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A7-0379/ 001-081

AMENDMENTS 001-081

by the Committee on Transport and Tourism

Report

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A7-0379/2013

Maritime spatial planning and integrated coastal management

Proposal for a directive (COM(2013)0133 – C7-0065/2013 – 2013/0074(COD))

Amendment 1

Proposal for a directive

Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to Council Decision 2010/631/EU of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean¹,

¹ *OJ L 279, 23.10.2010, p. 1.*

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) The high and rapidly increasing

(1) The high and rapidly increasing

demand for maritime space for different purposes, such as renewable energy installations, maritime shipping and fishing activities, ecosystem conservation *and* tourism and aquaculture installations, as well as the multiple pressures on coastal resources require an integrated planning and management approach.

demand for maritime space for different purposes, such as renewable energy installations, *oil and gas exploration and exploitation*, maritime shipping and fishing activities, ecosystem *and biodiversity* conservation, *the extraction of raw materials*, tourism and aquaculture installations, as well as the multiple pressures on coastal resources, require an integrated planning and management approach.

Justification

The extraction of raw materials is added here in the recitals to bring this in line with Art 7

Amendment 3

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Such an approach to ocean management has been developed in the Integrated Maritime Policy for the European Union, including, as its environmental pillar, 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. The objective of the Integrated Maritime Policy is to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the Union's sectoral policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies.

Amendment

(2) Such an approach to ocean management *and maritime governance* has been developed in the Integrated Maritime Policy for the European Union, including, as its environmental pillar, 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. The objective of the Integrated Maritime Policy is to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the Union's sectoral policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies.

Justification

IMP was established in particular to create a more coherent governance framework for maritime policy.

Amendment 4

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Integrated Maritime Policy identifies maritime spatial planning and integrated coastal management as cross-cutting policy tools for public authorities and stakeholders to apply a coordinated, integrated approach. The application of an ecosystem-based approach will contribute to promoting the sustainable growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

Amendment

(3) The Integrated Maritime Policy identifies maritime spatial planning and integrated coastal management as cross-cutting policy tools for public authorities and stakeholders to apply a coordinated, integrated ***and trans-boundary*** approach. The application of an ecosystem-based approach will contribute to promoting the sustainable growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

Justification

To strengthen cross-border cooperation is crucial for IMP and in particular MSP and ICM.

Amendment 5

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In its recent Communication on Blue Growth, Opportunities for Marine and Maritime Sustainable Growth, the Commission has identified a number of ongoing EU initiatives which are intended to implement the Europe 2020 Strategy for smart, sustainable and inclusive growth. The Communication has also identified a number of sector activities on which blue growth initiatives should focus in the future and which should be adequately supported by maritime spatial plans and integrated coastal management strategies.

Amendment

(5) In its recent Communication on Blue Growth Opportunities for Marine and Maritime Sustainable Growth, the Commission has identified a number of ongoing EU initiatives which are intended to implement the Europe 2020 Strategy for smart, sustainable and inclusive growth. The Communication has also identified a number of sector activities on which blue growth initiatives should focus in the future and which should be adequately supported by maritime spatial plans and integrated coastal management strategies. ***The Member States' clear support for those identified strategic areas will provide legal certainty and predictability for public and private investment, which will have a leverage effect on all sectoral policies linked to the maritime and coastal***

space.

Amendment 6

Proposal for a directive Recital 7

Text proposed by the Commission

(7) The United Nations Convention on the Law of the Sea (UNCLOS) states in its preamble that issues relating to the use of ocean space are closely interrelated and need to be considered as a whole. Planning of ocean space is the logical advancement and structuring of the use of rights granted under UNCLOS and a practical tool in assisting Member States to comply with their obligations.

Amendment

(7) The United Nations Convention on the Law of the Sea (UNCLOS) states in its preamble that issues relating to the use of ocean space are closely interrelated and need to be considered as a whole. Planning of ocean space is the logical advancement and structuring of the use of rights granted under UNCLOS and a practical tool in assisting Member States **and the competent sub-national authorities** to comply with their obligations.

Justification

In many Member States, like Italy, territorial waters are not managed directly by the state, but by sub-national entities, such as regional governments. It should be these competent authorities that benefit from the assistance offered by technical tools under UNCLOS.

Amendment 7

Proposal for a directive Recital 10

Text proposed by the Commission

(10) In order to ensure consistency and legal clarity, the geographical scope for maritime spatial planning and integrated coastal management **strategies** should be defined in conformity with existing legislative instruments of the Union and international maritime law.

Amendment

(10) In order to ensure consistency and legal clarity, the geographical scope for maritime spatial planning and integrated coastal management should be defined in conformity with existing legislative instruments of the Union and international maritime law, **in particular UNCLOS.**

Amendment 8

Proposal for a directive Recital 12

Text proposed by the Commission

(12) While it is appropriate for the Union to lay down **rules** on maritime spatial plans and integrated coastal management strategies, Member States and their competent authorities remain responsible for designing and determining, within their marine waters and coastal zones, the content of such plans and strategies, including the apportionment of maritime space to the different sector activities.

