



Macaronesian Maritime Spatial Planning

“MSP GOVERNANCE ANALYSIS OF THE EUROPEAN MACARONESIA”

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Summary

To address MSP in a cross-border area such as Macaronesia, it is necessary to approach it with sufficient knowledge of both the management of the marine environment and in particular the stage of implementation of MSP. To gain a basic understanding of the current status (administrative, functional and social) of maritime affairs in Macaronesia, it is essential to maintain a multi-scale international-supranational perspective (international and European context), national (Spain and Portugal) and regional (Azores, Madeira and Canary Islands). Understanding the context of governance in the marine environment encourage comprehending the management processes and responses to a complex area that also involves cross-border characteristics.

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List of acronyms

BOE: Official Bulletin of the Spanish State / *Boletín Oficial del Estado Español*

CFP: Common Fisheries Policy

CIAMA: Interdepartmental Commission for Maritime Affairs of the Azores / *Comissão Interdepartamental para os Assuntos do Mar dos Açores*

CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora

DG-Environment: Directorate-General for Environment

DG-Mare: Directorate-General for Maritime Affairs and Fisheries

DGPM: Directorate-General for Maritime Policy / *Direção Geral de Política do Mar*

DGRM: Directorate-General for Natural Resources Safety and Maritime Services / *Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos*

DRAM: Regional Directorate for Sea Affairs / *Direção Regional dos Assuntos do Mar – Governo Regional dos Açores*

DRE: Diary of the Portuguese Republic / *Diário da República Portuguesa*

DROTA: Regional Directorate Spatial Planning and Environment- Regional Government of Madeira / *Direção Regional Ordenamento Território e Ambiente- Governo Regional da Madeira*

EASME: Executive Agency for Small and Medium-sized Enterprises

EEZ: Exclusive Economic Zone

EMFF: European Maritime and Fisheries Fund

ERDF: European Regional Development Fund

ES: Spain (international acronym)

EU: European Union

GT-OEM: Maritime Spatial Planning Working Group (Spain) / *Grupo de Trabajo para la Ordenación del Espacio Marítimo*

ICZM: Integrated Coastal Zone Management

IMP: Integrated Maritime Policy

IOC-UNESCO: Intergovernmental Oceanographic Commission of United Nations Educational, Scientific and Cultural Organization

IW: Internal Waters

LBOGEM: Law for National Maritime Spatial Planning and Management Policy / *Lei n.º 17/2014, de 10 de abril, que estabelece as Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional*

MARPOL (Convention): The International Convention for the Prevention of Pollution from Ships

MITECO: Ministry for Ecological Transition. Government of Spain / *Ministerio para la Transición Ecológica. Gobierno de España*

MPAs: Marine Protected Areas

MSEG: Marine Spatial Experts Group

MSFD: Marine Strategy Framework Directive

MSP: Maritime Spatial Planning

MSPFD: Maritime Spatial Planning Framework Directive

NOS: National Ocean Strategy / *Estratégia Nacional para o Mar*(Portugal)

OJEU: Official Journal of the European Union

OSPAR: Convention for the Protection of the Marine Environment of the North-East

POEM: National Maritime Spatial Plan /*Plano de Ordenamento do Espaço Marítimo*

POMAC (funds): Operational Program of Territorial Cooperation Madeira-Açores-Canarias

PT: Portugal (international acronym)

SRARN: Regional Secretariat of the Environment and Natural Resources / *Secretaría Regional do Ambiente e Recursos Naturais* (Governo de Madeira)

TS: Territorial Sea

UNCLOS: United Nations Convention on the Law of the Sea

1. INTRODUCTION

To address the challenges of ocean governance, new perspectives have emerged that adopt a more holistic approach, not only regarding the understanding of the current situation but also for the design of an equally complex management system. These include integrated management approaches, which are also of key application in maritime spatial planning (Koehn et al., 2013). When applied to Maritime Spatial Planning (MSP), integrated management contributes to the need to approach management from a multidimensional perspective and observe its relationship with the physical-natural subsystem, the socio-economic subsystem and the legal-administrative subsystem. It also implies the consideration of these relationships with a broad temporal and scalar view, considering the breadth of interests (especially, the relationship between each of them) and a geographical perspective that covers areas of influence (Barragán, 2014).

I. What does this document offer the reader?

This is a descriptive analysis report of the management framework that contextualizes the implementation of the Directive 89/2014 of the European parliament and of the council of 23 July 2014 establishing a framework for maritime spatial planning (MSP Directive) in each archipelago. The synthesis of the results in this report shows an approach to the complex management framework in each archipelago (Azores, Madeira and the Canary Islands) and country (Portugal and Spain), presented in a manner that allows for MSP throughout the entire Macaronesia.

Who is it useful for? This analysis is aimed at the general public and those entities responsible for implementing the MSP Directive within the European Macaronesian region.

II. Why is this document necessary?

- To contextualize the management framework for implementing the MSP Directive in each archipelago.
- To promote mutual understanding of this framework to facilitate cross-border cooperation between archipelagos correlating the management of the main economic sectors considered within the Blue Economy for MSP.

It is important to emphasize that this document aims to summarize the management framework allowing for an understanding of the organization and administration of the maritime sectors and the MSP processes of both countries and to facilitate cross-border cooperation. Thus, this document will

neither be a list of legislation nor an in-depth description of the above elements considered in the analytical model (also, for more details, you can go to the annexes of the document).

III. How was this document developed?

The diagnosis of the present governance of Macaronesia has been based on four key aspects for public management, identified in methodologies that have been repeatedly tested (Barragán 2003; García-Sanabria et al., 2012; Barragán et al. 2010) that facilitate knowledge, description and assessment of the foundations of any public management system in a simple and brief manner.

The four aspects that have been chosen to analyze the public management framework of the maritime sectors are:

- Distribution of competences / capacities / responsibilities: Which scale (national / regional) holds the capacity of decision making (and for which type of decisions) related to planning and management of the sector concerned in the marine environment.
- Responsible institutions: It must be highlighted which public entity is to manage each maritime sector.
- Key legislation: because of the abundant and diverse legislation in force, a criterion has been followed to select those key for each maritime sector:
 - a) Basic regulations that establish a general management framework and from which all other sub-ordinate laws are derived or are required to conform.
 - b) Legal norms with specific application to the maritime space.
- Key instruments: this aspect will describe the main sectoral and cross-sectoral instruments (strategies, plans, programs, etc.) related to maritime sectors.

These aspects begin with an analysis from an international and European scale and end with a comparative analysis of the realities of Spain and Portugal and the respective autonomous communities/regions (Azores, Madeira and the Canary Islands) which has been carried out in a manner that facilitates insights into the situation of the European Macaronesia.

The four aforementioned aspects have been analyzed for some of the maritime sectors covered by the Integrated Maritime Policy (IMP) of the European Union which were identified as being of strategic importance for the MSP in Macaronesia (García-Onetti et al., 2018): fisheries and aquaculture, coastal and maritime tourism, energy, ports and maritime transport, extraction of raw materials, maritime rescue and the conservation and protection of the environment and underwater archaeological and cultural heritage.

This approach will use the principles of the MSP as a reference. Such as sustainability, ecosystem-based management, integration between sectors. And through administrative scales of government, adaptive, participatory and long-term focused management (Ehler and Douvère, 2009). In addition, the interactions between land and sea, and the existing connection in the whole of Macaronesia, which has a functioning socio-ecosystem, cannot be ignored.

In relation to the information contained within this report, it is largely based on official data sources such as the Official Journal of the European Union (OJEU), Official Bulletin of the Spanish State (*Boletín Oficial del Estado* –BOE-), Diary of the Portuguese Republic (*Diário da República Eletrónico* –DRE-), and the official publications of ministries, the autonomous regions of the Azores and Madeira, the autonomous community of the Canary Islands and information in government portals. In addition, a period of consultation was held between the institutions and experts involved in the MarSP project (see www.marsp.eu).

2. INTERNATIONAL CONTEXT

2.1. What International Conventions contribute to the governance of the Macaronesian sea basin?

It is essential to introduce an international context to the main international agreements that apply to the Macaronesia. For this, it is necessary to begin with The Montego Bay Convention: Constitution of the Sea. The UNCLOS (acronym of United Nations Convention on the Law of the Sea), which lays out a comprehensive regime of law and order for the oceans and seas of the world and establishes rules governing most uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. The Convention also provided the framework for further development of specific areas of the law of the sea.

Box1

UNCLOS: “The Convention” was opened for signature on 10 December 1982 in Montego Bay, Jamaica. This marked the culmination of more than 14 years of work involving the participation of representatives from over 150 countries, from all regions of the world, all legal and political systems and the spectrum of socio/economic development. At the time of its adoption, the Convention embodied in one-instrument traditional rules for the uses of the oceans and introduced new legal concepts and regimes, and addressed new concerns.

More information: https://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm

It is essential to consider the Convention for the Protection of the Marine Environment of the North-East Atlantic (the ‘OSPAR Convention’) as another of the key conventions covering Macaronesia¹. This agreement on protecting the marine environment in the Northeast Atlantic, which entered into force in 1998, has the creation of a Network of Marine Protected Areas (MPAs) as one of its current priorities. All member states which are also OSPAR Contracting Parties have the obligation to propose areas of interest within their respective waters of jurisdiction, including their exclusive economic zone or those marine areas where the state exercises its sovereignty. It complements and updates the Oslo Convention of 1972 on discharges to the sea and the 1974 Paris Convention on marine pollution from land-based sources. Both Spain (1994) and Portugal (1997) have ratified the OSPAR Convention.

¹ Note: Currently Madeira does not belong to OSPAR. However, they are in a process of negotiation to enter. Although the Madeira subdivision is not included in the OSPAR regions, for the sake of consistency with the other Portuguese subdivisions and the rest of Europe within the MSFD the OSPAR approach was considered in the descriptors. For example, ‘Marine birds are in trouble’ was one of the key messages of the OSPAR Intermediate Assessment 2017. The OSPAR Biodiversity Committee met 19-23 February 2018 in Madeira, Portugal, to discuss the proposed designation of new Marine Protected Area (MPA) in the High Seas of the OSPAR Maritime Area to protect seabirds. More information: <https://www.ospar.org/news/ospars-biological-diversity-ecosystems-committee-meets-in-madeira>

There are other international conventions of interest for the management analysis of the marine environment. Described in summary form, the main international conventions signed by Spain and Portugal are presented below (Table 1).

Table 1. Key international conventions and agreements and their approval status for Spain, Portugal and the European Union

International convention	Key words	Ratification Regulation		Associated Instrument *
UNESCO: The Convention on the Protection of Underwater Cultural Heritage (2001)	Underwater cultural heritage, in situ preservation, no commercial exploitation, training and information sharing	EU		
		ES	2001	
		PT	2006	
CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)	Wild fauna and flora, international trade	EU	1996	
		ES	1986	
		PT	1980	
Berne Convention: The Convention on the Conservation of European Wildlife and Natural Habitats (1979)	International legal instrument, field of nature conservation, European natural heritage	EU	1979	
		ES	1986	
		PT	1981	
Bonn Convention: Convention on the Conservation of Migratory Species of Wild Animals (1979)	Conservation, migratory species of wild animals	EU		
		ES	1985	
		PT	1980	
Convention on Biological Diversity (1992)	Biological diversity, terrestrial and marine ecosystems, Aichi Targets 2011-2020	EU		
		ES	1994	
		PT	1993	
London Convention: The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) and London Protocol (1996)	Prevention of marine pollution, dumping of wastes, marine geoengineering, carbon capture	EU		
		ES	1975	
		PT	1978	
Ballast Water Management Convention: International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004)	Prevention of spread of harmful aquatic organism, standards and procedures for management, ship's ballast water and sediments	EU		
		ES	2016	
		PT	2017	
MARPOL Convention: The International Convention for the Prevention of Pollution from Ships (1973)	Marine pollution, ships, spillage, prevention, control,	EU	2000	
		ES	1984	
		PT	1987	
International Convention on Oil Pollution Preparedness, Response and Co-operation	Pollution incidents, oil, plans, co-operation, hazardous and noxious substances	EU		
		ES	1995-2006	

(OPRC) and HNS Protocol (1990-2000)		PT	2006	
International Convention on Salvage (1989)	Assistance and Salvages at sea, marine salvage, environmental salvage	EU		
		ES	2005	
		PT	1998*	
Legend		Yes	No	
EU: Europe		* Legislation derived from national transpositions and/or the creation of specific instruments for the implementation of the agreement in the country		
ES: Spain		** Although Portugal did not ratify the 1989 Salvage Convention, Decree Law No. 203/98 of 10 July 1998 transcribes most of its provisions into domestic law.		
PT: Portugal				

Other agreements ratified by both countries are relevant agreements that can indirectly or partially refer to integrated issues in the management of the marine environment, such as the Kyoto Protocol, Ramsar, Solas Convention, Loadlines Convention, Tonnage Convention, Colreg Convention, Csc Convention, Facilitation Convention, Intervention Convention, Fund Convention, among others. For MSP it is equally important to consider land-sea interactions and maintain a global vision even if the instrument is applied regionally. Not all international agreements apply at the same scales. Each one of them could be analysed in detail to identify the European Union as an entity that can be a signatory or if, on the contrary, it is only the countries that ratify. In addition, some of the agreements presented have been developed with specific instruments, which does not mean that all the agreements require this articulation. The Table 1 summarizes the status of the parties involved in European Macaronesia without assessing the nature of each of the aforementioned agreements. To see the spatial dimension of each of the aforementioned agreements, see the Atlas of the Macaronesia (www.marsp.eu).

2.2. Where does MSP come from and where does it fit into the European context?

Before addressing the specific issue of MSP within a European context, the main thematic and political axes of the European Union in the marine environment should be presented in broad strokes. We can approach the question by differentiating three major thematic blocks: economic, environmental and the fisheries sector. In fact, these blocks are related to each other and, especially the first two, are of transversal influence to the rest of the sectors in which maritime management is organized within the European Union (EU). They are differentiated here because historically they have particularly influenced the political development of the EU in maritime affairs, strongly conditioning all other policies and subsequent measures.

Beginning with the third block, the fisheries sector is an economic sector that not only depends on the sound state of the seas, but is also the subject of negotiation between the member states and third countries, and constitutes an economic and stable pillar for the European Union. It is therefore an axis of the utmost importance in the political framework of the European Union and since the 1970s a series of political and economic measures have hinged upon it. Fisheries are a common policy, with common rules adopted at EU level and applied on all Member States. The original objectives of the Common Fisheries Policy (CFP) were to preserve fish stocks, protect the marine environment, ensure the economic viability of European fleets and provide consumers with quality food. The 2002 reform added the sustainable use of living aquatic resources to these objectives, in a balanced manner and from an environmental, economic and social point of view, specifying that sustainability must be based on sound scientific advice and on the precautionary principle². Fisheries regulations are mandatory for member countries, which will include or supplement them with their own national regulatory frameworks under European supervision.

The environmental axis, through the Environmental Action Programs, constitutes a thematic block of enormous current and potential impact for all other issues and derived policies. Specifically, under the 6th Community Action Program on the Environment³, the conservation of the marine environment was adopted as a strategic theme for protecting the environment, with the general aim of promoting sustainable use of the seas and protecting marine ecosystems. This served as the basis for the development of the Marine Strategy Framework Directive, the most important and iconic legal framework concerning the marine environment. But conservation (including here the Birds and Habitats Directives) is not the only subtopic that should be highlighted. The land-sea interactions are of great relevance for the marine environment (especially through the Water Framework Directive).

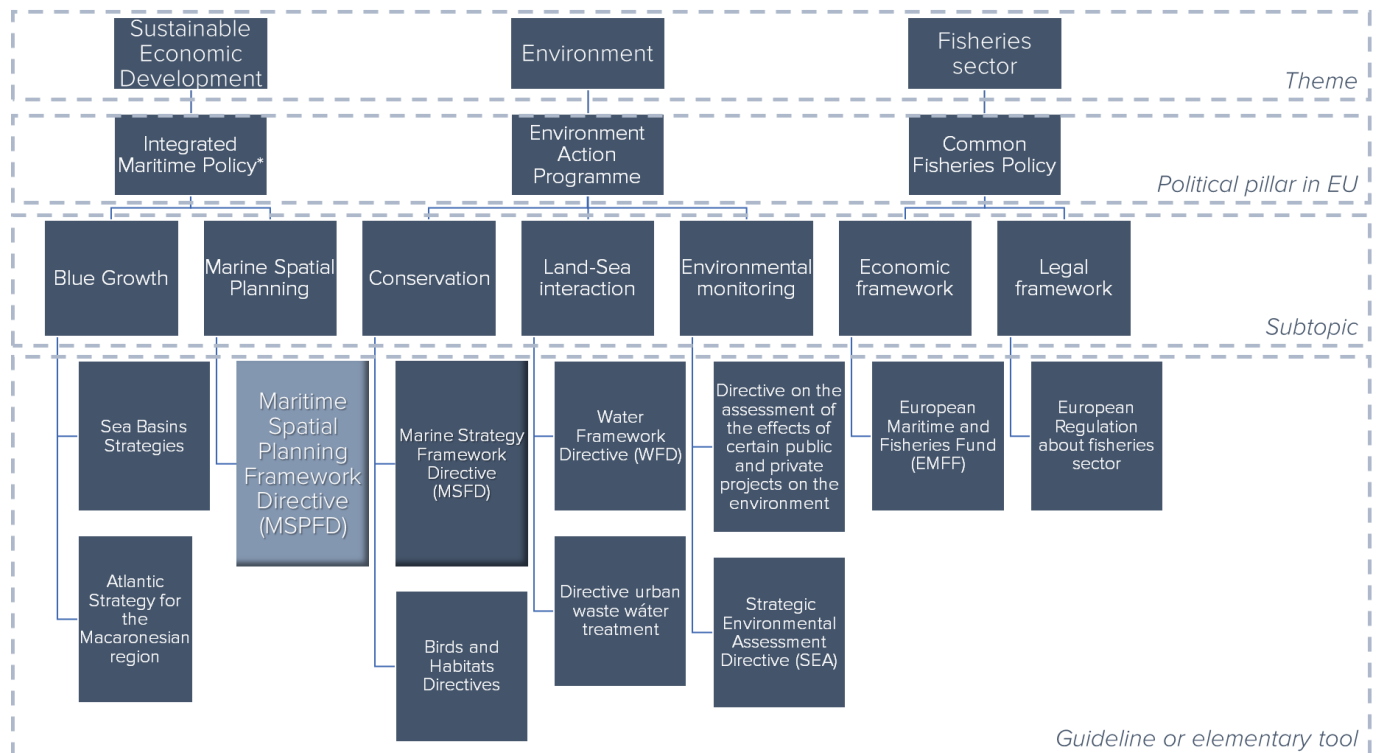
It is worth mentioning the economic axis that, particularly for the marine environment, is being specially developed (under a sustainability approach) in the context of the Integrated Maritime Policy (IMP).

The IMP is presented to give a holistic approach to all sea-related EU policies (Lukic et al., 2018). This policy applies to all EU member states, but does not require enforcement at a national level. The IMP is a framework to facilitate the development and coordination of diverse topics. Blue Growth is the long-term strategy to support sustainable growth in the marine and maritime sectors. It is the maritime contribution to achieving the goals of the Europe 2020 Strategy for smart, sustainable and inclusive growth. These three thematic axes are represented below in Figure 1.

² This and other reforms are considered in the document: Fact Sheets on the European Union – 2019 (available: http://www.europarl.europa.eu/ftu/pdf/en/FTU_3.3.1.pdf)

³ Decision No 1600/2002 / EC of the European Parliament and of the Council of 22 July 2002, which established the 6th Community Action Program on the Environment.

