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(Information)

COUNCIL

COMMON POSITION (EC) No 13/2002

adopted by the Council on 13 December 2001

with a view to adopting recommendation 2002/.../EC of the European Parliament and of the Council of ... concerning the implementation of integrated coastal zone management in Europe

(2002/C 58 E/01)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

- (1) The coastal zone is of great environmental, economic, social, cultural and recreational importance to Europe.
- (2) Coastal zones possess a unique biodiversity in terms of flora and fauna.
- (3) Chapter 17 of Agenda 21, adopted at the United Nations Conference on Environment and Development summit in Rio in June 1992 should be taken into account.
- (4) The 1999 assessment report of the European Environment Agency indicates a continuing degradation of conditions in the coastal zones of Europe as regards both the coasts themselves and the quality of coastal water.
- (5) Community coastal zones are further threatened by the effects of climate change, in particular rising sea levels,

changes in storm frequency and strength, and increased coastal erosion and flooding.

- (6) Population growth and the development of economic activities are increasingly threatening for both the environmental and social equilibria of coastal zones.

- (7) The decline of fishing activity and related employment makes many fisheries-dependent areas particularly vulnerable.

- (8) Existing regional disparities in the Community affect the management and conservation of each coastal zone in a different way.

- (9) It is essential to implement an environmentally sustainable, economically equitable, socially responsible, and culturally sensitive management of coastal zones, which maintains the integrity of this important resource while considering local traditional activities and customs that do not present a threat to sensitive natural areas and to the maintenance-status of the wild species of the coastal fauna and flora.

- (10) The Community promotes integrated management on a larger scale by means of horizontal instruments. These activities therefore contribute to integrated coastal zone management.

- (11) The Commission notes in its communications ⁽⁵⁾ to the Council and the European Parliament that integrated management of the coastal zone requires strategic, coordinated and concerted action at the local and regional level, guided and supported by an appropriate framework at the national level.

⁽¹⁾ OJ C ... E, p. ...

⁽²⁾ OJ C 155, 29.5.2001, p. 17.

⁽³⁾ OJ C 148, 18.5.2001, p. 23.

⁽⁴⁾ Opinion of the European Parliament of 5 July 2001 (not yet published in the Official Journal), Council Common Position of 13 December 2001 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁵⁾ Doc. COM(97) 744 final and Doc. COM(2000) 547 final.

- (12) The Commission's demonstration programme on integrated coastal zone management identifies principles of good coastal zone management.
- (13) There is a need to ensure coherent action at the European level, including cooperative action, particularly at the scale of the regional seas, to address cross-border coastal zone problems.
- (14) Council resolution of 6 May 1994 on a Community strategy for integrated coastal-zone management ⁽¹⁾ and Council resolution of 25 February 1992 on the future Community policy concerning the European coastal zone ⁽²⁾ both identify the need for concerted European action to implement integrated coastal zone management.
- (15) An integrated coastal zone management involves multiple factors among which town and country planning and land use are only accessorially concerned.
- (16) In accordance with the subsidiarity and proportionality principles as set out in Article 5 of the Treaty, and with Protocol 7 to the Treaty of Amsterdam on the implementation of subsidiarity and proportionality, and given the diversity of conditions in the coastal zones and the legal and institutional frameworks in the Member States, the objectives of the proposed action can best be achieved by guidance at the Community level,

HEREBY RECOMMEND THE FOLLOWING:

CHAPTER I

A STRATEGIC APPROACH

Member States take into account the sustainable development strategy and the Decision of the European Parliament and of the Council laying down the sixth Community environment action programme ⁽³⁾, and take a strategic approach to the management of their coastal zones, based on:

- (a) the protection of the coastal environment, based on an ecosystem approach preserving its integrity and functioning, and sustainable management of the natural resources of both the marine and terrestrial components of the coastal zone;
- (b) the recognition of the threat to coastal zones posed by climate change and of the dangers entailed by the rise in sea level;
- (c) appropriate and ecologically responsible coastal protection measures;

- (d) sustainable economic opportunities and employment options;
- (e) a functioning social and cultural system in local communities;
- (f) adequate accessible land for the public, both for recreational purposes and aesthetic reasons;
- (g) in the case of remote coastal communities, the maintenance or promotion of their cohesion;
- (h) improved coordination of the actions taken by all the authorities concerned both at sea and on land, in managing the sea-land interaction.

