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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a framework for maritime spatial planning and integrated coastal  
management**

{SWD(2013) 64 final}

{SWD(2013) 65 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### 1.1. General Context

The European Union has set itself the objective to become a smart, sustainable and inclusive economy by 2020. Maritime sectors offer areas for innovation, sustainable growth and employment which should contribute to this objective. In October 2012, European Ministers for Maritime affairs adopted the "Limassol Declaration" to back the Europe 2020 Strategy<sup>1</sup> with a strong maritime pillar. As the Commission identified in the Communication on Blue Growth, Opportunities for Marine and Maritime Sustainable Growth<sup>2</sup>, the present legislative proposal is an essential part of this ambition to develop Europe's Blue Economy.

However, increased use of coastal and maritime areas as well as climate change effects, natural hazards, erosion, also put pressure on coastal and marine resources. They require integrated and coherent management to secure sustainable growth and preserve coastal and marine ecosystems for future generations.

Maritime spatial planning is commonly understood as a public process for analysing and planning the spatial and temporal distribution of human activities in sea areas to achieve economic, environmental and social objectives. The ultimate aim of maritime spatial planning is to draw up plans to identify the utilisation of maritime space for different sea uses. In 2008 the Commission published its 'Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU'<sup>3</sup>, followed by a 2010 Communication 'Maritime Spatial Planning in the EU — Achievements and Future Development'<sup>4</sup>, which paved the way for the present proposal.

Integrated coastal management is a tool for 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. It ensures that management or development decisions are taken coherently across sectors. A 2002 Recommendation on Integrated Coastal Zone Management defines the principles of sound coastal planning and management and how to best implement them. The EU is also a contracting party to the Barcelona Convention, which established a Protocol on Integrated coastal management that entered into force in March 2011. This Protocol makes integrated coastal management compulsory for Member States bordering the Mediterranean Sea.

Maritime spatial planning and integrated coastal management are complementary tools. Their geographical scope overlaps in the coastal and territorial waters of Member States, where maritime spatial plans will map existing human activities and identify their most effective future spatial development, while integrated coastal management strategies ensure the integrated management of these human activities. Applied jointly, they both improve sea-land interface planning and management.

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<sup>1</sup> COM(2010) 2020 final.  
<sup>2</sup> COM(2012) 494 final.  
<sup>3</sup> COM(2008) 791 final.  
<sup>4</sup> COM(2010) 771 final.

## **1.2. Grounds for and objectives of the proposal**

The main purpose of the proposed directive is to promote the sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources by establishing a framework for the effective implementation of maritime spatial planning in EU waters and integrated coastal management in the coastal areas of Member States.

The increasing and uncoordinated use of coastal and maritime areas results in competition for maritime and coastal space and inefficient and unsustainable use of marine and coastal resources. Uncertainties and lack of predictability on appropriate access to the maritime space has created a suboptimal business climate for investors, with potential job losses.

Ensuring the optimal distribution of maritime space among relevant stakeholders and the coordinated management of coastal zones is essential to enable concurrent activities to achieve their full potential. It has been shown to lower exploratory research, transaction, administrative and operating costs and to increase legal certainty particularly for SME's.

To ensure the sustainability and environmental health of these various uses, maritime spatial planning and integrated coastal management will have to employ an ecosystem-based approach that ensures the protection of the natural resources that provide the basis for carrying out the various activities.

The proposed action therefore is not sector-specific, but covers all policy areas of the Treaty on the Functioning of the European Union (TFEU) with an impact on coasts, seas and oceans. It supports on-going implementation of sea-related policies in Member States through more efficient coordination and increased transparency. Maritime spatial plans and integrated coastal management strategies can also, at an early stage, improve the articulation of and reduce conflicts between economic objectives and environmental legislation.

The operational objectives of the Directive are procedural in nature. Member States will be required to develop and implement coherent processes to plan human uses of maritime space and to ensure the sustainable management of coastal areas, and to establish appropriate cross-border cooperation among them. A key added value of the proposal is support for land-sea connectivity by requiring coherence between maritime spatial planning and integrated coastal management.

Planning details and the determination of management objectives are left to Member States. The EU will not take part in these processes. The proposal does not interfere with Member States' prerogatives for town and country planning (terrestrial planning).

## **1.3. Consistency with other policies**

European legislators have adopted ambitious policy initiatives relevant for the oceans, seas and coasts, to be implemented in the next 10 to 20 years. These initiatives include the Marine Strategy Framework Directive<sup>5</sup>, the Renewable Energy Directive<sup>6</sup>, and the Motorways of the Sea initiative<sup>7</sup> and the Habitats Directive<sup>8</sup>. The EU is expected to adopt a reformed Common Fisheries Policy and, under the new financial perspectives, revised structural funds (the Common Strategic Framework) in 2013. The main aim of this proposal is to facilitate the coherent and sustainable implementation of these initiatives through an integrated process or

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<sup>5</sup> Directive 2008/56/EC, OJ L 164, 25.6.2008, pp. 19-40.

<sup>6</sup> Directive 2009/28/EC, OJ L 140, 5.6.2009, pp. 16-62.

<sup>7</sup> Decision 884/2004/EC, OJ L 167, 30.04.2004, pp. 1-38.

<sup>8</sup> Council Directive 92/43/EEC, OJ L 206, 22.07.1992, pp. 7-50.

processes. The present proposal does not change or modify the *acquis* for any policy area under the TFEU.

In particular, there are opportunities for the Member States to improve effective implementation and reduce administrative burden when implementing maritime spatial plans and integrated coastal management strategies by applying the *acquis* in an integrated way.

