



Cross-border Consultation on Maritime Spatial Plans

Final Technical Study

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LIST OF ACRONYMS

DG MARE European Commission Directorate General for Maritime Affairs and Fisheries

EU European Union

EUSAIR EU Strategy for the Adriatic Ionian Region

EUSBSR EU Strategy for the Baltic Sea Region

HELCOM Baltic Marine Environment Protection Commission (Helsinki Commission)

ICZM Integrated Coastal Zone Management

MSP Maritime Spatial Planning

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic

SEA Strategic Environmental Assessment

TSG Thematic Steering Groups

UK United Kingdom

UN United Nations

VASAB Visions and Strategies around the Baltic Sea

EXECUTIVE SUMMARY

Background and Introduction

With the development of maritime spatial plans in accordance with the EU Directive on Maritime Spatial Planning (EU MSP Directive, 2014/89/EU), countries are expected to increasingly cooperate and consult with one another on these plans. The methods and means of establishing and carrying out cooperation and consultation are left to Member States to decide, and is not prescribed in the EU MSP Directive.

Experience in conducting cross-border consultation on maritime spatial plans is not only limited globally, but also throughout Europe, given that there are a limited number of formally adopted maritime spatial plans to date. However, Member States already engage with one another on cross-border MSP in the context of existing cooperation mechanisms and/or projects, and this existing work provides a foundation for informing future effective consultation processes.

Upon this basis, **this study investigates how Member States could effectively consult with their neighbouring countries in an effort to develop coherent maritime spatial plans.** The study focuses on formal cross-border consultation as opposed to informal cooperation, while recognising that there is a close relationship between the two concepts. Specifically, experiences from existing projects and cooperation mechanisms can inform concrete consultation practice.

Objective of the Study

The study is intended to inform the design and execution of cross-border consultation exercises - either as part of developing an initial maritime spatial plan, revising an existing plan, or a preparing a "next generation" plan¹ - as well as advise those who are expected to respond to a consultation request. Recognising that Member States and countries have their own rules and procedures for engaging in such consultations, and that MSP is not a "one size fits all" approach, the study is in no way prescriptive. Rather, the study aims at providing a set of recommendations and considerations for those who have to design, or respond to, a consultation request.

Approach and conceptual framework

The principles and practices for cross-border consultation described are based upon existing knowledge and experiences from both formal consultation processes as well as informal cooperation experiences, among other sources. A thorough investigation of existing cross-border consultation practice among coastal EU Member States - both with other Member States, as well as third countries - was done according to the study's conceptual framework:

- **WHY is consultation necessary?** Including a review of the legal conventions and mandates relevant to international MSP consultation, along with practical reasons
- **WHICH countries could be consulted, and WHO could be consulted from within them?** Including contact with non-EU (third) countries and addressing multiple levels of consultation

¹ In order to clarify what is meant by these different stages of plans throughout the study, the following definitions can be applied : 1) An initial maritime spatial plan refers to the first plan that is developed and adopted for a defined marine area (e.g. waters belonging to a Member State). 2) Revising an existing plan may entail specific changes to planning provisions, but without a comprehensive update of the existing plan. 3) A "next generation" plan refers to a comprehensive update of a previously adopted maritime spatial plan, which may be updated according to national legislation, to reflect contextual changes and to include provisions to be implemented in a future time period.

- **WHAT are the issues to be addressed in consultation?** Including how both those seeking feedback as well as providing feedback exchange on cross-border issues
- **WHEN could neighbouring countries be engaged?** Including consideration for milestones throughout the MSP process
- **HOW could consultation be effectively carried out?** Including methods and approaches to gain targeted input from neighbouring countries, as well as how to respond to ensure interests are considered

Findings

The summary of points to consider under each framework question are provided below, along with overall study conclusions. Some of the findings include recommendations regarding issues to consider when preparing and/or conducting cross-border consultations. While some of these recommendations could be considered as logical or obvious, it is nevertheless important to include them in this study in an effort to be as comprehensive as possible. Further discussion and examples of cross-border consultation practice are described throughout the main body of the study.

WHY is consultation necessary?

- **International agreements and EU legislation** relevant to cross-border consultation (e.g. EU MSP Directive, Espoo Convention) provide legal requirements for consultation which set a minimum standard.
- **Sea-basin specific conventions and protocols as well as possible bilateral agreements** (e.g. Barcelona Convention²; HELCOM-VASAB MSP Working Group Guidelines on transboundary consultations³) could be review for further motivations for consultation.
- It is also recommended to review **existing national laws and official guidance** (e.g. Swedish *Roadmap for Maritime Spatial Planning (2016)*⁴, Ireland's *Roadmap for the delivery of the national Marine Spatial Plan*⁵) as relevant to cross-border consultation procedures.
- Consideration should be given to the potential **environmental impacts** of the maritime spatial plan for neighbouring countries' waters, as called for in the Espoo Convention⁶, with additional recommended consideration for the **economic, social, and safety impacts** - both positive and negative.
- Consideration could be given to possible consequences of provisions of maritime spatial plans (existing or in development) from neighbouring countries on one's own MSP process (e.g. Polish maritime spatial plan consideration for Lithuanian shipping lanes).

² The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean

³ HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

⁴ Swedish Agency for Marine and Water Management (2016). *Roadmap for Maritime Spatial Planning*. Available in Swedish at: <https://www.havochvatten.se/hav/uppdrag--kontakt/publikationer/publikationer/2016-09-28-fardplan-havsplanering.html>

⁵ Department of Housing, Planning & Local Government (2017) *Towards a Marine Spatial Plan for Ireland: a roadmap for the delivery of the national Marine Spatial Plan*, DHPLG, Dublin. Available at:

https://www.housing.gov.ie/sites/default/files/publications/files/towards_a_marine_spatial_plan_for_ireland.pdf

⁶ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at:

https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

- Consideration could be made for possible informal agreements reached as result of cooperative projects on specific '**hot spot**' areas (e.g. Southwest Baltic Case from Baltic SCOPE⁷) or topics.

WHICH countries could be consulted, and WHO could be consulted from within them?

- Determine which countries **share an international maritime border** or might otherwise be **impacted by the provisions of the plan**
- Determine which countries should be asked for **feedback** as part of planning processes (likely impact) or should be kept **informed** of the planning process
- Identify **primary contacts**: legally defined national MSP authority and Espoo Convention contact point for consultation on Strategic Environmental Assessments (SEAs).
- Identify **secondary contacts**: sub-national or regional MSP authorities or other ministries
 - Consider available country information
 - Confer with national MSP authority of given countries which sub-national / regional MSP authorities should be directly consulted
 - Cross-check and confer with MSP authorities which other relevant government bodies should be directly consulted
- **For non-EU countries**, identify whether they have / had an MSP process established; who is/was responsible or involved; and whether this MSP process is/was statutory, non-statutory or pilot:
 - Where there is no legal MSP authority but there was a pilot MSP, request (informal) information from institutions / partners involved on which government institution may be relevant to consult.
 - In absence of MSP projects/pilots and authority, work via other formal / informal contacts (e.g. Espoo contact points, sea-basin organisations & strategies, embassies, related projects & working groups) to identify relevant contact points.
- If relevant/appropriate - consider **additional relevant (personal) contacts** (e.g. from MSP projects, workshops, meetings) for (informal) expert advice.
- Identify **other stakeholders** who may be relevant to consultation:
 - Identify relevant sea-basin or **cross-border dialogue platforms and cooperation mechanisms** (including sector-specific, expert groups); evaluate their relationship to MSP consultation and confer with neighbouring MSP authority on whether to involve them in consultation.
 - Confer with MSP authority of neighbouring country, whether and which **other (non-governmental) stakeholders** could be involved in MSP consultation process.

⁷ Baltic SCOPE (2017). Coherent Cross-border Maritime Spatial Planning for the Southwest Baltic Sea – Results from Baltic SCOPE. Retrieved from http://www.balticscope.eu/content/uploads/2015/07/BalticScope_SWB_report_WWW.pdf

- When asked to consult, consider which **stakeholders should be involved from own country** in transnational consultation process and whether such involvement should be direct or indirect (e.g. those with specific transnational concerns).
- **Confer with neighbouring countries on process** (e.g. who, how and when) to ask secondary contacts and stakeholders from their country for input to planning process and draft plan under consultation.
- Develop a **clear and transparent list of contacts** involved in cross-border consultation and by whom they are consulted when.
 - **Share and agree on this contact list** with neighbouring country / countries.
 - **Agree and identify own contact persons** for transboundary consultation and related internal communication processes.

WHAT are the issues to be addressed in consultation?

- Consider **potential environmental impacts** in neighbouring countries' waters resulting from planning provisions, possibly as part of SEA process.
- Review **sea-basin strategies / policies and regionally agreed principles & objectives and legal mandates**, obligations and resulting priorities.
- Communicate with neighbours about one's own **planning approach** to help them understand and provide feedback on a plan, as well as ask for feedback/input from countries consulted on their own planning approach and **possible impacts** for own maritime spatial plan.
- Consider **joint information and planning solutions** already or to be developed with neighbouring countries. These could include cumulative effects assessments relevant for environmental impacts, joint data collection or development of "hotspot" area pilot plans from previous initiatives.
- When **responding to a consultation request, assess and identify possible impacts and synergies in one's own country**, resulting from the plan provisions. Consider national sectoral policies or potential future areas of activities.
- Review responses from **own national stakeholder consultation** on possible transboundary issues of interest.

WHEN could neighbouring countries be engaged?

- As part of an **early exchange**, inform neighbours about the **MSP process** - how it will take place and the nature of the plan (e.g. strategic, technical, etc.) - as well as discuss **interests on both sides** which should be kept in mind as planning advances.
- Conduct a **timeline exercise** to compare different phases of MSP across countries and identify opportunities for formal and informal consultation, while bearing in mind resource availability on both sides.
- Consult with neighbours at **multiple points throughout MSP development** - not only when a draft plan or SEA is available for review to avoid a "gap" in information sharing. Information can be exchanged informally throughout the process, whereas a formal request for opinions may be best once a draft plan or SEA is available.

HOW could consultation be effectively carried out?

- Review national official procedures of the Espoo Convention for **consultation on SEAs** for maritime spatial plans.
- **Share information about MSP process** in official letters (formal) and/or in person exchanges (informal) to make neighbouring countries aware that process is starting, as well as when they may be asked to submit formal feedback.
- When appropriate, either as part of Espoo consultation or separately, **invite** neighbouring countries in writing to formally comment on a draft plan via responsible channels.
- Build **communicating and understanding opportunities** into the consultation process:
 - Establish common understanding of **planning frameworks and definitions** used in planning documents
 - Establish good understanding of what is meant / implied **by each term used** in respective countries involved in consultation and confirm, whether this is correctly understood by all, and document agreed definitions in writing.
 - Where necessary, identify **an acceptable common language** of communication or make provision for translation.
 - Develop **visual materials** to convey and explain planning information.
- Prepare **planning materials** to share with neighbours:
 - Share **draft planning solutions and plan content** in appropriate formats. Agree with neighbouring country / countries on whether to translate summaries, specific sections or full versions of draft plans into common and/or language of neighbouring country
 - On both sides, identify **concrete issues** for targeted discussions, along with specific questions.
 - Share **geospatial information**, either as paper maps (at a minimum) or in an interactive online platform or data portal, from both the consulting as well as consulted party.
- If considered necessary, **organise meetings and decide on formats** (bi-lateral or multi-lateral exchanges, limited to MSP planners or wider stakeholder groups), and communicate follow-up process to consulted parties.
- If asked to consult, prepare **formal consultation response in writing**, including considerations from relevant secondary contacts and stakeholders.
- **Process feedback** received as a result of consultation requests:
 - **Categorise** feedback: 1) feedback that can be used / accommodated in revising a draft plan, 2) feedback that need to be investigated further or addressed in future cross-border MSP projects, and 3) feedback that can be addressed later in future revisions of plans.

- **Draft written responses** to feedback received indicating how it was considered, and appropriate follow up actions if necessary (e.g. formal agreements, adaptations to planning provisions).

Conclusions

The consultation experiences and suggested points for consideration present a range of options for how to both execute cross-border consultation as well as respond to a consultation request. There are several overall conclusions relating to the consultation process as a whole, which can serve as guiding principles for cross-border MSP.

There are potential **benefits to going beyond the legal requirements** set by international agreements and EU legislation, which limit the scope of consultation. Benefits include obtaining views on a broader range of issues as well as avoidance of a “gap” in information sharing through ongoing interactions. When considering which points to take up, it is advised to seek a balance between receiving and sharing pertinent knowledge and feedback, versus overloading those involved in the process with requests or information.

Through the range of cross-border MSP projects and initiatives, MSP authorities are becoming more familiar with the issues and processes of their neighbouring countries, as well as **building professional relationships and networks**. These transboundary efforts provide a basis for building useful cross-border understanding among planners, because those involved are already familiar with plan approaches, content and issues.

While acknowledging that interactions among MSP authorities are, in many instances, a legal requirement, as well as key for effective consultation, the study also found that **special consideration should be made for engaging with secondary contacts and non-governmental stakeholders**. By acting as a primary contact point when responding to a consultation request, it is advised that MSP authorities carefully inventory the issues and perspectives to be shared from secondary contacts and stakeholders.

While more informal cooperation is supportive of effective consultation, **formal documented positions in writing** are necessary to collect a repository of positions as well as establish formal commitments and agreements. Collecting written statements from neighbouring countries constitutes evidence that consultation was conducted according to legal requirements. Additionally, this evidence includes formal wording of positions on key issues that can then be appropriately followed up on. It also provides legacy documentation for new personnel who may be involved in implementing a plan and revising it in the future.

Finally, study investigations found that the differences in countries highlighted in formal MSP consultation are likely require **ongoing interaction** even after a given country’s plan has been formally adopted, in line with the adaptive management principle of MSP. As such, MSP-related cooperation institutions, which could provide an established forum for regular exchange, support not only consultation on maritime spatial plans when they are in development, but also the adaptive implementation and cooperative revision of MSP plans.

1. INTRODUCTION

Context

According to recital (20) of EU Maritime Spatial Planning (MSP) Directive (2014/89/EU), "Member States should consult and coordinate their plans with the relevant Member States and should cooperate with third-country authorities in the marine region concerned..." In accordance with the minimum requirements included in Article 6, two additional articles are relevant to consultation with neighbouring countries (emphasis added):

- Article 11: "As part of the planning and management process, **Member States bordering marine waters shall cooperate** with the aim of ensuring that maritime spatial plans are **coherent and coordinated across the marine region concerned**. Such cooperation shall take into account, in particular, issues of a transnational nature."
- Article 12: "Member States shall endeavour, where possible, to **cooperate with third countries** on their actions with regard to maritime spatial planning in the relevant marine regions and in accordance with international law and conventions, such as by using existing international forums or regional institutional cooperation."

The means of establishing and carrying out cooperation and consultation are left to Member States to decide. Experience in conducting cross-border consultation on maritime spatial plans is not only limited globally, but also throughout Europe, given that there are a limited number of formally adopted maritime spatial plans.⁸ However, Member States already engage with one another on cross-border MSP in the context of existing cooperation mechanisms and/or projects, and this existing work provides a foundation for informing future effective consultation processes.

Upon this basis, **this study investigates how Member States could effectively consult with their neighbouring countries in an effort to develop coherent maritime spatial plans**. In order to clearly articulate the purpose of the study, it is important to distinguish between what is meant by consultation as opposed to cooperation:

- consultation refers to "the formal process between countries or authorities...related to consultation for a given plan...", whereas
- cooperation refers to "a more open, informal process on MSP planning processes as a preparatory step" in the MSP process⁹.

The study focuses on cross-border consultation, while recognising that there is a close relationship between the two concepts. Specifically, experiences from existing projects and cooperation mechanisms can inform concrete consultation practice. The principles and practices for cross-border consultation described are based upon existing knowledge and experiences from both formal consultation processes as well as informal cooperation.

Objective

The objective of the study is to inform the design and execution of cross-border consultation exercises - to facilitate the "give and take" of information relevant to developing maritime spatial plans, or how to collect and as well as provide feedback on draft plans. The study is intended to inform the design and execution of cross-border

⁸ EU MSP Platform. (2018). Overview of MSP Plans, Visions and Strategic Environmental Assessments (SEA). Retrieved from https://www.msp-platform.eu/sites/default/files/20180831_overview_of_adopted_plans_visions_and_sea.pdf

⁹ Schultz-Zehden, A. & Gee, K. (2014). MSP Governance Framework Report from the PartiSEAPate project. Retrieved from <http://www.partiseapate.eu/wp-content/uploads/2015/01/MSP-governance-framework-report1.pdf>

consultation exercises - either as part of developing an initial maritime spatial plan, revising an existing plan, or a preparing a "next generation" plan¹⁰. In recognition of the nature of consultation as a two-way exchange, the study also addresses those who are requested to provide opinions and information, so they can effectively react to consultation requests and ensure that their interests are represented.

By presenting suggested principles and concrete practices for consideration by those engaged in cross-border consultation, the study contributes to the collective knowledge base for how to develop "maritime spatial plans (that) are coherent and coordinated."¹¹ While the EU MSP Directive does not provide a definition of "coherent and coordinated", one potential interpretation is that maritime spatial plans take into consideration cross-border synergies and aim to prevent current or future conflicts, as called for in the EU MSP Directive. The technical planning solutions for achieving coherent and coordinated plans will not be addressed in this study; rather, the focus is on how **interactions** between countries regarding a maritime spatial plan could potentially contribute to coherence and coordination. The separate study prepared by the EU MSP Platform in 2018, titled "Addressing conflicting spatial demands in MSP," presents the results of an investigation of conflicts among sectors and potential solutions related to MSP. Reference to this study is made throughout this document.

In light of the fact that MSP is not a "one size fits all" process, and the EU MSP Directive does not define how cross-border consultation should be done in detail, the principles and practices described in this study are not intended to be prescriptive. They are provided here to highlight points to remember and possibly to be taken into consideration when designing or responding to a consultation request. The selection of which steps to incorporate in consultation is up to the EU Member States themselves, keeping in mind the minimum legal requirements described in the study.

Study conceptual framework

The study is organised around five questions which could be considered as part of cross-border consultation. These questions served as a guiding framework for study development, and are used here to present findings:

- **WHY is consultation necessary?** Including a review of the legal conventions and mandates relevant to international MSP consultation, along with practical reasons
- **WHICH countries could be consulted, and WHO could be consulted from within them?** Including contact with non-EU (third) countries and addressing multiple levels of consultation
- **WHAT are the issues to be addressed in consultation?** Including how both those seeking feedback as well as providing feedback exchange on cross-border issues
- **WHEN could neighbouring countries be engaged?** Including consideration for milestones throughout the MSP process
- **HOW could consultation be effectively carried out?** Including methods and approaches to gain targeted input from neighbouring countries, as well as how to respond to ensure interests are considered

¹⁰ In order to clarify what is meant by these different stages of plans throughout the study, the following definitions can be applied : 1) An initial maritime spatial plan refers to the first plan that is developed and adopted for a defined marine area (e.g. waters belonging to a Member State). 2) Revising an existing plan may entail specific changes to planning provisions, but without a comprehensive update of the existing plan. 3) A "next generation" plan refers to a comprehensive update of a previously adopted maritime spatial plan, which may be updated according to national legislation, to reflect contextual changes and to include provisions to be implemented in a future time period.

¹¹ Preamble of EU Maritime Spatial Planning (MSP) Directive (2014/89/EU)

Following a description of the study approach in the next chapter, a discussion of key principles and practices is provided for each of the questions listed above in separate chapters. While there are multiple interlinkages among the questions and their corresponding results, the framework provides a general organising principle to guide the reader to information of most interest for their needs. Linkages across the framework questions are identified throughout the text.

In addition to the study narrative, examples of effective practices from consultation as well as cooperation cases are briefly described in boxes in each of the chapters to illustrate their practical application. Each chapter concludes with a summary of potential steps to consider when developing or responding to a consultation exercise.

2. RESEARCH METHODS

To achieve the study's objective, a baseline of **existing cross-border consultation practice** was developed by collecting information on cross-border consultation and cooperation experiences among coastal EU Member States – both with other Member States, as well as third countries. Sources related to completed international consultation exercises, as well as those currently ongoing.

Input sources were categorised as presented in the table below. A description of the study's methods to collect and analyse information from the sources listed is provided in this chapter.

