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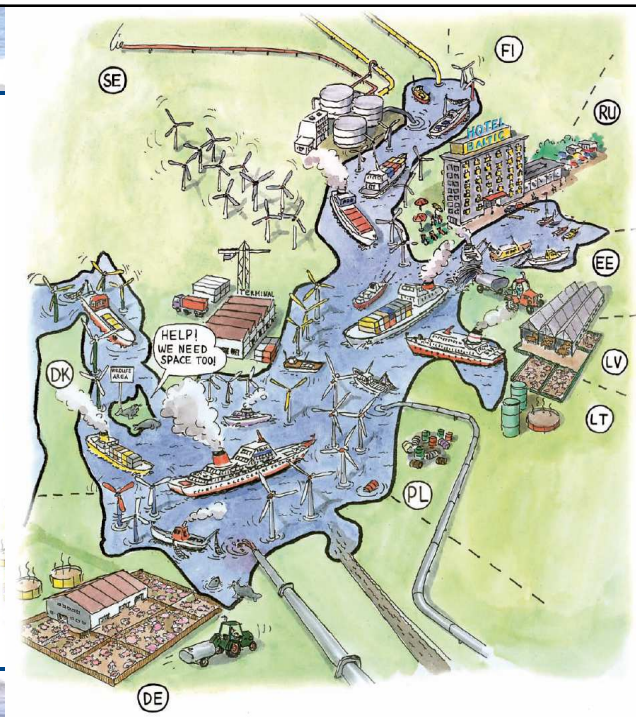
# Maritime Spatial Planning in the German EEZ

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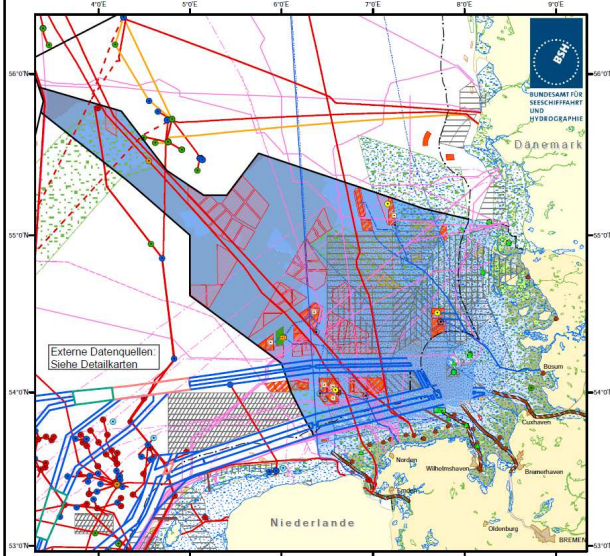


Because of increasing use demands and potential conflicts between different uses and/or with marine nature conservation (ecosystem sea) there is a need for integrated, comprehensive sustainable management of human activities

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## Multitude of uses on the sea; potential conflicts between uses and/or uses and marine environment



### Multitude of uses on the sea

Traditional uses and activities:  
 Shipping, fisheries  
 oil and gas industry  
 sand and gravel extraction  
 Pipelines, power & telecommunication cables  
 military training, scientific research, nature conservation sites

### New developments since 2005:

Large scale Offshore-Windparks (25.000 MW by 2030)