CHAPTER II

PRINCIPLES

Member States follow the principles of integrated coastal zone management based on:

- (a) a broad overall perspective (thematic and geographic) which will take into account the interdependence and disparity of natural systems and human activities with an impact on coastal areas;
- (b) a long-term perspective which will take into account the precautionary principle and the needs of present and future generations;
- (c) an adaptive management during a gradual process which will facilitate adjustment as problems and knowledge develop. This implies the need for a sound scientific basis concerning the evolution of the coastal zone;
- (d) local specificity and the great diversity of European coastal zones, which will make it possible to respond to their practical needs with specific solutions and flexible measures;
- (e) working with natural processes and respecting the carrying capacity of ecosystems, which will make human activities more environmentally friendly, socially responsible and economically sound in the long run;
- (f) involving all the parties concerned (economic and social partners, the organisations representing coastal zone residents, non-governmental organisations and the business sector) in the management process, for example by means of agreements and based on shared responsibility;

⁽¹⁾ OJ C 135, 18.5.1994, p. 2.

⁽²⁾ OJ C 59, 6.3.1992, p. 1.

⁽³⁾ OJ L ...

- (g) support and involvement of relevant administrative bodies at national, regional and local level between which appropriate links should be established or maintained with the aim of improved coordination of the various existing policies. Partnership with and between regional and local authorities should apply when appropriate;
- (h) use of a combination of instruments designed to facilitate coherence between sectoral policy objectives and coherence between planning and management.

CHAPTER III

NATIONAL STOCKTAKING

Member States conduct or update an overall stocktaking to analyse which major actors, laws, and institutions influence the management of their coastal zone. This stocktaking should:

- (a) consider (but not be limited to) the following sectors and areas: fisheries and aquaculture, transport, energy, resource management, species and habitat protection, cultural heritage, employment, regional development in both rural and urban areas, tourism and recreation, industry and mining, waste management, agriculture and education;
- (b) cover all administrative levels;
- (c) analyse the interests, role and concerns of citizens, non-governmental organisations, and the business sector;
- (d) identify relevant interregional organisations and cooperation structures; and
- (e) take stock of the applicable policy and legislative measures.

CHAPTER IV

NATIONAL STRATEGIES

1. Based on the results of the stocktaking, each Member State concerned develops one or several strategies to implement the principles outlined in Chapter II aiming at integrated management of the coastal zone.

2. These strategies might be specific to the coastal zone, or might be part of a geographically broader strategy or programme for promoting integrated management of a larger area.

3. These strategies should:

- (a) identify the roles of the different administrative actors within the country or region whose competence includes

activities or resources related to the coastal zone, as well as mechanisms for their coordination. This identification of roles should allow an adequate control, and an appropriate strategy and consistency of actions;

- (b) identify the appropriate mix of instruments for implementation of the principles outlined in Chapter II, within the national, regional or local legal and administrative context. In developing these strategies, the Member States should consider the appropriateness of:

- (i) developing national strategic plans for the coast to promote integrated management ensuring, *inter alia*, the control of additional urbanisation and of the exploitation of non-urban areas while respecting natural features of the coastal environment,

- (ii) land-purchase mechanisms and declarations of public domain to ensure public access for recreational purposes without prejudice to the protection of sensitive areas,

- (iii) developing contractual or voluntary agreements with coastal zone users, including environmental agreements with industry,

