Achieving Environmental Objectives within EU and National Maritime Policies:

Analysis of the Situation in Estonia, Latvia, Lithuania and Russia

BEF Group Opinion and Recommendations

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Introduction

The EU Integrated Maritime Policy (IMP), adopted by the European Commission in October 2007, includes in its strategic objectives the protection and sustainable use of marine and coastal resources, a definition of the boundaries of human activities and the protection of the marine and coastal environment and biodiversity in the framework of the Marine Strategy Framework Directive (MSFD), which constitutes the environmental pillar of the IMP. The MSFD sets the goal to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. In order to achieve this goal, the Member States shall develop Marine Strategies, which shall apply an ecosystem-based approach to the management of human activities. The ecosystem-based approach is also highlighted by the European Commission, HELCOM and VASAB as one of the guiding principles for Maritime Spatial Planning (MSP) – a tool for the implementation of the IMP.

Currently, all three Baltic States - Lithuania, Latvia and Estonia - work on the implementation of EU maritime policy and develop the legal basis or start the practical application of MSP. Also Russia has its own maritime policy, which shall be co-ordinated with the EU policy to achieve a coherent management of the Baltic Sea. However, the knowledge and understanding of the ecosystem-based approach to the management of marine waters is still very week and the data on the marine ecosystem are insufficient for the application of this approach in practice. The countries also lack a Pan-Baltic perspective in their strategic planning and environmental objectives are not always taken into account within the sectoral polices and development targets.

In order to support the realisation of the environmental objectives of the IMP, the BEF Group has initiated national debates on applying the ecosystem approach and achieving the goals of the MSFD within the implementation of the EU IMP in the Baltic States. The BEF Group has also formulated its opinion on achieving environmental objectives within national maritime policies.

This paper describes the environmental objectives set by the EU IMP and MSFD, gives an overview on the situation in the Baltic States and Russia with regard to the implementation of the IMP and its environmental objectives and analyses the main challenges for the realisation of these environmental objectives and the ecosystem approach to the IMP and MSP, like a lack of knowledge and understanding, insufficient cross-sectoral co-ordination and co-operation, conflicting policy targets, problems related to data accessibility, a lack of Pan-Baltic thinking etc. Further on, the BEF Group opinion on the main aspects to be taken into account within the national maritime (or related) policies and the implementation of the MSP to ensure the protection of the marine environment, its biodiversity, and the sustainable use of marine and coastal resources is presented.

1 Background: Environmental Objectives of the EU Integrated Maritime Policy

The EU Integrated Maritime Policy was endorsed by the „Blue Paper"[1] adopted by the European Commission in October 2007. It was accompanied by an ambitious Action plan[2] that proposed new working methods, cross-cutting tools and a wide range of specific actions that aim to improve the maritime economy, protect and restore the marine environment, strengthen research and innovation, foster development in coastal and outermost regions, provide leadership in international maritime affairs, and raise the visibility of Europe's maritime dimension.

The primary objective of the EU's Integrated Maritime Policy (IMP) is to develop and implement integrated, coordinated, coherent, transparent and sustainable decision-making in the maritime sectors. **The strategic objectives of the IMP include:**

- integrated maritime governance at all levels;
- the further development and implementation of integrated sea-basin strategies tailored to the specific needs of Europe's different sea basins;
- the further development of cross-cutting tools for integrated policy-making aiming to improve synergies and coordination between existing policies and instruments, including through maritime-related data and knowledge sharing;
- the closer involvement of stakeholders in integrated maritime governance schemes;
- **the protection and sustainable use of marine and coastal resources; and**
- **the definition of the boundaries of the sustainability of human activities and the protection of the marine and coastal environment and biodiversity in the framework of the Marine Strategy Framework Directive[3] (MSFD) constituting the**

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1 „Blue Paper" - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An Integrated Maritime Policy for the European Union (COM(2007)575)

2 Action plan - Accompanying document to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An Integrated Maritime Policy for the European Union (SEC(2007)1278)

3 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

environmental pillar of the IMP, as well as in the Water Framework Directive[4] (WFD).

Thus, the EU IMP brings together development and conservation interests, aiming at a balanced use of marine space and resources as well as ensuring high quality environmental standards and the functioning of the marine ecosystem.

The MSFD, as the environmental pillar of the IMP, **sets the goal to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest**. To achieve this goal, the Member States shall develop and implement **marine strategies** "*in order to:*

(a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;

(b) prevent and reduce inputs in the marine environment, with a view to phasing out pollution as defined in Article 3(8), so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea" (Article 1 (2) MSFD).

