

*The following represents a courtesy translation, for any inconsistencies with the Dutch or French versions, the latter will prevail*

**Royal Decree establishing the marine spatial planning for the period 2020 to 2026 in the Belgian sea-areas**

**PHILIPPE, King of the Belgians,**

To all, present and to come, greetings.

Having regard to the law of 13 June 1969 on the exploration and exploitation of non-living resources of the territorial sea and the continental shelf, article 3, §1, as amended by the law of 20 January 1999 and 22 April 1999, article 4, as amended by the law of 22 April 1999;

Having regard to the law of 20 January 1999 on the protection of the marine environment and the organisation of marine spatial planning in the sea areas under the jurisdiction of Belgium, article 5bis, incorporated by the law of 20 July 2012, article 6, as amended by the law of 17 September 2005, article 7 §§1,3 and 4, as amended by the law of 17 September 2005, article 8bis, §§1,2 and 3, as amended by the law of 17 September 2005, article 8, §3, as amended by the law of 17 September 2005; article 8bis, §1, 2 incorporated by the law of 17 September 2005, article 9 §1, as amended by the law of 17 September 2005, article 18, as amended by the law of 21 April 2007, article 25 §2 and article 26, as amended by the law of 21 April 2007;

Having regard to the law of 29 April 1999 concerning the organisation of the electricity market, article 6 §2, article 6/1, incorporated by the law of 8 May 2014;

Having regard to the law of 4 April 2014 concerning the protection of underwater cultural heritage, article 8, §3;

Having regard to the Royal Decree of 1 September 2004 on the conditions and the procedure for awarding concessions for the exploration and exploitation of the mineral resources and other non-living resources in the territorial sea and on the continental shelf;

Having regard to the Royal Decree of 14 October 2005 establishing special protection areas and special areas of conservation in the sea areas under Belgian jurisdiction;

Having regard to the Royal Decree of 14 October 2005 on the conditions, conclusion and termination of user agreements and the drawing up of policy plans for the marine protected areas in the sea areas under the jurisdiction of Belgium;

Having regard to the Royal Decree of 5 March 2006 establishing a focused marine reserve in the sea areas under the jurisdiction of Belgium and amending the Royal Decree of 14 October 2005 establishing special protection areas and special areas of conservation in the sea areas under Belgian jurisdiction;

Having regard to the Royal Decree of 13 November 2012 on the establishment of an advisory committee and the procedure for adoption of a marine spatial plan in the Belgian sea areas;

Having regard to the Royal Decree of 20 March 2014 establishing the marine spatial plan;

Having regard to the opinion of the advisory committee, as introduced by the Royal Decree of 13 November 2012 on the establishment of an advisory committee and the procedure for adoption of a marine spatial planning in the Belgian sea areas, given on 14 December 2017;

Having regard to the non-disclosure of an advice of the Flemish Region;

Having regard to the advice of the Walloon Region, given on 21 September 2018;

Having regard to the non-disclosure of an advice of the Brussels-Capital Region;

Having regard to the advice of the Coastguard Structure, given on 7 September 2018;

Having regard to the advice of the Federal Council for Sustainable Development, given on 20 September 2018;

Having regard to the advice of the Inspectorate of Finance, given on 13 March 2018, 20 March 2018 and 11 April 2018;

Having regard to the approval of the Minister of Budget, given on 16 April 2018;

Having regard to the regulatory impact analysis carried out in accordance with Articles 6 and 7 of the Law of 15 December 2013 setting out various provisions on administrative simplification;

Having regard to the public survey from 29 June 2018 until 28 September 2018;

Having regard to the public consultation meeting of 9 July 2018;

Having regard to the advice of the United Kingdom, given on 28 September 2018;

Having regard to the advice of the Netherlands, given on 15 October 2018;

Having regard to the non-disclosure of an advice of France;

Having regard to the Natura 2000-approval, given by the Minister on 31 January 2019, based off the appropriate assessment given by MUMM on 24 October 2018;

Having regard to opinion 65.000/1 of the Council of State, given on 15 January 2019, pursuant to Article 84, § 1, first paragraph, 2° of the laws on the Council of State, coordinated on 12 January 1973;

Considering the Treaty between the Kingdom Of Belgium and the Kingdom of the Netherlands concerning the sideways delimitation of the territorial sea, signed in Brussels on 18 December 1996, approved by the Law of 10 August 1998;

Considering the Law of 13 June 1969 on the exploration for and exploitation of non-living resources of the territorial sea and the continental shelf;

Considering the Royal Decree of 22 June 2016 on surf sports;

Considering the Royal Decree of 27 October 2016 on the procedure for the designation and management of marine protected areas;

On the nomination by the Minister for the Economy, the Minister for Home Affairs, the Minister for Health, the Minister for Defence, the State Secretary for the North Sea and the State Secretary for Science Policy, and on the advice of the Ministers meeting within the Council,

**We have therefore enacted the following:**

**Art. 1.** §1. This Royal Decree provides for the partial transposition of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

§2. This Royal Decree provides for the partial transposition of Directive 92/43/EEG of the Council of 21 May 1992 concerning the conservation of natural habitats and wild fauna and flora.

§3. This Royal Decree provides for the partial transposition of directive 2009/147/EC of the European Parliament and Council of 30 November 2009 on the conservation of wild birds.

**CHAPTER 1. - Definitions and provisions with respect to the binding character**

**Art. 2. §1.** For the application of this Decree, the following definitions apply:

1° Active nature management measures: measures to conserve, restore or reconstruct the natural value of the marine environment, with the aim of enhancing its naturalness;

2° Seabed-disturbing fishing techniques: active fishing techniques that disturb the seabed habitat by dragging the fishing gear along the seabed;

3° Non-seabed-disturbing fishing techniques: passive fishing techniques, and active fishing techniques that do not disturb seabed habitats;

4° Coastal fisheries: all fishing vessels with a maximum tonnage of 70 GT;

5° Law: the Law of 20 January 1999 on the protection of the marine environment and on the organisation of the marine spatial planning in the sea areas under Belgian jurisdiction;

6° Baseline: the low water line along the coast which is determined by the lowest astronomical tide (LAT);

7° Anchorage area: a zone designated for anchoring;

8° Area to be avoided: a route system within an established zone in which shipping is extremely dangerous, or in which it is extremely important to avoid accidents, and which must be avoided by all ships or by certain types of ships;

9° Deep water route: a determined route which has been accurately surveyed for clearance of obstacles as indicated on the map;

10° Traffic Separation Scheme: a route system aimed at separating opposing traffic streams by appropriate means and by introducing traffic routes;

11° Precautionary area: a route system within a designated zone where ships must sail with special precaution and in which a direction for the shipping traffic can be recommended;

12° Natura 2000-authorisation: the authorisation, as specified by the Royal Decree of 27 October 2016 on the procedure for the designation and management of marine protected areas;

13° Minister: the minister responsible for the protection of the marine environment;

14° Ramsar wetland: a wetland area designated in accordance with UNCLOS on Wetlands of International Importance especially as Waterfowl Habitat, drawn up at Ramsar (Iran) on 2 February 1971;

15° UNCLOS: United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982;

16° MUMM: Management Unit for the North Sea Mathematical Models;

17° Coordinates: coordinates in the World Geodetic System 1984 projection (WGS 84) and expressed in degrees, minutes and decimal minutes;

18° Passive fishing: fishing using static gear.

§2. The sea areas, as intentioned in article 2,1° of the Law are delimited by the baseline and the following coordinates:

1° 51° 05'.567 N 2° 32'.538 E

2° 51° 16'.100 N 2° 23'.337 E

3° 51° 33'.418 N 2° 14'.220 E

4° 51° 36'.734 N 2° 15'.120 E

5° 51° 48'.251 N 2° 28'.821 E

6° 51° 52'.518 N 2° 32'.281 E

7° 51° 33'.051 N 3° 04'.805 E

8° 51° 29'.034 N 3° 12'.655 E

9° 51° 26'.951 N 3° 17'.705 E

10° 51° 22'.717 N 3° 21'.155 E

11° 51° 22'.367 N 3° 21'.797 E

**Art. 3.** Annex 1 to this Decree, “Spatial analysis of the sea areas”, as required by Article 5bis, §4, 1° of the Law and Annex 4 “Maps” have been drawn up as an informative section.

**Art. 4.** Annex 2 to this Decree “Long-term vision, objectives and indicators and spatial policy decisions”, as required by Article 5bis, §4, 2° and 3° of the Law is binding for the federal government.

**Art. 5.** Annex 3 to this Decree “Actions and measures for implementing the marine spatial planning”, as required by Article 5bis, §4, 4° of the Law is binding for the federal government.

## **CHAPTER 2. – Zoning and preconditions**

### **Subsection 1: Good environmental status - Map 1 of Annex 4**

**Art. 6. §1.** Three zones are designated for the research into the possibility of enacting spatial measures with regards to fishing techniques. The coordinates of these zones are as follows:

#### Search area 1

1° 51° 40'.382 N 2° 25'.972 O  
2° 51° 34'.105 N 2° 14'.407 O  
3° 51° 36'.734 N 2° 15'.120 O  
4° 51° 37'.815 N 2° 16'.400 O  
5° 51° 37'.744 N 2° 18'.924 O  
6° 51° 41'.431 N 2° 25'.321 O

#### Search area 2

1° 51° 25'.717 N 2° 39'.440 O  
2° 51° 18'.562 N 2° 22'.049 O  
3° 51° 27'.131 N 2° 17'.544 O  
4° 51° 31'.620 N 2° 27'.120 O  
5° 51° 28'.860 N 2° 34'.680 O

#### Search area 3

1° 51° 10'.229 N 2° 45'.411 O  
2° 51° 05'.669 N 2° 32'.449 O  
3° 51° 08'.969 N 2° 29'.575 O  
4° 51° 20'.697 N 2° 47'.010 O  
5° 51° 14'.519 N 2° 56'.336 O

§2. Within the in paragraph 1 designated zones, the Minister can, based on an advice by MUMM, designate one or more areas with spatial restrictions in order to conserve bottom integrity and achieve the good environmental status. The establishing of concrete measures and the entry into force is subject to the confirmation within the applicable European procedures, as laid out in Regulation (EU) Nr. 1380/2013 of the European Parliament and the Council of 11 December 2013 concerning the common fisheries policy. These measures will cover no more than 285 km<sup>2</sup>.

§3. Active nature management measures may be implemented everywhere, provided that the spatial use reserved by other articles is not hindered, and is on the instructions of, or following approval by, the Minister.

#### **Subsection 2: Nature conservation zones – Map 1 of Annex 4**

**Art. 7. §1.** The special nature conservation zone 'Vlaamse Banken' (European code BEMNZ0001) is delimited by the baseline and a line connecting the following coordinates:

1° 51° 05'.567 N 2° 32'.538 E  
2° 51° 16'.100 N 2° 23'.337 E  
3° 51° 27'.131 N 2° 17'.544 E  
4° 51° 31'.620 N 2° 27'.120 E  
5° 51° 28'.860 N 2° 34'.680 E  
6° 51° 20'.697 N 2° 47'.010 E  
7° 51° 14'.433 N 2° 55'.561 E

If one of the outermost line segments of the line defined above does not show an intersection with the baseline, then this line segment, in accordance with UNCLOS and in its direction, must be extended up to the baseline.

§2. The area designated in paragraph 1 is for the protection of habitat types "permanently with sandbanks slightly covered with sea water" and "reefs" and is important for the following species:

1° 1364 Halichoerus grypus  
2° 1365 Phoca vitulina  
3° 1351 Phocoena phocoena

In this area, activities can take place which:

- 1° have obtained Natura 2000-authorisation, insofar as they are subject to this procedure;
- 2° are not prohibited or restricted in any other way.

§3. The special nature conservation zone "Vlakte van de Raan", for which the coordinates are the following:

1° 51° 26'.165 N 3° 18'.346 E  
2° 51° 25'.474 N 3° 11'.856 E  
3° 51° 30'.115 N 3° 06'.266 E  
4° 51° 31'.340 N 3° 08'.228 E

5° 51° 29'.034 N 3° 12'.655 E

6° 51° 26'.951 N 3° 17'.705 E

§4. The area delimited in paragraph 3 is for the protection of habitat types “permanently with sandbanks slightly covered with sea water” and “reefs”.

In this area, activities can take place which:

1° have obtained a Natura 2000 authorisation, insofar as they are subject to this procedure;

2° are not prohibited or restricted in any other way.

§5. There are three special protection areas delimited for birds:

1° a zone, named SPA 1 (European code BEMNZ0002), delimited by the baseline and a line connecting the following coordinates:

1° 51° 06'.725 N 2° 35'.829 E

2° 51° 07'.761 N 2° 32'.323 E

3° 51° 12'.560 N 2° 30'.843 E

4° 51° 13'.531 N 2° 39'.062 E

5° 51° 08'.973 N 2° 41'.900 E

If one of the outermost line segments of the line defined above does not show an intersection with the baseline, then this line segment, in accordance with UNCLOS and in its direction, must be extended up to the baseline.

This zone is important for the following species:

1° *Sterna sandvicensis*

2° *Podiceps cristatus*

3° *Hydrocoloeus minutus*

4° *Gavia stellata*

5° *Larus marinus*

6° *Larus fuscus*

7° *Melanitta nigra*

2° a zone, named SPA 2, delimited by the baseline and a line connecting the following coordinates:

1° 51° 12'.610 N 2° 51'.430 E  
2° 51° 14'.280 N 2° 51'.310 E  
3° 51° 14'.800 N 2° 45'.280 E  
4° 51° 21'.300 N 2° 49'.440 E  
5° 51° 20'.030 N 2° 57'.400 E  
6° 51° 17'.740 N 2° 59'.390 E  
7° 51° 16'.180 N 2° 55'.120 E  
8° 51° 14'.760 N 2° 56'.480 E

If one of the outermost line segments of the line defined above does not show an intersection with the baseline, then this line segment, in accordance with UNCLOS and in its direction, must be extended up to the baseline.

This zone is important for the following species:

1° *Sterna sandvicensis*  
2° *Sterna hirundo*  
3° *Podiceps cristatus*  
4° *Hydrocoloeus minutus*  
5° *Sterna albifrons*  
6° *Gavia stellata*  
7° *Glarus marinus*  
8° *Larus fuscus*  
9° *Melanitta nigra*

3° a zone, named SPA 3, delimited by the baseline and a line connecting the following coordinates:

1° 51° 19'.472 N 3° 08'.623 E  
2° 51° 21'.107 N 3° 16'.399 E  
3° 51° 22'.700 N 3° 15'.080 E  
4° 51° 23'.850 N 3° 10'.380 E  
5° 51° 21'.730 N 3° 04'.000 E  
6° 51° 20'.688 N 3° 04'.790 E

If one of the outermost line segments of the line defined above does not show an intersection with the baseline, then this line segment, in accordance with UNCLOS and in its direction, must be extended up to the baseline.

This zone is an extension of SPA 3 (European code BEMNZ0004), as notified to the European Commission, with the zone of the focused marine reserve "Baai van Heist".

This zone is important for the following species:

- 1° *Sterna sandvicensis*
- 2° *Sterna hirundo*
- 3° *Podiceps cristatus*
- 4° *Hydrocoloeus minutus*
- 5° *Sterna albifrons*
- 6° *Larus fuscus*

§6. The following activities are permitted in the special protection areas, subject to obtaining Natura 2000 authorisation:

- 1° civil engineering activities;
- 2° industrial and commercial activities.

§7. In "SPA 1" and "SPA 2" the following activities are prohibited in the period from 1 December to 15 March, in accordance with article 8, §3 of the Law:

- 1° helicopter exercises at a height below 500 ft with exception to helicopters in possession, or assignment of the State, Region or Community and are at that time exclusively used for a not-commercial public service;
- 2° the passage of high speed vessels, except in exceptional circumstances;
- 3° water sport competitions, unless they have obtained Natura 2000 authorisation.

§8. The Minister will consult with the Minister responsible for Defence as regards the planning of shooting exercises and other military activities off the coast of Lombardsijde and Zeebrugge, in accordance with Article 7, §4, of the Law.

§9. A Ramsar wetland is delimited, consisting of a number of sandbanks from the Flemish Banks category, as shown on Map 1 of Annex 4.

### **Subsection 3: Energy, cables and pipelines – Map 2 of Annex 4**

**Art. 8.** §1. A zone is designated for the awarding of domain concessions for the construction and operation of installations for electricity generation from renewable sources, and to award domain concessions for the construction and operation of installations for electricity transmission, for which the coordinates are as follows:

#### Zone 1 Eastern zone

1° 51° 32'.627 N 3° 04'.953 E  
2° 51° 32'.857 N 3° 04'.504 E  
3° 51° 35'.222 N 3° 00'.590 E  
4° 51° 44'.395 N 2° 45'.305 E  
5° 51° 43'.905 N 2° 42'.818 E  
6° 51° 42'.350 N 2° 42'.300 E  
7° 51° 39'.311 N 2° 45'.109 E  
8° 51° 38'.180 N 2° 47'.508 E  
9° 51° 37'.140 N 2° 48'.106 E  
10° 51° 36'.014 N 2° 50'.566 E  
11° 51° 35'.430 N 2° 53'.240 E  
12° 51° 34'.030 N 2° 55'.690 E  
13° 51° 32'.808 N 2° 53'.019 E  
14° 51° 29'.369 N 2° 58'.398 E  
15° 51° 30'.720 N 3° 02'.401 E

§2. A zone is delimited, set aside for the awarding of domain concessions for the construction and operation of installations for electricity generation and storage from renewable sources, and to award domain concessions for the construction and operation of installations for electricity transmission, for which the coordinates are as follows:

Zone 2 Noordhinder North

1° 51° 40'.104 N 2° 36'.532 E  
2° 51° 40'.142 N 2° 34'.766 E  
3° 51° 35'.439 N 2° 28'.354 E  
4° 51° 35'.290 N 2° 35'.468 E

§3. Zones are delimited, set aside for the awarding of domain concessions for the construction and operation of installations for electricity generation and storage from renewable sources, and to award domain concessions for the construction and operation of installations for electricity transmission, for which the coordinates are as follows:

Zone 3 Noordhinder South

1° 51° 31'.620 N 2° 27'.120 E  
2° 51° 29'.336 N 2° 33'.379 E  
3° 51° 30'.380 N 2° 33'.982 E

4° 51° 30'.985 N 2° 33'.154 E  
5° 51° 33'.874 N 2° 34'.591 E  
6° 51° 33'.874 N 2° 26'.601 E  
7° 51° 28'.641 N 2° 20'.759 E

Zone 4 Fairybank

1° 51° 26'.381 N 2° 18'.245 E  
2° 51° 22'.170 N 2° 20'.460 E  
3° 51° 23'.455 N 2° 26'.809 E  
4° 51° 29'.336 N 2° 33'.379 E  
5° 51° 31'.620 N 2° 27'.120 E  
6° 51° 28'.641 N 2° 20'.759 E

§4. Domain concessions may be awarded within the zones delimited in paragraph 3, subject to obtaining Natura 2000 authorisation.

