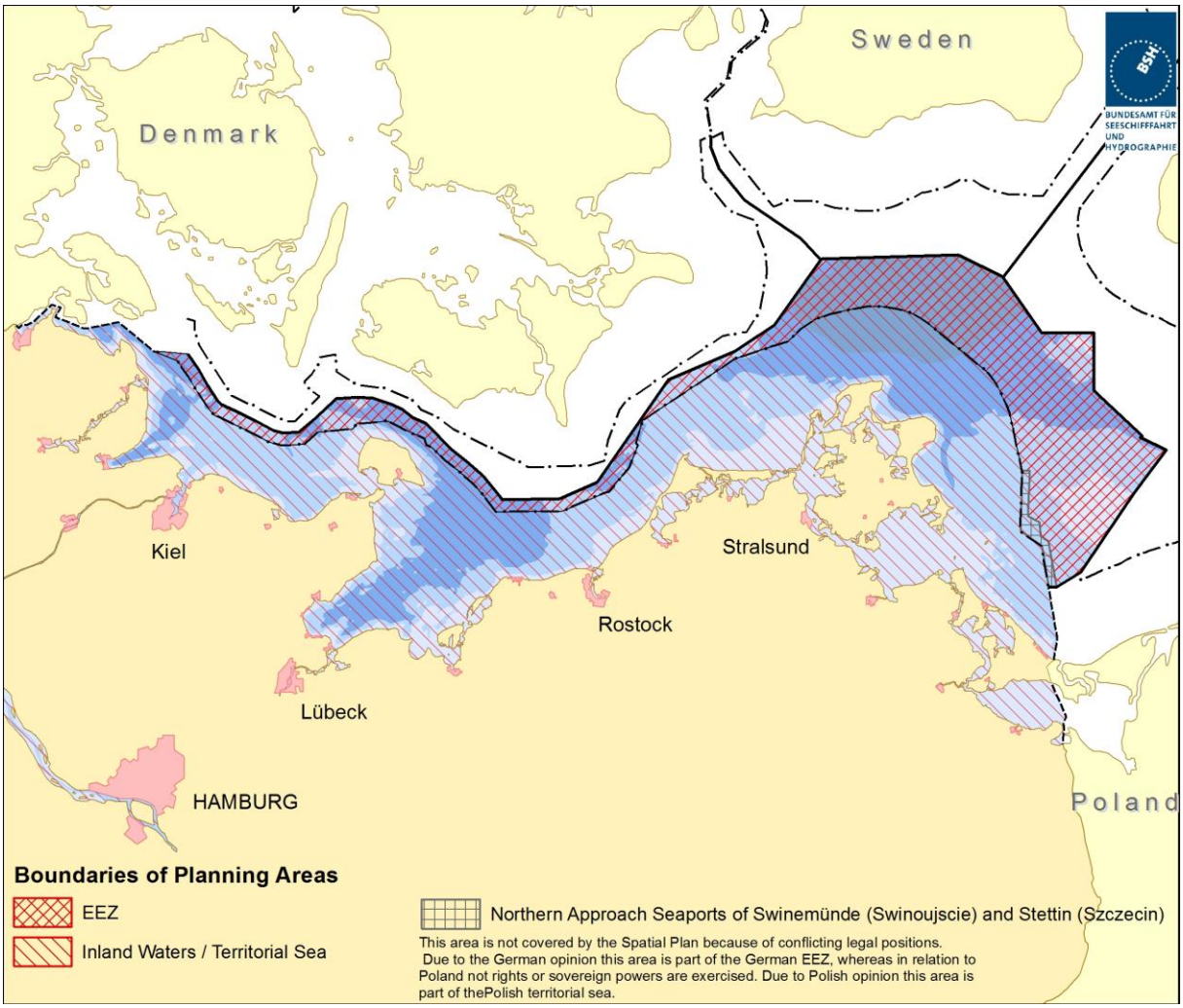
Country Fiche

Germany

Updated February 2024

1. General information



Map: German Baltic Sea EEZ and Territorial Sea / Inland Waters
Source: Federal Maritime and Hydrographic Agency (BSH)

Exclusive Economic Zone in the Baltic Sea: 4.500 km^2
Inland Waters and Territorial Sea in the Baltic Sea: 11.000 km^2

1.1. Governance

Since December 2021 the Federal Ministry of Housing, Urban Development and Building (BMWSB) is responsible for drawing up maritime spatial plans for the German Exclusive Economic Zone (EEZ) in the North and Baltic Sea. These plans are setting objectives (legally binding) and principles (guidelines that need to be particularly considered, e.g. in a decision process on licensing, when taking into account relevant interests) of spatial planning with regard to

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

This task is carried out within the framework of UNCLOS and other relevant international and European legislation.

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

- In Schleswig-Holstein the competent authority is the Ministry of the Interior, Rural Areas and Integration Schleswig-Holstein.
- In Mecklenburg-Vorpommern the responsibility is with the Spatial Planning Authority in the Ministry of Economics, Infrastructure, Tourism and Labour (since Nov. 2021).

1.2. Contacts

1.2.1 EEZ

MSP in general:

Federal Ministry of Housing, Urban Development and Building
www.bmwsb.bund.de

Federal Maritime and Hydrographic Agency (BSH)
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MSP Data Focal point

Federal Maritime and Hydrographic Agency (BSH)
www.bsh.de

Environmental concerns:

Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection
(Espoo contact point)
www.bmuv.bund.de

German Federal Agency for Nature Conservation (BfN)
www.bfn.de

German Environment Agency (UBA)
www.umweltbundesamt.de

1.2.2 Internal Waters and Territorial Sea

Schleswig-Holstein

MSP in general:

Ministry of the Interior, Municipal Affairs, Housing and Sports of the State of Schleswig-Holstein
www.schleswig-holstein.de
Mr Frank Liebrenz
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Mecklenburg-Vorpommern

MSP in general:	**Ministry of Economics, Infrastructure, Tourism and Labour, Mecklenburg-Vorpommern** https://www.regierung-mv.de/Landesregierung/wm/ **Ms Petra Schmidt-Kaden** +49385588 15540 petra.schmidt-kaden@em.mv-regierung.de
MSP Data Focal point	same as general MSP contact

2. General information on legislation

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

- UNCLOS
- IMO regulations and resolutions
- MARPOL
- EU MSP Directive 2014/89/EU (adopted in July 2014)
- EU SEA Directive 2001/42/EC
- EU Habitats Directive 92/43/EEC
- EU MSFD 2008/56/EC
- EU Biodiversity Strategy for 2030
- European Green Deal
- Baltic Sea Action Plan
- HELCOM Convention
- VASAB Long Term Perspective
- all relevant EU communications.

The federal legal basis for MSP is the Spatial Planning Act („Raumordnungsgesetz“ / ROG), which was made applicable to the EEZ in 2004. A revised version came into force as of 29 November 2017, taking into account the MSP Directive’s requirements for transboundary consultation and coordination in MSP, land-sea interactions and application of the ecosystem approach. In 2023 it was again revised [1] along with amendments to several other laws and regulations, introducing several new approaches to spatial designations, deviation from planning targets as well as public consultation and information.

The public as well as public authorities, whose interests are affected, must

- be informed about the process,
- be consulted and
- have the opportunity to comment on the draft plan

prior to drafting a final version of the plan. This is followed by consent by all affected ministries and the adoption by the competent minister in the national government (for the 2021 plan: Minister of the Interior, Building and Community). The MSP is adopted in the form of an ordinance.

[1] https://www.recht.bund.de/bgbl/1/2023/88/VO.html

When setting up a maritime spatial plan a strategic environmental assessment (SEA) must be carried out. Expected significant effects on the environment have to be named and evaluated in an environmental report; results of the SEA and comments from the participation process have to be taken into account when balancing various interests (see Spatial Planning Act (ROG) and Environmental Impact Assessment Act (UVPG)) to come up with a final set of objectives and principles.

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

According to the German Spatial Planning Act the Federal Government is responsible for maritime spatial planning in the German EEZ. The territorial sea is part of the spatial plans of the coastal federal states which cover both terrestrial areas and marine territorial waters. Legal bases are the German Spatial Planning Act and respective (coastal) federal states spatial planning laws.

4. Spatial Plans

4.1. Maritime Spatial Plan for the EEZ of the North and the Baltic Sea 2021

On 1 September 2021 a revised version of the German North Sea and Baltic Sea EEZ MSPs entered into force. The following information refers to this plan. Information on the previous plans from 2009, on the Baltic Sea plan in particular, may be found in former versions of this Country Fiche (up to April 2021).

Documents are available from the BSH website, incl. translated documents in the English, Polish and Danish language:
https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/maritime-spatial-plan-2021_node.html

4.1.1. Legal basis

The general Spatial Planning Act („Raumordnungsgesetz“ / ROG) was first made applicable to the EEZ in 2004, assigning the task of maritime spatial planning for the German EEZ to the respective Minstry responsible for spatial planning, and the Federal Maritime and Hydrographic Agency for the implementation of preparatory steps. At present the Federal Ministry for Housing, Urban Development and Building (BMWSB) is responsible for setting up maritime spatial plans in the EEZ.

