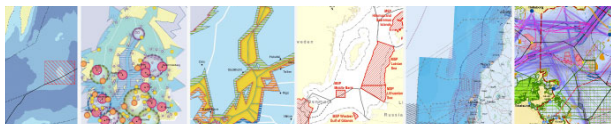
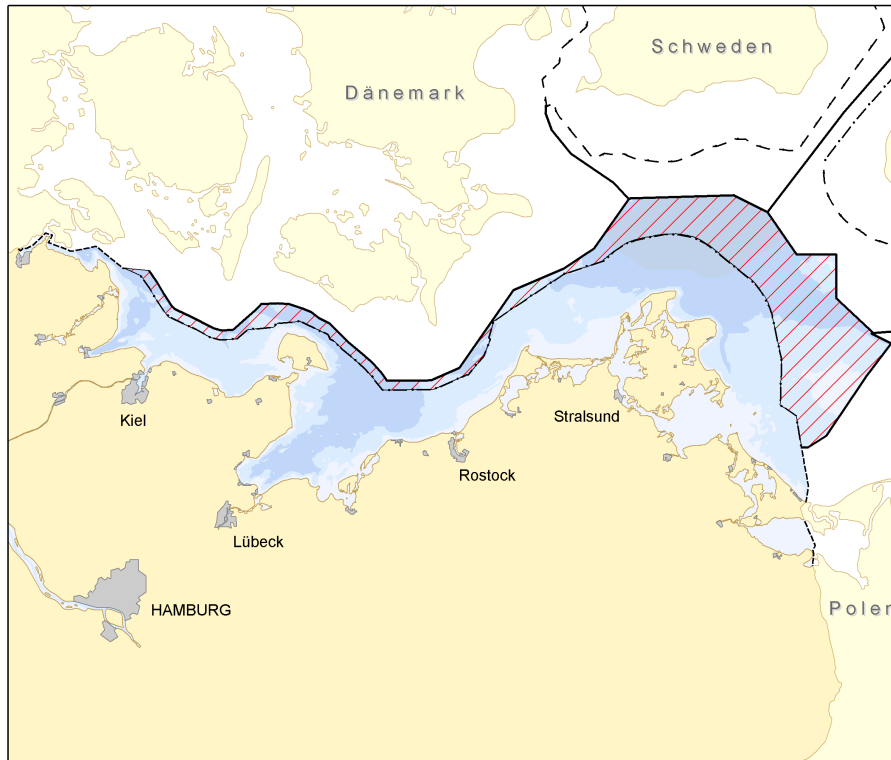




# Country Fiche Germany



## 1. General information



Map: German Baltic Sea EEZ

Exclusive Economic Zone – 28.600 (North Sea) and 4.500 (Baltic Sea) km<sup>2</sup>

### 1.1. Governance

The Federal Ministry of Transport and Digital Infrastructure is responsible for setting up - in the framework of UNCLOS targets (legally binding) and principles (guidelines that need to be particularly considered in the decision process) of spatial planning in the German Exclusive Economic Zone (EEZ) with regard to economic and scientific use, with regard to ensuring safety and efficiency of maritime traffic and as well with regard to the protection of the marine environment.

### 1.2. Contacts

MSP in general:

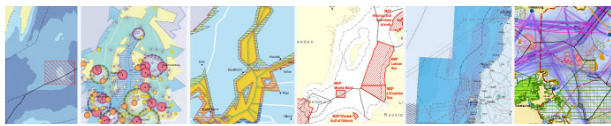
**Federal Ministry of Transport and Digital Infrastructure**  
[www.bmvi.de](http://www.bmvi.de)

**Federal Maritime and Hydrographic Agency (BSH)**  
<http://www.bsh.de>

Espoo contact point:

**Federal Ministry for the Environment, Nature Conservation,  
 Building and Nuclear Safety**  
[www.bmub.bund.de](http://www.bmub.bund.de)

**German Federal Agency for Nature Conservation (BfN)**  
[www.bfn.de](http://www.bfn.de)



## 2. General information on legislation

International / EU legislation and frameworks have to be considered in MSP, e.g.