The assessment of environmental effects of maritime spatial plans and integrated coastal management strategies must be carried out in accordance with the provisions of Directive 2001/42/EC.<sup>9</sup> Such a strategic environmental assessment will ensure a holistic consideration of the impacts, including cumulative ones, from the various human activities at an early stage and therefor facilitate the implementation of future projects. If subsequently environment impact assessments become necessary for individual projects, the specific assessment will be able to draw on the analyses already carried out under the strategic environmental planning and therefor avoiding duplication of assessments and related administrative burden.

## **2. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENT**

### **2.1. Public consultation**

The European Commission organised a public consultation from March until May 2011 to gather input from stakeholders on the status and future of maritime spatial planning and integrated coastal management in the European Union.

The results confirmed that conflicts in the use of sea space are becoming more frequent, and supported a common approach for implementing maritime spatial planning in EU waters, bearing in mind the particularities of each region. Ensuring the appropriate coordination of MSP processes with integrated coastal management strategies was considered important. While EU action on cross-border issues was seen as particularly useful, there was no clear answer as to the best choice of instrument.

### **2.2. Impact assessment**

The Impact Assessment (IA) assessed the effectiveness and the economic, environmental and social impacts of the following three options: (1) guidance and development of best practice, (2) non-binding measures, and (3) legally binding measures, including a ‘framework-type’ Directive or Regulation.

The IA concluded that even though non-binding options offer some advantages, a legally binding approach by means of a Directive is the most appropriate instrument which can ensure predictability, stability, and transparency of maritime spatial planning and integrated coastal management, while safeguarding proportionality and subsidiarity by leaving the flexibility for implementation to Member State and not interfering with Member State competences. A Directive is also the most appropriate option to guarantee that timelines for implementation are coherent with the timeframes of other relevant EU legislation and policy initiatives (e.g. Renewable Energy Directive, Marine Strategy Framework Directive, Europe 2020 targets, etc.) and to foster growth of economic activities at sea in a context of increased competition for space.

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<sup>9</sup> OJ L 197, 21.7.2001, pp. 30-37.

The IA Board delivered its final opinion on the impact assessment on 30 April 2012. The Impact Assessment Report and an Executive Summary are published with the present proposal along with the opinion of the Impact Assessment Board.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **3.1. Summary of the proposed action**

The proposal establishes a framework for maritime spatial planning and integrated coastal management in the form of a systematic, coordinated, inclusive and trans-boundary approach to integrated maritime governance. It obliges Member States to carry out maritime spatial planning and integrated coastal management in accordance with national and international law. The aim of the action is for Member States to establish a process or processes that cover the full cycle of problem identification, information collection, planning, decision-making, management, monitoring of implementation, and stakeholder participation.

The maritime spatial plans and integrated coastal management strategies will not set new sectorial policy targets. They have the purpose to reflect, integrate and link the objectives defined by national or regional sectorial policies, to identify steps to prevent or alleviate conflicts between different sectors and to contribute to the achievement of the Union's objectives in marine and coastal related sectorial policies. Most importantly, the proposal requires Member State action to aim for coherence of management across sea basins, through trans-boundary cooperation in the same marine region or sub-region and related coastal zone and appropriate data collection and exchange.

Implementing acts will ensure consistent implementation of the Directive throughout the EU and facilitate reporting from the Member States to the Commission and, where relevant, the exchange of data between Member States and with the Commission.

#### **3.2. Legal basis**

The proposal supports the implementation of the EU's Integrated Maritime Policy (IMP), including the Marine Strategy Framework Directive as its environmental pillar. The objective of the IMP is to ensure that the sectorial policies of the Treaty on the Functioning of the European Union (TFEU) that have a bearing on the maritime space are implemented in a coherent way so as to achieve multiple concurrent objectives of an economic, social and environmental nature.

The proposal is based on Articles 43(2), 100(2), 192(1) and 194(2) TFEU. Activities covered by these policies compete for maritime space and the use of coastal resources. The processes to be set up should aim to ensure that the activities envisaged in each sector can be implemented without detriment to one other so as to achieve their individual aims while jointly contributing to the sustainable growth of maritime and coastal economies and the sustainable use of marine and coastal resources.

#### **3.3. Subsidiarity principle and added value**

The proposal is in conformity with the subsidiarity principle set out in Article 5 of the Treaty on European Union (TEU). Issues such as the choice of actual developments, location of investment, priority setting and determining solutions are a matter for national or local decision-making. The planning process as such should be carried out by authorities in the Member States in accordance with their national governance and constitutional structures, national sectorial policy priorities and, to the greatest possible extent, build on existing mechanisms and policies.

EU Action is of added value to (1) ensure and streamline Member State action on maritime spatial planning and integrated coastal management to guarantee consistent and coherent implementation across the EU and to (2). ensure a framework for co-operation between Member States on maritime spatial planning and integrated coastal management that share marine regions and sub-regions Cross-border co-operation on maritime spatial planning and integrated coastal management in EU marine regions and sub-regions is essential as marine ecosystems, fishing grounds, marine protected areas as well as maritime infrastructures, such as cables, pipelines, shipping lanes, oil, gas and wind installations, *etc.* run across national borders.

### **3.4. Proportionality principle**

The proposal is in conformity with the proportionality principle set out in Article 5(4) TEU.

The proposal is limited to obliging Member States to set up or maintain a process or processes for maritime spatial planning and integrated coastal management. It establishes a set of minimum requirements for these processes, building on existing experience in Member States and enabling their incorporation and continuation under a common EU framework.

Reporting requirements are kept to a minimum necessary to assess its implementation. The Commission will ensure that maximum use will be made of existing reporting requirements. The Commission will use the information reported by the Member States and any other relevant information available through EU legislation including Article 19(3) of Directive 2008/56/EC, to inform the European Parliament and the Council on progress made in implementing this Directive.