- (iv) harnessing economic and fiscal incentives, and

- (v) working through regional development mechanisms;

- (c) develop or maintain national and, where appropriate, regional or local legislation or policies and programmes which address both the marine and terrestrial areas of coastal zones together;

- (d) particularly, identify measures to promote bottom-up initiatives and public participation in integrated management of the coastal zone and its resources;

- (e) identify sources of durable financing for integrated coastal zone management initiatives where needed, and examining how to make the best use of existing financing mechanisms both at Community and at national level;

- (f) identify mechanisms to ensure full and coordinated implementation and application of Community legislation and policies that have an impact on coastal areas, including when reviewing Community policies;

- (g) include adequate systems for monitoring and disseminating information to the public about their coastal zone. These systems should collect and provide information in appropriate and compatible formats to decision-makers at national, regional and local levels to facilitate integrated management. The work of the European Environment Agency can serve, *inter alia*, as a basis for this purpose. This data should be publicly available in accordance with relevant Community legislation, in particular with Directive 2001/. . ./EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC ⁽¹⁾;
- (h) determine how appropriate national training and education programmes can support implementation of integrated management principles in the coastal zone.

CHAPTER V

COOPERATION

1. Member States encourage, enter into or maintain dialogue with neighbouring countries, including non-member States in the same regional sea, to establish mechanisms for better coordination of responses to cross-border issues.
2. Member States also work actively with the Community institutions and other coastal stakeholders to facilitate progress towards a common approach to integrated coastal zone management, examining the need for a European coastal stakeholders forum. In this process, ways of using existing institutions and conventions should be explored.
3. In this context, cooperation with the Accession Countries is maintained and enhanced.

CHAPTER VI

REPORTING AND REVIEW

1. Member States report to the Commission on the experience in implementation of this recommendation five years after its adoption.
2. These reports are available to the public and include, in particular, information concerning:
 - (a) the results of the national stocktaking exercise;
 - (b) the strategy or strategies proposed at the national level for implementation of integrated coastal zone management;
 - (c) a summary of actions taken, or to be taken, to implement the national strategy or strategies;
 - (d) an evaluation of the expected impact of the strategy or strategies on the status of the coastal zone.
3. The Commission should review this recommendation within six years of the date of its adoption and submit to the European Parliament and the Council an evaluation report accompanied if appropriate by a proposal for further Community action.

Done at ...

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ L ...

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

On 8 September 2000 the Commission sent to the Council its proposal for a European Parliament and Council recommendation concerning the implementation of integrated coastal zone management in Europe (ICZM), based on Article 175(1) of the Treaty.

The European Parliament issued its opinion on 2 to 5 July 2001. The Economic and Social Committee and the Committee of the Regions adopted their opinions on 28 March 2001 and 14 February 2001 respectively.

Following these opinions, on 26 September 2001 the Commission forwarded an amended proposal to the Council.

On 13 December 2001, the Council adopted its Common Position in accordance with Article 251 of the Treaty.

II. OBJECTIVE

The recommendation aims at encouraging the sound and sustainable development of coastal zones, from the environmental, social and economic point of view, by promoting a collaborative and integrated approach to their management.

III. ANALYSIS OF THE COMMON POSITION

1. General

To encourage integrated management of coastal zones it is foreseen that Member States draw up national strategies based on a number of principles outlined in the recommendation and in the accompanying Commission communication. The national strategies should be based on the results of national stocktakings, analysing the laws, institutions and major actors which influence the management of coastal zones in all relevant sectors.

The implementation of the national strategies should lead to a better understanding of the processes (environmental, social and economic) having an impact on coastal zones, to an increased involvement in coastal management of the relevant stakeholders, and to more appropriate and coordinated sectoral policies, administrative systems, and initiatives at local level.

It is foreseen that Member States report to the Commission on the experience in implementing the recommendation after a period of five years, and that an evaluation report will be prepared by the Commission one year thereafter, accompanied, if appropriate, by a proposal for further Community action.

