

## Maritime Spatial Planning Country Profile

Portugal

# Contact

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### Last revision date

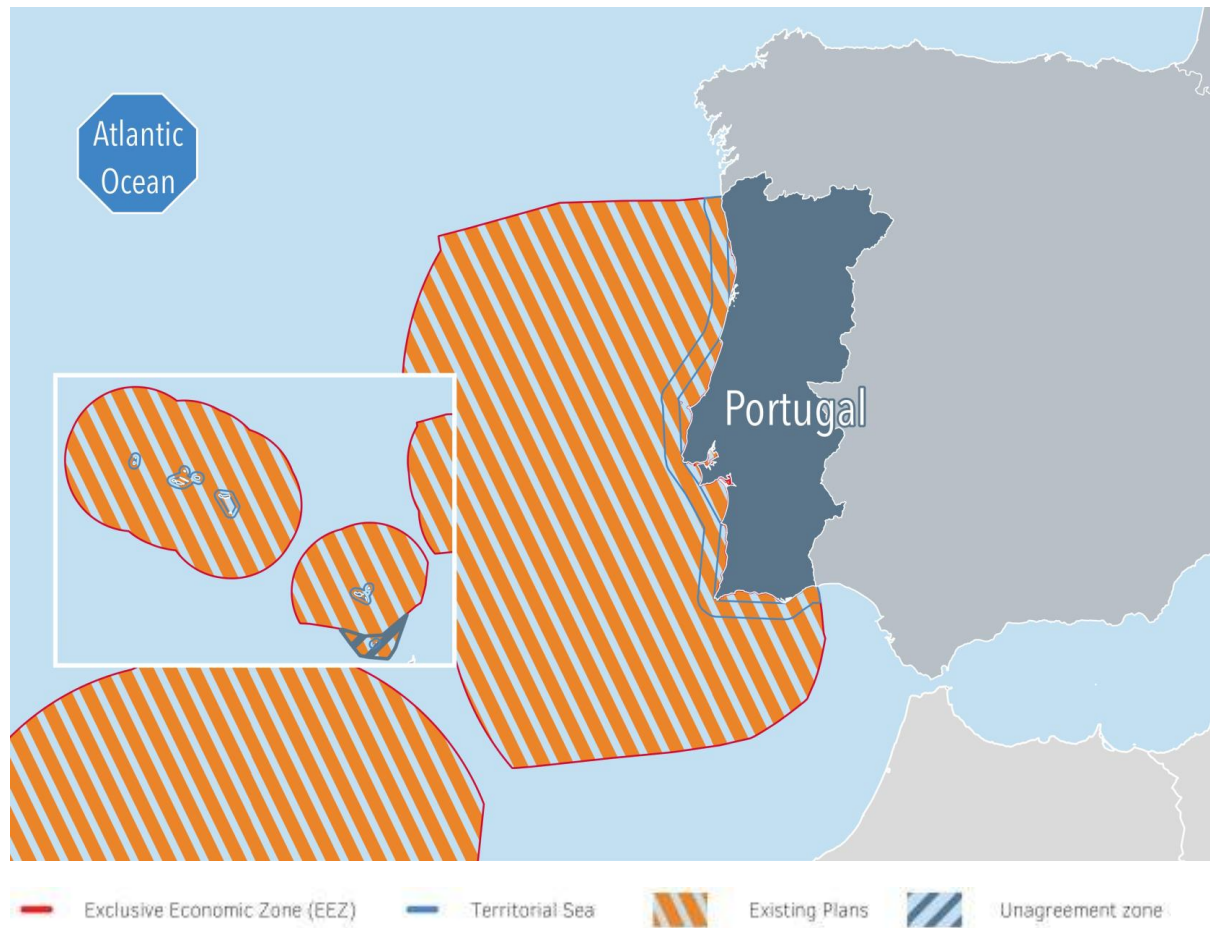
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# Background Information

## Basic facts on Marine Waters



Portugal has one of the largest maritime areas in Europe. According to [Law No. 17/2014](#), related to maritime spatial planning and management, the national maritime space extends from the baselines (as defined by UNCLOS) to the outer limit of the continental shelf beyond 200 nautical miles, and is geographically organised in the following sea areas:

- a) between the baselines and the outer limit of the territorial sea;
- b) exclusive economic zone;
- c) continental shelf, including beyond 200 nautical miles.

