



**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 (2) ROG**

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

1 September 2021

Table Consultation pursuant to § 9 (4) in conjunction with (2) ROG

The columns "Chapter", "Regulation", "Justification" and "Representation" refer to the 1st draft of the maritime spatial plan

No.	Representation by:	State	Chapter (No)	Regulation (No)	Justif. (Re No)	Representation	Evaluation BMI / BSH
1	Estonian Fund for Nature	EE				<p>Transboundary environmental impact of the German maritime spatial plan</p> <p>[...]We believe that maritime spatial planning needs much more effective international cooperation, and that international transboundary environmental impact assessments help to fill the gaps here.</p> <p>The explanatory memorandum and SEA reports of the German EEZ are comprehensive and, due to the requirements of the Marine Planning Directive 2014/89 / EU, the ecosystem approach is also noted. However, there are controversies in the plan that affect the entire Baltic Sea ecosystem..</p>	The comments are noted.
2	Estonian Fund for Nature	EE	2.1	(1)		<p>The plan gives shipping an advantage over the protection of the environment when using maritime space</p> <p>Subsection 2.1 (1) of the Explanatory Memorandum to the Plan justifies such a preference by 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 does provide for freedom of navigation in the exclusive economic zone. The same is repeated in subsection 2.4.1 (1) on nature protection.</p> <p>However, Article 58 of the Convention does not state that freedom of navigation is absolute and takes precedence over the protection of the environment. For example, Article 61 of UNCLOS provides for the conservation of living marine resources in the exclusive economic zone, without mentioning that such protection should be in the interests of shipping, and Article 65 provides for stricter rules for the protection of marine mammals.</p> <p>Proposal: to better justify the preference for maritime affairs, incl. with a precise reference to the provisions of the Convention giving priority to the environment in shipping, or to recast this principle, setting environmental needs at least on an equal footing with shipping..</p>	The function of a priority area for shipping is essentially to keep the areas free from other uses; this also serves nature conservation.
3	Ministry of the Environment	EE	2.2.2	(6)	(6)	<p>The environment has not been sufficiently taken into account in the planning of offshore wind energy</p> <p>Germany's ambitious plans for the development of offshore wind energy are welcome and worth following. The choice of wind energy development areas has avoided marine protected areas, which is also to be welcomed.</p> <p>However, the principle that the development of offshore wind energy must not be at the expense of biodiversity needs to be made much clearer. Paragraph 2.2.2 (6) of the explanatory memorandum to the plan, which deals with the protection of the environment in the development of wind energy, has too narrow a focus, essentially referring only to noise and not exhaustively.</p> <p>The explanatory part deals with impulse noise abatement measures in a relatively vague wording and does not address alternative ways of installing wind turbine foundations, such as gravitational foundations. The same is repeated in subsection 2.4.1 (3) on nature protection. The impact on birds and bats has not been addressed at all in the explanatory memorandum to the plan.</p>	<p>More detailed requirements for the uses are reserved for the subsequent planning and approval levels.</p> <p>The effects of the provisions of maritime spatial plan have been extensively examined in the environmental reports for all objects of protection, including avifauna and bats.</p>
4	Estonian Fund for Nature	EE				<p>Subchapter 4.2.5 of the SEA volume 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 (especially the piling of foundation piles) is of regional and temporary importance. The logic of obtaining this assessment is not clear from the text. Alternative ways of laying a foundation with less noise are also not considered.</p> <p>The SEA of the plan deals with the impact on birds and bats (Chapters 4.2.6 - 4.2.8 of the Baltic Sea Report) rather superficially and does not provide assurance that these groups of animals have been sufficiently taken into account in the selection of wind development areas.</p>	A description of the general impacts of offshore wind energy on avifauna and bats, taking into account the current state of knowledge from research and monitoring, is provided in Chapters 3.2.5 - 3.2.7. The importance of the areas for wind energy in the German EEZ of the Baltic Sea as habitats for the above-mentioned protected goods results from the status descriptions in Chapters 2.9 - 2.11.

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						Chapter 5 of the Baltic SEA report, which deals with the German Nature Conservation Act, focuses heavily on wind energy, but it is also difficult to find clear guidelines for reducing and mitigating the effects. For example, the importance of two wind development areas for porpoises in winter is mentioned, but whether and what can be deduced from it for the protection of this endangered species remains unanswered.	
5	Estonian Fund for Nature	EE	2.2.2	(6)		Proposal: Consider alternative ways of laying foundations to ramming and address measures to prevent negative effects on birds and bats.	<p>More detailed requirements for measures to reduce pile driving noise are reserved for subsequent planning and approval levels.</p> <p>In particular, the regulations 2.4 (1) Priority area for divers, 2.4 (2) Reserved area for divers and 2.4 (6) Bird migration corridors support the mitigation of impacts on birds. In addition, Chapter 8 of the environmental reports identifies measures to avoid, reduce and compensate for significant negative impacts of the maritime spatial plan on the marine environment.</p>
6	Estonian Fund for Nature	EE	2.2.4		(1)	<p>The environmental impact of mining has not been sufficiently mitigated</p> <p>Subchapter 2.2.4 of the Explanatory Memorandum of the Plan also allows mining in protected areas, based only on the fact that the current legislation does not prohibit it. Such an explanation does not take into account that the environmental ambition of the plan should, however, be higher only than the minimum requirements provided by law. In the case of the important sea area of roe deer, there is only a time limit for mining, which may not be sufficient. In addition, the extraction of hydrocarbons on the seabed, including in protected areas, is seen as promising, which, in addition to damaging biodiversity, is also in clear conflict with climate goals. The same approach is repeated in subsection 2.4.1 (1) and (2) on nature protection.</p> <p>Section 3.4.2 of the SEA Baltic Sea Volume describes how sand and gravel mining can affect seabed biota. According to this, the impact of mining can last up to 15 years and permanently if the nature of the substrate changes. Biomass biomass in the mined areas is reliably lower than in the control areas. Nevertheless, it is concluded in section 4.4.2 that the planned mining in the marine protected area will not cause any negative effects. This is an obvious contradiction.</p> <p>It is unfortunate that the volume of the SEA covering the North Sea fails to analyze the climate impact of the proposed hydrocarbon extraction. This is a fundamental disregard for the European Union's climate policy.</p> <p>Proposal: to exclude mining in protected areas and other sensitive marine areas (including deer concentration areas) and to waive the reservation of marine areas for hydrocarbon extraction.</p>	<p>If, for example, sand and gravel extraction is permitted by nature conservation legislation and extraction is approved by the mining authorities after an impact assessment has been carried out, possibly with nature conservation requirements for raw material extraction, spatial planning may not restrict these regulations.</p> <p>The same applies to the potential extraction of hydrocarbons.</p> <p>More detailed requirements for measures to reduce potential impacts on the environment are reserved for subsequent planning and approval levels.</p>
7	Estonian Fund for Nature	EE	2.2.5		(2)	<p>The environmental impact of fisheries and aquaculture should be further addressed</p> <p>Subchapter 2.2.5 of the explanatory memorandum of the plan does not sufficiently address the environmental impact of fisheries and fish farming, ignoring, among other things, fish farming as one of the causes of marine eutrophication; nor have any environmental exclusions been made for the spatial location of fisheries or fish farming. The reservation of the 'Südlicher Schlickgrund' area for Norway lobster (<i>Nephrops norvegicus</i>) in paragraph (1) does not address the impact of fishing on the ecosystem, which is mandatory under CFP agreements, but is limited to establishing the good status of the target species.</p>	<p>At the level of spatial planning for the EEZ, no measures to reduce the negative environmental impacts of fishing can be defined or implemented. This is reserved for the CFP and its national implementation.</p> <p>In the reserved area of fishing for Norway lobster, it should only be possible to give special weight to the interests of this fishery</p>

