

SWEDEN

MARITIME SPATIAL PLANNING COUNTRY PROFILE





European MSP Platform

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Authorities with mandate related to marine areas of national interest:

- Swedish Agency for Marine and Water Management (SwAM) https://www.havochvatten.se/en/start.html
- The Swedish National Board of Housing, Building and Planning (Boverket), http://www.boverket.se/
- Swedish Environmental Protection Agency (EPA), http://www.naturvardsverket.se/
- Swedish National Heritage Board, http://www.raa.se/
- Geological Survey of Sweden (SGU), http://www.sgu.se/
- Swedish Energy Agency, http://www.energimyndigheten.se/
- The Swedish Transport Administration, www.trafikverket.se
- The Swedish Armed Forces and the Swedish Civil Contingencies Agency, http://www.forsvarsmakten.se/en/ and https://www.msb.se/en/

Other Relevant Central Authorities and Associations:

- Swedish Meteorological and Hydrological Institute (SMHI)
- Statistics Sweden (SCB)
- Swedish Marine Administration (SMA)
- Swedish Transport Agency
- Swedish Board of Agriculture
- Swedish Association of Local Authorities and Regions (SALAR)

Disclaimer

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Background Information

Basic facts on Marine Waters

Disclaimer: The illustrative map shown on this page should not be interpreted as a legal representation of jurisdictional boundaries.

- Territorial sea (12 nm zone): approx. 70 000 km²
- Exclusive Economic Zone (EEZ): approx.[i] 60 000 km²
- The EEZ is limited to the central line between adjacent states because the width of the sea between them is shorter than 400 nautical miles.
- In Öresund and the Åland Sea, the territorial seas meet at the central line by a special agreement with Denmark and Finland respectively, and at the Norwegian border in the Skagerrak and the Finnish border in the Bothnian Bay.
- Swedish territorial waters are divided into two zones: public and private waters.

Maritime Spatial Plan (MSP) authorities and legislation

Swedish territorial waters are divided into two zones, public waters and private waters. The public waters belong to the public and are represented by the Legal, Financial and Administrative Service Agency. The private water zones, both water and sea floor, are parceled property governed by the Real Property Formation Act and comprises the area of water 300 m from the shoreline and further to the contour line of 3 m depth if it is situated outside the area of 300 m. In sounds, bays, fjords and areas with islands and archipelagos special rules regulate the boundary between private and public waters. Private waters can be owned by different legal entities, be it a natural person, a juridical person, a municipality or the State. Several properties in private waters are jointly owned.

The municipalities undertake spatial planning of the territorial sea. The county administration boards (CABs) have a coordinating role for national interests and are responsible for controlling and checking the plans. The Swedish Government governs the EEZ. **Now that the state carries out a national MSP, there will be an overlapping planning area in most of the territorial sea. Both, the local comprehensive plans and the forthcoming national marine spatial plans are guiding the planning process.**

By separating the structural development of the fisheries sector (assigned to the Ministry of Rural development and the Agricultural Board) from regulation and monitoring (assigned to the Swedish Authority for Marine and Water Management, SwAM), earlier ambiguities in the multiple roles of the former National Board of Fisheries have been avoided [ii].

General

The Plan and Building Act (2010:900) covers the municipalities' obligation to plan for the entire Swedish territory, i.e. including the territorial sea and the internal waters. The Environmental Code covers the national planning in terms of specific marine spatial plans. The marine spatial plans encompass the area one nautical mile from the baseline seawards (incl. the EEZ). The marine spatial plans do not cover privately owned sea areas (Private Waters).

There are three main levels of maritime management: national, regional, and municipal. The Swedish Government and the ministries lead national policy making, assisted by sectoral agencies, and are responsible to the national Parliament (Riksdagen). The responsibility of MSP lies with the Ministry of Environment, supported content wise by the Swedish Agency for Marine and Water Management (SwAM).

National sector authorities and their leading ministries have a strong role in maritime resource management. A few authorities have regional and local offices.

Planning at national level

- Legislation for national marine spatial planning in Sweden has been in place since the 1 September 2014.
- According to additional provisions adopted by the Government in chapter 4 of the Environmental Code (Sept. 2014), marine spatial plans shall be produced for the Gulf of Bothnia, the Baltic Sea as well as for Skagerrak/Kattegat. They will cover Sweden's EEZ and all areas in Swedish territorial waters, from one nautical mile of the baseline seawards, that do not constitute private property. The marine

spatial plan shall provide guidance to public authorities and municipalities in the planning and review of demands for the use of the areas covered by the plans. The plans shall contribute to sustainable development.

