

**Construction or Placement of Installations
and Structures in the OSPAR Area
(excluding those for oil and gas
and for wind energy)**



**OSPAR Commission
2003**

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”) was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

La Convention pour la protection du milieu marin de l'Atlantique du nord-est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l'Irlande, l'Islande, le Luxembourg, la Norvège, les Pays-Bas, le Portugal, le Royaume-Uni de Grande Bretagne et d'Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l'Espagne.

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contents

Introduction	4
Legislation and Regulation	4
Assessment	4
Consultation	5
Monitoring	5
Mitigation/Compensation	5
Enforcement	5
Preliminary Assessment	5
SEABED 2002	5
Recommendations	6
Annex 1: Questionnaire on the Construction or Placement of Installations and Structures in the OSPAR Area (excluding those for oil and gas and for windfarms)	7
Annex 2: Summary of Responses to the Questionnaire on the Construction or Placement of Installations and Structures in the OSPAR Area (excluding those for oil and gas and for wind energy)	12
Appendix 1: A Question by Question Summary of Responses to the Questionnaire on the Construction or Placement of Installations and Structures in the OSPAR Area (excluding those for oil and gas and for wind energy)	37

INTRODUCTION

The assessment of human activities in the OSPAR maritime area derives from the requirements of Annex V to the 1992 OSPAR Convention and the strategy adopted for its implementation. At the 2001 meeting of the Biodiversity Committee, the UK agreed to prepare a preliminary background document on the 'Construction or Placement of Installations and Structures in the OSPAR Area (excluding those for oil and gas and for wind energy)' on the basis of answers received from Contracting Parties to a questionnaire to be circulated. This is Product 14 of the 2002/2003 Work Programme of the Biodiversity Committee (Annex 14 to the OSPAR 2002 Summary Record).

The UK prepared a questionnaire and distributed it to Contracting Parties via the OSPAR Secretariat in late February 2002. Completed questionnaires were received from the following Contracting Parties:

Belgium	Norway
France	Spain
Germany	Sweden
Ireland	United Kingdom
Netherlands	

In addition, a nil return was received from Finland, as it does not have a coast in the OSPAR maritime area.

The original questionnaire sent out to Contracting Parties is presented in Annex 1.

In order to be more concise and to aid comparisons between Contracting Parties, the responses received from Contracting Parties were consolidated into a single document and these are presented in Annex 2. A question by question summary of the responses was prepared and is presented at Appendix 1 to Annex 2.

LEGISLATION AND REGULATION

Appropriate mechanisms seem to be in place to control this activity in all Contracting Parties in all zones (intertidal, 0 - 12 miles and 12 - 200 miles) except that Ireland and Norway do not control the construction or placement of installations or structures within the 12 - 200 nautical mile zone. However, Ireland is considering legislation for that zone and Norway says that it has no activity within the zone except oil and gas activities.

ASSESSMENT

All Contracting Parties appear to require environmental impact assessments when considered appropriate and to consider all the important issues identified in the questionnaire. All Contracting Parties require baseline surveys for of these activities, as determined on a case-by-case basis, they can cover a wide range of issues including e.g. benthic ecology, fisheries, and sediment transport. All Contracting Parties can require decommissioning of all or some installations and structures after their useful life have been reached. Contracting Parties have very similar views on the issues of concern over methods of working during construction/placement.

CONSULTATION

All Contracting Parties appear to consult a range of Government Departments and Agencies. Consultation of NGOs and the public also happens but may not be required by law. A variety of means are employed to consult with NGOs and the public.

MONITORING

All Contracting Parties can require monitoring during and/or after construction and it appears that it can cover almost any type of environmental monitoring.

MITIGATION/COMPENSATION

All Contracting Parties can require mitigation/compensation measures to be carried out as a condition of licences/permits for the construction or placement of an installation or structure.

ENFORCEMENT

All Contracting Parties regulatory authorities/agencies, except those of Norway, can inspect the construction or placement activities to ensure those licence/permit conditions are being complied with.

PRELIMINARY ASSESSMENT

Appropriate mechanisms seem to be in place to control this activity in all Contracting Parties that responded to the questionnaire. However, protection of the marine environment depends upon the appropriate and effective application of the mechanisms that exist and this cannot be judged from the responses to the questionnaire.

The questionnaire did not explicitly clarify whether all types of construction or placement of installations and structures in the OSPAR maritime area were covered by Contracting Parties. However, Contracting Parties represented at SEABED 2002 considered that all significant types of construction or placement of installations and structures were covered by their national legislation. It appeared from the responses to a question by the UK that no Contracting Parties exempted small scale construction activities.

Given the wide range of installations and structures covered by this topic, it would seem problematic to consider developing very detailed assessment guidelines. This is since no single guidance document could cover all types of placement/construction in detail and conversely that detailed guidance for a particular type of placement or construction would have significant overlaps with that for many other types. However, it may be worth considering whether broad guidelines dealing with generic issues that apply to all or most placements or constructions would be useful e.g. assessment of changes in wave energy, currents, sediment transport, etc. and their implications.

SEABED 2002

At SEABED 2002 there was only very limited support for specific guidelines with most Contracting Parties tending to support generic guidelines if they were considered necessary. In addition, there was general support at the meeting for:

- The case-by-case environment assessment approach to dealing with proposed placements or constructions in the OSPAR Maritime Area.

- A requirement for the removal of installations and structures from the OSPAR Maritime Area at the end of their lives where appropriate.

While installations and structures for oil/gas and wind energy have been excluded from consideration under this topic, there is little doubt that most of the issues affecting the placement/construction of parts of those structures below the water surface overlap to a very large degree with those dealt with in this topic.

RECOMMENDATIONS

Therefore, we suggest that generic guidelines, as suggested above, would be applicable to the non-unique characteristics of almost all placement/construction of installations and structures. Thus, if guidelines were deemed to be required, it suggests that the appropriate way forward could be to have a combination of:

- generic guidelines for those issues that apply to all or most placements or constructions, together with;
- specific guidelines to deal with the unique characteristics of individual types or groupings of types of installations and structures.

ANNEX 1: QUESTIONNAIRE ON THE CONSTRUCTION OR PLACEMENT OF INSTALLATIONS AND STRUCTURES IN THE OSPAR AREA (EXCLUDING THOSE FOR OIL AND GAS AND FOR WINDFARMS)

Please answer Y=yes and N=no where indicated. Where an explanation is required, please type text in the boxes which will expand to fit the text you type.

A. LEGISLATION AND REGULATION

A1 Does your country control the construction or placement of installations or structures within the following zones?

- a) Intertidal zone i.e. between High Water and Low Water
- b) 0 - 12 nautical miles
- c) 12 - 200 nautical miles

Y/N
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

A2 If your country does exert such controls, please provide information on the legislation, including spatial planning, that applies within the zones:

- a) Intertidal zone i.e. between High Water and Low Water

- b) 0 - 12 nautical miles

- c) 12 - 200 nautical miles

A3 Please specify the regulatory authorities/agencies that apply the legislation within the zones:

- a) Intertidal zone i.e. between High Water and Low Water

- b) 0 - 12 nautical miles

- c) 12 - 200 nautical miles

A4 Do you have any additional information you wish to provide on Legislation and Regulation?

B. ASSESSMENT

B1 Are Environmental Impact Assessments (EIAs) required for all or some construction or placement activities in the zones indicated?

- a) Intertidal zone i.e. between High Water and Low Water
- b) 0 - 12 nautical miles
- c) 12 - 200 nautical miles

Y/N
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

B2 If so, please indicate the factors determining when an EIA is required in the zones indicated.

a) Intertidal zone i.e. between High Water and Low Water

b) 0 - 12 nautical miles

c) 12 - 200 nautical miles

B3 If EIAs are required, are they formal assessments required under specific legislation (e.g. implementing the EU EIA Directive) or informal assessments required by the regulatory authorities/agencies?

a) Intertidal zone i.e. between High Water and Low Water

b) 0 - 12 nautical miles

c) 12 - 200 nautical miles

B4 Which of the following are considered in the impact assessment process?