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						<p>However, SEA sub-chapter 5.2.1 of the SEA on the Baltic Sea lists by-catches as an important risk factor for porpoises. It is not clear why spatial or temporal restrictions on fishing for porpoises are not even being considered.</p> <p>Proposal: Implement measures to reduce the negative environmental impact of fisheries, and in particular fish farming, and, where appropriate, impose spatial restrictions, including marine protected areas. The Norway lobster fisheries reserve should provide for a more selective approach to fishing that takes into account the functioning of the ecosystem.</p>	<p>when weighing them up against other spatially effective uses that may conflict with it. It is assumed that the population of <i>Nephrops norvegicus</i> is not endangered by fishing.</p> <p>If aquacultures are operated in the EEZ in future, the environmental objectives of the MSFD and the WFD must be taken into account with regard to possible environmental impacts.</p>
8	Estonian Fund for Nature	EE	2.4.1	(4)		<p>The protection of migratory bird corridors could be more consistent</p> <p>Subsection 2.4.1 (4) of the explanatory memorandum to the plan rightly reserves the sea area between Fehmarn and Lolland as a bird migration corridor in need of conservation. Unfortunately, the importance of the sea area between Skane and Rügen as a migration corridor has not been highlighted, although according to subchapter 2.9.2 on bird migration in the SEA report of the Baltic Sea part of the plan, this area is also important.</p> <p>Proposal: to reserve the sea area between Skane and Rügen as a migration corridor in need of conservation.</p>	<p>Both bird migration corridors "Fehmarn-Lolland" and "Rügen-Schonen" are shown in the plan. Principle 2.4 (6) takes into account the special importance of bird migration across the Fehmarn Belt, the so-called bird migration route, and across Rügen to Sweden.</p> <p>During the periods of mass migration events, wind turbines should not be operated in the bird migration corridors if other measures are not sufficient to exclude a proven significantly increased collision risk of birds with wind turbines. Under the same conditions, construction and maintenance work should not take place.</p> <p>Principle 2.4 (6) thus ensures targeted protection of bird migration as an essential component of the marine environment by resolving the conflict with the use of wind energy in an appropriate manner. It thus follows the precautionary principle and the ecosystem approach.</p>
9	Ministry of the Environment	EE	2.2.1	(1)		<p>Synergistic joint use should be promoted in maritime spatial planning.</p> <p>Regulation 2.2.1 (1) aims to minimise interactions between different uses in the maritime domain without specifying which activities should be avoided or whether some activities can also have positive synergies.</p> <p>Proposal: Clarify the interactions between the different uses.</p>	<p>The determination is formulated in general terms and addresses all economic uses, with a variety of possible conflicts and interactions. A more detailed overview will be presented in a document accompanying the spatial development plan.</p>
10	Estonian Fund for Nature	EE				<p>International cooperation needs to be stepped up</p> <p>Finally, we emphasize once again a slightly more general position that goes beyond the German plan: the maritime planning process needs much more effective international coherence and an assessment of cumulative effects across the sea. Such cooperation is also required by Article 11 of the Marine Planning Directive 2014/89 / EU. ELF considers that countries have not implemented this provision with sufficient content, although minimal cooperation has taken place. As Member States have to put in place maritime plans by March this year at the latest (and some have already done so), it will no longer be possible to make a major difference during this planning cycle.</p> <p>However, we consider it necessary for the working bodies of the Regional Seas Conventions (HELCOM in the Baltic Sea) to undertake an assessment of the cumulative effects of maritime plans in the near future and, if necessary, to adjust them in the future to ensure good environmental status.</p>	<p>Germany has been cooperating with the North Sea and Baltic Sea countries on the topic of maritime spatial planning within HELCOM and OSPAR for more than a decade. In addition to formal and informal working groups, on spatial planning as a whole, but also on various planning topics such as shipping or wind energy at sea, there is long-standing cooperation in various international projects. This cooperation will be continued from 2021 as part of the new EU project eMSP with partners from the North Sea and Baltic Sea.</p>

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							This is intended to support even closer coordination of planning.
11	Department of Housing, Local Government and Heritage	IE				Appropriate officials in the Department have reviewed the environmental documentation provided and as there are no potential transboundary issues that concern Ireland, I wish to confirm, on behalf of the Minister for Housing, Local Government and Heritage, that Ireland does not wish to participate in the transboundary SEA procedure.	The comments are noted.
12	Ministerium of Environment and Food	EE				Reference to the representation of the Estonian Fund for Nature	The comments are noted.
13	Ministry of Economic Affairs and Communications	EE				The Ministry of Economic Affairs and Communications asks the German authorities to take into account, as far as possible, the expected impacts of the implementation of the existing and planned marine spatial plans in the Baltic Sea and the objectives and action plans of HELCOM and other international cooperation fora for the protection of the status of the Baltic Sea.	In the preparation of the spatial development plan, the existing spatial development plans or draft plans of the neighbouring states have been taken into account. Germany involves the neighbouring countries in the process of drawing up the plan and is also involved in the planning procedures of the neighbouring countries. Germany is also involved in international cooperation, e.g. in the MSP Roadmap for the Baltic Sea Region as a contribution to the Baltic Sea Action Plan. In addition, provisions of the spatial plan support the objectives of the MSFD and thus contribute to the good environmental status of the Baltic Sea.
14	Marine Management Organisation	UK (Eng)				General Comments The MMO suggests that the transboundary issues relating to shipping, cables and offshore wind farms would merit further consideration. Authorities in Germany and England will be aware of the value and need to co-operate, where appropriate, in planning for future offshore wind developments. We therefore look forward to further discussion on this and related sectors in planning to meet the ambition for an increase in wind energy generation in both English and German marine areas.	The comments are noted.
15	Marine Management Organisation	UK (Eng)	2.2.3	(1)		In the meantime, we note a possible concern in relation to the proposed wind farm reservation site and associated cable routes within the German EEZ that borders the north east offshore marine plan area. Further detail regarding these comments can be found below.	The comments are noted.
16	Marine Management Organisation	UK (Eng)				Interaction with adjacent marine plans in England The German EEZ of the North Sea shares a small boundary with the English north east offshore marine plan area and is near to the east offshore marine plan area. 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 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. The Federal Maritime and Hydrographic Agency were informed about the preparation of the Draft North East Inshore and Offshore Marine Plan during the planning process. As you will be aware, the draft plan and associated documents were made available for comment during a consultation that ran from the 14th January 2020 for 14 weeks. We anticipate that the final plan will be adopted in spring 2021 subject to approval by ministers.	The comments are noted.

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17	Marine Management Organisation	UK (Eng)				Within the Environmental Report for the North Sea, we recommend that you amend Section 1.3.1.4 to include the most up to date information regarding marine plans in England, specifically on the North East and on the East Inshore and Offshore Marine Plans.	The comments are noted and taken into account in the revision of the environmental reports (Chapter 1.3.1.4 North Sea Environmental Report).
18	Marine Management Organisation	UK (Eng)				We would encourage the Federal Maritime and Hydrographic Agency to consider relevant policy topics and supporting information in the North East and East Marine Plans, particularly those which may have cross-border impacts and considerations: <ul style="list-style-type: none"> • Cables • Shipping • Offshore wind • Cross-border cooperation (North East Inshore and Offshore Marine Plans policy only) • Heritage • Seascape • Disturbance to migratory species (North East Inshore and Offshore Marine Plans only) • Marine protected areas (MPAs) • Biodiversity • Underwater noise (North East Inshore and Offshore Marine Plans policy only) 	The comments are noted.
19	Marine Management Organisation	UK (Eng)				MO's Seascape marine character assessment may also be of relevance, with the Dogger Bank Edge Marine Character Area 27 being the most relevant marine character area to the German EEZ.	The comments are noted.
20	Marine Management Organisation	UK (Eng)	2.2.2	(2)		The draft plan document (Figure 56) shows a proposed offshore wind reservation site (EN19) adjacent to the border with the north east offshore marine plan area. This site has the potential to impinge on several economically important shipping routes in the north east England offshore marine area that continue into the German EEZ. For reference, see Draft North East Inshore and Offshore Marine Plan Technical Annex Figures 10, 11 and 12 in conjunction with plan policies PS-3 and PS-4 that relate to ports and shipping. We understand that due to lack of data, site EN19 is not considered a priority site. We would welcome clarification about how the potential impacts of site EN19 on bordering marine plan areas have been or will be accounted for.	Within the framework of the international shipping group (DE, DK, NL, NO, UK), shipping routes to be kept free of development have been agreed. For the area of EN19, no concerns have been raised by the Coast Guard with regard to shipping. However, the Esbjerg-Hull route has been designated as significant and is now included in the ROPs of DK, DE and NL.
21	Marine Management Organisation	UK (Eng)	2.2.3	(1)		In addition to the proposed offshore wind site, Figure 910 shows cable site LN15 bordering the north east marine plan area, which we assume serves the EN19 reservation area for offshore wind. Based on Section 2.2.3 of the draft plan document, it is not clear if the cable routes in relation to EN19 are anticipated to lie entirely within the German EEZ or to extend into the English north east marine plan area?	The LN15 cable corridor lies entirely within the German EEZ.
22	Marine Management Organisation	UK (Eng)				Further information on marine plans in England For further information on marine plans in England referred to above, we recommend using our Explore Marine Plans service which includes data on marine licenses, environmental designations and specific policy information from English regional marine plans. Supporting evidence underpins all policies and draft policies in the East and North East Inshore and Offshore Marine Plans respectively. Policy areas of interest from a cross-border perspective include those for shipping, energy (including cables and offshore wind) and the natural environment. We will continue to keep you informed of progress with relevant marine plans in England.	The comments are noted.
23	Federal Ministry of the Interior, for	BE				Belgium has no specific comments on the documents with respect to the revision of the spatial plans for the EEZ in the North Sea and Baltic Sea.	The comments are noted.