Relevant national legislation:

- Federal Spatial Planning Act (ROG), as of 22 December 2008, last amended 22 March 2023 (regulations taking effect on 28 September 2023)
- Federal Maritime Responsibilities Act (SeeAufG), as of 17 June 2016, last amended 14 March 2023, plus related regulations, incl. Marine Facilities Act (SeeAnlG) of 13 October 2016, last amended 3 December 2020)
- Federal Mining Act (BBergG) as of 13 August 1980 (last amended 22 March 2023)
- Renewable Energy Sources Act or RES (EEG), as of 21 April 2014, last amended 22 January 2023

- Offshore Wind Energy Act (Windenergie-auf-See-Gesetz – WindSeeG) as of 13 October 2016, entry into force 1 January , 2017, last amended 3 March 2023
- Implementing regulations for the EU Emergency Ordinance[2] as of 22 March 2023, in force from 29 March 2023
- Energy Industry Act (EnWG) of 13 October 2016, last amended 22 March 2023 and Grid Expansion Acceleration Act (NABEG) of 28 July 2011, last amended 14 March 2023
- Federal Nature Conservation Act (BNatSchG) as of 29 July 2009 (last amended 8 December 2022)
- Federal Water Act (WHG) as of 31 July 2009, (last update 11 June 2019, last amended 4 January 2023)
- Act on the Assessment of Environmental Impacts (UVPG) 1990 (last amended 22 March 2023)

Spatial planning legislation in general sets 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 infrastructure. For the EEZ the maritime spatial plan is to include objectives (legally binding) and principles (guidelines that need to be particularly considered in the decision process) of spatial planning with regard to a) economic and scientific use, b) ensuring safety and efficiency of maritime traffic, and c) 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 investments and activities.

4.1.3. Area covered

The planning area covers the German EEZ in the North and Baltic Sea, though does not include the charted area showing the northern approaches to the ports of Świnoujście and Szczecin and anchorage 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.

4.1.4. Historic development

In 2012 an evaluation report on the first MSPs for the North Sea and Baltic Sea (published and set into force in 2009) was prepared by BSH and the then responsible Ministry of Transport. The report assessed if and how the implementation of the plan had been successful in reaching its objectives, focusing mainly on the development of offshore wind energy and the targets set for offshore wind energy production by the federal government. Steering effects were obvious, offshore windfarm applications now being limited to the priority areas for offshore wind energy, though also possible

[2] COUNCIL REGULATION (EU) 2022/2577 of 22 December 2022, laying down a framework to accelerate the deployment of renewable energy

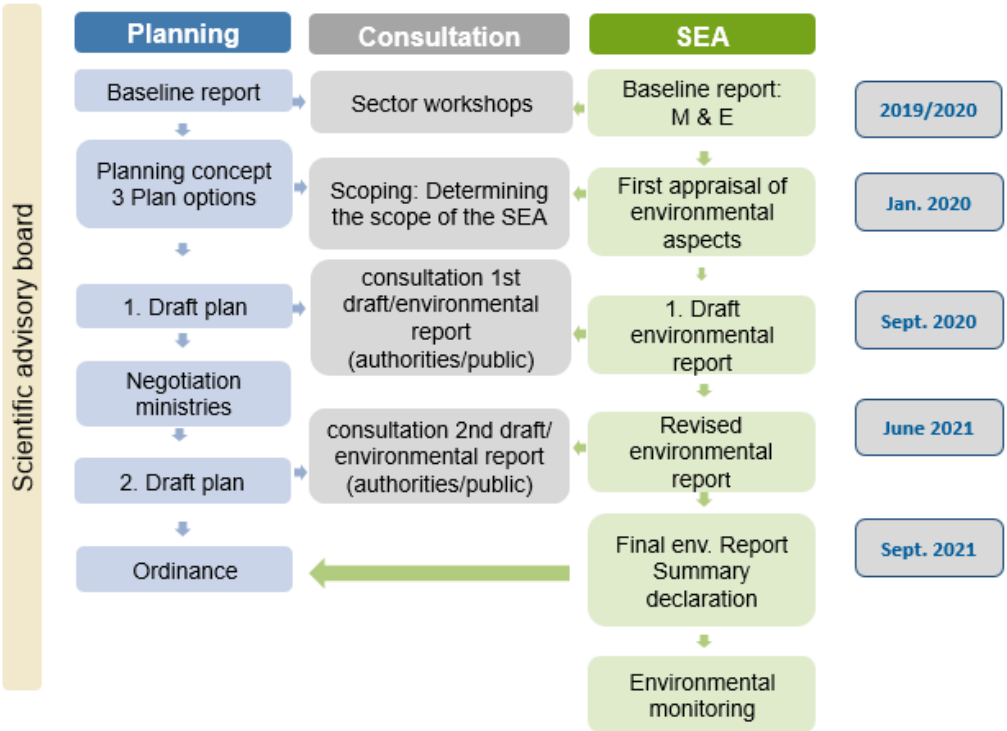
in areas with no general limitation to offshore wind farm development. Thus adequate space had been secured for medium to long-term development of the sector, as a prerequisite for implementation of the Government's renewable energy strategy.

The need for even better steering mechanisms for the deployment of offshore wind energy and spatial provisions for cable connections resulted in the introduction of Spatial Offshore Grid Plans – without revising the MSPs as yet, followed– in the wake of a system change for promoting and developing offshore wind energy production – by the Site Development Plan, introduced by the 2017 version of the Renewable Energy Sources Act and the new Wind Energy Act.

Preparations were then initiated for a full revision of the MSPs for the EEZ of the Baltic Sea and the North Sea in 2018/2019. This revision process could build on experience from the BSH's involvement in Interreg and DG Mare MSP projects from 2009 until 2021 (BaltSeaPlan, PartiSEApate, Baltic LINes, Baltic SCOPE, PanBaltic SCOPE as well as North Sea projects NorthSEE and SEANSE). New developments in neighbouring countries having started, or completed national MSP processes, and requirements on EU level (adopted MSP Directive) etc. had to be considered.

As one of the first actions starting the process of revision of the MSPs a scientific advisory board was established in early 2018, providing valuable input and always keeping a critical eye on the activities and outcomes of the planning process and procedures. The actual planning process started with preparation of a comprehensive evaluation and baseline report in 2019, looking back at the MSPs from 2009, their implementation e.g. through licensing for infrastructure or other activities, assessing appropriateness of the designations in relation to the guidelines and intended steering effects, and outlining the current legal, administrative and economic framework, as well as ecological conditions. Requirements for the up-coming revision regarding the planning process as well as the plan content were deduced from this assessment.

The diagram below summarises the revision process:



4.1.5. Objectives of the plan

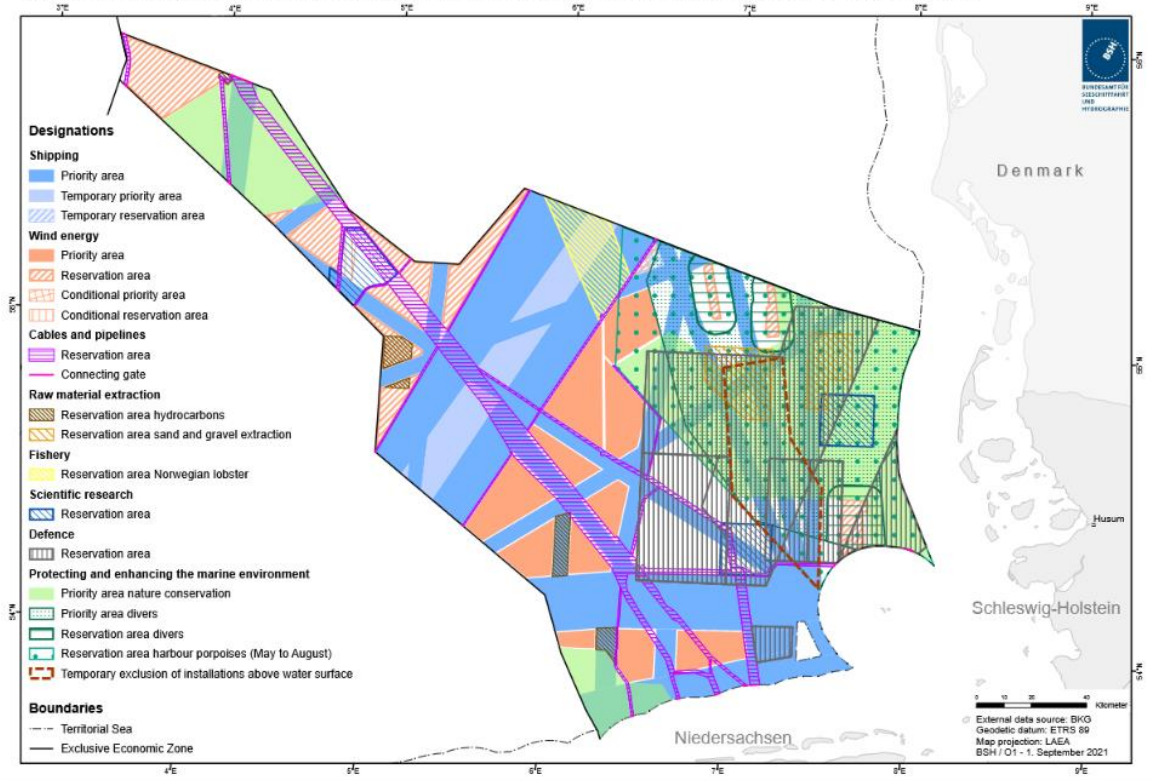
Overall objectives of the plan are reflected in the vision outlined in chapter 1. “Using and preserving the sea in all its diversity” is the overarching goal, thus contributing to a healthy sea and space for biodiversity, climate protection, and provide a wide range of ecosystem services. Maritime resources should be responsibly used, as a basis of a sustainable marine economy, and prosperity for present and future generations, with a focus on climate-friendly technologies such as offshore wind energy and other renewable energies and supporting national and international climate targets, while also providing for “traditional” uses such as shipping, fishery, recreation etc.