In accordance with the Joint Political Declaration between Member States and the Commission on explanatory documents<sup>10</sup>, the Commission has examined whether explanatory documents will be necessary to carry out its task of overseeing the transposition of this Directive. It has hereby given due consideration to the nature of the Directive, the proportionality principle and possible additional administrative burden. In view of the limited number of legal obligations in this Directive, the Commission considers that it would have no difficulty in overseeing the correct transposition of this Directive. The Commission does therefore not request Member States to accompany the notification of their transposition measures with documents explaining the relationship between the components of the Directive and the corresponding parts of national transposition measures.

### **3.5. Choice of instrument**

The Commission proposes a Directive requiring Member States to establish maritime spatial plans and integrated coastal management strategies, while respecting Member States' prerogatives to tailor their content to their specific economic, social and environmental priorities and national sectorial policy objectives and legal traditions. Subsidiarity and proportionality considerations led to the conclusion that a Regulation would not be appropriate. Also, the procedural and process-based nature of the instrument is best reflected in a framework-type Directive. Conversely, a non-binding instrument would not be appropriate because it would not achieve some of the policy objectives, namely the requirement to have all coastal Member States apply maritime spatial planning and integrated coastal management and to ensure trans-boundary cooperation. Finally, a legislative approach also ensures that the above processes will be implemented within agreed timeframes.

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<sup>10</sup> OJ 2011/C 369/02

### **3.6. Detailed explanation of the proposal**

The proposal contains two parts, the Directive and its Annex.

#### *3.6.1. The Directive*

*Article 1* sets out the subject matter of the Directive.

*Article 2* sets out the scope of the Directive.

*Article 3* defines the terms used in the Directive.

*Article 4* deals with the establishment of maritime spatial plans and integrated coastal management strategies at Member State level.

*Article 5* deals with the objectives for maritime spatial plans and integrated coastal management strategies at Member State level.

*Article 6* specifies the minimum common requirements for maritime spatial plans and integrated coastal management strategies.

*Article 7* specifies the minimum requirements for maritime spatial plans.

*Article 8* specifies the minimum requirements for integrated coastal management strategies.

*Article 9* provides for public participation in the development of maritime spatial plans and integrated coastal management strategies.

*Article 10* deals with data collection and exchange of information in support of maritime spatial plans and integrated coastal management strategies.

*Article 11* provides for assessment of the environmental effects of maritime spatial plans and integrated coastal management strategies.

*Article 12* deals with bilateral and multilateral cooperation between Member States in order to ensure consistent implementation across coastal zones and marine regions or sub-regions.

*Article 13* concerns cooperation with third countries.

*Article 14* sets out the provisions for the designation of competent authorities for the implementation of the Directive.

*Article 15* provides for Member States to report on implementation to the Commission and for the Commission to report to the European Parliament and Council on the progress made in implementing this Directive.

*Article 16* outlines the operational specifications and steps for implementation of this Directive for which the Commission may adopt implementing acts.

*Article 17* establishes the mechanisms for control by Member States of the Commission's exercise of its implementing powers.

*Article 18* establishes the rules for transposition of this Directive by the Member States.

*Article 19* provides that the Directive will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

*Article 20* names the Member States as addressees of the Directive.

#### *3.6.2. Annex*

Annex I lists the items of information on competent authorities that Member States have to provide to the Commission.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a framework for maritime spatial planning and integrated coastal management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43(2), 100(2), 192(1), and 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>11</sup>,

Having regard to the opinion of the Committee of the Regions<sup>12</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (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.
- (2) Such an approach to ocean management has been developed in the Integrated Maritime Policy<sup>13</sup> 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<sup>14</sup>. 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.
- (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.

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<sup>11</sup> OJ C , , p. .

<sup>12</sup> OJ C , , p. .

<sup>13</sup> COM(2007) 575 final.

<sup>14</sup> OJ L 164, 25.6.2008.



- (4) Maritime spatial planning and integrated coastal management support and facilitate the implementation of the Europe 2020 Strategy for smart, sustainable and inclusive growth<sup>15</sup>, endorsed by the European Council in June 2010<sup>16</sup>, which aims to deliver high levels of employment, productivity and social cohesion, including promotion of a more competitive, resource efficient and greener economy. The coastal and maritime sectors have a significant potential for sustainable growth and are key to the implementation of the Strategy.
- (5) In its recent Communication on Blue Growth<sup>17</sup>, 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.
- (6) Regulation (EU) No 1255/2011, establishing a programme to support the further development of an Integrated Maritime Policy, supports and facilitates the implementation of maritime spatial planning and integrated coastal management. This Regulation provides appropriate funding for maritime spatial planning and integrated coastal management projects for 2011-2013. Regulation (EU) No XXXX/XX of the European Parliament and of the Council on the European Maritime and Fisheries Fund provides for appropriate funding for such projects for 2014-2020<sup>18</sup>.
- (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.
- (8) In order to ensure the appropriate apportionment of maritime space among relevant uses and the coordinated management of coastal zones, a framework should be put in place that consists at least in the establishment and implementation by Member States of maritime spatial plans and integrated coastal management strategies.
- (9) Maritime spatial planning and integrated coastal management will result in better coordination of maritime and coastal activities, which can lead to significant economic benefits by providing transparency, predictability and stability for investors as well as lowering coordination and transaction costs.
- (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.
- (11) The geographical scope of marine waters and coastal zones overlaps in the coastal and territorial waters of Member States. The tools of maritime spatial planning and integrated coastal management are complementary, as they respectively focus on mapping existing and potential human activities for the purpose of preparing maritime

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<sup>15</sup> COM(2010) 2020 final.

<sup>16</sup> Council Conclusions of 17 June 2010.

<sup>17</sup> COM(2012) 494 final.

<sup>18</sup> Proposal COM(2011) 804 final.

spatial plans in marine waters and on the identification of measures for integrated management of these human activities in coastal zones. The joint coherent application of Maritime Spatial Plans and Integrated Coastal Management Strategies will improve the land-sea interface planning and management.