Input category	Sources
International agreements and EU legislation	<ul style="list-style-type: none"> • United Nations Convention on Environmental Impact in a Transboundary Context (Espoo Convention) • United Nations Economic Commission for Europe (UNECE) Protocol on Strategic Environmental Assessments (Kyiv Protocol) • United Nations Convention on the Law of the Sea (UNCLOS) • The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) • Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) • Wismar Declaration on Transnational Spatial Planning and Development Policies • EU Directive on Maritime Spatial Planning (2014/89/EU) • EU Directive on Strategic Environmental Assessments (2001/42/EC)
Legally-adopted maritime spatial plans , mainly from national planning processes, as well as some sub-national plans	<ul style="list-style-type: none"> • Belgium • Estonia (Pärnu Bay) • Germany (EEZ plans and Mecklenburg-Vorpommern territorial sea) • Lithuania • the Netherlands • UK (England, East Marine Plans and South Marine Plans and Scotland, National Marine Plan)
MSP in progress , which will result in adopted plans or revised plans	<ul style="list-style-type: none"> • Belgium (updated plan) • Bulgaria • Denmark • Estonia (national plan) • Finland • France • Germany (updated EEZ plans) • Ireland • Latvia • the Netherlands (updated plan) • Sweden • Poland • UK (Northern Ireland and Wales)
Cross-border MSP or other integrated maritime policy relevant projects , with a focus on governance or cross-border issues, or pilot plans covering an area shared by one or more countries	<ul style="list-style-type: none"> • ADRIPLAN • ARTWEI • Baltic SCOPE • CAMIS • Celtic Seas Partnership • MarSP • MARSPLAN • MASPNOSE • PEGASEAS • SEANSE • SIMCelt • SIMWESTMED • SUPREME • Pan Baltic Scope • PartiSEAPate • TPEA

<p>Cross-border cooperation mechanisms, or international forums where countries and stakeholders meet one another for exchanges related to MSP</p>	<ul style="list-style-type: none"> • European Community Shipowners' Association • EU Strategy for the Adriatic Ionian Region (EUSAIR) • HELCOM-VASAB MSP Working Group • North Sea Energy Cooperation • the Pelagos Sanctuary • UN Environment Programme Mediterranean Priority Actions Programme/Regional Activity Centre (UNEP-MAP PAP/RAC)
<p>Existing studies on cross-border MSP</p>	<ul style="list-style-type: none"> • European Commission Study on Cross-border cooperation in MSP • LME:LEARN MSP toolkit
<p>Transnational consultation for environmental and infrastructure management issues</p>	<ul style="list-style-type: none"> • Water Framework Directive • Marine Strategy Framework Directive

Table 1. List of input sources used in developing this study. Specific documents related to sources are described in Annex I: List of Desk Research Sources

Desk Research

Over 30 publicly available documents were reviewed as part of desk research, as presented in Annex I. Desk research was conducted using an analytical template based on the study's guiding framework. Examples of documentation included draft plans and maps, as well as submitted consultation feedback and responses. Documentation from previous and ongoing MSP consultation exercises contained limited information on how consultation was concretely carried out; thus, interviews were conducted to supplement desk research (see below). Additionally, handbooks, guidelines, frameworks and studies specifically relating to MSP as well as other cross-border environmental and infrastructure issues were reviewed; in particular the HELCOM-VASAB Guidelines on transboundary consultations, the Espoo Convention and the Common Framework for MSP under the ICZM Protocol of the Barcelona Convention.

Interviews

A total of 21 semi-structured interviews were completed with individuals who conducted or participated in consultation exercises, were/are involved in cross-border MSP projects, and/or are engaged in cooperation mechanisms. The interview candidate pool targeted those who have constructive experience with cross-border consultation.

Interview questionnaires were customised based on the experience of the interviewee - for example, if the relevant consultation process is complete, ongoing or in progress; or if the interviewee has experience responding to another country's consultation request. A general interview questionnaire is provided in Annex II. Interviews augmented desk research findings with "real world" experiences, and provided additional information not available from existing documentation. All interviewees were given the opportunity to review and confirm interview documentation.

Input from Meetings

Discussions held as part of at several events which took place during study development (January – November 2018) contributed to study findings. These include the 14th meeting of the Member State Expert Group (MSEG) on MSP (14 – 15 March 2018, Portoroz, Slovenia), the MSP for Small Sea Spaces Workshop (15 – 16 March, Portoroz, Slovenia), HELCOM-VASAB MSP Working Group meeting (8-9 May, Helsinki, Finland - back-to-back with a Finnish MSP consultation meeting), International MSP Forum Kick-off event (24 – 25 May, Brussels, Belgium), the Swedish Marine Spatial Plan consultation meeting (19 June, Malmö, Sweden) and the Pan Baltic Scope Opening Conference (20 June, Malmö, Sweden). While this study was not formally part of these events' agendas, interactive discussions informed study findings, especially on investigations of cross-

border issues helped customise interview questionnaires and identified opportunities for next steps of study development.

Validation

Interim study results were shared with MSEG members in advance of the 15th meeting of the MSEG on MSP (8 – 9 October 2018, Brussels, Belgium), and were also presented at the meeting and discussed in a World Cafe style interactive exercise. Discussions captured feedback on the practicality and usefulness of the interim results, based on participants' experiences. These included considerations from the perspective of a country responding to a consultation request; and additional activities, approaches, examples and special considerations for cross-border consultation. This feedback was used to validate and refine study findings, which are presented below according to the guiding framework.

Interim study results were also shared at the 17th meeting of the joint HELCOM-VASAB MSP Working Group (15 November 2018, Riga, Latvia), to gather specific input on cooperation with third countries and transboundary cumulative effect assessments.

The results of the above methods are presented in each chapter under their most relevant framework element, with connections across the elements indicated in italics.

3. WHY IS CONSULTATION NECESSARY?

The need for cross-border consultation is based on both fulfilling legal obligations from international agreements and EU legislation. However, based on existing consultation experience, these legal obligations can be thought of as a minimum requirement. There are a number of practical reasons for conducting consultation, as described in this chapter.

Legal considerations

There are several legal documents relevant to MSP which stipulate that neighbouring countries should be consulted on an MSP plan. While these are not the sole reason why transboundary consultation should be done, they set out a number of relevant considerations that inform the design of a consultation exercise.

EU Legislation and International Agreements

According to the preamble of the *EU MSP Directive* (2014/89/EU), "Member States should **consult and coordinate** their plans with the relevant Member States and should cooperate with third-country authorities in the marine region concerned..."¹² In accordance with the minimum requirements included in Article 6, two additional articles are relevant to cross-border consultation (emphasis added):

- Article 11: "As part of the planning and management process, **Member States bordering marine waters shall cooperate** with the aim of ensuring that maritime spatial plans are **coherent and coordinated across the marine region concerned**. Such cooperation shall take into account, in particular, issues of a transnational nature."¹³
- Article 12: "Member States shall endeavour, where possible, to **cooperate with third countries** on their actions with regard to maritime spatial planning in the relevant marine regions and in accordance with international law and conventions, such as by using existing international forums or regional institutional cooperation."¹⁴

While the articles of the MSP Directive do not explicitly state that cross-border consultation is an implementation requirement, the inclusion of "consult and cooperate" together in the Preamble of the Directive indicates that the two are closely related. Consultation itself can be used as a tool to ensure cooperation among neighbouring countries by providing a formal mechanism for exchange of information and opinions, as well as support achievement of coherence (or avoidance of present or future conflicts) between MSP plans. Similarly, several interviewees described how formal consultation requests benefit from existing cooperation between countries, which takes place in less formal contexts such as projects. Therefore, although the articles of the MSP Directive above do not definitively state that consultation with neighbouring countries is a requirement, it could be understood that it is a key part of cooperation among Member States and third countries.

The EU MSP Directive also establishes that "Where maritime spatial plans are likely to have significant effects on the environment, they are subject to Directive 2001/42/EC"¹⁵ which requires the development of Strategic Environmental Assessments (SEAs) to ensure that environmental considerations are made when adopting plans and programmes. Known as the *SEA Directive*, it is the transposition of two international agreements into EU law: the *United Nations Convention on Environmental Impact in a*

¹² EU MSP Directive (2014/89/EU)

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

*Transboundary Context (Espoo Convention)*¹⁶, and the *United Nations Economic Commission for Europe (UNECE) Protocol on Strategic Environmental Assessments (Kyiv Protocol)*¹⁷. These provide the primary existing formal legal mandate for countries to consult with neighbouring countries on maritime spatial plans. In particular, the Espoo Convention stipulates that “states are obliged to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries.”¹⁸ The Kyiv Protocol effectively extends this obligation to draft plans and programmes.

Other international agreements of relevance include the *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)*¹⁹, which pertains to public access to environmental information; and the *United Nations Convention on the Law of the Sea*, which defines maritime boundaries. Several sea-basin specific conventions and protocols (e.g. *Wismar Declaration on Transnational Spatial Planning and Development Policies*; *The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean*) may also be relevant regarding how consultation is conducted, while others may pertain to specific issues or topics (e.g. *Tripatriate Pelagos Agreement* establishing the Pelagos Sanctuary marine protected area in waters of France, Monaco and Italy).

National planning laws

The development or amendment of national laws on MSP through transposition of the EU MSP Directive reinforce the requirement to consult with neighbouring countries on environmental impacts beyond ones’ own borders as described above. Some countries have also developed official guidance to accompany national legislation, which set forth the scope and procedure for cross-border consultation. Examples include the Swedish *Roadmap for Maritime Spatial Planning (2016)*²⁰, which describes how consultation will consider both environmental and economic consequences, and Ireland’s *2017 Roadmap for the delivery of the national Marine Spatial Plan*²¹, as shown below.

¹⁶ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at: https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

¹⁷ UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003). Available at: https://www.unece.org/env/eia/about/sea_text.html

¹⁸ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at: https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

¹⁹ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998) Available at: <http://www.unece.org/env/pp/treatytext.html>

²⁰ Swedish Agency for Marine and Water Management (2016). *Roadmap for Maritime Spatial Planning*. Available in Swedish at: <https://www.havochvatten.se/hav/uppdrag--kontakt/publikationer/publikationer/2016-09-28-fardplan-havsplanering.html>

²¹ Department of Housing, Planning & Local Government (2017) *Towards a Marine Spatial Plan for Ireland: a roadmap for the delivery of the national Marine Spatial Plan*, DHPLG, Dublin. Available at: https://www.housing.gov.ie/sites/default/files/publications/files/towards_a_marine_spatial_plan_for_ireland.pdf

EXAMPLE: Stakeholder Engagement Principles from Ireland's Roadmap for the delivery of the national Marine Spatial Plan

The Roadmap presents how and when stakeholders will be engaged as part of Ireland's marine planning process, as well as how consultation will be done. This process is guided by broad principles for engagement with national stakeholders as well as neighbouring MSP authorities in the UK:

- involve people early on in the decision-making process and in developing specific policy within the framework provided by HOOW;
- engage with interested people and organisations at the appropriate time using effective engagement methods and allowing sufficient time for meaningful consultation;
- be adaptable, recognising that some consultation methods work better for some people and some issues and that a one size fits all approach will not work;
- respect the diversity of people and their lifestyles and give people a fair chance to have their voice heard regardless of gender, age, race, abilities, sexual orientation, circumstances or wherever they live;
- be clear in the purpose of any engagement and how you may contribute and let people know how their views have been taken into account within agreed timescales;
- make documents publicly available on the Department's website;
- communicate clearly with people using plain English and avoiding jargon.

Figure 1. Principles for stakeholder engagement for Ireland's national Marine Spatial Plan.

Reference: Department of Housing, Planning & Local Government (2017) *Towards a Marine Spatial Plan for Ireland: a roadmap for the delivery of the national Marine Spatial Plan*, DHPLG, Dublin. Available at: https://www.housing.gov.ie/sites/default/files/publications/files/towards_a_marine_spatial_plan_for_ireland.pdf

Practical reasons

While the relevant legislation provides the minimum standard for cross-border MSP consultation, there are other reasons for consulting with neighbouring countries. Specifically, consultation as prescribed under the Espoo Convention and Kyiv Protocol only pertains to negative environmental impacts. This can limit the scope of consultation for MSP to only environmental issues, and leave out other economic or social aspects which are to be considered as part of MSP processes according to the EU MSP Directive²². Additionally, consultation focused on meeting Espoo Convention and Kyiv Protocol requirements has previously resulted in consultation being conducted at later stages of an MSP process through formal channels, thereby limiting a continuous exchange of information throughout the MSP process.²³

Beyond environmental issues, consultation on other types of impacts described in interviews included economic activities, such as transboundary linear infrastructure (e.g. shipping routes, cables and pipelines); potential restrictions on fishing areas resulting from designating zones for Natura2000 areas (e.g. Belgium – Netherlands); and future offshore wind farm areas close to national borders (e.g. Estonia – Latvia). *Discussion on addressing specific issues and impacts in consultation is included in the chapter: WHAT are the issues to be addressed in consultation.*

²² Article 6 (b), EU MSP Directive (2014/89/EU)

²³ Schultz-Zehden, A. & Gee, K. (2014). MSP Governance Framework Report from the PartiSEAPate project. Retrieved from <http://www.partiseapate.eu/wp-content/uploads/2015/01/MSP-governance-framework-report1.pdf>

Additionally, some interviewees indicated cross-border consultation as being in their own and their neighbours' best interest. Related reasons mentioned included wanting to avoid current and future conflicts, both as the one requesting consultation as well as providing it. Interviewees also indicated the desire to develop a "good," well-informed plan that incorporates input from neighbouring countries. Some interviewees from Baltic Sea countries also mentioned voluntary compliance with the *Guidelines on transboundary consultations, public participation and co-operation*,²⁴ developed by the HELCOM-VASAB MSP Working Group to provide recommendations for transboundary consultation and cooperation for a specific MSP process. These guidelines are summarised below as an example of a sea-basin protocol to be considered when developing or responding to a consultation request.

EXAMPLE: HELCOM-VASAB MSP Guidelines on transboundary consultations, public participation and co-operation

The HELCOM-VASAB Working Group agreed on high-level principles for transboundary consultation within specific MSP processes as well as transboundary pan-Baltic cooperation in more general terms. The guidelines are non-binding, but are recommended to be applied voluntarily to set joint standards for MSP cooperation in the Baltic Sea region. They are also high-level and do not specify exactly how consultation should be carried out.

Recommendations on transboundary consultation and cooperation for a specific MSP process include:

1. Broadening the scope of transboundary dialogue beyond the Espoo convention
2. Establishing a formal process of transboundary information exchange and consultation early in the MSP process
3. Organising stakeholder involvement in the transboundary consultation process via the authorities in the neighbouring country
4. Developing a transnational consultation strategy (minimum requirements)
5. Strengthening informal transboundary cooperation processes

The intention of the document is that eventually all Baltic Sea countries would be in position to use it and carry out transboundary consultation according to a common practice and as described in the guidelines. The guidelines can inform the process of agreeing on principles for transboundary cooperation and consultation in other sea basins.

Reference: HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

Previous consultation experience described by interviewees indicated that while informal consultation in the context of MSP relevant fora (e.g. cross-border projects, expert groups) is helpful for information exchange and development of potential planning solutions, it is important to have a formal consultation process where feedback and opinions are documented. Formal consultation ensures that the exchange between countries is recorded so that if and when a legal question or international dispute arises, there is a reference available for how a particular issue was discussed in an MSP process.

For example, possible informal agreements may have been reached in the context of cooperative projects for specific 'hot spot' areas near maritime boundaries. These informal agreements then could be part of formal consultation to have them officially

²⁴ HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

incorporated into national maritime spatial plans (see example below). Additionally, formal consultation may make the need for separate 'hot spot' area plans more apparent, and could lead to separate bi-lateral or multi-lateral agreements on developing transboundary maritime spatial plans for a given area.

EXAMPLE: Identifying issues and suggested solutions for issues arising in transboundary hot spot areas in the Southwest Baltic Sea from Baltic SCOPE

Within the Baltic SCOPE project, planners identified six specific focus areas within the southwest Baltic Sea that are important from a transboundary perspective and that require cooperation between the involved states. For all areas, national planners and stakeholders identified and highlighted the main areas of potential synergies and conflicts in the region as well as other issues that require cooperation. This was achieved through the development of topic papers, a matrix of national interests (discussed in detail below), and broader discussions within the project's planners' meetings, national stakeholder meetings and at a transboundary stakeholder conference. Following issue identification, national planners identified solutions and formulated recommendations to address conflicts and promote potential synergies in the transboundary focus areas and across sectors.

Potential planning solutions for these focus areas are considered within the development and update of national maritime spatial plans, and are addressed once more through formal cross-border consultation so they can be implemented in the future. For example, the agreements reached for the "grey zone" overlapping Polish and Danish are now being incorporated into each countries' national maritime spatial plans.

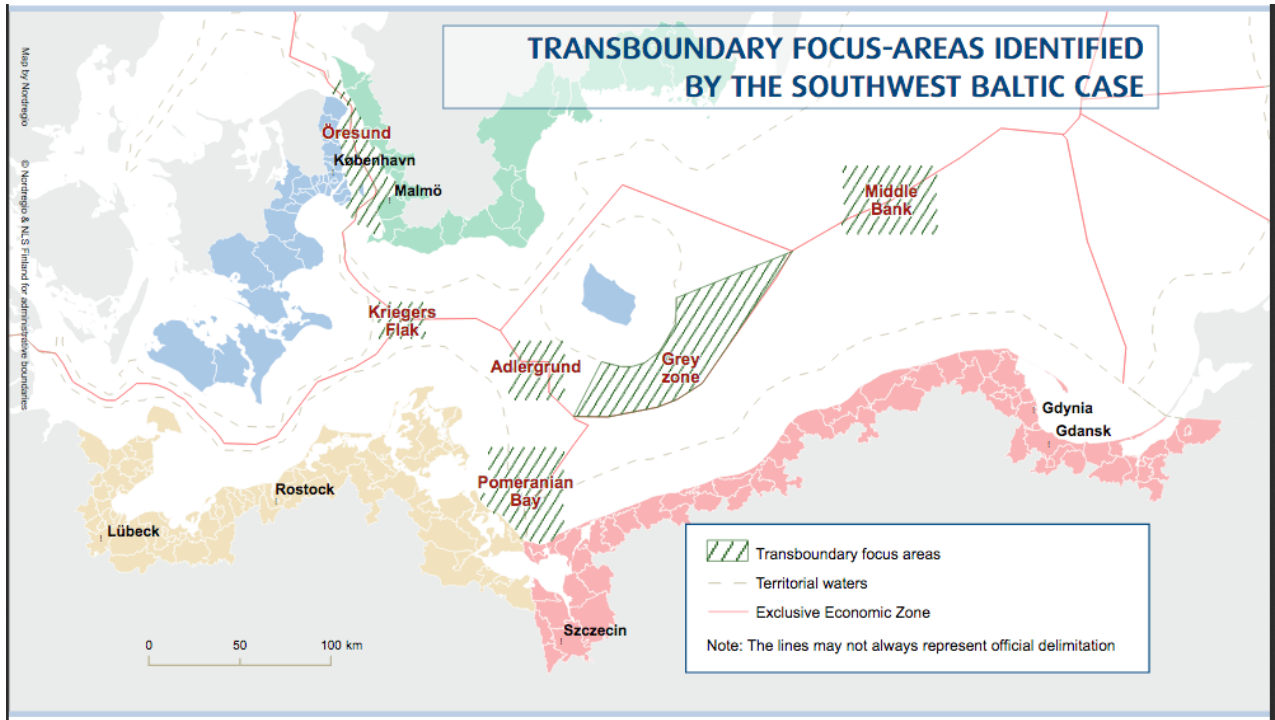


Figure 2. Transboundary focus-areas identified by the Southwest Baltic case study for detailed cross-border and cross-sectoral discussions and identification of solutions. Source: Nordregio

Reference: Baltic SCOPE (2017). Coherent Cross-border Maritime Spatial Planning for the Southwest Baltic Sea – Results from Baltic SCOPE. Retrieved from http://www.balticscope.eu/content/uploads/2015/07/BalticScope_SWB_report_WWW.pdf

Summary of points to consider

- Review **international agreements and EU legislation** relevant to cross-border consultation (e.g. EU MSP Directive, Espoo Convention).
- Review **sea-basin specific conventions and protocols as well as possible bilateral agreements** (e.g. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention); HELCOM-VASAB MSP Working Group Guidelines on transboundary consultations, public participation and co-operation)
- Review **existing national laws and official guidance.**
- Consider potential **impacts** (environmental, economic, social, and safety - both positive and negative) of MSP for neighbouring countries' waters.
- Consider possible consequences of provisions of maritime spatial plans (existing or in process) from neighbouring countries on own MSP process.
- Consider possible informal agreements reached as result of cooperative projects on specific '**hot spot**' areas or topics on how to consult each other.

4. WHICH COUNTRIES COULD BE CONSULTED, AND WHO COULD BE CONSULTED FROM WITHIN THEM?

As is done for determining the stakeholders who should be consulted within a given country, the MSP authority seeking input and opinions from neighbouring countries should start the process by considering **which countries could be consulted** – or those that may be impacted by a maritime spatial plan – as well as **who from outside their country has a “stake”** in (interest in or ability to influence) the plan in question. This section presents suggested factors to consider as part of this analysis.