Guiding principles are specified:

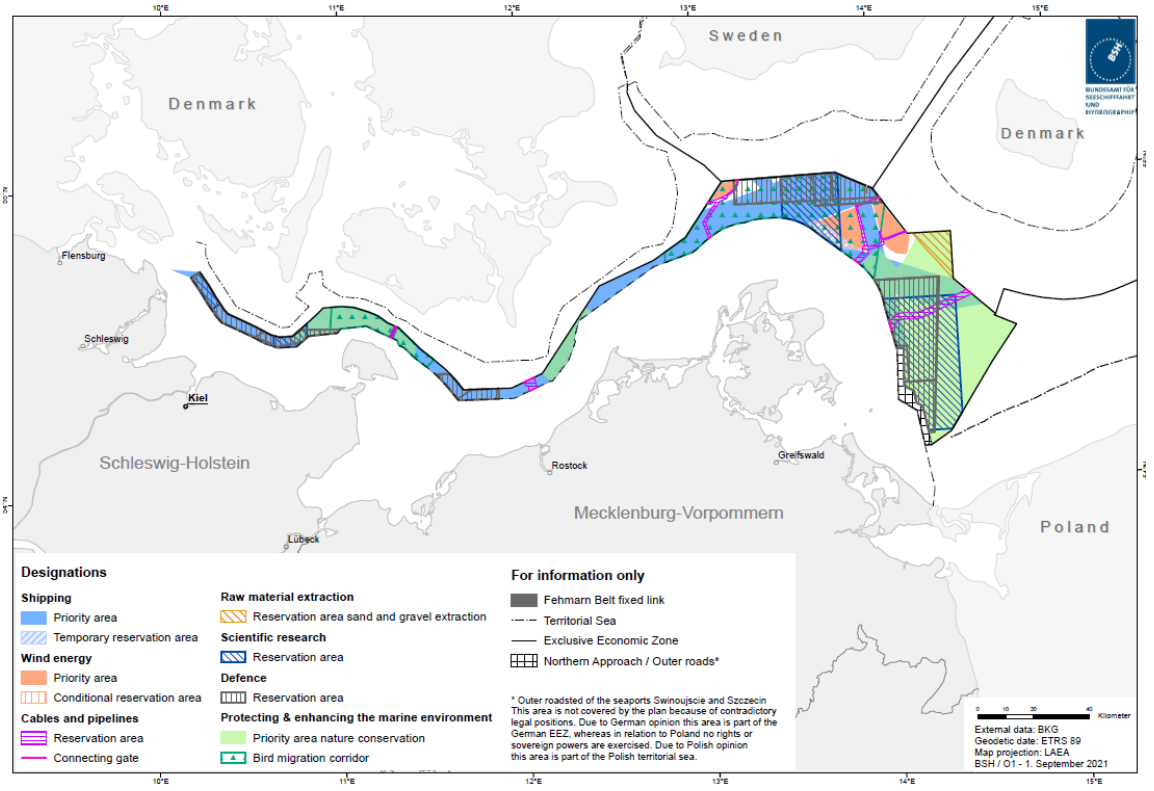
- Support of coherent international maritime spatial planning and territorial cooperation through cooperation with other countries and at a regional seas level.
- Consideration of land-sea relationships and transport and value chains by closely working with the coastal federal states for coherent planning.
- 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,
  - Foundation on 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, 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.

4.1.6. Maps[3]

Maritime Spatial Plan for the German exclusive economic zone in the North Sea and the Baltic Sea - Map North Sea



Maritime Spatial Plan for the German exclusive economic zone in the North Sea and the Baltic Sea - Map Baltic Sea



Planning scale: 1:400.000

[3] The 2021 EEZ MSP comprises two maps for the North and the Baltic Sea respectively.

4.1.7. Designations

Similar to the maritime spatial plan of 2009, the basic structure of the revised plan builds on the analysis of ship traffic based on AIS-information. Under UNCLOS, especially Art. 60 para. 7 UNCLOS, shipping has a special weight in using marine space, and, therefore main shipping routes are designated priority areas, which must be kept free from obstacles (mainly fixed infrastructure).

The second important regulation is the designation of priority and reservation areas for offshore wind energy, to avoid and reduce significant conflicts with other uses and the marine environment, while providing for further deployment of offshore wind energy according to political targets.

In addition to spatial regulations for cables, pipelines and research as included in the MSP 2009 protection of the marine environment is being addressed in the spatial plan with the designation of dedicated priority and reservation areas, and further spatial designations for fishery (in North Sea only), raw material extraction and security aspects; national and allied defence.

Shipping

The basic spatial plan structure again builds on the analysis of ship traffic based on AIS-information provided by the Water and Shipping Administration. With shipping having special weight according to UNCLOS, main shipping routes are designated priority areas, which must be kept free from obstacles (e.g. wind farms). This designation follows Art. 60 para. 7 UNCLOS which rules 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.

Changes have been made to some of the routes in the 2009 plan and additional routes have been added – though in general shipping designations build on the the former plan's design. The main change has been made in designation of the full width of the shipping routes as priority areas, since this additional navigation space, in the former plan reservation areas shipping, is also seen as essential for safe navigation. The temporary reserved area for shipping (SO5) adjacent to the designated area EO2 is an exception, (as is SN19 in the North Sea EEZ), and conversion into a priority area is dependent on proof that this area is necessary for navigation. Otherwise, this would become a reserved area for wind energy (EO2-West).

Currently a study is being conducted to assess potential risks for shipping in the German EEZ of the North and the Baltic Sea in relation to further spatial development of offshore wind energy. In the Baltic Sea this includes effects that may arise from the developments in EO2 incl. EO2-West, in combination with the development of the offshore wind farm Arcadis Ost-1 in the territorial sea. First results conclude that the closing of shipping route SO5 here does not lead to a significant increase of collision risk, thus this temporary reserved area for shipping may be used for wind energy development, making this a reserved area for wind energy. In the current draft of a revision of the Site Development Plan (FEP) this area is already being included for development – category "under review".

Wind energy

In the 2009 plans priority areas for wind energy were designated – though applications for wind farms were still possible outside of these areas if not explicity forbidden, e.g. within designated shipping routes and research areas, or natura 2000 areas. Taking into account later developments and sectoral spatial plans (BFO, FEP) the approach for the revised plan was to have distinct priority

areas to provide for sufficient space to accommodate wind farms with installed capacity of 20 GW until 2030, and reservation areas for further wind energy deployment (up to 40 GW over all) from 2030.

Conditional reservation areas were introduced in some cases, where an assessment of the need to maintain these areas for shipping or for fishery research is to be conducted, which – in the case of this not being necessary – would provide for even more space for wind energy in the EEZ. As the compatibility of fishery research with offshore wind energy has been principally deemed possible during the interministerial discussion there is now a partial overlap of a priority area wind energy with a reserved area for scientific (mostly fishery) research in the Baltic Sea EEZ. The use for wind energy must be such that the existing level of use for fisheries research can be maintained. Further regulations include among others the possibility for fishing vessels to pass through wind farms to their fishing grounds, and for the armed forces to navigate wind farm areas and their safety zones. Use of passive fishery gear is to be made possible in the wind farms' outer safety zones, but this has to be specified in bespoke navigation regulations.

The current Government has set significantly increased targets for the installed capacity of offshore wind energy, with at least 30 GW in 2030, at least 40 GW in 2035, and at least 70 GW in 2045. The Baltic Sea will only play a minor role in this scheme, with a potential cumulative installed capacity (EEZ and territorial sea) of ca. 3 - 4 GW.

Linear infrastructure

Building on needs and experience from sectoral spatial planning (BFO/FEP), corridors for linear infrastructure have been designated, primarily to be used for energy cables (for 2 or more existing or planned cable systems) and pipelines (existing pipelines), and related connecting "gates" , where these corridors reach the territorial sea border, or at borders to neighbouring countries' EEZ. Further regulations address the need to minimise adverse effects on other uses mainly by bundling the infrastructure and by coordination with other uses. Especially in highly frequented shipping routes cables should avoid crossing these routes as far as possible. In order to minimise negative effects on the marine environment appropriate procedures should be chosen.

Mineral extraction

In the 2009 plans sand and gravel extraction areas (licenced) had been shown on the map only for information. The revised plan now includes designated areas for mineral extraction, distinguishing between areas for extraction of carbohydrates (only in the North Sea EEZ) and for sand and gravel extraction. The latter are based on long-term licences for the exploration and exploitation in accordance with the Federal Mining Act.

Scientific research

Areas for scientific (fishery) research have again been included in the spatial desginations of the MSP, though in the Baltic Sea EEZ the location and size were slightly amended compared to the 2009 plans according to requests from the Institute of Baltic Sea Fisheries. The area FoO3 overlaps partly with a priority and a reserved area for offshore wind development (EO2, EO2-West) – here scientific (fishery) research has still to be viable as before, when windfarms are constructed and in operation. If and how this will be maintained still needs to be assessed.

Marine environment

Compared to the MSP of 2009, the national marine protected areas are not just shown for information purpose only, but designated as priority areas. Spatial designations for the protection of specific species such as priority and reservation areas for divers (loon) and a temporary seasonal reservation area for harbour porpoises are included in the North Sea part of the MSP. In the Baltic Sea, bird migration corridors are outlined, for which there is a textual designation, defining measures of risk reduction in case of events of mass migration.

Further spatial designations cover the aspect of multi-use within the priority and reservation areas for divers, to reduce negative effects by military uses or sand and gravel extraction, as well as an additional area (in the North Sea) where installations are temporarily excluded.

Defence

In the MSP of 2009 military training sites for the German and Alliance armed forces were shown for information purpose only. In the current MSP a selection of training sites are designated as reservation areas to safeguard the space for military training and testing of equipment of the navy and air force. The sites cover activities of ships, planes and submarines.

Other planning issues

Other planning issues such as recreational use or air traffic are only included in the plan with very general textual regulations.

Requirements for consideration of the underwater cultural heritage have been integrated in the set of regulations for the previously mentioned planning issues.

Finally the Fehmarn Fixed Link has been given a short description and a symbolic representation in the map.