Amendment

(12) While it is appropriate for the Union to lay down **a transparent and coherent framework** on maritime spatial plans and integrated coastal management strategies, Member States and their competent authorities remain responsible for designing and determining, within their marine waters and coastal zones, the content of such plans and strategies, including the apportionment of maritime space to the different sector activities **and maritime uses**.

Amendment 9

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) So as to respect proportionality and subsidiarity, as well as minimise additional administrative **burden**, transposition and implementation of this Directive should to the greatest extent possible build upon existing national rules and mechanisms. Integrated coastal management strategies should build on the principles and elements set out in Council Recommendation 2002/413/EC and Council Decision 2010/631/EU.

Amendment

(13) So as to respect proportionality and subsidiarity, as well as **to** minimise additional administrative **burdens**, transposition and implementation of this Directive should to the greatest extent possible build upon existing national **and Regional Sea Convention** rules and mechanisms. Integrated coastal management strategies should build on the principles and elements set out in Council Recommendation 2002/413/EC **of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe^{18a}** and Council Decision 2010/631/EU.

^{18a} **OJ L 148, 6.6.2002, p. 24.**

Justification

Existing sea basin structures can help Member States to fulfil their obligations and to make their cooperation more effective.

Amendment 10

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Maritime spatial planning and integrated coastal management should apply the ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC so as to ensure that the collective pressure of all 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.

Amendment

(15) Maritime spatial planning and integrated coastal management should apply the ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC, ***having regard to the principle of subsidiarity and taking account of the precautionary principle and of the principle that preventive action should be taken, as laid down in Article 191(2) of the Treaty on the Functioning of the European Union***, so as to ensure that the collective pressure of all ***maritime and coastal*** activities is kept within levels compatible with the achievement of good environmental status ***and with the conservation of natural resources***, 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.

Amendment 11

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Maritime spatial planning and integrated coastal management will contribute, inter alia, to achieving the aims of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources¹⁹, Council Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy²⁰, Decision 884/2004/EC of the European Parliament and of the Council amending Decision No

Amendment

(16) Maritime spatial planning and integrated coastal management will contribute, inter alia, to achieving the aims of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources¹⁹, Council Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy²⁰, ***Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009***

1692/96/EC on Community guidelines for the development of the trans-European transport network²¹, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, 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, the EU Biodiversity Strategy for 2020²², the Roadmap towards a Resource Efficient Europe²³, the EU Strategy on Adaptation to Climate Change²⁴ well as, where appropriate, those of the EU Regional Policy, including the sea-basin and macro-regional strategies.

on the conservation of wild birds^{20a}, Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora^{20b}, Decision 884/2004/EC of the European Parliament and of the Council amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network²¹, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, 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, the EU Biodiversity Strategy for 2020²², the Roadmap towards a Resource Efficient Europe²³, the EU Strategy on Adaptation to Climate Change²⁴ and the Commission's Communication COM(2009)0008 entitled 'Strategic goals and recommendations for the EU's maritime transport policy until 2018', as well as, where appropriate, those of the EU Regional Policy, including the sea-basin and macro-regional strategies.

¹⁹ OJ L 140, 5.6.2009, pp. 16-62.

²⁰ OJ L 358, 31.12.2002, p. 59-80.

²¹ OJ L 167, 30/04/2005, pp. 1-38.

²² COM(2011) 244 final.

²³ COM(2011) 571 final.

²⁴ COM(2013) XXX.

¹⁹ OJ L 140, 5.6.2009, p. 16.

²⁰ OJ L 358, 31.12.2002, p. 59.

^{20a} OJ L 20, 26.1.2010, p. 7.

^{20b} OJ L 206, 22.7.1992, p. 7.

²¹ OJ L 167, 30.4.2005, p. 1.

²² COM(2011) 244 final.

²³ COM(2011) 571 final.

²⁴ COM(2013) XXX.

Amendment 12

Proposal for a directive Recital 17

Text proposed by the Commission

(17) Maritime and coastal activities are

Amendment

(17) Maritime and coastal activities are

often closely interrelated. This requires maritime spatial plans and integrated coastal management strategies to be coordinated or integrated in order to guarantee the sustainable use of maritime space and management of coastal areas taking account of social, economic and environmental factors.

often closely interrelated **and interdependent**. This requires maritime spatial plans and integrated coastal management strategies to be coordinated, **linked up** or integrated in order to guarantee the sustainable use of maritime space and management of coastal areas, taking account of social, economic and environmental factors **and objectives**.

Amendment 13

Proposal for a directive Recital 18

Text proposed by the Commission

(18) In order to achieve the objectives of this Directive, maritime spatial plans and integrated coastal management strategies should cover the full cycle of problem identification, information collection, planning, decision-making, implementation **and** monitoring of implementation and be based on best available scientific knowledge. Best use should be made of mechanisms set out in existing or future legislation, including Decision 2010/477/EU on criteria and methodological standards for good environmental status of marine waters or the Commission's Marine Knowledge 2020 initiative²⁵.

²⁵ COM(2010) 461 final.

