

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

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.

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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:

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- 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.