and expert groups are technical and scientific experts from the contracting parties. A chair and typically two vice-chairs are elected for each group, and as is the case in all HELCOM committees, decisions are taken on one vote per country basis with decisions being agreed on unanimously.

HELCOM groups have produced a number of manuals and guidelines on, for example, the monitoring of pollution loads, monitoring the status of the Baltic Sea environment, response to pollution by oil or chemicals, contaminated sediments and more. More than 200 recommendations for the protection of the Baltic Sea have been developed and adopted by HELCOM. Currently over 110 of these recommendations are valid (while others have been superseded) and are part of on-going implementation efforts (VanDeveer, 2011). HELCOM recommendations are adopted unanimously by the contracting parties and need to be implemented through transposition into national legislation. Although HELCOM lacks an official system for following up the implementation of recommendations, according to the convention countries are obliged to report on their implementation to HELCOM upon request.

Examples of HELCOM recommendations include:

Valid recommendations under the monitoring and assessment group (MONAS):

The MONAS group have given several recommendations related to monitoring the Baltic Sea. Recommendations include follow-up studies in connection with major oil spills (1991), guidelines for disposal of dredged spoils (1992), monitoring radioactive substances and pollution loads (2005) and principles for quantification of diffuse losses from the catchment area (2007).

Valid recommendations under the land-based pollution group (LAND):

Recommendations of the LAND group focus on the reduction of inputs of nutrients and hazardous substances from land-based sources within the Baltic Sea catchment area. They address the production and use of fertilizers and pesticides in agriculture and forestry<sup>9</sup> as well as the reduction of industrial discharges into the Baltic Sea<sup>10</sup>. Some of the recommendations concentrate on single hazardous substances from various industrial sources<sup>11</sup>. Furthermore pollution of the atmosphere is also taken into account<sup>12</sup>. Other recommendations broach the issue of sewage (1992, 1995), the proper handling of waste, and wastewater treatment (2003, 2007, 2010).

Valid recommendations under the nature protection and biodiversity group (HABITAT):

The focus of recommendations of the HABITAT group concentrates on protection of coastal and marine habitats<sup>13</sup>. Further recommendations address the impacts of anthropogenic activities<sup>14</sup> and the protection of specific species, namely Harbour Porpoise (1996), Baltic Salmon (1998, 2011), seals (2006) and sea trout (2011).

Valid recommendations under the maritime group (MARITIME):

Recommendations of the MARITIME group relate to maritime safety<sup>15</sup>, pollution by ships<sup>16</sup>, management of ports (1989, 1998) and offshore activities (1997).

Valid recommendations under the response group (RESPONSE)

The RESPONSE group has elaborated recommendations on transnational co-operation in case of pollution incidents in the Baltic Sea. These recommendations deal mainly with incidents involving chemical tankers (1991), measures to combat pollution (1998, 2001) and oil incidents (1999, 2003, 2010).

In addition to formal instruments such as the recommendations, broad dissemination of information concerning the status and threats to the Baltic Sea is also a fundamental pillar of HELCOM's works. HELCOM publishes a variety of technical and popular reports. The Baltic Sea Environment Proceedings series includes thematic assessments as well as reports of HELCOM projects and activities. Additionally popular books and newsletters published by HELCOM address a wider audience. Several of HELCOM's databases are accessible via the internet, including the COMBINE database on marine monitoring data (hosted by the International Council for the Exploration of the Seas (ICES)), the Baltic Sea Protected Areas database (via HELCOM's homepage), and the database on

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<sup>9</sup> In the years 1996, 1997, 1999, 2002, 2003 and 2004

<sup>10</sup> Examples of industries are: kraft pulp (1996), sulphite pulp (1996), food (1996), oil refinery (2002), chemical industry (2002), production of textiles (2002), iron steel industry (2003), water and marine fish farming (2004)

<sup>11</sup> Examples of hazardous substances are mercury (1985, 2002), lead (1988), organotin compounds (1999), PCB and PCT (2004), polyphosphates (2007)

<sup>12</sup> There are recommendations for the glass industry (1993), paper industry (1995), transport sector (1996), hard coal cookeries (2002), incineration of waste (2006) and for crematoria (2008)

<sup>13</sup> In 1994, 1995 and 2000

<sup>14</sup> Examples are recommendations for new installations (1996), sediment extraction (1998), tourism (2000) and spatial planning (2007)

<sup>15</sup> In the years 1994, 1996, 2002, 2004 and 2007

<sup>16</sup> In the years 1981, 1988, 1989, 1990, 1991, 1993, 1996, 1998, 2001, 2004, 2007, 2008, 2010

monitoring of radioactive substances (accessible for instance via IAEA). Over 200 Baltic Sea datasets can be viewed and downloaded via the HELCOM map and data service, including statistics on shipping accidents, pollution loads, anthropogenic activities and status of the marine environment. There is a wealth of information available via the HELCOM website, including open access to virtually all HELCOM meeting documents.

## 5. Evaluation

HELCOM is a soft-law convention. Like many other regional seas conventions it lacks direct legal enforcement. Therefore it is dependent on its contracting parties to implement the great number of HELCOM recommendations. An official overview over the actual actions taken by the contracting parties does not exist despite the contracting parties being obliged by the convention (Article 16 of HELCOM, 1992) to report on the implementation of recommendations. In fact many recommendations have not been fully implemented on the national level so far. One reason is that there is no compulsion, confrontation or legal consequences if recommendations are not followed (Fitzmaurice, 2006).

Considering that there has been little improvement in the state of the Baltic Sea marine environment during the more than 30 years of active HELCOM work may seem to be quite disappointing. Here it is worth bearing in mind the low water-exchange of the Baltic Sea, and consequently the time-lag before the effectiveness of measures can be seen at sea. There are however examples of positive results of HELCOM work, including significant reductions in waterborne phosphorus loads, especially from point sources in the catchment area (Knuuttila, 2009), such that almost all HELCOM countries have achieved the 50% reduction target as set by environment ministers in 1988 (HELCOM, 1988).

Though many of the recommendations have become more stringent over the years and latest activities like the Baltic Sea Action Plan still show the will of the contracting parties to work towards the ambitious goal of a healthy Baltic Sea, it seems to be unrealistic that the Baltic Sea community will be able to reach these goals in the short-term. HELCOM may claim success for the reduction of persistent organic pollutants (DDT, PCB) and a number of heavy metals; however, partly their reduction could also be related to European directives and worldwide conventions.

The HELCOM goals are unlikely to be reached unless contracting parties actively implement HELCOM recommendations. As formal instruments do not take effect in such cases, HELCOM needs to use soft instruments, for instance social or political pressure on national governments. Here one of the most crucial strengths of HELCOM becomes significant. “HELCOM [is] a source of, anchor for, or focus of a variety of environmental policy networks that have developed to address a range of issues including pollution from ships and ports, land-based pollution, and habitat protection (VanDeveer, 2011)”. In this position HELCOM has the possibility to activate alliances within the Baltic Sea community including governments, non-governmental organisations, private actors or the public.

The use of the HELCOM Baltic Sea Action Plan within the “environmental pillar” of the EU strategy for the Baltic Sea region puts pressure, especially on those contracting parties that are also EU member states, to implement the action plan. At the 2010 HELCOM Moscow Ministerial Meeting, the

Ministers of Environment of the HELCOM countries decided “to establish, for those HELCOM Contracting States being also EU member states, the role of HELCOM as the coordinating platform for regional implementation of the EU [marine strategy Framework Directive] MSFD in the Baltic Sea including striving for harmonized national marine strategies for achieving good environmental status according to the HELCOM Baltic Sea Action Plan and the EU MSFD” (HELCOM, 2010). This clear link between the work of HELCOM and legal obligations under the EU adds substantial weight to the implementation of HELCOM policy recommendations.

Although HELCOM as an organisation may not be well known outside an expert circle, a large part of the general public does have quite good knowledge about the status of the Baltic Sea. HELCOM’s work enjoys wide acceptance as it is very much based on officially accepted scientific data and jointly elaborated assessments which are approved by all the contracting parties. Furthermore the high degree of transparency at many stages of work contributes to trust in the information distributed by HELCOM. Transparency also encourages contracting parties to share data as well as implement HELCOM recommendations and jointly agreed measures. The HELCOM secretariat with its relatively small staff is quite successful and efficient in organising network activities and further developing the work of HELCOM.

