



Assessment of the relevance and effect of the Maritime Spatial Planning Directive in the context of the European Green Deal

Final Report

Contract number: EASME/EMFF/ 2019/1.3.1.6.



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EXECUTIVE SUMMARY

Background and Objective

The specific objective of this study was to assess the relevance and effect of the Maritime Spatial Planning Directive in the context of the European Green Deal and other relevant EU-level legislation. The study analysed the suitability of the MSP Directive and its implementation to address current and future challenges as regards the sustainable development of the Blue Economy, including the protection and preservation of the marine environment.

From its inception, the interaction between the MSP Directive and other directives was foreseen. The European Integrated Maritime Policy (IMP) includes the MSP Directive and Directive 2008/56/EC, the Marine Strategy Framework Directive (MSFD). Preamble 15 of the MSP Directive explicitly states that maritime spatial planning will contribute to achieving the aims of other directives, including:

- Directive 2009/28/EC, on the promotion of the use of energy from renewable sources
- Council regulation no 2371/2002, on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy
- Directive 2009/147/EC, on the conservation of wild birds
- Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora
- Decision No 884/2004/EC, on Community guidelines for the development of the trans-European transport network (No longer in force, Date of end of validity: 24/08/2010; Implicitly repealed by 32013R1315)
- Directive 2008/56/EC, the Marine Strategy Framework Directive, and
- Various commission communications.

In 2019, the EU adopted the European Green Deal as an integral part of the strategy to implement the UN 2030 Agenda and Sustainable Development Goals. The European Green Deal (COM(2019) 640 final) is "a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use". COM(2019)640 finally contains explicit reference to maritime developments, including maritime transport, fisheries, climate change and includes "ways to manage maritime space more sustainably" (in section 2.1.7). As acknowledged in the EU Mission "Restore our Ocean and Waters by 2030", achievement of the EU objectives formulated under the Green Deal, and associated actions related to climate change, the Farm to Fork strategy and others, impact on use of marine space and thus interact with the implementation of Directive 2014/89/EU.

The main research question addressed in this study was: how can the MSP Directive 2014/89/EU contribute to the achievement of the EU's objectives under the European Green Deal and related relevant legislation?

Results

The study draws upon an extensive analysis of the maritime spatial plans developed by European Member States (MS), supplemented with a review of scientific publications, focus groups, interviews and a survey.

An inventory was prepared that summarises the main characteristics of the policy: the type, the scope and the main objectives. A total of 45 relevant policies were identified, 8 of which were related to the Green Deal. Of these 45 policies, 27 were adopted before 2014 and the remainder in 2014 or later. As a next step, we assessed how all the objectives of these EU-level policies (including the Green Deal) are linked to MSP objectives (Article 5 of the MSP), minimum requirements (Article 6), and activities and users (listed in Article 8.2). Listing all objectives of all EU policies that have a bearing on the MSP resulted in 293 objectives. In total, 349 linkages were found between the MSP Directive (objective, minimum requirements and activities) and 293 policy objectives.

The survey results paint a similar picture of the interaction between 2014/89/EU and European Green Deal objectives. The majority of the respondents state that the Green Deal objectives are not integrated with maritime spatial plans but will be in the future. Except for one respondent, the others state that the integration has already taken place or is taking place now.

The analysis of maritime spatial plans shows that the European Green Deal is mentioned in approximately half of the maritime spatial plans in the North-East Atlantic and the Mediterranean sea, while only in one maritime spatial plan in the Baltic sea. A similar trend is observed for reference to other European Green deal elements and the presence of an action plan. It is known that some MS had already finished their maritime spatial plans before the Green Deal came into the picture, thus these countries will not have explicit reference to European Green deal objectives. Other MS indicate that the European Green Deal objectives have influenced their Maritime Spatial Plan in some way, for instance, by making reference to them in the plan. Others say that the sectors central in the European Green Deal have been considered (i.e. wind energy), but then under a previous strategy (i.e. renewable energy).

The survey results point to the challenges that MS face when implementing the MSP Directive. In particular mentioned are the ecosystem-based approach; to prioritise uses of the maritime space, and to provide space at sea to fulfil different existing policy objectives, and at the same time leave space for "future uses". Other challenges mentioned in the survey include, e.g. data and information collection and compiling issues and coherence of the maritime spatial plan with neighbouring States. Special attention was given to conflicts for the uses of the maritime space and how Directive 2014/89/EU can support dealing with those.

Conclusions and recommendations

An important remark to start with is that timing raises challenges in identifying clear interactions. Many MS their maritime spatial plans were developed before the European Green Deal and the related relevant legislation was in place.

As part of this study it was assessed what the implementation level is of Directive 2014/89/EU by MS. The following conclusions can be drawn: Out of the 22 MS that are expected to develop maritime spatial plans, 10 have a maritime spatial plan in place and 9 have prepared draft versions, in various stages of development. Assessing the 19 maritime spatial plans that are in place, or draft versions, it is noticeable that some objectives and minimum requirements of the MSP Directive are discussed in more detail (like different sectors and interactions) and SEA than others. Maritime spatial planning is credited for bringing clarity and predictability to the maritime sectors, allocating space to various activities.

MSP is credited for supporting the development of maritime sectors in the EU, as related to Blue Growth and now Sustainable Blue Economy. The question remains how MSP can resolve competing claims and conflicts between different interests and users. Whereas there might be no conflicts at a strategic level, on a practical levels demands for space can lead to conflicts.

Zoning plays a key role in all maritime spatial plans. A dominance of a zoning approach has the risk that “fixed place” uses (i.e. energy) will be better served than mobile uses (i.e. fisheries). Literature and experts emphasise that his “map effect” can lead to uneven distribution of positive and negative impacts, cause sectors to feel “left-out” and erode support for the development of maritime spatial plans.

Looking at the interactions between the Directive 2014/89/EU and other policies described in the scientific literature, a first conclusion is that there is relatively little literature on this subject. Most of the available literature takes an environmental perspective. This reflects the close relationship between the objectives of Directive 2014/89/EU and the Marine Strategy Framework Directive with a focus on achieving Good Environmental Status. One of the concerns from literature is the tension between the further development of maritime sectors (“blue growth”) and achieving Good Environmental Status. The Green deal, with a focus on achieving “no net emissions of greenhouse gases in 2050” adds to this tension giving a lot of priority to developing clean energy, much of it at sea.

Looking at the maritime spatial plans and the interaction between 2014/89/EU and the Green Deal and related legislations, only a few MS have explicitly addressed interactions. It should be mentioned here that many maritime spatial plans were already developed/under development when the Green Deal was developed. The interaction between Green Deal and MSP is generally considered relevant by MS in the focus groups.

To stimulate synergetic relationships between Directive 214/89/EU and the European Green Deal, the following actions are proposed:

- The implementation of European Green Deal objectives can be further supported in terms of defining more specifically certain minimum requirements to be taken into account in maritime spatial planning.
- A further reinforcement of the coherence between the different directives as well as strengthen the cooperation at DG level (i.e. between MARE and ENV), with more

clarity on who is in charge of which topic and to clarify priorities to solve tensions among objectives. A conflict resolution mechanism should be considered as a part of this work.

- More guidance on the link between the Green Deal and the implementation of the MSP Directive by providing a handbook on the implementation, highlighting good practices, and develop a comprehensive approach to align with Green Deal objectives.
- Bearing in mind the Green Deal's commitment to "no one being left behind" greater attention can be paid to equity, well-being and community benefit sharing in implementing Directive 2014/89/EU.

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1. INTRODUCTION AND OBJECTIVES

The Maritime Spatial Planning Directive (2014/89/EU) was adopted in 2014 and requires implementation of Maritime Spatial Planning (MSP) in the marine waters of EU Member States (MS) and the establishment of maritime spatial plans by the MS at the latest by 31 March 2021. MSP is an important policy tool towards the sustainable development of marine areas and coastal regions, and particularly the restoration of Europe's seas to achieve environmental health. The high and rapidly increasing demand for maritime space for different purposes, such as installations for the production of energy from renewable sources, shipping and fishing activities, ecosystem and biodiversity conservation, the extraction of raw materials, tourism, aquaculture installations and underwater cultural heritage, as well as the multiple and cumulative pressures on coastal resources, requires an integrated planning and management approach.

This report focuses on the interaction between the MSP Directive and the European Green Deal and its related actions. From its inception, the interaction between the MSP Directive and other directives was foreseen. Göke et al. (2018) call it "a fundamental aspect of MSP to meet requirements set by other EU directives and legal acts for the improvement of the ecological status and water quality". The European Integrated Maritime Policy (IMP) includes the MSP Directive and Directive 2008/56/EC, the Marine Strategy Framework Directive (MSFD). Preamble 15 of the MSP Directive explicitly states that maritime spatial planning will contribute to achieving the objectives of other directives, including:

- Directive 2009/28/EC, on the promotion of the use of energy from renewable energy sources
- Council regulation no 2371/2002, on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy
- Directive 2009/147/EC, on the conservation of wild birds
- Council Directive 92/43/EEC, on the conservation of natural habitats and of wild flora and fauna
- Decision No 884/2004/EC, on Community guidelines for the development of the trans-European transport network¹
- Directive 2008/56/EC, the Marine Strategy Framework Directive, and
- Various commission communications.

In 2019, the EU adopted the European Green Deal as an integral part of the strategy to implement the UN 2030 Agenda and Sustainable Development Goals. The European Green Deal (COM(2019) 640 final) is "a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use". COM(2019) 640 finally contains explicit reference to maritime developments, including maritime transport, fisheries, climate change and includes "ways to manage maritime space more sustainably" (in section 2.1.7). As acknowledged in the EU Mission "Restore our Ocean and Waters by 2030", achievement of the EU objectives formulated under the European Green Deal, and associated actions

¹ In force until 24/08/2010, and repealed by 32013R1315.

related to climate change, the Farm to Fork Strategy and others, impact on use of marine space and thus interact with the implementation of Directive 2014/89/EU.

The National Energy and Climate Plans (NECP) were introduced by the Regulation on the Governance of the Energy Union and Climate Action ((EU)2018/1999), agreed as part of the Clean energy for all Europeans package which was adopted in 2019. In subsequent years, a number of Green Deal actions were approved, including the Communication "On a new approach for a sustainable blue economy in the EU" (COM/2021/240 final), the EU strategy on Offshore Renewable Energy (COM/2020/741 final), the EU's Biodiversity Strategy for 2030 (COM/2020/380 final), the EU Sustainable and Smart Mobility Strategy (COM/202/789 final) and "Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change" (SWD/2021/26 final).

Drawing upon an extensive analysis of the maritime spatial plans developed by European MS, supplemented with focus groups, interviews and a survey, this manuscript answers the following research question: how can the MSP Directive 2014/89/EU contribute to the achievement of the EU's objectives under the European Green Deal and related actions?

The following sub-questions have been formulated to answer this research question:

- How can the maritime spatial plans development be characterised?
- What are the challenges encountered in implementation of the MSP Directive?
- How are interactions between the MSP Directive and other policies described in the scientific literature?
- What are the interactions between the MSP Directive and the European Green Deal and related actions looking at the objectives?
- What are the interactions between the MSP Directive and the European Green Deal and related actions looking at the implementation of the MSP Directive?
- What actions can be taken to stimulate synergetic relations between the MSP Directive and the European Green Deal?

This report consists of five sections. After introducing our methodology in section 2 we present the data collected in section 3. Main points for discussion are addressed in section 4, after which section 5 provides concluding remarks.

2. METHODOLOGY

The following stepwise approach was taken to analyse the interactions between the MSP Directive and relevant EU legislation and European Green Deal objectives. An assessment of the implementation of Directive 2014/89/EU forms the background against which the study is conducted, providing insight into national practices of implementation. This was followed by a literature study and document analysis for a desk-based study of interactions. Focus group interviews and a survey have been used to validate the methodology and preliminary findings from the study. In addition, experts from the field were invited to participate in a peer review meeting to discuss preliminary findings. This combination of methods was chosen to gather information from various sources, supporting data triangulation.