Y/N

- Commercial Fisheries
- Recreational fisheries
- Aquaculture sites
- Fish/shellfish resources such as:
 - ♦ Shellfish beds
 - ♦ Spawning grounds and nursery areas
 - ♦ Overwintering grounds for shellfish
 - ♦ Migration routes of finfish and shellfish
- Migration, roosting and feeding areas for birds
- Haul-out sites etc. for marine mammals
- Conservation areas designated/proposed under international agreements
e.g. EU Habitats Directive, Ramsar Convention
- Conservation areas designated under national
legislation e.g. marine parks, reserves, sanctuaries
- Coastal processes e.g. sediment transport/erosion/
deposition, hydrodynamics, etc.
- Water quality
- Navigation
- Areas of significant aesthetic, cultural or historical importance
- Marine archaeological sites
- Recreational beaches
- Engineering uses of the sea floor e.g. cables, pipelines etc.
- Sites at which sea water is abstracted for cooling purposes,
desalination, ocean thermal energy conversion, aquaculture etc.
- Any other issues - please specify

B5 Are impacts relating to the above issues assessed on the basis of:

a) existing knowledge;

b) a screening procedure based on pre-existing criteria; or

c) baseline studies/field surveys?

B6 If you have specific criteria relating to any of the issues in B4 (above) for judging the acceptability of licence/permit applications for the construction or placement of installations or structures, please give details:

B7 Are baseline environmental surveys required for all or some construction or placement activities in the zones indicated? Such surveys might cover the benthos, protected species and habitats, fisheries etc.

a) Intertidal zone i.e. between High Water and Low Water

b) 0 - 12 nautical miles

c) 12 - 200 nautical miles

Y/N

B8 Are baseline coastal process studies required for all or some construction or placement activities in the zones indicated? Such studies might cover:

- Sediments e.g. composition, particle size
- Hydrodynamics e.g. waves, tidal
- Sedimentary environment e.g. sediment transport pathways, sediment re-suspension, sediment deposition
- Sedimentary structures e.g. channels, banks
- Suspended sediment concentrations

a) Intertidal zone i.e. between High Water and Low Water

b) 0 - 12 nautical miles

c) 12 - 200 nautical miles

Y/N

B9 Do you have any further comments you wish to provide on baseline studies?

B10 Can you impose licence/permit conditions to require decommissioning of the installation/structure after its useful life?

Y/N

B11 If so, please give examples of the types of conditions imposed:

B12 Do you have concerns over the working methods which might be used for construction/placement activities (e.g. effects of machinery on the foreshore/seabed, deposits of paints and chemicals, debris etc.) such that you impose licence/permit conditions to require certain methods of working?

Y/N

B13 If so, please give examples of the common areas of concern and the licence/permit conditions used to minimise and mitigate them:

B14 Do you have any additional information you wish to provide on Assessment?

C. CONSULTATION

C1 Do the regulatory authorities/agencies consult other governmental authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure in the zones indicated? Y/N

- a) Intertidal zone i.e. between High Water and Low Water
- b) 0 - 12 nautical miles
- c) 12 - 200 nautical miles

C2 If so, please indicate the organisations consulted:

C3 Do the regulatory authorities/agencies consult Non-Governmental Organisations (NGOs) or the public about each application for a licence/permit for the construction or placement of an installation or structure?

Y/N

- a) Intertidal zone i.e. between High Water and Low Water
- b) 0 - 12 nautical miles
- c) 12 - 200 nautical miles

C4 If so, please indicate the methods used for consultation:

C5 If members of the public or any agencies/organisations object or have serious concerns about the issue of a licence/permit, what procedures do the regulatory authorities/agencies have available to deal with the objections or concerns? They could include for example, public enquiries, informal hearings before an appointed assessor, negotiations between developers, regulators and objectors, or judicial proceedings.

C6 Do you have any additional information you wish to provide on Consultation?

D. MONITORING

D1 Can monitoring be required during construction or placement as a condition of licences/permits?

Y/N

--

D2 If so, please give examples of the types of monitoring required:

D3 Can monitoring be required after construction or placement is completed as a condition of licences/permits?

Y/N

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D4 If so, please give examples of the types of monitoring required:

D5 Do you have any additional information you wish to provide on Monitoring?

E. MITIGATION/COMPENSATION

E1 Can you require mitigation/compensation measures to be carried out as a condition of licences/permits for the construction or placement of an installation or structure?

Y/N

☐

E2 If so, please provide some examples of the type of conditions imposed:

F. ENFORCEMENT

F1 Do any of the regulatory authorities/agencies inspect the construction or placement activities to ensure those licence/permit conditions are being complied with?

Y/N

☐

F2 Do you have any additional information you wish to provide on Enforcement?

G. RESEARCH

G1 Is any research being undertaken in your country on the impacts of construction or placement of installations or structures? If so, please provide details including publications or websites where available:

ANNEX 2: SUMMARY OF RESPONSES TO THE QUESTIONNAIRE ON THE CONSTRUCTION OR PLACEMENT OF INSTALLATIONS AND STRUCTURES IN THE OSPAR AREA (EXCLUDING THOSE FOR OIL AND GAS AND FOR WIND ENERGY)

Section A - Legislation and Regulation

Question A1 Does your country control the construction or placement of installations or structures within the following zones?

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
A1(a)	Intertidal zone i.e. between High Water and Low Water	Y	Y	Y	Y	Y	Y	Y	Y	Y
A1(b)	0 - 12 nautical miles	Y	Y	Y	Y	Y	Y	Y	Y	Y
A1(c)	12 - 200 nautical miles	Y	Y	Y	N	Y	-	Y	Y	Y

Question A2 If your country does exert such controls, please provide information on the legislation, including spatial planning, that applies within the zones:

(a) Intertidal zone i.e. between High Water and Low Water

Country	Response
BLG	A building permit, and a permit from the authority responsible for coastal protection are required
FR	Remark: Territorial sea the State Public Area (domaine public maritime). It is inalienable. Only temporary granting can be given for any installation 1) Code de l'environnement, partie législative, livre II Milieux physiques, Titre Ier Eau et milieux aquatiques: le chapitre IV Activités, installations et usages, Section 1 Régimes d'autorisation ou de déclaration, articles L. 214-1 à L.214-8. 2) Code de l'urbanisme, partie législative, livre I, Règles générales d'aménagement et d'urbanisme, Titre IV Dispositions particulières à certaines parties du territoire, dont pour le littoral les articles L. 146-1 à L. 146-9 3) Code des Ports Maritimes Further information on the website: http://www.legifrance.gouv.fr
GER	State Planning Act (Landesnaturschutzgesetz), Federal Planning Code (Baugesetzbuch) and Act on Federal Waterways (Bundeswasserstraßengesetz)
IRE	Foreshore Acts 1933 - 1998, Planning and Development Act 2000
NL	Wbr (Law for placing of structures on seabed) + Wro (Law on spatial planning) + Wmb (Law on protection of the environment)
NOR	Spatial planning, plan and building act, Act relating to harbours and fairways. [The Harbour Act]

SP	Law 22/1988 of Coasts Royal Decree 1471/1989, 1-12-1989, Regulations about Law 22/1988 Law 27/1992 of State Harbours and Merchant Navy Regional legislation
SWE	The Planning and Building Act and the Swedish Environmental Code
UK	Food and Environmental Protection Act (1985) Coast Protection Act (1949) Electricity Act (1989) Telecommunications Act (1984) Transport and Works Act (1992) Town and Country Planning Act (1990) Water Resources Act (1991)

(b) 0 - 12 nautical miles

Country	Response
BLG	An area concession and an environmental permit/licence are required
FR	As above, and 1) Le Code minier, section 1 Octroi de l'autorisation pour l'exploration et l'exploitation des ressources offshore et les constructions correspondantes 2) Le Code du domaine de l'Etat (partie législative), section 1 Délivrance des autorisations, article 28 et suivants Also available on http://www.legifrance.gouv.fr
GER	State Planning Act (Landesnaturschutzgesetz), Federal Planning Code (Baugesetzbuch) and Act on Federal Waterways (Bundeswasserstraßengesetz)
IRE	Foreshore Acts 1933 - 1998, Planning and Development Act 2000
NL	Wbr (Law for placing of structures on seabed) + Wro (Law on spatial planning) + Wmb (Law on protection of the environment)
NOR	The plan and building act, (valid out until the baseline, work is going on to expand the area until 1nm outside the baseline), Act relating to harbours and fairways
SP	Law 22/1988 of Coasts Royal Decree 1471/1989, 1-12-1989, Regulations about Law 22/1988 Law 27/1992 of State Harbours and Merchant Navy Regional legislation
SWE	The Planning and Building Act and the Swedish Environmental Code
UK	As with A2(a) above except Town and Country Planning Act (1990)

