

Explanatory Memorandum

to the Draft Ordinance of the Minister of Maritime Economy and Inland Navigation and the Minister of Investments and Development on the Adoption of the Spatial Development Plan for the Internal Sea Waters, Territorial Sea and Exclusive Economic Zone in scale 1:200,000.

Draft version of 22 July 2019

1. Need and obligation for a legal act

Preparation of maritime spatial plans of the internal sea waters, territorial sea, and exclusive economic zone is required by the provisions of the Act on the Sea Areas of the Republic of Poland and Maritime Administration of 21 March 1991 (Journal of Laws of 2018, item 2214 as amended).

This Act implements in Polish law the Directive of the European Parliament and Council 2014/89/EU of 23 July 2014 establishing a framework for maritime spatial planning (Official Journal of Laws of the EU L 257 of 28.8.2014, p. 135), which obliged the EU Member States to prepare maritime spatial plans until 31 March 2021.

The purpose of the Act is to establish a tool for spatial and functional coordination of actions, including without limitation those relating to sustainable implementation of undertakings within sea areas, i.e., to:

- ensure that their features, resources, and properties are effectively used for various social and economic purposes;
- reduce conflict between users and the surrounding environment;
- ensure resilience of non-recoverable resources and environmental processes in the perspective of the current and next generations.

The Maritime Spatial Plan of the Polish Internal Sea Waters, Territorial Sea and Exclusive Economic Zone in Scale 1:200,000, hereinafter referred to as 'the Plan', has been prepared jointly by directors of Maritime Offices in Szczecin, Słupsk and Gdynia in order to ensure that the spatial development of the whole area covered by the Plan is consistent. The Plan covers all the internal sea waters, territorial sea, and exclusive economic zone within the jurisdiction of the Polish Maritime Administration, excluding port waters and three lagoons which, due to the scale of conflicts and intensity of land-sea influences, will be covered by separate plans in larger scale so that detailed issues can be included therein.

The purpose of the Plan is to support sustainable development of sea areas, for example, by pointing out the areas and specifying how various modes of maritime spatial development could co-exist and be kept in spatial order. The draft plan contains decisions that determine the co-existence of various ways of using the sea areas without losing the possibility to execute tasks assigned to sectors considered as priority ones, according to the aforementioned legal acts and strategic documents specified below, while ensuring safe use of each basin.

In particular, the Plan, in accordance with the assumptions of the National Spatial Development Concept 2030 (NSDC 2030), ensures effective use of sea areas and their development potentials for the achievement of general development objectives – competitiveness, increased employment, efficiency performance of the state and cohesion in the social, economic and territorial dimension in the long term:

The draft plan was prepared taking the objectives arising from the aforementioned legal acts, NSDC 2030 and such strategic documentation as the Strategy for Responsible Development to 2020 (with perspectives to 2030), Programme Project for the Development of Polish Seaports to 2020 (with perspectives to 2030) into account – supporting sustainable development in the maritime sector, taking the economic, social and environmental aspects, including environmental improvement and resilience to climate change into account:

- a) ensuring national security and defence;
- b) ensuring coordination between the entities and uses of the sea, coherent management of sea and coastal areas, including the Baltic Sea resources;
- c) increasing the share of the maritime economy sector in GDP and increasing employment in the maritime economy;
- d) strengthening of the position of Polish sea ports, improvement of the competitiveness of maritime transport and ensuring sea safety;
- e) efficient use of space, leaving as much space as possible for future uses of the sea, including those which are currently unknown.

The Plan was prepared in accordance with the HELCOM-VASAB Maritime Spatial Planning Principles and the guidelines of these organisations concerning spatial planning of sea areas, including consulting, cooperation and ecosystem approach.

Information, suggestions, and proposals from the public consultation and opinion gathering processes were used to construct the Plan.

The Plan will not restrict sectors of the national administration involved in maritime activities in actions based on separate regulations applicable in the area covered by the Plan. This is reflected, for example, in the decisions regarding national security and defence as well as protection of the environment and nature included in the Plan.

