



Poland

Maritime Spatial Planning
Country Information

Poland

Contact

MSP in general

Ministry of Maritime Economy and Inland Navigation

Mrs Katarzyna Krzywda
Director of Department of Maritime Economy
ul. Nowy Świat 6/12, 00-400 Warszawa, Poland
Phone: +48 22 583 85 70
E-mail: SekretariatDGM@mgm.gov.pl

Maritime Office in Gdynia

Mrs Agnieszka Cwilewicz
Mrs Małgorzata Gwara
Officer for Maritime Spatial Planning
ul. Chrzanowskiego 10, 81-338 Gdynia, Poland
Phone: +48 58 355 34 37 and +48 58 355 34 38
E-mail: agnieszka.cwilewicz@umgd.gov.pl
E-mail: malgorzata.gwara@umgd.gov.pl

Maritime Office in Słupsk

Mrs Anna Goralewska-Burdukiewicz
Officer for Maritime Spatial Planning
Al. Sienkiewicza 18, 76-200 Słupsk, Poland
Phone: +48 59 848 19 93 internal 38
E-mail: agoralewska@umsl.gov.pl

Maritime Office in Szczecin

Ms Marta Konik
Officer for GIS in Spatial Management and Geodesy Division
pl. Batorego 4, 70-207 Szczecin, Poland
Phone: +48 91 440 32 68
E-mail: mkonik@ums.gov.pl

MSP Data Focal point

Ministry of Maritime Economy and Inland Navigation

Mr Kamil Rybka
Chief expert
ul. Nowy Świat 6/12, 00-400 Warszawa, Poland
Phone: +48 22 583 85 68
E-mail: kamil.rybka@mgm.gov.pl

Strategic Environmental Assessment

General Directorate for Environmental Protection

Wawelska 52/54, 00-922 Warszawa, Poland
E-mail: kancelaria@gdos.gov.pl

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Background Information

Basic facts on Marine Waters



- Exclusive Economic Zone (EEZ)
 — Territorial Sea
  Planning areas
 Grey zone - the agreement between the Republic of Poland and the Kingdom of Denmark on delimitation of maritime zones has been signed and ratifying process is ongoing

- Internal sea waters: about 1 998 km²
- Territorial sea (12-nm zone): about 8 783 km²
- Exclusive Economic Zone: about 22 595 km²

Maritime Spatial Planning (MSP) authorities and legislation

General

Polish sea areas are managed by the Minister responsible for maritime economy, who, in the name of the State, acts as owner of all Polish sea areas. The sea area is administered by his regional maritime administration, i.e. the Directors of Maritime Offices (Szczecin, Słupsk and Gdynia).

Planning on national level

- The main legal act is the "Act on sea areas of the Republic of Poland and the maritime administration" of March 21st 1991
- Due to implementation of the Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (MSP Directive) to the Polish law, Polish Parliament has adopted changes in this Act on 5th of August 2015, regarding inter alia, MSP procedures in Poland. The new law is already in force.

- MSP regulations apply to all Polish sea areas, i.e. the internal sea waters, territorial sea and EEZ.

National MSP authority

- A maritime spatial plan is adopted by ministerial regulation by the minister responsible for maritime economy and the minister responsible for construction and spatial planning and development in consultation with the ministers responsible for environment, water management, culture and national heritage, agriculture, fisheries, transport, internal affairs and the Minister of National Defence. The drafts of the plans are prepared by the territorially competent Directors of Maritime Offices.

Details

The main legal act regarding maritime spatial planning is the “Act on sea areas of the Republic of Poland and the maritime administration” of March 21st 1991 (ustawa z dnia 21 marca 1991 r. o obszarach morskich Rzeczypospolitej Polskiej i administracji morskiej). Regulations concerning maritime spatial planning are placed in Chapter 9 (articles 37a – 37k). This chapter regulates planning of the internal sea waters, territorial sea and exclusive economic zone.

A maritime spatial plan is adopted by ministerial regulation by the minister responsible for maritime economy and the minister responsible for construction and spatial planning and development in consultation with the ministers responsible for environment, water management, culture and national heritage, agriculture, fisheries, transport, internal affairs and the Minister of National Defence. The drafts of the plans are prepared by the territorially competent Directors of Maritime Offices.

Maritime spatial plans determine:

- The destined use of the sea areas;
- Prohibitions and limitations in the use of sea areas, taking into account the requirements of nature protection;
- Placement of public investments;
- Directions of development of transport and technical infrastructure;
- Areas and conditions for protection of environment and cultural heritage, practicing fisheries and aquaculture, producing renewable energy, as well as prospecting and exploration of mineral deposits and extraction of minerals.

The supporting law is “Ministerial Regulation on MSP of 17th of May 2017” (Rozporządzenie Ministra Gospodarki Morskiej i Żeglugi Śródlądowej oraz Ministra Infrastruktury i Budownictwa z dnia 17 maja 2017 r. w sprawie wymaganego zakresu planów zagospodarowania przestrzennego morskich wód wewnętrznych, morza terytorialnego i wyłącznej strefy ekonomicznej) that replaced the regulation of 5th August 2013. This regulation ensures full implementation into Polish law of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

The document is available in Polish at <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170001025>.