(c) 12 - 200 nautical miles

Country	Response
BLG	An area concession and an environmental permit/licence are required
FR	Code de l'environnement, partie législative, livre II Milieux physiques, Titre Ier Eau et milieux aquatiques, chapitre VIII, section 2 Pollution due aux opérations d'exploration ou d'exploitation du fond de la mer ou de son sous-sol http://www.legifrance.gouv.fr Loi n°76-655 du 16 Juillet 1976 relative à la zone économique au large des côtes du territoire de la République Décret n°71-360 du 6 Mai 1971 portant application de la loi n° 68-1181 du 30 décembre 1968 relative à l'exploration du plateau continental et à l'exploitation de ses ressources naturelles Loi n°68-1181 du 30 Décembre 1968 relative à l'exploration du plateau continental et à l'exploitation de ses ressources naturelles
GER	<ul style="list-style-type: none"> • Act on the Revision of the Federal Nature Conservation Act – in force since April 2002 (BnatSchGNeuregG) • Ordinance Related to Installations Seaward the Boundary of the German Coastal Sea (Marine Facilities Ordinance, Seeanlagenverordnung) • Act on the Environmental Impact Assessment of September 2001 (Gesetz über die Umweltverträglichkeitsprüfung) • ESPOO Convention (transboundary co-operation)
IRE	-
NL	Wbr (Law for placing of structures on seabed)
NOR	-
SP	Law 22/1988 of Coasts Royal Decree 1471/1989, 1-12-1989, Regulations about Law 22/1988
SWE	The Swedish Environmental Code, Act of the Swedish Economical Zone and the Act of the Continental Shelf
UK	As with A2(a) above except Town and Country Planning Act (1990)

Question A3 Please specify the regulatory authorities/agencies that apply the legislation within the zones:

(a) Intertidal zone i.e. between High Water and Low Water

Country	Response
BLG	Regional Authority for Spatial Planning
FR	State Authorities and Departmental Prefect
GER	depending on site: Community Level (Kreise), Federal State Investigation Authorities (Staatliche Untersuchungsämter), Ministry
IRE	Department of the Marine and Natural Resources, The Planning Board
NL	V&W (Ministry of Transport and Public Works) + VROM (Ministry of Environment and Spatial Planning)

NOR	Municipalities, Regional governmental authorities
SP	General Directorate of Coasts (Ministry of the Environment) General Directorate of Fisheries (Ministry of Agriculture, Fisheries and Food) Fisheries and Environmental Departments of Regional Governments Institutional Body “Puertos del Estado” (<i>State Harbours</i>), Ministry of Public Works
SWE	Municipalities and County Administrative Boards
UK	Food and Environmental Protection Act (1985) - DEFRA Coast Protection Act (1949) - DoT Electricity Act (1989) DTi Telecommunications Act (1984) DTi Transport and Works Act (1992) DTi Town and Country Planning Act (1990) Local Authorities Water Resources Act (1991) DEFRA

(b) 0 - 12 nautical miles

Country	Response
BLG	Ministry of Economic Affairs (area concession, cables and pipelines), federal ministry dealing with the environment (environmental permit)
FR	State Authorities and Departmental Prefect
GER	depending on site: Community Level (Kreise), Federal State Investigation Authorities (Staatliche Untersuchungsämter), Ministry
IRE	Department of the Marine and Natural Resources, The Planning Board
NL	V&W (Ministry of Transport and Public Works) + VROM (Ministry of Environment and Spatial Planning)
NOR	Municipalities, Regional governmental authorities
SP	General Directorate of Coasts (Ministry of the Environment) General Directorate of Fisheries (Ministry of Agriculture, Fisheries and Food) Fisheries and Environmental Departments of Regional Governments Institutional Body “Puertos del Estado” (<i>State Harbours</i>), Ministry of Public Works
SWE	Municipalities and County Administrative Boards
UK	As with A3(a) above except Town and Country Planning Act (1990)

(c) 12 - 200 nautical miles

Country	Response
BLG	Ministry of Economic Affairs (area concession, cables and pipelines), federal ministry dealing with the environment (environmental permit)
FR	State authority Ministerial level
GER	<ul style="list-style-type: none"> Federal Maritime and Hydrographic Agency Federal Water and Shipping Administration (Wasser- und Schifffahrtsverwaltung)
IRE	-
NL	V&W (Ministry of Transport and Public Works)
NOR	-
SP	General Directorate of Coasts (Ministry of the Environment) General Directorate of Fisheries (Ministry of Agriculture, Fisheries and Food)
SWE	The Government and concerned central agencies
UK	As with A3(a) above except Town and Country Planning Act (1990)

Question A4 Do you have any additional information you wish to provide on Legislation and Regulation?

Country	Response
BLG	Neighbouring countries possibly affected by the construction or placement activity are consulted, according to the Convention on environmental impact assessment in a transboundary context (Espoo Convention)
FR	-
GER	-
IRE	Legislation to provide for regulation in the 12 - 200 nautical mile zone is planned
NL	Although outside 12 nM laws on spatial planning and environment are not applicable, regulations and rules are all the same carried out through incorporation within the Wbr
NOR	In general all installations in Norway (apart from oil and gas installations) are within the baseline
SP	No
SWE	There is a proposal to the Swedish government for a spatial planning system under the Swedish Act of the Economic Zone outside 12 nautical miles
UK	EC Directives such as Habitats Directive, Birds Directive and Water Framework Directive all have to be considered as well as the above

Section B - Assessment

Question B1 Are Environmental Impact Assessments (EIAs) required for all or some construction or placement activities in the zones indicated?

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
B1(a)	Intertidal zone i.e. between High Water and Low Water	Y	Y	Y	Y	Y	Y	Y	Y	Y
B1(b)	0 - 12 nautical miles	Y	Y	Y	Y	Y	Y	Y	Y	Y
B1(c)	12 - 200 nautical miles	Y	Y	Y	N	Y	-	Y	Y	Y

Question B2 - If so, please indicate the factors determining when an EIA is required in the zones indicated.

(a) Intertidal zone i.e. between High Water and Low Water

Country	Response
BLG	Determined by type of construction, impact on Water Balance
FR	Economic costs and alternatives options inland, scientific interest of the ecosystem, pollution of the marine ecosystems, recreational zones, aquaculture and fisheries sites. The operator's ability to dispose material at the end of use (mandatory)
GER	According factors laid down in the Act on the Environmental Impact Assessment of September 2001 (Gesetz über die Umweltverträglichkeitsprüfung) which implements the Council Directive 97/11/EC of March 1997 amending Directive 85/337/EEC on the Assessment on the Effects of Certain Public and Private Projects on the Environment
IRE	EU EIA Directive and national legislation
NL	Depends on impact hypotheses. For some activities EIA is mandatory, for others only if authority requires it
NOR	The degree of conflict determines when an EIA is required, measured by area covered, size and costs and for attachment II (EU-directive) the degree of conflicts in relation with certain criteria
SP	Projects including in Annexes of Law 6/2001, regarding Environmental Impact Assessment and appropriate legislation of Regional Governments In any case, the following activities: - Extraction of maritime deposits - Any activity or construction that may affect a specially sensitive area When the environmental authority in each particular case establishes so, any project that may have significant negative effects on the environment
SWE	All constructions in water need a permit under the Swedish Environmental Code. The application should include an EIA
UK	The EU Environmental Impact Assessment Directive and the size and nature of the proposed works and the sensitivity of the site

(b) 0 - 12 nautical miles

Country	Response
BLG	According to the law on the protection of the marine environment all activities that include building, altering the level of the seabed (excluding dredging for navigational purposes), dumping of wrecks, and industrial activities, require an EIA report
FR	Economic costs and alternatives options inland, scientific interest of the ecosystem, pollution of the water, fisheries zones
GER	According factors laid down in the Act on the Environmental Impact Assessment of September 2001 (Gesetz über die Umweltverträglichkeitsprüfung) which implements the Council Directive 97/11/EC of March 1997 amending Directive 85/337/EEC on the Assessment on the Effects of Certain Public and Private Projects on the Environment
IRE	EU EIA Directive and national legislation
NL	Depends on impact hypotheses. For some activities EIA is mandatory, for others only if authority requires it
NOR	The degree of conflict determines when an EIA is required, measured by area covered, size and costs and for attachment II (EU-directive) the degree of conflicts in relation with certain criteria
SP	<p>Projects including in Annexes of Law 6/2001, regarding Environmental Impact Assessment and appropriate legislation of Regional Governments</p> <p>In any case, the following activities:</p> <ul style="list-style-type: none"> - Extraction of maritime deposits - Sand dredging when volume exceeds 3 000 000 cubic meters / year - Commercial or fishing ports and marinas - Groins and piers connected with shore that allow ships bigger than 1350 T - Erosion preventive coastal constructions and maritime constructions that can alter the shore, with a maximum depth bigger than 12 m - Any activity or construction that may affect a specially sensitive area <p>The following activities, when the environmental authority in each particular case establishes so:</p> <ul style="list-style-type: none"> - Sand dredging with a total volume per year smaller than 3 000 000 cubic meters - Shipyards - Artificial beach nourishment with a total volume bigger than 500 000 cubic meters or that require the construction of groins or breakwaters - Any project that may have significant negative effects on the environment
SWE	All constructions in water needs a permit under the Swedish Environmental Code. The application should include an EIA
UK	The EU Environmental Impact Assessment Directive and the size and nature of the proposed works and the sensitivity of the site

