



Legal challenges in introducing maritime spatial planning in Latvia

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How inappropriate to call this planet Earth,
when it is quite clearly Ocean.

Sir Arthur C. Clarke¹

My Ocean is your Ocean.
My Ocean is #OurOcean.

Karmenu Vella, European Commissioner for Environment, Maritime Affairs
and Fisheries (2014 – 2019)²

No water, no life; no blue, no green.

Sylvia Earle, oceanographer³

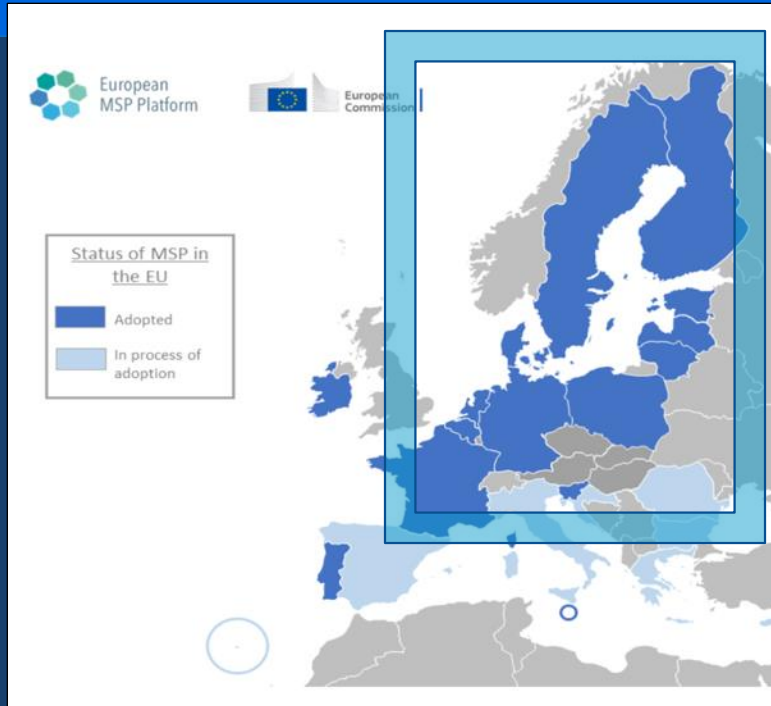
There is no Green Deal without the oceans,
no green recovery without the blue economy.

Virginijus Sinkevičius, European Commissioner for the Environment,
Oceans and Fisheries (2019 – present)⁴

Source: Neimane L. 2023. *Maritime Spatial Planning Practical User's Manual: Baltic Sea Region Perspective*. Available: https://www.ifju.lv/fileadmin/user_upload/LULV/Anaksvietnes/Fakultates/www.ifju.lv/zinas/Manual_09062023.pdf after: ¹ CEC, 2006b; UNESCO-IOC, 2021g; ² EC, 2017; Santoro et al., 2017; ³ EC, n.d.a; ⁴ EC, 2021e.