Legal considerations

When answering this question, the relevant legal instruments described in the previous chapter above can provide a starting point to ensure consideration of formal consultation aspects. According to the Espoo Convention, national contact points from countries where a negative environmental impact is expected should at a minimum be consulted on Strategic Environmental Assessments developed for maritime spatial plans.²⁵ In terms of public participation, the Aarhus Convention grants public rights regarding participation in decision-making processes concerning the environment, including the transboundary environment.²⁶

Beyond the requirements set by these international conventions, existing practice has shown that there are benefits for conducting consultation directly with the equivalent bodies in the countries which may be affected by a maritime spatial plan. These are typically a legally recognised MSP authority, who can at times be different than nationally appointed Espoo contact points.

Other legal considerations, sea-basin or bilateral organisations also provide a starting point for determining which authorities should be consulted (see previous section). Moreover, embassies, but also contacts established within cooperative projects, may be able to point to the right structures especially in non-EU countries. The latter may also serve as informal communication paths to fill information gaps and ease the planning processes.

From which countries?

As recommended in the PartiSEApate Handbook on Multi-level Consultations²⁷, initial contextual assessments could consider which neighbouring countries to consult – both EU Member States as well as third countries. An assessment would start with determining which countries share an international maritime border as well as those who might otherwise be impacted by the provisions of a maritime spatial plan. This is simply due to the fact that sea borders do not limit environmental or socio-economic impacts resulting from one country's plan, and these impacts could potentially transcend borders (please see example below). A further step would be to identify which countries could be kept informed of the MSP process, versus those who could be asked for feedback on the content of the plan due to the likely impact of the plan in their waters.

²⁵ Points of contact regarding notification under the Espoo convention can be found here: https://www.unece.org/env/eia/points_of_contact.html
²⁶ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 2001). Available at: <https://www.unece.org/env/pp/treatytext.html>

²⁷ Matczak, M. et al. (2014). Handbook on multi-level consultations in MSP. PartiSEApate project. Retrieved from http://www.partiseapate.eu/wp-content/uploads/2014/09/PartiSEApate_handbook-on-multilevel-consultations-in-MSP.pdf

EXAMPLE: Polish draft maritime spatial plan consideration for Lithuanian shipping lanes

An example of transboundary issues with an impact beyond immediately neighbouring countries, who share a maritime border, is the consideration of shipping routes which pass through Polish waters. These routes connect to ports in Lithuania and other countries in the Baltic Sea, but do not connect to Polish ports. Thus, it was important for Poland to consult with Lithuania on reserving an area for the routes, in an effort to accommodate transboundary coherence.

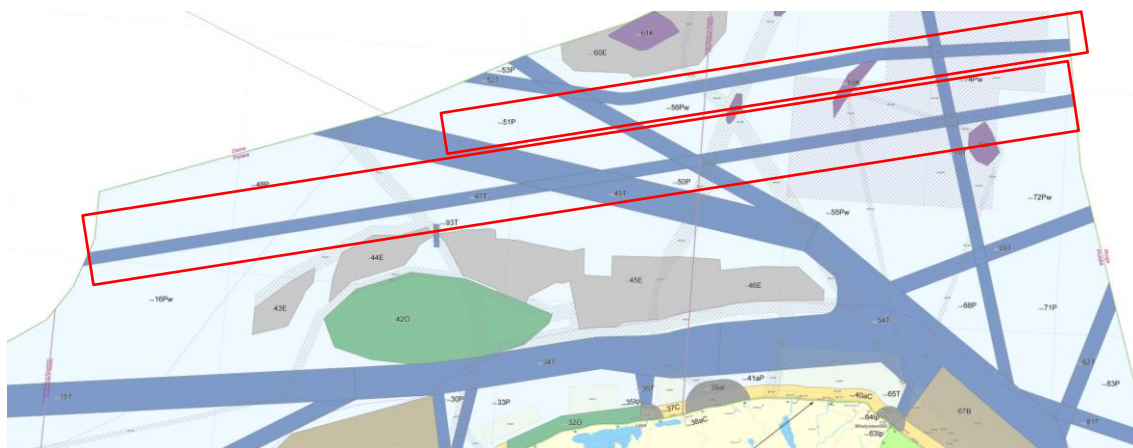


Figure 3. Depiction of shipping lanes in draft Polish maritime spatial plan, with highlighted transboundary routes. Image source: Presentation of Katarzyna Kryzwd, "Spotlight on a Member State: Maritime Spatial Planning in Poland" from the 15th Meeting of the EU Member State Expert Group on Maritime Spatial Planning, 8 October, 2018, Brussels, Belgium.

In practice, most of the consultation processes to date have involved only directly neighbouring countries who share a border. Some of the Baltic Sea countries have included MSP authorities from non-neighbouring countries, such as Poland inviting Estonia, Lithuania and Finland to provide feedback on their draft MSP plan, which may have a sea-basin wide impact. This case is relevant to application of the HELCOM-VASAB guidelines on transboundary consultation, which suggests a sea-basin wide approach to consultation (please see description in previous chapter).

Who could be consulted from each country?

For consultation with other EU Member States, **legally-defined MSP authorities** from neighbouring countries are the primary contact point regarding MSP consultation, based upon current consultation experience. As part of transposing the MSP Directive, all coastal EU Member States have established an MSP authority. National MSP authorities contact information can be found from a variety of sources, including the participant list of the Member State Expert Group on MSP (on request); the EU MSP Platform country pages²⁸; or from transboundary cooperation initiatives (e.g. HELCOM-VASAB MSP Working Group).

Additional contacts with significant relevance to cross-border consultation as Espoo Convention contact points, who should be contacted for consultation on SEAs relevant to maritime spatial plans.²⁹ In addition, foreign affairs ministries, who are responsible for diplomatic relations, can also play a prevalent role in MSP consultations, as they already do in most cross-border matters.

²⁸ <https://www.msp-platform.eu/msp-practice/countries>

²⁹ Points of contact regarding notification under the Espoo Convention can be found here: https://www.unece.org/env/eia/points_of_contact.html

According to investigations from the Baltic SCOPE and BALTSPACE projects³⁰, the ministry in which an MSP authority is formally situated can influence the emphasis (or lack of emphasis) that the authority places within their own maritime spatial plan. This can be reflected in the plan objectives, as well as when consulting on other countries' maritime spatial plans (see example below). Understanding different perspectives and priorities for MSP is often a goal of cross-border MSP projects, which were described in interviews as important for establishing cooperation among MSP authorities as a basis for effective formal cross-border consultation. *Discussion and presentation of different types of maritime spatial plans is presented in the chapter "WHAT are the issues to be addressed in consultation?" under the section "Planning frameworks: differences in MSP approaches."*

EXAMPLE : Planning for offshore grid networks in the Baltic Sea

The planning maps in the draft Swedish marine spatial plans do not show specific areas for the offshore electrical grid network, as responsibility for this network is not held by the MSP authority (Swedish Agency for Marine and Water Management).¹ In contrast, neighbouring countries' maritime spatial plans provide for planning of the offshore grid network, given that they are subject to planning and regulation by the same agency preparing the plan (e.g. the Federal Maritime and Hydrographic Agency of Germany). Thus, the ability to aim for coherent planning of an offshore grid as part of MSP is somewhat limited in this instance.

Reference: Swedish Agency for Marine and Water Management (2018). Proposal for the Marine Spatial Plan Baltic Sea, Consultation Document. Available at: <https://www.havochvatten.se/download/18.47bf2cd7163855d85cae2805/1529995797805/proposal-for-the-marine-spatial-plan-baltic-sea.pdf>

In addition to primary contact points, there may be **secondary contacts, such as sub-national authorities or other government bodies (e.g. ministries)**, who should be involved in a consultation process. Examples may include various sector specific ministries (e.g. environment ministries, energy ministries). In theory, the primary contact point ensures proper protocol and facilitates efficiency of a transboundary consultation process, by providing one point of entry into a given neighbouring country's relevant ministries and authorities as well as stakeholders (*see further discussion below under "Consulting across multiple levels*). Determining potential secondary contacts could be done by reviewing available country information, including those compiled as part of a cross-border MSP project or are already available from a sea-basin organisation.

Existing practice shows that it is important to confer with primary contacts on appropriate secondary contacts and the procedure for contacting them, especially where there may be multiple bodies who share MSP competences or multiple MSP authorities responsible for different areas. Ideally such information – as appropriate – could be accompanied with **a short explanation, provided by the responding country, on the given responsibilities and roles of ministries and institutions to understand their specific roles in MSP process**. Such information may also be useful, in case the neighbouring MSP authority channels all information themselves. This is a 'give and take' mechanism; such information would not only be requested, but – as appropriate – also be provided.

An example of a collaborative institutional analysis where MSP authorities conferred with each other on contacts for MSP is described below from the TPEA project. *Further discussion on multi-level consultation, including contact to non-governmental stakeholders, is described later in this chapter.*

³⁰ Janßen, H. et al (2018). Imbalances in interaction for transboundary marine spatial planning: Insights from the Baltic Sea Region. *Ocean and Coastal Management*, vol. 161. Available at: <https://www.sciencedirect.com/science/article/pii/S0964569117307470>

EXAMPLE: Institutional Analysis from Transboundary Planning in the European Atlantic (TPEA) project

Conducting an **institutional analysis**, such as that done under the Transboundary Planning in the European Atlantic (TPEA) project¹, can build mutual understanding of administrative structures and responsibilities for transboundary areas along with recommendations for cross-border planning exercises. As shown for Portugal in the figure below, relevant institutions from each country involved were analysed for their involvement with sectors and their specific role. Definitions of roles included licensing, providing an opinion (sometimes a legally binding opinion), and enforcement. The analysis revealed significant differences between countries at times. For example, in Spain there is a regional model with varying degrees of autonomy between regions and thus responsibilities are divided accordingly between the State and the regions. In contrast, Portugal primarily uses a centralised model (with a few regional exceptions), where decision making power is concentrated at the central level, and operational services are decentralised to regions or local authorities.

	Directorate General of Marine Policy	Directorate General for Natural Resources, Safety and Maritime services	Regional Directorates for Agriculture & Fisheries	Institutes for Nature Conservation and Forests	Portuguese Institute for Ocean & Atmosphere	Inspectorate General of the Ministry of the Environment, Spatial Planning & Energy and the Ministry of Agriculture and the Sea	Directorate General of Energy & Geology	Portuguese Environment Agency	Commissions for Regional Coordination and Development	Authority for Food and Economic Security
Fisheries	O	LOE	L	LO				LE		E
Aquaculture	O	LOE	L	LO	O			LE	E	E
Marine Biotechnology		LOE		OE		OE		LE	E	
Marine Mineral Resources				LO			LE	LE		
Energy Resources				LO		OE	LE	LE		
Ports, Transports & Logistics	O	LOE		LO		OE		LE		E
Infrastructures	O			LO		OE		LE		
Tourism, Sports & Leisure	O	LOE		LOE		OE		LE	E	E
Scientific Research		LOE		OE	L	OE		LE	E	
Nature Conservation	O	LOE		OE		OE		LE	E	
Underwater Cultural Heritage	O			OE				LE		

Figure 4. Institutional analysis in TPEA. Main institutions involved (Portugal) in each activity sectors and their specific role (example) (Modified)

Reference: Jay, S. & Gee, K. (eds.) (2014). TPEA Good Practice Guide: Lessons for Cross-border MSP from Transboundary Planning in the European Atlantic. University of Liverpool, Liverpool, UK. Retrieved from <https://iwllearn.net/resolveuid/ce79c1e6-1d13-4205-9c32-16b0bfd34b3>

In addition, experience shows that **informal cooperation among EU MSP authorities developed through projects and working groups helps build contacts and collegial working relationships**, which can facilitate discussions on somewhat contentious issues. Informal cooperation allows dialogues to take place in less formal settings than a consultation meeting and can help facilitate the supply of information on particular cross-border issues. For example, the series of MSP projects in the Baltic Sea region provide informal routes of communication between relevant authorities (currently through the Planning Forum for Cross-border Cooperation of the Pan Baltic Scope

project³¹), in addition to formal consultation conducted on maritime spatial plans. Additionally, activities in previous (e.g. Adriplan) and ongoing cross-border MSP projects in the Mediterranean (e.g. SUPREME, SIMWESTMED) have led to MSP authorities organising separate informal workshops regarding their MSP processes and specific issues. MSP projects have also contributed to the creation of formalised cooperation groups, such as the newly formed “six administrations group” for MSP authorities from the UK (England, Scotland, Wales and Northern Ireland), Ireland and the Isle of Man, which builds upon work done in the SIMCelt and Celtic Seas Partnership projects.

Transboundary cooperation frameworks

Interviewees mentioned several formally established transboundary cooperation platforms that provide opportunities for informal exchange on MSP matters, including **feedback on maritime spatial plans outside of formal consultation procedures**. An overview of these cooperation frameworks is provided in the table below, organised by geographic scale. Please see the sea the sea-basin pages on the EU MSP Platform website³² or DG MARE MSP pages for information on such groups.

Geographic scale	Cooperation Framework
Europe	EU Member State Expert Group on MSP
Atlantic	OSPAR Commission
Baltic Sea	<p>HELCOM-VASAB MSP Working Group</p> <p>Visions and Strategies Around the Baltic Sea (VASAB)</p> <p>Helsinki Commission (HELCOM)</p> <p>EU Strategy for the Baltic Sea Region (EUSBSR – Horizontal Action “Spatial Planning”</p>
Black Sea	Commission on the Protection of the Black Sea Against Pollution (Black Sea Commission)
Mediterranean Sea	<p>UN Environment Programme – Mediterranean Action Plan</p> <p>Adriatic and Ionian seas: EU Strategy for the Adriatic Ionian Region (EUSAIR)</p>
North Sea	<p>North Sea Commission</p> <p>OSPAR Commission</p>

Table 2. List of transboundary cooperation frameworks with relevance to MSP

These include groups that have a specific purpose to discuss MSP, such as the EU Member State Expert Group on MSP and the HELCOM-VASAB MSP Working Group, which provide a forum for experience exchange but do not often cover specific technical aspects of maritime spatial plans.

³¹ More information available at : <http://www.panbalticscope.eu/activities/cross-border-collaboration-and-consultation-to-support-national-msp-processes/planning-forum/>

³² <https://www.msp-platform.eu/msp-practice/seabasins>

Other types of transboundary institutions **may not be formally charged with MSP matters, but still support cross-border cooperation on MSP**. These include macro-regional strategies for a sea basin, such as the EU Strategy for the Adriatic-Ionian Region (EUSAIR), which seeks to enhance the awareness on existing MSP legislation and procedures as tools for planning economic activities in the coastal and marine environment, in particular through its Thematic Steering Groups (e.g. TSG 1 on Blue Growth and TSG 3 on Environmental Protection). Institutions created for establishing cross-border dialogues for a specific location were also mentioned, such as the Solway Firth Estuary Partnership (UK, England – Scotland) or the Spatial Development Committee of the German-Polish Governmental Commission for Regional and Cross-Border Cooperation.

Interviewees described the value of these platforms as providing a formal framework through which to have informal discussions, so that country-to-country exchanges can be justified to higher government levels as being within the frame of overall cross-border cooperation. They can also provide an opportunity for **collaboration on designing and executing concrete projects to facilitate cross-border MSP** or implement relevant concepts. One such example is the “Green and Blue Corridor” for the Adriatic-Ionian region, which aims to improve preservation and re-establish eco-connectivity among natural coastal and marine ecosystem along the entire Adriatic and Ionian coastline. Currently, the EUSAIR TSG 3 on Environment is discussing how MSP and ICZM can be used to implement this concept across borders.

EU Neighbouring Countries (third countries)

Of course, cooperation and consultation on MSP happens within existing geopolitical settings; MSP does not happen in a vacuum, and relations between countries are influenced by external factors. This is particularly true for consultation with countries neighbouring the EU.

For third countries, a first step could be to **identify whether or not there is an established MSP process; who was/is involved in the process; and whether this process was statutory or a pilot, non/binding MSP process**. One starting point for information about non-EU countries is the IOC-UNESCO overview of world applications of MSP³³, which describes work to date on MSP and MSP authorities / lead planning agencies, if already designated.

In cases where there is a statutory process with an established MSP authority (e.g. Norway), then cross-border consultation is handled in the same way as consulting with EU neighbouring countries. However, in the absence of a legal mandate for MSP, there may not always be a legally-defined MSP authority. In such cases, contact points established as part of **international conventions and treaties** (e.g. Espoo Convention contact points, embassies, sea-basin environmental protection commissions) may be the appropriate avenue to determine which ministry or authority is best placed to serve as a single contact point for formal consultation. **Transboundary cooperation frameworks** may also facilitate contact to relevant authorities, if their purpose is relevant to MSP and depending on their membership, as described in the following example. Sea-basin organisations, including sector organisations, may also have information on government contacts in non-EU countries who are relevant to MSP. Please see the sea the sea-basin pages on the EU MSP Platform website³⁴ or DG MARE MSP pages for information on such groups.

³³ <http://msp.ioc-unesco.org/world-applications/overview/>

³⁴ <https://www.msp-platform.eu/msp-practice/seabasins>

EXAMPLE: Barcelona Convention Conceptual Framework for MSP

In 2017, the parties to the Barcelona Convention adopted a Conceptual Framework for MSP. This is recognized as a guiding document to facilitate the introduction of MSP into the system of the Barcelona Convention and its Protocols and in particular to link it to ICZM. The decision was jointly adopted by EU and non-EU countries, and provides direction for conducting MSP across the Mediterranean region. In doing so, it provides a basis for contact on MSP among the national focal points and technical experts established under the ICZM protocol. While the Conceptual Framework does not prescribe consultation, it provides an overarching framework and common basis for MSP across the region.

Reference: United Nations Environmental Programme / Mediterranean Action Plan. (2017). Conceptual Framework for MSP in the Mediterranean from Implementation of the Integrated Coastal Zone Management Protocol: Annotated Structure of the Common Regional Framework for Integrated Coastal Zone Management and Conceptual Framework for Marine Spatial Planning. Retrieved from: https://wedocs.unep.org/bitstream/handle/20.500.11822/22563/17ig23_23_2307_eng.pdf?sequence=1&isAllowed=y

In the case of existing non-statutory / pilot plans from third countries who do not have an official MSP authority, one step could be to **request information from those who were involved in cross-border projects or initiatives**, regarding which government institutions may be relevant to consult. This can take place via contacts from cross-border projects involving third countries, as was done for some adopted maritime spatial plans for areas bordering Russian maritime jurisdictions (e.g. Lithuania and Kymenlaakso Region, Finland). In these cases, project meetings (e.g. PartiSEApate) provided an opportunity to share information on the MSP process and identify synergies. In both cases, formal consultation was not conducted, and the informal exchanges were the primary opportunity to receive feedback from Russia. While these were not formal consultations, the contacts established through projects may facilitate contact to government institutions for future versions of a plan. An **overview of cross-border MSP projects involving third countries is provided in Annex II.**

Consulting across multiple levels

As described in the preceding sections, there can be multiple points of view to consider as part of cross-border consultation - coming from different levels (e.g. sea-basin, national, sub-national) as well as varying institutions (e.g. governments, industry, non-governmental organisations). According to the findings of the PartiSEApate project³⁵ as well as existing practice described in interviews, once a primary contact has been identified (typically the legally defined national MSP authority), they should be asked about how secondary contacts as well as stakeholder could be engaged in the consultation. In this way, the national MSP authority serves as a kind of "gate keeper" to other relevant contacts.

Experience shows that in formal consultation procedures, the national MSP contact point from a given neighbouring country typically provides feedback on a maritime spatial plan from **both the national as well as various sub-national** (regional and local) levels of their country (e.g. secondary contacts), and also **from non-governmental stakeholders from their country**. This practice is followed for both national plans as well as sub-national plans, as illustrated by the following examples:

- An example of consultation on a national maritime spatial plan was described for the Maritime Spatial Plan for the Belgian Part of the North Sea, where comments from Dutch fishermen were provided via the Dutch national MSP contact point to

³⁵ Matczak, M. et al. (2014). Handbook on multi-level consultations in MSP. PartiSEApate project. Retrieved from http://www.partiseapate.eu/wp-content/uploads/2014/09/PartiSEApate_handbook-on-multilevel-consultations-in-MSP.pdf

the Belgium MSP authority regarding fisheries restriction zones included in the draft MSP plan.

- An example of this practice for a sub-national plan is development of the Pärnu Bay maritime spatial plan in Estonia, where the national MSP authority of Latvia was contacted to provide feedback from both sub-national (local) and national levels, as well as non-governmental stakeholders.
- Other arrangements include those found in the UK, where the authority for MSP is distributed among different administrations. Thus, direct consultation on sub-national (marine region) plans for territorial sea areas in UK internal waters (e.g. at the borders of England and Scotland) will occur at multiple levels of governance, by contacting both the national authority as well as the closest neighbouring sub-national authority.