Spatial Efficiency

Exclusive use of space is currently only designated for most of the areas for offshore wind energy, whereas there are large overlaps of designations for other uses and functions which are deemed compatible – such as nature protection and shipping, or shipping and defence. Given the ambitious targets for further deployment of offshore wind energy more approaches towards multi-use also within these areas have been included in regulations or have been outlined in the reasoning for certain regulations. Where offshore wind areas are overlapping with areas for fishery research it has to be determined how fishery research can be pursued without restrictions. Passive fishery shall be allowed within the safety zone around a wind farm area, further terms and conditions for allowing such activities within the wind farm areas or even other kinds of co-use or “multi-use” are to be assessed and scutinised with regard to the large areas which are to be developed for offshore wind energy production.

4.1.8. Regulations

The maritime spatial plan for the EEZ determines co-ordinated regulations for uses and functions:

- shipping,

- other economic uses, such as offshore wind energy, cables and pipelines, raw material extraction and fishery,
- scientific research,
- protection and enhancement of the marine environment,
- defence
- air traffic and recreational use.

4.1.9. Adoption

The plan was adopted by the federal government on 19 August 2021, and set into force on 1 September 2021.

4.1.10. SEA

The establishment of the plan and the implementation of the SEA were carried out with due consideration for the objectives of environmental protection. The environmental concerns and knowledge obtained during the preparation of the environmental report have 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 subject of the environmental report is the description and assessment of the likely significant impacts of the implementation of the designations of the plan on the marine environment. An assessment of the impacts caused by the designations of the plan is carried out on the basis of the status description and status assessment and the function and significance of the respective areas for the individual protected assets on the one hand, and the impacts emanating from these specifications and the resulting potential impacts on the other. A forecast of the project-related impacts when the plan is implemented is based on the criteria of intensity, scope and duration/frequency of the effects.

Environmental Reports for the North Sea and Baltic Sea each cover the description of the objects of conservation, expected development in the event of non-implementation, description and assessment of the likely significant impacts of the implementation of the spatial plan on the marine environment, species and area protection assessment, mitigation measures, alternatives and monitoring measures, and potential transboundary effects. The concept for the application of the ecosystem-based approach is included in the environmental reports.

4.1.11. Public participation

In June 2019 the Ministry of the Interior sent out a request to public authorities, institutes and organisations, asking to submit any kind of information and data on activities, interests and requirements that might be relevant and should be taken into account in the revision process of the MSPs.

Several stakeholder workshops and meetings on planning issues such as fisheries, underwater cultural heritage, shipping, mineral extraction, defence and nature protection were held in late 2019, to add to the knowledge base for developing revised plans.

Based on the input from these steps several preliminary planning options, spatial as well as text, were developed and put into national public consultation, to serve as a first – non-official -

participation stage and stimulating broad discussion. A public event (national) was organised in Hamburg on 18 March 2020 to present the options, recall the representations received and start discussion on a broader scale. International MSP contacts in the North and Baltic Sea were also addressed and invited to review and comment on the proposal - translated into English - , as well as to participate in a dedicated webinar on 23 April 2020. In this stage planning options were developed jointly for both sea regions and depicted in joint maps, though for the final plan two separate maps for the North and the Baltic Sea each were produced.

In parallel the scope of assessment for the Strategic Environmental Impact Assessment (SEA) was drafted and also given into public consultation, with a dedicated public hearing held in Hamburg on 18 March 2020.

Subsequent to this first informal planning phase a first full draft of the planning document and plan was elaborated and finalised in the summer of 2020. The national consulation meeting was held on 24 and 25 November 2020 and the international consultation meeting on 27 January 2021 (see also the bottom figure). In March and April 2021 talks between the concerned federal ministries were held to agree on the revised draft MSP, followed by a second formal consultation phase with national and international stakeholders.

The consultation of the second draft MSP started with its publication in June 2021. In order to facilitate the participation two information meetings were held. The first meeting was held for national stakeholders on 11 June 2021 and a second meeting for international stakeholders on 15 June 2021. During the meetings the second draft was presented and explained. Stakeholders had the opportunity to comment until the end of June. All comments were reviewed and, were possible, considered for an updated version of the MSP.

Federal ministries provided further feedback and input, and the final version of the Ordinance on the Maritime Spatial Plan for the German EEZ in the North and Baltic sea was adopted by the federal government on 19 August 2021, and published and set into force on 1 September 2021.

4.1.12. Transboundary consultation

International MSP contacts in the North and Baltic Sea were first addressed during the stage of developing and consulting on the preliminary draft options, and invited to review and comment on the proposal - translated into English - , as well as to participate in a dedicated webinar on 23 April 2020.

ESPOO contact points in the North and Baltic Sea were also notified on the process in March and asked about their preferences regarding further participation and languages planning documents should be translated into, and comment on the draft scope of assessment for the environmental reports.

Consultations with neighbouring countries were 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 kept informed and consulted;
- consultation on the draft maritime spatial plan by written information;
- several meetings with neighbouring countries' representatives;
- establishing a dedicated shipping working group with representatives from The Netherlands and Denmark;

- ESPOO consultation in the course of the Strategic Environmental Assessment, asking for potential negative impact of the plan on neighbouring countries' marine environment, on protected areas in particular during the scoping phase.

An international consultation meeting (online) on the first full draft MSP was held on 27th January 2021, the second draft MSP was presented and discussed internationally (online) on 15 June 2021.

Representations / Comments received from neighbouring states on transboundary impacts of the plan focused on transboundary shipping, offshore wind development and cumulative environmental impacts of wind energy.

Phase	Documents (translated):	Published:	Submission of comments until:	International Consultation Meeting:
Early Consultation Initial Espoo consultation	• Planning Concept: three planning options (maps and text document) • Scoping: Draft scope of the environmental assessment	10.03.2020	07.04.2021	23.04.2021
First Draft	• 1st Draft - plan document, plan map, environmental reports	04.12.2020	15.01.2021	27.01.2021
Second Draft	• 2nd Draft - plan document, plan map, environmental reports	04.06.2021	30.06.2021	15.06.2021
Plan adopted and set into force (01.09.2021)	• Feedback on international comments on draft plans received • Final versions: Ordinance, plan document and map, summary environmental statement, environmental reports	November 2021	./.	./.

4.1.13. Harmonisation with other plans

Harmonisation addresses the coherence with other plans of the German coastal federal states as well as those of neighbouring countries. Coherence here is mainly understood as "functional coherence" in line with the preliminary results of the discussions of the topic within HELCOM-VASAB. It aims to develop a MSP to minimise mismatches, support achievement of common environmental goals and enhance synergies when possible.

The alignment of shipping designations in the territorial sea and the EEZ as well as corridors for linear infrastructure, such as energy cables and pipelines, were of particular importance.

During the revision process discussions were conducted with the coastal federal states in Germany to harmonise spatial designations in the plans. During the regular international consultation of the draft plans questions of coherence were addressed. In the North Sea a specific shipping group, consisting of neighbouring countries, was established to discuss the alignment of shipping designations. This work is on-going, to harmonise spatial designations and activities in the German EEZ with the Dutch and Danish plans.

4.1.14. Implementation, Monitoring, Evaluation, Follow-Up MSP

Implementation

In 2023 BSH published an accompanying document[4] to the MSP documents, which outlines in brief the function of the plan, as well as how it relates to sectoral (spatial) planning. Effects of designations of the plan and their impact on individual uses and users of the sea are being explained in more detail.

Where licencing decisions are to be based on MSP designations and sometimes further detailed regulations in sectoral planning steering effects are obvious, such as for infrastructure, resource extraction etc. In other cases MSP designations and regulations do have a more indirect impact, e.g. in securing main navigational routes when designating areas for offshore wind farms, but but they do not regulate shipping as such. Designations for other uses such as offshore wind development and related cable connections may have impact on fisheries e.g., through limitations of access following the installation and operation of the wind farm areas, or safety distances that have to be maintained along power and telecommunication cables in the open sea.

The document also shows how spatial planning in the German coastal federal states and the adjacing sea areas of neighbouring countries has been taken into account to achieve coherence of designations, supported by cooperation in national and international frameworks. Monitoring and evaluation is also addressed in general terms.

Monitoring & Evaluation

In the beginning of the review process a status report was prepared to evaluate the content, development and implementation process of the plans of 2009. In addition, the status report has served as a baseline for the review process, as it provides a comprehensive overview of the sectors affected by the maritime spatial plan.

The evaluation of spatial development plans for the German EEZ is regulated by the Federal Spatial Planning Act. It stipulates that these plans must be reviewed at least every 10 years. A review procedure is not specified.

The explanatory memorandum of the Federal Ministry of the Interior, for Building and the Home Affairs (BMI) to the "Ordinance on Spatial Planning in the German Exclusive Economic Zone in the North Sea and the Baltic Sea" states that the maritime spatial plan as a whole should be evaluated and, if necessary, updated every five years.

[4]https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Maritime_Spatial_Plan_2021/_Anlagen/Downloads/ROP_2021/Accompanying_document.html?nn=2617906

This takes into account the medium-term formative effect of spatial planning as laid down in the Federal Spatial Planning Act and allows for an adjustment of the specifications if this becomes necessary.

The evaluation is to be carried out, for example, on the basis of a possibly changed energy law expansion path for wind power and other renewable energies at sea, as well as on the basis of possible changes in the legal or actual framework conditions that trigger a possible need for adjustment or change.

Independently of this, all sectoral concerns affected by individual planning specifications in the spatial development plan are to be evaluated on an ongoing basis. To this effect two annual reports for 2021[5] and 2022[6] have been prepared to show the spatial relevant developments in the North Sea and Baltic Sea focussing on the German EEZ.

This ongoing evaluation of sectoral concerns is derived from Chapter 1 of the MSP for the EEZ plan. The ongoing analysis and assessment of sectoral concerns and developments - including the marine environment - forms the knowledge and decision-making basis for a possible adjustment of the provisions in a future revision of the MSP.