Adopted plans



Source: <https://maritime-spatial-planning.ec.europa.eu/msp-practice/countries/>

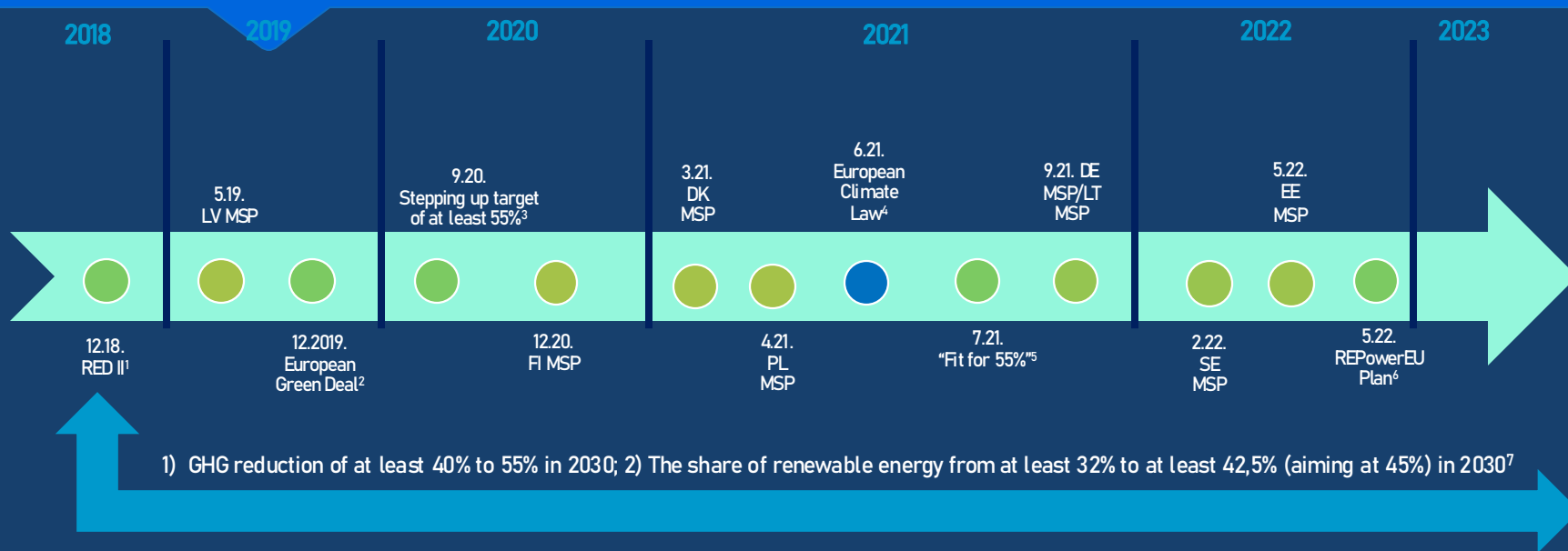


Image by jarmoluk (Pixabay)



II. Current state of MSP in a nutshell

Timeline of the adopted MSPlans in the Baltic Sea



¹ Renewable Energy Directive 2018/2018; ² EC, COM(2019) 640 final; ³ EC, COM(2020) 562 final; ⁴ Regulation 2021/1119; ⁵ EC, COM(2021) 550 final; ⁶ EC, COM(2022) 230 final; ⁷ European Parliament, 2023.



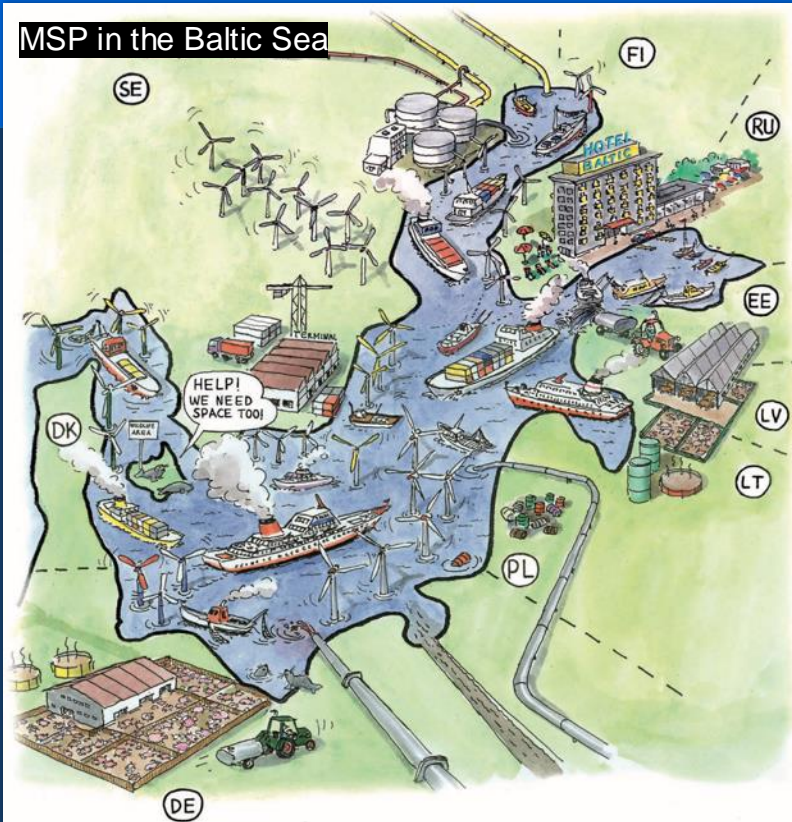
MSPlan in Latvia

MSP	Adopted/deadline
MSPlan adoption ¹	21 May 2019
Interim assessment of the implementation of the MSPlan and proposals for updating the plan	30 December 2023
Interim assessment of the implementation of the MSPlan and proposals for updating the plan	30 December 2029

