



Maritime Spatial Planning  
Country Information

Belgium

# Contact

## MSP in general:

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### Disclaimer

The information contained in this document does not represent the official view of the European Commission. It has been prepared for information purposes only and should not be considered legally binding in any nature. The illustrative map shown on the cover and on page 1 should not be interpreted as a legal representation of jurisdictional boundaries.

### Last revision date

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# Background Information

## Basic facts on Marine Waters



— Exclusive Economic Zone (EEZ)    — Territorial Sea    Existing Plans

- Total area of the Belgian Part of the North Sea (BPNS): 3,454km<sup>2</sup> (i.e. about 0.5% of the entire North Sea area)
- Size of territorial sea (12-nm zone from the baseline): 1,437km<sup>2</sup>
- Exclusive Economic Zone: 2,017 km<sup>2</sup>

## Overview of Maritime Spatial Planning-related uses and issues

- The Belgian North Sea is a relatively small area with many different uses.
- The maritime sectors of the Belgian economy contribute significantly to the national economy. Technological advances and new societal challenges put pressure on the available marine space.
- **Current main uses:** offshore renewable energy, shipping, ports, sand extraction, nature conservation, fisheries, military, research, munition storage site, coastal protection, cables and pipelines, tourism, measuring poles and radars.
- **Future new uses:** new blue economy activities:
  - Sustainable aquaculture is allowed in offshore wind farms. Aquaculture will be allowed, provided that it reduces the eutrophication of the seawater in these areas
  - The second MSP provides five zones for commercial and industrial activities. A legal procedure has been enacted by Royal Decree for the use of one of these zones, which establishes a competition procedure based on eight parameters.

## Maritime Spatial Planning (MSP) authorities and legislation

### General

The Belgian minister for the North Sea bears the responsibility for the coordination of the Maritime Spatial Plan (MSP) in Belgium. The preparation and implementation of MSP is coordinated by the Marine Environment Service of the Federal Public Health Service.

The Belgian minister for the North Sea established the first MSP in broad consultation with public services and stakeholders and enacted the plan through Royal Decree on 20 March 2014. The advisory committee, originally established for the consultation process, has now been awarded an additional task as a permanent forum for the implementation of the MSP. Competent authorities will coordinate their sectorial work with the advisory committee.

After another broad consultation with all relevant stakeholders and the general public, a second MSP was developed and signed into law on the 22 May. The new MSP, covering the period 2020-2026, entered into force on the 20 of March 2020.

#### Planning at national level

- Maritime Spatial Plan for the Belgian Part of the North Sea, March 2014
- Second Belgian MSP signed on 22 May 2019 (entry into force on 20 March 2020)

#### National MSP authority

- Belgian Minister for the North Sea
- Implementation of MSP is coordinated by the Marine Environment Service

The law of 20 January 1999 on the protection of the marine environment and the organisation of maritime spatial planning (Marine Environment Act, as amended on 20 July 2012), creates the legal basis and principles for the MSP. The Royal Decree of 13 November 2012 enacts the maritime spatial planning procedure in the Belgian maritime area and the establishment of an advisory committee on MSP. Belgium approved a legally binding MSP via Royal Decree on 20 March 2014 and a second MSP through a Royal Decree on 22 May 2019.

### Details

#### National Level

The planning process at national level has a legal basis in the Marine Environment Act, amended in 2012 to include the development of a MSP. Its name was also amended to "Act for the protection of the marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction."

The Royal Decree of 20 November 2012 dictates the establishment of an advisory committee and the procedure for the adoption of a MSP in the Belgian maritime regions. The Royal Decree of 20 March 2014 adopted the first MSP for 2014-2020. The Royal Decree of 22 May 2019 establishes the second MSP covering the period from 2020 until 2026.

#### Regional Level (Flanders)

The division of competences between the federal State and the Flemish Region is described in the figure below.

Maritime Competences of the Federal State and Flemish Region	
Federal State	Flemish Region
Environmental Protection	Fisheries
Nature Conservation	Aquaculture
(Wind) energy development	Nature conservation on land
Disposal of dredged material	Dredging
Shipping	Ship pilotage and traffic guidance
Aggregate extraction	
Military activities	

*Maritime Competences of the federal State and Flemish Region. (Source: Pecceu, E.; Hostens, K.; Maes, F. (2015). Governance analysis of MPAs in the Belgian part of the North Sea. Mar. Policy In press. available at: <http://www.vliz.be/nl/open-marien-archieff?module=ref&refid=252037>)*

### Progress

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The reactions received were transformed into a first draft of the new plan and the revision process entered into its formal phase that same year. A pre-draft of the plan was presented to the advisory committee on MSP, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an updated version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in more than 40,000 comments. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. The second Belgian MSP was signed into law by the King on 22 May 2019 and published in the Belgian Official Gazette on 2 July 2019. It entered into force on 20 March 2020.

