



Maritime Spatial Planning
Country Profile

Germany

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Last revision date

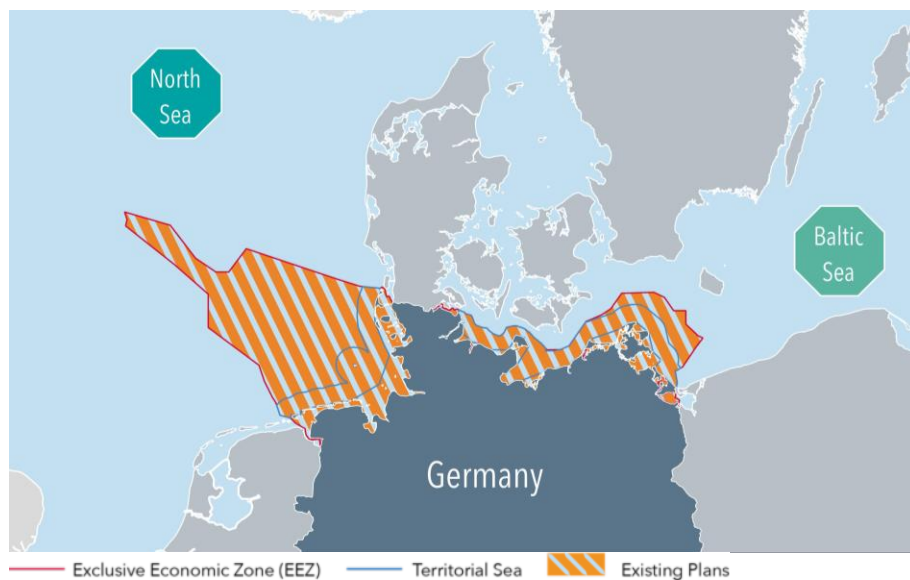
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Background Information

Basic facts on Marine Waters



- Size of internal waters (to the baseline) and territorial sea (12 nm zone from the baseline) in the Baltic Sea is approximately 10,900 km².
- Exclusive Economic Zone in the Baltic Sea is about 4,500 km².
- Size of internal waters (to the baseline) and territorial sea (12 nm zone from the baseline) in the North Sea is approximately 12,500 km².
- Exclusive Economic Zone in the North Sea is about 28,500 km².

Overview of Maritime Spatial Planning-related uses and issues

- MSP drivers: safe and efficient navigation, marine protection, commerce, offshore wind park planning;
- Current main uses: sand and gravel extraction, offshore wind farms, shipping, fishing, nature protection, tourism;
- Issues: planning for offshore wind farm grid connections;
- Future uses: additional offshore wind farms.

Maritime Spatial Plan (MSP) authorities and legislation

General

The Federal Ministry of Interior, Building and Community (BMI) is responsible for setting maritime spatial plans for the North Sea and Baltic Sea EEZs. The Federal Maritime and Hydrographic Agency (BSH) under the BMI is responsible for the preparation of the maritime spatial plans in Germany.

Federal Coastal States are responsible for setting up spatial development objectives and principles for their respective share of internal waters and territorial sea in the North Sea and the Baltic Sea.¹

¹ This is based on a resolution adopted in 2001 by the Minister Conference for Spatial Planning in Germany (MKRO). It required Germany's coastal Länder to extend the scope of their regional development plans to include Germany's territorial waters (12 nautical mile zone) and

- In Schleswig-Holstein (North Sea and Baltic Sea): the State Chancellery of the State Schleswig Holstein;
- In Mecklenburg-Vorpommern (Baltic Sea): Ministry of Energy, Infrastructure and State Development Mecklenburg Vorpommern;
- In Lower Saxony (North Sea): Ministry of Food, Agriculture and Consumer Protection.

Planning at national level

National legal base for MSP is the general Spatial Planning Act ("Raumordnungsgesetz"/ ROG), which was made applicable to the EEZ in 2004. According to the German Spatial Planning Act, the Federal Government is responsible for maritime spatial planning in the German EEZ.² The amended ROG was decided in 2017 to (inter alia) implement the EU MSP Directive.³ The revision of the current maritime spatial plans was initiated in June 2019. In 2019 a first consultation and scoping phase was initiated to evaluate the two maritime spatial plans in the two EEZs. Following an extensive process that included national and international consultation, the new maritime spatial plan for the German EEZ in the North and Baltic Seas came into force on 1 September 2021.⁴

National MSP authority

The Federal Ministry of the Interior, Building and Community (BMI) is responsible for setting up maritime spatial plans for the German EEZ in the North Sea and the Baltic Sea.

Planning at regional level

- The territorial sea is an integrated part of the (terrestrial) spatial plans of the federal coastal states.
- The ROG and the respective spatial planning law of each federal state provide the legal basis for federal plans and programmes:
 - Schleswig Holstein: The State Development Plan was amended in 2015. The consultation for this plan started in 2017. A revised State Development Plan was published in 2021.
 - Mecklenburg Vorpommern: The Spatial Development Plan was extended to the 12 nm zone between 2003-2005 and adopted in 2005. It was updated between 2013-2015 and became a legally binding act in 2016.
 - Lower Saxony: The Federal Spatial Planning Programme (LROP) contains the regional planning for the state of Lower Saxony. The LROP is based on a 1994 regulation, and has since been updated several times, was republished in 2008 and last amended in 2017.

Regional MSP authority

Each federal state (i.e. Lower Saxony, Schleswig-Holstein, and Mecklenburg-Vorpommern) has the authority to develop MSP plans for the territorial sea (12 nm zone).

Details

The national legal basis for MSP is the General Spatial Planning Act ("Raumordnungsgesetz"/ROG, amended in 2017). The revised MSP for the German EEZ in the North and Baltic Seas entered into force on 1 September 2021.

The guiding principles of spatial plans under the act include:

- Securing and strengthening maritime traffic;
- Strengthening economic capacity through spatial development and optimising the use of maritime space;
- Promotion of offshore wind development in accordance with the Federal Government's sustainability strategy;
- Long-term sustainable use of resources and potential of the EEZ through reversible uses, economic development and use of space, and priority for specific marine uses;
- Securing natural resources by avoiding disruptions to ecological processes and pollution of the marine environment.

to adapt the objectives and principles of spatial planning accordingly and thus take into account the special circumstances at sea. This resolution established an important foundation for coordinating planning of sea and coastal areas that takes account of land space availability and competing use interests.

² The amendment of the ROG in 2004 extended the scope of spatial planning according to the guidelines of the UN Convention on the Law of the Sea to include EEZ and allocated planning powers for the EEZ in the North and Baltic Seas (beyond the 12 nautical mile zone (territorial waters) outward to up to 200 nautical miles) to the Federal Government. This was the first time the Federal Government was assigned a concrete task in overall spatial planning.

³ Amended by art. 2 para 15 ROG in July 2017 (BGBl. I S. 2808)

⁴ https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html

Other relevant national legislation include:

- Federal Maritime Responsibilities Act (SeeAufG), as of 26 July 2002, plus related regulations, incl. Marine Facilities Ordinance (SeeAnIV)
- Federal Mining Act (BBergG) of 13 August 1980
- Renewable Energy Sources Act (EEG)
- Energy Industry Act (EnWG) of 7 July 2005 (and Grid Expansion Acceleration Act (NABEG) of 28 July 2011
- Federal Nature Conservation Act (BNatSchG)
- Federal Water Act (WHG)
- Act on the Assessment of Environmental Impacts (UVPG).

Spatial planning legislation sets out the requirements, tasks and guidelines of spatial planning, aimed at achieving a balanced structure of human settlements, open landscapes and the ecosystem, avoiding uncontrolled development and maintaining efficient infrastructures. For the EEZ, the maritime spatial plan shall include legally binding targets and principles (guidelines that must be considered in the decision process) for spatial planning with regard to economic and scientific use, ensuring safety and efficiency of maritime traffic, and protection of the marine environment. Specific areas for exercising these uses and functions may be allocated and stipulated.

Other developments, initiatives and projects related to MSP include:

- In 2011, the Federal Government published an overall development concept for the sea, which constitutes the strategy for an integrated German maritime policy (“Entwicklungsplan Meer – Strategie für eine integrierte deutsche Meerespolitik”);
- An offshore grid plan for the EEZ of the Baltic Sea was elaborated by the BSH in 2013, identifying the electricity connections needed for the offshore wind farms, and the possibilities of having joint converter platforms for several wind farms (clusters), and the cables to be bundled in corridors towards land, including a strategic forward-looking approach;
- In 2011 the Federal Agency for Nature Conservation (BfN) started a project with the aim of developing management plans for the Natura 2000 sites in the German EEZ under the EU BIRDS and HABITATS Directives, in close coordination with the Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety (BMU). The management plans will include monitoring and surveillance. The work is done on the basis of existing data and in close cooperation with other research projects in the German EEZ, e.g. projects on monitoring and on the implementation of the MSFD (NaBel-MSP, <http://www.io-warnemuende.de/project/112/nabel-msp.html>);
- In 2013 the Federal Agency for Nature Conservation (BfN) started a project with the aim of advancing environmental approaches for a further development of maritime spatial planning in the German EEZ. One part of the project is to specify the ecosystem-based approach for the application in the context of MSP;
- Another project (2015-2017) seeks to broaden the knowledge base on the marine environment with regard to the upcoming revision of the MSPs. Based on scientific findings, the aim of the project is to integrate nature conservation concerns into MSP processes (FABENA, <http://www.io-warnemuende.de/project/126/fabena.html>).
- In 2021, Germany began working on the project “Emerging ecosystem-based Maritime Spatial Planning topics in the North and Baltic Seas Region” ([eMSP NBSR](#)) (2021-2023);
- Other MSP-related projects that Germany was involved in is available on the German page of the MSP Platform. <https://www.msp-platform.eu/countries/germany>

Progress

The national Spatial Planning Act has been revised and was implemented in 2016, mainly with regard to the MSP Directive’s requirements for transboundary consultation and coordination in MSP, taking into account the land-sea interactions and applying the ecosystem approach.

In 2018, the BSH started compiling information to prepare a preliminary draft baseline report on the development of the MSPs from the adoption of the plans in 2009 to date. The report also includes an assessment of Germany’s MSPs of the EEZ (2009), regarding how far the plans contributed to steering the development at sea. The process officially began in June 2019, with the notification of the Ministry of Interior in June 2019 to revise the MSPs of the EEZ. All stakeholders were contacted and asked to provide relevant information. Between September and November 2019, a series of workshops comprising the selected sectors (shipping, environment, energy, fisheries, defence, raw material extraction, underwater cultural heritage) were held to clarify any issues. At the end of January 2020, the first pre-drafts of the plans were prepared. They were presented and discussed at the scoping meeting in the framework of the Strategic Environmental Assessment (SEA) process. The pre-drafts were also discussed with the neighbouring countries. The draft plans, which included national and international consultations, were prepared by summer 2020. The preparation and consultation of the final plans (both national and international) started at the beginning of 2021. The revised MSP for the German EEZ in the North and Baltic Seas entered into force on 1 September 2021 following an extensive process that included national and international consultation.

Notification and consultation documents for the German EEZ of the Maritime Spatial Plan 2021, including the translations into English and the languages of neighbouring countries, are accessible [online](#).

Following Interreg projects like BaltSeaPlan and PartISEApaté, the BSH has always been very actively involved in new developments with neighbouring countries starting national MSP processes, and meeting requirements at EU level (adopted MSP Directive) etc. BSH/Germany took part in the DG MARE project Baltic SCOPE, and was the Lead Partner in the Interreg projects NorthSEE (2016-2019) and Baltic LINes (2016-2019), which were both approved in the first calls of the North Sea and the Baltic Sea Region Programmes respectively. There are further MSP projects and initiatives at national and international level with a special environmental focus, which the Federal Environment Agency (UBA) and BfN support. The latest example of the MSP project in which Germany is participating, is “Emerging ecosystem-based Maritime Spatial Planning topics in the North and Baltic Seas Region” ([eMSP NBSR](#)) (2021-2023).

