Basic information

2013/0074(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime spatial planning **Subject** 3.15.02 Aquaculture 3.15.04 Management of fisheries, fisheries, fishing grounds 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety 3.20.15.06 Maritime or inland transport agreements and cooperation 3.40.16 Raw materials 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 3.70.20 Sustainable development 4.70.05 Regional cooperation, cross-border cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	MEISSNER Gesine (ALDE)	19/03/2013
	Shadow rapporteur KUHN Werner (PPE) DANELLIS Spyros (S&D) TAYLOR Keith (Verts/ALE) VAN DALEN Peter (ECR) RUBIKS Alfreds (GUE/NGL) IMBRASAS Juozas (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	PIRILLO Mario (S&D)	18/04/2013
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
REGI Regional Development		

		The committee decided not to give an opinion.	
	AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
	PECH Fisheries	THOMAS Isabelle (S&D)	09/04/2013
	PETI Petitions	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3331	2014-07-23
General Affairs	3287	2013-12-17

European Commission

Commission DG	Commissioner
Environment	-- --
Maritime Affairs and Fisheries	-- --

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
12/03/2013	Legislative proposal published	COM(2013)0133	Summary
15/04/2013	Committee referral announced in Parliament, 1st reading		
05/11/2013	Vote in committee, 1st reading		
13/11/2013	Committee report tabled for plenary, 1st reading	A7-0379/2013	Summary
11/12/2013	Debate in Parliament		
12/12/2013	Decision by Parliament, 1st reading	T7-0588/2013	Summary
12/12/2013	Results of vote in Parliament		
17/04/2014	Decision by Parliament, 1st reading	T7-0449/2014	Summary
17/04/2014	Results of vote in Parliament		
23/07/2014	Act adopted by Council after Parliament's 1st reading		
23/07/2014	Final act signed		

23/07/2014	End of procedure in Parliament		
28/08/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0074(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 194-p2 Treaty on the Functioning of the European Union TFEU 192-p1 Treaty on the Functioning of the European Union TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/12196

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE516.661	16/07/2013	
Amendments tabled in committee		PE516.626	11/09/2013	
Committee opinion	PECH	PE514.932	17/10/2013	
Committee opinion	ENVI	PE516.628	25/10/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0379/2013	13/11/2013	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T7-0588/2013	12/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0449/2014	17/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00072/2014/LEX	23/07/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0133	12/03/2013	Summary
	SWD(2013)0064		

Document attached to the procedure		12/03/2013	
Document attached to the procedure	SWD(2013)0065	12/03/2013	
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0133	09/05/2013	
Contribution	ES_PARLIAMENT	COM(2013)0133	17/05/2013	
Contribution	DK_PARLIAMENT	COM(2013)0133	23/05/2013	
Contribution	EE_PARLIAMENT	COM(2013)0133	23/05/2013	
Contribution	IT_SENATE	COM(2013)0133	16/07/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3176/2013	18/09/2013	
CofR	Committee of the Regions: opinion	CDR3766/2013	09/10/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2014/0089
OJ L 257 28.08.2014, p. 0135 Summary

Maritime spatial planning

2013/0074(COD) - 12/03/2013 - Legislative proposal

PURPOSE: to establish a framework for maritime spatial planning and integrated coastal management.

PROPOSED ACT : Directive of the European Parliament and of the Council

ROLEOF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the ultimate aim of maritime spatial planning is to draw up plans to identify the utilisation of maritime space for different sea uses. Maritime spatial planning and integrated coastal management are complementary tools. Applied jointly, they improve sea-land interface planning and management.

Increased use of coastal and maritime areas as well as climate change effects, natural hazards, and erosion, put pressure on coastal and marine resources. They require **integrated and coherent management to secure sustainable growth and preserve coastal and marine ecosystems** for future generations.

In 2008, the Commission published its 'Roadmap for Maritime Spatial Planning: achieving common principles in the EU', followed by a 2010 Communication entitled 'Maritime Spatial Planning in the EU — achievements and future development'.

This draft directive is an essential part of the ambition to develop the EU's Blue Economy as described in the Commission Communication on Blue growth: opportunities for marine and maritime sustainable growth.