VanDeveer (2011) stresses that in most cases Russia remains the least integrated of the region’s states into regional multilateral cooperation efforts of all kinds. This has manifold reasons but it illustrates also that legally binding policies as they exist within the eight Baltic Sea EU member states are more efficient than HELCOM’s soft law approach. On the other hand EU activities are not always conducive to HELCOM. In the years 2003-2004 it was questionable whether HELCOM would survive the European enlargement or whether it would be replaced by bilateral consultations between the European Commission and Russia. Today Russia may raise justified objections if HELCOM’s work serves only as implementation of EU policies. Russia is quite sensitive to European guidelines and will not follow regulations that have been established without Russian contribution. An example is the Baltic Sea Region Strategy which Russia welcomes in general but to which it will give no contributions as Russia has not been involved in the process. HELCOM’s advantage is its role as impartial co-ordinator of a regional seas convention beyond European borders. But to keep its relevance HELCOM needs to develop its own goals and it needs to go further or to be quicker in its processes than the European Union.

At the same time HELCOM is dependent on the European Union. European funding (especially ERDF, LEADER, LIFE, and ENPI) and Nordic funding (e.g. technical assistance funds from the Nordic Investment Bank and the Nordic Environment Finance Corporation as well as funding from the Nordic Council of Ministers) are funding HELCOM projects as well as activities in the countries for implementing HELCOM and EU requirements (e.g. more than 8bn Euro for Polish waste water treatments).

In all cases HELCOM is dependent on the implementation of the jointly agreed measures by its contracting parties. However, in the course of European harmonisation HELCOM’s contracting parties delegated some of their sovereign tasks to the European level (e.g. Common Fisheries Policy, Common Agriculture Policy (in parts)). Although HELCOM does not have the mandate to directly deal

with these policies, HELCOM does hold information about the effects of these policies on the Baltic Sea marine environment and therefore is in a position to provide relevant joint input to these fora. Hence the involvement of the European Commission (EC) in HELCOM is logical. Europe-wide standardised approaches in the EC's marine and environmental policy, however, have partly been of no avail. Instead HELCOM could be an efficient tool for the EC's efforts towards more distinctions between European macro-regions with their own focal points of development.

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### **Baltic Sea Case Study 3: The HELCOM-VASAB Maritime Spatial Planning Working Group**

#### **1. Introduction**

Maritime Spatial Planning in the Baltic Sea Region evolved over many years. Around 2003 the idea for concrete steps towards Maritime Spatial Planning developed in the environment of the regional organisations VASAB<sup>17</sup> and HELCOM<sup>18</sup> as well as various projects including BaltCoast project<sup>19</sup>. In 2007 HELCOM passed on a Ministerial Meeting in Krakow on 15<sup>th</sup> November the Baltic Sea Action Plan (HELCOM 2007). The closing communiqué included the HELCOM recommendation 28E/9 on the Development of Broad Scale Marine Spatial Planning Principles in the Baltic Sea Area. In the context of Marine Protected areas and ecosystem-based management objectives the recommendation welcomed closer co-operation with VASAB and other organisations like Baltic 21 to develop common broad scale principles on marine and coastal spatial planning.

On 16<sup>th</sup> October 2009 the VASAB ministers responsible for spatial planning and development held a conference in Vilnius, Lithuania. The ministers passed the “VASAB Long-Term Perspective for the Territorial Development of the Baltic Sea Region” specifying concrete activities for developing the Baltic Sea Region into a European Model Region for Maritime Spatial Planning (VASAB 2010). In this context they declared also the Vilnius Declaration “Towards Better Territorial Integration of the Baltic Sea Region”. This declaration stressed the urgent need for maritime spatial planning and for a common Baltic approach. It clearly stated that “...to promote the introduction and development of Maritime Spatial Planning in the Region, [...] a close co-operation with HELCOM with regard to environmental aspects and with other relevant actors is essential” (VASAB 2009).

This statement was picked up by the following HELCOM Ministerial Meeting in Moscow on 18<sup>th</sup> –20<sup>th</sup> May 2010. The meeting led to the passing of the “HELCOM Ministerial Declaration on the implementation of the HELCOM Baltic Sea Action Plan” including following phrases:

“We [...] agree

- that Maritime Spatial Planning (MSP), using as an overarching principle the ecosystem approach, should be developed for the different Baltic Sea areas in close transboundary cooperation with the aim of having long-term sustainable management and planning for the whole Baltic Sea;

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<sup>17</sup> VASAB is an intergovernmental organisation providing a ministerial platform and expert network for 11 Baltic Sea Region member states to coordinate spatial planning and development. Members are Belarus, Denmark, Estonia, Finland, Germany Latvia, Lithuania, Norway, Poland, Russia and Sweden.

<sup>18</sup> The Baltic Marine Environment Protection Commission, or HELCOM is the governing body of the Helsinki Convention (1974 revised 1992). MSP has been on the agenda for a longer time as exemplified by e.g. HELCOM Recommendation 24/10 (2003) “Implementation of integrated marine and coastal management of human activities in the Baltic Sea area” adopted at the HELCOM Ministerial Meeting 2003 and the declaration “WE EMPHASIZE the importance of HELCOM co-ordinating regional issues on environment friendly and sustainable use of the Baltic Sea as well as ensuring co-operation on integrated management of human activities in coastal and open sea areas, and in cross-border issues.”



[...]

- to establish a joint, co-chaired HELCOM-VASAB Working Group on Maritime Spatial Planning which will develop and adopt its terms of references by 2010, in this way also enabling coordination and integration of the MSP related actions and projects implemented within the framework of the EU Strategy for the Baltic Sea Region and its Action Plan so that these reflect and address the goals and targets of the Baltic Sea Action Plan" (HELCOM 2010).

Based on these ministerial decisions a joint co-chaired Working Group on Maritime Spatial Planning was launched in October 2010 by HELCOM and VASAB to ensure cooperation among the Baltic Sea Region countries for coherent regional Maritime Spatial Planning processes in the Baltic Sea. To achieve this goal the working group acts as a forum and a discussion platform for regional, trans-boundary and cross-sectoral dialogue on Integrated Coastal Zone Management and Maritime Spatial Planning including relevant international agreements, EU legal instruments and policies, as well as macro-regional and national policies. It shall furthermore assist VASAB and its member states in implementing the actions decided in the VASAB Long Term Perspective for the Territorial Development and assist HELCOM and its member states to implement the Maritime Spatial Planning relevant actions decided in HELCOM Baltic Sea Action Plan. The working group has a temporary mandate till 2013.

## **2. Actors and Agencies**

Participation in the joint HELCOM-VASAB Working Group on Maritime Spatial Planning is open to representatives from relevant ministries or government agencies in all VASAB and HELCOM member countries/contracting parties as well as for experts delegated by them. In average 30 participants join the working group meetings, with usually 17 delegates from national ministries or agencies representing the majority. Two of them jointly co-chair the meetings at which one chair represents a HELCOM party while the other chair belongs to a VASAB-related agency. Generally this balance between participants representing either a more environment orientated authority or being more geared to anthropogenic activities exists also within the working group. The working group strives for a participation of all HELCOM and VASAB members having a Baltic Sea coastline. In fact Denmark, Estonia, Finland, Germany, Latvia, Poland, Russia and Sweden actively participate while Lithuania has not participated yet. In addition to the national delegates also DG MARE, representing the European Union, takes part in working group meetings. The group is open also to VASAB and HELCOM observers. Additionally guests, organisations and initiatives from around the Baltic Sea and from other parts of Europe with a substantial maritime spatial planning interest may be invited. During the first four meetings usually one environmental observer and four to six guests took part in working group meetings. Guests represented scientific institutes, projects with relation to maritime spatial planning, energy federations, agencies outside of the Baltic Sea Region or have been thematic experts contributing to single tasks of the working group. Finally the HELCOM and VASAB secretariats attend the meeting, each with usually three participants.

Corresponding to the composition of the HELCOM-VASAB MSP Working Group the first two meetings have been characterised by a growing together. Communications problems and slight tensions appeared because of the different backgrounds of HELCOM and VASAB and their dissimilar understandings of maritime spatial planning. Especially the ecosystem approach concept, its implementation within spatial planning, and its impact on the weighting of the "three pillars" of

sustainability against each other have been under dispute. These questions backed out after the working group agreed on a working plan during the second working group meeting on 20<sup>th</sup> -21<sup>st</sup> January 2011 in Riga. Nevertheless most participants had the feeling that it is challenging to find a common language. Against this background one participant described the work of the working group as a training exercise bringing people from former competing Baltic Sea organisations closer together.

