



Maritime Spatial Planning  
Country Information

Belgium

# Contact

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## Disclaimer

The information contained in this document does not represent the official view of the European Commission. It has been prepared for informational purposes only, and should not be considered legally binding in any nature. The illustrative map shown on the cover and on page 1 should not be interpreted as a legal representation of jurisdictional boundaries.

## Verification Date

This document has been verified by the responsible MSP authority (or representative) of Belgium on 18.10.2018.

## Funding attribution

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## European MSP Platform Consortium Contractors



with Thetis, University of Liverpool and NIMRD

# Background Information

## Basic facts on Marine Waters



— Exclusive Economic Zone (EEZ)   
 — Territorial Sea   
  Existing Plans

- Total area of the Belgian Part of the North Sea (BPNS): 3,454km<sup>2</sup> (i.e. about 0.5% of the entire North Sea area)
- Size of territorial sea (12-nm zone from the baseline): 1,437km<sup>2</sup>
- Exclusive Economic Zone: 2,017 km<sup>2</sup>

## Maritime Spatial Planning authorities and legislation

### General

The Belgian minister for the North Sea is overall responsible for the coordination of the Maritime Spatial Plan (MSP) in Belgium. The preparation and implementation of MSP is coordinated by the Marine Environment Service of the Federal Public Service Public Health.

The Belgian minister for the North Sea established a MSP in broad consultation with public services and stakeholders, enacted in the Royal Decree of 20 March 2014. The advisory committee, originally established for the consultation process, has now been awarded an additional task as a permanent forum for the implementation of MSP. Competent authorities will coordinate their sectorial work with the advisory committee.

#### Planning on national level

- Maritime Spatial Plan for the Belgian Part of the North Sea, March 2014
- Update of the plan for 2020-2026 expected in 2019

#### National MSP authority

- Belgian Minister for the North Sea
- Implementation of MSP is coordinated by the Marine Environment Service

The law of 20 January 1999 on the protection of the marine environment and the organisation of the maritime spatial planning (Marine Environment Act, as amended on 20 July 2012), creates the legal basis and principles for the MSP. The Royal Decree of 13 November 2012 dictates the establishment of an advisory committee and the maritime spatial planning procedure in the Belgian maritime area. Belgium approved a legally binding MSP via a Royal Decree of 20 March 2014.

## Details

### National Level

The planning process at the national level has a legal basis in the Marine Environment Act, amended in 2012 to include the development of a MSP. Its name was also amended to "Act for the protection of marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction."

A Royal Decree of November 20, 2012 dictates the establishment of an advisory committee and the procedure for the adoption of a MSP in the Belgian maritime regions. The Royal Decree of March 20, 2014 adopts the MSP.

### Regional Level (Flanders)

The division of competences between the federal State and the Flemish Region is described in the figure below.

#### **Maritime competences of the federal State and Flemish Region.**

<b>Federal state</b>	<b>Flemish region</b>
<b>Environmental protection</b>	<b>Fisheries</b>
<b>Nature conservation</b>	<b>Aquaculture</b>
<b>(Wind) energy development</b>	<b>Nature conservation on land</b>
<b>Disposal of dredged material</b>	<b>Dredging</b>
<b>Shipping</b>	<b>Ship pilotage and traffic guidance</b>
<b>Aggregate extraction</b>	–
<b>Military activities</b>	
–	

*Maritime Competences of the federal State and Flemish Region. (Source: Pecceu, E.; Hostens, K.; Maes, F. (2015). Governance analysis of MPAs in the Belgian part of the North Sea. Mar. Policy In press. available at <http://www.vliz.be/nl/open-marien-archieff?module=ref&refid=252037>)*

## Progress

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The received reactions were transformed into a first draft of the new plan and the revision process entered into its formal phase in the same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an adapted version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in around 150 different contributions as regards content and more than 40.000 contributions via petition letters and automatic emails. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. Spring 2019, the plan will be finalised, to enter in force Spring 2020.

