

# Impact of draft national marine spatial strategy on energy industry

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### Introduction

On 17 February 2022, a public consultation on the proposed comprehensive marine spatial strategy for Greece was concluded. The aim of the draft strategy is the adoption of a comprehensive marine management policy by 2050, which will enable the structured development of otherwise conflicting marine activities (eg, tourism, offshore renewable energy sources (RES) and fisheries) and respective investments. This will help reduce any anticipated conflicts between marine uses and achieve an enhanced use of marine resources (including the offshore renewable energy potential) and synergy. It will also enhance the protection of the marine environment and biodiversity and therefore improve resilience.

### Legal framework

The proposed strategy forms part of the legal framework concerning marine spatial planning, as set out in Law 4546/2018, which transposed Directive 2014/89 and extends to all marine areas, including the continental shelf and the Exclusive Economic Zone. It takes into account already existing instruments such as:

- communications from the EU Commission on:
  - the potential of using oceanic energy in European seas and oceans; and
  - the potential of offshore renewable energy for a climate neutral future;
- the 2019 National Energy and Climate Plan, a roadmap that has already integrated offshore wind parks as well as floating photovoltaics (PVs) and wave energy into the 2030 energy mix; and
- the long-term strategy for 2050.

More concretely, the proposed strategy forms part, together with the onshore spatial strategy, of the comprehensive national spatial strategy delineated in Law 4759/2020. Although the proposed marine spatial strategy is mainly a policy guideline for the designation and use of the marine areas of Greece, some of its provisions may also have a binding (normative) effect.

### Potential for RES in marine areas

With regard to the potential for RES in marine areas, the draft strategy proposes the criteria and guidelines for identifying and designating the most appropriate marine areas for:

- the imminent development of floating wind turbines;
- the medium-term development of wave energy and algae biofuel systems, as well as floating PVs;
- the development of hybrid RES on islands that will not be connected to the national grid and the use of renewable energy to power water desalination factories on such islands;
- laying submarine cables;
- laying two natural gas pipelines within Greek waters; and
- oil and gas exploration activities, which are not ex ante banned but will need to take heed of the protection afforded to environmentally sensitive areas.

### Draft strategy requirements

It is to be noted that any subsequent decision of the minister of energy and environment approving the mapping out of the marine areas on which the individual marine spatial plans will be carried out will need to take into account the guidelines set forth in the strategy, once adopted. For example, marine areas in which commercial or industrial activities conflict intensely with one another or overlap with environmentally sensitive areas are to be treated and managed as one marine area. Further, synergy between activities such as offshore wind parks and aquacultures is to be sought.

The draft strategy also includes a proposal for collected geospatial data to be monitored at a national level, which will enable a more effective use of such data.

### Comment

Despite any shortcomings the proposed strategy may have (eg, contradictory provisions regarding its application or the fact that it does not apply to onshore coastal areas), its implementation is not only a state obligation in conformity with EU law, but also represents a step towards Greece having a comprehensive strategy regarding the spatial allocation of marine activities. However, it remains to be seen whether any last-minute changes will take place in light of the current circumstances in Europe – for example, concerning the guidelines

on the allocation of oil and gas exploration activities.

The proposed strategy will be ratified by the Council of Ministers and then announced in Parliament.

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