BMI/BSH are members in the informal working group set up by the European Commission to discuss all aspects in connection to the implementation of the MSP Directive. The “Guiding principles and strategies for the spatial development in Germany” undergone revision. They include a separate chapter concerning the sustainable use of coastal and marine areas. Likewise, the Federal Spatial Planning Law was under revision, seeking to take on the requirements of the EU Maritime Spatial Planning Directive with regard to consultation and agreements with neighbouring Member States, to achieve cross-border coherence of Maritime Spatial Plans. On 4 December 2019, energy ministers from ten North Sea Energy Cooperation countries (Belgium, Denmark, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden) agreed their 2020 Work Programme on offshore wind energy deployment as a means of reaching climate neutrality by 2050, for which a capacity of 230-450 GW of offshore wind energy will be necessary according to the European Commission. The Esbjerg Offshore Wind Declaration, signed in May 2022, pledges to expand the combined North Sea offshore wind capacity of the four North Sea countries (Belgium, Denmark, Germany and the Netherlands) to 65 GW by 2030 and 150 GW by 2050. A [Joint Statement on the North Sea’s Energy Cooperation](#) from September 2022 calls for the delivery of regional North Sea offshore renewable energy to be accelerated and for North Sea offshore resources to be escalated. The revision process of the maritime spatial plans consisted of the following steps:

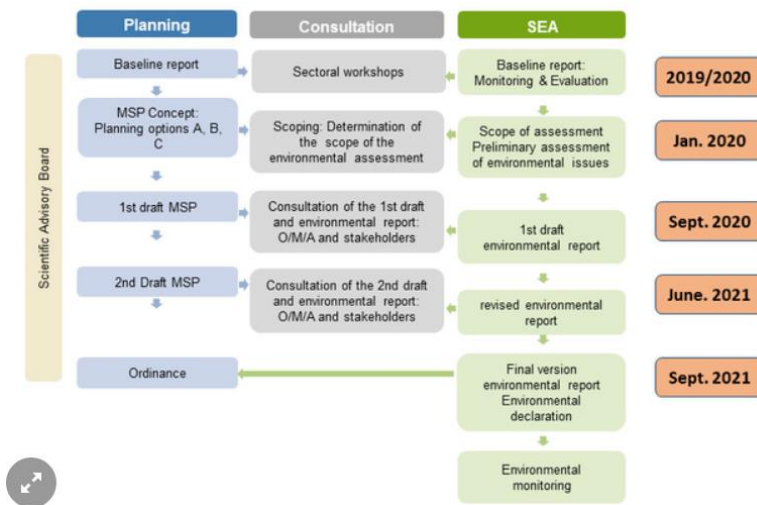


Figure 1: The revision process of the maritime spatial plans for the German EEZ in the North Sea and Baltic Sea. Source: https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html.

The Federal Ministry of the Interior, for Building and Community (BMI) formally initiated the revision of the maritime spatial plans by informing the public and relevant authorities about the revision process pursuant to § 9 para. 1 ROG. Public authorities had the opportunity to provide information on any plans and measures they intend to take in the EEZ or have already taken, as well as on the time schedule for their implementation. From September to December 2019, the BSH conducted various thematic workshops and expert discussions on shipping, nature conservation, fisheries, underwater cultural heritage, defence and raw material extraction.



The MSP plan was revised and submitted to the Ministry of the Interior, Building and Community in the first quarter of 2021, following the consultation meeting on the draft MSP in January 2021. In February 2021, the German MSP Authorities, including the Federal Ministry of the Interior, Building and Community, BSH, and Regional Spatial Planning Authorities, presented MSP in Germany to an international audience during the MSPglobal event "Sharing national MSP practices worldwide: Germany".⁵ The revised MSP for the German EEZ in the North Sea and Baltic Sea entered into force on 1 September 2021 following national and international consultation.

⁵ <https://www.mspglobal2030.org/events/online-seminar-on-sharing-national-msp-practices-worldwide-germany-en-fr-es/>

Maritime Spatial Plans

Existing Maritime Spatial Plans

Maritime spatial plans exist for the German North Sea and Baltic Sea EEZs (2) and for the territorial sea areas under jurisdiction of the three coastal federal states (Lower Saxony, Schleswig-Holstein, and Mecklenburg-Vorpommern) (3). Spatial plans are binding. The key objective of spatial planning is sustainable spatial development that reconciles the social and economic demands on space with its ecological functions.

Germany elaborated a full, first draft MSP single document covering both the North Sea and the Baltic Sea, and the first draft of SEA/Environmental Reports for the North and Baltic Seas. MSP drafts, SEA Reports and public consultations were published in the 3rd/4th quarter of 2020, followed by a revised Plan and SEA report in the first quarter of 2021 which was submitted to the Ministry of the Interior, Building and Community following the consultation meeting on the draft MSP in January 2021. Germany undertook an MSP revision process in its EEZ with two rounds of national and international consultations in 2020 and 2021. The revised MSP for the German EEZ in the North Sea and Baltic Sea entered into force on 1 September 2021.

There are different timescales for planned revisions taking place in Germany – while the plan from Mecklenburg Vorpommern (Baltic Sea) was completed in 2016, the plan from Lower Saxony (North Sea) is still in revision. The region Schleswig-Holstein published a revised state development plan ([Landesentwicklungsplan Schleswig-Holstein Fortschreibung 2021](#)), including shares of the German territorial sea. It entered into force on 16 December 2021.

The revision of the EEZ plans was elaborated that considered changing demands on sea space, changing policy environment (e.g., EU MSP Directive and MSFD Directive), international guidelines were also considered (e.g., HELCOM/VASAB guidelines on ecosystem approach); as well as lessons learnt from international projects in which Germany participated.

Spatial plans are binding for sustainable spatial development that reconcile the social and economic demands on space with its ecological functions, and contain:

- Coordinating activities with regard to space and their interaction with each other;
- Conflict resolution mitigation;
- Planning objectives and principles in the form of text and maps.

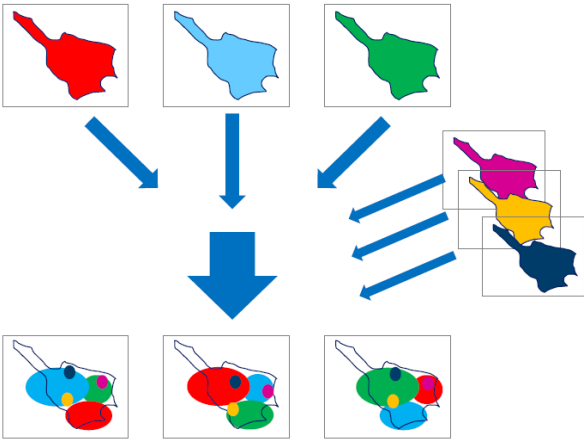
Objectives of maritime spatial planning in Germany are as follows:

- binding requirements for the development, organisation and safeguarding of space;
- weighed up by the spatial planning authority (decision on priority has been made);
- translating into priority areas where uses and functions incompatible with the priority function or use are excluded.

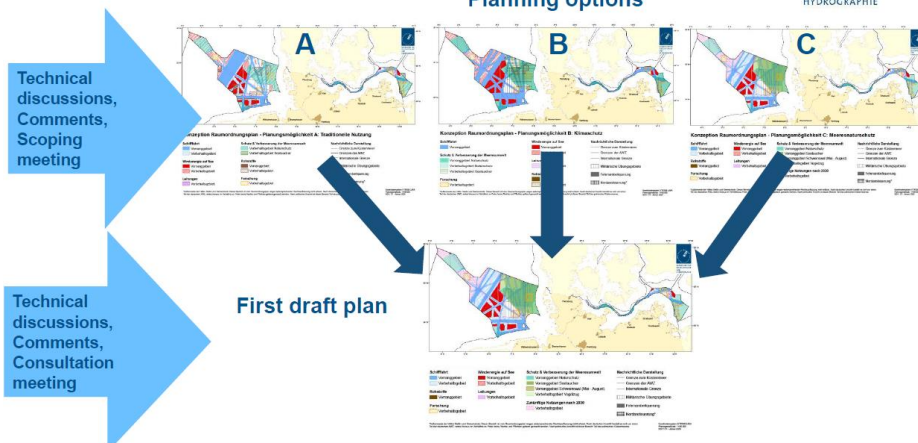
Principles of maritime spatial planning in Germany include:

- guidelines for the development, organisation and safeguarding of space;
- if not conclusively weighed up, must be considered in decisions;
- areas can translate into reservation areas where uses or functions are given a particular weight when weighing them up against competing functions or uses.

Preparing initial planning options included mapping of maximum requirements of sectors in individual maps; overlaying and analysing conflicts of use hotspots; and developing plausible planning alternatives (each with a different focal point: shipping, energy, nature, conservation).



From initial planning options to the first draft



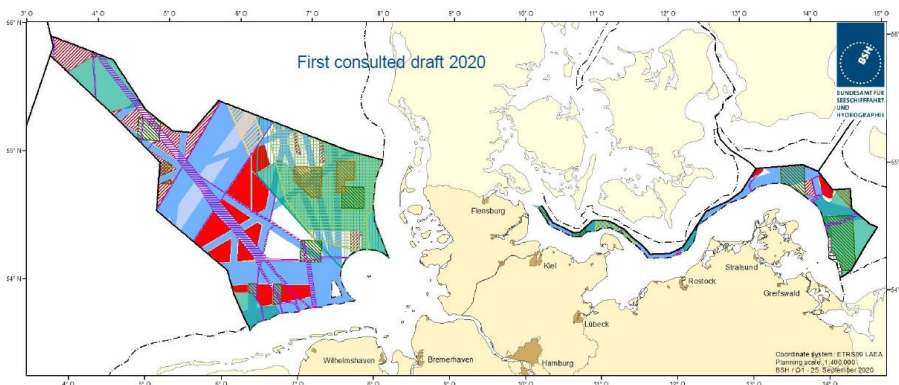
The new MSP Plan covers the following topics:

- Shipping/Navigation
- Wind energy at sea
- Cables and pipelines
- Raw material extraction
- Fisheries and marine aquaculture
- Scientific uses
- Protection and improvement of the marine environment
- National and NATO defence
- Air traffic
- Recreation
- Underwater cultural heritage

Concerning wind energy, there are areas of approximately 22-26 GW designated as priority areas (cf. sectoral plan) in the EEZ (North Sea and Baltic Sea), and reservation areas of approximately 12-15 GW designated in the EEZ of the North Sea and Baltic Sea.

In terms of protection and improvement of the marine environment, there are priority areas for nature conservation and reservation areas for bird migration Fehmarn Lolland“.

First consulted draft from 2020:



Draft maritime spatial plan for the German EEZ in the North and Baltic Sea - Map

<p>Shipping</p> <ul style="list-style-type: none"> ■ Priority area ■ Temporary priority area (until 2035) <p>Offshore wind energy</p> <ul style="list-style-type: none"> ■ Priority area ■ Reservation area <p>Cables and Pipelines</p> <ul style="list-style-type: none"> ■ Reservation area — Gate to the territorial sea 	<p>Raw material extraction</p> <ul style="list-style-type: none"> ■ Reservation area hydrocarbons ■ Reservation area sand and gravel extraction <p>Fishery</p> <ul style="list-style-type: none"> ■ Reservation area Norwegian lobster <p>Scientific research</p> <ul style="list-style-type: none"> ■ Reservation area 	<p>Protecting and enhancing the marine environment</p> <ul style="list-style-type: none"> ■ Priority area nature conservation ■ Reservation area divers ■ Reservation area harbour porpoises (May to August) ■ Reservation area bird migration <p>For information only</p> <ul style="list-style-type: none"> Military training area Fehmarn Belt fixed link 	<p>Boundaries</p> <ul style="list-style-type: none"> Territorial sea Exclusive Economic Zone Northern Approach of the Gateports of Swinemünde (Swinemünde) and Stettin (Saccasin) <p><small>* This area is not covered by the draft plan because of contradictory legal positions. Due to German opinion this area is part of the German EEZ, whereas in relation to Poland no rights or sovereignty powers are exercised. Due to Polish opinion this area is part of the Polish territorial sea.</small></p>
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Implementation of the plan includes the following considerations:

- MSP plans address other public and decision making authorities;
- Sectoral decisions need to be in line with the provisions of the plan, e.g., Federal Mining Agency licences for aggregate extraction; offshore wind farm approval (BSH);
- Limits to MSP regulation concern, for example: fisheries (EU Common Fisheries Policy), shipping (UNCLOS), international uses and impacts (e.g., neighbouring countries' activities).

The evaluation of the plan for the EEZ is in the early stages, including consideration of findings from monitoring and research; development and operationalisation of specialised information networks (MarinEars, National Sound Register, MARLIN); evaluation of measures to avoid and reduce significant impacts on the marine environment; and development of norms and standards.

