



Maritime spatial plan for the German exclusive economic zone in the North and Baltic Sea

Evaluation of the consultation pursuant to § 9 (4) in conjunction with (3) ROG

**Federal Ministry of the Interior, for Building and Community
Federal Maritime and Hydrographic Agency**

1 September 2021

Tabelle Beteiligung § 9 Absatz 4 in Verbindung mit Absatz 3 ROG

Die Spalten "Kapitel", "Festlegung", "Begr. Festlegung" und "Stellungnahme" beziehen sich auf den 2. Entwurf des Raumordnungsplans.

Nr.	Stellungnahme von:	Land	Kapitel (Nr)	Festlegung (Nr)	Begr. Festlegung (zu Nr)	Stellungnahme	Auswertung BMI / BSH
1	Ministerium für Infrastruktur und Wasserwirtschaft	NL				First, the Maritime Administration of the Kingdom of the Netherlands likes to express its gratitude to you for enabling us for a reaction on your (second) draft Marine Spatial Plan and thereby addressing explicitly addressing our good bilateral contacts, both formal and informal. Further compliments should be made on the content of your draft MSP and the due diligence and attention for the coordination between the different uses and interests at sea. Finally, the analysis and justification provided is clear and concise and especially the reflection and translation of international conventions and obligations towards (im)possibilities, leading to a clear priority in functions towards the coordinated design is considered as added value on international coordination and our national discussion as well. I would emphasize that this reaction should be considered as a solid base for further discussion, certainly on bilateral issues but most likely in international groups as well.	The comments are noted.
2	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1			Having read and considered your 2nd draft MSP with special attention to para 2.1 and figure 1, there are a number of subjects the Netherlands would like to address on the aspect of shipping. Most of them were already verbally mentioned during the international consultation session on June 15, have been discussed at informal meetings or were part of the (international) discussion on the Dutch Formal Safety Assessment which focusses on the coordination of OWF and shipping in the NE part of the Dutch continental shelf which is directly connected to the German EEZ.	The comments are noted.
3	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(2)		„[...] A proper and smooth connection of the German SN10 route with any design in the Dutch EEZ is considered as most important. Given your references to UNCLOS, the results of the Dutch FSA and your recent study, it has become crystal-clear that a median strip would pose, besides the legal arguments from UNCLOS, a high risk increase on the aspect of safety of navigation and is considered to have negative impact on the accessibility of ports in the region as well. Whilst the Dutch study concludes a significant increase which might be mitigated by expensive and exhaustive measures, the German study states that the increased risk does exceed the German safety limits (also when applying mitigating measures) and therefore it was concluded that a median strip would not be achievable. Further alignment of safety margins will be a subject to discuss on. It was stated several times (recent EMD @ Den Helder, informal EU Meeting on Blue economy) that we should endorse a holistic approach with Northsea countries and focus on alignment between the Dutch, German and Danish design with SN10 as a centerpiece and will not include any median strip. I note this conclusion but I have to inform you that formal decision making on the Dutch side has not yet taken place and is likely to take place in the upcoming months. The exact alignment, design and formalization on international level at IMO should be subject to further discussion from now on. The Netherlands are aware of the intentions which were already discussed in the margin of several international and bilateral meetings. Focus is on alignment of OWF, safety margins from routeing measures towards OWFs, alignment/design of possible IMO routeing measures and (cooperation on) mitigating measures like radar, VHF, AIS; Emergency Tow and Response Vessels, Vessel Traffic Monitoring etc etc. [...]	No adjustment is necessary here. The designation of a "central strip" in the SN10 shipping route as a temporary priority area serves to keep it free until final clarification at international level with regard to traffic management measures to be introduced. This is not the same as "only" temporarily safeguarding the area as an area for shipping, because the area is also designated as a reserved area for shipping for the subsequent period.
4	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(1)		„[...] A continuation of the SN6 connection into the Dutch EEZ (Esbjerg-Dutch EEZ) is most likely not achievable towards the future. Arguments are that the corridor/connection will lead to an increased risk on the safety of navigation at the connection with other intensively used shipping routes (TSS East Friesland/German Bight Western Approach) whilst having impact on COLREG as well. The recent conducted FSA does actually confirm these issues and recommends a MSP option without the connection on the Dutch continental shelf in alignment of SN6. Further the area is considered of high importance for the future development of OWF for the Netherlands to reach the Paris' climate agreement goals. As discussed, this area has been indicated for the development of 4 GW of OW which would require almost the entire area including the indicated corridor.. [...]	In consultation with GDWS and BMVI, it seems sensible to continue to designate route SN6, as the position in NL has not been clarified.
