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Experiences from German Maritime Spatial Planning - especially legal base for EEZ

Nico Nolte, BSH

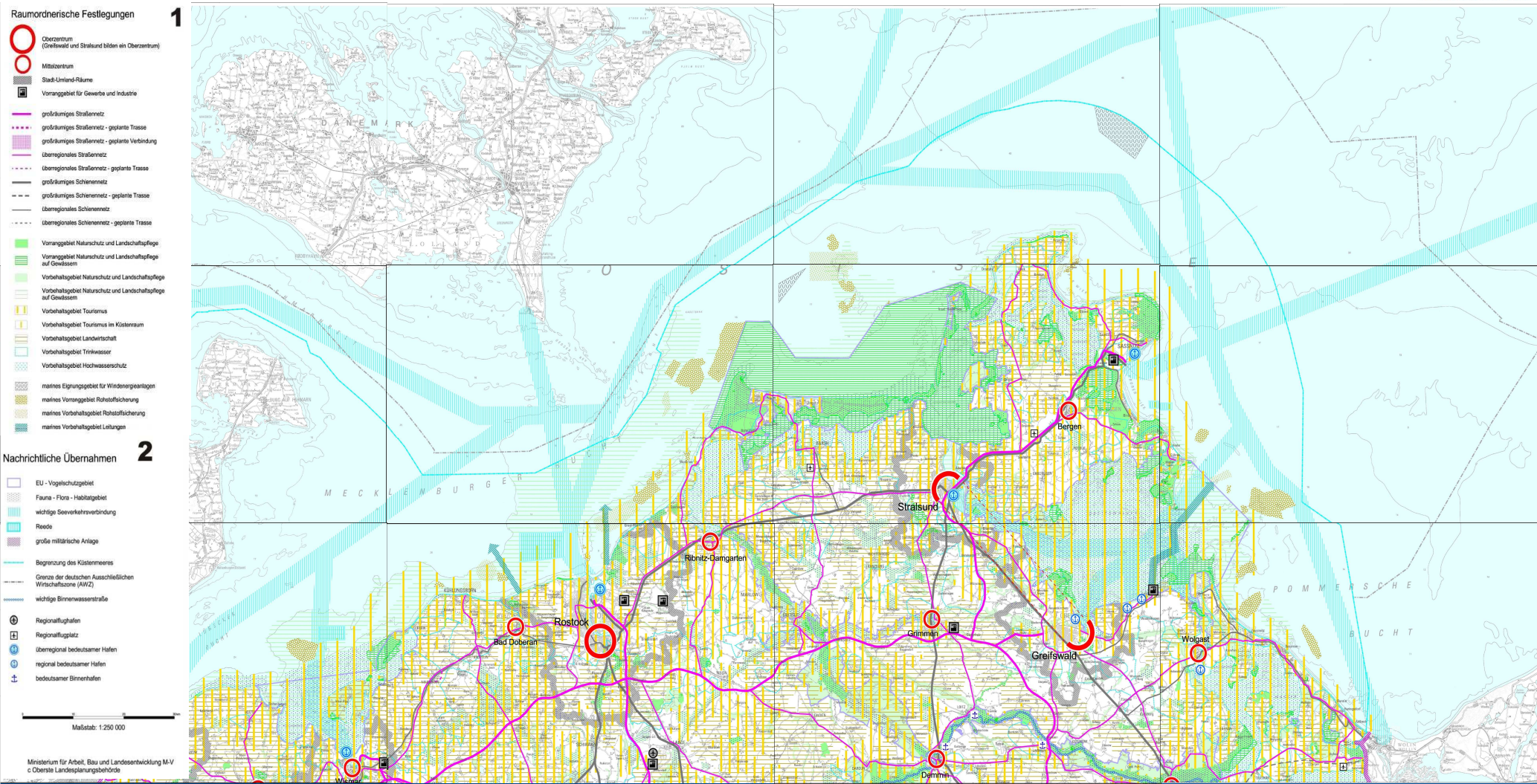
Riga, 20./21.01.2011



Landesraumentwicklungsprogramm Mecklenburg-Vorpommern 2005