## Overview of MSP-related uses and issues

- The Belgian North Sea is a relatively small area with many different uses
- The maritime sectors of the Belgian economy contribute significantly to the national economy. Technological advances and new societal challenges put pressure on available marine space.
- **Current main uses:** offshore renewable energy, shipping, ports, sand and gravel extraction, nature conservation, fisheries, aquaculture, military, research, ammunition storage site, coastal protection, cables and pipelines, tourism and measuring poles and radars.
- **Future new uses:** new blue economy activities
  - Sustainable aquaculture is allowed within two offshore wind farms. Aquaculture will be allowed provided it reduces the fertilization (eutrophication) of the seawater in these areas. A recent project, AquaValue, created a roadmap for integrated aquaculture in the Belgian maritime area. The project is only a scientific project, not yet a concrete commercial project. 4 pilot projects (of which 3 are marine) are presented which may boost the development of a sustainable, integrated aquaculture sector in Flanders:
    - Marine multispecies hatchery
    - Coastal protection combined with aquaculture using 'bio-builders'
    - Extractive aquaculture in offshore wind farms
    - Sea ranching of conditioned sea bass in offshore wind farms

# Maritime Spatial Plans

## Existing Maritime Spatial Plans

- MSP for the Belgian Part of the North Sea, March 2014
- Update of the MSP 2016-2020 expected in 2019

## Pilot plans or projects

Not legally binding:

- Former official plans:
  - North Sea Master Plan (2003)
- Scientific plans or projects:
  - MASPNOSE pilot case study (cross-border MSP)
  - C-Scope Combining Sea and Coastal Planning in Europe (2008-2012)
  - GAUFRE Pilot Project 2003 - 2005 - data compilation and analysis, development of MSP process and spatial scenarios
  - And many others

## Maritime Spatial Plan for the Belgian Part of the North Sea

The MSP for the Belgian Part of the North Sea was adopted by Royal Decree in March 2014 and considers the following uses:

- Shipping
- Ports
- Mineral extraction
- Offshore renewable energy production
- Fishing
- Aquaculture
- Tourism (incl. recreation and sports)
- Under water cultural heritage
- Nature protection
- Military
- Scientific Research
- Cables and pipelines

It is also worthwhile to mention coastal protection here because this activity takes place along the coast. In addition to the full allocation of space to realize the Masterplan Coastal Protection, a location has been established to perform coastal protection experiments, located offshore of De Panne near the French border. An update of the plan 2020-2026 is expected in 2019.