National MSP authority

- Ministry of Environment and the Swedish Agency for Marine and Water Management (SwAM).
- SwAM is supported by the counties of Västra Götaland, Kalmar and Västernorrland, who have been given the responsibility by the Government to coordinate the work of the county administrative boards in support of municipal spatial planning.

Planning at local level

- All municipalities with sea territory shall practice MSP out to the territorial boundary (12 nm from the baseline). Only a few of the 80 municipalities engage in any marine planning within the territorial sea (baseline to 12 nm). The plans are to be adopted by the municipal council.

Regional MSP

- Only two regions have regional planning mandates.

Details

The Swedish Environmental Code (EC, 1998:808) and the Plan and Building Act (2010:900) constitute the legal base for marine spatial planning in Sweden.

According to an additional section (from the 1 September 2014) in chapter 4 of the Environmental Code there *shall be three marine spatial plans*: Bothnian Bay, Baltic Sea, and Western Waters (Skagerrak/Kattegatt) covering one nautical mile from the baseline seawards (incl. the EEZ). The plans, which shall be adopted by the Government, shall be guiding and contribute to sustainable development. The Government may - according to legislation - adopt regulations prohibiting or limiting activities in designated geographical areas.[i]

The Marine Spatial Planning Ordinance (2015:400) regulates the process of marine spatial planning. The Ordinance contains provisions on geographical boundaries, the content of the marine spatial plans, the responsibility for preparation, consultation and cooperation in the proposal process, and monitoring and review. According to the Ordinance, SwAM shall develop proposals for marine spatial plans with the help of relevant county administrative boards and with support from national authorities, which will assist with gathering data for the planning process. The municipalities, regional planning bodies, regional coordination bodies and county councils that may be affected shall be given the opportunity to participate in the proposal process so that consideration can be given to local and regional conditions and needs. The Agency shall promote cooperation with other countries and the coordination of the Swedish marine spatial plans with those other countries.

The marine spatial plans shall provide guidance to public authorities and municipalities in the planning and review of claims for the use of the areas covered by the plans. The marine spatial plan shall reflect the state's overall view of how the marine areas are to be managed, and the plans involve taking a position on how different public interests should be considered. The marine spatial plan shall specify areas of national interest in accordance with Chapter 3 of the Environmental Code, i.e., prioritised interests and other public interests of material significance. SwAM shall apply an ecosystem approach in its work. According to the Ordinance, industrial policy, social and environmental goals are to be integrated into the marine spatial plans as well. The main focus of the planning is to ensure that marine resources are used in a way that allows maritime industries to develop and grow while preserving and restoring ecosystems. The marine spatial plans shall contribute to achieving and maintaining a good environmental status (GES) according to the EU Marine Strategy Framework Directive.

In parallel, the Plan and Building Act (PBL Act, 2010:900) regulates municipalities' responsibilities and mandates to plan over land and water including the territorial sea, which means that there is a geographical overlap between the national marine spatial plans (under the Environmental Code) and the municipal comprehensive plans (under the Plan and Building Act). The municipal comprehensive plan should be revisited at least once during the terms of office (related to the election period, normally every four years). The plan is guiding, but not legally binding. It should also consider issues of national interests.

General applicability (e.g. Territorial Sea, EEZ, other distinctions)
The Plan and Building Act (2010:900) covers the obligation for municipalities to plan for the entire Swedish territory, i.e. including the territorial sea and the internal waters. The Environmental Code covers the national planning in terms of specific marine spatial plans. The marine spatial plans encompass the area one nautical mile

from the baseline seawards (incl. the exclusive economic zone, EEZ). The marine spatial plans do not cover privately owned sea areas (private waters).

Overview of MSP-related uses and issues

The Swedish marine area is the largest in the Baltic Sea region. There are numerous demands for use of space in the Swedish marine area, including for long distance and local shipping, energy production (including cables and pipelines for energy transmission), defense, fishing and aquaculture, recreation and tourism, sand extraction, as well as environmental protection and care of the cultural environment.

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Maritime Spatial Plans

Progress

To prepare for the introduction of national marine spatial planning, in 2014 (as previously done in 2012 and 2013) the Government assigned the Swedish Agency for Marine and Water Management (SwAM) the responsibility of developing necessary competences in MSP and collecting information that may constitute planning evidence for MSP from the County Administrative Boards (CABs), national agencies and other bodies. As part of the assignment, the SwAM also developed cooperation with authorities in neighbouring countries responsible for MSP or marine management. The CABs have a similar assignment to assist the SwAM with regional evidence and coordinate the municipality planning work. In March 2015, the report Marine Spatial Planning - Current Status 2014[1] was published by the SwAM. The report describes the state of Sweden's marine resources and the pressures and demands faced by them, both now and those projected in the future. An English version is available online at: www.havochvatten.se

In June 2014, the Bill on Biodiversity and Ecosystem Services was adopted by Parliament. The Bill includes measures to promote the integration of ecosystem services in the planning process by carrying out an ecosystem services assessment. Additionally, the Government decision on the need to protect another 5 700 km^2 of coastal and marine areas to reach the 10 per cent protection target by 2020, according to the Convention on Biological Diversity, is confirmed by the Bill.