## Background

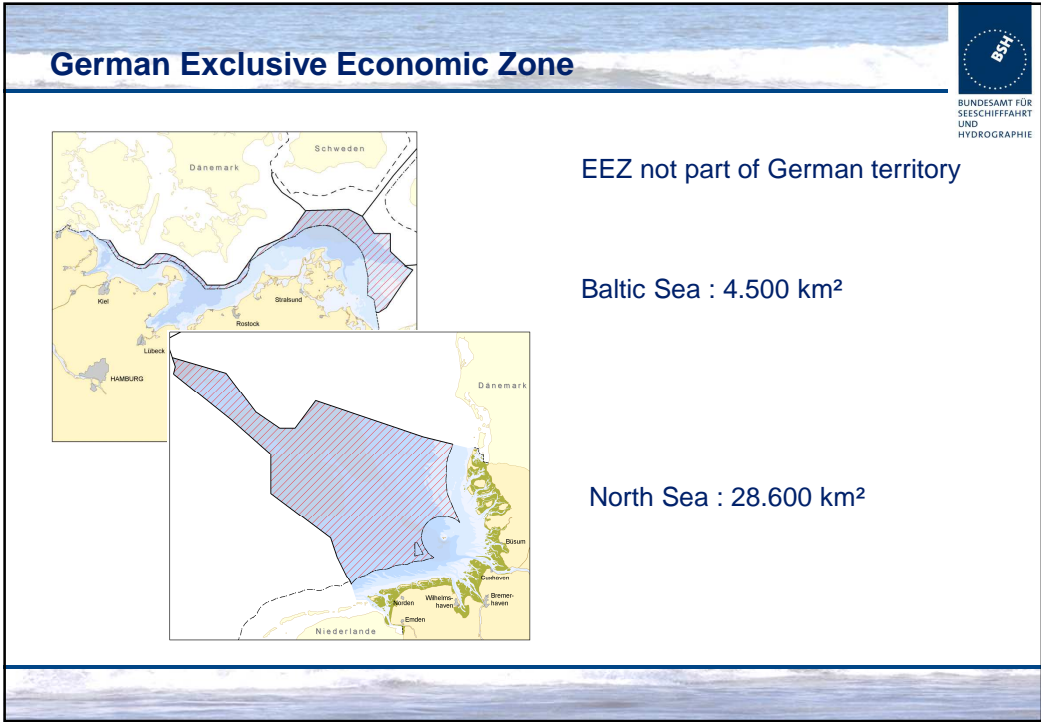
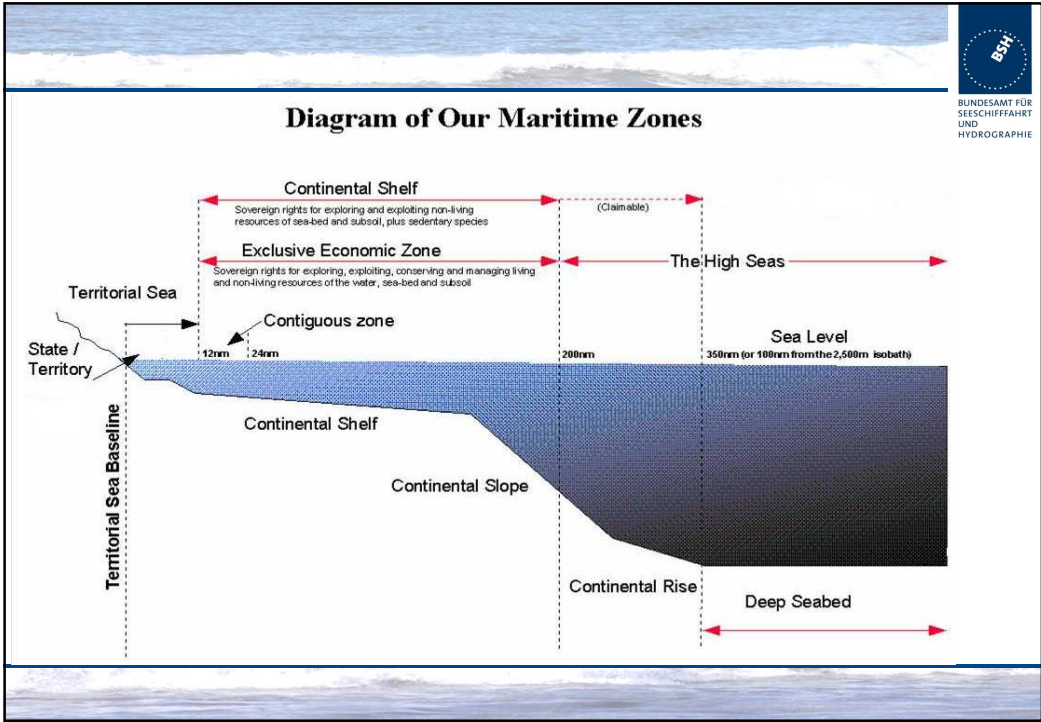




UNESCO IOC definition: "MSP is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that are usually specified through a political process."

