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New generation EU Directives and the role of transnational coordination: Marine Spatial Planning of the Baltic Sea

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Summary

The EU Maritime Spatial Planning Directive (MSP Directive) from 2014 is an example of a so-called *new generation* directive, which gives Member States room for adaptation to national contexts. Because of this larger room for adaptation, transposition becomes a process of designing domestic policy frameworks that fulfil the broad requirements of the Directive, rather than a simple and linear implementation procedure. However, allowing Member States to design marine spatial planning frameworks that fit domestic contexts, have thus far meant that regional coherence suffers. Although the pivotal role of transnational coordination is emphasised in the Directive, it does not stipulate how to set up such coordination, and the Member States have not yet been able to achieve much of self-organising in this area.

A closer look is in this report taken on four policy-dimensions that are emphasised in the MSP Directive: Planning approach, Organisation, Sustainability, and Stakeholder inclusion. Based on in-depth case studies carried out in the BALTSPEACE research project on MSP frameworks in Denmark, Germany, Latvia, Lithuania, Poland, and Sweden, examples of coordination and coherency challenges are described and discussed for each dimension.

It is shown that *planning approaches* can differ substantially between neighbouring countries, which can make it challenging to coordinate across country borders. Even though they share the same (EU) regulatory pressures, Latvia and Lithuania, for example, are developing national MSP frameworks based on quite different conceptual foundations. Whereas Latvia has taken the Ecosystem Approach as a point of departure for constructing a new MSP framework, Lithuania has instead chosen to adapt existing functional zoning approaches to management of maritime areas. Such diversity may be possible to explain because of differing domestic contexts, but may nevertheless lead to coordination problems when coordination is needed.

Divergence between national MSP frameworks can also emerge from different political, jurisdictional and, administrative systems and traditions, that is, in societal *organisation*. In an example based on case studies undertaken in Denmark and Sweden, it is shown that degree of societal centralisation and distribution of political power can be related to differences in how environmental protection and *blue growth* are prioritised. However, it is difficult to tell whether diverging prioritisations have led to differences on organisation, or of it is the other way around, that differences in organisation have led to diverging prioritisations.

It is stated in the MSP Directive that the overarching objective is to promote *sustainable development*. The focus on sustainable development can be said to reflect the Directive's *new generation* characteristics. The concept of sustainable development is broad and imprecise, which facilitates political agreement. However, when more precise details must be addressed, disagreements may surface that make implementation challenging. In cases where neighbouring countries diverge substantially on how ecological, economic and social sustainable ought to be balanced, finding agreements on how to coordinate policies and practices, when needed, can be difficult. Based on case studies in Denmark, Latvia, Lithuania, and Sweden, it is, for example, argued that adoption of functional zoning or the Ecosystem Approach may not say much about how ecological, economic, and social dimensions are prioritised in different countries.

Stakeholder consultations of some kind have historically been undertaken in all Baltic Sea countries. However, how such consultations have been undertaken, who have been invited, and the role the consultations play in relation to political decision-making differ, as shown in examples from Mecklenburg-Vorpommern and Poland. Because the MSP Directive is silent on how to design stakeholder consultations – it only says that they should be held – there is no political pressure on regional coordination. It is not clear from our data if these differences cause efficiency losses due to coordination deficits, but a reasonable assumption is that when, for example, marine natural resources are shared between two or more countries, jointly designed and undertaken consultations on specific transboundary issues potentially can promote transparency, understanding, and coordination.

In conclusion, it is suggested that while regional coherency is often called for as a means to reduce inefficiencies, it might not be a good idea to integrate without discretion. Considering that the MSP Directive allows domestic context to matter when Member States design national MSP frameworks and that adaptation to domestic context is likely to reduce implantation gaps and increase the legitimacy of marine spatial planning, a more reasonable objective can be to embrace domestic diversity, while simultaneously adaptively promoting possibilities to solve coordination problems at lower levels, if they emerge or can be foreseen. From this perspective, increased coherence is a tool to reduce efficiency losses, rather than an intrinsic good.

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1. Introduction

The contemporary trend in EU directives to become increasingly focused on process and goal achievement, rather than on *command and control*, create substantial challenges for Member States (Bondarouk 2017; Liefferink et al. 2011). From having been largely concerned with how to implant EU regulations into domestic jurisdictions, governments increasingly must interpret EU objectives. They need to develop national strategies within directive boundaries that simultaneously fit domestic contexts, to reach the stipulated directive requirements within given deadlines. Thus, transposition of EU directives becomes less about rule compliance, and more about adjustment to domestic contexts within the regulatory boundaries provided by the directive and other international commitments (Thomann 2015). However, this turn towards more room for national contextualisation offers also new opportunities for governments to develop innovative forms of transnational collaboration at sub-regional and bilateral levels. From a regional governance perspective, these collaborations can potentially play significant roles in reducing efficiency losses caused by inadequate coordination among Member States.

A closer look is taken in this report on how these challenges and opportunities play out in the transposition of the EU Maritime Spatial Planning Directive (MSP Directive). More precisely, the focus is placed on how diverging domestic contexts among some Baltic Sea countries relate to the Directive's call for transnational collaboration as part of promotion of regional cohesion in Baltic Sea MSP. Arguably, closer collaboration among governments and stakeholders can potentially ease tensions between competing marine resource and space uses in sectors such as fisheries, shipping, wind parks, energy infrastructure, and tourism. According to the EU Commission, "Implementing the Directive will allow Member States to coordinate their administrations based on integrated planning and management processes. This constitutes a huge simplification and cost-saving exercise both for the country and potential investors" (European Commission 2014). However, whether the MSP Directive will lead to such "...huge simplifications and cost-savings..." for the Member States and others is still too early to tell.

Despite the contemporary surge towards systemic integration in marine governance, tensions may develop between, on the one hand, promotion of adaptation to domestic contexts, and on the other hand, the expectation of closer coordination among Member States in the MSP Directive to ensure coherence. National differences in terms of concrete aspects such as political and administrative traditions, affluence, history, dominating economic sectors, and ecological vulnerability are likely to result in diverging national MSP frameworks. Although less concrete factors may also be important in explaining such diversity, the focus is in this report placed mainly on "observable" factors. It seems plausible that the more diverging MSP frameworks become, the more challenging effective coordination to ensure regional coherence will be. However, it may also be hypothesised that diversity among national MSP frameworks can potentially – via policy diffusion – promote transnational social learning. Thus, it is a complex and multi-layered question whether it is possible to combine national

diversity with transnational coordination, so that management effectiveness – and de facto regional cohesion – is promoted.

The primary aim of this report is therefore to analyse challenges to de facto regional coherence in MSP, emanating from demands for transnational coordination among diverse national marine spatial planning frameworks. This will be achieved by (a) identifying key coordination aspects in the MSP Directive, (b) selecting dimensions in national MSP frameworks where diversity among Member States is substantial, (c) analysing problems and opportunities in reconciling diversity with transnational coordination, and (d) discussing if the MSP Directive is likely to promote regional coherence. The findings of this study are likely to be valuable for improved marine governance in the Baltic Sea region, as well as for other regional settings.

