

Statement by the the Committee on Environment and Agriculture 2012/13:MJU20 A framework for maritime spatial planning and integrated coastal management

Annex 2

Reasoned opinion of the Riksdag

In the light of the examination of the application of the principle of subsidiarity in the Commission's Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management (COM (2013)133 final), the Riksdag considers that the proposal in question in its current form conflicts with the principle of subsidiarity.

One of many means of promoting the development of a sustainable society is physical planning. The focus for physical planning is on the place itself and its features and the long-term management and regulation of the use of a certain land or water area. Each member state of the EU is responsible for physical planning.

The Riksdag's overall position is that the management of our maritime and coastal areas should contribute to sustainable development in which growth is assured while at the same time ecosystems along our coastlines are preserved for future generations. Climate change and the increase in use of coastal and maritime areas place pressure on our coastal and maritime areas. Without effective physical planning in these areas, spatial conflicts between growing areas of use related to the sea, among these the protection of the marine environment, may result in a less successful combination of growth and sustainability.

The objective of the Commission's proposal is to establish a framework for the implementation of physical planning in coastal and maritime areas in EU waters and integrated management of coastal areas in the member states. According to the proposal, procedures are to be established for planning and management in the member states, which is to be achieved through a legally binding framework directive.

If the proposal is implemented, it would entail the member states setting up maritime spatial plans and strategies for coastal management that meet certain minimum requirements. The maritime spatial plans are to include at least one survey of the coastal area in question stating the present and potential spatial and temporal distribution of activities required to achieve the targets concerning energy, maritime-based activities and environmental protection stated in the proposal. Coastal strategies should also identify existing and necessary relevant measures aimed at achieving these targets. Furthermore, consultation with the general public, authorities and the relevant actors is required, as well as the use of good background materials and cross-border coordination procedures for the exchange of data and information. There is also to be cooperation with other member states and third parties when plans and strategies are established and consensus is strengthened. The Commission argues that the proposal does not affect the member states' rights regarding physical planning of land areas and that it is compliant with the principle of subsidiarity, as questions applying to the choice of actual developments, the location for investments, prioritisation and determining solutions are a matter for national or local decision-making.

In Sweden, physical community planning is regulated in the Planning and Building Act and it is the municipalities that are responsible for the planning. The municipalities are each obliged to have a current overall development plan for the whole municipality in which overall planning issues and public interests are dealt with. The overall development plan is intended

as background material when binding detailed development plans and local regulations are drawn up and these also encompass areas in the parts of territorial waters belonging to the municipality. As the Government argues in its assessment of the application of the principle of subsidiarity in the current proposal, physical planning can also encompass maritime areas. Furthermore, the definition of coastal areas also includes land areas next to the coast. Since the Commission in its proposal intends to regulate areas that are subject to the municipal planning process, the Riksdag considers that the proposal might steer the independent planning of the municipalities in a direction that is neither necessary nor suitable. The formulation of requirements regarding municipal planning is a national matter that should not be regulated at EU level.

In the light of this, the Riksdag considers that the proposal in its current form is not compatible with the principle of subsidiarity.