Figure 1. European context in the marine environment

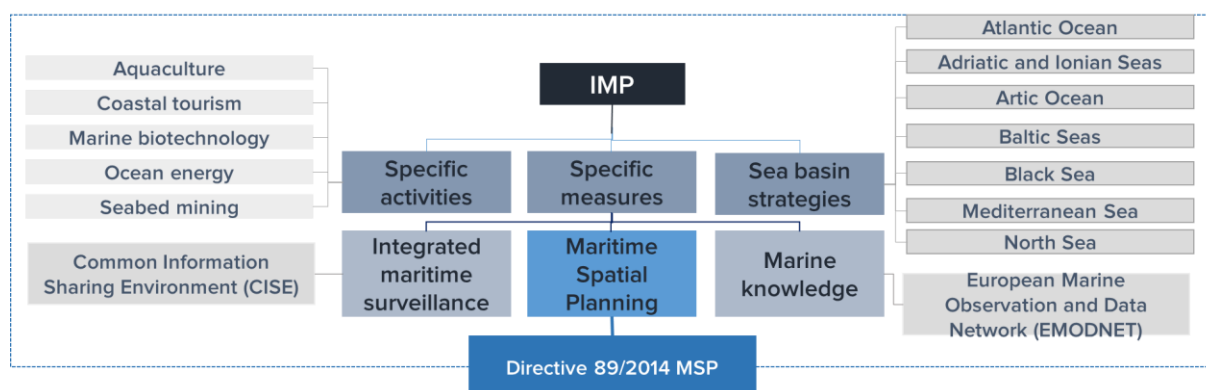


** The IMP, even if it is a specific policy, is an integrator of the sectors that apply to the marine environment, such as environmental policies or sectors such as fisheries. Although in the simplified scheme it appears at the same level as other specific policies, it is, by definition, integrative.*

Source: Authors' own, based on information obtained from The European Union Official Websites (https://ec.europa.eu/maritimeaffairs/policy_en)

Marine Spatial Planning (MSP) aims to spatially and temporally organize human activities in the marine environment to achieve ecological, economic and social objectives that have been specified through a political process (Ehler and Douvere, 2009). For this purpose, the European Parliament and the Council have created a common framework for MSP in Europe through Directive 2014/89/EU, which among other issues encourages coherent planning across national borders (Figure 2).

Figure 2. EU Integrated Maritime Policy



Source: based on Suárez-de Vivero and Rodríguez Mateos, 2014

As established in the first article, the MSP Directive aims, on the one hand, to promote sustainable development of maritime economies in line with an Integrated Maritime Policy (IMP) within which there are other strategies such as Blue Growth⁴, Marine Knowledge⁵, Maritime Surveillance⁶ and the Maritime Strategy for the Atlantic Ocean Area⁷ (part of the Sea Basin Regional Strategies). This development should be executed through sustainable use of marine resources, aligned with other sectorial policies like the Common Fisheries Policy (CFP), and apply an ecosystem approach under the Marine Strategy Framework Directive⁸. This implies that the aim of ensuring that the collective pressure of all activities is kept within levels compatible with the achievement and/or maintenance of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised.

At the same time, as mentioned in number 15 of the section titled ‘whereas’ of Directive 2014/89/EU, maritime spatial planning will contribute, among other things, to achieving the aims of many other EU legal instruments like the Water Framework Directive⁹, the 2002 EU Recommendation

⁴ Report on the Blue Growth Strategy Towards more sustainable growth and jobs in the blue economy: https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/swd-2017-128_en.pdf

⁵ MARINE KNOWLEDGE 2020 marine data and observation for smart and sustainable growth: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52010DC0461>

⁶ Towards the integration of maritime surveillance: A common information sharing environment for the EU maritime domain: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52009DC0538>

⁷ Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions Developing a Maritime Strategy for the Atlantic Ocean Area: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0782>

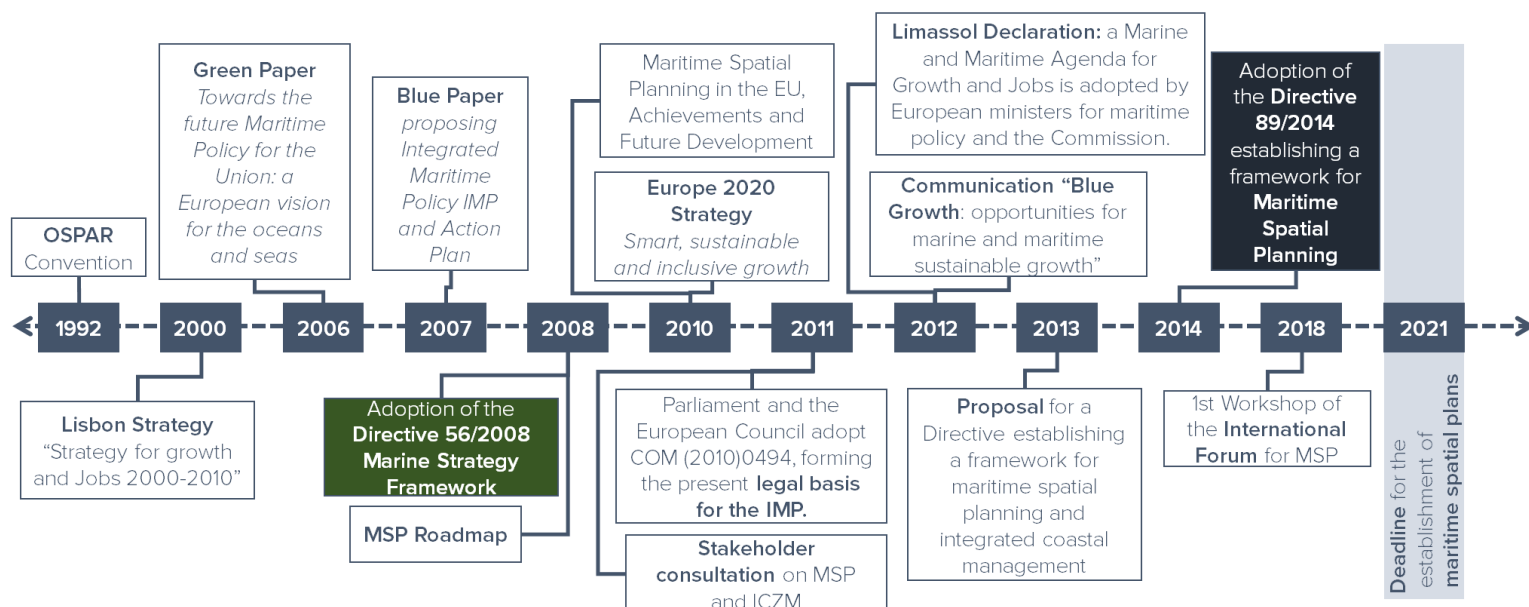
⁸ Directive 2008/56/EC represents the environmental pillar of the integrated maritime policy derived from the EU Coastal and Marine Environmental Policy.

⁹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

on Integrated Coastal Zone Management¹⁰, the Birds¹¹ and Habitats¹² Directives, the use of energy from renewable sources Directive¹³ and the EU's maritime transport policy¹⁴.

Focusing now on MSP, the main milestones within the EU to understand how we arrived at the current sea management framework are presented in Figure 3.

Figure 3. Timeline of key milestones of MSP in the European Union



Source: Authors' own based on information obtained from EU websites

(https://ec.europa.eu/maritimeaffairs/home_en and others)

¹⁰ Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002H0413>

¹¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009L0147>

¹² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

¹³ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0028>

¹⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategic goals and recommendations for the EU's maritime transport policy until 2018: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52009DC0008>

2.3. How and by whom is MSP being promoted in the EU?

In order to move towards a more integrated approach, the Commission set up a Steering Group of Commissioners on Maritime Affairs in 2005, together with an Inter-service Group on Maritime Affairs, which joins the Commission Directorates-General dealing with issues related to the seas and oceans.

More recently, the renamed Directorate-General for Maritime Affairs and Fisheries¹⁵ (DG MARE) was restructured, along with a coordination unit, with three units with responsibility for the different European sea basins and one unit dealing with the external dimension of maritime affairs, and is now equipped for permanent internal coordination of maritime affairs. However, policy optimization will not be fully realized without an integrated approach being implemented at all levels of government, with all actors involved, research and policy advice, and the participation of stakeholders. This depends on co-operation between policy makers and the co-ordination of actions. Several steps are also being taken towards closer integration throughout the EU with a set timeframe of 2030.

By implementing the Action Plan on the IMP, the Commission will promote the implementation of EU legislation utilising an integrated approach for all maritime issues throughout the EU, while also complying with the principle of subsidiarity and co-ordination with the existing division of powers¹⁶.

Furthermore, the Directorate-General for Environment¹⁷ (DG Environment) is the European Commission department responsible for EU policy on the environment. It works under the political leadership of the Commissioner for Environment, Maritime Affairs and Fisheries.

It is also necessary to mention the Executive Agency for Small and Medium-sized Enterprises (EASME), which supports the European Commission in developing and implementing the Integrated Maritime Policy and the Common Fisheries Policy¹⁸.

Box 2

The European Commission coordinates a group of experts in maritime spatial planning, called "Maritime Spatial Experts group (MSEG)". Likewise, there is a mechanism for assisting Member States, a platform for the exchange of information and experiences (MSP Platform), and the European Maritime Forum (EU Maritime Forum). On the other hand, the European Commission has launched different calls to financially support cross-border cooperation projects (between different Member States) for the implementation of the Maritime Spatial Planning Directive.

More info: https://www.msp-platform.eu/sites/default/files/20180419_msp_platform_presentation.pptx

¹⁵ More info: https://ec.europa.eu/info/departments/maritime-affairs-and-fisheries_en

¹⁶ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Guidelines for an integrated approach to maritime policy: towards best practice in integrated maritime governance and stakeholder consultation (COM/2008/0395 final)

¹⁷ More info: http://ec.europa.eu/dgs/environment/index_en.htm

¹⁸ More info: <https://ec.europa.eu/easme/en>

I) How can European funds constitute resources for maritime affairs in Macaronesia?

The community policy where Macaronesia falls is the European regulatory framework, but also through the objectives and priorities of the main European funding programs. Thus, we can consider the strategic objectives or priority axes of these financial instruments to present the context in which the main initiatives and trends in Macaronesia take place.

Notably, the European Regional Development Fund (ERDF Fund)¹⁹, which includes the Operational Program of Territorial Cooperation Madeira-Açores-Canarias (POMAC); and the European Maritime and Fisheries Funds (EMFF Funds)²⁰ represent the main funding channels for initiatives and activities in the coastal and marine environment of Macaronesia, in the wake of the "Blue Growth" strategy, which is progressively gaining greater prominence in the European Community.

Box 3

Despite not being European, it is essential to mention that the Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO), established in 1960 as a body with functional autonomy within UNESCO, is the only competent organization for marine science within the UN system. The purpose of the Commission is to promote international cooperation and to coordinate programmes in research, services and capacity-building, in order to learn more about the nature and resources of the ocean and coastal areas and to apply that knowledge for the improvement of management, sustainable development, the protection of the marine environment, and the decision-making processes of its Member States. In addition, IOC is recognized through the United Nations Convention on the Law of the Sea (UNCLOS) as the competent international organization in the fields of Marine Scientific Research (Part XIII) and Transfer of Marine Technology (Part XIV).

More info: Intergovernmental Oceanographic Commission of UNESCO web page: <http://ioc-unesco.org/>

¹⁹ European Regional Development Fund (ERDF): Within the Fund, and to reinforce the efficiency of this Cohesion Policy, the Interreg Europe Program promotes the exchange of experiences between partners across the Union and the identification and dissemination of best practices with a view to its transfer, economic growth and cooperation. Within the Interreg funds, different items are allocated to serve the different European regions. Thus, for the area of Macaronesia, there is the Operational Program of Territorial Cooperation Madeira-Açores-Canarias (POMAC), which is the main instrument available to the outermost regions of Spain and Portugal to offer an effective response to the common challenges that they face in terms of innovation, competitiveness, internationalization and sustainable development. The Program for the period 2014-2020 is in force. For more info.: https://ec.europa.eu/regional_policy/es/funding/erdf/

²⁰ European Maritime and Fisheries Fund: The EMFF is a new fund for maritime and fisheries policies of the EU proposed for the period 2014-2020. It sets as a horizontal axis the objectives established by the Europe 2020 Strategy, which include smart, sustainable and inclusive growth, and the harmonious development of the Union. The priorities that the Union considers for the period 2014-2020 in the maritime and fisheries areas aim to fulfill the objective of sustainable development of fisheries, aquaculture and other related activities, and are subdivided into specific objectives. In addition, in the case of the archipelagos, the member states present, together with their Operational Programs, the Compensatory Plans for outermost regions. In this way, some of the particularities of the sector are compensated due to insularity and distance. For more info.: https://ec.europa.eu/fisheries/cfp/emff_es

3. MSP PROCESS IN THE EUROPEAN MACARONESIA

3.1. Is the MSP Directive applied in the same way to all of European Macaronesia?

No. The EU provides a common framework through its MSP Directive for all Member States. This Directive aims to guide MSP implementation by establishing its principles and objectives and minimum requirements that must be taken into account in the MSP processes. Thus, it is through the transposition process that each European Member State determines and designs the content and format of their MSP Plans, including institutional mechanisms and, where applicable, any allocation of maritime space to different activities and uses respectively²¹. The mechanisms of implementation of the European regulatory framework are also different between the Directives (e.g. the MSP), Regulations (e.g. Fishing), Decisions (e.g. criteria and methodological standards on good environmental status of marine waters) or Recommendations (e.g. Recommendation on Integrated Coastal Zone Management).

In this sense, both Portugal and Spain (countries with similarities and differences in terms of their legal regimes and administrative structures) have not transposed the MSP Directive into their national legal system in the same manner; they have established their own procedures for preparing plans and their inter-institutional management and coordination mechanisms. In addition, each Member State has designated the competent authority or authorities regarding the application of the MSP Directive according to its specific legal and thematic context.

3.2. Where do we come from regarding MSP in the European Macaronesia?

Because of the normative range of the transposition of the MSP Directive, a brief analysis at national level is necessary to understand the MSP processes that take place in the Macaronesia area. The analysis at national level is necessary since it will be within the implementation of the national transpositions where the corresponding marine demarcations that make up the Macaronesia are specified (Azores and Madeira in Portugal, and Canaries within Spain). This analysis follows the path taken by the implementation of the MSP Directive within the national legal framework until reaching the instruments (plans) for the corresponding maritime space in Macaronesia.

²¹ More info about legal processes, transpositions and characteristics of the different legal instruments of the European Union: https://europa.eu/european-union/eu-law/legal-acts_es#directivas

I) Where do we come from regarding MSP in Spain?

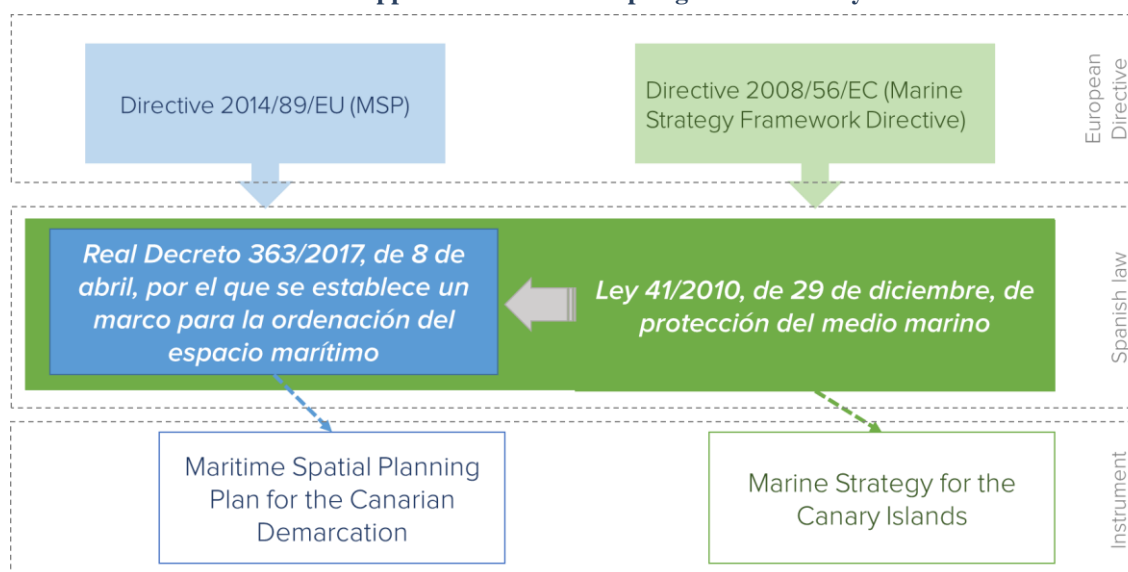
The transposition of the Marine Strategy Framework Directive in Spanish law was carried out through Law 41/2010 of December 29, on protecting the marine environment²² through the marine strategies as essential instruments. Recently, marine strategies of Spain (including the Canarian Demarcation) have been approved by Royal Decree 1365/2018. Although these instruments are developed for each Demarcation, the Government may approve common guidelines for all marine strategies to ensure the coherence of its objectives. In Spain there are five marine demarcations for implementing the Directive and of which, there are five strategies: North-Atlantic, South-Atlantic, Strait and Alboran Sea, Levantine-Balearic and Canary Islands. All sectoral policies must be compatible and adapted to the objectives of the marine strategies.

In specific terms, the transposition of the MSP Directive into the Spanish regulatory framework is carried out through Royal Decree 363/2017. The development of this transposition was done by the Specific Working Group for this purpose, within the Inter-ministerial Commission for Marine Strategies (Royal Decree 715/2012). This commission coordinates the preparation, application and monitoring of planning of the marine environment contained in the transposition of the Marine Strategic Framework Directive (Law 41/2010). Also, Article 4 of Royal Decree 33/2017 specified that the plan or plans for the management of maritime space must be consistent with Marine Strategies.

In this sense, both transpositions are directly linked (Figure 4). This is reflected in Royal Decree 363/2017 establishing, through the Maritime Spatial Planning Plans, the objectives for the management of maritime space. These objectives have to consider both the environmental objectives of the Marine Strategies and those of sectorial planning. Thus, the development of the Maritime Spatial Planning Plan for the Canary Islands will be conditioned by the content of the Marine Strategy for the same marine region.

²² Besides the marine demarcation to which it applies, the Law on Protection of the Marine Environment may apply in coastal waters, including the public domain port, if the regulation derived from the Water Framework Directive is not sufficient to guarantee good environmental status of this part of the marine environment. Likewise, it is through this standard that the Network of Protected Marine Areas is created and establishes its objectives, the natural spaces that comprise it and the mechanisms for its designation and management. For more details of the law: <https://www.boe.es/buscar/act.php?id=BOE-A-2010-20050&tn=2&p=20150922>

Figure 4. Transposition of MSP and Marine Strategy Framework Directives to the Spanish legislative framework and application to the archipelago of the Canary Islands



II) Where do we come from regarding MSP in Portugal?

In the case of Portugal, there are differences in the transposition process of the Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive, MSFD) and the MSP Directive in comparison with the Spanish process.

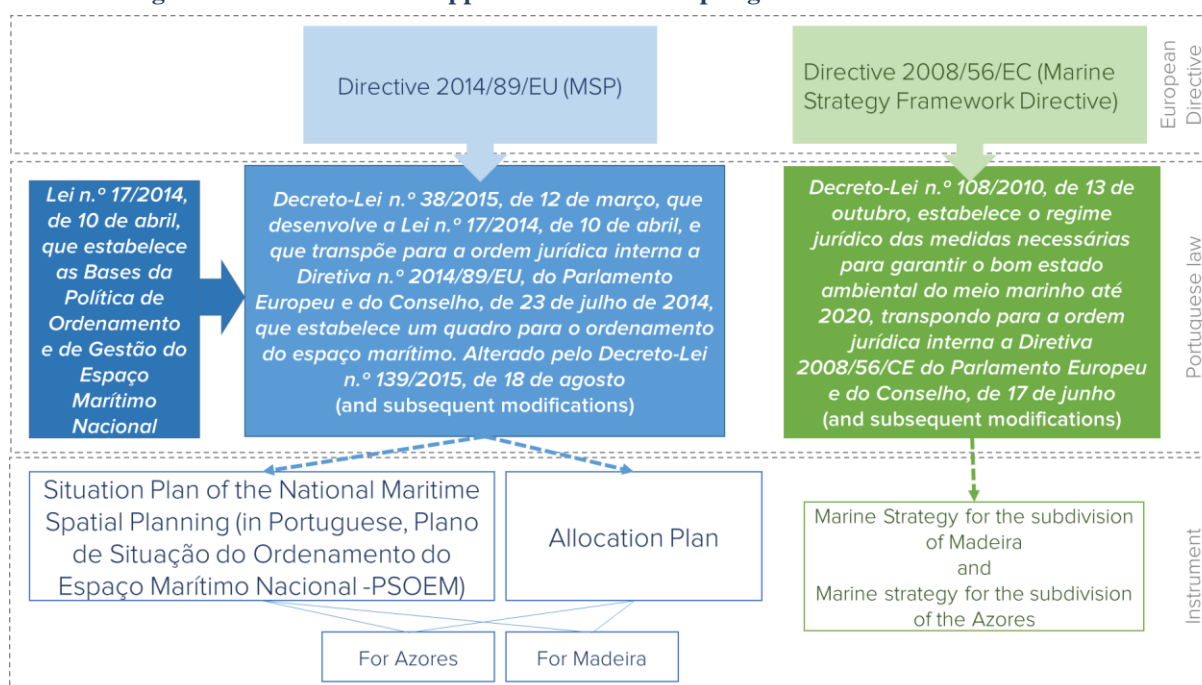
The transposition of the MSFD Directive to the national legal framework was done through Decree Law No. 108/2010, of 13 October, and its subsequent modifications²³. To implement this legal instrument, the state had to coordinate and establish a methodological framework for the development of marine strategies: the Continental subdivision (integrating the Bay of Biscay and Iberian coast sub-region), the Azores subdivision and the Madeira subdivision (both included in the sub-region of Macaronesia) and the extended continental shelf subdivision.