The Baltic Sea has been selected in this study because of several reasons: (a) particularly sensitive ecosystems together with high intensity of marine resource use, (b) extensive and long-established regional regulatory institutions for protection of the environment as well for *blue growth*, and (c) emerging coordination pressures because of binding EU directives in combination with initiatives at the regional level to support transnational collaboration, especially on the environment. Because of these reasons, marine spatial planning of the Baltic Sea provides an interesting case for studying how EU pressures to promote regional cohesion interact with diverging national contexts in emerging maritime governance structures.

After a brief background section on contemporary marine spatial planning in the Baltic Sea region, a section on method follows, where approach and empirical sources are discussed. The theoretical approach based on transposition theory and multi-level governance conceptualisations is thereafter described, leading to a presentation of an analytical framework, which is based on the contextual dimensions that have been showed to be of relevance in coordination of regional marine spatial planning. The article ends with a results section where the analytical framework is used as a vehicle for the analysis of interaction between domestic contexts and supranational regulatory structures, a discussion section on how these interactions influence contemporary governance structures, and a conclusions section where possible future pathways for improvements are suggested.

2. Background

Transnational coordination of domestic MSP frameworks has been identified as a key challenge to efficient and sustainable resource use and protection of ecological integrity in marine areas (European Commission 2014; 2008). The main reason why transnational coordination tends to be more fundamental in MSP than in traditional, terrestrial planning, is because biophysical borders are more porous in seas than on land, which means that effects from various marine activities often can have spill-over effects upon especially neighbouring countries. Moreover, because of the importance of seas for various forms of transportations and communications, integration of institutions and physical infrastructure in these areas are essential. From a more theoretical perspective, these forms of

interconnectedness can be captured using the concept of *collective goods*, that is, resources and ecosystem services that are shared among users, countries, or other groups. Two aspects of transnational collective goods are here especially important; *externalities* and *free-riding* (Sandler 2004). Externalities arise when action taken in one country, for example on fisheries, environmental protection or offshore wind farms, influences other countries legitimate interests.¹ When this can be foreseen or expected, countries that might be affected have the right to be informed at an early stage, according to the MSP Directive and the Espoo Convention (ECE 2017). Ideally, the involved countries should be able to negotiate an agreement, based on the existing distribution of rights primarily relying on the Polluter Pays Principle. However, because of the limited enforceability of treaties, and the vagueness of the MSP Directive, inefficiencies can emerge when externalities, for example pollution that harmfully affect neighbouring countries, are not properly accounted for in national policies.

Closely connected to externalities, the concept of free-riding captures how countries can be tempted to refrain from participating even in voluntary “soft” collaboration to reduce pollution or improve sustainability, when benefits from such collaboration cannot be made conditional on individual participation and contribution. Moreover, in cases where collaboration have been agreed upon, implementation can turn out to be partial at best, because it may not be possible to tie collective benefits to national implementation efforts. Thus, because of transnational externalities and free-riding, efforts to reduce pollution and improve sustainability are lower than what would have been ideal from a collective (regional) perspective, and transnational coordination is more limited than what overall efficiency calls for. The MSP Directive recognise some of these challenges, but does not provide much guidance on how to manage them.²

The main governance structures above the national level that influence MSP in the Baltic Sea can roughly be divided into three parts; Global sectoral treaties, the EU, and regional conventions and agreements (Hassler et al. 2018). At the global level, almost all treaties are sectoral, that is, covering a specific sector, or even a particular problem area (for example, the UN Framework Convention on Climate Change, the Convention on Biological Diversity; International Maritime Organization Conventions, and the World Trade Organization). It has been noted that this sectoral structure can create problems when interactions between regulatory structures result in negative externalities (for example, when measures taken to increase carbon dioxide sequestration in forestry management influence biodiversity in non-intended and undesirable ways) (Knudsen & Hassler 2011). Various global treaties establish a highest governance level that place some restrictions regulatory possibilities

¹ Transnational externalities can be positive or negative. For example, positive externalities can occur when protection of the environment in one country positively influence ecosystem conditions in a neighbouring country. However, because most real-world problems are caused by negative externalities, the focus is henceforth only placed on those.

² Some other directives, notably the Marine Strategy Framework Directive, have more precise requirements, but in similarity with the MSP Directive, they do not comprehensively cover the kind of transnational collaboration challenges referred to here.

at lower levels. In other words, founders of regulatory structures at lower levels must make certain that higher level structures are not violated, although some inconsistencies tend to emerge nevertheless.

At the EU level, the influence is more direct, and sometimes also better integrated over sector borders, compared with at the global level. The main regulatory structures and institutions that have influenced, and continue to influence, Baltic Sea MSP – apart from the MSP Directive – are the Marine Strategy Framework Directive (MSFD; Directive 2008/56/EC) from 2008, the *Blue Growth Strategy* officially endorsed in 2012, the EU Strategy for the Baltic Sea Region (EUSBSR; Approved by the European Council in 2009), and the HELCOM Baltic Sea Action Plan (2007) (Hassler et al. 2017). Arguably, these policy instruments influence how Member States chose to design national MSP frameworks. First, EU Member States have in various ways committed themselves to different obligations and expectations in relation to these governance structures. These commitments and expectations are not always, and in all details, honoured by the Member States, but they can still be assumed to influence incentive structures governments and stakeholders face. Second, the Marine Strategy Framework Directive, the MSP Directive, and the *Blue Growth Strategy* is arguably the most important pillars the MSP Directive rests upon. In fact, the MSP Directive can be seen as an attempt to bring these to pillars together, with Sustainable Development as an overarching policy cover.

The HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM-VASAB WG) was established in 2010, tasked to promote coordination of national MSP frameworks in the Baltic Sea region (Luttmann & Janßen 2016).³ The bringing together of such a working group crossing country as well as sector borders (with HELCOM focusing environmental protection, and VASAB planning), is an interesting attempt to share knowledge and promote understanding, and as a soft mechanism to support regional MSP coherence.

3. Method

This report is empirically based on selected data that was collected in a number of in-depth case studies between 2014 and 2017 in the research project BONUS BALTSPACE.⁴ These case studies were focused upon evolving national MSP frameworks in selected Baltic Sea countries, policy and sector integration, knowledge integration, stakeholder participation and regional HELCOM-VASAB WG. Apart from previous studies, policy documents, public investigations, grey literature and other types of written sources, a substantial number of interviews with strategically selected stakeholders were undertaken (Table 1). The group of stakeholders interviewed was broad in scope, and covered, for example, government officials, administrators, sector representatives, and NGO representatives. Moreover, a series of *stakeholder forums* were held, where groups of stakeholders were brought together to discuss MSP-related matters. The BALTSPACE research group benefitted substantially

³ HELCOM: Baltic Marine Environment Protection Commission - The Helsinki Commission; VASAB: Visions and Strategies around the Baltic Sea.