### 3. Activities

The working group follows a work plan which has been developed by the group during the first two meetings with an adjacent approval by HELCOM HoD (Heads of Delegation) and VASAB CSPD (Committee on Spatial Planning and Development). Basis for this schedule is the three years mandate given by the ministerial conferences of HELCOM and VASAB. The HELCOM-VASAB MSP WG acts as a forum where every participating country regularly presents its status in developing and implementing maritime activities and maritime spatial planning. Furthermore and as listed below the working group compiles own legal and methodological information on maritime spatial planning to support its implementation in the Baltic Sea. Legislative issues rank high as the working group wanted to ensure a firm foundation for possible implementations of maritime spatial planning approaches. Main formal task of the working group is a proposal for a decision by the next ministerial meetings in 2013 (HELCOM) and 2014 (VASAB).

#### Work plan of the joint HELCOM-VASAB MSP WG (HELCOM 2011)

Tasks and proposed actions	Responsibility	Timing
<b>1. To apply the adopted Joint MSP principles</b>		
According to the Baltic Sea Action Plan the joint MSP Principles should be applied, tested and evaluate by 2012  Contracting States/Member Countries to inform how the principles have been applied	Contracting States/ Member Countries MSP WG, in co-operation with PLAN BOTHNIA	2011-2012
<b>2. To support the setting-up of frameworks for maritime spatial planning in the countries of the Baltic Sea Region, to ensure more corresponding processes, and for transboundary consultation beneficial for this purpose</b>		
a) Inform on experiences and best practices to follow up the situation in the BSR countries with regard to implementation of MSP, discuss and propose initiatives to be taken concerning relevant framework elements (development of legal basis, responsibilities for MSP, procedures, transboundary consultation)	Contracting Parties/Member Countries PLAN BOTHNIA, (HELCOM and VASAB Secretariats to coordinate a Chapter on best practices) BaltSeaPlan	Recurring activity at the meetings of the MSP WG 2011-2012

b) Investigate and seek common understanding for necessary minimum requirements for BSR maritime spatial planning systems (see also 3 b)	PLAN BOTHNIA, (HELCOM and VASAB Secretariat to coordinate a Chapter on minimum requirements, including data and mapping)	2011- 2012
c) Promote and support achievements of economic, social and ecological benefits from MSP (analytical paper prepared as extract information from existing experiences)	MSP WG	2011-2013
d) Cooperation with the Baltic University Programme and other institutions in order to discuss common measures for enhancing education in the field of MSP	Contracting States/Member Countries MSP WG VASAB Secretariat	2011-2013
<b>3. To investigate the legislative basis for Maritime Spatial Planning, and to find a common understanding for planning</b>		
a) Problem-oriented presentation, during one of the first meetings, as an input to find a common understanding	Contracting Parties/Member Countries MSP WG	Presentations and discussions during second meeting of the MSP WG, in Riga, Latvia on 20-21 January 2011
b) Overview of basic elements for the legislative basis for MSP, in the whole maritime area (internal waters, territorial seas and the exclusive economic zones)	Germany and Denmark, in cooperation with Sweden and the HELCOM and VASAB Secretariats	Third meeting of the MSP WG meeting in Helsinki, Finland, on 28-29 September 2011
c) Using and possibly updating the VASAB Compendium on national MSP legislation for the Baltic Sea Region countries, including responsible authorities (depending on the process on the national level)	Contracting States/Member Countries MSP WG	2011-2013
<b>4. To promote the use of the Ecosystem Based Approach as an overarching principle for Maritime Spatial Planning and to find a common understanding for planning</b>		
<b>5. To explore the possibilities of MSP to contribute to the implementation of the Marine Strategy Framework Directive and the BSAP</b>		
a) Problem-oriented presentation, during one of the first meetings, as an input to find a common understanding	Contracting Parties/Member Countries MSP WG	Presentations and discussions during second meeting of the MSP WG on 20-21 January 2011

b) Develop clear examples of the need for and the use of the Ecosystem Based Approach in Maritime Spatial Planning	Contracting Parties/Member Countries MSP WG Finland, assisted by the HELCOM and VASAB Secretariats and supported by Sweden PLAN BOTHNIA	Presented at third meeting of the MSP WG on 28-29 September 2011 and at further meetings in Work Plan period
c) Present proposals for necessary elements of a MSP relevant application of the ecosystem based approach	Finland, assisted by the HELCOM and VASAB Secretariats and supported by Sweden PLAN BOTHNIA	Presented at third meeting of the MSP WG meeting on 28-29 September 2011 and to be developed and discussed at further meetings in Work Plan period
<b>6. To define linkages and correlation between Integrated Coastal Zone Management and Maritime Spatial Planning</b>		
a) Review national approaches to ICZM and its implementation including national systems for decision making in the sea and coast areas	Contracting States/Member Countries MSP WG	2011-2013
b) Discuss the relationship between ICZM and MSP, including cross-border co-ordination and coordination with MSP activities taking into account the outcome of the impact assessment by EC and the proposed action by EC	Contracting States/Member Countries MSP WG	2011-13; timing dependent on Impact Assessment by the European Commission. Fourth meeting of the MSP WG including presentations by the Contracting States/Member Countries
<b>7. To explore the possibilities for a Spatial Vision for the Baltic Sea</b>		
a) Present examples of components of a vision using experience from on-going work and projects such as BaltSeaPlan	MSP WG	BaltSeaPlan draft vision presented during second meeting of the MSP WG, in Riga, Latvia on 20-21 January 2011 2011-2012
b) Discuss components of a Spatial vision for the Baltic Sea and seek a common understanding for such a Vision	MSP WG, in co-operation with PLAN BOTHNIA and BaltSeaPlan	2012-2013
<b>8. To identify data gathering and mapping processes needed for MSP</b>		
a) Investigate and analyse available data and information for maritime spatial planning including Geographic Information Systems and other structures, identify	Contracting Parties/Member Countries MSP WG	2010-2013

gaps and propose necessary improvements		
b) Investigate the need for common sets of data and information for the Baltic Sea and propose necessary minimum common requirements for harmonization and consistency of maps and data	Contracting States/Member Countries MSP WG  PLAN BOTHNIA, (HELCOM and VASAB Secretariats to coordinate a Chapter on minimum requirements, including data and mapping) BaltSeaPlan	2011-2013
<b>9. To initiate, establish and follow, projects and seek to improve the conditions for the creation of new Baltic Sea MSP projects</b>		
a) Find areas that would benefit from jointly coordinated actions and seek to initiate new projects relevant for MSP on the basis of common experiences	Contracting Parties/Member Countries MSP WG	2011-2013
b) Investigate possibilities for funding of projects and seek to promote conditions for creation of Baltic Sea MSP	Contracting States/Member Countries MSP WG	2011-2013 Joint input of HELCOM and VASAB to the future research areas within the BONUS programme submitted to the BONUS Secretariat in December 2010
c) Follow and seek to evaluate and make use of projects on MSP in a cooperative manner	Contracting States/Member Countries MSP WG	2011-2013
<b>10. To create better understanding for the specific conditions and needs for MSP in the Baltic Sea Region in the EU and seek to find a common approach to EU initiatives in the region</b>		
a) Discuss upcoming EU meetings and events in order to find out the need to put forward a Baltic Sea perspective	Contracting States/Member Countries MSP WG	Events and meetings such as the European Maritime Day, EU DG MARE meetings, ICZM expert meetings etc. 2011-2013
b) Discuss EU initiatives as well as the need for Baltic Sea Region initiatives in the EU, especially within the context of the EU Strategy for the Baltic Sea Region and the horizontal action on MSP	Contracting States/Member Countries MSP WG	2010-2013

c) Identify fields of cooperation with BONUS and other projects and programmes	Contracting States/Member Countries MSP WG	2010-2013 Joint input of HELCOM and VASAB to the future research areas within the BONUS programme submitted to the BONUS Secretariat in December 2010
<b>11. To propose to CSPD/BSR and HELCOM HoD and to organize together with VASAB/ HELCOM Secretariats necessary public events on maritime spatial planning</b>		
a) Discuss objectives, venues, cooperation and participation for Pan-Baltic Conferences and prepare a concept for them	MSP WG	2010-2013 PLAN BOTHNIA Stakeholder Conference September 2011 and Final Conference May 2012 BaltSeaPlan Final Conference January 2012
b) Send representatives of the joint working group to relevant meetings organized by global, EU, BSR or other organizations and authorities of importance for development of maritime spatial planning  MSP WG members to report to the working group on participation in and outcome of such meetings at the HELCOM-VASAB WG meeting	MSP WG	2010-2013
<b>12. To propose further activities towards next Ministerial Conferences</b>		
Propose a vision and decision proposals on further development of MSP (e.g. on minimum requirements, development of legal basis, revision of principles) based on progress reached so far	MSP WG	2010-2013

#### 4. Evaluation

The HELCOM-VASAB MSP Working Group will explore the possibilities for a spatial vision for the Baltic Sea. Considering the geopolitical situation in the Baltic Sea Region this necessarily includes a sound cross-border co-operation and will require a comprehensive agreement between those countries. This is

reflected in the structure of the working group with its high-level junction to ministries, pan-Baltic organisations and the European Union. At the same time the working group acts openly and transparently involving external experts, observers and guests.

