

PIANO DI GESTIONE DELLO SPAZIO MARITTIMO ITALIANO

AREA MARITTIMA

ADRIATICO

VALUTAZIONE AMBIENTALE STRATEGICA e VALUTAZIONE DI INCIDENZA

(art.13 D.Lgs.152/2006 e s.m.i., Allegato VI alla Parte II)

DICHIARAZIONE DI SINTESI

(ai sensi dell'art. 9, comma 1 lettera b) della Direttiva 2001/42/CE, e dell'art. 17, comma 1 lettera b) del D.Lgs. 152/2006 e s.m.i.)

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| AUTORITÀ PROCEDENTE | MINISTERO DELLE INFRASTRUTTURE E DEI TRASPORTI <i>Dipartimento per i trasporti e la navigazione</i> |
| SOGGETTO RESPONSABILE | TERESA DI MATTEO |
| TECNICI | SOGESID S.P.A. |
| DATA STESURA | OTTOBRE 2024 |

Transboundary Consultations - Observations and feedback

At the conclusion of the transboundary consultations, carried out in the manner and within the timeframe provided by Article 34 of Legislative Decree 152/06, observations were submitted by the Republic of Slovenia, the Republic of Albania, and the Hellenic Republic.

The Hellenic Republic, after providing a brief overview of the consultation process and documentation acquisition, emphasized that no opinions were expressed regarding the PGSM or the potential impacts resulting from the implementation of the Plan. Furthermore, it noted that, following an analysis of the available documentation, no environmental objections were raised regarding the approval of the Plan, as the implementation of the PGSM is not expected to have any impact on Greece's environment (marine, coastal, and terrestrial). However, it was specified that the projects to be implemented must still comply with EU regulations on transboundary impacts.

The Republic of Slovenia, in its observations, requested a clearer and more precise representation of the national maritime boundaries and a clear distinction between existing and planned uses to allow for a better assessment of possible environmental impacts. These inaccuracies currently prevent the determination of potential impacts on protected areas within the waters of the Republic of Slovenia. The concerns are primarily related to fishing activities, aquaculture, and the passage of power lines.

Considering that the PGSM aims to preserve and develop existing uses, Slovenia requested the identification of areas for the disposal of marine sediments resulting from the increase in commercial traffic. The increase in load on the surface of the Gulf of Trieste due to the intensification of existing uses, particularly in the border areas with Slovenia, should be verified, along with the reporting of potential transboundary impacts and a mapping of existing and planned activities along the border zones, especially in proximity to protected areas. It was emphasized that maritime transport and tourism are considered as developing uses, while environmental protection is not. Slovenia requested that the detrital seabed in the area be considered an environmental protection zone, not only in light of the existing agreements between Italy, Croatia, and Slovenia but also because it is included in Slovenia's Maritime Spatial Plan.

The Republic of Albania, emphasizing the importance of safeguarding marine environments and related activities, reiterated the significance of the existing agreements between the two nations regarding the delimitation of territorial waters and confirmed that these agreements were considered in drafting the Plan. The National Territorial Planning Agency suggested mentioning the homologous plans of neighboring countries to better detail the planning framework, indicating the national plans governing Albanian waters and coasts. Furthermore, regarding sub-areas A/7, A/8, and A/9, given their proximity to neighboring countries, it was suggested that their assessment be conducted through international cooperation to ensure the environmental and territorial integrity of these areas. Lastly, Albania recommended considering all existing approved or pending plans/projects, such as the Trans Adriatic Pipeline (TAP).

Finally, although submitted beyond the consultation deadline, the Republic of Croatia raised several requests concerning the revision of the Plans, specifically related to improving the proposed measures for biodiversity protection and enhancing information on fishing efforts in the restriction area (Jabuka/Pomo Pit). Croatia emphasized the importance of continuing and strengthening scientific and professional cooperation between Italy and Croatia to improve the management of migratory species and marine resources, as well as the development of measures to mitigate potential pressures.

Croatia also proposed the integration of existing mitigation measures and mechanisms within the legal and institutional frameworks of transboundary cooperation, such as the 1974 Agreement on

Cooperation for the Protection of the Waters of the Adriatic Sea and the 2005 Sub-regional Contingency Plan for the Prevention of Marine Pollution Accidents. Additionally, it requested further alignment with the objectives of the EU Biodiversity Strategy for 2030 by identifying additional protection areas, such as the northern Adriatic for the protection of dolphins and sea turtles.