The regulation specifies:

- MSP terminology;
- Scope of the plans and planning materials and planning standards;
- Catalogue of functions of the sea areas;
- Textual and graphics requirements.
- Documentation of the planning process

An important role for MSP is played also by the Act on access to information on environment and its protection, public participation in environmental protection and on environmental impact assessment of

the 3rd of October 2008. It stipulates that all spatial plans (also maritime plans) are subject to SEA procedure. The same stipulation is repeated in the law on MSP.

Construction, operation and use of artificial islands, installations and structures, as well as laying of cables and pipelines, in Polish sea areas requires obtaining a permission. The proper legal act for permission is an administrative decision. The authority issuing the decision is either the Minister responsible for maritime economy or the territorially competent Director of Maritime Office, depending on type of sea area (EEZ, territorial sea, internal sea waters) and status of spatial planning. Directors of Maritime Offices are responsible for preparation of maritime spatial plans (see section on plans). Other types of permits and licences for the use of the sea space (e.g. construction permits, mining licences, water law permits) are issued by other public authorities, but always after obtaining agreement of the appropriate organ of maritime administration (Minister responsible for maritime economy or Director of Maritime Office).

General applicability (e.g. Territorial Sea, EEZ, other distinctions)

MSP regulations apply to the whole Polish sea area, i.e. the internal marine waters, territorial sea and EEZ.

Progress

Preparation of a legally binding maritime plan for all Polish sea areas, except areas of ports, the Szczecin Lagoon, Kamieński Lagoon and the Vistula Lagoon, officially started on 15th November 2013. Directors of Maritime Offices signed an agreement for cooperation on elaborating one, coherent plan for the area mentioned above. The first stage of this process "Study of the Conditions of Spatial Development of Polish Sea Areas" was completed in March 2015. The Study is already available in Polish and English on the websites of maritime offices, for example Maritime Office in Gdynia website: <http://www.umgdy.gov.pl/?cat=96>

At the end of March 2016 the Maritime Office in Gdynia has launched the procedure of developing "The maritime spatial plan for Polish Maritime Areas in the scale 1: 200 000 together with Strategic Environmental Assessment report ", covering all Polish sea areas except areas of ports, the Szczecin the Vistula and the Kamieński Lagoons. The zero draft of the plan (covering delimitation of sea areas and their basic / main and other allowed functions) was ready by the end of June 2017 and was consulted intensively with different stakeholders. Eight specialised meetings (i.e. discussing concrete problems such as navigation or fishing in offshore wind farms) and one meeting for the general public were organised in the fall of 2017. The results were used for drafting the first version of the plan, containing also the detailed regulations and prohibitions for all delimited sea areas. The first draft was displayed to public hearings on the 19th of June 2018. Together with this draft, a SEA report was opened to the public hearing. The plan was prepared in collaboration with the team responsible for the SEA report. In parallel, cross-border consultations took place.

The draft plan was subject to international consultations. There were two meetings organised for the MSP contact points from the Baltic Sea Region countries in line with the VASAB-HELCOM guidelines on transboundary consultations, public participation and co-operation. The first meeting took place in October 2016 for consulting planning aims and objectives and informing about the MSP procedure and the second one took place in November 2017, discussing the zero draft of the plan and draft SEA report. The zero draft was translated into English. The description of the two meetings is available in English online: <http://www.umgdy.gov.pl/?p=14837> and <http://www.umgdy.gov.pl/?p=21131>.

The progress of work and consulted documentation are available in Polish at: <http://www.ums.gov.pl/9-informacje/147-projekty-planow-zagospodarowania-przestrzennego-polskich-obszarow-morskich-morskich-wod-wewnetrznych-dla-zalewu-szczecinskiego-i-zalewu-kamienskigo-projekt-powr-02-19-00-00-pm01-16.html>.

For the sea areas not covered by the above mentioned plan, separate detailed plans will be elaborated. Detailed plans can be also elaborated for the areas indicated as requiring such planning in the maritime plan in scale 1:200 000. In June 2018, the full first version of the plan was developed and submitted for official national consultation process. The third national consultation meeting (the public discussion) concerning the draft plan took place on 5 July 2018, in Szczecin. During the consultation period, approximately 800 comments on the draft plan were submitted. At the beginning of 2019, the second

version of the plan was developed and submitted for second round of official national consultation process. Arrangements and opinions from competent authorities have been collected in February 2019. They are often contradictory. Currently, work has been undertaken on them, which will result in development of the third version of the draft plan. The fourth national consultation meeting will be held in Warsaw on 6 June 2019.

Director of Maritime Office in Szczecin has officially started to prepare Draft plans for Szczeciński Lagoon and for Kamieński Lagoon in January 2017. Data inventory, study of spatial conditions and assumptions for the draft plans were prepared. Firstly, a preliminary division of plans related to the sea basins (parts) with a specific function were made and the concept of the draft plans were developed. Each stage of work is accompanied by activities related to public participation. Initial consultation meetings for the general public were held in February 2018. The draft plan for the Szczecin Lagoon will be presented to the German neighbours in the May or June 2019.