Portugal started the consolidation of the maritime spatial planning process through Law No. 17/2014, 10 April, that established the legal basis for Portugal's policy on maritime spatial planning and management (in Portuguese, entitled *Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional*, LBOGEM). This law came about in parallel with environmental policy legislation specifically Law No. 19/2014, 14 April, in Portuguese, entitled *Lei de Bases do Ambiente*), which does not derive from the transposition to national law of the Marine Strategy Framework Directive. LBOGEM, predates the entry into force of the MSP Directive (although contemporary). LBOGEM's

²³ This Decree-Law No. 108/2010 has consecutive modifications that are specified in Annex IV of this document.

enabling legislation Decree-Law No. 38/2015 of 12 March, developed the maritime spatial planning and management fundamental law, defining the regime of maritime spatial planning instruments and transposed into national law the MSP Directive. It was subsequently modified by Decree-Law 139/2015, 30 July (Figure 5). The Decree-Law No. 38 / 2015 of March 12 develops the legal regime applicable to the maritime spatial planning, its permanent monitoring and respective technical evaluation, and the use of this space. In this diploma it is mentioned that the MSP should be developed through the Situation Plan that represents and identifies the spatial and temporal distribution of existing and potential uses and activities, also identifying natural and cultural values with strategic relevance for environmental sustainability and intergenerational solidarity.

Figure 5. Transposition of the MSP and Marine Strategy Framework Directives to the Portuguese legislative framework and application to the archipelagos of the Azores and Madeira



The MSP process is carried out in the first place by the Situation Plan, which includes the identification of sites for the protection and preservation of the marine environment and the spatial and temporal distribution of existing and potential uses and activities. The Situation Plan, which presents itself as the present and future portrait of the national maritime space, can be developed in stages. The Allocation Plans make up the other planning instrument, assigning areas and or volumes of the national maritime space to uses and activities not identified in the Situation Plan. An Allocation Plan, once approved, is automatically integrated into the Situation Plan, as defined in Decree-Law No. 38/2015, 12 March. The Situation Plan is accompanied by material content (identification and temporal and spatial distribution of existing and potential uses and activity) and documentary content (geospatial

representation). This diploma also states that the Situation Plan is accompanied by a report and environmental statement.

The Order (*despacho*) n.º 11494/2015 of October 14 was published after the 38/2015 of May 12 and establishes the rules of operation of the Consultative Commission that supports and monitors the development of situation in the area of the national maritime space adjacent to the archipelago between the baselines and the outer limit of the continental shelf to 200 nautical miles. The purpose of Consultative Commission is to support and monitor the development of the work to prepare the situation plan in the area of the national maritime space referred to in the previous article, an adequate concertation of interests. The Consultative Commission is composed of representatives appointed by the various secretariats and public bodies with responsibility in the areas of the sea, the environment, nature conservation and the sectors of uses or activities developed in the national maritime space.

III) Do Spain and Portugal have the same pace in marine governance?

Comparatively, to date, both countries have advanced differently in terms of the transposition and implementation of the two main directives. It should also be noted that, prior to the adoption of LBOGEM and before Directive 89/2014/EU entered into force, Portugal had attempted to manage the different uses and activities of the maritime space, the most prominent being the proposal of a plan for maritime spatial planning. In 2008, following Order No. 32 277/2008, of December 18, which determined the development of a national Maritime Spatial Plan²⁴ (in Portuguese *Plano de Ordenamento do Espaço Marítimo* –POEM). POEM was subsequently published through Order No. 14449/2012 of 8 November and although this plan issued as a study and as a binding legal instrument, thus assuming no enforceable regulatory formal aspect, it was considered by Decree-Law No.38/2015, of 12 March, as the reference situation for spatial planning and for the assignment of private use titles. However, POEM only referred to the areas adjacent to mainland territory and to the continental shelf beyond 200 nautical miles. The Regional Government of the Azores initiated an identical process applied to the maritime space adjacent to the archipelago (in Portuguese, *Plano de Ordenamento do Espaço Marítimo dos Açores* –POEMA), which also did not assume the form of a legal instrument.

Even before this, Portugal proposed in 2006 the first National Ocean Strategy (NOS 2006-2016), which acknowledged MSP as one of its keystones, namely one of its three strategic pillars: “*spatial planning is a governance tool (...) essential to ensure a holistic view based on the principles of sustainable development, precautionary approach and ecosystem approach, through the identification and spatial planning of all existing and future uses, allowing the support of a truly integrated,*

²⁴ For more information about the steps in Portuguese MSP: <https://www.dgpm.mm.gov.pt/ordenamento-e-maritimo>

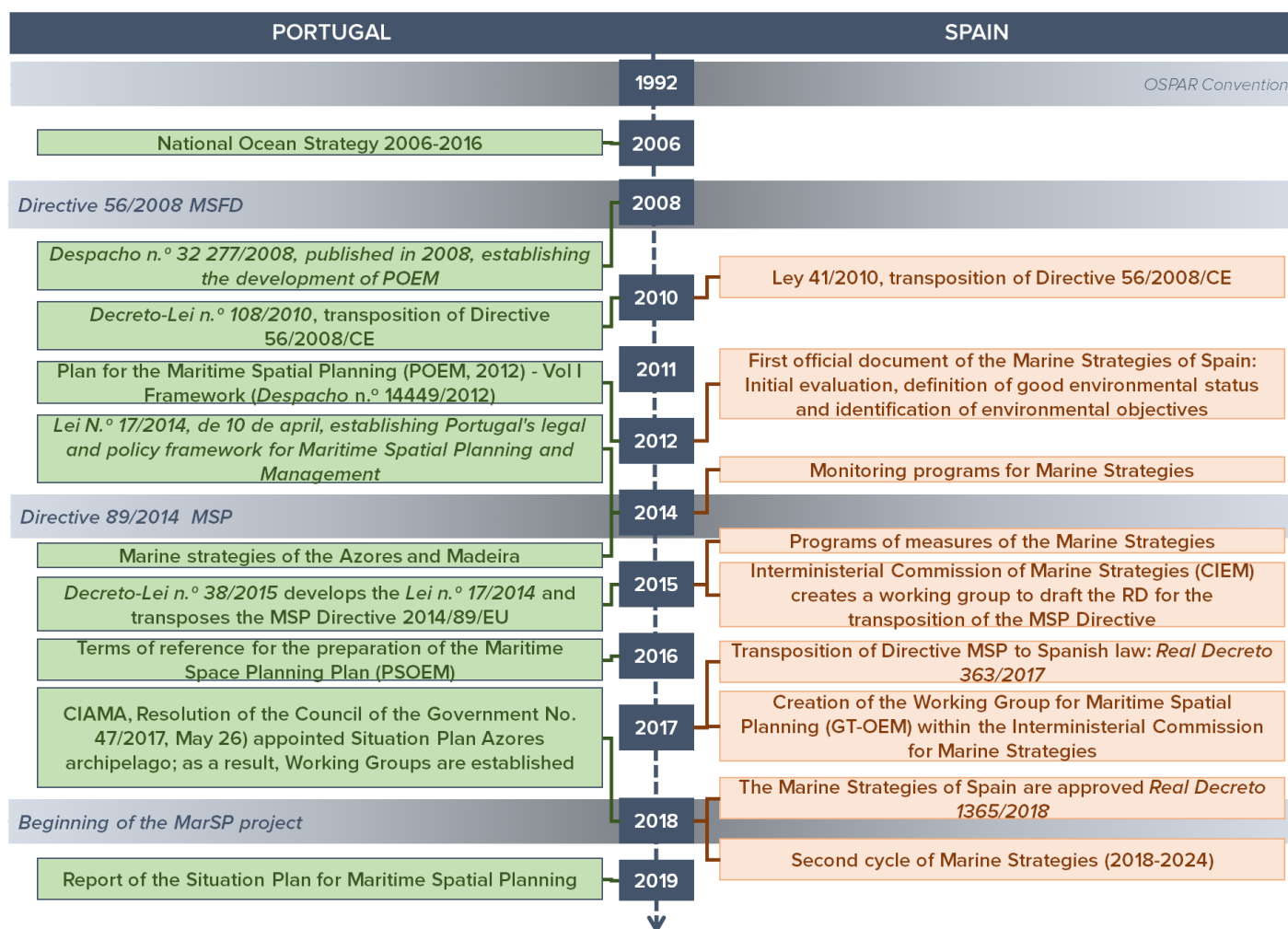
progressive and adaptive management of the ocean and coastal zone”²⁵. The latest National Ocean Strategy (NOS 2013-2020) stated that the promulgation of LBOGEM and related legislation would be “decisive to enhance blue economy” by creating “an effective legal framework for reconciling compatibilities between uses or competing activities, contributing towards a better and more economic use of the marine environment, allowing for the coordination of public authorities actions and private initiative, minimizing the impacts of human activities in the marine environment, en-route towards sustainability”²⁶.

In addition, while in Portugal the transposition of the directives has been carried out in a related but parallel manner; in Spain, the MSP process is decisively conditioned by those of Marine Strategies. Seen from a temporal perspective (Figure 6), we observe the concentration of the initiatives for Spanish MSP began in 2017. In the previous period, efforts had focused on the development and implementation of Marine Strategies.

²⁵ Resolução do Conselho de Ministros N.º 163/2006, de 12 de dezembro – Resolution of the Council of Ministers No. 163/2006, of 12 December, which adopts the National Ocean Strategy 2006-2016.

²⁶ Resolução do Conselho de Ministros N.º 12/2014, de 12 de fevereiro – Resolution of the Council of Ministers No. 12/2014, of 12 February, which adopts the National Ocean Strategy 2013-2020.

Figure 6: Timeline of main acts in the national transposition of EU Directives MSP and MSFD and consequent processes and results



Source: Authors' own based on both national legal frameworks

In 2016, following the approval of Order (Despacho) n° 11494/2015 of October 14, in which the plan was monitored by a Committee Commission, the work began on the preparation of the Situation Plan. In 2018 the Situation Plan is finalized and in 2019 waits to be approved by the Council of Ministers.

3.3. Where are we, and where are we going regarding MSP in Macaronesia?

Maritime Spatial Planning in both countries is carried out and coordinated on a national scale (with due consideration to the regional dimensions, in the case of Portugal) since it is the national legal framework that contemplates both the transposition of the European directive and develops the fundamental legislation. There is no specific MSP regional regulation but co-ordination with regional

institutions (autonomous communities in the case of Spain, and autonomous regions in the case of Portugal, the Regional Government of the Azores being responsible for developing the MSP instruments concerning the maritime zones surrounding the Azores archipelago and the same in Madeira). This coordination and distribution of functions occur in different ways in both countries.

While Portugal had a prior framework for MSP and established specific legal instruments transposing the MSFD (in 2010) and the MSP Directive (in 2015) into domestic law, in Spain the starting point was the transposition of the Marine Strategy Framework Directive into national Law (in 2010), and because of this, the Royal Decree for MSP in Spain was developed (in 2017).

Not only are there differences on how MSP is implemented in each of the countries, but also in its development regarding the autonomous regions (Table 2). In Spain, the development of MSP in the Canary Islands is centralized and the demarcation plan, which will be included in the National MSP Plan, is in the process of being prepared. Therefore, there is currently no national plan. In neither of the countries is there specific legislation for MSP at the regional level that differs from the national process.

Furthermore, despite the fact that in Portugal there is a common starting point for the entire nation there are differences between the autonomous regions of the Azores and Madeira. While Madeira has already produced the volume of the PSOEM corresponding to the archipelago (Volume III and Volume IV of the Situation Plan), the volumes concerning the Azores are currently under development. The others volumes also include the archipelagos, but in a general national context²⁷

The implementation of the main instruments is also different in Spain and Portugal and even between the Azores and Madeira. This point will be discussed in detail in the next section.

Finally, considering that the deadline for the national MSP plans is 2021 (as stated in Directive 89/2014/EU), it is logical that at both national and regional level European Macaronesia regions are in the process of preparing their plans (Table 3). The only instruments that have been finalized to date are the marine strategies, concerning the first cycle of the MSFD, for both countries. In the case of Spain (Canarias), currently is started the second cycle of MSFD (2018-2024)²⁸.

²⁷ More information about Portuguese process, in http://www.psoem.pt/discussao_publica-2-2/

²⁸ More information about MSFD process in Canarian marine demarcation: <https://www.miteco.gob.es/es/costas/temas/proteccion-medio-marino/estrategias-marinas/demarcacion-canaria/>

Table 2. State of implementation of the MSP process in European Macaronesia

Maritime Spatial Planning Process	Portugal		España
	Azores	Madeira	Canarias
Legal framework	(1)		
Regulation or regulatory development (national law)	(2)		(3)
National instrument	(4)		
Regional normative framework			
Regional instrument	(5)	(6)	
Institution responsible for planning	DRAM and DGRM (national coordinator)	DROTA and DGRM (national coordinator)	MITECO
Institution responsible for implementation	DRAM and DGRM (national coordinator)	DROTA and DGRM (national coordinator)	MITECO
Legend			
Colours: Yes In process No			
(1) Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a Framework for Maritime Spatial Planning			
(2) <i>Lei n.º 17/2014, de 10 de abril, que estabelece as Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional (LBOGEM); Decreto-Lei n.º 38/2015, de 12 de março, que desenvolve a Lei n.º 17/2014, de 10 de abril e que transpõe a Diretiva n.º 2014/89/EU; Decreto-Lei n.º 139/2015, primeira alteração ao Decreto-Lei n.º 38/2015, de 12 de março.</i>			
(3) <i>Real Decreto 363/2017, de 8 de abril, por el que se establece un marco para la ordenación del espacio marítimo</i>			
(4) <i>Plano de Situação do Ordenamento do Espaço Marítimo Nacional (in process)</i>			
(5) <i>Plano de Situação do Ordenamento do Espaço Marítimo dos Açores, currently in process</i> ²⁹ . More info... https://oema.azores.gov.pt			
(6) <i>Plano de Situação do Ordenamento do Espaço Marítimo correspondente à subdivisão da Madeira - PSOEM Madeira. More info.: http://www.psoem.pt/</i>			
DGPM: <i>Direção-Geral de Política do Mar</i>			
DROTA: <i>Direção Regional Ordenamento Território e Ambiente – Governo Regional da Madeira</i>			
DRAM: <i>Direção Regional dos Assuntos do Mar – Governo Regional dos Açores</i>			
DGRM: <i>Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos</i>			
MITECO: <i>Ministerio para la Transición Ecológica. Gobierno de España</i>			

²⁹ Note: The regional government of the Azores began a process of planning the maritime zones adjacent to the archipelago, the POEMA (Azorean Maritime Area Planning Plan), which did not take the form of a legal instrument. Currently, the legal framework in force regarding the instruments of the maritime area adjacent to the Azores archipelago is that established by national legislation (Law No. 17/2014 and Decree-Law No. 38/2015). In accordance with the provisions of article 4, paragraph 1, of Decree-Law No. 38/2015, the planning of the national maritime space is carried out by means of the Situation Plan and Allocations Plans.

Table 3: Status of key derived instruments of MSP and MSFD Directives in Macaronesia

MSP instruments			Marine Strategies		
SPAIN (CANARY ISLANDS)	PORTUGAL		SPAIN (CANARY ISLANDS)	PORTUGAL (MADEIRA and AZORES)	
 			  		
<p><i>Plan de Ordenación del Espacio Marítimo para la Demarcación Canaria (in process)</i> More information here</p>			<p><i>Plano de Ordenamento do Espaço Marítimo de Portugal (2011)*</i> More information here</p> <p><i>Plano de Situação para o Ordenamento do Espaço Marítimo Nacional (2018)</i> More information here</p>		
			<p><i>Estrategia marina para la Demarcación Canaria (2012 and 2018)</i> More information here</p> <p><i>Estratégia Marinha para a subdivisão da Madeira (2014)</i> More information here</p> <p><i>Estratégia Marinha para a subdivisão dos Açores (2014)</i> More information here</p>		

*Concerning only the maritime space surrounding the mainland territory and the continental shelf beyond 200 n.m.

In addition to the specified deadline of March 31, 2021 for the completion of MSP plans with validity of at least 10 years (point 3 Art. 6 of the Directive 89/2014), 2030 is the new proposed timeline for achieving objectives for the EU³⁰. Besides the revision of Framework Directives and integrating policies, 2020 is an inflection point for the status of major environmental and economic indicators in the EU. Thus, a new period will begin, looking towards 2030 with MSP being one of the strategic instruments to confront future challenges.

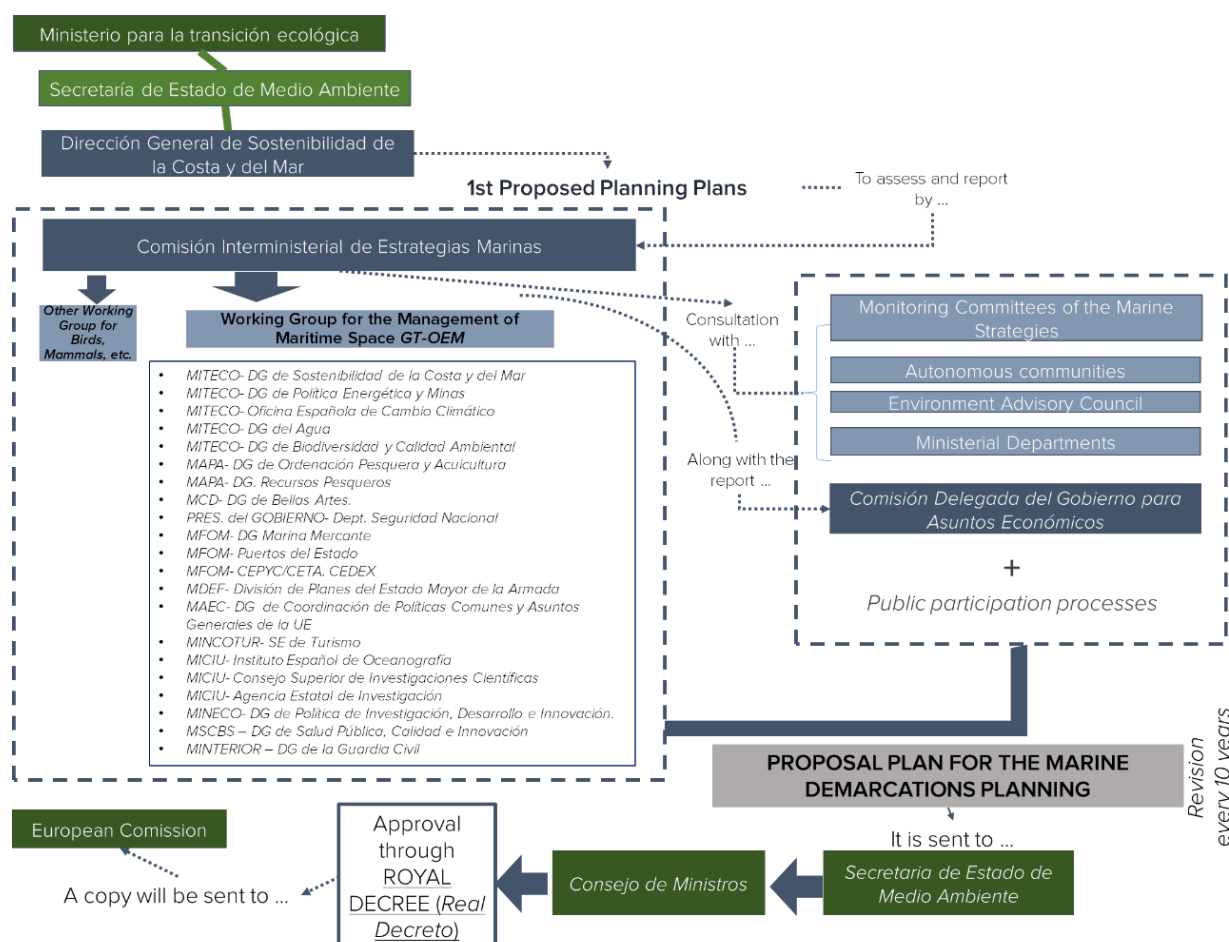
³⁰ The European MSP objectives are: Reduce conflicts between sectors and create synergies between different activities; Encourage investment; Increase cross-border cooperation; and protect the environment. More info: https://ec.europa.eu/maritimeaffairs/policy/maritime_spatial_planning_en

3.4. Who does what in the MSP process?

I) Who does what in the MSP process in Spain?