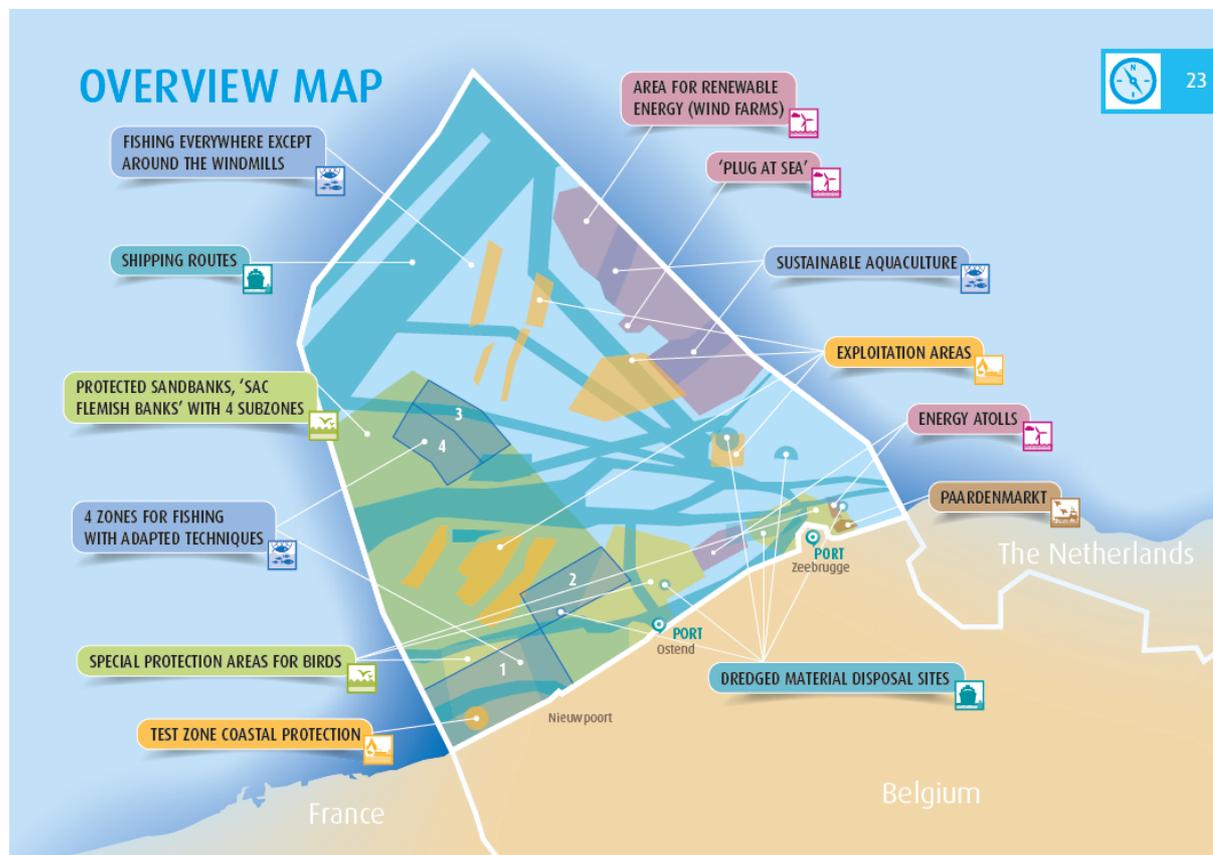
## Legal basis

The planning process at the national level has a legal basis in the Marine Environment Act, amended in 2012 to include the development of a MSP. Its name was also amended to "Act for the protection of marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction." A Royal Decree of November 20, 2012 dictates the establishment of an advisory committee and the procedure for the adoption of a MSP in the Belgian maritime regions. The Royal Decree of March 20, 2014 adopts the MSP.

## Legal impact

The above-mentioned laws constitute the framework for decisions with regard to new users of the sea.

## Area covered



Map: *Something is moving at Sea: A marine spatial plan for the Belgian part of the North Sea*, Federal Public Service Health, Food Chain Safety and Environment, March 2014

## Historic development

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The received reactions were transformed into a first draft of the new plan and the revision process entered into its formal phase in the same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an adapted version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in around 150 different contributions as regards content and more than 40.000 contributions via petition letters and automatic emails. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. Spring 2019, the plan will be finalised, to enter in force Spring 2020.

## Objectives of the plan

The current plan lays out principles, goals, objectives, and long-term vision, and spatial policy choices for the management of the Belgian territorial sea and EEZ. Management actions, indicators and targets addressing marine protected areas and the management of human uses are described below.

## Designated uses / areas

All user functions of the Belgian Part of the North Sea are well described and discussed in the Compendium for Coast and Sea 2018, including their spatial context. See <http://www.compendiumkustenzee.be/en> for more information and an overview of all the users of the Belgian part of the North Sea.



### Nature Conservation

The plan adds no extra MPAs but intends to improve coordination of activities in existing areas with environmental conservation. For example, in the 'Flemish Banks' Special Area for Conservation (SAC) four sensitive subzones with fisheries restrictions were designated. In the SAC, there is also a ban on recreational fishery with trawlers.

## Offshore renewable energy, cables and pipelines



Areas for future activities are designated for a 'plug at sea' or high-voltage cabling station for offshore wind and 'energy atolls' where energy can be stored. Cables and pipelines are clustered into corridors. There are also areas mentioned for offshore wind, wave and tidal energy production.

## Shipping, Ports and Dredging

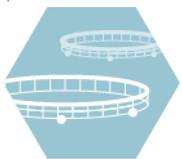


meters).

Shipping and dredging are not allowed in and around wind farms (safety zone of 500

Shipping has priority over other activities in some areas. The ports of Zeebrugge and Ostend may be extended and a zone surrounding those ports has been created to allow for possible expansion. Designated dredge disposal sites are identified as well as an alternative disposal site to minimize impact on fishing grounds.