The working group faces a number of challenges: While the Baltic Sea is a relatively small sea the number of different levels in preparing or implementing maritime spatial planning in the riparian states is quite large. The working group has to deal with different legal, political, administrative and economic situations in the participating countries, partly with differing philosophies of spatial management. Furthermore some of the major challenges for the development of the Baltic Sea, like increasing shipping and the amount of oil and gas transports via the Baltic Sea, are beyond the mandate of the working group. This, however, is a typical situation for many spatial planning processes. Another challenge might be the time and financial resources given to the working group. Costs for the participants including travel costs have to be covered by the delegating institutions. Direct costs for meetings were planned to be borne by the host country if not arranged within HELCOM or VASAB secretariat premises. However, actually all meeting expenses are covered by the secretariats of HELCOM and VASAB.. Staff support from VASAB and HELCOM secretariats is provided for technical support (e.g. preparation of meeting documents, writing minutes, etc.) and secretariat attendance at meetings. Expenditures for external expertise have to be covered by either a participating institution or by related projects with third-party funding. Currently the working group has a mandate for three years (2010-2013) allowing seven meetings. Considering the initial need for familiarisation, this is a tight schedule for propose input to the forthcoming HELCOM and VASAB ministerial conferences in 2013 and 2014.

In case of a successful completion of current tasks, the working group could contribute to the justification of HELCOM's and VASAB's work as macro-regional organisations in addition to European structures. Tailor-made maritime spatial planning elements for the Baltic Sea as a whole, developed either now or within another series of meetings, would be a unique success. And the working group may already today claim some success. It contributes to a firm co-operation between two former competing Baltic Sea respectively Baltic Sea Region organisations. This pan-Baltic co-operation between marine-environmental and spatial planning organisations might leverage maritime spatial planning in the Baltic. VASAB has advocated maritime spatial planning since long but did not succeed in making a breakthrough so far. The co-operation with HELCOM, looking for tools to safeguard a sustainable Baltic Sea development, led to a progress in preparing and implementing maritime spatial planning in parts of the Baltic Sea with having a common approach for cross-border cooperation in mind.

One source for this success is the regular information exchange on maritime spatial planning related activities between the participating countries, which is one of the strengths of the working group. Lacking exchange of information has been a source but also an effect of former weak transboundary ministerial co-operation on maritime spatial planning. A large freedom of the delegates in discussing issues openly together with an increasing willingness to use this opportunity contribute to a growing together of the relevant administrative actors. Among others, the working group has the function of a learning process on maritime spatial

planning and transboundary co-operation not only for ministerial officials but also for subordinated agencies.

The working group passed the “HELCOM-VASAB Baltic Sea Broad-scale Maritime Spatial Planning Principles” (HELCOM-VASAB, 2010) which were adopted by HELCOM and VASAB CSPD in the end of 2010, fulfilling the commitment set out in the HELCOM Baltic Sea Action Plan on creating MSP principles. But having nearly all Baltic coastal states on board and having the working groups own ambitions in mind, these principles cannot be much more than just a starting point. The output of the joint HELCOM-VASAB WG which needs to be developed for the Ministerial Conferences might be rather general. But however possible final documents of the working group may look like, from today’s point of view there will be new ministerial recommendations with the utmost probability. And it is likely that such recommendations would either require further elaborations on the topic of maritime spatial planning in the Baltic or even requires supervision. It might lead, directly or indirectly, to a broader mandate for one of the pan-Baltic organisations. This could have the effect of a further stabilisation of cross-border governance structures on maritime spatial planning.

The HELCOM-VASAB MSP working group might be able to develop influence on a number of sectoral ministries in the Baltic Sea Region. But whether it has the clout or not will not be clear before the final meetings in 2013 and 2014.

### **Acknowledgements**

Sincere gratitude is dedicated to the co-chairs of the HELCOM-VASAB Maritime Spatial Planning Working Group, Ms. Anita Mäkinen, Finnish Transport Safety Agency, and Mr. Andrzej Cieslak, Maritime Office in Gdynia.

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## **Baltic Sea Case Study 4:**

### **BaltSeaPlan Project: Trans-boundary Maritime Spatial Planning in the Baltic Sea - the case of the Pomeranian Bight**

Tim-Ake Pentz\*

#### **1. Introduction to the case study**

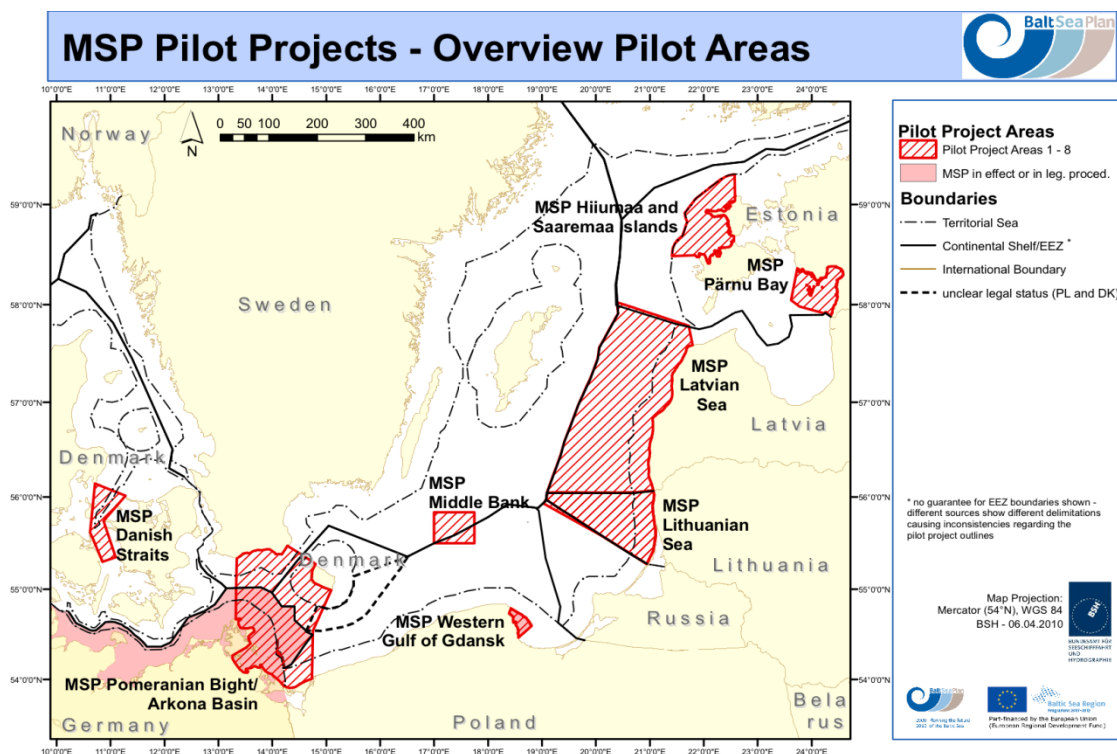
Co-financed by the Baltic Sea Region Programme the 3.7 m EUR project BaltSeaPlan is one of the EU initiatives in the field of maritime spatial planning. Between 2009 and 2012 14 partners from 7 countries co-operated to provide input into the realisation of the EU Maritime Policy, HELCOM Baltic Sea Action Plan and the VASAB Gdansk Declaration. Seven Baltic Sea areas were chosen for the drafting of pilot maritime spatial plans (Map 4.1).

One of the pilot areas is the Pomeranian Bight/Arkona Basin. For a case study this pilot area is of special interest. First it is an environmentally sensitive and already heavily used part of the Baltic Sea. Secondly it comprises shares of territorial seas and the EEZ of Sweden, Poland, Germany and Denmark. It is thus the first truly trans-boundary maritime spatial planning process in the Baltic Sea. Even though the outcome of this process is non-binding it is a well-grounded example of what trans-boundary maritime spatial planning in the Baltic Sea Region may look like. According to the project description the planning process for the Pomeranian Bight pilot area included following tasks:

- Documentation of the legal framework, organisational responsibilities and competences on national, regional and international levels for maritime spatial planning
- Compilation of general MSP principles
- Stocktaking and compilation of relevant oceanographic data according to the EU INSPIRE directive (Directive 2007/2/EC)
- Involvement of relevant stakeholders in the planning exercise
- Elaboration of propositions how to solve conflicting issues such as shipping routes, offshore wind-power production, nature conservation and fishery,
- Testing the decision support tool MARXAN for MSP purposes
- Drafting a common maritime spatial plan for the pilot area.