Amendment

(18) In order to achieve the objectives of this Directive, maritime spatial plans and integrated coastal management strategies should cover the full cycle of problem identification, information collection, planning, decision-making, implementation, monitoring of implementation, **revision or updating**, and **should** be based on best **and most recent** available scientific knowledge. Best use should be made of mechanisms set out in existing or future legislation, including Decision 2010/477/EU on criteria and methodological standards for good environmental status of marine waters or the Commission's Marine Knowledge 2020 initiative²⁵.

²⁵ COM(2010) 461 final.

Amendment 14

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The main **purpose** of maritime spatial planning **is** to identify and manage spatial uses **and** conflicts in maritime areas. In

Amendment

(19) The main **purposes** of maritime spatial planning **are** to identify and manage spatial uses, **to minimise cross-sectoral** conflicts

order to achieve *that purpose*, Member States need at least to ensure that the planning process or processes result in a comprehensive map identifying the different uses of maritime space, taking into consideration long term changes due to climate change.

in maritime areas *and to enhance sustainable growth in the maritime sector*. In order to achieve *those purposes*, Member States need at least to ensure that the planning process or processes result in a comprehensive map identifying the different uses of maritime space, taking into consideration long term changes due to climate change.

Amendment 15

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should consult and coordinate their plans and strategies with the relevant Member State or third country authorities in the marine region or sub-region or coastal zone concerned in conformity with the rights and obligations of these Member States and third countries under European and international law. Effective cross border cooperation between Member States and with neighbouring third countries requires that the competent authorities in each Member State are identified. Member States therefore need to designate *the* competent *authority or* authorities responsible for cooperation with other Member States or third countries. Given the differences between various marine regions or sub-regions and coastal zones, it is not appropriate to prescribe in detail in this Directive how these cooperation mechanisms should look.

Amendment

(20) Member States should consult and, *as far as possible*, coordinate their plans and strategies with the relevant Member State or third country authorities in the marine region or sub-region or coastal zone concerned in conformity with the rights and obligations of these Member States and third countries under European and international law. Effective cross border cooperation between Member States and with neighbouring third countries requires that the competent authorities in each Member State are identified. Member States therefore need to designate competent authorities responsible for cooperation with other Member States or third countries. Given the differences between various marine regions or sub-regions and coastal zones, it is not appropriate to prescribe in detail in this Directive how these cooperation mechanisms should look.

Amendment 16

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In order to adapt coastal areas to climate change, and to combat erosion or excessive accretion, the risks of sea ingressions, the deterioration of ecological status and the loss of biodiversity of coastal ecosystems, it is extremely important that coastal sediment be managed in a sustainable and environmentally friendly manner, with a view to balancing out problematic areas that are at greater risk. Submarine sediment deposits on the continental shelf can be used where there is a shortage of sediment in the coastal system.

Amendment 17

Proposal for a directive

Recital 22

Text proposed by the Commission

Amendment

(22) The management of maritime and coastal areas is complex and involves different levels of authorities, economic operators and other stakeholders. In order to guarantee sustainable development in an effective manner, it is essential that stakeholders, authorities and the public ***are*** consulted at an appropriate stage in the preparation of maritime spatial plans and integrated coastal management strategies under this Directive, in accordance with relevant EU legislation. ***A good example for public consultation provisions can be found in article 2(2) of Directive 2003/35.***

(22) The management of maritime and coastal areas is complex and involves different levels of authorities, economic operators and other stakeholders. In order to guarantee sustainable development in an effective manner, it is essential that stakeholders, authorities and the public ***be*** consulted at an appropriate stage in the preparation of maritime spatial plans and integrated coastal management strategies under this Directive, in accordance with relevant EU legislation.

Justification

The proposal for a directive refers to existing provisions of EU legislation in a general way. The directive's strategic, evolving and procedural nature makes it difficult to quote a particular provision by way of example. The TFEU does, however, stipulate that Member States must act

in accordance with the relevant Union legislation.

Amendment 18

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to ensure that the establishment of maritime spatial plans and integrated coastal management strategies is based on reliable data and to avoid additional administrative burden, it is essential that Member States collect the best available data and information by making use of existing instruments and tools for data collection, such as those developed in the context of the Marine Knowledge 2020 initiative.

Amendment

(25) In order to ensure that the establishment of maritime spatial plans and integrated coastal management strategies is based on reliable data and to avoid *any* additional administrative burden, it is essential that Member States collect ***and use*** the best available data and information by ***encouraging the relevant stakeholders to share their data and information and*** making use of existing instruments and tools for data collection, such as those developed in the context of the Marine Knowledge 2020 initiative.

Justification

Many stakeholders such as mining companies or oil and gas companies collect an enormous amount of data before they start extractions, but these data are never used or shared afterwards.

Amendment 19

Proposal for a directive

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) In order to support the widespread and coordinated implementation of this Directive throughout the Union, it would be advisable to find, from amongst existing financial instruments, resources to support demonstration programmes and exchanges of good practices and virtuous processes in coastal management and spatial management strategies, plans and governance.