IMPACT ASSESSMENT: the impact assessment evaluated the effectiveness and the economic, environmental and social impacts of **three options**: (1) guidance and development of best practice, (2) non-binding measures, and (3) legally binding measures, including a 'framework-type' directive or regulation.

The impact assessment concluded that, even though non-binding options offer some advantages, **a legally binding approach by means of a directive is the most appropriate instrument** in order to:

- ensure predictability, stability, and transparency of maritime spatial planning and integrated coastal management, whilst leaving flexibility for implementation to Member States and not interfering with the latter's competences;
- ensure that timelines for implementation are coherent with the timeframes of other relevant EU legislation and policy initiatives (e.g. Renewable Energy Directive, Marine Strategy Framework Directive, Europe 2020 targets, etc.);
- foster growth of economic activities at sea in a context of increased competition for space.

LEGAL BASIS: Articles 43(2), 100(2), 192(1), and 194(2) of the Treaty on the Functioning of the European Union.

CONTENT: the main purpose of the proposed directive is to promote the sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources by establishing a **framework for maritime spatial planning and integrated coastal management in the form of a systematic, coordinated, inclusive and trans-boundary approach** to integrated maritime governance.

To ensure the sustainability and environmental health of the various uses, maritime spatial planning and integrated coastal management will have to employ an **ecosystem-based approach** that ensures the protection of the natural resources that provide the basis for carrying out various activities. The proposed action covers **all policy areas of the TFEU with an impact on coasts, seas and oceans**.

The proposal:

- obliges Member States to carry out maritime spatial planning and integrated coastal management in accordance with national and international law. The aim of the action is for Member States to establish a process or processes that cover the full cycle of problem identification, information collection, planning, decision-making, management, monitoring of implementation, and stakeholder participation. Planning details and the determination of management objectives are left to Member States. The EU will not take part in this process;
- requires Member States' actions to aim for coherence of management across sea basins, through trans-boundary cooperation in the same marine region or sub-region and related coastal zone and appropriate data collection and exchange.

Implementing acts will ensure consistent implementation of the Directive throughout the EU and facilitate reporting from the Member States to the Commission and, where relevant, the exchange of data between Member States and with the Commission.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Maritime spatial planning

2013/0074(COD) - 13/11/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Gesine MEISSNER (ADLE, DE) on the proposal for a directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management (ICM)

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Scope: Members stipulated that the Directive should establish a framework for maritime spatial planning **involving – where appropriate – integrated coastal management** aiming at promoting the sustainable development and growth of maritime and coastal economies and the sustainable use of marine and coastal resources, in particular by supporting the priority areas identified in the Commission Communication of 13 September 2012 on Blue Growth Opportunities for Marine and Maritime Sustainable Growth.

Flexibility for Member States: in accordance with the subsidiarity principle, Members called for the new Directive to ensure more flexibility for the Member States to choose how to implement ICM. The provisions of this Directive shall apply to all marine waters and coastal zones of the Union, in compliance with existing Union and national law.

Member States may decide whether to follow an integrated approach or to establish maritime spatial plans and integrated coastal management strategies separately. They shall remain **responsible for designing** and determining the content of such plans and strategies, including the apportionment of maritime space to the different sector activities and maritime and marine uses.

Maritime spatial plans and integrated coastal management strategies shall aim to **ensure effective participation of the stakeholders** and ensure effective **trans-boundary cooperation** between Member States.

Ecosystem-based approach and economic and social criteria: maritime spatial plans and integrated coastal management strategies shall apply the ecosystem-based approach and economic and social criteria at the same level to support sustainable development and growth in the maritime sector.

Common minimum requirements for the programmes and strategies: maritime spatial plans and integrated coastal management strategies should be based on the **best available data** and, on the other hand, guarantee the necessary flexibility to take future developments into account.