The ecosystem based approach is accepted as one of the key principles of the IMP and highlighted also by the MSFD, stating that "*marine strategies shall apply **an ecosystem-based approach** to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations*" (Article 1 (3) MSFD).

In the Baltic Sea region, the HELCOM initiatives play an essential role in the protection of the marine environment. The Baltic Sea Action Plan, adopted by HELCOM in 2007, sets the objective to achieve good environmental status by 2021. HELCOM also stresses the importance of the ecosystem based approach, defining it as *"the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving a sustainable use of ecosystem goods and services and the maintenance of ecosystem integrity" (*Joint HELCOM/ OSPAR Ministerial Meeting, Bremen 2003).

Within the EU IMP, **maritime spatial planning** (MSP) is acknowledged as an important tool for the sustainable development of marine areas and coastal regions and at the same time contributing to the aims of an ecosystem-based management. MSP shall lay the basis for a

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[4] Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy (Water Framework Directive)

responsible use of the sea space by optimising the sea use and ensuring the integrity of the ecosystem at the same time *(*BaltSeaPlan Vision 2030*).*

The role of MSP in achieving the environmental objectives was highlighted by the HELCOM-VASAB MSP working group 1 in 2010, who stated that:

- "MSP is the key tool for sustainable management by balancing economic, environmental, social and other interests (…), by managing specific uses and coherently integrating sectoral planning, and by applying the ecosystem approach."
- "The ecosystem approach (...) is an overarching principle for MSP which aims at achieving a Baltic Sea ecosystem in good status: a healthy, productive and resilient condition so that it can provide the services humans want and need."
- „MSP must seek to protect and enhance the marine environment and thus should contribute to achieving good environmental status according to the MSFD and the HELCOM Baltic Sea Action Plan."

MSP can contribute to achieving good environmental status by being part of the programme of measures to be developed by all Member States until 2015 at the latest, following the requirements of the MSFD.

In the Baltic region, different approaches have been pursued to implement the EU IMP and MSP. All countries are in the starting phase of adopting their national policies and establishing the legal background for introducing MSP. It is essential that environmental objectives are fully realised and taken into account within this process.

2 Overview on the Situation in the Baltic States and Russia with Regard to the Implementation of the IMP and its Environmental Objectives

2.1 Estonia

In Estonia, the National Maritime Policy has been developed and submitted for approval to the Parliament. The institution in charge of its implementation/ co-ordination is the Ministry of Economic Affairs and Communications. The National Maritime Policy lays the basis for future developments in the maritime sector including MSP and maritime governance. However, this policy document does not address sufficiently environmental aspects, climate change and land and sea integration. Effective mechanisms for cross-sectoral governance of the marine space and the use of its resources are still not in place.

The implementation of MSP has not yet started in Estonia, although the existing law provides the possibility for it. The management of the sea space is conducted mainly on sectoral basis in line with the United Nations Convention on the Law of the Sea (UNCLOS), relevant international conventions signed by Estonia and relevant EU Directives. The new National Spatial Plan (Estonia 2030+) will also cover the spatial planning aspects of marine areas although on a very general level. MSP within territorial sea will be delegated to county level. Nevertheless, there are still some legal deficits and uncertainties that hinder the implementation of MSP in practice. For example, the integration of the land and sea planning, the establishment of the planning system (including responsibilities, delineation of planning areas) and the methodology (e.g. zoning approaches) for marine areas are not yet solved.[5]

2.2 Latvia

In Latvia, the responsibilities for the implementation of the IMP and MSP are divided among different competent authorities. The implementation of the EU Integrated Maritime Policy lies within the responsibility of the Ministry of Transport and its subordinated institution, the Maritime Administration of Latvia. The latter one is historically dealing with the use of marine waters by ensuring a safe navigation, while the Ministry of Environmental Protection and

[5] Kuris M., Remmelgas L., Martin G. 2012. National and regional strategies with relevance for Estoniana maritime space. BaltSeaPlan Report 1.

Regional Development (further in the text - MoEPRD) is in charge of spatial planning issues including marine waters.

Latvia does not have a separate national maritime policy document, but instead an inter-ministerial working group has been established under the co-ordination of the Ministry of Transport to ensure the implementation of the IMP through sectoral policy planning documents.

The environmental objectives of the IMP shall be achieved by the implementation of the marine strategy under the MSFD. The MoEPRD is in charge of the development of the Marine Strategy. According to the Governmental Regulations No 596, adopted on 02.08.2011, the marine environmental council shall integrate other policy sectors in the development and implementation of the strategy. There has been a discussion on possibilities to merge the tasks of the council and the inter-ministerial working group on the IMP, for taking over the co-ordination of the maritime issues. However, this was not supported by the majority of the competent authorities, since the Marine Strategy represents environmental objectives and was not accepted as instrument for the co-ordination and governance of all issues under the IMP.