In Spain, the responsibility for MSP rests with the Ministry that holds the environmental competences (at the present time: The Ministry for the Ecological Transition). Within this Ministry, falls the General Directorate of Sustainability of the Coasts and the Sea, which is the entity that coordinates the application of the 2014/89/EU Directive and is responsible for preparing Maritime Spatial Plans in cooperation with the Marine Strategy Inter-Ministerial Commission. Spain promotes inter-ministerial coordination from the beginning of technical work to ensure consistency and effectiveness between departments involved in the MSP process. As such, at the 5th meeting of the Inter-Ministerial Commission for Marine Strategies (March 2017), it was agreed to create the Maritime Spatial Planning Working Group (GT-OEM) charged with following up the development process (Figure 7).

Figure 7: Preparation procedure for the development of the Maritime Spatial Planning Plan in Spain



Source: Authors' own based on Royal Decree 363/2017 establishing a framework for the maritime spatial planning and other information on www.miteco.gob.es

II) Who does what in the MSP processes in Portugal?

The MSP instruments concerning the maritime space adjacent to the Azores archipelago or the Madeira archipelago can also be drawn up by the autonomous regions' own governing bodies (for Madeira and for the Azores), with prior consultation of the Government (Figure 8).

In Portugal, the coordination of the MSP process at national level falls to the Directorate-General for Natural Resources, Safety and Maritime Services (DGRM) of the Ministry of the Sea, namely to the Marine Environment and Sustainability Department, in keeping with shared responsibility with the Autonomous Region of the Azores and the Autonomous Region of Madeira. According to Regional Regulatory Decree No. 4/2015/A of 20 February, the Regional Directorate for Sea Affairs (DRAM³¹) is the competent authority responsible for developing the MSP instruments. In the case of Madeira, the competent authority is the Regional Directorate for Spatial Planning and Environment (DROTA³²). As stated in Order No. 11494/2015 of 14 October, the Advisory Committee for the Situation Plan concerning the continental subdivision and the continental shelf beyond 200 nautical miles subdivision is chaired by the Directorate-General for Maritime Policy (DGPM). In accordance with Resolution of the Council of the Government No. 47/2017 of May 26, the *Comissão Interdepartamental para os Assuntos do Mar dos Açores* (CIAMA) accompanies and evaluates the development and implementation of the Situation Plan concerning the Azores subdivision and has been acting as Advisory Committee (with added members, beyond those of RCG No. 47/2017 of May 26) to the process. The Regional Secretariat of the Environment and Natural Resources (SRARN) presides over the Advisory Committee for the Situation Plan concerning the Madeira Subdivision. In Portugal, the same government entity (DGRM) has responsibility for coordinating the process at national level for both the MSP and the MSFD, with its development and implementation at regional level being conducted by the competent authorities of the regional government of the Autonomous Regions.

The national maritime space planning is carried out through the following instruments: i) the Situation Plan identifying the sites for protection and preservation of the marine environment and the spatial and temporal distribution of current and potential uses and activities; ii) Allocation Plans for the private use of some areas and/or volumes of the national maritime space not considered in the Situation Plan.

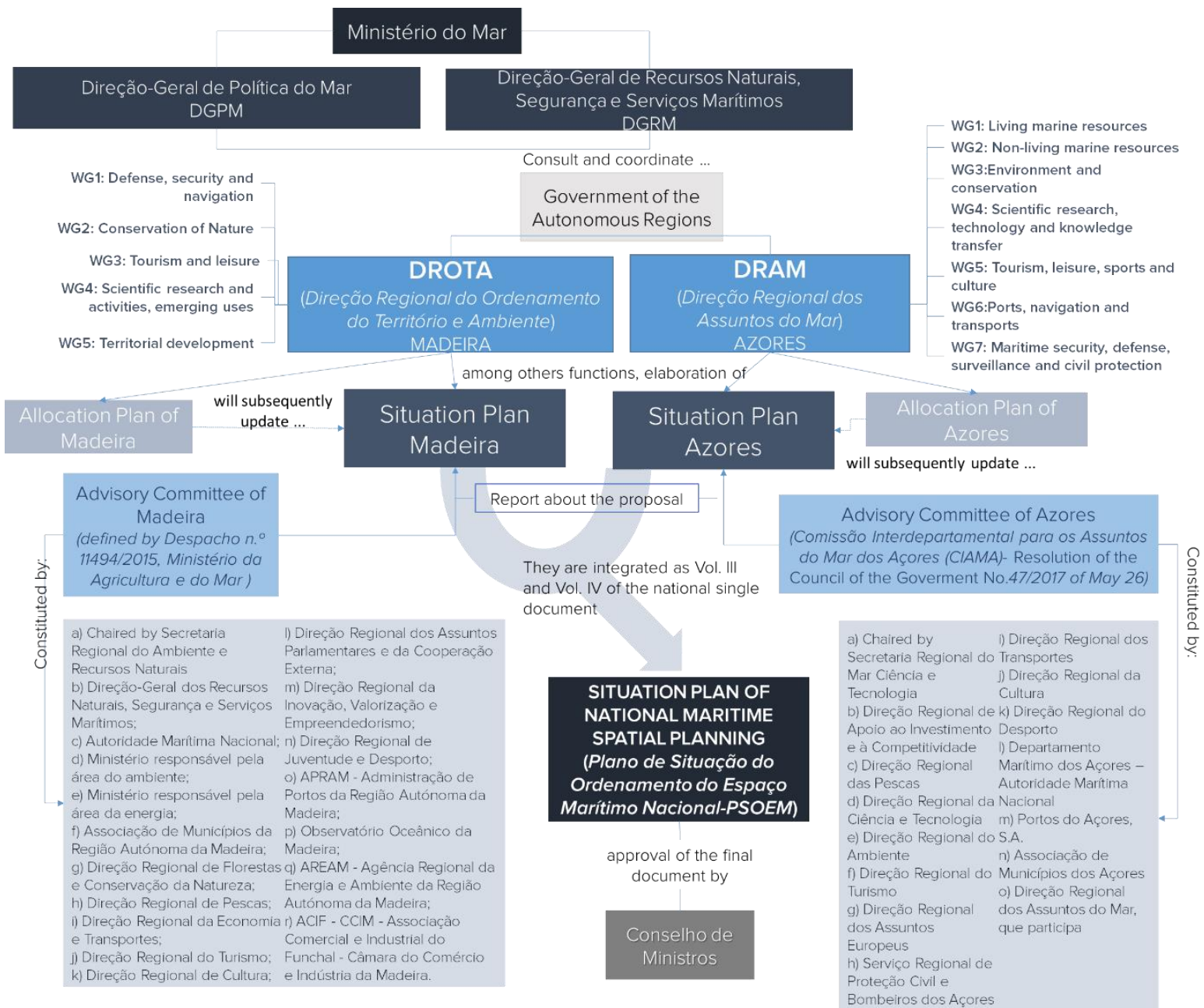
Also, there are differences between the Autonomous Regions of the Azores and Madeira. As shown in Figure 8, the status in the allocation of responsibilities and preparation of the Situation Plan is different, being more defined for Madeira. Without going into details, this implies that within the

³¹ DRAM is the acronym of Direção Regional dos Assuntos do Mar. More info about this institution: <http://www.azores.gov.pt/Portal/pt/entidades/srmct-dram/>

³² DROTA is the acronym of Direção Regional do Ordenamento do Território e Ambiente. For more info about this institution: <https://www.madeira.gov.pt/drota>

distribution of powers, procedures, and agreements necessary for preparing Situation Plan concerning the maritime space adjacent to Madeira and the Azores archipelagos, there are differences in both cases, resulting in a different status. Thus, in the Azores, while DRAM is specific to all matter concerning maritime affairs and the marine environment, in Madeira, DROTA brings together more issues besides the sea, such as terrestrial spatial planning, geographic information, and environmental issues.

Figure 8: Procedure for the development of the Situation Plan concerning the maritime areas adjacent to the Azores and Madeira archipelagos



Source: Authors' own based on Decree-Law No. 38/2015 of 12 March, Order No. 11494/2015 of 14 October, Resolution of the Council of the Government No. 47/2017 of May 26, and published information on www.dgrm.mm.gov.pt.

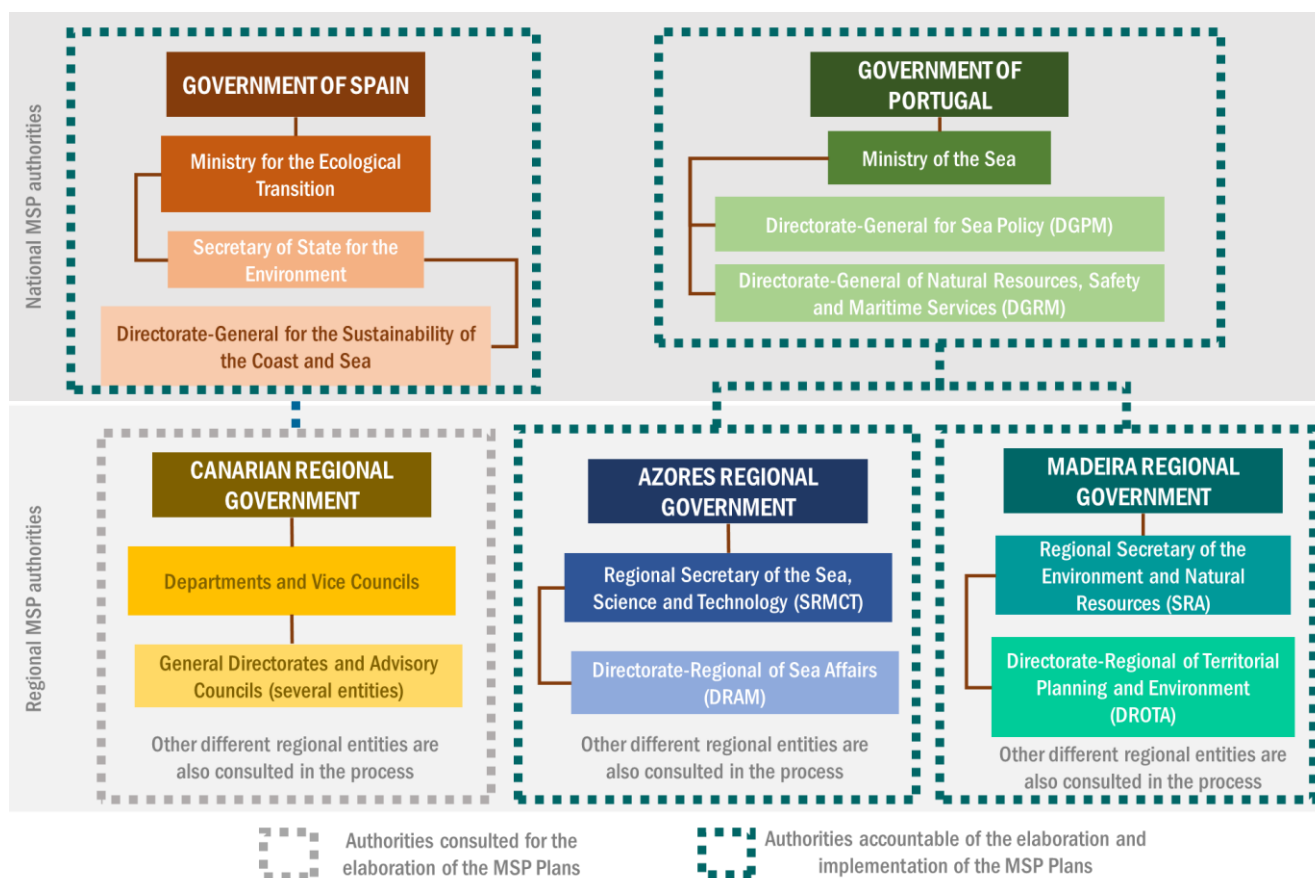
III) Are there differences in the institutional and competence structure of Spain and Portugal (and regions)?

It is important to highlight the existing differences in the development process of MSP plans both between the countries and between the autonomous regions.

At the national level, the institutional authority in charge of the MSP process in Portugal is the Ministry of the Sea, more specifically the General Direction of Natural resources, Surveillance and Maritime Services (DGRM in the Portuguese acronym) and the General Direction of the Policy of the Sea (DGPM in the Portuguese acronym). Additionally, in Spain the MSP authority falls on the Ministry of Ecological Transition, on the Secretariat of State of the Environment, and more specifically on the General Direction of Sustainability of the Coast and the Sea (Figure 9).

It is important to highlight that the transfer of MSP competencies from the national to the regional level has been done differently in both countries. On the one hand, the regional authorities of the Portuguese archipelagos are directly in charge of their regional MSP processes (DRAM in the case of the Azores and DROTA in Madeira). These regional MSP processes will then add as different volumes to the unique Portuguese MSP Plan along with the MSP continental and the Extended Continental Platform volumes. On the other hand, the Spanish MSP process is centralized at a national level and the archipelago of the Canary Islands is only consulted to elaborate the regional MSP plan. The resulting Spanish MSP plan will also consist in a unique plan composed by five different sub-plans, one for each Spanish Maritime Demarcation (the North Atlantic, the South Atlantic, The Strait and the Alboran Sea, the Levantine-Balearic, and the Canary Islands).

Figure 9. The primary authorities responsible for the development of MSP in Macaronesia until December 2018



Source: Authors' own, based on legal framework of each Ministry and regional structure³³

It is very important to highlight that the distribution and sharing of competencies in different bodies and institutions is enormously sensitive to governmental changes because of ministerial reforms or different political cycles. In response to the functions described in each ministry, secretariat, directorate or other department, those that describe responsibilities in the management of maritime affairs have been represented. Subsequent changes that may take place as of the date of preparation of this report (December 2018) can be updated taking into account the successive norms that describe the organizational structures and the operation of the different institutions and public bodies. To see the current distribution, see Annex I.

³³ Spain: *Real Decreto 595/2018 por el que se establece la estructura orgánica básica de los departamentos ministeriales*; Portugal: *Decreto-Lei n.º 251-A/2015, de 17 de dezembro, que aprova a Lei Orgânica do XXI Governo Constitucional*; Azores: *Decreto Regulamentar Regional n.º 9/2016/A, que 21 de novembro, que aprova a orgânica do XII Governo Regional dos Açores*; *Decreto Regulamentar Regional n.º 4/2015/A de 20 de fevereiro, que aprova a Orgânica da SRMCT*; and Madeira: *Decreto Regulamentar Regional n.º 13/2017/M que aprova a organização e funcionamento do XII Governo Regional da Madeira*; and Madeira: *Decreto Regulamentar Regional n.º 13/2017/M Aprova a organização e funcionamento do XII Governo Regional da Madeira*

4. AN APPROXIMATION TO THE MANAGEMENT OF THE MAIN MARITIME SECTORS IN THE EUROPEAN MACARONESIA.

4.1. Who has the competence of maritime activities and sectors in European Macaronesia?

Before answering this question, it is important to note that the sovereignty of the different maritime areas defined by UNCLOS and established respectively by Portugal and Spain for their maritime areas is national. This is so without detriment to the competences of the different maritime sectors on these spaces. Here, competence is understood as the capacity for decision-making or management that the different administrative levels have with respect to maritime affairs. Regarding national and regional levels, these competences will be established by the Constitutions³⁴ of each country and by the Statutes of Autonomy³⁵ of each region or archipelagos.

Box 4

UNCLOS defines zones beyond those that are object of MSP that the coastal states have no sovereign rights over, namely the Area, which is beyond national jurisdiction.

“The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. In the exclusive economic zone, the coastal State has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone. In the exclusive economic zone, the coastal State has jurisdiction as provided for in the relevant provisions of this Convention with regard to the establishment and use of artificial islands, installations and structures; to marine scientific research; and to the protection and preservation of the marine environment. It should also be noted that, as to the continental shelf beyond 200 mn, the sovereign rights only extend to the natural resources of the seabed and subsoil of the continental shelf.

More info: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

³⁴ Portugal: Official Journal of the Republic n.º 86/1976 that approves the Constitution of the Portuguese Republic: <https://dre.pt/application/conteudo/502635>; and Spain. Official Bulletin of the State n.º. 311, from the 29th of December of 1978 that approves the Constitution of Spain: [https://www.boe.es/eli/es/c/1978/12/27/\(1\)](https://www.boe.es/eli/es/c/1978/12/27/(1))

³⁵ Statute of Autonomy of Azores. Law No. 39/80 of 5 August, that approves the Political-Administrative Statute of the Autonomous Region of the Azores (modified by the Law No. 9/87 of 26 March, the Law No. 61/98 of 27 August and the Law No. 2/2009 of 12 January): <https://dre.pt/application/conteudo/470204>

Statute of Autonomy of Madeira. Law 13/91, that approves the Political-Administrative Statute of the Autonomous Region of Madeira (modified by the Law 130/99 and the Law 12/2000): <https://dre.pt/application/conteudo/629666>

Statute of Autonomy of the Canary Islands. Organic Law 1/2018, that approves the new Statute of Autonomy of the Canary Islands (that replaces the Organic Law 10/1982 modified by the Organic Law 4/1996): <https://www.boe.es/boe/dias/2018/11/06/pdfs/BOE-A-2018-15138.pdf>

As can be observed in Table 4, the distribution of competences of maritime activities on each of the maritime spaces under national sovereignty of Portugal and Spain, respectively, is carried out differently.

In the case of the Portuguese archipelagos it is observed, although with small differences between them, that competences for maritime sectors have been decentralized from the State through their respective statutes of autonomy towards the regions. Thus, Madeira and Azores have certain powers over the maritime sectors within the different national maritime areas, up to and including the delimitation of the exclusive economic zone. However, it is understood that this transfer of powers is made without prejudice to the rest of the competences maintained by the Portuguese State and the legislative coherence that must exist between the regional and national regulations. Hence, competences for maritime sectors will always be, to a certain extent, shared between the State and the region. Detailing the scope of these competencies would require a deeper analysis that is beyond the scope of this document.

Table 4. Consideration of the primary maritime sectors within national constitutions and the autonomous statutes of the Canary Islands, the Azores and Madeira

	CANARY ISLANDS			MADEIRA			AZORES		
	IW	TS	EEZ	IW	TS	EEZ	IW	TS	EEZ
Fishing									
Aquaculture									
Seabed mineral resources									*Requires legal clarification
Energy				<i>* It makes mention of local production energy</i>			<i>* Only renewable energy is mentioned</i>		
Ports, maritime transport and nautical sports	<i>* Depending on the type of port and transport</i>			<i>* It refers to the administration of the ports</i>			<i>* Referenced as port legislative matter</i>		
Tourism									
Underwater archaeology / cultural heritage									
Environment and protected areas									
Sea rescue and border control	<i>* National competence, articulation and development National/Regional</i>			<i>* National competence, articulation and development National/Regional</i>			<i>* National competence, development Regional</i>		
Legend									
	Regional	National	Regional/National	It is not specified in the statute of autonomy or constitution					
IW: Internal Waters TS: Territorial Sea EEZ: Exclusive Economic Zone									

In the case of the Canary Islands, transfer of powers for the different maritime spaces have not happened, and the Government of Spain continue to exercise them. It should be noted here that the new

Statute of Autonomy for the Canary Islands defines a new maritime area to which the Autonomous Community extends its powers; the so-called “Canarian waters”³⁶. In addition, it gives the Canarian community institutional mechanisms with greater capacity to decide on the rest of the maritime spaces beyond the “Canary waters” (Box 5). Waters whose layout, in no case alters, but does not agree with any of the delimitations of maritime spaces established by the Spanish legal system under current international law. That is to say, the “Canarian waters” encompass and overlaps with portions of different maritime spaces although this occurs without prejudice to the sovereignty or jurisdiction exercised by the Spanish State over them or over the remaining maritime areas that surround the Canary Islands.

Box 5

The recent approval of the new reform of the Statute of Autonomy for the Canary Islands (Organic Law 1/2018), establishes in article four as a special maritime area of the autonomous community the Canary waters layout defined by Law 44/2010 of Canary waters. However, although mention is made of “Canarian waters”, it is not the concept of “archipelagic waters” as established by UNCLOS, nor does it make possible the use of archipelagic straight baselines for the delimitation of maritime spaces around to the Canary Islands.

In addition, this new statute of autonomy establishes, in section four, article four that: “the State (...) will promote the participation of the Autonomous Community in the actions of state competence in said waters,” and creates, for the first time in article 192, the Canary-State Bilateral Cooperation Commission to “deal with issues of common interest established by the law or raised by the parties...”