2. Presentation of the actual state of the art in the field to be regulated

Spatial planning has been evolving in Poland for over 100 years. So far, it has only concerned terrestrial areas. Polish sea areas, despite their increasingly intensive and varied activities, including the introduction of permanent, not temporary, spatial development, have not been included in the spatial planning.

The first adopted national strategic document referring to maritime spatial planning is NSDC 2030 – Resolution No 239 of the Council of Ministers of 13 December 2011 on the adoption of the National Spatial Development Concept 2030 (Official Journal of the Republic of Poland ‘Monitor Polski’ 2012 item 252). The NSDC 2030 has included the maritime zone, previously absent from the strategic documents of the national level, in the mainstream of considerations on the country’s spatial development.

Changes in the sea area were implemented on the basis of a number of different legal acts (international conventions and agreements, acts, including those implementing EU directives and

regulations) using various tools (decisions, enforcement regulations) issued by various government administration authorities. Many of these decisions and regulations have had an impact on all or specific sea areas. Some of them have limited the use of the space for many years or have permanently prevented it from being used in any other way. The specific decisions concerned issues designated by their theme – these were licenses for exploration and exploitation of natural resources, permits for the location of artificial islands and structures, construction of off-shore port facilities, havens and tourist facilities, laying of cables and pipelines, organisation of shipping, permanent or temporary closure of basins for defence and security purposes, introduction of regulations concerning protection of the environment, nature, and cultural heritage, as well as coastal protection.

Selected measures used so far to implement changes in the spatial development of sea areas

The Minister of National Defence, if it is required by the needs of state defence or security, in consultation with the minister in charge of internal affairs and the minister in charge of maritime economy, by way of an ordinance, may establish zones in internal waters and in the territorial sea closed to navigation and fishery, permanently or for a specified period, while outside the internal waters and the territorial sea, the Minister may declare zones dangerous for navigation and fishery.

In consultation with the Minister of National Defence, the minister in charge of maritime economy, by way of an ordinance, may, for reasons of navigation safety, designate in the territorial sea navigation routes, traffic separation and vessel's position reporting systems, as well as specify how vessel traffic within this system is to be controlled (these zones are shown on sea maps).

The building or exploitation of artificial islands, installations and structures in the Polish sea areas requires a permit establishing their location and specifying the terms and conditions of using them in those areas. The permit, after the opinion of the ministers specified in the regulations is expressed, is issued by the minister in charge of maritime economy for projects planned, implemented or exploited in the exclusive economic zone, as well as in the area of internal sea waters or territorial sea, if no spatial development plan has been adopted for them and these projects require a building permit. If the plan has not been adopted and the projects do not require a building permit, in the areas of internal sea waters or territorial sea, the permits are issued by the territorially competent director of the maritime office. Around artificial islands, installations and structures, the Director of the competent maritime authority may establish safety zones reaching no more than 500 metres from any point of their outer edge, unless the extent of the zone is permitted by generally accepted rules of international law or recommended by a competent international organisation.

The laying and maintenance of cables or pipelines in the internal sea areas and the territorial sea is subject to a permit specifying the location and conditions for their laying and maintenance in those areas. The permit, after prior approval by the ministers specified in the law (and local government authorities in accordance with their local jurisdiction, if the linear elements of the technical infrastructure also run on the land section), is issued by the territorially competent director of the maritime office by way of a decision. The permit may be issued for the period specified in the application, however, not longer than 35 years. In the exclusive economic zone, after the application has been reviewed by ministers specified in the law, the decision on this matter is issued by the minister in charge of maritime economy.

Minister in charge of the environment pursuant to the Act of 9 June 2011 on Geological and Mining Law (consolidated text of Journal of Laws of 2019, item 868) grants licences for, among other things, exploration for or investigation of mineral resources, exploration for and investigation of hydrocarbon resources and extraction of hydrocarbons from resources or extraction of minerals from resources located within the sea areas of the Republic of Poland. Exploration for and investigation of hydrocarbon resources and extraction of hydrocarbons from resources within the sea areas of the Republic of Poland or extraction of hydrocarbons from resources within the sea areas of the Republic