(c) 12 - 200 nautical miles

Country	Response
BLG	According to the law on the protection of the marine environment all activities that include building, altering the level of the seabed (excluding dredging for navigational purposes), dumping of wrecks, and industrial activities, require an EIA report
FR	Economic costs and alternatives options inland, scientific interest of the ecosystem, pollution of the water, fisheries zones
GER	According factors laid down in the Act on the Environmental Impact Assessment of September 2001 (Gesetz über die Umweltverträglichkeitsprüfung) which implements the Council Directive 97/11/EC of March 1997 amending Directive 85/337/EEC on the Assessment on the Effects of Certain Public and Private Projects on the Environment
IRE	-
NL	Depends on impact hypotheses. For some activities EIA is mandatory, for others only if authority requires it
NOR	-
SP	Projects including in Annexes of Law 6/2001, regarding Environmental Impact Assessment. In any case, the following activities: - Sand dredging when volume exceeds 3 000 000 cubic meters / year - Any activity or construction that may affect a specially sensitive area When the environmental authority in each particular case establishes so, any project that may have significant negative effects on the environment - Any activity or construction that may affect a specially sensitive area
SWE	An application under the Act of the Continental Shelf an EIA is mandatory for drilling or blasting or extract natural resources, but so far not for building cables and pipelines. EIA is also mandatory for developments under the Swedish Act of the Economic Zone
UK	The EU Environmental Impact Assessment Directive and the size and nature of the proposed works and the sensitivity of the site

Question B3 If EIAs are required, are they formal assessments required under specific legislation (e.g. implementing the EU EIA Directive) or informal assessments required by the regulatory authorities/agencies?

Country	Response
SP	In all cases, they are formal assessments required under the following legislation: - RDL 1302/1986 of Environmental Impact Assessment (implements the EU EIA Directive 85/337) - RDL 9/2000 that modifies RDL 1302/1986 according to the changes that the EU Directive 97/11 does in EU Directive 85/337 - Law 6/2001 that modifies the RDL 1302/1986 in order to fully adopt EU Directive 97/11

(a) Intertidal zone i.e. between High Water and Low Water

Country	Response
BLG	Formal
FR	Both, depends on the activities
GER	EU EIA Directive
IRE	EU EIA Directive and Minister's discretion where below EIA threshold
NL	Formal (required by law) as well as informal (advised by authorities in order to support permitting process and decrease public resistance)
NOR	Formal assessment
SP	Specific legislation (Law 6/2001, regarding Environmental Impact Assessment or appropriate legislation of Regional Governments)
SWE	There is an Appendix 1 to the Ordinance on EIA listing the activities that always need a full EIA. For other activities the County Administrative Boards decide in accordance with the rules in Appendix 2 when a full EIA is needed
UK	Both scenarios can apply

(b) 0 - 12 nautical miles

Country	Response
BLG	Formal
FR	Both, depends on the activities
GER	EU EIA Directive
IRE	EU EIA Directive and Minister's discretion where below EIA threshold
NL	Formal (required by law) as well as informal (advised by authorities in order to support permitting process and decrease public resistance)
NOR	Formal assessment
SP	Specific legislation (Law 6/2001, regarding Environmental Impact Assessment or appropriate legislation of Regional Governments)
SWE	There is an Appendix 1 to the Ordinance on EIA listing the activities that always need a full EIA. For other activities the County Administrative Boards decide in accordance with the rules in Appendix 2 when a full EIA is needed
UK	Both scenarios can apply

(c) 12 - 200 nautical miles

Country	Response
BLG	Formal
FR	Both, depends on the activities
GER	EU EIA Directive
IRE	There are no developments outside the 12 mile limit in these categories
NL	Formal (required by law) as well as informal (advised by authorities in order to support permitting process and decrease public resistance)
NOR	Formal assessment
SP	Specific legislation (Law 6/2001, regarding Environmental Impact Assessment)
SWE	There is a reference to the EIA-rules in the Environmental Code (Chapter 6) in the Act of the Continental Shelf and the Act of the Swedish Economic Zone
UK	Both scenarios can apply

Question B Which of the following are considered in the impact assessment process?

Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Commercial fisheries		Y	Y	Y	Y	Y	Y	N	Y
Recreational fisheries	Y	Y	?	Y	Y	Y	Y	Y	Y
Aquaculture sites	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fish/shellfish resources such as:									
• Shellfish beds	Y	Y	Y	Y	Y	Y	Y	Y	Y
• Spawning grounds and nursery areas	Y	Y	Y	Y	Y	Y	Y	Y	Y
• Overwintering grounds for shellfish	Y	Y	Y	Y	Y	Y	Y	Y	Y
• Migration routes of finfish and shellfish	Y	Y	Y	Y	Y	Y	Y	Y	Y
Migration, roosting and feeding areas for birds	Y	Y	Y	Y	Y	Y	Y	Y	Y
Haul-out sites etc. for marine mammals	Y	Y	Y		Y	Y	Y	Y	Y
Conservation areas designated/proposed under international agreements e.g. EU Habitats Directive, Ramsar Convention	Y	Y	Y	Y	Y	Y	Y	Y	Y
Conservation areas designated under national legislation e.g. marine parks, reserves, sanctuaries	Y	Y	Y	Y	Y	Y	Y	Y	Y
Coastal processes e.g. sediment transport/erosion/deposition, hydrodynamics etc.	Y	Y	Y	Y	Y	Y	Y	Y	Y

Water quality	Y	Y	Y	Y	Y	Y	Y	Y	Y
Navigation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Areas of significant aesthetic, cultural or historical importance	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marine archaeological sites	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recreational beaches	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sites at which sea water is abstracted for cooling purpose, desalination, ocean thermal energy conversion, aquaculture etc.		Y	?	Y	Y	Y	Y	Y	Y
Any other issues - please specify						Y	Y	Y	Y

Country	Response
BLG	ALL boxes could receive a YES. Those left blank are in reality not applicable
FR	All these factors are available for screening, depends on each case
GER	-
IRE	-
NL	Method of installment e.g. dredging/trenching/fluidised bed
NOR	An EIA process shall enlighten impacts of the activity on the environment, the resources and the society, this could include all the above mentioned areas
SP	Quality of sediments, socio-economic factors
SWE	Anything that may provide a threat to the marine environment. It depends on the activity and where the activity is planned to be established
UK	Cumulative impacts and/or 'in-combination effects are considered

Question B5 Are impacts relating to the above issues assessed on the basis of:

(a) Existing knowledge?

Country	Response
BLG	Yes
FR	Yes
GER	Yes
IRE	Yes
NL	Yes if available
NOR	Impacts should be assessed based on a sufficient basis of knowledge. That could be existing knowledge if that is sufficient, if not field surveys are necessary

SP	Yes
SWE	Yes, if available
UK	Existing knowledge provides a background to the assessment

(b) A screening procedure based on pre-existing criteria?

Country	Response
BLG	Yes (e.g. pollution criteria)
FR	Sometimes
GER	Yes
IRE	-
NL	Yes
NOR	-
SP	Yes
SWE	No
UK	Although a generic approach to the assessment procedure is used, assessments are very site specific

(c) Baseline studies/field surveys?