Below is the table containing a detailed response to the observations received during the transboundary consultation procedure:

| n. | Observations | Feedback |
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| 1 | <p>The MSP requires boundary certainty, as it cannot be implemented in disputed areas where agreements with adjacent states are lacking. Overlapping areas are considered Hot Spots, also known as Grey Zones, which should be identified during cross-border consultations. To bridge differing viewpoints, the relevant States could enter into ad hoc agreements dedicated to Common MSP Areas (which may also be multilateral), to then be integrated into the national MSP frameworks.</p> | <p>In general, the Planner do not agree with the observation, which, to our knowledge, does not align with current experiences and practices in other EU countries.</p> <p>Jurisdictional uncertainty does not, in itself, hinder planning activities, although it may clearly affect the full implementation phase in contested areas. This becomes less significant as the plan reaches a more strategic level. In this regard, the disclaimer included in the plan concerning ongoing negotiations for the definition of EEZs is particularly important, as highlighted during the transnational consultation meeting with neighboring countries.</p> <p>In any case, there are no contested areas regarding Italian maritime zones within the Adriatic Maritime Area.</p> |
| 2 | <p>With specific reference to the Adriatic maritime area, it is noted that national maritime boundaries, both between the Republic of Italy and the Republic of Slovenia as well as with the Republic of Croatia, are not clearly or accurately delineated. When delineating the maritime boundary between the Republic of Slovenia and the Republic of Croatia, the 2016 arbitration award must be taken into consideration. The lack of clear and accurate boundaries prevents the effective implementation of MSPs, making it essential that this critical condition be resolved.</p> | <p>The matter has been thoroughly reviewed, and it is confirmed that national boundaries are represented accurately and in accordance with current legal provisions. The maritime boundaries used in the plan are the official boundaries provided by the Hydrographic Institute of the Navy, the competent authority in this regard under Law No. 68 of February 2, 1960 (levels "Agreed Maritime Boundaries" and "Continental Shelf" in the SID viewer). The maritime boundary between Slovenia and Croatia is not included in the Italian maritime spatial plan's cartography. The scientific unit has verified the alignment of these boundaries with the data published on the Slovenian</p> |

| n. | Observations | Feedback |
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| | | government's geoportal ipi.eprstor.gov.si (Državna meja layer). For additional details, please refer to the response to comment No. 162 on page 169. |
| 3 | Make a clear distinction between existing provisions and those planned. | On a spatial level, plan identify Planning Units (PUs), which are homogeneous areas in terms of potential use. PUs is defined by taking into account both the existing system of uses and elements of potential development (as well as environmental factors). Like the entire plan, the PUs and their related use potentials hold strategic value and therefore do not define areas with permitted or prohibited uses. |
| 4 | Clearly and accurately delineate national maritime boundaries, taking into account any applicable arbitral rulings; this will allow for a clearer understanding of the actual extent of uses foreseen in the MSP. | The maritime boundaries used in the plan are the official boundaries provided by the Italian Hydrographic Institute, the competent authority on this matter pursuant to Law No. 68 of February 2, 1960 (levels "Agreed Maritime Boundaries" and "Continental Shelf" on the SID viewer). |
| 5 | The existing or planned positions of new energy corridors (power lines, gas pipelines) in areas of maritime routes and anchorages may be conflicting from a maritime perspective. In areas where there are overlaps with maritime routes, managing the underwater pipeline, particularly maintenance work and emergency anchoring in case of force majeure, can be problematic. Therefore, a recommendation should be added that such energy developments should be located as far as possible outside the area of the Joint Traffic Separation Scheme in the Gulf of Trieste, and that, in the case of routes in navigation areas, the corridors should be appropriately marked on nautical charts and appropriate navigation regimes should be prescribed. | The recommendation seems to refer to the HVDC interconnection project between Italy and Slovenia, EL-308, which is currently undergoing the authorization process and is expected to be implemented between 2024 and 2028 (Terna, 2021 – North-East Development Plan). In this regard, the PSM plan incorporates what is outlined in another ongoing specific procedure, framing it within a broader planning context, and deferring the identification of any local-scale mitigation measures to that procedure. |