- UNCLOS
- IMO regulations and resolutions
- MARPOL
- SEA Directive 2001/42/EC
- Baltic Sea Action Plan
- HELCOM Convention
- VASAB Long Term Perspective
- all relevant EU Communications.

National legal base is the general Spatial Planning Act („Raumordnungsgesetz“ / ROG), which was made applicable to the EEZ in 2004. The Federal Ministry of Transport and Digital Infrastructure is responsible for setting up Maritime Spatial Plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS - targets (legally binding) and principles (guidelines that need to be particularly considered in the decision process) of spatial planning in the German Exclusive Economic Zone (EEZ) with regard to economic and scientific use, with regard to ensuring safety and efficiency of maritime traffic and as well with regard to the protection of the marine environment.

For the SEA the Environmental Impact Assessment Act (UVPG) of 25 June 2005 applies.

## 3. General applicability (e.g. territorial Sea, EEZ, other distinctions)

The Spatial Planning Act applies to the German EEZ only. The Environmental Impact Assessment Act also applies to the sea areas administered by the coastal federal states.

## 4. Spatial Plans

### 4.1. Maritime Spatial Plan for the EEZ of the Baltic Sea

#### 4.1.1. Legal basis

Legal base is the general Spatial Planning Act („Raumordnungsgesetz“ / ROG) which was made applicable to the EEZ in 2004. The Federal Ministry of Transport and Digital Infrastructure (BMVI) is responsible for setting up Maritime Spatial Plans in the German Exclusive Economic Zone (EEZ) - in the framework of UNCLOS.

Relevant national legislation:

- 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
- Federal Energy Management Act (EnWG) of 7 July 2005

Spatial Planning Legislation in general names requirements, tasks and guidelines of spatial planning, aiming at achieving a balanced structure of settlements and open landscapes as well as the ecosystem, avoiding uncontrolled development and



maintaining efficient infrastructures. For the EEZ the maritime spatial plan shall include 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, with regard to ensuring safety and efficiency of maritime traffic and as well with regard to protection of the marine environment. Respective areas for these uses and functions may be stipulated.

#### 4.1.2. Legal impact

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

#### 4.1.3. Area covered

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

#### 4.1.4. Historic development

The planning process started in 2005 with a questionnaire to agencies and NGOs concerning activities, licences and interests in the EEZ to obtain an overview. A “scoping meeting” took place in 2005 with agencies and NGOs to discuss the scope of the necessary Strategic Environmental Impact Assessment. BMVBS and BSH drafted maritime spatial plans which in conjunction with the SEA report have been published in the framework of public participation in 2008; transboundary consultation took place; public hearings were held. In 2009 the plans were enacted by the ministry of transport.