At the end of 2018, the draft plans for lagoons were developed and submitted for official national consultation process. Currently work on submitted comments is ongoing. The progress of work and consulted documentation are available in Polish at: <http://www.ums.gov.pl/9-informacje/147-projekty-planow-zagospodarowania-przestrzennego-polskich-obszarow-morskich-morskich-wod-wewnetrznych-dla-zalewu-szczecinskiego-i-zalewu-kamienskiego-projekt-powr-02-19-00-00-pm01-16.html>. It is planned to present the draft plan for the Szczeciński Lagoon to the German side in May or June 2019.

The work on the plans covering sea waters of ports in Szczecin, Świnoujście, Police, Dziwnów and Trzebież are under preparation. The seven aforesaid MSP processes will continue until the first half of 2019.



Overview of MSP related uses

- MSP Driver: willingness to balance between new and old users but with focus on navigation and ports;
- Current main uses: traditional: e.g. navigation, defence, tourism, nature protection, fishery, extraction of sand and gravel (only marginal oil and gas exploration);
- Issues: how to accommodate newcomers and make the best out of them for sustainable development of the coastal communities and ports;
- Future uses: wind energy, underwater tourism, aquaculture for marine protection (perhaps in long run).

Maritime Spatial Plans

No binding maritime spatial plan have yet been officially adopted in Poland. Only protection plans for marine Natura 2000 areas have been elaborated. MSP Directive has been almost fully transposed into the

Polish national legislation, and the process has ended with approving of the amended Ministerial regulation on required scope of MSPs.

Existing Maritime Spatial Plans

No maritime spatial plan has yet been officially adopted in Poland.

Designation categories:

- Priority use (Funkcja podstawowa),
- Allowed use (Funkcja dopuszczalna),
- Restricted use (Funkcja ograniczona),
- Forbidden use (Funkcja zakazana).

Planned Sea-uses:

- Transportation (T);
- Defence and National Security (B);
- Technical Infrastructure (I, Ip);
- Exploration, prospecting and extraction of minerals (K);
- Coastal protection (C);
- Environmental and nature conservation (O);
- Producing and storing renewable energy (E);
- Space reserved for future use (P, Pw);
- Multi-functional economic growth (M) - specific designation for Gulf of Gdańsk only;
- Environmentally conditioned local development (L) - specific designation for Puck bay only;
- Artificial islands, installations and structures (W);
- Cultural heritage (D);
- Fishery (F);
- Aquaculture (A);
- Tourism, sport and recreation (S);

Information about where to access MSP data

Data regarding draft of the Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000 can be accessed via Maritime Office Gdynia website:

<https://mapy.umgd.gov.pl/pzp/>

OGC services: <https://mapy.umgd.gov.pl/msp/>

Pilot plans or projects

Not legally binding:

- Three pilot (non-binding) plans exist in Poland. They are used by the Polish Maritime Administration in its daily decision making as a source of best available knowledge.
- PlanCoast / BaltSeaPlan / PartiSEApate pilot projects: *Pomeranian Bight* and *Arkona Basin*, Western part of the Gulf of Gdańsk (in fact Puck Bay), Middle Bank.

Maritime Spatial Plan 1: Pilot maritime spatial plan for the Western part of the Gulf of Gdańsk

The pilot maritime spatial plan for the western part of the Gulf of Gdańsk in its character is a detailed plan with elements of a structural plan. It prioritizes certain uses and formulates general requirements and detailed use restrictions. Relevant sectors are:

- Shipping
- Ports

- Fishing
- Tourism (incl. recreation and sports)
- Under water cultural heritage
- Nature protection
- Military
- Submarine cables and pipelines

Legal basis

The pilot spatial plan for part of internal sea waters of the Gulf of Gdańsk has been drawn up pursuant to Art. 37a par. 1, 2 and Art. 37b par. 1 of the "Act on sea areas of the Republic of Poland and the maritime administration", which came into force - in the shape including the two articles - on 11th July, 2003 and the Ministerial regulation concerning maritime spatial plans of Polish sea areas.

In addition, the pilot spatial plan refers to the National Spatial Development Concept (finally adopted in 2008) and the Spatial Plan of the Pomeranian Voivodship, as well as to selected local plans and studies of conditions and directions of spatial development of the municipalities surrounding the sea area covered by the draft plan. When drawing up the plan, development plans of ports and other important stakeholders using the area covered by the plan, as well as proposals to the plan filed with the Maritime Office in Gdynia were taken into account.