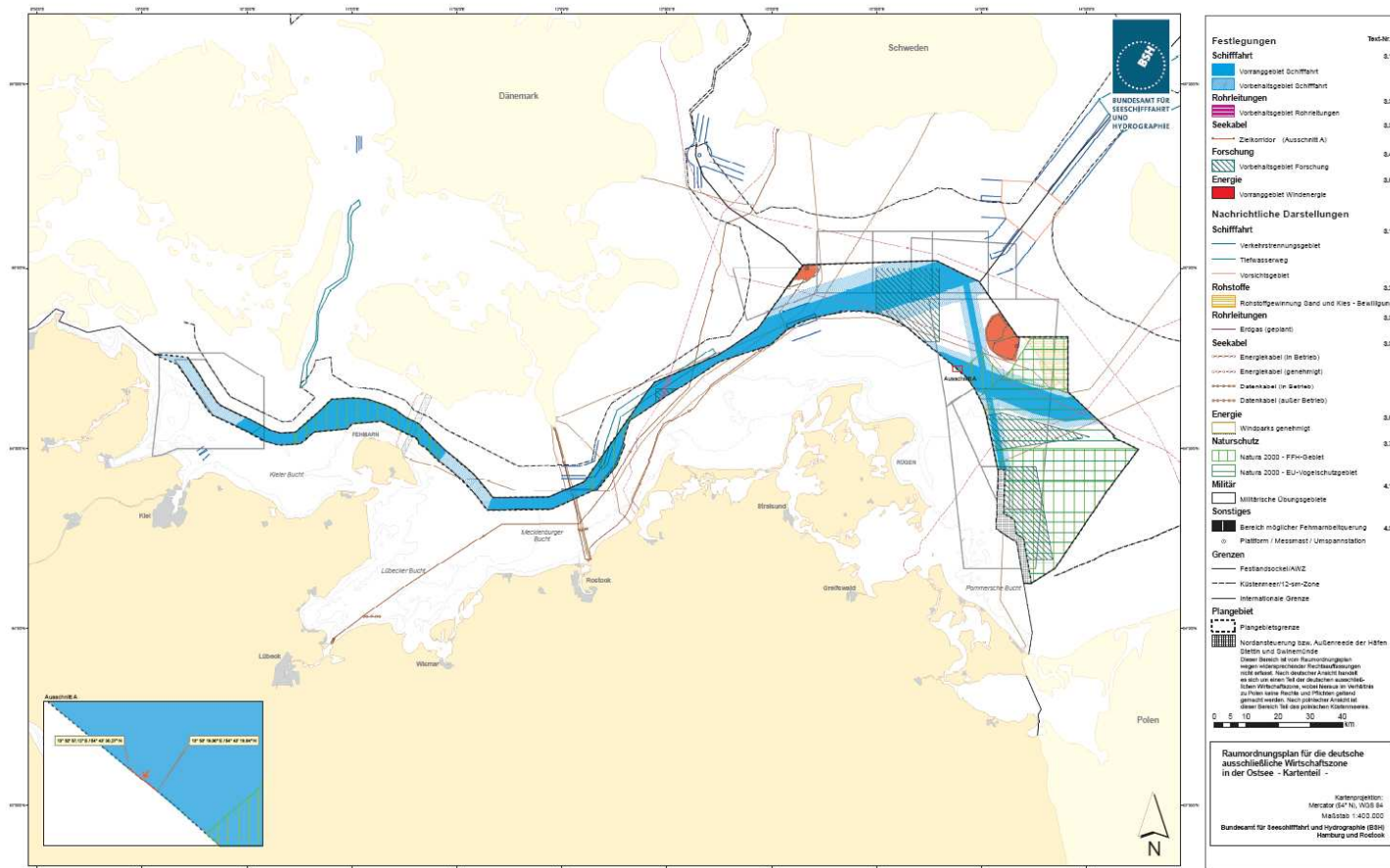


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Maritime Spatial Plan for German EEZ

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



Priority areas for shipping (blue)