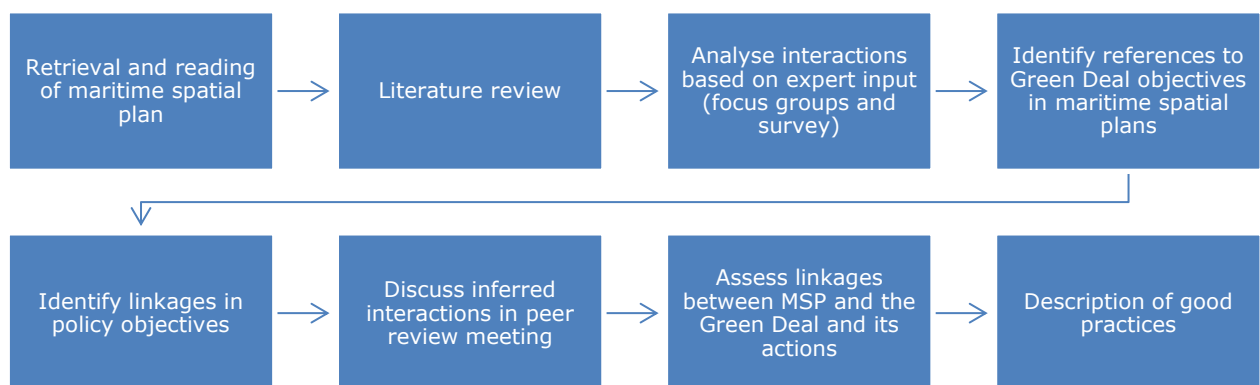


Figure 1: Methodological steps

2.1. Evaluation of maritime spatial plans developed in the European Union

Drawing on the work of Trouillet (2020), a scorecard was developed to characterise the maritime spatial plans. The analytical framework developed by Trouillet (2020) uses seven indicators (see

Table 1). One of these (size of the planning area) is a factual indicator. The other indicators are interpretive and require an in-depth document analysis.

Table 1: Extract from scorecard for characterisation of maritime spatial plans

Indicator	Possible answers
Size of the planning area	0-19,999 km ²
	20,000-99,999 km ²
	100,000-499,999 km ²
	500,000-2,000,000 km ²
Content of the planning document	The content is single-sector focused or conservation-focused (other issues are poorly documented)
	The content is broad and includes a large range of sectors and conservation issues.
MSP orientations	Ecosystem-based MSP (hard sustainability)
Spatially-explicit strategic orientations in the planning document	Yes
	No
Role given to zoning	Strategic orientations are given through a zoning plan OR a zoning plan is presented
	Strategic orientations are not given through a zoning plan.
Accuracy of mapping features	There is an accurate zoning plan OR a spatial vision is precisely expressed
	A zoning plan OR a spatial vision is fuzzily expressed
Prescriptive/indicative	The zoning OR the spatial vision expressed is prescriptive
	The zoning OR the spatial vision expressed is indicative

Trouillet (2020) recognises that there are fuzzy categories where distinction between the categories requires unravelling of subtleties (Trouillet, 2020). To ensure that classification is done consistently across the multiple reviewers, definitions of key terms are provided below. Note that not all terms are defined accordingly by Trouillet (2020), and other definitions have been used where needed. Under “content of the planning document”, we assessed if the plan developed either focuses on one sector or conservation or discusses multiple (“range”) sectors and conservation issues. Under MSP orientation, we distinguish between two approaches: an ecosystem-based plan where ecosystem characteristics and capacities are the principal determinants of the resulting plan (as Trouillet (2020) states: “consider the ecosystem as a use among others”, section 2.2.1) or an integrated-use plan in which the ecosystem characteristics and impacts are balanced with other interests. A zoning plan is defined as a plan with detailed rules on how a certain plot of sea can be used. A difference is noticeable in the type of allocation (Gilliland and Laffoley 2008). A prescriptive zoning plan gives exact directions or instructions (i.e. “this should come here”) whereas an indicative zoning plan gives the possible direction of development (i.e. “this can come here”).

2.2. Literature review

The search for relevant articles on the interaction between MSP and other EU legislation was performed using a systematic literature review via the Elsevier Scopus database. Scopus is one of the most extensive citations and abstract databases, with approximately 75 million records. Combinations of search terms were used to perform searches in the selected database. Additionally, synonyms and wildcard search terms were used, ensuring comprehensive coverage of articles (see Table 2), for example: “marine spatial plan* OR

maritime spatial plan* OR "MSP" AND "Marine Strategy Framework Directive" OR "MSFD". This literature review focussed on scientific publications. Project reports and other types of publications were omitted from the analysis.

While the search strategies aimed to ensure that only relevant articles were obtained, inclusion and exclusion criteria were used to further limit the amount of articles. The exclusion criteria were: manuscripts should be written in English, excluding magazine articles, books, book chapters, conference papers, letters and short surveys. Articles without an available abstract were also left out from the analysis since abstracts are necessary for the first screening of articles. After the identification of relevant papers, potential duplicates were removed. In total, 134 articles were returned by Scopus (Table 2), of which 125 were unique. The study team also searched for articles including both MSP and Farm to Fork, but without any result.

Table 2: Search terms and number of retrieved articles from Scopus

Search terms combination	Number of articles
MSP and MSFD	69
MSP, assessment, integration and legislation	13
MSP, method*, integration and legislation	3
MSP, method, relationship and legislation	1
MSP and green deal	1
MSP and climate action	2
MSP and biodiversity strategy	1
MSP and blue economy	41
MSP and clean energy	3
Total	134**

(*) The search term "method" was included, given our focus on methodologies to understand linkages between MSP and other policies.

(**) Of the 134 articles, 125 were unique.

Further, the 125 publications retrieved were analysed based on their abstract, looking at the following characteristics: (1) is there a synergetic or conflicting relationship between MSP and the other legislation, (2) what is the scale level (country, regional or global)? For the publications that were deemed relevant, we extracted a text from the main message describing the nature of the linkages.

2.3. Expert judgement on the links between MSP and the European Green Deal

An Excel-based inventory of EU legislation and European Green Deal policy objectives having a bearing on the implementation of the MSP Directive has been developed by the study team (see Annex 1). The inventory was developed on the basis of the following activities:

- Review of different sources: EU MSP Platform website², EU policy mapping performed in the context of the project "Assessment of the existing EU policy tools in the field of Sustainable Development Goal (SDG) 14 and other ocean-related Agenda 2030 targets",³ the EU Commission website and the European Parliament's "EU legislative train"⁴ website.
- Input (and validation) from stakeholder consultation activities: both in the context of the Focus Groups and the Targeted Survey, expert stakeholders (including Member States (MS) contracting authorities, Members of the MSP Platform, representatives of Regional Seas Conventions and European Commission staff) were asked to validate the list of policy tools included in the inventory. When stakeholders identified gaps and suggested additional policy tools for inclusion, these were added to the inventory.
- Validation from the MSP platform representatives: the Excel-based inventory was shared with the MSP Platform Focal Points, and they provided feedback on the completeness of the inventory, that was integrated in the Excel-based document.

This Excel-based inventory was used to assess linkages between the objectives of all EU-level policies (including the European Green Deal) having a bearing on the implementation of the MSP Directive, looking at three aspects: 1) the MSP objectives, 2) the minimum requirements, and 3) activities and users. This was done by looking at the objectives per policy and checking whether the objective referred to similar core concepts (i.e. Ecosystem based approach or transboundary cooperation) or activities (i.e. fisheries, military use). If that was the case, the core concepts were highlighted and the link was scored resulting in a list of 349 linkages between the MSP Directive (objective, minimum requirements and activities) and 293 policy objectives. For the search two researchers worked together and a third researcher checked the results in order to achieve a balanced result. Results are presented in section 3.5.

2.4. Focus groups

The purpose of the focus groups was to build evidence for assessing the relevance and effects of the MSP Directive in relation to the EU legislation and European Green Deal policy objectives identified in the inventory. Six focus groups with experts (i.e. European Commission officers, MS practitioners, representatives of the MSP Platform and of Regional Seas Conventions) were conducted between August and September 2021. Beyond the focus group with European Commission officers, the other focus groups were organised "per Sea Basin", grouping participants according to the main sea basin of their work, to enable the study team to identify trends or differences in the responses among different maritime regions in the EU. The focus groups were held online, and their facilitation was supported by the online tool Mural. Each focus group consisted of two sessions. The first session addressed questions on the interaction between the MSP Directive and other relevant EU legislation. The second session studied the interaction between the MSP Directive and the European Green Deal objectives. After each of the focus groups, the

² <https://www.msp-platform.eu>

³ <https://op.europa.eu/en/publication-detail/-/publication/1625f673-b201-11eb-8aca-01aa75ed71a1>

⁴ <https://www.europarl.europa.eu/legislative-train/theme-a-european-green-deal>

study team developed minutes of the meeting, including the feedback provided through the Mural, that was included in the Stakeholder Consultation Report (see Annex 2).

Table 3 below provides an overview of the number and type of stakeholders involved in each of the focus groups that were organised.

Table 3: Number and type of stakeholders that participated in the focus groups

Stakeholder type	Focus group #1: Exploratory focus group	Focus group #2: Baltic Sea	Focus group #3: North Sea	Focus group #4: Atlantic Ocean	Focus group #5: Mediterranean Sea	Focus group #6: Black sea	Consulted via ad-hoc interview/ replied in writing	TOTAL
European Commission and Agencies	6	-	-	-	-	-	1	7
MSP Platform focal points	-	1	1	1	2	2	-	7
Member State practitioners	-	7	3	5	9	5	2	31
Regional Seas Conventions	-	1	-	-	2	1	-	4
TOTAL	6	8	4	6	12	8	3	47

The consultation report was analysed by ordering the responses from the participants in each focus group (5 sea basin oriented focus groups and 1 with EU commissioners) in one Excel table, ordered by question. The responses per focus group were colour coded for core elements per focus group and then compared to the core elements of the other focus groups, looking for similarities and differences to arrive at an overall understanding of what the participants thought.

2.5. Survey

An online targeted survey was conducted to validate the findings from the focus groups. The survey was distributed on 22 October 2021 and was closed on 6 November 2021. The survey was distributed via email to 62 stakeholders via the survey platform SurveyXact⁵. The addressees of the survey were all the participants in the focus groups (see above) and

⁵ <https://www.surveymxact.com/>

a selection of additional stakeholders that form part of the MSP Expert Group, in line with what was agreed with the ISG during the progress meetings.

In total, the survey gathered 34 responses, of which 28 were fully completed and 6 were partially completed (i.e. respondents started completing the survey but did not answer all questions). In line with the Better Regulation Guidelines and Toolbox,⁶ the survey data was assessed for incompleteness, duplications, and/or errors. From cleaning the data, one main data quality issue was uncovered. Out of the 6 partially completed responses, it was found that 2 respondents only completed the background questions. After the data cleaning, the main pool of respondents contains 28 completed and 4 partially completed responses, thus arriving at a total of 32 responses.

Roughly half of the responses came from the competent authority of MS involved with the implementation of the MSP Directive. Other responses came from research institutions and/or academia, representatives from Regional Seas Conventions and a non-governmental organisation. Respondents from 20 out of the 27 MS filled out the survey. Out of 18 MS representatives responses, only 8 indicated that their maritime spatial plan has been approved by the government and copies have been sent to the European Commission.

2.6. Peer review meeting

The purpose of the peer review workshop was to discuss and validate the preliminary findings of this study with a panel of experts. The results from the meeting were used as input for the report.

The workshop was attended by 25 participants, including the chairperson, 10 expert reviewers, study team members, and European Commission staff members. The study team developed a list of experts for the peer review panel based on joint brainstorming. The list of experts was approved by the ISG, and the study team forwarded the invites to the experts on 2 November. The experts were asked for their availability to take part in the workshop in person, in Brussels on 14 December. Given that a large majority of the experts indicated they preferred to attend the workshop online, a “hybrid” meeting was organised.

A feedback template was tailored to the content of the draft report, which helped to structure the collection of the feedback discussed in the peer review workshop. One week before the workshop, the experts were asked to submit their feedback on the report, via the feedback template. The study team collated, processed and synthesised the feedback, with the help of the chairperson. The main comments raised by the experts were included in a PowerPoint presentation which was shared with participants of the workshop to guide the discussion.

A general discussion of the draft report by the expert panel was led by the chairperson. Thereafter, the group of participants was split into smaller groups to discuss specific aspects of the report. After 25 minutes of discussions in the breakout rooms, rapporteurs for each group briefly summarised the main conclusions of the working groups in a plenary session, followed by a general discussion facilitated by the moderator. Finally, the session

⁶ https://ec.europa.eu/info/files/better-regulation-toolbox-54_en

was closed by the chairperson and the study team with a concluding synthesis of the main discussion points. The minutes of the review meeting are available in Annex 3.

2.7. Assessment of linkages between MSP and the European Green Deal and its actions

In an explorative exercise, the study team scrutinised all available draft or approved maritime spatial plans for references to the European Green Deal (results in section 3.7). In a subsequent in-depth analysis, the study team reviewed all available maritime spatial plans from EU MS states to identify linkages between maritime spatial planning and the European Green Deal and its actions. The analysis was done using guiding questions for the selected European Green Deal actions (see Table 4). Findings from this analysis are presented in section 3.9.