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	Building and Community						
24	Federal Ministry of the Interior, for Building and Community	BE	2.1			Belgium has one general comment. The Directorate – general Shipping of the Federal Public Service for Mobility and Transport would like to emphasize the right freedom of navigation in the EEZ. Although there are no indications in the current MSP that this right will be violated and therefore we do not object the draft MSP, we advise to keep an eye on the freedom of navigation in the future execution of the plan.	The comments are noted.
25	Federal Ministry of the Interior, for Building and Community	BE	2.1			If shipping lanes should be created, we advise to establish recognized IMO shipping routes. This way, the designated shipping lanes will be visible on the official navigational charts and will be clear for all ships. If official IMO shipping routes are established, it is best to do this in coherence with existing shipping routes and the real time AIS data to avoid any mismatches or gaps.	Navigation routes have been and will be determined taking into account traffic separation areas as well as AIS data.
26	Environment State Bureau of the Republic of Latvia	LV				Environment State Bureau of the Republic of Latvia, acting as a competent authority on environmental impact assessment and strategic impact assessment in Latvia, thanks the Federal Maritime and Hydrographic Agency for sending information and documents of the strategic environmental impact assessment of the revision of the spatial plans for the EEZ in the North Sea and Baltic Sea.	The comments are noted.
27	Environment State Bureau of the Republic of Latvia	LV				The activities envisaged in the planning documents are not expected to have a direct impact on the Latvian coast and EEA waters. An indirect impact is possible from the extraction of minerals in the Baltic Sea, as well as the development of other economic interests in the Baltic Sea. At the same time, Latvia acknowledges that the most important nature protection areas have been identified, thus balancing the interests of different parties. Latvia welcomes the fact that the planning document has been developed comprehensively using the ecosystem services assessment approach. Latvia has no significant comments or objections to the developed planning document and its strategic environmental impact assessment..	The comments are noted.
28	Ministerium of Environment and Food	DK				Im gleichen Zeitraum wurden auch die zuständigen Behörden konsultiert, die zuvor den Wunsch geäußert hatten, sich an der Umweltprüfung zu beteiligen. Wir/Ansprechpartner haben keine Kommentare zu dem Plan erhalten."	The comments are noted.
29	Ministry of Infrastructure and Water Management	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 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.
30	Ministry of Infrastructure and Water Management	NL	2.1			Having read and considered your draft MSP with special attention to para 2.1 and figure 12, there are 4 subjects the Netherlands would like to address on the aspect of shipping. Most of them have already 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.
31	Ministry of Infrastructure and Water Management	NL	2.1	(1)		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 and the preliminary results of the Dutch FSA, it is likely that the Dutch design will align with SN10 and will not include any median strip. A median strip would be, besides the legal arguments from UNCLOS, also be highly risk improving on the aspect of safety of navigation and is considered to have negative impact on the accessibility of ports in the region. The exact alignment, design and formalization on international level at IMO should	The comments are noted.

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						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.	
32	Ministry of Infrastructure and Water Management	NL	2.1	(1)		<p>A continuation of the SN6 connection into the Dutch EEZ (Esbjerg-Dutch EEZ) is most likely not achievable.</p> <p>Arguments are that the corridor/connection would lead to an increased risk on the safety of navigation at the connection with other intensively used shipping routes whilst having impact on COLREG as well. Further the area is considered of high importance for the future development of OWF related to the Paris' climate agreement. Finally, the argument of decreased accessibility to ports in the region is considered to be mitigatable by using alternative routes. The Netherlands would like to propose further bilateral deliberation on this aspect to reach consensus on alternatives.</p>	Coordination on this point has already taken place within the framework of the international shipping group in the North Sea. The route will be adjusted accordingly. Further coordination is planned.
33	Ministry of Infrastructure and Water Management	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 will include 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.	Coordination on this point has already taken place within the framework of the international shipping group in the North Sea.
34	Ministry of Infrastructure and Water Management	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 SN17 in your draft MSP. For a possible westerly connection some initial design have been sketched. Unfortunately, ICT systems are down all day and therefore no graphical attachments could be produced and uploaded. These sketches may be provided in the next days, subject to your preference.	Coordination on this point has already taken place within the framework of the international shipping group in the North Sea. A new route SN19 will be determined accordingly.
35	Ministry of Infrastructure and Water Management	NL	2.1	(1)		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 could well be an agenda item under the EU shipping Group. In this respect, Germany is kindly asked to reserve sufficient room for these connections in their final MSP, not limiting any extension at this stage by assigning priority areas directly connected to these routes. In particular this might have impact on the SN17 route towards Denmark.	Coordination on this point has already taken place within the framework of the international shipping group in the North Sea.
36	Ministry of Infrastructure and Water Management	NL	2.1			The issues raised and arguments expressed are supported by the preliminary results of the already mentioned FSA, however it should be explicitly noted that the report has not been completed 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 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.	The comments are noted.
37	Ministry of Infrastructure	PL	2.1			1. Considering future development of port in Świnoujście (availability for ships with a draft of 15 metres), it should be possible to carry out dredging works on the route located north of the roadstead	No specifications are made in the maritime spatial plan with regard to possible deepening

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						of the ports of Świnoujście and Szczecin in order to obtain a fairway with a depth of 17 metres (route No. SO2 - as marked in illustration no. 2, page 35 (page 41 of the file attached)).	of the SO2 shipping route. The examination of such a project is reserved for the necessary approval procedure.
38	Ministry of Infrastructure	PL	2.5.1	(1)		2. Bundeswehr military training grounds in the Pomeranian Bay area collide with the shipping route north of the roadstead of the Świnoujście and Szczecin ports, leading to the Ystad port (route No. SO2 - as marked in Figure 2, page 35 (page 41 of the file attached)). Military exercises conducted on the above-mentioned training grounds may close this route for civilian shipping to the ports of Świnoujście and Szczecin.	The provisions of the maritime spatial plan keep the shipping routes clear, but due to the lack of regulatory competence of spatial planning, no further regulations are made for shipping. This also applies to the military training areas designated in the plan as reserved areas. Exercises are predominantly carried out without blocking the shipping route, so that passage is still possible. More details can be found in the announcements of the exercises in the Notices to Mariners.
39	Ministry of Infrastructure	PL	2.2.3	(1)		3. Works related to laying underwater lines - in particular those carried out in the waters marked as LO5, LO6, LO7 and LO8 (according to the markings in Figure 6, page 37 (page 43 of the file)), must not interfere with the regular navigation of ships.	In the maritime spatial plan, only spatial specifications (reserved areas) are made for the laying of cables and pipelines. Specifications for the laying depth depending on soil conditions and water depth are to be made within the framework of the corresponding sectoral planning or approval procedures and licensing procedures.
40	General Directorate for Environmental Protection	PL				Statement of the Polish side Within the framework of the presented forecast of environmental impacts, a comprehensive and detailed analysis of the impacts of the implementation of the adoption of the Plan on the individual components of the environment was carried out, with special attention to such animal groups as marine mammals, seabirds and resting birds. The data presented in this document constitute a comprehensive knowledge base that provides valuable conclusions on the environmental status of the areas covered by the Plan, as well as enabling the assessment of the impacts of the planned measures (e.g. related to the construction of wind farms, platforms and submarine cable systems) in relation to the individual environmental components. Mitigation measures have been proposed to reduce and avoid significant adverse effects on the environment, which will then be determined in the individual authorisation procedure of the planned measures.	The comments are noted.
41	General Directorate for Environmental Protection	PL				By letter dated 7 April 2020, our mark DOOŚ-TSOOŚ.442.2.4.2019.ZM.1, the Republic of Poland, on the basis of the analysis of the documentation received at the scoping stage and the comments of the Polish authorities, declared its participation in the strategic environmental assessment of the Draft Plan in accordance with Article 11(4) of the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Environmental Impact Assessments and Strategic Environmental Assessments in a Transboundary Context ¹ . In the letter dated 15 May 2020, sign: our DOOŚ-TSOOŚ.442.2.4.2019.ZM.7, the Polish side submitted its comments on the scope of the forecast of environmental effects. .	The comments are noted.
42	General Directorate for Environmental Protection	PL				Therefore, we stand by the comments made in the letter of 15 May 2020 and the attached comments of the Polish authorities, which form an integral part of the position of the Polish side:	The comments are noted.