# Maritime Spatial Plans

## Existing Maritime Spatial Plans

- MSP for the Belgian Part of the North Sea 2014-2020, March 2014
- 2<sup>nd</sup> Belgian MSP 2020-2026, signed on 22 May 2019 (entry into force on March 2020)

## Pilot plans or projects

Most relevant ones, though not legally binding:

- Former official plans:
  - North Sea Master Plan (2003)
- Scientific plans or projects:
  - MASPNOSE pilot case study (cross-border MSP)
  - C-Scope Combining Sea and Coastal Planning in Europe (2008-2012)
  - GAUFRE Pilot Project 2003 – 2005 – data compilation and analysis, development of MSP process and spatial scenarios

## Maritime Spatial Plan for the Belgian Part of the North Sea

The MSP for the Belgian Part of the North Sea (2019) considers the following uses:

- Nature protection
- Offshore renewable energy production
- Shipping
- Ports
- Mineral extraction
- Fishing
- Aquaculture
- Underwater cultural heritage
- Military
- Scientific Research
- Coastal protection
- Cables and pipelines
- Zones for commercial and industrial activities

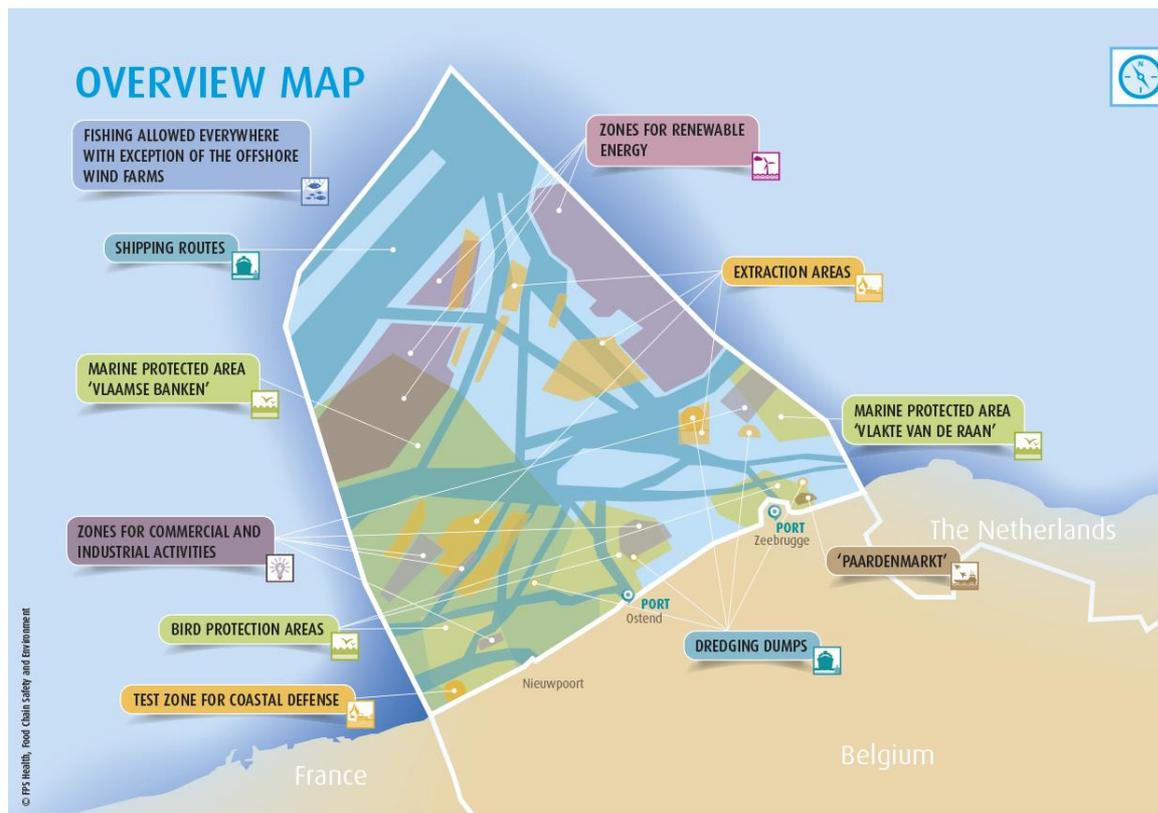
## Legal basis

The planning process at the national level has a legal basis in the Marine Environment Act, amended in 2012 to include the development of a MSP. Its name was also amended to "Act for the protection of the marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction." A Royal Decree of 20 November 2012 dictates the establishment of an advisory committee and the procedure for the adoption of a MSP in the Belgian maritime regions.