Guiding principle in Germany is a 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 (§ 1 ROG).




Maritime Spatial Planning can be a supporting tool

- forward looking
- long-term planning gives security to stakeholders and investors
- cross-sectoral, not fragmented; balancing of interests
- co-ordination of uses
- anticipating and solving spatial conflicts before they occur









Internal Waters (landwards of baseline)	Territorial Sea (12 nm seawards of baseline)	Exclusive Economic Zone (max. 200 nm seawards of baseline)
<p>Full jurisdiction based on sovereignty of the coastal State</p> <p>☞ complete MSP jurisdiction</p>	<p>Full jurisdiction based on sovereignty of the coastal State</p> <p>☞ MSP jurisdiction limited by the right of innocent passage of foreign ships</p>	<p>Sovereign rights for the purpose of exploring and exploiting, conserving, managing (resources, energy)</p> <p>☞ MSP Jurisdiction:</p> <ul style="list-style-type: none"> <li>- Artificial islands, installations</li> <li>- Scientific research</li> <li>Environmental protection</li> </ul> <p>☞ functionally limited MSP jurisdiction (“freedoms”)</p> <p>☞ MSP as coordination of rights of Art. 56 UNCLOS “voluntary self-restraint”</p>

From the Preamble of UNCLOS:

- „...Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole...“
- „...Recognizing the desirability of establishing ...a legal order for the seas and oceans which will...promote...the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment...“








**Shipping**

Territorial Sea: sovereignty limited by the right of innocent passage

EEZ:

- freedom of navigation for all States
- Restrictions by coastal State: exercise of exclusive rights and jurisdiction (e.g. establishment of artificial islands, installations, structures and safety zones, Art. 60 UNCLOS)
- No unilateral definition of sea lanes for international navigation (competence of IMO)
- Art. 60 para 7 UNCLOS: Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation






**Fisheries:**

Territorial Sea – sovereignty over conservation and management of living resources – Art. 2, 21 (d) UNCLOS

EEZ – sovereign rights for the purpose of exploring, exploiting, conserving and managing living resources – Art. 56 (1) lit. a UNCLOS

Competences have passed to EU (Common Fisheries Policy)








Laying of pipelines and cables:

Territorial Sea – full jurisdiction based upon sovereignty

EEZ/ Cont. Shelf – freedom of laying of pipelines and cables  
for all States – Art. 58 (1), 79 (1) UNCLOS


- Delineation of the course is subject to the consent of the coastal State – Art. 79 (3) UNCLOS
- Laying itself may not be prevented



Exploitation of non-living resources  
(oil, gas, sand, gravel etc.):

Territorial Sea – full jurisdiction based upon sovereignty over non-living  
marine resources

EEZ/ Continental Shelf – certain sovereign rights of coastal State  
– Art. 56 (1) lit. a, 77 (1) UNCLOS



## The German MSP example for the EEZ



The **Federal Ministry** of Transport, Building and Urban Development **sets** up in the German EEZ - within the framework of UNCLOS - **targets** (legally binding) and **principles** (guidelines that need to be particularly considered in the decision process) of spatial planning with regard to

- economic and scientific use
- ensuring safety and efficiency of maritime traffic
- protection of the marine environment.

**MSP in EEZ must respect the freedoms** in the EEZ (limited scope of MSP): freedom of navigation, overflight, laying of cables and pipelines

The **German Spatial Planning Act** (Raumordnungsgesetz – ROG), which has been made applicable to the EEZ in **2004**, provides the legal base for spatial planning in this sea area.

## The German MSP example for the EEZ



The following guidelines have been formulated for spatial development in the EEZ:

1. Securing and strengthening maritime traffic;
2. Strengthening economic capacity through orderly spatial development and optimization 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 special features and potential of the EEZ through reversibility of uses, efficient use of space, and priority of uses depending on the sea; and
5. Securing natural conditions by avoiding disruptions to and pollution of the marine environment.