§5. A zone is delimited, set aside for awarding domain concessions for the construction and exploitation of installations for transmitting electricity, for which the coordinates are the following:

1° 51° 34'.586 N 2° 51'.908 E  
2° 51° 34'.636 N 2° 50'.650 E  
3° 51° 34'.969 N 2° 49'.812 E  
4° 51° 35'.281 N 2° 50'.094 E  
5° 51° 35'.636 N 2° 50'.622 E  
6° 51° 35'.156 N 2° 52'.880 E

**Art. 9 §1.** A zone is delimited, set aside for laying and operating pipelines and cables, delimited by the baseline and the line connecting points 1 to 40, for which the coordinates are the following:

1° 51° 17'.157 N 2° 22'.784 E  
2° 51° 18'.164 N 2° 25'.498 E  
3° 51° 18'.786 N 2° 28'.285 E  
4° 51° 20'.844 N 2° 29'.770 E  
5° 51° 19'.933 N 2° 32'.537 E  
6° 51° 19'.549 N 2° 42'.283 E

7° 51° 18'.964 N 2° 44'.071 E  
8° 51° 17'.343 N 2° 46'.206 E  
9° 51° 13'.715 N 2° 53'.784 E  
10° 51° 14'.768 N 2° 56'.481 E  
11° 51° 18'.535 N 2° 49'.104 E  
12° 51° 19'.746 N 2° 47'.294 E  
13° 51° 18'.949 N 3° 06'.707 E  
14° 51° 21'.023 N 3° 15'.990 E  
15° 51° 23'.461 N 3° 16'.345 E  
16° 51° 32'.440 N 3° 04'.703 E  
17° 51° 30'.720 N 3° 02'.401 E  
18° 51° 29'.386 N 2° 58'.446 E  
19° 51° 32'.776 N 2° 53'.116 E  
20° 51° 34'.030 N 2° 55'.690 E  
21° 51° 35'.430 N 2° 53'.240 E  
22° 51° 36'.014 N 2° 50'.566 E  
23° 51° 36'.847 N 2° 48'.761 E  
24° 51° 40'.203 N 2° 52'.939 E  
25° 51° 40'.524 N 2° 52'.404 E  
26° 51° 37'.179 N 2° 48'.148 E  
27° 51° 38'.180 N 2° 47'.508 E  
28° 51° 39'.311 N 2° 45'.109 E  
29° 51° 40'.231 N 2° 44'.259 E  
30° 51° 47'.964 N 2° 28'.477 E  
31° 51° 46'.155 N 2° 26'.316 E  
32° 51° 37'.163 N 2° 44'.284 E  
33° 51° 36'.766 N 2° 44'.476 E  
34° 51° 36'.079 N 2° 44'.515 E  
35° 51° 35'.090 N 2° 46'.285 E  
36° 51° 31'.706 N 2° 43'.214 E  
37° 51° 28'.738 N 2° 33'.199 E  
38° 51° 24'.877 N 2° 28'.879 E  
39° 51° 23'.250 N 2° 27'.064 E  
40° 51° 21'.841 N 2° 20'.107 E

excluding the zone delimited by the line connecting points 41 to 48:

41° 51' 22".813 N 2° 31'.193 E  
42° 51' 22".082 N 2° 33'.409 E  
43° 51' 21".556 N 2° 47'.021 E  
44° 51' 22".184 N 2° 46'.105 E  
45° 51' 26".041 N 2° 40'.459 E  
46° 51' 27".760 N 2° 37'.948 E  
47° 51' 26".943 N 2° 35'.196 E  
48° 51' 25".848 N 2° 33'.391 E

And excluding the zone delimited by the line connecting points 49 to 57:

49° 51' 28".607 N 2° 40'.804 E  
50° 51' 30".049 N 2° 45'.684 E  
51° 51' 33".510 N 2° 48'.826 E  
52° 51' 33".095 N 2° 49'.511 E  
53° 51' 32".176 N 2° 52'.203 E  
54° 51' 22".412 N 3° 07'.090 E  
55° 51' 21".000 N 3° 00'.700 E  
56° 51' 21".383 N 2° 51'.358 E  
57° 51' 27".315 N 2° 42'.690 E

If one of the outermost line segments of the outer line defined above does not show an intersection with the baseline, then this line segment, in accordance with UNCLOS and in its direction, must be extended up to the baseline.

§2. Laying pipelines and cables should preferably occur in the zone delimited in paragraph 1. Deviations can be allowed by the Minister, provided there are adequately justified compelling reasons.

§3 In the event of overlap between the zone delimited in paragraph 1 and the zones delimited in Article 15, §1, pipelines and cables will be laid outside the zones delimited in Article 15, §1, where possible. If this is not possible, the pipelines and cables must be installed as close as possible to the edge.

§4. Activities that compromise the laying or operation of pipelines and cables are prohibited in the zone delimited in paragraph 1.

#### **Subsection 4: Shipping - Map 3 of Annex 4**

**Art. 10.** §1. Shipping is allowed everywhere in the Belgian sea areas, unless otherwise specified in provisions introducing a ban or conditions.

§2. The important shipping routes and traffic streams in the sea areas which are necessary for shipping to be able to land at or use the Belgian ports and Scheldt ports in or order to navigate the sea area safely and efficiently, are:

1° The Traffic Separation Scheme "Noordhinder South" submitted with the International Maritime Organisation, for which the coordinates are the following:

Separation zone Northinder South

1° 51° 45'.930 N 2° 32'.600 E

2° 51° 46'.670 N 2° 31'.250 E

3° The intersection of the coordinate under 2° and 51° 29'.840 N 2° 10'.620 E with the area as designated in art. 2 §2.

4° The intersection of the coordinate under 1° and 51° 31'.070 N 2° 07'.900 E with the area as designated in art. 2 §2..

Northern direction traffic flow from the separation zone bounded by the line:

1° 51° 43'.440 N 2° 37'.210 E

2° 51° 36'.200 N 2° 27'.250 E

3° The intersection of the coordinate under 2° and 51° 26'.970 N 2° 16'.950 E with the area as designated in art. 2 §2.

Southern direction traffic flow from the separation zone bounded by the line:

The zone northwest of the separation zone Northhinder South until the coordinates as determined under art. 2 §2.

2° The Traffic Separation Scheme "Off Noordhinder" submitted with the International Maritime Organisation, for which the coordinates are the following:

Separation Zone

1° 51° 37'.180 N 2° 40'.850 E

2° 51° 37'.180 N 2° 42'.050 E

3° 51° 38'.860 N 2° 42'.700 E

4° 51° 42'.070 N 2° 39'.740 E

5° 51° 43'.700 N 2° 39'.180 E

6° 51° 43'.630 N 2° 38'.690 E

Northern direction traffic flow from the above-mentioned separation zone and a separation zone for which the coordinates are as follows:

1° 51° 38'.020 N 2° 47'.150 E  
2° 51° 39'.130 N 2° 44'.780 E  
3° 51° 42'.310 N 2° 41'.850 E  
4° 51° 44'.110 N 2° 42'.450 E  
5° 51° 42'.250 N 2° 41'.400 E  
6° 51° 39'.070 N 2° 44'.340 E

Southern direction traffic flow from the separation zone bounded by the line:

1° 51° 37'.200 N 2° 38'.410 E  
2° 51° 39'.010 N 2° 38'.650 E  
3° 51° 43'.440 N 2° 37'.210 E

3° The precautionary area "Noordhinder Junction", submitted with the International Maritime Organisation, delimited by the Belgian border, for which the coordinates are as follows:

1° 51° 43'.440 N 2° 37'.210 E  
2° 51° 45'.930 N 2° 32'.600 E  
3° 51° 46'.670 N 2° 31'.250 E

4° The intersection of the coordinate under 3° and 51° 49'.530 N 2° 25'.950 E with the area as designated in art. 2 §2..

5° 51° 48'.251 N 2° 28'.821 E  
6° 51° 52'.518 N 2° 32'.281 E

7° The intersection of the line between 51° 46'.150 N 2° 43'.600 E and 52° 10'.990 2° 56'.160 E with the area as designated in art. 2 §2.

8° 51° 44'.110 N 2° 42'.450 E  
9° 51° 43'.700 N 2° 39'.180 E  
10° 51° 43'.630 N 2° 38'.690 E

4° The Traffic Separation Scheme "At Westhinder" submitted with the International Maritime Organisation, for which the coordinates are the following:

Separation Line

1° 51.37500 N 2.50000 E

2° The intersection of the line between the coordinate under 1° and 51° 19'.150 E with the area as designated in art. §2.2.

Western direction traffic flow from the separation line and zone bounded by the line:

1° 51° 23'.450 N 2° 29'.920 E

2° 51° 22'.750 N 2° 26'.420 E

3° The intersection of the line between the coordinate under 2° and 51° 21'.250 E with the area as designated in art. §2.2.

Eastern direction traffic flow from the separation line and zone bounded by the line:

a) The line between

1° 51° 21'.450 N 2° 29'.920 E

2° 51° 19'.950 N 2° 24'.520 E

b) The separation zone designated hereunder.

Separation Zone

1° 51° 19'.950 N 2° 24'.520 E

2° The intersection of the line between the coordinate under 1° et 51° 12'.500 N 2° 11'.320 E with the area as designated in art. §2.2.

3° The intersection of the line between the coordinate under 1° et 51° 13'.150 N 2° 10'.220 E with the area as designated in art. §2.2.

5° The precautionary area "At Westhinder" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51° 23'.450 N 2° 29'.920 E

2° 51° 23'.450 N 2° 36'.920 E

3° 51° 23'.810 N 2° 40'.300 E

4° 51° 24'.250 N 2° 44'.520 E

5° 51° 23'.380 N 2° 46'.210 E

6° 51° 20'.820 N 2° 46'.290 E

7° 51° 21'.450 N 2° 29'.920 E

8° 51° 22'.450 N 2° 29'.920 E

6° The area to be avoided "Westhinder" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51° 23'.450 N 2° 36'.920 E

2° 51° 23'.950 N 2° 36'.900 E

3° 51° 24'.400 N 2° 40'.300 E

4° 51° 23'.810 N 2° 40'.300 E

7° The deep water route "Western Scheldt approach" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51° 24'.250 N 2° 44'.520 E  
2° 51° 25'.950 N 2° 48'.120 E  
3° 51° 25'.500 N 2° 52'.920 E  
4° 51° 25'.070 N 2° 57'.920 E  
5° 51° 25'.030 N 3° 02'.850 E  
6° 51° 24'.530 N 2° 59'.920 E  
7° 51° 24'.630 N 2° 57'.920 E  
8° 51° 25'.050 N 2° 52'.920 E  
9° 51° 25'.030 N 2° 49'.050 E  
10° 51° 23'.380 N 2° 46'.210 E

8° The "Westpit" two-way route submitted with the International Maritime Organisation, for which the coordinates are as follows, and which is bounded off Belgian waters by the Belgian border:

Border line 1

1° 51° 27'.880 N 3° 00'.320 E  
2° 51° 29'.240 N 3° 04'.320 E  
3° The intersection of the line between the coordinate under 2° and 51° 33'.030 3° 11'.030 E with the area as designated under art. 2 §2.

Border line 2

1° 51° 29'.040 N 2° 58'.320 E  
2° 51° 30'.510 N 3° 02'.680 E  
3° 51° 32'.570 N 3° 05'.800 E  
4° The intersection of the line between the coordinate under 3° and 51° 34'.380 3° 08'.680 E with the area as designated under art. 2 §2.

9° The precautionary area "At Gootebank" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51° 29'.040 N 2° 58'.320 E  
2° 51° 26'.950 N 2° 52'.720 E  
3° 51° 25'.950 N 2° 48'.120 E  
4° 51° 25'.500 N 2° 52'.920 E  
5° 51° 25'.070 N 2° 57'.920 E  
6° 51° 25'.030 N 3° 02'.850 E  
7° 51° 25'.570 N 3° 00'.780 E  
8° 51° 27'.880 N 3° 00'.320 E

10° The precautionary area "near Thorntonbank and Bligh bank" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51.51417 N 3.05222 E  
2° 51.54917 N 3.10556 E  
3° 51.55139 N 3.08917 E  
4° 51.57278 N 3.06472 E  
5° 51.75250 N 2.76000 E  
6° 51.73639 N 2.71250 E  
7° 51.70861 N 2.70694 E  
8° 51.65361 N 2.75500 E  
9° 51.63389 N 2.78750 E  
10° 51.62694 N 2.80417 E  
11° 51.60472 N 2.84333 E  
12° 51.58889 N 2.88361 E  
13° 51.56806 N 2.91694 E  
14° 51.55667 N 2.87694 E  
15° 51.48444 N 2.97556 E

11° The southern traffic flow from the Traffic Separation Scheme "Off Noordhinder" to the Traffic Separation Scheme "At Westhinder" between the Oosthinder, Noordhinder and Westhinder banks;

12° The northern traffic flow, submitted with the International Maritime Organisation, from the Precautionary area "Westhinder" to the Traffic Separation Scheme "Off Noordhinder" between the Oosthinder and Blighbanks;

13° Traffic stream of the Precautionary area "Westhinder" via Scheur and Zand to the port of Zeebrugge;

14° Traffic stream of the Precautionary area "Westhinder" via Scheur and Zand to the Scheldt estuary;

15° Traffic stream Ostend-Dover, north of the Stroom Bank and Nieuwpoort Bank, south of the Ostend Bank, Middelkerke Bank, Kwinte Bank, between the Binnen Ratel and Buiten Ratel;

16° Traffic stream from Scheur to the Port of Ostend, west of the Wenduine Bank;

17° Traffic stream to the port of Nieuwpoort across the Westdiep;

18° Traffic stream from the Goote Bank across Oosthinder, south of Noordhinder, connecting with the Traffic Separation Scheme "Noordhinder South";

19° Traffic stream from the buoy Noordoost Akkaert and running westward between the Goote Bank and the Akkaert Bank, along the northern side of the deep water route to the precautionary area at Westhinder.

§3. Anchorage areas are designated in the sea areas:

1° Anchorage area Oostdyck, for which the coordinates are the following:

1° 51° 20'.400 N 2° 31'.500 E  
2° 51° 20'.400 N 2° 37'.000 E  
3° 51° 19'.950 N 2° 34'.500 E  
4° 51° 19'.600 N 2° 33'.800 E  
5° 51° 19'.600 N 2° 31'.500 E

2° The Anchorage area "Westhinder" submitted with the International Maritime Organisation, for which the coordinates are the following:

1° 51° 25'.950 N 2° 34'.920 E  
2° 51° 25'.950 N 2° 40'.300 E  
3° 51° 24'.400 N 2° 40'.300 E  
4° 51° 23'.950 N 2° 36'.900 E  
5° 51° 23'.950 N 2° 33'.320 E

Priority in these areas is given to the anchoring of ships. Other activities may take place, insofar as these do not structurally compromise the use of the zone by shipping.

§4. Within the known traffic streams, priority is given to shipping. Other activities may be allowed, insofar as these do not structurally compromise shipping.

#### **Subsection 5: Dredging deposits – Map 3 of Annex 4**

**Art. 11 §1.** Zones are delimited within which the Minister may authorise deposits of dredging spoils, for which the coordinates are as follows:

1° S1  
51° 27.318' N 3° 02'.005 E as the central point of a circle with a radius of 1.5 kilometres

2° S2  
51° 25'.951 N 3° 08'.422 E as the central point of a semi-circle with a radius of 1.5 kilometres, bounded to the south by the line between the coordinates 51° 25'.952 N 3° 7'.127 E and 51° 25'.949 N 3° 9'.716 E.

3° Bridges and Roadways Ostend

51° 16'.980 N 2° 55'.280 E as the central point of a circle with a radius of 0.75 kilometre

4° Bridges and Roadways Zeebrugge East

51° 22'.847 N 3° 15'.756 E as the central point of a circle with a radius of 0.75 kilometre

5° Bridges and Roadways Nieuwpoort

51° 14'.924 N 2° 43'.814 E as the central point of a circle with a radius of 0.75 kilometer

§2. The zones delimited in paragraph 1 are prohibited for activities that compromise deposits of dredging spoils.

§3. A zone is delimited for the future replacement of Bridges and Roadways Zeebrugge East. The coordinates of this zone are as follows:

1° 51° 23'.520 N 3° 01'.078 E

2° 51° 23'.779 N 3° 01'.727 E

3° 51° 23'.826 N 3° 03'.934 E

4° 51° 23'.474 N 3° 07'.320 E

5° 51° 23'.248 N 3° 08'.639 E

6° 51° 22'.776 N 3° 09'.326 E

7° 51° 22'.463 N 3° 09'.973 E

8° 51° 21'.849 N 3° 11'.047 E

9° 51° 21'.833 N 3° 10'.937 E

10° 51° 21'.104 N 3° 09'.971 E

11° 51° 22'.387 N 3° 07'.075 E

12° 51° 21'.826 N 3° 06'.926 E

13° 51° 19'.771 N 3° 01'.715 E

14° 51° 21'.401 N 3° 01'.504 E

15° 51° 22'.025 N 3° 01'.085 E

§4. Within the zone delimited in paragraph 3, the Minister can grant authorisation for the disposal of dredging spoils as long as:

- a) the new location has approximately the same size as the zone defined under art. 11 §1, 4°;
- b) the limiting of the effects on fisheries has been adapted as a criterion for the chosen location;

- c) it has been proven that the consequences for the safety of shipping are minimal compared to other locations within the zone defined under art. 11, §3;
- d) the activity has received a Natura 2000-autorisation

§5. Zones are delimited for the future replacement of the dredging deposit zone S1. The coordinates of these zones are as follows:

Zone 1

- 1° 51° 24'.729 N 2° 56'.800 E
- 2° 51° 24'.691 N 2° 57'.274 E
- 3° 51° 24'.611 N 2° 58'.222 E
- 4° 51° 24'.562 N 2° 59'.211 E
- 5° 51° 24'.519 N 2° 59'.995 E
- 6° 51° 24'.406 N 3° 01'.028 E
- 7° 51° 23'.362 N 2° 58'.370 E
- 8° 51° 23'.317 N 2° 58'.256 E
- 9° 51° 23'.189 N 2° 57'.930 E
- 10° 51° 22'.649 N 2° 55'.696 E
- 11° 51° 22'.646 N 2° 55'.692 E
- 12° 51° 22'.595 N 2° 55'.481 E
- 13° 51° 22'.474 N 2° 54'.967 E
- 14° 51° 23'.808 N 2° 55'.820 E
- 15° 51° 24'.491 N 2° 56'.285 E
- 16° 51° 24'.576 N 2° 56'.612 E
- 17° 51° 24'.585 N 2° 56'.641 E
- 18° 51° 24'.596 N 2° 56'.667 E
- 19° 51° 24'.609 N 2° 56'.692 E
- 20° 51° 24'.631 N 2° 56'.720 E
- 21° 51° 24'.655 N 2° 56'.742 E

Zone 2

- 1° 51° 27'.871 N 3° 00'.320 E
- 2° 51° 28'.292 N 3° 01'.549 E
- 3° 51° 28'.165 N 3° 02'.291 E
- 4° 51° 28'.154 N 3° 02'.380 E

5° 51° 28'.134 N 3° 02'.494 E  
6° 51° 28'.115 N 3° 02'.578 E  
7° 51° 28'.091 N 3° 02'.659 E  
8° 51° 28'.065 N 3° 02'.738 E  
9° 51° 28'.031 N 3° 02'.821 E  
10° 51° 28'.018 N 3° 02'.851 E  
11° 51° 28'.003 N 3° 02'.923 E  
12° 51° 27'.769 N 3° 04'.039 E  
13° 51° 27'.559 N 3° 04'.292 E  
14° 51° 27'.397 N 3° 04'.050 E  
15° 51° 27'.136 N 3° 03'.425 E  
16° 51° 27'.076 N 3° 03'.257 E  
17° 51° 26'.903 N 3° 03'.116 E  
18° 51° 26'.767 N 3° 02'.932 E  
19° 51° 26'.636 N 3° 02'.708 E  
20° 51° 26'.560 N 3° 02'.416 E  
21° 51° 26'.528 N 3° 02'.188 E  
22° 51° 26'.517 N 3° 01'.916 E  
23° 51° 26'.549 N 3° 01'.639 E  
24° 51° 26'.593 N 3° 01'.417 E  
25° 51° 26'.273 N 3° 00'.824 E  
26° 51° 26'.077 N 3° 00'.700 E

§6. Within the zones delimited in paragraph 5, the Minister can grant authorisation for the disposal of dredging spoils as long as:

- a) the new location has approximately the same size as the zone defined under art. 11 §1, 1°;
- b) the limiting of the effects on fisheries has been adapted as a criterion for the chosen location;
- c) it has been proven that the consequences for the safety of shipping are minimal compared to other locations within the zone defined under art. 11, §5;
- d) the activity has received a Natura 2000-authorization.