| n. | Observations | Feedback |
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| 6 | <p>It can also be assumed that there will be an increase in marine sediment transport to preserve corridors and maritime ports, but the PGSM does not provide any designated locations for the disposal of such sediments.</p> | <p>The planning of subarea A/1 includes a specific objective ((A/1)OSP_ISD 1) and a related measure ((A/1)_MIS 23) focused on the issue at hand.</p> |
| 7 | <p>A capacity assessment of the marine environment is required for the entire Gulf of Trieste and for all planned activities (maritime transport, cruise tourism, tourism and recreational activities, fishing, aquaculture) along the borders, in order to ensure:</p> <ul style="list-style-type: none"> - consideration of transboundary environmental impacts and any necessary mitigation measures; - an adequate graphical representation of existing and planned developments in the transboundary area, along with all relevant protection regimes, including in the territorial sea of the bordering country. | <p>The Plan include a comprehensive monitoring plan that provides for the assessment, among other things, of the environmental impacts resulting from the implementation of the plan. The results of the monitoring process could serve as the basis for assessing the carrying capacity of the Gulf of Trieste, to be carried out from a cross-border perspective and in cooperation with neighboring states.</p> |
| 8 | <p>Regarding the new protected areas, in light of the anticipated marine uses and the recognition of the importance of protecting areas and species in the Adriatic Sea within the text of the document, there is inadequate correspondence at the planning level in terms of proposals for new protected areas. A more ambitious approach is needed, proposing additional areas beyond those already outlined in the Plan. It is suggested to consider the detrital seabed area as essential for the protection of the environment and natural resources, for which protection has already been agreed upon by the Republic of Italy, the Republic of Croatia, and the Republic of Slovenia, and which has already been included in the maritime spatial plan of the Republic of Slovenia.</p> | <p>This observation is agreed upon. In subareas A/1 (Friuli Venezia Giulia) and A/2 (Veneto), several planning units (UP) are identified with a priority for "nature protection," particularly due to the presence of coralligenous habitats known as trezze or tegnue (A/1_04, A2/07, A2/08). Section 6.2.3 highlights the necessity to complete the mapping status of these habitats, identify additional protection needs, and implement restoration actions where necessary.</p> |

| n. | Observations | Feedback |
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| 9 | With reference to the marine protected areas in neighboring countries, the importance of adhering to the IMO Guidelines for forecasts related to maritime transport is emphasized in order to protect habitats and species. | This observation is agreed upon. The strategic objective "OS_TM 01 - Promote sustainable maritime transport development and reduce negative impacts" highlights the need to promote the implementation of these guidelines. |
| 10 | Consider the obligations arising from the ratification of the Water Convention on the Protection and Use of Transboundary Watercourses and International Lakes. | The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Water Convention) primarily applies to inland water resources. As an international convention, any implications for marine areas will certainly be considered in the implementation of the MSP plans. |
| 11 | In order to comply with point 3 of DIRECTIVE 2014/89/EU, which requires an integrated and coordinated approach to transboundary planning, it is suggested that the external coherence analysis also considers the plans of neighboring countries. Areas A/7, A/8, and A/9 are in international waters; therefore, it is recommended that the assessment of these areas takes into account the needs for international cooperation to ensure their environmental and territorial integrity. Overall, greater cooperation between neighboring countries is encouraged to achieve shared goals related to sustainable fishing and good environmental status. | This observation is agreed upon. The strengthening of cooperation in marine planning and on the relevant points is referenced in various elements of the plan (strategic objectives, specific objectives, measures) and summarized in the section "6.2.7 Relevant Elements for Transboundary Cooperation" of Chapter 6 of the plan. |
| 12 | It is suggested to take into account the approved or pending transboundary projects that may impact the applicability of the Plan, such as the Trans Adriatic Pipeline (TAP). | The alignment of the TAP is shown in Essential Map 3 of Phase 1. Its presence has also been indicated within the planning units A/6_06, A/6_23, A/9_03, and A/9_04. |
| 13 | Scientific research, as outlined in the Plan, has revealed a high density of migratory species populations (marine mammals and turtles). Consequently, although the Strategic Study lists some protected and restricted areas (such as the Jabuka/Pomo | In relation to the Plan, the mitigation and resolution of potential negative impacts are addressed through a comprehensive package of elements: strategic (national level) and specific (sub-area level) objectives defined for this purpose, national and sub-area measures |

| n. | Observations | Feedback |
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| | <p>Pit) and identifies negative impacts from certain planned activities on species and habitats within the Adriatic Sea, such as exploitation and fishing, the Plan's proposals on mitigating these potential negative impacts and preventing ongoing risks to specific species and habitats in the Adriatic Sea are not sufficiently addressed.</p> | <p>focused on these issues, and the detailed monitoring plan outlined in Chapter 7 of Phase 5.</p> |