In August 2015, the Government adopted a Swedish national maritime strategy. The strategy contains the Government's vision for the development of the maritime sector: *Competitive, innovative and sustainable maritime industries that can contribute to increased employment, reduced environmental load and an attractive living environment.* The vision is based on three equal perspectives: *A balanced marine environment, competitive maritime industries* and *attractive coastal areas*. The forthcoming marine spatial plans are highlighted as an important instrument in guiding the development of the Swedish marine areas. The strategy encompasses and integrates many policy areas, such as industrial policies, policies for regional growth, sectoral policies relating to the sea and its use, and environmental policies. The strategy constitutes an instrument for implementing a Swedish integrated maritime policy.

A guidance document, in the form of a roadmap, for the coming MSP-process was published for consultation in 2015 and adopted by the Swedish Agency for Marine and Water Management in September 2016. It is directed at those who are involved in the MSP-process as well as anyone who is interested in the planning of the Swedish territorial sea or maritime zones. The roadmap includes a description of the different steps to be taken in the process as well as planning objectives and strategies. It also contains the scoping report of the strategic environmental assessment. The roadmap was part of the background information in the Espoo Consultation that was initiated in autumn 2015.

On 1 December 2016, the SwAM published early draft MSP-proposals for all three national MSP areas (Gulf of Bothnia, Baltic Sea and Skagerrak/Kattegat). In January/February 2017 environmental impact assessments (within the SEA-processes) were published. The drafts and the EIAs were the basis for a broad dialogue with trade organisations, NGOs, central government agencies, regional government bodies (County Administrative Boards), regions, municipalities, academia and neighbouring countries. In parallel, a sustainability appraisal was carried out for the Baltic Sea draft (testing methodology).

Based on broad dialogue with stakeholders, the SwAM developed **MSP consultation proposals that were published on 15 February 2018,** covering the three national MSP areas (Gulf of Bothnia, Baltic Sea and Skagerrak/Kattegat). On 10 April, strategic environmental assessments (SEAs) and sustainability appraisals were published. The SEAs were based, as far as possible, on the results of the cumulative impact assessments made with the Symphony-tool. During spring 2018 a number of consultation meetings were held with a broad range of stakeholders, including County Administrative Boards, municipalities, central government agencies, trade organisations, NGOs, regions, academia and neighbouring countries. The formal national consultation ended on 15 August 2018. A consultation meeting with neighbouring countries was held on 19 June in Malmö. Espoo-consultations started on 15 June 2018 and ran until 1 October 2018. The plans and SEAs have been translated to English and other specific parts have been translated to other languages, as requested.

The final round of plan proposals with environmental impact assessments and sustainability assessments was published on 14 March 2019. There was a broad public, 3 –month long, consultation, followed by

[1] https://www.havochvatten.se/en/swam/our-organization/publications/swam-publications/2014-06-16-marine-spatial-planning---current-status-2014.html

submission of the final plan proposals to the Government on **17 December 2019**. **The MSP plan was adopted by the Government of Sweden on 10 February, 2022.**