¹ MK 2019.gada 21.maija rīkojums Nr. 232 "Par Jūras plānojumu Latvijas Republikas iekšējiem jūras ūdeņiem, teritoriālajai jūrai un ekskluzīvās ekonomiskās zonas ūdeņiem līdz 2030. gadam". Available: <https://likumi.lv/ta/id/306969-par-juras-planojumu-latvijas-republikas-ieksejiem-juras-udeniem-teritorialajai-jurai-un-ekskluzivas-ekonomiskas-zonas> ;



III. Main challenges and suggestions



«In 2005, we had more areas where we didn't make any regulations. That was different in 2016, as it's nearly... if you look on the map, it's really crowded, so there's hardly any space left which also means we had more conflicts that we try to regulate... or more potential conflicts,»

informant #8, Germany, pc, December 22, 2021

State of the Baltic Sea

«The Baltic Sea is under increasing impacts from climate change and biodiversity degradation catalysed by eutrophication, pollution, land use and resource extraction. Little to no improvement of the Baltic Sea environment occurred during the assessment period.»

HELCOM (2023): State of the Baltic Sea. Third HELCOM holistic assessment 2016-2021. Baltic Sea Environment Proceedings n°194.

State of the Baltic Sea 2023



THIRD HELCOM
HOLISTIC ASSESSMENT
OF THE BALTIC SEA
2016-2021

H O L A S 3

III. Main challenges and suggestions

The general state of the marine environment in Latvian sea waters

- The Ministry of Environmental Protection and Regional Development of the Republic of Latvia has updated the plan “Action program for achieving a good state of the marine environment in 2022-2027”¹:
 - Six out of eleven general characteristics of the marine environment do not correspond to good marine environmental status;
 - Of all the characteristics analyzed, the greatest risk of not achieving good marine environmental status exists for: D1 “Biodiversity”, D2 “Alien species”, D5 “Eutrophication”, D8 “Concentration of pollutants” and D10 “Solid waste”.

Compliance with good marine environmental status	
Qualitative characteristic	Status
D1 (biodiversity)	✘
D2 (alien species)	✘
D3 (commercial fish species)	✘
D4 (food chains)	■
D5 (eutrophication)	✘
D6 (seabed integrity)	■
D7 (changes in the hydrographic state)	✓
D8 (concentration of pollutants)	✘
D9 (harmful substances in fish)	✓
D10 (solid waste)	✘
D11 (noise pollution)	■
✓ - complies, ✘ - does not comply, ■ - not rated.	
Source: The Ministry of Environmental Protection and Regional Development ² after LHEI (Latvian Institute of Aquatic Ecology), J. Aigars (2023)	

¹ MK 2023.gada 9.augusta rīkojums Nr. 511 "Par plānu "Pasākumu programma laba jūras vides stāvokļa panākšanai 2023.–2027. gadā". Available: <https://likumi.lv/ta/id/344307-par-planu-pasakumu-programma-laba-juras-vides-stavokla-panaksana-2023-2027-gada>; ² Vides aizsardzības un reģionālās attīstības ministrija. Jūras plānojuma starpposma novērtējums 2023 (projekts izstrādes stadijā) (unpublished).



Biodiversity importance

The EU Biodiversity Strategy 2030

The new EU-wide Biodiversity Strategy will:

- Establish protected areas for at least:



30%
of land in
Europe



30%
of sea in
Europe

With stricter protection of remaining EU primary and old-growth forests legally binding nature restoration targets in 2021.