## Fisheries and aquaculture



Fishing gear type restrictions exist in the four sensitive zones of the Flemish Banks SAC. Fishing is not allowed in and around the existing wind farms. Sustainable aquaculture is allowed on two wind farms.



### Sand and gravel extraction

Exploitation sites for sand and gravel extraction are identified. Sand and gravel are, among others, important for coastal protection defences (e.g. beach nourishment).



### Military activities

The plan designates several zones for military activities and exercises. A dumping site for ammunition (Paardenmarkt) is monitored and activities affecting the seabed in this area are banned.



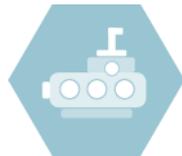
#### Tourism and recreation

Some forms of recreational fishing are restricted according to the plan. See Royal Decree of 20 March 2014 - Article 15 §2 for more information on the limitation for recreational trawling within the Flemish Banks SAC.



#### Cultural Heritage

Shipwrecks are protected under a new law for underwater cultural heritage (i.e. Law of 4 April 2014 on the protection of underwater cultural heritage).



#### Scientific research

Scientific research is allowed everywhere. Measuring poles and instruments are recognized as important for safe shipping.

### Planning regulations

The plans visualize the spatial demarcations. However, the coordinates for the zones mentioned in the Royal Decree of 20 March 2014 are legally binding, and not the graphics/maps themselves.

### Strategic Environmental Assessment (SEA)

A strategic environmental assessment of the plan was prepared: Milieueffectenrapport van het ontwerp van marien ruimtelijk plan (2013). Milieueffectenrapport van het ontwerp van marien ruimtelijk plan. ARCADIS Belgium: Brussel. 219 + bijlagen pp. available online via <http://www.vliz.be/en/imis?module=ref&refid=227526>

Parallel to the development of a new MSP, a new SEA is also being developed and is expected to be finalized in 2018.

### Public Participation

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The received reactions were transformed into a first draft of the new plan and the revision process entered into its formal phase in the same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an adapted version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in around 150 different contributions as regards content and more than 40.000 contributions via petition letters and automatic emails. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. Spring 2019, the plan will be finalised, to enter in force Spring 2020.

### Transboundary Consultation

Cross-border consultation was carried out with the Netherlands, France, and the United Kingdom.

### Harmonisation with other plans

The MSP considers, among others, the Belgian Action plan for renewable energy; National Strategy and Operational Programme drawn up in the framework of the European Common Fisheries Policy; and Masterplan Coastal Safety (10/06/11).

## Monitoring & Review

The plan will be reviewed every six years and is legally binding.

## Electronic resources

- Federal Public Service Health. Food Chain, Safety and Environment; Maritime Spatial Planning: [http://health.belgium.be/eportal/Environment/MarineEnvironment/MarineSpatialPlanning/19087505\\_EN?ie2Term=brochure?&&fodnlang=en#.VsHNxhhO\\_Jw](http://health.belgium.be/eportal/Environment/MarineEnvironment/MarineSpatialPlanning/19087505_EN?ie2Term=brochure?&&fodnlang=en#.VsHNxhhO_Jw)
- A maritime spatial plan for the Belgian part of the North Sea, Federal Public Service Health, Food Chain Safety and Environment, March 2014: [www.health.belgium.be/filestore/19094284\\_EN/Brochure\\_Something%20is%20moving%20at%20sea\\_2015.pdf](http://www.health.belgium.be/filestore/19094284_EN/Brochure_Something%20is%20moving%20at%20sea_2015.pdf)
- Royal Decree 20 March 2014 establishing the MSP plan: [www.health.belgium.be/filestore/19094275/Summary%20Marine%20Spatial%20Plan.pdf](http://www.health.belgium.be/filestore/19094275/Summary%20Marine%20Spatial%20Plan.pdf)
- Belgian Marine Atlas: <http://odnature.naturalsciences.be/marine-atlas/data>
- Compendium Coast and Sea: <http://www.compendiumkustenzee.be/en>
- Coastal Atlas: <http://www.coastalatlantlas.be/en/home/>

# Aspects of the MSP process

## Sustainable development and growth in the maritime sector

Areas have been designated for future activities: high-voltage station at sea for transport of offshore energy; offshore wind areas; aquaculture co-located between windmills; and offshore energy storage “atolls.”