Amendment 20

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Timely transposition of the provisions of this Directive is essential since the EU has adopted a number of policy initiatives that are to be implemented by the year 2020 and which this Directive aims to support. The shortest possible deadline for the transposition of this Directive should therefore be adopted.

Amendment

(28) Timely transposition of the provisions of this Directive is essential since the EU has adopted a number of policy initiatives that are to be implemented by the year 2020 and which this Directive aims to support **and complement**. The shortest possible deadline for the transposition of this Directive should therefore be adopted.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes a framework for maritime spatial planning **and** integrated coastal management aiming at promoting the sustainable growth of maritime and coastal economies and the sustainable use of marine and coastal resources.

Amendment

1. This Directive establishes 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.**

Amendment 22

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Within the Integrated Maritime Policy of the Union, this **framework** provides for the establishment and implementation by Member States of maritime spatial plans

Amendment

2. Within the Integrated Maritime Policy of the Union, this **Directive** provides **a framework** for the establishment and implementation by Member States of

and of integrated coastal management strategies with the aim of meeting the objectives specified in Article 5.

maritime spatial plans and of integrated coastal management strategies with the aim of meeting the objectives specified in Article 5, ***taking into account land-sea interactions and enhanced cross-border cooperation on the basis of the respective UNCLOS provisions.***

Justification

New wording to leave the Member States more freedom to choose how to implement ICM.

Amendment 23

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

1. The provisions of this Directive shall apply to marine waters and coastal zones.

Amendment

1. 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.***

Amendment 24

Proposal for a directive Article 2 – paragraph 2

Text proposed by the Commission

2. This Directive shall not apply to activities the sole purpose of which is defence or national security. ***Each*** Member ***State*** shall, however, endeavour to ensure that such activities are conducted in a manner compatible with the objectives of this Directive.

Amendment

2. This Directive shall not apply to activities the sole purpose of which is defence or national security. Member ***States*** shall, however, endeavour to ensure that such activities are conducted in a manner ***that is*** compatible, ***in so far as is reasonable and practicable,*** with the objectives of this Directive.

Amendment 25

Proposal for a directive Article 3 – point 1

Text proposed by the Commission

1. ‘Coastal zone’ means the geomorphologic area on both sides of the seashore ***area with as the seaward limit the external limit of the territorial seas of Member States and as the landward limit, the limit*** as defined by ***the*** Member States in their ***integrated coastal management strategies***.

Amendment

1. ‘Coastal zone’ means the ***seashore and the*** geomorphologic area on both sides of the seashore ***as defined by*** Member States in their ***respective laws, with the seaward limit not exceeding their territorial seas***.

Amendment 26

Proposal for a directive
Article 3 – point 2

Text proposed by the Commission

2. ‘Integrated Maritime Policy’ means the Union policy ***with the aim*** to foster coordinated and coherent ***decision-making*** to maximise the sustainable development, economic growth and social cohesion of Member States, in particular with regard to coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

Amendment

2. ‘Integrated Maritime Policy’ means the Union policy ***established*** to foster ***a*** coordinated and coherent ***cross-sectoral and trans-boundary maritime governance*** to maximise the sustainable development, economic growth and social cohesion of Member States, in particular with regard to coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

Amendment 27

Proposal for a directive
Article 3 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. ‘Maritime spatial plans’ means the plan or plans resulting from a public process for analysing and planning the spatial and temporal distribution of human activities in sea areas to achieve the economic, environmental and social objectives laid down in this Directive, in accordance with the relevant national policies, with a view to identifying the utilisation of maritime space for different

sea uses and encouraging multi-purpose use in particular.

Amendment 28

Proposal for a directive Article 3 – point 2 b (new)

Text proposed by the Commission

Amendment

2b. 'Integrated coastal management strategies' means the formal and informal practices and/or strategies that aim at the integrated management of all policy processes affecting the coastal zone, addressing land-sea interactions of coastal activities in a coordinated way, with a view to ensuring the sustainable development of coastal and marine areas. Such strategies ensure that management or development decisions are taken coherently across sectors so as to avoid, or at least limit, conflicts over the use of coastal areas.

Amendment 29

Proposal for a directive Article 3 – point 4

Text proposed by the Commission

Amendment

4. 'Marine waters' means the waters, the seabed and subsoil ***as defined in Article 3(1) of Directive 2008/56/EC.***

4. 'Marine waters' means the waters, the seabed and subsoil ***on the seaward side of the baseline from which the breadth of territorial waters is measured, extending to the outermost reach of the area where a Member State has and/or exercises jurisdiction, in accordance with UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty of the Functioning of the European Union and the French Overseas Departments and Collectivities.***

Amendment 30

Proposal for a directive

Article 3 – point 5

Text proposed by the Commission

5. 'Public' means **involving** one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

Amendment

5. 'Public' means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

Justification

Correction as public itself does not mean involving anyone in anything. Otherwise it should be "public participation".

Amendment 31

Proposal for a directive

Article 3 – point 7

Text proposed by the Commission

7. 'Good environmental status' means the environmental status referred to in Article 3(5) of Directive 2008/56/EC.

Amendment

7. 'Good environmental status' means the environmental status referred to in Article 3(5) of Directive 2008/56/EC **and Commission Decision 2010/477/EU**.