§7. A zone is delimited for the future replacement of the Bridges and Roadways Nieuwpoort dredging deposit zone, for which the coordinates are as follows:

1° 51° 10'.487 N 2° 33'.118 E  
2° 51° 11'.619 N 2° 32'.119 E

3° 51' 12'.405 N 2° 34'.375 E

4° 51' 11'.273 N 2° 35'.373 E

§8. Within the zones delimited in paragraph 7, the Minister can grant authorisation, as long as:

- a) the new location has approximately the same size as the zone defined under art. 11 §1, 5°;
- b) the limiting of the effects on fisheries has been adapted as a criterion for the chosen location;
- c) it has been proven that the consequences for the safety of shipping are minimal compared to other locations within the zone defined under art. 11, §7;
- d) the activity has received a Natura 2000-authorisation.

§9. A zone is delimited for the future replacement of the Bridges and Roadways Ostend dredging deposit zone, for which the coordinates are as follows:

1° 51' 17'.371 N 2° 57'.684 E

2° 51' 16'.972 N 2° 58'.045 E

3° 51' 16'.155 N 2° 55'.747 E

4° 51' 16'.485 N 2° 55'.196 E

§10. Within the zones delimited in paragraph 9, the Minister can grant authorisation, as long as:

- e) the new location has approximately the same size as the zone defined under art. 11 §1, 3°;
- f) the limiting of the effects on fisheries has been adapted as a criterion for the chosen location;
- g) it has been proven that the consequences for the safety of shipping are minimal compared to other locations within the zone defined under art. 11, §8;
- h) the activity has received a Natura 2000-authorisation.

#### **Subsection 6: Port development – Map 3 of Annex 4**

**Art. 12. §1.** Zones are delimited for the potential expansion of the ports of Ostend and Zeebrugge. To the extent that they are compatible with the current port development or a future expansion of the ports in question, other activities or developments may be authorised.

§2. The zone around Ostend includes the marine area bounded by a baseline and a line connecting points 1 to 11, for which the coordinates are as follows:

1° 51' 13'.759 N 2° 54'.455 E

2° 51' 13'.941 N 2° 54'.139 E

3° 51° 14'.171 N 2° 53'.977 E  
4° 51° 14'.437 N 2° 53'.990 E  
5° 51° 14'.663 N 2° 54'.137 E  
6° 51° 14'.826 N 2° 54'.308 E  
7° 51° 15'.046 N 2° 54'.885 E  
8° 51° 15'.079 N 2° 55'.411 E  
9° 51° 15'.025 N 2° 55'.768 E  
10° 51° 14'.885 N 2° 56'.045 E  
11° 51° 14'.544 N 2° 56'.435 E

§3. The zone around Zeebrugge includes the marine area bounded by a baseline and a line connecting points 1 to 14, for which the coordinates are as follows:

1° 51° 19'.641 N 3° 10'.145 E  
2° 51° 20'.814 N 3° 09'.307 E  
3° 51° 21'.179 N 3° 09'.290 E  
4° 51° 21'.411 N 3° 09'.430 E  
5° 51° 21'.583 N 3° 09'.617 E  
6° 51° 22'.180 N 3° 10'.529 E  
7° 51° 22'.302 N 3° 10'.833 E  
8° 51° 22'.339 N 3° 12'.098 E  
9° 51° 22'.200 N 3° 13'.318 E  
10° 51° 22'.100 N 3° 13'.732 E  
11° 51° 21'.871 N 3° 14'.126 E  
12° 51° 21'.550 N 3° 14'.341 E  
13° 51° 21'.179 N 3° 14'.476 E  
14° 51° 20'.506 N 3° 14'.547 E

#### **Subsection 7: Sea fishing and aquaculture – Map 4 of Annex 4**

**Art. 13.** §1. Professional sea fishing is authorised everywhere, subject to:

1° the limitations included in Articles 6, 18 and 19 §3;

2° the provisions of the Royal Decree of 11 April 2012 establishing a safety zone around the artificial islands, installations and constructions for generating, storing and transmitting energy from renewable sources in the sea areas under Belgian jurisdiction.

**Art. 14.** §1. Aquaculture is authorised in the zone specified in Art. 8, §1, under the following conditions:

- 1° the holder of the concession for the construction and operation of a wind farm agrees and, where necessary, measures are taken;
- 2° the aquaculture reduces the level of eutrophication within the concession zone;
- 3° the Minister awarding the concession or permit may, where necessary, safeguard a control zone within the delimited zone, as a benchmark for the situation without aquaculture activity.

§2. Aquaculture is authorised in the zone specified in Art. 8, §2, under the following conditions:

- 1° the aquaculture reduces the level of eutrophication within the concession zone;
- 2° the Minister awarding the concession or permit may, where necessary, safeguard a control zone within the delimited zone, as a benchmark for the situation without aquaculture activity.

§3. Aquaculture is authorised in the zone specified in Art. 8, §3, under the following conditions:

- 1° the aquaculture reduces the level of eutrophication within the concession zone;
- 2° the Minister awarding the concession or permit may, where necessary, safeguard a control zone within the delimited zone, as a benchmark for the situation without aquaculture activity;
- 3° it has obtained Natura 2000 authorisation, insofar as it is subject to this procedure.

§4. Passive fishing is authorised in the zones specified in Art. 8 §§2-3.

#### **Subsection 8: Sand and gravel extraction – Map 5 of Annex 4**

**Art. 15.** §1. Zones are delimited for the exploration and exploitation of the mineral and other non-living resources in the territorial sea and on the continental shelf, for which the coordinates are as follows:

##### Sector 1a (Thorntonbank)

- 1° 51° 30'.107 N 2° 55'.947 E
- 2° 51° 28'.340 N 2° 48'.219 E
- 3° 51° 29'.170 N 2° 44'.089 E
- 4° 51° 32'.720 N 2° 47'.699 E
- 5° 51° 33'.172 N 2° 52'.046 E
- 6° 51° 32'.575 N 2° 52'.387 E
- 7° 51° 30'.754 N 2° 55'.238 E
- 8° 51° 30'.466 N 2° 55'.386 E

Sector 2kb (Kwinte bank)

1° 51° 14'.536 N 2° 34'.502 E  
2° 51° 18'.013 N 2° 39'.575 E  
3° 51° 19'.286 N 2° 40'.020 E  
4° 51° 20'.264 N 2° 40'.921 E  
5° 51° 20'.170 N 2° 43'.249 E  
6° 51° 18'.274 N 2° 41'.553 E  
7° 51° 17'.325 N 2° 40'.704 E  
8° 51° 15'.040 N 2° 38'.659 E  
9° 51° 13'.940 N 2° 36'.249 E

Sector 2br (Buiten Ratel)

1° 51° 20'.358 N 2° 38'.362 E  
2° 51° 20'.320 N 2° 39'.543 E  
3° 51° 17'.117 N 2° 36'.599 E  
4° 51° 15'.452 N 2° 34'.229 E  
5° 51° 15'.509 N 2° 33'.609 E  
6° 51° 16'.270 N 2° 32'.369 E  
7° 51° 17'.313 N 2° 33'.676 E  
8° 51° 17'.866 N 2° 32'.341 E  
9° 51° 19'.303 N 2° 33'.904 E  
10° 51° 19'.706 N 2° 34'.702 E

Sector 2od (Oostdyck)

1° 51° 20'.906 N 2° 31'.348 E  
2° 51° 20'.893 N 2° 31'.338 E  
3° 51° 20'.557 N 2° 31'.057 E  
4° 51° 19'.553 N 2° 31'.069 E  
5° 51° 16'.533 N 2° 28'.127 E  
6° 51° 16'.893 N 2° 26'.222 E  
7° 51° 17'.442 N 2° 27'.178 E  
8° 51° 20'.870 N 2° 30'.352 E  
9° 51° 20'.960 N 2° 31'.099 E

Sector 3a (Sierra Ventana)

1° 51° 25'.450 N 2° 59'.920 E  
2° 51° 25'.450 N 3° 03'.419 E  
3° 51° 26'.450 N 3° 03'.419 E  
4° 51° 26'.451 N 2° 59'.919 E

Sector 3b (Sierra Ventana)

1° 51° 27'.701 N 2° 59'.917 E  
2° 51° 28'.503 N 3° 03'.421 E  
3° 51° 26'.449 N 3° 03'.418 E  
4° 51° 26'.450 N 2° 59'.920 E

Sector 4a (Noordhinder)

1° 51° 40'.772 N 2° 34'.952 E  
2° 51° 40'.104 N 2° 36'.532 E  
3° 51° 35'.078 N 2° 34'.567 E  
4° 51° 34'.659 N 2° 33'.020 E

Sector 4b (Oosthinder north)

1° 51° 34'.737 N 2° 40'.997 E  
2° 51° 34'.970 N 2° 39'.319 E  
3° 51° 38'.551 N 2° 40'.329 E  
4° 51° 37'.835 N 2° 42'.197 E

Sector 4c (Oosthinder south)

1° 51° 34'.629 N 2° 39'.322 E  
2° 51° 34'.459 N 2° 40'.277 E  
3° 51° 29'.607 N 2° 37'.091 E  
4° 51° 29'.708 N 2° 36'.469 E

Sector 4d (Westhinder)

1° 51° 30'.627 N 2° 34'.151 E  
2° 51° 31'.045 N 2° 33'.641 E  
3° 51° 33'.222 N 2° 34'.790 E  
4° 51° 33'.727 N 2° 35'.919 E

Sector 5 (Bligh bank)

1° 51° 33'.875 N 2° 44'.443 E  
2° 51° 36'.371 N 2° 45'.986 E  
3° 51° 35'.995 N 2° 46'.949 E  
4° 51° 33'.694 N 2° 45'.229 E

§2. Concessions for the exploration and exploitation of the mineral and non-living resources in the territorial sea and on the continental shelf can only be awarded:

- in the zones delimited in paragraph 1, in accordance with the Royal Decree of 1 September 2004 on the conditions and the procedure for awarding concessions for the exploration and exploitation of the mineral resources and other non-living resources in the territorial sea and on the continental shelf;
- in the zones indicated in accordance with Article 6 of the Royal Decree of 1 September 2004 on the conditions and the procedure for awarding concessions for the exploration and exploitation of the mineral resources and other non-living resources in the territorial sea and on the continental shelf.

§3. The concessions referred to in paragraph 2 in the zones which overlap with the zones delimited in Article 8, set aside for the awarding of domain concessions for the construction and operation of installations for electricity generation from renewable sources, and to award domain concessions for the construction and operation of installations required for electricity transmission, can only be awarded as long as they are compatible with the award and use of the above-mentioned domain concessions.

§4. A zone is delimited, set aside for research into the potential for the exploration and exploitation of the mineral and other non-living resources in the territorial sea and on the continental shelf, for which the coordinates are as follows:

1° 51° 44'.973 N 2° 24'.906 E  
2° 51° 40'.771 N 2° 34'.951 E  
3° 51° 30'.448 N 2° 24'.652 E  
4° 51° 27'.296 N 2° 17'.457 E

5° 51° 33'.418 N 2° 14'.220 E

6° 51° 36'.734 N 2° 15'.120 E

§5. Within the zone indicated in paragraph 4, the Minister responsible for the economy may, after receiving the opinion of the Minister responsible for maritime mobility and in accordance with the results of the exploration research, delimit new sectors for exploitation.

§6. Within the sectors, 2kb, 2br and 2od, delimited in paragraph 1, an annual extractable volume of sand applies, as laid down in the Royal Decree of 1 September 2004 on the conditions and the award procedure for concessions for the exploration and the exploitation of mineral and other non-living resources in the territorial sea and on the continental shelf. The extraction of gravel is prohibited here.

#### **Subsection 9: Coastal Defence – Map 6 of Annex 4**

**Art. 16.** §1. Research into coastal defence is authorised everywhere safe unless otherwise stipulated.

§2. A zone is delimited for testing new methods of coastal defence, whereby the coordinates of the central point are 51° 07'.320 N 2° 35'.280 E and a radius of 1 nautical mile. This zone is limited to the Belgian sea areas. Tests with a potential impact of nature conservation areas, as defined in article 7, can only be allowed after obtaining a Natura 2000- authorisation.

#### **Subsection 10: Military use – Map 7 of Annex 4**

**Art. 17.** §1. Zones are delimited for exercises relating to mine laying, searching and sweeping, for which the coordinates are as follows:

##### QZR 040

1° 51° 15'.120 N 2° 27'.610 E

2° 51° 17'.210 N 2° 29'.232 E

3° 51° 18'.510 N 2° 31'.830 E

4° 51° 19'.600 N 2° 33'.600 E

5° 51° 19'.600 N 2° 36'.090 E

6° 51° 19'.341 N 2° 34'.719 E

7° 51° 18'.130 N 2° 32'.430 E

8° 51° 16'.790 N 2° 29'.770 E

9° 51° 14'.890 N 2° 28'.390 E

NBH-10 (Wenduine)

1° 51° 18'.528 N 2° 53'.000 E  
2° 51° 21'.000 N 2° 53'.000 E  
3° 51° 21'.000 N 2° 59'.492 E

NB-01 (Westhinder)

1° 51° 28'.850 N 2° 44'.920 E  
2° 51° 26'.750 N 2° 44'.920 E  
3° 51° 26'.750 N 2° 35'.520 E  
4° 51° 28'.850 N 2° 35'.520 E

Buiten Ratel

1° 51° 16'.200 N 2° 30'.400 E  
2° 51° 17'.000 N 2° 29'.500 E  
3° 51° 18'.300 N 2° 32'.100 E  
4° 51° 17'.500 N 2° 33'.100 E

§2. A munition destruction area is delimited for detonation drills and exercises, for which the perimeter is as follows:

Central point 51° 29'.070 N 2° 49'.920 E  
(radius= 3.2 nautical miles)

§3. A "BNOM" zone is delimited for shooting exercises at floating targets at sea, for which the coordinates are as follows:

1° 51° 26'.771 N 2° 33'.899 E  
2° 51° 35'.357 N 2° 35'.876 E  
3° 51° 42'.000 N 2° 37'.415 E  
4° 51° 42'.000 N 2° 39'.200 E  
5° 51° 26'.750 N 3° 00'.500 E  
6° 51° 26'.770 N 2° 49'.860 E  
7° 51° 24'.397 N 2° 44'.831 E  
8° 51° 24'.400 N 2° 40'.300 E  
9° 51° 26'.775 N 2° 40'.289 E

§4. A Shallow Water zone is delimited for amphibious vehicle and shallow water exercises, delimited by the baseline and the line connecting points 1 to 4, for which the coordinates are as follows:

1° 51° 21'.284 N 3° 10'.372 E

2° 51° 19'.588 N 3° 08'.992 E

3° 51° 21'.334 N 3° 08'.333 E

4° 51° 21'.334 N 3° 10'.333 E

§5. A 'Lombardsijde Shooting Sector' zone is delimited for shooting exercises from land to sea, for which the perimeter is as follows:

Bounded by

- bearings 114° from point 51° 09'.262 N 2° 43'.777 E

- and 191° from point 51° 10'.140 N 2° 46'.620 E

Small sector: mid-point 51° 09'.262 N 2° 43'.777 E (radius = 2.5 nautical miles)

Middle sector: mid-point 51° 08'.620 N 2° 46'.150 E (radius= 7.5 nautical miles)

Large sector: mid-point 51° 08'.620 N 2° 46'.150 E (radius = 12 nautical miles)

§6. Every year, by 31 January, the Ministry of Defence transmits a list with the activities carried out from the previous year within the delimited zones to the Minister.

#### **Subsection 11: Munitions deposit area – Map 4 of Annex 4**

**Art. 18.** §1. A zone is delimited for safeguarding the closed munitions deposit area "Paardenmarkt", for which the coordinates are as follows:

1° 51° 21'.550 N 3° 14'.290 E

2° 51° 22'.100 N 3° 15'.240 E

3° 51° 21'.800 N 3° 16'.290 E

4° 51° 21'.370 N 3° 16'.620 E

5° 51° 21'.070 N 3° 14'.870 E

§2. Within the zone delimited in paragraph 1, no seabed-disturbing activities are authorised, with the exception of:

1° scientific research into munitions management and disposal, including testing;  
2° management and disposal activities.

§3. For all activities who can possibly impact the designated zone under §1, a risk assessment has to be undertaken, in accordance with §4, 1°.