5	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(1)		(...) Another aspect related to this item is the (alignment of) safety margins at the southern border of this search area. Germany has assigned around 3.5 nmi, NL around 2. Alignment might be one issue but reservation of searoom for extension of the TSS German Bight Western approach in the future certainly is another valid argument. It could not be excluded that future developments related to the southern route and growth of international shipping will have impact on the northern route. This international adopted DW-route however is not designed on a significant increase of shipping and certainly will be subject to expansion if the situation as mentioned does arise. Expansion to the south is already impossible due to the actual existence of OWF there, so some margin should be reserved towards the north. Finally, the argument of decreased accessibility to ports in the region is considered to be mitigatable by using alternative routes. Although formal decision making has to take place in NL, it is highly reasonable that the connection will be given up in favour of OW development around or shortly after 2030. Until that period, the area is likely to remain navigable for shipping. The Netherlands would like to propose further bilateral deliberation on this aspect to reach consensus on alternatives and conforms that this topic is already on the agenda of trinational meetings between Ger-Den-NL. (...)	The aspect raised by NL concerning the alignment of safety distances at the southern border of this search area, including the safeguarding of international shipping routes, is being further discussed with the neighbouring countries within the framework of a permanent working group that has already been established for many years. It is planned to analyse the issues raised within the framework of an expert report.
6	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(1)		[...] - The Netherlands would like to express the importance of indicating, maintaining and (international) formalization of already and in the (near) future used sea lines of communication. Therefore the Netherlands strongly support the continuation of the SN15 route (Esbjerg-Hull) onto the Dutch continental shelf and has included a reservation for this route in the Dutch MSP as well. The Netherlands would like to invite Germany and United Kingdom to take initiative on any considerations for the exact alignment, design and formalization on international level at IMO, if considered necessary. (...)	The continuation of route SN15 is already taken into account..

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7	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(1)		[...] - Based on presentations, shipping density, location (perpendicular to a DW TSS), possible challenges towards COLREG and the use of this route, it has become clear that the assigned route SN12 doesn't seem to have significant additional value from a shipping perspective. It might be an subject of consideration to change the status/assignment of this specific route, however this is primarily a German sovereign decision.	The shipping routes in the maritime spatial plan will be adjusted as necessary in a future update. There are currently no plans for this.
8	Ministerium für Infrastruktur und Wasserwirtschaft	NL	2.1	(1)		[...] - To secure any (increased use of) non-formalized sea lines of communication, the Netherlands would like to draw attention to the exponential increase of ships which sail from Asia to Europe and vice versa via Polar waters (Northern Sea Route, NSR). Obviously this has a direct relation with the climate changes but has a strong economic benefit for shipping companies due to the significant reduction of each journey. To secure a proper connection to existing ships routeing systems in the NW-Eur region, the Dutch indicate a common interest to secure and formalize routes to and from the NSR, in international cooperation (Germany, Denmark, Norway, Netherlands). Given the routeing systematic in NW-Europe combined with the accessibility of the different ports in Europe; at least two connections are foreseen. A westerly connection and an easterly one, which might be indicated by route SN18 in your draft MSP. For a possible westerly connection an initial design has been sketched and discussed at the North Sea Shipping Group. At this stage it would be most important to broadly indicate and formalize the routes, clearly stating that the exact design, width and orientation will be subject of further discussion, consultation and cooperation between the countries as mentioned above. This discussion will remain an agenda item under the North Sea shipping Group and the trinational meetings between Den-Ger-NL. [...]"	Route SN18 has already been taken into account as a priority area for shipping for northbound traffic and - after consultation with the neighbouring countries - its location has been adjusted in the final plan. In the justification for 2.1 (1), reference is made to the transit and northbound traffic taken into account for routes SN15 to SN18.