Legal impact

The pilot plan outlines:

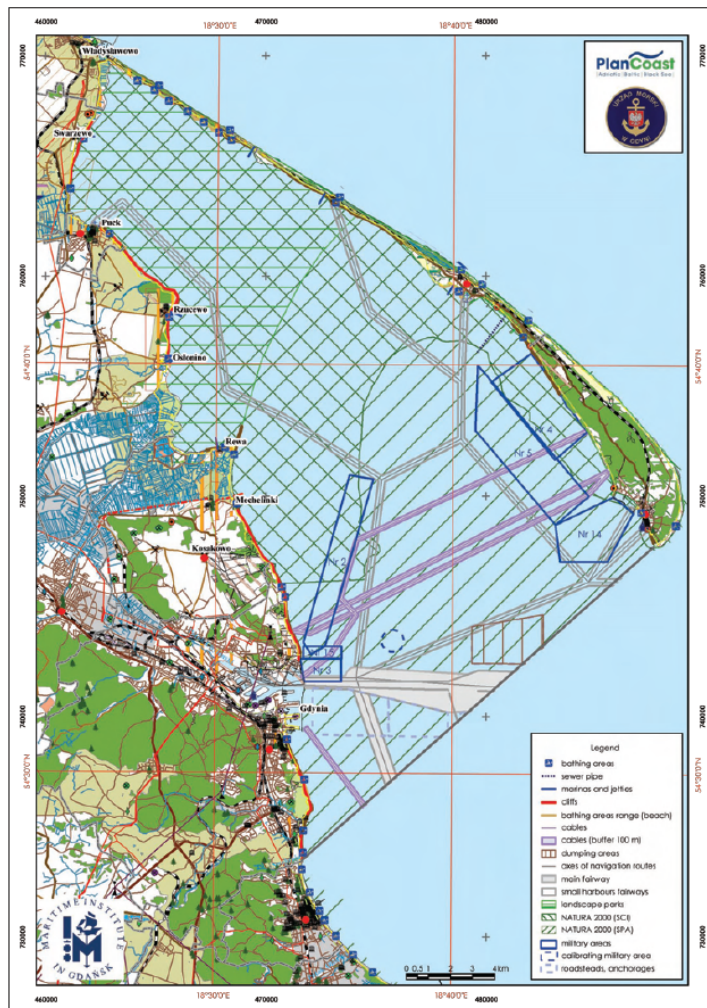
- Destination of specific parts of the internal sea waters covered by the plan,
- Prohibitions and limitations of use of the areas, taking into account the requirements of nature conservation.
- Distribution of public use investment within the area covered by the plan,
- Directions of development of transport and technical infrastructure in the area,
- Areas and conditions of nature conservation and cultural heritage protection in the area covered by the plan.

The plan was never formally adopted. It was not the intention to adopt this plan but rather to use it for capacity building and testing methodology of detailed MSP plans. However it is used in subsequent decision making as the a source of best available knowledge.

Area covered

The pilot plan covers a part of the internal sea waters of the Gulf of Gdańsk. It is an area of about 40,550 ha, situated west of the line connecting the tip of the Hel Peninsula (geographical coordinates 18°48'29.12"E, 54°35'33.71"N) with the border between the Gdynia and Sopot municipalities (18°33'43.15"E, 54°27'51.46"N). Areas of the ports of Gdynia, Puck, Jastarnia and Hel, enclosed between breakwaters and land, are not included in the plan. The draft plan covers most of the internal part of the Gulf of Gdańsk - the Puck Bay (including its inner part, located west of the Seagull Sandbar, called the inner Puck Bay, and its part open to the Gulf, referred to as the outer Puck Bay).

The adjoining land area covers, situated within the coastal belt, territories of the rural municipalities of Kosakowo and Puck, and the municipalities of the towns of Puck, Hel, Jastarnia, Władysławowo and Gdynia.



Map: Current uses from Pilot plan, source: MIG

Historic development

The pilot plan was developed in 2008 as part of the PlanCoast project, and published in 2010.

Objectives of the plan

The pilot spatial plan of part of the internal sea waters of the Gulf of Gdansk has been developed paying regard to the objectives indicated by the Maritime Office in Gdynia, which include:

- Ensuring sustainable and durable development of coastal communities,
- Ensuring good condition of marine and land-sea ecosystems,
- Ensuring safe, sustainable and durable use of sea,
- Economical use of space, leaving possibly much of it for future (also yet unknown) ways of sea use,
- Ensuring maintenance and conservation of historical values,
- Wherever possible, application of provisions concerning not only 3D space, but also time.

Designated uses / areas

The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, vegetation, ichthyofauna well-being, sand extraction, dumping, defence/navy. It is based on a grid of sea subareas with defined functions and detailed determinants.

Planning regulations

Some general regulations for the entire planned area were proposed. Then for smaller sea areas detailed functions and restrictions, limitations and allowances were specified. General stipulations covered the following issues:

- Environmental protection and nature conservation (with focus on: Natura 2000 areas, Water Framework Directive, protection of fish and sea mammal habitats),
- Requirements concerning protection of cultural heritage,
- Determinations concerning investments of public aim,
- General determinations concerning development of technical infrastructure and vessel traffic,
- General determinations concerning economic utilization of the area.