Portugal submitted a claim to extend its jurisdiction over an additional 2.15 million km<sup>2</sup> of the neighboring continental shelf in May 2009<sup>i</sup>, which would result in a maritime area with a total of approximately 4 million km<sup>2</sup>.

<sup>i</sup> [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/prt44\\_09/prt2009executivesummary.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/prt44_09/prt2009executivesummary.pdf)

## Maritime Spatial Plan (MSP) authorities and legislation

### General

#### **Planning at national level**

In April 2014, Law No. 17/2014 on ‘marine spatial planning and management’ was approved as the fundamental law for MSP for the entire Portuguese maritime space, including the continental shelf beyond 200 nautical miles. Its enabling legislation, Decree-Law No. 38/2015, entered into force on 12 March 2015, and develops the marine spatial planning and management fundamental law, defining, among others, the regime of maritime spatial planning instruments:

- i) Situation Plan with the identification of the protection and preservation areas of the maritime space, and the temporal and spatial distribution of current and potential uses and activities;
- ii) Allocation Plans for the private use of some areas or volume of the maritime area not considered in the situation plan.

For Continent Subdivision, the National Maritime Spatial Planning Status Plan (PSOEM) was approved in December 2019 by the Council of Ministers - [Resolution No. 203-A/2019](#).

#### **National MSP authority**

The Directorate-General for Maritime Policy (Ministry of the Sea<sup>ii</sup>) is the competent authority regarding the implementation of the Maritime Spatial Planning Directive (MSPD), including its monitoring, in order to promote the permanent assessment of the different planning instruments for the national maritime space

### Details

#### **MSP authorities**

In the context of maritime spatial planning, the Directorate-General for Maritime Policy (**DGPM**) is the competent authority regarding the implementation of the Maritime Spatial Planning Directive (MSPD), including its monitoring, in order to promote the permanent assessment of the different planning instruments for the national maritime space. This responsibility is framed under the realm of the National Ocean Strategy (new updated version for 2021-2030 (NOS2030), given that DGPM is responsible for developing, evaluating, and updating NOS, as well as for monitoring the implementation of the Integrated Maritime Policy of the European Union in Portugal.

The Directorate-General for Natural Resources, Safety and Maritime Services (**DGRM**) is responsible for the coordination of the Portuguese maritime spatial plan, named the Situation Plan, and for the preparation and development of the Plan in the maritime zone between the baseline and the continental shelf beyond 200 nautical miles (with the exception of the national maritime space adjacent to the Madeira and the Azores archipelagos), named Continent Subdivision and Extended Continental Shelf Subdivision.

The Regional Directorate for Sea Affairs (DRAM)<sup>iii</sup> of the Azores Regional Government is responsible for the preparation and development of the Situation Plan in the maritime space adjacent to the Azores archipelago, between the baseline and the continental shelf up to 200 nautical miles, named Azores Subdivision.

The Regional Directorate for the Sea (DRM) of the Madeira Regional Government is responsible for the preparation and development of the Situation Plan in maritime space adjacent to the Madeira archipelago, between the baseline and the continental shelf until 200 nautical miles, named Madeira Subdivision.

The Inter-ministerial Commission for Maritime Affairs (CIAM<sup>iv</sup>) brings together representatives from all of the concerned ministries and is an inter-institutional body for reflection, coordination and strategic decision on matters of the Sea, created with the main objective of guaranteeing the monitoring and consultation of transversal policies in the scope of maritime affairs. The autonomous regions of Madeira and Azores have exclusive and shared jurisdiction over maritime affairs, together with the National Government.