- **When establishing maritime spatial plans**, Member States shall take into consideration, inter alia, the following uses and activities (i) installations for the extraction of energy and the production of renewable energy, and for bringing it onshore; (ii) oil, gas and other raw materials exploration and extraction sites and infrastructures; (iii) existing and potential fishing areas; (iv) nature and species protection and conservation sites, Natura 2000 areas, other sensitive marine ecosystems and surrounding areas; (v) marine and coastal tourism; (vi) cultural heritage protection sites; (vii) military training areas.
- **When establishing integrated coastal management strategies**, Member States shall take into consideration: (i) existing formal and informal practices, networks and cross-border cooperation mechanisms; (ii) relevant activities, installations, facilities and infrastructure; (iii) protection, conservation, restoration and management of coastal ecosystems, protected deltas and wetland areas; (iv) coastal landscapes and islands mitigation and adaptation to climate change, in particular increasing the resilience of the ecosystem.

Public participation: Members shall ensure that the relevant stakeholders***, the*** authorities***at the various levels*** and the public concerned are consulted on the draft plans and strategies and have access to the results once available.

Cooperation with third countries: Member States bordering a coastal zone or maritime area of a third country shall, in compliance with International Maritime Law and Conventions, consult that country and make every effort to cooperate and coordinate their maritime spatial plans and integrated coastal management strategies with that third country in the marine region or sub-region and the related coastal zone concerned.

Maritime spatial planning

2013/0074(COD) - 12/12/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament made some amendments to the proposal for a directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management (ICM).

The matter was referred back to the competent committee for re-consideration. The vote on the legislative resolution was moved to a later plenary session.

The main amendments were as follows:

Purpose: Parliament wanted the framework for maritime spatial planning to involve integrated coastal management aiming at promoting the sustainable development and growth of maritime and coastal economies and the sustainable use of marine and coastal resources, in particular by supporting the priority areas identified in the Commission Communication of 13 September 2012 on Blue Growth Opportunities for Marine and Maritime Sustainable Growth .

Flexibility for Member States: in accordance with the subsidiarity principle, Members called for the new Directive to ensure **more flexibility for the Member States** to choose how to implement ICM. The provisions of the Directive must take into account **land-sea interactions** and enhanced cross-border cooperation on the basis of the respective UNCLOS provisions. It shall apply to all marine waters and coastal zones of the Union, in compliance with existing Union and national law.

- Member States may decide whether to follow an integrated approach or to establish maritime spatial plans and integrated coastal management strategies separately. They shall remain responsible for designing and determining the content of such plans and strategies, including the apportionment of maritime space to the different sector activities and maritime and marine uses.

- Maritime spatial plans and integrated coastal management strategies shall aim to ensure effective participation of the stakeholders and ensure effective trans-boundary cooperation between Member States.

Ecosystem-based approach and economic and social criteria: maritime spatial plans and integrated coastal management strategies shall apply the ecosystem-based approach and economic and social criteria at the same level to support sustainable development and growth in the maritime sector. They shall promote cross-border cooperation and the multiple use of the same maritime space by different sectors.

Common minimum requirements for the programmes and strategies: maritime spatial plans and integrated coastal management strategies should be based on **the best available data** and, on the other hand, guarantee the necessary flexibility to take future developments into account.

Maritime spatial plans and integrated coastal management strategies shall aim to contribute to **the following Union objectives**:

- promoting multimodal links and sustainability ;
- fostering the sustainable development of the fisheries sector and sustainable growth of the aquaculture sector,
- ensuring the preservation, protection and improvement of the environment through a representative and coherent network of protected areas and reduce and prevent marine and coastal areas pollution risks;
- protect vulnerable coastal areas.

Maritime spatial plans and integrated coastal management strategies may aim to contribute to **further national objectives**, such as:

- promoting the sustainable extraction of raw materials;
- promoting sustainable tourism;
- ensuring the preservation and protection of cultural heritage;
- guaranteeing recreational and other use to the public;
- preserving traditional economic and social characteristics of the maritime economy. **Public participation**: Members shall ensure that the relevant stakeholders, the authorities at the various levels and the public concerned are consulted on the draft plans and strategies and have access to the results once available.

Cooperation with third countries: Member States bordering a coastal zone or maritime area of a third country shall, in compliance with International Maritime Law and Conventions, consult that country and make every effort to cooperate and coordinate their maritime spatial plans and integrated coastal management strategies with that third country in the marine region or sub-region and the related coastal zone concerned.