³⁶ This maritime space was initially defined by the Law 44/2010 of Canary waters. Law and map available in: <https://www.boe.es/buscar/pdf/2010/BOE-A-2010-20140-consolidado.pdf>

4.2. Who manages the maritime sectors in the European Macaronesia?

For the elaboration of this section, the competence aspects in the matter have been analyzed, and not the administrative and executive functions of the management in detail. For an understanding of the practice of this management, it would entail an in-depth analysis of the procedures of each one of the sectors that integrate the management of the activities that take place in the marine environment that is not the objective of this report. With regard to competent authorities of maritime sectors, the differences become even more remarkable when we compare both countries.

In Spain, management of sectors developed in the marine environment come under different ministerial divisions according to the sector and not to its maritime status. Hence, we find a scattering of responsibilities and competencies between the eight ministries, eighteen secretariats or direct ministerial dependencies and the six general directorates related to maritime affairs. For example, while the Ministry of Ecological Transition includes the State Secretariat of Energy and the Secretary of State for the Environment, it is under the Ministry of Agriculture, Fisheries and Food where we find the General Secretariat of Fisheries. Another example being the Spanish Institute of Oceanography, which comes under the Ministry of Science, Innovation and Universities, it is the Ministry of Development that includes the General Directorate of the Merchant Navy.

Comparatively, in Portugal, there is a significantly lower institutional diversification in national level in terms of maritime affairs and sectors, since they are mostly concentrated under the Ministry of the Sea. The role of the nine related ministries³⁷ should be considered alongside the twelve divisions directly dependent on the Ministry, and eight sectorial general directorates that are related to maritime affairs. However, it is noteworthy that within the Ministry of the Sea there are five general sectorial directorates that cover the majority of the maritime sectors of interest to MSP (except for the Ministry of Defense that operates externally) (see Annex I). For example, under the Ministry of the Sea are included the Directorates of Maritime Administration Services; Natural Resources Services; Marine Environment and Sustainability; Inspection, Monitoring and Control of Maritime Activities; and Planning, Information and Structures Services.

Regarding sectors identified as being of special interest to MSP³⁸, there is a high convergence of management competencies and responsibilities within the marine environment of both states and in the Macaronesia region specifically. It is not an easy task to define and analyze the management of each

³⁷ According to Decreto-Lei n.º 251-A/2015 de 17 de dezembro, the role of the Minister of the Sea is done in coordination with the Counsel of Ministers and other Ministries. More information in Annex I.

³⁸ Fishing and aquaculture; marine aggregates and mining; energy; ports, navigation and maritime transport; coastal and maritime tourism, leisure, sports; underwater cultural heritage; marine protected areas; maritime safety and security, defence, surveillance and civil protection. More info: Directive 89/2014/EU.

in detail, nor is it the purpose of this report. However, an overview of the main institutions that intervene to manage both nationally and regionally provides greater understanding of the spatial and sectorial reality.

As stated in the previous section, it is not our intention to discuss the terms of sovereignty. In addition, both in the Canary Islands in Spain and the Azores and Madeira in Portugal (with the corresponding exceptions), we are dealing with autonomous regions within territory that is organized nationally meaning that the basic national framework is always present in the management of different sectors to a greater or lesser extent³⁹.


4.3. What is the legal framework for the management of the maritime sectors in the European Macaronesia?

Section 4.1 of this document describes the administrative scale of management competencies for the different maritime sectors. However, it is necessary to understand the scope of these competences by analyzing the regulatory framework of each of the maritime sectors at national level by country and region for each archipelago (Table 5).

Table 5. The degree of development of national and regional legislation for each of the maritime sectors of interest to MSP and the existence, or not, of management instruments

Maritime sectors	Portugal			Spain	
	National level	Azores	Madeira	National level	Canary Islands
Fishing and aquaculture	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue
Marine aggregates and mining	Dark Blue	Light Blue	Light Blue	Dark Blue	White
Energy	Dark Blue	White	Dark Blue	Dark Blue	Dark Blue
Ports, shipping and recreational navigation	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue
Coastal and maritime tourism	Light Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue
Underwater cultural heritage	Light Blue	Dark Blue	Light Blue	Dark Blue	Dark Blue
Environment and protected marine areas	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue
Maritime safety and security	Dark Blue	White	Light Blue	Dark Blue	White

Legend
There is no legislation
There is only basic legislation
Basic legislation is developed
There is management instrument



Increases the degree of development of the legislation

Source: Authors' own based on information in Annex II

³⁹ In certain cases this does not apply to the Azores.

There are maritime sectors that have been developed to a different extent legislatively. This can be interpreted as a greater or lesser interest or need to manage these sectors. Several comparisons can be made between the models of maritime governance of both countries and their respective archipelagos (to access all information of this analysis and / or deepen understanding, consult the files of Annex II).

On a national scale, Portugal, unlike Spain, has a strategic instrument for blue growth across all maritime sectors, the "National Ocean Strategy 2013-2020". This translates, presumably, into the possibility of greater coherence with the rest of the legal system on maritime sectors. It is appreciated that both states have developed extensive regulations and specific instruments for fisheries and aquaculture; energy, emphasizing the use of renewables in the marine environment, and the environment and conservation of marine protected spaces. This last one is undoubtedly due to the respective transpositions of environmental directives and protection of habitats and wild species of both countries to the national and regional (in the case of the Azores) legal order. Spain has specific national instruments for underwater cultural heritage and maritime safety and rescue, while Portugal has developed legislation on maritime safety and rescue and at the regional level it has developed some specific instruments for protecting underwater cultural heritage.

Comparing the archipelagos of Portugal and the Canary Islands on a regional scale, it is clear that in the Portuguese case, the transfer of powers to the regions for the development of legislation has had an effect. It should be noted that, in the case of coastal and maritime tourism, although all the archipelagos have specific management tools for the sector, in the Canaries they emphasize the territorial coastal character more typical of the sun and beach model, while both in Madeira (in greater measure) and in the Azores, maritime tourism activities are specifically mentioned. In addition, it is also interesting that both Madeira and the Canary Islands have an Aquaculture Ordinance Plan. The Azores, on the other hand, is the only archipelago that establishes several underwater archaeological parks through their respective Regional Decrees⁴⁰, which in turn convert into management instruments establishing general measures for their use and conservation. Only Madeira has approved a specific instrument for the energy sector where renewable energies from ocean or marine sources are contemplated.

Another aspect of regional scales is the conservation of the marine environment carried out by the archipelagos. Although Spain counts at a national scale with a Network of MPAs, the Canary Islands and Madeira establish different natural marine conservation areas that are protected under different protection figures, which overlap in space. Albeit Madeira does so to a lesser extent, having competences for the creation of new marine protected areas in its waters (similar to the Azores). Relatively to Madeira, about 70% of the territorial sea is already protected area. For other hand, Azores stands out in this aspect

⁴⁰ Regional Regulatory Decrees that create the Subaquatic Archaeological Parks of the Azores: No. 12/2012 / A (of the Dori); No. 15/2014 / A (by Caroline); No. 17/2015 / A (of Slavonia); No. 20/2005 / A (from the Bay of Angra); No. 24/2015 / A (from the Canaries). For more information see Annex II

with the creation of the Azores Marine Park adding to the marine areas of the Islands Natural Parks (*Parques Naturais de Ilha* in Portuguese). In addition, the Azores Marine Park not only includes MPAs within its EEZ, but also establishes MPAs on the high seas.

5. CONCLUSIONS

In the area of Macaronesia, maritime spatial planning is at a critical juncture. Both Portugal and Spain have begun a complex process of studying the issue at national levels, including strategic and institutional reorganization that will determine the policies to be implemented in the maritime areas of both countries, focusing on their Atlantic archipelagos. Portugal has already made progress and has already prepared initial key guidelines to consolidate the MSP process. The push by the European Union for marine strategies and MSP has encouraged Spain once again to look towards the sea. Beyond sectoral interests that were already included in the framework of national governance (fishing and maritime transport, for example), the country now faces the great challenge of deciding what it wants to do with its seas and how it wants to leave them for future generations.

Within this strategic framework, Portugal has created the far-reaching Ministry of the Sea, showing clear national commitment to the sea. In Spain, the Ministry of Ecological Transition is making solid progress in fulfilling its institutional commitments for the sea, both in terms of research on good ecological status and in the expansion of its network of marine protected areas. It is now necessary to reflect on how the leadership of this process could be improved and how this effort can be converted into tangible measures for marine areas. Meanwhile, the Government of the Canary Islands has also asked for a greater say in the management of marine space, which has led to important norms and strategic tools for sectors such as aquaculture and maritime energy.

Although general progress has been made in both countries, it is necessary to perform an analytical approach on certain key aspects of the maritime spatial planning process (MSP).

For example, in the Macaronesia, as a whole, maritime policies promoted from different levels of the Administration have progressed, but indirectly. The challenge facing both countries is how to reflect change in a practical manner within a general management framework. For example, they have yet to address the adaptation of administrative structures as part of overall institutional mechanisms. These reforms have to fulfil objectives and changes in policies so that complex (and dynamic) realities can be addressed, while considering the problems and conflicts that occur within the marine environment. This is one of the most critical issues for progress of the MSP process in Macaronesia.

The inherited structures and procedures in place to manage terrestrial uses and activities prevail, and the particularities of management of the marine environment have not been sufficiently dealt with. This renders integration, in this space without physical borders, complex and confusing. MSP is a transversal plan that guides the management of sectors that have different normative, competence and administrative frameworks. However, they all converge in the same marine area, which must be jointly managed. This complexity is particularly noticeable in the broad cross-border area of European Macaronesia due to it being managed by several countries.

This compartmentalization of administrative sectors is reflected in singular specific guidelines that are then later difficult to integrate. In the case of Portugal, the autonomous regions have assigned strategic responsibilities for their marine environment, resulting in integrated efforts between regional institutions.

MSP must address numerous issues, many of which are related to new or underdeveloped sectors in the marine space of Macaronesia. Besides the current institutional structure, which has not yet been adapted, this situation results in regulations that overlap and sectorial institutions and competencies that are sometimes difficult to understand. This leads to greater operational and strategic management challenges and, when there is insufficient coordination, multiplication of management efforts. This poses difficulties for implementing future MSP. These challenges and those associated with the pending tasks of coordination between administrative levels and institutions also result in difficulties for cross-border cooperation.

Also, the different rates of development of the MSP process in Spain and Portugal alongside their structural and normative differences, has resulted in a small administrative disconnection at the border limits of both countries. This poses the risk of administrative fragmentation of the socio-ecological system of Macaronesia, which will then be reflected in decision-making, ecosystems, economic activities, not to mention issues that have to be addressed. Each management plan / strategy related to the marine environment (spatial or sectorial planning) should be assessed for compatibility with complementary decisions of the neighbouring country, and channels of dialogue established between the institutions involved.

A lack of correlation between administrative boundaries and natural boundaries is common in the marine environment. This is also the case in Macaronesia, and not only at the border limits but also in administrative divisions between management levels within the jurisdictional waters of each country. The zoning of sovereignty over the marine space is defined by UNCLOS and management responsibilities with spatial dimension between the state and the regions are specified from straight baselines. However, there is some sectorial zoning with administrative implications responsible for viable zones for the development of certain activities, or that are subject to protection that include environmental characteristics (natural reserves, deposits, etc.).

The consideration of Macaronesia as its own geopolitical region cannot be ignored. In reality, the fact that several international agreements have been developed in Macaronesia following the same framework, with the same principles, in both Macaronesian national territories (e.g., EU agreements, AICHI agreements...) and in the surrounding marine waters, i.e. those that connect their jurisdictional marine zones (e.g., OSPAR), is an interesting opportunity for cross-border cooperation that can and should be exploited.

To progress in these objectives, it is necessary to generate adequate conditions, starting with the sharing of information and experiences, contributing to neighbouring knowledge and the generation of an atmosphere of trust conducive to cooperation. In this sense, it is necessary to improve information and communication platforms related to the management of the sea and the MSP (current regulations, distribution of responsibilities, etc.). This should be useful to collect, organize and transmit relevant information to all stakeholders with an interest in maritime affairs, promoting the public debate on marine issues. The information available in this platform must be carefully updated and reviewed with sufficient frequency. Improving communication in this way could prompt and facilitate public participation in cross-border cooperation processes.

It is also important to promote mutual learning from experiences developed in the archipelagos, both difficulties and solutions in implementing marine management in a territorial area with important socio-ecological characteristics. Space for the gathering and exchange of information and knowledge must be created, both at a technical and scientific level, and at a political and administrative level. Creating bridges between decision-makers and stakeholders, and between science and management, can help improve the efficiency of administration while producing more and better results, both regionally and in Macaronesia as a whole.

In the case of the three archipelagos that form the European Macaronesian arch, insularity and remoteness greatly condition the debate on the maritime policy that should be developed. To the extent that both countries are dealing with the dilemma of defining the degree of autonomy of their particular Macaronesian regions in marine management and the discussions on the matter follow one another. This is also a reflection of the fact that the marine environment is now among the priorities of the political and institutional scenario of the islands, which places it at the discussion table of a society that looks to the sea for new forms of economic and social development. We therefore have a great opportunity to nurture the process of MSP with the inclusion of public participation. This is an opportunity for all those involved, from institutions, economic sectors and social organizations, to work together eagerly to confront the great challenges of "Blue Growth" proposals. Perhaps the best way we should look to the sea is through cooperation, beyond particular interests, and also beyond borders.

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ANNEX I: INSTITUTIONAL ORGANIZATIONS FOR THE APPROXIMATION OF THE IDENTIFICATION OF COMPETENT AUTHORITIES IN MARITIME AFFAIRS IN MACARONESIA

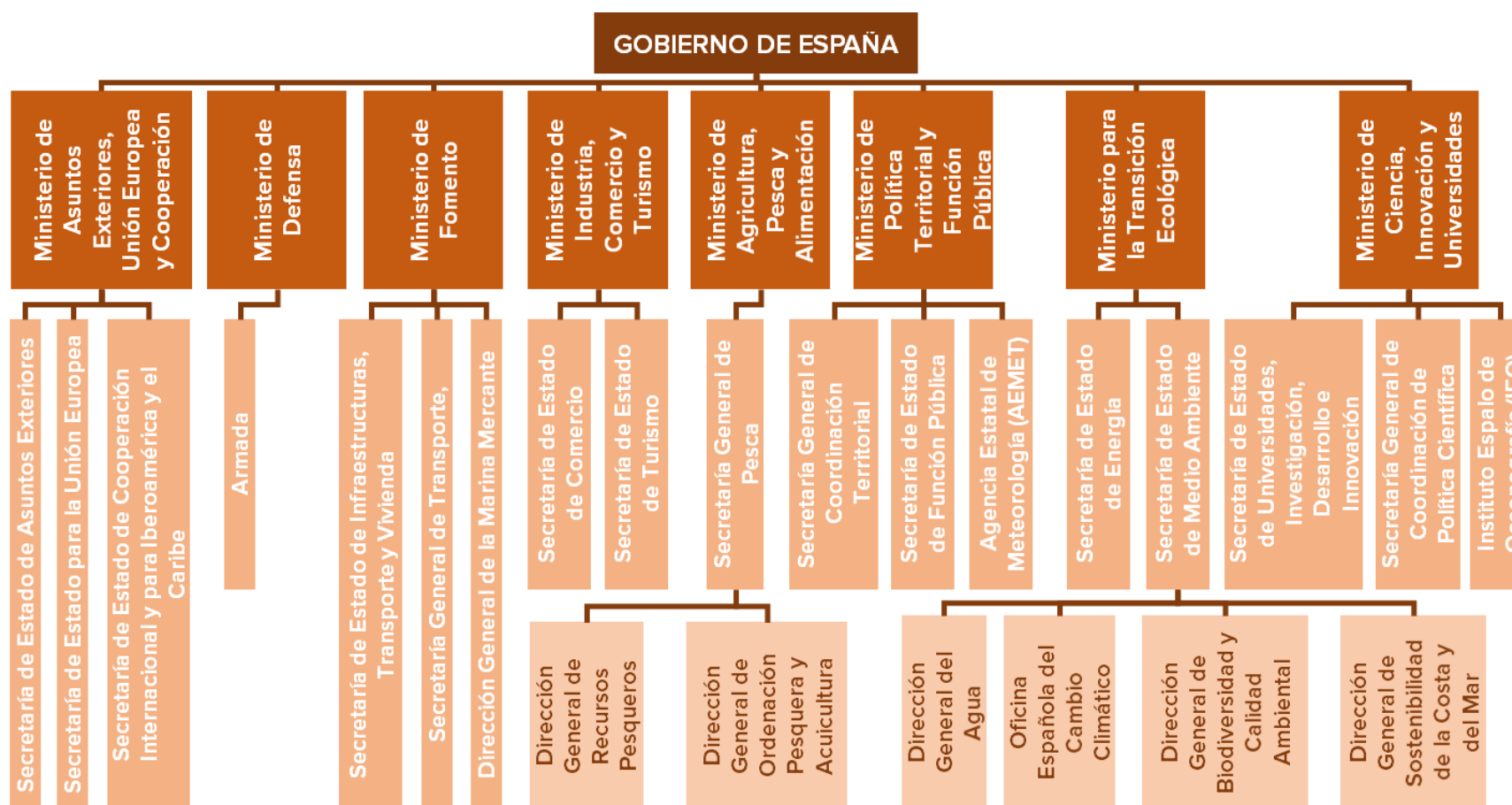


Figure AI.1. Main competent authorities in maritime affairs in Spain (national scale) as at December 2018

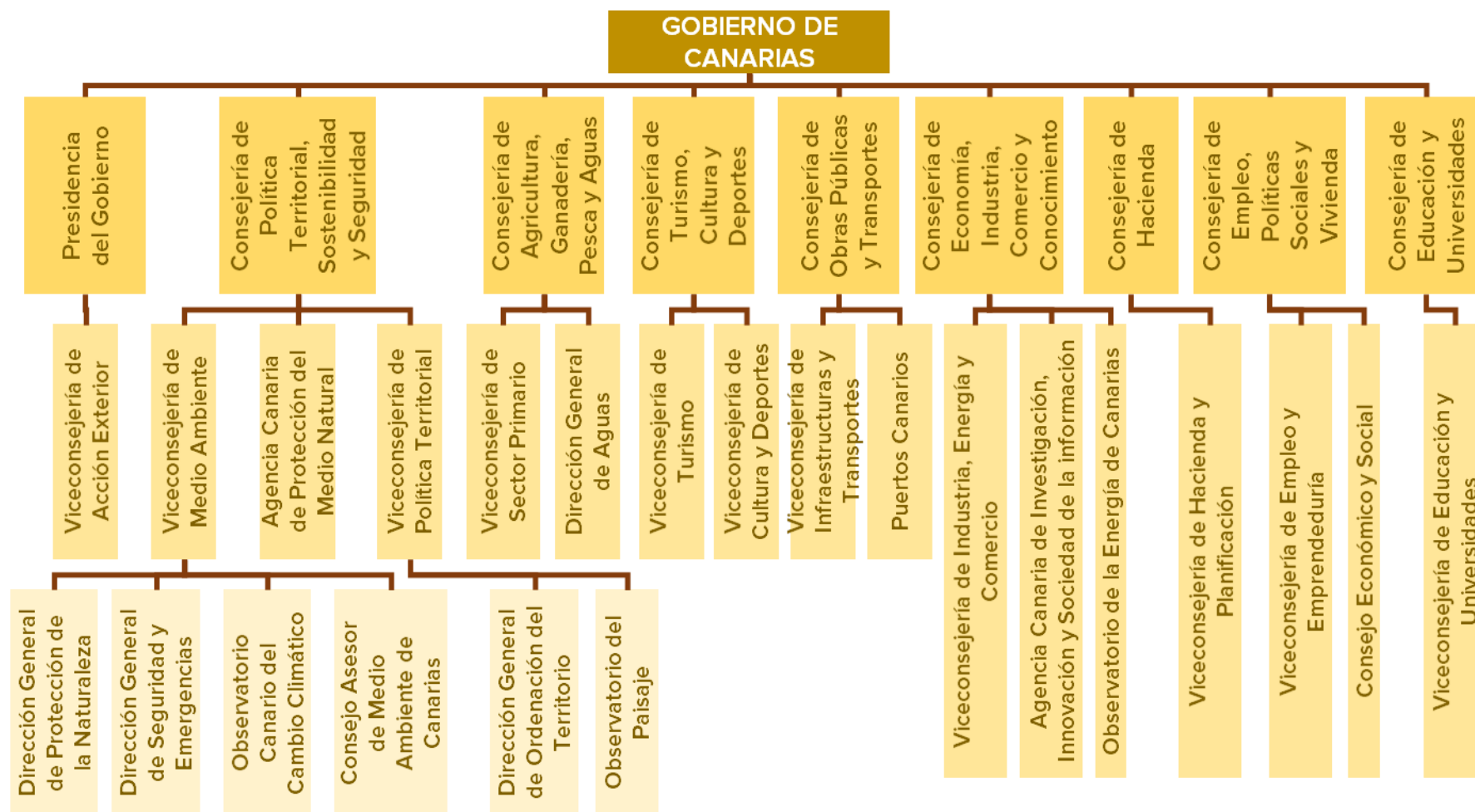


Figure AI.2. Main competent authorities in maritime affairs in the Canary Islands (regional scale) as at December 2018