With regard to **stakeholders from sectors** (e.g. shipping) or interest groups (e.g. environmental protection), the MSP **authority asked to consult could consider which stakeholders from their own country may have transnational concerns and could be involved in consultation**, either indirectly (e.g. written letter transferred via authority to neighbouring countries) or directly (e.g. presence at consultation meetings). While international agreements, specifically the Aarhus Convention³⁶, state that public participation should be included in decision-making concerning the transnational environment (as well as local and national environment), it does not set clear guidelines on how this should be done. Therefore, additional guidelines, such as those developed by the HELCOM-VASAB MSP Working Group³⁷, provide useful guidance regarding how non-governmental stakeholders should be engaged. These guidelines state that they should be engaged:

- by asking neighbouring states to ask their stakeholders directly for opinions on the other country's plan;
- by communicating the results of the national stakeholder process to the other BSR countries for their remarks; and
- competent authorities should engage well organized stakeholder groups existing at the pan-Baltic level, as well as existing transboundary expert groups.

As a result, as part of formal consultation, there can be limited direct contact between an MSP authority leading a process and the stakeholders from another country who are affected by the implications of the maritime spatial plan. One of the recommendations from the SIMCelt project³⁸ was for the national MSP authority/contact person for MSP **in the country that is affected by the plan provisions to take up the responsibility of engaging with their national stakeholders for the other country**. This involves disseminating information about the implications of the plan, asking for comments from stakeholders and disseminating the outcomes of such formal consultation processes as a feedback to stakeholders.

Alternative approaches have been applied in practice for receiving feedback from stakeholders in other countries:

- Stakeholders could be engaged on MSP at a transboundary level, through **marine/coastal stakeholder fora and partnerships**, and invited to consult or comment on the plan on behalf their constituents. For example, the Scottish

³⁶ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 2001). Available at: <https://www.unece.org/env/pp/treatytext.html>

³⁷ HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

³⁸ Ansong, J. et al., 2018. Existing Mechanisms for Cooperation on MSP in the Celtic Seas. Available at: http://www.simcelt.eu/wp-content/uploads/D14_Existing-Mechanisms-for-Cooperation.pdf

Coastal Forum, an association of multiple Scottish coastal partnerships, was invited to formally consult on Northern Ireland's draft marine plan.

- On a more informal basis, such as in the context of **cross-border MSP projects**, direct contact may occur. For example, direct exchange took place between MSP authorities and invited stakeholders from Latvia and Lithuania in the context of the PartiSEApate project.³⁹ In reality, this type of exchange can be limited due to resource or political constraints.
- A final alternative is to organise an **"open" international consultation process**, as was recently done for consultation on the draft Swedish marine spatial plans, where comments from interest groups were submitted directly to the Swedish MSP authority, rather than via national MSP authorities.

Consultation Contact List

Based on the considerations described in this section, a concluding output would be a **list of primary and secondary contacts and stakeholders for cross-border consultation**. By screening relevant processes, sea-basin and country specific institutions, one could develop a list map of relevant contacts as a first step of a consultation strategy. The list should also identify by whom they are consulted as well as possible meeting formats and dates, and could be verified by the neighbouring authority in order to make the consultation process as transparent as possible. With such a list, the responsibilities are clear on both sides regarding who will contact whom, which provides a foundation for further aspects of consultation.

Summary of points to consider

- Determine which countries **share an international maritime border** or might otherwise be **impacted by the provisions of the plan**
- Determine which countries should be asked for **feedback** as part of planning processes (likely impact) or should be kept **informed** of the planning process
- Identify **primary contacts**: legally defined national MSP authority and ESPOO contact point for consultation on SEA
- Identify **secondary contacts**: sub-national or regional MSP authorities or other ministries
 - Consider available country information
 - Confer with national MSP authority of given countries which sub-national / regional MSP authorities should be directly consulted
 - Cross-check and confer with MSP authorities which other relevant government bodies should be directly consulted
- **For non-EU countries**, identify whether they have / had an MSP process established; who is/was responsible or involved; and whether this MSP process is/was statutory, non-statutory or pilot:
 - Where there is no legal MSP authority but there was a pilot MSP, request (informal) information from institutions / partners involved on which government institution may be relevant to consult.

³⁹ Workshop report "Transnational stakeholders meeting on the concept for maritime spatial planning in the Lithuanian Sea and its potential impacts on sea use in Latvia" held 19 June 2013, organized under the PartiSEApate project. Available at: http://www.partiseapate.eu/wp-content/uploads/2013/07/Summary-report-Draft-CORPI_BEF.pdf

- In absence of MSP projects/pilots and authority, work via other formal / informal contacts (e.g. Espoo contact points, sea-basin organisations & strategies, embassies, related projects & working groups) to identify relevant contact points.
- If relevant/appropriate - consider **additional relevant (personal) contacts** (e.g. from MSP projects, workshops, meetings) for (informal) expert advice.
- Identify **other stakeholders** who may be relevant to consultation:
 - Identify relevant sea-basin or **cross-border dialogue platforms and cooperation mechanisms** (including sector-specific, expert groups); evaluate their relationship to MSP consultation and confer with neighbouring MSP authority on whether to involve them in consultation.
 - Confer with MSP authority of neighbouring country, whether and which **other (non-governmental) stakeholders** could be involved in MSP consultation process.
 - When asked to consult, consider which **stakeholders should be involved from own country** in transnational consultation process and whether such involvement should be direct or indirect (e.g. those with specific transnational concerns).
- **Confer with neighbouring countries on process** (e.g. how and when) to ask secondary contacts and stakeholders from their country for input to planning process and draft plan under consultation.
- Develop a **clear and transparent list of contacts** involved in cross-border consultation and by whom they are consulted when.
 - **Share and agree on this contact list** with neighbouring country / countries.
 - **Agree and identify own contact persons** for transboundary consultation and related internal communication processes.

5. WHAT ARE THE ISSUES TO BE ADDRESSED IN CONSULTATION?

The issues covered in cross-border consultation will naturally vary depending upon the given context, the parties involved and their relevant interests. With the EU MSP Directive's call for cross-border cooperation "with the aim of ensuring that maritime spatial plans are coherent and coordinated" (Article 11) in mind, consultation issues may relate to potential conflicts or synergies regarding maritime uses.

Legal considerations: environmental impacts

From a strictly legal perspective regarding requirements for cross-border consultation, the Espoo Convention states that consultation topics should **relate to negative environmental impacts**.⁴⁰ Therefore, Strategic Environmental Assessments for maritime spatial plans are typically the primary mechanism for identifying issues to be addressed in cross-border consultation. These typically include impacts on ecosystem functions across borders which result from plan provisions. Consultation under Espoo should also consider possible alternatives to proposed activities. *Further discussion on environmental impacts is presented below in the section "Plan content: gathering background information."*

Consultation topics: planning frameworks and plan content

Given the broad scope of MSP, in addition to environmental impacts, other economic, social and cultural issues are also relevant topics of consultation – especially when planning for future economic activities that may affect the space available for other sectors, possibly across jurisdictions. Examples include shipping routes, offshore wind farms near the border, cables and pipelines, and environmental issues such as migrating birds. The HELCOM-VASAB transboundary consultation guidelines recommend consulting on "all issues that are of concern to neighbouring countries or have potential impact of activities of neighbouring states."⁴¹ Article 8 of The EU MSP Directive includes a list of "possible activities and uses and interests" which may be relevant to MSP and therefore also subject to cross-border consultation.

However, study investigations found that limiting consultation topics to maritime activities alone can limit countries' abilities to respond to consultation requests, if they do not first understand how planning is carried out in their neighbouring country. Therefore, this section covers two main consultation topics:

- issues related to **planning frameworks**, including relevant legal mandates which shape planning approaches; and
- issues related to **plan content**, such as connectivity of uses in space across multiple jurisdictions (e.g. shipping, cables, pipelines), hotspots of activity near maritime boundaries, cumulative environmental impacts of activities across borders or cross-sectoral conflicts. These are presented in brief here, with more in-depth discussion in the study on "Addressing conflicting spatial demands in MSP."

Planning frameworks: differences in MSP approaches

⁴⁰ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at: https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

⁴¹ HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

It is important to recognise that **MSP authorities develop their plans in a variety of ways**, reflecting the different legal provisions in place and the varying traditions of planning from country to country. For example, some maritime spatial plans are indicative, setting out the broad criteria for development of maritime activities (e.g. UK’s Marine Plans), whereas others are prescriptive, setting down precise locational coordinates for maritime activities (e.g. Germany). Also, the administrative arrangements for carrying out MSP may differ significantly - either carried out at national or various sub-national levels, and by different arms of government.

When carrying out consultation, MSP authorities should be aware of the **differences of approach and organisation** that may exist between neighbouring authorities. The consulting authority in particular could seek to understand the arrangements in place for those it is consulting, in order to understand how to talk about one’s own plan in terms that their neighbours will understand. One way to do this is to visit neighbouring countries to at beginning stages of plan development informally exchange about planning approaches. Such types of meetings took place as part of the Swedish MSP process following publication of the Swedish MSP Roadmap⁴², which outlined the planning process and types of plans which Sweden intended to develop for its national marine waters. These types of meetings and presentations can build a mutual understanding of planning frameworks.

Either as part of desk research or presentations of planning frameworks, an initial starting point recommended by the PartiSEApate Handbook is to **review legal acts** - both those described above, as well as national documents such as MSP legislation or maritime strategies from neighbouring countries. This allows each country to learn about each other’s legal mandates as well as maritime policy priorities which may shape MSP approaches. In some cases, an MSP neighbouring authority may not have the same legal mandate regarding certain issues that their neighbours do. For example, not all Baltic Sea Region countries’ MSP authorities are in charge of locations of cables and pipelines; thus, for specific consultation matters on this issue, another country would need to address the separate relevant authority for this topic, rather than the MSP authority. This also relates to the discussion on secondary contacts in the previous chapter.

Policy and strategy documents can also influence a national planning approach – in other words, if a plan will be based on identifying priority areas for uses, or on establishing exclusion zones where certain uses are restricted, or a combination of both. Clearly indicating a planning approach early on was mentioned by several interviewees as critical for neighbouring countries to understand the draft plans that they are eventually asked to consult on. The following table summarises different types of MSP plans found to date developed by EU Member States:

Type of Plan	Examples	Description
National plan with spatial allocations	Maritime Spatial Plan for the Belgian Part of the North Sea, March 2014	This plan lays out principles, goals, objectives, and long-term vision, and spatial policy choices for the management of the Belgian territorial sea and EEZ.
National integrated plan	Harnessing Our Ocean Wealth – an Integrated Marine Plan (Ireland)	This sets out a roadmap for the Government’s vision, high-level goals and integrated actions across policy, governance and business to enable Ireland’s marine potential to be realised. Implementation of this Plan will see Ireland evolve an integrated system of policy and programme planning for

⁴² Swedish Agency for Marine and Water Management. (2014). Road map for Marine Spatial Planning (Färdplan havsplanering). Retrieved from : <https://www.havochvatten.se/hav/uppdrag--kontakt/publikationer/publikationer/2016-09-28-fardplan-havsplanering.html>

		marine affairs.
Multi-level plans	Sweden	Three distinct plans for separate areas, covering the territorial sea from 1 nm outward of the base line and the EEZ, are under preparation by the same national authority; while coastal regions also have the right to prepare their plans up to 12 nm
	United Kingdom	In the UK, the preparation of marine plans is the responsibility of the respective governments within the UK but all are guided by the UK Marine Policy Statement. For example, Scotland has prepared Scotland's National Marine Plan, which provides a single framework for managing Scotland's seas. This plan will be supplemented by eleven Regional Marine Plans, prepared by the Marine Planning Partnerships
	Germany	There is no hierarchy between the different plans prepared for the two EEZs (Baltic Sea and North Sea) and the three plans prepared by each of the coastal states; e.g. the plan prepared by Mecklenburg-Vorpommern for its 12 nm zone is not under a hierarchical order of the plan prepared by the Federal Government for the Baltic Sea EEZ.

Table 3. Different types of MSP Plans. Adapted from GEF LME:LEARN, 2018. Marine Spatial Planning Toolkit. Paris, France, available at: <https://iwlearn.net/manuals/marine-spatial-planning-msp-toolkit>. Information in the table is drawn from the following sources: Maritime Spatial Plan for the Belgian part of the North Sea, 2014, https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf; Harnessing our ocean wealth: an Integrated Marine Plan for Ireland, <http://www.marine.ie/Home/site-area/irelands-marine-resource/integrated-marine-plan-ireland>; Sweden: MSP Platform Country page, <http://www.msp-platform.eu/countries/sweden>; United Kingdom: MSP Platform Country page, <http://www.msp-platform.eu/countries/united-kingdom>; Germany: MSP Platform Country Page, <http://www.msp-platform.eu/countries/germany>

In order to assess one's understanding of neighbouring countries' planning approaches, an analytical template could be used, such as the quality checklist for evaluating transboundary MSP as described below.

EXAMPLE: Quality Checklist for Transboundary MSP

This checklist, developed as part of the TPEA project, provides guidance for analysing and understanding neighbour countries MSP frameworks. The Process evaluation Preparation checklist provides suggested criteria for evaluation at the beginning of a cross-border process. Each country involved in a transboundary exercise should fill in the checklist, either in a collaborative process or individually with subsequent discussion of results. The indicative evaluation checklists should be understood as flexible instruments, which can be expanded and adapted according to need.

A. Process evaluation			
Preparation			
Criterion	Indicator	Country	yes/partly/no
1. Legal and administrative framework	a. Formal jurisdictional MSP systems are in place.	Country 1	
		Country 2	
		(Country 3...)	
	b. Legal instruments and administrative processes are in place to facilitate transboundary cooperation in MSP activities.	Country 1	
		Country 2	
2. Institutional capacity and cooperation	a. Authorities have responsibility for transboundary cooperation in MSP.	Country 1	
		Country 2	
	b. The roles and responsibilities of organisations in transboundary MSP have been clearly defined and communicated.	Country 1	
		Country 2	
	c. There are institutional resources (eg. staffing, skills, funding, data availability) for organisations to engage in transboundary cooperation in MSP.	Country 1	
		Country 2	
d. There is effective formalised communication between organisations across borders.	national level		
	regional level		
	local level		
e. There is equitable sharing of transboundary MSP responsibilities and tasks across borders.			
3. Trans-boundary MSP area	a. An agreed transboundary area has been defined for MSP purposes.		
	b. Stakeholders have been involved in the selection of the transboundary area.		
4. Formulation of strategic	a. Agreed strategic objectives for the transboundary MSP process have been established.		

Figure 5. An extract of the indicative TPEA quality checklist for trans-boundary MSP processes

Reference: TPEA (2015). TPEA Evaluation Progress Report. Retrieved from <https://www.cbd.int/doc/meetings/mar/mcbem-2014-04/other/mcbem-2014-04-eu-transboundary->

Transboundary initiatives may also influence planning approaches and content. An example is the Conceptual Framework for MSP in the Mediterranean (described in the previous chapter), which identifies the Ecosystem Approach (EcAp) as the guiding principle for MSP.⁴³ Further discussion on transboundary initiatives relevant to specific topics is presented in the following section.

Plan content: determining the issues and gathering background information

Examples from existing experience

Study investigations found that there are a range of **topics covered in cross-border consultations** – often relating to linear infrastructure or corridors which span boundaries (e.g. shipping lanes, cables and pipelines) or new infrastructure established close to maritime boundaries (e.g. offshore wind installations). The following table presents examples of issues raised as part of completed and ongoing cross-border consultation on maritime spatial plans:

⁴³ United Nations Environmental Programme / Mediterranean Action Plan. (2017). Conceptual Framework for MSP in the Mediterranean from Implementation of the Integrated Coastal Zone Management Protocol: Annotated Structure of the Common Regional Framework for Integrated Coastal Zone Management and Conceptual Framework for Marine Spatial Planning. Retrieved from: https://wedocs.unep.org/bitstream/handle/20.500.11822/22563/17ig23_23_2307_eng.pdf?sequence=1&isAllowed=y

Adopted Plans		
Plan	Process	Issues discussed
Marine Spatial Plan for the Belgian part of the North Sea (2014-2020)	Belgium national MSP process	Shipping routes, offshore wind installations, cables and pipelines
Policy Document on the North Sea 2016-2021, including the Netherlands' Maritime Spatial Plan	Netherlands MSP process	Offshore wind farms influence on shipping lanes, cable routes
Lithuania - The Comprehensive Plan of the Republic of Lithuania (and its part "Maritime territories ")	Lithuania MSP process	Offshore wind, shipping, environment, oil extraction issues was discussed with Latvia
Maritime Spatial Planning of the Pärnu Bay Area	Estonia MSP	Transport corridors (commercial shipping and recreational boating), offshore wind, Natura 2000 areas
MSP in Progress		
Plan	Process	Issues discussed
Development of a Maritime Spatial Plan. The Latvian Recipe	Latvia MSP process	Shipping, offshore wind, application of the ecosystem-based approach
Maritime Spatial Plan of the Polish Sea Areas draft	Poland MSP	Oil and Gas issues, shipping corridors, nature protection areas
Swedish Marine Spatial Plans	Sweden MSP	Shipping, offshore wind, sand extraction, nature protection and fisheries, defence and security

Table 4. Examples of issues discussed in cross-border consultation on maritime spatial plans. NOTE: Issues for plans in development are only presented for those processes which have reached a stage of concrete discussions on issues with neighbours.

Further examples of cross-border issues are described in the separate study "Addressing conflicting spatial demands in MSP". Details on the following cases are provided in the study's referenced Conflict Fiches:

- Planning for **electricity cables** between Italy and Slovenia in the Northern Adriatic (Story 3 in Conflict Fiche 2: Cables / pipelines and commercial fisheries / shipping)
- Reduction of **ship strikes of marine mammals** in the Pelagos Sanctuary (France / Italy / Monaco) (Story 1 in Conflict Fiche 4: Maritime transport and marine conservation)

- **Offshore wind farm development** near the Belgian – Netherlands border (Story 1 in Conflict Fiche 7: Maritime transport and offshore wind) and the French – Belgian border (Story 4 in Conflict Fiche 7: Maritime transport and offshore wind)
- **Fisheries restricted area** in the Jabuka Pomo Pit in the Adriatic Sea (Italy – Croatia – Slovenia) (Story 1 in Conflict Fiche 9: Commercial fisheries and marine conservation)

In addition to describing the nature of the conflicts and examples referenced, the “Spatial conflicts between sectors” study describes potential solutions. Therefore, technical planning solutions for the above referenced issues are not covered in this study on cross-border consultation.

Determining consultation topics and gathering background information

While the examples provided above come from existing experiences, each context is different and thus will require information gathering to identify potential topics of cross-border consultation. **Collecting and reviewing available data and information from a neighbouring country** before embarking on formal consultation is important preparation for determining the scope of consultation issues, and to understand positions and interests of neighbouring countries. According to the PartiSEApate Handbook⁴⁴, it is recommended to do this as part of the stocktake phase – in addition to collecting information on activities and environmental conditions in one’s own country, this could also be collected from neighbouring countries.

A starting point is to try to **understand any existing maritime spatial plans** from neighbouring countries, to have an idea on which issues should be raised in formal consultation in order to address current or avoid future conflicts. This can be done as part of exchanges on planning approaches as described above. Such an informal meeting is likely more useful than only conducting desk research on a neighbour’s maritime spatial plan, which can lead to misunderstandings. An early in person exchange also allows consulted countries to **proactively share their interests and prevent any key issues from being overlooked** – in particular related to differences in planning approaches and known sector issues, as discussed above. Once formal consultation is conducted, then the consulting country can ask specific questions of their neighbouring countries, because they are already aware of their neighbours’ interests in addition to the potential impacts of their own plan.

National stakeholder consultation exercises may also generate background information which is relevant to cross-border MSP impacts. For example, scenario development among shipping and energy sector stakeholders in Latvia pointed to impacts relevant to neighbouring countries⁴⁵. The four resulting scenarios were shared as part of informal cross-border consultation before a draft plan was made.

Transboundary cooperation on joint fact-finding and planning solutions

Cross-border MSP cooperation projects provide an opportunity to **identify and conduct informal investigation on key issues, prior to or in parallel with, formal consultation**. This is important especially for understanding the drivers behind uses and activities in a neighbouring country’s maritime space, in particular for including a future-oriented perspective. These projects also **allow other countries to let their neighbours know what their specific issues are** in an informal setting, outside of formal consultation. Projects involving defined transboundary planning areas, or “hotspot” areas can raise issues for consideration in individual national plans, as well as potential transboundary planning solutions.

⁴⁴ Matczak, M. et al. (2014). Handbook on multi-level consultations in MSP. PartiSEApate project. Retrieved from http://www.partiseapate.eu/wp-content/uploads/2014/09/PartiSEApate_handbook-on-multilevel-consultations-in-MSP.pdf

⁴⁵ Caune, A. et al (2017). Stakeholder Involvement in Long-term Maritime Spatial Planning: Latvian Case. Developed as part of the Baltic LINes project. Retrieved from : https://vasab.org/wp-content/uploads/2018/06/Stakeholder_Involvement_Latvian_Case-1.pdf

Data and information sharing between countries and stakeholders in a project context can look into issues on a more detailed level than may be possible in formal consultation. It can also help establish a common basis of planning evidence to work from when developing and proposing common solutions for deliberation as part of formal consultation, which was noted to be particularly important for Espoo Consultation on EIAs and SEAs from the Baltic SCOPE project.⁴⁶ Multiple cross-border MSP projects have developed collective data portals to facilitate cross-border data sharing for MSP (e.g. BalticLINES, ADRIPLAN, SIMCelt and the on-going Portodimare), in addition to data portals intended to serve multiple purposes (e.g. EMODnet). These efforts have shown that it is resource intensive to harmonise the raw data going into a data portal for multiple countries; however, resulting output maps can facilitate discussions on concrete issues.