Planning in transboundary contexts focuses on the coherence of maritime spatial plans and transnational issues, with its main purpose being to coordinate the spatial development plans of neighbouring planning areas (MSP and SEA), and wider exchange and collaboration.

Not legally binding:

An area of the Pomeranian Bight has statutory maritime spatial plans covering the German part of the pilot area with Mecklenburg-Vorpommern responsible for the 12 nm area and the Federal Maritime and Hydrographic Agency BSH responsible for the EEZ (see BaltSeaPlan report No. 9).

Specific Maritime Spatial Plan 1

Maritime Spatial Plan for the EEZ of the Baltic Sea

Specific zones for sectors included in the MSP:

- Shipping
- Ports
- Mineral extraction
- Oil and gas exploitation
- Offshore renewable energy production
- Fishing
- Aquaculture
- Tourism (incl. recreation and sports)
- Underwater cultural heritage
- Nature protection
- Military
- Scientific Research
- Submarine cables and pipelines

All other issues mentioned are being shown for informational purposes only, and/or are being referred to in the text, e.g. no offshore wind energy within Natura 2000 areas and other interests to be considered or excluded within certain zones (military, underwater cultural heritage, no fishery within OWFs).

Legal basis

The legal basis of the plan is the general Spatial Planning Act ("Raumordnungsgesetz"/ROG), which was made applicable to the EEZ in 2004 and was amended in 2017. The Federal Ministry of the Interior, Building and Community (BMI) is responsible for setting up Maritime Spatial Plans in the German Exclusive Economic Zone (EEZ).

Legal impact

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

Germany, resp. the Federal Ministry of Transport, Building and Urban Affairs (new name since December 2013: Federal Ministry of the Interior, Building and Community), adopted and enacted the maritime spatial plan for the EEZ of the Baltic Sea as "Ordinance on Spatial Planning in the German Exclusive Economic Zone in the Baltic Sea (AWZ Baltic Sea-ROV)" on 10 December 2009, and the plan entered into force on 19 December 2009.

Area covered

The plan area covers the German EEZ in the Baltic Sea, although it does not cover the charted area showing the northern approaches to the harbours of Świnoujście and Szczecin, and anchorage area no. 3 because of contradictory legal opinions. According to German opinion, this area is part of the German EEZ, whereas in relation to Poland no rights or sovereign powers are exercised. According to Polish opinion, this area is part of the Polish territorial sea.



Figure 2: Spatial Plan for the German EEZ of the Baltic Sea. Scale: 1:400,000 Source: BSH

Historic development

The planning process began in 2005 with a questionnaire being sent out to agencies and NGOs in order to obtain an overview of activities, licences and interests in the EEZ. A "scoping meeting" with agencies and NGOs also took place in 2005 to discuss the scope of the necessary Strategic Environmental Impact Assessment. The Ministry of Transport, Building and Urban Development BMVBS (since December 2013: BMI) and the BSH drafted maritime spatial plans which, in conjunction with the SEA report, were put to public consultation in 2008. Transboundary consultation was also conducted and public hearings were held. In December 2009, the Maritime Spatial Plan for the German EEZ in the Baltic Sea was enacted by the Federal Ministry of the Interior, Building and Community (BMI).

Objectives of the plan

The guiding principle for Maritime Spatial Planning in Germany is sustainable spatial development, which brings social and economic demands regarding space into line with the sea's ecological functions, leading to a permanent, large-scale balanced order. In order to coordinate the growing conflicts regarding maritime uses, in particular between space required by offshore wind farms and marine environmental protection goals, as well as traditional maritime uses such as shipping and fisheries, an integrative and sustainable approach is needed for the development of the German Exclusive Economic Zone (EEZ).

5 guidelines:

1. Safeguarding and strengthening maritime traffic;
2. Strengthening economic capacity through orderly spatial development and optimisation of spatial use;
3. Promotion of offshore wind energy use in accordance with the Federal Government's sustainability strategy;
4. Long-term sustainable use of the features and potentials of the EEZ through reversible uses, efficient use of space, and priority for marine-specific uses;
5. Safeguarding the natural environment by avoiding disruptions to ecological processes and pollution of the marine environment.

Designation

Spatial designations have been established by determining priority areas (planning targets, legally binding) and reservation areas (planning principles). Further regulations have been made in the text, setting binding planning priorities, planning principles, rules and objectives to be followed.

Shipping:

Within the areas prioritised for shipping, this activity is granted priority over other spatially significant uses and no permission is given to planning, measures and projects not compatible with the shipping priority. In areas reserved for shipping special consideration is given to shipping interests – a comparative evaluation with other spatially significant planning tasks, measures and projects has to be conducted. In practice, reserved areas serve as safety buffers for the main shipping routes, thus no activities compromising this function are allowed within these areas, e.g. fixed constructions such as wind turbines.



Figure 3: Priority and Reservation Routes for Shipping, Source: BSH

Pipelines:

Special consideration is given to the laying, operation and maintenance of pipelines in the areas reserved for pipelines in the Baltic Sea.

Marine scientific research:

Special consideration is given to scientific research activities carried out in the areas reserved for research.

Energy production, wind energy in particular:

The production of wind energy is granted priority over other spatially significant uses in the areas prioritised for wind energy. Within Natura 2000 zones, offshore wind turbines located outside of designated priority areas are not permitted.

Planning regulations

The Maritime Spatial Plans for the EEZ determine coordinated regulations for single uses and functions:

- Shipping
- Pipelines and submarine cables
- Marine scientific research
- Energy production (especially wind energy).

They include regulations determining areas for single uses and functions. Further activities in the EEZ, such as military exercises, will obtain coordinated consideration within the regulations mentioned above. Management arrangements are taken in at a later stage, for instance at project level dealing with applications for specific activities (e.g. wind farms). For Natura 2000 areas, management plans are to be developed by the competent Nature Conservation Agency.

Strategic Environmental Assessment

As a basis for description and assessment of any substantial impacts on the marine environment that are likely to be caused by the implementation of the plan, a large scale Strategic Environment Assessment (SEA) has been carried out – for the first time, in a sea area distant from the coast. The SEA predicted no significant effect on the marine environment caused by the implementation of the plan.

Public Participation

Broad public participation was secured through consultations with stakeholders (agencies and NGOs), including the following sectors: marine environment and nature conservation, fisheries, energy, sand and gravel, shipping, military, tourism, leisure boating, and scientific research.

A public hearing on the draft plan with ca. 80 stakeholders in attendance - mainly from other planning authorities, industry and NGOs – was held in Rostock in late 2008.

Transboundary Consultation

Consultations with neighbouring countries were conducted by:

- Notifying them about the intention to set up a maritime spatial plan in the initial phase of the planning process and asking about their interest in being kept informed and consulted;
- Consultation on the draft maritime spatial plan through written information;
- Several face-to-face meetings with representatives from neighbouring countries;
- ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impacts arising from the plan on neighbouring countries' marine environment, and their protected areas in particular.

Harmonisation with other plans

The German territorial sea which adjoins the German Baltic Sea's EEZ, already included spatial planning provisions for marine space, administered by the federal state of Mecklenburg-Vorpommern. The Spatial Development Programme for this area was enacted in 2005. This plan followed planning objectives which were distinctly driven by coastal development - with spatial designations e.g. for nature protection, sand and gravel extraction and tourism, and suitable areas for offshore wind energy, which do not allow for any further offshore wind energy development outside of these areas. Shipping was not regulated, with the map only depicting some major shipping routes. Thus, MSP for the EEZ did not use this plan as a model and chose another approach which started out securing safe and easy shipping and regulating infrastructure development.

Monitoring & Review

In 2012, an evaluation report was produced by the BSH and the Ministry of Transport, which assessed if and how the implementation of the plan had been successful in reaching the target set, focusing mainly on the development of offshore wind energy and the target set for offshore wind energy production by the Federal Government. Steering effects were obvious, offshore wind farm applications now being limited to the priority areas for offshore wind energy and areas with no general limitation to offshore wind farm development. Thus, adequate space has been secured for medium- to long-term development of the sector, as a prerequisite for the implementation of the government's renewable energy strategy.

Electronic resources

MSP for the German EEZ in the North Sea; MSP for the German EEZ in the Baltic Sea:

- Legal Ordinance (English translation)
- Maritime spatial plan with justification (English translation)
- Map (English version)
- English summary of environmental report: https://www.bsh.de/EN/TOPICS/Offshore/Maritime-spatial-planning/Maritime-spatial-planning_node.html

Specific Maritime Spatial Plan 2

Maritime Spatial Plan for the EEZ of the North Sea

Specific sectors included in the MSP:

- Shipping
- Ports
- Mineral extraction
- Oil and gas exploitation
- Offshore renewable energy production
- Fishing
- Aquaculture
- Tourism (incl. recreation and sports)
- Underwater cultural heritage
- Nature protection
- Military
- Scientific Research
- Submarine cables and pipelines
- Not sector specific

Legal basis

The legal basis for the plan is the general Spatial Planning Act ("Raumordnungsgesetz"/ROG), which was made applicable to the EEZ in 2004. The Federal Ministry of the Interior, Building and Community (BMI) is responsible for setting up maritime spatial plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS.

The legal ordinance of the BMVBS concerning the spatial plan for the German EEZ in the North Sea of 21 September 2009 (BGBl. I p. 3107) comprises an attachment to the spatial plan (text and map) and entered into force on 22 September 2009.

Legal impact

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

Germany, resp. the Federal Ministry of Transport, Building and Urban Affairs (new name since December 2013: Federal Ministry of the Interior, Building and Community) adopted and enacted the maritime spatial plan for the EEZ of the North Sea as "Ordinance on Spatial Planning in the German Exclusive Economic Zone in the North Sea (AWZ Nordsee-ROV)" on 21 September 2009. The plan entered into force on 22 September 2009.

Area covered

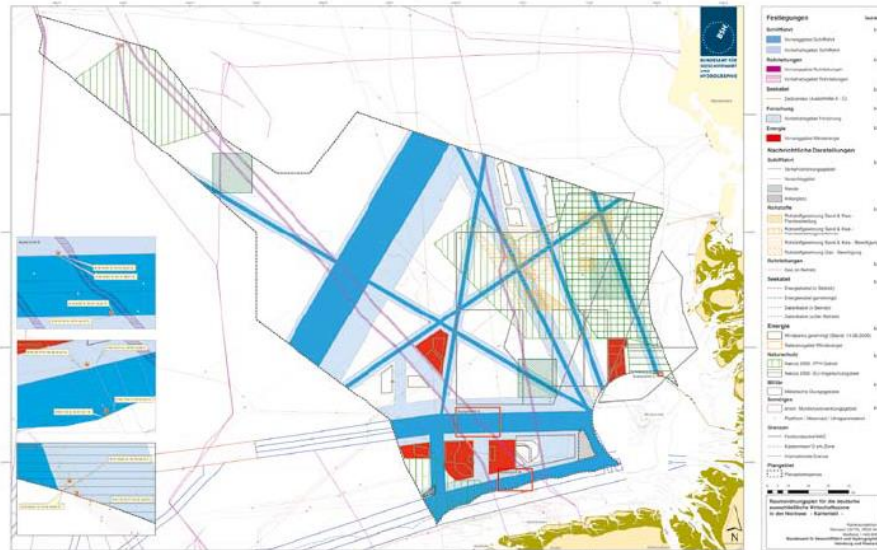


Figure 4: MSP for German EEZ in the North Sea. Source: BSH

Historic development

The MSP for the North Sea EEZ came into force in September 2009.

Objectives of the plan

The North Sea plan balances the needs of safe and efficient navigation, marine protection, commerce and science. In particular, it identifies the following developmental requirements:

- The special importance of shipping, recognising the needs of sea lanes as an underlying structure around which other needs must be fitted;
- The development of offshore wind energy utilisation must be supported through the provision of sufficiently dimensioned areas for wind farms and ensuring that corridors for transmission remain;
- Uses such as exploitation of non-living resources, laying cables and pipelines as well as research, are to be given enough space and security for further development.

At the same time, the Act includes text stating that protection of the marine environment will be undertaken not only through the designation of Natura 2000 sites, but also in the consideration of other spatial demands.