- (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.
- (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.
- (14) In marine waters and coastal zones, ecosystems and marine and coastal resources are subject to significant pressures. Human activities, but also climate change effects, natural hazards and shoreline dynamics such as erosion and accretion, can have severe impacts on coastal economic development and growth, as well as coastal and marine ecosystems, leading to deterioration of environmental status, loss of biodiversity and degradation of ecosystem services. Due regard should be given to these various pressures in the establishment of maritime spatial plans and integrated coastal management strategies. Moreover, healthy coastal and marine ecosystems and their multiple services, if integrated in planning decisions, can deliver substantial benefits in terms of food production, recreation and tourism, climate change mitigation and adaptation, shoreline dynamics control and disaster prevention.
- (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.
- (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 sources<sup>19</sup>, Council Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>20</sup>, 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 network<sup>21</sup>, 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

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<sup>19</sup> OJ L 140, 5.6.2009, pp. 16-62.

<sup>20</sup> OJ L 358, 31.12.2002, p. 59-80.

<sup>21</sup> OJ L 167, 30/04/2004, pp. 1-38.

Strategy for 2020<sup>22</sup>, the Roadmap towards a Resource Efficient Europe,<sup>23</sup> the EU Strategy on Adaptation to Climate Change<sup>24</sup> well as, where appropriate, those of the EU Regional Policy, including the sea-basin and macro-regional strategies.

- (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.
- (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 initiative<sup>25</sup>.
- (19) The main purpose of maritime spatial planning is to identify and manage spatial uses and conflicts in maritime areas. In 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.
- (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.
- (21) A variety of measures under different policies apply in coastal zones. In order to achieve the objectives of this Directive, Member States should prepare an inventory of these measures and analyse the need for additional actions, such as actions to prevent erosion and manage accretion, adapt to the effects of climate change, combat coastal and marine litter, develop green infrastructure and help prevent natural disasters. These should be applied in a coordinated and integrated way. In doing this, Member States should consider all relevant coastal activities and pay particular attention to cross-sectoral and land-sea interactions between these activities.
- (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

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<sup>22</sup> COM(2011) 244 final.

<sup>23</sup> COM(2011) 571 final.

<sup>24</sup> COM(2013) XXX.

<sup>25</sup> COM(2010) 461 final.

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.

- (23) Through maritime spatial plans and integrated coastal management strategies Member States can reduce administrative burden and costs in support of their action to implement other relevant Union legislation. The timelines for maritime spatial plans and integrated coastal management strategies should therefore be coherent with the timetables set out in other relevant legislation, especially: Directive 2009/28/EC, which requires that Member State shall ensure that the share of energy from renewable sources in gross final consumption of energy in 2020 is at least 20 % and which identifies coordination of authorisation, certification and planning procedures, including spatial planning as an important contribution to achievement of the EU's renewable energy targets; Directive 2008/56/EC and Annex A(6) to Decision 2010/477/EU, which requires that Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by 2020 and which identify maritime spatial planning as a tool to support the ecosystem-based approach to the management of human activities in order to achieve good environmental status; 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 network which requires that the trans-European transport network shall be established by 2020 by integrating Europe's land, sea and air transport infrastructure networks.
- (24) Environmental assessment is an important and established tool for integrating environmental considerations into the preparation and adoption of plans and programmes. As maritime spatial plans and integrated coastal management strategies are likely to have significant effects on the environment, they should be subject to the provisions of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment<sup>26</sup>. When maritime spatial plans and integrated coastal management strategies include Natura 2000 sites, such an environmental assessment can be combined with the requirements of Article 6 of Directive 92/43/EEC, to avoid duplication.
- (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.
- (26) Member States should produce national reports to the Commission to monitor the implementation of this Directive. In order to minimise administrative burden, Member States should be able to use reporting done under relevant legislation, including the reporting under Directive 2008/56/EC. The Commission will use the information reported by the Member States and any other relevant information available through EU legislation, to inform the European Parliament and the Council on progress made in implementing this Directive.
- (27) In order to ensure the uniform implementation of this Directive, in particular regarding data management and operational steps for the establishment, implementation and reporting of maritime spatial plans and integrated coastal management strategies,

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<sup>26</sup> OJ L 197, 21.07.2001.

including technical formats for data sharing, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>27</sup>.

- (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.

HAVE ADOPTED THIS DIRECTIVE:

## *CHAPTER I*

### **GENERAL PROVISIONS**

#### *Article 1*

##### **Subject matter**

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.
2. Within the Integrated Maritime Policy of the Union, this framework provides for the establishment and implementation by Member States of maritime spatial plans and of integrated coastal management strategies with the aim of meeting the objectives specified in Article 5.

#### *Article 2*

##### **Scope**

1. The provisions of this Directive shall apply to marine waters and coastal zones.
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.
3. The provisions of this Directive shall be without prejudice to Member States' competences for town and country planning.

#### *Article 3*

##### **Definitions**

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

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<sup>27</sup> OJ L 55, 28.2.2011, p. 13.

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.
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.
3. 'Marine region or sub-region' means the marine regions and sub-regions referred to in Article 4 of Directive 2008/56/EC.
4. 'Marine waters' means the waters, the seabed and subsoil as defined in Article 3(1) of Directive 2008/56/EC.
5. 'Public' means involving one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.
6. 'Sector activities' means those activities falling under the Union policies referred to in Part Three of the Treaty on the Functioning of the European Union which have an impact on marine waters and coastal zones.
7. 'Good environmental status' means the environmental status referred to in Article 3(5) of Directive 2008/56/EC.