In addition to electronic exchange of data and information, several cross-border MSP projects have organised **workshops focused on specific issues**, where both maritime spatial planners as well as stakeholders (e.g. ship owners associations, environmental NGOs) were present to share information and interests. This informal exchange provides the opportunity for diverse perspectives from multiple countries to be shared outside of formal consultation on national plans, but still inform their development.

A specific issue related to the legal mandate to consult on transboundary negative environmental impacts are **cumulative effect assessments**. Several projects and transboundary initiatives have initiated transnational collaboration to understand the effects of multiple environmental pressures across borders. The results of these assessments can provide information for MSP from various perspectives, and contribute to developing SEAs on maritime spatial plans. By using a similar assessment framework, cumulative effect assessments can help with coherence across different countries plans.

⁴⁶ Baltic SCOPE (2015). Recommendations on Maritime Spatial Planning Across Borders. Available at: http://www.balticscope.eu/content/uploads/2015/07/BalticScope_OverallRecomendations_EN_WWW.pdf

EXAMPLES: Transboundary cumulative effect assessments from cross-border MSP projects

The **SIMCelt project** considered a methodology and process for cumulative effects assessment in a MSP transboundary context by assessing seabed disturbance caused by multiple activities in two pilot areas including the Irish Sea and the coast of Brittany. The process analysed spatial data about human activities, pressures and the sensitivity of the receiving environment. The combination of these processes resulted in defining the cumulative/concomitant effects. The results of the CEA assessment have also been illustrated on a web-based story map and video which also indicates the challenges of CEA in transboundary MSP.

Reference : SIMCelt Cumulative Effects Assessment <http://www.simcelt.eu/case-study-2-assessment-of-cumulative-impacts/>

Development of a coherent environmental assessment framework among North Sea countries is the focus of the **Strategic Environmental Assessment North Sea Energy (SEANSE) project**, which would provide a voluntary tool for North Sea Countries to use when assessing environmental impacts of renewable energy installations as part of MSP.

Reference : Strategic Environmental Assessments North Sea Energy (SEANSE). (2018). Project background. Retrieved from: <http://northseaportal.eu/project-information/project-background/>

The **Baltic Sea Impact Index**, developed by HELCOM, will be used within the Pan Baltic Scope project to further integrate transboundary cumulative effects assessment in MSP. Specifically, it will be used to resolve gaps in knowledge; link the contribution of individual human activities to overall impact; achieve common understanding of the role of cumulative impacts in MSP; and test the integration of socioeconomic aspects and green infrastructure to cumulative impacts.

Reference: HELCOM (2018). HELCOM Baltic Sea Impact Index and its use in Maritime Spatial Planning- Retrieved from : <http://www.helcom.fi/Lists/Publications/HELCOM%20Baltic%20Sea%20Impact%20Index%20and%20its%20Use%20in%20Maritime%20Spatial%20Planning.pdf>

Once information is collected and analysed, it may become apparent that there are certain **“hot spots” of activity**, which could be specifically addressed in cross-border consultation. Examples of cross-border MSP for both defined areas, which span the borders of two countries, as well as those crossing multiple countries’ waters, are described below. The descriptions highlight techniques used to investigate issues and develop potential solutions from completed cross-border MSP projects.

EXAMPLE: Solway Firth Case Study from SIMCelt

The **Solway Firth Case Study** from SIMCelt is an example of a joint fact-finding effort for a cross-border area. The case study provided unique five-year insight into the interactions of different sectors around the cross-border (England-Scotland) Solway Firth between 2011 and 2017. The collection of data on sectoral interactions originally undertaken in 2011 by the Solway Firth Partnership was then able to be compared with the 2016-17 data collected as part of the SIMCelt Project. The approaches to collection of the information in both the 2011 study and the 2016-17 study were broadly similar. In order to identify interactions between sectors (sub)sectoral representatives were e-mailed Excel workbooks, comprising a set of instructions, a background questionnaire and a customised blank matrix. These results were then combined to allow interactions to be mapped onto a colour coded matrix. Respondents were then invited to attend a meeting project team to develop a greater understanding of the nature, intensity and spatial dimensions of interactions and to explore associated marine management issues. During meetings where appropriate participants were invited to annotate A0 admiralty charts; for the 2016-17 study National Marine Plan interactive (NMPi) and MMO's Marine Evidence Base maps were used instead. It was recommended that sectoral Interactions is a quick assessment tool that can be used to identify areas of activity that may need greater attention through plan policies or objectives, prior to formal planning processes being undertaken.

Reference: Baruah, E.L., Fairgrieve, R., and Haddon, P (2018) SIMCelt: Options for the Solway marine region in terms of marine planning (D12.5). EU Project Grant Agreement No: EASME/EMFF/2014/1.2.1.5/3/SI2.719473 MSP Lot 3. Supporting Implementation of Maritime Spatial Planning in the Celtic Seas (SIMCelt). Marine Scotland. 40pp. Retrieved from: http://www.simcelt.eu/wp-content/uploads/D12e_cs3_Options-for-the-Solway.pdf

EXAMPLE: Maritime Spatial Plan for the Cross-Border Area Mangalia – Shabla from MARSPLAN

As part of the MARSPLAN project, a non-statutory maritime spatial plan was developed for the cross-border area Mangalia (RO) – Shabla (BG) close to the Romanian and Bulgarian Black Sea Coast. The planning process included a review and analysis of existing and future activities and uses in the area, followed by development and assessment of alternative strategic scenarios for the region. This led to selection and description of the optimal strategic scenario and goals for maritime spatial planning. The exercise provided the opportunity to test the common MSP methodology developed between the two countries, as way to see the capacities of Bulgaria and Romania to develop and to adopt an instrument for management of the specified marine area. Thus, it created an institutional framework for MSP implementation at the national level in Romania and Bulgaria, and enhanced cross-border cooperation and exchange of information between the two countries.

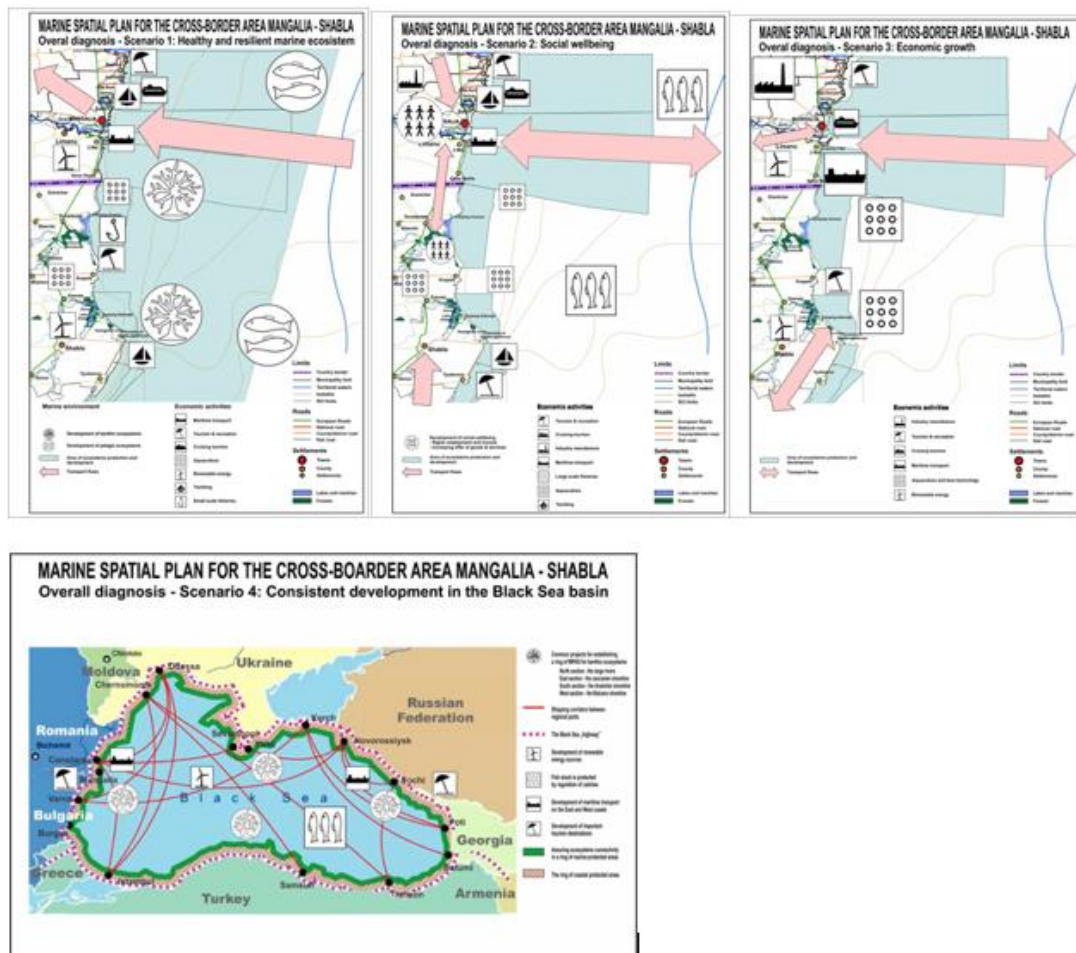


Figure 6. Alternative strategic growth scenarios for MSP of Mangalia-Shabla area extended to regional level

Reference: MARSPLAN. (2017). Maritime Spatial Plan for the Cross-border area Mangalia-Shabla. Retrieved from: <http://www.marsplan.ro/en/results/maritime-spatial-plan-for-the-cross-border-area-mangalia-shabla.html>

EXAMPLE: Matrix of Interests for Coherent Cross-border Maritime Spatial Planning for the Southwest Baltic Sea from Baltic SCOPE

As described earlier (see example "Identifying issues and suggested solutions for issues arising in transboundary hot spot areas in the Southwest Baltic Sea from Baltic SCOPE") the Southwest Baltic case focused on six focus-areas to identify conflict issues and concrete solutions where sectoral developments potentially affect neighbouring countries. **Topic papers** were developed to outline the latest developments and trends in these sectors as well as their transboundary impacts. For instance, the Kriegers Flak focus-area, was seen as important and potentially conflicting for the construction of offshore windfarms and interest for gravel extraction. The Oresund strait, where Denmark and Sweden border only in territorial waters is one of the busiest shipping routes of the Baltic; while the same areas has also designated MPAs, raw material extraction and fisheries as well as the increasing interest for integration between the two main cities (Copenhagen & Malmö) in the area. Information from topic papers was used to develop a **matrix** presenting an overview of different sectoral interests across countries, which helped planners understand what the commonalities and disparities are among countries with respect to their national sectoral interests, as well as define key areas of transboundary MSP concerns. The matrix was organised in a way that focus-areas were shown along the horizontal axis, while the vertical axis indicated the different national sectoral interests, with high and low priority being differentiated by using different colour shades. An overview of existing international regulations was also added to the matrix. By visualising the priorities of different countries for each focus-area, the exercise helped to identify opposing interests and to identify potential conflicts – if there are real issues to be solved.

FOCUS AREA	Middle Bank		Adlergrund			Kriegers Flak		
INTEREST / COUNTRIES participating	PL	SE	SE	DK	DE	SE	DK	DE
Offshore Wind Energy (planned/existing)	strong	strong	no info	no info	strong	strong	strong	strong
Power Cables (planned / existing)	strong	strong	no info	strong	strong	strong	strong	strong
Data Cables (planned / existing)	strong	no info	no info	no info	strong	strong	strong	strong
Pipelines (planned/existing)	no info	strong	no info	no info	strong	strong	strong	strong
Other physical Infrastructure (Tunnel etc.)	no info	no info	no info	no info	no info	no info	no info	no info
Ship Traffic / IMO Routes	strong	strong	strong	strong	strong	strong	strong	strong
Sand and Gravel Extraction (planned/existing)	strong	strong	strong	strong	strong	strong	strong	strong
Fishery	strong	strong	strong	no info	strong	strong	strong	strong
Conservation Areas	strong	strong	strong?	strong	strong	strong?	no info	no info
Other Nature Conservation and Managing Interests	strong??	strong??	no info	no info	strong	no info	no info	strong
Defence	no info	no info	no info	no info	strong	strong?	no info	strong
Planning Restrictions/ Regulations existing	no info	no info	no info	no info	existing	no info	no info	existing
Territorial Sea (TS) / Exclusive Economic Zone (EEZ)	EEZ	EEZ	EEZ	EEZ	EEZ / TS	EEZ / TS	EEZ / TS	EEZ / TS
Notes / remarks	there might be NGO interests with regard to nature conservation (harbour porpoise), IBA		need for more information from DK			nature conservation interests in German EEZ with regard to bird migration (cranes) and reef structures		
Responsibility for (geographical) information about areas	SE+PL		DE			DE+SE		

strong interest
 minor interest
 no interest
 no information
 existing planning restrictions/regulations
 no restrictions/ regulations known

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Figure 7. Matrix of national interests in focus areas of the Southwest Baltic case study

Reference: Baltic SCOPE (2017). Coherent Cross-border Maritime Spatial Planning for the Southwest Baltic Sea – Results from Baltic SCOPE. Retrieved from http://www.balticscope.eu/content/uploads/2015/07/BalticScope_SWB_report_WWW.pdf

Summary of points to consider

- Consider **potential environmental impacts** in neighbouring countries' waters resulting from planning provisions, possibly as part of SEA process.
- Review **sea-basin strategies / policies and regionally agreed principles & objectives and legal mandates**, obligations and resulting priorities.
- Communicate with neighbours about one's own **planning approach** to help them understand and provide feedback on a plan, as well as ask for feedback/input from countries consulted on their own planning approach and **possible impacts** for own maritime spatial plan.
- Determine potential issues for consultation by reviewing **joint information sources** (e.g. data portals) **and planning solutions** already or to be developed with neighbouring countries. These could include cumulative effects assessments relevant for environmental impacts, joint data collection or development of "hotspot" area pilot plans from previous initiatives.
- When **responding** to a consultation request, **assess and identify possible impacts and synergies in one's own country**, resulting from the plan provisions. Consider national sectoral policies or potential future areas of activities.
- Review responses from **own national stakeholder consultation** on possible transboundary issues of interest.

6. WHEN COULD NEIGHBOURING COUNTRIES BE ENGAGED?

As described in the study introduction, informal cooperation on cross-border MSP is closely related to formal consultation. Study investigations found that informal cooperation occurs on a continuous basis during a given countries MSP process; whereas formal consultation is thought to occur at distinct points in time. This chapter suggests when to seek concrete exchange with neighbouring countries in development of a national maritime spatial plan – either as an informal conversation or a dedicated formal request.

Legal considerations

In legal terms, formal cross-border consultation is only required on a SEA of a maritime spatial plan, and only if it is determined that there are negative environmental impacts of planning provisions in neighbouring countries' waters. SEAs are typically developed towards the end of an MSP process, once planning provisions are drafted. Therefore, formal cross-border consultation typically takes place only once an (draft) SEA is made available. As a result, limiting formal consultation only to a SEA reduces the opportunities for exchange from neighbouring countries during earlier phases. While not legally required, it is advised that consultation take place before the legally required point in time, so that a "gap" in information sharing is avoided.

Benefits of early exchanges

Study investigations found that most currently ongoing consultations include sharing information with neighbouring countries at the very beginning stages of a process, primarily to inform them about **how the country is going about the development of their maritime spatial plan** and preliminarily ask about interests that may be affected. Many interviews mentioned that early exchanges with neighbouring countries were key to effective consultation.

Doing so raises the awareness of neighbouring countries early in the process, and provides the opportunity to explain the nature of the plan itself – if it will be a strategically oriented document that sets goals and related objectives (e.g. Lithuanian Comprehensive Plan), or if it will be a technical planning document which sets planning and licensing criteria for various uses (e.g. German EEZ plans). Thus, sharing information early on builds a fundamental common understanding on the type of plan and its legal basis. *Differences in approaches and resulting plans are discussed in the previous chapter: WHAT are the issues to be addressed?*

As recommended from the Baltic SCOPE project⁴⁷, early consultation also establishes an "early warning system" to allow consulted countries to proactively raise any issues to be looked at in their neighbour's plan early on. This can also be a way to avoid conflicts from developing across sectors, as well as prevent incoherent plans. *Further discussion on plan content is discussed in the previous chapter: WHAT are the issues to be addressed?*

An example of early consultation shared in interviews is the 2018 public consultation on the French National Maritime Strategy, where the French MSP authority and associated ministries held meetings with the MSP authorities from Portugal, Spain, Italy, Belgium and Ireland to explain the relationship between the National Maritime Strategy and the upcoming MSP development process for four maritime regions in France. Such meetings can provide clarity and expectations for future engagement in the process, and help with understanding content in later stages – in particular foreseen effects and legal impacts of the maritime spatial plan.

⁴⁷ Baltic SCOPE (2015). Recommendations on Maritime Spatial Planning Across Borders. Available at: http://www.balticscope.eu/content/uploads/2015/07/BalticScope_OverallRecomendations_EN_WWW.pdf

Analysing timelines

It is advised that cross-border consultation keep in mind both timelines associated with consultation of national stakeholders, as well as MSP timelines of the countries to be consulted. This is to ensure allocation of both one's own resources, as well as understand when resources are available from a neighbouring country and to avoid stakeholder fatigue from multiple requests.

In most consultation exercises analysed, formal cross-border consultation periods were open at some point during a national consultation period, often towards the end or immediately following national consultation. For example, formal public consultation was open in Sweden until 15 August 2018, and international consultation was open from 15 June to 15 September 2018. Timing consultation of these different groups close to each other can allow for efficient processing of responses and identification of potential conflicts between the two groups simultaneously, rather than developing solutions separately for each group.

In the cases investigated to date, there is often a mismatch in timelines of MSP development among countries, which can contribute to difficulties in understanding and providing adequate input on certain issues. An understanding of these multiple timelines can be gained by conducting a **timeline exercise**, where a diagram is drawn to identify opportunities for both formal and informal consultation, as described in the following example from the NorthSEE project. This can help avoid overlapping international consultation meetings, which require travel and resources, or identify opportunities to learn from other countries' consultation exercise first hand.

EXAMPLE: Timeline exercise for analysing current status of MSP across a transboundary area from NorthSEE project

An example of timeline analysis was done as part of the NorthSEE project, and jointly elaborated by countries bordering the North Sea (Belgium, Netherlands, Germany, Denmark, Sweden, Norway and UK (Scotland)). During the exercise at a partner meeting, MSP authorities worked on the linear timeline of their processes, starting in the 2nd quarter of 2017 (start of the project) and ending in the year 2021 when all when all coastal EU Member States should have adopted maritime spatial plans. Participants used a common colour coding during the exercise for better comparison of on-going processes, cornerstones like the finalization of a SEA and deadlines like the first draft or the final plan. All timelines were developed on wallpaper simultaneously to enable easy comparison between the countries and to show the current status of MSP across the North Sea. Such an exercise could be conducted as part of an informal workshop among neighbouring countries to increase their collective understanding of each other’s processes, once they are defined by each authority. The work on paper was then used to create comparative diagrams to graphically display and share the results.

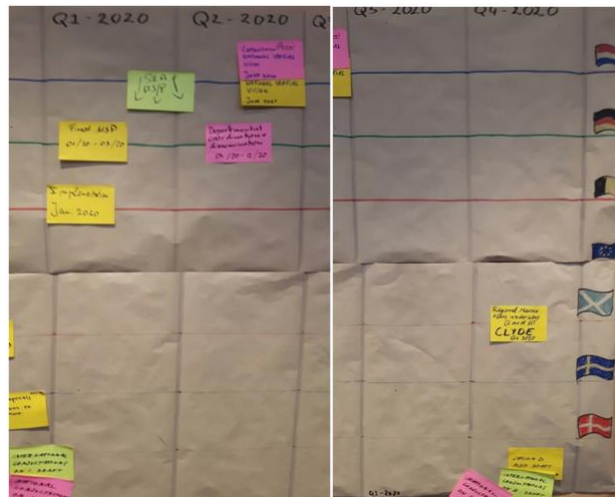


Figure 8. Wallpaper work on timeline of North Sea MSP processes

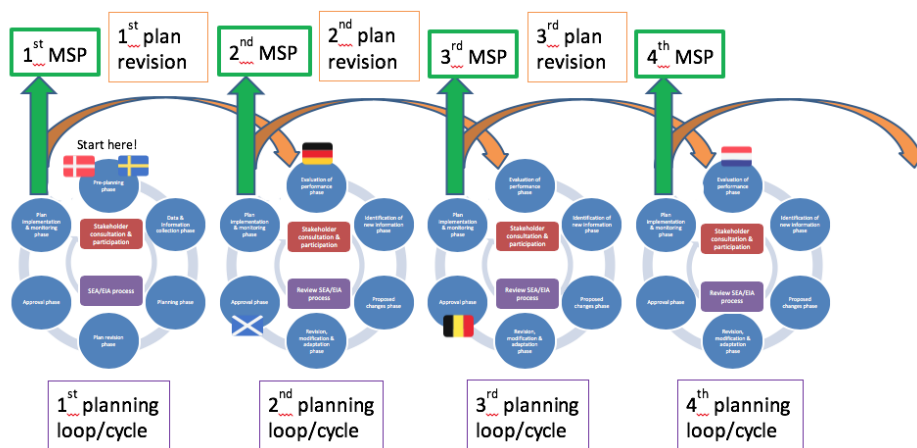


Figure 9. Infographic showing the generic MSP process steps and the current MSP status of North Sea Region countries (as of March 2018).