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43	General Directorate for Environmental Protection	PL				<p>1. detonation of unexploded bombs and ammunition.</p> <p>In the forecast of environmental impacts, the temporary impacts resulting from the realisation of the individual measures were taken into account. According to the Polish side, the assessment should also take into account the impacts resulting from increased noise, especially for fish and marine mammals, due to the need to remove from the seabed unexploded bombs and munitions by detonation.</p> <p>Due to the movement of the seabed, it cannot be assumed with complete certainty that no dumped munitions will be found in the areas reserved for wind power or cables and pipelines, which will then have to be removed.</p> <p>The shockwave and noise associated with such activities can cause permanent injury to animals, often resulting in their death, or temporary hearing loss leading to behavioural problems.</p> <p>Another important issue is the presence of chemical weapons on the seabed, the detonation of which could cause a chemical threat of significant magnitude. The assumptions resulting from the forecast, indicating that the identification of priority areas for harbour porpoise will allow to minimise or even eliminate the negative impacts of the implementation of the investment, seem to be incorrect due to the fact that harbour porpoises are characterised by high mobility and seasonal migrations.</p> <p>Taking into account that areas EO1 and EO2 are primarily used by harbour porpoises of the Central Baltic population, any activities in these areas that may cause increased noise are expected to have negative impacts on individuals protected in both German and Polish Natura 2000 sites, e.g. "Ostoja na Zatoce Pomorskiej" PLH990002 directly adjacent to "Pomeranian Bay with Oder Bank" DE1652301.</p> <p>According to Article 5 of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), the potential significant environmental effects of implementing the plan should be identified, described and assessed at the strategic environmental assessment stage. In this context, the forecast should clearly indicate the risks to the marine environment resulting from the need to remove chemical weapons and unexploded bombs from the seabed. The precise assessment and selection of measures appropriate to the project in question during the detailed environmental impact assessment phase does not exempt the drafters of the forecast from taking these hazards into account during the strategic environmental assessment phase.</p>	<p>This environmental assessment is a strategic environmental assessment, not an environmental impact assessment. The plan does not make any specifications with regard to old munitions, which are dispersed over the entire planning area or over all marine areas in the Baltic Sea.</p> <p>The Strategic Environmental Assessment comes to the conclusion that, according to the current state of knowledge, it can only be ensured with the necessary degree of certainty that the requirements for species protection will be met and that nature conservation areas will not be significantly impaired in their components relevant to the purpose of protection if the applicable noise protection values are complied with and the requirements of the BMU's North Sea Noise Protection Concept are implemented.</p> <p>The blasting of old munitions is assessed as a threat to the living marine environment and in particular to the endangered harbour porpoise of the central Baltic Sea. For this reason, the blasting of exclusively non-transportable munitions is always accompanied by avoidance and mitigation measures when clearing plant sites, cable routes or other pipelines. These measures include the removal of animals from the danger zone by means of pingers and sealscarers and the use of bubble curtain systems. All data from blasting events are also recorded in the national sound register, transmitted annually to the HELCOM sound register at ICES and made available to all.</p> <p>More specific requirements are regulated in the sectoral legislation (see Area Development Plan, Chapters 4.4.1.8 and 4.4.1.12.) Furthermore, reference is made to the noise protection concept of the Federal Ministry for the Environment.</p> <p>The Strategic Environmental Assessment comes to the conclusion that, according to the current state of knowledge, only compliance with the applicable noise protection values and implementation of the requirements of the BMU's Noise Protection Concept for the North Sea will ensure with the necessary certainty that the requirements for species protection will be met and that nature conservation areas will</p>

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							not be significantly impaired in terms of their components relevant to the purpose of protection. Effects on fish are discussed in Chapter 3.2.3 and on marine mammals in Chapter 2.3.4.
44	General Directorate for Environmental Protection	PL				<p>2. Natura 2000 sites</p> <p>The area covered by the Plan is located near the border of Polish marine Natura 2000 sites. In the letter of 15 May 2020, we pointed out the need to conduct an analysis (also in graphical form) of impacts of the assumptions of the Plan on the entire marine ecosystem, including the protected goods in the above-mentioned Natura 2000 areas. Natura 2000 sites (PLB990003 "Zatoka Pomorska", PLH990002 "Ostoja na Zatoce Pomorskiej", PLB990002 "Przybrzeżne wody Bałtyku", PLC990001 "Ławica Słupska"), as well as other protected components of the natural environment, inter alia, on the basis of the information provided in the standard data sheets and the draft protection plans, also in relation to the cohesion and integrity of the Natura 2000 sites.</p> <p>In addition, the above-mentioned letter indicated the protected goods in Natura 2000 areas that are important and most threatened from the point of view of the implementation of the assumptions of the update of the plan, listed the existing and potential threats to the protected goods that may result from the implementation of the assumptions of this plan, and also indicated resources that can be used to obtain this data. The above information should assist the German side in analysing the issues raised.</p> <p>However, the documentation provided does not address the issues raised at the stage of defining the scope and level of detail of the environmental effects prediction for the plan under consideration. As regards the assessment of the effects of the implementation of the Plan on Natura 2000 sites outside the German EEZ, only general information is provided for the Polish Natura 2000 sites "Zatoka Pomorska" (PLB 990003) and "Ostoja na Zatoce Pomorskiej" (PLH990002). The forecast of environmental impacts contains general statements about a possible violation of the protection objectives of Natura 2000 sites. According to the authors of the forecast, this can be ruled out if orders issued in the individual permit procedures at lower levels are followed.</p> <p>Considering the extensive database available to the BSH on the elements of the natural environment, the Polish side does not question the veracity of the assumptions made in the document, but they should nevertheless be supported by appropriate analyses (including the graphic appendices) without referring to general statements.</p> <p>The consequence of this general approach was that the submitted documentation did not include a concrete and factual assessment of the short- and long-term impacts of the Plan's assumptions on the entire marine ecosystem, including the protected assets in the Polish Natura 2000 sites in the context of the impacts on their cohesion and integrity, any projected cumulative environmental impacts of the assumptions of the Plan under consideration and the assumptions of the Spatial Development Plan of the Polish Maritime Areas.</p> <p>In addition, it should be emphasised that the German side, as an interested party actively participating in the process of strategic environmental assessment of the Polish Spatial Plan of the Areas in Internal Coastal Waters, the Territorial Sea and the Exclusive Economic Zone at the scale of 1:200,000, is in possession of all the information, including the assumptions resulting from this Plan.</p>	<p>Within the framework of the strategic environmental assessment, impacts of individual uses or cumulatively on the nearest Natura2000 sites were assessed, taking into account the principles and objectives of the plan as well as avoidance and mitigation measures to be defined in subordinate approval procedures. Subsequently, the possible impairment of the conservation objectives of the remaining Natura2000 sites in the German waters as well as in the waters of the riparian states was assessed on the basis of the results. The conclusion that a significant impairment of the conservation objectives can be ruled out with the necessary certainty results from the measures to be ordered at the approval levels and from the spatial distance of the sites.</p> <p>Further methods are being developed within the framework of international cooperation (HELCOM).</p>
45	General Directorate for Environmental Protection	PL				<p>In view of the increasing development of maritime infrastructure in the area covered by the Plan, special attention should be paid to the possibility of cumulative impacts of existing and planned investments in this part of the Baltic Sea - also taking into account the provisions of the Polish Spatial Plan of the Areas in Internal Coastal Waters, the Territorial Sea and the Exclusive Economic Zone at a scale of 1:200,000, which is currently being prepared.</p>	<p>Cumulative impacts primarily affect mobile species such as seabirds and marine mammals. Therefore, these were considered specifically in the assessment of the respective protected asset. Example: It is assumed that cumulative impacts are to be expected from parallel sound-intensive works such as pile</p>