## The German spatial planning for the EEZ



### Procedure started in 2005:

- Questionnaire on uses and interests
  - Scoping meeting concerning SEA report
- BSH drafted maritime spatial plan incl. strategic environmental report (SEA = Strategic Environmental Assessment ← EU Directive 2001/42/EC)
- public participation in summer 2008 (two hearings), international consultation
  - new round in May 2009 because of changes
  - legal ordinance (incl. spatial plan) set into force on 26th September 2009 for EEZ of North Sea
  - legal ordinance (incl. spatial plan) set into force on 19th December 2009 for the EEZ of the Baltic Sea

## Maritime Spatial Planning – Terms and Tools



**Planning target:** legally binding for sectorial planning on project level, e.g. wind farms

**Planning principle:** guideline that needs to be particularly considered in the decision process

**Priority areas:** area reserved for a defined use, other conflicting uses are excluded

**Reservation areas:** area with a special weight for a defined use in the balancing of interests

**Suitable areas:** defined use is allowed inside and excluded outside designated areas



## Specifics of Maritime Spatial Planning

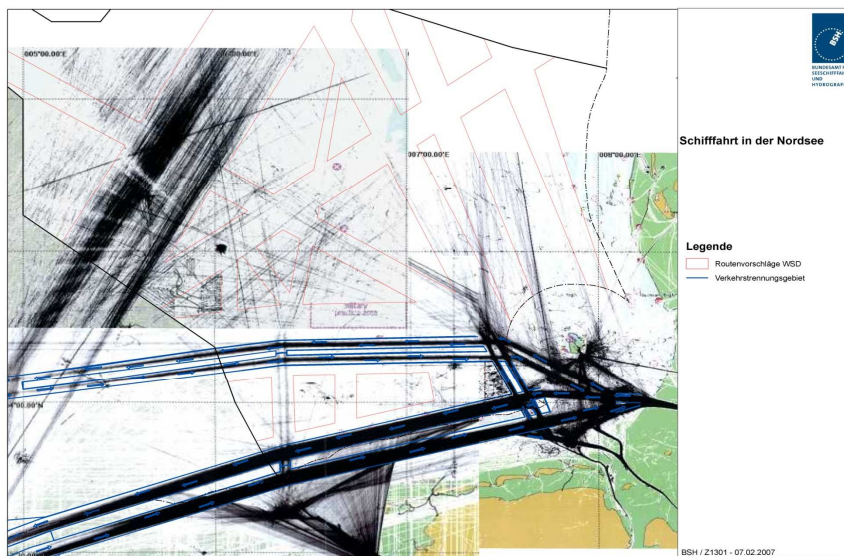
### The planning area

- is three-dimensional, highly dynamic and complex
- is characterised by a natural variability
- does not know administrative borders

