

Directive 2014/89/EU of the European Parliament and of the Council
of 23 July 2014 establishing a framework for maritime spatial planning

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

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

2 Within the Integrated Maritime Policy of the Union, that framework provides for the establishment and implementation by Member States of maritime spatial planning, with the aim of contributing to the objectives specified in Article 5, taking into account land-sea interactions and enhanced cross-border cooperation, in accordance with relevant Unclos provisions.

Article 2

Scope

1 This Directive shall apply to marine waters of Member States, without prejudice to other Union legislation. It shall not apply to coastal waters or parts thereof falling under a Member State's town and country planning, provided that this is communicated in its maritime spatial plans.

2 This Directive shall not apply to activities the sole purpose of which is defence or national security.

3 This Directive shall not interfere with Member States' competence to design and determine, within their marine waters, the extent and coverage of their maritime spatial plans. It shall not apply to town and country planning.

4 This Directive shall not affect the sovereign rights and jurisdiction of Member States over marine waters which derive from relevant international law, particularly Unclos. In particular, the application of this Directive shall not influence the delineation and delimitation of maritime boundaries by the Member States in accordance with the relevant provisions of Unclos.

Article 3

Definitions

For the purposes of this Directive, the following definitions apply:

- (1) 'Integrated Maritime Policy' (IMP) means a Union policy whose aim is to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of Member States, and notably the coastal,

insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation;

- (2) ‘maritime spatial planning’ means a process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives;
- (3) ‘marine region’ means the marine region referred to in Article 4 of Directive 2008/56/EC;
- (4) ‘marine waters’ means the waters, the seabed and subsoil as defined in point (1)(a) of Article 3 of Directive 2008/56/EC and coastal waters as defined in point 7 of Article 2 of Directive 2000/60/EC and their seabed and their subsoil.

CHAPTER II

MARITIME SPATIAL PLANNING

Article 4

Establishment and implementation of maritime spatial planning

- 1 Each Member State shall establish and implement maritime spatial planning.
- 2 In doing so, Member States shall take into account land-sea interactions.
- 3 The resulting plan or plans shall be developed and produced in accordance with the institutional and governance levels determined by Member States. This Directive shall not interfere with Member States’ competence to design and determine the format and content of that plan or those plans.
- 4 Maritime spatial planning shall aim to contribute to the objectives listed in Article 5 and fulfil the requirements laid down in Articles 6 and 8.
- 5 When establishing maritime spatial planning, Member States shall have due regard to the particularities of the marine regions, relevant existing and future activities and uses and their impacts on the environment, as well as to natural resources, and shall also take into account land-sea interactions.
- 6 Member States may include or build on existing national policies, regulations or mechanisms that have been or are being established before the entry into force of this Directive, provided they are in conformity with the requirements of this Directive.

Article 5

Objectives of maritime spatial planning

- 1 When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses.
- 2 Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and

aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.

3 This Directive is without prejudice to the competence of Member States to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans.

Article 6

Minimum requirements for maritime spatial planning

1 Member States shall establish procedural steps to contribute to the objectives listed in Article 5, taking into account relevant activities and uses in marine waters.

2 In doing so, Member States shall:

- a take into account land-sea interactions;
- b take into account environmental, economic and social aspects, as well as safety aspects;
- c aim to promote coherence between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices;
- d ensure the involvement of stakeholders in accordance with Article 9;
- e organise the use of the best available data in accordance with Article 10;
- f ensure trans-boundary cooperation between Member States in accordance with Article 11;
- g promote cooperation with third countries in accordance with Article 12.

3 Maritime spatial plans shall be reviewed by Member States as decided by them but at least every ten years.

Article 7

Land-sea interactions

1 In order to take into account land-sea interactions in accordance with Article 4(2), should this not form part of the maritime spatial planning process as such, Member States may use other formal or informal processes, such as integrated coastal management. The outcome shall be reflected by Member States in their maritime spatial plans.

2 Without prejudice to Article 2(3), Member States shall aim through maritime spatial planning to promote coherence of the resulting maritime spatial plan or plans with other relevant processes.

Article 8

Setting-up of maritime spatial plans

1 When establishing and implementing maritime spatial planning, Member States shall set up maritime spatial plans which identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters, in order to contribute to the objectives set out in Article 5.

2 In doing so and in accordance with Article 2(3), Member States shall take into consideration relevant interactions of activities and uses. Without prejudice to Member States' competences, possible activities and uses and interests may include:

- aquaculture areas,
- fishing areas,
- installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources,
- maritime transport routes and traffic flows,
- military training areas,
- nature and species conservation sites and protected areas,
- raw material extraction areas,
- scientific research,
- submarine cable and pipeline routes,
- tourism,
- underwater cultural heritage.

Article 9

Public participation

1 Member States shall establish means of public participation by informing all interested parties and by consulting the relevant stakeholders and authorities, and the public concerned, at an early stage in the development of maritime spatial plans, in accordance with relevant provisions established in Union legislation.

2 Member States shall also ensure that the relevant stakeholders and authorities, and the public concerned, have access to the plans once they are finalised.

Article 10

Data use and sharing

1 Member States shall organise the use of the best available data, and decide how to organise the sharing of information, necessary for maritime spatial plans.

- 2 The data referred to in paragraph 1 may include, inter alia:
- a environmental, social and economic data collected in accordance with Union legislation pertaining to the activities referred to in Article 8;
 - b marine physical data about marine waters.

3 When implementing paragraph 1, Member States shall make use of relevant instruments and tools, including those already available under the IMP, and under other relevant Union policies, such as those mentioned in Directive 2007/2/EC.

Article 11

Cooperation among Member States

1 As part of the planning and management process, Member States bordering marine waters shall cooperate with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned. Such cooperation shall take into account, in particular, issues of a transnational nature.

2 The cooperation referred to in paragraph 1 shall be pursued through:

- a existing regional institutional cooperation structures such as Regional Sea Conventions; and/or
- b networks or structures of Member States' competent authorities; and/or
- c any other method that meets the requirements of paragraph 1, for example in the context of sea-basin strategies.

Article 12

Cooperation with third countries

Member States shall endeavour, where possible, to cooperate with third countries on their actions with regard to maritime spatial planning in the relevant marine regions and in accordance with international law and conventions, such as by using existing international forums or regional institutional cooperation.

CHAPTER III

IMPLEMENTATION

Article 13

Competent authorities

1 Each Member State shall designate the authority or authorities competent for the implementation of this Directive.

2 Each Member State shall provide the Commission with a list of those competent authorities, together with the items of information listed in the Annex to this Directive.

3 Each Member State shall inform the Commission of any change to the information provided pursuant to paragraph 1 within six months of such a change coming into effect.

Article 14

Monitoring and reporting

1 Member States shall send copies of the maritime spatial plans, including relevant existing explanatory material on the implementation of this Directive, and all subsequent

updates, to the Commission and to any other Member States concerned within three months of their publication.

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

CHAPTER IV

FINAL PROVISIONS

Article 15

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 September 2016. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 The authority or authorities referred to in Article 13(1) shall be designated by 18 September 2016.

3 The maritime spatial plans referred to in Article 4 shall be established as soon as possible, and at the latest by 31 March 2021.

4 The obligation to transpose and implement this Directive shall not apply to landlocked Member States.

Article 16

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 17

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 23 July 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

S. GOZI