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						<p>In the letter of 15 May 2020, we referred to the need to analyse the projected cumulative impacts of the assumptions of the Plan referred to herein and the assumptions of the Spatial Plan of the Polish Marine Areas on the environment, with particular regard to the elements of the natural environment, together with other existing and planned investments of a similar nature.</p> <p>The plan referred to herein should consider the spatial impacts of the planned measures within the scope of the drafted document, as well as present the consequences of secondary and cumulative impacts, taking into account other existing and planned projects located outside the scope of the plan that is the subject of the present procedure, which is particularly important in the context of impacts on the Baltic Sea area.</p>	<p>driving. In order to avoid and mitigate the predicted cumulative impacts, measures were even described specific to the protected property and use. This type of consideration is purposeful in order to ensure environmental protection, taking into account the specific measures that will be defined in the subordinate procedures. Such avoidance and mitigation measures include, for example, the nationally applicable noise protection value of 160 dB SEL05 at a distance of 750 m from pile driving sites and the exposure to disturbance-triggering noise always remaining below 10% of the area of a nature conservation area or the German EEZ. It is assumed that these measures will also have a positive impact on nature conservation areas in neighbouring countries.</p> <p>For future environmental assessments, more comprehensive data bases and analysis methods are expected to be available, which are currently being developed nationally and internationally (e.g. with HELCOM).</p>
46	General Directorate for Environmental Protection	PL				<p>In the above context, the Polish side requests that the German side address the issues raised in this opinion in writing before the adoption of the maritime spatial plan for the German Exclusive Economic Zone in the North Sea and the Baltic Sea.</p> <p>Furthermore, we inform you that the GDOŚ [Directorate General for Environmental Protection] has received the opinion of the maritime administration authority in the framework of the procedure for the assessment of the draft plan including the forecast of environmental impacts, i.e. the letter of the Department of Marine Economy in the Ministry of Infrastructure dated 14 January 2021, reference no: GM-DGM-7.5600.1.2021, which contains comments on the planning, which we attach to this letter.</p>	<p>The comments of the Polish side were intensively examined and taken into account as far as possible in the final version of the spatial development plan. The Polish side will receive a separate letter from the BSH.</p>
47	General Directorate for Environmental Protection	PL				<p>Participation of the Polish public</p> <p>I would like to inform you that in accordance with Polish law and Article 13 of the Polish-German Agreement, the information contained in the letter dated 4 December 2020, your reference: 080001-5442-001, was made available to the Polish public with the opportunity to submit comments and applications during the period from 16 December 2020 to 14 January 2021. No applications or comments were received during the public participation period in the present case.</p>	<p>The comments are noted.</p>
48	Ministry of Infrastructure	PL				<p>(1) The currently available version of the plan is, in contrast to the previous one (with three planning variants: traditional, oriented towards climate protection, oriented towards environmental protection), a uniform version based on selected elements of the previous variants. From the Polish point of view, the most important concern remains unchanged the adoption of shipping routes leading to Polish ports into the spatial plan of the German EEZ, i.e:</p> <p>a) the shipping route recommended in the Polish and international navigation publications, running north from the island of Rügen to the traffic separation area VTG "Adlergrund" (Route No. SO3 - according to the designation in Figure No. 2 on page 35 (page 41 of the file));</p>	<p>The comments are noted.</p>

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						b) the route running north of the outer roadstead of the ports of Swinoujście and Szczecin to the Swedish port of Ystad (Route No SO2 - as designated in Figure No 2 on page 35 (page 41 of the file)).	
49	Ministry of Infrastructure	PL	2.1			<p>It should be noted that, compared to the previous version of the plan, the designation of reserved areas for navigation was abandoned (on both sides of the priority areas for navigation), where various activities were allowed provided they did not affect safe navigation. The previous reserved areas for navigation were included in the priority areas and thus expanded.</p> <p>The protected status of the navigation function in the priority areas designated for it has priority over other functions, which confirms the regulation under 2.1 "Ensuring the safety and ease of navigation", point (1), paragraph 2 on page 3 (page 9 of the file), quoting: "When priority areas for navigation are overlaid with priority areas for the protection and enhancement of the marine environment, navigation enjoys priority in accordance with the requirements of UNCLOS under international law."</p>	The comments are noted.
50	Ministry of Infrastructure	PL	2.2.2			<p>In the "Justification" on page 3 (page 9 of the file), the doubts of the Polish side arising from the analysis of the previous version of the plan were also clarified, namely with regard to the regulation providing for the possibility of establishing safety zones around offshore installations in such a way, namely that these zones are located on the reserved or even priority areas for shipping.</p> <p>The consequence of this would be that the priority and reserved areas for shipping could be narrowed down by the establishment of safety zones if wind turbines are erected on the border of the area designated for offshore wind farms. In particular, the shipping route connecting the roadstead of the seaports of Szczecin and Świnoujście with the port of Ystad could be narrowed by the designation of safety zones for the wind turbines located on the boundaries of the areas designated for wind energy and marked as EO1 and EO2 (according to designations in Figure 4 on page 36 (page 42 of the file)).</p>	The comments are noted. The safety and ease of shipping traffic is preserved.
51	Ministry of Infrastructure	PL	2.1		(1)	<p>The regulation in the current version of the plan states in the "Justification" on page 3 (page 9 of the file) that "in particular, in accordance with Article 60(7) UNCLOS, artificial islands, installations and structures and the safety zones surrounding them shall not be constructed where this may obstruct the use of recognised shipping lanes important for international navigation" and further in paragraph 2 "the main objective of the requirements to ensure the safety and ease of navigation is therefore to keep important shipping lanes away from threatening uses".</p> <p>Furthermore, the "Justification of the objectives and principles - in relation to (1) Priority areas for navigation" on page 4 (page 10 of the file) states in paragraph 2 that "Priority areas (for navigation) thereby represent the basic framework which is to be kept free of all incompatible uses, in particular free of constructions above the seabed".</p>	The comments are noted.
52	Ministry of Infrastructure	PL	2.2.1	(3)		With regard to other economic uses in the plan area, section 2.2.1 "General requirements for economic uses", item (4) on page 6 (page 12 of the file) states the spatial planning principle that "economic uses should not impair the safety and ease of navigation".	The comments are noted.
53	Ministry of Infrastructure	PL	2.2.3	(1)		<p>In previous letters from the Polish Maritime Authority, reference was also made to the planned laying of submarine cables in the German EEZ. I would like to point out once again that the works in connection with the laying of submarine cables - in particular the works in the waters designated as LO5, LO6, LO7 and LO8 (according to designations in Figure No. 6 on page 37 (page 43 of the file)) - must not interfere with regular navigation.</p> <p>I take a positive view of the provisions in section 2.2.3 "Cables" paragraph (5) "Covering" and (6) "Crossing of shipping routes" on page 17 (page 23 of the file) together with "Justification of objectives and principles" on page 18 (page 24 of the file), regarding the requirement to sink cables into the ground ("covering"), so that: "The coexistence of submarine cables and shipping is subject to the condition of adequate covering."</p>	Only spatial specifications for the laying of cables and pipelines are made in the maritime spatial plan. Specifications for the laying depth depending on soil conditions and water depth are made within the framework of the corresponding approval and licensing procedures.