Table 4: Guiding questions for assessment of linkages

European Green Deal action	Guiding questions
New approach for a Sustainable Blue Economy	Was there cross-border cooperation drafting the maritime spatial plan?
	Does the MSP integrate objectives of offshore renewable energy development in their national spatial plans?
	Do the objectives for offshore renewable energy align with national climate and energy plans?
Offshore renewable energy strategy	Does the MSP promote the multi-use of marine space?
	Is the offshore renewable energy strategy mentioned in the maritime spatial plan?
	Are offshore renewables reflected in national maritime spatial plan?
Biodiversity Strategy	Are there precise reservations made for space in the maritime spatial plan?
	Is the EU biodiversity strategy mentioned?
	Are Marine Protected Areas reserved in the maritime spatial plan?
Shipping	Are the ambitions in line with 30% protection, of which 10% strictly protected?
	Is the Smart and Sustainable Mobility Strategy mentioned?
EU Strategy to adaptation to climate change	Does the maritime spatial plan aim to support the development of smart and sustainable mobility?
	Is the EU Strategy on adaptation to climate change mentioned?
Marine Strategy Framework Directive²	Is climate adaptation considered in preparing the maritime spatial plan?
	Is MSFD mentioned in the maritime spatial plan?
	Is alignment between MSP and MSFD discussed?
	How is the maritime spatial plan aligned with the MSFD in terms of process and content?

1) The MSFD is not a European Green Deal action but included because it is considered of particular interest for this analysis.

2.8. Identification and description of good practices

The study uses a 5-step approach to select best practices to develop the fiches:

1. Prepare a basis for the selection of good practices
2. Create a longlist of practices
3. Innovation and transferability scoring
4. Select good practices from the longlist
5. Reach out to competent authorities

The available maritime spatial plans and related national implementation measures were scrutinised to identify the practices related to the key focus areas. The identification of practices by the MS follows a simple process of detailed reading of the MSP documents of a MS and a reading the MSP platform document. This resulted in a long list of practices. The criteria used in this study to score the identified MSP practices of all MS are presented in Table 5.

Table 5: Rubric to assess the level of transferability and identify good practices

Rubric to assess the level of transferability		
Transferable	Transferable	A transferable practice is, without any trouble, transferable to other Member States. This considers the financial, knowledge resources, and geographical limitations of the practice.
Neutral	Neutral	A neutral practice could be transferable with some difficulty. This means that the practice is not bounded by local elements and may only require financial or knowledge resources.
Local	Local	A local practice is by no means transferable. Meaning that the practice is bound by local elements. This could, for example, be geographical, political, or cultural elements.
Rubric to assess the level of innovation		
Innovative	Innovative	An innovative practice uses a new way of working or uses a more traditional way of working in a new or highly efficient way.
Traditional, innovative	Traditional, innovative	A traditional practice in the MSP process that has been applied in a non-conventional way. This is applied by retaining the good elements of traditional practices while improving on some areas.
Traditional	Traditional	A traditional practice uses a traditional way of working. This means that the way of working has been used for a long time and is known across the different Member States.

The selection of good practices from the longlist depends on two factors:

- The score on innovation and transferability.
- The distribution of the practices across the different MS, key focus areas, and sea basins.

The innovation and transferability scores are used to make a first sub-selection of good practice candidates. Based on this sub-selection, the final list of good practices is defined.

The final selection of good practices involved an iterative process, and involved discussions with DG MARE. It is relevant to highlight that good practices from different MS might be significantly overlapping. On this occasion, one of the good practices will be selected for the final list. For all of the 14 good practices which have been selected for further analysis, the maritime spatial plans have been analysed for the underlying details on each good practice. For additional details on the good practices, relevant stakeholders, regional experts, or competent authorities in the respective MS have been consulted on a case-to-case basis to collect detailed information on: Benefits, Challenges, Considerations, and Lessons learnt. The interview guide that has been used for the interviews can be found in Annex 4.

3. RESULTS

3.1. Status of development of maritime spatial plans in the EU

Table 6 below provides an overview of the status of implementation of the MSP Directive across the EU Member States (MS). Highlighted in green are the MS that have a maritime spatial plan already in place. In orange, the MS are shown that have a draft maritime spatial plan, which has not yet been officially approved. These countries are not compliant with the requirements of Directive 2014/89/EU as they did not have a maritime spatial plan in place by the deadline of 31 March 31, 2021. Nevertheless, these MS are included in the subsequent analysis, assuming that the draft MSPs available are representative of the eventual maritime spatial plans that will be adopted by the countries.

Highlighted in red, the MS are shown that might have a draft in preparation but for which no documents could be retrieved for analysis. These countries are excluded from further analysis in consultation with DG MARE. The lack of information does not allow for a reliable assessment of the implementation of Directive 2014/89/EU in relation to the European Green Deal.

Table 6: Status of implementation as of 1 December 2021

Member state	Status of implementation as of 1 December 2021
Belgium	The 2 nd Belgian maritime spatial plan 2020-2026, was signed by the King on 22 May 2019. It entered into force on 20 March 2020.
Bulgaria	Final draft version prepared, dated June 2021.
Cyprus	Final draft of the National Policy Statement for Maritime Spatial Planning has been prepared.
Germany	Maritime spatial plans into force for German North Sea and Baltic Sea Exclusive Economic Zone (EEZ) (2) and for the territorial sea areas under jurisdiction of the three coastal federal states (Lower Saxony, Schleswig-Holstein, and Mecklenburg-Vorpommern) (3).
Denmark	The maritime spatial plan was adopted by executive order and is legally binding since March 2021.
Estonia	Full draft version was expected to be submitted to the Government in December 2021.
Spain	Finalising draft plans. Expected to be adopted in first months of 2022.
Finland	First Finnish maritime spatial plan was adopted in December 2020
France	Four sea basins strategy documents are prepared and are chosen by France to address the requirement of the MSP Directive.
Greece	Draft in preparation but no documents available.
Croatia	The Republic of Croatia is working intensively and continuously on the establishment of new generation spatial plans and Information System of Physical Planning. Drafts are in preparation, but no sufficient knowledge base was present for assessment.
Ireland	National Marine Planning Framework – Ireland’s national marine plan was approved by Government 23 March 2021; approved by Seanad Éireann (upper house of the Irish

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Member state	Status of implementation as of 1 December 2021
	Parliament) on 19 April 2021; Approved by the lower house of the Irish Parliament) on 12 May 2021; declared by the Minister for Planning and Local Government to be established on 20 May 2021 which was announced by An Taoiseach, Michael Martin T.D., (Prime Minister of Ireland) at the European Maritime Day conference on the same day; and Commission was notified 22 June 2021.
Italy	Draft version available, currently with Region's Assembly.
Lithuania	Adopted 2 nd Comprehensive Plan which includes the maritime spatial plan on 29 September 2021
Latvia	Maritime spatial plan for Internal Waters, Territorial Waters and Exclusive Economic Zone of the Republic of Latvia (MSP 2030) adopted by the Latvian Government in May 2019.
Malta	MSP Directive transposed into Strategic Plan for Environment and Development (2015-2020).
Netherlands	In third cycle of MSP, preparing programme for 2022-2027.
Poland	Regulation on spatial development for internal sea waters, territorial sea and the Exclusive Economic Zone was adopted on 14 April 2021 and in force since 22 May 2021.
Portugal	The National Maritime Spatial Planning Situation Plan for mainland, Madeira and extended continental shelf was approved in December 2019. The approval of National Maritime Spatial Planning Situation Plan for Azores is pending.
Romania	No plan or preparatory documents available as of yet.
Sweden	Draft was in the process of being adopted by the government. It was adopted on February 10, 2022.
Slovenia	Maritime spatial plan adopted in July 2021

3.2. Typology of maritime spatial plans

Member States' maritime spatial plans were assessed using the analytical framework of Trouillet. The results of this assessment are listed in Table 7. The following observations are made. All maritime spatial plans include a large range of sectors and conservation issues, and there are no single-sector focused or conservation-focused plans in which other issues are poorly documented. Except for one, all maritime spatial plans are spatially explicit and present a zoning plan. These are, in all cases, accurately described. In all, but one MSP, the zoning or spatial vision presented is prescriptive, i.e. the plans describe which activities are envisioned where. The main difference between the maritime spatial plans analysed is whether they have an orientation in their focus that is "ecosystem-based" (a total of 6 out of 19) or "integrated use" (12 out of 19). In the former, the maritime spatial plans are prepared under the premise that ecosystem impacts determine what can and what cannot be developed. In the latter, ecosystem impacts are balanced against other interests. Note that the study team only looked at the wording in the maritime spatial plans, and this characterisation should not be interpreted as an evaluation of the ecosystem-based approach.

Table 7: Assessing the implementation of 2014//89/EU (n=19)

Indicator		Number
Size of the planning area	0-19,999 km ²	5
	20,000-99,999 km ²	11
	100,000-499,999 km ²	3
	500,000-2,000,000 km ²	0
Content of the planning document	The content is single-sector focused or conservation-focused (other issues are poorly documented)	0
	The content is broad and includes a large range of sectors and conservation issues.	19
MSP orientations	Ecosystem-based MSP (hard sustainability)	6
	Integrated-use MSP (soft sustainability)	13
Spatially-explicit strategic orientations in the planning document	Yes	18
	No	1
Role given to zoning	Strategic orientations are given through a zoning plan OR a zoning plan is Presented	18
	Strategic orientations are not given through a zoning plan.	0
Accuracy of mapping features	There is an accurate zoning plan OR a spatial vision is precisely expressed	17
	A zoning plan OR a spatial vision is fuzzily expressed	1
Prescriptive/indicative	The zoning OR the spatial vision expressed is prescriptive	17
	The zoning OR the spatial vision expressed is indicative	1

According to the assessors' judgement, ecosystem-based plans are found in all sea basins: two in the Baltic sea, two in the North-East Atlantic, and two in the Mediterranean.

3.3. Results of the literature review

In the years since implementation, many studies have examined the implementation of the MSP Directive. These studies are generally based on one or more national case studies. Four distinct bodies of literature can be identified.

- First, a small number of studies focused on the transposition into national legal orders (e.g. Bakowski & Nawrot (2020) with a focus on Poland), linking the national implementation measures to the requirement of Directive 2014/89/EU and identifying possible legal concerns.
- Second, some concentrated on the practice of planning. Kirkfeldt et al. (2020) focussed on Norway, Denmark and Germany, noting that the formulation of national policy designs remains a national responsibility and subsequently assessed the influence of local planning cultures on marine spatial planning. They conclude that the professional identity of the planning authority greatly influences the planning processes. Jay (2021) examined the relationship between the planners from the UK and their sea, arguing for a more experiential approach through which planners experience the marine Ecosystem stronger. Ramirez-Monsalve & van Tatenhove (2020) analysed maritime spatial planning in Denmark with a focus on the distribution of power among the stakeholders involved.
- Third, various authors evaluated if, and how, the MSP Directive can contribute to sectoral development, and conclude that it offers an opportunity for Blue Growth (Kyvelou and Ierapetritis 2019), for blue energy (Quero García, García Sanabria, and Chica Ruiz 2019; O'Hagan and Lewis 2011), for aquaculture and offshore

renewable energy (Schütz and Slater 2019) as well as tourism (Papageorgiou 2016) and other sectors.

- Fourth, a large number of literature studies evaluates the MSP Directive, and the implementation thereof with a focus on specific elements of MSP. Attention is also given to the conceptualisation of sustainability in maritime spatial planning, to conclude that social sustainability impacts have received less attention than environmental sustainability (Frederiksen et al. 2021), with a focus on UK and Sweden, and Langlet et al. (2021), focussing on governing coastal waters. De Grunt et al. (2018) argue that the MSP Directive calls for a cross-border approach, arguing that it might be beneficial to have a stronger involvement of the Regional Sea Conventions. Gomez-Ballesteros et al. (2021) define best practices to overcome barriers to transboundary cooperation. Çok et al. (2021) describe how international projects, funded under European Territorial Cooperation, have an important contribution to the development of marine spatial plans.

Across these distinct sources of literature, there are articles that discuss the interaction between MSP and other EU legislation. Of the 125 analysed articles, 9 articles referred to conflicting interactions between the MSP Directive and other EU legislation, 6 articles referred to synergetic interaction and 1 article included both conflicting and synergetic interactions. Of the 109 remaining articles, 59 were labelled as an undecided interaction and 50 were evaluated but no clear analysis of interactions was found. The difference between these two categories (undecided and excluded) is the following; The “undecided” label means that the MSP Directive and other EU legislations are covered, but the interactions between these two are not discussed. The label “excluded” is given to those publications that were, despite the search terms used, either out of scope in terms of content (not covering any legal interactions) or out of geographical scope (not about an EU MS or specific region).