#### **Policy framework**

In Portugal, the recently adopted [National Ocean Strategy 2021-2030](#) is the public policy instrument for the sustainable development of the economic sectors related to the ocean. It presents a new model of development of ocean and coastal areas that will allow Portugal to promote a healthy Ocean as the only means to leverage sustainable blue development,

<sup>ii</sup> <https://www.portugal.gov.pt/pt/gc22/area-de-governo/mar>

<sup>iii</sup> <http://www.azores.gov.pt/Portal/pt/entidades/srmtct-dram/>

<sup>iv</sup> <https://dre.pt/application/file/73882326>

further improve the wellbeing of Portuguese citizens, and consolidate Portugal's position as a global leader in ocean governance supported by scientific knowledge. Portugal's focus on oceans depends on the implementation of a strategy based on knowledge and technological progress and on the size and geography of the emerged and submerged national territory, including the new extended dimension resulting from the submitted proposal to extend the continental shelf beyond 200 nautical miles.

The Strategy points to the importance of maritime spatial planning in the development of a sustainable blue economy and the need to ensure compatibility between different existing and potential future activities that may take place therein, as key operations to the implementation of the Strategy and for creating the necessary conditions for sustainable growth within the maritime economy, alongside environmental and social development.

Initially, POEM was developed as a sectoral plan, under the coordination of the former Water Institute (INAG) between 2009 and 2011, covering maritime space adjacent to mainland Portugal (EEZ included), and finalised by DGPM. Under Order No.14449/2012, POEM was not considered a planning instrument, but a study of the uses and activities that take place in the Portuguese maritime space. In 2015 the Decree-Law No. 38/2015 established that POEM is the benchmark case for the maritime spatial planning of the Mainland Subdivision and for the granting of new rights for private use until the approval of the Situation Plan.

# Maritime Spatial Plans

## Progress

In April 2014, [Law No. 17/2014](#) established the basis for spatial planning and management policy for the entire Portuguese maritime space, including the continental shelf beyond 200 nautical miles. [Decree-Law no. 38/2015](#), published on 12 March 2015 (updated by [Decree-Law No.139/2015](#)), established the format and applicability of the maritime spatial plan and transposed the European Directive on Maritime Spatial Planning (Directive 2014/89/EU) into national law. The Decree-Law defines, among other things, the maritime spatial planning instruments:

- (i) situation plans that represent and identify the space and time distribution of the current and potential future uses and activities, proceeding also to identifying the natural and the cultural values relevant to the environmental sustainability and
- ii) allocation plans that allocate areas or volume of the maritime space to uses and activities non-identified in the situation plan.

In 2015, [Order No. 11494/2015](#) began the process of preparation and development of the Situation Plan, the **Plano de Situação do Ordenamento do Espaço Marítimo** (PSOEM<sup>4</sup>), defining the competent authorities responsible for preparing and supporting the process. The Directorate-General for Marine Policy ([DGPM](#)) chaired the advisory committee created to assist in the preparation of the PSOEM for Continent Subdivision and Extended Continental Shelf Subdivision, and the Regional Secretary for the Environment and Natural Resources chaired the advisory committee for the Madeira Subdivision.

A [website](#) and a [geoportal](#) were created to provide a platform containing all of the information regarding Portuguese maritime spatial planning, which supports the elaboration of the Situation Plan, public participation and updates on relevant information. The cartographic elements associated with PSOEM are only in digital format, available through a dedicated geoportal, and subject to frequent updates. An [English version](#) of the geoportal is also available.

The [PSOEM](#) corresponding to the subdivision of the mainland, the subdivision of Madeira and the subdivision of the Extended Continental Shelf was submitted to public consultation from 30 April until 31 July 2018 for its first version, and from 12 December 2018 until 31 January 2019 for its second version. The Situation Plan was approved in December 2019 by the Council of Ministers – [Resolution No. 203-A/2019](#). This document is a significant step towards achieving the objectives set by the Directive.

The PSOEM for the subdivision of the Azores (PSOEMA) will soon be submitted to the Consultative Committee, followed by public consultation. The Azores MSP geoportal ([OEAMA](#)) is online and will support the technical consultations and the subsequent implementation process.