## CHAPTER II

### **Maritime spatial plans and integrated coastal management strategies**

#### *Article 4*

#### **Establishment and implementation of maritime spatial plans and integrated coastal management strategies**

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.
2. Maritime spatial plans and integrated coastal management strategies shall pursue the objectives listed in Article 5 and fulfil the minimum requirements referred to in Articles 6, 7 and 8.
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.
4. Maritime spatial plans and integrated coastal management strategies may include or build on mechanisms that have been or are being established before the entry into force of this Directive, provided their content is in conformity with the minimum requirements specified in Articles 6, 7 and 8.

## Article 5

### **Objectives of maritime spatial plans and integrated coastal management strategies**

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 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.

## Article 6

### **Common minimum requirements for maritime spatial plans and integrated coastal management strategies**

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.
2. In doing so, maritime spatial plans and integrated coastal management strategies shall, at least:
  - (a) be mutually coordinated, provided they are not integrated;
  - (b) ensure effective trans-boundary cooperation between Member States, and between national authorities and stakeholders of the relevant sector policies;
  - (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;
3. Maritime spatial plans and integrated coastal management strategies shall be reviewed at least every 6 years.

## Article 7

### **Specific minimum requirements for maritime spatial plans**

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.
2. When establishing maritime spatial plans Member States shall take into consideration, at least, the following activities:
  - (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.

## Article 8

### **Specific minimum requirements for integrated coastal management strategies**

1. Integrated coastal management strategies shall contain at least, an inventory of existing measures applied in 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.
2. When establishing integrated coastal management strategies, Member States shall take into consideration, at least, the following activities:
  - (a) utilisation of specific natural resources including installations for the extraction of energy and the production of renewable energy;
  - (b) development of infrastructure, energy facilities, transport, ports, maritime works and other structures including green infrastructure;
  - (c) agriculture and industry;
  - (d) fishing and aquaculture;
  - (e) conservation, restoration and management of coastal ecosystems, ecosystem services and nature, coastal landscapes and islands;
  - (f) mitigation and adaptation to climate change.



## *Article 9*

### **Public participation**

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

## *Article 10*

### **Data collection and exchange of information**

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.
2. The data referred to in paragraph 1 shall include:
  - (a) Environmental, social and economic data collected according to the provisions of Union legislation pertaining to the activities referred to in Articles 7 and 8;
  - (b) Marine physical data in marine waters and geomorphological data in coastal zones.
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.

## *Article 11*

### **Assessment of environmental effects**

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

## *Article 12*

### **Cooperation with other Member States**

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

- (a) regional institutional cooperation structures covering the coastal zone or the marine region or sub-region concerned, or
- (b) a dedicated network of Member States' competent authorities covering the marine region and/or sub-region concerned.

### *Article 13*

#### **Cooperation with third countries**

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.

## CHAPTER III

### **IMPLEMENTATION**

### *Article 14*

#### **Competent authorities**

1. Each Member State shall designate for each coastal zone and marine region or sub-region concerned, the authority or authorities competent for the implementation of this Directive, including to ensure cooperation with other Member States as defined in Article 12 and cooperation with third countries as defined in Article 13.
2. Each Member State shall provide the Commission with a list of the competent authorities, together with the items of information listed in Annex I to this Directive.
3. At the same time, each Member State shall send to the Commission a list of their competent authorities responsible for those international bodies in which they participate and which are relevant for the implementation of this Directive.
4. 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 15*

#### **Monitoring and reporting**

1. Each Member State shall provide a report to the Commission on the implementation of this Directive using, and where relevant making reference to, available reports, information and data under other EU legislation.
2. This report shall at least contain information on the implementation of Articles 6 to 13.
3. The Commission shall submit a progress report to the European Parliament and Council outlining the progress made in implementing this Directive.

## *Article 16*

### **Implementing acts**

1. The Commission may, by means of implementing acts, adopt provisions on:
  - (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
    - the sharing of data, and interfacing with existing data management and collection processes; and
  - (b) the operational steps for the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:
    - coherence of reporting obligations under this Directive with other relevant Union legislation;
    - monitoring and revision cycles;
    - cross-border co-operation modalities;
    - public consultation.
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 17(2).

## *Article 17*

### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation 182/2011<sup>28</sup>.
2. Where reference is made to paragraph 1, Article 5 of Regulation 182/2011 shall apply.

## CHAPTER IV

### **FINAL PROVISIONS**

## *Article 18*

### **Transposition**

1. Each Member State shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months after its entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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<sup>28</sup> OJ L 55, 28/2/2011.

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.
3. The authority or authorities referred to in Article 14(1) shall be designated within 18 months following the entry into force of this Directive.
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.
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.
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.

#### *Article 19*

#### **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 20*

#### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **ANNEX I**

### **Competent authorities**

- (1) Name and address of the competent authority or authorities — the official name and address of the competent authority or authorities identified.
- (2) Legal status of the competent authority or authorities — a brief description of the legal status of the competent authority or authorities.
- (3) Responsibilities — a brief description of the legal and administrative responsibilities of the competent authority or authorities, and of its/their role in relation to the marine waters concerned.
- (4) Membership — when the competent authority or authorities act(s) as a coordinating body for other competent authorities, a list of the latter is required together with a summary of the institutional relationships established in order to ensure coordination.
- (5) Regional or sub-regional coordination — a summary is required of the mechanisms established in order to ensure coordination between Member States where their waters are covered by this Directive and fall within the same marine region or sub-region.

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management.

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>29</sup>

Maritime Affairs and Fisheries;  
Environment.

#### 1.3. Nature of the proposal/initiative

The proposal/initiative relates to **a new action**

The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>30</sup>

The proposal/initiative relates to **the extension of an existing action**

The proposal/initiative relates to **an action redirected towards a new action**

#### 1.4. Objectives

##### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

To support sustainable economic growth in the marine waters and coastal zones of the EU.