Reference: NorthSEE project (in press). Comparative Analysis of Maritime Spatial Planning (MSP) in the transnational setting of the North Sea: Explorative MSP Process Timeline

Comparison of various countries MSP timelines to date reveals that the maritime spatial plan adopted can potentially set a precedent on certain issues that impact neighbouring plans yet to be finalised. For example, in the UK, Scotland was the first country to adopt a national marine plan, and thus set the precedent for compatibility under the UK's Marine Policy Statement. As more countries develop maritime spatial plans - both first and "next generation" plans - the issue of who set precedent first may not be so prominent, due to the fact that countries will need to consider measures included in adopted plans rather than hypothetical content.

Multiple opportunities throughout the MSP Cycle

Analysis of existing and ongoing formal consultation procedures indicates that there are multiple cross-border consultation periods for a given maritime spatial plan. This goes beyond legal requirements described above. For example, multiple cross-border consultation meetings were organised by Poland on their draft maritime spatial plan: initially as an informal meeting to collect proposals on the plan and gather information in October 2016, followed by a formal meeting in November 2017 to share a "zero draft" version of the plan. A second formal consultation meeting is planned following release of the "first draft" of the plan in 2018, and additional meetings are anticipated for the second and final drafts.

In practice, feedback and information from neighbouring countries is shared more fluidly **at multiple points in time** through informal channels rather than through defined consultation rounds. The framework of the MSP cycle can help identify at which point in the process it is beneficial to seek information, opinions or responses from neighbouring countries via both formal and informal channels⁴⁸:

- *Preparing for planning*: At the very start of an MSP process, an official letter could be sent from the MSP authority to their neighbour countries' authorities or equivalent bodies. This could contain an indicative timeline of the MSP process, similar to what may have been shared among internal ministries.
- *Drawing up a vision aims and objectives*: Information from neighbouring countries on their aims and objectives relating to MSP, as well as sea-basin or broader scale strategies, can inform development of a country's own maritime spatial plan objectives and potentially avoid incoherence with neighbouring plans.
- *Stocktake*: Early informal exchanges especially during the stocktake phase provide the opportunity to ask for opinions and suggestions on which data or information is missing and what lacks accuracy. This is also an opportunity to inform cross-border jurisdictions about preliminary findings and ask for comment.
- *Analysing spatial conflicts*: Cross-border conflict analysis based on the stocktake, either in the form of mapping or interest matrices, can identify issues to be specifically addressed in both formal and informal consultation. Please see the separate study "Addressing conflicting spatial demands in MSP," for more discussion on spatial conflicts.
- *Developing planning solutions and drafting a plan*: Review of existing experiences shows that typically formal cross-border consultation is done once a draft of a plan is available that includes initial planning solutions. Further drafts may then be developed to incorporate more detail or to react to new information or opinions, in which case, further rounds of formal consultation may be held.
- *Implementing and monitoring a plan*: Once a maritime spatial plan has been formally adopted, it is advised that it is announced to those who were engaged in

⁴⁸ Adapted from: Matczak, M. et al. (2014). Handbook on multi-level consultations in MSP. PartiSEApate project. Retrieved from http://www.partiseapate.eu/wp-content/uploads/2014/09/PartiSEApate_handbook-on-multilevel-consultations-in-MSP.pdf

a consultation process. As measures are implemented, neighbouring countries should be asked for their opinion on necessary changes and amendments.

- *Revising a plan*: Just as it is recommended that stakeholders should be engaged as part of the evaluation and revision phase of an MSP plan, the same consideration should be made for neighbouring countries. In practice, there may be issues remaining from a previous generation plan which may still need to be revisited with neighbours during development of a “next” generation plan.

By exchanging information continuously throughout the MSP cycle, a “gap” in **information sharing is avoided** between when information is initially shared at the beginning of an MSP process, and formal consultation once a draft plan is available. This “gap” can contribute to misunderstandings on how planning solutions were developed.

Summary of points to consider

- As part of an **early exchange**, inform neighbours about the **MSP process** - how it will take place and the nature of the plan (e.g. strategic, technical, etc.) – as well as discuss **interests on both sides** which should be kept in mind as planning advances.
- Conduct a **timeline exercise** to compare different phases of MSP across countries and identify opportunities for formal and informal consultation, while bearing in mind resource availability on both sides.
- Consult with neighbours at **multiple points throughout MSP development** – not only when a draft plan or SEA is available for review to avoid a “gap” in information sharing. Information can be exchanged informally throughout the process, whereas a formal request for opinions may be best once a draft plan or SEA is available.

7. HOW COULD CONSULTATION BE EFFECTIVELY CARRIED OUT?

Cross-border MSP consultation can be thought of as a give and take of information – where one country is providing information to other countries about their plan for allocating a given marine space, and thus seeking feedback in return. There are several ways in which this mutual exchange between neighbours can be done to ensure that targeted feedback is obtained, as well as key contextual considerations.

Legal considerations

The Espoo Convention specifies certain procedures to be carried out as part of consultation, including written notification of affected parties of the activity in question; preparation of documentation of the impacts and alternatives; timeframes for responses; and communication of a final decision with the reasons and considerations given to the consulted country (affected party).⁴⁹ A consultation procedure is initiated by the national contact point of the “party of origin,” who submits a notification to a national contact point of an “affected party.” The affected party is then expected to develop a response with the specific time frame, indicating if it intends to participate in the assessment procedure. As part of the procedure, the affected party may then consult with other ministries, as necessary, to develop of an official national position in response to a consultation request. These positions are then collected in a record of responses, used to develop a final decision indicating how they have been accounted for by the party of origin.

In order to meet minimum legal requirements, it is advised that Espoo procedures are reviewed as part of planning for consultations on SEAs for maritime spatial plans. The text of the Espoo Convention as well as the *Guidance on the Practical Application of the Espoo Convention*⁵⁰ provide further specific information to ensure legal requirements are met.

Communication for mutual understanding

While formal consultation in written format provides documentation to meet legal requirements, experience shows that continuous exchange to build mutual understanding can benefit consultation processes. Issues of **terminology and language** are important to consider both when asking neighbouring countries for feedback, as well as when preparing a response to a consultation request, in order to avoid misunderstandings and conflicts. Ensuring that both the consulting and consulted parties understand what the other one is sharing or expressing is vital for addressing interests and opinions in cross-border consultation.

Language

One of the most obvious issues in cross-border consultation can be language differences among neighbouring countries, contributing to added complexity of transboundary MSP. Language is essential for exchanging information, thus, it is advised to remove any language barriers within multicultural, cross-border, decision-making frameworks so that consultation can take place without giving bias to one or more parties involved. It can also be that the most knowledgeable planning expert may at the same time not necessarily be the best to communicate in the language chosen for consultation.

In transboundary contexts without a shared language, maritime spatial plans were at times translated for neighbouring countries – most often into English as an ‘international’

⁴⁹ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at: https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

⁵⁰ Ministry of the Environment, Finland; Ministry of the Environment, Sweden and Ministry of Housing, Spatial Planning and the Environment, the Netherlands 2003: Guidance on the practical application of the Espoo Convention. Convention on Environmental Impact Assessment in a Transboundary Context (UN/ECE). Finnish Environment Institute (SYKE), Finland, 48p. Available at: http://enviroportal.sk/uploads/2011/05/page/environmentalne-temy/star_6/GUIDANCE_ON_THE_PRACTICAL_APPLICATION_OF_THE_ESPOO_CONVENTION.PDF

language not belonging to any of the countries involved. Experiences described in interviews indicated that it is worthwhile investing in knowledgeable translators, although it can be difficult for planners to confirm that the translation is correct if they do not understand the other language. Translating into multiple languages also depends on available resources, given that the country requesting consultation bears the cost of translation.

In the absence of common language abilities, **visual materials** can be helpful for conveying planning information – both maps as well as other formats such as diagrams and graphs. This can be especially helpful for displaying cross-border interactions, their dynamics and geographic extent – both within national waters and extending into neighbouring countries' waters. Several examples below are provided of visualisations which can help communication about issues discussed in cross-border consultation interactions.

EXAMPLE: Visualising cross-border activities and impacts from TPEA

Transboundary maritime activities can lead to situations where multiple countries share and exploit the same resource, where multiple countries engage in the same maritime activity, or where one country's maritime area is impacted by another country's maritime activity. Communicating about these cross-border interactions, their dynamics and geographic extent is important for cross-border consultation so that affected countries understand the impacts of another country's planning provisions. Visualisations can help illustrate the drivers and motivations for MSP. TPEA produced a Good Practice Guide presenting suggestions for cross-border planning exercises, including visualisations of cross border activities, resources and impacts, as shown below. Developing similar visualisations can help communicate the need for MSP by illustrating different cross-border interactions.

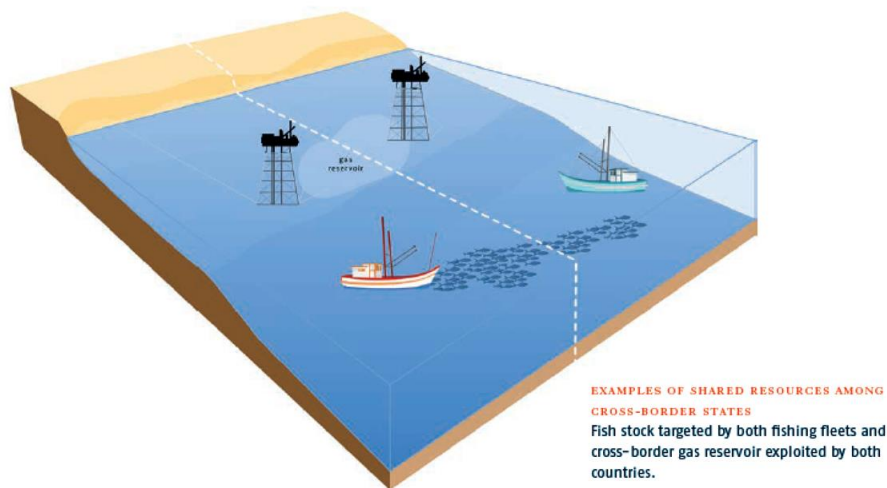


Figure 10. Potential marine cross-border impacts: countries using the same marine resources.

Reference: Jay, S. & Gee, K. (eds.) (2014). TPEA Good Practice Guide: Lessons for Cross-border MSP from Transboundary Planning in the European Atlantic. University of Liverpool, Liverpool, UK. Retrieved from <https://iwllearn.net/resolveuid/ce79c1e6-1d13-4205-9c32-16b0bfd34b3>

EXAMPLE: Development of joint maps in Baltic SCOPE

As part of the Baltic SCOPE project, several joint maps were developed to display geographic information relevant to several themes and sectors together on one map. This was done for each of the case studies, allowing countries to visualise sector activity and environmental information across borders. By doing so, countries could communicate on cross-border issues at a broader scale than their own individual countries, and see where potential cross-border planning solutions could be developed.

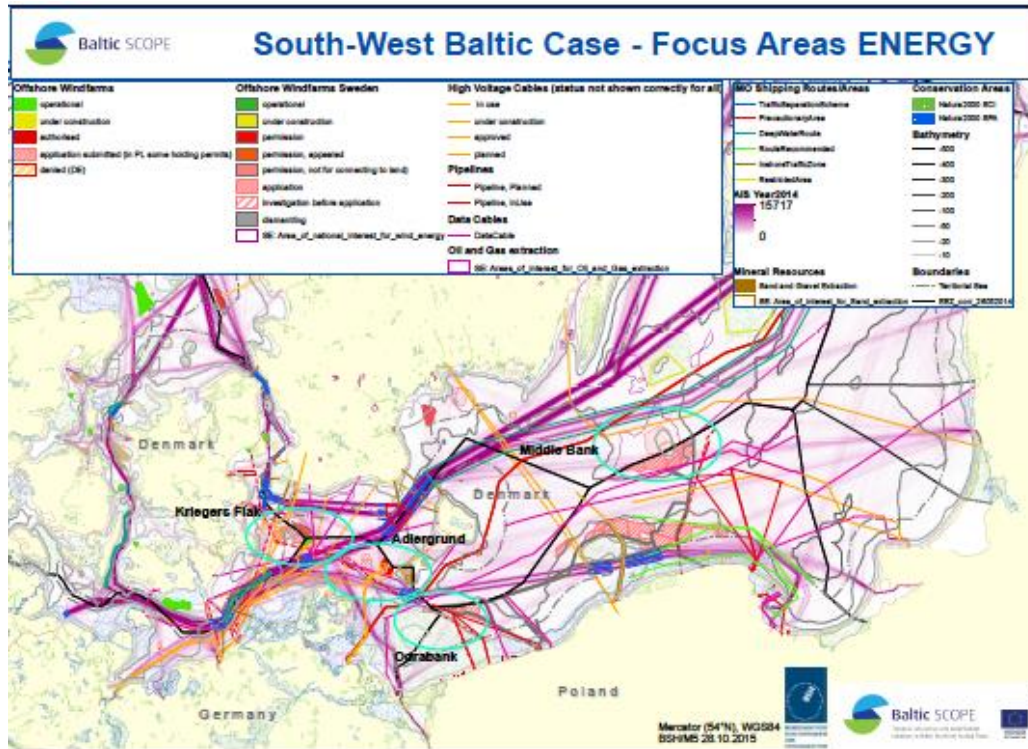


Figure 11. Map from South-West Baltic Case – Focus Areas Energy

Reference: Nicolas, F, Frias, M., & Backer, H. (2016). Mapping maritime activities within the Baltic Sea. Available at: [http://www.balticscope.eu/content/uploads/2015/07/BalticScope MSP Data WWW.pdf](http://www.balticscope.eu/content/uploads/2015/07/BalticScope_MSP_Data_WWW.pdf). Image retrieved from: <http://www.balticscope.eu/content/uploads/2016/11/151126balticseaenergyenvironment-161102113612.pdf>

Terminology

In addition to language issues, misunderstandings of MSP terminology were identified as an issue in existing consultation practice. Countries who have responded to consultation requests indicated that that it was necessary to have information on the legal implications of the other country's plan in order to respond adequately (e.g. what defines a "suitable area"?).

The HELCOM-VASAB MSP guidelines include the suggestion to explain and communicate technical MSP language to avoid misunderstanding and to properly spell out aims, outputs and tools⁵¹. While this can be done in writing, in practice coming to a common agreement on terms may require continuous bi-lateral exchange to explain terminology. This was mentioned in interviews as another key pre-condition for effective consultation – to understand that a neighbouring country has a different understanding of a term than

⁵¹ HELCOM-VASAB MSP Working Group (2016). Guidelines on transboundary consultations, public participation and co-operation. Available at: <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

one's own, and then to develop a mutual understanding of misleading terms, potentially written in multiple languages. It can be helpful to repeat or reconfirm the understanding of planning terms at the beginning of each meeting, or in the introduction of planning documents.

Technical terms specific to MSP can be challenging for non-governmental stakeholders to understand as well. Therefore, if a glossary has been developed to facilitate stakeholder understanding of planning terms as part of a national consultation process, it may be helpful to translate this glossary to another common language to help stakeholders from neighbouring countries better understand these definitions.

Sharing planning materials

Planning materials for existing and ongoing formal consultation procedures were presented in different formats, with the most common being translations of the full draft plans themselves. In some cases, translated summaries of plans rather than the plans themselves were shared in initial rounds of consultation, and **full (translated) versions** were provided later on as the plans became more refined and cross-border impacts were better understood. Analysis conducted under the Baltic SCOPE and BALTSPACE projects found that sharing summaries of plans can lead to an imbalance of information sharing, and therefore creating the potential for leaving out information without knowing if it is important.⁵² **Scenarios** were also mentioned as a "pre-consultation" tool to indicate what countries are thinking about developing further in their MSP plans. Countries who have responded to consultation requests indicated it was also helpful to have records of previous consultation meetings to see what was already presented for consideration, and descriptions of how those comments were taken into account in revised draft plans.

Other information formats include **maps** displaying planning information. These can be used at consultation meetings to facilitate dialogue while drawing additional features for consideration. Maps produced for national maritime spatial plans are often at the scale of the national plan, but it can be helpful to display information at a broader scale (e.g. sea-basin scale) to show cross-border interactions (*see example Development of Joint Maps in Baltic SCOPE above*).

As a "next generation" form of maps, **interactive online platforms or data portals** that display geospatial information as well as include tools for commenting or drawing were also described as helpful for collecting feedback from national stakeholders as well as neighbouring countries. These can be used to share information before an official consultation meeting, as well as at the meeting itself. Some interviewees found this format preferable for making the data underlying MSP plans more accessible for consultation purposes, rather than printed maps, along with metadata or explanation of the data source. Some online tools may also allow neighbouring countries to display their planning data together, so they can be compared and discussed at consultation meetings more effectively than using paper maps, which often only extend to national maritime boundaries. Examples of data sharing portals include the forthcoming BASEMAPS portal⁵³ from the Baltic LINes project, the forthcoming Portodimare Geoportal⁵⁴, SIMCelt data portal⁵⁵ or the ADRIPLAN data portal (now Tools4MSP Geoplatform)⁵⁶.

Study investigations indicate that sharing broad information on maritime spatial plans and requesting general responses leads to limited concrete, content-based responses. By also sharing targeted analyses of how the plan will impact another country's waters or own plan development, accompanied by detailed questions, it is anticipated that concrete feedback could be shared in formal consultation.

⁵² Janßen, H. et al (2018). Imbalances in interaction for transboundary marine spatial planning: Insights from the Baltic Sea Region. *Ocean and Coastal Management*, vol. 161. Available at: <https://www.sciencedirect.com/science/article/pii/S0964569117307470>

⁵³ <https://basemaps.helcom.fi/>

⁵⁴ <https://www.msp-platform.eu/projects/portodimare-geoportal-tools-data-sustainable-management-coastal-and-marine>

⁵⁵ <http://data.simcelt.eu>

⁵⁶ <http://data.adriplan.eu/>

It may also be the case that a country is not interested in all parts of a maritime spatial plan and would rather be informed in details about certain issues (e.g. plans for offshore wind near a common border). Therefore, it is also **recommended that a consulted country make their interests known in advance of formal consultation**, so that the consulting country can prepare the relevant information and materials as part of formal consultation.

Interaction formats

In most cases, previous formal cross-border consultation exercises were initiated following formal government-to-government procedures, where a letter was sent to the respective ministry or MSP authority. This was then usually followed by one or more meetings with representatives from neighbouring countries. These meetings were described as helpful to facilitate communication, especially to clarify information and avoid misunderstandings regarding plan content, as well as discuss plan implications. Meetings where wider stakeholder groups, in addition to planning colleagues, were invited were indicated to be helpful to gather a variety of perspectives on a draft plan in one setting.

Different types of meetings have been organised under existing consultation procedures:

- Bi-lateral exchanges where country-to-country exchanges are held
- Multi-lateral exchanges where multiple countries are present

Based upon study investigations, there is no standard pattern for when bi-lateral vs. multi-lateral meetings are held. In some cases (e.g. Germany – Poland), bi-lateral discussions were organised in response to specific topics raised in written responses to formal consultation requests. In others, a multi-lateral consultation meeting was pre-arranged and then followed by individual bi-lateral meetings (e.g. Polish consultation with neighbouring Baltic Sea countries).

Some countries have organised **informal “workshops”** with their neighbouring countries to exchange information, outside of the formal consultation process. For example, France has organised informal technical workshops with Italy, Spain and Portugal as part of development of the National Maritime Strategy, to discuss the separate countries’ understanding of MSP and share preliminary versions of documents under development, as well as those already shared with national stakeholders. Such workshops, if held continuously throughout an MSP process, may support increased integration of transboundary aspects into individual MSP plans.

In terms of techniques to gather targeted feedback, these have included presentations on main issues, small group discussions, drawing on maps, and one-on-one conversations. Interactive online participation tools were also mentioned as potential future tools to be used in consultation exercises, to facilitate providing comments and texts on maps, in particular in one-on-one meetings.