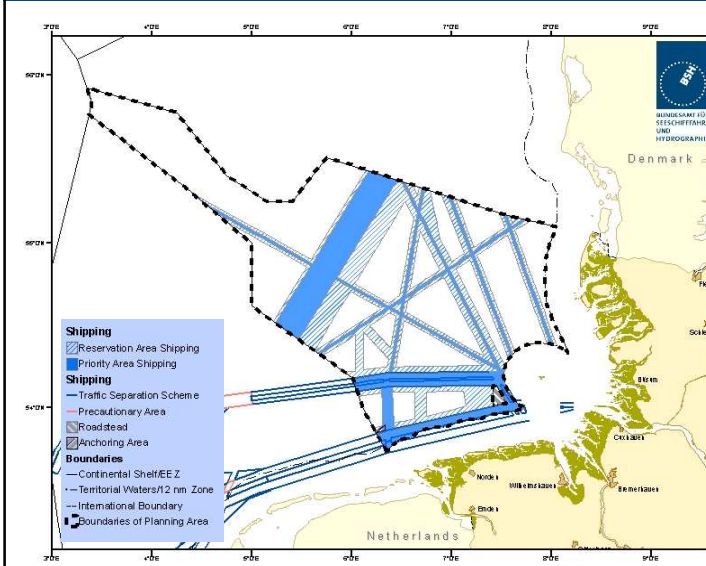
**Result:** ecosystem-based approach

**Objective:** planning is addressing eco-regions

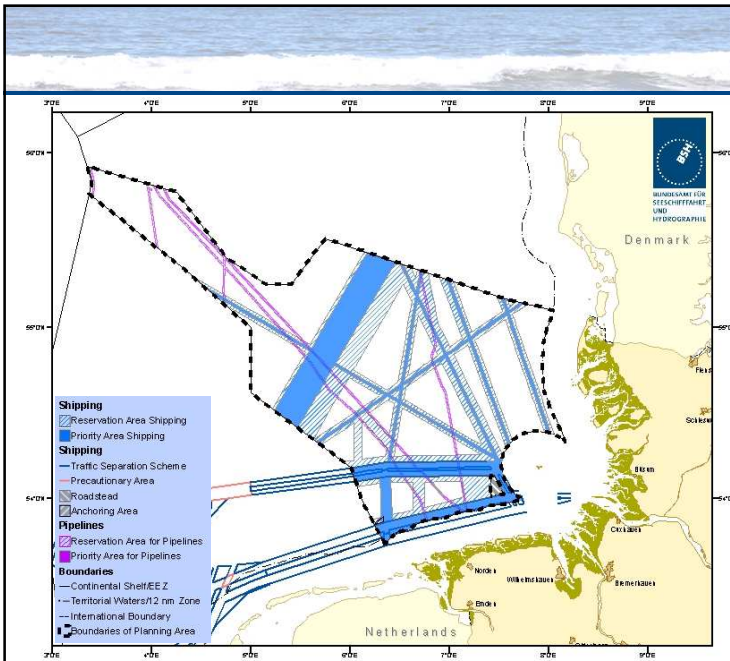
## Practical approach: assessment of AIS tracks



## Assessment results in designation of areas



- Shipping lanes as basic structure of the draft (Art. 60 VII UNCLOS)
- **priority areas:** must be kept free from obstacles
- **reservation areas:** shipping has special weight in balancing process
- **no traffic regulation!!!! (protection of existing traffic)**



**Reservation area (500m) around existing pipelines**

## Link to SEA: Strategic Environmental Assessment



For the first time a large scale SEA has been carried out in a sea area distant from the coast

### Main content of the report:

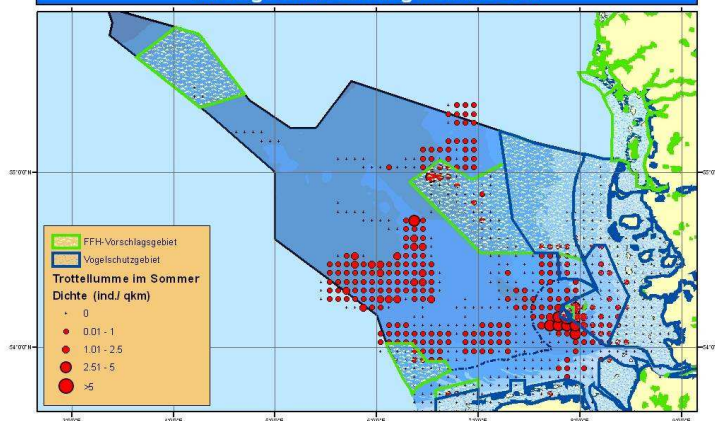
- description and evaluation of state of the marine environment
- description and assessment of any substantial impacts on the marine environment that are likely to be caused by the implementation of the plan

**Result of SEA:** no substantial impacts on the marine environment by the designations of the plan

## Analysis for Strategic Environmental Assessment



Trottellumme im Sommer - 16.04. bis 30.06 - in der deutschen Nordsee  
schiffsgestützte Zählungen 2000 - 2006



Common guillemot (uria aalge):  
example for a large scale analysis by connecting information from private and public sources

Auswertung: Forschungs- und Technologiezentrum Westküste der Christian-Albrechts-Universität zu Kiel und BSH

# Spatial Plan for the EEZ in the North sea



Raumordnungsplan für die deutsche ausschließliche Wirtschaftszone in der Nordsee - Kartenteil -



Designations:

**Priority areas for wind energy (red)**

**Priority areas for shipping (blue)**

Importance of environment: no turbines in Natura 2000 areas!