## Overview of MSP-related uses and issues

The PSOEM promotes compatibility between competing uses or activities. It aims to contribute to better and greater economic use of the marine environment and to minimise the impacts of human activities therein– it is a sustainability instrument. PSOEM's main objective is to simplify the attribution of the private use permit (TUPEM) by the Administration, guaranteeing transparency and legal security. Only the activities that require the reservation of an area or volume for the use of the marine environment, resources or ecosystem services are concerned. Thus, the places where fishing and shipping can be practiced are not regulated by the PSOEM.

The national MSP framework also establishes the regime for private use of the maritime space. The right for private use under the following uses and activities is granted by concession, licence or authorization:

- aquaculture, when associated with an infrastructure built for the purpose
- marine biotechnology
- marine mineral resources and related infrastructures
- marine energy resources and renewable energies and related infrastructures
- infrastructures
- scientific research
- recreation, sports and tourism
- underwater cultural heritage.

An online platform was developed in order to submit a request for a permit: [www.bmar.pt](http://www.bmar.pt)

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<sup>4</sup> Information regarding maritime spatial planning legal framework can be find at: <https://www.psoem.pt/enquadramento-juridico/>

## Existing Maritime Spatial Plans

For the Continent Subdivision, the POEM - Plano de Ordenamento do Espaço Marítimo was developed in 2011, under [Order No.32277/2008](#). The POEM is composed of six parts:

- Part 1: Scope;
- Part 2: MSP proposal, including maps;
- Part 3: Strategic Environmental Assessment report;
- Part 4: Non-technical resume;
- Part 5: Diagnostic and technical report;
- Synthesis Volume: summary of the process of elaboration of the POEM and of the elements produced during its elaboration

The Maritime Spatial Plan for Portugal is available here: <https://www.psoem.pt/>

## Pilot plans and projects (not legally binding):

- [MSP-OR](#) (*ongoing – 2021-2024*) aims to enable French Guiana to move forward with knowledge, providing the foundations for launching the implementation of MSP principles and supporting the first stages of the implementation process in this Outermost Regions. The project will also support the preparation of the next planning phases in the other participating regions (the European outermost regions of the Azores and Madeira - Portugal, and Canary Islands - Spain), while consolidating integrated ocean governance amongst neighbouring countries, on the basis of the MSP principles, by providing a common Ocean Governance Platform.
- [SIMATLANTIC](#) (*2019-2021*): **Supporting Implementation of Maritime Spatial Planning in the Atlantic region.** SIMATLANTIC seeks to strengthen links between those working on MSP in five Atlantic Sea basin countries (Spain, France, Ireland, Portugal, and the UK). The DGRM, CESAM and the Universidade de Aveiro are involved in this project in Portugal.
- [SIMNORAT](#) (*2017-2019*): **Supporting Implementation of Maritime Spatial Planning in the Northern European Atlantic region:** This project brought together research organisations, marine planning authorities and marine management bodies from Spain, France and Portugal to support the implementation of the EU MSP Directive. Under the project an Iberian Coast case study was performed. The aim of the case study was to discuss a conceptual methodology to create and manage a cross-border Marine Protected Area (MPA) between Spain and Portugal, focused on the existing Spanish MPA of the Galicia Bank and on the Vigo and Vasco da Gama Seamounts.
- [TPEA](#) (*2012 -2014*): – **Transboundary Planning in the European Atlantic**”: TPEA was a pilot initiative, bringing together government bodies, research centres and data agencies from Spain, Ireland, Portugal and the UK. The work of the TPEA partnership focused on three key aspects of MSP: stakeholder engagement; governance and legal frameworks; and data. It further allowed for the development of a proposed Geoportal for data sharing between Member States (Portugal-Spain) and further explored methodologies for cross border cooperation and coordination with the adjacent coastal zone. This project was completed in May 2014 and a good practice guide was published. One pilot area, Algarve – Gulf of Cadiz, was around the Iberic nations’ southern borders.