Designation

Priority areas have been designated for shipping, pipelines and cables, and wind energy development; other uses are prohibited in such areas unless they are compatible with the priority uses. The targets of spatial planning are:

- Shipping is granted priority over the other spatially significant uses in the priority areas for shipping as indicated in the map. Measures and projects which are not compatible with the function of the shipping priority area are not permitted in these areas;
- After termination of use, structural installations for resource exploitation must be dismantled;
- When exploiting resources, due consideration shall be given to existing pipelines and submarine cables, and an appropriate distance from them shall be maintained;
- The operation and maintenance of pipelines is given priority over other spatially relevant uses in the priority areas for pipelines as indicated in the map. Measures and projects in these areas, which are not compatible with the function of the priority area for pipelines are prohibited;

- Submarine cables for the transport of power generated in the EEZ shall cross priority areas for shipping by the shortest route possible if they cannot be run parallel to existing structures;
- When routing new pipelines and submarine cables, due consideration shall be given to existing pipelines and submarine cables, and an appropriate distance from them shall be maintained;
- Transition to the territorial sea/definition of cable corridors;
- Priority areas for wind energy, ensuring navigational safety, reference areas, dismantling, height limitations, pipelines and submarine cables.

Planning regulations

Priority areas have been designated for shipping, pipelines and cables, and wind energy development; other uses are prohibited in such areas unless they are compatible with the priority uses. The designation of areas for shipping and for cables and pipelines takes into account the principle of international law attributing priority to these uses; recognised shipping routes that are indispensable for international shipping constitute the framework of the overall planning concept. Areas have been reserved for shipping, pipeline, and research uses that are considered particularly important when compared with spatially significant competing uses.

Strategic Environmental Assessment

As a basis for description and assessment of any substantial impacts on the marine environment that are likely to be caused by the implementation of the plan, a large scale Strategic Environment Assessment (SEA) has been carried out – for the first time in a sea area distant from the coast. The SEA predicted no significant effect on the marine environment caused by the implementation of the plan.

Public Participation

Broad public participation was secured through consultations with stakeholders (agencies and NGOs) for the following sectors: marine environment and nature conservation, fisheries, energy, sand and gravel, shipping, military, tourism, leisure boating, and scientific research.

Transboundary Consultation

Consultations with neighbouring countries were conducted by:

- Notifying them about the intention to set up a maritime spatial plan in the initial phase of the planning process and asking about their interest in being kept informed and consulted;
- Consultation on the draft maritime spatial plan through written communication;
- Several face-to-face meetings with representatives from neighbouring countries;
- ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impacts arising from the plan on neighbouring countries' marine environment, and their protected areas in particular.

Harmonisation with other plans

N/A

Monitoring & Review

In 2012, an evaluation report was produced by the BSH and the Ministry of Transport, which assessed if and how the implementation of the plan had been successful in reaching the target set, focusing mainly on the development of offshore wind energy and the target set for offshore wind energy production by the Federal Government. Steering effects were obvious, offshore wind farm applications now being limited to the priority areas for offshore wind energy and areas with no general limitation with regard to offshore wind farm development. Thus, adequate space has been secured for medium- to long-term development of the sector as a prerequisite for the implementation of the government's renewable energy strategy.

Electronic resources

MSP for the German EEZ in the North Sea; MSP for the German EEZ in the Baltic Sea:

- Legal Ordinance (English translation)
- Maritime spatial plan with justification (English translation)
- Map (English version)
- English summary of environmental report.



https://www.bsh.de/EN/TOPICS/Offshore/Maritime-spatial-planning/National-spatial-planning/National-spatial-planning_node.html

Specific Maritime Spatial Plan 3

Maritime Spatial Plan for the German Exclusive Economic Zone in the North Sea and in the Baltic Sea

Specific sectors included in the MSP:

- Shipping
- Ports
- Mineral extraction
- Oil and gas exploitation
- Offshore renewable energy production
- Fishing
- Aquaculture
- Tourism (incl. recreation and sports)
- Underwater cultural heritage
- Nature protection
- Military
- Scientific Research
- Submarine cables and pipelines
- Not sector specific

Legal basis

The legal basis for the plan is the Spatial Planning Act, dated 22 December 2008 (BGBl. I p. 2986) as last amended by Article 159 of the Ordinance of 19 June 2020 (BGBl. I p. 1328). The Federal Ministry of the Interior, Building and Community (BMI) is responsible for setting up maritime spatial plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS.

The legal ordinance on Spatial Planning in the German Exclusive Economic Zone in the North and the Baltic Seas (AWZROV) is dated 19 August 2021.

On the basis of Section 17, paragraph 1, sentence 1 of the Spatial Planning Act dated 22 December 2008 (BGBl. I p. 2986) as last amended by Article 159 of the Ordinance of 19 June 2020 (BGBl. I p. 1328), the Federal Ministry of the Interior, in agreement with the Federal Ministry of Finance, the Federal Ministry of Food and Agriculture, the Federal Ministry for Environment, Nature Conservation and Nuclear Safety, the Federal Ministry for Economic Affairs and Energy, the Federal Ministry of Transport and Digital Infrastructure, the Federal Foreign Office, the Federal Ministry of Education and Research and the Federal Ministry of Defence, decreed that in the German exclusive economic zone in the North and Baltic Seas, spatial planning objectives and principles shall be established as a spatial plan in accordance with the Annex to the ordinance. This ordinance entered into force on 1 September 2021.

Legal impact

The new maritime spatial plan came into force on 1 September 2021 and it sets binding rules and regulations for authorities. The new plan coordinates the various uses in the EEZ, comprising shipping, offshore wind energy, cables, pipelines, raw material extraction, fisheries, research and defence. It reserves areas for individual uses and thus helps to minimise conflicts. A key objective of the maritime spatial plan is to reconcile the above uses with the ecological functions of marine space.

Germany, resp. the Federal Ministry of the Interior, Building and Community adopted and enacted the maritime spatial plan for the EEZ of the North Sea entitled "Ordinance on Spatial Planning in the German Exclusive Economic Zone in the North and Baltic Seas (AWZROV)" dated 19 August 2021. The plan entered into force on 1 September 2021.

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Area covered

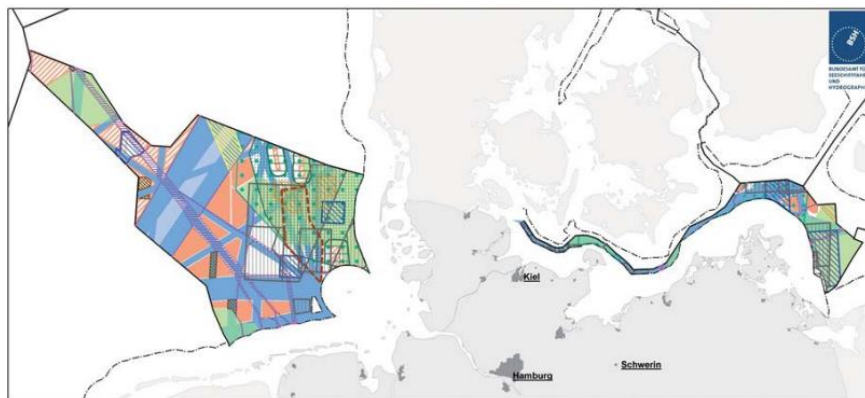


Figure 5: MSP for German EEZ in the North Sea and Baltic Sea. Source: BSH 2021

Historic development

Since the first maritime spatial plans for the German EEZ of the North and Baltic Seas in 2009, conditions and spatial demands have changed considerably. Uses such as offshore wind energy started developing more rapidly than anticipated, while demands from traditional uses, such as shipping and fisheries have not been declining. The sea is also being increasingly used for transboundary infrastructure, such as cables and pipelines. The first maritime spatial plans provided a reliable framework for the various uses in the EEZ and had a particular impact – also via sectoral planning – on the expansion of offshore wind energy. The revision of the 2009 maritime spatial plans for German EEZ was initiated in June 2019.

The Federal Ministry of the Interior, for Building and Community (BMI) formally initiated the revision of the maritime spatial plans by informing the public and relevant authorities about the revision process pursuant to § 9 para. 1 ROG. Public authorities had the opportunity to provide information on any plans and measures they intend to take in the EEZ or have already taken, as well as on the time schedule for their implementation. From September to December 2019, the BSH conducted various thematic workshops and expert discussions on shipping, nature conservation, fisheries, underwater cultural heritage, defence and raw material extraction.

National Consultation: Taking into account the information received and the results of the workshops and expert discussions, the BSH drew up a concept for the revision of the maritime spatial plans. The concept set out three planning options with different areas of focus. At the same time, the draft scope of the SEA was prepared. A national public hearing to discuss the concept and scope of the SEA was held on 18 and 19 March 2020. On 17 September 2020, the BSH confirmed the investigation framework for the SEA for the revision of the maritime spatial plans. Based on the results of the public hearing, the BSH prepared the first draft maritime spatial plan for the German EEZ in the North and Baltic Seas. The draft plan was published together with the draft environmental reports on 25 September 2020.

Authorities and the public had the opportunity to submit comments on the draft plan and environmental reports. In addition, a consultation meeting was offered as an online conference on 24 and 25 November 2020. The BSH revised the draft plan and the environmental reports based on the comments received and consulted with national ministries and departments. In April and May 2021, BMI and BSH prepared a second draft plan based on the results of that consultation. The national consultation on the second draft plan was launched on 3 June 2021. Comments on the second draft and the revised environmental reports could be submitted until 25 June 2021.

International Consultation: The international consultation for the revision of the maritime spatial plans for the German EEZ started early in the process in the first quarter of 2020. It also included the formal ESPOO procedures for participation. On 23 April 2020 an informal online meeting was held to inform international stakeholders on the progress of the revision process. The BSH provided translations of the draft maritime spatial plan as well as the environmental reports in English, Danish and Polish. Authorities and the public concerned in neighbouring countries had the opportunity to comment on the documents until 15 January 2021. In addition, an international consultation meeting took place on 27 January 2021 as an online conference in English.



European
MSP Platform

Based on the results of the national and international consultations in November 2020 and January 2021, respectively, the draft plan and the environmental reports were revised. The departments at national level, affected by the spatial plan, jointly agreed upon a draft plan during consultation rounds in April and May 2021. BMI and BSH prepared a second draft plan based on the results of that consultation. The international consultation round on the second draft plan was launched on 4 June 2021. Comments on certain amendments of the second draft maritime spatial plan and the revised environmental reports were invited until 30 June 2021. An international information meeting was organised on 15 June 2021 as an online conference in English.

Following an extensive process that included national and international consultation, the new maritime spatial plan for the North and Baltic Seas' EEZ came into force on 1 September 2021.

Objectives of the plan

Maritime spatial planning preserves the natural structures and functions of the seas and makes provisions for the diverse current and future uses of the maritime space and its protection in the European context. It balances different demands and interests by prudently weighing environmental, economic, and social concerns in line with the Sustainable Development Goals of the United Nations. The vision of the plan is specified in the following guiding principles:

- Support of coherent international maritime spatial planning and territorial cooperation through collaborations with other countries and at a regional seas level.
- Consideration of land-sea relationships and transport and value chains by closely working with the coastal federal states for coherent planning.
- The basis for a maritime economy that is in line with the goals of sustainable development:
 - Ensuring orderly spatial development by coordinating current and future spatial demands,
 - Prioritisation of sea-specific uses and the maxim of sparing and optimised use of space as well as the reversibility of fixed installations,
 - Founding of the precautionary principle and the ecosystem approach, which enables a holistic view of the different activities in the sea with their interrelationships and cumulative effects.
- Maritime spatial planning coordinates different uses and protective components. According to Section 17, paragraph 1, sentence 2 ROG, it supports
 - The safety and efficiency of navigation,
 - Other economic uses, in particular renewable energy,
 - scientific uses, in particular marine research,
 - security aspects, especially national and alliance defence.
- At the same time, according to Section 17, paragraph 1, sentence 2 ROG, it shall contribute to the protection and enhancement of the marine environment, while achieving a good status of marine waters, taking into consideration climate protection through:
 - appropriate spatial designations for the marine environment, and
 - designations for avoiding or mitigating harmful impacts and pollution resulting from the abovementioned uses.

The following designations apply within the framework of European and international law, in particular taking UNCLOS into consideration.

The medium-term guiding effect of the spatial plan makes it possible to adapt the designations to the situation if this becomes necessary in the sense of the guiding principle of spatial planning – namely sustainable and future-oriented spatial development from an economic, social, and ecological point of view. In this regard, all sectoral concerns are evaluated on an ongoing basis; the BSH is in contact with the relevant federal ministries.