Strategic Environmental Assessment (SEA)

SEA was done under the Balt SeaPlan project. The main aim of the Strategic Environmental Impact Assessment was to identify and judge significant effects of the implementation of the provisions proposed under this draft MSP on the environment and objectives / subjects being under protection of Natura 2000 within this planning area. Details are in a separate BaltSeaPlan report - [BaltSeaPlan Report N° 18 "Strategic Environmental Assessment for the Western Gulf of Gdansk"](#) - showing all analytical steps as well as the detailed findings and recommendations provided.ⁱ

Public Participation

The project was used for testing public participation. Two meetings with stakeholders were organised. The meetings were attended by various stakeholders, but at that time they were not very well prepared to explain and put forward their interests concerning sea space. For example, the port of Gdynia was not aware that it will need an additional sea space for development.

Harmonisation with other plans

Harmonisation with terrestrial plans was achieved to some extent. At least terrestrial plans were analysed in detail and treated as an important starting point for the preparation of the pilot maritime plan.

Monitoring & Review

Neither foreseen nor discussed since it was never expected that the plan would be adopted. The plan was used as a source of the best available knowledge and wise concept by the maritime administration when deciding about sea uses in this area. (e.g. licensing, issuing permits etc.)

Electronic resources

- J. Zaucha (ed.) (2009) Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk, 80 p., ISBN 978-83-62438-05-1
<http://www.im.gda.pl/wydawnictwa/298-pilot-draft-plan-for-the-west-part-of-the-gulf-of-gdansk>

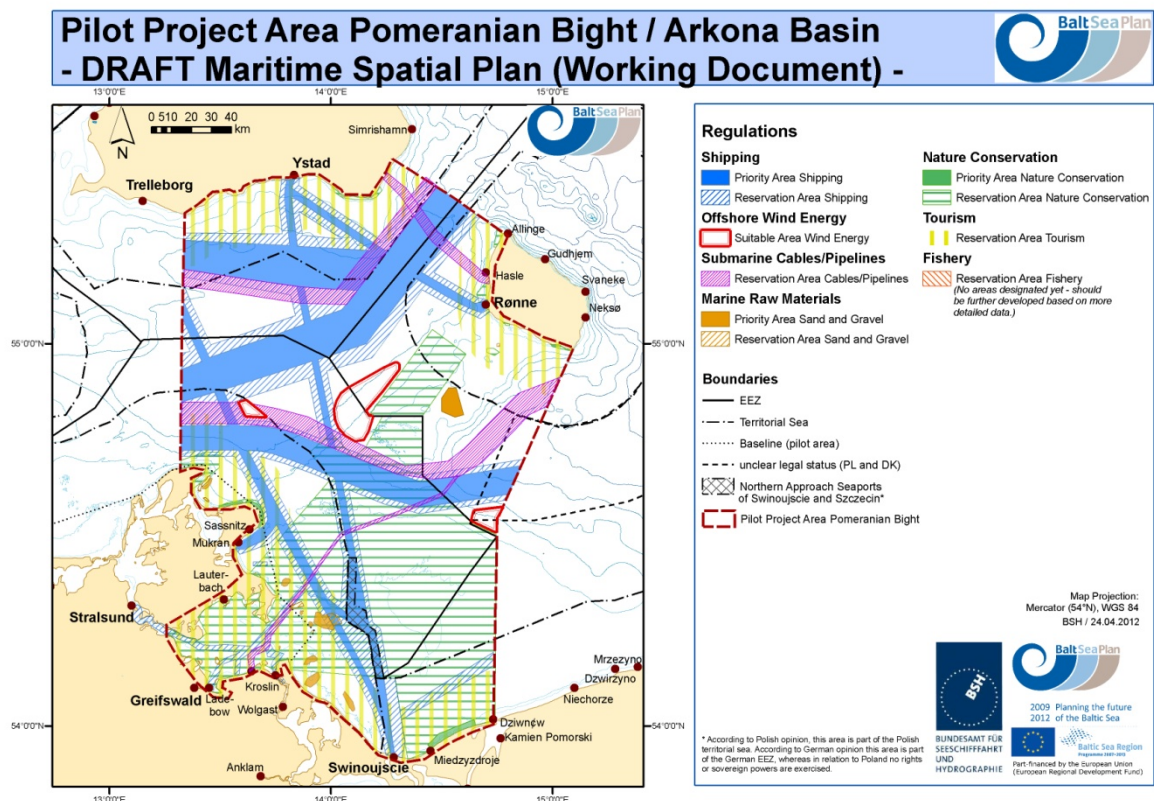
Maritime Spatial Plan 2: Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin

Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin is a strategic plan prioritizing certain sea uses. It prioritises certain uses and formulates general recommendations, but it also excludes certain users from certain areas. Relevant sectors are:

- Shipping
- Ports

- Mineral extraction
- Offshore renewable energy production
- Fishing
- Aquaculture
- Tourism (incl. recreation and sports)
- Under water cultural heritage
- Nature protection
- Military
- Submarine cables and pipelines

Area covered



Historic development

The pilot plan was developed as part of the EU-funded BaltSeaPlan project, 2009 - 2011

Objectives of the plan

The aims were to identify the main conflicts in the pilot area, bring together transboundary approaches for dealing with them, and develop a draft maritime spatial plan that actively supports the principle of sustainable maritime development.