Justification

Commission Decision 2010/477 EU sets out more detailed guidelines relating to the definition of, and criteria for, 'good environmental status'.

Amendment 32

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish and implement **a** maritime spatial plan **or plans and an** integrated coastal management **strategy or** strategies. **They may be prepared in separate documents.**

Amendment

1. Each Member State shall establish and implement **maritime spatial planning. Where a Member State does not integrate land-sea interactions in its** maritime spatial plan, **those interactions shall be addressed through** integrated coastal management. **Member States may decide whether to follow an integrated approach**

or to establish maritime spatial plans and integrated coastal management strategies separately.

Amendment 33

Proposal for a directive Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States or competent regional or local authorities 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.

Amendment 34

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. When establishing maritime spatial plans and integrated coastal management strategies, Member States shall give due regard to the particularities of the regions and ***the*** sub-regions, the respective sector activities, the marine waters and coastal zones concerned and ***potential*** climate change impacts.

3. When establishing maritime spatial plans and integrated coastal management strategies, Member States shall give due regard to the particularities ***and needs*** of, ***and the opportunities presented by,*** the ***marine and coastal*** regions and sub-regions, the respective ***existing and future*** sector activities, the marine waters and coastal zones concerned and climate change impacts.

Amendment 35

Proposal for a directive Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the case of the Union's outermost regions in particular, Article 349 of the TFEU shall be respected, taking into

account the special characteristics and constraints of those regions.

Amendment 36

Proposal for a directive

Article 5

Text proposed by the Commission

Maritime spatial plans and integrated coastal management strategies shall apply **an** ecosystem-based approach to **facilitate** the co-existence **and prevent conflicts between competing** sector activities in marine waters and coastal zones, **and** shall aim to contribute to:

- (a) securing the energy supply of the Union by promoting the development of marine energy sources, the development of new and renewable forms of energy, the interconnection of energy networks, and energy efficiency;
- (b) promoting the development of maritime transport **and providing efficient and cost-effective shipping routes** across Europe, including port accessibility **and** transport safety;
- (c) fostering the sustainable development **and growth** of the fisheries and aquaculture sector, including employment in fisheries and connected sectors;
- (d) ensuring the preservation, protection and improvement of the environment as well as the prudent and rational use of natural resources, notably in order to

Amendment

1. 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** the co-existence **of the relevant** sector activities **in a compatible manner, minimise conflicts between those activities** in marine waters and coastal zones, **and promote cross-border cooperation and the multiple use of the same maritime space by different sectors.**

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

- (a) securing the energy supply of the Union by promoting the development of marine energy sources, the development of new and renewable forms of energy, the interconnection of energy networks, and energy efficiency;
- (b) promoting the development of maritime transport across Europe, including port accessibility, transport safety, **multimodal links and sustainability;**
- (c) fostering the sustainable development of the fisheries **sector and sustainable growth of the** aquaculture sector, including employment in fisheries and connected sectors;
- (d) ensuring the preservation, protection and improvement of the environment **through a representative and coherent network of protected areas,** as well as the

achieve good environmental status, halt the loss of biodiversity and degradation of ecosystem services and reduce marine pollution risks;

(e) ensuring *climate resilient* coastal and marine areas.

prudent, *precautionary* and rational use of natural resources, notably in order to achieve good environmental status, halt the loss of biodiversity and degradation of ecosystem services and reduce *and prevent* marine *and coastal areas* pollution risks;

(e) ensuring *that* coastal and marine areas *are more resilient to climate change impacts in order to protect vulnerable coastal areas*.

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

(a) promoting the sustainable extraction of raw materials;

(b) promoting sustainable tourism;

(c) ensuring the preservation and protection of cultural heritage;

(d) guaranteeing recreational and other use to the public;

(e) preserving traditional economic and social characteristics of the maritime economy.

Amendment 37

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. *Maritime spatial plans and integrated coastal management strategies* shall establish *operational* steps to achieve the objectives *as* set out in Article 5 taking into account *all* relevant activities and measures applicable to them.

Amendment

1. *Each Member State* shall establish *procedural* steps to achieve the objectives set out in Article 5, taking into account *the* relevant activities, *uses* and measures applicable to them.

Amendment 38

Proposal for a directive Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ensure effective ***trans-boundary cooperation between Member States, and between national authorities and*** stakeholders of the relevant sector policies;

(b) ensure effective ***participation of the*** stakeholders of the relevant sector policies ***in accordance with Article 9;***

Justification

Stakeholders shall be involved. To demand cooperation would be one step too far and detain the process.

Amendment 39

Proposal for a directive

Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ensure effective trans-boundary cooperation between Member States in accordance with Article 12;

Justification

As the involvement of stakeholders and the trans-boundary cooperation between Member States are two completely different matters it is better to refer to them in two different paragraphs.