Source: EC, 2020b; EC, COM(2020) 380 final



Types of activities at sea

Transport and port development

Fisheries

Aquaculture

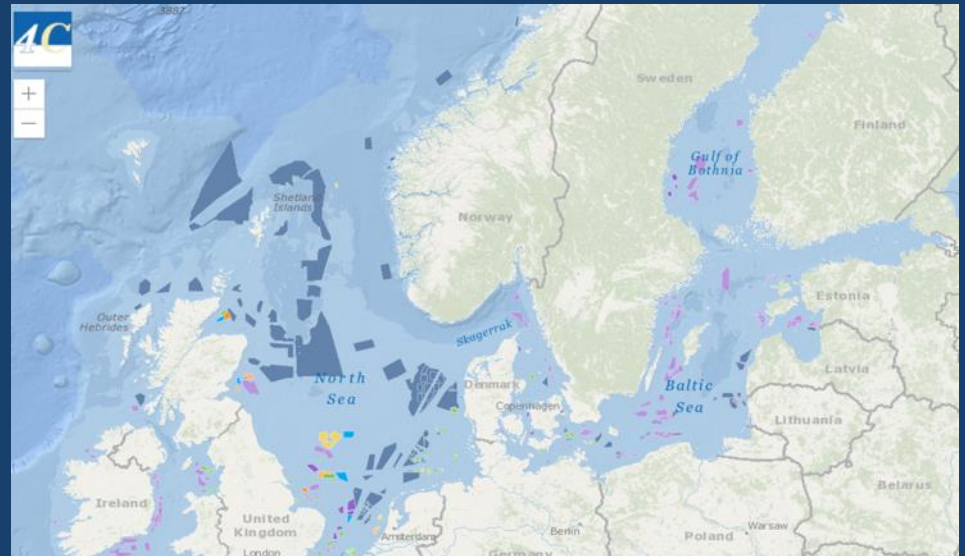
Tourism

Exploration and exploitation of marine energy

Marine biotechnology

New underwater technologies

Conservation of ecosystems and biodiversity



Source: <https://map.4coffshore.com/offshorerewind/>



Multi-use possibilities

Based on the results of the study of five sea basins, the most suitable multi-functional approach activity combinations in Europe are considered:

1. Offshore Wind and Aquaculture
2. Offshore Wind and Tourism
3. Offshore Wind and Fisheries
4. Aquaculture and Tourism
5. Fisheries and Tourism and Environmental Protection
6. Underwater Cultural Heritage and Tourism and Environmental Protection

Multi-use (MU) elements in the Baltic Sea Region					
Country	Maritime spatial plan	MU included in national legislation	MU in strategic documents and individual administration level	MU in maritime spatial plan	MU in practice in the real environment
Denmark	✓ (2021)	✓	✓	✓	✓
Estonia	✓ (2022)	–	–	✓	✓
Finland	✓ (2020)	–	–	–	✓
Germany	✓ (EEZ – 2021)	✓	✓	–	✓
Latvia	✓ (2019)	–	–	–	✓
Lithuania	✓ (2015)	–	–	–	–
Poland	✓ (2021)	–	–	✓	–
Sweden	✓ (2022)	–	✓	✓	✓
No. of countries		2	3	4	6

Source: Przedzrymirska, Zaucha et al., 2018, supplemented by author

III. Main challenges and suggestions

«I think the main challenge is how do we balance, in fact, energy generation and biodiversity protection. So, the most difficult conflict is going to come between those things. So, climate change will put pressure on ecosystems and biodiversity. And there are calls for protection. So, you have the biodiversity 30% and 10% targets for protection, but, on the other hand, you have this enormous pressure to generate renewable energy. So, how do we bring that together? That's going to be the biggest challenge for MSP, I believe, by far,»

informant #39 – MSP researcher and practitioner, Germany, pc, March 10, 2022

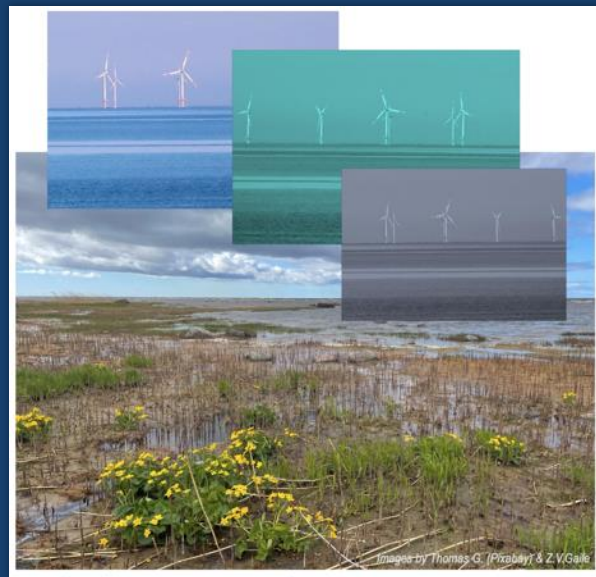
«This is something we must consider, whether we need to exclude everything from nature conservation. [...] We are making this kind of a change when you think you don't have to exclude offshore wind energy production when you find something valuable there. You have to see how they can co-exist. When considering biodiversity initiation, you must take 30% into nature conservation from the sea areas. Otherwise, in Green Deal or Fit for 55, you must have a lot of offshore wind, which is why the initiatives conflict. And there is room for discussion on how we can mix them so they are not conflicting,»