Additional projects include:

- [GPS Azores](#) (*2016-2019*): **Geographical and Political Scenarios in Maritime Spatial Planning for the Azores and North Atlantic** (*ended*): This project was developed from November 2016 to October 2019. It aimed to provide a detailed diagnosis of the maritime governance and political framework for the Azores and support the implementation of MSP in the area.
- [PLASMAR](#) (*2017-2019*): **Project Setting the bases for Sustainable Maritime Spatial Planning in Macaronesia:** This project was developed between January 2017 and December 2019. It aimed to provide a methodological guide for implementing Maritime Spatial Planning and facilitate the implementation of MSP Directive 2014/89/EU in the Macaronesian Region.
- [MarSP- Macaronesian Maritime Spatial Planning](#) (*2018-2019*): This project was between January 2018 and December 2019. It aimed to develop a Maritime Spatial Planning scheme for the three Outermost Regions of Macaronesia (Azores, Madeira and Canary Islands), in line with the EU Directive on MSP (2014/89/EU), following an ecosystem-based approach. Portuguese consortium partners included: DGRM, DGPM, FRCT, DRAM and SRA-DROTA.

# Aspects of the MSP process.

## Sustainable development and growth in the maritime sector

Law No. 17/2014 introduced a new and larger concept of the Portuguese Maritime Space while recognising that uses and activities in the national maritime space must be subject to coherent and efficient spatial planning and management. These included integrating the environmental, social and economic dimensions.



### Ecosystem-based approach (EBA)

One of the objectives of the Situation Plan is to promote sustainable economic and efficient exploitation of the marine resources and the ecosystem services, ensuring the preservation, protection and restoration of natural values and coastal and marine ecosystems and the good environmental status of the marine environment, as well as of the coastal and transitional waters.



### Resilience to climate change impacts

The National Strategy for Climate Change Adaptation (ENAC), approved in 2010, focused initially on reducing climate change impacts on the coastal zone and considered a set of measures to prevent the effects in this area. The update of this strategy (ENAC 2020, approved by the Council of Ministers [Resolution No. 56/2015](#)), created a special working group for the coastal zone and sea. Adaptation measures due to take place until 2020 are under development, namely to prevent and monitor the effects of climate change on land and sea.



### Land-sea interactions

In 2014, the publication of the fundamental Law of Land, Terrestrial Planning and Urbanism ([Law No. 31/2014](#)) changed the territorial management system. The land system is separated from the maritime space system, although the systems should be integrated. According to this law, the Coastal Zone Management Plans (POOC), which consider a “maritime zone of protection”, will be renamed Coastal Zone Programmes (POC), keeping its nationwide status, but taking a more programmatic level. So POC safeguard natural resources and values through guiding principles and standards, and management. [Decree-Law No. 80/2015](#) regulates this fundamental law.

One of the principles established in Law No. 17/2014, requires maritime spatial planning to be coherent with coastal zone management plans. In addition, one of the objectives of the law refers to the protection and recovery of coastal ecosystems.

## Stakeholder Involvement



The website [www.psoem.pt](http://www.psoem.pt) is available for stakeholders to follow the current MSP process. It provides general and technical information, including minutes of the technical working groups, public consultation and the geoportal.

The stakeholder involvement began at an early stage of the Situation Plan development. Several meetings with the economic sector and NGOs took place. For the fisheries sector, specific workshops were held in Algarve, a location where fisheries and tourism play an important social and economic role, and the best location for aquaculture. At the end it was possible to identify the most relevant areas for each fishing gear in order to avoid allocating this area to private uses.

The public consultation for the Situation Plan (Continent, Madeira and Extended Continental Shelf subdivisions), and for the Environmental Assessment, ran from 30 April until 31 July 2018 and from 12 December 2018 until 31 January 2019. Altogether, 250 written comments were received and the following sessions took place: four public sessions (Leixões, Lisboa, Faro, Funchal), three specific sessions for the fisheries sector (Leixões, Lisboa, Faro), and one session for coastal municipalities (Coimbra).

Public discussions on the second version of the draft PSOEM, related to the subdivision of the Continent and the Extended Continental Shelf, took place until the end of January 2019. Public consultation reports are also available at [https://www.psoem.pt/discussao\\_publica-2-2/](https://www.psoem.pt/discussao_publica-2-2/).