#### 4.1.5. Objectives of the plan

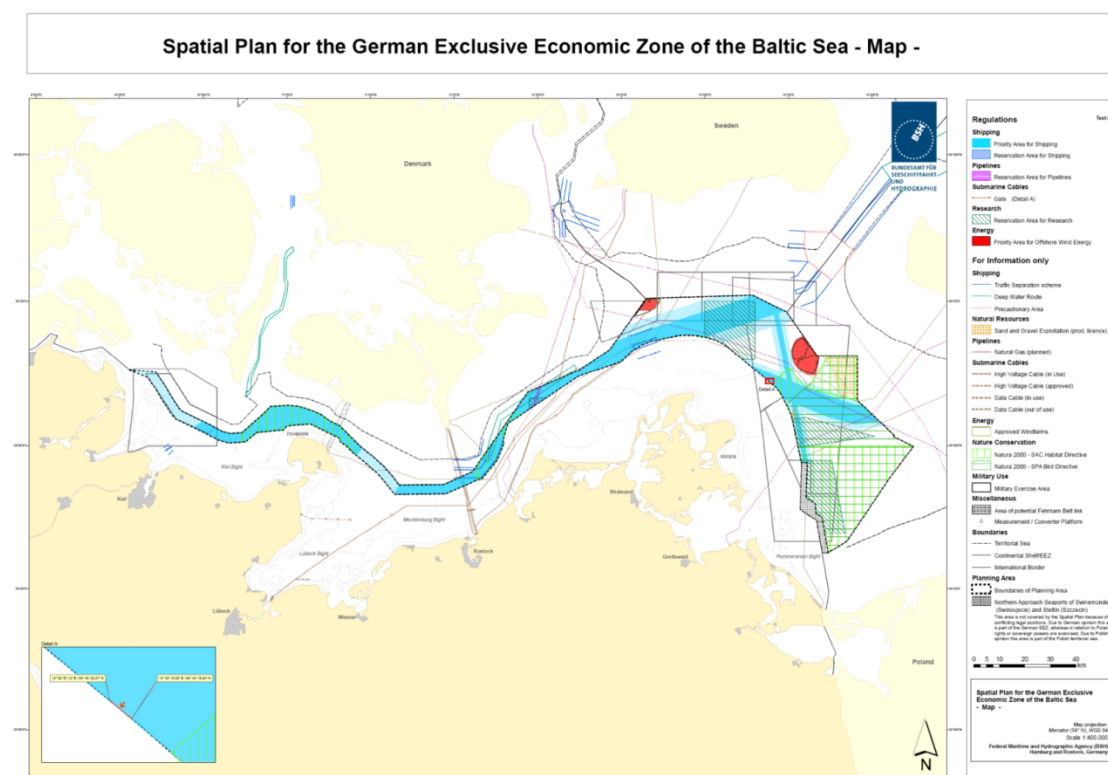
Starting point for Maritime Spatial Planning in Germany is the guiding principle of sustainable spatial development, which brings the social and economic demands regarding space in line with its ecological functions and leads to a permanent, large scale balanced order. In order to co-ordinate the growing conflicts of maritime uses, in particular between developing and space intensive 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 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 features and potentials of the EEZ through reversible uses, efficient use of space, and priority of marine-specific uses;
5. Safeguarding natural environment by avoiding disruptions to and pollution of the marine environment.



#### 4.1.6. Map



Scale: 1:400.000

#### 4.1.7. Designation

The basic structure of the spatial plan follows the analysis of the ship traffic based on AIS-information provided by the Water- and Shipping Administration. Because shipping has 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 rules that installations may not be established by the coastal State where they are capable of interfering the use of recognized sea lanes essential to international navigation. The second important regulation is the designation of priority areas for offshore wind energy, which do not conflict with other uses and the marine environment. The third important regulation is the protection of the marine environment; one result is therefore that according to the spatial plan no wind turbines are allowed in Natura 2000 areas.

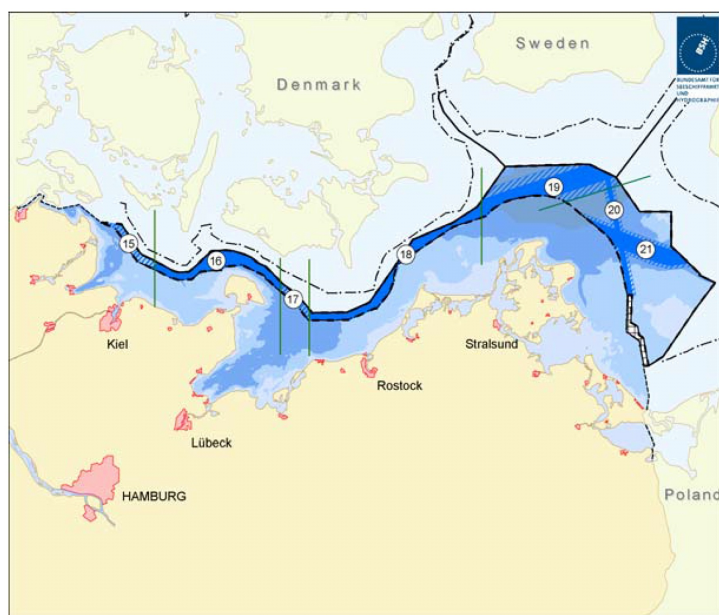
Spatial designations have been made by determining priority areas (planning targets, legally binding) and reservation areas (planning principles) – further regulations have been made in the text, setting binding planning priorities, planning principles, rules and objectives to be followed.