⁴ See <<http://www.baltspace.eu>> for additional information and publications.

from these forums, because aspects emerged, or evolved, that could not have been anticipated beforehand.

Table 1. Summary of interviews in BALTSACE case studies, underpinning the empirical examples

Case	Public authorities/Politicians	IGOs	Sector organisations/users	NGOs	Science
HV WG	17*,**	6	-	1**	1**
Latvia/Lithuania	22	-	-	5	-
Sweden/Denmark	26	-	5	1	-
Germany	6	2	5	2	-
Poland	5	-	12	3	2

*Interviews partly undertaken by Baltic SCOPE, shared with BALTSACE; ** Interviews/Questionnaires/Personal

Certain limitations in the methodology adopted should be noted. Because the major objective in the BALTSACE project has been to *identify* and *understand* integration challenges in regional MSP, rather than to *measure* correlations, the emphasis has been on in-depth interviews and participatory observation, rather than on quantifiable data that can be analysed statistically. This means that our results are indicative rather than conclusive, that unambiguous causal relationships cannot be established, and that statistical inferences cannot be made. However, the adopted methodology has instead made it possible to identify and interpret integration challenges that are likely to influence how national MSP frameworks evolve in the Baltic Sea region, and not the least to discuss potential remedies. The empirical data are in this report used as examples to ground narratives around selected integration challenges. These narratives reflect how BALTSACE project groups have interpreted findings and results from the undertaken case studies, and are thus grounded on broad empirical undertakings that cannot be fully described in this brief report.

4. Theory

The main focus in the expanding work on *transposition theory* is placed on divergence between EU directives and resulting changes in regulatory frameworks of the Member States. This divergence is often portrayed as an *implementation deficit* or *lack of compliance*, implying that the fundamental problem is how to make sure that Member States fulfil Directive requirements as meticulously as possible (Bondarouk & Mastenbroek 2017; Treib 2014; Steunenbergh & Rhinard 2010). Three broad categories of underlying explanations of observed compliance deficits and compliance problems dominate the literature: (a) lack of commitment or political “will”, (b) lack of administrative capacity, and (c) domestic contextual factors related to, for example, diverging views among policy-makers, sectors in public administrations, or stakeholders. Although scholars disagree on how to attribute explanatory power among these categories, there seem to be a reasonable agreement that they – depending on what directives that are analysed and how compliance and impact are defined – all have some merit (Delreux & Happaerts 2016).

This compliance perspective has recently been challenged, or complemented, by scholars emphasising more of a bottom-up view, *customisation*, where transposition of directives often can be better understood as pragmatic processes of adjustments between domestic contexts and EU requirements. This view has, at least partly, emerged as a consequence of the advent of so-called *new generation* directives, EU directives that are less precise on compliance requirements compared with earlier ones, and thus allow Member States more discretion in implementation phases (for example on how to reach directive targets, and how to design required management mechanisms such as consultation processes (Thomann 2015; Liefferink et al. 2011; Töller 2010). *New generation* directives, allow Member States to – at least to some extent – *customise* how to revise existing domestic regulatory structures to be in line with the directive.

Bringing in the diversity of domestic contexts in the analysis of transposition processes increases the potential to address why transposition plays out so differently in the Member States. Moreover, when the issue is not only about compliance with requirements, but rather about more complex adjustment processes, questions related to why states sometimes do more than required in the Directive (“gold-plating”) can be fruitfully addressed (Thomann 2015). Rather than framing such processes as examples of “over-implementation”, the role of domestic political pressures and context in policy-making can be problematised, where EU directives represent one of several categories of factors that influence how national policies eventually unfold.

However, more seldom have questions been asked on how the design of a directive influence, or promote, transnational coordination between especially neighbouring Member States, that is, as a mechanism to reduce, or eliminate, harmful incongruences between different countries’ regulatory frameworks. The focus is in this report placed at the role of EU directives as promoting what can be described as transnational *governance arenas*, in which interaction among Member States and relevant stakeholders is facilitated, conceptually not very different from how market transactions are facilitated by political provision of regulatory boundaries (Hassler et al. 2018). Thus, in contrast with the focus on implementation and compliance in much of the earlier work on transposition theory, more weight is here given to how EU directives can provide direction (sustainable development) and overarching organisational requirements (for example, a national plan has to be developed before a certain deadline) in order to promote conditions at lower levels, that gradually and through adaptive processes improve governance and “open-ended” policy-making (Liefferink et al. 2011).

It can be argued that it is difficult to establish to what extent the designs of specific directives depend on conscious attempts to provide governance arenas, and to what extent they depend on lowest common denominator outcomes in policy negotiations. In either way, the broader scope of *new generation* directives is likely to influence transposition outcomes. While the main drawback with this form of policy-making is that outcomes are difficult to predict, an improved sensitivity for the roles of context, actor preferences and capabilities is likely to be an important advantage in relation to domestic legitimacy.

Transnational coordination at lower levels can be of especial relevance on environmental and planning matters, because appropriate levels of integration differ depending on type of ecological threat or planning requirements. This is especially pertinent in environmental governance and planning in marine settings, because of less clear jurisdictions than in terrestrial settings, and because propagation of ecological disturbances is hard to predict. Whereas coordination at the EU level is warranted on some issues, others are better dealt with on bilateral or sub-regional levels. Arguably, improved coordination is called for when increased efficiency is expected to cover the cost from taking such action, but is not an intrinsic good. Thus, transposition theory is in this article used in a somewhat unorthodox manner, focusing more on identification of problem areas and Member States' problem-solving capacities, than on measuring compliance.

5. Analytical framework

Based on the broadened theoretical perspective on transposition of EU directives described above and on previous research on what constitute key components in marine spatial planning, four analytical dimensions have been selected for constructing an analytical framework. For each dimension, endpoints representing the outer boundaries on a continuous scale for each dimension have been defined, corresponding focus in the MSP Directive identified, and key questions related to relevant empirical conditions within countries elaborated.

Table 2. Selected analytical dimensions, endpoints, focus in the MSP Directive, and key questions to interrogate in relation to domestic contexts.

Dimension	Endpoints	MSP Directive focus	Focal points in domestic contexts
<i>Planning approach</i>	Sectoral - Systemic	Integrated Maritime Policy (IMP) (Article 1)	To what extent have sectoral zoning logics influenced the elaboration of national MSP frameworks? To what extent have systemic (ecosystem) management perspectives been used as underpinnings for national MSP frameworks?
<i>Organisation</i>	Centralised - Decentralised	Selection of Member States' competent authorities for implementation of the Directive (Article 13)	In what which ways have elaborations of national MSP frameworks been influenced by existing political and administrative regimes in the Member States?
<i>Sustainability</i>	Environmental protection – <i>Blue growth</i>	Economic, social and environmental aspects of sustainability (Article 5)	How are economic, social and environmental considerations priorities in national MSP frameworks?
<i>Stakeholder inclusion</i>	Formative – Symbolic	Public participation (Article 9)	Are stakeholder consultations primarily designed to <i>de facto</i> influence planning decisions, or rather to legitimise decisions taken elsewhere?