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Map 4.1: Pilot areas of the BaltSeaPlan project (source: BSH)

## Context and Conditions

**2.1. Natural assets:** The pilot area Pomeranian Bight encompasses approximately 14.100 sqkm. Its outlines are defined by a line running from south-western Bornholm southwards to the Wolin peninsula at the western coast of the Polish County of Zachodniopomorskie, westward to the German federal state of Mecklenburg-Vorpommern along the coast of the islands of Usedom and Rügen to Cap Arcona, and then north to and along the southern coast of Skåne in Sweden, finally crossing the traffic separation scheme Bornholms Gat back to Bornholm. The Pomeranian Bight/Arkona Basin is a multiple-use area of high economic and ecological value. Water depths nowhere exceed more than 50-60 meters and range to shallow waters of 5 to 7 meters (Tauber/Seifert/Kayser, 2001). In the shallow parts of the pilot area, like the Adlergrund for example, sandbanks and coldwater coral reefs form valuable habitats for a wide array of species, like blue mussels, diving sea birds and several fish species and species of macrozoobenthos. It is also known as feeding area and stepping-stone for the eastern population of the endangered harbour porpoise (Lindberg et al, 2006). The actual Pomeranian Bay is another example for the high ecological value of the pilot area. It is the second most important wintering area for birds in the Baltic Sea. More than one million seabirds can be seasonally found. Especially significant is the area for the velvet scoter (*Melanitta fusca*), Red-necked grebe (*Podiceps grisegena*) and slawonian grebe (*Podiceps autitus*) (Lindberg et al, 2006). Consequently, large areas are designated Natura 2000 SAC and SPA conservation areas. The Greifswalder Bodden off the Germany island of Rügen is known as very important spawning ground for western Baltic herring (Payne/Clausen/Mosegaard, 2009; Schiewer, 2008).

*2.2. Coastal communities:* Coastal communities connected to the pilot area are traditionally heavily depending on growth generated in tourism and maritime sectors. They can be described as mainly rural with a relatively low population density compared to the European average interspersed with economic centres concentrated around harbour economies (e.g. Ystad port region or Szczecin port region) and tourism hot spots (e.g. Bornholm or Rügen). On the one hand these communities have suffered from negative demographic trends during the last two decades (with the southern coast of Sweden as outstanding exception) and a decline in the traditional fishery and shipbuilding sector. However, these communities also benefit from recent economic developments (e.g. growth in seaborne trade) and political interventions (e.g. subsidisation of offshore wind-power in Germany).

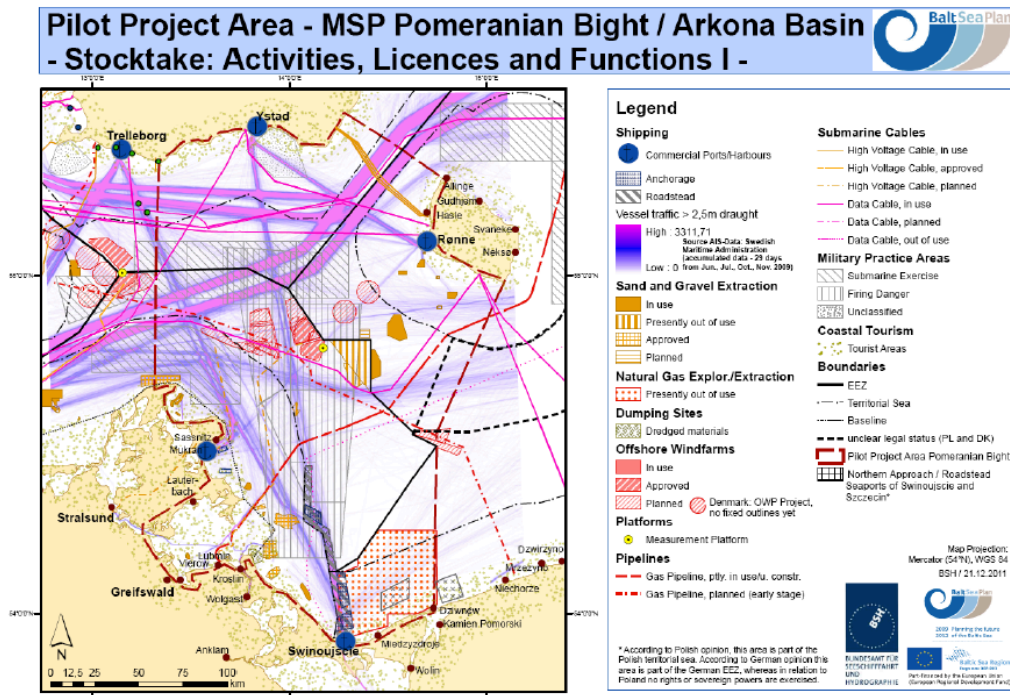
*2.3. Trends of sea use and land-sea interdependencies:* Without claiming to be exhaustive the following list summarises the major human activities in the pilot area, development trends and potential or existing conflicts between the different activities and their potential impact on natural habitats.

- Shipping: Increasing maritime traffic entering and leaving the Baltic Sea cuts from East to West through the pilot area passing IMO traffic separation schemes (TSS), e.g. TSS “Bornholmsgat” between Bornholm and Sweden, TSS “Adlergrund” between Bornholm and Poland or TSS “North of Rügen” between Rügen and Denmark with about 60,000 ships per year. Additionally several ferry lines connect the Swedish cities of Trelleborg (which itself actually lies not within the pilot area) and Ystad on the southern coast of Sweden with the Polish harbour of Swinoujscie. Regular ferry service runs from the German port Sassnitz-Mukran and the Danish port Rønne on the island of Bornholm. This ferry line is a good example for the conflict between ship traffic and fixed offshore installations like offshore wind power farms. Half way between Sassnitz-Mukran and Rønne the route collides with areas designated to planned or approved wind power installations. Regarding the land-sea interdependencies in the pilot area more seaborne traffic also means an increase of SO<sub>x</sub>, NO<sub>x</sub> loads and sewage from ships and a higher risk for ship accidents threatening all coastal communities dependent on tourism.
- Offshore wind power farming: Offshore wind power (OWP) farming was the trigger for maritime spatial planning in the pilot area. At the moment approximately 15 offshore wind power farms are planned or approved within Pomeranian Bight/Arkona Basin mainly in the German EEZ. OWP is not allowed to constrain ship traffic or inflict permanent damage to natural habitats and wildlife (for example through noise pollution or bird collisions). Furthermore the efficiency of OWP largely depends on average wind rates, water depth and the distance to the coast regarding maintenance and cable connections to land. This explains the gathering of offshore wind farm applications around the centre of the pilot area with up to 12 competing applications for one suitable area. The development of wind power farming offshore implies a growing need for harbour storage space, new business opportunities for example for component suppliers and engineering companies.
- Submarine Cables and Pipelines: Within the pilot area a wide array of both land-sea-land data cables and high voltage cables are already installed or planned. It can be expected that with the development of offshore wind-power also the need for an offshore super grid will