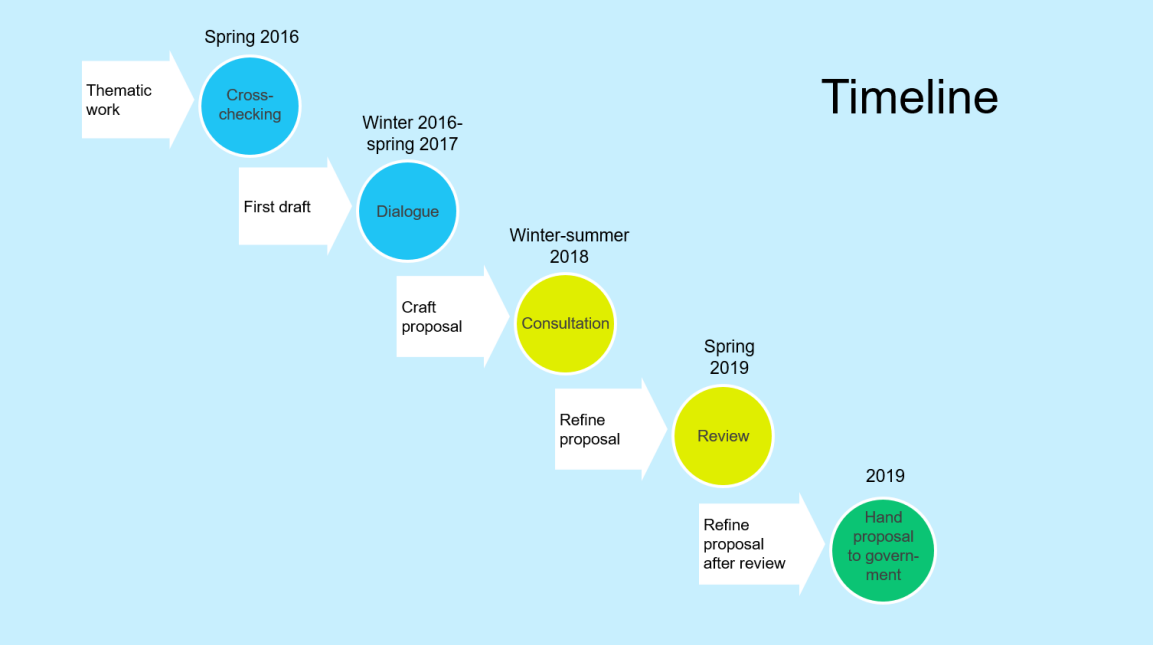


Figure: Timeline of the Swedish MSP Process Source: https://www.havochvatten.se/en/swam/eu--international/marine-spatial-planning.html

Existing Maritime Spatial Plans

Three national plans covering the territorial sea and the EEZ have been prepared: Skagerrak/Kattegat, Baltic Sea and Gulf of Bothnia. The draft Swedish MSPs specify thirteen uses: electricity transmission; energy extraction; investigation area for energy extraction; defence; general use; culture; nature; recreation; sand extraction; investigation area for sand extraction; maritime shipping; investigation area for maritime shipping; commercial fishing. The MSPs also specify areas where particular consideration has to be made to high nature values, to high culture values, or to the interests of Sweden's total defence.

In Autumn 2019, the Swedish Agency for Marine and Water Management was in the process of finalising their marine spatial plan proposals. For the first time on 17 December 2019, the Marine and Water authority of Sweden delivered the final version of MSP to the Government. **The MSP plan was adopted by the Government of Sweden on 10 February, 2022.**

National MSP data can be accessed on the webpage of the Swedish Agency for Marine and Water Management at: www.havochvatten.se

Pilot plans or projects

General

In the Skagerrak/Kattegat

- Hav möter Land (2009-2012)

Hav möter Land ("Sea Meets Land") was a three-year, EU-funded project that addressed climate change, water management, coastal and marine spatial planning, boat life, and environmental monitoring. The project involved 26 municipalities, regions, universities and government authorities in Sweden, Norway and Denmark. It aimed to establish common management strategies for a number of specific areas within the Kattegat-Skagerrak region.

- Collaboration plan (2015- 2017)

In Northern Bohuslän, the Västra Götaland county administrative board developed its long-standing collaboration with the four coastal municipalities of Strömstad, Tanum, Sotenäs and Lysekil, as part of the

Coastzone project and the Cooperation Plan for Valuable Coastal and Marine Areas in Northern Bohuslän. The joint work has involved the production of planning data that could be important for future marine spatial planning.

- Blå ÖP (Blue comprehensive plan) (2014- ongoing)

The four coastal municipalities in northern Bohuslän are currently working to develop a joint inter-municipal "Blue master plan". A similar collaboration is in progress between the coastal municipalities from Orust, in the north, to Kungsbacka in Halland; this is being conducted in close collaboration with the Gothenburg Region Association of Local Authorities.

Specifically cross-border

- Bothnian Sea Transboundary Pilot Project between Finland and Sweden (Plan Bothnia project, 2010-2012)

The EU-funded “Plan Bothnia” pilot project, completed in 2012, focused on cross-border marine spatial planning between Sweden and Finland under the auspices of HELCOM. The planning covers the marine areas of the Bothnian Sea between the two countries and the territorial waters outside of the baselines, as well as the exclusive economic zones. In addition to the marine area, the coastal zone, shoreline and activities on land – such as types of trade, industry, etc. – are also described. A pilot plan for marine spatial planning of the Bothnian Sea was presented at the end of the project, focusing on developments over the next 15 years.