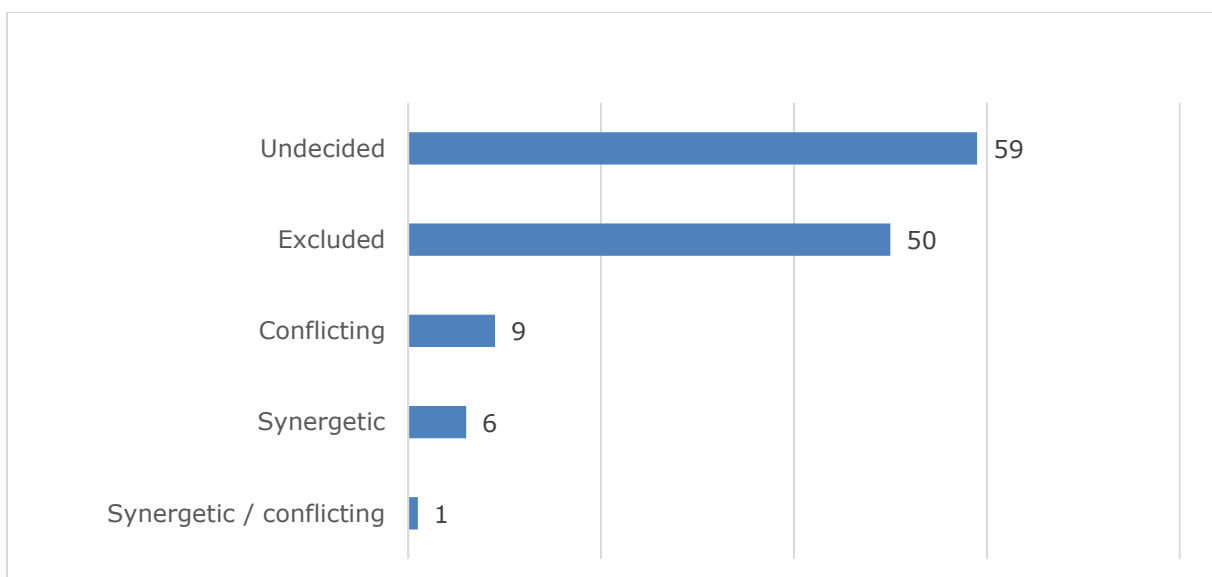


Figure 2: Results of abstract screening - Interactions between MSP and other types of legislation

3.4. Challenges in implementation

Figure 3 presents results from the survey, focussing on the challenges that MS face when implementing the MSP Directive.

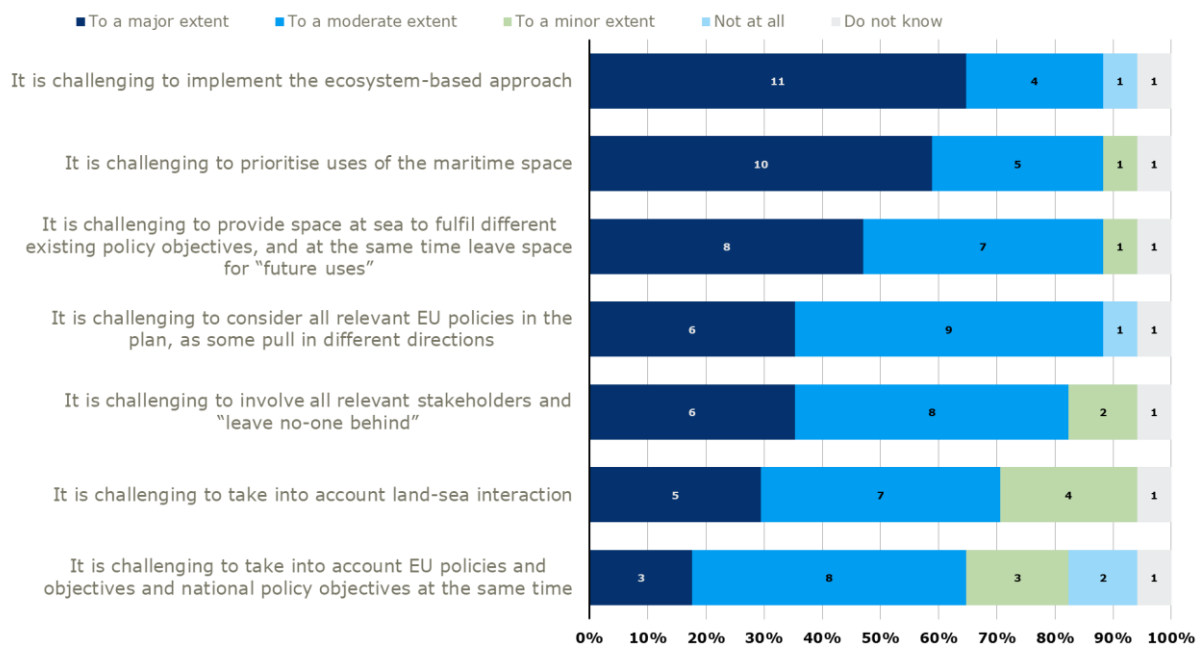


Figure 3: Challenges linked to the implementation of the MSPs (n=17)

In particular, mentioned are the ecosystem-based approach; to prioritise uses of the maritime space, and to provide space at sea to fulfil different existing policy objectives, and at the same time leave space for "future uses". Other challenges mentioned in the survey include, e.g. data and information collection and compiling issues and coherence of the maritime spatial plan vis à vis neighbouring MS.

Special attention was given to conflicts with respect to the different uses of the maritime areas and how the MSP Directive can address. As Figure 4 illustrates, the survey points at four main types of conflicts MS face when taking decisions regarding the use of the maritime space: nature conservation versus fisheries; nature conservation versus extraction activities; nature conservation versus offshore renewable energy development; and offshore renewable energy development versus fisheries.

Assessment of the relevance and effect of the Maritime Spatial Planning Directive in the context of the European Green Deal

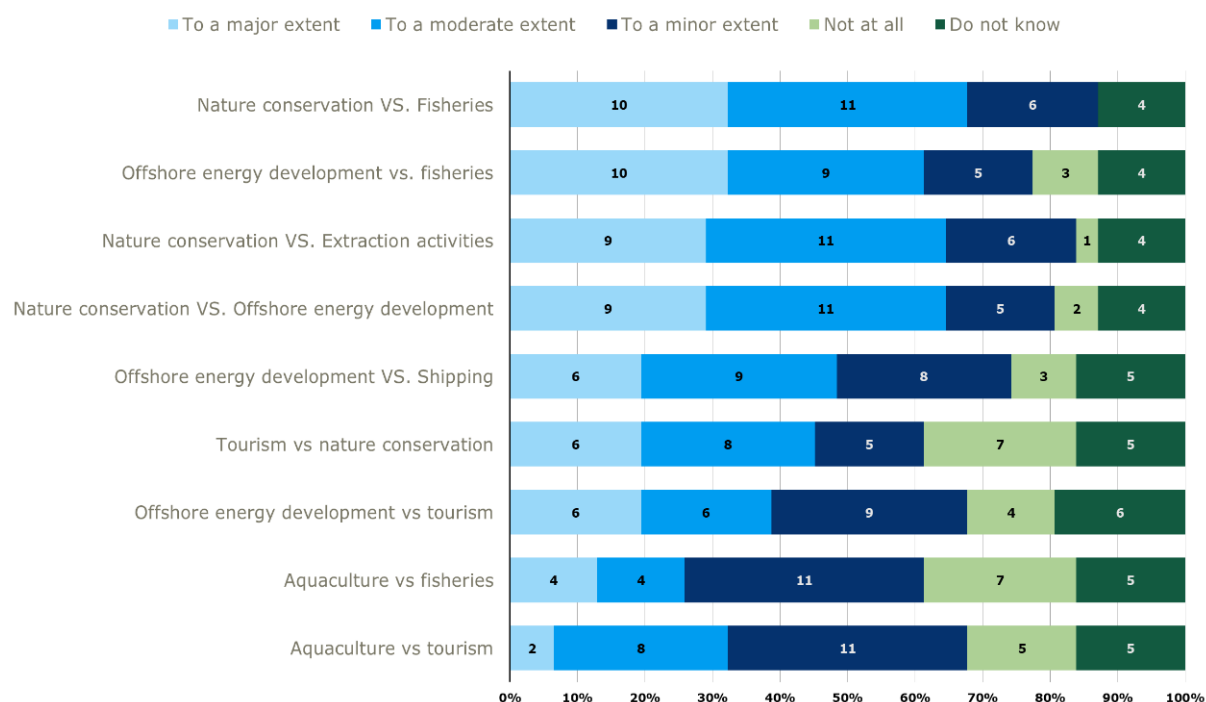


Figure 4: Conflicts of the use of maritime spaces encountered by Member States during the drafting of maritime spatial plans (n=31)

The MSP process and stakeholder consultations helped to address the conflicts with regards the use of the maritime space. The respondents also used additional strategies to address existing conflicts, such as inter-administrative cooperation through the creation of specific working groups and ad-hoc groups; early and cross-border consultation with maritime-space stakeholders and with neighbouring MS about the maritime spatial plans to detect potential conflicts.

The next question asked the respondents to provide their feedback on possible actions to improve the implementation of the MSP Directive (as identified during the focus groups). The five options are listed below:

- The European Commission could strengthen the guidance on MSP implementation, for instance, on how to apply the ecosystem-based approach and how to take into account the land-sea interactions, on what to prioritise in case of conflicts for the use of maritime space, on how to integrate EU policy tools in the plans;
- The alignment (e.g. of reporting requirements/timelines) between certain policy tools, such as MSP and MSFD, could be improved;
- The EC should continue providing (financial) support for the implementation of the Directive, via transboundary projects and by maintaining the MSP Expert Group;
- Cooperation among the European Commission's Directorate-Generals (e.g. DG MARE, DG ENER, DG ENV) could be enhanced;
- Support the sharing of data and best practices that can be relevant to improve MSP implementation.

Most actions listed were considered by the respondents as very relevant or relevant to improve the implementation of the MSP Directive (for all options, around 80% of the respondents answered, "to a major extent" and "to a moderate extent") (see Figure 5).

The two most important actions identified are: “supporting the sharing of data and best practices that can be relevant to improve MSP implementation”; “the EC should continue providing (financial) support for the implementation of the Directive, including via the transboundary projects and through maintaining the MSP Expert Group”.

Two respondents considered that the action “the alignment (e.g. of reporting requirements/timelines) among certain policy tools, such as MSP and MSFD, could be improved” was not relevant at all to improve the MSP Directive.

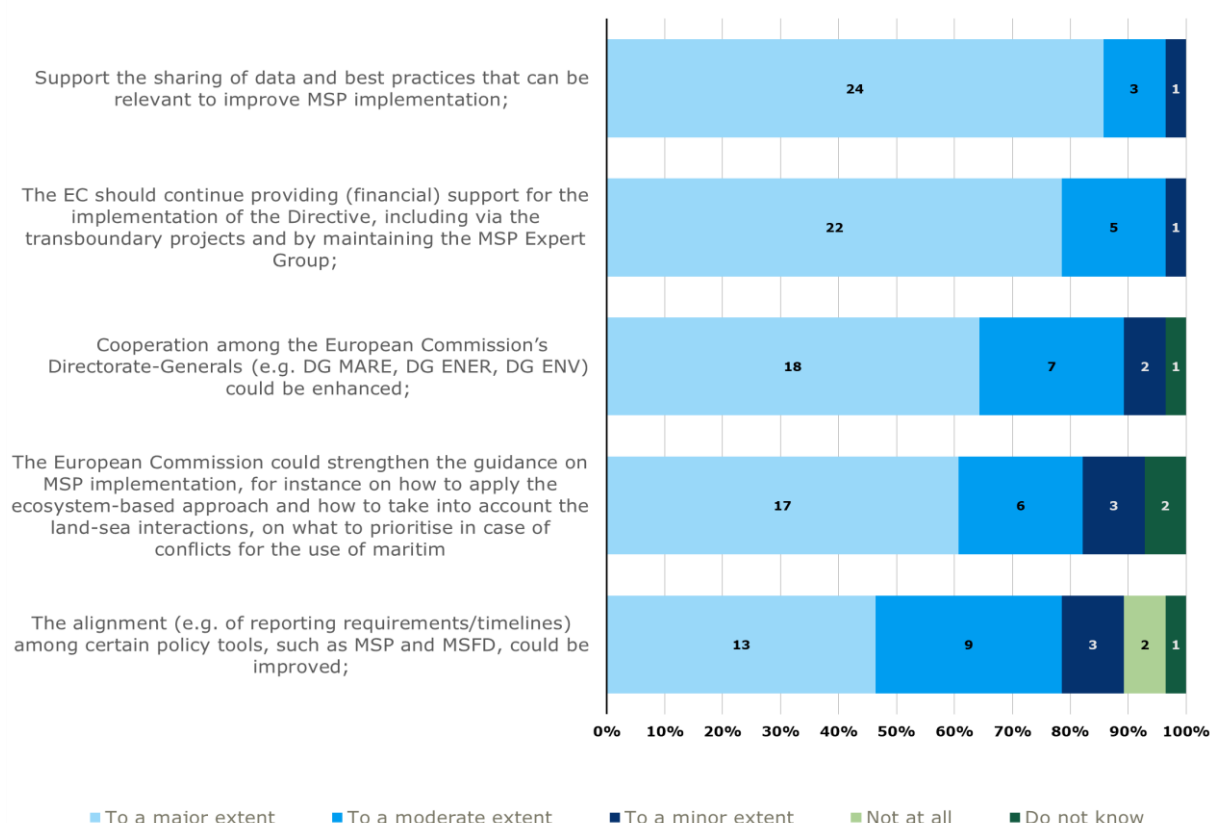


Figure 5: Actions to improve the implementation of the MSP Directive (n=28)

3.5. Lessons on implementation from the focus groups

Generally, EU MS see MSP as a (potential) tool to fulfil the objectives of different EU legislation. Members States that were more advanced, having designed a maritime spatial plan earlier, are positive and explain that MSP is a useful tool for the integrated management of human activities at sea. Allocating space to activities and listing activities helps to achieve objectives and targets. These MS, however, do point to the fact that alignment of national strategies and EU policy can still be improved, and that time will tell whether targets have actually been met. Member States that only recently formulated their plans say it may potentially contribute to MSP, but this remains to be seen. MSP has undoubtedly helped to transpose EU objectives to the local level. Nevertheless, for regional seas with many non-EU countries achieving EU policy objectives will be more challenging.