§4. The exceptions listed in paragraph 2 and the activities under paragraph 3 may take place under the following conditions:

1° the intended activity is subjected to a risk assessment, the form and content of which have been approved by the Minister, based on advice from DG Environment, MUMM and the Ministry of Defence;  
2° the Minister lays down the individual conditions for carrying out the intended activity.

#### **Subsection 12: Scientific research – Map 6 of Annex 4**

**Art. 19.** §1. Scientific research is authorised everywhere, unless otherwise specified.

§2. A zone is delimited for test projects, for which the coordinates are as follows:

51° 14'.978 N 2° 55'.539 E as a centre point for a circle with radius 0.75 kilometres

§3. A zone is delimited, as a reference area for the calibration and quality evaluation of measuring devices, for which the coordinates are as follows:

1° 51° 17'.629 N 2° 37'.693 E

2° 51° 17'.486 N 2° 38'.135 E

3° 51° 16'.727 N 2° 37'.514 E

4° 51° 16'.872 N 2° 37'.072 E

Within this zone, only non-seabed-disturbing activities are authorised, with the exception of installing scientific equipment, according to the area.

§4. Industrial research, tests in realistic conditions and demonstration projects are allowed everywhere, as long as the spatial objectives of this decree are not compromised, and provided there is compliance with the procedure laid down in Chapters VI and VII of the Law.

§5. A zone is delimited, serving as a reference zone for monitoring the environmental impact of sand extraction and wind farms. The coordinates of this zone are the following:

1° 51° 31'.932 N 2° 50'.010 E

2° 51° 32'.644 N 2° 52'.347 E

3° 51° 32'.575 N 2° 52'.387 E

4° 51° 31'.687 N 2° 53'.777 E

5° 51° 30'.942 N 2° 51'.600 E

Sand and gravel extraction is prohibited in this area until 1 May 2023. After this date, sand and gravel extraction may be authorised subject to a favourable opinion from the advisory committee responsible for coordination between the administrations involved in managing exploration for and exploitation of the continental shelf and the territorial sea.

#### **Subsection 13: Recreational activities**

**Art. 20.** §1. Recreational activities are authorised everywhere, unless otherwise specified.

§2. Recreational fishing is only authorised with non-seabed-disturbing techniques in the zone, as delimited in Article 7, §1, except for seabed-disturbing techniques which involve towing or pushing by humans or horses.

§3. In derogation of paragraph 2, the Minister can award an individual permit for existing recreational seabed-disturbing shrimp fishing, on condition that the applicant can prove that they have been active for at least three years. The permit allows the applicant to go fishing for a maximum of ten times a year and is valid for a maximum of six years.

#### **Subsection 14: Measuring posts, radars and masts – Map 6 of Annex 4**

**Art. 21.** §1. The beaconing and installation of measuring posts, radars and masts is authorised anywhere within the Belgian sea areas, without compromising the spatial objectives of this decree.

§2. There are measuring posts at the following locations:

1° 51° 23'.667 N 3° 02'.747 E

2° 51° 21'.633 N 3° 07'.094 E

3° 51° 21'.774 N 3° 17'.403 E

4° 51° 23'.376 N 3° 11'.924 E

5° 51° 25'.101 N 3° 17'.915 E

6° 51' 16".495 N 2° 26'.849 E

7° 51' 23".312 N 2° 26'.270 E

§3. The Oostdyck radar is at the following location:

1° 51' 16".495 N 2° 26'.849 E

#### **Subsection 15: Cultural heritage – Map 6 of Annex 4**

**Art. 22.** § 1. In the following zones for the protection of underwater cultural heritage, it is prohibited to:

1° carry out line fishing, anchoring or dredging in a circle with a radius of 15 metres, and fish with trawls in a circle with a radius of 40 metres around the "West Hinder" shipwreck at position 51° 22'.878 N 2° 27'.134 E;

2° anchor or dredge in a circle with a radius of 20 metres around the "Wooden shipwreck off the coast of Ostend" at position 51° 14'.779 N 2° 55'.383 E;

3° anchor or dredge in a circle with a radius of 12.5 metres around the "Wreck site on the Buiten Ratel Sand bank" at position 51° 14'.432 N 2° 30'.191 E;

4° anchor or dredge in a circle with a radius of 15 metres around the shipwreck "t Vliegent Hart" at position 51° 29'.519 N 3° 06'.873 E;

5° carry out line fishing, anchoring or dredging in a circle with a radius of 45 metres around the shipwreck "SS Kilmore" at position 51° 23'.730 N 2° 29'.790 E;

6° carry out line fishing, anchoring, dredging or fishing with trawls in a circle with a radius of 30 metres around the shipwreck "U-11" at position 51° 20'.550 N 2° 52'.075 E;

7° carry out line fishing, anchoring or dredging in a circle with a radius of 35 metres around the shipwreck "HMS Brilliant" at position 51° 15'.200 N 2° 56'.721 E;

8° fish with trawls in a circle with a radius of 10 metres around the shipwreck "H.M Motor Launch" at position 51° 13'.820 N 2° 52'.873 E;

9° fish with trawls in a circle with a radius of 15 metres around the shipwreck "Torpilleur Branlebas" at position 51° 13'.007 N 2° 37'.707 E;

§ 2. The restriction regarding anchoring laid down in paragraph 1 does not apply for diving around the cultural heritage when notified through an electronic form to the Directorate-General Shipping of the Federal Public Service Mobility,

#### **Subsection 16: Commercial and industrial zones – Map 8 of Annex 4**

**Art. 23.** §1. Zones are delimited for commercial and industrial activities, for which the coordinates are as follows:

##### Zone A

1° 51° 13'.160 N 2° 27'.228 E

2° 51° 13'.894 N 2° 25'.968 E

3° 51° 18'.467 N 2° 30'.549 E

4° 51° 17'.233 N 2° 33'.358 E

##### Zone B

1° 51° 13'.805 N 2° 32'.042 E

2° 51° 17'.074 N 2° 36'.695 E

3° 51° 16'.667 N 2° 37'.409 E

4° 51° 16'.630 N 2° 37'.355 E

5° 51° 13'.494 N 2° 32'.789 E

##### Zone C

1° 51° 10'.445 N 2° 37'.346 E

2° 51° 11'.167 N 2° 39'.983 E

3° 51° 10'.517 N 2° 40'.444 E

4° 51° 09'.760 N 2° 37'.813 E

Bottom disturbance within this zone by a commercial or industrial activity or activities, should not be more than 0.1% of the total surface of this zone.

#### Zone D

1° 51° 19'.422 N 2° 55'.343 E

2° 51° 19'.283 N 2° 58'.721 E

3° 51° 18'.266 N 2° 59'.767 E

4° 51° 16'.603 N 2° 55'.091 E

5° 51° 17'.287 N 2° 53'.900 E

6° 51° 18'.756 N 2° 53'.595 E

No more than 50% of the area of this zone can be used for a commercial or industrial activity, or activities.

#### Zone E

1° 51° 26'.756 N 3° 08'.388 E

2° 51° 28'.249 N 3° 04'.939 E

3° 51° 30'.708 N 3° 08'.794 E

4° 51° 29'.247 N 3° 11'.871 E

§2. When developing commercial or industrial activities within these zones, following conditions have to be regarded:

1° Commercial and industrial activities with a potential impact on nature protection areas, as specified in Article 7, can only be authorised if Natura 2000 authorisation has been obtained;

2° Commercial and industrial activities with a potential impact on military activities can only be permitted if they are compatible with military activities;

3° Commercial and industrial activities with a potential impact on military activities can only be authorised if they are compatible with the military activities;

4° Commercial and industrial activities, which are similar to other activities that already take place, must at least respect the same conditions.

§3. Within the zones as designated by paragraph 1, commercial and industrial activities take precedence. Other activities may take place, insofar as they do not compromise the usage of these zones for the intended purpose.

### **CHAPTER 3. – Amendment and final provisions**

**Art. 24.** In Article 25 of the Royal Decree of 1 September 2004 on the conditions and the procedure for awarding concessions for the exploration and exploitation of the mineral resources and other non-living resources in the territorial sea and on the continental shelf, the text 'The maximum extractable volume in the habitat area amounts to:

Year Volume

2014 1,663,000m<sup>3</sup> 2014 1,663,000m<sup>3</sup>

2015 1,646,000m<sup>3</sup> 2015 1,646,000m<sup>3</sup>

2016 1,629,000m<sup>3</sup> 2016 1,629,000m<sup>3</sup>

2017 1,612,000m<sup>3</sup> 2017 1,612,000m<sup>3</sup>

2018 1,595,000m<sup>3</sup> 2018 1,595,000m<sup>3</sup>

2019 1,578,000m<sup>3</sup> 2019 1,578,000m<sup>3</sup>'

is replaced by the text 'The maximum volume in the habitat area for the period 2020-2025 is 1,578,000 m<sup>3</sup> per year'.

**Art. 25.** The Royal Decree of 14 October 2005 establishing special protection areas and special areas of conservation in the sea areas under Belgian jurisdiction, is rescinded.

**Art. 26.** The Royal Decree of 14 October 2005 on the conditions, conclusion and termination of user agreements and the drawing up of policy plans for the marine protected areas in the sea areas under the jurisdiction of Belgium, is rescinded.

**Art. 27.** The Royal Decree of 5 March establishing a Managed Marine Reserve in the sea areas under the jurisdiction of Belgium and amending the Royal Decree of 14 October 2005 establishing special protection areas and special areas of conservation in the sea areas under Belgian jurisdiction, is rescinded.

**Art. 28.** In the Royal Decree of 13 November 2012 concerning an Advisory Commission and the procedure for the adoption of a Marine Spatial Plan in the Belgian Sea Areas, an article 1/1 is added, being:

**“Art. 1/1.** This Royal Decree provides for the partial transposition of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

**Art. 29.** Article 2 of the same decree is replaced as follows:

**“Art. 2.** The Minister makes a predraft of the marine spatial plan and puts this predraft to the Advisory Commission, who will within thirty days upon receiving the predraft, make a motivated advice concerning the predraft and submit this to the Minister. This period can be extended with fifteen days by the chairperson upon request of a plurality of the members of the Advisory Commission. When the advice has not been submitted within this period, it is considered to be favourable.”

“4° for the equipment of passive fishing and aquaculture, within the wind farm zones, as specified in Article 8, §2-§3, of the Royal Decree establishing the marine spatial planning, under the conditions as specified in Article 14, §2-3 of the aforementioned Royal Decree.

**Art. 30.** In chapter 2 of the same decree, a subsection 3 is added, being “Subsection 3 – Rendering Advice”.

**Art. 31.** In subsection 3, as established by article 30, of the same decree, an Article 7/1 is added, being:

“**Art. 7/1.** §1. The Advisory Commission provides a motivated advice concerning requests to obtain a permit for the use of zones for commercial and industrial activities in the sea areas under the jurisdiction of Belgium.

§2. This advice will be given within 30 days upon receiving the request. In extraordinary cases, this period can be extended with fifteen days by the chairperson of the Advisory Commission, upon request of a plurality of the members of the Advisory Commission. When the advice has not been submitted within this period, it is considered to be favourable.”

**Art. 32.** The Royal Decree of 20 March 2014 establishing the marine spatial planning, is rescinded.

**Art. 33.** This decree enters into force on 20 March 2020.

**Art. 34.** The Minister for the Economy, the Minister for Maritime Mobility, the Minister for the Marine Environment, the Home Affairs Minister, the Defence Minister, the Minister for Science Policy and the Minister for Energy shall be responsible for the implementation of this Decree, each to the extent to which they are concerned.

Promulgated at Brussels , on the 22<sup>nd</sup> of May 2019

On behalf of the King:

(Relevant parts of)

## **Annex 1: Spatial analysis of the sea areas**

### **1 INTRODUCTION**

#### **1. Why have a marine spatial planning?**

The economic and ecological potential of our sea areas is vast. Examples include the energy potential of the seas (e.g. wind, wave and tidal energy), sand resources, fishing grounds, aquaculture opportunities and transport possibilities via sea. In addition, the North Sea is appreciated for its natural beauty, and attracts millions of tourists every year.

The multitude of actors and institutions involved within the sea areas, who often claim the use of (part of) the Belgian sea areas, means that there must be planning for the marine space. At sea, we even need to take into account overlapping activities in four dimensions: these might take place on the seabed and subsoil, at the water surface and water column, and in the air column. The fourth dimension is the time aspect, such as time-bound or specific seasonal use. For example, it is possible within the same zone to fish, extract sand, sail and organise shooting exercises for the Ministry of Defence, at different times.

In 2014, Belgium played a pioneering role by adopting an integrated marine spatial planning, which is the final element of the planning process. This coordinating initiative responded to the ever-increasing use of the space in our sea areas, and the lack of clear procedures.

The process of marine spatial planning is in full development in various European countries, partly prompted by Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

The government has undertaken to review the planning regularly and, if necessary, adapt it. Clarity in terms of the marine space and the related activities provides certainty for those who wish to carry out activities.

This marine spatial planning 2020-2026 is the evaluation and adjustment of the first marine spatial planning adopted in 2014.

The marine spatial planning mainly provides an assessment framework in the event of conflicts between various human activities, and in managing the impact of these activities on the marine environment. The aim of marine spatial planning is to balance the various sectoral interests and achieve sustainable use of marine resources.

Adopting a marine spatial planning has many advantages. A number of these are listed below:

- Setting out a long-term vision, as was particularly the case in 2017 by the State Secretary for the North Sea, Philippe De Backer, in the context of the long-term vision for the North Sea 2050 process, ensures that marine space can be planned for the short term without the long-term opportunities being limited or made impossible;
- Spatial and temporal coordination between all users, and having an overview of them, ensures a transparent assessment of the needs in an open, cross-sectoral manner and respects the ecosystem's bearing capacity;
- It provides an efficient framework for integrating the rich source of scientific and other information into the policy and decision-making processes;
- An integrated planning with demarcations for certain uses results in increased legal certainty, clarity and transparency, which reduces costs for government, investors and operators.
- Focusing on shortcomings and opportunities provides a platform for coordination between the various competent authorities and their associated legislation, awarding and concession procedures;
- An integrated marine spatial planning leads to a more attractive investment climate for domestic and foreign investors;
- By combining both a long-term vision and medium-term actions and objectives, which are monitored, the policy can be flexible and adaptive, and adjusted as and when necessary;
- Such a process makes it possible to coordinate the use of sea areas and their management across land and sea borders, avoid conflicting policy options in border areas, and create synergies;
- An integrated marine spatial planning supports management with an ecosystem-based approach. It helps foster sustainable management of the sea, protection of the common good and growth in various marine sectors.

As such, this second marine spatial planning is intended to develop a future-oriented and proactive North Sea policy that is coordinated with the adjacent densely populated coastal areas, the Western Scheldt and the surrounding sea areas of our neighbouring countries, or in other words: an integrated marine spatial planning aims to optimise the opportunities, encompass new perspectives within economic sectors and set priorities based on scientific understanding.

#### **4. Structure of the marine spatial planning and reading guide**

##### **Structure**

The marine spatial planning consists of the Royal Decree establishing the marine spatial planning, including all annexes. The Royal Decree itself contains the article-by-article designation of the zones according to use/activity with the respective binding provisions. The annexes consist of all elements as stipulated in the Law:

- Annex 1 contains a spatial analysis of the Belgian sea areas. This includes:
  - A spatial location and a legal demarcation of the Belgian sea areas;
  - The physical characteristics and existing environmental and natural conditions in the Belgian sea areas;
  - An inventory of the activities and use of the Belgian sea areas;
  - An overview of the spatial alliances and conflicts;
  - The planning and policy context.
- Annex 2 contains the long-term vision, objectives and indicators, and spatial policy choices for the Belgian sea areas:
  - A vision for the Belgian part of the North Sea up to 2050. This is based on a project that was organised over 2016-2017 at the initiative of the State Secretary for the North Sea, Philippe De Backer, in which three stakeholder forums were set up;
  - Spatial principles for the Belgian sea areas;
  - Economic and social objectives and indicators, environmental and safety objectives and indicators;
  - Spatial policy choices for users and activities in the Belgian sea areas.
- Annex 3 contains the activities for implementing the marine spatial planning.
- Annex 4 contains all maps.

### **Reading guide**

The marine spatial planning is intended to coordinate the measures which have a spatial impact on sea areas and ensures that all stakeholders are involved in the process. This coordination is a federal competence and is without prejudice to the competences assigned to the Flemish and Federal Governments (cf. Special Law of 8 August 1980 reforming the institutions).

As clarified in the Royal Decree establishing the marine spatial planning, the present document should be read as follows:

The spatial analysis of the sea areas included in Annex 1, as prescribed by Article 5bis, §4, 1° of the Law, is established as the informative basis for the following parts of the marine spatial planning.

The long-term vision, objectives, indicators and spatial policy choices included in Annex 2, as prescribed by Article 5, §4, 2° and 3° of the Law, are established as binding stipulations of the marine spatial planning for the government.

The activities for implementing the marine spatial planning included in Annex 3, as prescribed by Article 5bis, §4, 4° of the Law, are established as binding stipulations of the marine spatial planning for the government.

The maps included in Annex 4 are a binding graphic representation of the spatial policy vision for the Belgian sea areas. The coordinates as included in the Royal Decree establishing the marine spatial planning as well as the maps themselves are binding, but if in doubt the text takes precedence (i.e. the coordinates).

## 5. Procedure

The Royal Decree of 13 November 2012 lays down the establishment of an advisory committee and the procedure for adoption of the marine spatial planning.

In summary, the following successive procedural steps are to be taken:

- The Minister establishes a preliminary draft of the marine spatial planning;
- The Minister submits the preliminary draft to the advisory committee, which is made up of all federal and Flemish government departments with competence for the sea, for an opinion within thirty days;
- The Minister adopts the preliminary draft as a draft marine spatial planning, after receiving the opinion of the advisory committee and following approval by the Council of Ministers;
- The draft marine spatial planning is subjected to a public inquiry for a period of sixty days. The Federal Council for Sustainable Development, the regional governments, the Coastguard Structure and any other bodies deemed useful will be specifically consulted during this period. There is simultaneous cross-border consultation (with the Netherlands, France, and the United Kingdom at the least). During the public inquiry, the Minister also organises at least one public consultation meeting;
- The above-mentioned consultation period of sixty days overlaps with the consultation regarding the strategic environmental impact report.
- The King adopts the Royal Decree establishing the marine spatial planning, upon presentation by the Minister and following approval by the Council of Ministers.

As such, the marine spatial planning is legally enshrined by formal adoption. In this way, adequate legal certainty is created for the various users.

Given that the sea is a dynamic environment and spatial requirements can change rapidly, the spatial planning process must strike a balance between flexibility and stability. Monitoring and evaluation of the choices made, is advised. That is why an amendment procedure is also provided by law:

- Every six years: complete evaluation and possible amendment;
- Interim: via the Minister of the North Sea, following approval in principle by the Council of Ministers.