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54	Ministry of Infrastructure	PL	2.3.	(2)		The aforementioned letters from the maritime authority also refer to conflicts between shipping routes and scientific research. Section 2.3.1 "Marine research" point (2) on page 24 (page 30 of the file) of the new version of the plan states: "The conduct of research activities shall not adversely affect the safety and ease of traffic." In the "Explanation of Objectives and Principles" under point (2) on page 25 (page 31 of the file), the provision has been clarified as follows: "With regard to maritime and air transport, research actions shall be carried out in such a way that the safety and ease of traffic are not impaired."	The comments are noted.
55	Ministry of Infrastructure	PL	2.2.3	(5)		I also take a positive view of the regulation concerning the crossing of shipping routes by pipelines on the shortest route, so that the following applies: "Due to the high importance for international maritime shipping, a conflict of use between pipelines and shipping should be ensured (translation error, in the English original "avoided", i.e. avoided) by minimising the overlapping of pipelines with the highly frequented shipping routes".	The comments are noted.
56	Ministry of Infrastructure	PL	2.4.1	(1)		In the case of the protection of the marine environment, conflict points with shipping were regulated in section 2.4. 1 "Nature conservation / Seascape / Open space" point (1) on page 26 (page 32 of the file), where it is said: "Sentence 1 (Nature conservation in the national marine protected areas, therein "Pomeranian Bay - Rönnebank") does not apply to the area of the northern approach and the outer roadstead (translation error, in the English original "outer roadstead", i.e. the roadstead) of the ports of Szczecin and Swinoujscie shown on the map. When priority areas for the protection and improvement of the marine environment are overlaid with priority areas for shipping (and this is the situation in the Bay of Pomerania), shipping enjoys priority in accordance with the requirements of international law under UNCLOS."	The comments are noted.
57	Ministry of Infrastructure	PL	2.4.1		(1)	In the "Explanation of objectives and principles" under item (1) "Priority areas for nature conservation" in paragraph 3 on page 29 (page 35 of the file), international (UNCLOS) and German regulations are mentioned which refer to the priority of shipping over environmental protection in nature conservation areas.	The comments are noted.
58	Ministry of Infrastructure	PL	2.2.4	(1)		2. other matters: (a) In the current version of the Draft Plan, the areas designated for the extraction of raw materials are divided into two categories, i.e. reserved areas for hydrocarbons and reserved areas for sand and gravel extraction, which corresponds to an earlier comment by the Polish Maritime Authority. There are no areas designated for hydrocarbon extraction in the Pomeranian Bay.	The comments are noted.
59	Ministry of Infrastructure	PL	2.5.1	(1)		b) In the current version of the draft plan, Annex 3, which is a compilation of thematic maps, has been supplemented by a map differentiating military exercise areas according to their use, which corresponds to a comment previously submitted by the maritime authority. It would be advisable to translate the attached legend of the map on military exercise areas into Polish and English.	The legends of the maps in the annex to the spatial development plan are provided in Polish and English translation.
60	Ministry of Infrastructure	PL	2.2.3	(3)		c) In section 2.2.3 "Pipelines" under item (3) on page 17 (page 23 of the file) it is pointed out that pipelines are to be routed through the border corridors GO1 to GO5 shown in Figure 6 on page 37 (page 43 of the file). However, in the figure for the Baltic Sea only the areas defined for submarine cables were presented, the mentioned border corridors are not shown in the map. The map needs to be completed.	The map has been amended.
61	Ministry of Infrastructure	PL	2.1	(1)		3. in the submitted version of the draft maritime spatial plan for the exclusive economic zone of the Federal Republic of Germany in the Baltic Sea, three issues have not been addressed which are very important from the point of view of Polish interests and which have already been raised with the German side earlier: (a) from the point of view of the future development of the port in Świnoujście (handling ships with a maximum draught in the Baltic Sea of 15.0 m), it would be necessary to ensure the possibility of carrying out dredging works on the route north of the roadstead of the ports of Świnoujście Szczecin	No specifications are made in the maritime spatial plan with regard to possible deepening of the SO2 shipping route. The examination of such a project is reserved for the necessary approval procedure.

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						in order to obtain a fairway with a depth of 17.0 m (Route No SO2 - as designated in Figure No 2 on page 35 (page 41 of the file)).	
62	Ministry of Infrastructure	PL	2.5.1	(1)		b) The Bundeswehr military exercise areas in the Pomeranian Bay collide with the shipping route running north of the roadstead of the ports of Swinoujscie and Szczecin and leading to the Swedish port of Ystad (Route No. SO2 - as designated in Figure No. 2 on page 35 (page 41 of the file)). Military exercises conducted in the above-mentioned military exercise areas may result in the closure of this route for civilian navigation to the ports of Świnoujście and Szczecin.	In the maritime spatial plan, the military exercise areas are defined as reserved areas for national and alliance defence. Bundeswehr exercises in the designated reserved areas in the Pomeranian Bay are predominantly carried out without blocking shipping routes. Information on any restrictions or notices regarding the exercises is provided via the Notices to Mariners. No significant impairment of civilian shipping to the ports of Swinoujscie and Szczecin is to be expected .
63	Ministry of Infrastructure	PL	2.2.3	(1)		(c) The works in connection with the laying of submarine cables - in particular the works in the waters designated LO5, LO6, LO7 and LO8 (as designated in Figure No. 6 on page 37 (page 43 of the file)) - shall not interfere with regular navigation.	Only spatial specifications for the laying of cables and pipelines are made in the maritime spatial plan. Specifications, e.g. for the laying depth depending on soil conditions and water depth, are made within the framework of the corresponding approval and licensing procedures.
64	Ministry of Infrastructure	PL				Furthermore, the documentation submitted by the German side points out that the legal status of the body of water, which includes the roadstead of the seaports in Swinoujscie and Szczecin, including the approach fairway to Swinoujscie and anchorage no. 3, is still unresolved.	The comments are noted.
65	Ministry of Infrastructure	PL				From the German side, no planning regulations are envisaged in the area of the roadstead of the seaports in Swinoujscie and Szczecin, neither in the updated plan nor in the plan valid since 2009, but this does not change the fact that this area, irrespective of the specifications in the spatial development plan, is part of the forms of nature protection established by the German side (Pomeranian Bay - Rönnebank nature reserve, Natura 2000 areas: Pomeranian Bay (birds) and Pomeranian Bay with Oder Bank (habitat)) and German military training areas, which may influence the use of this part of the coastal sea of the Republic of Poland by the Polish side.	No specifications are made in the maritime spatial plan for the area of the northern approach / roadstead of the Polish seaports. The scope of the Pomeranian Bay Protected Area Ordinance also excludes this area. For the use of the military exercise areas, information on the notices to mariners on restrictions for shipping is announced in advance, so that it is not assumed that shipping to and from the Polish seaports will be significantly impaired.
66	Ministry of Infrastructure	PL				Referring to the questions raised by the German side regarding the participation of the Polish side in the strategic environmental assessment for the document under preparation, the Maritime Authority considers that it is justified and necessary for the Republic of Poland to be involved in the consultation process for the updated plan. The comments on the environmental impact forecast were submitted to the Directorate General for Environmental Protection by the Director of the Maritime Authority in Szczecin.	The comments are noted. A new international participation on the revised (i.e. second) draft of the spatial development plan has been carried out in June 2021.
67	Naturvårdsverket	SE				Swedish reply to the notification regarding Draft Maritime Spatial plan for the German Exclusive Economic Zone and the Environmental report. The Swedish Environmental Protection Agency (SEPA) has received a transboundary notification from Bundesamt für Seeschifffahrt und Hydrographie regarding the draft plan and the environmental report under Article 9 (4) of the Spatial Planning Act and Articles 60 and 61 of the Environmental Impact Assessment Act; Article 10 SEA Protocol. The consultation process in Sweden	The comments are noted.

