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**Von:**

**Gesendet:**

[REDACTED]  
Donnerstag, 24. Juni 2021 14:08

**An:**

EingangOdM

**Cc:**

**Betreff:**

[REDACTED]  
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Dutch feedback on 2nd German draft MSP

**Kategorien:**

L.S.,

In response to your email dd 4-6-2021 and the issues raised during the international consultation session at 15 June, I hereby send you comments on your 2<sup>nd</sup> draft MSP and suggestions to cooperate upon towards finalization.

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 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.

Having read and considered your 2<sup>nd</sup> 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.

- 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.

- 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. 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 trilateral meetings between Ger-Den-NL.
- 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.
- 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.
- 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 routing 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 routing 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 trilateral meetings between Den-Ger-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.

Finally, I hereby would like to make use of the opportunity to make you aware of the English version of the Dutch MSP which should be(come) available via [www.platformparticipatie.nl](http://www.platformparticipatie.nl); click on “Nationaal Water Programma 2022-2027”. Internet consultation is open up to 21 September 2021. My MSP colleagues might notify you via ESPOO for planning and participation on an international consultation meeting.

Also on behalf of other Dutch colleagues, best regards

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