2. Parliament amendments

The Council accepted in full, in substance or in part, 32 of the 41 amendments approved by the European Parliament.

In particular, the Council:

- (a) accepted *amendments 1, 13, 22, 23 and 40* in full;
- (b) accepted *amendments 4 and 7* (merging them), *8, 10, 19, 25, 26, 27 and 28* (merging them) in their substance but with a different wording or placement in the text;
- (c) accepted the following *amendments* in part:

amendments 2 and 3 on the characteristics and problems of coastal zones: are taken over in substance, omitting the list of Community acts relevant to the protection of habitats (*amendment 2*) and the list of possible degradation causes contained in brackets (*amendment 3*),

amendment 5 on a new recital on fishing activities: is taken over in substance and reworded,

amendment 6, on a new recital on growth: is added, omitting the list of examples of threatening activities,

amendment 11 adding qualifications to the type of action needed is introduced, save the word 'first', which is considered unclear,

amendment 17 on the strategic approach: is largely incorporated and reworded, although the reference to a 'binding' common strategy is omitted,

amendments 20 and 21 on principles: have been merged and introduced in the text, although reworded to avoid binding language, not appropriate in a recommendation,

amendments 29 and 38 on partnership: have been integrated in part, together with amendment 26 into Chapter II(g) on principles,

amendments 46 and 31 on stocktaking: are added in substance in Chapter III,

amendments 33 and 34 on national strategies, reworded to avoid binding language, are incorporated in substance in Chapter IV,

amendment 35 on future EU legislation: is taken up in substance by Chapter IV(3)(f) with a broader language covering all Community policies,

amendment 36 on information to the public: taken over and reworded with regard to the role of the EEA and the applicable charges, which should be in line with the forthcoming EU rules on public access to information,

amendment 37 on public participation: the principle of this amendment has been added in Chapter IV (national strategies) paragraph 3(d),

amendment 43 on the Commission review: is integrated in part, while the timing is modified and the language is made broader, given that the commitment to a Community legal framework on integrated coastal management is considered premature and inappropriate for a recommendation;

- (d) did not accept *amendments 12, 16 and 18*, following the opinion expressed by the Commission;
- (e) did not accept six amendments (accepted in full or in part by the Commission) for the following reasons:

amendment 14 adding a reference to the International Maritime Organisation: The Council opted for a broader wording of this recital, but has added a reference to interregional organisations in Chapter III (national stocktaking) and to existing institutions and conventions in Chapter V (cooperation),

amendment 15 adding reference to increased pressure on coastal zones having occurred since the 1994 Council resolution: the Council considers that recitals 4 to 8 already describe the various pressures on coastal zones and that a reference to pressures occurred since 1994 is not necessary,

amendment 24 adding a reference to coastal erosion and flooding in Chapter II (principles): the Council considers that the substance of this amendment is already covered in Chapter I (A strategic approach — see points (a) to (d)). Chapter II on the principles to be followed for ICZM is not considered an appropriate place for such a provision,

amendment 32 on the national strategies: the mandatory language of this amendment is not considered appropriate for a recommendation as well as the additional reference to a future Community legal framework. The Council has added a full reference to the need for partnership with regional and local authorities in Chapter II (principles) point (g),

amendment 39 on the need to enforce existing conventions with neighbouring countries: having added a reference to the use of existing conventions to progress towards a common approach to ICZM in Chapter V, this supplementary addition has not been considered necessary,

amendment 42 on evaluation by the Member States of compliance with Community law: this amendment has not been accepted as the task in question is for the Commission, guardian of the Treaty.

3. Other changes introduced by the Council

Some other minor modifications have been introduced in order to clarify or add details to the Commission proposal (e.g. in Chapters I and II, outlining the strategic approach and the principles for integrated coastal zone management) without changing the overall orientation of the text.

The Commission has accepted the Common Position agreed by the Council.