of Poland requires an opinion of the President of the Mining Office of the Republic of Poland with respect to the technical possibilities of carrying out operations and ensuring their safety and security, as well as of the Minister of National Defence and the minister in charge of fishery with respect to the location of the area where the intended operations are conducted. The decisions which concern the internal sea waters and the territorial sea, and also the coastline, require agreement with the director of the relevant maritime office, whereas the decisions regarding the exclusive economic zone require agreement with the minister in charge of maritime economy. The license is granted for a fixed period, not shorter than 3 years and not longer than 50 years, unless the entrepreneur submitted an application for the license for a shorter period. Licences for the exploration, investigation of hydrocarbons are granted for a period of 10 to 30 years. A license for underground storage of carbon dioxide is granted for a period which takes into account the obligation to monitor the underground storage facilities of carbon dioxide for not less than 20 years after the underground storage of carbon dioxide is closed. The licence specifies, among others, the type and manner of performing the intended activity, the area within which it is to be performed, the time for which it is issued, and may also specify other requirements concerning the activity covered by the licence, in particular with regard to public safety and environmental protection.

The previous procedures of establishing regulations in terms of spatial development of sea areas have not provided sufficient opportunities to conduct a full analysis of spatial effects on other functions and techniques of using sea resources before they are undertaken. These procedures also did not ensure sufficient participation of various interested parties, including the public, to whom the effects of the actions taken could be transferred. These regulations were adopted at different times and for different periods without due regard to their interaction. They excluded or limited other uses of space on account of the occupation of the area and the need to establish safety zones. Possible conflicts often emerged only during or after the implementation of the projects, and their number and diversity continued to increase. As a result, more and more conflict situations have arisen between the parties that run their activities. This resulted in limiting the positive social, economic and environmental effects that could occur if the maritime spatial planning process was applied. It was also essential to develop spatial planning in land areas and increase the special role of local government authorities equipped with the basic tool of such planning, which until now had been the only act of local law – the local spatial development plan.

A fundamental step leading to the creation of tools aimed at ensuring effective coordination of activities having various social, economic and environmental spatial effects was the amendment of the Act on the Sea Areas of the Republic of Poland and Maritime Administration, as well as some other acts (consolidated text of Journal of Laws of 2018, item 2214, as amended) in 2003 and 2015. The Act also includes provisions necessary for the preparation of spatial development plans for Polish sea areas, which do not result directly from Directive 2014/89/EU, but required for its full implementation. These are the provisions which define the course of the baseline of the territorial sea and the boundaries of Polish sea areas as well as the detailed procedure for agreeing spatial development plans for Polish sea areas.

Thanks to this change, a process has been launched through which competent authorities analyse and organise the use of sea areas to achieve ecological, economic and social objectives contributing to the implementation of the constitutional principle of sustainable development.

3. Regulation of spatial development and use of sea areas by means of the spatial development plan

Structure of the Plan

Both the provisions of the Act of 21 March 1991 on Sea Areas of the Republic of Poland and Maritime Administration (consolidated text of Journal of Laws of 2018, item 2214, as amended),

hereinafter referred to as the ‘Act’, and the Ordinance of the Minister of Maritime Economy and Inland Navigation and the Minister of Infrastructure and Construction of 17 May 2017, issued on its basis, concerning the required scope of maritime spatial plans of the internal sea waters, territorial sea and exclusive economic zone (Journal of Laws of 2017, item 1025), hereinafter referred to as the ‘Ordinance’, constitute the basis for the development of the plan and indicate its form, spatial scope and substantive scope.

Pursuant to the authorisation contained in Article 37a(1) of the Act, the minister in charge of maritime economy¹ and the minister in charge of construction, planning and spatial development and housing², in consultation with the ministers in charge of the environment, water management, culture and national heritage protection, agriculture, fishery, transport, internal affairs and the Minister of National Defence, adopt, by way of an ordinance, maritime spatial plans of the internal sea waters, territorial sea and exclusive economic zone.

The Plan, consistently with statutory powers included in Article 37a(1) of the Act, was prepared for the internal sea waters, territorial sea and exclusive economic zone. In accordance with § 5(1)(2) of the Ordinance, the spatial range of the Plan was determined by specifying break points of the area covered by the Plan. In accordance with § 5(1)(1) and 5(1)(4) of the Ordinance, the area covered by the Plan was assigned a unique letter code POM and the basins were assigned consecutive unique numbers.