5.1 Planning approach

National MSP frameworks are likely to be substantively influenced by the general planning types, or even cultures, that over time have become institutionalised in the Member States. Although some scholars argue that marine spatial planning is fundamentally different from terrestrial planning (Jay 2018; Gazzola & Onyango 2018), others argue that marine planners can learn from experiences gained

in terrestrial planning (Kidd & Ellis, 2012; Peel & Lloyd 2004). In either case, the long history of terrestrial planning, not least sectoral zoning, is likely to influence contemporary elaborations of MSP frameworks, especially in territorial waters and close to the shoreline. However, it is also reasonable to assume that the contemporary emphasis placed on the Ecosystem Approach has influenced how national MSP frameworks have been designed.

Even though the MSP Directive is explicit on the importance of aiming towards integration in general, and the Ecosystem Management in particular, it is not very precise on what this implies when it comes to requirements on national frameworks for planning. Thus, the *new generation* vagueness of the MSP Directive can unlock opportunities for Member States to choose different planning strategies, but also – potentially – evoke tensions between on the one hand historical legacies of sectoral zoning traditions, and on the other hand more recent calls for system-oriented governance modes. In any case, depending on a host of contextual factors, national MSP frameworks are likely to differ in the dimension of sectoral – systemic planning, which is why this aspect has been selected in the analytical framework developed for this study. It should be noted that sectoral or systemic planning is not a binary variable. In most cases, national plans are best characterised as being built on various mixes of sectoral and systemic planning.

5.2 Organisation

Broadening the scope to the political and administrative organisation of societies, transposition research shows that especially *new generation* EU directives cannot simply be implanted into national contexts, but have to be negotiated – formally, informally, and metaphorically – when entering national scenes. Moreover, over and beyond the implementation phase, renegotiations are likely to develop, because of changing power structures and other contextual changes. This means that rather than seeing transposition of directive as a static event when national contexts and Directive are merged, it can be more aptly described as a dynamic process that is commenced, a process that differs between countries and over time. Nevertheless, some patterns can be discerned. First, the MSP Directive requires Member States to appoint a Competent Authority. Apart from acting as a contact point, this Competent Authority typically influences in what direction the national MSP framework is developed and implemented. Moreover, it is reasonable to assume that the selection of such a key authority is neither a coincidence, nor much influenced by the Directive, but rather reflects complex political considerations, existing institutions, distribution of sectoral influence, and other contextual conditions. This means that while one country assigns the prime responsibility to the Environmental Ministry, another country may choose the Ministry of Commerce to take the lead. Although this might not say much about whether an ecosystem or functional zoning approach is adopted, it might indicate diverging prioritisation, or power distribution, in relation to environmental protection/natural resource

use balances. Moreover, the choice of Competent Authority is likely to influence outcomes at lower levels, especially in countries with strong sectoral divides.

Second, and related to the selection of Competent Authority, the distribution of power between different levels (national, state, and municipal) can be assumed to influence how the directive is transposed. In decentralised structures where municipalities can have both substantial power over local processes and taxation rights that give financial muscles, processes evolve in different ways compared with in more centralised structures. For example, decentralised systems can lead to less uniform implementation and higher prioritisations of local objectives, although outcomes also depend on how autonomous states, counties, or municipalities are in relation to the central level, and to what extent they are required to coordinate with neighbouring authorities. Thus, the decentralisation – centralisation dimension is likely to influence how MSP frameworks evolve in different countries.

5.3. Sustainability

While the organisational dimension concerns institutional structures, the sustainability dimension captures national differences in how overarching values are prioritised in general, and balancing of environmental protection and *blue growth* in particular. The organisation and sustainability dimensions are not independent, but rather mutually interdependent, that is, the balancing of environmental and *blue growth* objectives both influence, and are influenced by, existing organisational structures. While political ideology and environmental concern certainly influence this balance, more concrete aspects are related to expected benefits from improved environment on the one hand, and from *blue growth* on the other hand. Although it is difficult to assess costs and benefits from initiatives in these sectors, and even harder to relate those costs and benefits to positions various stakeholders adopt, this does not mean that such considerations are irrelevant (Hassler 2015). Quite the contrary, distributions of costs and benefits (including how costs and benefits are distributed between private actors and the public) from, for example, decreased marine pollution and promotion of off-shore wind farms, are likely have an impact on how countries position themselves in the environmental protection – *blue growth* dimension, although such cost-benefit distributions are not the sole determinant. Thus, given the features of *new generation* EU directives such as the MSP Directive, which is silent on where to place the sustainability balancing point, variations in national interests in environmental protection and *blue growth* are likely to push Member States in different directions in this dimension of their MSP frameworks.

5.4 Stakeholder inclusion

Stakeholder inclusion is often underlined as a crucial component in effective and legitimate planning, especially regarding aspects such as who to invite, when invitations are made, and how consultations are designed (Hassler et al. 2018; UNEP & GEF-STAP 2014; Gopnik et al. 2012). The literature on

how to design successful stakeholder and public consultations has grown considerably during the last decades, and even though there are somewhat different views among scholars, it could have been expected that the MSP Directive had been more precise on how to ensure effective stakeholder inclusion in Member States' MSP frameworks. However, the Directive practically stays silent also in this regard, and says nothing in relation to why consultations are important. Thus, it can be assumed that the consultations will be designed in different ways, and possibly more importantly, intended to play different roles along the formative/symbolic axis as well as being instrumental or normative.

The Nordic countries have a comparably long history of democratic political systems with substantial elements of consensual decision-making, and active civil societies, although there are nuanced differences among them reflecting national experiences and traditions. While Germany has a shorter democratic history, it shares many features in terms of its political system's underpinnings. Poland and the Baltic States, as relatively recent members of the European Union and with histories of being dominated by the Soviet Union, are in somewhat different situations. Moreover, public consultation regulations and practices can differ substantially between governance levels within countries. It is reasonable to assume that these differences between on the one hand the Nordic countries and Germany, and on the other hand the Baltic States and Poland, have implications for how stakeholder consultations on MSP evolve. Although it is difficult to predict how, experiences show that when new policy instruments are introduced, their reception among users and stakeholders is not immune from being influenced by historical and contemporary political and administrative practices. Then again, historic experiences may also evoke political sentiments calling for radical shifts in policy.

6. Analysis

The analytical framework with its four key dimensions is in the following used as an analytical vehicle to illuminate how context matters in the transposition of the MSP Directive into national frameworks. Carefully selected examples from the previously undertaken in-depth case studies in BALTSACE, are used to shed light on how outcomes vary between Baltic Sea countries, despite the shared overarching requirements of the Directive. It will be shown that even though heterogeneity in the transposition of the MSP Directive is not necessarily a problem – in fact, customisation can improve both implementation effectiveness and domestic legitimacy – diverging frameworks tend to make transnational coordination more of a challenge. Considering that transnational coordination constitutes a fifth important dimension in the Directive, the overarching question that will be probed is whether it is possible to preserve national contextualisation, and simultaneously avoid efficiency losses at the regional level caused by faltering transnational coordination.