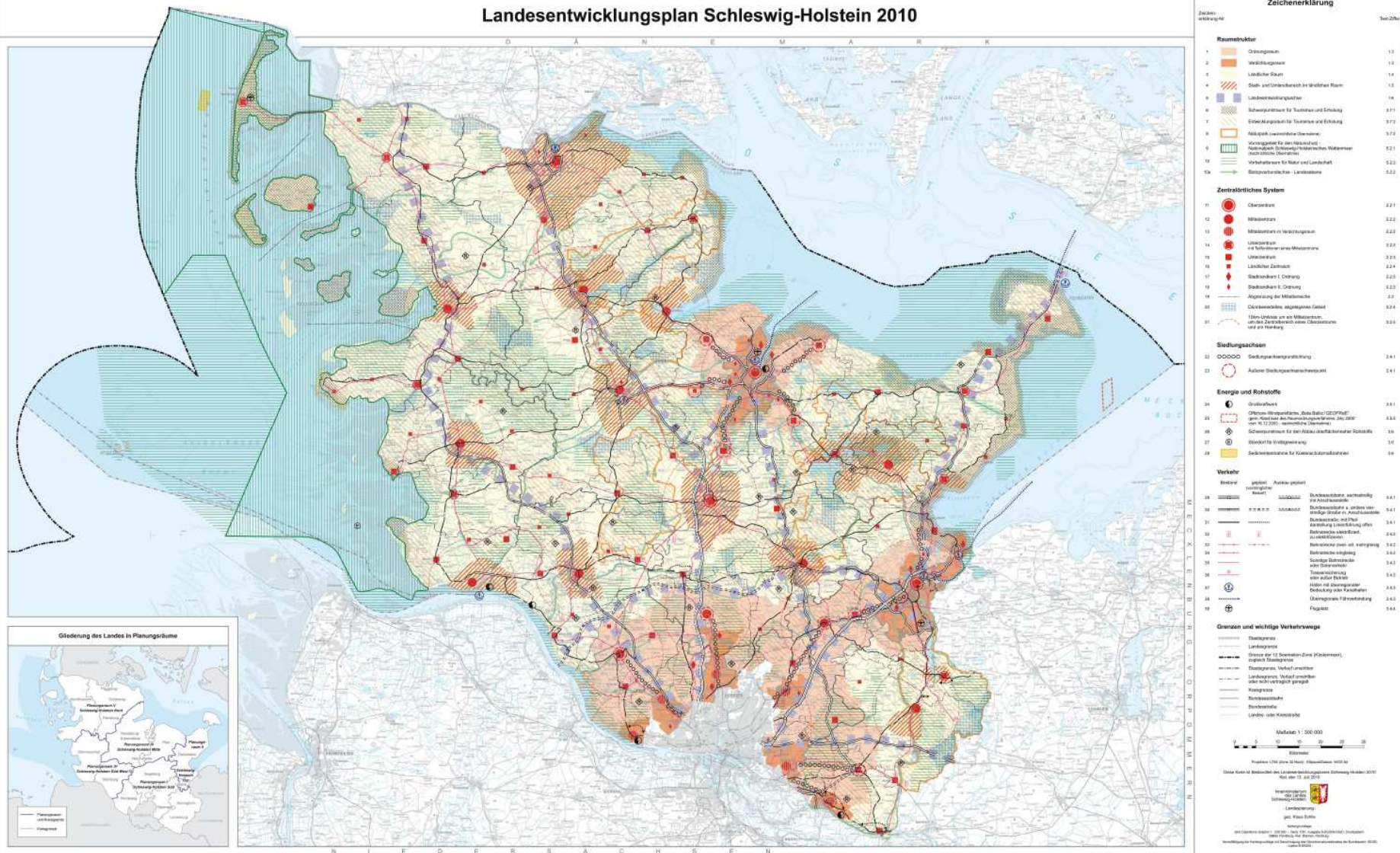
Priority areas for wind energy (red)

no turbines in Natura 2000 areas

gates for electricity cables

spatial plan set into legal force on 19th December 2009

Landesentwicklungsplan Schleswig-Holstein 2010





| 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 economic exploitation (resources, energy etc.) - UNCLOS</p> <p>Jurisdiction:</p> <ul style="list-style-type: none"> - Artificial islands, installations, structures - Scientific research <p>Environmental protection</p> <p>☞ functionally limited MSP jurisdiction</p> |



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Regulatory Competence for MSP in the EEZ ?