Designated areas / uses

The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, vegetation, ichthyofauna, sand extraction, dumping.

Strategic Environmental Assessment (SEA)

A full SEA was not carried out, but available information about physical conditions was compiled.

Electronic resources

- J.Zaucha, M.Matczak, (2012) Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank, BaltSeaPlan Report 10 available at:
<http://www.baltseaplan.eu/index.php/Middle-Bank;8>

Aspects of the MSP process



Ecosystem-based approach

Ecosystem approach is defined in the MSP legislation – article 37b par. 1a of “Act on sea areas of the Republic of Poland and the maritime administration of March 21st 1991”:

“The ecosystem approach, /.../ means that the management of human activities should satisfy the following conditions:

- the impact on the ecosystem of the planned human activity will be maintained at a level compatible with the achievement and maintenance of good environmental status;
- the ability for the proper functioning of the ecosystem will be maintained, as well as resistance to the environmental changes caused by human activity;
- at the same time it will enable long-term/durable and sustainable use of resources and ecosystem services by present and future generations.”



Co-existence of uses

“Basic functions represent the leading destination of a given sea area delimited in the plan, with which the other allowable functions cannot interfere. Acceptable other functions (allowable functions) indicate the possible ways of using a given sea area, which can coexist without adversely affecting the sustainable development of the given sea area.”

The coexistence in the case of the Pilot plan for the West part of the Gulf of Gdańsk and in the ongoing plans was also encouraged by one of the objectives of the planning process that asked for “economical use of space, leaving possible much of it for the future”.



Resilience to climate change impacts

Climate change and state of the ecosystem are among key concerns while preparing maritime spatial plans in Poland. The law on MSP stipulates that the draft plan should /.../

“support sustainable development in the maritime sector, taking into account economic, social and environmental impacts, including environmental improvement and resilience to climate change.

Adaptation to climate change in the case of the Pilot plan for the West part of the Gulf of Gdańsk was foreseen by giving detailed requirements to the new constructions that should take into consideration possible sea level rise.



Land-sea interactions

According to the Polish legislation on MSP a maritime spatial plan when drafted should be agreed with several coastal authorities. The legislation mentions inter alia:

- the authorities of coastal municipalities with regard to the impact of the plan on technical belt, protective strip and ports and harbours and spatial development of the municipalities,
- the regional authorities with regard to public purpose investments presented in the spatial management plan of the voivodship (of the region),
- Directors of the National parks with regard to the protection of the nature within the park,
- Port authorities with regard to development of the ports.

On top of that also ministers and Regional Directors on Environment Protection should agree to the plan.

The Ministerial regulation also stipulates that maritime spatial plans should take into account:

1. Stipulations of the local spatial plans of appropriate coastal municipalities;
2. Stipulations of the studies of conditions and directions of appropriate coastal municipalities

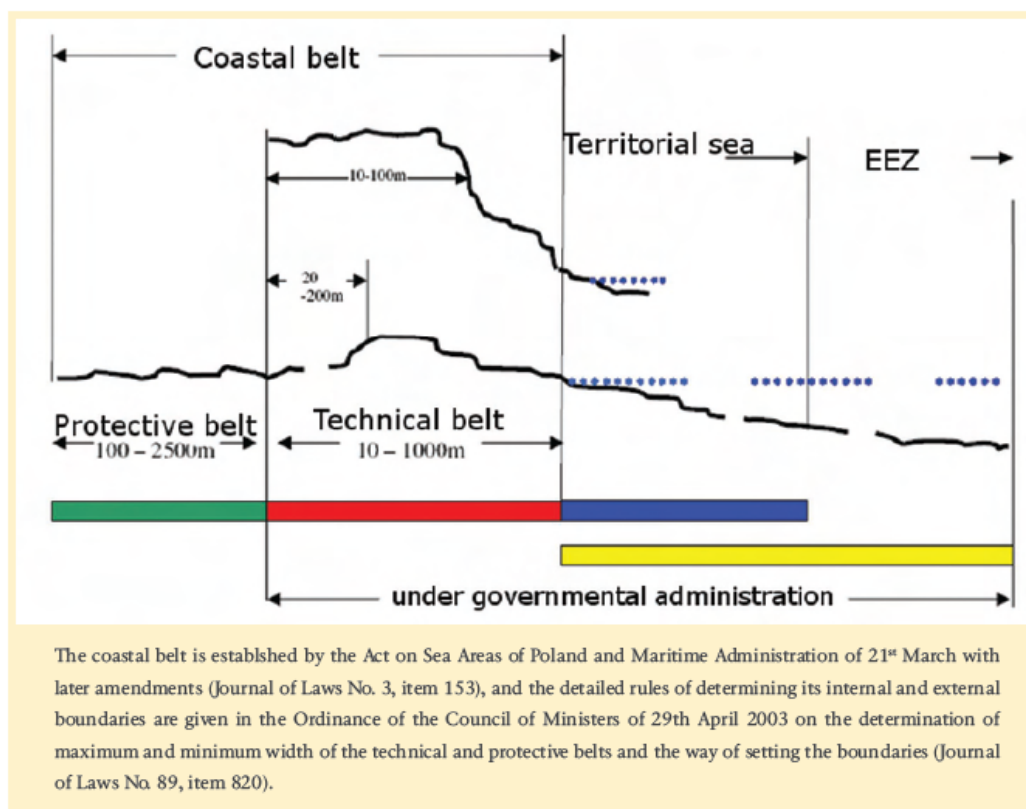


Diagram of definitions of areas included in the coastal zone.