The importance of transparency during the procedure and participation by the various stakeholders remains crucial throughout the entire process. Given that the sea is an 'open' system, effective coordination with other North Sea countries (particularly the neighbouring countries), but also with the 'inland side', is advised. Planning of the marine space

is therefore done in collaboration with all competent parties, and the concrete implementation of the vision is organised in agreement with the competent parties involved, which must be maintained.

***Annex 2: Long-term vision, objectives and indicators, and spatial policy choices***

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## **1 Introduction**

Taking into account the analysis of the existing situation described in Annex 1, this section sets out a long-term vision, leading up to 2050.

On this basis, this Annex also stipulates the objectives of the present MSP for the period 2020-2026. If possible, and if appropriate, these objectives are accompanied by indicators and are clarified by a definition of the spatial policy choices, including the options considered but not selected. The policy choices for each sector are outlined, culminating in a compilation card.

The binding policy choices are incorporated into the Royal Decree.

The activities for implementing the MSP are included in Annex 3 and are binding for the Federal Government.

## 2 Long-term vision

In this chapter, we formulate the vision for the Belgian North Sea at the global level and

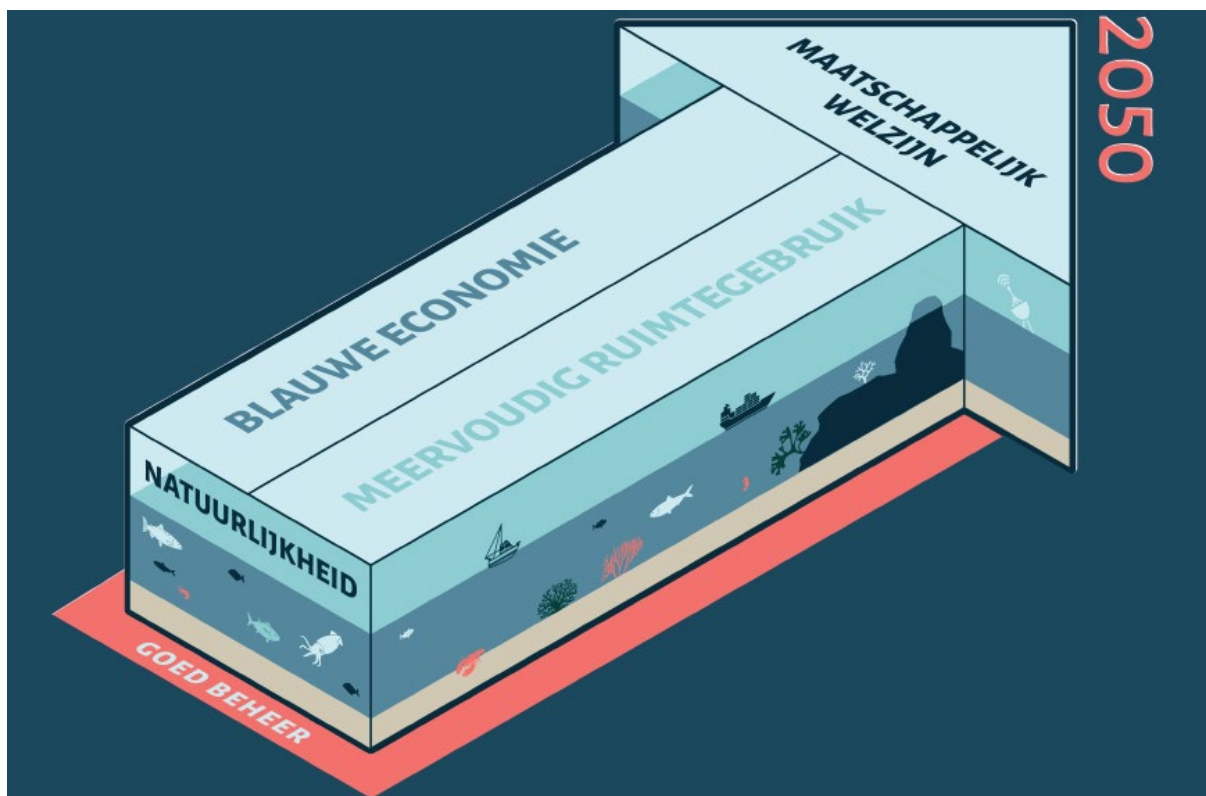
### 2.1 Principles for a long-term vision

- The biotic and abiotic processes within the marine environment vary in four (3+1) dimensions: -
  - vertically (subsoil, seabed, water column, water surface and air);
  - horizontally (spatial variation (sea landscape), land-sea transition);
  - spatially;
  - temporally (dynamic and variability).

present general core objectives for policy-making.

In order to make the best possible use of the space in and on the sea in the future, the possibilities offered by this four-dimensional use must be taken into account. For example, in addition to the 'two' map dimensions (seabed), depth and height (water column, subsoil, air) should also be taken into account, as well as the seasonal variation in natural properties and processes (time). Not all activities are equally intensive in all places.

- There is no private ownership of the marine space, now or in the future. This



area is under everyone's responsibility (the Belgian State) and remains a public good.

- Economic, environmental and scientific cooperation, both cross-border and between civil society actors, is crucial if the stated objectives are to be achieved.
- A transparent and participatory policy must be based on scientific knowledge and technology to support the combination of the various spatial functions.

## **2.2 Core principles**

For the development of activities within the Belgian North Sea, three core principles or ground rules are applied, against which all future activities must be assessed. These core principles are:

- Naturalness is a basic precondition for the development of the Belgian North Sea in all its facets;
- The Belgian North Sea will continue to offer important functional uses in the future, to support social well-being;
- In the future, the principle of multiple use of space will be the norm for all use of space within the Belgian North Sea.

### **2.2.1 Naturalness is a basic precondition for the development of the Belgian North Sea in all its facets**

Naturalness is defined as the scale and intensity at which biotic and abiotic processes take place and are expressed in the ecosystem.

Naturalness is the basic precondition which must be met to ensure social well-being now and in the future. As such, naturalness forms the basis of various goods and services for our

society, now and in the future. The concept 'basic precondition' takes into account the value of regulating and supporting ecosystem services, but also allows for the preservation, restoration and reinforcement of the intrinsic value of nature.

The desired quality of the marine environment is defined according to the ecosystem services to be provided, including its intrinsic value.

Consequently, naturalness in the future must be of a level that allows healthy economic development, without compromising current and future ecosystem services. As such, the further development of human activities at sea must by definition place maximum emphasis on naturalness. The aim is not to create an ecosystem without human impact, but to ensure the sustainable management of the ecosystem.

There are currently many human activities at sea, and their real impact is not yet fully known. It is important to note that naturalness is not only influenced by activities on the sea, but also by activities on land (e.g. beach tourism, inputs of nutrients and pollutants).

#### *2.2.1.1 How can we support naturalness in the future?*

Fulfilling or contributing to the basic precondition of naturalness can be approached from the following angles:

1. Preservation and restoration of natural resources (including management plans and measures for marine protected areas);
2. Avoiding and limiting negative impacts (the so-called mitigating measures);

### 3. Creating naturalness (e.g. implementing artificial reefs).

#### 2.2.1.2 Incremental progress towards sustainable naturalness by 2050

##### **Step 1: determining the thresholds**

Achieving and maintaining the desired naturalness involves a resilient ecosystem, with the capacity to adapt while maintaining the inherent ecosystem services for each type of biotope in this ecosystem, thereby being more resistant to human and natural disturbances.

Setting these targets and thresholds is and remains a scientific challenge for which there must also be public support. What is the objective? How much nature is enough? What is a healthy biodiversity threshold for resistance to infection? What is the applicable spatial scale at which this needs to be determined? These are all questions that need to be answered to determine when an ecosystem can be considered healthy (= desired naturalness). This is also the key to determining a feasible and sustainable ecological status according to future development, so that the baseline and/or determination of the threshold is no longer equated with 'back to the state of 1900'. Nor does the desired naturalness have to be set at the same level for the four different dimensions. Spatial and/or temporal differentiation may be appropriate.

Determining the thresholds requires:

- The use of scientific knowledge: it is important to continue to qualify and quantify the desirable status of soil, water column and air, as currently defined in the Marine Strategy Framework Directive and

the Habitats Directive. An important aspect here is the focus on the scientific rationale needed to assess which activity has which impact, or which could have an impact, on the marine environment. Improving and expanding this knowledge is crucial within the environmental impact assessment process (including how to mitigate, and to what extent), which is the basis for managing human activities at sea;

- Identifying and eliminating knowledge gaps and uncertainties. In addition to *in house* expertise, experience from nature management on land and expertise from abroad should also be applied. Accurate follow-up and intensive scientific monitoring of pilot projects or *in situ* test set-ups offer added value;
- Thorough follow-up or monitoring make it possible to determine whether the stated objectives have been achieved. This monitoring should follow scientifically-based, objective and measurable indicators. All available resources must be optimally deployed in this respect;
- Investing in research, development and innovation (RD&I) of alternative and innovative monitoring strategies, techniques and activities that contribute to efficient data collection regarding the state of the marine environment.

Step 2: Mitigation of the negative impacts of human activities at sea.

Mitigation is the combination of (in descending order of desirability) preventing/avoiding

(tackling at source), reducing, and offsetting the impact of human activities. The ultimate goal would be that all activities are in accordance with the desired naturalness, so that no offsetting is necessary.

In principle, this means:

- Preventing the impact, i.e., that human activities are organised in such a way that they have *zero impact* or even a positive impact. The fundamental approach is that the polluter prevents, limits and repairs, which goes beyond the 'polluter pays' principle;
- Instilling far-reaching accountability within sectors, based on international agreements and cooperation, so as not to compromise the economic developments in Belgian waters;
- Striving for low impact activities, where mitigation has already been factored in before the activity takes place. If there is an impact, this must definitely be reversible. In other words, naturalness must be the core of the design of all (new) activities. Activities can only be permitted if it is demonstrated (on the basis of the scientific knowledge available at the time) that the desired naturalness will in all likelihood not be compromised. The EIA instrument must be evaluated and, if necessary, converted into (1) an assessment framework that must make it possible to objectively distinguish between activities with an expected significant impact (= macro-impact) and activities with an expected minimal impact (= micro-impact), (2) an

instrument designed to seek opportunities for positive impacts.

### Step 3: Creating naturalness in the Belgian North Sea

Actions relating to the preservation and restoration of the desired naturalness in the Belgian North Sea can take many forms, but of course the marine protected areas have an important role to play.

The important elements in this respect are:

- Continuing to give priority to the already widely tested and scientifically-based delimitation and definition of the objectives of marine protected areas. Only on this basis can a meaningful choice be made as regards location, size and possible multiple uses of the space. This rationale is also immediately used to justify "no use" marine protected areas versus marine protected areas with adapted shared use;
- Ensuring the passive or active restoration of lost natural habitats (e.g. European oyster reefs), as this will result in the loss of or reduction in ecosystem services. Naturally, returning to the time when there was no human impact is unfeasible;
- Reflecting on how to set up dynamic nature areas in space and time, to be able to respond as best as possible to the interaction between conservation objectives and possible shared use. For example, areas can be closed for a certain period of time for human disturbance, according to the temporal priority

breeding, spawning, resting and foraging areas for mobile species such as fish, birds and marine mammals;

- Delimiting areas to scientifically monitor the natural evolution of existing processes. In addition to their conservation value, natural areas are also important for scientific research and as reference areas for assessing the impact of human activities at sea.

### **2.2.2 The Belgian North Sea will continue to offer important functional uses in 2050, to support social well-being.**

The Belgian North Sea is a highly productive ecosystem. Notwithstanding its limited surface area, it accommodates various human activities and functions, some with a direct economic purpose, all with a human interest: recreation and sports, tourism, shipping, research, energy, coastal defence, etc. These economic sectors and activities that make significant use of marine resources are often referred to as the "blue economy".

The blue economy is continually subject to innovation, both in terms of technology (e.g. new materials), policy innovation (e.g. marine spatial planning) and socially. There is a strong dynamic between the Belgian knowledge institutions and the business world, whereby information is actively exchanged regarding the economic potential that these actors see in relation to the spatial planning of the Belgian North Sea.

Many activities at sea have a direct link to a land-based activity, with the ports as the main gateways.

With regard to future developments, it must therefore be examined whether their occurrence is likely and/or desirable. The concept developed for this purpose is also based on ecosystem services.

#### *2.2.2.1 Important functional uses according to the ecosystem services*

Ecosystem services can be structured as follows:

- Services which provide a product, e.g. aquaculture, wind and wave energy, exploitation of mineral resources;
- Ancillary services, e.g. safety, transport;
- Cultural services, e.g. the presence of cultural heritage, recreational services;
- Regulating services: climate, including carbon sequestration.

#### *2.2.2.2 Four maxims for the future vision of the blue economy and innovation*

Maxim 1: social well-being is essential

Social well-being is created by the sum of all the ecosystem services provided by the Belgian North Sea. Direct and indirect forms of economic valorisation (via product-providing services and ancillary services) are the most obvious, but the cultural and regulating services also make an important contribution to social well-being. The large-scale social developments and challenges (digitisation, automation, cyber security, renewable energy systems and energy security, climate change, scarcity of raw materials, changes in trade patterns, vocal citizens and critical consumers,

etc.) will drive future evolutions that may have an impact on the use of space in the Belgian North Sea.

**Maxim 2:** Uncertainty is unavoidable and reinforces the need for an adaptive policy

The uncertainty of the future is unavoidable. The review of marine spatial planning every 6 years addresses the need for a sufficiently stable but adaptive policy framework for the business world. It must also be possible to provide the necessary legal certainty in the longer term, without these allocated rights of use being taken as a given: if the resources no longer serve the social well-being, the space allocated for use must be released for other purposes.

**Maxim 3:** The sea is an open 4-dimensional entity for which relevant knowledge needs to be better deployed

The implementation of marine spatial planning must take account of the dynamics of the North Sea to a large extent, across national borders.

Higher variability (and further changes in the biosphere) due to climate change and disturbances in marine ecosystems must be taken into account. To cope with these changes adequately, our knowledge needs to be further enhanced.

Technological innovations will facilitate a more dynamic approach to the users of the sea.

**Maxim 4:** Innovative technologies and their repercussions on the systems and functions of the Belgian North Sea

Current technological innovations bring about a torrent of innovations in different economic sectors and also give rise to important social innovations (e.g. social media and its repercussions on social behaviour), which policy innovation should take into account to a large extent. Today's pioneering industries (e.g. offshore energy) will become the mature industries of tomorrow. Belgium and Belgian industry have important assets with which to play an important role in international markets. Adapted and innovative technologies require specific knowledge acquired through adapted learning packages. Education also needs to evolve to continue meeting the demand for new job profiles.

### **2.2.3 By 2050, the principle of multiple use of space will be the norm for all use of space within the Belgian North Sea.**

Striving for the desired level of naturalness will result in healthy ecosystem services, at the service of social well-being.

The current demand for space at sea, within which these ecosystem services develop, creates tensions but also opportunities that support the demand for multiple use of space (MUS).

#### *2.2.3.1 Forms of multiple use of space*

We can distinguish between three forms of use of space:

1. Dynamic: activities that only take up space temporarily, e.g. shipping.
2. Semi-dynamic: between a static element and a mobile user, e.g. between a marine protected area and recreational activity.

### 3. Static: e.g. the concession zone for renewable energy.

The tension between the various functional uses in the Belgian North Sea can be resolved by implementing forms of multiple use of space in an efficient and intelligent manner.

Especially at the coast, the Belgian sea areas have sufficient zones where the offshore open space is safeguarded as much as possible. The impact of the activities on the landscape will therefore be a constant focal point for authorisations to develop the MUS at sea.

Single and multiple use of the sea is only permitted if:

- There is little or no negative impact on nature (proven by an impact assessment for each use of space, including the cumulative impact with the MUS), even outside the existing natural areas;
- It is a question of renewable natural resources;
- In addition to being functionally optimised, the use of space has also been climatologically optimised;
- The use of space fits within a circular economy;
- A risk assessment is drawn up, taking into account all safety aspects.

For each (existing and new) activity within the Belgian North Sea, it needs to be examined whether it should take place within a specific delimited zone (static approach) or at any location that meets predetermined criteria (dynamic approach).

### 2.2.3.2 *The principle of multiple use of space in 2050*

Multiple use of space must result in:

- An intelligent four-dimensional use of the sea space;
- Transnational and cross-border cooperation in the economic, environmental, sectoral and scientific fields;
- The creation of added economic value through cooperation between the various actors at sea;
- The preservation, development and restoration of the ecosystem or sub-ecosystems and their associated functions;
- Optimal coordination of the interaction between land and sea.

with the following objectives:

- Ensuring the use of the sea for future generations;
- Anticipating possible threats in good time in order to ensure safety for nature, shipping, coastal residents, etc.

### **2.3 *Effective management***

The core principles defined above can only be developed and applied if future policy sufficiently integrates them into the political decision-making process.

To continue ensuring the future of our Belgian North Sea, we need an adaptive, transparent and participatory policy, with management structures that handle the rapidly developing innovation processes with flexibility.

### **2.3.1 The transparent, adaptive and participatory management of the Belgian North Sea**

Good policy is based on scientific knowledge, treads carefully with knowledge gaps and uncertainties, and is widely supported.

This policy must be able to adapt quickly and flexibly to new trends and developments, without compromising the necessary legal certainty for investment and industrial development.

The policy must also be participatory, encourage cooperation and advice, and be open to new concerns and needs. Nonetheless, social well-being and general prosperity must always take priority.

### **2.3.2 Essential tasks of the policy leading up to 2050**

Core task 1: Focus fully on knowledge collection and dissemination

Developing a central database, supplied with information, data and studies from private, public, industrial and sectoral research, is a priority. The data from this database must be accessible to the public as much as possible. To this end, a continuing focus on digitisation is vital.

Knowledge gaps and uncertainties must be identified and, where possible, resolved. Foreign expertise and developments should also be taken on board in this respect. The optimal use of monitoring budgets and cooperation between the various knowledge institutions is essential in this respect.

Knowledge institutions, universities and research centres have an important role to

play, not only as a knowledge provider, but also as a conduit for passing on knowledge to future generations. These generations should be made aware of the North Sea as a unique source of diverse ecosystem services. New technological developments call for different job functions, profiles and needs to which education must be able to respond rapidly.

Core task 2: Create added value by working with nature

In contrast to the *building with nature* principle, in which nature is utilised, the *working with nature* principle means that in maritime developments, the socio-economic objectives are always combined with the creation of added value on an ecological, physical and social level. Developments which adhere to the *working with nature* principle must therefore always be inherently sustainable, since they take the natural processes as a starting point and/or envisage opportunities for nature development at the start of the design plans. The integrated added value of the ecosystem services provided is taken into account as much as possible in the project developments.