In order to monitor and evaluate the implementation of the maritime spatial plan for the German EEZ as of 2021 a dedicated monitoring and evaluation (M&E) concept is under development, with a first draft version being available, now that the plan has been set into force. The M&E will address the monitoring of the plan implementation and its environmental impact as well as the evaluation of the planning process and plan content.

The focus of the monitoring of the MSP is based on the hierarchy of goals and objectives of the plan. The monitoring assesses the steering effect during plan implementation. In the case of a deviation from the plan's objectives and envisaged outcomes suitable corrective measures have to be identified. Theses provide input for the plan review of the next planning cycle.

The scope of monitoring environmental impact has been outlined in chapter 10 of the environmental reports.

M&E is also a major focus within the eMSP project, with BSH co-leading the Learning Strand on this topic with Polish partners. With the end of the project in February 2024 the results are available: a Policy Brief: Monitoring and Evaluation in MSP[7] and a Report: MSP in a sea of change – aim for better and connected plans[8].

The contribution of the German MSP for the EEZ to the implementation of the EU Green Deal Strategy is subject of a study in the MSP-Green Deal Project, where BSH is an associated partner. The German MSP serves as the main example to test the assessment methodology.

4.1.15. Electronic resources

Documents

All documents are available for download from the BSH website:

[5] https://www.bsh.de/DE/THEMEN/Offshore/Meeresraumplanung/_Anlagen/Downloads/Jahresbericht_AWZ_2021.pdf?__blob=publicationFile&v=3

[6] https://www.bsh.de/DE/THEMEN/Offshore/Meeresraumplanung/_Anlagen/Downloads/Jahresbericht_AWZ_2022.pdf?__blob=publicationFile&v=2

[7] https://www.emspproject.eu/wp-content/uploads/2024/01/Monitoring-and-Evaluation-Policy-Brief-eMSP-NBSR-January-2024.pdf

[8] https://www.emspproject.eu/wp-content/uploads/2024/01/Report-ME-eMSP-NBSR-project.pdf

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

Data

- The spatial designations in the plan are available for download via: https://www.geoseaportal.de/atomfeeds/Raumordnungsplan_AWZ_en.xml
- A WMS is accessible via the GeoSeaPortal - a WFS for download of spatial data via the portal will be made available. https://www.geoseaportal.de/mapapps/resources/apps/meeresnutzung/index.html?lang=en&stateId=bf15c809-2780-4ee4-95c8-0927805ee4bb
- Information on the German EEZ MSP is also available in BASEMAPS (https://basemaps.helcom.fi, MSP output data):
  - General information on the plan area/plan versions (MSP output data – plan area) and
  - the spatial designations (MSP output data - National MSP plan WMS services - Germany) .

4.2. Maritime Spatial Plan for the Territorial Sea of the Baltic Sea – Schleswig-Holstein

4.2.1. 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, as of January, 27th, 2014, last amended November, 12th 2020. It is based on the Federal Spatial Planning Act, §§ 7 – 11.

4.2.2. Legal impact

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

4.2.3. Area covered

The State Development Plan for Schleswig-Holstein covers the land as well as the marine areas of Schleswig-Holstein as far as the territorial sea border.

4.2.4. Historic development

The actual State Development Plan for Schleswig-Holstein – update 2021 (Landesentwicklungsplan Schleswig-Holstein – Fortschreibung 2021) came into effect in December 2021 as a legally binding plan. The Regional Plans are currently under preparation. Also under preparation is a partial update of the State Development Plan regarding the limits of the settlements in Schleswig-Holstein.

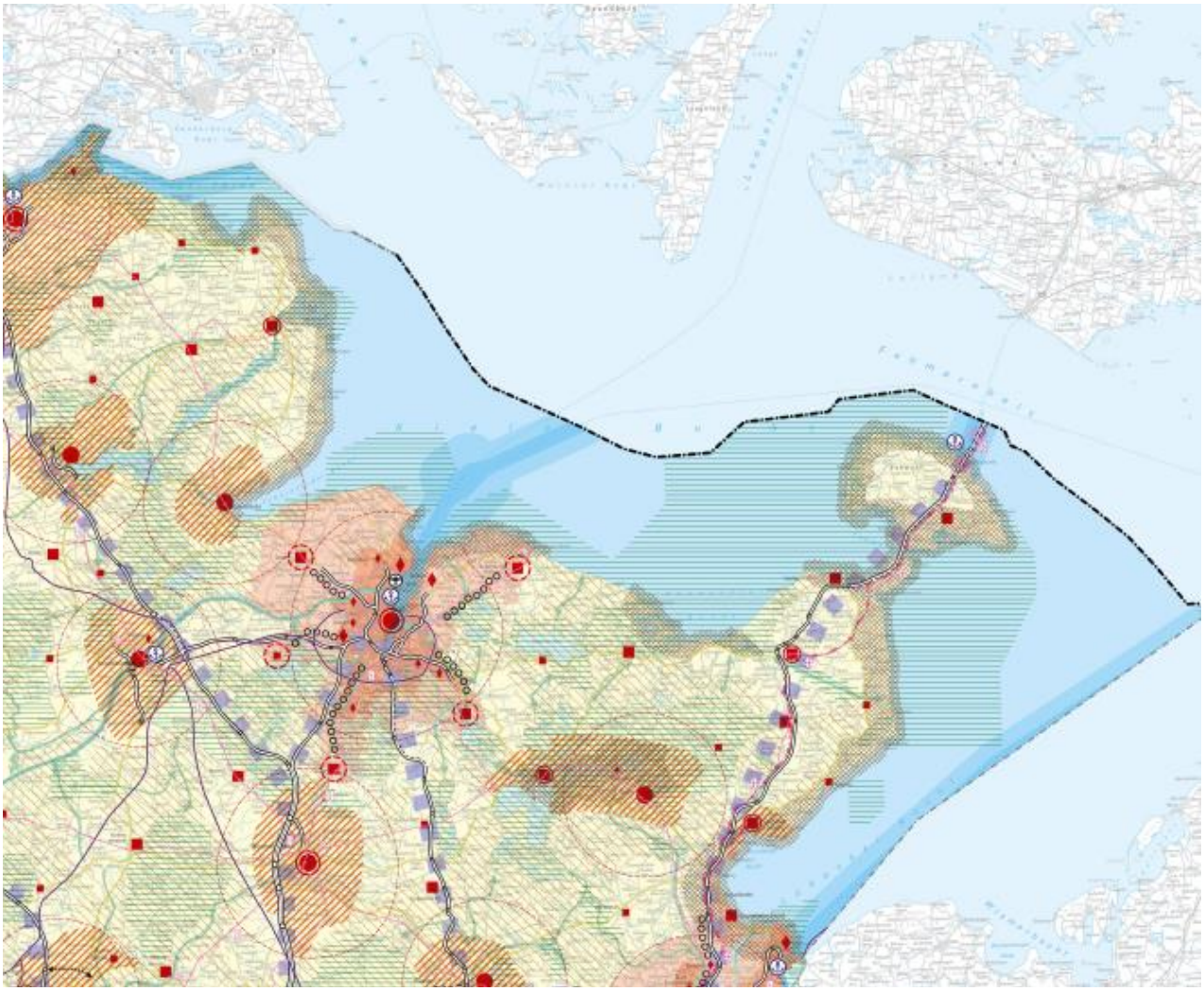
4.2.5. Objectives of the plan

The State Development Plan for Schleswig-Holstein regulates conclusively the spatial objectives and principles for terrestrial and for 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. Plans and actions in the coastal zone should be harmonized with those of the EEZ and discussed with the neighbouring countries.

4.2.6. Map



Extract from Spatial Development Plan Schleswig-Holstein 2021
Source: Ministry of the Interior of the State of Schleswig-Holstein 2021

4.2.7. Designations

Designation categories:

The state development plan of Schleswig-Holstein for the territorial areas of the Baltic Sea includes several areas of reservation for nature and landscape, areas of priority and accompanying areas of reservation for the main shipping routes and core areas for tourism at the coasts.

The four most important ports are determined in the plan: Flensburg, Kiel, Puttgarden und Lübeck.

4.2.8. Regulations

Decisions, weighing and compromises regarding use conflicts at the sea are taken by and between the different ministries. The planners achieve the results afterwards and define areas for different uses based on legal exclusion criteria. The communities are responsible for ports and their developments.

4.2.9. Adoption

The actual State Development Plan came into effect in December 2021 as a legally binding plan.

4.2.10. SEA

By law, maritime spatial plans are subject to Strategic Environmental Impact Assessments according to the SEA Directive 2001/42/EC. SEAs have been conducted according to § 5 paragraph 11 State Planning Act Schleswig-Holstein (Landesplanungsgesetz - LaplaG) in conjunction with § 8 Spatial Planning Act (Raumordnungsgesetz - ROG) resulting in comprehensive environmental reports. The report, which has been developed parallel to the State Development Plan, is an integral part of the plan.

4.2.11. Public participation

Broad public participation was secured through online-based consultation and participation procedures, as well as several public stakeholder meetings in different parts of Schleswig-Holstein and public displays. The first draft has gone through consultation in winter 2018 / spring 2019 for 6 month. The received comments were checked and a revised draft was drawn up. This revised plan has gone through a second consultation in the beginning of 2021 for 3 months.

4.2.12. Transboundary consultation

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

4.2.13. Harmonisation with other plans

The State Development Plan for Schleswig-Holstein (Landesentwicklungsplan: LEP-SH) and the three Regional Plans have to be harmonised. According to the LEP-SH, targets and guiding principles of relevant other technical units have to be considered.