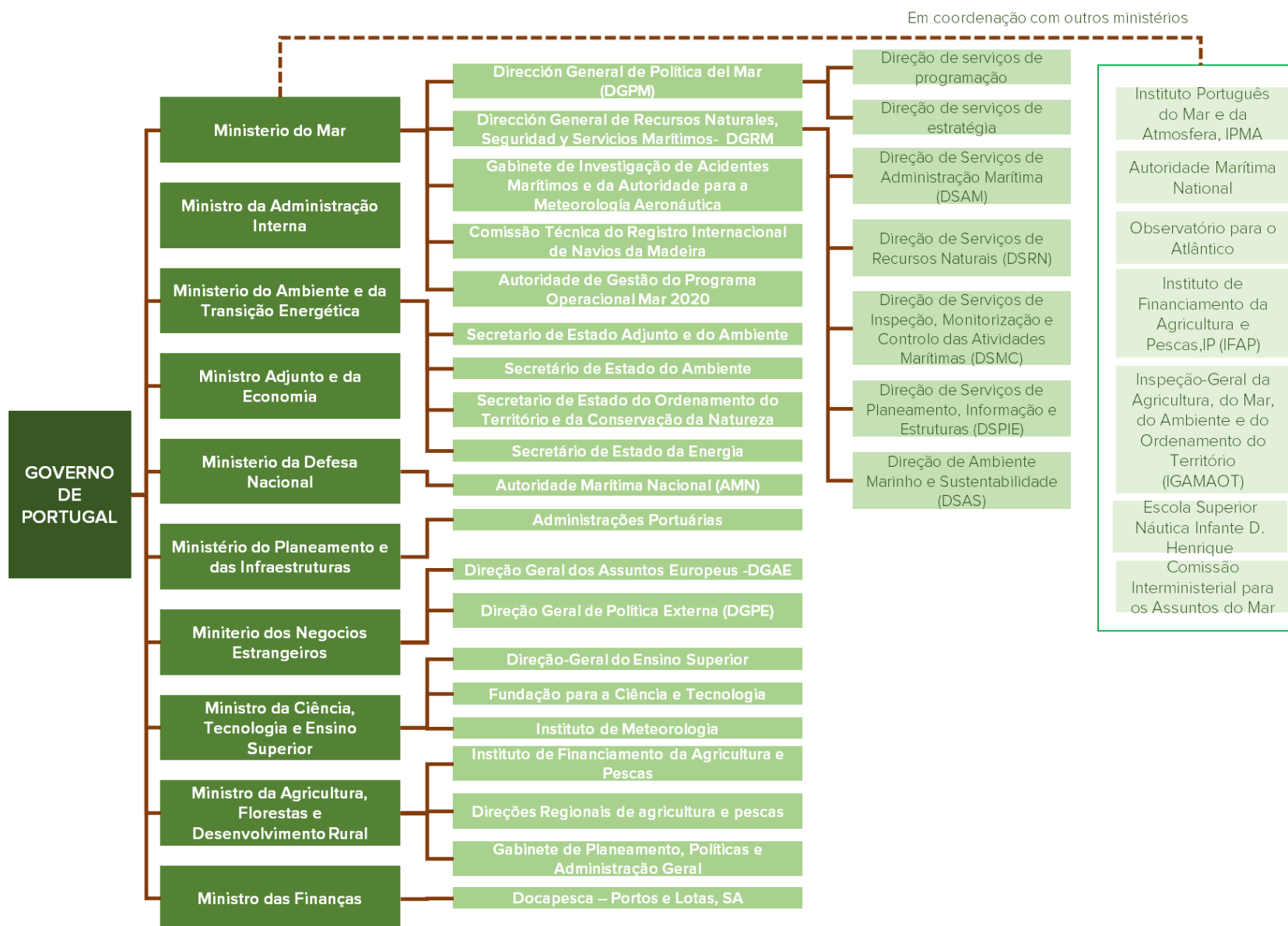


Figure AI.3. Main competent authorities in maritime affairs in Portugal (national scale) as at December 2018

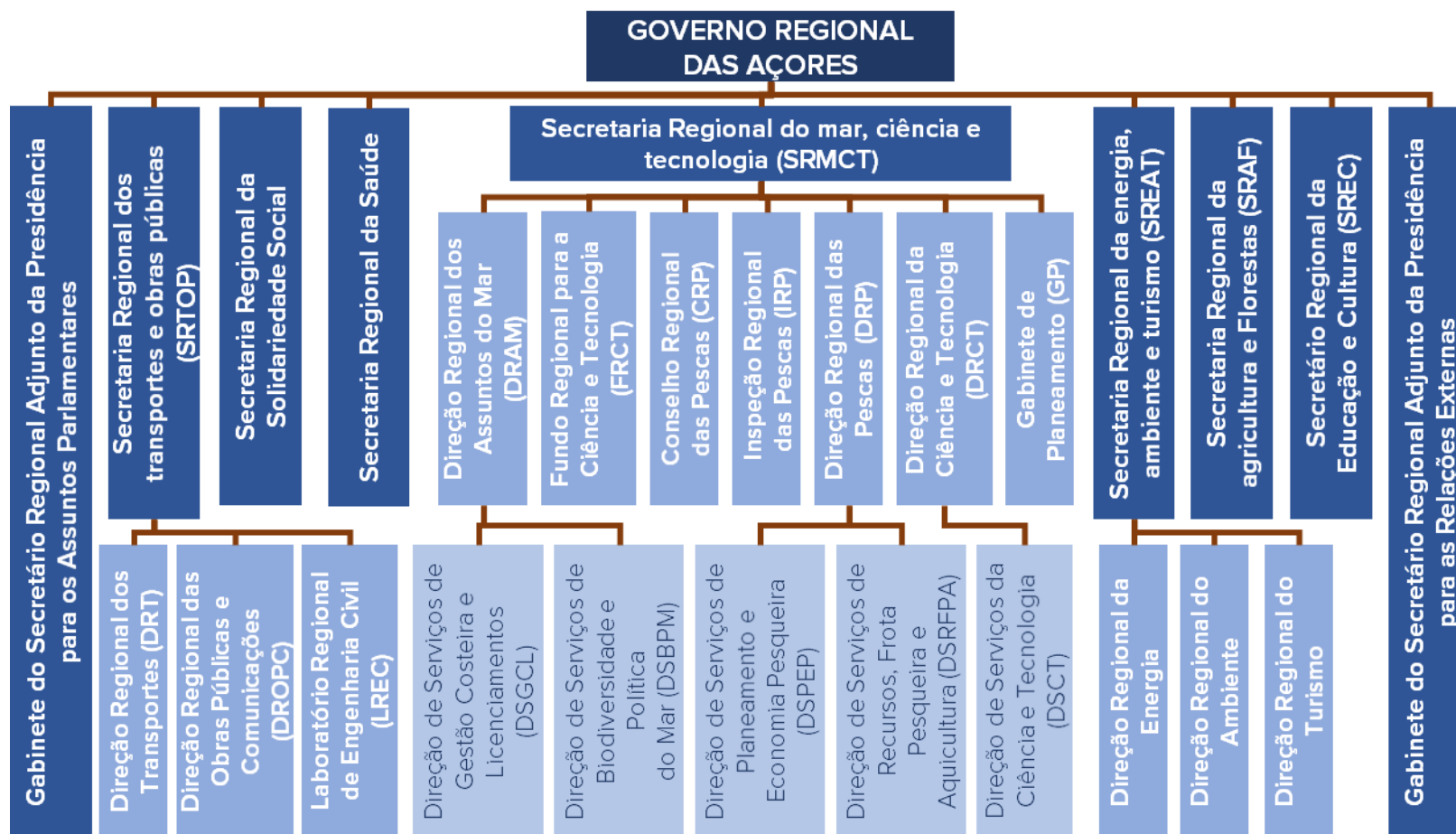


Figure AI.4. Main competent authorities in maritime affairs in the Azores (regional scale) as at July 2019 (more info: www.azores.gov.pt)

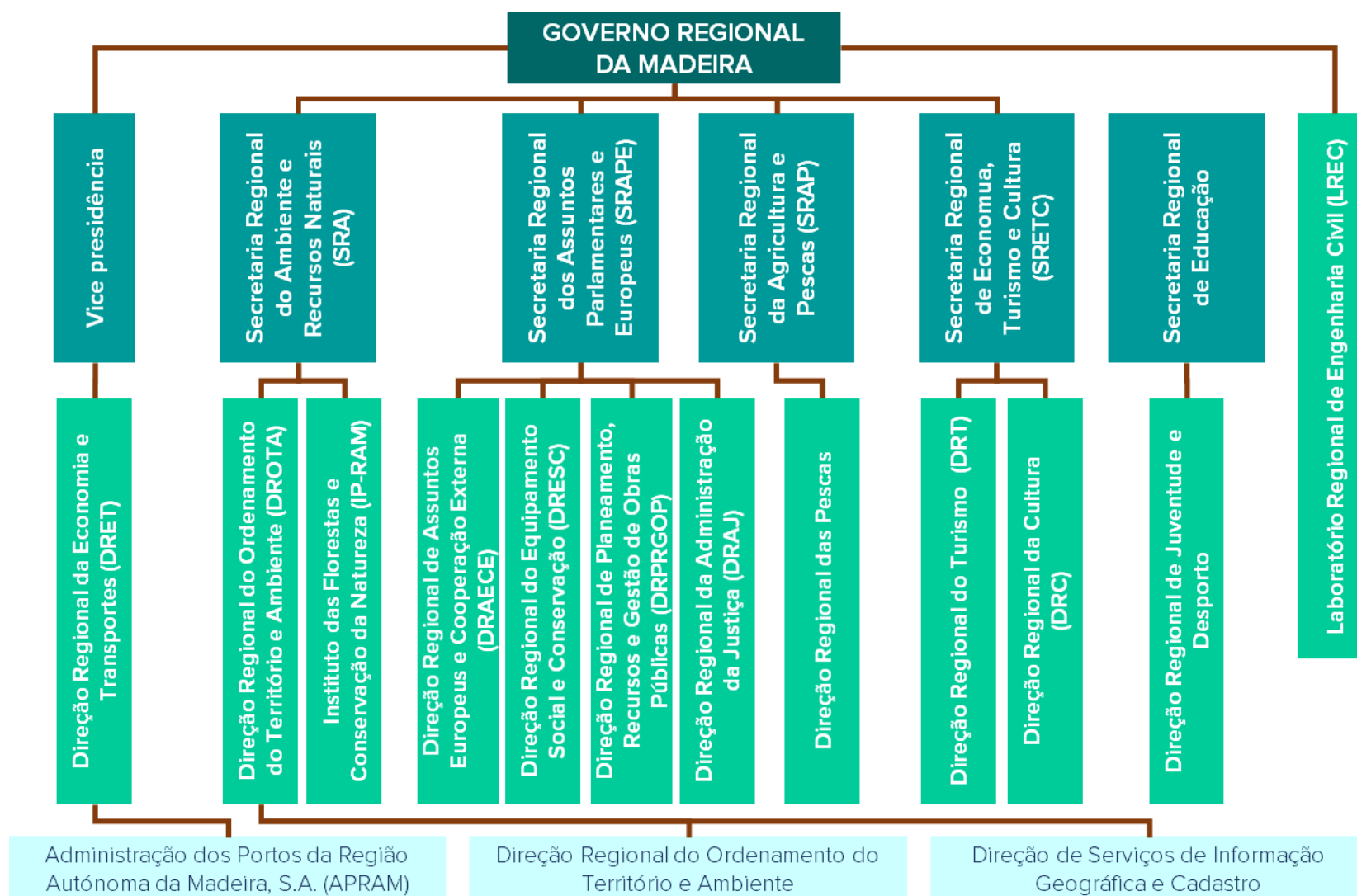


Figure AI.5. Main competent authorities in maritime affairs in Madeira (regional scale) as at July 2019

ANNEX II. SECTORIAL MANAGEMENT FILES BY ARCHIPELAGO

Note: the following tables show a selection of the most relevant sector regulations to approximate the reader to the management of each sector by archipelagos. It is necessary to emphasize that this selection does not show the complete list of all the existing norms (of management, administration and execution of each sector). As a complement to this approximation table, an electronic annex is provided where the applicable rules are detailed (mainly in the case of the regulatory rules of the archipelagos), such as the rules that create and manage each marine protected area or approval of plans, among others. The electronic annex is available at: https://docs.google.com/spreadsheets/d/1se2lZG8gsoimG1eb785aMqy6-b52dU8I7O0zQ-L_FDQ/edit?usp=sharing

Table AII.1. Maritime Sectors Management in Canary Islands

CANARY ISLANDS

Sectors	Regulatory basis		Competent institution for sector management		Instrument	
	National	Regional	National	Regional	National	Regional
Fisheries and aquaculture	- Ley 33/2014, de 26 de diciembre, por la que se modifica la Ley 3/2001, de 26 de marzo, de Pesca Marítima del Estado	- Decreto 182/2004, de 21 de diciembre, por el que se aprueba el Reglamento de la Ley de Pesca de Canarias - Ley 6/2007, de 13 de abril, de modificación de la Ley 17/2003, de 10 de abril, de pesca de Canarias	- Ministerio de Agricultura, Pesca y Alimentación	- Consejería de Agricultura, Ganadería, Pesca y Aguas	- Plan Estratégico Plurianual de la Acuicultura Española 2014-2020	- Consejería de Agricultura, Ganadería, Pesca y Aguas
Mineral resources	- Ley 22/1973, de 21 de julio, de Minas. - Real Decreto 2857/1978, de 25 de agosto, por el que se aprueba el Reglamento General para el régimen de la minería. - Ley 34/1998, de 7 de octubre, del sector de hidrocarburos. - Ley 2/2013, de 29 de mayo, de protección y uso sostenible del litoral y de modificación de la Ley 22/1988, de 28 de julio, de Costas		- Ministerio para la Transición Ecológica, - Secretaría de Estado de Energía (de la que depende la Dirección General de Política Energética y Minas)	- Consejería de Economía, Industria, Comercio y Conocimiento		
Energy	- Real Decreto 1028/2007, de 20 de julio, por el que se establece el procedimiento administrativo para la tramitación de las solicitudes de autorización de instalaciones de generación eléctrica en el mar territorial - Ley 24/2013, de 26 de diciembre, del Sector Eléctrico.	- Decreto 141/2009, de 10 de noviembre, por el que se aprueba el Reglamento por el que se regulan los procedimientos administrativos relativos a la ejecución y puesta en servicio de las instalaciones eléctricas en Canarias.	- Ministerio para la Transición Ecológica, - Secretaría de Estado de Energía (de la que depende la Dirección General de Política Energética y Minas)	- Consejería de Economía, Industria, Comercio y Conocimiento -	- Plan de Energías Renovables (PER) 2011-2020 (España)	- EECan25: ESTRATEGIA ENERGÉTICA DE CANARIAS 2015-2025

Ports and maritime transport	<ul style="list-style-type: none"> - Real Decreto Legislativo 2/2011, de 5 de septiembre, por el que se aprueba el Texto Refundido de la Ley de Puertos del Estado y de la Marina Mercante 	<ul style="list-style-type: none"> - Ley 14/2003, de 8 de abril, de Puertos de Canarias - Decreto 117/2015, de 22 de mayo, por el que se aprueba el Reglamento de policía y gestión de los puertos de gestión directa de la Comunidad Autónoma de Canarias 	<ul style="list-style-type: none"> - Ministerio de Fomento - Dirección General de la Marina Mercante - Capitanías Marítimas 	<ul style="list-style-type: none"> - Consejería de Obras Públicas y Transportes - Puertos Canarios 		
Tourism	<ul style="list-style-type: none"> - Real Decreto 425/2013, de 14 de junio, por el que se aprueba el Estatuto del Instituto de Turismo de España y se modifica parcialmente el Real Decreto 344/2012, de 10 de febrero, por el que se desarrolla la estructura orgánica básica del Ministerio de Industria, Energía y Turismo 	<ul style="list-style-type: none"> - Ley 7/1995, de 6 de abril, de Ordenación del Turismo de Canarias - Ley 19/2003, de 14 de abril, por la que se aprueban las Directrices de Ordenación General y las Directrices de Ordenación del Turismo de Canarias. 	<ul style="list-style-type: none"> - Ministerio de Industria, Comercio y Turismo; Secretaría de Estado de Turismo 	<ul style="list-style-type: none"> - Consejería de Turismo, Cultura y Deportes 	<ul style="list-style-type: none"> - Plan del Turismo Español Horizonte 2020 - Estrategia de turismo sostenible en la Red Española de Reservas de la Biosfera (2017) - Plan sectorial de turismo de naturaleza y biodiversidad 2014-2020. 	<ul style="list-style-type: none"> - Estrategia Turística de Tenerife 2017-2020/2030 - Planes territoriales de ordenación turística (por cabildo)
Archaeology and underwater heritage	<ul style="list-style-type: none"> - Instrumento de Ratificación de la Convención sobre la protección del Patrimonio cultural subacuático, hecho en París el 2 de noviembre de 2001 	<ul style="list-style-type: none"> - Ley 4/1999, de 15 de marzo, de Patrimonio Histórico de Canarias; - Decreto 262/2003, de 23 de septiembre, por el que se aprueba el Reglamento sobre intervenciones arqueológicas en la Comunidad Autónoma de Canarias 	<ul style="list-style-type: none"> - Ministerio de cultura y deporte; - Dirección General de Bellas Artes 	<ul style="list-style-type: none"> - Consejería de Turismo, Cultura y Deportes 	<ul style="list-style-type: none"> - Libro Verde Plan Nacional de Protección del Patrimonio Cultural Subacuático Español (2007) 	

<p>Environment and Protected Areas</p>	<p>- Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad - Ley 41/2010, de 29 de diciembre, de protección del medio marino.</p>	<p>- Ley 14/2014, de 26 de diciembre, de Armonización y Simplificación en materia de Protección del Territorio y de los Recursos Naturales. - Ley 4/2017, de 13 de julio, del Suelo y de los Espacios Naturales Protegidos de Canarias que integra el Anexo de Reclasificación de los espacios naturales de Canarias, contenido en el Decreto Legislativo 1/2000 - DECRETO 174/2009, de 29 de diciembre, por el que se declaran Zonas Especiales de Conservación integrantes de la Red Natura 2000 en Canarias y medidas para el mantenimiento en un estado de conservación favorable de estos espacios naturales. - ORDEN de 15 de mayo de 2015, por la que se delimitan las áreas prioritarias de reproducción, de alimentación, de dispersión y de concentración de las especies de la avifauna amenazada en la Comunidad Autónoma de Canarias, a los efectos de aplicación del Real Decreto 1432/2008, de 29 de agosto, por el que se establecen medidas para la protección de la avifauna contra la colisión y la electrocución en líneas eléctricas de alta tensión. - Resolución de 28 de julio de 2017, por la que se dispone la publicación del Acuerdo de prórroga del Convenio de Colaboración entre el Ministerio de Agricultura y Pesca, Alimentación y Medio Ambiente y la Consejería de Agricultura, Ganadería, Pesca y Aguas de la Comunidad Autónoma de Canarias, relativo a la gestión compartida de reservas marinas en Canarias.</p>	<p>- Ministerio para la Transición Ecológica, Secretaría de Estado de Medio Ambiente (varias Direcciones)</p>	<p>- Consejería de Política Territorial, Sostenibilidad y Seguridad</p>	<p>- EsMarEs, Estrategias Marinas de España: Estrategia Marina para la Demarcación Canaria (2012) (aprobado por RD 1365/2018) - Plan Estatal de Protección de la Ribera del Mar contra la Contaminación (Plan Ribera) (2014) - Estrategia de Conservación y de Lucha Contra Amenazas de Plantas Protegidas en Ambientes Costeros (2018) - RD 1599/2011, de 4 de noviembre, por el que se establecen los criterios de integración de los espacios marinos protegidos en la Red de Áreas Marinas Protegidas de España.</p>	<p>- Plan de recuperación de la lapa mayorera (Patella candei) - Plan Rector de Uso y Gestión del Parque Natural del Archipiélago Chinijo - Plan Director de la Reserva Natural Integral de Los Islotes - DECRETO 174/2009, de 29 de diciembre, por el que se declaran Zonas Especiales de Conservación integrantes de la Red Natura 2000 en Canarias y medidas para el mantenimiento en un estado de conservación favorable de estos espacios naturales. - RESOLUCIÓN de 2 de julio de 2013, de la Dirección General de Sostenibilidad de la Costa y del Mar, por la que se integran en la Red de Áreas Marinas Protegidas de España las zonas especiales de conservación marinas de la región biogeográfica Macaronésica de la Red Natura 2000 y el área marina protegida y zona especial de</p>
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						conservación de El Cachucho.
Maritime rescue and border control	<ul style="list-style-type: none"> - Ley Orgánica 2/1986, de 13 marzo, de Fuerzas y Cuerpos de Seguridad - Instrumento de Ratificación del Convenio Internacional sobre Salvamento Marítimo, 1989, hecho en Londres el 28 de abril de 1989 - Real Decreto Legislativo 2/2011, de 5 de septiembre, por el que se aprueba el Texto Refundido de la Ley de Puertos del Estado y de la Marina Mercante 		<ul style="list-style-type: none"> - Ministerio del Fomento - Dirección General de la Marina Mercante - Comisión Nacional de Salvamento Marítimo 		<ul style="list-style-type: none"> - Plan Nacional de Servicios Especiales de Salvamento de la Vida Humana en la Mar y de la Lucha contra la Contaminación del Medio Marino 2010-2018 	