In accordance with the regulation specified in § 4(1) of the Ordinance, the Plan consists of textual and graphic parts.

The textual part is included in Appendix No 1 hereto and contains the general provisions applicable to the whole area covered by the Plan, and in Appendix No 2 hereto which provides detailed decisions concerning the designation of specific basins and information on particularly significant conditions that influence future use of each basin.

Appendix No 1, hereinafter referred to as ‘General Provisions’, indicates, pursuant to § 6(1)(1)–(3) of the Ordinance, the decisions binding in part or in the whole area covered by the Plan, concerning the distribution of the public purpose investments and directions of development of transport and technical infrastructure.

Moreover, § 1(2) of the General Provisions defines terms used in the Plan which have not been defined in legal regulations, yet:

- linear elements;
 - marine erosion;
 - geodetic characteristic points;
 - near-port maritime infrastructure;
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¹ The Minister of Maritime Economy and Inland Navigation manages the department of government administration – maritime economy, water management and fishery pursuant to Article 1(2)(1), (2) and (3) of the Ordinance of the Prime Minister of 17 November 2015 on the detailed scope of tasks of the Minister of Maritime Economy and Inland Navigation (Journal of Laws of 2017, item 2324, of 2018, item 100).

² The Minister of Investment and Development manages the department of government administration – construction, spatial planning and development, and housing, pursuant to Article 1(2)(1) of the Ordinance of the Prime Minister of 10 January 2018 on the detailed scope of tasks of the Minister of Investment and Development (Journal of Laws of 2018, items 94 and 175).

- seafloor integrity;
- habitat integrity;
- locations dangerous to human life when considering establishing formal bathing areas or locations used for bathing;
- coastal protection area;
- sub-basins;
- underwater cultural heritage;
- future development;
- commercial (industrial) fish;
- methods/ways of use which do not endanger the ecological function of spawning grounds and the survival of early development stages (spawn and larvae) of commercial fish;
- coastal protection system;
- emergency situation;
- artificial islands, installations and structures;
- transport;
- marine tourism;
- coastal tourism;
- environmentally conditioned local development;
- internal connecting infrastructure of offshore wind farms;
- multifunctional economic development;
- proper state of coastal protection system;
- external connecting infrastructure of offshore wind farms.

The following terms and their legal definitions are already binding, since they are specified in the provisions of the empowering act and other normative acts:

- aquaculture (Article 2(1a) of the Act on the Protection of Animal Health and Combating Infectious Diseases of Animals);
- basin (§ 2(6) of the Ordinance);
- scientific research (Article 2(3) of the Act on Financing Science);
- good environmental status of marine waters (Article 16(13) of the Water Law);
- basic function (Article 37a(3) of the Act);
- allowed function (Article 37a(3) of the Act);
- port infrastructure (Article 2(4) of the Act on Sea Ports and Havens);
- infrastructure providing access to ports or havens (Article 2(5) of the Act on Sea Ports and Havens);
- public purpose investment (Article 2(5)) of the Act on Spatial Planning and Development, Article 6 of the Act on Real Estate Management);
- bathing area (Article 16(22) of the Water Law);