6.1 Planning approach⁵

It is stated in the MSP Directive that the principles of Integrated Maritime Policy (IMP) is an overarching objective for Baltic Sea maritime spatial planning. Arguably, this requirement implies that environmental safety should be assessed in all sectors, rather than to be perceived as one sector interest among others (Hassler et al. 2018). Moreover, planning must be forward-looking, not only managing current spatial resource use tensions, but as importantly, those that are likely to emerge in the future. While forward-looking has been part and parcel of terrestrial planning, functional zoning approaches rather than ecosystem perspectives have historically provided the main conceptual underpinnings. Against this backdrop, it is interesting to compare the quite diverging MSP approaches embarked upon in Latvia and Lithuania.

Although the reasons why the two countries' MSP approaches seem to evolve in different directions are complex and manifolded, timing seems to have been one important factor. In Lithuania, rather than elaborating a new legal framework for marine spatial planning, the Law of Territorial Planning (No. 107-2391) and the Programme for complementing the Comprehensive Terrestrial Plan of the Republic of Lithuania by the marine areas (No. D1-775) were used as regulatory departure points. The Law on Territorial Planning was revised and became effective in 2013, that is, before the adoption of the MSP Directive in July 2014. The revised law did not include any elaboration of the MSP concept, but basically extended the use of functional zoning procedures from terrestrial to marine settings. The main drivers behind these regulatory changes seem to have been both a pragmatic promotion of *blue growth* investments such as offshore wind energy, and scientific considerations in relation to marine protected areas. Thus, although both *blue growth* and environmental protection considerations were important, they were handled in functional and sectoral, rather than systemic and integrative, ways. According to informants at the Renewable Energy Department of the Energy Ministry and at the Ministry of Environment (2016), the review of the law on renewable energy that was prompted by the expansion of offshore wind farms together with the elaboration of marine spatial planning objectives, made it difficult to simultaneously consider the transposition of the Marine Strategy Framework Directive.

In contrast, the Latvian authorities started off somewhat later with the development of the marine spatial planning jurisdictional framework compared with Lithuania. While the key parts of the Lithuanian framework were elaborated in 2012-2013, the formative period in Latvia took place about a year later, in 2014-2015. More importantly, and probably at least partly depending on the fact that the MSP Directive was decided upon when Latvian authorities entered into the most intensive part of elaborating its national regulatory framework, the Marine Strategy Framework Directive and the MSP Directive became the point of departure in Latvia. The focus on those two Directives was emphasised by our informants in Ministries as well as by representatives from academia and environmental NGOs.

⁵ This section extensively builds on Blažauskas et al. (2016).

Thus, rather than extending existing terrestrial jurisdictions based on traditional functional zoning into the sea as in Lithuania, Latvia chose to rely more heavily on systemic environmental governance principles such as the Ecosystem Approach and the broad stakeholder participation processes emphasised in recent EU Directives.

The elaboration of MSP frameworks and strategies in both Lithuania and Latvia are still in early phases, and it remains to be seen how policy and implementation trajectories will unfold. It should be underlined that although many other factors than timing are likely to influence outcomes – for example, differences between maritime sectors in the two countries and accompanying differences in political priorities, the roles of stakeholders, sector and environmental organisations, and administrations, the still unresolved border conflict between the two countries with possible implications for oil and gas extraction (Blažauskas et al. 2016), to mention a few – it is still likely that path dependencies will make the initial trajectories briefly described here important also in the future. Arguably, the broad boundaries of the MSP Directive allowed timing to become a factor in the early transposition processes, where a functional zoning approach was chosen in Lithuania, whereas a system-oriented model was selected in Latvia.

6.2 Organisation⁶

The MSP Directive is agnostic on how Member States design national marine spatial planning frameworks, but each member state is required to identify a competent authority or authorities for marine spatial planning matters, a so-called Contact Point. Furthermore, the legal status of these authorities, their responsibilities, and which mechanisms for facilitation of coordination with adjacent Member States and Third countries were to be communicated to the EU Commission. The main reason why it was decided that all Member States had to appoint competent authorities, was to facilitate transnational communication and collaboration. The following example on Sweden and Denmark illustrates that organisation of national MSP frameworks in a shared marine strait can differ in important ways between neighbouring countries, despite dense historical ties and extensive collaboration. This, in turn, has made transnational coordination difficult, at least during the initial stage of the institutionalisation of national frameworks. Swedish planning is considerably more decentralised compared with Danish planning, mainly because of the differences in political and administrative structures and policies between the two countries. The Swedish Contact Point is the Ministry of Environment and Energy by way of the Swedish Agency for Marine and Water Management, while in Denmark, the Ministry of Business and Growth by way of the Danish Maritime Authority is the Contact Point.

One important reason why the Swedish MSP framework seems to be evolving in a more decentralised direction compared with in Denmark, is the strong position of municipalities in Sweden.

⁶ This section extensively builds on Morf et al. (forthcoming).

The Swedish constitutional law (“grundlagen”) gives municipalities substantial political control and their taxation rights provides them with considerable resources. Moreover, there is an overlap in competence of 11 NM between central and municipal governments (Planning and Building Act, 1987), where both levels have planning competence, which can give municipalities significant influence over outcomes in coastal areas. Danish municipalities do not have corresponding competence in the sea, which means that local influence over outcomes in the sea usually is more limited. This implies that from a formal point of view, municipal politicians on the Swedish side can have considerable influence on spatial management of the sea and be proactive and influence agenda setting, whereas their Danish colleagues rather will have a role of stakeholders among others. Our observations of the regional MSP process driven by the County Administrative Board of Scania in the Sound area show how municipal experts did not want to provide statements on behalf of their municipalities but rather needed to go back and check with their politicians. Another problem, however, was that in the on-going initial phase of national and cross border MSP development in both Sweden and Denmark municipal politicians are not necessarily highly mobilised and ready to participate.

Also at the central level, there are substantial differences between the countries’ political-administrative systems that have influenced how national MSP frameworks have been elaborated. While Ministries have direct influence over central administrative authorities and can influence individual cases, this is not allowed in Sweden. This means that whereas Danish Ministries can intervene when they think this is called for, Swedish Ministries control administrations in more indirect ways, primarily through laws and government ordinances. Moreover, responsibilities for environmental and coastal planning among authorities has repeatedly been reorganised in Denmark during the last decade: First by abolishing regionalised county boards with environmental expertise and relocating this competence with the national authority for the environment and then by restructuring the environmental authority further and relocating responsibility for MSP with the Maritime Authority.