informant #20 – governmental official, Estonia, pc, February 1, 2022



Offshore wind energy

- Lack of determined quantitative political settings (goals) for renewable energy in the sea
- Overlap with biodiversity areas
- Introduction of auction procedure in the legal framework (amendments Marine Environment Protection and Management Law [2010])



Aquaculture

- Negative societal perception of fish farming
- Control of the amount of nitrogen that the fish farm can produce
- Measures to be used to reduce the environmental impact of fish farms (cultivation of mussels and macroalgae)



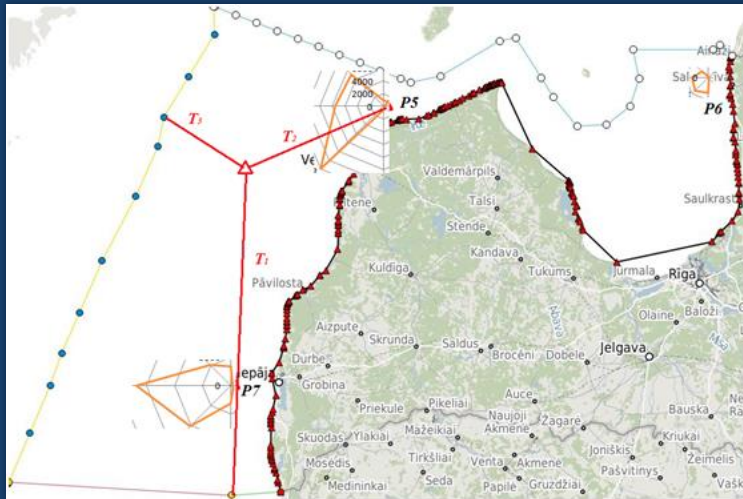
4. II.B. AQUACULTURE

- Aquaculture includes farming of fish, shellfish, and algae (seaweed, used interchangeably).
- In the EU, fish and shellfish farming are more established industries, whereas algae (macro- and micro-), along with bacteria, fungi and invertebrates, form an essential part of Blue Biotechnology¹.
- Almost all countries have included aquaculture in the MSPs, although the specific zones have not always been reserved for this particular purpose (for example, in Latvian MSPPlan).
- In general, the activities of aquaculture enterprises are recognised as having an impact on the environment and, for example, in Latvia, belong to the group of polluting activities of category C because, as a result of intensive farming, risks can be created for the formation of deposits, biochemical changes, as well as the release of harmful substances into the environment.²

¹EC, 2022b; see Finnish MSPPlan where macro-algae cultivation is under blue biotechnology; ²Aquaculture Development Plan for Latvia 2021-2027.

Source: Nėimane L. 2023. *Maritime Spatial Planning Practical User's Manual: Baltic Sea Region Perspective*. Available: https://www.if.lu.lv/fileadmin/user_upload/LULV/Apaksvietnes/Fakultates/www.if.lu.lv/zinas/Manual_09062023.pdf

Wave energy



Source: <http://www.aplacetoinvest.com>

- Determining possibilities of wave energy production
- Provision in the MSPlan trial polygon and accurate legal framework for it

Conclusions

- As a result of the adoption of the new MSPlan, several legal issues have emerged; however, due to the unexplored impact of the activities, some still need to be identified
- Some of these issues inter alia are faced by the lack of guiding settings in the documents at the political level
- Some of them (auction procedure, trial polygon, multi-use) can be resolved through legal amendments (accordingly – such as Marine Environment Protection and Management Law [2010], Law “On Environmental Impact Assessment” [1998] and regulations of the Cabinet of Ministers No. 631, e.g., “Construction Regulations for Structures in the Internal Waters, Territorial Waters and Exclusive Economic Zone of the Republic of Latvia”)
- An additional part is the needed amendments for the regulations of the Cabinet of Ministers No. 740 “Procedures for the Development, Implementation and Monitoring of the Maritime Spatial Plan” in relation to the updates of the graphical part



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QUESTIONS

Thank You for Your Attention!

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