- cultural landscape (Article 3(14) of the Act on the Protection and Care of Historical Monuments);
- a place occasionally used for bathing (Article 16(28) of the Water Law);
- baseline (Articles 5(2) and 5(2a) of the Act);
- Navy (as a type of the Armed Forces within the meaning of Article 3(3)(3) of the Act on the General Obligation to Defend the Republic of Poland);
- minimum level of coastal protection (Articles 37(1a) and 37(1b) of the Act, Articles 2(1) and 2(2) of the Ordinance of the Minister of Maritime Economy and Inland Navigation of 17 November 2017 on minimum levels of coastal protection and the route of the borderline for the protection of the coast);
- internal sea waters (Article 4 of the Act);
- territorial sea (Article 5(1) of the Act);
- mining area (Article 6(1)(5) of the Geological and Mining Law);
- sea areas of the Republic of Poland (Polish sea areas) (Article 2(1) of the Act);
- Natura 2000 area (Article 5(2b) of the Act on Nature Protection);
- environmental protection (Article 3(13) of the Environmental Protection Law);
- nature conservation (Article 2(1) of the Act on the Nature Conservation);
- protection in situ (Article 5(7) of the Act on the Nature Conservation);
- renewable sources of energy (Article 2(22) of the Act on Renewable Sources of Energy);
- coastal belt (Article 36(1)–(4) of the Act);
- maritime spatial planning and development (Article 37¹ of the Act);
- ecosystem-based approach Article 37b(1a) of the Act);
- underground storage of carbon dioxide (Article 6(1)(5a) of the Geological and Mining Law);
- sea port or haven (Article 2(2) of the Act on Sea Ports and Havens);
- port of key importance for the national economy (Article 2(3) of the Act on Sea Ports and Havens);
- exploration (Article 6(1)(7) of the Geological and Mining Law);
- geological works (Article 6(1)(8) of the Geological and Mining Law);
- basin designation (§ 2(7) of the Ordinance);
- nature (the definition listing the designations of the concept has been specified in Article 2(1) of the Act on Nature Conservation);
- beach haven (Article 2(2a) of the Act on Sea Ports and Havens);
- investigation (Article 6(1)(13) of the Geological and Mining Law);
- biodiversity (Article 5(16) of the Act on the Nature Conservation);
- sea fishery (Articles 2(1)(21), 2(1) (20) and 2(1)(22) of the Act on Sea Fishery);
- small-scale coastal (boat) fishing (Article 3(2)(14) of the Ordinance of the European Parliament and Council (EU) no. 508/2014 on the European Maritime and Fisheries Fund);
- natural habitat (Article 5(17) of the Act on the Nature Conservation);

- contiguous zone (Article 13a(1) of the Act);
- crisis situation (Article 3(1) of the Crisis Management Act);
- environment (Article 3(39) of the Environmental Protection Law);
- natural environment (Article 5(20) of the Act on the Nature Conservation);
- landscape values (Article 5(23) of the Act on the Nature Conservation);
- natural values (as natural values they are included in the definition of landscape values, Article 5(23) of the Act on the Nature Conservation);
- hydrocarbons (Article 6(1)(16) of the Geological and Mining Law);
- proper conservation status of the natural habitat (Article 5(25) of the Act on the Nature Conservation);
- extraction of hydrocarbons from the resources (Article 6(1)(16c) of the Geological and Mining Law);
- exclusive economic zone (Article 15 and Articles 16(1) and 16(2) of the Act);
- historical monument (Article 3(1) of the Act on the Protection and Care of Historical Monuments);
- archaeological monument (Article 3(4) of the Act on the Protection and Care of Historical Monuments);
- mining plant (Article 6(1)(18) of the Geological and Mining Law);
- fossil resource (Article 6(1)(19) of the Geological and Mining Law);

The general provisions included in § 1(3) define the scope of the basic or allowed function indicated in the detailed decisions of the Plan concerning particular basins included in Appendix No 2 Detailed decisions for the purpose of:

- aquaculture;
- scientific research;
- cultural heritage;
- functioning of port or haven;
- technical infrastructure;
- national security and defence;
- coastal protection;
- protection of the environment and nature;
- exploration, investigation of mineral and fossil resources and extraction from the resources;
- acquisition of renewable energy;
- reserve for future development;
- reserve for future development with extraction allowed;
- fishery;
- artificial islands and structures;
- transport;

- tourism, sport, and recreation;
- environmentally conditioned local development;
- multifunctional economic development.

Pursuant to the requirements of § 5(1)(3) and 5(1)(6)(a) and § 6(2)(1) of the Ordinance, the area covered by the Plan has been divided into basins of basic function. In accordance with the possibility specified in § 6(2)(1)(l) of the Ordinance, basins other than those determining the basic functions of the Ordinance resulting from the existing functional diversification and the needs of the Plan were designated as well.

The area covered by the Plan was divided into basins of the following basic function:

- transport;
- technical infrastructure;
- functioning of port or haven;
- protection of the environment and nature;
- acquisition of renewable energy;
- exploration, investigation of mineral and fossil resources and extraction from the resources;
- national security and defence;
- coastal protection;
- multifunctional economic development;
- reserve for future development;
- reserve for future development with extraction allowed;
- environmentally conditioned local development.