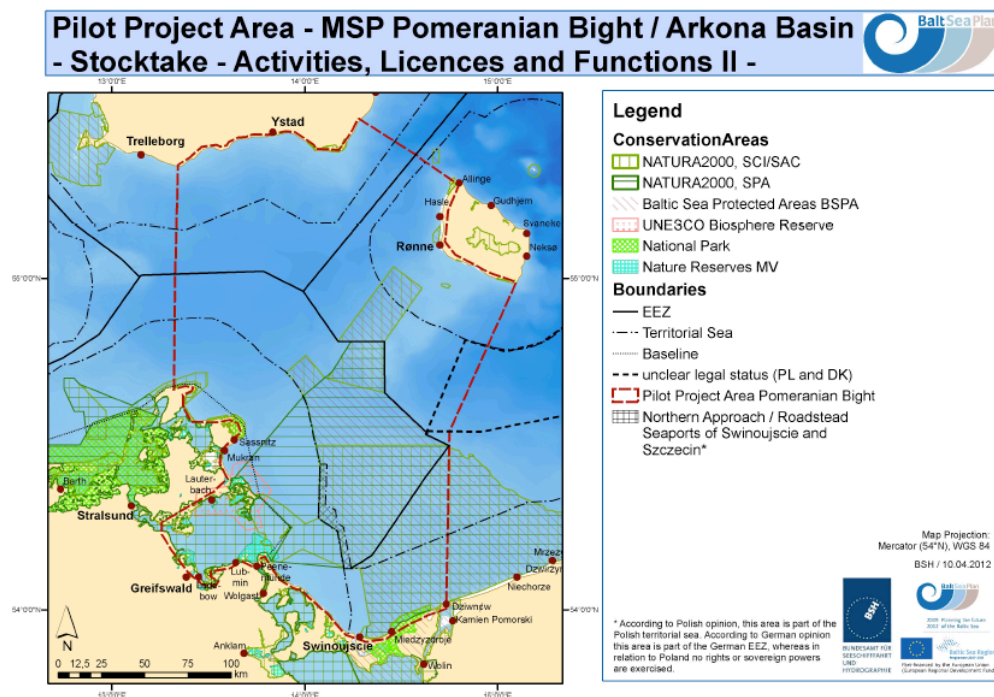
increase. Additionally land-sea connections and high voltage lines have to be in place onshore to secure the transfer of the produced energy to the hinterland. One prominent example for a submarine pipeline in the pilot area is the Nordstream natural gas pipeline running south of Bornholm from northeast to southwest connecting the Russian port of Vyborg with the port of Lubmin in the Bay of Greifswald. Submarine installations need to be spatially coordinated with shipping routes especially with military exercise areas.

- Fishing: Traditionally fisheries and fish manufacturing generated employment and income along the coast of the pilot area for example on the island of Bornholm or in the Sassnitz-Mukran region. Pelagic otter trawling is spatially concentrated in an area north of Rügen Island. Offshore gillnetting is concentrated in two areas: Adlergrund, the Western Rønnebank in Pomeranian Bay and the Kriegers Flak area. Most of the gillnet fisheries in the Baltic Sea are conducted by vessels < 15 m, without mandatory use of vessel monitoring systems. Considering that only two of ten fish stocks in the Baltic Sea are exploited at a level delivering maximum long term yield (EC DG Mare, 2010) and considering the quotas set through the European Common Fisheries Policy this sector remains in a phase of rationalisation.
- Sand and Gravel Extraction: There are several areas designated for sand and gravel extraction in the pilot area. The dredging areas are often situated in sensitive habitats like Adlergrund or Oderbank. The valuable technical sands and gravel are used for coastal protection measures or the production of industrial goods. Dredging in sensitive areas may have a severe impact for example on coldwater coral reefs and may thus lead to conflicts with nature conservation measures.
- Military activities: The Baltic Sea is heavily used for military training and exercise. Artillery firing ranges, submarine diving areas and low-altitude flight zones have to be taken into account before designating space for pipelines, or offshore wind power farms. Classified uses find their way into the planning through negative replies of the military administration to draft plans.
- Tourism, leisure and sport: The coastal communities of the pilot area rely heavily on the tourism sector including leisure and sport sailing or other marine activities like scuba diving for example. Tourism is the dominant economical feature for example on the island of Bornholm as well as for the German, Polish and Swedish coastal shares of the pilot area. The development of coastal and maritime tourism (e.g. new marinas, increasing ferry shipping) may result in conflict with nature conservation goals.
- Marine Scientific Research: Within the pilot area some areas are reserved for marine scientific research to safeguard long-term measurement series especially to research fish-stocks and bird migration. In principle research enjoys freedom in the EEZ according to Art. 238 UNCLOS but under the premise that other authorised uses may not be unjustifiably be impaired.

Maps 4.2 and 4.3 show the stock-take of uses, activities and functions in the pilot area.



Map 4.2: Stocktake I Pomeranian Bight/Arkona Basin (source: BSH)



Map 4.3: Stocktake II Pomeranian Bight/Arkona Basin (source: BSH)

Because of the limited timeframe and budget restrictions of the pilot project as well as due to a lack of spatially relevant data not all issues, uses and activities with spatial relevance could be assessed in

the planning exercise. The uses and activities the partners agreed to focus on and examples of key objectives interlinked with the uses and activities are listed in Table 4a.

**Table 4a: Uses, activities and objectives relevant for the planning exercise (not exhaustive)**

Uses and activities relevant for the planning exercise	Key objectives
Shipping and Ports	<ul style="list-style-type: none"> <li>- Safe and clean shipping and port development</li> <li>- Reduced collision risk (especially for dangerous goods transports)</li> <li>- Restricted shipping to area with anoxia</li> </ul>
Infrastructure and Energy	<ul style="list-style-type: none"> <li>- Find suitable areas for wind farms</li> <li>- Assess suitable areas for transmission grids</li> <li>- Assess possible cable and pipeline corridors</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>- Avoid negative impacts on tourism development</li> </ul>
Nature protection	<ul style="list-style-type: none"> <li>- Protect valuable habitats (benthic/pelagic), bird habitats</li> <li>- Ensure coherent network of protections areas (e.g. blue corridors, Natura 2000)</li> <li>- Protect spawning and nursery areas</li> <li>- Promote sustainable fisheries</li> </ul>

*2.4. Planning principles and legislation relevant to the pilot project:* The analysis of the legal framework relevant to the pilot project was one of major tasks to of the planning process. Right from the beginning it was clear that trans-boundary maritime spatial planning would have to deal with different governance levels (sub-national, national, regional, international), political systems, different administrative structures and responsibilities, institutional settings and of course different planning systems and cultures. The pilot project partners agreed on the following seven MSP principles as a common starting ground for drafting an MSP for the pilot area:

- Taking into account the ecosystem approach,
- Facilitating the sustainable development of coastal communities,
- Ensuring the good condition of coastal and marine ecosystems,
- Ensuring the safe and sustainable use of marine resources,
- Promoting economically-sound management of sea-space and leaving enough place for yet unknown uses,
- Ensuring the conservation of historical heritage,
- Regulation zones should consider spatial and time aspects

Examples of existing legislation and national policy strategies with direct or indirect impact on maritime spatial planning in the pilot area are summarised in the following matrix.

**Table 4b: Examples for legislation and policy strategies with direct or indirect impact on MSP in the pilot area Pomeranian Bight/Arkona Basin (not exhaustive).**

<b>Governance Level</b>	<b>Legislation/Policy Strategy</b>
<b>International</b>	UNCLOS/IMO-regulations
<b>Regional</b>	Integrated European Maritime Policy, EU Strategy for the Baltic Sea Region, EU Maritime Strategy Framework Directive, HELCOM Baltic Sea Action Plan, VASAB Long Term Strategy
<b>National</b>	<p>GER: Maritime Spatial Plan for the German Baltic Sea EEZ (2009), Federal Spatial Planning Act (2009), Energiekonzept (2010)</p> <p>DK: An Integrated Maritime Strategy (2010), Environmental Objectives Act, seaborne activities regulated by sectoral laws,</p> <p>PL: National Development Strategy (NDS) 2007-2015, National Reform Programme (NRP) 2008-2011, National Concept of Spatial Development (KPZK), Act on Maritime Areas of Poland and Maritime Administration (1991/2005), Act on Spatial Planning and Management (2003),</p> <p>SWE: Planning and Building Act (1987), The Environmental Code (1999), The Swedish National Maritime Policy Bill (2009), Swedish Exclusive Economic Zone Act (1992/1998), Swedish Territorial Waters Act (1966/2007)</p>
<b>Sub-national</b>	<p>GER: Regional Development Plan Vorpommern (2010), Mecklenburg-Vorpommern State Planning Act (1998)</p> <p>DK: Kommuneplan 2009 Bornholm</p> <p>PL: Plan Zagospodarowania Przestrzennego Województwa Zachodniopomorskiego (2010)</p> <p>SWE: Regionalt Utvecklingsprogram for Skåne 2009-2016</p>



### 3. Actors and Agencies

Two groups of actors and agencies were involved in drafting a maritime spatial plan for the pilot area Pomeranian Bight - the project partners and the invited stakeholders. Already the listing of the project partners shows that different organizations and institutions with different missions, mandates and competences took actively part in the planning process. The project partners responsible for the drafting of the maritime spatial plan for the Pomeranian Bight were the German Federal Maritime and Hydrographic Agency (BSH) as lead partner, The Ministry of Transport, Building and Regional Development Mecklenburg-Vorpommern, the WWF Germany Baltic Sea Project Office, the Polish Maritime Office Szczecin, the former Danish National Environmental Research Institute (today: Dpt. of Bioscience, Aarhus University) and the Royal Institute of Technology (KTH) in Sweden.