### Ecosystem-based approach (EBA)

The Royal Decree of 23 June 2010 on a marine strategy for the Belgian sea areas stipulates that a good environmental status means that the marine ecosystems, in combination with the linked physiographic, geographical, geological and climatological factors, can function in an optimal manner and maintain their resistance against environmental changes brought about by human activities; that marine species and habitats are protected, that the deterioration of biodiversity caused by human activities is prevented and that various biological components function in an equilibrium.

Applicable legislation: Law on the Marine Environment and the Maritime Spatial Planning (20 January 1999), as amended:

Article 4: the users of sea areas and the government must take into account, when carrying out their activities, (...) the precautionary principle (...).

Article 2: the law makes reference to ecosystems when defining the ‘marine environment’ and ‘pollution’.

The Law contains a chapter (III) on marine protected areas.

The use of the marine environment is spatially determined on the basis of an ecosystem approach that takes into account climate change and the protection and management of the needs of the marine cultural heritage (Annex 2, p 7 of the MSP).

The MSP promotes a maximal protection of the ecologically most valuable zones, by demarcation of marine protected areas with effective management measures. In these areas, it is desirable to aim for an ecological status that is significantly better than the minimum requirement laid down in the Marine Strategy Framework Directive (Annex 2, p 16-17 of the MSP).

The precautionary principle must be applied consistently in accordance with the applicable law (Annex 2, p 7 of the MSP).

The MSP states that marine, land and water management mechanisms are complementary, for example through an integrated coastal zone management and management plans for water basins (Annex 2, p 6 of the MSP).

Decent monitoring is necessary for an effective marine management and policy development (Annex 2, p 7 of the MSP).

There are also sections about permits for activities, making reference to GES, and sand and gravel extraction with annual reduction of amounts to be extracted.]



### Co-existence of uses

Co-existence of uses was considered in designating areas for future activities. E.g.: aquaculture in in wind farms, recreational activities in marine protected areas.



### Resilience of climate change impacts

Coastal protection is important. A specific location is designated in the Belgian MSP to test new means for coastal defence.



### Land-sea interactions

The Law on the Marine Environment and the Maritime Spatial Planning refers to or prohibiting discharge directly from land to sea via pipelines (art. 2, 17°).

The MSP, Annex 2, p 10, defines the coastal zone as the zone that includes both land and sea. This area should be seen as one spatial area where important economic, ecological and social challenges are situated. The baseline (the line of the average lowest tide along the coast) indicates the division of competences: at the sea side of the baseline, the Flemish Region has a number of assigned competences; the residuary competences, including spatial planning, are for the federal state. On the land side, the Flemish Region is competent for the coastal zone.

The Plan states that marine, land and water management mechanisms are complementary, for example through an integrated coastal zone management and management plans for water basins (Annex 2, p 6). The Plan also states that a balance and complementarity must be sought with the land in the spatial planning of activities (Annex 2, p 11).

## Account for multiple aspects

Annex 2, Chapter 5 of the Royal Decree describes economic, social, environmental and safety aspects for the Belgian North Sea according to a 2020 planning horizon. They are briefly summarized here:

- Environmental objectives: Good Environmental Status (MSFD) and Good Surface Water Status (WFD)
- Safety objectives: safety of shipping, objectives for protection against the sea and for defence
- Economic objectives: guarantee sufficient space for all economic activities at sea
- Cultural, social and scientific objectives: respect for maritime landscape and underwater heritage of the Belgian North Sea

## Coherence with other processes

### Marine Strategy Framework Directive (MSFD)

The legal implementation of the MSFD in the national legislation is a cornerstone for the further elaboration and coordination of MSP in the Belgian North Sea. MSFD has been transposed into Belgian law by the Royal Decree of 23 June 2010. In 2016, a Programme of Measures<sup>i</sup> was developed by the Marine Environment Division of the Federal Public Service Health, Food Chain Safety and Environment.

In terms of general coordination of policies on MSP and MSFD, there is no official central mechanism or institution, but the respective departments for MSP and MSFD within the Federal Public Service Health, Food Chain Safety and Environment, DG Environment, do work closely together and make links when discussing and drafting policies and documents on MSP and MSFD. The Marine Environment Division is responsible for the coordination of the implementation of both directives<sup>ii</sup>.