## Legal impact

The above-mentioned laws constitute the framework for decisions with regard to new sea users.

## Area covered



Map: *Something is moving at Sea: A marine spatial plan for the Belgian part of the North Sea*, Federal Public Service Health, Food Chain Safety and Environment, March 2020

## Historic development

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The reactions received were transformed into a first draft of the new plan and the revision process entered its formal phase the same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an updated version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in around 150 different contributions regarding the content and more than 0,000 contributions via petition letters and emails. As part of the consultation process, a public hearing was organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. The second Belgian MSP was signed into law by the King on 22 May 2019 and published in the Belgian Official Gazette on 2 July 2019. It entered into force on 20 March 2020.

## Objectives of the plan

The current plan lays out principles, goals, objectives, a long-term vision, and spatial policy choices for the management of the Belgian territorial sea and EEZ. Management actions, indicators and targets addressing marine protected areas and the management of human uses of the sea are described below.

## Designated uses/areas

All user functions of the Belgian Part of the North Sea are described in detail and discussed in the Compendium for Coast and Sea 2018, including their spatial context. See <http://www.compendiumkustenzee.be/en> for more information and an overview of all the uses of the Belgian part of the North Sea.

### Nature Conservation



The plan adds an extra Marine Protected Area (MPA) near the Dutch border, called “Vlakte van de Raan”, in addition to the existing habitat area “Vlaamse Banken” and the three designated bird areas located along the coastline.

### Offshore renewable energy, cables and pipelines



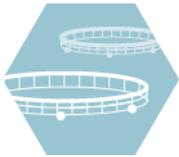
Three new zones are established in addition to the already existing zone for renewable energy. Bringing the area dedicated to renewable energy development to close to 15% of the available marine space. Additional corridors for cables are foreseen to ensure the onshore connection is possible.

### Shipping, Ports and Dredging



Shipping has priority over other activities in some areas. The ports of Zeebrugge and Ostend may be extended and a zone surrounding those ports has been created to allow for a possible expansion. Designated dredge disposal sites are identified as well as an alternative disposal site to minimise impact on fishing grounds. Normal shipping is not allowed in and around wind farms (safety zone of 500 meters).

### Fisheries and aquaculture



Three search areas within the Special Area of Conservation (SAC) “Vlaamse Banken” have been established, where restrictions on bottom-disturbing activities will be applied on 285 km<sup>2</sup> of the designated areas. To promote multiple use, the zones for offshore energy development are also designated for sustainable aquaculture.

### Sand and gravel extraction



Designated sites for sand and gravel extraction have been identified in the plan. Sand, among other materials, is very important for coastal protection.

### Military activities



The plan designates several zones for military activities and exercises. A dumping site for munition (Paardenmarkt) is regularly monitored and activities affecting the seabed in this area are banned.

### Tourism and recreation



Bottom-disturbing recreational fishing is not allowed in the SAC “Vlaamse Banken”, with some limited exception for fisheries that are part of the local cultural heritage (e.g. shrimp fishery on horseback).

### Cultural Heritage



Belgium is part of the UNESCO Convention on Underwater Cultural Heritage, and as such, many shipwrecks are protected. For the protection of 9 wrecks, spatial measures have been adopted in the MSP.

### Scientific research



Scientific research is allowed everywhere. Monitoring zones, radars and measuring poles are listed in the MSP for their importance.

### Planning regulations

The plan shows the spatial demarcations for the different uses and activities. However, the coordinates for the zones mentioned in the Royal Decree of 22 May 2019 are legally binding, and not the graphics/maps themselves.

### Strategic Environmental Assessment (SEA)

A strategic environmental assessment of the plan was carried out.

### Public Participation

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The reactions received were transformed into a first draft of the new plan and the revision process entered into its formal phase that same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an updated version. There was also a consultation of the federal council on sustainable development and the Coastguard-structure (for matters relating to safety). On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in 145 comments via the online form and over 40,000 contributions were received in writing. Among them, a large amount came from a petition organised by the municipality of Knokke-Heist, while others came via an action group and via another petition organised by the municipality of Koksijde. In addition, a campaign organised by WWF reported more than 15,000 contributions that were delivered by email. After considering the public consultation, the second Belgian MSP was signed into law by the King on 22 May 2019 and published in the Belgian Official Gazette on 2 July 2019. It entered into force on 20 March 2020.