Currently, Latvia develops the official procedure for the implementation of MSP and the concept on division of responsibilities for MSP among the competent authorities. The process is led by the MoEPRD. An inter-ministerial working group has been established under the co-ordination of the MoERD to ensure that all sectors are represented and can contribute to the process. According to the recently adopted Law on Spatial Development Planning, the official process for the elaboration of MSP for Latvian territorial waters and the exclusive economic zone (EEZ) shall start not later than 1 January 2014. It shall be a long-term planning document on national level providing the basis for cross-sectoral governance.[6]

2.3. Lithuania

In Lithuania, maritime policy is developed on sectoral basis, which means that the strategic documents are not complementary and harmonised. There is a lack of cross-sectoral governance as well as insufficient land and sea integration. Also issues like innovation fostering, research and education on marine ecosystem are not sufficiently addressed by the current policies. For the co-ordination of the maritime issues an inter-ministerial working group, which is led by the Ministry of Foreign Affairs, has been established.

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[6] Veidemane K., Kalvāne I, Ruskule A., 2012. National and regional strategies with relevance for Latvian maritime space. BaltSeaPlan Report 3.

MSP shall be realised within the frame of the existing law on territorial planning. A public tender was launched on carrying out the official MSP by extending the terrestrial planning to the sea.[7]

2.4. Russia

Although Russia is not a Member State of the EU, it plays a significant role in the achievement of good environmental status of the Baltic Sea. It takes part in the HELCOM activities, including the implementation of the Baltic Sea Action Plan. In order to have a consistent approach to the governance of the Baltic Sea ecosystem, it would be essential to achieve coherence between EU and Russian maritime policy.

In Russia, the use and protection of the seas are subject to the control and supervision of the federal government. Thus, all decisions regarding the use of the Baltic Sea are generally taken by federal authorities. The Strategy for Maritime Activity Development till 2030 was adopted. However, it does not address sufficiently environmental issues and climate change and it does not follow the ecosystem based approach.

The existing law on spatial planning defines the schemes for the complex use and protection of water bodies (including marine waters). However, so far the planning has been applied only for river basins, while the planning of marine waters has not yet been addressed in practice.[8]

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7 Blažauskas N., Suzdalev S., Gulbinskas S., 2012. National and regional strategies with relevance for Lithuanian maritime space. BaltSeaPlan Report 4.

8 Kononenko M.R., Podgayskiy K. E., Zaitsev V. M., Chernobayev V.N., Markovets I. M., Podgayskiy E.V. 2012. National and regional strategies with relevance for Russian maritime space. BaltSeaPlan Report 6.

3 The Main Challenges with Regard to the Environmental Objectives and the Ecosystem Approach to the IMP and MSP

3.1 Knowledge and Understanding

Although the environmental objectives defined by the MSFD (e.g. the achievement of good environmental status in the marine environment by the year 2020 and the application of the ecosystem based approach for achieving this objective) are commonly accepted by policy makers and authorities, the understanding what this means in practice is still very weak and the approaches taken vary. Additionally, the awareness about the functions and services of the marine ecosystem and their role for human wellbeing and the maritime economy sectors is very low among policy-makers and different economy sectors. Limits regarding the use of the marine space and resources are often neglected when setting the development targets of economy sectors (e.g. fishing, shipping, energy production etc.).

Furthermore, there is also insufficient scientific knowledge on the marine ecosystem and its functions, since investigations on the marine environment are very costly, involving surveys with ships, airplanes and different underwater data collection techniques, which are out of scope of the existing monitoring programmes and capacities of the governmental financed research. Therefore, such surveys mostly are carried out on project basis, the obtained information is rather scattered (not covering the entire marine waters) and most of the data are not stored in common, nationally/ internationally maintained data bases.

The lack of knowledge about the marine ecosystem hinders the implementation of the ecosystem approach in the management of the marine space and its resources. This, however, is absolutely necessary for ensuring the long-term integrity and resilience of the system and the achievement of the objectives set by the MSFD.

3.2 Cross-Sectoral Co-Ordination and Co-Operation

In order to achieve good environmental status, long-term integrity and resilience of the marine ecosystem, the decisions on the sea use should be taken on cross-sectoral basis, taking into account the cumulative impacts of different sea uses on the marine environment. This requires strong co-operation among different economy sectors, as well as an interactive and

transparent decision-making process. Unfortunately, policy-makers from different competent authorities and stakeholders in the Baltic States and Russia have little experience in cross-sectoral discussions, consensus building and searching for compromises or win-win solutions in conflict situations. Usually each sector regards its own goals and targets as the national priority, which other sectors should respect.