##### 1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective:

MARE activity 11.09: to promote sustainable growth through policy initiatives that drive the blue economy, developing efficient cooperation and information-sharing arrangements between regulators and stakeholders and ensuring the effective stewardship of seas, coasts and oceans.

Result indicator: level of cross-border cooperation on maritime spatial planning (MSP); measurable reduction in project planning time and costs in EU sea basins. Target: establishment of a transparent, predictable and stable framework for the planning and management of sea uses across the EU, resulting in significant gains in efficiency.

ENV activity: 587-D2: support and further develop EU policy on integrated coastal zone management (ICZM), in order to promote the rational and sound use of coastal resources and to make coastal zones more resilient to risks and climate change impacts.

Result indicator: level of implementation of national ICZM strategies developed further to the EU ICZM recommendation (ICZM progress indicator).

<sup>29</sup> ABM: Activity-Based Management — ABB: Activity-Based Budgeting.  
<sup>30</sup> As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

Target: in 2012, Commission proposal for an effective long-term framework to support implementation of ICZM in the EU.

*1.4.3. Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The ultimate aim of the proposal is to secure the sustainable economic growth of marine and coastal economies while enabling diverse and sustainable uses of marine and coastal resources by considering the economic, social and environmental pillars of sustainability in line with the eco-system approach.

This should ensure (among other things):

- sustainable, resource-efficient and integrated development of maritime and coastal activities;
- improvement of the investment climate;
- better adaptation to environmental risks, such as climate change, and prevention and/or reduction of the effects of natural hazards.

*1.4.4. Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

- Output indicators: availability of governance framework for maritime spatial planning and integrated coastal management strategies; level of cross-border cooperation;
- Result indicators: spatial development patterns, reduction of conflicts and litigation regarding infrastructure development, sustainable use of marine and coastal resources, coordinated maritime spatial planning and integrated coastal management, and cross-border cooperation;
- Impact indicators: maintained/restored biodiversity or ecosystem service potential in coastal zones and marine waters, increased added value and reduced seasonality in maritime and coastal economies, improved resilience to climate change, growth in key economic sectors, coexistence of economic activities.

**1.5. Grounds for the proposal/initiative**

*1.5.1. Requirement(s) to be met in the short or long term*

- to establish an integrated planning process for maritime activities and an integrated management process for coastal zones, by bringing together national authorities and stakeholders of the relevant sector policies;
- to ensure effective trans-boundary cooperation between Member States in taking measures for maritime spatial planning and integrated coastal management;
- to ensure coordination and integration between maritime spatial planning and integrated coastal management processes.

*1.5.2. Added value of EU involvement*

Coastal and maritime uses and ecosystems cross national borders. The proposed action would add value by ensuring the coherence of measures addressing this aspect. In particular, EU action would avoid divergent approaches and different levels of progress.

### 1.5.3. *Lessons learned from similar experiences in the past*

An evaluation of Member States' progress reports on ICZM following the ICZM recommendation (2002/413/EC) concluded that this approach has clear added value in integrating policies across sectors in coastal zones with the aim of ensuring the sustainable use of coastal resources. Maritime spatial planning is a widely recognised tool to ensure coherent planning of the maritime space.

### 1.5.4. *Coherence and possible synergy with other relevant instruments*

MSP and ICZM have both been identified as integrated management tools under the IMP (Blue Book 2007). They are support tools for a more integrated decision-making process, coordinating potentially competing sector policies. Therefore, maritime spatial planning and integrated coastal management strategies will support the achievement and coherence of objectives and measures under other relevant policies, including energy, environment, maritime transport and fisheries.

## 1.6. **Duration and financial impact**

Proposal/initiative of **limited duration**

–  Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY

–  Financial impact from YYYY to YYYY

Proposal/initiative of **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY

– followed by full-scale operation.

## 1.7. **Management mode(s) envisaged**<sup>31</sup>

**Centralised direct management** by the Commission

**Centralised indirect management** with the delegation of implementation tasks to:

–  executive agencies

–  bodies set up by the Communities<sup>32</sup>

–  national public-sector bodies/bodies with public-service mission

–  persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

**Shared management** with the Member States

**Decentralised management** with third countries

**Joint management** with international organisations (*to be specified*)

*If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

<sup>31</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html).

<sup>32</sup> As referred to in Article 185 of the Financial Regulation.



## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

By 31 March 2016 and every six years thereafter, Member States will provide a national report to the Commission on the implementation of the provisions of this Directive. The reports will be based on national monitoring of implementation.

### 2.2. Management and control system

#### 2.2.1. Risk(s) identified

N/A — the proposal does not involve the use of operational appropriations

#### 2.2.2. Control method(s) envisaged

N/A — the proposal does not involve the use of operational appropriations

### 2.3. Measures to prevent fraud and irregularities idem as 2.2

*Specify existing or envisaged prevention and protection measures.*

N/A — the proposal does not involve the use of operational appropriations

## 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

| Heading of multiannual financial framework | Budget line   | Type of expenditure     | Contribution                         |  |                      |   |
|--|---|-------------------------|--------------------------------------|--|----------------------|---|
|  | Number<br>[Description .....]   | Diff./non-diff.<br>(33) | from EFTA <sup>34</sup><br>countries | from candidate countries <sup>35</sup> | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
| 5  | 11.0101 — Expenditure related to staff in active employment in the ‘Maritime affairs and fisheries’ policy area | non-diff.               | NO                                   | NO                                     | NO                   | NO  |
|  | 07 01 01 — Expenditure related to staff in active employment in the ‘Environment and climate action’            |                         |                                      |  |                      |   |

<sup>33</sup> Diff. = Differentiated appropriations / Non-diff. = Non-Differentiated Appropriations.

<sup>34</sup> EFTA: European Free Trade Association.

