

*PIANO DI GESTIONE DELLO
SPAZIO MARITTIMO ITALIANO*

AREA MARITTIMA

IONIO E MEDITERRANEO CENTRALE

*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.)

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

In order to facilitate dialogue with neighboring countries, a presentation meeting was organized on November 30, 2022, with the aim of receiving any further contributions by December 30, 2024. At the conclusion of the transboundary consultations, conducted in accordance with the methods and within the timeframe established by Article 34 of Legislative Decree 152/06, observations were submitted by the Republic of Malta and the Hellenic Republic.

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

The Republic of Malta, in the preamble of the document, clearly stated that “Malta will not be bound by the conclusions reached by Italy in areas where there are overlapping interests” and requested that the Plan not be developed in areas of overlap between Italy and Malta unless all the observations submitted by Malta during the consultation phase are taken into account. The Department of Fisheries and Aquaculture identified three topics that require further investigation:

1. **Fisheries Restricted Areas:** The Department of Fisheries requested clarification on the spatial and temporal modalities for the allocation of their concessions. It also requested further details on national measures and reinforcements aimed at the sustainable development of the fisheries sector, both nationally and at the sub-area level.
2. **Fishing Aggregating Devices (FADs):** Specifically, regarding the Strait of Sicily, given the strategic-commercial significance of the area for specific activities, the Maltese Fisheries Department requested that the Plan address further details on mitigating the problems that FADs (Fishing Aggregating Devices) might pose.
3. **Strait of Sicily:** Concerning the designation of an area defined as “Simplified Fishing Effort” within sub-area IMC/6, the Department requested further details on the designation and whether it will have any effects on Maltese fishermen. Another aspect highlighted is related to submerged assets (Superintendence of the Sea - MIC) as a restriction is noted to the northwest of the Maltese archipelago. While acknowledging the ecological importance of the Strait of Sicily, the Department emphasized that the Strait is of high strategic importance for the local fishing community as well as for other CPCs that use it for fishing. Given that this area also constitutes an important route for maritime traffic, the Department requested further exploration of the impact of transport vessels on fishing practices outside Malta's fisheries management zone.

The contribution from the Republic of Malta also included observations from the Environment and Resources Authority, which stated that its observations should be integrated into both the Plan and the RA (Environmental Report) to mitigate potential environmental impacts. The observations are grouped into the following topics:

- **Marine Protected Area:** Regarding the proposal to strengthen and extend marine protected areas between Italy, Malta, and Tunisia in the central Mediterranean, the national Authority stated that this proposal should be subject to further transnational collaborations, discussions, and agreements between the relevant countries before proceeding with further details and

proposals. It requested that these be based on updated and reliable data and information relevant to the creation of new marine protected areas.

- **Marine Environment and Natura 2000 Marine Sites:** It was requested that further investigation be carried out regarding all planned interventions (such as energy infrastructure, hydrocarbon exploration, etc.) mentioned in the Plan, which could affect Malta’s Natura 2000 sites. The absence of an Impact Assessment was noted among the documents made available to the Maltese Environmental Authority. The same authority stated that an Environmental Impact Assessment should be drafted, in consultation with Maltese authorities, based on the potential impacts that the implementation of the Plan might cause.
- **Relevant Sub-areas and Proposed Marine Uses:** It was requested that the Plan ensure consistency and coexistence with other uses of Malta’s territorial sea, the potential Exclusive Economic Zone (EEZ), the continental shelf, and protected areas, particularly for sub-areas IMC/6 and IMC/7. Sub-areas IMC/1 and IMC/5 were also considered potentially impactful due to their proximity to Malta’s territorial sea.
- **Aquaculture:** The potential impacts of aquaculture on Maltese waters were shared, with an emphasis on the critical importance of the correct location of such offshore activities to ensure that potential environmental impacts on the marine environment remain low. Specifically, offshore aquaculture should be situated away from sensitive seabeds and marine habitats. The mitigation measures proposed in the RA for reducing pressure from aquaculture facilities were shared, and a constant and rigorous application of these measures was requested.
- **Energy:** Since the RA acknowledges that both hydrocarbon exploration and marine renewable energy sources could have a negative impact on the marine environment, it was requested that the proposed energy uses in areas with overlapping interests be removed from the Plan. Energy infrastructure and measures to support renewable energy facilities would require timely discussions with Maltese authorities to screen for potential significant environmental issues and any necessary assessments. Additionally, it was considered that the RA should clearly recommend that the Plan prioritize development projects, infrastructure, and interventions that are less harmful to the environment and should be situated far from sensitive marine areas.
- **Other Marine Sectors:** Potential transboundary environmental impacts on Malta’s marine environment from other sectors, such as marine biotechnology and other possible offshore activities, including seabed habitat research, should be further investigated.
- **Mitigation Measures:** The mitigation measures proposed in the RA were shared, and it was recommended that the Plan only support projects that comply with these measures. It was requested that projects without adequate environmental safeguards not be considered to avoid harmful interventions as much as possible.