A good starting point for the establishment of cross-sectoral co-operation traditions are the inter-ministerial working groups on the IMP and MSP set up in Latvia and Lithuania. They provide a good forum for information exchange and co-ordination of the maritime activities and policy development. In Estonia, the National Maritime Policy currently under development also foresees the re-establishment of an inter-ministerial marine commission. However, such working groups usually are not the decision-taking bodies. Although decisions on the allocation of sea space for certain uses are mostly taken on governmental level, the strategic planning is still rather sectoral.

3.3 Conflicting Policy Targets

The insufficient cross-sectoral co-operation results in conflicting policy targets among different economy sectors as well as among economy sectors and the environment. This might lead to an overexploitation of the marine space as well as a reduced resilience of the marine ecosystem.

In order to ensure the compatibility of the different policy targets, they should be spatially quantifiable (e.g. the marine area necessary for the production of wind energy, envisaged by the policy targets). This, however, is often not the case. Common practice is to declare the directions of the policies, either towards expansion or reduction of some activities. Moreover, up to now, decisions on the allocation of the sea space for certain uses (e.g. issuing licences for wind park development or investigation and extraction of oil resources) are taken on case-by-case basis without setting clear policy targets and limitations for the use of the marine space.

3.4 Data Accessibility

The ecosystem-based management of the marine space depends on comprehensive and high quality marine data (e.g., biological, chemical, geological), which can be shared, reused and disseminated among planners and various groups of users on national and trans-national level. However, at the present stage most of the data are collected only on national or even sectoral level. The development of multi-national databases is hindered by different data standards as well as by limitations regarding the data accessibility. Furthermore, some data are not collected in one database and not always accessible free of charge. In Latvia, for example, most of the maritime related data is collected and maintained by the Maritime

Administration, which is working on commercial basis, thus providing the data for sea users as a service. The scientific databases are also just partially accessible.

3.5 Stakeholder Consultation Process

In order to achieve the acceptance of the environmental objectives as well as to ensure credibility, trust and integration of all interests, the IMP and MSP as a tool for its implementation shall be based on a proactive stakeholder consultation and participation process. So far, stakeholders have rather low awareness on environmental conditions, functions and limitations of the marine ecosystem as well as little understanding about the policy measures for achieving good environmental status. There is also a lack of established procedures for the participation in consultations and the decision-making process on the use of the marine space.

Good experiences with stakeholder involvement in discussing the use of the marine space have been made through the pilot MSP processes in Latvia, Lithuania and Estonia within the BaltSeaPlan project. The awareness on maritime issues has been raised and a ground for a cross-sectoral dialogue was laid. In order to maintain the established networks of stakeholders, the dialogue started by the project shall be taken over by the competent authorities within the official MSP process.

3.6 Lack of Pan-Baltic Thinking

The planning of the Baltic Sea space and its resources, particularly in the long term perspective, shall be based on a Pan-Baltic thinking – the whole Baltic Sea shall be seen as one planning space and ecosystem that is shared by the countries around the Baltic Sea. This requires trans-national co-operation in setting commonly agreed development objectives and targets, taking into account the ecosystem capacity and cumulative effects of pressures as well as supporting a more efficient use of the marine space by considering regional differences.

However, at the current stage national authorities are mostly concerned about the use of their own marine waters, lacking a wider Pan-Baltic perspective. An unwillingness to step back from national sovereignty rights to decide on the use of the marine space and resources can be observed among the national authorities. Also the common responsibilities and benefits are not yet realised.

A way towards a Pan-Baltic thinking has been presented by the BaltSeaPlan vision 2030, which stresses the need for a trans-national and cross-sectoral approach by showing how MSP could be ideally translated into practice by 2030. The vision invites the individual

countries to act and plan jointly as a macro-region, thus increasing their influence on international trends and developments (BaltSeaPlan Vision 2030)[9].

3.7 Cross-Boundary Co-Operation

Particular attention shall be paid to planning the sea uses at the border areas. Planners should not only secure the connectivity of linear sea use elements (e.g. shipping routes, cables, pipelines, etc.), but also ensure ecological connectivity of marine habitats and areas supporting different life-stages of marine species (e.g. spawning grounds, nursery areas, species migration corridors), as well as take into account the cross-border impacts on the marine environment and ecosystem. This requires good co-operation among the authorities of the neighbouring countries as well as cross-border stakeholder consultation processes.