4.2.14. Implementation, Monitoring, Evaluation, Follow-Up MSP

N/A

4.2.15. Electronic resources

Spatial Development Plan (LEP) for Schleswig-Holstein – update 2021:

- www.schleswig-holstein.de/raumordnungsplaene

MSP Data: The MSP Data

- Is available from this website: https://opendata.schleswig-holstein.de/dataset?groups=regi

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

4.3.1. Legal basis

In addition to ROG (4.1.1) the legal base for spatial planning in Mecklenburg-Vorpommern is the Law on Spatial Planning ("Landesplanungsgesetz", LPlG M-V). Article 6 (1) states, the area the law is covering, is the entire "Land", including the territorial sea. Actually the ROG with its latest amendments is the dominant legislation regarding the implementation of the EU Directive into national law (concurrent legislation).

4.3.2. Legal impact

Predominantly, the Spatial Development Programme, which includes a maritime plan, sets binding rules and regulations for authorities, mainly with regard to licensing procedures and approval of projects. In the individual case, aims of spatial planning may influence directly measures of private actors relevant for the space. This is especially true if priority areas for wind power installations exclude the installation of plants outside of these priority areas. The new programme was adopted by ordinance of the State of Mecklenburg-Vorpommern in 2016 and became a legally binding act. Responsibility for contextual issues is with the Ministry of Economics, Infrastructure, Tourism and Labour of Mecklenburg-Vorpommern.

4.3.3. 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 of whole Mecklenburg-Vorpommern
https://www.regierung-mv.de/serviceassistent/download?id=1576859
A translation of the legend in English and Polish is available on
https://www.regierung-mv.de/serviceassistent/download?id=1576860

4.3.4. Historic development

The Spatial Development Programme (SDP) of Mecklenburg-Vorpommern was extended to the 12-nm zone during the realignment 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 program. The extended programme was adopted in 2005 and became a legally binding act. The plan was adopted by ordinance of the Ministry of Transport, Building and Regional Development of Mecklenburg-Vorpommern of 2005.

In the years 2013 - 2016 the SDP was being updated. By updating its SDP, Mecklenburg-Vorpommern intended to intensify its comprehensive and multidisciplinary spatial planning to support the 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. The Programme aims at building harmonious relations between economy, employment, environmental conservation and development focusing on equivalent living conditions. Considering economic,

social and environmental status of the federal state, its priorities include securing high quality jobs and meeting needs for qualified staff while utilizing possibilities created by administrative procedures and interpretation of laws.

4.3.5. Objectives of the plan

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

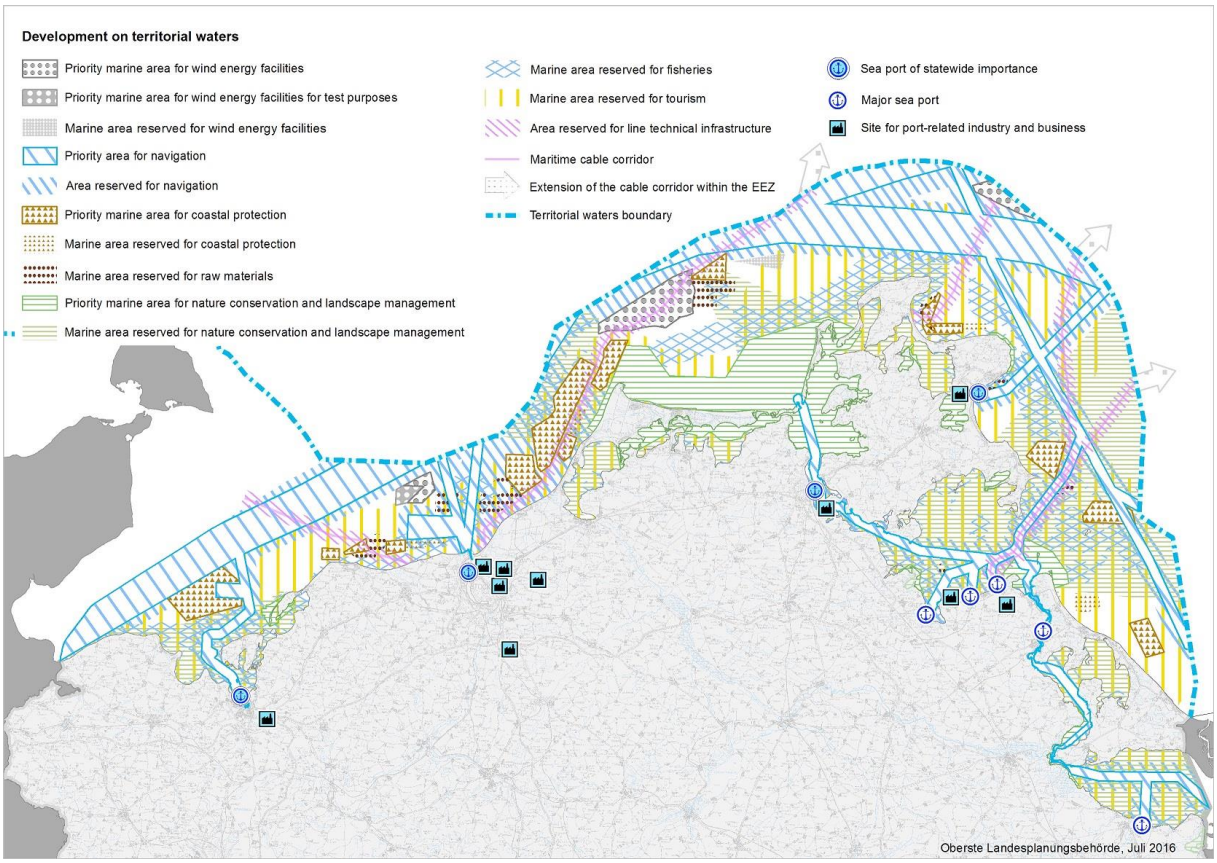
The applicability of the SDP includes territorial waters (12 nm-zone) to ensure a conflict management between the demands of new technologies (offshore wind energy sites), tourism and nature protection, and traditional sectors like shipping, fishing and defence at an early stage.

Sustainable development has always been and still is a guiding principle of spatial development in Mecklenburg-Vorpommern. The Programme aims at building harmonious relations between economy, employment, environmental conservation and development focusing on equivalent living conditions. Considering economic, social and environmental status of the federal state, its priorities include securing high quality jobs and meeting needs for qualified staff while utilizing possibilities created by administrative procedures and interpretation of laws.

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 SDP has strategic character and outlines the priorities for the management of spatial uses in the coastal waters of Mecklenburg-Vorpommern. The SDP starts with twelve guidelines, at which the 12th guideline (safeguarding and using potentials of the territorial waters) is of special importance regarding maritime spatial planning.

4.3.6. Map



MSP designations made by the LEP MV 2016

4.3.7. Designations

Spatial designations have been made by determining priority areas and suitable 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.

Designation categories:

Spatial designations are made by determining priority areas (where a use is granted priority over other spatially competing uses) and reservation areas (where, e.g. in a later licensing procedure, a use is given special consideration in a comparative evaluation with other competing uses, measures, and projects) – further regulations have been made in the text, setting binding planning priorities, planning principles, rules, and objectives to be followed.

Planned Sea uses:

The SDP includes, among other, the following designations:

- Priority and Reservation Areas for maritime transport, wind energy, coastal protection (sediment extraction), nature conservation, cables and pipelines
- Reservation Areas for tourism, fisheries, commercial sand & gravel extraction
- Exclusion of oil drilling within territorial waters
- Planning objectives for the delevopment of sea ports and landward infrastructure

4.3.8. Regulations

Driven mainly by coastal development, main areas of intervention in the territorial waters are the protection of the marine environment, sand and gravel extraction, tourism, suitable 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). Shipping is not regulated. The map only depicts some major routes that are to be kept free for maritime transport.

4.3.9. Adoption

The programme was adopted by ordinance of the State Mecklenburg-Vorpommern in the year 2016 and became a legally binding act, published in the Legal and Regulatory Gazette of the Federal State.

4.3.10. SEA

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

4.3.11. Public participation

The SDP has been developed in a multi-step process which included public participation. This wide and transparent involvement helped to gain 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.

4.3.12. Transboundary consultation

Transboundary consultation took part with Denmark, Sweden and – with a special importance – with Poland. According to intergovernmental agreements about the SEA, the complete texts of the drafts of the LEP M-V as well as of the environmental report have been translated into Polish and have been forwarded to responsible Polish administration.

4.3.13. Harmonisation with other plans

The SDP of Mecklenburg-Vorpommern seeks for coherence with neighbouring plans, namely the State Development Plan of Schleswig-Holstein (partly with identical and overlapping designations), the maritime plan for the EEZ (e.g. continuance of shipping lanes, cables, and pipelines), and the upcoming Polish MSP plans. Furthermore, on land the SDP is complemented by four more detailed regional development programmes.

4.3.14. Implementation, Monitoring, Evaluation, Follow-Up MSP

According to the LPIG M-V an evaluation of the planning is obtained after 5 years. A monitoring system is under preparation.
Mecklenburg-Vorpommern also prepares a revision of the Spatial Development Programme, which includes planning for their share of the territorial sea.