Most of the respondents consider that, to date, the MSP Directive contributed only to a moderate extent to the achievement of EU policy objectives (mentioned in the survey). The Directive has mostly supported EU maritime policies so far, such as the MSFD, WFD, Regional Sea basins strategies, Common Fisheries Policy, etc. and environmental (e.g. Habitats and Birds Directives), climate and energy transition-related policies. In the future, respondents believe that the MSP Directive will support the achievement of policy objectives defined by the EU European Green Deal, such as Sustainable Blue Economy, EU Biodiversity Strategy for 2030, Offshore Renewable Energy Strategy.

When asked (in the focus groups) whether they saw any contradictions between the objectives of different pieces of EU legislation or related space demands, MS generally responded that on a strategic level, there were no contradictions per se. Yet, on a practical level, they recognised various tensions, often related to space demands. Examples included offshore energy versus areas reserved for shipping, offshore energy versus biodiversity and/or nature conservation, as well as renewable energy versus fisheries and between biodiversity and defence. In almost all focus groups, the practical implementation was mentioned as a challenge. More precisely, whether certain activities should get priority access; how to incorporate national policies; are sectoral policies fully articulated at the national level; data gaps; the integration of processes (i.e. creating a new MPA; implementation of spatial management for fisheries or shipping); timetables that are not in sync (i.e. between MSFD and MSP); and finally on how to incorporate an ecosystem-based approach.

Prioritisation is considered a core aspect of MSP. In many cases, space is limited, hence decisions have to be made. Member States have taken different approaches to make these decisions, varying from top-down approaches where for instance ministries would decide on priorities to bottom-up approaches with collaborative planning processes seeking suitable places for the different uses with all sorts of stakeholder consultation processes in between. Top-down prioritisation would be based on certain targets (i.e. % of renewable energy, or by strategic (inter)national documents) or by differentiating between uses of public interest vs. sectoral uses whereby public uses would get priority or by prioritising multi-use options. Stakeholder participation was not always easy; stakeholders were not always interested (either with MSP being a new activity, the policies still being a distant reality or that certain stakeholders were difficult to reach – i.e. local governments, private sector, fisheries, small-scale stakeholders) and/or with the pandemic making participatory processes more challenging. Different methods have been used, such as scenarios or matrixes of use and interactions.

3.6. Where are the linkages between MSP and other policy objectives?

An inventory was prepared that summarises the main characteristics of the policy: the type, the scope and the main objectives (see Annex 1). A total of 45 relevant policies were identified, 8 of which were related to the European Green Deal. Of these 45 policies, 27 were adopted before 2014 and the remainder in 2014 or later. An analysis of main policy areas concerned is shown in Figure 6.

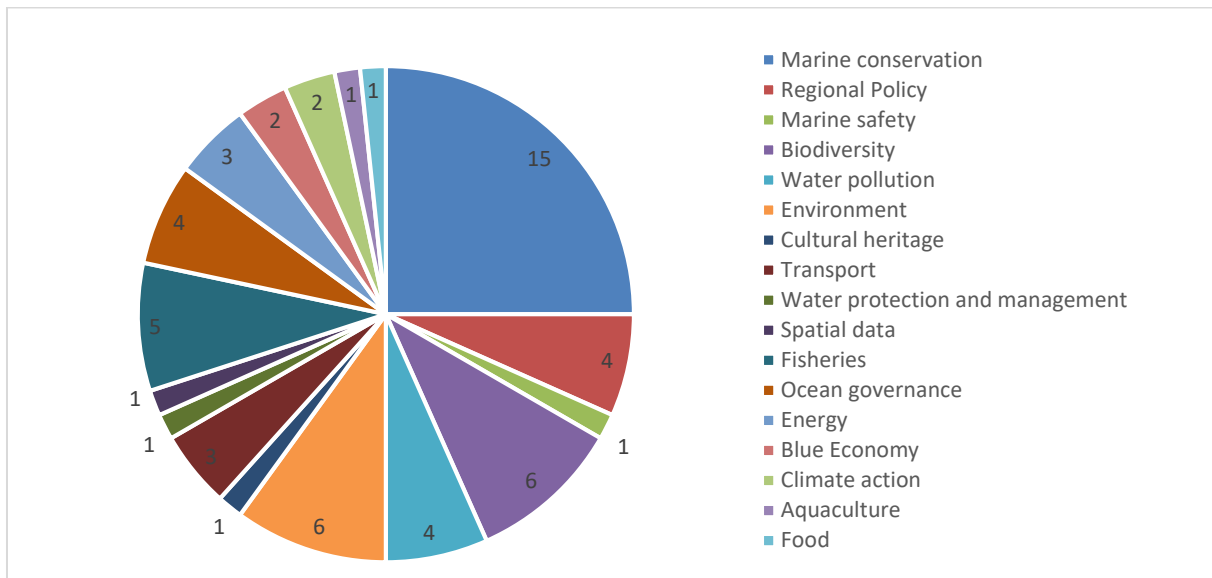


Figure 6: Main policy areas concerned regarding linkages between Directive 2014/89/EU and other policy objectives

Note that one policy tool can be related to Directive 2014/89/EU in multiple policy areas.

As a next step, the research team assessed how all objectives of these EU-level policies (including the European Green Deal) are linked to MSP objectives (Article 5 of the MSP), minimum requirements (Article 6), and activities and users (listed in Article 8.2). Listing all objectives of all EU policies that have a bearing on the MSP resulted in 293 objectives. In total, 349 linkages were found between the MSP Directive (objective, minimum requirements and activities) and 293 policy objectives. Annex 5 visualises the linkages between the objectives of Directive 2014/89/EU and the European Green Deal, including its associated actions.

About 15% of the policy objectives of identified EU legislations are somehow related to the first objective of the MSP Directive: “When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses”. As an example, the CFP also refers to “achieving economic, social and employment benefits”.

Almost one-third of these objectives link with the second objective of the MSP Directive: “Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts.” In addition, MS may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials. As an example, the second objective of the EU Climate Law also refers to “strengthening resilience and reducing vulnerability to climate change”.

Figure 7 below shows the number of linkages between the EU policy objectives and the minimum requirements as listed in Article 6 of the MSP Directive. Most linkages have been

observed between the requirement to “take into account environmental, economic and social aspects, as well as safety aspects”, followed by “ensure transboundary cooperation between Member States in accordance with Article 11”.

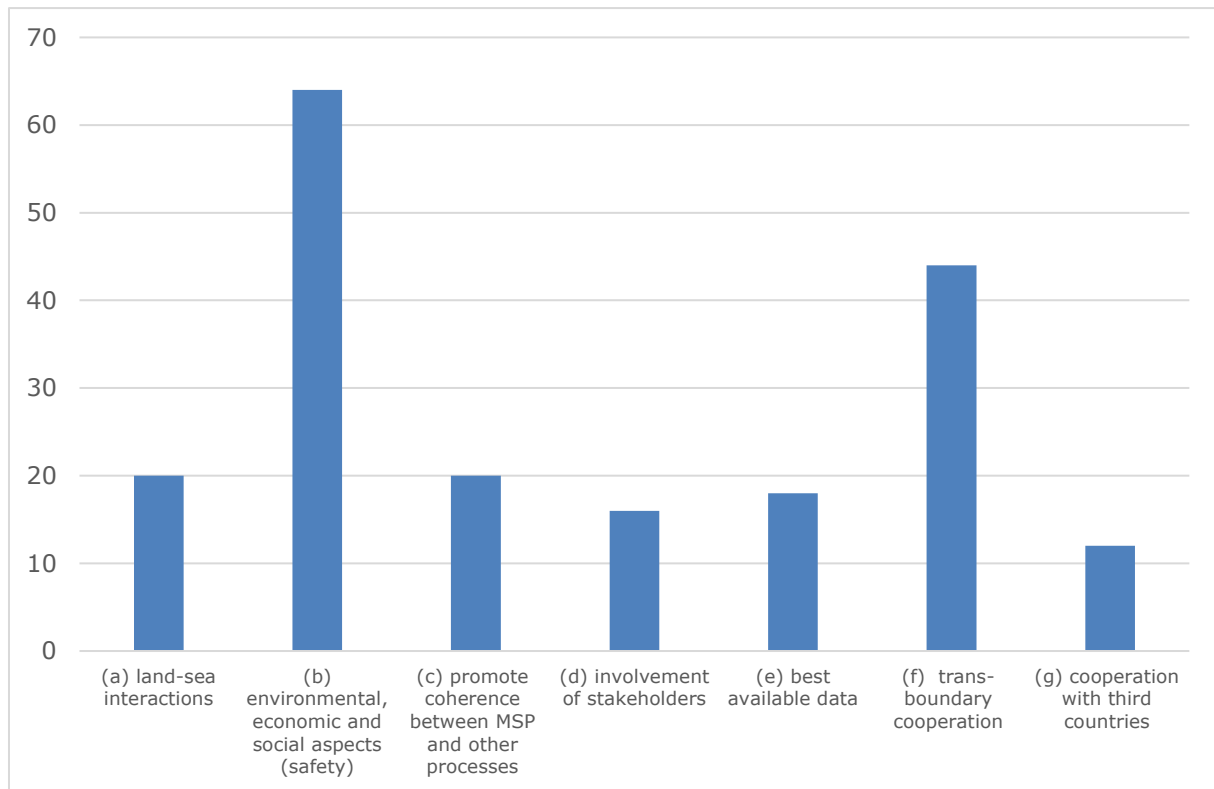


Figure 7: Linkages between EU policy objectives and MSP minimum requirements

An assessment of the linkages between the EU policies’ objectives with a link to the MSP Directive and the frequency with certain maritime sectors results is shown by Figure 8. Sectors most explicitly linked to EU policy objectives are nature and species conservation sites and protected areas (44), maritime transport routes and traffic flows (42) and fishing areas (31). Less linkages exist between military training areas (4) and raw material extraction areas (4).

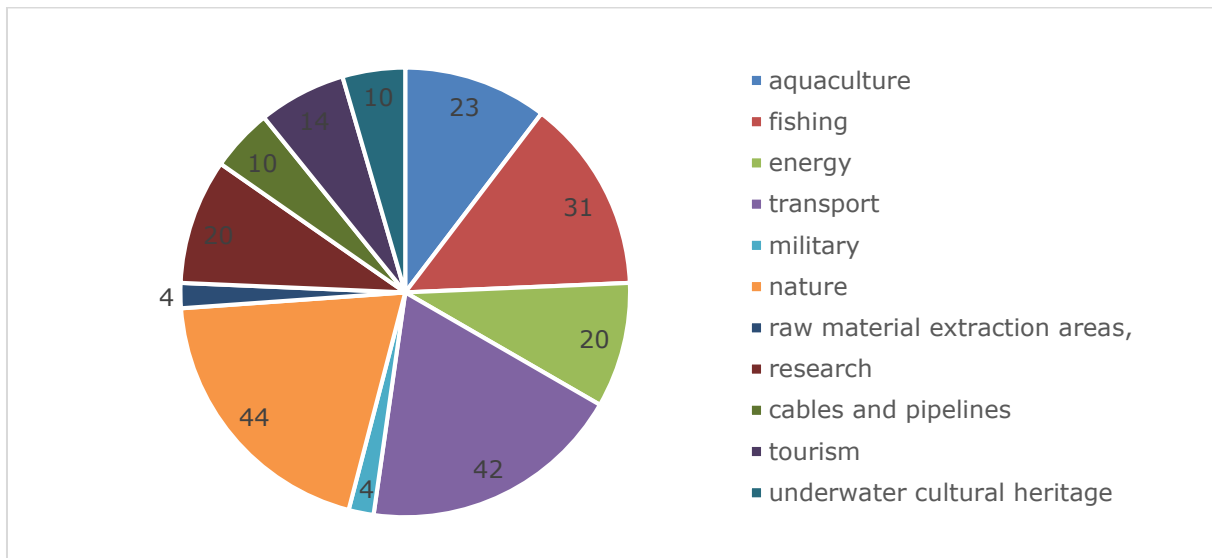


Figure 8: Linkages between policy objectives and maritime sectors

The participants of the focus groups were asked to identify the most important EU policies to consider for the drafting of maritime spatial plans. The following policies were identified as the most important ones:

- the Common Fisheries Policy⁷
- the EU Blue Growth Strategy⁸
- the Renewable Energy Directive⁹
- the Birds¹⁰ and Habitats¹¹ Directives,
- the Marine Strategy Framework Directive¹²
- the SEIA¹³ and EIA¹⁴ Directive,
- the Water Framework Directive¹⁵

⁷ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/E

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Blue Growth opportunities for marine and maritime sustainable growth/* COM/2012/0494 final */

⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

¹⁰ Consolidated text: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

¹¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

¹² Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy

¹³ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

¹⁴ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment

¹⁵ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

- Integrated Coastal Zone Management¹⁶ and
- the EU Climate Law¹⁷

These policies have been identified as most important as they govern the key activities taking place at sea: fisheries, renewable energy, nature conservation. Transport and aquaculture were also mentioned as core activities. In addition to these policies, the Bathing Water Directive was mentioned (in relation to tourism).