Country	Response
BLG	Yes
FR	Yes
GER	If necessary
IRE	Yes
NL	Yes in case of route surveys for cables for example
NOR	-
SP	Yes
SWE	Yes, in most cases
UK	These are used when required

Question B6 If you have specific criteria relating to any of the issues in B4 (above) for judging the acceptability of licence/permit applications for the construction or placement of installations or structures, please give details:

Country	Response
BLG	-
FR	1) For dredging: Sediment's composition quality criteria: two levels, N1 and N2, for arsenic, cadmium, chrome, copper, lead and PCB (Arrêté du 14 juin 2000, JORF du 10 août 2000) 2) Décret n° 93 743 du 29 mars 1993 relatif à la nomenclature des opérations soumises à autorisation ou à déclaration en application de l'article 10 de la loi n°92-3 du 3 janvier 1992 sur l'eau modifié 3) Loi et décret Bouchardeau (Surface, amounts,...)
GER	Criteria are based on case-by-case
IRE	Each on a case-by-case basis
NL	All issues in B4 apply but the focus is on environmental hazards (oil spill, electric or magnetic radiance) and nature preservation such as birds and habitats directive For beach nourishment and sand and gravel extractions one overall EIA is performed, for cable instalments every initiative is subject to individual EIA
NOR	-
SP	Criteria included in specific legislation for every type of project (for example Recommendations for the Management of Dredged Material in Spanish Harbours; Recommendations for Maritime Works)
SWE	Special Criteria for areas under the EU Habitats Directive
UK	Specific criteria are not used, although there is a generic approach. Acceptability of applications is assessed on a case by case basis

Question B7 Are baseline environmental surveys required for all or some construction or placement activities in the zones indicated? Such surveys might cover the benthos, protected species and habitats, fisheries etc.

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
B7(a)	Intertidal zone i.e. between High Water and Low Water	Y	Y	Y	Y	Y	Y	Y	Y	Y
B7(b)	0 - 12 nautical miles	Y	Y	Y	Y	Y	Y	Y	Y	Y
B7(c)	12 - 200 nautical miles	Y	Y	Y	N	Y	Y	Y	Y	Y

Question B8 Are baseline coastal process studies required for all or some construction or placement activities in the zones indicated? Such studies might cover:

- Sediments e.g. composition, particle size
- Hydrodynamics e.g. waves, tidal
- Sedimentary environment e.g. sediment transport pathways, sediment re-suspension, sediment deposition
- Sedimentary structures e.g. channels, banks
- Suspended sediment concentrations

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
B8(a)	Intertidal zone i.e. between High Water and Low Water	Y	Y	Y	Y	Y	Y	Y	Y	Y
B8(b)	0 - 12 nautical miles	Y	Y	Y	Y	Y	Y	Y	Y	Y
B8(c)	12 - 200 nautical miles	Y	Y	?	-	Y	Y	Y	Y	Y

Question B9 Do you have any further comments you wish to provide on baseline studies?

Country	Response
BLG	With regard to B7: baseline environmental studies may not formally be required in the intertidal zone, but their execution may become necessary to be able to determine the environmental impact
FR	A good example is the "Port 2000" operation. A public debate was organised about the extension and modernisation of Le Havre. To succeed to start the construction works require or less a year of discussion and studies/surveys with environment associations, months with the EC Commission (Natura 2000), acute negotiations with fishermen and other stakeholders
GER	Zones a) and b): B8 not applicable because of scale of constructions built since the introduction of the UVP Zone c) if applicable in the EEZ: whether or not the factors (all or parts) listed above will be studied is depending on the kind and scale of the project
IRE	-
NL	Most studies are required by the operators themselves and not specifically required by permitting authority
NOR	See B5(c)
SP	These activities are specified in the Spanish Law 22/1988 of Coasts
SWE	Such studies include what is considered necessary by the responsible authorities and they are paid by the constructor
UK	Clear rationale's have to be established before baseline studies are carried out. This includes the rationale behind any survey design and incorporates sample numbers and placement. Licensees are generally responsible for paying the costs of baseline studies

Question B10 Can you impose licence/permit conditions to require decommissioning of the installation/structure after its useful life?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	Y	Y	Y	Y	Y

Question B11 If so, please give examples of the types of conditions imposed:

Country	Response
BLG	For offshore constructions, a bank guarantee can be imposed for decommissioning purposes; a complete restoration of the seabed after decommissioning can be a condition in the permit/licence
FR	See Environment code, for example: article L. 516-1 imposes financial guaranties to restore the site after installation decommissioning
GER	zones a) and b): possible, but as yet not applicable zone c): according to the above mentioned "Marine Facilities Ordinance" installations shall be removed if they constitute an obstacle for traffic or fishery or it is required from the perspective of marine environment protection According to the "Act Implementing the 1996 Protocol to the Convention of Marine Pollution by Dumping of Waste or Other Matter (London Convention 1972) of August 1998", the dumping of waste or other matter and items on the high seas is prohibited, with the exception of dredged material and water soluble urns for funerals at sea
IRE	Decommissioning in accordance with a plan approved by the Minister
NL	Within 12 nM abandoned cables (telecom + power) must be taken out of the seabed
NOR	In principle yes, but there is no or very little experience
SP	Environmental restoration for land or intertidal deposit areas of dredged material and places with old structures
SWE	Windmills and cables at sea have to be taken away when they are not used any longer
UK	A few regulations can impose such conditions. For example, under the Electricity Act 1989 such conditions can be imposed that could affect constructions or placements above the Low Water Mark and under the Transport and Works Act 1992 such conditions can be imposed within territorial waters. Such a condition could be along the lines: "Within six months of the site ceasing to produce electricity the Company shall submit for approval in writing, a scheme for the demolition and removal of the development from the site and the restoration of the site." Similarly, the Crown Estate, as the landowner, may be able to impose conditions in its lease agreements for constructions or placements within UK waters

Question B12 Do you have concerns over the working methods which might be used for construction/placement activities (e.g. effects of machinery on the foreshore/seabed, deposits of paints and chemicals, debris etc.) such that you impose licence/permit conditions to require certain methods of working?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	Y	Y	Y	Y	Y

Question B13 If so, please give examples of the common areas of concern and the licence/permit conditions used to minimise and mitigate them:

Country	Response
BLG	In the permit to build, or the licence for exploitation, any condition can be set concerning the mitigation of adverse impacts on the marine environment, such as noise pollution, discharge of debris or waste, use of chemicals, etc.
FR	See Environment code, article L. 211-2: sale or distribution of products noxious for water quality are restricted (for example TBT use under EC regulation)
GER	e.g. construction methods (e.g. noise during construction; sediment resuspension), timeframe, substances/materials may be released, danger for shipping
IRE	Conditions tend to be site and project specific but common ones would be: <ul style="list-style-type: none"> • To use only methods and locations approved by the Minister • To comply with instructions from the Heritage Service relating to SAC, SPA, marine archaeology, etc. • To prevent the deposit of waste, spoil, etc. on the seabed • To keep the area safe for navigation, fishing, etc.
NL	Do not allow dredging for cable installment near existing cables and pipelines in order to prevent damages, for example
NOR	In principle yes, but there is no or very little experience
SP	Effects of working methods in atmosphere, quality of water and benthic area, working time (biologic period...)
SWE	Special permit is required for dumping
UK	Conditions are imposed on a case-by-case basis and could include for example: <ol style="list-style-type: none"> 1. Any debris/temporary works to be removed upon completion of the project 2. Wet concrete must not come into contact with the marine environment 3. Any paints, preservatives or treatments used must be suitable for application in the marine environment 4. Piling must be undertaken so as to minimise sediment disturbance 5. Precautions should be adopted to ensure that the impact of plant (machinery) below MHWS is kept to an absolute minimum, including protection against releases of fuel and oil 6. The chosen methodology for the project must be submitted to the licensing authority and approved prior to works proceeding 7. Application and removal of paints to be done in accordance with best practice guidelines 8. Suspended solids not to exceed agreed threshold values during the project 9. Dissolved oxygen levels not to drop below agreed threshold values during the project

Question B14 Do you have any additional information you wish to provide on Assessment?

Country	Response
BLG	-
FR	No
GER	-
IRE	-
NL	-
NOR	-
SP	-
SWE	No
UK	No

Section C - Consultation

Question C1 Do the regulatory authorities/agencies consult other governmental authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure in the zones indicated?