Basins of basic function are indicated in the drawing of the Plan enclosed hereto as Appendix No 4.

For the area covered by the Plan, in § 3–10 of the Appendix ‘General Provisions’ general conditions were specified concerning the fulfilment of the following functions:

- national security and defence – can be executed in the whole area covered by the Plan;
- protection of the environment and nature – can be executed in the whole area covered by the Plan;
- spatial protection of objects of underwater cultural heritage – applicable in the whole area covered by the Plan;
- laying linear elements – allowed under specific principles in designated basins or sub-basins, excluding optical fibres which are permitted in the whole area covered by the Plan, except for rare cases relating to the national security and defence, as well as technical, environmental, economic and legal conditions;
- building offshore wind farms – allowed only within basins whose basic function is “acquisition of renewable energy”;
- exploration, investigation of mineral and fossil resources and extraction from the resources, specified in detail for each basin;

- coastal tourism, sport, and recreation – allowed especially within sub-basins with function ‘tourism, sport, and recreation’, designated for coastal tourism development;
- transport and fishery – allowed (with detailed limitations specified for each basin) within the whole area covered by the Plan, excluding zones that are closed to navigation and fishery under separate regulations;
- scientific research – can be conducted in the whole area covered by the Plan, based on separate regulations.

The performance of basic and allowed functions specified for each particular basin or their sub-basins, indicated in detailed decisions contained in Appendix No 2 to the Ordinance, may be temporarily limited beyond the provisions of the Plan due to the need to ensure national defence and security, safety of human life and protection of the environment and nature.

In § 11 of the Appendix ‘General Provisions’, sub-basins and a basin for the benefit of existing and planned public purpose investments, including technical infrastructure, are defined.

In § 12 of the Appendix ‘General Provisions’, the priority directions and conditions for the development of transport and the development of technical infrastructure for navigation are specified, including designation of basins and sub-basins that ensure the development of transport and relating technical infrastructure.

In § 14 of the Appendix ‘General Provisions’ the basins for particular basic functions are defined by determining the coordinates of characteristic points of borders of these basins – their location is indicated in the drawing of the Plan.

Drawing of the Plan, in accordance with § 4(2) of the Ordinance, constituting the graphic part of the Plan, is specified in Appendix No 4 to the Ordinance.

Pursuant to § 7(1) of the Ordinance, the drawing of the Plan was drawn up in scale 1:200,000, in the ‘PL-1992’ coordinate system, in accordance with the applicable national spatial reference system.

While separating basins in the Plan’s drawing, emphasis was put on distinguishing:

- a) connecting functions ensuring appropriate spaces for the maintenance and development of relations (maritime transport, access to ports and fishing grounds);
- b) functions which permanently guarantee realisation of requirements imposed by the Constitution (national security and defence, coastal protection, protection of the national heritage and environment, including the most valuable environmental and natural resources);
- c) functions established for a long time which take advantage of exceptional location conditions of some areas (ports and sea havens, areas of investigation and extraction of fossils attractive due to their resources, acquisition of renewable energy).

Detailed decisions concerning each of the distinguished basins

Appendix No 2 to the Plan contains detailed decisions concerning the designation of specific basins and information on particularly significant conditions that influence future use of each basin.

Detailed decisions concerning each basin or their distinguished parts are presented, as required in the appendix to the Ordinance, in the form of basin sheets.

Decisions concerning each basin include:

- a) definition of basic function;
- b) determination of functions allowed for each basin;
- c) prohibitions or limitations of the use of basins, taking into account the requirements relating to the protection of environment and cultural heritage;
- d) information on public investments, including their distribution, which are planned to be executed as a part of the basin's function;
- e) conditions regarding national security and defence, protection of environment and cultural heritage, fishery and aquaculture, acquisition of renewable energy, exploration, investigation of mineral and fossil resources and extraction from the resources;
- f) provisions binding for the authorities of voivodeships and municipalities in the territory of which occur internal sea waters within their territories, or municipalities neighbouring the area covered by the Plan across the coastline or borders of sea areas equivalent to such coastline, while preparing voivodeship spatial development plans, studies of conditions and directions of spatial development of municipalities and local spatial development plans, respectively.