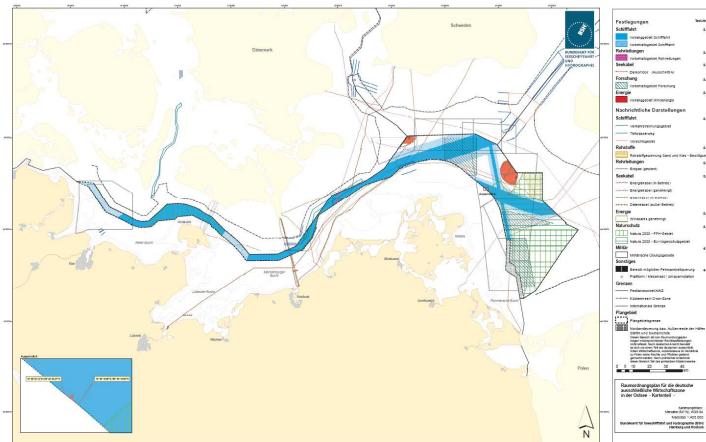
gates for electricity cables to the coast

set into force on 26th September 2009

# Spatial Plan for German EEZ



Raumordnungsplan für die deutsche ausschließliche Wirtschaftszone in der Ostsee - Kartenteil -



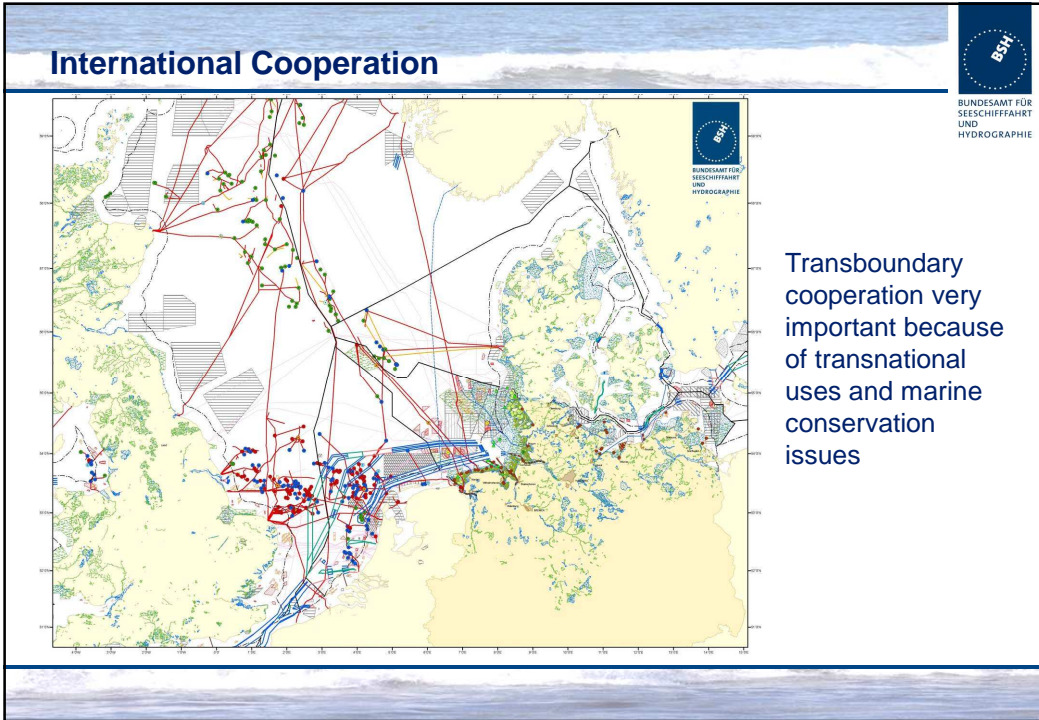
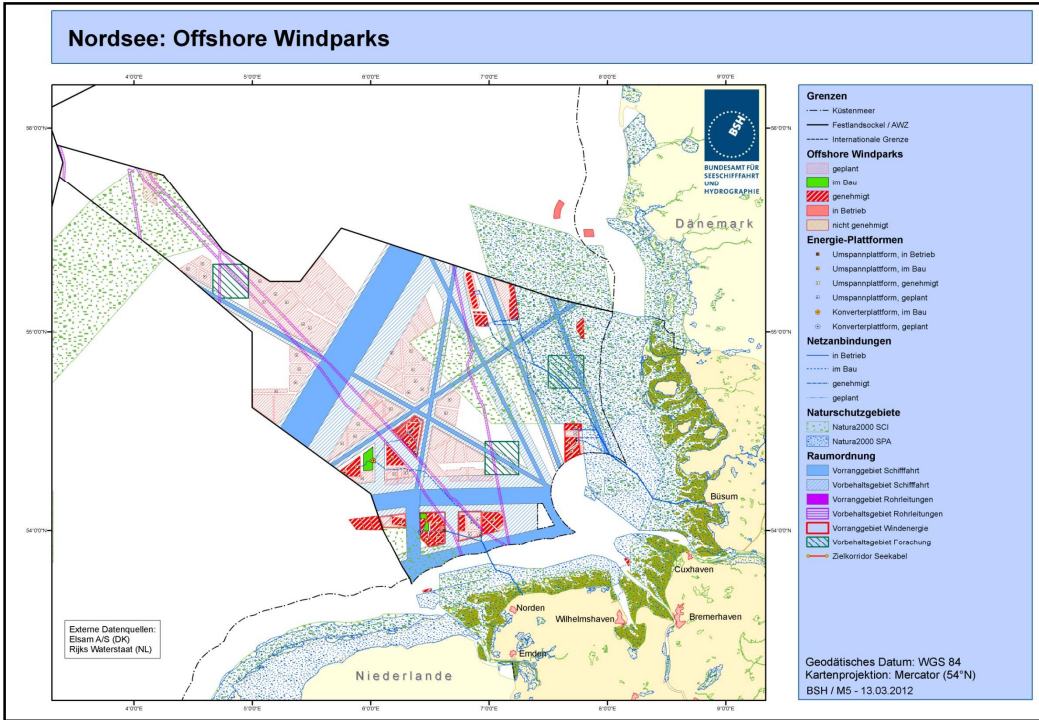
**Priority areas for wind energy (red)**