4.3.15. Electronic resources

MSP in Mecklenburg-Vorpommern:
http://www.regierungmv.de/Landesregierung/wm/Raumordnung/Landesraumentwicklungsprogramm/aktuelles-Programm/

Map:
http://www.regierungmv.de/Landesregierung/wm/Raumordnung/Landesraumentwicklungsprogramm/aktuelles-Programm/

MSP Data:
Viewer: https://www.geoportal-mv.de/portal/Geodatenviewer/GAIA-MVprofessional/Start?layers=lepmv
WMS: http://www.geodaten-mv.de/dienste/lepmv_wms?SERVICE=WMS&REQUEST=GetCapabilities&VERSION=1.3.0

5. What countries want to share

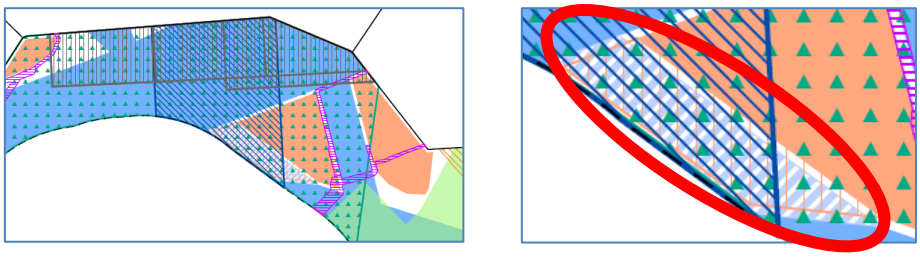
5.1. Pilot plans

5.2. Good practices

6. New developments / current status

6.1 MSP for the EEZ in the Baltic Sea

Several studies addressing shipping in the North and Baltic Sea have lead or will lead to conclusions for some conditionally and temporarily designated areas of the EEZ-MSP. Based on insights from these studies a first decision has been made regarding the areas EO2-West and SO5: since this area is not necessarily needed for navigational purposes it will be added to the adjacing area EO2 for offshore wind energy development. This will be officially announced by the responsible ministry. How wind farm deployment may be reconciled with long-term regular fishery research within the designated area for scientific research area will have also be determined.



Further on-going research aims to determine an alternative location for the BSH operated measuring buoy “Arkona-Becken”, which represents part of the marine environmental network MARNET in the German EEZ of the North and Baltic Sea. Currently the buoy is located within windfarm area EO2, in its North-East corner, where it could not be safely operated in close neighbourhood to wind turbines. A new location has meanwhile been identified by the Leibniz Institute for Baltic Sea Research Warnemünde (IOW), which operates the station. For several years measurements will be conducted at the current as well as the new location, to be able to verify measurements and continue the long-term measurements, before construction work starts for the new wind farm. The developer for the site O2.2 (as outlined in the Site development plan 2023) has to take any provisions into account in the layout of the wind farm such as necessary safety distances of turbines to the new location of the station, which will be situated outside of the wind farm area.

6.2 MSP in the federal coastal states (“Länder”)

- **Schleswig-Holstein** has issued their State Development Plan for Schleswig-Holstein - update 2021 (Landesentwicklungsplan Schleswig-Holstein – Fortschreibung 2021) in December 2021. The Regional Plans are currently under preparation.
- **Mecklenburg-Vorpommern** is currently preparing for a revision of the Spatial Development Programme, which includes planning for their share of the territorial sea. A first draft is expected to be given into consultation of public authorities and the general public in 2024. One priority and goal will be to expand spatial designations for further development of offshore

wind energy. Transboundary consultations will be provided, as legally required, considering the separate regulations with Poland.

6.3 MSP projects

- BSH is participating in the DG Mare project **eMSP NBSR** (2021-24). The project is designed to address the urgent need for learning of maritime authorities and interministerial bodies to incorporate all these requirements into their MSPs. At the heart of the project is a Community of Practice (CoP) North and Baltic Seas Region that will facilitate continuous learning on the current MSP challenges ocean governance, ecosystem based approach in MSP, sustainable blue economy, monitoring and evaluation as well as sharing data, information and communication technology serving MSP. BSH is co-leading a Learning Strand on Monitoring and Evaluation together with Polish partners, focusing on the twin strands of evaluating coherence and the steering effects of maritime spatial plans. The project is accompanied by a scientific advisory board in which the BSH also participates. Planned outcomes include practical guidance for planners on different dimensions of M&E and how to apply them in different planning contexts.

- BSH is currently associated partner in the EMFAF-funded MSP-GREEN ("Maritime Spatial Planning As Enabler of the European Green Deal") project (Nov. 2022 – Oct. 2024).

- In April 2023 the 3yr-Interreg VIB project (North Sea Region) "NORSAIC" ("Cooperation Governance for Next-Level Maritime Spatial Planning in the North Sea") has been approved, BSH being a project partner. The Grant Agreement will be concluded with Lead Partner Universität Oldenburg in 2023.

- BSH has been taking part as associated partner in the Interreg project **Capacity4MSP** (2019-2022). The project was set on the implementation of a longlasting mechanism for an interactive collaboration platform for planners in the Baltic Sea region.

- BSH/Germany has been Lead Partner of the Interreg project **NorthSEE,** during the extension phase (2020 – 2022) this role went to the University of Oldenburg. The **Baltic LINes** (2016 – 2019) project under the lead of BSH has been finalised. Both projects have addressed major transnational issues in MSP in the respective sea areas focusing on energy, linear infrastructure and shipping. Results of both projects have been fed into the revision process for the EEZ MSPs. BSH will take part in the up-coming MSPGreen project as an associate partner, assessing how maritime spatial plans reflect and align with ambitions of the EU Green Deal.

- BSH has taken part in the DG Mare project Baltic SCOPE (2015-2017), and has also been involved as project partner in two more projects, set up in the framework of a DG Mare call for projects supporting the implementation of the MSP Directive (2018/2019): **SEANSE** for the North Sea (02/2018-01/2020), and **PanBalticScope** (2018-2019) for the Baltic Sea, both setting focus on addressing the ecosystem approach and SEA. The Ministry of Energy, Infrastructure and Digitalisation of Mecklenburg-Vorpommern has been participating in PanBaltic Scope as associated partner. BSH will also draw on the outcomes of the projects for the national process of updating MSPs for the North Sea and Baltic Sea EEZ.

- Mecklenburg-Vorpommern has acted as Lead-Stakeholder for the ESPON Targeted Analysis "Maritime spatial planning and land-sea interactions" in which among others also the German

Federal Ministry of Transport and Digital Infrastructure and the Polish Ministry of Maritime Economy and Inland Navigation are involed as stakeholders. The project started in Mai 2018 and ended in December 2019. Reports and more details are available at https://www.espon.eu/MSP-LSI

- BMWSB[9] and BSH are members of an informal working group set up by the European Commission to discuss all aspects in connection to the implementation of the MSP directive. The Federal Agency for Nature Conservation (BfN) is part of this group as well.

- There are further MSP projects and initiatives on national and international level, also focusing on environmental and nature conservation aspects in MSP, which are being dealt with by UBA and BfN.

6.4 Further developments, initiatives and projects related to MSP

- In 2011 The Federal Government has 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"). In February 2022 the new German government announced plans to develop a new obliging and cross-departmental marine strategy and promote a **coordinated marine policy**. It has also appointed its first Special Representative for the Oceans in the portfolio of the Federal Minister for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, underscoring the Federal Government's recognition of the growing importance of marine conservation and the sustainable use of the oceans.

- In 2017 the **Spatial Planning Act** has been revised to transpose the EU MSP-Directive into national law. The regulations apply to spatial planning in coastal waters and in the exclusive economic zone. The preparation of a maritime spatial plan in the German Exclusive Economic Zone (EEZ) will in future be carried out in agreement with all federal ministries concerned. It is clarified that regulations shall not only protect, but also improve the environment. Interactions between land and sea should be considered (§ 17 Abs.1 ROG). In addition, public participation and the examination of project alternatives have been strengthened, regulations for spatial planning in the deep subsoil (also marine subsoil) and climate change were established. Furthermore, changes made to the law anchor, among other issues, the ecosystem approach in the principles of regional planning (§ 2 (2) no. 6 ROG) in order to clarify that the marine environment is the benchmark for economic uses.

- A **spatial offshore grid plan** for the EEZ of the Baltic Sea has been elaborated by BSH in 2013 and updated in 2017, identifying electricity connections needed for the offshore wind farms, and possibilities of having joint converter platforms for several wind farms (clusters), and cables to be bundled in corridors towards land, including a strategic forward looking approach.

[9] with the new government "Maritime Spatial Planning" for the EEZ has now been moved from the former Federal Ministry of the Interior, Building and Community (BMI) to the Ministry of Housing, Urban Development and Building (BMWSB);

- In July 2019 the so-called **"Site Development Plan 2019**" for Offshore Energy Development in the German Sea Areas in the North and Baltic Sea (**Flächenentwicklungsplan, FEP**) has been set into force, replacing the Offshore Grid Plans. Based on the Offshore Wind Energy Act it e.g. sets out guidelines and principles for offshore wind development, stipulates areas for development and operation of offshore wind turbines, and within the areas identifies sub-areas, detailing selection criteria, expected power to be installed, routes and corridors for grid connections, the timely order of sites to be auctioned to developers, and the years in which offshore wind installations and grid connections are to be commissioned. It also makes provisions for pilot installations. With regard to neighbouring countries routes and corridors for cross border gid connections are being specified. The first revision "**Site Development Plan 2020**" (FEP2020) was published on 18 December 2020, providing for increased offshore wind development of 20 GW until 2030.

  With the new MSP for the EEZ having come into force on 01.09.2021, there is also a spatial basis for further expansion of offshore wind energy in the EEZ. The cabinet decision of 06.04.2022 on the Wind Energy at Sea Act stipulates a considerable increase in the statutory expansion targets for wind energy at sea. Against this background, further areas for the expansion of offshore wind energy are to be identified within the framework of an amendment and update of the FEP. Areas under scrutiny to be assessed for use by offshore wind energy beyond stipulations of the MSP 2021 include several priority areas shipping in the North Sea, areas within shipping route SN10, MPA "Doggerbank" etc.

  The **FEP 2023** has gone into effect on 1 January 2023 along with the amended Renewable Energies Act. It now includes the "Site" O2.2 in the Baltic Sea, which was stipulated after evaluation requirements set out in the MSP 2021 with regard to a potentially to be secured shipping route and the partially overlapping area for fishery research had been settled.
  https://www.bsh.de/EN/TOPICS/Offshore/Sectoral_planning/Site_development_plan/site_development_plan_node.html

  The **FEP 2024** is currently under preparation, further increasing the areas in more detail ("sites") that are going to be tendered out, and for the first time including some areas at the eastern as well as at the western fringe of the so called SN10 shipping route in the North Sea (priority area shipping in MSP 2021). In the Baltic Sea EEZ no addititional areas ("sites") will be determined.