Source: „ZZOP w Polsce – stan obecny i perspektywy. Problemy erozji brzegu” K. Furmańczyk 2005 quoted after Pilot Draft Plan for the West part of the Gulf of Gdansk, J. Zaucha, 2010

Responsibility for planning is uniform over all sea areas (i.e. internal sea waters, 12-nm zone and EEZ). The plans should cover sea areas only – no extension into coastal land.

MSP legislation specifies that when MSP is prepared it shall consider local spatial plans of the coastal municipalities as well as results from studies and spatial assessments relevant for coastal municipalities.

On coastal land responsibility for spatial planning is divided, depending on the type of plan, between the self-governmental authorities of municipality and voivodship (province). The plans should end at the coastline/waterline – no extension into the sea area.

Spatial plans at municipality level are drafted by the Mayor of Municipality and accepted by the Municipality Council. They are of two types:

- the so-called “study of conditions and directions of spatial management of municipality”(studium uwarunkowań i kierunków zagospodarowania przestrzennego gminy), which covers the whole area of a municipality and is indicative, and
- the “local land use plan” (miejscowy plan zagospodarowania przestrzennego), which covers only a selected area within the municipality, and is an act of local law.

Spatial management plan of the voivodship (‘plan zagospodarowania przestrzennego województwa’) is drafted by the Marshall of Voivodship and accepted by the Voivodship Parliament. This plan is of indicative character, although the aforementioned studies prepared by municipalities should be agreed with the Marshall to avoid collision with the main conclusions of the voivodship spatial management plan. The preliminary results of the study point out the importance of a 10 km coastal zone, of coastal villages and large cities. Such borders are not set legally, but proposed by experts.

During the stocktaking phase, the following issues for data collection were covered: land use in coastal areas, hydrographical network; road, railway and tourism infrastructure; socio-economic indicators; coastal erosion issues.

The rules which concern the costal belt (or stripe) are stipulated in artícul 36 and 37 of Act concerning the maritime areas of the Republic of Poland and the maritime administration of March 21st 1991 and The Regulation of Council of Ministers concerning determination minimal and maximum width of technical and protective belts and ways of their delimiting of 29th of April 2003. The coastal belt consists of a 1) technical belt - which is an area of mutual direct impact of sea and land; it is an area maintain for keeping the coast in a condition consistent with the needs of safety and environment protection; 2) protective stripe, which comprise the areas in which human activity has a direct influence on the status of the technical strip.

Account for multiple aspects

All activities and uses included in MSP Directive Article 8 are present in the Ministerial regulation concerning maritime spatial plans of Polish sea areas. Only underwater cultural heritage is present indirectly under headings of areas for protection of cultural heritage. However all of these uses from Article 8 have been examined in the stock-taking report on equal footing including underwater cultural heritage and related tourism activities. Stock-taking report can serve as an EU blue print showing what should be analysed when preparing maritime spatial plans.

Coherence with other processes

Marine Strategy Framework Directive (MSFD)

The work on implementation of MSFD has been continuing in Poland. From the MSP side the effort has been done to understand which descriptors are relevant for MSP and what is the role of MSP in achieving the good environmental status of the sea ecosystem. One of the round tables discussing the stocktaking report for MSP was organised by WWF and devoted in particular to the environmental issues. However, there has not been any public participation process organised so far for aligning MSFD and MSP Directives in Poland.

Integrated Coastal Zone Management (ICZM)

There is no particular ICZM Strategy in Poland however the spirit of ICZM is present in daily spatial planning in the country planning system. Its core is in co-operation between costal municipalities, regions and maritime administration in their planning efforts as encouraged by Polish law on spatial planning. Also law on MSP foresees a cooperation between maritime administration responsible for MSP and coastal regions and local authorities as already described. This system ensures the implementation of key ICZM ideas in Poland.

Natura 2000

Several management plans for all Polish marine NATURA 2000 areas have been drafted by the maritime administration and are currently awaiting acceptance by the Minister of Environment. The drafts have been already elaborated with intensive collaboration with stakeholders from early stage of preparation.

The Ministerial regulation also stipulates that maritime spatial plans should take into account /.../ stipulations of the plans for the protection of national parks, nature reserves and parks, referred in art. 18 of the Act on nature protection of 16th of April 2004 and management plans of Natura 2000 sites and other forms of nature protection.

In the Pilot plan for the West Part of the Gulf of Gdańsk it was done extremely carefully. All such existing plans were analysed. If the plans were not existing at that time, some general regulations were added to the maritime spatial plans. The regulations stated that the activities in a given sea-sub are should not collide with stipulations of NATURA 2000 protection plans when adopted.