In all future developments in the Belgian North Sea and on beaches, a *working with nature* approach should be pursued, to render mitigation and restoration unnecessary afterwards.

Core task 3: Pursuing national and transnational cross-border cooperation

Both within the different levels of government and transnationally, cooperation is the key to achieving a participatory policy.

For example, a single marine spatial planning for the entire North Sea can be pursued, drawn

up within a single planning process or through comprehensive coordination of the various national planning processes, with the rationalisation of the use of space being a priority.

Proactive and dynamic planning techniques need to be developed. This requires:

- Shifting from two-dimensional maps to the importance of four-dimensional observation and prediction instruments;
- Extensive cooperation between the North Sea countries to develop and jointly manage suitable ocean observation and research infrastructure;
- Extensive scientific cooperation across national borders in order to implement common standards, methods, etc.;
- Building a highly effective cross-border observation and monitoring system that stimulates proactive and dynamic management.

In addition, work must be done to achieve 100% coordination of the planning areas on land and on sea. Efficient cooperation between the different levels of government is also essential here, and it must be continually assessed whether a given activity is best organised on land or at sea. The nature of the activity must be the decisive factor and not the space available.

International, European and national regulations must be continually assessed with regard to their necessity for achieving the stated objective. Any regulatory barriers must be quickly dismantled.

Core task 4: An adaptive policy requires suitable and transparent procedures

As previously stated, there is no private ownership of the sea space. This area is under everyone's responsibility and remains a public good. In order to best allocate the use of scarce space at sea within a given sector or area, adapted and transparent competition procedures must be developed. Here again, it is important that social well-being is given priority when considering the costs and benefits.

In addition, as previously explained, the current EIA instrument should be thoroughly evaluated. If necessary, it must be adapted to an integrated assessment framework so that an objective distinction can be made between activities with a significant impact (= macro-impact) and activities with an expected minimal impact (= micro-impact). The availability of such an assessment framework can help to determine the effects of management measures, and make it possible even at the design stage to limit the impact to an acceptable level (e.g. waste management plan). A second objective of revising the assessment framework should be to look for opportunities for positive impacts, instead of the current focus on identifying negative impacts.

Core task 5: Enforcement policy: proportionate measures to achieve legitimate objectives

Defining and striving for the desired naturalness and *working with nature* must also go hand in hand with strict enforcement of environmental and maritime regulations on land and at sea, taking into account the fact that environmental regulations evolve with future insights, opportunities and challenges.

As such, the competent enforcement authorities must be sufficiently trained to deal with violations of environmental and maritime legislation.

An efficient system of administrative sanctioning will play a crucial role in the development of new policies, with the aim of combating impunity.

### **3 Economic, social, environmental and safety objectives and indicators**

In this chapter, the vision and long-term objectives are translated into specific objectives for the Belgian North Sea for the period 2020-2026. These are situated at the social, economic, ecological and safety level and are defined as much as possible as SMART: specific, measurable, achievable, relevant and time-bound. The objectives are not binding in themselves to those subject to the law, but form the basis for binding measures. Naturally, this concerns objectives with spatial relevance.

The government is committed to implementing a facilitative and incentivising policy so that these objectives can be achieved. Whether all the objectives will effectively be met by the planning horizon, however, also depends on other parties and external conditions (economic situation, will of the market parties, etc).

Where possible, the objectives are translated into indicators to evaluate the decisions taken and to adjust them where necessary.

#### **3.1 Environmental objectives**

The MSP must contribute as much as possible to achieving:

- Good environmental status, as specified in the Marine Strategy Framework Directive;
- Good surface water status, as specified by the Water Framework Directive;
- Favourable conservation status, as defined by the Habitats Directive and Birds Directive, and compliance with the regulations of these directives in general;

- The United Nations Sustainable Development Goals (SDS), in particular Goals SDG14 'Conserve and sustainably use the oceans, seas and marine resources for sustainable development' and SDG15 'Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss'. These goals must be achieved by 2030, and they are the successor to the Millennium Development Goals.

The goals mentioned in the previous paragraph must be kept in mind for all projects and human activities.

A more detailed description of these objectives and their conversion into measurable parameters can be found in the following documents:

- Determination of Good Environmental Status & establishment of Environmental Targets for the Belgian marine waters (July 2012);
- Conservation objectives for the Natura 2000 sites in the Belgian part of the North Sea (November 2016).

These objectives are regularly reviewed, based on new scientific knowledge. The latest versions can be consulted at: <https://www.health.belgium.be/nl/milieu/zee-en-oceanen-en-antarctica/noordzee-en-oceanen>.

Specific environmental measures to achieve this situation are preferentially taken in the protected areas insofar as there is a link with the state of conservation of the habitats and species for which these areas are designated.

The MSP contributes to the fight against climate change in the following ways:

- The climate impact of the zoning and the conditions for the activities are assessed at both planning and project level;
- Climate neutrality is pursued at both the project and planning level, as a minimum;
- If two or more projects are in competition to take up a certain zone, their respective climate impact is an important criterion in making a decision.

In terms of renewable and sustainable energy production, the objectives are the following:

- The Belgian North Sea will make an important contribution to achieving the European target of 27% renewable energy in the total energy consumption of a Member State by 2030 (Conclusion of the European Council, 23 and 24 October 2014);
- Further optimise the existing concession zone for the generation of electricity from water, currents or wind, in terms of energy production and multiple use of space;
- Establish an additional concession zone for generation from water, currents or wind, with multiple use of space as a criterion for the award of concessions;
- In zones which are designated for a different primary use and open to multiple uses of space, facilitate the potential for renewable and sustainable energy production;
- Create sufficient space for research into improved or new forms of offshore renewable and sustainable energy production;
- Facilitate, in terms of space, the desired closer cooperation between the North Sea

countries throughout the entire energy production chain.

A final objective is also that environmental measures which can contribute to achieving the above objectives may be given scope to be tested.

### **3.2 Safety objectives**

In this marine spatial planning, safety objectives are translated into objectives for the safety of shipping, objectives for coastal defences and military defence. The spatial policy decisions for every activity are considered against these objectives.

The multiple use of space as a standard must not compromise safety in the Belgian North Sea. The necessary analyses need to be carried out before an activity such as multiple use of space is authorised.

With regard to shipping, the objective is to continue to guarantee safe passage and safe access to all Belgian ports, not only for the current generation of ships, but also for next generation ships (e.g. ships with larger dimensions, increasing draught, etc.). The MSP for the period 2020-2026 must achieve at least the same level of safety as the MSP for the period 2014-2020.

For dredging, which is ancillary to the objective of safe shipping, sufficient space must be provided, whereby the location meets the following conditions:

- The chance of back-flow is minimised;
- The zone is favourably located to limit the number of shipping movements and their distance.

In terms of coastal defences, floods and droughts, the objectives are the following:

- The objectives of the Masterplan for Coastal Safety can be implemented in their entirety;**Error! The hyperlink reference is invalid.**
- Space is set aside to explore the avenues for future coastal defences, and to implement the selected option;
- The construction of a test island will only be authorised under the following conditions:
  - o a risk assessment is drawn up, the form and content of which have been approved by the Minister responsible for the marine environment, based on opinions from DG Environment, MUMM and the Ministry of Defence;
  - o as a civil engineering activity, an environmental permit and authorisation has been obtained for the construction and management of the test island, in accordance with the Law;
  - o the test island project is submitted to the advisory committee for a non-binding opinion;
  - o the test island is evaluated during the subsequent review of this decree. If the environmental impact or the impact on other spatial use outweighs the benefits, the zone will be restored to its original state.

In conclusion, the objective is that the Belgian North Sea continues to provide sufficient space for conducting military exercises, attuned to other activities and uses within it. Closer cooperation with neighbouring countries or

other partner countries, with spatial planning of military zones to allow foreign partners to enter these zones, should be pursued.

### **3.3 Economic objectives**

The goal is to guarantee the MSP sufficient space for all economic activities at sea, for the period 2020-2026.

Sea fishing is carried out in accordance with the principle that fishing is possible everywhere, as long as it is not prohibited. This means providing sufficient fishing grounds to maintain a profitable and environmentally sound fishing activity, within the European Common Fisheries Policy.

New space usage will be maximised to allow multiple use of space. The location and design of this space usage depends in part on the impact on sea fishing.

Different zones are designated within which industrial or commercial activities can be developed. A procedure is being developed to approve projects within these zones, whereby multiple use of space, environmental impact, impact on sea view and impact on sea fishing will all be important criteria.

The corridors for cables and pipelines will be adapted to the current position of the cables and pipelines and to the new spatial planning for the period 2020-2026. Unjustified obstacles to the joint use of cables and pipelines will be removed. All the space required to develop an efficient national and European electricity grid will be envisaged, with significant attention paid to efficient and multiple use of space. Space is also set aside to install an additional electricity cable between Belgium and the

United Kingdom. Space will also be set aside for future gas transport needs, where possible, in order to duplicate the pipeline.

Sand and gravel extraction zones will be designated and concessions awarded, taking into account the following aspects:

- the need for coastal defences and the demand for construction sand on land;
- the environmental impact, including the non-renewable nature of sand and gravel.

For renewable energy, the objectives are set out under the heading 'environmental objectives'.

The MSP sets aside a zone around Belgian ports where activities that could hinder the growth of Belgian ports beyond the period 2020-2026 are not allowed, but any future growth must be accompanied by closer cooperation between the various ports in order to make the best possible use of the space.

The existing space at sea for recreational activities will be preserved as much as possible, including the relevant regulations relating to surf sports and recreational navigation.

### **3.4 Cultural, Social and Scientific Objectives**

An important objective is respect for the marine landscape and the underwater cultural heritage in the Belgian North Sea.

The sea landscape is the landscape of the sea surface to the horizon and has great experiential value due to its integrity for the coastal resident as well as tourists and recreational users. This is one of the best

preserved landscapes and must also be cherished as a valuable asset for future generations. This sea landscape must be sufficiently safeguarded by the choice of location of the activities in the Belgian North Sea and by carefully considering the impact of a given activity (and its cumulative impact with other activities) on the sea landscape in the procedures for awarding a concession and a licence.

The most valuable underwater cultural heritage is protected in situ, in accordance with the legal procedure and pursuant to the UNESCO Convention on the protection of underwater cultural heritage.

Additionally, the Belgian North Sea must also be a place for research, education and monitoring. The existing accessibility of the Belgian North Sea for these activities must also be maintained to the extent possible over the period 2020-2026. The principle that 'scientific research is allowed everywhere, subject to exceptions' remains in force, including industrial research, sampling in realistic conditions and demonstration projects. An additional objective is that specific space is set aside for scientific research as the primary purpose.

### **3.5 Procedural objectives**

The MSP for the period 2020-2026 is drawn up in such a way as to provide the necessary flexibility to realise different possible scenarios for this period, while ensuring legal certainty. In this regard, the aim is to have a bottom-up approach rather than top-down.

Over the period 2020-2026, the land-sea interaction between spatial planning within the Belgian federal sea areas and the Flemish Region will be approached in a more integrated manner, following the example of the workshop on land-sea interaction organised by the marine environment department.

Over the same period, the focus will also be on closer international cooperation between the authorities in terms of marine spatial planning and, where possible within the federal competences, closer cooperation between 'sectoral' authorities, in order to rationalise space usage.

#### **4 Spatial policy choices for users and activities in the Belgian North Sea**

The long-term structural vision, which is decisive for the economic, social and environmental and safety objectives in the short term (6 years), is hereinafter translated into policy decisions for every activity and use of the Belgian North Sea, and its protection. The spatial policy choices for the 2020-2026 planning horizon will be binding, and will reflect the spatial emphasis of the policy. The spatial alternatives considered for every activity and user are also represented.

#### **4.1 Good environmental status and nature protection areas**

*The vision prioritises naturalness as a basic precondition, and is therefore based primarily on the protection of the most ecologically valuable areas, by delimiting marine protected areas with effective management measures. In these marine protected areas, it is necessary to strive for good environmental status in line with the Marine Strategy Framework Directive, and achieve the conservation objectives in line with the Habitats Directive and Birds Directive.*

*The option of building a network of marine protected areas (international and land-sea connections) is also pursued.*

*Finally, there is an ongoing search for forms of multiple use of space that provide advantages for the marine environment.*

#### **Summary of the spatial policy options**

- Maintaining the contours of the nature conservation areas in the Belgian North Sea, and a permanent solution for the nature protection area "Vlakte van de Raan";
- Focus on the further development and implementation of effective nature conservation measures in the marine protected areas. Measures are envisaged for the Flemish Banks, as regards recreational fishing, sand and gravel extraction and professional fishing. Further alignment of the measures with nearby nature conservation areas in France and on land;

- Relocating dredging deposit sites outside the Flemish Banks;
- When there are new functions or activities in the Belgian North Sea, it will be examined what the possibilities are for multiple use of space and working with nature, according to nature conservation or development (bio-remedying aquaculture, breeding grounds for small gulls, tern island, artificial reefs, etc.).

#### **Non-retained alternatives and justification**

- **Extending marine protected areas:** extending marine protected areas, beyond a solution for the Vlakte van de Raan, in the Belgian North Sea is not recommended as a large part of it (more than 33%) is already protected. The design and implementation of effective management measures is deemed to be more important and efficient;
- **Not giving priority to nature conservation measures:** The absence of nature protection measures in nature protection areas could mean that the international targets for conservation objectives are not met for areas covered by the Habitats Directive and the Birds Directive, and the loss of valuable, vulnerable habitats in the Belgian North Sea. Nature protection measures are introduced in consultation with the sectors involved, and on the basis of scientific knowledge;
- **Adapt the fishing measures:** Adapting the fishing measures notified to Europe is not seen as a priority, given that the current measures first need to be implemented and evaluated. If the current measures do not have the anticipated effects for achieving good environmental status and the conservation objectives of the area, additional measures will need to be examined. For the measures in the zone between 3 and 4.5 nautical miles measured from the baselines, there will be close consultation with the fishing sector.
- **Putting economic interests before nature's interests:** Too little attention for the nature conservation possibilities in the event of new functions or activities in the Belgian North Sea could jeopardise its sustainable management.
- **Spatial delimiting of spawning, resting, breeding and foraging areas:** The spatial delimiting of spawning, resting, breeding and foraging areas, as well as the delimiting of resting places for seals, would not allow the Minister responsible for the marine environment and public services to take into account new insights and the latest scientific information. The Minister responsible for the marine environment takes this into account when awarding concessions and permits for activities at sea.



## Goede milieutoestand en natuurbeschermingsgebieden

- RAMSAR 
- Vlakte van de Raan 
- Vogelrichtlijngebieden 
- Vlaamse Banken 
- Zones bodemintegriteit 
- Basislijn 



MARIEN RUIMTELIJK PLAN

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## 4.2 Energy, cables and pipelines

These uses are considered together due to the fact that they are related spatially.

*The vision assumes sustainable offshore energy generation with optimal use of various compatible forms of 'green' energy and a choice of location with minimal impact.*

*Connections take place efficiently. Where possible, multiple use of space is encouraged.*




### Summary of the spatial policy options

- New cables and pipelines are envisaged in the cable and pipeline corridors as much as possible; cables and pipelines follow the shortest route as much as possible between points of departure and arrival;
- Additional cables and high-voltage stations will be laid, according to the development of an European energy grid and new renewable energy zones;
- The area already designated for the generation of renewable energy will be maintained and new areas will be created with a view to achieving the energy and climate objectives;
- Maintenance of safety parameters;
- Potential for multiple use of space:
  - The zones for renewable energy are the priority zones for testing alternative forms of sustainable energy generation;
  - The existing zone for renewable energy remains designated as a location for concessions for possible marine aquaculture (see section on marine aquaculture);
  - Within the new zones for renewable energy, it is being examined how aquaculture and passive fishing can be authorised.

### **Non-retained alternatives and justification**

- **Envisaging additional cable and pipeline corridors:** A cable and pipeline corridor is envisaged to minimise the restriction on other activities in the Belgian North Sea. It was decided to use routes where at least two cables or pipelines are already in use. As such, areas with obsolete cables were not chosen in order to avoid fragmentation;
- **Extension of the safety perimeters:** The safety perimeters will not be further expanded as the current perimeters are in line with UNCLOS and national regulations;
- **Retaining zones for energy storage:** The concession zones for energy storage east of Zeebrugge and off the coast of De Haan-Bredene will be removed from this planning, as there is no demand for them.

### Energie, kabels en pijpleidingen

- Zone voor kabels en pijpleidingen 
- Zone voor een installatie voor het transport van elektriciteit 
- Zone hernieuwbare energie 
- Basislijn 



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### 4.3 Shipping, port development and dredging deposits

These uses are considered together due to the fact that they are related spatially.