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						The consultation carried out by the SEPA in Sweden was conducted as follows: The Draft Maritime Spatial Plan for the German Exclusive Economic Zone in the North and Baltic Sea and the Environmental report for the draft maritime spatial plan for the German Exclusive Economic Zone in the Baltic Sea has, together with other forwarded documents, been referred to relevant centralgovernment agencies, county administrative boards, marine- and environmental organizations and research institutes. The consultation period lasted from the 10th of December 2020 until the 26th of January 2021. The documents have also been available on the SEPA website.	
68	Naturvårdsverket	SE				<p>Comments received</p> <p>SEPA received comments from the Swedish Agency for Marine and Water Management, the National Board of Housing, Building and Planning, the South Baltic Water District Authority and the Swedish Pelagic Federation P O. These statements and comments in English are enclosed.</p> <p>The Swedish Armed Forces refers to earlier given statements where they stated no objections in this matter but wishes to inform that the area named ES D-140 is decommissioned and not in use</p>	The comments are noted.
69	Naturvårdsverket	SE				The County Administrative Board of Blekinge mentioned that due to time restrains they did not have the possibility to give a proper and satisfactory statement and comments, but highlight the need to work for a sustainable Baltic Sea in all surrounding countries, which should be considered in the future work with the Maritime Spatial Plan.	The comments are noted.
70	Naturvårdsverket	SE				County Administrative Board of Kalmar concluded that the impacts of the Maritime spatial plan for German EEZ on Kalmar county are minor. Hence, they refer to the comments of the County administrative boards of Skåne and Blekinge which are located closer to the German EEZ.	The comments are noted.
71	Naturvårdsverket	SE				The Swedish Maritime Administration, the Swedish Meteorological and Hydrological Institute, the Geological Survey of Sweden, the Swedish Board of Agriculture, the Swedish Energy Agency, the Swedish Transport Agency, the County Administrative Board of Skåne, the Swedish Shipowner's Association, the Swedish University of Agricultural Sciences and BirdLife Sverige stated no comments or abstain from comments.	The comments are noted.
72	South Water District Authority	SE				The South Baltic Water District Authority have received the Swedish Environmental Protection Agency's request for statements about the German revision of their Maritime Spatial Plan for the economic zone in the North Sea and the Baltic Sea (NV-04654-19). The South Baltic Water District Authority assess that the German Maritime Spatial Plan has little impact on the Swedish drainage basin the South Baltic water district and choses therefore to only give general comments on the revised German Maritime Spatial Plan.	The comments are noted.
73	South Water District Authority	SE				<p>Summary</p> <p>The South Baltic Water District Authority supports the suggested revision of the German Maritime Spatial Plan (MSP) but will at the same time highlight that the revised MSP take potential impact from the MSP (positive and negative) into too little consideration. The revised MSP also take existing EU directives into too little consideration. Coordination between the EU Maritime Spatial Planning Directive (2014/89/EU) and the Marine Strategy Framework Directive (2008/56/EG) is mentioned and especially the latter is very well integrated and described within the revised MSP. The MSP's connection to the till Baltic Sea Action Plan (BSAP) and the North-East Atlantic Environment Strategy (NEAES) is also well described. It is therefore surprising that the MSP's connection and impact on the coastal zone and hence the implementation of the Water Framework Directive (2000/60/EG) is not mentioned at all.</p> <p>A better coordination and implementation of the three directives is desirable, so that responsibility can be clarified if god ecological status is not achieved. The German MSP is a part of this and should strife after accomplishing good ecological status, at the latest 2027.</p>	<p>The comments are noted.</p> <p>Pursuant to section 17(1) sentence 2 of the ROG, spatial planning shall contribute to the protection and improvement of the marine environment, including the achievement of a good status of marine waters, taking into account climate protection, through</p> <ul style="list-style-type: none"> - appropriate spatial specifications for the marine environment and - specifications for the avoidance or reduction of disturbance and pollution caused by the above-mentioned uses. <p>The WFD is listed in Chapters 1.4.2 of the environmental reports and has been taken into account accordingly where relevant. The objectives of the MSFD and the good</p>

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							<p>environmental status in the North Sea and Baltic Sea are supported by provisions of the MSP.</p> <p>The designated coastal zone is taken into account in the preparation of the plan through the consideration of transboundary impacts in the environmental reports (Section 4.12) and the participation processes in order to ensure the development, order and protection of the overall marine area.</p> <p>The provisions of the MSP and the extensive avoidance and mitigation measures identified in the environmental reports aim to reduce potential impacts on the marine environment.</p> <p>The coordination and dovetailing of the guidelines, as well as cooperation with the coastal countries and neighbouring countries, is continuously being developed in a constructive dialogue.</p>
74	South Water District Authority	SE				<p>General comments</p> <p>MSPs covers the greater part of the territorial sea and meets the Water Framework Directive (WFD) at one nautical mile outside the baseline. In theory, there is therefore no overlaps between the WFD and Germany's revised MSP. But, activities outside one nautical mile of course impacts the internal waters (and vice versa). Even though the South Baltic Water District Authority appreciates how Germany in such a high degree has implemented the ecosystem approach in their MSP, we are still lacking a concrete description of how the MSP will contribute to reaching good ecological status in the internal waters and good environmental status in the territorial waters. This part of the MSP can be developed.</p> <p>Even if the negative environmental impacts that are caused in line with the revised MSP is suggested to be small or very small, negative impacts cannot be completely excluded. Regardless of the size of impact, the South Baltic Water District Authority sees a need for that responsibility for such impacts is clarified. Within the WFD, impacts are balanced with ecological conditions, which in turn leads to measures that should be implemented to reach good ecological status. This balancing act does not necessarily mean that the responsibility for deteriorated ecological status will not fall under the MSP. The South Baltic Water District Authority therefore asks for clearer responsibility of the MSP in case of deteriorated ecological status. The open sea's impact on the coastal waters (internal waters) cannot be underestimated, and neither the implementation of the MSP nor the Marine Strategy Framework Directive (MSFD) will be without responsibility in case of that good ecological status is not reached.</p> <p>There is already a lack of coordination between the WFD and the MSFD and the South Baltic Water District Authority therefore wants to underline that the suggested revised MSP now has a chance to straighten out uncertainties when it comes to responsibility and accountability in case of worsened ecological status. Impact – natural or antropogenic – from and between the internal waters, the territorial waters and the German EEZ is in turn impacting the Swedish EEZ, territorial waters, and internal waters. Consequences for implementation and compliance of the WFD, MSFD and the suggested MSP should therefore be clarified.</p>	<p>The designations of priority and reserved areas and the textual designations contribute to improving the environmental status of the sea.</p>

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75	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>Comments</p> <p>The comments from the Swedish Agency for Marine and Water Management (SwAM) refers to the Baltic Sea solely. We welcome the opportunity to comment on the revision of the marine spatial plans for the German EEZ. We have recently commented on the German Site Development Plan for offshore energy and refer to that statement for more detailed comments related to impacts from offshore wind power.</p>	The comments are noted.
76	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>The environmental report of the Strategic Environmental Assessment (SEA) concludes that significant environmental impacts is unlikely in Swedish waters. However possible significant transboundary impacts could arise from a cumulative view in the southern Baltic Sea for the highly mobile biological assets fish, marine mammals, seabirds and resting birds, as well as migratory birds and bats.</p>	The comments are noted. According to the assessment of cumulative effects in Chapter 4.11 of the Baltic Sea Environmental Report, cumulative effects - depending on the protected good under consideration - are either not to be expected, the implementation of the plan reduces the cumulative effects or even positive effects are expected.
77	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>Possible transboundary effects on the Baltic Proper harbour porpoise</p> <p>Possible significant transboundary impact could arise on marine mammals such as harbour porpoises. This includes risks for negative impacts on the specific population of Baltic Proper harbour porpoises, which is a critically endangered population¹. These risks may occur during the pre-construction, construction or decommissioning phase of a planned wind farm project.</p> <p>The population's breeding grounds are in the more central parts of the Baltic Sea, around the offshore banks Hoburgs bank and the Midsea banks (Midsjöbankarna). However, it is shown that porpoises from this population may appear in the south-west Baltic Sea during the winter months. Construction/Installation of offshore windfarms can disturb and possibly physiologically damage harbour porpoises (causing TTS, Temporary Threshold Shift or PTS, Permanent Threshold Shift) as this activity can cause high underwater noise levels during the installation phase. This disturbance effect can also occur during the pre-installation phase when seismic surveys are being undertaken.</p>	The comments are noted. According to Principle 2.2.2 (6) on the protection of the marine environment, noise pollution should be avoided during the construction of wind turbines. This principle is to be taken into account in the individual procedures; concrete mitigation and avoidance measures are to be ordered by the respective competent licensing authority at project level for the planning, construction and operation phases.
78	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>SwAM considers mitigation measures to protect the harbour porpoise as vital and we assess the listed mitigation measures in the environmental report as appropriate according to current knowledge.</p> <p>In addition to noise mitigation measures it is of great importance to adjust the installation schedule and seismic surveys to the time of the year when the probability of presence of the Baltic Proper harbour porpoises is the lowest. During May–October, there is a high probability of detection of harbour porpoises on and around the offshore banks south of Gotland and east of Öland.² Conversely, this indicates that the probability of detection of Baltic Proper porpoises in the area of the southern Baltic during May-October is presumably lower. Consequently, this period would be more appropriate for offshore activities such as piling and seismic surveys, from the perspective of protecting the endangered Baltic Sea harbour porpoise population.</p>	The information is noted. Concrete specifications on species protection are reserved for subsequent planning and approval procedures.
79	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>The environmental report refers to "current knowledge and facts" in each sector/areas on the importance of the areas for the harbour porpoise resting and breeding. However it should be noted that only because there is no knowledge or proven presence of harbour porpoise, this does not guarantee that the areas do not constitute important areas for harbour porpoise or other protected species. Furthermore disturbance such as increasing shipping and construction of new wind farms in other areas than the German EEZ, might result in harbour porpoises searching new patterns of movements.</p> <p>During operation the underwater noise emitted from a single wind farm is in general low compared to for example cargo ships. SwAM would however like to point out that cumulative effects potentially</p>	The information is noted. Concrete specifications on species protection are reserved for subsequent planning and approval procedures. It is assumed that, on the basis of ongoing monitoring projects (including MARLIN), a more ready data basis will be created in this respect, which will enable a better assessment of cumulative and large-scale impacts to be made in the future.