The pilot project showed that the collaboration of administrative agencies, NGOs, universities and research institutes on equal terms provided the planning process with a wide array of valuable input derived from different backgrounds. Thus this setting opened a more integrative way of preparing the draft of the maritime spatial plan. On the other side the co-operation had its challenges, too. Contrary to the German and Polish side, which were represented through a federal agency, ministries or local authorities, the Swedish and Danish partners did not have the needed strong administrative backing or a mandate from their national public authorities to act or communicate official strategies or policies on their behalf. Especially at the later stage while drafting the maritime spatial plan but already at the stage of stocktaking this created an operational and functional gap between the partners leading almost naturally to an asymmetry with the German and Polish partners acting as partner *primae inter pares*. This, of course, was already anticipated in the beginning of the project and came not as surprise nor did it lead to tensions between the partners.

The second group of actors involved in the drafting process were stakeholders outside of the project. The management and involvement of stakeholders in a trans-boundary planning process is a challenging task. Beside the more frequently asked questions concerning stakeholder management such as "Who should be involved, how and when?" it was discussed if the legally not binding process will confuse the stakeholders. Especially the project partners from the public authorities which are used to work with certain stakeholders like offshore wind-power companies or shipping companies were concerned that the special situation of the MSP process would irritate these stakeholders and thus would have a negative impact on future co-operation in licensing procedures. It is often stated that stakeholder involvement should happen as early as possible. Yet the project partners agreed that all relevant stakeholders should be informed about the project at an early stage whereas the stakeholder events should be scheduled for the later stages of the project when enough data is gathered, harmonised and most important data has been visualised in a map or plan. This was seen as prerequisite to enter a goal orientated debate and possibly to come up with different scenarios (e.g. the alteration of shipping routes in the pilot area like it was discussed in one of the stakeholder meetings in Germany). It was also agreed that organising trans-boundary stakeholder meetings would not be very effective due to language difficulties, time frame restrictions and the need for the stakeholders to travel to such an event over long distances. However the trans-boundary impetus of the stakeholder management was never at stake. The partners reported in project partner meetings about the input from and experiences with stakeholders gathered in the national events.

**Table 4c: Example: Stakeholders relevant to the pilot MSP planning process in Germany**

- Association of Cutters and Inshore Fishermen Mecklenburg-Vorpommern
- Leibniz Institute for Baltic Sea Research Warnemünde (IOW)
- Johann Heinrich von Thünen-Institute, Department for Baltic Sea Fisheries (vTI)
- German Fisheries Association
- German Shipowners' Association
- Offshore-Forum Wind Energy
- German Sailing Association
- Federal Association of German Seaport Operators (ZDS)
- Federal Association Mineral Resources (MIRO)
- Tourism Association Mecklenburg-Vorpommern
- Friends of the Earth (BUND) Germany, Federal Office, Regional Association Mecklenburg-Vorpommern
- WWF – Baltic Sea Project Office
- Conservation Federation of Germany (NABU), Regional Association – Regional Association Mecklenburg-Vorpommern
- Chamber of Industry and Commerce (IHK), Rostock

#### 4. Sequence of events

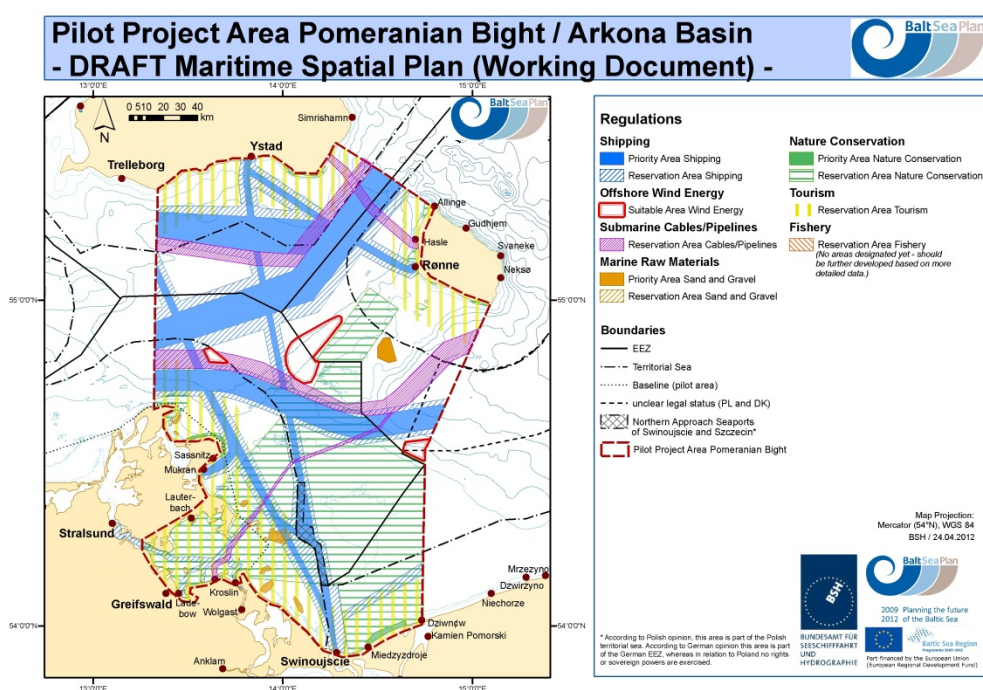
The BaltSeaPlan maritime spatial planning process followed a 9-step approach as defined earlier by the PlanCoast project ([www.plancoast.eu](http://www.plancoast.eu)) and summarised in the following matrix.

**Table 4d: Planning process and stakeholder management activities in the pilot project**

<b>MSP step-by-step</b>	<b>Stakeholder Management activities</b>
<b>Step 1: Context assessment</b> <ul style="list-style-type: none"> <li>• Delineation of project area</li> <li>• Analysis of legal framework</li> </ul>	Identification of relevant stakeholders (stakeholder mapping)
<b>Step 2: Pre-Planning</b> <ul style="list-style-type: none"> <li>• Development of an MSP work plan</li> <li>• Seek support from all authorities and agencies relevant for a MSP</li> </ul>	Information about the project sent out to all stakeholders
<b>Step 3: Definition of aims and objectives for the area</b> <ul style="list-style-type: none"> <li>• Definition of principles, analysis of existing visions and strategies on all governance levels</li> <li>• Draft Working paper about visions, aims and objectives</li> </ul>	
<b>Step 4: Refined stocktaking</b> <ul style="list-style-type: none"> <li>• Collection of data on habitats and biodiversity</li> <li>• Socio-economic analysis</li> <li>• Digitalization, harmonization of data</li> <li>• Preparation of separate layers for different uses</li> <li>• Identification of potential conflicts and multiple use areas</li> </ul>	Stakeholders were asked to provide input to the stocktaking
<b>Step 5: Problem analysis</b> <ul style="list-style-type: none"> <li>• Layout a matrix of the current uses and natural conditions to identify potential conflicts and multiple use areas</li> <li>• Projection of existing trends using modelling techniques (e.g. climate change)</li> </ul>	First stakeholder meeting organized like a workshop based on the stakeholder input, current uses and natural conditions of the planning area.
<b>Step 6: Finding solutions</b> <ul style="list-style-type: none"> <li>• Delineation of functional zones according to the priorities set in step 3</li> <li>• Definition of preliminary targets and measures for each zone</li> <li>• Benchmarking of 2-3 different planning scenarios if possible</li> </ul>	Second stakeholder meeting (split up thematic groups/discussion of environmental impact of each measure)
<b>Step 7: Drafting the plan</b> <ul style="list-style-type: none"> <li>• Setting final targets, objectives and measure for each zone</li> <li>• Compilation of all measures (→ Managementplan)</li> <li>• Finalisation of the draft plan (graphic and descriptive part)</li> </ul>	Public hearing: Presentation of the draft MSP and the SEA report to the authorities with the mandate to implement the MSP
<b>Step 8: Implementation</b>	Not part of the pilot project
<b>Step 9: Evaluation</b>	Project evaluation in a final conference together with all partners and stakeholders

## 5. Overall Project Evaluation

The pilot project set out to draft a trans-boundary maritime spatial plan for a whole sea basin connecting the four countries Denmark, Sweden, Poland and Germany (Map 4.4). Something never been tried before. Thus the project partners literally stepped on uncharted territory. Taking the different political and legal frameworks in the Baltic Sea states into account as well as the different time scales and stages of existing national maritime spatial planning processes it becomes clear that there is no one size fits all approach for the allocation of sea space in place today. This in mind maritime spatial planning within the BaltSeaPlan framework was not only about drafting a pilot spatial plan but to find ways and mechanisms to assess, communicate and co-ordinate different uses on national level and across borders.



