



Marine Spatial Planning Legislation

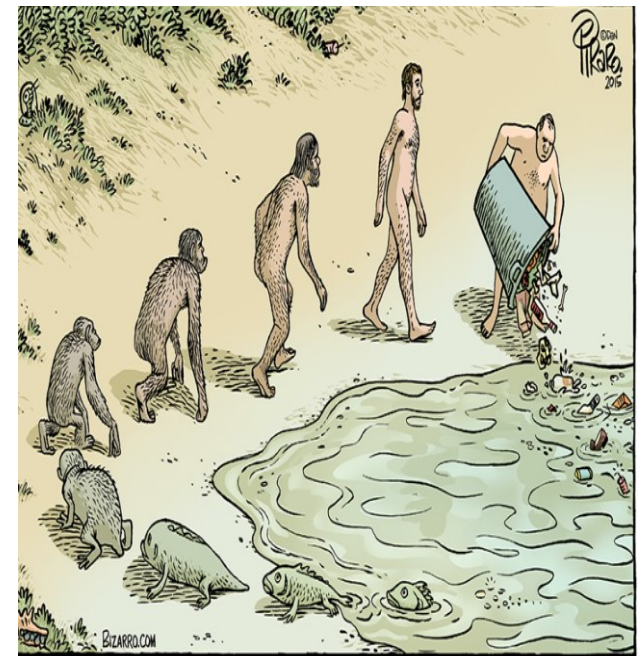
Professor Ronán Long
Nippon Foundation Chair Ocean Governance & Law of the Sea
World Maritime University,
Malmö, Sweden

Task 6:1:
Sector activities, institutional landscape,
existing management plans

ATLAS Annual Meeting, 27 April 2017

Overview

1. Policy Context
2. Normative Basis
 1. International
 2. EU Law
 3. National Law
3. Challenges



Source: eideard.com/evolution-the-sea-mother-of-life

Policy Context

2030 Agenda for Sustainable Development

THE GLOBAL GOALS

For Sustainable Development



A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development

GOAL 14

Conserve and sustainably use the oceans, seas and marine resources for sustainable development



- **2025:** reduce marine pollution
- **2020:** **sustainably manage** and protect marine and coastal **ecosystems**
- **2020**
 - end overfishing, IUU & achieve MSY
 - **Conserve >10%** of coastal and marine areas
 - end fisheries subsidies
- **2030:** > **economic benefits** to Small Island developing States
- Minimize impacts of ocean acidification
- **Increase scientific knowledge**, develop research capacity and transfer marine technology
- Provide access for small-scale artisanal fishers to marine resources and markets
- **Enhance the conservation and sustainable use of oceans** and their resources by implementing international law

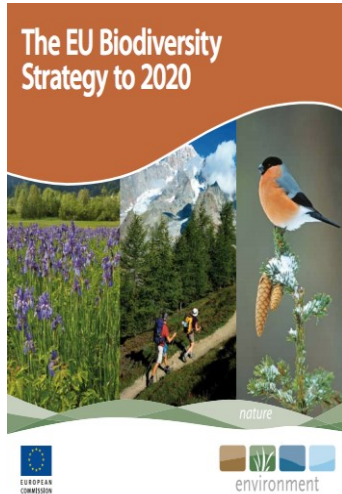
GOAL 14

Conserve and sustainably use the oceans, seas and marine resources for sustainable development





Normative Basis EU Law



Target 2

By 2020, ecosystems and their services are maintained and enhanced by establishing green infrastructure and **restoring** at least 15% of degraded ecosystems

Hard Law

- Article 5 Marine Spatial Planning Directive
 - Objective...the preservation, protection and **improvement** of the environment, including resilience to climate change impacts
 - Directive(2014); Laws (2016); Plans (2021)
- Article 6(1) Habitats Directive
 - Main objective is the maintenance or **restoration** of habitats and species at “favourable conservation status”
 - Case C-418/04 Commission v Ireland
- Recital 43 Marine Strategy Framework Directive
 - Objective... protection and preservation of the marine environment, the prevention of its deterioration and where practicable the **restoration** of that environment in areas where it has been adversely affected
- UNEP Regional Seas Conventions
 - OSPAR Convention



Conserve and sustainably use the oceans, seas and marine resources for sustainable development