## Co-existence of uses

The compatibility between uses and private activities is one of the purposes of the Situation Plan (PSOEM). The plan favours the multiple use of maritime space, taking into account the marine soil, water column and surface, while ensuring the sustainability of the marine environment.



## Transboundary cooperation

The EC-funded project, “Transboundary Planning European Atlantic” (TPEA) included joint collaboration between Spain and Portugal in the Algarve-Gulf of Cadiz pilot area. A Good Practice Guide is available detailing how transboundary cooperation can be applied. Additional transboundary projects are described above under Pilot Plans / Projects.



## Use of best available data

The ‘[Geoportal Maritime Spatial Plan](#)’ was designed to spatially display existing and potential areas for private activities, nature conservation, information of the plans, as well as shipping and tourism, and is available for public and economic sector stakeholders. The geoportal is now available in English and includes the latest information from the approved PSOEM (December 2019).

Also note that, to monitor the implementation of the National Ocean Strategy 2030, the SEAMInd Platform project’s main objective is to develop/implement a database platform for a relevant set of indicators in order to measure the results of maritime policy, considering a sustainable development approach, and make them observable and available in an integrated, friendly and recurrent process. It is also a space for improvements in terms of data sharing between administrations and the public.

## Account for multiple aspects

Portugal has undertaken sectoral strategies for some activities identified in the Situation Plan, namely aquaculture and offshore renewable energy.

## Coherence with other processes

### Marine Strategy Framework Directive (MSFD)

The four subdivisions (Continent, Azores, Madeira and Extended Continental Shelf) established under the Portuguese Marine Strategies were applied under the Situation Plan. Law n.º 17/2014 states that the granting of a permit for private use determines its effective use and the holder must ensure the adoption of the necessary measures for the maintenance of the good environmental status of the marine environment.

Both the MSFD and the MSP directives are handled by the same administrative unit of the Directorate-General for Natural Resources, Safety and Maritime Services (DGRM).

The period for public discussion on the Assessment of the Environmental Status of marine waters under Portuguese sovereignty occurred between 9 January and 10 February 2020, in order to comply with the formalities inherent to the implementation of the second cycle of the MSFD.

### Integrated Coastal Zone Management (ICZM)

In 2009, in accordance with the ICZM EU [Recommendation 2002/413/CE](#), Portugal approved the National Strategy for Integrated Coastal Zone Management ([Council of Ministers Resolution No. 82/2009](#)), currently under revision.

### Strategic Environmental Assessment

Plans and programmes are subject to a Strategic Environmental Assessment according to Decree-Law No. 232/2007 (amended by [Decree-Law No. 58/2011](#)), that transposed [Directive 2001/42/EC](#) into national legislation.

The MSP framework establishes that the Strategic Environmental Assessment is mandatory for the Situation Plan. The Allocation Plans are submitted to an Environmental Impact Assessment (EIA) according to the corresponding legal regime.

A Strategic Environmental Assessment was performed for the Situation Plan (PSOEM). The Environmental Report subject to public consultation is available at <https://www.psoem.pt/avaliacao-ambiental/>

## Cooperation with third countries

In 2015, Portugal signed a Memorandum of Understanding with the Republic of Cabo Verde, which includes cooperation in the MSP domain. During 2017 and 2018 MSP meetings with Angola and Mozambique took place.

The PSOEM underwent transboundary consultation with Spain and Morocco in 2019.

# Sources

## Relevant legislative acts

- Publication of the Council of Ministers Resolution [no. 203-A/2019](#), of 30 December, which approves the National Maritime Spatial Planning Situation Plan for the mainland, Madeira and the Extended Continental Shelf subdivisions
- Portuguese marine spatial planning and management framework: [Law No. 17/2014](#) and [Decree-Law No. 38/2015](#) (updated by [Decree-Law No.139/2015](#))
- [Order No.11494/2015](#), establishing the development of the Situation Plan for all Portuguese maritime space with the exception of space adjacent to the Azores.
- [Order No. 14449/2012](#), disseminating POEM
- Council of Ministers Resolution [No.68/2021](#), adopts the National Strategy for the Sea 2021-2030