In the sheets of individual basins the binding prohibitions or limitations of the use of individual areas are defined according to the types of functions they concern. It is a set of orders, prohibitions and exceptions, which, when read directly, indicate unambiguously to the users of the sea space the acceptable and unacceptable ways of using this space.

Conditions of using the basins are also presented in the context of functions they are relating to. The conditions concerning fishery and aquaculture, acquisition of renewable energy, exploration, investigation of mineral and fossil resources and extraction from the resources, as well as protection of environment and cultural heritage are defined requirements which must be met and implemented to ensure protection of environment and cultural heritage within particular basin or to allow conducting activities relating to fishery and aquaculture, acquisition of renewable energy or exploration, investigation of mineral and fossil resources and extraction from the resources in this area. Conditions provided in the Plan are based on the ecosystem approach. These principles form a closed catalogue resulting from the current binding legal regulations (i.e. the Ordinance).

Moreover, basins are bound by basin usage principles under documents or normative acts unrelated directly to the maritime spatial development, but involving spatial considerations (they are not applicable to the whole area covered by the Plan). These principles form a closed catalogue resulting from the current binding legal regulations. They concern:

- a) forms of nature protection and their buffer zones and arrangements of the protection plans referred to in the Act of 16 April 2004 *on Nature Conservation* (consolidated text of Journal of Laws of 2018, item 1614, as amended);
- b) licences for exploration and investigation of mineral and fossil resources or extraction of mineral and fossil resources, issued pursuant to the Act of 9 June 2011 – *Geological and Mining Law* (consolidated text of Journal of Laws of 2019, item 868, as amended);
- c) objects and basins protected pursuant to the Act of 23 July 2003 *on the Protection and Care of Historical Monuments* (consolidated text of Journal of Laws of 2018, item 2067, as amended);
- d) objects and zones protected pursuant to the provisions of the Act of 27 April 2001 – *Environmental Protection Law* (Journal of Laws of 2018, item 799, as amended);
- e) zones closed to the navigation and fishery, and periodically declared zones dangerous to the navigation and fishery, established pursuant to Article 3 of the Act of 21 March 1991 *on Sea Areas of the Republic of Poland and Maritime Administration* (consolidated text of Journal of Laws of 2019, item 2214, as amended);

- f) protection of living marine resources according to the provisions of the *Sea Fishery Act* of 19 December 2014 (Journal of Laws of 2019, item 586, as amended);
- g) activities carried out under the national programme for the protection of marine waters referred to in Article 159(1) of the Act of 20 July 2017 – *Water Law* (consolidated text of Journal of Laws of 2018, item 2268, as amended).

Information on particularly significant conditions that influence future use of each basin included in basin sheets concern:

- a) principles of using each basin resulting from documents or normative acts specified in law;
- b) particularly significant conditions concerning each basin;
- c) other significant information concerning each basin, including recommendations derived during work on the Plan, applying to administrative procedures which shape the spatial development of sea areas other than the maritime spatial development plan.

This information is of auxiliary character and should not be interpreted as solutions and decisions of the Plan.

For the POM.84.L, POM.85.M (Gulf of Gdańsk), POM.01.Ip, POM.87.Ip, POM.88.Ip basins, (waters of ports of fundamental importance for the national economy) as well as POM.02.C, POM.04.Ip, POM.06.C, POM.07.C, POM.17.Ip, POM.19.C, POM.22.Ip, POM.26.C, POM.28.Ip, POM.31.C, POM.35.Ip, POM.37.C, POM.38a.C, POM.38b.C, POM.40a.C, POM.40b.C, POM.63.Ip, POM.64.Ip, POM.66.C, and POM.86.Ip basins, due to the existing distribution, density of multiple functions and potential functional conflicts between them, separate plans should be drawn up in scale greater than 1:200,000. Similarly, consideration should be given to drawing up such a plan for a spatial complex of acquisition of renewable energy and the areas surrounding this complex, i.e., POM.43.E, POM.44.E, POM.45.E, POM.46.E, POM.42.O, POM.93.T basins and fragments of POM.16.Pw basin.