In a few previous cases (e.g. Belgium) and ongoing cases (e.g. Estonia), the decision to hold meetings was or will be made based on written responses to consultation requests, and/or if a neighbouring country requests a formal meeting. Therefore, it is not an obligation to organise a formal consultation meeting. Rather, verbal feedback could be obtained in other informal contexts, such as on the side lines of Member State Expert Group (MSEG) on MSP meetings or other events.

Processing feedback

Ultimately, interviewees indicated that while meetings were a good venue for exchange, it is **important to receive a written consultation response** to officially document the positions of neighbouring countries, so they can be formally accounted for and used to develop the final decision as called for in the Espoo Convention, as well as develop

transnational agreements when necessary. Responses are typically provided in a letter to the MSP authority, detailing the exact nature of the expressed concerns or feedback on a maritime spatial plan.

Collected feedback can be organised into categories to identify the way forward, similar to approaches used for responses to national public consultation processes. Suggested categories include feedback that a) can be used / accommodated in revising a draft plan, b) feedback that need to be investigated further or addressed in future cross-border MSP projects, and c) feedback regarding improvements that can be addressed later in future generations of plans.

A written response can then be developed to document the final decision in accordance with the Espoo Convention⁵⁷. The response should indicate how the comments provided have been or will be accounted for, and/or recorded in the official record of all comments and responses received. For example, the results from the consultation on the 2014 – 2020 Maritime Spatial Plan for the Belgian part of the North Sea⁵⁸, includes comments and responses submitted by neighbouring countries, as well as the Belgian response.

Potential follow-up

This formal consultation procedure can lead to a number of potential actions in both adapting or implementing a maritime spatial plan. When deciding on follow-up actions, it is recommended that broader transnational political context is considered to account for international issues and relations, even if not directly related to MSP.

For example, the written exchange may form the basis for formal agreements to **record commitment to common solutions**. One example was reached between several Baltic Sea countries, which established formal bilateral agreements on EIAs for transboundary contexts, developed as a result of consultation procedures (e.g. Estonia and Finland, Germany and Poland).⁵⁹

Consultation could also result in identifying **transboundary “hotspot” areas** where separate international agreements would need to be established in relation to a given issue. This could be development of a future joint / cross-border plan for a specific sector, which could then be integrated into future revisions of national plans. For example, the Pelagos Sanctuary, a marine protected area spanning the marine waters of France, Italy, and Monaco in the Mediterranean, was created as a result of a series of consultations on how to best protect this ecologically valuable area for cetaceans while respecting existing economic activity (e.g. tourism and shipping).⁶⁰ Further discussion about the Pelagos Sanctuary case is included in Story 1 in Conflict Fiche 4: Maritime transport and marine conservation of the separate study “Addressing conflicting spatial demands in MSP.”

In some cases, pertaining to other EU directives with high relevance to MSP, **a formal agreement may need to be approved at the level of the European Union**. One such case is the designation of fisheries restriction zones in Natura 2000 areas in Belgian waters, which impact fishermen from other countries. As a result, Belgium has developed formal agreements with the other countries to address the impact, and this agreement is still under review. The zones were indicated in the 2014 version of the Belgium Maritime Spatial Plan for the North Sea, although not yet formally transcribed into the Royal Decree (the legal instrument for the plan).

⁵⁷ Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991). Available at: https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf

⁵⁸ https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19094236/Commentaires_avec_r%C3%A9ponses_arr%C3%AAt%C3%A9%20royal.pdf

⁵⁹ JanBen, H. et al (2018). Imbalances in interaction for transboundary marine spatial planning: Insights from the Baltic Sea Region. *Ocean and Coastal Management*, vol. 161. Available at: <https://www.sciencedirect.com/science/article/pii/S0964569117307470>

⁶⁰ Pelagos Sanctuary. (n.d.) [web log post]. About us – History. Retrieved from : <http://www.sanctuaire-pelagos.org/en/about-us/history>

In other examples, countries have made **specific accommodations in the final versions of their maritime spatial plans** as a result of consultation. For example, following formal consultation with Poland, Germany accommodated Poland's request for a certain shipping area to be designated as a priority area to increase access to the port of Swinoujscie, located very close to the German Polish border at the Baltic Sea.

Summary of points to consider

- Review national official procedures of the Espoo Convention for **consultation on SEAs** for maritime spatial plans.
- **Share information about MSP process** in official letters (formal) and/or in person exchanges (informal) to make neighbouring countries aware that process is starting, as well as when they may be asked to submit formal feedback.
- When appropriate, either as part of Espoo consultation or separately, **invite** neighbouring countries in writing to formally comment on a draft plan via responsible channels.
- Build **communicating and understanding opportunities** into the consultation process:
 - Establish common understanding of **planning frameworks and definitions** used in planning documents
 - Establish good understanding of what is meant / implied **by each term used** in respective countries involved in consultation and confirm, whether this is correctly understood by all, and **document agreed definitions** in writing.
 - Where necessary, identify **an acceptable common language** of communication or make provision for translation.
 - Develop **visual materials** to convey and explain planning information.
- Prepare **planning materials** to share with neighbours:
 - Share **draft planning solutions and plan content** in appropriate formats. Agree with neighbouring country / countries on whether to translate summaries, specific sections or full versions of draft plans into common and/or language of neighbouring country
 - On both sides, identify **concrete issues** for targeted discussions, along with specific questions.
 - Share **geospatial information**, either as paper maps or in an interactive online platform or data portal, from both the consulting as well as consulted party.
- If considered necessary, **organise meetings and decide on formats** (bi-lateral or multi-lateral exchanges, limited to MSP planners or wider stakeholder groups), and communicate follow-up process to consulted parties.
- If asked to consult, prepare **formal consultation response in writing**, including considerations from relevant secondary contacts and stakeholders.
- **Process feedback** received as a result of consultation requests:
 - **Categorise** feedback: 1) feedback that can be used / accommodated in revising a draft plan, 2) feedback that need to be investigated further or

addressed in future cross-border MSP projects, and 3) feedback that can be addressed later in future revisions of plans.

- **Draft written responses** to feedback received indicating appropriate follow up actions if necessary (e.g. formal agreements, adaptations to planning provisions).

8. OVERALL CONCLUSIONS

The consultation experiences and suggested points for consideration described throughout the study present a range of options for how to both execute cross-border consultation as well as respond to a consultation request. There are several overall conclusions relating to the consultation process as a whole, which can serve as guiding principles for cross-border MSP.

Legal requirements set forth by international agreements and EU legislation could be considered as providing a minimum standard for consultation on maritime spatial plans, in that they limit the scope of consultation to environmental issues and only require formal consultation on SEAs. There are potential **benefits to going beyond these legal requirements**, including obtaining views on a broader scope of issues as well as avoidance of a “gap” in information sharing through ongoing interactions. However, when considering which points to take up, it is advised to seek a balance between receiving and sharing pertinent knowledge and feedback, versus overloading those involved in the process with requests or information. This will also depend on resources and capacities available from both consulting and consulted parties.

Through the range of cross-border MSP projects and initiatives, MSP authorities are becoming more familiar with the issues and processes of their neighbouring countries, as well as **building professional relationships and networks**. These transboundary efforts provide a basis for building useful cross-border understanding among planners, because those involved are already familiar with plan approaches, content and issues. This finding is in line with other studies on the topic, which also conclude that formal consultation cannot deliver coherent plans on its own – it should be set in a context of ongoing and supportive interaction among the MSP authorities.

While acknowledging that interactions among MSP authorities are, in many instances, a legal requirement, as well as key for effective consultation, the study also found that **special consideration should be made for engaging with secondary contacts and non-governmental stakeholders**. There is by now a common practice for planning authorities to take responsibility for engaging these groups from within their own country when responding to a consultation request, in their capacity as the primary contact. In doing so, it is advised that responding countries carefully inventory the issues and perspectives to be shared from secondary contacts and stakeholders.

While more informal cooperation is supportive of effective consultation, **formal documented positions in writing** are necessary to collect a repository of positions as well as establish formal commitments and agreements. This was mentioned in several interviews as the main benefit of formal consultation – collecting written statements from neighbouring countries documents that consultation was followed according to legal requirements and provides formal wording of positions on key issues that can then be appropriately followed up on. It also provides legacy documentation for new personnel who may be involved in implementing a plan and revising it in the future.

Looking towards the future, cooperation and consultation among both EU Members States and third countries will become increasingly important as more maritime spatial plans will be adopted before 2021, in accordance with the EU MSP Directive deadline. Subsequent implementation of these plans will require **ongoing interaction** to implement plan provisions and agreements potentially resulting from consultation. This can build upon previous cooperation efforts (e.g. joint data portals, development of tools). In line with the adaptive management principles of MSP, priorities, uses and environmental conditions are expected to change. Thus, continuous interaction beyond formal MSP consultation may be needed to react and accommodate those changes at both national and transboundary levels, in particular when **plans need to be revised**. As such, MSP-related cooperation institutions, which provide an established forum for regular exchange, can potentially support not only consultation on maritime spatial plans when they are in development, but also the adaptive implementation and cooperative revision of MSP plans.

ANNEX I LIST OF DESK RESEARCH SOURCES

Adopted Maritime Spatial Plans

Document title	Source	Short Description
Marine Spatial Plan for the Belgian part of the North Sea (2014-2020) ⁶¹	Belgium national MSP process	Marine spatial plan for the Belgian part of the North Sea, including submitted consultation responses and reactions by Belgium authorities. Included consultation with FR, NL, and UK.
Policy Document on the North Sea 2016-2021, including the Netherlands' Maritime Spatial Plan ⁶²	Netherlands MSP process	North Sea countries including Germany, Denmark, Norway and the Great Britain were consulted during the development of the maritime spatial plan for the Netherland. Specific cross border areas considered for consultation include the English Channel and the Skagerrak.
Lithuania - The Comprehensive Plan of the Republic of Lithuania (and its part "Maritime territories") ⁶³	Lithuania MSP process	The MSP process for Lithuania consulted Sweden, Latvia, Poland and Russia which ensured that the transnational interests of the consulted country are considered in the plan.
East Inshore and East Offshore Marine Plans ⁶⁴	UK - England MSP process	The development of the East inshore and offshore plans involved consultations with planning authorities in Scotland, Wales and Northern Ireland. However, since this plan was developed at the early stages of MSP, not enough cross-border consultation occurred.
South Inshore and Offshore Marine Plans ⁶⁵	UK - England MSP process	The MMO consulted planning authorities in Scotland, Wales and Northern Ireland. This was mainly through workshops which were run with the assistance of the Devon Maritime Forum, Dorset Coast Forum and Solent Forum's. The plan area borders neighbouring countries and crown dependencies therefore authorities in France and the Channel Islands (Jersey, Guernsey and Alderney) were engaged. Other neighbouring international administrations were also consulted.
Maritime Spatial Planning of the Pärnu Bay Area ⁶⁶	Estonia MSP	Transboundary Consultation with Sweden was carried out as part of the SEA process to develop MSP in the Pärnu Bay

MSP in Progress

⁶¹ https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf

⁶² <https://www.government.nl/documents/policy-notes/2015/12/15/policy-document-on-the-north-sea-2016-2021>

⁶³ <http://am.lrv.lt>

⁶⁴ <https://www.gov.uk/government/publications/east-inshore-and-east-offshore-marine-plans>

⁶⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726867/South_Marine_Plan_2018.pdf

⁶⁶ <http://maakonnaplaneering.ee/143>

Document title	Source	Short Description
Development of a Maritime Spatial Plan. The Latvian Recipe ⁶⁷	Latvia MSP process	The Latvian MSP process consulted Lithuania, Sweden and Estonia. Authorities consulted, were asked to indicate their concerns regarding the plan and environmental reports
Maritime Spatial Plan of the Polish Sea Areas draft ⁶⁸	Poland MSP	The development of the Polish MSP has involved consultation with Germany, Denmark, Sweden, Russia, Latvia and Finland.
Swedish Marine Spatial Plans ⁶⁹	Sweden MSP	Sweden published translated versions of their draft marine spatial plans for three areas: Skagerrak/Kattegat, Baltic Sea and Gulf of Bothnia.

Cross-border MSP/marine Projects

Document title	Source	Short Description
Coherent Cross-border Maritime Spatial Planning for the Southwest Baltic Sea ⁷⁰	Baltic Scope Project	As part of the Baltic Scope project planners and researchers from Sweden, Germany, Poland and Denmark cooperated to identify possible solutions to transboundary issues and conflicts in the Southwest Baltic Sea.
PartiSEApate: Handbook on multi-level consultations in MSP ⁷¹	PartiSEApate Project	The handbook was developed for authorities who are tasked with consultations in the MSP process and activities that they should perform at different stages/levels of consultation and how it should be done. The document was developed based on experience from the Baltic Sea Region but has a universal character and can be applied across all sea basins
Maritime Spatial Planning in the North Sea. Report on cross-border MSP: The Thorton Bank Case Study 1 ⁷²	MASPNOSE Project	The MASPNOSE project explored planned actions for shipping, fisheries, offshore wind farms and nature conservation to test opportunities and constraints for cross-border MSP for the Thorton Bank area which lies at the borders between Belgium and Netherlands
Maritime Spatial Planning in the North Sea. Report on cross-border MSP: The Dogger Bank Case Study 2 ⁷³	MASPNOSE Project	As part of the MASPNOSE project, this case study was carried out in the context of a real on-going decision process for the Dogger Bank to find an international and cross border approach to fisheries management and environmental protection in the area through consultation between the United Kingdom, The Netherlands, Germany and Denmark

⁶⁷ <http://balticscope.eu/presentations/project-results-development-maritime-spatial-plan-latvian-recipe/>

⁶⁸ https://www.researchgate.net/publication/326941315_Methodology_of_maritime_spatial_planning_in_Poland

⁶⁹ <https://www.havochvatten.se/en/swam/eu--international/marine-spatial-planning/consultation.html>

⁷⁰ <http://www.balticscope.eu>

⁷¹ http://www.partiseapate.eu/wp-content/uploads/2014/09/PartiSEApate_handbook-on-multilevel-consultations-in-MSP.pdf

⁷² https://www.wur.nl/upload_mm/7/6/2/92bfd4c-5b01-4e8e-9a82-de877fa6d515_MASPNOSE%20D1.2%20MSP%20in%20case%20studies.pdf

⁷³ https://www.wur.nl/upload_mm/7/6/2/92bfd4c-5b01-4e8e-9a82-de877fa6d515_MASPNOSE%20D1.2%20MSP%20in%20case%20studies.pdf

Document title	Source	Short Description
Transboundary management of Transitional Waters - Code of Conduct and Good Practice Examples (ARTWEI) ⁷⁴	ARTWEI project	The ARTWEI project aimed to strike an operational balance between EU requirements for Maritime Spatial Planning Framework, Water Framework Directive and Integrated Coastal Zone Management. The handbook was developed as a code of conduct and good practice for effective management of transnational waters.
SIMCelt Case Study 1 – Understanding specific cross border issues and opportunities: Offshore Renewable Energy and Shipping & Navigation ⁷⁵	SIMCelt Project	The case study was developed to illustrate MSP implementation and transboundary approach within the Celtic seas in relation to shipping & navigation and offshore renewable energy. It also presents issues and practical recommendations that planners and sectoral agencies should consider to ensure sectoral integration at national and transboundary level for both sectors
SIMCelt Guidance on Transboundary Cooperation between Member States for MSP ⁷⁶	SIMCelt Project	This guidance includes an assessment of existing legal, regulatory and voluntary mechanisms relevant for cooperation in MSP. It gives recommendations for promoting the development of transnational cooperation to support the implementation of MSP in the Celtic Seas.
SIMCelt Case Study 3- Planning across borders: Case Study of the Solway Firth ⁷⁷	SIMCelt Project	The study was developed to explore practical application of cooperation on transboundary consultation working within the Solway Firth-an ecologically coherent units which lies between the boundaries of England and Scotland. The study includes how to assess and 'align' what is said in marine plans on different sides of a marine border, and stakeholder engagement approaches to ensure effective 'join up' approach
Transboundary Planning in the European Atlantic Good Practice Guide ⁷⁸	TPEA Project	Intended to demonstrate the potential for cross-border MSP partly as a means of fulfilling regulatory requirements, but also as a wider contribution to MSP efforts in Ireland, Portugal, Spain and the UK
Encouraging effective marine management & decision making across borders - Lessons and recommendations from the Celtic Seas ⁷⁹	Celtic Seas Partnership	The guide was primarily produced to support the EU Marine Strategy Framework Directive's target of achieving 'Good Environmental Status' (GES) in the Celtic Seas by 2020 although the impact of wider EU Policy e.g. Marine Spatial Planning Directive and Reformed Common Fisheries Policy were discussed between stakeholders in France, Ireland and the UK.
Integrated Maritime Strategy for the Channel	CAMIS Project Consortium	The Action Plan was produced by the CAMIS Project with an aim to promote maritime co-operation across the Channel and also outlined an Integrated Maritime

⁷⁴ http://www.balticlagoons.net/artwei/wp-content/uploads/2012/03/CR19_Code-of-Conduct-ARTWEI_0319-final4.pdf

⁷⁵ http://www.simcelt.eu/wp-content/uploads/D10_cs1_Specific-Cross-Border-Issues.pdf

⁷⁶ http://www.simcelt.eu/wp-content/uploads/D14_Existing-Mechanisms-for-Cooperation.pdf

⁷⁷ http://www.simcelt.eu/wp-content/uploads/D12d_cs3_Solway-cross-border-issues.pdf

⁷⁸ <https://iwlearn.net/resolveuid/ce79c1e6-1d13-4205-9c32-16b0bfd34b3>

⁷⁹ <http://www.celticseaspartnership.eu/library/encouraging-effective-marine-management-decision-making-across-borders/>

Document title	Source	Short Description
Region: A Plan for Action ⁸⁰		Strategy which involved consultation between France, the United Kingdom and the Channel Islands
Maritime Spatial Plan for the Cross-Border Area Mangalia-Shabla ⁸¹	MARSPLAN project	Non-statutory maritime spatial plan for the cross-border area Mangalia-Shabla near the Romanian and Bulgarian sea coast. Tested the capacities of two countries MSP authorities to conduct MSP.
ADRIPLAN Conclusions and Recommendations: A short manual for MSP implementation in the Adriatic-Ionian Region ⁸²	ADRIPLAN project	ADRIPLAN Focus Area 1 in the Northern Adriatic, characterized by a high intensity of uses, and will be significantly influenced by new anthropic activities that will be likely developed in the next decade.

Cooperation mechanisms

Document title	Source	Short Description
Guidelines on transboundary consultations, public participation and cooperation ⁸³	HELCOM-VASAB MSP working group	A non-binding guideline prepared to assist transboundary consultation for maritime spatial planners and the authorities in the Baltic Sea countries (Sweden, Norway, Denmark, Germany, Poland, Lithuania, Estonia, Finland, Latvia, including Russia). It gives recommendations on the methods for consultation, actors to be involved and the legal basis for consultation.
Conceptual Framework for MSP in the Mediterranean from Implementation of the Integrated Coastal Zone Management Protocol: Annotated Structure of the Common Regional Framework for Integrated	Barcelona Convention	Contracting parties to the Barcelona Convention must cooperate in accordance with SEA protocol especially on those issues and projects that will have significant transboundary environmental effects. This document supports international cooperation in the Mediterranean and establishing a common framework for MSP and ICZM.