So far, there have been no cross-boundary MSP processes between Lithuania, Latvia, Estonia and Russia yet, even not within the pilot MSP cases, carried out by the BaltSeaPlan project.

3.8 Climate Change

The expected climate change might have a severe impact on the environmental status and resilience of the Baltic Sea ecosystem. The possible consequences have not yet been realised to the full extent, although it is clear that the species distribution patterns can change due to changing weather and water temperature, leading to an extinction of some vulnerable species (e.g. ringed seals that depend on the availability of ice cover for successful reproduction). The risks of the invasion of new species are increasing, which might have an adverse impact on the whole food web of the Baltic Sea. Furthermore, the expected sea level rise and growing number of strong storms will lead to increasing erosion risks in the coastal areas.

While mitigation of climate change is, of course, a global task, to which each country should make its contribution, adaptation measures shall be taken on national, regional as well as local level. Therefore, climate change effects shall be taken into account also in the MSP process and the realisation of the Integrated Coastal Zone Management (ICZM). Particular attention shall be paid to the development of the coastal infrastructure (including measures for the protection of coastline against erosion, the development of the port infrastructure, e.g. piers, etc.) taking into account its potential impacts on dynamic coastal processes. Synergies between the marine and coastal activities can be achieved, e.g. by deposing dredged material from shipping routes and ports closer to the coastline to feed the sediment flow along the coast, thus reducing the erosion risks. However, such activities shall be based on scientific

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9 BaltSeaPlan, 2011. Vision 2030: Towards the sustainable planning of the Baltic Space.

research and modelling and require close co-operation between scientists, planners and local authorities as well as other concerned stakeholders.

4 Opinion of the BEF Group on Fostering the Implementation of the Environmental Objectives within the IMP and MSP

To support the protection of the marine environment, its biodiversity, and the sustainable use of marine and coastal resources the BEF Group recommends to ensure the following aspects within the national maritime (or related) policies and the implementation of the MSP:

A comprehensive research and data network

- Priority shall be given to the marine research and the development of monitoring and modelling methods for providing scientifically based information on the status and trends in the marine ecosystem necessary for introducing the ecosystem-based approach in the management of the marine space and resources. The research shall provide spatial and quantitative information on the distribution of species and habitats as well as on other parameters reflecting environmental conditions.
- A co-ordinated system should be established for the assessment of water quality, biodiversity, impacts of climate change and related coastal erosion processes based on continuous monitoring. The environmental status of the Baltic Sea shall be assessed against the quantitative and qualitative targets defined for good environmental status according to the requirements of the MSFD.
- Decision support systems, including modelling tools shall be developed that ensures application of the ecosystem approach.
- Environmental data as well as information on the sea use intensity shall be stored in a common/ transnational (Pan-Baltic) database, regularly be updated and available for sea use planners and decision-makers.

Commonly agreed policy objectives

- Transnationally agreed and coherent policy objectives and quantitative targets shall be set for ensuring the environmental quality of the Baltic Sea, economic development and social well-being. The objectives shall be defined with broad participation of relevant stakeholders and communicated to the public at an early stage, ensuring effective feedback mechanisms. In order to achieve transnational

agreements, a common platform shall be established where all policy sectors from all Baltic Sea countries are represented on a high level (e.g. Baltic prime ministers).

An appropriate and internationally co-ordinated MSP process

- The MSP process shall be adaptive – based on the latest available scientific knowledge and commonly agreed policy targets as well as respecting the changing status of the marine ecosystem.
- MSP shall be in accordance with the development of the coherent network of Marine Protected Areas (MPAs) and ensure the ecological connectivity of marine habitats and areas supporting different life-stages of marine species (e.g. spawning grounds, nursery areas, species migration corridors) at national as well transnational level.
- The planning of the sea use activities shall take into account their cumulative effects and avoid negative impacts on the marine environment and the MPA network. At the same time, the principle of spatial efficiency shall be followed, combining different sea-uses where possible, thus minimising the area used by human activities and preserving intact space for marine biodiversity as well as for potential future uses.

Active stakeholder involvement and awareness-raising

- Environmental conditions, functions and limitations of the marine ecosystem should be explained to all concerned groups of stakeholders, including national, regional and local authorities, representatives of the economy sectors and the general public.
- A socio-economic assessment of marine ecosystem services (including monetary valuation) shall be undertaken to backstop the political decision-making process.
- The national competent authorities as well as stakeholders shall be involved in the international debate about the management of the Baltic Sea space and resources and the preservation of its biodiversity in order to achieve a Pan-Baltic perspective when thinking about the future of our commonly shared sea.

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The Baltic Environmental Forum (BEF) Group consits of five independet non-governmental organisations around the Baltic Sea.

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