The plan identifies the following developmental requirements:

- The special importance of shipping, recognising the needs of sea lanes as an underlying structure around which other needs must be fitted;
- The development of offshore wind energy utilisation must be supported through the provision of sufficiently dimensioned areas for wind farms and ensuring that corridors for transmission remain;
- Uses such as exploitation of non-living resources, laying cables and pipelines as well as research, are to be given enough space and security for further development.

The plan indicates that protection of the marine environment will be undertaken not only through the designation of Natura 2000 sites, but also in the consideration of other spatial demands.

Designation

The Maritime Spatial Plan 2021 encompasses spatial planning objectives and spatial planning principles. Priority areas have the legal character of spatial planning objectives and reservation areas that of spatial planning principles.

Priority areas have been designated for shipping; other economic uses including offshore wind energy, cables, raw material extraction, fisheries and marine aquaculture; scientific uses; protection and improvement of the marine environment; security aspects, national and alliance defence; and other issues to be considered including air traffic, recreation.

The provisions for spatial planning are:

- Ensuring the safety and efficiency of shipping encompasses priority shipping areas; temporary priority shipping areas; temporary reservation shipping areas; sustainability, protection of the marine environments. Shipping is granted priority over the other spatially significant uses in the priority areas for shipping. When overlapping priority areas for shipping with priority areas for nature conservation, shipping enjoys priority within the framework of the international legal requirements of UNCLOS. On all regularly travelled routes, shipping is as trouble-free and uncomplicated as possible.
- Other economic uses concern sustainability and careful use of space; deconstruction (Fixed installations are to be deconstructed at the end of their use); minimisation of adverse effects on other uses; preventing threats to the marine environment; best environmental practice; and monitoring.
- A threat to the marine environment from economic uses – in particular adverse impacts on the natural functions of the marine ecosystem – shall be avoided as far as possible. This also includes consideration of species-specific periods that are particularly susceptible to disturbance and of ecological interactions of animal and plant species.
- The sustainable development of space also means that in the case of competing uses, spatial planning should work to ensure that the individual uses can develop as well as possible and that this happens within a framework that adversely affects the other uses as little as possible.
- The spatial plan particularly takes into account of the expansion of offshore wind energy in the EEZ that is of outstanding importance for achieving the German and European climate protection goals. The spatial plan secures sites for offshore wind energy in the long term and strives for co-use with other uses. The spatial safeguarding of sites for wind energy production enables the ideas of the mission to be implemented, such as the sustainable, climate-protecting development statement on the use of climate-friendly energies, support for energy security, and the achievement of national and international climate targets and the greenhouse gas neutrality target 2045 (Climate Protection Act) and 2050 (European Green Deal).
- In areas of wind energy, the aim is also to continue to enable marine scientific research which is not directly related to the planning, construction, and operation of wind farms.
- The principle serves an orderly and sustainable spatial development by minimising noise impairments and by coordinating current and future spatial use requirements. This takes into consideration the ecosystem approach, the precautionary principle, and the interrelationships and cumulative effects of the uses.
- The military interests and the functional capability of the Federal Armed Forces are to be safeguarded.
- The general principle for minimising the adverse effects of economic uses on the underwater cultural heritage aims to ensure that appropriate measures are taken at an early stage in consultation with the technical authorities in order to avoid or minimise negative impacts.
- The spatial development plan is to lay down provisions which serve to protect and improve the marine environment. A threat to the marine environment should be avoided as far as possible. Unavoidable impacts are to be reduced as far as possible. This principle also considers existing technical regulations and generalises them in the interests of sustainable use of the EEZ using the ecosystem approach.
- The designation of reservation areas for submarine cables ensures that other uses consider their special protection requirements. The designation on territorial water gates ensures that the pipelines are routed through certain gates to the territorial waters.
- The extraction of sand and gravel at sea is subject to special site conditions that are not comparable with those on land. In addition, the raw materials are limited, location-bound, and non-replicable. The spatial designation of the reservation areas serves to secure land for raw material extraction and supports the mineral raw material security in accordance with the Raw Materials Strategy of the Federal Republic of Germany of 2010 and in the 2020 update.
- The designation of nature conservation areas is done as a priority to support the conservation purposes of marine nature conservation areas and to safeguard them through spatial planning. The Borkum Riffgrund, Doggerbank, Sylter Außenriff – Östliche Deutsche Bucht, Fehmarnbelt, Kadetrinne, and Pommersche Bucht – Rönnebank nature conservation areas are of outstanding importance, particularly for the protection of marine mammals, seabirds, and FFH habitat types.
- Reservation areas for defence are necessary to ensure the functional capability of the Federal Armed Forces. In the construction and operation of offshore wind turbines, platforms, and submarine cable systems, the military interests and the functional capability of the Federal Armed Forces are to be safeguarded.
- The requirements for safe air traffic, including SAR air traffic, should therefore be taken into consideration when planning and implementing commercial and scientific activities.
- The spatial requirements of recreational and water-borne traffic should be taken into account by avoiding any adverse effects resulting from economic and scientific uses as far as possible.
- In the designated reservation areas for research, research is given special emphasis over and above other uses to ensure the continuation of research activities.



- The use of state of the art science and technology as a benchmark is made in order to take account of the existing uncertainty and the lack of offshore knowledge in many places, in accordance with the precautionary principle and the ecosystem approach.
- Monitoring serves to gain further knowledge and thus enables future sustainable use using the ecosystem approach.

The designations apply within the framework of European and international law, in particular taking UNCLOS into consideration.

Planning regulations

Priority areas have been designated for shipping and wind energy development; other uses are prohibited in such areas unless they are compatible with the priority uses. The designation of areas for shipping and for cables and pipelines takes into account the principle of international law attributing priority to these uses; recognised shipping routes that are indispensable for international shipping constitute the framework of the overall planning concept. Priority areas for nature conservation and divers have been outlined. In the priority areas for nature conservation and divers, raw material extraction and military uses are not ruled out from a spatial planning perspective where reservation areas for raw material extraction and defence are defined.

Strategic Environmental Assessment

According to § 8 of the Spatial Planning Act (ROG), a strategic environmental assessment (SEA) of the maritime spatial plan is required. This involves preparing an environmental report that describes and assesses the likely significant impacts of implementing the maritime spatial plan on the marine environment. The content, scope and level of detail of the environmental report were defined at the beginning of the SEA process. In addition, a status report on maritime spatial planning was drawn up. On 17 September 2020, the BSH confirmed the investigation framework for the SEA for the revision of the maritime spatial plans. A large-scale SEA was carried out. The establishment of the plan and the implementation of the SEA were carried out with due consideration for the objectives of environmental protection. The knowledge obtained in the preparation of the environmental report has been incorporated in the preparation of the designations of the plan. This ensured that environmental concerns were taken into consideration at an early stage. The main cumulative environmental impacts as well as the principles established to avoid the impacts are presented in relation to the protected assets, as follows: soil, benthos, and biotopes; fish; marine mammals, especially harbour porpoises; seabirds and resting birds; migratory birds.

Public Participation

Broad public participation was secured through consultations with stakeholders including participation in conception (planning options) and scoping of such areas as shipping, wind energy, cables, raw material extraction, fishery and marine aquaculture, strategic uses, protection and improvement of the marine environment, national and alliance defence, other concerns to be taken into consideration (underwater cultural heritage, environmental assessment), and designation of the scope of investigation. The BSH conducted various thematic workshops and expert discussions. The process of updating was characterised by information exchange, consultations, and formal and informal participation meetings. The process was accompanied by a scientific advisory board with representatives from research and legal institutes. In parallel to the process, information meetings and expert hearings were held at various times in the parliamentary arena. The results of these were incorporated into the update process.

Transboundary Consultation

Consultations with neighbouring countries were conducted by:

- Notifying them of the intention to set up a maritime spatial plan in the initial phase of the planning process and determining their interest in being kept informed and consulted;
- Consultation on the draft maritime spatial plan including through written communication;
- Meetings with representatives from neighbouring countries;
- ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impacts arising from the plan on neighbouring countries' marine environment, and their protected areas in particular.

Harmonisation with other plans

N/A

Monitoring & Review

In order to ensure that the EEZ is used in the most environmentally compatible manner possible, data and findings on the impacts of economic uses on the marine environment obtained in the course of project-related monitoring are to be made available to the BSH. The intended monitoring can be regulated by corresponding requirements of the licensing authority and corresponds to the existing approval practice of the technical authorities. The results obtained at project level are used to

monitor the implementation of the maritime spatial plan. At the same time, monitoring serves to gain further knowledge and thus enables future sustainable use using the ecosystem approach.

The planned measures for monitoring the significant impacts of implementing the maritime spatial plan 2021 are summarised as follows:

- Consolidation of data and information that can be used to describe and assess the status of areas and protected assets,
- Further development of existing expert information networks for the assessment of potential impacts from the development of individual projects as well as cumulative impacts on the marine ecosystem, – MarinEARS (Marine Explorer and Registry of Sound) and National Sound Register, – MARLIN (Marine Life Investigator),
- Development and/or use of procedures and criteria for evaluating the plan and adapting or, where appropriate, optimising it as part of the update,
- Evaluation of measures to avoid and mitigate significant impacts on the marine environment, taking into consideration possible cumulative effects.

The data and information will be used in order to assess the possible impacts of the plan, including: data and information available to the BSH within the scope of its responsibility; data from research projects of the BSH and from research projects of other public agencies; data and information from other federal and state authorities (based on Principle 2.2.1 (4.2) and on request); data and information from assessments carried out within the scope of international committees and conventions.

The BSH will pursue an approach focusing on the interdisciplinary consolidation of information on the marine environment that is as ecosystem-oriented as possible when monitoring the possible impacts of the plan. To be able to assess the causes of planned changes in parts of an ecosystem, the anthropogenic variables from spatial observation (e.g. technical information on shipping traffic from AIS data resources) will also be considered and included in the assessment. When consolidating and evaluating the results from monitoring at the project level and from other national and international monitoring programmes as well as from the accompanying research, a review of the knowledge gaps outlined in the environmental report or the forecasts subject to uncertainties will be carried out. Cumulative effects of designations are to be assessed both regionally and supranationally.

Electronic resources

MSP for the German EEZ in the North Sea and the Baltic Sea:

- Legal Ordinance (English, Danish and Polish translation)
- Maritime Spatial Plan 2021 (English, Danish and Polish translation)
- Environmental Report North Sea (English, Danish and Polish translation)
- Environmental Report Baltic Sea (English, Danish and Polish translation)
- Map North Sea - DIN A3 (English, Danish and Polish translation)
- Map Baltic Sea - DIN A3 (English, Danish and Polish translation)
- Common map North Sea and Baltic Sea - DIN A3 (English, Danish and Polish translation)
- Evaluation of the International Consultation First Draft MSP (English, Danish and Polish translation)
- Evaluation of the International Consultation Second Draft MSP (English, Danish and Polish translation)
- Geoinformation (English version)
- Third consultation round from June 2021 (English, Danish and Polish translation)
- Revised environmental report North Sea - with changes (English, Danish and Polish translation)
- Revised environmental report Baltic Sea - with changes (English, Danish and Polish translation)
- Second consultation round from December 2020 (English, Danish and Polish translation)
- First consultation round from March 2020 (English translation)
- Scope of strategic environmental assessment North Sea and Baltic Sea (English, Danish and Polish translation)

Notification and consultation documents for the MSP for the German EEZ in the North Sea and the Baltic Sea are accessible at: https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html

MSP for the German EEZ in the North Sea and the Baltic Sea is uploaded on the EMODnet's Human Activities portal: <https://www.emodnet-humanactivities.eu/view-data.php>

Specific Maritime Spatial Plan 4

Maritime Spatial Plan for the Territorial Sea of the Baltic and North Sea – Schleswig-Holstein

Legal basis

The State Development Plan for Schleswig-Holstein and the three Regional Plans are set up as statutory ordinances in the context of the State Spatial Planning Act, §§ 5 - 9, of 27 January 2014, amended 5 May 2019. It is based on the Federal Spatial Planning Act, §§ 7 – 11.

On 16 December 2021, a revised State Development Plan for Schleswig-Holstein was published ([Landesentwicklungsplan Schleswig-Holstein Fortschreibung 2021](#)), including shares of the German territorial sea.

Legal impact

The plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects.