⁸⁰ <https://www.plymouth.ac.uk/uploads/production/document/path/12/12112/13-247-Camis-doc-strategie-maritime-UK-BD-V5.pdf>

⁸¹ <http://www.marsplan.ro/en/results/maritime-spatial-plan-for-the-cross-border-area-mangalia-shabla.html>

⁸² https://www.msp-platform.eu/sites/default/files/adriplan_lp_en_ebook.pdf

⁸³ <https://portal.helcom.fi/meetings/HELCOM-VASAB%20MSP%20WG%2012-2016-311/MeetingDocuments/4-1%20Final%20draft%20of%20the%20Guidelines%20on%20transboundary%20consultations,%20public%20participation%20and%20co-operation.pdf>

Document title	Source	Short Description
Coastal Zone Management and Conceptual Framework for Marine Spatial Planning ⁸⁴		
Convention on Cooperation for The Protection and Sustainable use of the Danube River (Danube River Protection Convention) ⁸⁵	International Commission for the Protection of the Danube River	This convention serves as a legal instrument for co-operation and sustainable transboundary water management in the Danube River Basin between Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Republic of Moldova, Montenegro, Romania, Republic of Serbia, Slovakia, Slovenia, Ukraine and the European Community
Common Future Vision for the German-Polish Interaction Area (Horizon 2030) ⁸⁶	Spatial Development Committee of the German-Polish Governmental Commission for Regional and Cross-Border Cooperation	The 2030 Common Future Vision builds on earlier cooperation on spatial development issues in the for the transboundary area on both sides of the rivers Oder and Lusatian Neisse (Germany and Poland) and takes up existing spatial development plans and concepts

Cross-border MSP studies

Document title	Source	Short Description
Cross-border cooperation in Maritime Spatial Planning ⁸⁷	Executive Agency for Small and Medium-sized Enterprises	<p>The study compiles international best practices for cross-border Maritime Spatial Planning from existing cases and practices, with recommendations to support and promote exchange of MSP at international level. It includes case studies from the:</p> <ul style="list-style-type: none"> • USA, Rhode Island (inter-state collaboration with Massachusetts), • Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) (Australia, France, Norway, South Africa, Argentina and the UK) • Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF) (Indonesia, Malaysia, Philippines, Papua New Guinea, Solomon Islands, Timor-Leste)

⁸⁴ https://wedocs.unep.org/bitstream/handle/20.500.11822/22563/17ig23_23_2307_eng.pdf?sequence=1&isAllowed=y

⁸⁵ <https://www.icpdr.org/main/icpdr/danube-river-protection-convention>

⁸⁶ <https://www.bbr.bund.de/BBSR/EN/RP/MORO/Initiatives/interaction-area-2030/start-node.html>

⁸⁷ <https://publications.europa.eu/en/publication-detail/-/publication/985c28bb-45ab-11e7-aea8-01aa75ed71a1/language-en>

Document title	Source	Short Description
		<ul style="list-style-type: none"> Xiamen (Regional Collaboration)
Cross-Border cooperation in Maritime Spatial Planning: The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in the Southern Ocean. Case Study Summary Report ⁸⁸	The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	The CAMLR Convention in practice provides for the intergovernmental management of open and closed fisheries, establishment of protected areas and regulation of the scientific study in the Antarctic. In doing so, there has been cooperation between Australia, France, Norway, South Africa, Argentina and the UK for the conservation of Antarctic marine living resources which can be regarded as applying cross border MSP
LME:LEARN Transboundary MSP Toolkit ⁸⁹	IOC-UNESCO	The toolkit describes best practices for transboundary MSP for Large Marine Ecosystems (LMEs), drawing from previous experiences documented globally.
Imbalances in interaction for transboundary marine spatial planning: Insights from the Baltic Sea Region ⁹⁰	BALTSPACE, Baltic SCOPE	Examines current practices and procedures of transboundary MSP interactions in the Baltic Sea Region to date (as of 2017).

Transnational consultation for environmental and infrastructure management

Document title	Source	Short Description	Available at:
Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) ⁹¹	United Nations	The Convention was developed to set out obligations for parties to assess the environmental impacts of certain activities in the early stages of planning. Under the convention, States are obliged to notify and consult each other on all major projects under consideration that are likely to have a significant	

⁸⁸ <https://publications.europa.eu/en/publication-detail/-/publication/1483d6a9-45ae-11e7-aea8-01aa75ed71a1>

⁸⁹ <https://iwlearn.net/manuals/marine-spatial-planning-msp-toolkit>

⁹⁰ <https://www.sciencedirect.com/science/article/pii/S0964569117307470>

⁹¹ https://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/Espoo_Convention_authentic_ENG.pdf

Document title	Source	Short Description	Available at:
		adverse environmental impact across boundaries.	
Draft ENTSO-E Work Programme ⁹²	European Network of Transmission System Operators for Electricity	A Pan European work programme which describes approaches for developing network codes for the European electricity market and system.	

⁹² <https://docstore.entsoe.eu/Documents/Publications/ENTSO-E%20general%20publications/AWP2018.pdf>

ANNEX II LIST OF CROSS-BORDER MSP PROJECTS INVOLVING THIRD COUNTRIES

The following table presents cross-border projects with relevance to MSP where third countries are involved. For each project, all countries involved are listed, with the both the name of the lead partner and the partner institution(s) from (non-EU) third countries. As described in the study text, these institutions may facilitate contact to relevant ministries for cross-border consultation, especially where an MSP authority has not yet been formally identified. Ongoing or completed status is indicated as of December 2018.

More information on the projects listed, including individual contact information, can be found at <https://www.msp-platform.eu/msp-practice/msp-projects>

On-going cross-border EU-wide projects with relevance to MSP

Project Name	Countries – Lead partner	Duration	Funding
ECOAST - New methodologies for an ecosystem approach to spatial management of fisheries and aquaculture in coastal areas	DE, HR, IT, PT, NO , RO Lead partner: National Research Council, Institute of Marine Science (IT) Norwegian partners: International Research Institute of Stavanger (Norway); Institute for Marine Research	Mar 2016 – Dec 2018	EraNet - Cofasp

Finalised cross-border EU-wide projects with relevance to MSP

Project Name	Countries – Lead partner	Duration	Funding
AquaSpace - Ecosystem Approach to Making Space for Sustainable Aquaculture	DE, ES, IE, FR, IT, HU, HR, NO , PT, UK Lead partner: Scottish Association for Marine Science (UK) Norwegian partners: Christian Michelsen Research AS, Havforskningsinstituttet	Jan 2015 – Jan 2018	H2020
CO-EXIST - Interaction in European coastal waters: A roadmap to sustainable integration of aquaculture and fisheries	DK, FI, FR, DE, IE, IT, NL, NO , PT, UK Lead partner and Norwegian partner: Institute of Marine Research (NO)	Jan 2010 – Jan 2013	FP7
CoCoNet - towards COast to COast NETWORKS of marine protected areas (from the shore to the high and deep sea), coupled with sea-based wind energy potential	AL , BE, BG, DE, DK, EL, ES, FR, GE , HR, IT, IL, MA , ME ; MT, NO , RO, RU , TN , TR , UK, UA Lead partner: National Research Council (IT) Albanian partner: Fondacioni zoja e keshillit te mire Georgian partner: The National Environmental Agency Montenegrin partner: Javna ustanova univerzitet crne gore podgorica Moroccan partners: University Mohammed V-Agdal Morocco, Universite mohammed v de Rabat Norwegian partner: Stiftelsen nansen senter for miljoog fjernmaling Tunisian partner: Institut National	Jan 2012 – Jan 2016	FP7

	<p>Agronomique de Tunisie</p> <p>Turkish partners: Istanbul University, Middle East Technical University, Sinop university* sinop fisheries faculty snu ff</p> <p>Russian partners: PP. Shirshov institute of oceanology of russian academy of sciences, Russian state hydrometeorological university</p> <p>Ukranian partners: Odessa branch institute of biology of southern seas national academy of science of Ukraine, Ukrainian scientific centre of ecology of the sea , A.O. kovalevskiy institute of biology of southern seas</p>		
DEVOTES - Development Of innovative Tools for understanding marine biodiversity and assessing good Environmental Status	<p>BE, BG, DK, FI, FR, DE, EL, IT, LT, NL, NO, PT, ES, UK, TR, UA, SA</p> <p>Lead partner: FUNDACION AZTI/AZTI FUNDAZIOA (TECNALIA-AZTI)</p> <p>Norwegian partners: NORSK INSTITUTT FOR LUFTFORSKNING, SALT</p> <p>Turkish partner: DOKUZ EYLUL UNIVERSITESI</p> <p>Ukranian partner: MARINE HYDROPHYSICAL INSTITUTE – UKRAINIAN NATIONAL ACADEMY OF SCIENCES (MHI-NASU)</p>		
KnowSeas - Knowledge-based Sustainable Management for Europe’s Seas	<p>BG, DK, FR, DE, IE, IT, NL, NO, PL, PT, SE, TR, UK</p> <p>Lead partner: The Scottish Association for Marine Science (UK)</p> <p>Norwegian partner: Norsk Institutt for Luftforskning</p> <p>Turkish partner Middle East Technical University</p>	January 2009 - January 2013	
MareFrame - Co-creating Ecosystem-based Fisheries Management Solutions	<p>DK, ES, FI, IT, IS, NO, PL, RO, SE, UK</p> <p>Lead partner (Icelandic partner): MATIS OHF – MATIS</p> <p>Icelandic partners: University of Iceland, Marine Research Institute (MRI)</p> <p>Norwegian partner: UNIVERSITETET I TROMSOE – UiT, NOFIMA AS - NOFIMA</p>	January 2014 - December 2017	FP7
MERMAID - Innovative Multi-purpose off-shore platforms: planning, Design and operation	<p>BE, CY, DE, DK, EL, ES, IT, BL, NO, PL, SE, TN, UK</p> <p>Lead partner: Technical University of Denmark (DK)</p> <p>Norwegian partner: Statoil Petroleum AS, Havforskningsinstituttet, Norwind Installer AS</p> <p>Turkish partner: Istanbul Technical University</p>	Jan 2012 – Dec 2015	FP7
MESMA - Monitoring and Evaluation of Spatially Managed	<p>BE, BG, DK, DE, HR, IE, IT, MT, NL, NO, PL, ES, UK</p>	Jan 2009 – Jan 2013	FP7

Areas	Lead partner: IMARES (NL) Norwegian partners: Aquabiota/Norwegian Institute for Water Research, Institute of Marine Research		
PlanCoast - Tools and capacities for an effective integrated planning in coastal zones and maritime areas in the Baltic, Adriatic and Black Sea Regions	AL, BA, BG, CR, DE, IT, ME, PL, RO, SI, UA Lead partner: Ministry of Labour, Building and Regional Development Mecklenburg-Vorpommern Albanian partner: ECAT Tirana (AL) Bosnian partner: Neretva Cantonal Ministry of Physical Planning (BA) Montenegrin partner: Public Enterprise for Coastal Zone Management (former Serbia and Montenegro) Ukrainian partner: Ukraine Scientific Center of Ecology of Sea (UA)	January 2006 - January 2008	Interreg
TROPOS - Modular Multi-use Deep Water Offshore Platform Harnessing and Servicing Mediterranean, Subtropical and Tropical Marine and Maritime Resources'	DE, DK, ES, EL, FR, NO , PT, UK Lead partner: Oceanic Platform of the Canary Islands (ES) Norwegian partner: Norsk Institutt for Vannforskning	Jan 2012 – Jan 2015	FP7

On-going cross-border MSP projects in the Baltic Sea

Project Name	Countries – Lead partner	Duration	Funding
BalticRIM - Baltic Sea Region Integrated Maritime Cultural Heritage Management	DE, FI, DK, LT, PL, SE, RU Lead partner: State Archaeological Department of Schleswig-Holstein (ALSH) Russian partner: Shirshov Institute of Oceanology of Russian Academy of Sciences	Oct 2017 – Oct 2020	Interreg
BalticLINES - Coherent Linear Infrastructures in Baltic Maritime Spatial Plans	DK, ES, FI, DE, LV, LT, NL, PL, SE, RU Lead partner: Federal Maritime and Hydrographic Agency (BSH) (DE) Associated partner from Russia: ERMAK NordWest	Jan 2016 – Jan 2019	Interreg

Finalised cross-border MSP projects in the Baltic Sea

Project Name	Countries – Lead partner	Duration	Funding
PartiSEApate - Multi-level governance in MSP throughout the Baltic Sea Region	DE, LV, LT, NO , PL, SE, RU Lead partner: Maritime Institute Gdańsk (PL) Norwegian partner: Institute of Marine Research of Norway No direct Russian partners but Russia (Kaliningrad) was engaged in various ways in project: a) informal transnational consultation process of Lithuanian MSP b) through VASAB Secretariat and VASAB-HELCOM Working Group on MSP in which Russia actively participate. C) within the project a fiche on MSP in Russia was elaborated http://www.partiseapate.eu/maritime-spatial-planning/msp-in-the-bsr/	Jan 2012 – Jan 2014	Interreg

Hav Møter Land (Sea Meets Land) - Establishing common management strategies on climate, water and spatial planning for the Kattegat and the Skagerrak'	DE, NO , SE Lead partner: County Administrative Board of Västra Götaland (SE) Norwegian partner: Østfold County Council – Project owner, Aust-Agder County Council, Buskerud County Council, County Governor in Aust Agder, County Governor in Buskerud, County Governor in Telemark, County Governor in Vestfold, County Governor in Østfold, Larvik Municipality, Nøtterøy Municipality, Telemark County Council, Vestfold County Council	Jan 2010 – Jan 2013	Interreg
East West Window - Accelerating the Baltic Sea Region (BSR) development through better connecting of the existing potentials within the Region'	DE, DK, LV, PL, SE, RU Lead partner: Ministry of Regional Development and Local Government (LV) Russian partners: St. Petersburg City Administration, Immanuel Kant State University of Russia and Russian Economic Developers Association (ASSET)	Jan 2007 – Jan 2008	Interreg
DEDUCE SDI-4-SEB - Sustainable Development Indicators for ICZM in the South-Eastern Baltic	LT, PL, RU Lead partner: Klaipeda University Coastal Research and Planning Institute (CORPI) Russian partner: Atlantic Branch of the P.P. Shirshov Institute of Oceanology	2006 - 2008	Interreg
POWER - Perspectives of Offshore Wind Energy development in marine areas of Lithuania, Poland and Russia	LT, PL, RU Lead partner: Klaipeda University Coastal Research and Planning Institute (CORPI) Russian partner: Atlantic Branch of the P.P. Shirshov Institute of Oceanology	2006 - 2008	Interreg
Vila - Opportunities and benefits of joint use of the Vistula Lagoon	PL, RU Lead partner: Maritime Institute in Gdańsk Russian partners: Administration of the Municipal District of Baltiysk, Atlantic Branch of the P.P. Shirshov Institute of Oceanology, Immanuel Kant Baltic Federal University Kaliningrad	2012-2015	Interreg
TOPCONS – Transboundary tools for spatial planning and conservation of the Gulf of Finland	FI, RU Lead partner: Finnish Kotka Maritime Research Centre (FI) Russian partners: A.P. Karpinsky Russian Geological Research Institute, Russian Academy of Science, Russian State Hydrometeorological University	January 2012 - January 2014	Interreg

On-going cross-border MSP projects in the North Sea

Project Name	Countries – Lead partner	Duration	Funding
NorthSEE - A North Sea Perspective on Shipping, Energy and Environment Aspects in MSP	BE, DK, DE, NL, NO , SE, UK L Lead partner: Federal Maritime and Hydrographic Agency, BSH (DE) Norwegian partner: Institute of Marine Research, Norwegian Environment Agency	Jan 2016 – Jan 2019	Interreg

On-going cross-border MSP projects in the Mediterranean Sea

Project Name	Countries – Lead partner	Duration	Funding
ADRIATIC-GEF Project - Implementation of Ecosystem Approach in the Adriatic Sea through Marine Spatial Planning	AL, ME Executing agencies: UN Environment/MAP in partnership with SPA/RAC and PAP/RAC Albanian partner: National Environmental Agency Montenegrin partners: Ministry of Sustainable Development and Tourism, Environmental Agency, Public enterprise for coastal zone management of Montenegro	October 2017 – September 2019	GEF grant + in kind contribution from participating countries, executing partners (PAP/RAC and SPA/RAC) and UNEP/MAP
BLUEMED - research and innovation Initiative for promoting the blue economy in the Mediterranean Basin	CY, ES, EL, FR, HR, IT, MT, PT, SI Lead partner: National Research Council – CNR (Italy) No direct partner from third countries but contacts established in EU neighbourhood countries	October 2016 - September 2020	H2020
PANACEA - Streamlining management efforts in Protected Areas for an enhanced Protection in the Mediterranean Sea	CR, CY, FR, HR, IT, MT, ME , SI, ES Lead partner: European Topic Centre at the University of Malaga ETC-UMA (ES) Montenegrin partner: Regional Environmental Centre	Jan 2017 - Dec 2019	Interreg
PHAROS4MPAs - Blue Economy and Marine Conservation: Safeguarding Mediterranean MPAs in order to achieve Good Environmental Status	AL , EL, ES, FR, IT, SI Lead partner: World Wide Fund for Nature - France (FR) Albanian partner: National Agency of Protected Areas		
Portodimare - GeoPortal of Tools & Data for sustainable Management of coastal and maRine Environment'	BA , HR, EL, IT, SI Lead partner: Emilia Romagna Region (IT) Bosnian partner: Centre for economic, technological and environmental development Sarajevo	Feb 2018 – Jan 2020	Interreg
WestMed Maritime Initiative – Assistance Mechanism for the West Med Strategy	FR, IT, MT, ES Lead partner: Ecorys (ES) No direct partner from third countries but contacts established in EU neighbourhood countries	Dec 2015 - ongoing	EMFF

Finalised cross-border MSP projects in the Mediterranean Sea

Project Name	Countries – Lead partner	Duration	Funding
ADRIPLAN - ADRatic Ionian maritime spatial PLANning'	CR, HR, IT, SI Lead partner: CNR – ISMAR National Research Council - Institute of Marine Science (IT) Outer circle observers included Public Enterprise for Coastal Zone Management	Jan 2013 – Jan 2015	EMFF

<p>Adriatic Plus - Sharing marine and coastal cross management experiences in the Adriatic basin</p>	<p>(ME), Fondacioni "Zoja e Këshillit të Mirë" (AL), Ministry of Environment, Forestry and Water Administration (AL), Ministry of Education and Science of Ukraine – Odessa National Maritime University (UA) HR, IT, SI, ME</p> <p>Lead partner: City of Pescara (Italy)</p> <p>Montenegrin partner: Institute for Marine Biology</p>	<p>May – Nov 2016</p>	<p>Interreg</p>
<p>Adriatic Mos - Developing of Motorways of Sea system in Adriatic region</p>	<p>AL, HR, EL, IT, SI</p> <p>Lead partner: Rete Autostrade Mediterranee Spa (IT)</p> <p>Albanian partner: Albanian Institute of Transport</p>	<p>July 2010 - August 2014</p>	<p>Interreg</p>
<p>ClimVar & ICZM - Integration of climatic variability and change into national strategies to implement the ICZM Protocol in the Mediterranean</p>	<p>AL, DZ, HR, BA, EG, LY, MA, ME, SY, TN, PL</p> <p>Lead partner: UNEP/Mediterranean Action Plan</p> <p>Participating countries indicated above</p>	<p>January 2012 - December 2015</p>	<p>GEF</p>
<p>PEGASO - People for Ecosystem-based Governance in Assessing Sustainable development of Ocean and coast</p>	<p>BG, HR, CY, DZ, EG, EL, ES, FR, IT, LY, MA, MT, RO, SI, TR, UA</p> <p>Lead partner: Autonomous University of Barcelona (ES)</p> <p>Algerian partner: AREA-ED Association de Réflexion, d'Échanges et d'actions pour l'Environnement et le Développement</p> <p>Egyptian partner: National Institute of Oceanography and Fisheries, National Authority for Remote Sensing and Space Sciences</p> <p>Libyan partner: University of Balamand</p> <p>Moroccan partner: ACRI-EC, University Mohammed V. Agdal</p>	<p>January 2010 - January 2014</p>	<p>FP7</p>
<p>POCTEFEX-ALBORAN: Shared natural management of cross-border space</p>	<p>ES, MA</p> <p>Lead partner: IUCN-Med</p> <p>Moroccan partner: The National Institute for Halieutic Research (INRH in French) of the Ministry of Agriculture and Maritime Fishing</p>	<p>2012-2014</p>	<p>POCTEFEX</p>
<p>SHAPE - Shaping an Holistic Approach to Protect the Adriatic Environment between coast and sea'</p>	<p>AL, BA, HR, IT, ME, SI</p> <p>Lead partner: Emilia-Romagna Region (IT)</p> <p>Bosnian partner: Ministry of civil engineering and physical planning of Bosnia-Herzegovina</p> <p>Montenegrin partner: Public Enterprise</p>	<p>Jan 2011 – Jan 2014</p>	<p>Interreg</p>

for Coastal Zone Management		
Albanian partner: ECAT Tirana - Environmental Center for Administration and		

Finalised cross-border MSP projects in the Black Sea

Project Name	Countries – Lead partner	Duration	Funding
SRSSMBSF-88 - Strengthening the Regional Capacity to Support the Sustainable Management of the Black Sea Fisheries	BG, RO, UA, TR Lead partner: National Institute for Marine Research and Development "Grigore Antipa" (RO) Turkish partners: Central Fisheries Research Institute, Trabzon, Black Sea Technical University, Marine Science Faculty, Trabzon Ukranian partners: Southern Research Institute of Sea Fisheries and Oceanography, Kerch	January 2011 - January 2013	ENPI CBC
PEGASO - People for Ecosystem-based Governance in Assessing Sustainable development of Ocean and coast	BG, HR, CY, DZ, EG, EL, ES, FR, IT, LY, MA, MT, RO, SI, TR, UA Lead partner: Autonomous University of Barcelona (ES) Turkish partner: MEDCOAST - Mediterranean Coastal Foundation Ukranian partner: The National Academy of Sciences of Ukraine, Marine Hydrophysical Institute	January 2010 - January 2014	FP7
Improvement of Coastal Zone Management in the Black Sea Region	BG, RO, TR, UA Lead partner: The National Administration Romania Waters, Dobrogea - Litoral Water Basin Administration, Romania Turkish partners: Sinop Provincial Special Administration, Turkish Marine Research Foundation, DAYCO Foundation for the Protection of Natural Life Ukranian partners: The Center for Regional Studies	January 2013 - January 2014	Joint Operational Programme Black Sea Basin 2007-2013

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