Taken together, these few observations provide a background to observed incoherencies between Swedish and Danish MSP frameworks and practice, which has led to communication across country borders. For example, difficulties have been noted regarding how to contact and include participants across borders, as have complaints about insufficient inclusion from stakeholders in connection with wind power and sand extraction planning on the Danish side as well as weak application of the Espoo procedure in connection with sand extraction planning in Denmark including complaints from Swedish authorities.

Not only is political and administrative competence bestowed to different authorities at different levels in the two countries, but the roles of policy-makers and administrators in policy processes differ as well. Arguably this makes transnational communication and coordination challenging. Thus, it may not be the case that different MSP strategies only have been adopted because of diverging domestic

priorities in relation to marine resource use in general and planning ideology in particular, but also because a new policy instrument is implanted into quite different organisational structures. Because of the broad boundaries of the MSP Directive, transposition may gain in contextual legitimacy and implementation efficiency, but these gains can come at the cost of lower levels of regional coherence. To what extent existing transnational networks, contacts, and sectoral forums can contribute to more effective coordination of the two countries' MSP frameworks in the future is difficult to tell.

6.3 Sustainability⁷

Sustainable development constitutes the overarching objective in the MSP Directive, and it is stipulated that economic, social and environmental aspects shall be considered by the Member States. While all Member States are urged to adopt the systemic Ecosystem Approach for the protection of Baltic Sea ecological integrity (MSPD Article 3: 1) and simultaneously are encouraged to promote economic development in maritime sectors, it is explicitly stated that each Member State determines how "...different objectives are reflected and weighted in their maritime spatial plan or plans" (MSPD Article 5: 3).

Arguably, balancing of ecological, social and economic priorities is at the heart of sustainable development. However, since it is not stipulated how to balance competing claims, it can be expected that Member States will design, or end up in, sustainability strategies that reflect domestic prioritisations and power distribution among stakeholders between environmental protection and *blue growth*, rather than a shared stringent, robust, and coherent interpretation of sustainable development. The examples of Lithuania/Latvia on the one hand, and Sweden/Denmark on the other hand, illuminate some aspects of how diverging prioritisations in relation to sustainability have played out in the early phases of formulating national MSP frameworks.

Even though the Latvian MSP framework may seem to be leaning slightly more towards protecting ecosystem integrity rather than promoting *blue growth*, compared with the more traditional zoning approach adopted by Lithuania, it is still an open question whether domestic prioritisations will unfold in this way. The adoption of the Ecosystem Approach as a foundation for the MSP framework in Latvia means that ecosystem integrity places boundaries on *blue growth*, that is, provides a form of ecological framework that sets the rules for various marine resource uses. Because of, among other factors, the relatively limited *blue growth* pressures during the formation of the Latvian MSP framework, the timing in relation to the adoption of the MSP Directive, and the fact that a non-profit organisation (Baltic Environmental Forum; BEF) coordinated the drafting of the maritime spatial plan, it was possible to use a forward-looking perspective.

In Lithuania, on the other hand, the decision to extend existing legislation rather than creating something new, the expert-driven process of formulating a national MSP framework, and the need to

⁷ This section extensively builds on Morf et al. (forthcoming) and Blažauskas et al. (2016).

accommodate pressures from renewable energy initiatives, led to a functional zoning outcome. In this framework, prioritisations of competing resource uses are made in each functional zone to allow for multiple uses, including designation of protected areas. However, this does not necessarily mean that sustainability will be more tilted towards *blue growth*, compared with in Latvia. Arguably, investments in renewable energy such as offshore wind farms are often part of sustainability strategies as alternatives to carbon-based energy sources. Thus, even though, for example, offshore wind farms and marine protected areas may compete in space, this example shows that the distinction between economic and ecological sustainability dimensions can be complex. In such cases, it can be difficult to unequivocally determine how strategies and outcomes differ in terms of overall measurements of sustainability.

In Sweden and Denmark, balancing of environmental protection and *blue growth* is quite dissimilar compared with in Lithuania and Latvia. Although Sweden in similarity with Latvia is using the Ecosystem Approach as a conceptual foundation for its national MSP framework, while Denmark rather – at least so far – builds on previous sector responsibility, BALTISPACE in-depth case studies indicate that there also seem to be a difference between the two countries on how environmental protection and *blue growth* objectives are balanced (Hassler et al. 2018). It seems to be the case – according to informants and other sources – that the Swedish framework for marine and coastal planning and use permits has led to somewhat higher priority placed on environmental protection in relation to *blue growth*, compared with in Denmark.

Denmark simplified application procedures for *blue growth* interests like wind power development and sand extraction. There is only one coordinating authority to contact to apply for a permit (one-shop-stop) and important parts of the environmental impact assessment already done by the authorities in areas pointed out for development (sector planning). A developer just needs to follow the criteria set up for the area to get a permit. In contrast, the Swedish system is not streamlined for developers. Swedish strategic planning consists so far of national sector priorities and municipal comprehensive plans in terrestrial waters (national plans are only drafts). The priority areas established through planning have not gone through environmental assessment enough to be ready for development. Moreover, further special permits need to be applied for e.g. for dredging or dumping material – with even other authorities.

However, it has not been possible to determine whether differing governance structures and stakeholder pressure patterns have influenced balancing between *blue growth* and environmental protection, or if key causal relationships go in the opposite direction, that is, diverging political priorities have led to dissimilar governance structures and stakeholder impact on policy processes.

As far as can be assessed by the MSP frameworks and practices that still are in development in both country pairs, it is difficult to foresee how balancing between environmental protection and *blue growth* will unfold. Given the shortages of overarching and strategic, national marine policies, it is not yet clear to what extent the shared objective to promote sustainable development stipulated in the MSP

Directive will lead to an alignment in terms of balancing ecological, economic, and social dimensions. The most immediate reason why this unclarity remains, is that while the MSP frameworks provide tools for balancing competing resource uses, political processes on where to place the balance are in many ways incrementally evolving and dependent on a multitude of factors, rather than being strategically planned.⁸

6.4 Stakeholder inclusion⁹

Marine spatial plans are often complicated to design, because of, for example, competing interests, uncertainties, and inadequate or lacking information. These are all important reasons why the MSP Directive require Member States to “...establish means of public participation...” (Article 9), apart from the assumed positive effects upon public legitimacy. Effective stakeholder participation is believed to facilitate inclusion of relevant sources of knowledge, and thereby improve the quality of political decision-making. Furthermore, there are good reasons to assume that stakeholder participation from the early phase of elaborating national frameworks and onwards, can facilitate implementation. However, it is not specified in the Directive how stakeholder and public participation mechanisms should be designed, only that stakeholders and the public shall be informed, that consultations shall occur early in the elaboration of the plan, that general EU guidelines should be observed, and that stakeholders and the public shall have access to the final plan. This leaves considerable manoeuvring room for Member States regarding crucial factors such as who to invite, how many consultations to be undertaken, how to structure consultations, and to what extent stakeholders and the public are allowed, or indeed encouraged, to influence the plan, including its implementation. The following examples cover on the one hand consultations in Mecklenburg Vorpommern (Germany), and on other hand more specific stakeholder consultations with fishery representatives in Poland, show that mechanisms can differ substantially among Member States, not only regarding formal procedures, but as importantly, concerning contentions among involved parties.

