POLISH LAW ON MSP

Andrzej Cieślak
Maritime Office in Gdynia

Preconditions

• Ownership/management of all sea areas (internal sea waters, territorial sea, EEZ): the State, and in its name the Minister responsible for matters of maritime economy – in practice the Maritime Administration.

• ICZM practiced and gradually developed since early 1990-ies, but elements present at least since 1950-ies
  – 1955 – institution of „coastal belt”;
  – 1981 – Long term Programme for Coastal Protection and Maintenance of Beaches;
  – 1991 and later – Act on Sea Areas of Poland and Maritime Administration and other Acts take into account sea/land interactions, especially with regard to safety issues, including impact of climate change;
  – 2001 – Strategy of Coastal Protection until 2050 with perspective until 2100

• Since 2001, basing on a series of EU-funded international projects (especially BaltCoast, PlanCoast, BaltSeaPlan, PartiSEApate), gradual building of knowledge, experience and capacity for doing MSP and SEA for MSP and of awareness in the coastal regions.
Important moments

• 1991 – Act on sea areas of Poland and maritime administration

• 2003 – introduction of MSP into the Act on maritime areas... (2 articles)

• 2015 – extensive amendment of the Act

• EC involvement (since 2007, MSP roadmap 2008)

• Setting up of the HELCOM/VASAB MSP Working Group (2012) – Baltic Sea MSP principles, Roadmap, guidelines

Objectives

• 2003 – no objectives specified

• 2015
  – Sustainable development of planned sea area and neighbouring areas (economic, social, environmental)
  – National defence and security
  – Coordination between relevant actors and uses of the sea
  – Proper consideration of land/sea interactions
  – Explanation of ecosystem approach
    • impact on the ecosystem of the planned human activities shall be maintained at level compatible with achieving and maintaining GES;
    • the ability for proper functioning of the ecosystem and resilience to environmental changes caused by human activity will be maintained;
    • long-term sustainable use of resources and ecosystem services by present and future generations will be enabled.
Role

• 2003
  The Plan decides upon:
  – the designation of internal sea waters, territorial sea and the EEZ;
  – bans or limitations on the use of the above sea areas, taking account of the needs of nature conservation;
  – the distribution of investments of public interest;
  – directions of development of transport and technical infrastructure;
  – areas and conditions for protection of environment and cultural heritage.

• 2015
  – designation, including main functions, of ...  
  – ... fishery, aquaculture, renewable energy and exploration and extraction of minerals
Responsible authorities

• 2003
  – the organ adopting the plan of spatial development of sea areas is the Minister responsible for matters of construction, spatial management and housing, acting in agreement with Ministers responsible for maritime economy, fisheries, environment, internal affairs and national defence;
  – Plan adopted by Regulation of the Minister responsible for matters of construction, spatial management and housing;
  – organ responsible for developing the draft plan is the Director of the Maritime Office

• 2015
  – maritime spatial plan adopted by Minister responsible for maritime economy acting in co-operation with the Minister responsible for regional development, and in consultation with the Ministers responsible for agriculture, culture and national heritage, the environment, fisheries, internal affairs, transport, water management, and the Minister of National Defence
Land-sea relations

- 2003
  - All plans and projects dealing with spatial development of internal sea waters and territorial sea need agreement of relevant coastal municipalities
  - Spatial documents (plans, studies) of municipalities and regions covering the coastal belt must obtain agreement of Director of Maritime Office
  - No regulations on impact of MSP on terrestrial spatial planning

- 2015
  - List of authorities agreeing to MSP (all types of areas) significantly extended (selected Ministers, regional selfgovernment, regional environmental authorities, national parks, managements of large ports) and list of authorities which are asked for opinion
  - An MSP may include binding provisions for regional governments and municipalities in which internal sea waters occur, or which are adjacent to the area of the plan, to be taken into account when preparing regional spatial plans and municipal spatial studies and local spatial plans

Preparation of maritime spatial plans

• 2003
  – SEA required as integral part of the MSP process
  – Entities bearing the cost of plan drafting
  – Minister responsible for construction, spatial management and housing to issue a regulation on the scope of graphic and textual parts of plan and several other technical and procedural details

• 2015
  – Required planning procedure, in that public participation (17 steps)
  – The minister responsible for matters of maritime economy is responsible for organizing cross-border cooperation in the field of MSP, and the Council of Ministers may define, by regulation, the required scope and manner of cross-border consultations on maritime spatial plan
  – The regulation issued by Minister responsible for matters of maritime economy and Minister responsible for regional development in consultation with a number of relevant Ministers; scope regulation extended
Monitoring and assessing

• 2003
  – Not regulated

• 2015
  – Plan evaluated periodically at least once every 10 years
  – Detailed description of plan assessment and amendment procedure, also in case when plan should be amended due to changes in law
Final Meeting Meeting Ravenna 27.03.08
Where are we now

- Law in place
- Planning process for an MSP in scale 1:200,000 of all Polish sea areas except two lagoons and port areas started in June
- Adoption expected 2019/2020
- Of course lots of unknowns and difficulties

WISH US LUCK!!!

Thank you

Fot.: Piotr Domaradzki