Amendment 40

Proposal for a directive

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) identify the trans-boundary effects of maritime spatial plans and integrated coastal management strategies on the marine waters and coastal zones under the sovereignty or jurisdiction of third countries in the same marine region or sub-region and related coastal zones and deal with them in cooperation with the competent authorities of ***these*** countries in accordance with ***Articles 12 and 13;***

(c) identify the trans-boundary effects of maritime spatial plans and integrated coastal management strategies on the marine waters and coastal zones under the sovereignty or jurisdiction of third countries in the same marine region or sub-region and related coastal zones and deal with them in cooperation with the competent authorities of ***those*** countries in accordance with ***Article 13;***

Justification

Article 12 refers to other Member States not to third countries and the reference to Art 12 is therefore deleted.

Amendment 41

Proposal for a directive

Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) on the one hand, be based on the best available data and, on the other hand, guarantee the necessary flexibility to take future developments into account;

Justification

The aims of the Directive are ambitious in particular for those countries which do not have any experience with MSP or ICM yet. Therefore it is important to stress the need for flexibility, as well as, the need for data. The marine environment is a very complex, still partly unknown and currently changing environment.

Amendment 42

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Maritime spatial plans shall contain at least a mapping of marine waters which identifies the actual and potential spatial and temporal distribution of all relevant maritime activities in order to achieve the objectives **as** set out in Article 5.

1. Maritime spatial plans shall contain at least a mapping of marine waters which identifies the actual, **intended** and potential spatial and temporal distribution of all relevant maritime **uses and** activities **and important ecosystem components**, in order to achieve the **Union** objectives set out in Article 5.

Amendment 43

Proposal for a directive

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When establishing maritime spatial

2. When establishing maritime spatial

plans Member States shall take into consideration, **at least**, the following activities:

plans Member States shall take into consideration, **inter alia**, the following **uses and** activities:

Justification

Not all of the mentioned points are activities.

Amendment 44

Proposal for a directive Article 7 – paragraph 2 – points a to g

Text proposed by the Commission

- (a) installations for the extraction of energy and the production of renewable energy;
- (b) oil **and** gas extraction sites and infrastructures;
- (c) maritime transport routes;
- (d) submarine cable and pipeline routes;
- (e) fishing areas;
- (f) sea farming **sites**;
- (g) nature conservation sites.

Amendment

- (a) installations for the extraction of energy and the production of renewable energy, **and for bringing it onshore**;
- (b) oil, gas **and other raw materials exploration and** extraction sites and infrastructures;
- (c) maritime transport routes;
- (d) submarine cable and pipeline routes;
- (e) **existing and potential** fishing areas;
- (f) sea farming **areas**;
- (g) nature **and species protection and** conservation sites, **Natura 2000 areas, other sensitive marine ecosystems and surrounding areas, in accordance with Union and national law**;
- (h) **marine and coastal tourism**;
- (i) **cultural heritage protection sites**;
- (j) **military training areas**.

Amendment 45

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. Integrated coastal management **strategies shall contain at least, an inventory of** existing measures applied in

Amendment

1. **When establishing** integrated coastal management **Member States shall decide whether to use a set of practices or one or**

coastal zones and an analysis of the need for additional actions in order to achieve the objectives set out in Article 5. **The strategies shall provide for** integrated and cross-sectoral policy implementation and consider interactions between terrestrial and maritime activities.

more strategies. They shall identify existing measures applied in coastal zones and **undertake** an analysis of the need for additional actions in order to achieve the objectives set out in Article 5. **Integrated coastal management shall enhance** integrated and cross-sectoral policy implementation and **take** interactions between terrestrial and maritime activities **into consideration in order to ensure land-sea connectivity.**

Amendment 46

Proposal for a directive

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. When establishing integrated coastal management strategies, Member States shall take into consideration, **at least, the following activities:**

Amendment

2. When establishing integrated coastal management strategies, Member States shall take into consideration:

Amendment 47

Proposal for a directive

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) utilisation of specific natural resources including installations for the extraction of energy and the production of renewable energy;

Amendment

deleted

Amendment 48

Proposal for a directive

Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) already established practices and strategies in line with Recommendation 2002/413/EC;

Amendment 49

**Proposal for a directive
Article 8 – paragraph 2 – point a b (new)**

Text proposed by the Commission

Amendment

(ab) existing formal and informal practices, networks and cross-border cooperation mechanisms;

Amendment 50

**Proposal for a directive
Article 8 – paragraph 2 – point a c (new)**

Text proposed by the Commission

Amendment

(ac) relevant activities, installations, facilities and infrastructure;

Amendment 51

**Proposal for a directive
Article 8 – paragraph 2 – point b**

Text proposed by the Commission

Amendment

(b) development of infrastructure, energy facilities, transport, ports, maritime works and other structures including green infrastructure;

deleted

Amendment 52

**Proposal for a directive
Article 8 – paragraph 2 – point c**

Text proposed by the Commission

Amendment

(c) agriculture and industry;

deleted

Amendment 53

Proposal for a directive Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) fishing and aquaculture;

Amendment

deleted

Amendment 54

Proposal for a directive Article 8 – paragraph 2 – point e

Text proposed by the Commission

(e) conservation, restoration and management of coastal ecosystems, ecosystem services and nature, coastal landscapes and islands;

Amendment

(e) **protection**, conservation, restoration and management of coastal ecosystems, **protected deltas and wetland areas**, ecosystem services and nature, coastal landscapes and islands;

Amendment 55

Proposal for a directive Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) mitigation and adaptation to climate change.