**Priority areas for shipping (blue)**

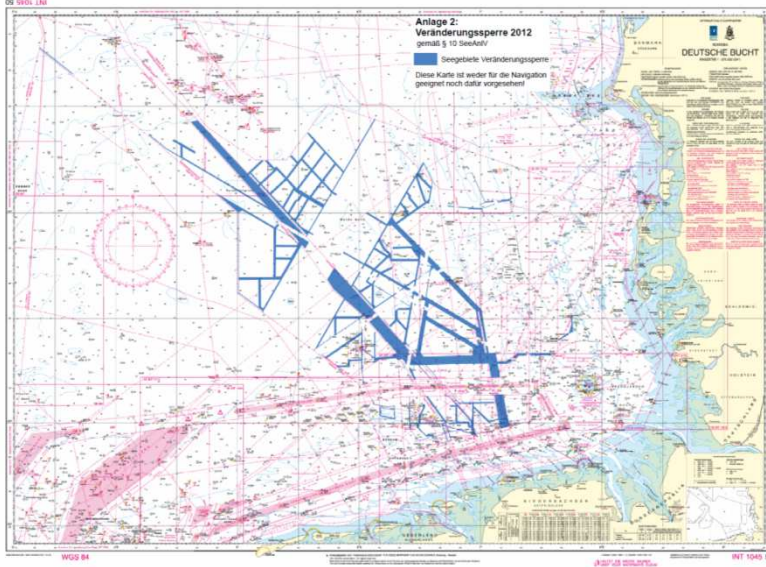
No turbines in Natura 2000 areas

gates for electricity cables

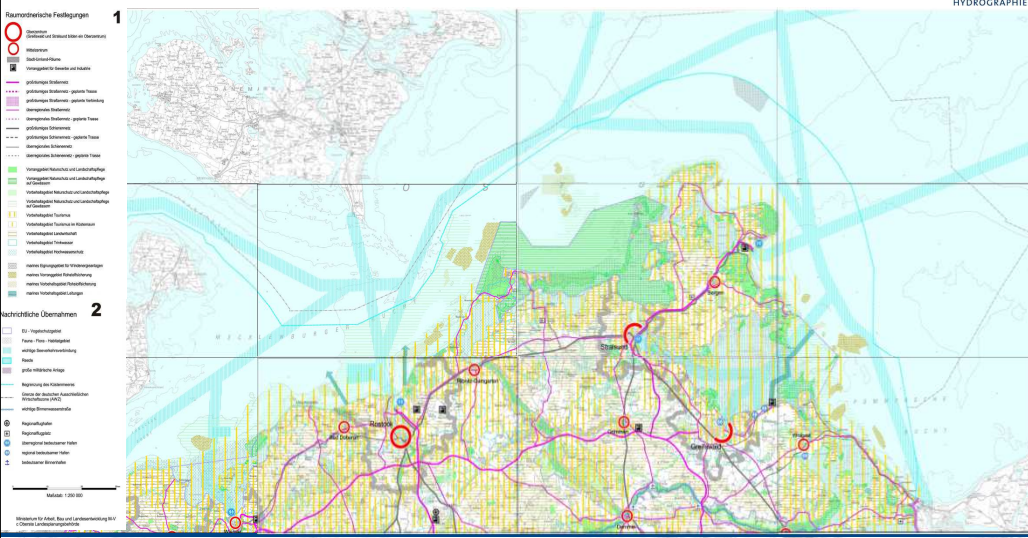
spatial plan set into legal force on 19th December 2009

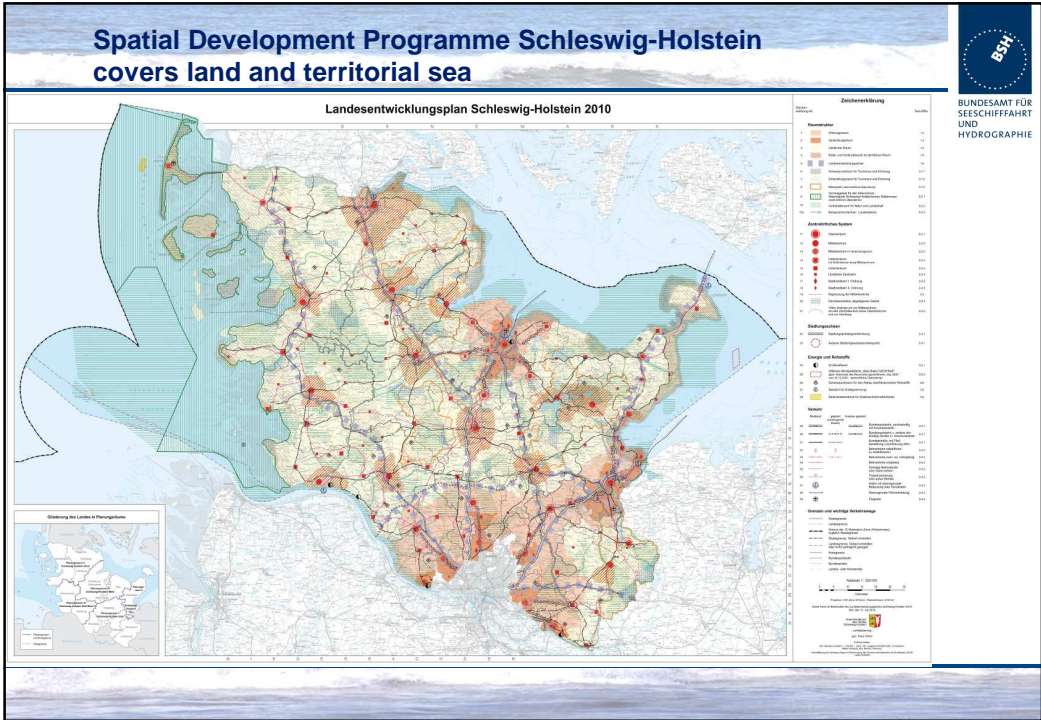


# „development freeze“ for safeguarding sea areas needed for cables, June 2012



# Landesraumentwicklungsprogramm Mecklenburg-Vorpommern 2005 (spatial development programme covers land and territorial sea)





**Germany's top MSP-expert**

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