9	Ministerium für Infrastruktur und Wasserwirtschaft	NL				The issues raised and arguments expressed are supported by the results of the already mentioned FSA, however it should be explicitly noted that the report has not been finalized yet nor the outcome of the report has been discussed and approved upon on between the different ministries. Given the deadline for a reaction on one hand, the importance, urgency and the challenges within the responsible policy division on the coordination of a reaction, it was agreed upon by the coordinating body on the Dutch MSP (DGWB) that the Shipping Policy Division would give its comments from their perspective. Therefore I would emphasize that this reaction should be considered as a start for further discussion and deliberation and may well be subject to changes over time.	With regard to the requirements of shipping within the framework of spatial planning for the German EEZ, Germany will continue to participate in further coordination discussions with neighbouring countries after the entry into force of the spatial plan 2021.
10	Estonian Fund for Nature	EE	2.1	(1)		„[...] The plan gives an advantage to shipping over the environment when it comes to the use of marine space. Paragraph (1) of subsection 2.1 of the Explanatory Memorandum to the Plan justifies this preference on the basis of the requirements of the United Nations Convention on the Law of the Sea (UNCLOS). The following recital refers to Article 58 of the Convention, which indeed provides for freedom of navigation in the EEZ. The same is reiterated in paragraph 2.4.1(1) of the sub-chapter on nature conservation. However, Article 58 of the Convention does not state that freedom of navigation is absolute and takes precedence over environmental protection. For example, Article 61 of UNCLOS provides for the protection of marine living resources in the exclusive economic zone, without specifying that this protection should be subordinate to shipping interests, and Article 65 provides that stricter rules may be applied to protect marine mammals. Proposal. with precise reference to the provisions of the Convention establishing the priority of shipping over the environment, or to reformulate this principle by placing environmental needs at least on an equal footing with shipping.	A regulation on the relationship between shipping and the environment has been added to stipulation 2.1 (1).
11	Estonian Fund for Nature	EE	2.2.2	(6)		„[...] Offshore wind energy planning does not take sufficient account of the environment Germany's ambitious plans for the development of offshore wind energy are welcome and worth pursuing. The choice of wind energy development sites has avoided marine protected areas, which is also to be welcomed. However, the principle that the development of offshore wind must not be at the expense of biodiversity needs to be made much clearer. Subsection 2.2.2(6) of the Explanatory Memorandum, which deals with the environmental protection of wind energy development, is too narrowly focused, in essence talking only about noise, and not exhaustively at that. Subsection 4.2.5 of the Baltic Sea chapter of the SEA, which deals with the impact of the planned wind energy development on marine mammals, states that the impact of noise during construction (in particular from the ramming of foundation piles) is of regional and temporary significance. The rationale for this assessment is not clear from the text. Nor is there any discussion of alternative ways of constructing foundations with lower noise levels. Suggestion: consider alternative methods of foundation construction to ramming and address measures to exclude negative effects on birds and bats. [...]"	With this determination, the spatial development plan takes up an essential point in the context of concrete projects for wind energy plants, which must be taken into account accordingly in subsequent procedures. Extensive environmental investigations will then take place in the individual approval procedures on the basis of a standard investigation concept.
12	Estonian Fund for Nature	EE	2.2.4	(1)		„[...] Environmental impacts of mining not sufficiently mitigated Subsection 2.2.4 of the Explanatory Memorandum allows mining in protected areas, on the sole grounds that current legislation does not prohibit it. Such an explanation fails to take into account that the environmental ambition of the plan should nevertheless be higher than the minimum legal requirements. In the case of the case of an important marine area for eels, only a temporal limitation is imposed on mining, which may not be sufficient. In addition, hydrocarbon extraction on the seabed, i.e. in protected areas, is also seen as a prospect, which, in addition to damaging biodiversity, is clearly contrary to climate objectives. The same approach is echoed in paragraphs (1) and (2) of sub-chapter 2.4 on nature conservation. Subsection 3.4.2 of the Baltic Sea chapter of the SEA describes how sand and gravel extraction may affect seabed biota. It states that the effects of mining may last up to 15 years and, if the nature of the substrate changes, may be permanent. The biota biomass of the mined areas is reliably lower than that of the control areas. Nevertheless, subsection 4.4.2 concludes that the planned mining in the marine protected area will not lead to negative impacts. This is an apparent contradiction.	Permits for sand and gravel extraction in protected areas are subject to environmental assessment and, where appropriate, requirements to minimise impacts on the marine environment. The period for restricted use is reviewed and determined in the relevant procedures. Reserved areas for the extraction of hydrocarbons (gas) are not located within protected areas.