Amendment

(f) mitigation and adaptation to climate change, **in particular increasing the resilience of the ecosystem**.

Amendment 56

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall establish means for **the** public participation **of all interested parties** at an early stage in the development of maritime spatial plans and integrated coastal management strategies.

Amendment

Member States shall establish means for public participation **by informing and consulting the relevant stakeholders and authorities and the public concerned** at an early stage in the development of maritime spatial plans and integrated coastal management strategies. **Member States**

shall also ensure that those stakeholders and authorities, and the public concerned, have access to the results once they are finalised.

Justification

Public participation is a broad expression therefore it is necessary to specify the form of the participation. Besides, paragraph 1 and 2 can be combined.

Amendment 57

**Proposal for a directive
Article 9 – paragraph 2**

Text proposed by the Commission

Amendment

2. Public participation shall ensure that the relevant stakeholders and authorities and the public concerned are consulted on the draft plans and strategies and have access to the results once available.

deleted

Amendment 58

**Proposal for a directive
Article 9 – paragraph 3**

Text proposed by the Commission

Amendment

3. When establishing means of public consultation, Member States shall act in accordance with relevant provisions in other Union legislation.

deleted

Justification

The original wording has no added value.

Amendment 59

**Proposal for a directive
Article 10 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall organise the

1. Member States shall organise the

collection of the best available data and the exchange of information necessary for maritime spatial plans and integrated coastal management strategies.

collection **and use** of the best available data and the exchange of information necessary for maritime spatial plans and **the implementation of** integrated coastal management strategies.

Amendment 60

Proposal for a directive Article 10 – paragraph 3

Text proposed by the Commission

3. When organising the collection and exchange of the data referred to in paragraph 1, Member States shall make use, as far as possible, of instruments and tools developed under the Integrated Maritime Policy.

Amendment

3. When organising the collection and exchange of the data referred to in paragraph 1, Member States shall make use, as far as possible, of instruments and tools developed under the Integrated Maritime Policy **and other relevant Union policies, such as those set out in Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)^{27a}.**

^{27a} OJ L 108, 25.4.2007, p. 1.

Justification

The INSPIRE directive mandates the collection of relevant data

Amendment 61

Proposal for a directive Article 11

Text proposed by the Commission

Maritime spatial plans and integrated coastal management strategies are subject to the provisions of Directive 2001/42/EC.

Amendment

Maritime spatial plans and integrated coastal management strategies are subject to the provisions of Directive 2001/42/EC **and of Article 6 of Directive 92/43/EEC, where applicable.**

Amendment 62

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

1. Each Member State bordering a coastal zone or maritime area of another Member State shall cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated across the coastal zone or marine region and/or sub-region concerned. Such cooperation shall in particular take into account issues of a transnational nature, such as cross-border infrastructure.

Amendment

1. Each Member State bordering a coastal zone or maritime area of another Member State shall ***take all necessary steps to*** cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated across the coastal zone or marine region and/or sub-region concerned. Such cooperation shall in particular take into account issues of a transnational nature, such as cross-border infrastructure, ***and shall aim at a common vision for each existing and future sea-basin strategy.***

Amendment 63

Proposal for a directive Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to enable cooperation to take place, Member States should, where possible, coordinate the timing of new Maritime Spatial Plans or the review cycles of existing ones.

Justification

Unless efforts are made to coordinate the timing of MSP cycles, competent authorities may find it difficult to cooperate even if other technical and data issues have been resolved.

Amendment 64

Proposal for a directive Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) regional institutional cooperation structures covering the coastal zone or the

Amendment

(a) ***Regional Seas Conventions or other*** regional institutional cooperation structures

marine region or sub-region concerned, or

covering the coastal zone or the marine region or sub-region concerned, or

Amendment 65

Proposal for a directive

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a ***dedicated*** network of Member States' competent authorities covering the marine region and/or sub-region concerned.

(b) a network of Member States' competent authorities covering the ***coastal zone***, marine region and/or sub-region concerned, ***or***

Amendment 66

Proposal for a directive

Article 12 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) any other approach that meets the requirements of paragraph 1.

Justification

In general, regional approach is preferable but there might be cases that a bilateral or another strategy is more practicable.

Amendment 67

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Member States bordering a coastal zone or maritime area of a third country shall make every effort to 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.

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.

Amendment 68

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. This report shall at least contain information on the implementation of Articles 6 to 13.

Amendment

2. This report shall at least contain information on the implementation of Articles 6 to 13. ***Where possible, the content and format of the report shall be harmonised with the relevant specifications laid down in Directive 2008/56/EC.***

Justification

We should where possible minimise the additional administrative burdens on authorities that already have a large number of reporting and monitoring obligations from existing EU law.

Amendment 69

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. The Commission shall submit a progress report to the European Parliament and Council outlining the progress made in implementing this Directive.