Table AII.2. Maritime Sectors Management in Azores

AZORES						
Sectors	Regulatory Basis		Competent institution for sector management		Instrument	
	National	Regional	National	Regional	National	Regional
Fisheries and aquaculture	<p>- Decreto-Lei n.º 246/2000, de 29 de setembro, que define o quadro legal do exercício da pesca marítima dirigida a espécies animais e vegetais com fins lúdicos (e alterações posteriores)</p> <p>- Decreto Regulamentar n.º 9/2008, de 18 de Março, Aprova o estabelecimento de zonas de produção aquícola em mar aberto, bem como as condições a observar para efeitos de autorização de instalação e licença de exploração</p> <p>- Decreto Regulamentar n.º 16/2015, de 16 de setembro, Procede à sétima alteração ao Decreto Regulamentar n.º 43/87, de 17 de julho, que define as medidas nacionais de conservação dos recursos vivos aplicáveis ao exercício da pesca em águas sob soberania e jurisdição portuguesas, e à primeira alteração ao Decreto Regulamentar n.º 14/2000, de 21 de setembro, que estabelece os requisitos e condições relativos à instalação e exploração dos estabelecimentos de culturas marinhas e conexos, bem como as condições de transmissão e cessação das autorizações e das licenças</p> <p>- Decreto-Lei n.º 10/2017, de 10 de janeiro, que institui um regime comunitário de controlo a fim de assegurar o cumprimento das regras da Política comum de Pescas. Altera o Decreto-Lei n.º 278/87, de 7 de julho.</p> <p>- Decreto-Lei n.º 40/2017, de 4 de abril, que Aprova o regime jurídico da instalação e exploração dos estabelecimentos de culturas em águas marinhas, nelas se incluindo as águas de transição, e em águas interiores, no uso da autorização legislativa concedida pela Lei n.º 37/2016, de 15 de dezembro.</p>	<p>- Decreto Legislativo Regional n.º 9/2007/A, de 19 de abril - Aprova o regime jurídico da pesca lúdica nas águas dos Açores</p> <p>- Despacho Normativo n.º 62/2007, de 21 de dezembro, que Regulamenta o licenciamento da pesca lúdica na RAA. Alterado pelo Despacho Normativo n.º 19/2015, de 8 de maio.</p> <p>- Decreto-Legislativo Regional n.º 36/2008/A, de 30 de julho, que define o quadro legal da pesca-turismo exercida nas águas da subárea dos Açores da ZEE portuguesa.</p> <p>- Decreto Legislativo Regional n.º 22/2011/A, de 4 de Julho, aprova o Quadro Legal da Aquicultura Açoriana</p> <p>- Decreto Legislativo Regional n.º 29/2010/A, de 9 de novembro Regulamenta o exercício da pesca e da actividade marítima na pesca e define medidas adequadas às especificidades do território marítimo dos Açores, Alterado e republicado pelo Decreto Legislativo Regional n.º 31/2012/A, de 6 de julho.</p>	<p>- Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)</p>	<p>- Secretaria Regional do mar, ciência e tecnologia-SRMCT (Direção Regional das Pescas-DRP)</p>	<p>- Estratégia Nacional para o Mar 2013-2020 (2014)- Plano Estratégico para a Aquicultura Portuguesa 2014-2020 (2013)</p>	

<p>Mineral resources</p>	<ul style="list-style-type: none"> - Lei de Bases do regime jurídico da revelação e do aproveitamento dos recursos geológicos existentes no território nacional, incluindo os localizados no espaço marítimo nacional (em Diário da República, 1.ª série, n.º 119, de 22 de junho de 2015). - Lei n.º 54/2015, de 22 de junho, que estabelece as bases do regime jurídico da revelação e do aproveitamento dos recursos geológicos existentes no território nacional, incluindo os localizados no espaço marítimo nacional. - Decreto-Lei n.º 109/94 de 26 de abril, que estabelece o regime jurídico das atividades de prospeção, pesquisa e produção de petróleo. Alterado pela Lei n.º 82/2017, de 18 de agosto. 	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 21/2012/A, de 9 de maio, que estabelece o regime jurídico de revelação e aproveitamento de bens naturais existentes na crosta terrestre, genericamente designados por recursos geológicos, integrados ou não no domínio público, do território terrestre e marinho da Região Autónoma dos Açores. - Decreto Legislativo Regional n.º 9/2010/A, de 8 de março, determina o regime jurídico da extração de inertes na faixa costeira e no mar territorial, alterado e republicado através do Decreto Legislativo Regional n.º 31/2012/A, de 6 de julho. 	<ul style="list-style-type: none"> - Direção-Geral de Energia e Geologia (DGEg) - Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos (DRGIM) 	<ul style="list-style-type: none"> - Secretaria Regional do mar, ciência e tecnologia-SRMCT (Direção Regional dos Assuntos do Mar-DRAM) 		
<p>Energy</p>	<ul style="list-style-type: none"> - Decreto- Lei n.º 87/90, de 16 de março, que aprova o regulamento dos recursos geotérmicos. - Decreto-Lei n.º 5/2008, de 8 de janeiro, que estabelece o regime jurídico de acesso e exercício da atividade de produção de eletricidade a partir da energia das ondas, alterado pelo Decreto-Lei n.º 15/2012, de 23 de janeiro. - Decreto-Lei n.º 141/2010 de 31 de Dezembro, define as metas nacionais de energia renovável no consumo de energia final e transpõe parcialmente a Directiva n.º 2009/28/CE, do Parlamento Europeu e do Conselho, de 23 de Abril - Decreto-Lei n.º 130/2014, Aprova a orgânica da Direção-Geral de Energia e Geologia - Resolução do Conselho de Ministros n.º 12/2018 de 19 de fevereiro, aprova um conjunto de medidas com vista à atualização do regime jurídico da Zona Piloto para energias renováveis oceânicas. 	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 21/2012/A, de 9 de maio, que estabelece o regime jurídico de revelação e aproveitamento de bens naturais existentes na crosta terrestre, genericamente designados por recursos geológicos, integrados ou não no domínio público, do território terrestre e marinho da Região Autónoma dos Açores. 	<p>Direção-Geral de Energia e Geologia (DGEg)</p>	<ul style="list-style-type: none"> - Secretaria Regional da energia, ambiente e turismo-SREAT (Direção Regional da Energia-DREn) - Secretaria Regional do mar, ciência e tecnologia-SRMCT (Direção Regional dos Assuntos do Mar-DRAM) 	<ul style="list-style-type: none"> - Estratégia Industrial e o Plano de Ação para as Energias Renováveis Oceânicas (2017) - Plano Nacional de Acção para a Eficiência Energética ENE 2020 	

<p>Ports and maritime transport</p>	<ul style="list-style-type: none"> - Decreto-Lei n.º 23432, que regula o tráfego marítimo com portos nacionais. - Decreto-Lei n.º 379/89, de 27 de Outubro, Define a área de jurisdição da Direcção-Geral de Portos - Lei n.º 10/99 de 15 de Março, Autoriza o Governo a publicar um decreto-lei que aprova o regime de instalação de equipamentos e instalações portuárias em águas territoriais, seu leito, zona económica exclusiva e na plataforma continental, excluídas das zonas de jurisdição portuária. - Decreto-Lei nº 7/2006, de 4 de janeiro, que regula o transporte marítimo de passageiros e mercadorias na cabotagem nacional. - Decreto-Lei n.º 263/2009, de 28 de setembro, que institui o sistema nacional de controlo de tráfego marítimo (SNCTM). - Decreto-lei n.º 93/2018, de 13 de novembro, que aprova o novo Regime Jurídico da Náutica de Recreio e que revoga, a partir de 01-01-2019, os Decretos-lei n.os 124/2004, de 25 de maio e 478/99, de 9 de novembro. 	<ul style="list-style-type: none"> - Decreto Regulamentar Regional nº 24/2002/A, de 30 de agosto, que define as áreas de pilotagem abrangidas pelos portos sob jurisdição das juntas autónomas dos portos da Região Autónoma dos Açores. - Decreto Legislativo Regional nº 35/2004/A, que estabelece os limites das áreas da navegação de recreio na Região Autónoma dos Açores. - Decreto Legislativo Regional n.º 24/2011/A, de 22 de agosto, que aprova o sistema portuário dos Açores. 	<ul style="list-style-type: none"> - Autoridade Marítima Nacional - Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos 	<ul style="list-style-type: none"> - Portos dos Açores S.A, gere os portos das classes A, B e C - Secretaria Regional do mar, ciência e tecnologia– SRMCT (Direção Regional das Pescas– DRP, gere os portos dedicados à atividade da pesca (portos da classe D); Direcção Regional dos Assuntos do Mar–DRAM, gere os portinhos (portos da classe E) - Direcção Regional dos Transportes - Direcção Regional do Desporto - Direcção Regional do Turismo 	<ul style="list-style-type: none"> - Plano Integrado dos Transportes dos Açores 2014-2020 (2014)
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<p>Tourism</p>	<ul style="list-style-type: none"> - Decreto-lei n.º 16/2007 de 22 janeiro, estabelece o regime jurídico aplicável ao mergulho amador e aos serviços de mergulho recreativo em todo o território nacional. - Lei n.º 24/2013, de 20 de março, que aprova o regime jurídico aplicável ao mergulho recreativo em todo o território nacional. - Lei n.º 70/2014, de 1 de setembro, que aprova o regime jurídico aplicável ao mergulho profissional em todo o território nacional. - Decreto-Lei n.º 149/2014, de 10 de outubro, que aprova o Regulamento das Embarcações Utilizadas na Atividade Marítimo-Turística. - Decreto-lei n.º 108/2009, de 15 de maio, estabelece as condições de acesso e de exercício da atividade das empresas de animação turística e dos operadores marítimo-turísticos. Alterado e republicado pelo Decreto-lei n.º 95/2013, de 19 de julho, alterado pelo Decreto-Lei n.º 186/2015, de 3 de setembro. 	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 13/2004/A, de 23 de março, que altera o Decreto Legislativo Regional n.º 10/2003/A, de 22 de março e que republica o Decreto Legislativo Regional n.º 9/99/A, de 22 de março, que consagra o regime jurídico da observação de cetáceos. - Decreto Legislativo Regional n.º 36/2008/A, de 30 de julho, que define o quadro legal da pesca-turismo exercida nas águas da subárea dos Açores da ZEE portuguesa. - Decreto Legislativo Regional n.º 23/2007/A, de 23 de outubro, que estabelece o Regulamento da Atividade Marítimo-Turística dos Açores (RAMTA). Alterado pelo Decreto Legislativo Regional n.º 3/2017/A, de 13 de abril. 		<ul style="list-style-type: none"> - Secretaria Regional da energia, ambiente e turismo-SREAT (Direção Regional do Turismo-DRTu) - Secretaria Regional do mar, ciência e tecnologia-SRMCT (Direção Regional das Pescas-DRP) e (Direção Regional dos Assuntos do Mar-DRAM) 	<ul style="list-style-type: none"> - Estratégia Nacional para o Mar 2013-2020 (2014) 	<ul style="list-style-type: none"> - Plano de Ordenamento Turístico da Região Autónoma dos Açores (2008 e alterado no 2010) - Plano Estratégico e de Marketing do Turismo dos Açores (2016)
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<p>Archaeology and underwater heritage</p>	<p>- Decreto-Lei n.º 164/97, de 27 de junho, que estabelece normas relativas ao património cultural subaquático (e alterações)</p> <p>- Lei n.º 107/2001, de 8 setembro, que estabelece as bases da política e do regime de proteção e valorização do património cultural.</p> <p>- Decreto Lei n.º 140/2009, de 15 junho, que estabelece o regime jurídico dos estudos, projetos, relatórios, obras ou intervenções sobre bens culturais classificados, ou em vias de classificação, de interesse nacional, de interesse público ou de interesse municipal.</p> <p>- Convenção sobre a Proteção do Património Cultural Subaquático, aprovada pela Resolução da Assembleia da República n.º 51/2006, de 18 de julho, e ratificada pelo Decreto do Presidente da República n.º 65/2006, de 18 de julho, e entretanto ratificada pelo Aviso nº 6/2012, de 26 de março.</p>	<p>- Lei n.º 19/2000, de 10 de agosto, que altera a Lei n.º 13/85, de 6 de julho (património cultural português) e o Decreto-Lei n.º 164/97, de 27 de junho (património cultural subaquático) e que transfere para a Região Autónoma dos Açores todas as matérias referentes à gestão do património arqueológico regional.</p> <p>- Decreto Legislativo Regional n.º 27/2004/A, de 24 de agosto, que estabelece o quadro normativo relativo à gestão do património arqueológico, no sentido da prevenção, salvamento e investigação do património arqueológico imóvel e móvel na Região Autónoma dos Açores (e alterações).</p> <p>- Decreto Legislativo Regional n.º 3 /2015/A, de 4 de fevereiro, que estabelece o regime jurídico relativo à inventariação, classificação, proteção e valorização dos bens culturais móveis e imóveis, existentes na Região Autónoma dos Açores.</p> <p>- Decreto Regulamentar Renional que crean Parques Arqueológicos Subaquáticos: n.º 12/2012/A (do Dori); n.º 15/2014/A (da Caroline); n.º 17/2015/A (do Slavonia); n.º 20/2005/A (da Baía de Angra); n.º 24/2015/A (do Canarias);</p>	<p>- Ministerio de Cultura, Dirección-Geral do Patrimonio Cultural</p>	<p>- Secretário Regional da Educação e Cultura-SREC (Direção Regional da Cultura - DRC)</p>		<p>- Red de Parques Arqueológicos subaquáticos (do Dori, da Caroline, do Slavonia, da Baía de Angra e do Canarias)</p>
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<p>Environment and Protected Areas</p>	<p>- Decreto-Lei n.º 316/89, de 22 de setembro, que regulamenta a aplicação da convenção da vida selvagem e dos habitats naturais na Europa. Alterado pelo Decreto-Lei n.º 196/90, de 18 de junho.</p> <p>- Decreto-Lei n.º 140/99, de 24 de abril, que revê a transposição para a ordem jurídica interna da Diretiva n.º 79/409/CEE, do Conselho, de 2 de Abril (relativa à conservação das aves selvagens), e da Diretiva n.º 92/43/CEE, do Conselho, de 21 de Maio (relativa à preservação dos habitats naturais e da fauna e da flora selvagens) (e alterações)</p> <p>- Lei n.º 19/2014, de 14 de abril, define as bases da política de ambiente</p> <p>- Decreto-Lei n.º 166/2008, de 22 de agosto - Estabelece o regime jurídico da reserva ecológica nacional (REN)</p> <p>- Decreto-Lei n.º 142/2008, de 24 de agosto, que estabelece o Regime Jurídico da Conservação da Natureza e da Biodiversidade (e alterações)</p> <p>- Decreto-Lei n.º 108/2010, de 13 outubro, que estabelece o regime jurídico das medidas necessárias para garantir o bom estado ambiental do meio marinho até 2020, transpondo a Diretiva n.º 2008/56/CE (DQEM, Diretiva Quadro Estratégia Marinha) (e alterações)</p>	<p>- Decreto Legislativo Regional n.º 15/2012/A, de 2 de abril, que estabelece o regime jurídico da conservação da natureza e da proteção da biodiversidade, procedeu à transposição para o ordenamento jurídico regional as diretivas Aves e Habitats.</p> <p>- Decreto Legislativo Regional n.º 13/2016/A - Primeira alteração ao Decreto Legislativo Regional n.º 28/2011/A, de 11 de novembro, que estrutura o Parque Marinho dos Açores</p> <p>- Rede de Arrojamentos de Cetáceos dos Açores (RACA) - Resolução n.º 72/2006.</p> <p>- Decreto Legislativo Regional n.º 20/2006/A, de 6 de junho (alterado pela Declaração de Retificação n.º 48-A/2006, de 7 de agosto, e pelo Decreto Legislativo Regional n.º 7/2007/A, de 10 de abril), estabelece o Plano Sectorial da Rede Natura 2000 da Região Autónoma dos Açores.</p> <p>- Decreto Legislativo Regional n.º 30/2010/A, de 15 de novembro, que estabelece o regime jurídico da avaliação do impacto e do licenciamento ambiental.</p> <p>- Decreto Legislativo Regional n.º 16/2011/A, de 30 de maio, estabelece o regime jurídico da gestão das zonas balneares, da qualidade das águas balneares e da prestação de assistência nos locais destinados a banhistas e transpõe para a ordem jurídica regional a Diretiva n.º 2006/7/CE.</p> <p>- Decreto Legislativo Regional n.º 29/2011/A, de 16 de novembro, que estabelece o Regime Geral de Prevenção e Gestão de Resíduos, alterado e republicado pelo Decreto Legislativo Regional n.º 19/2016/A, de 6 de outubro.</p>	<p>- Ministerio do Ambiente e da Transição Energética</p> <p>- Secretario de Estado do Ordenament o do Território e da Conservaçã o da Natureza</p>	<p>- Secretaria Regional da energia, ambiente e turismo - SREAT (Direção Regional do Ambiente - DRA)</p> <p>- Secretaria Regional do mar, ciência e tecnologia- SRMCT (Direção Regional dos Assuntos do Mar-DRAM)</p>	<p>- Quadro Estratégico para a Política Climática - Programa Nacional para as Alterações Climáticas - Estratégia Nacional de Adaptação às Alterações Climáticas (2015)</p> <p>- Estratégia Nacional de Conservaçã o da Natureza e Biodiversida de 2030 (2018).</p> <p>- Estratégia Nacional para o Mar 2013-2020 (2014)</p>	<p>- Plano Sectorial da Rede Natura 2000 da Região Autónoma dos Açores</p> <p>- Prioritised Action Framework (PAF) for NATURA 2000 for the EU Multiannual Financing Period 2014-2020, Região Autónoma dos Açores (2013)</p> <p>- Marine Strategy for the sub-division of the Azores, in the framework of the Marine Strategy Framework Directive (2012)</p> <p>- Planos de Ordenament o das Áreas Protegida (POAP).</p>
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<p>Maritime rescue and border control</p>	<ul style="list-style-type: none"> - Convenção das Nações Unidas sobre o Direito do Mar (UNCLOS), de 10 de dezembro de 1982, aprovada para ratificação pela Resolução da Assembleia da República n.º 60-B/97, 3 de abril de 1997 e ratificada pelo Decreto do Presidente da República n.º 67-A/97, de 14 de outubro. - Decreto do Governo n.º 79/83, que Aprova, para ratificação, a Convenção Internacional para a Salvaguarda da Vida Humana no Mar de 1974 - Decreto-lei n.º 15/94, de 22 de janeiro, cria o Sistema Nacional para a Busca e Salvamento Marítimo. Alterado pelo Decreto-Lei n.º 399/99, de 14 de outubro. - Decreto-Lei n.º 248/95, de 21 de setembro, que cria, na estrutura do Sistema da Autoridade Marítima, a Polícia Marítima. Alterado pelo Decreto-Lei n.º 235/2012, de 31 de outubro e pelo Decreto-Lei n.º 220/2005, de 23 de dezembro. - Decreto-lei n.º 203/98, de 10 de julho, referente ao Regime Jurídico da salvação marítima. - Decreto-lei n.º 183/2014, de 29 de dezembro, aprova a Lei orgânica do Ministério da Defesa Nacional. - Lei n.º 34/2006, de 28 de julho, determina a extensão das zonas marítimas sob soberania ou jurisdição nacional e os poderes que o Estado Português nelas exerce, bem como os poderes exercidos no alto mar. - Lei n.º 27/2006, de 3 de julho, estabelece a Lei de Base da Proteção Civil. Alterada e republicada pela Lei n.º 80/2015, de 3 de agosto. - Decreto-Lei n.º 106/2004, de 8 de maio, que regulamenta a aplicação da Convenção Internacional para a Salvaguarda da Vida Humana no Mar de 1974 (SOLAS 74) e o respetivo Protocolo. Alterado pela Lei n.º 18/2012, de 7 de maio. - Decreto-lei n.º 134/2006, de 25 de julho, cria o Sistema Integrado de Operações de Proteção e Socorro. Alterado pelo Decreto-Lei n.º 114/2011, de 30 de novembro e alterado e republicado pelo Decreto-Lei n.º 72/2013, de 31 de maio. 		<ul style="list-style-type: none"> - Autoridade Marítima Nacional (AMN) (Marinha portuguesa, Polícia Marítima) - Guarda Nacional Republicana - Sistema da Autoridade Marítima (SAM) - Guarda Nacional Republicana 	<ul style="list-style-type: none"> - Inspeção Regional do Ambiente (IRA) 	<ul style="list-style-type: none"> - Conceito Estratégico de Defesa Nacional (2013) 	
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Table AII.3. Maritime Sectors Management in Madeira