### Transboundary Consultation

Cross-border consultation was carried out with the Netherlands, and the United Kingdom, they presented some observations on the MSP which were considered in the elaboration of the plan. France was also consulted, but no comments were received.

### Harmonisation with other plans

The MSP considers many other relevant frameworks and plans, including the MSFD, Natura 2000, and international renewable energy commitments.

### Monitoring & Review

The plan will be reviewed every six years and is legally binding.

### Electronic resources

- Federal Public Service Health. Food Chain, Safety and Environment; Maritime Spatial Planning: <https://www.health.belgium.be/en/environment/seas-oceans-and-antarctica/north-sea-and-oceans/marine-spatial-plan>
- Belgian Marine Atlas: <http://odnature.naturalsciences.be/marine-atlas/data>
- Compendium Coast and Sea: <http://www.compendiumkustenzee.be/en>
- Coastal Atlas: <http://www.coastalatlus.be/en/home/>

# Aspects of the MSP process

## Sustainable development and growth in the maritime sector

Areas have been designated for the following future activities: new zones for the production, storage and transmission of renewable energy and zones for commercial and industrial activities.



### Ecosystem-based approach (EBA)

The Royal Decree of 23 June 2010 on a marine strategy for the Belgian sea areas stipulates that a good environmental status implies that the marine ecosystems, in combination with the linked physiographic, geographical, geological and climatological factors, can function in an optimal manner and maintain their resistance against environmental changes brought about by human activities; that marine species and habitats are protected; that the deterioration of biodiversity caused by human activities is prevented; and that various biological components function in an equilibrium.

Applicable legislation: Law on the Marine Environment and the Maritime Spatial Planning (20 January 1999), as amended:

Article 4: the users of sea areas and the government must take into account, when carrying out their activities, the precautionary principle.

Article 2: the law makes reference to ecosystems when defining the 'marine environment' and 'pollution'.

The Law contains a chapter (III) on marine protected areas.

The use of the marine environment is spatially determined on the basis of an ecosystem approach that takes into account climate change and the protection and management of the needs of the marine cultural heritage (Annex 2, p 7 of the MSP).

The MSP promotes a maximal protection of the most ecologically valuable zones, by demarcation of marine protected areas with effective management measures. In these areas, it is desirable to aim for an ecological status that is significantly better than the minimum requirement laid down in the Marine Strategy Framework Directive (Annex 2, p 16-17 of the MSP).

The precautionary principle must be applied consistently in accordance with the applicable law (Annex 2, p 7 of the MSP).

The MSP states that marine, land and water management mechanisms are complementary, for example through integrated coastal zone management and management plans for water basins (Annex 2, p 6 of the MSP).

Robust monitoring is necessary for effective marine management and policy development (Annex 2, p 7 of the MSP).

There are also sections about permits and requirements for different activities, making reference to Good Environmental Status (GES), and annual volume reductions for sand and gravel extraction.



### Co-existence of uses

Co-existence of uses was considered in designating areas for future activities. E.g.: aquaculture in wind farms, recreational activities in marine protected areas.



## Resilience to climate change impacts

Coastal protection is important. A specific location is designated in the Belgian MSP to test new means for coastal defence.



## Land-sea interactions

The Law on the Marine Environment and the Maritime Spatial Planning prohibits direct discharge from land to sea via pipelines (art. 2, 17°).

The sea baseline (the line of the average lowest tide along the coast) indicates the division of competences: at the sea side of the baseline, the Flemish Region has a number of assigned competences; the residuary competences, including spatial planning, are for the federal state. On the land side, the Flemish Region is competent for the coastal zone.

The Plan lists actions to be undertaken by the federal government in Annex 3. These actions include striving for better cooperation on the land-sea interface, including on appropriate assessments, and forming cooperation agreements with the Flemish region to better coordinate the division of competences.

## Coherence with other processes

### Marine Strategy Framework Directive (MSFD)

The legal implementation of the MSFD in the national legislation is a cornerstone for the further elaboration and coordination of MSP in the Belgian North Sea. The MSFD has been transposed into Belgian law by the Royal Decree of 23 June 2010. In 2016, a Programme of Measures<sup>i</sup> was developed by the Marine Environment Division of the Federal Public Service for Health, Food Chain Safety and Environment.

In terms of general coordination of policies on MSP and MSFD, there is no official central mechanism or institution, but the respective departments for MSP and MSFD within the Federal Public Service for Health, Food Chain Safety and Environment, DG Environment, do work closely together and cooperate when discussing and drafting policies and documents on MSP and MSFD. The Marine Environment Division is responsible for the coordination of the implementation of both directives<sup>ii</sup>.