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						<p>It is regrettable that the volume of the SEA that deals with the North Sea fails to analyse the climatic impact of the proposed hydrocarbon extraction there. This is a clear disregard of EU climate policy.</p> <p>Proposal: Exclude extraction in protected areas and other sensitive marine areas (including in areas of concentration of deer) and abandon the reservation of marine areas for hydrocarbon extraction.</p>	
13	Estonian Fund for Nature	EE	2.2.5	(1)		<p>„[...] The environmental impact of fisheries and fish farming should be addressed in more detail.</p> <p>Subsection 2.2.5 of the Explanatory Memorandum does not adequately address the environmental impacts of fishing and fish farming, inter alia by not taking into account fish farming as one of the causes of marine eutrophication; nor are any environmental exclusions made for the siting of fishing or fish farming. The reservation of the fishery for Norway lobster (<i>Nephrops norvegicus</i>) 'Südlicher Schlickgrund' in paragraph (1) does not address the impact of the fishery on the ecosystem, which is obligatory under the CFP agreements, but is limited to a statement of the good status of the target species.</p> <p>However, subsection 5.2.1 of the Baltic Sea chapter of the SEA identifies by-catches as an important risk factor for porpoises. It is not clear why spatial or temporal restrictions on fishing in areas of importance for porpoises are not even considered.</p> <p>Proposal: Implement measures to reduce the negative environmental impacts of fishing and in particular fish farming and, where appropriate, impose spatial restrictions, including in marine protected areas. A more selective and ecosystem-based approach to fishing should be provided for in the Norway lobster fishery reserve.</p>	For the fishing gear to be used, size specifications, etc., the specifications issued within the framework of the CFP and its transposition into national law must be followed.
14	Estonian Fund for Nature	EE	2.2.1	(3)		<p>„[...] Synergistic co-existence should be encouraged in maritime spatial planning.</p> <p>Paragraph (3) of sub-chapter 2.2.1 seeks to minimise the interaction between different uses of the marine area, without specifying which activities are to be avoided or whether some activities may also have positive synergies.</p> <p>Suggestion: clarify the linkages between different uses.</p>	This determination generally refers to all economic uses and their possible mutual impairments as well as impairments of other uses and functions. Any conflicts will be addressed in the context of specific issues at subsequent planning and approval levels.
15	Estonian Fund for Nature	EE				<p>International cooperation needs to be strengthened</p> <p>Finally, we would like to reiterate a slightly more general point that goes beyond the German planning process: the marine planning process needs much more effective international coordination and assessment of cumulative impacts across the whole sea. Such cooperation is also required by Article 11 of the Marine Planning Directive 2014/89/EU. According to the EFF, this provision has not been implemented by countries with sufficient substance, although minimal cooperation took place.</p> <p>However, we consider it necessary that the working bodies of the regional marine conventions (HELCOM in the Baltic Sea) undertake an assessment of the cumulative impacts of marine planning in the near future and, if necessary, adjust planning in the future with the aim of ensuring good status of the marine environment.</p>	BMI and BSH participate in international bodies and working groups as well as in projects on marine spatial planning, and it will also address the cumulative impacts of the plans as part of monitoring and evaluation of the spatial plans.
16	Maritime Office Szczecin	PL				<p>In the submitted forecast of impacts on the environment, a detailed analysis of the effects of implementing the assumptions of the plan on individual elements of the environment was carried out, with particular attention paid to such animal groups as marine mammals, seabirds and migratory birds. In the Panel's opinion, the data presented in this document provide valuable conclusions on the state of the environment in the Plan area and allow the potential impacts of the planned measures (e.g. related to the construction of wind farms, platforms and submarine cable systems) on the individual elements of the environment to be assessed. Mitigation measures have been indicated to reduce and avoid significant and insignificant negative impacts on the environment, which will be determined in the procedure for individual approval of the measures planned in the plan.</p>	The comments are noted.