The Draft Ordinance includes the following Appendices:

- Appendix No 1 – General provisions (so-called general content of the Plan);
- Appendix No 2 – Detailed decisions, i.e., basin sheets;
- Appendix No 3 – Explanatory memorandum to the detailed decisions concerning particular basins of the Plan;
- Appendix No 4 – Drawing of the Plan.

4. Changes in the procedure following the adoption of the maritime spatial plans of the internal sea waters, territorial sea and exclusive economic zone of sea areas (expected effects of the Plan's commencement)

The Plan will not be the only document providing a legal basis for activities located within or affecting the sea space. It takes all national and international laws concerning the sea areas into account and does not conflict with any of them. Procedures to be followed in relation to specific matters relating to the management and use of the sea areas, including protection of these areas, will have to continue to take them into account and respect them once the Plan is adopted. The Plan does not replace them. This concerns e.g. designated Natura 2000 areas and protection plans developed and prepared for them, or the decision of the Minister of National Defence on the determination of closed areas.

A plan prepared in accordance with the scope and requirements specified in the Act and in the Ordinance cannot regulate matters which exceed the scope defined in the above-mentioned regulations.

After the Plan is adopted, it will become a tool for coordination of activities of a spatial nature, including decisions of public authorities, and a source of spatial conditions and the resulting findings for making particular spatial decisions by public entities as well as current and potential users of sea areas.

The Plan, pursuant to Article 23(1b) of the Act, will change the competences of authorities issuing permits to build or exploit artificial islands, installations and structures in the Polish sea areas – some of the current competences of the Minister will be taken over by directors of territorially competent maritime offices.

Pursuant to Article 27g(1) of the Act, the Plan will become a tool for the Minister in charge of maritime economy to assess applications submitted in the course of the proceedings to determine the compliance of planned projects with the provisions of the spatial development plan.

For a number of issues that have not been regulated so far but require such regulation, the Plan will be a new tool. Due to the legally regulated scope of competence, it will influence, e.g. the decisions on the extraction of fossil and mineral resources or the construction of wind farms, but it will not be able to influence the determination of conditions for transport, permanent closure of sea areas to fishing, the scope and intensity of environmental monitoring, or the scope of environmental impact assessment – currently, it is not included in the competence of the Plan and is regulated by separate regulations which do not take into account that the Plan exists.

The plan does not invalidate any legally issued spatial decisions. Moreover, it does not constitute an instrument for changing the permit, e.g., for building or using artificial islands, installations and structures in Polish sea areas. The Plan may result in additional arrangements, limitations, or conditions that the investor will have to take into account when designing, implementing and operating the project.

The purpose of the Plan is to assist in resolving or reducing spatial conflicts. It may also help resolve conflicts that will arise during actions taken under separate regulations. According to the Plan, if the impossibility of simultaneous use of a specific space in time or space in two different ways was previously resolved within the existing legal order, such a situation is not be considered as a conflict.

The adoption of the Plan will improve the efficiency of management and coordination, including administrative decisions. Spatial decisions issued so far, often without sufficient consultations, opinions or agreements (because none of them is required by legal regulations), will have to respect the provisions of the Plan and take the conditions it specifies into account. The development of a uniform Plan for the sea areas will ensure consistency between the activities of various administrations, regardless of their territorial location, including the proceedings of local maritime administrations, i.e., maritime offices.

The adoption of the Plan will improve the coordination and integration of administrative procedures, creating transparent and permanent legal regulations binding in the process of making spatial decisions.

The information contained in the Plan constitutes a common up-to-date knowledge base created according to uniform rules, and informs the users of the Plan about:

- a) detailed features relevant to the characteristics of the sea areas (e.g., availability of natural resources, etc.);
- b) current maritime activities (number, intensity of activities);
- c) planned activities in the sea area (establishing wind farms, artificial islands, etc.);
- d) environmental conditions of activities in the sea area.

The plan will be an essential source of information on spatial distribution of features, resources and properties of the sea space available for use by all public entities, including local governments, as well as existing and potential users of sea areas, including those intending to invest in sea areas.