Maritime spatial planning

2013/0074(COD) - 17/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 470 to 96 votes with 9 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal maritime spatial planning and integrated coastal management.

The report was sent back to committee at the plenary session of 12 December 2013.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They modify the proposal as follows:

Purpose: Parliament and the Council wanted to establish a framework for maritime spatial planning aiming at **promoting the sustainable growth of maritime economies, the sustainable development of marine areas** and the sustainable use of marine resources.

The framework should **take into account land-sea interactions** and enhanced **cross-border cooperation**, in accordance with relevant United Nations Convention on the Law of the Sea (UNCLOS) provisions.

The Directive **should not interfere with Member States' competence** to design and determine, within the marine waters, the extent and coverage of their maritime spatial plans. It should not apply to town and country planning and **not affect the sovereign rights** and jurisdiction of Member States over marine waters which derive from relevant International Law.

Objectives of maritime spatial planning: when establishing and implementing maritime spatial planning, Member States should consider economic, social and environmental aspects, **applying an eco-system based approach**. They should aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, of the fisheries and aquaculture sectors, and the preservation, protection and improvement of the environment including the resilience to climate change impacts. Other objectives may be pursued such as the promotion of sustainable tourism and the sustainable extraction of raw materials

Set-up of maritime spatial plans: Member States need at least to ensure that the planning process or processes result in **a comprehensive planning identifying the different uses of maritime space**, taking into consideration long term changes due to climate change. The activities and uses and interests may include for example: i) fishing and aquaculture areas; ii) infrastructures for the exploration, exploitation and extraction of oil, gas and mineral, as well as other energy resources and the production of renewable energy; iii) maritime transport routes and traffic flows; iv) military training areas; v) protected areas; vi) raw material extraction areas; vii) scientific research; and viii) tourism and underwater cultural heritage.

Public participation: stakeholders, authorities and the public concerned should be informed and consulted in the first phases and should have access to the plans once they are finalised.

Data use and sharing: Member States should organise the use of the best available data, and decide how to organise the sharing of information, necessary for maritime spatial plans

Cooperation with third countries: Member States should 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 fora or regional institutional cooperation.

Maritime spatial planning

2013/0074(COD) - 23/07/2014 - Final act

PURPOSE: to establish a framework for maritime spatial planning, aiming at promoting the sustainable growth of maritime economies, the sustainable development of marine areas.

LEGISLATIVE ACT: Directive 2014/89/EU of the European Parliament and of the Council establishing a framework for maritime spatial planning.

CONTENT: the Directive establishes **a framework for maritime spatial planning** aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.

The Integrated Maritime Policy for the European Union ('IMP') identifies maritime spatial planning as a cross-cutting policy tool enabling public authorities and stakeholders to apply a **coordinated, integrated and trans-boundary approach, based on ecosystems.**

The Directive is a vital part of the strategy on developing the EU's Blue Growth. Its main points are as follows:

Establishment and implementation of maritime spatial planning: the Directive requires Member States to draw up, in the framework of maritime spatial planning, **plans** analysing and organising human activities in marine areas and determining ways of optimising future spatial development. In this context, Member States must:

- take into account **land-sea interactions** and economic, social and environmental aspects as well as safety aspects;
- aim to promote **coherence** between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management;
- ensure the **involvement of stakeholders** by means of public participation;
- organise the use of the **best available data** (environmental, social and economic data and marine physical data about marine waters);
- ensure **trans-boundary cooperation** between Member States bordering marine waters with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned;
- promote cooperation with **third countries,** such as by using existing international forums or regional institutional cooperation.

Objectives: through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.

The Directive is **without prejudice to the competence of Member States** to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans. Maritime spatial plans shall be reviewed at least every ten years.

Implementation: each Member State shall designate the authority or authorities competent for the implementation of the Directive. Member States shall send copies of the maritime spatial plans to the Commission and to any other Member States concerned within three months of publication.

The Commission shall submit to the European Parliament and to the Council, at the latest one year after the deadline for establishment of the maritime spatial plans, and every four years thereafter, a report outlining the progress made in implementing the Directive.

ENTRY INTO FORCE: 17.9.2014.

TRANSPOSITION: 18.9.2016.