Also, conventions were mentioned such as:

- the Convention on Underwater Cultural Heritage¹⁸
- the ESPOO Convention¹⁹
- the Helsinki Convention²⁰
- the Barcelona Convention²¹
- the Bucharest Convention²²
- the OSPAR Convention²³
- UNCLOS²⁴

Some regionally relevant action plans, strategies, agendas and initiatives were also mentioned, such as the Baltic Sea Strategy, the Atlantic Action plan, the WestMed initiative, and the Common Maritime Agenda for the Black Sea. Participants furthermore pointed to the EMFF and the Strategic Research Innovation Agenda as avenues for funding and research.

The Focus Group participants emphasised that Marine Spatial Planning is a key tool to achieve Good Environmental Status objectives of the MSFD for EU waters and help preserve biodiversity. However, difficulties exist aligning the two directives as the directives have different timetables. It would be beneficial if these timelines were matched and if parameters and rules established by the two directives were more aligned. One participant indicated that the “MSFD technical, participatory and formal expectations” differ from those of the MSP Directive, which can represent a challenge for implementation.

¹⁶ Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe

¹⁷ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (“European Climate Law”)

¹⁸ http://portal.unesco.org/en/ev.php-URL_ID=13520&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹⁹ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) - the “Espoo (EIA) Convention” <https://unece.org/fileadmin/DAM/env/eia/eia.htm>

²⁰ <https://helcom.fi/about-us/convention/>

²¹ https://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/barcelona-convention/index_en.htm

²² https://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/bucharest/index_en.htm

²³ https://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/ospar/index_en.htm

²⁴ https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

3.7. Linkages with the European Green Deal in the maritime spatial plans

The results from the document analysis, scrutinising the available draft or approved maritime spatial plans for references to the European Green Deal, are presented in Table 8.

Table 8: References to European Green Deal in maritime spatial plans

	Baltic sea		North East Atlantic		Mediterranean sea	
	No. of MS	Number of times mentioned	No. of MS	Number of times mentioned	No. of MS	Number of times mentioned
Is the European Green Deal mentioned?	1/6	1	4/9	49	4/8	28
Other European Green Deal elements mentioned?	1/6	1	5/9	28	5/8	15
Is there an action plan to European Green Deal?	0/6	0	3/9	7	3/8	9

These results show that the European Green Deal is mentioned in approximately half of the maritime spatial plans covering the North-East Atlantic and the Mediterranean sea, but in only one maritime spatial plan in the Baltic sea. A similar trend is observed for reference to other European Green Deal elements and the presence of an action plan.

From the focus groups and analysis of the implementation, it is known that some MS had already finished their maritime spatial plans before the European Green Deal came into the picture, thus these countries will not have made explicit reference to the European Green Deal objectives. Other MS indicate that the European Green Deal objectives have influenced their Maritime Spatial Plan in some way, for instance, by making reference to the objectives in the plan. Others note that the sectors central in the European Green Deal have been considered (i.e. wind energy), but under a previous strategy (i.e. renewable energy). One of the participants noted that the European Green Deal, in fact, is “revamping existing policy” (source focus group). Lack of concrete references was also explained by a lack of clear targets for the European Green Deal as of now. This observation was also made by one of the participants of the exploratory focus group.

The survey results paint a similar picture of the interaction between 2014/89/EU and European Green Deal objectives. As Figure 9 shows, the majority of the respondents state that the European Green Deal objectives are not integrated sufficiently with maritime spatial plans but will be so in the future. Except for one respondent, the others state that the integration has already taken place or is taking place at this moment.

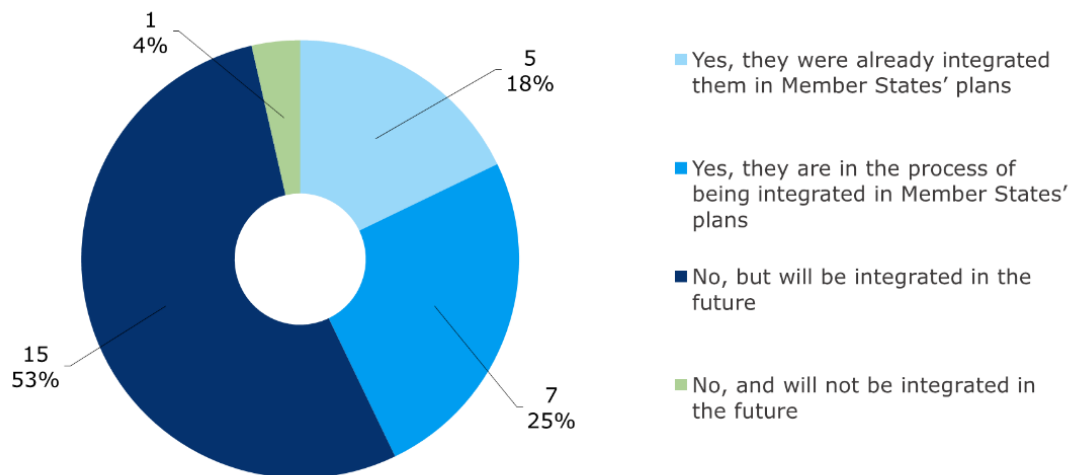


Figure 9: Integration of European Green Deal objectives in the drafting of MSP (n=28)

3.8. Links between MSP and the European Green Deal at the level of objectives

Based on the Excel presented in Annex 5 we have developed matching tables, illustrating how objectives of these EU policies (including the European Green Deal) are linked to the MSP objectives, minimum requirements, and activities as well as users. For each policy, we listed the objectives and assessed if these were linked.

Table 9 shows the links between the European Green Deal policy objectives (summarised per European Green Deal main elements), with the objectives of MSP. The numbers indicate the times we could establish a link, assessing each objective (i.e. two of the Farm to Fork objectives can be linked to the MSP objective to contribute to the sustainable development and to the preservation, protection and improvement of the environment).

Zooming in on the European Green Deal, we observe that there are no direct links between the European Green Deal objectives and the MSP objective stating the competence of MS (this Directive is without prejudice to the competence of MS to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans); no direct links with stakeholder involvement and use of best available data; and no direct links with the activities: military training areas, raw material extraction areas, tourism, and underwater cultural heritage.

Table 9: Links between the European Green Deal and Directive 2014/89/EU

	Art 5 (1)	Art 5 (2)	Art 5 (3)	Art 6 (2) a	Art 6 (2) b	Art 6 (2) c	Art 6 (2) f
Farm to Fork (COM /2020/381)							
EU Strategy on Adaptation to Climate Change (COM/2021/82)							
Sustainable Blue Economy Communication (COM/2021/240)							
Biodiversity Strategy for 2030 (COM/2020/380)							
Offshore Renewable Energy Strategy (COM(2020) 741)							
COM/2020/789 final (Smart Sustainable Mobility Strategy)							
COM/2021/82 (EU Adaptation Strategy)							
Zero pollution action plan (COM/2021/400)							

See Annex 5 for a complete analysis

In the survey, respondents had to go through a list of European Green Deal initiatives and objectives and give their opinion on the extent to which they thought these would have a bearing on the implementation of the MSP Directive. The objectives were split according to the seven main initiatives with a link to the European Green Deal. The initiatives and/or policies that were considered to have a bearing on the implementation of the MSP Directive to a major extent are the following:

- Aquaculture guidelines: “Promote aquaculture development, incl. by providing guidance on planning space for aquaculture for Member States”; “Improve the environmental performance of aquaculture”; “Increase knowledge and innovation in the EU aquaculture sector”.
- Sustainable Blue Economy Strategy objectives: All of the (listed) Sustainable Blue Economy Strategy’s objectives.
- EU Adaptation strategy: “Promote nature-based solutions for adaptation incl. to enhance coastal defence and reduce risk of algae bloom”.
- Sustainable and Smart Mobility Strategy: All the (listed) Sustainable and Smart Mobility Strategy objectives.
- Offshore Renewable Energy Strategy: All the (listed) Offshore Renewable Energy Strategy objectives.
- Farm to Fork Strategy: “Support sustainable seafood farming”, “Support algae industry”, “Strengthen fisheries management”.
- Biodiversity Strategy to 2030: All the (listed) Biodiversity Strategy to 2030 objectives.

Detailed results are presented in the Consultation Report, section 3.8 (see Annex 2).

3.9. Links between MSP and the European Green Deal at the level of implementation

This section presents the results from the analysis of the implementation of the MSP Directive and the European Green Deal, making use of the (draft) maritime spatial plans that were available to the study team (see section 3.1 for an overview). An Excel-based overview of the analysis is available in Annex 6.

3.9.1. Sustainable Blue Economy

The Communication “On a new approach for a sustainable blue economy in the EU” COM(2021) 240 final was published in May 2021. It contends that the European Green Deal calls for a transformation of our economy, and that the EU’s blue economy can help achieve that. It also remarks that Maritime spatial planning is an essential tool to prevent conflict between policy priorities and to reconcile nature conservation with economic development and emphasises that public consultation involving both citizens and stakeholders is a fundamental part of the maritime spatial planning process. The Communication states that the Commission will prepare proposals on how to facilitate cross-border cooperation. MSP also plays a role in Europe’s decarbonisation objectives and, given the demands for sea space, multi-use of marine space is key. To analyse the relationship between the Sustainable Blue Economy and the implementation of the MSP Directive, the (draft) maritime spatial plans available were assessed using four guiding questions:

Was there cross-border cooperation drafting the maritime spatial plan?

All MS that have (draft) maritime spatial plans in place cooperated with bordering countries order to draft the plan. Regional sea conventions have played an important role in facilitating cross-border cooperation in the Baltic and the Mediterranean, whereas they are less visible in the North Sea. The level of cross-border cooperation obviously differs, ranging from consultation to more intense cooperation.

Two good practice fiches on cross-border cooperation are prepared: one on the Intergovernmental MSP Working Group in HELCOM-VASAB, and one on cross-border geoportal development for the Adriatic-Ionian region (Italy, Slovenia, Croatia and Greece) (see Annex 7).

Does the maritime spatial plan integrate objectives of offshore renewable energy development in their national spatial plans?

Most of the MS have elaborated on the development of offshore wind energy in the maritime spatial plans. The recurrent formulated objective of MSP is to ensure that the best sites are allocated to renewable energy development (see e.g. Belgium, Germany, Estonia, Spain and more). A few exceptions are Malta (no detailed maritime spatial plan) and Slovenia (where offshore wind is not considered feasible). In the case of Finland, objectives for offshore renewable energy development are not formulated in the maritime

spatial plan but in regional or national renewable energy strategies, see the National Climate Change Act in Finland.

Do the objectives for offshore renewable energy align with national energy and climate plans?

The National Energy and Climate Plans (NECP) were introduced by the Regulation on the Governance of the Energy Union and Climate Action (EU)2018/1999, agreed as part of the Clean Energy for all Europeans Package which was adopted in 2019. All MS have prepared NECPs that, together with the assessment thereof, are available online.²⁵ In most MS, the maritime spatial plans were developed before the introduction of the NECPs, hence explicit reference to this instrument were not found.

The NECP describes objectives of the MS with respect to renewable energy production. A first distinction should be made between countries that do acknowledge the potential of marine renewables and, a few countries that do not see a role for marine renewables in their national energy production. Most countries do see a potential for offshore wind energy. Some of these MS have formulated an explicit quantitative objective (e.g. Denmark, Poland, Portugal), while some others have not (including Belgium, Finland, Latvia). and others do not distinguish between offshore and onshore wind (Spain, France).