17	Maritime Office Szczecin	PL	2.2.2	(1)		<p>In addition, we note that the location of the areas for wind energy identified as EO1 and EO3 should be investigated with regard to cumulative impacts with other areas designated for the same type of activity in the future. This applies in particular to the areas designated for renewable (wind) energy in the south-west of Bornholm in the Danish Marine Plan. Although this plan has not yet been approved, it seems necessary to consider its findings, especially with regard to the transboundary impacts on north-south migratory bird routes between the Pomeranian Bay and the southern coast of Sweden. Flight paths for migratory birds through the areas where the wind farm is planned are shown in Chapter 2.10 of the Environmental Impact Assessment for the above-mentioned draft plan for the German EEZ in the Baltic Sea.</p> <p>These areas for offshore wind energy may constitute a barrier along the east-west axis for birds migrating along the above-mentioned migration routes. This is particularly important in relation to the planned extension of area EO2 to the west and the concept of a possible closure of area SO5. It should be emphasised that in section 9.3.2.2 "Offshore wind energy" of the environmental that in section 9.3.2.2 "Wind energy at sea" of the environmental impact assessment on the above-mentioned. Draft Plan for the German EEZ in the Baltic Sea clearly states that there is a conflict between areas designated for wind energy and migratory bird routes, as follows (quote): "As there are no spatial alternatives for wind energy use in the Baltic Sea, it was additionally stipulated that the areas of the bird migration corridors "Fehmarn-Lolland" and "Rügen-Schonen" can in principle be used for wind energy, provided they are designated as priority or reserved areas for wind energy. In times of mass migration, wind turbines should not be operated in bird migration corridors if other measures are not sufficient to exclude the proven, significantly increased risk of collisions between birds and wind turbines". It would be incomprehensible not to consider the existence of such a risk in the area of bird migration corridors above the "Adlergrund".</p>	<p>In principle, it is assumed that the use of wind energy at sea is compatible with bird migration if avoidance and mitigation measures are provided where necessary.</p> <p>The depiction of the bird migration corridors "Fehmarn-Lolland" and "Rügen-Schonen" in the MSP takes into account the special importance of bird migration across the Fehmarn Belt, the so-called bird flight line, and across Rügen to Sweden.</p> <p>Principle 2.4 (6) ensures targeted protection of bird migration as an essential component of the marine environment by resolving the conflict with wind energy use in an appropriate manner. It thus follows the precautionary principle and the ecosystem approach. It can be assumed that the principle applies to all planned areas for wind energy within the bird migration corridor.</p>

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						If the SO5 area is removed and designated as a wind energy site, it will represent a further extension of the barrier for migratory birds from the Pomeranian Bay to the west.	
18	Maritime Office Szczecin	PL				<p>The Plan area is located close to the boundary of the Polish marine Natura 2000 sites, i.e. the Special Protection Area for Birds "Zatoka Pomorska" (PLB99003) and the (PLB99003) and the Site of Community Importance/Special Habitat Conservation Area "Ostoja na Zatoce Pomorskiej" (PLH 990002). Activities planned in the Plan should not have a significant negative impact on the conservation objectives of the Polish Natura 2000 marine sites, in particular</p> <ul style="list-style-type: none"> - deteriorate the condition of natural habitats or the habitats of plant and animal species for whose protection Natura 2000 sites have been designated, or - have a negative impact on the species for whose protection Natura 2000 sites have been designated, or - adversely affect the integrity of Natura 2000 sites or their links with other sites, <p>therefore, as the supervisory authority for the aforementioned Natura 2000 sites, in accordance with Article 27a (2) of the Act of 16 April 2004 on the Protection of Nature (Journal of Laws 2021 No. 1098), we conclude that the planned measures will have no impact on the maintenance of the proper state of protection of the natural habitats and the plant and animal species and their habitats that are the object of protection in these Natura 2000 sites.</p>	The comments are noted.
19	Generaldirektion Umweltschutz	PL				(...)Taking into account the potential environmental effects on the territory of the Republic of Poland in view of the potential environmental effects on the territory of the Republic of Poland and the minimisation measures applied, the Polish Party does not comment on the proposed amendments to the second version of the Plan..	The comments are noted.
20	Generaldirektion Umweltschutz	PL				At the same time, however, I would like to inform that after analysing the documentation, it was found that they did not sufficiently address the issues raised by the Polish party at the stage of defining the scope and level of detail of the plan, as well as at later stages, which included the submission of comments on the document itself, i.e. Analysis of the short- and long-term impacts of the Plan's assumptions on the entire marine ecosystem, including protected objects in Natura 2000 sites (PLB990003 Zatoka Pomorska, PLH990002 Ostoja na Zatoce Pomorskiej, PLB990002 Przybrzeżne wody Bałtyku, PLC990001 Ławica Słupska) and other protected elements of the natural environment, based on the information provided in the standard data sheets and draft conservation plans, including in relation to the cohesion and integrity of Natura 2000 sites.	The results of the assessment of the impacts of the provisions of the maritime spatial plan on adjacent Natura 2000 sites both in the German coastal sea and in neighbouring countries are discussed in Chapter 6.3.4 of the Baltic Sea Environmental Report.