### Natura 2000

Natura 2000-sites are designated through the MSP. Two habitat areas and three bird protection areas have been established by the MSP, amounting to 37% of the total Belgian marine area.

### Water Framework Directive (WFD)

Certain elements of the WFD that are valid in marine waters are incorporated in MSFD regulations.

### Strategic Environmental Assessment (SEA) Directive

The MSP is subject to a Strategic Environmental Assessment.



## Stakeholder Involvement

In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 kicked off with an informal consultation. The reactions received were transformed into a first draft of the new plan and the revision process entered into its formal phase that same year. A pre-draft of the plan was presented to the advisory committee, a dedicated committee consisting of all competent Belgian federal and Flemish government services, in Autumn 2017. Their comments and suggestions were included in an updated version. On 20 April 2018, the Council of Ministers adopted the pre-draft MSP (thus becoming a draft) and a large-scale formal consultation process was launched in July 2018. The public sent in 145 different contributions as regards content and more than 40,000 contributions via petition letters and emails. As part of the consultation process, a public hearing was

organised and the neighbouring and interested countries were contacted to provide their thoughts on the draft plan. The second Belgian MSP was signed into law by the King on 22 May 2019 and published in the Belgian Official Gazette on 2 July 2019. It entered into force on 20 March 2020.



## Transboundary cooperation

Cross-border consultation was carried out with the Netherlands, France, and the United Kingdom.

## Cooperation with third countries

Belgium is party to the OSPAR Convention.

## MSP Review

The MSP will be reviewed every 6 years. In the spring of 2017, the review process of the Belgian MSP for the period 2020-2026 was launched and on 20 April 2018, the Council of Ministers adopted the draft MSP. The second MSP was signed by the King on 22 May 2019 and entered into force on 20 March 2020.

# Sources

## Consulted references

- Federal Public Service Health. Food Chain, Safety and Environment; Marine Spatial Planning: <https://www.health.belgium.be/en/environment/seas-oceans-and-antarctica/north-sea-and-oceans/marine-spatial-plan>
- A maritime spatial plan for the Belgian part of the North Sea, Federal Public Service Health, Food Chain Safety and Environment, March 2014 ([https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth\\_theme\\_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf](https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf))
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- Hostens K. Pecceu E. Maes F., A decade of marine spatial planning in Belgium: A journey towards integrated management, MESMA Final Event, 8-10 October [DATE?], Lisbon
- Lescrauwaet, A.-K.; Pirlet, H.; Verleye, T.J.; Mees, J.; Herman, R. (Ed.) (2013). Compendium for Coast and Sea 2013: integrating knowledge on the socio-economic, environmental and institutional aspects of the Coast and Sea in Flanders and Belgium. Flanders Marine Institute (VLIZ): Oostende. ISBN 978-90-820731-6-4. 326 pp. available here: <http://www.compendiumkustenzee.be/en/integrated-marine-information-system?module=ref&refid=230552>
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- Federal Public Service Health. Food Chain, Safety and Environment; Marine Spatial Planning: <https://www.health.belgium.be/nl/openbare-raadpleging-het-marien-ruimtelijk-plan-voor-het-belgische-deel-van-de-noordzee-2020-2026>

## Relevant legislative acts

- Act for the protection of marine environment and for the organisation of maritime spatial planning in the maritime regions under the Belgian jurisdiction: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2012072039&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2012072039&table_name=loi)
- Royal Decree 13 November 2012 to establish an advisory committee for adoption of Belgian MSP: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2012111307&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2012111307&table_name=loi)
- Royal Decree 20 March 2014 establishing the MSP for 2014-2020 in the Belgian sea-areas: [https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth\\_theme\\_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf](https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/19094275/Summary%20Marine%20Spatial%20Plan.pdf)
- Royal Decree 22 May 2019 establishing the MSP for 2020-2026 in the Belgian sea-areas: <https://www.health.belgium.be/en/royal-decree-msp-2020-english-courtesy-translation>

## Specific citations

<sup>i</sup> Belgische Staat, 2016. Programma van maatregelen voor de Belgische mariene wateren. Kaderrichtlijn Mariene Strategie – Art 13. Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, Brussel, België, 147 pp.

<http://www.health.belgium.be/eportal/Environment/MarineEnvironment/TheMarineEnvironPolicy/WorkingInAnInternational/MarineStrategy/index.htm> - .Vt7ik-Z6jWR

<sup>ii</sup> See also <http://www.compendiumkustenzee.be/en/integrated-marine-information-system?module=ref&refid=251201>