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
C1(a)	Intertidal zone i.e. between High Water and Low Water	Y	Y	Y	Y	Y	Y	Y	Y	Y
C1(b)	0 - 12 nautical miles	Y	Y	Y	Y	Y	Y	Y	Y	Y
C1(c)	12 - 200 nautical miles	Y	Y	Y	N	Y	-	Y	Y	Y

Question C2 If so, please indicate the organisations consulted:

Country	Response
BLG	Regional authorities responsible for nature, for monuments and landscapes, for coastal protection, for archaeological sites (intertidal zone). In the offshore area, all authorities with responsibilities at sea are consulted before granting a concession; also the phase in which the EIA-report is being assessed by the administration responsible for the marine environment, a phase of wide consultation is included
FR	For example the consultation of the different ministries (industry, harbour, environment at national and local levels), IFREMER quite systematically consulted as advisor

GER	zones a) and b): Authorities for tourism, commerce (including shipping), nature and water protection, fisheries zone c): e.g. Water and Shipping Administration, Environmental Agency, Nature Conservation Agency, Federal Research Board for Fisheries
IRE	Marine Institute, Fisheries Boards and the Heritage Service
NL	See C4
NOR	All relevant authorities/agencies should be consulted
SP	General Directorate of Nature Conservation (Ministry of Environment) General Directorate of Coasts (Ministry of Environment) Environmental Departments of Regional Governments Spanish Oceanographic Institute (Ministry of Science and Technology) Spanish Research Council (Ministry of Science and Technology) Local Bodies
SWE	Those responsible for marine archaeology, fishery, shipping, defence, surveillance (coast guard), energy etc.
UK	English Nature/Countryside Council for Wales, Environment Agency, Local Authorities, DEFRA Sea Fisheries Inspectorate, Sea Fisheries Committees, Joint Nature Conservation Committee, Crown Estate and Maritime and Coastguard Agency

Question C3 Do the regulatory authorities/agencies consult Non-Governmental Organisations (NGOs) or the public about each application for a licence/permit for the construction or placement of an installation or structure?

Q. No.	Question	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
C3(a)	Intertidal zone i.e. between High Water and Low Water	N	N	Y	Y	Y	Y	Y	Y	Y
C3(b)	0 - 12 nautical miles	Y	N	Y	Y	Y	Y	Y	Y	Y
C3(c)	12 - 200 nautical miles	Y	N	Y	-	Y	-	Y	Y	Y

Question C4 If so, please indicate the methods used for consultation:

Country	Response
BLG	Consultation in principle only if obligatory in the framework of the building permit procedure (intertidal zone). During a fixed period of time during the EIA-procedure for offshore projects, the public, NGO's and GO's can comment on the project (see C.2.)
FR	Depending of the level (financial, foreseen impact) of the project; from Higher to lower: Formal public national debate Formal Public Enquiry Informal consultation of people, stakeholders and NGOs
GER	Generally yes, e.g. opportunity to give comments on applications or participation in "application conferences"

IRE	Public consultation is advertised in local printed news media
NL	Depends, for power cables other ministries and NGO's are consulted through extensive meetings, for less complicated issues a copy of the draft permit is sent out
NOR	All relevant authorities/agencies should be consulted
SP	Sending a Summary of the Project; Public Information in the Official Journal
SWE	There is always an advertisement made by the permitting authority when the EIA and the application is sent for comments to agencies and organizations. There is information on where the application is available and the public has a possibility to give comments
UK	Such consultation is not automatic and depends on the legislation concerned. Carried out by letter and local/national newspapers advertisements

Question C5 If members of the public or any agencies/organisations object or have serious concerns about the issue of a licence/permit, what procedures do the regulatory authorities/agencies have available to deal with the objections or concerns? They could include for example, public enquiries, informal hearings before an appointed assessor, negotiations between developers, regulators and objectors, or judicial proceedings.

Country	Response
BLG	Public enquiries and informal hearings; the opinion of the public or any organisations are as much as possible taken into account in the decision making process
FR	Depends on the case, all ones can be available
GER	Public consultation, hearings, written statements, finally judicial proceedings
IRE	All applications for development, including temporary developments, within the 12 nautical mile limit are subject to a public consultation process. Where an Environmental Impact Study (EIS) is not required the period of public consultation is generally 21 days and, where an EIS is required, one month. Any submissions made are copied to the intending developer and the proposal, submissions made in response to the public consultation process and the intending developer's responses to them are considered by experts available to the Minister before the Minister makes any decision in the case Where the application is for works involving an EIS and being carried out by, for or in conjunction with a Local Authority the proposal must, under the Planning and Development Act, 2000, be submitted to the Planning Board (a statutory independent board to consider such matters). The Minister for the Marine and Natural Resources remains a statutory consultee in such cases and the mechanism is largely the same as applied by the Minister
NL	All the above if necessary
NOR	The objections will be considered. The next step, if objections are not taken into account, is through the political system
SP	Negotiations between developers and, if necessary, Judicial Stage
SWE	When there is a major concern there is always a public meeting arranged. The Environmental Court often have meetings where the public can give comments. The public can also give written comments to the court. The comments can as a result lead to that the developer has to make complements to the application

UK	<p>A number of pieces of relevant legislation (e.g. Electricity Act 1989, Coast Protection Act 1949) have provisions for public inquiries to be called where objections from statutory consultees cannot be resolved through negotiations. Other legislation generally does not have explicit provision for dealing with objections from the public etc., although most have appeal procedures for the applicants for permits/consents. Nonetheless, regulators will try to take all views into account whenever possible.</p> <p>Where works are proposed within or adjacent to a European site designated under the Habitats Directive, the competent authorities responsible for granting consents may call set up a hearing or public inquiry to examine concerns over the potential impact upon that site.</p> <p>Ultimately, any party may seek Judicial Review over consent decisions where it is considered that the consenting authority did not reach its decisions in an appropriate manner</p>
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Question C6 Do you have any additional information you wish to provide on Consultation?

Country	Response
BLG	-
FR	No
GER	-
IRE	-
NL	Permits are always made public. Every party interested are all welcome to inquire or object. Known objecting parties receive a copy of the draft permit by mail
NOR	-
SP	No
SWE	The developer has to consult agencies, municipalities, organizations and the public already in the EIA-process
UK	Consultation process tends to be iterative, rather than simple approval or disapproval of a proposed scheme

Section D - Monitoring

Question D1 Can monitoring be required during construction or placement as a condition of licences/permits?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	Y	Y	Y	Y	Y

Question D2 If so, please give examples of the types of monitoring required:

Country	Response
BLG	Ecological monitoring, physical monitoring of the seabed, currents, suspended matter, noise, monitoring of discharges; any monitoring which is relevant for the project
FR	See Environment code, article L. 211-2: inspections are planned and conformity with the rules of implementation can be checked by of inspectors of the special administrative police
GER	e.g. impacts on benthos, mammals, birds, landscape
IRE	Once again, monitoring requirements are site specific. In respect of a wind farm the Lessee is required to undertake an ongoing monitoring programme to verify the integrity of the structure and of the seabed at foundation level, to monitor for scour, impacts on bird life, annual reporting on the presence of any vulnerable species at the site, etc. In the case of outfall pipes, monitoring of water quality at the receiving waters is generally required Where, following development, an unexpected impact arises appropriate mitigation measures are put in place where necessary and the developer is required to monitor to ensure that the mitigation measures are successful
NL	Spilling (and effects of prevention of that) of paint and scales during conservation-activities
NOR	Monitoring of impacts of the construction or placement activities
SP	Control of the water quality, littoral solid transportation, cloudy water. All these questions shall be included in the short time monitoring Programme
SWE	Hydrography, chemistry, geology, biology etc. depending on the situation. They can be demanded before, during and after the construction
UK	Suspended sediment, Dissolved oxygen, siltation rate

Question D3 Can monitoring be required after construction or placement is completed as a condition of licences/permits?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	Y	Y	Y	Y	Y

Question D4 If so, please give examples of the types of monitoring required:

Country	Response
BLG	Ecological monitoring, physical monitoring of the seabed, currents, suspended matter, noise, monitoring of discharges; any monitoring which is relevant for the project
FR	As D2 above
GER	in general

	<ul style="list-style-type: none"> • compliance with permit requirements • condition and changes in condition of the area
IRE	As D.2 above
NL	Fishing counts near a structure or platform
NOR	Monitoring of the of the situation after the construction or placement activities
SP	Evolution of affected beaches, verification of natural recolonization process. All these questions shall be included in the long time monitoring Programme
SWE	See above
UK	Benthic, Bathymetric, Beach profiling, Fisheries

Question D5 Do you have any additional information you wish to provide on Monitoring?