##### Shipping:

In the priority areas 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 reservation areas 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.



#### Pipelines:

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

#### Marine scientific research:

Special consideration is to the conduct of scientific research activities in the reservation areas for research.

#### Energy production, wind energy in particular:

The production of wind energy is granted priority over other spatially significant uses in the priority areas for wind energy. Offshore wind turbines outside the designated priority areas are not allowed in Natura 2000 areas.

#### 4.1.8. Regulations

The Maritime Spatial Plans for the EEZ determine co-ordinated regulations for single uses and functions:

- shipping,
- pipelines and submarine cables,
- marine scientific research,
- energy production (especially wind energy),

including regulations determining areas for single uses and functions. Further uses in the EEZ such as military uses, will find co-ordinated consideration within the regulations mentioned above. Management arrangements are taken on a later stage, for instance at project level dealing with applications for specific activities (e.g. wind farms). For Natura2000 areas management plans are to be developed by the competent Nature Conservation Agency.

#### 4.1.9. Adoption

Germany, resp. the Federal Ministry of Transport, Building and Urban Affairs adopted and enacted the maritime spatial plan for the EEZ of the Baltic Sea as

[www.partiseapate.eu](http://www.partiseapate.eu)





“Ordinance on Spatial Planning in the German Exclusive Economic Zone in the Baltic Sea (AWZ Baltic Sea-ROV)” on 10<sup>th</sup> December 2009, the plan entering into force on Dec. 19<sup>th</sup> 2009.

#### 4.1.10. SEA

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 – the first time in a sea area distant from the coast. The SEA showed that the implementation of the plan has no significant effect on the marine environment.

#### 4.1.11. Public participation

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

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

#### 4.1.12. Transboundary consultation

Consultation with neighbouring countries was being conducted

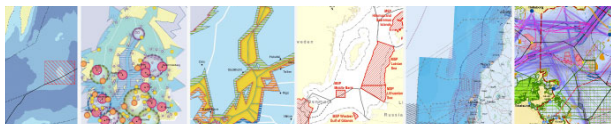
- By notifying about the intention to set up a maritime spatial plan in the initial phase of the planning process and asking about their interest in being further informed and consulted
- By consultation on the draft maritime spatial plan by written information
- By ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impact of the plan on neighbouring countries’ marine environment, the protected areas in particular.

#### 4.1.13. Harmonisation with other plans

The only plan the area of which adjoins the German Baltic Sea EEZ which already featured spatial planning provisions for marine space was the German territorial sea administered by the federal state of Mecklenburg-Vorpommern. The Spatial Development Program had been enacted in 2005. This plan followed different planning objectives which were distinctly driven by the 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, the map only depicting some major shipping routes. Thus MSP for the EEZ did not take this plan as a model, and chose another approach, with starting out to secure safe and easy shipping and regulating infrastructure development.

#### 4.1.14. Monitoring

In 2012 an evaluation report was produced by 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 by the Federal government for offshore wind energy production. Steering effects were obvious, offshore windfarm 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 implementation of the government's renewable energy strategy.

#### 4.1.15. 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) and
- English summary of environmental report.

[http://www.bsh.de/en/Marine\\_uses/Spatial\\_Planning\\_in\\_the\\_German\\_EEZ/index.jsp](http://www.bsh.de/en/Marine_uses/Spatial_Planning_in_the_German_EEZ/index.jsp)

## 5. What countries want to share

N/A

## 6. New developments / current status

Revision of the MSPs for the EEZ of the Baltic and the North Sea is currently being considered, following Interreg projects BaltSeaPlan and PartiSEApate BSH had been very actively involved in, new developments with neighbouring countries starting national MSP processes, and requirements on EU level (upcoming MSP Directive) etc.