MADEIRA						
Sectors	Regulatory Basis		Competent institution for sector management		Instrument	
	National	Regional	National	Regional	National	Regional
Fisheries and aquaculture	IDEM AZORES	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 19/2016/M, Regula a Pesca Dirigida a Espécies Vegetais e Animais, com Fins Lúdicos, nas Águas Marinhas da Região Autónoma da Madeira - Plano de Ordenamento para a Aquicultura Marinha da Região Autónoma da Madeira (POAMAR) – Resolução n.º 1025/2016, Jornal Oficial de 28 de dezembro de 2016. 	<ul style="list-style-type: none"> - Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM) 	<ul style="list-style-type: none"> - Secretaria Regional de Agricultura e Pescas (Direção Regional de Pescas-DRP) 	<ul style="list-style-type: none"> - Estratégia Nacional para o Mar 2013-2020 (2014)- Plano Estratégico para a Aquicultura Portuguesa 2014-2020 (2013) 	<ul style="list-style-type: none"> - Plano de Ordenamento para a Aquicultura Marinha da Região Autónoma da Madeira (POAMAR) - Plano de Situação do Ordenamento do Espaço Marítimo
Mineral resources	IDEM AZORES	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 28/2008/M, Estabelece o regime jurídico de protecção e de extração e dragagem de materiais inertes da orla costeira na Região Autónoma da Madeira. - Decreto Legislativo Regional n.º 22/2018/M, de 12 de dezembro, estabelece o regime jurídico da extração comercial de materiais inertes no leito das águas costeiras, territoriais e das águas interiores sujeitas à influência das marés da RAM. - Decreto Legislativo Regional nº14/2013/M, de 12 de abril 	<ul style="list-style-type: none"> - Direção-Geral de Energia e Geologia (DGEG) - Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos (DRGM) 	<ul style="list-style-type: none"> - Secretaria Regional do Ambiente e Recursos Naturais (Direção Regional de Ordenamento do Território e Ambiente-DROTA) 		<ul style="list-style-type: none"> - Plano de Situação do Ordenamento do Espaço Marítimo
Energy	IDEM AZORES		<ul style="list-style-type: none"> Direção-Geral de Energia e Geologia (DGEG) 	<ul style="list-style-type: none"> - Agência Regional da Energia e Ambiente da Região Autónoma da Madeira – AREAM 	<ul style="list-style-type: none"> - Estratégia Industrial e o Plano de Ação para as Energias Renováveis Oceánicas (2017) - Plano Nacional de Ação para a Eficiência Energética ENE 2020 	<ul style="list-style-type: none"> - Plano da Política Energética da Região Autónoma da Madeira (PPERAM) - Plano de Ação para a Energia Sustentável - Ilha da Madeira - Plano de Ação para a Energia Sustentável – Ilha do Porto Santo

Ports and maritime transport	IDEM AZORES	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 37/2016/M, de 17 de agosto Adapta à Região Autónoma da Madeira a Lei n.º 52/2015, de 9 de junho, que aprovou o Regime Jurídico do Serviço Público de Transporte de Passageiros. - Decreto Legislativo Regional n.º 34/2006/M, que Adapta à Região Autónoma da Madeira o Regulamento da Náutica de Recreio, aprovado pelo Decreto-Lei n.º 124/2004, de 25 de Maio - Decreto Legislativo Regional nº 25/2003/M de 23 de agosto, define os Estatutos da APRAM 	<ul style="list-style-type: none"> - Autoridade Marítima Nacional - Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos 	<ul style="list-style-type: none"> - Vice Presidência - APRAM - Administração de Portos da Região Autónoma da Madeira, S.A 		<ul style="list-style-type: none"> - Plano Diretor do Porto do Funchal - Plano Diretor do Porto do Caniçal - Plano Diretor do Porto do Porto Santo - Plano Integrado Estratégico de Transportes da Região Autónoma da Madeira 2014-2020 (PIETRAM 2014-2020)
Tourism	IDEM AZORES	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 15/2013/M, Aprova o Regulamento da Atividade de Observação de Vertebrados Marinhos na Região Autónoma da Madeira. - Lei n.º 44/2004 de 19 de agosto. Define o regime jurídico de assistência nos locais destinados a banhistas. Portugal: Assembleia da República, Diário da República, 1ª série, n.º 195, 5360 – 5361 - Decreto Legislativo Regional n.º 15/2017/M, Aprova o Programa de Ordenamento Turístico da Região Autónoma da Madeira 		Secretaria Regional do Turismo e Cultura-SRETC (Direção Regional do Turismo-DRT)	<ul style="list-style-type: none"> - Estratégia Nacional para o Mar 2013-2020 (2014) 	Programa de Ordenamento Turístico da Região Autónoma da Madeira

<p>Archeology and underwater heritage</p>	<p>IDEM AZORES</p>	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 23/91/M, Regime de protecção de bens móveis do património cultural da Região Autónoma da Madeira - Decreto-Lei nº 416/70 de 1 de setembro alterado pelo Decreto-Lei nº 577/76 de 21 de julho que consagra um enquadramento jurídico específico ao património cultural subaquático ao distinguir os achados arqueológicos “com interesse científico” ou artístico dos outros, atribuindo-lhes proteção legal acrescida designadamente o estatuto de património cultural e propriedade do estado - Decreto-Lei nº 289/93, de 21 de agosto, que estabelece o regime jurídico do património cultural subaquático - Portaria nº 568/95, de 16 de junho, que aprova o Regulamento dos Trabalhos Arqueológicos Subaquáticos - Decreto-Lei nº 164/97, de 27 de julho que harmoniza a legislação que rege a atividade arqueológica em meio subaquático com a aplicável à atividade arqueológica em meio terrestre - A Lei n.º 24/2013 de 20 de março, que aprova o regime jurídico aplicável ao mergulho recreativo - Decreto – Lei n.º 164/2014 de 4 de novembro, que adota um novo regulamento para os trabalhos arqueológicos 	<ul style="list-style-type: none"> - Ministério de Cultura, Direção-Geral do Património Cultural 	<ul style="list-style-type: none"> - Secretaria Regional do Turismo e Cultura-SRETC 		
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<p>Environment and Protected Areas</p>	<p>IDEM AZORES</p>	<ul style="list-style-type: none"> - Decreto Legislativo Regional n.º 15/2013/M de 14 de maio, alterado pela Portaria n.º 46/2014 de 14 de janeiro, enquadrando legalmente e regulamentou todas as atividades de observação de vertebrados marinhos na RAM - Decreto Legislativo Regional n.º 5/2006/M, que Adapta à Região Autónoma da Madeira o Decreto-Lei n.º 140/99, de 24 de Abril, alterado pelo Decreto-Lei n.º 49/2005, de 24 de Fevereiro, que procede à revisão da transposição para o direito interno das directivas comunitárias relativas à conservação das aves selvagens (directiva aves) e à preservação dos habitats naturais e da fauna e da flora selvagens (directiva habitats) - Decreto Legislativo Regional n.º 6/86/M, Aprovação do Regulamento de Protecção dos Mamíferos Marinhos na Zona Costeira e Subárea 2 da Zona Económica Exclusiva Portuguesa (ZEE Madeira) - Decreto Regulamentar Regional n.º 3/2014/M, que Procede à classificação das Zonas de Protecção Especial da Região Autónoma da Madeira. - Decreto-Lei n.º 142/2008, que Estabelece o regime jurídico da conservação da natureza e da biodiversidade e revoga os Decretos-Leis n.os 264/79, de 1 de Agosto, e 19/93, de 23 de Janeiro - Portaria Regional nº46/2014 de 22 de abril, regula a capacidade de carga inerente à atividade de observação de cetáceos na região - Resolução n.º 699/2016 de 17 de outubro aprova a inclusão do sítio de cetáceos na Madeira - Decreto Regulamentar Regional n.º 3/2014/M, de 3 de março de 2014 - Procede à classificação das Zonas de Protecção Especial (ZPE) da Região Autónoma da Madeira - Portaria n.º 829/2007, de 1 de agosto - Divulga a lista dos Sítios de Importância Comunitária (SIC) situados em território nacional pertencentes às Regiões Biogeográficas Atlântica, Mediterrânica e Macaronésica - Resolução n.º 1291/2009, de 2 de outubro – procede à classificação de Sítio de Importância Comunitária (SIC) para Zona Especial de Conservação (ZEC) de alguns Sítios de Interesse Comunitário 	<ul style="list-style-type: none"> - Ministério do Ambiente e da Transição Energética - Secretario de Estado do Ordenamento do Território e da Conservação da Natureza 	<ul style="list-style-type: none"> - Secretaria Regional do Ambiente e Recursos Naturais (SRA) - Instituto de Florestas e Conservação da Natureza (IFCN) 	<ul style="list-style-type: none"> - Quadro Estratégico para a Política Climática - Programa Nacional para as Alterações Climáticas - Estratégia Nacional de Adaptação às Alterações Climáticas (2015) - Estratégia Nacional de Conservação da Natureza e Biodiversidade 2030 (2018). - Estratégia Nacional para o Mar 2013-2020 (2014) 	<ul style="list-style-type: none"> - Estrategia Marinha Subdivisão Madeira (2014) - Planos de ordenamento e gestão das áreas protegidas (in Electronic Annex)
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<p>Maritime rescue and border control</p>	<p>IDEM AZORES</p>	<p>- Decreto-Lei n.º 15/94 de 22 de Janeiro, Cria o Sistema Nacional para a Busca e Salvamento Marítimo - Decreto-Lei n.º 44/2002, de 2 de março,</p>	<p>- Autoridade Marítima Nacional (AMN) (Marinha portuguesa, Polícia Marítima) - Guarda Nacional Republicana - Sistema da Autoridade Marítima (SAM) - Guarda Nacional Republicana</p>	<p>- Autoridade Marítima do Funchal (Capitania do Porto do Funchal e Capitania do Porto do Porto Santo)</p>	<p>- Conceito Estratégico de Defesa Nacional (2013)</p>	
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ANNEX III: COMPETENCES RELATED TO MARITIME AFFAIRS CONTAINED IN THE CONSTITUTIONS AND AUTONOMOUS STATUTES (original language)

Constitutional Competencies	Autonomous Statutes Competencies
Spain	CANARY ISLANDS
<p>Bienes de dominio público estatal: zona marítimo-terrestre, las playas, el mar territorial y los recursos naturales de la zona económica y la plataforma continental.</p> <p>Confiere al Estado la competencia exclusiva sobre las bases y coordinación de la planificación general de la actividad económica.</p> <ul style="list-style-type: none"> - Pesca marítima - Marina mercante y abanderamiento de buques; iluminación de costas y señales marítimas; puertos de interés general (entre otros). - El Estado tiene competencia exclusiva en materia de legislación básica sobre protección del medio ambiente (las comunidades autónomas pueden establecer normas adicionales) 	<p>Competencia exclusiva:</p> <ul style="list-style-type: none"> - Pesca en aguas interiores, marisqueo y acuicultura. - Investigación científica y técnica, en coordinación con el Estado. - Cultura, patrimonio histórico, artístico, monumental, arquitectónico, arqueológico y científico, sin perjuicio de la competencia del Estado para la defensa de dicho patrimonio contra la exportación y la expoliación (...). - Ordenación del territorio y del litoral, urbanismo y vivienda. - Espacios naturales protegidos. - Obras públicas de interés de la Comunidad - Transporte marítimo entre puertos o puntos de la Comunidad Autónoma. - Deporte, ocio - Turismo. - Puertos que no tengan la calificación de interés general por el Estado. Puertos de refugio y pesqueros; puertos y aeropuertos deportivos. - Instalaciones de producción, distribución y transporte de energía (siguiendo las bases del régimen minero y energético). <p>Potestades legislativa y reglamentaria y la función ejecutiva, (con sujeción a la Constitución y al presente Estatuto). Desarrollo legislativo y la ejecución en las siguientes materias:</p> <ul style="list-style-type: none"> - Régimen energético y minero ajustado a sus singulares condiciones, en especial, la seguridad en la minería del agua. - Contratos y régimen jurídico del dominio público y de las concesiones administrativas, en el ámbito competencial de la Comunidad Autónoma. - Protección del medio ambiente, incluidos los vertidos en el ámbito territorial de la Comunidad Autónoma. - Ordenación del sector pesquero <p>Competencia de ejecución en las siguientes materias:</p> <ul style="list-style-type: none"> - Salvamento marítimo. - Puertos y aeropuertos con calificación de interés general, cuando el Estado no se reserve su gestión directa.

Portugal	<p>Domínio público:</p> <ul style="list-style-type: none"> - Águas territoriais com os seus leitos e os fundos marinhos contíguos, - Jazigos minerais - Cavidades naturais subterrâneas existentes no subsolo, com exceção das rochas, terras comuns e outros materiais habitualmente usados na construção; <p>Regiões Autónomas (Regime político-administrativo dos Açores e da Madeira)</p> <ul style="list-style-type: none"> - Regime político-administrativo próprio - Desenvolvimento económico-social e a promoção e defesa dos interesses regionais, bem como o reforço da unidade nacional - A autonomia político-administrativa regional não afeta a integridade da soberania do Estado e exerce-se no quadro da 	AZORES	<ul style="list-style-type: none"> - Constituem ainda parte integrante do território regional as águas interiores, o mar territorial e a plataforma continental contíguos ao arquipélago. - A Região tem o direito de exercer conjuntamente com o Estado poderes de gestão sobre as águas interiores e o mar territorial que pertençam ao território regional e que sejam compatíveis com a integração dos bens em causa no domínio público marítimo do Estado. - A Região é a entidade competente para o licenciamento, no âmbito da utilização privativa de bens do domínio público marítimo do Estado, das atividades de extração de inertes, da pesca e de produção de energias renováveis. - Os demais poderes reconhecidos ao Estado Português sobre as zonas marítimas sob soberania ou jurisdição nacional adjacentes ao arquipélago dos Açores, nos termos da lei e do direito internacional, são exercidos no quadro de uma gestão partilhada com a Região, salvo quando esteja em causa a integridade e soberania do Estado. - Os bens pertencentes ao património cultural subaquático situados nas águas interiores e no mar territorial (...) são propriedade da Região - Compete à Assembleia Legislativa legislar em matéria de pescas, mar e recursos marinhos. <ul style="list-style-type: none"> - Condições de acesso às águas interiores e mar territorial pertencentes ao território da Região; - Recursos piscatórios e outros recursos aquáticos (conservação, gestão e exploração); - Atividade piscatória em águas interiores e mar territorial pertencentes ao território da Região ou por embarcações registadas na Região; - Aquicultura e transformação em território regional; - Embarcações de pesca que exerçam nas águas interiores e mar territorial da Região ou que sejam registadas; - Pesca lúdica; - Recreio náutico <p>Competência política do Governo Regional</p> <ul style="list-style-type: none"> - Participar na definição das políticas respeitantes às águas interiores, ao mar territorial, à zona contígua, à zona económica exclusiva e à plataforma continental contíguas ao arquipélago; <p>Participação da Região na política externa da República</p> <ul style="list-style-type: none"> - Políticas respeitantes ao mar territorial, à zona económica exclusiva e à plataforma continental.
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<p>Constituição e do respetivo Estatuto Político-Administrativo.</p> <p>(Poderes das regiões autónomas)</p> <p>- Participar na definição das políticas respeitantes às águas territoriais, à zona económica exclusiva e aos fundos marinhos contíguos;</p> <p>- Estabelecer cooperação com outras entidades regionais estrangeiras e participar em organizações que tenham por objeto fomentar o diálogo e a cooperação inter-regional, de acordo com as orientações definidas pelos órgãos de soberania com competência em matéria de política externa;</p>	MADEIRA	<p>- A Região Autónoma da Madeira abrange ainda o mar circundante e seus fundos, designadamente as águas territoriais e a zona económica exclusiva.</p> <p>- Matérias de interesse específico para a Região:</p> <ul style="list-style-type: none"> - Infra-estruturas e transportes marítimos - Administração de portos - Pescas; - Ordenamento do território, equilíbrio ecológico e litoral marítimo - Recursos minerais - Energia de produção local - Orla marítima - Turismo e hotelaria - Articulação do Serviço Regional de Protecção Civil com as competentes entidades nacionais; <p>Compete ao Governo Regional Participar na definição das políticas respeitantes às águas territoriais, à zona económica exclusiva e aos fundos marinhos contíguos.</p>
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ANNEX IV: MODIFICATIONS TO PORTUGUESE LAWS RELATED TO THE MSP AND MSFD DIRECTIVES

Modifications of the Portugal law (in original language)			
Transposition to Portugal regulations of Directive 2014/89/EU (MSP)		Transposition to Portugal regulations of Directive 2008/56/EC (Marine Strategy Framework Directive)	
Lei n.º 17/2014, de 10 de abril, que estabelece as Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional	LINK	Decreto-Lei n.º 108/2010, de 13 de outubro, estabelece o regime jurídico das medidas necessárias para garantir o bom estado ambiental do meio marinho até 2020, transpondo para a ordem jurídica interna a Diretiva 2008/56/CE do Parlamento Europeu e do Conselho, de 17 de junho	LINK
DECRETO-LEI N.º 38/2015 - DIÁRIO DA REPÚBLICA N.º 50/2015, SÉRIE I DE 2015-03-12 Ministério da Agricultura e do Mar Desenvolve a Lei n.º 17/2014, de 10 de abril, que estabelece as Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional	LINK	Decreto-Lei n.º 201/2012, de 27 de agosto, procede à primeira alteração ao Decreto-Lei n.º 108/2010, de 13 de outubro, que define o regime jurídico das medidas necessárias para garantir o bom estado ambiental do meio marinho até 2020 e que transpõe para a ordem jurídica interna a Diretiva 2008/56/CE do Parlamento Europeu e do Conselho, de 17 de junho, que estabelece um quadro de ação comunitária no domínio da política para o meio marinho (Diretiva Quadro «Estratégia marinha»)	LINK
DECRETO-LEI N.º 139/2015 - DIÁRIO DA REPÚBLICA N.º 147/2015, SÉRIE I DE 2015-07-30 Ministério da Agricultura e do Mar Procede à primeira alteração ao Decreto-Lei n.º 38/2015, de 12 de março, que desenvolve a Lei n.º 17/2014, de 10 de abril, que estabelece as Bases da Política de Ordenamento e de Gestão do Espaço Marítimo Nacional, e transpõe a Diretiva n.º 2014/89/UE, do Parlamento Europeu e do Conselho, de 23 de julho de 2014, que estabelece um quadro para o ordenamento do espaço marítimo	LINK	Decreto-Lei n.º 136/2013, de 7 de outubro, altera e republica o Decreto-Lei n.º 108/2010, de 13 de outubro, alterado pelo Decreto-Lei n.º 201/2012, de 27 de agosto, que estabelece o regime jurídico das medidas necessárias para garantir o bom estado ambiental do meio marinho até 2020, que transpõe para a ordem jurídica interna a Diretiva 2008/56/CE do Parlamento Europeu e do Conselho, de 17 de junho de 2008 (Diretiva Quadro «Estratégia marinha»), aditando a definição de convenção marinha regional e explicitando as obrigações do Estado Português em sede de reporte de informação e no domínio da adoção de planos de ação, sempre que o estado crítico do mar exija uma intervenção urgente numa região ou sub-região marinha partilhada com outros Estados membros	LINK
		Decreto-Lei n.º 143/2015, 31 de julho, procede à terceira alteração ao Decreto-Lei n.º 108/2010, de 13 de outubro, alterado pelos Decretos-Leis n.os 201/2012, de 27 de agosto, e 136/2013, de 7 de outubro, que estabelece o regime jurídico das medidas necessárias para garantir o bom estado ambiental do meio marinho até 2020, aditando o artigo 4.º-A relativo às Reuniões de Acompanhamento do decreto-lei	LINK