## Natura 2000

Natura 2000 sites were considered in efforts to improve coordination of activities with environmental conservation. For example, in the special area for conservation (SAC) 'The Flemish Banks' (named after the sandbanks) four sensitive subzones were designated, where fishing is only allowed using environmentally friendly techniques, or under specific conditions. Also, sand and gravel exploitation is strongly limited within 'The Flemish Banks', and may only be done under certain conditions. In three special protection areas for birds, the existing restrictions are maintained, such as a ban on certain constructions and industrial and commercial activities.

## Water Framework Directive

Certain elements of WFD that are valid in marine waters are incorporated in MSFD regulations.

## Strategic Environmental Assessment (SEA) Directive

The MSP is subject to a Strategic Environmental Assessment.



### Stakeholder Involvement

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The received reactions were transformed into a first draft of the new plan and the revision process entered into its formal phase in the same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an adapted version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in around 150 different contributions as regards content and more than 40.000 contributions via petition letters and automatic emails. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. Spring 2019, the plan will be finalised, to enter in force Spring 2020.



### Trans-boundary cooperation

Cross-border consultation was carried out with the Netherlands, France, and the United Kingdom.

## Cooperation with third countries

Belgium is part to the OSPAR convention.

## MSP Review

The MSP Plan will be reviewed every 6 years. In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off and on 20 April 2018, the Council of Ministers adopted the draft MSP.

# Sources

## Consulted references

- Federal Public Service Health. Food Chain, Safety and Environment; Marine Spatial Planning: [http://health.belgium.be/eportal/Environment/MarineEnvironment/MarineSpatialPlanning/19087505\\_EN?ie2Term=brochure?&&fodnlang=en#.VsHNxhhO\\_Jw](http://health.belgium.be/eportal/Environment/MarineEnvironment/MarineSpatialPlanning/19087505_EN?ie2Term=brochure?&&fodnlang=en#.VsHNxhhO_Jw)
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- Hostens K. Pecceu E. Maes F., A decade of marine spatial planning in Belgium: A journey towards integrated management, MESMA Final Event, 8-10 October [DATE?], Lisbon
- Lescauwae, A.-K.; Pirlet, H.; Verleye, T.J.; Mees, J.; Herman, R. (Ed.) (2013). Compendium for Coast and Sea 2013: integrating knowledge on the socio-economic, environmental and institutional aspects of the Coast and Sea in Flanders and Belgium. Flanders Marine Institute (VLIZ): Oostende. ISBN 978-90-820731-6-4. 326 pp. available here: <http://www.compendiumkustenzee.be/en/integrated-marine-information-system?module=ref&refid=230552>
- Pecceu, E.; Hostens, K.; Maes, F. (2015). Governance analysis of MPAs in the Belgian part of the North Sea. *Mar. Policy* In press. <hdl.handle.net/10.1016/j.marpol.2015.12.017>

## Relevant legislative acts

- Act for the protection of marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2012072039&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2012072039&table_name=loi)
- Royal Decree 13 November 2012 to establish an advisory committee for adoption of Belgian MSP: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2012111307&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2012111307&table_name=loi)
- Royal Decree 20 March 2014 establishing the MSP: [www.health.belgium.be/filestore/19094275/Summary%20Marine%20Spatial%20Plan.pdf](http://www.health.belgium.be/filestore/19094275/Summary%20Marine%20Spatial%20Plan.pdf)

## Specific citations

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<sup>i</sup> Belgische Staat, 2016. Programma van maatregelen voor de Belgische mariene wateren. Kaderrichtlijn Mariene Strategie – Art 13. Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, Brussel, België, 147 pp.

<http://www.health.belgium.be/eportal/Environment/MarineEnvironment/TheMarineEnvironPolicy/WorkingInAnInternational/MarineStrategy/index.htm#.Vt7ik-Z6jWR>

The monitoring programme was published in 2014 - link on same page as programme of measures

<sup>ii</sup> See also <http://www.compendiumkustenzee.be/en/integrated-marine-information-system?module=ref&refid=251201>