Aspects of the MSP process



Ecosystem-based approach (EBA)

The marine spatial plan shall specify areas of national interest in accordance with Chapter 3 of the Environmental Code, i.e., prioritised interests and other public interests of material significance. The SwAM applies an ecosystem approach in its work. Furthermore, according to the Ordinance, industrial policy, social and environmental goals are to be integrated in the marine spatial plans. The main focus of the planning is that marine resources should be used in a way that allows maritime industries to develop and grow while preserving and restoring ecosystems.



Land-sea interactions

The Plan and Building Act (2010:900) regulates the municipalities' responsibilities and mandates to carry out the planning of activities in land and water including the territorial sea, which means that there is a geographical overlap between the national marine spatial plans (the Environmental Code) and the municipal comprehensive plans (under the Plan and Building Act). Chapter 1 and 2 of the Plan and Building Act include basic principles and objectives guiding the spatial municipality planning of the territorial sea and coastal areas. These principles also refer to the application of the Environmental Code (chapters 3 and 4 referring to basic and spatial provisions concerning land and water management and chapter 5 concerning environmental quality standards and environmental quality administration).



Stakeholder Involvement

The municipalities, regional planning bodies, regional coordination bodies and county councils that may be affected by MSP shall be given the opportunity to participate in the proposal process so that consideration can be given to local and regional conditions and needs. The marine spatial plans shall provide guidance to public authorities and municipalities in the planning and review of demands for the use of the areas covered by the plans.

The marine spatial plan shall reflect the State's overall view of how the marine areas are to be managed, and the plans involve taking a position on how different public interests should be taken into account. It should indicate the municipalities' intentions regarding their future development. It should also consider issues of national interest.

The Plan and Building Act is a legislative framework emphasizing the need for stakeholder involvement, but it does not stipulate what the plan should contain or how it should be developed.



Co-existence of uses

Another aspect of the Swedish planning system is the areas of national interest for a number of sectors identified by appointed national agencies or areas specifically listed in the Environmental Code. These areas must be considered in planning and when authorities are granting permission for activities from different sectors to take place. Cultural values and heritage, nature protection, outdoor recreation, shipping, energy production, and commercial fisheries are examples of such areas of national interest. Areas of national interest can be designated on land as well as in the territorial waters and the exclusive economic zone (EEZ).



Transboundary cooperation

The SwAM shall promote cooperation with other countries and the coordination of the Swedish marine spatial plans with those of other countries.

Coherence with other processes

Marine Strategy Framework Directive

The marine spatial plans shall contribute to achieving and maintaining a good environmental status (GES) according to the EU Marine Strategy Framework Directive.

Strategic Environmental Assessment

The Plan and Building Act is closely linked to the Environmental Code, which regulates, among other things, the relation between planning and environment and the need for environment impact assessment (EIA) and strategic environment assessment (SEA). Espoo-consultations on SEA report were held between 15 June and 1 October 2018. All plans and SEAs were translated into English. A meeting with neighbouring countries was held on 19 June 2018 in Malmö. The SEAs were, as far as possible, based on the results of the cumulative impact assessments made with the Symphony-tool. In June 2019 SwAM sent out follow-up letters to the neighbouring countries participating in the ESPOO-consultation process.

An international information meeting on the final marine spatial plan proposals was held in Gothenburg on 10 December 2019. At the meeting, the drafts of final plan proposals including the strategic environmental assessment and the sustainability appraisal were communicated to the neighbouring countries. One remaining comment made during the meeting was noted and included in the statement accompanying the plan proposals to the Government.

Cooperation with third countries

Several international conventions and legally binding acts such as UNCLOS, Espoo Convention + Kiev Protocol, Bonn Convention (including EUROBAT,ASCOBANS), CBD, La Valetta Convention, IMO Resolutions and conventions (E.G. MARPOL, COLREGS, INTERVENTION), HELCOM recommendations, EU directives (MSFD, HABITAT, BIRD, SEA, EIA) and many others are transposed into Swedish national legislation.

Sources

Consulted references

- HELCOM-VASAB Country Fiche (March 2020): https://vasab.org/wp-content/uploads/2020/03/Country-fiche_SE_March-2020.pdf

- The Swedish Agency for Marine and Water Management (2015): Marine Spatial Planning – Current Status 2014. National planning in Sweden's territorial waters and exclusive economic zone. Report 2015:16

- Swedish Maritime Strategy (Dec. 2015) http://www.government.se/information-material/2015/12/a-swedish-maritime-strategy/

Relevant legislative acts

- Planning and Building Act
- Swedish Environmental Code
- Marine Spatial Planning Ordinance

Specific citations

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[i] See the Swedish Agency for Marine and Water Management (2015), p. 195