Portuguese Marine Spatial Planning and Management (MSPM)
1. Marine Spatial Planning and Management (MSPM) of the National Maritime Space

Portugal has one of the largest maritime areas in Europe. In 2014, Law No. 17/2014, established the foundations for national maritime planning and management (without the details of implementation).

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 organized geographically in the following sea areas:

1. Between the baselines and the outer limit of the territorial sea;
2. Exclusive economic zone;
3. Continental shelf, including beyond 200 nautical miles.

Portugal submitted a claim to extend its jurisdiction over an additional 2.15 million square kilometers of the neighbouring continental shelf in May 2009, which would result in a maritime area with a total of more than 3,877,408 km².
Decreto Lei no 38/2015
Decree on 12th March established the rules for the application of the Portuguese MSPM Law and transposed the EU MSP Directive to the national legal framework.

The main aspects covered in the Decree are:
a) the regime for the elaboration, approval, amendment, revision and suspension of MSP instruments;
b) the legal regime applicable to the private use titles of the national maritime space;
c) the financial and economic regime associated to the private use of the national maritime space;
d) the permanent monitoring and technical evaluation regimes of the national MSP; and
e) the private use regime of water resources in coastal and transition waters for aquaculture.
NATIONAL MSP AUTHORITY

In Portugal the responsibility of National MSP is the Ministry of the Sea Directorate General of Natural Resources, Safety and Maritime Services (DGRM) Head of Marine Environment and Sustainability Department

Shared responsibility

**Autonomous Region of Azores:** Directorate Regional for Maritime Affairs
**Autonomous Region of Madeira:** Regional Directorate for Spatial Planning and Environment

Committee Chaired by the Directorate General of Marine Politics (DGPM)

In Portugal the same government entity (DGRM) has responsibility over the implementation of both MSP and the MSFD.
Order No. 11494/2015 established the beginning of the preparation and development of the Situation Plan, the Portuguese MSP, defining the competent authorities for preparation and support of the process.

- MSP in Portugal designed the legal framework for licensing of private uses (sectorial)

- Is based in a spatial plan where areas for each activity are defined (including marine Protected Area, MPA – some activities will be allowed in MPA);
The situation plan represents and identifies the spatial and temporal distribution of existing and potential uses and activities, and identifies the natural and cultural values of strategic relevance for environmental sustainability and intergenerational solidarity.

**Private Use of the National Maritime Space**

The national MSP framework establishes also the regime for private use of the maritime space of the following uses and activities:

- Aquaculture
- Marine biotechnology
- Mineral extraction
- Offshore energy
- Infrastructures
- Scientific research
- Tourism
- Under water cultural heritage
Amendment or alteration of the situation plan ("allocation plans")
The allocation plans is the Portuguese terminology used to identify the second planning instrument. The allocation plans are essentially the instrument used for amending or altering the situation plan, by means of which uses and activities are assigned to an area or volume of the national maritime space.
Private Use Fee for the National Maritime Space
The Decree establishes a Private Use Fee (TUEM) for the NMS

Existing vs. Potential Uses or Activities

Conflicting Uses or Activities
The Decree defines preference criteria to be used during the elaboration of allocation plans, when comparing existing or potential conflicting uses or activities to determine the prevailing one. It establishes that, provided that biodiversity values and the GES (Good Environmental Status) of the marine environment and GS of coastal/transitional waters are guaranteed, the following preference criteria should be used:

a) Greater social and economic benefit (advantage) to the country; and
b) Maximum coexistence of uses or activities (when the first criterion doesn’t apply or when conflicting uses and activities are equally valued under it).
**Constraints ("condicionantes")** - grouped by the following categories:

- Fisheries
- National Defence
- Civil Defence
- Shipping
- Ports
- Nature Conservation
- Nature observation and sports
- Cultural heritage

Still to be developed! “Página em desenvolvimento”

2. Integration with Marine Strategy Framework Directive (MSFD)

How does MSP contribute to reaching good environmental status. How does MSP take on board MSFD targets as a framework for ecosystem based planning?

- Diploma does not address “how” to implement the EBM principle. Integrated-use MSP processes (where soft sustainability is the underlying principle and achieving blue growth is the ultimate goal).

- The Situation Plan seems to be “the” most important tool to support MSFD and Natura 2000 targets as it will define the uses allowed along the coast (& identify every site of conservation/community importance – already “implemented”)
• For example, all mainland coast is “identified” as having potential for oil exploitation. Conflict of interest. “When two activities want to occur in the same area, we have to analyse their ‘importance’ ”

• Problem with Nature 2000 sites. Some were proposed by SPEA (“Sociedade Portuguesa para os Estudos das Aves”) and defined several areas including for birds, and by the ICNF (“Instituto da Conservação da Natureza e das Florestas”, national nature conservation institute). However these were not accepted by the Ministry of the Sea.
• MPA exist but do have not management plans.
• Possibility of existing Marine Protected Areas (MPAs) created by the regional governments being excluded from the new MSP plans, if the national government determines that there is a need to safeguard “national interests”. The meaning of “national interest” is not clarified in the Decree.

Conclusion: Several issues depending on how things will be implemented in the future

The same entity that is responsible for ensuring the GES in the marine environment – the DGRM – is also responsible for primarily allowing (and assessing) the licensing of private uses in the national maritime space.

Avaliação Ambiental

– Página em desenvolvimento –

O PSEOM encontra-se sujeito a Avaliação Ambiental (AA), nos termos do regime relativo à avaliação dos efeitos de determinados planos e programas no ambiente.

Atendendo a que o PSEOM se constitua num documento único, permitindo uma visão holística e integrada do espaço marítimo nacional, também a AA, pelas mesmas razões, será desenvolvida num único procedimento, que ficará a cargo da DGRM, com recurso à contratação externa, em colaboração com a DRAM e DROTA.
3. Cross border Cooperation. *How is cross border cooperation on MSP conducted?*

There is some level of cooperation at MSFD level. Some Interreg projects between PT, UK, Ir, Sp, Fr are being implemented – most projects are part of the programme of measures (monitoring projects).

For the European Atlantic area, MSP is still in its infancy and as a result cooperation between Member States has been limited. Cooperation has been restricted to participation in a small number of projects, such as TPEA (Transboundary Planning in the European Atlantic).
4. Public Engagement

*How early and effectively are stakeholders (public participation) involved in MSP?*

Before implementation of MSP law. Public consultation occurred in the end of the process, short deadlines for contributions. Academy tried to intervene with several suggestions but without success.

2nd moment of public participation after MSP implemented
The spatial plan ("Plano de Situação") is being finalized (now is open to citizens’ comments and inputs); there will be a public consultation before the “law” is approved.

DGRM has public consultation for private use (TUPEM).
Issues of transparency.

**ORDENAMENTO DO MAR PORTUGUÊS**

*Plano de Situação do Ordenamento do Espaço Marítimo Nacional*

O PSOEM está em elaboração  
Participe!

Obrigada
Thank you