*The vision is based on retaining and, where possible, developing shipping and port activities, taking into account the need for connections in all directions. The necessary space is also envisaged for the deposit of dredging spoils in the most suitable places.*

*The possibility of developing activities to support smooth and safe navigation and port access will be safeguarded.*









#### Summary of the spatial policy options

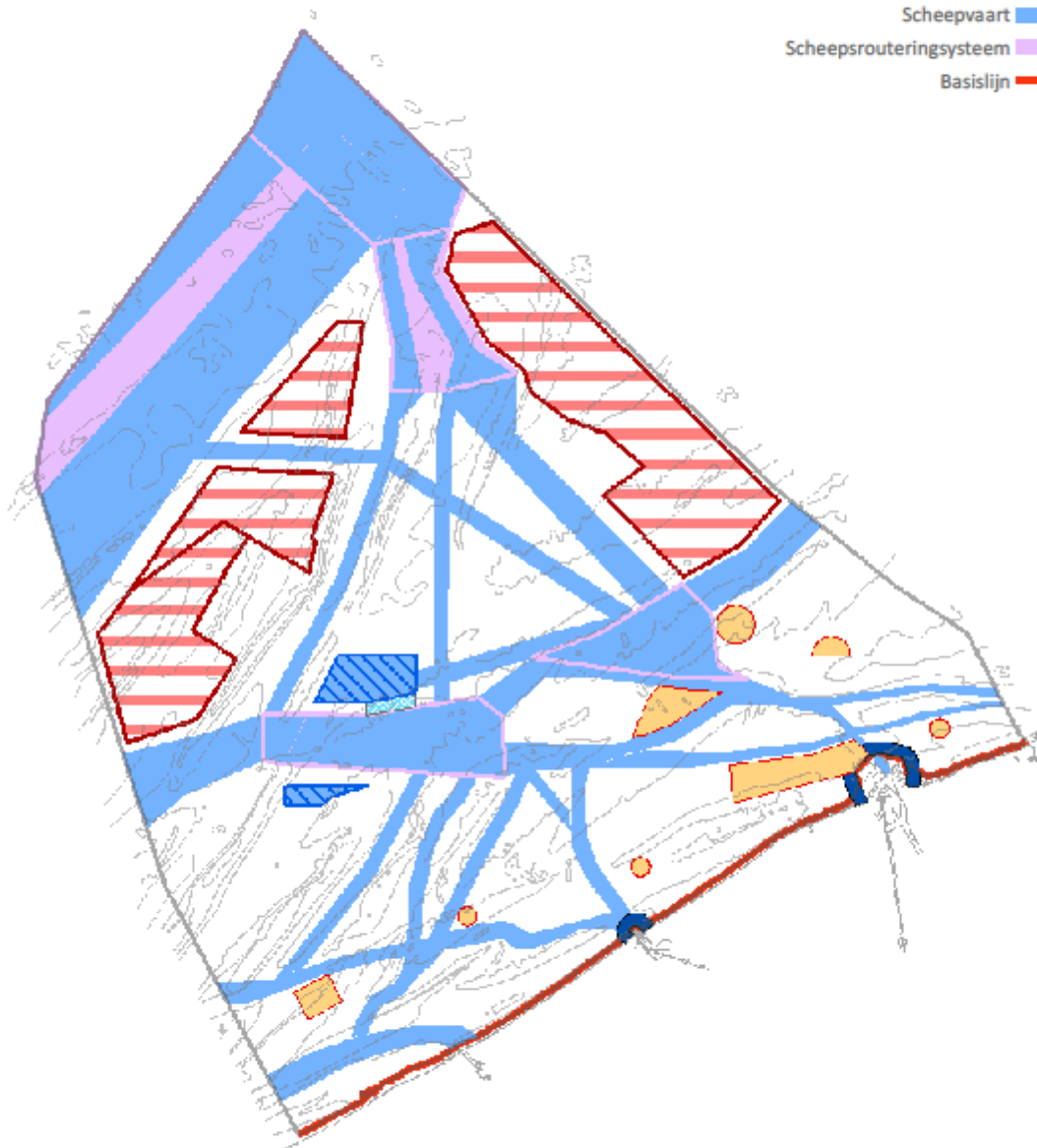
- No mortgaging of the further expansion of the ports of Zeebrugge and Ostend;
- Maintaining dredging locations according to safe nautical access and in relation to shipping developments;
- Not objecting to the major shipping routes and traffic flows; the zone between the Vlakte van de Raan, Wielingen, Akkaert Bank and Goote bank, indicated in Annex 4, Map 3, is designated as an intersection for traffic streams.
- Maintaining sufficient safe shipping connections between the Belgian coast and the United Kingdom;
- Dredging sites are adapted according to nature protection and deposit capacity;

#### **Non-retained alternatives and justification**

- **Freezing the spatial boundaries of the ports of Ostend and Zeebrugge:** This would mortgage the function of these sites as major engines of the Belgian economy;
- **Additional anchoring places:** Additional anchoring places are not deemed necessary during the planning period;
- **Spatial determination of emergency waiting areas:** No specific reservations were made for additional shelters/emergency waiting areas because these functions do not have significant spatial impact on other users, are temporary in nature and are only provided for when necessary;
- **Using the Zeebrugge erosion well as a dredging deposit site:** Using the erosion well near Zeebrugge as a dredging deposit site has not been retained due to the high risk of back-flow;

### Scheepvaart, havenontwikkeling en baggerstorten

- Ankergebied 
- Te vermijden gebied 
- Zone hernieuwbare energie 
- Zone voor storten van baggerspecie 
- Uitbreidingszones haven 
- Scheepvaart 
- Scheepsrouteringsysteem 
- Basislijn 



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#### **4.4 Fishery and aquaculture**

These uses are considered together as they are related spatially, and aquaculture has a complementary function with regard to existing fisheries.

***The vision is based on maximum safeguarding of the rich fishing grounds, according to the viability of the Belgian fisheries sector. Complementary and sustainable forms of fishing, and marine integrated aquaculture are encouraged.***

### Summary of the spatial policy options

- Retaining current fishing grounds, with the exception of infrastructural constructions for coastal safety, energy storage and transport;
- Retaining accessibility to the Belgian fishing ports;
- Consultation with the fisheries sector to ensure the conservation and management of fishery resources within 4.5 nautical miles of the coast;
- Stimulating alternative, sustainable fishing in parts of the 'Flemish Banks' area of the Habitats Directive. Four zones are anticipated to test and facilitate the transition to passive and alternative seabed-disturbing techniques;
- Only sustainable forms of aquaculture are possible and will be authorised in the zones for renewable energy during this planning period;
- Potential for multiple use of space:
  - In the current zone for renewable energy, in addition to activities related to the generation and transmission of renewable energy, aquaculture activities are authorised;
  - In the new zones for renewable energy, it will be examined whether and how aquaculture and passive fishing can be authorised.

### Non-retained alternatives and justification


- **The additional closure of fishing grounds:** This could jeopardise the viability of Belgian fisheries;
- **Opening the existing zone for renewable energy:** Opening the current zone for renewable energy to fishing is not being considered during this planning period due to the major safety risks entailed. The 'no take' zone can also offer advantages to Belgian fisheries as this zone can act as a shelter for fish. When developing new areas for renewable energy, attempts will be made to anticipate multiple use of space, provided that safety is guaranteed;
- **Authorising all aquaculture:** Aquaculture without decreasing the eutrophication level is not allowed in the Belgian North Sea due to the negative effects on the environment.


## Visserij en aquacultuur


Zeemijl 4,5 -45 M


Zeemijl 3 -3 M

Munitiestortplaats Paardenmarkt +++

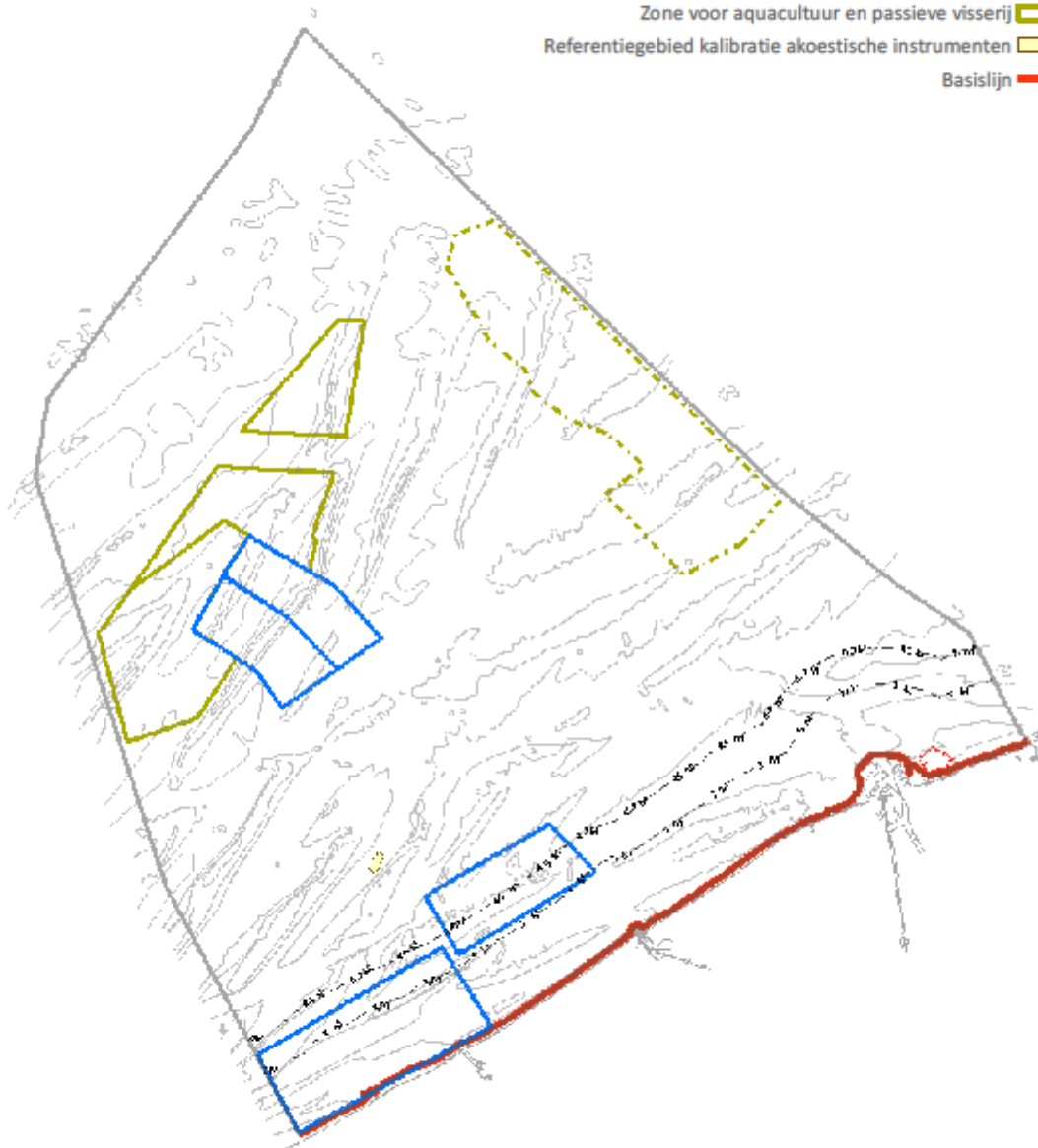
Zones bodemintegriteit 

Zone voor aquacultuur 

Zone voor aquacultuur en passieve visserij 

Referentiegebied kalibratie akoestische instrumenten 

Basislijn 



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#### 4.5 Sand and gravel extraction

*in coastal defences against flood risks, as well as for other applications.*

*The vision is based on an optimal and sustainable extraction of sand and gravel, both for the construction sector and for use*

##### Summary of the spatial policy options





- Retaining existing extraction areas; with the exception of zone 4a, which will be redeveloped according to new renewable energy zones;
- A new sand extraction zone will be created on Bligh bank to offset the loss of sand available as a result of cables passing through zone 1a; zone 1a will be redrawn to take account of these cables;
- The geographical boundaries of the sand extraction zone division 4c will be modified so that the sector is completely on the sandbank and the kink of the eastern border is removed, thereby facilitating extraction;
- A new searching zone will be implemented, in the northern part of the Belgian North Sea;
- A new reference level for sand extraction will be developed and applied, taking into account the achievement of good environmental status;
- Potential for multiple use of space:
  - Combination with other activities in the extraction zones is possible given that sand and gravel extraction are temporary activities.

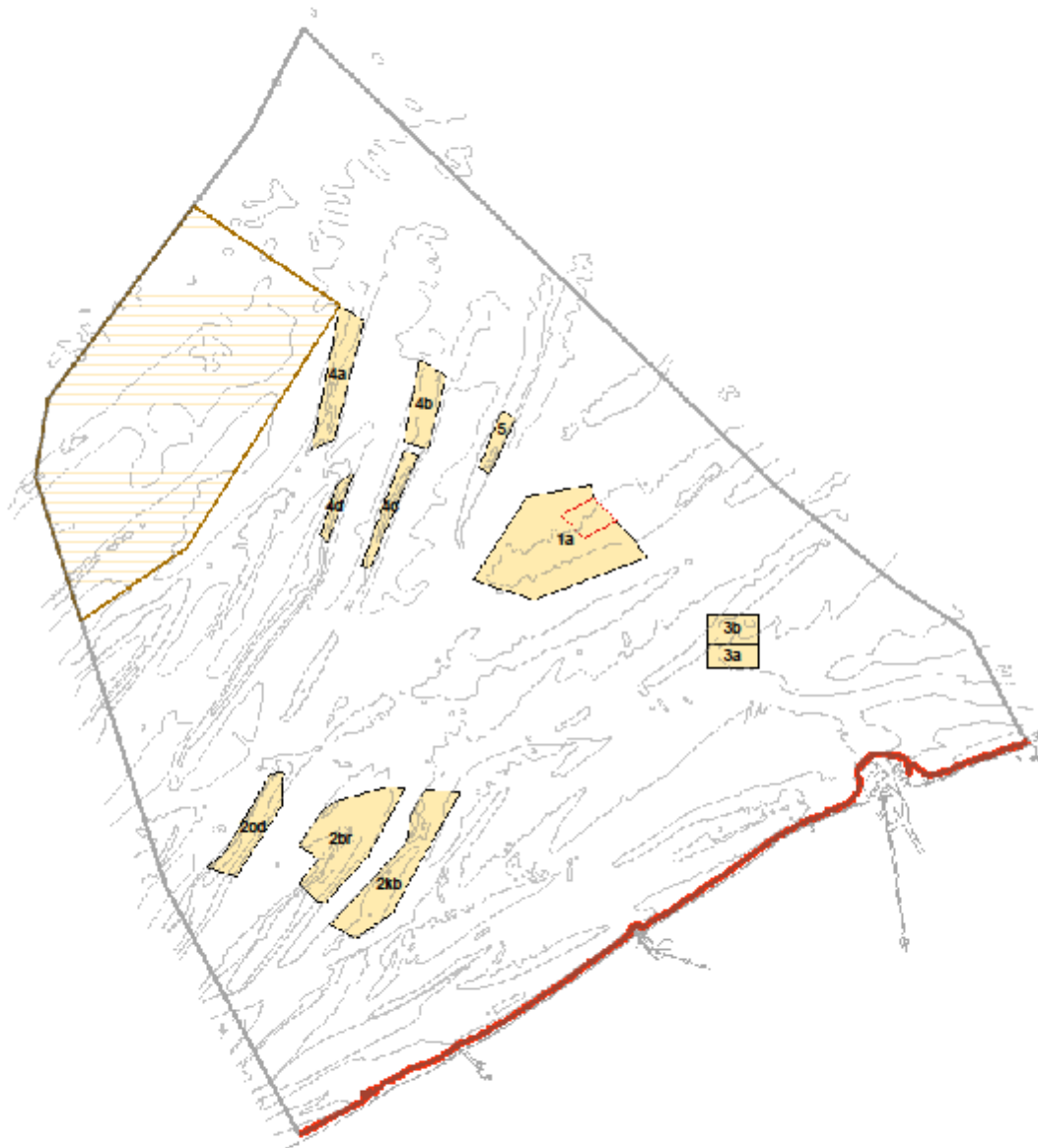
##### Non-retained alternatives and justification

- **Retaining the contours of all extraction areas:** This is not feasible, due to the introduction of new zones for renewable energy.



### Zand- en grindontginning

- Monitoringgebied tot 01/05/2023 
- Exploratiezone nieuwe zandwinningsgebieden 
- Controle- of exploitatiezone 
- Basislijn 



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#### 4.6 Coastal defences

*The vision is based on a safe coast. The relevant framework has already been established by the Masterplan for Coastal Safety. The emphasis is on a combination of hard and soft coastal defences, attuned to the specific spatial characteristics of the surroundings and anticipating the natural dynamic at sea. Coastal defence not only has to respond to a narrow line that forms the border between sea and land, but must constitute a part of integrated coastal zone management which combines measures on land with those at sea.*

*Particular attention is given to the potential expansion of the ports of Ostend and Zeebrugge for coastal defence and development in the zones east and west of these ports. A study is being carried out into possible avenues for future coastal defences that goes beyond the current Masterplan for Coastal Safety.*

### Summary of the spatial policy options

- Maintenance of sufficient sand and gravel extraction areas according to soft coastal defence, in the context of implementing and supporting the Masterplan for Coastal Safety;
- Exploring new possibilities for coastal defence;
- Specific location for experiments within this coastal zone at the Broers Bank;
- Space will be provided for a test island in order to give alternative research within the Complex Project Coastal Vision every opportunity, without other spatial uses coming into conflict in this respect.

### Non-retained alternatives and justification

- **Not taking into account the Masterplan for Coastal Safety:** Not supporting the options of the Masterplan for Coastal Safety could compromise the safety of villages, towns and ports;
- **No spaces for new avenues for coastal defences:** At the same time, it is necessary to examine sufficient alternative and innovative forms of coastal defence, and envisage sufficient space for them. If there is no investment in this respect, it may compromise coastal safety in the long term.

## Zeewering, meetpalen, wrakken, wetenschappelijk onderzoek en cultureel erfgoed

Erkende scheepswrakken, met ruimtelijke beschermingsmaatregelen X

Meetpaal ●

Radartoren ■

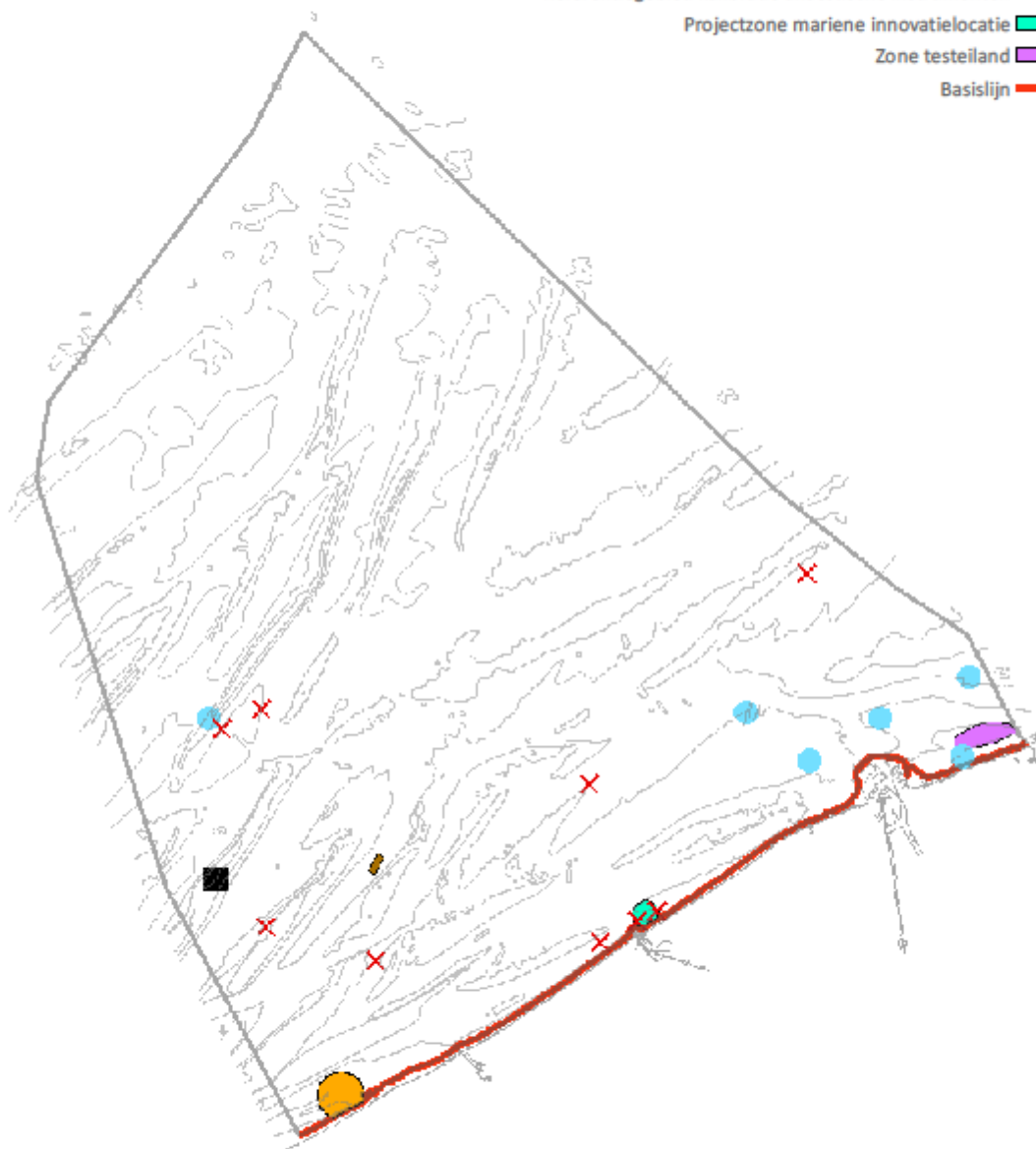
Testzone zeewering ■

Referentiegebied kalibratie akoestische instrumenten ■

Projectzone mariene innovatielocatie ■

Zone testeiland ■

Basislijn —



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#### 4.7 Scientific research, radars and measuring posts

*natural resources and the protection and restoration of the marine environment. The requisite beaconing, radars and measuring posts are envisaged in the Belgian North Sea.*

*The vision is based on the additional need for knowledge regarding the Belgian North Sea, depending on innovation, monitoring obligations, sustainable management of*

##### Summary of the spatial policy options

- By authorising scientific research to be carried out everywhere in principle, this research can always be done at the most appropriate location;
- A reference area established for the calibration, quality evaluation and mutual comparison of acoustic elements is envisaged between Kwinte bank and Buiten Ratel as only this area meets the necessary conditions;
- By envisaging a specific area for marine innovation, it is guaranteed that space is always available for research and innovation;
- Possibilities for multiple use of space:
  - Beaconing, radars, measuring poles, and so forth, can best be combined with other functions, as long as safe distances are duly observed.