Country	Response
BLG	Monitoring, according to the law at the cost of the developer, can be required within the permit to build, and the licence for exploitation
FR	No
GER	-
IRE	-
NL	Usually a t(0) and t(end) survey of the seabed is performed and compared
NOR	-
SP	No
SWE	It is the constructor/developer that has to pay for the monitoring demanded
UK	Monitoring requirements are reviewed when monitoring reports are produced. The review can result in no change to the monitoring, an increase in monitoring, a decrease in monitoring or cessation of monitoring. Licensees are generally responsible for paying the costs of monitoring

Section E - Mitigation/Compensation

Question E1 Can you require mitigation/compensation measures to be carried out as a condition of licences/permits for the construction or placement of an installation or structure?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	N	Y	Y	Y	Y

Question E2 If so, please provide some examples of the type of conditions imposed:

Country	Response
BLG	Compensation of nature values, compensation for an additional risk of pollution or damage to the environment, etc
FR	<ul style="list-style-type: none"> - Permit is granted under obligations (e.g. limit values discharge for each determinant, or any type of impact) during building and functioning of the installation (mitigation) - When installation (harbour installation, land reclamation,...) need to break up a high ecological interest area, the petitioner could have to purchase and to fit out an as equivalent as possible area
GER	mitigation: e.g. avoidance of obstacles for shipping (collision-friendly foundations; trenching of cables), avoidance of magnetic fields in case of cables
IRE	Again the mitigation measure is specific to the type of development. Lighting under bridges could be required to facilitate the passage of fish upriver for spawning, traps to prevent oil, etc. entering rivers could be required at outfalls, UV treatment or equivalent would be required for waste water discharges in certain areas, etc. Compensation is generally applied only in the case of proven loss of income in, say, the temporary removal of mussel beds to allow for development with subsequent re-seeding following
NL	(for windparks we can)
NOR	-
SP	Sand to mitigate the effects of coastal erosion due to public or private works in harbours (restoration measures)
SWE	For lost fishing possibilities, in dredging operations the sediment spill can be set not to exceed e.g. 5%
UK	<p>Timing restrictions which can be daily, tidal, lunar, seasonal or annual</p> <p>Habitat creation or enhancement</p> <p>Working practices over and above timing restrictions can be restricted for example placement of silt curtains and restricted corridors of working</p>

Section F - Enforcement

Question F1 Do any of the regulatory authorities/agencies inspect the construction or placement activities to ensure those licence/permit conditions are being complied with?

Country	BLG	FR	GER	IRE	NL	NOR	SP	SW	UK
Yes/No	Y	Y	Y	Y	Y	N	Y	Y	Y

Question F2 Do you have any additional information you wish to provide on Enforcement?

Country	Response
BLG	-
FR	Because permit is a legal obligation, its fully implementation is supervised by special administrative police. Penalties (fine, provisional suspension of the activity indeed) could also be pronounced against the offenders
GER	-
IRE	Developments approved must, within 3 months of completion of work, provide a certificate from a qualified chartered engineer that the works have been completed in accordance with best engineering practice and the approved design. Otherwise inspection only follows on receipt of a complaint
NL	Enforcement is both on paper (administrative procedures / reports) as in field (out at sea)
NOR	Developer is responsible to ensure permit conditions are complied with. Authorities may ask for reports from the activity
SP	No
SWE	No
UK	Enforcement undertaken by Sea Fisheries Inspectorate (DEFRA) for constructions/placements licensed under Part II of the Food and Environment Protection Act 1985 often includes inspections of the licensed installations or structures

Section G - Research

Question G1 Is any research being undertaken in your country on the impacts of construction or placement of installations or structures? If so, please provide details including publications or websites where available:

Country	Response
BLG	Study (to be started) on the impact of beach nourishment; study (in execution) on the impact/ecological value of new/existing hard coastal protection structures (intertidal zone) Offshore: at this moment only studies concerning windmill farms (http://www.mumm.ac.be)
FR	"Port 2000" documentation is available at http://www.havre-port.fr The website of the ministry of Environment is: http://environnement.gouv.fr The website du Conservatoire du Littoral is: http://conservatoire-du-littoral.fr The IFREMER website is: http://ifremer.fr
GER	In zone c) Research/investigations are currently carried out only for offshore wind farms which are excluded from the questionnaire - as this are the only placement activities for the time being
IRE	-
NL	-

NOR	-
SP	“Instituto Español de Oceanografía” (<i>Spanish Oceanographic Institute</i>) www.ieo.es “Centro de Estudios y Experimentación de Obras Públicas” (<i>Public Works Applied Research Centre</i>) www.cedex.es Several Universities
SWE	Environmental effects of electromagnetism and sound induced by windmills “Acoustic and electromagnetic noise induced by windmills – implications for underwater surveillance systems.” Pilot study FOI-R-0233-SE, ISSN 1650-1943. Such studies are planned also for effects on fishes and invertebrates
UK	Current research undertaken by licence applicants for example: Harwich Haven Authority, Associated British Ports Marine Environmental Research and the Port of Dover

APPENDIX 1: A QUESTION BY QUESTION SUMMARY OF RESPONSES TO THE QUESTIONNAIRE ON THE CONSTRUCTION OR PLACEMENT OF INSTALLATIONS AND STRUCTURES IN THE OSPAR AREA (EXCLUDING THOSE FOR OIL AND GAS AND FOR WIND ENERGY)

Section A - Legislation and Regulation

Question A1 - Does your country control the construction or placement of installations or structures within the following zones?

All Contracting Parties who responded control the construction or placement of installations or structures within both the intertidal and the 0 - 12 nautical mile zones. All Contracting Parties who responded, except Ireland and Norway, control the construction or placement of installations or structures within the 12 - 200 nautical mile zone.

Question A2 - If your country does exert such controls, please provide information on the legislation, including spatial planning, that applies within the zones:

A wide variety of types of legislation apply to the control of the construction or placement of installations or structures within all 3 zones. Regional or planning legislation covers the intertidal and the 0 - 12 nautical mile zones, as well as national legislation. The 12 - 200 nautical mile zone is almost exclusively covered by national legislation as one might expect.

Question A3 - Please specify the regulatory authorities/agencies that apply the legislation within the zones:

Local, regional and national regulatory authorities/agencies cover the intertidal and the 0 - 12 nautical mile zones. However, in the 0 - 12 nautical mile zone there are 2 different approaches with some countries involving local/regional regulatory authorities/agencies while others just involve national authorities/agencies. As one might expect from the responses to question A2, the 12 - 200 nautical mile zone is almost exclusively covered by national authorities/agencies.

Question A4 - Do you have any additional information you wish to provide on Legislation and Regulation?

Belgium mentioned the need to consult neighbouring countries under the Espoo Convention. Ireland stated that legislation to provide for regulation in the 12 - 200 nautical mile zone is planned. Norway indicated that, apart from oil and gas installations, all installations and structures were placed with the baselines. Sweden stated that there is a government proposal for a spatial planning system outside 12 nautical miles. The UK stated the need to consider European Union Directives in the regulatory process.

Section B - Assessment

Question B1 - Are Environmental Impact Assessments (EIAs) required for all or some construction or placement activities in the zones indicated?

All Contracting Parties who responded require EIAs for some or all of the construction or placement of installations or structures within both the intertidal and the 0 - 12 nautical mile zones. All Contracting Parties who responded, except Ireland and Norway, control the construction or placement of installations or structures within the 12 - 200 nautical mile zone. Ireland does not currently regulate construction or placement activities within the 12 - 200 nautical mile zone and Norway has no construction or placement activities within that zone except oil and gas installations.

Question B2 - If so, please indicate the factors determining when an EIA is required in the zones indicated.

Contracting Parties indicated a number of factors determining when an EIA is required in all 3 zones. These were principally national legislation, the EU EIA Directive or a case-by-case basis determination in

the absence of any legislative requirement. Spain sets thresholds for certain activities that when exceeded trigger the requirement for an EIA.

Question B3 - If EIAs are required, are they formal assessments required under specific legislation (e.g. implementing the EU EIA Directive) or informal assessments required by the regulatory authorities/agencies?

In some Contracting Parties EIAs are always formal assessments under specific legislation while in others informal assessments can also take place at the discretion of the regulatory authorities/agencies. There does not appear to be any systematic difference in the approaches used between the intertidal, the 0 - 12 nautical mile and the 12 - 200 nautical mile zones.

Question B4 - Which of the following are considered in the impact assessment process?

Nearly all countries considered all of the uses of the sea listed under this question. Belgium and Sweden did not appear to consider commercial fisheries and Germany did not appear to consider recreational fisheries or sites for seawater abstraction. Additional issues raised by Contracting Parties were methods of construction (Netherlands), sediment quality and economic factors (Spain), anything that may threaten the marine environment (Sweden) and cumulative impacts and/or in combination effects (UK).

Question B5 - Are impacts relating to the above issues assessed on the basis of:

(a) Existing knowledge?

(b) A screening procedure based on pre-existing criteria?