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

n.	Observations	Feedback
1	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,	In general, the Planner do not agree with the observation, as it does not align, to our knowledge, with current experiences and practices in other EU countries. Jurisdictional

n.	Observations	Feedback
	<p>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>uncertainty does not, in itself, impede planning activities, although it may evidently affect the full implementation phase in contested areas. This factor becomes less significant at the strategic level of the plan. In this regard, the disclaimer included in the plan regarding ongoing negotiations to define Exclusive Economic Zones (EEZs) is particularly important, as highlighted in the transnational consultation meeting with neighboring countries.</p> <p>Furthermore, consultations with the Ministry of Foreign Affairs and International Cooperation (MAECI) were conducted during the drafting of the plans, specifically on defining the spatial planning domain. The observations from Malta were carefully considered in the Plan's revision, leading to amendments to Chapter 6, with particular focus on provisions for disputed areas. Furthermore, it is important to acknowledge Malta's request for prior consultation on any actions or activities with potential impacts on its waters, regardless of whether these are implemented within areas currently under dispute.</p>
2	<p>With specific reference to the Ionian maritime area, it should be noted that no definitive agreement has yet been reached with Malta regarding the continental shelf, and that, currently, negotiations with Algeria for the delimitation of the continental shelf are not being pursued. The lack of clearly and accurately delineated boundaries hinders the effective implementation of MSP, and it is therefore necessary for this critical condition to be resolved.</p>	<p>The planning approach adheres to current regulations, particularly the definition of "marine waters" in Legislative Decree 190/2010 (implementing Directive 2008/56/EC), Article 3 ("marine waters: waters, seabed, and subsoil located beyond the baseline from which the extent of territorial waters is measured, up to the boundaries of the area over which the State holds or exercises jurisdictional rights, in accordance with international maritime law, such as the territorial sea, the exclusive economic zone, protected fishing areas, the continental shelf, and, where established, ecological protection zones."). The strategic</p>

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		<p>planning level of MSPs, which also encompasses area-based usage zoning, along with various plan measures, are fully compatible with the current jurisdiction (territorial waters, continental shelf, ecological protection zones).</p> <p>These Plans can serve as a reference point in discussions and negotiations for the formal definition of EEZs, although they are not binding elements. For this reason, the plans include the statement: “The delineations reported below for each of the three Maritime Areas in no way prejudice the outcome of future negotiations with neighboring countries for the resolution of existing disputes and the drafting of future agreements on maritime zones and rights of use, in accordance with the provisions of Law no. 91 of June 14, 2021, Establishing an Exclusive Economic Zone beyond the outer limit of the territorial sea (Gazzetta Ufficiale Serie Generale N. 148 del 23.06.2021).</p> <p>Uncertain jurisdiction or contested areas does not inherently hinder planning activity, though it can evidently affect the full implementation phase within disputed areas. Current experience and practices in other EU countries confirm this approach, as numerous and sometimes extensive contested areas exist within the marine waters of EU countries that have developed MSPs, both between EU countries and with third countries. This aspect becomes less relevant when the plan is strategic in nature, meaning it does not allocate areas for specific uses but rather directs usage orientations.</p>