The potential for adaptive learning is possibly the most interesting aspect of how MSP stakeholder consultation processes have evolved in Mecklenburg Vorpommern. The maritime spatial plan is part of a wider spatial development programme for the state’s territory. Formal public consultation is mandatory for any revision of this plan. In 2005, a maritime section was included in the regional development programme for the first time. During the formal consultations, maritime aspects were not given much attention, partly because the topic was new to most stakeholders and there were few truly contentious maritime issues the plan had to deal with. According to our informants, initial consultations on the maritime part of the plan (2005) were primarily held with relevant public

⁸ However, the German MSP plan for Mecklenburg-Vorpommern may be a partial exception, as this is a regional development plan encompassing land and sea, whose primary objective is to achieve balanced development of the state in response to socio-economic and environmental challenges (e.g. climate change).

⁹ This section extensively builds on Gee et al. (2016) and Piwowarczyk et al. (2016).

authorities and ministries, and only later with business organisations, NGOs, and the public as part of the statutory consultation process. Moreover, so-called regional planning conferences were organised to scrutinise how the objectives in the Spatial Management Plan was interrelated to overall regional planning. A striking observation was that although formal consultations were required, these were primarily important for sealing informal agreements that were reached before the formal consultations. Apart from public authorities and ministries, technical expertise and NGOs were later invited to informal meetings to pave the way for subsequent formal agreements, as a mechanism to reduce risks of setbacks later in the process.

When the Plan was revised in 2016, contexts had changed considerably. Consultation mechanisms had been refined, and the expansion of offshore wind power created tensions among stakeholders, including environmental NGOs and the public. The planning authority initiated an informal consultation process where various experts were brought in to scrutinise which areas that had to be completely protected because of ecological reasons. Specific restrictions were placed on others after having considered all other sectoral demands step by step. The problem was only that when the designation of areas had been completed, and the first draft plan was published, it met fierce resistance from stakeholder groups ranging from nature protection activists and fishermen, to tourism, shipping, military, and citizen initiatives, according to our informants. The most important objection seems to have been the effect the offshore wind farms would have had on tourism and the seascape. Eventually, it was decided in the second draft of the plan that less than a third of the originally suggested area would be set aside for offshore wind farms.

Although the formulation of a national MSP strategy in Poland is still in its early phase, there are interesting differences regarding how stakeholder mechanisms seem to be evolving, compared with in Mecklenburg Vorpommern. Some of these differences can be related to the fact that overall MSP conditions at state levels in Germany cannot be easily compared with those observed on how Polish authorities interact with the fishery sector. Nevertheless, a glimpse into these interactions can shed light on how deliberations can evolve in varying directions when consultations are designed and undertaken. While the Mecklenburg Vorpommern case showed that stakeholder opinions substantially can influence planning outcomes, consultations between the fishery sector and authorities in Poland have suffered from low levels of mutual trust, which in turn can make the important informal contacts preceding formal planning ineffective, not to say quite antagonistic. In such situations of legitimacy shortages, implementation often falters.

Our informants from the fishery sector have explained to us that they see the initial consultations that have taken place as fundamentally flawed.¹⁰ Views such as “... why should I attend [public] consultations... All they [the organisers] want is the list of attendance and organisations involved” seem to be common. Other lines of critique have been that not all fishery stakeholders were invited, or

¹⁰ It should be noted that these negative perceptions possibly were influenced by previous experiences of interaction with fishery authorities.

even informed about meetings, documentation was not distributed before the meeting, and that it was not possible to influence meeting agendas. Moreover, our informants told us that they felt unfairly treated, because other sectors such as offshore wind parks and shipping were able to influence outcomes much more than fishery stakeholders were.

While fishery sector representatives were critical to how the consultations were carried out, the Maritime Authority had a more positive view, according to our interviewees. Given the early phase of the MSP process, the amount of feedback from all kinds of stakeholders (approximately 30 percent of the addresses responded when contacted directly through letters) was described as quite successful by the Maritime Authority. However, when trying to interpret how our informants at the Maritime Authority viewed the contacts with fishery representatives, there seem to be on the one hand a feeling of uncertainty regarding how consultations ought to be performed and what the most important purposes were, and on the other hand a perception that the limited knowledge in the fishery sector about how “MSP works” creates barriers for productive interaction on how to reconcile different sectors interests. It seems to be the case that at least part of the problem is that forms for communication that take both fishery and Maritime Authority expertise into account are missing. To what extent this depends on mistrust from historic interactions or reflects more general political power hierarchies is difficult to tell.

Comparing the two cases of Mecklenburg Vorpommern and Poland, the same requirements from the EU Directive on stakeholder inclusion have evolved in diverging directions when facing national contexts. Most likely, there are many reasons to this, some of them undoubtedly complex, but based on the in-depth case studies underlying this section, a reasonable interpretation is that mutual trust and extensive informal interactions before formal documents are presented seem to be important factors in successful stakeholder inclusion mechanisms. Arguably, these favourable conditions are likely to be harder to establish in some national settings, than in others.

An important lesson from German experiences has been that stakeholder consultation needs to go beyond the statutory requirements to be effective, ideally including an informal element and good contacts to stakeholders throughout and not just during the actual drafting of the plan. Another lesson from Germany is that building the required trust takes time and effort, and considerable investment on the part of the planning authority. While the 2016 planning process was more contentious on offshore wind power, it was also indicative of more involvement by people – and the fact that a compromise was achieved built further trust.

7. Discussion

The emergence of *new generation* EU directives, directives that are less specific and therefore allow higher levels of domestic customisation compared to previous, more specific, ones, have important implications for how governance structures unfold. Although it can be argued that (theoretical) solutions often exist where all involved Member States can benefit from coordination, communication

barriers, transaction costs, and disagreements on cost-sharing schemes often hinder the realisation of such solutions in real-world situations. While one of the main problems with the earlier, more precise, directives was low levels of implementation, the more recent *new generation* policy instruments are likely to improve implementation, because of the enlarged possibilities to adapt strategies to domestic contexts. However, the resulting diversity of how national MSP frameworks are elaborated, means that regional coordination in general, and bilateral coordination between neighbouring countries in particular, becomes complex and often thorny. The need for transnational coordination between Member States is noted in the MSP Directive, but the Directive stays silent on how to achieve such outcomes. Considering the pivotal role of coordination on management of marine resources and protection of ecosystems, the relatively limited attention that so far has been given to the establishment of effective transnational institutional structures is somewhat surprising, notwithstanding the early phase most countries' national MSP frameworks are still in and that the Directive had to be tailored to fit all EU marine regions.