(c) Baseline studies/field surveys?

All Contracting Parties use existing knowledge where available and appropriate and nearly all of them use baseline studies/field surveys if necessary. Only about half of the Contracting Parties that responded use screening criteria in assessing impacts.

Question B6 - If you have specific criteria relating to any of the issues in B4 (above) for judging the acceptability of licence/permit applications for the construction or placement of installations or structures, please give details:

A few countries have specific criteria, some use them on a case-by-case basis and others do not use them at all.

Question B7 - Are baseline environmental surveys required for all or some construction or placement activities in the zones indicated? Such surveys might cover the benthos, protected species and habitats, fisheries etc.

All Contracting Parties who responded require baseline environmental surveys for all or some construction or placement activities within both the intertidal and the 0 - 12 nautical mile zones. All Contracting Parties who responded, except Ireland, require baseline environmental surveys for all or some construction or placement activities within the 12 - 200 nautical mile zone. Ireland does not regulate construction or placement activities within the 12 - 200 nautical mile zone - see response to question A1 and A4 above.

Question B8 - Are baseline coastal process studies required for all or some construction or placement activities in the zones indicated? Such studies might cover:

- Sediments e.g. composition, particle size.
- Hydrodynamics e.g. waves, tidal.
- Sedimentary environment e.g. sediment transport pathways, sediment re-suspension, sediment deposition.
- Sedimentary structures e.g. channels, banks.
- Suspended sediment concentrations

All Contracting Parties who responded require baseline coastal process studies for all or some construction or placement activities within both the intertidal and the 0 - 12 nautical mile zones. All

Contracting Parties who responded, except Ireland, require baseline coastal process studies for all or some construction or placement activities within the 12 - 200 nautical mile zone. Ireland does not regulate construction or placement activities within the 12 - 200 nautical mile zone - see response to question A1 and A4 above. Germany put a question mark against the latter zone.

Question B9 - Do you have any further comments you wish to provide on baseline studies?

Most Contracting Parties indicated that the requirement for baseline studies is determined on a case-by-case basis.

Question B10 - Can you impose licence/permit conditions to require decommissioning of the installation/structure after its useful life?

All Contracting Parties can impose licence/permit conditions to require decommissioning of the installation/structure after its useful life. However, see the responses to question B11 below.

Question B11 - If so, please give examples of the types of conditions imposed:

These can include financial guarantees (Belgium and France) and an agreed decommissioning plan (Ireland). The Netherlands requires abandoned cables to be removed from the seabed, as does Sweden, which can also require the removal of windmills. The UK can require the removal of installations or structures under certain legislation to restore the site to its previous state.

Question B12 - Do you have concerns over the working methods which might be used for construction/placement activities (e.g. effects of machinery on the foreshore/seabed, deposits of paints and chemicals, debris etc.) such that you impose licence/permit conditions to require certain methods of working?

All Contracting Parties have concerns over the working methods that might be used for construction/placement activities so that they impose licence/permit conditions to require certain methods of working.

Question B13 - If so, please give examples of the common areas of concern and the licence/permit conditions used to minimise and mitigate them:

Common areas of concern of Contracting Parties that may require licence/permit conditions are:

- Water pollution including oil pollution from machinery, suspended sediments and dissolved oxygen levels
- Sediment resuspension or disturbance
- Impacts on benthic fauna and flora
- Debris/waste left after construction/placement
- Use of chemicals or paints
- Hazards to navigation, fishing or other uses of the sea
- Noise

Some Contracting Parties can require the working methods to be approved as a licence/permit condition.

Question B14 - Do you have any additional information you wish to provide on Assessment?

No additional information provided.

Section C - Consultation

Question C1 - Do the regulatory authorities/agencies consult other governmental authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure in the zones indicated?

All Contracting Parties who responded consult other governmental authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure within both the intertidal and the 0 - 12 nautical mile zones. All Contracting Parties who responded, except

Ireland and Norway, consult other governmental authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure within the 12 - 200 nautical mile zone. Ireland does not currently regulate construction or placement activities within the 12 - 200 nautical mile zone and Norway has no construction or placement activities within that zone except oil and gas installations - see response to question A1 and A4 above.

Question C2 - If so, please indicate the organisations consulted:

All Contracting Parties consult a wide variety of authorities/agencies dealing with nature conservation, heritage, coastal protection, archaeology, environment, shipping, fisheries, ports, tourism, marine research, defence and energy as well as local and regional governments.

Question C3 - Do the regulatory authorities/agencies consult Non-Governmental Organisations (NGOs) or the public about each application for a licence/permit for the construction or placement of an installation or structure?

Consultation of NGOs or the public by regulatory authorities/agencies about each application for a licence/permit for the construction or placement of an installation or structure is done by all countries, except France, for the zones covered by legislation. France does not formally consult NGOs or the public about each application for a licence/permit for the construction or placement of an installation or structure but this can be done informally.

Question C4 - If so, please indicate the methods used for consultation:

The methods used for consultation include advertising the projects and requesting comments to be submitted, publication in an official journal, public enquiries, meetings and letters to interested parties.

Question C5 - If members of the public or any agencies/organisations object or have serious concerns about the issue of a licence/permit, what procedures do the regulatory authorities/agencies have available to deal with the objections or concerns? They could include for example, public enquiries, informal hearings before an appointed assessor, negotiations between developers, regulators and objectors, or judicial proceedings.

All the above examples are options that are available in most Contracting Parties.

Question C6 - Do you have any additional information you wish to provide on Consultation?

In The Netherlands anyone may comment on applications for permits and they would receive copies of the draft permits before they were finalised. Permits are always made public. In the UK consultation tends to be iterative rather than simple approval or disapproval of a proposed scheme.

Section D - Monitoring

Question D1 - Can monitoring be required during construction or placement as a condition of licences/permits?

All Contracting Parties can impose licence/permit conditions requiring monitoring during construction or placement.

Question D2 - If so, please give examples of the types of monitoring required:

It would appear that most Contracting Parties could require almost any type of environmental monitoring likely to be of use in relation to the construction or placement of installations or structures.

Question D3 - Can monitoring be required after construction or placement is completed as a condition of licences/permits?

All Contracting Parties can impose licence/permit conditions requiring monitoring after construction or placement.

Question D4 - If so, please give examples of the types of monitoring required:

Again, it would appear that most Contracting Parties could require almost any type of environmental monitoring likely to be of use in relation to the construction or placement of installations or structures.

Question D5 - Do you have any additional information you wish to provide on Monitoring?

The developer has to pay for the cost of monitoring (Belgium, Sweden and UK). Seabed surveys can be required before and after construction/placement (Netherlands) and monitoring requirements are reviewed when monitoring reports are produced.

Section E - Mitigation/Compensation

Question E1 - Can you require mitigation/compensation measures to be carried out as a condition of licences/permits for the construction or placement of an installation or structure?

All Contracting Parties can require mitigation/compensation measures to be carried out as a condition of licences/permits for the construction or placement of an installation or structure.

Question E2 - If so, please provide some examples of the type of conditions imposed:

Examples given by Contracting Parties include sand deposits to mitigate coastal erosion, limiting the sediment spill from dredgers, timing restrictions on the activity (daily, tidal, seasonal or annual), habitat creation in compensation for other habitat loss, restricted corridors of working and oil spill traps.

Section F - Enforcement

Question F1 - Do any of the regulatory authorities/agencies inspect the construction or placement activities to ensure those licence/permit conditions are being complied with?

All Contracting Parties regulatory authorities/agencies, except those of Norway, can inspect the construction or placement activities to ensure those licence/permit conditions are being complied with.

Question F2 - Do you have any additional information you wish to provide on Enforcement?

In France, implementation is supervised by special administrative police. In Ireland, developers must, within 3 months of completion of work, provide a certificate from a qualified chartered engineer that the works have been completed in accordance with best engineering practice and the approved design. The Netherlands and the UK inspect installations and structures to ensure compliance with licence conditions. In Norway, the developer is responsible for ensuring compliance with permit conditions and regulatory authorities/agencies can request compliance reports to be submitted to them by the developer.

Section G - Research

Question G1 - Is any research being undertaken in your country on the impacts of construction or placement of installations or structures? If so, please provide details including publications or websites where available:

Belgium is planning a study on the impact of beach nourishment and is carrying out a study on the impact/ecological value of new/existing hard coastal protection structures in the intertidal zone. Belgium and Germany are carrying out studies on offshore windmill farms. Sweden is carrying out a study on acoustic and electromagnetic noise induced by windmills.