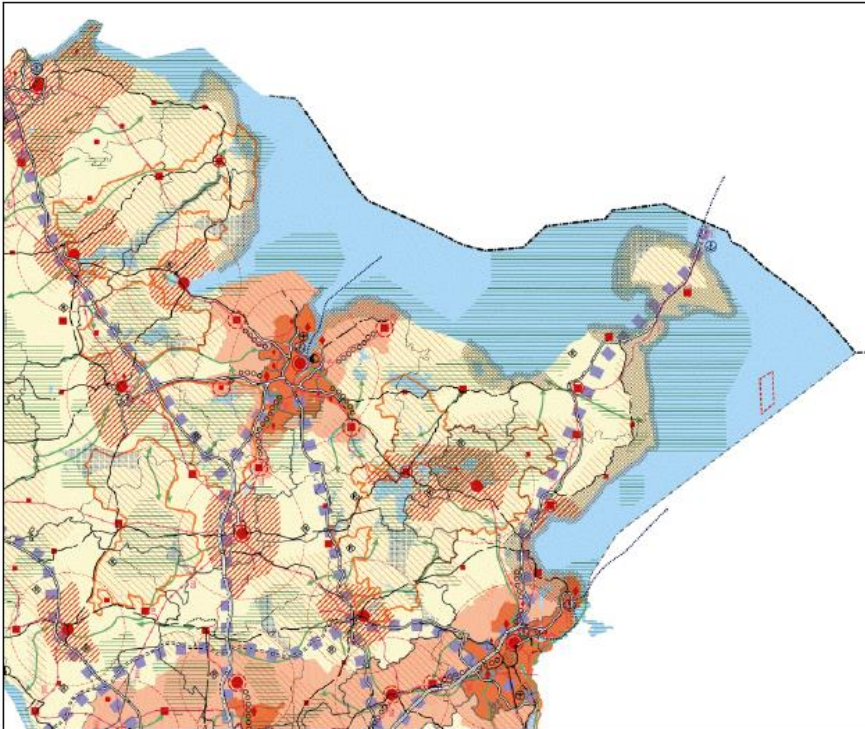
The actual State Development Plan came into effect in October 2010 as a legally binding plan and was amended in 2015. A revised State Development Plan for Schleswig-Holstein was published in December 2021.

Area covered

The plan covers the land as well as the marine areas of Schleswig-Holstein as far as the territorial sea border.



Figure 5a: Extract from Spatial Development Plan Schleswig-Holstein 2010 – North Sea. Source: Ministry of the Interior of the State of Schleswig-Holstein 2010.



Extract from Spatial Development Plan Schleswig-Holstein 2010

Source: Ministry of the Interior of the State of Schleswig-Holstein 2010

Figure 5b: Extract from Spatial Development Plan Schleswig-Holstein 2010 – Baltic Sea. Source: Ministry of the Interior of the State of Schleswig-Holstein 2010.

Historic development

The actual State Development Plan came into effect in October 2010 as a legally binding plan. The region Schleswig-Holstein published a revised state development plan ([Landesentwicklungsplan Schleswig-Holstein Fortschreibung 2021](#)), including shares of the German territorial sea. It entered into force on 16 December 2021.

Objectives of the plan

The State Development Plan for Schleswig-Holstein regulates the spatial objectives and principles for the terrestrial and marine areas.

The guiding principle is sustainable spatial development, which brings the social and economic demands regarding space in line with its ecological functions and leads to a permanent, large-scale balanced order.

The different uses in the coastal zone should be balanced and adjusted to each other. Integrated coastal zone management should play an important role in this.

Designation

The State Development Plan of Schleswig-Holstein for the territorial areas of the Baltic Sea includes several areas of reservation for nature and landscape, a test field for wind energy turbines, and core areas for coastal tourism. The territorial areas of the North Sea are dominated by the Wadden Sea National Park.

Strategic Environmental Assessment

By law, maritime spatial plans are subject to Strategic Environmental Impact Assessments. SEAs have been conducted according to the Environmental Impact Assessment Act (UVPG) of 25 June 2005, resulting in comprehensive environmental reports.

Public Participation

Broad public participation was secured through an online-based consultation and participation procedure, as well as several public stakeholder meetings in different parts of Schleswig-Holstein and public displays.

Transboundary Consultation

Denmark, as a neighbouring state, was also included in the participation and consultation process.

Harmonisation with other plans

N/A

Monitoring & Review

N/A

Electronic resources

Spatial Development Plan (LEP) 2010 for Schleswig-Holstein:

http://www.schleswig-holstein.de/DE/Fachinhalte/L/landesplanung_raumordnung/allgemein/landesplanung_aufgaben_instrumente_raumordnungsplaene.html#doc1461094bodyText1

A revised State Development Plan (LEP) 2021 for Schleswig-Holstein:

<https://www.bolapla-sh.de/verfahren/08a87722-3242-11ec-badd-0050569710bc/public/detail>

Specific Maritime Spatial Plan 5

Maritime Spatial Plan for the Territorial Sea of the Baltic Sea – Mecklenburg-Vorpommern

Legal basis

In addition to the ROG (see 1.2.2.1 and 5.1), the legal basis for spatial planning in Mecklenburg-Vorpommern is the Law on Spatial Planning ("Landesplanungsgesetz", LPIG M-V). Article 6 (1) states that the area covered by the law is the entire "Land", including the territorial sea. Presumably, the LPIG M-V will be revised during the next legislative period. It already meets the main requirements of the EU MSP Directive, while the ROG amendment will transpose the EU Directive into national law.

Legal impact

Predominantly, the plan sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects. In individual cases, the aims of spatial planning may directly influence the measures private actors have to implement/follow, and which are relevant for that specific section of maritime space. This is particularly relevant in priority areas.

The new programme was adopted by ordinance of the State Mecklenburg-Vorpommern in 2016 and became a legally binding act.

Responsibility for contextual issues lies with the Ministry of Energy, Infrastructure and State Development of Mecklenburg-Vorpommern.

Area covered

The programme covers both sea and land, i.e. the whole territory of Mecklenburg-Vorpommern, including shares of inland waters and territorial sea in the Baltic Sea. The following link provides the map of the Spatial Development Programme for

Mecklenburg-Vorpommern (as well as the translation of the legend in English and Polish): <http://www.regierung-mv.de/Landesregierung/em/Raumordnung/Landesraumentwicklungsprogramm/aktuelles-Programm/>

Historic development

The Spatial Development Programme (SDP) of Mecklenburg-Vorpommern was extended to cover the 12 nm zone, during the legislative realignment carried out in 2003-2005. Mecklenburg-Vorpommern is the first German coastal state that has integrated designations for single uses in the 12 nm zone into its regional development programme. The extended programme was adopted for the first time in 2005 and became a legally binding act.

In the years 2013-2015 the SDP was updated. By updating its SDP, Mecklenburg-Vorpommern sought to intensify its comprehensive and multidisciplinary spatial planning capacity. This will support sustainable future development of the federal state and benefit its inhabitants. The updated programme reflects current challenges, development trends and framework conditions.

The new SDP was adopted by ordinance of the State Mecklenburg-Vorpommern in 2016 and became a legally binding act, published in the Legal and Regulatory Gazette of the Federal State. Sustainable development as guiding principle of spatial development persists.

Objectives of the plan

The binding Spatial Development Programme Mecklenburg-Vorpommern of 2016 aims to implement the principles of sustainable spatial development, introducing social and economic requirements to be met by the territory in harmony with its ecological functions, and which lead to a long-term, large-scale and balanced spatial development.

The applicability of the SDP includes territorial waters (12 sm zone) to ensure a conflict management between the demands of new technologies (offshore wind energy sites), tourism and nature protection, and traditional sectors like shipping, fishing and defense at an early stage.

The Programme aims to build harmonious relations between economy, employment, environmental conservation and development focusing on fair living conditions. Considering the economic, social and environmental status of the federal state, its priorities include securing high quality jobs and meeting the need for training qualified staff while utilising development possibilities created by administrative procedures.

The binding objectives, principles and other requirements of spatial planning are the framework for further development. This framework may guide those involved in public planning and those representing private interests at an early stage of preparing and implementing measures with spatial impacts.

The Spatial Development Programme Mecklenburg-Vorpommern has a strategic character and outlines the priorities concerning the spatial uses in the coastal waters of Mecklenburg-Vorpommern. The 12th guideline (assurance and potential uses of the territorial waters) is of special importance regarding maritime spatial planning. Additionally, guidelines 3 (new perspectives for young people and families), 4 (extended location for education, culture and research), and 8 (improved image as a country for tourism, health and recreation), contain direct links to the territorial waters.

Designation

Spatial designations have been made by determining priority areas and suitable areas (planning targets, legally binding), and reserved areas (planning principles) – see figure 6 - further regulations have been made in the text, setting binding planning priorities, planning principles, rules and objectives to be followed.

Planning regulations

Driven mainly by coastal development, the main areas of intervention in the coastal waters with respective spatial designations are the protection of the marine environment, sand and gravel extraction, coastal protection, fisheries and aquaculture facilities, tourism, shipping, areas for offshore wind energy (which do not allow for any further offshore wind energy development outside of these areas), and corridors for linear infrastructure (cables, pipelines).

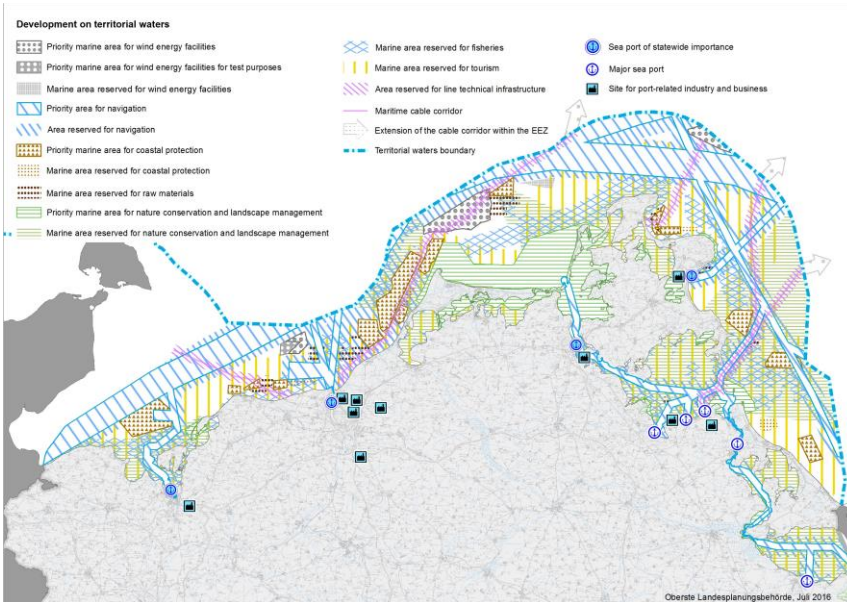


Figure 6: MSP designations made by the LEP MV 2016

Strategic Environmental Assessment

The SDP has been subject to a strategic environmental assessment as required by European and national legislation.

Public Participation

The SDP has been developed in a multi-step process, which included public participation. This wide and transparent involvement should help in gaining wide acceptance for the implementation of the programme's requirements.

For the LEP M-V (2005), as well as for the LEP M-V (2016), two broad participation processes have been conducted, including public participation. Additionally, both processes have been accompanied by several regional conferences organised by the responsible ministries.

Transboundary Consultation

Transboundary consultation took place with Denmark, Sweden and – importantly – Poland. According to intergovernmental agreements about the SEA, the complete texts of the LEP M-V draft, as well as of the environmental report, have been translated into Polish and have been forwarded to the relevant Polish administration.

Monitoring & Review

According to the LPIG M-V, an evaluation of the planning should be carried out after 5 years. A monitoring system is under preparation.

Electronic resources

MSP in Mecklenburg-Vorpommern:

<http://www.regierung-mv.de/Landesregierung/em/Raumordnung/Landesraumentwicklungsprogramm/aktuelles-Programm/>

Map: <http://www.regierung-mv.de/Landesregierung/em/Raumordnung/Landesraumentwicklungsprogramm/aktuelles-Programm/>

Specific Maritime Spatial Plan 6

The Spatial Planning Programme for the Territorial Sea of the North Sea – Lower Saxony

The spatial planning programme of Lower Saxony (LROP), in its revised version was initially promulgated in May 2008, with amendments in 2012. It includes provisions concerning wind power production and nature conservation, offshore electricity transmission, and shipping. It is the basis for future specific maritime spatial plans.