The analysis presented above exemplified some situations where diverging MSP frameworks in neighbouring countries are likely to result in political disagreement and inefficiencies. It was showed that differences in planning approach – sectoral versus systemic – can make transnational coordination problematic, because of organisational as well as political reasons.¹¹ Although the Ecosystem Approach has been firmly established in most contemporary policy documents, varying domestic contexts lead to situations where some countries embrace recent scientific and policy changes, while others adapt frameworks more slowly. This, in turn, lead to interfaces between countries that do not match, which tends to increase transaction costs, which makes coordination less beneficial. In fact, although coordination in theory “should” be beneficial, the size of the transaction costs may outweigh benefits.

More general differences among countries in terms of political and administrative organisation can in similar ways create transaction costs that make coordination challenging. While coordination between similar administrative authorities in different countries is not uncommon, direct coordination between authorities in different sectors and located at different institutional levels (local, state, or national) is less common. In the example presented above on how MSP is organised in Sweden and Denmark, it was shown that that substantial differences between the two countries exist, which makes coordination challenging. Despite the long history of coordination between these two countries, the fact that the responsibilities in managing MSP are distributed in different ways creates situations where authorities in one country sometimes must interact with an authority in the other country that belongs to a different sector and is located at a different level. Needless to say, coordination between,

¹¹ This is not to say, though, that the Ecosystem Approach is the only route to ambitious protection of the marine environment, something that has not really been shown in practical management yet. Possibly, integration of environmental perspectives into existing management frameworks can achieve similar objectives as those achieved in applications of the Ecosystem Approach.

for example, EPAs in two countries on a particular environmental problem tends to be less complex, compared with when a national authority on management of natural resources in one country has to coordinate procedures with, say, a municipal authority on environmental protection in another country. Not only do experience, expertise, reorganisation of authorities, and resources differ in such cases, but so does decision-making competence.

In terms of sustainability, coordination challenges are somewhat different, as shown in the example of Lithuania/Latvia and Sweden/Denmark. First, the conceptual unclarity of the sustainability concept facilitates political agreement, but may also mask disagreements. If this is the case, such disagreements are likely to become unveiled in later stages and create problems that had been better to deal with in earlier phases. Second, although win-win-win solutions to coordination challenges (beneficial to all, in ecological, economic, and social dimensions) may exist, they are likely to be rare. The main reason to this is simple. If such ideal solutions are possible, not only in simplified theory, but also considering the plethora of transaction costs that exist in real-world situations, they would probably already have been adopted. Thus, when coordination does not emerge, there are probably reasons why this is the case. This does not mean that solutions are impossible, but that collective action problems, including transaction costs, need to be better understood, to allow for adequate support in terms of cost-sharing, improved information, mechanisms to curb strategic behaviour (for example, free-riding), and changed incentives. Third, varying political prioritisations between environmental protection and natural resource use in different countries – because of “real” differences in ideology or because of varying vulnerability for ecosystem disturbances or dependence on natural resources – tend to be difficult to reconcile. When prioritisations between environmental protection and *blue growth* in broad terms differ between countries, political agreement can be difficult to reach, mainly because measures to reduce knowledge gaps and transaction costs seldom solve political disagreements that depend on ideology.

The requirement of stakeholder inclusion in the MSP Directive does not specify how consultations should be designed, neither in domestic, nor in transnational settings.¹² In the example above where stakeholder consultations in Mecklenburg-Vorpommern was compared with consultations in the Polish fishery sector, procedures and processes were shown to have evolved quite differently. In situations where environmental protection, natural resource use, or interconnected infrastructure require transnational collaboration, stakeholder consultations need to be designed and undertaken across borders. Arguably, it would be ideal to have a single consultation process that involved stakeholders in all affected Member States. Stakeholders and the public would then have reasonably similar opportunities to have a say on how to balance conflicting interests. However, the Mecklenburg-Vorpommern/Poland case indicates that such a transnational consultation mechanism is

¹² Poland and Denmark will soon consult neighbouring countries, as part of their MSP framework. The experiences made in these consultations are likely to be interesting also for the other Member States in the region.

likely to be difficult to establish. Not only do authorities in these Germany and Poland, with quite different history, societal organisation, and reliance on economic sectors.

From a more general perspective, aspects related to trust, not only regarding citizen trust in policy-makers and public authorities, but also the other way around, that is, policy-makers' and public authorities' trust in various stakeholders, and possibly also stakeholders trust in scientists are likely to become increasingly important to address, in domestic as well as transnational settings. The MSP Directive has put pressure on Member States to initiate bilateral consultations on national marine spatial plans. These consultations are likely to be challenging, but can also be productive in terms of promotion of coordination.

8. Conclusions

It has been suggested in this report that the broad scope of the MSP Directive has contributed to a substantial degree of diversity among national MSP frameworks among Member States in the Baltic Sea region. This diversity, in turn, is likely to require increasing amounts of transnational coordination among countries to reduce contemporary as well as future inefficiencies. The HELCOM-VASAB Maritime Spatial Planning Working Group represents an attempt to find common ground among ministries and experts across the Baltic Sea region on, for example, how the Ecosystem Approach and traditional planning approaches can be brought closer together through exchange of ideas and experiences, together with trust-building. However, although such common ground is important, the findings of this report suggests that the turn towards broader EU Directives (*new generation* directives) contributes to increased diversity. The drivers behind the emergence of *new generation* directives – not only in relation to MSP, but in many other areas as well – are probably manifolded, but most of them are likely to reflect a broader turn towards multi-level and multi-actor governance, together with demands for decentralisation and subsidiarity.

This implies that across the board strategies to reduce diversity among national MSP frameworks in the Baltic Sea region may not be advisable, since this could counteract developments towards more inclusive governance modes in general, and the objectives of *new generation* EU directives in particular. Instead, more focus can be placed on adaptive identification of concrete coordination needs at bilateral or sub-regional levels that are not overly complex and are likely to benefit all involved countries. Avoidance of the most challenging coordination tasks comprising, for example, larger groups of countries, requiring advanced cost-sharing schemes, countries with particularly dissimilar MSP frameworks, and diverging prioritisations on environmental protection and *blue growth*, can make positive outcomes more likely. These positive outcomes can in turn serve as inspiration for other constellations of actors, addressing other coordination challenges.

The HELCOM-VASAB Maritime Spatial Planning Working Group may provide valuable arenas for identification of such concrete coordination tasks, as well as being a disseminator of experiences gained. Moreover, this Working Group may be, or develop into, a hub for transnational MSP

expertise, to which individual countries can turn when planning to initiate bilateral coordination projects. This function is especially useful as a mechanism to overcome transaction costs, when the directly affected Member States experience efficiency losses from lacking, or not properly working, coordination, and therefore see the potential benefits from closer interaction. However, rather than attempting to establish a shared MSP template, it might be more fruitful to focus on issues such as capacity-building, development of common “process ethics”, and establishing collaborative transnational forums also at lower governance levels.

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