21	Ministerium für Infrastruktur	PL	2.1			„[...] (1) In the Port of Świnoujście, the operation of vessels with a draught of up to 15 m is planned, therefore the plan shall not restrict dredging works to obtain a navigation channel with a depth of 17 m on the stretch located north of the roadstead of the Port of Świnoujście and Szczecin. [...]“	The conditions for dredging along the route north of the roadstead of the seaports of Świnoujście and Szczecin must be examined in a licensing procedure which, in addition to the concerns of maritime shipping, also takes into account, among other things, the location within the nature conservation area. The maritime spatial plan does not prejudice such a procedure.
22	Ministerium für Infrastruktur	PL	2.1			<p>(...) (2) A possible conversion of the temporary reserved area for shipping (SO5) into a temporary reserved area for offshore wind energy (EO2-West) from 01.01.2025, i.e. allowing development of the entire area, may lead to a channelling of the previously scattered shipping traffic in this area.</p> <p>This increases the risk of collisions, especially as collisions of the current routes of ferries serving the Świnoujście-Trelleborg route with the planned offshore wind farm "Arcadis Ost 1" in the German coastal sea have been identified in this area..</p>	The aspects raised will be examined as part of the planned shipping survey for this area.
23	Ministerium für Infrastruktur	PL	2.5.1	(1)		<p>(...)(3). The previous version of the plan did not include planning delineations for national defence needs and the location of military exercise areas was informative. Currently, "areas reserved for defence" are designated in the Pomeranian Bay, but the text part of the plan does not specify the rules of coexistence of this function with areas designated for navigation.</p> <p>The military exercise area in the Pomeranian Bay collides with the shipping route north of the roadstead of the ports of Swinoujscie and Szczecin leading to the port of Ystad (SO2). Military exercises conducted on these military training areas may cause the closure of this route for civilian navigation to the ports of Świnoujście and Szczecin. Planning should not allow for such a possibility.</p>	<p>Shipping routes are not closed by the exercises. The Federal Spatial Planning has no regulatory competence in this context. Details can be found in the respective announcements of the military exercises in the Notices to Mariners.</p> <p>For the sake of clarification, it is added in the plan in the explanatory memorandum to 2.5. (1), corresponding to 2.5.1 (1) in the 2nd draft plan, that the use of military areas for exercise purposes is in accordance with the safety and ease of shipping traffic.</p>
24	Ministerium für Infrastruktur	PL	2.1			„[...]In summary, planning solutions are required that do not disrupt smooth and safe shipping traffic, taking into account the expected development of maritime traffic, especially in the SO2 and SO3 areas. In the event that the German side does not waive the provisions of the plan that would allow the conversion of the SO5 area into the EO2 West area, Poland points out the need to cooperate with Polish maritime safety experts in the preparation of an expert study in order to decide on a change in the designation of the area. [...]“	The possible conversion of SO5 to EO2-West is being considered within the framework of an external expert opinion. Experts from neighbouring countries will be involved in this process.
25	Marine Management Organisation (MMO)	UK				The East Inshore and East Offshore Marine Plans were adopted in 2014. Under Section 61 of the Marine and Coastal Access Act 2009, marine plans are required to be reviewed and reported on every three years. The most recent three-year report on the East Marine Plans was published in April 2020. Following the publication, a decision was made to amend or replace the East marine	The environmental report was amended in accordance with the notes.

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						plans. There is no statutory deadline or timeline attached to the decision. We will inform you when the process to amend or replace the plans is scheduled to begin. In the meantime, the current East Marine Plans remain as the operative plans for England's East marine plan areas. In Section 1.3.1.4 you state that English marine plans are updated every three years. Please note that, although there is a requirement for each marine plan to be reviewed and reported on every three years, there is not a requirement for marine plans to be updated every three years. The decision to amend or replace a marine plan is made by the Secretary of State for Environment, Food and Rural Affairs and is informed by the findings and recommendations of the three-yearly review reports produced by the MMO. Pending the process to amend or replace the plans (see above) the current East.	