Legal basis

In addition to the ROG (see above, first chapter) the legal base for spatial planning in Lower Saxony is the Law on Spatial Planning (Niedersächsisches Gesetz über Raumordnung und Landesplanung, NROG). The NROG covers the entire “Land”, including the territorial sea. Article 2.4 states additional principles applicable to the territorial sea, the islands and the coastal zone. These areas should be developed through an integrated coastal zone management approach. Ecological, social, economic and cultural concerns must be included. Article 4.1 of the NROG states that additional provisions of content, issue and extent for the regional spatial plans (RROP) can be described in the spatial planning programme of Lower Saxony (Landes-Raumordnungsprogramm, LROP). Section 1.4 of the LROP refers to an integrated development of coast, islands and the North Sea. The sentence 11 of the section 1.4 states that planning and measures in the coastal sea are not allowed to interfere constantly or severely with the safety of shipping. The programme already refers to the following issues, which are also reflected in the requirements of the EU MSP Directive:

- Environment aspects (section 1.4.3 and 1.4.4)
- Socio-economic aspects (section 1.4.3, 1.4.5, 1.4.)
- Safety aspects (1.4.11)
- Co-existence of uses (section 1.4.2, 1.4.9)
- Stakeholders (section 1.4.1)
- Ecosystem-based approach (1.4.4)
- Resilience to climate change (1.4.3, 1.4.12).

The LROP largely fulfills the requirements of the MSP Directive. Realistically, the NROG should be adapted after the transposition of the directive into national law or the amendment of the ROG. It remains to be seen which regulations will be applied, thereafter it will be possible to decide which additional, federal, state-specific regulations have to be adopted.

Yet, there is no law under revision aimed at adapting the NROG to the requirements of the EU MSP Directive.

Legal impact

The programme is a legally binding regulation for authorities to follow, with regard to a proper planning process on land and on sea.

The programme was adopted by the government of Lower Saxony.

Area covered

The programme covers both sea and land, i.e. the whole territory of Lower Saxony, including shares of inland waters, the islands of Ostfriesland and the territorial sea in the North Sea.

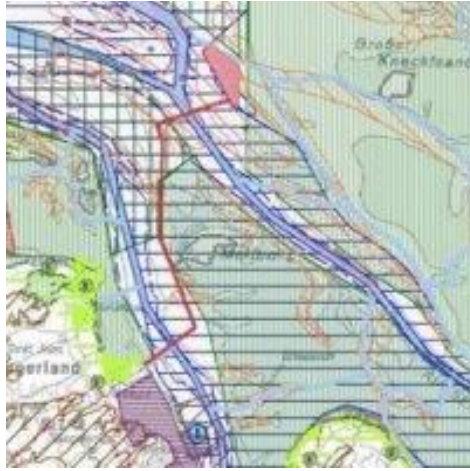


Figure 7: Extract from the Spatial Planning Concept of the coastal seas of Lower Saxony; Source: http://www.ml.niedersachsen.de/portal/live.php?navigation_id=1464&article_id=5311&psmand=7

Historic development

Back in 2006, Lower Saxony amended its spatial planning programme to regulate offshore wind energy use in territorial waters and to integrate the wind parks planned in the EEZ into the power grid. The programme takes into consideration the competing interests of nature conservation, tourism, shipping, and fishing. In this process the Recommendation of the European Parliament and of the Council of 30 May 2002, concerning the implementation of Integrated Coastal Zone Management (ICZM) in Europe (2002/413/EC) has already been adopted.

Objectives of the plan

Objectives of the LROP that apply to both the territorial sea and coastal zones include sustainable development, consideration of stakeholder perspectives from multiple groups and geographies, and reversible measures.

Designation

The LROP includes activities such as coastal protection, sand extraction, nature protection (especially in the Wadden Sea), tourism, cultural heritage, shipping, wind energy, submarine cables, and special regulations concerning the islands. Such regulations foresee, for example, that a permanent and sustainable settlement has to be assured or that the ferry routes have to be adapted based on demand. In the Wadden Sea National Park the requirements of the LROP are particularly strongly at limiting other uses besides conservation.

Planning regulations

The regulations for the sea and the coastal zone are integrated in different thematic chapters of the LROP (e.g. 1.4, 3.1.4, 3.2.4, 4.1.4, 4.2).

Strategic Environmental Assessment

The scope of the LROP includes land and sea, which are both subject to SEAs. According to the Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (implemented in national law by the ROG), a Strategic Environmental Impact Assessment will always be conducted in case of an amendment to the LROP.

Public Participation

Any amendments to the LROP, which could include changes to regulations concerning the sea, require the participation of public authorities, stakeholders and the general public.

For preparation and implementation of spatial plans and relevant projects, the planning authorities, businesses, private citizens, NGOs and the wider public should cooperate.



Additionally, Lower Saxony established a non-binding statement of planning principles for key stakeholders in 2005 (Spatial Planning Concept for Lower Saxony's coastal area - ROKK). Formerly, they served to implement the EU Recommendation on ICZM.

Transboundary Consultation

There is regular consultation undertaken with The Netherlands by both the German Federal Government as well as the individual States.

Harmonisation with other plans

The LROP has been harmonised with the regional spatial plans (RROP) in Lower Saxony as well as the plan for the EEZ.

Monitoring & Review

N/A

Electronic resources

http://www.ml.niedersachsen.de/portal/live.php?navigation_id=1378&article_id=5062&psmand=7

Cross-border Wadden Sea Region Planning Portal: <http://www.waddensea-forum.org/en/topical-issues/wsr-planning-portal>

Aspects of the MSP process

Sustainable development and growth in the maritime sector

This is included in the guidelines for the EEZ MSPs:

- Strengthening economic capacity through orderly spatial development and optimisation of spatial use;
- Long-term sustainable use of resources and potential of the EEZ through reversible uses, economic development and use of space, and priority for specific marine uses.

In 2011, the Federal Government published an overall development concept for the sea ("Entwicklungsplan Meer – Strategie für eine integrierte deutsche Meerespolitik").

Maritime spatial planning 2021 preserves the natural structures and functions of the seas and makes provisions for the diverse current and future uses of the maritime space and its protection in the European context. It balances different demands and interests by prudently weighing environmental, economic, and social concerns in line with the Sustainable Development Goals of the United Nations.

The basis for a maritime economy is in line with the goals of sustainable development and that includes: ensuring orderly spatial development by coordinating current and future spatial demands; prioritisation of sea-specific uses and the maxim of sparing and optimised use of space as well as the reversibility of fixed installations; and foundation on the precautionary principle and the ecosystem approach, which enables an holistic view of the different activities in the sea with their interrelationships and cumulative effects.



Ecosystem-based approach (EBA)

Germany acknowledges the guideline agreed by the HELCOM-VASAB MSP Working Group in October 2015. This guideline is procedurally oriented, which will help in applying the EBA in practice in MSP.⁶ The definition is based on the HELCOM-OSPAR adoption of 2003: "The comprehensive integrated management of human activities (is) based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity."

Germany considers that the MSFD is the environmental tool to achieve an EBA in the marine area. The German Water Protection Act (revised in 2009 to include marine issues) outlines as objectives the protection and preservation of marine ecosystems, and the sustainable use of marine areas. The principles of nature conservation are listed in the 1998 National Raumordnungsgesetz (Spatial Planning Act). They are only partly applicable to marine areas.

A specific chapter on the Regulations made in the Marine Spatial Plan outlines the efforts with regard to the marine environment. There are two sub-chapters: marine environment and seascape open space. The marine environment section outlines two principles: 1) the EEZ should be permanently safeguarded and developed as an ecosystem to preserve biological diversity. Negative impacts on the ecosystem should be avoided and minimised in accordance with the precautionary principle and ecosystem-based management; 2) in permanently unused areas, the functions of ecosystems should be restored to their original conditions or should be preserved in a condition of ecological balance.

In the 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas, protection and improvement of the marine environment is designated with priority areas for nature conservation and priority areas for divers. The spatial development plan is to lay down provisions which serve to protect and improve the marine environment. A threat to the marine environment should be avoided as far as possible. Unavoidable impacts are to be reduced as far as possible. This principle also considers existing technical regulations and generalises them in the interests of sustainable use of the EEZ using the ecosystem approach. International agreements on the prevention of adverse effects on the marine environment – such as the international conventions UNCLOS, MARPOL, OSPAR and HELCOM are taken into account with the aim of ensuring activities in the EEZ have as few adverse effects on the marine environment as possible. In addition to the mandatory regulations of the international conventions, best environmental practice under the OSPAR Convention and the Helsinki Convention of 1992 with its updates (last update on 1 July 2014) and the respective state of the art are taken into account.

In 2013 the Federal Environment Agency (UBA) started a project with the aim to advance environmental approaches for the further development of maritime spatial planning in the German EEZ. One part of the project is to specify the ecosystem approach for an application in the context of MSP (see UBA-MRO: <http://www.io-warnemuende.de/project->

⁶ <http://helcom.fi/news/Pages/New-Guideline-adopted-on-ecosystem-based-approach-in-maritime-spatial-planning-in-the-Baltic-Sea.aspx>

[details/items/398.html](https://www.emspproject.eu/details/items/398.html).

Since 2021, Germany has been participating in the project “Emerging ecosystem-based Maritime Spatial Planning topics in the North and Baltic Seas Region” (eMSP NBSR) (2021-2023) (<https://www.emspproject.eu/>).



Resilience to climate change impacts

This is included in the guidelines for the EEZ MSPs: “Promotion of offshore wind energy use in accordance with the Federal Government’s sustainability strategy,” which considers the Federal Government’s Integrated Energy and Climate Protection Programme (IEKP). In the 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas, the spatial safeguarding of sites for wind energy production is an expression of the spatial planning mission statement of sustainable, climate-protecting development. In particular, it enables the ideas of the mission statement to be implemented, such as the use of climate-friendly energies, support for energy security, and the achievement of national and international climate targets and the greenhouse gas neutrality target 2045 (Climate Protection Act) and 2050 (European Green Deal).



Land-sea interactions

The legal ordinances for maritime spatial planning in the North Sea and the Baltic Sea do not specifically mention or address land-sea interactions, and land-sea interaction is not one of the 5 principles of MSP in Germany’s EEZs. However, the maritime spatial plans covering the EEZ were developed with consideration of the territorial sea.

Land-sea interactions are considered within the context of the Federal State maritime spatial plans, which include terrestrial areas and the 12 nm territorial sea. Formal consultations with the neighbouring states (Lower Saxony, Schleswig-Holstein and Mecklenburg-Vorpommern) took place, which resulted in the spatial plans of the states – covering coastal land and sea up to 12 nautical miles – being taken into account in the development of the MSP.

The 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas provides consideration of land-sea relationships and transport and value chains by closely working with the coastal federal states for coherent planning.



Stakeholder Involvement

The public as well as public authorities, whose interests are affected by the development of MSP, must be informed and have the opportunity to comment on the draft before setting the maritime spatial plan into force.

A public comment round on the preliminary scoping report prior to the development of the draft Maritime Spatial Plans for the EEZ was carried out in 2005. A public hearing and commenting round on the draft Maritime Spatial Plans for the North Sea and for the Baltic Sea took place in 2008 and 2009. The first draft plan and environmental report were submitted for a full consultation in 2008. In 2009 the final draft plan was submitted for consultation before being finalised. The following stakeholder groups submitted position statements: 1 offshore wind energy association, 1 oil and gas industry association, 2 fishing associations, 3 mineral resource associations, 3 leisure boat associations, 4 scientific research institutions, 5 federal public bodies, 8 nature/environment NGOs, 18 coastal municipalities, and 20 regional and state public bodies.

Stakeholders largely focussed on the placement of wind parks and use of space within their areas and near them. Based on discussions with all the stakeholders, exclusive zones were designated where only wind parks could be located, with no additional use allowed, and zones (nature protection) where wind parks would be forbidden from being constructed. Prioritisation zones where wind parks could be constructed but where additional users can be found were also identified with stakeholder input.

The stakeholder consultations were considered effective in terms of achieving the main goal of locating areas for wind parks while taking into account other users.

A wide and inclusive stakeholder consultation was also undertaken for the development of the Federal State plans (see chapters about public participation of the three Federal Coastal States).