#### 4.8 Military use

**The vision assumes support of (international) Belgian military engagements. This includes, inter alia, providing sufficient space for military exercises and mine removal operations at sea.**

##### Summary of the spatial policy options

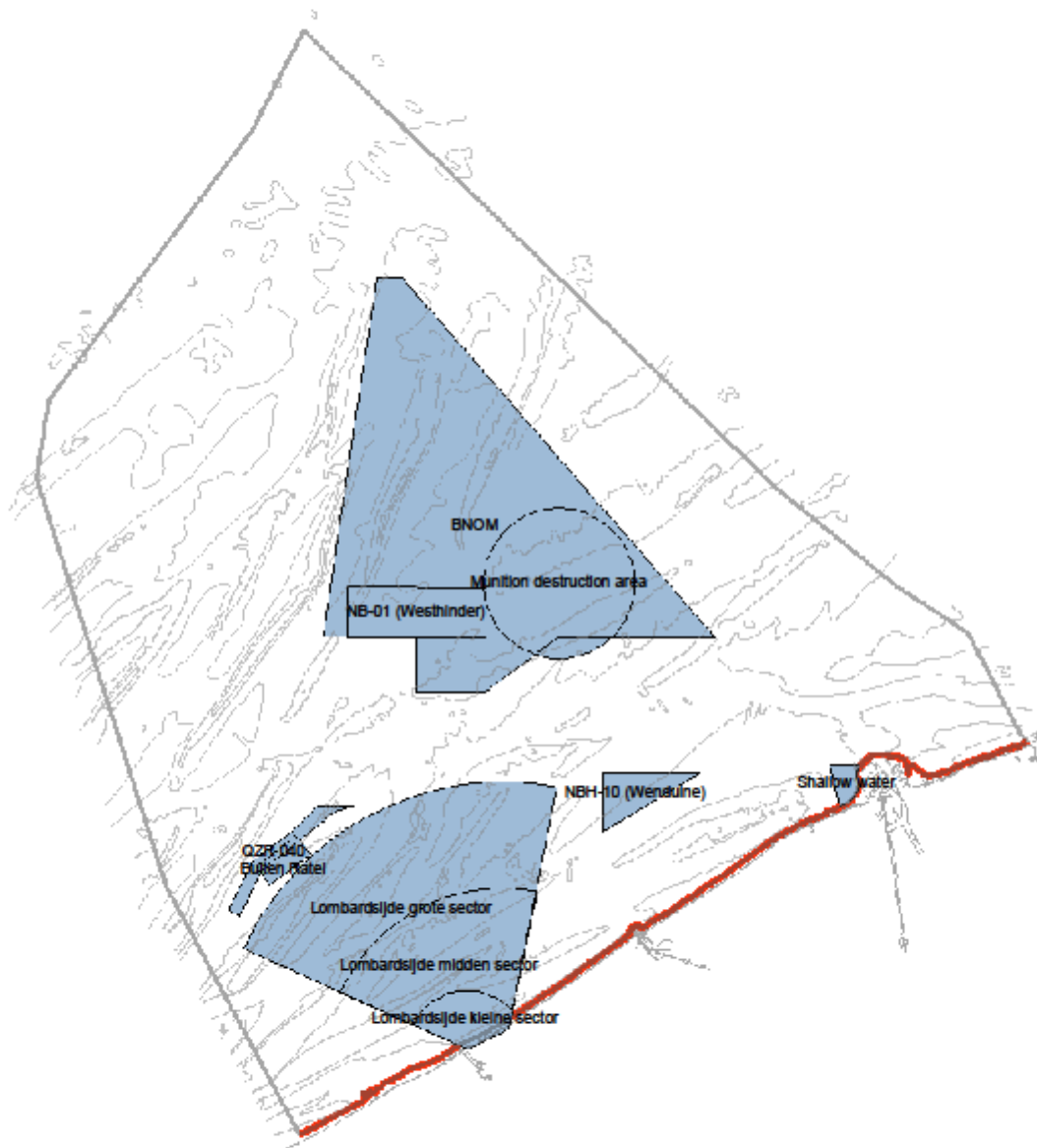
- The Belgian North Sea provides sufficient space for military exercises and other military uses, including exercises with amphibious vehicles in shallow water;
- There is sufficient consultation regarding the contours and uses of the various legally-established zones, according to the effective coordination with the other activities and uses in the Belgian North Sea;
- In this context, it is examined whether the compatibility between the Nieuwpoort-Lombardsijde shooting exercises and the natural functions can be enhanced.
- Every year, the Ministry of Defence transmits a list with the activities carried out within the delimited zones to the Minister responsible for the marine environment.

#### **Non-retained alternatives and justification**

- **Abolishing military zones:** Abolishing space for military use may make it more difficult to organise military exercises, whereby Belgium would be unable to comply with its international military obligations. Moreover, space for military exercises is essential for the Ministry of Defence.

### Militair gebruik

- Zone voor militaire activiteiten
- Basislijn



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#### 4.9 Tourism and recreation

*This vision assumes retaining the Belgian North Sea as a space for sustainable recreation.*

##### **Summary of the spatial policy options**

- Retaining as many of the tourist-recreational possibilities in the Belgian North Sea as possible;
- Ban on the use of seabed-disturbing techniques in the entire Flemish Banks special area for nature conservation, with the exception of fishing on horseback and on foot, and recreational shrimp fishing authorised by the Minister responsible for the marine environment (already active for three years, not more than 10 times a year and for a maximum period of six years),

### **Non-retained alternatives and justification**

- **No restrictions on recreational seabed-disturbing fishing:** Authorising seabed-disturbing techniques can hamper the restoration and proliferation of the sensitive shallow sandbank habitats in the Flemish Banks;
- **Impose heavy restrictions on tourism:** Imposing heavy restrictions on tourist activities at sea would have a negative impact on the further development and economic growth of the coastal region;
- **Complete ban on water sport competitions in the Birds Directive areas:** A complete ban on water sports competitions in SPA 1, SPA 2 and SPA 3 will not be introduced as there is insufficient evidence that such events place a heavy strain on the area;
- **Complete ban on recreational seabed-disturbing fishing in habitat areas:** The complete ban on recreational seabed-disturbing fishing in the Flemish banks is too focused on one category of users of the area, without a thorough evaluation of the current system.

#### 4.10 Cultural heritage and seascape

##### Summary of the spatial policy options

- Allowing cultural heritage to also enjoy the protective measures already in place;
- Ensuring that appropriate mitigating measures are taken when cultural heritage is threatened by certain activities;

- Incorporate the recognised shipwrecks, for which protective measures apply, in the MSP;

##### Non-retained alternatives and justification

- Make optimal use of shipwrecks in the context of nature conservation.
- **Designate more or larger zones:** Designating larger zones for commercial and industrial activities would have too great an impact on other users in the Belgian North Sea;
- **Exhaustively identifying the use of zones:** Identifying the specific use of the zone (e.g. aquaculture) hampers future developments and may lead to uses for which the market is not yet sufficiently developed (cf. energy atoll).

#### 4.11 Commercial and industrial activities

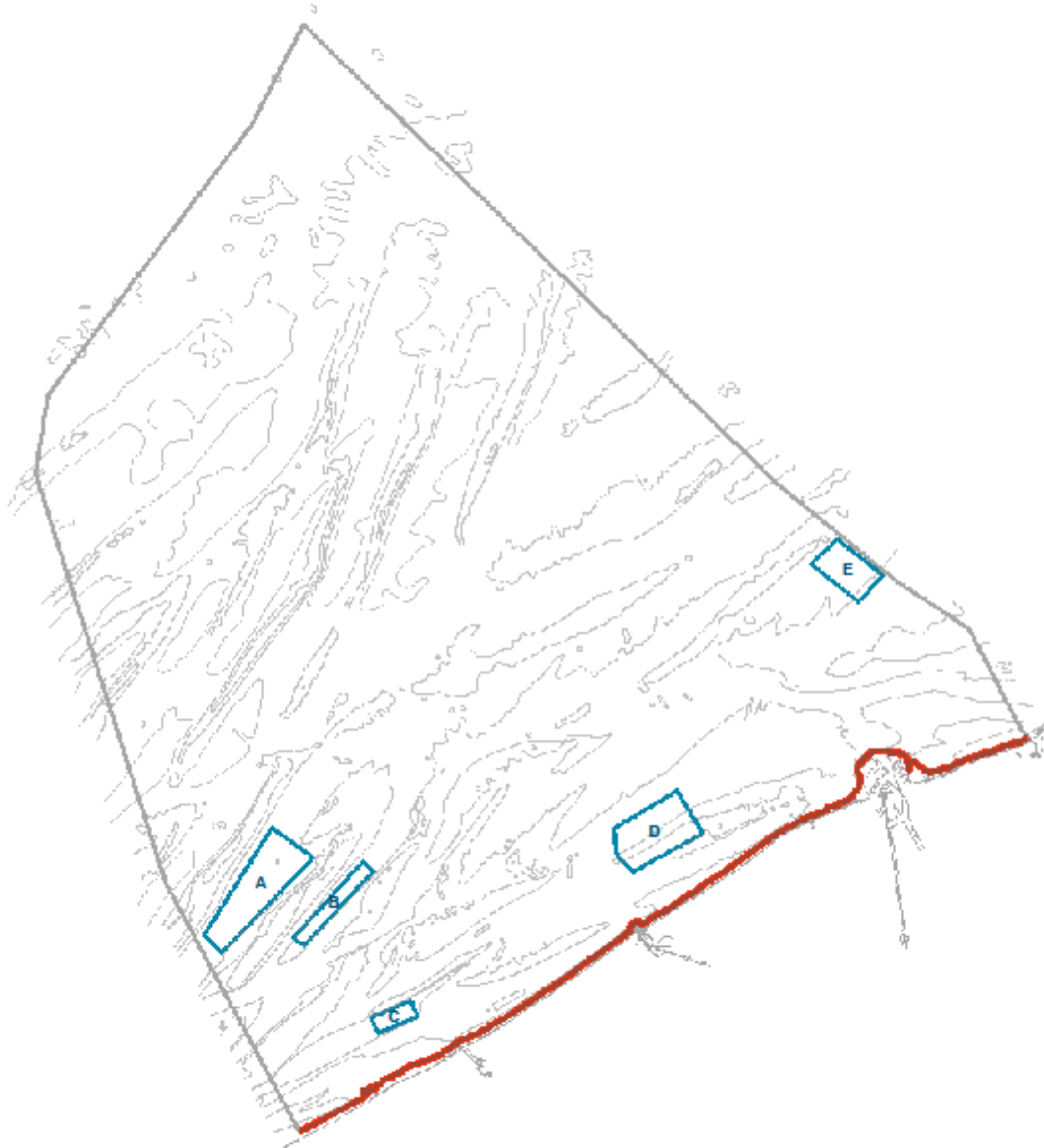
**The vision of the spatial policy options is a bottom-up approach, where space is envisaged for industrial and commercial activities**

Develop different zones for industrial and commercial activities;

## Commerciële en industriële activiteiten

Projectzones 

Basislijn 



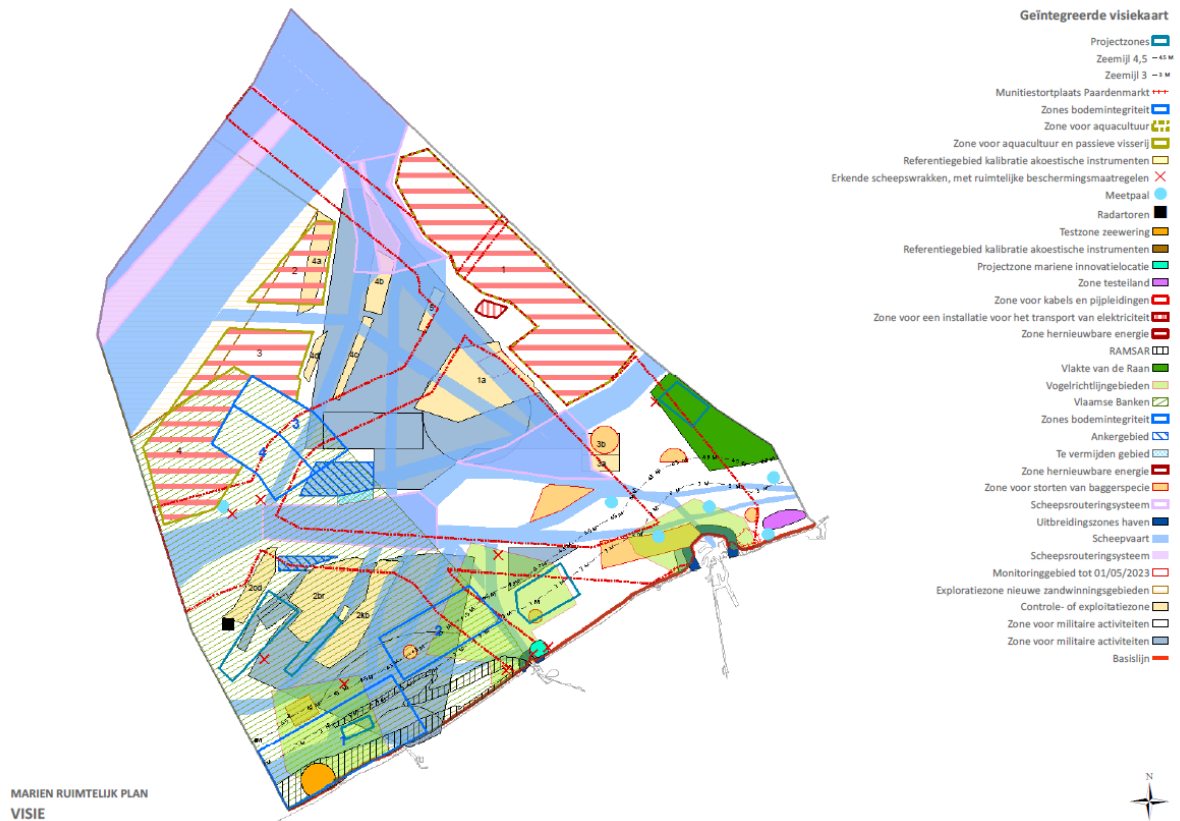
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## 5 Coordinated graphic planning

The coordinated graphic planning on the next page provides a (non-binding) summary of the binding options that the policy takes with regard to the spatial organisation in the Belgian North Sea.



## Annex 3: Actions for implementing the marine spatial planning



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6	Acties ter realisatie van de sociale doelstellingen.....	<b>Erreur ! Signet non défini.</b>

## 1. Introduction

The following is an overview of the actions that the government intends to carry out in the next planning period up to 2026, according to the accomplishment of the objectives and vision as outlined in Annex 2 of this marine spatial planning. The principle is that these actions are bundled in an integrated manner in this document.

## 2. Actions to achieve the general objectives

Objective	Actions
Encourage international collaboration.	The Minister responsible for the protection of the marine environment will take all necessary initiatives: <ul style="list-style-type: none"><li>- to ensure that marine spatial planning is implemented at the most appropriate level;</li><li>- to further develop cooperation with the international community and the other North Sea countries.</li></ul>

## 3. Actions to achieve the environmental objectives

Objective	Actions
Continue to develop sustainable energy.	<p>An appropriate legal framework is envisaged for, on the one hand, the coordination of renewable energy projects at sea and, on the other hand, the relationship between these projects and other legitimate uses of the zone.</p> <p>The Minister responsible for the protection of the marine environment will take the initiatives to develop international cooperation in the field of sustainable energy generation at sea. To this end, cooperation is mainly pursued with the other North Sea countries.</p> <p>The feasibility of different techniques (e.g. wave energy, solar panels) for alternative forms of renewable energy is being tested.</p>

## 4. Actions to achieve the safety objectives

Objective	Actions

<p>Ensuring safety and protection at sea.</p>	<p>The Minister responsible for maritime mobility will consult with the Flemish Minister responsible for shipping traffic guidance, in order to optimise the safety of shipping along the zone for renewable energy, for example via beaconing.</p> <p>The Minister responsible for maritime mobility will consult with the Flemish Minister responsible for shipping traffic guidance, in order to take into account the impact on marine spatial planning as a criterion in the decision-making process with regard to shipping safety.</p> <p>The ministers and public authorities responsible for awarding concessions or authorisations will examine, where appropriate and in consultation with the competent authorities, whether additional measures should be taken when awarding the concession or authorisation.</p> <p>Each minister involved will carry out the necessary risk assessment for their policy area. These analyses form part of the safety measures to be taken in order to detect and prevent conflicting situations between economic, environmental, social and safety objectives. These safety measures will be handled within the existing procedures and forums.</p>
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