Maritime spatial planning is mentioned in the NECP occasionally, in particular by countries bordering the North Sea. In the North Sea Energy Cooperation²⁶ the respective authorities in the countries responsible for energy, maritime spatial planning and the environment work collaboratively on maritime spatial planning, environmental research and assessments of the cumulative effects of wind farms, to build knowledge capacity and supporting the roll-out of wind projects in the North Sea.

The study team did not identify cases where renewable energy objectives in the NECP were in conflict with the objectives formulated in the MSP, nor where MS with the ambition to develop marine renewables did not allocate space for this in the maritime spatial plan. The main reason for this seems to lie in the fact that MSP is used as a policy instrument that supports achieving other targets. In other words, objectives for marine renewable energy objectives in maritime spatial plans are derived from other policies.

Does the maritime spatial plan promote the multi-use of marine space?

Multi-use of marine space has been a topic of research and innovations for a number of years, including European funded research projects under FP7 - Oceans of Tomorrow, Horizon 2020 and Horizon Europe and nationally funded project. This is reflected in the maritime spatial plans developed by the MS as most of them refer to the concept of multi-use. Whereas this is brief in some plans, other countries present detailed analysis of the

²⁵ https://ec.europa.eu/info/energy-climate-change-environment/implementation-eu-countries/energy-and-climate-governance-and-reporting/national-energy-and-climate-plans_en

²⁶ https://energy.ec.europa.eu/topics/infrastructure/high-level-groups/north-seas-energy-cooperation_en

possibilities of combining functions at sea or in specific areas. Such detailed analysis are for example prepared by Bulgaria, Italy and Belgium.

A good practice fiche on multi-use is prepared, describing planning for multi-use and offshore energy in Belgium (see Annex 7).

3.9.2. EU strategy on Offshore Renewable Energy

The EU strategy on Offshore Renewable Energy (COM/2020/741 final) was published to support the long-term sustainable development of this sector. One of the key actions defined in this Communication, is the reporting of the Commission on the implementation of the MSP Directive, reflecting the long-term development offshore renewables. To analyse the relationship between the EU strategy on offshore renewable energy and the implementation of the MSP Directive, the (draft) maritime spatial plans available were assessed using the following three guiding questions:

Is the Offshore Renewable Energy Strategy mentioned in the maritime spatial plan?

No explicit references was made to this Offshore Renewable Energy Strategy were found in the MSP document available. Various references to national energy strategies were identified, for example, the Irish Offshore Renewable Energy Development Plan or the Portuguese Industrial Strategy for Ocean Renewable Energies.

Are offshore renewables reflected in national maritime spatial plans?

All maritime spatial plans refer to renewable energy development either as a key or a priority area for development, as required per Article 5 of Directive 214/89/EU. In most maritime spatial plans, offshore renewables play a major role in analysing environmental impacts and the allocation of space. A few exceptions, however, are those countries that did not yet draft a zoning plan or countries that explicitly conclude that offshore wind energy is not feasible in their situation (see e.g. Slovenia).

Are there precise reservations made for space in the maritime spatial plans?

The preciseness of reservations varies significantly among the MS. Whereas some countries prepared maps detailing exactly where offshore renewable energy development takes place, or is expected to take place (see e.g. Germany, Netherlands, Ireland,²⁷ Denmark), others have identified zones for future priority developments, not detailing where offshore wind areas are to be situated (see e.g. Spain and France).

²⁷ See for a map https://marineplan.ie/?page=page_11&views=view_24

3.9.3. Biodiversity Strategy

The EU's Biodiversity Strategy for 2030 (COM/2020/380 final) is a long-term plan to protect nature and reverse the degradation of ecosystems. The strategy is seen as one of the core elements of the European Green Deal. One of the objectives involves the restoration of marine ecosystems and in this context maritime spatial planning is mentioned. National maritime spatial plans should aim at covering all maritime sectors as well as area-based conservation measures. This requires the establishment of protected and strictly protected areas. To analyse the relationship between the Biodiversity Strategy and the implementation of the MSP Directive, the (draft) maritime spatial plans available were assessed using the following three guiding questions:

Is the EU Biodiversity Strategy mentioned?

Most MS did not refer to the EU Biodiversity Strategy in their maritime spatial plans. A few exceptions are Bulgaria, Italy, Latvia and the Netherlands.

Are Marine Protected Areas reserved in the maritime spatial plan?

Most MS have reservations for Marine Protected Areas in their maritime spatial plan, with the exception of Estonia, Finland and Malta. In Estonia, the establishment of protected areas is a separate process from the MSP, while for Finland the protection and implementation of marine protected areas is guided by another legislation.

Are the ambitions in line with 30% protection, of which 10% strictly protected?

There are few examples of countries with detailed calculations. Denmark,²⁸ Ireland,²⁹ Italy and Latvia have worked out their ambitions. Some countries mention their ambitions for protection but offer little details of their plan to reach the ambitions, such as Germany and Lithuania.

3.9.4. Sustainable and Smart Mobility Strategy

The EU Sustainable and Smart Mobility Strategy (COM/202/789 final), together with an Action Plan of 82 initiatives, presents the strategy to support the EU transport system achieve its green and digital transformation and become more resilient to future crises. The objective is to cut emissions by 90% by 2050, via a smart, competitive, safe, accessible and affordable transport system. The strategy includes maritime transport and aims to make maritime transport more sustainable, smart and resilient and to decarbonise maritime transport. The strategy document itself does not refer to MSP or spatial planning,

²⁸ <https://www.naturvardsverket.se/globalassets/media/dokument/esbokkonventionen/danmarks-havsplan/explanatory-notes.pdf>

²⁹ https://marineplan.ie/?page=page_10&views=view_17

yet shipping is an important activity to be considered conform the MSP Directive. To analyse the relationship between the Sustainable and Smart Mobility Strategy and the implementation of the MSP Directive, the (draft) maritime spatial plans available were assessed using the following two guiding questions:

Is the Smart and Sustainable Mobility Strategy mentioned?

There were no references made to the Smart and Sustainable Mobility Strategy in any of the (draft) maritime spatial plans.

Does the maritime spatial plan aim to support the development of smart and sustainable mobility?

Although no explicit references were made to the strategy for Smart and Sustainable Mobility, some MS have expressed their ambition to make shipping more sustainable (e.g. Bulgaria, Denmark, Finland, Italy, and the Netherlands).

3.9.5. EU Strategy on Adaptation to Climate Change

The European Commission adopted “Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change” (SWD/2021/26 final) on 24 February 2021. The strategy sets out how the European Union can adapt to the unavoidable impacts of climate change and become climate resilient by 2050. The Strategy has four guiding principle objectives: to make adaptation smarter, swifter and more systemic, and to step up international action on adaptation to climate change. The document pays attention to marine ecosystem, referring to nature-based solutions that can enhance coastal defence and reduce risks of algal blooms, the need to adapt new marine protected areas, and the necessity to protect marine biodiversity in areas beyond national jurisdiction. The strategy document itself does not refer to MSP or spatial planning, yet the MSP Directive explicitly mentions climate change effects and adaptation (see recital 13 and 15). To analyse the relationship between the Mobility Strategy and the implementation of the MSP Directive, the (draft) maritime spatial plans available were assessed using the following two guiding questions:

Is the EU Strategy on adaptation to climate change mentioned?

No explicit references were made to the EU Strategy on Adaptation to Climate Change in any of the (draft) maritime spatial plans.

Is climate adaptation considered in preparing the maritime spatial plan?

Climate adaptation is mentioned in the MSPs of Bulgaria (draft), Finland, France, Ireland, Latvia, Netherlands, Poland, Sweden and Slovenia. A related good practice fiche on climate

refuge identification, an area that may need special protection in order to preserve important plants and animals as the climate changes and their distribution grows smaller, has been developed (see Annex 7).

3.9.6. Marine Strategy Framework Directive

The Marine Strategy Framework Directive was adopted on 17 June 2008. While formally not part of the European Green Deal, it is taken into account in this assessment because the MSFD and MSP are closely related, MSFD being the environmental component of Europe's Integrated Maritime Policy.

Is MSFD mentioned in the maritime spatial plan?

With the exception of Malta, the MSFD is mentioned in all maritime spatial plans assessed.

Is alignment between MSP and MSFD discussed?

The alignment between the MSP and MSFD is discussed, although often implicitly. Some explicit discussions are found in the plans of Poland (referring to the use of the principle of an Ecosystem-Based Approach, which "comes from the MSFD"). Bulgaria also has a detailed description of activities conducted under the MSFD that have provided input to MSP.

Good practices fiches on the Ecosystem Based Approach are prepared for Finland, Sweden and Germany (See Annex 7).

How is the maritime spatial plan aligned with the MSFD in terms of process and content?

An assessment done under MSFD shows that the environmental dimension is important. Despite the fact that the exact wording changes, the most common approach is to refer to MSFD when it comes to descriptions of the environmental status, problems and to justify action. MSP is part of the solution; by taking the environmental status into account and planning activities in areas where the environment is not compromised, it can contribute to improvement of the environmental status, and thereby contribute to achieving the objectives of MSFD.

Process-wise, this implies that assessment conducted under the MSFD came first, before drawing up maritime spatial plans. In subsequent cycles of management, this will be different. Now that maritime spatial plans are in place, their contribution to achieving the objectives of MSFD can also be assessed.

4. DISCUSSION

4.1. On the implementation of Directive 2014/89/EU

MSP is ascribed in literature and by respondents (see section 3.6) for stimulating a multi-sectoral approach, as the Member States (MS) identify, spatially and temporally, areas of relevant existing and future activities and uses in their marine waters, such as energy, fishery, transportation. The interactions between activities and users are considered, and multi-use, multiple-use, and (co-)location are given attention. The maritime spatial plans are most elaborated on these items. At the same time, improving these links and the coherence between them remain an important task.

The analysis of maritime spatial plans also paints a picture of convergence. Trouillet (2020) identified four different types of maritime spatial plans and assessed 44 plans from across the globe. Whereas, Trouillet (2020) concluded that a number of maritime spatial plans take a strategic approach (see Type 3 in Table 10), European MS' maritime spatial plans are rather comparable in that they take a prescriptive zoning approach (Type 1 and Type 4 are dominant). Put simply, European maritime spatial plans tend to prescribe where activities are allowed or not. These results paint a different picture than presented in Trouillet (2020).

Table 10: Prevalence of different types of maritime spatial plans

		Trouillet (all)	Trouillet (EU) (total 9)	This study
Type 1	Soft sustainability + spatial + accurate zoning or spatial vision	20	6	13
Type 2	Soft sustainability + strategic	1	3 ³⁰	1
Type 3	Hard sustainability + strategic	11	0	0
Type 4	Hard sustainability + spatial + accurate zoning or spatial vision	4	0	4

What does this mean for maritime spatial planning and its contribution to the European Green Deal's objectives? Various authors have already discussed the limitations of a zoning approach. Some of the manifestations of maritime spatial planning, such as comprehensive zoning, may well be considered too inflexible for handling complex marine dynamics (Jay 2013). Jay (2018) also contends that MSP is inspired by land-based planning but that "the more mobile and less constrained nature of human activities at sea" calls for a different approach. If zoning is central, the challenge is to include that activities and users that are not bound to a zone. In this context, Piwowarczyk et al. and Ciołek et al. (2019; 2018) already discussed the challenge of integrating fisheries in MSP. The difficulty of including more mobile activities in a zoning approach, however, can create societal resistance for further development of maritime spatial plans and maritime activities (see section 3.1) and goes against the principle "making sure no one is left behind" featured in the European Green Deal.

³⁰ The three maritime spatial plans prepared by the German Länder.

4.2. Directive 2014/89/EU and other policies

The MSP Directive, from its inception, aimed at contributing to the achievement of other policy goals. At the same time, from an evaluation perspective, it is hard to attribute specific achievements to, or effects of, to one particular Directive, and not to another. The analysis does, however, point to numerous interrelations. The literature review identified 9 articles that discussed conflicting interactions between the MSP Directive and other EU legislation, 6 articles referred to synergetic interaction, and 1 article included both conflicting and synergetic interactions. Assessing the relationships in quantitative terms, a total of 45 relevant policies were identified, 8 of which with a link to the European Green Deal. Listing all objectives of EU policies that have a link with MSP resulted in 293 objectives. Almost one-third of these objectives relate to the second objective of the MSP Directive, i.e. contribute to the sustainable development of various identified sectors at sea.