Normative Basis EU Law

Hard Law



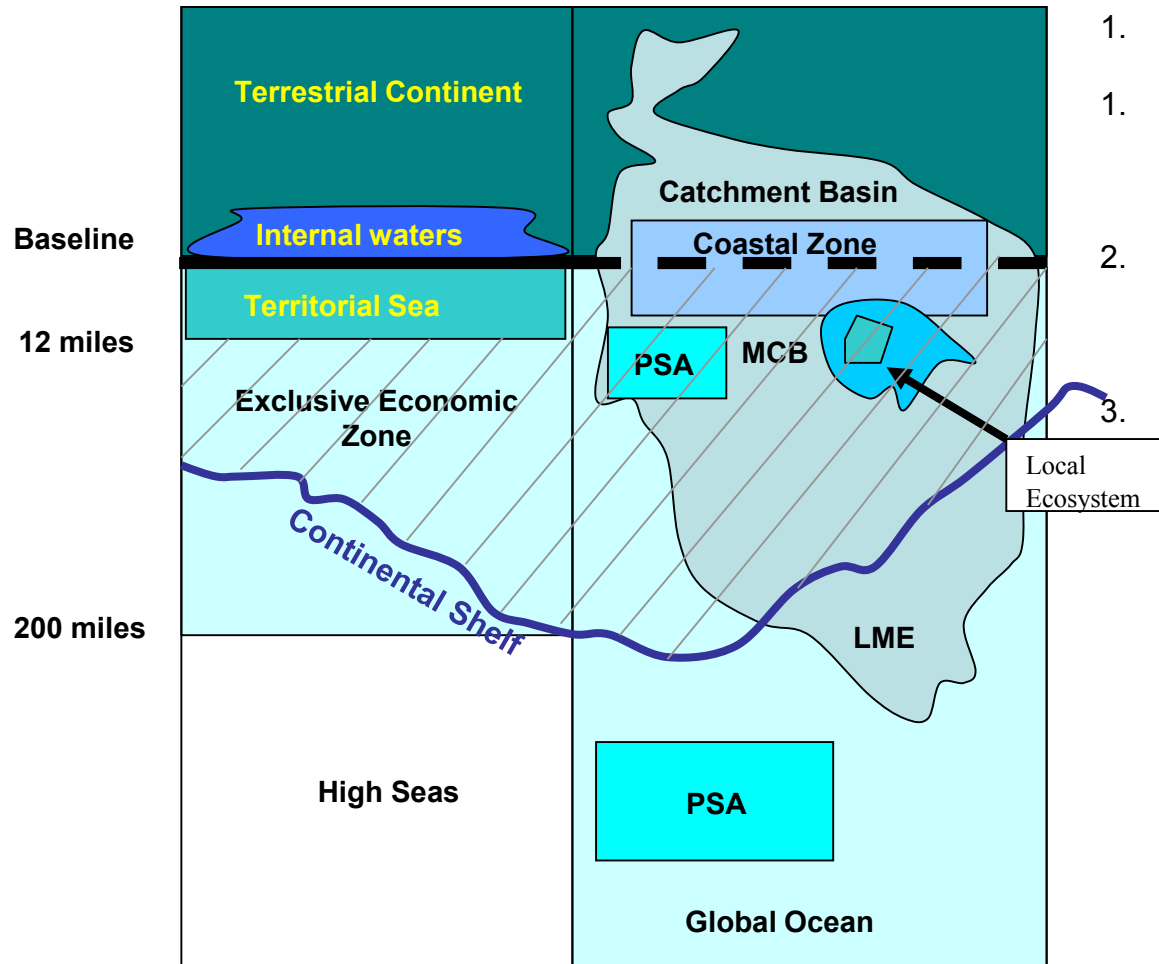
- Treaty Functioning of the EU (Article 11)
- Commission's Communication on Ocean Governance

- Secondary Legal Instruments
 - Fisheries Regulations under CFP and RFMOs (NEAFC / NAFO)
 - EIA / SEA
- The Environmental Liability Directive, 2004/35/EC provides for remediation of biodiversity damage including damage in the marine area.
- Case Law EU Court of Justice
 - Pending case Council v Commission
 - MPA designation Ross Sea
- BBNJ: Area Based Management Tools



Conserve and sustainably use the oceans, seas and marine resources for sustainable development

MSP Challenges



1. Ecosystem Boundaries
1. Institutional Structures: International / EU / National
2. Sectors: environment / fisheries / energy / shipping
3. Scientific Uncertainty

Thanks,
Dr. Anthony Grehan and Professor Alex Rogers), Professor David
Johnson



NUI Galway
OÉ Gaillimh



ATLAS has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreements No 678760..
The output reflects only the views of the authors and the European Union cannot be held responsible for any use that may be made of the information contained therein.