Amendment

3. The Commission shall submit a progress report to the European Parliament and Council ***at the latest one year after the deadline for the establishment of the maritime spatial plans and integrated coastal management strategies***, outlining the progress made in implementing this Directive.

Amendment 70

Proposal for a directive Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission may, by means of implementing acts, adopt provisions on:

Amendment

1. The Commission may, ***without prejudice to specifications concerning substantive related plans and strategies***,

by means of implementing acts, adopt provisions on:

Justification

New wording clarifies the scope of the possible provisions adopted by means of implementing acts.

Amendment 71

Proposal for a directive

Article 16 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) **operational** specifications for management of data referred in Article 10, provided they have not been established by other **EU legislation**, such as Directive 2007/2/EC or 2008/56/EC, on

(a) **process-related** specifications for management of data referred in Article 10, provided they have not been established by other **legal acts of the Union**, such as Directive 2007/2/EC or 2008/56/EC, on

Justification

Clarification that the implementing acts will only address process related specifications of management of data and not operational ones.

Amendment 72

Proposal for a directive

Article 16 – paragraph 1 – point a – indent 1

Text proposed by the Commission

Amendment

– the sharing of data, and interfacing with existing data management and collection processes; and

– the **effective** sharing of data, and interfacing with existing **systems for** data management and collection processes; and

Justification

Clarification that the provisions adopted by the Commission by means of implementing acts shall not regulate the sharing and management of data in general but rather only improve their effectiveness.

Amendment 73

Proposal for a directive

Article 16 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the **operational** steps **for** the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:

(b) the **process-related** steps **that contribute to** the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:

Justification

Clarification that art. 16.1 (b) concerns only process related steps and not substantive related matter of maritime spatial plans and integrated coastal management strategies.

Amendment 74

Proposal for a directive

Article 16 – paragraph 1 – point b – indent 3

Text proposed by the Commission

Amendment

– **cross-border co-operation** modalities;

– **the most effective** modalities **of cross-border cooperation**.

Justification

Clarification that the provisions adopted by the Commission by means of implementing acts shall not regulate the cross-border co-operation modalities in general but rather only improve their effectiveness.

Amendment 75

Proposal for a directive

Article 16 – paragraph 1 – point b – indent 4

Text proposed by the Commission

Amendment

– **public consultation**.

deleted

Justification

In view of the provisions laid down in Article 9, it would be inappropriate to confer on the Commission the power to adopt implementing acts in this area, which falls under the competence of the Member States.

Amendment 76

Proposal for a directive Article 17 – paragraph 2

Text proposed by the Commission

2. Where reference is made to **paragraph 1**, Article 5 of Regulation 182/2011 shall apply.

Amendment

2. Where reference is made to **this paragraph**, Article 5 of Regulation (**EU**) **No** 182/2011 shall apply.

Justification

Reference is made to this paragraph (in Art 16(2) for instance) and not to paragraph 1.

Amendment 77

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Each Member State shall determine how such reference is to be made.

Amendment

2. When Member States adopt the measures referred to in paragraph 1, **following the entry into force of this Directive**, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Each Member State shall determine how such reference is to be made.

Amendment 78

Proposal for a directive Article 18 – paragraph 4

Text proposed by the Commission

4. The maritime spatial plans and integrated coastal management strategies referred to in Article 4(1) shall be established within a period of **36** months after the entry into force of this Directive.

Amendment

4. The maritime spatial plans and integrated coastal management strategies referred to in Article 4(1) shall be established within a period of **48** months after the entry into force of this Directive.

Justification

The rapporteur is of the opinion that 36 months is unrealistic. The timeframe should be

ambitious but shall not cause a precipitant implementation. The different stages of maritime spatial planning in the Member States need to be considered.

Amendment 79

Proposal for a directive Article 18 – paragraph 5

Text proposed by the Commission

5. The reports referred to in Article 15(1) shall be provided, at the latest, **42** months following the entry into force of *the* Directive, and every six years thereafter.

Amendment

5. The reports referred to in Article 15(1) shall be provided, at the latest, **54** months following the entry into force of *this* Directive, and every six years thereafter.

Justification

Changed to be in line with Art 18(4), that is six month after the deadline contained therein.

Amendment 80

Proposal for a directive Article 18 – paragraph 6

Text proposed by the Commission

6. The progress report referred to in Article 15(3) shall be submitted at the latest six months after the date referred to in paragraph 5, and every **six** years thereafter.

Amendment

6. The progress report referred to in Article 15(3) shall be submitted at the latest six months after the date referred to in paragraph 5, and every **four** years thereafter.

Amendment 81

Proposal for a directive Article 18 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The transposition obligations contained in this Directive shall not apply to landlocked Member States.

Justification

Landlocked Member States do not have a coast and maritime area, therefore there is no use for

them to establish maritime spatial plans and integrated coastal management strategies. Still, this Directive can be of importance to them. Landlocked Member States could be asked for cooperation by other Member States, in particular in the course of the establishment and implementation of integrated coastal management strategies if there is a river that runs through that country and enters a sea afterwards. Therefore they have to take into account this directive when planning activities that can affect the seaside of other Member States, but obviously they cannot transpose any obligation contained in this Directive.