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						also can occur during the operational phase due to the contribution to a louder soundscape from multiple turbines from multiple farms in the ocean. As the development of more windfarms continues, their combined contribution of noise cannot be ignored. Large-scale cumulative effects should be addressed in the upcoming environmental impact assessments for the specific offshore wind parks.	
80	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>Negative effect on aggregations of spawning cod stocks</p> <p>Eastern and western Baltic cod populate the area. Both are below safe biological limits and it is therefore important to give the stocks good conditions for spawning and fry production by avoiding pile driving and major noise disturbances during cod spawning periods. Dean et al. (2012)⁴ showed that when accumulations of spawning cod were disturbed, they left the area so as not to return to this area. Stressed cod do not perform their normal spawning behaviour and are more likely to produce abnormal fry (Morgan et al. 1999)⁵. It is probable that piling and other disturbances that produce loud noises for the cod may disturb the cod during spawning, and thus negatively affect an already suppressed stock. In order to have a good fry production that this stock needs, the probability of disturbing the cod during spawning should be as small as possible.</p>	The comments are noted.
81	Swedish Agency for Marine and Water Management (SwAM)	SE				SwAM proposes that pile driving should be avoided during peak cod spawning periods, from 15 May to 15 August to match the protective period for cod spawning implemented by the EU Council ⁶ . Mitigating measures should under all circumstances be used to as far as possible minimize the spreading of impulsive noise. Cod spawning is essential for the provisioning ecosystem services which small scale fisheries among other also rely on.	The information is noted. Concrete specifications on species protection and mitigation measures are reserved for subsequent planning and approval procedures.
82	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>Negative effects from fisheries</p> <p>Negative effects from fisheries on other activities and sensitive species and habitats eg from by-catch of marine mammals and birds, could be more developed in the SEA. The plan proposal does not designate important areas for fisheries except for a reservation area for Norwegian lobster in the North Sea. We would welcome using the plan to indicate the most important areas for fishery as a basis for future trade-offs in relation to other interests. Areas with high nature values being part of the marine green infrastructure may as well be designated in MSP as a means to support sustainable co-existing uses.</p>	The information is noted. Apart from the Norway lobster fishery (North Sea), which can be spatially delimited on the basis of the substrate relevant for this species, other fishing areas cannot be clearly delimited and reconciled with conservation interests. Priority and reserved areas for nature conservation are also to be understood as areas of high nature value. Measures to restrict fishing in the protected areas are adopted within the framework of the management plans for the protected areas and after consultations on this at EU level.
83	Swedish Agency for Marine and Water Management (SwAM)	SE	2.4.1	(5)		<p>Impacts on migrating birds</p> <p>We note the "Fehmarn-Lolland" bird migration area and understand that the offshore wind energy reservation area EO2 overlaps with another bird migration area "Rügen- Schonen". Further understanding of the impacts on bird migration and bird populations including effects of mitigation measures would be needed before exploitation of that area.</p>	The regulation referring to bird migration corridors was extended to include the "Rügen-Schonen" area. A more detailed study of the effects on bird migration and bird populations will be carried out as part of the approval procedure.
84	Swedish Agency for Marine and Water Management (SwAM)	SE	2.1	(1)		<p>Shipping</p> <p>We note that reservation areas for shipping in the current plan are shipping areas in the revised draft. We understand that maritime safety is a major concern at sea but would like to highlight the need of keeping space for future marine uses. Further harmonisation between neighbouring countries on how shipping routes should be represented in MSP-plans in the Baltic is important.</p>	The comments are noted. International working groups exist on the subject of shipping, with the aim of coordinating cross-border routes in the spatial development plans.
85	Swedish Agency for Marine and Water Management (SwAM)	SE				<p>Effects on Swedish fishery</p> <p>The German Exclusive Economic Zone is used by Swedish commercial fisheries. Fisheries have been taking place in all areas designated for offshore wind in the EEZ and more specifically by:</p> <ul style="list-style-type: none"> • Coastal fisheries using passive gear in area O-2 (western part) and O-3. • Fisheries using demersal trawls in area O-1 (northern part) and O-2. 	The comments are noted. In the Baltic Sea, the areas for offshore wind energy only cover a smaller part of the EEZ. The specific impacts on fisheries will be assessed in the course of approval procedures at project level. The extent to which co-use with certain fisheries will

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						<ul style="list-style-type: none"> Fisheries using pelagic trawling in area O-1, O-2 and O-3. <p>The documents do not include assessments relating to impacts on other activities such as fisheries. It is important to consider such impacts in this MSP-process as well as in the further processes following the Site development plan.</p>	be possible in the future is to be scientifically investigated.
86	Swedish Pelagic Federation	SE				<p>Sweden Pelagic Federation Producers' Organisation (SPF PO) represents the entire Swedish pelagic fishery in the North Sea region and the southern Baltic Sea. Our members fish for e.g. mackerel, sprat, herring and sandeel. SPF have the following view on the proposed German maritime plan:</p> <p>We notice that large areas are reserved for wind power development. In general, pelagic fishing with midwater trawls or purse seines cannot be conducted in or close to wind farms. There is even now an extensive establishment of wind farms in German waters, which limit the areas where fishing can take place. Further establishment of wind farms will restrict the fishery further. It is important to assess the impacts on each fishing sector separately when establishing new wind farms, as different types of fishery may be affected differently.</p>	The comments are noted. In the Baltic Sea, the areas for offshore wind energy only cover a smaller part of the EEZ. The specific impacts on fisheries will be assessed in the course of approval procedures at project level. The extent to which co-use with certain fisheries will be possible in the future is to be scientifically investigated.
87	Swedish Pelagic Federation	SE	2.2.2			<p>Furthermore, we think that the cumulative effects of the wind farms need to be assessed as our German fishing colleagues tell us that this has not yet been done.</p> <p>Wind farms should primarily be placed in areas with a depth of maximum 15 meters, since the fishery does not occur at 0-15 meters. We also want to point out the importance of burying the cables leading electricity from the windmills to facilities on land well into the bottom substrate to prevent any fishing gear from accidentally entangling and damaging them.</p> <p>Our members have also expressed some concern regarding the electric field around the cables, and how this may affect fish and other marine organisms. This should be included in the impact assessment of new wind farms.</p>	The comments are noted. In the EEZ, there are no water depths below 15 metres in the North Sea or in the Baltic Sea outside the protected areas.
88	Boverket	SE				<p>The National Board of Housing, Building and Planning has taken part of the draft of Maritime Spatial Plan of Germany. Our overall comment is that the draft is elaborate and clear. We have a suggestion for the map. In the vision one of the guiding principles is:</p> <p>"Consideration of land-sea relationships and transport and value chains by closely working with the coastal federal states for coherent planning," Our suggestion is that the map also contained an illustration that shows the fairway's connection to land. This would make it easier to comprehend the importance and impact of the infrastructure for a coherent planning.</p>	This note will be taken into account in the preparation of the accompanying document.