

OPINION
OF THE SENATE OF THE REPUBLIC OF POLAND
of 25th April 2013

**on declaring the proposal for a Directive of the European Parliament and of the Council
establishing a framework for maritime spatial planning and integrated coastal
management to be incompatible with the principle of subsidiarity
COM(2013)133**

Having considered the proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management, COM(2013)133, the Senate declares that the proposal is incompatible with the principle of subsidiarity as referred to in Article 5(3) of the Treaty on European Union.

1. In the opinion of the Senate, the objective of the proposed directive – establishing maritime spatial plans and integrated coastal management strategies by the Member States, in line with specific rules and at a specific time – does not need to be implemented at the EU level, as Member States can adopt such plans on their own initiative. According to the Senate, common rules for adopting spatial plans and management strategies, which are specified in Articles 5-8 of the proposed directive, and common procedural requirements are very general. Even without the implementation of the directive in question, Member States are already obliged to respect them under other acts of EU or international law. Consequently, the harmonisation in this case consists only in fixing the deadline by which the Member States will be obliged to develop plans and strategies.

2. The main added value of the proposed directive consists in committing Member States to undertake international cooperation with respect to maritime spatial planning and integrated coastal management. However, the Senate views this benefit as disproportionately low compared to the costs the Member States will have to incur by preparing plans and strategies within the time-frames specified by the Commission.

3. In the opinion of the Senate, preparing maritime spatial plans and coastal management strategies should not be regulated at the EU level, as it precludes taking into account country-specific needs related to different maritime areas. Moreover, developing such plans and strategies requires the cooperation of third countries. This is why the Senate believes that only cooperation at the international level will enable the instruments to be better adapted to real needs and, additionally, ensure the involvement of third countries related to the given maritime area.

Therefore, it should be stated that the proposed regulation is in breach of the principle of subsidiarity.