- There are six Nature 2000 areas in the German EEZ of the Baltic Sea. These protected areas, together with four Natura 2000 sites in the EEZ of the North Sea, have been designated as six marine protected areas according to German Law as of 23 September 2017. This ensures legal protection under national legislation of the marine protected areas Doggerbank, Borkum Riffgrund and Sylter Außenriff- Östliche Deutsche Bucht in the North Sea and Fehmarnbelt, Kadetrinne and Pommersche Bucht - Rönnebank in the Baltic Sea. [10]

  Information, documents and maps on the three marine protected areas in the Baltic Sea may be found here:

[10] **https://www.bundesanzeiger.de/pub/publication/cFxb0FG1MYgcFPHeYXg/content/211211000778M001/BAnzAT08022022B800.pdf**

https://www.bfn.de/en/pomeranian-bay-ronne-bank-nature-conservation-area
https://www.bfn.de/en/kadet-trench-nature-conservation-area
https://www.bfn.de/en/fehmarn-belt-nature-conservation-area

Management plans have been set into force for the North Sea protected areas in May 2020. Management plans for the Baltic sea EEZ protected areas were set into force as of February 2022 (currently only available in German language):
https://www.bfn.de/management-1
https://www.bundesanzeiger.de/pub/publication/cFxb0FG1MYgcFPHeYXg/content/211211000778M001/BAnzAT08022022B800.pdf (Pomeranian-Bay - Ronne Bank)

https://www.bundesanzeiger.de/pub/publication/G5qzLAhuWIG48leQ6n4/content/211211000705M001/BAnzAT08022022B700.pdf (Kadet-Trench)
https://www.bundesanzeiger.de/pub/publication/elAf7wHnJolRFqwf4sY/content/211211000704M001/BAnzAT08022022B600.pdf (Fehmarn Belt)

- The project UBA-MRO (2013-2017) elaborated solutions for taking into account environmental concerns, protection goals of the MSFD and of the ecosystem based approach during spatial planning processes in the German EEZ. The project was inter alia aiming to show scopes of an environmental friendly steering of offshore wind farm planning. The recommendations show how environmental concerns can be translated into the objectives and principles of the marine spatial regulation. The guiding principle is to avoid or reduce the negative effects of the different maritime uses on the marine assets, to secure suitable marine areas for environmentally relevant functions and, in general, to make space saving and efficient use of the marine area. The Final report has been published as UBA Texte 8/2017 and is available online:
https://www.umweltbundesamt.de/publikationen/umweltbelange-der-meeresraumordnung-in-der

- UBA together with 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” (2014-2017), with representatives from several relevant authorities and organisations in Germany and Russia involved. Phase I included, inter alia, an information exchange on the Russian legislative initiative to maritime planning and an agreement on a project design for a pilot project (phase II). The report on project phase I was published in July 2015 in German and Russian language, including a summary in English. Phase II focused on the selected region: Russian part of the Gulf of Finland including the Neva Bay. The results and recommendations were presented at the final symposium on October 25, 2016 in St. Petersburg (Russia) and are documented in the final project report “Environmentally Sound Concepts for Spatial Use in the Baltic Sea Coastal Area of the Russian Federation. Recommendations.” (2017) https://www.umweltbundesamt.de/en/topics/sustainability-strategies-international/cooperation-eeca-centraleastern-european-states/project-database-advisory-assistance-programme/environmentally-sound-concepts-of-maritime-spatial-0

- In 2015 BfN started a project to strengthen consideration of nature conservation issues in MSP especially on international level (MSP-Int, 2015-2017). The project investigated among other issues the role of MSP in marine nature conservation, the levels planning and marine space,

legal aspects of the consideration of environmental concerns in MSP, the management of different uses under consideration of an EBA and development of a concept for the implementation of an EBA in MSP. The project developed specific recommendations for the implementation of the EBA on the basis of a comparison between the "key elements for applying the ecosystem-based approach in MSP" (HELCOM-VASAB Guideline) and their status of implementation in German MSP. (https://www.ioer.de/projekte/msp-int /)

- Another project (FABENA, 2015-2017) initiated by BfN seek to broaden the knowledge base on the marine environment with regard to upcoming revision of the MSPs. Its task was to determine and compile information and a scientific basis of measurement for the integration of environmental concerns in marine spatial planning processes. It also developed a version of a planning contribution to the German EEZ from the viewpoint of nature conservation. Focus of this project was the identification of spatial claims and the sensitivity towards marine uses of endangered and representative species and habitats (in particular habitats according to § 30 BNatSchG, Habitat and Bird Directive and Red List species) to translate those into concrete planning options for the German EEZ.
(https://www.io-warnemuende.de/projekt/126/fabena.html).

- A research project initiated by BfN to develop recommendations for the integration of the demands of marine nature conservation into marine spatial planning processes and the comprehensive implementation of the ecosystem approach has started in autumn 2017 to run until 2020. The project focuses among other issues on the definition of minimal requirements for the data basis, the establishment of connectivity between ecologically valuable areas as well as on the improvement of the Strategic Environmental Assessment. The harmonisation of marine spatial plans within the OSPAR and HELCOM marine waters and the extension of spatial planning measures to the high seas constitute another focus of the project.

- The "Concepts and strategies for the spatial development in Germany" have been revised by the Decision of the 41st Standing Conference of Ministers responsible for Spatial Planning in 03/2016 . They include a separate chapter concerning the sustainable use of coastal and marine areas.

- Several portals have been created to support planners and other stakeholders, also for cross-border collaboration. These portals are continuously improved in terms of content and features:
    - Online-Platform to support participation: https://www.raumordnung-mv.de/pages/Online-Beteiligung_Raumordnung.html (German only)
    - German-Polish Spatial-Planning Portal: (German) https://kooperation-ohne-grenzen.de/de/; (Polish) https://www.kooperation-ohne-grenzen.de/pl/
    - Marine Data Infrastructure Germany / MDI-DE:

      https://www.mdi-de.org/mapapps/?lang=en&stateId=e90d078b-8b3a-40df-8d07-8b8b3af0df4e

7. MSP role in protection of marine environment

In the marine spatial plans for the German EEZ which were adopted in 2009 protected areas – Natura2000 areas– had not been given a special status, such as priority areas or reservation areas for nature protection. They had been included in the map for information only. However, in the plan there had been made provisions to exclude potentially damaging activities, such as construction of offshore wind farms, from these areas.

In the revised MSP for the German EEZ of the North and Baltic Sea, protected areas have been given the status of priority areas for nature protection, complemented by further spatial designations to support protection of major habitats of vulnerable species such as loons or harbour porpoises in the North Sea, whereas within migrating birds corridors in the Baltic Sea mitigating measures have to be taken to prevent major impact by wind energy projects.

In the Spatial Development Programme Mecklenburg-Vorpommernsome MPAs, such as National Parks and other highly valuable conservation sites have been designated as priority areas (cf. 4.3.7). This is valid also for the marine parts of the HELCOM MPAs “Jasmund National Park” and “Nationalpark Vorpommersche Boddenlandschaft”. Other Natura 2000 sites as well as provisionally secured protected areas acc. to M-V law are designated as reservation areas.

In the Schleswig-Holstein Spatial Plan (LEP - update 2021) only the Wadden Sea national park in the North Sea has been depicted in the map as priority area for nature protection. Other large areas have been outlined in the map as Reserved Areas for Nature and Landscape. These are to be designated in more detail and distinction on the next lower spatial planning level, in the “regional plans”. The LEP states that in the regional plans priority status has to be given to national parks, existing nature protection areas, protected biotopes according to national and state law, Natura2000 areas as well as potential nature protection areas. In the regional plans further areas shall be delineated as reservation areas for nature and landscape, including some areas that have not been considered as priority areas (potential nature protection areas, Natura2000 areas, important areas for biotope networks, areas under the Ramsar convention).

8. MSP role in Climate Change Migation, Adaption and Resilience

Within the German MSP of the exclusive economic zone in the North Sea and in the Baltic Sea 2021 (spatial) designations for the protection and improvement of the marine environment to secureing the ecological functions of marine space supports climate change adaptation through MSP.

E.g.: Principle 2.4 (9) Safeguarding and preserving the marine landscape:

The marine landscape in its natural uniqueness and its characteristic large-scale open character should be preserved. It is to be developed as an ecologically intact open space, and its importance for functioning sea beds, the water balance, flora and fauna (biodiversity), and the climate is to be safeguarded. (P)

For shipping, the MSP includes climate change adaptation and corresponding designations as follows “In this context, shipping concerns will probably be of particular interest both with regard

to the northbound routes (possible ice-free North Pole and related traffic shifts) and with regard to the west-eastbound connections to Skagerrak."

In general, climate change adaptation is mainly a task for sectoral experts and marine nature conservation experts, : where the relation toIn MSP the main task is weighing and bringing together new knowledge, the adaptation interests and measures of different uses and the protection of the marine environment. The holistic MSP perspective includes mitigation measures as well.

Within the German MSP of the exclusive economic zone in the North Sea and in the Baltic Sea 2021, 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 implementation of the ideas of the mission 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).

Continuous monitoring of the impact of off-shore windfarms on the marine environment produces the knowledge needed for this action (in addition to the plan inclusive SEAs and project EIAs). Monitoring can also provide more information on possible additional effects, e.g. carbon sinks in the sediment of OWF, as monitored in Belgian OWFs.

The medium-term design effect of the spatial plan makes it possible to adapt the designations to the situation if this becomes necessary. Therefore, the monitoring of the plan and collection of information of the sectoral development and marine environment has an important role to play.