The MSP and MSFD Directives are clearly linked as both are part of the Integrated Maritime Policy (COM(2007) 0575). These linkages between MSP and MSFD are clearly visible and are given more attention in the scientific literature than other linkages between the MSP Directive and policies. For instance, Flannery et al. (2010) studied MSP implementation in Ireland and expected a synergistic interaction to exist between MSFD and MSP. Abramic et al. (2018) describe how the environmental assessments required under MSFD can be used in maritime spatial planning as they directly support the Ecosystem-Based Approach (see also Paramana et al. (2021), looking specifically at Greece). Pinkau et al. (2021) examined how the emerging practice of applying SEAs in MSP contributes to the implementation of an Ecosystem-Based Approach, underlining that SEAs in MSP are potentially a valuable implementation tool for an Ecosystem-Based Approach. However, so far, planning reality lags behind this potential. Key elements were often addressed in a general manner, not reaching the stage of explicit measures. Hence, it is necessary to refine vague concepts, operationalise principles, and advance in knowledge and comparable and transparent methodologies to meet the demands of an Ecosystem-Based Approach.

Langlet and Westholm (2021) assess the linkages between the MSFD, MSP and the WFD, focusing on how the social dimension has been dealt with in these three directives. Recognising several shortcomings in how the social dimension is addressed in the WFD and MSFD, as well as the difficulty to address this in these policies, the authors propose to use 2014/89/EU as a way to overcome these. Addressing this here might also prevent “retro-fitting” new approaches to existing ones perpetuating old problems, as Langlet and Westholm (2021) argue. Furthermore, the iterative nature of MSP facilitates adjustments and improvements. Jones et al. (2016) express concern, based on 4 MSP cases and 8 MPA cases in the EU, that the MSFD and MSP Directives, both framework directives with a significant role for MS, will have divergent evolutions and tensions, perhaps even competition, following increased attention for Blue Growth at the expense of Good Environmental Status (GES). They propose to strive for a co-evolutionary path, with critical research looking into the implementation of MSP.

This leaves the MSP Directive with two potentially conflicting challenges. Future MSP can build upon its focus on the development of maritime sectors to accommodate activities foreseen under the European Green Deal and its actions, including offshore renewables

and aquaculture. At the same time, the MSP Directive is called upon to accommodate the social dimension in the MSFD and the WFD. On paper, the Ecosystem-Based Approach is the means to bring these challenges together. Yet, the results above illustrate the differences in implementing this approach (see section 3.1) and the difficulties MS face with regards the implementation (see section 4.1).

4.3. Inferred interactions between MSP Directive and European Green Deal

The data presented above shows that while it is generally acknowledged that the European Green Deal and 2014/89/EU interact (see section 3.5), the actual number of references made to the European Green Deal in maritime spatial plans is limited (see section 3.4). This is likely explained by the timing – the numerous MS developed their maritime spatial plans before the European Green Deal was in place. It is also observable that the countries that do refer to the European Green Deal are the MS that have recently submitted (a first version or revised) their the maritime spatial plans.

Results of the focus group interviews and survey confirmed that various relationships between European Green Deal and the MSP Directive exist or foreseen in the future. There are particularly present when it comes to the objectives as stipulated in Art 5 of 2014/89/EU. When it comes to taking an Ecosystem-Based approach, objectives of the MSP Directive overlap with objectives of the EU Strategy on the Adaptation to Climate Change, Sustainable Blue Economy Communication and the Biodiversity Strategy for 2030.

Sectoral development within the confines of sustainability is an objective of the MSP Directive and of the following actions that are part of the Green Deal: Farm to Fork, EU Strategy on Adaptation to Climate Change, Sustainable Blue Economy Communication, Offshore Renewable Energy Strategy (COM(2020) 741), Smart Sustainable Mobility Strategy COM/2020/789 final and EU Adaptation Strategy (COM/2021/82).

The subsequent analysis of the relation between MSP and the European Green Deals and its following actions not only shows the overlap at the level of objectives. A close look at the maritime spatial plans prepared by the MS shows furthermore that the achievement of some European Green Deal objectives is facilitated by MSP, as it allocates space to marine renewable energy development, but also to marine protected areas. European Green Deal actions that are less clearly linked to MSP include the Sustainable and Smart Mobility Strategy and the EU strategy on climate adaptation. Whereas some references to climate adaptation are made, the (need for) development of smart and sustainable mobility is not given attention in the process of MSP.

4.4. What is needed?

Overseeing the implementation of the MSP Directive and acknowledging the relations between the MSP Directive and the European Green Deal leads to the question how the MS, being responsible for the development of maritime spatial plans, can be supported to make maritime spatial planning contribute to the achievements of the objectives of the European Green Deal.

4.4.1. *Guidance*

The European Commission has supported MS in implementing 2014/89/EU in various ways. Friess & Gremaud-Colombier (2021) describe how “the European Commission is supporting the EU MS in their planning efforts via concrete tools and financing.” Recent guidance documents have focused, for example, on land-sea interactions.³¹ In a similar way, Regional Sea Conventions, and in particular HELCOM, have developed guidance supporting the implementation of 2014/89/EU.³² First, MS recommend continuing with and strengthening the guidance and (financial) support for (specific aspects of) the implementation of MSP. Topics, such as land-sea interaction, the Ecosystem-based approach, transboundary cooperation and links with other pieces of EU legislation (i.e. the MSFD and CFP), were stated.

Member State representatives recommend the EC provide some more guidance towards the link between the European Green Deal and implementation of the MSP Directive, for example, through providing a handbook for the implementation, highlighting good practices, and developing a comprehensive approach to ensure alignment with the European Green Deal objectives. Specifically, it has been recommended to operationalise the European Green Deal objectives and also indicate when the European Green Deal replaces existing legislation to keep oversight in all complexity. Yet, the practitioners argued, guidance should not be constrained and allow the MS to adopt procedures that fit the national conditions and culture. Future thinking is needed to detail guidance and consider the legal status of guidance provided.

In this context, MS value the provision of an MSP platform and recommend that support will be continued. They add that the platform can be extended such that it also offers a space where the individual MSPs can be found and where the EC provides feedback on the plans, facilitates the exchange of data and tools, and have a dedicated section where all relevant policies can be found. This idea would have to be explored further to understand what it would mean in practice, including the Commission’s role and legal underpinning.

4.4.2. *Ensure coherence between different directives*

The assessment of the implementation of Directive 2014/89/EU revealed that sections on coherence are generally less developed across all sea basins (see section 3.1). Formulating new Missions, policies and policy objectives requires further alignment of policies by the MS who implement the Directive. Member States recommend the Commission reinforce coherence between the different directives as well as strengthen its cooperation at DG level (i.e. between MARE, ENER and ENV), more clarity on who is in charge for which topic and to clarify priorities to solve tensions among objectives.

³¹ <https://www.msp-platform.eu/faq/land-sea-interactions-msp>

³² <https://helcom.fi/action-areas/maritime-spatial-planning/helcom-vasab-maritime-spatial-planning-working-group/>

4.4.3. *Address prioritisation and conflict resolution*

The aspect of prioritising the use of space is a key element of MSP and a main reason for having maritime spatial planning. Directive 2014/89/EU already requires MS to organise public participation in developing maritime spatial plans. Participation alone, however, does not solve conflicts between users. De Vrees (2019) sketched how, for years, industrial freedom and market forces prevailed during discussions on marine spatial planning in the Netherlands. In 2005, it became clear that this might lead to increasing conflicts for the environment, hence a new spatial planning framework was developed among users. Also, in response to an increasing interest in new developments and a growing demand for governmental coordination of these developments.

In light of the observed competition for marine space (see section 3.4) and the prevalence of zoning (see section 4.1), a recurrent key concern is how maritime spatial planning can balance different interests in the future. This question has also been raised in the literature. Cavallo et al. (2020) argue that the need for multi-sectoral management of marine resources and space is acknowledged in the MSP Directive. Their analysis, which focuses on the Andalusian coast, concludes that aquaculture management took a sectoral approach, resulting into conflicts with existing users in zoning. Ramirez-Monsalve & van Tatenhove (2020) portray maritime spatial planning as a framework for arbitrating between competing for human activities and managing their impact on the marine environment. They argue that a maritime spatial plan cannot be considered a neutral or objective instrument to resolve conflicting claims between different maritime sectors and activities, as the process itself is far from neutral.

Both authors sketch how conflicts can be better understood. Cavallo et al. (2020) recommend moving towards “a bottom-up approach where decisions are taken at the level at which maritime activities occur, taking into account environmental, economic, and social impacts”. Ramirez-Monsalve & van Tatenhove (2020) plea for a better understanding of the unequal division of resources, as well as the inclusion and exclusion of actors in MSP.

Based on the feedback received from practitioner focus groups and surveys, a need for more tangible approaches to set priorities and deal with conflicts is desirable. This can be about resolving conflicts in and through the planning process or conflicts arising in the implementation of a plan once in place.

4.5. Limitations of the study

This study aimed to cover a broad range of maritime policies, exploring the relationship between these policies and Directive 2014/89/EU, its implementation and the European Green Deal. The comparison was made by looking at the objectives of the policies. This high level approach inevitably came with a downside. The study did not include in-depth case studies to confirm findings from the desk study and focus group interviews, nor did it assess all the articles of the policies to assess linkages.

The literature review focused on published scientific articles, excluding projects reports and other types of publications. An expanded review is recommended to provide additional insights into the relationships between Directive 2014/89/EU, other EU policies and the European Green Deal.

Stakeholders were consulted in the project on various occasions (see methodology section). In the focus groups, stakeholders involved were all practitioners working on the implementation of Regulation (EC) 2014/89/EU. Furthermore, a greater diversity of stakeholders, including, for example, sector representatives, citizen and non-governmental organisations, could have provided different views on the implementation of Directive 2014/89/EU and linkages to other policies.

5. CONCLUSIONS

The main research question addressed in this report is the following, “How can the MSP Directive 2014/89/EU contribute to the achievement of the EU’s objectives under the European Green Deal and related relevant legislation?” On the basis of the literature review, focus group interviews, survey, assessment of the relation between the European Green Deal and maritime spatial plans and the peer review meeting, we can draw a number of conclusions.

Most of the work done so far regarding the relation between MSP and other policies takes an environmental perspective. This reflects the close relationship between the objectives of Directive 2014/89/EU and the MSFD with a focus on achieving Good Environmental Status. One of the concerns from literature is the tension that exists between the further development of maritime sectors (“blue growth”) and achieving a Good Environmental Status. The European Green Deal, with a focus on achieving “no net emissions of greenhouse gases in 2050” adds to this tension giving a lot of priority to developing clean energy, largely at sea.

MSP is credited for supporting the development of maritime sectors in the EU, as related to Blue Growth and now Sustainable Blue Economy. Many maritime spatial plans were developed before the European Green Deal and the relevant actions were in place. This explains why only few references were made to the European Green Deal in various MS maritime spatial plans. The close interaction, if only implicit, between the European Green Deal and MSP becomes clear when assessing their respective objectives; they have similar objectives. This argument has been confirmed by results of the focus groups and the review meeting.

An in-depth analysis of the maritime spatial plans does show that the role of MSP is realising the European Green Deal objectives, most clearly in relation to the EU Strategy on Offshore Renewable Energy and the Biodiversity Strategy. Maritime spatial planning is credited for bringing clarity and predictability to the maritime sectors, allocating space to various activities. This has supported the development of offshore renewable energy sector, as well as nature conservation. Fewer linkages are found between MSP and the Smart and Sustainable Mobility Strategy and between MSP and the EU Strategy on adaptation to climate change. Both are less spatially explicit.

Zoning plays a key role in all maritime spatial plans. Dominance of a zoning approach, however, has the risk that “fixed place” uses (i.e. energy) will be better served than mobile uses (i.e. maritime transport and fisheries). Literature and experts emphasise that this so-called “map effect” can lead to an uneven distribution of positive and negative impacts, which cause sectors to feel “left-out” thereby limiting the support needed for the development of maritime spatial plans.

Whereas there might be no conflicts at a strategic level, on a practical levels demands for space can lead to conflicts. The question remains how MSP can resolve competing claims and conflicts between different interests and users.

To stimulate synergies between Directive 2014/89/EU and the European Green Deal, the following actions are proposed:

- The implementation of European Green Deal objectives can be further supported in terms of defining more specifically certain minimum requirements to be taken into account in maritime spatial planning.
- A further reinforcement of the coherence between the different directives as well as strengthening the cooperation at DG level (i.e. between MARE, ENER and ENV), with more clarity on who is in charge of which topic and to clarify priorities to resolve existing tensions among objectives. A conflict resolution mechanism should be considered as a part of this work.
- More guidance on the link between the European Green Deal and the implementation of the MSP Directive by providing a handbook on the implementation, highlighting good practices, and develop a comprehensive approach to align with European Green Deal objectives.
- Bearing in mind the European Green Deal's commitment to "no one being left behind", and studies that have focussed on the unequal division of power in, and impacts of, maritime spatial planning (Jay 2013; Flannery et al. 2016; Ramírez-Monsalve and van Tatenhove 2020), greater attention should be paid to equity, well-being and community benefit sharing in implementing Directive 2014/89/EU.

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