For the development of the 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas, the update process was characterised by information exchange, consultations, and formal and informal participation meetings. The process was accompanied by a scientific advisory board with representatives from research and legal institutes. In parallel to the process, information meetings and expert hearings were held at various times in the parliamentary arena. The results of these were

also incorporated into the update process. In particular, public authorities were asked to provide information on plans, measures, and other relevant information for the planning approval. In the period from September to December 2019, various technical discussions were held on the topics of shipping, marine nature conservation, fisheries, underwater cultural heritage, defence, and raw materials extraction. Within this framework, information was exchanged and planning options, solutions, and possible designations of a new plan were discussed. In addition, the scoping phase was prepared. The Federal Maritime and Hydrographic Agency (BSH) drew up a concept for the update of the plans, taking into consideration the information received from the early participation and the results of the expert discussions. At an early stage in the process, the concept considered three planning options with different perspectives. All planning options were similar in that they did not map the maximum space demands of the individual sectors but rather pursued only an integrated planning approach with different but well-founded priorities. Planning option A focused on traditional uses of the sea. Particular consideration was given to the interests of shipping, raw material extraction, and fishing. Planning option B showed a climate protection perspective; a lot of space was given to future use by offshore wind energy. Planning option C focused on securing areas for marine nature conservation over a wide area and to a large extent.

Regarding participation in conception (planning options) and scoping, with the development of the conceptual design, the draft scope of investigation for the SEA was prepared. The conceptual design and draft of the scope of investigation were published on 31 January 2020. There was an opportunity for public bodies and the public to comment on these documents until 4 March 2020. At this stage of the process, consultation questions on relevant topics were also addressed to the consultation participants. A total of 41 comments were received. These were mainly from federal authorities, state authorities, (scientific) institutes and institutions, transmission system operators, and environmental, wind energy, and fishing associations. The littoral states were notified by letter dated 10 March 2020. They were given the opportunity to comment on the conceptual design and the draft of the scope of investigation by 3 April 2020. A meeting with national participants on the draft of the scope of the investigation and design was held on 18 and 19 March 2020, and an early consultation meeting with participants from the littoral states was held on 23 April 2020. Overall, the comments received showed a picture of diverse, partly contradictory demands and indications with a focus on different topics.

There was an opportunity for public bodies and the public to comment on the first draft of the spatial plan and the environmental reports. A total of 67 comments were received. These were mainly from federal authorities, state authorities, institutes, transmission system operators, environmental wind energy associations, fishing associations, and private individuals. The additional hearing took place on 24 and 25 November 2020 as an online conference. At the meeting, the first draft of the plan and key points from the environmental reports were presented in detail and discussed on the basis of the comments received. By letter dated 4 December 2020, the littoral states were involved in the first draft of the plan and the environmental reports. There was an opportunity to comment on the consultation documents until 15 January 2021. Seventeen comments were received. An international consultation meeting was held on 27 January 2021.

According to Section 9, paragraph 3 ROG, the general public and public bodies had the opportunity to comment on amendments triggering first-time or greater impacts as well as on the corresponding amendments to the environmental reports by 25 June 2021. At the same time, the consultation of the Federal States and associations on the legal ordinance and the draft plan took place according to Section 47 GGO. A total of 32 comments were received. These were mainly from state authorities, institutes, transmission system operators, and environmental, wind energy, and fishing associations. In addition, an event for queries and information exchange was offered on 11 June 2021 as an online conference. By letter dated 4 June 2021, the littoral states were consulted on the second draft plan and the revised environmental reports. There was an opportunity to comment on the changes until 30 June 2021. Nine comments were received. An international information meeting was held on 15 June 2021. After evaluating the comments, the final departmental vote on the legal ordinance and the spatial plan took place in July 2021 according to Section 50 GGO. As a result of these procedural steps, the second draft plan was amended.



Co-existence of uses

This is included in the guidelines for the EEZ MSPs:

- Strengthening economic capacity through orderly spatial development and optimisation of spatial use;
- Long-term sustainable use of resources and potential of the EEZ through reversible uses, economic development and use of space, and priority for specific marine uses.

The 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas coordinates different uses and protective components. It supports the safety and efficiency of navigation; other economic uses, in particular renewable energy; scientific uses, in particular marine research; security aspects, especially national and alliance defence. At the same time, it shall contribute to the protection and enhancement of the marine environment, including the achievement of a good status of marine waters, taking into consideration climate protection through appropriate spatial designations for the marine environment, and designations for avoiding or mitigating harmful impacts and pollution resulting from the above-mentioned uses. The designations apply within the framework of European and international law. For example, MSP 2021 specifies for multi-use: insofar as the areas for wind energy EO2-West and EN20 are also designated as reservation areas for research FoN3 and FoO3, fishery research should remain possible in the type and scope in which it has been carried out to date.



Transboundary cooperation

Germany is party to the Trilateral Cooperation on the Protection of the Wadden Sea. It is also a member of the Joint HELCOM-VASAB Maritime Spatial Planning Working Group. Germany also exercises direct cooperation with individual Member States of the Baltic Sea and North Sea. An example is the Polish-German Spatial Planning Committee, which is a collaboration mechanism between the German Federal Ministry of Interior, Building and Community and the Polish Ministry of Investment and Economic Development (current Ministry of Development Funds and Regional Policy). The 2021 Maritime Spatial Plan for the German EEZ in the North and Baltic Seas envisages support for coherent international maritime spatial planning and territorial cooperation through collaborations with other countries and at a regional seas level.

Account for multiple aspects

The basic structure of the spatial plans in the EEZs follows the analysis of ship traffic based on AIS-information provided by the German Water and Shipping Administration. With shipping having special weight according to UNCLOS, the main shipping routes are designated priority areas, which must be kept free from obstacles (e.g. wind farms). This designation is the result of Art. 60 para. 7 UNCLOS, which states that installations may not be established by the coastal State where they are capable of interfering with the use of recognised sea lanes essential to international navigation. The second important regulation is the designation of priority areas for offshore wind energy, which avoids and reduces significant conflicts with other uses and the marine environment. The third important regulation is the protection of the marine environment; one result is that according to the spatial plan, no wind turbines are allowed within Natura 2000 designated sites.

Coherence with other processes

Marine Strategy Framework Directive (MSFD)

At national level, the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) has the lead government role in implementing the MSFD and is the national reporting institution to the EU Commission. Through administrative agreements, a joint committee was established between the federal government and the coastal Länder (German Federal States), i.e. the BLANO (Bund/Länder-Committee North- and Baltic Sea).

The BLANO functions as a steering group for the implementation of the directive, and consists of the five Coastal Federal States (Lower Saxony, Hamburg, Schleswig Holstein, Mecklenburg Western Pomerania and Bremen) and the Federal Government represented by BMU as lead, the Ministry for Transport, Building and Urban Development (BMVBS, now BMI, the lead MSP authority), the Ministry of Education and Research (BMBF) and the Ministry of Food, Agriculture and Consumer Protection (BMELV). The BLANO is supported by the BSH (Federal Maritime and Hydrographic Agency), the lead planning agency for MSP.

Integrated Coastal Zone Management (ICZM)

The Federal Cabinet adopted the National Strategy for Integrated Coastal Zone Management (ICZM) in Germany on 22 March 2006 upon recommendation of the Federal Minister for Environment.⁷ The strategy mentions the relevant policies steering coastal and marine planning but it does not refer to maritime spatial planning as such. In 2011, the Federal Ministry for the Environment (BMU) submitted the national report on the implementation of integrated coastal zone management (ICZM) in Germany to the European Commission.⁸

At the Länder level, ICZM projects are being carried out under the auspices of spatial planning. In Lower Saxony, the establishment of an ICZM information platform was part of the Land strategy. Its objective is to support the players in the coastal region with planning and is intended as an informal means of information exchange between all the players with activities in the coastal region. It provides information about major projects, plans and processes relevant to ICZM in Lower Saxony's coastal zone.

Natura 2000

Natura 2000 sites are considered in the Maritime Spatial Plans. As a result, new offshore wind parks are not allowed in Natura 2000 sites in the EEZ. In the Federal States' legislation of Mecklenburg-Vorpommern, the LEP M-V, states that Natura 2000 sites are not seen as exclusion areas for wind power development. Instead, wind power parks are restricted zones. This

⁷ http://www.ikzm-strategie.de/dokumente/endbericht_kabinetversion_30032006.pdf

⁸ <http://www.umweltbundesamt.de/en/integrated-coastal-zone-management-in-germany>



means, that wind parks and nature conservation sites are not mutually exclusive, and that co-location can be allowed, following an assessment on a case-by-case basis.

Strategic Environmental Assessment

When setting up a maritime spatial plan a SEA must be carried out. The likely significant effects on the environment have to be described and evaluated in an environmental report and the results of the SEA, as well as any comments received during the participation process, have to be taken into account when balancing the different interests (see Spatial Planning Act (ROG) and Environmental Impact Assessment Act (UVPG)).

Cooperation with third countries

Germany is a contracting party to HELCOM, VASAB and OSPAR RSCs. Germany sees VASAB MSP WG as a main actor to instigate a structured pan-Baltic Maritime Spatial Planning Dialogue involving policy-makers, institutions, MSP practitioners and stakeholders from all relevant sectors, supported by ad-hoc expert groups.

Germany was, and is, involved in several projects dealing with cross-border aspects of MSP like the BaltSeaPlan, PartISEApaté, Baltic SCOPE, Baltic LINes, NorthSEE, and [eMSP NBSR](#). In 2014, UBA together with the BfN also initiated an advisory assistance project on Maritime Spatial Planning: “Environmentally sound concepts for spatial use in the Baltic Sea coastal area of the Russian Federation”, with the involvement of representatives from several relevant authorities and organisations in Germany and Russia. The project was completed in 2017, see http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/doku_56_2015_umweltvertragliche_raumnutzungskonzepte_0.pdf. Germany is currently participating in the project “Emerging ecosystem-based Maritime Spatial Planning topics in the North and Baltic Seas Region” ([eMSP NBSR](#)) (2021-2023): <https://www.emspproject.eu/>.

MSP Review

An evaluation report for the EEZ Maritime Spatial Plans was produced in 2012 (see Monitoring descriptions in Plan 1 & 2 above).

The national Spatial Planning Act was revised and implemented in 2016, mainly with regard to the MSP Directive’s requirements for transboundary consultation and coordination in MSP, for taking into account the land-sea interactions and for applying the ecosystem-based approach. In view of the increasing use of the sea, including offshore wind energy, shipping and transboundary infrastructure (cables, pipelines), the revision of the maritime spatial plans was initiated in June 2019.

The process of revising the MSP has been completed after two rounds of national and international consultations. Changes were made based on the feedback received and the revised MSP for the German EEZ in the North Sea and Baltic Sea entered into force on 1 September 2021.

More information is available at: <https://www.bmi.bund.de/DE/themen/heimat-integration/raumordnung-raumentwicklung/grundlagen/maritime-raumordnung/maritime-raumordnung-node.html> (German only) and https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html

The spatial regulations of the plan are also available as a Web Feature Service via <https://www.geoseaportal.de/mapapps/resources/apps/meeresnutzung/index.html?lang=en>

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- Online-Plattform zur Beteiligung einschließlich Abwägungsdatenbank: http://www.raumordnung-mv.de/pages/Online-Beteiligung_Raumordnung.html
- German-Polish Regional Development Portal: <http://kooperation-ohne-grenzen.de/de/zukunftskonzept/>
- Marine Data Infrastructure (MDI)-DE: <https://www.mdi-de.org/mdi-portal/ui>
- Cross-border Wadden Sea Region Planning Portal, contains all MSPs and further information of the three border states: <http://www.waddensea-forum.org/en/topical-issues/wsr-planning-portal>
- News article:
 - <https://www.ewind.es/2019/12/04/north-seas-energy-ministers-reinforce-cooperation-on-offshore-wind-power/72216>
- Maritime Spatial Plan 2021: https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html

Relevant legislative acts

- Spatial Planning Act (ROG)
- Spatial Planning Acts of the “Länder” (NROG for Lower Saxony)
- Environmental Impact Assessment Act (UVPG)
- Federal Spatial Planning Act (LROP) for Lower Saxony, 2012, http://www.ml.niedersachsen.de/download/71886/LROP_2012_Lesefassung.pdf
- Schleswig-Holstein State Development Plan 2021 (Landesentwicklungsplan Schleswig-Holstein Fortschreibung 2021), <https://www.bolapla-sh.de/verfahren/08a87722-3242-11ec-badd-0050569710bc/public/detail>