From the Preamble of the 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...”





The German MSP example for the EEZ

The Federal Ministry of Transport, Building and Urban Affairs 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)

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.

(Mecklenburg Vorpommern has issued MSP for the territorial sea in 2005, Schleswig-Holstein in 2010))



The German spatial planning for the EEZ

procedure started in 2005 (questionnaire for stakeholders, scoping)

BSH drafted maritime spatial plan incl. environmental report (SEA directive)

- 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



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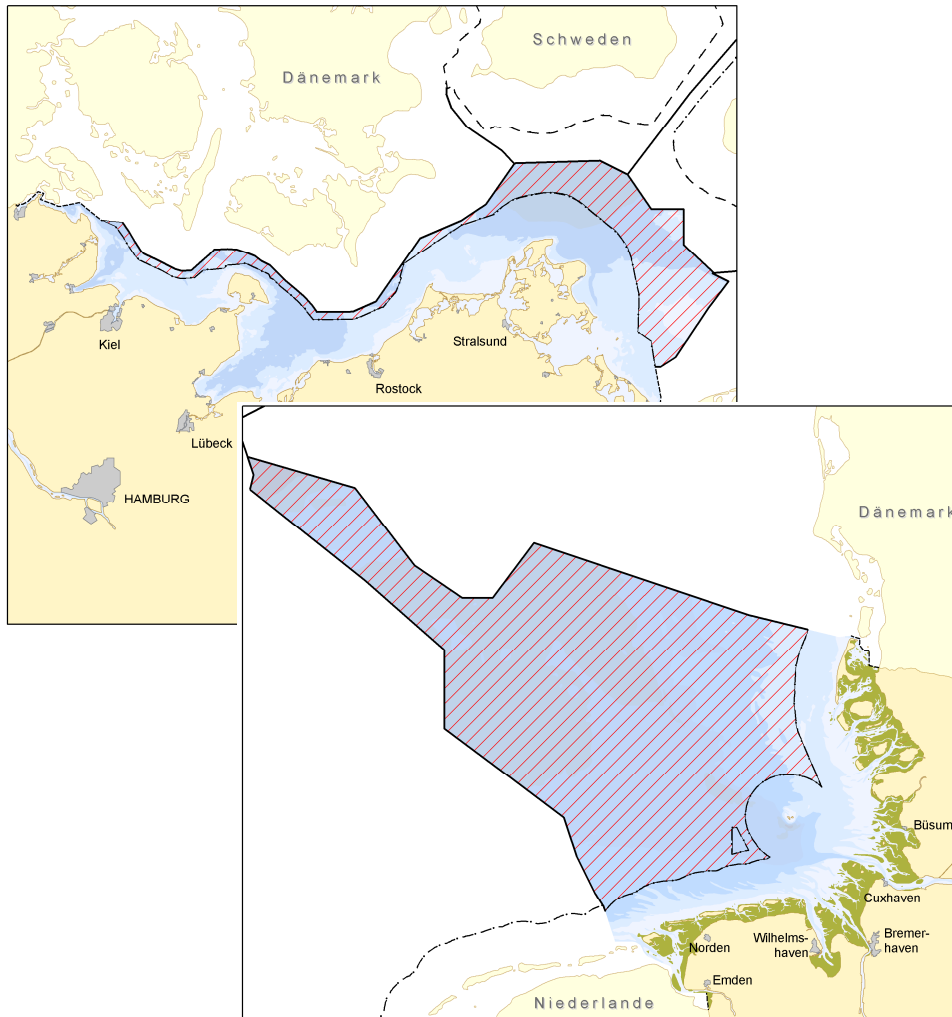
Thank you !



German EEZ



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Baltic Sea : 4.500 km²

North Sea : 28.600 km²