26	Marine Management Organisation (MMO)	UK				The MMO welcomes the further consideration of transboundary issues including shipping, wind energy and protection and enhancement of the marine environment within the second draft of the maritime spatial plan. We note that the proposed offshore wind reservation site EN19 is in the same location as shown in the first draft of the revised MSP, adjacent to the bordering north east offshore marine plan area. We also note the following amendments to the second draft: <ul style="list-style-type: none"> • Section 2.2.2 'Offshore Wind Energy' has been amended with the following statement to reinforce the role of EN19: "A spatial designation for offshore wind has the effect that this area is kept free from incompatible uses and that it is considered fundamentally suitable for the priority use." • Section 2.2.2 sub-section Re (2) 'Reservation areas offshore wind energy' a paragraph has been added that states: "In the continuous evaluation and future updating of the plan, special consideration will be given to the concerns of shipping with regard to northbound routes (possible ice-free North Pole and associated shifts in shipping routes) in order to ensure needs-adjusted transport links to the German Bight area and to enable transit through the EEZ." • Section 2.1 'Ensuring the safety and efficiency of navigation' refers to freedom of navigation under UNCLOS, and states that "according to Article 60 paragraph 7 UNCLOS, artificial islands, installations and structures and the safety zones surrounding them shall not be constructed where they may impede the use of recognised shipping lanes important for international navigation. Accordingly, the ROG as well as various specialised laws give high priority to the safety and efficiency of navigation in respect of use of the EEZ. The main purpose of the requirements for ensuring the safety and efficiency of navigation is therefore to keep important shipping routes clear of uses which could impede their use. In particular, the traffic separation zones in the North Sea and Baltic Sea designated by the IMO must be taken into account. In addition, the actual shipping lanes determined on the basis of AIS traffic analyses as well as the lanes identified as being important in the future are also taken into account." 	The comments are noted.
27	Marine Management Organisation (MMO)	UK	2.1	(1)		„[...] It appears that Section 2.2.2 does not include shipping routes which pass through the north east marine plan area as these are westbound routes from the German EEZ. We, therefore, take the opportunity to reiterate our previous consultation response and the information provided on economically important shipping routes between the north east England offshore marine area and the German EEZ. Can we request that such routes are fully considered and covered by section 2.1. Furthermore, we suggest that Section 2.2.2 be amended to include all routes to "enable transit through the EEZ". We look forward to further engagement between authorities in Germany and the UK, where appropriate, in planning for growth in offshore wind projects that takes account of other uses and cross-boundary issues.“	As far as we know, the route mentioned (Tees and Hartlepool to the Baltic) runs through the Danish EEZ. For a more detailed analysis, shipping data was requested from MMO.
28	Swedish Agency for Marine and WaterManagement (SwAM)	SE				In section 11.9 Overall plan assessment there is a concluding remark on the impacts of the plan. However, it would be of value with a summary of the environmental report to highlight the main results and conclusions.	The main findings are summarised in the non-technical summary in Chapter 11. Chapter 11.9 refers specifically to the assessment of the overall plan.
29	Energistyrelsen	DK				In view of the nature of the spatial plan, the Danish Energy Agency, Energy Island Unit, would like to inform that the Danish Energy Agency is in the process of planning two energy islands in the Danish maritime area and EEZ. In the climate agreement of 22 June 2020, it was decided that Denmark will build two energy islands, one on Bornholm in the Baltic Sea and the other in the North Sea. Offshore wind farms will be connected to both energy islands, see below. A political decision in autumn 2020 and a supplementary political agreement to the climate agreement in February 2021 also decided on the detailed location of the feasibility study areas for the energy islands. The Bornholm Energy Island, to which 2 GW of offshore wind will be connected, can be seen on the map below. The green solid colour markers (Figure 1) show the feasibility study areas for the two future offshore wind farms on Bornholm. The draft permit to carry out feasibility studies for the offshore wind farms for Bornholm was consulted in Espoo, also with the German authorities. For Energy Island in the North Sea, an artificial island is to be built as a hub for 3 GW of offshore wind turbines, with the possibility of 10 GW in the future. The map below with the yellow full colour marker (Figure 1) shows the areas of the feasibility study for the future artificial island and the future offshore wind turbine.	The information has been noted.