<sup>35</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

|  |             |  |  |  |  |  |
|--|-------------|--|--|--|--|--|
|  | policy area |  |  |  |  |  |
|--|-------------|--|--|--|--|--|

New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

| Heading of multiannual financial framework | Budget line             | Type of expenditure | Contribution        |                          |                      |   |
|--|-------------------------|---------------------|---------------------|--------------------------|----------------------|---|
|  | Number [Heading ..... ] | Diff./non-diff.     | from EFTA countries | from candidate countries | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
|  |                         |                     |                     |                          |                      |   |

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

|  |        |  |
|--|--------|--|
| <b>Heading of multiannual financial framework:</b> | Number |  |
|--|--------|--|

| DG: <.....>   |             |             | Year<br>N <sup>36</sup> | Year<br>N+1 | Year<br>N+2 | Year<br>N+3 | ... enter as many years as necessary to show the duration of the impact (see point 1.6) |  |  | TOTAL |
|---|-------------|-------------|-------------------------|-------------|-------------|-------------|---|--|--|-------|
| • Operational appropriations  |             |             |                         |             |             |             |   |  |  |       |
| Number of budget line   | Commitments | (1)         |                         |             |             |             |   |  |  |       |
|   | Payments    | (2)         |                         |             |             |             |   |  |  |       |
| Number of budget line   | Commitments | (1a)        |                         |             |             |             |   |  |  |       |
|   | Payments    | (2a)        |                         |             |             |             |   |  |  |       |
| Appropriations of an administrative nature financed from the envelope for specific programmes <sup>37</sup> |             |             |                         |             |             |             |   |  |  |       |
| Number of budget line   |             | (3)         |                         |             |             |             |   |  |  |       |
| <b>TOTAL appropriations for DG &lt;.....&gt;</b>  | Commitments | =1+1a<br>+3 |                         |             |             |             |   |  |  |       |
|   | Payments    | =2+2a<br>+3 |                         |             |             |             |   |  |  |       |

<sup>36</sup> Year N is the year in which implementation of the proposal/initiative starts.

<sup>37</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

|   |             |       |  |  |  |  |  |  |  |  |
|---|-------------|-------|--|--|--|--|--|--|--|--|
| • TOTAL operational appropriations  | Commitments | (4)   |  |  |  |  |  |  |  |  |
|   | Payments    | (5)   |  |  |  |  |  |  |  |  |
| • TOTAL appropriations of an administrative nature financed from the envelope for specific programmes |             | (6)   |  |  |  |  |  |  |  |  |
| <b>TOTAL appropriations under HEADING &lt;....&gt; of the multiannual financial framework</b>         | Commitments | =4+ 6 |  |  |  |  |  |  |  |  |
|   | Payments    | =5+ 6 |  |  |  |  |  |  |  |  |

**If more than one heading is affected by the proposal / initiative:**

|   |             |       |  |  |  |  |  |  |  |  |
|---|-------------|-------|--|--|--|--|--|--|--|--|
| • TOTAL operational appropriations  | Commitments | (4)   |  |  |  |  |  |  |  |  |
|   | Payments    | (5)   |  |  |  |  |  |  |  |  |
| • TOTAL appropriations of an administrative nature financed from the envelope for specific programmes       |             | (6)   |  |  |  |  |  |  |  |  |
| <b>TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)</b> | Commitments | =4+ 6 |  |  |  |  |  |  |  |  |
|   | Payments    | =5+ 6 |  |  |  |  |  |  |  |  |

|  |          |                            |
|--|----------|----------------------------|
| <b>Heading of multiannual financial framework:</b> | <b>5</b> | Administrative expenditure |
|--|----------|----------------------------|

EUR million (to 3 decimal places)

|                                    |                | Year<br>2014<br>and<br>after |  |  |  |  |  | UNLIMITED DURATION | TOTAL |
|------------------------------------|----------------|------------------------------|--|--|--|--|--|--------------------|-------|
| DG: <ENV/MARE>                     |                |                              |  |  |  |  |  |                    |       |
| • Human resources                  |                | 0.508                        |  |  |  |  |  |                    |       |
| • Other administrative expenditure |                | 0.054                        |  |  |  |  |  |                    |       |
|                                    |                | 0.022                        |  |  |  |  |  |                    |       |
| <b>TOTAL DG ENV/MARE</b>           | Appropriations | 0.584                        |  |  |  |  |  |                    |       |

|  |                                      |       |  |  |  |  |  |  |  |
|--|--------------------------------------|-------|--|--|--|--|--|--|--|
| <b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b> | (Total commitments = Total payments) | 0.584 |  |  |  |  |  |  |  |
|--|--------------------------------------|-------|--|--|--|--|--|--|--|

EUR million (to 3 decimal places)

|  |             | Year<br>2014<br>and<br>after |  |  |  |  |  | ... enter as many years as necessary to show the duration of the impact (see point 1.6) | TOTAL |
|--|-------------|------------------------------|--|--|--|--|--|---|-------|
| <b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial</b> | Commitments | 0.584                        |  |  |  |  |  |   |       |
|  | Payments    | 0.584                        |  |  |  |  |  |   |       |

|           |  |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|--|
| framework |  |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|--|

3.2.2. *Estimated impact on operational appropriations*

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

| Indicate objectives and outputs           |                              |                            | Year N | Year N+1 | Year N+2 | Year N+3 | ... enter as many years as necessary to show the duration of the impact (see point 1.6) |      |                   |      |        |      |        |      | TOTAL  |      |                         |            |
|---|------------------------------|----------------------------|--------|----------|----------|----------|---|------|-------------------|------|--------|------|--------|------|--------|------|-------------------------|------------|
|   | OUTPUTS                      |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| ↓   | Type of output <sup>38</sup> | Average cost of the output | Number | Cost     | Number   | Cost     | Number of outputs   | Cost | Number of outputs | Cost | Number | Cost | Number | Cost | Number | Cost | Total number of outputs | Total cost |
| SPECIFIC OBJECTIVE No 1 <sup>39</sup> ... |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| - Output                                  |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| - Output                                  |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| Sub-total for specific objective No 1     |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| SPECIFIC OBJECTIVE No 2...                |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| - Output                                  |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| Sub-total for specific objective No 2     |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |
| <b>TOTAL COST</b>                         |                              |                            |        |          |          |          |   |      |                   |      |        |      |        |      |        |      |                         |            |

<sup>38</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>39</sup> As described in section 1.4.2. 'Specific objective(s)...'.