Strategic Environmental Assessment (SEA)

According to law on MSP each maritime spatial plan should be subject to SEA. For the Pilot Plan for the West Part of the Gulf of Gdańsk a SEA report has already been elaborated under BaltSeaPlan.



Stakeholder Involvement

Stakeholders have been involved via ad hoc groups, conferences and workshops. Stakeholders are invited to contribute to data collection activities by sharing their information and knowledge. Stakeholders are involved from the beginning of the process. According to law on MSP each stakeholder has a right to express an opinion in writing and the bodies preparing the plan should explain how they handle that opinion.



Use of best available data

In Poland when preparing a stocktaking report the minister responsible for maritime economy organised a process of collecting all MSP relevant data, data sharing and data adjustment to the needs of MSP. It was limited to national data sources mainly.

Polish law on MSP stipulates that the minister responsible for maritime economy is responsible for organizing the exchange of cross-border spatial data needed in the maritime spatial planning.



Transboundary cooperation

Pilot plans for transboundary MSP were developed in the context of the BaltSeaPlan project (Pomeranian Bight / Arkona Basin - DE, Southern Middle Bank - SE)

Polish law on MSP stipulates that:

1. The minister responsible for maritime economy is responsible for organizing cross-border cooperation in the field of spatial planning and development of Polish internal sea waters, territorial sea and exclusive economic zone.
2. The Council of Ministers may define, by regulation, the required scope and manner of the cross-border agreeing on maritime spatial plans, bearing in mind in particular the recommendations adopted by the Helsinki Commission for the Protection of the Marine Environment of the Baltic Sea (HELCOM) and the relevant European Union entities/bodies/organs.

Cooperation with other countries

Poland is a contracting party to the HELCOM Regional Sea Convention, and is a co-chairing country of the Joint HELCOM-VASAB Maritime Spatial Planning Working Group. Poland chaired the Expert Group on MSP Data. Poland is an active participants of VASAB, chairing CSPD in the years 2015-2016. Poland took part in all relevant Baltic projects on MSP; BaltCoast, PlanCoast, BaltSeaPLan, BaltSpace, Baltic Scope, Pan Baltic Scope, East-West Window, Submariner (LP), PartiSeaPate (LP) and many others.

MSP Review

Polish law on MSP stipulates that the maritime spatial plans are periodically evaluated at least every 10 years. Moreover, the law gives detailed instruction who should do such an evaluation, in what format the results should be presented and in which case they should lead to the revision of the plan.

Sources

Consulted references

- J. Zaucha (ed.) (2009) Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk, 80 p., ISBN 978-83-62438-05-1
- Poland HELCOM-VASAB Country Fiche, February 2016
- Country fiches on ICZM/MSP/MSFD, DG ENV project - available on request from s.Pro

Relevant legislative acts

- Act concerning the maritime areas of the Republic of Poland and the maritime administration of March 21st 1991 - ustawa z dnia 21 marca 1991 r. o obszarach morskich Rzeczypospolitej Polskiej i administracji morskiej (Dz. U. z 2013 r., poz. 934 z późn. zm.).

Available in Polish at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20150001642>

- Act on access to information on environment and its protection, public participation in environmental protection and on environmental impact assessment of the 3rd of October 2008 - ustawa z dnia 3 października 2008 r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko (Dz. U. z 2016 r., poz. 353). Available in Polish at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20081991227&min=1>

- Act concerning the nature protection of 16th of April 2004 - ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody (Dz. U. z 2015 r., poz. 1651 z późn. zm.).

Available in Polish at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20040920880>

- Regulation of Minister of Maritime Economy and Inland Navigation and the Minister of Infrastructure and Construction of 17 May 2017 regarding the required scope of spatial development plans for internal sea waters, territorial sea and exclusive economic zone - Rozporządzenie Ministra Gospodarki Morskiej i Żeglugi Śródlądowej oraz Ministra Infrastruktury i Budownictwa z dnia 17 maja 2017 r. w sprawie wymaganego zakresu planów zagospodarowania przestrzennego morskich wód wewnętrznych, morza terytorialnego i wyłącznej strefy ekonomicznej Available in Polish at: <http://dziennikustaw.gov.pl/du/2017/1025>

- The Regulation of Council of Ministers concerning determination minimal and maximum width of technical and protective belts and ways of their delimiting of 29th of April 2003 - rozporządzenie Rady Ministrów z dnia 29 kwietnia 2003 r. w sprawie określenia minimalnej i maksymalnej szerokości pasa technicznego i ochronnego oraz sposobu wyznaczania ich granic (Dz. U. Nr 89, poz. 820).

Available in Polish at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20030890820>

Specific Citations:

- Zaucha J. (2018) Methodology of Maritime Spatial Planning in Poland. Journal of Environmental Protection and Ecology 19(2):713-720

- Zaucha J. (2014) Sea basin maritime spatial planning: A case study of the Baltic Sea region and Poland. *Marine Policy*, 50: 34-45

ⁱ <http://www.baltseaplan.eu/index.php/Reports-and-Publications:809/1#SEAGdasnk>