**Map 4.4: Draft Maritime Spatial Plan**

A matter of concern and discussion right from day one was the legal status of both the MSP process and the final maritime spatial plan. It soon became obvious that the maritime spatial plan prepared during the project would not be legally binding and the process itself would be no substitution to an official process or even parts thereof. In retrospective what could be seen as shortcoming emerged to a real advantage to the pilot process. The more informal approach led to an exchange of experience between partners in a friendly, co-operative, frank and constructive atmosphere as basis of for successful co-operation. In this working environment also national shortcomings and difficulties could be addressed. Thus this pilot process helped to address vital questions like “How can a successful joint planning process be organized despite the fragmented responsibilities?” and “How can different priorities and approaches to problems and conflicts be dealt with?”

On the other hand the pilot project was no talk shop. Public authorities were at the centre of action, stakeholders have been activated and consulted, common priorities and spatial visions formulated according to existing legislation on sub-national, national, regional and international levels. Data has been gathered, exchanged and harmonised according to the best scientific knowledge and it was safeguarded that this information will be available also for future uses. Solutions for spatial conflicts were proposed. Tab. 3 shows examples of project outputs relevant to the pilot project case study. In sum the five most important achievements of the pilot project are:

1. The draft trans-boundary MSP itself,
2. The beginning and evolvement of the collection, exchange and harmonisation of spatially relevant data across boundaries
3. The assessment of different legal frameworks and approaches to Maritime Spatial Planning
4. The assessment of the need to establish (or empower existing) bodies, agencies or organisations on national and regional level co-ordinating and preparing maritime spatial plans on national (“one-stop-shops”) and regional level.
5. The provision of experiences (good practices and practical difficulties) for future MSP processes

The information, findings and (preliminary) results of this project already had a measurable impact on the further development and implementation of maritime spatial planning on national, bi-lateral and regional level. On national level the German national strategy on integrated maritime policy (Entwicklungsplan Meer, 2011) refers to the BaltSeaPlan pilot project. On bi-lateral level the Joint German-Polish Declaration on Intergovernmental Consultations of 2011 can be seen as one indicator. With reference to the BaltSeaPlan project it is stated in para 2.8. that the co-operation regarding the integrated maritime spatial planning shall be further promoted in the future and that the development of national strategies for the use of the Baltic Sea space will be further elaborated. On regional level the European Commission refers to the pilot project in its Communication on Maritime Spatial Planning in the EU about achievements and future development of MSP (COM/2010/771 final). Additionally preliminary results were already presented to key institutions and players active in the development of maritime spatial planning on regional level e.g. the HELCOM-VASAB working group on Maritime Spatial Planning.

**Table 4e: Examples of project outputs BaltSeaPlan Project (2009-2012) with relevance to the case study (draft titles)**

<ul style="list-style-type: none"> <li>• The impact of National &amp; Regional Strategies on the Baltic Maritime Space – An Overview</li> <li>• The impact of National &amp; Regional Strategies on Germany Maritime Space - PART I: Analysis – Part 2 Recommendations</li> <li>• The impact of National &amp; Regional Strategies on Sweden Maritime Space - PART I: Analysis - PART II: Recommendations</li> <li>• BaltSeaPlan Vision 2030 – Towards the sustainable planning of Baltic Sea space</li> <li>• Fisheries in MSP: How to Access &amp; Assess Relevant Data</li> <li>• Fisheries MARXAN Layers: How to include/process data; find fishery targets, cost layers, indicators and integrate fish zones</li> </ul>	<ul style="list-style-type: none"> <li>• Boundary GIS Map Service: The use of web based visualisation tools for MSP</li> <li>• Pilot Report 1: Pomeranian Bight</li> <li>• Stakeholder Profiling</li> <li>• SEA for MSP: Recommendations</li> <li>• Transnational MSP Database</li> <li>• Boundary GIS Mapping Tool</li> <li>• Remote Sensing for Fishery</li> <li>• MARXAN Application for Fishery</li> <li>• Pomeranian Bight Maritime Spatial Plan</li> <li>• Stakeholder Typology Set</li> </ul>
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## 6. Lessons learned for Maritime Spatial Planning

The lessons learnt encompass issues and activities, which worked particularly well and practical difficulties experienced during the MSP process. Since the distinct and most valuable feature of this case study is its trans-boundary nature the lessons learnt presented here will thus focus first and foremost on trans-boundary issues.

- a) *Maritime Spatial Planning is not a tool serving a single purpose:* The results of the European Commission's survey on the future development of MSP and ICZM from 2011 showed that reluctance to MSP can derive from two different views of which none is true. First: MSP is a tool for environmental protection. Second: MSP is a tool for promoting industrial development. The pilot project has shown that MSP is not a tool to promote a single purpose. It is a tool for the smarter use of the sea, meaning a more efficient and environmental sustainable use trying to reach a win-win situation for economy and environment. This in turn does not mean that every use and activity may profit from the findings of a Maritime Spatial Plan.
- b) *Maritime Spatial Planning must be facilitated by at least one national public agency or authority:* As already mentioned in the section Actors and Agencies there was an in-balance between the different partners with and without mandate to act or communicate official strategies or policies. Therefore it should be guaranteed that each partner country should be represented by at least one public agency responsible for MSP or an institution working on government behalf to facilitate or back up possible project outcomes.

- c) *The Maritime Spatial Planning should be seen as socio-economic investment:* Maritime Spatial Planning is not for free and reluctance to implement maritime spatial planning on national level is often explained with the lack of administrative resources be it work-power or budget. However the question how much does MSP cost is less important than the question how much does the society gain from the investment in maritime spatial planning in monetary terms. Even though it can be hard to measure the gains of MSP in detail, studies and experiences indicate that MSP helps to lower co-ordination costs, lower transaction costs and helps to enhance investment climate leading to financial gains which are by far higher than the previous investments (DG Mare, 2011).
- d) *MSP-relevant data should be collected in one place and made publically accessible:* Getting spatially relevant data for MSP is a tricky task. Usually the lack of data seems to be the biggest problem for drafting a MSP. However the lack of data does not imply that it is not there. It is scattered across national and sub-national boundaries, different administrations and sectors (Military, Transport, Marine Science etc.). If the source of the data can be tracked down the data still may not be an open and accessible source. If it is accessible the data can be still unusable if it is not digitalized or refined for GIS-tools or planning models. Gathering new data or compiling existing data in a trans-boundary environment is a lot more time consuming and personally demanding than already previously expected. A comprehensive list of available data (including proper information about the data sources and user rights) should be set up prior to the actual operative work (e.g. through the implementation of a task force only responsible for scouting for relevant data sets) to save precious time for setting up common standards for data processing and modelling. The best solution for future MSP would be an open source publicly accessible database like f. ex. the GenBank (<http://www.ncbi.nlm.nih.gov/genbank/>) collecting all socio-economic and marine data relevant for MSP purposes.
- e) *Stakeholder input is a most valuable asset:* Even though it may seem absolutely logical to organize trans-boundary stakeholder events in a trans-boundary planning process it is actually very impractical. Not all relevant stakeholders may have the needed manpower, time or the budget to travel to these kinds of events. To guarantee that the input and the experience from these national events can be compared and exchanged in a trans-boundary project they should be planned in a coordinated way (goals, methods, indicators) and take place during the same time period. Stakeholder input is a most valuable asset in MSP due to data gathering problems as mentioned above.
- f) *MSP depends on a good communication and workflow:* Good trans-boundary communication and workflow depends on several elements like bringing together the necessary resources (e.g. adequate soft- and hardware, staff), hard skills (e.g. legal expertise, GIS expertise, expertise about other political systems) and soft skills (e.g. experiences working in international environments, cultural knowledge, communication/language and moderation skills). It should be guaranteed that all project partners have access to adequate technical equipment and have comparable skill levels to enable an unhindered workflow.
- g) *Informal procedures help to shape the context of future formal planning practice:* Maritime spatial planning should have the ambition to be legally binding and a formal procedure or it

will run the risk of becoming legally and politically irrelevant. Still the pilot planning process in the Pomeranian Bight/Arkona Basin indicates that at this stage a *robust informal* approach to MSP can be of high value. MSP as relatively new tool and thus confronted with a still little bit shaky knowledge base and a lack of experiences on all sides a more informal approach of planning may lead more swiftly to a common understanding of the current situation and natural assets of the planning area as well as a common acknowledgement of the legislative and political challenges and procedural shortcomings. This in turn is anticipated as the fundament of solid maritime spatial planning. Thus the pilot planning process with its informal planning procedures will shape the context of formal planning practice.



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