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- The proposal/initiative does not require the use of administrative appropriations
- The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to 3 decimal places)

|  | Year<br>2014 and<br>after | Year<br>N+1 | Year<br>N+2 | Year<br>N+3 | ... enter as many years as necessary<br>to show the duration of the impact<br>(see point 1.6) | TOTAL |
|--|---------------------------|-------------|-------------|-------------|---|-------|
|--|---------------------------|-------------|-------------|-------------|---|-------|

|  |       |  |  |  |  |  |  |
|--|-------|--|--|--|--|--|--|
| <b>HEADING 5<br/>of the multiannual<br/>financial framework</b>          |       |  |  |  |  |  |  |
| Human resources  | 0.508 |  |  |  |  |  |  |
| Other administrative<br>expenditure                                      | 0.076 |  |  |  |  |  |  |
| <b>Subtotal HEADING 5<br/>of the multiannual<br/>financial framework</b> |       |  |  |  |  |  |  |

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
| <b>Outside HEADING 5<sup>40</sup><br/>of the multiannual<br/>financial framework</b> |  |  |  |  |  |  |  |
| Human resources  |  |  |  |  |  |  |  |
| Other expenditure<br>of an administrative<br>nature                                  |  |  |  |  |  |  |  |
| <b>Subtotal<br/>outside HEADING 5<br/>of the multiannual<br/>financial framework</b> |  |  |  |  |  |  |  |

|              |       |  |  |  |  |  |  |
|--------------|-------|--|--|--|--|--|--|
| <b>TOTAL</b> | 0.584 |  |  |  |  |  |  |
|--------------|-------|--|--|--|--|--|--|

<sup>40</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.



### 3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full amounts (or at most to one decimal place)*

|  | Year<br><b>2014</b><br>and<br>after | Year<br>N+1 | Year<br>N+2 | Year<br>N+3 | ... enter as many years as<br>necessary to show the<br>duration of the impact<br>(see point 1.6) |  |  |
|--|-------------------------------------|-------------|-------------|-------------|--|--|--|
| <b>• Establishment plan posts (officials and temporary agents)</b>               |                                     |             |             |             |  |  |  |
| 11 01 01 01 + 07 01 01 01 (Headquarters and Commission's Representation Offices) | 4                                   |             |             |             |  |  |  |
| XX 01 01 02 (Delegations)  |                                     |             |             |             |  |  |  |
| XX 01 05 01 (Indirect research)  |                                     |             |             |             |  |  |  |
| 10 01 05 01 (Direct research)  |                                     |             |             |             |  |  |  |
| <b>• External personnel (in Full Time Equivalent unit: FTE)<sup>41</sup></b>     |                                     |             |             |             |  |  |  |
| 11 01 02 01 (CA, INT, SNE from the 'global envelope')                            |                                     |             |             |             |  |  |  |
| XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)                        |                                     |             |             |             |  |  |  |
| <b>XX 01 04 yy</b> <sup>42</sup>   | - at Headquarters <sup>43</sup>     |             |             |             |  |  |  |
|  | - in delegations                    |             |             |             |  |  |  |
| <b>XX 01 05 02</b> (CA, INT, SNE — Indirect research)                            |                                     |             |             |             |  |  |  |
| 10 01 05 02 (CA, INT, SNE — Direct research)                                     |                                     |             |             |             |  |  |  |
| Other budget lines (specify)   |                                     |             |             |             |  |  |  |
| <b>TOTAL</b>   | <b>4</b>                            |             |             |             |  |  |  |

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

|                                |   |
|--------------------------------|---|
| Officials and temporary agents | Monitor the implementation of the Directive at national level |
| External personnel             |   |

<sup>41</sup> CA= Contract Agent; INT= agency staff ('*Intérimaire*'); JED= '*Jeune Expert en Délégation*' (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert.

<sup>42</sup> Under the ceiling for external personnel from operational appropriations (former 'BA' lines).

<sup>43</sup> Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

3.2.4. *Compatibility with the current multiannual financial framework*

- Proposal/initiative is compatible the current multiannual financial framework.
- Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>44</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

|   | Year<br>N | Year<br>N+1 | Year<br>N+2 | Year<br>N+3 | ... enter as many years as<br>necessary to show the duration<br>of the impact (see point 1.6) |  |  | Total |
|---|-----------|-------------|-------------|-------------|---|--|--|-------|
| <i>Specify the co-financing<br/>body</i>  |           |             |             |             |   |  |  |       |
| <b>TOTAL</b> appropriations<br>cofinanced |           |             |             |             |   |  |  |       |

<sup>44</sup> See points 19 and 24 of the Interinstitutional Agreement.

### 3.3. Estimated impact on revenue

- Proposal/initiative has no financial impact on revenue.
- Proposal/initiative has the following financial impact:
  - on own resources
  - on miscellaneous revenue

EUR million (to 3 decimal places)

| Budget revenue line: | Appropriations available for the ongoing budget year | Impact of the proposal/initiative <sup>45</sup> |          |          |          |  |  |  |
|----------------------|--|---|----------|----------|----------|--|--|--|
|                      |  | Year N  | Year N+1 | Year N+2 | Year N+3 | ... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6) |  |  |
| Article .....        |  |   |          |          |          |  |  |  |

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

<sup>45</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.